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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

SENATE—Wednesday, March 11, 2009

The Senate met at 11 a.m. and was called to order by the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our Saviour, Your Word reminds us that to whom much is given, much will be required. Look with favor upon our lawmakers today. May they endeavor this and every day to be what You command. Give them ears to hear the inner voice of Your Holy Spirit, who searches the depths of their hearts, in order to lead them to Your truth. Imbue them with wisdom to face every challenge with grateful dependence upon You. Lord, let Your creative power touch them so that they will find solutions to the problems that beset our land. Free them from anxiety and fear, as they discover the independence which comes from trusting Your sovereignty.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MICHAEL F. BENNET led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 11, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BENNET thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to a period of morning business until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each. The Republicans will control all the morning business time; that is, until 11:30. Following morning business, the Senate will proceed to executive session to consider the nomination of David Ogden, to be Deputy Attorney General. The time until 4:30 p.m. will be equally divided and controlled between the two leaders or their designees. Under an agreement reached last night, the vote on the confirmation of the Ogden nomination will occur at a time to be agreed upon tomorrow.

We are also working on a number of other nominations. We are going to spend this week on nominations—at least the next day or so. We are working on Thomas Perrelli to be Associate Attorney General and a number of others. We hope the Republicans will work with us on getting some of these nominations cleared. We are glad we got a couple of the Council of Economic Advisers done last night. I appreciate that good work. We will see what happens as the day proceeds.

This is a day with no votes. Certainly, I think we deserve that, based on what we have been through in the last several weeks. We are going to have our annual meeting with the Supreme Court Justices tonight. I remind all Senators of that. It is one of the rare times when the two branches of Government meet in a social setting where we will have the Supreme Court Justices and the Senators there in the Supreme Court. It has been very help-

ful in years past, and I am confident it will be a very nice event tonight.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time controlled by the Republicans.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent to speak for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRESIDENT'S BUDGET

Mr. GREGG. Mr. President, I wish to address, again, the issue of the budget as proposed by the President of the United States, which is about to be taken up by the Budget Committees of the Senate and the House, and its implications for us as a nation because the implications of it are rather dramatic.

Now, I understand—and all of us on our side of the aisle understand—the last election was won by the President and his party, that the Democratic Party now controls both the House and the Senate and the administration and, therefore, they have absolute responsibility and the right to send us a budget

which reflects their priorities. But I think we ought to have openness as to what the implications of that budget are relative to the future of our Nation, and they are dramatic.

As you look at the budget that has been proposed by this administration, it represents the largest expansion of Government in our history. It is a proposal which is essentially moving the Government into arenas with an aggressiveness that has never been seen before. It has in it the largest tax increase in history, as well as the fastest increase in the debt of our Nation in history.

The taxes go up by \$1.4 trillion under this budget. Discretionary spending, which is spending that is not entitlement spending, goes up by \$725 billion. Entitlement spending—which are things such as health care—goes up by \$1.2 trillion. Yet there is no effort to save money in this budget to reduce the cost of spending and the cost of the Government. Instead, there is an expansion of the Government in this rather aggressive way.

The practical effect of this is that within 5 years the debt of the United States held by the public will double. That means in the first 5 years of this administration—presuming it is re-elected—they will have increased the debt more than the debt was increased since the founding of the Republic all the way through the Presidency of George W. Bush; they will have doubled the debt of the country.

In 10 years, because of this massive expansion in the size of the Government, they will triple the debt of the country.

What does “debt” mean? What does tripling the debt from \$5.8 trillion to \$15 trillion in 10 years mean? Well, basically, it means Americans coming into the workforce, Americans of the next generation, and the generation that follows that generation, will bear a burden from our generation—that the costs of today are being offloaded onto our children. The result of that is very simple. Our children and our grandchildren will have a country which will not give them as much opportunity as our country has given us because the burden from our generation will be weighing them down. The costs we have run up as a generation and passed on to them will set them behind the starting line. They will end up having less opportunity to buy a house, send their kids to college, live a quality of life we have lived because they will start out with a debt and a burden of a government which exceeds, in many instances, their ability to pay.

We are, under this proposal, heading the Nation into an untenable situation. In the area of deficits, which translates into debt—a deficit is what happens at the end of the year when your bills come in. If you have more bills than you have income, you end up with a deficit. That, then, becomes debt.

In the area of deficits, this budget takes us up dramatically in the next 2 years to an all-time high—a number that is hardly even contemplatable—a \$1.7 trillion deficit this coming year. That is 28 percent of gross national product being spent by the Federal Government.

Now, I am willing to accept this number and not debate it because we are in a recession. It is necessary for the Government to step in and be aggressive, and the Government is the last source of liquidity. So one can argue that this number, although horribly large, is something we will simply have to live with. What one can't accept is what happens in the outyears—rather than bringing this deficit down to a reasonable number, a number which would be sustainable for our children to bear—because the President is proposing to expand the Government dramatically, its size and its cost. He is proposing deficits as far as the eye can see of 3 to 4 percent of gross domestic product.

What does that mean, 3 to 4 percent of gross domestic product? Well, historically, the deficit of the United States over the last 20 years has been 1.9 percent of gross domestic product. It means every year we are adding so much more debt than we can afford to our Nation that our children, again, will have less opportunity to succeed.

To put it in numbers terms, historically, the debt of the Federal Government has been about 40 percent of gross domestic product. In these outyears—ignoring this situation which is driven by the very severe recession—in these outyears, the public debt compared to the gross domestic product will stay at about 67 percent of gross domestic product, not 40 percent, which is sustainable but 67 percent. Those are numbers which, if we were in another part of the world, would be described as a Banana Republic because they are not sustainable and they drive us up to a cost which is not affordable. Those are the numbers which are driving the tripling of the national debt in 10 years.

One may say, well, where does that all come from, all this expansion of debt that is going to be put on our children's backs? It comes, quite simply, from spending. This administration has proposed the largest increase in the size of the Federal Government in our history, a massive shift to the left of the Government.

This is a chart which shows the historical spending of the Federal Government as a percent of GDP. Historically, this line right here reflects the mean, which has been somewhere around 20 percent of gross national product. That is a big chunk of the gross national product to be spending on the Federal Government, but that is what we have been doing. With the recession, obviously, it spikes up to 28 percent, but the point is that this administration

doesn't plan to bring it down to historical levels; rather, they intend to keep spending at around 22 to 23 percent of gross national product. That is not affordable. It is not sustainable.

Why is it not sustainable? Because they don't increase taxes to that level. If they did, they would basically be creating a confiscatory situation for young people who are going into the workforce; rather, they simply run up debt to try to cover that difference at a catastrophically fast rate. We have to bring this spending line down if we are going to have a responsible budget.

Now, why does this go up so much? Why does this spending level go up so much? Well, it goes up so much because essentially they are planning to nationalize large segments of the economy; to have the Government take over the responsibility for large segments of the economy. The most specific area they do this in is in educational loans, where today we have what is known as the public-private balance, where some people get their loans directly from the Federal Government and some people get their loans from the private sector. They are going to end that policy, and they are going to have the Federal Government take over all lending. That is the most specific. However, if you look at their health care policy, they are moving in that direction there too. They have suggested in this budget that we should increase health care spending as a downpayment for \$634 billion. That is a downpayment. The actual number of the increase is closer to \$1.2 trillion in new health care spending.

What does that really mean? Well, essentially we as a government and we as a nation spend 17 percent of our gross national product on health care. That is much more than any other industrialized nation in the world spends. The next closest nation spends about 12 or 11 percent. So it isn't that we are not spending enough on health care in this country; it is that we don't use it very well—the money. We don't allocate it very well, and we don't use it efficiently.

What the administration suggests is that we should expand that spending in the area of health care by another \$1.2 trillion, as they move the Federal Government into the role of basically deciding how health care should be managed in this country, in a much more direct way. That is one of the reasons this spending line stays up so high.

At the same time, they are suggesting massive new tax increases—massive new tax increases—the largest tax increases in history. Now, this has been covered with the argument that, oh, this is just going to tax the wealthy; the rich among us are going to be the ones who pay these taxes. Well, that is a canard. That is a straw dog. When you start increasing taxes at the rate they are proposed to be increased in this budget—\$1.4 trillion of

new taxes—you are going to hit everybody. You are going to hit everybody pretty hard.

There is in this budget proposal something that is euphemistically called a carbon tax. That is a term of art to cover up what it really is. It is a national sales tax on your electrical bill. It is estimated by MIT, a fairly objective institution, that this national sales tax on your electrical bill will raise around \$300 billion a year. That is \$300 billion a year that will be added to your electrical bill. The administration says it is \$64 billion, but the same program they are talking about when looked at by an objective group at MIT, they concluded the real cost would be \$300 billion. Whether it is \$64 billion or \$300 billion, it is a huge tax that is going to affect every American when they get their electrical bill.

In addition, they have this tax which they call the wealthy tax. People making over \$250,000, they are essentially going to nationalize their income and say: If you make more than \$250,000 we are going to raise your tax rate up to an effective rate of 42 percent. Well, I guess if you don't make that type of money, it probably doesn't bother you, but think about the people who are making \$250,000. For the most part, they are small business people. They run a restaurant. They run a small software company. They run a small manufacturing firm. They are the people who create jobs in this country. Most small businesses are sole proprietorships or subchapter S corporations. The money they make is taxed to the individual who runs the small company. Whether it is a restaurant or a software company or a small manufacturer, it is taxed to them personally.

What do they do with that money? They take it and they invest it in their small business. Where are jobs created in this Nation? They are created by small business. This is a tax on small business. Then, of course, they raise the capital gains rates. They raise the dividend rates. Aren't we in a recession? Why would you raise taxes on the productive side of the economy when you are in a recession? Is that constructive to getting out of the recession? No. In fact, the stock markets are saying exactly that. They are looking at this budget and saying: Wow, this is the largest increase in the Government ever proposed, and it is going to be borne by the people who are the entrepreneurs and the small business people.

So do we really want to invest in America? Do we really want to put our money into the effort to try to make this country grow? Second thoughts. That is what is happening in the stock market. It is not constructive to economic growth.

Tax policy has to be constructed in a way that creates an incentive for people to go out and take risks. It creates

an incentive for people to be willing to take their money and invest in something that is going to create jobs. When it is said to someone we are going to take 40 cents of the next dollar they make and throw State and local taxes on top of that—for example, in New York, it would amount to almost 60 percent of the next dollar they make—people start to think: Well, why should I invest in something that is a taxable event? Let me invest in something that is not a taxable event.

So instead of getting an efficient use of capital, people are running around investing their money to try to avoid taxes. As a result, we don't create more jobs; we just create more tax attorneys. Well, maybe that is jobs. I used to be a tax attorney, so I shouldn't pick on tax attorneys, but as a practical matter, it is not an efficient way to use capital.

We saw over the last 7 years prior to this recession—and granted, this recession has created an aberration for everything that is economic—we had a tax policy which saw the largest increase in revenues for 4 straight years that this country has ever experienced. We saw a tax policy which basically stood on its head the idea that if we maintain a low tax burden in capital gains, we would collect less taxes. In fact, it did just the opposite. We collected much more taxes from capital gains. In fact, over the last 7 years, because of the tax policy that was in place, the Tax Code became more progressive. The top 20 percent of income producers in this country ended up paying 85.7 percent of the income taxes in the country. That was compared with the Clinton years when the top 20 percent of income producers in this country paid 82 percent of the taxes.

At the same time, the bottom 40 percent of people receiving income in this country ended up getting twice as much back because they don't pay income taxes and they get a rebate in many instances through the EITC. They ended up getting twice as much back than during the Clinton years. So you actually had in the last 7 years a tax policy that encouraged growth, encouraged entrepreneurship, encouraged job creation, which was generating more revenues to the Federal Treasury, and yet being more progressive than during the period of the Clinton years.

What the administration has suggested is, we should not only go back to the Clinton years, we should do even more by taking an effective rate that will even go above the rate of the Clinton years to 42 percent, 41 percent. It makes no sense, especially in a time of recession, to basically have that sort of attack on small business and job producers in our Nation.

So this budget is a statement of policy which is pretty definitive, and I don't believe it is very constructive. It is a statement of policy which says we

are going to radically expand the spending in this country. We are going to radically expand the size of Government in this country. We are going to end up after 5 years with Government we can't afford, that is spending more than at any time in our history, and that is running up deficits which are going to compound the problems for our children. It is not constructive, in my opinion. I think we can do a lot better, and we can do it this year rather than wait.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

THE ECONOMY

Mr. ISAKSON. Mr. President, first of all, I wish to commend the distinguished Senator from New Hampshire. As a Member of the Senate, there are many people I look to for wisdom and knowledge, and JUDD GREGG is one of them. In my hometown of Atlanta, GA, there is another person I look to for wisdom and knowledge, and that is my barber, Tommy.

I got a haircut, as you can probably tell, on Saturday. I was at Tommy's Barbershop on West Paces Ferry Road and Northside Drive in Atlanta. While in that barbershop, I talked to a real estate broker, a stock broker, a pension fund manager, and a good old, average, everyday American retiree trying to figure out how he is going to make it on what the markets have done to him in the last year or so.

It is ironic—and I had no plan to make this speech behind JUDD GREGG—but they talked to me about only two things. The first one was debt because last Saturday was just a week after the announcement of a \$3.6 trillion budget, a 20-percent increase; an increase in taxes and concern because at a time of economic peril America is bearing more and more and more.

The other thing is what I rise to talk about today. We have looked into the mirror to look for the enemy, but we have avoided looking at ourselves. For a second I wish to talk through regulatory policy. I am talking about both administrations: the end of the Bush administration and the beginning of the Obama administration. I think we have been missing the mark. I wish to share some real-life stories about real-life Georgians that indicate where mark-to-market accounting is going in the United States of America, the businesses of the United States of America, and the people of the United States of America.

Some of my colleagues have watched television and watched the AFLAC duck commercials. I think they are the best commercials on television. I also think AFLAC is one of the finest companies in the United States of America. When we consider AFLAC and Dan

Amos, the CEO of AFLAC, he put in stockholder consent and stockholder advice on his compensation and repealed his own golden parachute. All of those things we all complain about CEOs doing, he did it right. But stock has plummeted in AFLAC. Do you know why? Because of the FASB rules on mark to market, his core asset base, which is long-term assets, held to maturity, to protect against insurance commitments AFLAC has made, are now being marked to market, meaning assets worth something are being marked worth nothing.

So the stock has gone down because the evaluators say the footings on the asset side of the ledger sheet aren't looking as good because of the mark to market. Let me explain the best I can what that really means.

Mortgage-backed securities are one investment a lot of life companies and other industries bought to put on their asset sheet to offset obligations they have off into the future because those securities have maturities corresponding with the maturities of the loans embedded within them of anywhere from 7 to 30 years. When the subprime market started failing last year, Merrill Lynch, in a crisis mode last July, sold its subprime securities to get rid of them; it financed the sale and sold them for 22 cents on the dollar. Under the FASB rules, assets worth 70 or 80 or 90 percent were marked down to 22 percent. That lowered the asset side of the ledger and made the stability of the company look—and I underline that word “look”—worse, when, in fact, those assets, held to maturity, would not be anywhere near the value.

Here is a good example of that: Let's just say I bought a mortgage-backed security, a subprime mortgage-backed security, backed 100 percent by 30-year mortgage loans made in the State of Nevada—every one a subprime loan. Nevada has the highest foreclosure rate of any State on subprime paper. Seventy percent of those loans in Nevada today are paying right on time; 30 percent are in default. Yet, because of mark to market, that security is not marked at 70 percent, which it is performing at, but at zero because at a given point in time today you can't sell it. It is being held by the institution as an offsetting asset to a liability over a term of maturity.

At Tommy's Barber Shop, I ran into a pension fund man and an insurance guy, and they said: Why in the world don't we look for accounting on mark to market like we looked at the pension crisis in 2004?

We have short memories in the Senate. In 2004, because of the declining stock market in 2001 and 2002, there were a number of defined benefit plans in America that underfunded. Because of the accounting rules that were being enforced at the time, those institutions

were asked to write checks to fully fund the pension funds when, in fact, not everybody is going to retire the same day but over a number of years.

What did we do in the Congress? With Senators KENNEDY, ENZI, myself, and others, we passed the Pension Protection and Reform Act. We said: If your pension fund's corpus becomes underfunded, if you cannot meet your obligation, we will let you smooth that investment, or amortize it, over 4 to 6 years. In the case of Delta, which was in trouble at the time, they had a \$900 million shortfall in their pension fund. But because of smoothing, instead of having to put \$900 million in in 1 year, they did \$150 million over 6 years. Delta is the most profitable airline in the United States today. They would not exist today had it not been for the smoothing.

The ACTING PRESIDENT pro tempore. The time for morning business has expired.

Mr. ISAKSON. Mr. President, I ask unanimous consent for another minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, in conclusion, I hope everyone will visit their “Tommy's Barber Shop” and look at what we are doing that may have the unintended consequences of exacerbating the economic problem for the average American today and for Tommy the barber.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I am going to proceed on my leader time.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE BUDGET

Mr. MCCONNELL. Mr. President, we have seen the numbers. Unemployment is at a 25-year high. Millions are worried about holding on to their jobs and their homes. With every passing day, Americans are waiting for the administration to offer its plan to fix the banking crisis that continues to paralyze our economy. Every day, it seems, the administration officials are unveiling one new plan after another on everything from education to health care. Meanwhile, the details of a banking plan to address our main problem have yet to emerge.

We need reforms in health care and education and in many other areas. But Americans want the administration to fix the economy first. Unfortunately, the budget avoids the issue entirely. It simply assumes this enor-

mously complex problem will be fixed, and then it proposes massive taxes, spending, and borrowing to finance a massive expansion of Government. It assumes the best of times, and, as millions of Americans will attest, these are not the best of times.

Over the next few weeks, the Senate will debate the details of this budget. One thing is already certain: It spends too much, it taxes too much, and it borrows too much. This budget would be a stretch in boom times. In a time of hardship and uncertainty, it is exactly the wrong approach. The budget's \$3.6 trillion price tag comes on top of a housing plan that went into effect last week that could cost a quarter of a trillion dollars, a financial bailout that could cost another \$1 trillion to \$2 trillion, and a stimulus bill that will cost, with interest, more than a trillion dollars. Some are now talking about yet another stimulus. The national debt is more than \$10 trillion, and yesterday we passed a \$410 billion Government spending bill that represented an increase in Government spending over last year of twice the rate of inflation. In just 50 days, Congress has voted to spend about \$1.2 trillion between the stimulus and the omnibus. To put that into perspective, that is about \$24 billion a day or about \$1 billion an hour—most of it, of course, borrowed. There is simply no question that Government spending has spun out of control.

Given all this spending and debt, the cost of the budget might not seem like much to some people. But this is precisely the problem. To most people, it seems that lawmakers in Washington have lost the perspective of the taxpayer. It is long past time we started to think about the long-term sustainability of our economy, about creating jobs and opportunity for future generations. That will require hard choices. The omnibus bill avoided every one, and, unfortunately, so does the budget.

Stuart Taylor of the National Journal recently praised the President in two consecutive columns. Yet he was shocked by the President's budget. Here is what Taylor said about the budget:

“... Not to deny that the liberal wish list in Obama's staggering \$3.6 trillion budget would be wonderful if we had limitless resources,” Mr. Taylor wrote. “But in the real world, it could put vast areas of the economy under permanent government mismanagement, kill millions of jobs, drive investors and employers overseas, and bankrupt the nation.”

There is no question, in the midst of an economic crisis, this budget simply spends far too much. In order to pay for all this spending, the budget anticipates a number of rosy scenarios. It doesn't explain how the economic recovery will come about, it simply assumes that it will. It projects sustained growth beginning this year and continuing to grow 3.2 percent in 2010.

Let me say that again. It projects sustained growth beginning this year

and continuing to grow 3.2 percent in 2010, 4 percent in 2011, and 4.6 percent in 2012. While we all hope to soon return to this growth, we cannot promise the growth we hope to have, especially when this growth is far from likely, particularly given a host of new policy proposals in the budget itself that are certain to tamp down growth even more. There is simply no question that this budget spends too much.

But even if this growth does occur, it would not be enough to support the spending proposals. That is why the budget calls for a massive tax hike. In fact, this budget calls for the largest tax increase in history, including a new energy tax that will be charged to every single American who turns on a light switch, drives a car, or buys groceries. Unless you are living in a cave, this new energy tax will hit you like a hammer.

During the campaign, the President said his plan for an energy tax will "cause utility rates to skyrocket." He was right. The new energy tax will cost every American household. I can't imagine how increasing the average American's annual tax bill will lift us out of the worst recession in decades.

There is more. A new tax related to charitable giving would punish the very organizations Americans depend on more and more during times of distress. One study suggests that the President's new tax on charitable giving could cost U.S. charities and educational institutions up to \$9 billion a year—money that will presumably be redirected to the 250,000 new Government workers the budget is expected to create. There is no question that this budget taxes too much.

Remarkably, the largest tax increase in history and a new energy tax still aren't enough to pay for all the programs this budget creates. To pay for everything else, we will have to borrow—borrow a lot. This budget calls for the highest level of borrowing ever.

Now, if there is one thing Americans have learned the hard way over the past several months, it is that spending more than you can afford has serious, sometimes tragic, consequences. Yet Government doesn't seem ready to face that reality—not when it is spending other people's money and not when it is borrowing from others to fund its policy dreams.

It is not fair to load future generations with trillions and trillions of dollars in debt at a moment when the economy is contracting, millions are losing jobs, and millions more are worried about losing homes. It is time the Government realized that it is a steward of the people's money, not the other way around, and that it has a responsibility not only to use tax dollars wisely but to make sure the institutions of Government are sustainable for generations to come.

I don't know anybody who would borrow money from people thousands of

miles away for things they don't even need. Yet this is precisely what our Government is doing every single day by asking countries such as Saudi Arabia, Japan, and China to finance a colossal budget in the midst of an economic crisis.

The administration has said it intends to be bold, and I have no doubt this budget reflects their honest attempt to implement what they believe to be the best prescription for success. We appreciate that effort. We simply see it differently. A \$3.6 trillion budget that spends too much, taxes too much, and borrows too much in a time of economic hardship may be bold, but the question is, Is it wise? Most of the people who have taken the time to study this budget have concluded it is not wise. Republicans will spend the next few weeks explaining why to the American people.

Americans want serious reforms. But in the midst of a deepening recession, they are looking at all this spending, taxing, and borrowing, and they are wondering whether, for the first time in our Nation's history, we are actually giving up on the notion that if we work hard, our children will live better lives and have greater opportunities than ourselves.

Americans are looking at this spending, taxing, and borrowing, and they are wondering whether we are reversing the order—whether we are beginning to say with our actions that we want everything now—and putting off the hard choices, once again, for future generations to make. That would be a most important question in this upcoming budget debate.

It is important, once again, to sum up the core problem with the budget we will be voting on in a few weeks: It spends too much, taxes too much, and it borrows too much.

POLITICAL EXPRESSION WITHOUT FEAR

Mr. McCONNELL. Mr. President, I wish to address the so-called card check legislation which was introduced in both the House and Senate yesterday.

As Americans, we expect to be able to vote on everything from high school class president to President of the United States in private. Workers expect the same right in union elections. This legislation goes against that fundamental right of political expression without fear of coercion.

We have had the secret ballot in this country for 100 years—130 years, at least—and it was common even before then. We have said to other countries around the world: If you want to have a democracy, you have to have a secret ballot. And yet this measure, to put it simply, would be better called the "Employee No Choice Act." It is totally undemocratic. To approve it

would be to subvert the right to bargain freely over working terms and conditions. It would strip members of a newly organized union of their right to accept or reject a contract.

In addition, this bill ushers in a new scheme of penalties which are antiworker and which apply only to employers and not to unions. Even though Americans have regarded secret ballot elections as a fundamental right—as I indicated earlier, for more than a century—some Democrats seem determined to strip that right away from American workers.

If this were not bad enough, a study released last week by economist Dr. Anne Layne-Farrar showed that if enacted, card check legislation could cost 600,000 American jobs—600,000 American jobs potentially lost. At a time when all of us are looking to stimulate the economy and put Americans back to work, we are threatening to undermine those efforts with this job-killing bill.

Republicans will oppose any legislation which attempts to undermine job creation, and we will oppose the effort to take away a worker's right to a secret ballot.

Mr. President, I yield the floor.

EXECUTIVE SESSION

NOMINATION OF DAVID W. OGDEN TO BE DEPUTY ATTORNEY GENERAL

The PRESIDING OFFICER (Mr. CASEY). Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General.

The PRESIDING OFFICER. Under the previous order, the time until 4:30 p.m. will be equally divided and controlled between the leaders or their designees.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I am opening this debate in my capacity not only as a Senator from Vermont but as chairman of the Judiciary Committee.

We are here today to consider President Obama's nomination of David Ogden to be Deputy Attorney General, the number two position at the Department of Justice. This is a picture, incidentally, of David Ogden. I had hoped we could vote on this nomination soon—although apparently, because of objections on the other side, we will not be able to vote until tomorrow. This is unfortunate. Every day we delay the appointment of the Deputy Attorney General is a day we are not enhancing the security of the United States.

In this case, we have a nominee who I had hoped to have confirmed weeks

ago. Mr. Ogden is a highly qualified nominee who has chosen to leave a very successful career in private practice—one I might say parenthetically pays considerably more than the Department of Justice does—to return to the Department, where he served with great distinction. His path in many ways reflects that of the Attorney General, Eric Holder, who, of course, also was a highly successful and respected partner in one of the major law firms in Washington. And he left to become Attorney General of the United States at the request of President Obama to serve his Nation. Mr. Ogden is doing the same thing.

Interestingly enough, once Mr. Ogden's nomination was announced, the letters of support started to come in from leading law enforcement organizations across the country. Let me put a few of these up on this chart. As you can see, Mr. Ogden's nomination received support from leading law enforcement organizations; children's advocates; civil rights organizations; and former Government officials from both Republican and Democratic administrations.

Indeed, Larry Thompson, the former Deputy Attorney General under President George W. Bush, a highly respected former public official, has endorsed David Ogden to be Deputy Attorney General.

The Boys and Girls Clubs of America, an organization I have spent a lot of time with and one I highly respect. This organization provides alternative programs and a great mentoring system for children in many cities to keep them out of trouble. And this fine organization has endorsed David Ogden.

A dozen retired military officers who serve as Judge Advocates General have endorsed Mr. Ogden's nomination.

The Fraternal Order of Police and the Federal Law Enforcement Officers Association, two major law enforcement organizations, have endorsed him.

The Major Cities Chiefs Association have endorsed him.

The National Center for Missing and Exploited Children, another organization I have worked a great deal with, and one that has done such wonderful things to help in the case of missing and exploited children, has also endorsed him.

The National Association of Police Organizations has endorsed David Ogden.

The National District Attorneys Association has endorsed him, which I was particularly pleased to see. I once served as vice president of the National District Attorneys Association. As an aside, I should note that I gave up the honor and glory of becoming president of the National District Attorneys Association for the anonymity of the Senate.

The National Narcotics Officers' Associations' Coalition has endorsed David Ogden.

The National Sheriffs' Association has endorsed David Ogden.

The Police Executive Research Forum has endorsed David Ogden.

The National Center for Victims of Crime has endorsed David Ogden.

Why have they endorsed him? Because he is an immensely qualified nominee, and he has the obvious priorities that we want in a Deputy Attorney General. His priorities will be the safety and security of the American people and to reinvigorate the traditional work of the Justice Department in protecting the rights of all Americans. That is why he will be a critical asset to the Attorney General. He will help us remember it is the Deputy Attorney General of the United States, and it is the Department of Justice for all Americans.

With all of these endorsements, including all of the major law enforcement groups endorsing him, and all the endorsements from both Republicans and Democrats, what is astonishing for all these law enforcement organizations wanting him there is that Republicans threatened to filibuster this nomination. They refused to agree to this debate and a vote on the nomination, and they required the majority leader to file a cloture motion, which he did on Monday. For more than a week we were told that Republicans would not agree to a debate and vote and would insist on filibustering this nomination.

It is amazing. I don't know if Republicans are aware of what is going on in this country—the rising crime rates which began rising in the last year or so and the critical nature working families are facing. And yet they want to filibuster a nominee, one of the best I have seen for this position in my 35 years in the Senate.

I noted that development and the threat of a filibuster at a Judiciary Committee business meeting last Thursday, after a week of fruitless efforts to try to move this nomination forward by agreement and obviate the need for a filibuster. I noted my disappointment that, despite the bipartisan majority vote in favor of the nomination by Republicans and Democrats on the committee, despite the support from law enforcement groups, despite the support from children's advocates, and despite the support from former Government officials for Republican and Democratic administrations, we have been stalled in our ability to move forward to consider this nomination. And, of course, the Justice Department, which is there to represent all Americans—Republicans and Democrats, Independents, and everybody—is left without a deputy for another week.

Quite frankly, I found the news of an imminent Republican filibuster incomprehensible. I could not think of any precedent for this during my 35 years in the Senate. A bipartisan majority—

14 to 5—voted to report this nomination from the Judiciary Committee to the Senate. The ranking Republican member of the committee, Senator SPECTER, voted to support this nomination. The assistant Senate Republican leader, Senator KYL, and the senior Senator from South Carolina, Mr. GRAHAM, voted in favor of Mr. Ogden. And yet, in spite of this bipartisan support, someone or a group of Senators on the Republican side of the aisle were intent on filibustering this nominee to stop us from having a Deputy Attorney General who might actually be there to help fight crime in America.

Why there was this attempt of filibustering President Obama's nomination for Deputy Attorney General of the United States, and depriving law enforcement in this country of his support, I cannot not understand.

Two weeks ago, we debated and voted on the nomination in the Judiciary Committee. Those who opposed the nomination had the opportunity to explain their negative vote. I urge all Senators to reject these false and scurrilous attacks that have been made against Mr. Ogden. I also held out hope that they would reject applying an obvious double standard when it comes to President Obama's nominees. Remember, these are the same people who voted unanimously for one of the worst attorneys general in this Nation's history, former Attorney General Gonzales.

I am glad some semblance of common sense has finally prevailed on the Republican side of the aisle. I guess somebody looked at the facts and said: "This makes absolutely no sense whatsoever, and there is no way of justifying this to Americans, other than to the most partisan of Americans," and they reversed their position. They now say they will not filibuster this nomination.

It was disturbing to see the President's nomination of Mr. Ogden to this critical national security post being held up this long by Senate Republicans apparently on some kind of a partisan whim.

I voted for all four of the nominees that the Senate confirmed and President Bush nominated to serve as the Deputy Attorney General during the course of his Presidency. In fact, each of the four was confirmed by voice vote. Not a single Democratic Senator voted against them and some may not have been the people we would have chosen had it been a Democratic President. But we respected the fact the American people elected a Republican President and he deserved a certain amount of leeway in picking his nominees.

Of course, we heard the same preaching from the Republican side. Suddenly their position has now changed since the American people, by a landslide, elected a Democratic President. What

Republicans are essentially saying is President Obama does not get the same kind of credit that President Bush did. That amounts to a double standard, especially after every Republican Senator supported each of President Bush's nominees, as they did the nomination of Alberto Gonzales.

Today, however, there will be no more secret and anonymous Republican holds. Any effort to oppose the President's nominees—executive or judicial—will have to withstand public scrutiny. There can be no more anonymous holds. We can turn at last to consideration of President Obama's nomination of David Ogden to be Deputy Attorney General, the No. 2 position at the Department.

Let me tell you a little bit about David Ogden. As a former high-ranking official at both the Defense Department and the Justice Department, he is the kind of serious lawyer and experienced Government servant who understands the special role the Department of Justice must fulfill in our democracy. It is no surprise that his nomination has received strong support from leading law enforcement organizations, children's advocates, civil rights organizations, and former Government officials from Republican and Democratic administrations.

The confirmation of Mr. Ogden to this critical national security post should not be further delayed. The Deputy Attorney General is too important a position to be made into a partisan talking point for special interest politics.

Now, I understand some people want to do fundraising as they talk about their ability to block nominations of President Obama. I wonder if they know how critical the situation is in this country. This is not the time for partisan political games. This is a time where all of us have a stake in the country getting back on track and we ought to be working to do that. Stop the partisan games. The Deputy Attorney General is needed to manage the Justice Department with its many divisions, sections, and offices and tens of thousands of employees. As Deputy Attorney General, Mr. Ogden would be responsible for the day-to-day management of the Justice Department, including the Department's critical role of keeping our Nation safe from the threat of terrorism.

I want to thank Mark Filip, the most recent Deputy Attorney General and a Republican. Judge Filip came from Chicago last year motivated by public service. He had a lifetime appointment as a Federal judge where he served with distinction as a conservative Republican. He gave up his lifetime appointment after the scandals of the Gonzalez Justice Department, where not only did the Attorney General resign but virtually everybody at the top echelon of the Department of Justice

resigned because of the outrageous scandals at that time. I urged his fast and complete confirmation and he was confirmed just over one year ago, unanimously, by voice vote.

Now, are Judge Filip and I different politically? Yes, of course we are. We differ in many areas. Yet, I saw a man dedicated to public service. He gave up his dream of a lifetime position on the Federal bench. He saw the scandals of the former Attorney General and all the people who had to be replaced by President Bush because of the scandalous conduct, and he came in for the good of the country to help right it. I admire him for that. I was chairman of the committee that unanimously endorsed his nomination. As chairman of the committee, I came to the floor of the Senate and urged his support.

On February 4, after 11 months of dedicated and commendable service to us all he left the Justice Department. It is time, over a month later, that his replacement be confirmed by the Senate.

The Senate's quick consideration of Mr. Filip's nomination was reflective of how Senate Democrats approached the confirmations of nominees for this critical position. President Bush's first nominee to serve as Deputy Attorney General, Larry Thompson, received similar treatment. At the beginning of a new President's term, it is common practice to expedite consideration of Cabinet and high level nominees. I remember that nomination very well. I was the ranking Democrat on the committee at that time. His hearing was just 2 weeks after his nomination. He was reported by the Judiciary Committee unanimously. Every Democratic Senator voted in favor of reporting his nomination. And he was confirmed that same day by voice vote by the Senate. No shenanigans. No partisanship. No posturing for special interests.

His replacement was James Comey. He, like Mr. Ogden, was a veteran of the Department of Justice. The Democratic Senators in the Senate minority did not filibuster, obstruct or delay that nomination. We knew how important it was. We cooperated in a hearing less than 2 weeks after he was nominated. He was reported from the committee unanimously in a 19-0 vote, and he was confirmed by the Senate in voice vote.

Even when President Bush nominated a more contentious choice, a nominee with a partisan political background, Senate Democrats did not filibuster. Paul McNulty was confirmed to serve as the Deputy Attorney General in 2006 in a voice vote by the Senate. While there were concerns, there was no filibuster. As it turned out, Mr. McNulty resigned in the wake of the U.S. attorney firing scandal, along with Attorney General Gonzales and so many others in leadership positions at the Department of Justice.

I voted for all four of the nominees that the Senate confirmed and President Bush appointed to serve as the Deputy Attorney General during the course of his presidency. In fact, each of the four was confirmed by voice vote. Not a single Democratic Senator voted against them. And, of course, every Republican Senator supported each of those nominees as they did the nomination of Alberto Gonzales and the other nominations of President Bush to high ranking positions at the Justice Department.

I bring up this history to say let us stop playing partisan games. Mr. Ogden's nomination to be Deputy Attorney General, a major law enforcement position, is supported by Republicans and Democrats, at a time when we need the best in our law enforcement in this country.

The Justice Department is without a confirmed deputy at a time when we face great threats and challenges. Indeed, one of the recommendations of the bipartisan 9/11 Commission was that after Presidential transitions, nominees for national security appointments, such as Mr. Ogden, be accelerated. In particular, the 9/11 Commission recommended:

A president-elect should submit the nominations of the entire new national security team, through the level of undersecretary of cabinet departments, not later than January 20.

The commission also recommended that the Senate:

should adopt special rules requiring hearings and votes to confirm or reject national security nominees within 30 days of their submission.

President Obama did his part when he designated Mr. Ogden to be the Deputy Attorney General on January 5, more than 2 months ago. We now are at March 11. It is time for the Senate to act. Stop the partisan games, stop the holding up, stop the holds and the threats of filibusters and all the rest. The problems and threats confronting the country are too serious to continue to delay and to play partisan games, no matter which fundraising letter somebody wants to send out. Forget the fundraising letters for a moment; let us deal with the needs of our Nation.

Scurrilous attacks against Mr. Ogden have been launched by some on the extreme right. David Ogden is a good lawyer and a good man. He is a husband and a father. The chants that David Ogden is somehow a pedophile and a pornographer are not only false, they are so wrong. Senators know better than that. Forget the fundraising letters, let us talk about a decent family man, an exceptional lawyer. Let us talk about somebody who answered every question at his confirmation hearing, not only about those he represented legally but about his personal views.

I questioned Mr. Ogden at his hearing and he gave his commitment to vigorously enforce Federal law, regardless of

the positions he may have taken on behalf of his clients in private practice. I asked him if he had the right experience to be Deputy Attorney General and he pointed out his extensive experience managing criminal matters at the Department and in private practice. I asked him to thoroughly review the practice of prosecutors investigating and filing law suits on the eve of elections, and he said he would. I asked him to work with me on a mortgage and financial fraud law, and he was agreeable. I asked about his experience in the type of national security matters that have become more than ever before central to the mission of the Justice Department, and he highlighted his extensive national security experience and lessons he learned as General Counsel for the Department of Defense. On all these matters he was candid and reassuring.

That is why Mr. Ogden's nomination has received dozens of letters of support, including strong endorsements from Republican and Democratic former public officials and high-ranking veterans of the Justice Department, from the National Center for Missing and Exploited Children, the Boys and Girls Clubs of America, and from nearly every major law enforcement organization.

As one who began his public career in law enforcement, I would not stand here and endorse somebody for such a major law enforcement position if I did not feel it was a person who should do this. Larry Thompson, a former Deputy Attorney General himself, and somebody I worked with on law enforcement matters when he was here as a Republican nominee, described Mr. Ogden as

A brilliant and thoughtful lawyer who has the complete confidence and respect of career attorneys at Main Justice. David will be a superb Deputy Attorney General.

Chuck Canterbury, who is the national president of the Fraternal Order of Police, wrote that Mr. Ogden

... possesses the leadership and experience the Justice Department will need to meet the challenges which lay before us.

A dozen retired military officers who served as judge advocates general have endorsed Mr. Ogden's nomination, calling him

... a person of wisdom, fairness, and integrity, a public servant vigilant to protect the national security of the United States, and a civilian official who values the perspective of uniformed lawyers in matters within their particular expertise.

I know something about law enforcement, not only from my past career but the 35 years I have served in this body, most of that time on the Senate Judiciary Committee dealing with law enforcement matters. I know that David Ogden is an immensely qualified nominee whose priorities would be the safety and security of the American people, but also to reinvigorate the traditional work of the Justice Depart-

ment in protecting the rights of Americans—all Americans. We do not want to go back to the scandalous time of a former Attorney General, where the rights of only certain Americans were protected, and political and partisan decisions were made about whose rights would be protected. This is the Department of Justice. It is the Deputy Attorney General of the United States. It is not the Deputy Attorney General of the Republican Party or the Democratic Party, but the Deputy Attorney General for all of us. That is why he is going to be a critical asset to the Attorney General.

I urge all Senators to support him. Give the same kind of support to Mr. Ogden as Democrats did to Judge Filip when he came in to try to clean up the mess created by a former Attorney General.

One of the joys of being chairman of the Senate Judiciary Committee are the people I get to serve with. Over the years, I have served with numerous Senators, including the father of one of our current Senators. For a lawyer, it is an intellectually exhilarating committee to serve on, but again because of some of the great people who serve here.

The Senator from Delaware is the newest member of the committee because the former Senator from Delaware—whom I served with for well over 30 years on that committee. Part of the time he was chairman and part of the time he was ranking member; part of the time I was chairman and part of the time he was ranking member—has left the Senate to be involved in the Senate now only as the presiding officer, because he went on to become Vice President of the United States. His replacement, Senator KAUFMAN of Delaware, moved into that seat on the Senate Judiciary Committee as though he had served there for all those decades. In a way, he did, as a key person working for former Senator BIDEN.

I have often joked that Senators are merely constitutional impediments or constitutional necessities to the staff, who do all the work. Now we have somebody who has both the expertise of having been one of the finest staff people I have ever served with and now one of the best Senators I have served with, and a great addition to the Senate Judiciary Committee.

So as not to embarrass him further, I will yield to the distinguished Senator from Delaware.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, people have asked me what it is like to be a Senator as opposed to being chief of staff, and one of the great things is getting to work with a chairman such as Chairman LEAHY on the Judiciary Committee; someone who knows what he is about, knows the Senate, and is a

former prosecutor. We are truly fortunate to have him as chair and also to have a truly great staff on the Senate Judiciary Committee, led by Bruce Cohen. So it is a great and a genuine pleasure. Pleasure is used a lot of times on the floor. Sometimes it is not too pleasurable. But this is truly pleasurable, to work with the chairman and the staff of the Judiciary Committee, but especially the chairman. So I thank the chairman for his kind remarks.

I do agree with so much of what he has to say about David Ogden for Deputy Attorney General. I, along with him, am deeply disappointed that the nomination of David Ogden for Deputy Attorney General has been so needlessly delayed. This has real consequences for the administration of law in our country during a challenging time. Depriving the Department of Justice of senior leadership at this critical juncture is much more than unfortunate.

As we saw from his confirmation hearings in the Judiciary Committee more than a month ago, David Ogden has excellent academic credentials and broad experience in law and government. He fully understands the special role of the Department of Justice and is deeply committed to the rule of law. He has broad support from lawyers of all political and judicial philosophies.

President Obama designated Mr. Ogden be Deputy Attorney General on January 5, which seems like an eternity ago—over 2 months ago. We held his confirmation hearing in the Judiciary Committee over a month ago and, on February 26, after thorough consideration, a bipartisan majority of the committee, 14 to 5, voted to report his nomination. The ranking member, the Senate minority whip and the well-respected senior Senator from South Carolina, voted in favor of his nomination.

Despite that bipartisan vote and broad support from law enforcement groups, children's advocates, civil rights organizations, former Democratic and Republican officials, his nomination has faced unwarranted delay. This delay is unfortunate in itself, particularly when the nominee has impeccable credentials and broad support. However, as important, this delay has come at a critical time for the Department of Justice. Without a Deputy Attorney General, the Department is forced to deal with some of the most important issues facing this Nation with one hand tied behind its back.

The Deputy Attorney General holds the No. 2 position at the Department of Justice and, as we all know, is responsible for the day-to-day management of the Department, including critical national security responsibilities. The Deputy Attorney General, for example,

signs FISA applications. These are essential to ensuring that our intelligence services get the information they need to protect us from terrorism and other national security threats. The Deputy Attorney General will also play an important role in overseeing the Guantanamo Bay detainee review, to make sure we assess each of the remaining detainees and make sure they are safely and appropriately transferred—I know an issue that everyone in this body shares a concern about.

One of the recommendations of the bipartisan 9/11 Commission was that after Presidential transitions, nominations for national security appointments, such as Mr. Ogden's, be accelerated. The delay we are seeing now, to put it mildly, is not helping those who are sworn to protect our country. The Deputy Attorney General manages the criminal division of the FBI, which helps keep Americans safe, not only from violent crime but also from financial fraud. In the aftermath of the financial fraud meltdown that has thrown the American economy into a serious recession, we must ensure that lawbreakers will be identified and prosecuted for financial fraud. Punishing complex financial crimes and deterring future fraud are vital in restoring confidence in our decimated financial markets. How can people be expected to go back in the market again when they do not know or cannot have confidence that the people who perpetrated these crimes are not still there but are in jail? This is important. As we know in dealing with crime, the sooner you deal with it after the crime happens the better your chance of catching the people involved. Getting the Deputy Attorney General involved as soon as possible is essential for our financial well-being.

The Deputy Attorney General also oversees efforts to fight waste and corruption in Federal programs by means of the False Claims Act. As we expend vast sums in two wars and work to stimulate the economic recovery, we must do everything we can to make sure the taxpayer dollars are well spent. Along the same line, the Deputy Attorney General oversees the distribution of billions of dollars in economic recovery funds in support of critical State and local law enforcement initiatives. Everyone agrees that to fulfill the promise of the economic recovery package, we need to get the funds out the door quickly. Again, depriving the Department of Justice of senior leadership at this critical time is bad policy.

The American people need a Deputy Attorney General in place now, to meet all these critical efforts. The problems and threats confronting the country are too serious to delay.

We know David Ogden is extraordinarily well qualified. We know the Judiciary Committee fully vetted his background, experience and judgment

and reported out his nomination with a bipartisan majority. We know the Attorney General needs his second in command as well as other members of his leadership team in place and working as soon as possible. We know further delay in this crucial nomination is inexcusable.

I hope on this nomination, and going forward, we do better.

I yield the floor, suggest the absence of a quorum, and ask the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. SPECTER. Madam President, at the outset in addressing the Chair, may I note that it is my distinguished colleague, Senator CASEY from Pennsylvania. Nice to see you acting as Vice President, Senator CASEY.

May I just say that in the 2 years plus that you have been here, I have admired your work and found it very gratifying to be your colleague in promoting the interests of our State and our Nation.

I have sought recognition to comment on the nomination of David W. Ogden to be Deputy Attorney General. In reviewing the pending nomination, I have noted Mr. Ogden's academic and professional qualifications. I have also noted certain objections that have been raised by a number of organizations. As a matter of fact, some 11,000 contacts in opposition to the nomination have been received by our Judiciary Committee offices.

As to Mr. Ogden's background, his resume, his education, and his professional qualifications—he received his undergraduate degree from the University of Pennsylvania in 1976, Phi Beta Kappa, and his law degree from Harvard, magna cum laude, where he was an editor of the Law Review.

I know it is difficult to get a Phi Beta Kappa key at the University of Pennsylvania. I know that being on the Law Review at a school like Harvard is an accomplishment. He then clerked for Judge Sofaer on the United States District Court for the Southern District of New York. I came to know Judge Sofaer when he was counsel to the New York Department of State. I have a very high regard for him.

Mr. Ogden then clerked for Harry Blackmun on the Supreme Court. That is a distinguished achievement. Then he worked for Ennis Friedman Bersoff & Ewing and became a partner there. Then he was a partner at Jenner & Block and was an adjunct professor at Georgetown University Law Center

from 1992 to 1995. He then had a string of prestigious positions in the Department of Justice: Associate Deputy Attorney General, Counselor to the Attorney General, Chief of Staff to the Attorney General, Acting Assistant Attorney General for the Civil Division, and Assistant Attorney General for the Civil Division—all during the administration of President Clinton.

We have seen quite a series of nominees come forward when the current administration selects people from a prior administration. There have been quite a few people who served in President Reagan's administration who later served in President George H.W. Bush's administration. Then some of those individuals served in the administration of President George W. Bush. Similarly, individuals from President Carter's administration came back with President Clinton, and the people from President Clinton are now serving in President Obama's administration. So it is a usual occurrence.

Contrasted to the resume Mr. Ogden has, I have noted the objections raised by the Family Research Council headed by Mr. Tony Perkins, who wrote the committee expressing his concerns about Mr. Ogden's nomination because, as Mr. Perkins puts it:

Mr. Ogden has built a career on representing views and companies that most Americans find repulsive . . . Mr. Ogden has also profited from representing pornographers and in attacking legislation designed to ban child pornography.

It was also noted by those opposing his nomination that a brief filed by Mr. Ogden in *Planned Parenthood v. Casey* argued that "women who have had abortions suffer no detrimental consequences and instead should feel 'relief and happiness' after aborting a child." Fidelis, a Catholic-based organization, Concerned Women of America, Eagle Forum, and the Alliance Defense Fund have also written the committee in opposition to Mr. Ogden's nomination based on similar concerns; specifically, his representation of several entities in the pornography industry and organizations that oppose restrictions on abortions.

As I noted earlier, the committee has received an unprecedented number of opposition phone calls and letters for a Department of Justice nominee. In total, the committee has received over 11,000 contacts in opposition to the nomination.

The objections raised call into focus the issue as to whether an attorney ought to be judged on the basis of arguments he has made in the representation of a client. I believe it is accurate to say that the prevailing view is not to bind someone to those arguments. I note an article published by David Rivkin and Lee Casey, who served in the Justice Department under President Reagan and President George H.W. Bush, that advances the thesis

that a lawyer is not necessarily expressing his own views when he represents a client. They point out how Chief Justice Roberts' nomination to serve on the U.S. Court of Appeals for the District of Columbia Circuit was vociferously opposed by pro-choice groups based upon briefs he had filed when he served as Deputy Solicitor General under President George H.W. Bush and the arguments for restrictions of abortion rights contained in those briefs. I recollect that NARAL had a commercial opposing then-Judge Roberts. I spoke out at that time on the concern I had about their inference that those were necessarily his own views. As I recollect, NARAL withdrew the commercial.

The article by Mr. Rivkin and Mr. Casey notes the objections of the Family Research Council, Focus on the Family, and Concerned Women for America, and comes to the conclusion that a person's representation of a client does not necessarily state what a person's views are on an issue.

I further note that Mr. Ogden has been endorsed by very prominent people from Republican administrations: Deputy Attorney General Larry Thompson, former Assistant Attorney General Peter Keisler, former Assistant Attorney General Rachel Brand, and former Acting Assistant Attorney General Daniel Levin.

Professor of law Orin Kerr at George Washington University Law School noted that he disagreed with arguments that Mr. Ogden had made, but despite his disagreement with Mr. Ogden's arguments, he believed those arguments should not be held against him.

In the consideration of nominees who are now pending before the Judiciary Committee, we are taking a very close look at all of them. I think it appropriate to note at this point that the nomination of Harvard Law School dean Elena Kagan is being analyzed very carefully. Without going into great detail at this time because her nomination, which has been voted out of committee, will be on the floor at a later date, I and others voted to pass on Ms. Kagan because we are not satisfied with answers to questions that she has given.

I ask unanimous consent to put in the RECORD a letter that I wrote to Dean Kagan, February 25, 2009, and her reply to me on March 2, 2009.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 25, 2009.

Dean ELENA KAGAN,
Harvard Law School,
Cambridge, MA.

DEAR DEAN KAGAN: I write to express my dissatisfaction with many of the answers you provided to the Committee in response to my written questions following your confirma-

tion hearing. I believe these answers are inadequate for confirmation purposes.

In a 1995 review of a book entitled *The Confirmation Mess*, you made a compelling case for senatorial inquiry into a nominee's judicial philosophy and her views on specific issues. You stated, "when the Senate ceases to engage nominees in meaningful discussion of legal issues, the confirmation process takes on an air of vacuity and farce, and the Senate becomes incapable of either properly evaluating nominees or appropriately educating the public." You further asserted that the Senate's inquiry into the views of executive nominees, as compared to Supreme Court nominees, should be even more thorough, stating, "the Senate ought to inquire into the views and policies of nominees to the executive branch, for whom 'independence' is no virtue." I agree with the foregoing assessment, and, therefore, am puzzled by your responses, which do not provide clear answers concerning important constitutional and legal issues.

For example, in response to several questions related to the constitutionality of the imposition of the death penalty, you offer only the following: "I do not think it comports with the responsibilities and role of the Solicitor General for me to say whether I view particular decisions as wrongly decided or whether I agree with criticisms of those decisions. The Solicitor General must show respect for the Court's precedents and for the general principle of stare decisis. If I am confirmed as Solicitor General, I could not frequently or lightly ask the Court to reverse one of its precedents, and I certainly would not do so because I thought the case wrongly decided." You repeatedly provide this answer verbatim, or a similarly unresponsive answer, to numerous questions regarding the First and Second Amendments, property rights, executive power, habeas corpus rights of detainees, the use of foreign law in constitutional and statutory analysis, and the Independent Counsel statute, among others. I think you would agree that, given the gravity of these issues and the significance of the post for which you are nominated, this Committee is entitled to a full and detailed explanation of your views on these matters.

Please provide the Committee with adequate answers to these questions so that I may properly evaluate your nomination and determine whether any supplemental questions are necessary.

Sincerely,

ARLEN SPECTER.

HARVARD LAW SCHOOL,
OFFICE OF THE DEAN,
Cambridge, MA, March 2, 2009.

Senator ARLEN SPECTER

U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: I am writing in response to your letter of February 25. I am sorry that you believe some of my answers to written questions to be inadequate. I wish to respond to your request for additional information as fully as possible while still meeting the obligations attendant to a nominee for the Solicitor General's office.

Let me first say how much I respect the Senate and its institutional role in the nominations process. As the members of a co-equal branch of government charged with the "advice and consent" function, you and your colleagues have a right and, indeed, a duty to seek necessary information about how a nominee will perform in her office. By the same token, each nominee has a respon-

sibility to address senatorial inquiries as fully and candidly as possible. But some questions—and these questions will be different for different positions—cannot be answered consistently with the responsible performance of the job the nominee hopes to undertake. For that reason, some balance is appropriate, as I remarked to Senator Hatch at my nomination hearing and as you quoted approvingly in the introduction to your written questions.

I endeavored to strike that proper balance in responding to your and other senators' written questions. I answered in full every question relating to the Solicitor General's role and responsibilities, including how I would approach specific statutes and areas of law. I also answered in detail every question relating to my own professional career, including my relatively extensive writings and speeches. Finally, I answered many questions relating to general legal issues. In short, I did my best to provide you and the rest of the Committee with a good sense of who I am and of how I would approach the role of Solicitor General. The only matters I did not address substantively were my personal views (if any) regarding specific Supreme Court cases and constitutional doctrines. These personal views would play no role in my performance of the job, which is to represent the interests of the United States; and expressing them (whether as a nominee or, if I am confirmed, as Solicitor General) might undermine my and the Office's effectiveness in a variety of ways.

In answering these questions as I did, I was cognizant of the way other nominees to the position of Solicitor General have replied to inquiries from senators. For example, in answering a question about his views of the use of foreign law in legal analysis, Paul Clement wrote: "As Solicitor General, my role would be to advance the interests of the United States, and previous statements of my personal views might be used against the United States' interests, either to seek my recusal, to skew my consideration of what position the United States should take, or to impeach the arguments eventually advanced by the United States." Similarly, Seth Waxman stressed in responding to questions about his understanding of a statute that "[i]t is the established practice of the Solicitor General not to express views or take positions in advance of presentation of a concrete case" and prior to engaging in extensive consultation within and outside the office. The advice I received from former Solicitors General of both parties prior to my nomination hearing was consistent with what the transcripts of their hearings reveal: all stressed the need to be honest and forthcoming, but also the responsibility to protect the interests of the office and of the United States. In my hearing and in my responses to written questions, I believe I have provided at least as much information to the Committee as any recent nominee.

As you noted to me when we met, I have lived my professional life largely in the public eye. I have written and spoken widely, so the Committee had the opportunity to review many pages of my law review articles and many hours of my remarks. I tried to answer every question put to me at my hearing completely and forthrightly. I met with every member of the Committee who wished to do so in order to give all of you a more personal sense of the kind of person and lawyer I am. I submitted letters from numerous lawyers, who themselves hold views traversing the political and legal spectrum, indicating how I approach legal issues. And as

noted above, I answered many written questions from you and other members of the Committee.

In all, I did my best to provide you and the other members of the Committee with a complete picture of who I am and how I would approach the role of Solicitor General, consistently with the responsibilities of that office and the interests of the client it serves. But I am certainly willing to do anything else I can to satisfy your concerns, including meeting with you again.

Thank you for your consideration of this letter.

Sincerely,

ELENA KAGAN.

Mr. SPECTER. The comments that are in Ms. Kagan's letter require further analysis. She has, as a generalization, stated that she does not think it appropriate to answer certain questions about her views because she has the ability as an advocate to disregard her own personal views and to advocate with total responsibility to the law, even though she may have some different point of view. I think as a generalization, that is valid. However, as I discussed at her hearing, some of her points of view raise a question as to whether, given the very strongly held views she has expressed, she can totally put those views aside. When her nomination was before the committee for a vote, I passed. I agreed it ought to go to the floor, and we ought not to delay; but I wanted to have another talk with her. I have scheduled a meeting for tomorrow to go over Dean Kagan's record because I think it is important to take a very close look at it.

I also think it is relevant to comment about the pending nomination of Dawn Johnsen for Assistant Attorney General in charge of the Office of Legal Counsel. That is the Assistant Attorney General who passes on legal questions, a very important position. They all are important, whether it is Deputy Attorney General or Solicitor General or Assistant Attorney General for the various divisions. But the Office of Legal Counsel, OLC as it is called, is especially important. We now have challenges in dealing with opinions on the torture issue by people who held leadership positions in the Office of Legal Counsel under President George W. Bush—whether they were given in good faith and whether they went far beyond the law as to what interrogation tactics were appropriate.

With respect to Ms. Johnsen's nomination, she has equated limiting a woman's right to choose with slavery in violation of the 13th amendment. While I personally believe, as did Senator Goldwater, that we ought to keep the Government out of our pocketbooks, off our backs, and out of our bedrooms, I am not going to raise the contention that abortion restrictions are a violation of the 13th amendment and that it constitutes slavery. Her nomination is being subjected to very careful analysis, especially the part of her testimony where she disclaimed

making that the connection between abortion restrictions and the 13th amendment because the records and a footnote suggest the contrary.

I talk about the nominations of Dean Kagan and Ms. Johnsen briefly, when considering the nomination of Mr. Ogden, to point out that there is very careful scrutiny given to these very important positions. I am looking forward to meeting Dean Kagan tomorrow to examine further her capabilities to be the Solicitor General and advance arguments with the appropriate adversarial zeal. We have an adversarial system. We put lawyers on opposite sides of the issue and we postulate that, from the adversarial system, the truth is more likely to emerge. An advocate has to pursue the cause within the range of advocacy. With Ms. Johnsen, we are going to be considering further her qualifications in light of her statements to which I have referred.

But coming back to Mr. Ogden, my net conclusion is that he ought to be confirmed. I say that based upon a resume that is very strong, both academically and professionally. I think it is important to note that when questioned about some of his positions, Mr. Ogden has, one might say, backed off some of his earlier views. When asked about some of the things he had written, he criticized a 1983 memo he wrote when he was a law clerk to Justice Blackmun that referred to the defenders of a challenged law in a way that disparagingly suggested their insincerity. He told the committee that after maturing, he had some different views.

In a 1990 tribute to Justice Blackmun, he expressed agreement with the Justice's endorsement of affirmative action programs that entailed set-asides or quotas. At his hearing, he said he now believes that such an approach was inappropriate and instead believes that consideration of race, as he put it, "in limited circumstances" should be one of many factors in affirmative action programs.

Mr. Ogden also stated he no longer agrees with the position he took in a 1980 case comment that "state expansion of speech rights at the expense of property rights does not constitute a taking." That case comment involved the issue of whether there was an unlimited right of speech on private property. So he has maintained a little different position. It is fair to raise a question about whether statements made in the confirmation amount to a confirmation conversion. That has been an expression used from time to time that you have to take statements at a confirmation with a grain of salt because of the motivation to be confirmed. That has to be taken into account. But I listened to what Mr. Ogden had to say, and I think he is entitled to modify his views over a substantial period of time from what he

did in 1983 and 1990, with a maturation process.

Then there is the consideration that the President is entitled to select his appointees within broad limits. The Deputy Attorney General, while important, is not a lifetime appointment as a judge. I had a call from the Attorney General who raised the issue that he does not have any deputies and the Department of Justice has now been functioning for more than a month and a half. It is a big, important department, and we ought to give appropriate latitude to President Obama and appropriate latitude to Attorney General Holder and move ahead with Mr. Ogden's confirmation.

For all of those factors, I intend to vote in favor of Mr. Ogden. I think those who have raised objections have done so, obviously, in good faith. They are entitled to have their objections considered and to know that the Judiciary Committee is giving very careful analysis to their facts and will do so, as I have outlined, on the consideration of other nominees.

Madam President, I ask unanimous consent that the full text of an article I referred to from Mr. Rivkin and Mr. Casey be printed in the CONGRESSIONAL RECORD, along with the résumé of Mr. Ogden.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DON'T BLAME THE LAWYER

(By David B. Rivkin Jr. and Lee A. Casey)

President Barack Obama's selection of David Ogden as deputy attorney general has drawn fire from conservative family values groups, including the influential Family Research Council, Focus on the Family, and Concerned Women for America. Conservative talk show hosts including Fox News' Bill O'Reilly, have highlighted the story, and there appears to be a real effort under way to derail the nomination.

This effort undoubtedly has not escaped notice on Capitol Hill, and several Republican senators on the Judiciary Committee—including Orrin Hatch (Utah), Jon Kyl (Ariz.), and Jeff Sessions (Ala.)—have pressed Ogden on some of the issues raised by these groups.

Unfortunately, much of this opposition from the family values groups is based upon Ogden's representation of controversial clients and the positions he has argued on their behalf. This tactic has been used against conservatives in the past, including Chief Justice John Roberts Jr. Punishing lawyers for who they represent and what they argue before the courts is not in the interest of justice and makes for bad public policy.

"FROM PLAYBOY"?

Among the principal objections to Ogden's nomination is that he has represented adult magazine, book, and film producers, including Playboy and Penthouse, on whose behalf he has argued for a broad interpretation of First Amendment protections.

Ogden also represented a number of library directors who filed an amicus brief supporting the American Library Association's challenge to the Children's Internet Protection Act of 2000, which among other things required the use of Internet filtering software by public libraries.

In addition, as noted by the Family Research Council, "Ogden worked for the ACLU and filed a brief in the landmark abortion case *Planned Parenthood v. Casey* that denied the existence of adverse mental health effects of abortion on women."

His participation and arguments in cases involving parental notification, the Pentagon's "don't ask, don't tell" policy, and gay rights has also raised conservative hackles. According to the president of an important Catholic values organization, "David Ogden is a hired gun from Playboy and the ACLU. He can't run from his long record of opposing common-sense laws protecting families, women, and children."

ZEALOUS REPRESENTATION

The premise of this opposition is a familiar one—that lawyers must be presumed to agree with, or be sympathetic to, the clients they represent or, at a minimum, that they should be held accountable for the arguments they advance on a client's behalf. In fact, of course, lawyers represent clients for many and varied reasons—for money or fame, out of a sense of duty, an interest in a particular subject matter, or for professional growth and development. Sometimes lawyers are motivated by all of the above, and more.

It is simply inaccurate to attribute to a lawyer his or her client's beliefs. That is just not the way our legal system works—at least not all the time.

Sometimes, of course, lawyers do personally agree with the client's substantive views and the legal positions they advance. There is no doubt that lawyers are often drawn to a particular area of practice, or undertake to represent particular clients—especially on a pro bono basis—because they do believe in the client's cause. It is possible, however, to believe in a client's cause—a broad application of free speech rights, for example—and not to approve of the client's personal behavior or business model.

And, just as a lawyer's character cannot be judged based on a client list, neither can a lawyer's policy preferences easily be divined by reading his or her briefs. Lawyers must represent their clients zealously, and this means they often must deploy legal arguments with which they personally disagree.

SUBVERTING THE SYSTEM

Moreover, even in cases where a lawyer does share the client's opinions, or where he or she personally believes that the law means, or should mean, what the briefs say, there are very good reasons why this should not disqualify such individuals from high government office.

Lawyers are human beings, and punishing them in this way would result in many avoiding controversial clients and causes. Indeed, this is often the purpose and intent of such opposition, but it also is subversive of our legal system. That system is adversarial and works only if both sides of an issue are adequately represented. If there are clients or causes, be they the adult entertainment industry, tobacco companies, or Guantánamo detainees, that are classified as being so disreputable or radioactive that their lawyers are later personally held to account for representing them, the quality of justice will suffer.

Conservatives and Republicans who are tempted in that direction now that a liberal Democrat is in office should recall that similar arguments about supposedly disreputable clients and unacceptable arguments have been raised against their own nominees in the past. For example, now-Chief Justice Roberts' nomination to serve on the U.S.

Court of Appeals for the D.C. Circuit was vociferously opposed by pro-choice groups based upon briefs he had filed—and the arguments for restriction of abortion rights they contained—when he served as deputy solicitor general under President George H.W. Bush.

CLEARLY QUALIFIED

Although there are many issues on which conservatives can and should disagree with Ogden as ideological matters, those disagreements are not good reasons why he should not be confirmed as deputy attorney general. His views of the law and legal policy are certainly legitimate topics of inquiry and debate, both for the Senate and the public in general, but only in the context of what they may mean about Obama's own beliefs and plans.

Like his presidential predecessors, Obama is entitled to select the men and women who will run the federal government, including the Justice Department, exercising the executive authority vested in him as president by the Constitution.

It is entirely appropriate that Obama's appointees share his policy preferences and ideological inclinations. If their legal views are considered by some to be out of the "mainstream," that is the president's problem. If they push for extreme policies, it will be up to Obama to curtail them. If not, there will be another election in 2012, at which time the country can call him to account.

In the meantime, so long as the individuals Obama chooses to serve in the executive branch have sufficient integrity, credentials, and experience to perform the tasks they will be assigned, they should be confirmed.

This is the case with Ogden. He is clearly qualified for the job. His training and experience are outstanding, including a Harvard law degree and a Supreme Court clerkship. Ogden has practiced at one of the country's premier law firms. He served as Attorney General Janet Reno's chief of staff and as assistant attorney general in charge of the Justice Department's Civil Division—its largest litigating unit—in the Clinton administration. This service is important. The deputy attorney general is, in large part, a manager, and Ogden clearly understands the Justice Department, its role in government, its career lawyers, and its foibles.

Significantly, his nomination has been endorsed by a number of lawyers who served in the Reagan and two Bush administrations, including one who preceded, and one who succeeded, Ogden as head of the Civil Division. They are right; he should be confirmed.

DAVID W. OGDEN

DEPUTY ATTORNEY GENERAL

Birth: 1953; Washington, DC.

Legal Residence: Virginia.

Education: B.A., *summa cum laude*, University of Pennsylvania, 1976, Phi Beta Kappa; J.D., *magna cum laude*, Harvard Law School, 1981, Editor, *Harvard Law Review*.

Employment: Law Clerk, Hon. Abraham D. Sofaer, U.S. District Court Judge for the Southern District of New York, 1981–1982; Law Clerk, Hon. Harry A. Blackmun, U.S. Supreme Court, 1982–1983; Associate, Ennis, Friedman, Bersoff & Ewing, 1983–1985, Partner and Attorney, 1986–1988; Partner and Attorney Jenner & Block, 1988–1994; Adjunct Professor, Georgetown University Law Center, 1992–1995; Deputy General Counsel and Legal Counsel, Department of Defense, 1994–1995; Department of Justice, 1995–2001, Associate Deputy Attorney General, 1995–1997, Counselor to the Attorney General, 1997–1998,

Chief of Staff to the Attorney General, 1998–1999, Acting Assistant Attorney General for the Civil Division, 1999–2000, Assistant Attorney General for the Civil Division, 2000–2001; Partner and Attorney, Wilmer Cutler Pickering Hale and Dorr LLP, 2001–present; Agency Liaison for the Department of Justice, Presidential Transition Team, 2008–2009.

Selected Activities: Member, American Bar Association, 1983–present, Ex officio member and governmental representative, Council of the Section of Litigation, 1998–2001; Member, First Amendment Lawyers Association, 1991–1994; Fellow, American Bar Foundation, 2002–present; Member of Advisory Board, Bruce J. Ennis Foundation, 2002–2009; Member of Advisory Board, Washington Project for the Arts, 2004–2007; Member, Senior Legal Coordinating Committee, Barack Obama's Presidential Campaign, 2007–2008.

Mr. SPECTER. I thank the Chair and yield the floor to my distinguished colleague from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I ask unanimous consent that I be allowed to speak as in morning business and that the time be charged against the time under the control of the majority on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BAUCUS. Madam President, on February 24, President Obama said:

[N]early a century after Teddy Roosevelt first called for reform, the cost of our health care has weighed down our economy and the conscience of our nation long enough. So let there be no doubt: Health care reform cannot wait, it must not wait, and it will not wait another year.

I could not agree more with our President. Our next big objective is health care reform. Comprehensive health care reform is no longer simply an option, it is an imperative. If we delay, the problems we face today will grow even worse. If we delay, millions more Americans will lose their coverage. If we delay, premiums will rise even further out of reach. And if we delay, Federal health care spending will soak up an even greater share of our Nation's income.

In the Finance Committee, we have now held 11 hearings preparing for health care reform. We held our latest hearing yesterday. The Director of the Office of Management and Budget, Dr. Peter Orszag, testified to the Finance Committee about the President's health care budget.

Yesterday, Director Orszag told the committee the cost of not enacting health care reform is enormous. He said:

The cost of doing nothing is a fiscal trajectory that will lead to a fiscal crisis over time.

Director Orszag said if we do not act, then we will further perpetuate a system in which workers' take-home pay is unnecessarily reduced by health care costs. Director Orszag said if we do not act, then 46 million uninsured Americans will continue to be denied adequate health care. According to the

Center for American Progress, the ranks of the uninsured grow by 14,000 people every day—14,000 more people uninsured every day. And Director Orszag said if we do not act, then a growing burden will be placed on State governments, with unanticipated consequences. For example, health care costs will continue to crowd out State support of higher education. That would have dire consequences for the education of our Nation's young people.

We must move forward. Senator GRASSLEY and I have laid out a schedule to do just that. Our schedule calls for the Finance Committee to mark up a comprehensive health care reform bill in June. We should put a health care bill on the President's desk this year.

The President's budget makes a historic downpayment on health care reform. Over the next 10 years, the President's budget invests \$634 billion to reform our health care system.

Reforming health care means making coverage affordable over the long run. It means improving the quality of the care. And I might say, our quality is not as good as many Americans think it is, certainly compared to international norms. It means expanding health insurance to cover all Americans. We need fundamental reform in cost, quality, and coverage. We need to address all three objectives at the same time. They are interconnected. If you do not address them together, you will never really address any one of them alone.

Costs grow too rapidly because the system pays for volume, not quality. Quality indicators such as lifespan and infant mortality remain low. Why? Because too many are left out of the system. Families do not get coverage because health costs grow faster than wages. And without coverage, health insurance costs increase because providers shift the cost of uncompensated care to their paying customers. It is a vicious cycle. Each problem feeds on the others.

We need a comprehensive response. Let us at long last deliver on the dream of reform Teddy Roosevelt called for nearly a century ago. Let us at long last lift the burden of health care costs on our economy and on the conscience of our Nation. And let us at long last enact health care reform this year.

Madam President, I suggest the absence of a quorum and ask unanimous consent that the time consumed during the quorum call be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I would like to say a few words in opposition to the nomination of David Ogden to be Deputy Attorney General at the U.S. Department of Justice.

There is no doubt that Mr. Ogden is an experienced lawyer. However, I have serious concerns about Mr. Ogden's views and some of the cases he has argued. Mr. Ogden is an attorney who has specialized in first amendment cases, in particular pornography and obscenity cases, and has represented several entities in the pornography industry. He has argued against legislation designed to ban child pornography, including the Children's Internet Protection Act of 2000 and the Child Protection and Obscenity Enforcement Act of 1998. These laws were enacted to protect children from obscene materials in public libraries and to require producers of pornography to personally verify that their models are not minors. I supported both these important pieces of legislation.

In addition, Mr. Ogden authored a brief in the 1993 case *Knox v. United States*, where he advocated for the same arguments to shield child pornography under the first amendment that the Senate unanimously rejected by a vote of 100 to 0 and the House rejected by a vote of 425 to 3. In the *Knox* case, the Bush I Justice Department successfully had prosecuted *Knox* for violating Federal antipornography laws; but on appeal to the U.S. Supreme Court, the Clinton Justice Department reversed course and refused to defend the conviction. After significant public outrage, President Clinton publicly chastised the Solicitor General, and Attorney General Reno overturned the position. At the time, I was involved in the congressional effort opposing this switch in the Justice Department's position on child pornography.

Mr. Ogden also has filed briefs opposing parental notification before a minor's abortion, opposing spousal notification before an abortion, and opposing the military's policy against public homosexuals serving in uniform.

Significant concerns have been raised in regard to Mr. Ogden's nomination. I have heard from a very large number of Iowa constituents, including the Iowa Christian Alliance, who are extremely concerned with Mr. Ogden's ties to the pornography industry and the positions he has taken against protecting women and children from this terrible scourge. The Family Research Council, Concerned Women of America, Eagle Forum, Fidelis, the Alliance Defense Fund, and the Heritage Foundation, among others, have all expressed serious concerns about Mr. Ogden's advocacy against restrictions on pornography and obscenity.

The majority of Americans support protecting children from pornography

exploitation, protecting children from Internet pornography in libraries, and allowing for parental notification before a minor's abortion. So do I. I feel very strongly about protecting women and children from the evils of pornography. I have always been a strong supporter of efforts to restrict the dissemination of pornography in all environments. As a parent and grandparent, I am particularly concerned that children will be exposed to pornographic images while pursuing educational endeavors or simply using the Internet for recreational purposes. Throughout my tenure in Congress I have supported bills to protect children from inappropriate exposure to pornography and other obscenities in the media, and I support the rights of parents to raise children and to be active participants in decisions affecting their medical care. Mr. Ogden has consistently taken positions against these child protection laws and this troubles me.

Because of my concerns, I must oppose the nomination of David Ogden.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I didn't make a complete request, as I should have, for a quorum, so I ask unanimous consent that the time be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent to speak in morning business for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION TROUBLES

Mr. DORGAN. Last evening, I was driving from the Capitol and listening to Jim Lehrer News Hour. They had a report about transit systems in this country that are facing significant financial problems. The report was fairly interesting. It turns out to be a subject with which I am fairly familiar. The report was that there are more than a couple dozen transit agencies in some of America's largest cities that are in deep financial trouble. Why? Because

they had sold their subway system or bus system to a bank in order to raise needed revenue. Under what is called a SILO, a sale in/lease out transaction, a city can sell its property to a bank, so the bank takes title to the property. The bank then leases it back to the city, and the bank gets a big tax write-off because it can depreciate the property. So the city still gets to use its subway system because they are leasing it back.

All of a sudden, a couple dozen cities discovered that this transaction they entered into, which I think is kind of a scam, landed them in huge trouble because the transaction was insured with a derivative that went through AIG. AIG's credit rating collapsed, and now the banks are calling in substantial penalties on the part of the transit system that they cannot meet. So they are in trouble.

Surprised? I am not particularly surprised. I have been on the floor of the Senate talking about what is happening with respect to these so-called sale in/lease out, SILO practices. I have talked about banks and about Wachovia Bank, by the way, which was buying German sewer systems. I will describe a couple of these transactions. These are cross-border leasing provisions, sale and lease back.

Wachovia Bank buys a sewer system in Bochum, Germany. Why? Is it because it is a sewer specialist? Do they have executives who really know about sewers in Germany? I don't think so. This is a scam. It has always been a scam. An American bank buys a sewer system in a German city so it can depreciate the assets of that sewage system and then lease it back to the German city. The Germans were scratching their heads, saying: This seems kind of dumb, but as long as we are on the receiving end of a lot of money, we are certainly willing to do it.

I am showing this example of a bank called Wachovia, which used to be First Union, that originally started some of these transactions. I believe Wachovia itself, which was in deep financial trouble, has now been acquired by Wells Fargo. First Union was involved in a cross-border lease of Dortmund, Germany, streetcars. What is an American bank doing leasing streetcars in a German city? To avoid paying U.S. taxes, that is why.

We have seen all kinds of these transactions going on. I have described them on the floor of the Senate previously.

This one is the transit system railcars in Belgium. Since many of these transactions are confidential, I don't know which American company bought Belgium National Railway cars. One of our corporations bought the Liefkenshoek Tunnel under the river in Antwerp, Belgium. Why? To save money on taxes. Some companies don't want to pay their taxes to this country.

PBS Frontline's Hedrick Smith did a piece on it. The cross-border leasing contracts appear particularly hard to justify because all the property rights remain as they were even after the deal was signed. The Cologne purification plant keeps cleaning Cologne's sewage water. In the words of Cologne's city accountant:

After all, the Americans should know themselves what they do with their money. If they subsidize this transaction, we gratefully accept.

I mention this because the tax shelters that big American banks and some cities have discovered are unusual and, I think, raise very serious questions about whether they are fair to do.

Here is a Wall Street Journal article about how the city of Chicago actually sold Chicago's 9-1-1 emergency call system to FleetBoston Financial and Sumitomo Mitsui Banking. Why would a city sell its 9-1-1 emergency call system? Why would somebody buy it? It is in order to avoid paying U.S. taxes.

The reason I mention all of this is, last evening, I heard about the transit systems being in trouble in this country. Why? They are engaged in this. They were engaged in exactly the same thing. A transit system that is established by a city to provide transportation for folks in that city decides it wants to get involved in a transaction to sell its transit system to a bank someplace and then lease it back, allowing the bank to avoid paying U.S. taxes and, all of a sudden, they are in trouble. Do you know what? I do not have so much sympathy for people who are involved in those kinds of transactions. It reminded me, last evening, listening to this issue of cross-border leasing, SILOs and LILOs, and all these scams going on for a long time, many established by U.S. companies who apparently, in their boardrooms, are not only trying to figure out how to sell products but how to avoid taxes through very sophisticated tax engineering.

I think it raises lots of questions about the issue of economic patriotism and what each of us owes to our country. It reminded me again of another portion of this financial collapse and financial crisis that we now face in this country. It reminded me of the work that the attorney general of New York, Andrew Cuomo, is doing and something he disclosed. We should have disclosed it, but we didn't know it. We know it because Andrew Cuomo, the attorney general of New York, dug it out. Let me tell you the story.

Last year, Merrill Lynch investment bank was going belly up. So the Treasury Secretary arranged a purchase of Merrill Lynch by Bank of America in September to be consummated in January. And it happened. What we now understand and learn is that Merrill Lynch, which lost \$27 billion last year, in December, just prior to it being

taken over by Bank of America, paid 694 people bonuses of more than \$1 million each. I will say that again. They paid 694 people bonuses of more than \$1 million each, with the top four executives sharing \$121 million.

Moments later—that is, in a couple of weeks—the American taxpayers, through the TARP program, put tens of billions of dollars more into the acquiring company, Bank of America. At least a portion of that would have been attributable to the takeoff of Merrill Lynch, which just lost \$15 billion the previous quarter. It appears to me that this was an arrangement, and Bank of America understood it was buying Merrill Lynch. Merrill Lynch lost a ton of money—\$27 billion—last year but wanted to pay bonuses to its executives. So 694 of their folks got more than \$1 million each—just prior to the American taxpayer coming in and providing the backstop to the acquiring company, Bank of America, at least in part because of the purchase.

Is there any wonder the American people get furious when they read these kinds of things? The top four executives received \$121 million. The top 14 received \$250 million. I describe this because we didn't know this. We are the ones who are pushing TARP money. This Congress appropriated TARP money—now \$700 billion. This Congress has appropriated that money, but we don't know what is going on. That is why I introduced, with Senator McCain, a proposal for a select committee to investigate the narrative of what happened with respect to this financial crisis. These tax scams are just a part of it. It is the way everything was happening around here, with some of the biggest institutions in the country.

There is plenty of blame to go around. The Federal Government was running deficits that were far too large. Corporate debt was increasing dramatically. Personal debt, household debt, doubled in a relatively short time. It is not as if everybody doesn't have some culpability. Our trade deficit, \$700 billion a year, is unsustainable. You cannot do that year after year. There were a lot of reasons.

Then the subprime loan scandal—this unbelievable scandal. At the same time the subprime loan scandal ratchets up, we have a circumstance where regulators, who were appointed by the previous administration, essentially advertised they were willing to be willfully blind and not look. "Self regulation" is what Alan Greenspan called it.

So then there grew a substantial pot of dark money that was traded outside of any exchanges. Nobody knew what they were. The development of newly engineered products, credit default swaps, CDOs—you name it, was very complicated—so complicated that many could not understand them. I was asked by a television interviewer 2

days ago: If you did a select committee to investigate all of this, with due respect, do you think Members of the Senate could understand these very complicated products?

I said: I think if your question is could we understand them as well as the heads of financial institutions who steered their companies into the ditch with these products, can we understand them as well as they did, yes, I think so. I think we are capable of figuring out what caused all this, but we would not do it without looking. We would not do it, in my judgment, without the establishment of a select committee with subpoena power to develop the narrative of what happened, who is accountable, what do we do to make sure this never happens again.

I believe we ought to go back a ways, go back to 1999, when the Congress passed something called the Financial Services Modernization Act that took apart the Glass-Steagall Act that was put in place after the Great Depression, and it separated banking from risk. It said you cannot be involved in deposit-insured banking and then involved in real estate and securities as well.

In 1999, Congress passed legislation that said that is old-fashioned. Let's get rid of Glass-Steagall. Let's abolish Glass-Steagall. Let's create big financial holding companies for one-stop financial capabilities for everybody. I was one of eight to vote no. I said on the floor of the Senate 10 years ago that I think this will result in a big taxpayer bailout. I said that during the debate, not because I knew it but because I felt it. You cannot take apart the protections that existed after the Great Depression and somehow believe you are doing the country a favor. We were not.

We have to reconnect some of those protections and separate banking from the substantial risks that are involved in things such as the derivatives and some of the complex products with great risk that now exist as something called toxic assets deep in the bowels of some of the largest financial institutions of our country.

We have a lot to do and a lot to do in a hurry to try to fix what is wrong in this country. I said before that I do not think you can fix what is wrong unless you clean up the banking system. I understand a banking system is a circulatory system for an economy. You have to have a working system of finance.

I was asked the other day: Do you believe in nationalizing the banks?

I said: That is a word that is thrown around. I don't know what words to use. But I think perhaps for the biggest banks in the country that have failed that are loaded with massive, risky toxic assets and are now saying to the American taxpayers: Bail me out, but keep me alive because I have a right to exist because I am too big to fail, I said

I think instead we ought to run it through a banking carwash. Start at the front end—I know “banking carwash” is a goofy idea—start at the front end and when they come out new, you have gotten rid of the bad assets, keep the good assets, change the name, perhaps change their ownership, put them back up. We need banks, I understand that. But there is no inherent right with all the banks with the current names to exist if they ran into the ditch, taking on very big risks and then decide the taxpayers have to retain them because it is their inherent right to exist. I don't believe that is the case.

I do believe all of us have to find a way to put together this banking and financial system in a manner that works because business cannot exist without credit. We have plenty of businesses out there right now that have the capability to make money, have the capability to survive and get through this but cannot find credit. We have to find a way to put that together so our financial system works.

CUBA

I wish to make a couple points about a subject I did not talk about in recent days because there was a lot of controversy on the floor of the Senate over some provisions that I included in the omnibus bill dealing with Cuba. I wish to make a couple comments because much of the discussion has been inaccurate.

Fifty year ago, Fidel Castro walked up the steps of the capitol in Havana, having come from the mountains as a revolutionary. Fidel Castro turned Cuba into a Communist country. I have no time for Fidel Castro or the Communist philosophy of Cuba. But it has always been my interest to try to understand why we treat Cuba differently than we do other Communist countries.

China is Communist, Communist China. What is our policy with China? Engagement will be constructive; allow people to travel to China; trade with China; constructive engagement will move China in the right direction. That has always been our policy with respect to Communist China. I have been to China.

Vietnam is a Communist government. What is our policy? Engagement is constructive; travel to Vietnam; trade with Vietnam; constructive engagement will move Vietnam toward better human rights and greater freedoms. I have been to Vietnam.

That is our constructive approach with respect to Communist countries. Cuba? Different, an embargo with respect to Cuba, a complete embargo, which at one time even included food and medicine which, in my judgment, is immoral. In addition to an embargo, we said: We don't like Fidel Castro; so we are going to slap around the American people as well because we are going to prevent them from traveling

to Cuba. So we have people in the Treasury Department in a little organization called the Office of Foreign Assets Control, called OFAC, that at least until not long ago was spending 20 to 25 percent of its time tracking American citizens who were suspected of vacationing in Cuba.

Can you imagine that? The organization was designed to track terrorist money. But nearly a quarter of its time was spent trying to track whether Americans went to Cuba to take a vacation illegally. Let me show you some of what they have done.

This woman is named Joan Slote. I have met Joan. Joan is a senior Olympian bike rider. Joan went to Cuba to ride bicycle with a Canadian bicycling group. Canadians can go to Cuba, and she assumed it was legal for Americans also. She answered an ad in a bicycling magazine and said: Yes, I would like to bicycle in Cuba. So she went.

For going to bicycle in Cuba, she was fined \$7,630 by the U.S. Government under the Trading with the Enemy Act. Think of that, the Trading with the Enemy Act. This senior citizen bicyclist was fined by her Government. Then, because her son had a brain tumor and she was attending to her son in another State, she did not get this notice. So the Government took steps to threaten to attach her Social Security check. Unbelievable. This is unbelievable, in my judgment.

This is Joni Scott, a young woman who came to see me one day. She went to Cuba with a religious group to pass out free Bibles. You can guess what happened to her. Her Government was tracking her down to try to fine her for going to Cuba to pass out free Bibles. Why? Because we decided to punish Fidel Castro by not allowing the American people to travel to Cuba.

Here is Leandro. He is a Cuban American but he could not attend his father's funeral in Cuba. President Bush, by the way, changed the circumstances that Cuban Americans living in this country could travel to Cuba so they can go only once in 3 years rather than once in 1 year. Your mother is dying? Tough luck. Your father is dying? Tough luck. You can't go there. That policy is unbelievable to me.

This is a man I met, SGT Carlos Lazo. SGT Carlos Lazo fled from Cuba on raft and went to Iraq to fight for this country. He won a Bronze Star there. He is a great soldier. His sons were living in Cuba with their mother. One of his sons was quite ill. He came back from fighting in Iraq, and was denied the opportunity see his sick son in Cuba 90 miles away from Florida. That is unbelievable to me. In fact, we even had a vote on the floor of the Senate—we did it because I forced it—whether we were going to let this soldier go to Cuba to see his sons. We fell only a few votes short of the two thirds we needed to change the law.

My point is, our policies make no sense at all. We are going to slap around the American people because we are upset with Castro and Cuba. I am upset with Castro. I am upset with Cuba's policies. But with Communist China and Communist Vietnam, we say travel there, trade with them, constructive engagement moves them in the right direction.

John Ashcroft and I, when John Ashcroft was in the Senate, passed the first piece of legislation that opened a crack for American farmers to be able to sell food and for us to sell medicine in Cuba. We opened just a crack. There was a time a few years ago when the first train carloads of dried peas from North Dakota went to a loading dock to be shipped to Cuba.

President Bush decided: I am going to tighten up all that. I am going to tighten up family visits; I am going to tighten up and try to thwart the ability of farmers to sell food into Cuba. It made no sense to me. So in this omnibus legislation, I made the changes we have been talking about and debating for years; that is, restoring the right of family visits once a year rather than once in 3 years and a couple other changes to make it easier to export food and medicine to Cuba.

But I wish to make the point that some people on the floor of the Senate have claimed this legislation that was in the omnibus would extend U.S. credit to Cuba. It is flat out not true. There is nothing in these provisions that would extend credit to Cuba. In fact, the Ashcroft-Dorgan or Dorgan-Ashcroft legislation that allowed us to sell food into Cuba explicitly prohibits U.S. financing for food sales to Cuba. They cannot purchase food from us unless it is in cash, and the payments cannot even be conducted directly through an American bank. They have to run through a European bank for a cash transaction to buy American farm products. But at least the law allows us to compete with the Canadians, the Europeans, and others who sell farm products into Cuba.

These policies, in my judgment, have been a failure, dating back to 1960. There is no evidence at all that this embargo has been helpful.

I have been to Cuba. I have been to Havana. I talked with the dissidents who take strong exception and fought the Castro regime every step of the way, and a good number of those dissidents said to me this embargo we have with respect to Cuba is Castro's best excuse. Castro says: Sure our economy is in shambles. Wouldn't it be? Wouldn't you expect it to be if the 500-pound gorilla north of here has its fist around your neck? That is what the Castro regime says to excuse its dismal record—the economy, human rights, and all of it.

I, personally, think it is long past the time to take another look. I know Sen-

ator LUGAR also published some recommendations on Cuba policy recently. Sometime soon, Senator ENZI and I and others are going to talk about legislation we have introduced on this subject. It is long past the time to take another look at this issue and begin to treat Cuba as we treat Communist China and Communist Vietnam.

I think constructive engagement is far preferable because now the only voice the Cuban people hear effectively is the Castro voice, whether it is Raul or Fidel—I guess it is now Raul. That is the only thing they hear, and they need to hear more. Hearing more from a flock of tourists who go to a country such as Cuba would, in my judgment, open a substantial amount of new dialog. So I think travel and trade will be constructive, not just with China and Vietnam. I think there is evidence in both cases—I have been to both countries—that constructive engagement has moved forward in both countries in a measurable way.

Has engagement resulted in a quantum leap with china and Vietnam? No, but it is measurable. I think the same would be true with respect to Cuba.

What persuaded me to come to the floor to talk about this today was a discussion this past week on the floor regarding the provisions I sponsored on the bill we passed last night. I didn't engage in that discussion because we needed to move the omnibus bill.

I did want the Senate RECORD to understand and show exactly what the history has been and what we have done. What we have done, I think, is a very small step in the right direction. Much more needs to be done, whether it is saying to American farmers: You have a right to compete, you have a right to sell farm products without constraints. By the way, one of the provisions in the bill authorizes a general license that would make it easier for farm groups like the Farmers Union and Farm Bureau to go to an agriculture expo in Cuba to be able to sell their products. That is not radical. That is not undermining anything. That is common sense.

The drip, drip, drip of common sense in this Chamber could be helpful over a long period of time. This is just a couple small drops of common sense that I think will help us as we address the issue of Cuba.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. ALEXANDER. Madam President, I ask the Chair to let me know when I

have 2 minutes remaining. I believe we have 30 minutes allocated to us at this stage.

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. ALEXANDER. I thank the Chair.

Madam President, this is an important next 3 or 4 weeks for the United States. The President of the United States has outlined his 10-year blueprint for our country's future in the form of a budget. The budget is now before the Congress, and it is our job to consider it. We are doing that every day in hearings, and we are looking forward to the details the President will send later this month. But for the next 4 weeks, including this week, the major subject for debate in this Senate Chamber is this: Can we afford the Democrats' proposals for spending, taxes, and borrowing? And our view—the Republican view—is the answer is no.

As an example, in the 1990s, President Clinton and the Congress raised taxes, but they raised taxes to balance the budget. This proposal—and we will be discussing it more as we go along—will raise taxes to grow the government.

Not long ago, the President visited our Republican caucus, and we talked some about entitlement reform—the automatic spending that the government says we don't appropriate; mostly all of it is for Social Security, Medicare, and Medicaid—and he talked about the importance to him of dealing with entitlement spending. Senator MCCONNELL, the Republican leader, made a speech at the National Press Club to begin this Congress in which he said that he was going to say to this President: Let's work together to bring the growth in entitlement spending, automatic spending, under control. We had a summit at the White House, which we were glad to attend, about that.

But I say to Senator GREGG, the Senator from New Hampshire, who is the ranking Republican on the Budget Committee, I was disappointed to come back from the excellent meeting we had at the White House on fiscal responsibility and find, for example, that in this budget we have \$117 billion more for entitlement spending on Pell grants. So my question to the Senator from New Hampshire is: Does this budget actually reform entitlement spending, or does it not?

Mr. GREGG. I thank the Senator from Tennessee. I know the Senator from Tennessee will not be surprised to learn that there is no entitlement reform in this budget; that this budget, regrettably, dramatically increases entitlement spending.

The chart I have here reflects that increase. If you would use the present baseline on entitlement spending, that would be the blue. Now that is going up pretty fast. During this period, it

would go from \$1.2 trillion up to almost \$2.4 trillion. That is the baseline, if you did nothing. Now one would have presumed with that type of increase in entitlement spending, and the fact that this budget, as it is proposed, is going to run up a public debt which will double in 5 years and triple in 10 years, that it will create a deficit this coming year of \$1.7 trillion and a deficit in the last year of the budget of \$700 billion—deficits which are larger in the last years of this budget than have historically been those that we have borne as a nation over the last 20 years, and a debt which will go from \$5.8 trillion to \$15 trillion plus. One would have presumed that in that area where the budget is growing the fastest, and which represents the largest amount of cost, that this administration would have stepped forward and said: Well, we can't afford that; we have to try to slow the rate of growth of spending in that area, or at least not have increased it. But what the President's budget has done is they have proposed to dramatically increase the amount of spending in the entitlement accounts.

Most of this increase will come in health care. Now, people say, and legitimately so, that we have to reform our health care delivery system in this country; that we have to get better with health care in this country. But does that mean we have to spend a lot more money on it? No. We spend 17 percent of our national product, of what we produce as a nation, on health care. The closest country to us in the industrialized world only spends 11½ percent of their product on health care. So we have a massive amount of money we are spending on health care as an industrialized nation that is available to correct our health care system. We don't have to increase it even further.

What the President is proposing is to increase health care spending. As a downpayment, they are saying \$600 billion, but actually what they are proposing is \$1.2 trillion of new entitlement spending in health care. No control there. In addition, as the Senator from Tennessee noted, they are taking programs which have traditionally been discretionary, which have therefore been subject to some sort of fiscal discipline around here, because they are subject to what is known as spending caps on discretionary programs, and taking these programs and moving them over to the entitlement accounts. Why? Because then there is no discipline. You spend the money, and you keep spending the money, and there is no accountability. So they are taking the entire Pell program out of discretionary accounts and moving it over to entitlement accounts. As the Senator from Tennessee noted, this is over \$100 billion of new entitlement spending.

If we keep this up, what is it going to do? Essentially, what it is going to do is bankrupt our country, but it will

certainly bankrupt our kids. We are going to pass on to them a country which has this massive increase in debt—something our children can't afford, as I mentioned earlier—a debt which will double in 5 years because of the spending, and triple in 10 years. Almost all of this growth in debt is a function of the growth of the entitlement spending in this program. Although there is a considerable amount of growth in discretionary, the vast majority of this increase is in spending for entitlement programs.

To put it another way, and to show how much this is out of the ordinary and how much this is a movement of our government to the left—an expansion of government as a function of our society—this chart shows what historically the spending of the Federal Government has been. It has historically been about 20 percent of gross national product. That has been an affordable number. Granted, we have run deficits during a lot of this period, but at least it has been reasonably affordable. But this administration is proposing in their budget that we spike the spending radically next year, which is understandable because we are in the middle of a very severe recession and the government is the source of liquidity to try to get the economy going. So that is understandable. Maybe not that much, but maybe understandable. It is more than I would have suggested, but I will accept that. The problem is out here, when you get out to the year 2011, 2012, and 2013, when the recession is over. When the recession is over, they do not plan to control spending. They plan to continue spending on an upward path so it is about 23 percent of gross national products.

What does that mean? That means we are going to run big deficits, big debt, and all of that will be a burden and fall on the shoulders of our children. Our children are the ones who have to pay this cost.

Mr. ALEXANDER. At this point, let me ask the Senator from New Hampshire a question. I have heard you say, and I believe I said a moment ago, that in the 1990s, President Clinton raised taxes, as President Obama is planning to raise taxes, but that President Clinton used it to reduce the deficit.

Mr. GREGG. Yes. When President Clinton raised taxes in the mid 1990s, and a Republican Congress came into play, we controlled spending. He got his tax increase, the deficit went down, because the tax increase was put to reducing the deficit. What President Obama is proposing is that he increase taxes by \$1.4 trillion—the largest tax increase in the history of our country. Is it going to be used to reduce the deficit? No, just the opposite. It is going to be used to grow the government and allow the government to now take 23 percent of gross national product instead of the traditional 20 percent.

So you can't close this gap. Basically, all the new taxes in this bill—and there are a lot of them. There is a national sales tax on everybody's electric bill, a tax which is basically going to hit most every small business in this country and make it harder for them to hire people; and a tax which limits the deductibility of charitable giving and of home mortgages. All these new taxes are not being used to get fiscal discipline in place, to try to bring down the debt, or limit the rate of growth of the debt, or to limit the size of the deficit. They are being used to explode—literally explode—the size of the Federal Government, with ideas such as nationalizing the educational loan system, ideas such as quasinationalization of the health care system, which is in here, and massive expansion of a lot of other initiatives that may be worthwhile but aren't affordable in the context of this agenda.

So this budget is a tremendous expansion in spending, a tremendous expansion in borrowing, and a tremendous expansion in taxes. And it is not affordable for our children.

Mr. ALEXANDER. I wonder if I may ask the Senator from New Hampshire about this. Some people may say, with some justification: You Republicans are complaining about spending, yet in the last 8 years you participated in a lot of it yourself. How would you compare the proposed spending and proposed debt over the next 10 years in this blueprint by the Obama administration with the last 8 years?

Mr. GREGG. That is a good point, and that has certainly been made by the other side of the aisle: Well, under the Bush administration all this spending was done and this debt was run up.

In the first 5 years of the Obama administration, under their budget—not our numbers, their numbers—they will spend more and they will run up the debt on the country more and on our children more than all the Presidents since the beginning of our Republic—George Washington to George Bush. Take all those Presidents and put all the debt they put on the ledger of America, and in this budget President Obama is planning to run up more debt than occurred under all those Presidents. It is a massive expansion in debt.

It is also an interesting exercise in tax policy. Now, I know we are not talking so much about taxes today, but I think it is important to point out that when you put a \$1.4 trillion tax increase on the American people, you reduce productivity in this country rather dramatically. One of the unique things about President Bush's term was that he set a tax policy which actually caused us to have 4 years—prior to this massive recession, which is obviously a significant problem and a very difficult situation—but for the runup during the middle part of his

term right up until this recession started, the Federal Government was generating more revenues than it had ever generated in its history. Why was that? Because we had a tax policy which basically taxed people in a way that caused them to go out and be productive, to create jobs, and to do things which were taxable events.

Unfortunately, what is being proposed here, under this administration's tax policy, is going to cause people to do tax avoidance. Instead of investing to create jobs, they will go out to invest to try to avoid taxes, and that is not an efficient way to use dollars. The practical effect is it will reduce revenues and increase the deficit. So on your point, the simple fact is, as this proposal comes forward from the administration, it increases the debt of the United States more in 5 years than all the Presidents of the United States have increased the debt since the beginning of the Republic.

Mr. ALEXANDER. I see the Senator from Arizona, who is a longtime member of the Senate Finance Committee and pays a lot of attention to Federal spending and is the assistant Republican leader. I wonder, Senator KYL, as you have watched the Congress over the years, to what do you attribute this remarkable increase in spending? We heard a lot of talk last year about change, but this may be the kind of change that produces a sticker shock. It may be a little bit more change in terms of spending than a lot of Americans were expecting.

Mr. KYL. Mr. President, I appreciate the question of my colleague from Tennessee. I also compliment the ranking member of the Budget Committee, the Senator from New Hampshire, who has tried to deal with budgets all the time he has been in the Senate.

If I could begin by just asking him one question: How would you characterize this budget proposed by the President as compared with others, in terms of the taxes and the spending and the debt created? Is there some way to compare it with all of the other budgets that you have worked with, including all of the Bush budgets?

Mr. GREGG. It has the largest increase in taxes, the largest increase in spending, and the largest increase in debt in the history of our country.

Mr. KYL. Mr. President, I first would answer my colleague from Tennessee. We ought to be spending less and taxing less and borrowing less. Our minority leader asked his staff to do some calculations. Just from the time that the new President raised his hand and was inaugurated as President, how much money have we spent? They calculated that we have spent \$1 billion every hour. That is just in the stimulus legislation, this omnibus bill that was just passed last night, which is 8 percent over the stimulus bill, and we have not even added in the spending

that is going to occur as a result of this budget which, as the Senator from New Hampshire said, in just the first year is a third more spending than even the previous year—\$3.55 trillion.

In addition to that, it makes much of the so-called temporary spending in the stimulus bill permanent. Some of us predicted that would happen, that when they have a new program in the stimulus bill they surely wouldn't cut it off after 2 or 3 years. We said they will probably make it permanent. Sure enough, and the ranking member on the Budget Committee can speak to that better than I, but a great many of these programs are made permanent. On health care, for example, the Senator from New Hampshire talked about that, but there is no effort to control entitlements. In fact, Medicare, Medicaid, and Social Security all rise between 10 and 12 percent, Medicare itself by \$330 billion. This is increased spending, and it is permanent programs.

We also wondered what would happen with respect to the Federal Government's growth as a result. According to a March 3 Washington Post article, "President Obama's budget is so ambitious, with vast new spending on health care, energy independence, education, services for veterans, that experts say he probably will need to hire tens of thousands of new Federal Government workers to realize his goals." According to the article, estimates are as high as 250,000 new Government employees will have to be hired to implement all of this spending.

I know we want to create jobs in this economy, but I wonder if the American people intended that we create a whole bunch of new Government bureaucrats to spend all of this money.

This is not responsive to my colleague's question, but the one area where we do not have high unemployment is Government jobs. The unemployment in the country is about 8 percent now. In Government jobs it is between 2 percent and 3 percent, so that is not an area we needed to grow more jobs.

Mr. ALEXANDER. I wonder if I might ask the Senator from Arizona, one might look at the chart Senator GREGG has up and say that is not too big an increase in Federal spending, but of course the United States produces about 25 percent of the world's wealth. When we go up on an annual basis by a few percentage points, it begins to change the character of the kind of country we have.

How do you see this kind of dramatic increase in spending and taxing and debt affecting the character of the country as compared with, say, countries in Europe or other countries around the world?

Mr. KYL. Mr. President, I would say that is getting to the heart of the matter. We can talk about these numbers all day. They are mind-boggling, they

are very difficult to take in. But what does it all mean at the end of the day? I will respond in two ways.

First of all, it makes us look a whole lot more like the countries in Europe that have been stagnating for years because they spend such a high percent of their gross national product on government. As the Senator from New Hampshire pointed out, we are headed in that direction under this budget. It is a recipe for a lower standard of living in the United States and makes us look a lot more like Europe.

The second way goes back to the policy I think is embedded in this budget. The President has been very candid about this. He talks about it as his blueprint. He says this budget is not about numbers, it is about policies; it is about a blueprint for change. The Wall Street Journal on February 27 said:

With yesterday's fiscal 2010 budget proposal, President Obama is attempting not merely to expand the role of the federal government but to put it in such a dominant position that its power can never be rolled back.

That is the problem. It is the growth of Government controlling all of these segments of our lives. That is what this spending is ultimately all about, as the Senator from New Hampshire said, taking over the energy policy, taking over the health care, taking over the education policy, as well as running our financial institutions. It is not just about spending more money and creating more debt and taxing in order to try to help pay for some of that. It is also about a huge increase in the growth of Government and therefore the control over our lives.

In a way, the Wall Street Journal says, "In a way that can never be rolled back."

Mr. ALEXANDER. I wonder if either the Senator from Arizona or New Hampshire would have a comment on the way that spending was accomplished in the stimulus bill. For example, in the Department of Education, where I used to work, the annual budget was \$68 billion. But the stimulus added \$40 billion per year to the department's budget for the next 2 years. There were no hearings. There was no discussion about this. No one said: Are we spending all the money we are spending now in the right way, and if we were to spend more would we give parents more choices? Would we create more charter schools? Would we, as the President said yesterday, of which I approve, spend some money to reward outstanding teachers?

What about the way this is being spent on energy, education, and Medicaid, for example?

Mr. GREGG. I think the Senator is absolutely right. The stimulus package was a massive unfocused effort by people to fund things they liked. I don't think it was directed at stimulus. It

was more directed at areas where people believed there needed to be more money, people who served on the Appropriations Committee, and therefore they massively funded those areas. Between the stimulus bill and the omnibus bill, there were 21 programs which received on average an 88-percent increase in funds for 2009 compared to 2008; \$155 billion more was spent on those programs for this year than last year. That is just a massive explosion in the size of the Government. It is inconsistent with what the purposes of a stimulus package should have been.

The stimulus package should have put money into the economy quickly for purposes of getting the economy going. What this bill did was basically, as you mentioned earlier, build programs that are going to be very hard to rein in. The obligations are there. They are going to have to be continued to be paid for, and, as the Senator from Arizona pointed out, that was probably the goal: to fundamentally expand the size of Government in a way that cannot be contracted.

Take simply, for example, a very worthwhile exercise which is NIH. They received an extra \$10 billion, I believe, on the stimulus package, for 2 years of research. Research doesn't take 2 years. Research takes years and years and years, so you know if you put in that type of money up front you are going to have to come in behind it and fill in those dollars in the outyears.

They basically said you are going to radically expand the size of this initiative. The same thing happening in education. The same thing happening in health care. That is where this number goes up so much, 23 percent of gross national product, and it goes up from there. The only way you pay for it is basically taxing our children to the point they cannot have as high a quality of life as we have.

Mr. ALEXANDER. I heard the Senator from Arizona say it was not just a \$1 trillion stimulus package, that by the time you add in all these projected costs in the future, it might be much more.

Mr. KYL. I think the number was \$3.27 trillion. I believe that was the correct number over the time of the 10 years.

The Senator from Tennessee certainly knows a bit about education. It all was not spent. There were some policies that actually attempted to reduce some costs—of a program that works very well, that thousands of people in the District of Columbia depend upon to send their kids to good schools. That is the program we put into effect to give a voucher of \$7,500 a year to kids to attend private schools, kids who would never have that opportunity otherwise.

If I could ask a question of my colleague from Tennessee, since as former Secretary of Education he knows some-

thing about how to make sure our kids have the best opportunities for education in this country, why, with the District of Columbia costing about \$15,000 a year to educate children and not doing a very good job of it according to all of the test scores, and thousands of parents wishing their kids had an alternative choice, somewhere else to go—when we create a program that provides a few of them, less than 2,000 a year, I believe, with a voucher that returns only half of that much money to the private school—\$7,500, so it doesn't cost the public anything—why, when it gives these kids such a great opportunity, would our colleagues on the other side of the aisle, and the President, whose two daughters, by the way, attend one of the schools that kids would have to be taken out of because they can't afford to go there without the voucher—why would they remove that school choice and the voucher program?

Mr. ALEXANDER. It is very hard to imagine, Senator KYL. Just to make the point we are not being personal about that, my son attended the same school that the President's daughters attend when we were here and I was Education Secretary.

School vouchers may not be the solution in every rural county in America, but in the District of Columbia, 1,700 children who are low-income children have a chance to choose among private schools, their parents are delighted with the choice, and a study is coming out this spring to assess what they are learning. I do not know the motive behind this, but I do know the National Education Association has made its reputation opposing giving low-income parents the same choices that wealthy people have. That is a poor policy and one we ought not to have stuck on an appropriations bill like that.

The President has shown good instincts on education. His Education Secretary is a good one. But had we had a chance to debate this in committee and to hear from them, perhaps we could have had a bipartisan agreement that we need to pay good teachers more, we need more charter schools, and we need to give parents some more choices like these District of Columbia parents.

I know our time is running short. I wonder if the Senator from New Hampshire has any further thoughts about spending.

Mr. GREGG. I thank the Senator from Tennessee for taking this time. I think it all comes down to these numbers. Really, what does spending do? Sure it does a lot of good things, but in the end, if you don't pay for it, it makes it more difficult for our country to succeed and for our children who inherit the debts to succeed. When you double the debt in 5 years because of the spending, and you triple it in 10 years, you are absolutely guaranteeing

that you are passing on to our children a country where they will have less opportunities to succeed than our generation. That is not fair. It is simply not fair for one generation to do this to another generation. Yet that is what this budget proposes to do: to run up bills for our generation and take them and turn them over to our children and grandchildren at a rate greater than ever before, a rate of spending greater than has ever been seen before, and a rate of increasing the debt that has never been conceived of before, that you would triple the national debt in 10 years.

It is not fair, it is not right, it is not appropriate, and it certainly is a major mistake, in my opinion.

Mr. ALEXANDER. Senator KYL, to conclude our discussion, this is the beginning of a process in the Senate in which everyone in this country can participate. We are asking that they consider: Can you afford this amount of spending, this amount of borrowing, this amount of taxes? There is a different path we could take toward the future.

Mr. KYL. Indeed. Mr. President, I thank the Senator from Tennessee. As this debate unfolds, I think our colleagues will see that Republicans have some better ideas. We want to spend less and tax less and borrow less. We believe we can accomplish great results in the field of energy, for example, in the field of education, in the field of health care—much more positively, much better results in the long run with a lot less burden on our children and our grandchildren in the future.

As this debate unfolds, we are very anxious to present our alternative views on how to accomplish these results.

The PRESIDING OFFICER (Mr. CARDIN.) The Senator is notified that 28 minutes has elapsed.

Mr. ALEXANDER. I thank the Senator from Arizona for his leadership and the Senator from New Hampshire for his views.

This is the beginning of a discussion about a 10-year blueprint offered by our new President about the direction in which our country should go. We on the Republican side believe American families cannot afford this much new spending, this many new taxes, and this much new debt. We will be suggesting why over the next 3 or 4 weeks, and in addition to that we will be offering our vision for the future. For example, on energy, some things we agree with, such as conservation and efficiency; some things we would encourage more of, such as nuclear power for carbon-free electricity.

This is the beginning of a very important debate, and the direction in which it goes will dramatically influence the future of this country and make a difference to every single family, not just today's parents but children and their children as well.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the time be equally charged to each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I rise today with great concern regarding the nomination of Mr. David Ogden to serve as the Deputy Attorney General of the United States. There is no doubt that Mr. Ogden has a long record of legal experience. He also, however, brings a long history of representation of the pornography industry and the opposition to laws designed to protect children from sexual exploitation.

He opposed the Children's Internet Protection Act of 2000 that would restrict children's exposure to explicit online content. Mr. Ogden filed an amicus brief supporting the American Library Association in a case that challenged mandatory anti-obscenity Internet filters in public libraries. He treated pornography like informative data, writing that the "imposition of mandatory filtering on public libraries impairs the ability of librarians to fulfill the purposes of public libraries—namely, assisting library patrons in their quest for information. . . ."

Mr. Ogden also argued against laws requiring pornography producers to verify that models were over 18 at the time their materials were made. Think of that. He challenged the Child Protection and Obscenity Enforcement Act of 1988 and a companion law adopted in 1990, the Child Protection Restoration and Penalties Enhancement Act. Mr. Ogden argued that requiring pornography producers to personally verify that their models were over age 18 would "burden too heavily and infringe too deeply on the right to produce First Amendment-protected material."

Among the many cases in which Mr. Ogden has advocated interests of the pornography industry, none is more egregious than the position he took in *Knox v. the United States*.

The facts in the next case are straightforward. Steven Knox was convicted of receiving and possessing child pornography under the Child Protection Act after the U.S. Customs Service found in Mr. Knox's apartment several videotapes of partially clothed girls, some as young as age 10, posing suggestively. Serving as counsel on an ACLU effort, Mr. Ogden argued to strike down the 1992 conviction of Mr.

Knox. On behalf of the ACLU and other clients, Mr. Ogden submitted a Supreme Court brief advocating the same statutory and constitutional positions as the Clinton Justice Department. Mr. Ogden's arguments stated that while nudity was a requirement for prosecution, nudity alone was insufficient for prosecutions under child pornography statutes. Put simply, Mr. Ogden argued that the defendant had been improperly convicted because the materials in his possession would only qualify as child pornography if children's body parts were indecently exposed.

In response, on November 3, 1993, the Senate, right here, passed a resolution by a vote of 100 to 0 condemning this interpretation of the law by Mr. Ogden. President Clinton then publicly rebuked the Solicitor General, and Attorney General Reno overturned his position. Now the Senate is being asked to confirm as Deputy Attorney General someone who advocated the same extreme position on a Federal child pornography statute that the Senate unanimously repudiated 16 years ago.

The Supreme Court has "recognized that there is a compelling interest in protecting the physical and psychological well-being of minors. This interest extends to shielding minors from the influence of literature that is not obscene by adult standards." Pornography should not be regarded as immune from regulation simply because it is deemed "free speech."

Furthermore, child pornography in any form should not be tolerated. How can Mr. Ogden's clear position on the right to unfettered access to pornography not interfere with the Justice Department's responsibility to protect children from obscene material and exploitation?

When asked about this very issue at the Senate hearing on his nomination, Mr. Ogden said he hoped he would not be judged by arguments made for clients. If we cannot judge him on his past positions, what can we judge him on? Past performance is a great indicator of future action.

David Ogden is more than just a lawyer who has had a few unsavory clients. He has devoted a substantial part of his career, case after case for 20 years, in defense of pornography. Ogden has profited from representing pornographers and in attacking legislation designed to ban child pornography. Should a man with a long list of pornographers as past clients, with a record of objection to attempts to regulate this industry in order to protect our children, be confirmed for our Nation's second highest law enforcement position? Is he the best choice to actively identify and prosecute those who seek to harm our children?

Highlights of the Department of Justice's budget request for the year 2010 indicate an increased focus on educating and rehabilitating criminals,

while neglecting funding for vital child-safety programs such as the Adam Walsh Act. I believe Mr. Ogden's past positions, coupled with the Department's growing trend to prioritize criminal rehabilitation over child safety, cause me great concern this afternoon.

There is not a quick and easy solution to the problems of child exploitation, but I can state unequivocally that we need a proactive and aggressive Department of Justice to take the steps necessary to attack this problem and demonstrate that protecting our children is a top priority. I am not certain David Ogden will bring that leadership to the Department; therefore, I must oppose this nomination.

This vote is made with the belief that a person's past legal positions do mean a great deal. I think if most Americans knew what this man has worked for and whom he has willingly represented, support for his nomination would disappear. I do not believe his legal philosophy, illustrated in the clients he freely chose to represent, reflects the majority's views on the issue of child exploitation. I know certainly they do not reflect mine.

TRAGEDY IN ALABAMA

Mr. SHELBY. Mr. President, I want to get into something else you have been reading about what happened in my State of Alabama yesterday. I offer my condolences to the families and friends of the victims killed in Samson, AL.

Yesterday, my State of Alabama suffered the worst mass shooting in our State's history. As this tragedy unfolded, our law enforcement responded bravely. I commend them for their actions and efforts. I also offer my sincere sympathies to the victims, their families, and the community. This is a tragedy that did not have to happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

(The remarks of Mr. LEVIN and Mr. GRASSLEY pertaining to the introduction of S. 569 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Madam President, I rise to speak about the nomination of David Ogden to be Deputy Attorney General of the Department of Justice.

To summarize what I see in the RECORD, what I have read, I am very disappointed in the Obama administration for nominating this individual who is obviously talented but has also obviously chosen to represent, sometimes on a pro bono basis, groups that push pornography. He even represented interests against child pornography laws that we have passed by unanimous votes in the Senate.

Here is a gentleman who has taken up these causes as a lawyer. I appreciate his skill and ability as a lawyer. I appreciate his willingness to represent a client. But he has chosen to consistently represent pornography companies and groups. Even against the unanimous opinion of this body on child pornography cases, he has taken the other side. The message that sends across the country to people—when we are struggling with a huge wave of pornography, and then, at the worst end of it, child pornography—the message it sends around the rest of the country is this is a Justice Department that is not going to enforce these child pornography laws or is not concerned about this, when we have an epidemic wave of pornography, and particularly of child pornography, that is striking across the United States, and that this is harming our children. It is harming our society overall. Now, at the second to the top place of enforcement, you are putting your Deputy Attorney General who has taken on these cases, and sometimes in a pro bono manner.

I have no doubt of his legal skills. But the message this sends across the country to parents, who are struggling to raise kids, is not a good one. Our office has been receiving all sorts of calls opposed to Mr. Ogden's nomination because of that very feature—and deeply concerned calls because they are struggling within their own families to try to raise kids, to try to raise kids responsibly, and to try to raise them in a culture that oftentimes is very difficult with the amount of violent material, sexual material that is out there, and hoping their Government can kind of back them a little bit and say: These things are wrong. Child pornography is wrong. It should not take place. It should not be on the Internet. And you should not participate in it.

Instead, to then nominate somebody who has represented groups supporting that dispirits a number of parents and says: Is not even my Government and its enforcement arms going to take this on? Are they not going to be concerned about this, as I am concerned about it as a parent? I see it pop up on the Internet, on the screen, at our home way too often, and I do not want to see this continue to take place. Then along comes this nominee, who knocks the legs out from under a number of parents.

I want to give one quick fact on this that startled me when I was looking at

it. It is about the infiltration of pornography into the popular culture, and particularly directly into our homes, and now it is an issue that all families grapple with, our family has grappled with. My wife and I have five children. Three of them are out of the household now. We still have two of them at home. We grapple and wrestle with this. Once relatively difficult to procure, pornography is now so pervasive that it is freely discussed on popular, prime-time television shows. The statistics on the number of children who have been exposed to pornography are alarming.

A recent study found that 34 percent of adolescents reported being exposed to unwanted—this is even unsolicited; unwanted—sexual content online, a figure that, sadly, had risen 9 percent over the last 5 years. Madam President, 9 out of 10 children between the ages of 8 and 16 who have Internet access have viewed porn Web sites—9 out of 10 children between the ages of 8 and 16 who have Internet access have viewed porn Web sites—usually in the course of looking up information for homework.

It is a very addictive situation we have today. I held a hearing several years back about the addictiveness of pornography, and we had experts in testifying that this is now the most addictive substance out in the U.S. society today because once it gets into your head, you cannot like dry off or dry out of it.

The situation is alarming on its impact on marriages. There is strong evidence that marriages are also adversely affected by addiction to sexually addictive materials. At a past meeting of the American Academy of Matrimonial Lawyers, two-thirds of the divorce lawyers who attended said that excessive interest in online pornography played a significant role in divorces in the previous year. That is two-thirds of the divorce lawyers saying this is getting to be a situation that is impacting so many of our clients and is so pervasive.

While David Ogden possesses impressive academic credentials, and he certainly is a talented lawyer, he has also represented several clients, significant clients, with views far outside the mainstream, and he has not, to my satisfaction, disavowed the views of these clients. He was given every chance to in hearings. He was trying to be pinned down by people on the committee about: What are your views? I understand your clients' views. What are your views? And he would not respond to those.

He said: Well, these are views of my clients. I understand the views of your clients. If they are pushing pornography, child pornography, want to have access to this, I understand that. What are your views? And he demurred each time and would not respond clearly.

Based on that record, I am led to believe it is highly likely David Ogden

may share the views of some of his clients—of those who have supported pornography—and I cannot trust him to enforce some of our Nation's most important antichild pornography laws—laws that he has a history of arguing are unconstitutional. That is a position he took as a lawyer: that these are unconstitutional, antichild pornography laws.

In an amicus brief David Ogden filed in *United States v. American Library Association*, he argued that the Children's Internet Protection Act, which requires libraries receiving Federal funds to protect children from online pornography on library computers, censored constitutionally protected material and that Congress was violating the first amendment rights of library patrons. Now, that was the position David Ogden took.

In a response to written questions submitted by Senator GRASSLEY after his confirmation hearing, David Ogden indicated he served as pro bono counsel—for people who are not lawyers, that means he did it for free—in this case, further calling into question his personal views. If you are willing to represent a client for free, it seems to me there is some discussion or possibility you may really share your client's views on this issue regarding access to online pornography at libraries.

The Children's Internet Protection Act passed this body, the Senate, by a vote of 95 to 3 back in 2000. Ninety-five Members of this body believed the Children's Internet Protection Act was an appropriate measure to protect children from Internet filth and was constitutional because our duty, as well, is to stand for the Constitution and to abide by the Constitution and uphold it.

How can we trust David Ogden to enforce this law when he argued against it as a pro bono counsel?

In another very disturbing case, *Knox v. the United States*, in which Stephen Knox was charged and convicted for violating antichild pornography laws—these are child pornography laws but child pornography laws which I think are in another thoroughly disgusting category—David Ogden filed a brief on behalf of the ACLU and others challenging the Federal child pornography statutes. At issue in this case was how child pornography is defined under the Federal statutes.

I am sure many of my colleagues will remember the controversy that surrounded this case. As you may recall, Stephen Knox was prosecuted by the Bush Justice Department—during the first Bush Presidency—and ultimately convicted, after U.S. Customs intercepted foreign videotapes he had ordered. By the time his conviction was appealed, however, President Clinton was in office, and the Justice Department changed its position on Knox's

conviction. Drew Days, Clinton's Solicitor General at the time, chose not to defend the conviction of Knox.

The Clinton Justice Department said: Yes, he is convicted, but we are not going to prosecute this. But the Senate, by a vote of 100 to 0—which is really rare to get around this place—and the House, by a vote of 425 to 3, rejected the Clinton Justice Department's interpretation of the child porn laws. The Senate unanimously said: Prosecute this. Prosecute this child pornography case.

David Ogden was on the wrong side of this case. I urge my colleagues to consider whether a man who has taken such extreme positions on pornography, and especially child pornography, can be trusted to enforce Federal laws prohibiting this cultural toxic waste. I am not convinced that David Ogden does not share the views he advocated in the Knox case, and I am concerned that at the very least he may be sympathetic to the views of his former clients.

I hope David Ogden proves me wrong and he demonstrates a strong willingness to enforce Federal child pornography and obscenity laws. These laws are on the books. I hope he enforces them. But I cannot in good conscience vote in favor of his nomination given his past record and the positions he has taken. His past positions have been far too extreme and outside of the mainstream for me, or I think for most Americans, and certainly for most parents, to be able to support him to be No. 2 in command of the Justice Department that enforces these laws.

I realize many of my colleagues, and likely the majority, are going to cast their votes in favor of David Ogden. Before they do, I ask them to please consider the negative impact pornography has had—and particularly child pornography has had—on this society and the important role the Justice Department plays in protecting children from obscene and pornographic material, particularly child pornography.

The infiltration of pornography into our popular culture and our homes is an issue that every family now grapples with. Once relatively difficult to procure, it is now so pervasive that it is freely discussed all over. Pornography has become both pervasive and intrusive in print and especially on the Internet. Lamentably, pornography is now also a multibillion-dollar-a-year industry. While sexually explicit material is often talked about in terms of "free speech," too little has been said about its devastating effects on users and their families.

According to many legal scholars, one reason for the industry's growth is a legal regime that has undermined the whole notion that illegal obscenity can be prosecuted. The Federal judiciary continues to challenge our ability to protect our families and our children

from gratuitous pornographic images, and we must have a Justice Department that is committed to combating this most extreme form of pornography.

Perhaps the ugliest aspect of the pornographic epidemic is child pornography. This is where Mr. Ogden's record is most disturbing because he is outside of even the minimal consensus on pornographic prosecutions that exist. Children as young as 5 years old are being used for profit in this, regrettably, fast-growing industry. While there has been very little consensus on the prosecution of even the most hardcore adult pornography, there has been widespread agreement on the necessity of going after the purveyors of child porn. Despite this agreement, this exploitive industry continues to thrive. Every day, there are approximately 116,000 online searches for child pornography—116,000. I think we can all agree that we have a duty to protect the weakest members of our society from exploitation and from abuse.

I fear David Ogden will be a step backward—and certainly sends that signal across our society and to our parents and our families in this effort to combat this most dangerous form of pornography. For those reasons, I will be casting a "no" vote on his confirmation.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OBAMA BUDGET

Mr. HATCH. Madam President, a couple weeks ago the Obama administration released an outline of its budget plan for fiscal year 2010. The budget is a plan that reflects the President's agenda and priorities for the fiscal year.

The document with which most of our colleagues are quite familiar with by now is entitled, "A New Era of Responsibility—Renewing America's Promise." While this is a nice title for which I commend the President, it does not sound like the appropriate name for a work of fiction. Because of the impact of the policies outlined in this budget, a more fitting title might be, "How To End America's Global Leadership and Prosperity Without Really Trying." Even better, it sounds more like a 1973 Disney animation entitled "Robinhood."

In this Oscar-nominated movie about a legendary outlaw, I think a colloquy between Little John and Robinhood sums it up best. Little John said:

You know somethin', Robin? I was just wonderin', are we good guys or bad guys? You know, I mean our robbing the rich to give to the poor.

Robinhood responded:

Rob? Tsk, tsk, tsk. That's a naughty word. We never rob. We just sort of borrow a bit from those who can afford it.

Simply stated, this budget declares war on American jobs and on the ability of American businesses to save or create them. It is biting irony, since on the first page of the budget message the President said that the time has come, "not only to save and create new jobs, but also to lay a new foundation for growth."

The only thing this budget lays the foundation of growth for is more Government spending and more taxes.

Indeed, this budget is so bad, it is hard to know where to begin to describe what is wrong with it. But let's start with the tax provisions beginning on page 122 of the budget. Right there in black and white are the administration's plans to increase taxes on American businesses—the only entities that can create and save jobs on a permanent basis—by a minimum of \$1.636 trillion over 10 years. I say "minimum" because the total amount may be much higher, as I will explain a little later in my remarks.

This budget is a masterpiece of contradiction. For example, it promises the largest tax increases known to humankind while promising tax cuts to 95 percent of working families. In reality, the President wants to play Robinhood by redistributing trillions of dollars from those who already pay the lion's share of this Nation's income taxes and give a significant portion of it, through refundable tax credits, to those who now pay no income taxes at all.

The budget promises millions of jobs to be saved or created but takes away the very means for the private sector to perform this job creation through increases in capital gains taxes, carried interest, and the top individual rates where most business income is taxed.

The budget is also contradictory to stimulating the economy. On one hand, it claims to provide \$72 billion in tax cuts for businesses, but on the other hand, the budget raises \$353 billion in new taxes on businesses, not counting the hundreds of billions—perhaps trillions—more in so-called "climate revenues."

The budget decries the role of housing in bringing about our economic crisis. It reduces the value of millions of homes by reducing the value of the home mortgage interest deduction. The budget talks about struggling families but reduces the incentive for taxpayers with the means to donate to charity to do so.

The President claims this budget is free from the trickery and budget gimmicks that have characterized those of previous administrations, but he then

assumes the extension of all the 2001 and 2003 tax relief and the AMT patch into the baseline and then eliminates some of the same tax relief and counts it as new revenue. I could go on and on about other contradictions and ironies in this budget outline, and this is likely just a preview. Wait until we get all the details.

The budget outline indicates tax increases of \$990 billion over the next 10 years in so-called "loophole closers" and "upper income tax provisions dedicated to deficit reduction." This is in addition to at least \$646 billion more in so-called "climate revenues."

In short, President Obama is proposing to raise taxes at a time when we are in a recession. The last time we raised taxes during a recession, we went into a depression.

The President claims these tax hikes will not take effect until 2011, when he believes the economy will recover. This is in itself a huge contradiction. Why is it not a good idea to raise taxes this year, but it is OK to do so 2 years hence, when most economists believe we will just begin to recover from the most serious downturn since the 1930s? Huge new taxes in 2011 may be as dangerous to our long-term recovery as putting them in place right now. I find it very interesting that the new administration and many of our colleagues on the other side of the aisle recognize tax increases have a negative effect on economic growth. So please explain again why they would be a good idea 2 years from now. If the President believes the economy will have recovered by 2011, then why does he keep using the fear of a looming, deep recession to push forward his spending projects? Is it because he knows the economy will rebound with or without the "Making Work Pay" tax credit for funding for infrastructure? This budget would make the Making Work Pay tax credit permanent. If this credit, which costs the taxpayers \$116 billion for just 2 years in the stimulus bill and would cost more than half a trillion dollars over 10 years in this budget, is a stimulus measure, as we were told, why is it included in the President's budget beyond 2011, when he predicts the economy to recover?

Let us take a look at the single largest tax increase proposal in the history of the world—a huge tax on middle-income people—the so-called "climate revenues" that are listed at \$646 billion over 10 years. The proponents of this job-killing idea call it a "cap-and-trade" auction, but it is, in reality, nothing more than a gargantuan new tax on American businesses. Moreover, a close look at the footnotes of the tables reveals that this \$646 billion is not even the extent of this new tax on American industry. The footnotes indicate this is just the portion of the new tax hike that will be used to pay for the Making Work Pay credit perma-

nent and for clean energy initiatives. Additional revenues will be used to "further compensate the public." It sounds like more income distribution to me.

In a briefing of staff last week, top administration officials admitted these revenues could be two to three times higher than the \$646 billion listed in the budget. That means this tax could reach as high as \$1.9 trillion—a \$1.9 trillion tax increase. That is insane. So what we have in this first part is a brandnew tax increase on the industrial output of the United States of America, a tax that has never been levied before and which could raise as much as \$1.9 trillion over 10 years, and this budget says it is all right because the proceeds of the new tax will go to "compensate the public."

Now, this \$1 trillion-plus tax increase will mean businesses will have less money to hire new employees or pay salaries of existing employees. How are we going to compensate the hundreds of thousands or perhaps millions of workers who are employed by these industries when they lose their jobs because their companies can no longer compete because of this new tax? Will that be part of "compensating the public"?

The next highest category of tax increases is almost as bad. The budget outline indicates it would raise \$637 billion over 10 years by allowing some of the job-creating tax cuts from 2001 and 2003 to expire at the end of 2010. Now, these massive tax increases are touted as hitting only the so-called wealthy in our society; those who, in another part of the budget—page 14—are referred to as the few "well off and well connected" on whom the Government "recklessly" showered tax cuts and handouts over the past 8 years.

What this gross mischaracterization does not say is, many of these same individuals are the ones who have the ability to save or create the very jobs we need to turn our economy around.

What the Obama administration and many Democrats in Congress refuse to recognize is the fact that a majority of the income earned by small- and medium-sized businesses in America is taxed through the individual tax system. In other words, many of these small businesses pay their taxes as individuals, and they will thus be subject to these huge tax increases.

According to the National Federation of Independent Businesses, over half the Nation's private sector workers are employed by small businesses. Moreover, 50 percent of the owners of these businesses fall into the top two tax brackets which are the ones being targeted for big tax increases by the Obama budget. Let me repeat that. Fifty percent of the owners of these small businesses fall into the top two tax brackets, which are the ones being targeted for the big tax increases by the Obama budget.

The Small Business Administration tells us that 70 percent of all new jobs each year are created by small businesses. Why in the world would we want to harm the ability of America's job creation engines—small businesses—to help us create or save the jobs we so badly need right now? Why would we want to harm their ability? This is sheer folly.

President Obama claims he is providing tax relief to 95 percent of Americans. If you look closely, you will see that the budget raises the cost of living for lower wage earners. How? The budget raises \$31 billion in taxes from domestic oil and gas companies. At a time when we are trying to decrease our dependence on foreign oil, we are forcing oil companies to raise the price of gas at the pump. This increase in gas prices at the pump will have a greater impact on lower income wage earners than on anyone else.

I think this cartoon illustrated by David Fitzsimmons of the Arizona Daily Star, with a few of my edits, says it best: We will create 4 million jobs out of one side, and we will raise taxes on those who create those jobs on the other. That is a little harsh, but it kind of makes its point. I don't like to see our President depicted this way, but I have to admit it is a pretty good cartoon.

The budget outline also opens the door to universal health care by creating a 10-year, \$634 billion "reserve fund" to partially pay for the vast expansion of the U.S. health care system, an overhaul that could cost as much as \$1 trillion over 10 years. This expansion is financed, in part, by reducing payments to insurers, hospitals, and physicians. Already I am being deluged by hospitals and physicians. How are they going to survive if they get hammered this way? Now, most people don't have much sympathy for hospitals and physicians, but it does take money to run those outfits, and to take as much as \$1 trillion over 10 years by reducing payments in part to insurers and hospitals is pretty serious. Highlights of these reductions include competitive bidding for Medicare Advantage, realigning home health payment rates, and by lowering hospital reimbursement rates for certain admissions.

Almost one-third of the health reserve fund would be financed by forcing private health plans participating in the Medicare Advantage Program to go through a competitive bidding process to determine annual payment rates. I wish to remind my colleagues that in the past, Medicare managed care plans left rural States due to low payments. Utah was one of the States that was severely impacted. I know my State was hurt by it.

Many other States were hurt as well, especially rural States. To correct this situation, Members of Congress on both sides of the aisle worked with both the

Clinton and Bush administrations to address this issue in a bipartisan manner by creating statutory language to create payment floors for Medicare Advantage Plans. As a result, Medicare beneficiaries across the country have access to Medicare Advantage Plans, and 90 percent of them seem to be happy with those plans.

By implementing a competitive bidding process for Medicare Advantage, choice for beneficiaries in the Medicare Advantage program will be limited.

It is unclear whether Medicare Advantage programs will continue in rural parts of our country—areas such as Utah, where Medicare payments are notoriously low. You can go on and on with the many small States that are represented by Senators on the Finance Committee—including me.

I served as a key negotiator on the House-Senate conference that created the Medicare Advantage program. I cannot support any initiative that I believe will limit beneficiaries' choices in coverage under this program.

Another outrage and irresponsible attack on U.S. jobs is contained in the proposal the budget calls "implement international enforcement, reform deferral, and other tax reform policies." This line item is estimated to raise \$210 billion over 10 years. This vague description can really mean only one thing: The Obama administration plans to tax the foreign subsidiaries of all U.S.-owned businesses on their earnings whether they send the money back to the United States or keep it invested in a foreign country. This is similar to requiring individual taxpayers to pay taxes each year if the value of their home or investments goes up even if they do not sell them.

The real danger of this proposal, however, is its impact on U.S. companies and their ability to compete in the global marketplace. Almost all of our major trading partners tax their home-based businesses only on what they earn at home. The rest of the world taxes it that way. They don't tax their businesses for moneys earned overseas that don't come back. Those moneys are taxed there. The U.S. system is practically the only worldwide system in the industrialized world.

What this means is that an American company that is competing for business in some other nation—let's say India—may have competitors from France, the UK, and Germany. Because these other nations don't tax their companies on profits earned in countries other than the home country, they would enjoy a significant competitive advantage over any U.S. company, which, under the Obama proposal, would have to pay U.S. taxes on any profits earned. The result would simply be that multinational businesses would shun the United States and relocate elsewhere, as many have already done. A lot of Fortune 500 com-

panies have left our country, in part because of tax ideas such as this. They don't want to go. U.S. firms will become ripe for international takeovers, and we would lose our global leadership, prestige, market share, jobs, and the bright future our country has enjoyed for decades.

In 1960, 18 of the world's largest companies were headquartered in the United States. Today, just eight are based in the United States. We have the largest corporate tax rates of any major country in the world. Can you imagine, if we reduced those rates, as I and other Republicans have suggested, from 35 to 25 percent, the jobs that would be automatically created? I cannot begin to tell you.

In 1960, we had 18 of the world's largest companies right here in the United States. Today, we only have eight based in the United States, partly because of these stupid, idiotic tax changes. If we pass this proposal, within a short time, there will be none. I predict that. The United States will be the last place on Earth businesses will want to locate.

I will show you this poster: Effect of Taxing U.S.-owned Subsidiaries. The United States has the second highest corporate tax rate. Again, in 1960, 18 of the world's largest companies were headquartered here. Today, only eight of the world's largest companies are headquartered in the United States. This is part of the reason.

The President believes our Tax Code includes incentives for U.S. businesses to ship jobs overseas, and this proposal is an attempt to end this practice. However, the evidence shows that our tax laws do not lead to U.S. job loss but to increases in U.S. employment when companies invest overseas.

We have all heard the accusations, time after time, right here on the Senate floor. It goes something like this: U.S. companies close their plants here, laying off all of their workers, just to move their production to a lower wage paying country, where those same goods are made with cheap labor and then shipped right back into the United States. Well, these accusations are largely unfounded. In 2006, just 9 percent of sales of U.S.-controlled corporations were made back to the United States. Our companies are not sending production jobs for U.S. products overseas. Instead, they are making products overseas for the overseas market, and they are doing it for solid business reasons, such as transportation savings, not for tax reasons.

Moreover, the evidence shows that the U.S. plants of companies without foreign operations pay lower wages than domestic plants of U.S.-owned multinational companies. This means companies that have overseas operations pay more to their U.S. workers than those that do not invest in other nations.

Studies by respected economists show that increasing foreign investment is associated with greater U.S. investment and higher U.S. wages. Overseas investment by U.S. companies is generally a good thing for the U.S. economy and for U.S. jobs. Attacking the deferral rule, as the Obama budget proposes, would do horrendous damage to our ability to compete in an increasingly global economy and will lead to our loss of world industrial leadership.

Just this week, I talked to one of the leading pharmaceutical CEOs in America. This leader and his family all came to America. They love this country. They don't want to leave. He made it very clear that if this type of tax law goes through, he is going to move to a more fair country. He will have to in order to compete. He probably will move his operations to Switzerland, where they are not treated like this. He doesn't want to do that—leave this beloved country—but to compete he would have to. All those jobs would go from here to there. I don't know who is thinking about this in the Obama administration, but they better start thinking about it.

I could go on about why this is the worst budget proposal I have seen in all of my nearly 33 years in this body. However, I will simply focus on one more reason.

President Obama has said this budget would allow us to reduce the Federal deficit by half over the next 4 years. While this is a noble goal, unfortunately, it is not one he can claim. Using the only common baseline there is, which assumes no change to current law, the deficit would decline—if we had no changes in current law—from \$1.428 trillion in 2009 to \$156 billion in 2013. That is including the expiring tax cuts. To put it in other words, if we do nothing, according to CBO, the deficit would decline by 90 percent over the next 4 years. Let me say that again. If we do nothing, the Federal deficit would decline by 90 percent, according to the estimates. President Obama proposes to reduce that decline to 50 percent by adding more Government spending.

I wish President Obama would follow his own lofty rhetoric. He says he wants to save and create jobs. We all do. But the way to do it is not through the job-killing policies found in this budget. He said it is time for honest and forthright budgeting. But this document is just a means for him to put forth his ultraliberal philosophy while claiming to be fiscally responsible. As you can see from this cartoon, the President talks the talk, but this budget doesn't walk the walk. Again, I know he probably laughs at these things, as I do when they do it to me. I don't want to treat the President like that, but it does make the point. He talks bipartisanship, he talks fiscal responsibility, but everything they are

doing can be called irresponsible by good people who understand economics.

Look, I happen to like this President. I happen to want him to succeed. I care for the man. He is bright, articulate, and charismatic. I think that is apparent by the way the general public treats him. They want him to succeed. I do too. He doesn't write this budget himself. I don't blame him for this, except it is under his auspices that it is being touted. He has bright people around him. It is tough to find people brighter than Larry Summers; I think a lot of him. JOE BIDEN is very bright, and he knows a little bit about this. JOE admits that he is a self-confessed liberal. They are allowing this to go forward at a time when they are going to hurt this country rather than help it. I think we have to point some of these things out, and hopefully the President will see some of these things and say: Holy cow, I didn't realize this was in the budget. It is pretty hard because most people don't know what is in the budget. I doubt he has had a chance to read it. I want him to succeed, but he is not going to succeed with this kind of a budget.

This country is resilient, and maybe the country will pull out of this no matter what he does. I think we are in very trying times. This is the greatest country in the world. I don't want to see it diminished in any way. I am prepared to do things—people know that around here—to bring people together on both sides and help this President be successful. He has made overtures to me, and I very much respect him and I appreciate that. I want to help him.

I have to tell you that one of the reasons I am giving these remarks today is because I am very concerned about this type of a budget. We have put up with this kind of stuff in both Democratic and Republican administrations. It is time to quit doing it and start facing realities in this country. I see as much as a \$5 trillion deficit in the near future. It is hard to even conceive of that. Yet that is where we are headed.

I want Mr. Geithner to succeed. Everybody knows I stood firmly for him in spite of all of the problems. He is a very bright guy, and I hope he succeeds. I will do what I can to help him, as a member on the Finance Committee and other committees as well.

They are not going to succeed with this type of budget. If they do, it will only be temporary. Our kids are going to pay these costs. They are going to pay for this mess. Elaine and I have 23 grandchildren I am concerned about, and 3 great-grandchildren. I don't want to stick them like this. I hope the President will get into it a little bit more, and I hope Larry Summers will get into it a little bit more. I think they have been taking advantage of a crisis to pass a huge welfare agenda that is going to hurt this country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I have been watching the nominations from President Obama with quite a bit of concern. When I go back to my State of Oklahoma, people say: What would happen to us if we didn't pay our taxes? And I thought it couldn't get much worse than that.

I am here today to make sure everyone focuses attention on a couple of nominations that I think are outrageous.

First is my opposition to the nomination of David Ogden to be the U.S. Deputy Attorney General. Last year, Congress passed a significant piece of legislation, the Protect Our Children Act, to address a growing problem of child pornography and exploitation. Both sides of the aisle hailed it as a great success. Democrats and Republicans thought that was great; we are going to protect our kids against child pornography and exploitation. While I proudly supported that legislation, I am shocked President Obama has nominated a candidate to serve in the No. 2 position in the Department of Justice who has repeatedly represented the pornography industry and its interests.

As we are witnessing a significant increase in the exploitation of children on the Internet, we do not need a Deputy Attorney General who will be dedicated to protecting children with that kind of a background. David Ogden has represented the pornography industry for a long period of time.

In *United States v. American Library Association*, Ogden challenged the Children's Internet Protection Act of 2000. I remember that well. We passed it here. He filed a brief with the Supreme Court opposing Internet filters that block pornography at public libraries. He challenged provisions of the Child Protection and Obscenity Enforcement Act of 1988 which seeks to prevent the exploitation of our Nation's most vulnerable population; that is, our children. He instead fought for the interests of the pornography industry.

As a grandfather of 12 grandchildren, I am confident that I stand with virtually all of the parents and grandparents around this country in opposing gross misinterpretations of our Constitution some use to justify the exploitation of women and children in the name of free speech. That is what was happening. That is David Ogden.

Some claim Ogden is simply serving his clients. Yet his extensive record in representing the pornography industry is pretty shocking, especially consid-

ering he has been nominated to serve in the Government agency that is responsible for prosecuting violations of Federal adult and children pornography laws.

Let's keep in mind, he is in the position of prosecuting the offenders of these laws, and yet he has spent his career representing the pornography industry.

Additionally, his failure to affirm the right to life gives me a great concern. I don't think that is uncharacteristic of most of the nominees of this President. No one is pro-life that I know of, that I have seen.

In the Hartigan case, Ogden coauthored a brief arguing that parental notification was an unconstitutional burden for a 14-year-old girl seeking to have an abortion. In the case of abortion, parents have the right to know.

Furthermore, as a private attorney, Ogden filed a brief in the case of *Planned Parenthood v. Casey* in opposition to informing women of the emotional and psychological risks of abortion. In the brief, he denied the potential mental health problems of abortion on women. This is what he wrote. The occupier of the chair is a woman. I think it is interesting when men are making their interpretation as to what feelings women have.

He wrote this. Again, this is the same person we are talking about, David Ogden. He said:

Abortion rarely causes or exacerbates psychological or emotional problems . . . she is more likely to experience feelings of relief and happiness, and when child-birth and child-rearing or adoption may pose concomitant . . . risks or adverse psychological effects . . .

What he is saying is it is a relief. This is something he finds not offensive at all. He is actually promoting abortions.

We have to be honest. We need to talk about the mounting evidence of harmful physical and emotional effects that abortion has on women.

For these reasons, I oppose his nomination.

I also want to address my opposition to the nomination of Elena Kagan to serve as Solicitor General. Because of its great importance, quite often they talk about the Solicitor General as the tenth Supreme Court Justice and, therefore, it requires a most exemplary candidate. She served as the dean of Harvard Law School, which is no doubt an impressive credential. However, in that role, she demonstrated poor judgment on a very important issue to me.

While serving as the dean of Harvard Law School, Kagan banned the military from recruiting on campus. We have to stop and remember what happened in this case. In order to protect the rights of people to recruit—we are talking about the military now—on campuses to present their case—nothing mandatory, just having an option

for the young students—Jerry Solomon—at that time I was serving in the House of Representatives with him—had an amendment that ensured that schools could not deny military recruiters access to college campuses. Claiming the Solomon amendment was immoral, she filed an amicus brief with the Supreme Court in *Rumsfeld v. FAIR* opposing the amendment. The Court unanimously ruled against her position and affirmed that the Solomon amendment was constitutional.

It is interesting, for a split division it might be different. This is unanimous on a diverse Court.

I also express my opposition to two other Department of Justice nominees—Dawn Johnsen and Thomas Pirelli. Dawn Johnson, who has been nominated to serve as Assistant Attorney General in the Office of Legal Counsel, has an extensive record of promoting a radical pro-abortion agenda. She has gone to great lengths to challenge pro-life provisions, including parental consent and notification laws. She has even inserted on behalf of the ACLU that “Our position is that there is no ‘father’ and no ‘child’—just a fetus.”

As a pro-life Senator who believes each child is the creation of a loving God, I believe life is sacred. I cannot in good conscience confirm anyone who has served as the legal director for the National Abortion and Reproductive Rights Action League. The right to life is undeniable, indisputable, and unequivocal. It is a foundational right, a moral fiber fundamental to the strength and vitality of this great Nation.

For a similar reason I can't support the nomination of Thomas Perrelli to serve as Associate Attorney General. Keep in mind now, we are talking about the four top positions in the Justice Department. And like other nominees I have discussed today, Mr. Perrelli has failed to affirm and protect the dignity of all human life, as an advocate for euthanasia, and I think we know the background of that.

I would only repeat that these are not people with just an opinion, they are extremists. We are talking about someone in the No. 2 position of the Department of Justice who actually has been involved in representing the pornography industry, and this is something that is totally unacceptable.

I think as we look at these nominations, I suggest that those individuals who are supporting these look very carefully, because people are going to ask you the question: How do you justify putting someone who supports pornography, who has worked for it and been paid by that industry, in the No. 2 position in the Justice Department?

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to speak for up to 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Madam President, I am here to speak in favor of David Ogden to be the next Deputy Attorney General of the United States.

I have listened to my colleague and friend from Oklahoma, and I am not going to be able to respond to everything he said about every nominee, but I did want to talk today about Mr. Ogden. He is someone who I believe should be our next Deputy Attorney General, at a Department of Justice that is much in need of a Deputy Attorney General, and he is someone who will hit the ground running. He will beef up civil rights and antitrust enforcement. He will address white-collar crime and drug-related violence, as well as help to keep our country safe from terrorist attacks.

We know the to-do list and the demands on the next Deputy Attorney General will be great. Part of why it will be so great is something that I saw in my own State. We had a gem of a U.S. Attorney General Office in Minnesota, and we still do, but there was a period of time where I saw its destruction and rot by putting one political appointee in charge of that office. It was a huge mistake. The office was in an uproar. They got away from their regular mission. Luckily, Attorney General Mukasey put in a career prosecutor, Frank McGill, who has put the office back on track, and I thank him for that. We have suggested—recommended—a new name to the Attorney General and the President for the next U.S. Attorney in Minnesota. But I tell you that story for a reason, and that is justice is important and order is important and management is important in our criminal justice system. We went so far away from that when Alberto Gonzalez was the Attorney General. That is why it is so important to have David Ogden in there to work with Eric Holder.

David Ogden has demonstrated intelligence and judgment, leadership and strength of character and, most importantly, a commitment to the Department of Justice. He has the experience and the integrity, I say to my colleagues, to serve as the next Deputy Attorney General. One of the most important roles of a Deputy Attorney General is to make sure that the day-to-day operations of the Department run smoothly and to provide effective and competent management guided by justice. I know David Ogden can do that. His experience both as Chief of Staff and counselor to former Attorney General Reno, as well as his experience as Assistant Attorney General for the Department's civil division under President Clinton proves that David Ogden has experience and the integrity to do the job.

I have heard all these allegations made, including by my colleague. I want to tell you some of the people who are supporting David Ogden. His nomination is supported by a number of law enforcement and community groups, including among others, the Fraternal Order of Police—not exactly a radical organization. He is supported by the National District Attorneys Association, the Partnership for a Drug Free America, and the National Sheriffs' Association.

The National Center for Missing and Exploited Children is a strong supporter. In fact, they sent a letter saying they gave David Ogden their enthusiastic support. In particular, they wrote:

... during Mr. Ogden's tenure as Chief of Staff and Counsel to the Attorney General, we worked closely with the Attorney General in attacking the growing phenomenon of child sexual exploitation and child pornography. As counselor to the Attorney General, Mr. Ogden was intricately involved in helping to shape the way our group responded to child victimization challenges and delivered its services.

It is seconded by the Boys and Girls Clubs of America, which also supports David Ogden's nomination. In addition to these law enforcement and child protective groups, David Ogden has received broad bipartisan support from a number of former Department officials, including Larry Thompson, a former Deputy Attorney General under President George W. Bush, and George Terwilliger, who served in the same role under President George H. W. Bush.

There are so many things on the Justice Department's plate, and we need someone to be up and running. But I want to respond specifically to some of the things we have heard today. There was a statement by one of Senators that Mr. Ogden opposed a child pornography statute that we passed in 1998. That is simply not correct, and I hope my colleagues know that. In fact, as head of the Civil Division of the Department of Justice, he led the vigorous defense of the Child Online Protection Act of 1998 and the Child Pornography Prevention Act of 1996.

There were also mischaracterizations, for political reasons, of Mr. Ogden's record. We have already talked about how he is supported by the major police organizations in this country. Well, in addition to that, he has a general business practice, and before that he served in government. His work at the WilmerHale law firm over the past 8 years, for example, hasn't centered on first amendment litigation. He has represented corporate clients, from Amtrak to the Fireman's Fund.

They also said that somehow Mr. Ogden took some position taken by Mr. Ogden's clients, who were America's librarians and booksellers. Rather, the Senate rejected the Clinton administration's interpretation, and Mr. Ogden

made clear to the Judiciary Committee that he disagreed with that interpretation. In his testimony, he made clear that he is comfortable with the ruling of the Court and agreed with the Senate resolution.

You can go on and on about some of these misstatements about Mr. Ogden's record, but let us look at what is going on here. As I mentioned before, the child protection community supports Mr. Ogden based on his strong record of protecting children. Now, I tend to believe the people who deal every day with helping families with missing children more than I believe some statement that is made in a political context. I will be honest with you, I tend to believe the Fraternal Order of Police when they give an endorsement more than I believe some statement made in a political context.

Let me tell you this. Why is this so important? Why can we not go back and forth and back and forth and have all these political partisan attacks? Well, we need a Deputy Attorney General now. We need a Deputy Attorney General right now. The Department of Justice has more than 100,000 employees and a budget exceeding \$25 billion. Every single Federal law enforcement officer reports to the Deputy Attorney General, including the FBI, the DEA, the ATF, the Bureau of Prisons, and all 93 U.S. Attorney's Offices. The Attorney General needs the other members of his Justice Department leadership team in place.

Look what we are dealing with: the Madoff case and billions of dollars stolen. We are dealing with childcare cases. We are dealing with administering this \$800 billion in money and making sure people aren't ripped off. We are dealing with murders and street crimes across this country. Yet people are trying to stop the Justice Department from operating? That can't happen.

I want to end by saying I was a prosecutor for 8 years, and always my guiding principle was that you put the law above politics. That is what I am asking my colleagues to do here. We need to get David Ogden in as a Deputy Attorney General. Now is the time.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, pending before the Senate is the nomination of David Ogden to be the Deputy Attorney General. I rise to speak in support of that nomination.

The Justice Department and our Nation are fortunate that President

Obama has put forward this nomination. Mr. Ogden has the experience, the talent, and the judgment needed for this critical position.

The Deputy Attorney General is the No. 2 person at the Justice Department. He is the day-to-day manager of the entire agency. This includes supervising key national security and law enforcement offices such as the FBI and our counterterrorism operations. Mr. Ogden is a graduate of Harvard Law School, former law clerk to a Supreme Court Justice, which is one of the most prestigious jobs in the legal profession. He had three senior positions in the Janet Reno Justice Department and served as her Chief of Staff, Associate Deputy Attorney General, and also served as Assistant Attorney General in the Civil Division, a position for which he received unanimous confirmation by this Senate. Mr. Ogden also served as the Deputy General Counsel at the Defense Department.

Given this excellent background, it is not surprising that David Ogden gained the support of many prominent conservatives. At least 15 former officials of the Reagan and both Bush administrations have announced their support for his nomination. They include Larry Thompson, the first Deputy Attorney General of the most recent Bush administration; Peter Keisler, former high-level Justice Department official; and Rachel Brand, another high-level Justice Department official in the Bush administration. Their words are similar. I will not read into the RECORD each of their statements, but they give the highest possible endorsement to David Ogden.

Due to a scheduling conflict, I could not attend his hearing, but I asked him to come by my office so we could have time together and I could ask my questions face to face. We talked about a lot of subjects, including criminal justice reform, human rights, and the professional responsibilities of the Department of Justice lawyers. I was impressed by Mr. Ogden's intellect, his management experience, and his commitment to restoring the Justice Department's independence and integrity.

We talked about the Senate Judiciary Committee's Subcommittee on Crime and Drugs, a subcommittee I will chair in the 111th Congress, and the issues we are going to face—including the Mexican drug cartels, which will be the subject of a hearing in just a few days, racial disparities in the criminal justice system in America, and the urgent need for prison reform. That is an issue, I might add, that is near and dear to the heart of our colleague, Senator JIM WEBB of Virginia. I am going to try to help him move forward in an ambitious effort to create a Presidential commission to look into this.

The Justice Department will play an important role in reclaiming America's

mantle as the world's leading champion for human rights. Mr. Ogden and I discussed the Justice Department's role in implementing President Obama's Executive orders in relation to the closure of the Guantanamo Bay detention facilities and review of detention and interrogation policies. We discussed the investigation by the Justice Department's Office of Professional Responsibility, as to the attorneys in that Department who authorized the use of abusive interrogation techniques such as waterboarding. Senator SHELDON WHITEHOUSE of Rhode Island and I requested this investigation. Mr. Ogden committed to us that he would provide Congress with the results of the investigation as soon as possible. This is the kind of transparency and responsiveness to congressional oversight we expect from the Justice Department and something that we have been waiting for.

We also discussed the Justice Department's role in ensuring that war criminals do not find safe haven in the United States. I worked with Senator COBURN who is a Republican from Oklahoma, on the other side of the aisle. We passed legislation allowing the Justice Department to prosecute the perpetrators of genocide and other war crimes in the U.S. courts. I believe Mr. Ogden appreciates the importance of enforcing these human rights laws.

At the end of our meeting, I felt confident David Ogden will be an excellent Deputy Attorney General.

I want to make one final point. There is some controversy associated with his appointment that I would like to address directly. I am aware there has been some criticism that David Ogden represented clients whom some consider controversial. He has been criticized in his representation of libraries and bookstores who sought first amendment free speech protections, and for his representation of a client in an abortion rights case.

I would like to call to the attention of those critics a statement that was made by John Roberts, now Chief Justice of the U.S. Supreme Court, when he appeared before the Senate Judiciary Committee several years ago at his confirmation hearing.

He was asked about the positions he had advocated on behalf of his clients as an attorney. Here is what the Chief Justice told us:

It's a tradition of the American Bar Association that goes back before the founding of the country that lawyers are not identified with the positions of their clients. The most famous example probably was John Adams, who represented the British soldiers charged in the Boston Massacre. He did that for a reason, because he wanted to show that the Revolution in which he was involved was not about overturning the rule of law, it was about vindicating the rule of law.

And he went on to say:

That principle, that you don't identify the lawyer with the particular views of the client, or the views that the lawyer advances

on behalf of a client, is critical to the fair administration of justice.

You practiced law, Madam President. I have too. Many times you find yourself in a position representing a client where you do not necessarily agree with their position before the court of law. But you are dutybound to bring that position before the court so the rule of law can be applied and a fair outcome would result. If we only allowed popular causes and popular people representation in this country, I am afraid justice would not be served.

Chief Justice Roberts made that point when he was being asked about his representation of legal clients. I would say to many on the other side of the aisle who are questioning David Ogden's reputation, they owe the same fairness to him that was given to Chief Justice Roberts in that hearing.

I would remind the conservative critics of Mr. Ogden, look carefully at that testimony. What is good for the goose is good for the gander.

After 8 years of a Justice Department that often put politics over principle, we now have a chance to confirm a nominee with strong bipartisan support who can help restore the Justice Department to its rightful role as guardian of our laws and the protector of our liberties.

David Ogden has the independence, integrity, and experience for the job. I urge my colleagues to join me in voting for his nomination to be Deputy Attorney General.

CLEAN COAL RESEARCH PROJECT

Mr. DURBIN. Madam President, it was about 7 years ago when the Bush administration announced what they said was the most significant coal research project in the history of the United States. The name of the project was FutureGen. The object was to do research at a facility to determine whether you could burn coal, generate electricity, and not pollute the environment. It is an ambitious undertaking.

The way they wanted to achieve it was to be able to capture the CO₂ and other emissions, virtually all of them coming out of a powerplant burning coal, and to sequester them; that is, to stick them underground, find places underground where they can be absorbed by certain geological foundations, safely held there. Of course, it was an ambitious undertaking. It had never been done on a grand scale anywhere in the country.

Well, the competition got underway and many States stepped forward to compete for this key research project on the future of coal. There were some five to seven different States involved in the competition. My State of Illinois was one of them. The competition went on for 5 years.

Each step of the way, the panel of judges, the scientists and engineers would judge the site. Is this the right

place to build it? Is it going to use the right coal? Can they actually pump it underground and trap it so that it will not ever be a hazard or danger at any time in the future? Important and serious questions.

My State of Illinois spent millions of dollars to prove we had a good site. When it finally came down to a decision, there were two States left: Texas and Illinois. Well, I took a look around at our President and where he was from, and I thought, we do not have a chance. Yet the experts made the decision and came down in favor of Illinois. They picked the town of Mattoon, IL, which is in the central eastern part of our State, in Coles County, and said that is the best place to put this new coal research facility.

We were elated. After 5 years of work, we won. After all of the competition, all of the different States, all of the experts, all the visits, everything that we put into it, we won the competition.

Within 2 weeks, the Secretary of the U.S. Department of Energy, Mr. Bodman, came to my office on the third floor of the Capitol and said: I have news for you.

I said: What is that?

He said: We are canceling the project.

I said: You are cancelling it? We have been working on this for 5 years.

He said: Sorry, it cost too much money. The original estimate was that this was going to cost \$1 billion. When the President first announced it, we knew inflation would add to the construction costs over some period of time. But here was Mr. Bodman saying it cost almost twice as much as we thought it would cost; therefore, we are killing the project.

Well, I was not happy about it. In fact, I thought it was totally unfair, having strung us along for 5 years, made my State and many others spend millions of dollars in this competition, go through the final competition and win, and then be told, within 2 weeks: It is over; we are not going to go forward with it.

So I said to Mr. Bodman: Well, you are going to be here about a year more, and I am going to try to be here longer. At the end of that year, when you are gone, I am going to the next President, whoever that may be, and ask them to make this FutureGen research facility a reality.

I told the people back home: Do not give up. Hold on to the land we have set aside. Continue to do the research work you can do. Bring together the members of the alliance—which are private businesses, utility companies, coal companies—not only from around the United States but around the world interested in this research and tell them: Don't give up.

So we hung on for a year, literally for a year, and a new President was elected. It happened to be a President I

know a little bit about, who was my colleague in the Senate, Senator Obama. When we served together, he knew all about this project and had supported it.

So now comes the new administration and a new chance. The Obama administration has said to me and all of us interested in this project: There is one man who will make the decision: it is the Secretary of Energy, Dr. Chu. He is a noted scientist who will decide this on the merits. He is going to decide whether this is worth the money to be spent. So we made our appeal to him, we presented our case to him, and left it in his hands. We are still worried about this whole issue of cost.

BART GORDON, a Congressman from the State of Tennessee and serves on the House Science Committee, he sent the Government Accountability Office to take a look at FutureGen to find out what happened to the cost, why did it go up so dramatically.

Well, the report came out last night. Here is what the report found. The report found the Department of Energy had miscalculated the cost of the plant, overstating its cost by \$500 million because they made a mathematical error—\$500 million.

Taking that off the ultimate cost brings it down into the ordinary construction inflation cost. And so many of us who argued their estimate of cost was exaggerated now understand why. They made a basic and fundamental error calculating the cost of this project.

Here is what we face. Now, 53 percent of all the electricity in America is generated by coal. Burning coal can create pollution. Pollution can add to global warming and climate change, and we have to be serious about dealing with it.

This plant is going to give us a chance to do that. When the GAO took a look at the Department of Energy documentation, they also discovered a memo which said: If we kill the FutureGen coal research plant, we will set coal research back 10 years with all of the time they put into it. All of the effort they put into it would have been wasted and could not be replicated.

So that is what is at stake. The ultimate decision will be made by Dr. Chu at the Department of Energy. I trust that he will find a way to help us move forward, but I want him to do it for the right scientific reasons.

If we are successful, we will not only be able to demonstrate this technology for America but for the world. The reason why foreign countries are joining us in this research effort is what we discover will help them. China is building a new coal-fired plant almost every week and is going to be adding more pollution to the environment than we can ever hope to take care of in the United States alone.

But if we can find a way, a technology, a scientific way, using the best

engineering and capture that pollution before it goes into the air, it is a positive result not just for the United States but for the world.

From a parochial point of view, we happen to be sitting on a fantastic energy reserve right here in America. There are coal reserves all across the Midwestern United States, and almost 75 percent of my State of Illinois has coal underneath the soil. It is there to be had and used. But we want to use it responsibly.

We want to make sure at the end of the day that we can use coal and say to our kids and grandkids: We provided the electricity you needed but not at the expense of the environment you need to survive.

So this finding by the GAO has given us a new chance. We are looking forward to working with the Department of Energy. For those back in Illinois who did not give up hope, we are still very much alive, and this latest disclosure gives us a chance to bring the cost within affordable ranges. I hope the Department of Energy will decide to move forward on this critical research project.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called proceeded to call the roll.

Mr. WEBB. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WEBB pertaining to the introduction of S. 572 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EARMARKS

Mr. WEBB. Madam President, I rise to address the recent debate we have had on the Omnibus appropriations bill with respect to earmarks. The premise seems to be, for those who have criticized the earmarks process, that this is pork. Sometimes it is; sometimes it is not. But I would start first with the Constitution.

There is nothing in the Constitution that says the executive branch of Government should appropriate funds or decide which funds should be spent. That is a procedure that has evolved over the centuries because of the complexities of Government, where the executive branch looks at its needs and comes to the Congress and asks for appropriations. Earmarks take place when individual Members of Congress, exercising their authority to appropriate under the Constitution, decide and recommend that worthwhile programs in an ideal case should be included in a budget process, programs that have not been considered or included by the executive branch or through other processes.

For instance, I was able, last year, along with Senator John Warner, now retired, to bring \$5 million into a rural area of Tidewater, VA, so they could put broadband in. Broadband is something we know all Americans who want to compete for their future and contribute equally need to have. It didn't make it into anybody's bill. Who is thinking about sparsely populated areas such as rural Virginia? Yet we were able to bring a lot of benefit to those who otherwise would not have received it.

What I would ask my colleagues, particularly those who have become so adamant in their concern over the earmarks process, to consider is, let's take a look at the budget that comes to the Congress. Is there pork in the budgets that come over, pork that comes through, in some cases, unnecessary influence or individual discretion? You bet there is.

I say that as someone who spent 5 years in the Pentagon, 4 years of which I was on the Defense Resources Board where on any given day we were implementing a budget, arguing a budget in the Congress, and developing the next year's budget. I offer an example of a situation that my staff has been following for the last 10 months and use it as an invitation to colleagues to join me in looking at where there can be abuses of discretion and where there can be a lot of money that can be saved.

Ten months ago, on May 21, there was an article in the Wall Street Journal that talked about Blackwater Worldwide attempting to obtain local approval for a new training center in San Diego, CA. We all remember Blackwater. They are an independent contractor that has done more than a billion dollars of business since the Bush administration, the most recent Bush administration took office. I became curious about this project, first, because I had seen reports of what a very high percentage of the Blackwater contracts had been awarded were either noncompetes or minimal competes and the high volume number, more than a billion of them. And also the fact that having at one time been Secretary of the Navy, they were apparently wanting to build a training center so they could train Active-Duty sailors how to defend themselves onboard a ship.

Having spent time in the Marine Corps, I immediately started thinking about what it would have been like to have a nonmilitary contractor teaching me how to do patrolling when I was going through basic school in Quantico all those years ago. It didn't fit.

I started asking around. The first thing I found out was, this was a contract from the Navy that was worth about \$64 million. I wrote a letter to Secretary Gates. I said: Is this Blackwater program in any way authorized or funded by U.S. tax dollars?

The answer came back, yes, obviously. I asked: Is there specific legislative authorization for it? Because I couldn't find any, as a member of the Armed Services Committee. The answer was no. According to Secretary Gates, this activity falls under the broad authorization provided to the Secretary of Defense and the Secretaries of the military departments to procure goods and services using appropriated funds and prescribed procedures for those procurements.

Then I asked him in this letter: Is there a specific appropriation, either in an appropriations bill or through an earmark? The answer is: No, there was no specific appropriation or earmark directing this effort.

As we started to peel this back, here is what we found. An individual, an SCS, midlevel individual in the Department of the Navy had the authority to approve this type of a program up to the value of \$78 million, without even having a review by the Secretary of the Navy. This was not an authorized program. It was not an appropriated program. It was money that came out of a block of appropriated funds for operation and maintenance that then somebody in the Navy said was essential to the needs of the service, the needs of the fleet, which is a generic term.

I ask my colleagues who are so concerned about some of the pork projects or earmarks process here, which has gained a great deal of visibility since I have been here over the past 2 years and transparency, to join me in taking a look at these sorts of contracts. When a midlevel person in the Pentagon has the authority to approve a program that hasn't been authorized and hasn't been appropriated up to the value of \$78 million and not even have the oversight of the Secretary of that service, that is where you see the potential for true abuse of the process. That is where we need to start focusing our energies as a Congress.

Mr. REID. Madam President, today we debate the nomination of David Ogden to be the Deputy Attorney General of the United States.

Mr. Ogden is highly qualified for this important job. He is a graduate of Harvard Law School and clerked on the Supreme Court for Justice Harry Blackmun. During the Clinton Administration, he served as the Assistant Attorney General for the Civil Division and as chief of staff to the Attorney General.

He also previously served as Deputy General Counsel at the Department of Defense, so he has a keen appreciation for the national security issues that he will face at DOJ. He has an excellent reputation among his fellow lawyers and is supported by a number of former Republican Justice Department officials.

It is surprising to me that we need to spend more than a full day debating

this obviously qualified nominee. Mr. Ogden was favorably reported by the Judiciary Committee by a vote of 14-5, so it seems clear he will be confirmed. But apparently some far-right advocates have made this nomination more controversial than it should be.

As I understand it, those who oppose this nominee disagree with positions he took on behalf of some of his clients, including media organizations. In my view, that is a very unfair basis for opposing a nominee. As a former practicing lawyer, I feel strongly that a lawyer should not be held personally responsible for the views of his clients.

President Obama deserves to have his advisors, especially members of his national security team, in place as quickly as possible. I urge confirmation of this outstanding nominee.

Mr. LEAHY. Madam President, even after abandoning their the ill-conceived filibuster of President Obama's nomination of David Ogden to be Deputy Attorney General, we still hear Republican Senators making scurrilous attacks against Mr. Ogden, launched by some on the extreme right.

As I said on the Senate Floor earlier, David Ogden is a good lawyer and a good man. He is a husband and a father. Yet, regrettably and unbelievably, we still hear chants that he is a pedophile and a pornographer. Those charges are false and they are wrong. Senators know better than that.

Special interests on the far right have distorted Mr. Ogden's record by focusing only on a narrow sliver of his diverse practice as a litigator spanning over three decades. Dating back to the 1980s, Mr. Ogden's practice has included, for example, major antitrust litigation, counseling, representation and authorship of a book on the law of trade and professional associations, international litigation and dispute resolution, False Claims Act and Export Controls Act investigations, and a significant practice in administrative law. In other words, he has been a lawyer, representing clients. For the last 8 years, since leaving Government service, Mr. Ogden has represented corporate clients in a range of industries, including transportation clients like Amtrak and Lufthansa, insurance and financial institutions like Citibank and Fireman's Fund, petrochemical companies like Shell and BP and pharmaceutical concerns like PhRMA and Merck.

Here are the facts that underlie the overheated rhetoric: As a young lawyer in a small firm with a constitutional practice, along with other lawyers in that respected DC law firm, Mr. Ogden represented a range of media clients. He represented the American Library Association, the American Booksellers Association, and Playboy Enterprises.

In the early 1990s, while at the respected firm of Jenner & Block, Mr. Ogden represented a Los Angeles Coun-

ty firefighter. The firefighter was being prohibited from possessing or reading Playboy magazine at the firehouse, even when on down time between responding to fires. The Federal Court reviewing the matter held that the first amendment protected the firefighter's right to possess and read the magazine. That representation does not make Mr. Ogden a pornographer, a pedophile or justify any of the other epithets that have been thrown his way.

He also challenged a prosecution strategy that threatened simultaneous indictments in multiple jurisdictions with the goal of negotiating plea agreements that put companies out of business without ever having to prove that the materials they were distributing were obscene. That sounds like the kind of overreaching prosecution strategy that Senator SPECTER and other Republican Senators would condemn, just as they have the excesses of the "Thompson memo" pressuring investigative targets to waive their attorney-client privilege.

Those who have argued that Mr. Ogden has consistently taken positions against laws to protect children ignore Mr. Ogden's record and his testimony. What these critics leave out of their caricature is the fact that Mr. Ogden also aggressively defended the constitutionality of the Child Online Protection Act and the Child Pornography Prevention Act of 1996 while previously serving at the Justice Department. This work has led to support and praise from the National Center for Missing and Exploited Children. He has the support of the Boys and Girls Clubs of America. In private practice he wrote a brief for the American Psychological Association in *Maryland v. Craig* in which he argued for protection of child victims of sexual abuse. In his personal life, he has volunteered time serving the Chesapeake Institute, a clinic for sexually abused children.

Nominees from both Republican and Democratic administrations and Senators from both sides of the aisle have cautioned against opposing nominees based on their legal representations on behalf of clients. When asked about this point in connection with his own nomination, Chief Justice Roberts testified, "it has not been my general view that I sit in judgment on clients when they come" and, "it was my view that lawyers don't stand in the shoes of their clients, and that good lawyers can give advice and argue any side of a case." Part of the double standard being applied is that the rule Republican Senators urge for Republican nominees—that their clients not be held against them—is turned on its head under a Democratic President.

As recently as just over 1 year ago, every Senate Republican voted to confirm Michael Mukasey to be Attorney General of the United States. That showed no concern that one of his cli-

ents, and one of his most significant cases in private practice as identified in the bipartisan committee questionnaire he filed, was his representation of Carlin Communications, a company that specialized in what are sometimes called "dial-a-porn" services. It is more evidence of a double standard.

Senators should reject the partisan tactics and double standards from the extreme right and support David Ogden's nomination. The last Deputy Attorney nominee to be delayed by such a double standard was Eric Holder, whose nomination to be Deputy Attorney General in 1997 was delayed for three weeks by an anonymous Republican hold after being reported favorably by the Judiciary Committee before being confirmed unanimously. Like now Attorney General Holder, Mr. Ogden is an immensely qualified nominee whose priorities will be the safety and security of the American people and reinvigorating the traditional work of the Justice Department in protecting the rights of Americans.

Mr. CARDIN. Mr. President, I ask unanimous consent that on Thursday, March 12, the Senate resume consideration of the Ogden nomination at 12 noon and that it be considered under the parameters of the order of March 10; that the vote on the confirmation of the nomination occur at 2 p.m.; further, that upon confirmation of the Ogden nomination, the Senate remain in executive session and consider Calendar No. 23, the nomination of Thomas John Perrelli to be Associate Attorney General; that debate on the nomination be limited to 90 minutes equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to a vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table, no further motions be in order; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

MORNING BUSINESS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS APPROPRIATIONS ACT

Mrs. BOXER. Mr. President, during consideration of the Omnibus Appropriations Act, members of the minority party attempted to attach amendments in an effort to delay passage of this important bill. Because further delay in

passing this bill could have resulted in the shutdown of the Federal Government, I voted against all amendments to the bill.

I believe that this omnibus bill is important for job growth and will help revitalize our economy. That must be our concern at this critical time.

I would like to clarify my position of some of these amendments:

Amendment 630 would have required the Secretary of State to report on whether additional military aid to Egypt could be used to counter the illegal smuggling of weapons into Gaza. The omnibus bill already explicitly authorizes the use of military aid provided to Egypt for border security programs so the amendment was completely unnecessary.

Amendment 631 would have prohibited funds for reconstruction efforts in Gaza unless the administration certifies that the funds will not be diverted to Hamas or entities controlled by Hamas. The Omnibus bill and permanent law already prohibit any funds from being provided to Hamas or entities controlled by Hamas so this amendment was also completely unnecessary.

Amendment 634 would have prevented funds in this bill from going to companies that assist Iran's energy sector. While I have long supported tough action against Iran for its illicit nuclear program, sending this provision back to the House of Representatives could have endangered final passage of the bill.

Amendment 613 would have cut off all U.S. funding for the United Nations if it imposes any tax on any United States person. The U.N. has never imposed a tax, is not a taxing organization, and if the U.N. ever decided it wanted to impose a tax the U.S. would veto it. This amendment is unnecessary.

Amendment 604 would have extended the E-Verify worker identification program for an additional five years. The omnibus bill already contains a 6-month extension of this program.

Amendment 662 would prohibit the use of funds by the Federal Communications Commission to promulgate the fairness doctrine. On February 26, 2009, I voted in favor of an amendment offered by the junior Senator from South Carolina to prevent the FCC from promulgating the fairness doctrine. This amendment passed the Senate as part of S. 160, the Washington, DC voting rights bill. Also, there are no provisions in the omnibus bill related to the fairness doctrine, making this amendment unnecessary.

Amendment 604 repeals the provision of the Legislative Reorganization Act which grants Members an automatic pay adjustment each year. The amendment would take effect beginning December 11, 2010, and would require the enactment of new legislation to grant

Members a pay raise. I believe the junior Senator from Louisiana was doing nothing more than playing politics with his amendment, as he objected to passing a stand-alone bill offered by the Senate majority leader that would have accomplished the same goal as the Vitter amendment. I would have supported passing the majority leader's bill.

Mr. DODD. Mr. President, earlier this week the Senate voted down amendment No. 668 offered by my colleague Senator ENZI by a vote of 42 to 53. I strongly opposed this amendment and am pleased that my colleagues defeated this harmful amendment.

The amendment, if passed, would have cut more than \$983,000 in Ryan White Part A funding to the city of Hartford, CT, and more than \$770,000 in funding to the city of New Haven, CT, in fiscal year 2009. The Enzi amendment would have forced these cities to absorb a combined cut of more than 35 percent to their Ryan White Part A grant in 1 year.

During floor debate on the Enzi amendment, the amendment was represented as a proposal that would simply cut funding from San Francisco. That is not the case and if the Enzi amendment had become law, thousands of individuals living with HIV/AIDS in the State of Connecticut would have been denied direct medical services for the treatment of their disease.

Cuts in funding as envisioned under the Enzi amendment would have deprived individuals living with HIV/AIDS in Connecticut access to medications, clinics would have to turn away patients, and programs would have to make drastic cuts to counseling, transportation, and nutrition assistance.

In fact, 13 cities in Florida, California, New York, New Jersey, Puerto Rico, and Connecticut would have seen huge funding cuts under the Enzi amendment.

For the information of my colleagues, the State of Connecticut was severely disadvantaged because of the way the last reauthorization was handled. Despite receiving assurances and seeing numbers that told a different picture, the 2006 reauthorization bill has led to more than \$3 million in annual losses to Connecticut. The funding provided in the omnibus is essential to restoring these cuts.

It is my sincere hope that we can address the problems underlying the cuts to Connecticut when we reauthorize this program which expires this year. I find it regretful that the senate had to take up this funding fight yesterday because reauthorizations of the Ryan White CARE Act program have traditionally enjoyed bipartisan support.

I want to thank Senators HARKIN and INOUE for including the largest increase in Part A of Ryan White in 8 years in the fiscal year 2009 omnibus bill. With the defeat of the Enzi amend-

ment, cities under Part A will receive a total increase of more than \$25 million.

I thank my colleagues for defeating this harmful amendment.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thanks for asking our input. As Republican delegates to the convention in Sandpoint, my wife and I were pleased to help pass resolutions encouraging energy development.

I am really not sure what blend of ineptitude/conspiracy (not you, sir) to blame for not drilling in Alaska and off our coasts for the last 15 years, but I am glad to see that clearing up.

I do encourage domestic and offshore drilling; China is already drilling past the 16 mile limit off the coasts of California and Florida. (I gave a letter from delegate Jack Streeter to Bill Sali regarding this at the convention; he may recall it).

Also, I would like to plug Idaho developing not only nuclear power (I could go either way on that) but I really think, as our forefathers had the wisdom to use government resources to develop hydroelectric power, which we still benefit from, so we should develop wind power, in a state so blessed with wind, water and mountains!

Rather than our children inheriting simply an enormous U.S. debt burden, I would like to see us drill on a national level (Idaho might benefit from deep drilling, like the Russians are doing, 30-40,000 foot deep wells, unlike anything we have—that is how you get oil in high altitude regions like Idaho) and produce cheap, renewable energy from wind in Idaho to bless our selves, and children and generations beyond.

Please let me hear your thoughts; wind power for Idaho by state funding or even a U.S. bill would be an earmark few in the state would hold against you.

BOB, Mountain Home.

I heard on the radio that you want input from Idahoans on the subject of gas prices

and ideas for solutions. That is why I am writing. In my opinion, this is a manipulated situation, designed to pull more money from the pockets of working Americans and put it in the coffers of corporate America and a few of the mega wealthy citizens. We have seen this happen before with the Enron debacle and the spike of electricity prices a few years ago. We have seen it with the .com stock market crash. We have seen it with the housing market crisis. This is but another symptom of the larger problem—corporate irresponsibility and subsequent government bailout.

The larger problem is the corruption in Washington. Corporate business cannot run government and have the citizens of the country be the winner in anything. The only solution to the problem of gas prices (and drug prices, and food prices) is to kick corporate lobbies out of Washington, step up to the plate and legislate for the people, not corporate. If this does not happen, next year's problem will be extreme food shortages in the U.S., as is happening in much of the rest of the world. Corporate farming giants are not producing as the old-fashioned family farmer did.

The other part of this problem is the [partisan blaming of] each other for the problems. Continuing along this line simply compounds the problems, and bipartisan solutions are not found. Again, the citizens of our nation suffer. I am one of a growing majority of Americans who are sick to death of hearing the yammering and in-fighting coming from Washington. At the rate our leaders in Washington are going, the terrorists will not have anything left to terrorize. Government and corporate corruption will have torn the country apart for them. You all need to put your party difference aside and come up with solutions with the other party for the good of the country, or there is not going to be a country anymore.

It is not just a fuel price crisis; it is a country in crisis, from sea to shining sea.

ANNA, Weiser.

I am writing in response to your recent request for input about gas prices and how it has affected our lives in Idaho. As you mentioned: "The driving distances between places in our state as well as limited public transportation options mean that many of us do not have any choice but to keep driving and paying those ever-increasing prices for fuel." I could not agree more. The opportunity for good solid employment in Idaho is not something that can be found too often in the little towns spread across the state. This of course means that if you want a good job you will have to commute. Being a single mother, I have had no choice but to find good steady employment. I have been commuting from west of Blackfoot to Idaho Falls to work every day. Due to the price of gas, I have recently been forced to sell my home and try to relocate in Idaho Falls. I have had to uproot my 3-year-old little boy from his daily routine and child care. I have had to move away from family and friends who helped with him therefore causing yet more costs to me in the form of more expensive daycare. It is so sad that my son will now have to be with strangers each day while I work to support the two of us all because I could not afford to commute a mere 45 miles to work. It is sad that I am forced to be secluded from lifelong friends and family because now that I am moving to Idaho Falls I cannot afford to drive to Blackfoot to see them. Sick—it is just sickening.

SHERI, Blackfoot.

Sir, you asked for input on energy issues. Here is mine:

First, I fully support nuclear energy. When viewed in terms of energy independence, being environmentally friendly (e.g., green house gas emission, waste), sustainability, cost and efficiency, it stands out above every other option. Wind, solar, ocean tides and the like may be reasonable supplemental energy sources in certain cases but they are not primary energy sources. The public needs to be educated on this.

Second, the gas tax holiday concept is foolish. It is robbing Peter-to-pay-Paul. We need that tax money for highway maintenance and construction. Also, a gas tax holiday would do nothing to increase supply but would increase demand (in the short term due to a drop in pump prices), therefore worsening the supply/demand situation.

Third, we need to aggressively pursue gasoline's ultimate replacement (e.g., ethanol) like Brazil has. E85 fuel is a prudent start. Also, we are at the door step to the hydrogen economy; we need to be seriously working toward it.

Regarding a response to this inquiry, just an acknowledgement that you received it is adequate. Thanks.

CHRIS, Falls.

The people of Idaho are affected by the energy crisis. This is why we in Idaho and across our country need to learn to conserve and to develop clean and safe energy alternatives which do not pose a risk for our children's future. I oppose the use of nuclear energy as it does pose a health risk however small. Remember Chernobyl and Three Mile Island. In addition, I oppose more domestic drilling. Harming our earth more just to feed our excessive oil habit is a short term knee-jerk reaction. I strongly hope that Idaho can be a role model for other states, by really looking at the problem and creating long term solutions such as conservation, more public transportation, and investment in extensive wind and solar power energy.

SHEILA, Hailey.

You ask for people to tell you their story about what the high cost of gas and energy is doing to them. Well, here it is. We live in rural Idaho. For those that do not know what that means, it is ninety miles to a doctor or a reasonably priced grocery store. Some people are going to say, "take mass transit"; we do have a subsidized transit system (it costs over \$90 for the round trip). They also charge extra for more than one stop. It is cheaper to pay \$4 per gallon for gas. Some will say "buy a hybrid" that would be nice if I could afford one, \$40,000, and it will not do me any good. They get great mileage in town but at highway speeds, they do not get any better mileage than what I have. My family, daily, makes the choice "do we put gas in the car or do we buy food". I do not think anyone in government has ever had to make that choice.

I am so disgusted with our government and Congress in general that, I think, for the first time in fifty years, I will sit the next election out. In long-term results, I do not see an ounce of difference in the two candidates running for President. You need look no farther than congressional approval ratings. The government (all of you) have lied to the American people for so long that I believe you have started believing your own lies. You take my Social Security money and spend it to buy votes. You take the items out that we all have to buy to calculate inflation. Everything you do is calculated on a

political power basis. You borrow money from my grandchildren to send me a check and tell me it is good for the economy. You have us so deep in debt that what money we have is not worth anything. I do not expect my Social Security check to feed me the rest of my life.

I guess I have ranted enough. You ask for it; there it is. I do not expect it to do any good. You will not do what the people want, you are going to do whatever generates you the most power wither it is good for the country or not. Drill here—drill now!

JESS, Aberdeen.

Like everyone, I have been very concerned about the rising cost in fuel, and everything else. I am trying to raise a family with my husband, and we definitely feel the pinch. Even as the price of filling our cars has increased dramatically, so has the cost of feeding our family. It is costing my husband almost \$10 per day, in a fuel-efficient sedan, just to go to work. We also have my husband's brother's family living here to get back on their feet, so, of course, the cost of running our household and everything in it is a concern.

I wanted to tell you that I strongly support domestic drilling. It is something we should have done years ago, and should be implemented as soon as possible. We need to decrease our reliance on foreign oil! I also think that if we are to continue fighting for the freedoms of the people in the Middle East, we should expect that they compensate us, maybe with oil. I know the answers are more complicated than that, but there has to be something done. I would also, of course, support alternative energy sources. I have heard interesting things about algae, some of which you can see in a video here: <http://www.valcent.net/misc/Vertigro/index.html>.

I am not eloquent or succinct, but I wanted my voice heard. Please encourage Washington to lift bans on off-shore drilling, and also to explore domestic drilling. Also please express support for programs to research alternative energy; and anything else that will decrease our dependence on other countries for our energy.

Thank you for your time, and your continued service to our great state. Your representation is much appreciated.

JENNIFER, Nampa.

You are trying to find out the public mind on what should be done about the energy crisis and I really appreciate that. Thank you.

I am in college, married and working to pay for school. The gas prices have not helped me at all.

It is great that we are trying to get more fuel-efficient cars but, I would like to see cars that do not need fuel at all. (hydrogen fuel cell) The batteries for electric cars have harmful chemicals in them and are going to be expensive to replace and hard to dispose of. If we can push hydrogen we will eliminate a lot of our dependency on oil altogether, demand will go down; then the people who still need fossil fuels can afford it.

As far as powering the nation goes, I am a great fan of nuclear power. I started working at the INL outside of Idaho Falls; here I was educated on nuclear energy and radiation. Education was the key to convince me of the benefits of nuclear power. People are just scared of it because they do not understand it or radiation. If the public can be educated, I believe nuclear power can become much more feasible. Even new coal-fired power plants have a near zero emission operation and I would be OK with using our coal resource to ease the burden until a new energy

strategy can be implemented. In recent years, windmills were placed east of Idaho Falls, and I like the idea of making the best use of the resources in our area. Some things may work well here, and other things may work well in other places. Researching what works best in our area and implementing that is a wise strategy.

Lastly, I favor drilling for our own oil. Self-sufficiency is a principle that applies not only to individuals but to a country as well. It is good to deal and trade with other nations, but when a crisis is present making us pay unfair prices we need to be able to step away from the problem and be able to deal with it effectively. However, that oil is no good without refineries. We need to make sure we can do something with the oil we produce.

Thank you once again for listening and hopefully this can help you in making a decision.

KRIS, *Rexburg.*

Rising fuel costs are a big concern for us here in Idaho where a large percent of the working public have to drive 30 miles or more to work each day. And even with fuel efficient cars it still takes a large chunk of change to keep the gas tank full I carpool with three other coworkers to help the situation. Even with the carpool, it still costs me \$200 to \$250 per month for fuel. We have family that live 600 miles + away and we can hardly afford to go see them. A trip to Reno costs over \$300 so we have to limit our trips to visit because it is too expensive. Our recreation has been limited, too. We have a cabin that is in the mountains east of where we live about 40 miles away but, because of fuel costs, we do not go there as often. Fuel costs are also driving the cost of everything we buy. Where is it all going to stop?

I think that we need to become less dependent on oil from overseas and do more work on developing our own resources. We need to work on alternative methods for powering the automobile. Charge higher fuel prices in the areas they have mass transportation available. Do not hammer the work force with all the high costs.

ORIN.

High energy prices are affecting my ability to provide resources for living for my family. I am a disabled veteran and on a fixed income, which prevents me from offsetting the costs of oil. We have had to make significant changes in the way we buy food, travel to the store and how much gas we use for cooking and heating, often times being stuck with a \$500 gas bill for a few gallons. The American people are smart. They know that Congress is scrambling to hide the real issue. That issue being, that they are no longer looking out for the best interests of the American people.

Though I am grateful that you and others in Idaho are finally trying to change things, this should have never been a problem in the first place. We have one of the world's largest resources of coal. We have very significant amount of oil on the coasts and within the continental United States. Still, you all bend to the wishes of eco-terrorists like Al Gore and that fraud agency EPA.

Drill now! Here! Kick China and other countries off of our coast lines. What were you thinking!! Letting other countries drill on our soil and coasts while forbidding and banning our own companies from doing it. That is obviously an attack on our sovereignty.

Please sir, get Congress back on track, and let them know we are on to them. For Idaho,

For the United States of America! Please allow refineries. Allow drilling. Allow coal. Allow more nuke plants! Now please, stop wasting your time with email and written answers. Action is worth a thousand words!

ADAM.

[We] converted [our] pick-up truck to all electric. Why does not Congress give tax breaks to people who drive alternative vehicles?

In our home, we are conserving energy by making our house more energy-efficient. Why is not Congress enacting legislation to reward homeowners for replacing windows, furnaces, appliances with more energy efficient ones?

Rather than expand domestic oil supplies (off shore and in Alaska), why does not Congress raise the CAFE and heavily tax people who drive gas guzzlers for pleasure (not business)? Congress should be enacting meaningful legislation to curb consumption before jumping to open up off shore resources and ANWR.

I think Congress should be embarrassed for talking about opening up domestic oil resources when they just defeated a windfall profit tax on oil companies. Higher prices at the pumps, record profits, a Congress who cannot do the right things to curb consumption and encourage conservation/alternative resources, a Congress who caters to the oil companies at the expense of the environment and the non-rich.

Come on, Senator Crapo—please vote, sponsor, support a government “of, by, and for the people”.

MICHAEL.

We still pay less than European countries. What I think is a total same is the fact that the Treasure Valley still does not have a decent bus system. When I was in Olympia, Washington (pop of 20,000) during the 1960s that had a better bus system that included other cities than we have now. Think of the energy savings possible if the bus system was easy and accessible for all of the residents.

MICHAEL.

ADDITIONAL STATEMENTS

TRIBUTE TO EMMA JEAN GUYN MILLER

• Mr. BUNNING. Mr. President, it is with great admiration and respect that I take this time to memorialize one of Kentucky's most cherished citizens, Mrs. Emma Jean Guyn Miller. Unfortunately, Mrs. Miller passed away at the age of 107. However, her life story should serve as an inspiration for people in central Kentucky and around the entire United States.

Mrs. Miller was born in Woodford County on September 29, 1901, and moved with her family to Nicholasville in 1902. Since she was young Mrs. Miller knew that she wanted to gain an education and better her community. However, since Kentucky schools were still segregated during this time period, Mrs. Miller could only attend the Nicholasville Colored School, that only served students through the eighth grade. This situation did not stop Mrs. Miller. Her mother, making only \$4.50 a

week, and her local church saved enough money to send Mrs. Miller to Russell High School in Lexington where she graduated in 1920.

After graduating from high school she attended Turner Normal School in Shelbyville, TN, and earned her teaching certificate. She then returned to Nicholasville and began a teaching career that lasted over 40 years. Mrs. Miller began her career teaching in a one room schoolhouse and did not retire until segregated schools were ended in Nicholasville. Her students remembered Mrs. Miller as a kind but strict teacher who always had their best interest at heart.

In 1940 she married William Miller, and although they did not have any children, the Millers opened their home to numerous young people in the community who needed a place to stay. She also continued to be active in Bethel AME Church, now Bethel Methodist Church, and was a member for over 80 years. This church was the same congregation that helped pay for her education at Russell High School.

Mrs. Miller's life story should serve as an inspiration to every American. Her uniquely American story should give us hope that we can make a difference in our local communities and change the world one person at a time.●

HONORING DANCEBLUE

• Mr. BUNNING. Mr. President, today I invite my colleagues to join me in congratulating the University of Kentucky's DanceBlue student organization and 24-hour dance marathon. This organization operates through the support and leadership of UK students, faculty, and staff as well as the Lexington community. The organization improves the lives of children and families suffering from childhood cancer through the Golden Matrix Fund, and helps serve the Bluegrass by assisting those treated at the University of Kentucky Pediatric Oncology Clinic. In just 4 years of operation, the DanceBlue organization has raised over \$1 million towards research in childhood cancer. I would like to take this time to recognize the student leadership behind DanceBlue: Erin Priddy, Caitlin Mullen, Betsy Cooper, Joshua Rupp, Carson Massler, Townsend Miller, Colin Wheeler, and Tyler Bolin.

Erin Priddy is a senior from Louisville, KY, and is the DanceBlue overall chair for this year. She is the fourth individual to preside over DanceBlue operations. Erin has spent many of her days and nights planning this year-long fundraising process which builds up the actual dance marathon, as well as being a full time student. The success of this organization would not be possible without the dedication and hard work of Erin.

Caitlin Mullen is the vice chair for the DanceBlue organization and is also

in her senior year at the University of Kentucky. Caitlin's hard work this entire year on the budget for the organization, as well as maintaining the organization's committees and keeping them together are a value to the entire university.

Betsy Cooper is a senior from Paducah, KY, and is the dance marathon programming chair. Betsy's role with DanceBlue involves planning, organizing, and orchestrating the entire 24-hour period of which the Dance Marathon consists including overseeing 650 student dancers that will dance for 24-hours.

Joshua Rupp is a senior from Louisville, KY, and is involved with many organizations on campus. His role with DanceBlue is the rules, regulations and operations chair. He is in charge of the logistics for the dance marathon which took place this past weekend. Josh's influence and presence on the University of Kentucky is a benefit to the school and the community.

Carson Massler is a senior from Louisville, KY, and graduate of Sacred Heart Academy. Her role with DanceBlue is the family relations chair. Her position is vital to the organization since she serves as a liaison between the UK Pediatric Oncology Clinic and Golden Matrix Fund families and DanceBlue. The partnerships she has created serve as a sign of hope that this organization will continue to flourish for many more years.

Townsend Miller is a senior from Lexington, KY, and is the corporate relations chair. Townsend's role with DanceBlue this year involves maintaining relationships with corporate sponsors of DanceBlue, and he is the representative of DanceBlue to local and national businesses.

Colin Wheeler is from Bowling Green, KY, and serves as the marketing chair for DanceBlue. Colin's work on public relations, press releases, press kits and promotional materials is one of the main reasons why the organization and 24-hour dance marathon is such a big success.

Tyler Bolin is a senior from Owensboro, KY, and serves as the special events chair. Tyler has worked hard throughout the entire year planning events that help build up to the dance marathon. His hard work and motivation are truly an inspiration to all who meet him.

I am grateful that these students serve the people of the Commonwealth. I am confident that the children, families, and students whose lives they touch are all thankful for the opportunity to know them. The money that is raised through DanceBlue helps patients receive better care while improving the lives of children and their families suffering from childhood cancer. The funds are also going directly to pediatric cancer research initiatives that are helping to find a cure.

Mr. President, I would like to thank these individuals for their contributions to the Commonwealth of Kentucky, the University of Kentucky, and the Lexington community. I wish them well in all their future endeavors.●

HONORING NEW ENGLAND CASTINGS, LLC

● Ms. SNOWE. Mr. President, the manufacturing sector of our Nation's economy is facing incredible hardships that are only amplified by the global economic downturn. In fact, Maine's manufacturing industry has shed an alarming 23,600 jobs in the past 10 years, which represents nearly 30 percent of the State's manufacturing employment. Despite these challenges, some manufacturers, like New England Castings, the company I rise today to recognize, have been able to adapt, expand, and succeed.

Founded in 1985, New England Castings is an investment casting foundry located in the western Maine town of Hiram. Considered the most ancient form of metal casting, investment casting allows the firm to specialize in producing specific castings that many conventional shops often find too difficult or intricate to fill. New England Castings prides itself on the timely creation of prototypes for customers to review, allowing it to produce customers' orders in a shorter timeframe. The firm was certified as a historically underutilized business zone, or HUBZone, business in 2002, allowing it access to a wide variety of Federal contracting opportunities. The HUBZone program, managed by the Small Business Administration, assists small firms in rural and disadvantaged areas in attracting contracts to benefit their businesses and grow their companies.

Castings, which are the solidified materials made after pouring a liquid into a mold, have a number of practical uses, and New England Castings' work is easily suited to supply a number of diverse industries. From medical and dental instruments to gas turbine components, New England Castings' products run the gamut from small to large, slim to heavy. For instance, New England Castings can provide sturdy turbine powered tank combustor cover assemblies for Abrams M1 tanks, or more delicate window latches or sconces for architects seeking to beautify their buildings. The company's more innovative pieces can be seen at Carnegie Hall in New York City and the Smithsonian's Museum of Natural History in Washington, DC.

Although times are difficult for most small businesses, manufacturers have been hit particularly hard by a confluence of challenges, including foreign competition, finding skilled workers, and rising energy costs. But to remain competitive, New England Castings had to transform the way it operated, and

followed through by improving its practices and becoming a leaner company with increased productivity.

Seeking to secure a major contract to supply components to a railroad hardware manufacturer, New England Castings' president and owner, Walter Butler, decided that his company needed to become more efficient to earn the contract. After working with the Maine manufacturing extension partnership, MEP, a public-private partnership that assists small and medium manufacturers, New England Castings was able to double its sales, maximize the productivity of its workspace, and add 13 new employees.

As cochair of the Senate Task Force on Manufacturing, it is heartening to see small manufacturers like New England Castings utilize the tremendous resources that the MEP has to offer, and I am certain that the company will continue to benefit for years to come from the training and advice it has received. I congratulate Walter Butler and everyone at New England Castings for their dedication to creating quality products, and extend my best wishes for a productive and successful year.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED ON MARCH 15, 1995, WITH RESPECT TO IRAN—PM 12

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice

to the *Federal Register* for publication, stating that the Iran emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2009.

The crisis between the United States and Iran resulting from the actions and policies of the Government of Iran that led to the declaration of a national emergency on March 15, 1995, has not been resolved. The actions and policies of the Government of Iran are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, March 11, 2009.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 11:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1105. An act making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 2:48 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 813. An act to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse".

H.R. 837. An act to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building".

H.R. 842. An act to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse".

H.R. 869. An act to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse".

H.R. 887. An act to designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach United States Courthouse".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 37. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 39. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The message further announced that pursuant to 44 U.S.C. 2702, the Clerk of the House reappoints the following member on the part of the House of Representatives to the Advisory Committee on the Records of Congress: Mr. Bernard Forrester of Houston, Texas.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 813. An act to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 837. An act to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building"; to the Committee on Environment and Public Works.

H.R. 842. An act to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 869. An act to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 887. An act to designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 1106. An act to prevent mortgage foreclosures and enhance mortgage credit availability; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 39. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; to the Committee on Rules and Administration.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 570. A bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-942. A communication from the Director, Regulatory Management Division, Envi-

ronmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Propenoic acid, monoester with 1,2-propanediol, polymer with a-[4-(ethenyloxy) butyl]-w-hydroxypoly (oxy-1,2-ethanediyl) and 2,5-furandione; Tolerance Exemption" (FRL-8396-9) received in the Office of the President of the Senate on March 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-943. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Propenoic acid, 2-hydroxyethyl ester, polymer with a-[4-(ethenyloxy) butyl]-w-hydroxypoly (oxy-1,2-ethanediyl); Tolerance Exemption" (FRL-8396-7) received in the Office of the President of the Senate on March 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-944. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Propenoic acid, polymer with a-[4-(ethenyloxy) butyl]-w-hydroxypoly (oxy-1,2-ethanediyl), sodium salt; Tolerance Exemption" (FRL-8397-1) received in the Office of the President of the Senate on March 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-945. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Propenoic acid, polymer with a-[4-(ethenyloxy) butyl]-w-hydroxypoly (oxy-1,2-ethanediyl) and 1,2-propanediol mono-2-propenoate, potassium sodium salt; Tolerance Exemption" (FRL-8396-9) received in the Office of the President of the Senate on March 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-946. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Propenoic acid, polymer with a-[4-(ethenyloxy) butyl]-w-hydroxypoly (oxy-1,2-ethanediyl) and 2,5-furandione, sodium salt; Tolerance Exemption" (FRL-8396-8) received in the Office of the President of the Senate on March 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-947. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Mycoides Isolate J; Temporary Exemption From the Requirement of a Tolerance" (FRL-8400-2) received in the Office of the President of the Senate on March 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-948. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Benfluralin, Carbaryl, Diazinon, Dicrotophos, Fluometruon, Formetanate Hydrochloride, Glyphosate, Metolachlor, Napropamide, Norflurazon, Pyrazon, and Tau-Fluvalinate; Technical Amendment" (FRL-8402-1) received in the Office of the President of the Senate on March 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-949. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorimuron-ethyl; Pesticide Tolerances" (FRL-8402-6) received in the Office of the

President of the Senate on March 10, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-950. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Record-keeping and Reporting Requirements for the Import of Halon-1301 Aircraft Fire Extinguishing Vessels" (FRL-8779-6) received in the Office of the President of the Senate on March 10, 2009; to the Committee on Environment and Public Works.

EC-951. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2009-20) received in the Office of the President of the Senate on March 10, 2009; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-10. A resolution adopted by the Senate of the Commonwealth of Kentucky urging the 111th United States Congress to enact a federal Menu Education and Labeling (Meal) Act; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 76

Whereas, research continues to reveal the strong link between diet and health, and that diet-related diseases start early in life; and

Whereas, increased caloric intake is a key factor contributing to the alarming increase in obesity in the United States. According to the Centers for Disease Control and Prevention, two-thirds of American adults are overweight or obese, and the rates of obesity have tripled in children and teens since 1980. Obesity increases the risk of diabetes, heart disease, stroke, and other health problems. Each year obesity costs families, businesses, and governments \$117 billion; and

Whereas, over the past two decades, there has been a significant increase in the numbers of meals prepared and consumed outside of the home, with an estimated one-third of calories and almost 46 percent of total food dollars being spent on food purchased from and consumed at restaurants and other food-service establishments; and

Whereas, studies like eating out with obesity and higher caloric intakes. Foods that people eat from restaurants and other food-service establishments are generally higher in calories and saturated fat and lower in nutrients, such as calcium and fiber, than home-prepared foods; and

Whereas, while nutrition labeling is currently required on most packaged foods, this information is required only for restaurant foods for which nutrient content or health claims are made; and

Whereas, three-quarters of American adults report using food labels on packaged foods, which are required by the Nutrition Labeling and Education Act and went into effect in 1994. Using food labels is associated with eating healthier diets, and approximately 48 percent of people report that the nutrition information on food labels has caused them to change their minds about buying a food product. Research shows that people make healthier choices when res-

taurants provide point-of-purchase nutrition information; and

Whereas, it is difficult for consumers to limit their intake of calories at restaurants, given the limited availability of nutrition information, as well as the popular practice by many restaurants of providing foods in larger-than-standard servings and 'super-sized' portions; and

Whereas, the enacting of a federal Meal Act would provide all Americans valuable additional nutritional information that will best equip individuals and allow them to make healthy choices when they are consuming prepared foods outside of the home: Now, therefore, be it

Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Senate of the Commonwealth of Kentucky hereby urges the 111th United States Congress to enact a federal Menu Education and Labeling (Meal) Act.

Section 2. The Clerk of the Senate shall forward a copy of this Resolution to the Clerk of the United States Senate and the Clerk of the United States House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 303. A bill to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999 (Rept. No. 111-7).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself, Mr. KYL, Mr. CORKER, Mr. SHELBY, Mr. GREGG, Mr. ENZI, Mr. ISAKSON, Mr. ALEXANDER, Mr. BROWNBACK, Mr. SPECTER, Mr. VITTER, Mr. INHOFE, Mr. CORNYN, Mr. CHAMBLISS, Mr. RISCH, Mr. BUNNING, Mr. JOHANNIS, Mr. MARTINEZ, and Mr. ROBERTS):

S. 567. A bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates; to the Committee on Finance.

By Mr. CRAPO:

S. 568. A bill for the relief of Sali Bregaj and Mjaftime Bregaj; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Mr. GRASSLEY, and Mrs. MCCASKILL):

S. 569. A bill to ensure that persons who form corporations in the United States disclose the beneficial owners of those corporations, in order to prevent wrongdoers from exploiting United States corporations for criminal gain, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER (for himself, Mr. BUNNING, Mr. SHELBY, Mr. DEMINT, Mr. CORNYN, Mr. ENSIGN, Mr. COBURN, Mr. RISCH, Mr. INHOFE, Mr. ENZI, Mr. SESSIONS, and Mr. BOND):

S. 570. A bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes; read the first time.

By Mr. MENENDEZ (for himself, Mr. WYDEN, Mr. KERRY, Mr. CASEY, and Mr. DODD):

S. 571. A bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WEBB (for himself, Mr. BROWN, Mr. VITTER, Mr. WICKER, Mrs. BOXER, Mr. NELSON of Nebraska, and Mrs. LINCOLN):

S. 572. A bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TESTER:

S. 573. A bill to improve the efficiency of customs and other services at the Wild Horse, Montana port of entry; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. CARPER, Mr. LEVIN, Mrs. MCCASKILL, and Mr. TESTER):

S. 574. A bill to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARPER (for himself and Mr. SPECTER):

S. 575. A bill to amend title 49, United States Code, to develop plans and targets for States and metropolitan planning organizations to develop plans to reduce greenhouse gas emissions from the transportation sector, and for other purposes; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 69

At the request of Mr. INOUE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 69, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 211

At the request of Mrs. MURRAY, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Vermont (Mr. SANDERS) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 211, a

bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 388

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 416

At the request of Mrs. FEINSTEIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 416, a bill to limit the use of cluster munitions.

S. 423

At the request of Mr. AKAKA, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 488

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 488, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials.

S. 503

At the request of Ms. MURKOWSKI, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Idaho (Mr. RISCH) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 503, a bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes.

S. 527

At the request of Mr. THUNE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 527, a bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from

Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 541

At the request of Mr. DODD, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 541, a bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes.

S. 546

At the request of Mr. REID, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service of Combat-Related Special Compensation.

S. RES. 60

At the request of Mrs. SHAHEEN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. Res. 60, a resolution commemorating the 10-year anniversary of the accession of the Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization.

S. RES. 70

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 70, a resolution congratulating the people of the Republic of Lithuania on the 1000th anniversary of Lithuania and celebrating the rich history of Lithuania.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr. GRASSLEY, and Mrs. MCCASKILL)

S. 569. A bill to ensure that persons who form corporations in the United States disclose the beneficial owners of those corporations, in order to prevent wrongdoers from exploiting United States corporations for criminal gain, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEVIN. Mr. President, I am introducing today, with my colleagues

Senator GRASSLEY and Senator MCCASKILL, the Incorporation Transparency and Law Enforcement Assistance Act. This bill tackles a longstanding homeland security problem involving inadequate State incorporation practices that leave this country unnecessarily vulnerable to wrongdoers, hinders law enforcement, and damages the international stature of the United States.

The problem is straightforward. Each year, our States allow persons to form nearly 2 million corporations and limited liability companies in this country without knowing, or even asking, who the beneficial owners are behind those corporations. Right now, a person forming a U.S. corporation or limited liability company, LLC, provides less information to the State than is required to open a bank account or obtain a driver's license. Instead, States routinely permit persons to form corporations and LLCs under State laws without disclosing the names of any of the people who will control or benefit from them.

It is a fact that criminals are exploiting this weakness in our State incorporation practices. They are forming new U.S. corporations and LLCs, and using these entities to commit crimes ranging from drug trafficking, money laundering, tax evasion, financial fraud, and corruption.

Law enforcement authorities investigating these crimes have complained loudly for years about the lack of beneficial ownership information. Last year, for example, the U.S. Department of the Treasury sent a letter to the States stating: "the lack of transparency with respect to the individuals who control privately held for-profit legal entities created in the United States continues to represent a substantial vulnerability in the U.S. anti-money laundering/counter terrorist financing (AML/CFT) regime. . . . [T]he use of U.S. companies to mask the identity of criminals presents an ongoing and substantial problem . . . for U.S. and global law enforcement authorities."

Michael Chertoff, former Secretary of the U.S. Department of Homeland Security, wrote the following:

In countless investigations, where the criminal targets utilize shell corporations, the lack of law enforcement's ability to gain access to true beneficial ownership information slows, confuses or impedes the efforts by investigators to follow criminal proceeds. This is the case in financial fraud, terrorist financing and money laundering investigations. . . . It is imperative that States maintain beneficial ownership information while the company is active and to have a set time frame for preserving those records. . . . Shell companies can be sold and resold to several beneficial owners in the course of a year or less. . . . By maintaining records not only of the initial beneficial ownership but of the subsequent beneficial owners, States will provide law enforcement the tools necessary to clearly identify the individuals who utilized the company at any given period of time.

These types of complaints by U.S. law enforcement, their pleas for assistance, and their warnings about the dangers of anonymous U.S. corporations operating here and abroad are catalogued in a stack of reports and hearing testimony from the Department of Justice, the Department of Homeland Security, the Financial Crimes Enforcement Network of the Department of the Treasury, the Internal Revenue Service, and others.

To add insult to injury, our law enforcement officials have too often had to stand silent when asked by their counterparts in other countries for information about who owns a U.S. corporation committing crimes in their jurisdictions. The reality is that the United States can't answer those requests, because we don't have the information.

Our bill would cure the problem by requiring State incorporation forms to include a request for the names of a corporation's beneficial owners. States would not be required to verify the information, but civil or criminal penalties would apply to persons who submitted false information. If law enforcement issued a subpoena or summons to obtain the ownership information, States would then supply the data contained on its forms.

This bill has received the support of numerous law enforcement associations, including the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the National Association of Assistant United States Attorneys, the National Narcotic Officers' Associations Coalition, the United States Marshals Service Association, and the Association of Former ATF Agents.

The Federal Law Enforcement Officers Association, FLEOA, for example, which represents more than 26,000 Federal law enforcement officers, states that "the unfortunate lax attitude demonstrated by certain states has enabled large criminal enterprises to exploit those state's flawed filing systems." FLEOA goes on:

We regard corporate ownership in the same manner as we do vehicle ownership. Requiring the driver of a vehicle to have a registration and insurance card is not a violation of their privacy. This information does not need to be published in a Yellow Pages, but it should be available to law enforcement officers who make legally authorized requests pursuant to official investigations.

The National Association of Assistant United States Attorneys, NAAUSA, which represents more than 1,500 Federal prosecutors, urges Congress to take legislative action to remedy inadequate State incorporation practices. NAAUSA states:

[M]indful of the ease with which criminals establish 'front organizations' to assist in money laundering, terrorist financing, tax evasion and other misconduct, it is shocking and unacceptable that many State laws permit the creation of corporations without

asking for the identity of the corporation's beneficial owners. Your legislation will guard against that from happening, and no longer permit criminals to exploit the lack of transparency in the registration of corporations.

Our bill was also endorsed by President Obama during the last Congress when he was a member of the U.S. Senate and served as an original cosponsor of the predecessor bill, S. 2956.

In 2006, the leading international anti-money laundering body in the world, the Financial Action Task Force on Money Laundering—known as FATF—issued a report criticizing the United States for its failure to comply with a FATF standard requiring countries to obtain beneficial ownership information for the corporations formed under their laws. This standard is one of 40 FATF standards that this country has publicly committed itself to implementing as part of its efforts to promote strong anti-money laundering laws around the world.

FATF gave the United States 2 years, until July 2008, to make progress toward coming into compliance with the FATF standard on beneficial ownership information. That deadline passed long ago, and we have yet to make any real progress. Enacting the bill we are introducing today would bring the United States into compliance with the FATF standard by requiring the States to obtain beneficial ownership information for the corporations formed under their laws. It would ensure that the United States met its international commitment to comply with FATF anti-money laundering standards.

The bill being introduced today is also the product of years of work by the U.S. Senate Permanent Subcommittee on Investigations, which I chair. As long ago as 2000, the Government Accountability Office, GAO, at my request, conducted an investigation and released a report entitled, "Suspicious Banking Activities: Possible Money Laundering by U.S. Corporations Formed for Russian Entities." This report revealed that one person was able to set up more than 2,000 Delaware shell corporations and, without disclosing the identity of the beneficial owners, open U.S. bank accounts for those corporations, which then collectively moved about \$1.4 billion through the accounts. It is one of the earliest government reports to give some sense of the law enforcement problems caused by U.S. corporations with unknown owners. It sounded the alarm years ago but to little avail.

In April 2006, in response to a Subcommittee request, GAO released a second report entitled, "Company Formations: Minimal Ownership Information Is Collected and Available," which reviewed the corporate formation laws in all 50 States. GAO disclosed that the vast majority of the States do not collect any information at all on the beneficial owners of the corporations and

LLCs formed under their laws. The report also found that many States have established automated procedures that allow a person to form a new corporation or LLC within the State within 24 hours of filing an online application without any prior review of that application by a State official. In exchange for a substantial fee, at least two States will form a corporation or LLC within one hour of a request. After examining these State incorporation practices, the GAO report described the problems that the lack of beneficial ownership information has caused for a range of law enforcement investigations.

In November 2006, our subcommittee held a hearing further exploring this issue. At that hearing, representatives of the U.S. Department of Justice, DOJ, the Internal Revenue Service, IRS, and the Department of Treasury's Financial Crimes Enforcement Network, FinCEN, testified that the failure of States to collect adequate information on the beneficial owners of the legal entities they form has impeded Federal efforts to investigate and prosecute criminal acts such as terrorism, money laundering, securities fraud, and tax evasion. At the hearing, DOJ testified:

We had allegations of corrupt foreign officials using these [U.S.] shell accounts to launder money, but were unable—due to lack of identifying information in the corporate records—to fully investigate this area.

The IRS testified:

Within our own borders, the laws of some states regarding the formation of legal entities have significant transparency gaps which may even rival the secrecy afforded in the most attractive tax havens.

FinCEN identified 768 incidents of suspicious international wire transfer activity involving U.S. shell companies.

In addition, in a list of the "Dirty Dozen" tax scams in 2007, the IRS highlighted shell companies with unknown owners as number four on the list, as follows:

4. Disguised Corporate Ownership: Domestic shell corporations and other entities are being formed and operated in certain states for the purpose of disguising the ownership of the business or financial activity. Once formed, these anonymous entities can be, and are being, used to facilitate under-reporting of income, non-filing of tax returns, listed transactions, money laundering, financial crimes and possibly terrorist financing. The IRS is working with state authorities to identify these entities and to bring their owners into compliance.

That is not all. Dozens of Internet websites advertising corporate formation services highlight the fact that some of our States allow corporations to be formed under their laws without asking for the identity of the beneficial owners. These Web sites explicitly point to anonymous ownership as a reason to incorporate within the United States, and often list certain

States alongside notorious offshore jurisdictions as preferred locations for the formation of new corporations, essentially providing an open invitation for wrongdoers to form entities within the United States.

One Web site, for example, set up by an international incorporation firm, advocates setting up companies in Delaware by saying: "DELAWARE—An Offshore Tax Haven for Non U.S. Residents." It cites as one of Delaware's advantages that: "Owners' names are not disclosed to the state." Another Web site, from a U.K. firm called "formacompanyoffshore.com," lists the advantages to incorporating in Nevada. Those advantages include: "No I.R.S. Information Sharing Agreement" and "Stockholders are not on Public Record allowing complete anonymity."

Despite this type of advertising, years of law enforcement complaints, and mounting evidence of abuse, many of our States are reluctant to admit there is a problem with establishing U.S. corporations and LLCs with unknown owners. Too many of our States are eager to explain how quick and easy it is to set up corporations within their borders, without acknowledging that those same quick and easy procedures enable wrongdoers to utilize U.S. corporations in a variety of crimes and tax dodges both here and abroad.

Since 2006, the subcommittee has worked with the States to encourage them to recognize the homeland security problem they have created and to come up with their own solution. After the subcommittee's hearing on this issue, for example, the National Association of Secretaries of State, NASS, convened a 2007 task force to examine state incorporation practices. At the request of NASS and several States, I delayed introducing legislation while they worked on a proposal to require the collection of beneficial ownership information. My subcommittee staff participated in multiple conferences, telephone calls, and meetings; suggested key principles; and provided comments to the task force.

In July 2007, the NASS task force issued a proposal. Rather than cure the problem, however, the proposal was full of deficiencies, leading the Treasury Department to state in a letter that the NASS proposal "falls short" and "does not fully address the problem of legal entities masking the identity of criminals."

Among other shortcomings, the NASS proposal does not require States to obtain the names of the natural individuals who would be the beneficial owners of a U.S. corporation or LLC. Instead, it would allow States to obtain a list of a company's "owners of record" who can be, and often are, offshore corporations or trusts. The NASS proposal also doesn't require the States themselves to maintain the beneficial

ownership information, or to supply it to law enforcement upon receipt of a subpoena or summons. The proposal also fails to require the beneficial ownership information to be updated over time. These and other flaws in the proposal have been identified by the Treasury Department, the Department of Justice, me, and others, but NASS has given no indication that the flaws will be corrected.

It is deeply disappointing that the States, despite the passage of more than 1 year, were unable to devise an effective proposal. Part of the difficulty is that the States have a wide range of practices, differ on the extent to which they rely on incorporation fees as a major source of revenue, and differ on the extent to which they attract non-U.S. persons as incorporators. In addition, the States are competing against each other to attract persons who want to set up U.S. corporations, and that competition creates pressure for each individual State to favor procedures that allow quick and easy incorporations. It is a classic case of competition causing a race to the bottom, making it difficult for any one State to do the right thing and request the names of beneficial owners.

That is why we are introducing Federal legislation today. Federal legislation is needed to level the playing field among the States, set minimum standards for obtaining beneficial ownership information, put an end to the practice of States forming millions of legal entities each year without knowing who is behind them, and bring the United States into compliance with its international commitments.

The bill's provisions would require the States to obtain a list of the beneficial owners of each corporation or LLC formed under their laws, to maintain this information for 5 years after the corporation is terminated, and to provide the information to law enforcement upon receipt of a subpoena or summons. If enacted, this bill would ensure, for the first time, that law enforcement seeking beneficial ownership information from a State about one of its corporations or LLCs would not be turned away empty-handed.

The bill would also require corporations and LLCs to update their beneficial ownership information in an annual filing with the State of incorporation. If a State did not require an annual filing, the information would have to be updated each time the beneficial ownership changed.

In the special case of U.S. corporations formed by non-U.S. persons, the bill would go farther. Following the lead of the Patriot Act which imposed additional due diligence requirements on certain financial accounts opened by non-U.S. persons, our bill would require additional due diligence for corporations beneficially owned by non-U.S. persons. This added due diligence

would have to be performed—not by the States—but by the persons seeking to establish the corporations. These incorporators would have to file with the State a written certification from a corporate formation agent residing within the State attesting to the fact that the agent had verified the identity of the non-U.S. beneficial owners of the corporation by obtaining their names, addresses, and passport photographs. The formation agent would be required to retain this information for a specified period of time and produce it upon request.

The bill would not require the States to verify the ownership information provided to them by a formation agent, corporation, LLC, or other person filing an incorporation application. Instead, the bill would establish Federal civil and criminal penalties for anyone who knowingly provided a State with false beneficial ownership information or intentionally failed to provide the State with the information requested.

The bill would also exempt certain corporations from the disclosure obligation. For example, it would exempt all publicly traded corporations and the entities they form, since these corporations are already overseen by the Security and Exchange Commission. It would also allow the States, with the written concurrence of the Homeland Security Secretary and the U.S. Attorney General, to identify certain corporations, either individually or as a class, which would not have to list their beneficial owners, if requiring such ownership information would not serve the public interest or assist law enforcement in their investigations. These exemptions are expected to be narrowly drawn and used sparingly, but are intended to provide the States and Federal law enforcement added flexibility to fine-tune the disclosure obligation and focus it where it is most needed to stop crime, tax evasion, and other wrongdoing.

Another area of flexibility in the bill involves privacy issues. The bill deliberately does not take a position on the issue of whether the States should make the beneficial ownership information they receive available to the public. Instead, the bill leaves it entirely up to the States to decide whether and under what circumstances to make beneficial ownership information available to the public. The bill explicitly permits the States to place restrictions on providing beneficial ownership information to persons other than government officials. The bill focuses instead on ensuring that law enforcement and Congress, provided they are equipped with a subpoena or summons, are given ready access to the beneficial ownership information collected by the States.

To ensure that the States have the funds needed to meet the new beneficial ownership information requirements, the bill makes it clear that

States can use their DHS state grant funds for this purpose. Every State is guaranteed a minimum amount of DHS grant funds every year and may receive funds substantially above that minimum. Every State will be able to use all or a portion of these funds to modify their incorporation practices to meet the requirements in the act. The bill also authorizes DHS to use appropriated funds to carry out its responsibilities under the act. These provisions will ensure that the States have the funds needed for the modest compliance costs involved with amending their incorporation forms to request the names of beneficial owners.

It is common for bills establishing Federal standards to seek to ensure State action by making some Federal funding dependent upon a State's meeting the specified standards. This bill, however, states explicitly that nothing in the bill authorizes DHS to withhold funds from a State for failing to modify its incorporation practices to meet the beneficial ownership information requirements in the act. Instead, the bill simply calls for a GAO report in 2013 to identify which States, if any, have failed to strengthen their incorporation practices as required by the act. After getting this status report, a future Congress can decide what steps to take, including whether to reduce any DHS funding going to the noncompliant States.

Finally, the bill would require the U.S. Department of the Treasury to issue a rule requiring formation agents to establish anti-money laundering programs to ensure they are not forming U.S. corporations or LLCs for criminals or other wrongdoers. GAO would also be asked to conduct a study of existing State formation procedures for partnerships and trusts.

We have worked hard to craft a bill that would address, in a fair and reasonable way, the homeland security problem created by States allowing the formation of millions of U.S. corporations and LLCs with unknown owners. What the bill comes down to is a simple requirement that States change their incorporation applications to add a question requesting the names and addresses of the prospective beneficial owners. That is not too much to ask to protect this country and the international community from wrongdoers seeking to misuse U.S. corporations and to help law enforcement stop those wrongdoers.

For those who say that, if the United States tightens its incorporation rules, new companies will be formed elsewhere, it is appropriate to ask exactly where they will go. Every country in the European Union is already required to get beneficial information for the corporations formed under their laws. Most offshore jurisdictions already request this information as well, including the Bahamas, Cayman Islands, Jer-

sey, and the Island of Man. Our States should be asking for the same ownership information, but they don't, and there is no indication that they will any time in the near future, unless required to do so.

I wish Federal legislation weren't necessary. I wish the States could solve this homeland security problem on their own, but ongoing competitive pressures make it unlikely that the States will reach agreement. It has been more than 2 years since our 2006 hearing with no real progress to show for it, despite repeated pleas from law enforcement.

Federal legislation is necessary to reduce the vulnerability of the United States to wrongdoing by U.S. corporations with unknown owners, to protect interstate and international commerce from criminals misusing U.S. corporations, to strengthen the ability of law enforcement to investigate suspect U.S. corporations, to level the playing field among the States, and to bring the United States into compliance with its international anti-money laundering obligations.

There is also an issue of consistency. For years, I have been fighting offshore corporate secrecy laws and practices that enable wrongdoers to secretly control offshore corporations involved in money laundering, tax evasion, and other misconduct. I have pointed out on more than one occasion that corporations were not created to hide ownership, but to shield owners from personal liability for corporate acts. Unfortunately, today, the corporate form has too often been corrupted into serving those wishing to conceal their identities and commit crimes or dodge taxes without alerting authorities. It is past time to stop this misuse of the corporate form. But if we want to stop inappropriate corporate secrecy offshore, we need to stop it here at home as well.

For these reasons, I urge my colleagues to support this legislation and put an end to incorporation practices that promote corporate secrecy and render the United States and other countries vulnerable to abuse by U.S. corporations with unknown owners.

As I mentioned earlier, in the 110th Congress, then-Senator Obama was an original cosponsor of this legislation. I look forward to working with President Obama to ensure this homeland security bill is enacted into law.

I thank my cosponsor, Senator GRASSLEY, who has been such a leader in this effort for so long, as he has in so many other good government initiatives. I also thank Senator McCASKILL for her cosponsorship.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Incorporation Transparency and Law Enforcement Assistance Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Nearly 2,000,000 corporations and limited liability companies are being formed under the laws of the States each year.

(2) Very few States obtain meaningful information about the beneficial owners of the corporations and limited liability companies formed under their laws.

(3) A person forming a corporation or limited liability company within the United States typically provides less information to the State of incorporation than is needed to obtain a bank account or driver's license and typically does not name a single beneficial owner.

(4) Criminals have exploited the weaknesses in State formation procedures to conceal their identities when forming corporations or limited liability companies in the United States, and have then used the newly created entities to commit crimes affecting interstate and international commerce such as terrorism, drug trafficking, money laundering, tax evasion, securities fraud, financial fraud, and acts of foreign corruption.

(5) Law enforcement efforts to investigate corporations and limited liability companies suspected of committing crimes have been impeded by the lack of available beneficial ownership information, as documented in reports and testimony by officials from the Department of Justice, the Department of Homeland Security, the Financial Crimes Enforcement Network of the Department of the Treasury, the Internal Revenue Service, and the Government Accountability Office, and others.

(6) In July 2006, a leading international anti-money laundering organization, the Financial Action Task Force on Money Laundering (in this section referred to as the "FATF"), of which the United States is a member, issued a report that criticizes the United States for failing to comply with a FATF standard on the need to collect beneficial ownership information and urged the United States to correct this deficiency by July 2008.

(7) In response to the FATF report, the United States has repeatedly urged the States to strengthen their incorporation practices by obtaining beneficial ownership information for the corporations and limited liability companies formed under the laws of such States.

(8) Many States have established automated procedures that allow a person to form a new corporation or limited liability company within the State within 24 hours of filing an online application, without any prior review of the application by a State official. In exchange for a substantial fee, 2 States will form a corporation within 1 hour of a request.

(9) Dozens of Internet websites highlight the anonymity of beneficial owners allowed under the incorporation practices of some States, point to those practices as a reason to incorporate in those States, and list those States together with offshore jurisdictions as preferred locations for the formation of new corporations, essentially providing an open invitation to criminals and other wrongdoers to form entities within the United States.

(10) In contrast to practices in the United States, all countries in the European Union are required to identify the beneficial owners of the corporations they form.

(11) To reduce the vulnerability of the United States to wrongdoing by United States corporations and limited liability companies with unknown owners, to protect interstate and international commerce from criminals misusing United States corporations and limited liability companies, to strengthen law enforcement investigations of suspect corporations and limited liability companies, to set minimum standards for and level the playing field among State incorporation practices, and to bring the United States into compliance with its international anti-money laundering obligations, Federal legislation is needed to require the States to obtain beneficial ownership information for the corporations and limited liability companies formed under the laws of such States.

SEC. 3. TRANSPARENT INCORPORATION PRACTICES.

(a) TRANSPARENT INCORPORATION PRACTICES.—

(1) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

“SEC. 2009. TRANSPARENT INCORPORATION PRACTICES.

“(a) INCORPORATION SYSTEMS.—

“(1) IN GENERAL.—To protect the security of the United States, each State that receives funding from the Department under section 2004 shall, not later than the beginning of fiscal year 2012, use an incorporation system that meets the following requirements:

“(A) Each applicant to form a corporation or limited liability company under the laws of the State is required to provide to the State during the formation process a list of the beneficial owners of the corporation or limited liability company that—

“(i) identifies each beneficial owner by name and current address; and

“(ii) if any beneficial owner exercises control over the corporation or limited liability company through another legal entity, such as a corporation, partnership, or trust, identifies each such legal entity and each such beneficial owner who will use that entity to exercise control over the corporation or limited liability company.

“(B) Each corporation or limited liability company formed under the laws of the State is required by the State to update the list of the beneficial owners of the corporation or limited liability company by providing the information described in subparagraph (A)—

“(i) in an annual filing with the State; or

“(ii) if no annual filing is required under the law of that State, each time a change is made in the beneficial ownership of the corporation or limited liability company.

“(C) Beneficial ownership information relating to each corporation or limited liability company formed under the laws of the State is required to be maintained by the State until the end of the 5-year period beginning on the date that the corporation or limited liability company terminates under the laws of the State.

“(D) Beneficial ownership information relating to each corporation or limited liability company formed under the laws of the State shall be provided by the State upon receipt of—

“(i) a civil or criminal subpoena or summons from a State agency, Federal agency, or congressional committee or subcommittee requesting such information; or

“(ii) a written request made by a Federal agency on behalf of another country under an international treaty, agreement, or convention, or section 1782 of title 28, United States Code.

“(2) NON-UNITED STATES BENEFICIAL OWNERS.—To further protect the security of the United States, each State that accepts funding from the Department under section 2004 shall, not later than the beginning of fiscal year 2012, require that, if any beneficial owner of a corporation or limited liability company formed under the laws of the State is not a United States citizen or a lawful permanent resident of the United States, each application described in paragraph (1)(A) and each update described in paragraph (1)(B) shall include a written certification by a formation agent residing in the State that the formation agent—

“(A) has verified the name, address, and identity of each beneficial owner that is not a United States citizen or a lawful permanent resident of the United States;

“(B) has obtained for each beneficial owner that is not a United States citizen or a lawful permanent resident of the United States a copy of the page of the government-issued passport on which a photograph of the beneficial owner appears;

“(C) will provide proof of the verification described in subparagraph (A) and the photograph described in subparagraph (B) upon request; and

“(D) will retain information and documents relating to the verification described in subparagraph (A) and the photograph described in subparagraph (B) until the end of the 5-year period beginning on the date that the corporation or limited liability company terminates, under the laws of the State.

“(b) PENALTIES FOR FALSE BENEFICIAL OWNERSHIP INFORMATION.—In addition to any civil or criminal penalty that may be imposed by a State, any person who affects interstate or foreign commerce by knowingly providing, or attempting to provide, false beneficial ownership information to a State, by intentionally failing to provide beneficial ownership information to a State upon request, or by intentionally failing to provide updated beneficial ownership information to a State—

“(1) shall be liable to the United States for a civil penalty of not more than \$10,000; and

“(2) may be fined under title 18, United States Code, imprisoned for not more than 3 years, or both.

“(c) FUNDING AUTHORIZATION.—To carry out this section—

“(1) a State may use all or a portion of the funds made available to the State under section 2004; and

“(2) the Administrator may use funds appropriated to carry out this title, including unobligated or reprogrammed funds, to enable a State to obtain and manage beneficial ownership information for the corporations and limited liability companies formed under the laws of the State, including by funding measures to assess, plan, develop, test, or implement relevant policies, procedures, or system modifications.

“(d) STATE COMPLIANCE REPORT.—Nothing in this section authorizes the Administrator to withhold from a State any funding otherwise available to the State under section 2004 because of a failure by that State to comply with this section. Not later than June 1, 2013, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a re-

port identifying which States are in compliance with this section and, for any State not in compliance, what measures must be taken by that State to achieve compliance with this section.

“(e) DEFINITIONS.—In this section:

“(1) BENEFICIAL OWNER.—The term ‘beneficial owner’ means an individual who has a level of control over, or entitlement to, the funds or assets of a corporation or limited liability company that, as a practical matter, enables the individual, directly or indirectly, to control, manage, or direct the corporation or limited liability company.

“(2) CORPORATION; LIMITED LIABILITY COMPANY.—The terms ‘corporation’ and ‘limited liability company’—

“(A) have the meanings given such terms under the laws of the applicable State;

“(B) do not include any business concern that is an issuer of a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781) or that is required to file reports under section 15(d) of that Act (15 U.S.C. 780(d)), or any corporation or limited liability company formed by such a business concern;

“(C) do not include any business concern formed by a State, a political subdivision of a State, under an interstate compact between 2 or more States, by a department or agency of the United States, or under the laws of the United States; and

“(D) do not include any individual business concern or class of business concerns which a State, after obtaining the written concurrence of the Administrator and the Attorney General of the United States, has determined in writing should be exempt from the requirements of subsection (a), because requiring beneficial ownership information from the business concern would not serve the public interest and would not assist law enforcement efforts to detect, prevent, or punish terrorism, money laundering, tax evasion, or other misconduct.

“(3) FORMATION AGENT.—The term ‘formation agent’ means a person who, for compensation, acts on behalf of another person to assist in the formation of a corporation or limited liability company under the laws of a State.”

(2) TABLE OF CONTENTS.—The table of contents in section 1 of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 2008 the following:

“Sec. 2009. Transparent incorporation practices.”

(b) EFFECT ON STATE LAW.—

(1) IN GENERAL.—This Act and the amendments made by this Act do not supersede, alter, or affect any statute, regulation, order, or interpretation in effect in any State, except where a State has elected to receive funding from the Department of Homeland Security under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), and then only to the extent that such State statute, regulation, order, or interpretation is inconsistent with this Act or an amendment made by this Act.

(2) NOT INCONSISTENT.—A State statute, regulation, order, or interpretation is not inconsistent with this Act or an amendment made by this Act if such statute, regulation, order, or interpretation—

(A) requires additional information, more frequently updated information, or additional measures to verify information related to a corporation, limited liability company, or beneficial owner, than is specified under this Act or an amendment made by this Act; or

(B) imposes additional limits on public access to the beneficial ownership information obtained by the State than is specified under this Act or an amendment made by this Act.

SEC. 4. ANTI-MONEY LAUNDERING OBLIGATIONS OF FORMATION AGENTS.

(a) ANTI-MONEY LAUNDERING OBLIGATIONS OF FORMATION AGENTS.—Section 5312(a)(2) of title 31, United States Code, is amended—

(1) in subparagraph (Y), by striking “or” at the end;

(2) by redesignating subparagraph (Z) as subparagraph (AA); and

(3) by inserting after subparagraph (Y) the following:

“(Z) any person involved in forming a corporation, limited liability company, partnership, trust, or other legal entity; or”.

(b) DEADLINE FOR ANTI-MONEY LAUNDERING RULE FOR FORMATION AGENTS.—

(1) PROPOSED RULE.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Attorney General of the United States, the Secretary of Homeland Security, and the Commissioner of the Internal Revenue Service, shall publish a proposed rule in the Federal Register requiring persons described in section 5312(a)(2)(Z) of title 31, United States Code, as amended by this section, to establish anti-money laundering programs under subsection (h) of section 5318 of that title.

(2) FINAL RULE.—Not later than 270 days after the date of enactment of this Act, the Secretary of the Treasury shall publish the rule described in this subsection in final form in the Federal Register.

SEC. 5. STUDY AND REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report—

(1) identifying each State that has procedures that enable persons to form or register under the laws of the State partnerships, trusts, or other legal entities, and the nature of those procedures;

(2) identifying each State that requires persons seeking to form or register partnerships, trusts, or other legal entities under the laws of the State to provide information about the beneficial owners (as that term is defined in section 2009 of the Homeland Security Act of 2002, as added by this Act) or beneficiaries of such entities, and the nature of the required information;

(3) evaluating whether the lack of available beneficial ownership information for partnerships, trusts, or other legal entities—

(A) raises concerns about the involvement of such entities in terrorism, money laundering, tax evasion, securities fraud, or other misconduct; and

(B) has impeded investigations into entities suspected of such misconduct; and

(4) evaluating whether the failure of the United States to require beneficial ownership information for partnerships and trusts formed or registered in the United States has elicited international criticism and what steps, if any, the United States has taken or is planning to take in response.

SUMMARY OF LEVIN-GRASSLEY-MCCASKILL INCORPORATION TRANSPARENCY AND LAW ENFORCEMENT ASSISTANCE ACT

To protect the United States from U.S. corporations being misused to commit ter-

rorism, money laundering, tax evasion, or other misconduct, the Incorporation Transparency and Law Enforcement Assistance Act would:

Beneficial Ownership Information. Require the States to obtain a list of the beneficial owners of each corporation or limited liability company (LLC) formed under their laws, ensure this information is updated annually, and provide the information to civil or criminal law enforcement upon receipt of a subpoena or summons.

Non-U.S. Beneficial Owners. Require corporations and LLCs with non-U.S. beneficial owners to provide a certification from an in-state formation agent that the agent has verified the identity of those owners.

Penalties for False Information. Establish civil and criminal penalties under federal law for persons who knowingly provide false beneficial ownership information or intentionally fail to provide required beneficial ownership information to a State.

Exemptions. Provide exemptions for certain corporations, including publicly traded corporations and the corporations and LLCs they form, since the Securities and Exchange Commission already oversees them; and corporations which a State has determined, with concurrence from the Homeland Security and Justice Departments, should be exempt because requiring beneficial ownership information from them would not serve the public interest or assist law enforcement.

Funding. Authorize States to use an existing DHS grant program, and authorize DHS to use already appropriated funds, to meet the requirements of this Act.

State Compliance Report. Clarify that nothing in the Act authorizes DHS to withhold funds from a State for failing to comply with the beneficial ownership requirements. Require a GAO report by 2013 identifying which States are not in compliance so that a future Congress can determine at that time what steps to take.

Transition Period. Give the States until October 2012 to require beneficial ownership information for the corporations and LLCs formed under their laws.

Anti-Money Laundering Rule. Require the Treasury Secretary to issue a rule requiring formation agents to establish anti-money laundering programs to ensure they are not forming U.S. corporations or other entities for criminals or other suspect persons.

GAO Study. Require GAO to complete a study of State beneficial ownership information requirements for in-state partnerships and trusts.

Mr. GRASSLEY. Mr. President, I rise to speak on the same bill the Senator from Michigan spoke on, but I ought to compliment him. He is most known for being a leader in the area of military affairs because of being chairman of that committee. But for sure, for years he has been also a chairman of the Permanent Subcommittee on Investigations and so much of the work that comes out of this legislation comes out of his work on that committee. I think he ought to be commended for the work he does through investigations there as well.

I am happy to join Senator LEVIN and Senator MCCASKILL in cosponsoring the Incorporation Transparency and Law Enforcement Assistance Act. This bill requires States to obtain corporate ownership information at the time of formation and help law enforcement

investigate shell companies which are set up for the sole purpose of conducting illegal activities.

Earlier this year, Senator LEVIN joined me when I introduced a bill that we entitled the Hedge Fund Transparency Act. I said then that the major cause of the current financial crisis is a lack of transparency among hedge funds. That same thing can be said about corporate ownership. In too many States, very little ownership information is needed to register a corporation, and the actual owners of that corporation are often hidden behind the agents and lawyers who register the corporation on behalf of owners.

One example of how these criminals take advantage of this lack of transparency is the practice of setting up and using shell corporations to hide corporate ownership information. These individuals set up shell corporations that have the benefits of corporate registration and function legitimately. But these same corporations are being used to hide illegal activities. These activities include a variety of elaborate schemes to disguise money laundering, tax evasion, and securities fraud. Law enforcement officials from the Department of Justice and the Internal Revenue Service have testified before Congress about how the lack of corporate information has been a very significant impediment to their ability to conduct criminal investigations.

For example, when a corporation is involved in illegal activities, the legitimate corporate owners are often hidden, making it difficult for law enforcement agencies to determine who is actually responsible. That, in turn, makes it difficult to bring the real culprits to justice. States differ as to what corporate information is required to register a corporation and how long it takes to process that paperwork. Most States require only the name of the company, the name and address of the agent, a signature, and, of course, a fee.

In fact, the Government Accountability Office found that most States will take the time to verify that the fee has been paid but do not take the time to verify the identities of the incorporators, officers, and directors. Perhaps even more important, no State checks the names of incorporators, officers, or directors against criminal records and the watch lists that sometimes Federal agencies have. As a result, we have no way of knowing if the beneficial owners are criminals, or they could even be terrorists, for that matter. Many States now have introduced electronic registration procedures that enable a new corporation to be registered on line within 24 hours. States offer this expedited service in exchange for yet an additional fee. In fact, there are two States where an individual can form a corporation within 1 hour of making the request. The

promise of quick registration and little oversight has proven to be a very popular revenue generator for some States. But this process is not necessarily in the best interest of protecting our financial system or our national security.

Some States have raised concerns that if their incorporation laws are tightened, corporations will simply register in other States where there are less stringent registration requirements. This bill is to take care of that problem. It is designed to bring some sanity to this whole process. It makes the registration requirement uniform over all 50 States, as well as the District of Columbia. This way corporations will simply not be able to “shop around” for the State with the most relaxed standards and simply play one State against the other. Further, much of the information set forth in this bill is already required by the European Union and many offshore jurisdictions. This bill simply updates our laws to match those of other nations combating the same problems with money laundering, tax evasion, and terrorist financing.

The legislation I am introducing today with Senators LEVIN and MCCASKILL requires that States obtain a list of the beneficial owners of each corporation or limited liability company formed under their laws before the corporation is registered in that particular State. The bill also requires that States ensure required information is updated annually and that States provide the information to civil or criminal law enforcement agencies upon receipt of a subpoena or summons. This also establishes a civil penalty of up to \$10,000 and a criminal penalty of up to 3 years in prison for providing false information.

Additionally, the bill would exempt publicly traded companies that are already regulated by the Securities and Exchange Commission. Further, the bill requires non-U.S. beneficial owners to provide certification from an in-State agent that verifies the identity of the beneficial owner.

Finally, this bill requires the Government Accountability Office to complete a study of State beneficial ownership information requirements for in-State partnerships and trusts and gives the States until October 2011 to require beneficial ownership information for the corporations and limited liability companies formed under their laws.

I urge colleagues to cosponsor and support this legislation as we try to bring greater transparency to our financial system.

By Mr. WEBB (for himself, Mr. BROWN, Mr. VITTER, Mr. WICKER, Mrs. BOXER, Mr. NELSON of Nebraska, and Mrs. LINCOLN):

S. 572. A bill to provide for the issuance of a “forever stamp” to honor

the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart; to the Committee on Homeland Security and Governmental Affairs.

Mr. WEBB. Madam President, I have introduced a bill that will create a perpetual Purple Heart stamp. I cannot think of any other stamp or any other area for a perpetual stamp that is more deserving than this award which recognizes sacrifice on the battlefield.

The original cosponsors of this legislation are Senators BROWN, VITTER, WICKER, BOXER, LINCOLN, and BEN NELSON of Nebraska. The Purple Heart is the oldest continually authorized U.S. military decoration. It was created as a badge of military merit by George Washington in 1782.

The original Purple Hearts were awarded to three soldiers in the Continental Army who had shown outstanding courage during the Revolutionary War. In 1931, Army Chief of Staff Douglas MacArthur commissioned work on a new design for the Purple Heart to coincide with the then upcoming 200th anniversary of President Washington's birth.

President Hoover's War Department authorized the award for wounds received by Army personnel in action or for meritorious service dating back to World War I. On February 22, 1932, General MacArthur became its first recipient. In December of 1942, the Purple Heart was extended to all branches of service, but the criteria were then strictly limited to those we know today; that is, to be awarded to those who are wounded or killed during direct combat with the enemies of the United States. More than 1.7 million Americans of every race, color, creed and from all 50 States have received the Purple Heart in honor of their sacrifice on our Nation's battlefields.

This is the only U.S. military decoration for which there is no recommendation. It is simply earned through bloodshed for our country.

In 2003, the Postal Service honored recipients of this award by commissioning a first-class Purple Heart stamp in a ceremony at the home of George Washington in Mount Vernon, VA. The image used for this stamp is a photograph of one of the two Purple Hearts received by Marine LTC James Loftus Fowler of Alexandria, VA, which he received in 1968 as a battalion commander near the Ben Hai River in South Vietnam. Since that first issuance in 2003, approximately 1.2 billion first-class Purple Heart stamps have been sold, an average of 200 million a year. At the new first-class rate of 44 cents, which is taking place in May, that is approximately \$88 million a year in revenue for the U.S. Government.

This yearly sales rate is equal to or greater than the sales of even the most popular commemorative stamps issued

during that period, stamps bearing such American icons as Supreme Court Justice Thurgood Marshall, singer Frank Sinatra, and the classic Disney characters.

In 2007, the Postal Service created the first “forever” stamp, a stamp which, no matter when it was purchased, would be good for first-class postage on the day it was used. The image they chose was an image as old and venerable and quintessentially American as the Purple Heart—the Liberty Bell. According to a Postal Service press release, since its first issuance in April of 2007, more than 6 billion forever Liberty Bell stamps have been sold. This is an order of magnitude greater than any other single stamp sold in the United States, generating revenue of \$2 billion.

Clearly, the volume of sales of forever stamps is a win for the Postal Service, which is facing a shortfall in future revenues, and a win in terms of the value delivered to the people who want to use them.

In creating the first Purple Heart, General Washington said:

Let it be known that he who wears the military order of the Purple Heart has given of his blood in defense of his homeland and shall forever be revered by his fellow countrymen.

George Washington intended that the Nation he helped found would forever revere those who wear the Purple Heart as a symbol of the sacrifice they have given in our Nation's defense.

As a recipient of the Purple Heart in Vietnam as a Marine, I believe that making the Purple Heart stamp a forever stamp is the most appropriate way to honor the past and future recipients of our Nation's oldest military decoration.

I hope my colleagues will join me in this legislation.

By Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. CARPER, Mr. LEVIN, Mrs. MCCASKILL, and Mr. TESTER):

S. 574. A bill to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Plain Writing Act of 2009. I am pleased that Senators GEORGE VOINOVICH, TOM CARPER, CARL LEVIN, CLAIRE MCCASKILL, and JON TESTER have joined as original cosponsors of this legislation.

Our bill is very similar to H.R. 946, introduced by Representative BRUCE BRALEY last month.

The Plain Writing Act has a simple purpose: it would require the Federal Government to write more clearly. Agencies would be required to write

documents that are released to the public in a way that is clear, concise, well-organized, readily understandable.

This bill would extend an initiative that President Bill Clinton and Vice President Al Gore started a decade ago as part of the Reinventing Government initiative. In 1998, President Clinton directed agencies to write in plain language. Although many agencies have made progress in writing more clearly, the requirement never was fully implemented. In recent years, the focus on plain writing has dropped. This legislation will renew that focus.

There are many benefits to plain writing. First, it promotes transparency and accountability. It is very difficult to hold the Federal Government accountable for its actions if only lawyers can understand Government writing. As we face an economic crisis and unprecedented budget deficits, the American people need clear explanations of Government actions.

Plain writing also improves customer service. Individuals and businesses waste time and money, and make unnecessary errors, because Government instructions, forms, and other documents are too complicated. Anyone who has filled out their own tax forms, applications for Federal financial aid or veterans' benefits, Medicare forms, or any number of other overly complicated Federal forms understands the need for plain writing.

Government officials, in turn, spend time and money answering questions and addressing complaints from people frustrated with Government documents they cannot understand. Correcting the errors people make because they do not understand Government documents demands Government officials' time as well. Because of this, plain writing makes Government more efficient and effective.

Numerous organizations have called on Congress to require the Federal Government to write more clearly, including the AARP, Disabled American Veterans, National Small Business Association, Small Business Legislative Council, Women Impacting Public Policy, American Nurses Association, American Library Association, American Association of Law Libraries, and several associations dedicated to promoting better communication. These groups support plain writing because their members complain about their frustration with trying to understand Government documents—or hiring attorneys to decipher them—and the time and money they waste because the Government does not write plainly.

As a former teacher and principal, I understand that even very smart people must be trained to write plainly, so this bill recognizes that Federal Employees will need plain writing training. Each agency will report their plans to train employees in plain writing. Writing in plain, clear, concise,

and easily understandable language is a skill that Congress and Federal agencies must foster. As Thomas Jefferson once said, "The most valuable of all talents is that of never using two words when one will do."

Additionally, congressional oversight will ensure that agencies implement the plain language requirements. Agencies will be required to designate a senior official responsible for implementing plain language requirements and to report to Congress how it will ensure compliance with the plain language requirement and on its progress.

To avoid imposing too great a burden on agencies, agencies will not be required to rewrite existing documents. Only new or substantially revised documents will be covered. Similarly, this bill does not cover regulations, so that agencies can focus first on improving their every day communications with the American people. We recognize that it will be more challenging to write plainly when crafting regulations, which often must be technical and complex.

Requiring plain writing is an important step in improving the way the Federal Government communicates with the American people.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Plain Writing Act of 2009".

SEC. 2. PURPOSE.

The purpose of this Act is to improve the effectiveness and accountability of Federal agencies to the public by promoting clear Government communication that the public can understand and use.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY.—The term "agency" means an Executive agency, as defined under section 105 of title 5, United States Code.

(2) COVERED DOCUMENT.—The term "covered document" means any document (other than a regulation) issued by an agency to the public, including documents and other text released in electronic form.

(3) PLAIN WRITING.—The term "plain writing" means writing that the intended audience can readily understand and use because that writing is clear, concise, well-organized, and follows other best practices of plain writing.

SEC. 4. RESPONSIBILITIES OF FEDERAL AGENCIES.

(a) REQUIREMENT TO USE PLAIN WRITING IN NEW DOCUMENTS.—Not later than 1 year after the date of enactment of this Act, each agency shall use plain writing in every covered document of the agency issued or substantially revised.

(b) GUIDANCE.—

(1) IN GENERAL.—

(A) DEVELOPMENT.—Not later than 6 months after the date of enactment of this

Act, the Office of Management and Budget shall develop guidance on implementing the requirements of subsection (a).

(B) ISSUANCE.—The Office of Management and Budget shall issue the guidance developed under subparagraph (A) to agencies as a circular.

(2) INTERIM GUIDANCE.—Before the issuance of guidance under paragraph (1), agencies may follow the guidance of—

(A) the writing guidelines developed by the Plain Language Action and Information Network; or

(B) guidance provided by the head of the agency that is consistent with the guidelines referred to under subparagraph (A).

SEC. 5. REPORTS TO CONGRESS.

(a) INITIAL REPORT.—Not later than 6 months after the date of enactment of this Act, the head of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that describes how the agency intends to meet the following objectives:

(1) Communicating the requirements of this Act to agency employees.

(2) Training agency employees in plain writing.

(3) Meeting the requirement under section 4(a).

(4) Ensuring ongoing compliance with the requirements of this Act.

(5) Designating a senior official to be responsible for implementing the requirements of this Act.

(b) ANNUAL AND OTHER REPORTS.—

(1) AGENCY REPORTS.—

(A) IN GENERAL.—The head of each agency shall submit reports on compliance with this Act to the Office of Management and Budget.

(B) SUBMISSION DATES.—The Office of Management and Budget shall notify each agency of the date each report under subparagraph (A) is required for submission to enable the Office of Management and Budget to meet the requirements of paragraph (2).

(2) REPORTS TO CONGRESS.—The Office of Management and Budget shall review agency reports submitted under paragraph (1) using the guidance issued under section 4(b)(1)(B) and submit a report on the progress of agencies to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives—

(A) annually for the first 2 years after the date of enactment of this Act; and

(B) once every 3 years thereafter.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 11, 2009, at 9:30 a.m. to conduct a hearing entitled "Violent Islamist Extremism: al-Shabaab Recruitment in America."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be

authorized to meet during the session of the Senate on Wednesday, March 11, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution be authorized to meet during the session of the Senate, to conduct a hearing entitled "S.J. Res. 7 and H.J. Res. 21: A Constitutional Amendment Concerning Senate Vacancies" on Wednesday, March 11, 2009, at 10 a.m., in room SH-216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF CERTAIN IMMIGRATION PROGRAMS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1127, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1127) to extend certain immigration programs.

There being no objection, the Senate proceeded to consider the bill.

Mr. CARDIN. Mr. President, I ask unanimous consent that the bill be read three times and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1127) was ordered to a third reading, was read the third time, and passed.

CONGRATULATING LITHUANIA ON ITS 1000TH ANNIVERSARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 70, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 70) congratulating the people of the Republic of Lithuania on the 1000th anniversary of Lithuania and celebrating the rich history of Lithuania.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, today I wish to recognize an important moment for the people of Lithuania. Last month, Lithuania celebrated its 1000 year anniversary.

Along with my distinguished colleagues, Senator VOINOVICH from Ohio and Senator FEINSTEIN from California, I have submitted a commemorative resolution for this occasion.

As the birthplace of my mother, who came to the United States from Lithuania with her parents when she was just 2 years old, Lithuania holds a special place in my heart.

One thousand years sounds like a long time, especially in our relatively young United States. But historians have noted that the name of the area now known as Lithuania first appeared in European records, in the German Annals of Quedlinburg.

Traditions of Lithuanian statehood date back to the early Middle Ages, when Duke Mindaugas united an assortment of Baltic Tribes to defend themselves from attacks by the Teutonic Knights. From these early roots, Lithuania grew to encompass territory stretching from the Baltic Sea to the Black Sea by the end of the 14th century.

This nation, which once was the largest in Europe, has seen extraordinary struggles during the last century. It suffered 50 years of occupation, by both Nazi and Soviet forces.

Throughout that time, the U.S. Congress stood in support of Lithuania and its Baltic neighbors, Estonia and Latvia, and refused to recognize the Soviet occupation. In 2007, the United States and Lithuania celebrated 85 years of continuous diplomatic relations.

Today, Lithuania is a thriving free-market democracy and a strong ally of the United States. As a member of the European Union and NATO, Lithuania contributes to peace and security in Europe. Lithuania also contributes to global stability and peace building through its contributions to missions in Afghanistan, Iraq, Bosnia, Kosovo and Georgia.

When I traveled to Lithuania a few years ago and visited the village of my mother and grandparents, I was welcomed warmly by President Adamkus, who I have known for many years, and the people of Lithuania. I was so proud, not only to see my family's roots, but to see how far Lithuania has come, despite the many difficulties it endured in the last century.

I congratulate President Adamkus, Foreign Minister Usackas, and the people of Lithuania on this historic occasion.

Mr. CARDIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 70) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 70

Whereas the name "Lithuania" first appeared in European records in the year 1009, when it was mentioned in the German manuscript "Annals of Quedlinburg";

Whereas Duke Mindaugas united various Baltic tribes and established the state of Lithuania during the period between 1236 and 1263;

Whereas, by the end of the 14th century, Lithuania was the largest country in Europe, encompassing territory from the Baltic Sea to the Black Sea;

Whereas Vilnius University was founded in 1579 and remained the easternmost university in Europe for 200 years;

Whereas the February 16, 1918 Act of Independence of Lithuania led to the establishment of Lithuania as a sovereign and democratic state;

Whereas, under the cover of the Molotov-Ribbentrop Pact, on June 17, 1940, Latvia, Estonia and Lithuania were forcibly incorporated into the Soviet Union in violation of pre-existing peace treaties;

Whereas, during 50 years of Soviet occupation of the Baltic states, Congress strongly, consistently, and on a bipartisan basis refused to legally recognize the incorporation of Latvia, Estonia, and Lithuania by the Soviet Union;

Whereas, on March 11, 1990, the Republic of Lithuania was restored and Lithuania became the first Soviet republic to declare independence;

Whereas on September 2, 1991, the United States Government formally recognized Lithuania as an independent and sovereign nation;

Whereas Lithuania has successfully developed into a free and democratic country, with a free market economy and respect for the rule of law;

Whereas Lithuania is a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization;

Whereas in 2007, the United States Government and the Government of Lithuania celebrated 85 years of continuous diplomatic relations;

Whereas the United States Government welcomes and appreciates efforts by the Government of Lithuania to maintain international peace and stability in Europe and around the world by contributing to international civilian and military operations in Afghanistan, Iraq, Bosnia, Kosovo, and Georgia; and

Whereas Lithuania is a strong and loyal ally of the United States, and the people of Lithuania share common values with the people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the people of the Republic of Lithuania on the occasion of the 1000th anniversary of Lithuania;

(2) commends the Government of Lithuania for its success in implementing political and economic reforms, for establishing political, religious, and economic freedom, and for its commitment to human rights; and

(3) recognizes the close and enduring relationship between the United States Government and the Government of Lithuania.

MEASURE READ THE FIRST
TIME—S. 570

Mr. CARDIN. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 570) to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

Mr. CARDIN. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar, under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-696, appoints the Senator from Alaska, Ms. MURKOWSKI, as a member of the United States Capitol Preservation Commission.

The Chair announces, on behalf of the Republican leader, pursuant to Public Law 101-509, the appointment of Terry Birdwhistell, of Kentucky, to the Advisory Committee on the Records of Congress.

ORDERS FOR THURSDAY, MARCH
12, 2009

Mr. CARDIN. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 11 a.m., Thursday, March 12; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate proceed to a period of morning business until 12 noon, with Senators permitted to speak for up to 10 minutes each; further, that following morning business, the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CARDIN. Mr. President, under the previous order, the Senate will vote at 2 p.m. on the confirmation of the nomination of David Ogden to be the Deputy Attorney General. Tomorrow the Senate will also consider the nomination of Thomas Perrelli to be Associate Attorney General. That vote is expected to occur tomorrow afternoon.

ADJOURNMENT UNTIL 11 A.M.
TOMORROW

Mr. CARDIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate adjourn under the previous order.

There being no objection, the Senate, at 5:56 p.m., adjourned until Thursday, March 12, 2009, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate:

ENVIRONMENTAL PROTECTION AGENCY

JONATHAN Z. CANNON, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE MARCUS C. PEACOCK, RESIGNED.

DEPARTMENT OF STATE

RICHARD RAHUL VERMA, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS), VICE MATTHEW A. REYNOLDS, RESIGNED.

ESTHER BRIMMER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL ORGANIZATION AFFAIRS), VICE BRIAN H. HOOK, RESIGNED.

PHILIP H. GORDON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (EUROPEAN AND EURASIAN AFFAIRS), VICE DANIEL FRIED, RESIGNED.

IVO H. DAALDER, OF VIRGINIA, TO BE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

KARL WINFRID EIKENBERRY, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

CHRISTOPHER R. HILL, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

MELANNE VERVEER, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR AT LARGE FOR WOMEN'S GLOBAL ISSUES.

DEPARTMENT OF HOMELAND SECURITY

IVAN K. FONG, OF OHIO, TO BE GENERAL COUNSEL, DEPARTMENT OF HOMELAND SECURITY, VICE PHILIP J. FERRY, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

W. SCOTT GOULD, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS, VICE GORDON H. MANSFIELD, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MICHAEL W. BROADWAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) SEAN F. CREAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) PATRICK E. MCGRATH
REAR ADM. (LH) JOHN G. MESSERSCHMIDT
REAR ADM. (LH) MICHAEL M. SHATYNSKI

HOUSE OF REPRESENTATIVES—Wednesday, March 11, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 11, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

The freedom we enjoy and defend seems to be rooted in our realization that we are created in Your divine image and redeemed by Your revealed love.

So, we are bold enough to turn to You and speak to You, Lord God, as children who are most secure in knowing ourselves; yet trusting in Your gracious care.

With our childish problems, in a world we have created for ourselves, we ask and we receive. You offer wisdom and counsel. In our adolescent difficulties, we seek and we find ways that You show us and empower us.

Be unto us attentive, gracious and forgiving on another day; that as Your free children we may come to know the fullness of Your presence and glory now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Pennsylvania (Ms. SCHWARTZ) come forward and lead the House in the Pledge of Allegiance.

Ms. SCHWARTZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

HEALTH CARE REFORM

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Last week, the White House Forum on Health Reform was a critical step forward ensuring that all Americans have access to high-quality, affordable health care. Particularly important was a growing consensus among all stakeholders that we must reform our health care delivery and financing system to maximize efficiency, improve health care quality and outcomes and contain costs.

President Obama charged us, Members of Congress and all stakeholders, to find a uniquely American solution to this challenge. To contain costs and expand access, we must engage patients in their care and realign our health care system to enhance primary care, to better coordinate care for patients with chronic conditions, to provide for meaningful use of health information technology and to apply clinical best practices, all of which will reduce costs and save lives.

Without these innovations, any effort at expanding health care coverage will be unsustainable. This work will be difficult and complex. But we are compelled to act, both to meet the needs of millions of uninsured and underinsured Americans and for our economic competitiveness.

NUCLEAR WASTE AND DRINKING WATER

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Today's Chicago Tribune includes a report by Michael Hawthorne that the administration has decided not to move nuclear waste from the Great Lakes. This leaves thousands of tons of plutonium and other transuranic poisons in outdated storage facilities next to the drinking water of 30 million Americans and millions of Canadians. What would happen if plutonium leaked into the Great Lakes? It would contaminate 95 percent of America's fresh water for thousands of years.

We know that respected scientists would never recommend permanently storing nuclear waste next to major lakes and rivers. But that is what Senator REID got our President to do. Under this administration, 35 States will have to permanently store plutonium and other poisons on the Long Island Sound, in the Mississippi River basin and throughout the Great Lakes. This policy writes the first chapter of an inevitable environmental tragedy of biblical proportions that will hurt our country for a very, very long time.

HEALTH CARE REFORM

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALTMIRE. Mr. Speaker, for the first time in many years, this Congress is moving forward with long overdue legislation to reform our Nation's health care system. With 47 million Americans without health insurance and costs rising well above the rate of inflation, health reform is an issue that can no longer be ignored. Health care affects every individual, every family and every business in America. Less than half of all small businesses in this country can afford to offer health insurance to their employees. Tens of millions of insured Americans live in fear of losing their coverage due to skyrocketing health care costs, and families are one accident or illness away from losing everything.

Together we can put an end to the decades of roadblocks that have prevented meaningful health care reform. Let us not let this opportunity pass us by again.

HURTING AMERICANS SEE TOO MUCH GOVERNMENT SPENDING

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARRETT of New Jersey. Mr. Speaker, to Speaker NANCY PELOSI, I say American taxpayers, American families, Americans are all hurting. They are getting pink slips. They are seeing job layoffs. They are seeing their wages cut. They are seeing their income go down. And what do they see out of this House in Washington they are seeing spending going through the roof. They are seeing 10 percent increases on top of other 10 percent increases. They are seeing more than

one-quarter of the Nation's growth and wealth all being sucked right into this Nation's Capital and spent in this city.

Mr. Speaker, the American people did indeed vote for a change. But this is not what they were hoping for.

H.R. 759 WILL ENSURE A SAFE FOOD SUPPLY

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, as chairman of the Energy and Commerce Committee's Subcommittee on Oversight and Investigations, I have held nine hearings to examine the safety and security of our Nation's food supply over the past 2 years. A recent peanut butter salmonella outbreak is just the latest in a string of food-borne illnesses that affects 76 million Americans every year. For this reason, I joined with my colleagues, Chairmen DINGELL and PALLONE, to introduce H.R. 759, the Food and Drug Administration Globalization Act of 2009.

H.R. 759 would give the FDA not only the financial resources, but also the regulatory tools to ensure the safety of food we eat and the drugs we take. If this legislation would have been in place, the FDA would have had the authority, as well as the resources, to prevent the current salmonella outbreak from occurring, tools such as resources for increased inspections, access to inspection records, mandatory recall authority and strong penalties that will require testing facilities to send their results to the FDA.

Congress faces an ambitious agenda in the coming months, but more than 600 illnesses and nine deaths linked to the current salmonella outbreak underscore the importance of wasting no time in enacting this legislation.

EARMARK REFORM

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, in about 1½ hours, President Obama is expected to announce major earmark reforms as he signs an omnibus spending bill with 9,000 earmarks. This gives voice to St. Augustine's lament, give me sobriety—but not yet.

But Mr. Speaker, it is still a good thing. And it is still long overdue. And we still shouldn't have to look to the President to save us from ourselves. This earmark problem is our problem. But gratefully, I believe he will announce, and I hope that he will announce, that he will not sign legislation that will allow no-bid contracts, congressionally directed no-bid contracts, to go into effect. We have seen what that has done to the Congress, the kind of circular fundraising that

happens and the campaign contributions that result. And it does not uphold the dignity and decorum of this body.

So I hope we can make major earmark reforms with the President.

MARCH AS RED CROSS MONTH

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to celebrate March as Red Cross Month. Since 1943 we have been celebrating March as Red Cross Month to promote the services provided to the public by the Red Cross. The Red Cross has been at the forefront of helping individuals and families prevent, prepare for and respond to large and small-scale disasters for more than 127 years.

Over the last year, more than 5 million people throughout the United States took advantage of educational opportunities from the Red Cross for CPR training, first aid and lifeguard training classes. And in Orange County, California, the local Red Cross chapter places great emphasis on community training. On April 18, the American Red Cross in Orange County will be hosting the fifth annual CPR day at, of course, Angel Stadium in my City of Anaheim, which will train over 1,500 people in adult and child CPR and first aid.

Once again, I want to thank the American Red Cross for making our communities safer and for providing needed resources to communities that are affected by floods, by fires, earthquakes, mudslides, hurricanes and other natural disasters.

THE SCOTT GARDNER ACT

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. I recently reintroduced the Scott Gardner Act, which would make it illegal and grounds for mandatory detention and deportation if an illegal alien is caught driving drunk.

Scott Gardner was a beloved father, teacher and husband in my district. And he was tragically killed by an illegal alien driving drunk who remained in our country despite the fact that he had previous DWI convictions. It would aid in the enforcement of our immigration laws by requiring the Federal, State and local governments to all share and collect information during the course of their normal duties. And local law enforcement agencies would have the resources to detain illegal aliens for DWI until they could be transferred to Federal authorities for deportation.

It is a travesty that we in this country allow illegal immigrants to remain here after being found guilty of driving drunk. Some in my district have recently argued that traffic violations are minor offenses. I'm sure Scott Gardner's family and all of the families who have lost loved ones to DWIs would disagree.

STEM-CELL RESEARCH

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, this week the President took a critical step to boost groundbreaking stem-cell research and restore scientific integrity across government. The President signed an executive order lifting the ban on Federal funding for promising embryonic system cell research. In doing so he affirmed the administration's support of finding cures for diseases like Alzheimer's, Parkinson's, heart disease and diabetes that cause pain and suffering all over the world.

Many thoughtful and decent people are conflicted about or are strongly opposed to this research. The President understands their concern and respects their point of view. That is why the administration will develop and rigorously enforce strict ethical guidelines with zero tolerance for misuse and abuse. This order does not open the door for cloning for human reproduction in any way. We are all opposed to that. Rather, it unleashes and unharnesses the potential of what this country can accomplish to eliminate the ravages of these diseases and the effects they impose upon humanity.

STEM-CELL RESEARCH

(Mr. FLEMING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLEMING. Mr. Speaker, I rise today as a father, a physician and a Congressman to express my deep concern over the administration's decision to allow taxpayer dollars to incentivize the destruction of human embryos.

For the first time in our country's history, the Federal Government is going to encourage the destruction of human embryos. Newer techniques for making embryonic-like cells without destroying any embryos and advances in adult stem-cell umbilical cord blood treatments are showing that the use of embryos for stem-cell research is becoming obsolete.

Over 73 different diseases have been treated, at least experimentally, with adult or cord blood stem cells, including type I diabetes and heart disease.

Because of recent steps by our President, pro-life taxpayers are now footing the bill for the promotion of abortions

overseas, doctors are in danger of being forced to perform abortions regardless of moral or religious objections, and now taxpayer funds are going to support the destruction of human embryos in the name of research.

Embryonic stem-cell research provides no guarantee of scientific advancement, but it does guarantee the innocent unborn have lost a critical battle.

STEM-CELL RESEARCH

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, we will never know how many millions of people around the world have suffered debilitating, shorter lives from Alzheimer's, Parkinson's, multiple sclerosis, and a host of other illnesses and diseases as a result of President Bush's decision to severely restrict stem-cell research.

But we do know that human civilization has only progressed when its leaders had the courage to resist religious, political and economic dogma in pursuit of truth and scientific discovery. Science and medical research offers us all an opportunity to reduce human suffering and advance human potential. I believe that is God's will.

President Obama did the right thing in reversing that anti-science presidential directive, but now it is up to the Congress to reverse the existing Congressional restriction on Federal funding of stem-cell research.

□ 1015

D.C. OPPORTUNITY SCHOLARSHIP

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, the Senate passed the \$410 billion omnibus spending bill last night containing some 9,000 special interest earmarks. Sadly, it included a provision that will effectively kill a popular and successful program here in our Nation's Capital that provides a ray of hope for the children it serves.

The D.C. Opportunity Scholarship Program provides low-income families with a voucher they can use to attend the school of their choice. For many students, this provides the opportunity to get out of dangerous and failing public schools into private schools that provide them with a safe environment and a quality education.

This program is under attack by politicians in Congress, many of whom send their own children to private schools. If school choice is good enough for their kids, why not school choice for everyone?

I urge the President, who has chosen private school for his own children, to

veto this special interest, pork-laden bill and work with Congress toward meaningful education reform.

TRAGEDY IN ALABAMA

(Mr. BRIGHT asked and was given permission to address the House for 1 minute.)

Mr. BRIGHT. Mr. Speaker, as many of you have heard, a tragic shooting occurred yesterday in Geneva and Coffee Counties in Alabama. Without question, this is one of the worst tragedies our State and our Nation has seen in quite some time. My thoughts and prayers are with the families of the victims, and with the entire Wiregrass community in southeast Alabama.

The details are still being confirmed, but I do know that our community owes a debt of gratitude to the local law enforcement officials who bravely put themselves in the line of fire. Without their swift actions and courage, the tragedy could have been even worse than it was yesterday.

I will be returning to my district later today to assist local leaders and law enforcement officials in any way that I can and to be with my constituents as we mourn the loss of friends and neighbors.

I ask that all of my colleagues here in the House and people watching right now from around the country keep the people of southeast Alabama in your thoughts and prayers.

ECONOMIC ENGINE DOESN'T RUN ON PORK

(Mr. BROWN of Georgia asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Georgia. Mr. Speaker, hardworking Americans are the economic engine that drives this great Nation. And America's economic engine doesn't run on pork.

Even though we are in a recession, Congress continues to take hard-earned tax dollars and send them toward pork projects like tattoo removal, Mormon crickets, and studying pig manure. In fact, the omnibus bill sent to the White House last night contains nearly 8,000 earmarks, costing taxpayers more than \$11 billion.

Monday night I had a telephone town hall with my constituents back home in Georgia. One caller, Mr. John Ahern from Athens, hit the nail on the head with his question on spending: "Why aren't politicians held accountable like families and taxpayers?"

Why indeed? There are Members on both sides of the aisle that are so used to the spending of yesterday that they cannot bear the thought of tightening their belts today. How are we going to justify picking the pockets of taxpayers to literally pay for pig poop?

This bill spends too much, taxes too much, and borrows too much. I urge a

veto of the ominous omnibus bill and its 8,000 earmarks. There are John Aherns all over this country who demand accountability in government. A veto would give it to them.

STEM-CELL EXECUTIVE ORDER

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute.)

Mr. LANGEVIN. Mr. Speaker, I recently had the distinct honor and privilege of witnessing an historic and defining moment in our Nation's history, one that I believe will fundamentally alter the course of science and medicine in the same manner as did the discovery of the first vaccine or X-ray or other significant scientific and medical discoveries in this country.

On Monday, President Obama signed an executive order lifting the ban on the Federal funding of embryonic stem cell research. As someone who has lived with a spinal cord injury for over 28 years, I have always held onto the hope that one day I might walk again.

But this executive order is not about me or even about spinal cord injuries. It is about the millions of people living with chronic and disabling diseases, illnesses, and conditions for which this research may one day hold the promise of new treatments and cures. It is about responsible investment into sciences and technologies that will ensure our Nation's continued economic competitiveness into the 21st century.

There is still much work to be done, and I look forward to working with my congressional colleagues on this issue to ensure that responsible policies based on sound science are enacted.

This is truly an historic event.

AMERICANS NEED OBJECTIVE REPORTING

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Mr. Speaker, recently the New York Times asserted that President Obama enjoyed "remarkably high levels of optimism and confidence" among Americans. The very same day, Gallup released a poll with very similar results as the Times poll, but Gallup characterized the result as "typical of how the last several Presidents have fared at the one-month mark." In other words, not remarkable.

Gallup also found that the number of people who disapproved of the way President Obama is doing his job had doubled in just one month, from 12 percent to 24 percent, and noted that President Obama's disapproval rating was higher than the average of the last six Presidents.

The Times and Gallup had similar polling results, but the Times gave a very biased report and ignored the historical facts.

At least one member of the White House press corps recognizes his colleagues' bias in favor of President Obama.

Jake Tapper, ABC's Senior White House Correspondent, said during a recent interview that some news editors and producers are soft on the President and inclined to "root for him."

Regarding the media's bias, Tapper also said: "Certain networks, newspapers and magazines leaned on the scales a little bit."

It is telling that a man who sees news coverage of the President first-hand on a daily basis would be so forthcoming about the media's pro-Obama bias.

When it comes to the major issues we face, Americans expect the media to be referees, not cheerleaders.

COMMENDING ROBERT P. PAGE

(Mr. MELANCON asked and was given permission to address the House for 1 minute.)

Mr. MELANCON. Mr. Speaker, I would like to take this time to commend Mr. Robert P. Page, an outstanding citizen and business leader from Houma, Louisiana. He is about to complete his term as president of the National Association of Insurance Agents. Mr. Page has distinguished himself throughout his career as a professional insurance agent, even serving as president of the Professional Insurance Agents of Louisiana, and he has exhibited only the highest standards of honesty, integrity and professionalism.

Despite suffering personal losses as a result of hurricanes Katrina, Rita and Gustav, Mr. Page has provided uninterrupted service to the clients of his insurance agency in Houma, going above and beyond the call of duty to assist his fellow citizens, who also suffered devastating losses as a result of the hurricanes.

Mr. Page is a tireless advocate of developing a national consensus to come up with a better mechanism to deal with natural catastrophes throughout the United States, serving as a founding member of the Professional Insurance Agents Natural Task Force. With his years of hard work and dedication, Mr. Page has earned the respect and admiration of his many colleagues throughout the insurance industry, as well as exemplified the motto of his insurance association, "Local Agents Serving Main Street America."

Therefore, I would like to congratulate and commend Robert P. Page of Houma, Louisiana, upon the successful completion of his term as president of the National Association of Professional Insurance Agents.

STEALTH TAX INCREASE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, somebody has to pay for this massive wasteful spending by the Federal Government.

So to obtain more revenue, the budget proposal is to cut deductions Americans now receive. The charitable giving deduction will be cut. Thus charities, not government entities, by the way, such as churches, the YMCA and groups such as that that feed the hungry and help in disasters, take care of crime victims, and help the homeless, will be struggling for funds. Now the government will get that money.

The removal of this deduction will discourage gifts by Americans. Americans are the most cheerful contributors in the world to charities, but that may now end.

The home mortgage deduction also is going to be reduced. The effect of reducing this deduction and the charitable-giving deduction will have the effect of a stealth tax increase on all Americans.

Mr. Speaker, it doesn't make any sense to raise taxes on anyone during a recession, especially homeowners and those that give to the needy.

And that's just the way it is.

RECOVERY ACT FIRST STEP IN REFORMING HEALTH CARE

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, I am proud to have supported the American Recovery and Reinvestment Act. It is one of the first steps we look in our journey to strengthen and improve our country's health care system. We can't fix our economy without fixing health care.

The recovery plan will provide \$20 billion to speed the adoption of health information technology systems by doctors and hospitals. This will modernize our health care system, reduce medical errors, save billions of dollars and create jobs.

Recently, I visited Holzer Medical Center in my district in Gallipolis, Ohio. Doctors there showed me how health IT helps them to speed medical records from doctor to doctor and cut down on extra medical tests. That saves time and money.

Mr. Speaker, in fact, the Congressional Budget Office estimates that health IT investments will generate up to \$40 billion in savings for Medicare and private health insurance companies. Those savings can be passed along to American families.

I look forward to watching continued improvements at hospitals back home, like Holzer. And I look forward to continuing our work to further improve health care.

BLOCK CONGRESSIONAL PAY RAISES

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, Congress needs to lead by example in this time of economic uncertainty. For that reason, I was encouraged when the House decided to give up its pay raise next year. It is important to send the right message to the American people: a message that says Congress is willing to tighten its belt just like American families are doing across the country.

But we need to go even further. That's why I hope the leadership in the House will take up my legislation, H.R. 566, blocking all future congressional pay raises until the Federal budget is balanced.

Millions of hardworking Americans only get a salary increase if they produce positive results. Congress should be no different. With our national debt about to surpass \$11 trillion and unemployment in our country surging past 8 percent, we need to hold ourselves to a higher standard. The American people expect and deserve nothing less.

My legislation to block congressional pay raises until we balance the budget offers meaningful reform. I urge Members from both sides of the aisle to support it.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
Washington, DC, March 11, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 11, 2009, at 9:20 a.m.:

That the Senate Passed Without Amendment H.R. 1105.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1030

OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the Senate

bill (S. 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill, as amended, is as follows:

S. 22

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Omnibus Public Land Management Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

Sec. 1001. Designation of wilderness, Monongahela National Forest, West Virginia.

Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.

Sec. 1003. Monongahela National Forest boundary confirmation.

Sec. 1004. Enhanced Trail Opportunities.

Subtitle B—Virginia Ridge and Valley Wilderness

Sec. 1101. Definitions.

Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest, Virginia, as wilderness or a wilderness study area.

Sec. 1103. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.

Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.

Sec. 1105. Trail plan and development.

Sec. 1106. Maps and boundary descriptions.

Sec. 1107. Effective date.

Subtitle C—Mt. Hood Wilderness, Oregon

Sec. 1201. Definitions.

Sec. 1202. Designation of wilderness areas.

Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.

Sec. 1204. Mount Hood National Recreation Area.

Sec. 1205. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.

Sec. 1206. Land exchanges.

Sec. 1207. Tribal provisions; planning and studies.

Subtitle D—Copper Salmon Wilderness, Oregon

Sec. 1301. Designation of the Copper Salmon Wilderness.

Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.

Sec. 1303. Protection of tribal rights.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

Sec. 1401. Definitions.

Sec. 1402. Voluntary grazing lease donation program.

Sec. 1403. Box R Ranch land exchange.

Sec. 1404. Deerfield land exchange.

Sec. 1405. Soda Mountain Wilderness.

Sec. 1406. Effect.

Subtitle F—Owyhee Public Land Management

Sec. 1501. Definitions.

Sec. 1502. Owyhee Science Review and Conservation Center.

Sec. 1503. Wilderness areas.

Sec. 1504. Designation of wild and scenic rivers.

Sec. 1505. Land identified for disposal.

Sec. 1506. Tribal cultural resources.

Sec. 1507. Recreational travel management plans.

Sec. 1508. Authorization of appropriations.

Subtitle G—Sabinoso Wilderness, New Mexico

Sec. 1601. Definitions.

Sec. 1602. Designation of the Sabinoso Wilderness.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

Sec. 1651. Definitions.

Sec. 1652. Designation of Beaver Basin Wilderness.

Sec. 1653. Administration.

Sec. 1654. Effect.

Subtitle I—Oregon Badlands Wilderness

Sec. 1701. Definitions.

Sec. 1702. Oregon Badlands Wilderness.

Sec. 1703. Release.

Sec. 1704. Land exchanges.

Sec. 1705. Protection of tribal treaty rights.

Subtitle J—Spring Basin Wilderness, Oregon

Sec. 1751. Definitions.

Sec. 1752. Spring Basin Wilderness.

Sec. 1753. Release.

Sec. 1754. Land exchanges.

Sec. 1755. Protection of tribal treaty rights.

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

Sec. 1801. Definitions.

Sec. 1802. Designation of wilderness areas.

Sec. 1803. Administration of wilderness areas.

Sec. 1804. Release of wilderness study areas.

Sec. 1805. Designation of wild and scenic rivers.

Sec. 1806. Bridgeport Winter Recreation Area.

Sec. 1807. Management of area within Humboldt-Toiyabe National Forest.

Sec. 1808. Ancient Bristlecone Pine Forest.

Subtitle L—Riverside County Wilderness, California

Sec. 1851. Wilderness designation.

Sec. 1852. Wild and scenic river designations, Riverside County, California.

Sec. 1853. Additions and technical corrections to Santa Rosa and San Jacinto Mountains National Monument.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

Sec. 1901. Definitions.

Sec. 1902. Designation of wilderness areas.

Sec. 1903. Administration of wilderness areas.

Sec. 1904. Authorization of appropriations.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

Sec. 1951. Definitions.

Sec. 1952. Rocky Mountain National Park Wilderness, Colorado.

Sec. 1953. Grand River Ditch and Colorado-Big Thompson projects.

Sec. 1954. East Shore Trail Area.

Sec. 1955. National forest area boundary adjustments.

Sec. 1956. Authority to lease Leiffer tract.

Subtitle O—Washington County, Utah

Sec. 1971. Definitions.

Sec. 1972. Wilderness areas.

Sec. 1973. Zion National Park wilderness.

Sec. 1974. Red Cliffs National Conservation Area.

Sec. 1975. Beaver Dam Wash National Conservation Area.

Sec. 1976. Zion National Park wild and scenic river designation.

Sec. 1977. Washington County comprehensive travel and transportation management plan.

Sec. 1978. Land disposal and acquisition.

Sec. 1979. Management of priority biological areas.

Sec. 1980. Public purpose conveyances.

Sec. 1981. Conveyance of Dixie National Forest land.

Sec. 1982. Transfer of land into trust for Shivwits Band of Paiute Indians.

Sec. 1983. Authorization of appropriations.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

Sec. 2001. Definitions.

Sec. 2002. Establishment of the National Landscape Conservation System.

Sec. 2003. Authorization of appropriations.

Subtitle B—Prehistoric Trackways National Monument

Sec. 2101. Findings.

Sec. 2102. Definitions.

Sec. 2103. Establishment.

Sec. 2104. Administration.

Sec. 2105. Authorization of appropriations.

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TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

SEC. 1001. DESIGNATION OF WILDERNESS, MONONGAHELA NATIONAL FOREST, WEST VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal lands within the Monongahela National Forest in the State of West Virginia are designated as wilderness and as either a new component of the National Wilderness Preservation System or as an addition to an existing component of the National Wilderness Preservation System:

(1) Certain Federal land comprising approximately 5,144 acres, as generally depicted on the map entitled “Big Draft Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Big Draft Wilderness”.

(2) Certain Federal land comprising approximately 11,951 acres, as generally depicted on the map entitled “Cranberry Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Cranberry Wilderness designated by section 1(1) of Public Law 97-466 (96 Stat. 2538).

(3) Certain Federal land comprising approximately 7,156 acres, as generally depicted on the map entitled “Dolly Sods Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Dolly Sods Wilderness designated by section 3(a)(13) of Public Law 93-622 (88 Stat. 2098).

(4) Certain Federal land comprising approximately 698 acres, as generally depicted on the map entitled “Otter Creek Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Otter Creek Wilderness designated by section 3(a)(14) of Public Law 93-622 (88 Stat. 2098).

(5) Certain Federal land comprising approximately 6,792 acres, as generally depicted on the map entitled “Roaring Plains Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Roaring Plains West Wilderness”.

(6) Certain Federal land comprising approximately 6,030 acres, as generally depicted on the map entitled “Spice Run Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Spice Run Wilderness”.

(b) MAPS AND LEGAL DESCRIPTION.—

(1) FILING AND AVAILABILITY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall file with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated or expanded by subsection (a). The maps and legal descriptions shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Supervisor of the Monongahela National Forest.

(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in this subsection shall have the same force and effect as if included in this subtitle, except that the Secretary may correct errors in the maps and descriptions.

(c) ADMINISTRATION.—Subject to valid existing rights, the Federal lands designated as wilderness by subsection (a) shall be administered by the Secretary in accordance with

the Wilderness Act (16 U.S.C. 1131 et seq.). The Secretary may continue to authorize the competitive running event permitted from 2003 through 2007 in the vicinity of the boundaries of the Dolly Sods Wilderness addition designated by paragraph (3) of subsection (a) and the Roaring Plains West Wilderness Area designated by paragraph (5) of such subsection, in a manner compatible with the preservation of such areas as wilderness.

(d) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the Federal lands designated as wilderness by subsection (a), any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(e) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section affects the jurisdiction or responsibility of the State of West Virginia with respect to wildlife and fish.

SEC. 1002. BOUNDARY ADJUSTMENT, LAUREL FORK SOUTH WILDERNESS, MONONGAHELA NATIONAL FOREST.

(a) BOUNDARY ADJUSTMENT.—The boundary of the Laurel Fork South Wilderness designated by section 1(3) of Public Law 97-466 (96 Stat. 2538) is modified to exclude two parcels of land, as generally depicted on the map entitled “Monongahela National Forest Laurel Fork South Wilderness Boundary Modification” and dated March 11, 2008, and more particularly described according to the site-specific maps and legal descriptions on file in the office of the Forest Supervisor, Monongahela National Forest. The general map shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(b) MANAGEMENT.—Federally owned land delineated on the maps referred to in subsection (a) as the Laurel Fork South Wilderness, as modified by such subsection, shall continue to be administered by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1003. MONONGAHELA NATIONAL FOREST BOUNDARY CONFIRMATION.

(a) IN GENERAL.—The boundary of the Monongahela National Forest is confirmed to include the tracts of land as generally depicted on the map entitled “Monongahela National Forest Boundary Confirmation” and dated March 13, 2008, and all Federal lands under the jurisdiction of the Secretary of Agriculture, acting through the Chief of the Forest Service, encompassed within such boundary shall be managed under the laws and regulations pertaining to the National Forest System.

(b) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Monongahela National Forest, as confirmed by subsection (a), shall be considered to be the boundaries of the Monongahela National Forest as of January 1, 1965.

SEC. 1004. ENHANCED TRAIL OPPORTUNITIES.

(a) PLAN.—

(1) IN GENERAL.—The Secretary of Agriculture, in consultation with interested parties, shall develop a plan to provide for enhanced nonmotorized recreation trail opportunities on lands not designated as wilderness within the Monongahela National Forest.

(2) NONMOTORIZED RECREATION TRAIL DEFINED.—For the purposes of this subsection, the term “nonmotorized recreation trail” means a trail designed for hiking, bicycling, and equestrian use.

(b) **REPORT.**—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the implementation of the plan required under subsection (a), including the identification of priority trails for development.

(c) **CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.**—In considering possible closure and decommissioning of a Forest Service road within the Monongahela National Forest after the date of the enactment of this Act, the Secretary of Agriculture, in accordance with applicable law, may consider converting the road to nonmotorized uses to enhance recreational opportunities within the Monongahela National Forest.

Subtitle B—Virginia Ridge and Valley Wilderness

SEC. 1101. DEFINITIONS.

In this subtitle:

(1) **SCENIC AREAS.**—The term “scenic areas” means the Seng Mountain National Scenic Area and the Bear Creek National Scenic Area.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

SEC. 1102. DESIGNATION OF ADDITIONAL NATIONAL FOREST SYSTEM LAND IN JEFFERSON NATIONAL FOREST AS WILDERNESS OR A WILDERNESS STUDY AREA.

(a) **DESIGNATION OF WILDERNESS.**—Section 1 of Public Law 100–326 (16 U.S.C. 1132 note; 102 Stat. 584, 114 Stat. 2057), is amended—

(1) in the matter preceding paragraph (1), by striking “System—” and inserting “System:”;

(2) by striking “certain” each place it appears and inserting “Certain”;

(3) in each of paragraphs (1) through (6), by striking the semicolon at the end and inserting a period;

(4) in paragraph (7), by striking “; and” and inserting a period; and

(5) by adding at the end the following:

“(9) Certain land in the Jefferson National Forest comprising approximately 3,743 acres, as generally depicted on the map entitled ‘Brush Mountain and Brush Mountain East’ and dated May 5, 2008, which shall be known as the ‘Brush Mountain East Wilderness’.

“(10) Certain land in the Jefferson National Forest comprising approximately 4,794 acres, as generally depicted on the map entitled ‘Brush Mountain and Brush Mountain East’ and dated May 5, 2008, which shall be known as the ‘Brush Mountain Wilderness’.

“(11) Certain land in the Jefferson National Forest comprising approximately 4,223 acres, as generally depicted on the map entitled ‘Seng Mountain and Raccoon Branch’ and dated April 28, 2008, which shall be known as the ‘Raccoon Branch Wilderness’.

“(12) Certain land in the Jefferson National Forest comprising approximately 3,270 acres, as generally depicted on the map entitled ‘Stone Mountain’ and dated April 28, 2008, which shall be known as the ‘Stone Mountain Wilderness’.

“(13) Certain land in the Jefferson National Forest comprising approximately 8,470 acres, as generally depicted on the map entitled ‘Garden Mountain and Hunting Camp Creek’ and dated April 28, 2008, which shall be known as the ‘Hunting Camp Creek Wilderness’.

“(14) Certain land in the Jefferson National Forest comprising approximately 3,291 acres, as generally depicted on the map entitled ‘Garden Mountain and Hunting Camp Creek’ and dated April 28, 2008, which shall be known as the ‘Garden Mountain Wilderness’.

“(15) Certain land in the Jefferson National Forest comprising approximately 5,476 acres, as generally depicted on the map entitled ‘Mountain Lake Additions’ and dated April 28, 2008, which is incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

“(16) Certain land in the Jefferson National Forest comprising approximately 308 acres, as generally depicted on the map entitled ‘Lewis Fork Addition and Little Wilson Creek Additions’ and dated April 28, 2008, which is incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

“(17) Certain land in the Jefferson National Forest comprising approximately 1,845 acres, as generally depicted on the map entitled ‘Lewis Fork Addition and Little Wilson Creek Additions’ and dated April 28, 2008, which is incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

“(18) Certain land in the Jefferson National Forest comprising approximately 2,219 acres, as generally depicted on the map entitled ‘Shawvers Run Additions’ and dated April 28, 2008, which is incorporated in the Shawvers Run Wilderness designated by paragraph (4).

“(19) Certain land in the Jefferson National Forest comprising approximately 1,203 acres, as generally depicted on the map entitled ‘Peters Mountain Addition’ and dated April 28, 2008, which is incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

“(20) Certain land in the Jefferson National Forest comprising approximately 263 acres, as generally depicted on the map entitled ‘Kimberling Creek Additions and Potential Wilderness Area’ and dated April 28, 2008, which is incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).”

(b) **DESIGNATION OF WILDERNESS STUDY AREA.**—The Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586) is amended—

(1) in the first section, by inserting “as” after “cited”; and

(2) in section 6(a)—

(A) by striking “certain” each place it appears and inserting “Certain”;

(B) in each of paragraphs (1) and (2), by striking the semicolon at the end and inserting a period;

(C) in paragraph (3), by striking “; and” and inserting a period; and

(D) by adding at the end the following:

“(5) Certain land in the Jefferson National Forest comprising approximately 3,226 acres, as generally depicted on the map entitled ‘Lynn Camp Creek Wilderness Study Area’ and dated April 28, 2008, which shall be known as the ‘Lynn Camp Creek Wilderness Study Area’.”

SEC. 1103. DESIGNATION OF KIMBERLING CREEK POTENTIAL WILDERNESS AREA, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) **DESIGNATION.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Jefferson National Forest comprising approximately 349 acres, as generally depicted on the map entitled ‘Kimberling Creek Additions and Potential Wilderness Area’ and dated April 28, 2008, is designated as a potential wilderness area for incorporation in the Kimberling Creek Wilderness designated by section 2(2)

of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

(b) **MANAGEMENT.**—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(c) **ECOLOGICAL RESTORATION.**—

(1) **IN GENERAL.**—For purposes of ecological restoration (including the elimination of nonnative species, removal of illegal, unused, or decommissioned roads, and any other activity necessary to restore the natural ecosystems in the potential wilderness area), the Secretary may use motorized equipment and mechanized transport in the potential wilderness area until the date on which the potential wilderness area is incorporated into the Kimberling Creek Wilderness.

(2) **LIMITATION.**—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(d) **WILDERNESS DESIGNATION.**—The potential wilderness area shall be designated as wilderness and incorporated in the Kimberling Creek Wilderness on the earlier of—

(1) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(2) the date that is 5 years after the date of enactment of this Act.

SEC. 1104. SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) **ESTABLISHMENT.**—There are designated as National Scenic Areas—

(1) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,192 acres, as generally depicted on the map entitled “Seng Mountain and Raccoon Branch” and dated April 28, 2008, which shall be known as the “Seng Mountain National Scenic Area”; and

(2) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,128 acres, as generally depicted on the map entitled “Bear Creek” and dated April 28, 2008, which shall be known as the “Bear Creek National Scenic Area”.

(b) **PURPOSES.**—The purposes of the scenic areas are—

(1) to ensure the protection and preservation of scenic quality, water quality, natural characteristics, and water resources of the scenic areas;

(2) consistent with paragraph (1), to protect wildlife and fish habitat in the scenic areas;

(3) to protect areas in the scenic areas that may develop characteristics of old-growth forests; and

(4) consistent with paragraphs (1), (2), and (3), to provide a variety of recreation opportunities in the scenic areas.

(c) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall administer the scenic areas in accordance with—

(A) this subtitle; and

(B) the laws (including regulations) generally applicable to the National Forest System.

(2) **AUTHORIZED USES.**—The Secretary shall only allow uses of the scenic areas that the Secretary determines will further the purposes of the scenic areas, as described in subsection (b).

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop as an amendment to the land and resource management plan for the Jefferson National Forest a management plan for the scenic areas.

(2) EFFECT.—Nothing in this subsection requires the Secretary to revise the land and resource management plan for the Jefferson National Forest under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(e) ROADS.—

(1) IN GENERAL.—Except as provided in paragraph (2), after the date of enactment of this Act, no roads shall be established or constructed within the scenic areas.

(2) LIMITATION.—Nothing in this subsection denies any owner of private land (or an interest in private land) that is located in a scenic area the right to access the private land.

(f) TIMBER HARVEST.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no harvesting of timber shall be allowed within the scenic areas.

(2) EXCEPTIONS.—The Secretary may authorize harvesting of timber in the scenic areas if the Secretary determines that the harvesting is necessary to—

(A) control fire;

(B) provide for public safety or trail access;

or

(C) control insect and disease outbreaks.

(3) FIREWOOD FOR PERSONAL USE.—Firewood may be harvested for personal use along perimeter roads in the scenic areas, subject to any conditions that the Secretary may impose.

(g) INSECT AND DISEASE OUTBREAKS.—The Secretary may control insect and disease outbreaks—

(1) to maintain scenic quality;

(2) to prevent tree mortality;

(3) to reduce hazards to visitors; or

(4) to protect private land.

(h) VEGETATION MANAGEMENT.—The Secretary may engage in vegetation manipulation practices in the scenic areas to maintain the visual quality and wildlife clearings in existence on the date of enactment of this Act.

(i) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as provided in paragraph (2), motorized vehicles shall not be allowed within the scenic areas.

(2) EXCEPTIONS.—The Secretary may authorize the use of motorized vehicles—

(A) to carry out administrative activities that further the purposes of the scenic areas, as described in subsection (b);

(B) to assist wildlife management projects in existence on the date of enactment of this Act; and

(C) during deer and bear hunting seasons—

(i) on Forest Development Roads 49410 and 84b; and

(ii) on the portion of Forest Development Road 6261 designated on the map described in subsection (a)(2) as “open seasonally”.

(j) WILDFIRE SUPPRESSION.—Wildfire suppression within the scenic areas shall be conducted—

(1) in a manner consistent with the purposes of the scenic areas, as described in subsection (b); and

(2) using such means as the Secretary determines to be appropriate.

(k) WATER.—The Secretary shall administer the scenic areas in a manner that maintains and enhances water quality.

(l) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the scenic areas is withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) operation of the mineral leasing and geothermal leasing laws.

SEC. 1105. TRAIL PLAN AND DEVELOPMENT.

(a) TRAIL PLAN.—The Secretary, in consultation with interested parties, shall establish a trail plan to develop—

(1) in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), hiking and equestrian trails in the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(2) nonmotorized recreation trails in the scenic areas.

(b) IMPLEMENTATION REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan, including the identification of priority trails for development.

(c) SUSTAINABLE TRAIL REQUIRED.—The Secretary shall develop a sustainable trail, using a contour curvilinear alignment, to provide for nonmotorized travel along the southern boundary of the Raccoon Branch Wilderness established by section 1(11) of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)) connecting to Forest Development Road 49352 in Smyth County, Virginia.

SEC. 1106. MAPS AND BOUNDARY DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives maps and boundary descriptions of—

(1) the scenic areas;

(2) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5));

(3) the wilderness study area designated by section 6(a)(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586) (as added by section 1102(b)(2)(D)); and

(4) the potential wilderness area designated by section 1103(a).

(b) FORCE AND EFFECT.—The maps and boundary descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the maps and boundary descriptions.

(c) AVAILABILITY OF MAP AND BOUNDARY DESCRIPTION.—The maps and boundary descriptions filed under subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) CONFLICT.—In the case of a conflict between a map filed under subsection (a) and the acreage of the applicable areas specified in this subtitle, the map shall control.

SEC. 1107. EFFECTIVE DATE.

Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering—

(1) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(2) the potential wilderness area designated by section 1103(a).

Subtitle C—Mt. Hood Wilderness, Oregon**SEC. 1201. DEFINITIONS.**

In this subtitle:

(1) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(2) STATE.—The term “State” means the State of Oregon.

SEC. 1202. DESIGNATION OF WILDERNESS AREAS.

(a) DESIGNATION OF LEWIS AND CLARK MOUNT HOOD WILDERNESS AREAS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of Oregon are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) BADGER CREEK WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 4,140 acres, as generally depicted on the maps entitled “Badger Creek Wilderness—Badger Creek Additions” and “Badger Creek Wilderness—Bonney Butte”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Badger Creek Wilderness, as designated by section 3(3) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(2) BULL OF THE WOODS WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service, comprising approximately 10,180 acres, as generally depicted on the map entitled “Bull of the Woods Wilderness—Bull of the Woods Additions”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Bull of the Woods Wilderness, as designated by section 3(4) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(3) CLACKAMAS WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 9,470 acres, as generally depicted on the maps entitled “Clackamas Wilderness—Big Bottom”, “Clackamas Wilderness—Clackamas Canyon”, “Clackamas Wilderness—Memaloose Lake”, “Clackamas Wilderness—Sisi Butte”, and “Clackamas Wilderness—South Fork Clackamas”, dated July 16, 2007, which shall be known as the “Clackamas Wilderness”.

(4) MARK O. HATFIELD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 25,960 acres, as generally depicted on the maps entitled “Mark O. Hatfield Wilderness—Gorge Face” and “Mark O. Hatfield Wilderness—Larch Mountain”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Mark O. Hatfield Wilderness, as designated by section 3(1) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(5) MOUNT HOOD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 18,450 acres, as generally depicted on the maps entitled “Mount Hood Wilderness—Barlow Butte”, “Mount Hood Wilderness—Elk Cove/Mazama”, “Richard L. Kohnstamm Memorial Area”, “Mount Hood Wilderness—Sand Canyon”, “Mount Hood Wilderness—Sandy Additions”, “Mount Hood Wilderness—Twin Lakes”, and “Mount Hood Wilderness—White River”, dated July 16, 2007, and the map entitled “Mount Hood Wilderness—Cloud Cap”, dated July 20, 2007, which is incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43).

(6) ROARING RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 36,550 acres, as generally depicted on the map entitled “Roaring River Wilderness—Roaring River Wilderness”, dated July 16, 2007, which shall be known as the “Roaring River Wilderness”.

(7) **SALMON-HUCKLEBERRY WILDERNESS ADDITIONS.**—Certain Federal land managed by the Forest Service, comprising approximately 16,620 acres, as generally depicted on the maps entitled “Salmon-Huckleberry Wilderness—Alder Creek Addition”, “Salmon-Huckleberry Wilderness—Eagle Creek Addition”, “Salmon-Huckleberry Wilderness—Hunchback Mountain”, “Salmon-Huckleberry Wilderness—Inch Creek”, “Salmon-Huckleberry Wilderness—Mirror Lake”, and “Salmon-Huckleberry Wilderness—Salmon River Meadows”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(8) **LOWER WHITE RIVER WILDERNESS.**—Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 2,870 acres, as generally depicted on the map entitled “Lower White River Wilderness—Lower White River”, dated July 16, 2007, which shall be known as the “Lower White River Wilderness”.

(b) **RICHARD L. KOHNSTAMM MEMORIAL AREA.**—Certain Federal land managed by the Forest Service, as generally depicted on the map entitled “Richard L. Kohnstamm Memorial Area”, dated July 16, 2007, is designated as the “Richard L. Kohnstamm Memorial Area”.

(c) **POTENTIAL WILDERNESS AREA; ADDITIONS TO WILDERNESS AREAS.**—

(1) **ROARING RIVER POTENTIAL WILDERNESS AREA.**—

(A) **IN GENERAL.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Forest Service, comprising approximately 900 acres identified as “Potential Wilderness” on the map entitled “Roaring River Wilderness”, dated July 16, 2007, is designated as a potential wilderness area.

(B) **MANAGEMENT.**—The potential wilderness area designated by subparagraph (A) shall be managed in accordance with section 4 of the Wilderness Act (16 U.S.C. 1133).

(C) **DESIGNATION AS WILDERNESS.**—On the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area designated by subparagraph (A) are compatible with the Wilderness Act (16 U.S.C. 1131 et seq.), the potential wilderness shall be—

(i) designated as wilderness and as a component of the National Wilderness Preservation System; and

(ii) incorporated into the Roaring River Wilderness designated by subsection (a)(6).

(2) **ADDITION TO THE MOUNT HOOD WILDERNESS.**—On completion of the land exchange under section 1206(a)(2), certain Federal land managed by the Forest Service, comprising approximately 1,710 acres, as generally depicted on the map entitled “Mount Hood Wilderness—Tilly Jane”, dated July 20, 2007, shall be incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43) and subsection (a)(5).

(3) **ADDITION TO THE SALMON-HUCKLEBERRY WILDERNESS.**—On acquisition by the United States, the approximately 160 acres of land identified as “Land to be acquired by USFS” on the map entitled “Hunchback Mountain Land Exchange, Clackamas County”, dated June 2006, shall be incorporated in, and considered to be a part of, the Salmon-

Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273) and enlarged by subsection (a)(7).

(d) **MAPS AND LEGAL DESCRIPTIONS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area and potential wilderness area designated by this section, with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(3) **PUBLIC AVAILABILITY.**—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(4) **DESCRIPTION OF LAND.**—The boundaries of the areas designated as wilderness by subsection (a) that are immediately adjacent to a utility right-of-way or a Federal Energy Regulatory Commission project boundary shall be 100 feet from the boundary of the right-of-way or the project boundary.

(e) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Subject to valid existing rights, each area designated as wilderness by this section shall be administered by the Secretary that has jurisdiction over the land within the wilderness, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land within the wilderness.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land within the boundary of a wilderness area designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(f) **BUFFER ZONES.**—

(1) **IN GENERAL.**—As provided in the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-328), Congress does not intend for designation of wilderness areas in the State under this section to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(2) **ACTIVITIES OR USES UP TO BOUNDARIES.**—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

(g) **FISH AND WILDLIFE.**—Nothing in this section affects the jurisdiction or responsibilities of the State with respect to fish and wildlife.

(h) **FIRE, INSECTS, AND DISEASES.**—As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by this section, the Secretary that has jurisdiction over the land within the wilderness (referred to in this

subsection as the “Secretary”) may take such measures as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(i) **WITHDRAWAL.**—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this section is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 1203. DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA.

(a) **WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.**—

(1) **IN GENERAL.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“(171) **SOUTH FORK CLACKAMAS RIVER, OREGON.**—The 4.2-mile segment of the South Fork Clackamas River from its confluence with the East Fork of the South Fork Clackamas to its confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a wild river.

“(172) **EAGLE CREEK, OREGON.**—The 8.3-mile segment of Eagle Creek from its headwaters to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

“(173) **MIDDLE FORK HOOD RIVER.**—The 3.7-mile segment of the Middle Fork Hood River from the confluence of Clear and Coe Branches to the north section line of section 11, township 1 south, range 9 east, to be administered by the Secretary of Agriculture as a scenic river.

“(174) **SOUTH FORK ROARING RIVER, OREGON.**—The 4.6-mile segment of the South Fork Roaring River from its headwaters to its confluence with Roaring River, to be administered by the Secretary of Agriculture as a wild river.

“(175) **ZIG ZAG RIVER, OREGON.**—The 4.3-mile segment of the Zig Zag River from its headwaters to the Mount Hood Wilderness boundary, to be administered by the Secretary of Agriculture as a wild river.

“(176) **FIFTEENMILE CREEK, OREGON.**—

“(A) **IN GENERAL.**—The 11.1-mile segment of Fifteenmile Creek from its source at Senecal Spring to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east, to be administered by the Secretary of Agriculture in the following classes:

“(i) The 2.6-mile segment from its source at Senecal Spring to the Badger Creek Wilderness boundary, as a wild river.

“(ii) The 0.4-mile segment from the Badger Creek Wilderness boundary to the point 0.4 miles downstream, as a scenic river.

“(iii) The 7.9-mile segment from the point 0.4 miles downstream of the Badger Creek Wilderness boundary to the western edge of section 20, township 2 south, range 12 east as a wild river.

“(iv) The 0.2-mile segment from the western edge of section 20, township 2 south, range 12 east, to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east as a scenic river.

“(B) **INCLUSIONS.**—Notwithstanding section 3(b), the lateral boundaries of both the wild river area and the scenic river area along Fifteenmile Creek shall include an average

of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river.

“(177) EAST FORK HOOD RIVER, OREGON.—The 13.5-mile segment of the East Fork Hood River from Oregon State Highway 35 to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a recreational river.

“(178) COLLAWASH RIVER, OREGON.—The 17.8-mile segment of the Collawash River from the headwaters of the East Fork Collawash to the confluence of the mainstream of the Collawash River with the Clackamas River, to be administered by the Secretary of Agriculture in the following classes:

“(A) The 11.0-mile segment from the headwaters of the East Fork Collawash River to Buckeye Creek, as a scenic river.

“(B) The 6.8-mile segment from Buckeye Creek to the Clackamas River, as a recreational river.

“(179) FISH CREEK, OREGON.—The 13.5-mile segment of Fish Creek from its headwaters to the confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a recreational river.”.

(2) EFFECT.—The amendments made by paragraph (1) do not affect valid existing water rights.

(b) PROTECTION FOR HOOD RIVER, OREGON.—Section 13(a)(4) of the “Columbia River Gorge National Scenic Area Act” (16 U.S.C. 544k(a)(4)) is amended by striking “for a period not to exceed twenty years from the date of enactment of this Act.”.

SEC. 1204. MOUNT HOOD NATIONAL RECREATION AREA.

(a) DESIGNATION.—To provide for the protection, preservation, and enhancement of recreational, ecological, scenic, cultural, watershed, and fish and wildlife values, there is established the Mount Hood National Recreation Area within the Mount Hood National Forest.

(b) BOUNDARY.—The Mount Hood National Recreation Area shall consist of certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 34,550 acres, as generally depicted on the maps entitled “National Recreation Areas—Mount Hood NRA”, “National Recreation Areas—Fifteenmile Creek NRA”, and “National Recreation Areas—Shellrock Mountain”, dated February 2007.

(c) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Mount Hood National Recreation Area with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and the legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall—

(A) administer the Mount Hood National Recreation Area—

(i) in accordance with the laws (including regulations) and rules applicable to the National Forest System; and

(ii) consistent with the purposes described in subsection (a); and

(B) only allow uses of the Mount Hood National Recreation Area that are consistent with the purposes described in subsection (a).

(2) APPLICABLE LAW.—Any portion of a wilderness area designated by section 1202 that is located within the Mount Hood National Recreation Area shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(e) TIMBER.—The cutting, sale, or removal of timber within the Mount Hood National Recreation Area may be permitted—

(1) to the extent necessary to improve the health of the forest in a manner that—

(A) maximizes the retention of large trees—

(i) as appropriate to the forest type; and

(ii) to the extent that the trees promote

stands that are fire-resilient and healthy;

(B) improves the habitats of threatened, endangered, or sensitive species; or

(C) maintains or restores the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildfire;

(2) to accomplish an approved management activity in furtherance of the purposes established by this section, if the cutting, sale, or removal of timber is incidental to the management activity; or

(3) for de minimus personal or administrative use within the Mount Hood National Recreation Area, where such use will not impair the purposes established by this section.

(f) ROAD CONSTRUCTION.—No new or temporary roads shall be constructed or reconstructed within the Mount Hood National Recreation Area except as necessary—

(1) to protect the health and safety of individuals in cases of an imminent threat of flood, fire, or any other catastrophic event that, without intervention, would cause the loss of life or property;

(2) to conduct environmental cleanup required by the United States;

(3) to allow for the exercise of reserved or outstanding rights provided for by a statute or treaty;

(4) to prevent irreparable resource damage by an existing road; or

(5) to rectify a hazardous road condition.

(g) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Mount Hood National Recreation Area is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws relating to mineral and geothermal leasing.

(h) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Administrative jurisdiction over the Federal land described in paragraph (2) is transferred from the Bureau of Land Management to the Forest Service.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 130 acres of land administered by the Bureau of Land Management that is within or adjacent to the Mount Hood National Recreation Area and that is identified as “BLM Lands” on the map entitled “National Recreation Areas—Shellrock Mountain”, dated February 2007.

SEC. 1205. PROTECTIONS FOR CRYSTAL SPRINGS, UPPER BIG BOTTOM, AND CULTUS CREEK.

(a) CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—On completion of the land exchange under section 1206(a)(2), there shall

be established a special resources management unit in the State consisting of certain Federal land managed by the Forest Service, as generally depicted on the map entitled “Crystal Springs Watershed Special Resources Management Unit”, dated June 2006 (referred to in this subsection as the “map”), to be known as the “Crystal Springs Watershed Special Resources Management Unit” (referred to in this subsection as the “Management Unit”).

(B) EXCLUSION OF CERTAIN LAND.—The Management Unit does not include any National Forest System land otherwise covered by subparagraph (A) that is designated as wilderness by section 1202.

(C) WITHDRAWAL.—

(i) IN GENERAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as the Management Unit is withdrawn from all forms of—

(I) entry, appropriation, or disposal under the public land laws;

(II) location, entry, and patent under the mining laws; and

(III) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(ii) EXCEPTION.—Clause (i)(I) does not apply to the parcel of land generally depicted as “HES 151” on the map.

(2) PURPOSES.—The purposes of the Management Unit are—

(A) to ensure the protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon; and

(B) to allow visitors to enjoy the special scenic, natural, cultural, and wildlife values of the Crystal Springs watershed.

(3) MAP AND LEGAL DESCRIPTION.—

(A) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Management Unit with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—The map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall—

(i) administer the Management Unit—

(I) in accordance with the laws (including regulations) and rules applicable to units of the National Forest System; and

(II) consistent with the purposes described in paragraph (2); and

(ii) only allow uses of the Management Unit that are consistent with the purposes described in paragraph (2).

(B) FUEL REDUCTION IN PROXIMITY TO IMPROVEMENTS AND PRIMARY PUBLIC ROADS.—To protect the water quality, water quantity, and scenic, cultural, natural, and wildlife values of the Management Unit, the Secretary may conduct fuel reduction and forest health management treatments to maintain and restore fire-resilient forest structures containing late successional forest structure characterized by large trees and multistoried

canopies, as ecologically appropriate, on National Forest System land in the Management Unit—

(i) in any area located not more than 400 feet from structures located on—

(I) National Forest System land; or

(II) private land adjacent to National Forest System land;

(ii) in any area located not more than 400 feet from the Cooper Spur Road, the Cloud Cap Road, or the Cooper Spur Ski Area Loop Road; and

(iii) on any other National Forest System land in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(5) **PROHIBITED ACTIVITIES.**—Subject to valid existing rights, the following activities shall be prohibited on National Forest System land in the Management Unit:

(A) New road construction or renovation of existing non-System roads, except as necessary to protect public health and safety.

(B) Projects undertaken for the purpose of harvesting commercial timber (other than activities relating to the harvest of merchantable products that are byproducts of activities conducted to further the purposes described in paragraph (2)).

(C) Commercial livestock grazing.

(D) The placement of new fuel storage tanks.

(E) Except to the extent necessary to further the purposes described in paragraph (2), the application of any toxic chemicals (other than fire retardants), including pesticides, rodenticides, or herbicides.

(6) **FOREST ROAD CLOSURES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Secretary may provide for the closure or gating to the general public of any Forest Service road within the Management Unit.

(B) **EXCEPTION.**—Nothing in this subsection requires the Secretary to close the road commonly known as “Cloud Cap Road”, which shall be administered in accordance with otherwise applicable law.

(7) **PRIVATE LAND.**—

(A) **EFFECT.**—Nothing in this subsection affects the use of, or access to, any private property within the area identified on the map as the “Crystal Springs Zone of Contribution” by—

(i) the owners of the private property; and

(ii) guests to the private property.

(B) **COOPERATION.**—The Secretary is encouraged to work with private landowners who have agreed to cooperate with the Secretary to further the purposes of this subsection.

(8) **ACQUISITION OF LAND.**—

(A) **IN GENERAL.**—The Secretary may acquire from willing landowners any land located within the area identified on the map as the “Crystal Springs Zone of Contribution”.

(B) **INCLUSION IN MANAGEMENT UNIT.**—On the date of acquisition, any land acquired under subparagraph (A) shall be incorporated in, and be managed as part of, the Management Unit.

(b) **PROTECTIONS FOR UPPER BIG BOTTOM AND CULTUS CREEK.**—

(1) **IN GENERAL.**—The Secretary shall manage the Federal land administered by the Forest Service described in paragraph (2) in a manner that preserves the natural and primitive character of the land for recreational, scenic, and scientific use.

(2) **DESCRIPTION OF LAND.**—The Federal land referred to in paragraph (1) is—

(A) the approximately 1,580 acres, as generally depicted on the map entitled “Upper Big Bottom”, dated July 16, 2007; and

(B) the approximately 280 acres identified as “Cultus Creek” on the map entitled “Clackamas Wilderness—South Fork Clackamas”, dated July 16, 2007.

(3) **MAPS AND LEGAL DESCRIPTIONS.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Federal land described in paragraph (2) with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) **FORCE OF LAW.**—The maps and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(C) **PUBLIC AVAILABILITY.**—Each map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) **USE OF LAND.**—

(A) **IN GENERAL.**—Subject to valid existing rights, with respect to the Federal land described in paragraph (2), the Secretary shall only allow uses that are consistent with the purposes identified in paragraph (1).

(B) **PROHIBITED USES.**—The following shall be prohibited on the Federal land described in paragraph (2):

(i) Permanent roads.

(ii) Commercial enterprises.

(iii) Except as necessary to meet the minimum requirements for the administration of the Federal land and to protect public health and safety—

(I) the use of motor vehicles; or

(II) the establishment of temporary roads.

(5) **WITHDRAWAL.**—Subject to valid existing rights, the Federal land described in paragraph (2) is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

SEC. 1206. LAND EXCHANGES.

(a) **COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **COUNTY.**—The term “County” means Hood River County, Oregon.

(B) **EXCHANGE MAP.**—The term “exchange map” means the map entitled “Cooper Spur/Government Camp Land Exchange”, dated June 2006.

(C) **FEDERAL LAND.**—The term “Federal land” means the approximately 120 acres of National Forest System land in the Mount Hood National Forest in Government Camp, Clackamas County, Oregon, identified as “USFS Land to be Conveyed” on the exchange map.

(D) **MT. HOOD MEADOWS.**—The term “Mt. Hood Meadows” means the Mt. Hood Meadows Oregon, Limited Partnership.

(E) **NON-FEDERAL LAND.**—The term “non-Federal land” means—

(i) the parcel of approximately 770 acres of private land at Cooper Spur identified as “Land to be acquired by USFS” on the exchange map; and

(ii) any buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur and the Cooper Spur Ski Area covered by an appraisal described in paragraph (2)(D).

(2) **COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.**—

(A) **CONVEYANCE OF LAND.**—Subject to the provisions of this subsection, if Mt. Hood Meadows offers to convey to the United States all right, title, and interest of Mt. Hood Meadows in and to the non-Federal land, the Secretary shall convey to Mt. Hood Meadows all right, title, and interest of the United States in and to the Federal land (other than any easements reserved under subparagraph (G)), subject to valid existing rights.

(B) **COMPLIANCE WITH EXISTING LAW.**—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) **CONDITIONS ON ACCEPTANCE.**—

(i) **TITLE.**—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(ii) **TERMS AND CONDITIONS.**—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) **APPRAISALS.**—

(i) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary and Mt. Hood Meadows shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) **REQUIREMENTS.**—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) **SURVEYS.**—

(i) **IN GENERAL.**—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) **COSTS.**—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Mt. Hood Meadows.

(F) **DEADLINE FOR COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(G) **RESERVATION OF EASEMENTS.**—As a condition of the conveyance of the Federal land, the Secretary shall reserve—

(i) a conservation easement to the Federal land to protect existing wetland, as identified by the Oregon Department of State Lands, that allows equivalent wetland mitigation measures to compensate for minor wetland encroachments necessary for the orderly development of the Federal land; and

(ii) a trail easement to the Federal land that allows—

(I) nonmotorized use by the public of existing trails;

(II) roads, utilities, and infrastructure facilities to cross the trails; and

(III) improvement or relocation of the trails to accommodate development of the Federal land.

(b) **PORT OF CASCADE LOCKS LAND EXCHANGE.**—

(1) **DEFINITIONS.**—In this subsection:

(A) EXCHANGE MAP.—The term “exchange map” means the map entitled “Port of Cascade Locks/Pacific Crest National Scenic Trail Land Exchange”, dated June 2006.

(B) FEDERAL LAND.—The term “Federal land” means the parcel of land consisting of approximately 10 acres of National Forest System land in the Columbia River Gorge National Scenic Area identified as “USFS Land to be conveyed” on the exchange map.

(C) NON-FEDERAL LAND.—The term “non-Federal land” means the parcels of land consisting of approximately 40 acres identified as “Land to be acquired by USFS” on the exchange map.

(D) PORT.—The term “Port” means the Port of Cascade Locks, Cascade Locks, Oregon.

(2) LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this subsection, if the Port offers to convey to the United States all right, title, and interest of the Port in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the Port all right, title, and interest of the United States in and to the Federal land.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(3) CONDITIONS ON ACCEPTANCE.—

(A) TITLE.—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(B) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(4) APPRAISALS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with nationally recognized appraisal standards, including—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(5) SURVEYS.—

(A) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(B) COSTS.—The responsibility for the costs of any surveys conducted under subparagraph (A), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Port.

(6) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(C) HUNCHBACK MOUNTAIN LAND EXCHANGE AND BOUNDARY ADJUSTMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COUNTY.—The term “County” means Clackamas County, Oregon.

(B) EXCHANGE MAP.—The term “exchange map” means the map entitled “Hunchback Mountain Land Exchange, Clackamas County”, dated June 2006.

(C) FEDERAL LAND.—The term “Federal land” means the parcel of land consisting of approximately 160 acres of National Forest System land in the Mount Hood National Forest identified as “USFS Land to be Conveyed” on the exchange map.

(D) NON-FEDERAL LAND.—The term “non-Federal land” means the parcel of land consisting of approximately 160 acres identified as “Land to be acquired by USFS” on the exchange map.

(2) HUNCHBACK MOUNTAIN LAND EXCHANGE.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this paragraph, if the County offers to convey to the United States all right, title, and interest of the County in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the County all right, title, and interest of the United States in and to the Federal land.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this paragraph, the Secretary shall carry out the land exchange under this paragraph in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) CONDITIONS ON ACCEPTANCE.—

(i) TITLE.—As a condition of the land exchange under this paragraph, title to the non-Federal land to be acquired by the Secretary under this paragraph shall be acceptable to the Secretary.

(ii) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) APPRAISALS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) REQUIREMENTS.—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) SURVEYS.—

(i) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) COSTS.—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the County.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this paragraph shall be completed not later than 16 months after the date of enactment of this Act.

(3) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Mount Hood National Forest shall be adjusted to incorporate—

(i) any land conveyed to the United States under paragraph (2); and

(ii) the land transferred to the Forest Service by section 1204(h)(1).

(B) ADDITIONS TO THE NATIONAL FOREST SYSTEM.—The Secretary shall administer the land described in subparagraph (A)—

(i) in accordance with—

(I) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(II) any laws (including regulations) applicable to the National Forest System; and

(ii) subject to sections 1202(c)(3) and 1204(d), as applicable.

(C) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Mount Hood National Forest modified by this paragraph shall be considered to be the boundaries of the Mount Hood National Forest in existence as of January 1, 1965.

(d) CONDITIONS ON DEVELOPMENT OF FEDERAL LAND.—

(1) REQUIREMENTS APPLICABLE TO THE CONVEYANCE OF FEDERAL LAND.—

(A) IN GENERAL.—As a condition of each of the conveyances of Federal land under this section, the Secretary shall include in the deed of conveyance a requirement that applicable construction activities and alterations shall be conducted in accordance with—

(i) nationally recognized building and property maintenance codes; and

(ii) nationally recognized codes for development in the wildland-urban interface and wildfire hazard mitigation.

(B) APPLICABLE LAW.—To the maximum extent practicable, the codes required under subparagraph (A) shall be consistent with the nationally recognized codes adopted or referenced by the State or political subdivisions of the State.

(C) ENFORCEMENT.—The requirements under subparagraph (A) may be enforced by the same entities otherwise enforcing codes, ordinances, and standards.

(2) COMPLIANCE WITH CODES ON FEDERAL LAND.—The Secretary shall ensure that applicable construction activities and alterations undertaken or permitted by the Secretary on National Forest System land in the Mount Hood National Forest are conducted in accordance with—

(A) nationally recognized building and property maintenance codes; and

(B) nationally recognized codes for development in the wildland-urban interface development and wildfire hazard mitigation.

(3) EFFECT ON ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS.—Nothing in this subsection alters or limits the power of the State or a political subdivision of the State to implement or enforce any law (including regulations), rule, or standard relating to development or fire prevention and control.

SEC. 1207. TRIBAL PROVISIONS; PLANNING AND STUDIES.

(a) TRANSPORTATION PLAN.—

(1) IN GENERAL.—The Secretary shall seek to participate in the development of an integrated, multimodal transportation plan developed by the Oregon Department of Transportation for the Mount Hood region to achieve comprehensive solutions to transportation challenges in the Mount Hood region—

(A) to promote appropriate economic development;

(B) to preserve the landscape of the Mount Hood region; and

(C) to enhance public safety.

(2) ISSUES TO BE ADDRESSED.—In participating in the development of the transportation plan under paragraph (1), the Secretary shall seek to address—

(A) transportation alternatives between and among recreation areas and gateway communities that are located within the Mount Hood region;

(B) establishing park-and-ride facilities that shall be located at gateway communities;

(C) establishing intermodal transportation centers to link public transportation, parking, and recreation destinations;

(D) creating a new interchange on Oregon State Highway 26 located adjacent to or within Government Camp;

(E) designating, maintaining, and improving alternative routes using Forest Service or State roads for—

(i) providing emergency routes; or
(ii) improving access to, and travel within, the Mount Hood region;

(F) the feasibility of establishing—

(i) a gondola connection that—
(I) connects Timberline Lodge to Government Camp; and

(II) is located in close proximity to the site of the historic gondola corridor; and

(ii) an intermodal transportation center to be located in close proximity to Government Camp;

(G) burying power lines located in, or adjacent to, the Mount Hood National Forest along Interstate 84 near the City of Cascade Locks, Oregon; and

(H) creating mechanisms for funding the implementation of the transportation plan under paragraph (1), including—

(i) funds provided by the Federal Government;

(ii) public-private partnerships;

(iii) incremental tax financing; and

(iv) other financing tools that link transportation infrastructure improvements with development.

(b) MOUNT HOOD NATIONAL FOREST STEWARDSHIP STRATEGY.—

(1) IN GENERAL.—The Secretary shall prepare a report on, and implementation schedule for, the vegetation management strategy (including recommendations for biomass utilization) for the Mount Hood National Forest being developed by the Forest Service.

(2) SUBMISSION TO CONGRESS.—

(A) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) IMPLEMENTATION SCHEDULE.—Not later than 1 year after the date on which the vegetation management strategy referred to in paragraph (1) is completed, the Secretary shall submit the implementation schedule to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(c) LOCAL AND TRIBAL RELATIONSHIPS.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The Secretary, in consultation with Indian tribes with treaty-reserved gathering rights on land encompassed by the Mount Hood National Forest and in a manner consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes and Bands of the Warm Springs Reservation of Oregon, dated April 25, 2003, as modified, shall develop and implement a management plan that meets the cultural foods obligations of the United States under applicable treaties, including the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) EFFECT.—This paragraph shall be considered to be consistent with, and is intended to help implement, the gathering rights reserved by the treaty described in subparagraph (A).

(2) SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.—

(A) TREATY RIGHTS.—Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian

tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) TRIBAL LAND.—Nothing in this subtitle affects land held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other land acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(d) RECREATIONAL USES.—

(1) MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.—The Secretary may establish a working group for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in the Mount Hood National Forest.

(2) CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.—In considering a Forest Service road in the Mount Hood National Forest for possible closure and decommissioning after the date of enactment of this Act, the Secretary, in accordance with applicable law, shall consider, as an alternative to decommissioning the road, converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National Forest.

(3) IMPROVED TRAIL ACCESS FOR PERSONS WITH DISABILITIES.—The Secretary, in consultation with the public, may design and construct a trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.

Subtitle D—Copper Salmon Wilderness, Oregon

SEC. 1301. DESIGNATION OF THE COPPER SALMON WILDERNESS.

(a) DESIGNATION.—Section 3 of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-328) is amended—

(1) in the matter preceding paragraph (1), by striking “eight hundred fifty-nine thousand six hundred acres” and inserting “873,300 acres”;

(2) in paragraph (29), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(30) certain land in the Siskiyou National Forest, comprising approximately 13,700 acres, as generally depicted on the map entitled ‘Proposed Copper Salmon Wilderness Area’ and dated December 7, 2007, to be known as the ‘Copper Salmon Wilderness’.”

(b) MAPS AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this subtitle as the “Secretary”) shall file a map and a legal description of the Copper Salmon Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) BOUNDARY.—If the boundary of the Copper Salmon Wilderness shares a border with a road, the Secretary may only establish an offset that is not more than 150 feet from the centerline of the road.

(4) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 1302. WILD AND SCENIC RIVER DESIGNATIONS, ELK RIVER, OREGON.

Section 3(a)(76) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(76)) is amended—

(1) in the matter preceding subparagraph (A), by striking “19-mile segment” and inserting “29-mile segment”;

(2) in subparagraph (A), by striking “; and” and inserting a period; and

(3) by striking subparagraph (B) and inserting the following:

“(B)(i) The approximately 0.6-mile segment of the North Fork Elk from its source in sec. 21, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

“(ii) The approximately 5.5-mile segment of the North Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the South Fork Elk, as a wild river.

“(C)(i) The approximately 0.9-mile segment of the South Fork Elk from its source in the southeast quarter of sec. 32, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

“(ii) The approximately 4.2-mile segment of the South Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the North Fork Elk, as a wild river.”

SEC. 1303. PROTECTION OF TRIBAL RIGHTS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as diminishing any right of any Indian tribe.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary shall seek to enter into a memorandum of understanding with the Coquille Indian Tribe regarding access to the Copper Salmon Wilderness to conduct historical and cultural activities.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

SEC. 1401. DEFINITIONS.

In this subtitle:

(1) BOX R RANCH LAND EXCHANGE MAP.—The term “Box R Ranch land exchange map” means the map entitled “Proposed Rowlett Land Exchange” and dated June 13, 2006.

(2) BUREAU OF LAND MANAGEMENT LAND.—The term “Bureau of Land Management land” means the approximately 40 acres of land administered by the Bureau of Land Management identified as “Rowlett Selected”, as generally depicted on the Box R Ranch land exchange map.

(3) DEERFIELD LAND EXCHANGE MAP.—The term “Deerfield land exchange map” means the map entitled “Proposed Deerfield-BLM Property Line Adjustment” and dated May 1, 2008.

(4) DEERFIELD PARCEL.—The term “Deerfield parcel” means the approximately 1.5 acres of land identified as “From Deerfield to BLM”, as generally depicted on the Deerfield land exchange map.

(5) FEDERAL PARCEL.—The term “Federal parcel” means the approximately 1.3 acres of land administered by the Bureau of Land Management identified as “From BLM to Deerfield”, as generally depicted on the Deerfield land exchange map.

(6) GRAZING ALLOTMENT.—The term “grazing allotment” means any of the Box R, Buck Lake, Buck Mountain, Buck Point, Conde Creek, Cove Creek, Cove Creek Ranch, Deadwood, Dixie, Grizzly, Howard Prairie, Jenny Creek, Keene Creek, North Cove Creek, and Soda Mountain grazing allotments in the State.

(7) GRAZING LEASE.—The term “grazing lease” means any document authorizing the use of a grazing allotment for the purpose of grazing livestock for commercial purposes.

(8) **LANDOWNER.**—The term “Landowner” means the owner of the Box R Ranch in the State.

(9) **LESSEE.**—The term “lessee” means a livestock operator that holds a valid existing grazing lease for a grazing allotment.

(10) **LIVESTOCK.**—The term “livestock” does not include beasts of burden used for recreational purposes.

(11) **MONUMENT.**—The term “Monument” means the Cascade-Siskiyou National Monument in the State.

(12) **ROWLETT PARCEL.**—The term “Rowlett parcel” means the parcel of approximately 40 acres of private land identified as “Rowlett Offered”, as generally depicted on the Box R Ranch land exchange map.

(13) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(14) **STATE.**—The term “State” means the State of Oregon.

(15) **WILDERNESS.**—The term “Wilderness” means the Soda Mountain Wilderness designated by section 1405(a).

(16) **WILDERNESS MAP.**—The term “wilderness map” means the map entitled “Soda Mountain Wilderness” and dated May 5, 2008.

SEC. 1402. VOLUNTARY GRAZING LEASE DONATION PROGRAM.

(a) **EXISTING GRAZING LEASES.**—

(1) **DONATION OF LEASE.**—

(A) **ACCEPTANCE BY SECRETARY.**—The Secretary shall accept any grazing lease that is donated by a lessee.

(B) **TERMINATION.**—The Secretary shall terminate any grazing lease acquired under subparagraph (A).

(C) **NO NEW GRAZING LEASE.**—Except as provided in paragraph (3), with respect to each grazing lease donated under subparagraph (A), the Secretary shall—

(i) not issue any new grazing lease within the grazing allotment covered by the grazing lease; and

(ii) ensure a permanent end to livestock grazing on the grazing allotment covered by the grazing lease.

(2) **DONATION OF PORTION OF GRAZING LEASE.**—

(A) **IN GENERAL.**—A lessee with a grazing lease for a grazing allotment partially within the Monument may elect to donate only that portion of the grazing lease that is within the Monument.

(B) **ACCEPTANCE BY SECRETARY.**—The Secretary shall accept the portion of a grazing lease that is donated under subparagraph (A).

(C) **MODIFICATION OF LEASE.**—Except as provided in paragraph (3), if a lessee donates a portion of a grazing lease under subparagraph (A), the Secretary shall—

(i) reduce the authorized grazing level and area to reflect the donation; and

(ii) modify the grazing lease to reflect the reduced level and area of use.

(D) **AUTHORIZED LEVEL.**—To ensure that there is a permanent reduction in the level and area of livestock grazing on the land covered by a portion of a grazing lease donated under subparagraph (A), the Secretary shall not allow grazing to exceed the authorized level and area established under subparagraph (C).

(3) **COMMON ALLOTMENTS.**—

(A) **IN GENERAL.**—If a grazing allotment covered by a grazing lease or portion of a grazing lease that is donated under paragraph (1) or (2) also is covered by another grazing lease that is not donated, the Secretary shall reduce the grazing level on the grazing allotment to reflect the donation.

(B) **AUTHORIZED LEVEL.**—To ensure that there is a permanent reduction in the level

of livestock grazing on the land covered by the grazing lease or portion of a grazing lease donated under paragraph (1) or (2), the Secretary shall not allow grazing to exceed the level established under subparagraph (A).

(b) **LIMITATIONS.**—The Secretary—

(1) with respect to the Agate, Emigrant Creek, and Siskiyou allotments in and near the Monument—

(A) shall not issue any grazing lease; and

(B) shall ensure a permanent end to livestock grazing on each allotment; and

(2) shall not establish any new allotments for livestock grazing that include any Monument land (whether leased or not leased for grazing on the date of enactment of this Act).

(c) **EFFECT OF DONATION.**—A lessee who donates a grazing lease or a portion of a grazing lease under this section shall be considered to have waived any claim to any range improvement on the associated grazing allotment or portion of the associated grazing allotment, as applicable.

SEC. 1403. BOX R RANCH LAND EXCHANGE.

(a) **IN GENERAL.**—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to the Landowner the Bureau of Land Management land in exchange for the Rowlett parcel; and

(2) if the Landowner accepts the offer—

(A) the Secretary shall convey to the Landowner all right, title, and interest of the United States in and to the Bureau of Land Management land; and

(B) the Landowner shall convey to the Secretary all right, title, and interest of the Landowner in and to the Rowlett parcel.

(b) **SURVEYS.**—

(1) **IN GENERAL.**—The exact acreage and legal description of the Bureau of Land Management land and the Rowlett parcel shall be determined by surveys approved by the Secretary.

(2) **COSTS.**—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Landowner.

(c) **CONDITIONS.**—The conveyance of the Bureau of Land Management land and the Rowlett parcel under this section shall be subject to—

(1) valid existing rights;

(2) title to the Rowlett parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(3) such terms and conditions as the Secretary may require; and

(4) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) **APPRAISALS.**—

(1) **IN GENERAL.**—The Bureau of Land Management land and the Rowlett parcel shall be appraised by an independent appraiser selected by the Secretary.

(2) **REQUIREMENTS.**—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) **APPROVAL.**—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

(e) **GRAZING ALLOTMENT.**—As a condition of the land exchange authorized under this section, the lessee of the grazing lease for the

Box R grazing allotment shall donate the Box R grazing lease in accordance with section 1402(a)(1).

SEC. 1404. DEERFIELD LAND EXCHANGE.

(a) **IN GENERAL.**—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to Deerfield Learning Associates the Federal parcel in exchange for the Deerfield parcel; and

(2) if Deerfield Learning Associates accepts the offer—

(A) the Secretary shall convey to Deerfield Learning Associates all right, title, and interest of the United States in and to the Federal parcel; and

(B) Deerfield Learning Associates shall convey to the Secretary all right, title, and interest of Deerfield Learning Associates in and to the Deerfield parcel.

(b) **SURVEYS.**—

(1) **IN GENERAL.**—The exact acreage and legal description of the Federal parcel and the Deerfield parcel shall be determined by surveys approved by the Secretary.

(2) **COSTS.**—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Deerfield Learning Associates.

(c) **CONDITIONS.**—

(1) **IN GENERAL.**—The conveyance of the Federal parcel and the Deerfield parcel under this section shall be subject to—

(A) valid existing rights;

(B) title to the Deerfield parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(C) such terms and conditions as the Secretary may require; and

(D) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) **APPRAISALS.**—

(1) **IN GENERAL.**—The Federal parcel and the Deerfield parcel shall be appraised by an independent appraiser selected by the Secretary.

(2) **REQUIREMENTS.**—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) **APPROVAL.**—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

SEC. 1405. SODA MOUNTAIN WILDERNESS.

(a) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), approximately 24,100 acres of Monument land, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Soda Mountain Wilderness”.

(b) **MAP AND LEGAL DESCRIPTION.**—

(1) **SUBMISSION OF MAP AND LEGAL DESCRIPTION.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE AND EFFECT.**—

(A) **IN GENERAL.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in

this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(B) NOTIFICATION.—The Secretary shall submit to Congress notice of any changes made in the map or legal description under subparagraph (A), including notice of the reason for the change.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(C) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.—Except as provided by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), within the wilderness areas designated by this subtitle, the Secretary may take such measures in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(3) LIVESTOCK.—Except as provided in section 1402 and by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), the grazing of livestock in the Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) FISH AND WILDLIFE MANAGEMENT.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(5) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Wilderness that is acquired by the United States shall—

(A) become part of the Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

SEC. 1406. EFFECT.

Nothing in this subtitle—

(1) affects the authority of a Federal agency to modify or terminate grazing permits or leases, except as provided in section 1402;

(2) authorizes the use of eminent domain;

(3) creates a property right in any grazing permit or lease on Federal land;

(4) establishes a precedent for future grazing permit or lease donation programs; or

(5) affects the allocation, ownership, interest, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right held by the United States, an Indian tribe, a

State, or a private individual, partnership, or corporation.

Subtitle F—Owyhee Public Land Management

SEC. 1501. DEFINITIONS.

In this subtitle:

(1) ACCOUNT.—The term “account” means the Owyhee Land Acquisition Account established by section 1505(b)(1).

(2) COUNTY.—The term “County” means Owyhee County, Idaho.

(3) OWYHEE FRONT.—The term “Owyhee Front” means the area of the County from Jump Creek on the west to Mud Flat Road on the east and draining north from the crest of the Silver City Range to the Snake River.

(4) PLAN.—The term “plan” means a travel management plan for motorized and mechanized off-highway vehicle recreation prepared under section 1507.

(5) PUBLIC LAND.—The term “public land” has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) STATE.—The term “State” means the State of Idaho.

(8) TRIBES.—The term “Tribes” means the Shoshone Paiute Tribes of the Duck Valley Reservation.

SEC. 1502. OWYHEE SCIENCE REVIEW AND CONSERVATION CENTER.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Tribes, State, and County, and in consultation with the University of Idaho, Federal grazing permittees, and public, shall establish the Owyhee Science Review and Conservation Center in the County to conduct research projects to address natural resources management issues affecting public and private rangeland in the County.

(b) PURPOSE.—The purpose of the center established under subsection (a) shall be to facilitate the collection and analysis of information to provide Federal and State agencies, the Tribes, the County, private landowners, and the public with information on improved rangeland management.

SEC. 1503. WILDERNESS AREAS.

(a) WILDERNESS AREAS DESIGNATION.—

(1) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) BIG JACKS CREEK WILDERNESS.—Certain land comprising approximately 52,826 acres, as generally depicted on the map entitled “Little Jacks Creek and Big Jacks Creek Wilderness” and dated May 5, 2008, which shall be known as the “Big Jacks Creek Wilderness”.

(B) BRUNEAU-JARBIDGE RIVERS WILDERNESS.—Certain land comprising approximately 89,996 acres, as generally depicted on the map entitled “Bruneau-Jarbridge Rivers Wilderness” and dated December 15, 2008, which shall be known as the “Bruneau-Jarbridge Rivers Wilderness”.

(C) LITTLE JACKS CREEK WILDERNESS.—Certain land comprising approximately 50,929 acres, as generally depicted on the map entitled “Little Jacks Creek and Big Jacks Creek Wilderness” and dated May 5, 2008, which shall be known as the “Little Jacks Creek Wilderness”.

(D) NORTH FORK OWYHEE WILDERNESS.—Certain land comprising approximately 43,413 acres, as generally depicted on the map entitled “North Fork Owyhee and Pole Creek Wilderness” and dated May 5, 2008, which

shall be known as the “North Fork Owyhee Wilderness”.

(E) OWYHEE RIVER WILDERNESS.—Certain land comprising approximately 267,328 acres, as generally depicted on the map entitled “Owyhee River Wilderness” and dated May 5, 2008, which shall be known as the “Owyhee River Wilderness”.

(F) POLE CREEK WILDERNESS.—Certain land comprising approximately 12,533 acres, as generally depicted on the map entitled “North Fork Owyhee and Pole Creek Wilderness” and dated May 5, 2008, which shall be known as the “Pole Creek Wilderness”.

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description for each area designated as wilderness by this subtitle.

(B) EFFECT.—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct minor errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the Bureau of Land Management.

(3) RELEASE OF WILDERNESS STUDY AREAS.—

(A) IN GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(B) RELEASE.—Any public land referred to in subparagraph (A) that is not designated as wilderness by this subtitle—

(i) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(ii) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) WITHDRAWAL.—Subject to valid existing rights, the Federal land designated as wilderness by this subtitle is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

(3) LIVESTOCK.—

(A) IN GENERAL.—In the wilderness areas designated by this subtitle, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary,

consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines described in Appendix A of House Report 101-405.

(B) INVENTORY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an inventory of existing facilities and improvements associated with grazing activities in the wilderness areas and wild and scenic rivers designated by this subtitle.

(C) FENCING.—The Secretary may construct and maintain fencing around wilderness areas designated by this subtitle as the Secretary determines to be appropriate to enhance wilderness values.

(D) DONATION OF GRAZING PERMITS OR LEASES.—

(i) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the donation of any valid existing permits or leases authorizing grazing on public land, all or a portion of which is within the wilderness areas designated by this subtitle.

(ii) TERMINATION.—With respect to each permit or lease donated under clause (i), the Secretary shall—

(I) terminate the grazing permit or lease; and

(II) except as provided in clause (iii), ensure a permanent end to grazing on the land covered by the permit or lease.

(iii) COMMON ALLOTMENTS.—

(I) IN GENERAL.—If the land covered by a permit or lease donated under clause (i) is also covered by another valid existing permit or lease that is not donated under clause (i), the Secretary shall reduce the authorized grazing level on the land covered by the permit or lease to reflect the donation of the permit or lease under clause (i).

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of grazing on the land covered by a permit or lease donated under clause (i), the Secretary shall not allow grazing use to exceed the authorized level established under subclause (I).

(iv) PARTIAL DONATION.—

(I) IN GENERAL.—If a person holding a valid grazing permit or lease donates less than the full amount of grazing use authorized under the permit or lease, the Secretary shall—

(aa) reduce the authorized grazing level to reflect the donation; and

(bb) modify the permit or lease to reflect the revised level of use.

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the authorized level of grazing on the land covered by a permit or lease donated under subclause (I), the Secretary shall not allow grazing use to exceed the authorized level established under that subclause.

(4) ACQUISITION OF LAND AND INTERESTS IN LAND.—

(A) IN GENERAL.—Consistent with applicable law, the Secretary may acquire land or interests in land within the boundaries of the wilderness areas designated by this subtitle by purchase, donation, or exchange.

(B) INCORPORATION OF ACQUIRED LAND.—Any land or interest in land in, or adjoining the boundary of, a wilderness area designated by this subtitle that is acquired by the United States shall be added to, and administered as part of, the wilderness area in which the acquired land or interest in land is located.

(5) TRAIL PLAN.—

(A) IN GENERAL.—The Secretary, after providing opportunities for public comment, shall establish a trail plan that addresses hiking and equestrian trails on the land designated as wilderness by this subtitle, in a

manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan.

(6) OUTFITTING AND GUIDE ACTIVITIES.—Consistent with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) are authorized in wilderness areas designated by this subtitle to the extent necessary for activities that fulfill the recreational or other wilderness purposes of the areas.

(7) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this subtitle adequate access to the property.

(8) FISH AND WILDLIFE.—

(A) IN GENERAL.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(B) MANAGEMENT ACTIVITIES.—

(i) IN GENERAL.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities that are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas designated by this subtitle, if the management activities are—

(I) consistent with relevant wilderness management plans; and

(II) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101-405.

(ii) INCLUSIONS.—Management activities under clause (i) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the minimum impact necessary to accomplish those tasks.

(C) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies, such as those established in Appendix B of House Report 101-405, the State may use aircraft (including helicopters) in the wilderness areas designated by this subtitle to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, feral horses, and feral burros.

(9) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines appropriate, the coordination of those activities with a State or local agency.

(10) ADJACENT MANAGEMENT.—

(A) IN GENERAL.—The designation of a wilderness area by this subtitle shall not create any protective perimeter or buffer zone around the wilderness area.

(B) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(11) MILITARY OVERFLIGHTS.—Nothing in this subtitle restricts or precludes—

(A) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(12) WATER RIGHTS.—

(A) IN GENERAL.—The designation of areas as wilderness by subsection (a) shall not create an express or implied reservation by the United States of any water or water rights for wilderness purposes with respect to such areas.

(B) EXCLUSIONS.—This paragraph does not apply to any components of the National Wild and Scenic Rivers System designated by section 1504.

SEC. 1504. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1203(a)(1)) is amended by adding at the end the following:

“(180) BATTLE CREEK, IDAHO.—The 23.4 miles of Battle Creek from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(181) BIG JACKS CREEK, IDAHO.—The 35.0 miles of Big Jacks Creek from the downstream border of the Big Jacks Creek Wilderness in sec. 8, T. 8 S., R. 4 E., to the point at which it enters the NW ¼ of sec. 26, T. 10 S., R. 2 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(182) BRUNEAU RIVER, IDAHO.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the 39.3-mile segment of the Bruneau River from the downstream boundary of the Bruneau-Jarbridge Wilderness to the upstream confluence with the west fork of the Bruneau River, to be administered by the Secretary of the Interior as a wild river.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), the 0.6-mile segment of the Bruneau River at the Indian Hot Springs public road access shall be administered by the Secretary of the Interior as a recreational river.

“(183) WEST FORK BRUNEAU RIVER, IDAHO.—The approximately 0.35 miles of the West Fork of the Bruneau River from the confluence with the Jarbridge River to the downstream boundary of the Bruneau Canyon Grazing Allotment in the SE/NE of sec. 5, T. 13 S., R. 7 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(184) COTTONWOOD CREEK, IDAHO.—The 2.6 miles of Cottonwood Creek from the confluence with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(185) DEEP CREEK, IDAHO.—The 13.1-mile segment of Deep Creek from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness in sec. 30, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(186) DICKSHOOTER CREEK, IDAHO.—The 9.25 miles of Dickshooter Creek from the confluence with Deep Creek to a point on the stream ¼ mile due west of the east boundary

of sec. 16, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(187) DUNCAN CREEK, IDAHO.—The 0.9-mile segment of Duncan Creek from the confluence with Big Jacks Creek upstream to the east boundary of sec. 18, T. 10 S., R. 4 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(188) JARBIDGE RIVER, IDAHO.—The 28.8 miles of the Jarbidge River from the confluence with the West Fork Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(189) LITTLE JACKS CREEK, IDAHO.—The 12.4 miles of Little Jacks Creek from the downstream boundary of the Little Jacks Creek Wilderness, upstream to the mouth of OX Prong Creek, to be administered by the Secretary of the Interior as a wild river.

“(190) NORTH FORK OWYHEE RIVER, IDAHO.—The following segments of the North Fork of the Owyhee River, to be administered by the Secretary of the Interior:

“(A) The 5.7-mile segment from the Idaho-Oregon State border to the upstream boundary of the private land at the Juniper Mt. Road crossing, as a recreational river.

“(B) The 15.1-mile segment from the upstream boundary of the North Fork Owyhee River recreational segment designated in paragraph (A) to the upstream boundary of the North Fork Owyhee River Wilderness, as a wild river.

“(191) OWYHEE RIVER, IDAHO.—

“(A) IN GENERAL.—Subject to subparagraph (B), the 67.3 miles of the Owyhee River from the Idaho-Oregon State border to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(B) ACCESS.—The Secretary of the Interior shall allow for continued access across the Owyhee River at Crutchers Crossing, subject to such terms and conditions as the Secretary of the Interior determines to be necessary.

“(192) RED CANYON, IDAHO.—The 4.6 miles of Red Canyon from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(193) SHEEP CREEK, IDAHO.—The 25.6 miles of Sheep Creek from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(194) SOUTH FORK OWYHEE RIVER, IDAHO.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the 31.4-mile segment of the South Fork of the Owyhee River upstream from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho-Nevada State border, to be administered by the Secretary of the Interior as a wild river.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River from the point at which the river enters the southernmost boundary to the point at which the river exits the northernmost boundary of private land in sec. 25 and 26, T. 14 S., R. 5 W., Boise Meridian, shall be administered by the Secretary of the Interior as a recreational river.

“(195) WICKAHONEY CREEK, IDAHO.—The 1.5 miles of Wickahoney Creek from the confluence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness,

to be administered by the Secretary of the Interior as a wild river.”

(b) BOUNDARIES.—Notwithstanding section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundary of a river segment designated as a component of the National Wild and Scenic Rivers System under this subtitle shall extend not more than the shorter of—

(1) an average distance of $\frac{1}{4}$ mile from the high water mark on both sides of the river segment; or

(2) the distance to the nearest confined canyon rim.

(c) LAND ACQUISITION.—The Secretary shall not acquire any private land within the exterior boundary of a wild and scenic river corridor without the consent of the owner.

SEC. 1505. LAND IDENTIFIED FOR DISPOSAL.

(a) IN GENERAL.—Consistent with applicable law, the Secretary may sell public land located within the Boise District of the Bureau of Land Management that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a proportion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury of the United States to be known as the “Owyhee Land Acquisition Account”.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase land or interests in land in, or adjacent to, the wilderness areas designated by this subtitle, including land identified as “Proposed for Acquisition” on the maps described in section 1503(a)(1).

(B) APPLICABLE LAW.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

(3) APPLICABILITY.—This subsection applies to public land within the Boise District of the Bureau of Land Management sold on or after January 1, 2008.

(4) ADDITIONAL AMOUNTS.—If necessary, the Secretary may use additional amounts appropriated to the Department of the Interior, subject to applicable reprogramming guidelines.

(c) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority provided under this section terminates on the earlier of—

(A) the date that is 10 years after the date of enactment of this Act; or

(B) the date on which a total of \$8,000,000 from the account is expended.

(2) AVAILABILITY OF AMOUNTS.—Any amounts remaining in the account on the termination of authority under this section shall be—

(A) credited as sales of public land in the State;

(B) transferred to the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(C) used in accordance with that subtitle.

SEC. 1506. TRIBAL CULTURAL RESOURCES.

(a) COORDINATION.—The Secretary shall coordinate with the Tribes in the implementation of the Shoshone Paiute Cultural Resource Protection Plan.

(b) AGREEMENTS.—The Secretary shall seek to enter into agreements with the Tribes to implement the Shoshone Paiute Cultural Re-

source Protection Plan to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes.

SEC. 1507. RECREATIONAL TRAVEL MANAGEMENT PLANS.

(a) IN GENERAL.—In accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Secretary shall, in coordination with the Tribes, State, and County, prepare 1 or more travel management plans for motorized and mechanized off-highway vehicle recreation for the land managed by the Bureau of Land Management in the County.

(b) INVENTORY.—Before preparing the plan under subsection (a), the Secretary shall conduct resource and route inventories of the area covered by the plan.

(c) LIMITATION TO DESIGNATED ROUTES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the plan shall limit recreational motorized and mechanized off-highway vehicle use to a system of designated roads and trails established by the plan.

(2) EXCEPTION.—Paragraph (1) shall not apply to snowmobiles.

(d) TEMPORARY LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), until the date on which the Secretary completes the plan, all recreational motorized and mechanized off-highway vehicle use shall be limited to roads and trails lawfully in existence on the day before the date of enactment of this Act.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) snowmobiles; or

(B) areas specifically identified as open, closed, or limited in the Owyhee Resource Management Plan.

(e) SCHEDULE.—

(1) OWYHEE FRONT.—It is the intent of Congress that, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a transportation plan for the Owyhee Front.

(2) OTHER BUREAU OF LAND MANAGEMENT LAND IN THE COUNTY.—It is the intent of Congress that, not later than 3 years after the date of enactment of this Act, the Secretary shall complete a transportation plan for Bureau of Land Management land in the County outside the Owyhee Front.

SEC. 1508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle G—Sabinoso Wilderness, New Mexico

SEC. 1601. DEFINITIONS.

In this subtitle:

(1) MAP.—The term “map” means the map entitled “Sabinoso Wilderness” and dated September 8, 2008.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STATE.—The term “State” means the State of New Mexico.

SEC. 1602. DESIGNATION OF THE SABINOSO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 16,030 acres of land under the jurisdiction of the Taos Field Office Bureau of Land Management, New Mexico, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Sabinoso Wilderness”.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the

Secretary shall file a map and a legal description of the Sabinoso Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical and typographical errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Sabinoso Wilderness shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundary of the Sabinoso Wilderness that is acquired by the United States shall—

(A) become part of the Sabinoso Wilderness; and

(B) be managed in accordance with this subtitle and any other laws applicable to the Sabinoso Wilderness.

(3) **GRAZING.**—The grazing of livestock in the Sabinoso Wilderness, if established before the date of enactment of this Act, shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) **FISH AND WILDLIFE.**—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife in the State.

(5) **ACCESS.**—

(A) **IN GENERAL.**—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall continue to allow private landowners adequate access to inholdings in the Sabinoso Wilderness.

(B) **CERTAIN LAND.**—For access purposes, private land within T. 16 N., R. 23 E., secs. 17 and 20 and the N ½ of sec. 21, N.M.M., shall be managed as an inholding in the Sabinoso Wilderness.

(d) **WITHDRAWAL.**—Subject to valid existing rights, the land generally depicted on the map as “Lands Withdrawn From Mineral Entry” and “Lands Released From Wilderness Study Area & Withdrawn From Mineral Entry” is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws, except disposal by exchange in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716);

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral materials and geothermal leasing laws.

(e) **RELEASE OF WILDERNESS STUDY AREAS.**—Congress finds that, for the pur-

poses of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public lands within the Sabinoso Wilderness Study Area not designated as wilderness by this subtitle—

(1) have been adequately studied for wilderness designation and are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with applicable law (including subsection (d)) and the land use management plan for the surrounding area.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

SEC. 1651. DEFINITIONS.

In this subtitle:

(1) **LINE OF DEMARCATION.**—The term “line of demarcation” means the point on the bank or shore at which the surface waters of Lake Superior meet the land or sand beach, regardless of the level of Lake Superior.

(2) **MAP.**—The term “map” means the map entitled “Pictured Rocks National Lakeshore Beaver Basin Wilderness Boundary”, numbered 625/80,051, and dated April 16, 2007.

(3) **NATIONAL LAKESHORE.**—The term “National Lakeshore” means the Pictured Rocks National Lakeshore.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **WILDERNESS.**—The term “Wilderness” means the Beaver Basin Wilderness designated by section 1652(a).

SEC. 1652. DESIGNATION OF BEAVER BASIN WILDERNESS.

(a) **IN GENERAL.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the land described in subsection (b) is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Beaver Basin Wilderness”.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) is the land and inland water comprising approximately 11,740 acres within the National Lakeshore, as generally depicted on the map.

(c) **BOUNDARY.**—

(1) **LINE OF DEMARCATION.**—The line of demarcation shall be the boundary for any portion of the Wilderness that is bordered by Lake Superior.

(2) **SURFACE WATER.**—The surface water of Lake Superior, regardless of the fluctuating lake level, shall be considered to be outside the boundary of the Wilderness.

(d) **MAP AND LEGAL DESCRIPTION.**—

(1) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) **LEGAL DESCRIPTION.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a legal description of the boundary of the Wilderness.

(3) **FORCE AND EFFECT.**—The map and the legal description submitted under paragraph (2) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map and legal description.

SEC. 1653. ADMINISTRATION.

(a) **MANAGEMENT.**—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) with respect to land administered by the Secretary, any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) **USE OF ELECTRIC MOTORS.**—The use of boats powered by electric motors on Little Beaver and Big Beaver Lakes may continue, subject to any applicable laws (including regulations).

SEC. 1654. EFFECT.

Nothing in this subtitle—

(1) modifies, alters, or affects any treaty rights;

(2) alters the management of the water of Lake Superior within the boundary of the Pictured Rocks National Lakeshore in existence on the date of enactment of this Act; or

(3) prohibits—

(A) the use of motors on the surface water of Lake Superior adjacent to the Wilderness; or

(B) the beaching of motorboats at the line of demarcation.

Subtitle I—Oregon Badlands Wilderness

SEC. 1701. DEFINITIONS.

In this subtitle:

(1) **DISTRICT.**—The term “District” means the Central Oregon Irrigation District.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of Oregon.

(4) **WILDERNESS MAP.**—The term “wilderness map” means the map entitled “Badlands Wilderness” and dated September 3, 2008.

SEC. 1702. OREGON BADLANDS WILDERNESS.

(a) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 29,301 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Oregon Badlands Wilderness”.

(b) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Oregon Badlands Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundary of the Oregon Badlands Wilderness that is acquired by the United States shall—

(A) become part of the Oregon Badlands Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) **GRAZING.**—The grazing of livestock in the Oregon Badlands Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of the Oregon Badlands Wilderness adequate access to the property.

(C) POTENTIAL WILDERNESS.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), a corridor of certain Federal land managed by the Bureau of Land Management with a width of 25 feet, as generally depicted on the wilderness map as “Potential Wilderness”, is designated as potential wilderness.

(2) INTERIM MANAGEMENT.—The potential wilderness designated by paragraph (1) shall be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that the Secretary may allow nonconforming uses that are authorized and in existence on the date of enactment of this Act to continue in the potential wilderness.

(3) DESIGNATION AS WILDERNESS.—On the date on which the Secretary publishes in the Federal Register notice that any nonconforming uses in the potential wilderness designated by paragraph (1) that are permitted under paragraph (2) have terminated, the potential wilderness shall be—

(A) designated as wilderness and as a component of the National Wilderness Preservation System; and

(B) incorporated into the Oregon Badlands Wilderness.

(D) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Oregon Badlands Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1703. RELEASE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Badlands wilderness study area that are not designated as the Oregon Badlands Wilderness or as potential wilderness have been adequately studied for wilderness or potential wilderness designation.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 1704. LAND EXCHANGES.

(A) CLARNO LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (c) through (e), if the landowner offers to convey to the United States all right,

title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the Landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 239 acres of non-Federal land identified on the wilderness map as “Clarno to Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 209 acres of Federal land identified on the wilderness map as “Federal Government to Clarno”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(b) DISTRICT EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (c) through (e), if the District offers to convey to the United States all right, title, and interest of the District in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the District all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 527 acres of non-Federal land identified on the wilderness map as “COID to Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 697 acres of Federal land identified on the wilderness map as “Federal Government to COID”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(i) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(e) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(f) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1705. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

Subtitle J—Spring Basin Wilderness, Oregon

SEC. 1751. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STATE.—The term “State” means the State of Oregon.

(3) TRIBES.—The term “Tribes” means the Confederated Tribes of the Warm Springs Reservation of Oregon.

(4) WILDERNESS MAP.—The term “wilderness map” means the map entitled “Spring Basin Wilderness with Land Exchange Proposals” and dated September 3, 2008.

SEC. 1752. SPRING BASIN WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 6,382 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Spring Basin Wilderness”.

(b) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Spring Basin Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Spring Basin Wilderness that is acquired by the United States shall—

(A) become part of the Spring Basin Wilderness; and

(B) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) GRAZING.—The grazing of livestock in the Spring Basin Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary, in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Spring Basin Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct any typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1753. RELEASE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Spring Basin wilderness study area that are not designated by section 1752(a) as the Spring Basin Wilderness in the following areas have been adequately studied for wilderness designation:

(1) T. 8 S., R. 19 E., sec. 10, NE $\frac{1}{4}$, W $\frac{1}{2}$.

(2) T. 8 S., R. 19 E., sec. 25, SE $\frac{1}{4}$, SE $\frac{1}{4}$.

(3) T. 8 S., R. 20 E., sec. 19, SE $\frac{1}{4}$, S $\frac{1}{2}$ of the S $\frac{1}{2}$.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 1754. LAND EXCHANGES.

(a) CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the Tribes offer to convey to the United States all right, title, and interest of the Tribes in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the Tribes all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 4,480 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from the CTWSIR to the Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 4,578 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to CTWSIR”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(4) WITHDRAWAL.—Subject to valid existing rights, the land acquired by the Secretary under this subsection is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under any law relating to mineral and geothermal leasing or mineral materials.

(b) MCGREER LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 18 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from McGreer to the Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 327 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to McGreer”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) KEYS LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 180 acres of non-Federal land identified on the wilderness map as “Lands

proposed for transfer from Keys to the Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 187 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to Keys”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(d) BOWERMAN LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 32 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from Bowerman to the Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 24 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to Bowerman”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(e) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(f) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance

with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(i) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(g) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(h) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1755. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

SEC. 1801. DEFINITIONS.

In this subtitle:

(1) FOREST.—The term “Forest” means the Ancient Bristlecone Pine Forest designated by section 1808(a).

(2) RECREATION AREA.—The term “Recreation Area” means the Bridgeport Winter Recreation Area designated by section 1806(a).

(3) SECRETARY.—The term “Secretary” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(4) STATE.—The term “State” means the State of California.

(5) TRAIL.—The term “Trail” means the Pacific Crest National Scenic Trail.

SEC. 1802. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) HOOVER WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Certain land in the Humboldt-Toiyabe and Inyo National Forests, comprising approximately 79,820 acres and identified as “Hoover East Wilderness Addition,” “Hoover West Wilderness Addition,” and “Bighorn Proposed Wilderness Addition,” as generally depicted on the maps de-

scribed in subparagraph (B), is incorporated in, and shall be considered to be a part of, the Hoover Wilderness.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008; and

(ii) the map entitled “Bighorn Proposed Wilderness Additions” and dated September 23, 2008.

(C) EFFECT.—The designation of the wilderness under subparagraph (A) shall not affect the ongoing activities of the adjacent United States Marine Corps Mountain Warfare Training Center on land outside the designated wilderness, in accordance with the agreement between the Center and the Humboldt-Toiyabe National Forest.

(2) OWENS RIVER HEADWATERS WILDERNESS.—Certain land in the Inyo National Forest, comprising approximately 14,721 acres, as generally depicted on the map entitled “Owens River Headwaters Proposed Wilderness” and dated September 16, 2008, which shall be known as the “Owens River Headwaters Wilderness”.

(3) JOHN MUIR WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Inyo County, California, comprising approximately 70,411 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the John Muir Wilderness.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled “John Muir Proposed Wilderness Addition (1 of 5)” and dated September 23, 2008;

(ii) the map entitled “John Muir Proposed Wilderness Addition (2 of 5)” and dated September 23, 2008;

(iii) the map entitled “John Muir Proposed Wilderness Addition (3 of 5)” and dated October 31, 2008;

(iv) the map entitled “John Muir Proposed Wilderness Addition (4 of 5)” and dated September 16, 2008; and

(v) the map entitled “John Muir Proposed Wilderness Addition (5 of 5)” and dated September 16, 2008.

(C) BOUNDARY REVISION.—The boundary of the John Muir Wilderness is revised as depicted on the map entitled “John Muir Wilderness—Revised” and dated September 16, 2008.

(4) ANSEL ADAMS WILDERNESS ADDITION.—Certain land in the Inyo National Forest, comprising approximately 528 acres, as generally depicted on the map entitled “Ansel Adams Proposed Wilderness Addition” and dated September 16, 2008, is incorporated in, and shall be considered to be a part of, the Ansel Adams Wilderness.

(5) WHITE MOUNTAINS WILDERNESS.—

(A) IN GENERAL.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 229,993 acres, as generally depicted on the maps described in subparagraph (B), which shall be known as the “White Mountains Wilderness”.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled “White Mountains Proposed Wilderness-Map 1 of 2 (North)” and dated September 16, 2008; and

(ii) the map entitled “White Mountains Proposed Wilderness-Map 2 of 2 (South)” and dated September 16, 2008.

(6) GRANITE MOUNTAIN WILDERNESS.—Certain land in the Inyo National Forest and

certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 34,342 acres, as generally depicted on the map entitled “Granite Mountain Wilderness” and dated September 19, 2008, which shall be known as the “Granite Mountain Wilderness”.

(7) MAGIC MOUNTAIN WILDERNESS.—Certain land in the Angeles National Forest, comprising approximately 12,282 acres, as generally depicted on the map entitled “Magic Mountain Proposed Wilderness” and dated December 16, 2008, which shall be known as the “Magic Mountain Wilderness”.

(8) PLEASANT VIEW RIDGE WILDERNESS.—Certain land in the Angeles National Forest, comprising approximately 26,757 acres, as generally depicted on the map entitled “Pleasant View Ridge Proposed Wilderness” and dated December 16, 2008, which shall be known as the “Pleasant View Ridge Wilderness”.

SEC. 1803. ADMINISTRATION OF WILDERNESS AREAS.

(a) MANAGEMENT.—Subject to valid existing rights, the Secretary shall administer the wilderness areas and wilderness additions designated by this subtitle in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this subtitle with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Secretary.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land (or interest in land) within the boundary of a wilderness area or wilderness addition designated by this subtitle that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, any Federal land designated as a wilderness area or wilderness addition by this subtitle is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing or mineral materials.

(e) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this subtitle as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98-40 of the 98th Congress.

(2) FUNDING PRIORITIES.—Nothing in this subtitle limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this subtitle.

(3) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this subtitle.

(4) ADMINISTRATION.—Consistent with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this subtitle, the Secretary shall—

(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(B) enter into agreements with appropriate State or local firefighting agencies.

(f) ACCESS TO PRIVATE PROPERTY.—The Secretary shall provide any owner of private property within the boundary of a wilderness area or wilderness addition designated by this subtitle adequate access to the property to ensure the reasonable use and enjoyment of the property by the owner.

(g) MILITARY ACTIVITIES.—Nothing in this subtitle precludes—

(1) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this subtitle;

(2) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this subtitle; or

(3) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this subtitle.

(h) LIVESTOCK.—Grazing of livestock and the maintenance of existing facilities relating to grazing in wilderness areas or wilderness additions designated by this subtitle, if established before the date of enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(i) FISH AND WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas or wilderness additions designated by this subtitle if the activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) STATE JURISDICTION.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(j) HORSES.—Nothing in this subtitle precludes horseback riding in, or the entry of

recreational or commercial saddle or pack stock into, an area designated as wilderness or as a wilderness addition by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

(k) OUTFITTER AND GUIDE USE.—Outfitter and guide activities conducted under permits issued by the Forest Service on the additions to the John Muir, Ansel Adams, and Hoover wilderness areas designated by this subtitle shall be in addition to any existing limits established for the John Muir, Ansel Adams, and Hoover wilderness areas.

(l) TRANSFER TO THE FOREST SERVICE.—

(1) WHITE MOUNTAINS WILDERNESS.—Administrative jurisdiction over the approximately 946 acres of land identified as “Transfer of Administrative Jurisdiction from BLM to FS” on the maps described in section 1802(5)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the White Mountains Wilderness.

(2) JOHN MUIR WILDERNESS.—Administrative jurisdiction over the approximately 143 acres of land identified as “Transfer of Administrative Jurisdiction from BLM to FS” on the maps described in section 1802(3)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the John Muir Wilderness.

(m) TRANSFER TO THE BUREAU OF LAND MANAGEMENT.—Administrative jurisdiction over the approximately 3,010 acres of land identified as “Land from FS to BLM” on the maps described in section 1802(6) is transferred from the Forest Service to the Bureau of Land Management to be managed as part of the Granite Mountain Wilderness.

SEC. 1804. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the Masonic Mountain Wilderness Study Area;

(2) the Mormon Meadow Wilderness Study Area;

(3) the Walford Springs Wilderness Study Area; and

(4) the Granite Mountain Wilderness Study Area.

(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 1805. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1504(a)) is amended by adding at the end the following:

“(196) AMARGOSA RIVER, CALIFORNIA.—The following segments of the Amargosa River in the State of California, to be administered by the Secretary of the Interior:

“(A) The approximately 4.1-mile segment of the Amargosa River from the northern

boundary of sec. 7, T. 21 N., R. 7 E., to 100 feet upstream of the Tecopa Hot Springs road crossing, as a scenic river.

“(B) The approximately 8-mile segment of the Amargosa River from 100 feet downstream of the Tecopa Hot Springs Road crossing to 100 feet upstream of the Old Spanish Trail Highway crossing near Tecopa, as a scenic river.

“(C) The approximately 7.9-mile segment of the Amargosa River from the northern boundary of sec. 16, T. 20 N., R. 7 E., to .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E., as a wild river.

“(D) The approximately 4.9-mile segment of the Amargosa River from .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E. to 100 feet upstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

“(E) The approximately 1.4-mile segment of the Amargosa River from 100 feet downstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

“(197) OWENS RIVER HEADWATERS, CALIFORNIA.—The following segments of the Owens River in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 2.3-mile segment of Deadman Creek from the 2-forked source east of San Joaquin Peak to the confluence with the unnamed tributary flowing north into Deadman Creek from sec. 12, T. 3 S., R. 26 E., as a wild river.

“(B) The 2.3-mile segment of Deadman Creek from the unnamed tributary confluence in sec. 12, T. 3 S., R. 26 E., to the Road 3S22 crossing, as a scenic river.

“(C) The 4.1-mile segment of Deadman Creek from the Road 3S22 crossing to .25 miles downstream of the Highway 395 crossing, as a recreational river.

“(D) The 3-mile segment of Deadman Creek from .25 miles downstream of the Highway 395 crossing to 100 feet upstream of Big Springs, as a scenic river.

“(E) The 1-mile segment of the Upper Owens River from 100 feet upstream of Big Springs to the private property boundary in sec. 19, T. 2 S., R. 28 E., as a recreational river.

“(F) The 4-mile segment of Glass Creek from its 2-forked source to 100 feet upstream of the Glass Creek Meadow Trailhead parking area in sec. 29, T. 2 S., R. 27 E., as a wild river.

“(G) The 1.3-mile segment of Glass Creek from 100 feet upstream of the trailhead parking area in sec. 29 to the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., as a scenic river.

“(H) The 1.1-mile segment of Glass Creek from the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., to the confluence with Deadman Creek, as a recreational river.

“(198) COTTONWOOD CREEK, CALIFORNIA.—The following segments of Cottonwood Creek in the State of California:

“(A) The 17.4-mile segment from its headwaters at the spring in sec. 27, T. 4 S., R. 34 E., to the Inyo National Forest boundary at the east section line of sec. 3, T. 6 S., R. 36 E., as a wild river to be administered by the Secretary of Agriculture.

“(B) The 4.1-mile segment from the Inyo National Forest boundary to the northern boundary of sec. 5, T. 4 S., R. 34 E., as a recreational river, to be administered by the Secretary of the Interior.

“(199) PIRU CREEK, CALIFORNIA.—The following segments of Piru Creek in the State

of California, to be administered by the Secretary of Agriculture:

“(A) The 3-mile segment of Piru Creek from 0.5 miles downstream of Pyramid Dam at the first bridge crossing to the boundary of the Sespe Wilderness, as a recreational river.

“(B) The 4.25-mile segment from the boundary of the Sespe Wilderness to the boundary between Los Angeles and Ventura Counties, as a wild river.”.

(b) EFFECT.—The designation of Piru Creek under subsection (a) shall not affect valid rights in existence on the date of enactment of this Act.

SEC. 1806. BRIDGEPORT WINTER RECREATION AREA.

(a) DESIGNATION.—The approximately 7,254 acres of land in the Humboldt-Toiyabe National Forest identified as the “Bridgeport Winter Recreation Area”, as generally depicted on the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008, is designated as the Bridgeport Winter Recreation Area.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Recreation Area with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—

(1) INTERIM MANAGEMENT.—Until completion of the management plan required under subsection (d), and except as provided in paragraph (2), the Recreation Area shall be managed in accordance with the Toiyabe National Forest Land and Resource Management Plan of 1986 (as in effect on the day of enactment of this Act).

(2) USE OF SNOWMOBILES.—The winter use of snowmobiles shall be allowed in the Recreation Area—

(A) during periods of adequate snow coverage during the winter season; and

(B) subject to any terms and conditions determined to be necessary by the Secretary.

(d) MANAGEMENT PLAN.—To ensure the sound management and enforcement of the Recreation Area, the Secretary shall, not later than 1 year after the date of enactment of this Act, undergo a public process to develop a winter use management plan that provides for—

(1) adequate signage;

(2) a public education program on allowable usage areas;

(3) measures to ensure adequate sanitation;

(4) a monitoring and enforcement strategy; and

(5) measures to ensure the protection of the Trail.

(e) ENFORCEMENT.—The Secretary shall prioritize enforcement activities in the Recreation Area—

(1) to prohibit degradation of natural resources in the Recreation Area;

(2) to prevent interference with non-motorized recreation on the Trail; and

(3) to reduce user conflicts in the Recreation Area.

(f) PACIFIC CREST NATIONAL SCENIC TRAIL.—The Secretary shall establish an appropriate snowmobile crossing point along the Trail in the area identified as “Pacific Crest Trail Proposed Crossing Area” on the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008—

(1) in accordance with—

(A) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(B) any applicable environmental and public safety laws; and

(2) subject to the terms and conditions the Secretary determines to be necessary to ensure that the crossing would not—

(A) interfere with the nature and purposes of the Trail; or

(B) harm the surrounding landscape.

SEC. 1807. MANAGEMENT OF AREA WITHIN HUMBOLDT-TOIYABE NATIONAL FOREST.

Certain land in the Humboldt-Toiyabe National Forest, comprising approximately 3,690 acres identified as “Pickel Hill Management Area”, as generally depicted on the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008, shall be managed in a manner consistent with the non-Wilderness forest areas immediately surrounding the Pickel Hill Management Area, including the allowance of snowmobile use.

SEC. 1808. ANCIENT BRISTLECONE PINE FOREST.

(a) DESIGNATION.—To conserve and protect the Ancient Bristlecone Pines by maintaining near-natural conditions and to ensure the survival of the Pines for the purposes of public enjoyment and scientific study, the approximately 31,700 acres of public land in the State, as generally depicted on the map entitled “Ancient Bristlecone Pine Forest—Proposed” and dated July 16, 2008, is designated as the “Ancient Bristlecone Pine Forest”.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall file a map and legal description of the Forest with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall administer the Forest—

(A) in a manner that—

(i) protect the resources and values of the area in accordance with the purposes for which the Forest is established, as described in subsection (a); and

(ii) promotes the objectives of the applicable management plan (as in effect on the date of enactment of this Act), including objectives relating to—

(I) the protection of bristlecone pines for public enjoyment and scientific study;

(II) the recognition of the botanical, scenic, and historical values of the area; and

(III) the maintenance of near-natural conditions by ensuring that all activities are

subordinate to the needs of protecting and preserving bristlecone pines and wood remnants; and

(B) in accordance with the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), this section, and any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Forest as the Secretary determines would further the purposes for which the Forest is established, as described in subsection (a).

(B) SCIENTIFIC RESEARCH.—Scientific research shall be allowed in the Forest in accordance with the Inyo National Forest Land and Resource Management Plan (as in effect on the date of enactment of this Act).

(3) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Forest is withdrawn from—

(A) all forms of entry, appropriation or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

Subtitle L—Riverside County Wilderness, California

SEC. 1851. WILDERNESS DESIGNATION.

(a) DEFINITION OF SECRETARY.—In this section, the term “Secretary” means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) DESIGNATION OF WILDERNESS, CLEVELAND AND SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE NATIONAL PARK, AND BUREAU OF LAND MANAGEMENT LAND IN RIVERSIDE COUNTY, CALIFORNIA.—

(1) DESIGNATIONS.—

(A) AGUA TIBIA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Cleveland National Forest and certain land administered by the Bureau of Land Management in Riverside County, California, together comprising approximately 2,053 acres, as generally depicted on the map titled “Proposed Addition to Agua Tibia Wilderness”, and dated May 9, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Agua Tibia Wilderness designated by section 2(a) of Public Law 93-632 (88 Stat. 2154; 16 U.S.C. 1132 note).

(B) CAHUILLA MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 5,585 acres, as generally depicted on the map titled “Cahuilla Mountain Proposed Wilderness”, and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Cahuilla Mountain Wilderness”.

(C) SOUTH FORK SAN JACINTO WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 20,217 acres, as generally depicted on the map titled “South Fork San Jacinto Proposed Wilderness”, and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “South Fork San Jacinto Wilderness”.

(D) SANTA ROSA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, and certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 2,149 acres, as generally depicted on the map titled “Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition”, and dated March 12, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Santa Rosa Wilderness designated by section 101(a)(28) of Public Law 98-425 (98 Stat. 1623; 16 U.S.C. 1132 note) and expanded by paragraph (59) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(E) BEAUTY MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 15,621 acres, as generally depicted on the map titled “Beauty Mountain Proposed Wilderness”, and dated April 3, 2007, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Beauty Mountain Wilderness”.

(F) JOSHUA TREE NATIONAL PARK WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in Joshua Tree National Park, comprising approximately 36,700 acres, as generally depicted on the map numbered 156/80,055, and titled “Joshua Tree National Park Proposed Wilderness Additions”, and dated March 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94-567 (90 Stat. 2692; 16 U.S.C. 1132 note).

(G) OROCOPIA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 4,635 acres, as generally depicted on the map titled “Orocochia Mountains Proposed Wilderness Addition”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Orocochia Mountains Wilderness as designated by paragraph (44) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note), except that the wilderness boundaries established by this subsection in Township 7 South, Range 13 East, exclude—

(i) a corridor 250 feet north of the centerline of the Bradshaw Trail;

(ii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Eagle Mountain Railroad on the south and the existing Orocochia Mountains Wilderness boundary; and

(iii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Chocolate Mountain Aerial Gunnery Range on the south and the existing Orocochia Mountains Wilderness boundary.

(H) PALEN/MCCOY WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 22,645 acres, as generally depicted on the map titled “Palen-McCoy Proposed Wilderness Additions”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a

part of, the Palen/McCoy Wilderness as designated by paragraph (47) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(I) PINTO MOUNTAINS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 24,404 acres, as generally depicted on the map titled “Pinto Mountains Proposed Wilderness”, and dated February 21, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Pinto Mountains Wilderness”.

(J) CHUCKWALLA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 12,815 acres, as generally depicted on the map titled “Chuckwalla Mountains Proposed Wilderness Addition”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of the Chuckwalla Mountains Wilderness as designated by paragraph (12) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(2) MAPS AND DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—A map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(3) UTILITY FACILITIES.—Nothing in this section prohibits the construction, operation, or maintenance, using standard industry practices, of existing utility facilities located outside of the wilderness areas and wilderness additions designated by this section.

(C) JOSHUA TREE NATIONAL PARK POTENTIAL WILDERNESS.—

(1) DESIGNATION OF POTENTIAL WILDERNESS.—Certain land in the Joshua Tree National Park, comprising approximately 43,300 acres, as generally depicted on the map numbered 156/80,055, and titled “Joshua Tree National Park Proposed Wilderness Additions”, and dated March 2008, is designated potential wilderness and shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such time as the land is designated as wilderness pursuant to paragraph (2).

(2) DESIGNATION AS WILDERNESS.—The land designated potential wilderness by paragraph (1) shall be designated as wilderness and incorporated in, and be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94-567 (90 Stat. 2692; 16 U.S.C. 1132 note), effective upon publication by the Secretary of the Interior in the Federal Register of a notice that—

(A) all uses of the land within the potential wilderness prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased; and

(B) sufficient inholdings within the boundaries of the potential wilderness have been acquired to establish a manageable wilderness unit.

(3) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date on which the notice required by paragraph (2) is published in the Federal Register, the Secretary shall file a map and legal description of the land designated as wilderness and potential wilderness by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(d) ADMINISTRATION OF WILDERNESS.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by this section shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date of that Act shall be deemed to be a reference to—

(i) the date of the enactment of this Act; or

(ii) in the case of the wilderness addition designated by subsection (c), the date on which the notice required by such subsection is published in the Federal Register; and

(B) any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary that has jurisdiction over the land.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundaries of a wilderness area or wilderness addition designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the land designated as wilderness by this section is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(4) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this section as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98-40 of the 98th Congress.

(B) FUNDING PRIORITIES.—Nothing in this section limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this section.

(C) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire

management plans that apply to the land designated as a wilderness area or wilderness addition by this section.

(D) ADMINISTRATION.—Consistent with subparagraph (A) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this section, the Secretary shall—

(i) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(ii) enter into agreements with appropriate State or local firefighting agencies.

(5) GRAZING.—Grazing of livestock in a wilderness area or wilderness addition designated by this section shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96-617 to accompany H.R. 5487 of the 96th Congress.

(6) NATIVE AMERICAN USES AND INTERESTS.—

(A) ACCESS AND USE.—To the extent practicable, the Secretary shall ensure access to the Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural purposes. In implementing this paragraph, the Secretary, upon the request of an Indian tribe, may temporarily close to the general public use of one or more specific portions of the wilderness area in order to protect the privacy of traditional cultural activities in such areas by members of the Indian tribe. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996), commonly referred to as the American Indian Religious Freedom Act, and the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) INDIAN TRIBE DEFINED.—In this paragraph, the term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as Indians.

(7) MILITARY ACTIVITIES.—Nothing in this section precludes—

(A) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this section;

(B) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this section; or

(C) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this section.

SEC. 1852. WILD AND SCENIC RIVER DESIGNATIONS, RIVERSIDE COUNTY, CALIFORNIA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1805) is amended by adding at the end the following new paragraphs:

“(200) NORTH FORK SAN JACINTO RIVER, CALIFORNIA.—The following segments of the North Fork San Jacinto River in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 2.12-mile segment from the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the State Park boundary, as a wild river.

“(B) The 1.66-mile segment from the Mt. San Jacinto State Park boundary to the Lawler Park boundary in section 26, town-

ship 4 south, range 2 east, San Bernardino meridian, as a scenic river.

“(C) The 0.68-mile segment from the Lawler Park boundary to its confluence with Fuller Mill Creek, as a recreational river.

“(D) The 2.15-mile segment from its confluence with Fuller Mill Creek to .25 miles upstream of the 5S09 road crossing, as a wild river.

“(E) The 0.6-mile segment from .25 miles upstream of the 5S09 road crossing to its confluence with Stone Creek, as a scenic river.

“(F) The 2.91-mile segment from the Stone Creek confluence to the northern boundary of section 17, township 5 south, range 2 east, San Bernardino meridian, as a wild river.

“(201) FULLER MILL CREEK, CALIFORNIA.—The following segments of Fuller Mill Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 1.2-mile segment from the source of Fuller Mill Creek in the San Jacinto Wilderness to the Pinewood property boundary in section 13, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

“(B) The 0.9-mile segment in the Pine Wood property, as a recreational river.

“(C) The 1.4-mile segment from the Pinewood property boundary in section 23, township 4 south, range 2 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.

“(202) PALM CANYON CREEK, CALIFORNIA.—The 8.1-mile segment of Palm Canyon Creek in the State of California from the southern boundary of section 6, township 7 south, range 5 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 1, township 6 south, range 4 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a wild river, and the Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.

“(203) BAUTISTA CREEK, CALIFORNIA.—The 9.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 2, township 6 south, range 1 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river.”.

SEC. 1853. ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.

(a) BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.—Section 2 of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106-351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by adding at the end the following new subsection:

“(e) EXPANSION OF BOUNDARIES.—In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following lands identified as additions to the National Monument on the map titled ‘Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition’, and dated March 12, 2008:

“(1) The ‘Santa Rosa Peak Area Monument Expansion’.

“(2) The ‘Snow Creek Area Monument Expansion’.

“(3) The ‘Tahquitz Peak Area Monument Expansion’.

“(4) The ‘Southeast Area Monument Expansion’, which is designated as wilderness

in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa Wilderness.”.

(b) TECHNICAL AMENDMENTS TO THE SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000.—Section 7(d) of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106-351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by striking “eight” and inserting “a majority of the appointed”.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

SEC. 1901. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STATE.—The term “State” means the State of California.

SEC. 1902. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) JOHN KREBS WILDERNESS.—

(A) DESIGNATION.—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 39,740 acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014b, titled “John Krebs Wilderness”, and dated September 16, 2008.

(B) EFFECT.—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(ii) the private inholdings known as “Silver City” and “Kaweah Han”.

(C) POTENTIAL WILDERNESS ADDITIONS.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Secretary is authorized to allow the use of helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this section upon termination of the non-conforming uses.

(2) SEQUOIA-KINGS CANYON WILDERNESS ADDITION.—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled “Sequoia-Kings Canyon Wilderness Addition”, numbered 102/60015a, and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

(3) RECOMMENDED WILDERNESS.—Land in Sequoia and Kings Canyon National Parks that was managed as of the date of enactment of this Act as recommended or proposed wilderness but not designated by this section as wilderness shall continue to be managed as recommended or proposed wilderness, as appropriate.

SEC. 1903. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any

reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act.

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable, but not later than 3 years, after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this subtitle with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE AND EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Office of the Secretary.

(c) HYDROLOGIC, METEOROLOGIC, AND CLIMATOLOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIPMENT.—The Secretary shall continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98-40.

(d) AUTHORIZED ACTIVITIES OUTSIDE WILDERNESS.—Nothing in this subtitle precludes authorized activities conducted outside of an area designated as wilderness by this subtitle by cabin owners (or designees) in the Mineral King Valley area or property owners or lessees (or designees) in the Silver City inholding, as identified on the map described in section 1902(1)(A).

(e) HORSEBACK RIDING.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

SEC. 1951. DEFINITIONS.

In this subtitle:

(1) MAP.—The term “map” means the map entitled “Rocky Mountain National Park Wilderness Act of 2007” and dated September 2006.

(2) PARK.—The term “Park” means Rocky Mountain National Park located in the State of Colorado.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TRAIL.—The term “Trail” means the East Shore Trail established under section 1954(a).

(5) WILDERNESS.—The term “Wilderness” means the wilderness designated by section 1952(a).

SEC. 1952. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS, COLORADO.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System approximately 249,339 acres of land in the Park, as generally depicted on the map.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a map and boundary description of the Wilderness; and

(B) submit the map and boundary description prepared under subparagraph (A) to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) AVAILABILITY; FORCE OF LAW.—The map and boundary description submitted under paragraph (1)(B) shall—

(A) be on file and available for public inspection in appropriate offices of the National Park Service; and

(B) have the same force and effect as if included in this subtitle.

(c) INCLUSION OF POTENTIAL WILDERNESS.—

(1) IN GENERAL.—On publication in the Federal Register of a notice by the Secretary that all uses inconsistent with the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased on the land identified on the map as a “Potential Wilderness Area”, the land shall be—

(A) included in the Wilderness; and

(B) administered in accordance with subsection (e).

(2) BOUNDARY DESCRIPTION.—On inclusion in the Wilderness of the land referred to in paragraph (1), the Secretary shall modify the map and boundary description submitted under subsection (b) to reflect the inclusion of the land.

(d) EXCLUSION OF CERTAIN LAND.—The following areas are specifically excluded from the Wilderness:

(1) The Grand River Ditch (including the main canal of the Grand River Ditch and a branch of the main canal known as the Specimen Ditch), the right-of-way for the Grand River Ditch, land 200 feet on each side of the center line of the Grand River Ditch, and any associated appurtenances, structures, buildings, camps, and work sites in existence as of June 1, 1998.

(2) Land owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir and the Inlet Ditch to the Reservoir from North St. Vrain Creek, comprising approximately 35.38 acres.

(3) Land owned by the Wincenstsen-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted on the map as the “East Shore Trail Area”.

(e) ADMINISTRATION.—Subject to valid existing rights, any land designated as wilderness under this section or added to the Wilderness after the date of enactment of this Act under subsection (c) shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act, or the date on which the additional land is added to the Wilderness, respectively; and

(2) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(f) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the United States has existing rights to water within the Park;

(B) the existing water rights are sufficient for the purposes of the Wilderness; and

(C) based on the findings described in subparagraphs (A) and (B), there is no need for the United States to reserve or appropriate any additional water rights to fulfill the purposes of the Wilderness.

(2) EFFECT.—Nothing in this subtitle—

(A) constitutes an express or implied reservation by the United States of water or water rights for any purpose; or

(B) modifies or otherwise affects any existing water rights held by the United States for the Park.

(g) FIRE, INSECT, AND DISEASE CONTROL.—The Secretary may take such measures in the Wilderness as are necessary to control fire, insects, and diseases, as are provided for in accordance with—

(1) the laws applicable to the Park; and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1953. GRAND RIVER DITCH AND COLORADO-BIG THOMPSON PROJECTS.

(a) CONDITIONAL WAIVER OF STRICT LIABILITY.—During any period in which the Water Supply and Storage Company (or any successor in interest to the company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch in the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service, the provisions of paragraph (6) of the stipulation approved June 28, 1907—

(1) shall be suspended; and

(2) shall not be enforceable against the Company (or any successor in interest).

(b) AGREEMENT.—The agreement referred to in subsection (a) shall—

(1) ensure that—

(A) Park resources are managed in accordance with the laws generally applicable to the Park, including—

(i) the Act of January 26, 1915 (16 U.S.C. 191 et seq.); and

(ii) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(B) Park land outside the right-of-way corridor remains unimpaired consistent with the National Park Service management policies in effect as of the date of enactment of this Act; and

(C) any use of Park land outside the right-of-way corridor (as of the date of enactment of this Act) shall be permitted only on a temporary basis, subject to such terms and conditions as the Secretary determines to be necessary; and

(2) include stipulations with respect to—

(A) flow monitoring and early warning measures;

(B) annual and periodic inspections;

(C) an annual maintenance plan;

(D) measures to identify on an annual basis capital improvement needs; and

(E) the development of plans to address the needs identified under subparagraph (D).

(c) LIMITATION.—Nothing in this section limits or otherwise affects—

(1) the liability of any individual or entity for damages to, loss of, or injury to any resource within the Park resulting from any cause or event that occurred before the date of enactment of this Act; or

(2) Public Law 101-337 (16 U.S.C. 1911 et seq.), including the defenses available under that Act for damage caused—

(A) solely by—

(i) an act of God;

(ii) an act of war; or

(iii) an act or omission of a third party (other than an employee or agent); or

(B) by an activity authorized by Federal or State law.

(d) COLORADO-BIG THOMPSON PROJECT AND WINDY GAP PROJECT.—

(1) IN GENERAL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or affects current and future operation and maintenance activities in, under,

or affecting the Wilderness that were allowed as of the date of enactment of this Act under the Act of January 26, 1915 (16 U.S.C. 191), relating to the Alva B. Adams Tunnel or other Colorado-Big Thompson Project facilities located within the Park.

(2) **ALVA B. ADAMS TUNNEL.**—Nothing in this subtitle, including the designation of the Wilderness, prohibits or restricts the conveyance of water through the Alva B. Adams Tunnel for any purpose.

(e) **RIGHT-OF-WAY.**—Notwithstanding the Act of March 3, 1891 (43 U.S.C. 946) and the Act of May 11, 1898 (43 U.S.C. 951), the right of way for the Grand River Ditch shall not be terminated, forfeited, or otherwise affected as a result of the water transported by the Grand River Ditch being used primarily for domestic purposes or any purpose of a public nature, unless the Secretary determines that the change in the main purpose or use adversely affects the Park.

(f) **NEW RECLAMATION PROJECTS.**—Nothing in the first section of the Act of January 26, 1915 (16 U.S.C. 191), shall be construed to allow development in the Wilderness of any reclamation project not in existence as of the date of enactment of this Act.

(g) **CLARIFICATION OF MANAGEMENT AUTHORITY.**—Nothing in this section reduces or limits the authority of the Secretary to manage land and resources within the Park under applicable law.

SEC. 1954. EAST SHORE TRAIL AREA.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the East Shore Trail Area in the Park an alignment line for a trail, to be known as the “East Shore Trail”, to maximize the opportunity for sustained use of the Trail without causing—

- (1) harm to affected resources; or
 - (2) conflicts among users.
- (b) **BOUNDARIES.**—

(1) **IN GENERAL.**—After establishing the alignment line for the Trail under subsection (a), the Secretary shall—

(A) identify the boundaries of the Trail, which shall not extend more than 25 feet east of the alignment line or be located within the Wilderness; and

(B) modify the map of the Wilderness prepared under section 1952(b)(1)(A) so that the western boundary of the Wilderness is 50 feet east of the alignment line.

(2) **ADJUSTMENTS.**—To the extent necessary to protect Park resources, the Secretary may adjust the boundaries of the Trail, if the adjustment does not place any portion of the Trail within the boundary of the Wilderness.

(c) **INCLUSION IN WILDERNESS.**—On completion of the construction of the Trail, as authorized by the Secretary—

(1) any portion of the East Shore Trail Area that is not traversed by the Trail, that is not west of the Trail, and that is not within 50 feet of the centerline of the Trail shall be—

- (A) included in the Wilderness; and
- (B) managed as part of the Wilderness in accordance with section 1952; and

(2) the Secretary shall modify the map and boundary description of the Wilderness prepared under section 1952(b)(1)(A) to reflect the inclusion of the East Shore Trail Area land in the Wilderness.

(d) **EFFECT.**—Nothing in this section—

(1) requires the construction of the Trail along the alignment line established under subsection (a); or

(2) limits the extent to which any otherwise applicable law or policy applies to any decision with respect to the construction of the Trail.

(e) **RELATION TO LAND OUTSIDE WILDERNESS.**—

(1) **IN GENERAL.**—Except as provided in this subsection, nothing in this subtitle affects the management or use of any land not included within the boundaries of the Wilderness or the potential wilderness land.

(2) **MOTORIZED VEHICLES AND MACHINERY.**—No use of motorized vehicles or other motorized machinery that was not permitted on March 1, 2006, shall be allowed in the East Shore Trail Area except as the Secretary determines to be necessary for use in—

(A) constructing the Trail, if the construction is authorized by the Secretary; or

(B) maintaining the Trail.

(3) **MANAGEMENT OF LAND BEFORE INCLUSION.**—Until the Secretary authorizes the construction of the Trail and the use of the Trail for non-motorized bicycles, the East Shore Trail Area shall be managed—

(A) to protect any wilderness characteristics of the East Shore Trail Area; and

(B) to maintain the suitability of the East Shore Trail Area for inclusion in the Wilderness.

SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUSTMENTS.

(a) **INDIAN PEAKS WILDERNESS BOUNDARY ADJUSTMENT.**—Section 3(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note; Public Law 95-450) is amended—

(1) by striking “seventy thousand acres” and inserting “74,195 acres”; and

(2) by striking “, dated July 1978” and inserting “and dated May 2007”.

(b) **ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.**—Section 4(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 460jj(a)) is amended—

(1) by striking “thirty-six thousand two hundred thirty-five acres” and inserting “35,235 acres”; and

(2) by striking “, dated July 1978” and inserting “and dated May 2007”.

SEC. 1956. AUTHORITY TO LEASE LEIFFER TRACT.

(a) **IN GENERAL.**—Section 3(k) of Public Law 91-383 (16 U.S.C. 1a-2(k)) shall apply to the parcel of land described in subsection (b).

(b) **DESCRIPTION OF THE LAND.**—The parcel of land referred to in subsection (a) is the parcel of land known as the “Leiffer tract” that is—

(1) located near the eastern boundary of the Park in Larimer County, Colorado; and

(2) administered by the National Park Service.

Subtitle O—Washington County, Utah

SEC. 1971. DEFINITIONS.

In this subtitle:

(1) **BEAVER DAM WASH NATIONAL CONSERVATION AREA MAP.**—The term “Beaver Dam Wash National Conservation Area Map” means the map entitled “Beaver Dam Wash National Conservation Area” and dated December 18, 2008.

(2) **CANAAN MOUNTAIN WILDERNESS MAP.**—The term “Canaan Mountain Wilderness Map” means the map entitled “Canaan Mountain Wilderness” and dated June 21, 2008.

(3) **COUNTY.**—The term “County” means Washington County, Utah.

(4) **NORTHEASTERN WASHINGTON COUNTY WILDERNESS MAP.**—The term “Northeastern Washington County Wilderness Map” means the map entitled “Northeastern Washington County Wilderness” and dated November 12, 2008.

(5) **NORTHWESTERN WASHINGTON COUNTY WILDERNESS MAP.**—The term “Northwestern Washington County Wilderness Map” means the map entitled “Northwestern Washington County Wilderness” and dated June 21, 2008.

(6) **RED CLIFFS NATIONAL CONSERVATION AREA MAP.**—The term “Red Cliffs National Conservation Area Map” means the map entitled “Red Cliffs National Conservation Area” and dated November 12, 2008.

(7) **SECRETARY.**—The term “Secretary” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(8) **STATE.**—The term “State” means the State of Utah.

(9) **WASHINGTON COUNTY GROWTH AND CONSERVATION ACT MAP.**—The term “Washington County Growth and Conservation Act Map” means the map entitled “Washington County Growth and Conservation Act Map” and dated November 13, 2008.

SEC. 1972. WILDERNESS AREAS.

(a) **ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.**—

(1) **ADDITIONS.**—Subject to valid existing rights, the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(A) **BEARTRAP CANYON.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 40 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Beartrap Canyon Wilderness”.

(B) **BLACKRIDGE.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 13,015 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Blackridge Wilderness”.

(C) **CANAAN MOUNTAIN.**—Certain Federal land in the County managed by the Bureau of Land Management, comprising approximately 44,531 acres, as generally depicted on the Canaan Mountain Wilderness Map, which shall be known as the “Canaan Mountain Wilderness”.

(D) **COTTONWOOD CANYON.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,712 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the “Cottonwood Canyon Wilderness”.

(E) **COTTONWOOD FOREST.**—Certain Federal land managed by the Forest Service, comprising approximately 2,643 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the “Cottonwood Forest Wilderness”.

(F) **COUGAR CANYON.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 10,409 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the “Cougar Canyon Wilderness”.

(G) **DEEP CREEK.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,284 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Deep Creek Wilderness”.

(H) DEEP CREEK NORTH.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,262 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Deep Creek North Wilderness”.

(I) DOC’S PASS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 17,294 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the “Doc’s Pass Wilderness”.

(J) GOOSE CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 98 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Goose Creek Wilderness”.

(K) LAVERKIN CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 445 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “LaVerkin Creek Wilderness”.

(L) RED BUTTE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 1,537 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Red Butte Wilderness”.

(M) RED MOUNTAIN.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,729 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the “Red Mountain Wilderness”.

(N) SLAUGHTER CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,901 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the “Slaughter Creek Wilderness”.

(O) TAYLOR CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 32 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Taylor Creek Wilderness”.

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of each wilderness area designated by paragraph (1).

(B) FORCE AND EFFECT.—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of—

- (i) the Bureau of Land Management; and
- (ii) the Forest Service.

(b) ADMINISTRATION OF WILDERNESS AREAS.—

(1) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by subsection (a)(1) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(2) LIVESTOCK.—The grazing of livestock in each area designated as wilderness by subsection (a)(1), where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H.Rep. 101-405) and H.R. 5487 of the 96th Congress (H. Rept. 96-617).

(3) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in each area designated as wilderness by subsection (a)(1) as the Secretary determines to be necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of those activities with a State or local agency).

(4) BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around any area designated as wilderness by subsection (a)(1).

(B) ACTIVITIES OUTSIDE WILDERNESS.—The fact that an activity or use on land outside any area designated as wilderness by subsection (a)(1) can be seen or heard within the wilderness shall not preclude the activity or use outside the boundary of the wilderness.

(5) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(A) low-level overflights of military aircraft over any area designated as wilderness by subsection (a)(1), including military overflights that can be seen or heard within any wilderness area;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes over any wilderness area.

(6) ACQUISITION AND INCORPORATION OF LAND AND INTERESTS IN LAND.—

(A) ACQUISITION AUTHORITY.—In accordance with applicable laws (including regulations), the Secretary may acquire any land or interest in land within the boundaries of the wilderness areas designated by subsection (a)(1) by purchase from willing sellers, donation, or exchange.

(B) INCORPORATION.—Any land or interest in land acquired by the Secretary under subparagraph (A) shall be incorporated into, and administered as a part of, the wilderness area in which the land or interest in land is located.

(7) NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.—Nothing in this section diminishes—

(A) the rights of any Indian tribe; or

(B) any tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

(8) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16

U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by subsection (a)(1) if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

(9) WATER RIGHTS.—

(A) STATUTORY CONSTRUCTION.—Nothing in this section—

(i) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by subsection (a)(1);

(ii) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

(iii) shall be construed as establishing a precedent with regard to any future wilderness designations;

(iv) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(v) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(B) STATE WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by subsection (a)(1).

(10) FISH AND WILDLIFE.—

(A) JURISDICTION OF STATE.—Nothing in this section affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(B) AUTHORITY OF SECRETARY.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations (including activities to maintain and restore fish and wildlife habitats to support the populations) in any wilderness area designated by subsection (a)(1) if the activities are—

(i) consistent with applicable wilderness management plans; and

(ii) carried out in accordance with—

(I) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(II) applicable guidelines and policies, including applicable policies described in Appendix B of House Report 101-405.

(11) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to paragraph (12), the Secretary may authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by subsection (a)(1) if—

(A) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(B) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(12) COOPERATIVE AGREEMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into a cooperative agreement with the State that specifies the terms and conditions under which wildlife management activities in the

wilderness areas designated by subsection (a)(1) may be carried out.

(C) RELEASE OF WILDERNESS STUDY AREAS.—

(1) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(2) RELEASE.—Any public land described in paragraph (1) that is not designated as wilderness by subsection (a)(1)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable law and the land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

(d) TRANSFER OF ADMINISTRATIVE JURISDICTION TO NATIONAL PARK SERVICE.—Administrative jurisdiction over the land identified as the Watchman Wilderness on the Northeastern Washington County Wilderness Map is hereby transferred to the National Park Service, to be included in, and administered as part of Zion National Park.

SEC. 1973. ZION NATIONAL PARK WILDERNESS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term “Federal land” means certain Federal land—

(A) that is—

(i) located in the County and Iron County, Utah; and

(ii) managed by the National Park Service;

(B) consisting of approximately 124,406 acres; and

(C) as generally depicted on the Zion National Park Wilderness Map and the area added to the park under section 1972(d).

(2) WILDERNESS AREA.—The term “Wilderness Area” means the Zion Wilderness designated by subsection (b)(1).

(3) ZION NATIONAL PARK WILDERNESS MAP.—The term “Zion National Park Wilderness Map” means the map entitled “Zion National Park Wilderness” and dated April 2008.

(b) ZION NATIONAL PARK WILDERNESS.—

(1) DESIGNATION.—Subject to valid existing rights, the Federal land is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Zion Wilderness”.

(2) INCORPORATION OF ACQUIRED LAND.—Any land located in the Zion National Park that is acquired by the Secretary through a voluntary sale, exchange, or donation may, on the recommendation of the Secretary, become part of the Wilderness Area, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(3) MAP AND LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of the Wilderness Area.

(B) FORCE AND EFFECT.—The map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—The map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the National Park Service.

SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA.

(a) PURPOSES.—The purposes of this section are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and

(2) to protect each species that is—

(A) located in the National Conservation Area; and

(B) listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)).

(b) DEFINITIONS.—In this section:

(1) HABITAT CONSERVATION PLAN.—The term “habitat conservation plan” means the conservation plan entitled “Washington County Habitat Conservation Plan” and dated February 23, 1996.

(2) MANAGEMENT PLAN.—The term “management plan” means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(3) NATIONAL CONSERVATION AREA.—The term “National Conservation Area” means the Red Cliffs National Conservation Area that—

(A) consists of approximately 44,725 acres of public land in the County, as generally depicted on the Red Cliffs National Conservation Area Map; and

(B) is established by subsection (c).

(4) PUBLIC USE PLAN.—The term “public use plan” means the use plan entitled “Red Cliffs Desert Reserve Public Use Plan” and dated June 12, 2000, as amended.

(5) RESOURCE MANAGEMENT PLAN.—The term “resource management plan” means the management plan entitled “St. George Field Office Resource Management Plan” and dated March 15, 1999, as amended.

(c) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State the Red Cliffs National Conservation Area.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) INCORPORATION OF PLANS.—In developing the management plan required under paragraph (1), to the extent consistent with this section, the Secretary may incorporate any provision of—

(A) the habitat conservation plan;

(B) the resource management plan; and

(C) the public use plan.

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that

the Secretary determines would further a purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law; and

(B) in a manner consistent with the purposes described in subsection (a).

(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area are withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(h) EFFECT.—Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—

(1) each utility development protocol described in the habitat conservation plan; and

(2) any other applicable law (including regulations).

SEC. 1975. BEAVER DAM WASH NATIONAL CONSERVATION AREA.

(a) PURPOSE.—The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash National Conservation Area.

(b) DEFINITIONS.—In this section:

(1) MANAGEMENT PLAN.—The term “management plan” means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(2) NATIONAL CONSERVATION AREA.—The term “National Conservation Area” means the Beaver Dam Wash National Conservation Area that—

(A) consists of approximately 68,083 acres of public land in the County, as generally depicted on the Beaver Dam Wash National Conservation Area Map; and

(B) is established by subsection (c).

(c) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State the Beaver Dam Wash National Conservation Area.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) MOTORIZED VEHICLES.—In developing the management plan required under paragraph (1), the Secretary shall incorporate the restrictions on motorized vehicles described in subsection (e)(3).

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further the purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—

(A) IN GENERAL.—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(B) ADDITIONAL REQUIREMENT RELATING TO CERTAIN AREAS LOCATED IN THE NATIONAL CONSERVATION AREA.—In addition to the requirement described in subparagraph (A), with respect to the areas designated on the Beaver Dam Wash National Conservation Area Map as “Designated Road Areas”, motorized vehicles shall be permitted only on the roads identified on such map.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law (including regulations); and

(B) in a manner consistent with the purpose described in subsection (a).

(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

SEC. 1976. ZION NATIONAL PARK WILD AND SCENIC RIVER DESIGNATION.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

“(204) ZION NATIONAL PARK, UTAH.—The approximately 165.5 miles of segments of the Virgin River and tributaries of the Virgin River across Federal land within and adjacent to Zion National Park, as generally depicted on the map entitled ‘Wild and Scenic River Segments Zion National Park and Bureau of Land Management’ and dated April 2008, to be administered by the Secretary of the Interior in the following classifications:

“(A) TAYLOR CREEK.—The 4.5-mile segment from the junction of the north, middle, and south forks of Taylor Creek, west to the park boundary and adjacent land rim-to-rim, as a scenic river.

“(B) NORTH FORK OF TAYLOR CREEK.—The segment from the head of North Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(C) MIDDLE FORK OF TAYLOR CREEK.—The segment from the head of Middle Fork on Bureau of Land Management land to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(D) SOUTH FORK OF TAYLOR CREEK.—The segment from the head of South Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(E) TIMBER CREEK AND TRIBUTARIES.—The 3.1-mile segment from the head of Timber Creek and tributaries of Timber Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(F) LAVERKIN CREEK.—The 16.1-mile segment beginning in T. 38 S., R. 11 W., sec. 21, on Bureau of Land Management land, southwest through Zion National Park, and ending at the south end of T. 40 S., R. 12 W., sec. 7, and adjacent land ½-mile wide, as a wild river.

“(G) WILLIS CREEK.—The 1.9-mile segment beginning on Bureau of Land Management land in the SWSW sec. 27, T. 38 S., R. 11 W., to the junction with LaVerkin Creek in Zion National Park and adjacent land rim-to-rim, as a wild river.

“(H) BEARTRAP CANYON.—The 2.3-mile segment beginning on Bureau of Management

land in the SWNW sec. 3, T. 39 S., R. 11 W., to the junction with LaVerkin Creek and the segment from the headwaters north of Long Point to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(I) HOP VALLEY CREEK.—The 3.3-mile segment beginning at the southern boundary of T. 39 S., R. 11 W., sec. 20, to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(J) CURRENT CREEK.—The 1.4-mile segment from the head of Current Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(K) CANE CREEK.—The 0.6-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(L) SMITH CREEK.—The 1.3-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(M) NORTH CREEK LEFT AND RIGHT FORKS.—The segment of the Left Fork from the junction with Wildcat Canyon to the junction with Right Fork, from the head of Right Fork to the junction with Left Fork, and from the junction of the Left and Right Forks southwest to Zion National Park boundary and adjacent land rim-to-rim, as a wild river.

“(N) WILDCAT CANYON (BLUE CREEK).—The segment of Blue Creek from the Zion National Park boundary to the junction with the Right Fork of North Creek and adjacent land rim-to-rim, as a wild river.

“(O) LITTLE CREEK.—The segment beginning at the head of Little Creek to the junction with the Left Fork of North Creek and adjacent land ½-mile wide, as a wild river.

“(P) RUSSELL GULCH.—The segment from the head of Russell Gulch to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a wild river.

“(Q) GRAPEVINE WASH.—The 2.6-mile segment from the Lower Kolob Plateau to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a scenic river.

“(R) PINE SPRING WASH.—The 4.6-mile segment to the junction with the left fork of North Creek and adjacent land ½-mile, as a scenic river.

“(S) WOLF SPRINGS WASH.—The 1.4-mile segment from the head of Wolf Springs Wash to the junction with Pine Spring Wash and adjacent land ½-mile wide, as a scenic river.

“(T) KOLOB CREEK.—The 5.9-mile segment of Kolob Creek beginning in T. 39 S., R. 10 W., sec. 30, through Bureau of Land Management land and Zion National Park land to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(U) OAK CREEK.—The 1-mile stretch of Oak Creek beginning in T. 39 S., R. 10 W., sec. 19, to the junction with Kolob Creek and adjacent land rim-to-rim, as a wild river.

“(V) GOOSE CREEK.—The 4.6-mile segment of Goose Creek from the head of Goose Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(W) DEEP CREEK.—The 5.3-mile segment of Deep Creek beginning on Bureau of Land Management land at the northern boundary of T. 39 S., R. 10 W., sec. 23, south to the junction of the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(X) NORTH FORK OF THE VIRGIN RIVER.—The 10.8-mile segment of the North Fork of the Virgin River beginning on Bureau of Land Management land at the eastern border

of T. 39 S., R. 10 W., sec. 35, to Temple of Sinawava and adjacent land rim-to-rim, as a wild river.

“(Y) NORTH FORK OF THE VIRGIN RIVER.—The 8-mile segment of the North Fork of the Virgin River from Temple of Sinawava south to the Zion National Park boundary and adjacent land ½-mile wide, as a recreational river.

“(Z) IMLAY CANYON.—The segment from the head of Imlay Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(AA) ORDERVILLE CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(BB) MYSTERY CANYON.—The segment from the head of Mystery Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(CC) ECHO CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(DD) BEHUNIN CANYON.—The segment from the head of Behunin Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(EE) HEAPS CANYON.—The segment from the head of Heaps Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(FF) BIRCH CREEK.—The segment from the head of Birch Creek to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a wild river.

“(GG) OAK CREEK.—The segment of Oak Creek from the head of Oak Creek to where the forks join and adjacent land ½-mile wide, as a wild river.

“(HH) OAK CREEK.—The 1-mile segment of Oak Creek from the point at which the 2 forks of Oak Creek join to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a recreational river.

“(II) CLEAR CREEK.—The 6.4-mile segment of Clear Creek from the eastern boundary of Zion National Park to the junction with Pine Creek and adjacent land rim-to-rim, as a recreational river.

“(JJ) PINE CREEK.—The 2-mile segment of Pine Creek from the head of Pine Creek to the junction with Clear Creek and adjacent land rim-to-rim, as a wild river.

“(KK) PINE CREEK.—The 3-mile segment of Pine Creek from the junction with Clear Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a recreational river.

“(LL) EAST FORK OF THE VIRGIN RIVER.—The 8-mile segment of the East Fork of the Virgin River from the eastern boundary of Zion National Park through Parunuweap Canyon to the western boundary of Zion National Park and adjacent land ½-mile wide, as a wild river.

“(MM) SHUNES CREEK.—The 3-mile segment of Shunes Creek from the dry waterfall on land administered by the Bureau of Land Management through Zion National Park to the western boundary of Zion National Park and adjacent land ½-mile wide as a wild river.”

(b) INCORPORATION OF ACQUIRED NON-FEDERAL LAND.—If the United States acquires any non-Federal land within or adjacent to Zion National Park that includes a river segment that is contiguous to a river segment

of the Virgin River designated as a wild, scenic, or recreational river by paragraph (204) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), the acquired river segment shall be incorporated in, and be administered as part of, the applicable wild, scenic, or recreational river.

(c) SAVINGS CLAUSE.—The amendment made by subsection (a) does not affect the agreement among the United States, the State, the Washington County Water Conservancy District, and the Kane County Water Conservancy District entitled “Zion National Park Water Rights Settlement Agreement” and dated December 4, 1996.

SEC. 1977. WASHINGTON COUNTY COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) with respect to land managed by the Bureau of Land Management, the Secretary; and

(B) with respect to land managed by the Forest Service, the Secretary of Agriculture.

(3) TRAIL.—The term “trail” means the High Desert Off-Highway Vehicle Trail designated under subsection (c)(1)(A).

(4) TRAVEL MANAGEMENT PLAN.—The term “travel management plan” means the comprehensive travel and transportation management plan developed under subsection (b)(1).

(b) COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws (including regulations), the Secretary, in consultation with appropriate Federal agencies and State, tribal, and local governmental entities, and after an opportunity for public comment, shall develop a comprehensive travel management plan for the land managed by the Bureau of Land Management in the County—

(A) to provide to the public a clearly marked network of roads and trails with signs and maps to promote—

(i) public safety and awareness; and

(ii) enhanced recreation and general access opportunities;

(B) to help reduce in the County growing conflicts arising from interactions between—

(i) motorized recreation; and

(ii) the important resource values of public land;

(C) to promote citizen-based opportunities for—

(i) the monitoring and stewardship of the trail; and

(ii) trail system management; and

(D) to support law enforcement officials in promoting—

(i) compliance with off-highway vehicle laws (including regulations); and

(ii) effective deterrents of abuses of public land.

(2) SCOPE; CONTENTS.—In developing the travel management plan, the Secretary shall—

(A) in consultation with appropriate Federal agencies, State, tribal, and local governmental entities (including the County and St. George City, Utah), and the public, identify 1 or more alternatives for a northern transportation route in the County;

(B) ensure that the travel management plan contains a map that depicts the trail; and

(C) designate a system of areas, roads, and trails for mechanical and motorized use.

(c) DESIGNATION OF TRAIL.—

(1) DESIGNATION.—

(A) IN GENERAL.—As a component of the travel management plan, and in accordance with subparagraph (B), the Secretary, in coordination with the Secretary of Agriculture, and after an opportunity for public comment, shall designate a trail (which may include a system of trails)—

(i) for use by off-highway vehicles; and

(ii) to be known as the “High Desert Off-Highway Vehicle Trail”.

(B) REQUIREMENTS.—In designating the trail, the Secretary shall only include trails that are—

(i) as of the date of enactment of this Act, authorized for use by off-highway vehicles; and

(ii) located on land that is managed by the Bureau of Land Management in the County.

(C) NATIONAL FOREST LAND.—The Secretary of Agriculture, in coordination with the Secretary and in accordance with applicable law, may designate a portion of the trail on National Forest System land within the County.

(D) MAP.—A map that depicts the trail shall be on file and available for public inspection in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary concerned shall manage the trail—

(i) in accordance with applicable laws (including regulations);

(ii) to ensure the safety of citizens who use the trail; and

(iii) in a manner by which to minimize any damage to sensitive habitat or cultural resources.

(B) MONITORING; EVALUATION.—To minimize the impacts of the use of the trail on environmental and cultural resources, the Secretary concerned shall—

(i) annually assess the effects of the use of off-highway vehicles on—

(I) the trail; and

(II) land located in proximity to the trail; and

(ii) in consultation with the Utah Department of Natural Resources, annually assess the effects of the use of the trail on wildlife and wildlife habitat.

(C) CLOSURE.—The Secretary concerned, in consultation with the State and the County, and subject to subparagraph (D), may temporarily close or permanently reroute a portion of the trail if the Secretary concerned determines that—

(i) the trail is having an adverse impact on—

(I) wildlife habitats;

(II) natural resources;

(III) cultural resources; or

(IV) traditional uses;

(ii) the trail threatens public safety; or

(iii) closure of the trail is necessary—

(I) to repair damage to the trail; or

(II) to repair resource damage.

(D) REROUTING.—Any portion of the trail that is temporarily closed by the Secretary concerned under subparagraph (C) may be permanently rerouted along any road or trail—

(i) that is—

(I) in existence as of the date of the closure of the portion of the trail;

(II) located on public land; and

(III) open to motorized use; and

(ii) if the Secretary concerned determines that rerouting the portion of the trail would

not significantly increase or decrease the length of the trail.

(E) NOTICE OF AVAILABLE ROUTES.—The Secretary, in coordination with the Secretary of Agriculture, shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes through—

(i) the placement of appropriate signage along the trail; and

(ii) the distribution of maps, safety education materials, and other information that the Secretary concerned determines to be appropriate.

(3) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 1978. LAND DISPOSAL AND ACQUISITION.

(a) IN GENERAL.—Consistent with applicable law, the Secretary of the Interior may sell public land located within Washington County, Utah, that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a portion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury to be known as the “Washington County, Utah Land Acquisition Account”.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase from willing sellers lands or interests in land within the wilderness areas and National Conservation Areas established by this subtitle.

(B) APPLICABILITY.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

SEC. 1979. MANAGEMENT OF PRIORITY BIOLOGICAL AREAS.

(a) IN GENERAL.—In accordance with applicable Federal laws (including regulations), the Secretary of the Interior shall—

(1) identify areas located in the County where biological conservation is a priority; and

(2) undertake activities to conserve and restore plant and animal species and natural communities within such areas.

(b) GRANTS; COOPERATIVE AGREEMENTS.—In carrying out subsection (a), the Secretary of the Interior may make grants to, or enter into cooperative agreements with, State, tribal, and local governmental entities and private entities to conduct research, develop scientific analyses, and carry out any other initiative relating to the restoration or conservation of the areas.

SEC. 1980. PUBLIC PURPOSE CONVEYANCES.

(a) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), upon the request of the appropriate local governmental entity, as described below, the Secretary shall convey the following parcels of public land without consideration, subject to the provisions of this section:

(1) TEMPLE QUARRY.—The approximately 122-acre parcel known as “Temple Quarry” as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel B”, to the City of St. George, Utah, for open space and public recreation purposes.

(2) HURRICANE CITY SPORTS PARK.—The approximately 41-acre parcel as generally de-

picted on the Washington County Growth and Conservation Act Map as “Parcel C”, to the City of Hurricane, Utah, for public recreation purposes and public administrative offices.

(3) WASHINGTON COUNTY SCHOOL DISTRICT.—The approximately 70-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel D”, to the Washington County Public School District for use for public school and related educational and administrative purposes.

(4) WASHINGTON COUNTY JAIL.—The approximately 80-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel E”, to Washington County, Utah, for expansion of the Purgatory Correctional Facility.

(5) HURRICANE EQUESTRIAN PARK.—The approximately 40-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel F”, to the City of Hurricane, Utah, for use as a public equestrian park.

(b) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the parcels to be conveyed under this section. The Secretary may correct any minor errors in the map referenced in subsection (a) or in the applicable legal descriptions. The map and legal descriptions shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) REVERSION.—

(1) IN GENERAL.—If any parcel conveyed under this section ceases to be used for the public purpose for which the parcel was conveyed, as described in subsection (a), the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States.

(2) RESPONSIBILITY OF LOCAL GOVERNMENTAL ENTITY.—If the Secretary determines pursuant to paragraph (1) that the land should revert to the United States, and if the Secretary determines that the land is contaminated with hazardous waste, the local governmental entity to which the land was conveyed shall be responsible for remediation of the contamination.

SEC. 1981. CONVEYANCE OF DIXIE NATIONAL FOREST LAND.

(a) DEFINITIONS.—In this section:

(1) COVERED FEDERAL LAND.—The term “covered Federal land” means the approximately 66.07 acres of land in the Dixie National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term “landowner” means Kirk R. Harrison, who owns land in Pinto Valley, Utah.

(3) MAP.—The term “map” means the map entitled “Conveyance of Dixie National Forest Land” and dated December 18, 2008.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary may convey to the landowner all right, title, and interest of the United States in and to any of the covered Federal land (including any improvements or appurtenances to the covered Federal land) by sale or exchange.

(2) LEGAL DESCRIPTION.—The exact acreage and legal description of the covered Federal land to be conveyed under paragraph (1) shall be determined by surveys satisfactory to the Secretary.

(3) CONSIDERATION.—

(A) IN GENERAL.—As consideration for any conveyance by sale under paragraph (1), the

landowner shall pay to the Secretary an amount equal to the fair market value of any Federal land conveyed, as determined under subparagraph (B).

(B) APPRAISAL.—The fair market value of any Federal land that is conveyed under paragraph (1) shall be determined by an appraisal acceptable to the Secretary that is performed in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions;

(ii) the Uniform Standards of Professional Appraisal Practice; and

(iii) any other applicable law (including regulations).

(4) DISPOSITION AND USE OF PROCEEDS.—

(A) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds of any sale of land under paragraph (1) in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(B) USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of real property or interests in real property for inclusion in the Dixie National Forest in the State.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions for any conveyance under paragraph (1) that the Secretary determines to be appropriate to protect the interests of the United States.

SEC. 1982. TRANSFER OF LAND INTO TRUST FOR SHIVWITS BAND OF PAIUTE INDIANS.

(a) DEFINITIONS.—In this section:

(1) PARCEL A.—The term “Parcel A” means the parcel that consists of approximately 640 acres of land that is—

(A) managed by the Bureau of Land Management;

(B) located in Washington County, Utah; and

(C) depicted on the map entitled “Washington County Growth and Conservation Act Map”.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) TRIBE.—The term “Tribe” means the Shivwits Band of Paiute Indians of the State of Utah.

(b) PARCEL TO BE HELD IN TRUST.—

(1) IN GENERAL.—At the request of the Tribe, the Secretary shall take into trust for the benefit of the Tribe all right, title, and interest of the United States in and to Parcel A.

(2) SURVEY; LEGAL DESCRIPTION.—

(A) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of Parcel A to establish the boundary of Parcel A.

(B) LEGAL DESCRIPTION OF PARCEL A.—

(i) IN GENERAL.—Upon the completion of the survey under subparagraph (A), the Secretary shall publish in the Federal Register a legal description of—

(I) the boundary line of Parcel A; and

(II) Parcel A.

(ii) TECHNICAL CORRECTIONS.—Before the date of publication of the legal descriptions under clause (i), the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions.

(iii) EFFECT.—Effective beginning on the date of publication of the legal descriptions under clause (i), the legal descriptions shall be considered to be the official legal descriptions of Parcel A.

(3) EFFECT.—Nothing in this section—

(A) affects any valid right in existence on the date of enactment of this Act;

(B) enlarges, impairs, or otherwise affects any right or claim of the Tribe to any land or interest in land other than to Parcel A that is—

(i) based on an aboriginal or Indian title; and

(ii) in existence as of the date of enactment of this Act; or

(C) constitutes an express or implied reservation of water or a water right with respect to Parcel A.

(4) LAND TO BE MADE A PART OF THE RESERVATION.—Land taken into trust pursuant to this section shall be considered to be part of the reservation of the Tribe.

SEC. 1983. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

SEC. 2001. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) SYSTEM.—The term “system” means the National Landscape Conservation System established by section 2002(a).

SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;

(B) a national conservation area;

(C) a wilderness study area;

(D) a national scenic trail or national historic trail designated as a component of the National Trails System;

(E) a component of the National Wild and Scenic Rivers System; or

(F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area;

(B) the Headwaters Forest Reserve;

(C) the Yaquina Head Outstanding Natural Area;

(D) public land within the California Desert Conservation Area administered by the Bureau of Land Management for conservation purposes; and

(E) any additional area designated by Congress for inclusion in the system.

(c) MANAGEMENT.—The Secretary shall manage the system—

(1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

(d) EFFECT.—

(1) IN GENERAL.—Nothing in this subtitle enhances, diminishes, or modifies any law or proclamation (including regulations relating to the law or proclamation) under which the

components of the system described in subsection (b) were established or are managed, including—

(A) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(B) the Wilderness Act (16 U.S.C. 1131 et seq.);

(C) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(D) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) FISH AND WILDLIFE.—Nothing in this subtitle shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping and recreational shooting on public land managed by the Bureau of Land Management. Nothing in this subtitle shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle B—Prehistoric Trackways National Monument

SEC. 2101. FINDINGS.

Congress finds that—

(1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatrackways was discovered in the Robledo Mountains in southern New Mexico;

(2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including previously unknown species), plants, and petrified wood dating back approximately 280,000,000 years, which collectively provide new opportunities to understand animal behaviors and environments from a time predating the dinosaurs;

(3) title III of Public Law 101–578 (104 Stat. 2860)—

(A) provided interim protection for the site at which the trackways were discovered; and

(B) directed the Secretary of the Interior to—

(i) prepare a study assessing the significance of the site; and

(ii) based on the study, provide recommendations for protection of the paleontological resources at the site;

(4) the Bureau of Land Management completed the Paleozoic Trackways Scientific Study Report in 1994, which characterized the site as containing “the most scientifically significant Early Permian tracksites” in the world;

(5) despite the conclusion of the study and the recommendations for protection, the site remains unprotected and many irreplaceable trackways specimens have been lost to vandalism or theft; and

(6) designation of the trackways site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

SEC. 2102. DEFINITIONS.

In this subtitle:

(1) MONUMENT.—The term “Monument” means the Prehistoric Trackways National Monument established by section 2103(a).

(2) PUBLIC LAND.—The term “public land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 2103. ESTABLISHMENT.

(a) IN GENERAL.—In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico.

(b) DESCRIPTION OF LAND.—The Monument shall consist of approximately 5,280 acres of public land in Doña Ana County, New Mexico, as generally depicted on the map entitled “Prehistoric Trackways National Monument” and dated December 17, 2008.

(c) MAP; LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.

(2) CORRECTIONS.—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.

(3) CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.—In the case of a conflict between the map and the legal description, the map shall control.

(4) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) MINOR BOUNDARY ADJUSTMENTS.—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of this Act, the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument.

SEC. 2104. ADMINISTRATION.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in section 2103(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) other applicable laws.

(2) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Monument shall be managed as a component of the National Landscape Conservation System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument.

(2) COMPONENTS.—The management plan under paragraph (1)—

(A) shall—

(i) describe the appropriate uses and management of the Monument, consistent with the provisions of this subtitle; and

(ii) allow for continued scientific research at the Monument during the development of the management plan; and

(B) may—

(i) incorporate any appropriate decisions contained in any current management or activity plan for the land described in section 2103(b); and

(ii) use information developed in studies of any land within or adjacent to the Monument that were conducted before the date of enactment of this Act.

(c) **AUTHORIZED USES.**—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(d) **INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.**—

(1) **IN GENERAL.**—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(e) **SPECIAL MANAGEMENT AREAS.**—

(1) **IN GENERAL.**—The establishment of the Monument shall not change the management status of any area within the boundary of the Monument that is—

(A) designated as a wilderness study area and managed in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(B) managed as an area of critical environmental concern.

(2) **CONFLICT OF LAWS.**—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this subtitle, the more restrictive provision shall control.

(f) **MOTORIZED VEHICLES.**—

(1) **IN GENERAL.**—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan prepared under subsection (b).

(2) **PERMITTED EVENTS.**—The Secretary may issue permits for special recreation events involving motorized vehicles within the boundaries of the Monument—

(A) to the extent the events do not harm paleontological resources; and

(B) subject to any terms and conditions that the Secretary determines to be necessary.

(g) **WITHDRAWALS.**—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(h) **GRAZING.**—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).

(i) **WATER RIGHTS.**—Nothing in this subtitle constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

SEC. 2201. DEFINITIONS.

In this subtitle:

(1) **CONSERVATION AREA.**—The term “Conservation Area” means the Fort Stanton-Snowy River Cave National Conservation Area established by section 2202(a).

(2) **MANAGEMENT PLAN.**—The term “management plan” means the management plan developed for the Conservation Area under section 2203(c).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 2202. ESTABLISHMENT OF THE FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA.

(a) **ESTABLISHMENT; PURPOSES.**—There is established the Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave resources of the Fort Stanton-Snowy River cave system.

(b) **AREA INCLUDED.**—The Conservation Area shall include the area within the boundaries depicted on the map entitled “Fort Stanton-Snowy River Cave National Conservation Area” and dated December 15, 2008.

(c) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) **EFFECT.**—The map and legal description of the Conservation Area shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description of the Conservation Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.

(a) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in section 2202(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable laws.

(2) **USES.**—The Secretary shall only allow uses of the Conservation Area that are consistent with the protection of the cave resources.

(3) **REQUIREMENTS.**—In administering the Conservation Area, the Secretary shall provide for—

(A) the conservation and protection of the natural and unique features and environs for scientific, educational, and other appropriate public uses of the Conservation Area;

(B) public access, as appropriate, while providing for the protection of the cave resources and for public safety;

(C) the continuation of other existing uses or other new uses of the Conservation Area that do not impair the purposes for which the Conservation Area is established;

(D) management of the surface area of the Conservation Area in accordance with the Fort Stanton Area of Critical Environmental Concern Final Activity Plan dated March, 2001, or any amendments to the plan, consistent with this subtitle; and

(E) scientific investigation and research opportunities within the Conservation Area, including through partnerships with colleges, universities, schools, scientific institutions, researchers, and scientists to conduct research and provide educational and interpretive services within the Conservation Area.

(b) **WITHDRAWALS.**—Subject to valid existing rights, all Federal surface and subsurface land within the Conservation Area and all land and interests in the land that are acquired by the United States after the date of enactment of this Act for inclusion in the Conservation Area, are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the general land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation under the mineral leasing and geothermal leasing laws.

(c) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-term management of the Conservation Area.

(2) **PURPOSES.**—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area;

(B) incorporate, as appropriate, decisions contained in any other management or activity plan for the land within or adjacent to the Conservation Area;

(C) take into consideration any information developed in studies of the land and resources within or adjacent to the Conservation Area; and

(D) provide for a cooperative agreement with Lincoln County, New Mexico, to address the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area.

(d) **RESEARCH AND INTERPRETIVE FACILITIES.**—

(1) **IN GENERAL.**—The Secretary may establish facilities for—

(A) the conduct of scientific research; and

(B) the interpretation of the historical, cultural, scientific, archaeological, natural, and educational resources of the Conservation Area.

(2) **COOPERATIVE AGREEMENTS.**—The Secretary may, in a manner consistent with this subtitle, enter into cooperative agreements with the State of New Mexico and other institutions and organizations to carry out the purposes of this subtitle.

(e) **WATER RIGHTS.**—Nothing in this subtitle constitutes an express or implied reservation of any water right.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle D—Snake River Birds of Prey National Conservation Area

SEC. 2301. SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.

(a) **RENAMING.**—Public Law 103-64 is amended—

(1) in section 2(2) (16 U.S.C. 460iii-1(2)), by inserting “Morley Nelson” before “Snake River Birds of Prey National Conservation Area”; and

(2) in section 3(a)(1) (16 U.S.C. 460iii-2(a)(1)), by inserting “Morley Nelson” before “Snake River Birds of Prey National Conservation Area”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Snake River Birds of Prey National Conservation

Area shall be deemed to be a reference to the Morley Nelson Snake River Birds of Prey National Conservation Area.

(c) TECHNICAL CORRECTIONS.—Public Law 103-64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 460iii-2(a)(1)), by striking “(hereafter referred to as the ‘conservation area’)”; and

(2) in section 4 (16 U.S.C. 460iii-3)—

(A) in subsection (a)(2), by striking “Conservation Area” and inserting “conservation area”; and

(B) in subsection (d), by striking “Visitors Center” and inserting “visitors center”.

Subtitle E—Dominguez-Escalante National Conservation Area

SEC. 2401. DEFINITIONS.

In this subtitle:

(1) CONSERVATION AREA.—The term “Conservation Area” means the Dominguez-Escalante National Conservation Area established by section 2402(a)(1).

(2) COUNCIL.—The term “Council” means the Dominguez-Escalante National Conservation Area Advisory Council established under section 2407.

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan developed under section 2406.

(4) MAP.—The term “Map” means the map entitled “Dominguez-Escalante National Conservation Area” and dated September 15, 2008.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of Colorado.

(7) WILDERNESS.—The term “Wilderness” means the Dominguez Canyon Wilderness Area designated by section 2403(a).

SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Dominguez-Escalante National Conservation Area in the State.

(2) AREA INCLUDED.—The Conservation Area shall consist of approximately 209,610 acres of public land, as generally depicted on the Map.

(b) PURPOSES.—The purposes of the Conservation Area are to conserve and protect for the benefit and enjoyment of present and future generations—

(1) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and

(2) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) as a component of the National Landscape Conservation System;

(B) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area described in subsection (b); and

(C) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this subtitle; and

(iii) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines would further the purposes for which the Conservation Area is established.

(B) USE OF MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as provided in clauses (ii) and (iii), use of motorized vehicles in the Conservation Area shall be allowed—

(I) before the effective date of the management plan, only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public land in the Conservation Area; and

(II) after the effective date of the management plan, only on roads and trails designated in the management plan for the use of motor vehicles.

(ii) ADMINISTRATIVE AND EMERGENCY RESPONSE USE.—Clause (i) shall not limit the use of motor vehicles in the Conservation Area for administrative purposes or to respond to an emergency.

(iii) LIMITATION.—This subparagraph shall not apply to the Wilderness.

SEC. 2403. DOMINGUEZ CANYON WILDERNESS AREA.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 66,280 acres of public land in Mesa, Montrose, and Delta Counties, Colorado, as generally depicted on the Map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Dominguez Canyon Wilderness Area”.

(b) ADMINISTRATION OF WILDERNESS.—The Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this subtitle, except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

SEC. 2404. MAPS AND LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Conservation Area and the Wilderness with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The Map and legal descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the Map and legal descriptions.

(c) PUBLIC AVAILABILITY.—The Map and legal descriptions filed under subsection (a) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2405. MANAGEMENT OF CONSERVATION AREA AND WILDERNESS.

(a) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired by the United States within the Conservation Area or the Wilderness is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) GRAZING.—

(1) GRAZING IN CONSERVATION AREA.—Except as provided in paragraph (2), the Sec-

retary shall issue and administer any grazing leases or permits in the Conservation Area in accordance with the laws (including regulations) applicable to the issuance and administration of such leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) GRAZING IN WILDERNESS.—The grazing of livestock in the Wilderness, if established as of the date of enactment of this Act, shall be permitted to continue—

(A) subject to any reasonable regulations, policies, and practices that the Secretary determines to be necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(c) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this subtitle creates a protective perimeter or buffer zone around the Conservation Area.

(2) ACTIVITIES OUTSIDE CONSERVATION AREA.—The fact that an activity or use on land outside the Conservation Area can be seen or heard within the Conservation Area shall not preclude the activity or use outside the boundary of the Conservation Area.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire non-Federal land within the boundaries of the Conservation Area or the Wilderness only through exchange, donation, or purchase from a willing seller.

(2) MANAGEMENT.—Land acquired under paragraph (1) shall—

(A) become part of the Conservation Area and, if applicable, the Wilderness; and

(B) be managed in accordance with this subtitle and any other applicable laws.

(e) FIRE, INSECTS, AND DISEASES.—Subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may undertake such measures as are necessary to control fire, insects, and diseases—

(1) in the Wilderness, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(2) except as provided in paragraph (1), in the Conservation Area in accordance with this subtitle and any other applicable laws.

(f) ACCESS.—The Secretary shall continue to provide private landowners adequate access to inholdings in the Conservation Area.

(g) INVASIVE SPECIES AND NOXIOUS WEEDS.—In accordance with any applicable laws and subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the Conservation Area.

(h) WATER RIGHTS.—

(1) EFFECT.—Nothing in this subtitle—

(A) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) affects any interstate water compact in existence on the date of enactment of this Act;

(D) authorizes or imposes any new reserved Federal water rights; or

(E) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States

in the State on or before the date of enactment of this Act.

(2) **WILDERNESS WATER RIGHTS.**—

(A) **IN GENERAL.**—The Secretary shall ensure that any water rights within the Wilderness required to fulfill the purposes of the Wilderness are secured in accordance with subparagraphs (B) through (G).

(B) **STATE LAW.**—

(i) **PROCEDURAL REQUIREMENTS.**—Any water rights within the Wilderness for which the Secretary pursues adjudication shall be adjudicated, changed, and administered in accordance with the procedural requirements and priority system of State law.

(ii) **ESTABLISHMENT OF WATER RIGHTS.**—

(I) **IN GENERAL.**—Except as provided in subclause (II), the purposes and other substantive characteristics of the water rights pursued under this paragraph shall be established in accordance with State law.

(II) **EXCEPTION.**—Notwithstanding subclause (I) and in accordance with this subtitle, the Secretary may appropriate and seek adjudication of water rights to maintain surface water levels and stream flows on and across the Wilderness to fulfill the purposes of the Wilderness.

(C) **DEADLINE.**—The Secretary shall promptly, but not earlier than January 2009, appropriate the water rights required to fulfill the purposes of the Wilderness.

(D) **REQUIRED DETERMINATION.**—The Secretary shall not pursue adjudication for any instream flow water rights unless the Secretary makes a determination pursuant to subparagraph (E)(ii) or (F).

(E) **COOPERATIVE ENFORCEMENT.**—

(i) **IN GENERAL.**—The Secretary shall not pursue adjudication of any Federal instream flow water rights established under this paragraph if—

(I) the Secretary determines, upon adjudication of the water rights by the Colorado Water Conservation Board, that the Board holds water rights sufficient in priority, amount, and timing to fulfill the purposes of the Wilderness; and

(II) the Secretary has entered into a perpetual agreement with the Colorado Water Conservation Board to ensure the full exercise, protection, and enforcement of the State water rights within the Wilderness to reliably fulfill the purposes of the Wilderness.

(ii) **ADJUDICATION.**—If the Secretary determines that the provisions of clause (i) have not been met, the Secretary shall adjudicate and exercise any Federal water rights required to fulfill the purposes of the Wilderness in accordance with this paragraph.

(F) **INSUFFICIENT WATER RIGHTS.**—If the Colorado Water Conservation Board modifies the instream flow water rights obtained under subparagraph (E) to such a degree that the Secretary determines that water rights held by the State are insufficient to fulfill the purposes of the Wilderness, the Secretary shall adjudicate and exercise Federal water rights required to fulfill the purposes of the Wilderness in accordance with subparagraph (B).

(G) **FAILURE TO COMPLY.**—The Secretary shall promptly act to exercise and enforce the water rights described in subparagraph (E) if the Secretary determines that—

(i) the State is not exercising its water rights consistent with subparagraph (E)(i)(I); or

(ii) the agreement described in subparagraph (E)(i)(II) is not fulfilled or complied with sufficiently to fulfill the purposes of the Wilderness.

(3) **WATER RESOURCE FACILITY.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law and subject to subparagraph (B), beginning on the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new irrigation and pumping facility, reservoir, water conservation work, aqueduct, canal, ditch, pipeline, well, hydro-power project, transmission, other ancillary facility, or other water, diversion, storage, or carriage structure in the Wilderness.

(B) **EXCEPTION.**—Notwithstanding subparagraph (A), the Secretary may allow construction of new livestock watering facilities within the Wilderness in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) **CONSERVATION AREA WATER RIGHTS.**—With respect to water within the Conservation Area, nothing in this subtitle—

(A) authorizes any Federal agency to appropriate or otherwise acquire any water right on the mainstem of the Gunnison River; or

(B) prevents the State from appropriating or acquiring, or requires the State to appropriate or acquire, an instream flow water right on the mainstem of the Gunnison River.

(5) **WILDERNESS BOUNDARIES ALONG GUNNISON RIVER.**—

(A) **IN GENERAL.**—In areas in which the Gunnison River is used as a reference for defining the boundary of the Wilderness, the boundary shall—

(i) be located at the edge of the river; and

(ii) change according to the river level.

(B) **EXCLUSION FROM WILDERNESS.**—Regardless of the level of the Gunnison River, no portion of the Gunnison River is included in the Wilderness.

(i) **EFFECT.**—Nothing in this subtitle—

(1) diminishes the jurisdiction of the State with respect to fish and wildlife in the State; or

(2) imposes any Federal water quality standard upstream of the Conservation Area or within the mainstem of the Gunnison River that is more restrictive than would be applicable had the Conservation Area not been established.

(j) **VALID EXISTING RIGHTS.**—The designation of the Conservation Area and Wilderness is subject to valid rights in existence on the date of enactment of this Act.

SEC. 2406. MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Conservation Area.

(b) **PURPOSES.**—The management plan shall—

(1) describe the appropriate uses and management of the Conservation Area;

(2) be developed with extensive public input;

(3) take into consideration any information developed in studies of the land within the Conservation Area; and

(4) include a comprehensive travel management plan.

SEC. 2407. ADVISORY COUNCIL.

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory

council, to be known as the “Dominguez-Escalante National Conservation Area Advisory Council”.

(b) **DUTIES.**—The Council shall advise the Secretary with respect to the preparation and implementation of the management plan.

(c) **APPLICABLE LAW.**—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) **MEMBERS.**—The Council shall include 10 members to be appointed by the Secretary, of whom, to the extent practicable—

(1) 1 member shall be appointed after considering the recommendations of the Mesa County Commission;

(2) 1 member shall be appointed after considering the recommendations of the Montrose County Commission;

(3) 1 member shall be appointed after considering the recommendations of the Delta County Commission;

(4) 1 member shall be appointed after considering the recommendations of the permittees holding grazing allotments within the Conservation Area or the Wilderness; and

(5) 5 members shall reside in, or within reasonable proximity to, Mesa County, Delta County, or Montrose County, Colorado, with backgrounds that reflect—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and Wilderness.

(e) **REPRESENTATION.**—The Secretary shall ensure that the membership of the Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Council.

(f) **DURATION.**—The Council shall terminate on the date that is 1 year from the date on which the management plan is adopted by the Secretary.

SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle F—Rio Puerco Watershed Management Program

SEC. 2501. RIO PUERCO WATERSHED MANAGEMENT PROGRAM.

(a) **RIO PUERCO MANAGEMENT COMMITTEE.**—Section 401(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4147) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (I) through (N) as subparagraphs (J) through (O), respectively; and

(B) by inserting after subparagraph (H) the following:

“(I) the Environmental Protection Agency;”;

(2) in paragraph (4), by striking “enactment of this Act” and inserting “enactment of the Omnibus Public Land Management Act of 2009”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 401(e) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4148) is amended by striking “enactment of this Act” and inserting “enactment of the Omnibus Public Land Management Act of 2009”.

Subtitle G—Land Conveyances and Exchanges

SEC. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES.

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term “City” means Carson City Consolidated Municipality, Nevada.

(2) **MAP.**—The term “Map” means the map entitled “Carson City, Nevada Area”, dated November 7, 2008, and on file and available for public inspection in the appropriate offices of—

- (A) the Bureau of Land Management;
- (B) the Forest Service; and
- (C) the City.

(3) **SECRETARY.**—The term “Secretary” means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) with respect to other Federal land, the Secretary of the Interior.

(4) **SECRETARIES.**—The term “Secretaries” means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(5) **TRIBE.**—The term “Tribe” means the Washoe Tribe of Nevada and California, which is a federally recognized Indian tribe.

(b) **CONVEYANCES OF FEDERAL LAND AND CITY LAND.**—

(1) **IN GENERAL.**—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), if the City offers to convey to the United States title to the non-Federal land described in paragraph (2)(A) that is acceptable to the Secretary of Agriculture—

(A) the Secretary shall accept the offer; and

(B) not later than 180 days after the date on which the Secretary receives acceptable title to the non-Federal land described in paragraph (2)(A), the Secretaries shall convey to the City, subject to valid existing rights and for no consideration, except as provided in paragraph (3)(A), all right, title, and interest of the United States in and to the Federal land (other than any easement reserved under paragraph (3)(B)) or interest in land described in paragraph (2)(B).

(2) **DESCRIPTION OF LAND.**—

(A) **NON-FEDERAL LAND.**—The non-Federal land referred to in paragraph (1) is the approximately 2,264 acres of land administered by the City and identified on the Map as “To U.S. Forest Service”.

(B) **FEDERAL LAND.**—The Federal land referred to in paragraph (1)(B) is—

(i) the approximately 935 acres of Forest Service land identified on the Map as “To Carson City for Natural Areas”;

(ii) the approximately 3,604 acres of Bureau of Land Management land identified on the Map as “Silver Saddle Ranch and Carson River Area”;

(iii) the approximately 1,848 acres of Bureau of Land Management land identified on the Map as “To Carson City for Parks and Public Purposes”;

(iv) the approximately 75 acres of City land in which the Bureau of Land Management has a reversionary interest that is identified on the Map as “Reversionary Interest of the United States Released”.

(3) **CONDITIONS.**—

(A) **CONSIDERATION.**—Before the conveyance of the 62-acre Bernhard parcel to the City, the City shall deposit in the special account established by subsection (e)(2)(A) an amount equal to 25 percent of the difference between—

(i) the amount for which the Bernhard parcel was purchased by the City on July 18, 2001; and

(ii) the amount for which the Bernhard parcel was purchased by the Secretary on March 24, 2006.

(B) **CONSERVATION EASEMENT.**—As a condition of the conveyance of the land described

in paragraph (2)(B)(ii), the Secretary, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement to the land to protect, preserve, and enhance the conservation values of the land, consistent with paragraph (4)(B).

(C) **COSTS.**—Any costs relating to the conveyance under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(4) **USE OF LAND.**—

(A) **NATURAL AREAS.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the land described in paragraph (2)(B)(i) shall be managed by the City to maintain undeveloped open space and to preserve the natural characteristics of the land in perpetuity.

(ii) **EXCEPTION.**—Notwithstanding clause (i), the City may—

(I) conduct projects on the land to reduce fuels;

(II) construct and maintain trails, trail-head facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act.

(B) **SILVER SADDLE RANCH AND CARSON RIVER AREA.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the land described in paragraph (2)(B)(ii) shall—

(I) be managed by the City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and

(II) be used for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection.

(ii) **EXCEPTION.**—Notwithstanding clause (i), the City may—

(I) construct and maintain trails and trail-head facilities on the land;

(II) conduct projects on the land to reduce fuels;

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act; and

(IV) allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.

(C) **PARKS AND PUBLIC PURPOSES.**—The land described in paragraph (2)(B)(iii) shall be managed by the City for—

(i) undeveloped open space; and

(ii) recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.).

(D) **REVERSIONARY INTEREST.**—

(i) **RELEASE.**—The reversionary interest described in paragraph (2)(B)(iv) shall terminate on the date of enactment of this Act.

(ii) **CONVEYANCE BY CITY.**—

(I) **IN GENERAL.**—If the City sells, leases, or otherwise conveys any portion of the land described in paragraph (2)(B)(iv), the sale, lease, or conveyance of land shall be—

(aa) through a competitive bidding process; and

(bb) except as provided in subclause (II), for not less than fair market value.

(II) **CONVEYANCE TO GOVERNMENT OR NON-PROFIT.**—A sale, lease, or conveyance of land described in paragraph (2)(B)(iv) to the Federal Government, a State government, a unit of local government, or a nonprofit organization shall be for consideration in an amount equal to the price established by the Secretary of the Interior under section 2741 of title 43, Code of Federal Regulation (or successor regulations).

(III) **DISPOSITION OF PROCEEDS.**—The gross proceeds from the sale, lease, or conveyance of land under subclause (I) shall be distributed in accordance with subsection (e)(1).

(5) **REVERSION.**—If land conveyed under paragraph (1) is used in a manner that is inconsistent with the uses described in subparagraph (A), (B), (C), or (D) of paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(6) **MISCELLANEOUS PROVISIONS.**—

(A) **IN GENERAL.**—On conveyance of the non-Federal land under paragraph (1) to the Secretary of Agriculture, the non-Federal land shall—

(i) become part of the Humboldt-Toiyabe National Forest; and

(ii) be administered in accordance with the laws (including the regulations) and rules generally applicable to the National Forest System.

(B) **MANAGEMENT PLAN.**—The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for National Forest System land that ensures the protection and stabilization of the National Forest System land to minimize the impacts of flooding on the City.

(7) **CONVEYANCE TO BUREAU OF LAND MANAGEMENT.**—

(A) **IN GENERAL.**—If the City offers to convey to the United States title to the non-Federal land described in subparagraph (B) that is acceptable to the Secretary of the Interior, the land shall, at the discretion of the Secretary, be conveyed to the United States.

(B) **DESCRIPTION OF LAND.**—The non-Federal land referred to in subparagraph (A) is the approximately 46 acres of land administered by the City and identified on the Map as “To Bureau of Land Management”.

(C) **COSTS.**—Any costs relating to the conveyance under subparagraph (A), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(C) **TRANSFER OF ADMINISTRATIVE JURISDICTION FROM THE FOREST SERVICE TO THE BUREAU OF LAND MANAGEMENT.**—

(1) **IN GENERAL.**—Administrative jurisdiction over the approximately 50 acres of Forest Service land identified on the Map as “Parcel #1” is transferred, from the Secretary of Agriculture to the Secretary of the Interior.

(2) **COSTS.**—Any costs relating to the transfer under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(3) **USE OF LAND.**—

(A) **RIGHT-OF-WAY.**—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior shall grant to the City a right-of-way for the maintenance of flood management facilities located on the land.

(B) **DISPOSAL.**—The land referred to in paragraph (1) shall be disposed of in accordance with subsection (d).

(C) **DISPOSITION OF PROCEEDS.**—The gross proceeds from the disposal of land under subparagraph (B) shall be distributed in accordance with subsection (e)(1).

(d) **DISPOSAL OF CARSON CITY LAND.**—

(1) **IN GENERAL.**—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall, in accordance with that Act, this subsection, and other applicable law, and subject to valid existing rights, conduct sales of the Federal land described in paragraph (2) to qualified bidders.

(2) DESCRIPTION OF LAND.—The Federal land referred to in paragraph (1) is—

(A) the approximately 108 acres of Bureau of Land Management land identified as “Lands for Disposal” on the Map; and

(B) the approximately 50 acres of land identified as “Parcel #1” on the Map.

(3) COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.—Before a sale of Federal land under paragraph (1), the City shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(A) City zoning ordinances; and

(B) any master plan for the area approved by the City.

(4) METHOD OF SALE; CONSIDERATION.—The sale of Federal land under paragraph (1) shall be—

(A) consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713);

(B) unless otherwise determined by the Secretary, through a competitive bidding process; and

(C) for not less than fair market value.

(5) WITHDRAWAL.—

(A) IN GENERAL.—Subject to valid existing rights and except as provided in subparagraph (B), the Federal land described in paragraph (2) is withdrawn from—

(i) all forms of entry and appropriation under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing and geothermal leasing laws.

(B) EXCEPTION.—Subparagraph (A)(i) shall not apply to sales made consistent with this subsection.

(6) DEADLINE FOR SALE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 1 year after the date of enactment of this Act, if there is a qualified bidder for the land described in subparagraphs (A) and (B) of paragraph (2), the Secretary of the Interior shall offer the land for sale to the qualified bidder.

(B) POSTPONEMENT; EXCLUSION FROM SALE.—

(i) REQUEST BY CARSON CITY FOR POSTPONEMENT OR EXCLUSION.—At the request of the City, the Secretary shall postpone or exclude from the sale under subparagraph (A) all or a portion of the land described in subparagraphs (A) and (B) of paragraph (2).

(ii) INDEFINITE POSTPONEMENT.—Unless specifically requested by the City, a postponement under clause (i) shall not be indefinite.

(e) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—Of the proceeds from the sale of land under subsections (b)(4)(D)(ii) and (d)(1)—

(A) 5 percent shall be paid directly to the State for use in the general education program of the State; and

(B) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the “Carson City Special Account”, and shall be available without further appropriation to the Secretary until expended to—

(i) reimburse costs incurred by the Bureau of Land Management for preparing for the sale of the Federal land described in subsection (d)(2), including the costs of—

(I) surveys and appraisals; and

(II) compliance with—

(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(bb) sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(ii) reimburse costs incurred by the Bureau of Land Management and Forest Service for

preparing for, and carrying out, the transfers of land to be held in trust by the United States under subsection (h)(1); and

(iii) acquire environmentally sensitive land or an interest in environmentally sensitive land in the City.

(2) SILVER SADDLE ENDOWMENT ACCOUNT.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a special account, to be known as the “Silver Saddle Endowment Account”, consisting of such amounts as are deposited under subsection (b)(3)(A).

(B) AVAILABILITY OF AMOUNTS.—Amounts deposited in the account established by paragraph (1) shall be available to the Secretary, without further appropriation, for the oversight and enforcement of the conservation easement established under subsection (b)(3)(B).

(f) URBAN INTERFACE.—

(1) IN GENERAL.—Except as otherwise provided in this section and subject to valid existing rights, the Federal land described in paragraph (2) is permanently withdrawn from—

(A) all forms of entry and appropriation under the public land laws and mining laws;

(B) location and patent under the mining laws; and

(C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 19,747 acres, which is identified on the Map as “Urban Interface Withdrawal”.

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the land described in paragraph (2) that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with this subsection.

(4) OFF-HIGHWAY VEHICLE MANAGEMENT.—Until the date on which the Secretary, in consultation with the State, the City, and any other interested persons, completes a transportation plan for Federal land in the City, the use of motorized and mechanical vehicles on Federal land within the City shall be limited to roads and trails in existence on the date of enactment of this Act unless the use of the vehicles is needed—

(A) for administrative purposes; or

(B) to respond to an emergency.

(g) AVAILABILITY OF FUNDS.—Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—

(1) in paragraph (3)(A)(iv), by striking “Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4))” and inserting “Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4)) and Carson City (subject to paragraph 5))”;

(2) in paragraph (3)(A)(v), by striking “Clark, Lincoln, and White Pine Counties” and inserting “Clark, Lincoln, and White Pine Counties and Carson City (subject to paragraph 5))”;

(3) in paragraph (4), by striking “2011” and inserting “2015”; and

(4) by adding at the end the following:

“(5) LIMITATION FOR CARSON CITY.—Carson City shall be eligible to nominate for expenditure amounts to acquire land or an interest in land for parks or natural areas and for conservation initiatives—

“(A) adjacent to the Carson River; or

“(B) within the floodplain of the Carson River.”.

(h) TRANSFER OF LAND TO BE HELD IN TRUST FOR WASHOE TRIBE.—

(1) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (2)—

(A) shall be held in trust by the United States for the benefit and use of the Tribe; and

(B) shall be part of the reservation of the Tribe.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 293 acres, which is identified on the Map as “To Washoe Tribe”.

(3) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under paragraph (1).

(4) USE OF LAND.—

(A) GAMING.—Land taken into trust under paragraph (1) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(B) TRUST LAND FOR CEREMONIAL USE AND CONSERVATION.—With respect to the use of the land taken into trust under paragraph (1) that is above the 5,200’ elevation contour, the Tribe—

(i) shall limit the use of the land to—

(I) traditional and customary uses; and

(II) stewardship conservation for the benefit of the Tribe; and

(ii) shall not permit any—

(I) permanent residential or recreational development on the land; or

(II) commercial use of the land, including commercial development or gaming.

(C) TRUST LAND FOR COMMERCIAL AND RESIDENTIAL USE.—With respect to the use of the land taken into trust under paragraph (1), the Tribe shall limit the use of the land below the 5,200’ elevation to—

(i) traditional and customary uses;

(ii) stewardship conservation for the benefit of the Tribe; and

(iii)(I) residential or recreational development; or

(II) commercial use.

(D) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under paragraph (1), the Secretary of Agriculture, in consultation and coordination with the Tribe, may carry out any thinning and other landscape restoration activities on the land that is beneficial to the Tribe and the Forest Service.

(i) CORRECTION OF SKUNK HARBOR CONVEYANCE.—

(1) PURPOSE.—The purpose of this subsection is to amend Public Law 108-67 (117 Stat. 880) to make a technical correction relating to the land conveyance authorized under that Act.

(2) TECHNICAL CORRECTION.—Section 2 of Public Law 108-67 (117 Stat. 880) is amended—

(A) by striking “Subject to” and inserting the following:

“(a) IN GENERAL.—Subject to”;

(B) in subsection (a) (as designated by paragraph (1)), by striking “the parcel” and all that follows through the period at the end and inserting the following: “and to approximately 23 acres of land identified as ‘Parcel A’ on the map entitled ‘Skunk Harbor Conveyance Correction’ and dated September 12, 2008, the western boundary of which is the low water line of Lake Tahoe at elevation 6,223.0’ (Lake Tahoe Datum).”;

(C) by adding at the end the following:

“(b) SURVEY AND LEGAL DESCRIPTION.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Agriculture shall complete a survey and legal description of the boundary lines to establish the boundaries of the trust land.

“(2) TECHNICAL CORRECTIONS.—The Secretary may correct any technical errors in the survey or legal description completed under paragraph (1).

“(c) PUBLIC ACCESS AND USE.—Nothing in this Act prohibits any approved general public access (through existing easements or by boat) to, or use of, land remaining within the Lake Tahoe Basin Management Unit after the conveyance of the land to the Secretary of the Interior, in trust for the Tribe, under subsection (a), including access to, and use of, the beach and shoreline areas adjacent to the portion of land conveyed under that subsection.”

(3) DATE OF TRUST STATUS.—The trust land described in section 2(a) of Public Law 108-67 (117 Stat. 880) shall be considered to be taken into trust as of August 1, 2003.

(4) TRANSFER.—The Secretary of the Interior, acting on behalf of and for the benefit of the Tribe, shall transfer to the Secretary of Agriculture administrative jurisdiction over the land identified as “Parcel B” on the map entitled “Skunk Harbor Conveyance Correction” and dated September 12, 2008.

(j) AGREEMENT WITH FOREST SERVICE.—The Secretary of Agriculture, in consultation with the Tribe, shall develop and implement a cooperative agreement that ensures regular access by members of the Tribe and other people in the community of the Tribe across National Forest System land from the City to Lake Tahoe for cultural and religious purposes.

(k) ARTIFACT COLLECTION.—

(1) NOTICE.—At least 180 days before conducting any ground disturbing activities on the land identified as “Parcel #2” on the Map, the City shall notify the Tribe of the proposed activities to provide the Tribe with adequate time to inventory and collect any artifacts in the affected area.

(2) AUTHORIZED ACTIVITIES.—On receipt of notice under paragraph (1), the Tribe may collect and possess any artifacts relating to the Tribe in the land identified as “Parcel #2” on the Map.

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2602. SOUTHERN NEVADA LIMITED TRANSITION AREA CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means the City of Henderson, Nevada.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STATE.—The term “State” means the State of Nevada.

(4) TRANSITION AREA.—The term “Transition Area” means the approximately 502 acres of Federal land located in Henderson, Nevada, and identified as “Limited Transition Area” on the map entitled “Southern Nevada Limited Transition Area Act” and dated March 20, 2006.

(b) SOUTHERN NEVADA LIMITED TRANSITION AREA.—

(1) CONVEYANCE.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), on request of the City, the Secretary shall, without consideration and subject to all valid existing rights, convey to the City all right, title, and interest of the United States in and to the Transition Area.

(2) USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.—

(A) IN GENERAL.—After the conveyance to the City under paragraph (1), the City may sell, lease, or otherwise convey any portion or portions of the Transition Area for purposes of nonresidential development.

(B) METHOD OF SALE.—

(i) IN GENERAL.—The sale, lease, or conveyance of land under subparagraph (A) shall be through a competitive bidding process.

(ii) FAIR MARKET VALUE.—Any land sold, leased, or otherwise conveyed under subparagraph (A) shall be for not less than fair market value.

(C) COMPLIANCE WITH CHARTER.—Except as provided in subparagraphs (B) and (D), the City may sell, lease, or otherwise convey parcels within the Transition Area only in accordance with the procedures for conveyances established in the City Charter.

(D) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale of land under subparagraph (A) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(3) USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election.

(4) NOISE COMPATIBILITY REQUIREMENTS.—The City shall—

(A) plan and manage the Transition Area in accordance with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated in accordance with that section; and

(B) agree that if any land in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance shall contain a limitation to require uses compatible with that airport noise compatibility planning.

(5) REVERSION.—

(A) IN GENERAL.—If any parcel of land in the Transition Area is not conveyed for nonresidential development under this section or reserved for recreation or other public purposes under paragraph (3) by the date that is 20 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(B) INCONSISTENT USE.—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this subsection—

(i) at the discretion of the Secretary, the parcel shall revert to the United States; or

(ii) if the Secretary does not make an election under clause (i), the City shall sell the parcel of land in accordance with this subsection.

SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) ALTA-HUALAPAI SITE.—The term “Alta-Hualapai Site” means the approximately 80 acres of land that is—

(A) patented to the City under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.); and

(B) identified on the map as the “Alta-Hualapai Site”.

(2) CITY.—The term “City” means the city of Las Vegas, Nevada.

(3) INSTITUTE.—The term “Institute” means the Nevada Cancer Institute, a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code of 1986, the principal place of business of which is at 10441 West Twain Avenue, Las Vegas, Nevada.

(4) MAP.—The term “map” means the map titled “Nevada Cancer Institute Expansion Act” and dated July 17, 2006.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) WATER DISTRICT.—The term “Water District” means the Las Vegas Valley Water District.

(b) LAND CONVEYANCE.—

(1) SURVEY AND LEGAL DESCRIPTION.—The City shall prepare a survey and legal description of the Alta-Hualapai Site. The survey shall conform to the Bureau of Land Management cadastral survey standards and be subject to approval by the Secretary.

(2) ACCEPTANCE.—The Secretary may accept the relinquishment by the City of all or part of the Alta-Hualapai Site.

(3) CONVEYANCE FOR USE AS NONPROFIT CANCER INSTITUTE.—After relinquishment of all or part of the Alta-Hualapai Site to the Secretary, and not later than 180 days after request of the Institute, the Secretary shall convey to the Institute, subject to valid existing rights, the portion of the Alta-Hualapai Site that is necessary for the development of a nonprofit cancer institute.

(4) ADDITIONAL CONVEYANCES.—Not later than 180 days after a request from the City, the Secretary shall convey to the City, subject to valid existing rights, any remaining portion of the Alta-Hualapai Site necessary for ancillary medical or nonprofit use compatible with the mission of the Institute.

(5) APPLICABLE LAW.—Any conveyance by the City of any portion of the land received under this section shall be for no less than fair market value and the proceeds shall be distributed in accordance with section 4(e)(1) of Public Law 105-263 (112 Stat. 2345).

(6) TRANSACTION COSTS.—All land conveyed by the Secretary under this section shall be at no cost, except that the Secretary may require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

(7) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on all transactions conducted under Public Law 105-263 (112 Stat. 2345).

(c) RIGHTS-OF-WAY.—Consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the Secretary may grant rights-of-way to the Water District on a portion of the Alta-Hualapai Site for a flood control project and a water pumping facility.

(d) REVERSION.—Any property conveyed pursuant to this section which ceases to be used for the purposes specified in this section shall, at the discretion of the Secretary, revert to the United States, along with any improvements thereon or thereto.

SEC. 2604. TURNABOUT RANCH LAND CONVEYANCE, UTAH.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term “Federal land” means the approximately 25 acres of Bureau of Land Management land identified on the map as “Lands to be conveyed to Turnabout Ranch”.

(2) MAP.—The term “map” means the map entitled “Turnabout Ranch Conveyance”

dated May 12, 2006, and on file in the office of the Director of the Bureau of Land Management.

(3) **MONUMENT.**—The term “Monument” means the Grand Staircase-Escalante National Monument located in southern Utah.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **TURNABOUT RANCH.**—The term “Turnabout Ranch” means the Turnabout Ranch in Escalante, Utah, owned by Aspen Education Group.

(b) **CONVEYANCE OF FEDERAL LAND TO TURNABOUT RANCH.**—

(1) **IN GENERAL.**—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), if not later than 30 days after completion of the appraisal required under paragraph (2), Turnabout Ranch of Escalante, Utah, submits to the Secretary an offer to acquire the Federal land for the appraised value, the Secretary shall, not later than 30 days after the date of the offer, convey to Turnabout Ranch all right, title, and interest to the Federal land, subject to valid existing rights.

(2) **APPRAISAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land. The appraisal shall be completed in accordance with the “Uniform Appraisal Standards for Federal Land Acquisitions” and the “Uniform Standards of Professional Appraisal Practice”. All costs associated with the appraisal shall be born by Turnabout Ranch.

(3) **PAYMENT OF CONSIDERATION.**—Not later than 30 days after the date on which the Federal land is conveyed under paragraph (1), as a condition of the conveyance, Turnabout Ranch shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under paragraph (2).

(4) **COSTS OF CONVEYANCE.**—As a condition of the conveyance, any costs of the conveyance under this section shall be paid by Turnabout Ranch.

(5) **DISPOSITION OF PROCEEDS.**—The Secretary shall deposit the proceeds from the conveyance of the Federal land under paragraph (1) in the Federal Land Deposit Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305), to be expended in accordance with that Act.

(c) **MODIFICATION OF MONUMENT BOUNDARY.**—When the conveyance authorized by subsection (b) is completed, the boundaries of the Grand Staircase-Escalante National Monument in the State of Utah are hereby modified to exclude the Federal land conveyed to Turnabout Ranch.

SEC. 2605. BOY SCOUTS LAND EXCHANGE, UTAH.

(a) **DEFINITIONS.**—In this section:

(1) **BOY SCOUTS.**—The term “Boy Scouts” means the Utah National Parks Council of the Boy Scouts of America.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **BOY SCOUTS OF AMERICA LAND EXCHANGE.**—

(1) **AUTHORITY TO CONVEY.**—

(A) **IN GENERAL.**—Subject to paragraph (3) and notwithstanding the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.), the Boy Scouts may convey to Brian Head Resort, subject to valid existing rights and, except as provided in subparagraph (B), any rights reserved by the United States, all right, title, and interest granted to the Boy Scouts by the original patent to the parcel described in paragraph (2)(A) in exchange for

the conveyance by Brian Head Resort to the Boy Scouts of all right, title, and interest in and to the parcels described in paragraph (2)(B).

(B) **REVERSIONARY INTEREST.**—On conveyance of the parcel of land described in paragraph (2)(A), the Secretary shall have discretion with respect to whether or not the reversionary interests of the United States are to be exercised.

(2) **DESCRIPTION OF LAND.**—The parcels of land referred to in paragraph (1) are—

(A) the 120-acre parcel that is part of a tract of public land acquired by the Boy Scouts under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly described as the W 1/2 SE 1/4 and SE 1/4 SE 1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(B) the 2 parcels of private land owned by Brian Head Resort that total 120 acres, which are more particularly described as—

(i) NE 1/4 NW 1/4 and NE 1/4 NE 1/4 sec. 25, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(ii) SE 1/4 SE 1/4 sec. 24, T. 35. S., R. 9 W., Salt Lake Base Meridian.

(3) **CONDITIONS.**—On conveyance to the Boy Scouts under paragraph (1)(A), the parcels of land described in paragraph (2)(B) shall be subject to the terms and conditions imposed on the entire tract of land acquired by the Boy Scouts for a camp under the Bureau of Land Management patent numbered 43-75-0010.

(4) **MODIFICATION OF PATENT.**—On completion of the exchange under paragraph (1)(A), the Secretary shall amend the original Bureau of Land Management patent providing for the conveyance to the Boy Scouts under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.) numbered 43-75-0010 to take into account the exchange under paragraph (1)(A).

SEC. 2606. DOUGLAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) **DEFINITIONS.**—In this section:

(1) **PUBLIC LAND.**—The term “public land” means the approximately 622 acres of Federal land managed by the Bureau of Land Management and identified for conveyance on the map prepared by the Bureau of Land Management entitled “Douglas County Public Utility District Proposal” and dated March 2, 2006.

(2) **PUD.**—The term “PUD” means the Public Utility District No. 1 of Douglas County, Washington.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **WELLS HYDROELECTRIC PROJECT.**—The term “Wells Hydroelectric Project” means Federal Energy Regulatory Commission Project No. 2149.

(b) **CONVEYANCE OF PUBLIC LAND, WELLS HYDROELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON.**—

(1) **CONVEYANCE REQUIRED.**—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), and notwithstanding section 24 of the Federal Power Act (16 U.S.C. 818) and Federal Power Order for Project 2149, and subject to valid existing rights, if not later than 45 days after the date of completion of the appraisal required under paragraph (2), the Public Utility District No. 1 of Douglas County, Washington, submits to the Secretary an offer to acquire the public land

for the appraised value, the Secretary shall convey, not later than 30 days after the date of the offer, to the PUD all right, title, and interest of the United States in and to the public land.

(2) **APPRAISAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land. The appraisal shall be conducted in accordance with the “Uniform Appraisal Standards for Federal Land Acquisitions” and the “Uniform Standards of Professional Appraisal Practice”.

(3) **PAYMENT.**—Not later than 30 days after the date on which the public land is conveyed under this subsection, the PUD shall pay to the Secretary an amount equal to the appraised value of the public land as determined under paragraph (2).

(4) **MAP AND LEGAL DESCRIPTIONS.**—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the public land to be conveyed under this subsection. The Secretary may correct any minor errors in the map referred to in subsection (a)(1) or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(5) **COSTS OF CONVEYANCE.**—As a condition of conveyance, any costs related to the conveyance under this subsection shall be paid by the PUD.

(6) **DISPOSITION OF PROCEEDS.**—The Secretary shall deposit the proceeds from the sale in the Federal Land Disposal Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305) to be expended to improve access to public lands administered by the Bureau of Land Management in the State of Washington.

(c) **SEGREGATION OF LANDS.**—

(1) **WITHDRAWAL.**—Except as provided in subsection (b)(1), effective immediately upon enactment of this Act, and subject to valid existing rights, the public land is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws, and all amendments thereto;

(B) location, entry, and patenting under the mining laws, and all amendments thereto; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

(2) **DURATION.**—This subsection expires two years after the date of enactment of this Act or on the date of the completion of the conveyance under subsection (b), whichever is earlier.

(d) **RETAINED AUTHORITY.**—The Secretary shall retain the authority to place conditions on the license to insure adequate protection and utilization of the public land granted to the Secretary in section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) until the Federal Energy Regulatory Commission has issued a new license for the Wells Hydroelectric Project, to replace the original license expiring May 31, 2012, consistent with section 15 of the Federal Power Act (16 U.S.C. 808).

SEC. 2607. TWIN FALLS, IDAHO, LAND CONVEYANCE.

(a) **CONVEYANCE.**—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the city of Twin Falls, Idaho, subject to valid existing rights, without consideration, all right, title, and interest of the

United States in and to the 4 parcels of land described in subsection (b).

(b) **LAND DESCRIPTION.**—The 4 parcels of land to be conveyed under subsection (a) are the approximately 165 acres of land in Twin Falls County, Idaho, that are identified as “Land to be conveyed to Twin Falls” on the map titled “Twin Falls Land Conveyance” and dated July 28, 2008.

(c) **MAP ON FILE.**—A map depicting the land described in subsection (b) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) **USE OF CONVEYED LANDS.**—

(1) **PURPOSE.**—The land conveyed under this section shall be used to support the public purposes of the Auger Falls Project, including a limited agricultural exemption to allow for water quality and wildlife habitat improvements.

(2) **RESTRICTION.**—The land conveyed under this section shall not be used for residential or commercial purposes, except for the limited agricultural exemption described in paragraph (1).

(3) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(e) **REVERSION.**—If the land conveyed under this section is no longer used in accordance with subsection (d)—

(1) the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States and if the Secretary determines that the land is environmentally contaminated, the city of Twin Falls, Idaho, or any other person responsible for the contamination shall remediate the contamination.

(f) **ADMINISTRATIVE COSTS.**—The Secretary shall require that the city of Twin Falls, Idaho, pay all survey costs and other administrative costs necessary for the preparation and completion of any patents of and transfer of title to property under this section.

SEC. 2608. SUNRISE MOUNTAIN INSTANT STUDY AREA RELEASE, NEVADA.

(a) **FINDING.**—Congress finds that the land described in subsection (c) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) **RELEASE.**—The land described in subsection (c)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of the enactment of this Act.

(c) **DESCRIPTION OF LAND.**—The land referred to in subsections (a) and (b) is the approximately 70 acres of land in the Sunrise Mountain Instant Study Area of Clark County, Nevada, that is designated on the map entitled “Sunrise Mountain ISA Release Areas” and dated September 6, 2008.

SEC. 2609. PARK CITY, UTAH, LAND CONVEYANCE.

(a) **CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH.**—

(1) **LAND TRANSFER.**—Notwithstanding the planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Sec-

retary of the Interior shall convey, not later than 180 days after the date of the enactment of this Act, to Park City, Utah, all right, title, and interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and designated as parcel 8 (commonly known as the White Acre parcel) and parcel 16 (commonly known as the Gambel Oak parcel). The conveyance shall be subject to all valid existing rights.

(2) **DEED RESTRICTION.**—The conveyance of the lands under paragraph (1) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

(3) **CONSIDERATION.**—In consideration for the transfer of the land under paragraph (1), Park City shall pay to the Secretary of the Interior an amount consistent with conveyances to governmental entities for recreational purposes under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(b) **SALE OF BUREAU OF LAND MANAGEMENT LAND IN PARK CITY, UTAH, AT AUCTION.**—

(1) **SALE OF LAND.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall offer for sale any right, title, or interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and are designated as parcels 17 and 18 in the Park City, Utah, area. The sale of the land shall be carried out in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and other applicable law, other than the planning provisions of sections 202 and 203 of such Act (43 U.S.C. 1712, 1713), and shall be subject to all valid existing rights.

(2) **METHOD OF SALE.**—The sale of the land under paragraph (1) shall be consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) through a competitive bidding process and for not less than fair market value.

(c) **DISPOSITION OF LAND SALES PROCEEDS.**—All proceeds derived from the sale of land described in this section shall be deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

SEC. 2610. RELEASE OF REVERSIONARY INTEREST IN CERTAIN LANDS IN RENO, NEVADA.

(a) **RAILROAD LANDS DEFINED.**—For the purposes of this section, the term “railroad lands” means those lands within the City of Reno, Nevada, located within portions of sections 10, 11, and 12 of T.19 N., R. 19 E., and portions of section 7 of T.19 N., R. 20 E., Mount Diablo Meridian, Nevada, that were originally granted to the Union Pacific Railroad under the provisions of the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act.

(b) **RELEASE OF REVERSIONARY INTEREST.**—Any reversionary interests of the United States (including interests under the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act) in and to the railroad

lands as defined in subsection (a) of this section are hereby released.

SEC. 2611. TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA.

(a) **IN GENERAL.**—

(1) **FEDERAL LANDS.**—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b), the Federal lands shall be declared to be held in trust by the United States for the benefit of the Tribe for nongaming purposes, and shall be subject to the same terms and conditions as those lands described in the California Indian Land Transfer Act (Public Law 106-568; 114 Stat. 2921).

(2) **TRUST LANDS.**—Lands described in subsection (c) of this section that are taken or to be taken in trust by the United States for the benefit of the Tribe shall be subject to subsection (c) of section 903 of the California Indian Land Transfer Act (Public Law 106-568; 114 Stat. 2921).

(b) **FEDERAL LANDS DESCRIBED.**—The Federal lands described in this subsection, comprising approximately 66 acres, are as follows:

(1) Township 1 North, Range 16 East, Section 6, Lots 10 and 12, MDM, containing 50.24 acres more or less.

(2) Township 1 North, Range 16 East, Section 5, Lot 16, MDM, containing 15.35 acres more or less.

(3) Township 2 North, Range 16 East, Section 32, Indian Cemetery Reservation within Lot 22, MDM, containing 0.4 acres more or less.

(c) **TRUST LANDS DESCRIBED.**—The trust lands described in this subsection, comprising approximately 357 acres, are commonly referred to as follows:

(1) Thomas property, pending trust acquisition, 104.50 acres.

(2) Coenenburg property, pending trust acquisition, 192.70 acres, subject to existing easements of record, including but not limited to a non-exclusive easement for ingress and egress for the benefit of adjoining property as conveyed by Easement Deed recorded July 13, 1984, in Volume 755, Pages 189 to 192, and as further defined by Stipulation and Judgment entered by Tuolumne County Superior Court on September 2, 1983, and recorded June 4, 1984, in Volume 751, Pages 61 to 67.

(3) Assessor Parcel No. 620505300, 1.5 acres, trust land.

(4) Assessor Parcel No. 620505400, 19.23 acres, trust land.

(5) Assessor Parcel No. 620505600, 3.46 acres, trust land.

(6) Assessor Parcel No. 620505700, 7.44 acres, trust land.

(7) Assessor Parcel No. 620401700, 0.8 acres, trust land.

(8) A portion of Assessor Parcel No. 620500200, 2.5 acres, trust land.

(9) Assessor Parcel No. 620506200, 24.87 acres, trust land.

(d) **SURVEY.**—As soon as practicable after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete fieldwork required for a survey of the lands described in subsections (b) and (c) for the purpose of incorporating those lands within the boundaries of the Tuolumne Rancheria. Not later than 90 days after that fieldwork is completed, that office shall complete the survey.

(e) **LEGAL DESCRIPTIONS.**—

(1) **PUBLICATION.**—On approval by the Community Council of the Tribe of the survey

completed under subsection (d), the Secretary of the Interior shall publish in the Federal Register—

(A) a legal description of the new boundary lines of the Tuolumne Rancheria; and

(B) a legal description of the land surveyed under subsection (d).

(2) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of those boundary lines of the Tuolumne Rancheria and the lands surveyed.

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

SEC. 3001. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105-277), is amended—

(1) in subsection (a), by striking “each of fiscal years 2006 through 2011” and inserting “fiscal year 2006 and each fiscal year thereafter”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) APPLICABLE LAW.—Chapter 63 of title 31, United States Code, shall not apply to—

“(1) a watershed restoration and enhancement agreement entered into under this section; or

“(2) an agreement entered into under the first section of Public Law 94-148 (16 U.S.C. 565a-1).”.

Subtitle B—Wildland Firefighter Safety

SEC. 3101. WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITIONS.—In this section:

(1) SECRETARIES.—The term “Secretaries” means—

(A) the Secretary of the Interior, acting through the Directors of the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the Bureau of Indian Affairs; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) WILDLAND FIREFIGHTER.—The term “wildland firefighter” means any person who participates in wildland firefighting activities—

(A) under the direction of either of the Secretaries; or

(B) under a contract or compact with a federally recognized Indian tribe.

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretaries shall jointly submit to Congress an annual report on the wildland firefighter safety practices of the Secretaries, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, during the preceding calendar year.

(2) TIMELINE.—Each report under paragraph (1) shall—

(A) be submitted by not later than March of the year following the calendar year covered by the report; and

(B) include—

(i) a description of, and any changes to, wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(ii) statistics and trend analyses;

(iii) an estimate of the amount of Federal funds expended by the Secretaries on wildland firefighter safety practices, including training programs and activities for

wildland fire suppression, prescribed burning, and wildland fire use;

(iv) progress made in implementing recommendations from the Inspector General, the Government Accountability Office, the Occupational Safety and Health Administration, or an agency report relating to a wildland firefighting fatality issued during the preceding 10 years; and

(v) a description of—

(I) the provisions relating to wildland firefighter safety practices in any Federal contract or other agreement governing the provision of wildland firefighters by a non-Federal entity;

(II) a summary of any actions taken by the Secretaries to ensure that the provisions relating to safety practices, including training, are complied with by the non-Federal entity; and

(III) the results of those actions.

Subtitle C—Wyoming Range

SEC. 3201. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) WYOMING RANGE WITHDRAWAL AREA.—The term “Wyoming Range Withdrawal Area” means all National Forest System land and federally owned minerals located within the boundaries of the Bridger-Teton National Forest identified on the map entitled “Wyoming Range Withdrawal Area” and dated October 17, 2007, on file with the Office of the Chief of the Forest Service and the Office of the Supervisor of the Bridger-Teton National Forest.

SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN THE WYOMING RANGE.

(a) WITHDRAWAL.—Except as provided in subsection (f), subject to valid existing rights as of the date of enactment of this Act and the provisions of this subtitle, land in the Wyoming Range Withdrawal Area is withdrawn from—

(1) all forms of appropriation or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing.

(b) EXISTING RIGHTS.—If any right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through donation under section 3203) after the date of enactment of this Act, the land subject to that right shall be withdrawn in accordance with this section.

(c) BUFFERS.—Nothing in this section requires—

(1) the creation of a protective perimeter or buffer area outside the boundaries of the Wyoming Range Withdrawal Area; or

(2) any prohibition on activities outside of the boundaries of the Wyoming Range Withdrawal Area that can be seen or heard from within the boundaries of the Wyoming Range Withdrawal Area.

(d) LAND AND RESOURCE MANAGEMENT PLAN.—

(1) IN GENERAL.—Subject to paragraph (2), the Bridger-Teton National Land and Resource Management Plan (including any revisions to the Plan) shall apply to any land within the Wyoming Range Withdrawal Area.

(2) CONFLICTS.—If there is a conflict between this subtitle and the Bridger-Teton National Land and Resource Management Plan, this subtitle shall apply.

(e) PRIOR LEASE SALES.—Nothing in this section prohibits the Secretary from taking any action necessary to issue, deny, remove the suspension of, or cancel a lease, or any

sold lease parcel that has not been issued, pursuant to any lease sale conducted prior to the date of enactment of this Act, including the completion of any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) EXCEPTION.—Notwithstanding the withdrawal in subsection (a), the Secretary may lease oil and gas resources in the Wyoming Range Withdrawal Area that are within 1 mile of the boundary of the Wyoming Range Withdrawal Area in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subject to the following conditions:

(1) The lease may only be accessed by directional drilling from a lease held by production on the date of enactment of this Act on National Forest System land that is adjacent to, and outside of, the Wyoming Range Withdrawal Area.

(2) The lease shall prohibit, without exception or waiver, surface occupancy and surface disturbance for any activities, including activities related to exploration, development, or production.

(3) The directional drilling may extend no further than 1 mile inside the boundary of the Wyoming Range Withdrawal Area.

SEC. 3203. ACCEPTANCE OF THE DONATION OF VALID EXISTING MINING OR LEASING RIGHTS IN THE WYOMING RANGE.

(a) NOTIFICATION OF LEASEHOLDERS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall provide notice to holders of valid existing mining or leasing rights within the Wyoming Range Withdrawal Area of the potential opportunity for repurchase of those rights and retirement under this section.

(b) REQUEST FOR LEASE RETIREMENT.—

(1) IN GENERAL.—A holder of a valid existing mining or leasing right within the Wyoming Range Withdrawal Area may submit a written notice to the Secretary of the interest of the holder in the retirement and repurchase of that right.

(2) LIST OF INTERESTED HOLDERS.—The Secretary shall prepare a list of interested holders and make the list available to any non-Federal entity or person interested in acquiring that right for retirement by the Secretary.

(c) PROHIBITION.—The Secretary may not use any Federal funds to purchase any right referred to in subsection (a).

(d) DONATION AUTHORITY.—The Secretary shall—

(1) accept the donation of any valid existing mining or leasing right in the Wyoming Range Withdrawal Area from the holder of that right or from any non-Federal entity or person that acquires that right; and

(2) on acceptance, cancel that right.

(e) RELATIONSHIP TO OTHER AUTHORITY.—

Nothing in this subtitle affects any authority the Secretary may otherwise have to modify, suspend, or terminate a lease without compensation, or to recognize the transfer of a valid existing mining or leasing right, if otherwise authorized by law.

Subtitle D—Land Conveyances and Exchanges

SEC. 3301. LAND CONVEYANCE TO CITY OF COFFMAN COVE, ALASKA.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means the city of Coffman Cove, Alaska.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) CONVEYANCE.—

(1) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim

deed all right, title, and interest of the United States, except as provided in paragraphs (3) and (4), in and to the parcel of National Forest System land described in paragraph (2).

(2) DESCRIPTION OF LAND.—

(A) IN GENERAL.—The parcel of National Forest System land referred to in paragraph (1) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled “Subdivision of U.S. Survey No. 10099” and recorded as Plat 2003-1 on January 21, 2003, Petersburg Recording District, Alaska.

(B) EXCLUDED LAND.—The parcel of National Forest System land conveyed under paragraph (1) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030-295 and southeast of Tract CC-8.

(3) RIGHT-OF-WAY.—The United States may reserve a right-of-way to provide access to the National Forest System land excluded from the conveyance to the City under paragraph (2)(B).

(4) REVERSION.—If any portion of the land conveyed under paragraph (1) (other than a portion of land sold under paragraph (5)) ceases to be used for public purposes, the land shall, at the option of the Secretary, revert to the United States.

(5) CONDITIONS ON SUBSEQUENT CONVEYANCES.—If the City sells any portion of the land conveyed to the City under paragraph (1) —

(A) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(B) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale, which shall be available, without further appropriation, for the Tongass National Forest.

SEC. 3302. BEAVERHEAD-DEERLODGE NATIONAL FOREST LAND CONVEYANCE, MONTANA.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term “County” means Jefferson County, Montana.

(2) MAP.—The term “map” means the map that is—

(A) entitled “Elkhorn Cemetery”;

(B) dated May 9, 2005; and

(C) on file in the office of the Beaverhead-Deerlodge National Forest Supervisor.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) CONVEYANCE TO JEFFERSON COUNTY, MONTANA.—

(1) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act and subject to valid existing rights, the Secretary (acting through the Regional Forester, Northern Region, Missoula, Montana) shall convey by quitclaim deed to the County for no consideration, all right, title, and interest of the United States, except as provided in paragraph (5), in and to the parcel of land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1) is the parcel of approximately 9.67 acres of National Forest System land (including any improvements to the land) in the County that is known as the “Elkhorn Cemetery”, as generally depicted on the map.

(3) USE OF LAND.—As a condition of the conveyance under paragraph (1), the County shall—

(A) use the land described in paragraph (2) as a County cemetery; and

(B) agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery, under

such terms and conditions as are agreed to by the Secretary and the County.

(4) EASEMENT.—In conveying the land to the County under paragraph (1), the Secretary, in accordance with applicable law, shall grant to the County an easement across certain National Forest System land, as generally depicted on the map, to provide access to the land conveyed under that paragraph.

(5) REVERSION.—In the quitclaim deed to the County, the Secretary shall provide that the land conveyed to the County under paragraph (1) shall revert to the Secretary, at the election of the Secretary, if the land is—

(A) used for a purpose other than the purposes described in paragraph (3)(A); or

(B) managed by the County in a manner that is inconsistent with paragraph (3)(B).

SEC. 3303. SANTA FE NATIONAL FOREST; PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term “Federal land” means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term “landowner” means the 1 or more owners of the non-Federal land.

(3) MAP.—The term “map” means the map entitled “Proposed Land Exchange for Pecos National Historical Park”, numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) NON-FEDERAL LAND.—The term “non-Federal land” means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) PARK.—The term “Park” means the Pecos National Historical Park in the State.

(6) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) STATE.—The term “State” means the State of New Mexico.

(b) LAND EXCHANGE.—

(1) IN GENERAL.—If the Secretary of the Interior accepts the non-Federal land, title to which is acceptable to the Secretary of the Interior, the Secretary of Agriculture shall, subject to the conditions of this section and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), convey to the landowner the Federal land.

(2) EASEMENT.—

(A) IN GENERAL.—As a condition of the conveyance of the non-Federal land, the landowner may reserve an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(B) ROUTE.—The Secretary of the Interior and the landowner shall determine the appropriate route of the easement through the non-Federal land.

(C) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior and the landowner determine to be appropriate.

(D) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(3) VALUATION, APPRAISALS, AND EQUALIZATION.—

(A) IN GENERAL.—The value of the Federal land and non-Federal land—

(i) shall be equal, as determined by appraisals conducted in accordance with subparagraph (B); or

(ii) if the value is not equal, shall be equalized in accordance with subparagraph (C).

(B) APPRAISALS.—

(i) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(ii) REQUIREMENTS.—An appraisal conducted under clause (i) shall be conducted in accordance with—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(iii) APPROVAL.—The appraisals conducted under this subparagraph shall be submitted to the Secretaries for approval.

(C) EQUALIZATION OF VALUES.—

(i) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(ii) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(I) be deposited in the fund established by Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(II) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(4) COSTS.—Before the completion of the exchange under this subsection, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(5) APPLICABLE LAW.—Except as otherwise provided in this section, the exchange of land and interests in land under this section shall be in accordance with—

(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) other applicable Federal, State, and local laws.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this section, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this section as the Secretaries determine to be appropriate to protect the interests of the United States.

(7) COMPLETION OF THE EXCHANGE.—

(A) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(i) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(ii) the date on which the Secretary of the Interior approves the appraisals under paragraph (3)(B)(iii); or

(iii) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this subsection.

(B) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this subsection.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this section in accordance

with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act") (16 U.S.C. 1 et seq.).

(2) MAPS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(B) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

(i) the Federal land and non-Federal land exchanged under this section; and

(ii) the easement described in subsection (b)(2).

SEC. 3304. SANTA FE NATIONAL FOREST LAND CONVEYANCE, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) CLAIM.—The term "Claim" means a claim of the Claimants to any right, title, or interest in any land located in lot 10, sec. 22, T. 18 N., R. 12 E., New Mexico Principal Meridian, San Miguel County, New Mexico, except as provided in subsection (b)(1).

(2) CLAIMANTS.—The term "Claimants" means Ramona Lawson and Boyd Lawson.

(3) FEDERAL LAND.—The term "Federal land" means a parcel of National Forest System land in the Santa Fe National Forest, New Mexico, that is—

(A) comprised of approximately 6.20 acres of land; and

(B) described and delineated in the survey.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Forest Service Regional Forester, Southwestern Region.

(5) SURVEY.—The term "survey" means the survey plat entitled "Boundary Survey and Conservation Easement Plat", prepared by Chris A. Chavez, Land Surveyor, Forest Service, NMPLS#12793, and recorded on February 27, 2007, at book 55, page 93, of the land records of San Miguel County, New Mexico.

(b) SANTA FE NATIONAL FOREST LAND CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall, except as provided in subparagraph (A) and subject to valid existing rights, convey and quitclaim to the Claimants all right, title, and interest of the United States in and to the Federal land in exchange for—

(A) the grant by the Claimants to the United States of a scenic easement to the Federal land that—

(i) protects the purposes for which the Federal land was designated under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(ii) is determined to be acceptable by the Secretary; and

(B) a release of the United States by the Claimants of—

(i) the Claim; and

(ii) any additional related claims of the Claimants against the United States.

(2) SURVEY.—The Secretary, with the approval of the Claimants, may make minor corrections to the survey and legal description of the Federal land to correct clerical, typographical, and surveying errors.

(3) SATISFACTION OF CLAIM.—The conveyance of Federal land under paragraph (1) shall constitute a full satisfaction of the Claim.

SEC. 3305. KITTITAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the King and Kittitas Counties

Fire District #51 of King and Kittitas Counties, Washington (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of National Forest System land in Kittitas County, Washington, consisting of approximately 1.5 acres within the SW¼ of the SE¼ of section 4, township 22 north, range 11 east, Willamette meridian, for the purpose of permitting the District to use the parcel as a site for a new Snoqualmie Pass fire and rescue station.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—If necessary, the exact acreage and legal description of the lands to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of a survey shall be borne by the District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 3306. MAMMOTH COMMUNITY WATER DISTRICT USE RESTRICTIONS.

Notwithstanding Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a), the approximately 36.25 acres patented to the Mammoth County Water District (now known as the "Mammoth Community Water District") by Patent No. 04-87-0038, on June 26, 1987, and recorded in volume 482, at page 516, of the official records of the Recorder's Office, Mono County, California, may be used for any public purpose.

SEC. 3307. LAND EXCHANGE, WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means the City of Bountiful, Utah.

(2) FEDERAL LAND.—The term "Federal land" means the land under the jurisdiction of the Secretary identified on the map as "Shooting Range Special Use Permit Area".

(3) MAP.—The term "map" means the map entitled "Bountiful City Land Consolidation Act" and dated October 15, 2007.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the 3 parcels of City land comprising a total of approximately 1,680 acres, as generally depicted on the map.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) EXCHANGE.—Subject to subsections (d) through (h), if the City conveys to the Secretary all right, title, and interest of the City in and to the non-Federal land, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Federal land.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) VALUATION AND EQUALIZATION.—

(1) VALUATION.—The value of the Federal land and the non-Federal land to be conveyed under subsection (b)—

(A) shall be equal, as determined by appraisals carried out in accordance with sec-

tion 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); or

(B) if not equal, shall be equalized in accordance with paragraph (2).

(2) EQUALIZATION.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(A) making a cash equalization payment to the Secretary or to the City, as appropriate; or

(B) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(e) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (b), except that the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

(f) CONDITIONS.—

(1) LIABILITY.—

(A) IN GENERAL.—As a condition of the exchange under subsection (b), the Secretary shall—

(i) require that the City—

(I) assume all liability for the shooting range located on the Federal land, including the past, present, and future condition of the Federal land; and

(II) hold the United States harmless for any liability for the condition of the Federal land; and

(ii) comply with the hazardous substances disclosure requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(B) LIMITATION.—Clauses (ii) and (iii) of section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)(3)(A)) shall not apply to the conveyance of Federal land under subsection (b).

(2) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (b) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

(g) MANAGEMENT OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under subsection (b) shall be—

(1) added to, and administered as part of, the Wasatch-Cache National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest System.

(h) EASEMENTS; RIGHTS-OF-WAY.—

(1) BONNEVILLE SHORELINE TRAIL EASEMENT.—In carrying out the land exchange under subsection (b), the Secretary shall ensure that an easement not less than 60 feet in width is reserved for the Bonneville Shoreline Trail.

(2) OTHER RIGHTS-OF-WAY.—The Secretary and the City may reserve any other rights-of-way for utilities, roads, and trails that—

(A) are mutually agreed to by the Secretary and the City; and

(B) the Secretary and the City consider to be in the public interest.

(i) DISPOSAL OF REMAINING FEDERAL LAND.—

(1) IN GENERAL.—The Secretary may, by sale or exchange, dispose of all, or a portion of, the parcel of National Forest System land comprising approximately 220 acres, as generally depicted on the map that remains

after the conveyance of the Federal land authorized under subsection (b), if the Secretary determines, in accordance with paragraph (2), that the land or portion of the land is in excess of the needs of the National Forest System.

(2) **REQUIREMENTS.**—A determination under paragraph (1) shall be made—

(A) pursuant to an amendment of the land and resource management plan for the Wasatch-Cache National Forest; and

(B) after carrying out a public process consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) **CONSIDERATION.**—As consideration for any conveyance of Federal land under paragraph (1), the Secretary shall require payment of an amount equal to not less than the fair market value of the conveyed National Forest System land.

(4) **RELATION TO OTHER LAWS.**—Any conveyance of Federal land under paragraph (1) by exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(5) **DISPOSITION OF PROCEEDS.**—Any amounts received by the Secretary as consideration under subsection (d) or paragraph (3) shall be—

(A) deposited in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(B) available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land to be included in the Wasatch-Cache National Forest.

(6) **ADDITIONAL TERMS AND CONDITIONS.**—Any conveyance of Federal land under paragraph (1) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

SEC. 3308. BOUNDARY ADJUSTMENT, FRANK CHURCH RIVER OF NO RETURN WILDERNESS.

(a) **PURPOSES.**—The purposes of this section are—

(1) to adjust the boundaries of the wilderness area; and

(2) to authorize the Secretary to sell the land designated for removal from the wilderness area due to encroachment.

(b) **DEFINITIONS.**—In this section:

(1) **LAND DESIGNATED FOR EXCLUSION.**—The term “land designated for exclusion” means the parcel of land that is—

(A) comprised of approximately 10.2 acres of land;

(B) generally depicted on the survey plat entitled “Proposed Boundary Change FCORNRW Sections 15 (unsurveyed) Township 14 North, Range 13 East, B.M., Custer County, Idaho” and dated November 14, 2001; and

(C) more particularly described in the survey plat and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the office of the Intermountain Regional Forester, Ogden, Utah.

(2) **LAND DESIGNATED FOR INCLUSION.**—The term “land designated for inclusion” means the parcel of National Forest System land that is—

(A) comprised of approximately 10.2 acres of land;

(B) located in unsurveyed section 22, T. 14 N., R. 13 E., Boise Meridian, Custer County, Idaho;

(C) generally depicted on the map entitled “Challis National Forest, T.14 N., R. 13 E., B.M., Custer County, Idaho, Proposed Boundary Change FCORNRW” and dated September 19, 2007; and

(D) more particularly described on the map and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the Intermountain Regional Forester, Ogden, Utah.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(4) **WILDERNESS AREA.**—The term “wilderness area” means the Frank Church River of No Return Wilderness designated by section 3 of the Central Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note; 94 Stat. 948).

(c) **BOUNDARY ADJUSTMENT.**—

(1) **ADJUSTMENT TO WILDERNESS AREA.**—

(A) **INCLUSION.**—The wilderness area shall include the land designated for inclusion.

(B) **EXCLUSION.**—The wilderness area shall not include the land designated for exclusion.

(2) **CORRECTIONS TO LEGAL DESCRIPTIONS.**—The Secretary may make corrections to the legal descriptions.

(d) **CONVEYANCE OF LAND DESIGNATED FOR EXCLUSION.**—

(1) **IN GENERAL.**—Subject to paragraph (2), to resolve the encroachment on the land designated for exclusion, the Secretary may sell for consideration in an amount equal to fair market value—

(A) the land designated for exclusion; and

(B) as the Secretary determines to be necessary, not more than 10 acres of land adjacent to the land designated for exclusion.

(2) **CONDITIONS.**—The sale of land under paragraph (1) shall be subject to the conditions that—

(A) the land to be conveyed be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the person buying the land shall pay—

(i) the costs associated with appraising and, if the land needs to be resurveyed, resurveying the land; and

(ii) any analyses and closing costs associated with the conveyance;

(C) for management purposes, the Secretary may reconfigure the description of the land for sale; and

(D) the owner of the adjacent private land shall have the first opportunity to buy the land.

(3) **DISPOSITION OF PROCEEDS.**—

(A) **IN GENERAL.**—The Secretary shall deposit the cash proceeds from a sale of land under paragraph (1) in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(B) **AVAILABILITY AND USE.**—Amounts deposited under subparagraph (A)—

(i) shall remain available until expended for the acquisition of land for National Forest purposes in the State of Idaho; and

(ii) shall not be subject to transfer or reprogramming for—

(I) wildland fire management; or

(II) any other emergency purposes.

SEC. 3309. SANDIA PUEBLO LAND EXCHANGE TECHNICAL AMENDMENT.

Section 413(b) of the T’u’f Shur Bien Preservation Trust Area Act (16 U.S.C. 539m-11) is amended—

(1) in paragraph (1), by inserting “3,” after “sections”; and

(2) in the first sentence of paragraph (4), by inserting “, as a condition of the conveyance,” before “remain”.

Subtitle E—Colorado Northern Front Range Study

SEC. 3401. PURPOSE.

The purpose of this subtitle is to identify options that may be available to assist in maintaining the open space characteristics of land that is part of the mountain back-

drop of communities in the northern section of the Front Range area of Colorado.

SEC. 3402. DEFINITIONS.

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) **STATE.**—The term “State” means the State of Colorado.

(3) **STUDY AREA.**—

(A) **IN GENERAL.**—The term “study area” means the land in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado, that is located west of Colorado State Highway 93, south and east of Colorado State Highway 119, and north of Colorado State Highway 46, as generally depicted on the map entitled “Colorado Northern Front Range Mountain Backdrop Protection Study Act: Study Area” and dated August 27, 2008.

(B) **EXCLUSIONS.**—The term “study area” does not include land within the city limits of the cities of Arvada, Boulder, or Golden, Colorado.

(4) **UNDEVELOPED LAND.**—The term “undeveloped land” means land—

(A) that is located within the study area;

(B) that is free or primarily free of structures; and

(C) the development of which is likely to affect adversely the scenic, wildlife, or recreational value of the study area.

SEC. 3403. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

(a) **STUDY; REPORT.**—Not later than 1 year after the date of enactment of this Act and except as provided in subsection (c), the Secretary shall—

(1) conduct a study of the land within the study area; and

(2) complete a report that—

(A) identifies the present ownership of the land within the study area;

(B) identifies any undeveloped land that may be at risk of development; and

(C) describes any actions that could be taken by the United States, the State, a political subdivision of the State, or any other parties to preserve the open and undeveloped character of the land within the study area.

(b) **REQUIREMENTS.**—The Secretary shall conduct the study and develop the report under subsection (a) with the support and participation of 1 or more of the following State and local entities:

(1) The Colorado Department of Natural Resources.

(2) Colorado State Forest Service.

(3) Colorado State Conservation Board.

(4) Great Outdoors Colorado.

(5) Boulder, Jefferson, and Gilpin Counties, Colorado.

(c) **LIMITATION.**—If the State and local entities specified in subsection (b) do not support and participate in the conduct of the study and the development of the report under this section, the Secretary may—

(1) decrease the area covered by the study area, as appropriate; or

(2)(A) opt not to conduct the study or develop the report; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives notice of the decision not to conduct the study or develop the report.

(d) **EFFECT.**—Nothing in this subtitle authorizes the Secretary to take any action that would affect the use of any land not owned by the United States.

TITLE IV—FOREST LANDSCAPE RESTORATION

SEC. 4001. PURPOSE.

The purpose of this title is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes through a process that—

(1) encourages ecological, economic, and social sustainability;

(2) leverages local resources with national and private resources;

(3) facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and

(4) demonstrates the degree to which—

(A) various ecological restoration techniques—

(i) achieve ecological and watershed health objectives; and

(ii) affect wildfire activity and management costs; and

(B) the use of forest restoration byproducts can offset treatment costs while benefitting local rural economies and improving forest health.

SEC. 4002. DEFINITIONS.

In this title:

(1) **FUND.**—The term “Fund” means the Collaborative Forest Landscape Restoration Fund established by section 4003(f).

(2) **PROGRAM.**—The term “program” means the Collaborative Forest Landscape Restoration Program established under section 4003(a).

(3) **PROPOSAL.**—The term “proposal” means a collaborative forest landscape restoration proposal described in section 4003(b).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(5) **STRATEGY.**—The term “strategy” means a landscape restoration strategy described in section 4003(b)(1).

SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.

(a) **IN GENERAL.**—The Secretary, in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Landscape Restoration Program to select and fund ecological restoration treatments for priority forest landscapes in accordance with—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(3) any other applicable law.

(b) **ELIGIBILITY CRITERIA.**—To be eligible for nomination under subsection (c), a collaborative forest landscape restoration proposal shall—

(1) be based on a landscape restoration strategy that—

(A) is complete or substantially complete;

(B) identifies and prioritizes ecological restoration treatments for a 10-year period within a landscape that is—

(i) at least 50,000 acres;

(ii) comprised primarily of forested National Forest System land, but may also include land under the jurisdiction of the Bureau of Land Management, land under the jurisdiction of the Bureau of Indian Affairs, or other Federal, State, tribal, or private land;

(iii) in need of active ecosystem restoration; and

(iv) accessible by existing or proposed wood-processing infrastructure at an appropriate scale to use woody biomass and small-diameter wood removed in ecological restoration treatments;

(C) incorporates the best available science and scientific application tools in ecological restoration strategies;

(D) fully maintains, or contributes toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health and retaining the large trees contributing to old growth structure;

(E) would carry out any forest restoration treatments that reduce hazardous fuels by—

(i) focusing on small diameter trees, thinning, strategic fuel breaks, and fire use to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(ii) maximizing the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; and

(F)(i) does not include the establishment of permanent roads; and

(ii) would commit funding to decommission all temporary roads constructed to carry out the strategy;

(2) be developed and implemented through a collaborative process that—

(A) includes multiple interested persons representing diverse interests; and

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of Public Law 106–393 (16 U.S.C. 500 note);

(3) describe plans to—

(A) reduce the risk of uncharacteristic wildfire, including through the use of fire for ecological restoration and maintenance and reestablishing natural fire regimes, where appropriate;

(B) improve fish and wildlife habitat, including for endangered, threatened, and sensitive species;

(C) maintain or improve water quality and watershed function;

(D) prevent, remediate, or control invasions of exotic species;

(E) maintain, decommission, and rehabilitate roads and trails;

(F) use woody biomass and small-diameter trees produced from projects implementing the strategy;

(G) report annually on performance, including through performance measures from the plan entitled the “10 Year Comprehensive Strategy Implementation Plan” and dated December 2006; and

(H) take into account any applicable community wildfire protection plan;

(4) analyze any anticipated cost savings, including those resulting from—

(A) reduced wildfire management costs; and

(B) a decrease in the unit costs of implementing ecological restoration treatments over time;

(5) estimate—

(A) the annual Federal funding necessary to implement the proposal; and

(B) the amount of new non-Federal investment for carrying out the proposal that would be leveraged;

(6) describe the collaborative process through which the proposal was developed, including a description of—

(A) participation by or consultation with State, local, and Tribal governments; and

(B) any established record of successful collaborative planning and implementation of ecological restoration projects on National Forest System land and other land included in the proposal by the collaborators; and

(7) benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for restoration planning, design, implementation, or monitoring with—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local, and non-profit youth groups;

(C) existing or proposed small or micro-businesses, clusters, or incubators; or

(D) other entities that will hire or train local people to complete such contracts, grants, or agreements; and

(8) be subject to any other requirements that the Secretary, in consultation with the Secretary of the Interior, determines to be necessary for the efficient and effective administration of the program.

(c) NOMINATION PROCESS.—

(1) **SUBMISSION.**—A proposal shall be submitted to—

(A) the appropriate Regional Forester; and

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(2) NOMINATION.—

(A) **IN GENERAL.**—A Regional Forester may nominate for selection by the Secretary any proposals that meet the eligibility criteria established by subsection (b).

(B) **CONCURRENCE.**—Any proposal nominated by the Regional Forester that proposes actions under the jurisdiction of the Secretary of the Interior shall include the concurrence of the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(3) **DOCUMENTATION.**—With respect to each proposal that is nominated under paragraph (2)—

(A) the appropriate Regional Forester shall—

(i) include a plan to use Federal funds allocated to the region to fund those costs of planning and carrying out ecological restoration treatments on National Forest System land, consistent with the strategy, that would not be covered by amounts transferred to the Secretary from the Fund; and

(ii) provide evidence that amounts proposed to be transferred to the Secretary from the Fund during the first 2 fiscal years following selection would be used to carry out ecological restoration treatments consistent with the strategy during the same fiscal year in which the funds are transferred to the Secretary;

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the nomination shall include a plan to fund such actions, consistent with the strategy, by the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior; and

(C) if actions on land not under the jurisdiction of the Secretary or the Secretary of the Interior are proposed, the appropriate Regional Forester shall provide evidence

that the landowner intends to participate in, and provide appropriate funding to carry out, the actions.

(d) **SELECTION PROCESS.**—

(1) **IN GENERAL.**—After consulting with the advisory panel established under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall, subject to paragraph (2), select the best proposals that—

(A) have been nominated under subsection (c)(2); and

(B) meet the eligibility criteria established by subsection (b).

(2) **CRITERIA.**—In selecting proposals under paragraph (1), the Secretary shall give special consideration to—

(A) the strength of the proposal and strategy;

(B) the strength of the ecological case of the proposal and the proposed ecological restoration strategies;

(C) the strength of the collaborative process and the likelihood of successful collaboration throughout implementation;

(D) whether the proposal is likely to achieve reductions in long-term wildfire management costs;

(E) whether the proposal would reduce the relative costs of carrying out ecological restoration treatments as a result of the use of woody biomass and small-diameter trees; and

(F) whether an appropriate level of non-Federal investment would be leveraged in carrying out the proposal.

(3) **LIMITATION.**—The Secretary may select not more than—

(A) 10 proposals to be funded during any fiscal year;

(B) 2 proposals in any 1 region of the National Forest System to be funded during any fiscal year; and

(C) the number of proposals that the Secretary determines are likely to receive adequate funding.

(e) **ADVISORY PANEL.**—

(1) **IN GENERAL.**—The Secretary shall establish and maintain an advisory panel comprised of not more than 15 members to evaluate, and provide recommendations on, each proposal that has been nominated under subsection (c)(2).

(2) **REPRESENTATION.**—The Secretary shall ensure that the membership of the advisory panel is fairly balanced in terms of the points of view represented and the functions to be performed by the advisory panel.

(3) **INCLUSION.**—The advisory panel shall include experts in ecological restoration, fire ecology, fire management, rural economic development, strategies for ecological adaptation to climate change, fish and wildlife ecology, and woody biomass and small-diameter tree utilization.

(f) **COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund, to be known as the “Collaborative Forest Landscape Restoration Fund”, to be used to pay up to 50 percent of the cost of carrying out and monitoring ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(2) **INCLUSION.**—The cost of carrying out ecological restoration treatments as provided in paragraph (1) may, as the Secretary determines to be appropriate, include cancellation and termination costs required to be obligated for contracts to carry out ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(3) **CONTENTS.**—The Fund shall consist of such amounts as are appropriated to the Fund under paragraph (6).

(4) **EXPENDITURES FROM FUND.**—

(A) **IN GENERAL.**—On request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are appropriate, in accordance with paragraph (1).

(B) **LIMITATION.**—The Secretary shall not expend money from the Fund on any 1 proposal—

(i) during a period of more than 10 fiscal years; or

(ii) in excess of \$4,000,000 in any 1 fiscal year.

(5) **ACCOUNTING AND REPORTING SYSTEM.**—The Secretary shall establish an accounting and reporting system for the Fund.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Fund \$40,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(g) **PROGRAM IMPLEMENTATION AND MONITORING.**—

(1) **WORK PLAN.**—Not later than 180 days after the date on which a proposal is selected to be carried out, the Secretary shall create, in collaboration with the interested persons, an implementation work plan and budget to implement the proposal that includes—

(A) a description of the manner in which the proposal would be implemented to achieve ecological and community economic benefit, including capacity building to accomplish restoration;

(B) a business plan that addresses—

(i) the anticipated unit treatment cost reductions over 10 years;

(ii) the anticipated costs for infrastructure needed for the proposal;

(iii) the projected sustainability of the supply of woody biomass and small-diameter trees removed in ecological restoration treatments; and

(iv) the projected local economic benefits of the proposal;

(C) documentation of the non-Federal investment in the priority landscape, including the sources and uses of the investments; and

(D) a plan to decommission any temporary roads established to carry out the proposal.

(2) **PROJECT IMPLEMENTATION.**—Amounts transferred to the Secretary from the Fund shall be used to carry out ecological restoration treatments that are—

(A) consistent with the proposal and strategy; and

(B) identified through the collaborative process described in subsection (b)(2).

(3) **ANNUAL REPORT.**—The Secretary, in collaboration with the Secretary of the Interior and interested persons, shall prepare an annual report on the accomplishments of each selected proposal that includes—

(A) a description of all acres (or other appropriate unit) treated and restored through projects implementing the strategy;

(B) an evaluation of progress, including performance measures and how prior year evaluations have contributed to improved project performance;

(C) a description of community benefits achieved, including any local economic benefits;

(D) the results of the multiparty monitoring, evaluation, and accountability process under paragraph (4); and

(E) a summary of the costs of—

(i) treatments; and

(ii) relevant fire management activities.

(4) **MULTIPARTY MONITORING.**—The Secretary shall, in collaboration with the Sec-

retary of the Interior and interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of projects implementing a selected proposal for not less than 15 years after project implementation commences.

(h) **REPORT.**—Not later than 5 years after the first fiscal year in which funding is made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this title, to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Natural Resources of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out this title.

TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

SEC. 5001. FOSSIL CREEK, ARIZONA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1552) is amended by adding at the end the following:

“(205) **FOSSIL CREEK, ARIZONA.**—Approximately 16.8 miles of Fossil Creek from the confluence of Sand Rock and Calf Pen Canyons to the confluence with the Verde River, to be administered by the Secretary of Agriculture in the following classes:

“(A) The approximately 2.7-mile segment from the confluence of Sand Rock and Calf Pen Canyons to the point where the segment exits the Fossil Spring Wilderness, as a wild river.

“(B) The approximately 7.5-mile segment from where the segment exits the Fossil Creek Wilderness to the boundary of the Mazatzal Wilderness, as a recreational river.

“(C) The 6.6-mile segment from the boundary of the Mazatzal Wilderness downstream to the confluence with the Verde River, as a wild river.”

SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.

(a) **SHORT TITLE.**—This section may be cited as the “Craig Thomas Snake Headwaters Legacy Act of 2008”.

(b) **FINDINGS; PURPOSES.**—

(1) **FINDINGS.**—Congress finds that—

(A) the headwaters of the Snake River System in northwest Wyoming feature some of the cleanest sources of freshwater, healthiest native trout fisheries, and most intact rivers and streams in the lower 48 States;

(B) the rivers and streams of the headwaters of the Snake River System—

(i) provide unparalleled fishing, hunting, boating, and other recreational activities for—

(I) local residents; and

(II) millions of visitors from around the world; and

(ii) are national treasures;

(C) each year, recreational activities on the rivers and streams of the headwaters of the Snake River System generate millions of dollars for the economies of—

(i) Teton County, Wyoming; and

(ii) Lincoln County, Wyoming;

(D) to ensure that future generations of citizens of the United States enjoy the benefits of the rivers and streams of the headwaters of the Snake River System, Congress should apply the protections provided by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams; and

(E) the designation of the rivers and streams of the headwaters of the Snake River System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) will signify to the citizens of the United States the importance of maintaining the outstanding and remarkable qualities of the Snake River System while—

(i) preserving public access to those rivers and streams;

(ii) respecting private property rights (including existing water rights); and

(iii) continuing to allow historic uses of the rivers and streams.

(2) PURPOSES.—The purposes of this section are—

(A) to protect for current and future generations of citizens of the United States the outstandingly remarkable scenic, natural, wildlife, fishery, recreational, scientific, historic, and ecological values of the rivers and streams of the headwaters of the Snake River System, while continuing to deliver water and operate and maintain valuable irrigation water infrastructure; and

(B) to designate approximately 387.7 miles of the rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

(c) DEFINITIONS.—In this section:

(1) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is not located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge; and

(B) the Secretary of the Interior, with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge.

(2) STATE.—The term “State” means the State of Wyoming.

(d) WILD AND SCENIC RIVER DESIGNATIONS, SNAKE RIVER HEADWATERS, WYOMING.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5001) is amended by adding at the end the following:

“(206) SNAKE RIVER HEADWATERS, WYOMING.—The following segments of the Snake River System, in the State of Wyoming:

“(A) BAILEY CREEK.—The 7-mile segment of Bailey Creek, from the divide with the Little Greys River north to its confluence with the Snake River, as a wild river.

“(B) BLACKROCK CREEK.—The 22-mile segment from its source to the Bridger-Teton National Forest boundary, as a scenic river.

“(C) BUFFALO FORK OF THE SNAKE RIVER.—The portions of the Buffalo Fork of the Snake River, consisting of—

“(i) the 55-mile segment consisting of the North Fork, the Soda Fork, and the South

Fork, upstream from Turpin Meadows, as a wild river;

“(ii) the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and

“(iii) the 7.7-mile segment from the upstream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.

“(D) CRYSTAL CREEK.—The portions of Crystal Creek, consisting of—

“(i) the 14-mile segment from its source to the Gros Ventre Wilderness boundary, as a wild river; and

“(ii) the 5-mile segment from the Gros Ventre Wilderness boundary to its confluence with the Gros Ventre River, as a scenic river.

“(E) GRANITE CREEK.—The portions of Granite Creek, consisting of—

“(i) the 12-mile segment from its source to the end of Granite Creek Road, as a wild river; and

“(ii) the 9.5-mile segment from Granite Hot Springs to the point 1 mile upstream from its confluence with the Hoback River, as a scenic river.

“(F) GROS VENTRE RIVER.—The portions of the Gros Ventre River, consisting of—

“(i) the 16.5-mile segment from its source to Darwin Ranch, as a wild river;

“(ii) the 39-mile segment from Darwin Ranch to the upstream boundary of Grand Teton National Park, excluding the section along Lower Slide Lake, as a scenic river; and

“(iii) the 3.3-mile segment flowing across the southern boundary of Grand Teton National Park to the Highlands Drive Loop Bridge, as a scenic river.

“(G) HOBACK RIVER.—The 10-mile segment from the point 10 miles upstream from its confluence with the Snake River to its confluence with the Snake River, as a recreational river.

“(H) LEWIS RIVER.—The portions of the Lewis River, consisting of—

“(i) the 5-mile segment from Shoshone Lake to Lewis Lake, as a wild river; and

“(ii) the 12-mile segment from the outlet of Lewis Lake to its confluence with the Snake River, as a scenic river.

“(I) PACIFIC CREEK.—The portions of Pacific Creek, consisting of—

“(i) the 22.5-mile segment from its source to the Teton Wilderness boundary, as a wild river; and

“(ii) the 11-mile segment from the Wilderness boundary to its confluence with the Snake River, as a scenic river.

“(J) SHOAL CREEK.—The 8-mile segment from its source to the point 8 miles downstream from its source, as a wild river.

“(K) SNAKE RIVER.—The portions of the Snake River, consisting of—

“(i) the 47-mile segment from its source to Jackson Lake, as a wild river;

“(ii) the 24.8-mile segment from 1 mile downstream of Jackson Lake Dam to 1 mile downstream of the Teton Park Road bridge at Moose, Wyoming, as a scenic river; and

“(iii) the 19-mile segment from the mouth of the Hoback River to the point 1 mile upstream from the Highway 89 bridge at Alpine Junction, as a recreational river, the boundary of the western edge of the corridor for the portion of the segment extending from the point 3.3 miles downstream of the mouth of the Hoback River to the point 4 miles downstream of the mouth of the Hoback River being the ordinary high water mark.

“(L) WILLOW CREEK.—The 16.2-mile segment from the point 16.2 miles upstream from its confluence with the Hoback River to

its confluence with the Hoback River, as a wild river.

“(M) WOLF CREEK.—The 7-mile segment from its source to its confluence with the Snake River, as a wild river.”

(e) MANAGEMENT.—

(1) IN GENERAL.—Each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) shall be managed by the Secretary concerned.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—In accordance with subparagraph (A), not later than 3 years after the date of enactment of this Act, the Secretary concerned shall develop a management plan for each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in an area under the jurisdiction of the Secretary concerned.

(B) REQUIRED COMPONENT.—Each management plan developed by the Secretary concerned under subparagraph (A) shall contain, with respect to the river segment that is the subject of the plan, a section that contains an analysis and description of the availability and compatibility of future development with the wild and scenic character of the river segment (with particular emphasis on each river segment that contains 1 or more parcels of private land).

(3) QUANTIFICATION OF WATER RIGHTS RESERVED BY RIVER SEGMENTS.—

(A) The Secretary concerned shall apply for the quantification of the water rights reserved by each river segment designated by this section in accordance with the procedural requirements of the laws of the State of Wyoming.

(B) For the purpose of the quantification of water rights under this subsection, with respect to each Wild and Scenic River segment designated by this section—

(i) the purposes for which the segments are designated, as set forth in this section, are declared to be beneficial uses; and

(ii) the priority date of such right shall be the date of enactment of this Act.

(4) STREAM GAUGES.—Consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Secretary may carry out activities at United States Geological Survey stream gauges that are located on the Snake River (including tributaries of the Snake River), including flow measurements and operation, maintenance, and replacement.

(5) CONSENT OF PROPERTY OWNER.—No property or interest in property located within the boundaries of any river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) may be acquired by the Secretary without the consent of the owner of the property or interest in property.

(6) EFFECT OF DESIGNATIONS.—

(A) IN GENERAL.—Nothing in this section affects valid existing rights, including—

(i) all interstate water compacts in existence on the date of enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(ii) water rights in the States of Idaho and Wyoming; and

(iii) water rights held by the United States.

(B) JACKSON LAKE; JACKSON LAKE DAM.—Nothing in this section shall affect the management and operation of Jackson Lake or Jackson Lake Dam, including the storage, management, and release of water.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5002(d)) is amended by adding at the end the following:

“(206) TAUNTON RIVER, MASSACHUSETTS.—The main stem of the Taunton River from its headwaters at the confluence of the Town and Matfield Rivers in the Town of Bridgewater downstream 40 miles to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, to be administered by the Secretary of the Interior in cooperation with the Taunton River Stewardship Council as follows:

“(A) The 18-mile segment from the confluence of the Town and Matfield Rivers to Route 24 in the Town of Raynham, as a scenic river.

“(B) The 5-mile segment from Route 24 to 0.5 miles below Weir Bridge in the City of Taunton, as a recreational river.

“(C) The 8-mile segment from 0.5 miles below Weir Bridge to Muddy Cove in the Town of Dighton, as a scenic river.

“(D) The 9-mile segment from Muddy Cove to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, as a recreational river.”.

(b) MANAGEMENT OF TAUNTON RIVER, MASSACHUSETTS.—

(1) TAUNTON RIVER STEWARDSHIP PLAN.—

(A) IN GENERAL.—Each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall be managed in accordance with the Taunton River Stewardship Plan, dated July 2005 (including any amendment to the Taunton River Stewardship Plan that the Secretary of the Interior (referred to in this subsection as the “Secretary”) determines to be consistent with this section).

(B) EFFECT.—The Taunton River Stewardship Plan described in subparagraph (A) shall be considered to satisfy each requirement relating to the comprehensive management plan required under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COOPERATIVE AGREEMENTS.—To provide for the long-term protection, preservation, and enhancement of each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may enter into cooperative agreements (which may include provisions for financial and other assistance) with—

(A) the Commonwealth of Massachusetts (including political subdivisions of the Commonwealth of Massachusetts);

(B) the Taunton River Stewardship Council; and

(C) any appropriate nonprofit organization, as determined by the Secretary.

(3) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall not be—

(A) administered as a unit of the National Park System; or

(B) subject to the laws (including regulations) that govern the administration of the National Park System.

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—The zoning ordinances adopted by the Towns of Bridgewater,

Halifax, Middleborough, Raynham, Berkley, Dighton, Freetown, and Somerset, and the Cities of Taunton and Fall River, Massachusetts (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a))), shall be considered to satisfy each standard and requirement described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) VILLAGES.—For the purpose of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), each town described in subparagraph (A) shall be considered to be a village.

(C) ACQUISITION OF LAND.—

(i) LIMITATION OF AUTHORITY OF SECRETARY.—With respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may only acquire parcels of land—

(I) by donation; or

(II) with the consent of the owner of the parcel of land.

(ii) PROHIBITION RELATING TO ACQUISITION OF LAND BY CONDEMNATION.—In accordance with section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may not acquire any parcel of land by condemnation.

Subtitle B—Wild and Scenic Rivers Studies

SEC. 5101. MISSISQUOI AND TROUT RIVERS STUDY.

(a) DESIGNATION FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

“(140) MISSISQUOI AND TROUT RIVERS, VERMONT.—The approximately 25-mile segment of the upper Missisquoi from its headwaters in Lowell to the Canadian border in North Troy, the approximately 25-mile segment from the Canadian border in East Richford to Enosburg Falls, and the approximately 20-mile segment of the Trout River from its headwaters to its confluence with the Missisquoi River.”.

(b) STUDY AND REPORT.—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

“(19) MISSISQUOI AND TROUT RIVERS, VERMONT.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall—

“(A) complete the study of the Missisquoi and Trout Rivers, Vermont, described in subsection (a)(140); and

“(B) submit a report describing the results of that study to the appropriate committees of Congress.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle C—Additions to the National Trails System

SEC. 5201. ARIZONA NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

“(27) ARIZONA NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—The Arizona National Scenic Trail, extending approximately 807 miles across the State of Arizona from the

U.S.–Mexico international border to the Arizona–Utah border, as generally depicted on the map entitled ‘Arizona National Scenic Trail’ and dated December 5, 2007, to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior and appropriate State, tribal, and local governmental agencies.

“(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Forest Service.”.

SEC. 5202. NEW ENGLAND NATIONAL SCENIC TRAIL.

(a) AUTHORIZATION AND ADMINISTRATION.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5201) is amended by adding at the end the following:

“(28) NEW ENGLAND NATIONAL SCENIC TRAIL.—The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled ‘New England National Scenic Trail Proposed Route’, numbered T06/80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in consultation with appropriate Federal, State, tribal, regional, and local agencies, and other organizations, shall administer the trail after considering the recommendations of the report titled the ‘Metacomet Monadnock Mattabessett Trail System National Scenic Trail Feasibility Study and Environmental Assessment’, prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.”.

(b) MANAGEMENT.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall consider the actions outlined in the Trail Management Blueprint described in the report titled the ‘Metacomet Monadnock Mattabessett Trail System National Scenic Trail Feasibility Study and Environmental Assessment’, prepared by the National Park Service, and dated Spring 2006, as the framework for management and administration of the New England National Scenic Trail. Additional or more detailed plans for administration, management, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, and as approved by the Secretary.

(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivisions), and other regional, local, and private organizations deemed necessary and desirable to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. An agreement under this subsection may include provisions for limited financial assistance to encourage participation in the planning, acquisition, protection, operation, development, or maintenance of the trail.

(d) ADDITIONAL TRAIL SEGMENTS.—Pursuant to section 6 of the National Trails System Act (16 U.S.C. 1245), the Secretary is encouraged to work with the State of New Hampshire and appropriate local and private organizations to include that portion of the

Metacomet-Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the New England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint.

SEC. 5203. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) at the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the States of Montana, Idaho, Washington and Oregon;

(B) geological features that have exceptional value and quality to illustrate and interpret this extraordinary natural phenomenon are present on Federal, State, tribal, county, municipal, and private land in the region; and

(C) in 2001, a joint study team headed by the National Park Service that included about 70 members from public and private entities completed a study endorsing the establishment of an Ice Age Floods National Geologic Trail—

(i) to recognize the national significance of this phenomenon; and

(ii) to coordinate public and private sector entities in the presentation of the story of the Ice Age floods.

(2) PURPOSE.—The purpose of this section is to designate the Ice Age Floods National Geologic Trail in the States of Montana, Idaho, Washington, and Oregon, enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities.

(b) DEFINITIONS.—In this section:

(1) ICE AGE FLOODS; FLOODS.—The term “Ice Age floods” or “floods” means the cataclysmic floods that occurred in what is now the northwestern United States during the last Ice Age from massive, rapid and recurring drainage of Glacial Lake Missoula.

(2) PLAN.—The term “plan” means the cooperative management and interpretation plan authorized under subsection (f)(5).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TRAIL.—The term “Trail” means the Ice Age Floods National Geologic Trail designated by subsection (c).

(c) DESIGNATION.—In order to provide for public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods and to promote collaborative efforts for interpretation and education among public and private entities located along the pathways of the floods, there is designated the Ice Age Floods National Geologic Trail.

(d) LOCATION.—

(1) MAP.—The route of the Trail shall be as generally depicted on the map entitled “Ice Age Floods National Geologic Trail,” numbered P43/80,000 and dated June 2004.

(2) ROUTE.—The route shall generally follow public roads and highways.

(3) REVISION.—The Secretary may revise the map by publication in the Federal Register of a notice of availability of a new map as part of the plan.

(e) MAP AVAILABILITY.—The map referred to in subsection (d)(1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer the Trail in accordance with this section.

(2) LIMITATION.—Except as provided in paragraph (6)(B), the Trail shall not be considered to be a unit of the National Park System.

(3) TRAIL MANAGEMENT OFFICE.—To improve management of the Trail and coordinate Trail activities with other public agencies and private entities, the Secretary may establish and operate a trail management office at a central location within the vicinity of the Trail.

(4) INTERPRETIVE FACILITIES.—The Secretary may plan, design, and construct interpretive facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, tribal, or non-profit entities and are consistent with the plan.

(5) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after funds are made available to carry out this section, the Secretary shall prepare a cooperative management and interpretation plan for the Trail.

(B) CONSULTATION.—The Secretary shall prepare the plan in consultation with—

(i) State, local, and tribal governments;

(ii) the Ice Age Floods Institute;

(iii) private property owners; and

(iv) other interested parties.

(C) CONTENTS.—The plan shall—

(i) confirm and, if appropriate, expand on the inventory of features of the floods contained in the National Park Service study entitled “Ice Age Floods, Study of Alternatives and Environmental Assessment” (February 2001) by—

(I) locating features more accurately;

(II) improving the description of features; and

(III) reevaluating the features in terms of their interpretive potential;

(ii) review and, if appropriate, modify the map of the Trail referred to in subsection (d)(1);

(iii) describe strategies for the coordinated development of the Trail, including an interpretive plan for facilities, waysides, roadside pullouts, exhibits, media, and programs that present the story of the floods to the public effectively; and

(iv) identify potential partnering opportunities in the development of interpretive facilities and educational programs to educate the public about the story of the floods.

(6) COOPERATIVE MANAGEMENT.—

(A) IN GENERAL.—In order to facilitate the development of coordinated interpretation, education, resource stewardship, visitor facility development and operation, and scientific research associated with the Trail and to promote more efficient administration of the sites associated with the Trail, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Montana, Idaho, Washington, and Oregon in accordance with the authority provided for units of the National Park System under section 3(l) of Public Law 91-383 (16 U.S.C. 1a-2(1)).

(B) AUTHORITY.—For purposes of this paragraph only, the Trail shall be considered a unit of the National Park System.

(7) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agree-

ments with public or private entities to carry out this section.

(8) EFFECT ON PRIVATE PROPERTY RIGHTS.—Nothing in this section—

(A) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(B) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(9) LIABILITY.—Designation of the Trail by subsection (c) does not create any liability for, or affect any liability under any law of, any private property owner with respect to any person injured on the private property.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, of which not more than \$12,000,000 may be used for development of the Trail.

SEC. 5204. WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5202(a)) is amended by adding at the end the following:

“(29) WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—The Washington-Rochambeau Revolutionary Route National Historic Trail, a corridor of approximately 600 miles following the route taken by the armies of General George Washington and Count Rochambeau between Newport, Rhode Island, and Yorktown, Virginia, in 1781 and 1782, as generally depicted on the map entitled ‘WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL’, numbered T01/80,001, and dated June 2007.

“(B) MAP.—The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior, in consultation with—

“(i) other Federal, State, tribal, regional, and local agencies; and

“(ii) the private sector.

“(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.”.

SEC. 5205. PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5204) is amended by adding at the end the following:

“(30) PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—The Pacific Northwest National Scenic Trail, a trail of approximately 1,200 miles, extending from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean Coast in Olympic National Park, Washington, following the route depicted on the map entitled ‘Pacific Northwest National Scenic Trail: Proposed Trail’, numbered T12/80,000, and dated February 2008 (referred to in this paragraph as the ‘map’).

“(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

“(C) ADMINISTRATION.—The Pacific Northwest National Scenic Trail shall be administered by the Secretary of Agriculture.

“(D) LAND ACQUISITION.—The United States shall not acquire for the Pacific Northwest National Scenic Trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.”.

SEC. 5206. TRAIL OF TEARS NATIONAL HISTORIC TRAIL.

Section 5(a)(16) of the National Trails System Act (16 U.S.C. 1244(a)(16)) is amended as follows:

(1) By amending subparagraph (C) to read as follows:

“(C) In addition to the areas otherwise designated under this paragraph, the following routes and land components by which the Cherokee Nation was removed to Oklahoma are components of the Trail of Tears National Historic Trail, as generally described in the environmentally preferred alternative of the November 2007 Feasibility Study Amendment and Environmental Assessment for Trail of Tears National Historic Trail:

“(i) The Bengie and Bell routes.

“(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

“(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

“(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).”.

(2) In subparagraph (D)—

(A) by striking the first sentence; and

(B) by adding at the end the following: “No lands or interests in lands outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears National Historic Trail except with the consent of the owner thereof.”.

Subtitle D—National Trail System Amendments

SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AUTHORITY.

(a) AUTHORITY TO ACQUIRE LAND FROM WILLING SELLERS FOR CERTAIN TRAILS.—

(1) OREGON NATIONAL HISTORIC TRAIL.—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(2) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(3) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to ac-

quire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(4) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(5) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(6) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

(7) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

(8) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

(9) NEZ PERCE NATIONAL HISTORIC TRAIL.—Section 5(a)(14) of the National Trails System Act (16 U.S.C. 1244(a)(14)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(b) CONFORMING AMENDMENT.—Section 10 of the National Trails System Act (16 U.S.C. 1249) is amended by striking subsection (c) and inserting the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Except as otherwise provided in this Act, there are authorized to be appropriated such sums as are necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

“(2) NATCHEZ TRACE NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—With respect to the Natchez Trace National Scenic Trail (referred to in this paragraph as the ‘trail’) designated by section 5(a)(12)—

“(i) not more than \$500,000 shall be appropriated for the acquisition of land or interests in land for the trail; and

“(ii) not more than \$2,000,000 shall be appropriated for the development of the trail.

“(B) PARTICIPATION BY VOLUNTEER TRAIL GROUPS.—The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.”.

SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by adding at the end the following:

“(g) REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.—

“(1) DEFINITIONS.—In this subsection:

“(A) ROUTE.—The term ‘route’ includes a trail segment commonly known as a cutoff.

“(B) SHARED ROUTE.—The term ‘shared route’ means a route that was a segment of more than 1 historic trail, including a route shared with an existing national historic trail.

“(2) REQUIREMENTS FOR REVISION.—

“(A) IN GENERAL.—The Secretary of the Interior shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

“(B) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

“(C) COMPLETION AND SUBMISSION OF STUDY.—A study listed in this subsection shall be completed and submitted to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

“(3) OREGON NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Oregon National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) Whitman Mission route.

“(ii) Upper Columbia River.

“(iii) Cowlitz River route.

“(iv) Meek cutoff.

“(v) Free Emigrant Road.

“(vi) North Alternate Oregon Trail.

“(vii) Goodale’s cutoff.

“(viii) North Side alternate route.

“(ix) Cutoff to Barlow road.

“(x) Naches Pass Trail.

“(4) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Pony Express National Historic Trail.

“(5) CALIFORNIA NATIONAL HISTORIC TRAIL.—“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other and shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the California National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

- “(i) MISSOURI VALLEY ROUTES.—
- “(I) Blue Mills-Independence Road.
- “(II) Westport Landing Road.
- “(III) Westport-Lawrence Road.
- “(IV) Fort Leavenworth-Blue River route.
- “(V) Road to Amazonia.
- “(VI) Union Ferry Route.
- “(VII) Old Wyoming-Nebraska City cutoff.
- “(VIII) Lower Plattsmouth Route.
- “(IX) Lower Bellevue Route.
- “(X) Woodbury cutoff.
- “(XI) Blue Ridge cutoff.
- “(XII) Westport Road.
- “(XIII) Gum Springs-Fort Leavenworth route.
- “(XIV) Atchison/Independence Creek routes.
- “(XV) Fort Leavenworth-Kansas River route.
- “(XVI) Nebraska City cutoff routes.
- “(XVII) Minersville-Nebraska City Road.
- “(XVIII) Upper Plattsmouth route.
- “(XIX) Upper Bellevue route.
- “(ii) CENTRAL ROUTES.—
- “(I) Cherokee Trail, including splits.
- “(II) Weber Canyon route of Hastings cutoff.
- “(III) Bishop Creek cutoff.
- “(IV) McAuley cutoff.
- “(V) Diamond Springs cutoff.
- “(VI) Secret Pass.
- “(VII) Greenhorn cutoff.
- “(VIII) Central Overland Trail.
- “(iii) WESTERN ROUTES.—
- “(I) Bidwell-Bartleson route.
- “(II) Georgetown/Dagget Pass Trail.
- “(III) Big Trees Road.
- “(IV) Grizzly Flat cutoff.
- “(V) Nevada City Road.
- “(VI) Yreka Trail.
- “(VII) Henness Pass route.
- “(VIII) Johnson cutoff.
- “(IX) Luther Pass Trail.
- “(X) Volcano Road.
- “(XI) Sacramento-Coloma Wagon Road.
- “(XII) Burnett cutoff.
- “(XIII) Placer County Road to Auburn.
- “(6) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted in the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Mormon Pioneer Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Mormon Pioneer National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

- “(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).
- “(ii) 1856–57 Handcart route (Iowa City to Council Bluffs).

“(iii) Keokuk route (Iowa).

“(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

“(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

“(vi) 1850 Golden Pass Road in Utah.

“(7) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

- “(i) St. Joe Road.
- “(ii) Council Bluffs Road.
- “(iii) Sublette cutoff.
- “(iv) Applegate route.
- “(v) Old Fort Kearny Road (Oxbow Trail).
- “(vi) Childs cutoff.
- “(vii) Raft River to Applegate.”.

SEC. 5303. CHISHOLM TRAIL AND GREAT WESTERN TRAILS STUDIES.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

“(44) CHISHOLM TRAIL.—

“(A) IN GENERAL.—The Chisholm Trail (also known as the ‘Abilene Trail’), from the vicinity of San Antonio, Texas, segments from the vicinity of Cuero, Texas, to Ft. Worth, Texas, Duncan, Oklahoma, alternate segments used through Oklahoma, to Enid, Oklahoma, Caldwell, Kansas, Wichita, Kansas, Abilene, Kansas, and commonly used segments running to alternative Kansas destinations.

“(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.

“(45) GREAT WESTERN TRAIL.—

“(A) IN GENERAL.—The Great Western Trail (also known as the ‘Dodge City Trail’), from the vicinity of San Antonio, Texas, north-by-northwest through the vicinities of Kerrville and Menard, Texas, north-by-northeast through the vicinities of Coleman and Albany, Texas, north through the vicinity of Vernon, Texas, to Doan’s Crossing, Texas, northward through or near the vicinities of Altus, Lone Wolf, Canute, Vici, and May, Oklahoma, north through Kansas to Dodge City, and north through Nebraska to Ogallala.

“(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.”.

Subtitle E—Effect of Title

SEC. 5401. EFFECT.

(a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.—Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

(b) EFFECT ON STATE AUTHORITY.—Nothing in this title shall be construed as affecting the authority, jurisdiction, or responsibility

of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, and trapping.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

SEC. 6001. DEFINITIONS.

In this subtitle:

(1) AFFECTED STAKEHOLDER.—The term “affected stakeholder” means an entity that significantly affects, or is significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) GRANT RECIPIENT.—The term “grant recipient” means a watershed group that the Secretary has selected to receive a grant under section 6002(c)(2).

(3) PROGRAM.—The term “program” means the Cooperative Watershed Management Program established by the Secretary under section 6002(a).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) WATERSHED GROUP.—The term “watershed group” means a self-sustaining, cooperative watershed-wide group that—

(A) is comprised of representatives of the affected stakeholders of the relevant watershed;

(B) incorporates the perspectives of a diverse array of stakeholders, including, to the maximum extent practicable—

(i) representatives of—

(I) hydroelectric production;

(II) livestock grazing;

(III) timber production;

(IV) land development;

(V) recreation or tourism;

(VI) irrigated agricultural production;

(VII) the environment;

(VIII) potable water purveyors and industrial water users; and

(IX) private property owners within the watershed;

(ii) any Federal agency that has authority with respect to the watershed;

(iii) any State agency that has authority with respect to the watershed;

(iv) any local agency that has authority with respect to the watershed; and

(v) any Indian tribe that—

(I) owns land within the watershed; or

(II) has land in the watershed that is held in trust;

(C) is a grassroots, nonregulatory entity that addresses water availability and quality issues within the relevant watershed;

(D) is capable of promoting the sustainable use of the water resources of the relevant watershed and improving the functioning condition of rivers and streams through—

(i) water conservation;

(ii) improved water quality;

(iii) ecological resiliency; and

(iv) the reduction of water conflicts; and

(E) makes decisions on a consensus basis, as defined in the bylaws of the watershed group.

(6) WATERSHED MANAGEMENT PROJECT.—The term “watershed management project” means any project (including a demonstration project) that—

(A) enhances water conservation, including alternative water uses;

(B) improves water quality;

(C) improves ecological resiliency of a river or stream;

(D) reduces the potential for water conflicts; or

(E) advances any other goals associated with water quality or quantity that the Secretary determines to be appropriate.

SEC. 6002. PROGRAM.

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the “Cooperative Watershed Management Program”, under which the Secretary shall provide grants—

- (1)(A) to form a watershed group; or
- (B) to enlarge a watershed group; and
- (2) to conduct 1 or more projects in accordance with the goals of a watershed group.

(b) APPLICATION.—

(1) **ESTABLISHMENT OF APPLICATION PROCEDURE; CRITERIA.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish—

- (A) an application process for the program; and

(B) in consultation with the States, prioritization and eligibility criteria for considering applications submitted in accordance with the application process.

(c) DISTRIBUTION OF GRANT FUNDS.—

(1) **IN GENERAL.**—In distributing grant funds under this section, the Secretary—

- (A) shall comply with paragraph (2); and
- (B) may give priority to watershed groups that—

- (i) represent maximum diversity of interests; or
- (ii) serve subbasin-sized watersheds with an 8-digit hydrologic unit code, as defined by the United States Geological Survey.

(2) FUNDING PROCEDURE.—**(A) FIRST PHASE.—**

(i) **IN GENERAL.**—The Secretary may provide to a grant recipient a first-phase grant in an amount not greater than \$100,000 each year for a period of not more than 3 years.

(ii) **MANDATORY USE OF FUNDS.**—A grant recipient that receives a first-phase grant shall use the funds—

- (I) to establish or enlarge a watershed group;

(II) to develop a mission statement for the watershed group;

(III) to develop project concepts; and

(IV) to develop a restoration plan.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(1) **DETERMINATION.**—For each year of a first-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) **EFFECT OF DETERMINATION.**—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year covered by the determination justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) **ADVANCEMENT CONDITIONS.**—A grant recipient shall not be eligible to receive a second-phase grant under subparagraph (B) until the date on which the Secretary determines that the watershed group—

- (I) has approved articles of incorporation and bylaws governing the organization; and
- (II)(aa) holds regular meetings;

(bb) has completed a mission statement; and

(cc) has developed a restoration plan and project concepts for the watershed.

(v) **EXCEPTION.**—A watershed group that has not applied for or received first-phase grants may apply for and receive second-phase grants under subparagraph (B) if the Secretary determines that the group has satisfied the requirements of first-phase grants.

(B) SECOND PHASE.—

(i) **IN GENERAL.**—A watershed group may apply for and receive second-phase grants of

\$1,000,000 each year for a period of not more than 4 years if—

(I) the watershed group has applied for and received watershed grants under subparagraph (A); or

(II) the Secretary determines that the watershed group has satisfied the requirements of first-phase grants.

(ii) **MANDATORY USE OF FUNDS.**—A grant recipient that receives a second-phase grant shall use the funds to plan and carry out watershed management projects.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(1) **DETERMINATION.**—For each year of the second-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) **EFFECT OF DETERMINATION.**—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) **ADVANCEMENT CONDITION.**—A grant recipient shall not be eligible to receive a third-phase grant under subparagraph (C) until the date on which the Secretary determines that the grant recipient has—

- (I) completed each requirement of the second-phase grant; and

(II) demonstrated that 1 or more pilot projects of the grant recipient have resulted in demonstrable improvements, as determined by the Secretary, in the functioning condition of at least 1 river or stream in the watershed.

(C) THIRD PHASE.—**(i) FUNDING LIMITATION.—**

(I) **IN GENERAL.**—Except as provided in subclause (II), the Secretary may provide to a grant recipient a third-phase grant in an amount not greater than \$5,000,000 for a period of not more than 5 years.

(II) **EXCEPTION.**—The Secretary may provide to a grant recipient a third-phase grant in an amount that is greater than the amount described in subclause (I) if the Secretary determines that the grant recipient is capable of using the additional amount to further the purposes of the program in a way that could not otherwise be achieved by the grant recipient using the amount described in subclause (I).

(ii) **MANDATORY USE OF FUNDS.**—A grant recipient that receives a third-phase grant shall use the funds to plan and carry out at least 1 watershed management project.

(3) **AUTHORIZING USE OF FUNDS FOR ADMINISTRATIVE AND OTHER COSTS.**—A grant recipient that receives a grant under this section may use the funds—

- (A) to pay for—
- (i) administrative and coordination costs, if the costs are not greater than the lesser of—

(I) 20 percent of the total amount of the grant; or

(II) \$100,000;

(ii) the salary of not more than 1 full-time employee of the watershed group; and

(iii) any legal fees arising from the establishment of the relevant watershed group; and

(B) to fund—

(i) water quality and quantity studies of the relevant watershed; and

(ii) the planning, design, and implementation of any projects relating to water quality or quantity.

(d) **COST SHARE.—**

(1) **PLANNING.**—The Federal share of the cost of an activity provided assistance through a first-phase grant shall be 100 percent.

(2) PROJECTS CARRIED OUT UNDER SECOND PHASE.—

(A) **IN GENERAL.**—The Federal share of the cost of any activity of a watershed management project provided assistance through a second-phase grant shall not exceed 50 percent of the total cost of the activity.

(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(3) PROJECTS CARRIED OUT UNDER THIRD PHASE.—

(A) **IN GENERAL.**—The Federal share of the costs of any activity of a watershed group of a grant recipient relating to a watershed management project provided assistance through a third-phase grant shall not exceed 50 percent of the total costs of the watershed management project.

(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(e) ANNUAL REPORTS.—

(1) **IN GENERAL.**—Not later than 1 year after the date on which a grant recipient first receives funds under this section, and annually thereafter, in accordance with paragraph (2), the watershed group shall submit to the Secretary a report that describes the progress of the watershed group.

(2) **REQUIRED DEGREE OF DETAIL.**—The contents of an annual report required under paragraph (1) shall contain sufficient information to enable the Secretary to complete each report required under subsection (f), as determined by the Secretary.

(f) **REPORT.**—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the ways in which the program assists the Secretary—

- (A) in addressing water conflicts;
- (B) in conserving water;
- (C) in improving water quality; and
- (D) in improving the ecological resiliency of a river or stream; and

(2) benefits that the program provides, including, to the maximum extent practicable, a quantitative analysis of economic, social, and environmental benefits.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

(1) \$2,000,000 for each of fiscal years 2008 and 2009;

(2) \$5,000,000 for fiscal year 2010;

(3) \$10,000,000 for fiscal year 2011; and

(4) \$20,000,000 for each of fiscal years 2012 through 2020.

SEC. 6003. EFFECT OF SUBTITLE.

Nothing in this subtitle affects the applicability of any Federal, State, or local law with respect to any watershed group.

Subtitle B—Competitive Status for Federal Employees in Alaska**SEC. 6101. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.**

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended by adding at the end the following:

“(e) **COMPETITIVE STATUS.**—

“(1) **IN GENERAL.**—Nothing in subsection (a) provides that any person hired pursuant to the program established under that subsection is not eligible for competitive status

in the same manner as any other employee hired as part of the competitive service.

“(2) REDESIGNATION OF CERTAIN POSITIONS.—

“(A) PERSONS SERVING IN ORIGINAL POSITIONS.—Not later than 60 days after the date of enactment of this subsection, with respect to any person hired into a permanent position pursuant to the program established under subsection (a) who is serving in that position as of the date of enactment of this subsection, the Secretary shall redesignate that position and the person serving in that position as having been part of the competitive service as of the date that the person was hired into that position.

“(B) PERSONS NO LONGER SERVING IN ORIGINAL POSITIONS.—With respect to any person who was hired pursuant to the program established under subsection (a) that is no longer serving in that position as of the date of enactment of this subsection—

“(i) the person may provide to the Secretary a request for redesignation of the service as part of the competitive service that includes evidence of the employment; and

“(ii) not later than 90 days of the submission of a request under clause (i), the Secretary shall redesignate the service of the person as being part of the competitive service.”.

Subtitle C—Management of the Baca National Wildlife Refuge

SEC. 6201. BACA NATIONAL WILDLIFE REFUGE.

Section 6 of the Great Sand Dunes National Park and Preserve Act of 2000 (16 U.S.C. 410hhh-4) is amended—

(1) in subsection (a)—

(A) by striking “(a) ESTABLISHMENT.—(1) When” and inserting the following:

“(a) ESTABLISHMENT AND PURPOSE.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—When”;

(B) in paragraph (2), by striking “(2) Such establishment” and inserting the following:

“(B) EFFECTIVE DATE.—The establishment of the refuge under subparagraph (A)”;

(C) by adding at the end the following:

“(2) PURPOSE.—The purpose of the Baca National Wildlife Refuge shall be to restore, enhance, and maintain wetland, upland, riparian, and other habitats for native wildlife, plant, and fish species in the San Luis Valley.”;

(2) in subsection (c)—

(A) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(B) by adding at the end the following:

“(2) REQUIREMENTS.—In administering the Baca National Wildlife Refuge, the Secretary shall, to the maximum extent practicable—

“(A) emphasize migratory bird conservation; and

“(B) take into consideration the role of the Refuge in broader landscape conservation efforts.”; and

(3) in subsection (d)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(3) subject to any agreement in existence as of the date of enactment of this paragraph, and to the extent consistent with the purposes of the Refuge, use decreed water rights on the Refuge in approximately the same manner that the water rights have been used historically.”.

Subtitle D—Paleontological Resources Preservation

SEC. 6301. DEFINITIONS.

In this subtitle:

(1) CASUAL COLLECTING.—The term “casual collecting” means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth’s surface and other resources. As used in this paragraph, the terms “reasonable amount”, “common invertebrate and plant paleontological resources” and “negligible disturbance” shall be determined by the Secretary.

(2) FEDERAL LAND.—The term “Federal land” means—

(A) land controlled or administered by the Secretary of the Interior, except Indian land; or

(B) National Forest System land controlled or administered by the Secretary of Agriculture.

(3) INDIAN LAND.—The term “Indian Land” means land of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(4) PALEONTOLOGICAL RESOURCE.—The term “paleontological resource” means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth’s crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior with respect to land controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System land controlled or administered by the Secretary of Agriculture.

(6) STATE.—The term “State” means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 6302. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal land using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) COORDINATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this subtitle.

SEC. 6303. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 6304. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) PERMIT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in this subtitle, a paleontological resource may not

be collected from Federal land without a permit issued under this subtitle by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary may allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal land and this subtitle.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal land concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this subtitle. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal land under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 6306 or is assessed a civil penalty under section 6307.

(e) AREA CLOSURES.—In order to protect paleontological or other resources or to provide for public safety, the Secretary may restrict access to or close areas under the Secretary’s jurisdiction to the collection of paleontological resources.

SEC. 6305. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on

Federal land unless such activity is conducted in accordance with this subtitle;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if the person knew or should have known such resource to have been excavated or removed from Federal land in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this subtitle; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal land.

(b) **FALSE LABELING OFFENSES.**—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal land.

(c) **PENALTIES.**—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed \$500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than 2 years, or both.

(d) **MULTIPLE OFFENSES.**—In the case of a second or subsequent violation by the same person, the amount of the penalty assessed under subsection (c) may be doubled.

(e) **GENERAL EXCEPTION.**—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of enactment of this Act.

SEC. 6307. CIVIL PENALTIES.

(a) **IN GENERAL.**—

(1) **HEARING.**—A person who violates any prohibition contained in an applicable regulation or permit issued under this subtitle may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) **AMOUNT OF PENALTY.**—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this subtitle, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) **MULTIPLE OFFENSES.**—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) **LIMITATION.**—The amount of any penalty assessed under this subsection for any 1 violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) **PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.**—

(1) **JUDICIAL REVIEW.**—Any person against whom an order is issued assessing a penalty

under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) **FAILURE TO PAY.**—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) **HEARINGS.**—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) **USE OF RECOVERED AMOUNTS.**—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal land.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 6308.

SEC. 6308. REWARDS AND FORFEITURE.

(a) **REWARDS.**—The Secretary may pay from penalties collected under section 6306 or 6307 or from appropriated funds—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount up to ½ of the penalties, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) **FORFEITURE.**—All paleontological resources with respect to which a violation

under section 6306 or 6307 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this subtitle, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this subtitle.

(c) **TRANSFER OF SEIZED RESOURCES.**—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SEC. 6309. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this subtitle;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 6310. REGULATIONS.

As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment.

SEC. 6311. SAVINGS PROVISIONS.

Nothing in this subtitle shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), Public Law 94–429 (commonly known as the “Mining in the Parks Act”) (16 U.S.C. 1901 et seq.), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal land;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this subtitle;

(4) affect any land other than Federal land or affect the lawful recovery, collection, or sale of paleontological resources from land other than Federal land;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal land in addition to the protection provided under this subtitle; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file

any civil action in a court of the United States to enforce any provision or amendment made by this subtitle.

SEC. 6312. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

Subtitle E—Izembek National Wildlife Refuge Land Exchange

SEC. 6401. DEFINITIONS.

In this subtitle:

(1) CORPORATION.—The term “Corporation” means the King Cove Corporation.

(2) FEDERAL LAND.—The term “Federal land” means—

(A) the approximately 206 acres of Federal land located within the Refuge, as generally depicted on the map; and

(B) the approximately 1,600 acres of Federal land located on Sitkinak Island, as generally depicted on the map.

(3) MAP.—The term “map” means each of—

(A) the map entitled “Izembek and Alaska Peninsula National Wildlife Refuges” and dated September 2, 2008; and

(B) the map entitled “Sitkinak Island-Alaska Maritime National Wildlife Refuge” and dated September 2, 2008.

(4) NON-FEDERAL LAND.—The term “non-Federal land” means—

(A) the approximately 43,093 acres of land owned by the State, as generally depicted on the map; and

(B) the approximately 13,300 acres of land owned by the Corporation (including approximately 5,430 acres of land for which the Corporation shall relinquish the selection rights of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) as part of the land exchange under section 6402(a)), as generally depicted on the map.

(5) REFUGE.—The term “Refuge” means the Izembek National Wildlife Refuge.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) STATE.—The term “State” means the State of Alaska.

(8) TRIBE.—The term “Tribe” means the Agdaagux Tribe of King Cove, Alaska.

SEC. 6402. LAND EXCHANGE.

(a) IN GENERAL.—Upon receipt of notification by the State and the Corporation of the intention of the State and the Corporation to exchange the non-Federal land for the Federal land, subject to the conditions and requirements described in this subtitle, the Secretary may convey to the State all right, title, and interest of the United States in and to the Federal land. The Federal land within the Refuge shall be transferred for the purpose of constructing a single-lane gravel road between the communities of King Cove and Cold Bay, Alaska.

(b) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 AND OTHER APPLICABLE LAWS.—

(1) IN GENERAL.—In determining whether to carry out the land exchange under subsection (a), the Secretary shall—

(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) except as provided in subsection (c), comply with any other applicable law (including regulations).

(2) ENVIRONMENTAL IMPACT STATEMENT.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives notification under subsection (a), the Secretary shall initiate the preparation of an environmental impact statement required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) REQUIREMENTS.—The environmental impact statement prepared under subparagraph (A) shall contain—

(i) an analysis of—

(I) the proposed land exchange; and

(II) the potential construction and operation of a road between the communities of King Cove and Cold Bay, Alaska; and

(ii) an evaluation of a specific road corridor through the Refuge that is identified in consultation with the State, the City of King Cove, Alaska, and the Tribe.

(3) COOPERATING AGENCIES.—

(A) IN GENERAL.—During the preparation of the environmental impact statement under paragraph (2), each entity described in subparagraph (B) may participate as a cooperating agency.

(B) AUTHORIZED ENTITIES.—An authorized entity may include—

(i) any Federal agency that has permitting jurisdiction over the road described in paragraph (2)(B)(i)(II);

(ii) the State;

(iii) the Aleutians East Borough of the State;

(iv) the City of King Cove, Alaska;

(v) the Tribe; and

(vi) the Alaska Migratory Bird Co-Management Council.

(c) VALUATION.—The conveyance of the Federal land and non-Federal land under this section shall not be subject to any requirement under any Federal law (including regulations) relating to the valuation, appraisal, or equalization of land.

(d) PUBLIC INTEREST DETERMINATION.—

(1) CONDITIONS FOR LAND EXCHANGE.—Subject to paragraph (2), to carry out the land exchange under subsection (a), the Secretary shall determine that the land exchange (including the construction of a road between the City of King Cove, Alaska, and the Cold Bay Airport) is in the public interest.

(2) LIMITATION OF AUTHORITY OF SECRETARY.—The Secretary may not, as a condition for a finding that the land exchange is in the public interest—

(A) require the State or the Corporation to convey additional land to the United States; or

(B) impose any restriction on the subsistence uses (as defined in section 803 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3113)) of waterfowl by rural residents of the State.

(e) KINZAROFF LAGOON.—The land exchange under subsection (a) shall not be carried out before the date on which the parcel of land owned by the State that is located in the Kinzaroff Lagoon has been designated by the State as a State refuge, in accordance with the applicable laws (including regulations) of the State.

(f) DESIGNATION OF ROAD CORRIDOR.—In designating the road corridor described in subsection (b)(2)(B)(ii), the Secretary shall—

(1) minimize the adverse impact of the road corridor on the Refuge;

(2) transfer the minimum acreage of Federal land that is required for the construction of the road corridor; and

(3) to the maximum extent practicable, incorporate into the road corridor roads that are in existence as of the date of enactment of this Act.

(g) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to any other term or condition that the Secretary determines to be necessary.

SEC. 6403. KING COVE ROAD.

(a) REQUIREMENTS RELATING TO USE, BARRIER CABLES, AND DIMENSIONS.—

(1) LIMITATIONS ON USE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any portion of the road constructed on the Federal land conveyed pursuant to this subtitle shall be used primarily for health and safety purposes (including access to and from the Cold Bay Airport) and only for noncommercial purposes.

(B) EXCEPTIONS.—Notwithstanding subparagraph (A), the use of taxis, commercial vans for public transportation, and shared rides (other than organized transportation of employees to a business or other commercial facility) shall be allowed on the road described in subparagraph (A).

(C) REQUIREMENT OF AGREEMENT.—The limitations of the use of the road described in this paragraph shall be enforced in accordance with an agreement entered into between the Secretary and the State.

(2) REQUIREMENT OF BARRIER CABLE.—The road described in paragraph (1)(A) shall be constructed to include a cable barrier on each side of the road, as described in the record of decision entitled “Mitigation Measure MM-11, King Cove Access Project Final Environmental Impact Statement Record of Decision” and dated January 22, 2004, unless a different type barrier is required as a mitigation measure in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2).

(3) REQUIRED DIMENSIONS AND DESIGN FEATURES.—The road described in paragraph (1)(A) shall—

(A) have a width of not greater than a single lane, in accordance with the applicable road standards of the State;

(B) be constructed with gravel;

(C) be constructed to comply with any specific design features identified in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) as Mitigation Measures relative to the passage and migration of wildlife, and also the exchange of tidal flows, where applicable, in accordance with applicable Federal and State design standards; and

(D) if determined to be necessary, be constructed to include appropriate safety pull-outs.

(b) SUPPORT FACILITIES.—Support facilities for the road described in subsection (a)(1)(A) shall not be located within the Refuge.

(c) FEDERAL PERMITS.—It is the intent of Congress that any Federal permit required for construction of the road be issued or denied not later than 1 year after the date of application for the permit.

(d) APPLICABLE LAW.—Nothing in this section amends, or modifies the application of, section 1110 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3170).

(e) MITIGATION PLAN.—

(1) IN GENERAL.—Based on the evaluation of impacts determined through the completion of the environmental impact statement under section 6402(b)(2), the Secretary, in consultation with the entities described in section 6402(b)(3)(B), shall develop an enforceable mitigation plan.

(2) CORRECTIVE MODIFICATIONS.—The Secretary may make corrective modifications to the mitigation plan developed under paragraph (1) if—

(A) the mitigation standards required under the mitigation plan are maintained; and

(B) the Secretary provides an opportunity for public comment with respect to any proposed corrective modification.

(3) AVOIDANCE OF WILDLIFE IMPACTS.—Road construction shall adhere to any specific mitigation measures included in the Record

of Decision for Final Environmental Impact Statement required in section 6402(b)(2) that—

(A) identify critical periods during the calendar year when the refuge is utilized by wildlife, especially migratory birds; and

(B) include specific mandatory strategies to alter, limit or halt construction activities during identified high risk periods in order to minimize impacts to wildlife, and

(C) allow for the timely construction of the road.

(4) **MITIGATION OF WETLAND LOSS.**—The plan developed under this subsection shall comply with section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) with regard to minimizing, to the greatest extent practicable, the filling, fragmentation or loss of wetlands, especially intertidal wetlands, and shall evaluate mitigating effect of those wetlands transferred in Federal ownership under the provisions of this subtitle.

SEC. 6404. ADMINISTRATION OF CONVEYED LANDS.

(1) **FEDERAL LAND.**—Upon completion of the land exchange under section 6402(a)—

(A) the boundary of the land designated as wilderness within the Refuge shall be modified to exclude the Federal land conveyed to the State under the land exchange; and

(B) the Federal land located on Sitkinak Island that is withdrawn for use by the Coast Guard shall, at the request of the State, be transferred by the Secretary to the State upon the relinquishment or termination of the withdrawal.

(2) **NON-FEDERAL LAND.**—Upon completion of the land exchange under section 6402(a), the non-Federal land conveyed to the United States under this subtitle shall be—

(A) added to the Refuge or the Alaska Peninsula National Wildlife Refuge, as appropriate, as generally depicted on the map; and

(B) administered in accordance with the laws generally applicable to units of the National Wildlife Refuge System.

(3) **WILDERNESS ADDITIONS.**—

(A) **IN GENERAL.**—Upon completion of the land exchange under section 6402(a), approximately 43,093 acres of land as generally depicted on the map shall be added to—

(i) the Izembek National Wildlife Refuge Wilderness; or

(ii) the Alaska Peninsula National Wildlife Refuge Wilderness.

(B) **ADMINISTRATION.**—The land added as wilderness under subparagraph (A) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other applicable laws (including regulations).

SEC. 6405. FAILURE TO BEGIN ROAD CONSTRUCTION.

(a) **NOTIFICATION TO VOID LAND EXCHANGE.**—If the Secretary, the State, and the Corporation enter into the land exchange authorized under section 6402(a), the State or the Corporation may notify the Secretary in writing of the intention of the State or Corporation to void the exchange if construction of the road through the Refuge has not begun.

(b) **DISPOSITION OF LAND EXCHANGE.**—Upon the latter of the date on which the Secretary receives a request under subsection (a), and the date on which the Secretary determines that the Federal land conveyed under the land exchange under section 6402(a) has not been adversely impacted (other than any nominal impact associated with the preparation of an environmental impact statement under section 6402(b)(2)), the land exchange shall be null and void.

(c) **RETURN OF PRIOR OWNERSHIP STATUS OF FEDERAL AND NON-FEDERAL LAND.**—If the

land exchange is voided under subsection (b)—

(1) the Federal land and non-Federal land shall be returned to the respective ownership status of each land prior to the land exchange;

(2) the parcel of the Federal land that is located in the Refuge shall be managed as part of the Izembek National Wildlife Refuge Wilderness; and

(3) each selection of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that was relinquished under this subtitle shall be reinstated.

SEC. 6406. EXPIRATION OF LEGISLATIVE AUTHORITY.

(a) **IN GENERAL.**—Any legislative authority for construction of a road shall expire at the end of the 7-year period beginning on the date of the enactment of this subtitle unless a construction permit has been issued during that period.

(b) **EXTENSION OF AUTHORITY.**—If a construction permit is issued within the allotted period, the 7-year authority shall be extended for a period of 5 additional years beginning on the date of issuance of the construction permit.

(c) **EXTENSION OF AUTHORITY AS RESULT OF LEGAL CHALLENGES.**—

(1) **IN GENERAL.**—Prior to the issuance of a construction permit, if a lawsuit or administrative appeal is filed challenging the land exchange or construction of the road (including a challenge to the NEPA process, decisions, or any required permit process required to complete construction of the road), the 7-year deadline or the five-year extension period, as appropriate, shall be extended for a time period equivalent to the time consumed by the full adjudication of the legal challenge or related administrative process.

(2) **INJUNCTION.**—After a construction permit has been issued, if a court issues an injunction against construction of the road, the 7-year deadline or 5-year extension, as appropriate, shall be extended for a time period equivalent to time period that the injunction is in effect.

(d) **APPLICABILITY OF SECTION 6405.**—Upon the expiration of the legislative authority under this section, if a road has not been constructed, the land exchange shall be null and void and the land ownership shall revert to the respective ownership status prior to the land exchange as provided in section 6405.

Subtitle F—Wolf Livestock Loss Demonstration Project

SEC. 6501. DEFINITIONS.

In this subtitle:

(1) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) **LIVESTOCK.**—The term “livestock” means cattle, swine, horses, mules, sheep, goats, livestock guard animals, and other domestic animals, as determined by the Secretary.

(3) **PROGRAM.**—The term “program” means the demonstration program established under section 6502(a).

(4) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

SEC. 6502. WOLF COMPENSATION AND PREVENTION PROGRAM.

(a) **IN GENERAL.**—The Secretaries shall establish a 5-year demonstration program to provide grants to States and Indian tribes—

(1) to assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves; and

(2) to compensate livestock producers for livestock losses due to such predation.

(b) **CRITERIA AND REQUIREMENTS.**—The Secretaries shall—

(1) establish criteria and requirements to implement the program; and

(2) when promulgating regulations to implement the program under paragraph (1), consult with States that have implemented State programs that provide assistance to—

(A) livestock producers to undertake proactive activities to reduce the risk of livestock loss due to predation by wolves; or

(B) provide compensation to livestock producers for livestock losses due to such predation.

(c) **ELIGIBILITY.**—To be eligible to receive a grant under subsection (a), a State or Indian tribe shall—

(1) designate an appropriate agency of the State or Indian tribe to administer the 1 or more programs funded by the grant;

(2) establish 1 or more accounts to receive grant funds;

(3) maintain files of all claims received under programs funded by the grant, including supporting documentation;

(4) submit to the Secretary—

(A) annual reports that include—

(i) a summary of claims and expenditures under the program during the year; and

(ii) a description of any action taken on the claims; and

(B) such other reports as the Secretary may require to assist the Secretary in determining the effectiveness of activities provided assistance under this section; and

(5) promulgate rules for reimbursing livestock producers under the program.

(d) **ALLOCATION OF FUNDING.**—The Secretaries shall allocate funding made available to carry out this subtitle—

(1) equally between the uses identified in paragraphs (1) and (2) of subsection (a); and

(2) among States and Indian tribes based on—

(A) the level of livestock predation in the State or on the land owned by, or held in trust for the benefit of, the Indian tribe;

(B) whether the State or Indian tribe is located in a geographical area that is at high risk for livestock predation; or

(C) any other factors that the Secretaries determine are appropriate.

(e) **ELIGIBLE LAND.**—Activities and losses described in subsection (a) may occur on Federal, State, or private land, or land owned by, or held in trust for the benefit of, an Indian tribe.

(f) **FEDERAL COST SHARE.**—The Federal share of the cost of any activity provided assistance made available under this subtitle shall not exceed 50 percent of the total cost of the activity.

SEC. 6503. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle \$1,000,000 for fiscal year 2009 and each fiscal year thereafter.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

SEC. 7001. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term “City” means the City of Paterson, New Jersey.

(2) **COMMISSION.**—The term “Commission” means the Paterson Great Falls National Historical Park Advisory Commission established by subsection (e)(1).

(3) **HISTORIC DISTRICT.**—The term “Historic District” means the Great Falls Historic District in the State.

(4) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Park developed under subsection (d).

(5) **MAP.**—The term “Map” means the map entitled “Paterson Great Falls National Historical Park—Proposed Boundary”, numbered T03/80,001, and dated May 2008.

(6) **PARK.**—The term “Park” means the Paterson Great Falls National Historical Park established by subsection (b)(1)(A).

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(8) **STATE.**—The term “State” means the State of New Jersey.

(b) **PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.**—

(1) **ESTABLISHMENT.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), there is established in the State a unit of the National Park System to be known as the “Paterson Great Falls National Historical Park”.

(B) **CONDITIONS FOR ESTABLISHMENT.**—The Park shall not be established until the date on which the Secretary determines that—

(i) the Secretary has acquired sufficient land or an interest in land within the boundary of the Park to constitute a manageable unit; or

(ii) the State or City, as appropriate, has entered into a written agreement with the Secretary to donate—

(aa) the Great Falls State Park, including facilities for Park administration and visitor services; or

(bb) any portion of the Great Falls State Park agreed to between the Secretary and the State or City; and

(ii) the Secretary has entered into a written agreement with the State, City, or other public entity, as appropriate, providing that—

(i) land owned by the State, City, or other public entity within the Historic District will be managed consistent with this section; and

(ii) future uses of land within the Historic District will be compatible with the designation of the Park.

(2) **PURPOSE.**—The purpose of the Park is to preserve and interpret for the benefit of present and future generations certain historical, cultural, and natural resources associated with the Historic District.

(3) **BOUNDARIES.**—The Park shall include the following sites, as generally depicted on the Map:

(A) The upper, middle, and lower raceways.

(B) Mary Ellen Kramer (Great Falls) Park and adjacent land owned by the City.

(C) A portion of Upper Raceway Park, including the Ivanhoe Wheelhouse and the Society for Establishing Useful Manufactures Gatehouse.

(D) Overlook Park and adjacent land, including the Society for Establishing Useful Manufactures Hydroelectric Plant and Administration Building.

(E) The Allied Textile Printing site, including the Colt Gun Mill ruins, Mallory Mill ruins, Waverly Mill ruins, and Todd Mill ruins.

(F) The Rogers Locomotive Company Erecting Shop, including the Paterson Museum.

(G) The Great Falls Visitor Center.

(4) **AVAILABILITY OF MAP.**—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) **PUBLICATION OF NOTICE.**—Not later than 60 days after the date on which the conditions in clauses (i) and (ii) of paragraph (1)(B) are satisfied, the Secretary shall pub-

lish in the Federal Register notice of the establishment of the Park, including an official boundary map for the Park.

(c) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall administer the Park in accordance with—

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) **STATE AND LOCAL JURISDICTION.**—Nothing in this section enlarges, diminishes, or modifies any authority of the State, or any political subdivision of the State (including the City)—

(A) to exercise civil and criminal jurisdiction; or

(B) to carry out State laws (including regulations) and rules on non-Federal land located within the boundary of the Park.

(3) **COOPERATIVE AGREEMENTS.**—

(A) **IN GENERAL.**—As the Secretary determines to be appropriate to carry out this section, the Secretary may enter into cooperative agreements with the owner of the Great Falls Visitor Center or any nationally significant properties within the boundary of the Park under which the Secretary may identify, interpret, restore, and provide technical assistance for the preservation of the properties.

(B) **RIGHT OF ACCESS.**—A cooperative agreement entered into under subparagraph (A) shall provide that the Secretary, acting through the Director of the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purposes of—

(i) conducting visitors through the properties; and

(ii) interpreting the properties for the public.

(C) **CHANGES OR ALTERATIONS.**—No changes or alterations shall be made to any properties covered by a cooperative agreement entered into under subparagraph (A) unless the Secretary and the other party to the agreement agree to the changes or alterations.

(D) **CONVERSION, USE, OR DISPOSAL.**—Any payment made by the Secretary under this paragraph shall be subject to an agreement that the conversion, use, or disposal of a project for purposes contrary to the purposes of this section, as determined by the Secretary, shall entitle the United States to reimbursement in amount equal to the greater of—

(i) the amounts made available to the project by the United States; or

(ii) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or disposal.

(E) **MATCHING FUNDS.**—

(i) **IN GENERAL.**—As a condition of the receipt of funds under this paragraph, the Secretary shall require that any Federal funds made available under a cooperative agreement shall be matched on a 1-to-1 basis by non-Federal funds.

(ii) **FORM.**—With the approval of the Secretary, the non-Federal share required under clause (i) may be in the form of donated property, goods, or services from a non-Federal source.

(4) **ACQUISITION OF LAND.**—

(A) **IN GENERAL.**—The Secretary may acquire land or interests in land within the

boundary of the Park by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(B) **DONATION OF STATE OWNED LAND.**—Land or interests in land owned by the State or any political subdivision of the State may only be acquired by donation.

(5) **TECHNICAL ASSISTANCE AND PUBLIC INTERPRETATION.**—The Secretary may provide technical assistance and public interpretation of related historic and cultural resources within the boundary of the Historic District.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 fiscal years after the date on which funds are made available to carry out this subsection, the Secretary, in consultation with the Commission, shall complete a management plan for the Park in accordance with—

(A) section 12(b) of Public Law 91-383 (commonly known as the “National Park Service General Authorities Act”) (16 U.S.C. 1a-7(b)); and

(B) other applicable laws.

(2) **COST SHARE.**—The management plan shall include provisions that identify costs to be shared by the Federal Government, the State, and the City, and other public or private entities or individuals for necessary capital improvements to, and maintenance and operations of, the Park.

(3) **SUBMISSION TO CONGRESS.**—On completion of the management plan, the Secretary shall submit the management plan to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(e) **PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ADVISORY COMMISSION.**—

(1) **ESTABLISHMENT.**—There is established a commission to be known as the “Paterson Great Falls National Historical Park Advisory Commission”.

(2) **DUTIES.**—The duties of the Commission shall be to advise the Secretary in the development and implementation of the management plan.

(3) **MEMBERSHIP.**—

(A) **COMPOSITION.**—The Commission shall be composed of 9 members, to be appointed by the Secretary, of whom—

(i) 4 members shall be appointed after consideration of recommendations submitted by the Governor of the State;

(ii) 2 members shall be appointed after consideration of recommendations submitted by the City Council of Paterson, New Jersey;

(iii) 1 member shall be appointed after consideration of recommendations submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and

(iv) 2 members shall have experience with national parks and historic preservation.

(B) **INITIAL APPOINTMENTS.**—The Secretary shall appoint the initial members of the Commission not later than the earlier of—

(i) the date that is 30 days after the date on which the Secretary has received all of the recommendations for appointments under subparagraph (A); or

(ii) the date that is 30 days after the Park is established in accordance with subsection (b).

(4) **TERM; VACANCIES.**—

(A) **TERM.**—

(i) **IN GENERAL.**—A member shall be appointed for a term of 3 years.

(ii) **REAPPOINTMENT.**—A member may be reappointed for not more than 1 additional term.

(B) **VACANCIES.**—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(5) MEETINGS.—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(6) QUORUM.—A majority of the Commission shall constitute a quorum.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(B) VICE CHAIRPERSON.—The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(C) TERM.—A member may serve as Chairperson or Vice Chairman for not more than 1 year in each office.

(8) COMMISSION PERSONNEL MATTERS.—

(A) COMPENSATION OF MEMBERS.—

(i) IN GENERAL.—Members of the Commission shall serve without compensation.

(ii) TRAVEL EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(B) STAFF.—

(i) IN GENERAL.—The Secretary shall provide the Commission with any staff members and technical assistance that the Secretary, after consultation with the Commission, determines to be appropriate to enable the Commission to carry out the duties of the Commission.

(ii) DETAIL OF EMPLOYEES.—The Secretary may accept the services of personnel detailed from—

(I) the State;

(II) any political subdivision of the State; or

(III) any entity represented on the Commission.

(9) FACIA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) TERMINATION.—The Commission shall terminate 10 years after the date of enactment of this Act.

(f) STUDY OF HINCHLIFFE STADIUM.—

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this section, the Secretary shall complete a study regarding the preservation and interpretation of Hinchliffe Stadium, which is listed on the National Register of Historic Places.

(2) INCLUSIONS.—The study shall include an assessment of—

(A) the potential for listing the stadium as a National Historic Landmark; and

(B) options for maintaining the historic integrity of Hinchliffe Stadium.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7002. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE.

(a) ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.—Should the Secretary of the Interior acquire, by donation only from the Clinton Birthplace Foundation, Inc., fee simple, unencumbered title to the William Jefferson Clinton Birthplace Home site located at 117 South Hervey Street, Hope, Arkansas, 71801, and to any personal property related to that site, the

Secretary shall designate the William Jefferson Clinton Birthplace Home site as a National Historic Site and unit of the National Park System, to be known as the “President William Jefferson Clinton Birthplace Home National Historic Site”.

(b) APPLICABILITY OF OTHER LAWS.—The Secretary shall administer the President William Jefferson Clinton Birthplace Home National Historic Site in accordance with the laws generally applicable to national historic sites, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1-4), and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 7003. RIVER RAISIN NATIONAL BATTLEFIELD PARK.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—If Monroe County or Wayne County, Michigan, or other willing landowners in either County offer to donate to the United States land relating to the Battles of the River Raisin on January 18 and 22, 1813, or the aftermath of the battles, the Secretary of the Interior (referred to in this section as the “Secretary”) shall accept the donated land.

(2) DESIGNATION OF PARK.—On the acquisition of land under paragraph (1) that is of sufficient acreage to permit efficient administration, the Secretary shall designate the acquired land as a unit of the National Park System, to be known as the “River Raisin National Battlefield Park” (referred to in this section as the “Park”).

(3) LEGAL DESCRIPTION.—

(A) IN GENERAL.—The Secretary shall prepare a legal description of the land and interests in land designated as the Park by paragraph (2).

(B) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—A map with the legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall manage the Park for the purpose of preserving and interpreting the Battles of the River Raisin in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) GENERAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary shall complete a general management plan for the Park that, among other things, defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the site.

(B) CONSULTATION.—The Secretary shall consult with and solicit advice and recommendations from State, county, local, and civic organizations and leaders, and other interested parties in the preparation of the management plan.

(C) INCLUSIONS.—The plan shall include—

(i) consideration of opportunities for involvement by and support for the Park by State, county, and local governmental entities and nonprofit organizations and other interested parties; and

(ii) steps for the preservation of the resources of the site and the costs associated with these efforts.

(D) SUBMISSION TO CONGRESS.—On the completion of the general management plan, the Secretary shall submit a copy of the plan to

the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(3) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with State, county, local, and civic organizations to carry out this section.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House a report describing the progress made with respect to acquiring real property under this section and designating the River Raisin National Battlefield Park.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Amendments to Existing Units of the National Park System

SEC. 7101. FUNDING FOR KEWEENAW NATIONAL HISTORICAL PARK.

(a) ACQUISITION OF PROPERTY.—Section 4 of Public Law 102-543 (16 U.S.C. 410yy-3) is amended by striking subsection (d).

(b) MATCHING FUNDS.—Section 4(b) of Public Law 102-543 (16 U.S.C. 410yy-7(b)) is amended by striking “\$4” and inserting “\$1”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of Public Law 102-543 (16 U.S.C. 410yy-9) is amended—

(1) in subsection (a)—

(A) by striking “\$25,000,000” and inserting “\$50,000,000”; and

(B) by striking “\$3,000,000” and inserting “\$25,000,000”; and

(2) in subsection (b), by striking “\$100,000” and all that follows through “those duties” and inserting “\$250,000”.

SEC. 7102. LOCATION OF VISITOR AND ADMINISTRATIVE FACILITIES FOR WEIR FARM NATIONAL HISTORIC SITE.

Section 4(d) of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note) is amended—

(1) in paragraph (1)(B), by striking “contiguous to” and all that follows and inserting “within Fairfield County.”;

(2) by amending paragraph (2) to read as follows:

“(2) DEVELOPMENT.—

“(A) MAINTAINING NATURAL CHARACTER.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

“(B) TREATMENT OF PREVIOUSLY DEVELOPED PROPERTY.—Nothing in subparagraph (A) shall either prevent the Secretary from acquiring property under paragraph (1) that, prior to the Secretary’s acquisition, was developed in a manner inconsistent with subparagraph (A), or require the Secretary to remediate such previously developed property to reflect the natural character described in subparagraph (A).”;

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking “the appropriate zoning authority” and all that follows through “Wilton, Connecticut,” and inserting “the local governmental entity that, in accordance with applicable State law, has jurisdiction over any property acquired under paragraph (1)(A)”.

SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION.

Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended—

(1) in subsection (b)—

(A) by striking “The Preserve” and inserting the following:

“(1) IN GENERAL.—The Preserve”; and

(B) by adding at the end the following:

“(2) BOUNDARY EXPANSION.—The boundary of the Preserve is modified to include the land depicted on the map entitled ‘Little River Canyon National Preserve Proposed Boundary’, numbered 152/80,004, and dated December 2007.”; and

(2) in subsection (c), by striking “map” and inserting “maps”.

SEC. 7104. HOPEWELL CULTURE NATIONAL HISTORICAL PARK BOUNDARY EXPANSION.

Section 2 of the Act entitled “An Act to rename and expand the boundaries of the Mound City Group National Monument in Ohio”, approved May 27, 1992 (106 Stat. 185), is amended—

(1) by striking “and” at the end of subsection (a)(3);

(2) by striking the period at the end of subsection (a)(4) and inserting “; and”; and

(3) by adding after subsection (a)(4) the following new paragraph:

“(5) the map entitled ‘Hopewell Culture National Historical Park, Ohio Proposed Boundary Adjustment’ numbered 353/80,049 and dated June, 2006.”; and

(4) by adding after subsection (d)(2) the following new paragraph:

“(3) The Secretary may acquire lands added by subsection (a)(5) only from willing sellers.”.

SEC. 7105. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking “of approximately twenty thousand acres generally depicted on the map entitled ‘Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve’ numbered 90,000B and dated April 1978,” and inserting “generally depicted on the map entitled ‘Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve’, numbered 467/80100A, and dated December 2007.”.

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking “(a) Within the” and all that follows through the first sentence and inserting the following:

“(a) IN GENERAL.—

“(1) BARATARIA PRESERVE UNIT.—

“(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the Barataria Preserve Unit by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

“(B) LIMITATIONS.—

“(i) IN GENERAL.—Any non-Federal land depicted on the map described in section 901 as ‘Lands Proposed for Addition’ may be acquired by the Secretary only with the consent of the owner of the land.

“(ii) BOUNDARY ADJUSTMENT.—On the date on which the Secretary acquires a parcel of land described in clause (i), the boundary of the Barataria Preserve Unit shall be adjusted to reflect the acquisition.

“(iii) EASEMENTS.—To ensure adequate hurricane protection of the communities located in the area, any land identified on the map described in section 901 that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.

“(C) TRANSFER OF ADMINISTRATION JURISDICTION.—Effective on the date of enactment of the Omnibus Public Land Management Act of 2009, administrative jurisdiction over any Federal land within the areas depicted on the map described in section 901 as ‘Lands Proposed for Addition’ is transferred, without consideration, to the administrative jurisdiction of the National Park Service, to be administered as part of the Barataria Preserve Unit.”;

(B) in the second sentence, by striking “The Secretary may also acquire by any of the foregoing methods” and inserting the following:

“(2) FRENCH QUARTER.—The Secretary may acquire by any of the methods referred to in paragraph (1)(A)”; and

(C) in the third sentence, by striking “Lands, waters, and interests therein” and inserting the following:

“(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water”; and

(D) in the fourth sentence, by striking “In acquiring” and inserting the following:

“(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring”;

(2) by striking subsections (b) through (f) and inserting the following:

“(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

“(1) fresh water drainage patterns;

“(2) vegetative cover;

“(3) the integrity of ecological and biological systems; and

“(4) water and air quality.

“(c) ADJACENT LAND.—With the consent of the owner and the parish governing authority, the Secretary may—

“(1) acquire land, water, and interests in land and water, by any of the methods referred to in subsection (a)(1)(A) (including use of appropriations from the Land and Water Conservation Fund); and

“(2) revise the boundaries of the Barataria Preserve Unit to include adjacent land and water.”; and

(3) by redesignating subsection (g) as subsection (d).

(c) DEFINITION OF IMPROVED PROPERTY.—Section 903 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230b) is amended in the fifth sentence by inserting “(or January 1, 2007, for areas added to the park after that date)” after “January 1, 1977”.

(d) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking “, except that within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he” and inserting “on land, and interests in land and water managed by the Secretary, except that the Secretary”.

(e) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking “Pending such establishment and thereafter the” and inserting “The”.

(f) REFERENCES IN LAW.—

(1) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(A) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(B) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(2) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(A) by striking “Barataria Marsh Unit” each place it appears and inserting “Barataria Preserve Unit”; and

(B) by striking “Jean Lafitte National Historical Park” each place it appears and inserting “Jean Lafitte National Historical Park and Preserve”.

SEC. 7106. MINUTE MAN NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Minute Man National Historical Park Proposed Boundary”, numbered 406/81001, and dated July 2007.

(2) PARK.—The term “Park” means the Minute Man National Historical Park in the State of Massachusetts.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) MINUTE MAN NATIONAL HISTORICAL PARK.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Park is modified to include the area generally depicted on the map.

(B) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) ACQUISITION OF LAND.—The Secretary may acquire the land or an interest in the land described in paragraph (1)(A) by—

(A) purchase from willing sellers with donated or appropriated funds;

(B) donation; or

(C) exchange.

(3) ADMINISTRATION OF LAND.—The Secretary shall administer the land added to the Park under paragraph (1)(A) in accordance with applicable laws (including regulations).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7107. EVERGLADES NATIONAL PARK.

(a) INCLUSION OF TARPON BASIN PROPERTY.—

(1) DEFINITIONS.—In this subsection:

(A) HURRICANE HOLE.—The term “Hurricane Hole” means the natural salt-water body of water within the Duesenbury Tracts of the eastern parcel of the Tarpon Basin boundary adjustment and accessed by Duesenbury Creek.

(B) MAP.—The term “map” means the map entitled “Proposed Tarpon Basin Boundary Revision”, numbered 160/80,012, and dated May 2008.

(C) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(D) TARPON BASIN PROPERTY.—The term “Tarpon Basin property” means land that—

(i) is comprised of approximately 600 acres of land and water surrounding Hurricane Hole, as generally depicted on the map; and

(ii) is located in South Key Largo.

(2) BOUNDARY REVISION.—

(A) IN GENERAL.—The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

(B) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange, land, water, or interests in land and water, within the area depicted on the map, to be added to Everglades National Park.

(C) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(D) ADMINISTRATION.—Land added to Everglades National Park by this section shall be administered as part of Everglades National Park in accordance with applicable laws (including regulations).

(3) HURRICANE HOLE.—The Secretary may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(b) LAND EXCHANGES.—

(1) DEFINITIONS.—In this subsection:

(A) COMPANY.—The term “Company” means Florida Power & Light Company.

(B) FEDERAL LAND.—The term “Federal Land” means the parcels of land that are—

- (i) owned by the United States;
- (ii) administered by the Secretary;
- (iii) located within the National Park; and
- (iv) generally depicted on the map as—

(I) Tract A, which is adjacent to the Tamiami Trail, U.S. Rt. 41; and

(II) Tract B, which is located on the eastern boundary of the National Park.

(C) MAP.—The term “map” means the map prepared by the National Park Service, entitled “Proposed Land Exchanges, Everglades National Park”, numbered 160/60411A, and dated September 2008.

(D) NATIONAL PARK.—The term “National Park” means the Everglades National Park located in the State.

(E) NON-FEDERAL LAND.—The term “non-Federal land” means the land in the State that—

(i) is owned by the State, the specific area and location of which shall be determined by the State; or

(ii) (I) is owned by the Company;

(II) comprises approximately 320 acres; and

(III) is located within the East Everglades Acquisition Area, as generally depicted on the map as “Tract D”.

(F) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(G) STATE.—The term “State” means the State of Florida and political subdivisions of the State, including the South Florida Water Management District.

(2) LAND EXCHANGE WITH STATE.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the State offers to convey to the Secretary all right, title, and interest of the State in and to specific parcels of non-Federal land, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the State all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract A”.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISALS.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the State, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(3) LAND EXCHANGE WITH COMPANY.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the Company offers to convey to the Secretary all right, title, and interest of the Company in and to the non-Federal land generally depicted on the map as “Tract D”, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the Company all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract B”, along with a perpetual easement on a corridor of land contiguous to Tract B for the purpose of vegetation management.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal unless the non-Federal land is of higher value than the Federal land.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISAL.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(4) MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) BOUNDARY REVISION.—On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.

SEC. 7108. KALAUPAPA NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Secretary of the Interior shall authorize Ka ‘Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park, and their family members and friends, to establish a memorial at a suitable location or locations ap-

proved by the Secretary at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1969.

(b) DESIGN.—

(1) IN GENERAL.—The memorial authorized by subsection (a) shall—

(A) display in an appropriate manner the names of the first 5,000 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, most of whom lived at Kalawao; and

(B) display in an appropriate manner the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history, when most of the community was concentrated on the Kalaupapa side of the peninsula.

(2) APPROVAL.—The location, size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary of the Interior.

(c) FUNDING.—Ka ‘Ohana O Kalaupapa, a nonprofit organization, shall be solely responsible for acceptance of contributions for and payment of the expenses associated with the establishment of the memorial.

SEC. 7109. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

(a) COOPERATIVE AGREEMENTS.—Section 1029(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(d)) is amended by striking paragraph (3) and inserting the following:

“(3) AGREEMENTS.—

“(A) DEFINITION OF ELIGIBLE ENTITY.—In this paragraph, the term ‘eligible entity’ means—

“(i) the Commonwealth of Massachusetts;

“(ii) a political subdivision of the Commonwealth of Massachusetts; or

“(iii) any other entity that is a member of the Boston Harbor Islands Partnership described in subsection (e)(2).

“(B) AUTHORITY OF SECRETARY.—Subject to subparagraph (C), the Secretary may consult with an eligible entity on, and enter into with the eligible entity—

“(i) a cooperative management agreement to acquire from, and provide to, the eligible entity goods and services for the cooperative management of land within the recreation area; and

“(ii) notwithstanding section 6305 of title 31, United States Code, a cooperative agreement for the construction of recreation area facilities on land owned by an eligible entity for purposes consistent with the management plan under subsection (f).

“(C) CONDITIONS.—The Secretary may enter into an agreement with an eligible entity under subparagraph (B) only if the Secretary determines that—

“(i) appropriations for carrying out the purposes of the agreement are available; and

“(ii) the agreement is in the best interests of the United States.”.

(b) TECHNICAL AMENDMENTS.—

(1) MEMBERSHIP.—Section 1029(e)(2)(B) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amended by striking “Coast Guard” and inserting “Coast Guard.”.

(2) DONATIONS.—Section 1029(e)(11) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(11)) is amended by striking “Notwithstanding” and inserting “Notwithstanding”.

SEC. 7110. THOMAS EDISON NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) **PURPOSES.**—The purposes of this section are—

(1) to recognize and pay tribute to Thomas Alva Edison and his innovations; and

(2) to preserve, protect, restore, and enhance the Edison National Historic Site to ensure public use and enjoyment of the Site as an educational, scientific, and cultural center.

(b) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established the Thomas Edison National Historical Park as a unit of the National Park System (referred to in this section as the “Historical Park”).

(2) **BOUNDARIES.**—The Historical Park shall be comprised of all property owned by the United States in the Edison National Historic Site as well as all property authorized to be acquired by the Secretary of the Interior (referred to in this section as the “Secretary”) for inclusion in the Edison National Historic Site before the date of the enactment of this Act, as generally depicted on the map entitled the “Thomas Edison National Historical Park”, numbered 403/80,000, and dated April 2008.

(3) **MAP.**—The map of the Historical Park shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall administer the Historical Park in accordance with this section and with the provisions of law generally applicable to units of the National Park System, including the Acts entitled “An Act to establish a National Park Service, and for other purposes,” approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes,” approved August 21, 1935 (16 U.S.C. 461 et seq.).

(2) **ACQUISITION OF PROPERTY.**—

(A) **REAL PROPERTY.**—The Secretary may acquire land or interests in land within the boundaries of the Historical Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(B) **PERSONAL PROPERTY.**—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Historical Park.

(3) **COOPERATIVE AGREEMENTS.**—The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the Historical Park.

(4) **REPEAL OF SUPERSEDED LAW.**—Public Law 87–628 (76 Stat. 428), regarding the establishment and administration of the Edison National Historic Site, is repealed.

(5) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “Edison National Historic Site” shall be deemed to be a reference to the “Thomas Edison National Historical Park”.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7111. WOMEN'S RIGHTS NATIONAL HISTORICAL PARK.

(a) **VOTES FOR WOMEN TRAIL.**—Title XVI of Public Law 96–607 (16 U.S.C. 4101) is amended by adding at the end the following:

“SEC. 1602. VOTES FOR WOMEN TRAIL.

“(a) **DEFINITIONS.**—In this section:

“(1) **PARK.**—The term ‘Park’ means the Women’s Rights National Historical Park established by section 1601.

“(2) **SECRETARY.**—The term ‘Secretary’ means the Secretary of the Interior, acting through the Director of the National Park Service.

“(3) **STATE.**—The term ‘State’ means the State of New York.

“(4) **TRAIL.**—The term ‘Trail’ means the Votes for Women History Trail Route designated under subsection (b).

“(b) **ESTABLISHMENT OF TRAIL ROUTE.**—The Secretary, with concurrence of the agency having jurisdiction over the relevant roads, may designate a vehicular tour route, to be known as the ‘Votes for Women History Trail Route’, to link properties in the State that are historically and thematically associated with the struggle for women’s suffrage in the United States.

“(c) **ADMINISTRATION.**—The Trail shall be administered by the National Park Service through the Park.

“(d) **ACTIVITIES.**—To facilitate the establishment of the Trail and the dissemination of information regarding the Trail, the Secretary shall—

“(1) produce and disseminate appropriate educational materials regarding the Trail, such as handbooks, maps, exhibits, signs, interpretive guides, and electronic information;

“(2) coordinate the management, planning, and standards of the Trail in partnership with participating properties, other Federal agencies, and State and local governments;

“(3) create and adopt an official, uniform symbol or device to mark the Trail; and

“(4) issue guidelines for the use of the symbol or device adopted under paragraph (3).

“(e) **ELEMENTS OF TRAIL ROUTE.**—Subject to the consent of the owner of the property, the Secretary may designate as an official stop on the Trail—

“(1) all units and programs of the Park relating to the struggle for women’s suffrage;

“(2) other Federal, State, local, and privately owned properties that the Secretary determines have a verifiable connection to the struggle for women’s suffrage; and

“(3) other governmental and nongovernmental facilities and programs of an educational, commemorative, research, or interpretive nature that the Secretary determines to be directly related to the struggle for women’s suffrage.

“(f) **COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.**—

“(1) **IN GENERAL.**—To facilitate the establishment of the Trail and to ensure effective coordination of the Federal and non-Federal properties designated as stops along the Trail, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical and financial assistance to, other Federal agencies, the State, localities, regional governmental bodies, and private entities.

“(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as are necessary for the period of fiscal years 2009 through 2013 to provide financial assistance to cooperating entities pursuant to agreements or memoranda entered into under paragraph (1).”

(b) **NATIONAL WOMEN’S RIGHTS HISTORY PROJECT NATIONAL REGISTRY.**—

(1) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) may make annual grants to State historic preservation offices for not more than 5 years to assist the State historic preservation offices in surveying, evaluating, and

nominating to the National Register of Historic Places women’s rights history properties.

(2) **ELIGIBILITY.**—In making grants under paragraph (1), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women’s rights movement, such as politics, economics, education, religion, and social and family rights.

(3) **UPDATES.**—The Secretary shall ensure that the National Register travel itinerary website entitled “Places Where Women Made History” is updated to contain—

(A) the results of the inventory conducted under paragraph (1); and

(B) any links to websites related to places on the inventory.

(4) **COST-SHARING REQUIREMENT.**—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(5) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this subsection \$1,000,000 for each of fiscal years 2009 through 2013.

(c) **NATIONAL WOMEN’S RIGHTS HISTORY PROJECT PARTNERSHIPS NETWORK.**—

(1) **GRANTS.**—The Secretary may make matching grants and give technical assistance for development of a network of governmental and nongovernmental entities (referred to in this subsection as the “network”), the purpose of which is to provide interpretive and educational program development of national women’s rights history, including historic preservation.

(2) **MANAGEMENT OF NETWORK.**—

(A) **IN GENERAL.**—The Secretary shall, through a competitive process, designate a nongovernmental managing network to manage the network.

(B) **COORDINATION.**—The nongovernmental managing entity designated under subparagraph (A) shall work in partnership with the Director of the National Park Service and State historic preservation offices to coordinate operation of the network.

(3) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(B) **STATE HISTORIC PRESERVATION OFFICES.**—Matching grants for historic preservation specific to the network may be made available through State historic preservation offices.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this subsection \$1,000,000 for each of fiscal years 2009 through 2013.

SEC. 7112. MARTIN VAN BUREN NATIONAL HISTORIC SITE.

(a) **DEFINITIONS.**—In this section:

(1) **HISTORIC SITE.**—The term “historic site” means the Martin Van Buren National Historic Site in the State of New York established by Public Law 93–486 (16 U.S.C. 461 note) on October 26, 1974.

(2) **MAP.**—The term “map” means the map entitled “Boundary Map, Martin Van Buren National Historic Site”, numbered “460/80801”, and dated January 2005.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **BOUNDARY ADJUSTMENTS TO THE HISTORIC SITE.**—

(1) **BOUNDARY ADJUSTMENT.**—The boundary of the historic site is adjusted to include approximately 261 acres of land identified as the “PROPOSED PARK BOUNDARY”, as generally depicted on the map.

(2) **ACQUISITION AUTHORITY.**—The Secretary may acquire the land and any interests in the land described in paragraph (1) from willing sellers by donation, purchase with donated or appropriated funds, or exchange.

(3) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) **ADMINISTRATION.**—Land acquired for the historic site under this section shall be administered as part of the historic site in accordance with applicable law (including regulations).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7113. PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.

(a) **DESIGNATION OF PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.**—

(1) **IN GENERAL.**—The Palo Alto Battlefield National Historic Site shall be known and designated as the “Palo Alto Battlefield National Historical Park”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the historic site referred to in subsection (a) shall be deemed to be a reference to the Palo Alto Battlefield National Historical Park.

(3) **CONFORMING AMENDMENTS.**—The Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102-304) is amended—

(A) by striking “National Historic Site” each place it appears and inserting “National Historical Park”;

(B) in the heading for section 3, by striking “**NATIONAL HISTORIC SITE**” and inserting “**NATIONAL HISTORICAL PARK**”; and

(C) by striking “historic site” each place it appears and inserting “historical park”.

(b) **BOUNDARY EXPANSION, PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK, TEXAS.**—Section 3(b) of the Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102-304) (as amended by subsection (a)) is amended—

(1) in paragraph (1), by striking “(1) The historical park” and inserting the following: “(1) **IN GENERAL.**—The historical park”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

“(2) **ADDITIONAL LAND.**—

“(A) **IN GENERAL.**—In addition to the land described in paragraph (1), the historical park shall consist of approximately 34 acres of land, as generally depicted on the map entitled ‘Palo Alto Battlefield NHS Proposed Boundary Expansion’, numbered 469/80,012, and dated May 21, 2008.

“(B) **AVAILABILITY OF MAP.**—The map described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.”; and

(4) in paragraph (3) (as redesignated by paragraph (2))—

(A) by striking “(3) Within” and inserting the following:

“(3) **LEGAL DESCRIPTION.**—Not later than”; and

(B) in the second sentence, by striking “map referred to in paragraph (1)” and inserting “maps referred to in paragraphs (1) and (2)”.

SEC. 7114. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORICAL PARK.

(a) **DESIGNATION.**—The Abraham Lincoln Birthplace National Historic Site in the

State of Kentucky shall be known and designated as the “Abraham Lincoln Birthplace National Historical Park”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Abraham Lincoln Birthplace National Historic Site shall be deemed to be a reference to the “Abraham Lincoln Birthplace National Historical Park”.

SEC. 7115. NEW RIVER GORGE NATIONAL RIVER.

Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-20) is amended in the first sentence by striking “may” and inserting “shall”.

SEC. 7116. TECHNICAL CORRECTIONS.

(a) **GAYLORD NELSON WILDERNESS.**—

(1) **REDESIGNATION.**—Section 140 of division E of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108-447), is amended—

(A) in subsection (a), by striking “Gaylord A. Nelson” and inserting “Gaylord Nelson”; and

(B) in subsection (c)(4), by striking “Gaylord A. Nelson Wilderness” and inserting “Gaylord Nelson Wilderness”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “Gaylord A. Nelson Wilderness” shall be deemed to be a reference to the “Gaylord Nelson Wilderness”.

(b) **ARLINGTON HOUSE LAND TRANSFER.**—Section 2863(h)(1) of Public Law 107-107 (115 Stat. 1333) is amended by striking “the George Washington Memorial Parkway” and inserting “Arlington House, The Robert E. Lee Memorial.”.

(c) **CUMBERLAND ISLAND WILDERNESS.**—Section 2(a)(1) of Public Law 97-250 (16 U.S.C. 1132 note; 96 Stat. 709) is amended by striking “numbered 640/20,038I, and dated September 2004” and inserting “numbered 640/20,038K, and dated September 2005”.

(d) **PETRIFIED FOREST BOUNDARY.**—Section 2(1) of the Petrified Forest National Park Expansion Act of 2004 (16 U.S.C. 119 note; Public Law 108-430) is amended by striking “numbered 110/80,044, and dated July 2004” and inserting “numbered 110/80,045, and dated January 2005”.

(e) **COMMEMORATIVE WORKS ACT.**—Chapter 89 of title 40, United States Code, is amended—

(1) in section 8903(d), by inserting “Natural” before “Resources”;

(2) in section 8904(b), by inserting “Advisory” before “Commission”; and

(3) in section 8908(b)(1)—

(A) in the first sentence, by inserting “Advisory” before “Commission”; and

(B) in the second sentence, by striking “House Administration” and inserting “Natural Resources”.

(f) **CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL.**—Section 5(a)(25)(A) of the National Trails System Act (16 U.S.C. 1244(a)(25)(A)) is amended by striking “The John Smith” and inserting “The Captain John Smith”.

(g) **DELAWARE NATIONAL COASTAL SPECIAL RESOURCE STUDY.**—Section 604 of the Delaware National Coastal Special Resources Study Act (Public Law 109-338; 120 Stat. 1856) is amended by striking “under section 605”.

(h) **USE OF RECREATION FEES.**—Section 808(a)(1)(F) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807(a)(1)(F)) is amended by striking “section 6(a)” and inserting “section 806(a)”.

(i) **CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.**—Section 297F(b)(2)(A) of the Crossroads of the Amer-

ican Revolution National Heritage Area Act of 2006 (Public Law 109-338; 120 Stat. 1844) is amended by inserting “duties” before “of the”.

(j) **CUYAHOGA VALLEY NATIONAL PARK.**—Section 474(12) of the Consolidated Natural Resources Act of 2008 (Public Law 110-229; 122 Stat. 827) is amended by striking “Cayohoga” each place it appears and inserting “Cuyahoga”.

(k) **PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE.**—

(1) **NAME ON MAP.**—Section 313(d)(1)(B) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-199; 40 U.S.C. 872 note) is amended by striking “map entitled ‘Pennsylvania Avenue National Historic Park’, dated June 1, 1995, and numbered 840-82441” and inserting “map entitled ‘Pennsylvania Avenue National Historic Site’, dated August 25, 2008, and numbered 840-82441B”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pennsylvania Avenue National Historic Park shall be deemed to be a reference to the “Pennsylvania Avenue National Historic Site”.

SEC. 7117. DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, OHIO.

(a) **ADDITIONAL AREAS INCLUDED IN PARK.**—Section 101 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww, et seq.) is amended by adding at the end the following:

“(c) **ADDITIONAL SITES.**—In addition to the sites described in subsection (b), the park shall consist of the following sites, as generally depicted on a map titled ‘Dayton Aviation Heritage National Historical Park’, numbered 362/80,013 and dated May 2008:

“(1) Hawthorn Hill, Oakwood, Ohio.

“(2) The Wright Company factory and associated land and buildings, Dayton, Ohio.”.

(b) **PROTECTION OF HISTORIC PROPERTIES.**—Section 102 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww-1) is amended—

(1) in subsection (a), by inserting “Hawthorn Hill, the Wright Company factory,” after “, acquire”;

(2) in subsection (b), by striking “Such agreements” and inserting:

“(d) **CONDITIONS.**—Cooperative agreements under this section”;

(3) by inserting before subsection (d) (as added by paragraph 2) the following:

“(c) **COOPERATIVE AGREEMENTS.**—The Secretary is authorized to enter into a cooperative agreement with a partner or partners, including the Wright Family Foundation, to operate and provide programming for Hawthorn Hill and charge reasonable fees notwithstanding any other provision of law, which may be used to defray the costs of park operation and programming.”; and

(4) by striking “Commission” and inserting “Aviation Heritage Foundation”.

(c) **GRANT ASSISTANCE.**—The Dayton Aviation Heritage Preservation Act of 1992, is amended—

(1) by redesignating subsection (b) of section 108 as subsection (c); and

(2) by inserting after subsection (a) of section 108 the following new subsection:

“(b) **GRANT ASSISTANCE.**—The Secretary is authorized to make grants to the parks’ partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, for projects not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project.

Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park's general management plan, and shall enhance public use and enjoyment of the park."

(d) NATIONAL AVIATION HERITAGE AREA.—Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 461 note; Public Law 108-447), is amended—

(1) in section 503(3), by striking "104" and inserting "504";

(2) in section 503(4), by striking "106" and inserting "506";

(3) in section 504, by striking subsection (b)(2) and by redesignating subsection (b)(3) as subsection (b)(2); and

(4) in section 505(b)(1), by striking "106" and inserting "506".

SEC. 7118. FORT DAVIS NATIONAL HISTORIC SITE.

Public Law 87-213 (16 U.S.C. 461 note) is amended as follows:

(1) In the first section—

(A) by striking "the Secretary of the Interior" and inserting "(a) The Secretary of the Interior";

(B) by striking "476 acres" and inserting "646 acres"; and

(C) by adding at the end the following:

"(b) The Secretary may acquire from willing sellers land comprising approximately 55 acres, as depicted on the map titled 'Fort Davis Proposed Boundary Expansion', numbered 418/80,045, and dated April 2008. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon acquisition of the land, the land shall be incorporated into the Fort Davis National Historic Site."

(2) By repealing section 3.

Subtitle C—Special Resource Studies

SEC. 7201. WALNUT CANYON STUDY.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term "map" means the map entitled "Walnut Canyon Proposed Study Area" and dated July 17, 2007.

(2) SECRETARIES.—The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(3) STUDY AREA.—The term "study area" means the area identified on the map as the "Walnut Canyon Proposed Study Area".

(b) STUDY.—

(1) IN GENERAL.—The Secretaries shall conduct a study of the study area to assess—

(A) the suitability and feasibility of designating all or part of the study area as an addition to Walnut Canyon National Monument, in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c));

(B) continued management of the study area by the Forest Service; or

(C) any other designation or management option that would provide for—

(i) protection of resources within the study area; and

(ii) continued access to, and use of, the study area by the public.

(2) CONSULTATION.—The Secretaries shall provide for public comment in the preparation of the study, including consultation with appropriate Federal, State, and local governmental entities.

(3) REPORT.—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the results of the study; and

(B) any recommendations of the Secretaries.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7202. TULE LAKE SEGREGATION CENTER, CALIFORNIA.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study of the Tule Lake Segregation Center to determine the national significance of the site and the suitability and feasibility of including the site in the National Park System.

(2) STUDY GUIDELINES.—The study shall be conducted in accordance with the criteria for the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(3) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(A) Modoc County;

(B) the State of California;

(C) appropriate Federal agencies;

(D) tribal and local government entities;

(E) private and nonprofit organizations; and

(F) private landowners.

(4) SCOPE OF STUDY.—The study shall include an evaluation of—

(A) the significance of the site as a part of the history of World War II;

(B) the significance of the site as the site relates to other war relocation centers;

(C) the historical resources of the site, including the stockade, that are intact and in place;

(D) the contributions made by the local agricultural community to the World War II effort; and

(E) the potential impact of designation of the site as a unit of the National Park System on private landowners.

(b) REPORT.—Not later than 3 years after the date on which funds are made available to conduct the study required under this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study.

SEC. 7203. ESTATE GRANGE, ST. CROIX.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in consultation with the Governor of the Virgin Islands, shall conduct a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall evaluate—

(A) the national significance of the sites and resources; and

(B) the suitability and feasibility of designating the sites and resources as a unit of the National Park System.

(3) CRITERIA.—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91-383 (16 U.S.C. 1a-5) shall apply to the study under paragraph (1).

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy

and Natural Resources of the Senate a report containing—

(A) the results of the study; and

(B) any findings, conclusions, and recommendations of the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7204. HARRIET BEECHER STOWE HOUSE, MAINE.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the "Secretary") shall complete a special resource study of the Harriet Beecher Stowe House in Brunswick, Maine, to evaluate—

(A) the national significance of the Harriet Beecher Stowe House and surrounding land; and

(B) the suitability and feasibility of designating the Harriet Beecher Stowe House and surrounding land as a unit of the National Park System.

(2) STUDY GUIDELINES.—In conducting the study authorized under paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(b) REPORT.—On completion of the study required under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7205. SHEPHERDSTOWN BATTLEFIELD, WEST VIRGINIA.

(a) SPECIAL RESOURCES STUDY.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study relating to the Battle of Shepherdstown in Shepherdstown, West Virginia, to evaluate—

(1) the national significance of the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield; and

(2) the suitability and feasibility of adding the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield as part of—

(A) Harpers Ferry National Historical Park; or

(B) Antietam National Battlefield.

(b) CRITERIA.—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7206. GREEN MCADOO SCHOOL, TENNESSEE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the

“Secretary”) shall conduct a special resource study of the site of Green McAdoo School in Clinton, Tennessee, (referred to in this section as the “site”) to evaluate—

(1) the national significance of the site; and

(2) the suitability and feasibility of designating the site as a unit of the National Park System.

(b) **CRITERIA.**—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **CONTENTS.**—The study authorized by this section shall—

(1) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(2) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site; and

(3) identify alternatives for the management, administration, and protection of the site.

(d) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SEC. 7207. HARRY S TRUMAN BIRTHPLACE, MISSOURI.

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the Harry S Truman Birthplace State Historic Site (referred to in this section as the “birthplace site”) in Lamar, Missouri, to determine—

(1) the suitability and feasibility of—

(A) adding the birthplace site to the Harry S Truman National Historic Site; or

(B) designating the birthplace site as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the birthplace site by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the birthplace site.

SEC. 7208. BATTLE OF MATEWAN SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the sites and resources at Matewan, West Virginia, associated with the Battle of Matewan (also known as the “Matewan Massacre”) of May 19, 1920, to determine—

(1) the suitability and feasibility of designating certain historic areas of Matewan, West Virginia, as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the historic areas by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the historic areas.

SEC. 7209. BUTTERFIELD OVERLAND TRAIL.

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study along the route known as the “Ox-Bow Route” of the Butterfield Overland Trail (referred to in this section as the “route”) in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California to evaluate—

(1) a range of alternatives for protecting and interpreting the resources of the route, including alternatives for potential addition of the Trail to the National Trails System; and

(2) the methods and means for the protection and interpretation of the route by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) or section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), as appropriate.

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the route.

SEC. 7210. COLD WAR SITES THEME STUDY.

(a) **DEFINITIONS.**—

(1) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the Cold War Advisory Committee established under subsection (c).

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **THEME STUDY.**—The term “theme study” means the national historic landmark theme study conducted under subsection (b)(1).

(b) **COLD WAR THEME STUDY.**—

(1) **IN GENERAL.**—The Secretary shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(2) **RESOURCES.**—In conducting the theme study, the Secretary shall consider—

(A) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1906); and

(B) historical studies and research of Cold War sites and resources, including—

(i) intercontinental ballistic missiles;

(ii) flight training centers;

(iii) manufacturing facilities;

(iv) communications and command centers (such as Cheyenne Mountain, Colorado);

(v) defensive radar networks (such as the Distant Early Warning Line);

(vi) nuclear weapons test sites (such as the Nevada test site); and

(vii) strategic and tactical aircraft.

(3) **CONTENTS.**—The theme study shall include—

(A) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

(i) sites for which studies for potential inclusion in the National Park System should be authorized;

(ii) sites for which new national historic landmarks should be nominated; and

(iii) other appropriate designations;

(B) recommendations for cooperative agreements with—

(i) State and local governments;

(ii) local historical organizations; and

(iii) other appropriate entities; and

(C) an estimate of the amount required to carry out the recommendations under subparagraphs (A) and (B).

(4) **CONSULTATION.**—In conducting the theme study, the Secretary shall consult with—

(A) the Secretary of the Air Force;

(B) State and local officials;

(C) State historic preservation offices; and

(D) other interested organizations and individuals.

(5) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

(c) **COLD WAR ADVISORY COMMITTEE.**—

(1) **ESTABLISHMENT.**—As soon as practicable after funds are made available to carry out this section, the Secretary shall establish an advisory committee, to be known as the “Cold War Advisory Committee”, to assist the Secretary in carrying out this section.

(2) **COMPOSITION.**—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary, of whom—

(A) 3 shall have expertise in Cold War history;

(B) 2 shall have expertise in historic preservation;

(C) 1 shall have expertise in the history of the United States; and

(D) 3 shall represent the general public.

(3) **CHAIRPERSON.**—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(4) **COMPENSATION.**—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(5) **MEETINGS.**—On at least 3 occasions, the Secretary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

(d) **INTERPRETIVE HANDBOOK ON THE COLD WAR.**—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary shall—

(1) prepare and publish an interpretive handbook on the Cold War; and

(2) disseminate information in the theme study by other appropriate means.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$500,000.

SEC. 7211. BATTLE OF CAMDEN, SOUTH CAROLINA.

(a) **IN GENERAL.**—The Secretary shall complete a special resource study of the site of the Battle of Camden fought in South Carolina on August 16, 1780, and the site of Historic Camden, which is a National Park System Affiliated Area, to determine—

(1) the suitability and feasibility of designating the sites as a unit or units of the National Park System; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 7212. FORT SAN GERÓNIMO, PUERTO RICO.

(a) **DEFINITIONS.**—In this section:

(1) **FORT SAN GERÓNIMO.**—The term “Fort San Gerónimo” (also known as “Fortín de San Gerónimo del Boquerón”) means the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico.

(2) **RELATED RESOURCES.**—The term “related resources” means other parts of the fortification system of old San Juan that are not included within the boundary of San Juan National Historic Site, such as sections of the City Wall or other fortifications.

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretary shall complete a special resource study of Fort San Gerónimo and other related resources, to determine—

(A) the suitability and feasibility of including Fort San Gerónimo and other related resources in the Commonwealth of Puerto Rico as part of San Juan National Historic Site; and

(B) the methods and means for the protection and interpretation of Fort San Gerónimo and other related resources by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(2) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

Subtitle D—Program Authorizations

SEC. 7301. AMERICAN BATTLEFIELD PROTECTION PROGRAM.

(a) **PURPOSE.**—The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites

where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(b) **PRESERVATION ASSISTANCE.**—

(1) **IN GENERAL.**—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) **FINANCIAL ASSISTANCE.**—To carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$3,000,000 annually to carry out this subsection, to remain available until expended.

(c) **BATTLEFIELD ACQUISITION GRANT PROGRAM.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **BATTLEFIELD REPORT.**—The term “Battlefield Report” means the document entitled “Report on the Nation’s Civil War Battlefields”, prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(B) **ELIGIBLE ENTITY.**—The term “eligible entity” means a State or local government.

(C) **ELIGIBLE SITE.**—The term “eligible site” means a site—

(i) that is not within the exterior boundaries of a unit of the National Park System; and

(ii) that is identified in the Battlefield Report.

(D) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the American Battlefield Protection Program.

(2) **ESTABLISHMENT.**—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(3) **NONPROFIT PARTNERS.**—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

(4) **NON-FEDERAL SHARE.**—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

(5) **LIMITATION ON LAND USE.**—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3)).

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to provide grants under this subsection \$10,000,000 for each of fiscal years 2009 through 2013.

SEC. 7302. PRESERVE AMERICA PROGRAM.

(a) **PURPOSE.**—The purpose of this section is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

(b) **DEFINITIONS.**—In this section:

(1) **COUNCIL.**—The term “Council” means the Advisory Council on Historic Preservation.

(2) **HERITAGE TOURISM.**—The term “heritage tourism” means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) **PROGRAM.**—The term “program” means the Preserve America Program established under subsection (c)(1).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under subsection (d)), Indian tribes, communities designated as Preserve America Communities under subsection (d), State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(2) **ELIGIBLE PROJECTS.**—

(A) **IN GENERAL.**—The following projects shall be eligible for a grant under this section:

(i) A project for the conduct of—

(I) research on, and documentation of, the history of a community; and

(II) surveys of the historic resources of a community.

(ii) An education and interpretation project that conveys the history of a community or site.

(iii) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(iv) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(v) A project to support heritage tourism in a Preserve America Community designated under subsection (d).

(vi) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this section.

(B) **LIMITATION.**—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(3) **PREFERENCE.**—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America’s Treasures Program.

(4) **CONSULTATION AND NOTIFICATION.**—

(A) **CONSULTATION.**—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) **NOTIFICATION.**—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources

of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(5) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or
(ii) donated supplies and related services, the value of which shall be determined by the Secretary.

(C) **REQUIREMENT.**—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) **DESIGNATION OF PRESERVE AMERICA COMMUNITIES.**—

(1) **APPLICATION.**—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(2) **CRITERIA.**—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under paragraph (1) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(A) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(B) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(C) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(3) **LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES.**—The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)).

(4) **GUIDELINES.**—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this subsection.

(e) **REGULATIONS.**—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$25,000,000 for each fiscal year, to remain available until expended.

SEC. 7303. SAVE AMERICA'S TREASURES PROGRAM.

(a) **PURPOSE.**—The purpose of this section is to authorize within the Department of the Interior the Save America's Treasures Program, to be carried out by the Director of the National Park Service, in partnership with—

(1) the National Endowment for the Arts;

(2) the National Endowment for the Humanities;

(3) the Institute of Museum and Library Services;

(4) the National Trust for Historic Preservation;

(5) the National Conference of State Historic Preservation Officers;

(6) the National Association of Tribal Historic Preservation Officers; and

(7) the President's Committee on the Arts and the Humanities.

(b) **DEFINITIONS.**—In this section:

(1) **COLLECTION.**—The term “collection” means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) **HISTORIC PROPERTY.**—The term “historic property” has the meaning given the term in section 301 of the National Historic Preservation Act (16 U.S.C. 470w).

(4) **NATIONALLY SIGNIFICANT.**—The term “nationally significant” means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(5) **PROGRAM.**—The term “program” means the Save America's Treasures Program established under subsection (c)(1).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established in the Department of the Interior the Save America's Treasures program, under which the amounts made available to the Secretary under subsection (e) shall be used by the Secretary, in consultation with the organizations described in subsection (a), subject to paragraph (6)(A)(ii), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

(2) **DETERMINATION OF GRANTS.**—Of the amounts made available for grants under subsection (e), not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under paragraph (5).

(3) **APPLICATIONS FOR GRANTS.**—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(4) **COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.**—

(A) **IN GENERAL.**—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

(i) nationally significant; and
(ii) threatened or endangered.

(B) **ELIGIBLE COLLECTIONS.**—A determination by the Secretary regarding the national significance of collections under subparagraph (A)(i) shall be made in consultation with the organizations described in subsection (a), as appropriate.

(C) **ELIGIBLE HISTORIC PROPERTIES.**—To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application—

(i) be listed in the National Register of Historic Places at the national level of significance; or

(ii) be designated as a National Historic Landmark.

(5) **SELECTION CRITERIA FOR GRANTS.**—

(A) **IN GENERAL.**—The Secretary shall not provide a grant under this section to a project for an eligible collection or historic property unless the project—

(i) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;

(ii) has a clear public benefit; and

(iii) is able to be completed on schedule and within the budget described in the grant application.

(B) **PREFERENCE.**—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(C) **LIMITATION.**—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(6) **CONSULTATION AND NOTIFICATION BY SECRETARY.**—

(A) **CONSULTATION.**—

(i) **IN GENERAL.**—Subject to clause (ii), the Secretary shall consult with the organizations described in subsection (a) in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(ii) **LIMITATION.**—If an entity described in clause (i) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that clause and paragraph (1).

(B) **NOTIFICATION.**—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(7) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies or related services, the value of which shall be determined by the Secretary.

(C) **REQUIREMENT.**—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) **REGULATIONS.**—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$50,000,000 for each fiscal year, to remain available until expended.

SEC. 7304. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.

Section 4 of Public Law 106-45 (16 U.S.C. 461 note; 113 Stat. 226) is amended by striking "2009" and inserting "2019".

SEC. 7305. NATIONAL CAVE AND KARST RESEARCH INSTITUTE.

The National Cave and Karst Research Institute Act of 1998 (16 U.S.C. 4310 note; Public Law 105-325) is amended by striking section 5 and inserting the following:

"SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary to carry out this Act."

Subtitle E—Advisory Commissions**SEC. 7401. NA HOA PILI O KALOKO-HONOKOHAU ADVISORY COMMISSION.**

Section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)) is amended by striking "ten years after the date of enactment of the Na Hoa Pili O Kaloko-Honokohau Re-establishment Act of 1996" and inserting "on December 31, 2018".

SEC. 7402. CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION.

Effective September 26, 2008, section 8(a) of Public Law 87-126 (16 U.S.C. 459b-7(a)) is amended in the second sentence by striking "2008" and inserting "2018".

SEC. 7403. NATIONAL PARK SYSTEM ADVISORY BOARD.

Section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)), is amended in the first sentence by striking "2009" and inserting "2010".

SEC. 7404. CONCESSIONS MANAGEMENT ADVISORY BOARD.

Section 409(d) of the National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. 5958(d)) is amended in the first sentence by striking "2008" and inserting "2009".

SEC. 7405. ST. AUGUSTINE 450TH COMMEMORATION COMMISSION.

(a) DEFINITIONS.—In this section:

(1) COMMEMORATION.—The term "commemoration" means the commemoration of the 450th anniversary of the founding of the settlement of St. Augustine, Florida.

(2) COMMISSION.—The term "Commission" means the St. Augustine 450th Commemoration Commission established by subsection (b)(1).

(3) GOVERNOR.—The term "Governor" means the Governor of the State.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—

(A) IN GENERAL.—The term "State" means the State of Florida.

(B) INCLUSION.—The term "State" includes agencies and entities of the State of Florida.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the "St. Augustine 450th Commemoration Commission".

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 14 members, of whom—

(i) 3 members shall be appointed by the Secretary, after considering the recommendations of the St. Augustine City Commission;

(ii) 3 members shall be appointed by the Secretary, after considering the recommendations of the Governor;

(iii) 1 member shall be an employee of the National Park Service having experience relevant to the historical resources relating to the city of St. Augustine and the commemoration, to be appointed by the Secretary;

(iv) 1 member shall be appointed by the Secretary, taking into consideration the rec-

ommendations of the Mayor of the city of St. Augustine;

(v) 1 member shall be appointed by the Secretary, after considering the recommendations of the Chancellor of the University System of Florida; and

(vi) 5 members shall be individuals who are residents of the State who have an interest in, support for, and expertise appropriate to the commemoration, to be appointed by the Secretary, taking into consideration the recommendations of Members of Congress.

(B) TIME OF APPOINTMENT.—Each appointment of an initial member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(C) TERM; VACANCIES.—

(i) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(ii) VACANCIES.—

(I) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(II) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(iii) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as Mayor of the city of St. Augustine or as an employee of the National Park Service or the State University System of Florida, and ceases to hold such position, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date on which that member ceases to hold the position.

(3) DUTIES.—The Commission shall—

(A) plan, develop, and carry out programs and activities appropriate for the commemoration;

(B) facilitate activities relating to the commemoration throughout the United States;

(C) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of the significance of the founding and continuing history of St. Augustine;

(D) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(E) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, St. Augustine;

(F) ensure that the commemoration provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs; and

(G) help ensure that the observances of the foundation of St. Augustine are inclusive and appropriately recognize the experiences and heritage of all individuals present when St. Augustine was founded.

(c) COMMISSION MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(2) MEETINGS.—The Commission shall meet—

(A) at least 3 times each year; or

(B) at the call of the Chairperson or the majority of the members of the Commission.

(3) QUORUM.—A majority of the voting members shall constitute a quorum, but a lesser number may hold meetings.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(B) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(5) VOTING.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(d) COMMISSION POWERS.—

(1) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(2) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this section.

(3) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this section.

(4) PROCUREMENT.—

(A) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this section (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

(B) LIMITATION.—The Commission may not purchase real property.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(6) GRANTS AND TECHNICAL ASSISTANCE.—The Commission may—

(A) provide grants in amounts not to exceed \$20,000 per grant to communities and nonprofit organizations for use in developing programs to assist in the commemoration;

(B) provide grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of St. Augustine; and

(C) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) DIRECTOR AND STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), nominate an executive director to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from the State; and

(ii) reimburse the State for services of detailed personnel.

(6) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(7) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

(8) SUPPORT SERVICES.—

(A) IN GENERAL.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(B) REIMBURSEMENT.—Any reimbursement under this paragraph shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

(9) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) NO EFFECT ON AUTHORITY.—Nothing in this subsection supersedes the authority of the State, the National Park Service, the city of St. Augustine, or any designee of those entities, with respect to the commemoration.

(f) PLANS; REPORTS.—

(1) STRATEGIC PLAN.—The Commission shall prepare a strategic plan for the activities of the Commission carried out under this section.

(2) FINAL REPORT.—Not later than September 30, 2015, the Commission shall complete and submit to Congress a final report that contains—

(A) a summary of the activities of the Commission;

(B) a final accounting of funds received and expended by the Commission; and

(C) the findings and recommendations of the Commission.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Commission to carry out

this section \$500,000 for each of fiscal years 2009 through 2015.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until December 31, 2015.

(h) TERMINATION OF COMMISSION.—

(1) DATE OF TERMINATION.—The Commission shall terminate on December 31, 2015.

(2) TRANSFER OF DOCUMENTS AND MATERIALS.—Before the date of termination specified in paragraph (1), the Commission shall transfer all documents and materials of the Commission to the National Archives or another appropriate Federal entity.

TITLE VIII—NATIONAL HERITAGE AREAS**Subtitle A—Designation of National Heritage Areas****SEC. 8001. SANGRE DE CRISTO NATIONAL HERITAGE AREA, COLORADO.**

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Sangre de Cristo National Heritage Area established by subsection (b)(1).

(2) MANAGEMENT ENTITY.—The term “management entity” means the management entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (d).

(4) MAP.—The term “map” means the map entitled “Proposed Sangre De Cristo National Heritage Area” and dated November 2005.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of Colorado.

(b) SANGRE DE CRISTO NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Sangre de Cristo National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) the counties of Alamosa, Conejos, and Costilla; and

(B) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Sangre de Cristo National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State,

nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(D) obtain money or services from any source including any that are provided under any other Federal law or program;

(E) contract for goods or services; and

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area and is consistent with the approved management plan.

(2) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year that Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds;

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the

management entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located in the core area described in subsection (b)(2); and

(II) any other property in the core area that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, or maintained because of the significance of the property;

(ii) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date that the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations,

educational institutions, businesses, and recreational organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines make a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regu-

lation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8002. CACHE LA POUDE RIVER NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Cache La Poudre River National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Poudre Heritage Alliance, the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (d)(1).

(4) MAP.—The term “map” means the map entitled “Cache La Poudre River National Heritage Area”, numbered 960/80,003, and dated April, 2004.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of Colorado.

(b) CACHE LA POUDRE RIVER NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Cache La Poudre River National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the area depicted on the map.

(3) MAP.—The map shall be on file and available for public inspection in the appropriate offices of—

(A) the National Park Service; and

(B) the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The local coordinating entity for the Heritage Area shall be the Poudre Heritage Alliance, a nonprofit organization incorporated in the State.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—To carry out the management plan, the Secretary, acting through the local coordinating entity, may use amounts made available under this section—

(A) to make grants to the State (including any political subdivision of the State), nonprofit organizations, and other individuals;

(B) to enter into cooperative agreements with, or provide technical assistance to, the State (including any political subdivision of the State), nonprofit organizations, and other interested parties;

(C) to hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resource protection, and heritage programming;

(D) to obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) to enter into contracts for goods or services; and

(F) to serve as a catalyst for any other activity that—

(i) furthers the purposes and goals of the Heritage Area; and

(ii) is consistent with the approved management plan.

(2) DUTIES.—The local coordinating entity shall—

(A) in accordance with subsection (d), prepare and submit to the Secretary a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values located in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, the natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest, are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of the resources located in the Heritage Area;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(iv) a program of implementation for the management plan by the local coordinating entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and

water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the local coordinating entity shall be ineligible to receive additional funding under this section until the date on which the Secretary approves a management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the date of receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(5) AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines would make a substantial change to the management plan.

(B) USE OF FUNDS.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law (including regulations).

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including any regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any public or private property owner, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner—

(A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law (including regulations), of any private property owner with respect to any individual injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area to identify the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

(j) CONFORMING AMENDMENT.—The Cache La Poudre River Corridor Act (16 U.S.C. 461 note; Public Law 104-323) is repealed.

SEC. 8003. SOUTH PARK NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Board of Directors of the South Park National Heritage Area, comprised initially of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(2) HERITAGE AREA.—The term “Heritage Area” means the South Park National Heritage Area established by subsection (b)(1).

(3) MANAGEMENT ENTITY.—The term “management entity” means the management entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required by subsection (d).

(5) MAP.—The term “map” means the map entitled “South Park National Heritage Area Map (Proposed)”, dated January 30, 2006.

(6) PARTNER.—The term “partner” means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in the conservation, preservation, interpretation, development or promotion of heritage sites or resources of the Heritage Area.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(8) STATE.—The term “State” means the State of Colorado.

(9) TECHNICAL ASSISTANCE.—The term “technical assistance” means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

(b) SOUTH PARK NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the South Park National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the areas included in the map.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Park County Tourism & Community Development Office, in conjunction with the South Park National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(2) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, fundraising, heritage facility planning and development, and heritage tourism programming;

(D) obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) enter into contracts for goods or services; and

(F) to facilitate the conduct of other projects and activities that further the Heritage Area and are consistent with the approved management plan.

(3) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, local property owners and businesses, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, enhance, and promote important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing economic, recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area;

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area; and

(viii) planning and developing new heritage attractions, products and services;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit to the Secretary an annual report that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the Federal funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(4) **COST-SHARING REQUIREMENT.**—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the management entity, with public participation, shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, interpretation, development, and promotion of the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located within the areas included in the map; and

(II) any other eligible and participating property within the areas included in the map that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, maintained, developed, or promoted because of the significance of the property;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, development, and promotion of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to manage protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing and effective collaboration among partners to promote plans for resource protection, enhancement, interpretation, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) an analysis of and recommendations for means by which Federal, State, and local

programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area.

(3) **DEADLINE.**—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date on which the Secretary receives and approves the management plan.

(4) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, local businesses and industries, community organizations, recreational organizations, and tourism organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) strategies contained in the management plan, if implemented, would adequately balance the voluntary protection, development, and interpretation of the natural, historical, cultural, scenic, recreational, and agricultural resources of the Heritage Area.

(C) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) **AMENDMENTS.**—

(i) **IN GENERAL.**—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines makes a substantial change to the management plan.

(ii) **USE OF FUNDS.**—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult

and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) **PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) **EVALUATION; REPORT.**—

(1) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) **EVALUATION.**—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) **REPORT.**—

(A) **IN GENERAL.**—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) **REQUIRED ANALYSIS.**—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8004. NORTHERN PLAINS NATIONAL HERITAGE AREA, NORTH DAKOTA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Northern Plains National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Northern Plains Heritage Foundation, the local coordinating entity for the Heritage Area designated by subsection (c)(1).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (d).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of North Dakota.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Northern Plains National Heritage Area in the State of North Dakota.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) a core area of resources in Burleigh, McLean, Mercer, Morton, and Oliver Counties in the State; and

(B) any sites, buildings, and districts within the core area recommended by the management plan for inclusion in the Heritage Area.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the local coordinating entity and the National Park Service.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Northern Plains Heritage Foundation, a nonprofit corporation established under the laws of the State.

(2) DUTIES.—To further the purposes of the Heritage Area, the Northern Plains Heritage Foundation, as the local coordinating entity, shall—

(A) prepare a management plan for the Heritage Area, and submit the management plan to the Secretary, in accordance with this section;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(3) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the Heritage Area, the local coordinating entity may use Federal funds made available under this section to—

(A) make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including other Federal programs;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(4) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized to be appropriated under this section to acquire any interest in real property.

(5) OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds from other sources for authorized purposes.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be

protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation of the Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for the Heritage Area on the basis of the criteria established under subparagraph (B).

(B) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and

development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(C) DISAPPROVAL.—

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) AMENDMENTS.—

(i) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(E) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(F) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide financial assistance and, on a reimbursable or nonreimbursable basis, technical assistance to the local coordinating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) **PRIORITY.**—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(4) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies or alters any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) **PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) modify public access to, or use of, the property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, tribal, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) **EVALUATION.**—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) **IN GENERAL.**—Based on the evaluation conducted under paragraph (1)(A), the Sec-

retary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) **REQUIRED ANALYSIS.**—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) **SUBMISSION TO CONGRESS.**—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) **IN GENERAL.**—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) **FORM.**—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(i) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARYLAND.

(a) DEFINITIONS.—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Baltimore National Heritage Area, established by subsection (b)(1).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) **MAP.**—The term “map” means the map entitled “Baltimore National Heritage Area”, numbered T10/80,000, and dated October 2007.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **STATE.**—The term “State” means the State of Maryland.

(b) BALTIMORE NATIONAL HERITAGE AREA.—

(1) **ESTABLISHMENT.**—There is established the Baltimore National Heritage Area in the State.

(2) **BOUNDARIES.**—The Heritage Area shall be comprised of the following areas, as described on the map:

(A) The area encompassing the Baltimore City Heritage Area certified by the Maryland Heritage Areas Authority in October 2001 as part of the Baltimore City Heritage Area Management Action Plan.

(B) The Mount Auburn Cemetery.

(C) The Cylburn Arboretum.

(D) The Middle Branch of the Patapsco River and surrounding shoreline, including—

(i) the Cruise Maryland Terminal;

(ii) new marina construction;

(iii) the National Aquarium Aquatic Life Center;

(iv) the Westport Redevelopment;

(v) the Gwynns Falls Trail;

(vi) the Baltimore Rowing Club; and

(vii) the Masonville Cove Environmental Center.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Baltimore Heritage Area Association.

(4) LOCAL COORDINATING ENTITY.—The Baltimore Heritage Area Association shall be the local coordinating entity for the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of

the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) **DUTIES AND AUTHORITIES OF THE SECRETARY.**—

(1) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) **PRIORITY.**—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) **EVALUATION; REPORT.**—

(A) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) **EVALUATION.**—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) **REPORT.**—

(i) **IN GENERAL.**—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) **REQUIRED ANALYSIS.**—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) **SUBMISSION TO CONGRESS.**—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) **PROPERTY OWNERS AND REGULATORY PROTECTIONS.**—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) **FORM.**—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) **TERMINATION OF EFFECTIVENESS.**—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8006. FREEDOM'S WAY NATIONAL HERITAGE AREA, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) **PURPOSES.**—The purposes of this section are—

(1) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the States of Massachusetts and New Hampshire;

(2) to assist the entities described in paragraph (1) to preserve the special historic identity of the Heritage Area; and

(3) to manage, preserve, protect, and interpret the cultural, historic, and natural resources of the Heritage Area for the educational and inspirational benefit of future generations.

(b) **DEFINITIONS.**—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Freedom's Way National Heritage Area established by subsection (c)(1).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area required under subsection (d)(1)(A).

(4) **MAP.**—The term “map” means the map entitled “Freedom's Way National Heritage Area”, numbered T04/80,000, and dated July 2007.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire.

(2) **BOUNDARIES.**—

(A) **IN GENERAL.**—The boundaries of the Heritage Area shall be as generally depicted on the map.

(B) **REVISION.**—The boundaries of the Heritage Area may be revised if the revision is—

(i) proposed in the management plan;

(ii) approved by the Secretary in accordance with subsection (e)(4); and

(iii) placed on file in accordance with paragraph (3).

(3) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) **LOCAL COORDINATING ENTITY.**—The Freedom's Way Heritage Association, Inc., shall be the local coordinating entity for the Heritage Area.

(d) **DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.**—

(1) **DUTIES OF THE LOCAL COORDINATING ENTITY.**—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize and protect important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations,

and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(4) **USE OF FUNDS FOR NON-FEDERAL PROPERTY.**—The local coordinating entity may use Federal funds made available under this section to assist non-Federal property that is—

(A) described in the management plan; or

(B) listed, or eligible for listing, on the National Register of Historic Places.

(e) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for the con-

servation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) provide a framework for coordination of the plans considered under subparagraph (B) to present a unified historic preservation and interpretation plan;

(D) contain the contributions of residents, public agencies, and private organizations within the Heritage Area;

(E) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(F) specify existing and potential sources of funding or economic development strategies to conserve, manage, and develop the Heritage Area;

(G) include an inventory of the natural, historic, and recreational resources of the Heritage Area, including a list of properties that—

(i) are related to the themes of the Heritage Area; and

(ii) should be conserved, restored, managed, developed, or maintained;

(H) recommend policies and strategies for resource management that—

(i) apply appropriate land and water management techniques;

(ii) include the development of intergovernmental and interagency agreements to protect the natural, historic, and cultural resources of the Heritage Area; and

(iii) support economic revitalization efforts;

(I) describe a program for implementation of the management plan, including—

(i) restoration and construction plans or goals;

(ii) a program of public involvement;

(iii) annual work plans; and

(iv) annual reports;

(J) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(K) include an interpretive plan for the Heritage Area; and

(L) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area,

including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(C) **ACTION FOLLOWING DISAPPROVAL.**—

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) **AMENDMENTS.**—

(i) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(f) **DUTIES AND AUTHORITIES OF THE SECRETARY.**—

(1) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) **PRIORITY.**—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, and cultural resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) **EVALUATION; REPORT.**—

(A) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the States of Massachusetts and New Hampshire to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(j) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8007. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Mississippi Hills National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for Heritage Area designated by subsection (b)(3)(A).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of Mississippi.

(b) MISSISSIPPI HILLS NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Mississippi Hills National Heritage Area in the State.

(2) BOUNDARIES.—

(A) AFFECTED COUNTIES.—The Heritage Area shall consist of all, or portions of, as specified by the boundary description in subparagraph (B), Alcorn, Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Clay, DeSoto, Grenada, Holmes, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha Counties in the State.

(B) BOUNDARY DESCRIPTION.—The Heritage Area shall have the following boundary description:

(i) traveling counterclockwise, the Heritage Area shall be bounded to the west by

U.S. Highway 51 from the Tennessee State line until it intersects Interstate 55 (at Geeslin Corner approximately ½ mile due north of Highway Interchange 208);

(ii) from this point, Interstate 55 shall be the western boundary until it intersects with Mississippi Highway 12 at Highway Interchange 156, the intersection of which shall be the southwest terminus of the Heritage Area;

(iii) from the southwest terminus, the boundary shall—

(I) extend east along Mississippi Highway 12 until it intersects U.S. Highway 51;

(II) follow Highway 51 south until it is intersected again by Highway 12;

(III) extend along Highway 12 into downtown Kosciusko where it intersects Mississippi Highway 35;

(IV) follow Highway 35 south until it is intersected by Mississippi Highway 14; and

(V) extend along Highway 14 until it reaches the Alabama State line, the intersection of which shall be the southeast terminus of the Heritage Area;

(iv) from the southeast terminus, the boundary of the Heritage Area shall follow the Mississippi-Alabama State line until it reaches the Mississippi-Tennessee State line, the intersection of which shall be the northeast terminus of the Heritage Area; and

(v) the boundary shall extend due west until it reaches U.S. Highway 51, the intersection of which shall be the northwest terminus of the Heritage Area.

(3) LOCAL COORDINATING ENTITY.—

(A) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Mississippi Hills Heritage Area Alliance, a nonprofit organization registered by the State, with the cooperation and support of the University of Mississippi.

(B) BOARD OF DIRECTORS.—

(i) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors comprised of not more than 30 members.

(ii) COMPOSITION.—Members of the Board of Directors shall consist of—

(I) not more than 1 representative from each of the counties described in paragraph (2)(A); and

(II) any ex-officio members that may be appointed by the Board of Directors, as the Board of Directors determines to be necessary.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(ii) developing recreational opportunities in the Heritage Area;

(iii) increasing public awareness of, and appreciation for, natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(v) carrying out any other activity that the local coordinating entity determines to be consistent with this section;

(C) conduct meetings open to the public at least annually regarding the development

and implementation of the management plan;

(D) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(E) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(F) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(G) ensure that each county included in the Heritage Area is appropriately represented on any oversight advisory committee established under this section to coordinate the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants and loans to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program; and

(E) contract for goods or services.

(3) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) provide recommendations for the preservation, conservation, enhancement, funding, management, interpretation, development, and promotion of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(B) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(C) include—

(i) an inventory of the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) an analysis of how Federal, State, tribal, and local programs may best be coordinated to promote and carry out this section;

(D) provide recommendations for educational and interpretive programs to pro-

vide information to the public on the resources of the Heritage Area; and

(E) involve residents of affected communities and tribal and local governments.

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) **ACTION FOLLOWING DISAPPROVAL.**—

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) **REVIEW; AMENDMENTS.**—

(i) **IN GENERAL.**—After approval by the Secretary of the management plan, the Alliance shall periodically—

(I) review the management plan; and

(II) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

(ii) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(iii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) **DUTIES AND AUTHORITIES OF THE SECRETARY.**—

(1) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) **PRIORITY.**—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) **EVALUATION; REPORT.**—

(A) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) **EVALUATION.**—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) **REPORT.**—

(i) **IN GENERAL.**—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) **REQUIRED ANALYSIS.**—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) **SUBMISSION TO CONGRESS.**—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) EFFECT.—

(1) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(A) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(B) requires any property owner to—

(i) permit public access (including Federal, tribal, State, or local government access) to the property; or

(ii) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(C) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(D) conveys any land use or other regulatory authority to the local coordinating entity;

(E) authorizes or implies the reservation or appropriation of water or water rights;

(F) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(G) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(2) NO EFFECT ON INDIAN TRIBES.—Nothing in this section—

(A) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(B) diminishes the trust responsibilities or government-to-government obligations of the United States to any Indian tribe recognized by the Federal Government.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to

provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8008. MISSISSIPPI DELTA NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Board of Directors of the local coordinating entity.

(2) HERITAGE AREA.—The term “Heritage Area” means the Mississippi Delta National Heritage Area established by subsection (b)(1).

(3) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area developed under subsection (d).

(5) MAP.—The term “map” means the map entitled “Mississippi Delta National Heritage Area”, numbered T13/80,000, and dated April 2008.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) STATE.—The term “State” means the State of Mississippi.

(b) ESTABLISHMENT.—

(1) ESTABLISHMENT.—There is established in the State the Mississippi Delta National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall include all counties in the State that contain land located in the alluvial floodplain of the Mississippi Delta, including Bolivar, Carroll, Coahoma, Desoto, Holmes, Humphreys, Issaquena, Leflore, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica, Warren, Washington, and Yazoo Counties in the State, as depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) LOCAL COORDINATING ENTITY.—

(A) DESIGNATION.—The Mississippi Delta National Heritage Area Partnership shall be the local coordinating entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—

(I) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors composed of 15 members, of whom—

(aa) 1 member shall be appointed by Delta State University;

(bb) 1 member shall be appointed by Mississippi Valley State University;

(cc) 1 member shall be appointed by Alcorn State University;

(dd) 1 member shall be appointed by the Delta Foundation;

(ee) 1 member shall be appointed by the Smith Robertson Museum;

(ff) 1 member shall be appointed from the office of the Governor of the State;

(gg) 1 member shall be appointed by Delta Council;

(hh) 1 member shall be appointed from the Mississippi Arts Commission;

(ii) 1 member shall be appointed from the Mississippi Department of Archives and History;

(jj) 1 member shall be appointed from the Mississippi Humanities Council; and

(kk) up to 5 additional members shall be appointed for staggered 1- and 2-year terms by County boards in the Heritage Area.

(II) RESIDENCY REQUIREMENTS.—At least 7 members of the Board shall reside in the Heritage Area.

(ii) OFFICERS.—

(I) IN GENERAL.—At the initial meeting of the Board, the members of the Board shall appoint a Chairperson, Vice Chairperson, and Secretary/Treasurer.

(II) DUTIES.—

(aa) CHAIRPERSON.—The duties of the Chairperson shall include—

(AA) presiding over meetings of the Board;

(BB) executing documents of the Board; and

(CC) coordinating activities of the Heritage Area with Federal, State, local, and non-governmental officials.

(bb) VICE CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the absence or disability of the Chairperson.

(iii) MANAGEMENT AUTHORITY.—

(I) IN GENERAL.—The Board shall—

(aa) exercise all corporate powers of the local coordinating entity;

(bb) manage the activities and affairs of the local coordinating entity; and

(cc) subject to any limitations in the articles and bylaws of the local coordinating entity, this section, and any other applicable Federal or State law, establish the policies of the local coordinating entity.

(II) STAFF.—The Board shall have the authority to employ any services and staff that are determined to be necessary by a majority vote of the Board.

(iv) BYLAWS.—

(I) IN GENERAL.—The Board may amend or repeal the bylaws of the local coordinating entity at any meeting of the Board by a majority vote of the Board.

(II) NOTICE.—The Board shall provide notice of any meeting of the Board at which an amendment to the bylaws is to be considered that includes the text or a summary of the proposed amendment.

(v) MINUTES.—Not later than 60 days after a meeting of the Board, the Board shall distribute the minutes of the meeting among all Board members and the county supervisors in each county within the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations,

and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private or-

ganizations, and citizens plan to take to protect, enhance, and interpret the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the cultural, historical, archae-

ological, natural, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) **ACTION FOLLOWING DISAPPROVAL.**—

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) **AMENDMENTS.**—

(i) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) **DUTIES AND AUTHORITIES OF THE SECRETARY.**—

(1) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) **PRIORITY.**—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(D) **PROHIBITION OF CERTAIN REQUIREMENTS.**—The Secretary may not, as a condition of the provision of technical or financial assistance under this subsection, require any recipient of the assistance to impose or modify any land use restriction or zoning ordinance.

(2) **EVALUATION; REPORT.**—

(A) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park

Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area;

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property;

(8) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(9) diminishes the trust responsibilities of government-to-government obligations of the United States of any federally recognized Indian tribe.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve, support, conserve, and interpret the legacy of the region represented by the Heritage Area as described in the feasibility study prepared by the National Park Service;

(2) to promote heritage, cultural, and recreational tourism, and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key developments in the growth of the United States, including the Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the manner by which the distinctive geography of the region has shaped the development of the settlement, defense, transportation, commerce, and culture of the region;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Muscle Shoals National Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the plan for the Heritage Area required under subsection (d)(1)(A).

(4) MAP.—The term “map” means the map entitled “Muscle Shoals National Heritage Area”, numbered T08/80,000, and dated October 2007.

(5) STATE.—The term “State” means the State of Alabama.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Muscle Shoals National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as depicted on the map:

(A) The Counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan, Alabama.

(B) The Wilson Dam.

(C) The Handy Home.

(D) The birthplace of Helen Keller.

(3) AVAILABILITY MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The Muscle Shoals Regional Center shall be the local coordinating entity for the Heritage Area.

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(D) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area; and

(E) serve as a catalyst for the implementation of projects and programs among diverse partners in the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, or developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and inter-agency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, recreational organizations, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and public meetings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan;

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, and private sector parties for implementation of the management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan,

the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) **SUBMISSION TO CONGRESS.**—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) **PROPERTY OWNERS AND REGULATORY PROTECTIONS.**—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) **AVAILABILITY.**—Funds made available under paragraph (1) shall remain available until expended.

(3) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) **FORM.**—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(4) **USE OF FEDERAL FUNDS FROM OTHER SOURCES.**—Nothing in this section precludes the local coordinating entity from using Federal funds available under provisions of

law other than this section for the purposes for which those funds were authorized.

(j) **TERMINATION OF EFFECTIVENESS.**—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA, ALASKA.

(a) **DEFINITIONS.**—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Kenai Mountains-Turnagain Arm National Heritage Area established by subsection (b)(1).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Kenai Mountains-Turnagain Arm Corridor Communities Association.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the plan prepared by the local coordinating entity for the Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the Heritage Area, in accordance with this section.

(4) **MAP.**—The term “map” means the map entitled “Proposed Kenai Mountains-Turnagain Arm NHA” and dated August 7, 2007.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **DESIGNATION OF THE KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.**—

(1) **ESTABLISHMENT.**—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(2) **BOUNDARIES.**—The Heritage Area shall be comprised of the land in the Kenai Mountains and upper Turnagain Arm region, as generally depicted on the map.

(3) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in—

(A) the appropriate offices of the Forest Service, Chugach National Forest;

(B) the Alaska Regional Office of the National Park Service; and

(C) the office of the Alaska State Historic Preservation Officer.

(c) **MANAGEMENT PLAN.**—

(1) **LOCAL COORDINATING ENTITY.**—The local coordinating entity, in partnership with other interested parties, shall develop a management plan for the Heritage Area in accordance with this section.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for use in—

(i) telling the story of the heritage of the area covered by the Heritage Area; and

(ii) encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that the Federal Government, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and inter-agency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service, the Forest Service, and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and each of the major activities contained in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) **DEADLINE.**—

(A) **IN GENERAL.**—Not later than 3 years after the date on which funds are first made available to develop the management plan after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after receiving the management plan under paragraph (3), the Secretary shall review and approve or disapprove the management plan for a Heritage Area on the basis of the criteria established under subparagraph (C).

(B) **CONSULTATION.**—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving a management plan for the Heritage Area.

(C) **CRITERIA FOR APPROVAL.**—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including the Federal Government, State, tribal, and local governments, natural and historical resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with other interested parties, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal Government, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(d) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under this section, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(e) LOCAL COORDINATING ENTITY.—

(1) DUTIES.—To further the purposes of the Heritage Area, in addition to developing the management plan for the Heritage Area under subsection (c), the local coordinating entity shall—

(A) serve to facilitate and expedite the implementation of projects and programs among diverse partners in the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraging; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—For the purpose of preparing and implementing the approved management plan for the Heritage Area under subsection (c), the local coordinating entity may use Federal funds made available under this section—

(A) to make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) to enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) to hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) to obtain funds or services from any source, including other Federal programs;

(E) to enter into contracts for goods or services; and

(F) to support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this section to acquire any interest in real property.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other provision of law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity, to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including a regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of any State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated to carry out this section \$1,000,000 for each fiscal year, to remain available until expended.

(2) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than a total of \$10,000,000 may be made available to carry out this section.

(3) COST-SHARING.—

(A) IN GENERAL.—The Federal share of the total cost of any activity carried out under this section shall not exceed 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of any activity carried out under this section may be provided in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle B—Studies**SEC. 8101. CHATTAHOOCHEE TRACE, ALABAMA AND GEORGIA.**

(a) DEFINITIONS.—In this section:

(1) CORRIDOR.—The term “Corridor” means the Chattahoochee Trace National Heritage Corridor.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STUDY AREA.—The term “study area” means the study area described in subsection (b)(2).

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with State historic preservation officers, State historical societies, State tourism offices, and other appropriate organizations or agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as the Chattahoochee Trace National Heritage Corridor.

(2) STUDY AREA.—The study area includes—

(A) the portion of the Apalachicola-Chattahoochee-Flint River Basin and surrounding areas, as generally depicted on the map entitled “Chattahoochee Trace National Heritage Corridor, Alabama/Georgia”, numbered T05/80000, and dated July 2007; and

(B) any other areas in the State of Alabama or Georgia that—

(i) have heritage aspects that are similar to the areas depicted on the map described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, those areas.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) represent distinctive aspects of the heritage of the United States;

(ii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iii) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes non-contiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(C) provides—

(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and

(ii) outstanding recreational and educational opportunities;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Corridor;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Corridor, including the Federal Government; and

(iii) have demonstrated support for the designation of the Corridor;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Corridor while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

(c) REPORT.—Not later than the 3rd fiscal year after the date on which funds are first

made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 8102. NORTHERN NECK, VIRGINIA.

(a) DEFINITIONS.—In this section:

(1) PROPOSED HERITAGE AREA.—The term “proposed Heritage Area” means the proposed Northern Neck National Heritage Area.

(2) STATE.—The term “State” means the State of Virginia.

(3) STUDY AREA.—The term “study area” means the area that is comprised of—

(A) the area of land located between the Potomac and Rappahannock rivers of the eastern coastal region of the State;

(B) Westmoreland, Northumberland, Richmond, King George, and Lancaster Counties of the State; and

(C) any other area that—

(i) has heritage aspects that are similar to the heritage aspects of the areas described in subparagraph (A) or (B); and

(ii) is located adjacent to, or in the vicinity of, those areas.

(b) STUDY.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the Secretary, in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, shall conduct a study to determine the suitability and feasibility of designating the study area as the Northern Neck National Heritage Area.

(2) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historical, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities;

(G) contains resources and has traditional uses that have national importance;

(H) includes residents, business interests, nonprofit organizations, and appropriate Federal agencies and State and local governments that are involved in the planning of, and have demonstrated significant support for, the designation and management of the proposed Heritage Area;

(I) has a proposed local coordinating entity that is responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(J) with respect to the designation of the study area, has the support of the proposed local coordinating entity and appropriate Federal agencies and State and local governments, each of which has documented the commitment of the entity to work in partnership with each other entity to protect,

enhance, interpret, fund, manage, and develop the resources located in the study area;

(K) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the proposed Heritage Area;

(L) has a proposal that is consistent with continued economic activity within the area; and

(M) has a conceptual boundary map that is supported by the public and appropriate Federal agencies.

(3) ADDITIONAL CONSULTATION REQUIREMENT.—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the managers of any Federal land located within the study area; and

(B) before making any determination with respect to the designation of the study area, secure the concurrence of each manager with respect to each finding of the study.

(c) DETERMINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the State, shall review, comment on, and determine if the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(2) REPORT.—

(A) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are first made available to carry out the study, the Secretary shall submit a report describing the findings, conclusions, and recommendations of the study to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) REQUIREMENTS.—

(i) IN GENERAL.—The report shall contain—

(I) any comments that the Secretary has received from the Governor of the State relating to the designation of the study area as a national heritage area; and

(II) a finding as to whether the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(ii) DISAPPROVAL.—If the Secretary determines that the study area does not meet any requirement described in subsection (b)(2) for designation as a national heritage area, the Secretary shall include in the report a description of each reason for the determination.

Subtitle C—Amendments Relating to National Heritage Corridors**SEC. 8201. QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR.**

(a) TERMINATION OF AUTHORITY.—Section 106(b) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by striking “September 30, 2009” and inserting “September 30, 2015”.

(b) EVALUATION; REPORT.—Section 106 of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by adding at the end the following:

“(c) EVALUATION; REPORT.—

“(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Corridor, the Secretary shall—

“(A) conduct an evaluation of the accomplishments of the Corridor; and

“(B) prepare a report in accordance with paragraph (3).

“(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

“(A) assess the progress of the management entity with respect to—

“(i) accomplishing the purposes of this title for the Corridor; and

“(ii) achieving the goals and objectives of the management plan for the Corridor;

“(B) analyze the Federal, State, local, and private investments in the Corridor to determine the leverage and impact of the investments; and

“(C) review the management structure, partnership relationships, and funding of the Corridor for purposes of identifying the critical components for sustainability of the Corridor.

“(3) REPORT.—

“(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Corridor.

“(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Corridor be reauthorized, the report shall include an analysis of—

“(i) ways in which Federal funding for the Corridor may be reduced or eliminated; and

“(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

“(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

“(i) the Committee on Energy and Natural Resources of the Senate; and

“(ii) the Committee on Natural Resources of the House of Representatives.”

(C) AUTHORIZATION OF APPROPRIATIONS.—Section 109(a) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by striking “\$10,000,000” and inserting “\$15,000,000”.

SEC. 8202. DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR.

The Delaware and Lehigh National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; Public Law 100-692) is amended—

(1) in section 9—

(A) by striking “The Commission” and inserting the following:

“(a) IN GENERAL.—The Commission”; and

(B) by adding at the end the following:

“(b) CORPORATION AS LOCAL COORDINATING ENTITY.—Beginning on the date of enactment of the Omnibus Public Land Management Act of 2009, the Corporation shall be the local coordinating entity for the Corridor.

“(c) IMPLEMENTATION OF MANAGEMENT PLAN.—The Corporation shall assume the duties of the Commission for the implementation of the Plan.

“(d) USE OF FUNDS.—The Corporation may use Federal funds made available under this Act—

“(1) to make grants to, and enter into cooperative agreements with, the Federal Government, the Commonwealth, political subdivisions of the Commonwealth, nonprofit organizations, and individuals;

“(2) to hire, train, and compensate staff; and

“(3) to enter into contracts for goods and services.

“(e) RESTRICTION ON USE OF FUNDS.—The Corporation may not use Federal funds made available under this Act to acquire land or an interest in land.”;

(2) in section 10—

(A) in the first sentence of subsection (c), by striking “shall assist the Commission” and inserting “shall, on the request of the Corporation, assist”;

(B) in subsection (d)—

(i) by striking “Commission” each place it appears and inserting “Corporation”; and

(ii) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(iii) by adding at the end the following:

“(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Corporation and other public or private entities for the purpose of providing technical assistance and grants under paragraph (1).

“(3) PRIORITY.—In providing assistance to the Corporation under paragraph (1), the Secretary shall give priority to activities that assist in—

“(A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and

“(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Corridor.”; and

(C) by adding at the end the following:

“(e) TRANSITION MEMORANDUM OF UNDERSTANDING.—The Secretary shall enter into a memorandum of understanding with the Corporation to ensure—

“(1) appropriate transition of management of the Corridor from the Commission to the Corporation; and

“(2) coordination regarding the implementation of the Plan.”;

(3) in section 11, in the matter preceding paragraph (1), by striking “directly affecting”;

(4) in section 12—

(A) in subsection (a), by striking “Commission” each place it appears and inserting “Corporation”; and

(B) in subsection (c)(1), by striking “2007” and inserting “2012”; and

(C) by adding at the end the following:

“(d) TERMINATION OF ASSISTANCE.—The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 5 years after the date of enactment of this subsection.”; and

(5) in section 14—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) the term ‘Corporation’ means the Delaware & Lehigh National Heritage Corridor, Incorporated, an organization described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986.”.

SEC. 8203. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.

The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106-554) is amended—

(1) in section 804—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking “27” and inserting “at least 21 members, but not more than 27”;

(ii) in paragraph (2), by striking “Environmental” and inserting “Environmental”; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking “19”;

(II) by striking subparagraph (A);

(III) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(IV) in subparagraph (B) (as redesignated by subclause (III)), by striking the second sentence; and

(V) by inserting after subparagraph (B) (as redesignated by subclause (III)) the following:

“(C) The remaining members shall be—

“(i) appointed by the Secretary, based on recommendations from each member of the House of Representatives, the district of which encompasses the Corridor; and

“(ii) persons that are residents of, or employed within, the applicable congressional districts.”;

(B) in subsection (f), by striking “Fourteen members of the Commission” and inserting “A majority of the serving Commissioners”;

(C) in subsection (g), by striking “14 of its members” and inserting “a majority of the serving Commissioners”;

(D) in subsection (h), by striking paragraph (4) and inserting the following:

“(4)(A) to appoint any staff that may be necessary to carry out the duties of the Commission, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service; and

“(B) to fix the compensation of the staff, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates.”; and

(E) in subsection (j), by striking “10 years” and inserting “15 years”;

(2) in section 807—

(A) in subsection (e), by striking “with regard to the preparation and approval of the Canalway Plan”; and

(B) by adding at the end the following:

“(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.”; and

(3) in section 810(a)(1), in the first sentence, by striking “any fiscal year” and inserting “any fiscal year, to remain available until expended”.

SEC. 8204. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 3(b)(2) of Public Law 99-647 (16 U.S.C. 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

(1) by striking “shall be the the” and inserting “shall be the”; and

(2) by striking “Directors from Massachusetts and Rhode Island,” and inserting “Directors from Massachusetts and Rhode Island, ex officio, or their delegates.”.

Subtitle D—Effect of Title

SEC. 8301. EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS, IDAHO.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and are considered appropriate for further study by the Bureau of

Reclamation Boise Payette water storage assessment report issued during 2006.

(b) BUREAU OF RECLAMATION.—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines for studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section \$3,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.

(a) DEFINITIONS.—In this section:

(1) APPRAISAL REPORT.—The term “appraisal report” means the appraisal report concerning the augmentation alternatives for the Sierra Vista Subwatershed in the State of Arizona, dated June 2007 and prepared by the Bureau of Reclamation.

(2) PRINCIPLES AND GUIDELINES.—The term “principles and guidelines” means the report entitled “Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies” issued on March 10, 1993, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) SIERRA VISTA SUBWATERSHED FEASIBILITY STUDY.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the reclamation laws and the principles and guidelines, the Secretary, acting through the Commissioner of Reclamation, may complete a feasibility study of alternatives to augment the water supplies within the Sierra Vista Subwatershed in the State of Arizona that are identified as appropriate for further study in the appraisal report.

(B) INCLUSIONS.—In evaluating the feasibility of alternatives under subparagraph (A), the Secretary shall—

(i) include—

(I) any required environmental reviews;

(II) the construction costs and projected operations, maintenance, and replacement costs for each alternative; and

(iii) the economic feasibility of each alternative;

(ii) take into consideration the ability of Federal, tribal, State, and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs;

(iii) establish the basis for—

(I) any cost-sharing allocations; and

(II) anticipated repayment, if any, of Federal contributions; and

(iv) perform a cost-benefit analysis.

(2) COST SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total costs of the study under paragraph (1) shall not exceed 45 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind service that the Secretary determines would contribute substantially toward the conduct and completion of the study under paragraph (1).

(3) STATEMENT OF CONGRESSIONAL INTENT RELATING TO COMPLETION OF STUDY.—It is the intent of Congress that the Secretary complete the study under paragraph (1) by a date that is not later than 30 months after the date of enactment of this Act.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the

Secretary to carry out this subsection \$1,260,000.

(c) WATER RIGHTS.—Nothing in this section affects—

(1) any valid or vested water right in existence on the date of enactment of this Act; or

(2) any application for water rights pending before the date of enactment of this Act.

SEC. 9003. SAN DIEGO INTERTIE, CALIFORNIA.

(a) FEASIBILITY STUDY, PROJECT DEVELOPMENT, COST SHARE.—

(1) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as “Secretary”), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary’s engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served by the proposed reservoir and intertie project, the potential benefits to the people of that service area, and improved operations of the proposed reservoir and intertie system. The Secretary shall indicate in the feasibility report required under paragraph (4) whether the proposed reservoir and intertie project is recommended for construction.

(2) FEDERAL COST SHARE.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study costs. The Secretary may accept as part of the non-Federal cost share, any contribution of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute toward the conduct and completion of the study.

(3) COOPERATION.—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this subsection.

(4) FEASIBILITY REPORT.—The Secretary shall submit to Congress a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include—

(A) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and

(B) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

(b) FEDERAL RECLAMATION PROJECTS.—Nothing in this section shall supersede or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$3,000,000 for the Federal cost share of the study authorized in subsection (a).

(d) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

Subtitle B—Project Authorizations

SEC. 9101. TUMALO IRRIGATION DISTRICT WATER CONSERVATION PROJECT, OREGON.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term “District” means the Tumalo Irrigation District, Oregon.

(2) PROJECT.—The term “Project” means the Tumalo Irrigation District Water Conservation Project authorized under subsection (b)(1).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) AUTHORIZATION TO PLAN, DESIGN AND CONSTRUCT THE TUMALO WATER CONSERVATION PROJECT.—

(1) AUTHORIZATION.—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any appropriate studies and reports prepared by the District.

(2) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the total cost of the Project shall be 25 percent, which shall be nonreimbursable to the United States.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the Project any amounts that the District provides toward the design, planning, and construction before the date of enactment of this Act.

(3) TITLE.—The District shall hold title to any facilities constructed under this section.

(4) OPERATION AND MAINTENANCE COSTS.—The District shall pay the operation and maintenance costs of the Project.

(5) EFFECT.—Any assistance provided under this section shall not be considered to be a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the Federal share of the cost of the Project \$4,000,000.

(d) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out this section shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term “District” means the Madera Irrigation District, Madera, California.

(2) PROJECT.—The term “Project” means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646-acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year, as substantially described in the California Environmental Quality Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2005.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TOTAL COST.—The term “total cost” means all reasonable costs, such as the planning, design, permitting, and construction of the Project and the acquisition costs of lands used or acquired by the District for the Project.

(b) PROJECT FEASIBILITY.—

(1) PROJECT FEASIBLE.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Project is feasible and no further studies or actions regarding feasibility are necessary.

(2) APPLICABILITY OF OTHER LAWS.—The Secretary shall implement the authority provided in this section in accordance with all applicable Federal laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (7 U.S.C. 136; 16 U.S.C. 460 et seq.).

(c) COOPERATIVE AGREEMENT.—All final planning and design and the construction of the Project authorized by this section shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

(1) engineering and design;

(2) construction; and

(3) the administration of contracts pertaining to any of the foregoing.

(d) AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.—

(1) AUTHORIZATION OF CONSTRUCTION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, is authorized to enter into a cooperative agreement through the Bureau of Reclamation with the District for the support of the final design and construction of the Project.

(2) TOTAL COST.—The total cost of the Project for the purposes of determining the Federal cost share shall not exceed \$90,000,000.

(3) COST SHARE.—The Federal share of the capital costs of the Project shall be provided on a nonreimbursable basis and shall not exceed 25 percent of the total cost. Capital, planning, design, permitting, construction, and land acquisition costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(4) CREDIT FOR NON-FEDERAL WORK.—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(A) in-kind services that the Secretary determines would contribute substantially toward the completion of the project;

(B) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, and construction of the Project; and

(C) the acquisition costs of lands used or acquired by the District for the Project.

(5) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this subsection. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(6) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this subsection, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(7) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this subsection or the assistance

provided under this subsection shall be construed to transfer title, responsibility, or liability related to the Project to the United States.

(8) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary to carry out this subsection \$22,500,000 or 25 percent of the total cost of the Project, whichever is less.

(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

SEC. 9103. EASTERN NEW MEXICO RURAL WATER SYSTEM PROJECT, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) AUTHORITY.—The term “Authority” means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) ENGINEERING REPORT.—The term “engineering report” means the report entitled “Eastern New Mexico Rural Water System Preliminary Engineering Report” and dated October 2006.

(3) PLAN.—The term “plan” means the operation, maintenance, and replacement plan required by subsection (c)(2).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of New Mexico.

(6) SYSTEM.—

(A) IN GENERAL.—The term “System” means the Eastern New Mexico Rural Water System, a water delivery project designed to deliver approximately 16,500 acre-feet of water per year from the Ute Reservoir to the cities of Clovis, Elida, Grady, Melrose, Portales, and Texico and other locations in Curry, Roosevelt, and Quay Counties in the State.

(B) INCLUSIONS.—The term “System” includes the major components and associated infrastructure identified as the “Best Technical Alternative” in the engineering report.

(7) UTE RESERVOIR.—The term “Ute Reservoir” means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

(b) EASTERN NEW MEXICO RURAL WATER SYSTEM.—

(1) FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(B) USE.—

(i) IN GENERAL.—Any financial assistance provided under subparagraph (A) shall be obligated and expended only in accordance with a cooperative agreement entered into under subsection (d)(1)(B).

(ii) LIMITATIONS.—Financial assistance provided under clause (i) shall not be used—

(I) for any activity that is inconsistent with constructing the System; or

(II) to plan or construct facilities used to supply irrigation water for irrigated agricultural purposes.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall be not more than 75 percent of the total cost of the System.

(B) SYSTEM DEVELOPMENT COSTS.—For purposes of subparagraph (A), the total cost of the System shall include any costs incurred by the Authority or the State on or after Oc-

tober 1, 2003, for the development of the System.

(3) LIMITATION.—No amounts made available under this section may be used for the construction of the System until—

(A) a plan is developed under subsection (c)(2); and

(B) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(4) TITLE TO PROJECT WORKS.—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

(d) ADMINISTRATIVE PROVISIONS.—

(1) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this section.

(B) COOPERATIVE AGREEMENT FOR PROVISION OF FINANCIAL ASSISTANCE.—

(i) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance and any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(ii) REQUIREMENTS.—The cooperative agreement entered into under clause (i) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(I) ensuring that the cost-share requirements established by subsection (b)(2) are met;

(II) completing the planning and final design of the System;

(III) any environmental and cultural resource compliance activities required for the System; and

(IV) the construction of the System.

(2) TECHNICAL ASSISTANCE.—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

(3) BIOLOGICAL ASSESSMENT.—The Secretary shall consult with the New Mexico Interstate Stream Commission and the Authority in preparing any biological assessment under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that may be required for planning and constructing the System.

(4) EFFECT.—Nothing in this section—

(A) affects or preempts—

(i) State water law; or

(ii) an interstate compact relating to the allocation of water; or

(B) confers on any non-Federal entity the ability to exercise any Federal rights to—

(i) the water of a stream; or

(ii) any groundwater resource.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In accordance with the adjustment carried out under paragraph (2), there is authorized to be appropriated to the Secretary to carry out this section an amount not greater than \$327,000,000.

(2) ADJUSTMENT.—The amount made available under paragraph (1) shall be adjusted to reflect changes in construction costs occurring after January 1, 2007, as indicated by engineering cost indices applicable to the types of construction necessary to carry out this section.

(3) NONREIMBURSABLE AMOUNTS.—Amounts made available to the Authority in accordance with the cost-sharing requirement under subsection (b)(2) shall be nonreimbursable and nonreturnable to the United States.

(4) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this section shall be retained for use in future fiscal years consistent with this section.

SEC. 9104. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Water and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

“SEC. 1649. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the Rancho California Water District, California, may participate in the design, planning, and construction of permanent facilities for water recycling, demineralization, and desalination, and distribution of non-potable water supplies in Southern Riverside County, California.

“(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project or \$20,000,000, whichever is less.

“(c) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).”.

(b) CLERICAL AMENDMENT.—The table of items in section 2 of Public Law 102-575 is amended by inserting after the last item the following:

“Sec. 1649. Rancho California Water District Project, California.”.

SEC. 9105. JACKSON GULCH REHABILITATION PROJECT, COLORADO.

(a) DEFINITIONS.—In this section:

(1) ASSESSMENT.—The term “assessment” means the engineering document that is—

(A) entitled “Jackson Gulch Inlet Canal Project, Jackson Gulch Outlet Canal Project, Jackson Gulch Operations Facilities Project; Condition Assessment and Recommendations for Rehabilitation”;

(B) dated February 2004; and

(C) on file with the Bureau of Reclamation.

(2) DISTRICT.—The term “District” means the Mancos Water Conservancy District established under the Water Conservancy Act (Colo. Rev. Stat. 37-45-101 et seq.).

(3) PROJECT.—The term “Project” means the Jackson Gulch rehabilitation project, a program for the rehabilitation of the Jackson Gulch Canal system and other infrastructure in the State, as described in the assessment.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) STATE.—The term “State” means the State of Colorado.

(b) AUTHORIZATION OF JACKSON GULCH REHABILITATION PROJECT.—

(1) IN GENERAL.—Subject to the reimbursement requirement described in paragraph (3),

the Secretary shall pay the Federal share of the total cost of carrying out the Project.

(2) USE OF EXISTING INFORMATION.—In preparing any studies relating to the Project, the Secretary shall, to the maximum extent practicable, use existing studies, including engineering and resource information provided by, or at the direction of—

(A) Federal, State, or local agencies; and

(B) the District.

(3) REIMBURSEMENT REQUIREMENT.—

(A) AMOUNT.—The Secretary shall recover from the District as reimbursable expenses the lesser of—

(i) the amount equal to 35 percent of the cost of the Project; or

(ii) \$2,900,000.

(B) MANNER.—The Secretary shall recover reimbursable expenses under subparagraph (A)—

(i) in a manner agreed to by the Secretary and the District;

(ii) over a period of 15 years; and

(iii) with no interest.

(C) CREDIT.—In determining the exact amount of reimbursable expenses to be recovered from the District, the Secretary shall credit the District for any amounts it paid before the date of enactment of this Act for engineering work and improvements directly associated with the Project.

(4) PROHIBITION ON OPERATION AND MAINTENANCE COSTS.—The District shall be responsible for the operation and maintenance of any facility constructed or rehabilitated under this section.

(5) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed under this section.

(6) EFFECT.—An activity provided Federal funding under this section shall not be considered a supplemental or additional benefit under—

(A) the reclamation laws; or

(B) the Act of August 11, 1939 (16 U.S.C. 590y et seq.).

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the total cost of carrying out the Project \$8,250,000.

SEC. 9106. RIO GRANDE PUEBLOS, NEW MEXICO.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) drought, population increases, and environmental needs are exacerbating water supply issues across the western United States, including the Rio Grande Basin in New Mexico;

(B) a report developed by the Bureau of Reclamation and the Bureau of Indian Affairs in 2000 identified a serious need for the rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos;

(C) inspection of existing irrigation infrastructure of the Rio Grande Pueblos shows that many key facilities, such as diversion structures and main conveyance ditches, are unsafe and barely, if at all, operable;

(D) the benefits of rehabilitating and repairing irrigation infrastructure of the Rio Grande Pueblos include—

(i) water conservation;

(ii) extending available water supplies;

(iii) increased agricultural productivity;

(iv) economic benefits;

(v) safer facilities; and

(vi) the preservation of the culture of Indian Pueblos in the State;

(E) certain Indian Pueblos in the Rio Grande Basin receive water from facilities

operated or owned by the Bureau of Reclamation; and

(F) rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos would improve—

(i) overall water management by the Bureau of Reclamation; and

(ii) the ability of the Bureau of Reclamation to help address potential water supply conflicts in the Rio Grande Basin.

(2) PURPOSE.—The purpose of this section is to direct the Secretary—

(A) to assess the condition of the irrigation infrastructure of the Rio Grande Pueblos;

(B) to establish priorities for the rehabilitation of irrigation infrastructure of the Rio Grande Pueblos in accordance with specified criteria; and

(C) to implement projects to rehabilitate and improve the irrigation infrastructure of the Rio Grande Pueblos.

(b) DEFINITIONS.—In this section:

(1) 2004 AGREEMENT.—The term “2004 Agreement” means the agreement entitled “Agreement By and Between the United States of America and the Middle Rio Grande Conservancy District, Providing for the Payment of Operation and Maintenance Charges on Newly Reclaimed Pueblo Indian Lands in the Middle Rio Grande Valley, New Mexico” and executed in September 2004 (including any successor agreements and amendments to the agreement).

(2) DESIGNATED ENGINEER.—The term “designated engineer” means a Federal employee designated under the Act of February 14, 1927 (69 Stat. 1098, chapter 138) to represent the United States in any action involving the maintenance, rehabilitation, or preservation of the condition of any irrigation structure or facility on land located in the Six Middle Rio Grande Pueblos.

(3) DISTRICT.—The term “District” means the Middle Rio Grande Conservancy District, a political subdivision of the State established in 1925.

(4) PUEBLO IRRIGATION INFRASTRUCTURE.—The term “Pueblo irrigation infrastructure” means any diversion structure, conveyance facility, or drainage facility that is—

(A) in existence as of the date of enactment of this Act; and

(B) located on land of a Rio Grande Pueblo that is associated with—

(i) the delivery of water for the irrigation of agricultural land; or

(ii) the carriage of irrigation return flows and excess water from the land that is served.

(5) RIO GRANDE BASIN.—The term “Rio Grande Basin” means the headwaters of the Rio Chama and the Rio Grande Rivers (including any tributaries) from the State line between Colorado and New Mexico downstream to the elevation corresponding with the spillway crest of Elephant Butte Dam at 4,457.3 feet mean sea level.

(6) RIO GRANDE PUEBLO.—The term “Rio Grande Pueblo” means any of the 18 Pueblos that—

(A) occupy land in the Rio Grande Basin; and

(B) are included on the list of federally recognized Indian tribes published by the Secretary in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1).

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) SIX MIDDLE RIO GRANDE PUEBLOS.—The term “Six Middle Rio Grande Pueblos” means each of the Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta.

(9) **SPECIAL PROJECT.**—The term “special project” has the meaning given the term in the 2004 Agreement.

(10) **STATE.**—The term “State” means the State of New Mexico.

(c) **IRRIGATION INFRASTRUCTURE STUDY.**—

(1) **STUDY.**—

(A) **IN GENERAL.**—On the date of enactment of this Act, the Secretary, in accordance with subparagraph (B), and in consultation with the Rio Grande Pueblos, shall—

(i) conduct a study of Pueblo irrigation infrastructure; and

(ii) based on the results of the study, develop a list of projects (including a cost estimate for each project), that are recommended to be implemented over a 10-year period to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure.

(B) **REQUIRED CONSENT.**—In carrying out subparagraph (A), the Secretary shall only include each individual Rio Grande Pueblo that notifies the Secretary that the Pueblo consents to participate in—

(i) the conduct of the study under subparagraph (A)(i); and

(ii) the development of the list of projects under subparagraph (A)(ii) with respect to the Pueblo.

(2) **PRIORITY.**—

(A) **CONSIDERATION OF FACTORS.**—

(i) **IN GENERAL.**—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall—

(I) consider each of the factors described in subparagraph (B); and

(II) prioritize the projects recommended for implementation based on—

(aa) a review of each of the factors; and

(bb) a consideration of the projected benefits of the project on completion of the project.

(ii) **ELIGIBILITY OF PROJECTS.**—A project is eligible to be considered and prioritized by the Secretary if the project addresses at least 1 factor described in subparagraph (B).

(B) **FACTORS.**—The factors referred to in subparagraph (A) are—

(i)(I) the extent of disrepair of the Pueblo irrigation infrastructure; and

(II) the effect of the disrepair on the ability of the applicable Rio Grande Pueblo to irrigate agricultural land using Pueblo irrigation infrastructure;

(ii) whether, and the extent that, the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would provide an opportunity to conserve water;

(iii)(I) the economic and cultural impacts that the Pueblo irrigation infrastructure that is in disrepair has on the applicable Rio Grande Pueblo; and

(II) the economic and cultural benefits that the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would have on the applicable Rio Grande Pueblo;

(iv) the opportunity to address water supply or environmental conflicts in the applicable river basin if the Pueblo irrigation infrastructure is repaired, rehabilitated, or reconstructed; and

(v) the overall benefits of the project to efficient water operations on the land of the applicable Rio Grande Pueblo.

(3) **CONSULTATION.**—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall consult with the Director of the Bureau of Indian Affairs (including the designated engineer with respect to each proposed project that affects the Six Middle Rio Grande Pueblos), the Chief of the Natural Resources Conservation Service, and the Chief of Engineers to evaluate the extent to

which programs under the jurisdiction of the respective agencies may be used—

(A) to assist in evaluating projects to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure; and

(B) to implement—

(i) a project recommended for implementation under paragraph (1)(A)(ii); or

(ii) any other related project (including on-farm improvements) that may be appropriately coordinated with the repair, rehabilitation, or reconstruction of Pueblo irrigation infrastructure to improve the efficient use of water in the Rio Grande Basin.

(4) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that includes—

(A) the list of projects recommended for implementation under paragraph (1)(A)(ii); and

(B) any findings of the Secretary with respect to—

(i) the study conducted under paragraph (1)(A)(i);

(ii) the consideration of the factors under paragraph (2)(B); and

(iii) the consultations under paragraph (3).

(5) **PERIODIC REVIEW.**—Not later than 4 years after the date on which the Secretary submits the report under paragraph (4) and every 4 years thereafter, the Secretary, in consultation with each Rio Grande Pueblo, shall—

(A) review the report submitted under paragraph (4); and

(B) update the list of projects described in paragraph (4)(A) in accordance with each factor described in paragraph (2)(B), as the Secretary determines to be appropriate.

(d) **IRRIGATION INFRASTRUCTURE GRANTS.**—

(1) **IN GENERAL.**—The Secretary may provide grants to, and enter into contracts or other agreements with, the Rio Grande Pueblos to plan, design, construct, or otherwise implement projects to repair, rehabilitate, reconstruct, or replace Pueblo irrigation infrastructure that are recommended for implementation under subsection (c)(1)(A)(ii)—

(A) to increase water use efficiency and agricultural productivity for the benefit of a Rio Grande Pueblo;

(B) to conserve water; or

(C) to otherwise enhance water management or help avert water supply conflicts in the Rio Grande Basin.

(2) **LIMITATION.**—Assistance provided under paragraph (1) shall not be used for—

(A) the repair, rehabilitation, or reconstruction of any major impoundment structure; or

(B) any on-farm improvements.

(3) **CONSULTATION.**—In carrying out a project under paragraph (1), the Secretary shall—

(A) consult with, and obtain the approval of, the applicable Rio Grande Pueblo;

(B) consult with the Director of the Bureau of Indian Affairs; and

(C) as appropriate, coordinate the project with any work being conducted under the irrigation operations and maintenance program of the Bureau of Indian Affairs.

(4) **COST-SHARING REQUIREMENT.**—

(A) **FEDERAL SHARE.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the Federal share of the total cost of carrying out a project under paragraph (1) shall be not more than 75 percent.

(ii) **EXCEPTION.**—The Secretary may waive or limit the non-Federal share required

under clause (i) if the Secretary determines, based on a demonstration of financial hardship by the Rio Grande Pueblo, that the Rio Grande Pueblo is unable to contribute the required non-Federal share.

(B) **DISTRICT CONTRIBUTIONS.**—

(i) **IN GENERAL.**—The Secretary may accept from the District a partial or total contribution toward the non-Federal share required for a project carried out under paragraph (1) on land located in any of the Six Middle Rio Grande Pueblos if the Secretary determines that the project is a special project.

(ii) **LIMITATION.**—Nothing in clause (i) requires the District to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(C) **STATE CONTRIBUTIONS.**—

(i) **IN GENERAL.**—The Secretary may accept from the State a partial or total contribution toward the non-Federal share for a project carried out under paragraph (1).

(ii) **LIMITATION.**—Nothing in clause (i) requires the State to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(D) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share under subparagraph (A)(i) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under paragraph (1).

(5) **OPERATION AND MAINTENANCE.**—The Secretary may not use any amount made available under subsection (g)(2) to carry out the operation or maintenance of any project carried out under paragraph (1).

(e) **EFFECT ON EXISTING AUTHORITY AND RESPONSIBILITIES.**—Nothing in this section—

(1) affects any existing project-specific funding authority; or

(2) limits or absolves the United States from any responsibility to any Rio Grande Pueblo (including any responsibility arising from a trust relationship or from any Federal law (including regulations), Executive order, or agreement between the Federal Government and any Rio Grande Pueblo).

(f) **EFFECT ON PUEBLO WATER RIGHTS OR STATE WATER LAW.**—

(1) **PUEBLO WATER RIGHTS.**—Nothing in this section (including the implementation of any project carried out in accordance with this section) affects the right of any Pueblo to receive, divert, store, or claim a right to water, including the priority of right and the quantity of water associated with the water right under Federal or State law.

(2) **STATE WATER LAW.**—Nothing in this section preempts or affects—

(A) State water law; or

(B) an interstate compact governing water.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **STUDY.**—There is authorized to be appropriated to carry out subsection (c) \$4,000,000.

(2) **PROJECTS.**—There is authorized to be appropriated to carry out subsection (d) \$6,000,000 for each of fiscal years 2010 through 2019.

SEC. 9107. UPPER COLORADO RIVER ENDANGERED FISH PROGRAMS.

(a) **DEFINITIONS.**—Section 2 of Public Law 106-392 (114 Stat. 1602) is amended—

(1) in paragraph (5), by inserting “, rehabilitation, and repair” after “and replacement”; and

(2) in paragraph (6), by inserting “those for protection of critical habitat, those for preventing entrainment of fish in water diversions,” after “instream flows.”

(b) **AUTHORIZATION TO FUND RECOVERY PROGRAMS.**—Section 3 of Public Law 106-392 (114 Stat. 1603; 120 Stat. 290) is amended—

(1) in subsection (a)—
(A) in paragraph (1), by striking “\$61,000,000” and inserting “\$88,000,000”;

(B) in paragraph (2), by striking “2010” and inserting “2023”; and

(C) in paragraph (3), by striking “2010” and inserting “2023”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “\$126,000,000” and inserting “\$209,000,000”;

(B) in paragraph (1)—

(i) by striking “\$108,000,000” and inserting “\$179,000,000”; and

(ii) by striking “2010” and inserting “2023”; and

(C) in paragraph (2)—

(i) by striking “\$18,000,000” and inserting “\$30,000,000”; and

(ii) by striking “2010” and inserting “2023”; and

(3) in subsection (c)(4), by striking “\$31,000,000” and inserting “\$87,000,000”.

SEC. 9108. SANTA MARGARITA RIVER, CALIFORNIA.

(a) **DEFINITIONS.**—In this section:

(1) **DISTRICT.**—The term “District” means the Fallbrook Public Utility District, San Diego County, California.

(2) **PROJECT.**—The term “Project” means the impoundment, recharge, treatment, and other facilities the construction, operation, watershed management, and maintenance of which is authorized under subsection (b).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **AUTHORIZATION FOR CONSTRUCTION OF SANTA MARGARITA RIVER PROJECT.**—

(1) **AUTHORIZATION.**—The Secretary, acting pursuant to Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), to the extent that law is not inconsistent with this section, may construct, operate, and maintain the Project substantially in accordance with the final feasibility report and environmental reviews for the Project and this section.

(2) **CONDITIONS.**—The Secretary may construct the Project only after the Secretary determines that the following conditions have occurred:

(A)(i) The District and the Secretary of the Navy have entered into contracts under subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(ii) As an alternative to a repayment contract with the Secretary of the Navy described in clause (i), the Secretary may allow the Secretary of the Navy to satisfy all or a portion of the repayment obligation for construction of the Project on the payment of the share of the Secretary of the Navy prior to the initiation of construction, subject to a final cost allocation as described in subsection (c).

(B) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted the permits to the Bureau of Reclamation for the benefit of the Secretary of the Navy and the District as permittees for rights to the use of water for storage and diversion as provided in this section, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(C)(i) The District has agreed—

(I) to not assert against the United States any prior appropriative right the District may have to water in excess of the quantity deliverable to the District under this section; and

(II) to share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in subsection (d)(2).

(ii) The agreement and waiver under clause (i) and the changes in points of diversion and storage under subparagraph (B)—

(I) shall become effective and binding only when the Project has been completed and put into operation; and

(II) may be varied by agreement between the District and the Secretary of the Navy.

(D) The Secretary has determined that the Project has completed applicable economic, environmental, and engineering feasibility studies.

(c) **COSTS.**—

(1) **IN GENERAL.**—As determined by a final cost allocation after completion of the construction of the Project, the Secretary of the Navy shall be responsible to pay upfront or repay to the Secretary only that portion of the construction, operation, and maintenance costs of the Project that the Secretary and the Secretary of the Navy determine reflects the extent to which the Department of the Navy benefits from the Project.

(2) **OTHER CONTRACTS.**—Notwithstanding paragraph (1), the Secretary may enter into a contract with the Secretary of the Navy for the impoundment, storage, treatment, and carriage of prior rights water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes using Project facilities.

(d) **OPERATION; YIELD ALLOTMENT; DELIVERY.**—

(1) **OPERATION.**—The Secretary, the District, or a third party (consistent with subsection (f)) may operate the Project, subject to a memorandum of agreement between the Secretary, the Secretary of the Navy, and the District and under regulations satisfactory to the Secretary of the Navy with respect to the share of the Project of the Department of the Navy.

(2) **YIELD ALLOTMENT.**—Except as otherwise agreed between the parties, the Secretary of the Navy and the District shall participate in the Project yield on the basis of equal priority and in accordance with the following ratio:

(A) 60 percent of the yield of the Project is allotted to the Secretary of the Navy.

(B) 40 percent of the yield of the Project is allotted to the District.

(3) **CONTRACTS FOR DELIVERY OF EXCESS WATER.**—

(A) **EXCESS WATER AVAILABLE TO OTHER PERSONS.**—If the Secretary of the Navy certifies to the official agreed on to administer the Project that the Department of the Navy does not have immediate need for any portion of the 60 percent of the yield of the Project allotted to the Secretary of the Navy under paragraph (2), the official may enter into temporary contracts for the sale and delivery of the excess water.

(B) **FIRST RIGHT FOR EXCESS WATER.**—The first right to excess water made available under subparagraph (A) shall be given the District, if otherwise consistent with the laws of the State of California.

(C) **CONDITION OF CONTRACTS.**—Each contract entered into under subparagraph (A) for the sale and delivery of excess water shall include a condition that the Secretary of the Navy has the right to demand the water, without charge and without obliga-

tion on the part of the United States, after 30 days notice.

(D) **MODIFICATION OF RIGHTS AND OBLIGATIONS.**—The rights and obligations of the United States and the District regarding the ratio, amounts, definition of Project yield, and payment for excess water may be modified by an agreement between the parties.

(4) **CONSIDERATION.**—

(A) **DEPOSIT OF FUNDS.**—

(i) **IN GENERAL.**—Amounts paid to the United States under a contract entered into under paragraph (3) shall be—

(I) deposited in the special account established for the Department of the Navy under section 2667(e)(1) of title 10, United States Code; and

(II) shall be available for the purposes specified in section 2667(e)(1)(C) of that title.

(ii) **EXCEPTION.**—Section 2667(e)(1)(D) of title 10, United States Code, shall not apply to amounts deposited in the special account pursuant to this paragraph.

(B) **IN-KIND CONSIDERATION.**—In lieu of monetary consideration under subparagraph (A), or in addition to monetary consideration, the Secretary of the Navy may accept in-kind consideration in a form and quantity that is acceptable to the Secretary of the Navy, including—

(i) maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Department of the Navy;

(ii) construction of new facilities for the Department of the Navy;

(iii) provision of facilities for use by the Department of the Navy;

(iv) facilities operation support for the Department of the Navy; and

(v) provision of such other services as the Secretary of the Navy considers appropriate.

(C) **RELATION TO OTHER LAWS.**—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities the construction of which is accepted as in-kind consideration under this paragraph.

(D) **CONGRESSIONAL NOTIFICATION.**—If the in-kind consideration proposed to be provided under a contract to be entered into under paragraph (3) has a value in excess of \$500,000, the contract may not be entered into until the earlier of—

(i) the end of the 30-day period beginning on the date on which the Secretary of the Navy submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the contract and the form and quantity of the in-kind consideration; or

(ii) the end of the 14-day period beginning on the date on which a copy of the report referred to in clause (i) is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

(e) **REPAYMENT OBLIGATION OF THE DISTRICT.**—

(1) **DETERMINATION.**—

(A) **IN GENERAL.**—Except as otherwise provided in this paragraph, the general repayment obligation of the District shall be determined by the Secretary consistent with subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(B) **GROUNDWATER.**—For purposes of calculating interest and determining the time when the repayment obligation of the District to the United States commences, the

pumping and treatment of groundwater from the Project shall be deemed equivalent to the first use of water from a water storage project.

(C) **CONTRACTS FOR DELIVERY OF EXCESS WATER.**—There shall be no repayment obligation under this subsection for water delivered to the District under a contract described in subsection (d)(3).

(2) **MODIFICATION OF RIGHTS AND OBLIGATION BY AGREEMENT.**—The rights and obligations of the United States and the District regarding the repayment obligation of the District may be modified by an agreement between the parties.

(f) **TRANSFER OF CARE, OPERATION, AND MAINTENANCE.**—

(1) **IN GENERAL.**—The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions that are—

(A) satisfactory to the Secretary and the District; and

(B) with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory to the Secretary, the District, and the Secretary of the Navy.

(2) **EQUITABLE CREDIT.**—

(A) **IN GENERAL.**—In the event of a transfer under paragraph (1), the District shall be entitled to an equitable credit for the costs associated with the proportionate share of the Secretary of the operation and maintenance of the Project.

(B) **APPLICATION.**—The amount of costs described in subparagraph (A) shall be applied against the indebtedness of the District to the United States.

(g) **SCOPE OF SECTION.**—

(1) **IN GENERAL.**—Except as otherwise provided in this section, for the purpose of this section, the laws of the State of California shall apply to the rights of the United States pertaining to the use of water under this section.

(2) **LIMITATIONS.**—Nothing in this section—

(A) provides a grant or a relinquishment by the United States of any rights to the use of water that the United States acquired according to the laws of the State of California, either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of that acquisition, or through actual use or prescription or both since the date of that acquisition, if any;

(B) creates any legal obligation to store any water in the Project, to the use of which the United States has those rights;

(C) requires the division under this section of water to which the United States has those rights; or

(D) constitutes a recognition of, or an admission by the United States that, the District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California.

(h) **LIMITATIONS ON OPERATION AND ADMINISTRATION.**—Unless otherwise agreed by the Secretary of the Navy, the Project—

(1) shall be operated in a manner which allows the free passage of all of the water to the use of which the United States is entitled according to the laws of the State of California either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and

(2) shall not be administered or operated in any way that will impair or deplete the quantities of water the use of which the United States would be entitled under the laws of the State of California had the Project not been built.

(i) **REPORTS TO CONGRESS.**—Not later than 2 years after the date of the enactment of this Act and periodically thereafter, the Secretary and the Secretary of the Navy shall each submit to the appropriate committees of Congress reports that describe whether the conditions specified in subsection (b)(2) have been met and if so, the manner in which the conditions were met.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section—

(1) \$60,000,000, as adjusted to reflect the engineering costs indices for the construction cost of the Project; and

(2) such sums as are necessary to operate and maintain the Project.

(k) **SUNSET.**—The authority of the Secretary to complete construction of the Project shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 9109. ELSINORE VALLEY MUNICIPAL WATER DISTRICT.

(a) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9104(a)) is amended by adding at the end the following:

“SEC. 1650. ELSINORE VALLEY MUNICIPAL WATER DISTRICT PROJECTS, CALIFORNIA.

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the Elsinore Valley Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to treat wastewater and provide recycled water in the Elsinore Valley Municipal Water District, California.

“(b) **COST SHARING.**—The Federal share of the cost of each project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the projects described in subsection (a).

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$12,500,000.”

(b) **CLERICAL AMENDMENT.**—The table of sections in section 2 of Public Law 102-575 (as amended by section 9104(b)) is amended by inserting after the item relating to section 1649 the following:

“Sec. 1650. Elsinore Valley Municipal Water District Projects, California.”

SEC. 9110. NORTH BAY WATER REUSE AUTHORITY.

(a) **PROJECT AUTHORIZATION.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9109(a)) is amended by adding at the end the following:

“SEC. 1651. NORTH BAY WATER REUSE PROGRAM.

“(a) **DEFINITIONS.**—In this section:

“(1) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

“(A) Marin County;

“(B) Napa County;

“(C) Solano County; or

“(D) Sonoma County.

“(2) **WATER RECLAMATION AND REUSE PROJECT.**—The term ‘water reclamation and reuse project’ means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

“(A) water quality improvement;

“(B) wastewater treatment;

“(C) water reclamation and reuse;

“(D) groundwater recharge and protection;

“(E) surface water augmentation; or

“(F) other related improvements.

“(3) **STATE.**—The term ‘State’ means the State of California.

“(b) **NORTH BAY WATER REUSE PROGRAM.**—

“(1) **IN GENERAL.**—Contingent upon a finding of feasibility, the Secretary, acting through a cooperative agreement with the State or a subdivision of the State, is authorized to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse facilities and recycled water conveyance and distribution systems.

“(2) **COORDINATION WITH OTHER FEDERAL AGENCIES.**—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

“(A) non-Federal entities; and

“(B) the Corps of Engineers in the San Pablo Bay Watershed of the State.

“(3) **PHASED PROJECT.**—A cooperative agreement described in paragraph (1) shall require that the North Bay Water Reuse Program carried out under this section shall consist of 2 phases as follows:

“(A) **FIRST PHASE.**—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance systems.

“(B) **SECOND PHASE.**—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems.

“(4) **COST SHARING.**—

“(A) **FEDERAL SHARE.**—The Federal share of the cost of the first phase of the project authorized by this section shall not exceed 25 percent of the total cost of the first phase of the project.

“(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

“(i) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

“(ii) the acquisition costs of land acquired for the project that is—

“(I) used for planning, design, and construction of the water reclamation and reuse project facilities; and

“(II) owned by an eligible entity and directly related to the project.

“(C) **LIMITATION.**—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(5) **EFFECT.**—Nothing in this section—

“(A) affects or preempts—

“(i) State water law; or

“(ii) an interstate compact relating to the allocation of water; or

“(B) confers on any non-Federal entity the ability to exercise any Federal right to—

“(i) the water of a stream; or

“(ii) any groundwater resource.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Federal share of the total cost of the first phase of the project authorized by this section \$25,000,000, to remain available until expended.”.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 (as amended by section 9109(b)) is amended by inserting after the item relating to section 1650 the following:

“Sec. 1651. North Bay water reuse program.”.

SEC. 9111. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT, CALIFORNIA.

(a) PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9110(a)) is amended by adding at the end the following:

“SEC. 1652. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

“(a) IN GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

“(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000.

“(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.”.

(2) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 (43 U.S.C. prec. 371) (as amended by section 9110(b)) is amended by inserting after the last item the following:

“1652. Prado Basin Natural Treatment System Project.”.

(b) LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by subsection (a)(1)) is amended by adding at the end the following:

“SEC. 1653. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

“(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

“(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

“(1) 25 percent of the total cost of the project; or

“(2) \$26,000,000.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or

maintenance of the project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

“(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.”.

(2) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 (43 U.S.C. prec. 371) (as amended by subsection (a)(2)) is amended by inserting after the last item the following:

“1653. Lower Chino dairy area desalination demonstration and reclamation project.”.

(c) ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT.—Section 1624 of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h-12j) is amended—

(1) in the section heading, by striking the words “PHASE 1 OF THE”; and

(2) in subsection (a), by striking “phase 1 of”.

SEC. 9112. BUNKER HILL GROUNDWATER BASIN, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term “District” means the Western Municipal Water District, Riverside County, California.

(2) PROJECT.—

(A) IN GENERAL.—The term “Project” means the Riverside-Corona Feeder Project.

(B) INCLUSIONS.—The term “Project” includes—

(i) 20 groundwater wells;

(ii) groundwater treatment facilities;

(iii) water storage and pumping facilities; and

(iv) 28 miles of pipeline in San Bernardino and Riverside Counties in the State of California.

(C) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) PLANNING, DESIGN, AND CONSTRUCTION OF RIVERSIDE-CORONA FEEDER.—

(1) IN GENERAL.—The Secretary, in cooperation with the District, may participate in the planning, design, and construction of the Project.

(2) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this subsection.

(3) FEDERAL SHARE.—

(A) PLANNING, DESIGN, CONSTRUCTION.—The Federal share of the cost to plan, design, and construct the Project shall not exceed the lesser of—

(i) an amount equal to 25 percent of the total cost of the Project; and

(ii) \$26,000,000.

(B) STUDIES.—The Federal share of the cost to complete the necessary planning studies associated with the Project—

(i) shall not exceed an amount equal to 50 percent of the total cost of the studies; and

(ii) shall be included as part of the limitation described in subparagraph (A).

(4) IN-KIND SERVICES.—The non-Federal share of the cost of the Project may be provided in cash or in kind.

(5) LIMITATION.—Funds provided by the Secretary under this subsection shall not be used for operation or maintenance of the Project.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection the lesser of—

(A) an amount equal to 25 percent of the total cost of the Project; and

(B) \$26,000,000.

SEC. 9113. GREAT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102-575; 43 U.S.C. 390h et seq.) (as amended by section 9111(b)(1)) is amended by adding at the end the following:

“SEC. 1654. OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Oxnard, California, may participate in the design, planning, and construction of Phase I permanent facilities for the GREAT project to reclaim, reuse, and treat impaired water in the area of Oxnard, California.

“(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

“(c) LIMITATION.—The Secretary shall not provide funds for the following:

“(1) The operations and maintenance of the project described in subsection (a).

“(2) The construction, operations, and maintenance of the visitor's center related to the project described in subsection (a).

“(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (as amended by section 9111(b)(2)) is amended by inserting after the last item the following:

“Sec. 1654. Oxnard, California, water reclamation, reuse, and treatment project.”.

SEC. 9114. YUCAIPA VALLEY WATER DISTRICT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9113(a)) is amended by adding at the end the following:

“SEC. 1655. YUCAIPA VALLEY REGIONAL WATER SUPPLY RENEWAL PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the Santa Ana Watershed as described in the report submitted under section 1606.

“(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000.

“SEC. 1656. CITY OF CORONA WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Corona Water Utility, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Corona Water Utility, California.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.”.

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102-575 (as amended by section 9114(b)) is amended by inserting after the last item the following:

“Sec. 1655. Yucaipa Valley Regional Water Supply Renewal Project.

“Sec. 1656. City of Corona Water Utility, California, water recycling and reuse project.”.

SEC. 9115. ARKANSAS VALLEY CONDUIT, COLORADO.

(a) COST SHARE.—The first section of Public Law 87-590 (76 Stat. 389) is amended in the second sentence of subsection (c) by inserting after “cost thereof,” the following: “or in the case of the Arkansas Valley Conduit, payment in an amount equal to 35 percent of the cost of the conduit that is comprised of revenue generated by payments pursuant to a repayment contract and revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities.”.

(b) RATES.—Section 2(b) of Public Law 87-590 (76 Stat. 390) is amended—

(1) by striking “(b) Rates” and inserting the following:

“(b) RATES.—

“(1) IN GENERAL.—Rates”; and

(2) by adding at the end the following:

“(2) RUEDI DAM AND RESERVOIR, FOUNTAIN VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT PUEBLO DAM AND RESERVOIR.—

“(A) IN GENERAL.—Notwithstanding the reclamation laws, until the date on which the payments for the Arkansas Valley Conduit under paragraph (3) begin, any revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of Ruedi Dam and Reservoir, the Fountain Valley Pipeline, and the South Outlet Works at Pueblo Dam and Reservoir plus interest in an amount determined in accordance with this section.

“(B) EFFECT.—Nothing in the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) prohibits the concurrent crediting of revenue (with interest as provided under this section) towards payment of the Arkansas Valley Conduit as provided under this paragraph.

“(3) ARKANSAS VALLEY CONDUIT.—

“(A) USE OF REVENUE.—Notwithstanding the reclamation laws, any revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of the Arkansas Valley Conduit plus interest in an amount determined in accordance with this section.

“(B) ADJUSTMENT OF RATES.—Any rates charged under this section for water for municipal, domestic, or industrial use or for the use of facilities for the storage or delivery of water shall be adjusted to reflect the estimated revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7 of Public Law 87-590 (76 Stat. 393) is amended—

(1) by striking “SEC. 7. There is hereby” and inserting the following:

“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is”; and

(2) by adding at the end the following:

“(b) ARKANSAS VALLEY CONDUIT.—

“(1) IN GENERAL.—Subject to annual appropriations and paragraph (2), there are authorized to be appropriated such sums as are necessary for the construction of the Arkansas Valley Conduit.

“(2) LIMITATION.—Amounts made available under paragraph (1) shall not be used for the operation or maintenance of the Arkansas Valley Conduit.”.

Subtitle C—Title Transfers and Clarifications

SEC. 9201. TRANSFER OF MCGEE CREEK PIPELINE AND FACILITIES.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term “Agreement” means the agreement numbered 06-AG-60-2115 and entitled “Agreement Between the United States of America and McGee Creek Authority for the Purpose of Defining Responsibilities Related to and Implementing the Title Transfer of Certain Facilities at the McGee Creek Project, Oklahoma”.

(2) AUTHORITY.—The term “Authority” means the McGee Creek Authority located in Oklahoma City, Oklahoma.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) CONVEYANCE OF MCGEE CREEK PROJECT PIPELINE AND ASSOCIATED FACILITIES.—

(1) AUTHORITY TO CONVEY.—

(A) IN GENERAL.—In accordance with all applicable laws and consistent with any terms and conditions provided in the Agreement, the Secretary may convey to the Authority all right, title, and interest of the United States in and to the pipeline and any associated facilities described in the Agreement, including—

(i) the pumping plant;

(ii) the raw water pipeline from the McGee Creek pumping plant to the rate of flow control station at Lake Atoka;

(iii) the surge tank;

(iv) the regulating tank;

(v) the McGee Creek operation and maintenance complex, maintenance shop, and pole barn; and

(vi) any other appurtenances, easements, and fee title land associated with the facilities described in clauses (i) through (v), in accordance with the Agreement.

(B) EXCLUSION OF MINERAL ESTATE FROM CONVEYANCE.—

(i) IN GENERAL.—The mineral estate shall be excluded from the conveyance of any land or facilities under subparagraph (A).

(ii) MANAGEMENT.—Any mineral interests retained by the United States under this section shall be managed—

(I) consistent with Federal law; and

(II) in a manner that would not interfere with the purposes for which the McGee Creek Project was authorized.

(C) COMPLIANCE WITH AGREEMENT; APPLICABLE LAW.—

(i) AGREEMENT.—All parties to the conveyance under subparagraph (A) shall comply with the terms and conditions of the Agreement, to the extent consistent with this section.

(ii) APPLICABLE LAW.—Before any conveyance under subparagraph (A), the Secretary shall complete any actions required under—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(III) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(IV) any other applicable laws.

(2) OPERATION OF TRANSFERRED FACILITIES.—

(A) IN GENERAL.—On the conveyance of the land and facilities under paragraph (1)(A), the Authority shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of any transferred facilities.

(B) OPERATION AND MAINTENANCE COSTS.—

(i) IN GENERAL.—After the conveyance of the land and facilities under paragraph (1)(A) and consistent with the Agreement, the Authority shall be responsible for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities.

(ii) LIMITATION ON FUNDING.—The Authority shall not be eligible to receive any Federal funding to assist in the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities, except for funding that would be available to any comparable entity that is not subject to reclamation laws.

(3) RELEASE FROM LIABILITY.—

(A) IN GENERAL.—Effective beginning on the date of the conveyance of the land and facilities under paragraph (1)(A), the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to any land or facilities conveyed, except for damages caused by acts of negligence committed by the United States (including any employee or agent of the United States) before the date of the conveyance.

(B) NO ADDITIONAL LIABILITY.—Nothing in this paragraph adds to any liability that the United States may have under chapter 171 of title 28, United States Code.

(4) CONTRACTUAL OBLIGATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any rights and obligations under the contract numbered 0-07-50-X0822 and dated October 11, 1979, between the Authority and the United States for the construction, operation, and maintenance of the McGee Creek Project, shall remain in full force and effect.

(B) AMENDMENTS.—With the consent of the Authority, the Secretary may amend the contract described in subparagraph (A) to reflect the conveyance of the land and facilities under paragraph (1)(A).

(5) APPLICABILITY OF THE RECLAMATION LAWS.—Notwithstanding the conveyance of the land and facilities under paragraph (1)(A), the reclamation laws shall continue to apply to any project water provided to the Authority.

SEC. 9202. ALBUQUERQUE BIOLOGICAL PARK, NEW MEXICO, TITLE CLARIFICATION.

(a) PURPOSE.—The purpose of this section is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, or the BioPark Parcels to the City, thereby removing a potential cloud on the City's title to these lands.

(b) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means the City of Albuquerque, New Mexico.

(2) BIOPARK PARCELS.—The term “BioPark Parcels” means a certain area of land containing 19.16 acres, more or less, situated within the Town of Albuquerque Grant, in

Projected Section 13, Township 10 North, Range 2 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, comprised of the following platted tracts and lot, and MRGCD tracts:

(A) Tracts A and B, Albuquerque Biological Park, as the same are shown and designated on the Plat of Tracts A & B, Albuquerque Biological Park, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on February 11, 1994 in Book 94C, Page 44; containing 17.9051 acres, more or less.

(B) Lot B-1, Roger Cox Addition, as the same is shown and designated on the Plat of Lots B-1 and B-2 Roger Cox Addition, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on October 3, 1985 in Book C28, Page 99; containing 0.6289 acres, more or less.

(C) Tract 361 of MRGCD Map 38, bounded on the north by Tract A, Albuquerque Biological Park, on the east by the westerly right-of-way of Central Avenue, on the south by Tract 332B MRGCD Map 38, and on the west by Tract B, Albuquerque Biological Park; containing 0.30 acres, more or less.

(D) Tract 332B of MRGCD Map 38; bounded on the north by Tract 361, MRGCD Map 38, on the west by Tract 32A-1-A, MRGCD Map 38, and on the south and east by the westerly right-of-way of Central Avenue; containing 0.25 acres, more or less.

(E) Tract 331A-1A of MRGCD Map 38, bounded on the west by Tract B, Albuquerque Biological Park, on the east by Tract 332B, MRGCD Map 38, and on the south by the westerly right-of-way of Central Avenue and Tract A, Albuquerque Biological Park; containing 0.08 acres, more or less.

(3) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms “Middle Rio Grande Conservancy District” and “MRGCD” mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(4) MIDDLE RIO GRANDE PROJECT.—The term “Middle Rio Grande Project” means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80-858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81-516; 64 Stat. 170).

(5) SAN GABRIEL PARK.—The term “San Gabriel Park” means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(6) TINGLEY BEACH.—The term “Tingley Beach” means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, and secs. 18 and 19, T10N, R3E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(C) CLARIFICATION OF PROPERTY INTEREST.—

(1) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley

Beach, San Gabriel Park, and the BioPark Parcels to the City.

(2) TIMING.—The Secretary shall carry out the action in paragraph (1) as soon as practicable after the date of enactment of this Act and in accordance with all applicable law.

(3) NO ADDITIONAL PAYMENT.—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park, Tingley Beach, and the BioPark Parcels.

(d) OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.—

(1) IN GENERAL.—Except as expressly provided in subsection (c), nothing in this section shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(2) ONGOING LITIGATION.—Nothing contained in this section shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, 99-CV-01320-JAP-RHS, entitled *Rio Grande Silvery Minnow v. John W. Keys, III*, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

SEC. 9203. GOLETA WATER DISTRICT WATER DISTRIBUTION SYSTEM, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term “Agreement” means Agreement No. 07-LC-20-9387 between the United States and the District, entitled “Agreement Between the United States and the Goleta Water District to Transfer Title of the Federally Owned Distribution System to the Goleta Water District”.

(2) DISTRICT.—The term “District” means the Goleta Water District, located in Santa Barbara County, California.

(3) GOLETA WATER DISTRIBUTION SYSTEM.—The term “Goleta Water Distribution System” means the facilities constructed by the United States to enable the District to convey water to its water users, and associated lands, as described in Appendix A of the Agreement.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) CONVEYANCE OF THE GOLETA WATER DISTRIBUTION SYSTEM.—The Secretary is authorized to convey to the District all right, title, and interest of the United States in and to the Goleta Water Distribution System of the Cachuma Project, California, subject to valid existing rights and consistent with the terms and conditions set forth in the Agreement.

(c) LIABILITY.—Effective upon the date of the conveyance authorized by subsection (b), the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the lands, buildings, or facilities conveyed under this section, except for damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act).

(d) BENEFITS.—After conveyance of the Goleta Water Distribution System under this section—

(1) such distribution system shall not be considered to be a part of a Federal reclamation project; and

(2) the District shall not be eligible to receive any benefits with respect to any facility comprising the Goleta Water Distribu-

tion System, except benefits that would be available to a similarly situated entity with respect to property that is not part of a Federal reclamation project.

(e) COMPLIANCE WITH OTHER LAWS.—

(1) COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC PRESERVATION LAWS.—Prior to any conveyance under this section, the Secretary shall complete all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and all other applicable laws.

(2) COMPLIANCE BY THE DISTRICT.—Upon the conveyance of the Goleta Water Distribution System under this section, the District shall comply with all applicable Federal, State, and local laws and regulations in its operation of the facilities that are transferred.

(3) APPLICABLE AUTHORITY.—All provisions of Federal reclamation law (the Act of June 17, 1902 (43 U.S.C. 371 et seq.) and Acts supplemental to and amendatory of that Act) shall continue to be applicable to project water provided to the District.

(f) REPORT.—If, 12 months after the date of the enactment of this Act, the Secretary has not completed the conveyance required under subsection (b), the Secretary shall complete a report that states the reason the conveyance has not been completed and the date by which the conveyance shall be completed. The Secretary shall submit a report required under this subsection to Congress not later than 14 months after the date of the enactment of this Act.

Subtitle D—San Gabriel Basin Restoration Fund

SEC. 9301. RESTORATION FUND.

Section 110 of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A-222), as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106-554, as amended by Public Law 107-66), is further amended—

(1) in subsection (a)(3)(B), by inserting after clause (iii) the following:

“(iv) NON-FEDERAL MATCH.—After \$85,000,000 has cumulatively been appropriated under subsection (d)(1), the remainder of Federal funds appropriated under subsection (d) shall be subject to the following matching requirement:

“(I) SAN GABRIEL BASIN WATER QUALITY AUTHORITY.—The San Gabriel Basin Water Quality Authority shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the Authority under this Act.

“(II) CENTRAL BASIN MUNICIPAL WATER DISTRICT.—The Central Basin Municipal Water District shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the District under this Act.”;

(2) in subsection (a), by adding at the end the following:

“(4) INTEREST ON FUNDS IN RESTORATION FUND.—No amounts appropriated above the cumulative amount of \$85,000,000 to the Restoration Fund under subsection (d)(1) shall be invested by the Secretary of the Treasury in interest-bearing securities of the United States.”; and

(3) by amending subsection (d) to read as follows:

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) \$146,200,000. Such funds shall remain available until expended.

“(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than

\$21,200,000 shall be made available to carry out the Central Basin Water Quality Project.”.

Subtitle E—Lower Colorado River Multi-Species Conservation Program

SEC. 9401. DEFINITIONS.

In this subtitle:

(1) **LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.**—The term “Lower Colorado River Multi-Species Conservation Program” or “LCR MSCP” means the cooperative effort on the Lower Colorado River between Federal and non-Federal entities in Arizona, California, and Nevada approved by the Secretary of the Interior on April 2, 2005.

(2) **LOWER COLORADO RIVER.**—The term “Lower Colorado River” means the segment of the Colorado River within the planning area as provided in section 2(B) of the Implementing Agreement, a Program Document.

(3) **PROGRAM DOCUMENTS.**—The term “Program Documents” means the Habitat Conservation Plan, Biological Assessment and Biological and Conference Opinion, Environmental Impact Statement/Environmental Impact Report, Funding and Management Agreement, Implementing Agreement, and Section 10(a)(1)(B) Permit issued and, as applicable, executed in connection with the LCR MSCP, and any amendments or successor documents that are developed consistent with existing agreements and applicable law.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means each of the States of Arizona, California, and Nevada.

SEC. 9402. IMPLEMENTATION AND WATER ACCOUNTING.

(a) **IMPLEMENTATION.**—The Secretary is authorized to manage and implement the LCR MSCP in accordance with the Program Documents.

(b) **WATER ACCOUNTING.**—The Secretary is authorized to enter into an agreement with the States providing for the use of water from the Lower Colorado River for habitat creation and maintenance in accordance with the Program Documents.

SEC. 9403. ENFORCEABILITY OF PROGRAM DOCUMENTS.

(a) **IN GENERAL.**—Due to the unique conditions of the Colorado River, any party to the Funding and Management Agreement or the Implementing Agreement, and any permittee under the Section 10(a)(1)(B) Permit, may commence a civil action in United States district court to adjudicate, confirm, validate or decree the rights and obligations of the parties under those Program Documents.

(b) **JURISDICTION.**—The district court shall have jurisdiction over such actions and may issue such orders, judgments, and decrees as are consistent with the court's exercise of jurisdiction under this section.

(c) **UNITED STATES AS DEFENDANT.**—

(1) **IN GENERAL.**—The United States or any agency of the United States may be named as a defendant in such actions.

(2) **SOVEREIGN IMMUNITY.**—Subject to paragraph (3), the sovereign immunity of the United States is waived for purposes of actions commenced pursuant to this section.

(3) **NONWAIVER FOR CERTAIN CLAIMS.**—Nothing in this section waives the sovereign immunity of the United States to claims for money damages, monetary compensation, the provision of indemnity, or any claim seeking money from the United States.

(d) **RIGHTS UNDER FEDERAL AND STATE LAW.**—

(1) **IN GENERAL.**—Except as specifically provided in this section, nothing in this section

limits any rights or obligations of any party under Federal or State law.

(2) **APPLICABILITY TO LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.**—This section—

(A) shall apply only to the Lower Colorado River Multi-Species Conservation Program; and

(B) shall not affect the terms of, or rights or obligations under, any other conservation plan created pursuant to any Federal or State law.

(e) **VENUE.**—Any suit pursuant to this section may be brought in any United States district court in the State in which any non-Federal party to the suit is situated.

SEC. 9404. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to the Secretary such sums as may be necessary to meet the obligations of the Secretary under the Program Documents, to remain available until expended.

(b) **NON-REIMBURSABLE AND NON-RETURNABLE.**—All amounts appropriated to and expended by the Secretary for the LCR MSCP shall be non-reimbursable and non-returnable.

Subtitle F—Secure Water

SEC. 9501. FINDINGS.

Congress finds that—

(1) adequate and safe supplies of water are fundamental to the health, economy, security, and ecology of the United States;

(2) systematic data-gathering with respect to, and research and development of, the water resources of the United States will help ensure the continued existence of sufficient quantities of water to support—

(A) increasing populations;

(B) economic growth;

(C) irrigated agriculture;

(D) energy production; and

(E) the protection of aquatic ecosystems;

(3) global climate change poses a significant challenge to the protection and use of the water resources of the United States due to an increased uncertainty with respect to the timing, form, and geographical distribution of precipitation, which may have a substantial effect on the supplies of water for agricultural, hydroelectric power, industrial, domestic supply, and environmental needs;

(4) although States bear the primary responsibility and authority for managing the water resources of the United States, the Federal Government should support the States, as well as regional, local, and tribal governments, by carrying out—

(A) nationwide data collection and monitoring activities;

(B) relevant research; and

(C) activities to increase the efficiency of the use of water in the United States;

(5) Federal agencies that conduct water management and related activities have a responsibility—

(A) to take a lead role in assessing risks to the water resources of the United States (including risks posed by global climate change); and

(B) to develop strategies—

(i) to mitigate the potential impacts of each risk described in subparagraph (A); and

(ii) to help ensure that the long-term water resources management of the United States is sustainable and will ensure sustainable quantities of water;

(6) it is critical to continue and expand research and monitoring efforts—

(A) to improve the understanding of the variability of the water cycle; and

(B) to provide basic information necessary—

(i) to manage and efficiently use the water resources of the United States; and

(ii) to identify new supplies of water that are capable of being reclaimed; and

(7) the study of water use is vital—

(A) to the understanding of the impacts of human activity on water and ecological resources; and

(B) to the assessment of whether available surface and groundwater supplies will be available to meet the future needs of the United States.

SEC. 9502. DEFINITIONS.

In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the National Advisory Committee on Water Information established—

(A) under the Office of Management and Budget Circular 92-01; and

(B) to coordinate water data collection activities.

(3) **ASSESSMENT PROGRAM.**—The term “assessment program” means the water availability and use assessment program established by the Secretary under section 9508(a).

(4) **CLIMATE DIVISION.**—The term “climate division” means 1 of the 359 divisions in the United States that represents 2 or more regions located within a State that are as climatically homogeneous as possible, as determined by the Administrator.

(5) **COMMISSIONER.**—The term “Commissioner” means the Commissioner of Reclamation.

(6) **DIRECTOR.**—The term “Director” means the Director of the United States Geological Survey.

(7) **ELIGIBLE APPLICANT.**—The term “eligible applicant” means any State, Indian tribe, irrigation district, water district, or other organization with water or power delivery authority.

(8) **FEDERAL POWER MARKETING ADMINISTRATION.**—The term “Federal Power Marketing Administration” means—

(A) the Bonneville Power Administration;

(B) the Southeastern Power Administration;

(C) the Southwestern Power Administration; and

(D) the Western Area Power Administration.

(9) **HYDROLOGIC ACCOUNTING UNIT.**—The term “hydrologic accounting unit” means 1 of the 352 river basin hydrologic accounting units used by the United States Geological Survey.

(10) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) **MAJOR AQUIFER SYSTEM.**—The term “major aquifer system” means a groundwater system that is—

(A) identified as a significant groundwater system by the Director; and

(B) included in the Groundwater Atlas of the United States, published by the United States Geological Survey.

(12) **MAJOR RECLAMATION RIVER BASIN.**—

(A) **IN GENERAL.**—The term “major reclamation river basin” means each major river system (including tributaries)—

(i) that is located in a service area of the Bureau of Reclamation; and

(ii) at which is located a federally authorized project of the Bureau of Reclamation.

(B) INCLUSIONS.—The term “major reclamation river basin” includes—

- (i) the Colorado River;
- (ii) the Columbia River;
- (iii) the Klamath River;
- (iv) the Missouri River;
- (v) the Rio Grande;
- (vi) the Sacramento River;
- (vii) the San Joaquin River; and
- (viii) the Truckee River.

(13) NON-FEDERAL PARTICIPANT.—The term “non-Federal participant” means—

- (A) a State, regional, or local authority;
- (B) an Indian tribe or tribal organization;

or

(C) any other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association, or a nongovernmental organization.

(14) PANEL.—The term “panel” means the climate change and water intragovernmental panel established by the Secretary under section 9506(a).

(15) PROGRAM.—The term “program” means the regional integrated sciences and assessments program—

- (A) established by the Administrator; and

(B) that is comprised of 8 regional programs that use advances in integrated climate sciences to assist decisionmaking processes.

(16) SECRETARY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “Secretary” means the Secretary of the Interior.

(B) EXCEPTIONS.—The term “Secretary” means—

(i) in the case of sections 9503, 9504, and 9509, the Secretary of the Interior (acting through the Commissioner); and

(ii) in the case of sections 9507 and 9508, the Secretary of the Interior (acting through the Director).

(17) SERVICE AREA.—The term “service area” means any area that encompasses a watershed that contains a federally authorized reclamation project that is located in any State or area described in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

SEC. 9503. RECLAMATION CLIMATE CHANGE AND WATER PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a climate change adaptation program—

(1) to coordinate with the Administrator and other appropriate agencies to assess each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in a service area; and

(2) to ensure, to the maximum extent possible, that strategies are developed at watershed and aquifer system scales to address potential water shortages, conflicts, and other impacts to water users located at, and the environment of, each service area.

(b) REQUIRED ELEMENTS.—In carrying out the program described in subsection (a), the Secretary shall—

(1) coordinate with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary has access to the best available scientific information with respect to presently observed and projected future impacts of global climate change on water resources;

(2) assess specific risks to the water supply of each major reclamation river basin, including any risk relating to—

- (A) a change in snowpack;

(B) changes in the timing and quantity of runoff;

(C) changes in groundwater recharge and discharge; and

- (D) any increase in—

(i) the demand for water as a result of increasing temperatures; and

- (ii) the rate of reservoir evaporation;

(3) with respect to each major reclamation river basin, analyze the extent to which changes in the water supply of the United States will impact—

(A) the ability of the Secretary to deliver water to the contractors of the Secretary;

(B) hydroelectric power generation facilities;

- (C) recreation at reclamation facilities;

- (D) fish and wildlife habitat;

(E) applicable species listed as an endangered, threatened, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(F) water quality issues (including salinity levels of each major reclamation river basin);

(G) flow and water dependent ecological resiliency; and

- (H) flood control management;

(4) in consultation with appropriate non-Federal participants, consider and develop appropriate strategies to mitigate each impact of water supply changes analyzed by the Secretary under paragraph (3), including strategies relating to—

(A) the modification of any reservoir storage or operating guideline in existence as of the date of enactment of this Act;

(B) the development of new water management, operating, or habitat restoration plans;

- (C) water conservation;

(D) improved hydrologic models and other decision support systems; and

(E) groundwater and surface water storage needs; and

(5) in consultation with the Director, the Administrator, the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service), and applicable State water resource agencies, develop a monitoring plan to acquire and maintain water resources data—

(A) to strengthen the understanding of water supply trends; and

(B) to assist in each assessment and analysis conducted by the Secretary under paragraphs (2) and (3).

(c) REPORTING.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in each major reclamation river basin;

(2) the impact of global climate change with respect to the operations of the Secretary in each major reclamation river basin;

(3) each mitigation and adaptation strategy considered and implemented by the Secretary to address each effect of global climate change described in paragraph (1);

(4) each coordination activity conducted by the Secretary with—

- (A) the Director;
- (B) the Administrator;

(C) the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service); or

(D) any appropriate State water resource agency; and

(5) the implementation by the Secretary of the monitoring plan developed under subsection (b)(5).

(d) FEASIBILITY STUDIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in cooperation with any non-Federal participant, may conduct 1 or more studies to determine the feasibility and impact on ecological resiliency of implementing each mitigation and adaptation strategy described in subsection (c)(3), including the construction of any water supply, water management, environmental, or habitat enhancement water infrastructure that the Secretary determines to be necessary to address the effects of global climate change on water resources located in each major reclamation river basin.

(2) COST SHARING.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the cost of a study described in paragraph (1) shall not exceed 50 percent of the cost of the study.

(ii) EXCEPTION RELATING TO FINANCIAL HARDSHIP.—The Secretary may increase the Federal share of the cost of a study described in paragraph (1) to exceed 50 percent of the cost of the study if the Secretary determines that, due to a financial hardship, the non-Federal participant of the study is unable to contribute an amount equal to 50 percent of the cost of the study.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a study described in paragraph (1) may be provided in the form of any in-kind services that substantially contribute toward the completion of the study, as determined by the Secretary.

(e) NO EFFECT ON EXISTING AUTHORITY.—Nothing in this section amends or otherwise affects any existing authority under reclamation laws that govern the operation of any Federal reclamation project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9504. WATER MANAGEMENT IMPROVEMENT.

(a) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide any grant to, or enter into an agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement—

- (A) to conserve water;

- (B) to increase water use efficiency;

- (C) to facilitate water markets;

(D) to enhance water management, including increasing the use of renewable energy in the management and delivery of water;

(E) to accelerate the adoption and use of advanced water treatment technologies to increase water supply;

(F) to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule);

(G) to accelerate the recovery of threatened species, endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or

- (H) to carry out any other activity—

(i) to address any climate-related impact to the water supply of the United States that

increases ecological resiliency to the impacts of climate change; or

(ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area.

(2) APPLICATION.—To be eligible to receive a grant, or enter into an agreement with the Secretary under paragraph (1), an eligible applicant shall—

(A) be located within the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

(B) submit to the Secretary an application that includes a proposal of the improvement or activity to be planned, designed, constructed, or implemented by the eligible applicant.

(3) REQUIREMENTS OF GRANTS AND COOPERATIVE AGREEMENTS.—

(A) COMPLIANCE WITH REQUIREMENTS.—Each grant and agreement entered into by the Secretary with any eligible applicant under paragraph (1) shall be in compliance with each requirement described in subparagraphs (B) through (F).

(B) AGRICULTURAL OPERATIONS.—In carrying out paragraph (1), the Secretary shall not provide a grant, or enter into an agreement, for an improvement to conserve irrigation water unless the eligible applicant agrees not—

(i) to use any associated water savings to increase the total irrigated acreage of the eligible applicant; or

(ii) to otherwise increase the consumptive use of water in the operation of the eligible applicant, as determined pursuant to the law of the State in which the operation of the eligible applicant is located.

(C) NONREIMBURSABLE FUNDS.—Any funds provided by the Secretary to an eligible applicant through a grant or agreement under paragraph (1) shall be nonreimbursable.

(D) TITLE TO IMPROVEMENTS.—If an infrastructure improvement to a federally owned facility is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1), the Federal Government shall continue to hold title to the facility and improvements to the facility.

(E) COST SHARING.—

(i) FEDERAL SHARE.—The Federal share of the cost of any infrastructure improvement or activity that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall not exceed 50 percent of the cost of the infrastructure improvement or activity.

(ii) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of an infrastructure improvement or activity proposed by an eligible applicant through an application submitted by the eligible applicant under paragraph (2), the Secretary shall—

(I) consider the value of any in-kind services that substantially contributes toward the completion of the improvement or activity, as determined by the Secretary; and

(II) not consider any other amount that the eligible applicant receives from a Federal agency.

(iii) MAXIMUM AMOUNT.—The amount provided to an eligible applicant through a grant or other agreement under paragraph (1) shall be not more than \$5,000,000.

(iv) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the cost of operating and maintaining any infrastructure improvement that is the subject of a grant or other agreement entered into between the

Secretary and an eligible applicant under paragraph (1) shall be 100 percent.

(F) LIABILITY.—

(i) IN GENERAL.—Except as provided under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved under this section, the title of which is not held by the United States.

(ii) TORT CLAIMS ACT.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(b) RESEARCH AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may enter into 1 or more agreements with any university, nonprofit research institution, or organization with water or power delivery authority to fund any research activity that is designed—

(A) to conserve water resources;

(B) to increase the efficiency of the use of water resources; or

(C) to enhance the management of water resources, including increasing the use of renewable energy in the management and delivery of water.

(2) TERMS AND CONDITIONS OF SECRETARY.—

(A) IN GENERAL.—An agreement entered into between the Secretary and any university, institution, or organization described in paragraph (1) shall be subject to such terms and conditions as the Secretary determines to be appropriate.

(B) AVAILABILITY.—The agreements under this subsection shall be available to all Reclamation projects and programs that may benefit from project-specific or programmatic cooperative research and development.

(c) MUTUAL BENEFIT.—Grants or other agreements made under this section may be for the mutual benefit of the United States and the entity that is provided the grant or enters into the cooperative agreement.

(d) RELATIONSHIP TO PROJECT-SPECIFIC AUTHORITY.—This section shall not supersede any existing project-specific funding authority.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$200,000,000, to remain available until expended.

SEC. 9505. HYDROELECTRIC POWER ASSESSMENT.

(a) DUTY OF SECRETARY OF ENERGY.—The Secretary of Energy, in consultation with the Administrator of each Federal Power Marketing Administration, shall assess each effect of, and risk resulting from, global climate change with respect to water supplies that are required for the generation of hydroelectric power at each Federal water project that is applicable to a Federal Power Marketing Administration.

(b) ACCESS TO APPROPRIATE DATA.—

(1) IN GENERAL.—In carrying out each assessment under subsection (a), the Secretary of Energy shall consult with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary of Energy has access to the best available scientific information with respect to presently observed impacts and projected future impacts of global climate change on water supplies that are used to produce hydroelectric power.

(2) ACCESS TO DATA FOR CERTAIN ASSESSMENTS.—In carrying out each assessment under subsection (a), with respect to the Bonneville Power Administration and the Western Area Power Administration, the Secretary of Energy shall consult with the Commissioner to access data and other information that—

(A) is collected by the Commissioner; and

(B) the Secretary of Energy determines to be necessary for the conduct of the assessment.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary of Energy shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to—

(A) water supplies used for hydroelectric power generation; and

(B) power supplies marketed by each Federal Power Marketing Administration, pursuant to—

(i) long-term power contracts;

(ii) contingent capacity contracts; and

(iii) short-term sales; and

(2) each recommendation of the Administrator of each Federal Power Marketing Administration relating to any change in any operation or contracting practice of each Federal Power Marketing Administration to address each effect and risk described in paragraph (1), including the use of purchased power to meet long-term commitments of each Federal Power Marketing Administration.

(d) AUTHORITY.—The Secretary of Energy may enter into contracts, grants, or other agreements with appropriate entities to carry out this section.

(e) COSTS.—

(1) NONREIMBURSABLE.—Any costs incurred by the Secretary of Energy in carrying out this section shall be nonreimbursable.

(2) PMA COSTS.—Each Federal Power Marketing Administration shall incur costs in carrying out this section only to the extent that appropriated funds are provided by the Secretary of Energy for that purpose.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9506. CLIMATE CHANGE AND WATER INTRAGOVERNMENTAL PANEL.

(a) ESTABLISHMENT.—The Secretary and the Administrator shall establish and lead a climate change and water intragovernmental panel—

(1) to review the current scientific understanding of each impact of global climate change on the quantity and quality of freshwater resources of the United States; and

(2) to develop any strategy that the panel determines to be necessary to improve observational capabilities, expand data acquisition, or take other actions—

(A) to increase the reliability and accuracy of modeling and prediction systems to benefit water managers at the Federal, State, and local levels; and

(B) to increase the understanding of the impacts of climate change on aquatic ecosystems.

(b) MEMBERSHIP.—The panel shall be comprised of—

(1) the Secretary;

(2) the Director;

(3) the Administrator;

(4) the Secretary of Agriculture (acting through the Under Secretary for Natural Resources and Environment);

(5) the Commissioner;

(6) the Secretary of the Army, acting through the Chief of Engineers;

(7) the Administrator of the Environmental Protection Agency; and

(8) the Secretary of Energy.

(c) **REVIEW ELEMENTS.**—In conducting the review and developing the strategy under subsection (a), the panel shall consult with State water resource agencies, the Advisory Committee, drinking water utilities, water research organizations, and relevant water user, environmental, and other nongovernmental organizations—

(1) to assess the extent to which the conduct of measures of streamflow, groundwater levels, soil moisture, evapotranspiration rates, evaporation rates, snowpack levels, precipitation amounts, flood risk, and glacier mass is necessary to improve the understanding of the Federal Government and the States with respect to each impact of global climate change on water resources;

(2) to identify data gaps in current water monitoring networks that must be addressed to improve the capability of the Federal Government and the States to measure, analyze, and predict changes to the quality and quantity of water resources, including flood risks, that are directly or indirectly affected by global climate change;

(3) to establish data management and communication protocols and standards to increase the quality and efficiency by which each Federal agency acquires and reports relevant data;

(4) to consider options for the establishment of a data portal to enhance access to water resource data—

(A) relating to each nationally significant freshwater watershed and aquifer located in the United States; and

(B) that is collected by each Federal agency and any other public or private entity for each nationally significant freshwater watershed and aquifer located in the United States;

(5) to facilitate the development of hydrologic and other models to integrate data that reflects groundwater and surface water interactions; and

(6) to apply the hydrologic and other models developed under paragraph (5) to water resource management problems identified by the panel, including the need to maintain or improve ecological resiliency at watershed and aquifer system scales.

(d) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the review conducted, and the strategy developed, by the panel under subsection (a).

(e) **DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary, in consultation with the panel and the Advisory Committee, may provide grants to, or enter into any contract, cooperative agreement, interagency agreement, or other transaction with, an appropriate entity to carry out any demonstration, research, or methodology development project that the Secretary determines to be necessary to assist in the implementation of the strategy developed by the panel under subsection (a)(2).

(2) **REQUIREMENTS.**—

(A) **MAXIMUM AMOUNT OF FEDERAL SHARE.**—The Federal share of the cost of any demonstration, research, or methodology development project that is the subject of any grant, contract, cooperative agreement, interagency agreement, or other transaction

entered into between the Secretary and an appropriate entity under paragraph (1) shall not exceed \$1,000,000.

(B) **REPORT.**—An appropriate entity that receives funds from a grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and the appropriate entity under paragraph (1) shall submit to the Secretary a report describing the results of the demonstration, research, or methodology development project conducted by the appropriate entity.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out subsections (a) through (d) \$2,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

(2) **DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.**—There is authorized to be appropriated to carry out subsection (e) \$10,000,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9507. WATER DATA ENHANCEMENT BY UNITED STATES GEOLOGICAL SURVEY.

(a) **NATIONAL STREAMFLOW INFORMATION PROGRAM.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Advisory Committee and the Panel and consistent with this section, shall proceed with implementation of the national streamflow information program, as reviewed by the National Research Council in 2004.

(2) **REQUIREMENTS.**—In conducting the national streamflow information program, the Secretary shall—

(A) measure streamflow and related environmental variables in nationally significant watersheds—

(i) in a reliable and continuous manner; and

(ii) to develop a comprehensive source of information on which public and private decisions relating to the management of water resources may be based;

(B) provide for a better understanding of hydrologic extremes (including floods and droughts) through the conduct of intensive data collection activities during and following hydrologic extremes;

(C) establish a base network that provides resources that are necessary for—

(i) the monitoring of long-term changes in streamflow; and

(ii) the conduct of assessments to determine the extent to which each long-term change monitored under clause (i) is related to global climate change;

(D) integrate the national streamflow information program with data collection activities of Federal agencies and appropriate State water resource agencies (including the National Integrated Drought Information System)—

(i) to enhance the comprehensive understanding of water availability;

(ii) to improve flood-hazard assessments;

(iii) to identify any data gap with respect to water resources; and

(iv) to improve hydrologic forecasting; and

(E) incorporate principles of adaptive management in the conduct of periodic reviews of information collected under the national streamflow information program to assess whether the objectives of the national streamflow information program are being adequately addressed.

(3) **IMPROVED METHODOLOGIES.**—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure streamflow in a more cost-efficient manner.

(4) **NETWORK ENHANCEMENT.**—

(A) **IN GENERAL.**—Not later than 10 years after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall—

(i) increase the number of streamgages funded by the national streamflow information program to a quantity of not less than 4,700 sites; and

(ii) ensure all streamgages are flood-hardened and equipped with water-quality sensors and modernized telemetry.

(B) **REQUIREMENTS OF SITES.**—Each site described in subparagraph (A) shall conform with the National Streamflow Information Program plan as reviewed by the National Research Council.

(5) **FEDERAL SHARE.**—The Federal share of the national streamgaging network established pursuant to this subsection shall be 100 percent of the cost of carrying out the national streamgaging network.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), there are authorized to be appropriated such sums as are necessary to operate the national streamflow information program for the period of fiscal years 2009 through 2023, to remain available until expended.

(B) **NETWORK ENHANCEMENT FUNDING.**—There is authorized to be appropriated to carry out the network enhancements described in paragraph (4) \$10,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(b) **NATIONAL GROUNDWATER RESOURCES MONITORING.**—

(1) **IN GENERAL.**—The Secretary shall develop a systematic groundwater monitoring program for each major aquifer system located in the United States.

(2) **PROGRAM ELEMENTS.**—In developing the monitoring program described in paragraph (1), the Secretary shall—

(A) establish appropriate criteria for monitoring wells to ensure the acquisition of long-term, high-quality data sets, including, to the maximum extent possible, the inclusion of real-time instrumentation and reporting;

(B) in coordination with the Advisory Committee and State and local water resource agencies—

(i) assess the current scope of groundwater monitoring based on the access availability and capability of each monitoring well in existence as of the date of enactment of this Act; and

(ii) develop and carry out a monitoring plan that maximizes coverage for each major aquifer system that is located in the United States; and

(C) prior to initiating any specific monitoring activities within a State after the date of enactment of this Act, consult and coordinate with the applicable State water resource agency with jurisdiction over the aquifer that is the subject of the monitoring activities, and comply with all applicable laws (including regulations) of the State.

(3) **PROGRAM OBJECTIVES.**—In carrying out the monitoring program described in paragraph (1), the Secretary shall—

(A) provide data that is necessary for the improvement of understanding with respect to surface water and groundwater interactions;

(B) by expanding the network of monitoring wells to reach each climate division,

support the groundwater climate response network to improve the understanding of the effects of global climate change on groundwater recharge and availability; and

(C) support the objectives of the assessment program.

(4) **IMPROVED METHODOLOGIES.**—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure groundwater recharge, discharge, and storage in a more cost-efficient manner.

(5) **FEDERAL SHARE.**—The Federal share of the monitoring program described in paragraph (1) may be 100 percent of the cost of carrying out the monitoring program.

(6) **PRIORITY.**—In selecting monitoring activities consistent with the monitoring program described in paragraph (1), the Secretary shall give priority to those activities for which a State or local governmental entity agrees to provide for a substantial share of the cost of establishing or operating a monitoring well or other measuring device to carry out a monitoring activity.

(7) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this subsection for the period of fiscal years 2009 through 2023, to remain available until expended.

(C) **BRACKISH GROUNDWATER ASSESSMENT.**—

(1) **STUDY.**—The Secretary, in consultation with State and local water resource agencies, shall conduct a study of available data and other relevant information—

(A) to identify significant brackish groundwater resources located in the United States; and

(B) to consolidate any available data relating to each groundwater resource identified under subparagraph (A).

(2) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(A) a description of each—

(i) significant brackish aquifer that is located in the United States (including 1 or more maps of each significant brackish aquifer that is located in the United States);

(ii) data gap that is required to be addressed to fully characterize each brackish aquifer described in clause (i); and

(iii) current use of brackish groundwater that is supplied by each brackish aquifer described in clause (i); and

(B) a summary of the information available as of the date of enactment of this Act with respect to each brackish aquifer described in subparagraph (A)(i) (including the known level of total dissolved solids in each brackish aquifer).

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$3,000,000 for the period of fiscal years 2009 through 2011, to remain available until expended.

(d) **IMPROVED WATER ESTIMATION, MEASUREMENT, AND MONITORING TECHNOLOGIES.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary may provide grants on a nonreimbursable basis to appropriate entities with expertise in water resource data acquisition and reporting, including Federal agencies, the Water Resources Research Institutes and other academic institutions, and private entities, to—

(A) investigate, develop, and implement new methodologies and technologies to estimate or measure water resources data in a cost-efficient manner; and

(B) improve methodologies relating to the analysis and delivery of data.

(2) **PRIORITY.**—In providing grants to appropriate entities under paragraph (1), the Secretary shall give priority to appropriate entities that propose the development of new methods and technologies for—

(A) predicting and measuring streamflows;

(B) estimating changes in the storage of groundwater;

(C) improving data standards and methods of analysis (including the validation of data entered into geographic information system databases);

(D) measuring precipitation and potential evapotranspiration; and

(E) water withdrawals, return flows, and consumptive use.

(3) **PARTNERSHIPS.**—In recognition of the value of collaboration to foster innovation and enhance research and development efforts, the Secretary shall encourage partnerships, including public-private partnerships, between and among Federal agencies, academic institutions, and private entities to promote the objectives described in paragraph (1).

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2009 through 2019.

SEC. 9508. NATIONAL WATER AVAILABILITY AND USE ASSESSMENT PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary, in coordination with the Advisory Committee and State and local water resource agencies, shall establish a national assessment program to be known as the “national water availability and use assessment program”—

(1) to provide a more accurate assessment of the status of the water resources of the United States;

(2) to assist in the determination of the quantity of water that is available for beneficial uses;

(3) to assist in the determination of the quality of the water resources of the United States;

(4) to identify long-term trends in water availability;

(5) to use each long-term trend described in paragraph (4) to provide a more accurate assessment of the change in the availability of water in the United States; and

(6) to develop the basis for an improved ability to forecast the availability of water for future economic, energy production, and environmental uses.

(b) **PROGRAM ELEMENTS.**—

(1) **WATER USE.**—In carrying out the assessment program, the Secretary shall conduct any appropriate activity to carry out an ongoing assessment of water use in hydrologic accounting units and major aquifer systems located in the United States, including—

(A) the maintenance of a comprehensive national water use inventory to enhance the level of understanding with respect to the effects of spatial and temporal patterns of water use on the availability and sustainable use of water resources;

(B) the incorporation of water use science principles, with an emphasis on applied research and statistical estimation techniques in the assessment of water use;

(C) the integration of any dataset maintained by any other Federal or State agency into the dataset maintained by the Secretary; and

(D) a focus on the scientific integration of any data relating to water use, water flow, or water quality to generate relevant information relating to the impact of human activity on water and ecological resources.

(2) **WATER AVAILABILITY.**—In carrying out the assessment program, the Secretary shall conduct an ongoing assessment of water availability by—

(A) developing and evaluating nationally consistent indicators that reflect each status and trend relating to the availability of water resources in the United States, including—

(i) surface water indicators, such as streamflow and surface water storage measures (including lakes, reservoirs, perennial snowfields, and glaciers);

(ii) groundwater indicators, including groundwater level measurements and changes in groundwater levels due to—

(I) natural recharge;

(II) withdrawals;

(III) saltwater intrusion;

(IV) mine dewatering;

(V) land drainage;

(VI) artificial recharge; and

(VII) other relevant factors, as determined by the Secretary; and

(iii) impaired surface water and groundwater supplies that are known, accessible, and used to meet ongoing water demands;

(B) maintaining a national database of water availability data that—

(i) is comprised of maps, reports, and other forms of interpreted data;

(ii) provides electronic access to the archived data of the national database; and

(iii) provides for real-time data collection; and

(C) developing and applying predictive modeling tools that integrate groundwater, surface water, and ecological systems.

(c) **GRANT PROGRAM.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary may provide grants to State water resource agencies to assist State water resource agencies in—

(A) developing water use and availability datasets that are integrated with each appropriate dataset developed or maintained by the Secretary; or

(B) integrating any water use or water availability dataset of the State water resource agency into each appropriate dataset developed or maintained by the Secretary.

(2) **CRITERIA.**—To be eligible to receive a grant under paragraph (1), a State water resource agency shall demonstrate to the Secretary that the water use and availability dataset proposed to be established or integrated by the State water resource agency—

(A) is in compliance with each quality and conformity standard established by the Secretary to ensure that the data will be capable of integration with any national dataset; and

(B) will enhance the ability of the officials of the State or the State water resource agency to carry out each water management and regulatory responsibility of the officials of the State in accordance with each applicable law of the State.

(3) **MAXIMUM AMOUNT.**—The amount of a grant provided to a State water resource agency under paragraph (1) shall be an amount not more than \$250,000.

(d) **REPORT.**—Not later than December 31, 2012, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that provides a detailed assessment of—

(1) the current availability of water resources in the United States, including—

(A) historic trends and annual updates of river basin inflows and outflows;

(B) surface water storage;

(C) groundwater reserves; and

(D) estimates of undeveloped potential resources (including saline and brackish water and wastewater);

(2) significant trends affecting water availability, including each documented or projected impact to the availability of water as a result of global climate change;

(3) the withdrawal and use of surface water and groundwater by various sectors, including—

(A) the agricultural sector;

(B) municipalities;

(C) the industrial sector;

(D) thermoelectric power generators; and

(E) hydroelectric power generators;

(4) significant trends relating to each water use sector, including significant changes in water use due to the development of new energy supplies;

(5) significant water use conflicts or shortages that have occurred or are occurring; and

(6) each factor that has caused, or is causing, a conflict or shortage described in paragraph (5).

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a), (b), and (d) \$20,000,000 for each of fiscal years 2009 through 2023, to remain available until expended.

(2) GRANT PROGRAM.—There is authorized to be appropriated to carry out subsection (c) \$12,500,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9509. RESEARCH AGREEMENT AUTHORITY.

The Secretary may enter into contracts, grants, or cooperative agreements, for periods not to exceed 5 years, to carry out research within the Bureau of Reclamation.

SEC. 9510. EFFECT.

(a) IN GENERAL.—Nothing in this subtitle supersedes or limits any existing authority provided, or responsibility conferred, by any provision of law.

(b) EFFECT ON STATE WATER LAW.—

(1) IN GENERAL.—Nothing in this subtitle preempts or affects any—

(A) State water law; or

(B) interstate compact governing water.

(2) COMPLIANCE REQUIRED.—The Secretary shall comply with applicable State water laws in carrying out this subtitle.

Subtitle G—Aging Infrastructure

SEC. 9601. DEFINITIONS.

In this subtitle:

(1) INSPECTION.—The term “inspection” means an inspection of a project facility carried out by the Secretary—

(A) to assess and determine the general condition of the project facility; and

(B) to estimate the value of property, and the size of the population, that would be at risk if the project facility fails, is breached, or otherwise allows flooding to occur.

(2) PROJECT FACILITY.—The term “project facility” means any part or incidental feature of a project, excluding high- and significant-hazard dams, constructed under the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(3) RESERVED WORKS.—The term “reserved works” mean any project facility at which the Secretary carries out the operation and maintenance of the project facility.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) TRANSFERRED WORKS.—The term “transferred works” means a project facility, the

operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(6) TRANSFERRED WORKS OPERATING ENTITY.—The term “transferred works operating entity” means the organization which is contractually responsible for operation and maintenance of transferred works.

(7) EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—The term “extraordinary operation and maintenance work” means major, nonrecurring maintenance to Reclamation-owned or operated facilities, or facility components, that is—

(A) intended to ensure the continued safe, dependable, and reliable delivery of authorized project benefits; and

(B) greater than 10 percent of the contractor's or the transferred works operating entity's annual operation and maintenance budget for the facility, or greater than \$100,000.

SEC. 9602. GUIDELINES AND INSPECTION OF PROJECT FACILITIES AND TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.

(a) GUIDELINES AND INSPECTIONS.—

(1) DEVELOPMENT OF GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Secretary in consultation with transferred works operating entities shall develop, consistent with existing transfer contracts, specific inspection guidelines for project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such project facilities were to fail.

(2) CONDUCT OF INSPECTIONS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall conduct inspections of those project facilities, which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such facilities were to fail, using such specific inspection guidelines and criteria developed pursuant to paragraph (1). In selecting project facilities to inspect, the Secretary shall take into account the potential magnitude of public safety and economic damage posed by each project facility.

(3) TREATMENT OF COSTS.—The costs incurred by the Secretary in conducting these inspections shall be nonreimbursable.

(b) USE OF INSPECTION DATA.—The Secretary shall use the data collected through the conduct of the inspections under subsection (a)(2) to—

(1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures including operation guidelines consistent with existing transfer contracts, and structural modifications to those transferred works;

(2) determine an appropriate inspection frequency for such nondam project facilities which shall not exceed 6 years; and

(3) provide, upon request of transferred work operating entities, local governments, or State agencies, information regarding potential hazards posed by existing or proposed residential, commercial, industrial or public-use development adjacent to project facilities.

(c) TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.—

(1) AUTHORITY OF SECRETARY TO PROVIDE TECHNICAL ASSISTANCE.—The Secretary is authorized, at the request of a transferred works operating entity in proximity to an urbanized area, to provide technical assistance to accomplish the following, if consistent with existing transfer contracts:

(A) Development of documented operating procedures for a project facility.

(B) Development of documented emergency notification and response procedures for a project facility.

(C) Development of facility inspection criteria for a project facility.

(D) Development of a training program on operation and maintenance requirements and practices for a project facility for a transferred works operating entity's workforce.

(E) Development of a public outreach plan on the operation and risks associated with a project facility.

(F) Development of any other plans or documentation which, in the judgment of the Secretary, will contribute to public safety and the safe operation of a project facility.

(2) COSTS.—The Secretary is authorized to provide, on a non-reimbursable basis, up to 50 percent of the cost of such technical assistance, with the balance of such costs being advanced by the transferred works operating entity or other non-Federal source. The non-Federal 50 percent minimum cost share for such technical assistance may be in the form of in-lieu contributions of resources by the transferred works operating entity or other non-Federal source.

SEC. 9603. EXTRAORDINARY OPERATION AND MAINTENANCE WORK PERFORMED BY THE SECRETARY.

(a) IN GENERAL.—The Secretary or the transferred works operating entity may carry out, in accordance with subsection (b) and consistent with existing transfer contracts, any extraordinary operation and maintenance work on a project facility that the Secretary determines to be reasonably required to preserve the structural safety of the project facility.

(b) REIMBURSEMENT OF COSTS ARISING FROM EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

(1) TREATMENT OF COSTS.—For reserved works, costs incurred by the Secretary in conducting extraordinary operation and maintenance work will be allocated to the authorized reimbursable purposes of the project and shall be repaid within 50 years, with interest, from the year in which work undertaken pursuant to this subtitle is substantially complete.

(2) AUTHORITY OF SECRETARY.—For transferred works, the Secretary is authorized to advance the costs incurred by the transferred works operating entity in conducting extraordinary operation and maintenance work and negotiate appropriate 50-year repayment contracts with project beneficiaries providing for the return of reimbursable costs, with interest, under this subsection: Provided, however, That no contract entered into pursuant to this subtitle shall be deemed to be a new or amended contract for the purposes of section 203(a) of the Reclamation Reform Act of 1982 (43 U.S.C. 390cc(a)).

(3) DETERMINATION OF INTEREST RATE.—The interest rate used for computing interest on work in progress and interest on the unpaid balance of the reimbursable costs of extraordinary operation and maintenance work authorized by this subtitle shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which extraordinary operation and maintenance work is commenced, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the

project, adjusted to the nearest $\frac{1}{4}$ of 1 percent on the unamortized balance of any portion of the loan.

(c) EMERGENCY EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

(1) IN GENERAL.—The Secretary or the transferred works operating entity shall carry out any emergency extraordinary operation and maintenance work on a project facility that the Secretary determines to be necessary to minimize the risk of imminent harm to public health or safety, or property.

(2) REIMBURSEMENT.—The Secretary may advance funds for emergency extraordinary operation and maintenance work and shall seek reimbursement from the transferred works operating entity or benefitting entity upon receiving a written assurance from the governing body of such entity that it will negotiate a contract pursuant to section 9603 for repayment of costs incurred by the Secretary in undertaking such work.

(3) FUNDING.—If the Secretary determines that a project facility inspected and maintained pursuant to the guidelines and criteria set forth in section 9602(a) requires extraordinary operation and maintenance pursuant to paragraph (1), the Secretary may provide Federal funds on a nonreimbursable basis sufficient to cover 35 percent of the cost of the extraordinary operation and maintenance allocable to the transferred works operating entity, which is needed to minimize the risk of imminent harm. The remaining share of the Federal funds advanced by the Secretary for such work shall be repaid under subsection (b).

SEC. 9604. RELATIONSHIP TO TWENTY-FIRST CENTURY WATER WORKS ACT.

Nothing in this subtitle shall preclude a transferred works operating entity from applying and receiving a loan-guarantee pursuant to the Twenty-First Century Water Works Act (43 U.S.C. 2401 et seq.).

SEC. 9605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

TITLE X—WATER SETTLEMENTS

Subtitle A—San Joaquin River Restoration Settlement

PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

SEC. 10001. SHORT TITLE.

This part may be cited as the “San Joaquin River Restoration Settlement Act”.

SEC. 10002. PURPOSE.

The purpose of this part is to authorize implementation of the Settlement.

SEC. 10003. DEFINITIONS.

In this part:

(1) The terms “Friant Division long-term contractors”, “Interim Flows”, “Restoration Flows”, “Recovered Water Account”, “Restoration Goal”, and “Water Management Goal” have the meanings given the terms in the Settlement.

(2) The term “Secretary” means the Secretary of the Interior.

(3) The term “Settlement” means the Stipulation of Settlement dated September 13, 2006, in the litigation entitled *Natural Resources Defense Council, et al. v. Kirk Rodgers, et al.*, United States District Court, Eastern District of California, No. CIV. S-88-1658-LKK/GGH.

SEC. 10004. IMPLEMENTATION OF SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures

as these measures are prescribed in the Settlement:

(1) Design and construct channel and structural improvements as described in paragraph 11 of the Settlement, provided, however, that the Secretary shall not make or fund any such improvements to facilities or property of the State of California without the approval of the State of California and the State’s agreement in 1 or more memoranda of understanding to participate where appropriate.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(3) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such acquisitions shall only be made from willing sellers and not through eminent domain.

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary’s use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors; and

(C) the Secretary’s performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement.

(5) Develop and implement the Recovered Water Account as specified in paragraph 16(b) of the Settlement, including the pricing and payment crediting provisions described in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(b) AGREEMENTS.—

(1) AGREEMENTS WITH THE STATE.—In order to facilitate or expedite implementation of the Settlement, the Secretary is authorized and directed to enter into appropriate agreements, including cost-sharing agreements, with the State of California.

(2) OTHER AGREEMENTS.—The Secretary is authorized to enter into contracts, memoranda of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to any terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.

(c) ACCEPTANCE AND EXPENDITURE OF NON-FEDERAL FUNDS.—The Secretary is authorized to accept and expend non-Federal funds in order to facilitate implementation of the Settlement.

(d) MITIGATION OF IMPACTS.—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall identify—

(1) the impacts associated with such actions; and

(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.

(e) DESIGN AND ENGINEERING STUDIES.—The Secretary is authorized to conduct any design or engineering studies that are necessary to implement the Settlement.

(f) EFFECT ON CONTRACT WATER ALLOCATIONS.—Except as otherwise provided in this section, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10011, shall not result in the involuntary reduction in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors.

(g) EFFECT ON EXISTING WATER CONTRACTS.—Except as provided in the Settlement and this part, nothing in this part shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase, or exchange contract.

(h) INTERIM FLOWS.—

(1) STUDY REQUIRED.—Prior to releasing any Interim Flows under the Settlement, the Secretary shall prepare an analysis in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including at a minimum—

(A) an analysis of channel conveyance capacities and potential for levee or groundwater seepage;

(B) a description of the associated seepage monitoring program;

(C) an evaluation of—

(i) possible impacts associated with the release of Interim Flows; and

(ii) mitigation measures for those impacts that are determined to be significant;

(D) a description of the associated flow monitoring program; and

(E) an analysis of the likely Federal costs, if any, of any fish screens, fish bypass facilities, fish salvage facilities, and related operations on the San Joaquin River south of the confluence with the Merced River required under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) as a result of the Interim Flows.

(2) CONDITIONS FOR RELEASE.—The Secretary is authorized to release Interim Flows to the extent that such flows would not—

(A) impede or delay completion of the measures specified in Paragraph 11(a) of the Settlement; or

(B) exceed existing downstream channel capacities.

(3) SEEPAGE IMPACTS.—The Secretary shall reduce Interim Flows to the extent necessary to address any material adverse impacts to third parties from groundwater seepage caused by such flows that the Secretary identifies based on the monitoring program of the Secretary.

(4) TEMPORARY FISH BARRIER PROGRAM.—The Secretary, in consultation with the California Department of Fish and Game, shall evaluate the effectiveness of the Hills Ferry barrier in preventing the unintended upstream migration of anadromous fish in the San Joaquin River and any false migratory pathways. If that evaluation determines that any such migration past the barrier is caused by the introduction of the Interim Flows and that the presence of such fish will result in the imposition of additional regulatory actions against third parties, the Secretary is authorized to assist the Department of Fish and Game in making improvements to the barrier. From funding made

available in accordance with section 10009, if third parties along the San Joaquin River south of its confluence with the Merced River are required to install fish screens or fish bypass facilities due to the release of Interim Flows in order to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary shall bear the costs of the installation of such screens or facilities if such costs would be borne by the Federal Government under section 10009(a)(3), except to the extent that such costs are already or are further willingly borne by the State of California or by the third parties.

(i) **FUNDING AVAILABILITY.**—

(1) **IN GENERAL.**—Funds shall be collected in the San Joaquin River Restoration Fund through October 1, 2019, and thereafter, with substantial amounts available through October 1, 2019, pursuant to section 10009 for implementation of the Settlement and parts I and III, including—

(A) \$88,000,000, to be available without further appropriation pursuant to section 10009(c)(2);

(B) additional amounts authorized to be appropriated, including the charges required under section 10007 and an estimated \$20,000,000 from the CVP Restoration Fund pursuant to section 10009(b)(2); and

(C) an aggregate commitment of at least \$200,000,000 by the State of California.

(2) **ADDITIONAL AMOUNTS.**—Substantial additional amounts from the San Joaquin River Restoration Fund shall become available without further appropriation after October 1, 2019, pursuant to section 10009(c)(2).

(3) **EFFECT OF SUBSECTION.**—Nothing in this subsection limits the availability of funds authorized for appropriation pursuant to section 10009(b) or 10203(c).

(j) **SAN JOAQUIN RIVER EXCHANGE CONTRACT.**—Subject to section 10006(b), nothing in this part shall modify or amend the rights and obligations under the Purchase Contract between Miller and Lux and the United States and the Second Amended Exchange Contract between the United States, Department of the Interior, Bureau of Reclamation and Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District and Columbia Canal Company.

SEC. 10005. ACQUISITION AND DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

(a) **TITLE TO FACILITIES.**—Unless acquired pursuant to subsection (b), title to any facility or facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement authorized by this part, and title to any modifications or improvements of such facility or facilities, stream channel, levees, or other real property—

(1) shall remain in the owner of the property; and

(2) shall not be transferred to the United States on account of such modifications or improvements.

(b) **ACQUISITION OF PROPERTY.**—

(1) **IN GENERAL.**—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or options to acquire real property needed to implement the Settlement authorized by this part.

(2) **APPLICABLE LAW.**—The Secretary is authorized, but not required, to exercise all of the authorities provided in section 2 of the Act of August 26, 1937 (50 Stat. 844, chapter 832), to carry out the measures authorized in this section and section 10004.

(c) **DISPOSAL OF PROPERTY.**—

(1) **IN GENERAL.**—Upon the Secretary's determination that retention of title to prop-

erty or interests in property acquired pursuant to this part is no longer needed to be held by the United States for the furtherance of the Settlement, the Secretary is authorized to dispose of such property or interest in property on such terms and conditions as the Secretary deems appropriate and in the best interest of the United States, including possible transfer of such property to the State of California.

(2) **RIGHT OF FIRST REFUSAL.**—In the event the Secretary determines that property acquired pursuant to this part through the exercise of its eminent domain authority is no longer necessary for implementation of the Settlement, the Secretary shall provide a right of first refusal to the property owner from whom the property was initially acquired, or his or her successor in interest, on the same terms and conditions as the property is being offered to other parties.

(3) **DISPOSITION OF PROCEEDS.**—Proceeds from the disposal by sale or transfer of any such property or interests in such property shall be deposited in the fund established by section 10009(c).

(d) **GROUNDWATER BANK.**—Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity.

SEC. 10006. COMPLIANCE WITH APPLICABLE LAW.

(a) **APPLICABLE LAW.**—

(1) **IN GENERAL.**—In undertaking the measures authorized by this part, the Secretary and the Secretary of Commerce shall comply with all applicable Federal and State laws, rules, and regulations, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as necessary.

(2) **ENVIRONMENTAL REVIEWS.**—The Secretary and the Secretary of Commerce are authorized and directed to initiate and expeditiously complete applicable environmental reviews and consultations as may be necessary to effectuate the purposes of the Settlement.

(b) **EFFECT ON STATE LAW.**—Nothing in this part shall preempt State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

(c) **USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.**—

(1) **DEFINITION OF ENVIRONMENTAL REVIEW.**—For purposes of this subsection, the term "environmental review" includes any consultation and planning necessary to comply with subsection (a).

(2) **PARTICIPATION IN ENVIRONMENTAL REVIEW PROCESS.**—In undertaking the measures authorized by section 10004, and for which environmental review is required, the Secretary may provide funds made available under this part to affected Federal agencies, State agencies, local agencies, and Indian tribes if the Secretary determines that such funds are necessary to allow the Federal agencies, State agencies, local agencies, or Indian tribes to effectively participate in the environmental review process.

(3) **LIMITATION.**—Funds may be provided under paragraph (2) only to support activities that directly contribute to the implementation of the terms and conditions of the Settlement.

(d) **NONREIMBURSABLE FUNDS.**—The United States' share of the costs of implementing this part shall be nonreimbursable under

Federal reclamation law, provided that nothing in this subsection shall limit or be construed to limit the use of the funds assessed and collected pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721, 4727), for implementation of the Settlement, nor shall it be construed to limit or modify existing or future Central Valley Project ratesetting policies.

SEC. 10007. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Congress hereby finds and declares that the Settlement satisfies and discharges all of the obligations of the Secretary contained in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721), provided, however, that—

(1) the Secretary shall continue to assess and collect the charges provided in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721), as provided in the Settlement; and

(2) those assessments and collections shall continue to be counted toward the requirements of the Secretary contained in section 3407(c)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4726).

SEC. 10008. NO PRIVATE RIGHT OF ACTION.

(a) **IN GENERAL.**—Nothing in this part confers upon any person or entity not a party to the Settlement a private right of action or claim for relief to interpret or enforce the provisions of this part or the Settlement.

(b) **APPLICABLE LAW.**—This section shall not alter or curtail any right of action or claim for relief under any other applicable law.

SEC. 10009. APPROPRIATIONS; SETTLEMENT FUND.

(a) **IMPLEMENTATION COSTS.**—

(1) **IN GENERAL.**—The costs of implementing the Settlement shall be covered by payments or in-kind contributions made by Friant Division contractors and other non-Federal parties, including the funds provided in subparagraphs (A) through (D) of subsection (c)(1), estimated to total \$440,000,000, of which the non-Federal payments are estimated to total \$200,000,000 (at October 2006 price levels) and the amount from repaid Central Valley Project capital obligations is estimated to total \$240,000,000, the additional Federal appropriation of \$250,000,000 authorized pursuant to subsection (b)(1), and such additional funds authorized pursuant to subsection (b)(2); provided however, that the costs of implementing the provisions of section 10004(a)(1) shall be shared by the State of California pursuant to the terms of a memorandum of understanding executed by the State of California and the Parties to the Settlement on September 13, 2006, which includes at least \$110,000,000 of State funds.

(2) **ADDITIONAL AGREEMENTS.**—

(A) **IN GENERAL.**—The Secretary shall enter into 1 or more agreements to fund or implement improvements on a project-by-project basis with the State of California.

(B) **REQUIREMENTS.**—Any agreements entered into under subparagraph (A) shall provide for recognition of either monetary or in-kind contributions toward the State of California's share of the cost of implementing the provisions of section 10004(a)(1).

(3) **LIMITATION.**—Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise have been incurred by any entity or public or local agency or subdivision

of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—In addition to the funding provided in subsection (c), there are also authorized to be appropriated not to exceed \$250,000,000 (at October 2006 price levels) to implement this part and the Settlement, to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts equal to the amount of funds deposited in the San Joaquin River Restoration Fund (not including payments under subsection (c)(1)(B) and proceeds under subsection (c)(1)(C)), the amount of in-kind contributions, and other non-Federal payments actually committed to the implementation of this part or the Settlement.

(2) **USE OF THE CENTRAL VALLEY PROJECT RESTORATION FUND.**—The Secretary is authorized to use monies from the Central Valley Project Restoration Fund created under section 3407 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4727) for purposes of this part in an amount not to exceed \$2,000,000 (October 2006 price levels) in any fiscal year.

(c) **FUND.**—

(1) **IN GENERAL.**—There is hereby established within the Treasury of the United States a fund, to be known as the San Joaquin River Restoration Fund, into which the following funds shall be deposited and used solely for the purpose of implementing the Settlement except as otherwise provided in subsections (a) and (b) of section 10203:

(A) All payments received pursuant to section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721).

(B) The construction cost component (not otherwise needed to cover operation and maintenance costs) of payments made by Friant Division, Hidden Unit, and Buchanan Unit long-term contractors pursuant to long-term water service contracts or pursuant to repayment contracts, including repayment contracts executed pursuant to section 10010. The construction cost repayment obligation assigned such contractors under such contracts shall be reduced by the amount paid pursuant to this paragraph and the appropriate share of the existing Federal investment in the Central Valley Project to be recovered by the Secretary pursuant to Public Law 99-546 (100 Stat. 3050) shall be reduced by an equivalent sum.

(C) Proceeds from the sale of water pursuant to the Settlement, or from the sale of property or interests in property as provided in section 10005.

(D) Any non-Federal funds, including State cost-sharing funds, contributed to the United States for implementation of the Settlement, which the Secretary may expend without further appropriation for the purposes for which contributed.

(2) **AVAILABILITY.**—All funds deposited into the Fund pursuant to subparagraphs (A), (B), and (C) of paragraph (1) are authorized for appropriation to implement the Settlement and this part, in addition to the authorization provided in subsections (a) and (b) of section 10203, except that \$88,000,000 of such funds are available for expenditure without further appropriation; provided that after October 1, 2019, all funds in the Fund shall be available for expenditure without further appropriation.

(d) **LIMITATION ON CONTRIBUTIONS.**—Payments made by long-term contractors who

receive water from the Friant Division and Hidden and Buchanan Units of the Central Valley Project pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721, 4727) and payments made pursuant to paragraph 16(b)(3) of the Settlement and subsection (c)(1)(B) shall be the limitation of such entities' direct financial contribution to the Settlement, subject to the terms and conditions of paragraph 21 of the Settlement.

(e) **NO ADDITIONAL EXPENDITURES REQUIRED.**—Nothing in this part shall be construed to require a Federal official to expend Federal funds not appropriated by Congress, or to seek the appropriation of additional funds by Congress, for the implementation of the Settlement.

(f) **REACH 4B.**—

(1) **STUDY.**—

(A) **IN GENERAL.**—In accordance with the Settlement and the memorandum of understanding executed pursuant to paragraph 6 of the Settlement, the Secretary shall conduct a study that specifies—

(i) the costs of undertaking any work required under paragraph 11(a)(3) of the Settlement to increase the capacity of reach 4B prior to reinitiation of Restoration Flows;

(ii) the impacts associated with reinitiation of such flows; and

(iii) measures that shall be implemented to mitigate impacts.

(B) **DEADLINE.**—The study under subparagraph (A) shall be completed prior to restoration of any flows other than Interim Flows.

(2) **REPORT.**—

(A) **IN GENERAL.**—The Secretary shall file a report with Congress not later than 90 days after issuing a determination, as required by the Settlement, on whether to expand channel conveyance capacity to 4500 cubic feet per second in reach 4B of the San Joaquin River, or use an alternative route for pulse flows, that—

(i) explains whether the Secretary has decided to expand Reach 4B capacity to 4500 cubic feet per second; and

(ii) addresses the following matters:

(I) The basis for the Secretary's determination, whether set out in environmental review documents or otherwise, as to whether the expansion of Reach 4B would be the preferable means to achieve the Restoration Goal as provided in the Settlement, including how different factors were assessed such as comparative biological and habitat benefits, comparative costs, relative availability of State cost-sharing funds, and the comparative benefits and impacts on water temperature, water supply, private property, and local and downstream flood control.

(II) The Secretary's final cost estimate for expanding Reach 4B capacity to 4500 cubic feet per second, or any alternative route selected, as well as the alternative cost estimates provided by the State, by the Restoration Administrator, and by the other parties to the Settlement.

(III) The Secretary's plan for funding the costs of expanding Reach 4B or any alternative route selected, whether by existing Federal funds provided under this subtitle, by non-Federal funds, by future Federal appropriations, or some combination of such sources.

(B) **DETERMINATION REQUIRED.**—The Secretary shall, to the extent feasible, make the determination in subparagraph (A) prior to undertaking any substantial construction work to increase capacity in reach 4B.

(3) **COSTS.**—If the Secretary's estimated Federal cost for expanding reach 4B in para-

graph (2), in light of the Secretary's funding plan set out in that paragraph, would exceed the remaining Federal funding authorized by this part (including all funds reallocated, all funds dedicated, and all new funds authorized by this part and separate from all commitments of State and other non-Federal funds and in-kind commitments), then before the Secretary commences actual construction work in reach 4B (other than planning, design, feasibility, or other preliminary measures) to expand capacity to 4500 cubic feet per second to implement this Settlement, Congress must have increased the applicable authorization ceiling provided by this part in an amount at least sufficient to cover the higher estimated Federal costs.

SEC. 10010. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

(a) **CONVERSION OF CONTRACTS.**—

(1) The Secretary is authorized and directed to convert, prior to December 31, 2010, all existing long-term contracts with the following Friant Division, Hidden Unit, and Buchanan Unit contractors, entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions: Arvin-Edison Water Storage District; Delano-Earlimart Irrigation District; Exeter Irrigation District; Fresno Irrigation District; Ivanhoe Irrigation District; Lindmore Irrigation District; Lindsay-Strathmore Irrigation District; Lower Tule River Irrigation District; Orange Cove Irrigation District; Porterville Irrigation District; Saucelito Irrigation District; Shafter-Wasco Irrigation District; Southern San Joaquin Municipal Utility District; Stone Corral Irrigation District; Tea Pot Dome Water District; Terra Bella Irrigation District; Tulare Irrigation District; Madera Irrigation District; and Chowchilla Water District. Upon request of the contractor, the Secretary is authorized to convert, prior to December 31, 2010, other existing long-term contracts with Friant Division contractors entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(2) Upon request of the contractor, the Secretary is further authorized to convert, prior to December 31, 2010, any existing Friant Division long-term contract entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to a contract under subsection (c)(1) of section 9 of said Act, under mutually agreeable terms and conditions.

(3) All such contracts entered into pursuant to paragraph (1) shall—

(A) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the Central Valley Project Schedule of Irrigation Capital Rates by Contractor 2007 Irrigation Water Rates, dated January 25, 2007, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2011, or if made in approximately equal annual installments, no later than January 31, 2014; such amount to be discounted by $\frac{1}{2}$ the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2011, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2010;

(B) require that, notwithstanding subsection (c)(2), construction costs or other

capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000. If such amount is \$5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of \$5,000,000 shall not be a precedent in any other context;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(4) All such contracts entered into pursuant to paragraph (2) shall—

(A) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2014. An estimate of the remaining amount of construction costs as of January 31, 2014, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2013;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000. If such amount is \$5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of \$5,000,000 shall not be a precedent in any other context; and

(C) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(b) **FINAL ADJUSTMENT.**—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary upon completion of the construction of the Central Valley Project. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be no less than 1 year and no more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary is authorized and directed to credit such overpayment as an offset against any outstanding or future obligation of the contractor.

(c) **APPLICABILITY OF CERTAIN PROVISIONS.**—

(1) Notwithstanding any repayment obligation under subsection (a)(3)(B) or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in subsection (a)(3)(A), the provisions of section 213(a) and (b) of the Reclamation Reform Act of 1982 (96 Stat. 1269) shall apply to lands in such district.

(2) Notwithstanding any repayment obligation under paragraph (3)(B) or (4)(B) of subsection (a), or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in paragraphs (3)(A) and (4)(A) of subsection (a), the Secretary shall waive the pricing provisions of section 3405(d) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) for such contractor, provided that such contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to such repayment contracts pursuant to the then-current rate-setting policy and applicable law.

(3) Provisions of the Settlement applying to Friant Division, Hidden Unit, and Buchanan Unit long-term water service contracts shall also apply to contracts executed pursuant to this section.

(d) **REDUCTION OF CHARGE FOR THOSE CONTRACTS CONVERTED PURSUANT TO SUBSECTION (A)(1).**—

(1) At the time all payments by the contractor required by subsection (a)(3)(A) have been completed, the Secretary shall reduce the charge mandated in section 10007(1) of this part, from 2020 through 2039, to offset the financing costs as defined in section 10010(d)(3). The reduction shall be calculated at the time all payments by the contractor required by subsection (a)(3)(A) have been completed. The calculation shall remain fixed from 2020 through 2039 and shall be based upon anticipated average annual water deliveries, as mutually agreed upon by the Secretary and the contractor, for the period from 2020 through 2039, and the amounts of such reductions shall be discounted using the Treasury Rate; provided, that such charge shall not be reduced to less than \$4.00 per acre foot of project water delivered; provided further, that such reduction shall be implemented annually unless the Secretary determines, based on the availability of other monies, that the charges mandated in section 10007(1) are otherwise needed to cover ongoing federal costs of the Settlement, including any federal operation and maintenance costs of facilities that the Secretary determines are needed to implement the Settlement. If the Secretary determines that such charges are necessary to cover such ongoing federal costs, the Secretary shall, instead of making the reduction in such charges, reduce the contractor's operation and maintenance obligation by an equivalent amount, and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-federal operating entity.

(2) If the calculated reduction in paragraph (1), taking into consideration the minimum amount required, does not result in the contractor offsetting its financing costs, the Secretary is authorized and directed to reduce, after October 1, 2019, any outstanding or future obligations of the contractor to the Bureau of Reclamation, other than the charge assessed and collected under section 3407(d) of Public law 102-575, by the amount

of such deficiency, with such amount indexed to 2020 using the Treasury Rate and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-Federal operating entity.

(3) Financing costs, for the purposes of this subsection, shall be computed as the difference of the net present value of the construction cost identified in subsection (a)(3)(A) using the full Treasury Rate as compared to using one half of the Treasury Rate and applying those rates against a calculated average annual capital repayment through 2030.

(4) Effective in 2040, the charge shall revert to the amount called for in section 10007(1) of this part.

(5) For purposes of this section, "Treasury Rate" shall be defined as the 20 year Constant Maturity Treasury (CMT) rate published by the United States Department of the Treasury as of October 1, 2010.

(e) **SATISFACTION OF CERTAIN PROVISIONS.**—

(1) **IN GENERAL.**—Upon the first release of Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement, any short- or long-term agreement, to which 1 or more long-term Friant Division, Hidden Unit, or Buchanan Unit contractor that converts its contract pursuant to subsection (a) is a party, providing for the transfer or exchange of water not released as Interim Flows or Restoration Flows shall be deemed to satisfy the provisions of subsection 3405(a)(1)(A) and (I) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) without the further concurrence of the Secretary as to compliance with said subsections if the contractor provides, not later than 90 days before commencement of any such transfer or exchange for a period in excess of 1 year, and not later than 30 days before commencement of any proposed transfer or exchange with duration of less than 1 year, written notice to the Secretary stating how the proposed transfer or exchange is intended to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement. The Secretary shall promptly make such notice publicly available.

(2) **DETERMINATION OF REDUCTIONS TO WATER DELIVERIES.**—Water transferred or exchanged under an agreement that meets the terms of this subsection shall not be counted as a replacement or an offset for purposes of determining reductions to water deliveries to any Friant Division long-term contractor except as provided in paragraph 16(b) of the Settlement. The Secretary shall, at least annually, make publicly available a compilation of the number of transfer or exchange agreements exercising the provisions of this subsection to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or to facilitate the Water Management Goal, as well as the volume of water transferred or exchanged under such agreements.

(3) **STATE LAW.**—Nothing in this subsection alters State law or permit conditions, including any applicable geographical restrictions on the place of use of water transferred or exchanged pursuant to this subsection.

(f) **CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.**—Implementation of the provisions of this section shall not alter the repayment obligation of any other long-term water

service or repayment contractor receiving water from the Central Valley Project, or shift any costs that would otherwise have been properly assignable to the Friant contractors absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other such contractors.

(g) **STATUTORY INTERPRETATION.**—Nothing in this part shall be construed to affect the right of any Friant Division, Hidden Unit, or Buchanan Unit long-term contractor to use a particular type of financing to make the payments required in paragraph (3)(A) or (4)(A) of subsection (a).

SEC. 10011. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) **FINDING.**—Congress finds that the implementation of the Settlement to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the California Central Valley Spring Run Chinook salmon is a unique and unprecedented circumstance that requires clear expressions of Congressional intent regarding how the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are utilized to achieve the goals of restoration of the San Joaquin River and the successful reintroduction of California Central Valley Spring Run Chinook salmon.

(b) **REINTRODUCTION IN THE SAN JOAQUIN RIVER.**—California Central Valley Spring Run Chinook salmon shall be reintroduced in the San Joaquin River below Friant Dam pursuant to section 10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley Spring Run Chinook salmon may be issued pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

(c) **FINAL RULE.**—

(1) **DEFINITION OF THIRD PARTY.**—For the purpose of this subsection, the term “third party” means persons or entities diverting or receiving water pursuant to applicable State and Federal laws and shall include Central Valley Project contractors outside of the Friant Division of the Central Valley Project and the State Water Project.

(2) **ISSUANCE.**—The Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the reintroduction.

(3) **REQUIRED COMPONENTS.**—The rule issued under paragraph (2) shall provide that the reintroduction will not impose more than de minimus: water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such reintroduction.

(4) **APPLICABLE LAW.**—Nothing in this section—

(A) diminishes the statutory or regulatory protections provided in the Endangered Species Act of 1973 for any species listed pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinions or new biological opinions issued by the Secretary or Secretary of Commerce; or

(B) precludes the Secretary or Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C.

1531 et seq.) for other species listed pursuant to section 4 of that Act (16 U.S.C. 1533) because those protections provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than December 31, 2024, the Secretary of Commerce shall report to Congress on the progress made on the reintroduction set forth in this section and the Secretary's plans for future implementation of this section.

(2) **INCLUSIONS.**—The report under paragraph (1) shall include—

(A) an assessment of the major challenges, if any, to successful reintroduction;

(B) an evaluation of the effect, if any, of the reintroduction on the existing population of California Central Valley Spring Run Chinook salmon existing on the Sacramento River or its tributaries; and

(C) an assessment regarding the future of the reintroduction.

(e) **FERC PROJECTS.**—

(1) **IN GENERAL.**—With regard to California Central Valley Spring Run Chinook salmon reintroduced pursuant to the Settlement, the Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by reserving its right to file prescriptions in proceedings for projects licensed by the Federal Energy Regulatory Commission on the Calaveras, Stanislaus, Tuolumne, Merced, and San Joaquin rivers and otherwise consistent with subsection (c) until after the expiration of the term of the Settlement, December 31, 2025, or the expiration of the designation made pursuant to subsection (b), whichever ends first.

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection shall preclude the Secretary of Commerce from imposing prescriptions pursuant to section 18 of the Federal Power Act (16 U.S.C. 811) solely for other anadromous fish species because those prescriptions provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(f) **EFFECT OF SECTION.**—Nothing in this section is intended or shall be construed—

(1) to modify the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.); or

(2) to establish a precedent with respect to any other application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.).

PART II—STUDY TO DEVELOP WATER PLAN; REPORT

SEC. 10101. STUDY TO DEVELOP WATER PLAN; REPORT.

(a) **PLAN.**—

(1) **GRANT.**—To the extent that funds are made available in advance for this purpose, the Secretary of the Interior, acting through the Bureau of Reclamation, shall provide direct financial assistance to the California Water Institute, located at California State University, Fresno, California, to conduct a study regarding the coordination and integration of sub-regional integrated regional water management plans into a unified Integrated Regional Water Management Plan for the subject counties in the hydrologic basins that would address issues related to—

(A) water quality;

(B) water supply (both surface, ground water banking, and brackish water desalination);

(C) water conveyance;

(D) water reliability;

(E) water conservation and efficient use (by distribution systems and by end users);

(F) flood control;

(G) water resource-related environmental enhancement; and

(H) population growth.

(2) **STUDY AREA.**—The study area referred to in paragraph (1) is the proposed study area of the San Joaquin River Hydrologic Region and Tulare Lake Hydrologic Region, as defined by California Department of Water Resources Bulletin 160-05, volume 3, chapters 7 and 8, including Kern, Tulare, Kings, Fresno, Madera, Merced, Stanislaus, and San Joaquin counties in California.

(b) **USE OF PLAN.**—The Integrated Regional Water Management Plan developed for the 2 hydrologic basins under subsection (a) shall serve as a guide for the counties in the study area described in subsection (a)(2) to use as a mechanism to address and solve long-term water needs in a sustainable and equitable manner.

(c) **REPORT.**—The Secretary shall ensure that a report containing the results of the Integrated Regional Water Management Plan for the hydrologic regions is submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than 24 months after financial assistance is made available to the California Water Institute under subsection (a)(1).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$1,000,000 to remain available until expended.

PART III—FRIANT DIVISION IMPROVEMENTS

SEC. 10201. FEDERAL FACILITY IMPROVEMENTS.

(a) The Secretary of the Interior (hereafter referred to as the “Secretary”) is authorized and directed to conduct feasibility studies in coordination with appropriate Federal, State, regional, and local authorities on the following improvements and facilities in the Friant Division, Central Valley Project, California:

(1) Restoration of the capacity of the Friant-Kern Canal and Madera Canal to such capacity as previously designed and constructed by the Bureau of Reclamation.

(2) Reverse flow pump-back facilities on the Friant-Kern Canal, with reverse-flow capacity of approximately 500 cubic feet per second at the Poso and Shafter Check Structures and approximately 300 cubic feet per second at the Woollomes Check Structure.

(b) Upon completion of and consistent with the applicable feasibility studies, the Secretary is authorized to construct the improvements and facilities identified in subsection (a) in accordance with all applicable Federal and State laws.

(c) The costs of implementing this section shall be in accordance with section 10203, and shall be a nonreimbursable Federal expenditure.

SEC. 10202. FINANCIAL ASSISTANCE FOR LOCAL PROJECTS.

(a) **AUTHORIZATION.**—The Secretary is authorized to provide financial assistance to local agencies within the Central Valley Project, California, for the planning, design, environmental compliance, and construction of local facilities to bank water underground or to recharge groundwater, and that recover such water, provided that the project meets the criteria in subsection (b). The Secretary is further authorized to require that any such local agency receiving financial assistance under the terms of this section submit progress reports and accountings to the Secretary, as the Secretary deems appropriate, which such reports shall be publicly available.

(b) CRITERIA.—

(1) A project shall be eligible for Federal financial assistance under subsection (a) only if all or a portion of the project is designed to reduce, avoid, or offset the quantity of the expected water supply impacts to Friant Division long-term contractors caused by the Interim or Restoration Flows authorized in part I of this subtitle, and such quantities have not already been reduced, avoided, or offset by other programs or projects.

(2) Federal financial assistance shall only apply to the portion of a project that the local agency designates as reducing, avoiding, or offsetting the expected water supply impacts caused by the Interim or Restoration Flows authorized in part I of this subtitle, consistent with the methodology developed pursuant to paragraph (3)(C).

(3) No Federal financial assistance shall be provided by the Secretary under this part for construction of a project under subsection (a) unless the Secretary—

(A) determines that appropriate planning, design, and environmental compliance activities associated with such a project have been completed, and that the Secretary has been offered the opportunity to participate in the project at a price that is no higher than the local agency's own costs, in order to secure necessary storage, extraction, and conveyance rights for water that may be needed to meet the Restoration Goal as described in part I of this subtitle, where such project has capacity beyond that designated for the purposes in paragraph (2) or where it is feasible to expand such project to allow participation by the Secretary;

(B) determines, based on information available at the time, that the local agency has the financial capability and willingness to fund its share of the project's construction and all operation and maintenance costs on an annual basis;

(C) determines that a method acceptable to the Secretary has been developed for quantifying the benefit, in terms of reduction, avoidance, or offset of the water supply impacts expected to be caused by the Interim or Restoration Flows authorized in part I of this subtitle, that will result from the project, and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5); and

(D) has entered into a cost-sharing agreement with the local agency which commits the local agency to funding its share of the project's construction costs on an annual basis.

(c) GUIDELINES.—Within 1 year from the date of enactment of this part, the Secretary shall develop, in consultation with the Friant Division long-term contractors, proposed guidelines for the application of the criteria defined in subsection (b), and will make the proposed guidelines available for public comment. Such guidelines may consider prioritizing the distribution of available funds to projects that provide the broadest benefit within the affected area and the equitable allocation of funds. Upon adoption of such guidelines, the Secretary shall implement such assistance program, subject to the availability of funds appropriated for such purpose.

(d) COST SHARING.—The Federal financial assistance provided to local agencies under subsection (a) shall not exceed—

(1) 50 percent of the costs associated with planning, design, and environmental compliance activities associated with such a project; and

(2) 50 percent of the costs associated with construction of any such project.

(e) PROJECT OWNERSHIP.—

(1) Title to, control over, and operation of, projects funded under subsection (a) shall remain in one or more non-Federal local agencies. Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity. All projects funded pursuant to this subsection shall comply with all applicable Federal and State laws, including provisions of California water law.

(2) All operation, maintenance, and replacement and rehabilitation costs of such projects shall be the responsibility of the local agency. The Secretary shall not provide funding for any operation, maintenance, or replacement and rehabilitation costs of projects funded under subsection (a).

SEC. 10203. AUTHORIZATION OF APPROPRIATIONS.

(a) The Secretary is authorized and directed to use monies from the fund established under section 10009 to carry out the provisions of section 10201(a)(1), in an amount not to exceed \$35,000,000.

(b) In addition to the funds made available pursuant to subsection (a), the Secretary is also authorized to expend such additional funds from the fund established under section 10009 to carry out the purposes of section 10201(a)(2), if such facilities have not already been authorized and funded under the plan provided for pursuant to section 10004(a)(4), in an amount not to exceed \$17,000,000, provided that the Secretary first determines that such expenditure will not conflict with or delay his implementation of actions required by part I of this subtitle. Notice of the Secretary's determination shall be published not later than his submission of the report to Congress required by section 10009(f)(2).

(c) In addition to funds made available in subsections (a) and (b), there are authorized to be appropriated \$50,000,000 (October 2008 price levels) to carry out the purposes of this part which shall be non-reimbursable.

Subtitle B—Northwestern New Mexico Rural Water Projects**SEC. 10301. SHORT TITLE.**

This subtitle may be cited as the “Northwestern New Mexico Rural Water Projects Act”.

SEC. 10302. DEFINITIONS.

In this subtitle:

(1) AAMODT ADJUDICATION.—The term “Aamodt adjudication” means the general stream adjudication that is the subject of the civil action entitled “State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.”, No. 66 CV 6639 MV/LCS (D.N.M.).

(2) ABEYTA ADJUDICATION.—The term “Abeyta adjudication” means the general stream adjudication that is the subject of the civil actions entitled “State of New Mexico v. Abeyta and State of New Mexico v. Arrellano”, Civil Nos. 7896-BB (D.N.M) and 7939-BB (D.N.M.) (consolidated).

(3) ACRE-FEET.—The term “acre-feet” means acre-feet per year.

(4) AGREEMENT.—The term “Agreement” means the agreement among the State of New Mexico, the Nation, and the United States setting forth a stipulated and binding agreement signed by the State of New Mexico and the Nation on April 19, 2005.

(5) ALLOTTEE.—The term “allottee” means a person that holds a beneficial real property interest in a Navajo allotment that—

(A) is located within the Navajo Reservation or the State of New Mexico;

(B) is held in trust by the United States; and

(C) was originally granted to an individual member of the Nation by public land order or otherwise.

(6) ANIMAS-LA PLATA PROJECT.—The term “Animas-La Plata Project” has the meaning given the term in section 3 of Public Law 100-585 (102 Stat. 2973), including Ridges Basin Dam, Lake Nighthorse, the Navajo Nation Municipal Pipeline, and any other features or modifications made pursuant to the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106-554; 114 Stat. 2763A-258).

(7) CITY.—The term “City” means the city of Gallup, New Mexico, or a designee of the City, with authority to provide water to the Gallup, New Mexico service area.

(8) COLORADO RIVER COMPACT.—The term “Colorado River Compact” means the Colorado River Compact of 1922 as approved by Congress in the Act of December 21, 1928 (45 Stat. 1057) and by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000).

(9) COLORADO RIVER SYSTEM.—The term “Colorado River System” has the same meaning given the term in Article II(a) of the Colorado River Compact.

(10) COMPACT.—The term “Compact” means the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(11) CONTRACT.—The term “Contract” means the contract between the United States and the Nation setting forth certain commitments, rights, and obligations of the United States and the Nation, as described in paragraph 6.0 of the Agreement.

(12) DEPLETION.—The term “depletion” means the depletion of the flow of the San Juan River stream system in the State of New Mexico by a particular use of water (including any depletion incident to the use) and represents the diversion from the stream system by the use, less return flows to the stream system from the use.

(13) DRAFT IMPACT STATEMENT.—The term “Draft Impact Statement” means the draft environmental impact statement prepared by the Bureau of Reclamation for the Project dated March 2007.

(14) FUND.—The term “Fund” means the Reclamation Waters Settlements Fund established by section 10501(a).

(15) HYDROLOGIC DETERMINATION.—The term “hydrologic determination” means the hydrologic determination entitled “Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico,” prepared by the Bureau of Reclamation pursuant to section 11 of the Act of June 13, 1962 (Public Law 87-483; 76 Stat. 99), and dated May 23, 2007.

(16) LOWER BASIN.—The term “Lower Basin” has the same meaning given the term in Article II(g) of the Colorado River Compact.

(17) NATION.—The term “Nation” means the Navajo Nation, a body politic and federally-recognized Indian nation as provided for in section 101(2) of the Federally Recognized Indian Tribe List of 1994 (25 U.S.C. 497a(2)), also known variously as the “Navajo Tribe,” the “Navajo Tribe of Arizona, New Mexico & Utah,” and the “Navajo Tribe of Indians” and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

(18) NAVAJO-GALLUP WATER SUPPLY PROJECT; PROJECT.—The term “Navajo-Gallup Water Supply Project” or “Project”

means the Navajo-Gallup Water Supply Project authorized under section 10602(a), as described as the preferred alternative in the Draft Impact Statement.

(19) NAVAJO INDIAN IRRIGATION PROJECT.—The term “Navajo Indian Irrigation Project” means the Navajo Indian irrigation project authorized by section 2 of Public Law 87-483 (76 Stat. 96).

(20) NAVAJO RESERVOIR.—The term “Navajo Reservoir” means the reservoir created by the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.).

(21) NAVAJO NATION MUNICIPAL PIPELINE; PIPELINE.—The term “Navajo Nation Municipal Pipeline” or “Pipeline” means the pipeline used to convey the water of the Animas-La Plata Project of the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in the State of New Mexico (including the City of Shiprock), as authorized by section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2973; 114 Stat. 2763A-263).

(22) NON-NAVAJO IRRIGATION DISTRICTS.—The term “Non-Navajo Irrigation Districts” means—

(A) the Hammond Conservancy District;

(B) the Bloomfield Irrigation District; and

(C) any other community ditch organization in the San Juan River basin in the State of New Mexico.

(23) PARTIAL FINAL DECREE.—The term “Partial Final Decree” means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth the rights of the Nation to use and administer waters of the San Juan River Basin in New Mexico, as set forth in Appendix 1 of the Agreement.

(24) PROJECT PARTICIPANTS.—The term “Project Participants” means the City, the Nation, and the Jicarilla Apache Nation.

(25) SAN JUAN RIVER BASIN RECOVERY IMPLEMENTATION PROGRAM.—The term “San Juan River Basin Recovery Implementation Program” means the intergovernmental program established pursuant to the cooperative agreement dated October 21, 1992 (including any amendments to the program).

(26) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation or any other designee.

(27) STREAM ADJUDICATION.—The term “stream adjudication” means the general stream adjudication that is the subject of *New Mexico v. United States*, et al., No. 75-185 (11th Jud. Dist., San Juan County, New Mexico) (involving claims to waters of the San Juan River and the tributaries of that river).

(28) SUPPLEMENTAL PARTIAL FINAL DECREE.—The term “Supplemental Partial Final Decree” means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth certain water rights of the Nation, as set forth in Appendix 2 of the Agreement.

(29) TRUST FUND.—The term “Trust Fund” means the Navajo Nation Water Resources Development Trust Fund established by section 10702(a).

(30) UPPER BASIN.—The term “Upper Basin” has the same meaning given the term in Article II(f) of the Colorado River Compact.

SEC. 10303. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) EFFECT OF EXECUTION OF AGREEMENT.—The execution of the Agreement under section 10701(a)(2) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this subtitle, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 10304. NO REALLOCATION OF COSTS.

(a) EFFECT OF ACT.—Notwithstanding any other provision of law, the Secretary shall not reallocate or reassign any costs of projects that have been authorized under the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.), as of the date of enactment of this Act because of—

(1) the authorization of the Navajo-Gallup Water Supply Project under this subtitle; or

(2) the changes in the uses of the water diverted by the Navajo Indian Irrigation Project or the waters stored in the Navajo Reservoir authorized under this subtitle.

(b) USE OF POWER REVENUES.—Notwithstanding any other provision of law, no power revenues under the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.), shall be used to pay or reimburse any costs of the Navajo Indian Irrigation Project or Navajo-Gallup Water Supply Project.

SEC. 10305. INTEREST RATE.

Notwithstanding any other provision of law, the interest rate applicable to any repayment contract entered into under section 10604 shall be equal to the discount rate for Federal water resources planning, as determined by the Secretary.

PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87-483

SEC. 10401. AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT.

(a) PARTICIPATING PROJECTS.—Paragraph (2) of the first section of the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620(2)) is amended by inserting “the Navajo-Gallup Water Supply Project,” after “Fruitland Mesa.”

(b) NAVAJO RESERVOIR WATER BANK.—The Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) is amended—

(1) by redesignating section 16 (43 U.S.C. 620o) as section 17; and

(2) by inserting after section 15 (43 U.S.C. 620n) the following:

“SEC. 16. (a) The Secretary of the Interior may create and operate within the available capacity of Navajo Reservoir a top water bank.

“(b) Water made available for the top water bank in accordance with subsections (c) and (d) shall not be subject to section 11 of Public Law 87-483 (76 Stat. 99).

“(c) The top water bank authorized under subsection (a) shall be operated in a manner that—

“(1) is consistent with applicable law, except that, notwithstanding any other provision of law, water for purposes other than irrigation may be stored in the Navajo Reservoir pursuant to the rules governing the top water bank established under this section; and

“(2) does not impair the ability of the Secretary of the Interior to deliver water under contracts entered into under—

“(A) Public Law 87-483 (76 Stat. 96); and

“(B) New Mexico State Engineer File Nos. 2847, 2848, 2849, and 2917.

“(d)(1) The Secretary of the Interior, in cooperation with the State of New Mexico (acting through the Interstate Stream Commission), shall develop any terms and procedures for the storage, accounting, and release of water in the top water bank that are necessary to comply with subsection (c).

“(2) The terms and procedures developed under paragraph (1) shall include provisions requiring that—

“(A) the storage of banked water shall be subject to approval under State law by the New Mexico State Engineer to ensure that impairment of any existing water right does not occur, including storage of water under New Mexico State Engineer File No. 2849;

“(B) water in the top water bank be subject to evaporation and other losses during storage;

“(C) water in the top water bank be released for delivery to the owner or assigns of the banked water on request of the owner, subject to reasonable scheduling requirements for making the release;

“(D) water in the top water bank be the first water spilled or released for flood control purposes in anticipation of a spill, on the condition that top water bank water shall not be released or included for purposes of calculating whether a release should occur for purposes of satisfying the flow recommendations of the San Juan River Basin Recovery Implementation Program; and

“(E) water eligible for banking in the top water bank shall be water that otherwise would have been diverted and beneficially used in New Mexico that year.

“(e) The Secretary of the Interior may charge fees to water users that use the top water bank in amounts sufficient to cover the costs incurred by the United States in administering the water bank.”

SEC. 10402. AMENDMENTS TO PUBLIC LAW 87-483.

(a) NAVAJO INDIAN IRRIGATION PROJECT.—Public Law 87-483 (76 Stat. 96) is amended by striking section 2 and inserting the following:

“SEC. 2. (a) In accordance with the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.), the Secretary of the Interior is authorized to construct, operate, and maintain the Navajo Indian Irrigation Project to provide irrigation water to a service area of not more than 110,630 acres of land.

“(b)(1) Subject to paragraph (2), the average annual diversion by the Navajo Indian Irrigation Project from the Navajo Reservoir over any consecutive 10-year period shall be the lesser of—

“(A) 508,000 acre-feet per year; or

“(B) the quantity of water necessary to supply an average depletion of 270,000 acre-feet per year.

“(2) The quantity of water diverted for any 1 year shall not exceed the average annual diversion determined under paragraph (1) by more than 15 percent.

“(c) In addition to being used for irrigation, the water diverted by the Navajo Indian Irrigation Project under subsection (b) may be used within the area served by Navajo Indian Irrigation Project facilities for the following purposes:

“(1) Aquaculture purposes, including the rearing of fish in support of the San Juan River Basin Recovery Implementation Program authorized by Public Law 106-392 (114 Stat. 1602).

“(2) Domestic, industrial, or commercial purposes relating to agricultural production and processing.

“(3)(A) The generation of hydroelectric power as an incident to the diversion of water by the Navajo Indian Irrigation Project for authorized purposes.

“(B) Notwithstanding any other provision of law—

“(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Navajo Nation;

“(ii) the Navajo Nation shall retain any revenues from the sale of the hydroelectric power; and

“(iii) the United States shall have no trust obligation to monitor, administer, or account for the revenues received by the Navajo Nation, or the expenditure of the revenues.

“(4) The implementation of the alternate water source provisions described in subparagraph 9.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act.

“(d) The Navajo Indian Irrigation Project water diverted under subsection (b) may be transferred to areas located within or outside the area served by Navajo Indian Irrigation Project facilities, and within or outside the boundaries of the Navajo Nation, for any beneficial use in accordance with—

“(1) the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act;

“(2) the contract executed under section 10604(a)(2)(B) of that Act; and

“(3) any other applicable law.

“(e) The Secretary may use the capacity of the Navajo Indian Irrigation Project works to convey water supplies for—

“(1) the Navajo-Gallup Water Supply Project under section 10602 of the Northwestern New Mexico Rural Water Projects Act; or

“(2) other nonirrigation purposes authorized under subsection (c) or (d).

“(f)(1) Repayment of the costs of construction of the project (as authorized in subsection (a)) shall be in accordance with the Act of April 11, 1956 (commonly known as the ‘Colorado River Storage Project Act’) (43 U.S.C. 620 et seq.), including section 4(d) of that Act.

“(2) The Secretary shall not reallocate, or require repayment of, construction costs of the Navajo Indian Irrigation Project because of the conveyance of water supplies for non-irrigation purposes under subsection (e).”

(b) **RUNOFF ABOVE NAVAJO DAM.**—Section 11 of Public Law 87-483 (76 Stat. 100) is amended by adding at the end the following:

“(d)(1) For purposes of implementing in a year of prospective shortage the water allocation procedures established by subsection (a), the Secretary of the Interior shall determine the quantity of any shortages and the appropriate apportionment of water using the normal diversion requirements on the flow of the San Juan River originating above Navajo Dam based on the following criteria:

“(A) The quantity of diversion or water delivery for the current year anticipated to be necessary to irrigate land in accordance with cropping plans prepared by contractors.

“(B) The annual diversion or water delivery demands for the current year anticipated for non-irrigation uses under water delivery contracts, including contracts authorized by the Northwestern New Mexico Rural Water Projects Act, but excluding any current demand for surface water for placement into aquifer storage for future recovery and use.

“(C) An annual normal diversion demand of 135,000 acre-feet for the initial stage of the

San Juan-Chama Project authorized by section 8, which shall be the amount to which any shortage is applied.

“(2) The Secretary shall not include in the normal diversion requirements—

“(A) the quantity of water that reliably can be anticipated to be diverted or delivered under a contract from inflows to the San Juan River arising below Navajo Dam under New Mexico State Engineer File No. 3215; or

“(B) the quantity of water anticipated to be supplied through reuse.

“(e)(1) If the Secretary determines that there is a shortage of water under subsection (a), the Secretary shall respond to the shortage in the Navajo Reservoir water supply by curtailing releases and deliveries in the following order:

“(A) The demand for delivery for uses in the State of Arizona under the Navajo-Gallup Water Supply Project authorized by section 10603 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for the uses from inflows to the San Juan River that arise below Navajo Dam in accordance with New Mexico State Engineer File No. 3215.

“(B) The demand for delivery for uses allocated under paragraph 8.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for such uses under State Engineer File No. 3215.

“(C) The uses in the State of New Mexico that are determined under subsection (d), in accordance with the procedure for apportioning the water supply under subsection (a).

“(2) For any year for which the Secretary determines and responds to a shortage in the Navajo Reservoir water supply, the Secretary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer storage for future recovery and use.

“(3) To determine the occurrence and amount of any shortage to contracts entered into under this section, the Secretary shall not include as available storage any water stored in a top water bank in Navajo Reservoir established under section 16(a) of the Act of April 11, 1956 (commonly known as the ‘Colorado River Storage Project Act’).

“(f) The Secretary of the Interior shall apportion water under subsections (a), (d), and (e) on an annual volume basis.

“(g) The Secretary of the Interior may revise a determination of shortages, apportionments, or allocations of water under subsections (a), (d), and (e) on the basis of information relating to water supply conditions that was not available at the time at which the determination was made.

“(h) Nothing in this section prohibits the distribution of water in accordance with cooperative water agreements between water users providing for a sharing of water supplies.

“(i) Diversions under New Mexico State Engineer File No. 3215 shall be distributed, to the maximum extent water is available, in proportionate amounts to the diversion demands of contractors and subcontractors of the Navajo Reservoir water supply that are diverting water below Navajo Dam.”

SEC. 10403. EFFECT ON FEDERAL WATER LAW.

Unless expressly provided in this subtitle, nothing in this subtitle modifies, conflicts with, preempts, or otherwise affects—

(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(2) the Boulder Canyon Project Adjustment Act (54 Stat. 774, chapter 643);

(3) the Act of April 11, 1956 (commonly known as the ‘Colorado River Storage Project Act’) (43 U.S.C. 620 et seq.);

(4) the Act of September 30, 1968 (commonly known as the ‘Colorado River Basin Project Act’) (82 Stat. 885);

(5) Public Law 87-483 (76 Stat. 96);

(6) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

(7) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(8) the Compact;

(9) the Act of April 6, 1949 (63 Stat. 31, chapter 48);

(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2237); or

(11) section 205 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2949).

PART II—RECLAMATION WATER SETTLEMENTS FUND

SEC. 10501. RECLAMATION WATER SETTLEMENTS FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund, to be known as the ‘Reclamation Water Settlements Fund’, consisting of—

(1) such amounts as are deposited to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) **DEPOSITS TO FUND.**—

(1) **IN GENERAL.**—For each of fiscal years 2020 through 2029, the Secretary of the Treasury shall deposit in the Fund, if available, \$120,000,000 of the revenues that would otherwise be deposited for the fiscal year in the fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(2) **AVAILABILITY OF AMOUNTS.**—Amounts deposited in the Fund under paragraph (1) shall be made available pursuant to this section—

(A) without further appropriation; and

(B) in addition to amounts appropriated pursuant to any authorization contained in any other provision of law.

(c) **EXPENDITURES FROM FUND.**—

(1) **IN GENERAL.**—

(A) **EXPENDITURES.**—Subject to subparagraph (B), for each of fiscal years 2020 through 2034, the Secretary may expend from the Fund an amount not to exceed \$120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3).

(B) **ADDITIONAL EXPENDITURES.**—The Secretary may expend more than \$120,000,000 for any fiscal year if such amounts are available in the Fund due to expenditures not reaching \$120,000,000 for prior fiscal years.

(2) **AUTHORITY.**—The Secretary may expend money from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation to provide financial assistance for, or plan, design, and construct—

(A) water supply infrastructure; or

(B) a project—

(i) to rehabilitate a water delivery system to conserve water; or

(ii) to restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by, or located

within the same river basin as, a Federal reclamation project that is in existence on the date of enactment of this Act.

(3) USE FOR COMPLETION OF PROJECT AND OTHER SETTLEMENTS.—

(A) PRIORITIES.—

(i) FIRST PRIORITY.—

(I) IN GENERAL.—The first priority for expenditure of amounts in the Fund during the entire period in which the Fund is in existence shall be for the purposes described in, and in the order of, clauses (i) through (iv) of subparagraph (B).

(II) RESERVED AMOUNTS.—The Secretary shall reserve and use amounts deposited into the Fund in accordance with subclause (I).

(ii) OTHER PURPOSES.—Any amounts in the Fund that are not needed for the purposes described in subparagraph (B) may be used for other purposes authorized in paragraph (2).

(B) COMPLETION OF PROJECT.—

(i) NAVAJO-GALLUP WATER SUPPLY PROJECT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, if, in the judgment of the Secretary on an annual basis the deadline described in section 10701(f)(1)(A)(ix) is unlikely to be met because a sufficient amount of funding is not otherwise available through appropriations made available pursuant to section 10609(a), the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the costs, and substantially complete as expeditiously as practicable, the construction of the water supply infrastructure authorized as part of the Project.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$500,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (ii) through (iv).

(ii) OTHER NEW MEXICO SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to the funding made available under clause (i), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing the Indian water rights settlement agreements entered into by the State of New Mexico in the Aamodt adjudication and the Abeyta adjudication, if such settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—The amount expended under subclause (I) shall not exceed \$250,000,000.

(iii) MONTANA SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i) and (ii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with

paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing Indian water rights settlement agreements entered into by the State of Montana with the Blackfeet Tribe, the Crow Tribe, or the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation in the judicial proceeding entitled “In re the General Adjudication of All the Rights to Use Surface and Groundwater in the State of Montana”, if a settlement or settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$350,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clause (i), (ii), and (iv).

(cc) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(iv) ARIZONA SETTLEMENT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i), (ii), and (iii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing an Indian water rights settlement agreement entered into by the State of Arizona with the Navajo Nation to resolve the water rights claims of the Nation in the Lower Colorado River basin in Arizona, if a settlement is subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$100,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (i) through (iii).

(cc) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(C) REVERSION.—If the settlements described in clauses (ii) through (iv) of subparagraph (B) have not been approved and authorized by an Act of Congress by December 31, 2019, the amounts reserved for the settlements shall no longer be reserved by the Secretary pursuant to subparagraph (A)(i) and shall revert to the Fund for any authorized use, as determined by the Secretary.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(2) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) TERMINATION.—On September 30, 2034—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the appropriate fund of the Treasury.

PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT

SEC. 10601. PURPOSES.

The purposes of this part are—

(1) to authorize the Secretary to construct, operate, and maintain the Navajo-Gallup Water Supply Project;

(2) to allocate the capacity of the Project among the Nation, the City, and the Jicarilla Apache Nation; and

(3) to authorize the Secretary to enter into Project repayment contracts with the City and the Jicarilla Apache Nation.

SEC. 10602. AUTHORIZATION OF NAVAJO-GALLUP WATER SUPPLY PROJECT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, is authorized to design, construct, operate, and maintain the Project in substantial accordance with the preferred alternative in the Draft Impact Statement.

(b) PROJECT FACILITIES.—To provide for the delivery of San Juan River water to Project Participants, the Secretary may construct, operate, and maintain the Project facilities described in the preferred alternative in the Draft Impact Statement, including:

(1) A pumping plant on the San Juan River in the vicinity of Kirtland, New Mexico.

(2)(A) A main pipeline from the San Juan River near Kirtland, New Mexico, to Shiprock, New Mexico, and Gallup, New Mexico, which follows United States Highway 491.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(3)(A) A main pipeline from Cutter Reservoir to Ojo Encino, New Mexico, which follows United States Highway 550.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(4)(A) Lateral pipelines from the main pipelines to Nation communities in the States of New Mexico and Arizona.

(B) Any pumping plants associated with the pipelines authorized under subparagraph (A).

(5) Any water regulation, storage or treatment facility, service connection to an existing public water supply system, power substation, power distribution works, or other appurtenant works (including a building or access road) that is related to the Project facilities authorized by paragraphs (1) through (4), including power transmission facilities and associated wheeling services to connect Project facilities to existing high-voltage transmission facilities and deliver power to the Project.

(c) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary is authorized to acquire any land or interest in land that is necessary to construct, operate, and maintain the Project facilities authorized under subsection (b).

(2) **LAND OF THE PROJECT PARTICIPANTS.**—As a condition of construction of the facilities authorized under this part, the Project Participants shall provide all land or interest in land, as appropriate, that the Secretary identifies as necessary for acquisition under this subsection at no cost to the Secretary.

(3) **LIMITATION.**—The Secretary may not condemn water rights for purposes of the Project.

(d) **CONDITIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary shall not commence construction of the facilities authorized under subsection (b) until such time as—

(A) the Secretary executes the Agreement and the Contract;

(B) the contracts authorized under section 10604 are executed;

(C) the Secretary—

(i) completes an environmental impact statement for the Project; and

(ii) has issued a record of decision that provides for a preferred alternative; and

(D) the Secretary has entered into an agreement with the State of New Mexico under which the State of New Mexico will provide a share of the construction costs of the Project of not less than \$50,000,000, except that the State of New Mexico shall receive credit for funds the State has contributed to construct water conveyance facilities to the Project Participants to the extent that the facilities reduce the cost of the Project as estimated in the Draft Impact Statement.

(2) **EXCEPTION.**—If the Jicarilla Apache Nation elects not to enter into a contract pursuant to section 10604, the Secretary, after consulting with the Nation, the City, and the State of New Mexico acting through the Interstate Stream Commission, may make appropriate modifications to the scope of the Project and proceed with Project construction if all other conditions for construction have been satisfied.

(3) **EFFECT OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.**—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design, construction, operation, maintenance, or replacement of the Project.

(e) **POWER.**—The Secretary shall reserve, from existing reservations of Colorado River Storage Project power for Bureau of Reclamation projects, up to 26 megawatts of power for use by the Project.

(f) **CONVEYANCE OF TITLE TO PROJECT FACILITIES.**—

(1) **IN GENERAL.**—The Secretary is authorized to enter into separate agreements with the City and the Nation and, on entering into the agreements, shall convey title to each Project facility or section of a Project facility authorized under subsection (b) (including any appropriate interests in land) to the City and the Nation after—

(A) completion of construction of a Project facility or a section of a Project facility that is operating and delivering water; and

(B) execution of a Project operations agreement approved by the Secretary and the Project Participants that sets forth—

(i) any terms and conditions that the Secretary determines are necessary—

(I) to ensure the continuation of the intended benefits of the Project; and

(II) to fulfill the purposes of this part;

(ii) requirements acceptable to the Secretary and the Project Participants for—

(I) the distribution of water under the Project or section of a Project facility; and

(II) the allocation and payment of annual operation, maintenance, and replacement

costs of the Project or section of a Project facility based on the proportionate uses of Project facilities; and

(iii) conditions and requirements acceptable to the Secretary and the Project Participants for operating and maintaining each Project facility on completion of the conveyance of title, including the requirement that the City and the Nation shall—

(I) comply with—

(aa) the Compact; and

(bb) other applicable law; and

(II) be responsible for—

(aa) the operation, maintenance, and replacement of each Project facility; and

(bb) the accounting and management of water conveyance and Project finances, as necessary to administer and fulfill the conditions of the Contract executed under section 10604(a)(2)(B).

(2) **EFFECT OF CONVEYANCE.**—The conveyance of title to each Project facility shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of the water associated with the Project.

(3) **LIABILITY.**—

(A) **IN GENERAL.**—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) **TORT CLAIMS.**—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(4) **NOTICE OF PROPOSED CONVEYANCE.**—Not later than 45 days before the date of a proposed conveyance of title to any Project facility, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each Project facility.

(g) **COLORADO RIVER STORAGE PROJECT POWER.**—The conveyance of Project facilities under subsection (f) shall not affect the availability of Colorado River Storage Project power to the Project under subsection (e).

(h) **REGIONAL USE OF PROJECT FACILITIES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), Project facilities constructed under subsection (b) may be used to treat and convey non-Project water or water that is not allocated by subsection 10603(b) if—

(A) capacity is available without impairing any water delivery to a Project Participant; and

(B) the unallocated or non-Project water beneficiary—

(i) has the right to use the water;

(ii) agrees to pay the operation, maintenance, and replacement costs assignable to the beneficiary for the use of the Project facilities; and

(iii) agrees to pay an appropriate fee that may be established by the Secretary to assist in the recovery of any capital cost allocable to that use.

(2) **EFFECT OF PAYMENTS.**—Any payments to the United States or the Nation for the use of unused capacity under this subsection or for water under any subcontract with the Nation or the Jicarilla Apache Nation shall not alter the construction repayment re-

quirements or the operation, maintenance, and replacement payment requirements of the Project Participants.

SEC. 10603. DELIVERY AND USE OF NAVAJO-GAL-LUP WATER SUPPLY PROJECT WATER.

(a) **USE OF PROJECT WATER.**—

(1) **IN GENERAL.**—In accordance with this subtitle and other applicable law, water supply from the Project shall be used for municipal, industrial, commercial, domestic, and stock watering purposes.

(2) **USE ON CERTAIN LAND.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Nation may use Project water allocations on—

(i) land held by the United States in trust for the Nation and members of the Nation; and

(ii) land held in fee by the Nation.

(B) **TRANSFER.**—The Nation may transfer the purposes and places of use of the allocated water in accordance with the Agreement and applicable law.

(3) **HYDROELECTRIC POWER.**—

(A) **IN GENERAL.**—Hydroelectric power may be generated as an incident to the delivery of Project water for authorized purposes under paragraph (1).

(B) **ADMINISTRATION.**—Notwithstanding any other provision of law—

(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Nation;

(ii) the Nation shall retain any revenues from the sale of the hydroelectric power; and

(iii) the United States shall have no trust obligation or other obligation to monitor, administer, or account for the revenues received by the Nation, or the expenditure of the revenues.

(4) **STORAGE.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), any water contracted for delivery under paragraph (1) that is not needed for current water demands or uses may be delivered by the Project for placement in underground storage in the State of New Mexico for future recovery and use.

(B) **STATE APPROVAL.**—Delivery of water under subparagraph (A) is subject to—

(i) approval by the State of New Mexico under applicable provisions of State law relating to aquifer storage and recovery; and

(ii) the provisions of the Agreement and this subtitle.

(b) **PROJECT WATER AND CAPACITY ALLOCATIONS.**—

(1) **DIVERSION.**—Subject to availability and consistent with Federal and State law, the Project may divert from the Navajo Reservoir and the San Juan River a quantity of water to be allocated and used consistent with the Agreement and this subtitle, that does not exceed in any 1 year, the lesser of—

(A) 37,760 acre-feet of water; or

(B) the quantity of water necessary to supply a depletion from the San Juan River of 35,890 acre-feet.

(2) **PROJECT DELIVERY CAPACITY ALLOCATIONS.**—

(A) **IN GENERAL.**—The capacity of the Project shall be allocated to the Project Participants in accordance with subparagraphs (B) through (E), other provisions of this subtitle, and other applicable law.

(B) **DELIVERY CAPACITY ALLOCATION TO THE CITY.**—The Project may deliver at the point of diversion from the San Juan River not more than 7,500 acre-feet of water in any 1 year for which the City has secured rights for the use of the City.

(C) **DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN NEW MEXICO.**—For

use by the Nation in the State of New Mexico, the Project may deliver water out of the water rights held by the Secretary for the Nation and confirmed under this subtitle, at the points of diversion from the San Juan River or at Navajo Reservoir in any 1 year, the lesser of—

(i) 22,650 acre-feet of water; or
(ii) the quantity of water necessary to supply a depletion from the San Juan River of 20,780 acre-feet of water.

(D) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN ARIZONA.—Subject to subsection (c), the Project may deliver at the point of diversion from the San Juan River not more than 6,411 acre-feet of water in any 1 year for use by the Nation in the State of Arizona.

(E) DELIVERY CAPACITY ALLOCATION TO JICARILLA APACHE NATION.—The Project may deliver at Navajo Reservoir not more than 1,200 acre-feet of water in any 1 year of the water rights of the Jicarilla Apache Nation, held by the Secretary and confirmed by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102-441; 106 Stat. 2237), for use by the Jicarilla Apache Nation in the southern portion of the Jicarilla Apache Nation Reservation in the State of New Mexico.

(3) USE IN EXCESS OF DELIVERY CAPACITY ALLOCATION QUANTITY.—Notwithstanding each delivery capacity allocation quantity limit described in subparagraphs (B), (C), and (E) of paragraph (2), the Secretary may authorize a Project Participant to exceed the delivery capacity allocation quantity limit of that Project Participant if—

(A) delivery capacity is available without impairing any water delivery to any other Project Participant; and

(B) the Project Participant benefitting from the increased allocation of delivery capacity—

(i) has the right under applicable law to use the additional water;

(ii) agrees to pay the operation, maintenance, and replacement costs relating to the additional use of any Project facility; and

(iii) agrees, if the Project title is held by the Secretary, to pay a fee established by the Secretary to assist in recovering capital costs relating to that additional use.

(C) CONDITIONS FOR USE IN ARIZONA.—

(1) REQUIREMENTS.—Project water shall not be delivered for use by any community of the Nation located in the State of Arizona under subsection (b)(2)(D) until—

(A) the Nation and the State of Arizona have entered into a water rights settlement agreement approved by an Act of Congress that settles and waives the Nation's claims to water in the Lower Basin and the Little Colorado River Basin in the State of Arizona, including those of the United States on the Nation's behalf; and

(B) the Secretary and the Navajo Nation have entered into a Navajo Reservoir water supply delivery contract for the physical delivery and diversion of water via the Project from the San Juan River system to supply uses in the State of Arizona.

(2) ACCOUNTING OF USES IN ARIZONA.—

(A) IN GENERAL.—Pursuant to paragraph (1) and notwithstanding any other provision of law, water may be diverted by the Project from the San Juan River in the State of New Mexico in accordance with an appropriate permit issued under New Mexico law for use in the State of Arizona within the Navajo Reservation in the Lower Basin; provided that any depletion of water that results from the diversion of water by the Project from the San Juan River in the State of New Mexico for uses within the State of Arizona (in-

cluding depletion incidental to the diversion, impounding, or conveyance of water in the State of New Mexico for uses in the State of Arizona) shall be administered and accounted for as either—

(i) a part of, and charged against, the available consumptive use apportionment made to the State of Arizona by Article III(a) of the Compact and to the Upper Basin by Article III(a) of the Colorado River Compact, in which case any water so diverted by the Project into the Lower Basin for use within the State of Arizona shall not be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; or

(ii) subject to subparagraph (B), a part of, and charged against, the consumptive use apportionment made to the Lower Basin by Article III(a) of the Colorado River Compact, in which case it shall—

(I) be a part of the Colorado River water that is apportioned to the State of Arizona in Article II(B) of the Consolidated Decree of the Supreme Court of the United States in *Arizona v. California* (547 U.S. 150) (as may be amended or supplemented);

(II) be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; and

(III) be accounted as the water identified in section 104(a)(1)(B)(ii) of the Arizona Water Settlements Act, (118 Stat. 3478);

(B) LIMITATION.—Notwithstanding subparagraph (B), no water diverted by the Project shall be accounted for pursuant to subparagraph (B) until such time that—

(i) the Secretary has developed and, as necessary and appropriate, modified, in consultation with the Upper Colorado River Commission and the Governors' Representatives on Colorado River Operations from each State signatory to the Colorado River Compact, all operational and decisional criteria, policies, contracts, guidelines or other documents that control the operations of the Colorado River System reservoirs and diversion works, so as to adjust, account for, and offset the diversion of water apportioned to the State of Arizona, pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), from a point of diversion on the San Juan River in New Mexico; provided that all such modifications shall be consistent with the provisions of this Section, and the modifications made pursuant to this clause shall be applicable only for the duration of any such diversions pursuant to section 10603(c)(2)(B); and

(ii) Article II(B) of the Decree of the Supreme Court of the United States in *Arizona v. California* (547 U.S. 150) as may be amended or supplemented) is administered so that diversions from the main stream for the Central Arizona Project, as served under existing contracts with the United States by diversion works heretofore constructed, shall be limited and reduced to offset any diversions made pursuant to section 10603(c)(2)(B) of this Act. This clause shall not affect, in any manner, the amount of water apportioned to Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), or amend any provisions of said decree or the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.).

(3) UPPER BASIN PROTECTIONS.—

(A) CONSULTATIONS.—Henceforth, in any consultation pursuant to 16 U.S.C. 1536(a) with respect to water development in the San Juan River Basin, the Secretary shall confer with the States of Colorado and New Mexico, consistent with the provisions of section 5 of the "Principles for Conducting

Endangered Species Act Section 7 Consultations on Water Development and Water Management Activities Affecting Endangered Fish Species in the San Juan River Basin" as adopted by the Coordination Committee, San Juan River Basin Recovery Implementation Program, on June 19, 2001, and as may be amended or modified.

(B) PRESERVATION OF EXISTING RIGHTS.—Rights to the consumptive use of water available to the Upper Basin from the Colorado River System under the Colorado River Compact and the Compact shall not be reduced or prejudiced by any use of water pursuant to subsection 10603(c). Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

(d) FORBEARANCE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), during any year in which a shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona occurs (as determined under section 11 of Public Law 87-483 (76 Stat. 99)), the Nation may temporarily forbear the delivery of the water supply of the Navajo Reservoir for uses in the State of New Mexico under the apportionments of water to the Navajo Indian Irrigation Project and the normal diversion requirements of the Project to allow an equivalent quantity of water to be delivered from the Navajo Reservoir water supply for municipal and domestic uses of the Nation in the State of Arizona under the Project.

(2) LIMITATION OF FORBEARANCE.—The Nation may forebear the delivery of water under paragraph (1) of a quantity not exceeding the quantity of the shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona.

(3) EFFECT.—The forbearance of the delivery of water under paragraph (1) shall be subject to the requirements in subsection (c).

(e) EFFECT.—Nothing in this subtitle—

(1) authorizes the marketing, leasing, or transfer of the water supplies made available to the Nation under the Contract to non-Navajo water users in States other than the State of New Mexico; or

(2) authorizes the forbearance of water uses in the State of New Mexico to allow uses of water in other States other than as authorized under subsection (d).

(f) COLORADO RIVER COMPACTS.—Notwithstanding any other provision of law—

(1) water may be diverted by the Project from the San Juan River in the State of New Mexico for use within New Mexico in the lower basin, as that term is used in the Colorado River Compact;

(2) any water diverted under paragraph (1) shall be a part of, and charged against, the consumptive use apportionment made to the State of New Mexico by Article III(a) of the Compact and to the upper basin by Article III(a) of the Colorado River Compact; and

(3) any water so diverted by the Project into the lower basin within the State of New Mexico shall not be credited as water reaching Lee Ferry pursuant to Articles III(c) and III(d) of the Colorado River Compact.

(g) PAYMENT OF OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Secretary is authorized to pay the operation, maintenance, and replacement costs of the Project allocable to the Project Participants under section 10604 until the date on which the Secretary declares any section of the Project to be substantially complete and delivery of water

generated by, and through, that section of the Project can be made to a Project participant.

(2) **PROJECT PARTICIPANT PAYMENTS.**—Beginning on the date described in paragraph (1), each Project Participant shall pay all allocated operation, maintenance, and replacement costs for that substantially completed section of the Project, in accordance with contracts entered into pursuant to section 10604, except as provided in section 10604(f).

(h) **NO PRECEDENT.**—Nothing in this Act shall be construed as authorizing or establishing a precedent for any type of transfer of Colorado River System water between the Upper Basin and Lower Basin. Nor shall anything in this Act be construed as expanding the Secretary's authority in the Upper Basin.

(i) **UNIQUE SITUATION.**—Diversions by the Project consistent with this section address critical tribal and non-Indian water supply needs under unique circumstances, which include, among other things—

(1) the intent to benefit an American Indian tribe;

(2) the Navajo Nation's location in both the Upper and Lower Basin;

(3) the intent to address critical Indian water needs in the State of Arizona and Indian and non-Indian water needs in the State of New Mexico,

(4) the location of the Navajo Nation's capital city of Window Rock in the State of Arizona in close proximity to the border of the State of New Mexico and the pipeline route for the Project;

(5) the lack of other reasonable options available for developing a firm, sustainable supply of municipal water for the Navajo Nation at Window Rock in the State of Arizona; and

(6) the limited volume of water to be diverted by the Project to supply municipal uses in the Window Rock area in the State of Arizona.

(j) **CONSENSUS.**—Congress notes the consensus of the Governors' Representatives on Colorado River Operations of the States that are signatory to the Colorado River Compact regarding the diversions authorized for the Project under this section.

(k) **EFFICIENT USE.**—The diversions and uses authorized for the Project under this Section represent unique and efficient uses of Colorado River apportionments in a manner that Congress has determined would be consistent with the obligations of the United States to the Navajo Nation.

SEC. 10604. PROJECT CONTRACTS.

(a) **NAVAJO NATION CONTRACT.**—

(1) **HYDROLOGIC DETERMINATION.**—Congress recognizes that the Hydrologic Determination necessary to support approval of the Contract has been completed.

(2) **CONTRACT APPROVAL.**—

(A) **APPROVAL.**—

(i) **IN GENERAL.**—Except to the extent that any provision of the Contract conflicts with this subtitle, Congress approves, ratifies, and confirms the Contract.

(ii) **AMENDMENTS.**—To the extent any amendment is executed to make the Contract consistent with this subtitle, that amendment is authorized, ratified, and confirmed.

(B) **EXECUTION OF CONTRACT.**—The Secretary, acting on behalf of the United States, shall enter into the Contract to the extent that the Contract does not conflict with this subtitle (including any amendment that is required to make the Contract consistent with this subtitle).

(3) **NONREIMBURSABILITY OF ALLOCATED COSTS.**—The following costs shall be nonre-

imbursable and not subject to repayment by the Nation or any other Project beneficiary:

(A) Any share of the construction costs of the Nation relating to the Project authorized by section 10602(a).

(B) Any costs relating to the construction of the Navajo Indian Irrigation Project that may otherwise be allocable to the Nation for use of any facility of the Navajo Indian Irrigation Project to convey water to each Navajo community under the Project.

(C) Any costs relating to the construction of Navajo Dam that may otherwise be allocable to the Nation for water deliveries under the Contract.

(4) **OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.**—Subject to subsection (f), the Contract shall include provisions under which the Nation shall pay any costs relating to the operation, maintenance, and replacement of each facility of the Project that are allocable to the Nation.

(5) **LIMITATION, CANCELLATION, TERMINATION, AND RESCISSION.**—The Contract may be limited by a term of years, canceled, terminated, or rescinded only by an Act of Congress.

(b) **CITY OF GALLUP CONTRACT.**—

(1) **CONTRACT AUTHORIZATION.**—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the City that requires the City—

(A) to repay, within a 50-year period, the share of the construction costs of the City relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the City.

(2) **CONTRACT PREPAYMENT.**—

(A) **IN GENERAL.**—The contract authorized under paragraph (1) may allow the City to satisfy the repayment obligation of the City for construction costs of the Project on the payment of the share of the City prior to the initiation of construction.

(B) **AMOUNT.**—The amount of the share of the City described in subparagraph (A) shall be determined by agreement between the Secretary and the City.

(C) **REPAYMENT OBLIGATION.**—Any repayment obligation established by the Secretary and the City pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) **SHARE OF CONSTRUCTION COSTS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the City and establish the percentage of the allocated construction costs that the City shall be required to repay pursuant to the contract entered into under paragraph (1), based on the ability of the City to pay.

(B) **MINIMUM PERCENTAGE.**—Notwithstanding subparagraph (A), the repayment obligation of the City shall be at least 25 percent of the construction costs of the Project that are allocable to the City, but shall in no event exceed 35 percent.

(4) **EXCESS CONSTRUCTION COSTS.**—Any construction costs of the Project allocable to the City in excess of the repayment obligation of the City, as determined under paragraph (3), shall be nonreimbursable.

(5) **GRANT FUNDS.**—A grant from any other Federal source shall not be credited toward the amount required to be repaid by the City under a repayment contract.

(6) **TITLE TRANSFER.**—If title is transferred to the City prior to repayment under section 10602(f), the City shall be required to provide

assurances satisfactory to the Secretary of fulfillment of the remaining repayment obligation of the City.

(7) **WATER DELIVERY SUBCONTRACT.**—The Secretary shall not enter into a contract under paragraph (1) with the City until the City has secured a water supply for the City's portion of the Project described in section 10603(b)(2)(B), by entering into, as approved by the Secretary, a water delivery subcontract for a period of not less than 40 years beginning on the date on which the construction of any facility of the Project serving the City is completed, with—

(A) the Nation, as authorized by the Contract;

(B) the Jicarilla Apache Nation, as authorized by the settlement contract between the United States and the Jicarilla Apache Tribe, authorized by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102-441; 106 Stat. 2237); or

(C) an acquired alternate source of water, subject to approval of the Secretary and the State of New Mexico, acting through the New Mexico Interstate Stream Commission and the New Mexico State Engineer.

(c) **JICARILLA APACHE NATION CONTRACT.**—

(1) **CONTRACT AUTHORIZATION.**—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the Jicarilla Apache Nation that requires the Jicarilla Apache Nation—

(A) to repay, within a 50-year period, the share of any construction cost of the Jicarilla Apache Nation relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the Jicarilla Apache Nation.

(2) **CONTRACT PREPAYMENT.**—

(A) **IN GENERAL.**—The contract authorized under paragraph (1) may allow the Jicarilla Apache Nation to satisfy the repayment obligation of the Jicarilla Apache Nation for construction costs of the Project on the payment of the share of the Jicarilla Apache Nation prior to the initiation of construction.

(B) **AMOUNT.**—The amount of the share of Jicarilla Apache Nation described in subparagraph (A) shall be determined by agreement between the Secretary and the Jicarilla Apache Nation.

(C) **REPAYMENT OBLIGATION.**—Any repayment obligation established by the Secretary and the Jicarilla Apache Nation pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) **SHARE OF CONSTRUCTION COSTS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the Jicarilla Apache Nation and establish the percentage of the allocated construction costs of the Jicarilla Apache Nation that the Jicarilla Apache Nation shall be required to repay based on the ability of the Jicarilla Apache Nation to pay.

(B) **MINIMUM PERCENTAGE.**—Notwithstanding subparagraph (A), the repayment obligation of the Jicarilla Apache Nation shall be at least 25 percent of the construction costs of the Project that are allocable to the Jicarilla Apache Nation, but shall in no event exceed 35 percent.

(4) **EXCESS CONSTRUCTION COSTS.**—Any construction costs of the Project allocable to the Jicarilla Apache Nation in excess of the repayment obligation of the Jicarilla Apache Nation as determined under paragraph (3), shall be nonreimbursable.

(5) **GRANT FUNDS.**—A grant from any other Federal source shall not be credited toward the share of the Jicarilla Apache Nation of construction costs.

(6) **NAVAJO INDIAN IRRIGATION PROJECT COSTS.**—The Jicarilla Apache Nation shall have no obligation to repay any Navajo Indian Irrigation Project construction costs that might otherwise be allocable to the Jicarilla Apache Nation for use of the Navajo Indian Irrigation Project facilities to convey water to the Jicarilla Apache Nation, and any such costs shall be nonreimbursable.

(d) **CAPITAL COST ALLOCATIONS.**—

(1) **IN GENERAL.**—For purposes of estimating the capital repayment requirements of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement allocating capital construction costs for the Project.

(2) **FINAL COST ALLOCATION.**—The repayment contracts entered into with Project Participants under this section shall require that the Secretary perform a final cost allocation when construction of the Project is determined to be substantially complete.

(3) **REPAYMENT OBLIGATION.**—The Secretary shall determine the repayment obligation of the Project Participants based on the final cost allocation identifying reimbursable and nonreimbursable capital costs of the Project consistent with this subtitle.

(e) **OPERATION, MAINTENANCE, AND REPLACEMENT COST ALLOCATIONS.**—For purposes of determining the operation, maintenance, and replacement obligations of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement that allocates operation, maintenance, and replacement costs for the Project.

(f) **TEMPORARY WAIVERS OF PAYMENTS.**—

(1) **IN GENERAL.**—On the date on which the Secretary declares a section of the Project to be substantially complete and delivery of water generated by and through that section of the Project can be made to the Nation, the Secretary may waive, for a period of not more than 10 years, the operation, maintenance, and replacement costs allocable to the Nation for that section of the Project that the Secretary determines are in excess of the ability of the Nation to pay.

(2) **SUBSEQUENT PAYMENT BY NATION.**—After a waiver under paragraph (1), the Nation shall pay all allocated operation, maintenance, and replacement costs of that section of the Project.

(3) **PAYMENT BY UNITED STATES.**—Any operation, maintenance, or replacement costs waived by the Secretary under paragraph (1) shall be paid by the United States and shall be nonreimbursable.

(4) **EFFECT ON CONTRACTS.**—Failure of the Secretary to waive costs under paragraph (1) because of a lack of availability of Federal funding to pay the costs under paragraph (3) shall not alter the obligations of the Nation or the United States under a repayment contract.

(5) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to waive costs under paragraph (1) with respect to a Project facility transferred to the Nation under section 10602(f) shall terminate on the date on which the Project facility is transferred.

(g) **PROJECT CONSTRUCTION COMMITTEE.**—The Secretary shall facilitate the formation of a project construction committee with the Project Participants and the State of New Mexico—

(1) to review cost factors and budgets for construction and operation and maintenance activities;

(2) to improve construction management through enhanced communication; and

(3) to seek additional ways to reduce overall Project costs.

SEC. 10605. NAVAJO NATION MUNICIPAL PIPELINE.

(a) **USE OF NAVAJO NATION PIPELINE.**—In addition to use of the Navajo Nation Municipal Pipeline to convey the Animas-La Plata Project water of the Nation, the Nation may use the Navajo Nation Municipal Pipeline to convey non-Animas La Plata Project water for municipal and industrial purposes.

(b) **CONVEYANCE OF TITLE TO PIPELINE.**—

(1) **IN GENERAL.**—On completion of the Navajo Nation Municipal Pipeline, the Secretary may enter into separate agreements with the City of Farmington, New Mexico and the Nation to convey title to each portion of the Navajo Nation Municipal Pipeline facility or section of the Pipeline to the City of Farmington and the Nation after execution of a Project operations agreement approved by the Secretary, the Nation, and the City of Farmington that sets forth any terms and conditions that the Secretary determines are necessary.

(2) **CONVEYANCE TO THE CITY OF FARMINGTON OR NAVAJO NATION.**—In conveying title to the Navajo Nation Municipal Pipeline under this subsection, the Secretary shall convey—

(A) to the City of Farmington, the facilities and any land or interest in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located within the corporate boundaries of the City; and

(B) to the Nation, the facilities and any land or interests in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located outside the corporate boundaries of the City of Farmington.

(3) **EFFECT OF CONVEYANCE.**—The conveyance of title to the Pipeline shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of water associated with the Animas-La Plata Project.

(4) **LIABILITY.**—

(A) **IN GENERAL.**—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States or by employees or agents of the United States prior to the date of conveyance.

(B) **TORT CLAIMS.**—Nothing in this subsection increases the liability of the United States beyond the liability provided under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(5) **NOTICE OF PROPOSED CONVEYANCE.**—Not later than 45 days before the date of a proposed conveyance of title to the Pipeline, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, notice of the conveyance of the Pipeline.

SEC. 10606. AUTHORIZATION OF CONJUNCTIVE USE WELLS.

(a) **CONJUNCTIVE GROUNDWATER DEVELOPMENT PLAN.**—Not later than 1 year after the date of enactment of this Act, the Nation, in consultation with the Secretary, shall complete a conjunctive groundwater development plan for the wells described in subsections (b) and (c).

(b) **WELLS IN THE SAN JUAN RIVER BASIN.**—In accordance with the conjunctive groundwater development plan, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of not more than 1,670 acre-feet of groundwater in the San Juan River Basin in the State of New Mexico for municipal and domestic uses.

(c) **WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.**—

(1) **IN GENERAL.**—In accordance with the Project and conjunctive groundwater development plan for the Nation, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of—

(A) not more than 680 acre-feet of groundwater in the Little Colorado River Basin in the State of New Mexico;

(B) not more than 80 acre-feet of groundwater in the Rio Grande Basin in the State of New Mexico; and

(C) not more than 770 acre-feet of groundwater in the Little Colorado River Basin in the State of Arizona.

(2) **USE.**—Groundwater diverted and distributed under paragraph (1) shall be used for municipal and domestic uses.

(d) **ACQUISITION OF LAND.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary for the construction, operation, and maintenance of the wells and related pipeline facilities authorized under subsections (b) and (c).

(2) **LIMITATION.**—Nothing in this subsection authorizes the Secretary to condemn water rights for the purposes described in paragraph (1).

(e) **CONDITION.**—The Secretary shall not commence any construction activity relating to the wells described in subsections (b) and (c) until the Secretary executes the Agreement.

(f) **CONVEYANCE OF WELLS.**—

(1) **IN GENERAL.**—On the determination of the Secretary that the wells and related facilities are substantially complete and delivery of water generated by the wells can be made to the Nation, an agreement with the Nation shall be entered into, to convey to the Nation title to—

(A) any well or related pipeline facility constructed or rehabilitated under subsections (a) and (b) after the wells and related facilities have been completed; and

(B) any land or interest in land acquired by the United States for the construction, operation, and maintenance of the well or related pipeline facility.

(2) **OPERATION, MAINTENANCE, AND REPLACEMENT.**—

(A) **IN GENERAL.**—The Secretary is authorized to pay operation and maintenance costs for the wells and related pipeline facilities authorized under this subsection until title to the facilities is conveyed to the Nation.

(B) **SUBSEQUENT ASSUMPTION BY NATION.**—On completion of a conveyance of title under paragraph (1), the Nation shall assume all responsibility for the operation and maintenance of the well or related pipeline facility conveyed.

(3) **EFFECT OF CONVEYANCE.**—The conveyance of title to the Nation of the conjunctive use wells under paragraph (1) shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(g) **USE OF PROJECT FACILITIES.**—The capacities of the treatment facilities, main pipelines, and lateral pipelines of the Project authorized by section 10602(b) may be used to treat and convey groundwater to Nation

communities if the Nation provides for payment of the operation, maintenance, and replacement costs associated with the use of the facilities or pipelines.

(h) **LIMITATIONS.**—The diversion and use of groundwater by wells constructed or rehabilitated under this section shall be made in a manner consistent with applicable Federal and State law.

SEC. 10607. SAN JUAN RIVER NAVAJO IRRIGATION PROJECTS.

(a) **REHABILITATION.**—Subject to subsection (b), the Secretary shall rehabilitate—

(1) the Fruitland-Cambridge Irrigation Project to serve not more than 3,335 acres of land, which shall be considered to be the total serviceable area of the project; and

(2) the Hogback-Cudei Irrigation Project to serve not more than 8,830 acres of land, which shall be considered to be the total serviceable area of the project.

(b) **CONDITION.**—The Secretary shall not commence any construction activity relating to the rehabilitation of the Fruitland-Cambridge Irrigation Project or the Hogback-Cudei Irrigation Project under subsection (a) until the Secretary executes the Agreement.

(c) **OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.**—The Nation shall continue to be responsible for the operation, maintenance, and replacement of each facility rehabilitated under this section.

SEC. 10608. OTHER IRRIGATION PROJECTS.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the State of New Mexico (acting through the Interstate Stream Commission) and the Non-Navajo Irrigation Districts that elect to participate, shall—

(1) conduct a study of Non-Navajo Irrigation District diversion and ditch facilities; and

(2) based on the study, identify and prioritize a list of projects, with associated cost estimates, that are recommended to be implemented to repair, rehabilitate, or reconstruct irrigation diversion and ditch facilities to improve water use efficiency.

(b) **GRANTS.**—The Secretary may provide grants to, and enter into cooperative agreements with, the Non-Navajo Irrigation Districts to plan, design, or otherwise implement the projects identified under subsection (a)(2).

(c) **COST-SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the total cost of carrying out a project under subsection (b) shall be not more than 50 percent, and shall be nonreimbursable.

(2) **FORM.**—The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under subsection (b).

(3) **STATE CONTRIBUTION.**—The Secretary may accept from the State of New Mexico a partial or total contribution toward the non-Federal share for a project carried out under subsection (b).

SEC. 10609. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS FOR NAVAJO-GALLUP WATER SUPPLY PROJECT.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Secretary to plan, design, and construct the Project \$870,000,000

for the period of fiscal years 2009 through 2024, to remain available until expended.

(2) **ADJUSTMENTS.**—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2007 in construction costs, as indicated by engineering cost indices applicable to the types of construction involved.

(3) **USE.**—In addition to the uses authorized under paragraph (1), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(4) **OPERATION AND MAINTENANCE.**—

(A) **IN GENERAL.**—There are authorized to be appropriated such sums as are necessary to operate and maintain the Project consistent with this subtitle.

(B) **EXPIRATION.**—The authorization under subparagraph (A) shall expire 10 years after the year the Secretary declares the Project to be substantially complete.

(b) **APPROPRIATIONS FOR CONJUNCTIVE USE WELLS.**—

(1) **SAN JUAN WELLS.**—There is authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(b) \$30,000,000, as adjusted under paragraph (3), for the period of fiscal years 2009 through 2019.

(2) **WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.**—There are authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(c) such sums as are necessary for the period of fiscal years 2009 through 2024.

(3) **ADJUSTMENTS.**—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2008 in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(4) **NONREIMBURSABLE EXPENDITURES.**—Amounts made available under paragraphs (1) and (2) shall be nonreimbursable to the United States.

(5) **USE.**—In addition to the uses authorized under paragraphs (1) and (2), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(6) **LIMITATION.**—Appropriations authorized under paragraph (1) shall not be used for operation or maintenance of any conjunctive use wells at a time in excess of 3 years after the well is declared substantially complete.

(c) **SAN JUAN RIVER IRRIGATION PROJECTS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary—

(A) to carry out section 10607(a)(1), not more than \$7,700,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2016, to remain available until expended; and

(B) to carry out section 10607(a)(2), not more than \$15,400,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2019, to remain available until expended.

(2) **ADJUSTMENT.**—The amounts made available under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since January 1, 2004, in construction costs, as indicated by engineering cost indices applicable to the types of construction involved in the rehabilitation.

(3) **NONREIMBURSABLE EXPENDITURES.**—Amounts made available under this subsection shall be nonreimbursable to the United States.

(d) **OTHER IRRIGATION PROJECTS.**—There are authorized to be appropriated to the Secretary to carry out section 10608 \$11,000,000 for the period of fiscal years 2009 through 2019.

(e) **CULTURAL RESOURCES.**—

(1) **IN GENERAL.**—The Secretary may use not more than 2 percent of amounts made available under subsections (a), (b), and (c) for the survey, recovery, protection, preservation, and display of archaeological resources in the area of a Project facility or conjunctive use well.

(2) **NONREIMBURSABLE EXPENDITURES.**—Any amounts made available under paragraph (1) shall be nonreimbursable.

(f) **FISH AND WILDLIFE FACILITIES.**—

(1) **IN GENERAL.**—In association with the development of the Project, the Secretary may use not more than 4 percent of amounts made available under subsections (a), (b), and (c) to purchase land and construct and maintain facilities to mitigate the loss of, and improve conditions for the propagation of, fish and wildlife if any such purchase, construction, or maintenance will not affect the operation of any water project or use of water.

(2) **NONREIMBURSABLE EXPENDITURES.**—Any amounts expended under paragraph (1) shall be nonreimbursable.

PART IV—NAVAJO NATION WATER RIGHTS

SEC. 10701. AGREEMENT.

(a) **AGREEMENT APPROVAL.**—

(1) **APPROVAL BY CONGRESS.**—Except to the extent that any provision of the Agreement conflicts with this subtitle, Congress approves, ratifies, and confirms the Agreement (including any amendments to the Agreement that are executed to make the Agreement consistent with this subtitle).

(2) **EXECUTION BY SECRETARY.**—The Secretary shall enter into the Agreement to the extent that the Agreement does not conflict with this subtitle, including—

(A) any exhibits to the Agreement requiring the signature of the Secretary; and

(B) any amendments to the Agreement necessary to make the Agreement consistent with this subtitle.

(3) **AUTHORITY OF SECRETARY.**—The Secretary may carry out any action that the Secretary determines is necessary or appropriate to implement the Agreement, the Contract, and this section.

(4) **ADMINISTRATION OF NAVAJO RESERVOIR RELEASES.**—The State of New Mexico may administer water that has been released from storage in Navajo Reservoir in accordance with subparagraph 9.1 of the Agreement.

(b) **WATER AVAILABLE UNDER CONTRACT.**—

(1) **QUANTITIES OF WATER AVAILABLE.**—

(A) **IN GENERAL.**—Water shall be made available annually under the Contract for projects in the State of New Mexico supplied from the Navajo Reservoir and the San Juan River (including tributaries of the River) under New Mexico State Engineer File Numbers 2849, 2883, and 3215 in the quantities described in subparagraph (B).

(B) **WATER QUANTITIES.**—The quantities of water referred to in subparagraph (A) are as follows:

| | Diversion (acre-feet/year) | Depletion (acre-feet/year) |
|----------------------------------|----------------------------|----------------------------|
| Navajo Indian Irrigation Project | 508,000 | 270,000 |

| | Diversion (acre-feet/year) | Depletion (acre-feet/year) |
|------------------------------------|----------------------------|----------------------------|
| Navajo-Gallup Water Supply Project | 22,650 | 20,780 |
| Animas-La Plata Project | 4,680 | 2,340 |
| Total | 535,330 | 293,120 |

(C) **MAXIMUM QUANTITY.**—A diversion of water to the Nation under the Contract for a project described in subparagraph (B) shall not exceed the quantity of water necessary to supply the amount of depletion for the project.

(D) **TERMS, CONDITIONS, AND LIMITATIONS.**—The diversion and use of water under the Contract shall be subject to and consistent with the terms, conditions, and limitations of the Agreement, this subtitle, and any other applicable law.

(2) **AMENDMENTS TO CONTRACT.**—The Secretary, with the consent of the Nation, may amend the Contract if the Secretary determines that the amendment is—

(A) consistent with the Agreement; and

(B) in the interest of conserving water or facilitating beneficial use by the Nation or a subcontractor of the Nation.

(3) **RIGHTS OF THE NATION.**—The Nation may, under the Contract—

(A) use tail water, wastewater, and return flows attributable to a use of the water by the Nation or a subcontractor of the Nation if—

(i) the depletion of water does not exceed the quantities described in paragraph (1); and

(ii) the use of tail water, wastewater, or return flows is consistent with the terms, conditions, and limitations of the Agreement, and any other applicable law; and

(B) change a point of diversion, change a purpose or place of use, and transfer a right for depletion under this subtitle (except for a point of diversion, purpose or place of use, or right for depletion for use in the State of Arizona under section 10603(b)(2)(D)), to another use, purpose, place, or depletion in the State of New Mexico to meet a water resource or economic need of the Nation if—

(i) the change or transfer is subject to and consistent with the terms of the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Contract, and any other applicable law; and

(ii) a change or transfer of water use by the Nation does not alter any obligation of the United States, the Nation, or another party to pay or repay project construction, operation, maintenance, or replacement costs under this subtitle and the Contract.

(c) **SUBCONTRACTS.**—

(1) **IN GENERAL.**—

(A) **SUBCONTRACTS BETWEEN NATION AND THIRD PARTIES.**—The Nation may enter into subcontracts for the delivery of Project water under the Contract to third parties for any beneficial use in the State of New Mexico (on or off land held by the United States in trust for the Nation or a member of the Nation or land held in fee by the Nation).

(B) **APPROVAL REQUIRED.**—A subcontract entered into under subparagraph (A) shall not be effective until approved by the Secretary in accordance with this subsection and the Contract.

(C) **SUBMITTAL.**—The Nation shall submit to the Secretary for approval or disapproval any subcontract entered into under this subsection.

(D) **DEADLINE.**—The Secretary shall approve or disapprove a subcontract submitted to the Secretary under subparagraph (C) not later than the later of—

(i) the date that is 180 days after the date on which the subcontract is submitted to the Secretary; and

(ii) the date that is 60 days after the date on which a subcontractor complies with—

(I) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(II) any other requirement of Federal law.

(E) **ENFORCEMENT.**—A party to a subcontract may enforce the deadline described in subparagraph (D) under section 1361 of title 28, United States Code.

(F) **COMPLIANCE WITH OTHER LAW.**—A subcontract described in subparagraph (A) shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other applicable law.

(G) **NO LIABILITY.**—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(2) **ALIENATION.**—

(A) **PERMANENT ALIENATION.**—The Nation shall not permanently alienate any right granted to the Nation under the Contract.

(B) **MAXIMUM TERM.**—The term of any water use subcontract (including a renewal) under this subsection shall be not more than 99 years.

(3) **NONINTERCOURSE ACT COMPLIANCE.**—This subsection—

(A) provides congressional authorization for the subcontracting rights of the Nation; and

(B) is deemed to fulfill any requirement that may be imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(4) **FORFEITURE.**—The nonuse of the water supply secured by a subcontractor of the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(5) **NO PER CAPITA PAYMENTS.**—No part of the revenue from a water use subcontract under this subsection shall be distributed to any member of the Nation on a per capita basis.

(d) **WATER LEASES NOT REQUIRING SUBCONTRACTS.**—

(1) **AUTHORITY OF NATION.**—

(A) **IN GENERAL.**—The Nation may lease, contract, or otherwise transfer to another party or to another purpose or place of use in the State of New Mexico (on or off land that is held by the United States in trust for the Nation or a member of the Nation or held in fee by the Nation) a water right that—

(i) is decreed to the Nation under the Agreement; and

(ii) is not subject to the Contract.

(B) **COMPLIANCE WITH OTHER LAW.**—In carrying out an action under this subsection, the Nation shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement, and any other applicable law.

(2) **ALIENATION; MAXIMUM TERM.**—

(A) **ALIENATION.**—The Nation shall not permanently alienate any right granted to the Nation under the Agreement.

(B) **MAXIMUM TERM.**—The term of any water use lease, contract, or other arrangement (including a renewal) under this subsection shall be not more than 99 years.

(3) **NO LIABILITY.**—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(4) **NONINTERCOURSE ACT COMPLIANCE.**—This subsection—

(A) provides congressional authorization for the lease, contracting, and transfer of any water right described in paragraph (1)(A); and

(B) is deemed to fulfill any requirement that may be imposed by the provisions of section 2116 of the Revised Statutes (25 U.S.C. 177).

(5) **FORFEITURE.**—The nonuse of a water right of the Nation by a lessee or contractor to the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(e) **NULLIFICATION.**—

(1) **DEADLINES.**—

(A) **IN GENERAL.**—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

(i) **AGREEMENT.**—Not later than December 31, 2010, the Secretary shall execute the Agreement.

(ii) **CONTRACT.**—Not later than December 31, 2010, the Secretary and the Nation shall execute the Contract.

(iii) **PARTIAL FINAL DECREE.**—Not later than December 31, 2013, the court in the stream adjudication shall have entered the Partial Final Decree described in paragraph 3.0 of the Agreement.

(iv) **FRUITLAND-CAMBRIDGE IRRIGATION PROJECT.**—Not later than December 31, 2016, the rehabilitation construction of the Fruitland-Cambridge Irrigation Project authorized under section 10607(a)(1) shall be completed.

(v) **SUPPLEMENTAL PARTIAL FINAL DECREE.**—Not later than December 31, 2016, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in subparagraph 4.0 of the Agreement.

(vi) **HOGBACK-CUDEI IRRIGATION PROJECT.**—Not later than December 31, 2019, the rehabilitation construction of the Hogback-Cudei Irrigation Project authorized under section 10607(a)(2) shall be completed.

(vii) **TRUST FUND.**—Not later than December 31, 2019, the United States shall make all deposits into the Trust Fund under section 10702.

(viii) **CONJUNCTIVE WELLS.**—Not later than December 31, 2019, the funds authorized to be appropriated under section 10609(b)(1) for the conjunctive use wells authorized under section 10606(b) should be appropriated.

(ix) **NAVAJO-GALLUP WATER SUPPLY PROJECT.**—Not later than December 31, 2024, the construction of all Project facilities shall be completed.

(B) **EXTENSION.**—A deadline described in subparagraph (A) may be extended if the Nation, the United States (acting through the Secretary), and the State of New Mexico (acting through the New Mexico Interstate Stream Commission) agree that an extension is reasonably necessary.

(2) **REVOCABILITY OF AGREEMENT, CONTRACT AND AUTHORIZATIONS.**—

(A) **PETITION.**—If the Nation determines that a deadline described in paragraph (1)(A) is not substantially met, the Nation may submit to the court in the stream adjudication a petition to enter an order terminating the Agreement and Contract.

(B) **TERMINATION.**—On issuance of an order to terminate the Agreement and Contract under subparagraph (A)—

(i) the Trust Fund shall be terminated;

(ii) the balance of the Trust Fund shall be deposited in the general fund of the Treasury;

(iii) the authorizations for construction and rehabilitation of water projects under this subtitle shall be revoked and any Federal activity related to that construction and rehabilitation shall be suspended; and

(iv) this part and parts I and III shall be null and void.

(3) **CONDITIONS NOT CAUSING NULLIFICATION OF SETTLEMENT.**—

(A) **IN GENERAL.**—If a condition described in subparagraph (B) occurs, the Agreement and Contract shall not be nullified or terminated.

(B) **CONDITIONS.**—The conditions referred to in subparagraph (A) are as follows:

(i) A lack of right to divert at the capacities of conjunctive use wells constructed or rehabilitated under section 10606.

(ii) A failure—

(I) to determine or resolve an accounting of the use of water under this subtitle in the State of Arizona;

(II) to obtain a necessary water right for the consumptive use of water in Arizona;

(III) to contract for the delivery of water for use in Arizona; or

(IV) to construct and operate a lateral facility to deliver water to a community of the Nation in Arizona, under the Project.

(f) **EFFECT ON RIGHTS OF INDIAN TRIBES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section quantifies or adversely affects the land and water rights, or claims or entitlements to water, of any Indian tribe or community other than the rights, claims, or entitlements of the Nation in, to, and from the San Juan River Basin in the State of New Mexico.

(2) **EXCEPTION.**—The right of the Nation to use water under water rights the Nation has in other river basins in the State of New Mexico shall be forborne to the extent that the Nation supplies the uses for which the water rights exist by diversions of water from the San Juan River Basin under the Project consistent with subparagraph 9.13 of the Agreement.

SEC. 10702. TRUST FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury a fund to be known as the “Navajo Nation Water Resources Development Trust Fund”, consisting of—

(1) such amounts as are appropriated to the Trust Fund under subsection (f); and

(2) any interest earned on investment of amounts in the Trust Fund under subsection (d).

(b) **USE OF FUNDS.**—The Nation may use amounts in the Trust Fund—

(1) to investigate, construct, operate, maintain, or replace water project facilities,

including facilities conveyed to the Nation under this subtitle and facilities owned by the United States for which the Nation is responsible for operation, maintenance, and replacement costs; and

(2) to investigate, implement, or improve a water conservation measure (including a metering or monitoring activity) necessary for the Nation to make use of a water right of the Nation under the Agreement.

(c) **MANAGEMENT.**—The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund pursuant to subsection (d), and make amounts available from the Trust Fund for distribution to the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **INVESTMENT OF THE TRUST FUND.**—Beginning on October 1, 2019, the Secretary shall invest amounts in the Trust Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(e) **CONDITIONS FOR EXPENDITURES AND WITHDRAWALS.**—

(1) **TRIBAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Subject to paragraph (7), on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Nation may withdraw all or a portion of the amounts in the Trust Fund.

(B) **REQUIREMENTS.**—In addition to any requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Nation only use amounts in the Trust Fund for the purposes described in subsection (b), including the identification of water conservation measures to be implemented in association with the agricultural water use of the Nation.

(2) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Trust Fund are used in accordance with this subtitle.

(3) **NO LIABILITY.**—Neither the Secretary nor the Secretary of the Treasury shall be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation.

(4) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Nation shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Trust Fund made available under this section that the Nation does not withdraw under this subsection.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Nation remaining in the Trust Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle.

(5) **ANNUAL REPORT.**—The Nation shall submit to the Secretary an annual report that describes any expenditures from the Trust Fund during the year covered by the report.

(6) **LIMITATION.**—No portion of the amounts in the Trust Fund shall be distributed to any Nation member on a per capita basis.

(7) **CONDITIONS.**—Any amount authorized to be appropriated to the Trust Fund under sub-

section (f) shall not be available for expenditure or withdrawal—

(A) before December 31, 2019; and

(B) until the date on which the court in the stream adjudication has entered—

(i) the Partial Final Decree; and

(ii) the Supplemental Partial Final Decree.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for deposit in the Trust Fund—

(1) \$6,000,000 for each of fiscal years 2010 through 2014; and

(2) \$4,000,000 for each of fiscal years 2015 through 2019.

SEC. 10703. WAIVERS AND RELEASES.

(a) **CLAIMS BY THE NATION AND THE UNITED STATES.**—In return for recognition of the Nation's water rights and other benefits, including but not limited to the commitments by other parties, as set forth in the Agreement and this subtitle, the Nation, on behalf of itself and members of the Nation (other than members in the capacity of the members as allottees), and the United States acting in its capacity as trustee for the Nation, shall execute a waiver and release of—

(1) all claims for water rights in, or for waters of, the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e), except to the extent that such rights are recognized in the Agreement or this subtitle;

(2) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the San Juan River Basin in the State of New Mexico that accrued at any time up to and including the effective date described in subsection (e);

(3) all claims of any damage, loss, or injury or for injunctive or other relief because of the condition of or changes in water quality related to, or arising out of, the exercise of water rights; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Agreement.

(b) **CLAIMS BY THE NATION AGAINST THE UNITED STATES.**—The Nation, on behalf of itself and its members (other than in the capacity of the members as allottees), shall execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or waters of the San Juan River Basin in the State of New Mexico that the United States, acting in its capacity as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to interference with, diversion, or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water or water rights) in the San Juan River Basin in the State of New Mexico that first accrued at any time up to and including the effective date described in subsection (e);

(3) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Nation's water rights in the stream adjudication; and

(4) all claims against the United States, its agencies, or employees relating to the negotiation, execution, or the adoption of the Agreement, the decrees, the Contract, or this subtitle.

(c) **RESERVATION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this subtitle, the Nation on behalf of itself and its members (including members in the capacity of the members as allottees) and the United States acting in its capacity as trustee for the Nation and allottees, retain—

(1) all claims for water rights or injuries to water rights arising out of activities occurring outside the San Juan River Basin in the State of New Mexico, subject to paragraphs 8.0, 9.3, 9.12, 9.13, and 13.9 of the Agreement;

(2) all claims for enforcement of the Agreement, the Contract, the Partial Final Decree, the Supplemental Partial Final Decree, or this subtitle, through any legal and equitable remedies available in any court of competent jurisdiction;

(3) all rights to use and protect water rights acquired pursuant to State law after the date of enactment of this Act;

(4) all claims relating to activities affecting the quality of water not related to the exercise of water rights, including but not limited to any claims the Nation might have under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(5) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights; and

(6) all rights, remedies, privileges, immunities, and powers not specifically waived and released under the terms of the Agreement or this subtitle.

(d) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) March 1, 2025; or

(B) the effective date described in subsection (e).

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) **LIMITATION.**—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(e) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The waivers and releases described in subsections (a) and (b) shall be effective on the date on which the Secretary publishes in the Federal Register a statement of findings documenting that each of the deadlines described in section 10701(e)(1) have been met.

(2) **DEADLINE.**—If the deadlines described in section 10701(e)(1)(A) have not been met by the later of March 1, 2025, or the date of any extension under section 10701(e)(1)(B)—

(A) the waivers and releases described in subsections (a) and (b) shall be of no effect; and

(B) section 10701(e)(2)(B) shall apply.

SEC. 10704. WATER RIGHTS HELD IN TRUST.

A tribal water right adjudicated and described in paragraph 3.0 of the Partial Final Decree and in paragraph 3.0 of the Supplemental Partial Final Decree shall be held in trust by the United States on behalf of the Nation.

Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement

SEC. 10801. FINDINGS.

Congress finds that—

(1) it is the policy of the United States, in accordance with the trust responsibility of the United States to Indian tribes, to promote Indian self-determination and economic self-sufficiency and to settle Indian water rights claims without lengthy and costly litigation, if practicable;

(2) quantifying rights to water and development of facilities needed to use tribal water supplies is essential to the development of viable Indian reservation economies and the establishment of a permanent reservation homeland;

(3) uncertainty concerning the extent of the Shoshone-Paiute Tribes' water rights has resulted in limited access to water and inadequate financial resources necessary to achieve self-determination and self-sufficiency;

(4) in 2006, the Tribes, the State of Idaho, the affected individual water users, and the United States resolved all tribal claims to water rights in the Snake River Basin Adjudication through a consent decree entered by the District Court of the Fifth Judicial District of the State of Idaho, requiring no further Federal action to quantify the Tribes' water rights in the State of Idaho;

(5) as of the date of enactment of this Act, proceedings to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada are pending before the Nevada State Engineer;

(6) final resolution of the Tribes' water claims in the East Fork of the Owyhee River adjudication will—

(A) take many years;

(B) entail great expense;

(C) continue to limit the access of the Tribes to water, with economic and social consequences;

(D) prolong uncertainty relating to the availability of water supplies; and

(E) seriously impair long-term economic planning and development for all parties to the litigation;

(7) after many years of negotiation, the Tribes, the State, and the upstream water users have entered into a settlement agreement to resolve permanently all water rights of the Tribes in the State; and

(8) the Tribes also seek to resolve certain water-related claims for damages against the United States.

SEC. 10802. PURPOSES.

The purposes of this subtitle are—

(1) to resolve outstanding issues with respect to the East Fork of the Owyhee River in the State in such a manner as to provide important benefits to—

(A) the United States;

(B) the State;

(C) the Tribes; and

(D) the upstream water users;

(2) to achieve a fair, equitable, and final settlement of all claims of the Tribes, members of the Tribes, and the United States on behalf of the Tribes and members of Tribes to the waters of the East Fork of the Owyhee River in the State;

(3) to ratify and provide for the enforcement of the Agreement among the parties to the litigation;

(4) to resolve the Tribes' water-related claims for damages against the United States;

(5) to require the Secretary to perform all obligations of the Secretary under the Agreement and this subtitle; and

(6) to authorize the actions and appropriations necessary to meet the obligations of the United States under the Agreement and this subtitle.

SEC. 10803. DEFINITIONS.

In this subtitle:

(1) **AGREEMENT.**—The term "Agreement" means the agreement entitled the "Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Upstream Water Users, East Fork Owyhee River" and signed in counterpart between, on, or about September 22, 2006, and January 15, 2007 (including all attachments to that Agreement).

(2) **DEVELOPMENT FUND.**—The term "Development Fund" means the Shoshone-Paiute Tribes Water Rights Development Fund established by section 10807(b)(1).

(3) **EAST FORK OF THE OWYHEE RIVER.**—The term "East Fork of the Owyhee River" means the portion of the east fork of the Owyhee River that is located in the State.

(4) **MAINTENANCE FUND.**—The term "Maintenance Fund" means the Shoshone-Paiute Tribes Operation and Maintenance Fund established by section 10807(c)(1).

(5) **RESERVATION.**—The term "Reservation" means the Duck Valley Reservation established by the Executive order dated April 16, 1877, as adjusted pursuant to the Executive order dated May 4, 1886, and Executive order numbered 1222 and dated July 1, 1910, for use and occupation by the Western Shoshones and the Paddy Cap Band of Paiutes.

(6) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(7) **STATE.**—The term "State" means the State of Nevada.

(8) **TRIBAL WATER RIGHTS.**—The term "tribal water rights" means rights of the Tribes described in the Agreement relating to water, including groundwater, storage water, and surface water.

(9) **TRIBES.**—The term "Tribes" means the Shoshone-Paiute Tribes of the Duck Valley Reservation.

(10) **UPSTREAM WATER USER.**—The term "upstream water user" means a non-Federal water user that—

(A) is located upstream from the Reservation on the East Fork of the Owyhee River; and

(B) is a signatory to the Agreement as a party to the East Fork of the Owyhee River adjudication.

SEC. 10804. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT; AUTHORIZATION.

(a) **IN GENERAL.**—Except as provided in subsection (c) and except to the extent that the Agreement otherwise conflicts with provisions of this subtitle, the Agreement is approved, ratified, and confirmed.

(b) **SECRETARIAL AUTHORIZATION.**—The Secretary is authorized and directed to execute the Agreement as approved by Congress.

(c) **EXCEPTION FOR TRIBAL WATER MARKETING.**—Notwithstanding any language in the Agreement to the contrary, nothing in this subtitle authorizes the Tribes to use or authorize others to use tribal water rights off the Reservation, other than use for storage at Wild Horse Reservoir for use on tribal land and for the allocation of 265 acre feet to

upstream water users under the Agreement, or use on tribal land off the Reservation.

(d) **ENVIRONMENTAL COMPLIANCE.**—Execution of the Agreement by the Secretary under this section shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall carry out all environmental compliance required by Federal law in implementing the Agreement.

(e) **PERFORMANCE OF OBLIGATIONS.**—The Secretary and any other head of a Federal agency obligated under the Agreement shall perform actions necessary to carry out an obligation under the Agreement in accordance with this subtitle.

SEC. 10805. TRIBAL WATER RIGHTS.

(a) **IN GENERAL.**—Tribal water rights shall be held in trust by the United States for the benefit of the Tribes.

(b) **ADMINISTRATION.**—

(1) **ENACTMENT OF WATER CODE.**—Not later than 3 years after the date of enactment of this Act, the Tribes, in accordance with provisions of the Tribes' constitution and subject to the approval of the Secretary, shall enact a water code to administer tribal water rights.

(2) **INTERIM ADMINISTRATION.**—The Secretary shall regulate the tribal water rights during the period beginning on the date of enactment of this Act and ending on the date on which the Tribes enact a water code under paragraph (1).

(c) **TRIBAL WATER RIGHTS NOT SUBJECT TO LOSS.**—The tribal water rights shall not be subject to loss by abandonment, forfeiture, or nonuse.

SEC. 10806. DUCK VALLEY INDIAN IRRIGATION PROJECT.

(a) **STATUS OF THE DUCK VALLEY INDIAN IRRIGATION PROJECT.**—Nothing in this subtitle shall affect the status of the Duck Valley Indian Irrigation Project under Federal law.

(b) **CAPITAL COSTS NONREIMBURSABLE.**—The capital costs associated with the Duck Valley Indian Irrigation Project as of the date of enactment of this Act, including any capital cost incurred with funds distributed under this subtitle for the Duck Valley Indian Irrigation Project, shall be nonreimbursable.

SEC. 10807. DEVELOPMENT AND MAINTENANCE FUNDS.

(a) **DEFINITION OF FUNDS.**—In this section, the term "Funds" means—

- (1) the Development Fund; and
- (2) the Maintenance Fund.

(b) **DEVELOPMENT FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the "Shoshone-Paiute Tribes Water Rights Development Fund".

(2) **USE OF FUNDS.**—

(A) **PRIORITY USE OF FUNDS FOR REHABILITATION.**—The Tribes shall use amounts in the Development Fund to—

(i) rehabilitate the Duck Valley Indian Irrigation Project; or

(ii) for other purposes under subparagraph (B), provided that the Tribes have given written notification to the Secretary that—

(I) the Duck Valley Indian Irrigation Project has been rehabilitated to an acceptable condition; or

(II) sufficient funds will remain available from the Development Fund to rehabilitate the Duck Valley Indian Irrigation Project to an acceptable condition after expending funds for other purposes under subparagraph (B).

(B) **OTHER USES OF FUNDS.**—Once the Tribes have provided written notification as provided in subparagraph (A)(ii)(I) or (A)(ii)(II), the Tribes may use amounts from the Development

Fund for any of the following purposes:

(i) To expand the Duck Valley Indian Irrigation Project.

(ii) To pay or reimburse costs incurred by the Tribes in acquiring land and water rights.

(iii) For purposes of cultural preservation.

(iv) To restore or improve fish or wildlife habitat.

(v) For fish or wildlife production, water resource development, or agricultural development.

(vi) For water resource planning and development.

(vii) To pay the costs of—

(I) designing and constructing water supply and sewer systems for tribal communities, including a water quality testing laboratory;

(II) other appropriate water-related projects and other related economic development projects;

(III) the development of a water code; and

(IV) other costs of implementing the Agreement.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary for deposit in the Development Fund \$9,000,000 for each of fiscal years 2010 through 2014.

(c) **MAINTENANCE FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the "Shoshone-Paiute Tribes Operation and Maintenance Fund".

(2) **USE OF FUNDS.**—The Tribes shall use amounts in the Maintenance Fund to pay or provide reimbursement for—

(A) operation, maintenance, and replacement costs of the Duck Valley Indian Irrigation Project and other water-related projects funded under this subtitle; or

(B) operation, maintenance, and replacement costs of water supply and sewer systems for tribal communities, including the operation and maintenance costs of a water quality testing laboratory.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary for deposit in the Maintenance Fund \$3,000,000 for each of fiscal years 2010 through 2014.

(d) **AVAILABILITY OF AMOUNTS FROM FUNDS.**—Amounts made available under subsections (b)(3) and (c)(3) shall be available for expenditure or withdrawal only after the effective date described in section 10808(d).

(e) **ADMINISTRATION OF FUNDS.**—Upon completion of the actions described in section 10808(d), the Secretary, in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall manage the Funds, including by investing amounts from the Funds in accordance with the Act of April 1, 1880 (25 U.S.C. 161), and the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(f) **EXPENDITURES AND WITHDRAWAL.**—

(1) **TRIBAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—The Tribes may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) **REQUIREMENTS.**—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribes spend any amounts withdrawn from the Funds in accordance with the purposes described in subsection (b)(2) or (c)(2).

(C) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this subtitle and the Agreement.

(D) **LIABILITY.**—If the Tribes exercise the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(2) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Tribes shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribes do not withdraw under the tribal management plan.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribes remaining in the Funds will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle and the Agreement.

(D) **ANNUAL REPORT.**—For each Fund, the Tribes shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(3) **FUNDING AGREEMENT.**—Notwithstanding any other provision of this subtitle, on receipt of a request from the Tribes, the Secretary shall include an amount from funds made available under this section in the funding agreement of the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), for use in accordance with subsections (b)(2) and (c)(2). No amount made available under this subtitle may be requested until the waivers under section 10808(a) take effect.

(g) **NO PER CAPITA PAYMENTS.**—No amount from the Funds (including any interest income that would have accrued to the Funds after the effective date) shall be distributed to a member of the Tribes on a per capita basis.

SEC. 10808. TRIBAL WAIVER AND RELEASE OF CLAIMS.

(a) **WAIVER AND RELEASE OF CLAIMS BY TRIBES AND UNITED STATES ACTING AS TRUSTEE FOR TRIBES.**—In return for recognition of the Tribes' water rights and other benefits as set forth in the Agreement and this subtitle, the Tribes, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Tribes are authorized to execute a waiver and release of—

(1) all claims for water rights in the State of Nevada that the Tribes, or the United States acting in its capacity as trustee for the Tribes, asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, up to and including the effective date, except to the extent that such rights are recognized in the Agreement or this subtitle; and

(2) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the State of Nevada that accrued at any time up to and including the effective date.

(b) **WAIVER AND RELEASE OF CLAIMS BY TRIBES AGAINST UNITED STATES.**—The Tribes, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating in any manner to claims for water rights in or water of the States of Nevada and Idaho that the United States acting in its capacity as trustee for the Tribes asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, and the Snake River Basin Adjudication in Idaho;

(2) all claims against the United States, its agencies, or employees relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses or injuries to fishing and other similar rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the States of Nevada and Idaho that first accrued at any time up to and including the effective date;

(3) all claims against the United States, its agencies, or employees relating to the operation, maintenance, or rehabilitation of the Duck Valley Indian Irrigation Project that first accrued at any time up to and including the date upon which the Tribes notify the Secretary as provided in section 10807(b)(2)(A)(ii)(I) that the rehabilitation of the Duck Valley Indian Irrigation Project under this subtitle to an acceptable level has been accomplished;

(4) all claims against the United States, its agencies, or employees relating in any manner to the litigation of claims relating to the Tribes' water rights in pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada or the Snake River Basin Adjudication in Idaho; and

(5) all claims against the United States, its agencies, or employees relating in any manner to the negotiation, execution, or adoption of the Agreement, exhibits thereto, the decree referred to in subsection (d)(2), or this subtitle.

(c) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this subtitle, the Tribes on their own behalf and the United States acting in its capacity as trustee for the Tribes retain—

(1) all claims for enforcement of the Agreement, the decree referred to in subsection (d)(2), or this subtitle, through such legal and equitable remedies as may be available in the decree court or the appropriate Federal court;

(2) all rights to acquire a water right in a State to the same extent as any other entity in the State, in accordance with State law, and to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims relating to activities affecting the quality of water including any claims the Tribes might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts; and

(4) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this subtitle.

(d) **EFFECTIVE DATE.**—Notwithstanding anything in the Agreement to the contrary, the waivers by the Tribes, or the United States on behalf of the Tribes, under this section shall take effect on the date on which the Secretary publishes in the Federal Register a statement of findings that includes a finding that—

(1) the Agreement and the waivers and releases authorized and set forth in subsections (a) and (b) have been executed by the parties and the Secretary;

(2) the Fourth Judicial District Court, Elko County, Nevada, has issued a judgment and decree consistent with the Agreement from which no further appeal can be taken; and

(3) the amounts authorized under subsections (b)(3) and (c)(3) of section 10807 have been appropriated.

(e) **FAILURE TO PUBLISH STATEMENT OF FINDINGS.**—If the Secretary does not publish a statement of findings under subsection (d) by March 31, 2016—

(1) the Agreement and this subtitle shall not take effect; and

(2) any funds that have been appropriated under this subtitle shall immediately revert to the general fund of the United States Treasury.

(f) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts authorized to be appropriated under subsections (b)(3) and (c)(3) of section 10807 are appropriated.

(2) **EFFECT OF SUBPARAGRAPH.**—Nothing in this subparagraph revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

SEC. 10809. MISCELLANEOUS.

(a) **GENERAL DISCLAIMER.**—The parties to the Agreement expressly reserve all rights not specifically granted, recognized, or relinquished by—

(1) the settlement described in the Agreement; or

(2) this subtitle.

(b) **LIMITATION OF CLAIMS AND RIGHTS.**—Nothing in this subtitle—

(1) establishes a standard for quantifying—

(A) a Federal reserved water right;

(B) an aboriginal claim; or

(C) any other water right claim of an Indian tribe in a judicial or administrative proceeding;

(2) affects the ability of the United States, acting in its sovereign capacity, to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the "Resource Conservation and Recovery Act of 1976"), and the regulations implementing those Acts;

(3) affects the ability of the United States to take actions, acting in its capacity as trustee for any other Tribe, Pueblo, or allottee;

(4) waives any claim of a member of the Tribes in an individual capacity that does not derive from a right of the Tribes; or

(5) limits the right of a party to the Agreement to litigate any issue not resolved by the Agreement or this subtitle.

(c) **ADMISSION AGAINST INTEREST.**—Nothing in this subtitle constitutes an admission against interest by a party in any legal proceeding.

(d) **RESERVATION.**—The Reservation shall be—

(1) considered to be the property of the Tribes; and

(2) permanently held in trust by the United States for the sole use and benefit of the Tribes.

(e) **JURISDICTION.**—

(1) **SUBJECT MATTER JURISDICTION.**—Nothing in the Agreement or this subtitle restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or tribal court.

(2) **CIVIL OR REGULATORY JURISDICTION.**—Nothing in the Agreement or this subtitle impairs or impedes the exercise of any civil or regulatory authority of the United States, the State, or the Tribes.

(3) **CONSENT TO JURISDICTION.**—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

(4) **EFFECT OF SUBSECTION.**—Nothing in this subsection confers jurisdiction on any State court to—

(A) interpret Federal law regarding the health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of a Federal agency action.

TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

SEC. 11001. REAUTHORIZATION OF THE NATIONAL GEOLOGIC MAPPING ACT OF 1992.

(a) **FINDINGS.**—Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) although significant progress has been made in the production of geologic maps since the establishment of the national cooperative geologic mapping program in 1992, no modern, digital, geologic map exists for approximately 75 percent of the United States;” and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting “homeland and” after “planning for”;

(B) in subparagraph (E), by striking “predicting” and inserting “identifying”;

(C) in subparagraph (I), by striking “and” after the semicolon at the end;

(D) by redesignating subparagraph (J) as subparagraph (K); and

(E) by inserting after subparagraph (I) the following:

“(J) recreation and public awareness; and”;

and

(3) in paragraph (9), by striking “important” and inserting “available”.

(b) **PURPOSE.**—Section 2(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by inserting “and management” before the period at the end.

(c) **DEADLINES FOR ACTIONS BY THE UNITED STATES GEOLOGICAL SURVEY.**—Section 4(b)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is amended in the second sentence—

(1) in subparagraph (A), by striking “not later than” and all that follows through the semicolon and inserting “not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009;”;

(2) in subparagraph (B), by striking “not later than” and all that follows through “in accordance” and inserting “not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009 in accordance”; and

(3) in the matter preceding clause (i) of subparagraph (C), by striking “not later than” and all that follows through “submit” and inserting “submit biennially”.

(d) GEOLOGIC MAPPING PROGRAM OBJECTIVES.—Section 4(c)(2) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(c)(2)) is amended—

(1) by striking “geophysical-map data base, geochemical-map data base, and a”; and

(2) by striking “provide” and inserting “provides”.

(e) GEOLOGIC MAPPING PROGRAM COMPONENTS.—Section 4(d)(1)(B)(ii) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

(1) in subclause (I), by striking “and” after the semicolon at the end;

(2) in subclause (II), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(III) the needs of land management agencies of the Department of the Interior.”.

(f) GEOLOGIC MAPPING ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—Section 5(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)) is amended—

(A) in paragraph (2)—

(i) by inserting “the Secretary of the Interior or a designee from a land management agency of the Department of the Interior,” after “Administrator of the Environmental Protection Agency or a designee,”;

(ii) by inserting “and” after “Energy or a designee,”; and

(iii) by striking “, and the Assistant to the President for Science and Technology or a designee”; and

(B) in paragraph (3)—

(i) by striking “Not later than” and all that follows through “consultation” and inserting “In consultation”;;

(ii) by striking “Chief Geologist, as Chairman” and inserting “Associate Director for Geology, as Chair”; and

(iii) by striking “one representative from the private sector” and inserting “2 representatives from the private sector”.

(2) DUTIES.—Section 5(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)) is amended—

(A) in paragraph (2), by striking “and” at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) provide a scientific overview of geologic maps (including maps of geologic-based hazards) used or disseminated by Federal agencies for regulation or land-use planning; and”.

(3) CONFORMING AMENDMENT.—Section 5(a)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)(1)) is amended by striking “10-member” and inserting “11-member”.

(g) FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATABASE.—Section 7(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f(a)) is amended—

(1) in paragraph (1), by striking “geologic map” and inserting “geologic-map”; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

“(A) all maps developed with funding provided by the National Cooperative Geologic

Mapping Program, including under the Federal, State, and education components;”.

(h) BIENNIAL REPORT.—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended by striking “Not later” and all that follows through “biennially” and inserting “Not later than 3 years after the date of enactment of the Omnibus Public Land Management Act of 2009 and biennially”.

(i) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$64,000,000 for each of fiscal years 2009 through 2018.”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “2000” and inserting “2005”;;

(B) in paragraph (1), by striking “48” and inserting “50”; and

(C) in paragraph (2), by striking 2 and inserting “4”.

SEC. 11002. NEW MEXICO WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the United States Geological Survey (referred to in this section as the “Secretary”), in coordination with the State of New Mexico (referred to in this section as the “State”) and any other entities that the Secretary determines to be appropriate (including other Federal agencies and institutions of higher education), shall, in accordance with this section and any other applicable law, conduct a study of water resources in the State, including—

(1) a survey of groundwater resources, including an analysis of—

(A) aquifers in the State, including the quantity of water in the aquifers;

(B) the availability of groundwater resources for human use;

(C) the salinity of groundwater resources;

(D) the potential of the groundwater resources to recharge;

(E) the interaction between groundwater and surface water;

(F) the susceptibility of the aquifers to contamination; and

(G) any other relevant criteria; and

(2) a characterization of surface and bedrock geology, including the effect of the geology on groundwater yield and quality.

(b) STUDY AREAS.—The study carried out under subsection (a) shall include the Estancia Basin, Salt Basin, Tularosa Basin, Hueco Basin, and middle Rio Grande Basin in the State.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE XII—OCEANS

Subtitle A—Ocean Exploration

PART I—EXPLORATION

SEC. 12001. PURPOSE.

The purpose of this part is to establish the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

SEC. 12002. PROGRAM ESTABLISHED.

The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

SEC. 12003. POWERS AND DUTIES OF THE ADMINISTRATOR.

(a) IN GENERAL.—In carrying out the program authorized by section 12002, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 12005;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensor and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) DONATIONS.—The Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

SEC. 12004. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this part and part II of this subtitle;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

(b) **BUDGET COORDINATION.**—The task force shall coordinate the development of agency budgets and identify the items in their annual budget that support the activities identified in the strategy developed under subsection (a).

SEC. 12005. OCEAN EXPLORATION ADVISORY BOARD.

(a) **ESTABLISHMENT.**—The Administrator of the National Oceanic and Atmospheric Administration shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields—

(1) to advise the Administrator on priority areas for survey and discovery;

(2) to assist the program in the development of a 5-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery;

(3) to annually review the quality and effectiveness of the proposal review process established under section 12003(a)(4); and

(4) to provide other assistance and advice as requested by the Administrator.

(b) **FEDERAL ADVISORY COMMITTEE ACT.**—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

(c) **APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.**—Nothing in part supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this part—

- (1) \$33,550,000 for fiscal year 2009;
- (2) \$36,905,000 for fiscal year 2010;
- (3) \$40,596,000 for fiscal year 2011;
- (4) \$44,655,000 for fiscal year 2012;
- (5) \$49,121,000 for fiscal year 2013;
- (6) \$54,033,000 for fiscal year 2014; and
- (7) \$59,436,000 for fiscal year 2015.

PART II—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009

SEC. 12101. SHORT TITLE.

This part may be cited as the “NOAA Undersea Research Program Act of 2009”.

SEC. 12102. PROGRAM ESTABLISHED.

(a) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

(b) **PURPOSE.**—The purpose of the program is to increase scientific knowledge essential

for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes.

SEC. 12103. POWERS OF PROGRAM DIRECTOR.

The Director of the program, in carrying out the program, shall—

(1) cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations;

(2) enter into partnerships, as appropriate and using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry; and

(3) coordinate the development of agency budgets and identify the items in their annual budget that support the activities described in paragraphs (1) and (2).

SEC. 12104. ADMINISTRATIVE STRUCTURE.

(a) **IN GENERAL.**—The program shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science and Technology.

(b) **DIRECTION.**—The Director shall develop the overall direction of the program in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. The Director shall publish a draft program direction document not later than 1 year after the date of enactment of this Act in the Federal Register for a public comment period of not less than 120 days. The Director shall publish a final program direction, including responses to the comments received during the public comment period, in the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every 5 years.

SEC. 12105. RESEARCH, EXPLORATION, EDUCATION, AND TECHNOLOGY PROGRAMS.

(a) **IN GENERAL.**—The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration’s research mission and programs.

(3) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(4) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(5) Discovery, study, and development of natural resources and products from ocean, coastal, and aquatic systems.

(b) **OPERATIONS.**—The Director of the program, through operation of the extramural regional centers and the National Institute for Undersea Science and Technology, shall leverage partnerships and cooperative research with academia and private industry.

SEC. 12106. COMPETITIVENESS.

(a) **DISCRETIONARY FUND.**—The Program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

(b) **COMPETITIVE SELECTION.**—The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 12104 and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

SEC. 12107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration—

(1) for fiscal year 2009—

(A) \$13,750,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$5,500,000 for the National Technology Institute;

(2) for fiscal year 2010—

(A) \$15,125,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$6,050,000 for the National Technology Institute;

(3) for fiscal year 2011—

(A) \$16,638,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$6,655,000 for the National Technology Institute;

(4) for fiscal year 2012—

(A) \$18,301,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$7,321,000 for the National Technology Institute;

(5) for fiscal year 2013—

(A) \$20,131,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$8,053,000 for the National Technology Institute;

(6) for fiscal year 2014—

(A) \$22,145,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$8,859,000 for the National Technology Institute; and

(7) for fiscal year 2015—

(A) \$24,359,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$9,744,000 for the National Technology Institute.

Subtitle B—Ocean and Coastal Mapping Integration Act

SEC. 12201. SHORT TITLE.

This subtitle may be cited as the “Ocean and Coastal Mapping Integration Act”.

SEC. 12202. ESTABLISHMENT OF PROGRAM.

(a) **IN GENERAL.**—The President, in coordination with the Interagency Committee on Ocean and Coastal Mapping and affected

coastal states, shall establish a program to develop a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances ecosystem approaches in decision-making for conservation and management of marine resources and habitats, establishes research and mapping priorities, supports the siting of research and other platforms, and advances ocean and coastal science.

(b) **MEMBERSHIP.**—The Committee shall be comprised of high-level representatives of the Department of Commerce, through the National Oceanic and Atmospheric Administration, the Department of the Interior, the National Science Foundation, the Department of Defense, the Environmental Protection Agency, the Department of Homeland Security, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) **PROGRAM PARAMETERS.**—In developing such a program, the President, through the Committee, shall—

(1) identify all Federal and federally-funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) facilitate cost-effective, cooperative mapping efforts that incorporate policies for contracting with non-governmental entities among all Federal agencies conducting ocean and coastal mapping, by increasing data sharing, developing appropriate data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and coastal mapping technologies, including through research, development, and training conducted among Federal agencies and in cooperation with non-governmental entities;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies between the Federal Government, coastal state, and non-governmental entities;

(5) provide for the archiving, management, and distribution of data sets through a national registry as well as provide mapping products and services to the general public in service of statutory requirements;

(6) develop data standards and protocols consistent with standards developed by the Federal Geographic Data Committee for use by Federal, coastal state, and other entities in mapping and otherwise documenting locations of federally permitted activities, living and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, offshore aquaculture projects, offshore energy projects, and any areas designated for purposes of environmental protection or conservation and management of living and nonliving coastal and marine resources;

(7) identify the procedures to be used for coordinating the collection and integration of Federal ocean and coastal mapping data with coastal state and local government programs;

(8) facilitate, to the extent practicable, the collection of real-time tide data and the development of hydrodynamic models for

coastal areas to allow for the application of V-datum tools that will facilitate the seamless integration of onshore and offshore maps and charts;

(9) establish a plan for the acquisition and collection of ocean and coastal mapping data; and

(10) set forth a timetable for completion and implementation of the plan.

SEC. 12203. INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING.

(a) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or utilize an existing interagency committee on ocean and coastal mapping to implement section 12202.

(b) **MEMBERSHIP.**—The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this subtitle. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, the Minerals Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States Army Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) **CO-CHAIRMEN.**—The Committee shall be co-chaired by the representative of the Department of Commerce and a representative of the Department of the Interior.

(d) **SUBCOMMITTEE.**—The co-chairmen shall establish a subcommittee to carry out the day-to-day work of the Committee, comprised of senior representatives of any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration. The subcommittee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairmen of the Committee may create such additional subcommittees and working groups as may be needed to carry out the work of Committee.

(e) **MEETINGS.**—The committee shall meet on a quarterly basis, but each subcommittee and each working group shall meet on an as-needed basis.

(f) **COORDINATION.**—The committee shall coordinate activities when appropriate, with—

(1) other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee;

(2) international mapping activities;

(3) coastal states;

(4) user groups through workshops and other appropriate mechanisms; and

(5) representatives of nongovernmental entities.

(g) **ADVISORY PANEL.**—The Administrator may convene an ocean and coastal mapping advisory panel consisting of representatives from non-governmental entities to provide input regarding activities of the committee in consultation with the interagency committee.

SEC. 12204. BIENNIAL REPORTS.

No later than 18 months after the date of enactment of this Act, and biennially thereafter, the co-chairmen of the Committee

shall transmit to the Committees on Commerce, Science, and Transportation and Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing progress made in implementing this subtitle, including—

(1) an inventory of ocean and coastal mapping data within the territorial sea and the exclusive economic zone and throughout the Continental Shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(5) a description of any products resulting from coordinated mapping efforts under this subtitle that improve public understanding of the coasts and oceans, or regulatory decisionmaking;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing, and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency, and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public;

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea;

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion;

(11) the status of efforts to coordinate Federal programs with coastal state and local government programs and leverage those programs;

(12) a description of efforts of Federal agencies to increase contracting with non-governmental entities; and

(13) an inventory and description of any new Federal or federally funded programs conducting shoreline delineation and ocean or coastal mapping since the previous reporting cycle.

SEC. 12205. PLAN.

(a) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated ocean and coastal mapping initiative within the National Oceanic and Atmospheric Administration.

(b) **PLAN REQUIREMENTS.**—The plan shall—

(1) identify and describe all ocean and coastal mapping programs within the agency, including those that conduct mapping or related activities in the course of existing

missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and ocean and coastal observations and science projects;

(2) establish priority mapping programs and establish and periodically update priorities for geographic areas in surveying and mapping across all missions of the National Oceanic and Atmospheric Administration, as well as minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative ocean and coastal mapping technologies and applications, through research and development through cooperative or other agreements with joint or cooperative research institutes or centers and with other non-governmental entities;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, coastal states, and non-governmental entities;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program;

(6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration that meets Federal mandates for data accuracy and accessibility and designate a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and coastal state programs; and

(7) set forth a timetable for implementation and completion of the plan, including a schedule for submission to the Congress of periodic progress reports and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) **NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.**—The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall each be collocated with an institution of higher education. The centers shall serve as hydrographic centers of excellence and may conduct activities necessary to carry out the purposes of this subtitle, including—

(1) research and development of innovative ocean and coastal mapping technologies, equipment, and data products;

(2) mapping of the United States Outer Continental Shelf and other regions;

(3) data processing for nontraditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations, and ocean exploration; and

(5) providing graduate education and training in ocean and coastal mapping sciences for members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps, personnel of other agencies with ocean and coastal mapping programs, and civilian personnel.

(d) **NOAA REPORT.**—The Administrator shall continue developing a strategy for expanding contracting with non-governmental entities to minimize duplication and take

maximum advantage of nongovernmental capabilities in fulfilling the Administration's mapping and charting responsibilities. Within 120 days after the date of enactment of this Act, the Administrator shall transmit a report describing the strategy developed under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

SEC. 12206. EFFECT ON OTHER LAWS.

Nothing in this subtitle shall be construed to supersede or alter the existing authorities of any Federal agency with respect to ocean and coastal mapping.

SEC. 12207. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this subtitle—

(1) \$26,000,000 for fiscal year 2009;

(2) \$32,000,000 for fiscal year 2010;

(3) \$38,000,000 for fiscal year 2011; and

(4) \$45,000,000 for each of fiscal years 2012 through 2015.

(b) **JOINT OCEAN AND COASTAL MAPPING CENTERS.**—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 12205(c) of this subtitle:

(1) \$11,000,000 for fiscal year 2009.

(2) \$12,000,000 for fiscal year 2010.

(3) \$13,000,000 for fiscal year 2011.

(4) \$15,000,000 for each of fiscal years 2012 through 2015.

(c) **COOPERATIVE AGREEMENTS.**—To carry out interagency activities under section 12203 of this subtitle, the head of any department or agency may execute a cooperative agreement with the Administrator, including those authorized by section 5 of the Act of August 6, 1947 (33 U.S.C. 883e).

SEC. 12208. DEFINITIONS.

In this subtitle:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) **COASTAL STATE.**—The term “coastal state” has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).

(3) **COMMITTEE.**—The term “Committee” means the Interagency Ocean and Coastal Mapping Committee established by section 12203.

(4) **EXCLUSIVE ECONOMIC ZONE.**—The term “exclusive economic zone” means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(5) **OCEAN AND COASTAL MAPPING.**—The term “ocean and coastal mapping” means the acquisition, processing, and management of physical, biological, geological, chemical, and archaeological characteristics and boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, direct sampling, and other mapping technologies.

(6) **TERRITORIAL SEA.**—The term “territorial sea” means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

(7) **NONGOVERNMENTAL ENTITIES.**—The term “nongovernmental entities” includes nongovernmental organizations, members of the academic community, and private sector or-

ganizations that provide products and services associated with measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite images, or other graphical or digital presentations depicting natural or manmade physical features, phenomena, and legal boundaries of the Earth.

(8) **OUTER CONTINENTAL SHELF.**—The term “Outer Continental Shelf” means all submerged lands lying seaward and outside of lands beneath navigable waters (as that term is defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Subtitle C—Integrated Coastal and Ocean Observation System Act of 2009

SEC. 12301. SHORT TITLE.

This subtitle may be cited as the “Integrated Coastal and Ocean Observation System Act of 2009”.

SEC. 12302. PURPOSES.

The purposes of this subtitle are to—

(1) establish a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of regional information coordination entities, and that includes in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, and is designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data to—

(A) support national defense, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach training and education;

(B) promote greater public awareness and stewardship of the Nation's ocean, coastal, and Great Lakes resources and the general public welfare; and

(C) enable advances in scientific understanding to support the sustainable use, conservation, management, and understanding of healthy ocean, coastal, and Great Lakes resources;

(2) improve the Nation's capability to measure, track, explain, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes; and

(3) authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean-atmosphere dynamics, global climate change, physical, chemical, and biological dynamics of the ocean, coastal and Great Lakes environments, and to conserve healthy and restore degraded coastal ecosystems.

SEC. 12303. DEFINITIONS.

In this subtitle:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary's capacity as Administrator

of the National Oceanic and Atmospheric Administration.

(2) **COUNCIL.**—The term “Council” means the National Ocean Research Leadership Council established by section 7902 of title 10, United States Code.

(3) **FEDERAL ASSETS.**—The term “Federal assets” means all relevant non-classified civilian coastal and ocean observations, technologies, and related modeling, research, data management, basic and applied technology research and development, and public education and outreach programs, that are managed by member agencies of the Council.

(4) **INTERAGENCY OCEAN OBSERVATION COMMITTEE.**—The term “Interagency Ocean Observation Committee” means the committee established under section 12304(c)(2).

(5) **NON-FEDERAL ASSETS.**—The term “non-Federal assets” means all relevant coastal and ocean observation technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed through States, regional organizations, universities, non-governmental organizations, or the private sector.

(6) **REGIONAL INFORMATION COORDINATION ENTITIES.**—

(A) **IN GENERAL.**—The term “regional information coordination entity” means an organizational body that is certified or established by contract or memorandum by the lead Federal agency designated in section 12304(c)(3) of this subtitle and coordinates State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.

(B) **CERTAIN INCLUDED ASSOCIATIONS.**—The term “regional information coordination entity” includes regional associations described in the System Plan.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration.

(8) **SYSTEM.**—The term “System” means the National Integrated Coastal and Ocean Observation System established under section 12304.

(9) **SYSTEM PLAN.**—The term “System Plan” means the plan contained in the document entitled “Ocean. US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan”, as updated by the Council under this subtitle.

SEC. 12304. INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.

(a) **ESTABLISHMENT.**—The President, acting through the Council, shall establish a National Integrated Coastal and Ocean Observation System to fulfill the purposes set forth in section 12302 of this subtitle and the System Plan and to fulfill the Nation’s international obligations to contribute to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(b) **SYSTEM ELEMENTS.**—

(1) **IN GENERAL.**—In order to fulfill the purposes of this subtitle, the System shall be national in scope and consist of—

(A) Federal assets to fulfill national and international observation missions and priorities;

(B) non-Federal assets, including a network of regional information coordination entities identified under subsection (c)(4), to fulfill regional observation missions and priorities;

(C) data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the System;

(D) a research and development program conducted under the guidance of the Council, consisting of—

(i) basic and applied research and technology development to improve understanding of coastal and ocean systems and their relationships to human activities and to ensure improvement of operational assets and products, including related infrastructure, observing technologies, and information and data processing and management technologies; and

(ii) large scale computing resources and research to advance modeling of coastal and ocean processes.

(2) **ENHANCING ADMINISTRATION AND MANAGEMENT.**—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall support the purposes of this subtitle and may take appropriate actions to enhance internal agency administration and management to better support, integrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.

(3) **AVAILABILITY OF DATA.**—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data that are produced by that asset and that are not otherwise restricted for integration, management, and dissemination by the System.

(4) **NON-FEDERAL ASSETS.**—Non-Federal assets shall be coordinated, as appropriate, by the Interagency Ocean Observing Committee or by regional information coordination entities.

(c) **POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.**—

(1) **COUNCIL FUNCTIONS.**—The Council shall serve as the policy and coordination oversight body for all aspects of the System. In carrying out its responsibilities under this subtitle, the Council shall—

(A) approve and adopt comprehensive System budgets developed and maintained by the Interagency Ocean Observing Committee to support System operations, including operations of both Federal and non-Federal assets;

(B) ensure coordination of the System with other domestic and international earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems, and provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observing programs; and

(C) encourage coordinated intramural and extramural research and technology development, and a process to transition developing technology and methods into operations of the System.

(2) **INTERAGENCY OCEAN OBSERVATION COMMITTEE.**—The Council shall establish or designate an Interagency Ocean Observation Committee which shall—

(A) prepare annual and long-term plans for consideration and approval by the Council for the integrated design, operation, maintenance, enhancement and expansion of the System to meet the objectives of this subtitle and the System Plan;

(B) develop and transmit to Congress at the time of submission of the President’s annual budget request an annual coordinated, comprehensive budget to operate all elements of the System identified in subsection

(b), and to ensure continuity of data streams from Federal and non-Federal assets;

(C) establish required observation data variables to be gathered by both Federal and non-Federal assets and identify, in consultation with regional information coordination entities, priorities for System observations;

(D) establish protocols and standards for System data processing, management, and communication;

(E) develop contract certification standards and compliance procedures for all non-Federal assets, including regional information coordination entities, to establish eligibility for integration into the System and to ensure compliance with all applicable standards and protocols established by the Council, and ensure that regional observations are integrated into the System on a sustained basis;

(F) identify gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

(G) subject to the availability of appropriations, establish through one or more participating Federal agencies, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs—

(i) to promote intramural and extramural research and development of new, innovative, and emerging observation technologies including testing and field trials; and

(ii) to facilitate the migration of new, innovative, and emerging scientific and technological advances from research and development to operational deployment;

(H) periodically review and recommend to the Council, in consultation with the Administrator, revisions to the System Plan;

(I) ensure collaboration among Federal agencies participating in the activities of the Committee; and

(J) perform such additional duties as the Council may delegate.

(3) **LEAD FEDERAL AGENCY.**—The National Oceanic and Atmospheric Administration shall function as the lead Federal agency for the implementation and administration of the System, in consultation with the Council, the Interagency Ocean Observation Committee, other Federal agencies that maintain portions of the System, and the regional information coordination entities, and shall—

(A) establish an Integrated Ocean Observing Program Office within the National Oceanic and Atmospheric Administration utilizing to the extent necessary, personnel from member agencies participating on the Interagency Ocean Observation Committee, to oversee daily operations and coordination of the System;

(B) implement policies, protocols, and standards approved by the Council and delegated by the Interagency Ocean Observing Committee;

(C) promulgate program guidelines to certify and integrate non-Federal assets, including regional information coordination entities, into the System to provide regional coastal and ocean observation data that meet the needs of user groups from the respective regions;

(D) have the authority to enter into and oversee contracts, leases, grants or cooperative agreements with non-Federal assets, including regional information coordination entities, to support the purposes of this subtitle on such terms as the Administrator deems appropriate;

(E) implement a merit-based, competitive funding process to support non-Federal assets, including the development and maintenance of a network of regional information

coordination entities, and develop and implement a process for the periodic review and evaluation of all non-Federal assets, including regional information coordination entities;

(F) provide opportunities for competitive contracts and grants for demonstration projects to design, develop, integrate, deploy, and support components of the System;

(G) establish efficient and effective administrative procedures for allocation of funds among contractors, grantees, and non-Federal assets, including regional information coordination entities in a timely manner, and contingent on appropriations according to the budget adopted by the Council;

(H) develop and implement a process for the periodic review and evaluation of regional information coordination entities;

(I) formulate an annual process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System are identified by the regional information coordination entities, the Administrator, or other members of the System and transmitted to the Interagency Ocean Observing Committee;

(J) develop and be responsible for a data management and communication system, in accordance with standards and protocols established by the Council, by which all data collected by the System regarding ocean and coastal waters of the United States including the Great Lakes, are processed, stored, integrated, and made available to all end-user communities;

(K) implement a program of public education and outreach to improve public awareness of global climate change and effects on the ocean, coastal, and Great Lakes environment;

(L) report annually to the Interagency Ocean Observing Committee on the accomplishments, operational needs, and performance of the System to contribute to the annual and long-term plans developed pursuant to subsection (c)(2)(A)(i); and

(M) develop a plan to efficiently integrate into the System new, innovative, or emerging technologies that have been demonstrated to be useful to the System and which will fulfill the purposes of this subtitle and the System Plan.

(4) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—To be certified or established under this subtitle, a regional information coordination entity shall be certified or established by contract or agreement by the Administrator, and shall agree to meet the certification standards and compliance procedure guidelines issued by the Administrator and information needs of user groups in the region while adhering to national standards and shall—

(i) demonstrate an organizational structure capable of gathering required System observation data, supporting and integrating all aspects of coastal and ocean observing and information programs within a region and that reflects the needs of State and local governments, commercial interests, and other users and beneficiaries of the System and other requirements specified under this subtitle and the System Plan;

(ii) identify gaps in observation coverage needs for capital improvements of Federal assets and non-Federal assets of the System, or other recommendations to assist in the development of the annual and long-term plans created pursuant to subsection (c)(2)(A)(i) and transmit such information to the Interagency Ocean Observing Committee via the Program Office;

(iii) develop and operate under a strategic operational plan that will ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System, pursuant to the standards approved by the Council;

(iv) work cooperatively with governmental and non-governmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the regional information coordination entities; and

(v) comply with all financial oversight requirements established by the Administrator, including requirements relating to audits.

(B) PARTICIPATION.—For the purposes of this subtitle, employees of Federal agencies may participate in the functions of the regional information coordination entities.

(d) SYSTEM ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Administrator shall establish or designate a System advisory committee, which shall provide advice as may be requested by the Administrator or the Interagency Ocean Observing Committee.

(2) PURPOSE.—The purpose of the System advisory committee is to advise the Administrator and the Interagency Ocean Observing Committee on—

(A) administration, operation, management, and maintenance of the System, including integration of Federal and non-Federal assets and data management and communication aspects of the System, and fulfillment of the purposes set forth in section 12302;

(B) expansion and periodic modernization and upgrade of technology components of the System;

(C) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and

(D) any other purpose identified by the Administrator or the Interagency Ocean Observing Committee.

(3) MEMBERS.—

(A) IN GENERAL.—The System advisory committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.

(B) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than 1 year.

(C) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the System advisory committee.

(D) APPOINTMENT.—Members of the System advisory committee shall be appointed as special Government employees for purposes of section 202(a) of title 18, United States Code.

(4) ADMINISTRATIVE PROVISIONS.—

(A) REPORTING.—The System advisory committee shall report to the Administrator and the Interagency Ocean Observing Committee, as appropriate.

(B) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the System advisory committee.

(C) MEETINGS.—The System advisory committee shall meet at least once each year,

and at other times at the call of the Administrator, the Interagency Ocean Observing Committee, or the chairperson.

(D) COMPENSATION AND EXPENSES.—Members of the System advisory committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(E) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System advisory committee.

(e) CIVIL LIABILITY.—For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or regional information coordination entity incorporated into the System by contract, lease, grant, or cooperative agreement under subsection (c)(3)(D) that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or regional information coordination entity, while operating within the scope of his or her employment in carrying out the purposes of this subtitle, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) LIMITATION.—Nothing in this subtitle shall be construed to invalidate existing certifications, contracts, or agreements between regional information coordination entities and other elements of the System.

SEC. 12305. INTERAGENCY FINANCING AND AGREEMENTS.

(a) IN GENERAL.—To carry out interagency activities under this subtitle, the Secretary of Commerce may execute cooperative agreements, or any other agreements, with, and receive and expend funds made available by, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual.

(b) RECIPROCITY.—Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this subtitle and fulfillment of the System Plan.

SEC. 12306. APPLICATION WITH OTHER LAWS.

Nothing in this subtitle supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

SEC. 12307. REPORT TO CONGRESS.

(a) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act and every 2 years thereafter, the Administrator shall prepare and the President acting through the Council shall approve and transmit to the Congress a report on progress made in implementing this subtitle.

(b) CONTENTS.—The report shall include—

(1) a description of activities carried out under this subtitle and the System Plan;

(2) an evaluation of the effectiveness of the System, including an evaluation of progress made by the Council to achieve the goals identified under the System Plan;

(3) identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies;

(4) a review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation

capabilities and data products provided by the System, including data management and communication subsystems;

(5) an assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of regional information coordination entities to coordinate regional observation operations;

(6) a description of benefits of the program to users of data products resulting from the System (including the general public, industries, scientists, resource managers, emergency responders, policy makers, and educators);

(7) recommendations concerning—

(A) modifications to the System; and

(B) funding levels for the System in subsequent fiscal years; and

(8) the results of a periodic external independent programmatic audit of the System.

SEC. 12308. PUBLIC-PRIVATE USE POLICY.

The Council shall develop a policy within 6 months after the date of the enactment of this Act that defines processes for making decisions about the roles of the Federal Government, the States, regional information coordination entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this section shall be construed to require changes in policy in effect on the date of enactment of this Act.

SEC. 12309. INDEPENDENT COST ESTIMATE.

Within 1 year after the date of enactment of this Act, the Interagency Ocean Observation Committee, through the Administrator and the Director of the National Science Foundation, shall obtain an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, operation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unbridged and without revision by the Administrator to Congress.

SEC. 12310. INTENT OF CONGRESS.

It is the intent of Congress that funding provided to agencies of the Council to implement this subtitle shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter into contracts or agreements for the development or procurement of new Federal assets for the System that are estimated to be in excess of \$250,000,000 in life-cycle costs without first providing adequate notice to Congress and opportunity for review and comment.

SEC. 12311. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2009 through 2013 such sums as are necessary to fulfill the purposes of this subtitle and support activities identified in the annual coordinated System budget developed by the Interagency Ocean Observation Committee and submitted to the Congress.

Subtitle D—Federal Ocean Acidification Research and Monitoring Act of 2009

SEC. 12401. SHORT TITLE.

This subtitle may be cited as the “Federal Ocean Acidification Research And Monitoring Act of 2009” or the “FOARAM Act”.

SEC. 12402. PURPOSES.

(a) PURPOSES.—The purposes of this subtitle are to provide for—

(1) development and coordination of a comprehensive interagency plan to—

(A) monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems; and

(B) establish an interagency research and monitoring program on ocean acidification;

(2) establishment of an ocean acidification program within the National Oceanic and Atmospheric Administration;

(3) assessment and consideration of regional and national ecosystem and socioeconomic impacts of increased ocean acidification; and

(4) research adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

SEC. 12403. DEFINITIONS.

In this subtitle:

(1) OCEAN ACIDIFICATION.—The term “ocean acidification” means the decrease in pH of the Earth’s oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide.

(2) SECRETARY.—The term “Secretary” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(3) SUBCOMMITTEE.—The term “Subcommittee” means the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council.

SEC. 12404. INTERAGENCY SUBCOMMITTEE.

(a) DESIGNATION.—

(1) IN GENERAL.—The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification and establish an interagency working group.

(2) MEMBERSHIP.—The interagency working group on ocean acidification shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

(3) CHAIRMAN.—The interagency working group shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

(b) DUTIES.—The Subcommittee shall—

(1) develop the strategic research and monitoring plan to guide Federal research on ocean acidification required under section 12405 of this subtitle and oversee the implementation of the plan;

(2) oversee the development of—

(A) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and

(B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;

(3) facilitate communication and outreach opportunities with nongovernmental organizations and members of the stakeholder community with interests in marine resources;

(4) coordinate the United States Federal research and monitoring program with research and monitoring programs and scientists from other nations; and

(5) establish or designate an Ocean Acidification Information Exchange to make information on ocean acidification developed through or utilized by the interagency ocean

acidification program accessible through electronic means, including information which would be useful to policymakers, researchers, and other stakeholders in mitigating or adapting to the impacts of ocean acidification.

(c) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that—

(A) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) describes the progress in developing the plan required under section 12405 of this subtitle.

(2) BIENNIAL REPORT.—Not later than 2 years after the delivery of the initial report under paragraph (1) and every 2 years thereafter, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Subcommittee under section 12405.

(3) STRATEGIC RESEARCH PLAN.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall transmit the strategic research plan developed under section 12405 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

SEC. 12405. STRATEGIC RESEARCH PLAN.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall develop a strategic plan for Federal research and monitoring on ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems and the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems. In developing the plan, the Subcommittee shall consider and use information, reports, and studies of ocean acidification that have identified research and monitoring needed to better understand ocean acidification and its potential impacts, and recommendations made by the National Academy of Sciences in the review of the plan required under subsection (d).

(b) CONTENTS OF THE PLAN.—The plan shall—

(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve the understanding of ocean chemistry that will affect marine ecosystems;

(2) establish, for the 10-year period beginning in the year the plan is submitted, the goals and priorities for Federal research and monitoring which will—

(A) advance understanding of ocean acidification and its physical, chemical, and biological impacts on marine organisms and marine ecosystems;

(B) improve the ability to assess the socioeconomic impacts of ocean acidification; and

(C) provide information for the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems;

(3) describe specific activities, including—

(A) efforts to determine user needs;

(B) research activities;

(C) monitoring activities;

(D) technology and methods development;

(E) data collection;

(F) database development;

(G) modeling activities;

(H) assessment of ocean acidification impacts; and

(I) participation in international research efforts;

(4) identify relevant programs and activities of the Federal agencies that contribute to the interagency program directly and indirectly and set forth the role of each Federal agency in implementing the plan;

(5) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(6) make recommendations for the coordination of the ocean acidification research and monitoring activities of the United States with such activities of other nations and international organizations;

(7) outline budget requirements for Federal ocean acidification research and monitoring and assessment activities to be conducted by each agency under the plan;

(8) identify the monitoring systems and sampling programs currently employed in collecting data relevant to ocean acidification and prioritize additional monitoring systems that may be needed to ensure adequate data collection and monitoring of ocean acidification and its impacts; and

(9) describe specific activities designed to facilitate outreach and data and information exchange with stakeholder communities.

(c) **PROGRAM ELEMENTS.**—The plan shall include at a minimum the following program elements:

(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize—

(A) marine ecosystems;

(B) changes in marine productivity; and

(C) changes in surface ocean chemistry.

(2) Research to understand the species specific physiological responses of marine organisms to ocean acidification, impacts on marine food webs of ocean acidification, and to develop environmental and ecological indices that track marine ecosystem responses to ocean acidification.

(3) Modeling to predict changes in the ocean carbon cycle as a function of carbon dioxide and atmosphere-induced changes in temperature, ocean circulation, biogeochemistry, ecosystem and terrestrial input, and modeling to determine impacts on marine ecosystems and individual marine organisms.

(4) Technology development and standardization of carbonate chemistry measurements on moorings and autonomous floats.

(5) Assessment of socioeconomic impacts of ocean acidification and development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems.

(d) **NATIONAL ACADEMY OF SCIENCES EVALUATION.**—The Secretary shall enter into an

agreement with the National Academy of Sciences to review the plan.

(e) **PUBLIC PARTICIPATION.**—In developing the plan, the Subcommittee shall consult with representatives of academic, State, industry and environmental groups. Not later than 90 days before the plan, or any revision thereof, is submitted to the Congress, the plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 12406. NOAA OCEAN ACIDIFICATION ACTIVITIES.

(a) **IN GENERAL.**—The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to conduct research, monitoring, and other activities consistent with the strategic research and implementation plan developed by the Subcommittee under section 12405 that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global and national ocean observing assets, and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) as an integral part of the research programs described in this subtitle, educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) as an integral part of the research programs described in this subtitle, national public outreach activities to improve the understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based process for awarding grants that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

(b) **ADDITIONAL AUTHORITY.**—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this subtitle on such terms as the Secretary considers appropriate.

SEC. 12407. NSF OCEAN ACIDIFICATION ACTIVITIES.

(a) **RESEARCH ACTIVITIES.**—The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research and monitoring of ocean acidification and its impacts, including—

(1) impacts on marine organisms and marine ecosystems;

(2) impacts on ocean, coastal, and estuarine biogeochemistry; and

(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts.

(b) **CONSISTENCY.**—The research activities shall be consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) **COORDINATION.**—The Director shall encourage coordination of the Foundation's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12408. NASA OCEAN ACIDIFICATION ACTIVITIES.

(a) **OCEAN ACIDIFICATION ACTIVITIES.**—The Administrator of the National Aeronautics and Space Administration, in coordination with other relevant agencies, shall ensure that space-based monitoring assets are used in as productive a manner as possible for monitoring of ocean acidification and its impacts.

(b) **PROGRAM CONSISTENCY.**—The Administrator shall ensure that the Agency's research and monitoring activities on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) **COORDINATION.**—The Administrator shall encourage coordination of the Agency's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12409. AUTHORIZATION OF APPROPRIATIONS.

(a) **NOAA.**—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the purposes of this subtitle—

(1) \$8,000,000 for fiscal year 2009;

(2) \$12,000,000 for fiscal year 2010;

(3) \$15,000,000 for fiscal year 2011; and

(4) \$20,000,000 for fiscal year 2012.

(b) **NSF.**—There are authorized to be appropriated to the National Science Foundation to carry out the purposes of this subtitle—

(1) \$6,000,000 for fiscal year 2009;

(2) \$8,000,000 for fiscal year 2010;

(3) \$12,000,000 for fiscal year 2011; and

(4) \$15,000,000 for fiscal year 2012.

Subtitle E—Coastal and Estuarine Land Conservation Program

SEC. 12501. SHORT TITLE.

This Act may be cited as the “Coastal and Estuarine Land Conservation Program Act”.

SEC. 12502. AUTHORIZATION OF COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by inserting after section 307 the following new section:

“AUTHORIZATION OF THE COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM

“SEC. 307A. (a) **IN GENERAL.**—The Secretary may conduct a Coastal and Estuarine Land Conservation Program, in cooperation with appropriate State, regional, and other units of government, for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses or could be managed or restored to effectively conserve, enhance, or restore ecological function. The program shall be administered by the National Ocean Service of the National Oceanic

and Atmospheric Administration through the Office of Ocean and Coastal Resource Management.

“(b) **PROPERTY ACQUISITION GRANTS.**—The Secretary shall make grants under the program to coastal states with approved coastal zone management plans or National Estuarine Research Reserve units for the purpose of acquiring property or interests in property described in subsection (a) that will further the goals of—

“(1) a Coastal Zone Management Plan or Program approved under this title;

“(2) a National Estuarine Research Reserve management plan;

“(3) a regional or State watershed protection or management plan involving coastal states with approved coastal zone management programs; or

“(4) a State coastal land acquisition plan that is consistent with an approved coastal zone management program.

“(c) **GRANT PROCESS.**—The Secretary shall allocate funds to coastal states or National Estuarine Research Reserves under this section through a competitive grant process in accordance with guidelines that meet the following requirements:

“(1) The Secretary shall consult with the coastal state's coastal zone management program, any National Estuarine Research Reserve in that State, and the lead agency designated by the Governor for coordinating the implementation of this section (if different from the coastal zone management program).

“(2) Each participating coastal state, after consultation with local governmental entities and other interested stakeholders, shall identify priority conservation needs within the State, the values to be protected by inclusion of lands in the program, and the threats to those values that should be avoided.

“(3) Each participating coastal state shall to the extent practicable ensure that the acquisition of property or easements shall complement working waterfront needs.

“(4) The applicant shall identify the values to be protected by inclusion of the lands in the program, management activities that are planned and the manner in which they may affect the values identified, and any other information from the landowner relevant to administration and management of the land.

“(5) Awards shall be based on demonstrated need for protection and ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other governmental units, landowners, corporations, or private organizations.

“(6) The governor, or the lead agency designated by the governor for coordinating the implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that the application is consistent with the State's or territory's approved coastal zone plan, program, and policies prior to submittal to the Secretary.

“(7)(A) Priority shall be given to lands described in subsection (a) that can be effectively managed and protected and that have significant ecological value.

“(B) Of the projects that meet the standard in subparagraph (A), priority shall be given to lands that—

“(i) are under an imminent threat of conversion to a use that will degrade or otherwise diminish their natural, undeveloped, or recreational state; and

“(ii) serve to mitigate the adverse impacts caused by coastal population growth in the coastal environment.

“(8) In developing guidelines under this section, the Secretary shall consult with coastal states, other Federal agencies, and other interested stakeholders with expertise in land acquisition and conservation procedures.

“(9) Eligible coastal states or National Estuarine Research Reserves may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

“(10) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program's effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.

“(d) **LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS.**—

“(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be the result of a forced taking under this section. Nothing in this section requires a private property owner to participate in the program under this section.

“(2) Any interest in land, including any easement, acquired with a grant under this section shall not be considered to create any new liability, or have any effect on liability under any other law, of any private property owner with respect to any person injured on the private property.

“(3) Nothing in this section requires a private property owner to provide access (including Federal, State, or local government access) to or use of private property unless such property or an interest in such property (including a conservation easement) has been purchased with funds made available under this section.

“(e) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title modifies the authority of Federal, State, or local governments to regulate land use.

“(f) **MATCHING REQUIREMENTS.**—

“(1) **IN GENERAL.**—The Secretary may not make a grant under the program unless the Federal funds are matched by non-Federal funds in accordance with this subsection.

“(2) **COST SHARE REQUIREMENT.**—

“(A) **IN GENERAL.**—Grant funds under the program shall require a 100 percent match from other non-Federal sources.

“(B) **WAIVER OF REQUIREMENT.**—The Secretary may grant a waiver of subparagraph (A) for underserved communities, communities that have an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary deems appropriate and consistent with the purposes of the program.

“(3) **OTHER FEDERAL FUNDS.**—Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

“(4) **SOURCE OF MATCHING COST SHARE.**—For purposes of paragraph (2)(A), the non-Federal cost share for a project may be determined by taking into account the following:

“(A) The value of land or a conservation easement may be used by a project applicant as non-Federal match, if the Secretary determines that—

“(i) the land meets the criteria set forth in section 2(b) and is acquired in the period beginning 3 years before the date of the submission of the grant application and ending 3 years after the date of the award of the grant;

“(ii) the value of the land or easement is held by a non-governmental organization included in the grant application in perpetuity for conservation purposes of the program; and

“(iii) the land or easement is connected either physically or through a conservation planning process to the land or easement that would be acquired.

“(B) The appraised value of the land or conservation easement at the time of the grant closing will be considered and applied as the non-Federal cost share.

“(C) Costs associated with land acquisition, land management planning, remediation, restoration, and enhancement may be used as non-Federal match if the activities are identified in the plan and expenses are incurred within the period of the grant award, or, for lands described in (A), within the same time limits described therein. These costs may include either cash or in-kind contributions.

“(g) **RESERVATION OF FUNDS FOR NATIONAL ESTUARINE RESEARCH RESERVE SITES.**—No less than 15 percent of funds made available under this section shall be available for acquisitions benefitting National Estuarine Research Reserves.

“(h) **LIMIT ON ADMINISTRATIVE COSTS.**—No more than 5 percent of the funds made available to the Secretary under this section shall be used by the Secretary for planning or administration of the program. The Secretary shall provide a report to Congress with an account of all expenditures under this section for fiscal year 2009 and triennially thereafter.

“(i) **TITLE AND MANAGEMENT OF ACQUIRED PROPERTY.**—If any property is acquired in whole or in part with funds made available through a grant under this section, the grant recipient shall provide—

“(1) such assurances as the Secretary may require that—

“(A) the title to the property will be held by the grant recipient or another appropriate public agency designated by the recipient in perpetuity;

“(B) the property will be managed in a manner that is consistent with the purposes for which the land entered into the program and shall not convert such property to other uses; and

“(C) if the property or interest in land is sold, exchanged, or divested, funds equal to the current value will be returned to the Secretary in accordance with applicable Federal law for redistribution in the grant process; and

“(2) certification that the property (including any interest in land) will be acquired from a willing seller.

“(j) **REQUIREMENT FOR PROPERTY USED FOR NON-FEDERAL MATCH.**—If the grant recipient elects to use any land or interest in land held by a non-governmental organization as a non-Federal match under subsection (g), the grant recipient must to the Secretary's satisfaction demonstrate in the grant application that such land or interest will satisfy the same requirements as the lands or interests in lands acquired under the program.

“(k) **DEFINITIONS.**—In this section:

“(1) **CONSERVATION EASEMENT.**—The term ‘conservation easement’ includes an easement or restriction, recorded deed, or a reserve interest deed where the grantee acquires all rights, title, and interest in a property, that do not conflict with the goals of this section except those rights, title, and interests that may run with the land that are expressly reserved by a grantor and are agreed to at the time of purchase.

“(2) INTEREST IN PROPERTY.—The term ‘interest in property’ includes a conservation easement.”

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$60,000,000 for each of fiscal years 2009 through 2013.”.

TITLE XIII—MISCELLANEOUS

SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH DAKOTA TRUST FUNDS.

(a) NORTH DAKOTA TRUST FUNDS.—The Act of February 22, 1889 (25 Stat. 676, chapter 180), is amended by adding at the end the following:

“SEC. 26. NORTH DAKOTA TRUST FUNDS.

“(a) DISPOSITION.—Notwithstanding section 11, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of public land are deposited under this Act (referred to in this section as the ‘trust fund’)—

“(1) deposit all revenues earned by a trust fund into the trust fund;

“(2) deduct the costs of administering a trust fund from each trust fund; and

“(3) manage each trust fund to—

“(A) preserve the purchasing power of the trust fund; and

“(B) maintain stable distributions to trust fund beneficiaries.

“(b) DISTRIBUTIONS.—Notwithstanding section 11, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

“(c) MANAGEMENT OF PROCEEDS.—Notwithstanding section 13, the State of North Dakota shall manage the proceeds referred to in that section in accordance with subsections (a) and (b).

“(d) MANAGEMENT OF LAND AND PROCEEDS.—Notwithstanding sections 14 and 16, the State of North Dakota shall manage the land granted under that section, including any proceeds from the land, and make distributions in accordance with subsections (a) and (b).”.

(b) MANAGEMENT AND DISTRIBUTION OF MORRILL ACT GRANTS.—The Act of July 2, 1862 (commonly known as the “First Morrill Act”) (7 U.S.C. 301 et seq.), is amended by adding at the end the following:

“SEC. 9. LAND GRANTS IN THE STATE OF NORTH DAKOTA.

“(a) EXPENSES.—Notwithstanding section 3, the State of North Dakota shall manage the land granted to the State under the first section, including any proceeds from the land, in accordance with this section.

“(b) DISPOSITION OF PROCEEDS.—Notwithstanding section 4, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of land under this Act are deposited (referred to in this section as the ‘trust fund’)—

“(1) deposit all revenues earned by a trust fund into the trust fund;

“(2) deduct the costs of administering a trust fund from each trust fund; and

“(3) manage each trust fund to—

“(A) preserve the purchasing power of the trust fund; and

“(B) maintain stable distributions to trust fund beneficiaries.

“(c) DISTRIBUTIONS.—Notwithstanding section 4, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

“(d) MANAGEMENT.—Notwithstanding section 5, the State of North Dakota shall manage the land granted under the first section, including any proceeds from the land, in accordance with this section.”.

(c) CONSENT OF CONGRESS.—Effective July 1, 2009, Congress consents to the amendments to the Constitution of North Dakota proposed by House Concurrent Resolution No. 3037 of the 59th Legislature of the State of North Dakota entitled “A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of North Dakota, relating to distributions from and the management of the common schools trust fund and the trust funds of other educational or charitable institutions; and to provide a contingent effective date” and approved by the voters of the State of North Dakota on November 7, 2006.

SEC. 13002. AMENDMENTS TO THE FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000.

(a) PRIORITY PROJECTS.—Section 3(c)(3) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended by striking “\$5,000,000” and inserting “\$2,500,000”.

(b) COST SHARING.—Section 7(c) of Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended—

(1) by striking “The value” and inserting the following:

“(1) IN GENERAL.—The value”; and

(2) by adding at the end the following:

“(2) BONNEVILLE POWER ADMINISTRATION.—

“(A) IN GENERAL.—The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided to the Secretary by the Administrator of the Bonneville Power Administration.

“(B) NON-FEDERAL SHARE.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the Program shall be credited toward the non-Federal share of the costs of the project.”.

(c) REPORT.—Section 9 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended—

(1) by inserting “any” before “amounts are made”; and

(2) by inserting after “Secretary shall” the following: “, after partnering with local governmental entities and the States in the Pacific Ocean drainage area.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended—

(1) in subsection (a), by striking “2001 through 2005” and inserting “2009 through 2015”; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) ADMINISTRATIVE EXPENSES.—

“(A) DEFINITION OF ADMINISTRATIVE EXPENSE.—In this paragraph, the term ‘administrative expense’ means, except as provided in subparagraph (B)(iii)(II), any expenditure relating to—

“(i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

“(ii) the review, processing, and provision of applications for funding under the Program.

“(B) LIMITATION.—

“(i) IN GENERAL.—Not more than 6 percent of amounts made available to carry out this Act for each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

“(ii) FEDERAL AND STATE SHARES.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

“(I) 50 percent shall be provided to the State agencies provided assistance under the Program; and

“(II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

“(iii) STATE EXPENSES.—Amounts made available to States for administrative expenses under clause (i)—

“(I) shall be divided evenly among all States provided assistance under the Program; and

“(II) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with—

“(aa) arranging meetings to promote the Program to potential applicants;

“(bb) assisting applicants with the preparation of applications for funding under the Program; and

“(cc) visiting construction sites to provide technical assistance, if requested by the applicant.”.

SEC. 13003. AMENDMENTS TO THE ALASKA NATURAL GAS PIPELINE ACT.

Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following:

“(3) the validity of any determination, permit, approval, authorization, review, or other related action taken under any provision of law relating to a gas transportation project constructed and operated in accordance with section 103, including—

“(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’);

“(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

“(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(D) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

“(E) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).”.

SEC. 13004. ADDITIONAL ASSISTANT SECRETARY FOR DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the first sentence by striking “7 Assistant Secretaries” and inserting “8 Assistant Secretaries”.

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking “Assistant Secretaries of Energy (7)” and inserting “Assistant Secretaries of Energy (8)”.

SEC. 13005. LOVELACE RESPIRATORY RESEARCH INSTITUTE.

(a) DEFINITIONS.—In this section:

(1) INSTITUTE.—The term “Institute” means the Lovelace Respiratory Research Institute, a nonprofit organization chartered under the laws of the State of New Mexico.

(2) MAP.—The term “map” means the map entitled “Lovelace Respiratory Research Institute Land Conveyance” and dated March 18, 2008.

(3) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Energy, with respect to matters concerning the Department of Energy;

(B) the Secretary of the Interior, with respect to matters concerning the Department of the Interior; and

(C) the Secretary of the Air Force, with respect to matters concerning the Department of the Air Force.

(4) **SECRETARY OF ENERGY.**—The term “Secretary of Energy” means the Secretary of Energy, acting through the Administrator for the National Nuclear Security Administration.

(b) **CONVEYANCE OF LAND.**—

(1) **IN GENERAL.**—Notwithstanding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and subject to valid existing rights and this section, the Secretary of Energy, in consultation with the Secretary of the Interior and the Secretary of the Air Force, may convey to the Institute, on behalf of the United States, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) for research, scientific, or educational use.

(2) **DESCRIPTION OF LAND.**—The parcel of land referred to in paragraph (1)—

(A) is the approximately 135 acres of land identified as “Parcel A” on the map;

(B) includes any improvements to the land described in subparagraph (A); and

(C) excludes any portion of the utility system and infrastructure reserved by the Secretary of the Air Force under paragraph (4).

(3) **OTHER FEDERAL AGENCIES.**—The Secretary of the Interior and the Secretary of the Air Force shall complete any real property actions, including the revocation of any Federal withdrawals of the parcel conveyed under paragraph (1) and the parcel described in subsection (c)(1), that are necessary to allow the Secretary of Energy to—

(A) convey the parcel under paragraph (1); or

(B) transfer administrative jurisdiction under subsection (c).

(4) **RESERVATION OF UTILITY INFRASTRUCTURE AND ACCESS.**—The Secretary of the Air Force may retain ownership and control of—

(A) any portions of the utility system and infrastructure located on the parcel conveyed under paragraph (1); and

(B) any rights of access determined to be necessary by the Secretary of the Air Force to operate and maintain the utilities on the parcel.

(5) **RESTRICTIONS ON USE.**—

(A) **AUTHORIZED USES.**—The Institute shall allow only research, scientific, or educational uses of the parcel conveyed under paragraph (1).

(B) **REVERSION.**—

(i) **IN GENERAL.**—If, at any time, the Secretary of Energy, in consultation with the Secretary of the Air Force, determines, in accordance with clause (ii), that the parcel conveyed under paragraph (1) is not being used for a purpose described in subparagraph (A)—

(I) all right, title, and interest in and to the entire parcel, or any portion of the parcel not being used for the purposes, shall revert, at the option of the Secretary, to the United States; and

(II) the United States shall have the right of immediate entry onto the parcel.

(ii) **REQUIREMENTS FOR DETERMINATION.**—Any determination of the Secretary under clause (i) shall be made on the record and after an opportunity for a hearing.

(6) **COSTS.**—

(A) **IN GENERAL.**—The Secretary of Energy shall require the Institute to pay, or reimburse the Secretary concerned, for any costs incurred by the Secretary concerned in carrying out the conveyance under paragraph (1), including any survey costs related to the conveyance.

(B) **REFUND.**—If the Secretary concerned collects amounts under subparagraph (A)

from the Institute before the Secretary concerned incurs the actual costs, and the amount collected exceeds the actual costs incurred by the Secretary concerned to carry out the conveyance, the Secretary concerned shall refund to the Institute an amount equal to difference between—

(i) the amount collected by the Secretary concerned; and

(ii) the actual costs incurred by the Secretary concerned.

(C) **DEPOSIT IN FUND.**—

(i) **IN GENERAL.**—Amounts received by the United States under this paragraph as a reimbursement or recovery of costs incurred by the Secretary concerned to carry out the conveyance under paragraph (1) shall be deposited in the fund or account that was used to cover the costs incurred by the Secretary concerned in carrying out the conveyance.

(ii) **USE.**—Any amounts deposited under clause (i) shall be available for the same purposes, and subject to the same conditions and limitations, as any other amounts in the fund or account.

(7) **CONTAMINATED LAND.**—In consideration for the conveyance of the parcel under paragraph (1), the Institute shall—

(A) take fee title to the parcel and any improvements to the parcel, as contaminated;

(B) be responsible for undertaking and completing all environmental remediation required at, in, under, from, or on the parcel for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents, in the same manner and to the same extent as required by law applicable to privately owned facilities, regardless of the date of the contamination or the responsible party;

(C) indemnify the United States for—

(i) any environmental remediation or response costs the United States reasonably incurs if the Institute fails to remediate the parcel; or

(ii) contamination at, in, under, from, or on the land, for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents;

(D) indemnify, defend, and hold harmless the United States from any damages, costs, expenses, liabilities, fines, penalties, claim, or demand for loss, including claims for property damage, personal injury, or death resulting from releases, discharges, emissions, spills, storage, disposal, or any other acts or omissions by the Institute and any officers, agents, employees, contractors, sublessees, licensees, successors, assigns, or invitees of the Institute arising from activities conducted, on or after October 1, 1996, on the parcel conveyed under paragraph (1); and

(E) reimburse the United States for all legal and attorney fees, costs, and expenses incurred in association with the defense of any claims described in subparagraph (D).

(8) **CONTINGENT ENVIRONMENTAL RESPONSE OBLIGATIONS.**—If the Institute does not undertake or complete environmental remediation as required by paragraph (7) and the United States is required to assume the responsibilities of the remediation, the Secretary of Energy shall be responsible for conducting any necessary environmental remediation or response actions with respect to the parcel conveyed under paragraph (1).

(9) **NO ADDITIONAL COMPENSATION.**—Except as otherwise provided in this section, no additional consideration shall be required for conveyance of the parcel to the Institute under paragraph (1).

(10) **ACCESS AND UTILITIES.**—On conveyance of the parcel under paragraph (1), the Sec-

retary of the Air Force shall, on behalf of the United States and subject to any terms and conditions as the Secretary determines to be necessary (including conditions providing for the reimbursement of costs), provide the Institute with—

(A) access for employees and invitees of the Institute across Kirtland Air Force Base to the parcel conveyed under that paragraph; and

(B) access to utility services for the land and any improvements to the land conveyed under that paragraph.

(11) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary of Energy, in consultation with the Secretary of the Interior and Secretary of the Air Force, may require any additional terms and conditions for the conveyance under paragraph (1) that the Secretaries determine to be appropriate to protect the interests of the United States.

(c) **TRANSFER OF ADMINISTRATIVE JURISDICTION.**—

(1) **IN GENERAL.**—After the conveyance under subsection (b)(1) has been completed, the Secretary of Energy shall, on request of the Secretary of the Air Force, transfer to the Secretary of the Air Force administrative jurisdiction over the parcel of approximately 7 acres of land identified as “Parcel B” on the map, including any improvements to the parcel.

(2) **REMOVAL OF IMPROVEMENTS.**—In concurrence with the transfer under paragraph (1), the Secretary of Energy shall, on request of the Secretary of the Air Force, arrange and pay for removal of any improvements to the parcel transferred under that paragraph.

SEC. 13006. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TROPICAL BOTANICAL GARDEN.

Chapter 1535 of title 36, United States Code, is amended by adding at the end the following:

“§ 153514. Authorization of appropriations

“(a) **IN GENERAL.**—Subject to subsection (b), there is authorized to be appropriated to the corporation for operation and maintenance expenses \$500,000 for each of fiscal years 2008 through 2017.

“(b) **LIMITATION.**—Any Federal funds made available under subsection (a) shall be matched on a 1-to-1 basis by non-Federal funds.”

TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT

SEC. 14001. SHORT TITLE.

This title may be cited as the “Christopher and Dana Reeve Paralysis Act”.

Subtitle A—Paralysis Research

SEC. 14101. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON PARALYSIS.

(a) **COORDINATION.**—The Director of the National Institutes of Health (referred to in this title as the “Director”), pursuant to the general authority of the Director, may develop mechanisms to coordinate the paralysis research and rehabilitation activities of the Institutes and Centers of the National Institutes of Health in order to further advance such activities and avoid duplication of activities.

(b) **CHRISTOPHER AND DANA REEVE PARALYSIS RESEARCH CONSORTIA.**—

(1) **IN GENERAL.**—The Director may make awards of grants to public or private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium funded through such grants as a Christopher and Dana Reeve Paralysis Research Consortium.

(2) RESEARCH.—Each consortium under paragraph (1)—

(A) may conduct basic, translational, and clinical paralysis research;

(B) may focus on advancing treatments and developing therapies in paralysis research;

(C) may focus on one or more forms of paralysis that result from central nervous system trauma or stroke;

(D) may facilitate and enhance the dissemination of clinical and scientific findings; and

(E) may replicate the findings of consortia members or other researchers for scientific and translational purposes.

(3) COORDINATION OF CONSORTIA; REPORTS.—The Director may, as appropriate, provide for the coordination of information among consortia under paragraph (1) and ensure regular communication among members of the consortia, and may require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

(4) ORGANIZATION OF CONSORTIA.—Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director.

(c) PUBLIC INPUT.—The Director may provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from the public regarding such programs and activities.

Subtitle B—Paralysis Rehabilitation Research and Care

SEC. 14201. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS.

(a) IN GENERAL.—The Director, pursuant to the general authority of the Director, may make awards of grants to public or private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders, or stroke, or any combination of such conditions.

(b) RESEARCH.—A multicenter network of clinical sites funded through this section may—

(1) focus on areas of key scientific concern, including—

(A) improving functional mobility;

(B) promoting behavioral adaptation to functional losses, especially to prevent secondary complications;

(C) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies;

(D) developing improved assistive technology to improve function and independence; and

(E) understanding whole body system responses to physical impairments, disabilities, and societal and functional limitations; and

(2) replicate the findings of network members or other researchers for scientific and translation purposes.

(c) COORDINATION OF CLINICAL TRIALS NETWORKS; REPORTS.—The Director may, as appropriate, provide for the coordination of in-

formation among networks funded through this section and ensure regular communication among members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director.

Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities

SEC. 14301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this subtitle referred to as the “Secretary”) may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency, and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Disability and Health Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community-based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, the establishment of a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions; and

(4) the replication and translation of best practices and the sharing of information across States, as well as the development of comprehensive, unique, and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) promoting proper nutrition, increasing physical activity, and reducing tobacco use;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home- and community-based interventions;

(F) coordinating services and removing barriers that prevent full participation and integration into the community; and

(G) recognizing the unique needs of underserved populations.

(c) GRANTS.—The Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with State-based disability and health programs.

(d) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate by the agencies of the Department of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated \$25,000,000 for each of fiscal years 2008 through 2011.

TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION

SEC. 15101. LABORATORY AND SUPPORT SPACE, EDGEWATER, MARYLAND.

(a) AUTHORITY TO DESIGN AND CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of \$41,000,000 for fiscal years 2009 through 2011. Such sums shall remain available until expended.

SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.

(a) AUTHORITY TO CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of \$14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

SEC. 15103. CONSTRUCTION OF GREENHOUSE FACILITY.

(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$12,000,000 to carry out this section. Such sums shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, in a speech given in the fall of 1964, as the War in Vietnam intensified, President Lyndon Johnson quoted Scripture from the Book of Matthew which says that the floods came, but the house did not fall because it was founded upon rock.

President Johnson then said the following, "The house of America is founded upon our land, and if we keep that whole, then the storm can rage, but the house will stand forever."

Once again we find ourselves as a Nation seeking shelter from the storm; the storm of two wars, the storm of economic collapse. But like President Johnson, we remain convinced that no matter what adversity we may be facing, if we are faithful stewards of our land, our house will stand forever.

The legislation before us today, S. 22, the Omnibus Public Land Management Act of 2009, will keep America's land whole. The bill contains more than 160 individual measures, including new wilderness designations, new wild and scenic rivers, new hiking trails, heritage areas, water projects, and historic preservation initiatives.

Taken as a whole, this omnibus bill is the most important piece of conservation legislation we will consider this year and perhaps this Congress. Some have argued, and will argue today, no doubt, that the challenges we face mean that we should not spend time considering environmental legislation. They dismiss the package before us as "feel good" legislation. Well, I think the American people could use some feel good legislation right now. They could use legislation that protects our pristine public lands, the clear running streams and rivers, the wide open spaces, and the unique history that make this Nation great.

When the headlines read that banks are failing and companies are folding, they could use some headlines announcing that our national parks are still beautiful, our national battlefields are still sacred, and our rivers are still wild and scenic.

When the headlines read that America's status as an economic superpower is in doubt, they could use some headlines announcing that our status as a conservation superpower has never been stronger.

The package before us is exactly what the American people want, and it is exactly what our public lands need.

In my own case, I'm enormously proud of the fact that included in this package is the Wild Monongahela Act, which will designate more than 37 acres of wilderness in my home State of West Virginia.

It should be noted that we are amending S. 22 today to insert language making it absolutely clear that this bill will not affect existing State authority to regulate hunting, fishing, and trapping on the lands in this package. The amendment also makes clear that nothing in S. 22 will affect these activities. My colleagues should know that this provision was negotiated with the National Rifle Association and has the NRA's full support.

Opponents of this bill fail to grasp the deep and abiding love the American people have for their land. They fail to understand the power of our wide-open spaces and magnificent vistas, the power of those magnificent vistas to inspire our generation and renew our spirit. It's that kind of inspiration and that kind of renewal that are always valuable, but when times are tough, they are priceless.

We should approve S. 22 today, not in spite of the challenges we face but because of them. These storms will pass and the house of America will be standing because we have kept our land whole.

I urge passage of S. 22.

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Washington. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HASTINGS of Washington. Mr. Speaker, just to clarify, I have a series here of questions I would like to ask under parliamentary inquiry, and that does not count against my time; is that correct?

The SPEAKER pro tempore. The gentleman has yet to be recognized for debate. It will not count against his time.

Mr. HASTINGS of Washington. Thank you, Mr. Speaker.

Mr. Speaker, just to be clear, as we are considering S. 22, has the gentleman from West Virginia made a motion to amend S. 22?

The SPEAKER pro tempore. The gentleman is correct.

Mr. HASTINGS of Washington. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HASTINGS of Washington. Mr. Speaker, is this motion by the Democrat bill manager the only way that this bill may be amended under suspension of the rules?

The SPEAKER pro tempore. The motion is permitted to specify whatever text might be proposed for passage by the House. The motion is debatable for 40 minutes and not subject to amend-

ment, not even with unanimous consent.

Mr. HASTINGS of Washington. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HASTINGS of Washington. Mr. Speaker, just to clarify, then, under suspension of the rules, no other Member except the Democrat bill manager may offer amendments or text directly to S. 22 to change any other provisions of the bill which have not been considered by the House or which have substantive issues like cutting off recreational opportunities, reducing border security, locking up energy sources, or high costs?

The SPEAKER pro tempore. The motion is debatable for 40 minutes and is not subject to amendment, not even by unanimous consent.

Mr. HASTINGS of Washington. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HASTINGS of Washington. Mr. Speaker, if S. 22 had been considered under an open rule, would any Member with a germane amendment be able to offer that amendment?

The SPEAKER pro tempore. The Chair cannot speculate or respond to hypothetical questions.

Mr. HASTINGS of Washington. I think I know the answer, but further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may ask.

Mr. HASTINGS of Washington. Mr. Speaker, could the Rules Committee have issued a rule to allow Members from both sides of the aisle to offer amendments to strike objectionable provisions or restore House-passed language which was not included by the Senate?

The SPEAKER pro tempore. The Chair cannot speculate or respond to hypothetical questions.

Mr. HASTINGS of Washington. I suspected that would be your response, Mr. Speaker.

Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I oppose this motion to consider the Senate Omnibus Lands bill by suspending the rules of the House.

Let us be very clear about what's happening on the House floor this morning. For weeks and months, Democrat leaders in the Senate and the House, and outside special interest groups, have repeatedly insisted that the House must pass this massive Senate bill without changing a single word or it will be doomed to Senate purgatory and no further action will be taken. This was the justification given for why every Member of this House should be blocked from offering their ideas and amendments to improve or

change this 1,200-page bill. Yet this morning, as I have just confirmed with the Speaker through the parliamentary inquiry, Democrat leaders are using the special suspension process to amend the Senate bill and simultaneously block other Members from offering an amendment.

The Senate's Rubicon of not changing one word has now been crossed. S. 22 has been amended. If we change one part of the bill, then this House deserves the opportunity to consider it in an open and fair manner. Instead, the Democrat leaders are shutting down everyone from offering amendments, including Democrats who have publicly been outspoken about wanting to remove entire provisions from S. 22. I urge these Democrats and all House Members to oppose this bill under suspension and demand a fair and open process of debate.

The suspension process, Mr. Speaker, should be reserved for noncontroversial bills with little or no cost to the taxpayers. Yet, this Senate Omnibus Lands bill costs over \$10 billion and consists of over 170 bills folded into a 1,200-page monster piece of legislation. Mr. Speaker, this is an extreme abuse of the process for considering bills under suspension of the rules.

Under suspension of the rules, the House has only 40 minutes to debate the bill. With over 170 bills in this omnibus package, that allows just seven seconds—seven seconds—to debate each bill. And of these 170 plus bills, 100 of them have never been passed by the House. Any notion that this is just a package of bills already passed by the House is absolutely false.

Now, I know that for some Members there may be a page or two in this 1,200-page bill that does something positive for their district. In fact, three separate pieces of legislation, Mr. Speaker, that I authored were attached to this package. But I am more concerned about the other bills that have not been closely examined or been debated by the House.

This massive bill was assembled behind closed doors with the purpose of creating a package that tries to force individual Members to vote for it in order to get their own bill passed despite broad policy differences that will have serious and harmful impacts. Members of the House should consider this bill in its entirety and what it does for our country.

This bill contains 19 provisions to block American-made energy production, locking away hundreds of millions of barrels of oil and trillions of cubic feet of natural gas. Under this bill, our country becomes less secure, and we must rely on foreign imports of energy to fuel our vehicles and run our businesses.

When the Federal Government shuts down energy production in America, we are sending good-paying jobs overseas.

Over 3 million acres of land will be locked up from possible energy production, and new jobs won't be created when Americans desperately need them in these times. With our economy reeling, and thousands of Americans losing jobs every week, this is a poisonous policy that makes it tougher and more expensive to get America's economy back on track.

This bill also bans recreational access to millions of acres of public lands despite proponents' claims that it will do otherwise. Lands that citizens currently use for enjoyment will be barricaded from recreational vehicle use. Riding a bicycle won't even be allowed.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield myself an additional 30 seconds.

Mr. Speaker, this bill costs \$10 billion at a time when taxpayers and the economy simply can't afford it. Our National Parks Service system can't even keep existing priorities open and in working order.

With the maintenance backlog of \$9 billion on existing lands, Congress should not be passing a \$10 billion bill to buy more lands to make the problem worse. This bill makes it more difficult for the Border Patrol and other law enforcement agencies to secure the southern border. And this bill makes criminals and potential felons out of children who want to collect fossils on Federal lands.

Mr. Speaker, I could go on much longer, but I only have 20 minutes for debate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself an additional 15 seconds.

And we are considering a package of over 170 bills, with just seven seconds to debate each bill's cost.

So I urge my colleagues, Mr. Speaker, to oppose passage of this bill under suspension of the rules and insist on the ability to consider under an open process that allows for amendments.

Mr. Speaker, I oppose this motion to consider the Senate Omnibus Lands bill by suspending the rules of the House.

Let us be very clear about what's happening on the House Floor this morning. For weeks and months, Democrat leaders in the Senate and the House, and outside special interest groups, have repeatedly insisted that the House must pass this massive Senate bill without changing a single word or it will be doomed to Senate purgatory and no further action will be taken.

This was the justification given for why every Representative in this House should be blocked from offering their ideas and amendments to improve or change this over 1,200 page bill.

Yet this morning, Democrat Leaders are using the special suspension process to amend the Senate bill and simultaneously block every other Representative from offering an amendment.

The Senate's rubicon of not changing one word has now been crossed. S. 22 has been amended. So then why isn't the House allowed to consider additional amendments except the one approved by Democrat leaders. If we change one part of the bill, then this House deserves the opportunity to consider it in an open and fair manner. Instead, Democrat leaders are shutting down everyone from offering amendments, including Democrats who've been publicly outspoken about wanting to remove entire provisions from S. 22 that they strongly oppose. I urge these Democrats and all House Members to oppose this bill under suspension and demand a fair, open process of debate on this bill in the House.

The suspension process is reserved for noncontroversial bills with little cost to the taxpayer. Indeed, other bills on suspension today include supporting the goals of International Woman's Day, urging the President to designate 2009 as the Year of the Military Family, and supporting the designation of Pi Day. Yet, this Senate Omnibus Lands Bill costs over 10 billion dollars, and consists of over 170 individual bills being amassed into a 1,200 page monster piece of legislation. This is an extreme abuse of the process for considering bills under suspension of House rules.

Under suspension of the rules, the House has only 40 minutes to debate the bill. I've been recognized for 20 of those minutes. With over 170 bills in this Omnibus, that allows just 7 seconds . . . 7 seconds . . . to debate each bill.

And of these 170 plus bills, some 100 of them have never been passed by the House. Any notion that this is just a packaging of bills already passed by the House is absolutely false.

I recognize what I have just spoken about is inside baseball, legislative process arguments, yet it is important for the American public to understand the heavy-fisted manner in which this House is being run. It's also important for all Representatives to understand that this bill has now been amended and that we should have the opportunity to consider other changes to it.

For every Member of the House, there may be a page or two in this 1,200 page bill that does something positive in your district. In fact, three separate pieces of legislation that I authored were attached to this package. However, I am more concerned about the other bills that have not been closely examined or debated by the House. This massive bill was written behind-closed-doors with the purpose of creating a package that tries to force individual Members to vote for it in order to get their own small bill passed despite broad policies that will have a serious and harmful impact. Members of the House should consider this bill in its entirety and what it does to our country.

It contains 19 provisions to block American-made energy production, locking away hundreds of millions of barrels of oil and trillions of cubic feet of natural gas. Under this bill, our country becomes less secure as we must rely on foreign imports of energy to fuel our vehicles and run our businesses. When the federal government shuts down energy production here in America, we're sending good-paying jobs overseas. Over 3 million acres of land will

be locked up from possible energy production and new jobs won't be created when Americans desperately need them. With our economy reeling and thousands of Americans losing jobs every week, this is a poisonous policy that makes it tougher and more expensive to get America's economy back on track.

This bill bans recreational access to millions of acres of public lands despite proponents' claims that it will protect vast new land areas for the appreciation of Americans. Lands that citizens currently use for enjoyment will be barricaded from recreational vehicle use. Riding a bicycle won't even be allowed. The harm to American's outdoor enjoyment is so outrageous that even ESPN has covered it.

This bill costs \$10 billion at a time when taxpayers and our economy simply can't afford it. Our National Parks System can't even keep existing properties open and in working order. With a maintenance backlog of 9 billion dollars on existing lands, Congress should not be passing a \$10 billion bill to buy more land and make the problem worse.

This bill makes it more difficult for the Border Patrol and other law enforcement to secure our southern border by restricting vehicle access onto specific lands. This bill would make criminals and potential felons out of children and others who collect fossils on federal lands.

Mr. Speaker, I could go on much longer, but we have only 20 minutes for debate and we're considering a package of over 170 bills, so we have just 7 seconds to debate each bill's cost and effect upon domestic energy production, American jobs, recreation access to public lands, and border security. I urge my colleagues to oppose passage of this bill under suspension of the rules and insist on the ability to consider it under a fair, open process that allows for amendments.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. To respond to the gentleman, over 70 bills in this omnibus land package were considered by our Committee on Natural Resources and passed out of the House of Representatives. Some 20 more were reviewed by our committee during the last session of Congress when the gentleman from Washington was on a leave of absence from our committee.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Arizona, the subcommittee Chair of our National Parks Subcommittee, a gentleman who has been very instrumental in crafting this legislation and does so much for our national parks, Mr. GRIJALVA.

Mr. GRIJALVA. Thank you, Chairman RAHALL.

S. 22 will likely be the most important piece of conservation legislation we consider this year, and perhaps this Congress.

After too many years, during which the condition of our national parks, forests, and wildlife refuges were totally ignored, after too many years where clean and abundant water, clean air, healthy trees and healthy wildlife were not priorities, S. 22 is a long over-

due recommitment to the protection and the preservation of our natural and cultural resources that make this Nation truly great.

Contrary to stated cost estimates, CBO has stated this package is budget neutral. And according to just about every environmental, outdoor recreation, sportsmen's and historic preservation group, it's the best thing they've seen in a long, long time.

I am particularly proud of the inclusion of my legislation, the National Landscape Conservation System within the Bureau of Land Management. NLCS was created administratively a decade ago. It covers approximately 26 million acres—about 10 percent of the land administered by the Bureau of Land Management—including National Scenic and Historic Trails, national conservation areas, national monuments, wilderness areas, wild and Scenic Rivers, and wilderness study areas managed by BLM. These individual units make up the National Landscape Conservation System. They are unique and ruggedly beautiful areas with truly nationally significant resources.

Mr. Speaker, the opponents of this bill seem to be concerned that it will somehow change or alter current management of these lands. This is simply not true, and it's obvious if you read the text of the legislation.

After almost a decade of success, it's time for Congress to put its stamp of approval on this system by formally authorizing NLCS. That authorization, combined with the important wilderness, wild and scenic river trails, and other designations in this package will begin the process of restoring the American people's faith in our ability to serve as good stewards of the incredible natural and cultural resources which make this Nation blessed.

□ 1045

Mr. HASTINGS of Washington. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, first of all, I thank the ranking member and gentleman from Washington for yielding, and I ask unanimous consent to have my statement made as a part of the RECORD as well as an exchange of letters between Chairman CONYERS and Chairman RAHALL.

This Public Land bill includes a provision that falls squarely within the jurisdiction of the House Judiciary Committee. Subtitle D of title six of the bill imposes both civil fines and criminal penalties for the excavation and removal of fossils and other archeological items from federal lands.

It also includes provisions relating to forfeiture and judicial review and enforcement of administrative fines—all within the purview of the Judiciary Committee.

Unfortunately, the Judiciary Committee was not given an opportunity to review or amend

this language before consideration of S. 22 on the House floor today.

This provision incorporates the Paleontological Resources Preservation Act, which was introduced in the 110th Congress. Judiciary Chairman CONYERS and I raised questions about this language in the last Congress. Staff from the House Resources Committee worked with our staff to try to address these concerns.

Subtitle D employs several approaches to regulate the removal of fossils from federal lands, including criminal penalties. Certainly, the removal or destruction of fossils is inappropriate and should be deterred. But in its haste to solve this problem, the Senate concluded that a term of imprisonment is the answer.

Subtitle D makes it a felony punishable by up to five years in prison to remove fossils from federal lands.

Even more troubling is that this crime could apply to a person who unintentionally removes a fossil or artifact from federal land; that is, who has no knowledge that the item may be a fossil or artifact. So someone could pick up what they thought was an interesting pebble and face five years in prison. I hope no Member thinks that is appropriate.

These and other issues demonstrate the importance of proper deliberation and review of criminal statutes by the Judiciary Committee before bills reach the House floor.

Chairman CONYERS and Chairman RAHALL have committed to working with me on bipartisan legislation to promptly address the various defects in the criminal penalty language, and I appreciate their support. It is our hope that this legislation will move quickly through the committee process and be considered on the House floor under suspension of the rules.

We must ensure that any criminal penalties imposed for the removal of fossils or artifacts from federal lands are directed at actual criminals and do not include the unintentional acts of law-abiding citizens who visit our national parks and forests each year.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 5, 2009.

Hon. NICK RAHALL,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

DEAR CHAIRMAN RAHALL: I am writing regarding S. 22, the Omnibus Public Land Management Act of 2009, which has been received in the House after passing the Senate.

Subtitle D of title VI of that bill is a measure based on H.R. 554 from the 110th Congress, the Paleontological Resources Preservation Act, containing significant provisions within the Rule X jurisdiction of the Judiciary Committee, including criminal penalties, judicial review and enforcement of administrative fines, use of civil and criminal fines, and forfeiture. The Judiciary Committee received an extended referral of H.R. 554 in the 110th Congress, and our two committees had extensive discussions about refining the bill in important respects.

While I understand and support the decision, in light of the difficulty in passing S. 22 in the Senate, to attempt to pass it in the House without amendment to ensure it reaches the President, I regret that we will be unable to make appropriate refinements to the provisions in the Judiciary Committee's jurisdiction before the bill becomes law. I appreciate your willingness to work

with me to make these refinements as soon as practicable in subsequent legislation.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this matter, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, JR.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, February 5, 2009.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning the paleontological resource provisions of Subtitle D of Title VI of S. 22 that fall within the jurisdiction of the Committee on the Judiciary. I appreciate your understanding of the need to consider S. 22 in the House without amendment so as to ensure its enactment in a timely manner. I recognize the interest of your committee in these specific provisions and will work with you to make any necessary and appropriate refinements in subsequent legislation.

This letter, as well as your letter, will be entered into the Congressional Record during consideration of S. 22 on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,
Chairman, Committee on Natural Resource.

MR. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from California (Mr. NUNES).

MR. NUNES. Mr. Speaker, this bill contains a provision called the San Joaquin River Settlement. It's a poison pill that targets my constituents. If you vote for this bill today, you vote to end agriculture in the San Joaquin Valley. This bill simply dries up 300,000 acres of farm ground. We already have 16 percent unemployment in my district. This bill ensures 20 percent.

I thought this Congress wanted to create jobs. Do radical environmentalists really possess the power to force Congress to choose dead fish over living communities? How could this possibly be in the best interest of our country during these economic times? Spending \$21 million per fish to recover a Mystic Salmon run is completely irresponsible. Citizens Against Government Waste and the National Taxpayers Union have labeled this "The Billion Dollar Fish Fry."

Mr. Speaker, if you like tumbleweeds, dry dirt, bankrupt farmers, communities without water, and people without jobs, you're going to love this bill. If you believe that the most basic rule of government is to provide water to the people, you must vote "no." It's hard to imagine a more flawed approach than the one this Congress has taken today. Greed, dishonesty, and the vain hope of relief from

lawsuits seem to be the primary motivation for passage of this bill.

Mr. Speaker, I urge my colleagues to vote "no" on this disastrous piece of legislation.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. BAIRD. Will the gentleman yield?

Mr. Speaker, the prior gentleman described greed, dishonesty, and some other thing as a motivation for the bill. Would the Speaker please remind the gentleman that questioning motivation is not acceptable?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to address the Chair and refrain from improper personal remarks.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE), who has been very instrumental in crafting additional language in this bill.

Mr. ALTMIRE. Mr. Speaker, I rise today in support of my amendment to the public lands bill S. 22. I commend my colleagues in both the House and the Senate for their efforts to advance the over 150 largely noncontroversial bills that are included in the underlying legislation.

This bill preserves key components of America's natural heritage for generations to come. However, as passed by the Senate, this bill did not do enough to protect the rights of our Nation's sportsmen. For this reason I worked to include in this bill language to rectify that oversight. I am pleased that the House has added my amendment to the public lands bill we're considering today because unless Congress includes the specific protections my amendment adds to this bill, efforts to regulate or limit hunting, fishing, or trapping could potentially move forward in the future.

Last year I offered an amendment to protect the rights of sportsmen on nearly 27 million acres of public lands within the National Landscape Conservation System. It passed the House 416-5 and is maintained within Title II of today's bill. Today we simply extend those same protections to two other sections of the bill: rivers and trails in title V and heritage areas in title VIII. This ensures that nothing in these sections of the bill shall regulate hunting, fishing, and trapping or limit their access to these public lands.

My amendment is straightforward and simple. It's supported by the NRA, and with its inclusion, I urge my colleagues, especially supporters of the second amendment, to vote in favor of this public lands bill today.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, here again on this House floor a 1,294-page

bill has been dropped onto the American people with no committee hearing, not even a Rules Committee hearing, spending \$10 billion.

* * *

Mr. RAHALL. Mr. Speaker, I ask that the gentleman's words be taken down.

The SPEAKER pro tempore. The Clerk will report the words.

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent to withdraw my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CULBERSON. Mr. Speaker, it is important, however, that this House of Representatives represent the people and do so in a way that does not demonstrate contempt for the opinion of the people. A 1,294-page bill, Mr. Speaker, has been dropped on the floor without regard for committee hearings, without regard for transparency, without regard to the promise that this leadership made to be the most transparent, open, and accountable Congress in the history of the United States, spending \$10 billion that our children do not have. That is a complete violation of all the promises made by this leadership to the people.

And look at the bill that they're passing. This piece of legislation will make a criminal out of every tourist traveling to the western United States who makes the mistake of picking up a rock and throwing it in their trunk. Grandma and Grandpa are going to be thrown in jail. And read from the bill if you don't believe me. If you don't have a permit, if you're not a qualified paleontologist, and you pick up a rock and throw it in the car, if you alter a rock on federally owned land in most of the western States and throw it in the car, it is 5 years in prison, Page 526 of the bill, 5 years in prison for putting a rock in your trunk. You will have the vehicle confiscated.

Turn to Page 531: "All vehicles and equipment shall be subject to civil forfeiture." So ladies and gentlemen of the Congress, if you vote for this bill, you're voting to subject your constituents to be thrown in jail. Grandma and Grandpa with the grandkids traveling in the western States, if they pick up a rock and throw it in the car, 5 years in jail, thousands of dollars in fines, and the Winnebago is going to be confiscated. This is dead wrong.

Mr. RAHALL. Mr. Speaker, I think previous colloquies or language at least put into this debate by the gentleman from Texas (Mr. SMITH) made it very clear that it is not the intent of the sponsors of this legislation to see innocent civilians collecting fossils on public lands go to jail. That's not the intent, and it's been made very clear both in the legislation and already in this debate thus far.

Mr. Speaker, I yield for the purpose of making a unanimous consent to the distinguished gentleman of our Energy and Minerals Subcommittee, the gentleman from California (Mr. COSTA).

Mr. COSTA. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of two important pieces of legislation that I have sponsored and that are now included in the natural resources bill that we have received from the Senate, S. 22.

SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

The first, the San Joaquin River Restoration Settlement Act, will bring to a close 18 years of litigation between the Natural Resources Defense Council, the Friant Water Users Authority, the U.S. Department of the Interior and others. Representatives CARDOZA, MCNERNEY and RADANOVICH joined me as co-sponsors of this legislation. This bill is similar to the one that we introduced in the waning days of the 109th Congress, and reintroduced at the beginning of the 110th Congress as H.R. 24. The bill approves, authorizes and helps fund an historic Settlement on the San Joaquin River in California.

However, the bill we are introducing today does reflect a few significant changes resulting from discussions among the numerous Settling Parties and various "Third Parties" in the San Joaquin Valley of California. During the past year the parties to the settlement and these affected third parties, such as the San Joaquin River Exchange Contractors, have agreed to certain changes to the legislation to make the measure PAYGO neutral and to enhance implementation of the settlement's "Water Management Goal" to reduce or avoid adverse water supply impacts to Friant Division long-term water contractors. The legislation that we are voting on today incorporates these changes, which are supported by the State of California and major water agencies on the San Joaquin River and its tributaries. The Bush Administration also supported this legislation.

This bill will approve a settlement that seeks to restore California's second longest river, the San Joaquin, while maintaining a stable water supply for the farmers who have made the San Joaquin Valley the richest agricultural area in the world.

The Settlement has two co-equal goals: to restore and maintain fish populations in the San Joaquin River, including a self-sustaining salmon fishery, and to avoid or reduce adverse water supply impacts to long-term Friant water contractors. Consistent with the terms of the Settlement, we expect that both of these goals will be pursued with equal diligence by the federal agencies.

The bill also authorizes \$1 million for the California Water Institute at California State University, Fresno, for the creation of an Integrated Regional Water Management Plan for the Central Valley. The plan will serve as a guide for those in the study area to use to address and solve long-term water needs in a sustainable and equitable manner.

This legislation is crucial. Without this consensus resolution, the parties will continue the fight, resulting in a court-imposed judgment. It is widely recognized that an outcome imposed by a court is likely to be worse for everyone

on all counts: more costly, riskier for the farmers, and less beneficial for the environment.

The Settlement provides a framework that the affected interests can accept. As a result, this legislation has enjoyed the strong support of the Bush Administration, California Governor Schwarzenegger's Administration, the environmental and fishing communities and numerous California farmers and water districts, including the Friant Water Users Authority and its member districts that have been part of the litigation.

When the Federal Court approved the Settlement in late October, 2006, Secretary of the Interior Dirk Kempthorne praised the Settlement for launching "one of the largest environmental restoration projects in California's history." The Secretary further observed that "This Settlement closes a long chapter of conflict and uncertainty in California's San Joaquin Valley . . . and open[s] a new chapter of environmental restoration and water supply certainty for the farmers and their communities."

I share the former Secretary's support for this agreement, and it is my honor to join with Representatives CARDOZA, MCNERNEY and RADANOVICH, as well as Senators FEINSTEIN and BOXER who have previously introduced and supported this legislation to authorize and help fund the San Joaquin River Restoration Settlement.

For almost two years we have worked with the parties to the settlement, affected third party agencies and the State of California to ensure that the legislation complies with congressional PAYGO rules.

In November of 2007, the House Natural Resources Committee favorably reported a revised version of the bill (H.R. 4074) that included amendments conditionally agreed to by the parties that allow most Friant Division contractors to accelerate repayment of their construction cost obligation to the Treasury. In May of 2008, the Senate Energy and Natural Resources Committee favorably reported the Senate companion measure (S. 27) with provisions that further refined the accelerated repayment concept and addressed third party concerns about its implementation. These changes, included in the bill we introduce today, both increase the amount of up-front funding available for the settlement and decrease the bill's PAYGO "score" by \$88 million, according to the Congressional Budget Office. In exchange for agreeing to early repayment of their construction obligation, Friant water agencies will be able to convert their 25-year water service contracts to permanent repayment contracts, so-called "9D contracts" under federal Reclamation Law.

I note that the Bureau of Reclamation and the Friant Water Users Authority on behalf of its members have had very specific discussions on how the repayment amounts will be calculated in accordance with this legislation, memorialized in a letter dated February 20, 2009, from Mr. Donald Glaser, Regional Director of the Bureau of Reclamation for the Mid-Pacific Region. I request that Mr. Glaser's letter be inserted in the RECORD.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Sacramento, CA, February 20, 2009.

Mr. RONALD JACOBSMA,
General Manager, Friant Water Users Authority,
Lindsay, CA.

Subject: Financing Provisions of the San Joaquin River Restoration Settlement Act.

DEAR MR. JACOBSMA: As you are aware, amendments were made early in 2008 to the proposed San Joaquin River Restoration Settlement Act (Act) in an effort to reduce the "PAYGO" score of the Act. One of the amendments made in the Act would authorize and direct the Secretary of the Interior to convert certain Friant Division, Hidden Unit, and Buchanan Unit irrigation contractors' water service contracts to water repayment contracts, subject to certain provisions. The Act was recently passed by the Senate as Title X, Subtitle A, Part 1, of S. 22, and we expect the House of Representatives to consider it shortly. As you know, staff from the Bureau of Reclamation and the Friant Water Users Authority have had technical discussions concerning the financing provisions of the bill. This letter and enclosures set forth our understanding of how the financing provisions will be implemented if the conversion sections of the Act, found in Section 10010, are in their current form upon enactment, if those provisions of the bill are modified before enactment, we will of course need to reevaluate whether the information in this letter and enclosures is still accurate.

Enclosed is a summary of each of the financing provisions in Section 10010 related to the contract conversion and our understanding of how they would be implemented by Reclamation (Enclosure 1). Also, enclosed are two specific examples to demonstrate how the financial calculations for this conversion and related funding would work given a number of specific assumptions (Enclosure 2). Enclosure 2 consists of a description of the assumptions used and a spreadsheet for each of the examples.

If there are any problems with the information provided in the enclosures, please contact Jason Phillips as soon as possible to discuss and resolve.

Sincerely,

DONALD R. GLASER,
Regional Director.

These new contracts will be administered as repayment contracts consistent with federal Reclamation Law, including the Acts of August 4, 1939 (ch. 418, 53 Stat. 1187) and July 2, 1956 (ch. 492, 70 Stat. 483). The later Act, among other things, provides in part that the contractors shall have a first right ". . . to a stated share or quantity of the project's available water supply . . . and a permanent right to such share or quantity upon completion of payment. . . ." It is my understanding that, except as specifically provided in this legislation, the operative provisions of such repayment contracts will be substantially similar to the existing water service contracts.

The bill also provides in Section 10010(c)(1) that, consistent with Section 213(a) of the Reclamation Reform Act of 1982, the ownership and full-cost pricing provisions of federal Reclamation Law no longer will apply to the individual Friant Contractors upon repayment of their capital obligations. A question has arisen as to whether these Reclamation Law limitations would apply to water delivered under such a repayment contract after full repayment of capital, where a Friant contractor also had a contract for another supply under

a water service contract, such as the Cross Valley Canal contract. It is my understanding that the Department of the Interior and Friant contractors concur that in such a situation, the acre-limitation and full-cost pricing provisions would not apply to water delivered from Central Valley Project facilities for which the capital costs had been fully paid, but would apply to water delivered from Project facilities for which the capital costs had not been repaid, such as water from the Cross Valley Canal contracts.

The Senate Committee amendments also included new provisions to enhance the water management efforts of affected Friant water districts. These provisions are contained in Part III of Title X, Subpart A, of the legislation before the House today. These changes were developed by the parties to the settlement at my request and the request of Mr. CARDOZA and Mr. RADANOVICH to ensure that the Friant districts have the best opportunity to mitigate water supply impacts resulting from the Settlement.

Specifically, the legislation now includes new authority to provide improvements to Friant Division facilities, including restoring capacity in canals, reverse flow pump-back facilities, and financial assistance for local water banking and groundwater recharge projects, all for the purpose of reducing or avoiding impacts on Friant Division contractors resulting from additional River flows called for by the Settlement and this Legislation.

In addition, with respect to Part III authorizing financial assistance for local projects for water banking and groundwater storage, recovery and conveyance, the bill authorizes the Bureau of Reclamation to share up to 50 percent of the cost of such projects. It is my understanding that in administering other cost-sharing programs, the Bureau typically provides the maximum cost sharing authorized unless the applicant requests less.

Near the end of the 110th Congress, parties to the Settlement and affected third parties came to agreement on additional provisions that would greatly facilitate passage of the bill by making it fully PAYGO-neutral.

The legislation we are introducing today includes substantial funding, including direct spending on settlement implementation during the first ten year period of \$88 million gained by early repayment of Friant's construction obligation, and substantial additional funding authorized for annual appropriation until 2019, after which it then becomes available for direct spending again. This additional funding is generated by continuing payments from Friant water users and will become directly available to continue implementing the settlement by 2019 if it has not already been appropriated for that purpose before then.

In 2006, California voters showed their support for the settlement by approving Propositions 84 and 1E, which will help pay for the Settlement, with the State of California now committing at least \$200 million toward the Settlement costs during the next 10 years. When State-committed funding, direct spending authorized by the bill, and highly reliable funding from water users are added together, there is at least \$380–390 million available for implementing the Settlement over the next 10 years, with additional dollars possible from additional federal appropriations.

It is my understanding that Senator FEINSTEIN intends to work during the 111th Congress to find a suitable offset that will allow restoration of all of the direct spending envisioned by the settlement without waiting until 2019, and I will do whatever I can to aid in those efforts.

Today's legislation continues to include substantial protections for other water districts in California who were not party to the original settlement negotiations. These other water contractors will be able to avoid all but the smallest water impacts as a result of the settlement, except on a voluntary basis.

The bill we are introducing today contains several new provisions to strengthen these third-party protections in light of the changes made to address PAYGO. These include safeguards to ensure that the San Joaquin River Exchange Contractors and other third parties will not face increased costs or regulatory burdens as a result of the PAYGO changes.

This agreement would not have been possible without the participation of a remarkably broad group of agencies, stakeholders and legislators, reaching far beyond the settling parties. The Department of the Interior, the State of California, the Friant Water Users Authority, the Natural Resources Defense Council on behalf of 13 other environmental organizations and countless other stakeholders came together and spent countless hours with legislators in Washington to ensure that we found a solution that the large majority of those affected could support.

I urge my colleagues in the House to approve this legislation and provide the Administration the authorization it needs to fully carry out the restoration, water management and other actions called for under the settlement.

SEQUOIA AND KINGS CANYON NATIONAL PARKS WILDERNESS

I also rise today in support of the Sequoia and Kings Canyon National Parks Wilderness designation.

This provision adds about 85,000 acres of wilderness in the Sequoia and Kings Canyon National Parks in California. About 45,000 acres of the wilderness created by this bill will be incorporated into the currently existing Sequoia-Kings Canyon Wilderness area. The other 40,000 acres will comprise a new wilderness area, which will be named after former Congressman John Krebs.

John Krebs served two-terms in Congress, from 1975 to 1979, representing California's San Joaquin Valley and the central Sierra Nevada mountains that include Sequoia and Kings Canyon National Parks. He was born in Berlin in 1926 and immigrated to the United States in 1946. He graduated from the University of California and later US's Hasting College of Law. He had lived in Fresno, California since 1958 and prior to being elected to Congress was active in local government, including serving a term on the Fresno County Board of Supervisors.

I had the great privilege of working in John Krebs first congressional campaign and joining him during his first term in Washington. It was through his efforts that Congress first provided federal wilderness designation for the Mineral King area.

The wilderness areas designated by this Act include some spectacular areas within the Se-

quoia and Kings Canyon National Parks. The Redwood Canyon area contains Redwood Mountain Grove, the largest stand of Giant Sequoia within the parks. The Redwood Canyon area also includes over 75 known caves, including the longest cave in California with over 21 miles of surveyed passage.

This bill is obviously very important to me—both for preserving these natural areas for future generations, as well as for honoring my former boss—and I urge my House colleagues to approve S. 22 so this measure can become law.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California, our subcommittee Chair of our Water and Power Subcommittee, Mrs. GRACE NAPOLITANO.

Mrs. NAPOLITANO. Mr. Speaker, allow me to speak in support of Senate bill 22, the Omnibus Public Land Management Act of 2009, within which are 30 separate authorizations for the Bureau of Reclamation and the United States Geological Survey.

The 30 bills include and highlight the changing Western water environment. The bill authorizes conservation, water-use efficiencies, water recycling projects, addresses aging infrastructure issues, and allows for the feasibility study of many much-needed water projects.

Our Subcommittee on Water and Power heard most of these bills. Some were Senate bills, and were approved by unanimously by both sides. Seven California title XVI water recycling authorizations and two groundwater recharge authorizations are included in this bill. When completed, these projects will produce 500,000 acre-feet of reclaimed reuse water and added storage capacity. There are many areas of drought in the western States, including in my home State of California, which is now facing its third unprecedented drought year. Title XVI projects would allow for communities to expand their local water resources and lessen their reliance on unreliable imported water supplies.

Finally, this legislation will ratify two tribal water right settlements in Nevada and New Mexico and set a funding mechanism for many other settlements across the West. Most importantly, S. 22 will resolve many years of litigation and bring "peace in the valley" through a sustainable water supply for tribal and nontribal communities.

I might add this was on a bipartisan basis out of my committee at all times.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. BROWN), a member of the committee.

Mr. BROWN of Georgia. John Locke, the great political philosopher, stated that "the preservation of property is the reason for which men enter into society" and that "no government hath the right to take their property, or any

part of it, without their own consent, for this would be in effect to leave them no property at all."

Our Nation is facing an economic crisis. Yet Democrats are forcing this Chamber to rush through the omnibus, or should I say ominous, lands bill today that will increase government spending by as much as \$10 billion and permanently lock up tens of millions of acres of the people's land.

The Federal Government already owns over 650 million acres of land that it can't take care of. The National Park Service alone faces a backlog of \$9 million worth of projects that need to be funded. If S. 22 were to pass, there will be more wilderness acres in the United States than the total amount of developed land. It is a huge attack on people's rights and especially property rights.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the gentleman an additional 15 seconds.

Mr. BROUN of Georgia. It is not the role of the Federal Government to hoard massive amounts of land, and I urge my colleagues to vote "no" on S. 22.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from California, Mr. MIKE THOMPSON.

Mr. THOMPSON of California. I thank the chairman for all the good work he's done on this bill and ask that we enter into a colloquy on this bill on the Trinity River.

Mr. Chairman, as you know, the Trinity River is the largest contributory to the Klamath River and is key to helping restore salmon and steelhead stocks along the entire Pacific coast. The Federal Government has a responsibility to the Hoopa Valley Indian Tribe and to the sport and commercial fishers to restore the fisheries of this great and important river. I respectfully request the chairman's cooperation in working with the new administration and the Appropriations Committee to help secure the adequate funding needed to restore the Trinity River to ameliorate any lost costs associated with the implementation of the San Joaquin River Settlement that is within this bill.

Mr. RAHALL. Will the gentleman yield?

Mr. THOMPSON of California. Yes.

Mr. RAHALL. I am mindful and remain committed to progress in implementing and funding the December 19, 2000, Trinity River restoration record of decision. Restoring the fishery resources of the Trinity River is important for the Hoopa Valley Indian Tribe, commercial and recreational fishing families along the coasts of California and Oregon. I agree to work with the gentleman from California in this regard.

Mr. THOMPSON of California. Thank you very much.

□ 1100

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to a very valuable member of the Natural Resources Committee, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, when I was teaching government, I taught my kids that a suspension was one of those noncontroversial bills for which it could be brought to the floor with a limited amount of debate and no opportunity for amendments.

We have, today, a suspension that is over 177 different measures, over half of which have never been discussed in either a House or the floor committee meeting till this morning. Twenty-three were never discussed in any committee hearing over in the Senate. When the true costs are extrapolated out over the time of the authorization, it will be close to \$8 billion to \$10 billion. And 37 times the description of provisions in this bill were called controversial, but that's okay, this is a suspension.

It doesn't matter that this bill has been criticized by the American Motorcyclists Association for taking millions of acres of land out of use for millions of people who want to use recreation, or been criticized by the U.S. Chamber of Commerce. Even ESPN criticized this particular bill. That's okay, though, this is still a suspension.

We have been told that there is a \$9 billion backlog in needs in the national parks. In the stimulus bill, apparently \$2 billion was put in there to meet the needs of the national parks, and now we exacerbate the problem with another 8 to \$10 billion in this particular bill.

This is the visitors' center in the Dinosaur National Monument in Utah. This is a brilliant place to go. They have been able to take away part of the mountains so a kid can go in there and actually see within the mountainside the fossils that are still there and see what scientists say is the beginning and be able to put them together. Unfortunately, no one has been able to access this building for the last 10 years because we don't have enough money to fix this building, which has been condemned.

Rather than fixing these types of buildings, within the bowels of this bill is a \$34 million earmark to create a new national park in Paterson, New Jersey, which will protect such natural wonders as a condominium, a butterfly garden and a microbrewery. This is a park that was not requested by the National Park Service or not recommended by the National Park Service. Nonetheless, we are putting \$34 million into that while these structures that we currently have in our national park system go vacant. That's okay. This is still a supplemental.

We will spend \$110 million on heritage areas. Eleven lucky heritage areas

will get Federal money to assist them in economic development and tourism development. If you don't happen to live in one of those lucky eleven areas, you will be losing tourists and losing economic development and having the wonderful opportunity to have your taxes pay for that approach.

In rough economic times like we have, this is brilliant policy by us. That's okay, it's still a suspension. Falls River in Massachusetts will have the lower Taunton declared a wild and scenic river.

The Wild and Scenic River Act was there to protect areas from development. By law or statute, you cannot have anything other than a needful building within a mile of the bank of a wild and scenic river.

Now, the last time that we were here, I went off, probably in excess, about showing ugly pictures in Falls River, Massachusetts. I shouldn't have done it. It's actually a very pretty community. The sponsors of the bill actually came back and showed pretty pictures of Falls River, Massachusetts.

The point is, it doesn't matter whether there are ugly pictures or pretty pictures, doesn't matter whether you think it's a cynical effort to stop production of some port or whether you believe the spin that this is for economic development. Regardless of whether you take any of those stands, all of those are not the purpose of a wild and scenic river.

This is Falls River, Massachusetts. These are not needful buildings within a half-mile of the bank. Regardless of how you look at that particular issue, it violates the spirit and the letter of the Wild and Scenic River Act. And it violates more than that, because it simply says the rule of law can be put apart that any time a majority comes on this floor and decides to vote for an issue that can now replace the standard of which we decide to deal with.

We have a problem with the great obstacles to our border control and border security. Within the bowels of this bill is another bill that will make it more difficult for border security, even on bicycles, to try and patrol Federal lands. Those are problems within this structure, and we are told that it's still a suspension.

We have about 12 Members, I counted, on the floor, engaging in this debate. Soon there will be 400 more coming through these doors without having heard the discussion, without having heard the debate and thinking this is nothing more than a suspension. We do need regular order.

Now, I want it very clear not only do I not own monkeys, but Mr. RAHALL is not to blame for this. Chairman RAHALL has done a perfect job on the House. Even in the bad bills he has brought forward, he at least went through regular order. This is a by-product of the Senate. This is a product of the Senate, and the Senate

should be ashamed to try and compile 177 different bills into one omnibus package. And we should be ashamed of actually debating it as a suspension.

Mr. RAHALL. Mr. Speaker, unlike the omnibus lands packages of the past by Republican Congresses that were jammed down our throats at the last minute, this bill has been around for well over a year in our committee. To have the bill described as being jammed down their throats at this point, the gentleman from Utah has been in quite a few battles with this bill, so he must know a lot about it.

I yield 1 minute to the gentleman from California, the distinguished chairman of our Education and Labor Committee, Mr. GEORGE MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding and for bringing this legislation to the floor. I particularly want to strongly support those items for title 16 of the Reclamation Act for water recycling and reuse. The projects in this bill are very good projects that are not in my district. They are all over the State in the southwest that have been authorized, but it's most important, as we enter again the third year of this drought, with continued stress put on all of the water systems throughout the West and the Southwest, that we get into recycling and reuse, this will allow communities to take control of their water resources to be more efficient in the use of them. It allows us to develop, just in this legislation alone, that these projects go forward and there is money in the stimulus for this. There was money in the appropriations bill for this.

We are seeing a savings of about half a million to a million acre feet of water in the West. That's real water. It's valuable water, and we have the ability to reuse it.

I want to thank the gentleman for this legislation and the subcommittee Chair, Mrs. NAPOLITANO, a champion of water recycling and reuse. And I would be remiss if I didn't mention the fact that this bill also protects the beautiful Passaic Falls in Paterson, New Jersey.

Mr. HASTINGS of Washington. Mr. Speaker, how much time on both sides remains?

The SPEAKER pro tempore. The gentleman from Washington has 5½ minutes and the gentleman from West Virginia has 7¾ minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from Wyoming (Mrs. LUMMIS), a new member of the committee.

Mrs. LUMMIS. Mr. Speaker, this is a very important issue to me.

I rise to oppose Senate 22, the Omnibus Public Land Management Act in the suspension, but my decision to oppose this was not an easy one, because two of the individual bills in this omni-

bus measure were introduced in honor of a dear friend of mine, one of the truest Western statesmen to have ever served in the United States Congress. I speak, of course, of the late Senator Craig Thomas, who was also a Member of this body, a tireless advocate and protector of those values that continue to shape Wyoming and its people.

Wyoming is a State blessed with unparalleled natural resources, from spectacular mountain ranges and wide open plains to the vast mineral deposits that lie beneath them. In Wyoming, we find balance regarding how those very resources are managed. The bill we are considering today fails in achieving that balance.

While our economy reels and the Federal deficit reaches record highs, this bill places an additional \$10 billion burden on the taxpayers in Wyoming and across the Nation. These are not dollars being spent to ease economic woes or create jobs, these are dollars being spent in large part to restrict access to our public lands, to limit responsible energy production in the West and to codify the vague and ill-conceived National Landscape Conservation System.

Supporters of this 1,200-page massive omnibus package will tell you that most of the bills it is comprised of are largely noncontroversial. In some cases they are correct, but in many cases they are not.

Nearly 100 of the bills wrapped into this measure were never considered by the full House, let alone by those of us who were freshmen. Absolutely no amendments are allowed to be offered today.

As such, I am afforded no opportunity to work with the people of my State to address the specific local concerns regarding the Wyoming portion of this package.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS of Washington. I yield the gentlelady an additional 15 seconds.

Mrs. LUMMIS. In today's vote we are asked to choose all or nothing. I know, Mr. Speaker, the House can do better. Our public lands deserve better.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to a very valued new member of our committee, Mr. MARTIN HEINRICH, the gentleman from New Mexico.

Mr. HEINRICH. Mr. Speaker, as a New Mexican, I rise today in strong support of this public lands package. This bill represents years of work by local citizens, sportsmen, and conservationists from around the Nation.

I know this firsthand. For years before I was elected to this body, I worked with sportsmen and conservationists to add the Sabinoso Wilderness to the National Wilderness Preservation System.

It was 3 years ago this month that then-Congressman and now Senator TOM UDALL, myself and the staff of the

New Mexico BLM office spent a long day exploring this beautiful and rugged area on horseback. The Sabinoso is a stunning piece of New Mexico, characterized by high mesas, deep canyons and abundant wildlife.

In New Mexico alone, this package will designate the Sabinoso Wilderness, protect one of the most unique and beautiful cave systems in the world and protect an area rich with dinosaur tracks. In addition, it authorizes critical investments in water infrastructure and efficiency for the pueblos of the Rio Grande Valley.

Mr. HASTINGS of Washington. Mr. Speaker, I think we are kind of out of balance here.

I will reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut, Mr. CHRIS MURPHY.

Mr. MURPHY of Connecticut. I thank the chairman for his work on this bill, and let me give yet another example of the good work that has been put into this bill.

For years there have been hundreds of volunteers and land conservationists from throughout Connecticut, New Hampshire and Massachusetts who put their time into preserving and upkeeping the Triple M Trail, the Metacombet Monadnock Mattabesett Trail. For years they have asked for a Federal partnership to work along with them to preserve this incredibly important resource for the more than 2 million people throughout the northeast who live within 10 miles of what we refer to as the Triple M Trail.

This 220-mile trail goes from southern New Hampshire's southern border all the way down to Long Island Sound and provides limitless opportunities for hikers and bikers and nature enthusiasts throughout the Northeast. This legislation, giving Federal designation to this trail, is going to provide, I think, a very important lasting partnership between the Federal Government, private landowners and local conservation groups to preserve this for generations to come, and I urge passage of this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, could I inquire of my friend from West Virginia how many speakers he has.

Mr. RAHALL. If the gentleman will yield, I have four speakers, and it is my intention to conclude the debate.

Mr. HASTINGS of Washington. I will reserve my time.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Washington, Mr. BRIAN BAIRD.

Mr. BAIRD. Title XII of S. 22 contains four important ocean bills, including the Federal Ocean Acidification Research and Monitoring Act. For those who are unfamiliar with it, what this bill deals with is one of the grave threats of carbon buildup in the atmosphere and in the oceans.

Briefly, 25 percent of the carbon that is emitted is dissolved in the ocean. That makes the water more acidic, more acidic water creates difficulties for shellfish acquiring the minerals they need, and that applies to everything from phytoplankton to oysters, crabs, et cetera. It is a grave threat to the Nation and to the environment of the planet, and this bill is a major step forward in addressing this critical need.

I applaud this bill not only for this portion of the ocean element, but three other critical pieces of legislation to better understand our ocean, and urge its passage.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Virginia, Mr. TOM PERRIELLO.

Mr. PERRIELLO. Mr. Speaker, I rise in support of the Omnibus Public Land Management Act, as amended by the gentleman from Pennsylvania.

As an Eagle Scout, the outdoor experiences I enjoyed helped shape my character and my commitment to public service. All future generations should have the same opportunity to enjoy our natural heritage that I had growing up in the shadow of the Blue Ridge Mountains.

As amended, this act protects our outdoors and also our freedoms. Sportsmen are some of our strongest conservationists, and their ability to enjoy our natural heritage must be preserved. I am happy that language has been added to ensure that no provision will be used to limit access to public lands for hunting and fishing.

I hope this Chamber will continue to do all in its power to defend the freedom of our sportsmen and all Americans, be it their right to access public lands or their individual right to bear arms. Theodore Roosevelt once said, "The farther one gets into the wilderness, the greater is the attraction of its lonely freedom."

The experience of the outdoors leads sportsmen, scouts, seniors, outdoorsmen and all Americans to understand the true meaning of freedom.

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Mr. HASTINGS of Washington. I will reserve.

Mr. RAHALL. How much time does the gentleman from Washington have, and what are his intentions to use it?

The SPEAKER pro tempore. The gentleman from Washington has 3¼ minutes.

Mr. HASTINGS of Washington. And I have two speakers, including me.

Mr. RAHALL. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, can I inquire of my friend how many speakers he has left?

Mr. RAHALL. Two.

Mr. HASTINGS of Washington. Including you?

Mr. RAHALL. Not including me.

Mr. HASTINGS of Washington. Why don't I reserve my time, and we'll be even.

Mr. RAHALL. All right. Then I will yield 1 minute to the gentleman from Virginia, Mr. GERALD CONNOLLY.

Mr. CONNOLLY of Virginia. I want to thank the distinguished chairman for his work on this very important bill. I also want to recognize my distinguished colleague, RICK BOUCHER of Virginia, for his extraordinary leadership on the Virginia Ridge and Valley Act, which is part of the Omnibus Public Land Management Act.

Virginia Ridge and Valley will permanently protect 43,000 acres of Jefferson National Forest as Wilderness, and it will also protect an additional 12,000 acres by creating two new National Scenic Areas.

These Wilderness and National Scenic Areas protect old-growth forests in the headwaters of some of the most ecologically sensitive rivers in Virginia, the Clinch and the Holston.

I congratulate the work of the committee; the distinguished chairman; and my colleague, Mr. RICK BOUCHER, and I urge passage of the legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to a new member of the Natural Resources Committee, the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Thank you. More than 160 titles are wrapped into more than 1,200 pages in this bill. Seventy-five of these titles in the House and 23 in the Senate have never been considered, introduced, or debated. We need openness, transparency, and debate on all bills, and this lands bill falls far short.

This bill takes roughly 8 trillion cubic feet of natural gas and 300 million barrels of oil out of production in Wyoming. At a time when we must strive for energy independence, and people need jobs, this is not a time to further lock up our resources.

This bill is also filled with pork: \$3.5 million to celebrate the anniversary of St. Augustine, Florida; \$250,000 dollars to decide—just to decide—how to designate Alexander Hamilton's boyhood home.

From making a child a Federal criminal for picking up a fossil, to locking up our public lands, to a lack of proper debate, I urge my colleagues to join me in voting "no" on this bill.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to a distinguished Member and a valued member of our Committee on Natural Resources, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the chairman, and I commend him for his good work on this legislation, which would preserve important pieces of America's natural, cultural, and historical resources for future generations. Others have spoken today about valuable parts of this bill. I'd like to

address that. In New Jersey, this bill would preserve our heritage as one of the leaders of the Industrial Revolution by creating the Paterson Great Falls National Historic Park and the Edison National Historic Park.

Paterson Great Falls will protect and preserve a striking natural resource, the Great Falls, along with cultural and historical sites that tell the stories of our Founders, America's economic rise, and the African American experience. Edison National Historic Park will ensure that future generations have an opportunity to visit the home and laboratory of one of New Jersey's most celebrated and influential citizens and one of America's most prominent inventors, Thomas Edison.

I'd like to commend my colleagues from New Jersey, Representatives PASCRELL and PAYNE, for their hard work on these issues, and I'd also like to commend Representative HINCHEY for his work on the Washington Rochambeau Trail in this bill. The trail will help link many of the sites in New Jersey's Crossroads of the American Revolution. These sites are of great importance to the residents of central New Jersey, and I urge my colleagues to support it.

Mr. HASTINGS of Washington. Once again, Mr. Speaker, I understand that I am ready to close on my side. If the gentleman from West Virginia is prepared to close after I speak, I will go ahead.

Mr. RAHALL. I am prepared to close.

Mr. HASTINGS of Washington. I yield myself the balance of my time, Mr. Speaker.

Mr. Speaker, I just want to make a point. There's some reference here to the NRA and what their position is on this bill. I just want to say that there was a letter passed to all Members that NRA has no position on this bill. They are neutral.

Mr. Speaker, because under suspension of the rules Members cannot offer amendments directly to S. 22, so, Mr. Speaker, may I ask the gentleman from West Virginia to yield for the purpose of an amendment to his motion to strike the provisions of S. 22 which can criminalize rock-collecting on Federal lands?

Mr. RAHALL. Simple, simple answer. No.

Mr. HASTINGS of Washington. Mr. Speaker, let me try another one. There are several issues here. May I ask the gentleman from West Virginia to yield to me for the purpose of an amendment to his motion to guarantee that S. 22 will not prohibit or delay energy development on millions of acres of Federal lands affected by this bill?

Mr. RAHALL. That is not the case. The answer is no.

Mr. HASTINGS of Washington. The gentleman won't yield. Mr. Speaker, I will try one more time.

May I ask the gentleman from West Virginia to yield to me for the purpose

of an amendment to his motion to guarantee that S. 22 will not prohibit recreational access for all Americans to the millions of acres of Federal lands affected by this bill?

Mr. RAHALL. The question is not in order, Mr. Speaker.

Mr. HASTINGS of Washington. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman has 1¼ minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I just want to point out that this is an extraordinary process. Suspension of the rules for bills are generally for noncontroversial issues. This is a \$10 billion authorization bill, and it was amended. It was amended. But nobody else, including those that I referenced here earlier, had an opportunity to come to the floor and offer their amendment in their way to try to perfect this bill.

So, I am urging my colleagues to vote "no" on this bill. When it's defeated under suspension of the rules, the majority can take this back to Rules, have an open rule so we can debate this process, I think, in a very reasonable way.

Because, keep in mind, Mr. Speaker, we were told, "No amendments on this bill or the Senate will take it down to their purgatory." That didn't happen. So, with that, Mr. Speaker, I yield back my time and urge a "no" vote.

Mr. RAHALL. How much time, Mr. Speaker?

The SPEAKER pro tempore. Two minutes.

Mr. RAHALL. Mr. Speaker, much has been said about the cost of this legislation. I think it's important to note that CBO estimates that enacting S. 22 would have no effect on revenues and no net effect on direct spending over the 2009 to 2018 period, which is the time period relevant to enforcing the pay-as-you-go rules under the current budget resolution. So, this legislation is PAYGO-compliant. PAYGO rules do apply here; something the Republicans never followed when they were in power.

This is an authorization process and, as most Members know, there's a difference between authorization and appropriation. If Members oppose certain projects in this bill, then the case is to take this to the Appropriations Committee, where those concerns can be properly aired.

The bill contains numerous provisions related to non-Federal matching funds in order to maximize public benefit while minimizing Federal expenditures, an important point that has not yet been made in the pending legislation.

So, as I conclude, Mr. Speaker, let me say, as I said in the beginning, this bill is important, especially in today's troubled economic times. We find more and more families where both breadwinners have to find jobs in order to

make ends meet. That means that quality time spent at home is rare, and the quantity of time in which families can spend together is even more rare today. Whenever there is time found together, it must be quality time, and that quality time can be found in our National Parks and our public lands and our heritage areas and our historically preserved areas, in our open spaces.

And that's what this legislation is about. It's a family values issue. Providing hardworking American families today time to spend quality time and quantity time is rare; to spend quality time together in our open spaces, recognizing the vast heritage and important heritage and proud heritage of this great land that we call America. That is what this legislation is all about, and I urge my colleagues to vote "yes."

Mr. STUPAK. Mr. Speaker, I am troubled by the manner in which this bill, S. 22, the Omnibus Public Lands Act, was brought to the House floor with no opportunity to amend and little input from members of this chamber.

We are all aware of the challenges in moving legislation, particularly this legislation, through the Senate. But that does not mean we should defer to the judgment of 99 Senators and let the voices of the 435 members of the House and their constituents go unheard.

There are a lot of good things in this bill. For example, I am pleased S. 22 includes stand alone legislation I have introduced, H.R. 488, to decrease the matching funds requirement and authorize additional appropriations for Keweenaw National Historical Park in Michigan. Another provision in the bill would support the North Country National Scenic Trail, which snakes more than a thousand miles across my state.

Despite the inclusion of these provisions, this could be a stronger bill with input from the House. There is no better example of this than the one amendment that was allowed, that offered by Mr. ALTMIRE. His amendment protects access to public lands for recreational activities otherwise allowed by law or regulation, including hunting, fishing and trapping and clarifies states' authority to manage fish and wildlife populations.

I have drafted an amendment, which due to the way this bill was brought to the floor I was unable to offer, to strip a provision designating 11,739 acres at Pictured Rocks National Lakeshore as the Beaver Basin Wilderness Area. The proposed wilderness designation is located entirely in my congressional district and lacks the support of the local city and county governments. This issue deserved debate and consideration by the House before pushing through this public lands bill.

Quickly adding S. 22 to the suspension calendar and effectively blocking input and changes is not appropriate regular order. Ultimately, the good things in this bill outweigh my frustrations over the process so I will support final passage. But I urge you, Mr. Speaker, to restore regular order to the House floor.

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues to join me today to pass S. 22,

the Omnibus Public Land Management Act. This bill is a compilation of over 160 bills intended to protect millions of acres of wilderness and miles of national wild and scenic rivers. It will also establish three new national park units, four new national trails and more. The Lifetime Innovations of Thomas Edison (LITE) Act, which is part of the omnibus legislation, honors the life and accomplishments of New Jersey's own Thomas Edison.

The Lifetime Innovations of Thomas Edison Act (LITE) Act is a testament to Edison whose impact is still being felt today. Congress, in 1928, honored Edison with the Congressional Gold Medal for the "development and application of inventions that have revolutionized civilization in the last century." In 1997, Life magazine named Edison "Man of the Millennium" in recognition of his inventions that have transformed modern society, including the incandescent light bulb, the motion picture camera, and the phonograph. The LITE Act will preserve the intellectual and physical accomplishments of Thomas Edison by commemorating his lifetime achievements; re-designating the Edison National Historic Site, located in West Orange, NJ, my Congressional district, as a National Historic Park; and authorizing appropriations to support the site.

The Edison site is actually comprised of two separate sites—Edison's home of 45 years (known as Glenmont) and his laboratory complex. The Edison site houses over five million pages of documents, over 400,000 artifacts, approximately 35,000 sound recordings, and over 10,000 books from Edison's personal library. Like this priceless collection of documents and artifacts, Edison's laboratory complex and home are also historical treasures. With buildings dating back to 1887, the laboratory complex was one of America's first research and development facilities, and is where Edison earned over half of his 1,093 patents. Moreover, Mr. Edison's gravesite is located on the grounds of his beloved Glenmont, a twenty-nine room home built in 1880 that contains original furnishings and other family items.

The LITE Act is critical to efforts to protect the Thomas Edison National Historic Site. The Edison site has enormous historical significance for America and for the world, and is badly in need of restoration. The need for major infrastructure improvements at the Edison site has been documented as early as 1972. Additionally, the site was listed, in 1992, by the National Trust for Historic Preservation as one of the nation's most "endangered historic places." The laboratory complex is currently closed to the public because of an extensive restoration effort. It is estimated that the first phase of the restoration effort will conclude this April and that the laboratory complex will open for public preview some time this summer. Renovations at Glenmont have been completed and the site is open to the public and fully functioning. Plans also exist for a second phase of the restoration project. Currently, National Park Service (NPS) staff are housed in historic buildings under less than ideal circumstances. The second phase will focus on getting NPS staff out of the historic buildings and into office space that better supports their critical mission of preserving Edison's historical legacy.

When the Edison site was fully operational, approximately 95,000 people visited the site each year. It is estimated that the number of visitors will nearly triple when the first phase of the restoration project is completed. The LITE Act would ensure this commitment by re-designating the Edison site as a "national historical park" (consistent with National Park Service guidelines) and authorizing appropriations for restoration work. These measures will preserve Thomas Edison's historical legacy, enhance the educational experience of visitors to the site, and hopefully, encourage more private funding for restoration projects.

Although private benefactors—most notably the Edison Preservation Foundation—have generously donated significant resources to restore the site, the federal government's long-term commitment to the site is critical to its longevity and educational mission. This legislation recognizes Thomas Edison's numerous contributions to American society and preserves the Edison National Historic Site as a leading educational, scientific and cultural center.

S. 22, the Omnibus Public Land Management Act of 2009 is a sweeping piece of legislation that will conserve millions of acres of America's splendor for future generations. The Lifetime Innovations of Thomas Edison Act is a small component of the bill but will provide great educational and entertainment opportunities for the people of New Jersey and others who will visit this historic gem. I respectfully urge my colleagues to support this important legislation.

Mrs. CAPPS. Mr. Speaker, I rise today to express my support for S. 22, the Omnibus Public Land Management Act of 2009.

I want to thank Chairman RAHALL for his leadership during the previous Congress to move this important legislation forward. While we were unable to vote on this package last year, it is time that we pass these bills.

This legislation is a bipartisan package of more than 160 individual bills, and incorporates a wide range of public lands, water resources, and ocean and coastal protection measures that impact various regions of our Nation. All of the bills included in the package have been thoroughly reviewed and approved by the House or favorably reported by the Senate committee of jurisdiction during the 110th Congress.

Today, I wish to highlight four bills in the omnibus package that I sponsored during the 111th Congress.

First, the Coastal and Estuarine Land Conservation Program Act.

This legislation codifies and strengthens an existing NOAA program—the Coastal and Estuarine Land Conservation Program or CELCP—that awards grants to coastal states to protect environmentally sensitive lands.

As someone who represents over 200 miles of California's coastline, I'm well aware of the pressures of urbanization and pollution along our nation's coasts. These activities threaten to impair our watersheds, impact wildlife habitat and cause damage to the fragile coastal ecology.

Coastal land protection partnership programs, like CELCP, can help our Nation meet these growing challenges.

For example, in my congressional district I've worked collaboratively with environmental

groups, willing sellers, and the State to conserve lands and waters around Morro Bay, on the Gaviota Coast, and near the Piedras Blancas Light Station.

These projects have offered numerous benefits to local communities by preserving water quality, natural areas for wildlife and birds, and outdoor recreation opportunities—thereby protecting for the future the very things we love about the coasts.

Although the program has been in existence for six years, it has yet to be formally authorized. This legislation seeks to do just that. It expands the federal/state partnership program explicitly for conservation of coastal lands.

Under this program, coastal states can compete for matching funds to acquire land or easements to protect coastal areas that have considerable conservation, recreation, ecological, historical or aesthetic values threatened by development or conversion.

It will not only improve the quality of coastal areas and the marine life they support, but also sustain surrounding communities and their way of life.

I would also like to acknowledge the work of former Congressman Jim Saxton. Mr. Saxton introduced this legislation in the 109th and 110th Congresses. His longstanding commitment to passage of this legislation will ensure the protection of the important coastal habitat and provide for increased recreational opportunities throughout his home state of New Jersey.

The Omnibus Public Land Management Act also includes my Integrated Coastal and Ocean Observation System Act.

This legislation seeks to establish a national ocean and coastal observing, monitoring, and forecasting system to gather real-time data on the marine environment, to refine and enhance predictive capabilities, and to provide other benefits, such as improved fisheries management and safer navigation.

To safeguard our coastal communities and nation, we must invest in the integration and enhancement of our coastal and ocean observing systems.

The devastation caused by tsunamis, hurricanes, and other coastal storms demonstrates the critical need for better observation and warning systems to provide timely detection, assessment and warnings to millions of people living in coastal regions around the world.

The U.S. Commission on Ocean Policy, the Pew Oceans Commission, and many government ocean advisory groups have called for the establishment of a national integrated coastal and ocean observing system as the answer to this challenge.

Specifically, the National Integrated Coastal and Ocean Observing System Act would formally authorize the President to develop and operate a genuine national coastal and ocean observing system to measure, track, explain, and predict events related to climate change, natural climate variability, and interactions between the oceans and atmosphere, including the Great Lakes; promote basic and applied science research; and institutionalize coordinated public outreach, education, and training.

Importantly, this system will build on recent advances in technology and data management to fully integrate and enhance the nation's existing regional observing assets, like the

Southern and Central and Northern California Ocean Observing Systems, which operate off California's coastline. These systems have proven invaluable in understanding and managing our ocean and coastal resources.

I would also like to commend our former colleague from Maine, Congressman Tom Allen, for championing this legislation in the 110th Congress. Congressman Allen worked tirelessly to enact this important legislation in the last session, and he deserves a tremendous amount of credit when this measure is signed into law.

S. 22 also includes my City of Oxnard Water Recycling and Desalination Act.

This bill authorizes a proposed regional water resources project—the Groundwater Recover Enhancement and Treatment or GREAT Program—located in my congressional district.

Many communities today are faced with the difficult task of providing reliable and safe water to their customers. The City of Oxnard is no exception.

Oxnard is one of California's fastest growing cities and is facing an ever-growing crisis: it's running out of affordable water.

The water needs for the city's agricultural and industrial base, together with its growing population, have exceeded its local water resources. As a result, over 50 percent of its water has to be imported from outside sources. However, through a series of local, state and federal restrictions the amount of imported water available to the city is shrinking, while the cost of that water is rising.

Recognizing these challenges, Oxnard developed the GREAT Program to address its long-term water needs.

The GREAT Program elements include a new regional groundwater desalination facility to serve potable water customers in Oxnard and adjacent communities; a recycled water system to serve agricultural water users and provide added protection against seawater intrusion and saltwater contamination; and a wetlands restoration and enhancement component that efficiently reuses the brine discharges from both the groundwater desalination and recycled water treatment facilities.

Implementation of the GREAT Program will provide many significant regional benefits.

First, the new desalination project will serve ratepayers in Oxnard and adjacent communities, guaranteeing sufficient water supplies for the area.

Second, Oxnard's current water infrastructure delivers approximately 30 million gallons of treated wastewater per day to an ocean outfall. The GREAT Program will utilize the resource currently wasted to the ocean and treat it so that it can be reused by the agricultural water users in the area.

During the non-growing season, it will inject the resource into the ground to serve as a barrier against seawater intrusion and saltwater contamination. To alleviate severely depressed groundwater levels, this component also pumps groundwater into the aquifer to enhance groundwater recharge.

Finally, the brine produced as a by-product of the desalination and recycling plants will provide a year-round supply of nutrient-rich water to the existing wetlands at Ormond Beach.

I commend Oxnard for finding innovative and effective ways of extending water supplies

in the West. In my view, the City of Oxnard Water Recycling and Desalination Act supports one such creative solution.

It will reduce the consumption of groundwater for agricultural and industrial purposes, cut imported water delivery requirements, and improve local reliability of high quality water deliveries.

Finally, the package includes my Goleta Water Distribution System Conveyance Act.

This bill authorizes the title transfer of a federally owned water distribution system in my congressional district from the Bureau of Reclamation to the Goleta Water District.

The purpose of the legislation is to simplify the operation and maintenance of the District's water distribution system and eliminate unnecessary paperwork and consultation between the District and the Bureau.

The Goleta Water District has operated and maintained the facilities proposed for transfer since the 1950s. They have worked through all requirements of the Bureau's title transfer process, including public meetings, fulfillment of their repayment obligations, completion of an environmental assessment, and compliance with all other applicable laws.

The only step remaining to complete the process is an act of Congress enabling the Secretary of the Interior to transfer title.

It is important to note that the proposed transfer would apply only to lands and facilities associated with the District and would not affect the District's existing water service contract with the Santa Barbara County Water Agency, nor the Federal government receipts from water deliveries under the contract.

In addition, the proposed transfer does not envision any new physical modification or expansion of the service infrastructure.

I'm pleased the Bureau supported my legislation, which will allow the Bureau to focus its limited resources where they are needed most.

In my view, this is an example of local problem-solving at its best. I commend the staff of the water district and the Bureau for their efforts to reach this agreement. I know that they have been working on this for several years now.

In closing, Mr. Speaker, all of these bills could not have been accomplished without the strong support and hard work and dedication of the House Leadership and Chairman RAHALL, and I thank them for successfully moving these priorities in my congressional district.

I urge all of my colleagues to support the Omnibus Public Land Management Act of 2009.

Mr. MINNICK. Mr. Speaker, I rise today in support of the Public Lands Management Act.

Teddy Roosevelt once spoke of his fondness for the out of doors when he said, "there are no words that can tell the hidden spirit of the wilderness, that can reveal its mystery, its melancholy, and its charm."

This legislation contains a protection for a number of America's public lands and in particular, for a treasured place back in my home of Idaho called the Owyhee Canyonlands.

Last summer, I had the privilege of spending a week floating the river which created the area this bill will protect. We saw redband trout in the pristine rapids, camped along the

lush river banks, climbed up the rocky canyon walls to see bighorn sheep, and stood at the top looking at a rich desert plateau of sage grouse, antelope and bald eagles.

When passed, this bill will permanently protect as wilderness 517,000 beautiful acres in the southwestern corner of my home state's landscape and would provide wild and scenic status to nearly 315 miles of rivers. It will also guarantee that the ranching families who have protected this land for generations will continue on, with their grazing rights protected.

None of that would be possible without the hard work of my friend and colleague in the Senate, MIKE CRAPO, who fostered a collaborative process of ranchers, public officials, community leaders and conservationists to preserve our cherished Owyhees.

Many of these provisions in this bill have been waiting on Congressional action for years and are supported by Members from across the political spectrum. I urge you to join us today in supporting this historic legislation.

Mr. ISSA. Mr. Speaker within the gigantic omnibus lands bill that is on the floor today are two authorizations for water projects that will greatly benefit my Congressional District and much of Southern California. I did not ask that the Santa Margarita Conjunctive Use Project and the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects be rolled into this 1,200, plus-page bill. Each of these projects had enough merit to pass the House on their own and could have just as easily passed the Senate. They are worthy projects that will help to address the water shortage that Southern California continues to experience.

The first authorization, for the Santa Margarita Conjunctive Use Project, directs the Bureau of Reclamation to construct a project for the benefit of the Fallbrook Public Utilities District and the United States Marine Corps base at Camp Pendleton consisting of enhanced recharge in the groundwater basins using natural and enhanced river flows. All of the project rights-of-way are already held. A feasibility study and joint EIS/EIR is under preparation by the Bureau of Reclamation.

The project sets aside and preserves valuable riparian and upland habitats of the last free flowing river in California, using a portion of the 1,300 acres originally purchased for a dam and reservoir. It would improve and partially privatize the water supply to USMC Base Camp Pendleton, which will receive better quality water in quantities sufficient to meet water needs up to its ultimate planned utilization.

This legislation also provides a final resolution to litigation that began over forty years ago. In 1966, the U.S. District Court directed the Department of the Interior to provide a "physical solution" to the division of water of the Santa Margarita River as set forth in a stipulated judgment. Previous legislative efforts to authorize a two dam project on the river were not successful. The conjunctive use project utilizes advances in water treatment technology, making it possible to comply with the court's directive at less than half the cost of the two dam project and without environmental degradation.

Finally, this project provides a safe, drought and earthquake proof water supply of as much as 18,000 acre feet of water per year, enough for 35,000 families, for Camp Pendleton and Fallbrook. The project yield will be split with 60% for Camp Pendleton and 40% for Fallbrook.

This is a good project and deserves to be authorized.

The second authorization, the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects, Amends the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior, in cooperation with the Elsinore Valley Municipal Water District, California, to participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to treat wastewater and provide recycled water in the water district.

This project is needed to provide additional water resources for agricultural and residential areas in Riverside County. In the wake of additional water limitations from the Colorado River and the Sacramento Delta this authorization creates an additional local water resource that gives the district better options.

Ms. DELAURO. Mr. Speaker, we have an obligation to our communities and to generations that follow, to preserve our nation's scenic beauty, wildlife, and outdoor recreation. The Grand Canyon, Yellowstone, Acadia, and the Blue Ridge Mountains are just a few of our country's natural treasures admired around the world. Yet there are many more, so critical to our natural heritage and to our basic well-being.

The Omnibus Public Land Management Act of 2009 (S-22) will save many of those other special places and sustain America's unique greatness as a nation of unparalleled natural treasures. One of the many important achievements of this package of 160 public lands bills is Congressional designation of 86 Wild & Scenic rivers in Arizona, California, Idaho, Massachusetts, Oregon, Utah, Vermont, and Wyoming. From our own experience in Connecticut we know the special value of a Wild & Scenic river designation.

Take for example our Eightmile River Wild and Scenic River designation signed into law last May, championed by my colleague JOE COURTNEY. An unprecedented level of protection has now been produced for one of New England's outstanding river systems, and Wild & Scenic designation was the catalyst for getting it done. In CT like New England we are many separate towns with our own identities and agendas. Getting towns to work together on regional issues is very tough. But the Wild & Scenic process brought the watershed towns together and they worked hard for several years. With the support of the designation process, they scientifically identified the river system's outstanding resource values such as its high "Water Quality" and diversity of "Unique Species." They built community awareness of the river's importance and community involvement in the Wild and Scenic process. The commitment to protect the river was widespread among citizens and made official through overwhelming town votes for

designation. Today, thousands of acres have been conserved and a long term management plan for the entire Watershed developed and adopted. Now, through its Wild and Scenic designation, the Eightmile has a federal partner and special federal protection. It is a model of communities taking strong action together to realize a common vision. It is also a model of how small amounts of federal funding can help inspire local action and leverage substantial non-federal resources.

I am so pleased to see Congress taking action through the Omnibus Public Land Management Act of 2009 to realize our common desire to keep America the beautiful. As Wild and Scenic designation is a great asset for our state, this bill will help create many more invaluable assets for our entire country.

Mr. RAHALL. Mr. Speaker, I submit for inclusion in the RECORD the following exchange of letters between the Judiciary and Natural Resources Committees regarding a certain jurisdictional aspect of S. 22.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 5, 2009.

Hon. NICK RAHALL,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

DEAR CHAIRMAN RAHALL: I am writing regarding S. 22, the Omnibus Public Land Management Act of 2009, which has been received in the House after passing the Senate.

Subtitle D of title VI of that bill is a measure based on H.R. 554 from the 110th Congress, the Paleontological Resources Preservation Act, containing significant provisions within the Rule X jurisdiction of the Judiciary Committee, including criminal penalties, judicial review and enforcement of administrative fines, use of civil and criminal fines, and forfeiture. The Judiciary Committee received an extended referral of H.R. 554 in the 110th Congress, and our two committees had extensive discussions about refining the bill in important respects.

While I understand and support the decision, in light of the difficulty in passing S. 22 in the Senate, to attempt to pass it in the House without amendment to ensure it reaches the President, I regret that we will be unable to make appropriate refinements to the provisions in the Judiciary Committee's jurisdiction before the bill becomes law. I appreciate your willingness to work with me to make these refinements as soon as practicable in subsequent legislation.

I would appreciate your including this letter in the CONGRESSIONAL RECORD during consideration of the bill on the House floor. Thank you for your attention to this matter, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, February 5, 2009.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary, Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning the paleontological resource provisions of Subtitle D of Title VI of S. 22 that fall within the jurisdiction of the Committee on the Judiciary. I appreciate your understanding of the need to consider S. 22 in the House without amendment so as to ensure its enactment in a timely manner.

I recognize the interest of your committee in these specific provisions and will work with you to make any necessary and appropriate refinements in subsequent legislation.

This letter, as well as your letter, will be entered into the CONGRESSIONAL RECORD during consideration of S. 22 on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL, II,
Chairman.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of S. 22, the Omnibus Public Land Management Act of 2009. Not only does this measure combine 71 bills already passed by the House of Representatives that improve forest health, facilitate better land management and protect water resources; it contains a bill that is long overdue for the President's signature—The Christopher and Dana Reeve Paralysis Act.

In the beginning of the 108th Congress, I joined a number of my colleagues in announcing the introduction of this critical piece of legislation. On that spring day in 2003, we were joined by Christopher Reeve. Each of us who had the privilege of working with Chris knows that his voice was strong and his perseverance was limitless. He worked tirelessly to raise awareness of spinal cord injuries and bring science closer to a cure. I would like to take this opportunity to recall what he said to us on that day six years ago:

"I am honored and humbled to have my name associated with such a powerful piece of legislation. The passage of this bill will send an unprecedented message—the issues of research, rehabilitation and quality of life are paramount to improving the lives of those living with disabilities."

These words ring true today—and I know that the spirit and force behind them are more powerful than ever as we prepare to pass a bill that will truly make a difference in the advancement of paralysis research. This legislation will authorize funding for the National Institutes of Health (NIH) to expand and coordinate NIH activities on paralysis research to prevent redundancies and accelerate discovery of better treatments and cures. It will also establish a grant program in the Department of Health and Human Services for activities related to paralysis, including establishing registries and disseminating information.

Mr. Speaker, as a lawmaker eager to preserve our public lands, as well as find new treatments and cures for paralysis, I urge my colleagues to vote in favor of S. 22 and support its final passage.

Mr. WOLF. Mr. Speaker, I will vote today for S. 22 because I have been an advocate of initiatives like many that are authorized in this package that protect our nation's historical, cultural, and scenic heritage. Several provisions in this bill will specifically help to preserve areas in my district and throughout the state of Virginia.

I have cosponsored and voted for the Civil War Battlefield Preservation Act, which is included in this package and provides grants to assist with the purchase of important Civil War sites that have not yet been protected. This program has helped preserve many sites in

my district, rich in Civil War heritage. Most recently, the purchase of the site of the Battle of Third Winchester is contingent on receiving grant funding from this program.

Other initiatives that will preserve important sites in Virginia that are included in this package are the Virginia Ridge and Valley Act, the Northern Neck National Heritage Area Study Act and the Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act.

While I agree in general with the intent of programs included in this package, I also have concerns regarding some of its provisions. There is language included in the bill that would prohibit natural resource development on about 1.2 million acres in Wyoming. According to the Bureau of Land Management, this provision would permanently take 8.8 trillion cubic feet of natural gas and 300 million barrels of oil out of production. I believe that it is irresponsible to put restrictions on domestic energy production. Environmentally friendly domestic energy production should be considered as part of a comprehensive energy plan to help stabilize the cost of gasoline and reduce U.S. dependence on foreign oil.

I also maintain that long-term, permanent energy policy must be developed through clean, alternative and renewable energy resources to fuel our cars and light our homes and businesses. Solar power, wind power, clean coal technology, nuclear power, the hydrogen economy, new energy transmission technology, hybrid vehicle development, biofuels—every option must be on the table for investment and development to secure our nation's energy needs for the 21st century. But we cannot close the door to domestic energy production.

Mr. BRADY of Pennsylvania. Mr. Speaker, as chairman of the Committee on House Administration, I urge passage of S. 22, which contains three important projects to advance the mission of the Smithsonian Institution.

This legislation would authorize the design and construction of laboratory and support space for the Mathias Laboratory at the Smithsonian Environmental Research Center (SERC) in Edgewater, Maryland; authorize construction of laboratory space to accommodate the terrestrial research program at the Smithsonian Tropical Research Institute (STRI) in Gamboa, Panama; and authorize construction of a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian. The diverse nature of these projects is a good example of the unique role that the Smithsonian plays in advancing our knowledge of the natural world.

The Committee on House Administration and the Committee on Transportation and Infrastructure reported legislation last year approving Smithsonian construction projects, which subsequently passed the House without controversy. This omnibus legislation, S. 22, is the clearest and quickest way to ensure enactment of these important initiatives.

Mr. RAHALL. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr.

RAHALL) that the House suspend the rules and pass the Senate bill, S. 22, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING DESIGNATION OF PI DAY

Mr. DAVIS of Tennessee. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 224) supporting the designation of Pi Day, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 224

Whereas the Greek letter (Pi) is the symbol for the ratio of the circumference of a circle to its diameter;

Whereas the ratio Pi is an irrational number, which will continue infinitely without repeating, and has been calculated to over one trillion digits;

Whereas Pi is a recurring constant that has been studied throughout history and is central in mathematics as well as science and engineering;

Whereas mathematics and science are a critical part of our children's education, and children who perform better in math and science have higher graduation and college attendance rates;

Whereas aptitude in mathematics, science, and engineering is essential for a knowledge-based society;

Whereas, according to the 2007 Trends in International Mathematics and Science Study (TIMSS) survey done by the National Center for Education Statistics, American children in the 4th and 8th grade were outperformed by students in other countries including Taiwan, Singapore, Russia, England, South Korea, Latvia, and Japan;

Whereas since 1995 the United States has shown only minimal improvement in math and science test scores;

Whereas by the 8th grade, American males outperform females on the science portion of the TIMSS survey, especially in Biology, Physics, and Earth Science, and the lowest American scores in math and science are found in minority and impoverished school districts;

Whereas America needs to reinforce mathematics and science education for all students in order to better prepare our children for the future and in order to compete in a 21st Century economy;

Whereas the National Science Foundation has been driving innovation in math and science education at all levels from elementary through graduate education since its creation 59 years ago;

Whereas mathematics and science can be a fun and interesting part of a child's education, and learning about Pi can be an en-

gaging way to teach children about geometry and attract them to study science and mathematics; and

Whereas Pi can be approximated as 3.14, and thus March 14, 2009, is an appropriate day for "National Pi Day": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of a "Pi Day" and its celebration around the world;

(2) recognizes the continuing importance of National Science Foundation's math and science education programs; and

(3) encourages schools and educators to observe the day with appropriate activities that teach students about Pi and engage them about the study of mathematics.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DAVIS) and the gentleman from Georgia (Mr. BROWN) each will control 20 minutes.

GENERAL LEAVE

Mr. DAVIS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House Resolution 224, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 224, supporting the designation of Pi Day. This Saturday is March 14. The Greek letter pi—the symbol for the ratio of the circumference of a circle to its diameter—is rounded to 3.14.

I'd like to take this opportunity to encourage our Nation's students of all ages, schools, and teachers, to observe Pi Day with fun math and science activities and events.

This is a lighthearted event with serious goals. Math and science underpin our Nation's economic competitiveness and national security. By engaging in fun math and science activities from a young age, we are setting our students on a path towards science and math literacy, and opening the door to rewards and promising careers.

Research has shown that most students who are not comfortable with math and science by junior high remain intimidated or uninterested throughout their education careers.

On Pi Day, we want students to have fun with math and science. Second-graders could calculate the area of a pizza pie at a Pi Day pizza party. Sixth graders could learn about Newton's Laws of Motion from a game of bocce ball. Tenth-graders could learn about the hyperbolic functions by shooting Nerf rockets in the park.

I leave the specifics to the schools, but my advice is to go and have some fun. Let the students see firsthand how math and science is fun and relevant. Let them see that it does apply to

them. Let them discover that they really do like math and they really do like science.

This is a lighthearted event, but the underlying problems we have in America are serious. The President of the United States stood in this room a few weeks ago and told us that "the countries that out-teach us today will out-compete us tomorrow."

According to the 2007 Trends in International Mathematics and Science, a survey done by the National Center for Education Statistics, American children in the fourth and eighth grades were outperformed by students in other countries, including Taiwan, Singapore, Russia, England, South Korea, Latvia, and Japan. Other students have been making improvements since the 1995 TIMSS, but they still are not achieving their potential. It doesn't matter to them as individuals but, boy, does it matter to our Nation as a whole.

The 2005 National Academics Report, "Rising Above the Gathering Storm," looked at our economic competitiveness and showed us a blank and bleak future—a stagnating U.S. economy, an ill-equipped educational system, and the U.S. losing its place as a scientific world leader.

The recommendations contained in the "Rising Above the Gathering Storm" report were meant to pull us off the path we were on. They were signed into law in 2007 as part of the America COMPETES Act, and fell basically into three categories: Investments in basic research; innovation as the path toward reducing our dependence on foreign oil; and improving science, technology, engineering, and math education.

□ 1130

Our students' education, especially in science and math, will be a key component of our national economic competitiveness. We need to ensure not only that the Nation produces the top scientists, mathematicians, and engineers, but that every student is prepared for the high-paying technical jobs of the 21st century. We need the engineers that will invent the next new things; we need the manufacturers to design it, and an educated workforce to produce it. We cannot, and would not want to, compete globally on wages alone. We need to operate at a much higher level in this country.

Given the current economic crisis, our economic competitiveness is more important than ever before. We have been trying to create jobs immediately, which we need to do, absolutely; but we also need to look down the road. If we do not take action to strengthen our Nation's economic competitiveness now, including improving science and math education, we could create jobs now, only to lose them in the future to foreign competition.

We need to make sure that our children are prepared, and a strong foundation in math and science education is an essential part of that preparation. One of the best ways we can prepare our students is by encouraging their interest in math and science. So I am asking our Nation's students and teachers, for all of our sake, to go out and have fun around Pi Day.

I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 224. Improving math and science curriculum in our schools is great and admirable, as well as an absolute necessity, for our undertaking as Nation, and it is one that is long overdue. While our students have continued to improve in these fields over the course of the past few years, America is still being outperformed by students in many other countries.

This is not a problem that can be simply fixed by this resolution. Nonetheless, every step must be taken with an aim to addressing this shortcoming in our school systems, and this resolution is undoubtedly a part of that. So I appreciate and thank Chairman GORDON and Ranking Member HALL for bringing this important piece of legislation to the floor in the hopes of drawing even more attention to an area of critical need in our Nation's education system.

For our children and grandchildren to be able to compete in a global world, we must refocus on math and science and inspire our children in these fields at an early age, and House Resolution 224 helps us to do just that. Therefore, I support this resolution and the goals and ideals that it means to attain, and I urge my colleagues to do the same.

I want to congratulate my dear friend from Tennessee (Mr. DAVIS) on his remarkable opening remarks, and I want to associate myself with those remarks.

Math and science are absolutely critical for us to be able to compete in a global economy, to be able to compete against nations all over this world. We are lacking in math and science; we are lacking in the subjects that are so critically important to this Nation for us to have our children be able to compete in that global economy.

As a physician, I believe in science, of course. But it is much more than that. We have seen a degradation of the quality of education of our children. No Child Left Behind has been an absolute disaster. In fact, I have talked to educator after educator for the last several years since I have been here in Congress or running for Congress, and I have not found one who likes No Child Left Behind, because teachers are having to teach to the test, having to teach to these national standards, which have led the teachers away from

actually teaching kids how to think, how to calculate, how to utilize the scientific method to investigate new things. This resolution helps to place a focus upon that, to help us to bring forth science as being a critical issue for our Nation. And it is a critical issue.

I would like to see No Child Left Behind go away. I would like to see us stop teaching in schools things that are not as important and things that should be taught at home in intact families. So we need to rebuild families and encourage families to do that, instead of continuing this huge leap to a welfare state, a huge leap towards bigger government, a huge leap towards removing responsibility for the individuals and building a bigger government, a bigger socialistic society.

We need to empower teachers, we need to empower educators at all levels to teach math and science, English and history. We need to have English as the official language of America. We need to have the basic tenets of education, reading, writing, arithmetic, science, history, English, be absolutely the important focus of education in America today. This bill focuses on one part of that that we need to bring forth, and I gladly support this House resolution.

I thank my colleague from Tennessee for his remarks, and I do associate myself with those remarks. They were great. With that, I encourage every Member of this body to support this resolution.

I yield back the balance of my time.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Obviously, the gentleman from Georgia is a good friend and a neighbor. Each of us recognizes the need to train the young minds who will be the entrepreneurs, the inventors, those who will be bringing to the table new inventions that will help America's economy not only be competitive, but America's economy be the one that achieves and perhaps even brings this world out of what we see today as an economic recession.

Years ago, in the 1970s, we established legislation on the national level that brought to rural areas in my congressional district and the gentleman from Georgia's congressional district special education, where we literally focused on young minds that were maybe not as capable of reaching the higher achievements, or they may not ever reach college. But some of the instructions that we gave them, some of the special attention we gave through special education has actually presented some of those individuals the opportunity where some have attended college. But it has also given them an opportunity to be competitive in our economy and to be a part of our society. We must do the same thing for the best and brightest as well. It is my

hope that, as we engage in K-12, that we continue to focus on science, math, and technology, and to challenge the bright young minds that we have not been challenging in the past.

We have been fortunate in this country through our higher educational system, which is, in my opinion and as scored by many throughout the world, the best higher educational system in the world. It is a merit-based system. In many of the countries throughout the world, their K-12 is also merit-based, and we have been getting some of those best and brightest from some of the K-12 educational systems to come to our colleges and retain them here in our economy, and they have been a part of America's economic growth.

We are losing those students today. We cannot depend on other countries' best and brightest. We have got to be sure that we train our best and brightest. And by challenging our teachers, our school systems, and youngsters to become involved in this fun day could maybe encourage them to realize they can be competitive and become the entrepreneurs and inventors of the future for America.

It is my privilege to manage the bill today, and certainly to manage it with my good friend from Georgia (Mr. BROUN).

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 224.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Tennessee. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING SUCCESS OF MARS EXPLORATION ROVERS

Mr. DAVIS of Tennessee. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 67) recognizing and commending the National Aeronautics and Space Administration (NASA), the Jet Propulsion Laboratory (JPL), and Cornell University for the success of the Mars Exploration Rovers, Spirit and Opportunity, on the 5th anniversary of the Rovers' successful landing.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 67

Whereas the Mars Exploration Rovers Spirit and Opportunity successfully landed on

Mars on January 3, 2004, and January 24, 2004, respectively, on missions to search for evidence indicating that Mars once held conditions hospitable to life;

Whereas NASA's Jet Propulsion Laboratory (JPL), managed by the California Institute of Technology (Caltech), designed and built the Rovers, Spirit and Opportunity;

Whereas Cornell University led the development of advanced scientific instruments carried by the 2 Rovers, and continues to play a leading role in the operation of the 2 Rovers and the processing and analysis of the images and other data sent back to Earth;

Whereas the Rovers relayed over a quarter million images taken from the surface of Mars;

Whereas studies conducted by the Rovers have indicated that early Mars was characterized by impacts, explosive volcanoes, and subsurface water;

Whereas each Rover has discovered geological evidence of ancient Martian environments where habitable conditions may have existed;

Whereas the Rovers have explored over 21 kilometers of Martian terrain, climbed Martian hills, descended deep into large craters, survived dust storms, and endured 3 cold, dark Martian winters; and

Whereas Spirit and Opportunity will have passed 5 years of successful operation on the surface of Mars on January 3, 2009, and January 24, 2009, respectively, far exceeding the original 90-Martian day mission requirement by a factor of 20, and are continuing their missions of surface exploration and scientific discovery: Now therefore be it

Resolved, That the House of Representatives—

(1) commends the engineers, scientists, and technicians of the Jet Propulsion Laboratory and Cornell University for their successful execution and continued operation of the Mars Exploration Rovers, Spirit and Opportunity; and

(2) recognizes the success and significant scientific contributions of NASA's Mars Exploration Rovers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DAVIS) and the gentleman from Georgia (Mr. BROUN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. DAVIS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 67, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

A little over 5 years ago, the NASA rovers named Spirit and Opportunity landed on the surface of Mars. These rovers originally had a 90-day mission to survey the surface of the red planet and send back scientific information.

By all measures, both rovers were incredibly successful during their origi-

nal 90-day missions. Both rovers were able to maneuver around the surface of Mars, and they sent back scores of captivating images. The information they sent back has helped us to better understand the past and present geology of our planetary neighbor, and provided indication that water once flowed on the surface of Mars.

The little rovers proved to be so robust that their original 90-day mission was extended, and extended, and extended again. Ultimately, the mission was extended six times. That is a tribute to our scientific knowledge in this country. Both rovers continue to function and are roving the surface of Mars as I speak.

Without a doubt, these rovers have been wildly successful. Besides being impressive fetes of science and engineering, they have inspired countless children of our country with their amazing images of the red planet. This truly represents the best of what our national space program is about, and provides a reminder of why we should continue to support the work of NASA.

I want to thank the sponsor of this resolution, Mr. DREIER, for introducing House Resolution 67, and I encourage my colleagues to support its passage.

I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 67. This resolution recognizes and commends NASA, the Jet Propulsion Laboratory, and Cornell University for the success of the Mars exploration rovers, Spirit and Opportunity.

□ 1145

By almost any measure, the Mars exploration rovers have been an extraordinary success. These rovers, named Spirit and Opportunity, were originally intended to perform a 90-day mission on the hostile surface of Mars. Spirit was the first rover to land on the Mars surface on January 3, 2004. Spirit was joined on the Martian surface by Opportunity 3 weeks later on January 24, 2004. From the very early phases of the mission, these rovers have exceeded even the wildest expectations of the Jet Propulsion Laboratory team that designed and built them.

Originally intended to perform a 90-day mission to search for evidence of water and other conditions that could have supported life on the harsh surface of the red planet, they have now exceeded that goal by over 1,800 days. Along the way they rewrote our knowledge of the Martian environment by discovering and verifying geological evidence of ancient Martian environments where hospitable conditions may have existed.

While on Mars, these rovers have explored over 21 kilometers of Martian terrain, survived dust storms, mechan-

ical difficulties, and endured three cold, dark Martian winters. The advanced scientific instruments deployed in conjunction with Cornell University have relayed over a quarter million images, including evidence of explosive volcanoes and subsurface water.

At a time when Americans could use some good news, it is fortunate that we can recognize and commend the men and women of the National Aeronautics and Space Administration, the Jet Propulsion Laboratory and Cornell University for their outstanding success in designing, developing, launching and operating the Mars Exploration Rovers.

Mr. Speaker, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

Mr. Speaker, colleagues, 5 years ago in January, 2004, I had the privilege of being in the control room at the Jet Propulsion Laboratory when Spirit, the first of two identical Mars rovers, landed in Gusev Crater. It was an amazing experience to watch the dozens of engineers, controllers and scientists who had worked so hard and for so long on the rover project to see its initial success. I'm proud to have many of them as my constituents, and I'm honored to share JPL with my colleague, DAVID DREIER, and have joined him in this resolution honoring 5 years of surface operations by Spirit and its twin, Opportunity.

Spirit and Opportunity landed on Mars to begin what was planned as a 3-month mission to evaluate whether conditions would have at one time been suitable for life on the red planet. Under the leadership of Dr. Charles Elachi and Principal Investigator Steve Squyres of Cornell University, JPL employees worked around the clock to make the most of what was planned as a limited duration mission.

Equipped with cameras, spectrometers and grinders, America's robotic explorers have now been hard at work for more than 5 years and are still going strong. The rovers' incredible durability is a testament to the quality of their design, the care with which their operations are managed and a scientific bonanza for scientists here and around the world.

The rovers' discovery of evidence of past water on Mars was 2004's top scientific "Breakthrough of the Year" according to the journal *Science*. The rovers have also uncovered evidence of Mars' violent volcanic past and have transmitted more than 36 gigabytes of data back to Earth.

Despite a gimpy wheel, Spirit has spent most of the past year exploring an area dubbed Home Plate, which is

rich in silica, another telltale sign of water. Opportunity has had shoulder troubles, but has covered a lot of ground in the last 5 years. The rover spent almost 2 years exploring Victoria Crater and has now begun a long drive to its next major destination, a much larger crater called Endeavour. At more than 14 miles in diameter, Endeavour is more than 20 times larger than Victoria.

People around the world have been captivated by the stunning photographs of the Martian surface and the planet's ruddy sky. In the first 2 months after Spirit and Opportunity landed on Mars, JPL's rover Web site registered almost 9 billion hits. Since then we have watched the seasons change on Mars and have marveled at the changing terrain as the rovers have moved about the surface.

NASA's Jet Propulsion Laboratory, managed by the California Institute of Technology, designed, built and controls the rovers. JPL has been the pioneer of our exploration of the solar system from the beginning of our space program and is one of the crown jewels of American science. Explorer I, America's first satellite, was a JPL project. At the time it was launched, the United States had fallen behind the Soviets in the space race, and several other attempts of getting an "American Sputnik" into orbit had ended in fiery explosions on the launch pad. Not only did Explorer I salvage our pride, but the tiny satellite discovered the Van Allen radiation belts that circle the Earth.

Since then, JPL probes have explored most of our solar system—from the Ranger series that paved the way for the Apollo moon landings, to Voyager's grand tour of the outer planets in the 1970s and 1980s, to last spring's landing on Mars by the Mars Phoenix—and have also surveyed the cosmos as well as our own planet.

In 2 years NASA will launch an even larger rover, the Mars Science Laboratory, which will build on the work being done today by Spirit and Opportunity. With a little luck, the rovers will still be working—still expanding our understanding of Mars and, more importantly, of ourselves.

I urge all my colleagues to support the resolution.

Mr. BROUN of Georgia. Mr. Speaker, I would like to yield to my good friend whom I respect tremendously, Mr. DREIER from California, as much time as he may consume.

Mr. DREIER. Mr. Speaker, let me say how much I appreciate the hard work and the very thoughtful remarks by my very good friend. Mr. BROUN, Mr. DAVIS and Mr. SCHIFF have all outlined some of the very great challenges that have been faced with this amazing Spirit and Opportunity program.

I, like my friend, Mr. SCHIFF, was 5 years ago there when this program

began. And I will never forget when Dr. Charles Elachi, the director of the Jet Propulsion Laboratory about whom Mr. SCHIFF was just speaking, leaned to me and said, "David, you know, I know this is scheduled to have a life span of 90 days, 3 months." He said, "I suspect that it might just go a little longer than that." And here we are today marking the fifth anniversary of Spirit and Opportunity, named by two young students who came together. They had a contest to name them. And these very bright and thoughtful kids came forward and said they wanted to name them Spirit and Opportunity. And they have gone through an amazing 5 years, as Mr. BROUN said so well, wind storms and all kinds of cold and great adversity, and yet they are still chugging along providing very important information back to us. Mr. SCHIFF talked about the days ahead, and now Opportunity is headed to that new massive crater Endeavour. And so we are going to continue to get more and more interesting information. These three gentlemen, Mr. Speaker, have just talked about what Spirit and Opportunity have gone through.

I would like to take a moment to look at the context around which this whole issue is being considered, and that is the devastating economic times that we are facing right here in the United States of America. Obviously, first and foremost on our minds is getting our economy back on track, ensuring that people who are suffering greatly with foreclosures and job losses, and even worse in some instances, are able to have those needs addressed. And many of us have been working to try and put into place a strong, bold, dynamic and robust economic growth program that, interestingly enough, is modeled after the program that was put into place by the man who called for us to put a man on the Moon by the end of the decade in the 1960s. That, of course, was John F. Kennedy. And we are continuing to try and work for those kinds of growth policies.

Now the reason I say that, Mr. Speaker, is that there are so many who would argue that, as we look at sort of the amorphous space program out there, why in the world are we investing resources on that when we have so many pressing challenges right here at home? And there are a couple of points that I think need to be made. First, when we were celebrating the landing of another great JPL program, the Phoenix, one of the great scientists got up and talked about the fact that throughout world history, every single developed nation has, in fact, regardless of what challenges they faced, always looked at the imponderable. They have always made risk to pursue the unknown. And I'm reminded, of course, that it was the great Queen Isabella who sold her jewels so that Christopher Columbus might have the opportunity

to discover America. And so risk-taking is something even during adverse times we need to continue to pursue. And we can't ignore that, because we are the United States of America, the greatest nation the world has ever known. And that is why this is very important.

Second, we need to also realize, Mr. Speaker, that there are very important gains that we as a society and as a world are able to glean from this very important work, whether it is in medical imaging, and I know Dr. BROUN understands that, whether it is in dealing with environmental protection, whether it is dealing with cellular technology or global positioning systems, there are a wide range of things that have emanated from programs like Spirit and Opportunity that have dramatically improved the standard of living and quality of life of people here in the United States and around the world.

And so it is in that context that I join in celebrating the work of our friends in the Jet Propulsion Laboratory and CalTech and all involved in this very important NASA research and effort that is going on. I thank both my friends for their hard work in their committee and for coming forward and allowing Mr. SCHIFF and me to consider this resolution.

Mr. Speaker, I am proud to rise in support of this resolution which I authored with my California colleague, Mr. SCHIFF, to recognize the five-year anniversary of the landing of the Mars Exploration Rovers, Spirit and Opportunity. I also commend the individuals that contributed to the success of the missions. In particular, the great minds at the La Canada Flintridge-based Jet Propulsion Laboratory (JPL), who designed and built the rovers, and whom I have the distinct honor to represent. JPL is managed by the California Institute of Technology (Caltech), and very ably led by JPL's outstanding director, Dr. Charles Elachi.

Mr. Speaker, as you may recall, during the summer of 2003, NASA launched its Mars Exploration Rovers from Cape Canaveral Air Force Station in Florida. The rovers were an exciting addition to NASA's Mars Exploration Program, and their mission was to explore the surface of Mars for three months in search of clues to give scientists a peek into the planet's past. Specifically, the rovers were to determine whether Mars had ever contained environments with quantities of water sufficient to support life.

After traveling more than a quarter million miles, Spirit and Opportunity successfully landed on Mars's surface on January 3, 2004 and January 24, 2004, respectively. Within their primary three-month mission time frame, the rovers successfully uncovered geological evidence indicating that a body of water once flowed through certain regions, and that early Mars was characterized by impacts from meteors, explosive volcanoes and subsurface water.

In an amazing display of endurance, Spirit and Opportunity managed to maintain their operational status far beyond the three months

that were expected, and continue to operate to this day, five years later. The rovers explored more than 21 kilometers of Mars's terrain, climbed hills, descended deep into large craters, survived dust storms and endured three brutal Martian winters. Their amazing missions continue to yield valuable information about the history of Mars and are symbolic of America's pioneering spirit.

Mr. Speaker, while oftentimes the parts that are developed for our space missions are sent off never to be seen again, it is important to realize that the technology stays here at home where it continues to make important contributions to our lives. For example, NASA-sponsored work at facilities like JPL has resulted in the development of critical technologies that have been commercially applied in fields as far ranging as medical imaging, transportation, cellular telecommunications, supercomputing and environmental protection. In addition, these projects inspire our youth to pursue education in the STEM fields—science, technology, engineering and mathematics. And they provide well-paid, highly technical jobs for innovators and entrepreneurs throughout our country. In fact, the success of the Mars rovers is due to the contributions of many, including workers from all across the country—from Composite Optics in San Diego, California to BAE Systems in Manassas, Virginia.

The footprints of NASA's many successes have been made as far away as our moon, the planet Mars and beyond. But its most important impact is here at home. The work being done at JPL and other facilities is spurring the innovations that create jobs and make our lives better. And it is inspiring new generations of innovators who will pursue the careers that will continue to keep the United States at the forefront of technological advancement.

Mr. Speaker, I commend the men and women whose tireless work has made the Mars rovers' expeditions such a tremendous success, and I urge my colleagues to vote in support of this resolution.

Mr. DAVIS of Tennessee. I yield myself as much time as I may consume.

As heard earlier on this floor, we talked about other nations throughout the world who seem to be achieving higher academic standards than we are here in this country in the classroom. But as we start observing many of these countries, none of those are putting in play and putting into reality the science that we are doing in this country.

The rovers, Spirit and Opportunity, that landed on Mars were an American project, not one of the other nations that we talked about. So as we discuss from time to time areas where we must recognize we may have failures, but our educational system is also providing, and has provided, bright young minds with the challenges that has brought forward the research, the development, the space exploration that is going on today in this country.

I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague from Tennessee and my colleague from California. We

are, as Republicans and Democrats, coming and talking about something that is extremely important, and that is science exploration of Mars and what Spirit and Opportunity have done there. We talked on the previous bill about math and science and how important it is that we go forward with these types of projects. And it absolutely is critical for the future of our Nation that we do so.

The other things that are critical for our Nation that we need to explore is how to stimulate our economy. And the best way to stimulate our economy is by stimulating small business. Small business is hurting today. It is hurting terribly. The American middle class and the workers of America are hurting terribly.

We have proposals brought forth to this floor in bill after bill that markedly increase the size of the Federal Government. This is what I call the steamroll of socialism being shoved down the throats of the American people.

□ 1200

We have to find solutions to this economic problem we have in America. And building a bigger government, building a more socialistic government, is not going to create jobs. It is not going to bring about the things that we need to get us out of this economic downturn.

I hope that as we work together on this bill, and as we did with the previous bill, that we can work together, Democrats and Republicans alike, can come and find some commonsense economic solutions for America, commonsense solutions that will stimulate the real economic engine of America, and that is small business.

Small businesses create most of the jobs in America today. We have proposals that are going to take away jobs from small business because it is going to put a heavier regulatory burden on that small business. It is going to put a heavier tax burden on small businesses. We have seen proposals in the budget that will increase taxes on what is described as the wealthiest in America.

But most of those tax increases will affect small businesses, and it is going to rob jobs, rob jobs that are critical for the economic well-being of America.

Small business is the economic engine that pulls along the train of economic prosperity in America, and we need to stoke the fires of that train so it has the ability to create jobs, to bring us out of this economic downturn.

What I see over and over again are policies that are being suggested that are going to rob small business of those critical assets that they need. They are going to rob the American people of the jobs that we need.

Government does not make one single nickel, not one single penny. All it does is it takes away from the private sector. We have policies that are taking away from the private sector and increasing a bigger and bigger government to tell us how to live our lives. It is robbing the private sector of necessary funds that are absolutely critical to get us out of this economic downturn.

We cannot continue down this road toward a socialistic society with socialized medicine that is going to destroy the quality of health care. It is going to be extremely costly. It has been said very often around here that if you think health care is expensive today, wait until it is free. It is going to destroy the innovation that is absolutely critical.

So as we commend NASA, the Jet Propulsion Laboratory and Cornell University on this outstanding scientific accomplishment that they brought forward with Spirit and Opportunity, we need to look beyond that and we need to look in a bipartisan way. We have got to stop what I think is an idiocy of destroying small business and creating a bigger socialistic government.

We have seen bill after bill that spend too much, tax too much, borrow too much. Our children and grandchildren are going to live at a standard that is much less than we have today if we don't just stop this, and I am struggling for a word here, but one where we are bringing forth policies that are absolutely adverse to what this country was founded upon. We stand at a crossroads, and it is a crossroads that will lead one direction towards socialism and total government control, and another direction which leads toward freedom, entrepreneurship, innovation and economic security.

So I call upon my colleagues on the Democratic side, let's work together. Let's work together to find policies that make sense. Let's work together to find commonsense market-based solutions that will stimulate small business, that won't hurt our children and grandchildren like bill after bill that is being proposed and a budget that is being proposed. We have to stop this direction, this steamroll of socialism that is being driven by NANCY PELOSI and HARRY REID. It is a steamroller of socialism that is being shoved down the throats of the American people, and it is going to strangle the American economy. It is going to kill the American public economically.

So as we applaud these scientific endeavors, I call upon my Democratic colleagues to work with us in a bipartisan way so we can find economic solutions that are so drastically needed, so that we can find the solutions that America needs.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have observed over the last 8 years probably the largest increase in spending in the history of this country except perhaps the 8 years of Lyndon Johnson. And all that spending was directed toward some of the same exact spending that is occurring today under this new administration and under this new majority in Congress.

Yet I hear described under the old administration good government, with the exact same expenditures, becoming socialism. I suggest that we all become bipartisan and start reading from the same dictionary.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 67.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. DAVIS of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to suspend the rules on H. Res. 67 will be followed by 5-minute votes on the motion to suspend the rules on S. 22 and the motion to suspend the rules on H. Con. Res. 38, if ordered.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 10, as follows:

[Roll No. 116]

YEAS—421

| | | |
|--------------|----------------|---------------|
| Abercrombie | Bonner | Castle |
| Ackerman | Bono Mack | Castor (FL) |
| Aderholt | Boozman | Chaffetz |
| Adler (NJ) | Boren | Chandler |
| Akin | Boswell | Childers |
| Altmire | Boucher | Clarke |
| Andrews | Boustany | Clay |
| Arcuri | Boyd | Cleaver |
| Austria | Brady (PA) | Clyburn |
| Baca | Brady (TX) | Coble |
| Bachmann | Braley (IA) | Coffman (CO) |
| Bachus | Broun (GA) | Cohen |
| Baird | Brown (SC) | Cole |
| Baldwin | Brown, Corrine | Conaway |
| Barrett (SC) | Brown-Waite, | Connolly (VA) |
| Barrow | Ginny | Conyers |
| Bartlett | Buchanan | Cooper |
| Barton (TX) | Burgess | Costa |
| Bean | Burton (IN) | Costello |
| Becerra | Butterfield | Courtney |
| Berkley | Calvert | Crenshaw |
| Berman | Camp | Crowley |
| Berry | Campbell | Cuellar |
| Biggert | Cantor | Culberson |
| Blibray | Cao | Cummings |
| Bilirakis | Capito | Dahlkemper |
| Bishop (GA) | Capps | Davis (AL) |
| Bishop (NY) | Capuano | Davis (CA) |
| Bishop (UT) | Cardoza | Davis (IL) |
| Blackburn | Carnahan | Davis (KY) |
| Blumenauer | Carney | Davis (TN) |
| Blunt | Carson (IN) | Deal (GA) |
| Bocciari | Carter | DeFazio |
| Boehner | Cassidy | DeGette |

| | | |
|-----------------|------------------|------------------|
| Delahunt | Kennedy | Olver |
| DeLauro | Kildee | Ortiz |
| Dent | Kilpatrick (MI) | Pallone |
| Diaz-Balart, L. | Kilroy | Pascarelli |
| Diaz-Balart, M. | Kind | Pastor (AZ) |
| Dicks | King (IA) | Paul |
| Dingell | King (NY) | Paulsen |
| Doggett | Kingston | Payne |
| Donnelly (IN) | Kirk | Pence |
| Doyle | Kirkpatrick (AZ) | Perlmutter |
| Dreier | Kissell | Perriello |
| Driehaus | Klein (FL) | Peters |
| Duncan | Kline (MN) | Peterson |
| Edwards (MD) | Kratovil | Petri |
| Edwards (TX) | Kucinich | Pingree (ME) |
| Ehlers | Lamborn | Pitts |
| Ellison | Lance | Platts |
| Ellsworth | Langevin | Poe (TX) |
| Emerson | Larsen (WA) | Polis (CO) |
| Engel | Larson (CT) | Pomeroy |
| Eshoo | Latham | Posey |
| Etheridge | LaTourette | Price (GA) |
| Fallin | Latta | Price (NC) |
| Farr | Lee (CA) | Putnam |
| Fattah | Lee (NY) | Rahall |
| Filner | Levin | Rangel |
| Flake | Lewis (CA) | Rehberg |
| Fleming | Lewis (GA) | Reichert |
| Forbes | Linder | Reyes |
| Fortenberry | Lipinski | Richardson |
| Foster | LoBiondo | Rodriguez |
| Fox | Loeb | Roe (TN) |
| Frank (MA) | Lofgren, Zoe | Rogers (AL) |
| Franks (AZ) | Lowey | Rogers (KY) |
| Frelinghuysen | Lucas | Rogers (MI) |
| Fudge | Luetkemeyer | Rohrabacher |
| Gallely | Lujan | Rooney |
| Garrett (NJ) | Lummis | Ros-Lehtinen |
| Gerlach | Lungren, Daniel | Roskam |
| Giffords | E. | Ross |
| Gingrey (GA) | Lynch | Rothman (NJ) |
| Gohmert | Mack | Roybal-Allard |
| Gonzalez | Maffei | Royce |
| Goodlatte | Manzullo | Ruppersberger |
| Gordon (TN) | Marchant | Rush |
| Granger | Markey (CO) | Ryan (OH) |
| Graves | Markey (MA) | Ryan (WI) |
| Grayson | Marshall | Salazar |
| Green, Al | Massa | Sanchez, Linda |
| Green, Gene | Matheson | T. |
| Griffith | Matsui | Sanchez, Loretta |
| Grijalva | McCarthy (CA) | Sarbanes |
| Guthrie | McCauley | Scalise |
| Gutierrez | McClintock | Schakowsky |
| Hall (TX) | McCollum | Schauer |
| Halvorson | McCotter | Schiff |
| Hare | McDermott | Schmidt |
| Harman | McGovern | Schrader |
| Harper | McHenry | Schwartz |
| Hastings (FL) | McHugh | Scott (GA) |
| Hastings (WA) | McIntyre | Scott (VA) |
| Heinrich | McKeon | Sensenbrenner |
| Heller | McMahon | Serrano |
| Hensarling | McMorris | Sessions |
| Hergert | Rodgers | Sestak |
| Hereth Sandlin | McNerney | Shadegg |
| Higgins | Meek (FL) | Shea-Porter |
| Hill | Meeks (NY) | Sherman |
| Himes | Melancon | Shimkus |
| Hinche | Mica | Shuler |
| Hinojosa | Michaud | Shuster |
| Hirono | Miller (FL) | Simpson |
| Hodes | Miller (MI) | Sires |
| Hoekstra | Miller (NC) | Skelton |
| Holden | Miller, George | Slaughter |
| Holt | Minnick | Smith (NE) |
| Honda | Mitchell | Smith (NJ) |
| Hoyer | Mollohan | Smith (TX) |
| Hunter | Moore (KS) | Smith (WA) |
| Inglis | Moore (WI) | Snyder |
| Insee | Moran (KS) | Souder |
| Israel | Moran (VA) | Space |
| Issa | Murphy (CT) | Speier |
| Jackson (IL) | Murphy, Patrick | Spratt |
| Jackson-Lee | Murphy, Tim | Stark |
| (TX) | Murtha | Stearns |
| Jenkins | Myrick | Stupak |
| Johnson (GA) | Nadler (NY) | Sullivan |
| Johnson (IL) | Napolitano | Sutton |
| Johnson, E. B. | Neal (MA) | Tanner |
| Johnson, Sam | Neugebauer | Tauscher |
| Jones | Nunes | Taylor |
| Jordan (OH) | Nye | Teague |
| Kagen | Oberstar | Terry |
| Kanjorski | Obey | Thompson (CA) |
| Kaptur | Olson | Thompson (MS) |

| | | |
|---------------|--------------|-------------|
| Thompson (PA) | Visclosky | Wexler |
| Thornberry | Walden | Whitfield |
| Tiahrt | Walz | Wilson (OH) |
| Tiberi | Wamp | Wilson (SC) |
| Tierney | Wasserman | Wittman |
| Titus | Schultz | Wolf |
| Tonko | Waters | Woolsey |
| Towns | Watson | Wu |
| Tsongas | Watt | Yarmuth |
| Turner | Waxman | Young (AK) |
| Upton | Weiner | Young (FL) |
| Van Hollen | Welch | |
| Velázquez | Westmoreland | |

NOT VOTING—10

| | | |
|-----------|---------------|------------|
| Alexander | Kosmas | Radanovich |
| Bright | Maloney | Schock |
| Buyer | McCarthy (NY) | |
| Hall (NY) | Miller, Gary | |

□ 1231

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OMNIBUS PUBLIC LAND
MANAGEMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 22, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the Senate bill, S. 22, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 282, nays 144, not voting 6, as follows:

[Roll No. 117]

YEAS—282

| | | |
|----------------|---------------|----------------|
| Abercrombie | Castle | Driehaus |
| Ackerman | Castor (FL) | Edwards (MD) |
| Adler (NJ) | Chandler | Edwards (TX) |
| Altmire | Childers | Ehlers |
| Andrews | Clarke | Ellison |
| Arcuri | Clay | Ellsworth |
| Baca | Cleaver | Engel |
| Baird | Clyburn | Eshoo |
| Baldwin | Cohen | Etheridge |
| Barrow | Connolly (VA) | Farr |
| Bean | Conyers | Fattah |
| Becerra | Cooper | Filner |
| Berkley | Costa | Fortenberry |
| Berman | Costello | Foster |
| Berry | Courtney | Frank (MA) |
| Bishop (GA) | Crowley | Frelinghuysen |
| Bishop (NY) | Cuellar | Fudge |
| Bishop (UT) | Cummings | Gerlach |
| Blumenauer | Dahlkemper | Giffords |
| Bocciari | Davis (AL) | Gonzalez |
| Bono Mack | Davis (CA) | Gordon (TN) |
| Boswell | Davis (IL) | Grayson |
| Boucher | Davis (TN) | Green, Al |
| Boyd | DeFazio | Green, Gene |
| Brady (PA) | DeGette | Griffith |
| Brady (IA) | Delahunt | Grijalva |
| Brown, Corrine | DeLauro | Gutierrez |
| Butterfield | Dent | Halvorson |
| Capito | Dicks | Hare |
| Capps | Dingell | Harman |
| Capuano | Doggett | Hastings (FL) |
| Cardoza | Donnelly (IN) | Heinrich |
| Carnahan | Doyle | Hereth Sandlin |
| Carney | Dreier | Higgins |
| Carson (IN) | | |

Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascarelli
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Perriello
Peters
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—144

Aderholt
Akin
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxy
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lee (NY)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock

McCotter
McHenry
McHugh
McMorris
Rodgers
Mica
Miller (FL)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Peterson
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Westmoreland
Wilson (SC)

NOT VOTING—6

Alexander
Bright
Hall (NY)
Kosmas
Miller, Gary
Radanovich

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOLDEN) (during the vote). There are 2 minutes remaining in this vote.

□ 1238

Mr. DAVIS of Tennessee changed his vote from “nay” to “yea.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 38.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 38.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. DEFazio. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 0, not voting 14, as follows:

[Roll No. 118]

AYES—417

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)

Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
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| Sánchez, Linda | Smith (TX) | Van Hollen |
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| Sanchez, Loretta | Snyder | Visclosky |
| Sarbanes | Souder | Walden |
| Scalise | Space | Walz |
| Schakowsky | Speier | Wamp |
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| Schiff | Stark | Schultz |
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| Schwartz | Sutton | Weiner |
| Scott (GA) | Tanner | Welch |
| Scott (VA) | Tauscher | Westmoreland |
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| Sessions | Terry | Wilson (OH) |
| Sestak | Thompson (CA) | Wilson (SC) |
| Shadegg | Thompson (MS) | Wittman |
| Shea-Porter | Thompson (PA) | Wolf |
| Sherman | Thornberry | Woolsey |
| Shimkus | Tiahrt | Wu |
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NOT VOTING—14

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| Alexander | Gutierrez | Radanovich |
| Bright | Hall (NY) | Rohrabacher |
| Capps | Kirk | Rush |
| Dingell | Kosmas | Watson |
| Edwards (MD) | Miller, Gary | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1252

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

YEAR OF THE MILITARY FAMILY

Mr. SKELTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 64) urging the President to designate 2009 as the "Year of the Military Family".

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 64

Whereas there are more than 1.8 million family members of regular component members of the Armed Forces and an additional 1.1 million family members of reserve component members;

Whereas slightly more than half of all members of the regular and reserve components are married, and just over 40 percent of military spouses are 30 years or younger and 60 percent of military spouses are under 36 years of age;

Whereas there are nearly 1.2 million children between the ages of birth and 23 years who are dependents of regular component members, and there are over 713,000 children between such ages who are dependents of reserve component members;

Whereas the largest group of minor children of regular component members consist of children between the ages of birth and 5 years, while the largest group of minor children of reserve component members consist

of children between the ages of 6 and 14 years;

Whereas the needs, resources, and challenges confronting a military family, particularly when a member of the family has been deployed, vastly differ between younger age children and children who are older;

Whereas the United States recognizes that military families are also serving their country, and the United States must ensure that all the needs of military dependent children are being met, for children of members of both the regular and reserve components;

Whereas military families often face unique challenges and difficulties that are inherent to military life, including long separations from loved ones, the repetitive demands of frequent deployments, and frequent uprooting of community ties resulting from moves to bases across the country and overseas;

Whereas thousands of military family members have taken on volunteer responsibilities to assist units and members of the Armed Forces who have been deployed by supporting family readiness groups, helping military spouses meet the demands of a single parent during a deployment, or providing a shoulder to cry on or the comfort of understanding;

Whereas military families provide members of the Armed Forces with the strength and emotional support that is needed from the home front for members preparing to deploy, who are deployed, or who are returning from deployment;

Whereas some military families have given the ultimate sacrifice in the loss of a principal family member in defense of the United States; and

Whereas 2009 would be an appropriate year to designate as the "Year of the Military Family": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) expresses its deepest appreciation to the families of members of the Armed Forces who serve, or have served, in defense of the United States;

(2) recognizes the contributions that military families make, and encourages the people of the United States to share their appreciation for the sacrifices military families give on behalf of the United States; and

(3) urges the President—

(A) to designate a "Year of the Military Family"; and

(B) to encourage the people of the United States and the Department of Defense to observe the "Year of Military Family" with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. SKELTON) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 64,

which I introduced, along with my ranking member, JOHN MCHUGH, and the majority of my colleagues on the Armed Services Committee.

House Concurrent Resolution 64 calls for the President to designate 2009 as the "Year of the Military Family."

For over 7 years, our Nation has been in sustained conflict. Our servicemembers are facing multiple deployments, but they are not the only ones who are shouldering the burden of the war. Nearly 2 million of our military families have also shared in that burden.

While I am proud of Americans across this great Nation who have volunteered or contributed funds and supplies to support our deployed and injured troops, those who have been on the forefront of those efforts are the military families. Over the last several years, military families have faced months of separation, some as long as 18 to 20 months. With over 1 million children between the ages of birth and 23 years of age who have parents in uniform, there have been many missed birthdays, graduations, holidays, and a child's first words and other major life accomplishments that are all too common as troops continue to experience back-to-back deployments.

Military families endure such hardship and sacrifices so their servicemember can proudly continue to serve the Nation. Military families often provide moral support, as well as comfort, to each other, especially during these difficult times. However, many families, especially those in the Reserves and Guard, do not have that luxury. Often these families must face these hardships alone, far from support programs and far from facilities that are located on military bases.

The President and Mrs. Obama have stated that military families will be a top priority for this administration. I applaud the President and Mrs. Obama for their commitment to their military families.

Mr. Speaker, I urge the President to continue this commitment and recognize the sacrifices of military family members who have given support to their servicemember and this nation, and declare this to be the "Year of the Military Family."

I urge my colleagues to join me in support of this important resolution.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I rise also in support of House Concurrent Resolution 64, which urges the President to designate 2009 as the "Year of the Military Family," and I thank the chairman of the Armed Services Committee, Representative SKELTON, for offering it.

Mr. Speaker, I am honored to pay tribute today to the force behind the force—the military family. It has long been known that the military services recruit individuals but retain families. This has never been more true nor

more critical than it is today. The support our troops receive from their loving families—mothers, fathers, sisters, brothers, spouses and children—is intangible, and it is nothing less than a powerful force multiplier.

Dedicating a year to honor the service and sacrifice of our military families is the least we can do to say thank you and to call attention to this sometimes forgotten resource. Today, Mr. Speaker, millions of Americans have one or more family members serving in the Armed Forces. These incredible families attempt to lead normal lives while their loved ones stand in harm's way, fulfilling our Nation's oath to serve and protect.

But they do not just wait. They also serve. Military spouses spend countless hours volunteering in family readiness programs and wounded warrior networks, all while managing to be two parents at once. Military children, numbering almost 2 million in our country, attempt to be like other children while trying their hardest not to let sadness and worry overcome them.

Mr. Speaker, the strength of the military family is astonishing. As we celebrate military families, let us not forget the sacrifice of parents. Military parents give their sons and daughters to the Nation and pray ceaselessly for their safe return. They look forward to every letter and every phone call, while fearing the ringing of the phone and the doorbell at the same time.

Military children, Mr. Speaker, are a very different breed of young adult. They do not always have hometowns, but they do have a heightened sense of family, both in the traditional sense and in the special characteristics of the military community. Their home is where the military chooses to send them, and their family becomes all who surround them.

They do not hesitate to support their family when their father or mother walks out the door for 6 months, 8 months, or even more often now, a year. In most cases they are Mom or Dad's biggest fans. Many times the oldest child takes over as second in charge while serving as a rock for the youngest.

Even at a young age, military children know what the words "ultimate sacrifice" means, and these words are in the back of their minds every day that goes by. Military families have an uncanny resilience. They are some of the strongest citizens in this country, and I am privileged to recognize them not only today, but every day.

I have many such dedicated families in my strongly military district, the Fifth District of Colorado.

□ 1300

I urge my colleagues to support this very important resolution because without the support of our military families, our Armed Forces would not

be the incredible power that they are today.

I reserve the balance of my time.

Mr. SKELTON. I yield such time as he may consume to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the chairman for yielding and, more importantly, I thank him for this resolution, which tries to not only recognize the men and women who are in uniform, but certainly the men and women and children and parents of our soldiers in uniform who day to day have to go through the same experiences that our troops abroad and in our military stations throughout must go through as well.

There are some 3 million Americans today who represent the family members of our brave soldiers. I am pleased to say that I count myself among those family members. And I believe it is something that not only should be done in 2009 to urge the President to designate this year as the Year of the Military Family but, quite honestly, this is something we should do every year.

I think it is of the utmost importance. And we applaud the First Lady of the United States, Michelle Obama, for the role that she has decided to play in elevating the stature of our families who are here or throughout the world and have a family member serving today on behalf of this country.

It is something that I think sometimes we take for granted. But this is an occasion today where, on the floor of the most democratic body in the history of this world, we can say to all those who serve in uniform, not just from our country, but throughout, that we do think about you, we do respect what you do and, more importantly, we realize that you have family that day to day must go through the same experiences you do.

So, Mr. Chairman, I think it is something we should do, as I said, all the time. I think every Member in this body would agree that we have to think about our servicemembers and their families every day. And it doesn't hurt to periodically do it in a more official way by actually having a resolution which urges the President to declare this year the Year of the Military Family.

With that, I thank you very much for not just your service, but your insight and your wisdom in trying to always make sure that we elevate our men and women in uniform and their families to the highest levels we can.

Mr. LAMBORN. Mr. Speaker, I yield 4 minutes to a new member of the Armed Services Committee, but she's already starting to make a strong contribution, the gentlelady from Oklahoma (Ms. FALLIN).

Ms. FALLIN. I am here today to support this resolution also, and to support the naming of 2009 as the Year of

the Military Family. For years now, we have been sending our sons and our daughters overseas to fight terror and also fight for our freedom. Our military men and women have sacrificed, missing birthdays, anniversaries, holidays, and endured many hardships, and we are honored on this floor in this Chamber to frequently pay tribute to those men and women.

Too often, however, we forget the families, the loved ones behind our military men and women—our mothers, our fathers, our children, our siblings, husbands and wives of our troops. Their sacrifice is also worthy of our greatest respect. These are the unsung heroes of the War on Terror, the loved ones who watch our troops go into battle, and are ready to greet them when they arrive back home.

We now have 1.8 million family members of active duty military personnel, and just over 1 million family members of reservists. Of every two soldiers who are deployed, one leaves behind a wife or a husband who will wait for months, and sometimes even years, before they see their spouse again.

Nearly 2 million children have fathers or mothers who are in the military, and these children, undoubtedly, feel great pride in having a mother or father serve their country, but they also feel a great burden of growing up with one parent who often is far from home and missing those important times.

Without the support and sacrifice of these brave men, women, and their children, our Armed Services could not function, so much so that it is just safe to say thank you to our military families for their service and for protecting our country and for making the tremendous sacrifices with their families.

So, Mr. Speaker, for all these reasons, I would like to join my colleagues in also congratulating the 2009 members of the military families, and to say that this is your year. 2009 is the Year of the Military Family. So let us join in and respect those families and honor them today in this Chamber.

Mr. SKELTON. I yield such time as he may consume to a cosponsor of this legislation, the gentleman from Virginia (Mr. MORAN.)

Mr. MORAN of Virginia. I am honored to have a moment to speak on this resolution, and deeply grateful to Chairman SKELTON for introducing it and advancing it.

You know, they say that an army travels on its stomach. In other words, the physical well-being of an army has to be taken into consideration. They have to be well fed, they have to be cared for.

The way you win wars though, comes from the heart and mind of our soldiers, sailors, and airmen. And the way that you motivate them is to assure them that this country is providing for their families. That is what they care about more than anything else.

When they go to war, when they choose to serve this country in the Armed Services, their principal motivation, really, is their family. They are doing this to provide security to their children, to their parents, to their loved ones. And that is what this resolution is all about, recognizing the indispensable role that military families play.

We have lost more than 2,000 parents of young children in Iraq. But hundreds of thousands have known that when they say goodbye to their daddy or mommy, they may not see them again. And they have to live with that reality.

They comfort each other, families get to know each other, provide a support network. But it's absolutely essential that we, as a Nation, understand that we are putting these families on the front line. That they are prepared to pay the ultimate sacrifice, that they are fully prepared to do whatever it takes to ensure that we have soldiers, sailors, airmen and women who will go to war, will risk their lives, knowing that they have the support of their families at home.

Now, we have tried to put more money into the veterans' bill to improve health care, particularly the type of health care that we have found a particular compelling need for—permanent brain injury, post-traumatic stress disorder, mental illnesses—that have increased dramatically in the last few years, particularly with IEDs and the violence that they cause in Iraq and Afghanistan. But when they come home, if we don't adequately treat them, the price is paid by the family.

It's the family that has to deal with sometimes uncontrollable violent urges, where the veteran of combat finds it difficult to control themselves, to make that transition to the society in which they need to take on the role of husband, wife, or parent.

All of these challenges are even greater than they have ever been before. And that is why this Congress, this Nation, needs to take every opportunity to focus on the needs of these families who show real patriotism and real loyalty to the principles and ideals and values of this Nation, and are willing to sacrifice whatever it takes to uphold those principles, ideals, and values, even the risk of loss of a loved one.

So, with that, Mr. Chairman, again, I thank you for introducing, for promoting this resolution and, most importantly, I thank you for being conscious of what this resolution is all about every single day throughout the year in the legislation that the Armed Services Committee and your colleagues in the Congress pass. It has to be a priority.

So, I know this will pass unanimously, and I appreciate the fact that it's offered on the floor today.

Mr. LAMBORN. At this point, I yield 4 minutes to someone who's made a

strong contribution to the military—until January, he served for many years on the Armed Services Committee—the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding. I rise today in support of H. Con. Res. 64, urging the President to designate 2009 as the Year of the Military Family. It's going to be difficult to follow the gentleman from Virginia, Mr. MORAN, what he said out of compassion and love for the military families, but I will humbly try to do so.

Certainly, I would like to say a special thanks to Chairman SKELTON, Ranking Member JOHN MCHUGH, as well as to the members and the staff of the House Armed Services Committee, for the tireless effort in support of our soldiers, sailors, airmen, and marines who are bravely defending us at home and abroad.

Mr. Speaker, today we rightfully take time to recognize the families of those brave men and women who have dedicated their lives to the service of our Nation. I stand here and I am thinking about so many families—moms and dads, brothers and sisters—of fallen soldiers in my State of Georgia, and of my district, the 11th Congressional in northwest Georgia. I am not trying to mention all of them, but they are definitely in my mind and in my heart.

For it is not just the members of the military who serve our country, but also their family members, who sacrifice so much in support of these heroes who, day in and day out, protect our freedom.

Mr. Speaker, the families of those who serve our country on the front lines deserve the admiration and appreciation of each and every citizen. These family members often watch their loved ones travel to faraway lands in support of a cause and an ideal so much greater than any one individual.

Indeed, the democracy on display here today with our presence in this Chamber is testament to the courage and valor of our Armed Forces. The support given to our servicemen and women by their loved ones is irreplaceable, as it's a foundation for the bravery inherent in those who labor steadfastly in the defense of liberty.

Any of us who have watched videos and movies about the Civil War and read some of those letters to home that the infantrymen would write, maybe right before a battle and they give their lives to their country, it is indeed moving.

So, let us now honor and say a gracious thank you to each and every military family, every member of those families, for the encouragement, love, and kindness they exhibit in supporting their precious loved ones as they serve a Nation that will forever be free because of their sacrifice. It is to

the family members that we now say thank you.

Mr. Speaker, we are proud of all of our servicemen and women and are eternally grateful for their efforts in the Global War on Terror. Let us not forget the ones who have provided the closest circle of support for them wherever they may serve around the globe. I urge all my colleagues, of course, to support this.

Mr. SKELTON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BERMAN).

□ 1315

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me time to join the others in making a particular statement on behalf of the sacrifice of military families.

We pay great attention, and should, to the sacrifices of our young servicemen and servicewomen who risk their lives in service of their country. We sometimes don't pay as much attention to people who make a tremendous sacrifice by virtue of seeing their loved ones, their spouses, their parents, their children in many cases, going off to military service, particularly in the context of recent times, dealing with the repeated deployments, the disruptions, the movement, the constant concern about the welfare of the loved one. And it is quite appropriate and long overdue that we actually designate this year, 2009, as the year of the military families. I strongly support this resolution.

Mr. LAMBORN. Mr. Speaker, I thank the chairman for offering this resolution.

I yield back the balance of my time.

Mr. SKELTON. Most of us Members of Congress have had the opportunity to witness military units as they are ready to deploy. We have also seen military units as they have returned, or individual members of our service returning, and watch their families greet them with happiness and with tears. It is difficult to put ourselves in their places, but the best we can do is to show our appreciation, and that our thoughts and our prayers are with them as well as their loved ones who are serving. Mr. Speaker, I urge all of my colleagues to support this resolution.

Mrs. DAVIS of California. Mr. Speaker, I rise in support of urging the President to designate 2009 as the "Year of the Military Family."

Our military's ability to perform its mission abroad is directly related to the strength of our families at home.

Without families willing to sign up for military life alongside their soldier, sailor, airman or marine, we would not have the tremendous all-volunteer force we have today.

Our military has been at war for nearly eight years against persistent and determined enemies thousands of miles away. And in many ways, so have our military families.

With loved ones deployed to theatres of combat, our families have lived with the enormous uncertainty brought by every ring of the phone and every knock on the door.

For far too many, that unexpected phone call or visitor announced the tragic loss of a spouse or parent.

For thousands more, injuries sustained in battle require a spouse or child to take on the responsibility of caretaker.

I am continually amazed at their resilience and ability to continue with their lives under such difficult circumstances.

Every family signed up knowing the requirements of duty.

However, regular assignments to theatres of war will challenge even the strongest families.

Like many of my colleagues, I hear the frustration and sense the pain that frequent, dangerous and unpredictable deployments are having on military communities.

We know that these deployments are often measured not by weeks or months, but by anniversaries, birthdays and important life moments.

Describing the length of her husband's deployment, one of my constituents told me how her husband "missed his older son's graduation from college, and his youngest son's graduation from High School." Her frustration was clear.

As Chairman SKELTON mentioned earlier, over a million children have not had a mom or dad or both home for life's important events.

We have tried to take steps to lessen the strain on our families, but high operational tempo and policies like stop-loss still have a significant impact.

As a Navy wife recently told me, "We are resigned to the necessity of deployment."

Mr. Speaker, our first commander in chief, President Washington, said, "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive veterans of early wars were treated and appreciated by our nation."

Today, President Washington's statement should probably read, "The willingness with which our 'families are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive families of early wars were treated and appreciated by our nation.'"

That is why the Military Personnel Subcommittee will hold a hearing later this year focusing on military families and topics that are unique to military life.

... But it will take more than a series of hearings to address the very real concerns felt by families and men and women in uniform.

Just as we must ensure that service members have the equipment they need in the field, so too must we guarantee that families have the support they need at home.

I urge President Obama to honor the commitment of those who "serve" behind our men and women in uniform and designate 2009 the Year of the Military Family.

I hope all my colleagues will support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 64, "Urging the President to designate 2009 as the 'Year of the Military Family'." I want to thank my col-

league Congressman IKE SKELTON of Missouri for introducing this resolution.

No group of Americans has stood stronger and braver for our nation than those who have served in the Armed Forces. From the bitter cold winter at Valley Forge to the boiling hot Iraqi terrain, our soldiers have courageously answered when called upon, gone where ordered, and defended our nation with honor. Their noble service reminds us of our mission as a nation—to build a future worthy of their courage and your sacrifice. We celebrate, honor and remember these courageous and faithful men and women.

While the nation's attention has been wholly focused on the economic crisis, Americans continue to die in wars across the globe, from Iraq to Afghanistan and beyond. The war in Iraq no longer makes headlines, but for military families it remains a daily reality, and I urge my colleagues to recognize the challenges that the families of these brave soldiers face and support this resolution in their honor.

When American troops are the ones fighting abroad, it is our military families who must also suffer. They wait every day and night hoping to hear from their loved ones, praying that they are not put in harm's way, that they may come home soon. Too many families have not been so lucky, finding out the news of a loved one's death is not only emotionally traumatizing it can have long term effects for the family that may never be repaired.

We must all stand as champions for our men and women fighting abroad. These soldiers who bravely reported for duty, they are our sons and our daughters, they are our fathers and mothers, they are our husbands and wives, they are our fellow Americans.

There are over 26,550,000 veterans in the United States. In the 18th Congressional district of Texas alone there are more than 38,000 veterans and they make up almost ten percent of this district's civilian population over the age of 18.

We remember and honor the sacrifices of our forces and their families. And we renew our national promise to fulfill our sacred obligations to those who have worn this nation's uniform. Our veterans and their families ask for nothing more. Let us fight the good fight.

Mr. HEINRICH. Mr. Speaker, I rise today in full support of making 2009 the Year of the Military Family.

It is an honor to support this measure and to express my heartfelt appreciation, and that of our entire congressional district, for the families of our men and women who serve in the military.

For so many New Mexican families, military service has been in our blood for generations.

Our state has often had the highest rate of military volunteerism in the country and the 1st congressional district is home to countless veterans, not to mention the large number of proud service members stationed at Kirtland Air Force Base.

Yet we know all too well that with each individual who generously gives their service to their country through our military, there is a significant impact on those closest to them.

Each time a service member leaves home, they leave behind caring husbands and wives, loving sons and daughters, worried parents and whole communities that remain concerned for their safety.

There is no question that these affected families are also serving our country—by courageously enduring long separations from loved ones and the demands of deployments abroad.

So today, I proudly honor the commitment, sacrifice, courage and steadfast support that have been provided by our country's military families, allowing our service members to serve and I ask my colleagues to support this resolution.

Mr. SKELTON. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 64.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. SKELTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CALLING FOR RETURN OF SEAN GOLDMAN

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 125) calling on the central authority of Brazil to immediately discharge all its duties under the Hague Convention by facilitating and supporting Federal judicial proceedings as a matter of extreme urgency to obtain the return of Sean Goldman to his father, David Goldman, for immediate return to the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 125

Whereas David Goldman has been trying unsuccessfully since June 17, 2004, to secure the return of his son Sean to the United States where Sean maintained his habitual residence until his mother, Bruna Bianchi Ribeiro Goldman, removed Sean to Brazil;

Whereas on August 26, 2004, the Superior Court of New Jersey awarded custody to Mr. Goldman, ordered Mrs. Goldman and her parents to immediately return Sean to the United States, and indicated to Mrs. Goldman and her parents that their continued behavior constituted parental kidnapping under United States law;

Whereas on September 3, 2004, Mr. Goldman filed an application for the immediate return of Sean to the United States under the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the "Hague Convention") to which both the United States and Brazil are party and which entered into force between Brazil and the United States on December 1, 2003;

Whereas on August 22, 2008, Mrs. Goldman passed away in Brazil leaving Sean without a

mother and separated from his biological father in the United States;

Whereas Mr. João Paulo Lins e Silva, whom Mrs. Goldman married in Brazil, has petitioned the Brazilian courts for custody rights over Sean Goldman and to replace Mr. Goldman's name with his own name on a new birth certificate to be issued to Sean, despite the fact that Mr. Goldman, not Mr. Lins e Silva, is Sean's biological father;

Whereas furthermore, the United States and Brazil have expressed their desire, through the Hague Convention, "to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence";

Whereas according to the Department of State, there are 51 cases involving 65 children who were habitual residents of the United States and who were removed to Brazil by a parent and have not been returned to the United States as required under the Hague Convention;

Whereas according to the Department of State's April 2008 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction, "parental child abduction jeopardizes the child and has substantial long-term consequences for both the child and the left-behind parent";

Whereas the Department of State's Office of Children's Issues, while not always notified of international child abductions, is currently handling approximately 1,900 open cases of parental abduction to other countries involving more than 2,800 children abducted from the United States;

Whereas in fiscal year 2007, the United States Central Authority responded to cases involving 821 children abducted from the United States to countries with which the United States partners under the Hague Convention, but during that same time period only 217 children were returned from Hague Convention partner countries to the United States;

Whereas according to the Department of State, Honduras has not acted in compliance with the terms it agreed to as a party to the Hague Convention, and Brazil, Bulgaria, Chile, Ecuador, Germany, Greece, Mexico, Poland, and Venezuela have demonstrated patterns of noncompliance based on their Central Authority performance, judicial performance, or law enforcement performance of the obligations of the Hague Convention;

Whereas according to the Department of State, in fiscal year 2008, the United States Central Authority counted 306 cases of parental abductions involving 455 children taken from the United States to other countries that are not partners with the United States under the Hague Convention, currently including 101 children in Japan, 67 children in India, and 37 children in Russia;

Whereas three-year-old Melissa Braden is among the children who have been wrongfully abducted to Japan, a United States ally which does not recognize intra-familial child abduction as a crime, and though its family laws do not discriminate by nationality, Japanese courts give no recognition to the parental rights of the non-Japanese parent, fail to enforce United States court orders relating to child custody or visitation, and place no effective obligation on the Japanese parent to allow parental visits for their child;

Whereas Melissa was taken from Los Angeles, California to Japan on March 16, 2006, when she was 11-months-old, despite a California court's prior order forbidding Melissa's removal to Japan and granting joint custody to her father Patrick Braden;

Whereas despite his extensive efforts, Mr. Braden and his daughter have not seen each other since her abduction;

Whereas according to the Department of State, abducted children are at risk of serious emotional and psychological problems and have been found to experience anxiety, eating problems, nightmares, mood swings, sleep disturbances, aggressive behavior, resentment, guilt and fearfulness, and as adults may struggle with identity issues, their own personal relationships and parenting; and

Whereas left-behind parents may encounter substantial psychological, emotional, and financial problems and many may not have the financial resources to pursue civil or criminal remedies for the return of their children in foreign courts or political systems: Now, therefore, be it:

Resolved, That—

(1) the House of Representatives—

(A) calls on Brazil to, in accordance with its obligations under the Hague Convention and with extreme urgency, bring about the return of Sean Goldman to his father, David Goldman, in the United States;

(B) urges all countries determined by the Department of State to have issues of non-compliance with the Hague Convention to fulfill their obligation under international law to take all appropriate measures to secure within their respective territories the implementation of the Hague Convention and to use the most expeditious procedures available; and

(C) calls on all other nations to join the Hague Convention and to establish procedures to promptly and equitably address the tragedy of child abductions, given the increase of transnational marriages and births, the number of international child abduction cases and the serious consequences to children of not expeditiously resolving these cases; and

(2) it is the sense of the House of Representatives that the United States should—

(A) review its diplomatic procedures and the operations available to United States citizens through its central authority under the Hague Convention to ensure that effective assistance is provided to Mr. Goldman and other United States citizens in obtaining the expeditious return of their children from Brazil and other countries that have entered into the reciprocal obligations with the United States under the Hague Convention;

(B) take other appropriate measures to ensure that Hague Convention partners return abducted children to the United States in compliance with the Hague Convention's provisions;

(C) diplomatically urge other nations to become parties to the Hague Convention and establish systems to effectively discharge their reciprocal responsibilities under the Convention; and

(D) continue to work aggressively for the return of children abducted from the United States to other nations and for visitation rights for their left-behind parents when return is not yet achieved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise

and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. I rise in support of the resolution, and yield myself such time as I may consume.

Mr. Speaker, the 1980 Hague Convention on the civil aspects of international child abduction is the principal international framework for tackling an increasingly difficult problem. The resolution before us urges all countries that the State Department determines are noncompliant with the Hague Convention to fulfill their obligations and faithfully implement the treaty. It also calls on other nations who have not yet joined the Hague Convention to do so.

The resolution highlights two emblematic cases and specifically calls for their prompt resolution. One is in a country that is a party to the Hague Convention, Brazil; the other in a country that is not, Japan. The facts of each case are equally heartbreaking.

David Goldman has been trying, since 2004, to get his son, Sean, back to the United States from Brazil. When Sean's mother took Sean to Brazil, the Superior Court of New Jersey awarded custody to Mr. Goldman, ordered Mrs. Goldman and her parents to immediately return Sean to the United States, and said that their continued behavior constituted parental kidnapping under United States law. Mrs. Goldman subsequently passed away in Brazil, leaving Sean without a mother and separated from his biological father in the United States. Mrs. Goldman's husband in Brazil petitioned for custody over Sean, and the issue has now been tied up in Brazilian courts for years.

The resolution also mentions a case with Japan, a United States ally which does not recognize intrafamilial child abduction as a crime.

Melissa Braden was taken from Los Angeles, California to Japan, in 2006, when she was just 11 months old, despite a 2006 restraining order that forbade Melissa's removal to Japan and an order granting joint custody to her father, Patrick Braden.

Despite his efforts, Mr. Braden and his daughter have not seen each other since her abduction. As in other cases, Japanese courts have not recognized his U.S. custody order and have not helped him gain visitation with his daughter.

While many American parents never see their children again when they are taken to Japan, I am hopeful that the Japanese government will take steps to respond to these cases by joining the Hague Convention. It is encouraging that the Japanese Ministry of Foreign Affairs is examining the Hague Convention, and I urge them to join as a party

as soon as possible so that children like Melissa Braden can grow up knowing both of their parents.

The problem is, of course, much more widespread than these two cases. In 2008, the United States responded to cases involving 1,159 children abducted from the United States to countries with which the United States partners under the Hague Convention. In 2008, the United States saw 306 cases involving 455 children taken from the United States to other countries that are not Hague Convention partners.

I support this resolution because it shines a spotlight on a problem that needs immediate attention, a problem that will likely get worse in coming years in light of the growing number of transnational births and marriages. I urge my colleagues to support the resolution offered by the gentleman from New Jersey (Mr. SMITH) and the gentleman from New Jersey (Mr. HOLT).

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, imagine that you are a child of only 4 years old, and your best friend, your father, is your primary caregiver. You live with your parents by a lake in a quiet neighborhood in New Jersey, and your days are filled with boating, swimming, sports, and other fun with your dad. Then suddenly, one day your mother takes you on a jet; you move to a foreign country; and for 4½ years you live with the confusion, pain, and anxiety of not understanding why your dad is not there with or for you. The little contact you have with Dad are a few phone calls, routinely interrupted when the phone is taken from you and abruptly ended while your father is trying to tell you how much he loves and misses you.

That is what happened to Sean Goldman, an American citizen born and living in the United States for the first four years of his life, until June 2004, when his mother took him to her native country of Brazil. Almost as soon as she arrived in Rio de Janeiro, she advised Sean's father, David Goldman, that she was permanently staying in Brazil, the marriage was over, and that she was not going to allow Sean to return home to New Jersey; and Sean has not seen his real home since.

Stunned, shell-shocked, and utterly heartbroken, David Goldman has refused to quit or fade away. His love for his son is too strong. He has been working tirelessly every day during the last 4½ years, using every legal means available to bring Sean home.

On paper, the laws are with him. Child abduction and the retention of a kidnapped child are serious crimes. The courts of New Jersey, the place of Sean's habitual residence, granted David full custody, as Chairman BERMAN pointed out a moment ago, as far back as August 2004. On the inter-

national front, David has had every reason to believe that justice would be swift and sure because, unlike some countries, Brazil is a party to an international convention and in a bilateral partnership with the United States, which obligates Brazil to return children, even those abducted by a parent, to the place of habitual residence, in this case New Jersey.

To David Goldman's shock and dismay, however, that has not happened. Even after Sean's mother died unexpectedly in August of 2008, the people unlawfully holding Sean in Brazil, especially a man who is not Sean's father, have refused to allow Sean's return home to New Jersey or, until last month, even to see his father.

Last month, I traveled to Brazil with David Goldman on what was his eighth trip to try to see his son and advance the legal and diplomatic process of returning Sean home to the United States. This trip was different, however, and we sincerely hope a turning point.

First and foremost, he got to visit with his son, and we met with several key Brazilian officials in President Lula's government, including Ambassador Oto Agripino Maia at the Ministry of External Affairs and others, in the judicial system Minister Ellen Gracie Northfleet, the former chief justice and current member of the Supreme Court. We were encouraged by their apparent understanding of Brazil's solemn obligation as a signatory to the Hague Convention to return Sean to the United States.

In subsequent meetings here in the U.S. with Brazilian Ambassador Antonio Patrioto and the Brazilian Ambassador to the Organization of American States, Osmar Chofi, we were again assured that the Lula government believes that Sean Goldman should be in the United States and with his father. Still, deeds, not just encouraging words, are what matter most, and Sean remains unlawfully held in Brazil.

When in Brazil last month, I had the extraordinary privilege of joining David and Sean in their first meeting in 4½ years. Now almost 9, Sean Goldman was delighted to see his dad. The love between them was strong and was obvious from the very first moment. In the first moments of their meeting, I did see the pain on Sean as he asked his father why he hadn't visited him in 4½ years. David told him that he has traveled to Rio several times to try to be with him. But in order to mitigate Sean's pain because of the abduction, David blamed only the courts, not the abductors, for the separation, a sign of class and I think a sign of David's sensitivity.

This is a picture to my left here that I took while I was in Brazil, a picture of a dad with his son after shooting baskets and playing a game of "around the world." Sean, a remarkable young

man who needs to work on his set shot, was completely at ease and eager to get reacquainted with his dad. I took this picture about 1 hour after their first reunion after 4½ years. The joy on both of their faces, as I think all can see, is compelling. There were hugs and there were kisses, and you can see that there was a great bond between this dad and his son.

Mr. Speaker, the kidnapping of Sean Goldman and his continued 4½ year unlawful retention in Rio must be resolved immediately and irrevocably. A father, who deeply loves his son, wants desperately to care for him and spend precious time with him and has had his nationally and internationally recognized parental rights, and his son has had his rights as well, violated with shocking impunity.

□ 1330

David Goldman should not be blocked from raising his own son. And a child who recently lost his mom belongs with his dad.

The Government of Brazil, Mr. Speaker, has failed to live up to its legal obligations under international law to return Sean to his biological father. The Government of Brazil has an obligation they must fulfill and without further delay. The resolution before us today expresses the House of Representatives' profound concern and calls on Brazil to, in accordance with its international obligations and with "extreme urgency" bring about the return of Sean Goldman with his dad, David Goldman, in the United States. Justice delayed, Mr. Speaker, is justice denied. And Sean's place is with his dad.

Mr. Speaker, on the bigger picture, international child abductions by parents are not rare. The U.S. Department of State reports that it is currently handling approximately 1,900 cases involving more than 2,800 children abducted from the United States to other countries. And those numbers do not include children whose parents, for whatever reason, do not report the abductions to the U.S. Department of State.

In recognition of the gravity of this problem and the traumatic consequences that child abductions can have both on the child and the parent who is left behind, the Hague Convention on the Civil Aspects of International Child Abduction was reached in 1980. The purpose of the Hague Convention is to provide an expeditious method to return an abducted child to the child's habitual residence so that custody determinations can be made in that jurisdiction. According to the terms of the Convention, such return is to take place within 6 weeks—not over 4½ years—after proceedings under the Convention are commenced.

The United States, Mr. Speaker, ratified the Hague Convention in 1988.

Brazil acceded to the Hague Convention in 1999 and the Hague Convention was entered into force between Brazil and the U.S. in 2003, a year before Sean was abducted. In accordance with the Hague Convention, David Goldman on September 3, 2004, filed, in a timely fashion, an application for the immediate return of his son. Brazil, sadly, has failed to deliver.

I would point out on a positive note that within a week of our return home to the United States, the Brazilian courts did take what we consider to be a major step in the right direction for David and Sean. The decision was to move the case from the local courts, which were erroneously bogged down in making a custody determination, to the Federal court capable and responsible for making decisions in accordance with obligations under the Hague Convention. Pursuant to an amended application filed under the Convention after the death of Sean's mother and in accordance with the "expeditious return" provisions of the Hague Convention, Brazil's only legitimate and legal option now, as it has been, is to effectuate Sean's return. And it must be done now.

Finally, Mr. Speaker, this weekend, Brazilian President Lula will visit the United States and visit one-on-one with President Obama. The White House meeting should include a serious discussion about Brazil's—and this is the State Department term—pattern of noncompliance with the Hague Convention and Brazil's obligation to immediately fulfill this obligation in the case of Sean Goldman and many other cases like it, including one that Mr. POE will bring up momentarily.

I'm happy to say that over 50 Members of the House, including my friend and colleague, Mr. HOLT, have cosponsored this resolution. Over 43,000 people from 154 nations have signed a petition urging Brazil to do the right thing and expeditiously return Sean to the United States. So many people, Mr. Speaker, have joined in and helped David in his fight for his son and deserve our appreciation and respect.

His extraordinarily talented legal counsel here in the United States, Patricia Apy, and in Brazil, Ricardo Zamariola, Jr., have made their case with expertise, precision, compassion and particular adherence to the rule of law. The staff at our consulates in Brazil—Consul General Marie C. Damour, Joanna Weinz and Karen Gufstafson—have all tirelessly and professionally worked this case for several years as if Sean and David were their own family. Special thanks to Ambassador Cliff Sobel. A number of journalists, including Bill Handleman of the Asbury Park Press, have written powerful columns about David's loss and his entire terrible ordeal. Meredith Vieira, Benita Noel and Lauren Sugrue of NBC's Dateline have probed, inves-

tigated and demanded answers, thus ensuring that the truth about this unlawful abduction is known to the public, including and especially to government officials both here and Brazil. In fact, it was a Dateline special on the Goldman case that caused me to call David and to get involved.

And finally, a special thanks to the countless volunteers, including Mark DeAngelis, who has done yeoman's work, including managing a Web site—Bring Sean Home—and have proved to be an invaluable support system during this most difficult and trying time for father and son.

I urge Members to support this resolution. Again I want to thank Chairman BERMAN for his leadership in bringing this resolution to the floor and to ILEANA ROS-LEHTINEN, our distinguished ranking member. This resolution I believe will make a difference not just for David and Sean but for so many others who are similarly situated.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from New Jersey (Mr. HOLT) in whose district Mr. Goldman resides.

Mr. HOLT. Mr. Speaker, I thank the distinguished Chair of the House Committee on Foreign Affairs, Mr. BERMAN, for bringing this resolution to the floor. The resolution calls on the Government of Brazil to live up to its obligations under the Hague Convention on the Civil Aspects of International Child Abduction by releasing Sean Goldman to the custody of his father, David Goldman of Tinton Falls, New Jersey, my constituent. This bill shines a bright light on the problem of international parental kidnapping, and it is an issue that deserves congressional attention.

Let me recount some of the recent background on this issue and why this resolution is before the House today. It is heartrending, as you have heard from my colleague from New Jersey.

Nearly 5 years ago in June, 2004, Mr. David Goldman began a long and painful odyssey to rescue his son from an international parental kidnapping. He had driven his wife, Bruna, and their 4-year-old son, Sean, to the Newark airport for a scheduled trip to visit her parents in Brazil. Mr. Goldman was to join them a few days later. Shortly after arriving in Brazil, Mrs. Goldman called her husband to say two things: their marriage was over, and if he ever wanted to see Sean again, he would have to sign over custody of the boy to her. To his credit, Mr. Goldman refused to be blackmailed. Instead, he began a campaign, a relentless campaign, to secure his son's release.

There is no question that Mr. Goldman has the law both here in the United States and internationally on his side. It is sad and unfortunate that this father and this little boy must have their personal lives dragged through the public forum.

For any of us who have children or grandchildren, we can imagine but not fully comprehend the pain that Mr. Goldman and similar parents have gone through when a spouse kidnaps a child and whisks them away somewhere around the world. Tragically, Sean Goldman's case is just one of over 50 reported cases involving Brazil. Many countries, including key U.S. allies such as Japan, are not even signatories to this Hague Convention. For parents of children kidnapped by a spouse and taken to one of these non-Hague signatory nations, their battle to recover kidnapped children is even more difficult. The resolution before us highlights also the plight of these parents and their children. And it should be viewed as one step toward increasing the tools available to parents to help them recover children.

In October, 1980, the Hague Convention on the Civil Aspects of International Child Abduction entered into force. The United States and Brazil are both signatories. Under article 3 of the Convention, the removal of a child shall be considered wrongful if "it is in breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention; and at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been exercised." Well, Sean Goldman had been habitually resident in New Jersey until his mother kidnapped him and took him to Brazil.

Shortly after that, Mr. Goldman filed a Hague Convention application in Brazil's federal courts seeking the return of his son under the Convention.

Despite the clear legitimacy of Mr. Goldman's claim, the case has crawled along in Brazil's courts, bouncing back and forth and back and forth. Mr. Goldman's wife secured a divorce in Brazil and began a new relationship with a prominent lawyer. In August of last year, his former wife died during childbirth, a fact that Mr. Goldman learned only some time later and a fact that was concealed from the Brazilian courts by Mr. Lins e Silva, her then husband, and Mr. Goldman's late wife's parents.

After our individual intercession and with the help of the State Department and my colleague from New Jersey, and I particularly want to note his actions, Brazilian authorities moved to have the case once again sent to Brazil's federal courts to secure visitation rights for Mr. Goldman. Finally just last month, Mr. Goldman was able to see his son for the first time in more than 4 years. It is clear that Sean still loves his father and wants to be with him. It appears that the only thing standing in the way of that is the illegal conduct of Mr. Lins e Silva.

I applaud Secretary of State Clinton for raising this issue with Brazil's foreign minister and through other channels. If Sean is not released by the end of this week, I hope that President Obama will continue to bring the issue to the attention of Brazilian President Lula Da Silva and that Sean and his father will be united as they should be.

I thank the gentleman.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. POE), a member of the Committee on Foreign Affairs.

Mr. POE of Texas. I thank the gentleman for yielding.

I appreciate the support of Chairman BERMAN and Mr. SMITH from New Jersey. Mr. SMITH has a reputation for going and helping out his district. During the Russian incursion into the Republic of Georgia, while that was still going on, Mr. SMITH went and rescued two young people and got them back to his district while the Russians were still invading. That tells all of us a lot about your willingness to advocate on behalf of human rights.

It is reported that there are nearly 50 cases in which children who are residents of the United States have been wrongfully abducted to Brazil and have not been returned to the United States as required under the Hague Convention. Mr. Goldman and other United States citizens, specifically Marty Pate of Crosby, Texas, in my district, are allowed under international law to obtain quick return of their children from Brazil and other countries that have entered into obligations with the United States under the Hague Convention.

It seems to me that Brazil approves of government-sanctioned kidnapping of American children and ignoring agreements with the United States. Mr. Pate's story is very similar to the one already presented here on the House floor, although this is a story about a father and a daughter. Thanks to Fox 26 News in Houston, Texas, they have brought this story to light. And it is the Marty Pate story.

It seems that in May, 2006, Marty Pate's ex-wife, Monica, told him that she wanted to temporarily go back to her home country of Brazil and take their 7-year-old daughter, Nicole, with her. Marty Pate objected, but he allowed her to take the daughter for a short visit. Both agreed under a Harris County, Texas, court order as to what travel stipulations there would be, and both signed a notarized document on what those travel restrictions would be. One of those was there would be a maximum of 21 days that the child would be allowed to leave the United States. On August 5, 2006, Monica and her daughter, Nicole, left the United States and never returned. That was the last time that Marty Pate saw his daughter. There is an outstanding ar-

rest warrant for Monica on failure to follow a court order in the State of Texas.

Mr. Speaker, this ought not to be. It seems as though Brazil is ignoring agreements that they have made under international law with the United States and continues to do so. As a side note, the United States gives foreign assistance to Brazil. Maybe the Foreign Affairs Committee needs to re-evaluate whether we should give them assistance when they continue to kidnap or sanction kidnappings of American citizens. The United States should insist that countries like Brazil live up to their legal obligations to return to America, America's children.

And that's just the way it is.

Mr. SMITH of New Jersey. I thank Mr. POE for his leadership on behalf of the child who has been abducted and congratulate him on his work.

Mr. BERMAN. Mr. Speaker, at this point I will reserve. We have one speaker remaining.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

□ 1345

Mr. JONES. Mr. Speaker, I want to thank Chairman BERMAN, CHRIS SMITH, Mr. HOLT and everyone else. I saw this story about this family probably a year ago, and it broke my heart, quite frankly.

I do not understand how a country such as Brazil, which I have respect for, could allow this to happen. This is not what the world should be about. The world should be about trying to bring families together, and Brazil has a responsibility that they are not making and they are not keeping.

I would say to the country of Brazil that if this was reversed, I believe that this House, the leadership of Mr. BERMAN and Mr. SMITH, would be on this floor saying to the family here that was keeping the son of a father in Brazil, Let's send him back to his father.

So I hope that the country of Brazil and those who are here in Washington, D.C. representing their country or listening to this debate, I hope that they will fully understand that this is a debate of compassion. Mr. Goldman and his son Sean, they have every right to be together. So I came down here to the floor today from North Carolina with not a great deal to add to this debate but my heart. And my heart says let's get this family together. I thank very much Mr. BERMAN and Mr. SMITH, and say to the Brazilian government, please listen to the American people. Let's work together for the good of this family.

Mr. BERMAN. Would the gentleman yield?

Mr. JONES. I would be delighted to yield.

Mr. BERMAN. I thank the gentleman for yielding. Your interesting point that if the situation was reversed, we saw that situation. It was a very famous case: Elian Gonzalez. Even though he was being sent back to a country with which we have no diplomatic relations, and even though the nature of that government was one that we did not support, the rights of the father to be reunited with his son prevailed over all of the political considerations. So we saw the tables reversed, and we saw what the U.S. Government did in that situation. I concur with the gentleman's point on this issue.

Mr. JONES. I thank Chairman BERMAN, and before I yield back, I ask God to please intervene on behalf of this wonderful family and bring the father and the son back together.

Mr. BERMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the chairman for yielding me this time, and I rise in support of this resolution.

My mother once said to me shortly after I had seen the birth of my first child, "Son, there is no tragedy for any parent that is greater than the experience of witnessing your own child's death." Nothing is more precious than life, and nothing is more profound than the love of a parent for the life of that child brought to this Earth.

Mr. Speaker, according to the State Department's Office of Children's Issues, there are 306 pending cases of parental abductions involving 455 American children taken to countries that are not a party to the Hague Convention on Child Abduction. And 101 of these abducted American children currently reside in Japan. In 2006 in the midst of a custody dispute, Melissa Braden, the daughter of one of my constituents, Patrick Braden, was taken to Japan by her mother and has been there ever since. Despite a court restraining order for Melissa to remain in the United States and an arrest warrant issued by the FBI for her mother, Japanese authorities have refused to act on this case. Japanese courts give no recognition to the parental rights of the non-Japanese parent, and the Japanese government refuses to enforce U.S. court orders related to child custody or visitation.

After his daughter's abduction when Mr. Braden approached me for help and I tried to see what I could do, you can imagine my disbelief and dismay that we were unable to help secure Melissa for Mr. Braden or to even have them reunited in Japan. I approached the State Department, and I wrote to President Bush in 2007 and asked for their intervention on behalf of Mr. Braden.

The State Department has committed to raising this issue at the highest levels of dialogue with Japan, and I wish to say here publicly, thank you to Chairman BERMAN for his support of this issue and for supporting America's parents and their families.

I would like to thank two champions of human rights, the gentlemen from New Jersey, Mr. SMITH and Mr. HOLT. And I must say, Mr. Speaker, my mother was right: there is nothing worse than losing your own child, especially when your child is still alive.

I urge all of my colleagues to support this resolution to get action on behalf of all of our American families with countries that are some of our greatest partners and allies.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself the balance of my time to say very simply that our message to the Brazilian government is to bring Sean home, and to do so today.

Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I just want to point out that in calendar year 2007, along the lines of the point made by the gentleman from North Carolina (Mr. JONES), the United States returned over 200 children to Hague Convention partners where a biological parent resided and sought the return of that child. So this resolution is consistent with our own practices, and I think with internationally recognized fundamental human rights. I urge its adoption.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today in support of H. Res. 125. This resolution calls on the central authority of Brazil to uphold the Hague Convention by facilitating the immediate release of Sean Goldman to his father, David Goldman.

June 16, 2004 was the day Sean Goldman was abducted by his mother, Bruna Goldman, and taken to Brazil. That day marked the beginning of a 4½ year struggle to reunite David Goldman with his son Sean. During those subsequent years, David Goldman tirelessly lobbied the Brazilian judicial system, sought international legal advice, and mourned the death of Sean's mother in August 2008. Recently, the situation was further complicated when Sean's step-father petitioned the Brazilian courts for custody of Sean and illegally replaced David's name with his own on a Brazilian birth certificate.

H. Res. 125 was introduced by my New Jersey colleague, Representative CHRISTOPHER SMITH, and I am proud to be one of the 57 cosponsors of this bill. This resolution urges the Brazilian government to uphold its commitment to the Hague Convention on the Civil Aspects of International Child Abduction. This multilateral treaty, developed by the Hague Conference on Private International Law in 1980, provides an expeditious method for returning a child taken from one member nation to another. H. Res. 125 is of the utmost importance, as it not only calls on Brazil to display their intention to follow international law, but also brings a father and son one step closer to reunification.

It is imperative for us to support David Goldman's quest to be reunited with his son. H. Res. 125 will help us accomplish this goal and I thank my colleagues for joining me in voting unanimously for its passage.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 125, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS OF INTERNATIONAL WOMEN'S DAY

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 194) supporting the goals of International Women's Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 194

Whereas there are over 3,000,000,000 women in the world, representing 51 percent of the world's population;

Whereas women continue to play the prominent role in caring for families within the home as well as serving as economic earners;

Whereas women worldwide are participating in the world of diplomacy and politics, contributing to the growth of economies, and improving the quality of the lives of their families, communities, and nations;

Whereas women leaders have recently made significant strides, including the 2009 appointment of Johanna Sigurdardottir as the first female Prime Minister of Iceland, the 2007 election of Congresswoman Nancy Pelosi as the first female Speaker of the United States House of Representatives, the 2006 election of Michelle Bachelet as the first female President of Chile, the 2006 election of Ellen Johnson-Sirleaf as the President of Liberia, the first female President in Africa's history, and the 2005 election of Angela Merkel as the first female Chancellor of Germany, who also served as the second woman to chair a G8 summit in 2007;

Whereas women account for 80 percent of the world's 70 million micro-borrowers, 75 percent of the 28,000 United States loans supporting small businesses in Afghanistan are given to women, and 12 women are chief executive officers of Fortune 500 companies;

Whereas in the United States women are graduating from high school at higher rates and are earning bachelor's degrees or higher degrees at greater rates than men with 88 percent of women between the ages of 25 and 29 having obtained a high school diploma and

31 percent of women between the ages of 25 and 29 earning a bachelor's degree or higher degree;

Whereas despite tremendous gains over the past 20 years, women still face political and economic obstacles, struggle for basic rights, face the threat of discrimination, and are targets of violence all over the world;

Whereas worldwide women remain vastly underrepresented in national and local assemblies, accounting on average for less than 10 percent of the seats in parliament, except for in East Asia where the figure is approximately 18 to 19 percent, and women do not hold more than 8 percent of the ministerial positions in developing regions;

Whereas women work two-thirds of the world's working hours, produce half of the world's food, yet earn only 1 percent of the world's income and own less than 1 percent of the world's property;

Whereas female managers earned less than their male counterparts in the 10 industries that employed the vast majority of all female employees in the United States between 1995 and 2000;

Whereas 70 percent of the 1,300,000,000 people living in poverty around the world are women and children;

Whereas two-thirds of the 876,000,000 illiterate individuals worldwide are women, two-thirds of the 125,000,000 school-aged children who are not attending school worldwide are girls, and girls are less likely to complete school than boys according to the United States Agency for International Development;

Whereas worldwide women account for half of all cases of HIV/AIDS, (approximately 42,000,000), and in countries with high HIV prevalence, young women are at a higher risk than young men of contracting HIV;

Whereas globally, each year over 500,000 women die during childbirth and pregnancy;

Whereas domestic violence causes more deaths and disability among women between the ages of 15 and 44 than cancer, malaria, traffic accidents, and war;

Whereas worldwide, at least 1 out of every 3 women and girls has been beaten in her lifetime;

Whereas at least 1 out of every 6 women and girls in the United States has been sexually abused in her lifetime, according to the Centers for Disease Control and Prevention;

Whereas worldwide, 130,000,000 girls and young women have been subjected to female genital mutilation, and it is estimated that 10,000 girls are at risk of being subjected to this practice in the United States;

Whereas illegal trafficking in women and children for forced labor, domestic servitude, or sexual exploitation involves between 1,000,000 and 2,000,000 women and children each year, of whom 50,000 are transported into the United States, according to the Congressional Research Service and the Department of State;

Whereas between 75 and 80 percent of the world's 27,000,000 refugees are women and children;

Whereas in times and places of conflict and war, women and girls continue to be the focus of extreme violence and intimidation and face tremendous obstacles to legal recourse and justice;

Whereas March 8 has become known as International Women's Day for the last century, and is a day on which people, often divided by ethnicity, language, culture, and income, come together to celebrate a common struggle for women's equality, justice, and peace; and

Whereas the people of the United States should be encouraged to participate in International Women's Day: Now, therefore, be it Resolved, That the House of Representatives—

(1) supports the goals of International Women's Day;

(2) recognizes and honors the women in the United States and in other countries who have fought and continue to struggle for equality in the face of adversity;

(3) reaffirms its commitment to ending discrimination and violence against women and girls, to ensuring the safety and welfare of women and girls, and to pursuing policies that guarantee the basic human rights of women and girls both in the United States and in other countries; and

(4) encourages the President to—

(A) reaffirm his commitment to pursue policies to protect fundamental human rights and civil liberties, particularly those of women and girls; and

(B) issue a proclamation calling upon the people of the United States to observe International Women's Day with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

I first want to thank Representative JAN SCHAKOWSKY and the other cosponsors of this resolution for honoring the contributions and achievements of women around the world, and the importance of promoting and protecting their rights.

Today, women all over the world are becoming leaders in science, medicine, arts, politics, and even the military. Despite this progress, it is a sad fact that women and girls continue to constitute the vast majority of the world's poor, chronically hungry, refugees, HIV-infected, uneducated, unemployed and disenfranchised. All too often, women are subject to physical violence and discrimination as a result of their gender. Women are also the targets of cruel cultural practices, including genital mutilation, forced and early marriages, humiliating and harmful widow practices, bride burnings and honor killings.

On average, women continue to receive less pay for work of equal value, and many continue to face discrimination in hiring and admission to educational institutions. It is not enough

to simply declare the equality of women and condemn their mistreatment. We must, in all sectors of society, address the structural factors that prevent women and girls from enjoying the same rights and opportunities as boys and men.

We must also eliminate the criminal and cultural practices that destroy the lives and freedom and health of women. Statistics demonstrate that when women's quality of life improves, their children are happier, healthier and better educated. Entire communities and countries benefit from these improvements. Successful, educated and respected women also become powerful role models for future generations.

In honor of our family members, our female colleagues and our Speaker, not to mention women across the country and around the world, I am proud to support this resolution and urge all my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 194, supporting the goals of International Women's Day, provides us with an opportunity to celebrate the important contributions to all levels of society and social advancement of women around the globe.

I would like to focus my comments on three areas referenced in the resolution on which so much more needs to be done to ensure women and girls worldwide achieve their full potential. One is with respect to the horrible phenomenon, the criminality, of human trafficking. The resolution cites reported estimates that between one and two million women are trafficked for sexual exploitation, forced labor, and domestic servitude each year. Some NGO estimates are far higher than that number. Women are robbed of their dignity, fundamental human rights, and forced into bondage and sexual servitude. They are modern-day slaves.

In 2000, I was the prime sponsor of the Trafficking Victims Protection Act of 2000 which, together with its reauthorizations, including Chairman BERMAN's legislation reauthorizing the law last year named after the great British parliamentarian William Wilberforce, who stopped the slave trade in London, has made the United States a leader in addressing the egregious human rights violations of trafficking and motivated other countries and governments to do the same. Yet much work remains to be done if we are to eliminate this scourge. Too much demand, enabled by crass indifference, unbridled hedonism and misogynistic attitudes, has turned women and girls into objects, valued only for their utility in the brothel or in the sweatshop. Society has helped perpetuate this heinous crime by failing to utilize all the means at our disposal to combat it.

Legislation that I will soon introduce, along with DON PAYNE from my own home State of New Jersey, entitled the "International Megan's Law," would address this omission with respect to sex tourism to exploit children. It would seek to protect girls and boys around the world from sexual exploitation by establishing a notification system between governments when a known high-risk sex offender is traveling or intends to travel internationally.

Government representatives from other countries, including Thailand, Brazil, the United Kingdom and Australia, have expressed a desire to cooperate with the United States to address the degrading exploitation that occurs as a result of sex tourism. Girls are the primary victims in this often overlooked form of trafficking.

Another key area in critical need of improvement is that of maternal health. Most of us are familiar with the appalling statistic that in sub-Saharan Africa, the lifetime risk of maternal death is 1 in 16, compared with 1 in 2,800 in developed countries. It is unacceptable and awful in the extreme that most of these maternal deaths are preventable.

□ 1400

During the Africa Subcommittee's hearing about safe blood that I chaired in the 109th Congress, we heard from Dr. Neelam Dhingra of the World Health Organization. Dr. Dhingra informed us that the most common cause of maternal death in sub-Saharan Africa is severe bleeding, which can take the life of even a healthy woman within 2 hours if not properly and immediately treated. She gave us the astonishing statistic that in Africa severe bleeding during delivery or after childbirth contributes to up to 44 percent of maternal deaths, many of which could be prevented simply by having access to safe blood. A sufficient quantity and quality of immediately available and usable blood must become the norm and not the exception. I congratulate CHAKA FATTAH from Philadelphia, a Member of Congress, for his work in promoting safe blood.

Another unacceptable risk for many women giving birth in the developing world, especially Africa, is obstetric fistula. Fistula, Mr. Speaker, can be treated and repaired through a relatively minor surgical procedure that costs, on average, \$150 per surgery. Still, large numbers of women, an estimated 2 million, endure tremendous pain and numbing isolation that comes from being the walking wounded, incontinent and ostracized, and not able to get to a hospital—like the famous hospital in Addis, which performs these wonderful interventions. I visited that hospital and saw dozens of women who got fistula repair, and the smiles on their faces were amazing. With just a

small investment of health care dollars, the lives of women throughout Africa could be dramatically changed.

Helping mothers and helping babies goes hand in hand, Mr. Speaker. There is no dichotomy. When women receive proper prenatal and maternal health care, they are less likely to die in childbirth, and when unborn babies are healthy in the womb, they emerge as healthier, stronger newborns.

Birth is not the beginning of life, it is merely an event in the baby's life that began at fertilization. Life is a continuum with many stages. I believe, Mr. Speaker, human rights should be respected from womb to tomb, and that no violence is acceptable against anyone, regardless of age, race, religion, gender, disability, or condition of dependency. We need to recognize this biological fact in policy, funding and programs, and treat both mother and baby, including the unborn child, as two patients in need of respect, love and tangible assistance. We need to affirm them both.

I would like to conclude by raising the plight of women, and especially the girl child, who suffer from the coercive population control agenda of the Chinese Government.

As you know, Mr. Speaker, I was blocked from offering two pro-life, pro-child, pro-women amendments to the huge \$410 billion omnibus. One of those amendments would have restored the Kemp-Kasten policy for all organizations, including the U.N. Population Fund, if they had been found to be involved with coercive population control.

I held 26 hearings, Mr. Speaker, on human rights in China when I was the chairman of the Human Rights Subcommittee and met with numerous women during frequent human rights missions to China. There is no doubt that the U.N. Population Fund has supported, co-managed, and whitewashed the most pervasive crimes against women in all of human history.

China's one-child-per-couple policy relies on pervasive coerced abortion, involuntary sterilization, ruinous fines in the amounts of up to ten times the salary of both parents, imprisonment, and job loss or a demotion to achieve its quotas. In China today, brothers and sisters are illegal. Women are told when and if they can have the one child permitted by law. And rather than showing compassion and tangible assistance to unwed mothers, unwed moms, even if it's their first baby, are forcibly aborted. Let me say that again. There are no unwed moms in China, they are all forcibly aborted.

Women are severely harmed emotionally, psychologically and physically. Chinese women are violated by the state. The suicide rate for Chinese women is about 500 per day, according to the most recent Human Rights Report from the Department of State—it

just came out 2 weeks ago—and that number far exceeds any other number.

Then there are the missing girls, upwards of 100 million girls missing in China as a direct result of sex selection abortions. This genocide is a direct result of the one-child-per-couple policy combined with a preference for boys. That human rights abuse has to be made much more visible. The Chinese Government has to take corrective action. And all of us have to do our part to stop this genocide of young girls, of little girls.

I urge unanimous support for H. Res. 194. It is an excellent resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 194, "Supporting the goals of International Women's Day". As a member of the Congressional Caucus for Women's Issues this resolution is very important to me and I thank my colleague Congresswoman JAN SCHAKOWSKY for introducing this resolution.

H. Res. 194 recognizes and honors the women who have fought and continue to struggle for equality. There are over 3,000,000,000 women in the world, representing 51 percent of the world's population and yet, women remain vastly underrepresented in national and local assemblies, face political and economic obstacles, struggle for basic rights, face the threat of discrimination, and are targets of violence all over the world.

Despite tremendous gains over the past 20 years women still have great strides to make. How is it that women work $\frac{2}{3}$ of the world's working hours, produce half of the world's food, yet earn only 1 percent of the world's income and own less than 1 percent of the world's property? Today, although women have reached great heights, women are still earning less than their male counterparts in the workforce. Two-thirds of illiterate individuals worldwide are women which is quite distressing.

Throughout the world, women are victims of violence and disease. Women have become victims of illegal human trafficking for the purpose of forced labor, domestic servitude, and/or sexual exploitation. We must pledge to stop this violence against women.

Domestic violence causes more deaths and disability among women between the ages of 15 and 44 than cancer, malaria, traffic accidents, and war. Worldwide, at least 1 out of every 3 women and girls have been beaten in her lifetime and at least 1 out of every 6 women and girls in the United States has been sexually abused in her lifetime. Furthermore, 70 percent of the people living in poverty around the world are women and children. In addition, women account for half of all cases of HIV/AIDS worldwide. These statistics are staggering and show why this resolution must be passed.

The United States House of Representatives must show a commitment to ending discrimination and violence against women and girls, to ensure their safety and welfare, and to pursue policies that guarantee their basic rights.

Mr. Speaker, I urge my colleagues to support this extremely important resolution, H.

Res. 194, "Supporting the goals of International Women's Day". Women's rights affect everyone, as we all have a mother.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, we have no more speakers.

I might point out the irony that, in a resolution that is commemorating International Women's Day, the sponsor of that resolution is not available to speak on the floor because she is at the White House commemorating International Women's Day. But Ms. SCHAKOWSKY's comments can be added into the RECORD.

Mrs. MALONEY. Mr. Speaker, I rise today in support of H. Res. 194, a resolution to support the goals of International Women's Day. I'd like to take this opportunity to commend the work of my colleague, Rep. JAN SCHAKOWSKY, for introducing this resolution again in the 111th Congress, and for her invaluable work in support of women's rights as co-chair of the Congressional Caucus on Women's Issues.

In the United States and in countries around the world, women are agents of change, development, and prosperity, contributing in so many ways to the well-being of their families and communities. There is clear and abundant evidence that when women thrive, the entire world thrives as well.

However, the benefits of women's full participation in economic, political, and social life are not being realized in many parts of the world. In all regions, women are less likely than men to receive pay commensurate to the value of their work, be given a voice in their national governments, or have access to basic human rights such as the right to an education. In many countries, the United States included, domestic violence is further reducing the opportunities available to women and girls to lead happy, healthy lives. H. Res. 194 is an important step towards guaranteeing the basic rights of women and girls worldwide by calling for an end to this discrimination.

Throughout my time in Congress, promoting women's rights has been one of my top legislative priorities. For years I have worked tirelessly with likeminded colleagues to restore funding to UNFPA, an organization whose mission is to promote the right of every woman to enjoy a life of health and equal opportunity. I commend the new Administration for recognizing the value of this goal by committing to funding UNFPA, including \$50 million in the FY09 Omnibus Appropriations Bill.

However, more needs to be done in the 111th Congress to further women's rights. That is why I will be introducing a resolution condemning the actions of the Taliban to restrict girls' access to education in Swat, Pakistan, as well as H.R. 606, the International Women's Freedom Act. This bill reflects the goals of International Women's Day in many ways, as it calls for concerted action on the part of the State Department and Executive Branch to advance the rights of women, including creating an Office of International Women's Rights within the State Department, establishing a women's rights Internet site, and requiring that Foreign Service Officers receive women's rights related training.

This resolution in support of International Women's Day recognizes the strength, leadership, and capability demonstrated by women in every village, city, and country. I ask my colleagues to join me in reaffirming their commitments to protecting the rights of women and girls around the world, by observing International Women's Day, and by honoring women's contributions every day.

Mr. SIRE. Mr. Speaker. I rise today in support of House Resolution 194, supporting the goals of International Women's Day. Women have come a long way in our nation; leading graduation rates at universities, running major corporations and being elected to the highest levels of government. I am proud to live in a country where more women than ever before are being elected to office and I am proud to serve with the first woman Speaker of the House of Representatives. However, many women around the world continue to be less fortunate; living in poverty, without access to health care, education or basic human rights. We must continue to be their voice, so that women all across the world will one day have the ability to make their own decisions about their lives. I hope that by providing women with the tools to educate themselves, they are better equipped to provide for their families, protect themselves against HIV/AIDS, end cycles of domestic violence, and fight for their rights. Mr. Speaker, we must continue to support the goals of International Women's Day to ensure the further advancement of women in our country and around the globe.

Ms. WATSON. Mr. Speaker, I rise today in enthusiastic support for H. Res. 194 a resolution supporting the goals of International Women's Day. For the last century March 8th has been a day for people to unite in their commitment to honor the women who courageously fight for gender equality and women's rights across the globe.

The course of women's history through the 20th and 21st centuries has been on an upward trajectory, and while we celebrate how far we have come, it is important to pause and reflect on the reality that women continue to face political and economic obstacles, discrimination, and violence all over the world.

While there are many who deserve our appreciation, I would like to recognize the women of Afghanistan who have begun to steadily chip at the steel grasp of patriarchy, and begun to fight for safety and justice.

Before 2003 the idea of a women's shelter in Afghanistan was unheard of, and domestic abuse victims who did seek protection from law enforcement were often thrown in jail or returned to their husbands, perpetuating a culture of silence around the practices of beating, torture, and forced marriage.

Now, shelters like the Women for Afghan Women in Kabul and the Afghan Women Skills Development Center provide protection, treatment, and legal services to women who might otherwise have resigned themselves to a life of quiet misery, or resorted to suicide.

These shelters, like others around the world, provide solace and safety for women with nowhere else to turn. They provide the basic hope of possibilities for those seeking a safe haven from abuse. Before these shelters existed many Afghan women could only dream of a life in their own control, and now they have hope.

I would like to thank my colleague Congresswoman SCHAKOWSKY for sponsoring this important resolution which allows us to stand and celebrate our common ideals with the 3 billion women across the globe in dignity and certitude that one day women will live free of discrimination and violence no matter where they were born.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 194, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING PLIGHT OF TIBETAN PEOPLE ON 50TH ANNIVERSARY OF THE DALAI LAMA'S EXILE

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 226) recognizing the plight of the Tibetan people on the 50th anniversary of His Holiness the Dalai Lama being forced into exile and calling for a sustained multilateral effort to bring about a durable and peaceful solution to the Tibet issue.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 226

Whereas for more than 2,000 years the people of Tibet have maintained a distinct cultural identity, language, and religion;

Whereas in 1949, the armed forces of the People's Republic of China took over the eastern areas of the traditional Tibetan homeland, and by March 1951 occupied the Tibetan capital of Lhasa and laid siege to Tibetan government buildings;

Whereas in April 1951, under duress of military occupation, Tibetan government officials signed the Seventeen Point agreement which provided for the preservation of the institution of the Dalai Lama, local self government and continuation of the Tibetan political system, and the autonomy for Tibetans within the People's Republic of China;

Whereas on March 10, 1959, the Tibetan people rose up in Lhasa against Chinese rule in response to Chinese actions to undermine self-government and to rumors that Chinese authorities planned to detain Tenzin Gyatso, His Holiness the 14th Dalai Lama, the spiritual and temporal leader of the Tibetan people;

Whereas on March 17, 1959, with the People's Liberation Army commencing an assault on his residence, the Dalai Lama, in fear of his safety and his ability to lead the Tibetan people, fled Lhasa;

Whereas upon his arrival in India, the Dalai Lama declared that he could do more in exile to champion the rights and self-determination of Tibetans than he could inside territory controlled by the armed forces of the People's Republic of China;

Whereas the Dalai Lama was welcomed by the Government and people of India, a testa-

ment to the close cultural and religious links between India and Tibet and a mutual admiration for the philosophies of non-violence espoused by Mahatma Gandhi and the 14th Dalai Lama;

Whereas under the leadership of the Dalai Lama, Tibetans overcame adversity and hardship to establish vibrant exile communities in India, the United States, Europe, and elsewhere in order to preserve Tibetan cultural identity, language, and religion;

Whereas the Dalai Lama set out to instill democracy in the exile community, which has led to the Central Tibetan Administration with its democratically elected Executive and Legislative Branches, as well as a Judicial Branch;

Whereas on March 10 every year Tibetans commemorate the circumstances that led to the separation of the Dalai Lama from Tibet and the struggle of Tibetans to preserve their identity in the face of the assimilationist policies of the People's Republic of China;

Whereas over the years the United States Congress has sent strong and clear messages condemning the Chinese Government's repression of the human rights of Tibetans, including restrictions on the free practice of religion, detention of political prisoners, and the disappearance of Gedhun Choekyi Nyima, the 11th Panchen Lama;

Whereas in October 2007, Tenzin Gyatso, the 14th Dalai Lama received the Congressional Gold Medal in recognition of his lifetime efforts to promote peace worldwide and a non-violent resolution to the Tibet issue;

Whereas it is the objective of the United States Government, consistent across administrations of different political parties, to promote a substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives in order to secure genuine autonomy for the Tibetan people;

Whereas eight rounds of dialogue between the envoys of the Dalai Lama and representatives of the Government of the People's Republic of China have failed to achieve any concrete and substantive results;

Whereas the 2008 United States Department of State's Country Report on Human Rights states that "The [Chinese] government's human rights record in Tibetan areas of China deteriorated severely during the year. Authorities continued to commit serious human rights abuses, including torture, arbitrary arrest, extrajudicial detention, and house arrest. Official repression of freedoms of speech, religion, association, and movement increased significantly following the outbreak of protests across the Tibetan plateau in the spring. The preservation and development of Tibet's unique religious, cultural, and linguistic heritage continued to be of concern."; and

Whereas the envoys of the Dalai Lama presented in November 2008, at the request of Chinese officials, a Memorandum on Genuine Autonomy for the Tibetan People outlining a plan for autonomy intended to be consistent with the constitution of the People's Republic of China: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Tibetan people for their perseverance in face of hardship and adversity in Tibet and for creating a vibrant and democratic community in exile that sustains the Tibetan identity;

(2) recognizes the Government and people of India for their generosity toward the Tibetan refugee population for the last 50 years;

(3) calls upon the Government of the People's Republic of China to respond to the Dalai Lama's initiatives to find a lasting solution to the Tibetan issue, cease its repression of the Tibetan people, and to lift immediately the harsh policies imposed on Tibetans, including patriotic education campaigns, detention and abuses of those freely expressing political views or relaying news about local conditions, and limitations on travel and communications; and

(4) calls upon the Administration to recommit to a sustained effort consistent with the Tibetan Policy Act of 2002, that employs diplomatic, programmatic, and multilateral resources to press the People's Republic of China to respect the Tibetans' identity and the human rights of the Tibetan people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

This resolution recognizes the plight of the Tibetan people on the 50th anniversary of His Holiness the Dalai Lama's exile and calls for a sustained multilateral effort toward a peaceful resolution to the Tibet issue.

The resolution is introduced by my good friends, the gentleman from New Jersey (Mr. HOLT) and our ranking member, ILEANA ROS-LEHTINEN of Florida. I thank them for their leadership in ensuring that the House commemorates this important date.

In 1949, the People's Liberation Army of China entered the eastern areas of the traditional Tibetan territory. In 1951, they occupied the Tibetan capital of Lhasa. Fifty years ago this month, the Tibetan people rose up in Lhasa against Chinese rule.

On March 17, 1959, His Holiness the Dalai Lama fled Tibet after the People's Liberation Army commenced an assault on his residence. He was followed into exile by some 80,000 Tibetans. Tens of thousands of Tibetans who remained were killed or imprisoned.

Under the leadership of the Dalai Lama, Tibetans have sought to overcome adversity and hardship. Exiled communities have been established in India, the United States, Europe, and elsewhere, to preserve Tibetan cultural identity, language and religion. They have succeeded abroad, but at home, the uniqueness of the Tibetan people remains threatened by Chinese policies.

Over the years, the Congress has repeatedly championed the rights of Tibetans, applauded efforts by the Dalai Lama to seek a peaceful resolution to the dispute between China and Tibet, and funded programs to assist Tibetan refugees.

In 2002, Congress passed the Tibetan Policy Act, the cornerstone of U.S. policy toward Tibet. This legislation codified the position of Special Coordinator for Tibetan Issues and emphasized that it should be U.S. policy to promote a dialogue between the Chinese Government and representatives of the Dalai Lama in order to achieve a settlement based on meaningful and genuine autonomy for the Tibetan people.

In 2007, Congress awarded the Congressional Gold Medal to His Holiness the Dalai Lama in recognition of his life-long dedication to the causes of peace and non-violent resolution to the Tibet issue.

I know that many of our friends in China are distressed by the continued congressional focus on Tibet. To them I say this resolution is not anti-Chinese. We have deep respect for both peoples. But after eight rounds of fruitless meetings between the Chinese Government and representatives of the Dalai Lama, it appears to many of us that China is not serious about achieving resolution of this difficult issue.

It's time for China to negotiate in good faith. I urge the Chinese Government to re-examine their policies in Tibet and to provide the Tibetan people genuine autonomy in their traditional homeland.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I thank our esteemed chairman of the committee, Mr. BERMAN from California.

Mr. Speaker, I rise in enthusiastic support of this House resolution because it conveys a continued deep concern of both the Congress and the American people for the plight of the people of Tibet, a concern first demonstrated by our late committee chairman, Tom Lantos. Our chairman, Mr. BERMAN, continues this human rights legacy. I'm honored to join with my colleague, Congressman HOLT, in co-sponsoring this important resolution commemorating the 50th anniversary of the uprising in Tibet against Chinese Communist rule.

The history of the people of Tibet for the past half century has been one of grace under fire and of courage in the face of extreme adversity. Beijing's Communist overseers displayed once again their calloused hostility to the cultural, religious and linguistic rights of the Tibetan people by their harsh and bloody crackdown in Tibet exactly 1 year ago. The iron grip of Beijing, however, cannot silence, cannot re-

press, cannot extinguish the resilient Buddhist spirit of the people who occupy the land known as the "Rooftop of the World."

The forced exile of His Holiness the Dalai Lama and his flight into India 50 years ago is a continuing source of profound sorrow for the people of Tibet. This resolution, therefore, Mr. Speaker, also takes note of the warmth and the support with which the government and the people of India have greeted the Dalai Lama and other exiles from Tibet.

Tibet's tragic loss of its spiritual leader, however, has proven to be the world's gain. No steadier voice on the issues of religious freedom and human rights has been heard in the corridors of power than that of the quiet, but determined, voice of the Dalai Lama. He has risen from being a humble refugee to becoming both a Nobel Peace Prize recipient and the conscience of the civilized world.

The Chinese Foreign Minister is in Washington this very week for an official visit, the very week that we commemorate the uprising in Tibet. Just prior to his departure from Beijing to Washington, the Chinese Foreign Minister stated, "The Dalai side still insists on establishing a so-called greater Tibet on a quarter of China's territory; you call this person a religious figure?"

Mr. Speaker, this resolution can serve as a response to the foreign minister. The U.S. Congress has a message for the Foreign Minister of China's Communist regime, and that is that the Dalai Lama is not only a religious figure, but a person of such renown that he was granted the Congressional Gold Medal. I was honored to serve as one of the sponsors for this legislation awarding the Dalai Lama the Congressional Gold Medal during the last Congress.

Our message to the Chinese regime is contained in the forceful language of this resolution calling for the preservation of the religious and human rights of the people of Tibet. The U.S. Government must keep faith with the people of Tibet. We must press the Chinese regime on issues of human rights and religious freedom in Tibet. The U.S. Congress will not fail in our commitment to Tibet and to its people.

Now is the time for all of us to reflect on the enormous resilience of a captive Tibet and its suffering people over the past five decades. Now is the time to call on the Communist leaders in Beijing—sitting behind the walls of their enclosed compound—to hear the cries from the international community for justice in Tibet. Now is the time for our colleagues to reconfirm their support for the Dalai Lama and for his oppressed people.

Mr. Speaker, I reserve the balance of my time.

□ 1415

Mr. BERMAN. Mr. Speaker, at this point I yield 5 minutes to the gentleman from New Jersey (Mr. HOLT), the sponsor of the resolution.

Mr. HOLT. Mr. Speaker, I thank the distinguished chairman for yielding.

Yesterday marked the passage of 50 years since the Tibetan people in Lhasa first rose in protest against the harsh actions of the People's Republic of China to undermine the Tibetan self-government. I am honored to introduce this resolution recognizing the long hardship borne by the Tibetan people, a great people, who continue to labor peacefully for freedom in Tibet and maintain a Tibetan cultural identity and democratic community, even in exile. Importantly, this resolution also recognizes the government and the people of India, who generously have hosted the exiled government and people of Tibet in the city of Dharamsala since 1960. The perseverance and charity exhibited by these peoples should be a model for all.

For 50 years the situation in Tibet has deteriorated with too little attention from the outside world. Tibetan culture has been eradicated systematically and relentlessly. Basic freedoms, like freedoms of speech and religion and association and movement, have been repressed. Human rights abuses have been all too common and continue to occur. At this time last year, the Chinese Government was engaged in a fierce crackdown on nonviolent Tibetan protesters that resulted in serious injuries to civilians and an undetermined but significant number of deaths. Even today reports indicate that the Chinese Government has imposed a virtual state of martial law in the Tibetan plateau.

Over the same 50 years and in the face of such adversity, the Dalai Lama has sought to bring wisdom to human affairs and has used his position and leadership to promote compassion and nonviolence in the search for a lasting solution to this issue.

Last year I had the opportunity to travel to India with a congressional delegation led by Speaker PELOSI. We witnessed firsthand the dedicated Tibetans who crossed the rugged Himalayas to escape oppression, including young children. We also had lengthy meetings with the Dalai Lama, whose commitment to peaceful, steady progress is a powerful beacon of hope to all people seeking freedom and equality. It is long past time for this commitment to be reciprocated by the Chinese Government.

The so-called "Seventeen Point Agreement" that was signed by Chinese authorities in 1951 provided that "the central authorities will not alter the existing political system in Tibet. The central authorities also will not alter the established status, functions, and powers of the Dalai Lama. Officials

of various ranks shall hold office as usual." A few years later, in March of 1959, just days after the Dalai Lama's flight from Lhasa, the Chinese Government abolished the local Tibetan governing structure. The agreement also explicitly stated that "when the people raise demands for reform, they must be settled through consultation with the leading personnel of Tibet." Clearly the terms of this agreement have not been upheld. Tibetans and the international community are asking that the Chinese Government implement autonomy as promised but never granted genuinely.

In this spirit the resolution before us calls for an immediate cessation of the repression and abuses being imposed upon the people of Tibet. We urge the Chinese Government to engage in a constructive dialogue with the Dalai Lama in a sustained effort to craft a permanent and just solution that protects the rights and dignity of all Tibetans. The distinctive culture of Tibet must be preserved, and we throughout the world should want it preserved, and a vibrant future must be guaranteed. I'm hopeful that the new administration will answer the call of this resolution to use all of the diplomatic, programmatic, and multilateral tools at its disposal to encourage China to adopt such a course.

Last year this body agreed to a resolution introduced by Speaker PELOSI that addressed the rights of the Tibetan people. Today we reiterate that message and recommit ourselves to a sustained effort. Today is a day when this body once again brings a national spotlight to the plight of the Tibetan people, honors those who struggle nonviolently against brutal suppression, and reaffirms our commitment to freedom around the world. It is a day when we recognize, in the words of the Dalai Lama, "the importance of universal responsibility, nonviolence, and inter-religious understanding."

I would like to thank Chairman BERMAN and the House Foreign Affairs Committee for their leadership and action on this issue. I appreciate the support of Ranking Member ROS-LEHTINEN and the hard work of Mr. Halpin of the minority staff as well as Mr. Hans Hogrefe of the Tom Lantos Human Rights Commission. The immense contributions of Todd Stein and the International Campaign for Tibet should also be acknowledged. And I would like to pay special tribute to Speaker PELOSI, who has long been a strong champion of human rights in Tibet and around the world, and to thank her for her help with this resolution.

We call on the leaders of China for justice and freedom.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time I would like to yield 4 minutes to the gentleman from California (Mr. ROHRBACHER), who is the ranking member of the Subcommittee on Inter-

national Organizations, Human Rights and Oversight.

Mr. ROHRBACHER. I thank the chairman of the Tibet Caucus.

I rise in strong support of this resolution, and I would like to thank both leaders of both parties here, HOWARD BERMAN and, of course, Ranking Member ROS-LEHTINEN for all of the hard work they've done over the years to support the cause of the people of Tibet. But also I would like to point out that NANCY PELOSI, our esteemed Speaker, has over her career put out enormous efforts on this issue, and it's an issue of the heart and the soul. And that's why you see people in both parties who have committed themselves to this noble endeavor of supporting a people in a distant land somewhere on the top of the world on the other side of the Earth, supporting them in their call for recognition of their human rights and for us to recognize that, instead of dealing with tyrants and bullies and gangsters in Beijing, a regime in Beijing that oppresses their own people. They are also the world's worst human rights abuser, and the regime in Beijing is the oppressor of this actually peace-loving people on the other side of the world, the Tibetan people.

One-sixth of the population of Tibet have lost their lives in this five decades of suppression. Thousands of their monasteries have been looted and destroyed. Their national treasure, the gold from their religious artifacts, robbed from them. And, yes, we would tell the Foreign Minister of that dictatorship in Beijing, yes, one-fourth of the territory now claimed by that dictatorship is actually the ancestral home of the Tibetan people. And we know that over these five decades of suppression that the regime in Beijing has tried their best to send other people into Tibet to steal their country. Not only to steal their artifacts and close their monasteries, but to actually rob from them their very country. And, yes, we, as honest people, should recognize this is Tibet when we talk about that area on the map. The Tibetan people, as the other people in China, have suffered because the United States and other free countries have treated Beijing as if it is a moral equivalent to the other countries that we deal with in the world. We must differentiate between the vicious dictators who obliterate their opposition and repress their own people. We must differentiate between them and the democratic forces of the world. Our job as Americans, as set forth by George Washington, whose picture we see now overseeing these proceedings, we were given the task to ensure that the light of democracy will shine bright. It does not shine bright on governments that turn their back on the oppression that we have seen by Beijing, the suppression of the people of Tibet, which we recognize today in these five decades of suppression.

So today let us recognize that the Dalai Lama has been a force for peace and freedom and justice in this world. We wish him all the best. We wish the people of Tibet the best. And we are on their side. This resolution says the American people, of whatever political party is not important, that we are on the side of the people of Tibet, and they should have no doubts about this and the government in Beijing that suppresses them should have no doubts about that as well.

Mr. BERMAN. Mr. Speaker, it's my privilege to now recognize really the leader in this institution on human rights generally and most particularly on the issue of what has happened to the Tibetan people and to His Holiness the Dalai Lama, the Speaker of the House (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding. I thank him and Congresswoman ILEANA ROS-LEHTINEN for bringing this important legislation to the floor, not only in Congresswoman ROS-LEHTINEN's situation as the ranking member but as a cosponsor of the legislation.

Thank you, Mr. BERMAN, for carrying on a proud tradition of Mr. Lantos as ranking member on Foreign Affairs and then as chairman. He also served, as you know, as Chair of the Human Rights Task Caucus in the Congress of the United States.

It is with great sadness, Mr. Speaker, that I rise in support of this resolution. I so had wished decades ago that we wouldn't be standing here now still pleading the case for the people of Tibet. I thank RUSH HOLT for giving us this opportunity again, with Congresswoman ROS-LEHTINEN, sponsoring this legislation; HOWARD BERMAN, as I mentioned, the chairman; FRANK WOLF, and Mr. MCGOVERN, the co-Chairs of the Human Rights Caucus in the Congress carrying on a strong tradition, JIM MCGOVERN's carrying on that tradition.

But as Mr. ROHRABACHER mentioned, and I see Mr. SMITH there, we have been fighting this fight for a very long time.

My colleagues, going back a generation when the Dalai Lama first came to the Congress with his proposal for autonomy, back in 1987, would we have ever thought then that over 20 years later we would still be making this case? Remember after Tiananmen Square, which will be 20 years in June, and we've talked about human rights in China and Tibet. They said peaceful coexistence, peaceful engagement, this is going to lead to the improvement of human rights in China and Tibet. A generation has gone by, 20 years later, and what do we have? A more repressive situation in Tibet. A situation so bad it moved His Holiness in the statement he released on the occasion of the 50th anniversary to say that life for the Tibetans under the repression of the

Chinese regime is "hell on Earth." His Holiness used those terms. A man of nonviolence and gentle nature would be moved to use those words.

So I thank all who are responsible for bringing this resolution to the floor because, as we know, this week marks the 50th, five decades, of waiting for this peaceful evolution to take place, this peaceful evolution that was going to lead to more democratic freedoms. This was against a peaceful uprising against the Chinese Government and then led to the exiling of His Holiness out of Tibet.

With this resolution we remember that day and honor the many brave Tibetans who sacrificed their lives for freedom. Thousands of them did. With this resolution we recognize the hospitality of India for receiving the Tibetans into that great nation. His Holiness and the nation of India share a tradition of nonviolence and compassion, and we salute India for extending that to the people of Tibet as they escaped.

□ 1430

For the last year, Tibet has been under martial law, and the human rights situation has severely worsened, according to the State Department report. There has been no progress in the discussions with the Chinese government. It is long past time, 50 years, for Beijing to respect the human rights of every Tibetan, indeed, of every Chinese. The United States Congress continues to be a bedrock of support for the Tibetan people, and we do so in a strong, bipartisan way.

As I mentioned, in 1987, His Holiness the Dalai Lama, spoke in the Capitol at the Congressional Human Rights Caucus. I was a brand-new Member and invited there by Congressman Lantos. It was there that he outlined his "Middle Way Approach" that calls for autonomy for Tibet.

On Capitol Hill, over 20 years ago, His Holiness declared a statement of autonomy for Tibet. Twenty years later, we were all proud to stand with President Bush as he presented the Congressional Gold Medal to His Holiness the Dalai Lama, in the words of the President, for his "many enduring and outstanding contributions to peace, nonviolence, human rights and religious understanding."

Last year, as Mr. HOLT mentioned, we had a congressional delegation that visited India, where we were able to meet with His Holiness. This visit, either by coincidence or karma, took place only a matter of weeks after a protest that swept across the Tibetan plateau and the crackdown by the Chinese authorities.

So when we were in India, and seeing all of these people who were escaping from Tibet and prisoners who had been tortured in prisons in Tibet telling us their stories, they were stories that were fresh and current and tragic, and

we were hopeless and helpless in how we could help them in a very real way.

What we can do is put the moral authority of the Congress of the United States in the form of this resolution, with a broad bipartisan vote, down as a marker to say that we understand the situation there, that we encourage it to be different and, as Mr. ROHRABACHER said, that we are on the side of the Tibetan people. But it shouldn't be a question of taking sides, it should be a question of resolution, resolving a difference, and that's what we hope the Chinese government will do.

Just on a lighter note, when we were there, in addition to visiting the prisoners, and those who had escaped over the mountains only a matter of days before, we visited the children in their schools. They were adorable. They had made flags that were Tibetan flags on one side and American flags on the other. They had flags of the country of India.

The children were so appreciative of the hospitality of India, so grateful to the American people for speaking out on behalf of them, and so proud of their Tibetan heritage. They are beautiful.

The preservation of the culture of Tibet is, of course, a very important part of our enthusiasm for change. But, as I say, on the lighter side, as we were traveling through the streets, our delegation, our bipartisan delegation with Mr. SENSENBRENNER, who is the most senior Republican who came on the trip and was very powerful in his statements there, but as we were traveling through the roads, the roads were lined with people and they were waving flags, American, as I said, American, Tibetan, Indian flags along the way.

One sign caught my eye. It said "Thank you for everything that you have done for us—so far." So far. So, in any event, more is expected. More will come.

I told you about His Holiness' speech and about his statement that he put out, and he called the situation there, the Tibetans who are in the depths of suffering and hardship, that they are literally experiencing hell on Earth.

Mr. Speaker, I would like to submit His Holiness' statement for the RECORD.

THE STATEMENT OF HIS HOLINESS THE DALAI LAMA ON THE FIFTIETH ANNIVERSARY OF THE TIBETAN NATIONAL UPRISING DAY

(Embargoed until 10th March, 9 a.m.)

Today is the fiftieth anniversary of the Tibetan people's peaceful uprising against Communist China's repression in Tibet. Since last March, widespread peaceful protests have erupted across the whole of Tibet. Most of the participants were youths born and brought up after 1959, who have not seen or experienced a free Tibet. However, the fact that they were driven by a firm conviction to serve the cause of Tibet that has continued from generation to generation is indeed a matter of pride. It will serve as a source of inspiration for those in the international community who take keen interest

in the issue of Tibet. We pay tribute and offer our prayers for all those who died, were tortured and suffered tremendous hardships during the crisis last year, as well as those who have suffered and died for the cause of Tibet since our struggle began.

Around 1949, Communist forces began to enter north-eastern and eastern Tibet (Kham and Amdo) and by 1950, more than 5000 Tibetan soldiers had been killed. Taking the prevailing situation into account, the Chinese government chose a policy of peaceful liberation, which in 1951, led to the signing of the 17-Point Agreement and its annexure. Since then, Tibet has come under the control of the People's Republic of China. However, the Agreement clearly mentions that Tibet's distinct religion, culture and traditional values would be protected.

Between 1954 and 1955, I met with most of the senior Chinese leaders in the Communist Party, government and military, led by Chairman Mao Zedong, in Beijing. When we discussed ways of achieving the social and economic development of Tibet, as well as maintaining Tibet's religious and cultural heritage, Mao Zedong and all the other leaders agreed to establish a preparatory committee to pave the way for the implementation of the autonomous region, as stipulated in the Agreement, rather than establishing a military administrative commission. From about 1956 onwards, however, the situation took a turn for the worse with the imposition of ultra-leftist policies in Tibet. Consequently, the assurances given by higher authorities were not implemented on the ground. The forceful implementation of the so-called "democratic reforms" in the Kham and Amdo regions of Tibet, which did not accord with prevailing conditions, resulted in immense chaos and destruction. In Central Tibet, Chinese officials forcibly and deliberately violated the terms of the 17-Point Agreement, and their heavy-handed tactics increased day by day. These desperate developments left the Tibetan people no alternative but to launch a peaceful uprising on 10 March 1959. The Chinese authorities responded with unprecedented force that led to the killing of tens of thousands of Tibetans in the following months. Thousands were arrested and imprisoned. Consequently, nearly a hundred thousand Tibetans fled into exile in India, Nepal and Bhutan. During the escape and the months that followed they faced unimaginable hardship, which is still fresh in Tibetan memory. At that time, I too, accompanied by a small party of Tibetan government officials including some Kalons (Cabinet Ministers), escaped into exile in India.

Having occupied Tibet, the Chinese Communist government carried out a series of repressive and violent campaigns that have included "democratic reforms", class struggle, collectivisation, the Cultural Revolution, the imposition of martial law, and more recently the patriotic re-education and the strike hard campaigns. These thrust Tibetans into such depths of suffering and hardship that they literally experienced hell on earth. The immediate result of these campaigns was the deaths of hundreds and thousands of Tibetans. The lineage of the Buddha Dharma was severed. Thousands of religious and cultural centres such as monasteries, nunneries and temples were razed to the ground. Historical buildings and monuments were demolished. Natural resources have been indiscriminately exploited. Today, Tibet's fragile environment has been polluted, massive deforestation has been carried out and wildlife, such as wild yaks and Tibetan antelopes, are being driven to extinction.

These 50 years have brought untold suffering and destruction to the land and people of Tibet. Even today, Tibetans in Tibet live in constant fear and the Chinese authorities remain constantly suspicious of them. Today, the religion, culture, language and identity, which successive generations of Tibetans have considered more precious than their lives, are nearing extinction; in short, the Tibetan people are regarded like criminals deserving to be put to death. The Tibetan people's tragedy was set out in the late Panchen Rinpoche's 70,000-character petition to the Chinese government in 1962. He raised it again in his speech in Shigatse in 1989 shortly before he died, when he said that what we have lost under Chinese communist rule far outweighs what we have gained. Many concerned and unbiased Tibetans have also spoken out about the hardships of the Tibetan people. Even Hu Yaobang, the Communist Party Secretary, when he arrived in Lhasa in 1980, clearly acknowledged these mistakes and asked the Tibetans for their forgiveness. Many infrastructural developments such as roads, airports, railways, and so forth, which seem to have brought progress to Tibetan areas, were really done with the political objective of sinicising Tibet at the huge cost of devastating the Tibetan environment and way of life.

As for the Tibetan refugees, although we initially faced many problems such as great differences of climate and language and difficulties earning our livelihood, we have been successful in re-establishing ourselves in exile. Due to the great generosity of our host countries, especially India, Tibetans have been able to live in freedom without fear. We have been able to earn a livelihood and uphold our religion and culture. We have been able to provide our children with both traditional and modern education, as well as engaging in efforts to resolve the Tibet issue. There have been other positive results too. Greater understanding of Tibetan Buddhism with its emphasis on compassion has made a positive contribution in many parts of the world.

Immediately after our arrival in exile I began to work on the promotion of democracy in the Tibetan community with the election of the Tibetan Parliament-in-Exile in 1960. Since then, we have taken gradual steps on the path to democracy and today our exile administration has evolved into a fully functioning democracy with a written charter of its own and a legislative body. This is indeed something we can all be proud of.

Since 2001, we have instituted a system by which the political leadership of Tibetan exiles is directly elected through procedures similar to those in other democratic systems. Currently, the directly-elected Kalon Tripa's (Cabinet Chairperson) second term is underway. Consequently, my daily administrative responsibilities have reduced and today I am in a state of semi-retirement. However, to work for the just cause of Tibet is the responsibility of every Tibetan, and as long as I live I will uphold this responsibility.

As a human being, my main commitment is in the promotion of human values; this is what I consider the key factor for a happy life at the individual, family and community level. As a religious practitioner, my second commitment is the promotion of inter-religious harmony. My third commitment is of course due to my being a Tibetan with the name of "Dalai Lama", but more importantly it is due to the trust that Tibetans both inside and outside Tibet have placed in

me. These are the three important commitments, which I always keep in mind.

In addition to looking after the well being of the exiled Tibetan community, which they have done quite well, the principal task of the Central Tibetan Administration has been to work towards the resolution of the issue of Tibet. Having laid out the mutually beneficial Middle-Way policy in 1974, we were ready to respond to Deng Xiaoping when he proposed talks in 1979. Many talks were conducted and fact-finding delegations dispatched. These however, did not bear any concrete results and formal contacts eventually broke off in 1993.

Subsequently, in 1996-97, we conducted an opinion poll of the Tibetans in exile, and collected suggestions from Tibet wherever possible, on a proposed referendum, by which the Tibetan people were to determine the future course of our freedom struggle to their full satisfaction. Based on the outcome of the poll and the suggestions from Tibet, we decided to continue the policy of the Middle-Way.

Since the re-establishment of contacts in 2002, we have followed a policy of one official channel and one agenda and have held eight rounds of talks with the Chinese authorities. As a consequence, we presented a Memorandum on Genuine Autonomy for the Tibetan People, explaining how the conditions for national regional autonomy as set forth in the Chinese constitution would be met by the full implementation of its laws on autonomy. The Chinese insistence that we accept Tibet as having been a part of China since ancient times is not only inaccurate, but also unreasonable. We cannot change the past no matter whether it was good or bad. Distorting history for political purposes is incorrect.

We need to look to the future and work for our mutual benefit. We Tibetans are looking for a legitimate and meaningful autonomy, an arrangement that would enable Tibetans to live within the framework of the People's Republic of China. Fulfilling the aspirations of the Tibetan people will enable China to achieve stability and unity. From our side, we are not making any demands based on history. Looking back at history, there is no country in the world today, including China, whose territorial status has remained forever unchanged, nor can it remain unchanged.

Our aspiration that all Tibetans be brought under a single autonomous administration is in keeping with the very objective of the principle of national regional autonomy. It also fulfills the fundamental requirements of the Tibetan and Chinese peoples. The Chinese constitution and other related laws and regulations do not pose any obstacle to this and many leaders of the Chinese Central Government have accepted this genuine aspiration. When signing the 17-Point Agreement, Premier Zhou Enlai acknowledged that this was a reasonable demand, but not the right time to implement it. In 1956, when establishing the Preparatory Committee for the "Tibet Autonomous Region", Vice-Premier Chen Yi pointing at a map said, if Lhasa could be made the capital of the Tibet Autonomous Region, which included the Tibetan areas within the other provinces, it would contribute to the development of Tibet and friendship between the Tibetan and Chinese nationalities, a view shared by the Panchen Rinpoche and many Tibetan cadres and scholars. If Chinese leaders had any objections to our proposals, they could have provided reasons for them and suggested alternatives for our consideration,

but they did not. I am disappointed that the Chinese authorities have not responded appropriately to our sincere efforts to implement the principle of meaningful national regional autonomy for all Tibetans, as set forth in the constitution of the People's Republic of China.

Quite apart from the current process of Sino-Tibetan dialogue having achieved no concrete results, there has been a brutal crackdown on the Tibetan protests that have shaken the whole of Tibet since March last year. Therefore, in order to solicit public opinion as to what future course of action we should take, the Special Meeting of Tibetan exiles was convened in November 2008. Efforts were made to collect suggestions, as far as possible, from the Tibetans in Tibet as well. The outcome of this whole process was that a majority of Tibetans strongly supported the continuation of the Middle-Way policy. Therefore, we are now pursuing this policy with greater confidence and will continue our efforts towards achieving a meaningful national regional autonomy for all Tibetans.

From time immemorial, the Tibetan and Chinese peoples have been neighbours. In future too, we will have to live together. Therefore, it is most important for us to co-exist in friendship with each other.

During the Kuomintang period, and particularly since the occupation of Tibet, the Communist Chinese have been publishing distorted propaganda about Tibet and its people. Consequently, there are, among the Chinese populace, very few people who have a true understanding about Tibet. It is, in fact, very difficult for them to find the truth. There are also ultra-leftist Chinese leaders who have, since last March, been undertaking a huge propaganda effort with the intention of setting the Tibetan and Chinese peoples apart and creating animosity between them. Sadly, as a result, a negative impression of Tibetans has arisen in the minds of some of our Chinese brothers and sisters. Therefore, as I have repeatedly appealed before, I would like once again to urge out Chinese brothers and sisters not to be swayed by such propaganda, but, instead, to try to discover the facts about Tibet impartially, so as to prevent divisions among us. Tibetans should also continue to work for friendship with the Chinese people.

Looking back on 50 years in exile, we have witnessed many ups and downs. However, the fact that the Tibet issue is alive and the international community is taking growing interest in it is indeed an achievement. Seen from this perspective, I have no doubt that the justice of Tibet's cause will prevail, if we continue to tread the path of truth and non-violence.

As we commemorate 50 years in exile, it is most important that we express our deep gratitude to the governments and peoples of the various host countries in which we live. Not only do we abide by the laws of these host countries, but we also conduct ourselves in a way that we become an asset to these countries. Similarly, in our efforts to realise the cause of Tibet and uphold its religion and culture, we should craft our future vision and strategy by learning from our past experience.

I always say that we should hope for the best, and prepare for the worst. Whether we look at it from the global perspective or in the context of events in China, there are reasons for us to hope for a quick resolution of the issue of Tibet. However, we must also prepare ourselves well in case the Tibetan struggle goes on for a long time. For this, we

must focus primarily on the education of our children and the nurturing of professionals in various fields. We should also raise awareness about the environment and health, and improve understanding and practice of non-violent methods among the general Tibetan population.

I would like to take this opportunity to express my heartfelt gratitude to the leaders and people of India, as well as its Central and State Governments, who despite whatever problems and obstacles they face, have provided invaluable support and assistance over the past 50 years to Tibetans in exile. Their kindness and generosity are immeasurable. I would also like to express my gratitude to the leaders, governments and people of the international community, as well as the various Tibet Support Groups, for their unstinting support.

May all sentient beings live in peace and happiness.

THE DALAI LAMA,
10 March 2009.

I would also like to quote from the statement put out by the State Department last night. In part it says "We urge China to reconsider its policies in Tibet that have created tensions due to their harmful impact on Tibetan religion, culture, and livelihoods. We believe that substantive dialogue with the Dalai Lama's representatives, consistent with the Dalai Lama's commitment to disclaiming any intention to seek sovereignty or independence for Tibet, can lead to progress in bringing about solutions and can help achieve true and lasting stability in Tibet."

I am very pleased with the statement from the State Department.

Mr. Speaker, the situation in Tibet challenges the conscience of the world. If freedom-loving people around the world do not speak out for human rights in China and Tibet, then we lose moral authority to talk about it in any other place in the world.

On the 15th anniversary of the Dalai Lama being forced into exile, we must heed his guidance and his transcendent message of peace, and we must never forget the people of Tibet in their ongoing struggle.

That is why I urge my colleagues to support this resolution and thank my colleagues for giving us this opportunity to do so today.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 4 minutes to my good friend from New Jersey (Mr. SMITH), the ranking member on the Subcommittee on Africa and Global Health.

Mr. SMITH of New Jersey. I thank the distinguished gentlelady for yielding and thank her for her leadership.

I would especially like to thank Tom Lantos, our revered and great and honorable former chairman of the committee who did pioneering work on Tibet and really helped bring the Dalai Lama here in the first place and made that very important connection many, many years ago.

Mr. Speaker, 50 years ago today the Tibetan people rose up against the tyranny that the Chinese communist

party was imposing on it. The outnumbered Tibetans fought stubbornly but did not succeed in overthrowing the tyranny. Sadly, the Chinese forces killed over 86,000 Tibetans, and the Dalai Lama had to leave Tibet to lead a government in exile.

But I think the Tibetans succeeded in doing something else 50 years ago. They put down a spiritual marker. They decided that, materially free or not, persecuted or not, the Tibetan people were going to remain Tibetan and were not going to forsake their religious heritage for the mess of ideological and atheistic nonsense the communists offered them.

They would preserve their spiritual freedom, even in the Laogai. And since 1959 every generation of Tibetans have taken up that decision and reaffirmed it. We cannot speak about 1959 without remembering 2008, when the Chinese government brutally crushed Tibetans' largely peaceful marking of the 1959 uprising.

Last year Lodi Gyari, His Holiness' Special Envoy, told me and others on the Congressional Human Rights Caucus that Tibet had "become, particularly, in the last few weeks, in every sense an occupied nation, brutally occupied by Armed Forces." This week, as our distinguished Speaker of the House just mentioned, the Dalai Lama has described the situation in Tibet as hell on Earth.

Shockingly and almost laughingly, the Chinese government shot back today and said Tibet is paradise on Earth. Well, it was, Mr. Speaker. Now it's paradise lost.

Just as it did in 1959, last year the Chinese government ordered its soldiers and police to shoot. The death toll is well over 100. We don't even have any idea how many were wounded, how many were left wounded or dying in attics and cellars because they knew if they went to a hospital they would simply disappear into the Chinese Laogai.

As in 1959, last year the Chinese government subjected Tibetans to mass arrests. They searched whole sections of cities house by house. Chinese officials admit to over 4,000 arrests. Even today, thousands of monks are still held under house arrest or lockdown.

Mr. Speaker, in 1995 I chaired a congressional hearing in which we heard from six survivors of the Laogai. One of them was Palden Gyatso, a Tibetan monk who spent 24 years in prison. When we invited him to come and speak, he brought with him some of the instruments of torture that are routinely employed and used in a horrific manner against men and women in Chinese concentration camps.

He told us that many people die of starvation. But when he brought those instruments, he couldn't even bring them past our Capitol Police, they stopped him. I had to go down to the entrance and escort him through.

At the hearing, he held up those electric batons that are used in the mouth and elsewhere in order to provide electric shocks. And while he was giving his testimony, he broke down.

He held it up and said this is what went into my mouth, as a Buddhist monk, and into the mouths of other people, to shock and to deface. He has trouble swallowing to this day.

He told us about self-tightening handcuffs and held up his wrists and showed us the scars on his body. Not just on his wrists, but elsewhere as well. He told us how the guards pierce people with bayonets, and he also told us that every bit of this was routine and almost mundane.

Yet in the face of this, he and so many others like him persevered, and the Tibetan people at large continue on, keeping faith, including their admirable principle of nonviolence.

The SPEAKER pro tempore (Mr. ROSS). The time of the gentleman has expired.

Ms. ROS-LEHTINEN. I would like to yield an additional minute to the gentleman.

Mr. SMITH of New Jersey. I appreciate that.

They are determined to endure, Mr. Speaker, and to overcome hate with kindness and benevolence and charity.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank you, Mr. Chairman, for yielding to me.

Mr. Speaker, as a member of the Human Rights Commission, I am proud to rise today in support of this resolution on behalf of the people of Tibet.

I also want to take this opportunity, because I just returned from the White House, where the President of the United States created a White House Council on Women and Girls and acknowledged the recent March 8 passage of International Women's Day.

And while I was there, I am very grateful to you, Mr. Chairman and to the House of Representatives, for passing the resolution in support of International Women's Day and would like to take this opportunity to speak to it for just a couple of minutes.

I want to thank Representative MARY FALLIN, the lead Republican cosponsor and the Republican co-chair of the Women's Caucus, for her tireless support and work to bring this resolution to the floor. It's been my pleasure to work with her on this bill, and I am sure it's the first of many that we will work together through the caucus, where I am the Democratic co-chair, to advance the goals of women.

Also, I would like to acknowledge the caucus vice-Chairs, Representative GWEN MOORE, Representative KAY GRANGER, and I am honored to have this resolution be the first of the must-pass legislative agenda items to make

it to the House floor with such remarkable bipartisan support.

Each year countries around the world mark March 8 as International Women's Day, as a day to recognize the contributions and impact that women have made to our world's history, to recognize those women who have worked together for gender equality and to acknowledge the work that is yet to be done. Over the years, women have made significant strides.

All over the world and throughout history we have, they have consistently contributed to their economies, participated in their governments and improved the quality of life of their families and of their nations.

In 2007 Congresswoman NANCY PELOSI was elected the first woman Speaker of the U.S. House of Representatives. In 2006 I attended the inauguration of Michelle Bachelet, the first woman President of Chile, and visited the Liberian President, Ellen Johnson-Sirleaf, the first woman president in Africa's history.

In the 111th Congress, we have an all-time high of 74 women in Congress, a 35 percent increase from just 8 years ago. But women still only make up about 16 percent of the House of Representatives.

In the U.S., we have made significant strides in education. Women now graduate from high school at higher rates and earn bachelor's or higher degrees at greater rates than men.

While American women earn more high school and bachelor's degrees than men, two-thirds of the 876 million illiterate individuals in the world are women. Two-thirds of the 125 million school-age children not attending school worldwide are girls. Girls are less likely to complete school than boys elsewhere around the globe.

Women are making progress in business and make up 12 percent of the current CEOs of the Fortune 500 companies, but, still, a long way to go.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BERMAN. I would be pleased to yield an additional minute to the gentlelady.

Ms. SCHAKOWSKY. Globally, women work two-thirds of the world's working hours and produce half of the world's food, and still we earn only 1 percent of the world's income and own less than 1 percent of the world's property.

Of the 300 million people living in poverty, 70 percent are girls and women. Millions of women and girls are trafficked, physically abused, sexually abused, or face the threat of violence every day.

□ 1445

Although Congress passed the PROTECT Act to prevent trafficking in Iraq, Darfur, Afghanistan and many other places around the world, we still see that women and girls tend to be the

targets of extreme violence, brutality, and intimidation.

So, Mr. Speaker, it's important that Congress recognize the importance of March 8. I am so glad that we passed this resolution. I am grateful to the Congress for recognizing International Women's Day, which we just celebrated on March 8.

Ms. ROS-LEHTINEN. Mr. Speaker, I'd like to yield 3 minutes to a member of the Committee on Foreign Affairs—and they are all gentle people in South Carolina—the gentleman from South Carolina (Mr. INGLIS.)

Mr. INGLIS. I thank the distinguished ranking member for that glowing recommendation of my great State. We are here today to recognize the plight of the Tibetan people. Several speakers have already mentioned incredible stories of the indomitable human spirit.

One story was told to me earlier today by a staff member who was visiting in China, and tells a story of going to a Tibetan temple where, during the Cultural Revolution, the people of that town took their food rations and the grain that would have been food for them and put it in a temple in order to hide a statue of a Buddha so as to protect it from desecration by the Chinese Communists. Many of those townspeople starved to death as a result of giving up those food rations.

That is a story of the indomitable power of the human conscience and the tragedy that comes when nations try to defy that basic human right. So we are here today to celebrate the spirit of the Tibetan people and to call on the Communist Chinese to give greater political rights and economic opportunities and respect the dignity of the Tibetan people.

As we consider this resolution right now, the Chinese government has forbidden foreign journalists and tourists from entering Tibetan areas under their control. A massive crackdown is underway that involves beefed-up paramilitary forces deployed throughout the area and a deliberate disruption of normal cell phone service to prevent reports from leaking out.

For all practical purposes, as we have heard here earlier today, Tibet is under an unofficial state of martial law, 50 years after the Dalai Lama fled into exile. From March 2008 to June 2008, Chinese officials disclosed that authorities detained more than 4,400 Tibetans for allegedly rioting, the vast majority of whom are known to have engaged in peaceful protests.

A Tibetan NGO reported that a total of more than 65,000 Tibetans have been detained in 2008, and over a thousand of whose whereabouts and well-being remains unknown, many of whom are monks and nuns.

According to an August 21 report from the Tibetan government-in-exile, at least 218 Tibetans died between

March and June of 2008 as a result of the Chinese police using lethal force against protesters or from severe abuse, including torture while in detention.

Mr. Speaker, we in this Congress should rise in unanimous support of the people of Tibet and present a unified force of the Congress and the Obama administration to unambiguously condemn the Chinese government's ongoing crackdown in Tibet. We must also convey a clear and consistent message to Beijing that says this: Progress in talks with the Dalai Lama and bringing meaningful autonomy and religious freedom to Tibet is an essential benchmark that China must meet in order to advance relations with the United States.

I thank the gentlelady for yielding.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 3 minutes to the chairman of the Human Rights Commission, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Thank you. Mr. Speaker, I rise today in strong support of this important resolution, and I want to thank my friend, Congressman RUSH HOLT, Speaker NANCY PELOSI, and the chairman and ranking member of the House Foreign Affairs Committee for their leadership in the long struggle for freedom, dignity, and human rights in Tibet.

Mr. Speaker, for six decades the history of Tibet has been marked by violence. Even before 1949, the People's Liberation Army of China entered the eastern areas of Tibet during the Long March. In 1959, they finally occupied the capital of Lhasa.

Fifty years ago, on March 10, the Tibetan people rose up in Lhasa against Chinese rule. The backlash was furious and brutal. On March 17, the Dalai Lama fled Lhasa for his own safety, joined by some 80,000 Tibetans, for life in exile. Tens of thousands who remained were killed or imprisoned.

Thanks to the thriving exile communities in India, Europe, and the United States, Tibetan cultural identity, language, and religion have survived. They have focused world attention on the Tibetan struggle. But each and every year, the situation inside Tibet grows worse, with more repression, more arrests, more displacement, more deliberate destruction of the Tibetan language, culture, and religion.

One year ago, new protests rose up in Tibet. They were the result of greater controls over religious and cultural activity, development that mainly benefited Chinese migrants, and forced resettlement of farmers and nomads. Thousands and thousands were arrested. To date, there has been no full accounting by Chinese authorities of those arrested, detained, tried, sentenced, or released, and no access to those detained by the International Committee of the Red Cross or other

international observers, and all the time the Tibetan people daily become more of a minority in their own land.

Mr. Speaker, as the new cochair of the Tom Lantos Human Rights Commission, it is humbling to follow in the footsteps of Thomas Lantos. The Congressional Human Rights Caucus, which he founded, was the very first to give the Dalai Lama a voice on Capitol Hill in 1987.

On this 50th anniversary, let's be very, very clear that the American people in this House stand with His Holiness. We will not rest until meaningful and full autonomy for the Tibetan people is achieved—and the Dalai Lama and his people can fulfill their dream of returning home to Tibet.

I thank the chairman of the Foreign Affairs Committee for generously giving me this time.

Mr. Speaker, I rise today in strong support of this important resolution, which recognizes the plight of the Tibetan people on the 50th Anniversary of His Holiness the Dalai Lama's exile and calls for a sustained multilateral effort toward a peaceful solution to the Tibet issue. I thank my friend RUSH HOLT, and the distinguished Ranking Member of the House Committee on Foreign Affairs, as well as the Chairman of the Foreign Affairs Committee, for their leadership on human rights and for bringing this resolution expeditiously to the floor.

Mr. Speaker, last Friday my friend and distinguished colleague, FRANK WOLF and I were formally reappointed Co-Chairs of the Tom Lantos Human Rights Commission, the successor body of the Congressional Human Rights Caucus, which I had the honor to co-chair with FRANK WOLF after our former colleague Tom Lantos passed away.

I mention this because of the historic significance of the Congressional Human Rights Caucus in getting the voice of the Tibetan people heard in the United States.

In 1987, it was Congressman Tom Lantos who had invited His Holiness the Dalai Lama to attend a meeting of the Congressional Human Rights Caucus as the first official government entity in the United States, despite stiff opposition from many quarters including the U.S. Administration to do so. Many were fearful what such an invitation would do to our bilateral relations with the People's Republic of China, and the PRC used every conceivable tool to prevent this historic meeting from happening.

Those voices of those critics in the United States soon fell quiet after the meeting took place, as the moral authority of his Holiness and his persistently peaceful way to fight for meaningful autonomy of the Tibetan people attracted more and more support and with the American people and in Congress.

Twenty years later, it was this body that awarded His Holiness the Congressional Gold Medal in recognition of his life-long dedication to the causes of peace and non-violent resolution to the Tibet issue.

Mr. Speaker, the history of Tibet has long been marked by violence. Even before 1949, the People's Liberation Army of China entered the eastern areas of the traditional Tibetan ter-

ritory on The Long March. In 1951, they finally occupied the Tibetan capital of Lhasa.

On this day fifty years ago, the Tibetan people rose up in Lhasa against Chinese rule, and the backlash was furious and brutal. As a consequence, His Holiness the Dalai Lama fled Lhasa on March 17, 1959, for his own safety. He was joined by some 80,000 Tibetans in exile. Tens of thousands of Tibetans who remained were either killed or imprisoned.

The human rights situation became so dire that in 1959, 1961 and 1965 (before China became a member of the United Nations), the UN General Assembly passed resolutions condemning the human rights violations in Tibet and affirming Tibetans' right to self-determination.

Supported by thriving exile communities in India, the United States, Europe, Tibetan cultural identity, language and religion has survived and the world is paying attention to the Tibetan struggle.

In 2002 Congress passed the Tibetan Policy Act, the cornerstone of U.S. policy toward Tibet. The legislation codified the position of Special Coordinator for Tibetan Issues in our State Department, to ensure that U.S. policy promotes a dialogue between the Chinese government and the representatives of the Dalai Lama, and this Act and its policies must remain the cornerstone of our policy regarding Tibet also under this Administration.

The policy of the United States Government has to be to continue promoting substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives to resolve peacefully the dispute and to allow for the return of the Dalai Lama.

However, the United States cannot stand as a mere neutral facilitator in this dialogue, when the Chinese government time and time again uses these proceedings to hold out hope, only to drag out negotiations with His Holiness without ever making any progress or without ever achieving any concrete results. All this, while the Tibetan people become a minority in their own territory because of government-controlled migration, and the Tibetan culture is further eroded.

We cannot stand by neutrally, when the Chinese government kidnaps a six-year-old child, Gedhun Choekyi Nyima, whom His Holiness has recognized as Panchen Lama, and allow the Chinese government to replace him with a more convenient Panchen Lama of their own choice.

On this 50th anniversary, let's be very clear that the American people and this Congress will always stand unwaveringly with His Holiness in this peaceful endeavors, and will not rest until meaningful and full autonomy for the Tibetan people is achieved, and His Holiness can fulfill his dream of returning to Tibet.

Mr. Speaker, Tom Lantos' voice has fallen silent, but we cannot let our voices to fall silent too. We always need to speak out for the Tibetan people.

[From the Boston Globe, Mar. 10, 2009]

SAD ANNIVERSARIES IN TIBET

The authorities in Beijing are nervous today, fearful that remembrance of things past will incite new disorder. They have good reason: On this date two tragic anniversaries are commemorated. First, of the massacres

Chinese troops perpetrated 50 years ago, killing 86,000 Tibetans, to crush a Tibetan revolt against harsh Chinese rule. And March 10 is also the one-year anniversary of China's violent crackdown on Tibetans protesting for cultural and religious freedom.

China's attempts to expunge Tibet's separate identity cast doubt on Beijing's claim to be a rising power with benign intentions. There is a whiff of colonialism in China's treatment of Tibet and Tibetans.

Chinese policymakers are not content to deny Tibet's distinct identity. They demean the ethical and spiritual values of Tibetan Buddhism, and they refuse to grant Tibetans even the limited autonomy proposed by their leader-in-exile, the Dalai Lama. The core objective of Beijing's Tibet policy is to submerge the Tibetan population under waves of Han Chinese migrants who receive special incentives to settle in Tibetan areas.

Given China's efforts toward a demographic smothering of Tibetans in their homeland, it is no wonder that Chinese officials feel compelled to lie, brazenly, about the temperate program for reconciliation proposed by the Dalai Lama. In talks last fall with Chinese representatives, the Dalai Lama's envoys presented 11 proposals for limited Tibetan autonomy. The Chinese refused to discuss a single one of the 11 ideas, pretending that all 11 were thinly disguised demands for independence.

Beijing takes this rigid position—repeating the transparent falsehood that the Dalai Lama really wants political independence for Tibet—because Chinese policy is to make no concessions to the Tibetan government-in-exile and instead to wait for the spiritual leader of Tibetan Buddhists to die. The flawed premise of this policy is that Tibetan resistance to Chinese dominance will evaporate after the Dalai Lama is gone. But as the clashes last March in Tibetan regions demonstrated, younger Tibetans are likely to be less patient, and less devoted to nonviolence, than the Dalai Lama and his government-in-exile in Dharamsala, India.

China's rulers are fortunate to have the chance to come to terms with the Dalai Lama on Tibetan autonomy within China. Few other governments confronting oppressed ethnic or religious groups have been so lucky.

President Obama should appoint a special envoy for Tibet, someone who can help China's leaders see that it is in their own interest to give Tibetans the cultural and religious autonomy the Dalai Lama has proposed.

Ms. ROS-LEHTINEN. To wrap up our side of the aisle on this important resolution, I yield such time as he may consume to the co-Chair of the Tom Lantos Congressional Human Rights Commission, the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. I want to thank the ranking member and also the chairman for their leadership on this issue, and also thank Speaker PELOSI for her comments here today and also for the comments that she made yesterday.

In August of 1997, I traveled to Tibet, making it known to no one that I was a Member of Congress. I spoke to Buddhist monks and nuns on the street and in monasteries who have been brutally tortured in the infamous Drapchi prison. We drove by the Drapchi prison and they told us of the torture of pulling out fingernails and everything else,

just simply for professing allegiance to the Dalai Lama.

The Chinese government sends Tibetan children to China for education to learn Chinese ways. The Chinese government forbids faithful Buddhists from displaying pictures of the Dalai Lama. There was one person in a Buddhist monastery who showed me the picture and then put it away quickly.

What the Chinese government is doing to Tibet is cultural genocide—and I hope the foreign minister, who's in town today, hears it. It is cultural genocide—systematically destroying the fabric of the Tibetan society.

Last March, the Tibetan people took to the streets to protest the iron-fisted rule of the Chinese government over Tibet; a harsh crackdown, violent repression, and a year later, 1,200 Tibetans remain unaccounted for. Where are they? Let's ask the foreign minister when he goes to the State Department, Where are they?

For over a decade, the United States has asked China for a consulate in Lhasa, the capital of Tibet, and China has refused. Yet we continue to allow the Chinese government to build new consulates across the United States. We should not allow China to build any new consulates in the United States until China allows the U.S. to build a consulate in Lhasa, period, end of story.

It is with a heavy heart that we commemorate the Dalai Lama's flight to Dharmasala. I believe one day we will stand here—and, if this debate had taken place before, Tom Lantos would be here, whereby people would give Tom Lantos the credit for leading the effort whereby Tibet will be, basically—not basically, but Tibet will be free.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 226, recognizing the Tibetan People on the anniversary of the Dalai Lama's exile. As a member of the House Committee on Foreign Affairs I am pleased to join my colleague RUSH HOLT in his sponsorship of this important resolution. As we move to engage the government in Beijing I would only hope that the United States' foreign policy once again becomes a policy of peace and goodwill and not a harbinger to international hostilities.

It is no accident that the first foreign trip of our new Secretary of State Hillary Clinton, was to Asia. China is integral to the re-establishment of American foreign policy in Asia. As we engage the Chinese it is important that we address human rights issues as well.

The Dalai Lama has emerged on the international scene as a force for human rights around the world. He has exhibited a grace and sense of compassion throughout the strife that has visited his homeland.

For more than 2,000 years Tibet maintained a sovereign national identity distinct from the national identity of China. In 1949, however, Chinese troops invaded and occupied Tibet and have remained ever since.

According to the State Department and numerous international human rights organiza-

tions, the Chinese government continues to commit widespread and well-documented human rights abuses in both China and Tibet. China also has yet to demonstrate its willingness to abide by internationally accepted norms of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms. We urge the Chinese government to seek conciliation with its many different groups, as opposed to employing further government restrictions.

In addition, while China is a signatory to the International Covenant on Civil and Political Rights, the United Nations Convention Relating to Refugees, and the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment, in practice, the Chinese government has often not followed the treaties.

March 10th marks the 50th anniversary of an uprising against Chinese rule by the Tibetan people—an uprising that forced the 14th Dalai Lama into exile in India. On the anniversary last year, Tibetan Buddhist monks and nuns in and around Lhasa were blocked by Chinese authorities from staging demonstrations and were met with force by the Chinese authorities. Protests then spread inside the Tibet Autonomous Region and other Tibetan areas of China.

Over the years, talks between envoys of the Dalai Lama and representatives of the Chinese government have failed to achieve any concrete and substantive results.

This resolution recognizes the Tibetan people for their perseverance and endurance in face of hardship and adversity in Tibet and for creating a vibrant and democratic community in exile that sustains the Tibetan identity.

The measure recognizes the government and people of India for their generosity toward the Tibetan refugee population for the last 50 years. It calls upon the Chinese government to respond to the Dalai Lama's initiatives to find a lasting solution to the Tibetan issue, cease its repression of the Tibetan people, and to lift immediately the policies imposed on Tibetans, including patriotic education campaigns, detention and abuses of those freely expressing political views or relaying news about local conditions, and limitations on travel and communications.

Finally, Mr. Speaker, the resolution calls upon the administration to recommit to a sustained effort consistent with the Tibetan Policy Act of 2002, that employs diplomatic, programmatic, and multilateral resources to press the Chinese government to respect the Tibetans' identity and the human rights of the Tibetan people. Mr. Speaker, we must continue to engage the government in Beijing at all levels and Tibet must be at the top of the list. Again, I wish to thank my colleagues for their work on this matter.

Ms. ROS-LEHTINEN. I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, one year ago, a wave of protests began in Lhasa and swept across the Tibetan Plateau. In the time since, the Chinese government has pursued policies that demonstrate a failure to live up to its commitments to its ethnic minority citizens—commitments that are well-documented and unmistakable. Chinese law includes protections

for the distinctive culture, language and identity of ethnic minority citizens. China's Regional Ethnic Autonomy Law, for example, guarantees ethnic minorities the "right to administer their internal affairs." Specifically, the term "regional ethnic autonomy," as the law itself defines it, "reflects the state's full respect for ethnic minorities' right to administer their internal affairs." Over the past year, the actions of the Chinese government have reflected neither "the state's full respect" of ethnic minority rights, nor of human rights standards recognized in both Chinese and international law.

On January 19, 2009, the People's Congress of the Tibet Autonomous Region established a new holiday called "Serfs' Emancipation Day." As the Congressional-Executive Commission on China has reported, this new holiday commemorates the March 28, 1959, Chinese government decree that dissolved the Dalai Lama's Lhasa-based Tibetan government. The Chairman of the Standing Committee of the Tibet Autonomous Region People's Congress said the new holiday would "strengthen Tibetans' patriotism." He also said that officials had met to "ensure that all people mark the occasion with festivities." Chinese officials have required Tibetans to celebrate the end of the Dalai Lama's government, and, by implication, his departure from Tibet fifty years ago. This is how the Chinese government demonstrates its commitment to "the state's full respect for ethnic minorities' right to administer their internal affairs."

For the last several weeks, international media organizations have reported that Chinese authorities have been closing Tibetan areas to foreign reporters and travelers. Last month, China's Central Propaganda Bureau and State Ethnic Affairs Commission publicized a document titled "An Outline Concerning Propaganda Education on the Party and State's Ethnic Policy." As the Congressional-Executive Commission on China has reported, this document calls for resisting "international hostile forces raising the banner of such things as 'ethnicity,' 'religion,' and 'human rights' to carry out westernization and separatist activities toward our country." Let us be absolutely clear: Tibetan grievances exist not as a result of foreign influence. Tibetan grievances exist for one reason and one reason only: in spite of what the Chinese government has written in its laws, in practice it has created an ethnic autonomy system that denies fundamental rights to ethnic minorities. This could not be clearer than it has become over the last year.

The time for change is now. I repeat today what I stated in this chamber nearly one year ago: protest activity that results in the destruction of property or death of anyone, whether Tibetan or non-Tibetan, is unacceptable in any context. But the harshness with which the Chinese government has handled affairs over the last year across the Tibetan plateau and in other ethnic minority regions of China—harshness that Chinese officials have sought to justify as being necessary to preserve stability—has revealed instead a level of hostility toward China's ethnic minority citizens not seen in decades, and has heightened fears for Tibetans, Uyghurs, and other ethnic minority peoples in China.

The Congressional-Executive Commission on China has tracked policies that undercut protections for ethnic minority languages that are stipulated in Chinese law. Measures to promote Mandarin-focused "bilingual" education in schools in the Xinjiang Uyghur Autonomous Region, for example, have resulted in language requirements that disadvantage ethnic minority teachers. These and other job hiring and labor practices are part of a broader set of policies that restrict ethnic minority rights, and that illustrate the Chinese government's failure to abide by commitments as set forth in China's own Constitution and laws. Article 4 of the Chinese Constitution and Article 9 of China's Regional Ethnic Autonomy Law, for example, both forbid discrimination based on ethnicity. Article 12 of China's Labor Law and Article 3 of China's new Employment Promotion Law state that job applicants shall not face discrimination in job hiring based on factors including ethnicity, and Article 28 of China's new Employment Contract Law states that all ethnicities enjoy equal labor rights.

The Chinese government seems to protect some aspects of ethnic minority rights in communities that are not perceived to challenge state policies. But shortcomings in both the substance and the implementation of Chinese policies toward ethnic minorities prevent ethnic minority citizens from fully enjoying the rights that the Chinese government itself plainly and openly has said are guaranteed under China's own laws, and under international legal standards. A wide range of public policy areas today present challenges that are pressing and real, but concerns in other policy areas do not eclipse the Chinese government's abuses of law and its ongoing violations of the fundamental rights of Tibetans, Uyghurs and other ethnic minority citizens of China, and of Han Chinese citizens as well.

I would urge all of my colleagues to take full advantage of the resources available to the public on the web site of the Congressional-Executive Commission on China—www.cecc.gov—and to make use of the Commission's analysis of developments as they unfold in Tibetan areas, and across China. The Commission monitors and reports continuously on human rights and the rule of law in China, and I encourage all to check the Commission's web site regularly for updates, to subscribe to the on-line newsletter, and to rely on the Commission's published reports to keep up with developments in China.

Finally, the resolution of Tibetan grievances can occur only with direct talks between the Chinese government and the Dalai Lama. As China plays an increasingly important role in the international community, other countries will appropriately assess China's fulfillment of the commitments it has made in both Chinese and international law, including legal and constitutional commitments to ethnic minorities. The international spotlight remains on China. We hope that the Chinese government will welcome such attention with a full commitment to openness, and to the implementation of basic human rights.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time, and urge a "yea" vote.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 226.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H. Con. Res. 64, by the yeas and nays;
House Resolution 125, by the yeas and nays;

House Resolution 226, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

YEAR OF THE MILITARY FAMILY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 64, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 64.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 9, as follows:

[Roll No. 119]

YEAS—422

| | | |
|--------------|-------------|----------------|
| Abercrombie | Berry | Brown (GA) |
| Ackerman | Biggert | Brown (SC) |
| Aderholt | Bilbray | Brown, Corrine |
| Adler (NJ) | Bilirakis | Brown-Waite, |
| Akin | Bishop (GA) | Ginny |
| Altmire | Bishop (NY) | Buchanan |
| Andrews | Bishop (UT) | Burgess |
| Arcuri | Blackburn | Burton (IN) |
| Austria | Blumenauer | Butterfield |
| Baca | Blunt | Buyer |
| Bachmann | Boccieri | Calvert |
| Bachus | Boehner | Camp |
| Baird | Bonner | Campbell |
| Baldwin | Bono Mack | Cantor |
| Barrett (SC) | Boozman | Cao |
| Barrow | Boren | Capito |
| Bartlett | Boswell | Capps |
| Barton (TX) | Boucher | Capuano |
| Bean | Boustany | Cardoza |
| Becerra | Boyd | Carnahan |
| Berkley | Brady (PA) | Carney |
| Berman | Brady (TX) | Carson (IN) |

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| Carter | Hastings (WA) | McHenry | Schrader | Speier | Velázquez | Boyd | Gallegly | Lungren, Daniel |
| Cassidy | Heinrich | McHugh | Schwartz | Spratt | Visclosky | Brady (PA) | Garrett (NJ) | E. |
| Castle | Heller | McIntyre | Scott (GA) | Stearns | Walden | Brady (TX) | Gerlach | Lynch |
| Castor (FL) | Hensarling | McKeon | Scott (VA) | Stupak | Walz | Braley (IA) | Giffords | Mack |
| Chaffetz | Herger | McMahon | Sensenbrenner | Sullivan | Wamp | Broun (GA) | Gingrey (GA) | Maffei |
| Chandler | Herseth Sandlin | McMorris | Serrano | Sutton | Wasserman | Brown (SC) | Gohmert | Maloney |
| Childers | Higgins | Rodgers | Sessions | Tanner | Schultz | Brown, Corrine | Gonzalez | Manzullo |
| Clarke | Hill | McNerney | Sestak | Tauscher | Waters | Brown-Waite, | Goodlatte | Marchant |
| Clay | Himes | Meek (FL) | Shadegg | Taylor | Watson | Ginny | Gordon (TN) | Markey (CO) |
| Cleaver | Hinchey | Meeks (NY) | Shea-Porter | Teague | Watt | Buchanan | Granger | Markey (MA) |
| Clyburn | Hinojosa | Melancon | Sherman | Terry | Waxman | Burgess | Graves | Marshall |
| Coble | Hirono | Mica | Shimkus | Thompson (CA) | Weiner | Burton (IN) | Grayson | Massa |
| Coffman (CO) | Hodes | Michaud | Shuler | Thompson (MS) | Welch | Buyer | Green, Al | Matheson |
| Cohen | Hoekstra | Miller (FL) | Shuster | Thompson (PA) | Wexler | Calvert | Green, Gene | Matsui |
| Cole | Holden | Miller (MI) | Simpson | Thornberry | Whitfield | Camp | Griffith | McCarthy (CA) |
| Conaway | Holt | Miller (NC) | Sires | Tiahrt | Wilson (OH) | Campbell | Grijalva | McCarthy (NY) |
| Connolly (VA) | Honda | Miller, George | Skelton | Tiberi | Wilson (SC) | Cantor | Guthrie | McCauley |
| Conyers | Hoyer | Minnick | Slaughter | Tierney | Wittman | Cao | Gutierrez | McClintock |
| Cooper | Hunter | Mitchell | Smith (NE) | Titus | Wolf | Capito | Hall (TX) | McCollum |
| Costa | Inglis | Mollohan | Smith (NJ) | Tonko | Woolsey | Capps | Halvorson | McCotter |
| Costello | Inslee | Moore (KS) | Smith (TX) | Towns | Wu | Capuano | Hare | McDermott |
| Courtney | Israel | Moore (WI) | Smith (WA) | Tsongas | Yarmuth | Cardoza | Harman | McGovern |
| Crenshaw | Issa | Moran (KS) | Snyder | Turner | Young (AK) | Carnahan | Harper | McHenry |
| Crowley | Jackson (IL) | Moran (VA) | Souder | Upton | Young (FL) | Carney | Hastings (FL) | McHugh |
| Cuellar | Jackson-Lee | Murphy (CT) | Space | Van Hollen | | Carson (IN) | Hastings (WA) | McIntyre |
| Culberson | (TX) | Murphy, Patrick | | | | Carter | Heinrich | McKeon |
| Cummings | Jenkins | Murphy, Tim | | | | Cassidy | Heller | McMahon |
| Dahlkemper | Johnson (GA) | Murtha | Alexander | Hall (NY) | Radanovich | Castle | Hensarling | McMorris |
| Davis (AL) | Johnson (IL) | Myrick | Braley (IA) | Kosmas | Stark | Castor (FL) | Herger | Rodgers |
| Davis (CA) | Johnson, E. B. | Nadler (NY) | Bright | Miller, Gary | Westmoreland | Chaffetz | Herseth Sandlin | McNerney |
| Davis (IL) | Johnson, Sam | Napolitano | | | | Chandler | Higgins | Meek (FL) |
| Davis (KY) | Jones | Neal (MA) | | | | Childers | Hill | Meeks (NY) |
| Davis (TN) | Jordan (OH) | Neugebauer | | | | Clarke | Himes | Melancon |
| Deal (GA) | Kagen | Nunes | | | | Clay | Hinchey | Mica |
| DeFazio | Kanjorski | Nye | | | | Cleaver | Hinojosa | Michaud |
| DeGette | Kaptur | Oberstar | | | | Clyburn | Hirono | Miller (FL) |
| Delahunt | Kennedy | Obey | | | | Coble | Hodes | Miller (MI) |
| DeLauro | Kildee | Olson | | | | Coffman (CO) | Hoekstra | Miller (NC) |
| Dent | Kilpatrick (MI) | Oliver | | | | Cohen | Holden | Miller, George |
| Diaz-Balart, L. | Kilroy | Ortiz | | | | Cole | Holt | Minnick |
| Diaz-Balart, M. | Kind | Pallone | | | | Conaway | Honda | Mitchell |
| Dicks | King (IA) | Pascarell | | | | Connolly (VA) | Hunter | Mollohan |
| Dingell | King (NY) | Pastor (AZ) | | | | Conyers | Ingalls | Moore (KS) |
| Doggett | Kingston | Paul | | | | Cooper | Inslee | Moore (WI) |
| Donnelly (IN) | Kirk | Paulsen | | | | Costa | Israel | Moran (KS) |
| Doyle | Kirkpatrick (AZ) | Payne | | | | Costello | Issa | Moran (VA) |
| Dreier | Kissell | Pence | | | | Courtney | Jackson (IL) | Murphy (CT) |
| Driehaus | Klein (FL) | Perlmutter | | | | Crenshaw | Jackson-Lee | Murphy, Patrick |
| Duncan | Kline (MN) | Perriello | | | | Crowley | (TX) | Murphy, Tim |
| Edwards (MD) | Kratovil | Peters | | | | Cuellar | Jenkins | Murtha |
| Edwards (TX) | Kucinich | Peterson | | | | Culberson | Johnson (GA) | Myrick |
| Ehlers | Lamborn | Petri | | | | Cummings | Johnson (IL) | Nadler (NY) |
| Ellison | Lance | Pingree (ME) | | | | Dahlkemper | Johnson, E. B. | Napolitano |
| Ellsworth | Langevin | Pitts | | | | Davis (AL) | Johnson, Sam | Neal (MA) |
| Emerson | Larsen (WA) | Platts | | | | Davis (CA) | Jones | Neugebauer |
| Engel | Larson (CT) | Poe (TX) | | | | Davis (IL) | Jordan (OH) | Nunes |
| Eshoo | Latham | Polis (CO) | | | | Davis (KY) | Kagen | Nye |
| Etheridge | LaTourette | Pomeroy | | | | Davis (TN) | Kanjorski | Oberstar |
| Fallin | Latta | Posey | | | | Deal (GA) | Kaptur | Obey |
| Farr | Lee (CA) | Price (GA) | | | | DeFazio | Kennedy | Olson |
| Fattah | Lee (NY) | Price (NC) | | | | DeGette | Kildee | Oliver |
| Filner | Levin | Putnam | | | | Delahunt | Kilpatrick (MI) | Ortiz |
| Flake | Lewis (CA) | Rahall | | | | DeLauro | Kilroy | Pallone |
| Fleming | Lewis (GA) | Rangel | | | | Dent | Kind | Pascarell |
| Forbes | Linder | Rehberg | | | | Diaz-Balart, L. | King (IA) | Pastor (AZ) |
| Fortenberry | Lipinski | Reichert | | | | Diaz-Balart, M. | King (NY) | Paul |
| Foster | LoBiondo | Reyes | | | | Dicks | Kingston | Paulsen |
| Fox | Loebach | Richardson | | | | Dingell | Kirk | Payne |
| Frank (MA) | Lofgren, Zoe | Rodriguez | | | | Doggett | Kirkpatrick (AZ) | Pence |
| Franks (AZ) | Lowe | Roe (TN) | | | | Donnelly (IN) | Kissell | Perlmutter |
| Frelinghuysen | Lucas | Rogers (AL) | | | | Doyle | Klein (FL) | Perriello |
| Fudge | Luetkemeyer | Rogers (KY) | | | | Dreier | Kline (MN) | Peters |
| Gallegly | Luján | Rogers (MI) | | | | Driehaus | Kratovil | Peterson |
| Garrett (NJ) | Lummis | Rohrabacher | | | | Duncan | Kucinich | Petri |
| Gerlach | Lungren, Daniel | Rooney | | | | Edwards (MD) | Lamborn | Pingree (ME) |
| Giffords | E. | Ros-Lehtinen | | | | Edwards (TX) | Lance | Pitts |
| Gingrey (GA) | Lynch | Roskam | | | | Ehlers | Langevin | Platts |
| Gohmert | Mack | Ross | | | | Ellsworth | Larsen (WA) | Poe (TX) |
| Gonzalez | Maffei | Rothman (NJ) | | | | Emerson | Larson (CT) | Polis (CO) |
| Goodlatte | Maloney | Roybal-Allard | | | | Engel | Latham | Pomeroy |
| Gordon (TN) | Manzullo | Royce | | | | Eshoo | LaTourette | Posey |
| Granger | Marchant | Ruppersberger | | | | Etheridge | Latta | Price (GA) |
| Graves | Markey (CO) | Rush | | | | Fallin | Lee (CA) | Price (NC) |
| Grayson | Markey (MA) | Ryan (OH) | | | | Farr | Lee (NY) | Putnam |
| Green, Al | Marshall | Ryan (WI) | | | | Fattah | Levin | Rahall |
| Green, Gene | Massa | Salazar | | | | Filner | Lewis (CA) | Rangel |
| Griffith | Matheson | Sánchez, Linda | | | | Flake | Lewis (GA) | Rehberg |
| Grijalva | Matsui | T. | | | | Fleming | Linder | Reichert |
| Guthrie | McCarthy (CA) | Sanchez, Loretta | | | | Forbes | Lipinski | Reyes |
| Gutierrez | McCarthy (NY) | Sarbanes | | | | Fortenberry | LoBiondo | Richardson |
| Hall (TX) | McCauley | Scalise | | | | Foster | Loebach | Rodriguez |
| Halvorson | McClintock | Schakowsky | | | | Fox | Lowe | Roe (TN) |
| Hare | McCollum | Schauer | | | | Frank (MA) | Lucas | Rogers (AL) |
| Harman | McCotter | Schiff | | | | Franks (AZ) | Luetkemeyer | Rogers (KY) |
| Harper | McDermott | Schmidt | | | | Frelinghuysen | Luján | Rogers (MI) |
| Hastings (FL) | McGovern | Schock | | | | Fudge | Lummis | Rohrabacher |

NOT VOTING—9

□ 1522

Messrs. MANZULLO and KIRK changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRALEY of Iowa. Mr. Speaker, on roll-call No. 119, I was unavoidably detained. Had I been present, I would have voted “yea.”

CALLING FOR RETURN OF SEAN GOLDMAN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 125, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 125, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 13, as follows:

[Roll No. 120]

YEAS—418

| | | |
|-------------|--------------|-------------|
| Abercrombie | Baldwin | Bishop (GA) |
| Ackerman | Barrett (SC) | Bishop (NY) |
| Aderholt | Barrow | Bishop (UT) |
| Adler (NJ) | Bartlett | Blackburn |
| Akin | Barton (TX) | Blumenauer |
| Altire | Bean | Blunt |
| Andrews | Becerra | Bocieri |
| Arcuri | Berkley | Bono Mack |
| Austria | Berman | Boozman |
| Baca | Berry | Boren |
| Bachmann | Biggart | Boswell |
| Bachus | Bilbray | Boucher |
| Baird | Bilirakis | Boustany |

| | | |
|-------------------|---------------|--------------|
| Rooney | Shimkus | Tonko |
| Ros-Lehtinen | Shuler | Towns |
| Roskam | Shuster | Tsongas |
| Ross | Simpson | Turner |
| Rothman (NJ) | Sires | Upton |
| Roybal-Allard | Skelton | Van Hollen |
| Royce | Slaughter | Velázquez |
| Ruppersberger | Smith (NE) | Visclosky |
| Rush | Smith (NJ) | Walden |
| Ryan (OH) | Smith (TX) | Walz |
| Ryan (WI) | Smith (WA) | Wamp |
| Salazar | Snyder | Wasserman |
| Sánchez, Linda T. | Souder | Schultz |
| Sanchez, Loretta | Space | Waters |
| Sarbanes | Speier | Watson |
| Scalise | Spratt | Watt |
| Schakowsky | Stearns | Waxman |
| Schauer | Stupak | Weiner |
| Schiff | Sullivan | Welch |
| Schmidt | Sutton | Westmoreland |
| Schock | Tanner | Wexler |
| Schrader | Tauscher | Whitfield |
| Schwartz | Taylor | Wilson (OH) |
| Scott (GA) | Teague | Wilson (SC) |
| Scott (VA) | Terry | Wittman |
| Sensenbrenner | Thompson (CA) | Wolf |
| Serrano | Thompson (MS) | Woolsey |
| Sessions | Thompson (PA) | Wu |
| Sestak | Thornberry | Yarmuth |
| Shadegg | Tiahrt | Young (AK) |
| Shea-Porter | Tiberi | Young (FL) |
| Sherman | Tierney | |
| | Titus | |

NOT VOTING—13

| | | |
|-------------|--------------|--------------|
| Alexander | Ellison | Miller, Gary |
| Boehner | Hall (NY) | Radanovich |
| Bonner | Hoyer | Stark |
| Bright | Kosmas | |
| Butterfield | Lofgren, Zoe | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1530

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Calling on Brazil in accordance with its obligations under the 1980 Hague Convention on the Civil Aspects of International Child Abduction to obtain, as a matter of extreme urgency, the return of Sean Goldman to his father David Goldman in the United States; urging the governments of all countries that are partners with the United States to the Hague Convention to fulfill their obligations to return abducted children to the United States; and recommending that all other nations, including Japan, that have unresolved international child abduction cases join the Hague Convention and establish procedures to promptly and equitably address the tragedy of international child abductions."

A motion to reconsider was laid on the table.

Stated for:

Mr. BOEHNER. Mr. Speaker, on rollcall No. 120, I was unavoidably detained. Had I been present, I would have voted "yea."

RECOGNIZING PLIGHT OF TIBETAN PEOPLE ON 50TH ANNIVERSARY OF THE DALAI LAMA'S EXILE

The SPEAKER pro tempore. The unfinished business is the vote on the mo-

tion to suspend the rules and agree to the resolution, H. Res. 226, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 226.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 1, not voting 9, as follows:

[Roll No. 121]

YEAS—422

| | | |
|----------------|-----------------|------------------|
| Abercrombie | Clarke | Gordon (TN) |
| Aderholt | Clay | Granger |
| Adler (NJ) | Cleaver | Graves |
| Akin | Clyburn | Grayson |
| Altmire | Coble | Green, Al |
| Andrews | Coffman (CO) | Green, Gene |
| Arcuri | Cohen | Griffith |
| Austria | Cole | Grijalva |
| Baca | Conaway | Guthrie |
| Bachmann | Connolly (VA) | Gutierrez |
| Bachus | Conyers | Hall (TX) |
| Baird | Cooper | Halvorson |
| Baldwin | Costa | Hare |
| Barrett (SC) | Costello | Harman |
| Barrow | Courtney | Harper |
| Bartlett | Crenshaw | Hastings (FL) |
| Barton (TX) | Crowley | Hastings (WA) |
| Bean | Cuellar | Heinrich |
| Becerra | Culberson | Heller |
| Berkley | Cummings | Hensarling |
| Berman | Dahlkemper | Herger |
| Berry | Davis (AL) | Hersteth Sandlin |
| Biggert | Davis (CA) | Higgins |
| Bilbray | Davis (IL) | Hill |
| Bilirakis | Davis (KY) | Himes |
| Bishop (GA) | Davis (TN) | Hinchee |
| Bishop (NY) | Deal (GA) | Hinojosa |
| Bishop (UT) | DeFazio | Hirono |
| Blackburn | DeGette | Hodes |
| Blumenauer | Delahunt | Hoekstra |
| Blunt | DeLauro | Holden |
| Boccieri | Dent | Holt |
| Boehner | Diaz-Balart, L. | Honda |
| Bonner | Diaz-Balart, M. | Hoyer |
| Bono Mack | Dicks | Hunter |
| Boozman | Dingell | Inglis |
| Boren | Doggett | Inslee |
| Boswell | Donnelly (IN) | Israel |
| Boucher | Doyle | Issa |
| Boustany | Dreier | Jackson (IL) |
| Boyd | Driehaus | Jackson-Lee |
| Brady (PA) | Duncan | (TX) |
| Brady (TX) | Edwards (MD) | Jenkins |
| Braley (IA) | Edwards (TX) | Johnson (GA) |
| Broun (GA) | Ehlers | Johnson (IL) |
| Brown (SC) | Ellison | Johnson, E. B. |
| Brown, Corrine | Ellsworth | Johnson, Sam |
| Brown-Waite, | Emerson | Jones |
| Ginny | Engel | Jordan (OH) |
| Buchanan | Eshoo | Kagen |
| Burgess | Etheridge | Kanjorski |
| Burton (IN) | Fallin | Kaptur |
| Butterfield | Farr | Kennedy |
| Buyer | Fattah | Kildee |
| Calvert | Filner | Kilpatrick (MI) |
| Camp | Flake | Kilroy |
| Campbell | Fleming | Kind |
| Cantor | Forbes | King (IA) |
| Cao | Fortenberry | King (NY) |
| Capito | Foster | Kingston |
| Capps | Fox | Kirk |
| Capuano | Frank (MA) | Kirkpatrick (AZ) |
| Cardoza | Franks (AZ) | Kissell |
| Carnahan | Frelinghuysen | Klein (FL) |
| Carney | Fudge | Kline (MN) |
| Carson (IN) | Gallegly | Kratovil |
| Carter | Garrett (NJ) | Kucinich |
| Cassidy | Gerlach | Lamborn |
| Castle | Giffords | Lance |
| Castor (FL) | Gingrey (GA) | Langevin |
| Chaffetz | Gohmert | Larsen (WA) |
| Chandler | Gonzalez | Larson (CT) |
| Childers | Goodlatte | Latham |

| | | |
|--------------------|-------------------|---------------|
| LaTourette | Neugebauer | Sessions |
| Latta | Nunes | Sestak |
| Lee (CA) | Nye | Shadegg |
| Lee (NY) | Oberstar | Shea-Porter |
| Levin | Obey | Sherman |
| Lewis (CA) | Olson | Shimkus |
| Lewis (GA) | Olver | Shuler |
| Linder | Ortiz | Shuster |
| Lipinski | Pallone | Simpson |
| LoBiondo | Pascarell | Sires |
| Loeb sack | Pastor (AZ) | Skelton |
| Lofgren, Zoe | Paulsen | Slaughter |
| Lowey | Payne | Smith (NE) |
| Lucas | Pelosi | Smith (NJ) |
| Luetkemeyer | Pence | Smith (TX) |
| Luján | Perlmutter | Smith (WA) |
| Lummis | Perriello | Snyder |
| Lungren, Daniel E. | Peters | Souder |
| Lynch | Peterson | Space |
| Mack | Petri | Speier |
| Maffei | Pingree (ME) | Spratt |
| Maloney | Pitts | Stearns |
| Manzullo | Platts | Stupak |
| Marchant | Poe (TX) | Sullivan |
| Markey (CO) | Polis (CO) | Sutton |
| Markey (MA) | Pomeroy | Tanner |
| Marshall | Posey | Tauscher |
| Massa | Price (GA) | Taylor |
| Matheson | Price (NC) | Teague |
| Matsui | Putnam | Terry |
| McCarthy (CA) | Rahall | Thompson (CA) |
| McCarthy (NY) | Rangel | Thompson (MS) |
| McCauley | Rehberg | Thompson (PA) |
| McClintock | Reichert | Thornberry |
| McCollum | Reyes | Tiahrt |
| McCotter | Richardson | Tiberi |
| McDermott | Rodriguez | Tierney |
| McGovern | Roe (TN) | Titus |
| McHenry | Rogers (AL) | Tonko |
| McHugh | Rogers (KY) | Towns |
| McIntyre | Rogers (MI) | Tsongas |
| McKeon | Rohrabacher | Upton |
| McMahon | Rooney | Van Hollen |
| McMorris | Ros-Lehtinen | Velázquez |
| Rodgers | Roskam | Visclosky |
| McNerney | Ross | Walden |
| Meek (FL) | Rothman (NJ) | Walz |
| Meeks (NY) | Roybal-Allard | Wamp |
| Melancon | Royce | Wasserman |
| Mica | Ruppersberger | Schultz |
| Michaud | Rush | Waters |
| Miller (FL) | Ryan (OH) | Watson |
| Miller (MI) | Ryan (WI) | Watt |
| Miller (NC) | Salazar | Waxman |
| Miller, George | Sánchez, Linda T. | Weiner |
| Minnick | Sanchez, Loretta | Welch |
| Mitchell | Sarbanes | Westmoreland |
| Mollohan | Scalise | Wexler |
| Moore (WI) | Schakowsky | Whitfield |
| Moran (KS) | Schauer | Wilson (OH) |
| Moran (VA) | Schiff | Wilson (SC) |
| Murphy (CT) | Schmidt | Wittman |
| Murphy, Patrick | Schock | Wolf |
| Murphy, Tim | Schrader | Woolsey |
| Murtha | Schwartz | Wu |
| Myrick | Scott (GA) | Yarmuth |
| Nadler (NY) | Scott (VA) | Young (AK) |
| Napolitano | Sensenbrenner | Young (FL) |
| Neal (MA) | Serrano | |

NAYS—1

Paul

NOT VOTING—9

| | | |
|-----------|--------------|------------|
| Ackerman | Hall (NY) | Moore (KS) |
| Alexander | Kosmas | Radanovich |
| Bright | Miller, Gary | Stark |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ADLER of New Jersey) (during the vote). Two minutes remain in the vote.

□ 1538

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OMNIBUS PUBLIC LANDS MANAGEMENT ACT

(Mr. LUJÁN asked and was given permission to address the House for 1 minute.)

Mr. LUJÁN. Mr. Speaker, I know we came very close to passing the Public Lands Omnibus bill this morning, and I rise to urge this Congress to move forward with this bill and its important goals.

America's vast landscapes are a big part of what make our country beautiful and unique. Congress has an historic opportunity to protect these beautiful landscapes and the natural resources associated with them by passing the Omnibus Public Lands Management Act of 2009.

Since the day that President Theodore Roosevelt founded Yellowstone National Park, the Federal Government's responsibility to preserve and protect natural lands has not been a Democratic or Republican priority, it has been an American priority.

The Omnibus Public Lands Management Act will benefit all of us. It allows for the preservation of historic sites, forest lands and wildlife habitats across the Nation, the assessment of land and natural resources, and preserves access for hunters and sportsmen.

This important bill represents years of work by Members of the House and Senate from many States and from both parties, including two Senators from my home State, Senator JEFF BINGAMAN and my predecessor, Senator TOM UDALL, in cooperation with local communities.

It is important that we join together to protect and enhance the natural, cultural and historical resources which are integral to the identity of America.

HONORING SAM HOGLE

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute.)

Mr. GINGREY of Georgia. Mr. Speaker, I rise to recognize one of my constituents, Sam Hogle from Marietta, Georgia, for achieving the highest honor for a Boy Scout, the rank of Eagle Scout.

As a Boy Scout myself, I know that achieving this rank is a significant moment in the life of any young man. However, in Sam's case, the accomplishment is even more inspiring because Sam was born blind. This circumstance could have added a significant obstacle to his goal of becoming an Eagle Scout. However, Sam would not let it get in his way, calling his blindness an inconvenience, but not a disability that could keep him from achieving his dream.

Armed with this positive attitude and incredible determination, Sam has become an excellent student, an Eagle Scout, and an asset to his community.

Sam's Eagle Scout project shows exactly what kind of young man he is. For his project, Sam planned, raised the funds, and led a campout for visually impaired boys. He wanted these boys to learn that they could also enjoy the outdoors and experience the same kind of fun and learning that he has by being a Boy Scout.

For many of these middle school boys, it is their first campout. Sam's campout was extremely successful. The boys had a wonderful, wonderful time. I ask my colleagues to join me in congratulating Sam Hogle on achieving the rank of Eagle Scout.

HONORING GEORGE W. "BOB" GILL

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Mr. Speaker, I rise today to honor the life of George W. "Bob" Gill, an extraordinary resident of my congressional district who helped build Fort Lauderdale into the world-renowned tourism destination it is today.

Tourism is the economic engine of south Florida, and Mr. Gill was a pioneer in the field. After opening six area hotels over 60 years, he even earned the nickname "the Dean of Fort Lauderdale tourism." Mr. Gill had a knack for marketing and a sharp business sense. His ideas helped to bring vacationing northerners to enjoy Fort Lauderdale's beautiful beaches. He created some of the most iconic hotels in south Florida, including the Yankee Clipper and the Jolly Roger, the first hotels in the area to offer air-conditioning way back in 1952.

Mr. Speaker, Mr. Gill lived a long and rich life, passing away last week at the age of 93. Our thoughts and prayers are with his daughter Linda and all the friends and family that Mr. Gill left behind. He left an enduring legacy on south Florida, and Mr. Gill will be missed.

SALVADORAN PRESIDENTIAL ELECTIONS

(Mr. FRANKS of Arizona asked and was given permission to address the House for 1 minute.)

Mr. FRANKS of Arizona. Mr. Speaker, the Salvadoran presidential elections will be held on March 15. If the FMLN wins the election, it would be devastating for the people of El Salvador as well as for the relationship between our two countries.

FMLN party leadership is expected to follow the anti-U.S. agenda of Venezuela's radical president, Hugo Chavez, and join Cuba in a pro-Chavez, pro-Cuba, pro-Iran axis.

Moreover, Mr. Speaker, the FMLN is a pro-terrorist party with direct ties to sponsors of terror. After the 9/11 attacks, they marched in their capital

city to celebrate the attack by al Qaeda, and they burned the American flag. The leader of that march was Salvador Sanchez Ceren, who is now the FMLN's candidate for vice president.

Mr. Speaker, should the pro-terrorist FMLN party replace the current government in El Salvador, the United States, in the interest of national security, would be required to re-evaluate our policy toward El Salvador, including cash remittance and immigration policies, to compensate for the fact there will no longer be a reliable counterpart in the Salvadoran government.

It is my hope that the El Salvadoran people continue the history of a positive relationship between our two countries and ensure that they elect pro-freedom, pro-peace, life-loving officials to their government.

PROBLEMS IN CENTRAL AMERICA

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. I would like to follow up on what my colleague said. There is a real problem down in Central America. We have a communist government in Nicaragua controlled by the Ortegas. We have in Venezuela Mr. Chavez. And we also have other countries down there, like Bolivia with Mr. Morales that are moving to the left. If El Salvador moves to the left like that, I think it is going to be very bad for not only that part of the world but the entire hemisphere.

But I would like to point out one thing. If I were talking to the people of El Salvador, they get \$4 billion a year in money coming from the United States into their country to help the people who live down there. That money, in my opinion, will be cut dramatically if they elect a leftist government. Those moneys coming from here to there I am confident will be cut, and I hope that the people of El Salvador are aware of that because it will have a tremendous impact on individuals and their economy.

□ 1545

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTERNATIONAL WOMEN'S DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, earlier this month, men, women and children came together to celebrate International Women's Day. Since 1909, government civic groups and local communities have taken time to reflect on the

role of women and the unique challenges that we face.

This year, the women of Iraq find themselves still facing hard odds, great odds, even with the decline in violence. Many women still are displaced from their homes, from their employment, and their communities. Their children still lack the basic necessities of clean water, electricity, health care, and access to education. Every day is an act of heroism for those women.

All too often, the role of women is ignored or undervalued. Fortunately, our new Secretary of State, Hillary Rodham Clinton, has placed a high priority on women's participation at all levels of decision-making. The Secretary has selected eight outstanding women to be honored as recipients of the International Women of Courage Award. This is the only award within the Department of State that pays tribute to outstanding women leaders worldwide. It recognizes the courage and leadership shown as they struggle for social justice and for human rights.

One of these women is an exceptional Iraqi woman, Suaad Allami. Ms. Allami is a prominent lawyer who fights against the erosion of women's rights and defends the most disadvantaged. She founded the NGO Women for Progress and the Sadr City Women's Center, which offers free medical care, literacy education, vocational training, and legislative advocacy. Few of us, Mr. Speaker, can imagine the indescribable challenges of women in her position.

U.S. diplomatic and military officials have lauded her for many things, including her bravery. And they always point to her work outside the Green Zone. The State Department actually pointed to one shining example of her work: When Ms. Allami learned about the extent of alleged human rights abuses at Kadhamiya Women's Prison, she boldly conducted an unannounced inspection, CNN crew in tow, without regard for the potential for backlash against herself. The Minister for Human Rights shut the prison down 2 months later.

I am pleased that the State Department and Secretary Clinton singled out Ms. Allami for her work. My only wish is that more women, whose bravery occurs every single day, hour by hour, through their acts of courage and just living in Iraq, would receive the same recognition.

The women of Iraq have shown amazing strength and courage. I hope that with the redeployment of our troops and military contractors, all Iraqis will have the hope and security of a prosperous new future.

BORDER WAR CONTINUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, I bring you news from the second front; that is, the border between the United States and Mexico.

This past weekend, I was the guest of two of our border sheriffs in Texas, Sheriff Oscar Carrillo from Culberson County, Texas, and Sheriff Arvin West from Hudspeth County, Texas. These two massive counties are the size of the States of Connecticut and Rhode Island put together. They are the two counties just east of El Paso County.

I was there to see the situation on the Texas-Mexico border firsthand by the people who help protect the border, and that is the border sheriffs, along with the Border Patrol. Smugglers that are coming across from Mexico, bringing in drugs, are relentless in their endeavor to bring narcotics into the United States.

The cross-border travelers that are captured in these two counties, most of the people in the county jails, are these foreign nationals bringing drugs or committing other crimes. Let me make this clear: Most of the people in these two county jails are foreigners that have committed felonies or misdemeanors in the United States. In fact, Arvin West told me that if he didn't have cross-border travelers in his county jail, he wouldn't need a jail, except one cell for one person. There are over 500 people in the county jails that are foreign nationals. So that's how bad the problem is continuing to be.

The drug cartel are smugglers, Mr. Speaker. They smuggle into the United States not only drugs, but people. It is all intertwined. And all because of money, they are bringing those individuals and those drugs into the country. But also, they smuggle back to Mexico two commodities, and the two commodities they smuggle are guns and money. They are in the smuggling business. They are very well organized.

Sara Carter, from the Washington Times, reports that the drug cartels have in their employment over 100,000 foot soldiers; that's just a little bit less than the entire Mexican Army. They have better vehicles, they have better weaponry, and they have a whole lot more money than our border protectors do on this side. They have gotten so sophisticated now that they don't let any drugs come into the United States unless they're tracked by GPS devices.

The drug runners are committed—it's almost a religion to them—to bring drugs into the United States. Let me give you an example of that.

I understand now, after being down on the border, the sheriffs were telling me that the drug runners pray to a narco saint—that's right—Jesus Malverde. He was an individual that died in 1909. He was supposed to be a Mexican national that helped the poor, et cetera. But now there are shrines in different parts of Mexico where these

drug runners in the drug cartels pray to this individual for safety in crossing the border into the United States so they can bring drugs. He's supposed to be the patron saint of travelers—I thought it was St. Christopher. But be that as it may, it shows how relentless these people are. Now, just to clarify, the Catholic Church says Jesus Malverde is not a saint, has never been, and never will be. But it shows you that it is a religion to these people to bring drugs and other people into the country.

But there is also good news from the border. The border county sheriffs, the 20 county sheriffs in Texas, have put up cameras along the border, and those cameras are tied to the Internet. And so a person can log on to a Web site called blueservo.net, and they can actually see these cameras and they can track people coming into the United States. They have had over 43,000 people log in just since this thing started a few weeks ago, and they are as far away as Australia. An Australian was watching it, and he sent an e-mail to the head of this association and said, hey mate, we've been watching your border from Australia and trying to help out you guys.

So, what is occurring is, if somebody sees traffic—drug smugglers, illegals, whatever—coming into the United States, they have a Web site, an e-mail, and they can e-mail the border sheriff in that county, and either the sheriffs or the Border Patrol goes out and arrests the bad guys coming into the country. Just as this has started, four major drug busts have occurred, and 30 incidents where illegal crossers were coming in were repelled and they went back across the border. Of course the cynics in the open-border crowd are against this; they're against anything that seems to work.

I want to commend the Border Sheriffs Coalition, the 20 of them, especially Oscar Carrillo, Arvin West and Sigi Gonzalez, because they are doing a job that is a thankless job, but it is important to protect the integrity of the United States.

And what we need to do is to help them by putting more people, more boots on the ground, more Border Patrol, more sheriff's deputies, and even the National Guard, if necessary, to help them.

I would like to insert into the RECORD the 20 border sheriffs in Texas that are protecting the border.

And that's just the way it is.

TEXAS BORDER SHERIFFS COALITION

Brewster County—Ronny Dodson
Cameron County—Omar Lucio
Culberson County—Oscar Carrillo
Dimmit County—Joel Gonzales
El Paso County—Richard Wiles
Hidalgo County—Guadalupe Trevino
Hudspeth County—Arvin West
Jeff Davis County—Thomas Roberts
Kinney County—Leland Burgess
Maverick County—Thomas Herrera

Pecos County—Cliff Harris
 Presidio County—Danny Dominguez
 Starr County—Rene Fuentes
 Terrell County—Clint McDonald
 Val Verde County—Joe Martinez
 Webb County—Martin Cuellar
 Zapata County—Sigifredo Gonzalez
 Zavala County—Eusevio Salinas
 Willacy County—Larry Spence
 Jim Hogg County—Erasmus Alarcon

□ 1600

WHERE IS THE TARP MONEY GOING?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the people of this country last year saw us appropriate \$700 billion for what they called TARP. And that money was supposed to be used to help out financial institutions that were in difficult trouble. It was also supposed to help out with the home problem, the houses that were being foreclosed on. And those of us in Congress that didn't support it said we didn't support it because there was no plan. We didn't know where the money was going to be spent.

So today we had a hearing on this. And during that hearing we asked questions about where the money was allocated and who got it and what they did with it. And we found out some very interesting things. Eight billion dollars was loaned from the TARP money to Citigroup—they got a lot more than that, I think they got about \$35 or \$40 billion—but Citigroup loaned \$8 billion from the TARP funds to Dubai. Dubai is one of the wealthiest countries in the world, and their public sector borrowed \$8 billion from Citigroup, here in the United States, that had just gotten about \$30 or \$40 billion from the taxpayers in the TARP funds. And that just made my hair stand on end. Why would the taxpayers in this country want to give money to Citigroup and then have them turn right around and loan it to Dubai, halfway around the world, which is a very wealthy country? One billion dollars was invested by the J.P. Morgan Treasury Services in development of cash management and trade finance solutions in India. There's another billion, another thousand million dollars, that J.P. Morgan took from the American taxpayer in the TARP funds and then loaned it to an organization called Trade Finance Solutions in India.

And then \$7 billion was invested by the Bank of America in the China Construction Bank Corporation. Now, China has quite a bit of our money already and quite a bit of our business, and I don't know why in the world American taxpayers should be having their money that is given to the Bank of America to keep them afloat to be given or loaned to the China Construction Bank Corporation. It just doesn't make any sense to me.

We had \$700 billion that was put into the TARP fund. Of the \$700 billion, there are only about eight or nine places that we know where the money went. There are another 297 places that are unaccounted for. We had a hearing today to try to find out where the money went and what it went for, and we couldn't find it, but we know that there are 297 areas where we don't have any idea what the money was used for or where it went.

In addition to that, we had other expenses or places where we put our money. We put \$14 billion into the auto bailout, and there's going to be another \$30 billion in that before this is over; \$780 billion, I believe it was, that went into the account that was supposed to stimulate the economy, the stimulus bill, and that is almost another trillion dollars. We passed a \$410 billion supplemental yesterday, and we're going to pass a \$3.6 trillion budget before too long that's going to include 660 some billion dollars for a new socialized national health care program.

The reason I bring all this up, my colleagues, is because I think the American people and my colleagues ought to know that we are spending trillions of dollars of taxpayers' money, and in many, many cases we don't have a clue where it went. And I think that this government and this administration and the Congress should demand, demand, that the TARP funds and all the other funds that are being expended by the taxpayer to take care of these financial institutions to keep our economy above water and to help bail out homeowners who are losing their homes ought to be accounted for. Most of that money so far, as far as I can tell, isn't doing anything to stimulate economic growth or to help the homeowners or the financial institutions to solve this problem.

And in addition to that, the Secretary of the Treasury, Mr. Geithner, said that they're going to have to put another \$2 to \$3 trillion into the financial institutions to keep them buoyed up and survivable.

Now, just add all that together in your mind and you're looking at \$5 or \$6 or \$7 trillion, and that money is not there. We're going to have to print it. It's going to be passed on to our kids in the form of tax increases or inflation. We need to have an accounting.

OUR HEALTH CARE FINANCING SYSTEM

The SPEAKER pro tempore (Mr. DRIEHAUS). Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Speaker, our health care financing system in America is broken. We have the best health care system in the world, but

the financing system is going to de-grade, and it's going to wreck the quality of health care if we don't do something about it.

I come before you this evening and talk about this issue that is of vital importance to everyone in this body and every American, and that is health care.

The new administration has stated that health care reform is going to be their main priority for the rest of the year, and I applaud the administration for undertaking this ambitious endeavor to finally reform this broken system of health care financing.

Our current health care system, with a reliance on third-party, or employer-provided, insurance, is a relic of World War II. As time marches on, we are finding that individual patients, which should be the primary concern of any health care system, are being relegated to the back seat in the decision-making process, leaving it up to their physicians to try to obtain payment from insurance providers, with varying degrees of success. In fact, insurance bureaucrats, both government and private, are currently making health care decisions and are already rationing health care, and these folks are not even medically trained.

Instead, if true health care reform is to be at all successful, we must refocus our efforts on putting patients front and center in all decisions that relate to their health. The patient and the physician should be deciding the best course of action as it relates to the patient, just as the patient should be the main arbiter with their insurance provider. Once people are finally allowed to assume responsibility for their own medical well-being, they will be able to demand upfront an explanation of charges for potential tests and procedures. Only in a fully patient-centered system can we bring the market forces of accountability and transparency into the health care system that exists in other areas of our economy.

I envision a way in which we can build a vibrant health care system in our country, where physicians are free to practice medicine without the massive government burdens that our current health care system weighs them down with. Our new system will still have a vital place for a third-party payment structure to cover extraordinary or even catastrophic procedures. But the basic tenet must be simple and straightforward: The patient must always come first, and the patient must ultimately be responsible for their own health care well-being.

The task set before us is enormous, but it is attainable. Failure is not an option, but a fate worse than failure for the future of our country and its people is absolutely making the wrong choice.

I cannot stress this enough. Our country's health care system must not

follow the ill-advised example of other western countries, specifically France, England, and Sweden, with an utter reliance on the government to provide health care for every individual. This is socialism in its most basic form and is directly responsible for burdening these countries with such massive financial obligations that the only remedies are radical changes and cuts or bankruptcy. Not to mention that the standard of care that these countries provide is an inferior one.

True, our current health care system is rapidly going bankrupt and bankrupting every American in the process. But we spend 2½ times more money than any other country in the world right now. Just imagine how much we'll spend if we follow Europe's lead and totally socialize our health care system.

So we must not follow their reckless example as we work to change our own health care financing. But we must not waver either in the face of this enormous task set before us. And make no mistake about its enormity.

I have never encountered a problem, except for national defense, where a solution from the government has turned out better than a solution from the private sector. That said, we should not stand for trading in government bureaucrats for insurance company bureaucrats. I cannot stress this enough: The ultimate decisions must be in the hands of every individual patient. Physicians should be in charge of explaining the benefits and risks of each and every test and procedure to the patients, and the patient will decide how to proceed. When necessary, the patient will consult with their insurance provider, seeking guidance about extraordinary procedures or hospital stays or whatever is required.

We must take steps to change our health care system, but socialism is not the answer. Let's work together to find solutions that are patient-focused and not government-focused.

THE \$10 BILLION LANDS BILL: ANOTHER BIG GOVERNMENT BOON-DOGGLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, today the House, unfortunately, voted overwhelmingly in favor of the Senate lands bill, a \$10 billion bill that we simply cannot afford. Fortunately, it did not pass with the required two-thirds vote necessary for passage under suspension of the rules. However, all this really means is that it will now be taken up under regular order, where it should have been in the first place and which requires only a majority vote. Thus there is no question this bill will pass the next time it's taken up.

But I hope more people across this land will start thinking about what we are doing to ourselves. I realize that since we are now throwing around trillions, spending money like never before, that maybe people don't really think that \$10 billion sounds like that much anymore. But to anyone who stops to think about it, \$10 billion is still an awful lot of money, and it becomes even more when you realize that we are having to borrow all this money we're spending since we surely don't have surplus cash, and we are now 12 trillion 104 billion dollars in debt at the Federal level. I realize that 12 trillion 104 billion is an incomprehensible figure. But what it really means is that we will soon not be able to pay all of our Social Security and veterans' pensions and all the other things we promised our own people with money that will buy anything.

I used to say what we were doing to our children and grandchildren was terrible. But now I believe that tough economic times, already here for many, are going to come for almost everyone in the next 10 or 15 years, if not sooner.

When a family gets deeply, head-over-heels in debt, it gets in even worse trouble if it goes out and greatly increases its spending even more. That is exactly the situation our Federal Government is in today, living way beyond its means.

This lands bill is a combination of 170 bills, which cost \$10 billion in total. In addition to that, it is a luxury that we do not need and which will be very harmful in the long run. We already are having trouble funding and taking care of the Federal lands we have now. The National Park Service claims it has a \$9 billion backlog on things it needs to do in our 379 national park units. It sounds great for a politician to create a park, but we now have so many parks at the Federal, State, and local levels that we cannot even come close to getting adequate use of them unless all of our people suddenly find a way to go on permanent vacations.

Another problem that few people think about is that we keep creating so many local and State parks, and expanding others, especially at the Federal level, that we are taking way too much land off the tax rolls. We keep decreasing private property at the same time the schools and all the other government agencies keep coming to us telling us they need more money.

These 170 bills, combined into one bill, create 2 million acres of new wilderness, 330,000 acres of national conservation areas, and restrict energy development on millions of acres.

The U.S. Chamber of Commerce says this bill "substantially hampers energy development and private property rights by withdrawing millions of acres of land from oil and gas exploration . . . shackling U.S. energy exploration and development at this critical time

would substantially jeopardize America's already fragile economy."

It's going to drive up prices, utility bills, Mr. Speaker, and it's going to destroy jobs.

The Federal Government today owns about 30 percent of the land of this Nation. It has 84 million acres in the National Park System. It has 150 million acres in the Wildlife Refuge System. It has 193 million acres in the National Forest System. I could go on and on with other Federal lands, but it's not necessary.

Then State and local governments and quasi-governmental agencies control another 20 percent of the land. Half the land is now already in some type of public ownership now.

On top of all this, there are now 1,667 land trusts and 1,400 conservancy groups at least. These are figures from 2 years ago; so there may be more now. USA Today, which published these figures, said that these private trusts and conservancy groups control about 40 million acres and that they're taking over an average of more than 2½ million more each year. These lands are eventually sold or turned over to the government at great cost to the taxpayer and causing further increases in taxes on the property that remains in private hands. Then we're putting more and more restrictions or limitations on the private property that can be developed, thus driving up the cost of homes to astronomical levels in many areas.

Mr. Speaker, we are slowly but surely doing away with private property in this country. If we don't wake up and realize that private property is one of the keys to both our prosperity and our freedom, we are going to really cause serious problems for everyone except for the very wealthy.

ANNIVERSARY OF THE 1937 NATURAL GAS TRAGEDY OF NEW LONDON, TEXAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, March 18 will mark the 72nd anniversary of what freshly graduated newscaster Walter Cronkite called the "worst school disaster in American history." I stand before the House today to commemorate those students and educators who so tragically lost their lives that afternoon as well as to encourage the survivors.

The 1930s saw many families in East Texas with hope as they fought to regain what had been lost in so many parts of the country during the Great Depression.

□ 1615

With the discovery of oil in northern Rusk County, the City of New London, Texas, boasted one of the richest rural

school districts in America. They had just built a state-of-the-art school that would make any school district envious.

But at approximately 3:18 p.m. on March 18, 1937, many of those same families would lose forever the promise of youth while east Texans and people around the world would bear the pain of losing a community's entire generation.

It was on that date, at that time, the New London school did become the site of the worst school disaster in American history. In those days, natural gas had no odor. That odorless gas started leaking from a tap line and accumulated in the massive crawl space beneath the school building.

In an instant, a spark from a sanding machine in the basement ignited the gas, creating an explosion heard miles away. Witnesses said the building was lifted into the air.

When it came crashing down, its victims were buried in a mass of steel, concrete, brick and debris. Frantic parents, neighbors, oil-field roughnecks, and volunteers around the State ranging from Boy Scouts to Texas Rangers converged on the devastating scene. Many dug with nothing but their bare hands.

Men, women and children worked all through the night battling rain, fatigue and unimaginable grief. They worked to reach those buried underneath the mountain of twisted metal. Within 17 hours, all of the debris had been heroically removed, and all victims had been located.

A cenotaph, a tall monument, stands silently in New London across from the disaster site bearing the names of the 296 students, teachers and visitors who instantly lost their lives. The subsequent death count from injuries sustained that day brought the final count to 311.

Within weeks, the Texas legislature passed a law requiring that an odor be added to natural gas. That practice quickly spread worldwide, saving countless lives in the aftermath of that devastating loss. Now the odor added to natural gas is unmistakable and allows anyone to know instantly there is a leak requiring caution and repair.

This weekend we will have a formal observance, and it will be my honor to be with those amazing people of New London, Texas. We will pay tribute to those hundreds of young lives whose faces were full of hope and promise one moment, yet left lifeless moments later.

We will also honor those who heroically fought to rescue the victims, while we lend sympathy to those who bore the burden of tragic loss. We also honor those who have survived that day when their lives were forever changed.

May God bless their memory, may God heal the wounded memories, and

may God bless those who have carried on in New London, Texas, ever since that heartbreaking day.

END PRACTICE OF EARMARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, today, President Obama made two major announcements. First, he wants serious earmark reform. In particular, he wants to get rid of earmarks that represent no-bid contracts to private companies.

Second, he will sign the \$410 billion omnibus spending bill containing nearly 9,000 earmarks, several thousand of which represent no-bid contracts to private companies. It should not go unnoticed that the announcement to rein in earmarks was made to great fanfare when the ceremony to sign the earmark-laden omnibus into law was taking place in a quiet room away from public view.

So, Mr. Speaker, as much as we know we need adult supervision around here on the earmark question, I think it's safe to say that we are on our own. We can't expect the President to help us out that much. This is not a criticism of this President. The last President talked a lot about earmark reform but didn't carry a very big stick. In the end, he left it to us, and we didn't reform the process. We are in that same position today.

Mr. Speaker, the bill that's being signed into law today contains thousands and thousands of no-bid contracts to private companies. Many of those no-bid contracts to private companies will go to clients of the PMA Group, a lobbying firm that is currently under investigation by the U.S. Department of Justice. Yet we continued. We let it go in this bill.

So I think those of us who worry that we are not going to be serious about earmark reform this coming session have reason to be worried, despite the announcements to get serious about the prospect both by the President and by the Democratic majority here.

Let me just tell you a little about the scope of the problem we face. I have here 83 pages. These represent certification letters that Members of Congress write in order to request an earmark. These requests were made for the 2009 defense bill which we passed in September of last year without any debate where somebody could challenge any one of the earmarks which were more than 2,000 in that piece of legislation.

These 83 I hold in my hand now were requests for earmarks made to clients of the PMA Group, again the firm that is under investigation by the Department of Justice. In every one of these cases, a private company is listed here to receive the earmark.

I will just read through a couple. This is one where the recipient of this earmark is to go to Ocean Power Technologies located at Pier 21 in Honolulu, Hawaii.

Here is another. This one is to go to L-3 Communications Systems project located in Salt Lake City, Utah.

Here is another for Parametric Technology Corporation located at 140 Kendrick Street, Needham, Massachusetts.

There is another for General Dynamics Ordnance and Tactical Systems, Scranton Operations in Scranton, Pennsylvania.

These are all no-bid contracts to private companies. They are all to clients of the PMA Group.

In every case here, in all 83, those who requested these earmarks for these private companies, these no-bid contracts, then received, or before, in every case here, received a contribution either from executives at the PMA Group or the PAC operated from the PMA Group.

So we have a problem here, Mr. Speaker, that we need to address. Now, there were some reforms that have been outlined today saying that no-bid contracts will have to be competitively bid. If these no-bid contracts, if these companies are actually listed and the Federal agencies receive these requests and then bid it out, then it's not an earmark anymore.

So we have a bit of a misnomer here or something that doesn't quite make sense. But I think a lot of us who have been around here a while are justifiably skeptical that this will actually take place. Most of us were here in January of 2007 when the new majority outlined some earmark reforms in terms of transparency and accountability.

But we all in the past 2 years have realized that new rules are only as good as your willingness to enforce them, and these rules have gone unenforced.

Mr. Speaker, let's have some real earmark reform.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

FINANCIAL CONDITION OF OUR NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, it's a pleasure to be able to join you and my colleagues here today. Our topic today is something that is on the minds of

Americans everywhere. It's the question of our economy, the seriousness of the recession and the steps that we are taking, whether they are constructive or destructive to repairing the financial condition of our Nation, our allies and of the world.

I suppose it goes without saying that the recession is something that's serious. We can look at it in various different ways because it affects each of us in different ways.

We could look at it from the fact that there are people who are husbands that have wives and children, who have mortgages that are due and no job and their bank account, already seriously whittled down, is shrinking even farther.

We have those who have even been thrown out of their homes, those who have lost all of the money that they had saved for retirement, their 401(k)s are becoming 101(k)s. And it has a troubling aspect that we don't have any idea when is it going to let up and what will be the end of this ride, as the stock market goes down and down and people continue to suffer.

One of the things we have heard about over the last 6 years from our liberal media and from others that are very critical of the foreign policies of America, as we stood up for freedom, was the tremendous cost of the war in Iraq, the war in Afghanistan.

To put in perspective what we are talking about here on this economy, if you were to add up the cost of the war in Iraq, every day of it, and add up the cost in Afghanistan, and the first 5 weeks of this Congress in the stimulus—it was called a stimulus bill, I call it a porkulus bill—we spent more money, what we voted for in the fifth week here, than we spent in all of those wars, all of those years added together. So we are talking about a lot of money, and that's just the beginning.

So I think it's appropriate for us to start out as we should. Instead of being too hasty and jump into things, to stop and just ask ourselves, how did we get in this mess? What policy mistakes did we make and what is our logical way forward?

The good news I have for you, my friends, today is, is that there is a way home. The policies that are necessary to turn this situation around are available to us. History has shown us what works and what doesn't work. So a bright future is available, as it has always been for America, if we make the right choices.

□ 1630

So, how was it that we got here? Well, the story starts some number of years ago, a number of administrations ago, when it came to people's attention that there were certain areas of some cities where you could live where it would really be hard to get a loan to own a house. We felt that it's part of

the American Dream for somebody to be able to own a house.

So, we created a couple of groups. One was called Freddie Mac and the other was Fannie Mae. And the purpose of these groups—they were not quite government agencies, but they weren't quite private either. The purpose of them was to be able to make loans affordable to various people.

We also leaned on the bankers in those various communities, saying, As a bank, you have got to write some loans to people. Well, Who are we supposed to write the loans too? Well, People who don't have very good credit ratings. Let me see if I understand this correctly. What you're saying is, You want me to give loans to people, and it may be they are not going to pay the loan back. That's right. The government is telling you to do that.

In addition, as Freddie and Fannie had been created during the last years of Clinton's administration, what happened was that Freddie and Fannie were given legislative instructions saying that they had to make more and more loans to people who couldn't afford to pay them.

And at the time, in 1999, the New York Times had an article that said, Hey, we better look out. This is like the savings and loan deal about to happen all over again. We are about to make the same mistakes we made before. The mistakes were that if people can't pay these things back, then the securities that you package these different loans up—and that is what Wall Street was doing, was packaging these securities—they won't be able to pay, and we are going to have a big problem because Freddie and Fannie, everybody assumes that the government will back up their loans. And if it's the government that backs them up, that means all of the taxpayers in America are going to be held hostage for loans that were made, and maybe to people that couldn't afford to pay them. And so this article was written in 1999, warning: Savings and loan scandal. Look out. We are starting to do the same mistake we made before, 10 years earlier. But we didn't pay attention.

By 2003, President Bush is also reported in the New York Times saying that what is going on in Freddie and Fannie is a big problem. It could create a whole lot of economic trouble for America. I need the authority to regulate Freddie and Fannie, the President was telling us.

That same New York Times article said that he was opposed by the Democrat Party. In fact, the recent chairman, and this is an actual quote from the New York Times, September 11, 2003, this is in response to President Bush asking for authority to regulate Freddie and Fannie. Now, this Democrat Congressman, BARNEY FRANK says, "These two entities, Fannie Mae and Freddie Mac, are not facing any kind of

financial crisis," said Representative BARNEY FRANK of Massachusetts, the ranking Democrat on the Financial Services Committee, the man, I might add, who is working on the solution to this problem. "The more people exaggerate these problems, the more pressure there is on these companies, the less we will see in terms of affordable housing."

Well, anybody can be wrong. Some people can be terribly wrong. And, in this case, this mistake has turned the entire world economy upside down. And so we have a whole series of these loans.

Now, you all know that what has gone wrong has been that these loans have been in default. But this is what started with the loan business and has now affected all of our economy. So, this is where the problem started, but it has now spread. So we have a recession.

So, the question then is, this is where we got off track. We have the government spending just tons of money to try and turn this problem around, but the question is: How really should we go about fixing it.

And I am joined here in the Congress today by one of our distinguished colleagues, a new Member, from the State of Ohio. STEVE AUSTRIA has some experience in this area and is rapidly making a name as quite a sober and distinguished Member of our body. And I would like to yield to the gentlemen if you would like to make a comment on where we are and where we should be going.

Mr. AUSTRIA. I want to thank the Member from Missouri for yielding his time and helping to put things in perspective. Mr. Speaker, thank you.

Just like Missouri, Mr. Speaker, as you know, there are families in Ohio that are real families that are struggling right now, that are going through difficult times. And the economy in Ohio is down, and we are struggling, going through difficult times. I want to focus in on the 900,000 small businesses that we have in Ohio that are going through these difficult times, that we are asking to make sacrifices, we are asking them to help save jobs, help create new jobs, and we need to make sure that we are taking the necessary action to help them get back on their feet and not hurt them.

Mr. AKIN. Just reclaiming my time for just a second, I really appreciate your starting there with the small businesses because a real solution has to take a look at where are the jobs. And small business, depending on how big you make a small business, but most people say 70 to 80 percent of the jobs in America come from small business. So you're starting at exactly the right place.

Forgive me for interrupting, but I yield.

Mr. AUSTRIA. Thank you for those comments, because I think that puts

things in perspective. The 900,000 small businesses across the State of Ohio is reflective across this country. As you mentioned, 70 to 80 percent of our Nation's economy, the engine behind that economy is the small businesses. We should be working to help those small businesses, not hurting those small businesses, and helping them to be able to get through these difficult times and be able to save jobs, to be able to create new jobs, and to be able to sustain those jobs in the long term. We need to work hard.

As I have traveled throughout my district, and I have a very unique district that runs from Dayton to Columbus, it's very diversified. You go to the western part of my district, you have Wright-Patterson Air Force Base, which is the largest single-site employer in the State of Ohio, located in Greene County. You go towards the middle of the district in Clarke County, Springfield, a lot of manufacturing and industry. You go to the eastern part of my district, you have a lot of small towns, rural areas, a lot of agriculture, and a lot of small businesses. I think that is reflective of Ohio and across this country.

But no matter where I go, and I have had an opportunity to travel, in my 20 months as a new Member of Congress throughout all eight counties of my district, and I have spoken at many different events—with Chambers, Rotaries, at other events. And I have talked to many of our small business owners who are going through difficult times right now. They are having a very difficult time right now just maintaining their businesses right now.

I had two businesses actually came to Washington, D.C., this week to meet with their Congressman to express their concerns. And what I'm hearing is that they can't get the financing, they can't get the credit necessary to keep their doors open to be able to meet their payroll, to be able to expand and create new jobs and sustain those jobs in the long-run. They are worried about the uncertainty right now that we are seeing in our financial markets.

As you brought up, I think anyone who's looked at their financial statements lately, whether it be your retirement savings, your kids' education savings, just your savings account, you have seen a significant drop in that. There's a lot of uncertainty as to what is happening in those financial markets right now.

When they look at government, when they look at what is happening here in government right now, there's a lot of uncertainty as to what's happening and what direction we're going by infusing such large amounts of spending in government and on whether we are squeezing out the private sector and, in particular, small businesses.

They are going through some very difficult times. During these times, we

are asking families, we are asking small businesses to cut back, to make sacrifices, while government, on the other hand, seems to be doing the opposite. We should be doing the same thing. But, in my 60 days, nearly 60 days here in Congress, we have had some major spending bills.

I spent 10 years in the State legislature before I came here, and I wasn't used to the B and the T words—the billions and trillions. It's becoming words that we are using regularly around here.

The first bill that I was faced with was the second half of the \$700 billion bailout bill for the financial markets, also known as TARP, something that we have seen that there's been lack of, in my opinion, accountability and a lack of enough transparency.

There's been really no definite decisive plan by the Department of Treasury. And that uncertainty, we have seen that reflected in the markets. We have seen them fluctuating, mainly downward.

Mr. AKIN. I would yield in just a minute, but I note that my distinguished colleague from Ohio has started on the subject of small business. I recall that what you just said was that there is a certain level of uncertainty among small business owners. And just piggy-backing on that idea, let's just think a little bit about what that uncertainty might be.

First of all, you have got dividends and capital gains, which is about to be repealed. That was something which allowed small businessmen to have more capital, to keep more of their own capital so they could invest that in their own businesses.

What we are going to do is we are going to repeal that tax cut and therefore tax the small business owners because many of them are in the bracket that are going to get taxed heavily. So that is the first thing they have got to be thinking about.

Then we're talking about we are going to be doing this cap-and-trade stuff on any CO₂ that is generated. So, we are going to increase their cost of electricity. And then we are talking about going to a socialized medical system, which is going to make medicine more expensive for them. And then we see a tremendous level of government spending, which is vacuuming the liquidity out of the private sector, which makes it harder for them to get loans to make investments in their own companies.

It seems like we are loading the dice against the very people who should be creating the small jobs. So I can understand why they come and visit my good friend from his district in Ohio. But I continue to yield him time.

Mr. AUSTRIA. Thank you to my good friend from Missouri for putting things in perspective. I think you're exactly right and, having been a small

business owner, when you're looking at that and you're faced in this new budget with higher taxes, when you're looking at an economy right now where the financial markets, you can't get finance, you can't get the credit that you need to be able to expand your business to continue on your business, I don't think this is good for small businesses across this country. And they are the backbone of our economy.

This is on the heels, again, of the \$700 billion TARP bill. This is on the heels of an approximately \$709 billion stimulus or spending, or, as you call it, pork plan. I think when you look at the spending that is taking place in this budget, and it concerns me as to what we are doing.

I, as a member of the Budget Committee, we have heard testimony. We have heard testimony from the key officials in the administration. And I continue to have concerns about the amount of debt that we are accumulating.

Trillions of dollars. This is debt that—how are we going to pay for this? We are now starting to see that come out in this budget, with higher taxes, as you mentioned, which is not a good thing, especially in a downturn of an economy. That is not going to help, again, businesses to create jobs.

When we see the borrowing and the spending and the amount of debt that is being accumulated, and I have three children at home. When I came to Congress, I didn't come to Congress to be passing on to them trillions of dollars of debt; debt that is being passed on to my children, our grandchildren, that they will be paying for in years to come.

Mr. AKIN. Reclaiming my time, I'd like to lay a little bit of groundwork, if I could, along the lines, because what you're doing is getting right into the idea of solving the problem. Being an old engineer, I like solving problems.

But I think it's also helpful here, if you will allow me to jump in a little bit, to say that there are two theories that are out there about what do you do when you have a recession. I think most people understand we have got a recession on our hands here, and they realize it's pretty darn serious because there's all these jobs that people have lost. Things are not going the way we'd like to see them go. So, what are you supposed to do in this?

Well, there are two general ideas. One of them was tried by FDR some years ago. It was called Keynesian economics. Little Lord Keynes, a weird little guy, and he had this idea if you get in trouble financially, what you should do is spend like mad and it will make everything okay.

It seems a little bit odd. I think most of the people in your district in Ohio, my district in Missouri, have enough common sense that when you get in trouble, you don't go out and buy a

brand new car and run up the debt. You hunker down a little bit. That may be a Missouri term, to hunker down. You know, to hunker down like a toad in a hail storm. Things are getting bad so you're going to save some money. You're not going to spend as much money.

So the idea that when you get in trouble, that you're going to spend money like mad, seems to offend the common sense, I would say, of most Americans. Yet, that is a common political theory.

And so this guy, Henry Morgenthau, he was the Secretary of Treasury under FDR. He had this idea we have got to spend some money. So he does this for 8 years. Unemployment is terrible. It's the Great Depression going on.

In 1939, he appears before our Ways and Means Committee right here in Congress, and this is his statement about their wonderful experiment. "We have tried spending money. We are spending money more than we have ever spent before, and it does not work. I say after 8 years of the administration, we have just as much unemployment as when we started, and an enormous debt to boot."

Now, this guy is the father of this Keynesian economics, the idea that can you spend your way out of trouble. That is one theory. The other theory is one that the Republicans subscribe to. This is one the Democrats tend to like and, apparently, are following, even here as we speak.

The other one is what is sometimes called supply side economics. And it's the idea that those 80 percent of those people creating those jobs, the small businesses, the entrepreneur, the investor, and the risk-taker, the people that work and create productivity, those are the ones that you have to empower to be the engine to pull America forward because government doesn't create prosperity, it either taxes or spends or slops money around, or it creates a whole lot of debt, but it doesn't create anything where it creates any prosperity. It can only move money from one person to another.

□ 1645

And so the other approach is to do as you are saying, gentleman, you have got to work and you have got to empower those small business people. But when you spend tons of money, that takes the liquidity away from the small businessman and you make it so that he can't go. And that is what they did for 8 years. Unemployment just stayed high, and they spent tons of money; and when they got all done, they said it didn't work.

So I wanted to lay that down, because I think people have to understand there are two basic approaches people are taking: One is spend a whole lot of money, stimulate the economy. And the Japanese bought that theory.

They tried it. It didn't work for the Japanese for 10 years, and we can't seem to learn from them. And yet, the other theory was tried by JFK, by Ronald Reagan, and it has worked great. And so why don't we do the one that works? I am not quite sure why we are going down the wrong path.

I want to yield to my good friend from Ohio, Congressman AUSTRIA.

Mr. AUSTRIA. Thank you. Also, I think it is important to point out that we did have an alternative plan as we went through that stimulus plan that would have created twice as many jobs for half the cost. That is using the same standards as the President's own economic adviser. Using those same standards, we could have created, again, twice as many jobs for half the cost.

The other thing is the spending plan, and we are looking very closely at this budget in committee. There are some good things, I will acknowledge. The fact that this budget acknowledges that we have an entitlement crisis going on right now I think is a good thing. The budget attempts to fix the AMT, which I think is a good thing. It sets a means test for Medicare part D premiums, which I think is a good thing. But then you get into this spending that we are talking about, and we are talking about increases from the 2009 budget, the spending of \$3.9 trillion. Again, this is debt that we are accumulating that we are going to be passing on that our children and grandchildren will be paying for years to come.

We look at the increases on the non-defense appropriations by 9.3 percent, we look at the baseline that they are using as far as the war funding. Those are things that concern me in this budget. And what I want to talk about that I think is really going to hurt this economy is the higher taxes that are within this budget. That is going to hurt the economic growth and job creation, and these levees are totaling approximately \$1.4 trillion over the next 10 years, allegedly targeting the wealthiest Americans. And let's define wealthiest. I would be glad to yield back the time, because I know we both know that many of those individuals that are falling in that category are small business owners that are going to be having to pay this tax. Again, these are the same business owners that we are asking to step up to the plate, to help create jobs, to help save jobs, to give of their own assets and invest it back in their business during uncertain times. At the same time, the government is going to come in and say, by the way, you need to pay us. We are going to raise your taxes during that time period. And as you mentioned earlier, these small businesses create anywhere from 60 percent to 80 percent of jobs in the United States.

Mr. AKIN. Reclaiming my time, I think one of the things you alluded to,

gentleman, was the fact that what we are talking about is an unprecedented level of spending that we have seen in a very short window. We are a week or two into March. We didn't really come in the first week or two of January, so we have been at this an equivalent of 2 months, and we have been spending some money. We have been spending a lot of money.

I happen to serve on the Armed Services Committee. When I think of trying to put a number on billions of dollars, I tend to think in terms of something that is tangible, like an aircraft carrier. For the Armed Services Committee, aircraft carriers are big and expensive. And we don't want them sunk, so we put ships all around them to protect them. We have got 11 of these. They cost about \$3 billion apiece. So you take that \$3 billion apiece for aircraft carriers into what we passed out of this House in this porkulus bill, \$840 billion. We have got 11 of them. You are talking about a line of aircraft carriers, 250 aircraft carriers. We only have about 300 plus ships in the Navy. 250 aircraft carriers, that is a lot of money that we don't have that we spent.

Now, what you are starting to see in this graph here, this is the deficit. Under the blue lines here, this is deficit under Republicans, 2004, 2005, 2006, and 2007. You see the deficits going down. 2008, 2009, and 2010. You take a look at what is going on to this deficit, and we are talking about deficits unlike anything our Nation has seen historically at all. We are talking uncharted waters here, and that porkulus bill at \$840 billion is just part of it. As you mentioned, we had that other Wall Street bailout bill for \$700 billion. Half of that we did this year, also. That takes us over \$1 trillion. We are talking about some real change here, and a change unlike anything we've seen before. This is the sort of change that the government will have a lot of money, and you and my constituents will have nothing left but change, I am afraid.

I notice that we are also joined by a member of your class, gentlemen, a distinguished doctor from Tennessee, Congressman PHIL ROE. I would love to have him jump in.

Mr. ROE of Tennessee. Thank you. I went home this weekend and met with a number of constituents, and one of the things that they brought out is that they understand. And these are from police officers, sheriffs, builders, developers, grandmothers, grandparents. They are saying this is the craziest thing they have ever seen in their life. And the builders and developers believe that simply if we will get the financial situation straight, the banking straight in this country, they said: Look, we will go out and create the jobs if we will get where we can lend money. I will give an example.

A person came in my office in the local district, and he said, Doc, this is

the deal I am trying to put together. He had 14 or 15 commercial lots on a river, beautiful river not too far from Knoxville, Tennessee. And they are not making any more Holston River, not making any more lots on the river. It was a \$1.7 million project. It was appraised at \$2.3 million. He put \$500,000 of his own money down on this project.

The bank regulators said, okay, if you had to have a fire sale, what could you sell this property for, the bank, in one month? Well, nobody does a project like that where you have got to liquidate. When you develop homes, you do it over a period of years is how you do these developments.

The appraiser said, well, a fire sale would be probably \$1.1 million. The bank then said that was a bad loan because it is \$100,000 upside down and would go as a bad loan against that bank. Now, if you can't release capital when somebody puts down \$500,000 on a \$1.7 million project, then you can't do business. And that is one of the things that is clogging up right now, is this access to capital is being choked off. And until we open the capital market up, you are not going to see our businesses and jobs be created.

The single number one thing the President of the United States should be doing right now is making sure that our banks are solvent and that capital is available, and that we can go out and let these business people create jobs. And they cannot create the jobs if you increase tax on small business, because that is where most of the jobs are being created in America. Certainly in my district that is the case.

Now, we have been very fortunate in our area. The unemployment rate overall is not quite as high as it is Nationwide, but it is heading in that direction. And if you are a person who loses their job, basically it is a depression for you if you don't have a job.

Mr. AKIN. Reclaiming my time, doctor, I appreciate what you are saying. When you really take a look at where we are here, the policies that we make in this House have a tremendous impact on people's lives. And a lot of times the people that get hurt very badly, just as the example you are talking about, and all of the other jobs that would have been created by that project moving forward, those people are hurt because of the policies that we made. And people want to say, this is a failure of free enterprise.

This has nothing to do with free enterprise failing. This is a failure of a socialistic scheme to force banks and lenders to give money to people who can't afford to do it. And I assume this was done under the pretense of being compassionate. But I am asking myself, if I am the dad and somebody talks me into a loan that I can't afford and I am getting my house foreclosed, how is that compassionate? I don't really understand that.

We are joined also by another just fantastic Congresswoman, and this is Congresswoman FOXX from North Carolina. She always has a real common-sense point of view, and I would like to have her join our discussion, if you would go ahead and proceed.

Ms. FOXX. I thank you, Mr. AKIN, for taking charge of this Special Order this afternoon. You have been doing a fantastic job the past weeks. You always do a fantastic job the past several weeks. You always do a fantastic job, but I know that you have really put out the time and energy to do these Special Orders and bring to the attention of people things that need to be brought to their attention related to the budgets that have been passing, the whole economic situation that we see facing ourselves. And you talked about the problem with what is commonly called mark to market, our friend from Tennessee mentioned it, and what is happening with people not being able to get loans and how complicated our economic situation has become.

I want to talk just a minute about an article that came out today in the Washington Times by a very well known person named Thomas Sowell. Thomas Sowell is one of the most brilliant minds we have in our country these days, and any time I see a piece by him I do my best to read it, because I always learn from reading from Thomas Sowell. The conversation about mark-to-marketing, the conversation about compassion made me think about this article. Any time we have a chance to quote Thomas Sowell, I think we should do that.

[From The Washington Times, Mar. 11, 2009]

COMMENTARY—SUBSIDIZING BAD DECISIONS
(By Thomas Sowell)

Now that the federal government has decided to bail out homeowners in trouble, with mortgage loans up to \$729,000, that raises some questions that should be asked but seldom are asked.

Since the average American never took out a mortgage loan as big as 700 grand—for the very good reason that he could not afford it—why should he be forced as a taxpayer to subsidize someone else who apparently couldn't afford it either, but who got in over his head anyway?

Why should taxpayers who live in apartments, perhaps because they did not feel they could afford to buy a house, be forced to subsidize other people who could not afford to buy a house, but who went ahead and bought one anyway?

We hear a lot of talk in some quarters about how any one of us could be in the same financial trouble that many homeowners are in if we lost our job or had some other misfortune. The pat phrase is that we are all just a few paydays away from being in the same predicament.

Another way of saying the same thing is that some people live high enough on the hog that any of the common misfortunes of life can ruin them.

Who hasn't been out of work at some time or other, or had an illness or accident that created unexpected expenses? The old and trite notion of "saving for a rainy day" is

old and trite precisely because this has been a common experience for a very long time.

What is new is the current notion of indulging people who refused to save for a rainy day or to live within their means. In politics, it is called "compassion"—which comes in both the standard liberal version and "compassionate conservatism."

The one person toward whom there is no compassion is the taxpayer.

The current political stampede to stop mortgage foreclosures proceeds as if foreclosures are just something that strikes people like a bolt of lightning from the blue—and as if the people facing foreclosures are the only people that matter.

What if the foreclosure are not stopped?

Will millions of homes just sit empty? Or will new people move into those homes, now selling for lower prices—prices perhaps more within the means of the new occupants?

The same politicians who have been talking about a need for "affordable housing" for years are now suddenly alarmed that home prices are falling. How can housing become more affordable unless prices fall?

The political meaning of "affordable housing" is housing that is made more affordable by politicians intervening to create government subsidies, rent control or other gimmicks for which politicians can take credit.

Affordable housing produced by market forces provides no benefit to politicians and has no attraction for them.

Study after study, not only here but in other countries, show that the most affordable housing is where there has been the least government interference with the market—contrary to rhetoric.

When new occupants of foreclosed housing find it more affordable, will the previous occupants all become homeless? Or are they more likely to move into homes or apartments that they can afford? They will of course be sadder—but perhaps wiser as well.

The old and trite phrase "sadder but wiser" is old and trite for the same reason that "saving for a rainy day" is old and trite. It reflects an all too common human experience.

Even in an era of much-ballyhooed "change," the government cannot eliminate sadness. What it can do is transfer that sadness from those who made risky and unwise decisions to the taxpayers who had nothing to do with their decisions.

Worse, the subsidizing of bad decisions destroys one of the most effective sources of better decisions—namely, paying the consequences of bad decisions.

In the wake of the housing debacle in California, more people are buying less expensive homes, making bigger down payments, and staying away from "creative" and risky financing. It is amazing how fast people learn when they are not insulated from the consequences of their decisions.

Mr. AKIN. Reclaiming my time just a moment, what you said there was a mouthful, but it really makes a lot of sense. What we are doing is robbing the prudent to pay for the prodigal. The prudent and the prodigal.

I think what he is saying in very fancy words is, we are punishing the guy who did the right thing. That is what is going on. In fact, there is a rule of economics; I think it says something that the more that you pay for, the more that you get. So if you pay for people to make bad loans, then you are going to get more of them. I think that is what he is getting at.

Ms. FOXX. That is exactly right. There is another quote, I think it is Mark Twain that says, whenever you rob Peter to pay Paul, you are going to get a lot of support from Paul. So that is the same theory here.

What Thomas Sowell is talking about is about this very bad bill that we passed last week on housing. Now, we have had people who feel very compassionate about Americans and want everybody to own a home if at all possible. And our colleagues on the other side of the aisle really pushed this theory, pushed it to the point where many people who shouldn't have bought homes went out and bought homes, and they had lenders who were their willing accomplices in either ignoring the condition they were in or not getting complete information from them.

□ 1700

And now we have this situation where we are going to allow people who have mortgage loans up to \$729,000 to declare bankruptcy on their primary residence. We have never done that in this country before. And it is undermining our whole capitalistic system.

Again, it is being done under the guise of compassion. But what we are doing, as you so eloquently said, we are rewarding people who made bad decisions and punishing those who have made good decisions and paid their mortgages. This is just adding to the kinds of problems that you and my colleagues have been describing.

Mr. AKIN. Reclaiming my time, that is what is disconcerting. That is why the stock market just gets hammered down, because decision after decision we are making doesn't really make sense, particularly if you look at it from the point of view of the small business person. They are just getting asked to pick up the tab on everything. And aside from having trouble getting credit, the tremendous level of spending is just vacuuming that money, that liquidity, out of the market.

I would like to return to our good friend from Ohio, Congressman AUSTRIA. If you would like to jump in, I will yield.

Mr. AUSTRIA. I want to thank the Congressman for bringing that up. It is very important that taxpayers understand that their hardworking taxpayer dollars are paying \$75 billion for that program that is going to reward those who are making irresponsible and bad decisions, and the ones that are paying are the ones that were responsible. And I talk to small business owners and families who are struggling. And they are altering their lifestyle in order to make their mortgage payments on time, in a timely manner. And unfortunately, they are the ones that are paying for the circumstances like Congresswoman FOXX talked about as far as mortgages up to \$750,000 for bad decisions.

A couple of facts on small businesses. I think it is very important that we not lose focus as to really who is hurting in this process right now and whom we should be focusing and targeting our economic stimulus towards. Small businesses create seven out of 10 new jobs across this country according to the SBA. The NFIB says America's small businesses are the world's second largest economy, trailing only the United States as a whole.

According to the Zogby poll released last week, nearly two-thirds of Americans, 63 percent, said that small businesses, entrepreneurs, are the ones who are going to lead the U.S. to a better future.

Mr. AKIN. If I could reclaim my time, let's talk a little bit about this because one of the things Republicans get accused of sometimes is that we are just a party of saying "no" and that we don't have any solutions. And that is absolutely not true.

What is misunderstood is we just say "no" to a whole lot of excessive government spending. But there is a way to solve this problem. And it is the same thing that JFK did and the same thing that Ronald Reagan did. It is called supply-side economics. And it requires investing in these small-business kinds of people. And it means you can't invest in them and fleece them at the same time. This is the new set of taxes that the President is talking about. He says, "oh, we are not going to tax anybody that doesn't make that much money." Well first of all, this cap-and-trade, all of this stuff in the blue, this is a tax that is going to anybody that pays electric bills. Does that seem like rich people? It doesn't to me. But anyway, that small business, one of their expenses is energy. And if you run their energy percentage up, and this will kick it up a good number of percentage, it makes them less competitive. And then you jump to the other side, and we have small businesses being taxed over here. This is not what you do. And if just those of us that are even here gathered on the floor, if we said, hey, okay, wise guys, you make a decision. How are you going to fix this thing? I think we would probably agree the first thing you do is you have to back off all of this Federal spending. And the second thing you have to do is you have to allow enough liquidity and capital to get to those small business people. There are different ways to do it.

Ms. FOXX. Will the gentleman from Missouri yield?

Mr. AKIN. I do yield.

Ms. FOXX. I know you're an engineer, but I think you also know a great deal of history. And if my memory serves me, the times that we have been in recession, what seems to have worked has been cutting taxes, not raising taxes. And as we have been discussing these issues a lot in the last

few weeks, my memory is that. Is your memory that we have heard over and over and over again, here are the times that we have cut taxes, here are the times we have raised taxes? And one more point before you answer, I know, as you say, Republicans are accused of not having new ideas. Well what I like to say to people is it isn't that we need new ideas, it is that we need to use the ideas that have always worked. And the ideas that have always worked have been where we have cut taxes, or at least that is my understanding. And I would like to get you, if you don't mind, to respond.

Mr. AKIN. Reclaiming my time, thank you for that question.

Maybe I assume too much. Certainly that is what happened. JFK cut taxes. Ronald Reagan cut taxes. And in a very strategic way, President Bush cut taxes and turned around a recession. But here is a point we have to clarify. It is not just any tax cut. One of the things that has been done lately which has kicked this debt up tremendously was the fact that we just gave some cash back to every good old American on the street. It is a nice thing to do if we had the money, but to tax their children and grandchildren in order to give them a \$1,000 or \$5,000 paycheck, it is nice, but it doesn't help the economy. It isn't that kind of tax cut.

You have to understand it is certain types of tax cuts. And those tax cuts have to have the effect of investing in entrepreneurs, the risk-takers and the productivity-generating sector of the economy. And that is why the dividend capital gains is a big deal.

Ms. FOXX. Would the gentleman yield for one more question?

Mr. AKIN. I will yield.

Ms. FOXX. I think that it is important that we point out to the American people over and over again that the money that the Federal Government has is not manna from Heaven. The only money that the Federal Government has is money it takes from us forcefully through taxes, money that it borrows from us and other countries, and of course printing money, which creates inflation.

But there are people who think there is something called "government money." Could you elaborate on that a little bit? Because it is an issue that I think needs to be pointed out.

Mr. AKIN. Congresswoman Foxx, you have a way of making it very straightforward and plain. I like that common sense. I believe we have a couple of guests here that would love to comment on that.

Dr. ROE from Tennessee, why don't you comment on that.

Mr. ROE of Tennessee. Obviously one of my heroes, too, is Thomas Sowell whom Congresswoman Foxx quoted a minute ago who happened to be a student of Milton Friedman. And Dr. Friedman is a Nobel Prize-winning

economist at the University of Chicago. And Dr. Friedman stated very clearly that if you want more of something, you subsidize it. If you want less of something, you tax it. So, if you want less wealth, you tax wealth, and you will have less wealth.

Mr. AKIN. Reclaiming my time, what you said is so important to understand. It is such a basic principle that we should never, never forget what you said here on this floor, and that is that what you tax, you're going to get less of. And what you pay for, you're going to get more of.

I will yield.

Mr. ROE of Tennessee. Thank you for yielding. So if you want more programs, you create programs that subsidize those, and you will get more of those government programs. If you want more wealth, you cut taxes. Like you said, every single time the appropriate tax cut is done, revenue to the government has gone up, not down. Every single time the price of capital goes down, revenue to the government goes up. Why is that? Well because it leaves more money to the people who have earned it. They can go out and invest it, save it and do whatever they want to with it. And guess what that does? That creates jobs.

One of the things I wanted to talk about was you had mentioned the word "compassion" a minute ago. And I had discussed this. I was on the phone with a local newspaper at home. And my previous job, besides practicing medicine when I had a real job before I came here, was being mayor of our city. And I had to look at my neighbors, especially the elderly. And the two ways we have to raise revenue locally was either raise your property taxes or sales taxes. Well, we can't raise sales tax. We can't make you go down and spend any more money. So I had one other option. Or I could limit the size of government. And I thought the most compassionate thing I could do for senior citizens who are on a fixed income was not overspend by government. Because then the only way locally I could do when these folks are on a fixed income, they are already making tough decisions about what to do with their money, was raise their property taxes, which they chose not to do. And we were rewarded by that.

Let me go over a couple of things in the government spending that we have just done. There was a huge amount of money in there for infrastructure. And let me just think out loud for a minute. You hear a lot about green jobs and that we are going to invest in all this. In our local community, we invested not one dollar and created an enormous number of jobs. Let me tell you how we did it. We partnered with a private company. We had an open landfill. One of the largest carbon polluters in America is a landfill. We went to a private company and negotiated the

deal. They put all the capital up. We captured all the methane gas at this landfill. We cleaned this landfill gas up where it was almost pipeline quality. We piped it 4 miles across town to one of our largest employers, which happens to be the Veterans Administration Hospital at Mountain Home. They operate, they heat and cool their facility, a 100-acre campus, at a 15 percent discount off their energy bills. We make money, and they save money. The local Federal taxpayers save money. And we as a local taxpayer made between 5 and \$700,000. And it was the environmental equivalent of taking 34,000 cars off the road or not importing almost 20 millions of gasoline. And guess how many taxpayer dollars we spent? Zero.

The second thing we did before I came up here, and I looked at this stimulus bill, and I thought you could do a lot of this for nothing. We did an energy audit of every building the city owned. We owned 44 buildings. We got a guarantee from a private company that if you don't make the bond payments, we will make it for you. So what we did was we put in new HVAC systems and we put in new windows. We did all of that, \$11 million worth of infrastructure improvements, to our building. And guess how much money the taxpayers paid? A big zero because energy savings paid for all of that redo.

Did we do that in this bill that we just sent up as a stimulus package? No, we did not. And guess where the windows were made? Right there locally. Guess where the glass was made? In a community next door at Kingsport, Tennessee. And we did those kind of things at no cost to the taxpayers. That is the innovative things that the Republican party brings.

Mr. AKIN. Reclaiming my time, you started with the premise, though, that it is not the job of the government to tax people. Particularly in your particular position, you just couldn't tax beyond a certain level, whereas here in Congress, we tax. We just print some more money. And you started with a mindset that, no, you're not going to make life hard on your constituents. You're going to try and find smart things and ways to encourage the private sector to function. And that is something that we should be looking at.

Mr. AUSTRIA. Will the gentleman yield?

Mr. AKIN. I certainly do yield to the gentleman from Ohio, Congressman AUSTRIA.

Mr. AUSTRIA. I thank the good doctor from Tennessee for putting things in perspective.

There are real families out there across this country, including in my State of Ohio, who are going through difficult times right now and who are suffering. I want to make sure that the general public out there, the American people, understand really what this cap-and-trade is.

I'm looking at your chart up there. This is part of the \$1.4 trillion increase over the next 10 years. And if you start counting how many zeroes are behind \$1 trillion, it is a whole lot of zeroes. There are a lot of taxpayer dollars that we are talking about. This cap-and-trade heaps another \$646 billion tax increase on families. And what that means in this budget that is being proposed right now is that it will increase prices for 95 percent of our families. For everyone who turns on their TV, who fills up their gas tank and who turns on their heat in the winter, this budget, the cap-and-trade proposal that they talked about, that some people are referring to now as a cap-and-tax, anything that is using carbon, it is estimated to heap again at least a \$646 billion tax increase on families, their natural gas, electricity, home heating and gasoline bills.

During this difficult time when families are hurting, when small businesses are struggling, I would agree 100 percent with Dr. ROE, that this is not the way to turn our economy around and stimulate our economy. We should be going the opposite way. We should be giving families relief. And it is important again to note that we did have an alternative plan out there. We are not trying to be obstructors here on this budget. We have good ideas that will help stimulate this economy, that will help create jobs, that will give families permanent tax relief that they need right now. And unfortunately, these ideas are not being considered when these bills are coming to the floor.

Mr. AKIN. Reclaiming my time, the proposals the gentleman is talking about are scored by different economists. And they are saying that these proposals are going to create twice as many jobs as the thing that we passed that put us into tremendous amount of debt. The thing that is ironic about that porkulus bill that we passed, billions and billions, as I said, if you want to go with your Cadillac aircraft carrier, you're talking 100 of these things. That is how much debt we created.

And how much of that really went to the Keynesian idea of just building roads and hydro plants and that kind of hard manufacturing jobs? Almost none. It went to things like training people about STDs and AIDS and protecting mice in the Speaker's district that are on an endangered species list, and all kinds of maybe wonderful projects, but they have nothing to do with creating jobs or getting the economy going.

□ 1715

What it has a lot to do with is taking all of the money out of the private sector so these small businesses can't get a breath of oxygen. That is a problem.

We don't like to just be negative, but these bills that we have passed won't work. It is not that we want to be negative. But I am an engineer. You have

to say, Did you put enough steel in the bridge? If they don't have enough steel in the bridge, it falls down. This economic set of principles will not work. It has not worked historically. It did not work for the Japanese.

The fact is we have a good set of principles that worked for JFK, for Ronald Reagan, and it worked quite well for us in the second quarter of 2004.

Mr. AUSTRIA. Let me just real quick, as I mentioned earlier, tell a story. I had a couple of businesses and they actually came to D.C., and this is how concerned they are. They are struggling to make payroll. One business has an opportunity to be able to expand and create new jobs but can't get the financing and credit.

When you start combining, increasing taxes, when you start combining the debt that we are just continuing to increase, to try and tax and spend your way out of an economic crisis I don't believe is the right way to go. We can do better than that. I think when the American people spoke this last election last November and they wanted change, this is not the type of change they want. They didn't want to see government just continue to increase and a huge infusion of tax dollars and expanding government. What they wanted to see was real economic stimulus, a plan that will create and save jobs and sustain those jobs over the long term. Again, I believe our small businesses are the backbone that makes that happen. There are families out there that need relief. They need the permanent tax cut right now that we have offered on our side.

Mr. AKIN. Reclaiming my time, this picture right here does not make the stock market feel very comfortable. There are people who are my age, I am an old geezer, and I am thinking about saving for retirement, and you see your 401(k) become a 101(k), you are not just one to shell out dollars to invest in small businesses, you just had your head handed to you financially, and then you see this kind of level of deficit spending, this is Republican spending in 2004, 2005, 2006 and 2007, and you know what, I don't like the fact that the Republicans were spending and creating a deficit. I didn't vote for that deficit, I don't like it, but there are a lot of differences between these blue lines and these red lines.

These red lines, we have never done anything like this in our country before. These are unprecedented times, and they are uncharted waters. The effect of doing this kind of thing sooner or later is going to come back, and we have to stop this.

I recognize my good friend, Dr. ROE, from Tennessee.

Mr. ROE of Tennessee. One of the things that my good friend from Ohio is talking about on the cap and trade, so people understand and get this jar-

gon out of the way, cap and tax is a better definition or description of it.

So people understand how it works, when you pump anything out of the ground, whether it is oil or you pump natural gas out of the ground or you dig coal out of the ground, there is a tax. It was first listed at \$15 a ton. I saw the initial tax on coal was \$15 a ton, or I should say on the carbon dioxide per ton, and then it goes out \$10 a year. So you are absolutely correct; everything you purchase is going to cost more. The exact opposite thing you should be doing in an economic downturn is even consider raising taxes because you have taken more capital out of the market.

Right now small businesses are having to compete with the government for capital. It is difficult to do. The banks, the regulators, are having more stringent rules on banks, so it is much more difficult for them to get this capital. In fact, there is no question in my mind that it is delaying our recovery.

Mr. AKIN. Reclaiming my time, certainly there are some things that could be done that wouldn't cost anything, just along the lines of what you proposed to your local businesses where you saw problems in your local area as mayor, but there is something called mark to market, and there is good opportunity there. We talked about that last year, but we just couldn't get Treasury and the people there to take a good look at this whole situation. The rules needed to be dealt with.

We are joined by a good friend, the gentleman from Louisiana (Mr. SCALISE), who has joined us before on the floor. He is articulate, very much up to speed on these topics, and it is a treat to yield time to Congressman SCALISE.

Mr. SCALISE. I appreciate my friend from Missouri yielding me time, and you are talking about what is happening today here in Congress, and all across America because as people are tightening their belts and dealing with these tough economic times in their own way, in responsible ways, it seems like Washington, this is the only place where they seem to be going on a wild spending spree, spending money that we don't have on programs that actually are causing more problems, actually hurting our economy.

If you look at these proposals, especially this tax increase, and you just showed the proposal, the taxes both on small businesses, actually the engine of our economy, small businesses over \$600 billion in taxes proposed on our small businesses, and they create 70 percent of our jobs.

But what is more frightening to Americans all across the country is they realize this cap-and-trade proposal, it is a term that really means energy tax. It is a \$640 billion tax on energy. People who actually use energy in their homes, if you are turning on your lights, you are going to be paying

more in taxes, to the tune, the estimate that we got from the Congressional Budget Office, they estimate that this proposal in the President's budget, moving through right now, something that we can stop, but in this proposal, it actually increases individual American tax bills, the bills on their utilities, by \$1,300 a year.

Imagine that, in tough economic times like we are dealing with today, if you actually want to use your air conditioner during a hot summer, \$1,300.

Mr. AKIN. Reclaiming my time, you just got my attention. I had seen some numbers, but are you saying that the average family in America, what is this cap-and-trade tax going to be? It is going to increase your electric bill on the electric side?

Mr. SCALISE. Unfortunately, that is exactly what their proposal does. The Congressional Budget Office estimates, and in fact the President's own budget director, Mr. Orszag, has been saying that this will actually increase utility bills for ratepayers across the country.

Mr. AKIN. Reclaiming my time, on top of everything else, you're saying we have another thousand bucks a family in this deal?

Mr. SCALISE. Not just a thousand, \$1,300 a year in electricity tax increases that people would be paying on their electric bill every year. This isn't a one-time thing.

Mr. AKIN. Reclaiming my time, that is not even talking about what you are going to do to further bury small business, who are the very people we want to create our jobs.

I see that we are joined by a highly respected congressman, the gentleman from Indiana (Mr. PENCE). I yield to the gentleman.

Mr. PENCE. I thank the gentleman for yielding, and I thank my good friend for his strong leadership on this issue on the floor of the Congress.

After months of runaway spending here in Washington, D.C., on bailouts and on a so-called stimulus bill, and now the majority is beginning to talk about another stimulus bill and no doubt more bailouts, in the midst of all of that, the incoming administration has presented its budget, more than \$3 trillion in spending and higher taxes.

I come to the floor today to congratulate the gentleman and my colleagues for their strong statements today. But the American people deserve to know the President's budget spends too much, taxes too much, and borrows too much.

Mr. AKIN. Reclaiming my time, Mr. PENCE, you said it so simply. What is that again?

Mr. PENCE. The President's budget spends too much, it taxes too much, and it borrows too much; and Republicans in Congress have a better solution.

In the coming weeks, the American people will hear from this floor, hear

on the airwaves of America, and see in print a careful exposition of each of these points: about the extraordinary spending, the extraordinary increase in taxes that have just been described, taxes that will impact in the energy tax every household in America, every business in America.

Mr. AKIN. Wait a minute, reclaiming my time, maybe my memory is foggy. I thought I recalled the President saying he wasn't going to tax anybody making less than \$250,000, and I kind of almost went back to sleep. I said that's not me, I'm not going to worry about it. Now you're upsetting me.

Mr. PENCE. The gentleman points to the President's comments made here on this floor, that only Americans with joint filings over \$250,000 a year would experience higher marginal rates under his plan. But that leaves out two thoughts. Number one is that more than half of the American people that file tax returns in excess of \$250,000 a year are actually small business owners filing as individuals. Raising taxes on small business owners in a recession is a prescription for economic decline. But there is another tax increase, and that is the energy tax increase the gentleman was just referring to.

For the average American household, the energy tax increase could impact several thousand dollars per year on every homeowner, every renter, every small business. It will fall under the category of cap and trade and climate change, but the American people need to be prepared to count the cost as the President moves his budget forward. Higher energy taxes, higher taxes on small businesses, and higher taxes on contributions to charities.

By one independent estimate, American charities and nonprofits, including educational institutions, religious institutions, charities that serve the underserved community, some estimates indicate that the President's tax increase could cost charities in this country \$16 billion per year.

The President's budget spends too much, taxes too much, and borrows too much. Republicans have a better solution. We will be bringing those arguments and that solution to the American people in the weeks ahead.

Mr. AKIN. Reclaiming my time, the budget that we are talking about spends too much, it taxes too much, and it borrows too much. That ought to be pretty close to the title of our discussion here.

I really appreciate the good thinking and the high level of education. We have doctors here on the floor today. Congressman AUSTRIA from Ohio, we appreciate you joining us. And Congressman PENCE, a solid, conservative, commonsense kind of guy, coming from the heartland of Indiana. And Dr. ROE, this is the first you have joined us, and I am so thankful for your perspective and leadership. You are a med-

ical doctor, and you also literally ran a small government. You have tried and you know what works. That is obvious from your comments today. Congressman SCALISE from Louisiana is a regular, and we are so thankful for you.

Spends too much, taxes too much, and borrows too much.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1262, WATER QUALITY INVESTMENT ACT OF 2009

Ms. MATSUI (during the Special Order of Mr. AKIN), from the Committee on Rules, submitted a privileged report (Rept. No. 111-36) on the resolution (H. Res. 235) providing for consideration of the bill (H.R. 1262) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-24)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the Iran emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2009.

The crisis between the United States and Iran resulting from the actions and policies of the Government of Iran that led to the declaration of a national emergency on March 15, 1995, has not been resolved. The actions and policies of the Government of Iran are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehen-

sive sanctions against Iran to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, March 11, 2009.

□ 1730

STEM CELL RESEARCH

The SPEAKER pro tempore (Ms. FUDGE). Under the Speaker's announced policy of January 6, 2009, the gentleman from New Jersey (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of New Jersey. I am very grateful to be here for this hour. And I hope some of my colleagues will join me on a very important discussion about embryonic stem cell research and the huge alternative—"the" alternative—adult stem cells, that have proven beyond any reasonable doubt that it is not only ethical, but it works.

Madam Speaker, at a time when highly significant—even historic—breakthroughs in adult stem cell research have become almost daily occurrences, and almost to the point of being mundane, President Obama has chosen to turn back the clock and, beginning just 3 days ago, will force taxpayers to subsidize the unethical over the ethical, the unworkable over what works, and hype and hyperbole over hope.

Human embryo destroying stem cell research is not only unethical, unworkable, and unreliable, it is now demonstrably unnecessary. Assertions that leftover embryos are better off dead so that their stem cells can be derived is dehumanizing, and it cheapens human life.

There is no such thing as a leftover human life. Ask the snowflake children, Madam Speaker, ask their parents. Snowflake children are those cryogenically frozen embryos who were adopted while still frozen. This past Monday, I had the privilege of being with several of those children. They look just like any other kid, any other child. And those kids could have been subjected to embryo-destroying research or they could have been poured down the drain. But thankfully, the donors, the biological parents, decided that they are better off alive and flourishing. And these kids, like so many of the other snowflake children that I have met in the past, were just like any other child.

Life is a continuum, Madam Speaker. It does not begin at the moment of birth. It starts at the moment of fertilization and continues unabated, unless interfered with, until natural death. Birth is an event that happens to your life and to mine, it is not the beginning of life.

Madam Speaker, a recent spectacular breakthrough in the noncontroversial adult stem cell research and clinical applications to effectuate cures or the

mitigation of disease or disability have been well documented. For several years, significant progress has been achieved with adult stem cells derived from nonembryonic sources, including umbilical cord blood, bone marrow, brain, amniotic fluid, skin, and even fat cells. Patients with a myriad of diseases, including leukemia, type 1 diabetes, multiple sclerosis, lupus, sickle cell anemia, and dozens of other diseases have significantly benefited from adult stem cell transfers.

In 2005, Madam Speaker, I wrote a law, the Stem Cell Research and Transplantation Act of 2005. It was legislation that created a national program of bone marrow and cord blood, umbilical cord blood—or that blood that is found in the placenta—that is teeming with stem cells of high value that can be coaxed into becoming pluripotent, capable of becoming anything in the human body.

We know for a fact that cord blood stem cells can mitigate, and in some cases even cure—and there have been several—those suffering from sickle cell anemia. One out of every 500 African Americans, unfortunately, have sickle cell anemia. And cord blood transfers have the capacity and the capability to effectuate cures or the mitigation of that disease. And we have several examples.

I remember when the bill was stuck—first here, and then on the Senate side. We were able to bring people, including Dr. Julius Erving, to a press conference to appeal to the House and Senate leadership to bring that legislation forward simply because it would save lives, but it was being held hostage by the hype and the hyperbole of embryonic stem cell research, which has not cured anyone. The legislation passed the House. Finally, it was dislodged from the Senate and became law. And now we have a nationwide network overseen by HRSA, under the Department of Health and Human Services, to grow our capacity—the number of specimens of cord blood stem cells—to type it, freeze it, use best practices, and promote cures.

Now, the greatest of all breakthroughs—the greatest, in my opinion, and in the opinion of many eminent scientists—is what is known as induced pluripotent stem cells. And I say to my colleagues, and I say to anyone who may be listening on C-SPAN, iPS cells, induced pluripotent stem cells, are the future and the greatest hope for cures. They are embryo-like, but they are not embryos. There is no killing of an embryo to derive the stem cells.

On November 20, 2007, Japanese scientist, Dr. Shinya Yamanaka, and Wisconsin researcher, Dr. James Thomson, shocked the scientific community by independently announcing their ability to derive induced pluripotent stem cells by reprogramming regular skin cells. And unlike embryonic stem cells

that kill the donor, are highly unstable, have a propensity to morph into tumors, and are likely to be rejected by the patient unless strong antirejection medicines are administered, induced pluripotent stem cells, iPS cells, have none of those deficiencies, and again, are emerging as the future, the greatest hope of regenerative medicine.

Mr. Obama is way behind the times. Making Americans pay for embryo-destroying stem cell research is not change we can believe in—far from it—it is politics.

A decade ago, the false hope of embryo-destroying research made it difficult to oppose, no doubt. There was a lot of hype, a lot of hot air—much of it well meaning, perhaps—but it was very misleading. That is no longer the case. So the question arises; why persist in the dehumanizing of nascent human life when better alternatives exist, alternatives that work on both ethics grounds and efficacy grounds? Non-embryonic stem cell research is the present and it is the future of regenerative medicine, and the only responsible way forward.

I would be happy to yield to my good friend and colleague for any time he would like to take.

Mr. PENCE. I thank the gentleman for yielding.

In a week that has already been overcome by a blizzard of legislative activity and news, I rise for two reasons today; number one is to commend the gentleman from New Jersey, whose passion for human rights, for human dignity, for the sanctity of life is in high relief on the floor today. I commend the gentleman for coming to the floor and bringing his passion and his knowledge to this issue in the wake of a profoundly disappointing decision by the President of the United States of America. So I commend the gentleman.

My second point is to simply say that what was most disappointing to me about the President's decision in authorizing the use of taxpayer dollars to fund research that involves the destruction of human embryos is that it seemed to me, Madam Speaker, to be a moment where the President and his party were putting ideology over science. I say that grounded in the notion that that was an accusation that was leveled at those of us on the side of life in the last 8 years, those of us who believed that we ought not to use the taxpayer dollars of millions of pro-life Americans and use it to fund research that involves the destruction of human embryos for scientific purposes. But we were told that we were putting ideology—presumably our pro-life views—over science. But actually, science overcame the debate when, in 2007, nearly 7 full years after President George W. Bush had signed his executive order, and years after Republican majorities in this Congress had authorized tens of millions in increased Fed-

eral funding to the National Institutes for Health for ethical adult stem cell research, science came through.

As the gentleman just referred, the extraordinary breakthroughs of not one, but two scientific research teams in 2007 found that adult stem cells could be converted into stem cells that essentially were identical to embryonic stem cells through a process called induced pluripotent stem cell procedure. Now, this was a miracle of science. And I remember full well, I remember seeing a report on all the major television networks that said that science has rendered the debate over destructive embryonic stem cell research moot. It seemed as though science had stepped into one of the most difficult and contentious issues of our times and it had taken it off the table.

Because of these scientific breakthroughs, it would no longer be necessary to even consider using Federal taxpayers to fund research that destroys human embryos because—and the gentleman, I'm sure, will correct me, having forgotten more about this issue than I've learned—but I believe scientists found that by introducing a virus into adult stem cells, that they would convert into that highly dynamic mode, they would be induced to take the form of pluripotent stem cells, which scientists have long desired—and have, through private funding, appreciated the opportunity—to do research for the purpose of finding cures and therapies. And so it is not casually that I come to the floor today to say that I believe when President Obama signed an executive order authorizing the use of taxpayer dollars to fund stem cell research that involves the destruction of human embryos, that this administration was putting ideology over science.

I didn't hear a word this week about induced pluripotent stem cells. I heard no reference—I'm happy to stand corrected, Madam Speaker—but I heard no reference by the administration or any of its spokesmen, or by the President, to those extraordinary scientific breakthroughs which obviated the need to use my tax dollars and the taxpayer dollars of millions of pro-life Americans to fund research that destroys human embryos.

So as I prepare to yield back to the gentleman, I come to the floor with really a heavy heart. I mean, I believe the sanctity of life is a central axiom of Western civilization. I believe that ending an innocent human life is morally wrong. But I also believe it is also morally wrong to take the taxpayer dollars of pro-life Americans and use it to fund abortion overseas or to fund research that involves the destruction of human embryos at home. But I found a new layer, Madam Speaker, of wrongness; it's also wrong to do it when it's completely unnecessary. It's wrong to take the taxpayer dollars of millions of

pro-life Americans and use it to fund research that destroys human embryos when science itself, in the last year and a half, has made it completely unnecessary to do so. And so it was a moment where this administration put ideology over science.

My hope—and, frankly, my prayer—as we enter into this brave new world that could result in embryonic farms, that could result in ultimately setting us on a path where therapies are developed and, therefore, stem cells need to be cloned, we will no doubt hear, it is my hope and my prayer that science will continue to march forward and will overtake the practice of ideology in this Capitol and reaffirm the principle that human life is sacred, we ought not to use taxpayer dollars of pro-life Americans to destroy nascent human life, and most especially, when it is not scientifically necessary to do so to achieve the extraordinary advances that are taking place.

I commend the gentleman, and I'm grateful for the opportunity to speak.

Mr. SMITH of New Jersey. I thank Mr. PENCE for his excellent remarks, and for the logic, the compelling logic that he brings to the floor, not just today, but so often.

This is a human rights issue. It is also a patient issue. You know, one of the overlooked—and the mainstream press sometimes gets it right, but we are only beginning to see, in some of the commentary post-decision on Monday by President Obama, one of the things he lifted was an executive order that President Bush put into effect on June 20, 2007 expanding approved stem cell lines in ethically responsible ways. And it provided a boost to the National Institutes of Health to do research on alternative sources of pluripotent stem cells that prioritizes research with the greatest potential for clinical benefit. He revoked this—he being President Obama. In other words, that which has worked, that has absolutely stunned, in a positive way, the community, the scientific community, now takes a back seat to what is essentially abortion politics, turning that which is unborn, that which is newly created into a commodity that could be destroyed at will.

□ 1745

Let me also say that the Washington Post had an excellent piece today by Kathleen Parker, and the headline was "Behind the Cell Curve, Why is the President Ignoring a Scientific Gift?"

Kathleen points out: "One fact is that since Obama began running for President, researchers have made some rather amazing strides in alternative stem cell research. Science and ethics finally fell in love, in other words, and Obama seems to have fallen asleep during the kiss. Either that or he decided that keeping an old political promise was more important than acknowl-

edging new developments. In the process he missed an opportunity to prove that he is pro-science but also sensitive to the concerns of taxpayers who don't want to pay for research that requires embryo destruction."

She points out that "in fact, every single one of the successes," every one, "in treating patients with stem cells thus far for spinal cord injuries and multiple sclerosis, for example, have involved adult or umbilical cord blood stem cells, not embryonic stem cells."

"The insistence on using embryonic stem cells always rested on the argument that they were pluripotent, capable of becoming any kind of cell. That superior claim no longer can be made with the spectacular discovery," as I said at the outset, "in 2007 of 'induced pluripotent stem cells,' or iPS cells, 'which was the laboratory equivalent of the airplane. Very simply, iPS cells can be produced from skin cells by injecting genes that force the cells to revert to their primitive 'blank state' form with all the same pluripotent capabilities of embryonic stem cells."

"But 'induced pluripotent stem cells' don't trip easily off the tongue," she goes on to say, "nor have any celebrities stepped forward to expound their virtues. Even without such drama, however, Time Magazine named iPS innovation number one of its Top Ten Scientific Discoveries of 2007, and the Journal of Science rated it the number one breakthrough of 2008."

"The iPS discovery even prompted Ian Wilmut, who led the team that cloned Dolly the sheep, to abandon his license to attempt human cloning, saying that the researchers 'may have achieved what no politician could: an end to the embryonic stem cell debate.'"

And yet now we see that Barack Obama has put that front and center again, choosing politics over science, over ethics, in promoting embryonic stem cell research when the clear future of stem cell research is in the area of induced pluripotent and in the area of adult stem cells.

I would like to yield to Dr. BROWN, a distinguished medical doctor, for any comments he might have.

Mr. BROWN of Georgia. I thank the gentleman for yielding.

As a medical physician, a medical doctor, I'm certainly concerned about my patients, and I can understand people who are in wheelchairs wanting to walk again. I understand people who have Parkinson's disease wanting to not have the rigidity and shakes that they have with that disease and the degradation of their lifestyle that that horrible disease causes. And I, as a medical doctor, want to find cures for these diseases as well as many others.

But as we look at this issue, I don't think there's a single person with Parkinson's disease or a single person that's in a wheelchair that would be in

favor of killing another human being so that they could walk again or so that they wouldn't shake and have the rigidity and all the devastating effects of Parkinson's. I don't think there's a person in this country, in this world, who would say "I'm in favor of killing this 2-year-old little girl or this 6-year-old little boy so that my disease will be cured."

But the facts are very simple. When we do embryonic stem cell research, we're killing human beings. That's a separate human being. It's a separate entity. And that person has the right to live just like you and I do. We can't forget that. These are people. They may be a one-cell or just a few-cell human beings, individuals, but they are still distinct human beings that have their own genetic makeup, that have their own ability to live if we will just put them in an environment where they can.

Now, I've got a friend at home that says that we ought to be able to take our 13 year olds and put them in the ground and dig them up when they're 25 and they'd be a whole lot better. And there are some parents who threaten to kill their teenage children, but they wouldn't really. But the thing is we are killing people. We're killing human beings.

And the unfortunate part of this whole discussion is there has been virtually zero, zero, very little, if any, positive results from killing these human beings, bringing about the research on these human beings. There has been very little. Whereas with adult stem cells, with germ cells, we see a tremendous promise. And just as you said, Congressman SMITH, the President has put politics and the radical pro-death abortion groups in this country ahead of science. It is a mantra of death and destruction.

I don't see things as being in the gray area, particularly on this issue. You're either pro-death or you're pro-life. You're pro-abortion or you're anti-abortion. I have wondered frequently whether this whole issue about embryonic stem cell research was just a mechanism to try to give credence to the abortion industry, just to try to give credence to being able to take that right or at least the designation of personhood away from these human beings that are just one or two cells.

I introduced a bill called the Sanctity of Human Life Act that gives the right of personhood to one-cell human beings. And we have got to stop the killing in America. God commands in Proverbs to speak up to the speechless and the cause of those appointed to die. Congressman SMITH for years and years and years has been coming to the floor and introducing legislation and speaking up for those innocent human beings that are killed through abortion, killed through embryonic stem cell research, and we have got to stop it. God cannot

and will not continue to bless America while we're killing 4,000 babies every day through abortion. We must stop it and do everything that we can. And stopping embryonic stem cell research is also extremely important because these are human beings that God has created. He tells us in His Word that he opens the womb and He closes the womb. I believe in the depth of my heart as a physician that he allows those human beings to be formed, even in a petri dish, and we need to protect them. We need to protect the beginning of life; we need to protect the end of life.

When I graduated from medical school from the Medical College of Georgia in 1971, I made a pledge. It's an oath. It's called the Hippocratic oath. They don't give that in medical school, I don't think, much anymore, if ever, and the reason they don't is because of the abortion industry, because in that pledge, in that oath, it says I will not do an abortion. It also says I will do no harm. Embryonic stem cell research kills a human being. It does harm, and physicians who are doing that are breaking their Hippocratic oath if they take it seriously. It's not a legal document. It's just something that those of us who believe in doing no harm, who believe in rendering good to our patients and trying to preserve life, that's exactly what we try to do; so we must stop this heinous, and it is heinous, practice of destroying human life. No matter how good somebody paints the picture of this procedure, they paint a picture that has not been true, that it's going to bring about all these good cures, but it's an empty promise. And those who cling to it have been sold a bill of goods. They have been sold a bald-faced lie. It's a lie of a promise that has not shown to have any promise really. There are other research methods, other scientific methods, where we can put money, we can put effort to bring about the critical cures that we need to help people get out of their wheelchairs, to help cure cancer, to help cure diabetes, to help cure all these diseases that are absolutely critical for us to cure as a Nation, and we need to put our focus where it should be, and that's not on killing people. And that's what embryonic stem cell research does. It kills people. Put it on the things that will save people, things that will cure their disease, hopefully get people out of their wheelchairs and walking, help them to live their lives and be productive in society. I'm all for that, but I am totally against killing embryonic human beings just for the sake of medical experimentation. We must stop it, and I will do everything I can, and I join Congressman SMITH in his efforts and I applaud his efforts over the years.

I just greatly appreciate all that you've done, my dear friend. And,

CHRIS, I just want to join with you in everything that you do to try to stop this heinous practice of killing human beings through abortion, through embryonic stem cell research, and all the other things that you have so valiantly fought against all these years. I thank you.

Mr. SMITH of New Jersey. I thank my very distinguished colleague Dr. BROWN. Thank you for your kind words, but more importantly, thank you for the contribution you make, especially given your background.

I think Americans need to know that physicians who believe in the sanctity of life, that patients before birth who might be in need of blood transfusions—I mean one of the things I will never forget, Bernard Nathanson, one of the founders of NARAL, an abortionist himself who did thousands of abortions, quit as the head of the center in New York, and he wrote in the New England Journal of Medicine “I have come to the agonizing conclusion that I have presided over 60,000 deaths.” So this innovator, this man who walked in the vanguard of the abortion rights movement, gave it all up. And he did so because, like you, he became a physician who said there are two patients, the unborn child and his or her mother, and both need to be treated with respect. The Hippocratic oath that you cited so eloquently is an admonishment that has fallen by the wayside with some, not all.

The newborn didn't get that way, a healthy newborn, traversing the birth canal. It had to do with good prenatal care. The mom taking care of herself and being treated obviously well by the family so that she could get her proper rest, all the things that lead to a good delivery, it all occurs prior to birth.

Mr. BROWN of Georgia. That's right.

Mr. SMITH of New Jersey. So two patients. And that's what led Dr. Nathanson. When he was doing blood transfusions at St. Luke's Hospital and prenatal surgery, and he would say this patient here who deserves respect is getting help he or she needs while in another room of that hospital or clinic, they're getting dismembered or chemically poisoned or killed by some other toxic substance, and they call that abortion and “free choice.” It is violence against children and it is injurious to mothers as well.

I just met, Dr. BROWN, with some individuals, a father whose daughter committed suicide in New Jersey some time ago as a direct result of an abortion. She was one of the happiest young women imaginable. Her brother and father came to visit me. She went into a very severe mental, and you probably could speak to that very well, downward slope after she had that abortion. The mental complications are very real. I know we're here to talk about embryonic stem cell research, but it is so closely allied to the dehu-

manization of unborn life and newly created human life. And as I said at the outset, birth is an event that happens to all of us. It is not the beginning of life. The Flat Earth Society folks might say that's when life begins, but 3D ultrasound, 4D ultrasound, has shattered that myth.

I yield to Dr. BROWN.

Mr. BROWN of Georgia. The reason that the pro-abortion people don't want ultrasound is because moms look at that baby and they say, “That's a baby. That's not just a little glob of tissue. It's not some amorphous goop that's there in my womb. It's a baby.” And it is. And before she ever knows that she has missed a period, I mean by the time she has missed a period and goes a little bit further, that baby already is developing neurological function. It's already developing a heartbeat. It's a human being.

□ 1800

And that's the thing about embryonic stem cell research goes back to the same thing that I mentioned and what you are talking about, and what we all talk about who are pro-life, that life begins when the sperm cell enters the cell wall of the oocyte, the egg. I call it spermatzoa, that's a medical term for the sperm cell, enters the cell wall of the egg, the oocyte.

It forms a one-cell human being that's genetically different from the mom. It's a separate human being. It has everything it needs except for just a good place to live, to become a human being and be a Member of this House of Representatives, to grow up to become a President of the United States. And it's a human being, nonetheless.

It's a zygote, which needs to have the right, under law, of personhood. And, in fact, in the Roe v. Wade decision, as you know, as all of us who are pro-life know, the Supreme Court justice who wrote the majority opinion, Justice Blackmun, said in his decision, that if we could ever define the beginning of life at conception—now I say “fertilization” because the word “conception” has become obscured, they want to obscure all this stuff.

But if that could ever be determined that that would vacate Roe v. Wade, we have got to protect these people. A society is going to be judged by other societies about how it cares for the most vulnerable in its society, the poor people, the old people and the very most vulnerable of the young people.

And these embryonic cells that have this big scientific name, like embryonic stem cell research, which sounds kind of lofty, but the bottom line is it kills human beings, separate human beings, and we must stop it and we will do everything we can. God cannot and will not continue to bless America while we are doing this.

We look through history how human beings have been experimented on. We

see all the time, we hear complaints, particularly from the other side, even the pro-abortion people on the other side, look aghast of how we treat prisoners at Abu Ghraib prison in Iraq and just putting women's underwear on those folks' heads.

But, on the other hand, they are willing to kill a human being through abortion, through embryonic stem cell research, and it doesn't matter. The thing that really gets me, Congressman SMITH, is they want to do it all the way up to the time that baby totally pops out of the birth canal. In fact, that's what the Freedom of Choice Act is all about. It should be called the Freedom to Kill Babies Act, not the Freedom of Choice Act.

In fact, let me just mention that too as we see that partial-birth abortion, late-term abortions are being promoted by this administration by many in this House. The only medical reason that procedure was ever developed is to guarantee a dead baby by the abortionists. There is no other medical reason, no other medical reason than to guarantee a dead baby.

The abortionists were faced with a problem. They were aborting babies and winding up with a live fetus. Now, "fetus" in Latin means "baby." They were winding up with a live baby, and what are they going to do with this? They couldn't have that, so they had to develop those dilatation extraction procedures, partial-birth abortions to guarantee a dead baby.

So I applaud your efforts to try to help bring forth the truth, and that's what you have been doing for years, and I applaud you. And that's why I had to come down here to put in my 2 cents as a medical doctor, to tell the American public that the truth, that there is very little, if any, potential of scientific breakthroughs to treat all these awful diseases, which I want to treat, but there is a light. There is a potential, and it's through other methods that don't kill these babies.

Mr. SMITH of New Jersey. I thank the gentleman for his eloquent statement. We have two Members that want to join in. I would just very briefly say, and I would recommend, that those who may be watching this either look at this in the RECORD or Google it.

In the U.S. News & World Report, Dr. Bernadine Healy, from Ohio, who used to be the head of the National Institutes of Health, asks a very probing question and then answers it why embryonic stem cells are obsolete. And as she points out, the breakthroughs have been in the areas of adult stem cells. And as she calls the induced pluripotent stem cells—again, the ones that can be taken right from our skin—she calls that the blockbuster discovery of 2007.

Mr. JORDAN of Ohio. I thank the gentleman for yielding to me and appreciate his reference to Dr. Healy. I have her name in my notes as well.

But let me start by saying this. Look, we understand there is a debate in our culture over whose set of principles, whose set of values are going to prevail.

And that is, of course, one of those fundamental principles is respect for human life. It is why I so appreciate the Congressman from New Jersey and his leadership of the Pro-Life Caucus here in Congress, because he has had a steadfast adherence to that fundamental principle that all life is sacred and worthy of protection, that same principle that the Founders of this country understood when they wrote down the words that started this great experiment that we call America. And they said, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

I always tell folks it's interesting to note the order the Founders placed the rights that they chose to mention, life, liberty, pursuit of happiness. You can't pursue your goals and dreams, you can't go after those things that have meaning and significance to you and your family if you don't first have freedom. And you never have true freedom, true liberty, if government doesn't protect your most fundamental right, your right to life.

That's ultimately what this debate is about. When the President the other day issued his executive order, at the press event he talked about the adherence to science and picking science over politics.

I am sure that the chair of the Pro-Life Caucus, the gentleman from New Jersey and our friend from Texas who has joined us, know that the science is on our side. All the positive treatments, all the beneficial things that have happened to individuals and their families who love and care about them, in treating disease, have happened through the adult stem cell research, not the stem cell research that destroys human life.

And so we strongly support the use of science in developing the cures and the treatments that are going to help people. And it's interesting to note the ethical decision is the smart decision, and right now the evidence is all on our side.

The Congressman from New Jersey is exactly right when he talks about Dr. Healy. What's interesting is Dr. Healy and I did a radio show the other night, talked about this, she happens to be a Republican but also ran as a candidate for the United States Senate as a pro-abortion, pro-choice candidate. So she doesn't exactly share our belief on this issue completely, and yet she is willing to look at the science in an objective way and come down on the right side.

Two last things I would finish with here in my remarks, this decision

scares me in a couple of ways, the first one is this, the slippery slope argument is real. I mean, once you start down this road there are all kinds of problems that can accompany this that are harmful. My guess is the gentleman from New Jersey has talked about cloning and some of the other things that this can lead to.

I am sure your comments will be appropriate in that area. These are scary things. But, remember, politicians are good at saying one thing and not exactly following through on it. So even though people will tell us they support this, there are safeguards built in, we know it destroys life and we know that there are worse things that can come down the road.

Finally, I would say this, thus far, with this administration, we have seen a couple of pro-life policies overturned, the Mexico City policy with an executive order, and now the stem cell, the embryonic stem cell research policy.

We know, as we now enter the 2010 appropriations cycle, and what's going to happen with taxpayer dollars as we move forward relative to protecting life and the fact that millions of families, millions of Americans don't want their tax dollars used to promote something that they know is wrong. As we move into that debate, the precedent has been set now with these two decisions. We have got a fight on our hands. There are 22 what are commonly called pro-life riders that are part of the appropriation bills that we need to protect.

The one that most people understand and recognize is the Hyde amendment which says we are not going to use your tax dollars to perform the abortion procedure in this country. We are going to protect the use of your tax dollars.

So this idea that we are now moving in a direction that is going to use tax dollars for embryonic stem cell research sets a dangerous precedent. And it's something that we have to watch as we move forward, because, again, the vast majority of families in this country don't want their tax dollars used for this procedure.

So, again, I commend the gentlemen who are with us here tonight, particularly our chairman of the Pro-Life Caucus, Congressman SMITH, for your steadfast adherence to the fundamental principle that life is precious, life is sacred and deserves the protection that the law should offer it.

Mr. SMITH of New Jersey. Thank you, Mr. JORDAN, for your leadership. I think the American public would be pleased to know that you headed up an effort with a Member on the Democratic side, HEATH SHULER, and 180 Members signed a letter to the leadership of the House, the Democratic leadership, asking that these pro-life riders—we do not want our funding, our tax dollars being used to facilitate to kill children.

Mr. JORDAN of Ohio. For just a second, and I appreciate the gentleman bringing that up, we did have a bipartisan press event where we announced 181 Members of Congress, Republican and Democrat, signing a letter to the Speaker of the House, telling the Speaker, don't mess with this language. This protects human beings. This protects taxpayer dollars. This protects what the vast majority of Americans respect.

Don't change these procedures. Don't do what the Obama administration has already done twice, protect these procedures. And if you do mess with it, at least give us the rule so we can have a debate on the floor. At least allow us to play the game, have the debate, the full debate in front of the American people and have the vote.

You can't get 181 Members to sign anything around here. The fact that we got a bipartisan 181 Members is testimony to the work that the Pro-Life Caucus does and to the importance of this fundamental issue.

Mr. SMITH of New Jersey. Mr. OLSON.

Mr. OLSON. I thank the chairman of the Pro-Life Caucus, my good friend from New Jersey, for leading this discussion tonight on this critical issue, and I want to identify myself with the comments of the speakers who preceded me, the chairman, Chairman PENCE, Dr. BROWN and our good friend, Congressman JORDAN, for their impassioned comments in defense of innocent life.

I rise today out of grave concern over President Obama's decision yesterday to lift restrictions on Federal funding for human embryonic stem cell research. His decision is financially overburdensome, scientifically unnecessary and morally offensive.

The President's new executive order opens the door to Federal funding of embryonic stem cell research. Tremendous results have already been found using adult stem cells in the treatment of cancer, diabetes, Parkinson's disease, Alzheimer's disease and heart disease. Creating more lines of pluripotent stem cells should be our continued focus. It's more versatile. You don't have to deal with the issues of rejection, and it doesn't take an innocent life.

This administration continues a disturbing path of spending taxpayer dollars on programs and policies that are deeply offensive to millions of Americans, placing questionable science ahead of morality. Taxpayers are being asked to support an increasingly bloated Federal Government, and yet the administration is moving research from private funding to take advantage of money from President Obama's economic recovery package for further study of embryonic stem cells.

How does the destruction of human life help our economy recover, how

does that create jobs? It doesn't, and this most recent action by the administration is another example of a step too far.

We must not forget the fundamental role of government in our lives, protecting its citizens, particularly the most innocent among us. This administration has not been in office yet for 2 months, and, yet, three times, it has already overturned some basic security rights of our citizens. It has forced men and women who do not want their money spent on morally objectionable scientific research to fund research.

They have removed rules that protect medical providers who declined to perform abortions due to moral and religious reasons. And now they have failed to protect the most innocent among us by opening the door to embryo research and a senseless discarding of American life.

□ 1815

I'd like to make a couple of comments about the importance of ultrasounds for women who are pregnant. These are personal comments.

God has blessed my family. We have two children; a daughter, who's 12, and a son, who's 8. When my wife was pregnant with our daughter, our first child, she had an ultrasound at 13 weeks. We still have that ultrasound. Have it on our refrigerator door.

If you look at that ultrasound, you look at the profile of that young human life, and you look at the profile of my daughter today as a 12-year-old, thriving kid in sixth grade, there is absolutely no difference. Kate was a person then, she's a person now. And we need to protect the innocent life. And ultrasounds made available to women who are pregnant only are common sense.

Again, I thank my colleague from New Jersey for spearheading this important debate, and I yield back the floor. Thank you.

Mr. SMITH of New Jersey. Mr. OLSON, thank you very much, and I appreciate your leadership and your consistency in respecting all human life, including the unborn child. So, thank you for joining us today.

Let me just make a few final comments, Madam Speaker. While President Obama and some Members of Congress still don't get it, the breakthrough in adult stem cell research has not been lost on the mainstream press. For example, on November 21, 2007, Reuters reported, and I quote, "Two separate teams of researchers announced on Tuesday they had transformed ordinary skin cells into batches of cells that look and act like embryonic stem cells, but without using cloning technology and without making embryos."

The New York Times reported on the same day, and I quote, "Two teams of scientists reported yesterday that they

had turned human skin cells into what appears to be embryonic stem cells without having to make or destroy an embryo—a feat that could quell the ethical debate troubling the field."

The AP said, "Scientists have created the equivalent of embryonic stem cells from ordinary skin cells, a breakthrough that could someday produce new treatments without the explosive moral questions of embryo cloning."

Even University of Wisconsin's Dr. James Thomson, the man who first cultured embryonic stem cells, told the New York Times, and I quote, "Now with the new technique, it will not be long before the stem cell wars are a distant memory. A decade from now, this will just be a funny historical footnote."

Dr. Thomson told the Detroit Free Press, "While ducking ethical debate wasn't the goal, it is probably the beginning of the end of the controversy over embryonic stem cells."

If only that were true because, unfortunately, on Monday our Federal taxpayers' dollars will be used now to destroy embryos to derive their stem cells, even though they become tumors, if ever put into an individual, would be rejected and, of course, we know that they kill the donor when they are taken.

In Medical News Today, Dr. Thomson said, and I say this again, "Speaking about the latest breakthrough, the induced cells do all the things embryonic cells do. It's going to completely change the field," he said. Again, this is the doctor who, in the late 1990s, gave us embryonic stem cells. He is saying induced pluripotent stem cells, those derived from your skin and mine, can be embryo-like, and really is the hope of regenerative medicine.

Ten days ago, more good news. No, I would actually say it is great news on the induced pluripotent stem cell front. Research teams from the United Kingdom and Canada published two papers in the prestigious scientific journal, Nature, announcing that they had successfully reprogrammed ordinary skin cells into induced pluripotent skin cells without the use of viruses to transmit the reprogramming genes to the cell. "With their new discovery, which they used a piggyback system, as they called it, they were able to insert DNA where they could alter the genetic makeup of the regular cell before being harmlessly removed.

"According to many scientists, the removal of potentially cancer-causing viruses means that this breakthrough increases the likelihood that iPS cells will be safe for clinical use in human patients. The lead scientist from Canada, Andras Nagy, was quoted in the Washington Post saying—this is just a week ago—"It's a leap forward in the safe application of these cells. We expect this to have a massive impact on this field."

George Daley at Children's Hospital in Boston said, and I quote, "It is very significant. I think it's a major step forward in realizing the value of these cells for medical research."

Many people seem to be getting it, except for Mr. Obama, who clings to the old hype and the hyperbole concerning the efficacy of embryo-destroying stem cells. Science has moved on. It's about time the politicians caught up.

This breakthrough suggests—remember, it's just 2 weeks ago, this newest breakthrough—that the momentum has decisively, and I hope irrevocably, swung to noncontroversial stem cell research, like iPS stem cells, and away from embryo-destroying research.

The lead scientist from the UK was quoted in the BBC saying, "It is a step towards the practical use of reprogrammed cells in medicine, perhaps even eliminating the need for human embryos as a source of stem cells."

Time Magazine reports on the efficacy of the advantage of iPS stem cells saying, "The induced pluripotent stem cell technology is the ultimate manufacturing process for cells. It is now possible for researchers to churn out unlimited quantities of a patient's stem cells, which can then be turned into any of the cells that the body might need to repair or to replace."

Madam Speaker, there was an excellent op ed in the Wall Street Journal yesterday, which I read just a few paragraphs from, which I think really highlights and underscores the profound ethical issues we are facing. It was written by Robert George and Eric Cohen. The title, the President Politicizes Stem Cell Research. Taxpayers Have a Right to be Left Out of it.

"Yesterday, President Barack Obama issued an executive order that authorizes expanded Federal funding for research using stem cells produced by destroying human embryos. The announcement was classic Obama—advancing radical policies while seeming calm and moderate, and preaching the gospel of civility while accusing those who disagree with the policies of being 'divisive' and even 'politicizing science.'

"Mr. Obama's executive order overturned an attempt by President George W. Bush in 2001 to do justice to both the promise of stem cell science and the demands of ethics. The Bush policy was to allow the government to fund research on existing embryonic stem cell lines, where the embryos in question had already been destroyed. But it would not fund or in any which incentivize the ongoing destruction of human embryos.

"For years, this policy was attacked by advocates of embryo-destructive research. Mr. Bush and the 'religious right' were depicted as antiscience villains and embryonic stem cells scientists were seen as the beleaguered

saviors of the sick. In reality, Mr. Bush's policy was one of moderation. It did not ban new embryonic-destructive research, and did not fund new embryo-destroying research either;

'Moderate' Mr. Obama's policy is not. It will promote a whole new industry of embryo creation and destruction, including the creation of human embryos by cloning for research in which they are destroyed. It forces American taxpayers, including those who see the deliberate taking of human life in the embryonic stage as profoundly unjust, to be complicit in this practice.

"Mr. Obama made a big point in his speech of claiming to bring integrity back to science policy, and his desire to remove the previous administration's ideological agenda from scientific decision-making. This claim of taking science out of politics is false and misguided on two counts.

"First, the Obama policy is itself blatantly political. It is red meat to his Bush-hating base. It pays no more than lip service to recent scientific breakthroughs," that I would note parenthetically, I and my colleagues have been talking about tonight, "that makes possible the production of cells that are biologically equivalent to embryonic stem cells without the need to create or kill human embryos.

"Inexplicably—apart from political motivations—Mr. Obama revoked not only the Bush restrictions on embryo-destructive research funding, but also his 2007 executive order that encourages the National Institutes of Health to explore non-embryo-destructive sources of stem cells.

Second, and more fundamentally, the claim about taking politics out of science is, in the deepest sense, anti-Democratic. The question of whether to destroy human embryos for research purposes is not fundamentally a scientific question. It is a moral and civic question about the proper uses, ambitions, and limits of science; it is a question about how we will treat members of the human family at the very dawn of life; our willingness to seek alternative paths to medical progress that respect human dignity.

"For those who believe in the highest ideals of deliberative democracy and those who believe we mistreat the most vulnerable human lives at our own moral peril, Mr. Obama's claim of taking politics out of science should be lamented, not celebrated.

"In the years ahead, the stem cell debate will surely continue—raising, as it does, big questions about the meaning of human equality at the edges of human life, about the relationship between science and politics, and about how we govern ourselves when it comes to morally charged issues of public policy on which reasonable people happen to disagree.

"We can only hope in the years ahead that scientific creativity will make

embryo destruction unnecessary and that, as a society, we will not pave the way to the brave new world with the best medical intentions."

Madam Speaker, I just conclude by saying that despite all of the new and the extraordinary processes in adult stem cell research and applications, despite these magnificent breakthroughs in induced pluripotent stem cells, a part of adult stem cells, the Obama administration and, I am sad to say, the leadership of this House, remain fixated on killing human embryos for experimentation at taxpayers' expense.

The alternative has continued and will continue to prove itself to be highly efficacious. That is to say, adult stem cells. We don't need to kill human embryos to effectuate cures and to mitigate disease.

With that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HALL of New York (at the request of Mr. HOYER) for today through March 16 on account of a death in the family.

Ms. KOSMAS (at the request of Mr. HOYER) for today on account of attending the shuttle launch in her district.

Mr. BRIGHT (at the request of Mr. HOYER) for today and March 12 on account of responding to tragedy in district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 18.

Mr. JONES, for 5 minutes, March 18.

Mr. FLAKE, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on March 6, 2009 she presented to the President of the United States, for his approval, the following bill.

H.J. Res. 38, Making further continuing appropriations for fiscal year 2009, and for other purposes.

Lorraine C. Miller, Clerk of the House also reports that on March 11,

2009 she presented to the President of the United States, for his approval, the following bill.

H.R. 1105. Making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

ADJOURNMENT

Mr. SMITH of New Jersey. Madam, Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 27 minutes p.m.), the House adjourned until tomorrow, Thursday, March 12, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

827. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boat Fire Miami Beach Marina [Docket No. USCG-2008-0248] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

828. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Vessel EX-YFRT 287, Nantasket Roads, MA [Docket No. USCG-2008-0247] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

829. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Johns Pass, FL [Docket No. USCG 2008-0236] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

830. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BAYEX 2008 Full Scale Exercise Phase One Operations; Alameda, CA. [Docket No.: USCG-2008-0281] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

831. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, U.S.V.I. [Docket No. USCG-2008-0233] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

832. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Private Wedding Fireworks Display, Gulf of Mexico, Florida. [Docket No. USCG-2008-0237] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

833. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the De-

partment's final rule — Safety Zone; Johns Pass, FL [Docket No.: USCG 2008-0280] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

834. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Johns Pass, FL [Docket No. USCG 2008-0232] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

835. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Garden City Container Berth 7 and Ocean Terminal Berths 18 and 19, Savannah River, Savannah, GA [USCG-2008-0259] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

836. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, USVI. [Docket No.: USCG-2008-0276] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

837. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Anacostia River, Washington, DC [Docket No.: USCG-2008-0227] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

838. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Desert Storm Charity Poker Run and Exhibition Run; Lake Havasu, AZ [Docket No.: USCG-2008-0273] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

839. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Unlimited Light Hydroplane Tests, Stan Sayres Pits, Lake Washington, Washington. [Docket No. USCG-2008-0285] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

840. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Corrections; Hatteras Boat Parade and Firework Display, Trent River, New Bern, NC [Docket No.: USCG-2008-0309] (formerly USCG-2008-0046) (RIN: 1625-AA00) received February 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

841. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Havasu Grand Prix; Lower Colorado River, Thompson Bay, Lake Havasu City, Arizona [Docket No.: USCG-2008-0304] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

842. A letter from the Chief, Regulations and Administrative Law, Department of

Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Belleair Bridge, FL [Docket No.: USCG 2008-0303] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCURI: Committee on Rules. H. Res. 235. A resolution providing for consideration of the bill (H.R. 1262) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes (Rept. 111-36). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LUCAS (for himself and Mr. NEUGEBAUER):

H.R. 1426. A bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. PALLONE, Mr. DEAL of Georgia, and Mrs. EMERSON):

H.R. 1427. A bill to amend the Public Health Service Act to provide for the licensing of biosimilar and biogeneric biological products, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 1428. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide wartime disability compensation for certain veterans with Parkinson's disease; to the Committee on Veterans' Affairs.

By Ms. WATERS (for herself, Mr. CONYERS, Mr. SMITH of Texas, Mr. SCOTT of Virginia, Ms. LEE of California, and Mrs. CHRISTENSEN):

H.R. 1429. A bill to provide for an effective HIV/AIDS program in Federal prisons; to the Committee on the Judiciary.

By Mr. PASCRELL (for himself and Mr. CANTOR):

H.R. 1430. A bill to amend title XVIII of the Social Security Act to permit physical therapy services to be furnished under the Medicare Program to individuals under the care of a dentist; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself, Mr. SHADEGG, Mr. SULLIVAN, Mr. BOOZMAN, Mr. JORDAN of Ohio, Mr. GOHMERT, Mr. BURGESS, Mr. FRANKS of Arizona, Mr. AKIN, Mr. MCHENRY,

Mr. LEWIS of California, Ms. FOXX, Mr. HERGER, Mr. BOUSTANY, Mr. PITTS, Mrs. MYRICK, Mr. BROWN of Georgia, Mr. RADANOVICH, Mrs. MCMORRIS RODGERS, Mr. MCCARTHY of California, Mr. FLEMING, Mr. LATTA, Mr. YOUNG of Alaska, Mr. LAMBORN, Mr. BACHUS, Mr. NEUGEBAUER, and Mr. MCCOTTER):

H.R. 1431. A bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN (for herself, Mr. COBLE, Mr. MARCHANT, Mr. HERGER, and Mr. PITTS):

H.R. 1432. A bill to reduce youth usage of tobacco products, to enhance State efforts to eliminate retail sales of tobacco products to minors, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOOZMAN:

H.R. 1433. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for volunteer firefighters; to the Committee on Ways and Means.

By Mr. BOOZMAN:

H.R. 1434. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for certain travel expenses of qualified emergency volunteers; to the Committee on Ways and Means.

By Mr. COFFMAN of Colorado:

H.R. 1435. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Natural Resources.

By Mr. CUELLAR:

H.R. 1436. A bill to provide for the evaluation of Government programs for efficiency, effectiveness, and accountability; to the Committee on Oversight and Government Reform.

By Mr. CUELLAR:

H.R. 1437. A bill to establish a Southern Border Security Task Force to coordinate the efforts of Federal, State, and local border and law enforcement officials and task forces to protect United States border cities and communities from violence associated with drug trafficking, gunrunning, illegal alien smuggling, violence, and kidnapping along and across the international border between the United States and Mexico; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY:

H.R. 1438. A bill to prohibit any Federal agency or official, in carrying out any Act or program to reduce the effects of greenhouse gas emissions on climate change, from imposing a fee or tax on gaseous emissions emitted directly by livestock; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 1439. A bill to hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO (for himself, Mr. YOUNG of Alaska, and Mr. OLSON):

H.R. 1440. A bill to amend title 46, United States Code, to improve maritime law enforcement; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARCHANT (for himself, Mrs. EMERSON, Mr. SESSIONS, Ms. GRANGER, Mr. BRALEY of Iowa, and Mr. ORTIZ):

H.R. 1441. A bill to amend title XIX of the Social Security Act to allow States to permit certain Medicaid eligible individuals who have extremely high annual lifelong orphan drug costs to continue on Medicaid notwithstanding increased income; to the Committee on Energy and Commerce.

By Mr. MATHESON:

H.R. 1442. A bill to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909; to the Committee on Natural Resources.

By Ms. MATSUI (for herself, Mrs. TAUSCHER, Mrs. MALONEY, and Mr. WU):

H.R. 1443. A bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways; to the Committee on Transportation and Infrastructure.

By Mr. McDERMOTT (for himself, Mr. MORAN of Virginia, Mr. RUPPERSBERGER, Mr. KENNEDY, and Mr. VAN HOLLEN):

H.R. 1444. A bill to establish the Congressional Commission on Civic Service to study methods of improving and promoting volunteerism and national service, and for other purposes; to the Committee on Education and Labor.

By Mr. McHENRY:

H.R. 1445. A bill to amend the Securities Exchange Act of 1934 to require nationally registered statistical rating organizations to provide additional disclosures with respect to the rating of certain structured securities, and for other purposes; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 1446. A bill to amend title 40, United States Code, to authorize the National Capital Planning Commission to designate and modify the boundaries of the National Mall area in the District of Columbia reserved for the location of commemorative works of pre-eminent historical and lasting significance to the United States and other activities, to require the Secretary of the Interior and the Administrator of General Services to make recommendations for the termination of the

authority of a person to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Natural Resources.

By Mr. PITTS (for himself, Mrs. MYRICK, Ms. BALDWIN, Mr. PAUL, and Mr. GERLACH):

H.R. 1447. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale or exchange of farmland development rights; to the Committee on Ways and Means.

By Mr. RODRIGUEZ (for himself, Mr. TEAGUE, Ms. GIFFORDS, Mr. ORTIZ, Mr. HINOJOSA, Mr. GRIJALVA, Mr. FILNER, Mr. EDWARDS of Texas, Mr. GENE GREEN of Texas, Mr. CUELLAR, and Mr. REYES):

H.R. 1448. A bill to authorize the Secretary of Homeland Security and the Attorney General to increase resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations and for other unlawful activities by providing for border security grants to local law enforcement agencies and reinforcing Federal resources on the border, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROE of Tennessee:

H.R. 1449. A bill to amend the Internal Revenue Code of 1986 to repeal the qualification standard for exterior windows, doors, and skylights; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan (for himself, Mr. GENE GREEN of Texas, Mr. BUYER, Mr. UPTON, and Mr. BURGESS):

H.R. 1450. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to counterfeit drugs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself and Mr. BRADY of Pennsylvania):

H.R. 1451. A bill to amend title 23, United States Code, to allow an exception for the weight limits for certain towing trucks; to the Committee on Transportation and Infrastructure.

By Mr. STUPAK (for himself and Mr. BURGESS):

H.R. 1452. A bill to require the Secretary of Health and Human Services to enter into negotiated rulemaking to modernize the Medicare part B fee schedule for clinical diagnostic laboratory tests and to amend title XVIII of the Social Security Act to adjust the fee for collecting specimens for clinical diagnostic laboratory tests under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY:

H.R. 1453. A bill to amend the Internal Revenue Code of 1986 to extend and expand the homebuyer tax credit; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. BILIRAKIS, Mr. PALLONE, Mr. ROYCE,

Mr. MCGOVERN, Ms. TSONGAS, Mr. BROWN of South Carolina, Mr. SPACE, Mr. KENNEDY, Mr. SARBANES, Mr. FRANK of Massachusetts, Mr. DUNCAN, and Ms. BERKLEY):

H. Res. 236. A resolution urging Turkey to respect the rights and religious freedoms of the Ecumenical Patriarchate; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Ms. LINDA T. SÁNCHEZ of California, Mr. GENE GREEN of Texas, Mr. MCMAHON, Mr. DOGGETT, Mr. HALL of Texas, Mr. HINOJOSA, Mr. BLUMENAUER, Mr. DAVIS of Tennessee, Mr. MATHESON, Ms. ESHOO, Mr. SOUDER, Mr. MITCHELL, and Ms. RICHARDSON.
H.R. 59: Mr. HASTINGS of Florida and Mr. CLAY.

H.R. 154: Mr. ROGERS of Michigan and Mr. SCHAUER.

H.R. 155: Mr. BOSWELL, Mr. WILSON of South Carolina, and Mr. MCCOTTER.

H.R. 173: Mr. MINNICK.

H.R. 182: Mr. PASTOR of Arizona and Mr. ORTIZ.

H.R. 226: Mr. ARCURI.

H.R. 302: Mr. BOUCHER and Mr. KINGSTON.

H.R. 303: Ms. ROS-LEHTINEN and Mr. MICA.

H.R. 336: Mr. JACKSON of Illinois and Ms. HIRONO.

H.R. 345: Mr. SOUDER, Mr. CARNEY, Mr. WELCH, and Mr. BAIRD.

H.R. 347: Mr. NUNES, Mr. MCCLINTOCK, Mr. McKEON, Mr. ROHRBACHER, Mr. HERGER, Ms. WATERS, Mr. RUPPERSBERGER, Ms. VELÁZQUEZ, Mr. BACA, Ms. LINDA T. SÁNCHEZ of California, Mr. HINOJOSA, Ms. MATSUI, Mr. MICHAUD, Mr. STARK, Ms. RICHARDSON, Mr. ISSA, Mr. BLUMENAUER, and Mr. PALLONE.

H.R. 406: Mr. LUJÁN, Mr. ORTIZ, Mr. POLIS, Mr. ISRAEL, Ms. WATSON, Mr. MEEK of Florida, and Ms. TITUS.

H.R. 442: Mr. MINNICK.

H.R. 450: Mr. POE of Texas.

H.R. 510: Mr. GORDON of Tennessee and Mr. MASSA.

H.R. 537: Mr. ROTHMAN of New Jersey and Mr. VISCLOSKEY.

H.R. 577: Ms. SLAUGHTER.

H.R. 666: Mr. POLIS and Mr. BOREN.

H.R. 667: Mr. MCMAHON and Ms. BORDALLO.

H.R. 716: Mr. DRIEHAUS and Ms. ZOE LOFGREN of California.

H.R. 764: Mr. AKIN.

H.R. 864: Mr. MCINTYRE.

H.R. 877: Mr. MILLER of Florida, Ms. FOXX, and Mr. SMITH of New Jersey.

H.R. 881: Mr. GARRETT of New Jersey, Mr. ALEXANDER, and Mr. PETRI.

H.R. 903: Mr. SPACE, Ms. KILROY, and Mr. HOLDEN.

H.R. 913: Mr. YARMUTH and Mr. CAPUANO.

H.R. 930: Mr. LATHAM, Mr. WOLF, and Ms. BALDWIN.

H.R. 934: Mr. FALCOMA, Mr. PIERLUISI, Mr. RAHALL, Mrs. CHRISTENSEN, Mr. ABERCROMBIE, and Mr. PALLONE.

H.R. 953: Mr. LATTI.

H.R. 964: Mr. TERRY.

H.R. 968: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 981: Mrs. CAPPS, Mr. HOLT, and Mr. KUCINICH.

H.R. 998: Mr. BOEHNER, Mr. MILLER of Florida, and Mr. PUTNAM.

H.R. 1016: Mr. TIM MURPHY of Pennsylvania, Mr. SMITH of Washington, Mr. BRALEY of Iowa, and Mr. AL GREEN of Texas.

H.R. 1020: Mr. CONNOLLY of Virginia.

H.R. 1023: Mr. MANZULLO.

H.R. 1026: Mr. GOODLATTE.

H.R. 1050: Mr. ALEXANDER, Mr. JONES, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, and Mr. BOOZMAN.

H.R. 1064: Ms. MATSUI, Mr. BUTTERFIELD, Mr. SABLAN, and Mr. KILDEE.

H.R. 1067: Mr. MICHAUD and Mr. GONZALEZ.

H.R. 1079: Mr. BOREN, Mr. GOODLATTE, Mr. MORAN of Virginia, and Mr. WOLF.

H.R. 1126: Mr. HIGGINS, Mr. LOEBACK, Mr. MCDERMOTT, Mr. BISHOP of New York, and Mr. HARE.

H.R. 1136: Mr. PERLMUTTER, Mr. BOREN, Mr. LANGEVIN and Mr. DOYLE.

H.R. 1156: Mr. ROSKAM.

H.R. 1158: Mr. SMITH of Nebraska and Mr. LOEBACK.

H.R. 1166: Mr. DAVIS of Alabama.

H.R. 1176: Mr. MCCARTHY of California and Mr. BILIRAKIS.

H.R. 1189: Ms. SCHAKOWSKY and Mrs. CAPPS.

H.R. 1194: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. LEWIS of Georgia, Mrs. BLACKBURN, Mr. CLAY, and Mr. LYNCH.

H.R. 1204: Mr. WAMP, Mr. SKELTON, and Mr. ROGERS of Kentucky.

H.R. 1207: Mr. GRAYSON and Mr. MARCHANT.

H.R. 1210: Mr. PLATTS, Mr. BURGESS, Mr. TIBERI, Mr. WOLF, Ms. SPEIER, Mr. ALTMIRE, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, and Ms. TITUS.

H.R. 1220: Mr. SIMPSON.

H.R. 1228: Mr. MANZULLO.

H.R. 1234: Mr. PLATTS.

H.R. 1238: Mrs. MYRICK.

H.R. 1255: Mr. OLVER, Mr. BARROW, Mr. GUTIERREZ, Mr. GRIJALVA, and Mr. CULBERSON.

H.R. 1261: Mr. WHITFIELD.

H.R. 1269: Mr. BARTON of Texas, Mr. JONES, and Mr. PITTS.

H.R. 1270: Mr. JOHNSON of Georgia, Mr. TONKO, and Mrs. LOWEY.

H.R. 1279: Mr. ROONEY.

H.R. 1289: Mr. SCOTT of Georgia.

H.R. 1292: Mr. GOODLATTE.

H.R. 1300: Mr. MCCOTTER, Mr. TERRY, Mr. JONES, and Mr. PITTS.

H.R. 1302: Mr. SESTAK.

H.R. 1305: Mr. SAM JOHNSON of Texas, Mr. LATTI, and Mr. ROGERS of Kentucky.

H.R. 1317: Mr. ROONEY, Mr. YOUNG of Alaska, and Mr. GERLACH.

H.R. 1319: Ms. DEGETTE.

H.R. 1332: Ms. CLARKE, Mr. SCHIFF, Mr. PITTS, Mr. DAVIS of Tennessee, and Mr. ROONEY.

H.R. 1349: Ms. KOSMAS, Ms. KAPTUR, and Mr. AL GREEN of Texas.

H.R. 1362: Ms. LEE of California, Mr. TAYLOR, Mr. BISHOP of Georgia, Mrs. LUMMIS, Mrs. EMERSON, and Mr. ANDREWS.

H.R. 1392: Mr. MEEK of Florida.

H.R. 1403: Mrs. EMERSON.

H.R. 1406: Mr. LATOURETTE.

H.R. 1410: Mr. ELLISON.

H.R. 1414: Mrs. BLACKBURN, Mr. GOHMERT, Mr. CHAFFETZ, Mr. BROUN of Georgia, Mr. CONAWAY, Mr. GINGREY of Georgia, Mr. CULBERSON, Mr. MANZULLO, Mr. WAMP, Mr. LATTI, Ms. FALLIN, Mr. MCHENRY, Mr. BISHOP of Utah, Mr. MCCLINTOCK, Mr. PITTS, Mr. BARTLETT, Mr. SHADEGG, Mr. FRANKS of Arizona, Mr. BURTON of Indiana, and Mr. KING of Iowa.

H. Con. Res. 29: Mr. LAMBORN, Mrs. BLACKBURN, and Mr. HENSARLING.

H. Con. Res. 36: Ms. JACKSON-LEE of Texas.

H. Con. Res. 60: Ms. SCHAKOWSKY.

H. Con. Res. 63: Mr. KUCINICH.

H. Con. Res. 64: Mr. BISHOP of Georgia and Mr. PASCRELL.

H. Res. 81: Mr. THOMPSON of Mississippi and Mr. GERLACH.

H. Res. 111: Mr. TIAHRT, Mr. LANCE, Mr. WALZ, Mr. KLINE of Minnesota, Mr. BROWN of South Carolina, Mr. ARCURI, Mr. TANNER, and Mr. RYAN of Ohio.

H. Res. 156: Mr. FRANKS of Arizona.

H. Res. 178: Mr. ABERCROMBIE.

H. Res. 185: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SPRATT, Mr. FILNER, Mr. ROONEY, Mr. SCHAUER, and Mr. COOPER.

H. Res. 223: Mr. MARCHANT, Mr. CAO, and Mr. GALLEGLY.

H. Res. 224: Mr. PETERS, Mr. OLSON, Mr. WEXLER, Ms. BORDALLO, Mr. SNYDER, Mr. EHLERS, Mr. WU, Ms. EDWARDS of Maryland, Mr. MCNERNEY, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SESTAK.

H. Res. 226: Ms. EDWARDS of Maryland, Mr. LEVIN, Ms. ESHOO, and Mr. ACKERMAN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The Amendment No. ___ to be offered by Mr. OBERSTAR of Minnesota, or his designee, to H.R. 1262 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

EXTENSIONS OF REMARKS

EXPRESSING SUPPORT FOR THE PEOPLE OF EL SALVADOR

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. MACK. Madam Speaker, I rise today to express my support for the people of El Salvador as they head to the polls this weekend to elect a new president.

Over the past years, the people of El Salvador have shown great resilience as they transformed their economy. From the privatization of state enterprises, to trade and financial liberalization, to the adoption of the United States dollar as its official currency, El Salvador and its people have chosen freedom and prosperity over communism and repression.

Madam Speaker, the relationship between the people of El Salvador and of the United States has been a strong one. The Salvadorian government was a faithful ally in the war in Iraq where they once had as many as 6000 soldiers supporting Operation Iraqi Freedom.

We in the United States also have stood by our friends in El Salvador. For example, through the Millennium Challenge Corporation, El Salvador is currently receiving \$461 million of investment in projects including education, public services, agricultural production, rural business development, and transportation infrastructure.

In addition, El Salvador receives nearly \$4 billion a year in remittances—almost 20% of its annual gross domestic product—from several million Salvadorans living in the United States.

And, even more important for our national security interests is that El Salvador is host to the United States Navy's primary Forward Operating Location (FOL) in Central America which is used to monitor and intercept drug traffic.

Madam Speaker, these examples reveal why this approaching election is so fundamental, and why it will have a great impact on the future direction of El Salvador and the relationship with the United States.

The two primary presidential candidates are Rodrigo Avila of the National Republican Alliance (ARENA) party and Mauricio Funes of the Farabundo Marti National Liberation Front (FMLN) party.

Madam Speaker, the FMLN is a party that was formed from communist guerrillas that fought against the El Salvador government in one of the last battles in the Cold War. Nearly 70,000 people were killed during the 12-year war in El Salvador and brutal atrocities were committed by the FMLN.

Today the FMLN and its communist candidates—with funding from Venezuela's President Hugo Chavez—have fought hard to ma-

nipulate the democratic process in El Salvador in order to take at the ballot box what they couldn't by force.

The FMLN has actively worked to undermine United States policy in the region by, among other things, openly supporting terrorist organizations such as the FARC in Colombia. And the FMLN candidate for vice president, Sanchez Ceren, is a known militant and guerrilla commander who staunchly opposes the United States.

Should the FMLN win this Sunday, El Salvador likely would quickly become a satellite and proxy of Venezuela, Russia, and perhaps Iran. While we must always work and stand with our allies in the region, a government in El Salvador that is run by the FMLN and its cronies would clearly undermine the good relationship the current government in El Salvador has with the United States.

Our close relationship with El Salvador is based on mutual respect for freedom and the rule of law. This relationship has allowed our people and our governments to work together in the past several years towards common goals.

As we look to the future, we must weigh the potential ramifications of this election and its impact on our relations—more importantly, the longstanding and open policies related to TPS and the flow of remittances.

Madam Speaker, the stakes are high this weekend for the people of El Salvador. As they go to the polls to select their next president and, more importantly, the future direction of their nation, I urge them to reject the FMLN and the failed ideas of the past.

EARMARK DECLARATION

HON. STEVEN C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act of 2009.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 1105

Account: Elementary & Secondary Education

Legal Name of Requesting Entity: Partnership for Education

Address of Requesting Entity: 3441 North Ridge West, Ashtabula, Ohio 44005 USA

Description of Request: Provide an earmark of \$285,000 for academic enrichment activities across all seven Ashtabula County school districts. Partnership for Education is a 503(c) organization that was created in 1999 from the collaboration and commitment among local

community and stakeholder support groups, primarily the Civic Development Corporation of Ashtabula County, the Ashtabula Foundation, the Ashtabula County Education Partnership, and the Growth Partnership Education Committee, to improve student learning and support professional development to help schools improve their planning and deployment capabilities. Approximately, \$211,000 is for program implementation, \$66,500 is for materials and supplies, and \$7,500 is for auditing and program evaluation. The Civic Development Corporation of Ashtabula County has pledged \$500,000; the Ashtabula Foundation has committed \$75,000.

EARMARK DECLARATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. SOUDER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105—Omnibus Appropriations Act, 2009

Member: Rep. MARK SOUDER

Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Project Name: Clinton Street Bridge Replacement

Entity: City of Fort Wayne

Address: 1 Main Street, Fort Wayne, IN 46802—

Amount: \$2,000,000

Justification for use of federal taxpayer dollars: Fort Wayne is the terminus of U.S. Route 27, known locally as Clinton Street as the highway winds through downtown. As a federal highway and a historic highway as designated by the Indiana House of Representatives, this roadway should be supported with local, state, and federal resources. Each day, almost 27,000 cars drive along Clinton Street and cross over the St. Mary's River on an obsolete 1964 bridge that has growing maintenance costs and a sufficiency rating of 64.6 out of 100, which merits concern. Further, poor decisions during its initial construction have led to debris traps in front of the piers that support the structure, blocking water passage and limiting any possible recreational use of the river. The project is necessary to repair essential infrastructure and the economic development of the region.

Finance Plan: The city will finance 20 percent of the project, a total of \$1.62 million, while additional funding of \$1.42 million was approved in the Fiscal Year 2008 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill. The total cost of the project is estimated at \$8.1 million. These funds will be used for the replacement of the bridge over the St. Mary's River in downtown Fort Wayne.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Member: Rep. MARK SOUDER
 Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Project Name: Watersystems/Wellcare—
 Entity: Water Systems Council

Justification for use of federal taxpayer dollars: Clean drinking water is essential for a community to flourish. The use of federal funds in this program are necessary to protect the well drinking water of over 21 million American citizens. As a national nonprofit organization dedicated to ensuring individuals receive safe water from household wells and small water systems, this organization deals with a vast constituency and provides essential services that make it possible for commerce and communities to thrive.

Finance Plan: The funds in this program will go to provide clean water for over 21 million Americans.

EARMARK DECLARATION

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. ROSKAM. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, FY2009 Omnibus Appropriations Act:

Requesting Member: Congressman PETER ROSKAM

Bill Number: H.R. 1105

Account: Department of Education, National Projects, Safe Schools and Citizenship Education, Economic Education Exchange Program

Legal Name of Requesting Entity: Center for Civic Education

Address of Requesting Entity: 5145 Douglas Fir Road, Calabasas, CA 91302

Description of Request: I rise in support of funding I helped secure in H.R. 1105, the FY09 Omnibus Appropriations Act of 2009, for the Cooperative Education Exchange Program activities under the Education for Democracy Act. The Cooperative Education Exchange Program in economics is an important one that provides American educators the opportunity to join their counterparts from countries making the transition to a market economy. This provides these emerging areas with the benefit of assistance to education leaders in those foreign countries. It also provides the tremendous opportunity for us to have a voice in shaping these rising economies, and enabling us to think afresh about our own system, giving us the added benefit of enhanced critical self-evaluation. I am proud to support this program that has cast a wide influence—teachers and students from 43 states and DC have been able to engage teachers and students from more than 30 emerging democracies on the principles and institutions of a market economy and their interaction with a democracy.

HONORING THE CAMELOT NEIGHBORHOOD WATCH PROGRAM

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to honor the Camelot Neighborhood Watch Program (CNWP) of Fairfax County, Virginia.

In the 30 years since its inception, the CNWP has achieved great success, helping lower the general crime rate in its community. As the former Chairman of the Fairfax County Board of Supervisors, I can personally attest to the program's accomplishments.

The CNWP boasts the largest number of volunteers in Northern Virginia. These volunteers have committed themselves to informing local police of suspicious activities. While it is financially and logistically impossible to place a police officer on every street corner, the CNWP has provided Fairfax County with an effective alternative. CNWP volunteers have become the eyes and ears of local police, deterring crime and saving taxpayers millions of dollars.

Those who take the time to cast a watchful eye on their surroundings ensure a safer, friendlier place to live. Through committed neighborhood watch, CNWP participants have proven that community involvement can make a difference.

It is important to note that CNWP has embraced neighborhood diversity. Participants have bridged culture and language gaps in the name of collective security. By recognizing shared community values, the CNWP has facilitated improved understanding and relations between individuals from a variety of backgrounds.

One of the greatest assets of the CNWP is its ability to bring neighbors together. In that spirit I am proud to recognize Mr. Paul Cevy, CNWP founder and Coordinator for the first 12 years; Mr. Dave Shoner, his successor who for the next 11 years continued to mold the program into the great success it is today; and Mr. Frank Vajda who continues the great CNWP tradition.

Years of CNWP success have merited several notable accolades. The Fairfax County Mason District Police Department has recognized the CNWP as one of the most effective crime reduction units in the county. The Virginia Crime Prevention Association has recognized the CNWP as the Best Neighborhood Watch in Virginia.

The CNWP is the oldest, continuously active Neighborhood Watch Group in the United States. This highly accomplished neighborhood program serves as an impressive model for other organizations across the nation.

Madam Speaker, in closing, I would like to thank the Camelot Neighborhood Watch Program for 30 years of dedicated service to its community. Programs like the CNWP are vital in our efforts to combat crime. I call upon my colleagues to join me in applauding the CNWP's past accomplishments and in wishing the program continued success in the many years to come.

CONGRATULATING TEXAS WESLEYAN UNIVERSITY ON THE RENOVATIONS OF THE MAXINE AND EDWARD L. BAKER BUILDING

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. BURGESS. Madam Speaker, I rise today to congratulate Texas Wesleyan University on their efforts for the Rosedale Revitalization Project and the completed renovations of the Maxine and Edward L. Baker Building.

A historical building located at the corner of Rosedale and Wesleyan Streets, the \$1.2 million renovation of the 5,000 square-foot-space provides a community meeting room, offices and a café. The building has been named in honor of Maxine and Edward L. Baker, parents of Wesleyan Trustee Louella Baker Martin. She and her husband Nick Martin, Fort Worth philanthropists, have been generous supporters of the University. Ed Baker served as chairman of the Texas Wesleyan Board of Trustees fifty years earlier and his father, James B. Baker, served as a trustee beginning in 1894, extending the Baker family commitment to service for over a century. And with the help of federal funding that I secured which acted like a down-payment, and local efforts to multiply that funding, the university is now using the money to renovate locations like the Baker Building.

The project was made possible through the Rosedale Revitalization Initiative. Founded in 1890 in Fort Worth, Texas Wesleyan University is a United Methodist institution dedicated to the education of students in the region and beyond. The University offers a wide range of degrees for undergraduate and graduate students and educates international students from 29 countries.

I congratulate Texas Wesleyan University as it continues to progress as a distinguished and diverse educational institution assisting with the revitalization efforts of Rosedale Street, and I am proud to represent them in Congress.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. PUTNAM. Madam Speaker, on Friday, March 6, 2009, I was not present for three recorded votes. Please let the record show that had I been present, I would have voted the following way: rollcall No. 107, "nay"; rollcall No. 108, "yea"; rollcall No. 109, "yea".

HONORING BRIGADIER GENERAL
PATRICIA C. LEWIS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to pay tribute to Brigadier General Patricia C. Lewis. As her 30-year career in the United States Air Force draws to a close, I would like to draw attention to some of her accomplishments and contributions to our great nation.

Brigadier General Patricia C. Lewis is Assistant Surgeon General, Strategic Medical Plans and Programs, and Chief of the Medical Service Corps. Educated at the University of Philippines in Manila, she received a direct commission in the Air Force Medical Service Corps upon completing her Master's degree. In her distinguished career, she has served at Headquarters Air Force Material Command as Chief of Programs and Evaluations in the Office of the Command Surgeon, and at Headquarters U.S. Air Force as Chief of Personnel, Training and Medical Programs. She has also served as executive officer to the Air Force Surgeon General and Director of Medical Operations for Headquarters Air Force Inspection Agency. Her commands include the 1st Medical Support Squadron at Langley Air Force Base, Virginia, and 366th Medical Group at Mountain Home Air Force Base, Idaho. Prior to her current assignment, General Lewis was Commander of the Air Force Medical Support Agency, a field operating agency which reports to the Air Force Surgeon General.

In her career, General Lewis has been awarded a Legion of Merit, a Defense Meritorious Service Medal, a Meritorious Service Medal with silver oak leaf cluster, an Air Force Commendation Medal with oak leaf cluster, and an Air Force Outstanding Unit Award. She was also recognized in 1994 by an Air Force Commitment to Service Award for her tireless work with the Medical Service Corps.

General Lewis has served her career with dedication and honor in the service of her country. Her direct support of medical planning and programming efforts for the United States Air Force Medical Service has greatly enhanced the medical capability needed to ensure success in the war on terrorism. In addition, as the Chief of the Medical Service Corps, she has directly impacted the careers of hundreds of health care executives in the Corps and will influence several generations beyond the tenure of her career.

Madam Speaker, I ask that my colleagues join me in commending Brigadier General Patricia C. Lewis for her lifetime of hard work in the service of our country.

EARMARK DECLARATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to the Republican Leader-

ship standards on earmarks, I am submitting the following information regarding earmarks I received as part of the House passed version of H.R. 1105.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 1105

Provision: Division I, Title I Department of Transportation, Account: Transportation, Community, and System Preservation Account

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 300 Brackett Hall Box 5702 Clemson University Clemson, SC 29634

Description of Request: The purpose of this appropriation is to provide \$285,000 in funding for roadway improvements aimed at addressing current safety concerns for the Clemson University Advanced Materials Center in Anderson County, SC. Funds will be used principally for signage and road visibility, particularly at night and during inclement weather. These improvements are important to the continued development of the Center, which is dedicated to the research and development of advanced materials, technology transfer thru IP migration from the laboratory to the boardroom for everything from commercial to military applications, and also to support existing industry. This request is consistent with the intended purpose of ensuring efficient access to jobs, services, and centers of trade for the Federal Highway Administration's Transportation, Community, and System Preservation (TCSP) Program as authorized under Section 1117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-203). The State of South Carolina has committed \$4 million to this project and private industry has committed an additional \$5.3 million.

EARMARK DECLARATION

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. WHITFIELD. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Section 205

Legal Name of Requesting Entity: Nashville Army Corps of Engineers

Address of Requesting Entity: Nashville, TN

Description of Request: The funds will be used for engineering and design of a dry-dam on the South Fork of the Little Ricer, which would reduce 100 year flood levels in the City by 2.6-4.9 feet. This will protect the safety and security of the citizens in the vicinity of the flood zone. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Clinton County, KY

Address of Requesting Entity: 100 South Cross Street, Albany, KY 42602

Description of Request: The funds (\$142,500) will be used to establish a Clinton County Community Senior Wellness Center to serve the needs of the elderly community to further enhance the quality of life in the rural community at the Senior Center. The center will serve as a facility to enable seniors to receive health and educational services in the community. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, FY2009 Omnibus Appropriations Act:

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 1105

Account: EERE

Legal Name of Requesting Entity: University of Arkansas Division of Agriculture, 2404 North University Avenue, Little Rock, AR 72207; Arkansas State University College of Agriculture, PO Box 1080, State University, AR 72647; College of Agricultural and Environmental Sciences, University of Georgia, 101 Conner Hall, Athens, GA 30602

Address of Requesting Entity: see above

Description of Request: The funding of \$1,900,300 will be used to help industry expand to commercial production of cellulosic ethanol and to develop viable feedstock production and alternative uses for by-products.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 1105

Account: Electricity Delivery and Energy Reliability

Legal Name of Requesting Entity: University of Arkansas

Address of Requesting Entity: 119 Ozark Hall, Fayetteville, AR 72701

Description of Request: The funding of \$475,750 will be used to purchase additional testing instrumentation, materials and alternate energy storage and transmission prototype development for the University of Arkansas's electric test facility.

**COMMENDING THE OUTSTANDING
WOMEN OF SOMERSET COUNTY**

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month, and I

would like to congratulate a number of outstanding women who will be recognized at the Somerset County's Commission on the Status of Women awards in New Jersey's Seventh Congressional District.

The Commission presents awards annually in celebration of National Women's History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year's Education Award winner is Elizabeth Stitley of Somerville. She currently serves as a supervisor of Allied Health Programs at Somerset County Technology Institute since 2003.

In this capacity, Elizabeth has spearheaded the growth of the program, which now offers two full-time, day practical nursing programs and an evening program. She was instrumental in adding a new skills laboratory with a task-training center that will soon be equipped with cameras.

Elizabeth has served as president of the Practical Nurse Educators Council and of the New Jersey League for Nursing, and received the league's 2004 President's Award. She also is a member of Sigma Theta Tau, the international nursing honor society.

I am pleased to congratulate Elizabeth Stitley for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. PUTNAM. Madam Speaker:
Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: FY09 Financial Services appropriations bill, Small Business Account

Project Funding Amount: \$298,257

Legal Name of Requesting Entity: Florida Department of Citrus

Address of Requesting Entity: Post Office Box 148, Lakeland, FL 33802

Description of Request: In order for small business citrus operations to remain viable in an ever competitive marketplace and lessen their reliance on manual labor, an effective mechanical harvesting technology must be developed. These small business operations are currently at competitive disadvantage, as they are one of the last sectors for which mechanization has become an effective alternative. Such technology is critical for the future economic survival of Florida's small business-run citrus operations.

For this reason, funding is sought for the benefit of citrus small business operators, directed to the Florida Department of Citrus, to continue completion of the development of a mechanical harvesting abscission compound, through the FY2009 Financial Services and General Government appropriations bill.

COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

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This year's Public Service Award winner is Pamela Ely of Bridgewater. She is a founding member of the Raritan Valley Habitat for Humanity.

Pamela served on the organization's board of trustees for three years and as president for three years.

She has been the organization's executive director for the past decade, and has made substantial contributions to the organization's growth and success.

I am pleased to congratulate Pamela Ely for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

EL SALVADOR ELECTIONS

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. BROWN of Georgia. Madam Speaker, El Salvador is a good friend and ally of the United States. After we suffered the attacks of 9-11, most Salvadorans kept us in their prayers . . . But one group felt differently.

The Farabundo Martí National Liberation Front (FMLN), an extreme left-wing party, issued a communiqué that the U.S., for its policies, was itself to blame for being attacked. The U.S. Embassy publicly denounced the FMLN's declaration.

Four days after 9/11, the FMLN had a march in their capital city to celebrate the attack by Al-Qaeda and to burn the American flag. The leader of that march was Salvador Sanchez Ceren, who today is the FMLN's candidate for Vice President. The FMLN political party in El Salvador supports designated terrorist organizations, such as the FARC and State Sponsors of Terror, such as Iran and Cuba.

The FMLN has a long history of hostility towards us. If the FMLN should take power in El Salvador, it will be urgent for Congress to review our policies in order to assure the national security of the United States. Under current law, the election of a pro-terrorism party in El Salvador would have real consequences. Since the 9/11 attacks, the U.S. has enacted

stronger tools to fight terrorism and those who funnel money to support it.

I want to make clear that these actions would not be punitive; they are not meant to chastise Salvadorans, but the U.S. will not aid sponsors of terrorism. We have an obligation to protect the U.S. and our citizens against those seeking to do us harm.

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES MARINE CORPORAL JAVIER ALVAREZ

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Ms. GIFFORDS. Madam Speaker, I rise today to recognize former United States Marine Corporal Javier Alvarez, who January of this year was awarded the Silver Star for his gallantry in Iraq.

As a Squad Leader with the 13th Marine Expeditionary Unit near New Ubaydi, Iraq, Corporal Alvarez joined other U.S. and Coalition forces attempting to stem the flow of foreign fighters and insurgents in Operation STEEL CURTAIN. Corporal Alvarez and his platoon were attacked by frontal and flanking fire from four, well-fortified enemy positions.

Braving certain peril, Corporal Alvarez courageously led his squad one-hundred meters through withering automatic weapons fire to reinforce his Platoon Commander and other Marines. Although wounded, Corporal Alvarez continued to lead his Marines in close combat with the enemy, while aiding in the evacuation of other Marines. While reloading his weapon, an enemy grenade was thrown in the midst of Corporal Alvarez and his squad. Selflessly and without regard to his own well being, he grabbed the grenade and began to throw it back at the enemy when it detonated.

Severely injured by the blast, Corporal Alvarez was evacuated by his Platoon Sergeant. His valiant efforts and those of his fellow Marines resulted in the deaths of 18 enemy insurgents and undoubtedly saved the lives of numerous Marines and Sailors.

His citation reads in part, "Corporal Alvarez's indomitable spirit, dauntless initiative and heroism were an inspiration to those with whom he served. By his outstanding display of decisive leadership, unlimited courage in the face of heavy enemy fire, and total devotion to duty, Corporal Alvarez reflected great credit upon himself and upheld the highest traditions of the Marine Corps and the United States Naval Service."

Our Nation owes him a debt of gratitude and remembers his fellow Marines, Sailors, Soldiers and Airmen who have paid the ultimate price in Iraq and Afghanistan.

COMMENDING THE OUTSTANDING
WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County's Commission on the Status of Women awards in New Jersey's Seventh Congressional District.

The Commission presents awards annually in celebration of National Women's History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year's Management Award winner is Nandita Kamdar of Branchburg. She is currently vice president at Paulus, Sokolowski & Sartor in Warren and in charge of the mechanical-engineering department.

Nandita earned her MBA in management from Rutgers. She holds multiple engineering licenses in New Jersey, Maryland, Pennsylvania and California.

I am pleased to congratulate Nandita Kamdar for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

MAKE HEALTH CARE A PRIORITY

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. CARNAHAN. Madam Speaker, yesterday, the New Democrat Coalition including myself met with President Obama at the White House to discuss legislative strategy including the looming crisis of health care.

Missourians I represent expect their leaders to talk straight and provide common-sense solutions. President Obama and the new Congress have been doing just that. This year we have sought solutions to cover the more than 47 million Americans without health care.

Already this year we have dramatically increased health care coverage for low-income and uninsured children.

We've also modernized the health care system to lower costs and save lives by investing in Health Information Technology systems.

It is reassuring to see that the President's budget puts aside more than \$630 billion over the next 10 years to reform health care, reduce Medicare overpayments to private insurers, and reduce drug prices. By tackling this issue we can rein in the high costs that are a drag on the entire economy.

The commitment by the New Dems and President Obama to health care is working to not only do the right thing but to ensure America and its children remain competitive in today's global economy.

PRESIDENT OBAMA'S EXECUTIVE
ORDER ON STEM CELL RESEARCH

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. KLEIN of Florida. Madam Speaker, this Tuesday marked an historic day for science and medical research efforts across our country as President Obama lifted the ban on federally funded stem cell research enacted in 2001. With this executive order, the President has restored the federal government's commitment to funding promising medical research with the potential to treat and cure some of the most debilitating human diseases.

One of the great promises of stem cells is their potential for use in developing new therapies for life altering diseases such as cancer, diabetes, and Parkinson's. Stem cell research offers the hope of a better life to millions of Americans, and by supporting this research we will open the door for groundbreaking discoveries at research facilities like Scripps Florida. The President has been clear that stem cell research in this country will not be undertaken lightly, and will only be conducted in the most responsible, ethical manner possible, with strict guidelines to prevent misuse and abuse.

Funding stem cell research is also a great investment in our future, not only from a personal health standpoint but from an economical and cost-efficiency perspective. Finding cures and therapies may reduce the cost of hospitalization and other expensive components of our health care system. By increasing our investment in stem cell research, we can also retain and attract some of the best and brightest scientists that have, up to now, been stifled by restrictions on which stem cell lines they may use for their research. The United States has always been a world leader in science and technology, and with this ban lifted, we can once again conduct the most cutting-edge research right here in the U.S. that will bring the next big breakthroughs in the world of medicine.

From juvenile diabetes to paralysis, the potential of stem cell research in all of its forms presents one of humanity's greatest leaps toward the ultimate goal of preserving, prolonging and improving the quality of our lives. As a strong advocate of this research, I commend the President for his commitment to funding comprehensive stem cell research in the United States.

COMMENDING THE OUTSTANDING
WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County's Commission on the Status of Women awards in New Jersey's Seventh Congressional District.

The Commission presents awards annually in celebration of National Women's History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year's Business Award winner is Ann Minzner Conley, the vice president of Loss Control Services for Chubb Commercial Insurance.

Ann is the company's executive-liability specialist. She mentors young adults considering careers in science and engineering, and also coaches youth soccer and plays on the Basking Ridge Mavericks women's soccer team.

I am pleased to congratulate Ann Minzner Conley on her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

TRIBUTE TO RICHARD M. SCHOELL

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. JOHNSON of Illinois. Madam Speaker, I rise today to recognize and honor Richard M. Schoell, Executive Director of the Office of Governmental Relations at the University of Illinois. Rick recently announced his retirement from the University after spending 22 years of dedicated time and effort ensuring that the University of Illinois remains one of the premier research institutions in the world.

I have known Rick for every one of those 22 years through my time as a State Representative in Illinois and as a Member of Congress, where I have been honored to be able to represent the University of Illinois' campus at Urbana-Champaign. His work ethic, dedication, and professionalism have been a reflection of his overall character and he will be sorely missed, not only on campus, but in my office as well.

Rick, I wish you nothing but the best in your future endeavors. It has been an absolute pleasure to work with you these past 22 years.

TRIBUTE TO CAPTAIN MARVIN
WESTBERG

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. COFFMAN. Madam Speaker, last Friday, at Ft. Logan National Cemetery in Colorado, Captain Marvin Westberg was laid to his rest with full honors. He passed away February 18 at the age of 87.

Captain Westberg attended what is now the University of Northern Colorado, in Greeley. He then joined the United States Navy, spending 22 years on active duty. He served in both WWII and the Korea War. After retiring from the United States Navy in 1964, he started a second long career with United Airlines.

I have spoken to Marv on several occasions. Among the best stories he told was

about one instance when he was training a young pilot to fly. Marv fired up his trademark pipe in the cockpit and gave the trainee a command, to which the trainee replied, "Can't see sir, too much smoke, sir!" Marv never forgot that the trainee was the elder George Bush. Marv also witnessed the surrender of Japan from his ship, anchored next to the USS *Missouri* in Tokyo harbor, on September 2, 1945.

Madam Speaker, our nation and our liberties are built from the service of men and women like Captain Marvin Westberg. He contributed his talents and abilities to our national defense, to our nation's economy, to our political system, and to the life of his friends and neighbors. I just wanted to take a small moment to recognize his service, and his career.

COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County's Commission on the Status of Women awards in New Jersey's Seventh Congressional District.

The Commission presents awards annually in celebration of National Women's History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year's Journalism Award winner is Alice Steinbacher of Bernardsville, where she is an accomplished writer.

Alice began her career in marketing, radio, advertising, public relations and publishing in 1970 as marketing assistant at John Blair and Co. in New York City.

In 1979, she opened her own agency, Steinbacher Advertising.

She published Renaissance Morristown. Alice edits and publishes Chapter II for the seniors of the Somerset Hills.

I am pleased to congratulate Alice Steinbacher for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

YIMBY AWARD TO STEVEN GARTRELL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. FRANK of Massachusetts. Madam Speaker, on Sunday, March 8th, I had the privilege of addressing one of the most worthwhile organizations in the district that I am privileged to represent—CAN—DO. Led by Josephine McNeil, CAN—DO does extraordinarily

important work in trying to get affordable housing of various sorts—rental, ownership, group homes—placed in the City of Newton, where I live. This requires a great deal of work, both in compiling together the finances at a time when money was not adequate for these purposes, and in dealing with neighborhood resistance which generally turns out to have been unjustified, but which was nonetheless strong in some cases.

In addition to being able at that event to praise the work of Josephine McNeil, I had the chance to share the evening's speaking program with Steven Gartrell, who is just retiring as Director of the Housing and Community Development program in the City of Newton. He won the YIMBY Award from the organization: the "Yes, In My Back Yard!" honor. As the Community Development Director for the City of Newton for many years, Steve Gartrell exemplified public service that was compassionate and responsible. Under his leadership, serving several mayors, the city spent its community development block grant money wisely and well. Steve Gartrell did the most good that it was possible to do with the funds made available to him from the federal government. I am glad to be able to point to the expenditure of community development funds under Mr. Gartrell as an example of how government at the federal level can best enable good work at the local level, and I congratulate Steve Gartrell for this well-deserved award, and Josephine McNeil for recognizing him by granting it.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. PUTNAM. Madam Speaker, on Thursday, March 5, 2009, I was not present for a recorded vote. Please let the record show that had I been present, I would have voted the following way:

Roll No. 106—yea.

EL SALVADOR ELECTIONS

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. ROHRBACHER. Madam Speaker, El Salvador is a good friend of the United States. And after we suffered the attacks of 9/11, most Salvadorans kept us in their prayers. But one group felt differently.

The FMLN, a pro terrorist, Left wing party in El Salvador, issued a communiqué that the U.S., because of its policies, was itself to blame for being attacked. The U.S. embassy publicly denounced that declaration, yet the FMLN is now poised to possibly enter into the government in El Salvador.

Four days after 9/11, the FMLN had a march in their capital city to celebrate the 9/11 attack by Al-Qaeda and to burn the American flag. The leader of that march was Sal-

vador Sanchez Ceren, who today is the FMLN's candidate for El Salvadoran Vice President.

El Salvador's election is on Sunday. If an ally of Al-Qaeda and Iran comes to power in El Salvador, the national security interests of the United States will require certain immigration restrictions and controls over the flow of the \$4 billion in annual remittances sent from the U.S. back home to El Salvador.

Let me note, that my purpose is not to punish Salvadorans, but if a pro-terrorism government takes power, it will be imperative to review our policies in order to protect the national security of the United States.

STATEMENT ON UNITED STATES POLICY REGARDING THE FMLN, TEMPORARY PROTECTED IMMIGRATION STATUS, MONEY TRANSFERS AND U.S. NATIONAL SECURITY

NEW WORLD REALITY OF TERRORISM

The global offensive waged by terror groups against the United States and the free world obliges our nation to make strong decisions to help assure our own security.

REMITTANCES AN ISSUE OF U.S. NATIONAL SECURITY

The U.S. government, in permitting or prohibiting unregulated remittances from the United States to a foreign country, must concern itself above all with the national security of the United States.

Policy decisions regarding monetary remittances to foreign countries must now be evaluated with special attention paid to the degree of confidence and effective cooperation that exists with the counterpart government.

It has been determined through a number of official investigations that some of the same groups that direct terror campaigns against us and our allies may help finance those campaigns with money acquired in the United States and then transferred out of the country.

REMITTANCES DESTINED FOR TERRORIST GROUPS MUST BE BLOCKED AND SEIZED

To fight this threat, tougher laws have been enacted and effective law enforcement efforts have been able to block and seize funds originating in the United States that were destined for foreign terrorist groups. Toward that end, international and bi-lateral cooperation is of the utmost importance.

Ample legal precedent exists to shut down U.S.-based organizations that send money or material support, directly or indirectly, to terrorist entities, and to seize their assets. The FBI and Department of the Treasury have done so on several occasions since the September 11, 2001, terrorist attacks.

COUNTRY POLICY ON REMITTANCES AND PRO-TERRORIST REGIMES

The country policy regarding the unregulated flow of remittances should be urgently reviewed and, in most cases, those remittances must be immediately terminated, if a pro-terrorist party wins power or enters the government of a country.

THE FMLN AS A PRO-TERRORIST PARTY

The Farabundo Martí National Liberation Front (FMLN), a political party in El Salvador, can be considered a pro-terrorist party because of its support for designated terrorist organizations, such as the FARC, for state sponsors of terror, such as Cuba and Iran, and for the public participation by some of its leaders, including its current candidate for Vice President, in a pro-Al Qaeda rally where the U.S. flag was burned,

this taking place immediately after September 11, 2001. The U.S. Embassy in El Salvador was forced to condemn the written public statements related to the September 11th attacks that were issued by the FMLN and blamed the U.S. for causing itself to be attacked because of its international policies.

THE ORIGIN OF THE FMLN

The FMLN was created in 1980, with the direct help of Fidel Castro, as an armed subversive communist organization that sought the violent overthrow of the Government of El Salvador in order to replace it with a pro-Castro Marxist-Leninist regime. After years of armed aggression and terrorism, which included the murder of four U.S. Marines in El Salvador as well as other U.S. citizens, the FMLN signed a peace agreement in 1992 that brought the war to an end and led to the participation of the FMLN in the political process.

CURRENT ACTIONS OF THE FMLN

The FMLN continues to participate actively in international gatherings with violent and radical anti-U.S. groups and terrorist organizations. The FMLN contains clandestine armed groups that have been linked to violent actions in El Salvador, including the murder of a policeman and an attack on a presidential convoy.

The FMLN maintains direct ties with terrorist organizations. This relationship was confirmed by electronic records left by the Colombian narco-guerrilla terrorist group the FARC on a laptop computer used by one of the group's leaders. The emails found show that a key figure of El Salvador's FMLN, Jose Luis Merino (alias "Ramiro"), assisted the FARC in contacting international arms dealers for the purpose of obtaining weapons.

Purges in the FMLN have left the party under the complete control of its most hard-line communist leaders. The FMLN is also known to organize in the United States among the Salvadoran immigrant community.

EXCELLENT CURRENT RELATIONS BETWEEN U.S. AND EL SALVADOR

It must be emphasized that the United States has very good relations with the current government of El Salvador, led by the party ARENA. This friendship is based on confidence, shared values, mutually beneficial international policies and strong personal relationships.

Excellent bi-lateral relations permit a high-level of cooperation on important national security matters. El Salvador provides military and intelligence cooperation and was one of the longest-serving members of coalition that sent armed forces to post-war Iraq. El Salvador is also a valued ally in the war on drugs, providing the United States with an important Forward Operating Location in Central America.

TPS BASED ON EXCELLENT STRATEGIC RELATIONSHIP

In the context of excellent relations and close cooperation, the U.S. government was able to grant and extend TPS for the benefit of nearly 300,000 Salvadorans now living and working in the United States. For similar reasons, the U.S. government has not had special concerns about the source and use of the nearly \$4 billion in remittances sent last year by Salvadorans in the United States to their home country, allowing the free movement of that large sum. The government of El Salvador has shown itself to be a reliable and trustworthy counterpart regarding U.S. national security.

CURRENT U.S. POLICY ON REMITTANCES TO EL SALVADOR IS BASED ON A STRONG STRATEGIC RELATIONSHIP

In the context of excellent relations and close cooperation, the U.S. government has not had special security concerns about the source and use of nearly 4 billion dollars per year (2008) sent by Salvadorans in the United States to their home country. The current government of El Salvador has shown itself to be a reliable and trustworthy counterpart regarding U.S. national security.

FMLN IN GOVERNMENT RADICALLY CHANGES THE EQUATION

If the FMLN enters the government of El Salvador following the presidential elections scheduled for March 2009, it will mean a radical termination of the conditions that underlie the unrestricted movement of billions of dollars a year and that permitted the granting of TPS in the first place and its continued renewal. The U.S. government would have no reliable counterpart to satisfy legitimate national security concerns, especially those regarding the threat posed by pro-terrorist groups and the providing of funding for those groups.

FMLN IN GOVERNMENT COULD REQUIRE TERMINATION OF TPS

Therefore, if the FMLN enters the government in El Salvador it will be necessary for the U.S. authorities to consider all available information regarding the ties of the FMLN to violent anti-U.S. groups and designated terrorist groups and, on that basis, proceed toward the immediate termination of TPS for El Salvador.

FMLN IN GOVERNMENT COULD REQUIRE CONTROL OF REMITTANCES

In many instances, pro-terrorist groups conduct fundraising in the United States, and special controls and restrictions on the flow of funds have been applied where necessary. Given the pro-terrorist nature of the FMLN and its ties to designated terrorist groups, if the FMLN enters the government in El Salvador, it will be urgent to apply special controls to the flow of remittances from the United States to El Salvador, a sum that is currently \$4 billion per year.

This review would examine and consider the termination of the flow of money remittances to El Salvador, either from our country, in our currency, or using our financial system and our means of land- and space-based telecommunications.

U.S. PROHIBITION ON DESIGNATED FOREIGN TERRORIST ORGANIZATIONS

The U.S. Department of State has expressed the ramifications, based on U.S. law, of the designation of foreign terrorist organizations (FTO):

It is unlawful for a person in the United States or subject to the jurisdiction of the United States to knowingly provide "material support or resources" to a designated FTO. (The term "material support or resources" is defined in 18 U.S.C. §2339A(b)(1) as "any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who may be or include oneself), and transportation, except medicine or religious materials.")

18 U.S.C. §2339A(b)(2) provides that for these purposes "the term 'training' means instruction or teaching designed to impart a

specific skill, as opposed to general knowledge." 18 U.S.C. §2339A(b)(3) further provides that for these purposes "the term 'expert advice or assistance' means advice or assistance derived from scientific, technical or other specialized knowledge."

Representatives and members of a designated FTO, if they are aliens, are inadmissible to and, in certain circumstances, removable from the United States (see 8 U.S.C. §§1182 (a)(3)(B)(i)(IV)-(V), 1227 (a)(1)(A)).

Any U.S. financial institution that becomes aware that it has possession of or control over funds in which a designated FTO or its agent has an interest must retain possession of or control over the funds and report the funds to the Office of Foreign Assets Control of the U.S. Department of the Treasury.

FMLN IN GOVERNMENT WOULD FORCE A CHANGE IN U.S. IMMIGRATION PRACTICES REGARDING EL SALVADOR

Since the 1980s, the United States has maintained a lenient immigration policy toward Latin Americans, particularly Central Americans, and has not significantly enforced its laws. In the past decade, successive Salvadoran governments, offering Washington credible assurances of security and intelligence cooperation, have asked the U.S. for continued leniency toward their citizens who enter and work in the United States illegally. However, if a pro-terrorist party enters government in El Salvador that creates a radically different strategic reality and the U.S. will be compelled to change its immigration enforcement policy.

PRO-TERRORIST PRACTICES BY FMLN MAKE IT AN UNTRUSTWORTHY COUNTERPART

Based on the intimate relations between the FMLN and narco-guerrilla FARC terrorist organization in Colombia, if the FMLN were to enter government in El Salvador, the U.S. will have no alternative but to apply maximum lawful security measures to Salvadoran nationals living and working in the country illegally without valid identification, visas, work permits, and related papers.

The Department of the Treasury may be forced to use its legal authority to monitor, control, delay, or terminate the movement of remittances and other money transfers to El Salvador, and the Department of Homeland Security may be compelled to end TPS and to undertake a massive review of Salvadoran nationals residing in or entering the U.S. unlawfully.

TO RAPIDLY TERMINATE THE FLOW OF REMITTANCES, HOMELAND SECURITY MUST PREPARE A CONTINGENCY PLAN

The United States must be prepared to apply, on an urgent basis, the full array of legal instruments available should circumstances after the Salvadoran election require the urgent termination of the flow of remittances to that country. Under U.S. law and in accordance with our national security policies, the immediate responsibility for preparing these plans resides with the Department of Homeland Security, working in conjunction with the Department of the Treasury and other agencies of the U.S. government.

FACTS ABOUT THE FMLN LEADERSHIP

Leadership of FMLN is hostile to U.S. FMLN, in power, would follow anti-U.S. agenda of Venezuela's radical president Hugo Chavez and join Cuba, Nicaragua, Bolivia, Ecuador, Honduras in pro-Chavez axis. Flags of Venezuela, Cuba and Iran are carried at FMLN rallies.

Chavez helps finance FMLN campaign by selling cut-rate diesel fuel to FMLN's

"ALBA PETROLEOS". Reselling the fuel (20% of the diesel sold in El Salvador) gives FMLN profit estimated at \$20 mn.

SALVADOR SANCHEZ CEREN is FMLN's candidate for Vice President. In 2001, four days after 9-11, Salvador Sanchez Cerén led march in San Salvador that celebrated attacks by Al-Qaeda and burned American flags. FMLN issued a communiqué that the U.S., for its policies, was itself to blame for being attacked.

Sánchez Cerén is the FMLN commanding general whose alias was "Leonel Gonzalez". Between 1986 and 1990, he approved 1,200-1,500 assassinations according to investigation reported by John R. Thomson in the Washington Times (November 2008). Cerén, a hardcore communist, purged party leaders seen as insufficiently radical. He and Merino dominate (and if necessary could eliminate) Mauricio Funes, their figurehead presidential candidate.

JOSE LUIS MERINO (code name "Ramiro"), de-facto leader of FMLN, helped arrange the diesel fuel deal with Chavez. In 2005 interview, Merino said El Salvador should model itself after Chavez's Venezuela, and that USSR was "one of the most just" political systems on earth.

FMLN, like Chavez, is ally of designated terrorist groups and of state sponsors of terror, including FARC, Cuba and Iran. FMLN contains clandestine armed groups (BPJ, 'El Limón', BRES), that stage violent actions, killed a policeman, and attacked presidential convoy.

FARC (Colombian narco-terrorists)

Merino is implicated in arms trafficking with FARC. In raid on a rebel camp last year, Colombian military seized computer of FARC leader Raul Reyes. An e-mail from Iván Márquez, FARC guerrillas' primary contact with the Venezuelan government, showed Merino to be the link with certain arms dealers.

IRAN

Chavez introduced FMLN and Iran at meetings in Nicaragua. With flights from El Salvador to 10 U.S. cities and large FMLN network in the United States, Salvador would be important beachhead for Iran, a state sponsor of terror. Iran opened large embassy in Nicaragua and is building relations with Honduras.

CUBA

FMLN is close ally of Cuba, a state sponsor of terror. Castro played key role creating FMLN as an armed revolutionary force, uniting five Salvadoran extremist groups under one banner.

COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County's Commission on the Status of Women awards in New Jersey's Seventh Congressional District.

The Commission presents awards annually in celebration of National Women's History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes

whose community service is considered extraordinary.

This year's Health Services Award winner is Barbara Tofani of Hillsborough, where she currently works as a registered nurse.

Since 2005, Barbara has been the director of the Hunterdon Regional Cancer Center in Raritan Township.

As director of The Center for Nursing and Health Careers from 2001-05, she was responsible for developing and implementing a strategic plan to address the health care workforce shortage in New Jersey.

I am pleased to congratulate Barbara Tofani for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

SUPPORTING ARKANSAS FIREFIGHTERS

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. BOOZMAN. Madam Speaker, I rise today in recognition of America's firefighters.

Not a day goes by that I don't read or hear a story of the dangers and sacrifices our firefighters face to protect us. We are so blessed to have such great men and women who are dedicated to ensuring our safety.

The work that they do in our communities is an important job that requires our commitment to help provide funds for resources and training that enables them to perform their jobs as best as they can. I have been proud to support Arkansas's firefighters in the past by helping to secure grant funding and that work will continue.

Last year when the barracks at Fort Chaffee caught fire, our firefighters braved high winds to contain the fire and protect our communities. That blaze required the help of numerous firefighters including men and women who volunteer their time to help keep us out of harm's way.

According to the National Volunteer Fire Council, the biggest challenges facing volunteer fire departments and emergency services are retention and recruitment. We can help ease those hurdles with new legislation that offers incentives to those who are at the forefront of fires. The Volunteer Firefighter Recruitment and Retention Act and the Volunteer Firefighter/EMS Gas Price Relief Act show our appreciation for the work that is imperative to protecting our rural communities.

Firefighters put their lives on the line for their fellow citizens, and my appreciation for these Americans who help protect us is immeasurable. I urge the House Committee on Ways and Means to consider these bills, and for Congress to offer more support to all of the men and women who serve our communities with such valor.

RECOGNIZING NEW SOURCE BROADBAND COMPANY ON THEIR GRAND OPENING AND RIBBON CUTTING

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. BURGESS. Madam Speaker, I stand before you today to recognize New Source Broadband for their far-sighted provision of high speed Internet services to rural areas.

New Source Broadband Company is a pioneer in the high speed Internet industry as they are reaching customers that larger companies have deemed unprofitable. This company has earned my respect for remembering that rural communities should not be left behind in the Information Age. Farmers, ranchers, lake-area inhabitants, and other country dwellers now have immediate access to online communities and knowledge databases thanks to the innovation and concern of this company. New Source Broadband Company will be opening their third office and continues to expand their service capacity to rural areas.

Madam Speaker, I commend the management and employees of New Source Broadband Company for the positive professional contribution they have made to rural communities, notably constituents within the Twenty-Sixth District of Texas. I warmly congratulate New Source Broadband Company upon the opening of their third store and wish them continued business growth.

HONORING CELE PETERSON ON HER 100TH BIRTHDAY

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Ms. GIFFORDS. Madam Speaker, it is my great honor to pay tribute today to Cele Peterson, a resident of Tucson, Arizona who on March 14, 2009, celebrates her 100 birthday.

Ms. Peterson is the founder and owner of a dress store that has been an integral part of the Tucson business community for generations. But to call Ms. Peterson a dressmaker or even a businesswoman fails to capture how important this woman is to countless Southern Arizonans who have been touched by her kindness and good works.

It is impossible to imagine what Tucson would be like without Ms. Peterson's presence over these many years. Through her hard work and generosity, she helped define and shape our city. Her caring spirit and actions are an inspiration to all of us.

Our world today is very different from the one Ms. Peterson entered 100 years ago, on March 14, 1909. Then, much of Europe was still ruled by kings and queens. A czar presided over Russia, a sultan based in Constantinople dominated the Middle East, and William Howard Taft occupied the White House. In 1909 the first Lincoln-head penny went into circulation, the Wright Brothers delivered the first military plane to the army, and

two American explorers, Robert Peary and Matthew Hansen, declared they were the first to reach the North Pole.

The year Ms. Peterson was born saw the U.S. Navy open a new base at Pearl Harbor, a Ford Model T win the first transcontinental motorcar race, Sir Thomas Lipton begin packing tea in New York, and the White Star Line start construction of the *Titanic*. It was the year Barry Goldwater, Errol Flynn and Douglas Fairbanks were born and the year the artist Frederic Remington and the Apache leader Geronimo died.

Ms. Peterson's life-long connection to Arizona began when the State of Arizona was born, in 1912. As a three-year old girl she moved with her family to Bisbee, then a thriving mining town. The population of the entire state in 1912 was around 200,000. Tucson had 14,000 residents and Phoenix—now the fifth largest city in the United States—had a population of 11,000. The Mexican Revolution had begun two years earlier and Ms. Peterson recalls climbing the hills around Bisbee to watch the revolution take place on the other side of the border.

When Ms. Peterson launched her business in 1930, our country was at the threshold of the Great Depression and it was not long before her two business partners backed out of the venture. Ms. Peterson, however, did not give up. She stuck to it and not only survived, but thrived.

For nearly 80 years, Ms. Peterson's merchandise and designs have been at the forefront of the fashion world. Her business has endured decades of ever-changing trends and economic ups and downs.

Today, Cele Peterson's retail store is still going strong in Tucson. Her daughters are managing the business but Cele still comes to the store to greet customers and make sure that her tradition of great service is maintained. Over the years, Ms. Peterson has dressed an untold number of women from all walks of life. Among them are a host of well-known celebrities, such as Elizabeth Taylor and Lady Astor.

Ms. Peterson's accomplishments go far beyond the realm of hems, pleats and necklines. She is a greatly admired and dynamic civic leader who has had a hand in the establishment of some Tucson's finest community organizations. She helped found the Arizona Theatre Company, the Arizona Opera Company, the Tucson Children's Museum and, perhaps most significantly, Casa de los Niños. Casa de los Niños' mission is to support children and families to both prevent child abuse and treat children who are victims of abuse. When the unmet needs of abused children were brought to her attention, Ms. Peterson offered up a three-bedroom house so that the new organization could begin its work. When it opened in 1973, it was the first shelter of its kind in the country.

As Tucson celebrates the 100th birthday of Cele Peterson, it is worth noting that 2009 also marks the centennial of the birth of Wallace Stegner. This great writer of the American West once noted that "creation is a knack which is empowered by practice, and like almost any skill, it is lost if you don't practice it."

Cele Peterson never stopped practicing her knack for creation and in the process she

helped build a caring community. For all that she has done we owe her a tremendous debt of gratitude.

Thank you Cele for setting such a fine example of citizenship for all of us to follow.

Happy Birthday to you!

SENDING THE WRONG MESSAGE ON HUMAN RIGHTS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. WOLF. Madam Speaker, I would like to share with our colleagues an editorial from yesterday's Washington Post highlighting Secretary of State Clinton's disappointing start on human rights. In referencing some of her recent comments, the editorial rightly notes, "Ms. Clinton is doing a disservice to her own department—and sending a message to rulers around the world that their abuses won't be taken seriously by this U.S. administration." Secretary Clinton is sending the wrong message on human rights.

[From the Washington Post, Mar. 10, 2009]

SOME FRIENDS

Secretary of State Hillary Rodham Clinton continues to devalue and undermine the U.S. diplomatic tradition of human rights advocacy. On her first foreign trip, to Asia, she was dismissive about raising human rights concerns with China's communist government, saying "those issues can't interfere" with economic, security or environmental matters. In last week's visit to the Middle East and Europe, she undercut the State Department's own reporting regarding two problematic American allies: Egypt and Turkey.

According to State's latest report on Egypt, issued Feb. 25, "the government's respect for human rights remained poor" during 2008 "and serious abuses continued in many areas." It cited torture by security forces and a decline in freedom of the press, association and religion. Ms. Clinton was asked about those conclusions during an interview she gave to the al-Arabiya satellite network in Sharm el-Sheikh, Egypt. Her reply contained no expression of concern about the deteriorating situation. "We issue these reports on every country," she said. "We hope that it will be taken in the spirit in which it is offered, that we all have room for improvement."

Ms. Clinton was then asked whether there would be any connection between the report and a prospective invitation to President Hosni Mubarak to visit Washington. "It is not in any way connected," she replied, adding: "I really consider President and Mrs. Mubarak to be friends of my family. So I hope to see him often here in Egypt and in the United States." Ms. Clinton's words will be treasured by al-Qaeda recruiters and anti-American propagandists throughout the Middle East. She appears oblivious to how offensive such statements are to the millions of Egyptians who loathe Mr. Mubarak's oppressive government and blame the United States for propping it up.

The new secretary of state delivered a similar shock in Turkey to liberal supporters of press freedom, now under siege by the government of Prime Minister Recep Tayyip Erdogan. According to the State Department

report, "senior government officials, including Prime Minister Erdogan, made statements during the year strongly criticizing the press and media business figures, particularly following the publishing of reports on alleged corruption . . . connected to the ruling party." That was an understatement: In fact, Mr. Erdogan's government has mounted an ugly campaign against one of Turkey's largest media conglomerates, presenting it with a \$500 million tax bill in a maneuver that has been compared to Russia's treatment of independent media.

Ms. Clinton was asked by a Turkish journalist what she told Mr. Erdogan when he complained about the State Department report. She answered: "Well, my reaction was that we put out this report every year, and I fully understand . . . no politician ever likes the press criticizing them." "Overall," she concluded, "we think that Turkey has made tremendous progress in freedom of speech and freedom of religion and human rights, and we're proud of that."

In fact, as the State Department has documented, Turkey is retreating on freedom of speech. In Egypt, the human rights situation also is getting worse rather than better. By minimizing those facts, Ms. Clinton is doing a disservice to her own department—and sending a message to rulers around the world that their abuses won't be taken seriously by this U.S. administration.

PERSONAL EXPLANATION

HON. THOMAS J. ROONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. ROONEY. Mr. Speaker, on rollcall No. 115, I was on the floor and voting, but due to mechanical error, my vote was not recorded. I would have voted "yes."

MARY ELLEN ROZZELL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to honor Mary Ellen Rozzell, former President of the National Association of Professional Surplus Lines Offices (NAPSLO), who passed away unexpectedly on March 3, 2009, while attending a NAPSLO conference in Palm Springs, California.

Mary Ellen was a respected, beloved leader. The President of Continental/Marmorstein & Malone Insurance Agency in Paramus, New Jersey, she began working in the insurance business with the Marmorstein Agency some forty years ago. Mary Ellen served as President of New Jersey Surplus Lines Association (NJSLA) from 1989–1990, and was named as NJSLA honoree of the year in 1992 due to her outstanding contribution to the New Jersey Surplus Lines Industry. She also served on the New Jersey Insurance Commissioner's Producer Advisory Council, and with the Juvenile Diabetes Foundation.

Her warmth, openness, honesty and good nature made everyone who met her feel immediately comfortable. These qualities served

her very well in life, with family and friends, and in her remarkable career where she rose through the ranks with hard work and honesty. She was always prepared for the trials of life and business and the often difficult decisions required by both. She embraced responsibility, expected accountability and never failed those who depended on her.

All who knew her benefited by her example.

Her family has established the Mary Ellen Rozzell Foundation for AVM Research so that friends and colleagues might contribute to arteriovenous malformation research in Mary Ellen's name.

I extend my sympathy to her family and those close to her. She will be missed greatly by everyone she touched.

TRIBUTE TO LLOYD SMITH

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mrs. EMERSON. Madam Speaker, I rise today to commend and thank my Chief of Staff, Lloyd Smith, for 28 years of service to the Emerson family and to the Eighth Congressional District. Since 1981, Lloyd has served the people of Southern Missouri and the institution of Congress. In the political landscape of our state, he is a fixture. His name is inseparable from the term of service first of my late husband Bill Emerson in Congress from 1981 to 1996 and then, from 1996 until now.

Lloyd has left the ranks of my staff from time to time in order to give others the benefit of his policy experience and political know-how. Those lucky to enlist him have never been the worse for it.

To my staff, Lloyd is their leader. He inspires them, rallies them, guides them and motivates them. He brings out the best in them, and though he shares in all of their successes he freely gives them all of the credit.

Though he is important to many people for many reasons, to me Lloyd is also a great and dear friend. I have long valued Lloyd's strategic mind, his intellect and his insight—which truly drive our congressional office. Lloyd thinks in terms of big ideas, but he never neglects the details. This combination of brave creativity and studious diligence is rare, and the easy smile and gentle charm of this man from East Prairie, Missouri, belies the depth of his dedication to the office.

And in thanking Lloyd for his years of service, I must also express my deepest gratitude to his wonderful wife, Marlys, and his three amazing children, Trista, Sam and Tiffany. They have made sacrifices, too, so their husband and father could work the long, stressful hours this job demands. They also share the credit for Lloyd's ability to stay positive and optimistic, week after week, year after year, decade after decade.

As he moves on to new challenges, I wish Lloyd the very best of luck. I cannot quantify the immense debt owed to him by Missouri's Eighth Congressional District, by this nation, and by me for his faithful service. I commend him to the U.S. House of Representatives

today, and I thank him for his friendship all ways.

COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County's Commission on the Status of Women awards in New Jersey's Seventh Congressional District.

The Commission presents awards annually in celebration of National Women's History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year's Social Services Award winner is Barbara Schlichting of Stockton. She has worked for Somerset Treatment Services in Somerville for 32 years, first as a counselor, then as a supervisor, and now as executive director.

Barbara has worked with countless staff and clients to provide quality and meaningful services in the field of drug and alcohol counseling and psychiatric services.

She works tirelessly to secure grants for those with tremendous hardships and runs a successful agency that provides sometimes-difficult-to-find services. The agency's many counselors over the years also have benefited from Barbara's knowledge and dedication.

I am pleased to congratulate Barbara Schlichting for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

HONORING THE SAINT JOSEPH COUNTY CHAMBER OF COMMERCE'S 100TH ANNIVERSARY

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. DONNELLY of Indiana. Madam Speaker, today I rise to honor the Chamber of Commerce of St. Joseph County in celebration of its 100th anniversary.

The founding fathers of the Chamber of Commerce realized that as a business community their collective actions would have a much greater impact than those actions taken individually. In order to make their community stronger, both locally and nationally, they would need the business community engaged in all areas of commerce.

Today, the Chamber is immersed in all areas of business, education, and legislative affairs, and it continues to deeply involve itself in the community at large. This is critical to Saint Joseph County residents today, since

cities across the land are facing profound issues such as unemployment, budget cuts, and an increase in school drop-out rates.

As a response to these challenges, the Chambers of Commerce across the country have taken on far more active roles within their communities. While still involved in the important networking events that encourage collaboration between the current and future generations of business professionals, the Chamber's role has become far more participatory in the critical issues facing our community. To this effect, the Chamber is partnering with the South Bend Community School Corporation and government officials, as well as with business and community leaders, to lead the school system in a new, dynamic direction.

Two years ago, The Chamber formed the Business Growth Initiative, which proactively addresses and resolves key issues that will help businesses grow and expand in the city of South Bend. Also, the chamber recognized the need to retain and attract young professionals in our community. The Young Professionals Network (YPN) was created to help address key issues for young professionals living in and relocating to the area.

Many programs have been initiated and conducted with the Chamber taking the lead role, such as the Manufacturing Summit, which addressed the issue of education and the development of a workforce that is technologically advanced; Green Community initiatives, an entrepreneurial forum; and the South Bend/Mishawaka Convention and Visitors Bureau.

Whether it is an issue of advanced business, community, or education, the Chamber is prepared to make a difference now and for the next 100 years. They continue to advance their community and help its citizens make a difference by allowing their voices to be heard. Consequently, I salute the Chamber of Commerce of St. Joseph County on its 100th anniversary and wish them continued success.

HONORING THE 150TH ANNIVERSARY OF THE SILVER SPRINGS-MARTIN LUTHER SCHOOL

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. GERLACH. Madam Speaker, I rise today to congratulate the Silver Springs-Martin Luther School on its 150th Anniversary and to recognize the tremendous dedication of staff, administrators, Board of Trustees and supporters of this outstanding facility.

Founded in 1859 in Philadelphia with just one dollar and gritty determination to serve orphaned children, the 36-acre campus in Plymouth Meeting, Montgomery County provides a home, treatment, education and a variety of services to very special, traumatized children and their families.

The extremely dedicated and talented staff at Silver Springs-Martin Luther School, combined with the excellent foster family care, special education school and family resource services, help so many wonderful children

overcome the steep challenges they face in their early years.

Madam Speaker, I ask that my colleagues join me today in recognizing the Silver Springs-Martin Luther School for reaching this extraordinary milestone and in commending the exemplary efforts of the staff, administrators, Board of Trustees and supporters in providing a nurturing and healing environment so that children facing long odds can achieve their full potential.

TRIBUTE TO MAYOR MIKE

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. LARSON of Connecticut. Madam Speaker, I rise to honor the memory of a dear friend and one of Connecticut's most dynamic and charismatic leaders. He was known universally as Mayor Mike. A great light left us when Michael J. Peters passed away on January 4, 2009. His engaging personality, his great sense of humor and his devotion to his city, his friends and his family, will forever endure.

I was fortunate to know him and to be a direct beneficiary of his friendship and loyalty. I was equally honored to be at his funeral surrounded by friends, family and dignitaries, but it was through the remarks of his sister Geraldine and his son Chris that the essence of this great and beloved man was captured. Madam Speaker, I submit to the record of this great Nation these eulogies of Mayor Mike Peters of Hartford, Connecticut, a great American and a great example of devotion and service above self, done with a smile.

EULOGY GIVEN BY CHRIS PETERS

Good morning. I would first like to say on behalf of my mother, my brother, my sister and my entire extended family thank you so much for such a genuine and unbelievable outpour of support over the last several weeks. Your prayers and well wishes helped us all get through this difficult time.

My father was an example to us children of what hard work is and what it takes to raise a family. For most of our childhood my dad worked two jobs to support our family and to give us a roof over our heads. His main and most notable career was as a firefighter but with the schedule being as it was for a firefighter he had days off that allowed him to bring in additional income. One such job was delivering oil for John McCarthy Oil. Although it was against the oil company's policy, my father would often bring me on deliveries with him and he would let me hold the nozzle as we filled the tanks at people's homes. I remember once the tank had overflowed and I was sprayed from head to toe with fuel . . . that was the end of that. I think he realized at that point why there was such a policy but because he worked so often, any chance he had to hang out with us he took advantage, even if it meant bringing me to work and dousing me in a highly flammable liquid.

Having a firefighter as a father was such a cool thing as a kid. It's most kids' dream to be a firefighter when they grow up and having him work at Engine 15 right up the street from where we grew up; I was able to show off all the time. Bring my friends into the

firehouse and look at the trucks and watch him slide down the pole. He gave us so much to be proud of way before he ever became the Mayor.

He was an umpire for our little league in the south end (he had a very tight strike zone by the way) and was instrumental in organizing fund raisers for the league and helped shape my love for baseball by making sure my brother David and I were Yankee fans at a very early age. I've been told (mostly by him) that he was quite the ball player when he was younger. I think he was proud of my 4 year career in the McGinley Craffa little league and he was happy to get 4 more years out of David, who by the way, was much better than I. Watching a Yankee game with him on a warm summer night, windows open and a warm summer breeze blowing in, is something my brother and I will sorely miss.

His bond with my sister Michelle was something very special between a daughter and her father. In High School, Michelle did what a lot of young teenage girls do; she gave our father a lot of grey hairs. Although we joke about the trouble Michelle got into, truth is she wasn't all that bad. Now that I look back on it, it was more the concern my father had for her and the love he felt for his only daughter. Those years of rebellion helped shape a very special bond between the two of them. My father's love and commitment to making sure he showed her the way helped shape Michelle into the incredible person she is. A fantastic mother whose children will most certainly miss their Gampy.

As my brother and sister and I got older my father transformed into something different. He became our friend, someone you could tell anything to. He was my best friend, the person you wanted to do things with, anything, go to a game, dinner or just drive around the city and talk about anything.

He married his high school sweetheart Jeannette and if you're not familiar with their relationship I can tell you theirs is one of true love and dedication. My mother spent every day in the hospital over the last 3 months with my father. She has sacrificed so much to sit with him and root him on. She is truly a Saint who lost her true love. My heart will forever be broken for her.

Most of you here today know how he lived. Vibrant, larger than life, caring, loving and concerned for anyone who needed help. He loved to laugh and make people laugh. He had an incredible ability to find the positive in any situation. Always optimistic with a heart bigger than the city. He kept his home phone number listed after he became the Mayor, he would get all kinds of calls at all hours of the day and night and he would always return the call. No matter how strange the request. One night around midnight or so, he got a call from a woman on Yale St. whose cat was stuck in a tree, she knew my dad was a firefighter and begged him to call the fire department and get them to her house to retrieve her cat from the tree. My father calmed her down from the comfort of his bed, told her the fire department doesn't really do that sort of thing and she should go to bed and that her cat will come down on its own and then he asked her "by the way, have you ever seen the skeleton of a cat in a tree before?" The point was well taken and sure enough he called her back the next morning and her cat was ok. This was how he lived, finding humor in situations, compassionate towards the needs of others no matter how extraordinary the request. This is how he lived, with a smile on his face and love in his

heart. Now I would like to tell you a little bit about how he died.

(adlibbed)

I want you all to know that my father died peacefully this past Sunday surrounded by his family, we were all there and I believe this gave him great comfort. We believe he is in a better place now, no longer suffering.

Over the last few days many people have been telling me how sorry they are about my father's passing but I'm deeply sorry for all of you as well. I feel like we are all in the same boat. Not only did my family lose a father, grandfather, brother, uncle, husband but we all lost a true champion, a best friend and a confidant. The pain in my heart is no greater than yours. I know this because he meant so much to so many and together we will all heal by remembering him as he was. Happy-go-lucky Mike.

His legacy should be carried out by supporting Hartford, eating in its restaurants (hint, hint . . . plug) and getting involved, seeing something that's wrong and doing something about it. He always said no matter if you live in Wethersfield or West Hartford, Simsbury or Rocky Hill, this is your city. We all need to harness his enthusiasm and do our part no matter how big or small because that's truly what he would want. God Bless you Dad and Go Hartford.

EULOGY GIVEN BY GERALDINE SULLIVAN

There were two princes born on Nov. 14, 1948; Prince Charles and our prince, Michael Paul Peters, the firstborn son of Christine and Paul. Michael, Paula, Eleanor, Robert and I were raised in an apartment down the street, at 189 Campfield Avenue, surrounded by a loving, extended family. This is the neighborhood where my grandfather owned a tailor shop, where we attended church before gathering for late afternoon meals, and where my parents instilled values in each of us that would carry throughout our lives: the importance of family, respect, compassion, and humor. Despite our family's limited resources, envy was not tolerated. Ultimately, my brother Michael exemplified these values better than any of us, even though he had his own unique way of showing it.

At a young age Mike was able to come up with creative solutions to solve life's most difficult problems. I remember when Michael first entered kindergarden at Naylor School. On his way to and from school, there was a group of first grade thugs who would taunt Mike and threaten him. When he told my parents about the situation, my father spent the evening teaching him how to box and defend himself when attacked. It was a priceless father-son moment. The next day, my father rushed home from work to hear the news. When asked if he was bullied again, Mike answered, "No". My father proudly asked, "Well . . . what happened?" Mike was equally proud when he responded, "I took a different route home from school". That was my brother's way throughout his life. He thought of creative solutions. For example, he worked closely with Don Walsh to develop Mayor Mike's Companies for Kids, where they raised \$1 million for youth programs in Hartford.

Another one of Mike's greatest attributes was his ability to treat all people with respect. My father, Paul, was unusual for his time in his ability to reach across racial and economic barriers to show respect for others. In fact, he was so concerned about respect, he enlisted Michael to attend proms and dances with any girl who had circumstances that prevented her from having a date. My parents' friends soon learned of this, so when

someone's daughter was left without a date to the prom, they called Paul and Christine. Michael attended proms and dances all around the region. Even though renting a tux and buying flowers was difficult on a meager family budget, Mike put on his tux and attended without complaint. He treated every girl like she was the prom queen. He always had an amazing gift of making people feel special, as witnessed by us over the last few days. Our family has been overwhelmed by the tremendous outpouring from people of all races, ages, and socioeconomic backgrounds and their stories about our brother. Throughout his life, Mike made powerful connections with people because he treated them with dignity and respect.

A third attribute that I'd like to mention about my brother was his ability to get the job done. I remember when he had a paper route, delivering the afternoon paper of the Hartford Times. Every evening when we sat down to dinner, the phone rang with people looking for papers that were never delivered. My father lectured him every night about the importance of being reliable and having a good work ethic. Eventually the phone stopped ringing during dinner and my father was proud that his son finally learned good business practices. Then one day, my parents were driving home from work and their car was stopped at the light on the corner of Preston and Campfield Avenue. When my father looked out the window, he saw the top of the green city sand box slowly rise. Michael was hiding inside and peering out at the exact same moment. They quickly realized that Mike franchised out his route to ten workers while he laid in a sand box hiding and still managed to make a profit. As mayor, Mike knew how to enlist the talents of various people to get the job done. His work with John Wardlaw, federal agencies, and community groups resulted in tremendous improvements in the quality of public housing in Hartford.

There are countless stories about Mike's childhood, his days as a fireman, and of course, as mayor of Hartford. The best way to honor him is to share his stories, laugh often, and live by these same attributes that defined my brother: love of family, respect for all, and compassion towards others. One of his favorite sayings was, "you don't have the biggest house on the block by tearing everyone else's house down". Michael could not stand seeing people treated unfairly, and at times he took on unpopular political battles to correct what he felt was wrong. To continue his legacy, have the courage to stand up against injustice and work together to make Hartford, this city that Mike loved with his heart and soul, a place where all people are treated with dignity and respect.

In closing, I'd like to take a minute to say something, on behalf of my entire family about the love of Mike's life, our sister Jeannette. They met in high school and were perfect for each other from the moment they met. Although he loved to go out and be social, while she was content sitting home under a blanket watching her favorite shows, they had deep love and respect for one another. Jeannette has always been the light of my brother's life. Her unwavering devotion was especially obvious over the last three months. She was there with him, by his side . . . holding his hand . . . praying with him. In the last few weeks, when he couldn't speak, his eyes would search the room looking for her, and he only found peace and comfort when he found her. They're the perfect love story and she remained by his side until his last moments on earth. Jeannette,

we love you and thank you for making our brother so happy.

IN RECOGNITION OF MR. JOHN L. HELGERSON ON THE OCCASION OF HIS RETIREMENT AFTER 37 YEARS OF DISTINGUISHED PUBLIC SERVICE

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. REYES. Madam Speaker, I rise today to pay tribute to a man of great integrity and an unerring sense of humor, Mr. John Helgerson, on the occasion of his retirement after 37 distinguished years in the Intelligence Community.

During the last seven years as CIA Inspector General, John has demonstrated the unfailing courage, sense of fairness and independent judgment that Congress envisioned when it created the position of Inspector General. Under his leadership, the Office of the Inspector General grappled with some of the thorniest issues in the Intelligence Community. John is one of those rare few individuals who is always willing to speak truth to power.

Prior to becoming Inspector General, John served as Chairman of the National Intelligence Council, Deputy Director of the former National Imagery and Mapping Agency, now the National Geospatial Agency, and Deputy Director for Intelligence at CIA. There are few individuals in the Intelligence Community with as wide-ranging and distinguished experience as John. Our country is better-informed and safer as a result of his service.

In his retirement announcement, John noted that the country's first Inspector General was appointed by General George Washington to be the "eyes, ears, and conscience of the commander." We are truly fortunate that CIA, and the Intelligence Community as a whole, had John's eyes, ears and conscience throughout his career. We will miss his intelligence, insight and honesty.

As Chairman of the Intelligence Committee, I have come to trust and rely on John's good judgment in a variety of sensitive situations. I thank him for working with me to ensure that his office and my committee maintained a professional, productive relationship. I wish him continued success in all of his future endeavors.

EARMARK DECLARATION

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. REHBERG. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the FY 2009 Omnibus Appropriations Act:

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: DOJ—COPS Law Enforcement Technology

Project: Missoula Public Safety Operations and Training Center

Amount: \$750,000

Description: The entity to receive funding for this project is the County of Missoula at 200 West Broadway, Missoula, MT 59802. Funding would be used in development and construction of a multi-use facility for local law enforcement, fire, and public health agencies.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Impact Aid

Project: Heart Butte School District

Amount: \$91,000

Description: The entity to receive funding for this project is Heart Butte School District located at Heart Butte School Road in Heart Butte, MT 59448. Impact Aid is a program designed to ensure military children, children residing on Indian lands, and children residing on federally-owned low rent housing facilities receive a quality education by helping school districts, which have lost tax revenue as a result of the federal presence in their district.

EARMARK DECLARATION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. HERGER. Madam Speaker, Pursuant to the House Republican standards on earmarks, I am submitting the follow information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105

Account: Animal and Plant Health Inspection Service, Salaries and Expenses

Legal Name of Requesting Entity: California Department of Food and Agriculture

Address of Requesting Entity: 1220 N Street, Sacramento, CA 95814

Description of Request: Provide an earmark of \$581,000 in order to augment local and state contributions to the California County Pest Detection Augmentation Program, and would be used to establish dog teams at strategic locations throughout California. The dog, its handler, and support staff would perform inspection and investigation of incoming shipments, as well as the evaluation of the potential for broad infestation. The California County Pest Detection Augmentation Program is a locally-led inspection program that focuses on agricultural and plant material entering the state at its various points of entry.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105

Account: Animal and Plant Health Inspection Service, Salaries and Expenses

Legal Name of Requesting Entity: California Department of Food and Agriculture

Address of Requesting Entity: 1220 N Street, Sacramento, CA 95814

Description of Request: Provide an earmark of \$693,000 to help local and state officials detect dozens of threatening pest species, which if left unchecked, could result in an enormously costly and damaging agricultural infestation. Facilitating a vibrant trade in agricultural commodities is good for American farmers and consumers alike. But to maintain food security for the nation and to protect California's natural environment from infestation by invasive species, prudent investments in pest detection at all levels of government must continue.

DIVISION C—ENERGY AND WATER DEVELOPMENT AND
RELATED AGENCIES APPROPRIATIONS ACTS 2009

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: Reclamation District 2140

Address of Requesting Entity: PO Box 758, Hamilton City, CA 95951

Description of Request: Provide an earmark of \$832,000 to enable the Corps of Engineers to complete Preconstruction Engineering and Design (PED) for this ecosystem restoration and flood control project. The Hamilton City, CA flood damage reduction and ecosystem restoration project (P.L. 110–114, Sec. 1001(8)) will provide significantly enhanced flood protection to 2,600 area residents and nearby agricultural lands, and will restore approximately 1500 acres of riparian habitat along the Sacramento River. Of the total cost (\$3,359,000), \$840,000 will be borne by the non-federal sponsors.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: State of California, Department of Water Resources

Address of Requesting Entity: 1416 9th Street, Sacramento, CA 95814

Description of Request: Provide an earmark of \$48,000 to investigate the feasibility of increasing the level of flood protection for the urbanized area in the City of Woodland, and possibly some nearby unincorporated lands in Yolo County, from a 1 in 10–year level of flood protection to greater than 1 in 100–year level of flood protection. The non-federal sponsors will share 50% of the total project cost.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: State of California, Department of Water Resources

Address of Requesting Entity: 1416 9th Street, Sacramento, CA 95814

Description of Request: Provide an earmark of \$669,000 to enable the Corps to complete the Sutter feasibility study and allow state and local interests to initiate corrective work identified by the Corps' study using state and local funds. The non-federal share of the total project cost (estimated \$8,258,000) is estimated to be \$4,100,000.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction General

Legal Name of Requesting Entity: State of California, Department of Water Resources

Address of Requesting Entity: 1416 9th Street, Sacramento, CA 95814

Description of Request: Provide an earmark of \$1,914,000 to be coupled with dedicated State of California funds and enable the Corps of Engineers to complete the project's Limited Reevaluation Report and continue construction and mitigation work for this flood protection effort. This important project includes levee repair and reconstruction along the Sacramento and Feather Rivers, specifically consisting of installation of landslide berms with toe drains, ditch relocation, embankment modification, and slurry cut-off walls to address seepage and levee boil issues which threaten the performance of flood control structures that protect close to \$100 million worth of public infrastructure and private property.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction General

Legal Name of Requesting Entity: State of California, Department of Water Resources

Address of Requesting Entity: 1416 9th Street, Sacramento, CA 95814

Description of Request: Provide an earmark of \$22,967,000 for the Sacramento River Bank Protection Project. This project is located within the limits of the existing Sacramento River Flood Control Project (SRFCP) in Northern California. The integrity of various sections of Sacramento River and tributary levees has become seriously eroded, so much so that the State of California issued a statewide emergency declaration to address the levee deficiencies. Much progress has been made to correct the system's weak points, due to support from Congress, the Administration, and the State of California. Additional federal and state funding is required to continue corrective work throughout the Sacramento River system. \$163,000,000 of the total project cost (\$510,700,000) will be borne by the non-federal sponsors.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction General

Legal Name of Requesting Entity: Glenn-Colusa Irrigation District

Address of Requesting Entity: 344 East Laurel Street, Willows, CA

Description of Request: Provide an earmark of \$600,000 to accelerate work on correcting deficiencies in the Gradient Facility and to initiate bank stabilization work in the vicinity of River Mile 208. The Corps of Engineers was a critical project participant in the construction of a large, state-of-the-art fish screen and pumping facility along the Sacramento River at Hamilton City, CA. Specifically, the Corps constructed a "Gradient Facility" within the mainstem of the river in order to stabilize the river's surface level and ensure optimal effectiveness of the new screened diversion. Re-

cent surveys have uncovered various deficiencies at the project area during low river flows. As many as 298 "high spots" have been identified where the Gradient Facility breaks the surface of the water and creates a hazard for boaters. In addition, significant bank erosion is also occurring within the vicinity of the fish screen project. Left unchecked, this erosion could jeopardize the operability of the pumping station.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction General

Legal Name of Requesting Entity: Yuba County Water Agency

Address of Requesting Entity: 1220 F Street, Marysville, CA 95901

Description of Request: Provide an earmark of \$3,110,000 to strengthen the federal levee system up to a 200-year level flood protection for communities in Yuba County, California. To date, local interests and the State of California have invested \$145,000,000 in the project, and anticipate an additional expenditure of up to \$215,000,000. With total project costs estimated to be approximately \$400,000,000, the only anticipated federal construction contribution will be \$33,000,000 for improvements to the Marysville ring levee, a figure that is well below the authorized 65–35 percent cost-share ratio. When completed, the Yuba River project will provide the highest levee of flood protection for any community in California's Central Valley.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105

Account: Bureau of Reclamation, California Bay Delta Ecosystem Restoration Project

Legal Name of Requesting Entity: Family Water Alliance

Address of Requesting Entity: P.O. Box 365, Maxwell, CA 95955

Description of Request: Provide an earmark of \$2,000,000 to facilitate the screening of small water diversions (fewer than 100 cubic feet per second) throughout the Sacramento Valley. Section 103(d)(6)(iii) of the Water Supply, Reliability, and Environmental Improvement Act (P.L. 108–361) authorizes the Secretary to participate in fish screen and fish passage improvement projects as part of the larger Ecosystem Restoration program established under the CALFED program.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Northern California Water Association

Address of Requesting Entity: 455 Capitol Mall, Suite 335, Sacramento, CA 95814

Description of Request: Provide an earmark of \$4,000,000 for additional screening of large agricultural diversions. Section 3406 (b)(21) of the Central Valley Project Improvement Act (P.L. 102–575) requires the Bureau of Reclamation to work with state and local partners to protect federally protected aquatic species through the screening of major water diversions throughout the CVP system. USBR and its local partners have achieved considerable

accomplishments under this program in recent years. The Meridian Farms Water Company and the Natomas Mutual Water Company in Northern California are each working to consolidate and screen major water diversion facilities on the Sacramento River in order to preserve reliable water supplies for agriculture and managed wetlands and remain in compliance with the federal Endangered Species Act.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105

Account: Bureau of Reclamation, Water and Related Resources, Central Valley Project, Sacramento River Division

Legal Name of Requesting Entity: Northern California Water Association; Tehama-Colusa Canal Authority; Glenn-Colusa Irrigation District

Address of Requesting Entity: 455 Capitol Mall, Suite 335, Sacramento, CA 95814 (NCWA); PO Box 1025, Willows, CA 95988 (TCCA); 344 East Laurel Street, Willows, CA (GCID)

Description of Request: Provide an earmark of \$6,449,000, which of the funds provided: \$1,200,000 is to be coupled with state and local investments for the Sacramento Valley Integrated Plan in order to seek a better understanding of the process for groundwater recharge and production from the main aquifer system in the area; and \$2,900,000 is for the Red Bluff Diversion Dam to ensure reliable water deliveries for over 120,000 acres of mostly small and mid-sized farms, and will greatly complement other restoration projects throughout the CVP aimed at improving anadromous fish populations. Funding is also provided for the Hamilton city pumping plant and other programmatic purposes.

DIVISION —TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 1105

Account: Department of Transportation, Federal Lands (Public Lands Highways)

Legal Name of Requesting Entity: Butte County Association of Governments

Address of Requesting Entity: 2580 Sierra Sunrise Terrace, Suite 100, Chico, CA 95928

Description of Request: Provide an earmark of \$998,450 to upgrade a 9.6 mile section of roadway that crosses federal lands between communities of Inskip and Butte Meadows from a one-lane gravel road to a paved two-lane route. Fire danger in this area is extremely high with high volumes of very dense fuel sources. These improvements are necessary to provide Upper Ridge residents, recreational visitors, and emergency vehicles with an emergency evacuation route in the event of a catastrophic wildfire. It will also increase the chances for effective efforts to control instances of wildfire by cutting in half the response time for fire backup support services. The project is estimated to cost \$19,000,000 over the next three construction seasons. The county is using its State Transportation Improvement Program (STIP) dollars (approximately \$1,892,000) for funding environmental, design, and right of way construction and support. The project has received \$5,000,000

from the Federal Highway Administration's Federal Lands Highway Program. It has also received \$5,800,000 in SAFETEA-LU, and \$980,000 in last year's appropriations bill for Transportation, Housing and Urban Development, and Related Agencies.

CONGRATULATING THE FORT WORTH TRANSPORTATION AUTHORITY ON THEIR 25TH ANNIVERSARY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Fort Worth Transportation Authority, who celebrated their Silver Anniversary in November. This outstanding group of people has made the city of Fort Worth a leader in Texas transportation.

The "T", as it is commonly known, was officially formed on November 8, 1983, when Fort Worth voters approved its passed a referendum on its creation with over 55% support. Over the years, service was extended to other nearby townships. In 1991, Lake Worth joined The "T", and in 1992, Blue Mound and Richland Hills joined. In 2001, the Trinity Railway Express (TRE), a joint effort with DART of Dallas, connected the two cities, allowing riders to travel the 35 miles from one downtown to the other on a single train, and also connecting the two cities to DFW International Airport. The TRE is currently the tenth-most ridden commuter rail in the country with nearly 9 million annual passenger trips.

The "T" serves Fort Worth and the surrounding partnering communities with 36 bus routes operated and maintained from their facilities at 1600 E. Lancaster Avenue at the entrance to the 26th District. It also runs a carpool and vanpool service, allowing people who live close to one another to reduce the cost, and the exhaust emissions, of their daily commutes. Finally, it operates a Mobility Impaired Transportation Service, which provides vehicles, drivers, and passenger assistance to those who require it.

With the completion of the Intermodal Transportation Center (ITC), The "T" has provided the downtown connection between bus service, the TRE, and Amtrak and an instrumental resource to the thriving business core of Fort Worth. Future plans for new Commuter rail for Southwest and Northeast Tarrant County will further connect participating cities with DFW airport. Also, development to address congestion in communities such as Arlington and the explosive growth found in communities in the Alliance area provides further support to The "T" in providing additional commuter rail routes and other transit solutions.

Again, I commend The "T" for its leadership in improving public transportation in and around Fort Worth. I am proud to represent its management and employees in the 26th District of Texas, and I wish them continued success with local and regional transportation solutions over the next quarter century as they transform Fort Worth into a worldwide leader in comprehensive public transportation.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. PUTNAM. Madam Speaker, on Monday, March 9, 2009, and Tuesday, March 10, 2009, I was not present for 6 recorded votes. Please let the record show that had I been present, I would have voted the following way: Roll No. 110—"yea"; Roll No. 111—"yea"; Roll No. 112—"yea"; Roll No. 113—"nay"; Roll No. 114—"yea"; and Roll No. 115—"yea".

IN RECOGNITION OF THE LIFE AND LEGACY OF MILLARD FULLER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to the life and legacy of Mr. Millard Fuller, and his steadfast service in giving back to the world.

Mr. Fuller was born in Lanett, Alabama. As many folks know, he dedicated his life to serving others through his Christian housing ministries, Habitat for Humanity, which built 200,000 homes in 100 countries, and later The Fuller Center for Housing. In recognition of his lifelong service, in 1996, Mr. Fuller was awarded the Presidential Medal of Freedom by President Clinton.

Mr. Fuller passed away on February 3rd 2009, at the age of 74. On March 14, 2009, a celebration of his life will be held at Ebenezer Baptist Church in Atlanta, Georgia.

I am honored to recognize this inspirational philanthropist who spent his lifetime helping others in need. It is my hope his memory will serve as an example of how we all should live.

HONORING COLORADO COMMISSIONERS OF AGRICULTURE FOR THEIR SERVICE AND LEADERSHIP

HON. BETSY MARKEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Ms. MARKEY of Colorado. Madam Speaker, I rise today to honor the Colorado Commissioner of Agriculture, Mr. John Stulp and former Commissioners Mr. Don Ament, Mr. Tom Kourlis, Mr. Steve Horn, Mr. Peter Decker, Mr. Tim Schultz, Mr. Evan Goulding, Mr. Morgan Smith, Mr. Roy Romer, the late Mr. Clinton Jeffers, the late Mr. John Orcutt, and the late Mr. Paul Swisher for their service and leadership.

The foundation of Colorado's history was built by the farmers and ranchers who dedicated their lives to settling the land. Today producers continue to be a fundamental pillar

of our state's communities. Over 30 million acres in Colorado are dedicated to agriculture and our producers work endlessly to provide our nation with a safe and reliable food supply. Under the guidance of those who have served as Commissioner of Agriculture, Colorado's farmers and ranchers have been able to efficiently transfer food from their fields to our tables.

Over the years, Colorado agriculture has survived economic strain, destructive weather and severe drought. The unyielding leadership of all our Commissioners has ensured that our food supply would be secure even in the face of hardships. They have worked to develop the sustainable farming programs that serve our rural communities and strived to overcome the challenges that were presented to them. March 20, 2009 is National Agriculture Day, celebrating producers across the country. I would like to honor the Commissioners who have led Colorado's agriculture community towards a thriving future and thank them for their dedication.

EARMARK DECLARATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

COMMERCE, JUSTICE, SCIENCE

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Department of Justice, Byrne Discretionary Grants account

Legal Name of Requesting Entity: National Police Athletic/Activities League

Address of Requesting Entity: 658 West Indiantown Road, Suite #201, Jupiter, FL 33458

Description of Request: I have secured \$400,000 to develop and maintain a national youth crime prevention that promotes interaction and trust between law enforcement officers and youth. Primary focus on underserved communities where there are high incidences of youth crime. Funding will also be used towards the creation of pilot program to address gang related crime in several states; including FL, MD, NJ, OH, CA, PA and TX.

HONORING THE LIFE AND
ACHIEVEMENTS OF JAMES "J."
RALPH LUNDY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor the life and achievements of long-time Indian River County civic leader and humanitarian, James "J." Ralph Lundy,

who died on February 27 at the age of 90. During this most difficult time, I want to extend my thoughts and prayers to his family. I hope that Mr. Lundy's family takes comfort in knowing that his memory and legacy of philanthropy will live on within the Gifford community and in Indian River County for generations to come. Mr. Lundy always put others first, and extended a helping hand to all those in need.

Mr. Lundy first came to Indian River County in the 1950s as a reporter for the Jacksonville Journal to cover Dodgers baseball legend Jackie Robinson. Later, he became production manager at the Press Journal where he wrote a column about the community for the paper. In 1963, Mr. Lundy started the community radio show entitled, "Gospel Caravan," one of the longest-running gospel music programs in Florida, and later created the program "Give them their flowers," as a way to honor lesser-known community leaders before they died.

Mr. Lundy's love for the Gifford community and activism earned him the title "Gifford's spokesman." He spent about 30 years as president of the Gifford Progressive Civic League, and in that time, made significant contributions to the lives of the people of Gifford. Mr. Lundy pushed county officials to install traffic lights to increase public safety, established a voting precinct and the Gifford Community Center to bolster community pride, and brought clean water to Gifford to improve its residents' health. In 1988, he helped establish Our Father's Table Soup Kitchen to provide meals for the community's most needy.

In 2007, Mr. Lundy won the Jefferson Award, a national award that recognizes individual public service contributions.

Madam Speaker, through all of these roles, J. Ralph Lundy had an indelible impact on the spirit and well-being of his community, and touched the lives of many in Indian River County. He will be remembered for his heart, compassion, and dedication to his fellow man. I am fortunate to have known him and will miss him dearly.

CALIFORNIA'S 49TH DISTRICT PROJECTS FUNDED IN THE FY2009 OMNIBUS APPROPRIATIONS ACT

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. ISSA. Madam Speaker, when I submitted my appropriation funding requests in March, 2008, the problems plaguing our Nation's banking and financial sectors were just starting to come to light. Few could foresee just how bad our economic situation would become. While I strongly opposed the action, the previous Congress spent over \$700 billion in TARP funding to bailout the banking sector. This Congress just approved a nearly \$800 billion stimulus bill that ultimately provides more money for social services than it does for job producing highway and infrastructure projects.

Overall, President Obama's spending priorities have more than tripled the federal budget deficit for fiscal year 2009 (FY09), ballooning

it to \$1.7 trillion. As a result, the state of our nation's finances is dire, and our federal spending plan does not in any way bear an appropriate relationship to the state of our nation's economy. The federal deficit has increased 385% over FY08 and 1089% over FY07 levels. Spending decisions are occurring within this body without regard to available revenue or the harm that such irresponsible fiscal policies do to the economy and to future generations that, ultimately, will get stuck with the bill.

I am highly disappointed that, faced with the enormity of the current federal deficit and the unprecedented amount of federal spending that has occurred, the House and Senate Leadership and Appropriators did not take the opportunity to start showing fiscal restraint by removing Congressional Earmarks from the fiscal year 2009 Omnibus Appropriations Act. When I made the below mentioned requests last year for projects in my Congressional district I believed they would provide necessary benefits to the local community and had a federal interest. I also believed that they were worthy of the limited federal funds that were available. That time, however, has passed. Member's need to think of the future of this Nation, rise above their own self-interests, and advocate for the removal of all earmarks from all present and future appropriations bills until we get the federal deficit under control.

Congressional Appropriation project requests I made in 2008 in the H.R. 1105, FY 2009 Omnibus Appropriations Act included:

SAN LUIS REY RIVER

The bill includes funding through the Energy and Water Appropriations Subcommittee for the San Luis Rey River Flood Protection Project, which includes the clearing of vegetation from the San Luis Rey River to protect the levee, the city of Oceanside's bridges, utilities, and public from threatened flooding. It is an authorized project and has received funding in previous Congresses.

MURRIETA CREEK, CA

The bill includes funding through the Energy and Water Appropriations Subcommittee for the project, which will be constructed in four distinct phases, will include a 250 acre detention basin to attenuate flows from the over-150 square mile watershed and, once completed, will reduce citizens' and businesses' exposure to flooding that requires many of them to carry flood insurance. The project will create seven miles of soft earthen channelization as well as the development of a continuous riparian habitat corridor throughout the length of the project. The riparian corridor can become a safe home for several listed endangered species that have already been found to exist nearby. The channel will not only facilitate species movement and connectivity to existing wildlife preserves, but will also create an extensive natural wetlands system that can efficiently remove contaminants from stream flows and help ensure improved water quality for local residents and soldiers stationed at the Camp Pendleton Marine Base.

SOUTH PERRIS PROJECT—PERRIS II DESALTER

The bill includes funding through the Energy and Water Appropriations Subcommittee for the project, which will produce potable water from otherwise unusable groundwater through

the construction of a five million gallons per day reverse osmosis desalter in the Perris South Groundwater Sub-basin. In addition to reducing future demand for imported water from the Sacramento-San Joaquin Delta and the Colorado River, project benefits include salinity management for expanded water recycling and protection of high-quality groundwater in basins adjacent to the Perris South Groundwater Sub-basin. The Perris II Desalter is a vital component of Eastern Municipal Water District's (EMWD) Desalination Program, which will ultimately generate up to 14,000 acre-feet per year of potable water and remove up to 50,000 tons of salt out of the basin every year. This project will help push this water district towards its goal of drought-proofing its region and providing reliability and flexibility to its water supply.

SANTA MARGARITA RIVER CONJUNCTIVE USE PROJECT

The bill includes funding through the Energy and Water Appropriations Subcommittee for the project, which provides for enhanced recharge and recovery from the groundwater basin on Camp Pendleton and will provide a water supply for both Camp Pendleton and Fallbrook, resolving a long-standing water rights dispute between the United States and Fallbrook. In 1954, the Bureau of Reclamation was authorized to construct a dam on the Santa Margarita River for \$22 million (approximately \$333 million in 2008 dollars) with a yield of 14–16,000 acre-feet. This funding will complete a final design that is financially feasible, environmentally beneficial and result in the preservation of the entire Santa Margarita River from Temecula to the Pacific Ocean, while simultaneously providing 16,000 acre-feet per year of vitally needed local water to coastal Southern California.

RIVERSIDE COUNTY SAMP, CA

Recognizing the interdependence between the area's future transportation, habitat, open space and land-use/housing needs, Riverside County, working with the U.S. Army Corps of Engineers, has undertaken a Special Area Management Plan (SAMP) for the San Jacinto & Upper Santa Margarita watersheds to determine how best to balance these factors for the future benefit of the area. To that end, in 2003, the County adopted a new General Plan and Multi-Species Habitat Conservation Plan (MSHCP) to address regional conservation and development plans that protect entire communities of native plants and animals, while streamlining the process for compatible economic development in other areas. When the SAMP is completed, the Corps will establish an abbreviated or expedited regulatory permitting process under Section 404 of the Clean Water Act to complement the Master Streambed Alteration Agreement the California Department of Fish and Game is currently preparing. Altogether, these new processes will allow for increased planning and smart development that will benefit the region well into the future.

OCEANSIDE COMMUNITY SAFETY PARTNERSHIP COLLABORATIVE—GANG PREVENTION PROGRAM CITY OF OCEANSIDE, CA

The bill includes funding for this program through the Commerce, Justice, Science Appropriations Subcommittee. The goal of the Oceanside Community Safety Partnership Collaborative (OCSPC) is to provide intense inter-

vention to divert youths away from gang membership. The second component of the program is to have North County Lifeline, a local nonprofit organization that provides diversion services in the City, offer more intensive services to those participants in their Juvenile Diversion Program when areas of additional need are identified, i.e., alcohol and drug issues. Youth would further be referred to Community Interfaith, another local service provider, for vocational and educational services when needed.

LAKE ELSINORE EMERGENCY OPERATIONS CENTER—CITY OF LAKE ELSINORE, CALIFORNIA

The bill includes funding for this project through the Commerce, Justice, Science Appropriations Subcommittee. The funds will be used to equip a new Emergency Operations Center (EOC) in Lake Elsinore. The City of Lake Elsinore provides a unique service to the entirety of southern California because of the lake and the City's central location. During the recent wildfires, for instance, the City and lake served as the base for Hawaii-Mars water tankers which were used to fight fires throughout the entire region. The proposed EOC, which is set to be housed in a secure location within the police headquarters, will be used to manage the lake as an emergency resource as well as to provide the City and surrounding community with a base of operations during any emergency.

REGIONAL COMMUNICATIONS SYSTEM UPGRADE—COUNTY OF SAN DIEGO, SHERIFF'S DEPARTMENT

The Sheriff's continued vision is to increase and improve data sharing, automate officer alerts and notifications, improve disaster preparedness, and deliver of more intelligence to officers and first-responders. The Sheriff's Department, with assistance from Federal and local agencies has, over several years, undertaken technology projects targeting this vision. These enhancements provide law enforcement with rapid access to critical information and knowledge with less human intervention producing quicker results with greater accuracy.

This phase of the SDLaw Infrastructure Program will expand the search and aggregation of intelligence from even more data repositories, add additional business logic, further automate data mapping and workflow, further improving visualization of the information resulting from this convergence of data from State, Local, and Federal systems and now with the inclusion of County justice case management systems.

WEST VISTA WAY

The bill includes funding for this project through the Transportation, Housing and Urban Development, and Related Agencies appropriations subcommittee. This project will enhance the development and traffic flow along W. Vista Way and reduce congestion on State Route 78. The project consists of approximately 2 miles of road widening (including right-of-way acquisitions), utility undergrounding, drainage and sewer upgrades. The project also includes intersection signalization, bus stops and other transit facilities, including Park-And-Ride lots, pedestrian and bicycle facilities, and a safety barrier between the adjacent freeway and the street. The project limits extend from Melrose Drive on the east to Thunder Drive on the west, at the boundary with the city of Oceanside.

RAILROAD CANYON/INTERSTATE 15 INTERCHANGE

The bill includes funding for this project through the Transportation, Housing and Urban Development, and Related Agencies appropriations subcommittee. The funding would be used for right-of-way acquisition for an improved interchange on Interstate 15 at Railroad Canyon Road. Railroad Canyon Road serves as a connector route between I-15 and I-215 in Southwest Riverside County. The current interchange with I-15 serves approximately 50,000 vehicles per day and in its current condition, during peak hours of travel, vehicles are backing onto the freeway mainline in both the north and southbound directions. The level of service at the intersections adjacent to this interchange is rated Service-F.

FRENCH VALLEY AIRPORT

The bill includes funding through the Transportation, Housing and Urban Development, and Related Agencies appropriations subcommittee for a feasibility study for the French Valley Airport to determine the necessary improvements and viability of an expansion of the airport to ensure safety of the neighboring communities. The project will review and analyze the feasibility of expanding the airport to accommodate large, private jets. This will greatly enhance the region's economic development and tourism opportunities.

MIRACOSTA COLLEGE FOUNDATION

The bill includes funding through the Labor, Health and Human Services, Education Subcommittee for the MiraCosta College Foundation located in the 49th Congressional District in Vista, California. MiraCosta College is developing a national model project to meet the educational needs of both active-duty and exiting Navy corpsmen and army medics. The project creates military-specific assessment and instructional tools that will acknowledge that service members' military training while preparing them to meet state licensing requirements to enter the civilian nursing field. This unique project helps fill a national nursing shortage need and helps transitioning military personnel to find high-paying, skilled civilian employment.

VISTA COMMUNITY CLINIC

The bill includes funding through the Labor, Health and Human Services, Education Subcommittee for the Vista Community Clinic located in the 49th Congressional District in Vista, California. Due to increased demand, Vista Community Clinic is constructing a new 12,000 square foot community health center facility providing obstetrics, pediatrics, family and internal medicine, pharmacy, health education to low-income, uninsured residents of North San Diego County. This new site will serve 16,000 patients in 50,000 medical visits annually. Ninety-five percent of Vista Community Clinic patients have an income qualifying them as low to moderate income by federal standards, making no more than \$42,000 annually for a family of four. Nearly 50% of Vista Community Clinic patients are children who do not have any form of health insurance. Given that one in every 19 people living in the United States now relies on a U.S. Department of Health and Human Services' Health Resources and Services Administration funded clinic for primary care, this funding for construction and equipment purchases is critical

to providing increasing access and expanding health services.

TRIBUTE TO JAROSLAW DUZYJ

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. LEVIN. Madam Speaker, I rise today to pay tribute to the life of an important community leader and a good friend, Jaroslav Duzyj, who passed away on Wednesday, March 4, 2009 after a long battle with Parkinson's disease.

Mr. Duzyj was a leader of a very strong and vibrant Ukrainian community in Michigan, and was a founding member of the Ukrainian Cultural Center in Warren, Michigan. He was born in 1923 in Peremysh, Ukraine and was one of 10 children. At the age of 19 he was arrested by the Nazis and sentenced to death. Miraculously, he survived five Nazi concentration camps before being liberated on April 15, 1945.

Mr. Duzyj immigrated to the United States in 1949 with little money and limited ability to speak English. He found work at Ford Motor Company and began establishing strong roots in the community. He married his beloved wife, Olga and they went on to raise three children, and now have seven grandchildren.

Throughout his life he continuously worked to promote Ukrainian causes and also display his love for America. His passion and unwavering dedication allowed him to participate in several unique and prestigious events. In 1991, he was invited to a personal audience with Pope John Paul II, and on his 70th birthday he received the Pro Ecclesia et Pontifice medal from the Pope. He also had the distinct honor to meet with two sitting U.S. Presidents. In 1984, as former president of the Ukrainian-American Republican Association, he chaired a reception for President Ronald Reagan at the Ukrainian Cultural Center, and was a guest of President Bill Clinton at a state dinner honoring the president of the Ukraine.

Mr. Duzyj also experienced personal success as a business owner, as he became co-owner and president of Cylectron, which made high-precision parts for rocket and aircraft engines. In 1992 he started a company called Envotech Systems, which builds mobile laboratories for the detection and control of nuclear matter in the environment. In 1995, he became a partner in Crocus Co. in Ukraine, a company that manufactured road building machinery. In 1996, Michigan Governor John Engler named him to Michigan's Bilateral Trade Team to the Ukraine.

Mr. Duzyj cared deeply about higher education. He and Olga donated \$100,000 to establish a fund at Harvard University to enable the Ukrainian Institute to publish significant works on the history of the Ukraine. He also published several books about Ukrainian history, geography, and the Ukrainian genocide of 1932-33. In 2005 he was honored as Ukrainian of the Year by the Ukrainian Graduates of Detroit and Windsor for the role he played in the business community, with higher education and his church.

The experiences Mr. Duzyj endured early in life and the triumphs and selflessness he displayed through his entire life are truly inspirational. Mr. Duzyj is a shining example of what the American success story is all about. Today, I join with Mr. Duzyj's family, friends and the extended family of the Ukrainian community, in both mourning his loss, celebrating his life and honoring him for all the good work he did for others.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. BARRETT of South Carolina. Madam Speaker, due to unforeseen circumstances, I unfortunately missed one recorded vote on the House floor on Wednesday, February 25, 2009. Had I been present, I would have voted "aye" on Rollcall vote No. 84 (On Ordering the Previous Question to H. Res. 184).

TRIBUTE TO NEW MOUNT MORIAH INTERNATIONAL CHURCH

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. PETERS. Madam Speaker, today I would like to honor New Mount Moriah International Church for 20 years of service to the greater Pontiac community. New Mount Moriah International Church was organized on April 9, 1989 by Pastor Richard Leaks, Jr. in Pontiac Michigan and on April 16, 1989 held its first service at the Bowen Center in Pontiac, with forty-nine faithful chartering members.

On April 7, 1990, the membership unanimously elected Bishop William H. Murphy, Jr. as pastor. Under his capable leadership, New Mount Moriah International Church has flourished and is now home to over fifteen hundred active members and is still growing. New Mount Moriah International Church now consists of three locations; their charter location in Pontiac a beautiful facility at 313 East Walton Boulevard, one in Detroit, and a third newest location in Mt. Clemens.

Madam Speaker, the positive impact of the New Mount Moriah faith community can be seen across the greater Pontiac area in more ways than we can count, and we can expect many more years of success from this wonderful institution.

NATIONAL MALL REVITALIZATION AND DESIGNATION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Ms. NORTON. Madam Speaker, I rise today to introduce the National Mall Revitalization

and Designation Act. The National Mall is one of Washington's best known and most treasured sites, but also is the District's most neglected and undervalued. The Mall lacks everything that a majestic natural wonder deserves, from an official identity to necessary amenities. My bill (1) authorizes the National Capital Planning Commission (NCPC) to officially designate and expand the boundaries of the Mall and (2) requires the Secretary of the Interior to submit a plan to enhance visitor enjoyment and cultural experiences within 180 days of passage of the bill.

I worked closely with NCPC and other agencies in framing the bill. It would give the NCPC the responsibility and the necessary flexibility to designate the Mall area for the first time since its creation and to expand the Mall area when appropriate. The bill requires the NCPC, to accommodate future commemorative works and cultural institutions, working with key federal and local agencies, and with participation from the public and recognized national leaders in culture and development.

Frustrated at continually fighting off proposals for new monuments, museums, and memorials, on the crowded Mall space, I asked the NCPC to devise a Mall preservation plan five years ago. In 2003, Congress amended the Commemorative Works Act to enact the NCPC's designation of a no-build zone where no new memorials can be built. This action was helpful in quelling some but by no means all of the demand from groups and individuals for placement on what they view as the Mall. The bill spells out the needed authority to preserve the no-build zone while expanding the mall to accommodate commemorative works.

The NCPC and the Commission on Fine Arts (FAC) are working on the National Capital Framework Plan and already have shown they can identify sites near the existing Mall which are suitable for new memorials, including East Potomac Park, a part of the Mall area that is seldom viewed as integral to the more familiar space between the Capitol and the Lincoln Memorial; Banneker Overlook, the grounds around RFK Stadium, the Kennedy Center Plaza site and the new South Capitol gateways. Five new prestigious memorials are scheduled for such sites, including the Eisenhower Memorial and the U.S. Air Force Memorial.

I appreciate that NCPC and the FAC work closely with the District of Columbia in designating off-Mall sites for new monuments. The District welcomes the expanded Mall into appropriate neighborhoods, enhancing the work of the District of Columbia government and local organizations such as Cultural Tourism that offer historic tours of District neighborhoods in developing the tourism that is vital to the city's economy. Additional Mall sites for various monuments also complement the creation of entire new neighborhoods now underway near the Mall particularly the District's redevelopment of the Southwest waterfront and my own work on the Southeast Federal Center, now known as The Yards, that is to become a mixed use public-private development and waterfront park.

A second and important goal of the bill is to make the Mall a living, breathing, active place

where things happen and visitors can be comfortable. The bill seeks to achieve this vibrancy by requiring the Secretary of the Interior to submit a plan, in consultation with the appropriate federal agencies, and leaders in culture and development and the public, to "enhance visitor enjoyment, amenities, cultural experiences in and the vitality of (the National Mall)." Bordered by world class cultural institutions, the Mall itself has been reduced to a lawn with only a few—too few—ordinary benches and a couple of fast food restaurants. The Mall lacks the most basic amenities appropriate to such an area including restrooms, shelter and informal places to gather and interesting places to eat. When it rains, there are no places to stay dry on the Mall and when the humidity reaches sky high, there are few places to rest and have a cold drink. Nevertheless, in writing this bill I was compelled to recognize today's reality that funds to make the Mall the 21st century destination it deserves to become are simply not available, and will not become available in the near future until the deficit and other priorities make room. Yet, the Mall needs a total makeover for the 21st century to be worthy of L'Enfant's vision for the city he planned and the MacMillan Plan that is largely responsible for the space between the Capitol and the Lincoln Memorial that is known today as the Mall. However, we must move now to begin to do all we can to rescue this space from its present dull and uninviting condition, damaged by heavy use and often used as no more than a pass-through, despite its magnificent potential. With the necessary imagination, a plan to make the Mall a welcoming place with cultural and other amenities envisioned by the bill is achievable now.

I am pleased that Chip Akridge and the Trust for the National Mall have embarked upon an ambitious fundraising effort to bring the private sector into the revitalization of the National Mall. The Congress started to do its part last year when, at my request, Chairman GRIJALVA held the first hearing in decades on the National Mall and this bill, and in FY10 Congress included \$10 million for the sinking Jefferson Memorial and \$135 million above 2008, to continue the 10 year initiative to upgrade our National Parks before the 100th anniversary of the National Park Service in 2016. The National Park Service is also prepared to meet the requirements of this bill as they progress on their own National Mall plan and the National Capitol Planning Commission with its final National Capitol Framework plan on April 2nd, 2009. The private sector, the executive and legislative branch all recognize the need for repair and revitalization of our National Mall and no event signified the need like the largest gathering in the Mall's history with almost two million people at President Obama's inauguration.

The Mall Designation and Revitalization Act is the first step in an effort to begin to give the Mall its due after decades of neglect and indifference. The bill begins at the beginning—defining for the first time what we mean by the Mall, allowing for expansion of its natural contours, and taking the first steps to breathe life into a space that is meant for people to enjoy.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 12, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 16

10 a.m.

Foreign Relations

To hold closed hearings to receive a briefing on global counterterrorism efforts.

SVC-217

MARCH 17

9:30 a.m.

Armed Services

To hold hearings to examine United States Southern Command, United States Northern Command, United States Africa Command, and United States Transportation Command.

SH-216

Banking, Housing, and Urban Affairs

To hold hearings to examine perspectives on modernizing insurance regulation.

SD-538

10 a.m.

Energy and Natural Resources

To hold oversight hearings to examine energy development on public lands and the outer Continental Shelf.

SD-366

Finance

To hold hearings to examine tax issues related to fraud schemes and an update on offshore tax evasion legislation.

SD-215

10:30 a.m.

United States Senate Caucus on International Narcotics Control

Judiciary

Crime and Drugs Subcommittee

To hold joint hearings to examine law enforcement responses to Mexican drug cartels.

SD-226

MARCH 18

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine nuclear energy development.

SD-366

Veterans' Affairs

To hold joint hearings to examine the legislative presentation of the Veterans of Foreign Wars.

334, Cannon Building

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 277, to amend the National and Community Service Act of 1990 to expand and improve opportunities for service.

SD-430

Judiciary

To hold hearings to examine the National Academy of Science's report Strengthening Forensic Science in the United States: A Path Forward.

SD-226

2:45 p.m.

Armed Services

Personnel Subcommittee

To hold hearings to examine the incidence of suicides of United States Servicemembers and initiatives within the Department of Defense to prevent military suicides.

SR-232A

MARCH 19

9:30 a.m.

Armed Services

To hold hearings to examine United States Pacific Command, United States Strategic Command, and United States Forces Korea.

SH-216

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine cybersecurity, focusing on assessing our vulnerabilities and developing an effective defense.

SR-253

MARCH 25

9:30 a.m.

Judiciary

To hold oversight hearing to examine the Federal Bureau of Investigation.

SH-216

Veterans' Affairs

To hold hearings to examine State-of-the-Art information technology (IT) solutions for Veterans' Affairs benefits delivery.

SR-418

2:30 p.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine Federal Aviation Administration reauthorization, focusing on NextGen and the benefits of modernization.

SR-253

POSTPONEMENTS

MARCH 17

10 a.m.

Foreign Relations

To hold hearings to examine a strategy for global counterterrorism.

SD-419

SENATE—Thursday, March 12, 2009

The Senate met at 11 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, thank You for filling our lives with good things. We praise You for the daily miracles of light and shadows, work and rest, life and love. Lord, we are grateful for Your generosity that brings us high thoughts that uplift and pure hopes that beckon and bind us to You. We even thank You today for disappointments and failures that humble us and for pain and distress that remind us of our need for You.

Finally, we thank You for the women and men of the U.S. Senate, who strive to keep freedom's torch burning. Awaken in them a deeper appreciation for Your loving providence, as You give them a heightened sense of the special role You want them to play in the unfolding drama of American history.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 12, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will proceed to a period of morning business until 12 o'clock noon, with Senators allowed to speak for up to 10 minutes each during that period of time. Following morning business, the Senate will proceed to executive session to debate the nomination of David Ogden to be Deputy Attorney General. There will be 2 hours for debate equally divided and controlled between the two leaders or their designees. At 2 p.m., the Senate will vote on the confirmation of Mr. Ogden.

Following the vote, the Senate will consider the nomination of Thomas Perrelli to be Associate Attorney General. Under an agreement that was reached yesterday, the debate will be limited to 90 minutes, with the time equally divided and controlled. Upon the use or yielding back of time, the Senate will vote on confirmation of the Perrelli nomination.

We will continue to work on agreements to consider additional nominations this week. I expect to file cloture on a matter to move the lands bill forward again, for the information of all Senators. A widely popular bill we sent to the House was put on the consent calendar yesterday and failed by two votes. So we will have to start that process over here again. One of the things they are talking about doing is adding another Idaho wilderness provision to that bill and to send it back over here. But I would hope perhaps we can work something out with people who want us to have to go through all the procedural processes. I hope we do not have to do that. If we do, that is what we will do. We will have a vote Monday morning on cloture unless we can get something worked out with those who are opposing this.

Then, next week, that being the case, we will spend some time on the lands bill. I have indicated to the Republican leader we are going to do national service this work period. The House is going to pass that probably next Tuesday, allowing us to get to it toward the end of the week or the following week. And then, of course, the final week we are here we have to do the budget.

PRODUCTIVE TIME

Mr. REID. Madam President, we have had a very productive time in the Senate so far this year. We have done things that have led to the President signing the bills. One of the things we talked about—the first thing we did was the lands bill. We are going to do

that again. We passed the Lilly Ledbetter legislation. That has been signed into law. That puts women on a more equal footing with men as regarding pay. We passed the children's health insurance initiative, giving more than 4 million poor children the ability to go to a doctor when they are sick or hurt. We passed the economic recovery package which is now beginning to filter money into the States. It should start happening quite rapidly in the next few weeks. And then, Tuesday evening, we passed the makeup work from the Bush administration, passing that appropriations bill that was a makeup of all the bills we could not get done during the last few months of the Bush administration.

Now we are going to, as I indicated, do these nominations. So we have had a very productive time. We have a lot more to do. But we should look satisfactorily on what we have already done.

MEASURE PLACED ON THE CALENDAR—S. 570

Mr. REID. Madam President, it is my understanding that S. 570 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 570) to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

Mr. REID. Madam President, I would object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 12 noon, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN CREDIT CLEANUP PLAN

Mr. BOND. Madam President, after passing the trillion-dollar "spend-ulus" bill, House Democrats are already talking about a second stimulus. It sounds to me as if they have already concluded that the first trillion dollar stimulus bill is a failure and was nothing more than a downpayment on their social agenda.

I know Missourians and many Americans agree that a trillion dollars is a terrible thing to waste. This is one economic crisis we cannot simply pay our way out of. The bottom line is that our economy will not recover and conditions for families, workers, and small businesses will not improve until we get to the root of the problem and rid our financial system of toxic assets. That is what the President said when he addressed the joint session. He said: We must solve the credit problem or nothing else will work.

Well, to date, the Obama administration seems as though they have been trying to treat every cut and bruise on a patient who is experiencing cardiac arrest. Their strategy has been to address each perceived crisis as a new one in an ad hoc manner. That has gone back to last fall under the previous administration. The Treasury strategy has been to address the symptoms, not the underlying illness, and it is one that, unfortunately, we have followed here.

Let's take a look at what "ad-hocracy" has done for us:

February's unemployment numbers came out last Friday. Our Nation is now struggling under the highest unemployment rate in more than 20 years—8.1 percent. This is more than a number of millions of Americans who have been laid off and are struggling to find new jobs. That is right—millions.

Almost 2 million workers have lost their jobs in the last 3 months. The latest job numbers are another sad reminder that right now our financial system is not working. It has been clogged with toxic debt.

The Treasury's ad hoc approach is not working. The President's approach

seems to be to appease his different constituencies with one boutique initiative after another, and we have racked up over a trillion dollars in debt doing so. That effort—that "spend-ulus" bill—is going to stimulate the debt. It is going to stimulate the growth of Government. But it will not stimulate the economy or jobs.

We have to focus on the urgent priority. I hope it does not take another 2 million workers to face layoffs before the administration gets serious about addressing this crisis.

Yesterday, the President said we need some "adult supervision" in Washington. I could not agree more. We definitely need some adult supervision in the Treasury Department when it comes to addressing our credit crisis. We need someone who is willing to make tough choices, not just slapping new names on old ineffective programs and throwing billions of taxpayer dollars into failed financial institutions in the hopes that Americans will see it as the change they have been promised.

In the words of the current President and CEO of the Federal Reserve Bank of Kansas City, Thomas Hoenig:

We have been slow to face up to the fundamental problems in our financial system and reluctant to take decisive action with respect to failing institutions.

We saw what happened in Japan when policymakers lacked the political will and were slow to clean up its sick banking system—a decade-long recession. That is why I believe we need a bold, coherent, and tested plan that will address the root causes of our economic crisis, and the experts agree. They have been unanimous, and I have talked to many of them: people such as the former FDIC Chairman Bill Seidman, who ran the successful RTC program to clean up the savings and loan crisis; the former Fed Chairman, Alan Greenspan. The Presidents and CEOs of the Federal Reserve Banks of St. Louis, Kansas City, and Boston believe we must address the toxic assets clogging our financial system.

Under my American credit cleanup plan, which I have talked about before on this floor, the Government can put to work statutory authorities long used by the FDIC for failed banks. We know this plan can work. It worked during the savings and loan crisis, and it can work again to solve the credit crunch. It works every day when the FDIC goes in to shut down failed institutions, and it can work right now in this major crisis. When we boil it down, it is not easy, but the solution is simple—three steps: First, identify the sick banks; second, remove the toxic assets, protect depositors, and fire the failed executives and board of directors who caused this mess; third, relaunch cleansed healthy banks back into the private market; get the Government out so the banks can get about doing

their job of providing credit; no more of us fighting on the floor of how much a failed executive of a failed bank should be paid. Get them out.

This is the right approach that provides a clear exit strategy. It puts an end to throwing more and more billions of good taxpayer dollars into failing banks. It is the right approach to put our economy back on the road.

I call on the President and his economic team to get past their denial about the serious illness facing our economy. Their trillion-dollar box of Band-Aids isn't going to work. Stop pouring good taxpayer dollars into failed banks with no plan and no strategy. We have a skilled surgeon in the FDIC who has operated on failed banks and has the experience and knowledge to deal with toxic assets.

Last night, a reporter was questioning me and said, "Everybody is talking about removing toxic assets." Well, that is the problem.

In the words of one of my favorite country music songs, we need a little less talk and a lot more action. If the FDIC's current authorities are insufficient, Congress must stand ready to provide any tools or resources the FDIC needs to complete the surgery. I have cosponsored S. 541 with Senator DODD to expand the FDIC borrowing authority. I call on our leadership to bring it up, to add authority for the FDIC to regulate bank holding companies. Give them the tool and let them use it.

The Obama administration must face the reality that major surgery on our financial institutions is imperative to extract toxic assets clogging our financial system so the economy can recover. No more throwing billions at failed banks. Send in the FDIC. This is one crisis where hope won't be enough. We must act, and we must act now.

Madam President, I ask unanimous consent that the remarks of Thomas Hoenig, the President and CEO of the Federal Reserve Bank of Kansas City, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TOO BIG HAS FAILED

Two years ago, we started seeing a problem in a specialized area of financial markets that many people had never heard of, known as the subprime mortgage market. At that time, most policymakers thought the problems would be self-contained and have limited impact on the broader economy. Today, we know differently. We are in the midst of a very serious financial crisis, and our economy is under significant stress.

Over the past year, the Federal government and financial policy makers have enacted numerous programs and committed trillions of dollars of public funds to address the crisis. And still the problems remain. We have yet to restore confidence and transparency to the financial markets, leaving lenders and investors wary of making new commitments.

The outcome so far, while disappointing, is perhaps not surprising.

We have been slow to face up to the fundamental problems in our financial system and reluctant to take decisive action with respect to failing institutions. We are slowly beginning to deal with the overhang of problem assets and management weaknesses in some of our largest firms that this crisis is revealing. We have been quick to provide liquidity and public capital, but we have not defined a consistent plan and not addressed basic shortcomings and, in some cases, the insolvent position of these institutions.

We understandably would prefer not to “nationalize” these businesses, but in reacting as we are, we nevertheless are drifting into a situation where institutions are being nationalized piecemeal with no resolution of the crisis.

With conditions deteriorating around us, I will offer my views on how we might yet deal with the current state of affairs. I’ll start with a brief overview of the policy actions we have been pursuing, but I will also provide perspective on the actions we have taken and the outcomes we have experienced in previous financial crises. Finally, I will suggest what lessons we might take from these previous crises and apply to working our way out of the current crisis.

In suggesting alternative solutions, I acknowledge it is no simple matter to solve. People say “it can’t be done” when speaking of allowing large institutions to fail. But I don’t think that those who managed the Reconstruction Finance Corporation, the Resolution Trust Corporation, the Swedish financial crisis or any other financial crisis were handed a blueprint that carried a guarantee of success. I don’t accept that we have lost our ability to solve a new problem, especially when it looks like a familiar problem.

CURRENT POLICY ACTIONS AND PROBLEMS

Much has been written about how we got into our current situation, most notably the breakdowns in our mortgage finance system, weak or neglected risk management practices, and highly leveraged and interconnected firms and financial markets. Because this has been well-documented, today I will focus on the policy responses we have tried so far and where they appear to be falling short.

A wide range of policy steps has been taken to support financial institutions and improve the flow of credit to businesses and households. In the interest of time, I will go over the list quickly.

As a means of providing liquidity to the financial system and the economy, the Federal Reserve has reduced the targeted federal funds rate in a series of steps from 5.25 percent at mid-year 2007 to the present 0 to 25 basis-point range. In addition, the Federal Reserve has instituted a wide range of new lending programs and, through its emergency lending powers, has extended this lending beyond depository institutions.

The Treasury Department, the Federal Reserve and other regulators have also arranged bailouts and mergers for large struggling or insolvent institutions, including Fannie Mae and Freddie Mac, Bear Stearns, WaMu, Wachovia, AIG, Countrywide, and Merrill Lynch. But other firms, such as Lehman Brothers, have been allowed to fail.

The Treasury has invested public funds, buying preferred stock in more than 400 financial institutions through the TARP program. TARP money has also been used to fund government guarantees of more than \$400 billion of securities held by major financial institutions, such as CitiGroup and Bank of America. In addition, the Federal Reserve and the Treasury Department have

committed more than \$170 billion to bail out the troubled insurance company AIG.

Other actions have included increased deposit insurance limits and guarantees for bank debt instruments and money market mutual funds.

The most recent step is the Treasury financial stability plan, which provides for a new round of TARP spending and controls, assistance for struggling homeowners, and a plan for a government/private sector partnership to buy up bad assets held by financial institutions and others.

The sequence of these actions, unfortunately, has added to market uncertainty. Investors are understandably watching to see which institutions will receive public money and survive as wards of the state.

Any financial crisis leaves a stream of losses embedded among the various participants, and these losses must ultimately be borne by someone. To start the resolution process, management responsible for the problems must be replaced and the losses identified and taken. Until these kinds of actions are taken, there is little chance to restore market confidence and get credit markets flowing. It is not a question of avoiding these losses, but one of how soon we will take them and get on to the process of recovery. Economist Allan Meltzer may have expressed this point best when he said that “capitalism without failure is like religion without sin.”

WHAT MIGHT WE LEARN FROM PREVIOUS FINANCIAL CRISES?

Many of the policy actions I just described provide support to the largest financial institutions, those that are frequently referred to as “too big to fail.” A rationale for such actions is that the failure of a large institution would have a systemic impact on the economy. It is emphasized that markets have become more complex, and institutions—both bank and nonbank entities—are now larger and connected more closely through a complicated set of relationships. Often, they point to the negative impact on the economy caused by last year’s failure of Lehman Brothers.

History, however, may show us another experience. When examining previous financial crises, in other countries as well as in the United States, large institutions have been allowed to fail. Banking authorities have been successful in placing new and more responsible managers and directors in charge and then reprivatizing them. There is also evidence suggesting that countries that have tried to avoid taking such steps have been much slower to recover, and the ultimate cost to taxpayers has been larger.

There are several examples that illustrate these points and show what has worked in previous crises and what hasn’t. A comparison that many are starting to draw now is with what happened in Japan and Sweden.

Japan took a very gradual and delayed approach in addressing the problems in its banks. A series of limited steps spread out over a number of years were taken to slowly remove bad assets from the banks, and Japan put off efforts to address an even more fundamental problem—a critical shortage of capital in these banks. As a result, the banks were left in the position of having to focus on past problems with little resources available to help finance any economic recovery.

In contrast, Sweden took decisive steps to identify losses in its major financial institutions and insisted that solvent institutions restore capital and clean up their balance sheets. The Swedish government did provide loans to solvent institutions, but only if they also raised private capital.

Sweden dealt firmly with insolvent institutions, including operating two of the largest banks under governmental oversight with the goal of bringing in private capital within a reasonable amount of time. To deal with the bad assets in these banks, Sweden created well-capitalized asset management corporations or what we might call “bad banks.” This step allowed the problem assets to be dealt with separately and systematically, while other banking operations continued under a transparent and focused framework.

The end result of this approach was to restore confidence in the Swedish banking system in a timely manner and limit the amount of taxpayer losses. Sweden, which experienced a real estate decline more severe than that in the United States, was able to resolve its banking problems at a long term net cost of less than 2 percent of GDP.

We can also learn a great deal from how the United States has dealt with previous crises. There has been a lot written attempting to draw parallels with the Great Depression. The main way that we dealt with struggling banks at that time was through the Reconstruction Finance Corporation.

Without going into great detail about the RFC, I will note the four principles that Jesse Jones, the head of the RFC, employed in restructuring banks. The first step was to write down a bank’s bad assets to realistic economic values. Next, the RFC would judge the character and capacity of bank management and make any needed and appropriate changes. The third step was to inject equity in the form of preferred stock, but this step did not occur until realistic asset values and capable management were in place. The final step was receiving the dividends and eventually recovering the par value of the stock as a bank returned to profitability and full private ownership.

At one point in 1933, the RFC held capital in more than 40 percent of all banks, representing one-third of total bank capital according to some estimates, but because of the four principles of Jesse Jones, this was all carried out without any net cost to the government or to taxpayers.

If we compare the TARP program to the RFC, TARP began without a clear set of principles and has proceeded with what seems to be an ad hoc and less-than-transparent approach in the case of banks judged “too big to fail.” In both the RFC and Swedish experiences, triage was first used to set priorities and determine what institutions should be addressed immediately. TARP treated the largest institutions as one. As we move forward from here, therefore, we would be wise to have a systematic set of principles and a detailed plan to guide us.

Another example we need to be aware of relates to the thrift problems of the 1980s. Because the thrift insurance fund was inadequate to avoid the losses embedded in thrift balance sheets, an attempt was made to cover over the losses with net worth certificates and expanded powers that were supposed to allow thrifts to grow out of their problems. A notable fraction of the thrift industry was insolvent, but continued to operate as so-called “zombie” or “living dead” thrifts. As you may recall, this attempt to postpone closing insolvent thrifts did not end well, but instead added greatly to the eventual losses and led to greater real estate problems.

A final example—our approach to large bank problems in the 1980s and early 1990s—shows that we have taken some steps to deal with banking organizations that are considered “too big to fail” or very important on a regional level.

The most prominent example is Continental Illinois' failure in 1984. Continental was the seventh-largest bank in the country, the largest domestic commercial and industrial lender, and the bank that popularized the phrase "too big to fail." Questions about Continental's soundness led to a run by large foreign depositors in May of 1984.

But looking back, Continental actually was allowed to fail. Although the FDIC put together an open bank assistance plan and injected capital in the form of preferred stock, it also brought in new management at the top level, and shareholders, who were the bank's owners, lost their entire investment. The FDIC also separated the problem assets from the bank, which left a clean bank to be restructured and eventually sold. To liquidate the bad assets, the FDIC hired specialists to oversee the different categories of loans and entered into a service agreement with Continental that provided incentive compensation for its staff to help with the liquidation process.

A lesson to be drawn from Continental is that even large banks can be dealt with in a manner that imposes market discipline on management and stockholders, while controlling taxpayer losses. The FDIC's asset disposition model in Continental, which used incentive fees and contracts with outside specialists, also proved to be an effective and workable model. This model was employed again in the failure of Bank of New England in 1991, the failures of nearly all of the large banking organizations in Texas in the 1980s, and also for the Resolution Trust Corporation, which was set up to liquidate failed thrifts.

RESOLVING THE CURRENT CRISIS

Turning to the current crisis, there are several lessons we can draw from these past experiences.

First, the losses in the financial system won't go away—they will only fester and increase while impeding our chances for a recovery.

Second, we must take a consistent, timely, and specific approach to major institutions and their problems if we are to reduce market uncertainty and bring in private investors and market funding.

Third, if institutions—no matter what their size—have lost market confidence and can't survive on their own, we must be willing to write down their losses, bring in capable management, sell off and reorganize misaligned activities and businesses, and begin the process of restoring them to private ownership.

How can we do this today in an era where we have to deal with systemic issues rising not only from very large banks, but also from many other segments of the marketplace? I would be the first to acknowledge that some things have changed in our financial markets, but financial crises continue to occur for the same reasons as always—over-optimism, excessive debt and leverage ratios, and misguided incentives and perspectives—and our solutions must continue to address these basic problems.

The process we use for failing banks—albeit far from perfect in dealing with "too big to fail" banks—provides some first insight into the principles we should establish in dealing with financial institutions of any type.

Our bank resolution framework focuses on timely action to protect depositors and other claimants, while limiting spillover effects to the economy. Insured depositors at failed banks typically gain full and immediate access to their funds, while uninsured deposi-

tors often receive quick, partial payouts based on expected recoveries.

To provide for a continuation of essential banking services, the FDIC may choose from a variety of options, including purchase and assumption transactions, deposit transfers or payouts, bridge banks, conservatorships, and open bank assistance. These options focus on transferring important banking functions over to sound banking organizations with capable management, while putting shareholders at failed banks first in line to absorb losses.

Other important features in resolving failing banks include an established priority for handling claimants, prompt corrective action, and least-cost resolution provisions to protect the deposit insurance fund and, ultimately, taxpayers and to also bring as much market discipline to the process as possible.

I would argue for constructing a defined resolution program for "too big to fail" banks and bank holding companies, and nonbank financial institutions. It is especially necessary in cases where the normal bankruptcy process may be too slow or disruptive to financial market activities and relationships. The program and resolution process should be implemented on a consistent, transparent and equitable basis whether we are resolving small banks, large banks or other complex financial entities.

How should we structure this resolution process? While a number of details would need to be worked out, let me provide a broad outline of how it might be done.

First, public authorities would be directed to declare any financial institution insolvent whenever its capital level falls too low to support its ongoing operations and the claims against it, or whenever the market loses confidence in the firm and refuses to provide funding and capital. This directive should be clearly stated and consistently adhered to for all financial institutions that are part of the intermediation process or payments system. We must also recognize upfront that the FDIC's resources and other financial industry support funds may not always be sufficient for this task and that Treasury money may also be needed.

Next, public authorities should use receivership, conservatorship or "bridge bank" powers to take over the failing institution and continue its operations under new management. Following what we have done with banks, a receiver would then take out all or a portion of the bad assets and either sell the remaining operations to one or more sound financial institutions or arrange for the operations to continue on a bridge basis under new management and professional oversight. In the case of larger institutions with complex operations, such bridge operations would need to continue until a plan can be carried out for cleaning up and restructuring the firm and then reprivatizing it.

Shareholders would be forced to bear the full risk of the positions they have taken and suffer the resulting losses. The newly restructured institution would continue the essential services and operations of the failing firm.

All existing obligations would be addressed and dealt with according to whatever priority is set up for handling claims. This could go so far as providing 100 percent guarantees to all liabilities, or, alternatively, it could include resolving short-term claims expeditiously and, in the case of uninsured claims, giving access to maturing funds with the potential for haircuts depending on expected recoveries, any collateral protection and likely market impact.

There is legitimate concern for addressing these issues when institutions have significant foreign operations. However, if all liabilities are guaranteed, for example, and the institution is in receivership, such international complexities could be addressed satisfactorily.

One other point in resolving "too big to fail" institutions is that public authorities should take care not to worsen our exposure to such institutions going forward. In fact, for failed institutions that have proven to be too big or too complex to manage well, steps must be taken to break up their operations and sell them off in more manageable pieces. We must also look for other ways to limit the creation and growth of firms that might be considered "too big to fail."

In this regard, our recent experience with ad hoc solutions to large failing firms has led to even more concentrated financial markets as only the largest institutions are likely to have the available resources for the type of hasty takeovers that have occurred. Another drawback is that these organizations do not have the time for necessary "due diligence" assessments and, as we have seen, may encounter serious acquisition problems. Under a more orderly resolution process, public authorities would have the time to be more selective and bring in a wider group of bidders, and they would be able to offer all or portions of institutions that have been restored to sound conditions.

CONCLUDING THOUGHTS

While hardly painless and with much complexity itself, this approach to addressing "too big to fail" strikes me as constructive and as having a proven track record. Moreover, the current path is beset by ad hoc decision making and the potential for much political interference, including efforts to force problem institutions to lend if they accept public funds; operate under other imposed controls; and limit management pay, bonuses and severance.

If an institution's management has failed the test of the marketplace, these managers should be replaced. They should not be given public funds and then micro-managed, as we are now doing under TARP, with a set of political strings attached.

Many are now beginning to criticize the idea of public authorities taking over large institutions on the grounds that we would be "nationalizing" our financial system. I believe that this is a misnomer, as we are taking a temporary step that is aimed at cleaning up a limited number of failed institutions and returning them to private ownership as soon as possible. This is something that the banking agencies have done many times before with smaller institutions and, in selected cases, with very large institutions. In many ways, it is also similar to what is typically done in a bankruptcy court, but with an emphasis on ensuring a continuity of services. In contrast, what we have been doing so far is every bit a process that results in a protracted nationalization of "too big to fail" institutions.

The issue that we should be most concerned about is what approach will produce consistent and equitable outcomes and will get us back on the path to recovery in the quickest manner and at reasonable cost. While it may take us some time to clean up and reprivatize a large institution in today's environment—and I do not intend to underestimate the difficulties that would be encountered—the alternative of leaving an institution to continue its operations with a failed management team in place is certain to be more costly and far less likely to produce a desirable outcome.

In a similar fashion, some are now claiming that public authorities do not have the expertise and capacity to take over and run a "too big to fail" institution. They contend that such takeovers would destroy a firm's inherent value, give talented employees a reason to leave, cause further financial panic and require many years for the restructuring process. We should ask, though, why would anyone assume we are better off leaving an institution under the control of failing managers, dealing with the large volume of "toxic" assets they created and coping with a raft of politically imposed controls that would be placed on their operations?

In contrast, a firm resolution process could be placed under the oversight of independent regulatory agencies whenever possible and ideally would be funded through a combination of Treasury and financial industry funds.

Furthermore, the experience of the banking agencies in dealing with significant failures indicates that financial regulators are capable of bringing in qualified management and specialized expertise to restore failing institutions to sound health. This rebuilding process thus provides a means of restoring value to an institution, while creating the type of stable environment necessary to maintain and attract talented employees. Regulatory agencies also have a proven track record in handling large volumes of problem assets—a record that helps to ensure that resolutions are handled in a way that best protects public funds.

Finally, I would argue that creating a framework that can handle the failure of institutions of any size will restore an important element of market discipline to our financial system, limit moral hazard concerns, and assure the fairness of treatment from the smallest to the largest organizations that that is the hallmark of our economic system.

Mr. BOND. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE BUDGET

Mr. MCCONNELL. Madam President, yesterday I noted that in the middle of the current economic crisis, the administration's budget spends too much, taxes too much, and borrows too much. Yesterday I focused primarily on the fact that it spends too much. This morning I wish to expand a little bit more on that issue.

As I noted yesterday, the current Congress is on a remarkable spending binge. In the first 50 days of the new administration, Congress has approved more than \$1.2 trillion in spending which translates into \$24 billion a day, or \$1 billion every hour since Inauguration Day. The budget, which we just learned about a while back, continues that trend.

Earlier this week, Congress approved a Government spending bill that increased spending by 8 percent over last year, about double the rate of inflation. The budget proposes another spending increase over last year's budget of an additional 8 percent. A lot of people are wondering why, in the

midst of a recession, when millions of Americans are losing jobs and homes, the administration is proposing to spend tax dollars as if we are in the middle of the dot.com boom.

According to the administration's budget plan, the State Department sees a 41-percent increase in spending next year—a 41-percent increase in spending at the State Department. HUD sees an 18-percent increase.

The budget also proposes a "slush fund" for climate policy that will be larger than the entire annual budgets at the Department of Labor, Treasury, and Interior. Let me say that again: A slush fund for climate policy that will be bigger than the budgets of the Department of Labor, Treasury, and Interior.

Americans want reform in education, health care, energy, and other areas, but they want the administration to fix the economy first. That is the first priority. At this point we seem to be getting proposals on everything but the financial crisis. That is what is crippling our economy.

This budget spends too much, taxes too much, and borrows too much. If we want to earn the confidence of the American people for our programs and plans, the first thing we need to do is to get this excessive spending under control.

HONORING OUR ARMED FORCES

SERGEANT WILLIAM PATRICK RUDD

Mr. MCCONNELL. Madam President, one of America's bravest soldiers has fallen, so I rise to speak about SGT William Patrick Rudd of Madisonville, KY. On October 5, 2008, Sergeant Rudd tragically died of the wounds sustained during a ground assault raid on senior leaders of al-Qaida in Mosul, Iraq. He was 27 years old.

Sergeant Rudd was an Army Ranger on his eighth deployment in support of the war on terror. He had previously served five tours in Iraq and two in Afghanistan.

For his many acts of bravery over years of service, he received several medals, awards, and decorations, including the Kentucky Medal for Freedom, three Army Achievement Medals, the Army Commendation Medal, the Joint Service Commendation Medal, the Meritorious Service Medal, the Purple Heart, and the Bronze Star Medal.

Army Rangers are among the most elite members of our fighting forces. They undergo grueling training to wear the honored Ranger Tab on their sleeves. For Sergeant Rudd it was the life he always wanted.

"I really enjoy what I'm doing and I think I'm really good at it," Sergeant Rudd told his friend and fellow Ranger, SSG Brett Krueger. This was just a few days before his death. "I told him he was," Staff Sergeant Krueger remembers.

Sergeant Rudd said, "And I don't picture myself doing anything else as successful and as comfortable as what I do now."

Sergeant Rudd's parents also remember their son—who went by his middle name, Patrick—as a young man firmly dedicated to his fellow Rangers and the cause they fight for.

"He died for the country," says William Rudd, Patrick's dad. "He loved the Army Rangers. He loved his men. . . . He didn't join for himself. You might say he joined for everyone else over here."

Patrick's mother, Pamela Coakley, also remembers her son's sure sense that he was on the right path. "One thing he told me, if this ever happened . . . was just to know that he died happy and proud," she says. "And that's what stuck with me, because those big brown eyes looked into me. I know he was serious."

Pamela also remembers Patrick's fascination since he was young with the men and women who fight on the side of the good guys. "CIA, FBI, ever since he was a little boy growing up. . . . U.S. Marshals . . . his cousin was a State trooper, and he always wanted to be in that field," she says.

Young Patrick also loved the outdoors, camping, and riding horses. In fact, the family owned horses and Pamela remembers a time when one of hers was injured. She feared the horse would not survive. But 12-year-old Patrick gave the horse shots, cleaned its wounds, and it lived. "He was always my little man," Pamela says. "He was always my son, but really the man of the house, too."

Patrick also looked after his sister, Elizabeth Lam, and that included sending a message to her would-be boyfriends. "On my first date, he sat on the front porch with a shotgun," Elizabeth said, "on my very first date."

Patrick graduated from Madisonville-North Hopkins High School in 1999 and then worked at White Hydraulics in Hopkinsville, after which he joined the Army in October of 2003. "He had spent two years thinking about it, knowing that he needed a different direction in his life and wanting to defend our country," Patrick's dad, William, recalls. "I'm pretty sure he had his mind made up he wanted to be a Ranger when he went through Basic," adds Patrick's stepbrother, Josh Renfro.

Assigned to B Company, 3rd Battalion, 75th Ranger Regiment, based out of Fort Benning, GA, Patrick became a vital part of his Ranger team. Because he was a NASCAR fan and his favorite driver was Ricky Rudd, his fellow Rangers gave him the nickname "Ricky."

"He was a good-hearted person who loved life," said SSG Brett Krueger. "You could never catch him on a bad day. . . . everyone loved him dearly."

... A lot of younger guys looked up to him."

SGT Dusty Harrell explains why. "He spent countless hours passing down knowledge to younger soldiers, to help them be successful."

Jack Roush, owner of some of NASCAR's most successful teams, heard of the loss of Sergeant Rudd. To honor the Ranger and NASCAR fan, he had a decal of Patrick's name placed on David Ragan's No. 6 car during a race in Atlanta.

At the same time, the Atlanta Motor Speedway donated 200 tickets to members of Patrick's unit to attend the race. Patrick and the other Rangers became close friends who spent time together in and out of uniform. Sergeant Harrell remembers a time when he and Patrick went fishing together in Georgia, and he learned that Patrick, a brave Army Ranger, was afraid of snakes. Sergeant Harrell got a bite on his line and reeled it in to find a water moccasin on the hook. By the time he turned around to share a reaction with his friend, "Ricky was already up the hill."

Staff Sergeant Krueger, Sergeant Harrell, and more of Patrick's fellow soldiers came to Madisonville to share their memories of Patrick with his family. After speaking with them, Pamela said, "It made me feel like I still had sons."

After the loss of a brave young soldier such as Patrick Rudd, we must keep his loved ones foremost in our minds. We are thinking today of his mother Pamela Coakley; his father William Rudd; his stepmother Barbara Rudd; his sister Elizabeth Lam; his stepbrother Josh Renfro; his grandparents Judy and Bennie Hancock; and many other beloved family members and friends.

Pamela says she has faith she will see her son again someday. For now, she has 27 years' worth of cherished memories, and in many of them Patrick is still her little man, defender of his sister's honor, and doctor to horses.

"I don't envision the war stuff," Pamela says. "I see Patrick sitting on the kitchen counter. I see him sitting down by the creek or laying on the bed with his dog Harley. That's what I see."

I know the entire Senate rises with me to say we honor SGT William Patrick Rudd for his service, and we will forever remain reverent of his enormous sacrifice on behalf of our Nation.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Madam President, I rise today to express my support for the bipartisan bill introduced earlier this week by my colleague Senator BINGAMAN, called the Federal Land Assistance Management Enhancement Act, or the FLAME Act, S. 561. Senator BINGAMAN was joined by my colleagues: Senators MURKOWSKI, BOXER, CANTWELL, JOHNSON, MURRAY, TESTER, TOM UDALL, and WYDEN as cosponsors. I wish to add my support as a cosponsor as well.

Like many States from coast to coast, my home State of Colorado features expansive areas of wildland that are increasingly at risk of wildfire. Periods of drought continue to raise the possibility of wildfires in America, while in Colorado and throughout the mountain West, the epidemic of bark beetle infestation has compounded our risk of wildfire. In 2008, more than 5.1 million acres of land nationwide burned, according to the National Interagency Fire Center. In 2006 and 2007, more than 9 million acres burned, and more than 8 million acres burned in 2004 and 2005. The costs associated with these fires are large and increasing. To a large degree, these costs occur because fires are encroaching ever closer to our communities. These fires require more aggressive suppression efforts because of the risks to lives and property.

But unfortunately, the Federal lands agencies—especially the Forest Service—do not have the resources they need to fight these fires. They must resort to raiding funds from other important programs within these agencies, such as trails and road maintenance, recreation management and, especially important, preventive fuels treatment that could help reduce fires, or at least lessen their severity and costs when the wildfires occur.

For example: last year, the Forest Service had \$1.2 billion budgeted for fire suppression, but the agency had to transfer at least \$400 million from other programs when that funding fell short. In August of last year, Forest Service Chief Gail Kimbell sent out an interagency memo asking the staff to find ways to come up with extra money. The extra money being sent off to these accounts forced the closure of some recreation areas, caused some contract obligations to go unmet, and canceled construction, research, and natural resource work.

Later, Congress approved \$610 million for the Forest Service in emergency Federal firefighting funding, restoring some of those transfers. Nonetheless, that work had gone undone when it was necessary for it to be done.

Making matters worse is the fact that the Forest Service budget has historically declined overall. The Department of Interior and Forest Service each maintain multibillion dollar deferred maintenance backlogs and are

having to scale back some of their services. As is often pointed out, the Forest Service now dedicates upwards of half of its entire budget for emergency fire suppression activities.

We can't keep funding firefighting efforts in this manner. We have to find a better approach, so we do not continue to borrow money intended for other important missions. Also, we must move forward with efforts that allow us to reduce wildfire threats at the front end.

The FLAME Act would do just that. It would set up a separate fund that agencies can draw upon to augment firefighting costs. In so doing, we can help the agencies avoid drawing down funds in other programs and provide additional funds when we face an especially intense and expensive fire season. I strongly support the creation of a Federal fund designated solely for catastrophic emergency wildland fire suppression activities, which is what this bill does.

Equally important, in my view, is a provision in the FLAME Act calling for comprehensive wildland fire management strategies to best allocate fire management resources, assess risk levels for communities, and prioritize fuel reduction projects.

For many of my constituents—as in the State of the Presiding officer, New York, as well—Federal and State wildlands are Colorado's greatest attribute, providing all manner of outdoor recreation and awe-inspiring scenes of nature. Yet those same forested lands hold the potential for tragedy, as the threat of lost life and property due to wildfire grows. We currently employ a largely reactive wait-and-see approach to catastrophic wildland fires. The FLAME Act will help us shift to a more effective and proactive approach. I urge my colleagues to join me in supporting this bipartisan approach.

Again, I thank Senator BINGAMAN for introducing this legislation. I look forward to working with him and our colleagues to bring this bill before the full Senate and press for its final passage.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Vermont is recognized.

(The remarks of Mr. SANDERS pertaining to the introduction of S. 582 are located in today's RECORD under "Statements on introduced Bills and Joint Resolutions.")

Mr. SANDERS. Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE BUDGET

Mr. ENSIGN. Madam President, I wish to talk about the state of our country and the President's budget that has recently been offered.

There are many Americans who are hurting right now. Many have lost their homes or are afraid of losing their homes. Many are concerned that the value of their home, their greatest asset, has gone down tremendously and they can no longer count on their home as an asset when they retire. They have seen their 401(k)s devastated. Certainly, many of us in this chamber who have Thrift Savings Plans have seen our plans go down because of the problems in the stock market. Over half of Americans are invested in some way in the stock market. So there are a lot of people who are hurting out there right now. The unemployment rate all across the country is rising. I think California is over 10 percent now. My home State of Nevada is over 9 percent. Nationwide, unemployment is a little over 8 percent. So we should be focusing on the economy.

During Bill Clinton's campaign back in 1992, he coined a phrase: "It's the economy, stupid." That is when we were in a very minor recession. Today, we are in a severe recession with no end in sight. Some people say we are going to recover next year. Other people say this is going to be a long, deep recession. No one really knows for sure. We do know that is the past, when we do the wrong things, recessions can become very severe, and can lead to depressions. When we do the right things, recessions become more mild.

We recently passed a so-called stimulus bill. I don't think it is going to do a lot. It is going to help short term in a few areas, but I think the long-term damage is going to vastly outweigh the short-term prospects. Last week, we passed another massive spending bill that increased funding 8 percent over the same programs we had last year. An 8-percent increase at a time when families are cutting their own budgets, businesses are cutting their budgets, is irresponsible.

I just had the mayor of Las Vegas in my office. Local governments across America are having to cut their budgets. State governments are cutting spending because Governors are required by constitution in almost every State to balance their budget. They are

looking for any kind of waste. The only place that is not looking for any waste is right here in Washington, DC. Why? Because we can print money. We can borrow from our children.

Every generation of American has said: I may not have everything I want, but I want my children to have a better America than I did. Growing up, part of the American dream has been: I want to go past what my parents did. Today's generation has become selfish. We want to keep our standard of living and borrow from our children's future, no matter the cost to our children. That idea is what the President's budget accomplishes.

The President's budget double the public debt in the first 5 years. Let me repeat that. In the first 5 years of the President's budget, the debt doubles. In the first five years of the Obama Administration, assuming he is re-elected, this budget will increase the debt more than the debt has ever increased since the founding of the Republic, all the way from George Washington to George W. Bush. After 10 years the public debt triples. This is not sustainable. If we go down this path, it could lead to the downfall of America as we know it.

There are many items in the budget that are problematic. We had a discussion this morning about the differences between Europe and America. In Europe, they believe the state is the answer, government is the answer.

One of the things de Tocqueville observed when he visited America in the 1800s was the charitable nature of Americans, how we helped in communities through voluntary acts, through our churches, through our community organizations, secular, religious—we helped each other voluntarily. It was not forced on us by the government.

Europe today believes the state is the answer. As a matter of fact, not too long ago, the King of Sweden made a charitable contribution to private charities, and people in Sweden criticized him because instead of giving the money to charities, they said he should have given the money to the state. That is the European attitude.

Most Americans believe that the private sector can deal with problems in our communities person to person through charitable giving. We are the most generous Nation in the history of the world when calculating the percentage of our income we give to charities. That has been part of the miracle of America. Whether it is for disease research, whether it is for organizations such as the Boys and Girls Clubs or Big Brothers Big Sisters, community food banks, Catholic Charities.

We have some amazing charities that give compassionate care to those who truly need it. As a matter of fact, the word "compassion," if you take it at its root, means "to suffer with." Charities and individuals can relate to peo-

ple on a one-on-one basis and suffer with them. They can walk through life with them. That is why when the President put in his budget that we were going to eliminate charitable deductions for people making over \$250,000 a year, there was a hue and cry across America, especially from charities saying: Mr. President, this is going to hurt. You are going to hurt us at a time when, because of the economy, charitable contributions are down.

We have seen that. Food pantries across America are hurting. Every organization that has come to me in Nevada has told me: We are hurting right now. Please don't allow this part of the budget to be adopted. Don't let the charitable deduction go away.

We have to ask ourselves: Why would someone want to eliminate the charitable deduction just to increase the size of Government? Is it because they believe the state is a better answer than the private sector? Maybe. If that is the case, this is a very dangerous precedent we are setting going forward.

The budget has many other problems. There is a tax in this budget on which, I believe, the President violated his pledge. He said taxes were only going to go up on those people making \$250,000 a year or more. I guess that is true as long as you don't use energy because there is an energy sales tax in the President's budget. So if you use electricity, if you use gasoline, or if you buy any products made with energy in the United States, you are going to pay higher taxes on products, higher taxes on your electric bills, higher taxes on your gasoline.

Madam President, I ask unanimous consent to speak as in morning business for an additional 3 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEAHY. Madam President, I won't object, but I would ask that 3 minutes be added to the time for the Ogden debate.

Mr. ENSIGN. I thank the chairman of the Judiciary Committee.

Madam President, this energy tax I was talking about is a very regressive tax. I understand why people want to do it, I support the transition to a greener economy, but instead of putting incentives for us to go to a greener economy, they want to put a tax on Americans that will hurt the poor more than anybody else. It will severely affect those making under \$250,000 a year.

They say they are going to distribute that money to those through the Making Work Pay tax credit. But that is for lower income people. What about the people who are truly middle-income people—the people making around \$100,000 a year, or \$80,000 to \$100,000 a year. This includes teachers, firefighters, and police officers. They are going to pay that tax.

According to MIT, the refundable aspect of this tax provision is going to

raise about \$300 billion a year. They are not refunding that. So this is another giant problem the President has with his budget.

A couple other concluding points. We have a situation here where we should sit down together and think about our children, our grandchildren. Instead of giving us what we want today, let us think about the debt we are passing on to them. What is that debt like? It is as though we have taken their credit card and we are running up their credit card and they have to pay the finance charges. That means they have to work harder and they have to pay higher taxes in the future to pay those finance charges. This debt adds trillions of dollars in interest payments on their credit card—trillions of dollars.

This is not the direction our country should be going in today. We should be thinking about being fiscally responsible and thinking about future generations, just as generations before us have done.

Madam President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Under the previous order, morning business is closed.

EXECUTIVE SESSION

NOMINATION OF DAVID W. OGDEN TO BE DEPUTY ATTORNEY GENERAL—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate equally divided and controlled between the two leaders or their designees.

The Senator from Vermont is recognized.

Mr. LEAHY. I thank the distinguished presiding officer, a good friend from New Mexico.

Mr. President, before I begin on the David Ogden matter, I have been listening to a couple of days of debate not on Ogden but on the budget, and I see these crocodile tears. Oh, my gosh, we might eliminate some of these special tax breaks given to people making over \$250,000 or \$500,000 or \$1 million or \$2 million. My heart breaks for them, it really does, that they do not get all kinds of special tax breaks, that they might be unwilling to actually give money to charity. But then I look at the people who make \$25,000 or \$30,000 a year—people I see when I go to mass on

Sunday, digging deep and putting money in, a far greater percentage of their pocket—and they are not getting any tax break for that. They are not getting a tax break. They take a standard deduction and they give to charity because it helps the people in this country who are in need. These are people who barely have enough money to pay for food for their own families, yet they give to charity.

Let us stop setting up a straw man that somehow the very wealthy among us won't give anything to charity if we remove some of their tax breaks. You either feel a moral responsibility to give to charity or not. It is not because you are doing it to placate the IRS. You do it because it is the right thing to do. It is like the story in the Gospel of the widow's mite. She gave all she had. And to those wealthy who wanted to denigrate what she gave, the Lord said: She gave more than you did because she gave all she had.

So let us not cry, or pull out the world's smallest violin for this. People will give to charity if they feel they can and should help the least among us, not because they are getting some kind of a tax break.

Now, this idea that we must have tax breaks for the wealthiest here, because, after all, that is how we will pay for the war in Iraq—remember the last administration saying: We will give huge tax breaks and that will pay for the war in Iraq. It gave us the biggest deficit in the Nation's history and it precipitated the problems we are having today.

Let us be honest about this. If we give tax breaks, give them to the hard-working men and women in this country who are paying Social Security taxes, who are getting a weekly, or even hourly salary. They are the ones who need the tax breaks. Warren Buffett, one of the wealthiest people in the world, has argued against these huge tax breaks for people like himself. As he pointed out, he pays a lesser percentage of his income to taxes than people cleaning up his office—to janitors in his office; to secretaries in his office.

So let us be honest about this. People give to charity if they feel it is their moral duty, as my wife and I feel it is to give to charity, not because of any tax exemption. Let us be honest about that.

Now, on the other issue, David Ogden. The Senate is finally ready to stop the delaying tactics we have had to put up with and will conclude its consideration of President Obama's nomination of David Ogden to be Deputy Attorney General. We will finally give the nomination an up-or-down vote that in the past, when George Bush was President, Senate Republicans used to claim was a constitutional right of every nominee.

After all, all four of President Bush's Deputy Attorney General nominees

were confirmed without a single dissenting vote by Democrats. Notwithstanding that, Senate Republicans have decided to ignore the national security challenges this country is facing since the attacks of 9/11, and they have returned to their partisan, narrow, ideological, and divisive tactics of the 1990s.

In fact, it was the nomination of Eric Holder to be the Deputy Attorney General in 1997 that was the last time a President's choice for Deputy Attorney General was held up in the Senate. He, of course, was also nominated by a Democrat. Senate Republicans have unfortunately returned to their old, tired playbook. They ought to listen to what is best for the country, not what they are told to do by radio personalities.

David Ogden will fill the No. 2 position at the Department of Justice. As Deputy Attorney General, Mr. Ogden is going to be responsible for the day-to-day management of the Justice Department, including the Department's critical role in keeping our Nation safe from the threat of terrorism. He is highly qualified to do so. He is leaving a very lucrative and successful career in private practice, taking an enormous cut in pay to return to the Justice Department, where he previously served with great distinction, and having previously served with such distinction at the Department of Defense.

Senators KAUFMAN, KLOBUCHAR, and DURBIN made statements yesterday in support of the nominee, and I was very pleased to hear these three distinguished Senators speak so highly and favorably of him. Senator SPECTER, the Judiciary Committee's ranking member, also spoke yesterday in support of Mr. Ogden's nomination, and I was very pleased to hear Senator SPECTER's statement. I thank them all.

But after that, I was disappointed at the handful of opposition statements that parroted outrageous attacks against Mr. Ogden that had been launched by some on the extreme right. These attacks from extremists distort the record of this excellent lawyer and this good man. They begin by ignoring the truth, the whole truth, and then mischaracterizing a narrow sliver of his diverse practice as a litigator. Those who contend that Mr. Ogden has consistently taken positions against laws to protect children are unwilling to tell the truth. They chose to ignore Mr. Ogden's record and his confirmation testimony.

What these critics leave out of their caricature is the fact that Mr. Ogden aggressively defended the constitutionality of the Child Online Protection Act and the Child Pornography Prevention Act of 1996 when he previously served at the Justice Department. In private practice, he wrote a brief for the American Psychological Association in *Maryland v. Craig* in

which he argued for the protection of child victims of sexual abuse.

For those who talk about how one might help out and do charitable works, let me tell you about his personal life. He has volunteered his time at the Chesapeake Institute, a clinic for sexually abused children. I wonder how many of the people who are out here attacking him have given their own time to help children, especially sexually abused children. As a former prosecutor, I know how much help those children need. I ask those who want to willy-nilly attack him: Have you ever given your money or your time to help these children the way Mr. Ogden has?

In his testimony, he demonstrated his commitment to the rule of law and his abhorrence at child pornography and child abuse. Now, these may be inconvenient facts for those who want to perpetuate a fraud, but they are the truth. That truth has led the National Center for Missing and Exploited Children, the Boys and Girls Clubs of America, and the top law enforcement organizations across the country to support this nomination and reject the misconceived effort of character assassination of this public servant and family man.

We have the former Deputy Attorney General under President Bush supporting him, judge advocates general, the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the Major Cities Chiefs Association, the National Center for Missing and Exploited Children, the National Association of Police Organizations, the National District Attorneys Association—an association where I was honored to serve as its vice president before I was in the Senate—the National Narcotic Officers' Association, the National Sheriffs' Association, the Police Executive Research Forum, the National Center for Victims of Crime, and many others.

In fact, Mr. President, I ask unanimous consent to have printed in the RECORD a list of the 53 letters in support the committee received on this nomination.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT FOR THE NOMINATION OF DAVID OGDEN TO BE DEPUTY ATTORNEY GENERAL OF THE UNITED STATES, AS OF MARCH 11, 2009

CURRENT & FORMER PUBLIC OFFICIALS

Beth S. Brinkmann; MorrisonForester, LLP; former Assistant to the Solicitor General. Bill Lann Lee, Lewis, Feinberg, Lee, Renaker & Jackson, P.C.; former Assistant Attorney General, Civil Rights Division. Carolyn B. Lamm; White & Case, LLP; former President, District of Columbia Bar. Carter Phillips; SidleyAustin, LLP; former Assistant to the Solicitor General. Christine Gregoire; Governor, State of Washington. Daniel E. Troy; Senior Vice President and General Counsel, GlaxoSmithKline. Daniel

Levin; White & Case, LLP; former Acting Assistant Attorney General, Office of Legal Council; former Assistant United States Attorney. Daniel Price; former Assistant to the President and Department of National Security Advisor for Internal Economic Affairs. David C. Frederick; Kellogg, Huber, Hansen, Todd, Evans, & Figel, PLLC; former Assistant to the Solicitor General. Deval Patrick; Governor, State of Massachusetts. Douglas F. Gansler; Attorney General, State of Maryland. George Terwilliger; White & Case; former United States Attorney for the District of Vermont; former Deputy Attorney General. H. Thomas Wells, Jr.; Maynard, Cooper, & Gale, PC; President of the American Bar Association. James Robinson; Cadwalader, Wickersham, & Taft, LLP; former Assistant Attorney General, Criminal Division. Jamie S. Gorelick; WilmerHale, LLP; former Deputy Attorney General. Janet Reno; former Attorney General.

Jo Ann Harris; former Assistant Attorney General, Criminal Division. John B. Bellinger, III; former Counsel for National Security Matters, Criminal Division. Kenneth Geller; Mayer Brown, LLP; former Deputy Solicitor General. Larry Thompson; former Deputy Attorney General. Manus M. Cooney; former Chief Counsel, Senate Judiciary Committee. Michael E. Horowitz; Cadwalader, Wickersham, & Taft, LLP; Commissioner of United States Sentencing Commission. Paul T. Cappuccio; Executive Vice President and General Counsel of Time Warner; former Associate Deputy Attorney General. Peter Keisler; SidleyAustin, LLP; former Assistant Attorney General, Civil Division; former Acting Attorney General. Rachel L. Brand; WilmerHale, LLP; Assistant Attorney General for Legal Policy, Department of Justice. Reginald J. Brown; WilmerHale, LLP. Richard Taranto; Farr & Taranto; former Assistant to the Solicitor General. Robert F. Hoyt; former Associate White House Counsel; former General Counsel to the U.S. Treasury Department. Seth Waxman; WilmerHale, LLP; former Solicitor General. Stuart M. Gerson; former Assistant Attorney General, Civil Division. Thomas J. Miller; Attorney General, State of Iowa. Todd Steggar; WilmerHale, LLP; former Chief Counsel to McCain Presidential Campaign. Todd Zubler; WilmerHale, LLP; former Deputy General Counsel to McCain Presidential Campaign.

Mr. LEAHY. Mr. President, I might say also that some of the Republicans—and they have all been Republicans who have attacked Mr. Ogden—are also applying a double standard. Nominees from both Republican and Democratic administrations and Senators from both sides of the aisle have cautioned against opposing nominees based on their legal representations on behalf of clients. Like many others in this Chamber, I felt privileged to serve as a prosecutor, but I would hate to think I could not have served in that position because, before I was a prosecutor, I defended people who were accused of crimes. I was a lawyer. I wanted to make sure clients were given equal protection of the law. If we start singling out somebody because of their clients, what do you do? Do you say to this person: You defended somebody charged with murder and therefore you are in favor of murder? Come on, let's be honest with where we are.

In fact, when asked about this point in connection with his own nomination, Chief Justice Roberts testified:

... it has not been my general view that I sit in judgment on clients when they come.

... it was my view that lawyers don't stand in the shoes of their clients, and that good lawyers can give advice and argue any side of a case.

Basically, he took the same position David Ogden did. The difference is every single Republican voted for Chief Justice Roberts. Apparently, they do not use the same standard for those nominated by Democrats.

For nominees of Republican Presidents, Republicans demand that their clients and their legal representations not be held against nominees. I have heard this speech in the Judiciary Committee and on the Senate floor by Republicans: You cannot hold their clients against them.

Whoops; screech; stop—the American people elected Barack Obama as President so, suddenly, the Republicans do not want that rule anymore. When the American people elect a Democratic President, they do not want the same rules; they want a double standard.

I will give one example. It is probably the example that stands out the most. Just over a year ago, every Republican in the Senate voted to confirm Michael Mukasey to be Attorney General of the United States. They showed no concern that, according to his own statement, one of his most significant cases in private practice was his representation of Carlin Communications, a company that specialized in what was called "Dial-a-Porn" services.

When a Republican nominee represents someone for Dial-a-Porn, that is just his client. But when a Democratic nominee represents Playboy magazine, oh, that is awful. We are so offended. My gosh, we must have the most delicate sensibilities in America. Talk about a double standard. Where was the outrage then? Where was the debate? Where were the concerns? Where were the questions? Oh, wait just a moment, something just occurred to me. He was nominated by George W. Bush. Mr. Ogden has been nominated by Barack Obama. So when Karl Rove and Rush Limbaugh gave the orders that they were supposed to oppose and hold up Eric Holder, the first African-American Attorney General in this country, they held him up.

Every one of them voted unanimously for Alberto Gonzales, who was finally forced out of office for incompetence. But, oh my goodness, Mr. Ogden has been nominated by a Democrat. What a tough double standard.

If you were going to write something like this for a novel or story, your editor would reject it because it seems to be so far-fetched.

Let's stop the game playing. We had an election last November. If you are

going to apply one standard under a Republican President and a different one under a Democratic President, stand up and say: This had nothing to do with what he did, it is just that we want a double standard. We want a different standard.

I have served in the Senate for 35 years. I was honored by my colleagues on both sides of this aisle earlier this week when I cast my 13,000th vote. I worked with both Democrats and Republicans and voted for nominees of both parties. I like to think I have never applied a double standard.

In Mr. Ogden's case, it is not as though he is only supported by Democrats. His nomination received dozens of letters of support, drawing strong endorsements from both Democratic and Republican former officials and high-ranking veterans of the Justice Department. Larry Thompson, a former Deputy Attorney General himself, who is highly respected in this body, certainly highly respected by me—a Republican nominee—wrote that "David will be a superb Deputy Attorney General."

Chuck Canterbury, the national president of the Fraternal Order of Police, wrote that Mr. Ogden "possesses the leadership and experience the Justice Department will need to meet the challenges which lay before us."

A dozen retired military officers who served as Judge Advocates General endorsed Mr. Ogden's nomination. These are military persons who have been Judge Advocates General. I have no idea whether they are Republicans or Democrats. I just know they served with distinction in our Armed Forces to protect the rights of Americans. Here is what they wrote, that he is "a person of wisdom, fairness and integrity, a public servant vigilant to protect the national security of the United States and a civilian official who values the perspective of uniformed lawyers in matters within their particular expertise."

Mr. Ogden's nomination was reported by a bipartisan majority of the Senate Judiciary Committee 2 weeks ago, having been delayed for several weeks. The vote by the Senate Judiciary Committee was 14 to 5. The senior Senator from Minnesota who is now on the Senate floor was also there. The Assistant Republican leader voted for Mr. Ogden. The ranking Republican on the committee voted for Mr. Ogden. The senior Senator from South Carolina, who served in the Judge Advocate General Corps, voted for him.

I don't know what more you can say. You have these former high-ranking officials, both in the Defense Department and the Justice Department, of both parties, saying he is the kind of serious lawyer and experienced government servant who understands the special role the Department of Justice must fill in our democracy.

We are the Senate. We are supposed to be the conscience of the United States. One hundred of us men and women in this body are privileged to represent 300 million Americans. We not only represent them, we ought to set an example. We ought to say it is time for the slurs and the vicious rightwing attacks to stop. The problems and threats confronting the country are too serious. The problems and threats confronting this country are not problems and threats to just Democrats or just Republicans, they are threats to all Americans.

In the Department of Justice, the Attorney General needs a deputy to help run and manage that Department, not for the personal needs of the Attorney General but for the needs of 300 million Americans, to help protect every one of us.

Senators should join in voting to confirm this highly qualified nominee, this good man, to be Deputy Attorney General of the United States. Our country will benefit and we in the Senate will show that we actually do know how to do the right thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I want to acknowledge the great leadership of Chairman LEAHY in his work in getting this very important nomination to the floor of the Senate. I rise once again in support of David Ogden to be the next Deputy Attorney General of the United States of America.

When I drove in to work today, I heard on the news about new developments in the Madoff case, about how some people had thought \$50 billion had been lost in this country, lost to investors, lost to people who had nothing left, lost to some of the charities and charitable organizations in this country who, during this difficult time, are trying to help people in need. They thought it was \$50 billion, but now it was likely \$65 billion was lost because of one man, one man who committed such fraud—one man. That is what is going on in this country today—\$65 billion went through the fingers of the Securities and Exchange Commission, and now it is being prosecuted under the jurisdiction of the Justice Department of the United States.

Look at the other things going on in this country. We have billions of dollars coming out of very important investments in infrastructure and broadband and jobs in new energy in this country. But it is an unprecedented investment in this country. It is something like \$700 billion or \$800 billion going out there, and you have the funds being used to help some of the credit markets get going again. We all know when you put money like that out on the market, there are going to be people who try to do bad things. There are going to be people who will

try to steal that money, and we need a Justice Department that will hold accountable these people who are getting the money; a Justice Department that will watch over the taxpayers' money, make sure people like Madoff get prosecuted. That is what we need in this country.

When you see the difficult economic time we are in—people without jobs, people who are desperate—it is no surprise oftentimes you see an increase in economic crimes. We see that happening today.

We look at all those factors—Government taxpayer money going out on the street, the discovery of cases of people who have been ripping people off so long that it is only when economic times get bad that you actually see there is embezzlement going on, and then the natural, sad, and unfortunate increase in crime because of difficult economic times. All that is going on, and that is why I say we need a fully functioning Justice Department. That means we need a Deputy Attorney General for that Justice Department.

Yesterday, at our Judiciary Committee, the chairman himself said Eric Holder, the Attorney General, is all alone up there. He needs help. It is time to move these nominees.

That is why I question why people at this point would be wanting to delay his process, would want to not put someone who is clearly qualified to do this job into the Justice Department. We need to fill this post right now, and I have full confidence David Ogden is the right man at the right time. Why do I know this?

As I said yesterday, we had a great attorney general's office in Minnesota for years and years under both Republican and Democratic administrations, and then something happened. A Republican-appointed U.S. attorney, Tom Heffelfinger, was a friend of mine, U.S. attorney under George Bush I and II, who left of his own accord. When he left he found out his name was on a list to be fired. He was replaced with someone who didn't have management experience, and that office nearly blew up over a 2-year period with one person in charge.

Now under Attorney General Mukasey we at least have some peace in that office; things have improved. But I saw firsthand, when you put someone who is not necessarily qualified in a job, when you put someone in who is not putting the interests of the State first, I can see what happened. So Eric Holder and his deputies and those who work for him have a big job on their hands.

They not only have these white-collar crimes and these enormous issues to deal with, they also have a morale issue in the Justice Department. And no one, no one says that is not true.

The way you fix morale in an institution as big as the Justice Department

is you put people in place who have the respect of those who are working for them. Look at the numbers. The Department of Justice has more than 100,000 employees and a budget exceeding \$25 billion.

Every single Federal law enforcement reports to the Deputy Attorney General, the nomination we are considering today, including the FBI, the Drug Enforcement Administration, including the Bureau of Prisons, and all 93 U.S. Attorneys Offices in this country.

So what do we have here in David Ogden? Well, we have someone who has broad experience in law and in government: went to Harvard Law School, clerked for Justice Harry Blackmun—a Minnesotan, may I add—he has been in the public sector as a key person in the Justice Department under Attorney General Reno. He is someone who also has had private sector experience. I personally like that, when someone has been in Government and they have also had some private sector experience representing private clients as well. He is an openminded and moderate lawyer with broad support from lawyers of all political and judicial philosophies. So here you have someone with 6 years of leadership in the Department when the Department's morale was, by all accounts, good. We need to put him back in that Department.

I know that people on the other side of the aisle—there are a few of them—have raised issues about clients he had in the past. I can tell you as a lawyer, I think any lawyer—and there are plenty of lawyers in this Chamber—has, in fact, represented clients they might not quite agree with, and they need to make sure the ethical rules are followed.

I know as a prosecutor I chose to represent the State. But there was no one I admired more than those defense lawyers who were representing people who were charged with crimes. I did not choose to do that side, but many people did. In our system in the United States of America, when someone gets in trouble or someone needs a lawyer, that is your job as a lawyer. I think that if we use some kind of standard that we are going to throw people out of this Chamber because of clients they had represented whom we did not agree with or things they personally had done, it would be a very different Chamber.

I think people should be very careful about charges they make and decisions they make about reasons. They can oppose a nomination of someone if they want, but it better be for the right reasons. I believe we have the right reasons here.

I know Chairman LEAHY just quoted this, but it is very important to remember. At his own confirmation hearing, Chief Justice Roberts said:

The principle that you don't identify the lawyer with the particular views of the cli-

ent, or the views that the lawyer advances on behalf of a client, is critical to the fair administration of justice.

He went on to say:

It was my view that lawyers don't stand in the shoes of their clients, and that good lawyers can give advice and argue any side of a case. It has not been my general view that I sit in judgment on clients when they come to me. I viewed that as the job of the Court when I was a lawyer. And just as someone once said, you know, it's the guilty people who really need a good lawyer. I also view that I don't evaluate whether I as a judge would agree with a particular position when somebody comes to me for what I did, which was provide legal advice and assistance.

So that is what we are talking about here. We have someone in this candidate who has broad support from people who have served in his role under both Democratic and Republican Attorneys General. We have someone who has the endorsement of the Fraternal Order of Police, a major law enforcement organization, and someone who has the endorsement of the Center for Missing and Exploited Children.

While at the Department of Justice, David Ogden also led the Government's defense of various antipornography statutes against constitutional attack, even arguing forcefully against the positions taken by some of those people he had formerly represented.

For example, while at the Civil Division, David Ogden defended the Child Online Protection Act of 1998, which aimed to protect children from harmful material on the Internet by requiring pushers of obscene material to restrict their sites from access by minors. Under David Ogden, the Civil Division of the Justice Department aggressively defended that statute.

While he was head of the Civil Division, David Ogden also defended the Child Pornography Prevention Act, which expanded the ban on child pornography to cover virtual child pornography. I know this as a prosecutor. I know how damaging this is. We had cases where people who were preying on children would actually see their images on the Internet, would figure out who they are. We had one case where we went after someone who met a kid at the mall whom he met on the Internet. Then the police looked at all of those images that were on that guy's Internet site, and they actually traced them to another kid who did not even know her picture was on that Internet site. That is what we are talking about—explicit images that appear to depict minors but were produced without using any real children, or perhaps using a real child and putting them in the imagery, computer-generated imagery. That is what David Ogden did, he protected these statutes. He defended these statutes, and he will continue to do that at the Department of Justice.

This strong support for families and children is why David Ogden received

the National Center for Missing and Exploited Children's endorsement, the Boys and Girls Club of America's endorsement, and, of course, because of his work with law enforcement, the Fraternal Order of Police and the Partnership for a Drug-Free America. You think these organizations just come and willy-nilly put their names on an endorsement, those organizations, venerable organizations that have been here for so long? No. They would not put their name on the endorsement of anyone who did not consider the protection of children as one of their paramount goals. They know David Ogden will do that. They know what I know: David Ogden is a man of integrity and commitment to the rule of law. He is someone who will work with our Attorney General, Eric Holder, to restore credibility to the Justice Department, to restore morale, to make it the kind of place where lawyers, the kids coming out of law school, say: That is where I want to work. I want to go work for Eric Holder and David Ogden.

That is what we need restored in our Justice Department. That is why we need to move this along the Senate floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I thank the Senator from Minnesota. She is one of the newest additions to the Senate Judiciary Committee. She has already improved the quality of our committee by just being there.

Obviously, having former prosecutors on the committee is something I have searched for and am happy to have. I appreciate what she has brought to us. She was in an era when as a prosecutor she faced things I did not have to, such as the online threats to young people, and she understands what she is saying.

I see my good friend from Tennessee on the floor.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of the nomination of David Ogden to be Deputy Attorney General of the United States.

There is simply no excuse for the delay in confirming Mr. Ogden.

In 2004, when the 9/11 Commission issued its report on national security issues, it specifically recommended that the Deputy Attorney General and other national security nominees be confirmed without delay.

Let me quote from the Commission's report:

Since a catastrophic attack could occur with little or no notice, we should minimize as much as possible the disruption of national security policymaking . . . by accelerating the process for national security appointments.

The report said the President-elect should make his nomination by January 20—which President Obama did, he

nominated Ogden on January 5—and the Senate should finish considering the nominee within 30 days.

But 66 days later, this nomination is still pending.

It is time to get Mr. Ogden in his post so the Department of Justice can get to the important work ahead.

David Ogden is an extremely strong nominee, and the Deputy Attorney General is a critical official in the Justice Department.

The Deputy Attorney General is the second-ranking position in the Department and plays a large role in national security issues.

His responsibilities include overseeing the closing of the detention facility at Guantanamo Bay and the transfer of the remaining 245 detainees to new locations, signing FISA intelligence applications, and coordinating responses to terrorist attacks.

He is also responsible for the day-to-day management of the Justice Department's more than 100,000 employees and its budget of over \$25 billion. And he manages the criminal division, the FBI, and the over 90 U.S. attorney's offices nationwide.

This is a critical position both for the enforcement of our criminal laws and for keeping Americans safe from harm.

President Obama has chosen David Ogden to be the Deputy Attorney General, and his record shows why:

Ogden is a Harvard Law School graduate, and a former clerk to a U.S. Supreme Court Justice.

He is a nationally recognized litigator with over 25 years of experience and the cochair of the Government and Regulatory Group at one of DC's top law firms.

Mr. Ogden is also a former Deputy General Counsel and legal counsel at the U.S. Department of Defense, where he received the highest civilian honor you can receive—the Department of Defense Medal for Distinguished Public Service.

And he is a former Associate Deputy Attorney General, chief of staff and counselor to the Attorney General, and Assistant Attorney General for the Civil Division at the Department of Justice.

David Ogden knows the Department of Justice inside and out, and he has already proven that he can be an effective leader.

In fact, over 50 individuals and groups have written in to support this nomination.

Ogden has the endorsements of:

the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the Major Cities Chiefs Association, the National Association of Police Organizations, the National District Attorneys' Association, the National Narcotic Officers' Association Coalition, the National Sheriffs' Association, the Community Anti-Drug Coalitions for America, the National Center for Missing and Exploited Children, the National

Center for Victims of Crime, the Judge Advocates General, the Boys and Girls Club of America, and the Partnership for a Drug-Free America.

The letters state again and again that Ogden was a standout public servant before and that he is highly qualified for the position of Deputy Attorney General.

Let me read just a few remarks from officials who served in Republican administrations: Paul Cappuccio, the Associate Deputy Attorney General under George H.W. Bush, has written:

I consider myself a judicial and legal conservative, and believe it is important to appoint high-quality individuals who will uphold the rule of law. In my view, David Ogden is . . . a person of the highest talent, diligence, and integrity. He is, in my view, an excellent pick.

Larry Thompson, who was Deputy Attorney General under George W. Bush, has said that Ogden is "a person of honor who will, at all times, do the right thing for the Department of Justice and our great country."

And from Richard Taranto, a high-ranking DOJ lawyer under President Reagan: "The country could not do better."

This is very strong support for Ogden. I also hope that my colleagues will look closely at his track record as a public servant.

During the Clinton administration, Ogden proved himself at every turn. In addition to being promoted three times to high level positions—from Associate Deputy Attorney General to Chief of Staff to Assistant Attorney General—he also received the Attorney General's Medal in 1999 and the Edmund J. Randolph Award for Outstanding Service in 2001. He took the lead on a landmark lawsuit against the cigarette companies for lying to the American people about the health risks of smoking. Under his guidance, the Civil Division recovered more than \$1.5 billion in taxpayer money from Government contractors in the health care industry and elsewhere that had overbilled the government and defrauded the American people. And he vigorously defended the Child Pornography Prevention Act of 1996 and the Child Online Protection Act of 1998.

This is a nominee who has proven himself in Government.

In his confirmation hearing, Ogden also laid out his priorities for the future. He said his top priorities will be protecting the national security, restoring the rule of law, and restoring nonpartisan law enforcement at DOJ.

He told us that he is committed to making sure that DOJ fights financial, mortgage and securities fraud effectively.

And he pledged in no uncertain terms that if confirmed he would "recommend that protecting children and families should be a top priority, including through the prosecution of those who violate federal obscenity laws."

In a 2001 speech at Northwestern Law School, Ogden explained to a group of students that a government lawyer's client is not "the President, the Congress, or any agency, although the views of each may be extremely relevant," his client is the people of the "United States."

The American people will be well served by having David Ogden on our side. He is an outstanding lawyer and a dedicated public servant.

It has been 66 days since President Obama nominated David Ogden to be the Deputy Attorney General.

He is a good nominee that should not be held up. Let's let him get to work without any further delay.

Mr. COBURN. Mr. President, I would like to take a minute to briefly discuss my opposition to the nomination of David Ogden to be Deputy Attorney General of the United States.

First, however, I would like to take a minute to respond to allegations made yesterday by Senator LEAHY, who criticized the "undue delay" of David Ogden's nomination and further stated that "It was disturbing to see that the president's nominee of Mr. Ogden to this critical national security post was held up this long by Senate Republicans apparently on some kind of a partisan whim." There was no such delay. I would like to set the record straight on the Senate's prompt consideration of this nominee.

President Obama announced Mr. Ogden's nomination on January 5, but the Judiciary Committee did not receive his nomination materials until January 23, and he was not officially nominated until January 26. The committee promptly held a hearing on his nomination on February 5, just 13 days after receiving his nomination materials. His hearing record was open for written questions for 1 week, until February 12, and Mr. Ogden returned his responses on February 18 and 19.

Following Mr. Ogden's hearing, the Judiciary Committee received an unprecedented number of opposition phone calls and letters for a Department of Justice nominee. In total, the committee has received over 11,000 contacts in opposition to his nomination. Despite this overwhelming opposition, the committee promptly voted on Mr. Ogden's nomination on February 26.

I would note that the week prior to the committee's vote on Mr. Ogden's nomination was a recess week and was the same week the committee received Mr. Ogden's answers to his written questions. Per standard practice, the committee could not have voted on him prior to February 26 because the record was not complete.

Rather than hold this controversial nomination over for a week in committee, which is any Senator's right, Republicans voted on Mr. Ogden's nomination the first time he was listed, on February 26. Five of the eight committee Republicans voted against his

nomination, a strong showing of the concern over Mr. Ogden's nomination.

And now, just 45 days after Mr. Ogden was nominated and despite significant opposition, the Senate is poised to vote on his confirmation.

Even giving Democrats the benefit of the doubt and allowing that Mr. Ogden's nomination was announced on January 5, 66 days ago, the Senate is still acting as quickly as it has on past Deputy Attorney General, DAG, nominees. On average since 1980, Senators have been afforded 65 days to evaluate DAG nominees. Further, Senators were afforded 85 days to evaluate the nomination of Larry Thompson, President Bush's first DAG nominee and 110 days to evaluate the nomination of Mark Filip. Yesterday, Senator Leahy said he had "urged" the "fast and complete confirmation" of Mark Filip and that "he was." If 110 days was a "fast" confirmation, then how is 66 days an "undue delay?" In short, I take issue with the chairman's characterization of any "undue delay" on this nomination.

As a member who shares the concerns of the thousands of individuals who have called the committee, I would now like to explain my opposition to David Ogden's nomination to be Deputy Attorney General.

If confirmed, Mr. Ogden would be the second-highest ranking official in the Department of Justice. The Deputy Attorney General possesses "all the power and authority of the Attorney General, unless any such power or authority is required by law to be exercised by the Attorney General personally." He supervises and directs all organizational units of the Department, and aides the Attorney General in developing and implementing Departmental policies and programs. To say the least, this is an important position.

America is entitled to the most qualified and judicious person to fill such a crucial role. My concern is that David Ogden falls short of those expectations.

Mr. Ogden is undoubtedly a bright and accomplished attorney. Although he lacks criminal trial experience that would be helpful in overseeing DOJ components such as the Criminal Division, National Security Division, U.S. Attorneys' Offices, FBI, and DEA, it appears he is fit to serve as Deputy Attorney General.

My concern is with his views on some of the most important issues within the Department's purview. During Mr. Ogden's time as an attorney in private practice, he vigorously defended very sensitive and controversial issues such as abortion, pornography, the incorporation of international law in Constitutional interpretation, and the unconstitutionality of the death penalty for minors.

While I recognize that lawyers should not necessarily be impugned for the

views of their clients, I am particularly concerned about a pattern in Mr. Ogden's representations, namely his work on obscenity and pornography litigation. In these cases, Mr. Ogden has consistently argued the side of the pornography producers, opposing legislation designed to ban child pornography, including the Children's Internet Protection Act of 2000 and the Child Protection and Obscenity Enforcement Act of 1998.

At his hearing and in response to written questions, Mr. Ogden maintained that the views he advocated in these cases were those of his client, and not necessarily his own. While I accept this as plausible, I am unsatisfied with Mr. Ogden's unwillingness to answer my specific questions about his own personal beliefs. Discerning such personal views is crucial to adequately evaluating a nominee who may be charged with enforcing the very laws he has opposed in the past.

It would not have been hard for Mr. Ogden to distance himself from some of the extreme views he advanced on behalf of his clients. For example, in his brief for the American Psychological Association in *Casey v. Planned Parenthood*, he wrote:

it is grossly misleading to tell a woman that abortion imposes possible detrimental psychological effects when the risks are negligible in most cases, when the evidence shows that she is more likely to experience feelings of relief and happiness, and when child-birth and child-rearing or adoption may pose concomitant (if not greater) risks of adverse psychological effects for some women depending on their individual circumstances.

I was disappointed—and somewhat shocked—that, given an opportunity to respond to such a statement, the best Mr. Ogden could offer was further clarification that he was representing the views of client. When pressed for his personal views on the matter, he refused to answer. As a result, I am left to guess at what this nominee's views are on a matter of critical importance.

Similarly, I asked Mr. Ogden whether he believes that adult obscenity contributes to the sexual exploitation of children in any way. Further, I asked him whether he personally believes that adult obscenity contributes to the demand for prostitutes, and/or women and children who are trafficked into prostitution. His curt response was the same for both questions: "I have not studied this issue and therefore do not have a personal belief." It is hard to believe that a lawyer who devoted significant time and energy throughout his career to representing the pornography industry would not have an opinion on these issues.

In response to my question about whether he personally believes there is a Federal constitutional right to same-sex marriage, he replied: "I have not studied this issue and therefore have not developed a personal view as to

whether there is a constitutional right to same-sex marriage." I simply find it hard to believe that a lawyer of the caliber and experience possessed by David Ogden has not thought about matters of such widespread public debate.

In short, although I am impressed by Mr. Ogden's credentials, his lack of candor in response to my questions leaves me guessing about the approach he will take to these and other sensitive issues at the Department of Justice. While former clients or advocacy should not necessarily disqualify a lawyer from such positions, David Ogden did not do enough to distance himself from controversial views he advocated in the past, often against the interests of the government. Therefore, Mr. Ogden's performance throughout this nomination process is not enough to overcome the unfortunate presumptions created by his record of representation. I am unable to support his nomination.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business, with the time charged to the Republican side on this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECRETARY GEITHNER

Mr. ALEXANDER. I thank the Senator from Vermont.

Mr. President, this morning Secretary Geithner appeared before the Budget Committee. He had good humor. He was resilient. He did a good job in his testimony. He said, a variety of times, approximately this: There would be no economic recovery until we fix the banks and get credit flowing again.

I would like to make a constructive suggestion to our new President, who I think is an impressive individual, and to Secretary Geithner, because while that may be the goal of the Government, the country is not yet persuaded the Government will do that or can do that.

I asked Secretary Geithner whether he is familiar with a book by Ernest May, a longtime professor at the Kennedy School of Government at Harvard University. The book is called "Thinking in Time: The Uses of History for Decision Makers." The reason I asked Secretary Geithner about that was because Ernest May's book ought to be required reading for any governmental decision maker. The thesis of the book is that any crisis one may be presented—if you are Secretary of Treasury, Secretary of Defense—usually has something in history to teach you a lesson. For example, if you are the Kennedy administration dealing with the Cuban missile crisis in the early 1960s, you may want to look back to Hitler's invasion of Rhineland in 1936

to see whether we should have stopped him then and avoided, perhaps, World War II.

Professor May often says one has to be very careful in thinking about the different analogies because you might pick up the wrong analogy and the wrong lesson from history. I would like to suggest to the President and to the Secretary of Treasury, in the spirit of Professor May's book, a couple of analogies from history that I believe would help this country deal with the banking crisis, deal with getting credit flowing again, and begin to get us back toward the economic recovery that we all want for our country and that we very badly need.

The first example comes from President Franklin Delano Roosevelt, who was elected after a deep recession, and maybe even a depression was already underway, much worse than today. Mr. President, 5,000 banks had failed, and deposits were not insured. What did President Roosevelt do? He did one thing: Within 2 days after taking the oath of office, he declared a bank holiday, from March 6 to March 10, 1933. Banking transactions were suspended across the Nation except for making change. He presented Congress with the Emergency Banking Act. The law empowered the President, through the Treasury Department, to reopen banks that were solvent and assist those that were not. The House passed it after 40 minutes of debate, and the Senate soon followed. Banks were divided into categories. On the Sunday evening before the banks reopened, the President addressed the Nation through one of his signature fireside chats. The President assured 60 million radio listeners in 1933 that the crisis was over and the Nation's banks were secure. By the beginning of April, Americans confidently returned \$1 billion to the banking system; the bank crisis was over. Now, there was a lot more to come. That was not the end of the Great Depression, but it was the end of the bank crisis, and it came because of swift and bold Presidential leadership.

The lesson I would suggest from that analogy to our nation's history, is that President Roosevelt did not try to create the Tennessee Valley Authority and the Civilian Conservation Corps and the PWA and the WPA and pack the Supreme Court all in the first month of his term of office.

He declared a banking holiday within 2 days after taking office. He assured the country that he would fix the problem. He went on the radio not for the purpose of talking about the whole range of problems but to say, on March 12, 1933: I want to talk for a few minutes to the people of the United States about banking. And he explained what was going on. He said: We do not want and we will not have another epidemic of bank failures. He said: We have provided the machinery to restore our financial system.

The people believed him. They put money back in the banks because the American people were looking for Presidential leadership at that moment. They knew that the Congress or the Governors or other individuals in the country could not fix the bank problem. They knew the President had to fix it. When the President took decisive action and said he would fix the problem, the country responded and that part of the problem was fixed. The bank crisis was over. That is analogy No. 1.

Analogy No. 2—and I believe the analogy is closer to today's challenge facing President Obama and Secretary Geithner and all of us, really—is President Eisenhower's speech in October 1952 in which he declared he would end the Korean war. I'd like to read a paragraph from that speech because it seems to me so relevant to the kind of Presidential leadership that might make a difference today.

President Eisenhower said:

The first task of a new administration will be to review and re-examine every course of action open to us with one goal in view: to bring the Korean war to an early and honorable end.

In these circumstances today, one might say to bring the bank crisis and the credit freeze to an early, honorable end.

President Eisenhower, then a general, not President, said:

This is my pledge to the American people. For this task a wholly new administration is needed. The reason for this is simple. The old administration cannot be expected to repair what it failed to prevent.

In other words, the issue in the Presidential election of 1952 was change. That is also familiar. It just happened to be the Republicans arguing for change at the time.

Then the President said:

That job requires a personal trip to Korea. I shall make that trip. Only in that way could I learn how best to serve the American people in the cause of peace. I shall go to Korea.

On November 29, in the same month he was elected to the Presidency, Dwight D. Eisenhower left for Korea.

The lesson from that instance in history, as Ernest May would have us look at, is not that President Eisenhower ended the Korean war by Christmas or even by Easter of the next year. The lesson is that he told the American people he had one objective in mind. Of all the things going on in 1952—inflation and other problems—he focused on the one that only a President could deal with. He did it in memorable terms. We remember the phrase today: I shall go to Korea. The people believed him. They elected him. They relaxed a little bit. The war was ended, and the 1950s were a very prosperous time.

I wish to make this a constructive and, I hope, timely suggestion because the President and the Secretary are

about to tell us what they are going to do about banks. What I would like to suggest is this: they don't need to scare us anymore. Back in Tennessee, we are all pretty scared. There are a lot of people who are not sure what is going to happen with the banks. They don't need to explain the whole problem to us anymore. That is not what leaders do. Leaders solve problems. Maybe it needs to be explained enough so we grasp it, but basically Americans are looking for Presidential leadership to solve the problem.

I don't think we have to be persuaded that our impressive new President is capable of doing more than one thing at a time. He may have shown that better than anybody else in history. We have already had two summits—one on health and one on fiscal responsibility. I was privileged to attend one of the summits. I thought it went very well. The President has repealed some of President Bush's orders that he didn't agree with on the environment and stem cell research. The President has been out to a wind turbine factory in Ohio talking about energy. He has persuaded Congress to spend a trillion dollars, over my objection, but still he was able to do that in the so-called stimulus bill. The new Secretary of Education has worked with the President, and he made a fine speech on education the other day. He is doing a lot of things. A lot of things need to be done.

The point is, there is one overriding thing that needs to be done today, and that is to fix the banks and get American credit flowing again. President Roosevelt didn't create the Tennessee Valley Authority and the CCC and the WPA during the bank holiday. He fixed the banks. So my respectful suggestion is that our impressive, new President say to the American people as soon as he can, in Eisenhower fashion: I will fix the banks. I will get credit flowing again. I will take all these other important issues facing the country—health care, education, energy, on which I am eager to work—and I will make them subordinate to that goal. In the spirit of President Eisenhower: I will concentrate my full attention on this goal until the job is honorably done; that job being, fixing the banks and getting credit flowing again.

I genuinely believe that if this President did that, if he, in effect, made that speech, cleared the decks, gathered around him the bright people he has around him and said to the American people: Don't worry, a President can do this and I am going to. That statement would be the beginning of the economic recovery. Because lack of confidence is a big part of our problem. This crisis began with \$140 oil prices. That was, in the words of FedEx chairman Fred Smith, "The match that lit the fire." Then there was the housing subprime mortgage crisis and then banking failures.

Now, even in strong community banks in Tennessee, we have people who are out of work and who can't pay their small business loans or student loans. Some of those banks are beginning to have some problems.

We need to interrupt this train. We only have one person who can do it. A Senator cannot do it. The Vice President cannot do it. The Secretary of the Treasury cannot do it. No Governor can do it. The President can; only he can do it. Even though he may be able to do many things well at one time, he needs to do one thing until the job is honorably done.

My respectful suggestion is that Ernest May's book, which reminds leaders to think in terms of history, "Thinking in Time," is a powerfully apt book for these times. As the Secretary and the President and his advisers think about how to present to the American people what their plan is, they should remember that a part of it is not only developing a strategy. The most important part is persuading at least half the people they are right. I believe that means clearing the deck: no more summits, no more trips in other directions. Focus attention on the problem facing the country until the job is honorably done.

In Eisenhower fashion, I hope the President will say: I will fix the banks. I will get credit flowing again. I will concentrate my attention on that job until it is done.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time during the quorum be split evenly between the parties.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that my time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I come to the floor today to urge my colleagues to support the nomination of David Ogden to be our Deputy Attorney General. In doing so, I will make a few brief points.

First, Mr. Ogden is extraordinarily qualified as a lawyer. He has served as the Assistant Attorney General in charge of the Civil Division, as the Chief of Staff to Attorney General Janet Reno, as the Associate Deputy Attorney General, and as Deputy General Counsel over at the Department of Defense. He has a distinguished government record.

He has also been a distinguished lawyer in the private sector, as evidenced

by his position as cochair of the Government and Regulatory Litigation Group at the law firm of WilmerHale. His qualifications for this important position as Deputy Attorney General are exemplified by the support of former Deputy Attorneys General of both parties.

Republican Larry Thompson said:

David is a person of honor who will, at all times, do the right thing for the Department of Justice and our great country. As a citizen, I am extremely grateful that a lawyer of David's caliber again offers himself for public service.

Democrat Jamie Gorelick wrote that David Ogden "is a man of unusual breadth and depth who is as well prepared to help lead the Department as anyone who has come in at the outset of a new administration can possibly be."

Second, now more than ever, the Department needs a competent Deputy Attorney General. I will not go back and review the long sad litany of problems—to put it mildly—we saw in the Bush Justice Department. But the incompetence and politicization that ran rampant through that building must never be repeated.

The Deputy Attorney General is the second ranking member at the Department, and some have compared the position to a chief operating officer. We need in that office a person who understands what makes the Department of Justice such an important and unique institution, who is committed to restoring the Department's honor and integrity, who will act independent of political pressure, and who understands the levers within the building that need to be pulled to get things done. Based on my review of his background and based on his confirmation hearings and based on my personal conversations with David, I believe him to be such a man.

I commend Chairman LEAHY for his determination to confirm as many Department nominees as quickly as possible. The Department has more than 100,000 employees and a budget exceeding \$25 billion. It is also tasked with confronting the most complex and difficult legal challenges of our day. The Attorney General must have his leadership team in place as quickly as possible. It is March 12 and the Attorney General does not have his Deputy confirmed by this body. Despite some very unfortunate delay tactics that have taken place, Chairman LEAHY is doing all he can to move these nominees in a careful, deliberate, and expeditious manner. I commend him for that effort and I look forward to supporting him in that effort.

I would also add that as a Senator I have found some of the comments that have been made about Mr. Ogden to be very troubling, and certainly not the sort of debate I had in mind when I ran to be a Senator. Everybody here who is

a lawyer knows that a lawyer in private practice has a duty—a duty—to zealously advocate—to zealously advocate—the position of his client. What makes our system great is that you don't have to win a popularity contest as a client before you can get a zealous advocate for your position. Every lawyer is under a duty to zealously advocate their client's position.

So to take a lawyer who has served in private practice with great distinction and attribute to him personally the views of clients is plain dead wrong and strikes at the heart of the attorney-client relationship that is the basis of our system of justice. It is a terrible mistake to do that, and particularly to exaggerate those positions to the point where he has been accused of supporting things such as child pornography. It is an appalling misstatement. The major organizations that concern themselves with the welfare of children in this country support David Ogden. That should put these false claims to rest. However, I do very much regret that the level of debate over someone such as David Ogden in this historic body has come to a point where those sorts of charges are being thrown out, completely without factual basis and, in many respects, in violation of what we should as Senators understand to be a core principle, which is that a lawyer is bound to advocate for his client and to do so does not confer upon the lawyer the necessity of agreeing to those views.

As somebody who spent a good deal of time in public service as a lawyer and who has spent some time in private practice as a lawyer as well, I can tell my colleagues that one of the reasons people come to public service is so they can vindicate the public interest. David, as Deputy Attorney General, I have no doubt whatsoever will serve in a way that vindicates the public interest, that protects children, that protects our country, and that serves the law.

I appreciate the opportunity to say this, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to discuss briefly the pending nomination of David Ogden to be Deputy Attorney General. I had spoken on the subject in some detail 2 days ago, and my comments appear in the CONGRESSIONAL RECORD. But I wish to summarize my views today and also to respond to an issue which has been raised about undue delay on Mr.

Ogden's nomination. There has been no such delay, and I think that is conclusively demonstrated on the record.

President Obama announced Mr. Ogden's nomination on January 5, but the Judiciary Committee did not receive the nomination materials until January 23, and he was not officially nominated until January 26.

Then the committee promptly held a hearing on his nomination on February 5, 13 days after receiving his nomination materials. His hearing record was open for written questions for 1 week, until February 12, and Mr. Ogden returned his responses on February 18 and 19.

Following Mr. Ogden's hearing, the Judiciary Committee received an unprecedented number of opposition calls and letters—over 11,000 contacts in opposition to the nominee, unprecedented for someone in this position. Despite this opposition, the committee promptly voted on Mr. Ogden's nomination on February 26.

I note that the week prior to the committee's vote on Mr. Ogden's nomination was a recess week, and it was the same week the committee received Mr. Ogden's answers to his written questions. As is the standard practice, the committee would not have voted on him prior to February 26 because the record was not complete.

Rather than hold this nominee over for a week in committee, which is any Senator's right, Republicans voted on Mr. Ogden's nomination for the first time he was listed, on February 26. And now, 45 days after Mr. Ogden was nominated, the Senate is poised to vote on his nomination.

Even allowing that Mr. Ogden's nomination was announced on January 5—66 days ago—the Senate is still acting as quickly as it has on past Deputy Attorneys General.

On average, since 1980, Senators have been afforded 65 days to evaluate Deputy Attorney General nominees. Senators were afforded 85 days to evaluate the nomination of Larry Thompson and 110 days to evaluate the nomination of Mark Filip, both nominated by President George W. Bush. In fact, we are voting on Mr. Ogden's nomination faster than any of President Bush's nominees: Larry Thompson, 85 days; James Comey, 68 days; Paul McNulty, 147 days; and Mark Filip, 110 days. I believe these facts put to rest any allegation there was any delay.

I spoke on Wednesday urging my colleagues to move promptly, noting I had a call from Attorney General Holder who said he was needed. Not having had any top-level people confirmed, I think the Attorney General's request is a very valid one. In my position as ranking member, I am pushing ahead and trying to get the Ogden nomination voted on.

On Wednesday, I noted the fine academic record and professional record

and put his resume into the RECORD, so I need not do that again.

I noted on Wednesday in some detail the opposition which had been raised by a number of organizations—Family Research Council, headed by Tony Perkins; Fidelis, a Catholic-based organization; the Eagle Forum; and the Alliance Defense Fund—on the positions which Mr. Ogden had taken in a number of cases. I also noted the judgments that when Mr. Ogden took those positions, he was in an advocacy role and is not to be held to those policy positions as if they were his own.

I noted that the Judiciary Committee is taking a close look at other nominees—Elena Kagan, for example—on the issue of whether she adequately answered questions. I am meeting with her later today. Her nomination is pending. Also, the nomination of Ms. Dawn Johnsen involving the issue of her contention that denying a woman's right to choose constitutes slavery and a violation of the 13th amendment.

I believe on balance Mr. Ogden ought to be confirmed, as I said on Wednesday, noting the objections, noting the concerns, and contrasting them with his academic and professional record. He took advocacy positions well recognized within the profession, but that is a lawyer's responsibility. He cannot be held to have assumed those positions as his own policy.

We will later today take up the nomination of the Associate Attorney General. While I have the floor, I think it appropriate to make some comments regarding this nomination.

Thomas Perrelli is the nominee. He has an outstanding academic record: a graduate of Brown University, Phi Beta Kappa and magna cum laude, very substantial indicators of academic excellence. Then Harvard Law School, again magna cum laude, 1991; managing editor of the Harvard Law Review. He clerked for Judge Lamberth in the U.S. District Court for the District of Columbia. He has been an associate at Jenner & Block; counsel to the Attorney General; Deputy Assistant Attorney General; and later a partner in Jenner & Block. He was named to the "40 under 40" list by the National Law Journal; a recipient of the Jenner Pro Bono Award; and recognized as one of Lawdragon's 500 "New Stars, New Worlds."

Mr. President, I ask unanimous consent to have printed in the RECORD his résumé.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THOMAS J. PERRELLI

ASSOCIATE ATTORNEY GENERAL

Birth: 1966, Falls Church, Virginia.

Residence: Arlington, Virginia.

Education: A.B., Brown University, magna cum laude, 1988; Phi Beta Kappa, 1987; J.D., Harvard Law School, magna cum laude, 1991; Managing Editor, Harvard Law Review.

Employment: Law Clerk, Honorable Royce C. Lamberth, U.S. District Court for the District of Columbia, 1991–1992; Associate, Jenner & Block LLP, Washington, DC, 1992–1997; Counsel to the Attorney General (Janet Reno), U.S. Department of Justice, 1997–1999; Deputy Assistant Attorney General, U.S. Department of Justice, Civil Division, 1999–January 2001; Unemployed, January 2001–June 2001; Partner, Jenner & Block LLP, Washington, DC, 2001–Present; Managing Partner, Washington, DC office, 2005–Present; Co-Chair, Entertainment and New Media Practice.

Selected Activities: Named to "40 under 40," National Law Journal, 2005; Recipient, Albert E. Jenner, Jr. Pro Bono Award, Jenner & Block, 2005; Recognized as one of Lawdragon's 500 "New Stars, New Worlds," 2006; Named Best Intellectual Property Lawyer in Washington, DC by Washington Business Journal, 2008; Recognized as leading media and entertainment lawyer, Chambers & Partners USA, 2007–2008; Member, American Bar Association.

Mr. SPECTER. Mr. President, there had been some question raised as to Mr. Perrelli's representation of clients in a couple of cases—including the American Library Association v. Attorney General Reno, where he appeared on behalf of a coalition of free speech groups and media entities (including Penthouse) arguing that the Child Protection Restoration and Penalties Enhancement Act of 1990 criminalized material in violation of the first amendment.

There were a number of letters filed by pro-life organizations, including the Pennsylvania Family Institute, International Right to Life Federation, Family Research Council, and the National Right to Life Committee. We have evaluated those issues closely.

I questioned Mr. Perrelli in some detail on the position he took in the Terri Schiavo case where he claimed the Federal court did not have jurisdiction. It seems to me as a legal matter, the State court did not have exclusive jurisdiction, that the Federal court could take jurisdiction under Federal doctrines. He defended his position saying that he was taking an advocate's role, and he thought it was a fair argument to make. My own view was that it was a little extreme.

I think all factors considered, the objections which have been raised of Mr. Perrelli as Associate Attorney General turn almost exclusively on positions he took as an advocate. I believe his outstanding academic and professional record support confirmation.

Again, we are taking a very close look at all of the nominees but, on balance, it seems to me that is the appropriate judgment. Here, again, we are almost 2 months into a new administration and the Attorney General does not have any upper echelon assistants. These confirmations will provide that assistance.

I think it is fair to note that Mr. Perrelli's nomination was supported overwhelmingly in the committee, the same conclusion I came to. It was a 17-

to-1 vote in his favor. Only one Senator voted no and one Senator voted to pass. That is showing pretty substantial support.

I thank the Chair. I note the presence of the distinguished chairman of the committee, so I yield the floor to Senator LEAHY.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand my time has been used. We are supposed to vote at 2 p.m. I ask unanimous consent that I be able to use the time until 2 o'clock.

Mr. SPECTER. Mr. President, if Senator LEAHY would like my time, he is welcome to all of it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Pennsylvania for his support of both David Ogden and Thomas Perrelli, both superbly qualified candidates, both of whom will be confirmed this afternoon. I will speak further about Mr. Perrelli after this vote.

Again, I go back to David Ogden. David Ogden has been strongly supported by Republicans and Democrats, those who served in the Bush administration and other administrations. I thought it was a scurrilous attack on him because he and his firm supported libraries, supported perfectly legal publications, and some Republicans saying they could not vote for him because of that.

I note that these same Republicans all voted for Michael Mukasey, a fine gentleman, to be Attorney General, who listed as one of his primary cases his representation of the TV channel that carries "Dial-a-Porn."

Now, certainly when a Republican, nominated by a Republican, represented Dial-a-Porn, that seems to be wrong; when a Democrat, nominated by a Democrat, represents libraries and basically a mainstream men's magazine, that is wrong.

I hope we will avoid in the future such double standards. I see a man who has helped children, who has volunteered his time, who has given great charity to children, and who has been supported by the Boys and Girls Clubs, by the Missing and Exploited Children's groups, by the National District Attorneys Association, and by every major law enforcement organization.

So, Mr. President, I know time has expired, and I would ask for the yeas and nays on confirmation of the nomination.

The PRESIDING OFFICER (Mr. BENNETT). Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from North Carolina (Mrs. HAGAN), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNES), the Senator from Texas (Mr. CORNYN), and the Senator from Georgia (Mr. ISAKSON).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 28, as follows:

[Rollcall Vote No. 97 Ex.]

YEAS—65

| | | |
|------------|------------|-------------|
| Akaka | Graham | Murray |
| Alexander | Gregg | Nelson (FL) |
| Baucus | Harkin | Nelson (NE) |
| Bayh | Inouye | Pryor |
| Begich | Johnson | Reed |
| Bennet | Kaufman | Reid |
| Bingaman | Kerry | Rockefeller |
| Bond | Klobuchar | Sanders |
| Boxer | Kohl | Schumer |
| Brown | Kyl | Shaheen |
| Burr | Landrieu | Snowe |
| Cantwell | Lautenberg | Specter |
| Cardin | Leahy | Stabenow |
| Carper | Levin | Tester |
| Collins | Lieberman | Udall (CO) |
| Conrad | Lincoln | Udall (NM) |
| Dodd | Lugar | Voinovich |
| Dorgan | McCain | Warner |
| Durbin | McCaskill | Webb |
| Feingold | Menendez | Whitehouse |
| Feinstein | Merkley | Wyden |
| Gillibrand | Mikulski | |

NAYS—28

| | | |
|-----------|-----------|-----------|
| Barrasso | Crapo | Murkowski |
| Bennett | DeMint | Risch |
| Brownback | Ensign | Roberts |
| Bunning | Enzi | Sessions |
| Burr | Grassley | Shelby |
| Casey | Hatch | Thune |
| Chambliss | Hutchison | Vitter |
| Coburn | Inhofe | Wicker |
| Cochran | Martinez | |
| Corker | McConnell | |

NOT VOTING—6

| | | |
|--------|---------|----------|
| Byrd | Hagan | Johannes |
| Cornyn | Isakson | Kennedy |

The nomination was confirmed.

The PRESIDING OFFICER. The motion to reconsider is considered made and laid on the table, and the President will be informed of the Senate's action.

NOMINATION OF THOMAS JOHN PERRELLI TO BE ASSOCIATE ATTORNEY GENERAL

The bill clerk read the nomination of Thomas John Perrelli, of Virginia, to be Associate Attorney General.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the agreement on the Perrelli nomination?

The PRESIDING OFFICER. There is to be 90 minutes of debate, evenly divided.

Mr. LEAHY. Mr. President, I am only going to speak for 2 or 3 minutes. I

have had a number of Senators, both Republican Senators and Democratic Senators, ask if there is a possibility of this to be a voice vote. A number of them have airplanes to catch. I mention that for Senators on both sides of the aisle.

I am perfectly willing at some appropriate time to yield back all our time and have a voice vote on President Obama's nomination of Thomas J. Perrelli to be the Associate Attorney General, the number three position at the Justice Department. He is a superbly qualified veteran of the Department of Justice who has chosen to leave a lucrative private practice to return to public service. This nomination was reported out of the Judiciary Committee one week ago by a strong, bipartisan vote of 17-1. I thank Senator SPECTER, Senator HATCH, Senator KYL, Senator SESSIONS, Senator GRAHAM and Senator CORNYN for their support of this important nomination.

Given Tom Perrelli's background and qualifications, this strong support is no surprise. He is the managing partner of the Washington, D.C. office of Jenner & Block. Before that he held important posts at the Justice Department, earning a reputation for independence and integrity, as well as the respect of career lawyers at the Department. Mr. Perrelli joined the Justice Department in 1997 as Counsel to the Attorney General. In that role, Mr. Perrelli assisted the Attorney General in overseeing the civil litigation components of the Department of Justice, and also worked on a wide variety of special projects, including professional responsibility issues for Department attorneys, and law enforcement in Indian Country.

From 1999 to 2001, Mr. Perrelli served as Deputy Assistant Attorney General in the Civil Division, supervising the Federal Programs Branch. That branch defends Federal agencies in important constitutional, regulatory, national security, personnel and other litigation. In addition, he played a leading role on significant policy issues ranging from medical records privacy, the use of adjusted figures in the census to Indian gaming, and social security litigation.

A Phi Beta Kappa graduate from Brown University and graduate of Harvard Law School where he served as the Managing Editor of the Harvard Law Review, Mr. Perrelli has demonstrated throughout his years in Government that he understands that the role of the Department of Justice is to be the people's lawyer, with first loyalty to the Constitution and the laws of the United States. He clerked for Judge Royce Lamberth, a no nonsense judge. In private practice, first as an associate at Jenner & Block from 1992 to 1997 and then, again, from 2001 to the present where he became a partner and then the managing partner of its well-respected Washington office, he is recognized as an outstanding litigator and

manager. He will need all those skills to call on all his experience in the challenging work ahead.

Numerous major law enforcement organizations have endorsed Mr. Perrelli's nomination, including the National President of the Fraternal Order of Police, the Major Cities Chiefs Association, and the National Association of Police Organizations. Paul Clement, who worked for Senator Ashcroft and then Attorney General Ashcroft and was appointed by President Bush to be Solicitor General, wrote that career professionals at the Department who had worked with Mr. Perrelli "held him in uniformly high regard" and that Mr. Perrelli's "prior service in the Department should prepare [him] to be a particularly effective Associate Attorney General." He also described Mr. Perrelli as "an incredibly skilled lawyer" whose "skills would serve both Tom and the Department very well if he is confirmed as the Associate Attorney General."

I urge the Senate to confirm Tom Perrelli to the critical post for which President Obama has nominated him. I look forward to congratulating him, his wife Kristine and their two sons, James and Alexander on his confirmation.

I will withhold the remainder of my time. Before I do that, I know the floor staff on both parties are seeing whether it is possible to shorten the time. If it is—I am stuck here this afternoon, but for those Senators who are trying to grab a flight out of here, it would be good to let them know. I retain the remainder of my time. I see a distinguished former member of our committee, the Senator from Kansas, on the floor. I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to speak on the case of Mr. Perrelli, nominated to be Associate Attorney General. I rise to speak in opposition to the nomination. I will not be long, but I think there is an important policy issue that needs to be discussed.

I would be prepared to yield back time after that point in time. I do not know if we have other people who desire to speak, so Members could move on about their busy day.

I do think we have an important discussion here. I have no doubt of the qualifications of Mr. Perrelli to be Associate Attorney General. I think from what the chairman has stated—and I have no reason to dispute what the chairman has stated about the qualifications of Mr. Perrelli. I think they are good. I do not ascribe bad motives whatsoever to him or anybody. But I think there is a very important policy discussion that needs to take place here, with an opportunity to vote, before we put this individual third in command of the Justice Department,

to oversee management of the Department's day-to-day operations, including formulating departmental policies.

Concerns have been raised with regard to Mr. Perrelli's nomination to be Associate Attorney General primarily due to his pro bono representation of Terri Schiavo's husband, Michael Schiavo, in his effort to allow the starvation to take place, and the dehydration, of his wife. The death that took place several years ago captured the discussion and the thoughts in the country about issues about the quality of life and whether we protect life that is in a diminished qualitative state. It was a tough discussion. It was a tough debate. I was here and involved with it, as were a number of other individuals. It was one that went back and forth for some period of time. Terri Schiavo, as I might remind a number of individuals, was in a very difficult mental condition. Her husband was desiring to withhold food and water from Terri Schiavo.

The family members of Terri Schiavo: No, we should not do this. We should allow her to continue to live. Food, water—provide those items to her.

It pulled back and forth on people. And the fundamental root question involved in it is, Do we put a subjective value on human life or is all human life sacred, per se, in an objective sense? Because it is human life, is it sacred, per se, or is there some sort of threshold issue we should be considering on whether we protect human life to the degree fully that we can and certainly on the issues of providing food and water? That was kind of the policy discussion and that was the conundrum we were in as a country because people could see both sides of this issue and say: Gosh, she is in a difficult spot as an individual. Her husband says: Let's withhold food and water. The family says: No. And the country was brought into the discussion, the debate, as was this body.

Mr. Perrelli was pro bono, representing for free, Michael Schiavo, in this case, who was the primary proponent to withhold food and water for Terri Schiavo. I think before we put a person who took that position—he did this for free—into the No. 3 position at the Justice Department of the United States, we should discuss that because people are policy and what they view and what they stand for does find its way into policy apparatus for the United States of America. And this is a key issue for us.

I want to put it very clearly. While there is a lot of emotion surrounding this, there is a fundamental policy question, as I mentioned a bit earlier, about this, and that is the basic issue of, do we view human life sacred, per se, or does the dignity that we treat individuals with depend on their physical or mental status as human beings? And

we shouldn't get around the starkness of that debate. It is a stark debate, but it is an important one, and I think clearly we should err on the side of saying: If this is a human person, then they are regarded as fully human with all human rights regardless of any sort of diminished physical or mental capacity they might have. To hold differently than that would be for us to say that some people are more equal than others, that some have more rights—or some have fewer rights than other individuals do. And we have been in that sort of policy discussion before, and we have always regretted it. We are at our best when we are standing for the weakest people amongst us, with the most diminished, with the most difficulty. These are the ones we want to stand for the most.

One of the proud moments for me here in our body was to work a bill with Senator KENNEDY on helping to get more Down's Syndrome children here born alive because right now about 90 percent of them are killed in utero. We worked on a way to have an adoption registry and an effort to recognize that these are valuable people and we should not say that because of their difficulty here, they should be regarded as less human. That is not a position that upholds the nature and traditions and ideals of the United States of America.

If a subjective judgment of quality of life is what determines the value of an individual or the protections accorded to that individual, this has enormous implications for all of us, both for the way we conduct our own lives and the way we order our society. If we have a fundamental mandate to protect the most vulnerable amongst us, not just those who have social or political influence or those who are regarded as productive, a reordering of our priorities and our laws becomes necessary.

Ultimately, the debate over Terri Schiavo was not one about States rights or medical ethics or end-of-life decisions; it was about whether we measure life by a subjective or an objective test. That is the fundamental debate point here. Is it a subjective determination? If you hit enough of these criteria, you are given full human rights? If you have a few of these, too few of these, you are not given full human rights? Or is it an objective test? You are a human, of the species, you have full human rights in all situations, and you are certainly entitled to food and water even if are you in a difficult mental condition.

I believe this is a very important debate, and now we are seeing more of the country enter into it, end-of-life issues on the sacredness of human life: Does it exist at the end of life or not? Do we have these objective or subjective tests?

Mr. Perrelli—by all accounts a good lawyer—comes out on one point of

view. He comes out on the point of view that we can look at these in subjective ways, representing the client in this who looked at a subjective quality-of-life case. Of all of the qualified lawyers in the United States—and there are many brilliant lawyers in the United States—why would we insist upon putting in as the No. 3 lawyer at the Justice Department one who has a point of view that is so stark on this and so against the view of most Americans, who would view all human life objectively as being beautiful, as being sacred, as being something worthy of protection? Now, as people are policy, you put someone into the No. 3 position at the Justice Department who holds a very radical point of view on this, of all of the qualified lawyers that are across the United States. The signal that sends across the society is, OK, there is a shift taking place here: we are not going to focus on human life as objectively sacred, we are going to view it as subjectively needing to meet criteria to protect.

That may be seen as too stark, but that was the stark question that was put forward in the Terri Schiavo case, and that was the stark question this nominee decidedly went to one side on. He could have stayed out of it, could have not been involved whatsoever. But he didn't. He freely and "freely" got involved in this case on one side in a radical direction that I believe is wrong for the country to take.

It will be clearly possible that cases involving euthanasia or other end-of-life issues may come before the Federal courts during his tenure in office. With cases in Oregon, the State of Washington, probably being considered in other States, it is highly likely, actually, that these cases will come forward. I am deeply concerned that Mr. Perrelli's view of this, while so decidedly on one side of it, will not be an objective observer or enforcer of current U.S. law. I think that is a step back for us protecting and defending the sanctity of basic human life.

This is something I think all of us in our own heart of hearts absolutely agree, that human life is sacred, it is sacred at all stages, and it is sacred in all places. But now we are presented with a policy choice in a person. I would hope that people, as they would look at this, would say that is not a direction we should be going, that is not a direction we should be tilting in this country as we deal with these end-of-life issues coming at a very rapid pace in front of legislative bodies at the State level, and I believe they will come here, and I believe they will enter their way into the courts.

For all of these reasons, I really don't believe we should go this route. I will be voting against Mr. Perrelli even though I believe him to be a qualified individual because of the stark position, the negative position he has

taken, the subjective view he has expressed with his advocacy of the view of human life in this very important position.

I will retain the balance of the time in case other issues are raised, if there are other issues that are raised. If there are not other issues that are raised, I do not know if we have other people to speak on our side. I would be willing to yield back. But if other debate points are raised, then I would like to have a few minutes to respond.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. If the Senator would yield on that point. I disagree with him on this. I do not believe Mr. Perrelli is a right-to-die advocate or that the positions he represented on behalf of clients was extreme. In fact, all seven justices of the Florida Supreme Court, most appointed by Republican governors, agreed with Mr. Perrelli's argument. They struck down unanimously the law that gave Governor Jeb Bush authority over Ms. Schiavo's medical care.

It is wrong to caricature Mr. Perrelli as a "right to die" advocate. Mr. Perrelli did not become involved in the Schiavo litigation to further any personal or political agenda and did not become involved in the litigation when the issue was Ms. Schiavo's wishes. In fact, he did not become involved in the case until after the Florida State courts had fully and finally litigated the question of Ms. Schiavo's wishes and her medical condition. Mr. Perrelli's concern was for an unprecedented challenge to the judicial process. He argued that the Florida Legislature passed a law that imposed one set of rules on Ms. Schiavo and a different set of rules on everyone else in Florida. And he was proven right, when the Florida Supreme Court unanimously struck down the law taking the decisions out of the hands of the family and giving them to the Governor.

I ask unanimous consent that the long list of those who have written to the committee in support of Mr. Perrelli's nomination be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT FOR THE NOMINATION OF THOMAS J. PERRELLI TO BE ASSOCIATE ATTORNEY GENERAL OF THE UNITED STATES (AS OF MARCH 12, 2009)

CURRENT & FORMER PUBLIC OFFICIALS

Bill Lann Lee; Lewis, Feinberg, Lee, Renaker & Jackson, P.C.; former Assistant Attorney General, Civil Rights Division. Brad Berenson; Sidley Austin, LLP.

Christine Gregoire; Governor, State of Washington.

Paul D. Clement; former Solicitor General. State Attorneys General; Douglas F. Gansler, Maryland; Dustin McDaniel, Arkansas; Thurbert Baker, Georgia; Steve Six, Kansas; Jack Conway, Kentucky; James "Buddy" Caldwell, Louisiana; Martha

Coakley, Massachusetts; Jim Hood, Mississippi; Chris Koster, Missouri; Steve Bullock, Montana; Roy Cooper, North Carolina; Gary King, New Mexico; Drew Edmondson, Oklahoma; Bob Cooper, Tennessee.

Stephanie A. Scharf; former President, National Association for Women Lawyers (NAWL).

LAW ENFORCEMENT & CRIMINAL JUSTICE ORGANIZATIONS

Federal Law Enforcement Officers Association. Fraternal Order of Police. Major Cities Chiefs Association. National Association of Police Organizations, Inc. Police Executive Research Forum.

VICTIMS' ADVOCATES

National Center for Missing and Exploited Children. National Center for Victims of Crime.

CIVIL RIGHTS ORGANIZATIONS

Leadership Conference on Civil Rights. National Congress of American Indians. Native American Rights Fund. Women's Bar Association of the District of Columbia.

OTHER SUPPORTERS

Boys and Girls Clubs of America. Oceana, Earthjustice, National Audubon Society, Center for International Environmental Law.

Mr. LEAHY. This list includes numerous major law enforcement organizations that have endorsed Mr. Perrelli's nomination, including the National President of the Fraternal Order of Police, the Major Cities Chiefs Association, and the National Association of Police Organizations. It also includes Paul Clement, who worked for Senator Ashcroft and then Attorney General Ashcroft and was appointed by President Bush to be Solicitor General.

Mr. COBURN. Mr. President, I would like to make a very brief statement explaining my opposition to the nomination of Thomas Perrelli, to be Associate Attorney General at the Department of Justice. Like other DOJ nominees, Mr. Perrelli's past advocacy includes work affecting obscenity. In particular, he signed a brief attacking the Child Protection Restoration and Penalties Enhancement Act of 1990 for "criminaliz[ing] the production and distribution of 'sexually explicit' speech unless the producer and distributor comply with burdensome recordkeeping and labeling requirements." The brief was filed on behalf of Penthouse, the American Library Association, and others, whom the brief collectively describes as "mainstream national media entities."

To be clear, I recognize and respect that lawyers are entitled to represent any client they choose. I do not believe that arguments advanced on behalf of a client necessarily reflect the lawyer's views. Moreover, I do not believe that examining past advocacy is sufficient or appropriate to ascertain the beliefs of a particular nominee, much less disqualify him. It does, however, invite legitimate questions about what a nominee's personal views are on those same matters.

Therefore, at his hearing, I asked Mr. Perrelli whether he believed that adult obscenity contributed in any way to the exploitation of children. He told me that he had not reviewed the science, so I sent him four studies to review after the hearing, asking him to respond with comments. His response was wholly inadequate. He said:

I have reviewed the two summaries you forwarded, compiled by a social scientist at the University of Pennsylvania, which indicate her view that exposure to extreme forms of pornography can teach behaviors, including the sexual exploitation of children. It appears there is a great deal of literature on the subject, and without a comprehensive examination of the research, I am hesitant to come to any firm conclusions on the science.

Even after reviewing certain studies concluding that there is a connection between pornography and child exploitation, which Mr. Perrelli recognized, the most he could say in response was that he was he needed to review even more science before reaching any conclusions. Because Mr. Perrelli refused to recognize even the possibility of such a connection, or otherwise shed light on his own personal views, I am unsure how he will approach issues of obscenity and exploitation at the Department. Therefore, I am unable to support Mr. Perrelli's nomination.

Mr. LEAHY. Mr. President, I ask unanimous consent that all debate time on the Perrelli nomination be yielded back and that the provisions of the previous order governing this nomination remain in effect.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. I object in that I want to raise one additional point. And I do believe we should have a recorded vote.

The PRESIDING OFFICER. Objection is heard. The Senator from Kansas is recognized.

Mr. BROWNBACK. The additional point I would raise on this is that my colleague points to the Florida Supreme Court. I note that half of the Democrats in this body who returned to vote on the Terri Schiavo case voted in favor of Terri Schiavo's family. I think there was a clear view on this, and that is my point, when you get a radical position put forward that looks at this in a subjective sense.

With that, Mr. President, I would be willing to yield back time. I do want a recorded vote to take place.

Mr. LEAHY. Mr. President, I ask unanimous consent that all debate time on the Perrelli nomination be yielded back and that the provisions of the previous order governing this nomination remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas John Perrelli, of Virginia, to be Associate Attorney General of the United States?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from North Carolina (Mrs. HAGAN), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Nebraska (Mr. JOHANNES), the Senator from Georgia (Mr. ISAKSON), and the Senator from Florida (Mr. MARTINEZ).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "yea."

The PRESIDING OFFICER (Mr. WARNER.) Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 20, as follows:

[Rollcall Vote No. 98 Ex.]

YEAS—72

| | | |
|-----------|------------|-------------|
| Akaka | Gillibrand | Mikulski |
| Alexander | Graham | Murkowski |
| Baucus | Gregg | Murray |
| Bayh | Harkin | Nelson (FL) |
| Begich | Hatch | Nelson (NE) |
| Bennet | Inouye | Pryor |
| Bennett | Johnson | Reed |
| Bingaman | Kaufman | Reid |
| Bond | Kerry | Rockefeller |
| Boxer | Klobuchar | Sanders |
| Brown | Kohl | Schumer |
| Burr | Kyl | Sessions |
| Cantwell | Landrieu | Shaheen |
| Cardin | Lautenberg | Snowe |
| Carper | Leahy | Specter |
| Casey | Levin | Stabenow |
| Collins | Lieberman | Tester |
| Conrad | Lincoln | Udall (CO) |
| Corker | Lugar | Udall (NM) |
| Dodd | McCain | Voinovich |
| Dorgan | McCaskill | Warner |
| Durbin | McConnell | Webb |
| Feingold | Menendez | Whitehouse |
| Feinstein | Merkley | Wyden |

NAYS—20

| | | |
|-----------|-----------|---------|
| Barrasso | Crapo | Risch |
| Brownback | DeMint | Roberts |
| Bunning | Ensign | Shelby |
| Burr | Enzi | Thune |
| Chambliss | Grassley | Vitter |
| Coburn | Hutchison | Wicker |
| Cochran | Inhofe | |

NOT VOTING—7

| | | |
|--------|----------|----------|
| Byrd | Isakson | Martinez |
| Cornyn | Johannes | |
| Hagan | Kennedy | |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Utah.

ORDER OF PROCEDURE

Mr. HATCH. Mr. President, I ask unanimous consent that immediately following my remarks, Senator BROWN be afforded the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUANTANAMO BAY

Mr. HATCH. Mr. President, I rise today to express my apprehension regarding the closure of the Guantanamo Bay Detention Center in Cuba. I have several concerns regarding the transfer and disposition of the enemy combatants detained there in response to the attacks of September 11, 2001.

Here we are, almost 8 years removed from that fateful Tuesday morning when terrorists murdered 3,000 of our citizens at the Pentagon, the World Trade Center complex, and on hijacked flights. On that day, we were caught flatfooted and hit with a right cross. Many of us who were here in Congress in the days that followed 9/11 swore we would provide the President and the Nation with whatever tools were necessary to ensure that we would never be caught by surprise again.

So on September 18, 2001, Congress sent to President Bush the Authorization to Use Military Force. This was signed into law. Twenty-six days after the attacks on New York and Washington, we commenced military operations in Afghanistan. We had identified our enemy and determined the location of his base of operation and where this treacherous plot had been devised. We took the fight to the Taliban and al-Qaida and engaged them in Afghanistan. In the course of those engagements, U.S. and coalition forces captured enemy combatants.

Early in 2002, enemy combatants who were seized on the battlefield began arriving at Guantanamo for detention. In 2004, the Supreme Court issued an opinion in *Hamdi v. Rumsfeld* that, as a necessary incident to the AUMF, the President is authorized to detain persons captured while fighting U.S. forces in Afghanistan until the cessation of hostilities. At one time, nearly 800 detainees were housed at Guantanamo. Approximately 525 detainees have been transferred to other countries for detention or released outright and returned to their country of residence. Approximately 60 detainees who were released were later recaptured on the field of battle in Afghanistan or have again taken up arms against the United States on other fronts.

Recently, as reported this year in the January 23 edition of the *New York Times*, a former Guantanamo detainee from Saudi Arabia has resurfaced as No. 2 in charge of al-Qaida in Yemen.

There he is, as shown in this picture: Said Ali al-Shihiri, deputy leader for

al-Qaida in Yemen; also known as Abu Sayyaf al-Shihiri and also as Abu-Sufyan al-Azidi; and also known as Guantanamo detainee No. 372. He was released from Guantanamo in November 2007. He planned the U.S. Embassy attack in Yemen in September 2008.

Furthermore, it is believed this man was involved in the planning of an attack on the American Embassy in Yemen last September. This terrorist assisted in the murder of 10 Yemeni citizens and 1 American—former Guantanamo detainee No. 372.

The Washington Post recently ran a 2-day installment profiling a Guantanamo detainee from Kuwait: Abdullah Saleh al-Ajmi, also known as Guantanamo detainee No. 220, released from Guantanamo in November 2006, and detonated a truck bomb in Mosul, Iraq, in March 2008.

He was released and subsequently traveled to Syria and snuck into Iraq. Ultimately, this terrorist drove a truck packed with explosives into a joint American and Iraqi military training camp and blew himself up, taking 13 Iraqi soldiers with him—former Guantanamo detainee No. 220.

In March of 2004, a released detainee returned to Pakistan to again take up the fight against coalition forces as an insurgent. His name is Abdullah Mehsud. This former detainee, in July 2007, killed himself in engagement. He was responsible for the kidnapping of Chinese nationals in Pakistan. After Pakistani forces began to close in on him, he blew himself up with a grenade.

These are just a few of the examples that illustrate how precarious it can be to release these detainees to other nations. We are outsourcing the security of our Nation to other countries. Shouldn't we be cautious and examine who we are letting free? Who is taking custody of these detainees? What security precautions and monitoring measures are in place to ensure they stay incarcerated or remain accountable?

If we shelve the only DOD strategic interrogation facility we have and cannot place these detainees with confidence in other countries, will we be forced to transfer these enemy combatants to the United States? Removing these detainees from a secure military facility with an airport, a highly trained security force, a secure infrastructure, and located on an island outside the continental United States is, in my opinion, reckless. Bringing these detainees to the continental United States is tantamount to injecting a virus into a healthy body.

On January 22, 2009, President Obama signed three Executive orders pertaining to Guantanamo and the enemy combatants detained there. He has ordered the closure of the detention facility within 12 months. He has also required that any detainees presently in custody be treated humanely and in ac-

cordance with the Army Field Manual. In fact, this order references the Detainee Treatment Act of 2005, an act passed by Congress that required that the treatment of the detainees comply with the Army Field Manual. The objective of this order was already fulfilled by the passing of that law.

The third order commissioned a task force to conduct a comprehensive review of options available that will provide a solution and final disposition for the detainees at Guantanamo. The Executive order closing Guantanamo states:

Prompt and appropriate disposition of individuals currently detained at Guantanamo and closure of the facilities in which they are detained would further the national security and foreign policy interests of the United States.

Now, presently, approximately 245 detainees designated as "enemy combatants" are housed at Guantanamo. The possibility of returning a majority of these detainees to their home country or a third country so that we can rid ourselves of this issue troubles me, nor does it strike me as particularly sophisticated in the analysis of how other countries see us. There is no doubt that among some European elites, their opinions on the previous administration became more negative as the years went by. There is no doubt that this was also reflected amongst the broader populations who have tended toward liberalism for decades. Opinions from other parts of the world are harder to measure, of course, as it is difficult to measure the views of populations living under various types of autocratic government.

Negative international opinion should not be exaggerated for a number of reasons. First and most obvious, leadership, particularly in difficult times, should not be directed by polls. This is true domestically, and it certainly is true of foreign polls. It is neither our job nor the administration's job to represent foreign populations. Decisions in Government should not be made by leaders sticking their fingers in the air to see which way the wind is blowing.

Second, appealing to foreign popularity completely disregards the unique role this Nation has played in advancing global security. It also disregards the historic debates in which leftwing parties have advanced their ideology. But we should not ignore that there has been unprecedented—unprecedented—cooperation from the same Democratic governments whose liberal disdain so succors some in the opposition here on all matters of national security. Cooperation from these governments on diplomatic, military, intelligence, law enforcement, and humanitarian assistance has been the norm, not the exception, regardless of disputes on Iraq policy and on those governments' views on Guantanamo.

In terms of foreign policy, I would much rather have the cooperation of a government than its approval, although I recognize that in some cases the approval facilitates the cooperation. But realistically speaking—and this is a subject that ought to be steeped in realism—popularity is not a prerequisite for hard-headed cooperation against a common threat.

I wish to quote what columnist Tom Friedman—who is certainly not a cheerleader for the Republican Party—said about foreign policy thinker Michael Mandelbaum, who is usually associated with Democratic policies:

When it comes to the way other countries view America's preeminent role in the world—

Writes Friedman, who then quotes Mandelbaum—

whatever its lifespan, three things can be safely predicted: The other countries will not pay for it; they will continue to criticize it; and they will miss it when it is gone.

I would urge the policymakers in this administration, as well as my colleagues in the majority party, to consider this wisdom expressed by Democratic thinkers the next time they engage in the canard that we need to change our policy to improve our standing with other nations. Let's hope this is not the main reason to shutter Guantanamo because, if it is, it is a slim and irresponsible reason.

Prior to the issuance of the Executive order, I received a briefing on the President's intention to close Guantanamo. I would endorse an approach that would have commissioned a 1-year review process rather than coming out and declaring closure within a year. It strikes me that the study should come before the decision, not accompany it.

On his second full day in office, the President, without his Attorney General in place, issued this order, and I fear he painted himself into a corner. Two weeks ago, Attorney General Holder visited Guantanamo Bay. His public comment on his visit was the following:

I think it is going to take us a good portion of that time to really get our hands around what Guantanamo is and what Guantanamo was.

I am sure Attorney General Holder saw what I saw at Guantanamo when I visited there. I am sure he saw the impressive infrastructure, with medical, recreational, and legal facilities. Attorney General Holder is a good man, and I am glad the President has made him the point man on this issue, but his comments are indicative of the fact that the complexities surrounding Guantanamo cannot be solved by the stroke of a pen on an Executive order.

On February 23, 2009, the Department of Defense submitted a report to the White House titled "Compliance With the President's Executive Order on Detainee Conditions of Confinement at Guantanamo Bay." The Secretary of

Defense tasked a special team to review the treatment of detainees and the conditions at Guantanamo in response to the President's order of January 22, 2009. The review team focused on myriad issues, especially housing, medical treatment, food services, religious freedom, access to attorneys, mail, security, use of force, interrogation, discipline, and intellectual stimulation.

During its 13-day investigation, the review team reviewed hours upon hours of videotapes, reports, and important records. Team members also conducted more than 100 interviews of base leadership, support staff, interrogators, and guards. Moreover, they conducted unannounced spot checks both day and night.

In the end, the review team concluded that the detention facility and the treatment of detainees at Guantanamo are in compliance with common article III of the Geneva Convention. What I found especially pleasing is that the review team concluded that Guantanamo interrogation protocols exceed the Army Field Manual and that cells at Guantanamo from maximum and high security cell blocks—I am quoting from the report—"exceed those typical of medium and maximum security detention facilities throughout the United States."

I wish to quote other excerpts:

Interrogations of Guantanamo detainees are all voluntary. Approximately one-third of all interrogations take place at the request of the detainee. Detainees are permitted to decline participation in interrogations at any time with no negative disciplinary consequences.

Unfortunately, our own Washington Post chose only to run a small article on this report. It was buried on page 3. This is in sharp contrast to the multiday, multipage, above-the-fold story about the released detainee who blew himself up in Mosul in March of 2008. I suppose the media was hoping this review of operations at Guantanamo would reveal that the present conditions of the detainees would be in violation of the Geneva Convention. Therein lays the problem. Somewhere along the way politicians, nominees, and the media all started to label the present conditions at Guantanamo as intolerable and substandard.

This report shows that conditions mirror or exceed any current prison in the Federal system. I encourage every Member to read the report and learn for themselves the facts about Guantanamo.

Some of the administration's proposals—ones endorsed by my Senate colleagues in the majority—involve bringing the detainees to the United States. I have given this issue serious consideration and am unable to find one good reason why our Government would want to do this. We have legally detained enemy combatants on the

field of battle. We have categorized them into three classifications: First, detainees who no longer pose a threat and need to be returned to their country or a third country; secondly, enemy detainees who are too dangerous to release and must be incarcerated until the cessation of hostilities; and, third, detainees against whom we will present admissible evidence and adjudicate within the parameters of a fair and constitutionally guaranteed process.

There is no reason this court proceeding cannot be carried out at Guantanamo or satellite facilities outside the United States. The transfer of the detainees to the United States will undoubtedly present a wide array of complex legal issues that, in my estimation, will take longer than 1 year to solve. Mechanisms at Guantanamo that ensure a fair adversarial judicial proceeding, with all the applicable rights, is feasible and can be carried out and has been carried out previously at Guantanamo.

If we close this facility and are unable to place some of these detainees into the custody of third countries, what then? The Bureau of Prisons has previously stated that they consider these prisoners a "high security risk." As such, these prisoners would need to be housed in a maximum security prison. According to the Bureau of Prisons, it does not have enough space in maximum security facilities to house these detainees. However, one idea offered by my colleagues in the majority party for holding the detainees would be to transfer them to the Federal Supermax Prison in Florence, CO.

Now, this facility holds the worst criminal elements our country has. The maximum security institution, Supermax, ADX, Florence, CO. The rated capacity is 490 prisoners. The current level is 471. The Bureau tries to ensure that this facility is never at full capacity in case of emergency transfers. In reality, the Federal Bureau of Prisons doesn't have the room required to hold these very dangerous prisoners in high security facilities.

As an alternative to the Supermax at Florence, CO, another idea offered by the majority would be to sprinkle the detainees throughout the Federal Prison System. Just look at this chart of the Federal Bureau of Prisons: We have 15 high-security prisons. The maximum beds in those 15 high-security prisons happen to be 13,448. The current population of those prisons is 20,291. It doesn't take too many brains to realize we can't solve it that way.

Mr. INHOFE. Mr. President, would the Senator yield for a question?

Mr. HATCH. I would be happy to.

Mr. INHOFE. It happens that I have been down there inspecting, maybe more than any other Member. The first time was right after 9/11; the last time was a couple of weeks ago.

One of the interesting things is, if you talk to anyone who has been there

and served there, you find this is above the standards of any of our Federal prisons. At the current time, the population down there is 245, of which 170 cannot be repatriated; their countries would not take them back.

Out of the 170, 110 are the real hardened ones. When the Senator from Utah talks about they would put them in 15 prisons, they identified my State of Oklahoma, Forest Hill. I went there to see the facility only to find it would not work. But the sergeant major in charge of that facility served a year at Guantanamo Bay and said that of all the prisons she has been in, or worked in, that is the one that has the most humane treatment and is best suited for this kind of detainee. I agree with the Senator and ask if he has given thought as to where these 15 prisons are as alternatives and would they not become magnets for terrorist activity in the United States?

Mr. HATCH. That is a good question. I think I am making an overwhelming case that it is ridiculous to not use that facility, which is perfectly capable, offshore, on an island, where we have all the security we need and we don't have the capacity to take care of them in this country and we should not want to anyway. I have also made the point that sending them to other countries is not the answer either. They don't want them either.

Mr. INHOFE. I ask the Senator from Utah, if you stop and think, can you think of a better deal that America has had? We have had that facility since 1903, and the rent is still the same, \$4,000 a year. Can you find a better deal than that anywhere in Government?

Mr. HATCH. You can't. To have to bring these prisoners here, we don't have room, and the cost would be astronomical. Thirdly, we are going to have real big problems that we will have a difficult time handling, assuming we can find places to put them. I have been down there, too, and I have been involved in this for a long time. The Federal Bureau of Prisons cannot receive these detainees. We are already overcrowded in high-security facilities by almost 7,000 prisoners.

What is our next option? Military custody? These detainees are already held in military custody. Why are we bringing them from one military installation to another? Some ideas regarding military custody and presented by the majority include the transfer of the detainees to Fort Leavenworth, KS. My esteemed colleague from Kansas, Senator BROWNBACK, already pointed out this idea would have dire consequences for the Army's Command and General Staff College. This is a course run by the Army and open to foreign students from our military partners. Some of these foreign officers are from Islamic nations that have supported us in our ongoing efforts against terrorism. The governments of these

nations have publicly declared that they will withdraw their personnel from the course if enemy combatants are transferred to the Military Discipline Barracks at Fort Leavenworth. What a loss that would be.

I know mistakes were made in the early days of Guantanamo. There may have been some isolated cases where the treatment of some of these detainees there could be construed as not being in accordance with the Geneva Convention. In response to these deficiencies, the Supreme Court, Congress, the Department of Defense, and Justice have implemented protections and mechanisms to ensure that this will not happen again. The U.S. Supreme Court has issued decisions ensuring that constitutionally guaranteed rights apply to these men. Military prosecutors and FBI agents are conducting reviews of evidence held against detainees to ensure their admissibility. Military leaders in charge of Guantanamo have taken measures to ensure that humane standards and treatment of detainees and their religion exceeds not only the Geneva Convention but most prison standards found in the United States. Whatever problems there were at Guantanamo have been addressed and corrected.

I also remind my distinguished colleagues that our war against terrorism will not end with the signing of a treaty. The cessation of hostilities in Afghanistan is far from over. We are now shifting our focus and additional troops back to that theater of operation. This will increase the likelihood of contact with the enemy, which may require additional detentions. In the days ahead, I hope Congress will play a part in the disposition of detainees and the future of Guantanamo Bay. A well-thought-out and properly executed plan offered by the President would easily garner bipartisan support. I ask the President to rethink his deadline of closing Guantanamo less than 12 months from now. This is a useable facility that has merit and operational worthiness.

In closing, I will quote the 34th President of the United States, Dwight D. Eisenhower, who said the following: "Peace and justice are two sides of the same coin."

I commend the President for wanting to conduct a thorough review of the operations at Guantanamo. My assessment is, this was completed 2 weeks ago with the Defense Department's report and the Attorney General's visit. What else is there to do? Let's get back to the task at hand of resuming military commissions and the humane detention of enemy combatants.

I am very concerned about this. So far, I have not seen a conscientious, let alone remarkably worthwhile or worthy, plan that would exceed what we are already doing in Guantanamo or that would be as good as what we are already doing there.

Mr. President, I ask unanimous consent that the letter from the Department of Justice, Federal Bureau of Prisons, dated September 10, 2007, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF PRISONS,
Washington, DC, September 10, 2007.

Hon. TRENT FRANKS,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN FRANKS: This is in response to the letter signed by you and several other Members of Congress requesting a description of the impact of transporting and incarcerating in the Bureau of Prisons (BOP) the approximately 500 enemy combatants currently being held in the detention facility in Guantanamo Bay, Cuba.

We have provided estimates of the costs you identify, and we also mention some of the challenges we would encounter if we were responsible for taking these enemy combatants into BOP custody. We must emphasize, however, that we would hope to learn more about this unique population and what would be required of our agency if we were required to assume custody of them. This would allow us to undertake a more complete and comprehensive impact assessment.

We would consider the individuals confined in Guantanamo Bay, Cuba, to be high security; therefore, they would require the highest level of escort staff, type of restraints, and other security measures if they were to be transferred into BOP custody. The transportation of Federal inmates and detainees is coordinated through the Justice Prisoner and Alien Transportation System (JPATS) within the United States Marshals Service. JPATS is a nationwide network of aircraft and ground transportation vehicles. The BOP assists JPATS by transporting Federal inmates from the airfields used by the U.S. Marshals Service aircraft to our institutions.

We estimate that it would cost approximately \$455,000 for the JPATS air travel of 500 detainees from Cuba to any of our United States penitentiaries. This air travel includes flights from Cuba to the Federal Detention Center (FDC) in Miami, Florida, from FDC Miami to the Federal Transportation Center in Oklahoma City, Oklahoma, and a third flight to a high-security United States penitentiary. Costs of transportation would also include BOP buses to move the detainees from the airfields to our facilities (a cost of approximately \$1,300 per bus trip). Thus, the total cost could reach approximately \$500,000.

Currently, there is not sufficient bedspace at any high-security Federal prison to confine these individuals. Our high-security institutions are operating at 55 percent above capacity. There are approximately 199,700 Federal inmates at present, and we are expecting the inmate population to increase to over 221,000 by the end of fiscal year 2011. The average yearly cost of confining a high-security inmate in the BOP is approximately \$25,400.

We would most likely confine these detainees in one or two penitentiaries. This would require us to transfer a sufficient number of inmates to other penitentiaries in order to create the necessary bedspace. Such transfers would add to the cost of confining the enemy combatants and would impose significant additional challenges on our agency

(based the level of crowding in all high-security BOP institutions).

Due to the unique status of enemy combatants and the probable lack of information about these individuals' histories of violent behavior or disruptive activities, it is unlikely that we would house these detainees with inmates in the general population of high-security institutions (with inmates serving sentences for Federal crimes and District of Columbia code offenses). Therefore, if transferred to BOP custody, these enemy combatants would most likely be confined in special units, segregated from the general inmate population. It is also likely that many of these individuals require separation from other enemy combatants. This kind of confinement is comparable to special housing units in BOP institutions (which are used for administrative detention and disciplinary segregation). These units are more costly to operate than general population units due to the increased staffing and enhanced security procedures needed for inmates who have separation requirements and/or who are potentially violent or dangerous.

The management of inmates in special housing units presents additional challenges due to the increased security required for these individuals. It would be even more challenging to confine enemy combatants who would likely have additional restrictions or requirements dictated by the Department of Defense. We are unsure how our inmate management principles, which focus on constructive staff-inmate interaction, maximum program involvement, and due process discipline would fit into the Department of Defense's requirements for the enemy combatants.

While it is not entirely clear where the BOP's obligations would begin and end with regard to the provision of basic inmate programs and services, we foresee the need for some special or enhanced services in order to provide the basic necessities to these enemy combatants. We would need to acquire translation services or transfer appropriate bilingual staff for us to communicate our expectations to these individuals and to allow these detainees to communicate their needs and concerns to us. We would need these translation services in order to provide appropriate visiting, telephone, and correspondence privileges to the detainees and, if required, to monitor these communications. We also would likely need to make accommodations with regard to our food service and religious programs to meet the cultural and religious requirements of these detainees.

I hope this helps you understand our concerns regarding the confinement of enemy combatants. Please contact me if I can be of any further assistance.

Sincerely,

HARLEY G. LAPPIN,
Director.

Mr. HATCH. Mr. President, I point out also that in a recent report, U.S. officials said the Taliban's new top operations officer in southern Afghanistan is a former prisoner at the Guantanamo detention center.

Pentagon and CIA officials said Abdullah Ghulam Rasoul was among 13 prisoners released to the Afghan Government in December 2007. He is now known as Mullah Abdullah Zakir, a name officials say is used by the Taliban leader in charge of operations against United States and Afghan forces in southern Afghanistan.

One intelligence official told the Associated Press that Rasoul's stated mission is to counter the growing U.S. troop surge. I wished to put that in the RECORD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I inquire of the Chair, I was scheduled to speak after the Senator from Ohio. I understand he is not ready to speak yet and that it is permissible if I take some time now.

The PRESIDING OFFICER. The Senator is recognized.

Mr. INHOFE. First of all, before I get into what I want to talk about, I have been listening to the Senator from Utah. I find it to be very interesting because his subject matter is also a mission of mine. I think a lot of people have not realized the problem we have with the bum raps given to Guantanamo Bay, and almost all of them are by people who have not been there. To my knowledge, almost without exception, those people who have gone down there—newspapers and publications making accusations of torture and human rights violations—once they go there and see it, you never hear from them again, and that includes Al-Jazeera and some of the Middle Eastern publications. I believe we have a problem with people who have somehow brought forth this idea that there have been abuses that haven't taken place. I think probably the most important part of the argument is that there is not another Guantanamo Bay; there is no place you can put these detainees.

As I said in my question to the Senator from Utah, what are we going to do with these some 245 detainees if they are not there? Also, with the escalation of activity in Afghanistan, what will we do with those detainees whom we will capture? The problem is, some people say they will be put in prisons in Afghanistan. There are two prisons there; however, they have said they will only take Afghans. If the terrorist who is caught is from Djibouti or Yemen or Saudi Arabia, there is no place else to put them other than Guantanamo Bay. It is a resource we need to have. We don't have a choice.

I believe our President was responding to a lot of activists who were upset because during his inaugural address he didn't say anything about this, so they are making demands that he stop any kind of legal activity that is going on in the way of trials or tribunals and then close it in 12 months. You cannot do that until you determine how you are going to take care of the detainees who are currently there and those who will be there.

I feel strongly we are going to have to look out after the interests of the United States. Nothing could be worse than to take 15 to 17 installations within the continental United States and

put terrorists there, only to serve as magnets for terrorist activity.

Mr. President, I ask unanimous consent to speak as in morning business for as much time as I may consume.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

GLOBAL WARMING

Mr. INHOFE. Mr. President, some things have happened recently regarding one of my favorite subjects, and that is global warming. Way back in the beginning of this issue—to give you a background, since the occupant of the chair wasn't here at that time—the Republicans were the majority, and I was chairman of the Environment and Public Works Committee. We were within inches of ratifying the Kyoto Treaty.

Similar to everybody else, I assumed that manmade gases were causing global warming. Everybody said they did. The Wharton School of Economics came out with the Wharton Econometric Survey. They said it would cost—if we were to sign the Kyoto Treaty and live by the emissions requirements—between \$300 billion and \$330 billion a year. That was the range. That would be the result. It is something I looked at.

We started looking at the science, only to find out there is a lot of intimidation in the scientific community and most of this was originally brought by the United Nations. I have been one of the critics of the U.N. and a lot of things they do and don't do. If you will recall, when this first started, it was the U.N. IPCC, Intergovernmental Panel on Climate Change, that came up with the idea that manmade gases—CO₂, methane—were the cause of the global warming.

Now, since that has been proven not to be true, and we are now in a cooling spell, they are trying to change the term to "climate change." We are not going to let them do that. It has always been "global warming." We looked at the science. We had bills coming up on the floor that would have addressed this. One was in 2005. At that time, I was kind of alone on the floor for 5 days, 10 hours a day, to try to explain why we could not impose the largest tax increase in history on the American people. So in looking at the cost of this thing, we started hearing from a lot of scientists who had been intimidated but were now wanting to come out of the closet and tell the truth about their real feelings.

The reason I wished to come here today is because there is a Gallup Poll that came out yesterday. I wish to share that with you and with this body. A record high of 41 percent of Americans now say global warming is exaggerated. This is the highest level of public skepticism about mainstream

reporting in more than a decade, according to the March 11, 2009 Gallup Poll survey. I use that poll because Gallup and the Pew organization have never been sympathetic to my view. Yet their poll was announced.

We should never underestimate the intelligence of the American people. Sadly, that is exactly what the promoters of manmade climate fears have consistently been doing. Keep in mind, the issue we are talking about is not whether there is global warming. We went through a period of global warming that ended 7 years ago. Now we clearly are in a cooling period. Prior to that, we have had several times—people forget, God is still up there. Throughout these written histories, we have had these cycles.

The interesting thing about this poll that came out yesterday is looking at the percentage of people who worry a great deal about the environment, this is a total change from what we have seen before. It is now—what is it, No. 9? The last thing is global warming. These are environmental concerns: pollution of drinking water, water pollution, toxic contamination of soil and water, and very last is global warming. There was another poll just about a month ago by Pew Research, I believe it was, and that one shows the same thing. I say this because of some of my colleagues who think the American people are believing this stuff—manmade gases making global warming.

This is January last month, and this is by the Pew Polling Group. This isn't just environmental issues; it says, "Name your major concern." No. 1, economy; No. 2, jobs. Where is global warming? No. 20, at the bottom, the very last one. That is something that has changed.

Getting back to the poll, the previous Gallup Poll released on Earth Day 2008 showed the American public's concern about manmade global warming is unchanged from 1989. This is after all the media hype, all the media talking about how bad man is.

By the way, I am going to pause here for a minute because in 2005 we debated a bill on this floor that would have—since we did not ratify the Kyoto treaty—said unilaterally what should we do in the United States because some people would like to believe this is a great problem. They said: Let's pass our own global warming bill in the United States. Think about that. If you are one who believes CO₂ and anthropogenic gases are causing global warming, if you really believe that in your heart, what good would it do to do it only in the United States? If you do that, all these jobs are going to go to countries such as China, Mexico, India—places where they don't have emission controls—and you would have a net increase in CO₂ after we paid the tax and the punishment for it.

After one of the most expensive climate change fear campaigns in our Nation's history, there is no change in global warming concerns by Americans in the past two decades. This skepticism persists despite the Nobel Peace Prize jointly shared by former Vice President Al Gore and the United Nations.

By the way, I have to say I cannot think of one assertion that was made in the science fiction movie Al Gore put together that has not been refuted scientifically. I am talking about sea-level rises and all the rest of the things. Sure, it scared a lot of kids. A lot of kids had nightmares. Nobody now believes there is any science behind that particular movie.

The skepticism persists despite a \$300 million campaign to spread climate fears. Skepticism persists despite a daily drumbeat of scary scenarios promoted by the United Nations and the media of what could, might, or may happen 20, 30, 50, 100 years from now. In fact, global warming skepticism appears to have grown stronger as the shrillness of the climate fear campaign intensified.

The latest Gallup Poll released on March 11 further reveals the American public has a growing skepticism. A record-high 41 percent now say it is exaggerated. This represents the highest public opinion since the whole issue began. These dramatic polling results are not unexpected as prominent scientists around the world continue to speak out publicly for the first time to dissent from the Al Gore-United Nations and media-driven manmade intimidation on climate fears.

In addition, a steady stream of peer-reviewed studies, analyses, real-world data, and developments have further refuted the claims of manmade global warming fear activists.

Americans are finally catching on in large numbers that the U.N. IPCC is a political, not a scientific, organization. Interesting that when the U.N. IPCC comes out with their periodic reports, they never talk about the scientists. It is the politicians who are making the accusations or coming to the conclusions. So they have these briefs on the political analyses of these reports.

If new peer-reviewed studies are to be believed, today's high school kids watching Gore's movie will be nearing the senior citizen group AARP's membership age by the time warming allegedly resumes in 30 years. That is interesting because now they are talking about maybe it did not happen, maybe we were not in the middle of it in the middle nineties when they tried to get us to ratify the Kyoto treaty, but it is coming, maybe 30 years from now.

Dr. John Brignell, a skeptical UK emeritus engineering professor at the University of South Hampton, wrote in 2008:

The warmers—

He calls them—

are getting more and more like those traditional predictors of the end of the world who, when the event fails to happen on a due date, announce an error in their calculations and [they come up with] a new date.

That is what they are doing now.

Furthermore, I always believed the more global warming information people have, the less concerned they will become. That is obvious. That poll 5 years ago would have had this way up there somewhere around No. 3. Now it is No. 20. It just barely made the list.

Confirming this unintended consequence is a study by the scientific journal *Risk Analysis* released in February of 2008 which found that Gore and the media's attempts to scare the public "ironically may be having just the opposite effect." The study found that the more informed respondents "show less concern for global warming." The study found that "perhaps ironically, and certainly contrary to . . . the marketing of movies like the Ice Age and An Inconvenient Truth, the effects of information on both concern for global warming and responsibility for it are exactly the opposite of what were expected. Directly, the more information a person has about global warming, the less responsible he or she feels for it; and indirectly, the more information a person has about global warming, the less concerned he or she is for it."

Again, this is not me, JIM INHOFE, U.S. Senator, talking. This is Professor John Brignell. Certainly you cannot question his credentials.

Climate realism continues to be on the march.

I now report to you on the skeptical Heartland Institute's International Conference on Climate Change in New York, which just finished 3 days ago. It is brand new. As the most outspoken critic of manmade global warming alarmism in the United States, I am pleased to see the world's largest ever gathering of global warming skeptics assembled in New York City just this week to confront the issue, "Global warming: Was it ever really a crisis?" That was the title of the convention. All of these scientists from all over the world were taking part in it.

A lot has changed over the last 6 years since I started speaking out against the likes of Al Gore, the United Nations, and the Hollywood elitists. Perhaps the most notable change is the number of scientists no longer willing to be silenced. How do you silence a scientist? You take away their grants, whether they be Government grants or they come from the Heinz Foundation or the Pew Foundation or others. If you don't agree with us, certainly you should be punished.

I remember not too long ago on the Weather Channel—Heidi Cullen has this weekly show. It is to promote the idea that man is responsible for global

warming. She says: Any meteorologist who does not agree with me should be decertified. All of a sudden, everyone started yelling and screaming. The vast majority of meteorologists will agree with the comments I am making today.

Certainly since Al Gore made his movie, hundreds of scientists have come out of the woodwork to refute the claims made by the alarmists.

The gathering of roughly 800 scientists, economists, legislators, policy activists, and media representatives at the Second International Conference on Climate Change sponsored by the Heartland Institute provides clear evidence to the growing movements against alarmism—the world is coming to an end.

I am happy that important voices are being heard in New York, including Vaclav Klaus, the President of the Czech Republic. I was in the Czech Republic not too long ago. He couldn't have been nicer and more complimentary of me. He said: What they are trying to do is to punish us economically in our country and your country on science that is strictly not there.

In his remarks to the conference 3 days ago, Vaclav Klaus, President of the Czech Republic, said:

Today's debate about global warming is essentially a debate about freedom. The environmentalists would like to mastermind each and every possible aspect of our lives.

Climate scientist Dr. Richard Lindzen of the Massachusetts Institute of Technology, MIT, one of the world's leading experts in dynamic meteorology, especially planetary waves, told the gathering in New York that momentum is with the skeptics, saying:

We will win this debate, for we are right and they are wrong.

I have a chart. This was Richard Lindzen, who is the Alfred P. Sloan professor of atmospheric science at MIT. This was an op-ed piece in the Wall Street Journal. He says:

A general characteristic of Mr. Gore's approach is to assiduously ignore the fact that the Earth and its climate are dynamics; they are always changing even without any external forcing. To treat all change as something to fear is bad enough; to do so in order to exploit that fear is much worse.

I think he was talking about the amount of money former Vice President Al Gore made on this issue, but I am not going to get into that now.

The point is, I am talking about credentials of scientists and them coming out with statements such as these, and they were not doing this just a few years ago.

So this event that took place in New York City in the last few days is very significant. Others in attendance were William Gray, Colorado State University. He is one of the experts there who testified before the Environment and Public Works Committee one time before making this same type of statement.

Stephen McIntyre, primary author of Climate Audit, a blog devoted to the analysis and discussion of data, he is a devastating critic of the temperature record of the past 1,000 years, particularly the work of Michael Mann, the creator of the infamous "hockey stick" graph. That graph is thoroughly discredited. There is no scientist who will stand behind that graph. What he attempted to show after this, there was a marked increase in temperatures. That was the blade on the hockey stick. What he forgot to put down—and nobody will disagree with this fact—is that in the timeframe from about 1200 to 1400, we had what they call the medieval warm period. Then we went into the little ice age.

This medieval warm period is interesting. If anyone wants to take a trip up to Greenland and talk to them, go through their history books and look at what the prosperity was during this timeframe, that is when all the Vikings were up there. They were growing all this stuff. Then, of course, when the cycle reversed, it went into the little ice age. They all died or left. Actually, the economic activity was much better. That was also when they were growing grapes in the Scandinavian countries because it was warm enough to do that.

This chart is significant because what they have done is looked at this and said the world is coming to an end. And in a minute I am going to talk about what all the pundits were saying in the middle seventies when they said another ice age is coming. But this has been going on throughout recorded history.

Chemist Dr. Arthur Robinson, curator of a global warming petition signed by more than 32,000 American scientists, including more than 10,000 with doctorate degrees—and they all are rejecting the alarmist assertion that global warming has put the Earth in a crisis and caused primarily by mankind.

Dr. Willie Soon, Harvard-Smithsonian Center for Astrophysics, has also testified along the same line.

Retired award-winning atmospheric scientist Dr. Roy Spencer, now with the University of Alabama in Huntsville.

Here is a very small sampling of recent developments in the news.

The New York Times: "Prominent geologist Dr. Don Easterbrook warns we are in 'decades-long cooling spell.'" And I think everyone would agree with that.

"NASA warming scientist 'suffering from a bad case of megalomania'—former supervisors says." This was only yesterday in the Business and Media Institute. This is an excerpt of the report:

John Theon, a retired senior NASA atmospheric scientist, said . . . at The Heartland Institute's 2009—

What I have been talking about here—

. . . that the head of NASA's Goddard Institute for Space Studies, James Hansen, should be fired. Hansen is widely known for his outspokenness on the issue of manmade global warming. I have publicly said I thought Jim Hansen should be fired, "Theon said." But my opinion doesn't count much, particularly when he is empowered by people such as the current President of the United States. I am not sure what we can do to have him get off of the public payroll and continue with the campaign or crusade. I think the man is sincere, but he is suffering from a bad case of megalomania.

Another article. "NASA Warming Scientist Under Fire—From Former Supervisor—Jim Hansen should be fired." This is another one, although this time they make the observation that James Hansen, who is the most outspoken proponent that it is man-made gases, anthropogenic gases, and CO₂ that is causing global warming, is the recipient of \$250,000 from the Heinz Foundation. Obviously, that does have an impact on his position.

This one is: "U.S. Government Meteorologist Claims 'Gross Blatant Censorship' for Speaking Out Against Climate Alarmism." This was March 9, a few days ago, by Stanley Goldenberg, a meteorologist with the National Oceanic and Atmospheric Administration's—that is NOAA—Atlantic Oceanographic and Meteorological Laboratory Hurricane Research Division. This is an excerpt of what this scientist said:

The debate, as you also know, is masked by media censorship, bias and distortion. I am interviewed quite a bit on many, many levels and thankfully most of our interviews are benign. They're trying to get out to the public.

In his criticism, Goldenberg said:

I've seen gross, gross blatant censorship. If you're here from the media I'd be glad to argue with you from firsthand experience. I challenge anybody from a mainstream media source to take or print a positive report on this conference. They won't get it past the editor.

He is talking about, of course, the media bias, which we all know took place during this conference.

This is an excerpt from the Boston Globe's paper yesterday:

New figures being released today show the recession helped drive down global warming emissions from the northeast power plants last year to their lowest levels in at least 9 years. The drop in emissions may be good for the environment, but was not seen as reason for celebration. "What does this say about the state of the economy?" said Robert Rio, senior vice president of Associated Industries of Massachusetts. We could get 100 percent below the cap if we shut every business and moved them out of state.

The NASA moonwalker and geologist Harrison Schmitt said climate change alarmists intentionally mislead. This again is yesterday's Business & Media Institute quoting him:

Last month, Apollo 17 astronaut and moonwalker Harrison Schmitt added his voice to

the growing chorus of scientists speaking out against the anthropogenic—man-made—global warming theory. In strongly worded comments he said the theory was a "political tool." Now, in a speech at the International Conference on Climate Change he outlined his argument in great detail saying, "the science of climate change and its causes is not settled." . . . Several indisputable facts appear evident in geological and climate science that makes me a true, quote, denier, unquote, of human caused global warming. The conclusion seems inescapable that nature produces the primary influences on climate.

I think this chart shows that it has been going on throughout recorded history.

Another article: "A Freezing Legacy For Our Children." This one is by James Marusek, nuclear physicist and engineer retired from the U.S. Department of the Navy. He said:

There is a lot of talk these days about the legacy we will leave our children and our grandchildren. When I stare into the immediate future, I see a frightening legacy caked in darkness and famine. Instead of intelligently preparing, we find ourselves whitening away this precious time chasing fraudulent theories. Climate change is primarily driven by nature. It has been true in the days of my father and his father and all those that came before us.

Again, this guy is a nuclear physicist and engineer.

This is from a new study titled "The Evidence Is That The Ocean Is Cooling, Not Warming." This was 2 days ago. And it contains an excerpt titled "Cooling of the Global Ocean Since 2003," by Craig Loehle, Ph.D., National Council for Air and Stream Improvement. He said:

Ocean heat content data from 2003 to 2008—4½ years—were evaluated for trend. The result is consistent with other data showing a lack of warming over the past few years.

I think I am making a point here that no one is going to argue, and that is that now we are in a cooling period. It drives people nuts, those who try to make people think the world is coming to an end; that it is going to get too hot, and now they realize that is not the case.

This is another statement made by another scientist, and this was 3 days ago.

Alaska River Ice now 60 percent thicker than it was 5 years ago. Flashback: The Nenana Ice Classic is a pretty good proxy for climate change in the 20th Century.

In other words, it is increasing, not decreasing. Here is another scientist. This was reported 4 days ago in Investors Business Daily by atmospheric physicist S. Fred Singer, Professor Emeritus of Environmental Sciences at the University of Virginia, who served as the founding director of the U.S. Weather Satellite Service.

We conclude therefore that the drive to reduce CO₂ emissions is not concern about climate. Ultimately, ideology may be what's fueling the CO₂ wars.

So it goes on and on. Here is another: "Left-wing Columnist Alexander

Cockburn A Climate Skeptic—John Fund—March 11.” And Alexander Cockburn, by the way, is normally on the other side. Here is that quote:

My most memorable exchange was with Alexander Cockburn, the left-wing columnist for the Los Angeles Times and the Nation magazine. Mr. Cockburn has undergone blistering attacks since he first dissented from the global warming “consensus” in 2007. “I’ve felt like the object of a witch hunt,” he says. “One former Sierra Club board member suggested I should be criminally prosecuted.” Mr. Cockburn was at the conference collecting material for his forthcoming book “A Short History of Fear,” in which he will explore the link between fear mongering and climate catastrophe proponents. “No one on the left is comfortable talking about science,” he told me. “They don’t feel they can easily get their arms around it, so they don’t think about it much. As a result, they are prone to any peddler of ideas that reinforce their preexisting prejudices. One would be that there is a population explosion that must be dealt with by slowing down economies.” I asked him how he felt hanging around with so many people who have a more conservative viewpoint than he does. “It’s been good fun and I’ve learned a lot,” he told me. “I think what they are saying on this topic is looking better and better.”

And here is one of the guys who was a chief proponent of the fear mongers. We have to keep in mind there is a lot of money involved in making people afraid. I am old enough to remember back in the middle 1970s, when we were going through at that time what was thought to be this devastating ice age; that we were all going to freeze to death. Here is Time magazine, and here they talk about another ice age is coming and they document their case. This is 1974, from Time magazine.

Now, let’s look at Time magazine a few years later. Here is Time magazine a couple of years ago and they have totally reversed themselves. No longer is it an ice age that is coming and we are all going to die; the headline now is “Be Worried, Be Very Worried,” and they have this polar bear standing on the last scoop of ice in the Arctic.

By the way, there are 13 different populations of polar bears in Canada, and with the exception of the one on the western Hudson Bay area, they are all flourishing. They are doing very well. The population has quadrupled since the 1960s. So don’t feel badly about the polar bear. They are doing fine.

My point here is that these publications, I can assure you—and I have not checked this out, but that last one, in 1974, from Time magazine, I am sure that sold a lot of editions because everyone wanted to read the story as to how another ice age was coming and we were all going to die. We have checked on this. This was their biggest seller in that particular year. I don’t see the date, but a couple of years ago, because they capitalize on this type of disaster.

I suppose I will go ahead and conclude now. We had some new information, and apparently I didn’t bring it

down with me, but I would only say this. I am one of the chief critics of what has been happening economically in this country since last October. Last October, we voted on a \$700 billion bailout for the banking industry. I was against that. I recognize that was both Republican and Democrat. It came out of a Republican White House and it was in concert with the Democrats. They all said: Let’s scare everybody so we can have this \$700 billion bailout. I voted against it, and some of my conservative friends voted for it.

This was the largest authorization of money in the history of the world, and it was all taking place at that time in October—October 10 is when we voted in the Senate, with 75 Senators voting for that. My problem with it was that it was put together by our then-Secretary of the Treasury, and we were giving him total authority over how to spend \$700 billion—the largest amount of money ever talked about in one block in this country, or in the history of the world. So I opposed it.

Now we find out that as soon as he got the money, he didn’t spend it. He said he was going to buy distressed assets. He didn’t spend it on that. He put money into the banks, and we haven’t noticed a change in the credit since then. Now, of course, we have a new President and we have the budget and the omnibus bill that was voted on a few days ago—\$410 billion—and all these people are talking about earmarks and all that. But let’s keep in mind that only 1 percent of that \$410 billion was in anything like earmarks. I wish people were as concerned about the 99 percent as they are the 1 percent, but that is a huge amount of money.

Now we have the President, with his budget coming forward, and this is going to produce huge deficits—in the trillions—and I have been critical of those. But as bad as all of that is, and talking about the huge amounts of money, what is worse is if we should be forced or pushed by the promoters of these global warming scares into passing a tax, what they call a cap-and-trade tax. In other words, this is a tax that would tax the American people. For all practical purposes, it would be a CO₂ tax. They don’t call it that. They disguise it by calling it a cap and trade. But nonetheless, the analysis of that is that it would be somewhere in the neighborhood of \$300 billion to \$330 billion a year.

The reason I bring that up is that if we are pushed into passing some kind of a global warming or a cap-and-trade tax of \$300 billion to \$330 billion, they will masquerade it and act as if it isn’t that much, but we know it is. We have sources—MIT and several other sources—and economic analysis that has taken place that says if that should happen, it will be something that occurs every year. At least these

large amounts of money in the stimulus bills and in the bailout bills are one-shot deals, theoretically. But the other would be a tax increase on the American people.

I do have a dog in this fight. I do have a selfish concern. My wife and I have 20 kids and grandkids. My life is not going to change by anything that is passed in terms of a tax increase, but it does affect the next generations, and I think we are going to have to get to the point we are looking at not what is it today but down the road how are we going to pay for it.

To go back to the original \$700 billion bailout, if you do the math, there are 140 million taxpaying families in the country. Divide that by \$700 billion and that is \$5,000 a family. We are talking huge amounts. And should we pass this global warming tax increase that would be comparable to over \$300 billion, it would mean \$3,000 a family. And that is every year.

I think we need to overcome the problem that we have in following the media off this plank and look at the science and let the science tell us what to do. If we do that, we will find with everything I have talked about over the last 35 minutes is in fact true.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. TRADE REPRESENTATIVE

Mr. BROWN. Madam President, this Chamber will confirm in the coming days a new U.S. Trade Representative. Mayor Kirk’s confirmation represents an opportunity for American trade policy to break from the false choice between free trade and fair trade.

As our economy struggles with massive job losses, a shrinking middle class that we have seen during the entire Bush years, and a housing crisis brought on by wrong-headed policy, the housing crisis that undermines the pursuit of the American dream, our trade policy must be part of our response to the new realities of the global economy.

Mayor Kirk inherits a position traditionally focused on status quo trade

policy, and expanding that policy with more of the same status quo trade policy that gives protection to large business, protection to big oil, protection to big drug companies—and even with new rights and new privileges—a status quo trade policy that suppresses the standard of living for American workers, and at the same time hurts workers in China and India and Mexico; a status quo trade policy that does nothing to curb the cost of climate change or the degradation of the environment; and a status quo trade policy that has yielded an \$800 billion—more than \$2 billion a day—trade deficit.

For 8 years the Bush trade policies were wrong. They are wrong now. They should not continue this way in the future. Our trade deficit has reached annually, thanks to Bush trade policies and thanks to lax trade enforcement, a wrong-headed, unregulated, free-trade policy, which has allowed toys with lead paint, contaminated toothpaste and other products, and weakened the health and safety rules for our trading partners and our own communities.

We want more trade but not like this. Bush trade policies have devastated communities in my State, in towns such as Tiffin, Chillicothe, and Lorain, and done damage to your State in places such as Flint and Detroit and Hamtramck. Job loss does not just affect the worker or the worker's family, as tragic as that is for them, job loss, especially job loss in the thousands, devastates communities. It depletes the tax base. It means the layoff of police and fire personnel and schoolteachers. It hurts local business owners—the drug store, the grocery store, the neighborhood restaurant.

Massive job losses prevent middle-class growth. The Senator from New York, who is in the Chamber, talked about how the middle class in the last 10 years has shrunk. The middle class has shrunk in pure numbers. It has shrunk in income, in buying power. The middle-class people in this country have seen their incomes go down in part because of the Bush trade policy and partly because of tax policy and in part because of the economic policy generally.

Massive job losses prevent middle-class growth, as manufacturing jobs that once anchored a community are gone, but they demoralize a community. Ohio has seen the loss, during the Bush years, of more than 200,000 manufacturing jobs; nationwide, 4.4 million manufacturing jobs, 26 percent, more than one out of four manufacturing jobs in our country that simply disappeared.

We know in Michigan and Ohio and across the industrial heartland of this country and in every State, American manufacturing can compete and compete with anyone in the world if it is a fair fight. But the deck is stacked against us when our Government does

not enforce our own trade laws that level that playing field.

Foreign competitors take an unfair advantage, and it is stopping American manufacturers from reaching their potential. We can no longer afford to sit on the sidelines. We must establish a manufacturing policy in this Nation that helps businesses stay here, that helps communities thrive, that rebuilds middle-class families in communities in my State.

It starts with reforming our trade policy. I am pleased to hear Mayor Kirk's emphasis on trade enforcement. Too many of our major trading partners are breaking the rules through massive currency imbalances, tax and capital subsidies, and through unfair labor and environmental practices.

In recent years, the Trade Representative has shown, to put it bluntly, a terrible record in response to public demand for strong trade enforcement. The Trade Representative that has occupied that office for close to a decade simply does not enforce our trade laws. All five of the public petitions for trade enforcement actions filed during the Bush administration, each concerning currency manipulation or labor exploitations by China, every one of those five public petitions was denied by the U.S. Trade Representative.

In some cases those petitions were denied on the day they were submitted, as if the administration even bothered to read them. Wrong-headed economic policy, job-killing trade agreements have also fueled increasing income disparity at home and abroad. I traveled some years ago, after NAFTA passed—a trade agreement that has hurt our Nation—I traveled at my own expense to McAllen, TX, across the border, with a couple of friends to Reynosa, Mexico. I met a husband and wife who worked for General Electric. They lived in a shack about 15 by 20 feet, dirt floor, no running water, no electricity. If it rained hard, the dirt floor turned to mud.

If you walked through the neighborhood, you could see where people worked in that neighborhood because these shacks were made out of building materials from the companies they worked for or the companies that supply the companies for which they worked.

These two workers worked for General Electric Mexico, 3 miles from the United States of America. If you go to one of those plants where those workers worked, those plants looked a lot like an American plant. These workers made about 90 cents an hour and lived, as I said, in squalid conditions, as hard as they were working, 6 days a week, 10 hours a day.

I visited an auto plant nearby, and this auto plant looked exactly like an auto plant in Michigan or Ohio, except perhaps it was more modern. If you walked into the auto plant, things were

clean, the technology was up to date, the workers were productive, working hard.

There was one difference between the auto plant in Reynosa, Mexico, and the auto plant in the United States; that is, the auto plant in Reynosa, Mexico, had no parking lot because the workers could not afford to buy the cars they made. That is what our trade policy has wrought.

You can go to Malaysia and go to a Motorola plant. The workers cannot afford to buy the cell phones they make. You can come back to this hemisphere and go to Costa Rica to a Disney plant and the workers cannot afford to buy the toys for their children, the toys they make, or you can go back across the sea to China and the workers in plant after plant after plant cannot afford to buy the material, buy the products they make.

Simply put, in this country, because of a strong union movement over the years, that is another debate and another question, how the Employee Free Choice Act will help in building the middle class in this country, workers who worked hard and were productive, shared in the wealth they created.

As productivity went up, then workers' wages went up. As workers made more profits for their boss, as workers made money for their company, those workers shared in the wealth they created. It is the American free enterprise system. It is what Americans have stood for. It is why the middle class in this country, until recently, has been as strong as it has been.

I am glad to see the Obama administration will approach trade differently, will consider what goes on in Reynosa and what goes on in Malaysia and Costa Rica and China. The Obama administration will take a different direction on trade.

I am glad to see Mayor Kirk's emphasis on enforcement. That means correcting our imbalanced trade relationship with China. Enforcement also means using the tools of a trade agreement to correct labor abuses. I remember when the Jordan agreement overwhelmingly passed Congress. This agreement was held up—at the end of the Clinton administration—as a standard in labor provisions. But in 2001, the Bush administration backtracked, essentially turned the other way, as those labor standards and labor provisions were being ignored by the Jordanian Government. In fact, it even turned the other way when reports came out that there was human trafficking plaguing the citizens of Jordan.

As human rights groups revealed overwhelming evidence of labor violations and human trafficking, the Bush administration simply did not enforce trade agreements. At the time, the USTR sent a letter to Jordan's trade minister saying the United States would not enforce the labor provisions.

So why should the Jordanian Government do it when they knew they did not have to?

Those days of turning away from our responsibilities are over. In November 2008 voters in my State, as they did in Michigan, as they did around the country, demanded real change, not symbolic differences in policy. The Panama Free Trade Agreement, negotiated under fast-track rules by President Bush, is more of the same failed model, trade model, and we are hearing stories now that it is time for this Senate and the House to vote on the Panama Free Trade Agreement. It is a little agreement. It is not too bad. It does not really do any damage.

Well, it does do damage. It is the same failed trade model that we saw with NAFTA, the same failed trade policy, the same model as the Central American Free Trade Agreement, the same kind of trade policy and trade mechanism and trade model as we saw with PNTR with China.

I hope the administration does not simply push up a Bush trade agreement, change its shape a little bit, put some new handprints on it, and make some changes at the margin. I hope the administration will reshape these trade agreements, reshape our trade policy. We need to stop the pattern where the only protectionism in trade agreements is protectionism for the drug companies, protectionism for the oil companies, and protectionism for the financial services companies, many that have created the economic turmoil we now face.

I illustrated one time during a trade debate not too long ago that if we really were concerned about trade agreements, if we were really concerned about doing trade in the right way, of just simply eliminating the tariff reforms, trade agreements would be one page. It would simply say: Here is the schedule that eliminates trade tariffs.

But what we have seen in our trade agreements in the last 10 years is trade agreements that look something like this: This is not exactly the real trade agreement, but they are usually hundreds and hundreds of pages. And NAFTA, the Central American Free Trade Agreement, do you know why they are not just one page or two or three pages of repealing tariff schedules? The reason is because it is all about protections. You have protections for drug companies, you have protections for oil companies, you have protections for banks, you have protections for insurance companies.

That is what these trade agreements have all been about. They accuse us of protectionism. These trade agreements are bailouts for their wealthy friends, for their corporate buddies, for their big campaign contributors. These protections to my friends at the USTR's office during the Bush administration were all about protecting oil, pro-

tecting financial services, and we know what that has brought us.

Panama, the proposed trade agreement with Panama, includes terms that shift extraordinary power to corporations. Panama has a reputation as a banking secrecy jurisdiction and a tax haven. Panama was among 35 jurisdictions identified by the Organization for Economic Cooperation and Development 9 years ago as a tax haven.

The GAO reported a number of corporations, U.S. corporations, created subsidiaries in Panama for tax purposes. Now, why would we want to pass a trade agreement with a nation that has encouraged U.S. companies to move their earnings to their country to avoid U.S. taxes?

Why would we reward a country that makes a lot of money by enticing these corporations to come to their country? We will help you avoid your taxes? Why do we reward a country like that? Why do we want more of that, especially when we know and when we look at what has happened with corporate salaries. If we look at what has happened with the banks, and they know we do those kind of things, it simply does not make sense.

In addition, investments derived from illegal activities—namely, drug dealing—have also been known to exist in Panama. Several sources indicate that Panama serves as a tax haven for as many as 400,000—mostly, not all, United States—companies, and Panama has refused to sign a tax disclosure agreement with the United States. This is not just Panama saying, come visit us, come move some of your executives and, on paper, move some of your work to Panama. But then, to avoid taxes, we don't even make them disclose what those companies are and the taxes they have evaded. Such an agreement would deter tax cheats from evading taxes through Panama and would enable the IRS to verify that income subject to tax in the United States has been properly reported.

Offshore tax evasion is an enormous problem. We have heard Senator DORGAN talk about what has happened in the Cayman Islands. It is an enormous problem that would be potentially aggravated by the free trade agreement itself and also by Panama's continuing refusal to enter into a disclosure agreement with the United States. Why would we complete a trade deal which includes these extraordinary protections for corporations with a country that has secrecy issues? The old model for trade agreements no longer works.

As Mayor Kirk begins his work at USTR, as we confirm him in the next few days—and I hope we will—we can create an alternative framework that rewrites trade rules for globalization, trade rules that protect our national interests and strengthen our workers and communities.

We are all accountable in this body for trade votes, how our votes affect

American workers, how our trade policies affect Lima and Zanesville and Dayton and Middleton and Portsmouth and Hamilton. We are all accountable for trade votes. Most of us want trade. We want more trade, but we want it under a different set of rules. Fidelity to a broken trade system will not put our economy back on track and workers back to work. The small business owner or manufacturer in a machine shop or tool and dye company in Akron or a local machine shop in Dayton or workers and business owners around the country don't want more of the same. It is time to rethink trade policy. We want trade, more of it. But we want it under a different set of rules that works for workers, for communities, and for the country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

EMBRYONIC STEM CELL RESEARCH

Mrs. SHAHEEN. Mr. President, I rise today to express my strong support of expanded embryonic stem cell research and to thank President Obama for reversing the Federal limitations imposed on stem cell research by the previous administration. I also thank my colleagues Senators HARKIN, SPECTER, FEINSTEIN, HATCH, and REID, for their ongoing leadership on this issue.

Research on human embryonic stem cells began in 1998 and is still only in its infancy. In this short time, researchers have made great strides in stem cell research, discovering the scientific potential of embryonic stem cells and their ability to treat and cure diseases that affect patients and families across our country. Unfortunately, however, the true potential of embryonic stem cell research has not yet been realized. For the past 8 years, Federal funding has been limited to the study of embryonic stem cell lines derived before August 9, 2001, significantly hampering the ability of researchers to effectively study the full potential of these cells. Political issues, funding considerations, and the limited pipeline of talented researchers specializing in this new field have slowed the development of a robust research community focused on stem cell investigation.

Stem cells could be a boon to medical research and treatment in a variety of ways: as replacement cells for those cells that have been lost or destroyed

because of disease; as tools for studying early events in human development; as test systems for new drug therapies; and as vehicles to deliver genes that could correct defects. The more that is learned about embryonic stem cells, the better scientists can assess their full therapeutic potential and that of other stem cell types.

This research is so critical to the scientific understanding of diseases, therapies, and cures that impact millions of Americans. Embryonic stem cells could lead to treatments for diseases that afflict up to 100 million Americans, including Alzheimer's, Parkinson's disease, diabetes, cancer, heart disease, spinal cord injuries, and so many other debilitating conditions.

Now, I have always been a supporter of stem cell research and have long recognized the importance of this critical research to the scientific community. However, stem cell research became personal for me in 2007 when my oldest granddaughter Elle was diagnosed with diabetes. But my family is not alone in either struggling with the disease of juvenile diabetes or recognizing the importance of stem cell research to a potential cure for the disease. Mimi Silverman of Bedford, NH, speaks eloquently about what it is like to be the parent of a diabetic. Her daughter Abby, who is now 30, was diagnosed with diabetes at the age of 7. Mimi knows about the toll that diabetes takes on the entire family and she talks about the psychological effects on her family, not knowing what each day will bring. She describes the disease as a ticking timebomb in which there is always uncertainty and underlying apprehension.

A few years ago, Abby, Mimi's daughter, was 2 weeks away from getting married. She was living alone in Minneapolis, 1,500 miles away from her fiancé and her family. She was alone in her apartment and because of diabetes, she fell unconscious. Luckily, her fiancé called. He realized that Abby was incoherent and he was able to contact the apartment manager to unlock the door and get her help. But had her fiancé not called when he did, in all likelihood, Abby would not be alive today. Mimi is now a leading advocate in New Hampshire in support of stem cell research.

Laura Clark, from Antrim, NH, is 25 years old. Five years ago she was in the final year of her nursing studies at the University of New Hampshire. Unfortunately, she was in a tragic car accident on the way to the movies. As a result of the collision, Laura's neck was crushed and after two weeks in intensive care and 11 weeks in rehabilitation, Laura recovered but is now quadriplegic. While her spirit is strong, her life has changed dramatically. The accident not only affected Laura, but of course her family was affected as well. Her mother Kathy quit her job to stay

home to take care of Laura, and her younger sister, who was in high school at the time, was not able to go on to college. Laura doesn't give up the hope that some day, as a result of stem cell research, a scientist will discover a way to help her regain her independence.

Stem cell research holds the potential to help Elle, to help Abby, and to help Laura, and so many others in New Hampshire and across this country. I thank President Obama for recognizing the importance of this issue and for providing an opportunity for us to reverse the stem cell policy that has slowed the pace of medical research and hindered the development of therapeutic treatments for medical conditions ranging from diabetes and spinal cord injuries to Parkinson's and Alzheimer's. I now look forward to working with my colleagues in the Senate and the new administration to ensure continued support of stem cell research. Through increased funding and ensuring that moral and ethical guidelines for research are established in this growing field, I am hopeful that the scientific community will continue with crucial stem cell innovations that will positively affect the lives of those three young women whom I talked about and so many people across this country.

Thank you, Mr. President. I yield the floor.

OMNIBUS APPROPRIATIONS ACT

Mr. INOUE. Mr. President, last week when considering H.R. 1105, the Omnibus Appropriations Act, 2009, I filed technical corrections to the table of congressionally directed spending items contained in the explanatory statement offered by the chairman of the Committee on Appropriations of the House of Representatives which accompanies the bill H.R. 1105.

I wish to add the following technical correction to the joint explanatory statement that accompanied H.R. 1105:

On page 5144 of the CONGRESSIONAL RECORD of February 23, 2009, the words "Perkins Career and Technical Education Act" should read "Higher Education Opportunity Act" and the Senate requesters associated with this item should be changed to "Conrad; Domenici; Dorgan."

FOREIGN OPERATIONS APPROPRIATIONS CONFERENCE REPORT

Mr. LEAHY. Mr. President, the Fiscal Year 2009 Omnibus Appropriations Act, which President Obama signed yesterday, contains \$36.6 billion in discretionary budget authority for the Department of State and Foreign Operations, which is the same amount approved by the Appropriations Committee in July 2008.

This represents a \$1.6 billion decrease from former President Bush's budget request of \$38.2 billion. I repeat—this legislation is \$1.6 billion below what former President Bush recommended in his budget.

It is a \$3.8 billion increase from the fiscal year 2008 enacted level, not counting supplemental funds, and \$968 million above the fiscal year 2008 level including fiscal year 2008 supplemental and fiscal year 2009 bridge funds.

The State and Foreign Operations portion of the omnibus does not contain any congressional earmarks. It does, as is customary and appropriate, specify funding levels for authorized programs, certain countries, and international organizations like the United Nations and the World Bank.

I want to thank Chairman INOUE, President Pro Tempore BYRD, and Ranking Member COCHRAN for their support throughout this protracted process. And I want to thank Senator GREGG, who as ranking member of the State and Foreign Operations Subcommittee worked with me to produce this bipartisan legislation that was reported by the Appropriations Committee with only one dissenting vote.

It was imperative that we enacted this legislation. The alternative of a year-long continuing resolution would have been devastating for the operations of the State Department and our embassies, consulates and missions around the world, and for programs that support a myriad of United States foreign policy interests and that protect the security of the American people. Many Senators on both sides of the aisle were encouraged that Senator Clinton was nominated for and confirmed to be Secretary of State. If we want her to succeed we must provide the tools to do so. This legislation supports her highest priority of rebuilding the civilian capabilities of our government.

The omnibus provides \$7.8 billion for Department of State operations, a decrease of \$274 million below former President's Bush's request and \$1.2 billion above the fiscal year 2008 enacted level, not including supplemental funds. Counting emergency funds provided in fiscal year 2008 for personnel, operations and security costs in Iraq and Afghanistan, the omnibus provides a 5.6-percent increase.

These increases are attributed to a major investment in personnel, primarily to replace worldwide positions that were redirected to Iraq and invest particularly in countries of growing importance in South Asia. The omnibus supports the request of 500 additional positions, much of which will help posts left depleted, some by 25 percent, due to positions shifting to Iraq during the last 5 years. In addition, the omnibus recommends \$75 million for a new initiative to train and deploy personnel in postconflict stabilization.

These critical investments would have been lost under a year-long continuing resolution.

The omnibus provides \$1.7 billion for construction of new secure embassies and to provide security upgrades to existing facilities, which is \$178 million below former President Bush's request. He had proposed a 41-percent increase which we did not have the funds to support. But an increase of \$99.5 million, or 13 percent, above the fiscal year 2008 enacted level is provided considering the significant threats our embassies faced last year alone, from Yemen to Belgrade. Even this lesser increase for embassy construction and security upgrades would be lost under a year-long continuing resolution.

Specifically, the omnibus provides \$4.24 billion for diplomatic and consular programs, which funds State Department personnel. This is an increase of \$464 million, or 12 percent, above the fiscal year 2008 enacted level and \$42 million above the President's request. This funds a major investment in personnel to increase language training and expand the number of personnel in regions of growing importance. Senators on both sides of the aisle have strongly endorsed this investment, but it would not be funded under a continuing resolution.

In fact, under a year-long continuing resolution the State Department would not have the resources to fund the staff currently serving at 267 posts overseas, due to exchange rate losses and the increased cost of security overseas. That means the United States would have even less representation than we do now, which none of us here would find acceptable.

The omnibus provides \$1.1 billion for worldwide security protection for non-capital security upgrades, an increase of \$355 million above the fiscal year 2008 enacted level and \$46 million below the request. This account funds all the Diplomatic Security agents at every post worldwide, armored vehicles, and training—all investments which, again, have bipartisan support. The increases would fund additional personnel for protection at high-threat embassies and oversight of security contractors in Iraq, Afghanistan and Israel-West Bank. This would not be possible under a continuing resolution.

Senators of both parties have expressed strong support for expanding international exchange programs, particularly in predominantly Muslim countries. The omnibus provides \$538 million for education and cultural exchanges, which is \$15.5 million above the President's request and an increase of \$36.6 million above the fiscal year 2008 enacted level. Those additional funds would be lost under a continuing resolution at the moment when the U.S. has the greatest opportunity to reintroduce our country, our people, and our values to the rest of the world.

The same is true of public diplomacy. The omnibus provides \$394.8 million for the State Department's public diplomacy activities, including outreach, media and programs in embassies to develop relationships with people in host countries. This is \$33.9 million above the fiscal year 2008 level, which would not be available under a continuing resolution.

The omnibus provides \$1.7 billion for construction of new secure embassies and maintenance of existing facilities, a \$280 million increase above the fiscal year 2008 enacted level and \$83 million below the President's request. Of this amount, \$801 million is for embassy maintenance, \$40 million less than the request and \$46 million above the fiscal year 2008 enacted level.

The omnibus provides \$770 million for planning, design and construction of new embassies and office buildings worldwide, \$178 million below the request and \$99 million above the fiscal year 2008 enacted level. Any Senator who has traveled abroad has seen the need to replace insecure and old embassies. There is already a long waiting list, and it would be even longer under a continuing resolution.

Former President Bush's budget underfunded the U.S. assessed contribution to U.N. Peacekeeping in fiscal year 2009 by assuming a reduction in every mission except Sudan. That was pie in the sky. The cost of most of these missions is increasing, not decreasing. The omnibus provides \$1.5 billion for U.N. Peacekeeping, an increase of \$295 million above the fiscal year 2008 enacted level and \$20 million above the President's request. However, compared to the total amount enacted in fiscal year 2008, the bill is \$173 million below the operating level in fiscal year 2008 including supplemental funds. These are costs we are obligated to pay by treaty. They support the troops of other nations in Darfur, the Congo, Lebanon, Haiti, and a dozen other countries.

The omnibus provides \$1.5 billion for contributions to international organizations, the same as the President's request and \$186 million above the fiscal year 2008 enacted level. The account funds the U.S. assessed dues to 47 international organizations, including NATO, IAEA, OECD, the U.N. and others for which, as a member of the organization, the U.S. is obligated by treaty to contribute. We either pay now or we pay later.

The omnibus provides \$709.5 million for the Broadcasting Board of Governors, an increase of \$39.5 million above the fiscal year 2008 enacted level and \$10 million above the former President Bush's budget request. This includes funding for languages which the former administration proposed to eliminate in fiscal year 2009, such as Russian, Georgian, Kazak, Uzbek, Tibetan and the Balkans, where freedom

of speech remains restricted and broadcasting programs are still necessary to provide unbiased news.

For USAID, the omnibus provides \$808.6 million for operating expenses, \$41.4 million above former President Bush's request and \$179 million above the fiscal year 2008 enacted level. This continues efforts begun last year to address the serious staff shortage at USAID, but under a continuing resolution USAID's staff problems would continue to worsen. It would not be able to hire additional staff for Afghanistan and Pakistan, or for other posts where there is not sufficient oversight of contracting and procurement. It is a crisis situation that I and Senator GREGG are determined to fix.

For bilateral economic assistance, the omnibus provides a total of \$17.1 billion, \$1.3 billion below former President Bush's request and \$623.3 million above the fiscal year 2008 level. We received requests from most Senators—Democrats and Republicans—for funding from within this account, totaling far more than we could afford. A continuing resolution would have made it impossible to fund many, if not most, of those requests.

A good example is global health. The omnibus provides \$7.1 billion for global health and child survival, an increase of \$757 million above the request and \$737 million above the fiscal year 2008 enacted level. A continuing resolution would be devastating for these life-saving programs.

A total of \$495 million is provided for child survival and maternal health, an increase of \$125 million above former President Bush's request and \$49 million above the fiscal year 2008 enacted level. These funds are for programs that directly decrease child and maternal mortality from preventable diseases, like malaria, polio and pneumonia. Under a continuing resolution USAID would not be able to expand its malaria control programs to other countries in Africa with a high incidence of malaria, which kills a million people, mostly African children, every year.

The omnibus provides \$300 million for safe water programs, including increasing access to safe drinking water and sanitation, which is a key factor in improving public health.

Former President Bush proposed a steep cut in funding for family planning and reproductive health programs, even though they are the most effective means of reducing unwanted pregnancies and abortions. The omnibus, instead, provides a total of \$545 million from all accounts for family planning and reproductive health including \$50 million for the U.N. Population Fund, which is \$82 million above the fiscal year 2008 level. A continuing resolution would eliminate those additional funds, and the number of unintended pregnancies and abortions would increase.

The omnibus provides a total of \$5.5 billion for programs to combat HIV/AIDS, \$388 million above former President Bush's request and \$459 million above the fiscal year 2008 level. Of this amount, \$600 million is provided for the global fund to fight HIV/AIDS, which is \$400 million above the request. Additionally within the total, \$350 million is provided for USAID programs to combat HIV/AIDS, which is \$8 million above the request.

These additional funds, which pay for life-sustaining antiretroviral drugs, prevention and care programs, would be lost under a continuing resolution, to the detriment of 1 million people who would receive life-saving treatment this year. With this funding 2 million additional HIV infections would be prevented this year. Instead of 10 million lives we are saving today, we have the opportunity to save 12 million people. We have the opportunity with this bill to save 1 million more orphans or vulnerable children who are either infected with HIV or have been orphaned because a parent died from HIV/AIDS. Why would we not make this investment this year?

The development assistance account funds energy and environment programs, microcredit programs, private enterprise, rule of law, trade capacity, and many other activities that Senators on both sides of the aisle support. The omnibus provides \$1.8 billion for development assistance which is \$161 million above former President Bush's request and \$176 million above the fiscal year 2008 enacted level.

The omnibus provides \$350 million for international disaster assistance, \$52 million above the request and \$30 million above the fiscal year 2008 enacted level, excluding supplemental funds. These funds enable the United States to put its best face forward when disaster strikes, as it did with the tsunami, the earthquake in Pakistan, floods in Central America, and famine in Africa.

The omnibus provides \$875 million for the Millennium Challenge Corporation. This is \$1.3 billion below the request and \$669 million below the fiscal year 2008 enacted level. This reflects the view of the House and Senate that the Congress supports the MCC but wants to see a slowdown in new compacts, while \$7 billion in previously appropriated funds are disbursed, and while the new administration decides how it wants to fund the MCC in the future. The agreement provides sufficient funds to continue current operations and to commence two new compacts of \$350 million each.

For the Peace Corps, the omnibus provides \$340 million, which is \$9 million above the fiscal year 2008 level. Those additional funds would have been lost under a continuing resolution.

The omnibus provides \$875 million for international narcotics control and law

enforcement, which is \$327 million below the request and \$321 million above the fiscal year 2008 enacted level. Those additional funds for programs in Latin America, Pakistan, Afghanistan, and many other countries would be lost under a continuing resolution.

There is a total of \$405 million for continued support of the Merida Initiative, including \$300 million for Mexico and \$105 million for the countries of Central America. The fiscal year 2008 supplemental included \$400 million and \$65 million, respectively. We are all increasingly alarmed by the spread of drug-related violence and criminal gangs in Mexico, but under a continuing resolution there would be nothing for the Merida Initiative.

Migration and refugee assistance is funded at \$931 million, which is \$167 million above former President Bush's request and \$108 million above the fiscal year 2008 enacted level. That \$108 million would be lost under a continuing resolution. This amount is already \$557 million below what was provided in fiscal year 2008 including supplemental and fiscal year 2009 bridge funds. These funds are used for basic care and protection of refugees and internally displaced persons, whose numbers are not expected to decrease this year.

The omnibus provides \$4.9 billion for military assistance and peacekeeping operations, \$173 million below former President Bush's request but \$212.6 million above the fiscal year 2008 enacted level. The omnibus assumes \$170 million provided in the fiscal year 2008 supplemental as fiscal year 2009 bridge funds for military assistance to Israel, making the total amount for Israel equal to the President's request, \$2.55 billion. The additional \$212.6 million for other important bilateral relationships would be lost under a continuing resolution.

For contributions to the multilateral development institutions, which we owe by treaty, the bill provides \$1.8 billion. That is \$503 million below the former President's request and \$251 million above the fiscal year 2008 enacted level. A continuing resolution would have put us another \$251 million in arrears, in addition to the arrears we already owe.

The omnibus provides the amounts requested by the former President for the Export-Import Bank, an increase of \$26.5 million above fiscal year 2008. By not passing this legislation, these additional resources would not have been available to make U.S. businesses competitive in the global marketplace. At this time of economic downturn at home we should be doing everything we can to support U.S. trade.

These are the highlights of the fiscal year 2009 State and Foreign Operations portion of the omnibus that passed by a vote of 62-38. It contains funding to meet critical operational costs and

programmatic needs which support U.S. interests and protect U.S. security around the world.

A handful of our friends in the minority spent days criticizing the omnibus because it contains earmarks. Apparently they would have preferred that unnamed, unelected bureaucrats make all the decisions about the use of taxpayer dollars. In fact, the total amount of the \$410 billion omnibus that Members of Congress—Democrats and Republicans—have earmarked for schools, fire and police departments, roads, bridges, hospitals, scientific research, universities and other organizations and programs in their states and districts which would not otherwise receive funding, is less than 1 percent. That is what the aggrieved speeches were about. A whopping 1 percent.

Some Senators complained that the omnibus—all but a small fraction of which would fund the budget requests of former President Bush—is more than we can afford. Those are the same Senators who, year after year, rubberstamped billions and billions of borrowed dollars to fund an unnecessary war and reconstruction programs in Iraq that were fraught with waste and abuse.

Some say that the intervention of the Economic Recovery and Reinvestment Act is why they opposed the omnibus. Regarding the Department of State and Foreign Operations, 99.6 percent of the omnibus has no correlation whatsoever to what was funded by the Recovery Act. This portion of the omnibus funds all of the United States' activities overseas. All of the key new investments I have described would not have been possible under a year-long continuing resolution.

The funding for State and Foreign Operations in the omnibus amounts to about 1 percent of the total budget of this country. However one views the Economic Recovery Act, the damage that a year-long continuing resolution would have caused to the functions of our embassies, consulates and missions, and to the foreign service officers who serve the American people around the world, would have been devastating. The damage to programs would be measured in lives.

We have seen the image of our country battered beyond recognition. The values our country was founded on were ignored, ridiculed, and diminished. Democrats and Republicans alike recognize that the United States needs to reinvigorate its engagement in the world, particularly through rebuilding alliances and using diplomacy more effectively. The omnibus puts our money where our mouths are. The alternative would have been to retract, and to invite others to fill the vacuum. That might save money in the short term, but it would have cost us dearly in the future.

BUSINESS OF THE SENATE

Mr. LEAHY. Mr. President, I am glad Republican Senators abandoned their efforts to filibuster the nomination of the Deputy Attorney General. It was only after the majority leader filed for cloture that the Republican caucus came to the conclusion that such a maneuver was futile. I thank the majority leader for scheduling the debate and votes for the President's nominees to serve as Deputy Attorney General and Associate Attorney General. They have now been confirmed by the Senate.

The Republican minority, nonetheless, insisted on 7 hours of debate on the Deputy Attorney General nomination this week before allowing the vote. That was longer than the debate they demanded on the nomination of the Attorney General of the United States. I spoke yesterday to open the debate, as did the ranking Republican on the Senate Judiciary Committee, Senator SPECTER, who also supported the nomination. We both spoke, again, today to close the debate.

I followed the debate, and have responded by way of additional statements to correct the record on the Deputy Attorney General nominee.

Now I would like us to take a step back and see what has occurred. Yesterday, the Republican minority insisted on 5 hours of debate on the Ogden nomination. In fact, the Republican opposition devoted less than 1 hour to comment about the Ogden nomination. The rest of their time they consumed with criticism of the President's budget and policy initiatives to help the country recover from the economic crisis. I am not saying that the budget discussion is unimportant. I may not agree with their criticism, but the budget is certainly a topic about which Senators may wish to make statements. My point is that after delaying debate on the President's nomination for the No. 2 official at the Justice Department for 2 weeks, and demanding extended debate, they failed to use the time to discuss the nomination. Instead, they talked about unrelated issues.

In fact, they were so uninterested in debating the nomination that by the time Senator INHOFE came to the floor, all Republican time had been used on other discussions. As a courtesy, we made available time from the Democratic side that should have been used by supporters of the nomination. We accommodated the Senator from Oklahoma so that he could speak against the nomination.

Today, an additional 2 hours was demanded by the Republican majority to debate the Ogden nomination further before they would allow a vote. Of course, those Republicans who opposed the nomination used not 1 minute of time to debate it today—not 1 minute.

Indeed, of the time that the Republican minority insisted was necessary

before the Senate could vote on the Ogden nomination, more than an hour was wasted in quorum calls with no speakers at all yesterday and approximately 1 hour was spent by opposition speakers—not 7 hours, not 3 hours, barely 1 hour. The Ogden debate could easily have been handled with the opposition taking an hour or an hour and one-half to speak.

I wish instead of this campaign to delay and obstruct the President, the minority would work with us on the consideration of matters of critical importance to the American people. I will note just one current example. This morning, the New York Times had a front-page story about financial frauds. Last week, the Senate Judiciary Committee reported an antifraud matter to the Senate. The Leahy-Grassley Fraud Enforcement and Recovery Act, S.386, needs to be considered without delay. It is an important initiative to confront the fraud that has contributed to the economic and financial crisis we face, and to protect against the diversion of the Federal efforts to recover from this downturn.

As the New York Times story demonstrates, improving our efforts to hold those accountable for the mortgage and financial frauds that have contributed to the worst economic crisis since the Great Depression is most timely. We need to do better, and our bipartisan bill, which has the support of the U.S. Department of Justice, can make a difference. In addition to Senator GRASSLEY, I thank Senator KAUFMAN, Senator KLOBUCHAR, Senator SCHUMER, and Senator SHELBY for working with us and for their interest in this important measure.

Our legislation is designed to reinvigorate our capacity to investigate and prosecute the kinds of frauds that have undermined our economy and hurt so many hard-working Americans. It provides the resources and tools needed for law enforcement to aggressively enforce and prosecute fraud in connection with bailout and recovery efforts. It authorizes \$245 million a year over the next couple of years for fraud prosecutors and investigators. With this funding, the FBI can double the number of mortgage fraud taskforces nationwide, and target the hardest hit areas. It includes resources for our U.S. Attorneys' Offices, as well as the Secret Service, the HUD Inspector General's Office and the U.S. Postal Inspection Service. It includes important improvements to our fraud and money laundering statutes to strengthen prosecutors' ability to confront fraud in mortgage lending practices, to protect TARP funds, and to uncover fraudulent schemes involving commodities futures, options and derivatives as well as making sure the Government can recover the ill-gotten proceeds from crime.

Our bipartisan measure was favorably reported on a voice vote by the

Judiciary Committee on March 5. I have been trying to get a time agreement to consider the measure ever since. The Senate should consider and pass it without delay. We can help make a difference for all Americans. Instead of wasting our time in quorum calls when no one is speaking, or demanding multiple hours of debates on nominations that can be discussed in much less time before being confirmed, let us work on matters that will help get us out of the economic ditch that we have inherited from the policies of the last administration, and let us begin to work together on behalf of the American people.

EL SALVADOR ELECTION

Mr. LEAHY. Mr. President, this Sunday the people of El Salvador will go to the polls to elect a new President. As one Senator who has followed developments in that country and observed with concern the steady rise in violent crime, including organized crime and drug trafficking, I hope that whoever wins the election makes reforming the police and justice system a priority.

United States assistance to El Salvador is a small fraction of what it was during the 1980s, but in 2006 El Salvador signed a 5-year compact with the Millennium Challenge Corporation. The compact totals \$461 million, and focuses on road construction, economic and social development in the area of the country bordering Honduras that bore the brunt of the worst consequences of the civil war.

I had hoped that a portion of the MCC compact would be used to strengthen El Salvador's dysfunctional judicial system, both to help reduce violent crime and attract foreign investment, but unfortunately that was not the decision of the Salvadoran Government or the Bush administration at the time. Nevertheless, the MCC compact does seek to improve the lives of some of El Salvador's poorest communities and I support it.

Recently, I have been concerned with reports that some Salvadorans involved in the election campaign may have asserted that if the opposition party candidate wins the election the United States will stop funding the MCC compact. Such an assertion, presumably to intimidate voters, would be completely false.

We take no position on the Salvadoran election. It is entirely for the people of El Salvador to decide who their next President will be. The MCC compact will continue regardless of who wins on Sunday, as long as the policies of the new Government, of whichever party, are consistent with the MCC's eligibility criteria, including controlling corruption and investing in health and education.

I look forward to the results of Sunday's election and the opportunity for

our two countries to work together for a brighter future.

10-YEAR ANNIVERSARY OF THE EXPANSION OF NATO

Ms. MIKULSKI. Mr. President, I rise today to recognize the 10-year anniversary of the expansion of the North Atlantic Treaty Organization, NATO.

During the debate on whether to expand NATO, I said that this debate holds special resonance for me. Growing up as a Polish American in east Baltimore, I learned about the burning of Warsaw at the end of the Second World War. The Germans burned Warsaw to the ground—killing a quarter of a million people—as Soviet troops watched from the other side of the Vistula River. I learned about the Katyn massacre—where Russia murdered more than four thousand Polish military officers and intellectuals in the Katyn Forest at the start of the Second World War.

The tragedies that Poland, the Czech Republic, and Hungary experienced in the aftermath of the Second World War are etched on my heart. That was the one reason I fought so long and so hard for Poland and the others to be part of the western family of nations.

Despite the importance of history, my support for NATO enlargement was based on the future. My support was based on what is best for America. Thankfully when we voted to bring Poland, the Czech Republic, and Hungary into NATO, the yeas carried the day. Since that day, those three nations have exceeded every expectation as strong allies of the United States, and the naysayers' fears during the debate on the NATO expansion have also been shown as unwarranted.

The NATO expansion nations of 1999, Poland, the Czech Republic, and Hungary have more than lived up to their obligations under the NATO alliance. Poland has made enormous investments into all areas of its military. As a result, over the last 10 years the number of Polish troops serving on NATO missions has steadily grown from 1500 to over 3500. Another 300 Polish military personnel serve in prestigious academic and administrative positions in NATO institutions around the world. Polish naval vessels also operate as part of NATO standing reaction forces all over the world, providing cutting edge mine detection and countermeasures expertise.

Poland has also emerged as one of the United States' strongest allies in the war against terrorism and extremism around the globe. Polish troops accompanied American soldiers into Iraq when they invaded in 2003, and maintained a mission that grew as large as 2500 troops up until the end of 2008. Nearly 30 Polish soldiers gave their lives in Iraq. Poland also has one of the largest contingents in Afghani-

stan. Over 1600 Polish soldiers fight every day to stabilize the Afghan province of Ghazni. Nine Polish soldiers have been killed and dozens wounded in Iraq.

In closing, I wish to speak a bit about history. My colleagues have heard me speak about Poland's history many times in the past. For 40 years, I watched the people of Poland live under brutal, communist rule. They did not choose Communism—it was forced upon them. Each ethnic group in America brings our own history to our wonderful American mosaic. Bringing these three nations into NATO family of nations 10 years ago was one of the best decisions we made in the post-cold war era. Of all the things I have done in my years in the Senate, this is one of those for which I am most proud.

LORD'S RESISTANCE ARMY

Mr. FEINGOLD. Mr. President, I wish to express my grave concern at the continuing massacres, kidnappings, and terror orchestrated by the Lord's Resistance Army, the LRA, in northeastern Congo and southern Sudan. As many of my colleagues know, I have long been engaged in efforts to bring an end to this—one of Africa's longest running and most gruesome rebel wars. In 2004, I authored and Congress passed the Northern Uganda Crisis Response Act, which committed the United States to work vigorously for a lasting resolution to this conflict. In 2007, I visited displacement camps in northern Uganda and saw first-hand the impact the violence orchestrated by the LRA has had throughout the region. I have been frustrated as the LRA has been able to move in recent years across porous regional borders to gain new footholds in northeastern Congo, southern Sudan, and even the Central African Republic, with little consequence.

Just over 2 months ago, the Ugandan, Congolese, and South Sudanese militaries launched a joint offensive against the LRA's primary bases in northeastern Congo. Serious concerns have been raised about the planning and implementation of this operation. Since the military strike began, the LRA has been able to carry out a series of new massacres in Congo and Sudan, leaving over 900 people dead. That is a killing rate that, according to the Genocide Intervention Network, exceeds that in Darfur or even in Somalia. Hundreds of new children have been abducted and new communities have been devastated and displaced. It is tragically clear that insufficient attention and resources were devoted to ensuring the protection of civilians during the operation. Meanwhile, the LRA's leader, Joseph Kony, and his commanders escaped the initial aerial assault and have continued to evade the militaries. Thus far, this operation has resulted in the worst-case scenario:

it has failed to stop the LRA, while spurring the rebels to intensify their attacks against civilians.

I am not ruling out that this offensive—still ongoing—may yet succeed. Indeed, I strongly hope it does. On several occasions last year, Kony refused to sign a comprehensive peace agreement with the Government of Uganda, an agreement that even included provisions to shield him from an International Criminal Court indictment. At the same time, as negotiations were still underway, his forces launched new attacks in Congo, Sudan, and, for the first time, Central African Republic. They abducted hundreds of youths to rebuild their ranks. It was apparent that Kony was not interested in a negotiated settlement, despite the good efforts of mediators and northern Ugandan civil society leaders. I supported those peace negotiations, but it became increasingly clear that the LRA's leaders would only be stopped when forced to do so.

For many years I have pressed for a political solution to the crisis in northern Uganda. I pressed for the international community to work collectively to support efforts to bring peace and stability to this war-torn area. And against all odds, the most recent peace talks in Juba, South Sudan, did see a collective effort but to no avail. These negotiations were not perfect but for some time offered a path forward and provided a framework to address the underlying grievances of communities in northern Uganda. But then, it became increasingly clear that Joseph Kony had no intention of ever signing the final agreement and had instead been conducting new abductions to replenish his rebel group. It became increasingly clear that Kony and his top commanders would stand in the way of any comprehensive political solution.

These failed talks justify military action against the LRA's top command, but that action must be carefully considered. As we have seen too many times, offensive operations that are poorly designed and poorly carried out risk doing more harm than good, inflaming a situation rather than resolving it. Before launching any operation against the rebels, the regional militaries should have ensured that their plan had a high probability of success, anticipated contingencies, and made precautions to minimize dangers to civilians. It is widely known that when facing military offensive in the past, the LRA have quickly dispersed and committed retaliatory attacks against civilians. Furthermore, to be sustainable, military action needs to be placed within a larger counterinsurgency strategy that integrates outreach to local populations, active programs for basic service provision and reconstruction in affected areas, and mechanisms for ex-combatant disarmament, demobilization and reintegration. Those mechanisms are especially

important in the case of the LRA because of the large number of child abductees who make up the rebel ranks.

As this operation continues, I hope the regional militaries are identifying their earlier mistakes and adjusting their strategy in response. Meanwhile, the international community cannot continue to stay on the sidelines as these massacres continue. The United Nations Security Council should take up this matter immediately and, in coordination with the Secretary-General and his Special Representative for LRA-affected areas, develop a plan and new resources to enhance civilian protection. I urge the Obama administration to use its voice and vote at the Security Council to see that this happens. At the same time, I urge the administration to develop an interagency strategy for how the United States can contribute to longer term efforts to disarm and demobilize the LRA, restore the rule of law in affected areas of Congo and Sudan, and address political and economic marginalization in northern Uganda that initially gave rise to this rebel group.

This is not to suggest the United States has not already been involved with the ongoing operation. AFRICOM officials have acknowledged that they provided assistance and support for this operation at the request of the regional governments.

As a 17-year member of the Subcommittee on African Affairs and someone who has been involved with AFRICOM since its conception, I would like to offer some thoughts on this matter. While I supported AFRICOM's creation, I have been concerned about its potential to eclipse our civilian agencies and thereby perpetuate perceptions on the continent of a militarized U.S. policy. It is essential that we get this balance right and protect chief of mission authority. By doing so, we can help ensure AFRICOM contributes to broader efforts to bring lasting peace and stability across Africa. When I visited AFRICOM's headquarters last December and talked with senior officials, we discussed the important roles that it can play. They include helping to develop effective, well-disciplined militaries that adhere to civilian rule, strengthening regional peacekeeping missions, and supporting postconflict demobilization and disarmament processes. In my view, assisting a multilateral operation to disarm an armed group that preys on civilians and wreaks regional havoc fits this job description, theoretically, at least.

To put it bluntly, I believe supporting viable and legitimate efforts to disarm and demobilize the LRA is exactly the kind of thing in which AFRICOM should be engaged. Of course, the key words there are viable and legitimate. We should not be supporting operations that we believe are

substantially flawed and do not have a high probability of success. Furthermore, we should ensure that operations we assist do not exacerbate inter-state tensions or violate international humanitarian law. If we get involved, even in an advisory capacity, we have to be willing to take responsibility for outcomes, whether anticipated or not. To that end, it is critical that the State Department is not only involved but plays a leading role in ensuring that any military activities are coordinated with long-term political strategies and our overarching foreign policy objectives.

In the case of this current operation against the LRA, as I have already outlined, I do not believe these conditions were met or the necessary due diligence undertaken before its launch. But we cannot just give up on the goal of ending the massacres and threat to regional stability posed by this small rebel group. That is precisely why I am urging the development of an interagency strategy to drive U.S. policy going forward. By putting in place such a proactive strategy, we can better help the region's leaders to get this mission right and protect their people from the LRA's continuing atrocities. This could finally pave the way for a new future for this region and its people and help shape an AFRICOM that works effectively for both Africa and America's security interests.

CLEAN TEA

Mr. CARPER. Mr. President, I have come to the floor of the Senate many times to discuss the importance of curbing greenhouse gas emissions. Over the past several Congresses, I have introduced legislation to create a mandatory cap-and-trade program to help utilities reduce their emissions of carbon dioxide, while also regulating unhealthy emissions of mercury, nitrogen oxide and sulfur dioxide. Hopefully, later this year, Congress will consider an economy-wide, cap-and-trade bill to curb greenhouse gas emissions.

But one area that has not received enough attention or comprehensive treatment in climate change proposals is the transportation sector.

In all fairness, it is tricky to address. Mobile sources—like cars and trucks—are numerous and do not stay in any one jurisdiction. The amount of pollution they produce is impacted by the efficiency of the vehicle, the type of fuel it uses, as well as how far, fast and often the vehicle is driven. Managing all of those different inputs is not an easy thing to do. But we must find a way if we are serious about addressing climate change.

The transportation sector produces 30 percent of greenhouse gas emissions and is the fastest growing source of pollution. If we do not curb emissions from transportation, we will either fail

to reduce greenhouse gas emissions to the level scientists tell us is necessary to stave off climate change. Or we will have to ask other sectors to make up the difference.

When the transportation sector has been considered before, the focus has always been on vehicle fuel economy standards or tailpipe emissions standards. Last Congress, I was extremely proud to play a role in increasing the Corporate Average Fuel Economy, CAFE, standard for cars and trucks for the first time in 32 years. The new standard requires the entire U.S. fleet of cars and trucks to average 35 mph by 2020.

The new standard has a better chance of success because it applies across the entire U.S. fleet, removing the loophole that encouraged auto manufacturers to build larger cars. At the same time, we structured the standard in a way that allows manufacturers to specialize in the vehicles for which they are known. Instead of having every manufacturer meet the 35 mph standard, those that build smaller cars will meet a higher standard and those that build larger cars will meet a lower one. But in the end, the fleet as a whole will reach 35 mph. We increased CAFE in a way that garnered the support of both environmentalists and the automobile industry—a model I hope we can follow in developing climate change legislation.

In the same bill that raised CAFE, Congress also established a Renewable Fuel Standard, RFS, requiring that 36 billion gallons of renewable fuel is sold in 2020—up from 9 billion gallons today.

Taken together, the CAFE and RFS is expected to save two million barrels of oil per day and save consumers more than \$80 billion at the pump. It will also reduce emissions of carbon dioxide by 18 percent.

While this is a major improvement, we must remember that our goal is to reduce greenhouse gas emissions by 60 to 80 percent. We need to look for other ways to make the transportation system cleaner.

That is where the bill we are introducing today comes in. The Clean Low-Emission Affordable New Transportation Act, or CLEAN TEA, would reserve a portion of any auction proceeds from a climate change bill, and dedicate it to funding transportation projects that reduce greenhouse gas emissions.

This is a critical piece of the puzzle which, if left out, hampers the effectiveness of the other measures taken by car companies and fuel producers. For example, in 1975, we created CAFE standards to reduce oil use. But at the same time, we closed down transit systems and built homes far from workplaces, schools, groceries and doctors. As a result, driving increased by 150 percent. Therefore, even though cars got significantly more efficient, American use of oil increased 50 percent. We

cannot afford to make that mistake again.

CLEAN TEA requires States and metropolitan planning organizations to review their long-range transportation plans to determine what they could do to reduce greenhouse gas emissions by making their transportation system more efficient and providing alternative forms of transportation. Once they establish a goal that is appropriate for their area and a list of projects to help them meet that goal, they would receive funding to build those projects. Eligible projects are anything that is proven to reduce greenhouse gas emissions, including transit, freight or passenger rail, sidewalks and bike lanes, carpools and vanpools, intelligent transportation systems, congestion pricing measures and coordination of development and transportation plans.

Ten percent of auction proceeds might sound like a lot. But as I mentioned before, the transportation sector is 30 percent of the problem and growing faster than any other sector. In addition, these projects that would reduce greenhouse gas emissions will save Americans money and create jobs.

The American Public Transit Association recently found that people who use transit regularly save \$1,800 a year in transportation costs. The Surface Transportation Policy Project has found that those who live in areas with access to public transportation incur significantly lower costs than those who do not. This is incredibly important in a weak economy or when gas prices are high. Most people do not realize that transportation is the second highest expense in most American households—more than health care. For some, transportation costs are even higher than their mortgage or rent.

Last spring and summer, when gas prices went to \$4 a gallon across the country, Americans sought ways to save money by driving less. Many of them found that their transportation options were quite limited. Their neighborhoods had no sidewalks and there was little or no transit service. Those who had options, exercised them. But those who didn't either had to pay the price of gas and skimp elsewhere or reduce their quality of life. This is unacceptable.

We fund our transportation system through a gas tax, which is to say that we pay for roads and transit by burning gasoline. When people drive less, our transportation budgets dry up. So states and localities that seek to reduce oil use, lower greenhouse emissions and save their constituents money, get their budgets cut. CLEAN TEA reverses that by sending money to states and localities based on how much they reduce emissions.

As we develop a climate change bill, we must consider how every sector of

the economy can play a part in lowering greenhouse gas emissions. When it comes to the transportation system, we—right here in Congress—have a lot to say about how that system is developed, how efficient it is and how polluting it is. We should make sure that, as we tell American businesses to get their houses in order, we clean up our act as well.

Through CLEAN TEA, we have the chance to make progress addressing many problems at once—finding additional funding for transportation infrastructure, building money-saving transportation alternatives and lowering greenhouse gas emissions from the transportation sector.

Mr. SPECTER. Mr. President, I have sought recognition to comment on my cosponsorship of the Clean, Low-Emission, Affordable, New Transportation Efficiency Act, CLEAN TEA.

This bill, which I introduced along with Senator CARPER, would establish a fund for transportation initiatives designed to reduce greenhouse gas emissions. The fund would be supported by 10 percent of the proceeds of any future cap-and-trade system established by Congress to address the issue of climate change. The funding could be used by States and local planning organizations for the development of projects such as rail, transit, transit-oriented land use and other initiatives designed to reduce emissions from the transportation sector. It is important to note, however, that the bill is not focused solely on providing alternatives to auto use. Highway operational improvements such as demand management programs and intelligent transportation systems would also be eligible if they reduce emissions by utilizing highway capacity in a more efficient manner.

These are important steps in lowering our Nation's greenhouse gas emissions, reducing our dependence on foreign oil and promoting transportation mobility. Since transportation accounts for one-third of greenhouse gas emissions, it stands to reason that revenue generated from a cap-and-trade system should be devoted to creating a more sustainable transportation future.

WOMEN'S HISTORY MONTH

Mr. FEINGOLD. Mr. President, I am proud to help celebrate Women's History Month today. This is a time to celebrate the contributions of women throughout our history and to recognize the work of so many to secure women's rights and fulfill our Nation's promise of equal justice under the law.

My own State can be proud that so many Wisconsin women have made critical contributions to the movement for women's suffrage, to education, and to countless other areas of American life. Wisconsin achieved extraordinary

things to pave the way for suffrage and social progress for generations to come. According to the Wisconsin Historical Society, in 1919 Wisconsin was the first State to ratify the 19th amendment to grant women the right to vote. Sixty years before that historic moment, one of the great leaders of the suffrage movement, Carrie Chapman Catt, was born in Ripon, WI. Catt's lifelong effort to pass the 19th amendment, especially her leadership of the National American Woman Suffrage Association, was vital to the Amendment's ultimate success. And Catt didn't stop there. Once the amendment was ratified, she founded the League of Women Voters to continue and build on the momentum for change that the women's suffrage movement created. Catt's lifetime of persistence and dedication—as a leader for change and, earlier in her life, as the only woman in her graduating class at Iowa Agricultural College and Model Farm—reminds us how hard women throughout our history have worked to secure our rights and freedoms.

We also remember the amazing Wisconsin women who have enriched their local communities, including Margaret Schurz. Schurz started the first kindergarten in the Nation in Watertown, WI, in 1856. Her efforts led to the implementation of kindergarten and early-education programs throughout the United States. Her legacy is a great example of the impact Wisconsin women have had in bringing about progressive change in education and many other areas.

This month we also know that we must continue to advocate for fundamental fairness and equality for women. The enactment of the Lily Ledbetter Fair Pay Act of 2009 to help ensure protection from pay discrimination represents another step forward, but there remains a long road ahead of us. In addition to passing the Fair Pay Act, Congress needs to do more to ensure all of America's citizens receive equal pay for equal work. Wage discrimination costs families thousands of dollars each year. This is hard-earned money that working women simply cannot afford to lose. I am a proud cosponsor of the Paycheck Fairness Act introduced earlier this year. This legislation strengthens penalties for employers who violate the Equal Pay Act and requires the Department of Labor to provide training to employers to help eliminate pay disparities.

I applaud President Obama's announcement that he will convene a White House Council on Women and Girls to ensure that the Federal Government is coordinated in its response to the challenges facing women and girls in our country. As we commemorate Women's History Month, we must continue to honor the tremendous contributions women have made, and renew our commitment to advancing the rights of women everywhere.

REAL STIMULUS ACT

Mr. INHOFE. Mr. President, I have cosponsored Senator VITTER's legislation, The REAL, Resources from Energy for America's Liberty, Stimulus Act of 2009. It is crucial that this Nation realize the need to develop our oil and natural gas resources from the Outer Continental Shelf and ANWR, enact the kind of responsible streamlining of government to not hinder that development, and provide important regulatory relief.

I have consistently highlighted the amounts of U.S. reserves, and I think it is important to continue to point out the amount of reserves in the United States. The OCS holds 14 billion barrels of oil and 55 trillion cubic feet of gas, which is equivalent to 25 years worth of imports from Saudi Arabia. ANWR holds 10 billion barrels or 15 years worth of imports from Saudi Arabia. Today we would have 1 million additional barrels of oil a day coming from ANWR had President Clinton not vetoed legislation in 1995 to authorize that production. Production from ANWR is entirely responsible. Compared to the size of Alaska, ANWR's 19 million acres is about the same size of South Carolina, and of that area, we propose opening about 1.5 million acres to exploration which is roughly 6 percent of ANWR. Of those 1.5 million acres, only 2,000—an area the size of Washington's Dulles International Airport—would be devoted to drilling. This is only one example of new production which can occur in an environmentally exacting manner.

The legislation also includes important regulatory reforms which outside the energy production components of this bill would be referred to the Environment and Public Works Committee for consideration. Some of the EPW related provisions include streamlining environmental considerations in the leasing of the OCS and ANWR and streamlining reviews for new nuclear power plant licensing. The bill includes language meant to ensure that Federal projects and actions are not needlessly delayed, and therefore made more costly, by required environmental reviews. Too often the NEPA mandated environmental review process is used as the means to slow or stop projects, not based on substantive environmental grounds but, rather, simply because selected individuals oppose the projects. We need to reduce the ability of these not-in-my-backyard interests to continue to manipulate Federal law this way. Too many jobs and economic resources are at stake.

The bill importantly excludes greenhouse gases from the definition of pollutant and prohibits the EPA Administrator from granting waivers to enforce their own tail pipe emission standards. Granting these States a waiver will only result in a patchwork of State regulations and compliance will vary

greatly depending on product demand in each State. The U.S. auto industry, already on life support, faces a \$47 billion burden this year due to increased national fuel economy standards, according to the National Automobile Dealers Association.

Finally, the bill keeps activists from using the Endangered Species Act from hindering crucial energy exploration and production. Activists' efforts to list species and restrict human activities based on climate change are backdoor attempts to regulate greenhouse gas emissions under the Endangered Species Act. Directly linking species threats to climate change under ESA means that any increase in carbon dioxide or greenhouse gas emissions anywhere in the country could be subject to legal challenges due to arguments that those activities are harming any species that is in decline. It allows endless litigation on major activities that are funded, carried out, or authorized by the Federal Government. The economic impacts of regulating greenhouse gases under ESA are enormous. For example, any permit for a powerplant, refinery, or road project in the United States could be subject to litigation if it contributes to total carbon emissions. ESA prompted lawsuits and bureaucratic delays could even extend to past fossil fuel-linked Federal projects if they could increase greenhouse gas emissions or reduce natural carbon dioxide uptake. The ESA is over 30 years old. Its only real success has been to provide full time employment for the radical activists and the trial bar. Most importantly, despite billions of Federal dollars spent, millions of acres of property rights restricted, and the years of red tape delays, barely 1 percent of listed species have actually recovered. If that is not justification to restructure an outdated, ineffective law, I don't know what is—there has to be a better way.

I have long said America is not running out of oil and gas or running out of places to look for oil and gas. America is running out of places where we are allowed to look for oil and gas. The American public has got to demand that the Democrats in Congress allow us to produce from our own resources without unnecessary and burdensome Government regulation.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I

am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you for the opportunity to provide opinion on our current problems. I work at the site, and was named the outstanding researcher for 2006. By way of further background, I hold a PhD in chemistry, and I have heretofore always voted [conservative].

It seems to me that the key question to be addressed is "what is the role of the Federal government guiding and fostering energy development and usage in the United States?" If I could ask one question of yourself, Mr. Risch, Mr. Obama, and Mr. McCain, that would be it.

It further seems to me that the de facto energy policy of our party is "the private sector will do it." I believe that what we have proven over the past 40 years is that this is incorrect. The current cost of energy supports my position: \$4 gasoline (with \$5 in sight), rising food prices (fueled by a nonsensical corn to ethanol policy), plus the cost of the war in Iraq (Alan Greenspan is correct: it is all about oil). Certainly the cost of electricity and other energy sources will follow suit. While the private sector has proven extremely adept at maximizing profits over a 3 month quarterly-reporting time frame, that appears to be the limit of their time horizon. It is sadly ironic that decisions made in 1974 by France regarding nuclear power and by Brazil (a dictatorship at the time!) in 1975 regarding ethanol, were vastly more far-sighted than what our country has chosen by arrogating energy leadership to the private sector.

Alternatively I believe that strong inter-action lead by the Federal government and involving the private sector can solve the problem. While I understand that sounds socialist, that is exactly how we were able to harness our power to address the challenge of the second world war and the cold war.

I would recommend that you set a goal to have the country be free of imported oil in 15 years. To accomplish this, we will need to find another way to power the transportation sector, and electricity is the only viable alternative. The government should subsidize mass transit and utilization of electric cars and development of next-generation electric cars should be subsidized. Financing for subsidies should come from taxes on the egregious profits realized by oil companies, which we are subsidizing in the form of military defense of the middle east. Clearly the supply of electricity will need to be greatly augmented, and nuclear fission is the best answer for this. While I do not believe that wind or solar have the efficiency to supply the amount of electricity needed, research into improving these technologies should be fostered.

In the process of implementing these policies, a highly desirable collateral effect

would be to greatly spur American science. Federal support for basic and applied research would stabilize the funding base, and improve the desirability of the scientific disciplines, which are not in favor with young Americans, because the return on mastery of the fields of math, biology, chemistry and physics are not currently commensurate with the investment required to learn them. To fund this, you will have to figure out how to reign in health care, another item which will require forceful government intervention.

While I am encouraged by your interest in my opinion, I am dismayed by the timing. At this point, the horse is long out of the barn, and if you have done anything to address the situation, it has been invisible to me. Yet, you still have a good fraction of your term remaining, enough time to start acting in the best interest of the United States and her institutions, and to start de-prioritizing those of [individuals] who are only interested in their bottom lines.

Best regards and good luck.

GARY.

To quickly preface my story, I am a professional that nets a salary of roughly \$38,000/year with a small family. We have made the decision that raising good kids and having a mother in the home is more important than making more money. With my salary and my wife's very part-time job, in the past we have been able to absorb minor blows such as unexpected medical situations, needed vehicle repairs, and other unforeseen bills. With the way things are now, such as gas and food prices, we have had to strategize and make every dollar count. There is no complaint on my end, although if and when the next unexpected medical bill happens, it will be difficult. Fortunately we have faith that all will be okay and that we will always be able to pay our bills and enjoy life.

By no means am I asking for a handout. On the contrary, I wish the elected officials that act as our government would step out of the way and allow the hard-working Americans do what they do best; use their intellect to solve problems. Please allow the free market do what it was designed to do. We firmly believe that God created this beautiful Earth for our "responsible" use. What I mean is that we should use the resources that are available to us (which are in wonderful abundance here) while at the same time replenish what we can for our posterity. We never bought into this "Green" movement and have since discovered that it was all a hoax with horrible intentions.

We will survive whatever comes our way. My family has the "American Spirit". I wish that Congress would adopt that same spirit.

DILLON, *Meridian*.

Thank you for asking those you represent what we think and feel about this crisis. The cost of oil going up has affected so many more things than just filling up our tank. We are faced with the choice of going to the doctors, (we have insurance), or get gas or groceries!! We have been unable to have children on our own, and we decided for me to go back to work to save up money for fertility treatments. But now that the gas, food & utility prices have shot up, we are beginning to wonder if we will be able to get to work let alone ever achieve our dream.

I see my siblings trying to raise their children and make ends meet with gas prices the way they are. I hear it in the voices of my co-workers, family, and friends. This is not right! We elected our politicians to be our

representatives, not to go to Washington and do what they want. Listen to the majority not the minority. "For the people by the people." We the people are talking. Are you all listening????

First: Drill off shore and in Alaska. Second: Keep working on alternatives like hydrogen, coal to oil, nuclear facilities etc. This country is full of the best and brightest. We ought to show that.

ANNETTE, *Meridian*.

Subject: Final Destination of Alaska Oil is—?

American taxpayers paid to have the Alaskan pipeline built to relieve dependence on foreign oil in the 70s. When oil prices started to drop, the oil companies, BP, Exxon, and etc. cried poor-mouth. They were not getting an adequate return on their investment in the North Slope oil fields. [Congress gave approval for the companies] to take American oil to Asia for a better price than they could get on the West Coast of California or other American markets. Then prices in America started rising, but the oil (our oil!) was still being shipped to Asian countries. To my knowledge, this is still where a lot of the Alaska oil is going.

Question: Is Congress still letting these greedy ruthless oil companies ship desperately needed American oil to Asia for higher prices? If not, when did it stop and where is it being shipped? If they are still shipping American oil to Asia, why the heck hasn't Congress stopped the process?

A response to this situation, and/or a clarification of what is the present status of Alaska oil shipments would be appreciated.

JOE, *Boise*.

I am against increasing domestic production of oil in sensitive areas such as the Arctic. It has not been made clear to me that it would have any other than a minor affect on prices and supply.

I am adjusting to the high gas prices by driving a fuel efficient vehicle and parking the others and using them only when absolutely necessary. I also am careful in my driving habits such as keeping my speed at or below 60 and avoiding undo acceleration. I turn my engine off at stop lights when I expect the wait will be long. I coast down hills when it is safe to do so with the engine off although this can be a dangerous practice.

Here's what I feel our government including congress could to help the situation:

1. Set a national speed of 55 or 60 as was done in the 70s. I think that many people do not understand that higher speeds require more gas than lower speeds to go the same distance because of air friction. This is not publicized. It should be.

2. Stop all speculation in oil trading by whatever means necessary. For me, the frequent (mostly) up and down variations in price at the gas station are more unsettling than the high price.

3. Declare new fuel efficiency standards under emergency conditions. Not some silly minor improvement by 2020! As has been done [in the past]. The auto manufacturers demonstrated how rapidly through research and development just how fast they could come up with catalytic converters in the 70s to meet emission standards. Give them credit! They can perform miracles if they are forced to. Force them!

4. Keep oil prices high but stable. Painful as it is, it seems to me the only way to effect the needed changes. I have no longer any confidence in energy leadership by either government or industry. Government just

does what industry wants and what industry wants is to keep things as they are. Our government needs to take a leadership role. For a long, long time, congress and the administration have failed miserably in that role. It is time for a change.

5. Require new cars to have a fuel consumption meter clearly visible to the driver. This would encourage efficient driving. When the driver sees how his miles-per-gallon drops to near zero when accelerating up a hill—well, he might learn to drive more conservatively.

It seems to me that this is our second warning regarding the consequences of our dependence on oil, the first being in the early 70s. Perhaps this is our last warning.

DAVID, *Viola*.

I am but a young college student. I currently live in Middleton with my family for the summer. I will be headed back to University of Idaho this fall for my sophomore year. The \$4 per gallon gas prices are ridiculous. While living here in the summer, I begin to realize how lucky I am to be headed back to Moscow where I can get anywhere in town just by riding a bike or walking. Living in Middleton, I need to drive 15 miles to go to work seeing as there are not very many job opportunities located in my town. Some people have to drive even drive further to get to their jobs. I have seen my parents struggle with the prices. They always consider how much it is going to cost us to drive somewhere if we plan on going on a family trip. It definitely complicates things.

I am currently studying Wildlife Resources at my school and have learned much about how environments are affected by polluting toxins that come from coal plants. This should not be an alternative. Also, corn ethanol is not effective, because in order to create enough fuel for everyone in our country, we would need to drastically increase the corn production. Nuclear power, on the other hand, I am unsure about, but what I am sure about is that we are in a decade of change—one that is challenging us. People need to realize that "global warming" is not a farce and people should not use excuses such as "Well, Idaho had a higher average of snowfall this year than in the past 5 years." There is a reason it is called "global warming" and not "Idaho warming". It has to do with average global temperatures and the changing of these temperatures cause climate changes, which could be why we saw so much snow this past winter.

Anyways, to get back on track, we need to shift to cleaner ways of generating energy. We have all heard of harnessing wind, water, solar, and geothermal energy. These are all very costly, but run clean. The solutions are not to use more coal or drill for more oil. Those solutions are just prolonging the problem, which is our dependency. If we open up more drilling sites in America then the gas may be lowered a little bit, but American oil is still finite and will eventually deplete which will put us in the same situation we are in now. The \$4 per gallon is a wakeup call that we need to change the way we are doing things and progress; not regress. Hopefully you will help to make this progression that we so desperately need.

DYLAN, *Middleton*.

Thank you for letting me express my frustrations.

This is a very simple problem to solve. Start drilling and alleviate the problems we are currently seeing at the gas pumps, food prices, and other high prices that are occurring with the high prices of fuel. If streamlined and the ability of Congress to cut red

tape that is currently enacted, we could start pulling oil out of the ground in 18 months and not 5 to 10 years. Pulling oil out of the ground will make the prices fall plain and simple. [Some] will say that more oil will not cause prices to fall due to the oil companies, but basic economics 101 will tell you that more supply equals less prices plain and simple. It is not rocket science, but [some groups have] been more interested in the redistribution of wealth rather than letting the free market take it is course.

I hear lies and intentional misstatements of the truth coming from [some politicians]. When [will truth-tellers start] educating the public on how much oil we currently have in North America (more than Saudi Arabia), and letting extreme environmentalist entities that they bow to run the show on our energy policy.

I keep hearing from [some] that we cannot drill our way to energy independence. What is their solution then? I have not heard of anything that they are coming up with to alleviate the problem. They do not want nuclear power plants, they do not want to burn coal, and drilling offshore and in ANWR would be horrible for the environment. I have some news for [those folks]: their French buddies have nuclear power plants that are safe and provide clean energy for the people of France. Burning coal or emitting carbon dioxide does not create global warming; it is a natural effect that has occurred over and over again throughout the history of the Earth. Sport fisherman fish off of oil rigs in the sea, and caribou do not care about an oil rig, or pipeline laying on the ground either.

It is time [that we had some leadership and challenged the false information] on energy policy. If not, the [conservative voices will] have less leadership in Congress, and we will have an energy crisis in the greatest county in the world.

P.S. Can we get some more oil refineries as well?

CORY.

First off, thank you for soliciting comments from your constituents.

Everyone is concerned about, and affected by energy prices. Gas prices are just the tip of the iceberg. Food prices, goods and services prices, utility bills, natural gas up double from last year, airline prices, the housing/credit crisis and a very weak dollar are all affected by our energy emergency. This is not a matter of choice. Either we pursue energy independence or we risk losing the America our forefathers created and our brave soldiers have died fighting for.

Why are we the only civilized country not aggressively pursuing energy independence? France is over 70% nuclear, the EU has plans for over 20 coal plants across Europe, Canada is drilling near our northeastern border, Russia recently gave major tax breaks to oil companies to explore inside their borders and find alternative energy, Brazil is aggressively drilling, China is building dozens of coal plants, nuclear plants and hydroelectric dams, they have also secured a lease (from Cuba) 50 miles off the shore of Key West, Florida. The US hasn't built a refinery in over 30 years. There is something wrong with this picture. Is everyone else on the wrong energy path? Or could it be we are falling behind? I think the answer is obvious.

To me the solution is twofold. Short term and long term. Short term: Allow private industry to aggressively pursue all sources of energy within our borders. We are sitting on billions of barrels of oil, oil shale and coal.

Go get it now! We have nuclear technology, coal to oil technology, wind, solar. Long term: Offer incentives to private industries to create new alternative energy sources. American innovators have proved time and time again they are capable of getting the job done. Get the government out of their way and let them lead the world into the next generation of energy production.

DENNIS.

I am writing concerning your call for Idahoans to tell about how oil prices are affecting us. Fortunately I live very close to work so I do not drive much to commute. I do however have to transport children to day care, school and other activities. Trips are almost out of the question now.

Having looked into the facts I fully support drilling in ANWR and OCS. I find it disturbing that we are not already doing so when I hear that other countries, especially some that are not overly friendly to us, are permitting to drill off of our coasts. I think the U.S. should pursue all avenues of collecting domestic fuel sources including coal shale to oil and nuclear. This country should pursue nuclear power in large scale, hydrogen, and other alternatives as well. The fact remains, as you know, that we will need petroleum-based fuels for the foreseeable future and we should produce some of our own.

I think the ethanol projects are a joke as corn is a food product that has so many other uses.

BRANDON, Idaho Falls.

The most difficult part of paying so much at the pump is feeling that the whole situation is—at best—the fault of our Washington politicians who have been influenced by environmentalists who seem determined to return our lifestyle to the horse and buggy era.

The most vital step in all you propose is to start claiming our drilling rights in the Gulf and to pass legislation which allows us to take advantage of our own oil reserves. The environmentalists have hijacked this whole country by tying the hands of oil companies, who would doubtless do everything possible to lessen our dependence on foreign oil by drilling within our own borders.

DEBORAH.

ADDITIONAL STATEMENTS

REMEMBERING JOSEPH SONNEMAN

• Mr. BEGICH. Mr. President, I wish to commemorate the life of a very special resident of my home State of Alaska, longtime political activist Joe Sonneman.

Dr. Sonneman passed away March 8, 2009, from Lou Gehrig's disease. He was 64.

He made his unique mark on Alaska beginning in 1971, when he first visited to research a doctoral dissertation on the relationship between oil revenues and state government. He returned after graduate school and lived in the 49th State for most of the rest of his life. In true Alaskan fashion he proved himself to be a jack of many trades. Dr. Sonneman—known most often around his adopted hometown of Juneau only as “Joe”—was a photographer, postal worker, public policy an-

alyst and taxi driver. He also earned a law degree from Georgetown University and was a frequent candidate for Congress.

On behalf of his family and his many friends I ask today that we honor his memory. I ask that his obituary, published March 10, 2009, in the Juneau Empire, be printed into the CONGRESSIONAL RECORD.

The information follows:

[From the Juneau Empire, Mar. 10, 2009]

(By Joseph Sonneman)

Longtime Juneau political activist Dr. Joseph Sonneman died early March 8, 2009, at Providence Regional Medical Center in Everett, Wash., after a three-year struggle with ALS, amyotrophic lateral sclerosis, also known as Lou Gehrig's disease. He was 64.

He was born in Chicago in 1944, and attended Chicago public schools.

After serving in the U.S. Army from 1963 to 1966, including service as a radar repairman in Korea, he earned a Bachelor of Science in economics from the University of Chicago, and master's and doctorate degrees from Claremont graduate school. While in the master's program in government finance, he was an intern at the NASA Johnson Space Center in Houston. He first came to Juneau in 1971 to conduct research for his doctoral dissertation on the effect of oil income on Alaskan government financial decisions.

When he finished graduate school, he returned to Alaska where he worked as a photographer, budget analyst, taxi driver, heavy equipment oiler on the Alaska pipeline, postal worker, and university instructor. He became interested in the law and earned a J.D. degree from Georgetown School of Law in 1989. He was a member of the Alaska, Hawaii and Washington, D.C. Bar Associations and conducted a law and legal research practice in Juneau.

He was active in politics all his life, and served on numerous local and state Democratic Party committees and as Alaska Democratic Party treasurer. He ran for Mayor of Juneau in 1973. He also ran in the primaries for the U.S. House in 1974, and for the U. S. Senate in 1978, 1992, 1996, and in 1998 succeeded in becoming the Democratic Party nominee for U.S. Senate but lost the election to Republican incumbent Frank Murkowski.

He was a member of Veterans of Foreign War Post 5559; Pioneers of Alaska Juneau Igloo Number 6; Juneau World Affairs Council; Juneau Chapter of AARP; and Paralyzed Veterans of America, and served on the Juneau Commission on the Aging.

As a photographer, he followed the example of Klondike Gold Rush photographer A. E. Hegg, and documented the construction of the Trans-Alaska Pipeline with an 8-by-10-inch view camera. Over his career, he had one-person shows at the San Jose Museum of Art, the University of Oklahoma Museum of Art, the Alaska State Museum, the Chicago Museum of Science and Industry and Harper Hall at Claremont Graduate University.

After his diagnosis of ALS, he moved to Washington to be closer to family members. He lived for two years at the Washington State Veterans Home near Seattle and was also an intermittent patient at the Veterans' Administration hospital in Seattle.

Survivors include his mother, Edith Sonneman of Chicago; and sisters Eve Sonneman of New York, Toby Sonneman of Bellingham, Wash., and Milly Sonneman of Sausalito, Calif.

Burial will be at the Sitka National Cemetery with Jewish graveside services at a date

yet to be determined. Arrangements are also pending for a Juneau memorial service.

Donations in Dr. Sonneman's memory may be made to the Joe Sonneman Prize In Photography Endowment c/o David Carpenter, Claremont Graduate University Advancement Office, 165 10th St., Claremont, CA 91711.●

2009 NATIONAL CHAMPIONS

● Mr. VITTER. Mr. President, I would like to recognize the St. Catherine of Siena girls' varsity cheerleaders for being named the 2009 National Champions at the National High School Cheerleading Championship held in Orlando, FL, on February 8. I would like to take a few moments to congratulate them on their tireless efforts to bring their school and our State success.

The event was held at the Walt Disney World Resort and is produced by the Universal Cheerleaders Association. It is the most prestigious event for cheerleaders. Close to 8,000 of the Nations top cheerleaders from 400 teams in 33 States were invited to participate in the competition, including St. Catherine of Siena.

The St. Catherine squad is under the direction of Sandy Spitale and Debra L'Hoste and includes 22 students from the fifth, sixth, and seventh grades. Its members are Lauren Artigues, Ashley Barbier, Brooke Caldwell, Caroline Caldwell, Kaitlyn Coman, Elizabeth Cousins, Claire Crumb, Elise Delahoussaye, Rachel Douglass, Tiffany Forest, Callie Frey, Thia Le, Krista Liljeberg, Kelli Murphy, Allie Nicaud, Tessa Norris, Rachael Poissenot, Jessica Pottinger, Sophia Serpas, Kelsey Singletary, Kyla Szubinski, and Victoria Varisco. They were the only team from Louisiana to take home the title this year.

In addition to their impressive competitive skills, the SCS cheerleading squad also actively participates in community events through the year and represents the youth of the Greater New Orleans Area proudly. They have received numerous Leadership and Community Service Awards for their involvement in various volunteer programs.

Thus, today I congratulate these young ladies on their accomplishments as a competitive team and also as young leaders in their community.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations

which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:21 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 38. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

H. Con. Res. 64. Concurrent resolution urging the President to designate 2009 as the "Year of the Military Family".

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 80. An act to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes; to the Committee on Environment and Public Works.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 38. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Rules and Administration.

H. Con. Res. 64. Concurrent resolution urging the President to designate 2009 as the "Year of the Military Family"; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 570. A bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 49. A bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*John P. Holdren, of Massachusetts, to be Director of the Office of Science and Technology Policy.

*Jane Lubchenco, of Oregon, to be Under Secretary of Commerce for Oceans and Atmosphere.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning with Kent P. Bauer and ending with Mark S. Mackey, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Coast Guard nominations beginning with Corinna M. Fleischmann and ending with Kelly C. Seals, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

By Mr. BAUCUS for the Committee on Finance.

*Ronald Kirk, of Texas, to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*David S. Kris, of Maryland, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. SHAHEEN (for herself and Mr. GREGG):

S. 576. A bill to provide for the liquidation or reliquidation of certain entries of newspaper printing presses and components thereof; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. KENNEDY):

S. 577. A bill to amend title 18, United States Code, to provide penalties for individuals who engage in schemes to defraud aliens and for other purposes; to the Committee on the Judiciary.

By Mr. CRAPO:

S. 578. A bill for the relief of Tim Lowery and Paul Nettleton of Owyhee County, Idaho; to the Committee on the Judiciary.

By Mr. BURR (for himself and Mrs. HAGAN):

S. 579. A bill to establish a comprehensive Federal tobacco product regulatory program, to create a Tobacco Regulatory Agency, to prevent use of tobacco products by youth, and to provide protections for adult tobacco

product users through the regulation of the tobacco products manufacturing industry; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG (for himself and Mrs. SHAHEEN):

S. 580. A bill to prevent the undermining of the judgments of courts of the United States by foreign courts, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNET (for himself, Mr. CASEY, Mr. JOHANNIS, and Mr. SANDERS):

S. 581. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SANDERS (for himself and Mr. DURBIN):

S. 582. A bill to amend the Truth in Lending Act to protect consumers from usury, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRYOR (for himself, Ms. SNOWE, Mr. JOHNSON, Mr. ALEXANDER, and Mr. DURBIN):

S. 583. A bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself and Mr. CARPER):

S. 584. A bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways; to the Committee on Environment and Public Works.

By Mr. AKAKA (for himself, Mr. BINGAMAN, and Mr. DURBIN):

S. 585. A bill to provide additional protections for recipients of the earned income tax credit; to the Committee on Finance.

By Mrs. MURRAY:

S. 586. A bill to direct the Secretary of Health and Human Services to implement a National Neurotechnology Initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR:

S. 587. A bill to establish a Western Hemisphere Energy Cooperation Forum to establish partnerships with interested countries in the hemisphere to promote energy security through the accelerated development of sustainable biofuels production and energy alternatives, research, and infrastructure, and for other purposes; to the Committee on Foreign Relations.

By Mr. KERRY:

S. 588. A bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself, Mr. VOINOVICH, Mr. WHITEHOUSE, Mr. COCHRAN, and Mr. CARDIN):

S. 589. A bill to establish a Global Service Fellowship Program and to authorize Volunteers for Prosperity, and for other purposes; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself and Mr. PRYOR):

S. 590. A bill to assist local communities with closed and active military bases, and for other purposes; to the Committee on Armed Services.

By Mr. REID (for himself and Mr. ENSIGN):

S. 591. A bill to establish a National Commission on High-Level Radioactive Waste and Spent Nuclear Fuel, and for other purposes; to the Committee on Environment and Public Works.

By Ms. CANTWELL (for herself, Mr. MCCAIN, Mr. LEAHY, Mr. DURBIN, Mr. FEINGOLD, and Mr. SCHUMER):

S. 592. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself and Mr. SCHUMER):

S. 593. A bill to ban the use of bisphenol A in food containers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Ms. STABENOW):

S. 594. A bill to require a report on invasive agricultural pests and diseases and sanitary and phytosanitary barriers to trade before initiating negotiations to enter into a free trade agreement, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 74. A resolution expressing the sense of the Senate on the importance of strengthening bilateral relations in general, and investment relations specifically, between the United States and Brazil; to the Committee on Foreign Relations.

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 75. A resolution commemorating the 150th anniversary of the founding of the Philadelphia Zoo: America's First Zoo; considered and agreed to.

ADDITIONAL COSPONSORS

S. 49

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 49, a bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law.

S. 211

At the request of Mrs. MURRAY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 262

At the request of Mr. CASEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 262, a bill to improve and enhance

the operations of the reserve components of the Armed Forces, to improve mobilization and demobilization processes for members of the reserve components of the Armed Forces, and for other purposes.

S. 277

At the request of Mr. BROWN, his name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 310

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 310, a bill to amend the Public Health Service Act to ensure that safety net family planning centers are eligible for assistance under the drug discount program.

S. 379

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 379, a bill to provide fair compensation to artists for use of their sound recordings.

S. 416

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 416, a bill to limit the use of cluster munitions.

S. 428

At the request of Mr. DORGAN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 428, a bill to allow travel between the United States and Cuba.

S. 473

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

S. 475

At the request of Mr. BURR, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 535

At the request of Mr. NELSON of Florida, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 541

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 541, a bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes.

S. 546

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Maryland (Mr. CARDIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service of Combat-Related Special Compensation.

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 546, *supra*.

S. 561

At the request of Mr. THUNE, his name was added as a cosponsor of S. 561, a bill to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

S. 564

At the request of Mr. FEINGOLD, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 564, a bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

S. 567

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 567, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 570

At the request of Mr. VITTER, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. 570, a bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

S. 571

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 571, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. RES. 66

At the request of Mr. BOND, the names of the Senator from New York (Mr. SCHUMER), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 66, a resolution designating 2009 as the "Year of the Noncommissioned Officer Corps of the United States Army".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. KENNEDY):

S. 577. A bill to amend title 18, United States Code, to provide penalties for individuals who engage in schemes to defraud aliens and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Immigration Fraud Prevention Act of 2009, on behalf of myself and Senator KENNEDY, to prevent the exploitation of people, citizens, and non-citizens alike, who are preyed on when seeking immigration assistance.

The Immigration Fraud Prevention Act would prevent and punish fraud and misrepresentation in the context of immigration proceedings. The act would create a new Federal crime to penalize those who engage in schemes to defraud aliens in connection with Federal immigration laws.

Specifically, the act would make it a Federal crime to wilfully and knowingly defraud or obtain or receive money or anything else of value from any person by false or fraudulent pretences, representations, or promises; and to wilfully, knowingly, and falsely represent that an individual is an attorney or accredited representative in any matter arising under Federal immigration law.

Violations of these crimes would result in a fine, imprisonment of not more than 5 years, or both.

The bill would also authorize the Attorney General and the Secretary of

Homeland Security to use task forces currently in existence to detect and investigate individuals who are in violation of the immigration fraud crimes as created by the bill.

The act would also work to prevent immigration fraud by requiring that Immigration Judges issue warnings about unauthorized practice of immigration law to immigrants in removal proceedings, similar to the current law that requires notification of pro bono legal services to these immigrants; requiring the Attorney General to provide outreach to the immigrant community to help prevent fraud; providing that any materials used to carry out notification on immigration law fraud is done in the appropriate language for that community; and requiring the distribution of the disciplinary list of individuals not authorized to appear before the immigration courts and the Board of Immigration Appeals, BIA, currently maintained by the Executive Office of Immigration Review, EOIR.

Unfortunately, the need for Federal action to prevent and prosecute immigration fraud has escalated in recent years as citizens and non-citizens attempt to navigate the immigration legal system. Thus far, only States have sought to regulate the unauthorized practice of immigration law.

Since immigration law is a federal matter, I believe the solution to such misrepresentation and fraud should be addressed by Congress.

By enacting this bill, Congress would help prevent more victims like Vincent Smith, a Mexican national who has resided in California since 1975. His wife is an American citizen, and they live with their 6 U.S. citizen children in Palmdale, CA.

Mr. Smith would likely have received a green card at least two different times during his stay in California. However, in attempting to get legal counsel, Mr. Smith hired someone whom he thought was an attorney, but was not. As a result, Mr. Smith was charged more than \$10,000 for processing his immigration paperwork, which was never filed. Mr. Smith now has no legal status and faces removal proceedings.

Another victim of immigration fraud is Raul, a Mexican national, who came to the United States in 2000. He also married a U.S. citizen, Loraina, making him eligible to apply for a green card. Raul and his wife went to Jose for legal help. Jose's business card said he had a "law office" and that he was an "immigration specialist." But Jose was not a specialist and charged Raul \$4,000 to file a frivolous asylum petition. While Raul thought he was going to receive a green card, he was instead placed into removal proceedings.

From California to New York, there are hundreds of stories like these. Many immigrants are preyed on because of their fears—others on their

hope of realizing the American dream. They are charged exorbitant fees for the filing of frivolous paperwork that clog our immigration courts and keep families and businesses waiting in limbo for years.

Law enforcement officials say that many fraudulent "immigration specialists" close their businesses or move on to another part of the state or country before they can be held accountable. They can make \$100,000 to \$200,000 a year and the few who have been caught rarely serve more than a few months in jail. Often victims of such crimes are deported, sending them back to their home countries without accountability for the perpetrator of the fraud.

Most recently, hundreds of immigrants were exploited by Victor M. Espinal, who was arrested for allegedly posing as an immigration attorney. Nearly 125 of Mr. Espinal's clients attended the New York City Bar Association's free clinic to address their legal and immigration options. According to prosecutors, Mr. Espinal falsely claimed on his business cards that he was licensed and admitted to the California bar as well as the bar in the Dominican Republic.

Organizations such as the Los Angeles Country Bar Association, National Immigration Forum, American Immigration Lawyers Association, and American Bar Association have been documenting this exploitation for many years. Today, I ask my colleagues to join me and Senator KENNEDY in putting an end to it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Immigration Fraud Prevention Act of 2009".

SEC. 2. SCHEMES TO DEFRAUD ALIENS.

(a) AMENDMENTS TO TITLE 18.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1041. Schemes to defraud aliens

"(a) IN GENERAL.—Any person who willfully and knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws or any matter the offender willfully and knowingly claims or represents is authorized by or arises under Federal immigration laws, to—

"(1) defraud any person; or

"(2) obtain or receive money or anything else of value from any person by means of false or fraudulent pretenses, representations, promises, shall be fined under this title, imprisoned not more than 5 years, or both.

"(b) MISREPRESENTATION.—Any person who willfully, knowingly, and falsely represents that such person is an attorney or an accredited

representative (as that term is defined in section 1292.1 of title 8, Code of Federal Regulations or any successor regulation to such section) in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 5 years, or both."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding after the item related to section 1040 the following:

"1041. Schemes to defraud aliens."

(b) INVESTIGATION OF SCHEMES TO DEFRAUD ALIENS.—The Attorney General and the Secretary of Homeland Security shall use the Executive Office of Immigration Review to detect and investigate individuals who are in violation of section 1041 of title 18, United States Code, as added by subsection (a)(1).

SEC. 3. NOTICE AND OUTREACH.

(a) NOTICE TO ALIENS IN IMMIGRATION PROCEEDINGS.—

(1) IN GENERAL.—Subparagraph (E) of section 239(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1229(a)(1)) is amended to read as follows:

"(E)(i) The alien may be represented by counsel and the alien will be provided—

"(I) a period of time to secure counsel under subsection (b)(1); and

"(II) a current list of counsel prepared under subsection (b)(2).

"(ii) A description of who may represent the alien in the proceedings, including a notice that immigration consultants, visa consultants, and other unauthorized individuals may not provide that representation."

(2) LIST OF DISCIPLINED PRACTITIONERS.—Subsection (b) of section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended—

(A) by redesignating paragraph (3) as paragraph (6); and

(B) by inserting after paragraph (2) the following new paragraphs:

"(3) LIST OF DISCIPLINED PRACTITIONERS.—The Attorney General shall provide for lists (updated no less often than quarterly) of persons who are prohibited for providing representation in immigration proceedings.

"(4) FOREIGN LANGUAGE MATERIALS.—The materials required to be provided to an alien under this subsection shall be provided in appropriate languages, including English and Spanish.

"(5) ORAL NOTIFICATION.—At the earliest possible opportunity, an immigration judge shall orally advise an alien in a removal proceeding of the information described in paragraphs (2) and (3)."

(b) OUTREACH TO IMMIGRANT COMMUNITIES.—

(1) AUTHORITY TO CONDUCT.—The Attorney General, through the Director of the Executive Office for Immigration Review, and the Secretary of Homeland Security shall carry out a program to educate aliens regarding who may provide legal services and representation to aliens in immigration proceedings through cost-effective outreach to immigrant communities.

(2) PURPOSE.—The purpose of the program authorized under paragraph (1) is to prevent aliens from being subjected to fraud by immigration consultants, visa consultants, and other individuals who are not authorized to provide legal services or representation to aliens.

(3) AVAILABILITY.—The Attorney General and the Secretary of Homeland Security shall make information regarding fraud by immigration consultants, visa consultants, and other individuals who are not authorized to provide legal services or representation to aliens available—

(A) at appropriate offices that provide services or information to aliens; and

(B) through Internet websites that are—

(i) maintained by the Attorney General or the Secretary; and

(ii) intended to provide information regarding immigration matters to aliens.

(4) FOREIGN LANGUAGE MATERIALS.—Any educational materials used to carry out the program authorized under paragraph (1) shall be made available to immigrant communities in appropriate languages, including English and Spanish.

By Mr. BENNETT (for himself, Mr. CASEY, Mr. JOHANNES, and Mr. SANDERS):

S. 581. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JOHANNES. Mr. President, I rise today to offer my support for the Military Family Nutrition Protection Act, which we introduced today to protect the eligibility of military families for nutrition assistance programs. This bill will do a great service to the families of our men and women serving in uniform in combat zones overseas.

When a soldier is deployed to a combat zone such as Iraq or Afghanistan, he or she receives a temporary increase in pay called "combat pay." Too often, combat pay increases the soldier's salary to a level that makes his family ineligible for essential nutrition assistance programs like the School Lunch and School Breakfast programs; the Special Supplemental Nutrition Program for Women, Infants, and Children; and other programs. The family can no longer receive government assistance for food, despite the fact that the soldier's increase in pay is only temporary.

Our bill will remove this burden from our military families and stop punishing them for the sacrifices their loved ones make overseas. The bill stipulates that combat zone pay be excluded from consideration when determining a family's eligibility for all child nutrition programs. That way, when a soldier deploys to a combat zone, his or her family can continue to receive the nutrition assistance it needs, and our soldiers have one less thing to worry about in the combat zone.

As Secretary of Agriculture, I proposed a similar combat pay exemption for Food Stamp eligibility, a proposal that was included in the final version of the Farm Bill passed by Congress last year. The Military Family Nutrition Protection Act is the logical next step to ensuring our military families get the assistance they need while their loved ones are away at war.

As a member of the Senate Agriculture Committee, I am proud to cosponsor this important piece of legislation. I look forward to working on the upcoming reauthorization of the child nutrition programs, and I will urge my colleagues on the Committee and in the Senate to include the Military Family Nutrition Protection Act as part of that reauthorization.

By Mr. SANDERS (for himself and Mr. DURBIN):

S. 582. A bill to amend the Truth in Lending Act to protect consumers from usury, and for other purposes; to the Committee on Banking, Housing, and Urban affairs.

Mr. SANDERS. Mr. President, as I think all Americans understand, there is a new sense of outrage today at what Wall Street has done through their greed, their recklessness and, perhaps, illegal behavior, in plunging this Nation and, in fact, the world into a deep recession, which has caused the loss of millions and millions of jobs, had an extraordinarily negative impact on so many people's lives in terms of their savings and their ability to send their kids to college, and in terms of the loss of their homes. That is what Wall Street has done.

In my view, as I have said time and time before, we must have a deep investigation to understand what this crisis was, who are the people responsible for all of this damage, and we must hold them accountable. In fact, it will be a test of the criminal justice system of this country if, in fact, we have the courage to say to these millionaires and billionaires: You know what, the law applies to you too, and you cannot act illegally and cause so much damage to our country and the world.

One of the many senses of anger and frustration that we hear from the American people, one of them that I hear about very often from Vermonters, as well as people all over this country, is that at a time when we are providing hundreds of billions of dollars to bail out Wall Street, at a time when large banks are borrowing money from the Fed at a zero interest rate, the response of Wall Street has been to say: Thank you very much for all of that, and now we are going to charge you 15, 20, 25, 30 percent interest rates on your credit cards.

It seems to me that when the middle class is shrinking, when people are losing their savings, when people are losing their jobs, it is an absolute outrage that Wall Street, which is being bailed out by the taxpayers of this country, is now charging exorbitant and usurious interest rates for the American people.

What we are seeing now all over this country is millions of people who are suddenly receiving notices from these banks that say, oh, by the way, we are going to double or triple your interest rate. That is wrong and that has to end.

I am not going to quote from the Bible, but trust me, it goes back to the Bible, where there are very clear references to the immorality of usury. In fact, what we have to understand is that what Wall Street and these credit card companies today are doing is not anything different than what gangsters and loan shark artists do who break people's kneecaps when they don't pay back, only these gangsters have three-piece suits and have millions of dollars. But at the same time they are destroying people's lives by charging 25, 30 percent interest rates.

Today, I will be introducing legislation that will require any lender in this country to immediately cap all interest rates on consumer loans at 15 percent, including credit cards.

How do we select 15 percent as the appropriate number to deal with the usury which is going on in this country? The reason we selected that number is because 15 percent is the same interest rate cap Congress imposed on credit union loans almost 30 years ago when it amended the Federal Credit Union Act.

Many people do not know this, but, in fact, right now credit unions, with certain exceptions, have to charge interest rates of 15 percent or lower. I do not see the credit unions of this country coming to Congress for hundreds of billions of dollars in bailouts. In fact, they are doing quite well. They are responding to the credit needs of their small businesses in their communities and to individuals. They are doing well. They have survived and have thrived with this regulation.

Right now, the National Credit Union Administration imposes a 15-percent cap, except under certain circumstances where the interest rate can go as high as 18 percent. The legislation I will be introducing today also would allow banks to charge higher interest rates if the Federal Reserve determines that is a necessity to maintain the safety and the soundness of lenders.

Essentially all we are saying today is we have to end the outrage by which Wall Street and large credit card companies are ripping off the American people, and the solution we are proposing is to simply emulate what the Federal Credit Union Act does for the credit unions all over this country.

I am very proud Senator DICK DURBIN is an original cosponsor of this legislation. I hope many of my colleagues will join him in sponsoring this bill.

Interestingly enough, the proposal we are introducing today is very similar to one former Senator Al D'Amato advocated for in 1991 when he offered an amendment to cap credit card interest rates. The D'Amato amendment would have capped all credit card interest rates at 14 percent. I should mention that amendment was adopted by the Senate with a vote of 74 to 19. If

the Senate voted overwhelmingly in favor of that amendment back in 1991, I hope we will have at least or more support for my bill today because the problem today actually is far more severe.

This is legislation the American people want. The American people are sick and tired of being ripped off by Wall Street, especially when they are bailing out these large financial institutions.

Credit card use today is no longer just for luxuries. All over this country, people are buying their groceries with credit cards, and they are buying other basic necessities with credit cards because they have no other alternative. Young people are paying some of their college expenses with credit cards. Given that reality, given the fact that the middle class is hurting, it seems to me that if we are going to respond to the needs of the American people, we need to deal with the usury that is going on in this country. We need to cap interest rates.

I look forward very much to my colleagues supporting this legislation.

By Mr. PRYOR (for himself, Ms. SNOWE, Mr. JOHNSON, Mr. ALEXANDER, and Mr. DURBIN):

S. 583. A bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce, with my colleague, Senator PRYOR, the Building a Stronger America Act. This bipartisan legislation is a vital step toward recognizing the value of "science parks"—which are concentrated high-tech, science, and research-related businesses—in strengthening America's global competitiveness. Through the development of new innovative technologies, competing and complementary companies working within close quarters are able to build upon each other's ideas when entering the national and global marketplace. Unlike well known industrial parks, science parks focus primarily on innovation and product advancement. These parks are a vital part of the Nation's economy, creating 2.57 jobs for each core job in a science park.

As ranking member of the Senate Committee on Small Business and Entrepreneurship and a senior member of the Senate Commerce Committee, I adamantly encourage increased investment in new and existing science, research, and technology parks throughout the United States as it is vital in the creation of new jobs. Our legislation would allow the Secretary of Commerce to guarantee up to 80 percent of loans exceeding \$10 million for the construction of science parks. Additionally, the bill would provide grants for

the development of feasibility studies and plans for the construction or expansion of science parks. This bipartisan measure would drive innovation and regional entrepreneurship by enabling science parks to renovate or build, while also encouraging rural and urban States to undertake studies on developing their own successful clusters.

On August 9, 2007, the President signed into law, the America Competes Act legislation authorizing \$43 billion of new funding over the next three fiscal years that will boost Federal investment in math and science education programs. The bill we are introducing today would help to ensure that this workforce is provided with avenues in which to operate, building on the efforts of the America Competes Act by increasing research funding and education for our innovative workforce.

In my home State of Maine, we simply do not have the population density in any given area to support traditional science parks. However, Maine is a national leader in providing business "incubation" services. Incubators are critical to the success of new companies. To help startup entrepreneurs in Maine, incubation centers around the State provide business support tailored to companies in their region. The benefit of business incubators in Maine has been nothing short of monumental, with 87 percent of all businesses that graduate from incubators remaining in business, surviving, and creating new jobs. The seven technology centers located throughout Maine play a pivotal role in promoting technology-led economic development by advancing their own regional competitive advantages. Under the Building a Stronger America Act, both science parks and business incubators will be eligible for its vital assistance.

Residency in science parks provides businesses with numerous advantages, including access to a range of management, marketing, and financial services. At its heart, a science park provides an organized link to local research centers or universities, providing resident companies with the constant access to the expertise, knowledge, and technology they need to grow. These innovation centers are specifically geared toward the needs of new and small companies, providing a controlled environment for the incubation of firms and the achievement of high growth.

It is also vital to point out that the jobs science parks reflect the needs of a high-tech, innovative, and global marketplace. Science parks have helped lead the technological revolution and have created more than 300,000 high-paying science and technology jobs, along with another 450,000 indirect jobs, for a total of 750,000 jobs in North America.

Our Nation's capacity to innovate is a key reason why our economy continues to grow and remains the envy of the world. Through America's investments in science and technology, we continually change our country for the better. Ideas by innovative Americans in the private and public sector have paid enormous dividends, improving the lives of millions throughout the world. We must continue to encourage all avenues for advancing this vital sector if America is to compete at the forefront of innovation, and I urge my colleagues to support this legislation.

By Mr. AKAKA (for himself, Mr. BINGAMAN and Mr. DURBIN):

S. 585. A bill to provide additional protections for recipients of the earned income tax credit; to the Committee on Finance.

Mr. AKAKA. Mr. President, today I am introducing the Taxpayer Abuse Prevention Act. Refund anticipation loans, RALs, are short term loans facilitated by tax preparers and secured by a taxpayer's expected tax refund which typically carry a three or four digit interest rate. These predatory RALs prey on low-income taxpayers, diminishing their earned tax credits.

Earned Income Tax Credit, EITC, benefits are intended to help working families meet their food, clothing, housing, transportation, and education needs. According to the Internal Revenue Service, IRS, in 2007 EITC filers made up 63 percent of all RAL consumers despite being only 17 percent of the taxpayer population. The National Consumer Law Center estimates \$567 million was drained out of the EITC program in 2007 by RAL loan and add-on fees. Working families cannot afford to lose a significant portion of their EITC funds by expensive, short-term RALs.

The high interest rates and fees charged on RALs are not justified because these loans are outstanding for only a short length of time and present minimal risk to lenders because of the Debt Indicator, DI, program. The DI program is a service provided by the IRS that informs the lender whether or not an applicant owes Federal or State taxes, child support, student loans, or other government obligations, which assists tax preparers in ascertaining the ability of applicants to obtain their full refund so that the RAL can be repaid.

It is troubling that the Department of the Treasury facilitates the use of RALs. In 1995, use of the DI program was suspended because of massive fraud in e-filed returns with RALs. The use of the DI program was reinstated in 1999. The effect of the DI program on total RAL volume is clear: the number of RALs fell dramatically following the suspension of the program in 1995 and rose again to pre-suspension levels immediately following its reinstatement

in 1999. Use of the DI program should once again be stopped because it is helping tax preparers make excessive profits from low- and moderate-income taxpayers who utilize RALs. The Department of the Treasury should not be facilitating the use of RALs that allow tax preparers to reap outrageous profits by exploiting working families.

The Taxpayer Abuse Prevention Act will protect consumers against predatory loans, reduce the involvement of the Department of the Treasury in facilitating the exploitation of taxpayers by terminating the DI program, and expand access to opportunities for saving and lending at mainstream financial services. My bill prohibits refund anticipation loans that utilize EITC benefits. Other federal benefits, such as Social Security, have similar restrictions to ensure that the beneficiaries receive the intended benefit.

My bill also limits several of the objectionable practices of RAL providers. It will prohibit lenders from using tax refunds to collect outstanding obligations for previous RALs. In addition, mandatory arbitration clauses for RALs that utilize federal tax refunds would be prohibited to ensure that consumers have the ability to take future legal action if necessary.

Too many working families are susceptible to predatory lending because they are left out of the financial mainstream. Between 25 and 56 million adults are unbanked, or not using mainstream, insured financial institutions. The unbanked rely on alternative financial service providers to obtain cash from checks, pay bills, send remittances, utilize payday loans, and obtain credit. Many of the unbanked are low- and moderate-income families that can ill afford to have their earnings unnecessarily diminished by reliance on high-cost and often predatory financial services. In addition, the unbanked are unable to save in preparation for the loss of a job, a family illness, a down payment on a first home, or education expenses.

To address this problem, my bill also expands access to mainstream financial services. Electronic Transfer Accounts, ETAs, are low-cost accounts at banks and credit unions intended for recipients of certain Federal benefit payments, such as Social Security payments. My bill expands the eligibility for ETAs to include EITC benefits. These accounts will allow taxpayers to receive direct deposit refunds into an account without the need for a RAL.

Furthermore, my bill would mandate that low- and moderate-income taxpayers be provided opportunities to open low-cost accounts at federally insured banks or credit unions via appropriate tax forms. Providing taxpayers with the option of opening a bank or credit union account through the use of tax forms provides an alternative to

RAIs and immediate access to financial opportunities found at banks and credit unions.

The timeliness of this legislation has never been greater. I urge all of my colleagues to support this important bill that offers consumer protection from predatory RAIs and expand access to mainstream financial services.

I want to thank my colleagues, Senator BINGAMAN and Senator DURBIN, for cosponsoring this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taxpayer Abuse Prevention Act".

SEC. 2. PREVENTION OF DIVERSION OF EARNED INCOME TAX CREDIT BENEFITS.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) is amended by adding at the end the following new subsection:

"(n) PREVENTION OF DIVERSION OF CREDIT BENEFITS.—The right of any individual to any future payment of the credit under this section shall not be transferable or assignable, at law or in equity, and such right or any moneys paid or payable under this section shall not be subject to any execution, levy, attachment, garnishment, offset, or other legal process except for any outstanding Federal obligation. Any waiver of the protections of this subsection shall be deemed null, void, and of no effect."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. PROHIBITION ON DEBT COLLECTION OFFSET.

(a) IN GENERAL.—No person shall, directly or indirectly, individually or in conjunction or in cooperation with another person, engage in the collection of an outstanding or delinquent debt for any creditor or assignee by means of soliciting the execution of, processing, receiving, or accepting an application or agreement for a refund anticipation loan or refund anticipation check that contains a provision permitting the creditor to repay, by offset or other means, an outstanding or delinquent debt for that creditor from the proceeds of the debtor's Federal tax refund.

(b) REFUND ANTICIPATION LOAN.—For purposes of subsection (a), the term "refund anticipation loan" means a loan of money or of any other thing of value to a taxpayer because of the taxpayer's anticipated receipt of a Federal tax refund.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 4. PROHIBITION OF MANDATORY ARBITRATION.

(a) IN GENERAL.—Any person that provides a loan to a taxpayer that is linked to or in anticipation of a Federal tax refund for the taxpayer may not include mandatory arbitration of disputes as a condition for providing such a loan.

(b) EFFECTIVE DATE.—This section shall apply to loans made after the date of the enactment of this Act.

SEC. 5. TERMINATION OF DEBT INDICATOR PROGRAM.

The Secretary of the Treasury shall terminate the Debt Indicator program announced in Internal Revenue Service Notice 99-58.

SEC. 6. EXPANSION OF ELIGIBILITY FOR ELECTRONIC TRANSFER ACCOUNTS.

(a) IN GENERAL.—The last sentence of section 3332(j) of title 31, United States Code, is amended by inserting "other than any payment under section 32 of such Code" after "1986".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 7. PROGRAM TO ENCOURAGE THE USE OF THE ADVANCE EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall, after consultation with such private, nonprofit, and governmental entities as the Secretary determines appropriate, develop and implement a program to encourage the greater utilization of the advance earned income tax credit.

(b) REPORTS.—Not later than the date of the implementation of the program described in subsection (a), and annually thereafter, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the elements of such program and progress achieved under such program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program described in this section. Any sums so appropriated shall remain available until expended.

SEC. 8. PROGRAM TO LINK TAXPAYERS WITH DIRECT DEPOSIT ACCOUNTS AT FEDERALLY INSURED DEPOSITORY INSTITUTIONS.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall enter into cooperative agreements with federally insured depository institutions to provide low- and moderate-income taxpayers with the option of establishing low-cost direct deposit accounts through the use of appropriate tax forms.

(b) FEDERALLY INSURED DEPOSITORY INSTITUTION.—For purposes of this section, the term "federally insured depository institution" means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(c) OPERATION OF PROGRAM.—In providing for the operation of the program described in subsection (a), the Secretary of the Treasury is authorized—

(1) to consult with such private and nonprofit organizations and Federal, State, and local agencies as determined appropriate by the Secretary, and

(2) to promulgate such regulations as necessary to administer such program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program described in this section. Any sums so appropriated shall remain available until expended.

By Mrs. MURRAY:

S. 586. A bill to direct the Secretary of Health and Human Services to im-

plement a National Neurotechnology Initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, today I am pleased to introduce legislation that would make a tremendous difference in the lives of the millions of Americans suffering from neurological illnesses, injuries, or disorders.

An estimated one in three Americans suffers from some kind of neurological condition, from Alzheimer's to Parkinson's to multiple sclerosis. An increasing number of our troops and veterans suffer from disorders such as Traumatic Brain Injury, TBI, and Post-Traumatic Stress Disorder, PTSD.

Yet, despite this, we still have only a limited understanding of how the brain works, or how best to treat, diagnose, and cure neurological diseases and conditions. It is taking a terrible toll on our families and communities.

I know from experience how devastating these brain injuries and disorders are for victims and their families. My own father developed MS when I was young, and when he became too sick to work, my family had to rely on food stamps for a time just to get by.

Every day, we hear heart-wrenching stories of Iraq and Afghanistan veterans suffering from TBI and PTSD. Veterans with these disorders are more likely to struggle with joblessness, homelessness, substance abuse, and depression. Many are in pain, desperate for help, but unsure where to find it. And, tragically, an increasing number are taking their own lives as a result.

A recent study by the Institute of Medicine, IOM, found that the long-term health consequences of TBI alone include dementia, Parkinson's-like symptoms, seizures, and problems related to socialization and unemployment. Clearly, TBI and related disorders will affect our servicemembers and veterans far into the future, and we owe it to them to develop better treatments and understanding of these injuries and disorders.

The Neurotechnology Initiative Act of 2009, which I am introducing today, would coordinate our efforts to support new developments in research, speed up our understanding of the human brain, and help lead to treatments for all victims of neurological disorders.

The legislation would make needed improvements to the research system in our country, which now is disjointed, often limiting the ability for life-altering research to reach patients in need. For example, it costs nearly \$100 million more—and takes 2 years longer than average—to bring a drug that treats a neurological disease to the market. The combined economic burden of these illnesses and disorders is estimated at \$1 trillion annually.

The National Neurotechnology Initiative Act would increase funding to the National Institutes of Health, NIH;

help remove bottlenecks in the system to speed up research; coordinate neurological research across federal agencies by creating a blueprint for neuroscience at NIH; and streamline the FDA approval process for life-changing neurological drugs—without sacrificing safety.

The act also has economic benefits. It will help create jobs in the emerging field of neurotechnology. By developing better treatments, we can reduce health care costs for everyone.

This research also has the potential to transform highly specialized areas of medicine, computing, and defense. Most importantly, it could save or improve the lives of millions of Americans.

I am proud that this bill has support in the House, and I look forward to working on it with my colleagues here in the Senate.

By Mr. LUGAR:

S. 587. A bill to establish a Western Hemisphere Energy Cooperation Forum to establish partnerships with interested countries in the hemisphere to promote energy security through the accelerated development of sustainable biofuels production and energy alternatives, research, and infrastructure, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Western Hemisphere Energy Compact”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Western Hemisphere Energy Cooperation Forum.
- Sec. 5. United States-Brazil biofuels partnership.
- Sec. 6. International agricultural extension programs.
- Sec. 7. Biofuels feasibility studies.
- Sec. 8. Regional development banks.
- Sec. 9. Carbon credit trading mechanisms.
- Sec. 10. Energy crisis response preparedness.
- Sec. 11. Energy foreign assistance.
- Sec. 12. Energy public diplomacy.
- Sec. 13. Report.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The engagement of the United States Government on energy issues with governments of willing countries in the Western Hemisphere is a strategic priority because such engagement can help to—

(A) reduce the potential for conflict over energy resources;

(B) maintain and expand reliable energy supplies;

(C) expand the use of renewable energy; and

(D) reduce the detrimental effects of energy import dependence.

(2) Several nations in the Western Hemisphere, including Brazil, Canada, Mexico, the United States, and Venezuela, are important for global energy security and climate change mitigation.

(3) Current energy dialogues and agreements should be expanded and refocused, as needed, to meet the challenges described in paragraph (1).

(4) Countries in the Western Hemisphere can most effectively meet their common needs for energy security and sustainability through partnership and cooperation. Cooperation between governments on energy issues will enhance bilateral and regional relationships among countries in the Western Hemisphere. The Western Hemisphere is rich in natural resources, including biomass, oil, natural gas, and coal, and there are significant opportunities for the production of renewable energy, including hydroelectric, solar, geothermal, and wind power. Countries in the Western Hemisphere can provide convenient and reliable markets for their own energy needs and for foreign trade in energy goods and services.

(5) Development of sustainable energy alternatives in countries in the Western Hemisphere can improve energy security, balance of trade, and environmental quality, and can provide markets for energy technology and agricultural products.

(6) Brazil and the United States have led the world in the production of ethanol. Deeper cooperation on biofuels with other countries in the hemisphere would extend economic, security, and political benefits. The Government of the United States has actively worked with the Government of Brazil to develop a strong biofuels partnership and to increase the production and use of biofuels. On March 9, 2007, the Memorandum of Understanding Between the United States and Brazil to Advance Cooperation on Biofuels was signed in Sao Paulo, Brazil.

(7) Private sector partnership and investment in all sources of energy is critical to providing energy security in the Western Hemisphere. Several countries in the Western Hemisphere have endangered their investment climate. Other countries in the Western Hemisphere have been unable to make reforms necessary to create investment climates necessary to increase the domestic production of energy.

(8) It is the policy of the United States to promote free trade in energy among countries in the Western Hemisphere, which would—

(A) help support a growing energy industry;

(B) create jobs that benefit development and alleviate poverty;

(C) increase energy security through supply diversification; and

(D) strengthen integration among countries in the Western Hemisphere through closer cooperation.

SEC. 3. DEFINITIONS.

In this Act:

(1) BIOFUEL.—The term “biofuel” means any liquid fuel that is derived from biomass.

(2) BIOMASS.—The term “biomass” means any organic matter that is available on a renewable or recurring basis, including agricultural crops, trees, wood, wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, animal wastes, municipal wastes, and other waste materials.

(3) PARTNER COUNTRY.—The term “partner country” means a country that has agreed to

conduct a biofuels feasibility study under section 7.

(4) REGIONAL DEVELOPMENT BANK.—The term “regional development bank” means the African Development Bank, the Inter-American Development Bank, the Andean Development Corporation, the European Bank for Reconstruction and Development, and the Asian Development Bank.

SEC. 4. WESTERN HEMISPHERE ENERGY COOPERATION FORUM.

(a) ESTABLISHMENT.—The Secretary of State, in coordination with the Secretary of Energy, shall seek to establish a ministerial forum with countries in the Western Hemisphere to be known as the Western Hemisphere Energy Cooperation Forum (in this subsection referred to as the “Energy Forum”).

(b) PURPOSES.—The purposes of the Energy Forum shall be to—

(1) strengthen relationships between countries of the Western Hemisphere through cooperation on energy issues;

(2) enhance cooperation, including information and technology cooperation, between major energy producers and major energy consumers in the Western Hemisphere;

(3) explore possibilities for countries in the Western Hemisphere to work together to promote renewable energy production (particularly in biofuels) and to lessen dependence on oil imports without reducing food security;

(4) ensure the energy supply is sufficient to facilitate continued economic, social, and environmental progress in the countries of the Western Hemisphere;

(5) provide an opportunity for open dialogue and joint commitments among partner countries and with private industry;

(6) provide partner countries the flexibility necessary to cooperatively address broad challenges posed to the energy supply of the Western Hemisphere and to find solutions that are politically acceptable and practical in policy terms; and

(7) improve transparency in the energy sector.

(c) ACTIVITIES.—The Secretary of State, together with the Secretary of Energy, shall seek to implement, in cooperation with partner countries—

(1) an energy crisis initiative that will promote national and regional measures to respond to temporary energy supply disruptions, including participation in a Western Hemisphere energy crisis response mechanism in accordance with section 9(b);

(2) an energy sustainability initiative to facilitate the long-term security of the energy supply by fostering reliable sources of energy and improved energy efficiency, including—

(A) developing, deploying, and commercializing technologies for producing sustainable renewable energy within the Western Hemisphere;

(B) promoting production and trade in sustainable energy, including energy from biomass;

(C) facilitating investment, trade, and technology cooperation in energy infrastructure, petroleum products, natural gas (including liquefied natural gas), and energy efficiency (including automotive efficiency), cleaner fossil energy, renewable energy, and carbon sequestration technologies;

(D) promoting regional infrastructure and market integration;

(E) developing effective and stable regulatory frameworks;

(F) developing policy instruments to encourage the use of renewable energy and improved energy efficiency;

(G) establishing educational training and exchange programs between partner countries;

(H) identifying and removing barriers to trade in technology, services, and commodities;

(I) promoting dialogue and common measures of environmental sustainability for energy practices; and

(J) mapping potential energy resources from hydrocarbons, hydrokinetic, solar, wind, biomass, and geothermal;

(3) an energy for development initiative to promote energy access for underdeveloped areas through energy policy and infrastructure development, including—

(A) increasing access to energy services for the poor;

(B) improving energy sector market conditions;

(C) promoting rural development through biomass and other renewable energy production and use;

(D) increasing transparency of, and participation in, energy infrastructure projects;

(E) promoting development and deployment of technology for clean and sustainable energy development, including biofuel and clean coal technologies;

(F) facilitating the use of carbon sequestration methods in agriculture and forestry, including facilitating participation in international carbon markets; and

(G) developing microenergy opportunities;

(4) a climate change mitigation and adaptation initiative, including activities such as—

(A) coordinating regional public and private partnerships for greenhouse gas reduction;

(B) identifying opportunities and facilitating mechanisms for forest preservation and reclamation;

(C) sharing best practices in energy policy formulation and execution;

(D) identifying areas at severe risk for climate change, such as drought, flooding, and other environmental phenomena that could lead to crisis;

(E) identifying areas in need of agricultural innovation to prepare for climate change, including using biotechnology where appropriate; and

(F) cataloging greenhouse gas emissions in the Western Hemisphere, including private sector reporting; and

(5) the increase use of biofuels based on the studies provided by each partner country under section 7.

(d) IMPLEMENTATION.—It is the sense of Congress that—

(1) all partner countries should meet at least once every year;

(2) partner countries should meet on a sub-regional basis, as needed; and

(3) civil society, indigenous populations, and private industry representatives should be integral to the activities of the Energy Forum.

(e) WESTERN HEMISPHERE ENERGY INDUSTRY GROUP.—

(1) AUTHORITY.—The Secretary of State, in coordination with the Secretary of Commerce and the Secretary of Energy, shall seek to establish a Western Hemisphere Energy Industry Group (in this subsection referred to as the “Energy Group”) within the Energy Forum. The Energy Group should include representatives from industry and governments in the Western Hemisphere.

(2) PURPOSES.—The purposes of the Energy Group are to—

(A) increase public-private partnerships;

(B) foster private investment;

(C) enable countries in the Western Hemisphere to devise energy agendas that are compatible with industry capacity and cognizant of industry goals; and

(D) promote transparency in financial flows in the extractive industries in accordance with the principles of the Extractive Industries Transparency Initiative.

(3) DISCUSSION TOPICS.—It is the sense of Congress that the Energy Group should—

(A) promote a secure investment climate;

(B) research and deploy biofuels and other alternative fuels and clean electrical production facilities, including clean coal and carbon capture and storage;

(C) develop and deploy energy efficient technologies and practices in the industrial, residential, and transportation sectors;

(D) invest in oil and natural gas production and distribution;

(E) maintain transparency of data relating to energy production, trade, consumption, and reserves;

(F) promote biofuels research; and

(G) establish training and education exchange programs.

(f) OIL AND NATURAL GAS WORKING GROUP.—

(1) ESTABLISHMENT.—The Secretary of State and the Secretary of Energy shall seek to establish an Oil and Gas Working Group within the Energy Forum or the Energy Group.

(2) PURPOSE.—The purpose of the Oil and Gas Working Group shall be to strengthen dialogue between international oil companies, national oil companies, and civil society groups on issues relating to international standards on transparency, social responsibility, and best practices in leasing and management of oil and natural gas projects.

(g) APPROPRIATION.—There are authorized to be appropriated to the Secretary of State \$6,000,000 for fiscal year 2010 to carry out this section.

SEC. 5. UNITED STATES-BRAZIL BIOFUELS PARTNERSHIP.

(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary of Energy, shall work with the Government of Brazil to—

(1) coordinate efforts to promote the production and use of biofuels among countries in the Western Hemisphere, giving preference to those countries that are among the poorest and most dependent on petroleum imports, including—

(A) coordinating the biofuels feasibility studies described in section 7;

(B) collaborating on policy and regulatory measures to—

(i) promote domestic biofuels production and use, including related agricultural and environmental measures;

(ii) reform the transportation sector to increase the use of biofuels, increase efficiency, reduce emissions, and integrate the use of advanced technologies; and

(iii) reform fueling infrastructure to allow for the use of biofuels and other alternative fuels;

(2) invite the European Union, China, India, South Africa, Japan, and other interested countries to join in and expand existing international efforts to promote the development of a global strategy to create global biofuels markets and promote biofuels production and use in developing countries;

(3) assess the feasibility of working with the World Bank and relevant regional development banks regarding—

(A) biofuels production capabilities; and

(B) infrastructure, research, and training related to such capabilities; and

(4) develop a joint and coordinated strategy regarding the construction and retrofitting of pipelines and terminals near major fuel distribution centers, coastal harbors, and railroads.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State \$6,000,000 for fiscal year 2010 to carry out this section.

SEC. 6. INTERNATIONAL AGRICULTURAL EXTENSION PROGRAMS.

(a) IN GENERAL.—The Secretary of Agriculture shall work with the Government of Brazil, the Government of Canada, and other governments of partner countries, to facilitate joint agricultural extension activities related to biofuels crop production, biofuels production, and the measurement and reduction of greenhouse gas emissions.

(b) EDUCATIONAL GRANTS.—The Secretary of Energy, in coordination with the Secretary of State and the Secretary of Agriculture, and in collaboration with the Government of Brazil, shall establish a grant program to finance advanced biofuels research and collaboration between academic and research institutions in the United States and Brazil.

(c) FUNDING SOURCES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2010—

(A) to the Secretary of Agriculture, \$10,000,000 to carry out subsection (a); and

(B) to the Secretary of Energy, \$14,000,000 to carry out subsection (b).

(2) SUPPLEMENTAL FUNDING SOURCES.—The Secretary of State shall work with the Government of Brazil, the government of each partner country, regional development banks, the Organization of American States, and other interested parties to identify supplemental funding sources for the biofuels feasibility studies described in section 7.

SEC. 7. BIOFUELS FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Energy, shall work with each partner country to conduct a study to determine the feasibility of increasing the production and use of biofuels in each such country.

(b) ANALYSIS OF THE ENERGY POLICY FRAMEWORK.—The study conducted under subsection (a) shall analyze—

(1) the energy policy of the partner country, particularly the impact of such policy on the promotion of biofuels; and

(2) the status and impact of any existing biofuels programs of the country.

(c) ASSESSMENT OF DEMAND.—The study conducted under subsection (a) shall assess, with respect to the partner country—

(1) the quantitative and qualitative current and projected demand for energy by families, villages, industries, public transportation infrastructure, and other energy consumers;

(2) the future demand for heat, electricity, and transportation;

(3) the demand for high-quality transportation fuel;

(4) the local market prices for various energy sources; and

(5) the employment, income generation, and rural development opportunities from the biofuels industry.

(d) ASSESSMENT OF RESOURCES.—The study conducted under subsection (a) shall—

(1) assess the present and future biomass resources that are available in each geographic region of the partner country to meet the demand assessed under subsection (c);

(2) include a plan for increasing the availability of existing biomass resources in the country; and

(3) include a plan for developing new, sustainable biomass resources in the country, including wood, manure, agricultural residues, sewage, and organic waste.

(e) **ANALYSIS OF AVAILABLE TECHNOLOGIES SYSTEMS.**—Based on the assessments described in subsections (c) and (d), the study for each partner country shall—

(1) analyze available technologies and systems for using biofuels in the country, including—

(A) converting biomass crops and agroforestry residues into pellets and briquettes;

(B) using low-pollution stoves;

(C) engaging in biogas production;

(D) engaging in charcoal and activated coal production;

(E) engaging in biofuels production;

(F) using combustion and co-combustion technologies; and

(G) using biofuels technologies in various geographic regions;

(2) analyze the economic viability of biomass technologies in the country; and

(3) compare the technologies and systems in the country relating to biofuels with the technologies and systems for conventional energy supplies to determine if biofuels technology is cost-effective, low-maintenance, and socially acceptable, and the impact of biofuels on economic development.

(f) **ENVIRONMENTAL ASSESSMENT.**—The study conducted by each partner country under subsection (a) shall assess—

(1) the probable environmental impact of increased biomass harvesting and production, and biofuels production and use; and

(2) the availability of financing for biofuels from global carbon credit trading mechanisms.

(g) **FOOD SECURITY ASSESSMENT.**—The study conducted by each partner country under subsection (a) shall assess the potential impact on food stocks and prices in the partner country.

(h) **DEVELOPMENT OF POLICY OPTIONS TO PROMOTE BIOFUELS PRODUCTION AND USE.**—

(1) **IN GENERAL.**—The study conducted by each partner country under subsection (a) shall identify and evaluate policy options to promote biofuels production and use, after taking into account—

(A) the existing energy policy of the country; and

(B) the technologies available to convert local biomass resources into biofuels in the country.

(2) **COORDINATION.**—In conducting the evaluation under paragraph (1), the partner country shall provide for participation of local, national, and international public, civil society, and private institutions that have responsibility or expertise in biofuels production and use.

(3) **PRINCIPAL ISSUES.**—The study shall address with respect to the partner country—

(A) the potential of biomass in the country and the barriers to the production of biofuels from such biomass products;

(B) the strategies for creating a market for biomass products;

(C) the potential contribution biofuels have in reducing fossil fuel consumption;

(D) environmental sustainability issues and policy options and the mitigating effect on carbon emissions of increased biofuels production;

(E) the potential contribution biofuels have on economic development, poverty reduction, and sustainability of energy resources;

(F) programs for the use of biofuels in the transportation sector;

(G) economic cooperation across international borders to increase biofuels production and use;

(H) the potential for technological collaboration and joint ventures for biofuels and the technological, cultural, and legal barriers that may impede such collaboration and joint ventures; and

(I) the economic aspects of the promotion of biofuels, including job creation, financing and loan mechanisms, credit mobilization, investment capital, and market penetration.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of State \$20,000,000 for fiscal year 2010 to carry out this section.

SEC. 8. REGIONAL DEVELOPMENT BANKS.

The Secretary of the Treasury shall instruct the United States Executive Director to each regional development bank and inform the public that it is the policy of the United States that assistance provided by such bank should encourage development of renewable energy sources, including energy derived from biomass. In coordination with the Secretary of State and the Secretary of Energy, the Secretary of the Treasury shall provide information regarding progress in the development of renewable energy sources, including energy derived from biomass. The information shall be included in the annual report to Congress required by section 13 on the implementation of this Act.

SEC. 9. CARBON CREDIT TRADING MECHANISMS.

(a) **IN GENERAL.**—The Secretary of State shall work with interested governments in the Western Hemisphere and other countries to facilitate regional and hemispheric carbon trading mechanisms consistent with the United Nations Framework Convention on Climate Change and existing trade and financial agreements to—

(1) establish credits for the preservation of tropical forests;

(2) use greenhouse gas-reducing agricultural practices;

(3) jointly fund greenhouse gas sequestration studies and experiments in various geological formations; and

(4) jointly fund climate mitigation studies in vulnerable areas in the Western Hemisphere.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of State \$10,000,000 for fiscal year 2010 to carry out this section.

SEC. 10. ENERGY CRISIS RESPONSE PREPAREDNESS.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Cooperation between the United States Government and the governments of other countries during an energy crisis promotes the national security of the United States and of the other countries.

(2) Credible contingency plans to respond to energy shortages may serve as a deterrent to the manipulation of energy supplies by export and transit countries.

(3) The vulnerability of most countries in the Western Hemisphere to supply disruptions from political, natural, or terrorism causes may introduce instability in the Western Hemisphere and can be a source of conflict, despite the existence of major energy resources in the Western Hemisphere. The United States and Canada are the only members of the International Energy Program in the Western Hemisphere.

(4) Regional and international agreements for the management of energy emergencies in the Western Hemisphere will benefit mar-

ket stability and encourage development in participating countries.

(b) **ESTABLISHMENT OF AN ENERGY CRISIS RESPONSE MECHANISM FOR THE WESTERN HEMISPHERE.**—

(1) **AUTHORITY.**—The Secretary of State, in coordination with the Secretary of Energy, shall immediately seek to establish a Western Hemisphere energy crisis response mechanism (in this subsection referred to as the “mechanism”).

(2) **SCOPE.**—The mechanism established under paragraph (1) shall include—

(A) real-time information sharing and a coordination mechanism to respond to energy supply emergencies in the Western Hemisphere;

(B) technical assistance in the development and management of national and regional strategic energy reserves in the Western Hemisphere;

(C) the promotion of increased energy infrastructure integration between countries in the Western Hemisphere;

(D) emergency demand restraint measures in the Western Hemisphere;

(E) the development of the ability of countries in the Western Hemisphere to switch energy sources and to switch to alternative energy production capacity;

(F) energy demand intensity reduction programs as measured by energy consumption per unit of economic activity; and

(G) measures to strengthen sea lanes and infrastructure security in the Western Hemisphere.

(3) **MEMBERSHIP.**—The Secretary shall seek to include in the mechanism each major energy producer and major energy consumer in the Western Hemisphere and other members of the Energy Forum established pursuant to section 4(a).

(4) **STUDY.**—The Secretary of Energy shall—

(A) conduct a study of supply vulnerability relating to natural gas in the Western Hemisphere; and

(B) submit a report to the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives that includes recommendations for infrastructure and regulatory needs for reducing supply disruption vulnerability and international coordination.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of Energy \$10,000,000 for fiscal year 2010 to carry out this section.

SEC. 11. ENERGY FOREIGN ASSISTANCE.

(a) **IN GENERAL.**—The Administrator of the United States Agency for International Development (in this section referred to as the “Administrator”) shall seek to increase United States foreign assistance for renewable energy, including assistance for activities to reduce dependence on imported energy by switching to biofuels.

(b) **DEVELOPMENT STRATEGY REVIEW.**—The Administrator shall—

(1) review country assistance strategies and make recommendations to increase assistance for renewable energy activities; and

(2) submit the results of the review conducted under paragraph (1) to the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives not later than 180 days after the date of the enactment of this Act.

(C) EXPEDITED SUSTAINABLE ENERGY GRANTS.—

(1) AUTHORIZATION.—The Administrator is authorized to award grants to nongovernmental organizations for sustainable energy and job creation projects in at-risk nations, such as Haiti. Applications for grants shall be submitted in such form and in such manner as the Administrator determines and grants shall be awarded on an expedited basis upon approval of the application.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the United States Agency for International Development \$10,000,000 to provide grants under this subsection.

SEC. 12. ENERGY PUBLIC DIPLOMACY.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State \$5,000,000 for public diplomacy activities relating to renewable energy in the Western Hemisphere.

(b) LIMITATION.—Not less than 50 percent of any amount appropriated pursuant to paragraph (1) shall be used for education activities implemented through civil society organizations.

SEC. 13. REPORT.

The Secretary of State, in consultation with the Secretary of Energy, shall submit an annual report to Congress on the activities carried out to implement this Act.

By Mr. FEINGOLD (for himself, Mr. VOINOVICH, Mr. WHITEHOUSE, Mr. COCHRAN, and Mr. CARDIN):

S. 589. A bill to establish a Global Service Fellowship Program and to authorize Volunteers for Prosperity, and for other purposes; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, today I am pleased to introduce the Global Service Fellowship Act with Senators VOINOVICH, WHITEHOUSE, COCHRAN and CARDIN. This important bill would provide more Americans the opportunity to volunteer overseas and strengthen our commitment to international volunteerism. This bill also authorizes Volunteers for Prosperity, VFP, an office created by President Bush under Executive Order 13317. As the new administration seeks to rebuild and restore our image abroad, increasing the number of Americans volunteering abroad is a critical component of that work. The federal government should facilitate such international volunteering experiences for U.S. citizens by promoting both short and long-term opportunities.

My bill would not only provide more opportunities for people-to-people engagement, it would also reduce barriers that the average citizen faces when trying to volunteer internationally. First of all, my bill would reduce financial barriers by awarding fellowships designed to defray some of the costs associated with volunteering. The fellowship can be applied toward many of the costs associated with such travel including airfare, housing, or program costs. By providing financial assistance, the Global Service Fellowship program opens the door for more Amer-

icans to participate—not just those with the resources to pay for it.

Secondly, my bill reduces volunteering barriers by offering flexibility in the length of the volunteer opportunity. I hear frequently from constituents who are unable to participate in volunteer programs because they cannot leave their jobs or family for years or months at a time, but are interested in creating cross cultural connections and contributing meaningfully to positive global change. A survey released by the Pew Global Attitudes Project in December 2008 indicates that between 2002 and 2008, opinions of the U.S. declined steeply in 14 out of the 19 countries polled. The Global Service Fellowship Program offers U.S. citizens an immediate opportunity to help reverse this negative trend on a schedule that works for them—from a month up to a year. My bill provides a commonsense approach to the time limitations of the average American while also recognizing the important role people-to-people engagement can play in countering negative views of our country around the world.

Not only does this bill make it easier for all Americans to apply for fellowships, it also engages Congress by giving Members of Congress the opportunity to notify their constituents who are awarded the fellowship—and calls on the recipient to report back to USAID and to their congressional representatives once they have returned from their time abroad. Through this process, Congress will see firsthand the benefit international volunteering brings to their communities and the Nation.

This program would cost \$15 million, which is more than offset by a provision in my bill that would require the IRS to deposit all of its fee receipts in the Treasury as miscellaneous receipts. This program would be a valuable addition to our public diplomacy, development, and humanitarian efforts overseas and I encourage my colleagues to support the bill.

By Ms. SNOWE (for herself and Mr. PRYOR):

S. 590. A bill to assist local communities with closed and active military bases, and for other purposes; to the Committee on Armed Services.

Ms. SNOWE. Mr. President, I rise in support of legislation that Senator PRYOR and I have introduced, the Defense Communities Assistance Act of 2009. As base communities nationwide struggle with a host of issues—from the tumultuous economy, to closures as a result of the latest Defense Base Closure and Realignment, BRAC, round, to an influx in service personnel—the Federal Government must provide assistance to its base communities to effectively implement the various initiatives of the Department of

Defense and to spur economic growth. This legislation, which is supported by the Association of Defense Communities, ADC, seeks to accomplish that goal by providing immediate benefits to all base communities, for both closed and active military installations across the country.

During even the best of economic times, the closure of a military base can devastate a local economy. Today, with our economy in a troubling recession, the outlook is even more grim, with communities facing overwhelming challenges in redeveloping a former military installation. For instance, the closure of the Naval Air Station Brunswick, NASB, in my home State of Maine will create profoundly negative economic consequences with an estimated loss of 6,500 jobs. Given these trying economic times, we must ensure that every effort is made to foster redevelopment in communities affected by base closures.

There is no question that the negative effects of base closures are disproportionately and unfairly borne by the communities where bases have closed. At the same time, communities surrounding active bases must cope with realignments, global repositioning, and grow the force initiatives to accommodate service personnel influxes at their own expense. That is why this comprehensive measure includes key provisions to assist not only bases facing closure, but active base communities absorbing growth impacts.

Accordingly, this legislation would grant permanent authority for the military departments to exchange real property deemed excess to the DOD, in return for the construction of new facilities, or to limit encroachments, at other active installations. This authority provides military departments with greater flexibility in real estate asset management and has previously only been available to property on an installation that had been closed or realigned.

In recent years, the Army has engaged in pilot programs at installations to procure municipal services, such as water and electricity, from a city or county government. These municipal service agreements have been successful, saving the Army several million dollars and providing significant benefits. In the National Defense Authorization Act for fiscal year 2008, this authority was extended to the other two military departments and allowed each service to purchase municipal services for three installations. This legislation builds on that success and greatly extends the military departments' authority to purchase, from a county government or other local government, municipal services for military installations across the country.

Additionally, this bill would address the Defense State Memorandum of

Agreement, DSMOA, program which was established to facilitate and fund State oversight of contaminated DOD sites, including BRAC sites. DOD has recently interpreted DSMOA in a manner that has severely impaired state budgets, which has in turn reduced State oversight at these sites. The Defense Communities Assistance Act would ensure that funding under DSMOA may be used for state BRAC property transfer activities while also preventing withholding DSMOA funds when States exercise their enforcement authority.

Additionally, section 330 of the National Defense Authorization Act for fiscal year 1993 was originally adopted with the intention of protecting parties involved in base redevelopment from liability for undiscovered pre-existing pollution conditions at closed military installations. Regrettably, recent court decisions have been inconsistent in interpreting section 330 creating uncertainty that has left base closure property holders with difficulty in obtaining environmental insurance among other problems. This bill provides vital clarification to ensure the original intention of protecting parties involved in base redevelopment from unnecessary liability at closed military installations.

Furthermore, the national economic problems that our country currently faces demand swift and efficient action to avert a deeper and more intractable recession. That is why this legislation would repeal section 3006 of the National Defense Authorization Act for fiscal year 2002, thereby encouraging the Secretary of Defense to provide no-cost Economic Development Conveyances, EDCs, to base communities as a preferred property disposal mechanism. This provision would help to spur job generation and economic development immediately.

As a result of five BRAC rounds, hundreds of military installations have been decommissioned or downsized with the expectation that the properties would be available for local reuse and economic development. At the same time, an inconsistent and time consuming transfer process by the military departments has left thousands of acres of former installation property in Federal ownership, with the fallow acreage hampering the host community's economic recovery. There is tremendous risk that in the current economic climate, with property values at their lowest position in the past decade, these properties will sit fallow for years without the use of no-cost EDCs.

This measure is stimulative in nature by getting property off the books of the Federal Government and into the hands of developers to be redeveloped quickly so that displaced workers in the community will once again become employed. Encouraging expedited

free, or less than fair market value, property transfers would result in incentives for private investment, significant infrastructure and public benefits, and the potential generation of tens of thousands of jobs. That is why it is a responsible course of action for the Government to provide these communities with the tools and resources, such as no-cost EDCs, needed to recover from a closure.

The timeframe and uncertainty of the BRAC transfer process is the single greatest obstacle to redevelopment of the underutilized lands. Expediting transfer of these former military bases would stimulate both private and public investment in infrastructure and redevelopment, resulting in job creation and economic development activity, the rebuilding of inadequate local infrastructure funded by the redevelopment project, and local, State, and Federal tax generation. Moreover, the Federal Government would be relieved of its property management responsibilities, saving hundreds of millions of dollars annually.

I urge my colleagues to join Senator PRYOR and me in support of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Defense Communities Assistance Act of 2009".

SEC. 2. SENSE OF CONGRESS.

It is the sense of the Congress, that as the Federal Government implements base closures and realignments, global repositioning, and grow the force initiatives, it is necessary to assist local communities coping with the impact of these programs at both closed and active military installations. To aid communities to either recover quickly from closures or to accommodate growth associated with troop influxes, the Federal Government must provide assistance to communities to effectively implement the various initiatives of the Department of Defense.

SEC. 3. PERMANENT AUTHORITY TO CONVEY PROPERTY AT MILITARY INSTALLATIONS TO SUPPORT MILITARY CONSTRUCTION AND AGREEMENTS TO LIMIT ENCROACHMENT.

Section 2869(a)(3) of title 10, United States Code, is amended by striking "shall apply only during the period" and all that follows through "September 30, 2008" and inserting "without limitation on duration".

SEC. 4. EXTENSION OF AUTHORITY TO PURCHASE MUNICIPAL SERVICES FOR MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) PERMANENT AUTHORITY.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2465 the following new section:

"§ 2465a. Contracts for procurement of municipal services for military installations in the United States

"(a) CONTRACT AUTHORITY.—Subject to section 2465 of this title, the Secretary con-

cerned may enter into a contract for the procurement of municipal services described in subsection (b) for a military installation in the United States from a county, municipal government, or other local governmental unit in the geographic area in which the installation is located.

"(b) COVERED MUNICIPAL SERVICES.—The municipal services that may be procured for a military installation under the authority of this section are as follows:

- "(1) Refuse collection.
- "(2) Refuse disposal.
- "(3) Library services.
- "(4) Recreation services.
- "(5) Facility maintenance and repair.
- "(6) Utilities.

"(c) EXCEPTION FROM COMPETITIVE PROCEDURES.—The Secretary concerned may enter into a contract under subsection (a) using procedures other than competitive procedures if—

"(1) the term of the proposed contract does not exceed 5 years;

"(2) the Secretary determines that the price for the municipal services to be provided under the contract is fair, reasonable, represents the least cost to the Federal Government, and, to the maximum extent practicable, takes into consideration the interests of small business concerns (as that term is defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a)); and

"(3) the business case supporting the Secretary's determination under paragraph (2)—

"(A) describes the availability, benefits, and drawbacks of alternative sources; and

"(B) establishes that performance by the county or municipal government or other local governmental unit will not increase costs to the Federal Government, when compared to the cost of continued performance by the current provider of the services.

"(d) LIMITATION ON DELEGATION.—The authority to make the determination described in subsection (c)(2) may not be delegated to a level lower than a Deputy Assistant Secretary for Installations and Environment, or another official of the Department of Defense at an equivalent level.

"(e) CONGRESSIONAL NOTIFICATION.—The Secretary concerned may not enter into a contract under subsection (a) for the procurement of municipal services until the Secretary notifies the Committees on Armed Services of the Senate and the House of Representatives of the proposed contract and a period of 14 days elapses from the date the notification is received by the committees. The notification shall include a summary of the business case and an explanation of how the adverse impact, if any, on civilian employees of the Department of Defense will be minimized.

"(f) GUIDANCE.—The Secretary of Defense shall issue guidance to address the implementation of this section."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2465 the following new item:

"2465a. Contracts for purchase of municipal services for military installations in the United States."

(c) EXTENSION OF PILOT PROGRAM.—Section 325(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 10 U.S.C. 2461 note) is amended by striking "September 30, 2010" and inserting "September 30, 2020".

SEC. 5. REIMBURSABLE ACTIVITIES UNDER THE DEFENSE-STATE MEMORANDUM OF AGREEMENT PROGRAM.

Section 2701(d)(1) of title 10, United States Code, is amended by inserting before the period at the end the following: "and the processing of property transfers before or after remediation, provided the Secretary shall not condition funding based on the manner in which a State exercises its enforcement authority, or its willingness to enter into dispute resolution prior to exercising that enforcement authority."

SEC. 6. INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTIES.

Section 330(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2687 note), is amended by striking "cost or other fee" and all that follows through "contaminant," and inserting "cost, statutory or regulatory requirement or order, or other cost, expense, or fee arising out of any such requirement or claim for personal injury, environmental remediation, or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of any hazardous substance, pollutant, or contaminant."

SEC. 7. REQUIREMENT FOR NO-COST ECONOMIC DEVELOPMENT CONVEYANCES.

(a) **REPEAL OF CERTAIN REQUIREMENTS.**—Subsection (a) of section 3006 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1350), and the amendments made by that subsection, are hereby repealed. Effective as of the date of the enactment of this Act, the provisions of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) that were amended by section 3006(a) of the National Defense Authorization Act for Fiscal Year 2002, as such provisions were in effect on December 27, 2001, are hereby revived.

(b) **REGULATIONS.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the provisions of section 2905 of the Defense Base Closure and Realignment Act of 1990 revived by subsection (a) to ensure that the military departments transfer surplus real and personal property at closed or realigned military installations without consideration to local redevelopment authorities for economic development purposes, and without the requirement to value such property.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of current and anticipated economic development conveyances, projected job creation, community reinvestment, and progress made as a result of the enactment of this section.

By Mr. REID (for himself and Mr. ENSIGN):

S. 591. A bill to establish a National Commission on High-Level Radioactive Waste and Spent Nuclear Fuel, and for other purposes; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, I am pleased to say that we are closing the book on our Nation's failed nuclear waste policy. After decades of fighting the Yucca Mountain project, I can say with confidence that Nevada will not serve as the Nation's nuclear waste dump.

Nevadans and all Americans will be safer and more secure thanks to President Obama's commitment to finding scientifically sound and responsible solutions to dealing with nuclear waste.

I am proud to say that I have been working on a new volume in this terribly difficult debate. Bad policy like the Yucca Mountain project is easy to oppose. But it is not always easy to craft better policy.

That is what I am doing with Senator ENSIGN today—working to replace our failed approach to dealing with nuclear waste with a much better policy. We are unveiling our plan to form a congressional commission to evaluate and make recommendations on alternative approaches to managing nuclear waste.

This is a step that is way past due.

I began opposing the idea of dumping nuclear waste in Nevada when it was first proposed in the early 1980s. I was still a member of the House then, and I continued this fight in the Senate with most Nevadans firmly behind my efforts to kill the project. I have fought against the Yucca Mountain project vigorously, but from the very beginning I was also calling for long-range planning on nuclear waste because it was the right thing to do.

I continued calling for researching alternatives to Yucca in 1995 when I introduced legislation with my close friend and colleague, Senator Dick Bryan, to establish a commission on nuclear waste. Unfortunately, Congress did not listen, even though evidence was piling up showing that Yucca Mountain could become a death trap for Nevadans.

The Government's decades-long focus on Yucca Mountain has left us barren with very few good proposals for dealing with nuclear waste. Now that President Obama and Secretary Chu have taken Yucca Mountain off the table, we need to begin looking closely at new ideas. We should even dust off some older ones that have been ignored for far too long.

The legislation we are introducing today forms a temporary commission to review and make recommendations on a wide variety of alternatives to Yucca.

The commission will look at everything from at-reactor dry cask storage to reprocessing. The commission will consider having the Federal Government take title to nuclear waste, but will also consider chartering a Federal corporation to manage nuclear waste.

Very importantly, the commission will consider the security of temporary storage facilities for nuclear waste so we can give assurances to communities near nuclear power plants that their safety will not be compromised.

The cosponsors of this legislation do not all share the same views about nuclear power and we do not share the same views about nuclear waste. For example, I have long said that nuclear

waste needs to remain on site where it is produced until the Government has a safe and scientifically sound solution. Others would like to reprocess and reuse nuclear waste in nuclear reactors. Many still feel that some form of permanent disposal is a good solution.

But forming a commission is something the bill's sponsors and others agree upon because it will create a process that will help our Nation take a critical step away from the failed Yucca Mountain policy.

I look forward to continuing working with my colleagues to make sure we take responsible actions necessary to begin addressing nuclear waste.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "National Commission on High-Level Radioactive Waste and Spent Nuclear Fuel Establishment Act of 2009".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Establishment of Commission.
- Sec. 3. Purposes.
- Sec. 4. Composition.
- Sec. 5. Duties.
- Sec. 6. Powers.
- Sec. 7. Applicability of Federal Advisory Committee Act.
- Sec. 8. Staff.
- Sec. 9. Compensation; travel expenses.
- Sec. 10. Security clearances.
- Sec. 11. Reports.
- Sec. 12. Authorization of appropriations.
- Sec. 13. Termination.

SEC. 2. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the "National Commission on High-Level Radioactive Waste and Spent Nuclear Fuel" (referred to in this Act as the "Commission").

SEC. 3. PURPOSES.

The purposes of the Commission are—

(1) to evaluate potential improvements in the approach of the United States to high-level radioactive waste and spent nuclear fuel management in the event that the proposed Yucca Mountain high-level waste repository is never operational or constructed for any spent nuclear fuel, high-level waste, or other radioactive waste disposal; and

(2) to submit to the appropriate committees of Congress a report that contains a description of the findings, conclusions, and recommendations of the Commission to improve the approach of the United States for the management of defense waste, spent nuclear fuel, high-level waste, and commercial radioactive waste.

SEC. 4. COMPOSITION.

(a) **MEMBERS.**—The Commission shall be composed of 9 members who meet each qualification described in subsection (b), of whom—

(1) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the chairperson of each appropriate committee of the Senate;

(2) 2 shall be appointed by the Minority Leader of the Senate, in consultation with the ranking member of each appropriate committee of the Senate;

(3) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the chairperson of each appropriate committee of the House of Representatives;

(4) 2 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the ranking member of each appropriate committee of the House of Representatives; and

(5) 1 shall be appointed jointly by the Majority Leader of the Senate and the Speaker of the House of Representatives.

(b) QUALIFICATIONS.—

(1) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be—

(A) engaged in any high-level radioactive waste or spent nuclear fuel activities under contract with the Department of Energy; or

(B) an officer or employee of—

(i) the Federal Government;

(ii) an Indian tribe;

(iii) a State; or

(iv) a unit of local government.

(2) OTHER QUALIFICATIONS.—Individuals appointed to the Commission shall, to the maximum extent practicable, be prominent United States citizens, with national recognition and significant depth of experience in engineering, fields of science relevant to used nuclear fuel management, energy, governmental service, environmental policy, law, public administration, or foreign affairs.

(3) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed by not later than 90 days after the date of enactment of this Act.

(c) CHAIRPERSON.—The individual appointed under subsection (a)(5) shall serve as Chairperson of the Commission.

(d) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable after the date of enactment of this Act.

(e) ADMINISTRATION.—

(1) MEETINGS.—After the initial meeting of the Commission, the Commission shall meet on the call of the Chairperson or a majority of the members of the Commission.

(2) QUORUM.—Five members of the Commission shall constitute a quorum.

(3) VACANCIES.—Any vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner in which the original appointment was made.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) conduct an evaluation to advise Congress on the feasibility, cost, risks, and legal, public health, and environmental impacts (including such impacts on local communities) of alternatives to the spent fuel and high-level waste strategies of the Federal Government including—

(A) transferring from the Department of Energy responsibility for the high-level radioactive waste and spent fuel management program of the United States to a Government corporation established for that purpose;

(B) endowing such a Federal Government corporation with authority and funding necessary to provide for storage and management of high-level radioactive waste and spent nuclear fuel;

(C) cost-sharing options between the Federal Government and private industry for

the development of nuclear fuel management technology and licensing;

(D) establishing Federal or private centralized interim storage facilities in communities that are willing to serve as hosts;

(E) research and development leading to deployment of advanced fuel cycle technologies (including reprocessing, transmutation, and recycling technologies) that are not vulnerable to weapons proliferation;

(F) transferring to the Department of Energy title to—

(i) spent nuclear fuel inventories at reactor sites in existence as of the date of enactment of this Act; and

(ii) future nuclear fuel inventories at reactor sites;

(G) while long-term solutions for spent nuclear fuel management are developed, requiring the transfer of spent nuclear fuel inventories—

(i) to at-reactor dry casks in a manner to ensure public safety and the security of the inventories; and

(ii) after the date on which the spent nuclear fuel inventory has been stored in a cooling pond for a period of not less than 7 years;

(H) permanent, deep geologic disposal for civilian and defense wastes, and interim strategies for the treatment of defense wastes; and

(I) additional management and technological approaches, including improved security of spent nuclear fuel storage installations, as the Commission determines to be appropriate for consideration;

(2) consult with Federal agencies (including the Nuclear Waste Technical Review Board and the National Academy of Sciences), interested individuals, States, local governments, organizations, and businesses as the Commission determines to be necessary to carry out the duties of the Commission;

(3) submit recommendations on the disposition of the existing fees charged to nuclear energy ratepayers, and the recommended disposition of the available balances consistent with the recommendations of the Commission regarding the management of spent nuclear fuel; and

(4) analyze the financial impacts of the recommendations of the Commission described in paragraph (3) on the contractual liability of the Federal Government under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222).

(b) REPORT.—The Commission shall submit to Congress a final report in accordance with this Act containing such findings, conclusions, and recommendations as the Commission considers appropriate.

SEC. 6. POWERS.

(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission considers to be appropriate.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge the duties of the Commission under this Act.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instru-

mentality of the Federal Government, information, suggestions, estimates, and statistics for the purposes of this Act.

(2) FURNISHING OF INFORMATION.—Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics in a timely manner directly to the Commission, on request made by the Chairperson of the Commission, or any member designated by a majority of the Commission.

(3) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and staff of the Commission in a manner that is consistent with applicable law (including regulations and Executive orders).

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the duties of the Commission.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the Federal Government may provide to the Commission such services, funds, facilities, staff, and other support services as the Commission may reasonably request and as may be authorized by law.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the Federal Government.

SEC. 7. APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

SEC. 8. STAFF.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The Chairperson, in accordance with rules agreed on by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out the duties of the Commission, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of that title.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The staff director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) does not apply to members of the Commission.

(b) DETAILEES.—

(1) IN GENERAL.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission.

(2) RIGHTS.—The detailee shall retain the rights, status, and privileges of the regular employment of the detailee without interruption.

(c) CONSULTANT SERVICES.—The Commission may procure the services of experts and

consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of that title.

SEC. 9. COMPENSATION; TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from the home or regular place of business of a member of the Commission in the performance of services for the Commission, a member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 10. SECURITY CLEARANCES.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the maximum extent practicable pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this Act without the appropriate security clearances.

SEC. 11. REPORTS.

(a) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall make available to the public for comment an interim report containing such findings, conclusions, and recommendations as have been agreed to by a majority of the Commission members.

(b) FINAL REPORT.—Not later than 2 years after the date of the first meeting of the Commission, the Commission shall submit to Congress a final report, the contents of which shall—

(1) contain the items described in subsection (a), as agreed to by a majority of the members of the Commission;

(2) contain the opinion of each member of the Commission who does not approve of any item contained in the final report (including an explanation of the opinion and any alternative recommendation); and

(3) take into account public comments received under subsection (a).

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

SEC. 13. TERMINATION.

(a) IN GENERAL.—The authority provided to the Commission by this Act terminates on the last day of the 180-day period beginning on the date on which the final report is submitted under section 11(b).

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—During the 180-day period referred to in subsection (a), the Commission may conclude the activities of the Commission, including providing testimony to committees of Congress concerning reports of the Commission and disseminating the final report of the Commission.

By Mrs. FEINSTEIN (for herself and Mr. SCHUMER):

S. 593. A bill to ban the use of bisphenol A in food containers, and for other purposes; to the Committee on

Health, Education, Labor and Pension.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation to ban Bisphenol A, BPA, from food and drink containers. I am pleased to be working with Congressman MARKEY on this issue, and he will be introducing identical legislation in the House. I would also like to thank my colleague Senator SCHUMER, who has agreed to co-sponsor this legislation.

I believe this is a good and necessary bill. The science shows that BPA is added to food and drink containers, and leaches into these foods and beverages, especially when heated in a plastic container.

Make no mistake, chemicals are everywhere, even in our food. In many cases, we know very little about their safety. I strongly believe that the time has come to utilize a precautionary standard in all food and beverages with respect to chemical additives. If you do not know for certain the chemical is benign, it should not be used.

Bisphenol A, known commonly as BPA, is one such example. It is used in consumer products all around us: plastic containers that store food, compact discs, water bottles, canned soups and other canned foods, even baby bottles.

More than 100 studies suggest that BPA exposure at very low doses is linked to a variety of health problems, including prostate and breast cancer, obesity, attention deficit and hyperactivity disorder, brain damage, altered immune system, lowered sperm counts, and early puberty.

The National Toxicology Program in the Department of Health and Human Services has cited “some concern” that Bisphenol A may affect neural development in fetuses, infants, and children at current human exposures.

The solution is simple. My legislation will ban the use of Bisphenol A from food and drink containers. This ban will be effective 180 days following enactment of the legislation.

The bill will create a waiver process, in case a company demonstrates that it is technologically impossible to replace BPA in that time frame. A manufacturer can receive a one year waiver, which is renewable, while they work to remove BPA from their product. They must submit a plan to remove BPA, and their product must be labeled as containing BPA.

The legislation also directs the Food and Drug Administration to routinely review the “List of Substances Generally Regarded as Safe.” If new evidence emerges that suggests a chemical is not safe for use in a particular manner, it will be removed from the product.

Scientists have raised alarms regarding BPA for some time. It is an endocrine disruptor, mimicking estrogen when it is exposed to a cell.

Scientists at Stanford University accidentally discovered BPA’s estrogen-

mimicking effects in 1993. A mysterious estrogen-like chemical skewed results of their lab work, and they finally realized that BPA was leaching from laboratory flasks.

We know that BPA is found in almost everyone. Data from the National Health and Nutrition Survey, NHANES, conducted by the Centers for Disease Control found BPA in the bodies of 92.6 percent of the people surveyed. The study did not examine the exposure of children under 6. But it did find that levels were highest in young children, a troubling finding given that exposure to BPA is potentially most dangerous during these critical early years of development.

We know a major source of this exposure: the cans that contain our food, the containers we eat from, even the baby bottles used to serve formula.

The Environmental Working Group commissioned an independent lab to study BPA in cans in 2007. They tested 97 cans of some of the most popular consumer products. Their findings will alarm any consumer: 53 of the 97 cans tested had detectable levels of BPA; 20 of the 53 cans with BPA have high enough levels that consuming that canned product would expose a person to levels near those that have been found to impact laboratory rats; 1 in 10 cans contained enough BPA to expose a pregnant woman or child to more than 200 times the Government’s safe level. The same is true for 1 out of every 3 cans of infant formula.

For women who regularly eat canned food, their exposure level throughout a pregnancy may exceed safe doses.

These are not exotic products, but the canned goods that are in pantries across this country: meal replacement shakes, canned soups, vegetables, and canned pastas, like ravioli.

Baby bottles are also a common exposure source. Multiple studies have confirmed that many of the most popular brands of baby bottles leach BPA. A coalition of health and environmental groups, in their recent report “Baby’s Toxic Bottle”, identified several popular brands of baby bottles that leach BPA when heated: Avent; Disney, Dr. Brown’s, Evenflo; Gerber; Playtex.

Now every parent knows that milk served to babies is often heated, at least to room temperature. And these bottles, when heated, leached between 5 and 8 parts per billion of BPA, a level that is within the range that has been shown to cause harm in animal studies.

We know that BPA is a hormone disrupting chemical, and may act like estrogen when in the human body. While the science is still emerging, research is connecting Bisphenol A with a variety of serious health effects. These include: early onset of puberty; hyperactivity; lowered sperm count; miscarriage.

The chemical industry will try to reassure consumers that BPA is safe, and

that studies have found these health effects only in laboratory animals exposed to BPA in high doses.

But new evidence that goes beyond laboratory rat models is emerging. Last year, researchers at the Yale School of Medicine linked BPA to problems in brain function and mood disorders in monkeys, for the first time connecting the chemical to health problems in primates.

The Yale scientists exposed monkeys to low levels of BPA, which the Environmental Protection Agency, EPA, have deemed safe for humans.

Researchers found that this chemical exposure interfered with brain cell connections vital to memory, learning and mood.

The researchers stated that the findings suggest that exposure to low-dose BPA may cause widespread effects on brain structure and function.

In September of last year, the Journal of the American Medical Association, JAMA, published a study that links BPA levels in people to several serious health problems.

The study examined the BPA concentrations found in 1455 adults who participated in the 2003–2004 National Health and Nutrition Examination Survey, NHANES, a study which detected BPA in more than 90 percent of Americans tested. Using this data, researchers linked higher BPA concentrations to adverse health affects, including: cardiovascular disease; type II diabetes; clinically abnormal concentrations of some liver enzymes.

The Los Angeles Times reported on the study on September 17th, stating “that the quarter of the group with the highest BPA levels—levels still considered safe by the FDA—were more than twice as likely to suffer from diabetes and cardiovascular disease as the quarter with the lowest levels.”

This is the first large scale study to be done examining human exposure, and I believe it must be taken very seriously.

Industry continues to insist that BPA is not harmful. But one study shows us why we should be skeptical about research coming from chemical companies.

In 2006, the journal Environmental Research published an article comparing the results of government funded studies into low dose exposure to BPA with studies funded by the BPA industry.

The results are astounding; 92 percent of the Government funded studies found that exposure to BPA caused health problems in animals.

However, none of the industry funded research identified any health problems in animals exposed to low levels of BPA.

This raises serious questions about the validity of the chemical industry's studies. It also illustrates why our Nation's regulatory agencies should not

and cannot solely rely on chemical companies to conduct research into their products.

The Food and Drug Administration agrees that the science is incomplete. The FDA's Science Board released a report in October 2008 that raised serious questions about the previous FDA assessments that found BPA to be safe.

In response, the FDA has asked for more studies and more research. More research is fine, but I feel strongly that we must not leave a dangerous chemical on the market while scientists learn exactly how dangerous it is.

Sufficient evidence exists for us to act now. I believe strongly in taking a precautionary approach to our chemical policy; people should be protected from chemicals until we know that they are safe for use.

There is a great deal wrong with the regulatory system in this country and the way we address dangerous chemicals. Our system is essentially backwards. Chemicals are added to products before we know much about them. To be removed from the market, a chemical must be proven to be exceedingly dangerous.

That means that while we wait for evidence of harm to develop, our children are using dangerous products, and possibly eating contaminated food.

I believe it should be the reverse. We should follow the lead of the European Union, and Canada, and remove chemicals until we know them to be safe. We should not be waiting for proof of danger, which too often comes in the form of birth defects, cancer, and other irreversible health harms.

While we continue to work to change our regulatory system, the time has come to apply this precautionary principle to BPA. Without question, there is more scientific work to be done. But we must not continue to expose our citizens to these risks while we wait to confirm BPA's dangers beyond a reasonable doubt.

The Canadian government has already taken this approach with BPA, moving to eliminate polycarbonate baby bottles that contain Bisphenol A last year. Canadian officials stated that because safe alternatives are readily available, this ban is a prudent way to reduce risk for vulnerable infants.

Many large retailers and producers, including Toys “R” Us, Nalgene, and Wal-Mart have agreed to no longer sell or produce baby bottles or plastic water bottles containing BPA. And just last week, the leading manufacturers of baby bottles announced they would no longer sell baby bottles made with BPA.

This is great news. I commend them, but we should not be forced to rely on retailers to protect American consumers from health hazards.

The Congress agreed with this precautionary approach and banned six plasticizing chemicals, called

phthalates, in legislation last year. Like BPA, phthalates have been linked to a variety of health problems in young children. Instead of doing nothing with the evidence mounts, Congress chose to step in and protect children from this risk.

The time has come to do the same with Bisphenol A.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ban Poisonous Additives Act of 2009”.

SEC. 2. BAN ON USE OF BISPHENOL A IN FOOD AND BEVERAGE CONTAINERS.

(a) TREATMENT OF BISPHENOL A AS ADULTERATING THE FOOD OR BEVERAGE.—For purposes of applying section 402(a)(6) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)(6)), a food container (which for purposes of this Act includes a beverage container) that is composed, in whole or in part, of bisphenol A, or that can release bisphenol A into food (as defined for purposes of the Federal Food, Drug, and Cosmetic Act), shall be treated as a container described in such section (relating to containers composed, in whole or in part, of a poisonous or deleterious substance which may render the contents injurious to health).

(b) EFFECTIVE DATES.—

(1) REUSABLE FOOD CONTAINERS.—

(A) DEFINITION.—In this Act, the term “reusable food container” means a reusable food container that does not contain a food item when it is introduced or delivered for introduction into interstate commerce.

(B) APPLICABILITY.—Subsection (a) shall apply to reusable food containers on the date that is 180 days after the date of enactment of this Act.

(2) OTHER FOOD CONTAINERS.—Subsection (a) shall apply to food containers that are packed with a food and introduced or delivered for introduction into interstate commerce on or after the date that is 180 days after the date of enactment of this Act.

(c) WAIVER.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the “Secretary”), after public notice and opportunity for comment, may grant to any facility (as that term is defined in section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d)) a waiver of the treatment described in subsection (a) for a certain type of food container, as used for a particular food product, if such facility—

(A) demonstrates that it is not technologically feasible to replace Bisphenol A in such type of container for such particular food product; and

(B) submits to the Secretary a plan and timeline for removing Bisphenol A from such type of container for that food product.

(2) APPLICABILITY.—A waiver granted under paragraph (1) shall constitute a waiver of the treatment described in subsection (a) for any facility that manufactures, processes, packs, holds, or sells the particular food product for which the waiver was granted.

(3) LABELING.—Any product for which the Secretary grants such a waiver shall display

a prominent warning on the label that the container contains Bisphenol A, in a manner that the Secretary shall require, which manner shall ensure adequate public awareness of potential health effects associated with bisphenol-A.

(4) DURATION.—

(A) INITIAL WAIVER.—Any waiver granted under paragraph (1) shall be valid for not longer than 1 year after the applicable effective date in subsection (b).

(B) RENEWAL OF WAIVER.—The Secretary may renew any waiver granted under subparagraph (A) for a period of not more than 1 year.

(d) LIST OF SUBSTANCES THAT ARE GENERALLY RECOGNIZED AS SAFE.—

(1) REVIEW.—The Secretary, acting through the Commissioner of Food and Drugs, shall, not later than 1 year after enactment of this Act and not less than once every 5 years thereafter, review—

(A) the substances that are generally recognized as safe, listed in part 182 of title 21, Code of Federal Regulations (or any successor regulations);

(B) the direct food substances affirmed as generally recognized as safe, listed in part 184 of title 21, Code of Federal Regulations (or any successor regulations); and

(C) the indirect food substances affirmed as generally recognized as safe, listed in part 186 of title 21, Code of Federal Regulations (or any successor regulations).

(2) PUBLIC COMMENT.—In conducting the review described in paragraph (1), the Secretary shall provide public notice and opportunity for comment.

(3) REMEDIAL ACTION.—If, after conducting the review described in paragraph (1), the Secretary determines that, with regard to a substance listed in such part 182, 184, or 186, new scientific evidence, including scientific evidence showing that the substance causes reproductive or developmental toxicity in humans or animals, supports—

(A) banning a substance;

(B) altering the conditions under which a substance may be introduced into interstate commerce; or

(C) imposing restrictions on the types of products for which the substance may be used, the Secretary shall remove such substance from the list of substances, direct food substances, or indirect food substances generally recognized as safe, as appropriate, and shall take other remedial action, as necessary.

(4) DEFINITION.—In this Act, the term “reproductive or developmental toxicity” has the meaning given such term in section 409(h)(6) of the Federal Food, Drug, and Cosmetic Act, as amended by section 3.

(e) SAVINGS PROVISION.—Nothing in this Act shall affect the right of a State, political subdivision of a State, or Indian Tribe to adopt or enforce any regulation, requirement, liability, or standard of performance that is more stringent than a regulation, requirement, liability, or standard of performance under this Act or that—

(1) applies to a product category not described in this Act; or

(2) requires the provision of a warning of risk, illness, or injury associated with the use of food containers composed of bisphenol A.

SEC. 3. AMENDMENTS TO SECTION 409 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

Subsection (h) of section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(h)(1)) is amended—

(1) in paragraph (1)—

(A) by striking “manufacturer or supplier for a food contact substance may” and inserting “manufacturer or supplier for a food contact substance shall”;

(B) by inserting “(A)” after “notify the Secretary of”;

(C) by striking “, and of” and inserting “; (B)”;

(D) by striking the period after “subsection (c)(3)(A)” and inserting “; (C) the determination of the manufacturer or supplier that no adverse health effects result from low dose exposures to the food contact substance; and (D) the determination of the manufacturer or supplier that the substance has not been shown, after tests which are appropriate for the evaluation of the safety of food contact substances, to cause reproductive or developmental toxicity in man or animal.”; and

(2) by striking paragraph (6) and inserting the following:

“(6) In this section—

“(A) the term ‘food contact substance’ means any substance intended for use as a component of materials used in manufacturing, packing, packaging, transporting, or holding food if such use is not intended to have any technical effect in such food; and

“(B) the term ‘reproductive or developmental toxicity’ means biologically-adverse effects on the reproductive systems of female or male humans or animals, including alterations to the female or male reproductive system development, the related endocrine system, fertility, pregnancy, pregnancy outcomes, or modifications in other functions that are dependent on the integrity of the reproductive system.”.

By Mr. CASEY (for himself and Ms. STABENOW):

S. 594. A bill to require a report on invasive agricultural pests and diseases and sanitary and phytosanitary barriers to trade before initiating negotiations to enter into a free trade agreement, and for other purposes; to the Committee on Finance.

Mr. CASEY. Mr. President, I rise today to introduce the Agriculture Smart Trade Act along with my colleague Senator STABENOW. The goal of this legislation is to ensure that, as we consider the various free trade agreements that come before the Senate, we are also looking at the big picture, including the increased risk of accidentally importing invasive pests or diseases and the ability for American agricultural producers to access new export markets once trade agreements are in effect. Our bill is supported by United Fresh, the national association of fruit and vegetable growers and processors, and the U.S. Apple Association.

The bill does two things. First, it requires the administration to send a report to Congress prior to the start of formal trade negotiations with a foreign nation detailing potential invasive pests and disease that could pose a risk to U.S. agriculture. Furthermore, this report must identify what additional agricultural inspectors and other personnel are needed to prevent these pests and diseases from being brought into the United States.

Second, the bill requires the administration to disclose in the same report all sanitary and phytosanitary, also known as SPS, trade barriers that could unduly restrict export markets for American commodities. What we have seen in the past is that a trading partner will raise SPS barriers to prevent American products from entering their country. Some of these SPS barriers are not grounded in science are simply non-tariff trade barriers. As the Administration begins negotiations for a trade agreement, we all need to take a look at what kinds of SPS issues we have with potential trading partners. Are their SPS concerns based in science? We need to be sure that once an agreement is in effect, we will have access to those foreign markets as stipulated in the trade agreement.

I want to be very clear that this bill does not in any way limit the President's authority to negotiate trade agreements under Fast-Track, nor does it prevent trade legislation from being considered by the Congress. What this bill does is provide the Senate and the House of Representatives with a more complete picture of what potential trade agreements involve beyond the obvious import and export quotas.

Regardless of how any senator feels about the free trade agreements that we review and debate, I think all of my colleagues will agree with me that increased international trade means an increased risk of importing bugs and diseases that have the potential to devastate our food sources, jeopardize the livelihoods of our farmers, and cost our states a fortune. We need to acknowledge the risk and put in place the best safeguards we can to prevent the accidental introduction of these harmful pests.

I am not merely speculating about the risk of invasive pests and disease. It is a fact that all of our states are battling insects and crop diseases and dreading the next outbreak.

Most recently in Pennsylvania we discovered that the western part of our state is infested with the Emerald Ash Borer, an invasive beetle that was accidentally imported to the U.S. through Detroit via wooden shipping pallets from China. This beetle is costing our commercial nursery growers millions of dollars in lost stock. Senator Stabenow knows better than anyone how much money, time and other resources the Ash Borer has cost the states of Michigan, Illinois, Indiana, Ohio, and Pennsylvania. But that's just one example. Orange growers in Florida have spent the past decade fighting to contain and eradicate citrus canker, an invasive disease that causes citrus trees to produce less and less fruit until they prematurely die. And California and Texas have dealt with expensive eradication programs to deal with the Mediterranean fruit fly or “Med fly.”

The list goes on and on. There is not a single state that has not been impacted by invasive pests or diseases. So I hope that my colleagues will support the Agriculture Smart Trade Act, and help us make smart decisions that will protect our growers and our economy while opening new export markets. Because that is what this bill is about—smart trade.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agriculture Smart Trade Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **FREE TRADE AGREEMENT.**—The term "free trade agreement" means a trade agreement entered into with a foreign country that provides for—

(A) the reduction or elimination of duties, import restrictions, or other barriers to or distortions of trade between the United States and the foreign country; or

(B) the prohibition of or limitation on the imposition of such barriers or distortions.

(2) **INVASIVE AGRICULTURAL PESTS AND DISEASES.**—The term "invasive agricultural pests and diseases" means agricultural pests and diseases, as determined by the Secretary of Agriculture—

(A) that are not native to ecosystems in the United States; and

(B) the introduction of which causes or is likely to cause economic or environmental harm or harm to human health.

(3) **SANITARY AND PHYTOSANITARY MEASURE.**—The term "sanitary and phytosanitary measure" has the meaning given that term in the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization referred to in section 101(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(3)).

SEC. 3. REQUIREMENT FOR REPORTS BEFORE INITIATING NEGOTIATIONS TO ENTER INTO FREE TRADE AGREEMENTS.

(a) **IN GENERAL.**—Not later than 90 days before the date on which the President initiates formal negotiations with a foreign country to enter into a free trade agreement with that country, the President shall submit to Congress a report on—

(1) invasive agricultural pests or diseases in that country; and

(2) sanitary or phytosanitary measures imposed by the government of that country on goods imported into that country.

(b) **CONTENTS OF REPORT.**—The report required under subsection (a) shall include the following:

(1) **INVASIVE AGRICULTURAL PESTS AND DISEASES.**—With respect to any invasive agricultural pests or diseases in the country with which the President intends to negotiate a free trade agreement—

(A) a list of all invasive agricultural pests and diseases in that country;

(B) a list of agricultural commodities produced in the United States that might be affected by the introduction of such pests or diseases into the United States; and

(C) a plan for preventing the introduction into the United States of such pests and diseases, including an estimate of—

(i) the number of additional inspectors, officials, and other personnel necessary to prevent such introduction and the ports of entry at which the additional inspectors, officials, and other personnel will be needed; and

(ii) the total cost of preventing such introduction.

(2) **SANITARY AND PHYTOSANITARY MEASURES.**—With respect to sanitary or phytosanitary measures imposed by the government of the country with which the President intends to negotiate a free trade agreement on goods imported into that country—

(A) a list of any such sanitary and phytosanitary measures that may affect the exportation of agricultural commodities from the United States to that country;

(B) an assessment of the status of any petitions filed by the United States with the government of that country requesting that that country allow the importation into that country of agricultural commodities produced in the United States;

(C) an estimate of the economic potential for the exportation of agricultural commodities produced in the United States to that country if the free trade agreement enters into force; and

(D) an assessment of the effect of sanitary and phytosanitary measures imposed or proposed to be imposed by the government of that country on the economic potential described in subparagraph (C).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 74—EXPRESSING THE SENSE OF THE SENATE ON THE IMPORTANCE OF STRENGTHENING BILATERAL RELATIONS IN GENERAL, AND INVESTMENT RELATIONS SPECIFICALLY, BETWEEN THE UNITED STATES AND BRAZIL

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 74

Whereas the United States and Brazil enjoy a longstanding economic partnership sustained by robust trade, investment, and energy cooperation;

Whereas investment in and by Brazil promotes economic growth, generates greater wealth and employment, strengthens the manufacturing and services sectors, and enhances research, technology, and productivity;

Whereas the United States is the largest direct investor abroad, with total world-wide investments of \$2,800,000,000,000 in 2007;

Whereas the United States has historically been the largest direct investor in Brazil, investing a total of \$41,600,000,000 in 2007;

Whereas the sound economic policy of the Government of Brazil was given an investment-grade rating by 2 of the 3 major investment rating agencies in 2008;

Whereas the United States is the largest recipient of direct investment in the world, with total foreign direct investments of \$2,100,000,000,000 in 2007;

Whereas the United States receives direct investment from Brazil, including a total of \$1,400,000,000 in 2007;

Whereas Brazil is the only country with a gross national product of more than

\$1,000,000,000,000 with which the United States does not have a bilateral tax treaty;

Whereas Brazil is the 4th largest investor in United States Treasury securities, which are important to the health of the United States economy;

Whereas Brazil ranked 3rd among other countries in the number of corporations listed on the New York Stock Exchange in 2008, with 31 corporations listed;

Whereas a bilateral tax treaty between the United States and Brazil would enhance the partnerships between investors in the United States and Brazil and benefit small and medium-sized enterprises in both the United States and Brazil;

Whereas a bilateral tax treaty between Brazil and the United States would promote a greater flow of investment between Brazil and the United States by creating the certainty that comes with a commitment to reduce taxation and eliminate double taxation;

Whereas the Brazil-U.S. Business Council and the U.S.-Brazil CEO Forum have worked to advance a bilateral tax treaty between the United States and Brazil;

Whereas the Senate intends to closely monitor the progress on treaty negotiations and hold a periodic dialogue with officers of the Department of the Treasury; and

Whereas the United States and Brazil will greatly benefit from deeper political and economic ties: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Government and the Government of Brazil should continue to develop their partnership; and

(2) the Secretary of the Treasury should pursue negotiations with officials of the Government of Brazil for a bilateral tax treaty that—

(A) is consistent with the existing tax treaty practices of the United States Government; and

(B) reflects modern, internationally recognized tax policy principles.

SENATE RESOLUTION 75—COMMEMORATING THE 150TH ANNIVERSARY OF THE FOUNDING OF THE PHILADELPHIA ZOO: AMERICA'S FIRST ZOO

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 75

Whereas Dr. William Camac, a legendary Philadelphia physician, led a concerned community of citizens, educators, and scientists to charter the Zoological Society of Philadelphia—America's First Zoo—on March 21, 1859, housed on a bucolic, 44-acre property in Fairmount Park along the West Bank of the Schuylkill River;

Whereas the Philadelphia Zoo has emerged over the past century as a national and global treasure and as one of Philadelphia's most cherished, enduring, and significant educational, scientific, and conservation institutions and cultural attractions;

Whereas the Philadelphia Zoo was the site for breakthrough research that led to the award of the 1976 Nobel Prize for Medicine;

Whereas since its inception, the Philadelphia Zoo, through its myriad research and curatorial activities, has consistently and successfully protected, promoted, and preserved numerous rare and endangered wildlife species around the world;

Whereas since its landmark gates opened to the general public, the Philadelphia Zoo has welcomed more than 100,000,000 visitors, including millions of school children from the greater Philadelphia community over generations; and

Whereas the Philadelphia Zoo's sesquicentennial on March 21, 2009 is an achievement of historic proportions for Philadelphia, the Commonwealth of Pennsylvania, the United States, and the world conservation community: Now, therefore, be it

Resolved, That the Senate recognizes the 150th anniversary of the founding of the Philadelphia Zoo on March 21, 2009.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, March 18, 2009, at 9:30 a.m. immediately following the beginning of the Full Committee Hearing, in room SD-366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider the nomination of David J. Hayes, to be Deputy Secretary of the Interior.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 19, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the Appliance Standards Improvement Act of 2009.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Allen Stayman at (202) 224-7865 or Rosemarie Calabro at (202) 224-5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 12, 2009 at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 12, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Session on Thursday, March 12, 2009, in room S-216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, March 12, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, March 12, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 12, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, March 12, 2009 at 9:30 a.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive busi-

ness meeting on Thursday, March 12, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 12, 2009. The Committee will meet in room 106 of the Dirksen Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 12, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SPECTER. Mr. President, I ask unanimous consent that Ronald Rowe, a detailee with Senator HATCH, be granted the privilege of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Ronald Rowe, a Secret Service detailee in my office, be granted floor privileges for the remainder of the first session of the 111th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

AMENDING THE OMNIBUS INDIAN ADVANCEMENT ACT

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 338 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (S. 338) to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust and to provide for the conduct of certain activities on the land.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the

table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 338) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LYTTON RANCHERIA OF CALIFORNIA.

Section 819 of the Omnibus Indian Advancement Act (Public Law 106-568; 114 Stat. 2919) is amended—

(1) in the first sentence, by striking “Notwithstanding” and inserting the following:

“(a) ACCEPTANCE OF LAND.—Notwithstanding”;

(2) in the second sentence, by striking “The Secretary” and inserting the following:

“(b) DECLARATION.—The Secretary”;

(3) by striking the third sentence and inserting the following:

“(c) TREATMENT OF LAND FOR PURPOSES OF CLASS II GAMING.—

“(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Lytton Rancheria of California may conduct activities for class II gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) on the land taken into trust under this section.

“(2) REQUIREMENT.—The Lytton Rancheria of California shall not expand the exterior physical measurements of any facility on the Lytton Rancheria in use for class II gaming activities on the date of enactment of this paragraph.

“(d) TREATMENT OF LAND FOR PURPOSES OF CLASS III GAMING.—Notwithstanding subsection (a), for purposes of class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)), the land taken into trust under this section shall be treated, for purposes of section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719), as if the land was acquired on October 9, 2003, the date on which the Secretary took the land into trust.”.

REPEAL OF THE BENNETT FREEZE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 39 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (S. 39) to repeal section 10(f) of Public Law 93-531, commonly known as the Bennett Freeze.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The bill (S. 39) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 39

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF THE BENNETT FREEZE.

Section 10(f) of Public Law 93-531 (25 U.S.C. 640d-9(f)) is repealed.

COMMEMORATING 10-YEAR ANNIVERSARY OF CZECH REPUBLIC, REPUBLIC OF HUNGARY, AND REPUBLIC OF POLAND AS MEMBERS OF NATO

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Resolution 60, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the title of the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 60) commemorating the 10-year anniversary of the accession of the Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 60) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 60

Whereas, on March 12, 1999, the Czech Republic, the Republic of Hungary, and the Republic of Poland formally joined the North Atlantic Treaty Organization (NATO);

Whereas, in March 2009, NATO will celebrate the 10-year anniversary of the accession of the Czech Republic, Hungary, and Poland as members of the alliance;

Whereas representatives of the governments of the Czech Republic, Hungary, and Poland will be in attendance as NATO celebrates its 60th anniversary at a summit to be held on April 4, 2009, in Germany and France;

Whereas the security of the United States and its NATO allies have been enhanced by the integration of the Czech Republic, Hungary, and Poland into the NATO alliance;

Whereas the Czech Republic, Hungary, and Poland have been integral to the NATO mission of promoting a Europe that is whole, undivided, free, and at peace;

Whereas the membership of the Czech Republic, Hungary, and Poland has strengthened the ability of NATO to perform a full range of missions throughout the world;

Whereas the Czech Republic, Hungary, and Poland continue to provide crucial support and participation in the NATO International Security Assistance Force in Afghanistan, as

NATO struggles to help the people of Afghanistan create the conditions necessary for security and successful development and reconstruction;

Whereas the Czech Republic, Hungary, and Poland helped support NATO efforts to stabilize and secure the Balkans region by contributing to the NATO-led Kosovo Force;

Whereas the Czech Republic, Hungary, Poland, and all NATO members share a strong mutual commitment to defense, regional security, development, and human rights, throughout Europe and beyond; and

Whereas the Czech Republic, Hungary, and Poland have done much to help NATO meet the global challenges of the 21st century, including the threat of terrorism, the spread of weapons of mass destruction, instability caused by failed states, and threats to global energy security: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 10th anniversary of the accession of the Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization (NATO);

(2) congratulates the people of the Czech Republic, Hungary, and Poland on their accomplishments as members of free democracies and partners in European stability and security;

(3) expresses appreciation for the continuing and close partnership between the United States Government and the Governments of the Czech Republic, Hungary, and Poland; and

(4) urges the United States Government to continue to seek new ways to deepen and expand its important relationships with the Governments of the Czech Republic, Hungary, and Poland.

COMMEMORATING THE FOUNDING OF THE PHILADELPHIA ZOO

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 75, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 75) commemorating the 150th anniversary of the founding of the Philadelphia Zoo: America's first zoo.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 75) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 75

Whereas Dr. William Camac, a legendary Philadelphia physician, led a concerned community of citizens, educators, and scientists to charter the Zoological Society of Philadelphia—America's First Zoo—on March 21, 1859, housed on a bucolic, 44-acre property in Fairmount Park along the West Bank of the Schuylkill River;

Whereas the Philadelphia Zoo has emerged over the past century as a national and global treasure and as one of Philadelphia's most cherished, enduring, and significant educational, scientific, and conservation institutions and cultural attractions;

Whereas the Philadelphia Zoo was the site for breakthrough research that led to the award of the 1976 Nobel Prize for Medicine;

Whereas since its inception, the Philadelphia Zoo, through its myriad research and curatorial activities, has consistently and successfully protected, promoted, and preserved numerous rare and endangered wild-life species around the world;

Whereas since its landmark gates opened to the general public, the Philadelphia Zoo has welcomed more than 100,000,000 visitors, including millions of school children from the greater Philadelphia community over generations; and

Whereas the Philadelphia Zoo's sesquicentennial on March 21, 2009 is an achievement of historic proportions for Philadelphia, the Commonwealth of Pennsylvania, the United States, and the world conservation community: Now, therefore, be it

Resolved, That the Senate recognizes the 150th anniversary of the founding of the Philadelphia Zoo on March 21, 2009.

GREATER WASHINGTON SOAP BOX DERBY RACES

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H. Con. Res. 37, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 37) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 37) was agreed to.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to provisions of Public Law 106-79, appoints the following Senator to the Dwight D. Eisenhower Memorial Commission: The Senator from Utah, Mr. BENNETT.

The Chair, on behalf of the majority leader, pursuant to the provisions of Public Law 99-93, as amended by Public Law 99-151, appoints the following Senators as members of the United States Senate Caucus on International Narcotics Control: the Honorable CHARLES E. SCHUMER, of New York, and the Hon-

orable SHELDON WHITEHOUSE, of Rhode Island.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that I be allowed to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENTITLEMENT AND TAX CODE REFORM

Mr. VOINOVICH. Mr. President, I rise today to call attention to what I refer to as the irresponsible and reckless fiscal path we find ourselves on as a nation and to urge my colleagues to act now to take the first step toward meaningful, comprehensive tax and entitlement reform.

On Tuesday night, we gathered here to cast our votes on the Omnibus Appropriations Act of 2009. I could not vote for this bill because it ignores the fiscal realities we find ourselves in today. This omnibus bill, which includes \$408 billion in nonemergency spending, is 8 percent larger than it should be. Some agencies in the bill are set to get a 40-percent increase in funding. From my experience as a former Governor of Ohio and the mayor of the city of Cleveland, I do not believe those agencies have the capacity to spend that kind of money. This adds to the \$787 billion stimulus bill that was passed last month. It increases the already staggering \$10.9 trillion national debt and continues to expand the size of the Government at what has become an alarming rate.

As you can see from this chart, Federal spending as a percentage of GDP averaged just under 20 percent under President Bush. This year, under President Obama, it will reach almost 28 percent, and his administration projects that it will average out to over 23 percent across two terms. In other words, I came to the Senate in 1999, and this is what we were spending, totally, on Medicare, Medicaid, all the other appropriations. Then, as you see, it started to go up. We have to be honest, that is where we started to borrow money because we were not taking in enough money to pay for it, so we started to have deficits. Then, under Bush, it started to go up some more.

Here we are in 2009. You can see that the size of the Government is up to 27.7 percent. That is what we are spending on everything. We have gone from 8 percent to 27.7 percent. That is going to start to slide down. In 2012, the President says to us, don't worry, we are going to reduce the deficit spending by 50 percent. Look at this, it continues to spend out at this point, and by 2016—I have not shown it on the chart, but it just keeps going. We just cannot keep going that way. That is over half a trillion dollars a year we are borrowing to run the Government.

To complete what I call the triple whammy to our national debt, the administration adds to the stimulus and omnibus a new 10-year budget where the lowest deficit for a single year is larger than any annual deficit from the end of World War II.

In fact, President Obama's smallest deficit is larger than President Bush's largest deficit. And that is true despite proposing the largest tax increase in American history, including a new energy tax that will expose the false claim that we will not raise taxes on the middle class. This \$646 billion tax increases will affect rich, poor and middle class alike. Yet future generations will still be burdened with higher debt. So we have gone from—and I am not proud of some Republican years, what we did. As I used to say, the Democrats tax and spend; the Republicans spent and borrowed. Now we have gone to spend, borrow, and tax.

In spite of all of that, we are going to have these gigantic deficits as far as we can see in this country. Simply put, our spending is out of control. We are spending and funding more money at a time when we should be finding ways to work harder and smarter and do more with less. I know a little bit about this, because I took over Cleveland, the first city to go into default in the depression of 1979. We were in deep trouble. I took over the State of Ohio. We were \$1.5 billion in debt at that time. We had to cut the budget four times, and ultimately had to increase taxes in the margin. I know what this is about.

But nobody is talking about "working harder and smarter" or "doing more with less." If you look at the stimulus, we spent \$787 billion, and now some congressional leaders are talking about putting together a second package. I cannot believe it. We cannot continue down this path.

It is our responsibility to make budgeting decisions based on our Nation's fiscal situation and to take into consideration the impact it is having on others but, more importantly, on our children and grandchildren. Over the past year, we have been hit by an economic avalanche that started in housing, quickly spread to the financial and credit markets, then continued onward to every corner of the economy and across the world.

We have taken steps over the past months to dig out of the avalanche. But we have not reinforced our tax and entitlement system's crumbling foundation. In other words,—I have been talking about this for 8 years—we need to have tax reform and entitlement reform. Now all of this other stuff has hit us, but the fact of the matter is, that is still there. We need tax reform. We need entitlement reform. And that is why, despite the enormity of the legislation passed over the past month, there is still a sense of great anxiety

on Main Street and my street. I still live in the house that Janet and I bought in 1972. I am with real people every day. They are very concerned about the future. They get it.

The stimulus and omnibus has caused everyone who paid attention to say: My God, we have to do something to get back on firm fiscal footing. They know that unless we fix our tax and entitlement system we might as well be flying a kamikaze plane.

When I arrived in the Senate in 1999, gross Federal debt stood at \$5.6 trillion or 16 percent of GDP. The Obama administration recently projected the national debt to more than double, to \$12.7 trillion by the end of fiscal year 2009. That would amount to a 126-percent increase compared with only a 56-percent increases in the gross domestic product during the same 10-year period.

From 2008 to 2009 alone, the Federal debt would increase 27 percent, boosting the country's debt-to-income ratio or national debt as a percentage of our gross domestic product from 74 percent last year to 89 percent this year.

The Pacman. Here it was in 1999. Federal debt. And it is up to 70. We are now up to 89 percent. I think there are still some people who understand Pacman. When I was Governor of Ohio, I used to say that Medicaid—I am sure the Presiding Officer understands that Medicaid is the Pacman that kept eating up the budgets in your State.

Under the Obama budget, though, at 2017, for the first time since 1947 when we were paying down our World War II debt, the national debt will be larger than the size of the entire American economy.

At that point, we will be too fat and out of shape to escape from our creditors around the world. That is what it is going to look like. In 2017, it is more than 100 percent of our gross domestic product. Think of that. Today, if we are candid with the American people, when you consider the TARP, the stimulus package, and the money we continuously borrow from the Social Security trust fund, we are facing a projected budget deficit of \$1.9 trillion, which is more than four times the reported 2008 deficit of \$455 billion as a share of the economy.

The 2009 deficit will become the largest recorded deficit since World War II. Last June when I spoke here on the floor of this fiscal crisis, I pointed out that our national debt was \$1.9 trillion, and the per capita debt, each American's share of the national debt was \$31,000, up from \$20,000 in 1999.

This year, that figure will reach \$41,000. Let's put that into perspective. In 2009, according to the Bureau of Labor Statistics, the median income for an Ohio family in 2007 for one earner was \$40,000. That means each person's share of the national debt is more than many hard-working Ohioans make in an entire year.

Alarming, these figures did not even count our accumulated long-term financial obligations: Medicare, Medicaid, Social Security, which grew \$2.5 trillion last year as a result of the increases in the costs of Medicare and Social Security benefits.

The baby boomers are here. They are coming on. If we include those numbers, taxpayers are on the hook for a record \$57 trillion in Federal liabilities to cover the lifetime benefits of everyone eligible for Medicare, Social Security, and other Government programs. That is nearly \$500,000 per household.

Now, it does not take an economist to realize that of course we cannot keep going. As our former Comptroller General and head of the Government Accountability Office said, we are facing a fiscal timebomb. We must come to terms with the fact that the U.S. Government is the worst credit card abuser in the world, and it is time that we came to terms with the fiscal realities of 2009.

We cannot continue to heap debt on the backs of our children and grandchildren without a second thought. Lip service from Congress and the administration is not going to get the job done. Recently, the Office of Management and Budget Director, Peter Orszag, spoke to a group of bipartisan Senators who have breakfast regularly to talk about some of the problems.

He pointed out that as we are confronted with the economic tsunami hitting our country, we are lucky our interest rates are very low, because many investors in America and around the world are parking their money in Treasury bills.

Mr. Orszag continued on to say, we cannot expect that rate of borrowing to last, and it is imperative we take advantage of this phenomena now before foreign markets and our people demand more interest for their investment in the U.S. debt.

I could not agree more. We cannot rely on luck and foreign investors. When I met with Larry Summers, Martin Feldstein, and Larry Lindsay, they say our current fiscal path is only sustainable—listen to this—as long as the Japanese, the Chinese, and the OPEC and others have confidence that we are going to pay back our debt. And, boy, are they watching whether we are going to do anything about tax reform and entitlement reform.

Now, this has serious implications. Foreign creditors have provided more than 70 percent of the funds that the United States has borrowed since 2001—70 percent.

Today 50 percent, 51 percent of the privately owned national debt is held by foreigners. That is up from 37 percent just 6 years ago. If these foreign investors lose confidence and pull out of U.S. Treasuries, Katey bar the door. Borrowing hundreds of billions of dollars from China and OPEC nations not

only puts our economy but our national security at risk. We have to make sure other countries do not control our debt.

One of the things I pointed out—and the Presiding Officer understands this—is that we have to become more oil independent. We have a situation today where somebody else controls the supply, the cost, and they are buying our debt. If I control the supply and the cost and then I am paying for your debt, I put you out of business. That is just a fact of life. We have to wake up to the fact that we cannot rely on these other countries to take care of this debt. We cannot continue to live in the United States of denial.

In 2006, I sent a letter to President Bush urging him to take on comprehensive tax and entitlement reform. I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, December 4, 2006.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: I am respectfully writing to encourage you to take the lead on pursuing fundamental tax reform as we begin the 110th Congress in January. You have an historic opportunity, through fundamental tax reform, to transform the U.S. economy in a manner that will make our nation stronger and more prosperous for generations. In so doing, you will cement your domestic policy legacy. I urge you to carry the banner of tax reform.

In 1984, President Ronald Reagan declared to the American people that the tax code was fundamentally unfair, and that he was going to reform it. President Reagan held his belief in the unjustness of the tax code deep in his heart. He knew that hundreds of targeted tax subsidies for the benefit of powerful interests forced average Americans to pay higher marginal rates and reduced economic growth. He saw tax reform not as a retreat from his 1981 tax relief agenda, but rather as a logical continuation and enhancement of that agenda. The Tax Reform Act of 1986 was the culmination of the quest he began in 1981, to create a tax code with low marginal rates that raised the necessary revenue to fund the government with the least possible interference in our free market economy.

Likewise, fundamental tax reform that makes the tax code simple, fair, and pro-growth could serve as the third and final phase of the project you began in 2001 and continued in 2003. You do not have to choose between making the 2001 and 2003 tax relief permanent and reforming the tax code. The latter idea is a complement to, not a competitor with, the former idea. We live in a 21st century global economy, but we suffer from a tax code designed for the 20th century. Small businesses—the engines of job creation—are overwhelmed by complexity. In many cases, neighborhood businesses are forced to comply with the same convoluted rules as multinational corporations. Our international tax rules were designed in an era when the United States accounted for 50 percent of global economic output, and we had no worries about other countries competing with us for jobs and capital. Now we

live in the most competitive global economy we have known. We have redesigned social programs as targeted tax breaks with complex eligibility criteria and restrictions, completely baffling ordinary families who cannot obtain the benefits of these provisions because they are too complicated to understand.

Mr. President, you and I have been advocates for tax reform for years. In 2003, I attached an amendment to the Jobs and Growth Tax Relief Reconciliation Act that would have created a blue ribbon commission to study fundamental tax reform. The amendment was adopted by voice vote, but later was removed in conference committee. At the 2004 Republican National Convention, you announced that fundamental tax reform would become a top domestic priority. I remember sitting in the front of the audience with the Ohio delegation when you made the announcement, and I leapt to my feet to applaud you. A couple of days later while campaigning in Ohio, you told the audience that when I rose to applaud you, you thought I was going to jump up on stage and hug you.

It seemed that the tax reform bandwagon finally had started to roll. In the autumn of 2004, I offered my tax reform commission amendment again, this time to the American Jobs Creation Act. The Senate again adopted my amendment. During conference negotiations, the White House contacted me and requested that I withdraw my amendment because you were preparing to take a leadership role by appointing your own tax reform panel. I enthusiastically agreed to defer to your leadership, and I withdrew my amendment. In January 2005, you announced the creation of an all-star panel, led by former Senators Connie Mack and John Breaux, and that panel spent most of the year engaging the American public to develop proposals to make our tax code simpler, fairer, and more conducive to economic growth. In November 2005, the panel issued its final report. While not perfect in anyone's mind, the panel's two plans provided a starting point for developing tax reform legislation that would represent a huge improvement over the current system. The panel's proposals belong as a key part of the national discussion on fundamental tax reform.

Yet, momentum for tax reform seems to have slowed in the more than one year since the panel submitted its report to the Treasury Department. Initially, you indicated that upon receipt of the panel's report, the Treasury Department would analyze the proposals and then provide you with its own recommendations. These recommendations would serve as the basis for legislative action. In the meantime, however, your administration and the Congress have faced other immediate priorities—from Social Security solvency to the global war on terror to relief for victims of Hurricane Katrina. As a result, we missed an opportunity to address fundamental tax reform during the 109th Congress. And now, time is running short. Your 2007 State of the Union address provides an excellent opportunity to take up a cause that will lead you to being remembered as the president who made the tax code simple, fair, and pro-growth.

I have discussed fundamental tax reform with OMB Director Rob Portman, Secretary Hank Paulson, and Chief of Staff Josh Bolten. Mr. President you have a great team that, working with you and Congress, can get the job done. I also sense responsiveness in Congress for tax reform. Congressman Frank Wolf and I have introduced the SAFE Commission Act, which would require con-

sideration of tax reform and entitlement reform, in the House and Senate. Senator Bob Bennett has been putting together a Senate working group on tax reform (in which I am actively participating), and other senators have expressed interest in working with us. For example, Senator Ron Wyden, who has introduced his own tax reform legislation, has shown tremendous enthusiasm for organizing a bipartisan Senate effort on tax reform.

The American people are ready for tax reform. Unlike Social Security, no one defends the current tax code. Without your leadership, however, the incoming congressional majority likely will propose their own version of "reform"—but you and I both know it will not be true reform. They will provide new middle class tax breaks and pay for them by raising marginal tax rates on high-income taxpayers and businesses. They will challenge congressional Republicans to vote against these class warfare proposals and they will challenge you to veto them. Raising marginal tax rates on an already-broken tax system will only serve to reduce U.S. competitiveness in the global economy, and ultimately will prove self-defeating. Instead, Republicans and Democrats must work together to reform the tax code in a manner that will raise sufficient revenues to fund important national priorities, while providing an environment conducive to innovation, entrepreneurship, and economic growth.

The time to act is now. Twenty years after Ronald Reagan reformed the tax code, he still is remembered fondly as the leader who set the stage for years of prosperity at the end of the 20th century. Working on a bipartisan basis, you have an opportunity to accomplish a similar achievement for the 21st century—a lasting legacy for your fellow Americans. I urge you not to pass up this once-in-a-lifetime chance, and if you take up the challenge, I will be your faithful ally.

Sincerely,

GEORGE V. VOINOVICH,
United States Senator.

Mr. VOINOVICH. Sadly, no action was taken. We missed a gigantic opportunity to make meaningful reform while times were relatively good. We are more or less lucking out now, but we cannot count on that luck to last forever. We have to tackle tax and entitlement reform to maintain credibility, to turn around our economy, and to regain our global respectability—not a year from now, not 2 years from now, but now, now, now.

Our Tax Code, for example, is imploding from the hundreds of economic and social policies Congress pursues through tax incentives and dozens of temporary tax provisions. It is a nightmare. Just ask the millions of Americans right now who are filing their tax returns. I have said this on the floor before: When we got our tax return back last year, my wife and I looked at it. My wife said: Do you understand it?

I said: No, I don't understand it.

I said: Why don't we call our accountant; maybe he will explain it.

She said: Don't you dare. He will charge us \$500.

It is out of control. For anybody who understands what is going on, it is a nightmare.

Tinkering with the Tax Code won't work. The argument I made to President Bush several times was that we know the reduction in marginal rates is going to evaporate. We know the capital gains reduction is going to evaporate in 2010. We know the reduction in taxes on dividends is going to evaporate in 2010. Why don't we take this opportunity to look at tax reform and look at those things that are going to encourage people to save and keep the economy going?

Frankly, those three things might be wonderful in that regard. But you can't have it unless you make it up with some other taxes that are the least hurtful to savings and the economy.

Since the last major tax reform in 1986, we have added over 15,000 new provisions in the Internal Revenue Code. Last year alone, we passed 500 changes in the Tax Code. It is no wonder why only 13 percent of Americans file their taxes without the help of either a tax preparer or computer software. Clearly, we have waited too long to act. This is not just a matter of saving taxpayers' time and effort, it is also about saving real money.

The Tax Foundation calculates conservatively that we all spend about \$265 billion a year to keep track of our records and pay people to pay our taxes. If we could streamline it and make it simple and understandable, if we could only cut that in half, that would be a gigantic tax reduction for the American people and not cost us one dime.

We must enact fundamental tax reform to help make the Tax Code simpler, fairer, transparent, and economically efficient.

Thankfully, there have been some encouraging signs of new developments. Earlier this month, I attended a bipartisan press conference along with Senator CONRAD, Representatives COOPER and WOLF, and former U.S. Comptroller General Walker who now heads up the Peter G. Peterson Foundation. David Walker and the rest of us urged Congress to take action to restore fiscal discipline. In other words, we all said: This has to be done. We agreed it is time to begin to enact the first pillar of meaningful comprehensive tax and entitlement reform. That is why I am disappointed that President Obama did not mention a vehicle to enact tax and entitlement reform in his address to Congress, just as I was very disappointed that the Bush administration never once mentioned reducing our national debt after 2001.

I am a Republican. He was a Republican President. Our President never, ever mentioned the national debt all the time he was President. It was like it didn't exist. Yet the debt kept going up, up, up, and up. I have been calling for the creation of a commission to facilitate tax and entitlement reform for

some time. In fact, back in 2006, I introduced the Securing America's Future Economy or SAFE Commission Act, which I reintroduced in the Senate in the 109th and 110th Congresses.

Congressman JIM COOPER of Tennessee and Congressman FRANK Wolf of Virginia introduced a version in the House that enlisted 93 cosponsors from both parties. This bipartisan, bicameral group had the support from corporate executives, religious leaders, and think tanks across the political spectrum—the conservative Heritage Foundation and the liberal Brookings Institute. All of these people realize where we are.

Building on the SAFE Commission, two of my colleagues, the Budget Committee chairman from North Dakota, Senator CONRAD, and ranking member from New Hampshire, Senator GREGG, introduced a bipartisan bill that would create a tax and entitlement reform task force very similar to the SAFE Commission called the Bipartisan Task Force for Responsible Fiscal Action. I signed on as 1 of 19 cosponsors. We will never, ever take the necessary steps toward fiscal responsibility unless we create this BRAC-like, bipartisan commission.

The commission would take on the tough issues of Social Security, health care, and tax reform, and create recommendations that would be fast-tracked through a special process and brought to the floor of both Chambers for a vote. In other words, to do it the traditional way we do things around here it will never, ever get done. If you think we would have been able to close airbases and other bases around the country by doing it through legislation without the BRAC process, you are not in the real world.

If we really want to tackle this stuff, we have to get a group together. We have to work on it and come up with a compromise. If three quarters agree, it is the thing to do. We put it through an expedited procedure. The Senate gets it; the House gets it. They have to vote up or down.

It is important that that happen because it will have legislators on it. I know if somebody asked you to spend a year and a half of your life putting something together and then said: Well, once it is done, it will go through the regular procedure, you would say: Goodbye. I don't have time for that.

But if you knew you put the time in and that if you had three quarters who agreed on it and the thing was going to get some action, then you would have some incentive to say: I will stay at the table, work on this, and we will get the job done.

The workload would be heavy, and the commission could certainly benefit by taking a look at previous work that has been done to study these issues by foundations and others. It also could start by considering some of the pre-

vious proposals that have been introduced by some of our former colleagues, Senators Mack and Breaux, cochairs of the commission created by the Bush administration to reform our Tax Code.

I worked like the dickens to say: Let's have this commission to study the Tax Code. I will never forget talking to Karl Rove.

I said: I want it to be legislated. That is the way we had it in the appropriations bill.

He said: No, we will do it with something else. We will put Breaux and Mack in charge. I think he said at that time he was afraid that PELOSI and STENY HOYER might kill it in the beginning.

I said: If they are going to kill it in the beginning, let's find out. He said: No, we want the other direction. So Connie Mack and John Breaux worked their tails off for over a year. They came back with a very good report. It wasn't perfect, but I expected President Bush to take that and tweak it and send it over here.

I will never forget the story John Breaux told me. He went to visit with President Bush. He walked in the Oval Office and he started looking around. The President said to him: John, what are you doing?

And he said: Mr. President, I am looking for the report that we did.

On the shelf, gathering dust.

That is why I was pleased to hear President Obama mention the national debt in his address to Congress. But I was disappointed that when he mentioned the "crushing cost" we face and the reform we can no longer afford to put on hold, he only talked about health care. Although health care costs are a big part of our entitlement problem, addressing health care reform alone will not get the job done.

It is not the time for dodging and ducking. This is the time for the cold hard truth. Everyone knows we need tax and entitlement reform. I know it, the Obama administration knows it, and the American people know it. And I know for sure Peter Orszag does because a couple years ago, he was as enthusiastic about dealing with this problem as anybody in this country.

The American people elected President Obama to make the tough decisions to put this country back on the right track. As President Obama said himself so eloquently:

We must take responsibility for our future, and for posterity.

I love that. I love that part of his speech. I thought it was just great. He cares about me. He cares about my children. He cares about my grandchildren. "We must take responsibility for our future, and for posterity." Sadly, so far he is missing in action on tax and entitlement reform. In fact, in a February 27 column in the Washington Post, Michael Gerson called the

President's stance on tax and entitlement reform in his joint address to Congress "timid" and "hardly courageous."

Now, in fairness to our President, he and his administration have been busy putting out fires. This President has more on his plate than maybe any President we have ever had, maybe since Franklin Delano Roosevelt. But if he ignores comprehensive tax and entitlement reform, we could see an economic holocaust.

That is why I would suggest to my fellow colleagues who have voiced similar calls for reform that we should gather our staffs, on a bipartisan and bicameral basis, to agree on the language of a vehicle commission that can get the job done—in other words, getting Republicans and Democrats, House and Senate, to get the language of what this commission should look like. We will work on that. If the administration does not like our proposals, then they would be free to weigh in with their own ideas. But doing nothing simply is not an option. I have talked to Senator GREGG about this, Senator CONRAD. And I said it is our duty to position this Nation so we have the greatest opportunity for success for the future.

I am saying, if the President does not want to do this, let's us get together and help him. OK. Let's get together. Let's help him and then say: Here, Mr. President, here is something agreed to on a bipartisan basis. We would like to go with it. If you have a better idea on how to get it done, amen and hallelujah, but we have to get going.

Each and every one of us should be able to look into the eyes of our children and grandchildren and know in our hearts we have done all we can to make sure that at least they have the same opportunity we have had for our standard of living and quality of life.

If I had to name one of the primary contributing factors to our worsening economic situation, it would have to be the loss of faith we seem to have experienced in ourselves. In many ways, today America is mired in a crisis of confidence.

I do not share the despair many experts hold concerning the future of our country. When I first became mayor of Cleveland in 1979, the city was in default on its bonds. Unemployment for the first couple of years continued to grow to more than 18 percent. Think of that: 18 percent. Cynics at the time joked, saying: Will the last person leaving Cleveland turn out the lights.

We decided that no one was going to come to Cleveland and solve our problems for us. We had the courage to be more self-reliant and make tough decisions. Through the public-private partnerships we created, we were able to unite everyone behind common goals. We empowered the community, and it

worked. In fact, at that time, Cleveland was known as the "comeback city."

I say to the Presiding Officer, I know you could identify with this. Cleveland was named an All America City three times in a 5-year period. It never happened before, and I suspect it will never happen again. It was that public-private partnership, everybody coming together. Our motto was: Together we can do it.

Similarly, when I became Governor of Ohio in 1991, we faced a \$1½ billion budget shortfall, and we were a no-growth State. We made some tough decisions. As I mentioned earlier, I had to cut the budget four times and raise taxes. But, as a result, we were able to turn the tide, create 540,000 new jobs—in fact, manufacturing grew for the first time in 25 years—and the State's rainy-day fund grew from 14 cents to over \$1 billion. And we put \$200 million aside to take care of any Medicaid problem we would have.

Mr. President, I know we can turn things around again. We really can. But we need to stop the spending spree and start making tough decisions on this tax and entitlement reform. Why don't we work together to get America back on track? Let's work together to systemically deal with each of the problems, challenges, and opportunities we have in America, so we are filled with the same hope and optimism of Ronald Reagan. I got to know Ronald Reagan. He was quite a guy, quite a President. He always had a positive attitude, and he said:

I know that for America, there will always be a bright dawn ahead.

Mr. President, the glass is not half empty, the glass is half full. If all of us work together, we can turn this thing around.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 27, H.R. 146.

The PRESIDING OFFICER. The motion is debatable.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been filed pursuant to rule XXII, the clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 27, H.R. 146, the Revolutionary War and War of 1812 Battlefield Protection Act.

Harry Reid, Patty Murray, Benjamin L. Cardin, Kay R. Hagan, Byron L. Dorgan, Richard Durbin, Carl Levin, Jeanne Shaheen, John F. Kerry, Frank R. Lautenberg, Jeff Bingaman, Roland W. Burris, Robert Menendez, Amy Klobuchar, Jim Webb, Jack Reed, Bill Nelson.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture occur at 5:30 Monday, March 16; further, that if cloture is invoked, then the postcloture time count as if cloture had been invoked at 10 a.m. on Monday, March 16; and that during any recess or adjournment period, postcloture time continue to run.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 16, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. Monday, March 16; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be

deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the Senate proceed to period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 146, the legislative vehicle for the omnibus lands bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will occur on Monday at 5:30 p.m. This vote will be on the motion to invoke cloture on the motion to proceed to H.R. 146.

ADJOURNMENT UNTIL MONDAY, MARCH 16, 2009, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:58 p.m., adjourned until Monday, March 16, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE INTERIOR

THOMAS L. STRICKLAND, OF COLORADO, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, VICE R. LYLE LAVERTY.

DEPARTMENT OF DEFENSE

ALEXANDER VERSHBOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE MARY BETH LONG, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, March 12, 2009:

DEPARTMENT OF JUSTICE

DAVID W. OGDEN, OF VIRGINIA, TO BE DEPUTY ATTORNEY GENERAL.
THOMAS JOHN PERRELLI, OF VIRGINIA, TO BE ASSOCIATE ATTORNEY GENERAL.

HOUSE OF REPRESENTATIVES—Thursday, March 12, 2009

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, throughout the ages You recognize, more than we, those who show the greatest courage and patience in difficult times such as during war.

Those who serve in the military are often in our prayers, Lord, and deserve this Nation's greatest respect and gratitude. You alone know however the great sacrifice their families face when preparing to deploy, during deployment, and when their loved one comes home. Even more pain and long suffering is endured by those military families who lose a family member in service to their country.

Today, the House raises up in prayer all military families. Strengthen them in love and faith that they always prove supportive. Provide them with great grace and inner freedom to embrace the separation and flexibility demanded of them due to military orders.

Lord, above all others, it is the voice of military families that are proudly heard when our Nation's anthem is sung from "the land of the free and the home of the brave." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ELECTING MEMBER TO CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 237

Resolved, That the following named Member be and is hereby elected to the following

standing committee of the House of Representatives:

(1) COMMITTEE ON FOREIGN AFFAIRS.—Ms. Woolsey (to rank immediately after Mr. Gene Green of Texas).

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PAS-TOR of Arizona). The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

UNEMPLOYMENT IN NORTH CAROLINA

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, yesterday it was announced that North Carolina's unemployment rate for January is 9.7 percent. This represents a 16 percent increase from December, and it is at its highest mark in 26 years. I have good reason, Mr. Speaker, to worry that the numbers will be even worse in my congressional district when they are reported.

It was devastating to learn yesterday that Cummins Diesel, Incorporated, will lay off 25 percent of its workforce. That is 390 people in Rocky Mount, North Carolina, an area that is already suffering an unemployment rate of nearly 14 percent.

We must pull together, not as Democrats or Republicans, but as Americans, to rally behind President Obama's plan to revive our economy. This is not a quick fix. It is a measured, responsible, transparent and accountable approach.

Mr. Speaker, I urge my colleagues to join me in helping families who are hurting.

THANKING JAY LENO FOR HIS SUPPORT OF METRO DETROIT WORKERS

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, all too often, it seems as though celebrities get caught up in their own life and have little time for those who are struggling in this very difficult economy. Well, Jay Leno is not one of those people. In fact, I think

Jay Leno is an American hero today, because on Tuesday's Tonight Show, Jay Leno announced he will soon be doing a show at the Palace of Auburn Hills in Metro Detroit for the unemployed workers who have been struggling in this difficult economy, and the show will be absolutely free of charge.

Jay is donating his immense talent in an effort to give those workers who have been struggling a night out for a few laughs. I certainly also want to praise the leaders of the Palace who have offered up the facility free of charge for this event.

Jay Leno is a "car guy" who understands the hard work done by our Nation's auto workers and the incredible products they produce, and he understands that in this tough economy, many of those workers no longer have jobs.

It is absolutely outstanding that he is doing this to help lift their spirits and to help highlight the economic challenges that we face around our Nation, but especially in southeast Michigan. I want to thank you, Jay Leno. We in Metro Detroit welcome you, and you have our sincere thanks.

A COMPREHENSIVE APPROACH TO ECONOMIC RECOVERY

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to address our current economic crisis and the careful and responsible investments in America that President Obama and this Congress have made. The Federal Reserve has predicted that without action, our economy will contract by \$2 trillion over the next 2 years. With a recession that has persisted since December of 2007, we cannot expect an overnight cure. However we are cushioning the fall.

There was no one cause for the economic collapse. Instead, we have taken a number of positive steps in various areas to address the various facets of this economic decline. The second half of the TARP funding will help stabilize the financial sector. The American Recovery and Reinvestment Act will create millions of jobs, including 9,300 in my district. The Help Families Save Their Homes Act will keep millions of honest, hardworking Americans from foreclosure and help stabilize the housing values of their neighbors not currently in crisis. The Fiscal Year 2009

Omnibus Act the House recently passed adds crucial investments in public safety, energy efficiency, clean water and mass transit.

Mr. Speaker, I'm proud of the fact that this Congress has joined with the President in responding to the financial crisis.

THE TRUTH WILL GET YOU SUED

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, they say the truth will set you free. Well, maybe not. Now the truth may get you sued. Here is why.

The Staples Company fired an employee for lying on his expense account, and then sent a warning e-mail to all other employees on this action. The former employee sued, saying the company's actions were "malicious and harmful." A Federal court in Massachusetts ruled with the employee, even though the statements were true.

Mr. Speaker, it has long been the law in this country that libel and slander only occur when the statement is false and malicious. But not anymore. So what is going to happen when the New York Times has a headline tomorrow morning saying "Bernie Madoff, Worst Thief in American History, Goes to Jail?" Even though that statement might be true, while old Bernie is in the big house, he may decide to sue, saying his reputation is ruined.

Mr. Speaker, the Constitution protects free speech and a free press. The Federal courts in Massachusetts were wrong to say that truthful speech is unlawful if it offends somebody or hurts their little feelings.

And that's just the way it is.

DISPELLING A HEALTH CARE MYTH

(Mr. PATRICK J. MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, as we begin in this Congress a potentially transformational debate on the future of health care, I think it is time that we start dispelling some of the myths about American health care. So let's start with this one.

If I told you that the country which spent the most money on health care also ranked among the highest in wait times for care, opponents of health care reform would scream, "Well, that is what you get with socialized medicine." The sad fact is that I'm describing our own health care system. A recent study published in Business Week showed that amongst the six top industrialized nations, the U.S. ranked fifth in medical wait times. We ranked behind New Zealand, Britain, Germany and Australia. In addition, 26 percent

of Americans reported going to the ER for treatment because they couldn't get in to see their doctor, and ER wait times for heart attack patients has nearly doubled in the last 5 years.

So when you hear these anecdotes about people waiting for care in other countries that guarantee health care, know the facts. Americans wait longer.

□ 1015

CONGRESS SPENDING \$1 BILLION AN HOUR

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, folks in America ought to be outraged. They have a right to know that Congress has spent roughly \$1 billion an hour since the new President took office.

Recently, Michael Allen of Politico wrote about a speech in the other body. He described a crafty Senator's efforts to express his deep concern that the Nation is spending way too much money, and America can't afford this free-for-all spending Congress.

In just 50 days, the Congress voted to spend about \$1.2 trillion between the stimulus and the omnibus. That amounts to \$24 billion a day, or about a billion dollars an hour, most of it borrowed money.

Congress spending \$1 billion an hour? Pew.

HONORING CORPORAL BRIAN M. CONNELLY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I rise today to honor the life of Corporal Brian M. Connelly, who was killed in Iraq on February 26 when his vehicle was struck by a roadside bomb. Corporal Connelly was a combat engineer and was in the vehicle's gunning position at the time of the attack.

He lived in Union Beach, New Jersey, where he had recently married Kara Connelly. His job in Iraq as an engineer involved protecting the way for other soldiers. He lost his life essentially helping his comrades in arms.

His family and friends remember him as a man who had a great sense of humor and loved fishing and boating and being out on the water.

I attended the memorial service of Corporal Connelly in Keyport this past weekend to pay my respects to the corporal and his family and friends.

Too often we are tragically reminded of the human costs this war has placed on our country's citizens. His family kept a "Bring Our Troops Home" banner above their home, reinforcing their hopes that Brian would return home safely as soon as possible.

Corporal Connelly was an American hero. He was my constituent, and I am proud to pay tribute to him in our Capitol today.

DIFFICULT TIMES IN AMERICA

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, during these difficult times, families and small businesses across the land are making hard choices to make ends meet. Sacrifices are being made everywhere, except in Washington, D.C.

While Americans are finding ways to cut back, the Democrat Congress and our President have gone on an unprecedented spending binge, bailout after bailout, a \$1 trillion stimulus bill. Yesterday, the President signed an omnibus spending bill with an 8 percent increase in spending and 9,000 earmarks. And to make matters worse, the administration has proposed a massive Federal budget that spends too much, borrows too much and taxes too much, and the American people know it. Even a distinguished colleague on the Budget Committee said recently: "This is not an easy budget to market, for sure."

Well, I say respectfully to my colleagues, the problem with the President's budget is not marketing, it is content. The American people want Congress to do what they are doing, make sacrifices, be there for our neighbors and embrace fiscal discipline and responsible plans for growth; not a Federal budget that spends too much, taxes too much and borrows too much.

SPEND, BORROW, AND TAX TOO MUCH

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, in the land of spend too much, borrow too much and tax too much, and in the age of the trillion-dollar deficits, the American taxpayers deserve to know where their hard-earned money is being spent.

After the \$1.63 trillion spent in the stimulus and TARP bills, we need a system for transparency and accountability. That is why I have introduced the TARP and Stimulus Reporting and Waste Prevention Act. This bill requires complete disclosure of the TARP and stimulus spending, and it goes further than the President's "Recovery.gov." It establishes a waste, fraud and abuse hotline that provides protection to all whistleblowers, including Federal employees.

The bill will promote accountability policies for government agencies and companies that benefit from the bailout in the stimulus so that taxpayers

know that their money is not going to big bonuses and lavish resorts.

We owe it to the taxpayers to ensure that these funds are being used for designated purposes. It is their money, and they deserve to know.

PROVIDING FOR CONSIDERATION OF H.R. 1262, WATER QUALITY INVESTMENT ACT OF 2009

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 235 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 235

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1262) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. House Resolutions 218, 219, and 229 are laid on the table.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 235 provides for a structured rule for consideration of H.R. 1262, the Water Quality Investment Act of 2009. The rules makes in order 10 amendments, including all five of the Republicans' amendments considered for consideration.

Among the many challenges confronting us, none could be more elemental than protecting our water. Today, the nationwide system of wastewater infrastructure includes 16,000 publicly owned wastewater treatment plants, 100,000 major pumping stations, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers. It is estimated that we have already invested over \$250 billion on the construction and maintenance of this system. However, we are now in danger of losing that investment, if we do not act to maintain and improve the system.

The vast majority of the Water Quality Investment Act of 2009 is made up of five bills that the House considered and passed during the 110th Congress, four of which were not addressed by the Senate. With any luck, our colleagues in the other body will be able to address these important issues this Congress.

The need for serious investment in our infrastructure is clear. In 2002, the EPA estimated that there will be a \$534 billion gap between spending and needs for water and wastewater infrastructure in 2019. The EPA's Clean Watersheds Needs Survey of 2004 Report to Congress documented America's wastewater infrastructure needs at more than \$202 billion, and these are numbers from several years ago.

The Water Quality Investment Act of 2009 authorizes \$13.8 billion in Federal grants over 5 years to capitalize clean water State revolving loan funds that provide grants and low-interest loans to communities for water and wastewater infrastructure. These funds are critical to so many communities in the district that I represent. During December and January, it seemed like

every local official that I met with had a water or wastewater infrastructure project that was shovel-ready and in dire need of stimulus funds. The funding authorized by this bill will help to address that backlog of need.

H.R. 1262 also authorizes \$1.8 billion over the next 5 years for Sewer Overflow Control Grants programs. Addressing and eliminating combined sewer overflows is one of the biggest financial challenges facing communities in my district and all over the country.

Communities in the Northeastern United States tend to have old and deteriorating sewer systems. Old clay pipes with leaking joints and other weaknesses in the system allow outside water to infiltrate into the system. During heavy storms or spring snowmelt, this infiltration causes the system to overflow and discharge water and sewage into local rivers.

A number of county and municipal water systems in my district are facing multi-million dollar projects to prevent their systems from overflowing into the Mohawk River that runs from west to east across upstate New York and feeds into the Hudson River. Many of these communities have small populations, incapable of simply passing the cost of these projects on to ratepayers.

H.R. 1262 authorizes extended repayment periods of up to 30 years for the SRF loans to help lessen the burden on local ratepayers.

To further assist rural or small communities like these, the legislation also authorizes technical assistance to help them meet the requirements of the Clean Water Act and to assist them to gaining access to financing wastewater infrastructure. In the upstate New York district that I represent, I often hear from rural communities about the difficulties they have in finding and applying for grant and loan opportunities.

The most reliable way to prevent human illness from waterborne diseases and pathogens is to eliminate human exposure in discharged sewage. While system repairs and upgrades take time to implement, timely public notice can limit the human exposure when these discharges occur. The Water Quality Investment Act also requires owners and operators of publicly owned treatment works to monitor for and provide timely notification of sewer overflows to Federal and State agencies, public health departments and the public at large.

The legislation properly extends Davis-Bacon prevailing wage protections to contractors on treatment works projects that are constructed with my assistance from the State revolving loan funds. This prevents "cut-rate" crews from performing shoddy work and ensures that local contractors can competitively bid on local water infrastructure projects.

The bill also reinstates the applicability of the Buy American Act to

construction projects funded by Clean Water Act. In this way, the bill ensures that the investment we make in our infrastructure has the greatest possible benefit on the American economy. The Buy American provisions included in the Water Quality Investment Act are consistent with the Buy American provisions included in the final conference agreement of the American Recovery and Reinvestment Act.

The bill also increases the authorization to remediate contamination in the Great Lakes. In 2002, the EPA reported that pollution was impairing the use of 91 percent of the Great Lakes shorelines and 99 percent of the Great Lakes open water.

□ 1030

Impairment means that the shoreline of the open waters did not meet all of the designated uses, including fishing, swimming, and suitability for aquatic life. The leading causes of this impairment were pathogens, metals—mainly mercury—and toxic organic compounds. EPA noted that the dominant cause of shoreline impairment was historic pollution in the form of contaminated sediment.

H.R. 1262 increases to \$150 million per year the authorization for projects that address sediment contamination in the Great Lakes areas. Areas of concern are defined under the Great Lakes Water Quality Agreement between the United States and Canada as ecologically degraded geographic areas that require remediation. An area qualifies if at least one of 14 beneficial uses—fishing, swimming, drinking water, et cetera—is impaired as a result of contamination.

By increasing the authorization for the cleanup of contaminated sediment in the most polluted areas of the Great Lakes, the bill will improve opportunities for fishing, swimming, boating, and agriculture. This will help approximately 40 million people who live in the Great Lakes Basin. The level of authorization is consistent with the provision of the House-passed Great Lakes Legacy Act Reauthorization passed by the House in the fall of 2008.

Mr. Speaker, I strongly support the Water Quality Investment Act. I hope that my colleagues on both sides of the aisle will continue to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentleman from New York (Mr. ARCURI), for the time, and I yield myself such time as I may consume.

American taxpayers have invested billions of dollars in our sewage treatment infrastructure resulting in decades of progress in reducing waterborne illness from contaminated drinking water. By the way, Mr. Speaker, if

you look at the history of the 20th century, the single factor that contributed most to public health in the United States, and in the developed world generally, was the development, the spreading, if you will, throughout society of the ability of people to have access to clean water, clean drinking water. And so what we're dealing with today is perhaps more important than at first glance, it seems.

Now, unfortunately, whenever there has been, for example, an accidental breach in sewage treatment facilities, we see the repercussions of polluted water to public health, to our communities, and also to important industries such as tourism. That is why it is sound economic and environmental policy to invest in effective sewage treatment that ensures that the United States continues to have a healthy and vibrant aquatic ecosystem and clean water.

But the cost for these systems is expensive. In south Florida, the Miami-Dade Water and Sewer Department evaluated its wastewater needs through the year 2020 and determined that in order to maintain adequate transmission systems capability, treatment, disposal and the prevention of sanitary sewer overflows, that department alone in south Florida would have to spend over \$2 billion. The cause of many sanitary sewer overflow events is that the infrastructure is failing due to structural deterioration and corrosion. So Federal funding, such as is provided in the Water Quality Investment Act of 2009, will give additional assistance to proactively identify the infrastructure requiring replacement prior to failure.

Included in the underlying bill is \$13.8 billion in Federal grants over 5 years to capitalize the Clean Water State Revolving Funds for the construction of publicly owned wastewater treatment works and other wastewater infrastructure. And it provides low-interest loans to communities for wastewater infrastructure. These grants will encourage communities to consider alternative and innovative processes, materials, and technologies that maximize the potential for efficient water use, reuse, and conservation.

I would like to thank Chairman OBERSTAR and Ranking Member MICA for their hard work on this important bill that will help to keep our water safe and healthy and will also keep our ecosystem clean of wastewater.

Mr. Speaker, as you know, the underlying legislation consolidates five bills that passed the House in the 110th Congress. In the 110th Congress, the House considered two of these bills under modified rules. The majority set a precedent, thus, that these bills should be considered under at least modified open rules. Modified open rules allow Members in the House to debate and consider all amendments that are

preprinted in the CONGRESSIONAL RECORD. So why not do the same today? Those two bills, even with a modified open rule, easily passed the House. So is the majority so afraid of debate that, even on a noncontroversial bill like this, they feel they must restrict debate? It's a shame.

It is unfortunate that the majority continues to backpedal on the open debate precedent—even that they themselves set. Yet, considering the way the majority has run this House in the last Congress and in this Congress, it's not a surprise; it is just the way the majority conducts business.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, my colleague from the Rules Committee mentioned that this bill is costly. There is no question there is a cost associated with clean water. But I would submit, how do you put a price tag on clean water? How do you put a price tag on keeping the water that your family drinks and the water that is so important to life on this planet clean? There is no real price tag that you can put on it.

In my own county, Oneida County in New York, we are under a consent order from the State of New York to eliminate sewer overflow that discharges into our river during storms. It would cost \$150 million for our small community to fix our water system, but it's necessary for us to do that. And I would submit that, without projects such as this, local communities cannot keep their water clean and cannot do the kind of things that are necessary and so important for our country.

Mr. LINCOLN DIAZ-BALART of Florida. Would the gentleman yield?

Mr. ARCURI. I would yield.

Mr. LINCOLN DIAZ-BALART of Florida. Thank you. I hope my friend did understand that I praised the underlying legislation.

Mr. ARCURI. I understand.

Reclaiming my time, Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio, a former colleague from the Rules Committee, Ms. SUTTON.

Ms. SUTTON. I thank the gentleman from New York for his leadership on this issue and for the time that he has yielded to me.

Mr. Speaker, I rise today in support of the rule and the underlying legislation, H.R. 1262, the Water Quality Investment Act of 2009. This bill provides a total investment of \$18.7 billion over 5 years for much-needed water and environmental infrastructure. Not only will this bill help provide communities with improved water quality, but it must be remembered that it will create over 480 thousand jobs.

H.R. 1262 provides \$13.8 billion in Federal grants to the Clean Water State Revolving Fund over the next 5 years. This fund provides low-interest loans

to our communities so that they can repair wastewater infrastructure, and that is desperately needed. Like much of the Nation's infrastructure, the wastewater systems in my district are aging, and they are in dire need of repair, or, in some cases, replacement.

Mr. Speaker, I am also pleased that this legislation includes a "buy American" provision. This provision will require that steel, iron, and other manufactured goods used for the construction of these water projects are produced here in the United States.

The economic downturn has taken a toll on U.S. manufacturing, including the steel plants in my district in Ohio. And with this legislation, and with this "buy American" provision, we will be putting Americans back to work doing work that America needs to have done.

The bill also contains Davis-Bacon protections requiring that the workers who will do this work will be paid a local prevailing wage, a wage that will ensure that they are able to provide for their families, which is all that they really are looking to do.

Now, last year, Congress passed the Great Lakes Legacy Act to clean up contaminated toxic sediments that are endangering families and communities throughout the Great Lakes Basin, which is an area that is home to approximately 40 million people in eight States, including Ohio. As you may recall, Mr. Speaker, the House-passed version of that bill provided \$150 million each year through fiscal year 2013 for cleaning up the Great Lakes. However, our colleagues on the other side of the Capitol in the Senate operate under different floor rules, and one Senator was able to block action on the bill until funding levels for this program were cut by two-thirds.

This bill also restores the funding level for the Great Lakes Legacy Act projects to the level initially—and overwhelmingly—passed by the House last September. The residents of the Great Lakes Basin have been waiting far too long for these toxic sites to be cleaned up. The funding in this bill will allow for the cleanup of all contaminated sediment in the Great Lakes region by 2020. For these reasons, I urge a "yes" vote on the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 3 minutes to the distinguished gentlelady from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding, and I rise to support this rule, as well as the underlying legislation.

Mr. Speaker, it has been said that if the last century was all about the world's obsession with oil, that this century is going to be about water; fresh, clean water. Now, you cannot drink oil, but you cannot live without fresh, clean water.

In Michigan, we are truly blessed to be surrounded by the Great Lakes.

These bodies of water are a world treasure—not just a national treasure, but a world treasure—because they comprise fully 20 percent, or one-fifth, of the fresh water drinking supply of our entire planet. Unfortunately, after years of industrial pollution and sewage overflows from aging, inadequate underground infrastructure and sewage systems, all of this has taken a toll on our magnificent Great Lakes.

This bill, the Water Quality Investment Act, continues a very proud tradition of continuing our efforts to improve water quality, both in the Great Lakes and around our Nation as well. I want to commend Chairman OBERSTAR, as well as Ranking Member MICA, for their work on these very important bills. As has been mentioned, we are consolidating five very important bills that passed the House last year into this one piece of legislation which is, again, so critically important to our fresh water supply in our Nation.

Specifically, this bill is authorizing \$13.8 billion for capitalization grants for Clean Water Revolving Funds, and \$1.8 billion for grants to deal specifically with sewer overflows. It is estimated, Mr. Speaker, that 24 billion gallons of municipal sewage find their way directly into local water systems every year, and that is the equivalent of over 100 olympic-size swimming pools full of sewage each and every day getting into our water supply. This legislation recognizes this problem and acts to correct it.

This bill also reauthorizes the Great Lakes Legacy Act, which, unfortunately, will expire next year if we don't take action now. As a result of this act, nearly 800,000 cubic yards of contaminated sediments have been removed from areas of concern in the Great Lakes Basin. But we still have a very long way to go. We need to continue this good work because 31 areas of concern which have been designated remain in the United States alone, and then there are five others that are split between the United States and the nation of Canada. This bill increases the authorization for this program up to \$150 million annually, again, which will help us meet our goal of cleaning up the Great Lakes.

I also want to take a moment and mention my support for the application of Davis-Bacon requirements to projects funded from Clean Water Revolving Funds in this act. As a Member, Mr. Speaker, coming from the great State of Michigan, which is, unfortunately, suffering with over 11 percent unemployment today, I want to be absolutely certain that water infrastructure projects in my State are built by workers who live in my State, a State where we need every single job that we can get.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentlewoman an additional minute.

Mrs. MILLER of Michigan. Davis-Bacon ensures that local workers benefit from projects being done in their area.

The Water Quality Investment Act will help us make great strides, I think, in efforts to maintain and to improve our Nation's water infrastructure and to clean up the Great Lakes. As I say, for all these water projects throughout our entire Nation, as my colleague from Florida has mentioned, this is such a critically important piece of legislation. On our side, I think you can expect an awful lot of support for this bill.

Clean water is not a partisan issue. Water doesn't know if it's in a Republican district or a Democratic district or what kind of district it is, but it is for those of us in Congress to speak up and to support, again, this rule and this bill, and I would certainly urge my colleagues to do so.

The SPEAKER pro tempore. Without objection, the gentleman from Colorado (Mr. POLIS) will control the remainder of the time.

There was no objection.

□ 1045

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

It's wonderful to see such strong words of support from both sides of the aisle for this important piece of legislation.

I rise today in support of this rule and ask my colleagues to join me and pass the Water Quality Investment Act of 2009. I would like to thank Chairman OBERSTAR and the members of the Transportation and Infrastructure Committee for bringing forward this legislation, which will protect clean water for Americans.

Clean water is essential to America's urban and rural communities. With this legislation, our cities will be able to take a comprehensive approach to water and wastewater management. It combines green and traditional methods to create a sustainable infrastructure that provides clean drinking water and leverages our precious natural resources to meet the demands of growth.

For agricultural uses, the advancements in water storage and treatment will provide reliable, clean water supplies that are good for the economic stability of our rural economies and improve the quality of our food supply, keeping Americans healthy. In these difficult economic times, the infrastructure improvements made possible through this legislation will create jobs and reduce costs for municipal governments. I ask my colleagues to invest in clean, reliable water resources for all Americans by supporting this rule and voting for the Water Quality Investment Act.

This will also address the growing needs for improvements in our water treatment systems. Several sectors of our economy will benefit from the improvements in this bill. The Nation's farmers, fishermen, manufacturing, and tourism industries rely on clean water that carry out our economic activities that contribute more than \$300 billion to our economy each year. Our wastewater infrastructure is badly in need of the investment that this bill provides, Mr. Speaker, especially the \$13.8 billion in Federal grants that capitalize the Clean Water State Revolving Funds. States can use that money to repair and build wastewater treatment plants and pipes.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is a pleasure to yield 3 minutes to the distinguished gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, what we have before us is a rule on the Water Quality Investment Act, a rule sent to the floor by a committee the Speaker of the House controls, a Speaker who speaks often about the need for climate change legislation.

To that end, the Speaker of the House, Ms. PELOSI, went before the American people in February of 2007 and repeatedly disputed a report that her office requested a larger, fossil fuel burning military plane than has ever been used by a Speaker before. The type of plane which she denied requesting is exactly the type of plane that most certainly has a negative impact on our environment and the quality of water, the bill that is before us today under this structured rule. In fact, the Speaker went so far as to say in her rebuttal, "We didn't ask for a larger plane, period."

However, earlier this week, prior to the consideration of this rule we have before us now, new e-mail evidence was revealed that contradicts the Speaker's public statements from 2 years ago. These e-mails between the Speaker's staff and the Department of Defense show that it was the Speaker's office that requested the larger plane, not once but repeatedly.

While we are considering legislation today to provide quality water to the American people, I think we should also note for the American people that spending their taxpayer dollars on a luxurious plane for Speaker PELOSI could negatively impact the environment and our quality of water. But even if you disagree with me on that, you should be troubled by these new facts. These newly reported facts contradict the Speaker's prior statement, possibly jeopardizing the faith of the American people, who we are here today representing and trying to help with this water quality bill.

Most alarmingly, a member of the Speaker's staff threatened a wartime

budget of the Defense Department, implying that unless the Speaker's demands for personal luxuries were met, the defense budget itself would be placed in jeopardy. This is a department that has spent many resources developing and promoting clean water technology, like this bill before us today purports to do.

What did the Speaker know and when did she know it? The American people deserve the truth, something that this uncovered e-mail evidence shows the Speaker has not been telling them.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

According to the Environmental Protection Agency, without continued improvements in wastewater treatment infrastructure, future population growth will erode away many of the important achievements of the Clean Water Act. Without the sort of improvements that this bill, this bipartisan bill, includes, EPA projects that by 2016 wastewater treatment plants nationwide may discharge pollutants into U.S. waters at levels similar to those in the mid 1970s.

Mr. Speaker, this bill allows us to move forward rather than backward with regard to making sure that America's water supply is clean and safe. By requiring that workers on projects funded by the Clean Water State Revolving Funds be paid local prevailing wages, this bill promotes the payment of fair wages, as my colleague from Michigan pointed out on the other side of the aisle. This is important, both for its stimulative effect as well as being a future investment in our country.

The EPA reported in 2002 that pollution is impairing the use of 91 percent of the shoreline of the Great Lakes and 99 percent of Great Lakes open water. By authorizing \$750 million for cleanup of the Great Lakes, this bill will improve opportunities for fishing, swimming, boating, agriculture, industry, and shipping for the 40 million people in one of the hardest-hit areas of our country in the recession who live in the Great Lakes Basin.

The vast majority of the provisions of this bill were contained in five bills that were passed in the House in the 110th Congress, most of them with broad bipartisan support, and it passed the committee by a voice vote. The provisions in this bill are similar. By reinstating the applicability of the Buy American Act for the construction of projects funded, we can ensure that our money will be spent here and that the infrastructure expenditures will have the greatest possible benefit for the American people and the American economy.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank all of our colleagues who have taken to the floor to speak about this underlying legisla-

tion, which is important. Again, I want to thank Chairman OBERSTAR and Ranking Member MICA for their hard work in bringing forward this legislation and allowing the House to consider it today. I see that it's Thursday and the House has been waiting all week to get to this legislation, so I commend the majority for finally bringing the legislation to the floor on Thursday.

Having seen the reiteration of bipartisan support for the underlying legislation, I do so again, and once again I thank all our colleagues that have come to speak on the underlying legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself the balance of my time.

With regard to this rule, we are, in fact, advancing to the floor all of the amendments that were recommended in advance by the minority party. This will allow a full discussion, debate, and vote on all the important issues that still divide us on this bipartisan piece of legislation.

Mr. Speaker, the vast majority of the Water Quality Investment Act of 2009 is made up of five bills that passed the House with strong bipartisan support during the 110th Congress. Four of those bills were never addressed by the Senate. Those measures are:

First, the Water Quality Financing Act of 2007, which was passed by the House on March 7, 2007, by a vote of 303-108. Provisions of that bill comprise title I of the legislation we will consider today.

Secondly, the Healthy Communities Water Supply Act, passed by the House of Representatives on March 8, 2007, by a vote of 368-59. That legislation is included in H.R. 1262 as title II.

Third, the Water Quality Investment Act of 2007, passed by the House on March 7, 2007, by a vote of 367-58. Provisions of that bill comprise title III of the legislation that we will consider today.

Fourth, the Sewage Overflow Community Right-to-Know Act, which was passed by the House on June 24, 2008, by voice vote under suspension of the rules. This legislation is included in H.R. 1262 as title IV.

The Water Quality Investment Act of 2009 also includes an increased authorization for eligible projects that address contamination within the Great Lakes Areas of Concern. The authorization for these programs is consistent with the authorization contained in a previous version of the Great Lakes Reauthorization Act of 2008, which the House passed on September 18, 2008, by a vote of 371-20.

I would also like to emphasize that the rule for debate today makes in order every single amendment filed by the minority party. This rule will

allow for a full debate of the issues involved. At the end of that debate, I hope that this legislation will enjoy the same bipartisan support that its components enjoyed in the last Congress.

This bill will accomplish two things that have already become a key characteristic of all of our efforts here in the 111th Congress: It will create jobs and it will save energy. The Water Quality Investment Act will support quality paying jobs by ensuring that workers receive no less than local prevailing wages. By authorizing funding for cleanup of the Great Lakes, the bill will improve opportunities in the fishing, swimming, boating, agriculture, and shipping industries, which support approximately 40 million people in the Great Lakes Basin whose livelihoods are directly dependent upon clean water resources.

This bill has a thoughtful eye on the future by taking into account energy efficiency and water conservation. As a westerner, I understand the vast challenges we face with regard to our water supply. Establishing our water infrastructure that encourages and promotes conservation is of incredible importance for regions that will only see their water sources become fewer and farther between. In Colorado, we rely on clean water not only for municipal and agricultural use, but entire communities are supported by visiting kayakers, fly fishermen, and outdoorsmen from across the country who flock to our pristine rivers and streams. Our environment, communities, industries, and businesses all stand to gain under the provisions of this law. Without the infrastructure investments in this bill, the EPA has projected that our water quality could be set back decades to pre-Clean Water Act levels.

I urge my colleagues to vote "yes" on the rule and to vote "yes" on the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING PROCEEDINGS TODAY

Mr. POLIS. Mr. Speaker, I ask unanimous consent that during proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any questions that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 1262 and include extraneous materials in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

WATER QUALITY INVESTMENT ACT OF 2009

The SPEAKER pro tempore (Ms. SUTTON). Pursuant to House Resolution H. Res. 235 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1262.

□ 1058

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1262) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes, with Mr. PASTOR of Arizona in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Thank you, Mr. Chairman. I yield myself such time as I may consume.

The bill pending before us has been so well described in the discussion of the rule that it seems superfluous to repeat the major items of the pending legislation.

At the Rules Committee yesterday, I said, and our floor manager for the Rules Committee restated, that we bring to the House bills that passed the House in the 110th Congress individually. The gentleman from Colorado read off the votes, which were overwhelming, well over 300-plus votes in favor of each of those bills; just bipartisanship, nonpartisanship, overwhelming support for these measures.

Unfortunately, they went to the other body, never to be heard of again. So we thought it would be a better approach this year to combine those all into one bill, and maybe the other body can do one bill instead of five, we are hoping.

The commitment to clean water, though, cannot be taken so slightly,

cannot be just subject to "hotline holds" by the other body, cannot be subject to undisclosed holds, cannot be subject to indifference to action. The agenda for clean water is ours. It's for the next generation. It's to hand on to the next generation water in better condition than we received it from the previous generation.

I have been on the Committee on Transportation and Infrastructure from the time it was the Committee on Public Works. I started my career in this House in January of 1963 as Clerk of the Subcommittee on Rivers and Harbors, the oldest committee of the House, the first committee of the House.

Our work has evolved over many years to encompass a wide range of issues related to investment in the Nation's well-being, but none more fundamental, more important, than water. All the water we ever had on this Earth, or ever will have, is with us today. We aren't going to create new water from any technological source. No comet is likely to come into our orbit and deposit new ice to form water. Our responsibility is to care for the water we have.

Every day, 42 trillion gallons of moisture passes over the continental United States. Ten percent of that falls as moisture, 4.2 trillion gallons. Of that, some .4 trillion gallons is absorbed by the soil or evaporates. The rest, some 680 billion gallons, goes into surface waters of the United States. That is all we have every day, 680-some billion gallons.

We have to manage it well, make sure that we use it properly, that we return to the streams and lakes and estuaries of the Nation water in clean condition. This legislation will move us in that direction.

The centerpiece of this \$18.7 billion package of bills is restoration of and reauthorization of the State Revolving Fund from which funds are borrowed by municipalities to build wastewater treatment facilities, sewer lines, interceptor sewers, separate storm and combine storm and sanitary sewers. But for a dozen years, until the 110th Congress, that legislation had expired and had not been reauthorized. The funding was continued, but at lower levels of appropriation, for each of those 12 years until the 110th Congress.

That leveled off, because the authorization legislation could never make its way to the House floor, even though our committee was prepared to do that. We had bipartisan support within the committee, but could never get it to the House floor.

Well, we brought it to the floor in the 110th and passed it overwhelmingly, as I said earlier. It went to the Senate, and that has not moved.

The stimulus legislation provides funding of \$4.6 billion, half in loans and half in grant funds to the State Revolving Funds to create jobs and to deal

with the backlog of need in State wastewater treatment programs and sewer upgrades. Hardly a week goes by that I don't read of a matter main break or a sewer line break somewhere in this country.

It is commentary on the aging wastewater structure of this country and the need to rebuild it, need to upgrade our sewage treatment plant facilities built in the 1970s and some in the 1980s that are beyond their capacities or that are in need of new technology upgrades. This legislation will move us in the direction of dealing with those needs.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 9, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: I write to you regarding H.R. 1262, "the Water Quality Investment Act of 2009."

Section 1501 of H.R. 1262, as ordered reported, increases vessel tonnage duties. This provision falls within the jurisdiction of the Committee on Ways and Means. In addition, H.R. 1262 violates clause 5(a) of Rule XXI, which restricts bills and amendments from carrying taxes and tariffs not reported by the Ways and Means Committee.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill and will not oppose H.R. 1262 being given a waiver of Rule XXI. However, I agree to waive consideration of this bill with the understanding that this does not in any way prejudice the Committee on Ways and Means or its jurisdictional prerogatives on H.R. 1262 or similar legislation.

Further, the Ways and Means Committee reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Ways and Means for the appointment of conferees on H.R. 1262 or similar legislation. I also ask that a copy of this letter and your response be placed in the Committee report on H.R. 1262 and in the CONGRESSIONAL RECORD during consideration of this bill by the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES, COM-
MITTEE ON TRANSPORTATION AND
INFRASTRUCTURE,

Washington, DC, March 9, 2009.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR CHAIRMAN RANGEL: Thank you for your recent letter regarding H.R. 1262, the "Water Quality Investment Act of 2009". Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that section 1501 of H.R. 1262, as ordered reported, is of jurisdictional interest to the Committee on Ways and Means. I acknowledge that, by foregoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate

conference on those provisions over which the Committee on Ways and Means has jurisdiction in H.R. 1262.

This exchange of letters will be placed in the Committee Report on H.R. 1262 and inserted in the CONGRESSIONAL RECORD as part of the consideration of this legislation in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

I look forward to working with you as we move ahead with this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES, COM-
MITTEE ON SCIENCE AND TECH-
NOLOGY,

Washington, DC, March 6, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN, I am writing to you concerning the jurisdictional interest of the Committee on Science and Technology in H.R. 1262, the Water Quality Investment Act of 2009. The bill contains certain provisions which are within the Committee on Science and Technology's jurisdiction.

The Committee on Science and Technology acknowledges the importance of H.R. 1262 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Committee on Science and Technology and that a copy of this letter and of your response will be included in the legislative report on H.R. 1262 and the CONGRESSIONAL RECORD when the bill is considered on the House Floor.

The Committee on Science and Technology also asks that you support our request to be conferees on any provisions over which we have jurisdiction during any House-Senate conference on this legislation.

Thank you for your attention to this matter, and I look forward to working with you to pass this important legislation.

Sincerely,

BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES, COM-
MITTEE ON TRANSPORTATION AND
INFRASTRUCTURE,

Washington, DC, March 6, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Washington, DC.

DEAR CHAIRMAN GORDON: Thank you for your letter regarding H.R. 1262, the "Water Quality Investment Act of 2009".

I appreciate your willingness to waive rights to further consideration of H.R. 1262, notwithstanding the jurisdictional interest of the Committee on Science and Technology. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this or similar legislation. Further, I will support your request to be represented in a House-Senate conference on those provisions over which the Committee on Science and Technology has jurisdiction in H.R. 1262.

This exchange of letters will be placed in the Committee Report on H.R. 1262 and inserted in the CONGRESSIONAL RECORD as part

of the consideration of this legislation in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Chairman, anyone who drives on our bridges and roads, ships freight through our rivers and locks, or who has the responsibility to maintain our water quality knows that our country's infrastructure system needs attention. We as a Nation have allowed important components of our economic security to fall into disrepair.

Maintaining municipal water infrastructure has long been a local responsibility. It's a difficult task. Around the country, many communities have gotten behind.

To address this problem, we need a collective effort that focuses both on reducing cost and on increasing investment in water infrastructure at all levels, including Federal, State and local governments, local ratepayers and the private sector. No one element will be able to carry this responsibility alone.

The Congress believes in helping those communities that need help to get back into control of their wastewater management program and developing good management practices to ensure that the Federal Government does not become the financing mechanism of choice for these systems.

Our Nation's quality of life and economic well-being rely on clean water. However, that challenge to continue providing clean water is substantial, as our existing national wastewater structure is aging, deteriorating and in need of repair, replacement and upgrading.

As a Nation, we are not investing enough in our wastewater infrastructure to ensure that we will continue to keep our waters clean. Unless we act, we could lose the significant gains in water quality that have been achieved over the last 30 years.

In addition to reauthorizing the Clean Water State Revolving Fund, the bill also extends the pilot program under the Clean Water Act for alternative water source projects. Many communities are finding that their water needs cannot be met by existing water supplies. As a result, they are looking at alternative ways to alleviate their water shortages and enhance water supplies to meet their future water needs.

Some of these approaches they are looking at involve reclaiming, reusing or conserving water that has already been used. This bill helps them do that.

H.R. 1262 provides an authority to help communities meet some of their critical water supply needs through water reclamation, reuse, conservation

and management. The bill authorizes \$250 million over 5 years for the EPA to make grants to water resource development agencies for these sorts of alternative water source projects.

Another provision of H.R. 1262 reauthorizes grants to help communities address the widespread problem in our country of sewer overflows. As a result of inadequate or outdated wastewater infrastructure, raw sewage can flow into rivers or back up into people's basements. To provide communities some assistance to meet these needs, the bill authorizes additional resources for EPA to make sewer overflow control grants totaling \$1.8 billion to States and local communities.

The Water Quality Investment Act also contains a provision to improve the public's confidence in the quality of our Nation's waters and protect public health and safety. This provision requires that communities monitor for potential overflows in their sewer systems and notify the public whenever a release would threaten public health and safety. The public has a right to know when their lives are threatened by sewer releases.

Also included in this reauthorization is a reauthorization of the Great Lakes Legacy Act, authored by VERN EHLERS and enacted in 2002. The Great Lakes Legacy Act authorized the Environmental Protection Agency to carry out qualified sediment remediation projects and conduct research and development of innovative approaches, technologies and techniques for the remediation of contaminated sediment in the Great Lakes.

While I agree very much with the clean water goals of H.R. 1262, I am disappointed that the majority included language that requires Davis-Bacon wage rates to be used for all projects receiving any money from the Clean Water State Revolving Fund. Even projects paid for with State contributed funds will be subject to the higher wage rates.

I am not a supporter of Davis-Bacon, because it will make clean water projects cost more. It will especially hurt small disadvantaged communities who are trying to clean up their local waters, and it will force States that do not have their own prevailing wage rate law to adopt the expensive Federal Davis-Bacon requirement. The result will be fewer projects, fewer jobs and less clean water.

Despite my concerns with Davis-Bacon, I believe this to be a very, very good bill, a very, very good underlying bill, and I very much support it.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 5 minutes to the distinguished Chair of the Water Resources Subcommittee, Ms. JOHNSON of Texas, and yield myself 5 seconds to compliment her on the splendid work she has done in chairing this subcommittee in the

110th and in this Congress, and the groundwork she has laid to bring this legislation to the floor.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you to the Chair of the full committee and to the subcommittee members, as well as the full committee.

I rise in strong support of the Water Quality Investment Act of 2009. This legislation authorizes almost \$19 billion to protect and restore the integrity of U.S. waters, which are one of this country's most valuable natural resources. Over the past several decades, we have made significant progress in improving the quality of our water. Unfortunately, much of this progress is now at risk.

Today, approximately 40 percent of the rivers, lakes and coastal waters do not meet State water quality standards, and the problem is getting worse. Based on EPA estimates, without significant additional investment in our Nation's system of wastewater infrastructure, discharges into the U.S. waters could reach levels not seen since 1968, 4 years before the enactment of the 1972 Clean Water Act.

Moreover, much of the United States' water structure is approaching or has exceeded its projected useful life and is now in need of repair or replacement. Without significant investment now, this could have dire consequences for human health, aquatic ecosystems and our overall quality of life.

The Environmental Protection Agency and others estimate that we will need to invest between \$300 billion to \$400 billion over the next 20 years to address these water infrastructure needs. Current estimates show an annual funding gap of between \$3 billion to \$11 billion over our existing expenditures, from Federal, State and local sources.

This legislation will help jump-start the investment in these needs so that we will continue to have access to clean, safe water and so future generations can continue to enjoy the economic and recreational benefits of our water resources.

The Water Quality Investment Act of 2009 contains five titles which, together, will make great progress to this end. Each of these titles contain legislative proposals that passed through the House in the 110th Congress. Unfortunately, these important bills never became law.

The first title reauthorizes the Clean Water State Revolving Fund legislation. It is intended to address the Nation's infrastructure needs and to reaffirm the Federal commitment toward meeting the goals of the Clean Water Act. This title reauthorizes the Federal grant program for capitalizing State Revolving Funds at \$13.8 billion over next 5 years.

Further, the reauthorization provides increased flexibility in the types of

projects that the State Revolving Fund can finance. In addition, it seeks to improve the efficiency of our wastewater infrastructure by promoting, to the maximum extent practicable, the use of more energy and water-efficient practices.

□ 1115

This creates incentives for alternative energy approaches that will lower energy costs and reduce our greenhouse gas emissions. It also encourages the development of "green infrastructure" that decreases the amount of storm water that enters our waterways, relieving some of the strain on our aging wastewater treatment systems.

It also provides the States with increased flexibility in financing packages so they can offer the cities and local communities principal forgiveness and negative interest loans. This is intended to assist communities in meeting their water quality infrastructure goals, which is critical in this time of economic stress.

Title II of the Water Quality Investment Act of 2009 provides funding for the pilot program for alternative water source projects, and this program provides \$250 million in grant funding for a variety of projects, such as water reuse and recycling.

Title III of the legislation reauthorizes the Sewer Overflow Grant Program. This section provides \$1.8 billion over the next 5 years in grant funding for States to control combined sewer overflows. These overflows discharge annually an estimated 850 billion gallons of untreated or partially treated sewage directly into local waters.

In addition, combined sewer overflows are often the direct cause of beach closures, contamination of drinking water supplies, and other environmental and public health problems. This program will help address the critical needs of the approximately 700 communities in the United States that still depend on combined sewer systems.

The CHAIR. The time of the gentlewoman has expired.

Mr. OBERSTAR. I yield 1 additional minute.

Ms. EDDIE BERNICE JOHNSON of Texas. Title IV of the Water Quality Investment Act of 2009 creates a new Sewer Overflow Right-To-Know program. The legislation amends the Clean Water Act to require owners and operators of publicly owned treatment works to notify Federal and State agencies, public health officials, and the public of sewer overflows. This is an important step to increase transparency of this public health-related information and to protect the well-being of the public.

Finally, Title V of the legislation completes some unfinished business in last year's Great Lakes Legacy Act.

This provides funding for the cleanup of contaminated sediment around the Great Lakes.

My colleagues, it has been over 20 years since Congress last authorized appropriations for the Clean Water State Revolving Fund. These programs cannot wait any longer while the quality of our water deteriorates. It is time that Congress completes the task of sending these important provisions to the President for signing.

I encourage my colleagues to join me in voting for this act.

Mr. BOOZMAN. I continue to reserve the balance of my time.

Mr. OBERSTAR. I yield 2 minutes to a hardworking member of the committee, the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. On behalf of the residents of eastern Long Island, I would like to commend Chairman OBERSTAR and Chairwoman JOHNSON for their leadership and unwavering dedication to clean water issues. I would also like to thank Ranking Member BOOZMAN and the committee staff for their hard work and commitment to advancing this legislation.

The Water Quality Investment Act will renew our commitment to clean water in America and provide funding to chip away at the tremendous backlog of water infrastructure needs across the Nation. This legislation will increase investment, reduce costs, and promote efficiency in our water infrastructure.

I am particularly proud of Title IV of the bill that provides monitoring, reporting, and public notification of sewer overflows. My good friend, Mr. LOBIONDO of New Jersey, and I have worked to advance this issue for several years through independent legislation, the Sewage Overflow Community Right-To-Know Act, that is a part of this legislation.

Sewer overflows discharge roughly 850 billion gallons of sewage annually into local waters. These discharges end up in local rivers, lakes, streams, and the ocean.

The best way to avoid health and environmental concerns from sewer overflows is to ensure that they never occur in the first place, a primary goal of this legislation. However, even with significant increases in investment, sewer overflows will continue to occur. Therefore, it is imperative that we provide the public with comprehensive and timely notification of sewer overflows, which is also accomplished in this bill.

Mr. Chairman, the Water Quality Investment Act makes investments today to protect our families tomorrow. I encourage my colleagues to vote in favor of this commonsense legislation to ensure we maintain our commitment to clean water.

Mr. BOOZMAN. I will continue to reserve.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished

gentleman from Michigan, defender of the Great Lakes water, Mr. STUPAK.

Mr. STUPAK. I thank the gentleman for yielding, as I rise in support of H.R. 1262, the Water Quality Investment Act of 2009. I wish to personally thank Chairman OBERSTAR for his work and for including a provision I requested, which will improve water quality in the Great Lakes.

Water pollution in the Great Lakes comes from both Canadian and U.S. sources. In my district, residents of Sugar Island, located within the St. Mary's River Area of Concern, have to deal with water contaminated with E. coli, coliform, and other bacteria along their shoreline.

The problem is neither they, nor Federal or State regulators, have a clear understanding of how much the pollution is American in origin, how much is Canadian, resulting in a great deal of finger-pointing over responsibility for cleanup.

My provision within the manager's amendment would require the EPA to conduct a study, in consultation with the Department of State and the Canadian government, on all pollution discharges from wastewater treatment facilities into the Great Lakes. When the study is complete, the EPA is to provide recommendations on how to improve information-sharing and coordination between the two countries to protect the water quality of the Great Lakes. It is my hope that, with the conclusion of the study, our two countries can coordinate to meet our mutual goal of protecting Great Lakes water quality.

Again, thank you, Mr. Chairman, for addressing our concerns. This legislation will play an important role in helping communities upgrade and repair their aging water infrastructure, which will ensure the health of the Great Lakes, a source of drinking water for 45 million people.

I urge my colleagues to support this vital legislation.

Mr. OBERSTAR. How much time remains on both sides?

The CHAIR. The gentleman from Arkansas has 24½ minutes. The gentleman from Minnesota has 14½ minutes.

Mr. OBERSTAR. I reserve the balance of my time.

Mr. BOOZMAN. I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding. I rise in strong support of H.R. 1262, the Water Quality Investment Act of 2009. As previously stated, this legislation is an accumulation of five bills that individually overwhelmingly passed the House of Representatives in the 110th Congress but which were held up or significantly altered in the Senate.

I echo the comments made by Chairman OBERSTAR at the Transportation

and Infrastructure markup, that, by bundling these bills together, we can make it even easier for the Senate to act quickly. The provisions in this bill will go far toward helping restore and protect the Great Lakes, the largest fresh water source on the planet.

I have spent a considerable amount of time on this issue over the years. I want to deeply thank Chairman OBERSTAR for his dedication to this and his willingness to combine these bills in a very meaningful fashion. I also thank Mr. BOOZMAN for his good work on it, and Ranking Member MICA for his help as well.

Of particular interest to me is the reauthorization of the Great Lakes Legacy Act. The Great Lakes are plagued by toxic contaminants from years of industrial pollution that have settled in the sediment of tributaries to the lakes. These legacy pollutants degrade the health of both humans and wildlife and, if they are not cleaned up, they will remain toxic for generations to come.

We have known about these toxic materials for years. We lived in the vain hope that they might just stay in the sediments at the river bottom and not move into the lakes. But we now know that they are moving into the lakes. And that is the reason I authored the Legacy Act several years ago.

I have to say that the highest compliment I have received on that bill, and I have received it numerous times, is that this is the most effective, best Federal cleanup bill that was ever passed. Maybe we can now use this as a successful model to go back and clean up all the rest of the toxic dumps using the same approach we used here.

That is why I introduced the Great Lakes Legacy Act in the 107th Congress. With bipartisan support, Congress passed, and the President signed, the Legacy Act in 2002. Since then, the Legacy Act has been heralded, as I said, as the best and most effective Federal environmental cleanup program.

The interesting aspect of it, which was gratifying in some ways but disappointing in others, is that while the President of the United States every year requested the full authorization in his budget request, the Congress did not appropriate the money that the President had suggested. And I hope, Mr. Chairman and Mr. Ranking Member, that we can both work on this and make sure the appropriators are willing to appropriate the full amount that the President requests. We would be far ahead in cleaning up the toxic sediments.

Last year, Chairman OBERSTAR and I introduced the Great Lakes Legacy Reauthorization Act, which increased the authorization from \$50 million per year to \$150 million per year for 5 years. According to the Great Lakes Regional

Collaboration Strategy, if fully appropriated, this amount can potentially clean up all of the toxic sediments in the Great Lakes watershed in 10 years. That would be a major accomplishment at relatively low cost, and will stop the problem for all time.

Although the House last year passed this bill by a resounding 371–20 vote, the Senate was unable to overcome the objection of a single Senator who did not want to increase this authorization. A compromise was reached to reauthorize the program at its prior funding level, but to only reauthorize the program for 2 years.

During floor debate last year, Chairman OBERSTAR vowed to address this issue in the 111th Congress, and I am grateful that he has honored that promise in one of the first committee water bills to be taken up by the House in this Congress.

I also thank Chairman OBERSTAR and Ranking Member MICA for their support, as well as Ranking Member BOOZMAN. Their dedication to the Great Lakes issues have been most appreciated throughout the entire Midwest. The Great Lakes are the greatest treasure of pure water in the United States, and I am convinced that in the future water is going to be worth more than oil to the industrial machinery of our Nation. I believe you will see a resurgence of manufacturing and population around the Great Lakes, simply because of the availability of abundant clean water.

I am hopeful the Senate will be able to pass this bill soon so that we can speed our efforts to clean up and protect the Great Lakes. I urge all Members to support this important legislation. Once again, I thank all those who worked so hard on these bills so that they could reach this state. We hope to see them signed into law very soon.

Thank you, again, for the time.

Mr. OBERSTAR. I yield myself 1 minute to express my great appreciation to Mr. MICA for the splendid cooperation we have had and the bipartisan spirit in which we approached combining these bills into one package, one piece of legislation for the House floor; Ms. JOHNSON, for her splendid leadership as chair of the subcommittee; Mr. BOOZMAN as the ranking member, who has done splendid service to the Nation in his championship of water; and Mr. EHLERS. If it were up to me, I would rename this the Vern Ehlers Great Lakes Legacy Act. At some point in time, I think we will come to do that.

We do have a President from the Great Lakes region who has increased funding for the Great Lakes in the budget, but the details are yet to come. The overall dollar amount is increased, I'd say, Mr. Chairman. And I hope to work closely with the gentleman from Michigan as the details of the budget come out to designate the appropriate

amount of funding for the Great Lakes Legacy Act.

I yield 2 minutes to a refugee from the Committee on Transportation and Infrastructure, but still an advocate for our programs, particularly for clean water, the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Thank you, Mr. Chairman. I rise in support of H.R. 1262, the Water Quality Investment Act. I want to commend Chairman OBERSTAR and Subcommittee Chairwoman JOHNSON for bringing this critical legislation to the floor, and it has had bipartisan support for quite a few years. We didn't give up on it, did we?

H.R. 1262 makes many crucial investments in our country's water infrastructure system. Section 3 of the bill contains language we originally introduced a few years ago in our Water Quality Investment Act. The language authorizes \$1.8 billion in appropriations for grants to municipalities and States to control combined sewer overflows and sanitary sewer overflows. The municipalities just don't have the money to do this, yet we mandate them to do it. Figure that out.

□ 1130

Funding for infrastructure projects will help create jobs and spur the economy. For every \$1 billion, we create 40,000 jobs.

My provision is very important, especially for my colleagues in the Northeast and the Great Lakes area. Many of our older cities have combined sewer systems and suffer from overflows that send sewage and untreated waste flowing into streets, basements, rivers, and lakes. All in all, a total of 772 municipalities have combined sewer systems, serving approximately 40 million people. Problems that arise during wet weather events can be devastating and are one of the most pressing issues facing urban America. Our communities must be given access to the Federal resources necessary to upgrade their systems and to upgrade the Clean Water Act.

In its 2004 Clean Water Needs survey, the EPA estimated the cost to communities of addressing these particular problems at almost \$55 billion and the cost of the SSO problems to be \$88.5 billion; and here we are, \$1.8 billion.

The CHAIR. The time of the gentleman has expired.

Mr. OBERSTAR. I yield the gentleman an additional 1 minute.

Mr. PASCRELL. The vast majority of these costs will be borne by local communities, many with fewer than 10,000 people. As a former mayor, I know how difficult it is to keep a town going in tough economic times. These communities are struggling financially. Many are laying off critical personnel, like police officers and firefighters and teachers, because they struggle to provide even the most es-

sential services. During our current economic crisis, upgrading these infrastructures is completely out of reach to most of these towns.

H.R. 1262 serves many purposes financially and healthwise. I commend people on both sides of the aisle for making sure this gets done today, and we hope the folks on the other side of the building understand what this is all about. I pray for that.

Mr. BOOZMAN. Mr. Chairman, I yield such time as he would like to our distinguished ranking member, the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman from Arkansas for yielding, and appreciate his leadership.

As our ranking Republican leader on the Water Resources Subcommittee, I also want to thank Mr. OBERSTAR, my chairman of the full committee, who I am pleased to work with on our side of the aisle in what has been I think an example for the Congress, a bipartisan relationship, during the last 2 years. I want to compliment him on the water resources bill that we did together, when we sat down and we said we had not reauthorized water resources legislation for some 7 years, and we made a commitment together that we thought was in the best interest of the Nation.

Previously, the authorization levels were \$4 billion or \$5 billion. The bill that we offered, and there had been a backlog of projects and need for investment in our water resources infrastructure, was a \$24 billion measure which, unfortunately, got vetoed by the former President. But I helped in leading the 107th veto override in the history of the Congress, because both Mr. OBERSTAR and I, Democrats and Republicans, agreed. There were some disagreements with the administration, but we agreed that we had to invest in this Nation's infrastructure; that our sewer systems, our water systems, the basic infrastructure of this country needed that investment. We can't have in the United States Third-World water and sewer systems or storm drainage systems or antiquated municipal systems that serve our people, and essential public services that are outdated, aging, crumbling. So we made that commitment together.

Now, I was noticing that this legislation here, we passed five bills last time. Four of the bills, and I have the votes here, were all over 360 votes, a very small number of people in opposition to four of the votes. I think I supported all four of the measures. We did combine, however, in here an important bill that the chairman led, the provisions of House Resolution 720, that reauthorized State revolving funds and provides \$13 billion over 5 years in Federal assistance to further capitalize the funds for these projects, and this is a very important fund.

Now, let me just say that while I am supportive of the overall legislation,

even the level of funding that we put in here, I do have one reservation about the extension of the requirement for prevailing wage. And this is not a union-set wage; that is not the issue; it is a prevailing wage, and the way it is assessed in some of our areas. We have 18 States that will be penalized by having their funds that previously weren't subject to this, and they are State funds, and funds that come back into their fund are now also made subject to this prevailing Federal wage provision. And that is the one objection I do have to this legislation. Another gentleman from Florida (Mr. MACK) will offer an amendment, which we all agreed should be fully debated and heard. But that is my issue.

Now, if that provision comes out of the bill, I would support the entire measure. I am sorry that this small point that I disagree on would cause me not to support this bill on final passage if it is included. But this is basically a good piece of legislation. It does have a question about extension of some of these things, these prevailing wage issues and, again, the way they assess this prevailing wage; and maybe we should go back and change this.

First of all, I have no problem with prevailing wage, and we should have it in our large urban areas. We should also give States discretion to set levels of wage even beyond the Federal requirement, and some of those jurisdictions do. We do have a Federal minimum wage, so no one is trying to make people work for less than the Federal minimum. But sometimes the area in which we assess that prevailing wage does expand into some of the smaller communities. So they are going to be paying more and getting less, or marginal projects will get left behind because they don't have the resources that they can expend. And it does, again, diminish the amount of money that they can have available by this new requirement. So that is the one area of disagreement we have.

I compliment the staff, the ranking member's, Ms. JOHNSON—I don't see her here today—Mr. OBERSTAR, and the gentleman from Arkansas (Mr. BOOZMAN) for their leadership on this issue, and I hope we can proceed. And I hope that even if this does pass today with that provision, that we can work with the other body and make the basic provisions of this legislation the law of the land and improve our infrastructure.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER), a former member of the Committee on Transportation and Infrastructure, an adjunct member of the committee.

Mr. BLUMENAUER. I prefer, Mr. Chairman, to think of myself as an associate member of the committee. It is a source of great pride and interest for

me to have served under your leadership for 12 years on that committee and with EDDIE BERNICE JOHNSON on this subcommittee.

I rise in support of this bill today. I take modest exception to my good friend from Florida talking about the problems of prevailing wage. We have only to look at Louisiana and New Orleans, and the post-Katrina debacle where we suspended Davis-Bacon. What happened? The work was done for people literally who were working in many cases for barely minimum wage, there was all sorts of money involved went to subcontracts and we had a lot of shoddy workmanship.

In my State, the voters took this on directly, voting 60/40 to have a State prevailing wage. This protects working men and women and helps provide better quality of workmanship on these critical projects. We need the best workmanship, and we need this bill.

Our Nation's water infrastructure has grown while funding has declined. The American Society of Civil Engineers came out with their 5-year report card, and guess what—water infrastructure: D-minus. And some would say they were grading on a curve.

We have massive needs in the foreseeable future, and the Water Quality Investment Act is an important step towards meeting those needs. It recognizes the challenges we face and will provide communities with new tools to cope with them.

I particularly appreciate the support for green infrastructure and the general movement towards a more sustainable system, both fiscally and environmentally. Green infrastructure often involves nonstructural approaches that can have added environmental and quality-of-life benefits that save communities money.

I worked for 10 years in Portland as Commissioner of Public Works on cleaning up the Willamette River that flows through the heart of our city. We had to spend \$1 billion on a big pipe, because it rains all the time in Portland, and any time it rained more than two-tenths of an inch in 2 hours, we were having overflow into that river. But we also worked on nonstructural approaches. We found that green infrastructure reduced peak flows by 80 to 85 percent. We disconnected almost 50,000 downspouts at \$53 per downspout. It cost less than \$3 million but reduced over 1.2 billion gallons of runoff. If we had tried to do that only with big pipes, it would have cost far, far more, literally hundreds of millions of dollars.

The CHAIR. The time of the gentleman has again expired.

Mr. OBERSTAR. I yield the gentleman another 1 minute.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, because there is one area that I hope to work on with him and the committee, and that is

how we make sure we are focusing on clean water infrastructure that makes repairs and enhancement as a priority. In some places we have to go to new construction, but most of the threats to our communities, from Detroit to Cincinnati to Portland, is the existing infrastructure that is in sad need of repair. I hope, as this works its way through the legislative process, that we might be able to fine-tune that a little bit to give priority to fixing it first where there is the greatest impact and the greatest hope.

I deeply appreciate the leadership of the committee once again, and look forward to working with people on both sides of the aisle to get this important legislation passed and to realize these benefits in a way to make all our communities more livable and our families safer, healthier, and more economically secure.

The CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. DRIEHAUS) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1127. An act to extend certain immigration programs.

The message also announced that pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105-275 (adopted October 21, 1998), further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 21, 2004), the Chair, on behalf of the Republican leader, announces the appointment of the following Senator as member of the Senate National Security Working Group for the One Hundred Eleventh Congress:

The Senator from South Carolina (Mr. GRAHAM).

The message also announced that pursuant to Public Law 101-509, the Chair, on behalf of the Republican Leader, announces the appointment of Terry Birdwhistell, of Kentucky, to the Advisory Committee on the Records of Congress.

The message also announced that pursuant to Public Law 100-696, the Chair, on behalf of the President pro tempore, appoints the Senator from Alaska (Ms. MURKOWSKI) as a member of the United States Preservation Commission.

The SPEAKER pro tempore. The Committee will resume its sitting.

WATER QUALITY INVESTMENT ACT OF 2009

The Committee resumed its sitting.

Mr. BOOZMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I appreciate the bill here today, and I would just like to highlight the issue that, as we commit taxpayers' funds to addressing the environmental issues that face this country, that we recognize that outcome is what really matters when we talk about spending money to clean up the environment.

Chairman OBERSTAR has worked with me for years on a problem that we have got to address, and I am not saying we as my district, I am saying nationally; that we have sent funds all over the country and looked at process, rather than how a city or a community may impact the environment.

□ 1145

A good example is the fact that you may have a city of Chicago that was outrageous in saying they were worried about polluting Lake Michigan, because they were polluting their own water. But they built a canal so they can dump the water into the Illinois River and pollute all the waters of the Mississippi.

I think one of the things that we have got to recognize is being smart with our money and addressing the fact that these funds should go to where is the best environmental benefit. And a good example would be the fact that there are certain areas where the treatment of the sewage at its existing level has no net negative impact, but there are other areas which have highly sensitive environments that are being polluted, even though the Federal law technically is being protected, things like the secondary mandate, where we should be putting our resources into tertiary and reclamation, where you end up having areas like deep-water discharge places, where right now scientists will tell you there is no net degradation.

So I would just ask the majority to take a look at when we focus these funds, that we focus it where the most benefit to the environment can be given, much like we have done in California. We have gone beyond the process issue and gone to the outcome-based environmental review, the Clean Oceans Project, so that we spend every cent in a manner that protects the environment and not just fulfill a regulatory problem. And so I think it is absolutely essential that we avoid situations like we have run into in southern California, where the environmental impact report says that—

The CHAIR. The time of the gentleman has expired.

Mr. BOOZMAN. I yield the gentleman another 2 minutes. I think he makes some excellent points.

Mr. BILBRAY. The example is, Mr. Chairman, where you have got an environmental impact report that says that if you execute the letter of the law, you would be hurting the environment. And no one ever meant that to happen. I want to make sure that as we move forward that the letter of the law reflects protection for the environment first, not just following a regulation blindly. The law should always be reminded that it is here to protect the environment first, not just blindly move forward in spending taxpayers' funds.

And that is where I would ask that the committee take a look at these situations. I think Hawaii is in a situation where we may be sending funds to Hawaii to build facilities that do not have a net positive impact on the environment. I don't think any of us ever meant for clean water funds to be diverted into an area that is not helping the environment when you have areas that desperately need these funds.

And that is one of those things I think we have to recognize, the environmental community, the days of just caring being enough, are over. It is essential that those of us who want to protect the environment need to be smart and make sure that every cent spent, both local and Federal, go toward helping the environment, not just fulfilling a regulatory guideline and not just providing a threshold that somehow looks good on paper but doesn't protect the environment.

And I look forward to working with the chairman and making sure that every dollar spent in this program helps the environment, cleans up the environment, and does it in a manner that we maximize the benefit, because there are not enough funds to go around to waste it. And that is why I look forward to working with the chairman in making sure that every dollar does the best it can for the American people and the environment we live in.

Mr. OBERSTAR. I yield myself 5 seconds to thank the gentleman from California for his enthusiasm and assure him that we will work for full funding.

I yield 2 minutes to the distinguished gentleman from New Mexico (Mr. TEAGUE), a member of the committee.

Mr. TEAGUE. I rise today in support of Chairman OBERSTAR's manager's amendment to H.R. 1262, the Water Quality Investment Act. The manager's package includes my amendment to the bill, the Teague-Green wastewater amendment.

My amendment is simple. It allows wastewater utilities to use resources from the Clean Water State Revolving Funds to implement renewable energy production and energy-efficient projects in their plants.

Wastewater treatment plants are large consumers of power. Along with

drinking water facilities, they consume approximately 35 percent of the energy used by municipalities. Together, they constitute 3 percent of national energy consumption, sending approximately 45 million tons of greenhouse gases into the atmosphere each year.

We need to give our wastewater infrastructure an energy makeover. With my amendment to the eligible activities associated with the Clean Water SRF, the revolving funds can become prime motivation for energy conservation and energy generation at wastewater plants across the country. Employing resources from the SRF, plants can generate power from in-circuit hydro turbines, biogas produced through anaerobic digesters, and solar panels and wind turbines, all offsetting electricity purchased from the grid.

The Teague-Green Wastewater Amendment will reduce the amount of energy consumed by wastewater plants, create green jobs, reduce greenhouse gas emissions and save money for taxpayers. It is what I like to call common sense.

I want to thank the chairman for including my amendment in the manager's package and for crafting this excellent piece of legislation.

Mr. BOOZMAN. Does the gentleman have any more speakers?

Mr. OBERSTAR. We have no more speakers. I will close on our side if the gentleman is prepared to close.

Mr. BOOZMAN. Mr. Chairman, I wanted to associate myself with the remarks of our ranking member, Mr. MICA, in regard to Davis-Bacon. I have some real concerns with the extension there. But I do rise in support of the bill. I believe the underlying bill is a very, very good bill.

I was visiting with former Member John Paul Hammersmith, one of my predecessors who was here for many, many years with Mr. OBERSTAR. I had lunch with him. And he asked me what was on the agenda. And we talked about the water issues and things. And he, like Mr. OBERSTAR, gave me the history and again related how hard you all had worked together, Mr. OBERSTAR, to get these things done. And we do thank you for your very hard work for many, many years really laying the groundwork. So we have a tremendous amount to do, but we need to get it done. So we do appreciate that, Mr. Chairman.

The other thing is I would like to thank Mr. EHLERS for his hard work in the Great Lakes. Again, he has dealt with this for many, many years. And as you said, this truly is a model for this type of bill. The other thing I would like to do is thank Ms. JOHNSON for her leadership as my chairman on Water Resources, for her shepherding this through committee and now shepherding it through the House. And then, as always, Mr. MICA in his position as ranking member, again, for

doing the same thing. I also want to thank the staffs for their hard work on both sides. They do a tremendous job. And we appreciate their efforts.

I do support the bill and urge its passage.

And I yield back the balance of my time.

Mr. OBERSTAR. I yield myself the balance of time on our side.

I appreciate the reflection of the gentleman from Arkansas about Mr. Hammersmith. He was one of the giants of this House, a truly distinguished person. He approached every issue thoughtfully, reflecting on the substance of the matters, never a tone of partisanship in his presentation in committee or on the floor. And a particularly touching experience for me was some years ago, Mr. SHUSTER was chair of the full committee, and we moved the first authorization of EDA in years. And as the bill was moving toward final passage on the floor, I got a message from the Republican cloakroom that Mr. Hammersmith was on the phone. So with trepidation in my heart, I marched into the Republican cloakroom and picked up the phone. And John Paul Hammersmith was on the other end of the line laughing. And he said, "I have always wanted to get you over here in our cloakroom. Congratulations on passage of the bill." It was so typical of John Paul Hammersmith. He cared about the substance, and still does, of our work here, as does his successor, Mr. BOOZMAN.

Mr. Chairman, this package of legislation is not a jobs bill, although it follows on the Economic Recovery Act, which provides funding for these projects for water, for sewer and sewage treatment facilities, and water infrastructure financing. This isn't a list of projects from the State of Minnesota. I have one here for wastewater infrastructure needs for the State of New York. There are thousands, thousands—6,900 such projects—by the various water infrastructure agencies across the Nation that are ready to go, ready to be built. Minnesota has prioritized these in the Minnesota Public Facilities Authority from 1 through 261 on wastewater projects.

And the need is enormous. We have 12.5 million people out of work in the United States. Of that number, 2 million in the construction trades are out of work. And the unemployment rate of 8.1 percent nationwide for February is the highest in 25 years. By passing this legislation and putting to work the funding that the administration has indicated in its budget for the fiscal year that starts in October, we can make a serious dent in the unemployment numbers that I just cited, along with what will be accomplished with the roughly \$5.6 billion in stimulus, half of which is in grant money and half of which is in loan funds. But we will create jobs in both packages, both this legislation and the stimulus need.

As to Davis-Bacon, I will save my remarks for the amendment to be offered by the gentleman from Florida (Mr. MACK). Suffice it to say that at a time of high unemployment, of desperate need across this country, an economy that needs people with income and ability to spend, to buy and to stimulate this economy, why would you tell folks, work for less? Why would you tell people, work for just at or below the minimum wage? Prevailing wage is not the union wage. Robert Reich, former Secretary of Labor, said in a radio statement just the night before last, "right now we need people working at union wages. We need people with money in their pocket to buy, to stimulate this economy." And with the stimulus package, we will be putting people to work, paying them for work, not paying them unemployment checks for not working. We will discuss that at more length.

I now urge the passage of H.R. 1262.

Ms. JACKSON-LEE of Texas. Mr. Chair, I rise today with great enthusiasm for H.R. 1262, the "Water Quality Investment Act of 2009", which renews the Federal commitment to addressing our nation's substantial needs for wastewater infrastructure by investing \$18.7 billion over five years in wastewater infrastructure and other efforts to improve water quality. H.R. 1262 increases investment in wastewater infrastructure, reduces the cost of constructing and maintaining that infrastructure, and promotes energy- and water-efficiency improvements to publicly owned treatment works to reduce the potential long-term operation and maintenance costs of the facility.

Mr. Chair, from my perch as Chairwoman of the Subcommittee on Transportation and Infrastructure Protection I have promoted shoring up our water infrastructure. Indeed, in the last Congress I introduced Chemical Facility Security Improvement Act of 2007, which prohibits federal funds from being used by the Secretary of Homeland Security to approve a site security plan for a chemical facility unless the facility meets or exceeds security standards and requirements to protect it against terrorist acts established by the state or local government for the area where it is located.

Although much progress has been made in achieving the ambitious goals that Congress established more than 35 years ago to restore and maintain the physical, chemical, and biological integrity of the nation's waters, longstanding problems persist, and new problems have emerged. Water quality problems are diverse, ranging from pollution runoff from farms and ranches, city streets, and other diffuse or "nonpoint" sources, to "point" source discharges of metals and organic and inorganic toxic substances from factories and sewage treatment plants. And many of these problems need funding—and frankly cannot wait. The quality of our water supply is at stake.

My bill also amended the Department of Homeland Security Appropriations Act, 2007 to: (1) repeal a provision prohibiting the Secretary from disapproving a site security plan based on the presence or absence of a particular security measure; (2) require vulner-

ability assessments and site security plans to be treated as sensitive security information; and (3) repeal a provision limiting to the Secretary any right of action against a chemical facility owner or operator to enforce security measures. The connection is that water facilities use chemicals to ensure safety and eliminate harmful elements.

The main law that deals with polluting activity in the nation's streams, lakes, estuaries, and coastal waters is the Federal Water Pollution Control Act, commonly known as the Clean Water Act, or CWA. It consists of two major parts: regulatory provisions that impose progressively more stringent requirements on industries and cities to abate pollution and meet the statutory goal of zero discharge of pollutants; and provisions that authorize federal financial assistance for municipal wastewater treatment plant construction.

Both parts are supported by research activities, plus permit and enforcement provisions. Programs at the federal level are administered by the Environmental Protection Agency (EPA); state and local governments have major responsibilities to implement CWA programs through standard-setting, permitting, and enforcement.

The water quality restoration objective declared in the 1972 act was accompanied by statutory goals to eliminate the discharge of pollutants into navigable waters by 1985 and to attain, wherever possible, waters deemed "fishable and swimmable" by 1983.

Although those goals have not been fully achieved, considerable progress has been made, especially in controlling conventional pollutants (suspended solids, bacteria, and oxygen-consuming materials) discharged by industries and sewage treatment plants.

I have noted that progress has been mixed in controlling discharges of toxic pollutants (heavy metals, inorganic and organic chemicals), which are more numerous and can harm human health and the environment even when present in very small amounts—at the parts-per-billion level. Moreover, efforts to control pollution from diffuse sources, termed nonpoint source pollution (rainfall runoff from urban, suburban, and agricultural areas, for example), are more recent, given the earlier emphasis on "point source" pollution (discharges from industrial and municipal wastewater treatment plants). Overall, data reported by EPA and states indicate that 45% of river and stream miles assessed by states and 47% of assessed lake acres do not meet applicable water quality standards and are impaired for one or more desired uses. In 2006 EPA issued an assessment of streams and small rivers and reported that 67% of U.S. stream miles are in poor or fair condition and that nutrients and streambed sediments have the largest adverse impact on the biological condition of these waters. Approximately 95,000 lakes and 544,000 river miles in the United States are under fish-consumption advisories (including 100% of the Great Lakes and their connecting waters), due to chemical contaminants in lakes, rivers, and coastal waters, and one-third of shellfishing beds are closed or restricted, due to toxic pollutant contamination. Mercury is a contaminant of growing concern—as of 2003, 45 states had issued partial or statewide fish or shellfish consumption advisories because of elevated mercury levels.

The last major amendments to the law were the Water Quality Act of 1987. These amendments culminated six arduous years of congressional efforts to extend and revise the act and were the most comprehensive amendments since 1972. Authorizations of appropriations for some programs provided in P.L. 100–4, such as general grant assistance to states, research, and general EPA support authorized in that law, expired in FY1990 and FY1991.

Authorizations for wastewater treatment funding expired in FY1994. None of these programs has lapsed, however, as Congress has continued to appropriate funds to implement them. EPA, states, industry, and other citizens continue to implement the 1987 legislation, including meeting the numerous requirements and deadlines in it.

The Clean Water Act has been viewed as one of the most successful environmental laws in terms of achieving its statutory goals, which have been widely supported by the public, but lately some have questioned whether additional actions to achieve further benefits are worth the costs.

Criticism has come from industry, which has been the longstanding focus of the act's regulatory programs and often opposes imposition of new stringent and costly requirements. Criticism also has come from developers and property rights groups who contend that federal regulations (particularly the act's wetlands permit program) are a costly intrusion on private land-use decisions. States and cities have traditionally supported water quality programs and federal funding to assist them in carrying out the law, but many have opposed CWA measures that they fear might impose new unfunded mandates.

Many environmental groups believe that further fine-tuning is needed to maintain progress achieved to date and to address remaining water quality problems.

I am committed to ensuring that I continue to do my part as the Chairwoman of the House Homeland Security Subcommittee on Transportation and Infrastructure Protection.

Mr. COSTELLO. Mr. Chair, I rise today in strong support of H.R. 1262, the Water Quality Investment Act. We must provide means for local communities to address wastewater treatment needs. H.R. 1262 seeks to provide \$13.8 billion over five years for the clean Water State Revolving Fund and provides low interest loans to communities for wastewater infrastructure. The bill also provides \$250 million in grants over five years for alternative water source projects and authorizes \$1.8 billion over five years in grants to municipalities and states to control sewer overflows.

This legislation is critically needed to help meet America's clean water needs.

H.R. 1262 also renews Davis-Bacon on projects, which requires that contractors and subcontractors that receive federal funds on wastewater treatment projects be paid at least the prevailing local wage rate.

I firmly believe it is necessary that the Davis-Bacon prevailing wage requirement applies to all construction projects with federal funds.

I commend Chairman OBERSTAR and Chairwoman JOHNSON for reestablishing what Congress clearly intended.

Davis-Bacon is as important now as it was in the 1930s. It prevents competition from "fly-

by-night" firms that undercut local wages and working conditions and compete, unfairly, with local contractors for federal work.

It helps stabilize the industry to workers and to employers. In addition, Davis-Bacon may help ensure better craftsmanship and it may reduce both the initial cost of federal construction through greater efficiency and decrease the need for repair and/or rehabilitation.

I oppose any such motion to strike the Davis-Bacon provisions and strongly urge my colleagues to do the same.

With that, Mr. Chair, H.R. 1262 is very important to our communities because it is another avenue for them to use for improving water quality across the country. Again, I strongly support H.R. 1262 and urge my colleagues to as well.

Mr. MITCHELL. Mr. Chair, I rise today in support of H.R. 1262, the Water Quality Investment Act of 2009.

This is an important bill that will help close the approximately \$3.2 to \$11.1 billion gap between our nation's wastewater infrastructure needs and our current levels of federal assistance.

This bill is especially important for Arizona, because it will finally begin to address a grossly inequitable funding formula that long plagued our state.

Inexplicably, and unfairly, the formula used to distribute federal assistance to State Clean Water Revolving Funds (SRFs) remains linked to Census data from 1970.

While, obviously, this is not a problem for states that have lost population, or whose population has remained stable, it's a huge problem for states like Arizona, whose population has grown dramatically.

Since 1970, Arizona's population has more than tripled.

As a result, we've been getting massively short-changed.

Arizona ranks 9th in the nation in terms of need, but we rank 37th in receipt of federal funding for SRFs. On a per capita basis, Arizona ranks 53rd. Even the territories do better than we do.

This is a disparity that belies any pretence of fairness, and it needs to change.

If enacted, the Water Quality Investment Act of 2009 will begin that process.

I want to thank Chairman OBERSTAR for his leadership on this issue, and for his continued commitment to fairness.

I urge my colleagues to support H.R. 1262, and I look forward to its final passage.

Mrs. MCCARTHY of New York. I rise today in support of H.R. 1262, the Water Quality Investment Act of 2009.

The legislation makes important investments in our nation's water systems and strengthens the environmental protections of our waterways.

I want to thank Chairman OBERSTAR and the Transportation Committee staff for working with me to include my amendment in the manager's amendment to the bill.

I also want to thank Representatives BALDWIN, SCHWARTZ, and INSLEE for joining with me as cosponsors on the amendment and for their continued efforts to work with me to make our waters safe.

Our waterways provide a source of recreation and impact the food supply for all Americans.

And, perhaps most importantly, our waterways are the source of our drinking water.

In 2008, the Associated Press found pharmaceuticals in the drinking water supplies of approximately 46 million Americans.

In my state of New York, health officials found heart medicine, infection fighters, estrogen, mood stabilizer and a tranquilizer in the upstate water supply.

Six pharmaceuticals were found in the drinking water right here in Washington, D.C.

We don't know how the pharmaceuticals enter the water supply.

It is likely that some enter the water supply through human waste, runoff from agricultural operations, and the improper disposal of unused pharmaceuticals.

In addition to antibiotics and steroids, EPA has identified over 100 individual pharmaceuticals and personal care products in environmental samples and drinking water.

As a nurse, I am concerned that the presence of the pharmaceuticals in our nation's waters may have negative effects on human health and wildlife.

This amendment requires EPA to conduct a study on the sources of pharmaceuticals and personal care products in our waters and the effect that they have on the environment and human health.

Upon completion of this study, EPA is required to issue a report detailing their findings.

The study also requires that EPA identify methods that can be used to treat the water and remove the pharmaceuticals if we need to, and to prevent them from entering the water in the first place.

Pharmaceuticals and personal care products include prescription and over-the-counter therapeutic drugs, fragrances, lotions, and cosmetics, as well as products used to enhance growth or health of livestock.

The results of this study will prompt responses from the scientific community which can help form the basis for future research.

The report from the study will be used as part of the government's efforts to better understand the effects that pharmaceuticals in our waters have on human health and wildlife and to craft appropriate legislation that addresses the issue in a responsible manner.

I want to stress that this effort is not intended to make any presumptions or accusations.

We are just looking for more information so that we can make better informed choices and eventually move forward on sensible policies.

Hopefully, the study will give us more information about the presence, source, and effects of pharmaceuticals in our waters so that we can begin efforts to ensure that the water is safe.

We must begin to better understand the impact pharmaceuticals have on our environment and on our health. It is especially important that we make sure that our constituents can feel confident that they are drinking clean, safe water.

We need to find out how these contaminants got in the water, what the risks are and what steps we need to take to solve the problem.

It is vital that Congress take up and champion the cause of keeping our waterways and drinking water safe.

This is a public health issue, an environmental issue, and an economic issue.

I urge my colleagues to support the manager's amendment and the underlying bill.

Ms. MATSUI. Mr. Chair, I would like to begin my remarks today by thanking Chairman OBERSTAR for his work on this critical issue.

He has been a champion for our country's infrastructure.

Whether it is wastewater, roads, bridges, dams, or levees, Chairman OBERSTAR has been the one to fight for the funding we need to keep our country running smoothly.

When it is working properly, our wastewater system is not something that we think about very often.

But the minute something goes wrong, wastewater instantly becomes the most important issue of all.

In my hometown of Sacramento, the city has invested hundreds of millions of dollars to upgrade the combined sewer system in our central city.

Using funding provided from the Federal Government, Sacramento has renovated older pumps, built treatment plants, and increased storage.

The price of clean water and healthy ecosystems is high, Mr. Chair. But the benefits they provide to our society are even greater.

And that is why I am so supportive of the legislation before us today.

It authorizes \$13.8 billion worth of wastewater infrastructure projects that will help keep my district's streets and waterways free of sewage and sludge.

This funding will help make Sacramento even more livable than it already is.

It will also create quality jobs in my district which are sorely needed.

For too long, we have lived off the infrastructure built in decades past.

Now it is our turn to invest in the future of our infrastructure, in the health of our communities, and in the quality of our water.

I urge support for the rule and for the underlying bill.

Mr. CUELLAR. Mr. Chair, I rise today to encourage my colleagues to support the manager's amendment to the Water Quality Investment Act of 2009.

The manager's amendment I support builds upon the strong nature of this bill, and addresses several additional needs.

I thank the distinguished Chairman for including 2 of my amendments in the manager's amendment. These important amendments will go a long way towards helping communities along the southern border.

My first amendment, included in this manager's amendment, authorizes the EPA to Study wastewater treatment facilities that discharge into the Rio Grande River, develop recommendations for improving monitoring, information sharing, and cooperation between the United States and Mexico.

Last EPA study of pollutants in the Rio Grande River took samples from November 1992 to December 1995.

Since 1992 Laredo alone has doubled in population.

I applaud inclusion of this requirement because knowing the dangers that exist in pollution in the River is the first step in protecting a national treasure.

I also wish to offer my support for the Manager's amendment's recognition of the ongoing crisis that exists on the United States' southern border with impoverished families living in Colonias.

Colonias can be found in Texas, New Mexico, Arizona and California, but Texas has both the largest number of colonias and the largest colonia population.

According to the State of Texas, about 400,000 Texans live in border colonias.

The development of Texas colonias dates back to at least the 1950s, when developers created unincorporated subdivisions using agriculturally worthless land or land that lay in floodplains or in other rural properties.

They divided the land into small lots, put in little or no infrastructure, and then sold them to low-income individuals seeking affordable housing.

The manager's amendment includes my plan to direct the Government Accountability Office to present to Congress a blueprint to properly address the problems that exist in these low income communities.

Mr. Chair, I applaud you on this important Manager's amendment, and I urge all my colleague to vote "yes."

Ms. HIRONO. Mr. Chair, I rise in strong support of H.R. 1262, the Water Quality Investment Act. I commend my House Transportation and Infrastructure Committee Chairman JAMES OBERSTAR for introducing this vital legislation that makes much-needed investments to improve water quality and better ensure safe, clean water for communities throughout the country.

The central focus of the bill is reauthorization of the Clean Water State Revolving Fund, which provides low-interest loans and grants to local communities for construction of wastewater treatment facilities and other water pollution abatement projects. The Clean Water State Revolving Fund was last reauthorized in 1987, although the program has been funded every year, albeit at inadequate levels. For years, the amount of available funding has been far below the demand for funds from local governments.

Much of the clean water infrastructure in our nation is rapidly approaching or has already exceeded its projected life. This aging infrastructure must be repaired or replaced soon. The gap between wastewater infrastructure needs and current levels of spending has been estimated at between \$3.2 billion to \$11.1 billion a year.

If the authorized levels of funding provided in this bill are appropriated, Hawaii will see a four-fold increase in the annual level of funding received under the Clean Water State Revolving Fund—from \$5.3 million in FY2009 to an estimated \$21 million each year from FY2010 to FY2014. In addition to improving our infrastructure, this amount of funding could create or sustain some 700 jobs a year in Hawaii.

This funding is critically needed in our state. Just this week, I met with members of the four county councils in my district. All have concerns about the condition of wastewater infrastructure in their districts and the inability of local governments to fund the level of investment that is urgently needed. Lack of this funding is having serious environmental con-

sequences and, in some areas, is actually preventing development of much-needed housing.

I urge my colleague to support this bill, which will stimulate employment and all of our local economies while protecting the environment.

Mr. CLEAVER. Mr. Chair, H.R. 1262, The Water Quality Investment Act, renews the Federal commitment to addressing our nation's substantial needs for wastewater infrastructure. Several provisions in the bill provide federal assistance for improving this capability—through grants, subsidies, loans, and other assistance. Part of the impetus behind this assistance is the current severe economic situation that communities of all sizes across the nation are facing.

Jackson County, Missouri, in my district, is one example of a community caught between a rock and a hard place. The County is trying to provide services for its constituents at two lakes—Longview and Blue Springs—while balancing its dwindling budget. The Army Corps of Engineers built both lakes in the 1980s to help control flooding issues in the Little Blue River region, watershed run-off, wetlands restoration, and to provide a recreational benefit to the public. The Corps entered into a lease contract with Jackson County, Missouri with a 50 year repayment contract (1986–2035). The County, during these tough economic times, is having a significant problem paying back the interest plus the regular principal each year.

These lakes, though owned by the Corps, are operated and maintained by Jackson County. Both Lakes are in need of significant repairs, maintenance, and upgrades to bring them up to standards of today's use. The properties critically need repairs to infrastructure like roads, electrical upgrades, facility repairs, and needed silt control along the watersheds feeding into the Lakes. The County is struggling during this economic downturn, to make the payments as well as make the necessary repairs and upgrades that the Lake property needs for continued use by the public.

The following are examples of the capital improvement needs identified by Jackson County in their 5 year Capital Improvements Plan (CIP): Marina Renovation, upgrades and maintenance—\$858,980; Roof repairs—\$125,000; Road repairs—\$589,962; Shelter house repairs, upgrades and maintenance—\$215,240; Campground upgrades, replace pads and electrical capacity upgrades—\$1,023,093; Sediment, spillway and watershed control and improvements—\$433,304; Trail replacement, repairs and upgrades—\$1,132,000; Maintenance facility upgrades and repairs—\$2,264,000; Playground upgrades and replacement—\$414,400; Beaches improvements and upgrades—\$226,400.

This is why I was proud to submit this week an amendment for consideration to H.R. 1262 that would have allowed the County to alleviate the strains on its budget, while maintaining its commitment to the Army Corps as well as its commitment to citizens using the Lakes, plus providing jobs for making the improvements. My amendment would have modified the leases for Longview Lake & Blue Springs Lake to allow the County to reinvest 50 percent of its outstanding payments over the rest of the lease for capital improvements on the

property. This is not a default or forgiveness, but rather a reinvestment in lieu of payment so that they can continue to function in both their flood control and recreational capacities.

Even with the redirection, the plan would provide the Army Corps with over \$6.5 million (\$6,504,447.80) in surplus over the course of the lease. From this reinvestment, Longview Lake would receive \$5.3 million (\$5,294,483.88) of redirected payments and Blue Springs Lake would receive \$4.3 million (\$4,302,127.74) as part of the plan. The Corps of Engineers would be fully reimbursed for its initial outlay of funds with interest, and the County would be able to re-invest some of the funds it is contractually obligated to pay into these two greats Jackson County assets.

Mr. Chair, though my amendment was deemed to have a budgetary impact, I wanted to raise this issue. This is a national issue, hitting many communities and counties during these difficult economic times and they deserve Congress's help. The idea makes a great deal of sense and I look forward to working with my fellow Members and my local County Executive as we continue to think outside the box to make this idea work.

Mr. LUJAN. Mr. Chair, the Water Quality Investment Act is a renewed commitment to address our nation's substantial needs for water and wastewater infrastructure. The ability of cities, rural water systems and tribal communities to ensure water quality for our nation's families is critical to the health of our country and will help create jobs. Today, our business in this House is to transform the way we think about water.

All living systems need water. People need it. The climate needs it. Plants and wildlife need it. We are all part of the same living system, and we all need water.

I know the importance of water to rural economies across America. Without a reliable water supply, we cannot improve human health, preserve natural ecosystems, or grow economies. It is a critical prerequisite for life, and we must ensure proper drinking water and wastewater systems will be available to every community in America. The absence of adequate water infrastructure in a community creates enormous health disparities, but also entrenches the severe poverty that is already widespread in these communities.

Tribes across the nation have many difficulties ensuring water quality for their communities. Often water and wastewater systems are hard to construct or maintain due to a lack of availability of funding for tribal governments. Language I proposed, which was included in Chairman OBERSTAR's manager's amendment, will authorize new grants for technical assistance on water and wastewater infrastructure to the tribal communities and people who so desperately need it.

I urge all my colleagues to support this bill.

Mr. CAMP. Mr. Chair, I rise today in support of H.R. 1262, the Water Quality Investment Act.

I would like to first thank Chairman OBERSTAR and Ranking Member MICA for bringing to the floor this important legislation. I am also proud to have worked with Mr. PASCRELL on Title Three of this bill—which we have introduced previously.

Sewer maintenance is a serious problem in low-lying coastal areas such as Michigan. It is

a sad fact that many of the sewer systems in Michigan and throughout the country date back to the Nineteenth Century.

These outdated systems often overflow with untreated human and industrial waste—releasing toxins and disease-causing organisms.

Inadequate maintenance, deteriorated pipes, rainfall and snow melts are too often cited as the cause of these overflows.

It is indisputable that sewer overflows pose a significant threat to public health and safety because they put raw sewage into rivers, streets, basements, and other areas of human exposure. They are also responsible for many beach closures, shellfish restrictions, and violations of water quality standards.

In Michigan alone there have been over 1,000 reported sewer overflows annually. These events have contributed over 20 billion gallons of sewage and wastewater onto the ground and into Michigan rivers, lakes and streams.

Even more staggering, the EPA has estimated that nearly 900 billion—let me repeat, 900 billion—gallons of untreated wastewater and storm water are released through combined sewer overflows and separate sewer overflows annually in the United States.

The Water Quality Investment Act goes a long way toward ending the public health and environmental crisis associated with sewer overflows by providing federal funds to repair and replace outdated systems. Local governments cannot simply fix this mess and meet their obligations under the Clean Water Act alone.

Also of critical importance in this bill are provisions to reauthorize the Great Lakes Legacy Act to tackle the problem of contamination in the Great Lakes Basin. It would provide the necessary funding to help clean up contaminated sediment in over 30 concerning areas.

My gratitude must also be extended to my esteemed colleague from Michigan, Mr. EHLERS, for his steadfast commitment to the Great Lakes and the passage of the Great Lakes Legacy Reauthorization Act.

I urge my colleagues to pass H.R. 1262 today.

Ms. MCCOLLUM. Mr. Chair, I rise today to express my strong support for the Water Quality Investment Act of 2009. I thank Chairman OBERSTAR and the House leadership for their hard work on this timely legislation, which will modernize our nation's wastewater infrastructure to ensure our water supply is clean and safe for America's children and families.

A growing economy and population over the past decades have stretched the availability and compromised the quality of America's water supply. Our country has outgrown the capacity of our wastewater systems. Sewage overflows and toxic spillage are contaminating our water supply and posing grave threats to human health and the health of our water ecosystems.

By authorizing \$13.8 billion in federal grants for the Clean Water State Revolving Fund and \$1.8 billion for sewer overflow control grants over the next five years, the Water Quality Investment Act will put 480,000 Americans to work and help bridge the gap between the number of wastewater infrastructure projects that need assistance and the amount of funding available. Over the next five years, Min-

nesota will receive over \$250 million to modernize its water systems, thereby helping to protect and restore the more than 10,000 lakes that help define our state.

This legislation also takes bold steps to clean up the Great Lakes, one of the nation's greatest natural resources. The Great Lakes make up the largest system of fresh, surface water on Earth, providing 90 percent of America's fresh surface water and 18 percent of the world's fresh water supply. In 2006 alone, over 23 billion gallons of sewage entered the Great Lakes due to failing wastewater systems. This threatens human health and compromises the environmental integrity of these precious water bodies. This legislation authorizes \$750 million over five years for the Great Lakes Legacy Act, which supports projects to restore and protect the water quality of the Great Lakes.

Water is a scarce, precious resource and we must use it with great care. By passing the Water Quality Investment Act, Congress is working to ensure that our water can remain clean and safe for generations to come. I urge my colleagues to join me in supporting this important legislation.

Mr. PETERS. Mr. Chair, I rise today in support of H.R. 1262, the "Water Quality Investment Act of 2009."

The integrity of our water infrastructure and fresh water drinking sources is critical to our environment, our health and our economy. Many older systems around the Great Lakes have combined sewer systems, which utilize the same pipes to collect rain water, sewage, and domestic and industrial waste. In periods of heavy rain or snow, these systems can overflow and allow raw sewage to be released into our rivers, streets, and homes. As many as 850 billion gallons of this waste is discharged into rivers and streams each year because of combined sewer system overflows.

While the problems of combined sewer systems are clear, the upfront cost of replacing entire sewer systems is beyond the reach of many municipalities. Communities that have the largest problems are often also the oldest communities. They may be struggling with declining populations, falling tax revenues, poverty, and crime. Yet if their infrastructure fails, the pollution moves downstream to the next community.

Because our water infrastructure exists out of sight and beneath our feet, the need for investment is not as obvious as with a crumbling bridge or pothole ridden road. As long as the water comes on when the knob is turned, it is easy to believe that our water infrastructure system is working fine. However, this is often far from the truth.

I am fortunate enough to represent a district that has been able to make the investments necessary to address our largest water quality problems. Because my district is the headwaters of the five major watersheds in Southeast Michigan, the communities surrounding my district have also benefited. It is important to remember that water does not stop at political boundaries; problems left untreated flow downstream and impact our neighbors.

The public works professionals in southeast Michigan have done a tremendous job to curb water pollution in the area and continue to make major strides in cleaning our waterways. Lead by the efforts of John McCulloch, Oakland County Water Resources Commissioner,

Oakland County has eliminated all of their untreated CSO and continues to aggressively attack our SSO and storm water control challenges.

Great progress has been made in Oakland County, but it was not made in a vacuum. The federal Government has been a full partner in this process, contributing over \$300 million in grant funds in Southeast Michigan to water quality control projects over the past 15 years. That federal investment has led to over \$1 billion dollars in the Rouge Watershed alone, and the water quality of the Rouge River, the Clinton River and the Huron River has improved dramatically because the federal government has been at the table.

Despite all the progress that has been made in my district, there is still more work to be done. That is why it is crucial that we continue to make a strong federal investment in our water infrastructure. H.R. 1262 includes investments in water quality restoration, CSO control, SSO control, and infrastructure repair and I urge my colleagues to support its passage here today.

Mr. OBERSTAR. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *IN GENERAL.*—This Act may be cited as the “Water Quality Investment Act of 2009”.

(b) *TABLE OF CONTENTS.*—

1. Short title; table of contents.
2. Amendment of Federal Water Pollution Control Act.

TITLE I—WATER QUALITY FINANCING **Subtitle A—Technical and Management Assistance**

1101. Technical assistance.
1102. State management assistance.
1103. Watershed pilot projects.
- Subtitle B—Construction of Treatment Works
1201. Sewage collection systems.
1202. Treatment works defined.

Subtitle C—State Water Pollution Control Revolving Funds

1301. General authority for capitalization grants.
1302. Capitalization grant agreements.
1303. Water pollution control revolving loan funds.
1304. Allotment of funds.
1305. Intended use plan.
1306. Annual reports.
1307. Technical assistance; requirements for use of American materials.
1308. Authorization of appropriations.

Subtitle D—General Provisions

1401. Definition of treatment works.
1402. Funding for Indian programs.
- Subtitle E—Tonnage Duties
1501. Tonnage duties.

TITLE II—ALTERNATIVE WATER SOURCE PROJECTS

2001. Pilot program for alternative water source projects.

TITLE III—SEWER OVERFLOW CONTROL GRANTS

3001. Sewer overflow control grants.

TITLE IV—MONITORING, REPORTING, AND PUBLIC NOTIFICATION OF SEWER OVERFLOWS

4001. Monitoring, reporting, and public notification of sewer overflows.

TITLE V—GREAT LAKES LEGACY REAUTHORIZATION

5001. Remediation of sediment contamination in areas of concern.
5002. Public information program.
5003. Contaminated sediment remediation approaches, technologies, and techniques.

SEC. 2. AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

TITLE I—WATER QUALITY FINANCING **Subtitle A—Technical and Management Assistance**

SEC. 1101. TECHNICAL ASSISTANCE.

(a) *TECHNICAL ASSISTANCE FOR RURAL AND SMALL TREATMENT WORKS.*—Section 104(b) (33 U.S.C. 1254(b)) is amended—

- (1) by striking “and” at the end of paragraph (6);
- (2) by striking the period at the end of paragraph (7) and inserting “; and”; and
- (3) by adding at the end the following:

“(8) make grants to nonprofit organizations—
“(A) to provide technical assistance to rural and small municipalities for the purpose of assisting, in consultation with the State in which the assistance is provided, such municipalities in the planning, developing, and acquisition of financing for eligible projects described in section 603(c);

“(B) to provide technical assistance and training for rural and small publicly owned treatment works and decentralized wastewater treatment systems to enable such treatment works and systems to protect water quality and achieve and maintain compliance with the requirements of this Act; and

“(C) to disseminate information to rural and small municipalities and municipalities that meet the affordability criteria established under section 603(i)(2) by the State in which the municipality is located with respect to planning, design, construction, and operation of publicly owned treatment works and decentralized wastewater treatment systems.”.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—Section 104(u) (33 U.S.C. 1254(u)) is amended—

- (1) by striking “and (6)” and inserting “(6)”; and

(2) by inserting before the period at the end the following: “; and (7) not to exceed \$100,000,000 for each of fiscal years 2010 through 2014 for carrying out subsections (b)(3), (b)(8), and (g), except that not less than 20 percent of the amounts appropriated pursuant to this paragraph in a fiscal year shall be used for carrying out subsection (b)(8)”;.

(c) *SMALL FLOWS CLEARINGHOUSE.*—Section 104(q)(4) (33 U.S.C. 1254(q)(4)) is amended—

- (1) in the first sentence by striking “\$1,000,000” and inserting “\$3,000,000”; and
- (2) in the second sentence by striking “1986” and inserting “2011”.

SEC. 1102. STATE MANAGEMENT ASSISTANCE.

Section 106(a) (33 U.S.C. 1256(a)) is amended—

- (1) by striking “and” at the end of paragraph (1);

(2) by striking the semicolon at the end of paragraph (2) and inserting “; and”; and

(3) by inserting after paragraph (2) the following:

“(3) such sums as may be necessary for each of fiscal years 1991 through 2009, and \$300,000,000 for each of fiscal years 2010 through 2014;”.

SEC. 1103. WATERSHED PILOT PROJECTS.

(a) *PILOT PROJECTS.*—Section 122 (33 U.S.C. 1274) is amended—

- (1) in the section heading by striking “WET WEATHER”; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking “wet weather discharge”; and

(B) in paragraph (2) by striking “in reducing such pollutants” and all that follows before the period at the end and inserting “to manage, reduce, treat, or reuse municipal stormwater, including low-impact development technologies”; and

(C) by adding at the end the following:

“(3) *WATERSHED PARTNERSHIPS.*—Efforts of municipalities and property owners to demonstrate cooperative ways to address nonpoint sources of pollution to reduce adverse impacts on water quality.

“(4) *INTEGRATED WATER RESOURCE PLAN.*—The development of an integrated water resource plan for the coordinated management and protection of surface water, ground water, and stormwater resources on a watershed or sub-watershed basis to meet the objectives, goals, and policies of this Act.”.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—Section 122(c)(1) is amended by striking “for fiscal year 2004” and inserting “for each of fiscal years 2004 through 2014”.

(c) *REPORT TO CONGRESS.*—Section 122(d) is amended by striking “5 years after the date of enactment of this section,” and inserting “October 1, 2011,”.

Subtitle B—Construction of Treatment Works

SEC. 1201. SEWAGE COLLECTION SYSTEMS.

Section 211 (33 U.S.C. 1291) is amended—

- (1) by striking the section heading and all that follows through “(a) No” and inserting the following:

“SEC. 211. SEWAGE COLLECTION SYSTEMS.

“(a) *IN GENERAL.*—No”;

(2) in subsection (b) by inserting “POPULATION DENSITY.—” after “(b)”; and

(3) by striking subsection (c) and inserting the following:

“(c) *EXCEPTIONS.*—

“(1) *REPLACEMENT AND MAJOR REHABILITATION.*—Notwithstanding the requirement of subsection (a)(1) concerning the existence of a collection system as a condition of eligibility, a project for replacement or major rehabilitation of a collection system existing on January 1, 2007, shall be eligible for a grant under this title if the project otherwise meets the requirements of subsection (a)(1) and meets the requirement of paragraph (3).

“(2) *NEW SYSTEMS.*—Notwithstanding the requirement of subsection (a)(2) concerning the existence of a community as a condition of eligibility, a project for a new collection system to serve a community existing on January 1, 2007, shall be eligible for a grant under this title if the project otherwise meets the requirements of subsection (a)(2) and meets the requirement of paragraph (3).

“(3) *REQUIREMENT.*—A project meets the requirement of this paragraph if the purpose of the project is to accomplish the objectives, goals, and policies of this Act by addressing an adverse environmental condition existing on the date of enactment of this paragraph.”.

SEC. 1202. TREATMENT WORKS DEFINED.

Section 212(2)(A) (33 U.S.C. 1292(2)(A)) is amended—

(1) by striking “any works, including site”;
 (2) by striking “is used for ultimate” and inserting “will be used for ultimate”; and
 (3) by inserting before the period at the end the following: “and acquisition of other lands, and interests in lands, which are necessary for construction”.

**Subtitle C—State Water Pollution Control
 Revolving Funds**

SEC. 1301. GENERAL AUTHORITY FOR CAPITALIZATION GRANTS.

Section 601(a) (33 U.S.C. 1381(a)) is amended by striking “for providing assistance” and all that follows through the period at the end and inserting the following: “to accomplish the objectives, goals, and policies of this Act by providing assistance for projects and activities identified in section 603(c).”.

SEC. 1302. CAPITALIZATION GRANT AGREEMENTS.

(a) **REPORTING INFRASTRUCTURE ASSETS.**—Section 602(b)(9) (33 U.S.C. 1382(b)(9)) is amended by striking “standards” and inserting “standards, including standards relating to the reporting of infrastructure assets”.

(b) **ADDITIONAL REQUIREMENTS.**—Section 602(b) (33 U.S.C. 1382(b)) is amended—

(1) in paragraph (6)—

(A) by striking “before fiscal year 1995”; and

(B) by striking “funds directly made available by capitalization grants under this title and section 205(m) of this Act” and inserting “assistance made available by a State water pollution control revolving fund as authorized under this title, or with assistance made available under section 205(m), or both,”; and

(C) by striking “201(b)” and all that follows through “513” and inserting “211 and 511(c)(1)”;

(2) by striking “and” at the end of paragraph (9);

(3) by striking the period at the end of paragraph (10) and inserting a semicolon; and

(4) by adding at the end the following:

“(11) the State will establish, maintain, invest, and credit the fund with repayments, such that the fund balance will be available in perpetuity for providing financial assistance in accordance with this title;

“(12) any fees charged by the State to recipients of assistance that are considered program income will be used for the purpose of financing the cost of administering the fund or financing projects or activities eligible for assistance from the fund;

“(13) beginning in fiscal year 2011, the State will include as a condition of providing assistance to a municipality or intermunicipal, interstate, or State agency that the recipient of such assistance certify, in a manner determined by the Governor of the State, that the recipient—

“(A) has studied and evaluated the cost and effectiveness of the processes, materials, techniques, and technologies for carrying out the proposed project or activity for which assistance is sought under this title, and has selected, to the extent practicable, a project or activity that maximizes the potential for efficient water use, reuse, and conservation, and energy conservation, taking into account the cost of constructing the project or activity, the cost of operating and maintaining the project or activity over its life, and the cost of replacing the project or activity; and

“(B) has considered, to the maximum extent practicable and as determined appropriate by the recipient, the costs and effectiveness of other design, management, and financing approaches for carrying out a project or activity for which assistance is sought under this title, taking into account the cost of constructing the project or activity, the cost of operating and maintaining the project or activity over its life, and the cost of replacing the project or activity;

“(14) the State will use at least 10 percent of the amount of each capitalization grant received

by the State under this title after September 30, 2010, to provide assistance to municipalities of fewer than 10,000 individuals that meet the affordability criteria established by the State under section 603(i)(2) for activities included on the State’s priority list established under section 603(g), to the extent that there are sufficient applications for such assistance;

“(15) a contract to be carried out using funds directly made available by a capitalization grant under this title for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services shall be negotiated in the same manner as a contract for architectural and engineering services is negotiated under chapter 11 of title 40, United States Code, or an equivalent State qualifications-based requirement (as determined by the Governor of the State); and

“(16) the requirements of section 513 will apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized under this title, or with assistance made available under section 205(m), or both, in the same manner as treatment works for which grants are made under this Act.”.

SEC. 1303. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

(a) **PROJECTS AND ACTIVITIES ELIGIBLE FOR ASSISTANCE.**—Section 603(c) (33 U.S.C. 1383(c)) is amended to read as follows:

“(c) **PROJECTS AND ACTIVITIES ELIGIBLE FOR ASSISTANCE.**—The amounts of funds available to each State water pollution control revolving fund shall be used only for providing financial assistance—

“(1) to any municipality or intermunicipal, interstate, or State agency for construction of publicly owned treatment works;

“(2) for the implementation of a management program established under section 319;

“(3) for development and implementation of a conservation and management plan under section 320;

“(4) for the implementation of lake protection programs and projects under section 314;

“(5) for repair or replacement of decentralized wastewater treatment systems that treat domestic sewage;

“(6) for measures to manage, reduce, treat, or reuse municipal stormwater, agricultural stormwater, and return flows from irrigated agriculture;

“(7) to any municipality or intermunicipal, interstate, or State agency for measures to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse; and

“(8) for the development and implementation of watershed projects meeting the criteria set forth in section 122.”.

(b) **EXTENDED REPAYMENT PERIOD.**—Section 603(d)(1) (33 U.S.C. 1383(d)(1)) is amended—

(1) in subparagraph (A) by striking “20 years” and inserting “the lesser of 30 years or the design life of the project to be financed with the proceeds of the loan”; and

(2) in subparagraph (B) by striking “not later than 20 years after project completion” and inserting “upon the expiration of the term of the loan”.

(c) **FISCAL SUSTAINABILITY PLAN.**—Section 603(d)(1) (33 U.S.C. 1383(d)(1)) is further amended—

(1) by striking “and” at the end of subparagraph (C);

(2) by inserting “and” at the end of subparagraph (D); and

(3) by adding at the end the following:

“(E) for any portion of a treatment works proposed for repair, replacement, or expansion, and

eligible for assistance under section 603(c)(1), the recipient of a loan will develop and implement a fiscal sustainability plan that includes—

“(i) an inventory of critical assets that are a part of that portion of the treatment works;

“(ii) an evaluation of the condition and performance of inventoried assets or asset groupings; and

“(iii) a plan for maintaining, repairing, and, as necessary, replacing that portion of the treatment works and a plan for funding such activities.”.

(d) **ADMINISTRATIVE EXPENSES.**—Section 603(d)(7) (33 U.S.C. 1383(d)(7)) is amended by inserting before the period at the end the following: “, \$400,000 per year, or 1/5 percent per year of the current valuation of the fund, whichever amount is greatest, plus the amount of any fees collected by the State for such purpose regardless of the source”.

(e) **TECHNICAL AND PLANNING ASSISTANCE FOR SMALL SYSTEMS.**—Section 603(d) (33 U.S.C. 1383(d)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(3) by adding at the end the following:

“(8) to provide grants to owners and operators of treatment works that serve a population of 10,000 or fewer for obtaining technical and planning assistance and assistance in financial management, user fee analysis, budgeting, capital improvement planning, facility operation and maintenance, equipment replacement, repair schedules, and other activities to improve wastewater treatment plant management and operations, except that the total amount provided by the State in grants under this paragraph for a fiscal year may not exceed one percent of the total amount of assistance provided by the State from the fund in the preceding fiscal year, or 2 percent of the total amount received by the State in capitalization grants under this title in the preceding fiscal year, whichever amount is greatest; and

“(9) to provide grants to owners and operators of treatment works for conducting an assessment of the energy and water consumption of the treatment works, and evaluating potential opportunities for energy and water conservation through facility operation and maintenance, equipment replacement, and projects or activities that promote the efficient use of energy and water by the treatment works, except that the total amount provided by the State in grants under this paragraph for a fiscal year may not exceed one percent of the total amount of assistance provided by the State from the fund in the preceding fiscal year, or 2 percent of the total amount received by the State in capitalization grants under this title in the preceding fiscal year, whichever amount is greatest.”.

(f) **ADDITIONAL SUBSIDIZATION.**—Section 603 (33 U.S.C. 1383) is amended by adding at the end the following:

“(i) **ADDITIONAL SUBSIDIZATION.**—

“(I) **IN GENERAL.**—In any case in which a State provides assistance to a municipality or intermunicipal, interstate, or State agency under subsection (d), the State may provide additional subsidization, including forgiveness of principal and negative interest loans—

“(A) to benefit a municipality that—

“(i) meets the State’s affordability criteria established under paragraph (2); or

“(ii) does not meet the State’s affordability criteria if the recipient—

“(I) seeks additional subsidization to benefit individual ratepayers in the residential user rate class;

“(II) demonstrates to the State that such ratepayers will experience a significant hardship from the increase in rates necessary to finance

the project or activity for which assistance is sought; and

“(III) ensures, as part of an assistance agreement between the State and the recipient, that the additional subsidization provided under this paragraph is directed through a user charge rate system (or other appropriate method) to such ratepayers; or

“(B) to implement a process, material, technique, or technology to address water-efficiency goals, address energy-efficiency goals, mitigate stormwater runoff, or encourage environmentally sensitive project planning, design, and construction.

“(2) AFFORDABILITY CRITERIA.—

“(A) ESTABLISHMENT.—On or before September 30, 2010, and after providing notice and an opportunity for public comment, a State shall establish affordability criteria to assist in identifying municipalities that would experience a significant hardship raising the revenue necessary to finance a project or activity eligible for assistance under section 603(c)(1) if additional subsidization is not provided. Such criteria shall be based on income data, population trends, and other data determined relevant by the State.

“(B) EXISTING CRITERIA.—If a State has previously established, after providing notice and an opportunity for public comment, affordability criteria that meet the requirements of subparagraph (A), the State may use the criteria for the purposes of this subsection. For purposes of this Act, any such criteria shall be treated as affordability criteria established under this paragraph.

“(C) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).

“(3) PRIORITY.—A State may give priority to a recipient for a project or activity eligible for funding under section 603(c)(1) if the recipient meets the State's affordability criteria.

“(4) SET-ASIDE.—

“(A) IN GENERAL.—In any fiscal year in which the Administrator has available for obligation more than \$1,000,000,000 for the purposes of this title, a State shall provide additional subsidization under this subsection in the amount specified in subparagraph (B) to eligible entities described in paragraph (1) for projects and activities identified in the State's intended use plan prepared under section 606(c) to the extent that there are sufficient applications for such assistance.

“(B) AMOUNT.—In a fiscal year described in subparagraph (A), a State shall set aside for purposes of subparagraph (A) an amount not less than 25 percent of the difference between—

“(i) the total amount that would have been allotted to the State under section 604 for such fiscal year if the amount available to the Administrator for obligation under this title for such fiscal year had been equal to \$1,000,000,000; and

“(ii) the total amount allotted to the State under section 604 for such fiscal year.

“(5) LIMITATION.—The total amount of additional subsidization provided under this subsection by a State may not exceed 30 percent of the total amount of capitalization grants received by the State under this title in fiscal years beginning after September 30, 2009.”

SEC. 1304. ALLOTMENT OF FUNDS.

(a) IN GENERAL.—Section 604(a) (33 U.S.C. 1384(a)) is amended to read as follows:

“(a) ALLOTMENTS.—

“(1) FISCAL YEARS 2010 AND 2011.—Sums appropriated to carry out this title for each of fiscal years 2010 and 2011 shall be allotted by the Administrator in accordance with the formula used to allot sums appropriated to carry out this title for fiscal year 2009.

“(2) FISCAL YEAR 2012 AND THEREAFTER.—Sums appropriated to carry out this title for fiscal

year 2012 and each fiscal year thereafter shall be allotted by the Administrator as follows:

“(A) Amounts that do not exceed \$1,350,000,000 shall be allotted in accordance with the formula described in paragraph (1).

“(B) Amounts that exceed \$1,350,000,000 shall be allotted in accordance with the formula developed by the Administrator under subsection (d).”

(b) PLANNING ASSISTANCE.—Section 604(b) (33 U.S.C. 1384(b)) is amended by striking “1 percent” and inserting “2 percent”.

(c) FORMULA.—Section 604 (33 U.S.C. 1384) is amended by adding at the end the following:

“(d) FORMULA BASED ON WATER QUALITY NEEDS.—Not later than September 30, 2011, and after providing notice and an opportunity for public comment, the Administrator shall publish an allotment formula based on water quality needs in accordance with the most recent survey of needs developed by the Administrator under section 516(b).”

SEC. 1305. INTENDED USE PLAN.

(a) INTEGRATED PRIORITY LIST.—Section 603(g) (33 U.S.C. 1383(g)) is amended to read as follows:

“(g) PRIORITY LIST.—

“(1) IN GENERAL.—For fiscal year 2011 and each fiscal year thereafter, a State shall establish or update a list of projects and activities for which assistance is sought from the State's water pollution control revolving fund. Such projects and activities shall be listed in priority order based on the methodology established under paragraph (2). The State may provide financial assistance from the State's water pollution control revolving fund only with respect to a project or activity included on such list. In the case of projects and activities eligible for assistance under section 603(c)(2), the State may include a category or subcategory of nonpoint sources of pollution on such list in lieu of a specific project or activity.

“(2) METHODOLOGY.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, and after providing notice and opportunity for public comment, each State (acting through the State's water quality management agency and other appropriate agencies of the State) shall establish a methodology for developing a priority list under paragraph (1).

“(B) PRIORITY FOR PROJECTS AND ACTIVITIES THAT ACHIEVE GREATEST WATER QUALITY IMPROVEMENT.—In developing the methodology, the State shall seek to achieve the greatest degree of water quality improvement, taking into consideration the requirements of section 602(b)(5) and section 603(i)(3), whether such water quality improvements would be realized without assistance under this title, and whether the proposed projects and activities would address water quality impairments associated with existing treatment works.

“(C) CONSIDERATIONS IN SELECTING PROJECTS AND ACTIVITIES.—In determining which projects and activities will achieve the greatest degree of water quality improvement, the State shall consider—

“(i) information developed by the State under sections 303(d) and 305(b);

“(ii) the State's continuing planning process developed under section 303(e);

“(iii) the State's management program developed under section 319; and

“(iv) conservation and management plans developed under section 320.

“(D) NONPOINT SOURCES.—For categories or subcategories of nonpoint sources of pollution that a State may include on its priority list under paragraph (1), the State shall consider the cumulative water quality improvements associated with projects or activities in such categories or subcategories.

“(E) EXISTING METHODOLOGIES.—If a State has previously developed, after providing notice and an opportunity for public comment, a methodology that meets the requirements of this paragraph, the State may use the methodology for the purposes of this subsection.”

(b) INTENDED USE PLAN.—Section 606(c) (33 U.S.C. 1386(c)) is amended—

(1) in the matter preceding paragraph (1) by striking “each State shall annually prepare” and inserting “each State (acting through the State's water quality management agency and other appropriate agencies of the State) shall annually prepare and publish”; and

(2) by striking paragraph (1) and inserting the following:

“(1) the State's priority list developed under section 603(g);”

(3) in paragraph (4)—

(A) by striking “and (6)” and inserting “(6), (15), and (17)”; and

(B) by striking “and” at the end;

(4) by striking the period at the end of paragraph (5) and inserting “; and”; and

(5) by adding at the end the following:

“(6) if the State does not fund projects and activities in the order of the priority established under section 603(g), an explanation of why such a change in order is appropriate.”

(c) TRANSITIONAL PROVISION.—Before completion of a priority list based on a methodology established under section 603(g) of the Federal Water Pollution Control Act (as amended by this section), a State shall continue to comply with the requirements of sections 603(g) and 606(c) of such Act, as in effect on the day before the date of enactment of this Act.

SEC. 1306. ANNUAL REPORTS.

Section 606(d) (33 U.S.C. 1386(d)) is amended by inserting “the eligible purpose under section 603(c) for which the assistance is provided,” after “loan amounts.”

SEC. 1307. TECHNICAL ASSISTANCE; REQUIREMENTS FOR USE OF AMERICAN MATERIALS.

Title VI (33 U.S.C. 1381 et seq.) is amended—

(1) by redesignating section 607 as section 609; and

(2) by inserting after section 606 the following:

“SEC. 607. TECHNICAL ASSISTANCE.

“(a) SIMPLIFIED PROCEDURES.—Not later than 1 year after the date of enactment of this section, the Administrator shall assist the States in establishing simplified procedures for treatment works to obtain assistance under this title.

“(b) PUBLICATION OF MANUAL.—Not later than 2 years after the date of the enactment of this section, and after providing notice and opportunity for public comment, the Administrator shall publish a manual to assist treatment works in obtaining assistance under this title and publish in the Federal Register notice of the availability of the manual.

“(c) COMPLIANCE CRITERIA.—At the request of any State, the Administrator, after providing notice and an opportunity for public comment, shall assist in the development of criteria for a State to determine compliance with the conditions of funding assistance established under sections 602(b)(13) and 603(d)(1)(E).

“SEC. 608. REQUIREMENTS FOR USE OF AMERICAN MATERIALS.

“(a) IN GENERAL.—Notwithstanding any other provision of law, none of the funds made available by a State water pollution control revolving fund as authorized under this title may be used for the construction of treatment works unless the steel, iron, and manufactured goods used in such treatment works are produced in the United States.

“(b) EXCEPTIONS.—Subsection (a) shall not apply in any case in which the Administrator (in consultation with the Governor of the State) finds that—

“(1) applying subsection (a) would be inconsistent with the public interest;

“(2) steel, iron, and manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

“(3) inclusion of steel, iron, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

“(c) PUBLIC NOTIFICATION AND WRITTEN JUSTIFICATION FOR WAIVER.—If the Administrator determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the Administrator shall—

“(1) not less than 15 days prior to waiving application of subsection (a), provide public notice and the opportunity to comment on the Administrator's intent to issue such waiver; and

“(2) upon issuing such waiver, publish in the Federal Register a detailed written justification as to why the provision is being waived.

“(d) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.”.

SEC. 1308. AUTHORIZATION OF APPROPRIATIONS.

Section 609 (as redesignated by section 1307 of this Act) is amended by striking paragraphs (1) through (5) and inserting the following:

- “(1) \$2,400,000,000 for fiscal year 2010;
- “(2) \$2,700,000,000 for fiscal year 2011;
- “(3) \$2,800,000,000 for fiscal year 2012;
- “(4) \$2,900,000,000 for fiscal year 2013; and
- “(5) \$3,000,000,000 for fiscal year 2014.”.

Subtitle D—General Provisions

SEC. 1401. DEFINITION OF TREATMENT WORKS.

Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

“(26) TREATMENT WORKS.—The term ‘treatment works’ has the meaning given that term in section 212.”.

SEC. 1402. FUNDING FOR INDIAN PROGRAMS.

Section 518(c) (33 U.S.C. 1377) is amended—

(1) by striking “The Administrator” and inserting the following:

“(1) FISCAL YEARS 1987–2008.—The Administrator”;

(2) in paragraph (1) (as so designated)—

(A) by inserting “and ending before October 1, 2008,” after “1986.”; and

(B) by striking the second sentence; and

(3) by adding at the end the following:

“(2) FISCAL YEAR 2009 AND THEREAFTER.—For fiscal year 2009 and each fiscal year thereafter, the Administrator shall reserve, before allotments to the States under section 604(a), not less than 0.5 percent and not more than 1.5 percent of the funds made available to carry out title VI.

“(3) USE OF FUNDS.—Funds reserved under this subsection shall be available only for grants for projects and activities eligible for assistance under section 603(c) to serve—

“(A) Indian tribes (as defined in section 518(h));

“(B) former Indian reservations in Oklahoma (as determined by the Secretary of the Interior); and

“(C) Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).”.

Subtitle E—Tonnage Duties

SEC. 1501. TONNAGE DUTIES.

(a) IN GENERAL.—Section 60301 of title 46, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

“(a) LOWER RATE.—

“(1) IMPOSITION OF DUTY.—A duty is imposed at the rate described in paragraph (2) at each entry in a port of the United States of—

“(A) a vessel entering from a foreign port or place in North America, Central America, the

West Indies Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering the Caribbean Sea; or

“(B) a vessel returning to the same port or place in the United States from which it departed, and not entering the United States from another port or place, except—

“(i) a vessel of the United States;

“(ii) a recreational vessel (as defined in section 2101 of this title); or

“(iii) a barge.

“(2) RATE.—The rate referred to in paragraph (1) shall be—

“(A) 4.5 cents per ton (but not more than a total of 22.5 cents per ton per year) for fiscal years 2006 through 2009;

“(B) 9.0 cents per ton (but not more than a total of 45 cents per ton per year) for fiscal years 2010 through 2019; and

“(C) 2 cents per ton (but not more than a total of 10 cents per ton per year) for each fiscal year thereafter.

“(b) HIGHER RATE.—

“(1) IMPOSITION OF DUTY.—A duty is imposed at the rate described in paragraph (2) on a vessel at each entry in a port of the United States from a foreign port or place not named in subsection (a)(1).

“(2) RATE.—The rate referred to in paragraph (1) shall be—

“(A) 13.5 cents per ton (but not more than a total of 67.5 cents per ton per year) for fiscal years 2006 through 2009;

“(B) 27 cents per ton (but not more than a total of \$1.35 per ton per year) for fiscal years 2010 through 2019; and

“(C) 6 cents per ton (but not more than a total of 30 cents per ton per year) for each fiscal year thereafter.”.

(b) LIABILITY IN REM.—Chapter 603 of title 46, United States Code, is amended by adding at the end the following:

“§60313. Liability in rem for costs

“A vessel is liable in rem for any amount due under this chapter for that vessel and may be proceeded against for that liability in the United States district court for any district in which the vessel may be found.”.

(c) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking the heading for subtitle VI and inserting the following:

“Subtitle VI—Clearance and Tonnage Duties”;

(2) in the heading for chapter 603, by striking “TAXES” and inserting “DUTIES”;

(3) in the headings of sections in chapter 603, by striking “taxes” each place it appears and inserting “duties”;

(4) in the heading for subsection (a) of section 60303, by striking “TAX” and inserting “DUTY”;

(5) in the text of sections in chapter 603, by striking “taxes” each place it appears and inserting “duties”; and

(6) in the text of sections in chapter 603, by striking “tax” each place it appears and inserting “duty”.

(d) CLERICAL AMENDMENTS.—Such title is further amended—

(1) in the title analysis by striking the item relating to subtitle VI and inserting the following:

“VI. CLEARANCE AND TONNAGE DUTIES 60101”;

(2) in the analysis for subtitle VI by striking the item relating to chapter 603 and inserting the following:

“603. Tonnage Duties and Light Money 60301”;

and

(3) in the analysis for chapter 603—

(A) by striking the items relating to sections 60301 and 60302 and inserting the following:

“60301. Regular tonnage duties.

“60302. Special tonnage duties.”;

(B) by striking the item relating to section 60304 and inserting the following:

“60304. Presidential suspension of tonnage duties and light money.”;

and

(C) by adding at the end the following:

“60313. Liability in rem for costs.”.

TITLE II—ALTERNATIVE WATER SOURCE PROJECTS

SEC. 2001. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

(a) SELECTION OF PROJECTS.—Section 220(d)(2) (33 U.S.C. 1300(d)(2)) is amended by inserting before the period at the end the following: “or whether the project is located in an area which is served by a public water system serving 10,000 individuals or fewer”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 220(j) (33 U.S.C. 1300(j)) is amended by striking “\$75,000,000 for fiscal years 2002 through 2004” and inserting “\$50,000,000 for each of fiscal years 2010 through 2014”.

TITLE III—SEWER OVERFLOW CONTROL GRANTS

SEC. 3001. SEWER OVERFLOW CONTROL GRANTS.

(a) ADMINISTRATIVE REQUIREMENTS.—Section 221(e) (33 U.S.C. 1301(e)) is amended to read as follows:

“(e) ADMINISTRATIVE REQUIREMENTS.—A project that receives assistance under this section shall be carried out subject to the same requirements as a project that receives assistance from a State water pollution control revolving fund under title VI, except to the extent that the Governor of the State in which the project is located determines that a requirement of title VI is inconsistent with the purposes of this section.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 221(f) (33 U.S.C. 1301(f)) is amended by striking “this section \$750,000,000” and all that follows through the period at the end and inserting “this section \$250,000,000 for fiscal year 2010, \$300,000,000 for fiscal year 2011, \$350,000,000 for fiscal year 2012, \$400,000,000 for fiscal year 2013, and \$500,000,000 for fiscal year 2014.”.

(c) ALLOCATION OF FUNDS.—Section 221(g) of such Act (33 U.S.C. 1301(g)) is amended to read as follows:

“(g) ALLOCATION OF FUNDS.—

“(1) FISCAL YEAR 2010.—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2010 for making grants to municipalities and municipal entities under subsection (a)(2) in accordance with the criteria set forth in subsection (b).

“(2) FISCAL YEAR 2011 AND THEREAFTER.—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2011 and each fiscal year thereafter for making grants to States under subsection (a)(1) in accordance with a formula to be established by the Administrator, after providing notice and an opportunity for public comment, that allocates to each State a proportional share of such amounts based on the total needs of the State for municipal combined sewer overflow controls and sanitary sewer overflow controls identified in the most recent survey conducted pursuant to section 516.”.

(d) REPORTS.—The first sentence of section 221(i) (33 U.S.C. 1301(i)) is amended by striking “2003” and inserting “2012”.

TITLE IV—MONITORING, REPORTING, AND PUBLIC NOTIFICATION OF SEWER OVERFLOWS

SEC. 4001. MONITORING, REPORTING, AND PUBLIC NOTIFICATION OF SEWER OVERFLOWS.

Section 402 (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) SEWER OVERFLOW MONITORING, REPORTING, AND NOTIFICATIONS.—

“(1) GENERAL REQUIREMENTS.—After the last day of the 180-day period beginning on the date on which regulations are issued under paragraph (4), a permit issued, renewed, or modified under this section by the Administrator or the State, as the case may be, for a publicly owned treatment works shall require, at a minimum, beginning on the date of the issuance, modification, or renewal, that the owner or operator of the treatment works—

“(A) institute and utilize a feasible methodology, technology, or management program for monitoring sewer overflows to alert the owner or operator to the occurrence of a sewer overflow in a timely manner;

“(B) in the case of a sewer overflow that has the potential to affect human health, notify the public of the overflow as soon as practicable but not later than 24 hours after the time the owner or operator knows of the overflow;

“(C) in the case of a sewer overflow that may imminently and substantially endanger human health, notify public health authorities and other affected entities, such as public water systems, of the overflow immediately after the owner or operator knows of the overflow;

“(D) report each sewer overflow on its discharge monitoring report to the Administrator or the State, as the case may be, by describing—

“(i) the magnitude, duration, and suspected cause of the overflow;

“(ii) the steps taken or planned to reduce, eliminate, or prevent recurrence of the overflow; and

“(iii) the steps taken or planned to mitigate the impact of the overflow; and

“(E) annually report to the Administrator or the State, as the case may be, the total number of sewer overflows in a calendar year, including—

“(i) the details of how much wastewater was released per incident;

“(ii) the duration of each sewer overflow;

“(iii) the location of the overflow and any potentially affected receiving waters;

“(iv) the responses taken to clean up the overflow; and

“(v) the actions taken to mitigate impacts and avoid further sewer overflows at the site.

“(2) EXCEPTIONS.—

“(A) NOTIFICATION REQUIREMENTS.—The notification requirements of paragraphs (1)(B) and (1)(C) shall not apply to a sewer overflow that is a wastewater backup into a single-family residence.

“(B) REPORTING REQUIREMENTS.—The reporting requirements of paragraphs (1)(D) and (1)(E) shall not apply to a sewer overflow that is a release of wastewater that occurs in the course of maintenance of the treatment works, is managed consistently with the treatment works' best management practices, and is intended to prevent sewer overflows.

“(3) REPORT TO EPA.—Each State shall provide to the Administrator annually a summary of sewer overflows that occurred in the State.

“(4) RULEMAKING BY EPA.—Not later than one year after the date of enactment of this subsection, the Administrator, after providing notice and an opportunity for public comment, shall issue regulations to implement this subsection, including regulations to—

“(A) establish a set of criteria to guide the owner or operator of a publicly owned treatment works in—

“(i) assessing whether a sewer overflow has the potential to affect human health or may imminently and substantially endanger human health; and

“(ii) developing communication measures that are sufficient to give notice under paragraphs (1)(B) and (1)(C); and

“(B) define the terms ‘feasible’ and ‘timely’ as such terms apply to paragraph (1)(A), including site specific conditions.

“(5) APPROVAL OF STATE NOTIFICATION PROGRAMS.—

“(A) REQUESTS FOR APPROVAL.—

“(i) IN GENERAL.—After the date of issuance of regulations under paragraph (4), a State may submit to the Administrator evidence that the State has in place a legally enforceable notification program that is substantially equivalent to or exceeds the requirements of paragraphs (1)(B) and (1)(C).

“(ii) PROGRAM REVIEW AND AUTHORIZATION.—If the evidence submitted by a State under clause (i) shows the notification program of the State to be substantially equivalent to or exceeds the requirements of paragraphs (1)(B) and (1)(C), the Administrator shall authorize the State to carry out such program instead of the requirements of paragraphs (1)(B) and (1)(C).

“(iii) FACTORS FOR DETERMINING SUBSTANTIAL EQUIVALENCY.—In carrying out a review of a State notification program under clause (ii), the Administrator shall take into account the scope of sewer overflows for which notification is required, the length of time during which notification must be made, the scope of persons who must be notified of sewer overflows, the scope of enforcement activities ensuring that notifications of sewer overflows are made, and such other factors as the Administrator considers appropriate.

“(B) REVIEW PERIOD.—If a State submits evidence with respect to a notification program under subparagraph (A)(i) on or before the last day of the 30-day period beginning on the date of issuance of regulations under paragraph (4), the requirements of paragraphs (1)(B) and (1)(C) shall not begin to apply to a publicly owned treatment works located in the State until the date on which the Administrator completes a review of the notification program under subparagraph (A)(ii).

“(C) WITHDRAWAL OF AUTHORIZATION.—If the Administrator, after conducting a public hearing, determines that a State is not administering and enforcing a State notification program authorized under subparagraph (A)(ii) in accordance with the requirements of this paragraph, the Administrator shall so notify the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed 90 days, the Administrator shall withdraw authorization of such program and enforce the requirements of paragraphs (1)(B) and (1)(C) with respect to the State.

“(6) SPECIAL RULES CONCERNING APPLICATION OF NOTIFICATION REQUIREMENTS.—After the last day of the 30-day period beginning on the date of issuance of regulations under paragraph (4), the requirements of paragraphs (1)(B) and (1)(C) shall—

“(A) apply to the owner or operator of a publicly owned treatment works and be subject to enforcement under section 309, and

“(B) supersede any notification requirements contained in a permit issued under this section for the treatment works to the extent that the notification requirements are less stringent than the notification requirements of paragraphs (1)(B) and (1)(C),

until such date as a permit is issued, renewed, or modified under this section for the treatment works in accordance with paragraph (1).

“(7) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) SANITARY SEWER OVERFLOW.—The term ‘sanitary sewer overflow’ means an overflow, spill, release, or diversion of wastewater from a sanitary sewer system. Such term does not include municipal combined sewer overflows or other discharges from the combined portion of a municipal combined storm and sanitary sewer

system and does not include wastewater backups into buildings caused by a blockage or other malfunction of a building lateral that is privately owned. Such term includes overflows or releases of wastewater that reach waters of the United States, overflows or releases of wastewater in the United States that do not reach waters of the United States, and wastewater backups into buildings that are caused by blockages or flow conditions in a sanitary sewer other than a building lateral.

“(B) SEWER OVERFLOW.—The term ‘sewer overflow’ means a sanitary sewer overflow or a municipal combined sewer overflow.

“(C) SINGLE-FAMILY RESIDENCE.—The term ‘single-family residence’ means an individual dwelling unit, including an apartment, condominium, house, or dormitory. Such term does not include the common areas of a multi-dwelling structure.”

TITLE V—GREAT LAKES LEGACY REAUTHORIZATION

SEC. 5001. REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN.

Section 118(c)(12)(H) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(12)(H)) is amended by striking clause (i) and inserting the following:

“(i) IN GENERAL.—In addition to other amounts authorized under this section, there is authorized to be appropriated to carry out this paragraph—

“(I) \$50,000,000 for each of the fiscal years 2004 through 2009; and

“(II) \$150,000,000 for each of the fiscal years 2010 through 2014.”

SEC. 5002. PUBLIC INFORMATION PROGRAM.

Section 118(c)(13)(B) (33 U.S.C. 1268(c)(13)(B)) is amended by striking “2010” and inserting “2014”.

SEC. 5003. CONTAMINATED SEDIMENT REMEDIATION APPROACHES, TECHNOLOGIES, AND TECHNIQUES.

Section 106(b) of the Great Lakes Legacy Act of 2002 (33 U.S.C. 1271a(b)) is amended by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—In addition to amounts authorized under other laws, there is authorized to be appropriated to carry out this section—

“(A) \$3,000,000 for each of the fiscal years 2004 through 2009; and

“(B) \$5,000,000 for each of the fiscal years 2010 through 2014.”

The CHAIR. No amendment to the committee amendment is in order except those printed in House report 111-36. Each amendment may be offered only in the order printed in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-36.

Mr. OBERSTAR. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

In section 1101(a)(3) of the bill, in the matter proposed to be inserted as section

104(b)(8) of the Federal Water Pollution Control Act—

(1) in subparagraph (A)—

(A) insert “and tribal governments” after “small municipalities”; and

(B) insert “and tribal governments” after “such municipalities”; and

(2) in subparagraphs (B) and (C) strike “rural and small” and insert “rural, small, and tribal”.

In section 1103(a)(2) of the bill, amend subparagraph (A) to read as follows:

(A) in the matter preceding paragraph (1)—
(i) by striking “for treatment works” and inserting “to a municipality or municipal entity”; and

(ii) by striking “wet weather discharge”;

In section 1103(a)(2)(B) of the bill, in the matter proposed to be inserted in section 122(a)(2) of the Federal Water Pollution Control Act, strike “technologies” and insert “technologies and other techniques that utilize infiltration, evapotranspiration, and reuse of storm water on site”.

In section 1103 of the bill, amend subsection (b) to read as follows:

(b) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 122(c)(1) is amended—

(1) by striking “and”; and

(2) by striking the period and inserting “, such sums as may be necessary for each of fiscal years 2005 through 2009, and \$100,000,000 for each of fiscal years 2010 through 2014.”.

In section 1303(a) of the bill, in the matter proposed to be inserted in section 603(c) of the Federal Water Pollution Control Act—

(1) in paragraph (7) strike “and” after the semicolon;

(2) in paragraph (8) strike “section 122.”, the closing quotation marks, and the final period and insert “section 122; and”; and

(3) add after paragraph (8) the following:

“(9) to any municipality or intermunicipal, interstate, or State agency for measures to reduce the energy consumption needs for publicly owned treatment works, including the implementation of energy-efficient or renewable-energy generation technologies.”.

In section 1303(f) of the bill, in the matter proposed to be inserted as section 603(i)(2)(A) of the Federal Water Pollution Control Act, strike the last sentence and insert the following: “Such criteria shall be based on income data, population trends, and other data determined relevant by the State, including whether the project or activity is to be carried out in an economically distressed area, as described in section 301 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161).”.

Amend section 1306 of the bill to read as follows:

SEC. 1306. ANNUAL REPORTS.

Section 606(d) (33 U.S.C. 1386(d)) is amended—

(1) by striking “(d) ANNUAL REPORT.—Beginning” and inserting the following:

“(d) ANNUAL REPORTS.—

“(1) STATE REPORT.—Beginning”;

(2) in paragraph (1) (as so designated) by striking “loan amounts,” and inserting “loan amounts, the eligible purposes under section 603(c) for which the assistance has been provided.”; and

(3) by adding at the end the following:

“(2) FEDERAL REPORT.—The Administrator shall annually prepare, and make publicly available, a report on the performance of the projects and activities carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized under this title during the previous fiscal year, including—

“(A) the annual and cumulative financial assistance provided to States under this title;

“(B) the categories and types of such projects and activities;

“(C) an estimate of the number of jobs created through carrying out such projects and activities;

“(D) an assessment of the progress made toward meeting the goals and purposes of this Act through such projects and activities; and

“(E) any additional information that the Administrator considers appropriate.”.

At the end of title I of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 1309. UNITED STATES-MEXICAN BORDER WATER INFRASTRUCTURE STUDIES.

(a) STUDY OF INFRASTRUCTURE ALONG THE RIO GRANDE RIVER.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall conduct a study of wastewater treatment facilities that discharge into the Rio Grande River and develop recommendations for improving monitoring, information sharing, and cooperation between the United States and Mexico.

(2) CONSULTATION.—The Administrator shall conduct the study in consultation with the Secretary of State, appropriate representatives of the Mexican government, and the International Boundary Waters Commission.

(3) REPORT.—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, together with the recommendations developed under paragraph (1).

(b) STUDY OF WATER INFRASTRUCTURE ALONG THE UNITED STATES-MEXICO BORDER.—

(1) STUDY.—The Comptroller General shall conduct a study on water infrastructure along the border between the United States and Mexico to augment current studies relating to colonias development.

(2) CONTENTS.—In conducting the study, the Comptroller General shall examine the comprehensive planning needs relating to water and wastewater infrastructure for colonias along the border between the United States and Mexico.

(3) REPORT.—Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

In section 1501 of the bill, strike subsection (b) and redesignate subsections (c) and (d) as subsections (b) and (c), respectively.

In section 1501(c)(3) of the bill (as so redesignated)—

(1) in subparagraph (A) insert “and” after the semicolon;

(2) in subparagraph (B) strike “; and” and insert a period; and

(3) strike subparagraph (C).

Strike section 3001(b) of the bill and insert the following:

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 221(f) (33 U.S.C. 1301(f)) is amended to read as follows:

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$250,000,000 for fiscal year 2010, \$300,000,000 for fiscal year 2011, \$350,000,000 for fiscal year 2012, \$400,000,000 for fiscal year 2013, and \$500,000,000 for fiscal year 2014. Such sums shall remain available until expended.

“(2) MINIMUM ALLOCATIONS.—To the extent there are sufficient eligible project applica-

tions, the Administrator shall ensure that a State uses not less than 20 percent of the amount of the grants made to the State under subsection (a) in a fiscal year to carry out projects to control municipal combined sewer overflows and sanitary sewer overflows through the use of green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities.”.

At the end of title V of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 5004. GREAT LAKES WATER QUALITY.

(a) STUDY.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of State and the Government of Canada, shall conduct a study of the condition of wastewater treatment facilities located in the United States and Canada that discharge into the Great Lakes.

(b) CONTENTS.—In conducting the study, the Administrator shall—

(1) determine the effect that such treatment facilities have on the water quality of the Great Lakes; and

(2) develop recommendations—

(A) to improve water quality monitoring by the operators of such treatment facilities;

(B) to establish a protocol for improved notification and information sharing between the United States and Canada; and

(C) to promote cooperation between the United States and Canada to prevent the discharge of untreated and undertreated wastewater into the Great Lakes.

(c) CONSULTATION.—In conducting the study, the Administrator shall consult with the International Joint Commission.

(d) REPORT.—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, together with the recommendations developed under subsection (b)(2).

At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

TITLE VI—PHARMACEUTICALS AND PERSONAL CARE PRODUCTS

SEC. 6001. PRESENCE OF PHARMACEUTICALS AND PERSONAL CARE PRODUCTS IN WATERS OF THE UNITED STATES.

Section 104 (33 U.S.C. 1254) is amended by adding at the end the following:

“(w) PRESENCE OF PHARMACEUTICALS AND PERSONAL CARE PRODUCTS IN WATERS OF THE UNITED STATES.—

“(1) STUDY.—The Administrator, in consultation with appropriate Federal agencies (including the National Institute of Environmental Health Sciences), shall conduct a study on the presence of pharmaceuticals and personal care products (in this subsection referred to as ‘PPCPs’) in the waters of the United States.

“(2) CONTENTS.—In conducting the study under paragraph (1), the Administrator shall—

“(A) identify PPCPs that have been detected in the waters of the United States and the levels at which such PPCPs have been detected;

“(B) identify the sources of PPCPs in the waters of the United States, including point sources and nonpoint sources of PPCP contamination; and

“(C) identify methods to control, limit, treat, or prevent PPCPs in the waters of the United States.

“(3) REPORT.—Not later than 12 months after the date of enactment of this subsection, the Administrator shall submit to Congress a report on the results of the study conducted under this subsection, including the potential effects of PPCPs in the waters of the United States on human health and aquatic wildlife.

“(4) PHARMACEUTICALS AND PERSONAL CARE PRODUCTS DEFINED.—In this subsection, the terms ‘pharmaceuticals and personal care products’ and ‘PPCPs’ mean products used by individuals for personal health or cosmetic reasons or used to enhance growth or health of livestock.”.

The CHAIR. Pursuant to House Resolution 235, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. The manager’s amendment incorporates several important policy changes to the Clean Water Act, principally to promote transparency and accountability following on the committee’s portion of the Economic Recovery Act, in which we require across the spectrum of our portion of the stimulus package openness, accountability reports every 30 days, the first of which will be received on April 3 by this committee from the whole range of Federal agencies and State agencies that are receiving recovery funds. We take that principle and incorporate those concepts of openness and accountability for the future of this program.

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A review of the types and categories of projects, the activities carried out under the State Revolving Fund, the jobs estimated to be created from the funds that States will use and cities will borrow from, we want to know the jobs created, the type of project, the category of projects, activities carried out, receive that information and make it public.

We also provide additional criteria for States to determine affordability for wastewater infrastructure projects and activities, and tribal governments to be eligible for technical and management assistance for small, publicly owned sewerage agencies.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Chairman, I ask unanimous consent to claim the time, although I am not in opposition.

The CHAIR. Without objection, the gentleman from Arkansas is recognized for 5 minutes.

There was no objection.

Mr. BOOZMAN. Again, we very much support this amendment and thank the chairman for bringing it forward, and I yield back the balance of my time.

Mr. OBERSTAR. I thank the gentleman for his comments. The balance of the manager’s amendment includes proposals that we folded in from Representatives CARDOZA, CLEAVER, CUELLAR, EDWARDS of Maryland, LUJAN, MCCARTHY of New York, STU-

PAK and Mr. TEAGUE, and I will not go into all the details, but I will include in the RECORD under general leave my complete statement covering those provisions. I ask support for the manager’s amendment.

I yield back the balance of my time. Mr. BOOZMAN. Mr. Chairman, I ask unanimous consent to reclaim a minute of my time.

The CHAIR. Without objection, the gentleman from Arkansas is recognized for 1 minute.

There was no objection.

Mr. BOOZMAN. I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I am not in opposition to the amendment. I think the amendment is actually appropriate. My concern about it is, and I will say this to the chairman of the committee, I totally, coming from local government, totally support the openness here. I think at a time when we still have storm water diversion going over and polluting our rivers, it is crazy that we don’t do more.

But I would ask the chairman to be aware of the fact that although we will be able to tell the public, and the public will be able to know, where their money is going and how it is being spent, there is still that issue the American people are very upset about, what the Senate did to the stimulus package, and that is the issue that the public will not know: Are the people who are getting the jobs legally in the country? Do their Social Security names and numbers match? And will the public be able to know how many legal residents and Americans got this job as opposed to somebody who is in violation of our immigration status? The E-Verify was a great bipartisan effort here in the House. For us to abandon that as a minimum standard to allow the public to know, I disagree with that.

Mr. CLEAVER. Mr. Chair, I rise today in support of H.R. 1262, the Water Quality Investment Act of 2009, which my good friend Chairman OBERSTAR introduced. In particular, I am very proud to support the Oberstar Amendment, containing provisions to ensure that no less than 20 percent of all sewer overflow control grants allocated through this legislation will be spent on projects that incorporate green infrastructure practices.

H.R. 1262, the Water Quality Investment Act authorizes significant federal investment aimed at reducing sewer overflows in the, United States—a problem that threatens human health and the environment across the country.

Currently, most cities that have created EPA-mandated plans to reduce their sewer overflows have relied on the increase of treatment and storage capacity, and the separation of sanitary and stormwater sewers—so-called “grey solutions.” However, research and demonstration projects have shown promising results for the use of “green infrastructure” to help solve the sewer overflow problem. Green

infrastructure takes nature as its guide, using plants and natural systems to infiltrate stormwater into the soil before it enters the sewers, taking pressure off of cities’ collection and treatment systems.

I was proud to contribute a provision in the Oberstar Amendment that will ensure that no less than 20 percent of grant funds made under this bill for sewer overflow control will be spent on projects that incorporate green infrastructure approaches and practices. This strikes a reasonable balance between green infrastructure and traditional control systems, as both have a role in creating a sustainable and workable solution to sewer overflows.

Green infrastructure has significant advantages over grey solutions. These strategies reduce stormwater runoff, relieving combined sewer systems of large quantities of stormwater that contribute to sewer overflows. At the same time, these natural systems can filter stormwater, removing pollutants that otherwise can be conveyed to streams and lakes. By holding stormwater runoff in the watershed where it falls, green infrastructure helps recharge groundwater sources that many cities rely on for drinking water. Green infrastructure also provides more greenspace to our concrete-covered cities. These open areas allow for recreational uses as well as reducing the urban heat island effect, which reduces energy needs. This reduced energy use combined with greater sequestration of carbon in trees and plants helps mitigate the effects of climate change. Building and maintaining these natural systems create green jobs as well. Finally, by reducing runoff, green infrastructure can alleviate flooding issues.

Perhaps most importantly, given the size of the federal contribution that this water quality financing bill represents, green infrastructure can be more cost effective than traditional grey solutions, even without considering the ancillary benefits listed above. Numerous demonstration projects have shown that green infrastructure can achieve the same level of runoff control for less money. For example, studies of new residential developments have found that green infrastructure can control stormwater for \$3,500 to \$4,500 less per lot than traditional stormwater controls. At the same time, the developments with green infrastructure have higher property values. Moreover, retrofitting existing urban spaces for green infrastructure is competitive in cost with conventional stormwater controls, especially when viewed as a component of a coherent watershed approach. When the additional benefits of green infrastructure are included, it becomes a very attractive alternative.

No one argues that green infrastructure alone can solve the enormous sewer overflow problem. But my amendment recognizes the growing consensus that green infrastructure deserves a place among the suite of tools used by watershed managers in an increasingly environmentally conscious society. Americans are demanding that we as lawmakers account for and take steps to reduce the footprint that we make on our fragile planet. This bill is a step toward meeting those expectations.

Indeed, America’s cities are already moving in the direction of making green infrastructure an integral part of sewer overflow control strategies. Green roofs cover more than 1 million

square feet in Chicago, thanks in part to grants of \$5,000 the city offers to building owners that install a green roof. Chicago is also aggressively pursuing permeable pavement along its 2,000 miles of alleyways. In the face of rising costs and economic challenges, the Metropolitan Sewer District of Greater Cincinnati in 2007 took the bold step of re-examining its EPA-mandated combined sewer overflow (CSO) control plan, proposing that an aggressive stormwater management strategy using green infrastructure be implemented to reduce the burdensome cost of conventional grey solutions in their original plan. Washington, DC has investigated the stormwater benefits of green roofs and trees, and estimated that aggressive implementation of green roofs and tree planting could reduce CSOs by 1 billion gallons annually.

Kansas City, Missouri, which I proudly represent, has decided as a community that green infrastructure must be a main component of its sewer overflow control strategy. To that end, Kansas City's plan allocates tens of millions of dollars toward implementing green infrastructure solutions. The plan continues and expands the City's award-winning "10,000 Rain Gardens" campaign, which educates citizens about the benefits of installing rain gardens and provides resources to residents who want to plant a rain garden. The program will be expanded to help residents disconnect their downspouts. Recognizing the economic benefits of green infrastructure to the long term local economy, Kansas City is also allocating significant resources to developing the green collar workers that are needed to build green infrastructure. In tough times, these jobs will provide an economic stimulus to distressed areas. Finally, Kansas City has kicked off the largest demonstration of green solutions for CSO control in the nation, in the Marlborough neighborhood. Covering 100 acres, the project will be designed to store 500,000 gallons of stormwater. This project will replace the original plan for management of this area—two underground storage tanks that would have contributed no additional benefits to the neighborhood or the environment.

This bill will help cities adopt these and other innovative strategies, and it is in keeping with the New Direction this Congress has charted: one in which economic prosperity, environmental protection, and social well-being are not mutually exclusive. That is why I am proud to support H.R. 1262, particularly the amendment by my good friend Chairman OBERSTAR. I urge all my colleagues to support this vital piece of legislation.

Mr. INSLEE. Mr. Chair, the recent discovery of pharmaceuticals in our nation's waters has increased concern over how these drugs may affect the surrounding environment. That is why I am proud to have worked with Congresswoman MCCARTHY, Congresswoman BALDWIN and Congresswoman SCHWARTZ to secure an amendment in the Water Quality Investment Act of 2009 that would require the EPA to study the presence of pharmaceuticals and personal care products in our waters. This amendment is extremely important in advancing our understanding on how to cleanup these potentially hazardous materials. I would also like to thank Chairman OBERSTAR for inclusion of this amendment in the manager's

amendment. It is my hope that Congress will continue to examine the issues surrounding the presence of pharmaceuticals in dangerous settings and work to pass the Safe Drug Disposal Act of 2009 in the near future.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MACK

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-36.

Mr. MACK. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MACK:

In section 1302(b)(4) of the bill, in the matter proposed to be inserted as section 602(b)(14) of the Federal Water Pollution Control Act, insert "and" after the semicolon.

In section 1302(b)(4) of the bill, in the matter proposed to be inserted as section 602(b)(15) of the Federal Water Pollution Control Act, strike "and" and insert a period.

In section 1302(b)(4) of the bill, strike the matter proposed to be inserted as section 602(b)(16) of the Federal Water Pollution Control Act.

The CHAIR. Pursuant to House Resolution 235, the gentleman from Florida (Mr. MACK) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MACK. Mr. Chairman, I would like to yield myself such time as I may consume.

I would first like to thank Chairman OBERSTAR and Ranking Member MICA for all of their efforts to promote clean water and infrastructure investment. Despite these good efforts, I find it hard to believe that the majority would include a job-killing provision known as Davis-Bacon in this legislation.

With Davis-Bacon and the majority's introduction of the Card Check legislation earlier this week, the Democrat leadership is telling big labor that they are open for business and it is time to cash in on the backs of hardworking American taxpayers.

As Members of Congress, one of our jobs is to make certain that our country has safe, accessible and modern infrastructure. It is our responsibility as legislators to foster a competitive environment that enables businesses to hire the workers they need and to meet these goals.

Sadly, this is a bill we should all be able to support. But with the poison pill of the Davis-Bacon provision, this becomes unacceptable legislation, and I in good faith cannot support it.

The Davis-Bacon Act passed in 1931 is a throw-back to failed Depression-era economic policies and is fiscally irresponsible. Davis-Bacon is basically a

federally mandated super-minimum wage provision that applies to federally funded infrastructure projects. Davis-Bacon provisions force construction projects to deal with unnecessary red tape and lead to higher construction costs. It ensures that wages are artificially set by bureaucrats, not by the free-market forces.

Currently 18 States, including my home State of Florida, have no prevailing wage laws. With the inclusion of Davis-Bacon, my constituents, along with 17 other States, will see increased costs of public construction, thereby reducing the volume of projects and jobs.

Mr. Chairman, I stand up for Florida and other States today. Do not burden them with this reckless policy. This bill today represents an unprecedented expansion of Davis-Bacon. The Clean Water Investment Act mandates that any project funded even in part by the State Revolving Fund is subject to the prevailing wage requirements.

To be blunt and simple, Davis-Bacon is fiscally irresponsible policy and should not be included in this legislation. Repealing Davis-Bacon would save taxpayers billions in construction and administrative costs. These numbers may seem trivial to some of my colleagues, especially in this time when the majority has spent more than a trillion dollars in the last few months, but to my constituents, this is completely unacceptable.

If we repeal Davis-Bacon, we could use these savings to create more jobs and improve our water supply, rather than just lining the pockets of big labor. I cannot believe that Members can sit back and allow this provision to be part of the underlying legislation. Our taxpayers deserve better.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIR. The gentleman from Minnesota is recognized for 10 minutes.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

It is always astonishing to me, over the going on 35 years that I have served in the House, on those few occasions when prevailing wage has become an issue of discussion on the House floor, it is characterized as "job killing" and "union boss wages" and other such, not that the gentleman from Florida used such language, but it has been used on other occasions.

This is far from job killing. Good Lord, this was a provision signed into law by Herbert Hoover on March 3, 1931, in response to an appeal from contractors who said that job-stealing contractors from other parts of the country were coming into New York on Long Island, where a federally funded hospital was being built, and undercutting their wages—and that was pretty

hard to do in those days, because the wage was only about 25 cents an hour—and setting up tents on the property where the construction project was underway to undercut the local contractor who then appealed to the administration for help. Didn't get any, but the local Republican member of the House, Mr. Bacon, vigorously protested that practice.

The Assistant Secretary of Commerce, Mr. Davis, left the administration, went back to Pennsylvania, was elected to the United States Senate, and in 1931 joined with Mr. Bacon, moved this legislation through the House and Senate, and Herbert Hoover signed it into law. It has not killed jobs in over 70-some years.

I reserve the balance of my time.

Mr. MACK. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. McKEON).

Mr. McKEON. Mr. Chairman, I thank the gentleman for yielding, and I rise in strong support of this amendment.

Inclusion of the Davis-Bacon mandate in H.R. 1262 represents both bad policy and bad process, and I support this effort to correct it.

First on process. The Education and Labor Committee, the committee with jurisdiction over Davis-Bacon, never considered the bill's Davis-Bacon provision, not in a hearing, not in a markup, not in any procedure whatsoever. If we had, we would have weighed the impact of this provision on the projects themselves, on local economies, and indeed, on the American taxpayers. That brings me to my second objection, the policy.

By inflating labor rates, Davis-Bacon typically increases the cost of Federal projects by anywhere from 5 to 38 percent. Furthermore, the costs of Davis-Bacon are particularly burdensome for small businesses. This mandate can saddle private companies with literally millions of dollars in excess administrative work every year. Small, locally owned businesses can't afford this type of bureaucracy. They rarely have the resources to comply. As a result, large companies are more often rewarded government contracts, even for small projects. At a time when the economy is hurting as it is and small businesses are the ones creating jobs, give them the opportunity to do it. Federal law should not have a built-in bias against small businesses.

I urge my colleagues to support this amendment and remove the costly and burdensome Davis-Bacon requirement.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. BISHOP), a member of the committee.

Mr. BISHOP of New York. Mr. Chairman, I rise in opposition to the amendment. I rise particularly noting that Congressman Bacon at one point represented the district that I have the honor of representing.

I want to be clear on what our friends on the other side of the aisle are fighting for. The prevailing wage for a bricklayer in Lee County, Florida, is \$8.34 an hour. That is an annual rate of \$17,000 a year. The Federal poverty level for a family of four is approximately \$21,000 a year. Does this Congress really want to go on record as imposing a wage rate that consigns the hardworking people of our communities to living under the Federal poverty level? I would hope not.

The prevailing wage for a backhoe operator in Madison County, Arkansas, is \$12.17 an hour. Is that a wage that we can find indefensible? Is that a wage that is going to bankrupt the companies that hire these people? Absolutely not. An annual rate of \$25,000 a year, how do we help our families get their piece of the American dream when we consign them to wages as low as \$17,000 a year or \$25,000 a year.

So I would urge my colleagues to both reject this amendment and to make a statement that we want to support the working families of our communities. We want to see to it that they are paid a livable wage. And we want to ensure, frankly, that we don't give opportunity to unscrupulous contractors who will not be bound by Federal prevailing-wage requirements, and they will then access a workforce that is willing to accept the subsistence wages and no benefits that would go along with such a job.

Mr. MACK. Mr. Chairman, I would like to yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from Florida for yielding.

This is an issue that will bring me to this floor every opportunity I get. I believe I would be the one Member of this Congress who has lived under the oppressive burden of the Davis-Bacon Act the longest and been impacted by it the most.

□ 1215

There is a second-generation King Construction that is impacted by this now, not of my interest.

The gentleman from Minnesota knows how much respect I have for him. I appreciate him bringing up Herbert Hoover. Herbert Hoover did sign this Davis-Bacon Act bill. It was about the same time that he was initiating the beginnings of the old New Deal. And I don't agree with either one of those decisions of Herbert Hoover, but I will defend his legacy when he's right.

This time, Herbert Hoover was wrong, and here is the reason: that we should, as consenting adults, have a protected right to enter into an agreement of our choice. If two consenting adults sit down and decide—if I want to work for my neighbor for \$10 an hour, what business is it of this Congress to tell me and my neighbor that I can't do that job for \$10 an hour?

Under the 10th amendment, the Federalism concept, the powers that belong to the States stay with the States. This reaches across into the Constitution and it says to the States, this revolving fund, even if it's your own money, you can't make those decisions any longer at the State level, you have to let the people in Congress make that decision—which I know they're going to go back and say, well, this is a prevailing wage. Well, no, it's a union scale. If it were a prevailing wage, you wouldn't need to have the Department of Labor looking in to keep all of these records. I have had them come and ask me what are we paying our people. Sometimes it's more than union scale, sometimes it's less than union scale; it depends on where the job is. But if you report the prevailing wage as a merit shop contractor—which I have spent nearly 30 years doing—you can bet that the union organizers will show up at your door. And so for that reason, smart merit shop contractors don't submit themselves to that kind of organization. They just don't report the prevailing wage, so it becomes de facto union scale. That is the reality of this.

And my numbers are this—this is out of King Construction's books: The additional cost, when we go into a Davis-Bacon job, is between 8 and 35 percent. It depends on the region, and it depends on the amount of materials. This reaches down into this and tells the States, you're going to have to pay this for the remaining States that do not have many Davis-Bacon laws, like Florida, like Iowa. It imposes a Federal Davis-Bacon wage scale on all of us.

I have not heard a rational argument that upholds the side of Davis-Bacon from proponents of it. I stand in support of this amendment. We cannot take away the 10th amendment rights of our States to do business as they see fit with their money. That is a violation of the Constitution, in my view. There has to be a rational argument.

But I will add one more argument to this, and that is: Herbert Hoover may have signed the bill, but this is the last Jim Crow law that I know that's on the books, and that can't be defended.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan, a member of the committee.

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to this amendment because, quite simply, Davis-Bacon works.

Some might say that Davis-Bacon is nothing more than a giveaway to unions, but nothing in Davis-Bacon actually requires government contractors to hire union labor. All Davis-Bacon actually does is to require that a local prevailing wage be paid to employees who do work on government infrastructure projects. And it just so happens that in many cases, when Davis-Bacon

is applied, that union labor is hired because they have outstanding training that warrants the wage that is being paid is paid to them. And in the end, most importantly, good work is done on public projects.

Let us also remember for a moment what actually happened after Hurricane Katrina when then-President Bush suspended Davis-Bacon during the emergency rebuilding. During that time, Mr. Speaker, we saw local workers turned away in favor of immigrant labor from other areas, many of them workers who were in this country illegally. It got so bad after Katrina that I joined a number of my Republican colleagues in going to President Bush to implore him to restore Davis-Bacon protections. President Bush then rescinded his earlier order and the people of the gulf coast got the jobs they needed and the rebuilding went much smoother. And I will say this: When government work is being done in Michigan, I want highly skilled Michigan building trades workers to get those jobs.

Mr. Chairman, again, very simply, Davis-Bacon works. And I would urge my colleagues to reject this amendment.

Mr. MACK. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, in listening to the arguments, earlier a gentleman spoke about Lee County, Florida. Well, let me tell you what he didn't say. He didn't talk about the thousands of people that are out of work and that would like to have a job, that lost their job maybe in the construction industry and that would like to go back to work. With the Davis-Bacon provision in this bill, we won't be able to hire as many people as we would like. That means fewer jobs and fewer opportunities for the families that live in southwest Florida and all over this country.

Mr. Chairman, at a time when we are debating solutions to jump-start our economy and the importance of job creation, the Democrat majority has incorporated a provision in this bill that would do just the opposite. Repealing Davis-Bacon would create jobs, save money, and allow for more critical projects to be completed.

Including this provision in the bill means fewer jobs for fewer workers at a time when we want more people to have more opportunity. But Mr. Chairman, it comes as little surprise that in the same week the majority would ram through these Davis-Bacon provisions, they would introduce the Card Check bill. These reckless policies promote inefficiency and end up hammering all of our constituents. I hope this Congress will once and for all eliminate the outdated barrier to job creation.

Mr. Chairman, we need to leave Davis-Bacon and these failed Depression-era policies where they belong—in the history books.

I urge all Members to vote for my amendment to strip the Davis-Bacon provisions and to stand up for the American people, not Big Labor.

Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. I yield 1 minute to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the comments from my colleague from Florida, who talked about the Employee Free Choice Act in the same breath as the Davis-Bacon, because it is part and parcel of the same issue.

There has been a concerted war against organized labor for years. Workers have been discriminated against when they have tried to organize, they have been cheated, they have been fired for exercising their rights with little penalties.

And look at what happened during Katrina when the Davis-Bacon provisions were suspended. That didn't trickle down to provide more family wage jobs. It provided more minimum wage jobs, but profit all up the food chain. I invite people to look at the disaster that resulted from suspending these worker provisions.

Mr. Chairman, we in Oregon had a spirited, robust State-wide referendum on this issue. By a 60-40 vote, our citizens, supported by a conservative Republican Governor, decided they wanted these worker provisions. This protection for working people is important, and I hope we keep it.

Mr. OBERSTAR. I thank the gentleman for his statement. I yield myself the balance of the time.

This is the kind of debate we should have, based on facts, based on reality in the workplace, the deeply felt views on issues, and it's why I insisted in committee and at the Rules Committee that the gentleman from Florida be allowed to offer this amendment in place and early on in consideration of this bill. It is appropriate to have this discussion.

I have great respect for the gentleman from Iowa (Mr. KING) who spoke earlier; we have worked together on a great many issues. He, too, speaks from the heart and from his experience on a range of business matters. And far be it from me to defend Herbert Hoover. But there are a few things in Hoover's repertoire that are worthy to note. He launched aviation security as Secretary of Commerce in 1926. He signed Davis-Bacon. He established the Reconstruction Finance Corporation. Not all of Hoover was bad, as he is associated with the Great Depression.

The gentleman from Iowa has left the floor, but I couldn't help noting that the prevailing wage in Sioux City for iron workers, \$20.95—that's not the union wage, that's prevailing wage. And for a truck driver, it is \$18.25 in Sioux City, compared to a truck driver prevailing wage in Minnesota, in my district, in Lake County, \$10.86.

The prevailing wage varies all over the country, depending on what the local labor survey shows. This is not a national wage, this is not a negotiated wage; this is the best they do in that particular area in this particular skill.

For the gentleman from Florida (Mr. MACK), a backhoe operator prevailing wage is \$11.04. A backhoe operator in northeastern Minnesota gets \$14.64. A backhoe operator in Mr. MICA's district gets \$10.35. Union wage is about double that.

These are not confiscatory wages—they are just barely staying ahead of the minimum wage. I know what it's like to work as a laborer. I worked on laborer jobs when I was going through college, carrying a hod of mud for a bricklayer, puddling concrete on a street-laying job, laying pipe for the sewage treatment plant in my hometown at \$1.25 an hour. That was below the minimum wage because we didn't have a union contractor on the job.

We ought to pay people a decent wage, a living wage. All we're asking for is the prevailing wage. And when the gentleman from Florida, the ranking member, said earlier, this is an expansion. Technically, yes, because the law expired. The Republican majority allowed this legislation, State Revolving Loan Fund, to expire. It was last authorized in 1994, and they allowed it to expire and it hasn't been authorized since then. So technically you can say, yeah, it is new, it's new legislation. We are just restoring what was.

This amendment should be defeated.

Mr. MACK. I ask unanimous consent to reclaim my 30 seconds to thank the chairman.

The CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MACK. Mr. Chairman, I failed to mention earlier that, in the committee, when I brought this amendment forward, Chairman OBERSTAR was gracious and kind to allow this debate to happen on the floor, and I think that shows great character. I want to thank him for his efforts to have the debate on the floor so we can let the people in the United States hear what the Congress is up to on this amendment. Thank you so much.

I would first like to thank Chairman OBERSTAR and Ranking Member MICA for all of their efforts to promote clean water and infrastructure investment. Despite these good efforts, I find it hard to believe that the majority would include a job-killing provision known as Davis-Bacon in this legislation.

Mr. Chairman, with Davis-Bacon and the majority's introduction of the card check legislation earlier this week, the Democratic leadership is telling Big Labor that we're open for business and it's time to cash in on the backs of hardworking American taxpayers!

As Members of Congress, one of our jobs is to make certain that our country has safe, accessible, and modern infrastructure. It is our responsibility as legislators to foster a competitive environment that enables businesses

to hire the workers they need to meet these goals.

Sadly, this is a bill we should all be able to support, but with the poison pill of the Davis-Bacon provision, this becomes unacceptable legislation and I in good faith cannot support it.

The Davis-Bacon Act, passed in 1931, is a throwback to failed Depression-era economic policy and is fiscally irresponsible. The act was originally passed with the intent of preventing nonunionized and immigrant laborers from competing with unionized workers for very scarce jobs. This provision forced communities to hire workers at higher prices and completely eliminated the pool of competition and competitive wages.

Davis-Bacon is essentially a federally-mandated, super-minimum wage provision that applies to federally-funded infrastructure projects. Many studies have concluded that Davis-Bacon provisions force construction projects to deal with unnecessary red tape and lead to higher construction costs.

Davis-Bacon requirements ensure that wages are artificially set by bureaucrats not by free market forces.

Currently 18 states, including my home state of Florida have no prevailing wage laws. With the inclusion of Davis-Bacon, my constituents, along with the 17 other states will see increased costs of public construction, thereby reducing the volume of projects and jobs.

Mr. Chairman, I stand up for Florida and other states today—do not burden them with this reckless policy.

In 1987, the Clean Water Act stated that Davis-Bacon rates would only apply to contracts where direct federal dollars were used.

This bill today represents an unprecedented expansion of Davis-Bacon. The Clean Water Investment Act mandates that any project funded even in part by the State Revolving Loan Fund, is subject to the prevailing wage requirements.

To be blunt and simple, Davis-Bacon is a fiscally irresponsible policy and should not be included in this legislation.

Repealing this Act would save federal taxpayers billions on construction and administrative costs. These numbers may seem trivial to some of my colleagues—especially in this era where the majority has spent more than a trillion dollars in the last month—but to my constituents this is completely unacceptable! If we repealed Davis-Bacon, we could use this savings to create more jobs and improve our water supply rather than just lining the pockets of Big Labor.

According to the Associated Builders and Contractors, Davis-Bacon has been shown to increase public construction costs by as much as 38 percent. A recent estimate from the Beacon Hill Institute suggests Davis-Bacon costs taxpayers \$8.6 billion per year. I cannot believe that Members can sit back and allow this provision to be part of this underlying legislation.

Our taxpayers deserve better.

Mr. Chairman, at a time when we are debating the solutions to jumpstart our economy and the importance of job creation, the Democratic majority has incorporated a provision in this bill that would do just the opposite.

Repealing Davis-Bacon would create jobs, save money, and allow for more critical projects to be completed. Including this provision in this bill means fewer jobs for fewer workers at a time when we want more people to have more opportunity.

It comes as little surprise that in the same week the majority would ram through these Davis-Bacon provisions, they introduce the card check bill. These reckless policies promote inefficiency, and end up harming all of our constituents.

I hope this Congress will once and for all eliminate this antiquated barrier to job creation in the private sector.

We need to leave Davis-Bacon and these failed Depression-era policies where it belongs: in the history books!

I urge all members to vote for my amendment to strip the Davis-Bacon provisions and stand up for the American people, not Big Labor.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I strongly oppose the amendment offered by the gentleman from Florida (Mr. MACK).

This amendment would strike the language renewing Davis-Bacon prevailing wage protections for construction projects funded under the Clean Water State Revolving Fund.

Since 1931, the Davis-Bacon Act has provided a living wage for America's workers.

As the authors of the Davis-Bacon Act knew then, and as we continue to know today, the greatest way to improve the quality of life for our nation's workers and for the nation as a whole is to provide workers with an honest wage for an honest day's work.

One of the unfortunate effects of today's economy and cost-of-living is that many families find themselves struggling to make ends meet.

In fact, today, many families either have both parents working or one wage-earner working multiple jobs just to afford a decent living for themselves and their families.

I believe that is important for the Federal government to help working Americans. It has been well documented by this Committee that every \$1 billion invested in transportation and water infrastructure creates over 35,000 jobs.

In addition, the Davis-Bacon provisions have increased the numbers of minority and women construction workers nationwide, providing valuable wage protections and training opportunities for groups that might otherwise be left behind.

As of today, twenty-nine states have enacted their own prevailing wage laws for publicly funded construction projects. In some of these states, the prevailing wage laws result in even higher wages for workers than if the Federal Davis-Bacon provisions, alone, were in effect.

However, for those States without prevailing wage protections, the Davis-Bacon Act is essential to protecting America's workers.

I have heard statements from opponents of the Davis-Bacon Act who claim that the government would save money if the Davis-Bacon provisions were not included.

In fact, such a move would be penny-wise and pound-foolish, because such a move would not reduce the cost of construction projects.

Studies have shown that the prevailing wage protections offered by the Davis-Bacon Act, in fact, attract better workers with more experience and training who are more productive than less experienced, and less trained workers.

This increase in productivity often results in the completion of construction projects ahead of schedule, reducing the overall cost of the project, and offsetting any increased costs due to higher hourly wage rates.

Removing the Davis-Bacon protections would, however, have a significant downward impact on the Federal budget, since lower wages for construction workers would result in an estimate decline of \$1 billion in Federal tax revenues.

I strongly oppose this amendment, and urge my colleagues also to oppose the amendment.

Ms. MACK. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MACK).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. MACK. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. MARKEY OF COLORADO

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-36.

Ms. MARKEY of Colorado. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 Offered by Ms. MARKEY of Colorado:

In section 1302(b)(4) of the bill, in the matter proposed to be inserted as section 602(b)(14) of the Federal Water Pollution Control Act, strike "10 percent" and insert "15 percent".

The CHAIR. Pursuant to House Resolution 235, the gentlewoman from Colorado (Ms. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado.

Ms. MARKEY of Colorado. Mr. Chairman, I rise today to urge my colleagues to support my amendment to require States to use at least 15 percent of each capital grant under the State Water Pollution Control Revolving Funds for municipalities of less than 10,000 people.

The State Water Pollution Control Revolving Funds have been a successful source of capital for wastewater treatment projects. The State Revolving Funds receive Federal money in the form of grants. Each State uses the fund to issue long-term, low-interest loans for publicly owned wastewater treatment construction. Loans are repaid to the fund, thereby ensuring a

perpetual source of financing for capital projects.

According to the EPA, communities of less than 10,000 people often have a harder time building and maintaining wastewater treatment facilities due to financial limitations. This leaves small communities at a disadvantage for keeping up to date with water quality standards.

In my district, the town of Brush, Colorado, population 5,500, has a wastewater treatment facility that is 44 years old. While this facility is currently meeting water quality standards, it is in need of an overhaul to replace fatigued equipment and stay ahead of ever-changing water quality standards.

Replacement of the wastewater treatment plant is likely to cost Brush between \$16 to \$18 million. With a median household income of \$31,000, the town of Brush simply cannot afford to finance the project with the rate increases alone. Brush is seeking funding through the State Water Revolving Fund program.

The needs of Brush are not unique to small communities around the country. The town of Wray, in Yuma County, Colorado, needs to expand their current wastewater treatment facility. This project is projected to cost up to \$5 million. Wray has a population of 2,300 people, with a median household income of \$29,000.

□ 1230

My provision would help small communities like Brush and Wray have reliable access to capital loans to sustain their long-term water quality goals. The 15 percent requirement would be in place only to the extent that there are sufficient projects in need of funding. In dry States like Colorado, where every drop of water is accounted for, it is important that rural wastewater treatment facilities are given the funding they need to ensure water supplies are safe.

I urge all Members to support my amendment to H.R. 1262.

Mr. OBERSTAR. Will the gentlewoman yield?

Ms. MARKEY of Colorado. Yes.

Mr. OBERSTAR. We accept the amendment.

Mr. Chair, I rise in strong support of the amendment offered by the gentlewoman from Colorado (Ms. MARKEY) and the gentleman from Maryland (Mr. KRATOVIL).

H.R. 1262 requires States to use at least 10 percent of their Clean Water State Revolving Fund capitalization grants for small and rural communities (communities that have populations of fewer than 10,000) to the extent that there are sufficient applications for assistance. The Markey-Kratovil amendment increases this percentage from 10 percent to 15 percent.

This amendment addresses the reality that many States have small and rural communities that have demonstrated clean water needs. For instance, 19 percent of Colorado's

total wastewater needs are made up of systems that serve small communities. Similarly, in Maryland, 12 percent of the total needs are for small communities. In my own state of Minnesota, the figure is a staggering 39 percent.

Given the economic straits that currently grip the nation, it is increasingly difficult for small and rural communities to generate resources on their own to address their wastewater needs. This amendment provides the tools for small communities throughout the country to repair the wastewater infrastructure that we as a nation depend on for clean water.

I urge my colleagues to join me in supporting the amendment offered by the gentlewoman from Colorado and the gentleman from Maryland.

Mr. BOOZMAN. Mr. Chair, I also ask the gentlewoman to yield.

Ms. MARKEY of Colorado. Yes, I will yield.

Mr. BOOZMAN. We also do not oppose the amendment.

Ms. MARKEY of Colorado. Thank you.

Mr. Chair, I yield such time as he may consume to the gentleman from Maryland (Mr. KRATOVIL).

Mr. KRATOVIL. I would like to thank the gentlewoman from Colorado for yielding.

Mr. Chair, I rise in support of the Markey-Kratovil amendment because this Congress needs to do more to ensure that rural communities receive an equal share of the funds needed to protect our environment, reduce pollution, and provide clean water.

Of the top 15 Clean Water Fund priorities in Maryland, eight of them are located in my district, the First District. Of those eight, six serve municipalities with populations under 10,000. Despite their relatively small populations, these small towns play one of the largest roles in protecting the Chesapeake Bay, our Nation's largest estuary with a watershed spanning six States and 64,000 square miles. By increasing the percentage of funds set aside for rural communities from 10 to 15 percent, we are taking a giant step forward in the repair of aging infrastructure, improvement of failing septic systems, and prevention of nutrients entering the Chesapeake Bay. These funds not only benefit the local communities by lessening their financial burden and helping to improve their infrastructure, but they benefit every family within the expansive watershed that relies on the bay for everything from commerce to recreation.

Often times larger population centers are given funding priorities with the assumption that the benefits will find their way towards smaller suburban and rural communities. In the case of the Chesapeake Bay, the funding needs to focus on smaller, more rural areas that are on the front lines of protecting our environment.

The Clean Water State Revolving Fund is especially important to the Chesapeake Bay watershed, where ni-

trogen pollution degrades habitat for key plants and animals in the bay's ecosystem, including underwater grasses, crabs, and oysters. As a result of nitrogen pollution, the Chesapeake Bay now functions at barely one-quarter of its estimated potential.

The funding also plays an integral role in upgrading sewage treatment plants that receive the majority of SRF funds. Wastewater discharged from sewage plants is the second largest source of nitrogen pollution to the Chesapeake Bay. When approximately 12 million of the 16 million residents of the watershed flush their toilets, the wastewater goes to sewage treatment plants and is discharged into the Chesapeake Bay and its tributaries. To date, more than two-thirds of those plants do not use any technologies to remove nitrogen pollution, and only 10 plants are currently reducing nitrogen pollution to the state-of-the-art levels, according to the most recent data available.

The Clean Water State Revolving Fund is the primary Federal funding mechanism to reduce water pollution and some of the more rural areas, especially those in my State and district, are the primary defenders of the environment. When allocating these funds, it's important to look past population and toward priorities so that the funding is more targeted for our long-term environmental health.

The CHAIR. The question is on the amendment offered by the gentlewoman from Colorado (Ms. MARKEY).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MRS. MILLER OF MICHIGAN

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-36.

Mrs. MILLER of Michigan. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. MILLER of Michigan:

At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

TITLE VI—MISCELLANEOUS

SEC. 6001. TASK FORCE ON PROPER DISPOSAL OF UNUSED PHARMACEUTICALS.

(a) IN GENERAL.—In furtherance of the national goals and policies set forth in section 101 of the Federal Water Pollution Control Act (33 U.S.C. 1251), the Administrator of the Environmental Protection Agency (in this Act referred to as the "Administrator") shall convene a task force (in this Act referred to as the "task force") to develop—

(1) recommendations on the proper disposal of unused pharmaceuticals by consumers, health care providers, and others, which recommendations shall—

(A) be calculated to prevent or reduce the detrimental effects on the environment and

human health caused by introducing unused pharmaceuticals, directly or indirectly, into water systems; and

(B) provide for limiting the disposal of unused pharmaceuticals through treatment works in accordance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(2) a strategy for the Federal Government to educate the public on such recommendations.

(b) MEMBERSHIP.—The task force shall be composed of—

(1) the Administrator (or the Administrator's designee), who shall serve as the Chair of the task force;

(2) the Commissioner of Food and Drugs (or the Commissioner's designee); and

(3) such other members as the Administrator may appoint.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the task force shall submit a report to the Congress containing the recommendations and strategy required by subsection (a).

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the task force, the head of any department or agency of the United States may detail any of the personnel of that department or agency to the task force to assist in carrying out its duties under this section.

(e) TERMINATION.—The task force shall terminate 180 days after submitting the report required by subsection (c).

The CHAIR. Pursuant to House Resolution 235, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Mr. Chairman, last year a constituent of the mine, Gail St. Laurent, told me of a story surrounding the passing of her mother, who had a long battle with cancer. Fortunately, her mother had very good insurance, so she was able to get many, many drugs administered to help her manage pain during the final days of her life.

Gail was there when her mother passed away, and before her mother was taken out of the room, Gail watched as an official took all of the remaining drugs that her mother had, including OxyContin, Marinal, and liquid morphine, and then this person flushed them down the toilet. Then Gail had to sign a form that she had witnessed them being flushed down the toilet. Now, not only were those drugs sent down the toilet and into our water system, but they were perfectly good, including two vials of liquid morphine delivered just that day, and could have been used to help other patients.

This is not an isolated incident. Only about 1 year ago, the Associated Press reported the results of a 5-month investigation into America's water, and their results were shocking. A vast array of pharmaceutical products were found in the water supplies and the water systems that serve millions of Americans their drinking water supply. These drugs were found in water systems all across our country, from Detroit to southern California, from San

Francisco to New Jersey. These drugs, which included treatments for high cholesterol, sex hormones, and antidepressants, have also been found to be causing havoc on our ecosystems, resulting in mutated plant and animal life.

Now, there are a number of ways pharmaceuticals can end up in our lakes or our rivers and our water supplies. But the most direct route right now is when health care facilities and individuals flush unused drugs down the toilet. As this issue began to get more attention, I learned that Federal agencies have issued varying guidelines on how to dispose of drugs that are no longer needed. The AP actually noted that the government has an inconsistency in this area, and this is a follow-up story from September of 2008, and I quote:

"Federal agencies don't have a consistent message. For example, the Fish and Wildlife Service says do not flush unused medications, while the White House, backed by the FDA and the EPA, says flush prescription drugs down the toilet if they are on the list in the special guidelines. Meanwhile, the Drug Enforcement Administration says there is no safe, secure, and reliable disposal system for some narcotics."

Mr. Chairman, if we are to begin the process of cleaning up our water and safely disposing of these drugs, the Federal Government's message needs to be consistent in telling consumers what to do.

My amendment very simply directs the EPA to convene a task force of the relevant Federal agencies to develop uniform recommendations on the proper disposal of unused pharmaceuticals. These recommendations would be designed with the goal in mind of reducing the detrimental effects caused by unused pharmaceuticals entering our Nation's water supply. The task force would also develop a strategy to educate the public on these recommendations. And I would hope that the task force could also find a safe way to allow for unused drugs to be given to other patients who would benefit from their use.

A year from enactment, the task force would then be required to submit a report to the Congress on their findings, and 6 months later, the task force would be disbanded.

So while I do not expect that this problem will be solved overnight, I feel strongly that we must begin paying proper attention to this issue because of its impact on our environment and its potential impact on public health. This amendment can get us started on working toward a solution. And if we can get everybody on the same page in terms of how to dispose of these products properly, then perhaps we could take a very significant step forward towards protecting our Nation's drinking water supply.

I certainly want to thank my friend Gail St. Laurent not only for the loving care that she gave to her mother but also for bringing this serious issue to my attention. Gail has really endeavored to make something good happen from that instance in her life.

I would urge my colleagues to support this amendment.

Mr. OBERSTAR. Will the gentlewoman yield?

Mrs. MILLER of Michigan. I yield to the distinguished chairman.

Mr. OBERSTAR. The gentlewoman has brought to the committee and to the House a very, very important amendment. To establish a Federal task force, Federal agency task force, to develop recommendations for proper disposal of pharmaceuticals, to educate the public on the effect of those pharmaceuticals on the environment. The Fish and Wildlife Service has reported over a period of years the effect of estrogen on aquatic life, disrupting the condition of frogs and fish not only in inland waters but also in the Great Lakes waters.

This is a critically important issue, and I thank the gentlewoman for bringing it forward and urge its adoption. We support the amendment on our side.

Mr. Chair, I rise in support of the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

This amendment will move us forward in addressing a growing issue of concern in our nation's waterways—the presence of pharmaceuticals.

Congresswoman MILLER's amendment convenes a Federal agency task force to develop recommendations to properly dispose of unused pharmaceuticals, as well as to develop a strategy to educate the public on those recommendations.

Every day, individuals and healthcare facilities improperly dispose of unused pharmaceuticals by pouring them into drains or flushing them down toilets. Presently, our wastewater treatment systems are either unable to properly treat many of these substances, or must expend large resources to capture some of them. As a result, pharmaceuticals are being detected throughout our nation's rivers, lakes, and streams. In a series of recent studies, the United States Geological Survey has identified substances such as acetaminophen, caffeine, hormones such as estrogen, and steroids throughout water bodies. While present in very small quantities, the short- and long-term impacts of these substances on human and aquatic health are largely unknown. However, it only makes sense that changing the manner in which we dispose of these substances may well result in fewer pharmaceuticals in lower concentrations ending up in our nation's waters.

The Federal task force that will be convened pursuant to Congresswoman MILLER's amendment will provide recommendations that will help to limit the improper disposal of pharmaceuticals.

I urge that my colleagues join me in supporting the amendment offered by the gentlewoman from Michigan

Mrs. MILLER of Michigan. I thank the chairman for his comments. And I would certainly yield to our ranking member from the subcommittee as well.

Mr. BOOZMAN. Thank you very much for yielding.

We appreciate the gentlewoman's bringing this forward, and we certainly don't oppose it.

Mrs. MILLER of Michigan. Mr. Chairman, I urge my colleagues to adopt the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-36.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk, designated as No. 5 in the resolutions providing for consideration under H.R. 1262.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. FLAKE:

In section 1308 of the bill, in the matter proposed to be added as section 609 of the Federal Water Pollution Control Act, before paragraph (1), insert the following:

“(a) AUTHORIZATION OF APPROPRIATIONS.—

“In section 1308 of the bill, in the matter proposed to be added as section 609 of the Federal Water Pollution Control Act, add after paragraph (5) the following:

“(b) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to subsection (a) may be used for a congressional earmark as defined in clause 9d, of Rule XXI of the rules of the House of Representatives.”

The CHAIR. Pursuant to House Resolution 235, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment is noncontroversial in nature. It would simply ensure that the Federal capitalization grants for State water pollution control revolving funds remain formula-based. These Federal grants to the States haven't historically been earmarked, and this will simply ensure that that remains the case for the next 5 years.

I would submit that just because an account or a program hasn't previously been earmarked doesn't mean it won't be in the future.

We all remember that when the Department of Homeland Security was created in 2002, we were told this will not be earmarked. This is going to go out formula-based. It will be grants, merit based, just to protect the Nation. And that held true for about 5 years. However, in the past couple of years, it's been earmarked heavily, particu-

larly the funding for FEMA's pre-disaster mitigation program. This was a program intended to save lives and reduce property damage by providing funds “for hazard mitigation planning, acquisition, and relocation of structures out of the floodplain.”

But rather than continuing the practice which had been to allow these grants to be given out on a merit-based basis, Congress decided to earmark this, and in 2007, nearly half of these funds were earmarked. In fiscal year 2008, about 128 earmarks worth \$400 million were included in the Homeland Security funding.

So this is not an idle concern, I think, that some of us have. Here's a program that I think by all accounts is working and working quite well, and we simply can't afford to have money in this program being drained off through earmarks.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, although I do not oppose the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. Mr. Chairman, there are no earmarks in this bill. There are no earmarks in the stimulus provisions that were part of the Recovery Act covering the State Revolving Loan Fund, because we specifically opposed using any individual designation for projects within the stimulus.

The money appropriated for the State Revolving Loan Fund from 1987 on, and actually it started in 1981, there were no earmarks at that time. But we made it very clear in 1987 in our committee that these funds would go out by a statutory formula in section 205(c) of the Federal Water Pollution Control Act.

The State of Arizona, for example, receives its statutorily defined share of .6831 percent. It's not an earmark. It's a statutorily determined amount that goes to the gentleman's State of Arizona, where the decisions are made by the counterpart agency, the Water Infrastructure Finance Authority, counterpart to our Minnesota Water Infrastructure Financing Authority.

□ 1245

And every State has a similar such authority. I would further say, Mr. Chairman, to the gentleman, that at no time in the history of the 22-year length of this program has there been any earmarking for any project.

But if the gentleman wishes to offer this amendment, we are happy to accept it to make a further statement that we have confidence over the years of operation of this program that States rank their projects, that State agencies rank their projects, as in the

State of Minnesota, 1 through 261, on a merit basis. They have a point system. Other States have something similar.

There is no reason for Members of Congress to sigh that the executive branch isn't doing its job properly in allocating the funds authorized for their respective States. It's only where States aren't attending to the needs of Members that they come to the Appropriations Committee or to our committee and say, “Oh, well, look, we are not being well served. Could you designate something?”

We don't do that in aviation, we don't do that in the clean water program, we don't do that in other programs. So I think the gentleman's amendment is quite appropriate here.

I reserve the balance of my time.

Mr. FLAKE. I thank the chairman. I appreciate the discussion. I appreciate the fact that it has not been earmarked. As I mentioned, I noted that, and I just hope that this is the case in the future.

The problem is with other accounts—in the Homeland Security, for example—we were told these will not be earmarked, and they, in fact, have been. And so I hope the chairman is successful in beating off attempts to earmark.

And I hope, further, that he is successful in other legislation as well, such as the highway bill that we will be doing before long. Because I think that States like Arizona, particularly a lot of the donor States, would be a lot better off.

Many of us would be better off if people in a local capacity are made to make that decision rather than somebody here. I think we find the case that those who are in a position of authority here sometimes take the lion's share of the funding, and it sometimes isn't fair to many of us, and we know that—

Mr. BOOZMAN. Will the gentleman yield?

Mr. FLAKE. I will yield.

Mr. BOOZMAN. We appreciate you bringing forth your amendment. We understand your concern, and we will certainly not oppose your amendment.

Mr. FLAKE. Thank you.

I yield back.

Mr. OBERSTAR. How much time do I have remaining?

The CHAIR. The gentleman from Minnesota has 2 minutes remaining.

Mr. OBERSTAR. Just very briefly, and I appreciate the gentleman from Arizona taking a very principled stand on this issue of earmarks, but it's just, as a matter of historical note, there was a time when the Congress, the House and the Senate together worried about and raised questions about inappropriate spending by the Executive Branch.

It was a Senator from Wisconsin, Mr. Proxmire, who every Sunday night would issue his Golden Fleece Award to a government Executive Branch agency

that was inappropriately using taxpayer dollars. And over time someone shifted it to take aim at the House or the Senate and shoot ourselves in the foot.

This is not the point for a broader discussion of the matter of constituent-inspired initiatives in Federal legislation, but there will be another time when I will welcome the opportunity to discuss with the gentleman from Arizona the upcoming surface transportation bill and how these matters are managed in that context. I ask support of the amendment.

Mr. Chair, I rise to speak on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

While I will not oppose the amendment offered by the gentleman from Arizona, I think it is fair to point out that the gentleman's amendment, however well intentioned, does not fit well within the context of the Clean Water State Revolving Loan Fund ("Clean Water SRF").

Since its inception in 1987, funds from the Clean Water SRF are distributed directly to the States through a statutory formula—found in section 205(c) of the Federal Water Pollution Control Act.

These funds—of which the State of Arizona receives a statutorily defined share of 0.6831 percent—are distributed directly to the gentleman's home state, where funding decisions on individual projects are determined by the Water Infrastructure Finance Authority of Arizona.

To the best of my knowledge, at no time during the 22-year history of this program, have funds been statutorily "earmarked" for a certain project, in any state. Nothing in H.R. 1262 would change that history. There is not a single earmark in this bill, and the Committee does not contemplate changing the process for distributing funding to the States via statutory formula.

I understand that the gentleman is doggedly-focused on his concern about Congressional earmarks, but this is an amendment in search of a problem.

Given the history of the Clean Water SRF, and the certainty that this amendment will have no impact on the traditional operation of the program, I urge my colleagues to join me in supporting the amendment offered by the gentleman from Arizona.

I am hopeful that, unlike last year, our acceptance of the gentleman's amendment will make him more likely to support final passage of this vital investment in our nation's clean water infrastructure.

Mr. FLAKE. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. OBERSTAR:

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-36.

Mr. OBERSTAR. Mr. Chairman, as the designee of the gentleman from Colorado (Mr. POLIS), I offer an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. OBERSTAR:

In section 1103(a)(2)(C) of the bill, in the matter proposed to be inserted in section 122(a)(4) of the Federal Water Pollution Control Act, strike the closing quotation marks and the final period and insert the following:

"(5) MUNICIPALITY-WIDE STORM WATER MANAGEMENT PLANNING.—The development of a municipality-wide plan that identifies the most effective placement of storm water technologies and management approaches, including green infrastructure, to reduce water quality impairments from storm water on a municipality-wide basis."

The CHAIR. Pursuant to House Resolution 235, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. The amendment authorizes the use of Clean Water Act section 122 grant funds for municipality-wide stormwater management planning, a very, very important initiative. We have discussed it many times in years past. If the gentleman had raised it in the course of our consideration of this legislation, we would have included it in the base of our bill, but our bill moved along much faster than most Members anticipated.

He has presented it to the Rules Committee, it was made in order. We support the amendment on both sides of the aisle.

Mr. Chair, I rise in strong support of the amendment offered by the gentleman from Colorado (Mr. POLIS).

This amendment authorizes the use of Clean Water Act section 122 grant funding for municipality-wide stormwater management planning.

Congressman POLIS' amendment will provide municipalities across the nation the means to evaluate, and then plan for, effective and comprehensive stormwater response strategies. Central to this amendment is the incorporation of "green infrastructure" technologies and approaches into a municipality's stormwater system.

Developing an effective response to stormwater should occur from a system-wide perspective. In too many instances today, municipalities try to address their stormwater needs on an ad hoc, piecemeal basis. This approach doesn't make sense from either a cost or effectiveness perspective. Providing funding for communities to do system-wide analysis and planning will result in the placement of the best technology and approaches in the most effective locations. Cities will be able to target their resources at the most valuable sites.

Currently, municipalities have a number of options of stormwater technologies and approaches. They can construct traditional, or grey, stormwater

infrastructure, such as pipes and deep tunnels; or they can develop "green infrastructure" technologies and approaches, such as swales, green roofs, and rain gardens. These green infrastructure approaches actually result in less stormwater entering the traditional stormwater system, through the use of infiltration and evapo-transpiration technologies. Congressman POLIS' amendment will provide municipalities with the means to choose the best mix of technologies and approaches for their distinctive localities. This comprehensive approach will result in better water quality at lower cost.

I strongly urge my colleagues to join me in supporting the amendment offered by the gentleman from Colorado.

I yield to the gentleman from Arkansas.

Mr. BOOZMAN. Thank you, Mr. OBERSTAR.

Mr. Chairman, we have no problems with the amendment.

Mr. OBERSTAR. Developing effective response to storm water is the purpose of this amendment. It incorporates green infrastructure technologies and approaches into developing municipal stormwater systems.

I urge support of the amendment and yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. ROSKAM

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-36.

Mr. ROSKAM. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ROSKAM:

At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

TITLE VI—OMB STUDY

SEC. 6001. EVALUATION USING PROGRAM ASSESSMENT RATING TOOL.

(a) STUDY.—The Director of the Office of Management and Budget shall conduct a study to evaluate the programs authorized by this Act, including the amendments made by this Act, under the Program Assessment Rating Tool (PART) or a successor performance assessment tool that is developed by the Office of Management and Budget.

(b) REPORT.—The Director shall transmit to Congress a report on the results of the study.

The CHAIR. Pursuant to House Resolution 235, the gentleman from Illinois (Mr. ROSKAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. ROSKAM. You know, in a nutshell, this is an effort—and I don't know of any controversy about it, I

think it enjoys quite a bit of support—but it's an effort to create a tool to evaluate the success of the program.

Let me just read the amendment. It's very, very brief. It says, "The Director of the Office of Management and Budget shall conduct a study to evaluate the programs authorized by this Act, including the amendments made by this Act, including the Program Assessment Rating Tool (PART) or a successor performance assessment tool that is developed by the Office of Management and Budget."

You know, the genesis of this was really coming out of President Obama's inaugural speech, where he said let's look at programs that are working and get behind them. If they are not working, then let's make some decisions and abolish those programs, quite frankly, that are not working.

So this would simply require all the programs authorized under the legislation to be reviewed by OMB and their Program Assessment Rating Tool, and that is just an effort to rate the effectiveness of Federal agencies and programs by assessing purpose, planning, management and accountability.

And in the interest of transparency, it will ensure that the authorizations of H.R. 1262 are analyzed for effectiveness. Really, in this area where Americans, I think, are trying to look with confidence about what their government is doing and how things are being spent this, I think, serves everybody's interest.

I reserve the balance of my time.

Mr. OBERSTAR. Would the gentleman yield?

Mr. ROSKAM. Yes.

Mr. OBERSTAR. We accept the gentleman's amendment. It's a thoughtful, useful, important tool. The committee has always insisted on transparency and accountability, and we welcome this recommendation of a study and a review and recommendations from OMB.

Mr. Chair, I rise in support of the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The gentleman's amendment directs the Director of the Office of Management and Budget ("OMB") to conduct a study of the programs authorized by this Act using the Program Assessment Rating Tool ("PART"), or a successor performance assessment tool that may be developed by OMB in the future.

I welcome the independent review of Federal programs to make sure that they are meeting the goals and purposes for which they were created. This independent review of agency actions and programs provides policymakers with valuable insight into agency performance, as well as the opportunity to make changes to improve the overall operation of Federal programs.

The Committee on Transportation and Infrastructure has a long history of ensuring proper oversight of Federal programs and activities. For example, in the Water Resources Development Act of 2007, the Committee estab-

lished an independent review process for the development of project studies performed by the U.S. Army Corps of Engineers. Independent review of projects should ensure the development projects that are justified both on the basis of costs and benefits, but also on the best scientific and engineering analyses currently available. We should all welcome the opportunity for such scrutiny.

Mr. Chairman, I am heartened by President Obama's commitment to transparency, accountability, and oversight, and I am hopeful that this review will demonstrate the overall effectiveness of the Clean Water authorities contained in this legislation.

I urge my colleagues to join me in supporting the amendment offered by the gentleman from Illinois.

Mr. ROSKAM. Mr. Chairman, reclaiming my time, I yield to the gentleman from Arkansas.

Mr. BOOZMAN. Thank you, Mr. ROSKAM.

We appreciate you bringing this amendment forward. I think it will be a useful tool that we can evaluate in the future. We appreciate your hard work and certainly do not oppose it and will support it.

Mr. ROSKAM. I want to thank Chairman OBERSTAR and the members of the committee.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MRS. DAHLKEMPER

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-36.

Mrs. DAHLKEMPER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. DAHLKEMPER:

In section 1303(c) of the bill, in the matter proposed to be inserted as section 603(d)(1)(E) of the Federal Water Pollution Control Act—

(1) strike "and" at the end of clause (ii);

(2) redesignate clause (iii) as clause (iv); and

(3) insert after clause (ii) the following: "(iii) a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and

The CHAIR. Pursuant to House Resolution 235, the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Mrs. DAHLKEMPER. I yield myself such time as I may consume.

I want to thank Chairman OBERSTAR and the committee on bringing this important legislation to the floor. I also want to thank Chairwoman SLAUGHTER for allowing this amendment.

Mr. Chairman, my amendment to H.R. 1262 helps ensure that conserva-

tion of both water and energy are elements in water and sewer system planning as these elements of our infrastructure are upgraded both now and in the future. Under the legislation, water treatment works operators are required to develop and implement a fiscal sustainability plan to be eligible for assistance.

Specifically, my amendment requires an assurance that both energy and water conservation are considered in an operator's fiscal sustainability plan. As water and energy costs continue to pose challenges for much of the country, we can help ensure that consumers are getting the most economical service by assuring that those responsible for providing water to our communities incorporate conservation explicitly into plant repair, replacement or expansion plans.

More efficiency in our water structure is desperately needed, as we learned in a recent Science and Technology hearing. Chairman GORDON cited how cities like Chicago lose upwards of 60 percent of their water in transit from treatment facilities to faucets, and that water rates have increased 27 percent over the past 5 years throughout the United States.

I believe conservation of water and energy are natural components of a fiscal sustainability plan, given their impact on an operating authority's structure, and that conservation of both also serves broader national conservation policies. This amendment will promote greater taxpayer savings and increase efficiency in our Nation's water quality system, and I urge a "yes" vote.

I reserve the balance of my time.

Mr. OBERSTAR. Would the gentlewoman yield?

Mrs. DAHLKEMPER. I would yield to the chairman.

Mr. OBERSTAR. I thank the gentlewoman for yielding.

We accept the amendment on this side.

Mr. Chair, I rise in strong support of the amendment to H.R. 1262 offered by the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

This amendment requires a certification be completed that Clean Water State Revolving Fund loan recipients conduct energy- and water-efficiency reviews and implement conservation measures that are forthcoming.

It is only fitting that the Member who represents Titusville, Pennsylvania, would offer this amendment. It was in Titusville, in 1859, that oil was first successfully drilled in the United States. It is fair to say, then, that energy has been a central part of the life, history, and culture of the residents of Pennsylvania's Third District.

In offering this amendment, Mrs. DAHLKEMPER has demonstrated the importance of energy to all facets of modern life, including the operation of wastewater treatment facilities. These operations are typically among municipalities' largest users of energy. Requiring that wastewater treatment facilities undertake a robust assessment of their energy

usage and operations can ultimately result in less energy being expended, decreased energy bills for local governments, and fewer greenhouse gas emissions. The amendment will apply 21st century energy solutions to 20th century technologies.

I urge my colleagues to join me in supporting the amendment offered by the gentleman from Pennsylvania.

Mr. BOOZMAN. Will the gentleman yield again?

Mrs. DAHLKEMPER. I yield to the gentleman.

Mr. BOOZMAN. We also accept the amendment.

Mrs. DAHLKEMPER. I would now like to yield 1 minute to the gentleman from Colorado.

Mr. POLIS. Mr. Speaker, I rise today in support of the amendment and express my gratitude to the House for approving my amendment to improve the cleanliness of our waterways and strengthen our towns and city stormwater management.

Everyone knows when it rains, the excess rainwater that runs down our streets and sidewalks and into the drainage pipes that line our city streets eventually ends up in our streams and rivers.

The pollutants include toxins from our cars, such as unburned hydrocarbons, soot particles, copper from brake pads, zinc, cadmium, rubber from tires and other petroleum products. It also includes pesticides and herbicides from our yards.

My amendment addresses this problem by encouraging the use of bioswales and other sustainable stormwater management systems. A bioswale relies on vegetated natural systems alongside roads and parking lots to slow and filter the water before it ends in our drainage systems. Vegetation enhances both interception and evaporation of rainfall through its leaves.

Studies show that natural landscaping in a residential development or along streetways can reduce annual stormwater runoff volume by as much as 65 percent. It's no wonder that cities are starting to realize the benefits of bioswales and green infrastructure, including my City of Boulder, Colorado; Portland, Oregon; and Seattle, Washington, among the leaders in this area.

The increased interest is a response to mounting infrastructure costs of new development or redevelopment projects, but also more vigorous environmental regulations.

The CHAIR. The time of the gentleman has expired.

Mrs. DAHLKEMPER. I yield the gentleman an additional 15 seconds.

Mr. POLIS. This amendment recognizes the relationship between the natural environment and the built environment and manages them as integrated components of a watershed.

□ 1300

Mrs. DAHLKEMPER. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mrs. DAHLKEMPER).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. WITTMAN

The Acting CHAIR (Mrs. CAPPS). It is now in order to consider amendment No. 9 printed in House Report 111-36.

Mr. WITTMAN. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. WITTMAN:

At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

TITLE VI—CHESAPEAKE BAY ACCOUNTABILITY AND RECOVERY

SEC. 6001. CHESAPEAKE BAY CROSSCUT BUDGET.

(a) CROSSCUT BUDGET.—The Director, in consultation with the Chesapeake Executive Council, the chief executive of each Chesapeake Bay State, and the Chesapeake Bay Commission, shall submit to Congress a financial report containing—

(1) an interagency crosscut budget that displays—

(A) the proposed funding for any Federal restoration activity to be carried out in the succeeding fiscal year, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carry out restoration activities;

(B) to the extent that information is available, the estimated funding for any State restoration activity to be carried out in the succeeding fiscal year;

(C) all expenditures for Federal restoration activities from the preceding 3 fiscal years, the current fiscal year, and the succeeding fiscal year; and

(D) all expenditures, to the extent that information is available, for State restoration activities during the equivalent time period described in subparagraph (C);

(2) a detailed accounting of all funds received and obligated by all Federal agencies for restoration activities during the current and preceding fiscal years, including the identification of funds which were transferred to a Chesapeake Bay State for restoration activities;

(3) to the extent that information is available, a detailed accounting from each State of all funds received and obligated from a Federal agency for restoration activities during the current and preceding fiscal years; and

(4) a description of each of the proposed Federal and State restoration activities to be carried out in the succeeding fiscal year (corresponding to those activities listed in subparagraphs (A) and (B) of paragraph (1)), including the—

(A) project description;

(B) current status of the project;

(C) Federal or State statutory or regulatory authority, programs, or responsible agencies;

(D) authorization level for appropriations;

(E) project timeline, including benchmarks;

(F) references to project documents;

(G) descriptions of risks and uncertainties of project implementation;

(H) adaptive management actions or framework;

(I) coordinating entities;

(J) funding history;

(K) cost-sharing; and

(L) alignment with existing Chesapeake Bay Agreement and Chesapeake Executive Council goals and priorities.

(b) MINIMUM FUNDING LEVELS.—The Director shall only describe restoration activities in the report required under subsection (a) that—

(1) for Federal restoration activities, have funding amounts greater than or equal to \$100,000; and

(2) for State restoration activities, have funding amounts greater than or equal to \$50,000.

(c) DEADLINE.—The Director shall submit to Congress the report required by subsection (a) not later than 30 days after the submission by the President of the President's annual budget to Congress.

(d) REPORT.—Copies of the financial report required by subsection (a) shall be submitted to the Committees on Appropriations, Natural Resources, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations, Environment and Public Works, and Commerce, Science, and Transportation of the Senate.

(e) EFFECTIVE DATE.—This section shall apply beginning with the first fiscal year after the date of enactment of this Act for which the President submits a budget to Congress.

SEC. 6002. ADAPTIVE MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with other Federal and State agencies, shall develop an adaptive management plan for restoration activities that includes—

(1) definition of specific and measurable objectives to improve water quality;

(2) a process for stakeholder participation;

(3) monitoring, modeling, experimentation, and other research and evaluation practices;

(4) a process for modification of restoration activities that have not attained or will not attain the specific and measurable objectives set forth under paragraph (1); and

(5) a process for prioritizing restoration activities and programs to which adaptive management shall be applied.

(b) IMPLEMENTATION.—The Administrator shall implement the adaptive management plan developed under subsection (a).

(c) UPDATES.—The Administrator shall update the adaptive management plan developed under subsection (a) every 3 years.

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 60 days after the end of a fiscal year, the Administrator shall transmit to Congress an annual report on the implementation of the adaptive management plan required under this section for such fiscal year.

(2) CONTENTS.—The report required under paragraph (1) shall contain information about the application of adaptive management to restoration activities and programs, including programmatic and project level changes implemented through the process of adaptive management.

(3) EFFECTIVE DATE.—Paragraph (1) shall apply to the first fiscal year that begins after the date of enactment of this Act.

SEC. 6003. DEFINITIONS.

In this title, the following definitions apply:

(1) **ADAPTIVE MANAGEMENT.**—The term “adaptive management” means a management technique in which project and program decisions are made as part of an ongoing science-based process. Adaptive management involves testing, monitoring, and evaluating applied strategies and incorporating new knowledge into programs and restoration activities that are based on scientific findings and the needs of society. Results are used to modify management policy, strategies, practices, programs, and restoration activities.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(3) **CHESAPEAKE BAY STATE.**—The term “Chesapeake Bay State” or “State” means the States of Maryland, West Virginia, Delaware, and New York, the Commonwealths of Virginia and Pennsylvania, and the District of Columbia.

(4) **CHESAPEAKE BAY WATERSHED.**—The term “Chesapeake Bay watershed” means the Chesapeake Bay and the geographic area, as determined by the Secretary of the Interior, consisting of 36 tributary basins, within the Chesapeake Bay States, through which precipitation drains into the Chesapeake Bay.

(5) **CHIEF EXECUTIVE.**—The term “chief executive” means, in the case of a State or Commonwealth, the Governor of each such State or Commonwealth and, in the case of the District of Columbia, the Mayor of the District of Columbia.

(6) **DIRECTOR.**—The term “Director” means the Director of the Office of Management and Budget.

(7) **RESTORATION ACTIVITIES.**—The term “restoration activities” means any Federal or State programs or projects that directly or indirectly protect, conserve, or restore water quality in the Chesapeake Bay watershed, including programs or projects that promote responsible land use, stewardship, and community engagement in the Chesapeake Bay watershed. Restoration activities may be categorized as follows:

- (A) Physical restoration.
- (B) Planning.
- (C) Feasibility studies.
- (D) Scientific research.
- (E) Monitoring.
- (F) Education.
- (G) Infrastructure Development.

The Acting CHAIR. Pursuant to House Resolution 235, the gentleman from Virginia (Mr. WITTMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WITTMAN. I yield myself such time as I may consume.

I am honored to represent Virginia's First Congressional District. Improving the health of our Chesapeake Bay is a priority to me and to my constituents.

The First District has more miles of shoreline than any congressional district in the United States, and the Chesapeake Bay is extraordinarily important to those of us in that district, as well as to other people up and down the basin.

This bill's underlying commitment to improving water quality in our Nation's waterways is commendable. My district and the Chesapeake Bay has significantly benefited from invest-

ment in wastewater treatment infrastructure in the past and will so into the future.

I believe there's a deep sense of frustration in the Chesapeake Bay watershed about the progress we've made to restore the Bay. Yes, there have been successes. I don't want to belittle what has been done. However, with all the Federal, State, local and private partner investment, we would like to see more accomplishments.

Our Chesapeake Bay is extraordinarily important. We have heard conversations here about jobs, and certainly jobs related to building sewage treatment plants and water quality improvements are extraordinarily important. But improving the water quality in the Bay also has job ramifications.

By increasing water quality, improving water quality, we create a greater realm of natural resources in the Bay. And we hear about issues of sustainability in the Bay; we hear about oyster populations being at 1 percent of historical levels; we hear about reduction in crab harvests by 70 percent; we hear about problems with our fin fish populations.

Folks, the men and women that make their living off of the water continues to decline. And it is those natural resources that create sustainable jobs. I would suggest that by improving water quality, we also grow jobs, both in the seafood industry and by those that make their living off of the water, whether it's through commercial interests or through leisure and sport interests. These are all extraordinarily important, and those resources are directly tied to water quality.

My amendment to this bill is similar to H.R. 1053, the Chesapeake Bay Accountability and Recovery Act. I have authored this legislation to help clean up the Bay because I believe that it is very much a matter of national importance that this national treasure be restored.

My amendment would implement and strengthen management techniques like crosscut budgeting and adaptive management to ensure that we get more bang for our buck and continue to make progress in Bay restoration efforts.

Both of these techniques, I believe, will ensure that we are coordinating how restoration dollars are spent, and that we make sure everyone understands how individual projects fit into the bigger picture. That bigger picture is making sure that we restore the Chesapeake Bay. That way we know that we are not duplicating efforts, spending money that we don't need to, or worse, working at cross purposes between agencies, both at the Federal, State and local levels.

My amendment would require OMB, in coordination with State and Federal agencies involved in the Bay, to report to Congress on the status of Ches-

apeake Bay restoration activities. My amendment would also require EPA to develop and implement an adaptive management plan for the Chesapeake Bay and all of the related restoration activities.

Adaptive management relies on rigorous scientific monitoring, testing, and evaluation, and also provides for the flexibility to modify management policies and strategies based on changing conditions. Folks, the Chesapeake Bay continues to change, and we should also change along with it how we manage the restoration activities therein.

Crosscut budgeting and adaptive management should be key components for the complex restoration activities that are occurring presently within the Chesapeake Bay Basin.

Madam Chairwoman, I want to thank the Rules Committee for making this amendment in order, and thank Chairman OBERSTAR and Ranking Member MICA for their consideration. I also ask my colleagues to support my amendment to help restore the Bay.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Chair, though I do not oppose the amendment, I ask unanimous consent to take the time in opposition.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. Thank you.

I support the amendment of the gentleman, and I also want to note that all amendments requested by Republican members of the Rules Committee have been made in order, though not all Democratic requests were made in order.

I just want to make that little observation to ensure that our committee is being fair and open and, more importantly, inclusive.

The gentleman's amendment is extremely important, as was the offering by the gentleman from Maryland, Mr. KRATOVL, along with Ms. MARKEY. The Chesapeake Bay is not just a Virginia-Maryland resource, it is a national and international treasure. It is an estuary.

The estuaries of the world are the places where the meeting of fresh water and salt water creates new forms of life. They are resources for the future. They are a window on the past. And the Chesapeake Bay, perhaps the greatest of all estuaries in the world, has been deteriorating at an alarming pace.

There was a time when the oysters of the Chesapeake Bay turned over that water once every 24 hours. There were millions of oysters. They are down to 1 percent of their number. Shad are down; rockfish are coming back; crabs are down. Why? It's not the watermen who are taking too much, although they are taking more than they probably should be, under these deteriorating, declining conditions of fish and shellfish in the Bay.

But it's the waters from as far as New York, Pennsylvania, and West Virginia, as well as Maryland and Virginia, that come in the Rappahannock and the Shenandoah and others that discharge into the Bay, along with the Potomac and the Anacostia, that are bringing pollutant loads and toxic materials into the Bay that are killing the fish and the shellfish and the life of this Bay.

I was very pleased when President Obama designated Lisa Jackson to be administrator of EPA. I had a conversation with her before her confirmation. And after her confirmation she said, "I will make the Chesapeake Bay a priority consideration during my service." And she has already designated a special advisor to deal with the needs of the Chesapeake Bay and the Anacostia River.

I want to assure the gentleman and all of our colleagues that the Committee on Transportation and Infrastructure will consider reauthorization of legislation governing the quality of waters of the Chesapeake Bay, but we are going to do this in due course after extensive review and consideration of nonpoint source pollution. And the recommendations from the OMB from the gentleman's amendment will be important in making sure that we take the right policy choices to bring back this Bay, to restore this quintessential estuary and protect future forms of life that can be created in this great meeting place.

I thank the gentleman for his amendment, and I urge its support.

Madam Chair, I rise in support of the amendment offered by the gentleman from Virginia (Mr. WITTMAN).

This amendment requires the Director of the Office of Management and Budget to submit to Congress a financial report containing an interagency crosscut budget for restoration activities that protect, conserve, or restore water quality in the Chesapeake Bay watershed. It also directs the Administrator of the U.S. Environmental Protection Agency to make management decisions on an adaptive and ongoing basis.

I commend Congressman WITTMAN for making a good and initial step on addressing the ongoing, water quality problems in the Chesapeake Bay. I appreciate his raising this issue at this time.

This magnificent estuary has occupied a central place in our nation's history. The English explorer, John Smith, established the first permanent English settlement in North America, Jamestown, on the shores of the Chesapeake. And while the Chesapeake Bay watershed transcends only six states, it is the collective context of its history, its vast recreational outlets, and its important fisheries that sum to add to our economy and culture as a whole. Therefore, the degradation of the Chesapeake Bay must be perceived as a national problem—and not simply a regional one. For example, many of the Bay's fish and shellfish populations are below historic levels. Just this past year, both Maryland and Virginia an-

nounced stringent catch limitations on blue crabs due to significant declines in populations. Oysters are at less than one percent of historic levels, and the abundance of shad is only at 22 percent of the targeted recovery goal.

It is only through a renewed Federal and congressional commitment to the Bay that we will be able to make the necessary changes to address its varied problems. To this end, the Obama administration has already begun moving in the right direction. The EPA Administrator has already selected a special advisor who will focus on rehabilitation of the Chesapeake Bay and the Anacostia River and the Administrator's appointment signals the agency's commitment to this special region.

The Committee on Transportation and Infrastructure will consider reauthorization of the Chesapeake Bay Program in this Congress and the OMB analysis of a crosscut budget will help ensure that we make the right policy choices to rehabilitate the Chesapeake Bay.

I urge my colleagues to join me in supporting the amendment offered by the gentleman from Virginia.

I reserve the balance of my time.

Mr. WITTMAN. I'd like to yield to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. I would like to associate myself with the chairman's remarks. I can't say it as eloquently as he did, but I think that we are all very much in agreement that this is a very, very important body of water that needs to be protected, and we appreciate the gentleman from Virginia stepping forward with this amendment. And we certainly will support it.

Mr. OBERSTAR. I yield back the balance of my time.

Mr. WITTMAN. I would like to thank, again, the chairman for his remarks. He is indeed correct. The Chesapeake Bay is a national treasure and an international treasure. It has tremendous economic value, but it also has tremendous cultural value. It is a symbol of not only the eastern part of the United States, but the United States in general.

I don't think any of us have misgivings about wanting it to be back where it was when Captain John Smith landed here. We certainly would like for it to be there, but I'm a realist and know that it may not get to that point.

I think it's realistic to expect that we can get it back to where it was in the middle part of this century, in the 1950s, when it was, by far, the most productive body of water in the world. It is critical not only economically, but culturally to this country.

I do thank the chairman, again, and the members of the Rules Committee for consideration of this.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. WITTMAN).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. DRIEHAUS

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-36.

Mr. DRIEHAUS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. DRIEHAUS:

Section 3001(b) of the bill is amended to read as follows:

(b) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 221(f) (33 U.S.C. 1301(f)) is amended by striking "this section \$750,000,000" and all that follows through the period at the end and inserting "this section \$500,000,000 for each of fiscal years 2010 through 2014."

The Acting CHAIR. Pursuant to House Resolution 235, the gentleman from Ohio (Mr. DRIEHAUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. DRIEHAUS. I yield myself such time as I may consume.

I want to take this opportunity to thank the chairman of the committee for his tremendous work on this bill. I bring before the House a simple amendment, and that amendment simply increases the authorization for combined sewers and sewer overflow grants from \$1.8 billion to \$2.5 billion over the 5-year period. I think this is critically important, and I think we need to put this in perspective, Madam Chair.

The EPA estimates that the total need for combined sewer overflow systems in the United States is \$54.8 billion. The need for improvement in sanitary sewers, as estimated by the EPA, is \$88.5 billion. That is a total, Madam Chair, of \$143 billion in needed investment for sewer infrastructure in these United States.

I hail from Cincinnati, Ohio. In Cincinnati, it's estimated that the cost to fix the sewer problem is almost \$3 billion. My colleagues around the Midwest and the east coast share our pain. So this is a simple amendment that would simply increase the amount to \$2.5 billion.

Just as a point of information that I think is important: Since 2003, the United States has allocated \$2.7 billion for water and wastewater infrastructure improvement in Iraq. I would think that we could do at least this much in the United States.

I would yield 1 minute to my friend and colleague from New York (Mr. McMAHON).

Mr. McMAHON. I rise today as a cosponsor of the amendment offered by my good friend, the gentleman from Ohio (Mr. DRIEHAUS) to increase the amount for sewage control grants in this bill to \$2.5 billion. I also commend the great chairman of the Committee on Transportation and Infrastructure, Congressman OBERSTAR, for his great work, and commend him for the great spirit of bipartisanship which he's engendered in this room today.

H.R. 1262 provides critical assistance to communities across the Nation for sewage water runoff, watershed restoration, and other water infrastructure projects. As a former New York City councilman and head of the sanitation committee for New York, I know that municipalities rely on these funds.

As the gentleman from Ohio said, there's a backlog of \$140 billion worth of projects. Imagine this. In Staten Island, houses were built without sanitary sewers. This needs to be resolved. The Federal Government has to help us.

So that is why this amendment is so important. It will increase support that is so badly needed across this country and in my district.

Mr. DRIEHAUS. I thank the gentleman from New York, and I would yield 1 minute to my colleague from Ohio, from northern Ohio, who also shares this problem with his constituency, the gentleman from Ohio (Mr. BOCCIERI).

Mr. BOCCIERI. I rise in support of this bill and this amendment, and I applaud the chairman of our distinguished committee for his efforts to make this a bipartisan bill. This bill makes key investments to improve water quality, and could create approximately 480,000 jobs over the next 5 years. This will also bridge the gap of our local communities—who experience significant financial trouble—\$3.2 to \$11 million annually in trying to fill the gap to modernize their water needs.

□ 1315

The Driehaus amendment would further improve our ability to manage wastewater infrastructure by increasing funding for sewer overflow and control programs.

Sewage overflow is dangerous to all of our constituents, but these days our communities are facing tight budgets that prevent them from addressing these serious and most basic infrastructure needs. We know our country's wastewater infrastructure is old and crumbling, and we must do our part here in this legislation to improve that. Adequate funding will not only preserve the environment and our local political subdivisions to help them modernize their aging sewer infrastructure. It will protect lives. If we did it in Iraq, we should do it here in America.

I rise and support this amendment of the gentleman from Ohio.

Mr. DRIEHAUS. Madam Chair, I reserve the balance of my time.

Mr. OBERSTAR. Would the gentleman yield?

Mr. DRIEHAUS. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. We support the gentleman's amendment. It is vitally important to deal with combined storm and sanitary sewer overflows. Seven hundred million dollars is peanuts

compared to a whole lot of other expenditures that have been made in the TARP and the rest. So this is a real investment whose benefits we and future generations will see.

Mr. BOOZMAN. If the gentleman will yield, I also support the amendment.

Mr. DRIEHAUS. I reserve the balance of my time.

Mr. BROUN of Georgia. Madam Chair, I rise to claim the time in opposition to this amendment and reserve my ability to object.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. I know there are many sewer projects all around this country that need funding. There are two that have been already authorized through the Water Act of 2007 that are in my district that we are trying to find funds for. But what I have an objection to is, we are continuing to build greater and greater debt for our children across the country, and not only our children, but our grandchildren. I think their standard of living is going to be much lower than ours today if we don't stop this borrowing of funds from our grandchildren.

We see budget after budget that continues to increase the Federal debt, and we have just got to stop the spending. We are spending too much, we are taxing too much, we are borrowing too much, and at some point we have got to stop that, because our grandchildren are going to pay a very heavy price for us doing so. So I call upon my colleagues on the Democratic side for us to work together to try to find some ways to bring forth these worthwhile projects, but to stop borrowing from our grandchildren and our children. It is absolutely critical for the future of this Nation that we do so.

The Democratic budget that has been presented by the administration does nothing but increase the debt, and we have got to stop it. It is absolutely critical for the future economic well-being of this Nation. Republicans have presented many, many ideas that have not been considered by the leadership of this House nor by the Senate nor by the administration. I call upon my Democratic colleagues to work with us, to consider the things that we bring forth as potential solutions to the economic woes we have as a Nation.

American people are hurting. They are hurting tremendously. We are hurting small business, which is the economic engine of America. We are taxing and we are overregulating them, and we have got to stop it. We have got to build a strong economy in America, and just stop this idea that we can spend more and more money. Consequently, I have objections to continuing to build greater debt for our Nation.

So I call upon my colleagues on the Democratic side, let's work together, consider alternatives, consider ways of

solving this economic crisis we have as a Nation, and not continue down this road that I believe is going to lead to not only lengthening the recession and deepening the recession, but, as Warren Buffett just said yesterday and the day before, off the cliff. And I think we may very well be headed to a deep depression, deeper than we saw even in the thirties, if we don't stop the spending that we are doing here in this Nation.

So I call upon my colleagues on the Democratic side, please, let's work together. Let's find some commonsense solutions to these economic woes that we have as a Nation, and do some things for the American people, not for government. Government is not the solution. The private sector is the solution. Small business is the solution. We have got to find those solutions that make sense economically for this Nation. Socialism never has worked, never will work, and it won't work today.

With that, I withdraw my objection, and I yield back the balance of my time.

Mr. DRIEHAUS. Madam Chairman, we certainly are hurting. And this country is hurting because of a failure, a failure to invest in basic infrastructure over decades and decades. That is why this country is hurting.

I would remind my colleagues on the other side of the aisle that this is an authorization. This is an authorization to say we in the United States, the people that inhabit our cities, deserve as much attention as the folks in Iraq. This actually doesn't even get up to the level of spending on sewers and water projects that we have spent in Iraq over the last 5 years.

So I would remind my colleagues that this is an authorization, not an appropriation, and that the appropriate committees can determine the prioritization; because this is about priorities. We are saying through this amendment that infrastructure and sewer spending is a priority of this Congress, and I would hope that the Appropriations Committee would take the time to validate that and move forward. This is not about spending more; it is about identifying priorities.

Mr. BROUN of Georgia. Would the gentleman yield?

Mr. DRIEHAUS. I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

I understand this is an authorization. There is no question in my mind what this stands for. And, frankly, in my opinion, we have spent too much money not only since we have had a Democratic majority in the House and the Senate, but also the previous administration.

Mr. OBERSTAR. Madam Chair, before proceeding with the vote, I ask unanimous consent to proceed for 2

minutes, equally divided, between the Democratic side and the Republican side, for the purpose of offering a technical amendment to the amendment of the gentleman from Ohio (Mr. DRIEHAUS).

The Acting CHAIR. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. We have discovered during the consideration of the gentleman's amendment that there is a technical phrasing of language in the gentleman's amendment that could affect the underlying bill, and we have consulted with the Parliamentarian about the proper phrasing of the language which is now being drafted.

While that language is being written, I would assure the distinguished gentleman, Mr. BROWN, that we will work together in the appropriations process. We worked together in our committee on both sides of the aisle to incorporate views of both parties in shaping the bill we bring to the House today, and this will be one of many considerations reviewed by the Budget Committee and later, when the real decisions are made by the Appropriations Committee.

I share the gentleman's concern. We are spending an enormous amount of money, Madam Chair, on this asset recovery plan that started last August and September of 2008. We have seen money go out the door, and we have no idea where some of that money has gone that is supposed to stabilize the domestic and international financial structure. And maybe it has done that. But the increasing demands to support this bank and that bank and this insurance agency and that, and now to an international global financial meltdown. The gentleman is right, we have to take stock and balance our equities. But we also have to get this economy moving. We have to put people to work. When people have a job and have incomes and we are paying people to work and not paying them for not working with unemployment compensation, then maybe we can get this economy back on track and get people consuming, and we can start the flow of capital.

Madam Chair, I ask unanimous consent to modify the amendment of the gentleman from Ohio. The Drieaus amendment inadvertently struck a subsection of the manager's amendment adopted earlier today. The amendment to accomplish my request is pending at the desk.

The Acting CHAIR. The request for modification will need to be made by the gentleman from Ohio, the author of the amendment.

MODIFICATION TO AMENDMENT NO. 10 OFFERED BY MR. DRIEHAUS

Mr. DRIEHAUS. Madam Chair, I ask unanimous consent to modify the amendment. The amendment, as stat-

ed, inadvertently struck out subsections of the manager's amendment adopted earlier today, and I would ask for conformity.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 10 offered by Mr. DRIEHAUS:

Section 3001(b) of the bill follows:

In the matter proposed to be inserted as section 221(f)(1) of the Federal Water Pollution Control Act strike "\$250,000,000" and all that follows through "expended." and insert "\$500,000,000 for each of fiscal year's 2010 through 2014."

The Acting CHAIR. Is there objection to the modification?

Mr. BOOZMAN. No, Madam Chair. We understand that the amendment created a technical problem, and we agree with this solution.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. DRIEHAUS), as modified.

The amendment, as modified, was agreed to.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment printed in House Report 111-36 on which further proceedings were postponed.

AMENDMENT NO. 2 OFFERED BY MR. MACK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MACK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 284, not voting 13, as follows:

[Roll No. 122]

AYES—140

Aderholt
Akin
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan

Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Dreier
Duncan

Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Herger

Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lee (NY)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul

McClintock
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Paulsen
Pence
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Putnam
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher

Rooney
Royce
Scalise
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souders
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—284

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggart
Bishop (GA)
Bishop (NY)
Blumenauer
Boccheri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite,
Ginny
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.

Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Drieaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell

Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarelli
Pastor (AZ)
Payne

| | | |
|------------------|-------------|---------------|
| Perlmutter | Sarbanes | Thompson (CA) |
| Perriello | Schakowsky | Thompson (MS) |
| Peters | Schauer | Tiberi |
| Peterson | Schiff | Tierney |
| Petri | Schmidt | Titus |
| Pierluisi | Schock | Tonko |
| Pingree (ME) | Schrader | Towns |
| Pomeroy | Schwartz | Tsongas |
| Price (NC) | Scott (GA) | Turner |
| Rahall | Scott (VA) | Upton |
| Rangel | Serrano | Van Hollen |
| Rehberg | Shea-Porter | Velázquez |
| Reichert | Sherman | Visclosky |
| Reyes | Shimkus | Walden |
| Richardson | Shuler | Walz |
| Rodriguez | Sires | Wasserman |
| Ros-Lehtinen | Skelton | Schultz |
| Roskam | Slaughter | Waters |
| Ross | Smith (NJ) | Watson |
| Rothman (NJ) | Smith (WA) | Watt |
| Ruppersberger | Snyder | Waxman |
| Rush | Space | Weiner |
| Ryan (OH) | Spratt | Welch |
| Ryan (WI) | Stark | Wexler |
| Sablan | Stupak | Wilson (OH) |
| Salazar | Sutton | Woolsey |
| Sánchez, Linda | Tauscher | Wu |
| T. | Taylor | Yarmuth |
| Sanchez, Loretta | Teague | Young (AK) |

NOT VOTING—13

| | | |
|--------------|---------------|--------|
| Bright | Hensarling | Sestak |
| Conyers | Miller, Gary | Speier |
| Dingell | Olson | Tanner |
| Etheridge | Radanovich | |
| Faleomavaega | Roybal-Allard | |

□ 1401

Ms. WASSERMAN SCHULTZ, Messrs. BAIRD, DELAHUNT, NADLER of New York, RUPPERSBERGER, DAVIS of Tennessee, ABERCROMBIE, RUSH, WEINER, MINNICK, Ms. DEGETTE, Ms. EDWARDS of Maryland, and Ms. WATSON changed their vote from “aye” to “no.”

Messrs. BILIRAKIS, TERRY and POLIS changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. POLIS. Madam Chair, I would like the RECORD to reflect that on rollcall 122, I inadvertently voted “aye” when I intended to vote “no.”

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mrs. CAPPS, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1262) to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes, pursuant to House Resolution 235, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBERSTAR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passing H.R. 1262 will be followed by a 5-minute vote on suspending the rules and adopting House Resolution 224.

The vote was taken by electronic device, and there were—ayes 317, noes 101, not voting 13, as follows:

[Roll No. 123]

AYES—317

| | | |
|----------------|-----------------|------------------|
| Abercrombie | Cleaver | Grayson |
| Ackerman | Clyburn | Green, Al |
| Adler (NJ) | Coffman (CO) | Green, Gene |
| Alexander | Cohen | Griffith |
| Altmiere | Connolly (VA) | Grijalva |
| Andrews | Cooper | Guthrie |
| Arcuri | Costa | Gutierrez |
| Baca | Costello | Hall (NY) |
| Baird | Courtney | Halvorson |
| Baldwin | Crowley | Hare |
| Barrow | Cuellar | Harman |
| Bean | Cummings | Harper |
| Becerra | Dahlkemper | Hastings (FL) |
| Berkley | Davis (AL) | Heinrich |
| Berman | Davis (CA) | Herseth Sandlin |
| Berry | Davis (IL) | Higgins |
| Biggett | Davis (KY) | Hill |
| Bilbray | Davis (TN) | Himes |
| Bilirakis | DeFazio | Hinchey |
| Bishop (GA) | DeGette | Hinojosa |
| Bishop (NY) | Delahunt | Hirono |
| Blumenauer | DeLauro | Hodes |
| Boccieri | Dent | Hoekstra |
| Boozman | Diaz-Balart, L. | Holden |
| Boren | Diaz-Balart, M. | Holt |
| Boswell | Dicks | Honda |
| Boucher | Doggett | Hoyer |
| Boyd | Donnelly (IN) | Inlee |
| Brady (PA) | Doyle | Israel |
| Braley (IA) | Driehaus | Issa |
| Brown, Corrine | Duncan | Jackson (IL) |
| Brown-Waite, | Edwards (MD) | Jackson-Lee |
| Ginny | Edwards (TX) | (TX) |
| Buchanan | Ehlers | Johnson (GA) |
| Butterfield | Ellison | Johnson (IL) |
| Buyer | Ellsworth | Johnson, E. B. |
| Calvert | Emerson | Jones |
| Camp | Engel | Kagen |
| Cao | Eshoo | Kanjorski |
| Capito | Farr | Kaptur |
| Capps | Fattah | Kennedy |
| Capuano | Filner | Kildee |
| Cardoza | Forbes | Kilpatrick (MI) |
| Carahan | Fortenberry | Kilroy |
| Carney | Foster | Kind |
| Carson (IN) | Frank (MA) | King (NY) |
| Cassidy | Fudge | Kirk |
| Castle | Gerlach | Kirkpatrick (AZ) |
| Castor (FL) | Giffords | Kissell |
| Chandler | Gonzalez | Klein (FL) |
| Childers | Goodlatte | Kosmas |
| Clarke | Gordon (TN) | Kratovil |
| Clay | Graves | Kucinich |

| | | |
|-----------------|------------------|---------------|
| Lance | Neal (MA) | Scott (VA) |
| Langevin | Nye | Serrano |
| Larsen (WA) | Oberstar | Shea-Porter |
| Larson (CT) | Obey | Sherman |
| LaTourette | Oliver | Shimkus |
| Lee (CA) | Ortiz | Shuler |
| Lee (NY) | Pallone | Shuster |
| Levin | Pascarell | Sires |
| Lewis (CA) | Pastor (AZ) | Skelton |
| Lewis (GA) | Paulsen | Slaughter |
| Lipinski | Payne | Smith (NJ) |
| LoBiondo | Perlmutter | Smith (WA) |
| Loeb sack | Perriello | Snyder |
| Lofgren, Zoe | Peters | Space |
| Lowey | Peterson | Spratt |
| Luetkemeyer | Petri | Stark |
| Lujan | Pingree (ME) | Stupak |
| Lynch | Platts | Sutton |
| Maffei | Polis (CO) | Tauscher |
| Maloney | Pomeroy | Taylor |
| Markey (CO) | Price (NC) | Teague |
| Markey (MA) | Putnam | Terry |
| Marshall | Rahall | Thompson (CA) |
| Massa | Rangel | Thompson (MS) |
| Matheson | Rehberg | Tiberi |
| Matsui | Reichert | Tierney |
| McCarthy (NY) | Reyes | Titus |
| McCollum | Richardson | Tonko |
| McCotter | Rodriguez | Towns |
| McDermott | Roe (TN) | Tsongas |
| McGovern | Rogers (KY) | Turner |
| McHugh | Rogers (MI) | Upton |
| McIntyre | Rohrabacher | Van Hollen |
| McMahon | Rooney | Velázquez |
| McNerney | Ros-Lehtinen | Visclosky |
| Meek (FL) | Roskam | Walden |
| Meeks (NY) | Ross | Walz |
| Melancon | Rothman (NJ) | Wamp |
| Michaud | Ruppersberger | Waters |
| Miller (MI) | Rush | Watson |
| Miller (NC) | Ryan (OH) | Watt |
| Miller, George | Salazar | Waxman |
| Minnick | Sánchez, Linda | Weiner |
| Mitchell | T. | Welch |
| Mollohan | Sanchez, Loretta | Wexler |
| Moore (KS) | Sarbanes | Whitfield |
| Moore (WI) | Schakowsky | Wilson (OH) |
| Moran (VA) | Schauer | Wittman |
| Murphy (CT) | Schiff | Woolsey |
| Murphy, Patrick | Schmidt | Wu |
| Murphy, Tim | Schock | Yarmuth |
| Murtha | Schrader | Young (AK) |
| Nadler (NY) | Schwartz | Young (FL) |
| Napolitano | Scott (GA) | |

NOES—101

| | | |
|--------------|-----------------|---------------|
| Aderholt | Franks (AZ) | McMorris |
| Akin | Frelinghuysen | Rodgers |
| Austria | Gallely | Mica |
| Bachmann | Garrett (NJ) | Miller (FL) |
| Bachus | Gingrey (GA) | Moran (KS) |
| Barrett (SC) | Gohmert | Myrick |
| Bartlett | Granger | Neugebauer |
| Barton (TX) | Hall (TX) | Nunes |
| Bishop (UT) | Hastings (WA) | Paul |
| Blackburn | Heller | Pence |
| Blunt | Herger | Pitts |
| Boehner | Hunter | Poe (TX) |
| Bonner | Inglis | Posey |
| Bono Mack | Jenkins | Price (GA) |
| Boustany | Johnson, Sam | Rogers (AL) |
| Brady (TX) | Jordan (OH) | Royce |
| Broun (GA) | King (IA) | Ryan (WI) |
| Brown (SC) | Kingston | Scalise |
| Burgess | Kline (MN) | Sensenbrenner |
| Burton (IN) | Lamborn | Sessions |
| Campbell | Latham | Latta |
| Cantor | Latta | Shadegg |
| Carter | Linder | Simpson |
| Chaffetz | Lucas | Smith (NE) |
| Coble | Lummis | Smith (TX) |
| Cole | Lungren, Daniel | Souder |
| Conaway | E. | Stearns |
| Crenshaw | Mack | Sullivan |
| Culberson | Manzullo | Thompson (PA) |
| Deal (GA) | Marchant | Thornberry |
| Dreier | McCarthy (CA) | Tiahrt |
| Fallin | McCaul | Westmoreland |
| Flake | McClintock | Wilson (SC) |
| Fleming | McHenry | Wolf |
| Fox | McKeon | |

NOT VOTING—13

| | | |
|---------|-----------|--------------|
| Bright | Dingell | Hensarling |
| Conyers | Etheridge | Miller, Gary |

Olson
Radanovich
Roybal-Allard

Sestak
Speier
Tanner

Wasserman
Schultz

Granger
Graves
Grayson

Mack
Maloney
Manzullo

Roskam

NOT VOTING—30

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore (during the vote). Members are reminded that there is 1 minute remaining in this vote.

□ 1419

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING DESIGNATION OF PI DAY

The **SPEAKER** pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 224, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 224.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 10, not voting 30, as follows:

[Roll No. 124]

YEAS—391

| | | |
|--------------|----------------|-----------------|
| Abercrombie | Brown, Corrine | Davis (IL) |
| Aderholt | Brown-Waite, | Davis (KY) |
| Adler (NJ) | Ginny | Davis (TN) |
| Akin | Buchanan | Deal (GA) |
| Alexander | Burgess | DeFazio |
| Altmire | Burton (IN) | DeGette |
| Andrews | Butterfield | Delahunt |
| Arcuri | Buyer | DeLauro |
| Austria | Calvert | Dent |
| Baca | Camp | Diaz-Balart, L. |
| Bachmann | Campbell | Diaz-Balart, M. |
| Bachus | Cantor | Dicks |
| Baird | Cao | Doggett |
| Baldwin | Capito | Donnelly (IN) |
| Barrett (SC) | Capps | Dreier |
| Barrow | Capuano | Driehaus |
| Bartlett | Cardoza | Duncan |
| Barton (TX) | Carnahan | Edwards (MD) |
| Bean | Carney | Edwards (TX) |
| Becerra | Carson (IN) | Ehlers |
| Berkley | Carter | Ellison |
| Berman | Cassidy | Ellsworth |
| Berry | Castle | Emerson |
| Biggert | Chandler | Engel |
| Bilbray | Childers | Eshoo |
| Bilirakis | Clarke | Fallin |
| Bishop (GA) | Clay | Farr |
| Bishop (UT) | Cleaver | Fattah |
| Blackburn | Clyburn | Finer |
| Blumenauer | Coble | Fleming |
| Blunt | Coffman (CO) | Forbes |
| Boccieri | Cohen | Fortenberry |
| Boehner | Cole | Foster |
| Bonner | Conaway | Fox |
| Bono Mack | Connolly (VA) | Frank (MA) |
| Boozman | Cooper | Franks (AZ) |
| Boren | Costa | Frelinghuysen |
| Boswell | Costello | Fudge |
| Boucher | Courtney | Galleghy |
| Boustany | Crenshaw | Garrett (NJ) |
| Boyd | Cuellar | Gerlach |
| Brady (PA) | Culberson | Gingrey (GA) |
| Brady (TX) | Cummings | Gohmert |
| Braley (IA) | Dahlkemper | Gonzalez |
| Broun (GA) | Davis (AL) | Goodlatte |
| Brown (SC) | Davis (CA) | Gordon (TN) |

Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
Latta
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb
Loeb
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungrén, Daniel
E.
Lynch

Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarella
Pastor (AZ)
Paulsen
Payne
Perrillo
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen

Rothman (NJ)
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

Ackerman
Bishop (NY)
Bright
Castor (FL)
Conyers
Crowley
Dingell
Doyle
Etheridge
Giffords
Hastings (WA)

Hensarling
Higgins
Israel
Larson (CT)
Linder
Maffei
Miller, Gary
Olson
Perlmutter
Radanovich
Rangel

Roybal-Allard
Sestak
Slaughter
Speier
Tanner
Thompson (CA)
Wasserman
Schultz
Welch

□ 1430

Mr. PENCE changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, due to events in my congressional district, I was unable to vote today. If I were present, I would vote “yea” to H.R. 1262, the Water Quality Investment Act of 2009, and “nay” to Representative MACK’s amendment. Furthermore, I would vote “yea” to H. Res. 224.

PERSONAL EXPLANATION

Ms. ROYBAL-ALLARD. Mr. Speaker, I was ill today and was not present for votes on the Mack amendment to H.R. 1262 (rollcall 122), final passage of H.R. 1262 (rollcall 123), and passage of H.R. 224 (rollcall 124). Had I been present, I would have voted “nay” on the Mack amendment, and “yea” on final passage of H.R. 1262 and H.R. 224.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 31

Mr. MCINTYRE. Mr. Speaker, I ask unanimous consent to remove Representative MANZULLO’s name as cosponsor of H.R. 31.

The **SPEAKER** pro tempore (Mr. GRIFFITH). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week’s schedule.

Mr. HOYER. I thank the minority whip for yielding.

On Monday the House will meet at 12:20 p.m. for morning hour and 2:00 p.m. for legislative business. On Tuesday the House will meet at 10:30 a.m. for morning hour and 12 p.m. for legislative business. On Wednesday and Thursday the House will meet at 10 a.m. for legislative business. On Friday

NAYS—10

Chaffetz
Flake
Heller
Johnson (IL)

Miller (FL)
Neugebauer
Paul
Pence

Poe (TX)
Shuster

no votes are expected in the House, which is a change from the previously announced schedule.

We will consider several bills under suspension of rules. A complete list of suspension bills, as is the custom, will be announced by the close of business tomorrow. In addition, we will consider H.R. 1388, the Generations Invigorating Volunteerism and Education Act, also known as the national service legislation.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, as the gentleman knows, there are 3 weeks remaining prior to the 2-week Easter recess. Since the last recess, this House and Congress have sent a \$410 billion spending bill to the President. We have passed a bill imposing housing cramdown, and we just voted on a water quality bill, as well as one celebrating Pi Day.

I would ask the gentleman if he intends to use the next 3 weeks to try and focus on the fear that exists out there on the part of so many Americans about their jobs, and whether we can commit to focusing on preserving, protecting and creating jobs over the next 3 weeks?

I yield further to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

In fact, we are going to continue, as we have been doing for every week that we have been in session in this Congress, to focus on jobs, focus on job creation.

In fact, I would say to the gentleman, the three bills you mentioned, other than the Pi Day bill, were focused on jobs, focused on investing in our economy, in clean water, in education, in the safety of our public streets, keeping cops on the beat.

So I say to my friend, the answer to your question is, we are going to continue to focus on jobs during the next 3 weeks as well. We think we have been doing that.

We have had some disagreements on whether that was the way to do it, I understand that, but there is no doubt that we are going to continue to focus on jobs. One of those will be at some point in time before we leave for the Easter break. As the gentleman knows, it's our intention to bring up the budget as well.

Mr. CANTOR. I thank the gentleman.

I would ask the gentleman, given this budget that he intends to bring to the floor, and the fact that, frankly, we feel that budget has an Achilles' heel, which is it increases taxes on the primary job creators in the country, which is small business. Can the gentleman tell us if there are other bills that are specifically focused on helping small business people get back into the game, so that instead of just raising taxes, redistributing wealth, we can actually focus on job creation, wealth creation, and get back on the road to prosperity?

Mr. HOYER. One of the things I want to say in response to the gentleman's first question, in response to what he referred to as the cramdown, as the gentleman knows, there were three very important provisions which were not controversial, which is perhaps why I didn't mention them, notwithstanding the fact that many voted against the bill to help homeowners, to help those who were either at risk or may be at risk of losing their homes.

The bankruptcy provision was to try to facilitate, in league with the very substantial reform proposals proposed by the administration, which would be under Fannie Mae and the Treasury Department, and under Sheila Baird's aegis, trying to help homeowners. So that bill, we think, was a very important part of the comprehensive homeowners affordability plan announced by the administration.

With respect to helping small business, as the gentleman knows, we passed the Recovery and Reinvestment Act. As the gentleman also knows, notwithstanding the fact that that was not supported by any on your side of the aisle, it had very substantial tax cuts in there for exactly the people you are talking about. That is, small businesses.

So we think that, as you do, that small businesses are a vitally important part of creating jobs and creating economic opportunity in this country, and we have been supporting policies to assist them.

The gentleman and I were at the fiscal summit together, we went down to the health summit. We weren't in the same breakout group, but one of the things we are looking at, as you know, is trying to help small business with health care costs. That's a major challenge confronting the small business community.

Our friends at NFIB, as you know, have shared that interest. Now we haven't gotten to a specific proposal, so we will have to see what happens when we get there. We certainly share your concern, but we also believe we have been acting toward the end the gentleman suggests, and that is assisting small businesses to grow and to create jobs and to stay in business.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would like to draw the gentleman's attention to several news reports lately that have alluded to Chairman OBEY and others in the majority caucus preparing a second stimulus bill.

I know the chairman was quoted in CongressDaily this morning as saying that it is spectacularly unreasonable to expect to see the stimulus package that we passed produce any action any time soon.

Further, we see that the economist, Paul Krugman, thought and has written that the first stimulus bill that passed has failed because it didn't spend enough.

Now we know that the economist, Mark Zandi, has met with the Majority Caucus this week and said that the stimulus that passed would fall short of the goals that were originally put out there to create 3.5 million jobs.

So I have asked the gentleman, should we expect in the House for there to be another stimulus bill and, if so, would you include some of the Republican proposals that were in our plan that were focused on job creators, focused on small businesses, entrepreneurs and the self-employed?

I yield further to the gentleman.

Mr. HOYER. I presume the gentleman is referring to the job creators that we had in our bill.

As you know, we believe that the substitute that was offered to the recovery and reinvestment package that was defeated in a bipartisan way created—and there is a difference in this—our perception of this is 2 million less jobs than the bill that we offered and that was passed, which we think either created or saved 3.5 million jobs.

Having said that, you asked about an additional relief package. I note you quoted the newspapers as talking about Mr. Zandi, who was one of Mr. MCCAIN's advisors during the course of the last campaign.

But I also noted in the paper that you are also quoted as saying, House Minority Whip ERIC CANTOR didn't rule out the idea of a second stimulus package and said Wednesday he would be willing to sit down with the White House and congressional Democrats to discuss any new emergency spending proposals.

I appreciate that offer, and I want to show the gentleman that when and if—and I have no reason to believe, by the way, that Mr. OBEY is doing anything as reported in the paper that he might be doing, I have no reason to believe he is doing that—but I want you to know that in light of your interest in sitting down, that I share that interest, and we will do that.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would like to, for the record, set it straight. My comments were that if we are going to get serious about focusing on job creation, yes, I would support a bill that would provide relief to the small business people of this country, so we can get the entrepreneurs back into the game of putting capital to work so we can not only save the jobs that we have got, we can begin to create new ones for our families and our communities.

Mr. Speaker, I would like to ask the gentleman if he would respond to some of the reports that there may be a bill dealing with stem cell research coming to the floor next week, and whether he could confirm that and, if so, what is the substance of that bill.

I yield further to the gentleman.

Mr. HOYER. I thank the gentleman.

First, in a very short response to your question, I do not expect the legislation dealing with stem cells to be coming to the floor next week.

I do, however, respond to the gentleman that we are considering bringing to the floor legislation, similar, in terms of specifics, very similar, if not the same, as the bill that passed this House on a bipartisan vote in the last Congress.

We believe that that will be consistent with the President's action this week dealing with the executive order on stem-cell research.

We believe this research provides real hope for some of mankind's most difficult diseases and afflictions and challenges. We think the research is promising.

On the other hand, we want to make sure that it does, in fact, do what we say we want to do. As you know, when we passed legislation like that before, we made it very clear that human cloning was not something that the Congress supported and that we were specifically prohibiting that.

So in answer to your question, I would think the legislation would be very much along those same lines. But we do not expect it to be here this week. I want to tell the gentleman it may be, however, on the floor prior to our leaving for the recess.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I know that the gentleman is aware, as all of us are, about the tremendous job losses that we have experienced in America of late, 650,000 plus jobs just last month.

There is an announcement yesterday that we all read about, that the card check bill was introduced. Along with that introduction, there was a new nonpartisan study that was published that predicts that passage of card check legislation will result in the immediate loss of 600,000 jobs.

So I would ask the gentleman, number one, when he expects to bring that card check bill to the floor, and if, in the interim, if he is considering that if the Senate is to act, and we are to act in these economic times, why would we be doing that if we know, through nonpartisan studies issued, that it's a job killer? Why would we be bringing that to the floor?

I yield further to the gentleman.

Mr. HOYER. I thank the gentleman for yielding. First of all, let me respond. We don't know that. Somebody reported that. We don't know that at all and, very frankly, we don't accept that figure. We don't accept the figure that we will, in fact, lose jobs.

We on this side of the aisle feel very strongly that the working men and women in this country have the right under law to organize and to bargain collectively for wages and benefits and working conditions. We think that is inherent in the rights, in the free market.

Very frankly, I would tell my friend that I have traveled, as he has, in many parts of the world, and rarely have I seen a successful democracy that didn't have a free trade union movement. So we feel very strongly about that. We feel very strongly about the right to organize, and that means that it is the employee's choice of how to organize.

Now, having said all that, let me also say that we have observed that there has been, in many ways, a relationship between the decline in union membership and a decline in the buying power of the American worker.

And the greatest disparity between what average workers make and what the bosses make now exist in our country to a greater extent than any other place in the world. We think that's a problem.

Consumerism is what drives this economy. Consumerism is down, incomes have been frozen, and you see, in my opinion, some of that result.

I don't, by any stretch of the imagination, want to say that the reason that we are in the decline that we are in today, and facing the challenge that we are today, is a direct result of the fact that union membership is down.

But, certainly, I believe that one of the results is the reduction in the buying power of average Americans in this country.

Now, having said that, we passed this bill. We passed it pretty handily. We passed it in the last Congress, and it's our expectation that the Senate is going to be dealing with this legislation. They have not yet considered it; and it is my belief that we want to see whether they can pass it. We believe they can.

□ 1445

We are going to be interested in what action they take.

Mr. CANTOR. I thank the gentleman.

For the record, any democracy has also in it the elections that afford one the right to a private or secret ballot, which this bill completely takes away from the workers of this country.

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. Not yet, Mr. Speaker. I would say again that our economy is not just built on consumerism, our economy is built on investments and, frankly, the rebuilding of this economy will take place with job creation. And if we know that card check is a job-killer, folks across this country have got to be scratching their heads right now, wondering what in the world is Washington doing passing a piece of legislation that has been proven to kill jobs, not promote jobs.

Mr. HOYER. Let me say that, as I said before, we don't believe it's a job-killer, number one. But, number two, the gentleman and I have a disagreement factually as to what the bill does.

We don't believe this kills the right of the employees to have a free election at all. Period.

We believe in fact the employee has that choice. The employee has the absolute right to respond, "No, I don't want to sign your card. Let's have an election. And I will sign it for that purpose, and that purpose only, to give you the 30 percent you need to get the election."

I think I'm right on 30 percent. But, in any event, we believe this is the employees' choice of how they want to organize, not the employer's choice.

So we are not and did not by passage of this legislation take away from the employees the right to have an election if they so choose.

Mr. CANTOR. I thank the gentleman.

One remaining question, Mr. Speaker. Can the gentleman inform us as to whether the public lands bill will be brought back up under a rule in this House.

Mr. HOYER. We think the public lands bill that failed just by two votes yesterday is a very good bill. Overwhelming support. Essentially two-thirds of this House supported it. Two-thirds of the Senate supported it. Actually, I think it was probably even more than that.

In any event, we believe that bill is a very, very good bill. We are hopeful that a number of your members will conclude that maybe they should have voted for it. We will see on that.

So the answer to your question is that we may bring it up either by rule or by suspension, but we want to see this bill pass. Having said that, let me say that Leader REID, the senior leader of the Senate, has indicated that he is going to file for cloture on that bill in the Senate tomorrow. So they may well move on it as well.

There are a number of options for us to pursue. As you will not be surprised, we are going to pursue the one we think is most successful.

Mr. CANTOR. I thank the gentleman, Mr. Speaker, and I yield back.

ADJOURNMENT TO MONDAY, MARCH 16, 2009

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

TRACKING THE TARP FUNDS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Yesterday, our Domestic Policy Subcommittee held a

hearing about how the Treasury Department has accounted for TARP funds. The taxpayers of the United States have already paid \$700 billion of their tax money into this bailout program. We found out that the Department of Treasury doesn't track the funds after they give them to the banks and, as a result, we have seen that, of these funds that were supposed to go to help the U.S. economy, \$8 billion has gone through Citigroup to Dubai; \$7 billion through Bank of America to China; \$1 billion through JPMorgan Chase to India.

I want the American taxpayers to think about that because with all the pressing needs we have here with the people who are starved for credit—businesses are dying because they can't get loans from banks—banks are taking our tax dollars and they're shipping them abroad.

It's time that we started to take care of things here at home. It's time that we started to ask the Treasury Department to keep track of these TARP funds and make sure that they're intended for the purpose that the American people want them to be spent for, and that is revive our American economy.

TRIBUTE TO LEE ANNENBERG

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, it is with great sadness that I rise today to share with my colleagues the news of the passing earlier this morning of a very dear family friend and one of our Nation's greatest citizens, Mrs. Walter Annenberg.

Lee Annenberg was an extraordinary person who lived every day with elegance, generosity, and a dedication to improving the quality of life of her fellow man. Members of this institution will recall countless instances of a strong commitment to the United States House of Representatives and both Houses of Congress.

She in fact made it possible for us to, for the first time since the founding of our country, convene on the anniversary of September 11, when we all went to Federal Hall in New York. She underwrote the bipartisan civility retreat that we held. Several years ago, the California congressional delegation came together at her beautiful home, Sunnylands, in Rancho Mirage, California, to hold the first ever bipartisan California congressional delegation retreat.

Mr. Speaker, no two people have been more personally committed to public service, education, and philanthropy than Lee and Walter Annenberg.

BUILDING TO FIX THE ECONOMY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE. Mr. Speaker, I think it is very important as we begin to build the building blocks of fixing this economy that maybe we should give a greater understanding of what the stimulus dollars are to be utilized for.

There are Congresspersons and Senators and Governors and State legislators and others, but the President's intent, the administration's intent is these dollars are to be in the hands of taxpayers.

The good news for those who have been criticizing is the Dow went up this week, and the Governors of the Nation were in Washington to get their instructions on how to make sure that these grants and these moneys are transparent, to make sure that grants are competitive and, yes, that the dollars are in the hands of small businesses; of primary and secondary schools; of hospitals; of municipal governments; of putting shovel in the ground, if you will, fixing utilities, fixing roads.

That should be the message and the work of those of us who serve in the United States Congress. It's my intent to be at home educating those of my constituents on how to use this money effectively.

The only way that they will be successful is if they can count jobs one at a time. That's what the President wants. That's what we are doing. And those who are criticizing need to look at the people who are now working.

CONDEMNING THE ACTIONS OF THE CHINESE

(Mr. FORBES asked and was given permission to address the House for 1 minute.)

Mr. FORBES. Mr. Speaker, 5 days ago, a U.S. naval vessel was traveling in international waters 70 miles off the coast of China when it was harassed by a Chinese frigate that went dangerously across its bow. Shortly thereafter, it was buzzed by a Chinese maritime aircraft and a demand was given for that vessel to leave international waters or suffer the consequences. When it tried to do so, there was an attempt made to stop it, and then five Chinese vessels harassed it.

Mr. Speaker, yesterday we passed a resolution condemning Chinese actions for harassment for the people of Tibet. I filed a resolution that would condemn these actions and make sure that we understand the message the Chinese government was sending to us through these actions was very clear. So far, I question whether we have sent a response that has equal clarity.

I hope that the Members of this House will join in this resolution and

let those individuals on that vessel know that we are standing behind them in condemning these actions that were taken by the Chinese government.

THE DEMOCRAT BUDGET

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. The Democrat budget spends too much, taxes too much, and borrows too much. Contrary to what Democrats say on this floor all the time, the government doesn't invest. It spends. It spends money it takes from American citizens, to whom the money belongs.

Here's a look at the increase in government spending the Democrats want to impose on the backs of American families. The budget increases spending to \$3.9 trillion in 2009, or 27 percent of GDP, the highest level since World War II. This is simply too much spending and will lead to higher taxes, slower economic growth, and fewer jobs for middle-class families.

Despite their claims, the Democrats' budget promises historically high deficits stretching out to 2019, when the budget deficit will stand at \$712 billion. The Democrats' budget would produce a \$1.75 trillion deficit, or 12.3 percent of GDP in 2009. This deficit level is more than three times the previous record deficits.

Over the first fifty days of the new Administration, Democrats have spent approximately \$1 billion an hour, most of it with borrowed money.

Beginning in 2012, and every year thereafter, the government will spend more than \$1 billion a day in net interest.

Mr. Speaker, American families and small businesses cannot afford all of this government spending and the Democrats need to show some fiscal responsibility, just as President Obama promised.

Where is the responsibility and accountability so often mentioned but never embraced by President Obama?

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

OMNIBUS SPENDING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the phones in my offices have been ringing off the wall today because people are very upset that we just passed the omnibus spending bill for \$410 billion that has between 8,000 and 9,000 pork barrel projects in it.

The people of this country can hardly believe the way we are spending money up here. They all want to see the economy turn around, but I think they realize that the way to turn the economy around is by instilling enthusiasm and confidence in the American people by cutting taxes across the board, including taxes for businesses, such as the capital gains tax.

Mr. Speaker, so far, we passed a TARP bill for \$700 billion, and that TARP bill that was supposed to help get the economy moving and help the financial institutions—we found that \$8 billion of that was loaned by Citigroup to Dubai public sector entities; \$1 billion was invested by JPMorgan in India; \$7 billion was invested by Bank of America in the China Construction Bank Corporation.

□ 1500

And the American people are wondering why the \$700 billion that their representatives voted for is being used to help other countries. That money was supposed to help our economy.

In addition to that, we spent \$14 billion for the auto bailout, almost \$1 trillion when you add in interest for the stimulus bill and the omnibus bill I just talked about. And the budget is coming up, and it is going to cost about \$3.9 trillion, of which \$635 billion is for a new socialized medicine health program. But that is not the end of it.

The stimulus package that we passed, almost \$1 trillion, was supposed to really help get the economy moving, and now we hear that there probably is going to be another stimulus package. We don't know how much that is going to cost.

Speaker PELOSI is quoted as saying that she is open to a second stimulus package. That was on CNN. It says, "The Democrats eye another stimulus bill on the Hill." "Pelosi open to another stimulus," in Roll Call. "Pelosi raises the prospect of another stimulus economic package, a second one, this year," in CQ. "Pelosi leaves the door open to a second stimulus," in Reuters. And the Wall Street Journal talks about that by saying, "Lawmakers weigh the need for a second stimulus to spur job growth."

If you add all this together, Mr. Speaker, we are spending God only knows how many trillions of dollars that we do not have, and we are mortgaging the future of our kids and grandkids.

I have been down here night after night talking about this, and I cannot understand why we don't approach the solving of these problems in a logical and orderly manner as we have in the past under people such as John F. Kennedy and Ronald Reagan. They cut taxes to stimulate economic growth, and it worked, giving us economic recovery and long periods of economic growth. But what we are doing is just

throwing taxpayers' money at it as fast as we possibly can, and it is money which we don't have. And we are going to print that money, the money that we can't borrow from somebody else.

We already owe China about \$800 billion, \$900 billion. We owe Japan about \$600 billion. They are not going to continue to loan us money. We have borrowed money from the Social Security trust fund, so much so that it is probably bankrupt if we were to really look at it today. Yet, we continue to spend money and spend the future generations right down the tube.

The inflation rate that we are going to face in the next 2, 3, 4 years I think is going to be untenable. I really believe we are going to have double-digit inflation as well as double-digit unemployment because of the way we are going about solving these problems. Mr. Speaker, I just cannot understand it.

Then, on top of that, what did we do to stimulate buying homes? We cut the amount of mortgage deductions that people can deduct from their taxes by about 30 percent. So if a person has a mortgage deduction on their house, we cut that. We reduced it by 30 percent. There is a real inducement for people to buy a home. Then, as far as charitable giving is concerned, we reduced the amount that people can deduct from their taxes for giving money to charities, and that is going to put the charitable institutions in a real bind, and that means the government will probably pick up more of the responsibility of taking care of the people of this country. That is just unconscionable, in my opinion. We need to be doing what is necessary to stimulate economic growth and not put this country into a financial trick bag.

Mr. Speaker, my colleagues and I have been down here night after night talking about this. We feel like it is falling upon deaf ears, but we must come down here and try to explain to our colleagues and the American people how really horrible is the approach that we are taking right now.

TAX TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCCLINTOCK) is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, many people were quite relieved when President Obama promised to reduce taxes on 95 percent of Americans. Last week, the President introduced his new budget that depends upon a staggering tax increase of \$1.4 trillion over the next 10 years. If that fell on every one of us, that would come to nearly \$15,000 for an average family of four, or about \$1,500 per year, out of that family's paychecks. So what a relief it was to hear the President's assurances that that is only going to be a tax on the rich. Except, it is not.

As we begin dissecting the President's new taxes, it is becoming crystal clear that they are actually hitting squarely at the middle-class, working families who are struggling to make ends meet in the worst economy in a generation. Let me walk you through the reasons why the President's new taxes are something that every middle-class family should fear.

There are about \$650 billion of direct tax increases, including a boost in the income tax of nearly 40 percent. Now, that is the part that the President says will only be on the very wealthy, which he defines as people making \$125,000 a year or couples making \$250,000. But when you scratch the surface, you learn that more than half of these folks aren't folks at all; they are small businesses. So if you work for or you own a small business, chances are this tax is for you. The rest is coming from increases in business taxes, either directly, or as cap-and-trade taxes for carbon dioxide emissions. That is a huge levee on every business that emits carbon dioxide. That includes construction, agriculture, cargo transportation, energy production, manufacturing, baking, distilling. Is that anything for the middle-class to worry about? You bet it is.

I will let you in on a little secret of government finance: Businesses do not pay business taxes. There are only three possible ways that a business tax can be paid. It is paid by us as consumers through higher prices; it is paid by us as employees through lower wages; or, it is paid by us as investors through lower earnings, that is, what is remaining of our 401(k)s. There is simply no other possible way a business tax can be paid.

The income tax deduction for charitable contributions is being curtailed for upper income taxpayers upon whom charities rely for the vast bulk of their donations every year. That means a lot less charitable contributions and a lot more demand for government services.

At just the moment when investment is desperately needed to create new jobs, the President proposed hiking the capital gains tax. That means a lot less investment and a lot less job creation.

Now, this is not a complicated principle: If you tax something, you get less of it. If you tax productivity, you get less productivity. If you tax charitable contributions, you get less charitable contributions. If you tax investments, you get less investments and less jobs. If you tax energy production, you get less energy.

So just at the time when we need more productivity, more charity, more investment for jobs, and more energy, the Obama administration proposes a massive tax increase that they have the gall to tell us will stimulate the economy. These taxes will hammer every American, either directly or indirectly. At exactly the time when we

should be reducing burdens on the economy, this administration wants to increase them.

If the President wants to raise taxes because the government is out of money, what makes him think that the American people happen to be flush with cash? This is exactly the mistake that Herbert Hoover made in responding to the recession of 1929. He dramatically raised income taxes, import taxes, and spending, and he turned the recession of 1929 into the depression of the 1930s.

Adam Smith, the father of modern economics, pointed out that a government that raises taxes in response to a recession makes exactly the same mistake as a shopkeeper who raises prices in response to a sales slump. California has again ignored that warning. It is set to impose the biggest State tax increase in history on April 1. That is going to be \$13 billion from California families, proportionately a little bit less than the President's taxes, but it is in the same ballpark. I suspect that by the time the Obama budget, with all of its tax increases, comes up for a vote, California will have become a poster child for what not to do. Maybe, by then, the administration and the majority in Congress will figure out that raising taxes in a recession is not exactly the smartest thing that we could be doing.

SO MUCH MONEY TO GIVE AWAY AND SO LITTLE TIME

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Mr. Speaker, these are interesting times we are living in. It just seems like the motto we hear in Congress is, so much money to give away and so little time. Wow.

How can we give away more and more money? Well, to give it away, we have got to tax, we have got to borrow, and we have got to print more money. All of these are not good things to be doing. And how ironic this week to see an article in national papers that, as Mr. Geithner is encouraging other countries to follow our lead and spend and spend and tax and spend and borrow and spend, Europe, of all places, is saying, we are not sure that this idea of spending and spending more and more money is such a good idea. Whoever would have thought that Europe would be the ones to give us a lecture on overspending not being the way to go? But these are the people that have been overspending. They know, it doesn't work. Yet, here we are, trying it ourselves.

Now, we keep hearing about the deficit. When I was here as a freshman in 2005 and 2006, I was upset about the

overspending. I was upset about the deficit going up. And it wasn't the tax cuts that created the problem. The tax cuts created the greatest revenue coming into the U.S. Treasury in American history, more money than ever coming into the Treasury. That wasn't the problem. But as it came in faster and faster, we were spending even faster than that, and there were some of us who were upset about it. The American people were upset about it. So as our friends across the aisle kept pointing out, you have got to cut out this deficit spending, the voters heard them. They said, they are right. The Democrats are the ones saying don't be spending and running up the deficit on our children and grandchildren. The voters were right. The Democrats were right to say that, because we were overspending. Many of us in the Republican party were saying the same thing. But that was not what carried the day. There was overspending.

As a result, we got this comment after the election in November of 2006 from our now Speaker: "The American people voted to restore integrity and honesty in Washington, D.C., and the Democrats intend to lead the most honest, most open, and most ethical Congress in the history."

In fact, we even voted a few weeks ago in here that we would not even vote or take up this horrible spending bill, spendulus, porkulus, whatever you want to call it, until we had at least had 48 hours to review it. We voted on that. The vast majority, it seems like it may have been a super majority, voted that we would not vote on that bill until we had seen it for at least 48 hours. Then it gets on the web at 11:00 or 12:00 at night. I got my copy to review the next morning about 9:00, and we are debating at 10:00. And we are told, people are losing their jobs every minute you are delaying passing this bill. We have got to pass it. You don't have time to read it, you have just got to trust all the people, the staffers and everybody that put this together. We don't know what is air-dropped in there; we don't know what all is part of it, because we don't have time to read it, either. Nobody on either side of the aisle read it, but we had to pass it.

It doesn't exactly match up with the transparency and the openness that was promised. It doesn't match up with the President of the United States, President Obama, promising there would be no bill that would be taken up and voted on unless we had 5 full days before he signed it to have comments, 5 full days. Well, we were told we had to pass it, we had no choice, people are losing their jobs. And the thing is, people were hearing things that were supposed to be in the bill, and yet the very week that this bill was being brought to the floor to vote on, there were tens of thousands of jobs every day being lost because businesses were giving up

hope. They were trying to hang in there, hang on to their good employees. So many of those jobs lost were good union jobs. They were trying to hang in there. But then, from what they were hearing it didn't sound like this so-called stimulus or spendulus bill was going to allow them to come out from under the trouble they were in, so they gave up and kept laying jobs aside. People, families were hurt. So we were told, "It has got to be fast. Don't read it, just vote on it." So it was passed, and 4 days later it gets signed into law.

□ 1515

Now, how is that an example of being open, honest and transparent? As a young attorney, I always advised people, if people want you to sign off on something but say, "you don't have time to read it, just sign it," then it is even more important to read before you sign off on it, before you put your name on it. And here we had the Congress of the United States put their names on a document that they were not allowed to read all because it had to be passed immediately. And then 4 days later, once we get the press and all of that going on, have the photo op there in Colorado, then the bill gets signed. And I'll bet the folks there, I'll bet the President had not read the bill. Of course he hadn't. He hadn't had time.

I am joined by my dear friend from Indiana, Mr. DAN BURTON. I would love to yield time to him such as he would use and do so at this time.

Mr. BURTON of Indiana. Thank you very much. I appreciate it. And I'm happy to stick around here tonight with you to go into some of the things that I think ought to be explained to our colleagues and to the American people if they happen to be paying attention here tonight to what we are doing.

The people really do have a right to know where we are spending this money. And we had people from the Treasury Department appear before the Senate Banking Committee last week. And Senator SHELBY, as I recall, asked where some of the money was being spent. They actually would not even tell him where the money was going. And we are talking about \$700 billion that was passed by the House and the Senate. There was supposed to be transparency so that we knew where the money was going.

Now we did find out, and I mentioned this in a previous Special Order tonight, we did find out that some of the money that was given to the financial institutions to get the economy moving again was used to help other countries. Now this is \$700 billion that was supposed to be used to help the American people, help the American economy and help the financial institutions to be able to survive. And yet \$8 billion, \$8,000 million, was loaned by

Citigroup to Dubai, \$1,000 million was loaned by JPMorgan Treasury Services to India, \$7,000 million was loaned by the Bank of America to the China Construction Bank Corporation, and a whole lot more. There were 297 other entities that got the money, and they would not tell us where the money went.

Now we are the representatives of the people. The Senators are the representatives of the people. And we have a right to know where the money is going when we vote to spend it. That is one of the reasons why I voted against almost every one of these spending bills this year because we haven't been able to understand where the money is going to be spent or why it is being spent, and there hasn't been any real plan. We have just thrown money at it, like that is going to solve the problem.

If we are going to spend taxpayers' dollars, in my opinion, they have the right to know where the money is going, number one. And number two, we need to see the plan, as representatives of the people, so that we know where the money is going to be spent, how it is going to be spent and whether or not it is going to be spent wisely. And so far, every single one of the spending bills that I have looked at—and I think my colleagues looked at it as well—not one of them really gives us a plan on how to work our way out of this morass that we are in.

I went into some of the things that I have mentioned in the past. And we are looking at trillions and trillions of dollars that we have been spending. And when I talk to the American people out in my district, in the Fifth District of Indiana, about all this spending, and you talk to them about \$1,000, they understand, \$1 million they understand, \$1 billion they start to glaze over. And when you get to \$1 trillion, it just does not register because it is so much. That is a thousand thousand million dollars, \$1 trillion. And we are spending money in the trillions. The budget that is coming up here after we have already spent trillions of dollars is going to be almost \$4 trillion in addition to that. And today we found out that the Speaker of the House has indicated we might have another stimulus bill, which means we will probably add another \$1 trillion on top of that.

Now I brought a chart with me tonight, Mr. GOHMERT. I can't talk to the American people, because we are in the well. But if I were talking to them, I would like for them to take a look at this chart just like my colleagues do. And it shows what happens when you inflate the money supply. And when I talk about "inflating the money supply," I'm talking about when we spend all these trillions of dollars that we don't have. We have to either borrow it from countries like China or we have to borrow it from countries like Japan. And we owe Japan over \$600 billion. We

owe China over \$700 billion. And it will soon be over \$1 trillion. And when we borrow that money, it is supposed to help out the problem. But we have to pay them interest on that money. But the money that we cannot borrow, we have to print. And I hope my colleagues are listening to this. We have to print the money. And so far, we have increased the money supply by almost 300 percent. That means if we were buying something 1 week ago or 1 month ago, such as a car, in the future, when this money starts getting into circulation, because we have increased the money supply 300 percent, we are going to have a heck of a rate of inflation. That means the cost of everything is going to go up and up and up. That means college educations, cars, refrigerators, homes, the price of everything will go up.

If my colleagues doubt this, I hope they take a look at this chart. It shows the money supply and how it has changed over the years. And you go all the way to 1990 and you start to see a rise. And then you see in 2000 it goes up more rapidly. And then you go to where we are today, and you see the money supply is going straight up. I mean it is going up straight. It is not going at an angle anymore. It is going straight up. And that means we are continuing to spend more than we are taking in. And we are printing that money.

We had this problem back in the 1970s. Mr. GOHMERT remembers. I think you're old enough to remember that. Back in the 1970s, we had this problem when President Carter was in office. And we ended up with double-digit inflation. We had 14 percent inflation and 12 percent unemployment. And they ended up raising the interest rate to slow the inflationary trend at 21 percent. And that put us into a deep, deep recession.

What we are doing today is going to bring those days back in spades. It is going to be worse because we are increasing the money supply and spending much more rapidly than they did in the 1970s. And that was a tragic experience. Ronald Reagan came in and cut taxes across the board. And we ended up working our way out of the economy, and we had a long period of time of economic growth. But we are digging such a hole right now with this spending that it is going to be much, much more difficult to dig ourselves out of that than it was back in the 1980s when Reagan was President. So I really appreciate Mr. GOHMERT taking this special hour. He is one of the real stalwarts as far as fiscal responsibility is concerned.

Unless we get our colleagues on both sides of the aisle to start paying attention to what we are doing and not just thinking, "oh, my gosh, we don't have to worry about the spending, it will take care of itself," then we are going

to continue to dig ourselves into this hole.

And I just wish the American people, Mr. Speaker, would call every one of their congressional representatives and their Senators and say, hey, let's start being fiscally responsible. Let's cut spending. We want to know where the money is going, and we don't want to waste it. And we certainly don't want to have hyperinflation.

This will be passed on to our kids and our grandkids in our posterity. They are going to pay more in taxes. They are going to be paying more in inflation. And their quality of life is going to go down if we don't change this stuff pretty dog-gone quickly.

With that, I want to thank the gentleman for yielding. I appreciate being with you tonight.

Mr. GOHMERT. Thank you. I'm so grateful to my friend from Indiana. I always learn something every time I hear him speak. And I appreciate him any time he wants to speak while I've got time, he is welcome here. It is interesting though. It just seems like we do not learn the lessons either of history from other countries or of our own history. We keep trying the same things over and over again.

For one thing, though, we had this massive bailout back in September. And there were a few dozen, I think maybe 60 Republicans that joined with the vast majority of the Democrats and passed that bailout bill. I thought it was a huge mistake. I knew it was a huge mistake. I begged my colleagues across the aisle, this side, please don't do this. And yet, we did. Seven hundred billion dollars. It was an outrageous amount. It may be that only \$250 billion of that—only—only \$250 billion of that was spent before the new administration came in. And they immediately asked for the other \$350 billion, another \$800 billion in a stimulus, spendulus, porkulus whatever you want to call it bill, and then followed that up with over \$400 billion on top of that. We only get \$1.21 trillion in from income tax, from individuals for the entire year of 2008. And yet, just in a matter of weeks, \$1.6 trillion, \$1.7 trillion, an incredible amount of money.

I have said this before, people I think are getting the idea, you want to increase the economy and help the economy? Let every taxpayer know they can keep their own tax dollars. Now originally my bill proposed 2 months. But for the kind of money we have been spending, we would be better off to tell everybody you have the whole 2008 tax year off with no taxes. If you send it in, you're getting it back. If you haven't paid it, then don't. We would have been better off. Cars would be bought. Homes would be bought. Homes would be built. Businesses would be built. American Dreams would be made all over.

It is interesting to hear a study this morning that we went from an American Dream of having our children have it better than we have to now the current American Dream, the majority American Dream is to own their own business, to have a small business. Then also know that American businesses, small businesses, that is, have 70 percent of the employees in the country. You want to help the country? Help small business. And yet all we are hearing is we are going to hammer the people that may make more than \$250,000, the very people who I've heard from who have said, "I would like to hire at least one or two employees, but if I'm about to get hammered with a tax, I'm going to have to pay that in taxes. I can't afford to hire anybody. So I'm waiting back here to see if I'm going to get hammered with more taxes. And if not, then I will hire more people. And if I am, then I'm not hiring anybody. I will just kind of hang on to what I've got."

One of the things we learned back in history classes was that the power to tax is the power to destroy. That is so clear. Over and over, no matter what country you're in, the government has the power to tax, unless it is a socialist country, in which case all money comes into the government, and they pay everybody, so they just own everything, which kind of seems to be the way we are going right now, but if you tax something, you get less of it. If you want more of an activity, then not only don't tax it, but give it an incentive to have more of that.

There is no better example than in the 1960s when the people in this body, in the House of Representatives, had a big heart, a tender heart, and wanted to help single women who they knew, there weren't that many, but there were some who were having to deal with deadbeat dads, who were not helping raise the children and were not helping with funding. They said, let's help those women. Let's give them a check from the Federal Government for every child they can have out of wedlock. They meant well. But now, 40 years later, we have gotten what we paid for. We have gotten a Nation in which nobody would ever have dreamed at this time that so many of our children would be born out of wedlock. Some of the greatest contributors to this country have come from single-parent homes. And I just have great praise for the single parents who try to raise kids and have done so effectively. It is a tough, tough job. But studies indicate, generally speaking, kids end up better off if they come from a two-parent home, as long as there is not abuse, things like that, we know that. As a former judge, I sure do.

Well, then if you look at some of the things we have taxed, we still have a marriage penalty. If you're married in America, and you are both working,

then you're going to pay a higher tax than you would if you were living together in what used to be called in the Bible Belt, "living together in sin." So what does the government do? The Federal Government, this body, because this is the only body that can do it, this body taxes marriage. Well, you get less marriage when you tax marriage.

Now, we have heard over the last few decades all kinds of solutions, we are going to try to fix the marriage penalty, we are going to lower the tax here, fix this, do that and have less of a penalty, oh, we think we have fixed it. I have gotten sick of hearing those messages. And I intend to have a bill filed in the next couple of weeks as soon as we get it back from legislative counsel. It is very simple. It just says, if you're married, then you have got a choice. You can file married jointly or you can file as a single individual, whichever is better for you. Boom. No marriage penalty. That's the end of it.

Now that is how you deal with a marriage penalty. You give people who are doing a good thing, being married, you don't penalize them, you help them.

□ 1530

And then we hear in the President's budget, his plan, we are going to disallow charitable contributions beyond a certain extent. It will be interesting to see how it ends up shaking out. But we are going to disallow tax advantages beyond that and allow that income to be taxed.

Guess what? If you are going to start taxing that money instead of allowing the charitable deduction for the full amount, you are going to get less charitable deductions. I have said all along that this President is a smart man. I think he is. I wish that he would leave the teleprompters alone because the things that we need and what we need to fix America will not be found in a teleprompter. I wish he would look us straight in the eye and talk to us.

In any event, if you are really, really smart and you are pushing to provide less tax incentive for charitable deductions, charitable contributions, you are going to get less of them. If you are really smart, you know that. You know you will get less. So what can you be meaning? What can your thoughts be?

Well, the inevitable conclusion is that you intend to have fewer charitable organizations because you intend to do all of the charitable giving by the government. That is the only conclusion that can logically be drawn. You think you're better at giving charitable donations to the right places than the American public could be, and that the government will do better with those donations, we call them taxes when they are to the government, than those charitable organizations will be.

As I have traveled around the world as a Member of Congress, I haven't

done it but a few times, but what I see, the best work for individuals suffering in other countries doesn't come from the U.N. It doesn't come from the United States dollars. When the United States gives, it has to go through another country or through the U.N., and all these people get their cut of the action. And sometimes we prop up corrupt governments by trying to help their people. No, the best work gets done by charitable organizations that go straight in and help the people directly. That's where the greatest good gets done.

Now with this President's new budget, he is proposing to cut that back so the government will be the end all charitable donor. That is so offensive. That is so offensive.

I am delighted to be joined by one of the greatest Members of Congress that we have here. We were delighted when she joined our ranks a couple of years ago because this is someone who comes from the heart, incredibly sincere, and it is hard to beat somebody who is both sincere and very, very intelligent. I would yield to my friend, the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. I want to thank the gentleman from Texas, LOUIE GOHMERT, and I want to thank you for the great idea that you proffered to this body earlier on, which is if we want that true stimulus, Mr. President, I recall you saying, Mr. GOHMERT, then why don't we let the American people keep that stimulus dollar directly, pull the United States Government out as the middleman and let's prohibit the government from skimming off its portion to go into a bureaucratic cliff that no one knows where the money goes, let's let the American people keep their money. That was the LOUIE GOHMERT plan.

People all across America have said to me, Do you know that LOUIE GOHMERT? Have you heard of his plan?

And I tell them, You bet I know him. I can't imagine a more stimulative impact.

As a matter of fact, I was with two ladies yesterday, women who don't necessarily think about politics day and night, and I told them about the LOUIE GOHMERT stimulus plan. They said hey, I would love that. I would love to have of that money because, as the gentleman from Texas knows, in the last 50-52 days under the current Obama administration, the average American family has just had placed on their shoulders an incredible debt load of over \$18,500 per family. That is just in the last 52 days. I don't know about you, my family cannot afford these current spending policies.

What we have seen in the last 52 days, out of a Democrat-controlled House, a Democrat-controlled Senate and a Democrat-controlled White House, is spending at historic proportions: \$18,500 per American family.

That's on top of the debt load that we already have.

What has been the response of the American people? In the month of January, the American people were spooked about what is happening in this economy. What did the American people do? Their personal savings rate has elevated to 5 percent. You know what that savings rate was before, Mr. Speaker, that savings rate was minus 1 percent. The American people are so afraid of these historic levels of spending, they are holding on to every dollar they have, and the personal savings rate has increased to 5 percent. I think that it is great that the American people are going down a savings route. It shows that inherently the American people are prudent with their own money.

But what has been the Obama plan? The Obama plan has been to raise spending to such historic levels that it will force the United States Government to continue to borrow more money from China, and the Chinese right now are a little skittish about buying more American debt. So skittish are they that our Secretary of State, Hillary Rodham Clinton, had to go to China about 2 weeks ago and practically beg the Chinese to continue buying American debt. Our Secretary of State wouldn't be in that embarrassing position if the Obama administration wouldn't be so bent on spending this level of money.

Well, if we don't have to spend this kind of money, then we don't have to borrow from China. We don't have to have punishing high tax increases, and that is what is amazing to me in the President's budget. He was just here in the Chamber about 2 weeks ago with his State of the Union address, and he said that he plans to tax the American people under the new cap-and-tax plan.

Under this tax plan, which is hard to believe, I know, in the midst of a recession, adding to the burden of the American people \$646 billion in new energy taxes. Well, we all remember how much fun it was last July to pay over \$4 a gallon for gas, that is the road we are heading down again. In fact, some estimates say that the average American family will see an increase in their yearly energy bill of over \$1,400 a year in their utility bill because of this energy tax. Why do we have to have this tax? Because spending is out of control. As a matter of fact, it won't just stop with the utility bill, it is also the gas bill when you go to your local gas station and fill up. The energy tax will impact the price of food. It will impact the price of goods at Wal-Mart. If you go to a local clothing outlet like Target, it will increase the cost of things there. Everything we touch will be impacted by the energy tax. We wouldn't need to do this if we didn't have these historic levels of spending.

One thing that was alluded to by our colleagues, Mr. BURTON and Mr. GOH-

MERT, is the fact that what we will see happen, other than punishing tax increases and going to other countries to borrow money, we will have to resort to inflation. What's that? Inflation occurs because the Federal Reserve is printing money 24 hours a day, 7 days a week and putting that money into the money supply. If we have \$100 in the money supply and the Federal Reserve puts another \$100 into the money supply, what does that do to the \$100 we have now? It means that our \$100 is actually worth half of what it was before.

The cruelest tax of all is the tax of inflation, especially for senior citizens and especially for people who have spent their entire life trying to create wealth, and that is the genius of the United States of America, freedom. Freedom is the genius of our country. And with freedom, we have been able to amass private wealth creation.

Now I'm not just talking about billionaires, I am talking about my grandparents who lived through the Depression. My grandfather made a dollar a day working as a meat cutter, \$7 a week. He had seven children that he had to feed on \$7 a week. But they wanted to create as much private wealth as they could in their family. My grandmother and grandfather never became wealthy, but what did they try to do individually, they tried to save as much money as they could so that someday they could afford to buy a home.

My little grandmother was eventually able to buy a one-bedroom home. She was so proud of that home. She took such good care of that home because she wanted to make sure that my mother and her six brothers would one day have an inheritance. And at the time of her death, she was able to give them \$10,000 each. That was her goal, to transfer to them some of her private wealth. And that is what I am so worried about, Mr. Speaker. That is what I am so worried about, that we are going to take away the right of the American people to amass private wealth no matter how much because they want to be able to use it to be able to pass on to their own kids.

They cannot do that, Mr. Speaker, when this body continues to spend money on the most worthless projects imaginable. We could spend the next hour in this Chamber going after worthless project after worthless project. We just saw in this body this week, President Obama signed it yesterday, almost 9,000 earmarks; 9,000 earmarks. And that is after President Obama campaigned and said I will be a new President. I don't want to see earmarks; I don't want any more earmarks. And what did he do in the first 52 days, putting a burden on the American people of over \$18,500, including wasteful projects, 9,000 of them, and having the audacity to say to the

American people, This is the end of the old way of doing business. From here on out, it is the new.

It is not the new, Mr. Speaker, not when you are looking at continual rampant spending to have continual rampant taxing. That is what is around the corner.

This horrible energy tax is going to forever change our American way of life, and now is our opportunity to stop it.

I know, Mr. Speaker, that Representative GOHMERT and I were talking about that earlier today. The opportunity that we have between now and May when the Obama administration wants to make sure that the American people are saddled with this horrible new tax, and how do we know that? He has already built it into his budget. He has already assumed that you are going to be paying \$4,000 per family in new taxes to finance these boondoggles that all of us come up with here in Washington, D.C.

I didn't vote for any of this. I am more proud every day that I voted against every one of these wasteful spending programs. I know that Representative GOHMERT feels the same way.

With that, I would like to hand it back to Representative GOHMERT, and I would be happy to talk about that with him.

Mr. GOHMERT. Thank you, and great points all. I was enjoying the points you were making.

But what came back to mind was the story about Davy Crockett in the House of Representatives. Some people don't know he was a representative, and yet there is a great story, a true story about him going back home to Tennessee and somebody, one gentleman just lowered the boom on him and was really fussing at him because Congress had decided to give money to help some business that had burned. The gentleman was telling Davy Crockett, if you want to help somebody or some business because it is a noble cause, give them your money, don't give them my money. And Crockett came back here and told about the incident as part of the CONGRESSIONAL RECORD, telling his colleagues: How about for once we don't just force the taxpayers to give up their money and give it to where we think it ought to go. If we think that this business deserves some charitable help, then let's give it out of our own pockets.

□ 1545

They took up a collection. Can you imagine if the debate here on the floor were along those lines these days, that the children need our help, so I'm passing the hat and would like for everybody to kick in their own money here on the floor so that we can help these children? No, that's not what we hear.

Mrs. BACHMANN. If the gentleman would yield. I'm familiar with that

story as well. Davy Crockett did come back to this Chamber, he did go to his fellow representatives and ask for money. And the disgraceful thing is that Members did not want to give money personally out of their own pocket to be able to help—it was a widow, I believe, they didn't want to give that money to the widow.

I have only been in this body for 3 years, but if there is anything that I have learned it is how easy it is to spend other people's money. It is so easy to be generous. But one thing that this body needs to remember, one thing that President Obama needs to remember, we are not a philanthropic society, we are not the family, and we certainly are not the church. And when government tries to be the church, when government tries to be the family, and when government tries to be a philanthropic society, we distort everything and usually mess it up.

If you look today, the news just came out that Freddie and Fannie, which were the engines behind this failure on the housing mortgage meltdown, Freddie and Fannie need another \$30 billion of infusion of money because, guess what? They're now nationalized; they're owned by the American taxpayer. They can't stop spending money. They're addicted. As a matter of fact, our government charged Freddie and Fannie with making more loans to people who can't even afford to put down payments on houses. The government hasn't learned its lesson, and it seems unwilling to learn its lesson. I don't know why in the world we would want to take more money out of the hands of people who get how to save it and how to spend it and bring it here to Washington to people who have proved for all time that they have no clue how to spend it.

I yield back.

Mr. GOHMERT. Thank you. Actually, I guess it was right at the end of 1 year, my freshman year here, there were so many of our friends across the aisle quoting Scripture. And it was being used in a way to say things like, well, Jesus said take care of the widows and orphans. And some of you guys, you want to just neglect the widows and orphans and help your rich friends. And others would say, Jesus said that we should be good Samaritans and help those less fortunate. Somebody else said Jesus had said to them that we're to love our neighbors as ourselves, "the golden rule." When a lawyer asked him what is the most important commandment, he said, love your neighbor—those were the two, love God and love your neighbor.

But anyway, we were getting beat up over that, that we ought to be taxing people, taking from other people and giving to these folks that were in need. And I had to point out that night that Jesus never said go ye therefore, use and abuse your taxing authority to

take somebody else's money to help them. He said, you do it. You do it. He was talking to the individual. He was talking to the individual heart. And the individuals who were supposed to do it, not go and abuse taxing authority, take somebody else's money, and yet that is what has happened. And a great example was Zacchaeus. Because if you look at what Zacchaeus did after he met Jesus, he went and cut taxes. Not only did he cut taxes, he gave rebates to those he over-collected from. And that is what would be called a tax holiday.

Mrs. BACHMANN. And if the gentleman would yield. We could go to the Old Testament as well and look no further than the Ten Commandments. The Ten Commandments say, "Thou shalt not steal." And whether it comes from government or whether it comes from an individual, we are not to steal from our neighbor.

That's what has me so concerned about this new energy tax from the Obama administration because it literally will be widows and orphans that will be in the worst possible position. Because this energy tax will hit every aspect of American Society, it will forever lower America's cost of living and our way of life. We need look no further than Europe. Europe has already instituted this energy tax. It is continuing to lower the standard of living in Europe, and it is creating job losses all across the United States. Why would we be cruel to widows? Why would we be cruel to orphans?

This will not work. It has been a disaster. And now is the time for the American people to raise up, contact their Member of Congress, and say, please shield me from this Obama energy tax, I can't afford it. Why would we do this when we see crushing debt loads?

Earlier this week, Mr. Speaker—I was sharing this with Mr. GOHMERT—I met with people from the furniture industry. And I don't know if the American people know yet, the furniture industry, if you look at their stock value, the stock value of the American furniture industry has dropped 90 percent. So if you have people who spent their life working in the furniture industry and that's what their retirement was made of, they have lost 90 percent of the value of their wealth assets. Why would you impose a cruel energy tax where we are going to require more jobs to flee from this country?

I yield back to the gentleman.

Mr. GOHMERT. That is such a great point. And it goes right along with the corporate tax. We have people come in here and say the corporate tax is the way to go because these mean, cruel, greedy corporations, let them pay the tax. Well, if a corporation does not pass that tax on to its customers or its clients, then it goes out of business. So that is so deceptive. And I think it is

so wrong to say, we all know in here we're going to stick it to the little guy, the guy that is just working and doing all they can to stay up, or the seniors who are on Social Security, we're going to stick it to them, but we can't just stick the tax to them any more than we already have, let's tax the corporation, and then they will have to pass it on. But it won't say "tax" when it's passed on because it's from us to them, and it's our way of sticking it to the little guy without them knowing.

But at some point the American public is going to wise up. And I've looked into this as well because there are some that say we need to erect tariff barriers and say, if you're going to sell stuff in this country, your country may be subsidizing this kind of thing, but we're going to put a tariff. Well, that triggers so many penalties. It would trigger a tariff war around the world if we did that. Whereas, what I have looked into is, what if we said we are not going to allow Congress to stick it to the little guy by popping the tax on the corporations that they have to pass on. Let's just say no corporate tax.

Corporations that have fled this country because of the high corporate tax rate have said, our manufacturing jobs will be back in America. The furniture jobs, even though labor is cheaper elsewhere, it would open them up. And some would say, well, that's subsidizing. But the nice thing is it would not trigger any penalty or any tariff war, no trade agreements, penalty provisions would be triggered by doing away with corporate tax so that the people in America wouldn't be taxed further.

But how much more insidious could it be than what President Clinton did as soon as he took office with a Democratic majority when he raised this massive tax on Social Security benefits? These people have worked their whole life, paying taxes on what they made, putting a little bit into Social Security, and actually they're only getting back about one-fourth to one-third of what they would have been if they could have put it into their own private retirement account. But anyway, here it is, they're getting so little as it is, and now you're going to put a tax on top of that? To me, that was pretty insidious. And it continues. There's talk about even possibly increasing the Social Security tax. I think it's outrageous.

We have been joined by my good friend from Iowa. It is always a pleasure, Mr. Speaker, to see him here on the floor. I yield to my friend, Mr. KING.

Mr. KING of Iowa. I appreciate the judgment of the good judge from east Texas. I was listening to this dialogue, and I thought I would come over here and engage in it. And I appreciate you recognizing me and yielding.

The point that the gentleman from Texas makes that—I'll say it succinctly—corporations don't pay taxes, corporations collect taxes that are imposed upon their bookkeeping system and aggregate the money from people and customers and flow that money to the Federal Government into the Treasury. That's how the corporations function, they are tax collectors for the government. But it is always the people that have to pay the taxes, it is always the customers that have to pay the taxes. And by the way, neither do LLCs pay taxes, neither do sole proprietorships, or partnerships, or any other business configuration that has customers out there pay taxes. They have to transfer those to their customers. They have to add it in and calculate it in.

I made payroll out for 28 years. I transferred a lot of those costs onto my customers. I had to. And if you didn't do that, in the first place you couldn't cash flow a business; you would never get it started in the first place. You would never get it to expand. You've got to have capital. By the way, Adam Smith made this real clear. This is something I like to tell the people that will not respond to this charge. There are two components to the cost of everything we buy, it is the cost of capital and the cost of labor. And the capital cost is included in everything that we purchase.

And so if we are going to have policy in this legislature that raises the cost of capital—which takes place easily when you see the tax increase—if you increase taxes on businesses that are doing business, that are investing, that are holding mortgage-backed securities, there is a capital cost to that. If you raise the cost of capital, then you are putting more burden on the economy.

And the other component is labor. Adam Smith wrote it this way: "The price of gold plummeted in Europe as the Spanish galleons began arriving on the continent from the new world." Adam Smith didn't say that because they stole the gold from the Incas and the Aztecs. He described it as they lowered the cost of labor for getting that gold out of the ground and getting it into the marketplace. And that's how this economy works. But corporations have been demonized by the people on the left side of the aisle because they don't understand that simple equation; the cost of capital and the cost of labor is the sum total of all of the things that we buy, and that the businesses in the country have been enlisted, by law, to collect those taxes from people, impose them on people. And what do we do? We impose the acrimony on top of the businesses that are the tax collectors for the government. I'm with LOUIE GOHMERT; let's take the tax off of all these corporations. Let's take all the tax off of productivity, actually.

Mrs. BACHMANN. If the gentleman would yield.

Mr. KING of Iowa. I would. I think I like where you're going.

Mrs. BACHMANN. I would like to add to the stunning STEVE KING from Iowa for his comment. He is absolutely right that the cost of a good is labor and capital. But the third component is the added cost of government. That's the third component that goes into an item. And that cost is getting exceedingly high. And I know that my colleague from Texas, LOUIE GOHMERT, knows this very well because, if you look at the energy industry, at oil and gas production, the amount of money that companies make in profits is exceeded dramatically by the amount of money that the corporations pay in taxes to the government.

People think that oil and gas companies have obscene profits, but they pay even more obscene levels of taxation. Literally, they have spent trillions of dollars that they've paid over to government in taxes, while they've kept billions of dollars in profit. But out of that profit pool, that is where the oil and gas companies have had to take that money to invest back into the business so Americans can enjoy more energy.

I am so pleased about the positive solution that's been offered by one of our colleagues, JOHN SHADEGG, and also Mr. BISHOP, and also Senator VITTER, and it is the No Cost to the Taxpayer Stimulus Bill that says, very simply, let's open up and legalize all forms of energy production all across the United States—wind, solar, biofuels, oil, gas—all of them, let's open all of them up—in fact, I say hamsters running on cages. No matter what it is, let's make sure that we legalize the source of energy. And that is zero cost to the taxpayer. It relieves the American people's burden on dependable gasoline at affordable prices. Let's do that.

I know I was absolutely astounded, Senator Obama, during the campaign—and I will yield back after this quote. This is a quote from our now President. He said, during the course of the campaign, "What I've said is that we would put a cap and trade system in place that is as aggressive, if not more aggressive, than anybody else's out there. So if somebody wants to build a coal-powered plant, they can. It's just that it will bankrupt them because they are going to be charged a huge sum for all that greenhouse gas that's being emitted." He is admitting that his plan will bankrupt coal companies.

"When I was asked earlier about the issue of coal, you know, under my plan of a cap and trade system, electricity rates would necessarily skyrocket." That's the future that the American people have to look forward to, and I think that's audacious.

I yield back.

Mr. GOHMERT. I would yield to my friend from Iowa.

Mr. KING of Iowa. I thank the gentleman.

When you describe this, this cap and trade tax that is on everything, I would ask, Mr. Speaker, that we illuminate this for the American people. Think if America were a continent unto itself, what if we were a planet unto ourselves; would we manage ourselves this way? And I would say no. Because we are wasting all kinds of resources; we are wasting labor, we are wasting capital—we're not even using sound science—if we were a planet unto ourselves. But we have to compete with the rest of the planet. So this cap and trade proposal ties our hands, ties our legs. And we are like Gulliver tied up by the Lilliputians with the cap and trade legislation that looks like it's coming down the pike which will immobilize America's economy while India's and China's are growing. And not only are they growing, but they're emitting CO₂ gas and greenhouse gases at an accelerating rate.

□ 1600

So our little piece of this pie that we could possibly effect is so minimal a century from now that it really can't be measured by science. Sound science doesn't support this. Sound economics doesn't support this. And there are many better solutions, even if there was a prediction that could be made accurately.

Mr. GOHMERT. I thank Mr. KING and I thank Mrs. BACHMANN.

That's such a great point about energy. We have been blessed in totality with more natural resources in the United States of America, I think, than any other country. It's just been fabulous. And yet we continue week after week, month after month with the Democratic majority to continue to put more of our natural resources off-limits.

One of the things some of us have been advocating, and I have got my staff working on a bill we talked about yesterday that would be in conjunction with our friend Mr. SHADEGG, with Senator VITTER, but we all agree: We want all-of-the-above energy. Use it all. But make sure we protect the environment. And that can be done. But open up the OCS to drilling. Put litigation on a fast track so they can't tie it up for 10 or 20 years and just keep repeatedly bringing them to court. But let's go use it if it's legal, if it's proper, and it will be if it's done right.

And then something that had been negotiated before that could be done is that the Federal royalty that could be obtained by leasing the OCS would be more than traditionally a property owner gets from leasing their land to produce oil and gas. Traditionally that's been one-eighth. One-eighth of the royalty is what the owner normally got. We could get at least three-sixteenths. We could split it with the

States. We've got States coming up here like California saying, please, give us some money. I'm so proud they worked on their budget. They still need money.

You've got all kinds of money sitting in the vault, sitting in the bank, right off your coast. Use what you've got. If it's solely in the State's territory, it's yours. If it's out beyond that and in Federal territory, we will split the money with you. And then my feeling is, and this is what I've talked to the staff about in a bill, we'll take half of the Federal part of that because we should share it with the States, but then with our half, take half of that and devote it completely to research for alternative fuels. You don't have to tax anybody else. You don't have to add more costs to the already hard-working people that are paying to sustain this unwieldy government. But you could fund our own alternative research so that as things run out, we've got it.

And it's really beginning to appear very disingenuous, this stuff about the global warming, and that's why we are no longer hearing "global warming." They're not using that term. They are using "climate change." Climate change happens four times a year. It's the seasons.

Mrs. BACHMANN. If the gentleman would yield, in Minnesota that's true.

Mr. GOHMERT. I yield to the gentleman from Minnesota.

Mrs. BACHMANN. Thank you. I think we see two separate agendas at work here. The American people want low-cost energy that's dependable. We need that. Not only just individuals but also businesses, we need low-cost, dependable energy. But the Obama administration has taken a very different view on energy. Then Candidate Obama said he wants high-cost energy. Why? Because he wants to force the American people to have to pay the carbon tax that's about to come down the pike. We wouldn't need this terrible carbon tax that will completely damage our economy, especially in this time of recession, if the Obama administration wasn't addicted to spending. Because they are so addicted to these high levels of spending, President Obama, in his State of the Union address, said what he wants to do with that money. He wants socialized medicine. Is that what the American people want? The American people aren't crying out for socialized medicine, but that's what President Obama wants to give to the American people.

Not only that, but in his State of the Union address, he said his vision for America is that government's hand would be in the hospital room of a brand new baby with a brand new mother. He wants, from cradle to career, the Federal Government's hand on the life of that child. I don't know about you, but the people in the Sixth

Congressional District of Minnesota, moms and dads want to have one of the parents at home with that baby to be able to love that child, rear that child. They don't want to send that little baby off to a government daycare center from the day that baby is born. That is President Obama's vision for child rearing, that the Federal Government would be involved in the cradle stages of a child's life. Massive spending demands a way of taxation.

This cap and trade isn't going to solve our energy problem. It will add to our energy problem because, again, it's going to take out of the pockets of the middle class of this country to put into the pocket of the Federal Government.

Mr. KING of Iowa. Will the gentleman yield?

Mr. GOHMERT. I yield to my friend from Iowa.

Mr. KING of Iowa. I thank the gentleman for yielding.

I would add to this. Again, take it back to a big picture, and that is this is about freedom. It's about preserving the freedom we have, defending the freedom we have, and, in fact, we should be expanding the freedom that we have.

Our freedom has diminished generation by generation since the founders established this country. When you move to the left, it always includes an increase in taxes and an increase in government interference in every aspect of our lives, from raising our families to micro-managing energy to sticking their fingers into education, every aspect of our lives. So when you expand the role of government, you expand also the taxation and you diminish the freedom.

And whether you do it insidiously by saying I'm going to take your child now at age 3 or 2 or 1 as opposed to 5 or 6, as it used to be, or whether you do it in a blatant way by saying we're going to impose this Draconian regime on everybody in America and we're going to confiscate your income, the point that's been made by this administration and this majority, not in so quite many words is this: You're not really entitled to the money you earn, in their view, but the people that claim they have a need are entitled to the money that you earn.

That's the philosophical divide that's been turned. When you go to the left, you give up freedom and it's diminished. When you move policy to the right, you expand freedom and it's enhanced.

We need to be about expanding everyone's freedom in this country. That's the foundation of America, and that's where our vitality comes from. That's why we are the unchallenged greatest Nation in the world, because our vitality comes from our freedoms. Acts that diminish it diminish our vitality and handicap us.

I thank the gentleman from Texas for his indulgence.

Mr. GOHMERT. I appreciate my friend from Iowa's (Mr. KING) help.

I would be willing to yield for any final comments to my friend from Minnesota.

Mrs. BACHMANN. I thank the gentleman from Texas. I appreciate that.

I would just like to expand on what Mr. KING said. When you look at this body of the House of Representatives and when you look at the United States Senate and when you look at the White House, one thing that we all do when we come in is we take an oath and we pledge our allegiance, not to the American people, not to an issue; we pledge our allegiance to the Constitution of the United States.

Every time this House acts in contravention of the Constitution, we cause a distortion of freedom and we cause a diminution in the freedom of the people. We cause a diminution in the prosperity of this great land. That's the problem. Our founding principles are all contained in the Declaration of Independence. Abraham Lincoln republished and reaffirmed this Nation to a new foundation grounded in the Declaration of Independence.

And, of course, we know what that beauty is. The beauty is that our rights were given to us from a Creator. Those rights are not from government, the rights of man. The rights come from a Creator God. And that Creator gave those rights to every human being on the planet. Among those rights are life, liberty, the pursuit of happiness. Those are rights that only God can give. Government can't give them; government can't take them away. And our government was instituted for only one reason, and it was to secure those unalienable rights.

None of us in this Chamber with an election certificate has any right to violate those rights because we are here only by the consent of the governed. And when we act in contravention of that, that's how we get into the soup we're in. And today we are in some kind of soup. So if we return to our Constitution, we're in good shape.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

THE PROGRESSIVE CAUCUS: D.C. VOTING RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, as we come in week and week out, the progressive message is up again, as we come back every Thursday in order to make the progressive position clear on the critical issues.

I'm going to be joined tonight by a number of colleagues who are making

their way to the House floor, but tonight our topic is going to be the very critical issue of District of Columbia's voting rights, the District of Columbia's voting rights, which is a vital and essential issue which has been dogging our country for many years. We certainly hope that this issue of D.C. voting rights is an issue that the country focuses its attention on. D.C. voting rights is a question of giving rights and conferring rights upon Americans who pay their taxes, Americans who send their children to war, Americans who are equal in every way to Americans who live in the various States. And because of this important role that they play in our country, this equal role, we're looking forward to seeing legislation come out that will allow members of the District of Columbia to be able to have a representative who can cast a vote in our Congress. We are looking forward to this in the near future.

But before we get to that topic, I want to yield to the gentleman from Virginia, who is going to take a moment to make a critical statement.

YEAR OF THE MILITARY FAMILY

Mr. NYE. I want to thank my colleague very much for yielding to me.

I am rising today to express my strong support for a resolution this House passed yesterday by unanimous vote, Mr. Speaker, the resolution urging the President to designate 2009 as the "Year of the Military Family." And while no words or gestures can fully match the service or sacrifice of our soldiers and sailors, our airmen and Marines, we must also remember those Americans that do not wear a uniform: our military families.

In my home district of Hampton Roads, we know all too well that the challenges faced by our military families are not just financial. They are emotional and physical too. Men and women in my district wake up every day not knowing if their loved ones are safe, not knowing when they will return, or what scars they might bear when they do.

Dealing with that and explaining it to your children with a smile on your face is not easy, and it must never be overlooked. These hardships are not limited to our active duty military families. The families of Guard and Reserve members also confront regular absences for training, and in the years since 2001, more and more families have seen their loved ones deployed overseas to Iraq and Afghanistan.

Mr. Speaker, I look forward to working closely with Chairman SKELTON, who introduced the resolution, and with all the members of this House to support our military families.

I again thank my colleague for yielding.

Mr. ELLISON. Let me thank the gentleman for his quick message. Though not directly related to what we're talking tonight, we are happy to yield to a

colleague at any time, particularly in light of his very good message.

But, again, Keith Ellison here coming today with a progressive message. The Congressional Progressive Caucus comes every week to make the point that there is a progressive vision for America, that we have a vision that is inclusive, that brings Americans of all colors, all cultures, all faiths together, and this progressive message is going to be heard and will be heard every week, week in and week out. This is the Progressive Caucus, and we are here with a progressive message.

And what I want to do without any further delay is to ask my good friend from the great State of Missouri to weigh in on this critical issue of D.C. voting rights.

Mr. CLEAVER, Congressman from the great State of Missouri, how do you understand this critical issue of D.C. voting rights?

□ 1615

Mr. CLEAVER. Thank you, Congressman ELLISON.

One of the most significant measures to find its way into the United States Congress is legislation put forth by our colleague, ELEANOR HOLMES NORTON, who is the delegate for the District of Columbia.

This legislation would allow the citizens of the United States of America, who live in the District of Columbia, to finally, to finally, after more than 200 years, have the opportunity to cast their vote to place a representative in the United States Congress. This is a city of almost 600,000 people, and many people around the Nation may be surprised to learn that the District of Columbia is the only city in the United States that must submit its municipal budget to the United States Congress.

That, in and of itself, is an injustice. That means that this city, unlike any other city, is subservient to the Congress of the United States and they have no voice whatsoever.

Thesad thing goes further. Forty percent of the District of Columbia own their own homes, and coming from those homes are young men and women who have died in the world wars, who have died in Vietnam and who are still dying in Iraq and Afghanistan.

Mr. ELLISON. Let me ask, we know that there is no voting representation for final passage issues for the people of the District of Columbia. Are they exempt from military service, are they exempt from taxes?

Mr. CLEAVER. No, in fact, this is something that most people probably don't know and I hope will become angry over this fact. The District of Columbia, the residents, pay the second highest taxes of any city in the United States, and yet they have no right, given to them by the United States Congress, to vote.

Mr. ELLISON. They have to pay, but when it comes to making decisions in

Congress, they don't get to play; is that right?

Mr. CLEAVER. Yes, sir. The people of the District of Columbia work hard every day. They pay their taxes, they do the right thing. But when time comes to vote, the Government of the United States says, "Shut up, you don't have a right to vote. We just want your tax dollars. We want your sons and daughters to go into the sands of Iraq and Afghanistan, but we don't want you to vote."

Now I was elected to Congress because the people of the Fifth Congressional District of Missouri, Kansas City, Independence and the surrounding areas, needed a representative in Congress. I am that representative, but the people of the District of Columbia, in over 200 years, have never been able to say, "This is my representative."

So, Mr. Speaker, I would just like to say that if the people of the United States would like to get something to be angry about, I mean there are a lot of things, fluff issues that people get connected with that really are not significant, but if you want something that is significant then try getting involved in and becoming supportive of the effort to make the District of Columbia, the citizens thereof, an opportunity to be full Americans, full Americans.

They are not asking for anything special, they want what all other Americans have, the right to vote, the right to have their own municipal government that does not have to bow down to the Federal Government.

As I close, I would just like to say that this is a Nation of people who love justice. I mean, of all the nations on the planet, the United States is a Nation that says it is a just nation, and yet we will not act in any way to support the people of the District. And further, all the opinion polls in the United States will reveal that the public, the people of the United States are just and they believe that an injustice is taking place here.

Mr. ELLISON. The gentleman from Missouri made a very eloquent and clear statement.

We are here with the Progressive Caucus message tonight. We are talking about voting representation for the District of Columbia, and we have just been joined by a gentleman from the great State of Maryland, who has been a very able and strong representative of many, many issues.

I am just curious to know if the gentleman from Maryland, ELIJAH CUMMINGS, former chair of the Congressional Black Caucus, leading member on the Committee for Oversight, has a view on this issue of a voting representative for the District of Columbia?

Mr. CUMMINGS. I want to thank the gentleman and I want to thank you and

the Progressive Caucus, of which I am a member, for taking up this cause.

I also want to thank Congresswoman ELEANOR HOLMES NORTON. I don't care where she goes, she has made it clear that the people of the District of Columbia deserve a vote. As a matter of fact, if it were up to me, they would have two senators and representatives.

You know, I have often said that we have one life to live. This is no dress rehearsal and this is that life.

But we have people here in the District, as my good friend from Missouri just said, who do it right. They get up every morning, you can see them at the bus stops. They go to work, they raise their children, they do the same things that people do in your district and in mine. They pay their taxes and they are part of the society, building a society and making it the best that it can be.

But then when it comes time for them to have a vote in this body, then suddenly we say "no." It just seems to me that that just smacks democracy in the face.

When we think about our representative government, we think about going to a town hall meeting, for example, as I did just 2 weeks ago, listening to my constituents, and then was able to come to this floor and vote their wishes. That's what representative government is all about. That's the essence of a democracy.

The other piece of that democracy that is so significant is that individuals's right to vote, and the ability to take that vote and transform it into power. They all cannot come here and be a part of this process so, therefore, it becomes very significant that they have representation.

As a matter of fact, when you think about it, it's very unfair to the people of the District of Columbia when everybody else has a vote. But then suddenly when it comes to them, they have no votes, and they can express their will, they can express their frustration, but at the same time, when it comes to their representative coming to this floor, no vote.

Mr. ELLISON. The gentleman from Maryland just offered views on this important topic, and that is this, you have made a very clear case that a representative vote for D.C. is fair, it's moral, it's right, and it's the proper thing to do. But how will it benefit people across America for D.C. to have a vote?

Mr. CUMMINGS. If you really think about democracy, I think it goes hand in hand with diversity. We know that I would hate to even think of having this Congress and not having the views of my friends from California or the views from the folks in Utah or the views from the folks in South Carolina.

Although I am from Maryland, I need to understand, I need to have their views, and I have to have their input.

Because I have often said that if we are going to make laws for a diverse society, that we must, indeed, be diverse, and we must be representative of that entire society.

Because I think that when you are not totally representative, it really—I don't care how you look at it—taints the process.

Mr. ELLISON. What you are describing to me is kind of like pushing a cart in a grocery store when one of the wheels isn't really running right.

Mr. CUMMINGS. That's right.

Mr. ELLISON. The other three might be, but one of the wheels isn't being represented and holding up, and the cart just doesn't run smoothly. It almost sounds like you are saying that America is a better country, and the values of the people are more accurately reflected when everyone has a vote here.

Is that your opinion?

Mr. CUMMINGS. That's my view, and I think about the little kids that every day do what we did when we were little kids. They stand up to a flag and they say,

"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God."

I guess they have to ask the question, when they found out that they don't have a vote and everybody else has one well, is this really, am I really a full citizen? If they find out their mother and father can go out there to the town hall meeting, can go and vote in the election, what have you, but yet, and still, when they ask Mom and Dad, "How did our representative vote, Mommy and Daddy," their mother or dad says, "I am sorry, son, we don't have a vote." There is absolutely something wrong with that picture.

And so all of this is important, and I think it goes to the integrity of the process, the Democratic process, the one, this process that we participate in all the time.

But let me just say one other thing. One of the interesting things that Ms. NORTON will tell you is that when anything comes up controversial like needle exchange or anything of that nature, we have over and over again, folks from all over the country come and try to tell the District of Columbia, by the way, what to do.

Now, they will not dare having us come to their districts, and they wouldn't even think of it and tell them what to do. But yet still they will come and tell this District of Columbia what to do, and then, to add insult to injury, then not give them an opportunity to have a vote in this body. This there is absolutely unequivocally something wrong with that picture.

Mr. ELLISON. Well, you know, Congressman CUMMINGS, you represent a district very close to the District of Columbia and, therefore, you know

people who live in the District and you know people who work in the District and I am sure many of them are your friends, your colleagues, your constituents, you have come to know on a personal basis over time. What is their opinion?

I mean, did the public want this or is this just something that D.C. wants? What do the public opinion polls say? I mean, it looks like the Washington Post might have done some research on this issue.

What, in your view is the public opinion of giving Washington D.C. a representative vote in the Congress?

Mr. CUMMINGS. I can tell you my district in Baltimore, which is only an hour drive away from here, folks feel that the residents of the District of Columbia are being cheated, period. They are being cheated and not treated fairly, and they are overwhelmingly for the District of Columbia having their vote.

And so I just wanted to come on the floor for a moment to be supportive. And I think that, again, we cannot give up this fight.

I get a lot of my energy, to be frank with you, from Congresswoman HOLMES NORTON, because she has never, ever, given up the fight. I also applaud our Progressive Caucus. By the way, this should not just be about the Progressive Caucus, this should be about all of us wanting to make sure that we have a democracy that is truly a democracy.

Mr. ELLISON. I certainly thank the gentleman and do thank him for coming down here, Congressman CUMMINGS, sharing his views about what he knows personally about the people of the District of Columbia and the surrounding area, sharing his views about how children ask their parents about who is sticking up for me, who is speaking up for me. And, unfortunately, in the District of Columbia, parents have to say well, we have a delegate who is really, really good, but she doesn't get to vote on some stuff.

So I have just been joined by other members of the Progressive Caucus, one of whom is Congresswoman BARBARA LEE, who is a Member from the great State of California and is also the Chair of the Congressional Black Caucus; and we also happen to be graced with the presence of that very special delegate that we have all just been talking about, Congresswoman ELEANOR HOLMES NORTON.

I think it's important to say that Congresswoman ELEANOR HOLMES NORTON is not on her own here, she is not fighting the fight by herself. I am all the way from Minnesota, and I feel passionately about the importance of the District of Columbia having a representative. And I look forward to seeing ELEANOR HOLMES NORTON's vote up there on that board count equally with everybody else.

But this is the position of the Progressive Caucus, that we believe firmly in the idea of equal representation.

□ 1630

Yes, it is true that the Washington Post has done research on this issue and it is the will of the American people for the District of Columbia to have a vote.

With that, I'd like to invite the gentlelady from the great State of California to weigh in on this topic of the District of Columbia having a vote, standing equal with the rest of the country, being able to express an opinion.

I yield to the gentlelady from California.

Ms. LEE of California. I want to thank the gentleman for yielding, but also for your leadership and sounding the clarion call once again on behalf of what is right and what is just. And I can't think of any issue that we need to address here 24-7 than this issue we are talking about today, and that is voting rights for a representative from the District of Columbia.

Mr. ELLISON. Would the gentlelady yield for just a moment?

Ms. LEE California. I would be happy to.

Mr. ELLISON. The gentlelady is all the way from California. It takes you 4½ hours to fly here. Why do you care about whether D.C. has a vote or not?

I yield to the gentlelady.

Ms. LEE of California. I care like the entire country cares, based upon the public opinion polling. This is just basic fairness, it's basic justice. And let me just say, first of all, I raise my kids here in Washington, D.C. They went to Washington, D.C. public schools.

My children and myself have been residents. Even though I live and represent California, we are here 3 or 4 days out of the week. I always say that Congresswoman ELEANOR HOLMES NORTON is my representative 3 or 4 days of the week here in the District. We know the District, we know the residents. Whether we do or not, it's important that we make sure that there is equal representation; the civil rights issue for a vote. One person, one vote. I mean it's unbelievable that here in 2009 the District of Columbia does not have voting rights on this floor.

Let me say that we just went to Montgomery, Selma, and Birmingham this past weekend with a great hero, Congressman JOHN LEWIS. We walked across the Edmund Pettis Bridge. We honored those whose lives were given for the right to vote. Bloody Sunday, 44 years ago.

There's no way that I'd be standing here as a Member of Congress if it weren't for the civil rights movement and those martyrs who we honored this past weekend. In participating in this pilgrimage, I couldn't think about any-

thing but about voting rights for the District of Columbia. This is the unfinished business of this great civil rights movement.

There is no way in the world that the residents of the District of Columbia should continue to be discriminated against and penalized. The District residents pay taxes. Come on, they pay taxes. Our young men and women here go to war. They participate in all aspects of our country's society and all aspects of our work here, and they are citizens of this great country. So why would you deny United States citizens the right to have voting representation on this floor? To me, again, it's a moral issue. It's an issue of fairness and justice.

I have got to say that I am very proud as Chair of the Congressional Black Caucus that we didn't blink when we said this was a top issue for us as the Congressional Black Caucus, to unify and to say that there is no way that we are going to back off of this and allow any type of gun amendments or any type of amendments taint what should be a bill that would celebrate finally the realization of our democracy.

And so this is quite a moment. We have President Obama in the White House. We have major, major breakthroughs in our country. This is a transformative moment. And I would say that those who really want to put their money where their mouth is, they should really step up to the plate and they should say that finally, finally the residents of the District of Columbia's day has come when they can fully participate in this great democracy.

Short of that, there still remains much unfinished business. And I don't think we want to let this moment pass, Mr. ELLISON. I don't think residents in your district want to see the residents of the District of Columbia continue to be discriminated against. We have what, 500,000 people who live in the District—600,000? To me, that's unconscionable. It's unconscionable. The billions of Federal tax dollars that are paid each year and all of the responsibilities of United States citizenship are embraced by the residents of the District of Columbia.

And so on behalf of the Congressional Black Caucus, I just want to thank you once again, Congresswoman ELEANOR HOLMES NORTON, for waging such a noble fight because this is a day and night struggle for you. I want to salute you and I just want to say to you that we are not going to rest until you have this vote here.

I know this vote is not for you personally. This vote is for those 600,000 people who deserve the right to vote in this body.

Thank you, Congressman ELLISON. I thank the Progressive Caucus for your leadership. I hope that the country hears us today and I hope they understand what types of games are being

played on a civil rights bill that should never, never, never happen.

And so we have got to move on. We have to pass this. We have to pass the bill as it is written.

Thank you again.

Mr. ELLISON. Thank you for yielding back, gentlelady from California. Let me now recognize the person who we have all been building up to for a moment. Again, Congresswoman ELEANOR HOLMES NORTON is not by herself on this. We are standing shoulder to shoulder with her. But there is also no doubt that she has been quarterbacking this issue, she's been spearheading this issue. No matter what kind of metaphor you want to use, she's been in the leadership of this issue and has offered tireless, unrelenting leadership.

At this time I want to yield to the gentlelady to sort of lay out the issues for us on this critical issue of D.C. having a representative vote in Congress. I yield to the gentlelady.

Ms. NORTON. I thank the gentleman not only for yielding to me, I thank the gentleman for his leadership. When people see me come to the floor, they are used to my coming to the floor for a bill on the District, often a bill I've sponsored.

This is what is known as a Special Order or Special Hour, but it wasn't a Special Hour that I requested. I cannot say enough about how much it meant to me to hear colleagues who could be on a plane now give up that time to come to the floor to speak on this matter.

The chairman of the Progressive Caucus could be halfway—is from halfway across the country in Minnesota; not to mention the Chair of the Congressional Black Caucus, who has even further to go.

Indeed, it ought to be said that today the Congress let out early. So many hightailed it, of course, to their own districts, who would have otherwise been here.

The gentlelady from California has my thanks for another initiative she took, and that is the meeting that was held yesterday with the Speaker of the House.

The Congressional Black Caucus—of course, this is a largely African American city, but it's also a city where the Black Caucus would be out in front for the vote if anybody was denied the vote. But the Black Caucus has carried this since it was founded. The Speaker, in fact, agreed to a meeting with us in her office. It was a very important and very gratifying meeting, all at the leadership of the Congresswoman from California.

I cannot thank her enough. It's very important to me what Mr. ELLISON and Ms. LEE have done because it is their own initiative. It's very important to say that, unlike with so many issues, they are broadly representative of our

House and of our Senate and of our country in believing that we should have the vote.

The poll that I think is duplicated perhaps in what Mr. ELLISON had shows an unusual majority across all lines; most Democrats and Republicans. And think about it. What red-blooded American would oppose the right to be represented in the national legislature?

How many of us would want to be at the mercy of a group of people, however benevolent, where none of them was accountable to us, even by a single vote. That's been where the residents of the District of Columbia have been for 212 years now because the expectation of the Framers that Congress would in fact make sure that the vote continued after the 10-year transition period has not occurred. Congress dropped the ball.

Those who gave the land from Maryland and Virginia actually got in the first Congress legislation that assured them that the residents of Maryland and Virginia, who now, after 10 years, would be part of the Nation's Capitol, would be left with exactly what they had when they left Virginia and Maryland. They voted for Members of Congress. They voted in the same way all the other Americans did. It is a long, sad story as to why that did not happen.

Understand what my colleagues have been talking about—only the House vote. We are not talking about a vote in the Senate of the United States. Only in the people's House. We are seeking from the House exactly what the House gave us last time.

In an extraordinary vote, this House was the first to pass this bill and send it to the Senate. They fell three votes short because, remember, over there, 51 percent is not a majority. You need 60 percent. That's a new definition of majority that the Senate has created.

I want to thank my colleagues first for the leadership of my colleagues who have come forward as representative, I can truly say, of this House. But I want to thank for all of those who voted for this bill last year.

This bill originated with one of my Republican colleagues who thought of the idea of making it as bipartisan as possible in the hopes that that would draw members of his party as well as my party because the District, like every large city virtually in America, has more Democrats than Republicans.

So he teamed us with Utah, which had barely missed getting a vote because Mormon missionaries, who were out of the State on a religious mission, always had been counted, and they were not counted in the 2000 census.

Utah was only too happy to join. I want to thank the Governor of Utah, its own delegation, who have been with us from the beginning.

Two hundred-nineteen Democrats voted for this bill last time. Only six

voted "no." That is very extraordinary. And I am asking each and every one of them to repeat the vote they made last time.

I was in a meeting with a Republican Member who shares my view on the Capitol Visitor Center because there's some things we want to fix about how staff can conduct their own tours. He came to me afterwards and said, By the way, I'm voting for D.C. voting rights this time.

I do expect that there will be more Republicans voting for the bill than last time. Twenty-two Republicans voted for the bill. They were under some pressure not to. I want to thank Tom Davis, who spearheaded this bill. He has since retired but is helping me even as I speak.

I do want to say that the bill carries a triple bonus. How often is it that we use the word bipartisan and it doesn't quite mean that each side gets exactly what the other side gets?

Look at what happens here. Utah felt cheated, and that is a good word that Mr. CUMMINGS used for how residents who pay taxes and go to war here feel, and they have joined with the District of Columbia, which has never had a vote. If that isn't bipartisan. One for you, one for me. No compromises there. One each. If that is not bipartisan, I haven't heard a real definition of the word.

This vote does something for the House. It increases the House for the first time in 100 years. Every time that a new State has come in, you have the same 435 seats. You're going to have 437 seats now.

□ 1645

In addition to Republicans and Democrats each getting one, now they have one more seat that makes it easier for each to compete. You would think that Republicans would particularly welcome that since they are in the fastest growing areas of the United States. This failure of the House to permanently increase the House in 100 years has been broken if we pass this bill.

Before I ask another question of my good friend who has remained with us for a little while, I do want people to know what it is that moves most Americans by these kinds of margins, almost two-thirds of all adults, for example, being for the bill, almost 60 percent Republicans, almost 70 percent Democrats. What is it that moves them?

Americans would have given us this vote before, I am sure, if we could have gotten the word out. We have an indigent organization called D.C. Vote. We have got a leadership conference on civil rights with its 200 organizations spreading the word for one-half dozen years now. That is the only way that this has become visible enough so that people who didn't even know we didn't

have the vote, which is most Americans, now know it and cannot conceive of it.

Who can conceive of somebody in our country paying taxes without getting any payback on that right to vote "yea" or "nay" on whether those taxes should be paid or not? And I know Americans cannot conceive of the experience I have had of going to Arlington Cemetery to bury residents from the District of Columbia in the Iraq and Afghanistan war, who have now succeeded in getting the vote for the people of those countries who did not have it before, and died without having that vote in their own Nation's capital, the only capital of any nation to deny the vote to its own residents. This is an anomaly. Don't blame it on the framers, and don't blame it on the American people. Now that they know it, they say do it; don't leave us in this way with this message that steps on our message of democracy around the world, a district the average size of congressional districts in the United States and a district that is larger than some States.

This point has been made, but let me drive it home when they say the notion of having everybody who can vote, except you. What Members are referring to is that among the things that the District has to do is to send its budget here before it can spend a dollar of its own tax-raised money; send its laws here, and let them lie over and see if someone wants to overturn them.

So, this House will see the D.C. appropriation come forward this year. That is another way of saying the taxes that the people who live in the District of Columbia alone have raised, they will see that come forward as an appropriation.

Now, my good friend from California is now a member of the Appropriations Committee. I wish you would describe what it means to come forward with this bill, knowing good and well that you are going to have a vote on it, every Member on both sides of the aisle are going to have a vote on it, but that no Member from the District of Columbia will have a vote for it. You are on that committee.

The SPEAKER pro tempore (Mr. CONNOLLY of Virginia). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from California (Ms. LEE) is recognized for the balance of the time as the designee of the majority leader.

Ms. LEE of California. Let me first thank you for the historical perspective that you have put this in, because I think you are right; had the word gone out, had we sounded the alarm throughout the country much before now many years ago, these numbers would have been readily there many, many years ago, because the American people care about democracy and they care about making sure that every person has a vote on this House floor.

As a member of the Appropriations Committee, it is very important that we, one, establish the priorities in terms of funding priorities for our country; we also establish and work on priorities for our own congressional districts. In fact, it is only us who know our districts. We know our districts ourselves, just as you know this district, Congresswoman NORTON. So when the appropriations bills come to this floor, it is incumbent upon us to vote for them, ensuring that, one, the bills are in the national interest in terms of funding priority, but also in our own constituents' interest.

If a bill comes to the floor that is objectionable to the residents of the District of Columbia, you should be able to vote "no." If an approps bill comes to the floor that you believe is deserving of the support of the residents of the District of Columbia because the funding priorities are such, the types of initiatives that are in that bill are representative of the needs of the District of Columbia, you should be able to vote "yes." The people of the District of Columbia don't have a vote in terms of our national budget, our national priorities.

What if we say we want to support as a national priority health care reform? Which we do. How in the world will the residents of the District of Columbia vote for an appropriations to implement a health care reform initiative?

So, Congresswoman NORTON, it is extremely important from a funding perspective of our national government that you have a vote right here, because the tax dollars that are paid by the residents of the District of Columbia, they are part of this overall national budget. They are part of the U.S. Treasury. So, my goodness, I don't even know how I would feel if I did not have a vote when in fact my district, my constituents, are paying the taxes, I would be very angry, I would be very upset, each and every year.

So I think you have turned this frustration and this anger, which it really should be, the whole country should be enraged about this, into a very positive struggle for civil and for human rights. And that is really, basically, what this is.

Finally, let me just say, this country continues to promote democracy and democratic movements all around the world. We need to start promoting some democratic movements here in our own country, starting right here with providing the vote for the residents of the District of Columbia, and I think that the polling data shows that the American people want that.

So I am optimistic. As I said earlier, I think we have made a quantum leap and there is a new environment. People want change, and I think this is basic change. This is fundamental to our democracy, and I applaud you again for working day and night to make sure

the democratic ideals are realized through this vote.

Ms. NORTON. That is why I have been so pleased, that even Members who are far more conservative than I voted for this bill on the Republican side and on the Democratic side. On the Democratic side, we had many Members who come from districts, we are so pleased to have them, because we are the signature of big tent political party ever since FDR, and the unity that we have shown and the many Republicans who voted for me does say to me that people understand this vote to be just like the reauthorization of the Voting Rights Act of 1965 a couple years ago.

Remember, in our country when in another part of the country almost nobody of color had the vote. We changed all that. So the only people who don't have that kind of representation here are, of all people, the people who live in plain sight of the Congress.

We feel very deeply about our people who have gone to war. We talk about no taxation without representation. That pales beside giving your life for a country that doesn't think enough of you to give you even a vote in the people's House. This time, I dedicated the bill to an unknown soldier and to the first soldier who died in the Iraq war.

The unknown soldier is a soldier who lived in the District of Columbia, who went to war on the war cry of "no taxation without representation." That was the reason that you could get people to take up arms against the mother country, an act of treason. Imagine if they hadn't succeeded what would have happened to them.

The other soldier I dedicated the bill to is one whose name I know very well, Army Specialist Daryl Dent, 21 years old, a graduate of Roosevelt High School, National Guard. When you sign up for the National Guard, especially at the beginning of this war, a kid who I am sure did not envision that he would be overseas, he went the way Guardsmen and reservists and enlisted men and women have always gone, ready to do their duty for the United States of America. I am just asking that we do our duty to these veterans who leave me feeling the same way that all of you feel, only with a deeper hole in my heart.

I could have dedicated this to a lot of other men and women who have died for the District of Columbia. In World War I, this city lost—this is a city, now—lost more than three States. So there were three States that didn't lose as many men at that time as we did. World War II, more than four States from this one place. Korea, more than eight States. Vietnam War, more than 10 States. We have paid our dues. I don't think that can be doubted.

One of my constituents now is a man who owns a business here and lives here, and he was born in Iraq. He stood

with me, and I want to quote from him. I don't think Americans know the facts as he told them. His name is Andy Shallal.

He said, "People like me of Iraqi ancestry, and even my son who was born in the United States, are entitled to vote in the Iraqi election due in large part to the service of the citizens of the District of Columbia and other Americans who have fought and died in Iraq." I just think that says it all.

This country was so intent on making sure that Iraqis, all Iraqis, and even Diaspora, and people who could not even be counted in their Diaspora because they were in fact born here and raised here just like the gentlewoman and I, those people had the right to vote in the Iraqi elections. And that is what we in the District are told we are supposed to swallow. That is why I must give my thanks to Governor John Huntsman of Utah, who continues to support this bill strongly. If I could quote from him.

"The people of Utah have expressed outrage over the loss of one congressional seat since the last census. I share their outrage. I can't imagine," Governor Huntsman wrote, "what it must be like for American citizens to have no representation at all for over 200 years."

I want to say to the gentlelady what I believe most Americans don't know. The schools of the District of Columbia were integrated as a result of Brown versus Board of Education just as I was about to leave high school. The District of Columbia was one of five Brown versus Board of Education States, right along there with South Carolina and the rest of them. Why? Because the Congress of the United States saw to it that all public accommodations, that public schools, were indeed segregated. They went further. The Congress of the United States left these American citizens for 150 years without any mayor or city council. Instead, the President, with the consent of the Congress, appointed three commissioners. These three unelected people ruled the city for more than 150 years.

There can be no doubt that while race has very little to do with this today, it seems to be all about partisanship. I say to my colleagues, my colleague who chairs the congressional black caucus, it was your party and mine that denied the vote to the people of the District of Columbia, denied any kind of self-government.

□ 1700

We were denied any kind of self-government. It was the capture of our party then by southern Democrats who are today gone and forgotten, because there is a new South, white and black, that looks very different because they could not conceive of a denial on race alone. Of course, what particularly hurts this third-generation Washingtonian is that for most of that time,

the city was a majority white jurisdiction. The presence of a significant number of black people was enough to rally the anti-civil rights forces to keep all people from getting representation and from getting any right to govern themselves until the civil rights movement broke through in all.

Ms. LEE of California. Would the gentlewoman yield for just 1 minute? I just have to say I am mesmerized listening to this history because I have to remember and recall the fact that when I learned of this, I was actually working for my predecessor, now mayor, former Congressman Ron Dellums. And he chaired the Committee on the District of Columbia. And his goal, and we used to talk about this, because we were very active in the home rule movement, was to, as Chair of the District Committee, I can always remember him saying, we have got to use this committee to turn over the workings of the District of Columbia to the people of the District of Columbia and transfer that power to the residents of the District of Columbia. And so this is another step. This is the next chapter in that effort.

It is a shame and disgrace that in 2009 we are still here talking about full voting rights for the representative from the District.

Ms. NORTON. To show you the shame on us, we were granted, for a brief period, a delegate, we finally got the delegate and home rule, as we call it, at the same time. But Madam Chair, there was a brief period where when in the 19th century we got the delegate and the right and a mayor and a city council. And that was when the Republicans came to power after the Civil War. Again we are talking about a city where they could see the reason for the disempowerment. And this, of course, is why so many African Americans nationally became Lincoln Republicans and why you would expect the Republican party to be right here with me, as Tom Davis and so many Republicans here, have been.

The fact is that during Reconstruction, we had basically the same kind of home rule we have now. It wasn't an African American mayor. But that is not what we were after. We were after self-government for everyone here. Reconstruction ended. And I will say to my good friend and colleague who chairs the Black Caucus that one of the first things that the Democrats did in reclaiming power was not simply to re-segregate the South. What the Democrats did was to wipe out what the Republicans had done with the District of Columbia. They wiped out the delegate. And the Democrats wiped out home rule.

We don't have clean hands. The Democrats got religion, finally, on matters of equal rights long after the Republicans had it and kept African Americans, of course, as a constitu-

ency, because they never forgot it until the New Deal came. And our party was still full of segregationists. But the bottom line of survival and the New Deal brought them here.

Madam Chair of our caucus, the thing has for me been a great ride for my constituents. But I tell them the truth that there is also something personal in this for me because I'm a third-generation Washingtonian, and my great-grandfather, Richard Holmes, got here shall we say the hard way. He walked off of a Virginia plantation where he was being held as a slave and got as far as the District of Columbia, and the Holmes roots got planted here. And so on the Holmes side, those who continued to live here have never experienced the same rights that others have seen, including rights that they saw people down South get just a few decades ago.

So Madam Chair of our caucus, this has racial roots. But those roots have been dug up. They are not there anymore. All that is left is a partisanship that exists here in the Congress but not in the country. I think we are close to bringing the two together, the people with the Congress.

I especially am pleased that the gentlelady from California has never ceased to carry this personally when she worked as Chief of Staff for Congressman Ron Dellums, who has gone on, as she said, to be the mayor of another great city, Oakland, and now is Chair of our caucus, I would like to say one word about the constitutional question which is raised. Well, I can't swear that any bill we passed is constitutional. All I know is we are not the ones who decide that question. We decide questions of right and wrong, of whether or not a bill should be passed or not. But I am not worried about the constitutional issue, not when former Court of Appeals judge Kenneth Starr appeared before us and testified in very scholarly testimony that the bill is constitutional. I am really not worried about it when Professor Viet Dinh who spent some years as the constitutional point man in the Justice Department, Attorney General for Legal Policy it is called, has been one of the prime constitutional advocates for the bill. I'm relying not only on people who usually agree with me on constitutional issues, but on scholars who will concede that any bill as unprecedented as this would raise constitutional issues. But in good faith, after more than 200 years, who are we to continue to deny these rights when the very Constitution they cite has ordained an independent institution to make that final judgment? We will be held accountable for this judgment. And so they say you are not a State, so how can you possibly have the rights of States? There is very scholarly testimony from former Assistant Attorney General Dinh about how in each and every instance, more

than half a dozen, where the notion of treating the District as a State has been raised, each and every time the Congress and the Supreme Court had said the same thing, when it comes to the Commerce Clause, the fact that it says commerce among the States does not mean, said the Congress first, and then, of course, the court, does not mean it doesn't apply to the District of Columbia. There is not a case which extracts us from that line of reasoning, both congressional reasoning and, of course, the reasoning of the court.

I have to say to the gentlelady, the one that I think makes me smile most is article 1 section 2 clause 3 which provides that representatives and direct taxes shall be apportioned among the several States. The court said, go away from here. When it comes to paying your income taxes, D.C., that means you. Don't take these words so literally that they are meaningless. You are not outside the United States. You are different from the States.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. NORTON. Since the gentleman from Georgia has come in, I hope that he will have a 5-minute period.

HONORING COLD WAR WARRIORS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRBACHER) is recognized for 60 minutes.

Mr. ROHRBACHER. Mr. Speaker, I would be happy to yield 5 minutes to my colleague so that he can express his opinion on this important discussion. And then I will reclaim my time, the 55 minutes I have left, after 5 minutes.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Speaker, this is so very gracious of you. I do appreciate it. This is such an important issue. Home rule is a concept that we take for granted, those who live in cities around this great Nation, those who live in counties, those who live in States as we all do. But all of those levels of government afford to their citizens home rule, which is basically the right to have some self-determination of your governmental affairs.

Unfortunately, however, the citizens of Washington, D.C. have not enjoyed that same liberty. And it was only back in I think 1973 that home rule was conferred by this body, the United States Congress, to the citizens of Washington, D.C., and since that time, they have been able to, as a city council, and as a mayor, school system, they have been able to have control over their governmental issues on the local level. And that was certainly something that was prudent for this body to do.

However, the ability of those same citizens to actually vote for President

and Vice President of this great Nation still had not been authorized. And it was 1961 when that occurred. So in other words, citizens of D.C. first were given the right to actually vote for President and Vice President, and then they were given the right to govern themselves.

Now, it is important that we logically extend those rights to the citizens of Washington, D.C. to have a Congressperson who has a vote in this great body. We have our illustrious delegate, as she is technically called, but I refer to her always as Congresswoman, a very effective voice in this Congress. And she, on behalf of the citizens of the District of Columbia, deserves to have a vote in this great body. And I'm here in support of that.

I will say that with this fundamental liberty that we are talking about, the right to be represented in this great body, that is a very awesome and fundamental right that should not be bogged down by extraneous matters, particularly when those extraneous matters have to do with tying the hands of this local government that has been granted home rule. It is just totally different. And it is an insult to link a gun control measure to a people's right to have a representative who can vote in this Congress.

So, let's not compound the tragedy and the injustice any further. I'm asking the public to understand that let's not play politics with the people of Washington, D.C.'s ability to be adequately represented. And certainly they are adequately represented. Congresswoman NORTON deserves a right to cast a vote here to have total equality as all of the rest of us have. And so I don't think that is too much to ask.

□ 1715

The SPEAKER pro tempore. The gentleman from California has 55 minutes remaining.

Mr. ROHRBACHER. I appreciate the very sincere presentation we have just had about a serious issue. Although my talk tonight will be focused on some other issues, I would like to have a slight commentary.

Those of us who are conservative Republicans share the concern that has been expressed that the American citizens who reside in the District of Columbia have not been permitted to have the voting rights that people who live in other parts of the United States have. That was taken care of in terms of the Presidential elections by specifically permitting the people involved, and right now as we know the people from the District of Columbia participate in Presidential elections and have Presidential electors, et cetera.

I would suggest that people who are listening do understand there is an alternative to what is being presented which I believe is very serious which is not being considered but should be

looked at because I believe that the current path that we just heard being advocated has a chance of being declared unconstitutional. Several scholars testified to that in the hearings.

One method that we know would be constitutional would be to permit the people of the District of Columbia to vote for Federal representation as part of the State of Maryland. That would not only permit the people of the District of Columbia to vote for a representative that would then have every right of every other Representative, but also the right to vote for two United States Senators. They would be the Senators as part of the voting population of Maryland. They would be able to vote for the two Senators that come from Maryland.

This alternative has been somewhat ignored by those people who are pushing for the alternative that you have just heard outlined. But I would suggest as we move forward, I would hope in the spirit of compromise and in the spirit of really trying to get this job done, because I agree with the assessment that there is taxation without representation.

One of my colleagues suggested, well, then let's eliminate Federal taxation for the people of the District of Columbia. I would support that. But I think it would be better for us to approach a situation where the people of the District of Columbia could vote as part of the voting system in Maryland, the Federal voting system; and thus, they would have a chance to vote for a Member of Congress and two United States Senators. That would be an alternative that I would hope would be looked at and given very serious consideration.

Mr. JOHNSON of Georgia. Would the gentleman yield?

Mr. ROHRBACHER. I would yield.

Mr. JOHNSON of Georgia. I appreciate the gentleman yielding. I would say that the voting rights bill that Congresswoman NORTON has introduced and which has already been passed by the House in the 110th Congress, that act provides for an expedited judicial review as to the constitutionality of these actions that Congress would take by passing this legislation.

There is also a difference of opinion among constitutional scholars about whether or not the Congress has the authority under the constitution to actually do what this legislation proposes. There are those on both sides of the fence on that.

Mr. ROHRBACHER. That is correct.

Mr. JOHNSON of Georgia. I think it needs to be adjudicated in court. This legislation is conducive to that, provides for that, and the fact that we are doing something that would cause us to have to go to court and defend our powers is no reason to not pass the legislation.

Mr. ROHRBACHER. Reclaiming my time, let me just note that I do believe

there is an alternative that should be looked at seriously. And whatever happens to this legislation, I would hope that this other alternative which would permit the people of the District of Columbia to vote for not only a Representative but also two United States Senators is given some serious thought.

With that, tonight I rise, Mr. Speaker, in remembrance of a champion of freedom who recently passed away, a great man who influenced the world in which we live, but left the world with little notice of his passing. His name was Dr. Fred Schwarz. He died in his native Australia on January 24, 2009, at age 96. Dr. Schwarz was a medical doctor, a brilliant thinker, with the most disciplined thought process and intellectual honesty than any other person I have ever met. And that is saying a lot.

At an early age, Dr. Schwarz was able to identify the philosophy of communism—Marxism and Leninism—as the major threat of that day to the human race. He spent decades of his life exploring and exposing the basic ideas of Marx and Lenin and other communist thinkers. He was sounding the alarm as to the logical consequences of those ideas.

Most anti-communists in the United States at that time never got in greater depth than that of a cliché. They were opposed to communism. "The dirty rotten commies." But even though they were using these clichés, they didn't have an inkling as to what the actual philosophy and tenets of communism were all about.

Dr. Schwarz saw communism as an evil religion that corrupted the human soul to the point that idealistic people all over the world, humane people, were turned into murderers and mass slaughter was taking place. People were executed. And yet, even thoughtful people in our own society whose thought patterns were corrupted by Leninism and Marxism ignored this mass slaughter that was going on in the communist world, and sometimes even excused it. From Lenin to Stalin, from Castro to Pol Pot, it was no freak accident that every regime led by people who believed in communism ended up with mass killing and the debasement of civilized and human values. And yes, ended up with having people who flirted with this Marxism and Leninism, were affected in some way by the philosophy, ignoring that torturous existence that the people who lived under communism had to endure.

Dr. Schwarz took it upon himself to educate as many people as he could, especially opinion makers and future leaders, not only about the evil doings associated with communism, but also with the ideology itself that resulted in these evil consequences. In fact, one of the Dr. Schwarz's favorite quotes was "ideas have consequences."

Thus, it was vital in the Cold War years that the basic ideas and concepts of this evil theory that threatened the world and threaten to bring upon the human race death and misery wherever it happened, it was vital that we understood the basis of this philosophy and what was causing these evil things to happen in the world.

In those days, communism could propagandize about creating a more peaceful world and benevolent society, even as they turned whole countries into concentration camps and murdered anyone who resisted their power, and murdered anyone who was related to anyone who resisted.

Dr. Schwarz was an Australian, but when he realized that the Cold War would be won or lost by the strength and conviction of the American people, he moved here and became a major educational force teaching young and old alike about the inherent danger that lurked in Marxist-Leninist philosophy. He was a disciplined intellectual, and had no fear in engaging in direct confrontations and disagreements. He was always seeking the truth. He would never put up with faulty logic or inaccuracy of fact on our side or on their side.

Now somewhat forgotten, perhaps ignored, the fact is he had a major impact. He had a major impact on the American conservative movement, giving substance and depth to anti-communist activists that were such an important part of that movement. He thus equipped the intellectual soldiers who eventually won the Cold War. He equipped them with what they needed to understand in order to understand the Cold War.

I owe so much to Dr. Schwarz. The education he gave me was invaluable. From the time I went to Saigon in 1967 during the height of the Vietnam War in search of young political leaders to enlist in the anti-communist cause, to the time I marched arm in arm with anti-Soviet activists in the streets of Prague in 1968, what he taught me could be very well seen in those locations in that day of the evils of communism. And what he taught me helped me all the way through the time I was a journalist, all of the time I spent in the 1980s writing hard-hitting, anti-communist speeches in the White House for President Ronald Reagan. Of course, over these last 20 years as a Member of Congress, what Dr. Schwarz taught me has served me well and helped equip me to serve my country and to serve the cause of freedom.

Speaking of President Reagan, it is significant that President Ronald Reagan was the master of ceremonies, before he was President, of course, at several rallies conducted by Dr. Fred Schwarz during the 1960s. Dr. Schwarz's Christian anti-communist crusade drew thousands to rallies and seminars. And I have no doubt that Ronald Reagan's

anti-communist attitude, as well as his understanding, were to a great degree shaped by Dr. Fred Schwarz. Early on as a union leader, Ronald Reagan knew that he was anti-communist. But after Dr. Schwarz, Ronald Reagan knew why he was an anti-communist.

I was not the only Ronald Reagan speech writer who subscribed to Dr. Schwarz. Tony Dolan, Ronald Reagan's chief speech writer who worked with Ronald Reagan on the Evil Empire speech and other historic utterances, was a devotee of Dr. Schwarz.

Dr. Schwarz gave us the intellectual ammunition to relegate communism to the dust bin of history. All of us who he equipped to do battle remember him and are grateful to him.

He has been laid to rest now in his native Australia, and I pay tribute to him, along with the other Cold War warriors, for the contributions that he made to us as individuals and to the cause to which we were all so dedicated.

And yes, we as a global coalition of free men and women defeated the Soviet Union without an all-out war with Russia because we defeated their ideas and understood their ideas and fought them at that level as well as with weapons. One of the factors that helped us win was that we understood and defeated the ideology behind that communist tyranny.

Thank you, Dr. Schwarz, for helping us learn what we needed to learn and to know what we needed to know and then to do what we needed to do.

I will submit for the RECORD an obituary of Dr. Schwarz to give a small background on Dr. Schwarz.

[From the Christian Today, Australia, Jan. 30, 2009]

FRED SCHWARZ, RIP

(By Bill Muehlenberg)

Jesus once said that a prophet is without honour, except in his own country. One of the greatest Australian prophets of the past century has just passed away, and nothing that I am aware of about his passing can be found in the Australian mainstream media.

While Australia has many heroes—especially sporting figures and movie stars—perhaps the greatest hero to arise from Australia in recent times has been totally overlooked by our secular, leftist media. I refer to Dr. Fred Schwarz, who died earlier this week at age 96.

Schwarz was a successful medical doctor originally from Brisbane. He left a successful medical practice in Sydney, although with a young family, to devote his whole attention to warning people about the dangers of atheistic communism.

Born in 1913, he accepted Christ as his personal saviour in 1934. In the mid 1940s he began his medical work. He combined this with active Christian work, and also became aware of the threat of Communism during this period. He soon was reading everything he could find on the topic, especially the source materials.

Each night he devoured the works of the founders of Communism. Thus his wife Lillian would quip that she often found four men in her bed: Marx, Lenin, Stalin and

Fred. He soon was debating leading Australian Communists.

He became aware that most Christians were clueless as to the menace of totalitarian Marxism, and he dedicated his life to educating the public, and the church, about these dangers. He was invited to speak in America in 1950. He was urged to form an organisation dedicated to instructing people about the Communist threat, and how it is the polar opposite of Biblical Christianity.

In 1953 he established the Christian Anti-Communist Crusade (CACC). He closed his Sydney medical practice in 1955 and devoted the rest of his life to this project, moving to America to fully engage in the work. In 1960 his best-selling book was published, *You Can Trust The Communists (to be Communists)*.

I picked up a secondhand copy of this book in Madison, Wisconsin in the mid-80s. He said this in the book, "In the battle against Communism, there is no substitute for accurate, specific knowledge. Ignorance is evil and paralytic."

This book and this ministry were profoundly influential. They influenced a generation of Americans who would do battle against the Communist foe. These include such luminaries as Ronald Reagan, William F. Buckley, Jack Kemp, James Jobson and James Kennedy.

Schwarz had countless debates with Communists, gave countless speeches and talks on the subject, and wrote countless articles, booklets and books on the topic. His life was energetic, passionate, and committed to standing up for biblical Christianity, and warning against the Marxist evils.

When asked which was more dangerous, the external or internal threat of Communism, Fred would reply, "If you were on a ship that was sinking, which would be the greatest danger, the water outside or the water inside? I was illustrating that the external and internal forces were manifestations of the same danger."

And the dangers were very real indeed. In one of his first pamphlets Schwarz argued that Communism is a disease: "Communism has already killed many millions of people and proposes to kill many millions more. Therefore, by definition, it is a disease. It is a threefold disease. It is a disease of the body, because it kills; it is a disease of the mind, because it is associated with systemized delusions not susceptible to rational argument; and it is a disease of the spirit, because it denies God, materializes man, robs him of spirit and soul, and, in the last analysis, even of the mind itself, and reduces him to the level of a beast of the field."

And even though atheistic, Schwarz could clearly see that it was a religion, albeit a false religion, and the main contender against Christianity. He noted that many ex-Communists have spoken of the religious nature of Communism.

When people charged Schwarz with bias, he confessed: "I plead guilty. We are biased in favour of truth, freedom, and life; we are against deceit, slavery, and unnecessary death. We believe that Communism leads to classicide through the liquidation of the bourgeoisie, that it leads to the justification and practice of mass murder."

But, critics will complain, what about the good of Communism? "In rebuttal I explained that a pathologist is a specialist in the characteristics of a disease, not health, and that a mixture of good and evil is often more deadly than an undiluted evil."

The complete and incredible story of this modern prophet is told in his autobiography,

Beating the Unbeatable Foe (Regnery, 1996). This 600-page story is an inspiring read, and shows us the dedication, zeal and perseverance of this one amazing individual.

It tells of the waves of opposition, not just from the Communists and the Soviet Union, but from leftist, liberal allies and "useful idiots," to use Lenin's phrase. The lies, deceit, slander, and malicious attacks on Dr. Schwarz were relentless and are mind-boggling to read about. Yet despite all this incessant opposition and attack, he remained steadfast to his calling.

The book also speaks about how the Christian churches were especially targeted by the Communists. Internal subversion was an important tactic of the Communists. And many churchmen of course were completely taken in by the Communist propaganda.

One notable thing that struck me as I read this book was that a very similar battle is being waged today, and there is a similar need for accurate information to withstand a vicious enemy. I refer to militant Islam, and the war it is waging against the free West. The parallels between its internal and external attacks are so close to what we found in the Communist offensive.

And in the same way today many Christians are completely ignorant of the threat to the Christian church, or are being duped by various "peace" initiatives and interfaith endeavours. In the same way that many believers were hoodwinked by the Communists last century, many believers today are being deceived by the Islamists and their interfaith supporters.

Dr. Schwarz eventually returned to Sydney where he has now finally received his eternal reward. This man was a modern-day saint, a genuine prophet, and a tireless worker for Christ and his Kingdom. He achieved more in his lifetime than most people ever will.

Yet incredibly I still cannot find any news of his death, or any obituaries or eulogies about this remarkable man. Like Jesus, he was certainly a prophet without honour in his own land. But his life and work deserve to be widely heralded. And if no one else will, I most certainly will. God bless you richly Fred Schwarz.

I would also like now to rise in honor of another heroic champion of freedom, a distinguished scholar, a Cold War strategist, a man who, yes, like Dr. Schwarz did not get all of the recognition that he deserved, but those of us who were involved in the final days of the Cold War and the implementation of an anti-communist strategy that worked, we remember Constantine Menges.

Constantine Menges passed away in 2004. Again, like Dr. Schwarz, there was not a great deal of attention that was paid to his passing, yet he had been a powerful force in shaping the world in which we live.

He was a profound thinker. Constantine Menges had a Ph.D. He was someone who thought things out in the long run, and had tremendous historical perspectives which he shared with us.

□ 1730

He was the one who put together the strategies and the maneuvers that would end the Cold War with the defeat of the Soviet Union while minimizing the chances of all-out war between the Soviet Union and the United States.

Although it wasn't called it then at the time, the Reagan Doctrine—that strategy of confronting Soviet expansionism without confronting the Soviet Army itself with American troops—this idea flowed from a basic strategy laid forward originally, as far as my first contact with it, from Constantine Menges, who was, at that time, a senior National Intelligence Officer for Latin America at the Central Intelligence Agency under William Casey—of course that was during Ronald Reagan's administration. I remember him showing me that plan.

I also remember that basic plan later when Dr. Jack Wheeler stepped forward and said, I'm going to go out and meet the various people of these anti-Soviet insurgencies and anti-Soviet movements throughout the world so that we can put a face to that strategy. And then of course we had Oliver North, who was then working in the White House to help that insurgency in Nicaragua that helped turn the tide there.

Constantine Menges was the man who strategized these moves, the man who then, after working in the CIA—and serving CIA Director Bill Casey very well—was brought to the White House. And there in the White House he fought the internal battles that made sure that strategy worked. President Reagan had signed on to that strategy—the Reagan Doctrine—of defeating the Soviet Union by supporting those folks in various parts of the world who themselves were resisting Soviet expansionism. But you would think, well, that just speaks for itself, of course we should have done that. Well, in the 1980s, that was not something that was just taken for granted.

The fact is that there were people within the Reagan administration itself who were constantly trying to undermine that strategy. For example, I just mentioned Oliver North, who was actually in the National Security Council, along with others—by the way, for only 1 year, with our help to the insurgents who were trying to fight the Sandinista dictatorship in Nicaragua, only for 1 year was that not a legal operation. And the years before we gave hundreds of millions of dollars, and the years after that hundreds of millions of dollars were given to support that resistance movement. But constantly there was this effort by people within the Reagan administration—and also from without, I might add, people here in Congress—who were trying to undermine our support for those who were trying to force democracy and democratic elections on the Sandinista dictatorship.

And what was one of the major issues? It was whether or not we should cease our support for these insurgents before or after the Sandinista permitted free elections. And there were those who were trying to pressure Ronald Reagan, people within the adminis-

tration—and I might say, I believe that our Secretary of State Schultz supported this position—of actually cutting off our arms to the anti-Sandinista insurgency before the Sandinista dictatorship actually permitted the elections to take place.

With Constantine Menges constantly at Reagan's side reminding him that, no, what would work is only after the elections we will pledge, no matter how the elections come out, that we will withdraw our military support for those people in that insurgency, without that, we would have withdrawn our support and the Sandinistas would never have permitted a democratic election because they were committed to the same type of philosophy that you have in Cuba and in other communist countries; they were Marxist-Leninists. As Dr. Schwarz would say, you can trust the communists to be a communist. And Marxist-Leninists don't believe in democracy. And unless we were forcing them to, they would not have permitted free elections.

And once those elections happened in Nicaragua—which was a tribute not only to the championship and to the courage of those people who fought that insurgency, but also a tribute to the Ollie Norths and the Constantine Mengeses who were fighting the inside fight. If we would not have done that, there would never have been those free elections. And with those elections, the Sandinistas were soundly defeated. By an American standard, that election was a landslide against them.

So what happened? There was a solid move to democracy in that region because what we had done is we had thwarted the Soviet Union's strategy of their own to catch the United States by surprise and undermine our security by supporting those pro-communist elements in Latin America, supporting the guerrilla movements in Latin America. And that base of operations was going to be in Nicaragua. We put the Nicaraguan communists on the defensive, and by doing so, we permitted Central America to have a chance for freedom.

And sure enough, the countries in Central America have been stalwarts for democracy in the years since the end of the Cold War. They have benefited by the Constantine Mengeses, who worked their hearts out inside the White House and outside the White House to make sure that they had the political support and the strategic support they needed to establish democracies there.

Constantine Menges wrote book after book. His last book that I remember dealt with the emerging threat of China, but he was also very focused on Latin America and warned us about potential inroads being made in Venezuela, for example.

So tonight we remember Constantine. And we are grateful to Dr.

Fred Schwarz, we're grateful to Ollie North, we're grateful to Dr. Jack Wheeler, we're grateful to Constantine Menges. These are individuals whose names most people don't know. Without them, freedom wouldn't have had a chance during the Cold War. But yet, we won the Cold War without actual warfare between the Soviet Union and the United States and, again, democracy was secured in Central America.

Unfortunately, now in Latin America we see an ominous trend, a very ominous trend, when we see the rise of a left-wing, semi-Marxist Cedillo in Venezuela, this Chavez, this boisterous anti-American, we see him aligning himself with communist Cuba, one of the last communist dictatorships in the world. And again, we see this in Bolivia. But yet, we see ominous trends. For example, in Nicaragua itself, the pro-democratic elements of that society were split, and they ended up with the Sandinista, the thugs from the old Sandinista Marxist regime returning to power even though they only had 40 percent of the vote. The 60 percent of the vote that was anticommunist was split, and that in itself is an ominous trend. And then of course we have the elections that will be coming up this weekend in El Salvador. And from what I understand, it is within a margin of error now, it's neck in neck, who will be elected to be the government of that country.

El Salvador has had a solid and a stable democracy all of these years since the end of the Cold War, since Ronald Reagan determined we would be supporting not right-wing dictators to defeat communism, but instead, we would solidly support democratic elements. Otto Reich, one of the champions during the Reagan years, testified just yesterday that when Ronald Reagan became President of the United States, 90 percent of Latin America was under right-wing military dictators. When Ronald Reagan left, 90 percent of Latin America was under democratic rule and governed by people who had been elected in free elections. What a tremendous, tremendous legacy.

But now that legacy is a threat because the people of these countries have learned to take that democracy for granted and to forget the basic nature of those Marxists and Leninists who tried to implement, tried to impose communist dictatorship on those countries back in the 1980s.

Well, now the FMLN—which was a terrorist organization, basically a Marxist-Leninist military arm back in the 1980s which tried, by force, to become the government of El Salvador—since then they have been operating within the democratic process; but this same group that would have imposed a Marxist-Leninist dictatorship now has a chance of winning the elections in El Salvador.

Free people should be alarmed, especially the people of El Salvador. They

have learned to take for granted the stability, the progress, the democratic rights that they have. The FMLN is made up of people who have allied themselves with al Qaeda, Iran, Cuba, and other state sponsors of terrorism. For example, the current vice presidential candidate of the FMLN, that candidate, a few days after 9/11, celebrated the attack on the United States with a demonstration in El Salvador and burned American flags and claimed that America had brought 9/11 upon ourselves. That's the kind of leadership, that's the kind of belligerence represented by the FMLN.

Now, the people of El Salvador have every right to elect whoever they want to head their government, whether it's the FMLN, or anyone else—certainly no one is suggesting otherwise, but obviously there are consequences that need to be considered when choosing who your leader will be.

In this case, all of the cooperation, all of the economic cooperation, all of the stability that we've had, the friendship that we've had could be destroyed if the FMLN, a political party in El Salvador that is hostile to the United States—they hate the United States. And if you elect someone who hates the United States, then the people of El Salvador cannot expect that there will be a good relationship between our countries.

Now, if the people of El Salvador want to have a bad relationship with the United States, they don't want to have the same type of economic policies, fine, they should elect the Marxist FMLN. But if they want to be friends of the United States, they should understand that you can't elect people who celebrate 9/11 and say good things about al Qaeda and ally themselves with Marxist dictatorships and think that they're going to have the same positive relationship with us.

In this case, we have had very positive economic policies for which we bestowed upon the Government of El Salvador because it was democratic and because it was friendly to the United States. Those economic policies will not stand up if the Government of El Salvador is hostile to us or hates us, or is anti-democratic, or starts—as the tough guy in Nicaragua has done, he has already started to repress his own people and to use a heavy hand in place of a democratic process in that country.

So the people of El Salvador need to think about what relationship do you want to have? What will it cost us if we have an anti-American government? Well, today there are over \$4 billion that come from El Salvadorians who are in the United States in remittances, \$4 billion from these people who are here, who are El Salvadorians, flow into El Salvador. Now, they're called remittances. Well, we do not need to permit those remittances; we do this as

a favor to that country and to try to help its economy. But if we have an anti-American government there, that issue will be hotly debated in the United States Congress.

If you have a country that is run by people who burn American flags and congratulate al Qaeda terrorists for flying planes into our buildings and killing thousands of Americans, yes, we will have an honest debate about whether or not we should restrict the billions of dollars that now flow in remittances from the United States to El Salvador. If people want to vote for that there, they have every right, and we respect that. That's democracy. But we, too, will respond. And we, too, will have things that we have to do to protect our interests if we have a country that is allying themselves with the people who slaughtered our American citizens on 9/11. We can't expect to permit the free flow of billions of dollars to continue if that's the case. That shall be solidly debated if the FMLN is brought to power. So we need to make sure that good people who support democracy throughout this hemisphere, who we helped during the wars in the 1980s, that they do not then become complacent and take all of the democracy and progress that has happened there for granted.

There was tremendous chaos in the seventies and eighties in Latin America and Central America. People don't need that anymore. They don't need the hatred and the vitriol that was down there and all of the anti-Americanism—and the outside interference, I might add, that came in when the Soviet Union pumped a billion dollars worth of military equipment into Nicaragua thinking they were going to roll up Latin America. Well, brave people in Latin America stood against Marxism-Leninism then. They should continue to do so because, in the end, all of us, what kind of country we live in is in our hands. We wish the people of El Salvador well; we do, we wish them well. We wish them a successful election. We hope that they will remain friends of the United States.

□ 1745

Unfortunately, I know there is a large number of Members of Congress who signed on to a letter suggesting whatever happens in the election, it's not going to make any difference in American policy. Well, those Members of Congress, and many of them are my friends, they have a more liberal left outlook in life than I do, and I can say that they're misguided in presenting that to the people of El Salvador. The fact is that what happens in this election will have impact on our relations, and it is not just something that the people can elect an anti-American government and expect everything to stay the same.

So I hope we remain friends. I hope the people of El Salvador vote to be

friends. But if they don't, that is their right to do so. I think it would be much more beneficial for the people of El Salvador and other Latin American countries to remain good friends of the United States rather than attaching their future to the likes of Hugo Chavez and other despots and bellicose Cedilloes.

These military strongmen who are in the right wing that dominated Latin America back in the 1960s, that was a tragedy for the people of Latin America, and that was a tragedy that the United States did not oppose that type of authoritarian rule as much as we should have. And it was Ronald Reagan that turned that around, and I am very proud that during Ronald Reagan's administration that we stood for democracy, not just anti-communism; and that with Constantine Menges there to help us strategize, we turned back the tide of communism in Latin America and throughout the world, and we created a better world without having the kind of nuclear exchange or massive military fight with the Soviet army that was predicted so often back in the 1950s and 1960s.

So tonight we look back on the heroes, the heroes of the Cold War who brought about a more peaceful and a more democratic world. And we reach out to those people now in Latin America who are making decisions, making the decisions as to whether or not they're going to take for granted what was accomplished during this pro-democratic revolution that took place under Ronald Reagan and took place at great risk and great hardship for the people in Central America.

Now is not the time to go back to Marxism-Leninism with another face. Let's again go back to Dr. Fred Schwarz. Dr. Schwarz told us that if you really read what the communists and the Leninists believe, you will see that they believe in the dictatorship of the proletariat. You will see they believe in the centralization of power, the arrogant "we know what's best for everyone" notion that results in dictatorship every time but also results in poverty and results in a decline in the standard of living and results in conflict with other peoples. Latin America nor anywhere else in the world needs the conflict, needs the repression that will come with a resurgence of Marxist-Leninists who now put on a democratic face and say, no, we're actually different now. Well, maybe they aren't using guns, but putting them in power in any way will not make this a better world or a better country. That is for people of each country to decide for themselves. We wish all of those people, whether in El Salvador or elsewhere, free elections, open discussion, open debate.

I hope that my words today will be seen as part of the debate here as to what we should do if indeed a change in

policy happens and a change in leadership happens in El Salvador so that we will know what policies will change if indeed the FMLN, which was a Marxist-Leninist terrorist group back in the 1960s and 1970s, whether or not, if that group comes to power, what changes will be brought about.

With that said, Mr. Speaker, I would also put into the RECORD at this point an obituary about Mr. Constantine Menges, dated July 14, 2004.

[From the Washington Post, July 14, 2004]
CONSTANTINE MENGES; NATIONAL SECURITY
AIDE

(By Joe Holley)

Constantine Menges, 64, a national security aide for Latin America during the Reagan administration who had a central role in planning the U.S. invasion of Grenada in 1983, and who focused on the continuing threat of communism in books and numerous articles, died of cancer July 11 at Sibley Memorial Hospital. He lived in the District.

At the time of his death, Dr. Menges was a senior fellow at the Hudson Institute, a public policy think tank. His recent work had focused on the threat to the United States of a growing pro-Castro alliance throughout Latin America; state-sponsored terrorism, including what he considered Iran's subversion of Iraq; and the rise of China as a superpower.

Dr. Menges had just completed the manuscript for a book titled "China, the Gathering Threat: The Strategic Challenge of China and Russia." He also was the author of a memoir, "Inside the National Security Council," several other books, and numerous articles.

Dr. Menges was born in Ankara, Turkey, the son of political refugees from Nazi Germany. The Menges family, fearing that Turkey would enter the war as an ally of the Axis powers, moved from place to place through war-torn Europe. The family arrived in the United States in 1943.

Dr. Menges received a bachelor's degree in physics from Columbia College and a doctorate in political science from Columbia University. He taught political science at the University of Wisconsin before joining the Rand Corp.

He entered government service in the late 1970s, first as assistant director for civil rights, then as deputy assistant secretary for education in the Department of Health, Education and Welfare.

From 1981 to 1983, he was a national intelligence officer for Latin American affairs at the Central Intelligence Agency under Director William Casey. From 1983 to 1986, he worked for the National Security Council as a special assistant to the president, specializing in Latin America.

In "President Reagan: The Role of a Lifetime," author Lou Cannon described Dr. Menges as one of a cadre of National Security Council aides who believed, as did Casey, "that the West should be mobilized to fight Communists with their own methods."

Cannon described Dr. Menges "as one of the most forceful of these polemicists" and "a principled conservative." White House and State Department pragmatists, according to Cannon, dubbed him "Constant Menace," a play on his name, for his ardent support of action, covert and otherwise, against Nicaraguan Sandinistas and Salvadoran rebels.

Deeply involved in White House support for the Nicaraguan contras, Dr. Menges also ar-

gued that an American strategy for combating communism in Latin America should include suppression of right-wing death squads and promotion of land reform.

"He believed that the United States should compete with the Soviets in sponsorship of 'national liberation movements' in Third World nations," Cannon wrote.

Dr. Menges contended that the invasion of Grenada helped avert a possible Grenada nuclear deployment crisis and strengthened President Ronald Reagan's hand in deploying intermediate-range missiles in Europe in late 1983.

From 1990 to 2000, Dr. Menges was a professor at George Washington University, where he founded and directed the program on Transitions to Democracy. His work on democratic transitions included the post-communist states, Iraq, Iran and the Americas. He also began a project on U.S. relations with Russia and China and the new Russia-China alignment.

In articles that appeared regularly in The Washington Post, the Washington Times, the New York Times, the New Republic and other publications, Dr. Menges continued to warn that the communist threat persisted.

In a Washington Post opinion article in 2001, he wrote that "Russia and China are using mostly political and covert means to oppose the United States on security issues and to divide America from its allies."

As a college student, Dr. Menges helped individuals escape communist East Berlin in 1961, and in 1963, he worked in Mississippi as a volunteer for equal voting rights.

Survivors include his wife of 29 years, Nancy Menges, and a son, Christopher, both of Washington.

Mr. Speaker, I appreciate the fact that in this country we have demonstrated to the world something really important, and that is that we have had a shift in power in the United States. And I hope people see that the Republicans and the Democrats stood there and applauded as our new President was sworn in. We wish this country success, and we wish this President success. We may have a difference of opinion on how to achieve success, but we all are rooting for people who fundamentally believe that democratic dialogue like the one I'm talking about and democratic process is the answer to the future.

OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, MARCH 11, 2009 AT PAGE 7129

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1105. An act making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ROYBAL-ALLARD (at the request of Mr. HOYER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. CHAFFETZ, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, March 19.

Mr. JONES, for 5 minutes, March 19.

Mr. MCCLINTOCK, for 5 minutes, today.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Monday, March 16, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

843. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Canadian Forces Snowbird Air Show, Duluth, MN. [USCG-2008-0359] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

844. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; American Carp Society Northeast Regionals fireworks, Seneca River, Baldwinsville, NY. [USCG-2008-0358] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

845. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Columbia River, All Waters Within a 100-yard Radius Around the M/V MAERSK JEWEL [USCG-2008-0362] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

846. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-

Fire Gun Exercise, Gulf of Mexico, FL. [Docket No. USCG-2008-0364] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

847. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; New York Air Show, Atlantic Ocean off of Jones Beach, NY [Docket No. USCG-2008-0371] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

848. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [USCG-2008-0370] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

849. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wilmington River, Savannah, GA [USCG-2008-0387] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

850. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Private Birthday Fireworks Display, Gulf of Mexico, Florida. [Docket No. USCG-2008-0402] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

851. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Columbia River, All Waters Within a 100-yard Radius Around the M/V BRUGGE VENTURE [Docket No. USCG-2008-0435] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

852. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Giants Fireworks Display, San Francisco, CA [Docket No. USCG-2008-0430] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

853. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fish Barrier Testing, Chicago Sanitary Ship Canal, Chicago, IL. [USCG-2008-0300] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

854. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Fleet Week Sea and Air Parade; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-0298] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

855. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Stock-

ton Asparagus Festival; Stockton, California [Docket No.: USCG-2008-0324] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

856. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Exclusion zone for sunken barge; Miami River, Miami, FL [Docket No.: USCG-2008-0325] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

857. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Columbia River, All Waters Within a 100-yard Radius Around the M/V BBC ALABAMA [Docket No.: USCG-2008-0342] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

858. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale, Florida [Docket No.: USCG-2008-0336] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

859. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Cinco de Mayo Fireworks Display [USCG-2008-0357] received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

860. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Woodrow Wilson Bridge Dedication Ceremony, Potomac River, Arlington and Fairfax Counties, VA, Prince Georges County, MD and Washington, DC [Docket No.: USCG-2008-0393] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BROWN of South Carolina (for himself, Ms. BORDALLO, Mr. YOUNG of Alaska, Mr. GEORGE MILLER of California, Mr. KIND, Mrs. BONO MACK, Mr. KING of New York, Mr. TANNER, and Ms. ROS-LEHTINEN):

H.R. 1454. A bill to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp; to the Committee on Oversight and Government Reform, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself and Mr. KANJORSKI):

H.R. 1455. A bill to amend the Federal Financial Institutions Examination Council Act to require the Council to establish a single telephone number that consumers with

complaints or inquiries could call and be routed to the appropriate Federal banking agency or State bank supervisor, and for other purposes; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. ACKERMAN, Mr. MILLER of North Carolina, Mr. ELLISON, Ms. SPEIER, Mr. TIERNEY, and Ms. ESHOO):

H.R. 1456. A bill to extend the protections of the Truth in Lending Act to overdraft protection programs and services provided by depository institutions, to require customer consent before a depository institution may initiate overdraft protection services and fees, to enhance the information made available to consumers relating to overdraft protection services and fees, to prohibit systematic manipulation in the posting of checks and other debits to a depository account for the purpose of generating overdraft protection fees, and for other purposes; to the Committee on Financial Services.

By Ms. DELAURO (for herself, Ms. ROSELEHTINEN, Mr. MCGOVERN, and Mr. KLEIN of Florida):

H.R. 1457. A bill to amend the Public Health Service Act to deem certain geriatric health training to be obligated service for purposes of the National Health Service Corps Loan Repayment Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CAMP (for himself and Mr. KIND):

H.R. 1458. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. NADLER of New York, Mr. WATERS, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. JOHNSON of Georgia, Mr. GRIJALVA, Mr. PAYNE, Mr. COHEN, Ms. NORTON, and Mr. RANGEL):

H.R. 1459. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act regarding penalties for cocaine offenses, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATHAM (for himself, Ms. BALDWIN, Ms. KAPTUR, Mr. BISHOP of Georgia, Mr. SMITH of New Jersey, Mr. TAYLOR, Mr. LOEBACK, Mr. HARE, Ms. DELAURO, Mr. MCMAHON, Mr. MICHAUD, Mr. RANGEL, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MOORE of Kansas, and Mr. GORDON of Tennessee):

H.R. 1460. A bill to amend the Public Health Service Act to establish a graduate degree loan repayment program for nurses who become nursing school faculty members; to the Committee on Energy and Commerce.

By Mr. GEORGE MILLER of California (for himself, Mr. TIERNEY, Mr. GRI-

JALVA, Ms. CLARKE, Mr. HARE, Mr. DAVIS of Illinois, Mr. ANDREWS, and Ms. WOOLSEY):

H.R. 1461. A bill to amend the National Labor Relations Act to apply the protections of the Act to teaching and research assistants; to the Committee on Education and Labor.

By Mrs. MALONEY (for herself, Mr. HINCHEY, Mr. GRIJALVA, and Ms. BERKLEY):

H.R. 1462. A bill to provide for a study by the National Academy of Engineering regarding improving the accuracy of collection of royalties on production of oil, condensate, and natural gas under leases of Federal lands and Indian lands, and for other purposes; to the Committee on Natural Resources.

By Ms. HARMAN (for herself, Mrs. TAUSCHER, Mr. ROYCE, and Mr. CONNOLLY of Virginia):

H.R. 1463. A bill to restrict United States military assistance to the Government of Pakistan; to the Committee on Foreign Affairs.

By Mr. FOSTER:

H.R. 1464. A bill to require Federal agencies to collaborate in the development of freely-available open source educational materials in college-level physics, chemistry, and math, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLSWORTH:

H.R. 1465. A bill to amend the Consumer Product Safety Act to provide regulatory relief to small and family-owned businesses; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. SCOTT of Virginia, Ms. CORRINE BROWN of Florida, Mr. MEEKS of New York, Ms. KILPATRICK of Michigan, Ms. NORTON, Mr. JOHNSON of Georgia, Ms. CLARKE, Mr. COHEN, Mr. HASTINGS of Florida, Mr. ELLISON, Mr. PASTOR of Arizona, Mr. STARK, Ms. FUDGE, Mr. FATTAH, and Mr. DAVIS of Illinois):

H.R. 1466. A bill to concentrate Federal resources aimed at the prosecution of drug offenses on those offenses that are major; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. SENSENBRENNER, Mr. BOEHNER, Mr. COBLE, Mr. GALLEGLY, Mr. DANIEL E. LUNGREN of California, Mr. KING of Iowa, Mr. FRANKS of Arizona, Mr. JORDAN of Ohio, Mr. ROONEY, Mr. HARPER, Mr. SULLIVAN, Mr. PENCE, Mr. CANTOR, Mr. SHADEGG, Mr. HUNTER, Mrs. BACHMANN, and Ms. FALLIN):

H.R. 1467. A bill to extend certain provisions of the USA PATRIOT Act and the Intelligence Reform and Terrorism Prevention Act of 2004 for 10 years; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 1468. A bill to provide health care liability reform, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. CONYERS, and Mr. ROGERS of Michigan):

H.R. 1469. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on the Judiciary.

By Mr. KIND (for himself, Mr. HERGER, Ms. KOSMAS, and Mr. REICHERT):

H.R. 1470. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for the health insurance costs of self-employed individuals be allowed in determining self-employment tax; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia (for himself, Mr. KINGSTON, Mr. LEWIS of Georgia, Mr. GINGREY of Georgia, Mr. SCOTT of Georgia, Mr. JOHNSON of Georgia, Mr. MARSHALL, and Mr. BARROW):

H.R. 1471. A bill to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mrs. BLACKBURN (for herself, Mr. HUNTER, Mr. GOHMERT, Mr. KLINE of Minnesota, Mr. CHAFFETZ, Mr. LAMBORN, Mr. CONAWAY, Mr. GINGREY of Georgia, Mr. CULBERSON, Mr. MANZULLO, Mr. SMITH of Texas, Mr. AKIN, Mr. WAMP, Mr. LATTA, Ms. FALLIN, Mr. BISHOP of Utah, Mr. OLSON, Mr. MCCLINTOCK, Mr. FLEMING, Mr. PITTS, Mr. BARTLETT, Mr. SHADEGG, Mr. FRANKS of Arizona, and Mr. BURTON of Indiana):

H.R. 1472. A bill to establish reporting requirements each time funds from Troubled Assets Relief Program or the American Recovery and Reinvestment Act of 2009 are received or redistributed, and to establish a waste, fraud, and abuse hotline for such funds, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN (for himself, Mr. WESTMORELAND, Mr. GINGREY of Georgia, Mr. ROSS, Mr. SHUSTER, Mr. SNYDER, Mr. BOREN, and Mr. BERRY):

H.R. 1473. A bill to authorize the Secretary of the Army to establish, modify, charge, and collect recreation fees at lands and waters administered by the Corps of Engineers; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Alabama (for himself, Mr. BOCCIERI, Mr. WALZ, and Mr. ALTMIRE):

H.R. 1474. A bill to amend title 38, United States Code, to improve the enforcement of the Uniformed Services Employment and Reemployment Rights Act of 1994, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself, Mr. AL GREEN of Texas, Mr. TOWNS, Mr. RUSH, Mr. LEWIS of Georgia, Ms. WATERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FATTAH, Mrs. CHRISTENSEN, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, and Mr. CLAY):

H.R. 1475. A bill to amend title 18, United States Code, to restore the former system of good time allowances toward service of Federal prison terms, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGEL (for himself, Mr. INGLIS, Mr. ISRAEL, and Mr. BARTLETT):

H.R. 1476. A bill to require automobile manufacturers to ensure that not less than 80 percent of the automobiles manufactured or sold in the United States by each such manufacturer to operate on fuel mixtures containing 85 percent ethanol, 85 percent methanol, or biodiesel; to the Committee on Energy and Commerce.

By Mr. GRIFFITH:

H.R. 1477. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for long-term capital gain on property acquired or disposed of during 2009 or 2010; to the Committee on Ways and Means.

By Mr. HINCHEY:

H.R. 1478. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care, and for other purposes; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 1479. A bill to enhance the availability of capital, credit, and other banking and financial services for all citizens and communities, to ensure that community reinvestment requirements are updated to account for changes in the financial industry and that reinvestment requirements keep pace as banks, securities firms, and other financial service providers become affiliates as a result of the enactment of the Gramm-Leach-Bliley Act, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KAGEN (for himself and Mr. PETRI):

H.R. 1480. A bill to amend the Tariff Act of 1930 to require that certain laminated woven bags be marked with the country of origin; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 1481. A bill to authorize certain States to prohibit the importation of solid waste from other States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KANJORSKI:

H.R. 1482. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on oil and natural gas (and products thereof) and to appropriate the proceeds for the Low-Income Home Energy Assistance Program; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY (for himself, Ms. ROS-LEHTINEN, Mr. FILNER, and Mr. WU):

H.R. 1483. A bill to direct the Secretary of Health and Human Services to implement a National Neurotechnology Initiative, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY:

H.R. 1484. A bill to award a Congressional Gold Medal to Rabbi Arthur Schneier in recognition of his pioneering role in promoting religious freedom and human rights throughout the world, for close to half a century; to the Committee on Financial Services.

By Ms. MATSUI (for herself, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. POE of Texas, and Mr. DOGGETT):

H.R. 1485. A bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MEEK of Florida:

H.R. 1486. A bill to amend the Fair Credit Reporting Act with respect to requirements relating to information contained in consumer reports, and for other purposes; to the Committee on Financial Services.

By Mr. MEEK of Florida:

H.R. 1487. A bill to amend the Electronic Fund Transfer Act to require notice to the consumer before any fee may be imposed by a financial institution in connection with any transaction for any overdraft protection service provided with respect to such transaction, and for other purposes; to the Committee on Financial Services.

By Mr. MEEK of Florida:

H.R. 1488. A bill to establish a fair order of posting checks and deposits to prevent unjust enrichment of financial institutions from fees that accrue only by virtue of the order used by the institution for posting checks and deposits, and for other purposes; to the Committee on Financial Services.

By Mr. MOLLOHAN:

H.R. 1489. A bill to extend Corridor O of the Appalachian Development Highway System from its current southern terminus at I-68 near Cumberland to Corridor H, which stretches from Weston, West Virginia, to Strasburg, Virginia; to the Committee on Transportation and Infrastructure.

By Mr. MOORE of Kansas (for himself,

Ms. DELAURO, Ms. CORRINE BROWN of Florida, Mr. HOLT, Ms. SHEA-PORTER, Mr. CHANDLER, Ms. BALDWIN, Mr. OLVER, Ms. KAPTUR, Mr. HINCHEY, Ms. DAVIS of California, Ms. SCHWARTZ, Ms. MOORE of Wisconsin, Mr. KENNEDY, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Mr. KUCINICH, Mr. CONYERS, Mr. SABLON, Mr. PAYNE, and Mr. CARNAHAN):

H.R. 1490. A bill to establish a grant program to assist in the provision of safety measures to protect social workers and other professionals who work with at-risk populations; to the Committee on Education and Labor.

By Ms. MOORE of Wisconsin (for herself, Mr. ROGERS of Kentucky, and Ms. KAPTUR):

H.R. 1491. A bill to amend the Small Business Investment Act of 1958 to reauthorize and expand the New Markets Venture Capital Program, and for other purposes; to the Committee on Small Business.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. WELCH):

H.R. 1492. A bill to establish a pilot program to provide assistance for partnerships supporting applied sciences in renewable energy; to the Committee on Education and Labor.

By Mr. PAUL (for himself and Mr. PRICE of Georgia):

H.R. 1493. A bill to ensure and foster continued patient safety and quality of care by exempting health care professionals from the Federal antitrust laws in their negotiations with health plans and health insurance issuers; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 1494. A bill to ensure that a private for-profit nursing home affected by a major disaster receives the same reimbursement as a public nursing home affected by a major disaster; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 1495. A bill to amend the Internal Revenue Code of 1986 to make health care coverage more accessible and affordable; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1496. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for medical expenses for dependents; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1497. A bill to amend the Internal Revenue Code of 1986 to allow medical care providers a credit against income tax for uncompensated emergency medical care and to allow hospitals a deduction for such care; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1498. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for the cost of insurance against negative outcomes from surgery, including against malpractice of a physician; to the Committee on Ways and Means.

By Mr. PERLMUTTER:

H.R. 1499. A bill to direct the Secretary of Homeland Security to conduct a survey to determine the level of compliance with national voluntary consensus standards and any barriers to achieving compliance with such standards, and for other purposes; to the Committee on Science and Technology.

By Mr. PETERS:

H.R. 1500. A bill to amend the Internal Revenue Code of 1986 to increase and make refundable the dependent care credit; to the Committee on Ways and Means.

By Mr. PIERLUISI (for himself, Mr. SERRANO, Ms. VELÁZQUEZ, and Mr. GUTIERREZ):

H.R. 1501. A bill to amend title XVIII of the Social Security Act to increase inpatient hospital payments under the Medicare Program to Puerto Rico hospitals; to the Committee on Ways and Means.

By Mr. PIERLUISI (for himself, Mr. SERRANO, Ms. VELÁZQUEZ, and Mr. GUTIERREZ):

H.R. 1502. A bill to amend title XVIII of the Social Security Act to provide for equity in the calculation of Medicare disproportionate share hospital payments for hospitals in Puerto Rico; to the Committee on Ways and Means.

By Mr. POSEY:

H.R. 1503. A bill to amend the Federal Election Campaign Act of 1971 to require the principal campaign committee of a candidate for election to the office of President to include with the committee's statement of organization a copy of the candidate's birth certificate, together with such other documentation as may be necessary to establish that the candidate meets the qualifications for eligibility to the Office of President under the Constitution; to the Committee on House Administration.

By Mr. RANGEL:

H.R. 1504. A bill to require that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included so that respondents may indicate Dominican extraction or descent; to the Committee on Oversight and Government Reform.

By Mrs. SCHMIDT (for herself and Mr. OBERSTAR):

H.R. 1505. A bill to authorize the Secretary of Health and Human Services to provide services for birth parents who have placed a child for adoption, and for other purposes; to the Committee on Education and Labor.

By Ms. SLAUGHTER (for herself and Mr. BURTON of Indiana):

H.R. 1506. A bill to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances; to the Committee on Oversight and Government Reform.

By Mr. VAN HOLLEN (for himself, Mr. WAXMAN, Mr. TOWNS, Mr. BRALEY of Iowa, and Mr. PLATTS):

H.R. 1507. A bill to amend chapter 23 of title 5, United States Code, relating to disclosures of information protected from prohibited personnel practices, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER (for himself and Mr. NADLER of New York):

H.R. 1508. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. BACA:

H.J. Res. 40. A joint resolution to honor the achievements and contributions of Native Americans to the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. REHBERG:

H. Con. Res. 71. Concurrent resolution expressing the Sense of the Congress that the Federal Government should not create a national database tracking firearm owners or firearm purchases; to the Committee on the Judiciary.

By Mr. FORBES (for himself and Ms. BORDALLO):

H. Con. Res. 72. Concurrent resolution condemning any action of the PRC that could unnecessarily escalate tensions between our two countries, including the actions taken on March 8, 2009, relating to the USNS Impeccable and the subsequent rejection of United States protests to the incident; to the Committee on Foreign Affairs.

By Mr. LARSON of Connecticut:

H. Res. 237. A resolution Electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, Mr. SMITH of New Jersey, Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. FLAKE, Mr. INGLIS, Mr. BILIRAKIS, and Mr. WOLF):

H. Res. 238. A resolution recognizing the threat to international security and basic human dignity posed by the catastrophic decline of economic, humanitarian, and human rights conditions in the Republic of Zimbabwe; to the Committee on Foreign Affairs.

By Mr. CHILDERS (for himself, Mr. THOMPSON of Mississippi, Mr. HARPER, and Mr. TAYLOR):

H. Res. 239. A resolution honoring the 125th anniversary of Mississippi University for Women; to the Committee on Education and Labor.

By Ms. SHEA-PORTER (for herself, Mr. TOWNS, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. YARMUTH, Mr. COHEN, Ms. SCHAKOWSKY, Mr. KENNEDY, Mr. FILNER, Mr. MOORE of Kansas, Mr. LOEBBACH, Ms. BALDWIN, Ms. MOORE of Wisconsin, Mr. MCDERMOTT, Ms. HIRONO, Mrs. DAVIS of California, Mrs. DAHLKEMPER, Mr. BARROW, Mr. MITCHELL, Ms. TSONGAS, Ms. MATSUI, Mr. COURTNEY, Mr. HARE, Ms. DEGETTE, Mr. JONES, Mr. BROWN of South Carolina, Mrs. MCCARTHY of New York, Ms. SUTTON, and Mr. RODRIGUEZ):

H. Res. 240. A resolution to support the goals and ideals of Professional Social Work Month and World Social Work Day; to the Committee on Education and Labor.

By Mr. HASTINGS of Florida (for himself, Mr. PALLONE, Ms. JACKSON-LEE of Texas, Mr. OLVER, Mr. WOLF, Mr. HONDA, Ms. MOORE of Wisconsin, Ms. LEE of California, Mr. MORAN of Virginia, Mr. MCCAUL, Mr. CAPUANO, and Mr. PERRIELLO):

H. Res. 241. A resolution commending the International Criminal Court for issuing a warrant for the arrest of Omar Hassan Ahmad al-Bashir, President of the Republic of the Sudan, for war crimes and crimes against humanity, and expressing the hope that this will be a significant step in the long road towards achieving peace and stability in the Darfur region; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. FALEOMAVAEGA, Mr. MEEKS of New York, Ms. LEE of California, Mr. CLAY, Mr. MEEK of Florida, Mr. BUTTERFIELD, Mr. AL GREEN of Texas, and Ms. FUDGE):

H. Res. 242. A resolution recognizing the apology offered by the Government of Australia to the aboriginal people and its significance as a gesture of healing for this proud nation; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI:

H. Res. 243. A resolution recognizing and promoting awareness of Chiari malformation; to the Committee on Energy and Commerce.

By Mr. MITCHELL (for himself and Ms. ROS-LEHTINEN):

H. Res. 244. A resolution expressing the support of the House of Representatives for the generous charitable donations made by Americans; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. SNYDER, Mr. BURGESS, Ms. JACKSON-LEE of Texas, Mr. CARDOZA, Mrs. KIRKPATRICK of Arizona, Mr. PRICE of North Carolina, Mrs. NAPOLITANO, Mr. FLEMING, Mr. RODRIGUEZ, Mr. LANGEVIN, Mr. YARMUTH, Mr. MARIO DIAZ-BALART of Florida, Ms. JENKINS, Mr. ORTIZ, and Mr. BERMAN.

H.R. 23: Ms. CORRINE BROWN of Florida.

H.R. 24: Mr. HALL of Texas, Ms. SUTTON, Mr. HENSARLING, Mr. CASSIDY, Mr. GARRETT of New Jersey, Mr. COSTELLO, Mr. TIM MUR-

PHY of Pennsylvania, Mr. CAPUANO, Mr. WOLF, Mr. BURGESS, Mr. AKIN, Ms. FOXX, Mr. MICHAUD, Mr. MCGOVERN, Mr. ORTIZ, Mr. ROHRABACHER, Mr. MACK, Mr. TIERNEY, Mr. HARE, and Mr. LANGEVIN.

H.R. 25: Mr. WAMP, Mr. BISHOP of Utah, Mr. KLINE of Minnesota, and Mr. FLEMING.

H.R. 31: Mr. CARNAHAN, Mr. MOLLOHAN, Mr. MORAN of Kansas, Mr. WALDEN, and Mr. MEEK of Florida.

H.R. 40: Mr. WATT.

H.R. 79: Mr. DAVIS of Tennessee.

H.R. 111: Mr. SIRE, Mr. LEE of New York, Mr. ARCURI, and Mr. MASSA.

H.R. 116: Mr. SOUDER.

H.R. 144: Mr. JACKSON of Illinois.

H.R. 156: Mr. TIBERI.

H.R. 179: Ms. PINGREE of Maine and Ms. SPEIER.

H.R. 181: Mr. MICHAUD.

H.R. 186: Mr. FALEOMAVAEGA and Ms. NOTON.

H.R. 206: Mr. MARSHALL.

H.R. 208: Mr. KLINE of Minnesota.

H.R. 211: Mr. KUCINICH, Mr. DONNELLY of Indiana, Mr. CAO, Mr. KENNEDY, Ms. SPEIER, and Mr. CUMMINGS.

H.R. 235: Mr. LATTI, Mr. MCGOVERN, Ms. JENKINS, Mr. KLINE of Minnesota, Mr. TIAHRT, Ms. ROS-LEHTINEN, Mr. ELLSWORTH, Mr. CARTER, and Ms. GIFFORDS.

H.R. 272: Mr. SESTAK and Mr. JONES.

H.R. 302: Mr. LEE of New York.

H.R. 336: Mr. SIRE.

H.R. 370: Mr. SIRE.

H.R. 391: Mr. MCCLINTOCK.

H.R. 404: Mr. CARNAHAN.

H.R. 413: Mr. MCHUGH, Mr. HOLT, Mr. PALONE, Mr. DAVIS of Tennessee, Mr. BISHOP of Georgia, Ms. KAPTUR, Mr. MATHESON, Mr. HARE, Mr. COHEN, Mr. DENT, Mr. COSTELLO, Mr. RYAN of Ohio, Ms. JACKSON-LEE of Texas, Mr. SPACE, Mr. SCOTT of Georgia, Mr. LOBIONDO, Mr. PLATTS, Mr. TIM MURPHY of Pennsylvania, and Mr. CONNOLLY of Virginia.

H.R. 422: Mr. DAVIS of Illinois and Mr. REICHERT.

H.R. 424: Mr. COHEN.

H.R. 464: Mr. COLE.

H.R. 503: Mr. ARCURI and Mr. ENGEL.

H.R. 510: Mr. MICHAUD and Mr. STUPAK.

H.R. 555: Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. NADLER of New York.

H.R. 574: Ms. KAPTUR and Ms. GINNY BROWN-WAITE of Florida.

H.R. 616: Mr. MCHENRY, Mr. LOBIONDO, Mr. PETRI, Mr. CONNOLLY of Virginia, Mr. LUETKEMEYER, Mr. REHBERG, and Mr. DUNCAN.

H.R. 626: Mr. AL GREEN of Texas.

H.R. 627: Mr. ARCURI, Mr. LANGEVIN, Mr. HALL of New York, Mr. DAVIS of Illinois, and Mr. ABERCROMBIE.

H.R. 630: Mr. WESTMORELAND, Mr. POSEY, Mr. CULBERSON, Mr. CHAFFETZ, Mr. SHADEGG, Mr. OLSON, and Mr. LATTI.

H.R. 678: Mr. CASSIDY and Mr. GOODLATTE.

H.R. 684: Mr. CONNOLLY of Virginia.

H.R. 745: Mr. CRENSHAW, Mr. KING of Iowa, Mrs. CAPITO, Mrs. BIGGERT, Mrs. MILLER of Michigan, Ms. ROS-LEHTINEN, Mr. YOUNG of Florida, Mr. BOOZMAN, Mrs. EMERSON, Mr. REICHERT, Mr. SULLIVAN, Mr. GOODLATTE, Mr. OBERSTAR, and Mr. TURNER.

H.R. 753: Ms. WOOLSEY, Mr. SESTAK, Mr. MCMAHON, and Mr. HONDA.

H.R. 758: Mr. GRIFFITH.

H.R. 764: Mr. ROGERS of Kentucky.

H.R. 774: Mr. TONKO.

H.R. 816: Mrs. EMERSON, Mr. BURGESS, Mr. MINNICK, and Mr. PAUL.

H.R. 832: Mr. WAXMAN, Ms. SCHAKOWSKY, and Mr. SIRE.

H.R. 836: Mr. GRIJALVA, Mr. MACK, Mr. MICA, Mr. SHUSTER, Mr. ROHRBACHER, Mr. ROYCE, Mr. MANZULLO, Mr. BURTON of Indiana, Mr. KAGEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. AKIN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROGERS of Michigan, Mr. ABERCROMBIE, Ms. LINDA T. SÁNCHEZ of California, and Mr. ROTHMAN of New Jersey.

H.R. 847: Mr. SESTAK.

H.R. 868: Mr. MORAN of Kansas and Mr. KILDEE.

H.R. 873: Mr. ENGEL and Mr. SPACE.

H.R. 877: Mr. CRENSHAW.

H.R. 890: Mr. VAN HOLLEN, Mr. HEINRICH, Mr. WELCH, Mr. LUJAN, Mr. CASTLE, Mr. CONNOLLY of Virginia, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. DEFazio, Ms. SCHAKOWSKY, Mr. EHLERS, Mr. BERMAN, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. HODES, Mr. MCGOVERN, Mr. PALLONE, Ms. HARMAN, Mr. CARSON of Indiana, Mr. POLIS, Mr. LOEBSACK, Mrs. CHRISTENSEN, Mr. INSLEE, Mrs. CAPPS, Mr. MCNERNEY, Mr. LOBIONDO, and Mr. TONKO.

H.R. 914: Mr. PLATTS, Mr. ALEXANDER, Mr. JONES, Mr. SESSIONS, Ms. NORTON, and Mr. WHITFIELD.

H.R. 930: Mr. REYES.

H.R. 958: Mr. PASTOR of Arizona, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Ms. KAPTUR, and Mr. COURTNEY.

H.R. 963: Mr. COHEN.

H.R. 980: Mr. HARE and Ms. SLAUGHTER.

H.R. 984: Mr. HOLT.

H.R. 985: Mr. CLAY.

H.R. 988: Mr. ELLISON, Mr. PITTS, Mr. CLEAVER, Mr. YOUNG of Alaska, Mr. RAHALL, Mr. TERRY, and Mr. MORAN of Kansas.

H.R. 997: Mr. MCCARTHY of California and Ms. JENKINS.

H.R. 1016: Mr. MORAN of Kansas and Ms. PINGREE of Maine.

H.R. 1024: Mr. PASTOR of Arizona and Mr. BAIRD.

H.R. 1032: Ms. TITUS and Mr. LYNCH.

H.R. 1044: Ms. MATSUI, Mr. THOMPSON of California, and Mrs. CAPPS.

H.R. 1050: Mr. ROGERS of Kentucky, Mr. HARPER, Mr. LINDER, and Mr. MORAN of Kansas.

H.R. 1053: Mr. SARBANES.

H.R. 1059: Mr. GORDON of Tennessee.

H.R. 1067: Mr. KANJORSKI.

H.R. 1068: Ms. KAPTUR and Ms. SLAUGHTER.

H.R. 1083: Ms. JACKSON-LEE of Texas.

H.R. 1085: Mrs. NAPOLITANO, Mr. YOUNG of Florida, and Mr. PASTOR of Arizona.

H.R. 1086: Mr. CALVERT, Mr. CULBERSON, Mr. FORBES, Mr. KIRK, and Mr. HASTINGS of Washington.

H.R. 1092: Mr. NADLER of New York and Ms. SHEA-PORTER.

H.R. 1095: Mr. HARE.

H.R. 1132: Mr. SHUSTER, Mr. BRALEY of Iowa, Mr. COLE, Mr. MARSHALL, Mr. YARMUTH, Mr. LATHAM, and Mr. ROE of Tennessee.

H.R. 1136: Mr. MASSA.

H.R. 1142: Mr. RYAN of Ohio.

H.R. 1156: Mr. SESTAK.

H.R. 1158: Mr. FORTENBERRY.

H.R. 1189: Mr. BARTON of Texas.

H.R. 1191: Mr. CONNOLLY of Virginia and Mr. LARSEN of Washington.

H.R. 1203: Mr. LOEBSACK, Mr. BRADY of Pennsylvania, Mr. BARROW, Mrs. NAPOLITANO, Mr. SULLIVAN, Mr. ISRAEL, Mrs. TAUSCHER, Mr. CONYERS, Mr. FARR, Mr. YOUNG of Alaska, Mr. FORBES, Mr. PALLONE, Mr. TEAGUE, Mrs. BIGGERT, Mr. LOBIONDO, Mr. ROTHMAN of New Jersey, Mr. GORDON of Tennessee, Mr. LATOURETTE, Mr. WU, Mr. WITTMAN, Mr. HOLDEN, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. TIAHRT, Mr. MARSHALL, Mr. MOORE of Kansas, Mr. BERMAN, Ms. ROSLEHTINEN, Mr. ROGERS of Kentucky, Mr. BOSWELL, Mr. KRATOVIL, Mr. FRELINGHUYSEN, Mrs. LUMMIS, Mr. GOHMERT, Mr. SCOTT of Georgia, Ms. GIFFORDS, Mr. LEWIS of Georgia, and Mr. GOODLATTE.

H.R. 1205: Ms. CORRINE BROWN of Florida, Ms. BORDALLO, and Ms. BERKLEY.

H.R. 1209: Mr. LEWIS of California, Mr. MCKEON, and Mr. YOUNG of Alaska.

H.R. 1210: Mr. PAYNE, Mr. ABERCROMBIE, Ms. WATSON, Mr. TIERNEY, Mr. CONNOLLY of Virginia, and Mr. OBERSTAR.

H.R. 1222: Mr. PETERSON.

H.R. 1238: Mrs. SCHMIDT and Mr. SMITH of Texas.

H.R. 1240: Mr. KENNEDY and Mr. GORDON of Tennessee.

H.R. 1242: Mr. HODES.

H.R. 1245: Mr. TIBERI, Mr. MCKEON, Mr. DREIER, Mr. LEWIS of California, Mr. BILBRAY, Mr. HUNTER, Mr. NUNES, and Mr. MCCARTHY of California.

H.R. 1250: Mr. CONAWAY.

H.R. 1277: Mr. BLUNT, Mr. MARCHANT, Mr. RADANOVICH, Mr. LATTA, Ms. FOX, Mr. HERGER, Mr. SCALISE, Mr. MANZULLO, Mr. CULBERSON, Mr. GINGREY of Georgia, Mrs. SCHMIDT, Mr. MCCLINTOCK, Mr. BARTLETT, Mr. BRADY of Texas, Mr. PITTS, Mr. FLEMING, Mr. OLSON, and Mr. DANIEL E. LUNGREN of California.

H.R. 1283: Mr. BAIRD and Mr. SNYDER.

H.R. 1285: Mr. MINNICK.

H.R. 1294: Mr. CUELLAR, Mr. CHAFFETZ, Mr. SHIMKUS, Mr. STEARNS, and Mr. LAMBORN.

H.R. 1310: Mr. LARSON of Connecticut, Mr. COURTNEY, Mr. KISSELL, Mr. SCOTT of Virginia, and Mr. ARCURI.

H.R. 1313: Ms. CORRINE BROWN of Florida, Mr. KIND, and Mr. BOOZMAN.

H.R. 1317: Mr. CARNEY.

H.R. 1326: Mr. SESTAK and Mr. LARSON of Connecticut.

H.R. 1329: Ms. SCHWARTZ.

H.R. 1330: Mr. SESTAK.

H.R. 1334: Mr. CUMMINGS.

H.R. 1346: Mr. LANGEVIN and Ms. KILROY.

H.R. 1351: Mr. YARMUTH, Mr. LEWIS of Georgia, Mr. CANTOR, and Ms. SCHWARTZ.

H.R. 1362: Mr. BOUCHER, Mr. MORAN of Virginia, Ms. BORDALLO, Ms. HIRONO, Mr.

MCGOVERN, Mr. FARR, Mr. DEFazio, and Mr. SIRE.

H.R. 1385: Mr. ABERCROMBIE.

H.R. 1388: Ms. CLARKE, Ms. SHEA-PORTER, Mr. ALTMIRE, Mr. KLEIN of Florida, Mr. PAYNE, Mr. HOLT, Mrs. MALONEY, Ms. WOOLSEY, Mr. KUCINICH, Mr. FATTAH, Mr. VAN HOLLEN, Mr. WELCH, and Mr. RANGEL.

H.R. 1389: Mrs. MALONEY and Mrs. LOWEY.

H.R. 1401: Mr. GRIJALVA.

H.R. 1410: Mr. FARR and Mr. SIRE.

H.R. 1412: Mr. AL GREEN of Texas and Mr. CLAY.

H.R. 1416: Mr. ADLER of New Jersey.

H.R. 1437: Mr. RODRIGUEZ and Mr. CONAWAY.

H.R. 1440: Mr. MICA.

H.R. 1441: Mr. YARMUTH.

H.J. Res. 1: Mr. AUSTRIA and Mr. MICA.

H.J. Res. 26: Mr. DUNCAN.

H. Con. Res. 34: Mr. HERGER.

H. Con. Res. 36: Mr. INGLIS.

H. Con. Res. 55: Mr. ORTIZ, Mr. MICHAUD,

Mr. SAM JOHNSON of Texas, Mr. DUNCAN, Mr. FRANKS of Arizona, Mrs. SCHMIDT, Mr. FLEMING, Mr. MCHENRY, Mr. LATTA, Mr. SMITH of Texas, Mr. AKIN, Mrs. LUMMIS, Mr. POSEY, Mr. THOMPSON of Pennsylvania, Mr. BROUN of Georgia, Ms. LINDA T. SÁNCHEZ of California, Mr. CANTOR, Ms. TITUS, and Mr. CLEAVER.

H. Con. Res. 60: Mr. CARTER, Mr. MARCHANT, Mr. SMITH of Texas, Mr. BARTON of Texas, Mr. SESSIONS, Mr. BURGESS, Mr. CULBERSON, Mr. GOHMERT, Mr. HALL of Texas, Mr. MCCAUL, Mr. BRADY of Texas, Mr. CONAWAY, and Mr. NEUGEBAUER.

H. Res. 69: Ms. ROYBAL-ALLARD.

H. Res. 109: Mr. MCGOVERN.

H. Res. 130: Mr. BRALEY of Iowa, Ms. KAPTUR, Ms. ZOE LOFGREN of California, and Mr. STUPAK.

H. Res. 156: Mr. INGLIS.

H. Res. 164: Ms. HARMAN.

H. Res. 175: Mr. SCHOCK, Mr. BILBRAY, Mr. INGLIS, Mrs. TAUSCHER, and Mr. DAVIS of Illinois.

H. Res. 200: Mr. INGLIS.

H. Res. 204: Mr. LAMBORN, Mr. SPACE, Mr. SMITH of New Jersey, Ms. KILROY, and Mr. KENNEDY.

H. Res. 208: Mr. KING of New York and Mr. BARRETT of South Carolina.

H. Res. 209: Mr. WILSON of South Carolina.

H. Res. 211: Ms. TITUS and Mr. SERRANO.

H. Res. 217: Mr. CHANDLER, Mr. BARROW, Mr. GRIJALVA, Mr. HINOJOSA, and Ms. KAPTUR.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 31: Mr. MANZULLO.

EXTENSIONS OF REMARKS

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2009 VALOR AWARD RECIPIENTS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today, joined by my colleagues Rep. FRANK WOLF and Rep. JAMES MORAN, to recognize an outstanding group of men and women in Northern Virginia. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Fairfax County Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exemplified by our public safety agencies and their commitment to the community. Our public safety and law enforcement personnel put their lives on the line everyday to keep our families and neighborhoods safe. More than 80 awards were presented at this year's ceremony in a variety of categories: The Lifesaving Award, the Certificate of Valor, or the Bronze, Silver, or Gold Medal of Valor.

Seventy members of the Fairfax County Police Department earned this high honor. It is with great pride that we submit their names into the CONGRESSIONAL RECORD:

Recipients of the Lifesaving Award are: Officer Michael W. Greene, Officer Shay V. Nelson, Officer Jonathon W. Ward, Public Safety Communicator II Erin R. Tracy, Police Officer First Class Quang D. Bui, Police Officer First Class Anthony L. Capizzi, Police Officer First Class Christopher L. Coleman, Police Officer First Class Olan J. Faulk IV, Police Officer First Class Stephen P. Foley, Police Officer First Class Matthew E. Griffin, Police Officer First Class Christopher B. Hutchison, Police Officer First Class Jonathon D. Lowery, Police Officer First Class Brett L. Manthe, Police Officer First Class Eric T. Nelson, Master Police Officer Joseph M. Flynn, and Sergeant Todd S. Erlandson.

Recipients of the Certificate of Valor are: Officer Scott P. Bzdak, Officer Amanda K. Leugers, Officer Thomas J. Murphy, Officer Kathleen E. O'Leary, Officer Matthew W. Stanfield, Officer Ruben Velez Jr., Police Officer First Class Bradley W. Capan, Police Officer First Class Richard J. Curro, Police Officer First Class George W. Davenport Jr., Police Officer First Class Theodore M. Dragan, Police Officer First Class David J. Giaccio, Police Officer First Class Matthew A. Guzzetta, Police Officer First Class Jeremy T. Hoffman, Police Officer First Class Jonathan R. Luety, Police Officer First Class Dana L. Robinson, Police Officer First Class Bart S. Rogers, Police Officer First Class Joseph N. Wallace, Police Officer First Class Leanna D. Wilson, Detective Donald R. Bateman, Detective Sean J.

Cheetham, Master Police Officer John D. Brocco, Master Police Officer Timothy E. Catir, Sergeant Robert A. Blakley Jr., Sergeant Anthony C. Lampe, 2nd Lieutenant James S. Bradshaw, 2nd Lieutenant John H. Brennan, 2nd Lieutenant Edgar A. Ipina, and 2nd Lieutenant Boyd F. Thompson Jr.

Recipients of the Bronze Medal of Valor are: Officer Todd B. Sweeney, Officer Joseph W. Woloszyn II, Police Officer First Class Matthew J. Bell, Police Officer First Class Brian C. Bowers, Police Officer First Class Timothy W. Brown, Police Officer First Class William L. Coulter IV, Police Officer First Class Thomas J. Gadell Jr., Police Officer First Class Reanna M. Jacobson, Police Officer First Class Jey P. Phillips, Police Officer First Class David M. Popik, Police Officer First Class Charles A. Reinhard, Police Officer First Class Kathryn M. Schroth, Detective John A. DiGiulian, Detective Chad E. Mahoney, Detective Jeffrey C. Reiff, Detective Michael D. Riccio, and 2nd Lieutenant Kevin D. Barrington

Recipients of the Silver Medal of Valor are: Officer Donald W. Amos Jr., Police Officer First Class Eugene D. Bork, Police Officer First Class Brian J. Byerson, Police Officer First Class Kevin S. Mason, Police Officer First Class Jose R. Morillo, Police Officer First Class Shayna V. Nickolas, Police Officer First Class Katherine S. Wright, Sergeant Shawn C. Martin, and 2nd Lieutenant Dwayne F. Machosky.

Madam Speaker, in closing, we would like to take this opportunity to thank all of the men and women who serve in the Fairfax County Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. We ask our colleagues to join us in applauding this group of remarkable citizens.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of HR 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: St. Francis Medical Center

Address of Requesting Entity: 601 Hamilton Avenue, Trenton, New Jersey 08629

Description of Request: I have secured \$238,000 for St. Francis Medical Center to complete needed expansion and renovation of its Emergency Department and outpatient services in order to improve health care services for the uninsured and underinsured residents of Trenton, New Jersey. Requested project funds will cover the cost of renovations and furnishings to upgrade and streamline the ED and clinics. The upgraded Emergency Department will improve security, privacy, and efficiency for patients and their families. Further, the flow of services between the Emergency Department and the specialty and walk-in clinics will be greatly improved to better meet the needs of vulnerable patient population. St. Francis Medical Center will invest \$250,000 over the next two years to cover additional operational costs and will seek funding for the additional costs of the project through operations, philanthropy, and other sources.

CONGRATULATIONS TO THE UNIVERSITY AT BUFFALO FOR AN EXTRAORDINARY SEASON

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. HIGGINS. Madam Speaker, I rise today to congratulate the University at Buffalo Bulls on their tremendous 2008 season. For the first time in their history, the Buffalo Bulls secured the Mid-American Conference Championship and competed in a championship bowl. It was fifty years ago that the Bulls last earned a Bowl appearance, when the 1958 team valiantly passed on their chance at the Tangerine Bowl in Orlando, FL to protest of the segregation laws then in effect.

Although the Buffalo Bulls were narrowly defeated in the third annual International Bowl in Toronto, Ontario, they inspired over twenty five thousand Buffalo fans to drive the ninety miles north to cheer on their team.

On behalf of the people of the 27th district, I would like to express our pride and thanks for the hard work and the perseverance of these players and their coaches. We look forward to many more championship challenges in the years to come.

TRIBUTE TO DENNIS WILCOX

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize Dennis Wilcox, Publisher of the Madrid Register News, on being named 2009 Master Editor and Publisher by the Iowa Newspaper Association.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Iowa Newspaper Association nominates publishers and editors for the award, and winners are selected by previous Master Editor-Publisher winners. Dennis was selected on the criteria of working hard, thinking soundly, being influenced unselfishly, and living honorably.

I know that my colleagues in the United States Congress join me in congratulating Dennis Wilcox on his accomplishments. It is an honor to represent Dennis in Congress, and I wish him the best in his future.

**HONORING ALISA FERGUSON FOR
HER DEDICATED SERVICE**

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor Alisa Ferguson for her dedicated service over the last six years as she has worked in my personal office and on the staff of the Science and Technology Committee. Friday will be her last day working in the House, and she will certainly be missed as she leaves the Hill to pursue a new endeavor.

Alisa began her career on Capitol Hill seven years ago as a legislative assistant to Rep. Brian Baird, where she developed an affinity for energy policy. In 2003, she began working in my personal office and quickly proved herself to be a valuable addition. She was adept at handling a myriad of issues, including appropriations and my Energy and Commerce Committee work, and addressing the concerns and needs of my constituents in Middle Tennessee.

When I became chairman of the Science and Technology Committee in 2007, I asked Alisa to join the committee staff as legislative director. She has risen to and triumphed over every challenge, and she has won the respect of her colleagues for her skill in running the committee's legislative operation. Two of the committee's finest legislative achievements, the Energy Independence and Security Act of 2007 and the America COMPETES Act, are due in no small measure to Alisa's command of the issues, knowledge of the legislative process and ability to get things done.

Alisa has been invaluable to me, the committee, the state of Tennessee and our nation. She is the very definition of a "go-to" person, and I'm fairly certain her blood now bears a tinge of MTSU Raider Blue as a result of her hard work over the years.

While I am sad to see her go, I will always be grateful for her advice and counsel over the years. Alisa, I wish you all the best.

TRAVIS REA MYERS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. GRAVES. Madam Speaker, it is with great pride and pleasure that I rise today to

recognize Travis Rea Myers on the occasion of his approaching graduation from the United States Naval Academy on May 22nd, 2009.

Travis is the son of Rea and Myrna Myers and is a graduate of Blue Springs High School in Blue Springs, Missouri. In 2005, I was proud to nominate Travis to the Naval Academy. It was evident that Travis was among the best and brightest of his class, and that he was going to be successful in life, no matter which path he chose. He will graduate in May with a Bachelor of Science Degree in Aerospace Engineering. Following in the footsteps of his father Rea, Travis will be a second generation graduate from the Naval Academy.

Travis has earned the gratitude and respect of his community of Blue Springs, Missouri. The Blue Springs Rotary Club even honored Travis by presenting him with his Officers Sabre at a meeting in his honor. His dedication and hard work should serve as an example to the rest of us on how we can better serve each other and our great nation.

Madam Speaker, I ask my colleagues to join with me in commending Travis Myers for his dedication to his community and his country. I know Travis' family and friends join with me in congratulating him on his graduation and wishing him best of luck on all of his future endeavors.

**RECOGNIZING THE MEN AND
WOMEN OF THE ARMED SERVICES
AND THEIR FAMILIES**

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. SESSIONS. Madam Speaker, I rise today to recognize and commend the honorable service and devotion to duty of our men and women of the United States Armed Services. These men and women in uniform have put themselves in harms way—many having given the ultimate sacrifice—in defense of freedom and liberty at home and abroad. I would like to take this opportunity to extend my utmost thanks and appreciation to their selfless service and to wish them all the best in the years to come.

As part of this recognition, I would like to thank the military spouses who spend weeks and months without their significant others, often having to raise families on their own. My appreciation also goes out to the parents, family members and communities who provide support for the soldier and their family during these trying times. I would also like to extend my condolences and appreciation to the American Gold Star Mothers who have lost a son or daughter while serving our great country. These women are too counted as heroes for our country.

In addition to our active duty soldiers, I would like to thank our veterans, Reservists and Military Academy personnel. These individuals are the past, present and future of what protects American values each day. May all those who are involved with the Armed Services know the support of a grateful nation.

THANKS TO DOREEN WELSH, A
SELFLESS HERO OF U.S. AIR-
WAYS FLIGHT 1549

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. ALTMIRE. Madam Speaker, I would like to salute Doreen Welsh of Ambridge, Pennsylvania for her heroic and selfless action on U.S. Airways Flight 1549, now known as the "Miracle on the Hudson." Doreen Welsh served as a flight attendant on Flight 1549, which made a successful emergency landing on the Hudson River on January 15, 2009, and helped to safely evacuate the flight's passengers.

The heroic deeds and masterful skills of Flight 1549's crew is something our nation will never forget.

Despite being injured during the landing, Doreen Welsh helped to evacuate passengers and ensure that no lives were lost that day. All western Pennsylvanians should be proud that one of our own played such a crucial role in saving the lives of 150 passengers and making this a truly miraculous landing.

I want to salute Doreen Welsh for her admirable service and thank her for sacrificing her own comfort for the safety of the passengers in her care and inspiring Americans everywhere in the process.

EARMARK DECLARATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. GERLACH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, Consolidated Appropriations for Fiscal Year 2009.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT—FTA PRIORITY CONSIDERATION PROJECTS

\$6 million for the Ardmore Transportation Center—Southeastern Pennsylvania Transportation Authority—123 Market Street, Philadelphia, Pennsylvania. "Notwithstanding any other provision of law, the funding made available for the Ardmore Transportation Center through the U.S. Department of Transportation Appropriations Acts for Federal Fiscal Year 2005 shall remain available for that project during fiscal year 2009."

\$1 million for the Coatesville Train Station—City of Coatesville—One City Hall Place, Coatesville, Pennsylvania. "Notwithstanding any other provision of law, the funding made available for the Coatesville Train Station through the U.S. Department of Transportation Appropriations Acts for Federal Fiscal Year 2006 shall remain available for that project during fiscal year 2009."

TRIBUTE TO SANDRA BROCKMAN

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor a community leader, Sandra Brockman, on her retirement after 27 years of service to the people of Kern County, California, most recently as Chief Deputy Registrar of Voters.

Sandy Brockman began her career with Kern County on February 8, 1982 as a Deputy Court Clerk with the West Kern Municipal Court. In June 1984, she was promoted to Secretary, and five months later transferred to the County Clerk Election Division, where she has worked for over 25 years in the elections field. Ms. Brockman's position was reclassified to Senior Secretary in 1987, and by taking specialized classes relating to the conduct and history of elections over a two year period, she earned a National Certification as a Certified Elections Registration Administrator. In 1998, she was promoted to Election Process Supervisor and became interim Election Division Chief in 2000, accepting the position as a permanent appointment six months later. Ms. Brockman continued her education by attending classes designed specifically for California election law and became a Certified California Professional Elections Administrator in 2005. She has worked and supervised nearly every section in elections and capped her career off as Chief Deputy Registrar of Voters.

Under her leadership, the Election Division, which conducts all federal, state and local elections in Kern County and maintains voter registration and precinct boundaries, implemented both voter registration and voting systems. She was the right person at the right time for the job; during the past seven years, the Elections Division has experienced more material changes in election law than in the previous 18 years of Ms. Brockman's career.

Ms. Brockman has worked long hours to ensure that the election process has integrity and transparency. Her accessibility and commitment to helping anyone needing information, assistance or direction personifies how dedicated she was as a public servant. Ms. Brockman's institutional knowledge, personality and dedication to the citizens of Kern County will be sorely missed. I thank Sandy for her service to Kern County and wish her the very best in her future endeavors.

NATIONAL MS AWARENESS WEEK

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mrs. KILROY. Madam Speaker, I rise today during National MS Awareness Week to bring attention to a disease that affects an estimated 400,000 people living in the United States. Multiple sclerosis is a chronic disease of the central nervous system that is unpredictable, the symptoms of which vary from

person to person. Because MS affects individuals so differently, it is difficult to make generalizations about disability; however, MS is often characterized by tingling, numbness, painful sensations, muscle tightness or paralysis. Statistics suggest that two out of three people with MS remain able to walk over their lifetime, though many require a cane or other assistive device. MS is not always easy to diagnose because symptoms come and go but it is estimated every week, 200 people in the United States are diagnosed with MS.

I was diagnosed with MS in 2003; I have an intimate understanding about how important it is to find a cure for the disease. Research has developed "disease-modifying" drugs that help lessen the frequency and severity of MS attacks, reduce the accumulation of lesions in the brain and may slow the progression of disability, but we can do more.

Health insurance reform is a necessity in this country. Because insurance companies "tier" medications as a way to cut costs, people diagnosed with MS often find their necessary medications financially out of reach. Decisions about which medications patients should take must be made by doctors, not corporations.

The National MS Society has been a tireless advocate for health care reform and research on behalf of persons living with MS. I would like to take a moment to recognize all the work the National MS Society has put into combating this disease. Through extensive research, providing comprehensive services to people with MS and through their advocacy, they have made great strides in raising MS awareness. I congratulate them on their hard work.

Madam Speaker, I know first-hand how important it is to fund medical research to find cures for chronic diseases. As individuals and as a government, we need to come together and provide the resources necessary to create a world free of MS. I encourage all of my colleagues to join me in fighting for a cure for MS and other diseases, so that all Americans can live fully active, healthy lives.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. BISHOP of Utah. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for requests I made which are included in the text and/or report to accompany H.R. 1105, the Omnibus Appropriations Act of 2009. I certify that neither I, nor my spouse, have any financial interest in these requests, and certify that, to the best of my knowledge, these requests: (1) are not directed to an entity or program named or that will be named after a sitting Member of Congress; (2) are not intended for a "front" or "pass-through" entity; and (3) meet or exceed statutory requirements for matching funds (where applicable).

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: COPS, Department of Justice

Name of requesting entity: Kaysville City, Utah

Address of requesting entity: 23 East Center, Kaysville, Utah 84037

Description of request: \$300,000 for law enforcement communications and operations technology

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: OJP—Byrne Discretionary Grants

Name of requesting entity: Clearfield City

Address of requesting entity: 55 South State Street, Clearfield, Utah 84015

Description of request: \$200,000 for technology to combat gang activity

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Bureau of Reclamation, Water and Related Resources

Name of requesting entity: Park City

Address of requesting entity: PO Box 1480, Park City, Utah 84060

Description of request: \$200,000 for water feasibility study

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Department of Energy, Energy Efficiency and Renewable Energy—Solar Energy

Name of requesting entity: Salt Lake County, Utah—

Address of requesting entity: 2001 South State Street, Salt Lake City, Utah 84190

Description of request: \$618,475 for the Energy Efficient Buildings Project

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Small Business Administration

Name of requesting entity: World Trade Center Utah

Address of requesting entity: 175 East 400 South, suite 609, Salt Lake City, Utah 84111

Description of request: \$385,000 for the World Trade Center Utah to connect the Utah and Intermountain business community to the people, companies, data, and government agencies which make up the fabric of global commerce, through training classes and cross cultural seminars, identification of new market opportunities, creating access to trade missions, and facilitating export financing, controls, and distribution.

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Economic Development Initiatives

Name of requesting entity: Clearfield City, UT

Address of requesting entity: 55 South State Street, Clearfield, Utah 84015

Description of request: \$380,000 for the purchase of blighted lands for use in the development of a private/public project known as West Phase I, a downtown redevelopment project within the city.

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: National Park Service Statutory or Contractual Aid

Name of requesting entity: Ogden City, Utah

Address of requesting entity: 2549 Washington Blvd, Ogden, Utah 84401

Description of request: \$300,000 to implement the Crossroads of the West Historic District.

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Environmental Protection Agency STAG Water and Wastewater Infrastructure Project

Name of requesting entity: Washington Terrace, UT

Address of requesting entity: 5249 South Pointe Drive, Washington Terrace, Utah 84405

Description of request: \$1,240,000 for water and sewer infrastructure replacement project

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Fund for the Improvement of Education

Name of requesting entity: Open Content Foundation at Utah State University

Address of requesting entity: 1750 North Research parkway, North Logan, UT 84341

Description of request: \$190,000 for curriculum development and textbook materials for Utah's ninth grade core curriculum.

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Fund for the Improvement of Education

Name of requesting entity: Weber State University

Address of requesting entity: 3850 University Circle, Ogden, Utah 84408

Description of request: \$143,000 for a teacher training initiative to prepare teaching assistants to become teachers.

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Health Resources and Services Administration

Name of requesting entity: Intermountain Healthcare

Address of requesting entity: 36 South State Street Floor 22, Salt Lake City, Utah 84111

Description of request: \$476,000 for the Patient Safety Initiative, including purchase and implementation of electronic medical records and equipment

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: FTA Bus and Bus Facilities account

Name of requesting entity: Cache Valley Transit District

Address of requesting entity: 754 West 600 North, Logan, Utah 84321

Description of request: \$475,000 to construct a new multi-use facility for the transit district

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: FTA Bus and Bus Facilities account

Name of requesting entity: Cache Valley Transit District

Address of requesting entity: 754 West 600 North, Logan, Utah 84321

Description of request: \$475,000 for Cache Valley Transit District Hybrid Bus Fleet Expansion

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: FTA New Starts/Fixed Guideway account

Name of requesting entity: Utah Transit Authority

Address of requesting entity: 669 West 200 South, Salt Lake City, Utah 84130

Description of request: \$81,600,000 for a 44 mile commuter rail project linking Weber County to Salt Lake City

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Federal Highway Administration—Federal Lands account

Name of requesting entity: Brigham City, Utah

Address of requesting entity: 20 North Main Street, Brigham City, Utah 84302

Description of request: \$285,000 to complete construction on the Bear River Access Road to the Bear River Migratory Bird Refuge.

TRIBUTE TO JESSE PURVIS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize Jesse Purvis, a high school student and Boy Scout, from Woodward, Iowa.

Jesse, who remembers the tornado that stormed through his town in November 2005, distributed emergency kits throughout Woodward this February. The emergency kits contain information provided by the Red Cross, Dallas County Emergency Management, Iowa One Call, and Iowa Homeland Security including directions on what to do in case of an emergency or disaster, and colored ribbons to be used on homes to help first responders during emergencies.

Jesse's concern and sacrifices for his community serve as wonderful examples of the compassionate nature of Iowans. I know that my colleagues in the United States Congress join me in thanking Jesse Purvis for his philanthropy and setting an example as a young leader. I consider it an honor to represent Jesse in Congress, and I wish him the best in his future.

INTRODUCING THE CHILD HEALTH CARE AFFORDABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PAUL. Madam Speaker, I am pleased to help working Americans provide for their children's health care needs by introducing the Child Health Care Affordability Act. The Child Health Care Affordability Act provides parents with a tax credit of up to \$500 for health care

expenses of dependent children. Parents caring for a child with a disability, terminal disease, cancer, or any other health condition requiring specialized care would receive a tax credit of up to \$3,000 to help cover their child's health care expenses.

The tax credit would be available to all citizens, regardless of whether or not they itemize their deductions. The credit applies against both income and payroll tax liability. The tax credits provided in this bill will be especially helpful to those Americans whose employers cannot afford to provide health insurance for their employees. These workers must struggle to meet the medical bills of themselves and their families. This burden is especially heavy on parents whose children have a medical condition, such as cancer or a physical disability, that requires long-term or specialized health care.

As an OB-GYN who has had the privilege of delivering more than four thousand babies, I know how important it is that parents have the resources to provide adequate health care for their children. The inability of many working Americans to provide health care for their children is rooted in one of the great inequities of the tax code—Congress's failure to allow individuals the same ability to deduct health care costs that it grants to businesses. As a direct result of Congress's refusal to provide individuals with health care related tax credits, parents whose employers do not provide health insurance have to struggle to provide health care for their children. Many of these parents work in low-income jobs; oftentimes, their only recourse for health care is the local emergency room.

Sometimes parents are forced to delay seeking care for their children until minor health concerns that could have been easily treated become serious problems requiring expensive treatment. If these parents had access to the type of tax credits provided in the Child Health Care Affordability Act, they would be better able to provide care for their children, and our nation's already overcrowded emergency rooms would be relieved of the burden of having to provide routine care for people who otherwise cannot afford it.

According to research on the effects of this bill done by my staff and legislative counsel, the benefit of these tax credits would begin to be felt by joint filers with incomes slightly above \$18,000 dollars per year, or single income filers with incomes slightly above \$15,000 dollars per year. Clearly, this bill will be of the most benefit to low-income Americans balancing the demands of taxation with the needs of their children.

Under the Child Health Care Affordability Act, a struggling single mother with an asthmatic child would at last be able to provide for her child's needs, while a working-class family will not have to worry about how they will pay the bills if one of their children requires lengthy hospitalization or some other form of specialized care.

Madam Speaker, this Congress has a moral responsibility to provide tax relief so that low-income parents struggling to care for a sick child can better meet their child's medical expenses. Some may say that we cannot enact the Child Health Care Affordability Act because it would cause the government to lose

revenue. But, who is more deserving of this money, Congress or the working parents of a sick child?

The Child Health Care Affordability Act takes a major step toward helping working Americans meet their health care needs by providing them with generous health care related tax cuts and tax credits. I urge my colleagues to support the pro-family, pro-health care tax cuts contained in the Child Health Care Affordability Act.

CONGRATULATING THE SANTA
ROSA WARRIORS

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. HINOJOSA. Madam Speaker, I rise today to congratulate the mighty Santa Rosa Warriors (30–6), who last Saturday represented the City of Santa Rosa and the entire Rio Grande Valley of South Texas in winning the Class 2A 2009 Region IV–2A championship game against Randolph, Texas. The Warriors won in dramatic fashion in overtime and will now take on Ponder, Texas in the state semifinals.

The Rio Grande Valley is a Texas region with a long tradition of great high school sports successes, with state titles in football and soccer. In reaching the final four, the Warriors are now at the brink of adding a basketball state title to our impressive history of victories.

When any high school team approaches the pinnacle of high school sports—state championship glory—the entire region comes together to cheer on that team. That is the case as the Warriors advance forward one win at a time. On March 13, at the Frank Erwin Center in Austin all of Santa Rosa, all of Cameron County, all of the Rio Grande Valley, and all of South Texas will be rallying for the Warriors. All Valley high schools are united as Santa Rosa takes the court to face their next formidable opponent.

The Warriors have reminded all of us that with outstanding players, solid coaches, hard work, disciplined training, committed parents, and a supportive school, more state titles are in our future. Thank you, Warriors, for representing your school and the Rio Grande Valley so admirably for all the State of Texas to see.

As their Congressman, I am so proud of the Santa Rosa High School Warriors for their outstanding wins on the basketball court and for playing their heart out throughout the season in their fight for a state crown. Please join me in applauding the coaches and each and every one of the Warriors: Coach Johnny Cipriano; Assistant Coaches Omar Guerra and Juan Esparza; Dario Mendoza, Junior; Ruben Lopez, Sophomore; Jacob Garcia, Senior; Jesus Mosqueda, Sophomore; Chris Diaz, Sophomore; Danny Theys, Junior; Rick Cavazos, Junior; Aaron Ramirez, Freshman; Ivan Martinez, Senior; Mark Cordero, Sophomore; Nacho Serrato, Sophomore.

Again, congratulations to the Warriors and their families, Santa Rosa High School, the

City of Santa Rosa, and the Rio Grande Valley.

EARL CAMPBELL

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. POE of Texas. Madam Speaker, Earl Campbell is known throughout the nation as one of the best running backs to ever play the game of football. He was an outstanding athlete and will be remembered as one of Texas's best. Born in Tyler, TX he grew up to become a star at The University of Texas. His presence on the field dwarfed most opponents and he rose to the occasion many times and became a standout. Recently, he was inducted into the voted into the UT Hall of Fame and was also voted the top UT football player of all time.

From 1974–77, Earl Campbell compiled 4,443 yards and forty touchdowns. In college, his games usually ended with his rushing total above 100 yards. In fact, he rushed for over 100 yards twenty-one times, and twice he rushed for over 200 yards in a single game. He finished his career with the Longhorns as a two-time All-American and winner of the 1977 Heisman Trophy.

Campbell is known as the “Tyler Rose” in reference to his hometown of Tyler, Texas which is known as the “Rose Capital of America” for its rose-growing industry. His legacy in Texas lived on after college because he was the first player drafted in the 1978 NFL Draft by the Houston Oilers.

As an Oiler, he became the Offensive Rookie of the Year and Most Valuable Player in his rookie season. The induction of Earl Campbell into the UT Hall of Fame is a testament to the hard work that he put in as a student athlete. We will forever remember “Tyler Rose” and what he did for the sport of football in the great state of Texas.

FINANCIAL CONSUMER HOTLINE
ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mrs. MALONEY. Madam Speaker, with the regulatory structure of our nation's banks divided among a series of governing bodies, it can be difficult for consumers to identify and contact the appropriate regulator when they have an inquiry or complaint. In an effort to address this situation, I will be introducing the Financial Consumer Hotline Act. This legislation would establish a single, toll-free telephone number consumers can call if they have a question or complaint and want to speak to the bank's regulator. This legislation also would establish a corresponding informational website.

This legislation directs the Federal Financial Institutions Examination Council (FFIEC), a statutory interagency body empowered to pre-

scribe uniform principles and standards for financial institutions, to set up the toll-free number and website. The Federal Reserve, the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS) are all members of FFIEC. This legislation also directs FFIEC to work with state banking regulators to integrate state regulated banks into the hotline service.

RECOGNIZING DR. JEAN MALECKI
ON HER SERVICE TO PALM
BEACH COUNTY

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor a leader in our community. On August 1 Florida will lose a wonderful public servant, as Dr. Jean Malecki is leaving the Palm Beach County Department of Health. Dr. Malecki has been with the Department of Health since 1989, serving as its Director for the last 17 years.

Born and raised in South Florida, Dr. Malecki has dedicated herself to making Palm Beach County the healthiest community in the nation. She created the Healthy Start program in which nurses make in-home visits throughout a woman's pregnancy to provide counseling to expectant mothers. She expanded the number of primary clinics, where they now treat 67,000 patients annually.

Her leadership was most visible shortly after the attacks of September 11, 2001, when she led the Palm Beach County Department of Health through the first biological terror attack in the country. Under her direction the County diagnosed the first anthrax cases and quickly mobilized a team to help investigate the attacks.

I have personally watched and learned from Dr. Jean Malecki's extraordinary service to the people of Palm Beach County. We will miss her, but wish her the best in her new life and career.

Thank you for allowing me the time to speak about this admirable leader in my community, Madam Speaker.

HONORING THE ACHIEVEMENTS OF
WINTER HAVEN HOSPITAL

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PUTNAM. Madam Speaker, the state of health care in our country can be well measured by the quality of service provided by our nation's hospitals. I applaud Winter Haven Hospital as it celebrated its designation as a nursing Magnet hospital on Tuesday, February 24, 2009.

The Magnet distinction is a great accomplishment for Winter Haven Hospital, the first institution in Polk County to achieve this

honor. The American Nurses Credentialing Center established the Magnet Recognition Program to recognize excellence in patient care and nursing practice in healthcare organizations across the country.

Recognition as a Magnet organization requires that an institution meet a series of quality indicators and standards in nursing practice. Only about 5 percent of our nation's hospitals have attained this honor, which is a true testament to Winter Haven Hospital's commitment to quality healthcare.

Since its establishment in 1928, Winter Haven Hospital has proven itself time and again as a strong local hospital with a reputation of quality specialty care and exceptional patient relations. In 2003, Winter Haven Hospital received the Best Places to Work Award by Polk Works Workforce 2020. The hospital has also received high marks for its Stroke Center, including the Gold Get-With-The-Goals Stroke Award received in 2008. Winter Haven Hospital has also earned The Joint Commission's Gold Seal of Approval, and consistently extends a great deal of resources to community support, including babysitting classes for young teenagers and cancer support groups.

Under the leadership of President Lance Anastasio, I am confident that Winter Haven Hospital will continue to be a leader in providing high quality healthcare to the citizens of Central Florida and continue to grow as a center of medical excellence.

A TRIBUTE TO CORPORAL DONTÉ
JAMAL WHITWORTH

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. BURTON of Indiana. Madam Speaker, I rise today to salute the life of Corporal Donte Jamal Whitworth of Noblesville, Indiana who died on Saturday, February 28th, 2009 while serving our country near Al Taquddum Air Base, about 50 miles west of Baghdad.

Donte graduated from Noblesville High School in 2005 and promptly joined the United States Marine Corps where he served for the last 4 years. Most recently he deployed to Iraq as part of Operation Iraqi Freedom where he was responsible for commanding supply convoys. Donte's commitment for this country is something we can all be proud of.

A marine and a soldier, he served to promote freedom. He gave his life in defense of his family, community, State and Nation. He made our world safer. He made his family and every American proud. For this, each and every American owes him and his family a great debt of gratitude.

Madam Speaker, Corporal Donte Jamal Whitworth is a true American hero who made the ultimate sacrifice for his country. He will be deeply missed, but the strength of his character and the courage he demonstrated through his service will live on. I ask my colleagues to keep his family and friends in their thoughts and prayers during this very difficult time.

EARMARK DECLARATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. JOHNSON of Illinois. Madam Speaker, I submit the following:

(1) Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Labor-HHS-Education Appropriations bill included in H.R. 1105

Account: Higher Education

Legal Name of Requesting Entity: Eastern Illinois University

Address of Requesting Entity: 600 Lincoln Avenue, Charleston, IL 61920

Description of Request: \$190,000 for the Eastern Illinois University for the purchase of a new campus-wide siren and emergency system upgrade to extend the communication from the county emergency management officials into the classrooms and other interior public campus space. The proposed system will have emergency notification from both the classroom to the emergency responders and also from the emergency responders into the classrooms. The systems will be designed to crosstalk between the campus distributed fire alarm systems, computer network, and wireless speakers. This system will be expanded to provide more effective and efficient notification to the campus and public. Of this funding, \$90,400 will be used for 226 interior speakers at public locations around the campus, \$33,500 will be used to install the wireless computer center, \$6,700 will retrofit existing alarms and interface with radio connections, \$21,200 will be spent to purchase and install panic buttons and their mobile receivers across campus, and \$38,200 is set aside for Higher Education (FIPSE) administrative costs.

(2) Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Transportation-HUD Appropriations bill included in H.R. 1105

Account: Economic Development Initiatives

Legal Name of Requesting Entity: Octave Chanute Aerospace Heritage Foundation-Chanute Air Museum

Address of Requesting Entity: 1011 Pace-setter Drive, Rantoul, IL 61866

Description of Request: \$118,750 for the construction of a new building for historic aircraft display. Of this amount, \$70,000 will be used for property acquisition, \$8,000 will be allocated for a site survey, \$13,000 will be used to conduct a feasibility study by an architectural firm, and \$27,750 will be used for the installation of public facilities on site.

(3) Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Labor-HHS-Education Appropriations bill included in H.R. 1105

Account: Innovation and Improvement

Legal Name of Requesting Entity: National Writing Project

Address of Requesting Entity: 2105 Bancroft Way #1042, Berkeley, California 94720

Description of Request: \$24,291,000 for the National Writing Project to fund programs in

teacher development, quality writing, and research to help improve student performance in writing across the nation.

(4) Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Labor-HHS-Education Appropriations bill included in H.R. 1105

Account: Innovation and Improvement

Legal Name of Requesting Entity: Reading is Fundamental

Address of Requesting Entity: 1825 Connecticut Avenue, NW., Washington, DC 20009

Description of Request: \$24,803,000 for the Reading is Fundamental program which prepares children to read by delivering free books and literacy resources to children in-need across the country.

(5) Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Labor-HHS-Education Appropriations bill included in H.R. 1105

Account: Innovation and Improvement

Legal Name of Requesting Entity: Center for Civic Education

Address of Requesting Entity: 5145 Douglas Fir Road, Calabasas, California 91302

Description of Request: \$25,095,000 for the Center for Civic Education to be used to support programs that educate American students about our nation's fundamental ideals and democratic values.

(6) Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Labor-HHS-Education Appropriations bill included in H.R. 1105

Account: Safe Schools and Citizenship Education

Legal Name of Requesting Entity: National Council of Economic Education

Address of Requesting Entity: 1140 Avenue of the Americas, Suite 202, New York, New York 10036

Description of Request: \$5,019,000 for the National Council of Economic Education to support programs that educate American students about our nation's fundamental ideals and democratic values.

(7) Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Energy & Water Appropriations bill included in H.R. 1105

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Rock Island District

Address of Requesting Entity: Clock Tower Bldg., PO Box 2004, Rock Island, IL 61204

Description of Request: \$8,604,000 for the first phases of construction of new 1,200 foot lock chambers at L/Ds 20, 21, 22, 24, 25, La-Grange and Peoria; for implementing small-scale navigation aids; and beginning ecosystem restoration projects along the Mississippi River and Illinois Waterway. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Investigations account and has previously been authorized by P.L. 99-662 and P.L. 110-280 Sec. 8001-8005.

(8) Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Energy & Water Appropriations bill included in H.R. 1105

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Rock Island District
Address of Requesting Entity: Clock Tower Building, PO Box 2004, Rock Island, IL 61204

Description of Request: \$17,713,000 to address the adverse impacts to the aquatic ecosystem caused by maintenance of the river's navigation channel. This includes habitat rehabilitation and measures to determine if enhancement projects are effectively preserving and improving fish and wildlife habitat on the river.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Labor, HHS, Education, Department of Health & Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Children's Hospital of the Kings Daughters

Address of Requesting Entity: 601 Children's Lane, Norfolk, VA 23507

Description of Request: Provides \$1,000,000 to the Children's Hospital of the Kings Daughters (CHKD) Health Center to provide optimal accessibility, convenience, continuity and quality of care by co-locating primary care practices, specialist offices, surgical practices, physical, occupational and speech therapy services in one location in close proximity to the interstate and within the heart of the city's pediatric population. Chesapeake, Virginia has the second highest concentration of children in the Hampton Roads region, with 20 percent of the pediatric population (ages 0–17) from the south side living within this community. The need for pediatric specialists in the Norfolk, Virginia area has outstripped the capacity of the current CHKD building, with all inpatient and outpatient services at or beyond capacity. Funds will be used to assist in the building of a centralized multi-specialty children's health center in the Norfolk area. CHKD has already demonstrated success in building a regional facility at Oyster Point in Newport News, Virginia, which is exceeding all patient forecasts.

TRIBUTE TO DELTA SIGMA THETA:
BERKELEY BAY AREA ALUMNAE CHAPTER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. STARK. Madam Speaker, Ms. LEE of California and I rise today to pay tribute to the

Berkeley Bay Area Alumnae Chapter of Delta Sigma Theta Sorority on the occasion of their 75th Diamond Anniversary on March 28, 2009. The Berkeley Bay Area Alumnae Chapter is the local chapter of the Delta Sigma Theta Sorority Incorporated and encompasses the Berkeley, San Francisco, and California Bay Area.

Delta Sigma Theta Sorority, Incorporated is a sisterhood of more than 250,000 predominantly African American college educated women. The sorority currently has over 950 chapters throughout the world including the United States, England, Japan, Germany, the Virgin Islands, Bermuda, the Bahamas and the Republic of Korea.

The local Berkeley Bay Area Chapter was chartered in 1934 and has membership representation from all cities in the California Bay Area. The major programs of the sorority are based upon the organization's Five Point Thrust of economic development, educational development, international awareness and involvement, physical and mental health, political awareness and involvement. Through their outreach they provide a myriad of programs and services benefitting local cities and communities.

This past week we were honored to welcome members of the Berkeley Bay Area Chapter along with approximately 1,100 members of Delta Sigma Theta from across the country to Capitol Hill during their 20th annual "Delta Days in the Nation's Capitol Conference." During their visit in Washington the Sorority members discussed a variety of issues including the American Recovery and Reinvestment Act of 2009, DC Voting Rights and the 2010 Census.

"In Full Stride at Seventy-Five" is the Berkeley Bay Area Alumnae Chapter of Delta Sigma Theta's 75th anniversary theme. We are honored to recognize this exemplary organization as it celebrates three-quarters of a century of service to the community.

IN RECOGNITION OF THE 100TH
BIRTHDAY OF THE CITY OF
PRINCETON, WEST VIRGINIA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. RAHALL. Madam Speaker, I rise today in recognition of the 100th birthday of the great City of Princeton, West Virginia.

In West Virginia, transportation industries and coal mining have played an integral role in the economic development of the region. The City of Princeton is no exception. As early as the nineteenth century, emerging transportation technology, the railroad, and a Nation demanding West Virginia's coal helped form booming new industry in the Princeton area. Much of the coal produced was sent west to the Great Lakes region or east to Baltimore, New York City and New England, heating our great Nation and providing steam power to the U.S. Navy.

What was once a small railroad-side village in beautiful Mercer County is now a thriving city with a population of 6,300. Between

25,000 and 28,000 pass through each day, bringing business and goods to a city with a history as rich and varied as the state itself.

Many notable actors and sports team owners at one point called Princeton home. Kevin Sizemore, of the television show Prison Break, and Sam Eliot, who was in We Were Soldiers both hailed from our hallowed hills. And Ken Kendrick, owner of the Arizona Diamondbacks, and Rod Thorn, President and Manager of the New Jersey Nets called West Virginia home in their childhoods.

February 20th marked the 100th birthday of the City of Princeton. I invite you all to join me in celebrating this great City! Happy birthday Princeton!

COMPREHENSIVE HEALTH CARE REFORM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PAUL. Madam Speaker, America faces a crisis in health care. Health care costs continue to rise while physicians and patients struggle under the control of managed-care "gatekeepers." Obviously, fundamental health care reform should be one of Congress' top priorities.

Unfortunately, most health care "reform" proposals either make marginal changes or exacerbate the problem. This is because they fail to address the root of the problem with health care, which is that government policies encourage excessive reliance on third-party payers. The excessive reliance on third-party payers removes all incentive from individual patients to concern themselves with health care costs. Laws and policies promoting Health Maintenance Organizations (HMOs) resulted from a desperate attempt to control spiraling costs. However, instead of promoting an efficient health care system, HMOs further took control over health care away from the individual patient and physician.

Returning control over health care to the individual is the key to true health care reform. The Comprehensive Health Care Reform Act puts control of health care back into the hands of the individual through tax credits, tax deductions, improving Health Savings Accounts, and Flexible Savings Accounts. Specifically, the Comprehensive Health Care Reform Act:

A. Provides all Americans with a tax credit for 100 percent of health care expenses. The tax credit is fully refundable against both income and payroll taxes;

B. Allows individuals to roll over unused amounts in cafeteria plans and Flexible Savings Accounts (FSA);

C. Provides a tax credit for premiums for a high-deductible insurance policy connected with a Health Savings Account (HSA) and allows seniors to use funds in an HSA to pay for a medigap policy;

D. Repeals the 7.5 percent threshold for the deduction of medical expenses, thus making all medical expenses tax deductible.

By providing a wide range of options, this bill allows individual Americans to choose the method of financing health care that best suits

their individual needs. Increasing frustration with the current health care system is leading more and more Americans to embrace this approach to health care reform. I hope all my colleagues will join this effort to put individuals back in control of health care by cosponsoring the Comprehensive Health Care Reform Act.

HONORING JUSTIN BALFANY

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today to remember a young Nebraskan who left this world too soon. Justin Balfany, 15 years old, will be laid to rest tomorrow afternoon. My heart goes out to his parents Greg and Susan, his sister Kaci and the rest of his family, and I pray they find comfort in the coming days.

Justin had a strong faith in God and in his fellow students. He has been described as a "tremendous young man" who competed in tennis, baseball, and basketball. He was active in his church and in other groups in his hometown of Kearney.

Last year, he was invited to attend President Barack Obama's nomination acceptance speech at the Democratic National Convention in Denver, where he served as a correspondent for his hometown newspaper, the Kearney Hub, as well as the Sidney Sun Telegraph.

I was fortunate to have met Justin last year. I was impressed with his intelligence, his spirit, and his dedication.

Justin's spirit and his enthusiasm with his church, his friends, and his community reminds us what it means to be a Nebraskan. He will be missed by many.

HONORING EMERGENCY RESPONSE MEMBERS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to honor and thank Fresno County Sheriff Margaret Mims, Supervisor Judy Case, Julianne Tuggle, and Darren Rose for their heroic efforts in an emergency situation in Washington, D.C. on February 11, 2009. Sheriff Mims, Supervisor Case, Julianne Tuggle from Supervisor Susan Anderson's office, and Darren Rose from my district office deserve full recognition for their responsiveness and public service in the nation's capital, where they gave first aid to an individual who was in a state of cardiac arrest. The 21-year-old man was unresponsive and lying face down on the ground in a crowded Metro station near the Capitol building.

Julianne and Darren were the first upon the scene; Julianne initiated the emergency response among the eclectic mix of Fresno County Officials in the vicinity while Darren Rose called 911 and coordinated the response

with DC fire and emergency medical services. Julianne was able to procure a pocket face mask. Supervisor Case affixed the mask and breathed for the patient. Sheriff Mims and Supervisor Case began skilled compression and breathing coordination efforts until the man, who originally had no pulse, was able to breathe on his own. Sheriff Mims has been trained in first aid, and Supervisor Case is a registered nurse who had just been recertified in CPR, and knew the most current standard medical procedure. Together, they performed chest compressions and provided air for his lungs, which kept him stable and breathing until the Washington medics arrived 10 minutes later.

I had the honor to be able to meet with these local heroes when they were in Washington with the Council of County Governments (COG) as part of the "One Voice" delegation, which unites communities and regional interests in a voluntary and collaborative effort to promote and bring attention to the needs of the local community and regions.

Madam Speaker, I rise today to commend and thank Sheriff Mims, Supervisor Case, Julianne Tuggle from Supervisor Anderson's office, and Darren Rose from my office for their service to the community and their heroism in providing emergency services to stabilize and preserve the life of this citizen in D.C. and in their everyday efforts on the job.

FIFTIETH ANNIVERSARY OF THE CENTER FOR APPLIED LINGUISTICS

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. HINOJOSA. Madam Speaker, I rise today to congratulate the Center for Applied Linguistics (CAL), which is celebrating its fiftieth anniversary this year.

CAL was established in 1959 in Washington, DC by a grant from the Ford Foundation. At the close of the 1950s, issues of U.S. language capacity, interest in U.S. and international language policy, and the emergence of English as a world language created a demand for expertise in linguistics and language training. CAL's primary function was to serve as a liaison between the academic world of linguistics and the language-related concerns of the practical world. CAL was the first organization to focus on the identification of qualified personnel for language-related professions, professional development for language teachers and development of linguistically sound materials for English as a second language as well as foreign language instruction.

CAL's original mandate was to improve the teaching of English around the world; encourage the teaching and learning of less commonly taught languages; contribute new knowledge to the field by conducting language research; and serve as a clearinghouse for information collection, analysis, and dissemination and as a coordinating agency to bring together scholars and practitioners involved in language-related issues. This was accomplished by convening meetings and issuing

papers that addressed crucial language and education issues; consulting with ministries of education of countries that were newly independent, particularly in East Africa and the Middle East; working on English language learning among Native American populations; and developing materials in the less commonly taught languages.

During the Cold War, CAL enabled Eastern European scholars to disseminate their work in linguistics. During the height of the civil rights movement, CAL developed the Urban Language Program and invested resources in American dialect work, beginning with African American varieties and expanding to other ethnic and regional dialects. When large numbers of refugees arrived from Southeast Asia, CAL responded with resources to support their orientation and resettlement. In the last several decades, attention to the education of child and adult immigrants has expanded significantly. Recently, the organization has addressed national security needs by expanding the availability of resources in critical languages, such as Arabic and Chinese.

From its inception, CAL has grown and evolved to meet the needs of a changing world by providing reliable and objective information and by making complex linguistic issues comprehensible to students, researchers, teachers, parents, policy makers, and the general public. Central to its work is its research and seminal publications that serve as the basis for assessment, language education, bilingual education, English as a foreign/second language, language policy, and second language acquisition. Details of CAL's current work can be found at its website www.cal.org.

EARMARK DECLARATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. FORTENBERRY. Madam Speaker, pursuant to the Republican Leadership standards on member requests, I am submitting the following information regarding an earmark I received as part of H.R. 1105, the FY09 Omnibus Appropriations Bill:

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Economic Development Initiatives
Project Name: CEDARS Children's Crisis Center

Amount: \$142,500

Name and Address of Requesting Entity: CEDARS Youth Services, Inc., located at 620 North 48th Street, Lincoln, Nebraska 68504.

Description: The funding will be used for construction of a new Children's Crisis Center for abused, homeless, and runaway youth in Southeast Nebraska. CEDARS Youth Services plans to build a children's crisis center to provide short-term emergency shelter, immediate professional assessment of each child's needs, intense family-centered therapeutic services, and an environment that inspires a rapid return to stable and enduring family living. The 18,000 square foot facility will not

only provide immediate safety and protection for vulnerable children and youth across the Midwest, but also a comfortable family-friendly setting for them to begin reunification or to meet prospective foster parents in a safe, professional supervised setting. While primarily helping persons from the Midwest area, the Center has recently served youth from the states of Tennessee, Georgia, California, Michigan, Texas and others. CEDARS is the only emergency shelter provider for children and youth in Southeast Nebraska, and this children's crisis center will expand the current service capacity by as many as 12 children each day. This is a 50% increase.

PERSONAL EXPLANATION

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. COFFMAN. Madam Speaker, on rollcall No. 100 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted "no."

On rollcall No. 101 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted "yes."

On rollcall no. 102 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted "yes."

On rollcall no. 103 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted "yes."

On rollcall no. 104 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted "no."

On rollcall no. 105 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted "no."

On rollcall no. 106 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted "yes."

On rollcall no. 107 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted "no."

On rollcall no. 108 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted "yes."

On rollcall no. 109 I was not recorded because I was absent so that I might testify at a public hearing before the Colorado Ethics Commission. Had I been present, I would have voted "yes."

RECOGNIZING WOMEN OF NORTHERN VIRGINIA IN HONOR OF WOMEN'S HISTORY MONTH

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Women's History Month by bringing my colleagues' attention to some of the remarkable women of the Eleventh Congressional District of the proud Commonwealth of Virginia. These women, like so many in our District and throughout this nation, worked tirelessly for their families and communities at great personal expense, and deserve recognition for their exceptional contributions to our region's more recent history.

One such example is that of Barbara Varon. A native of Germany, Varon immigrated to America as an adult and was devoted to her adopted land. As a world traveler who could speak several languages, she worked as a translator. Joining the Fairfax County General Registrar's Office, she was committed to a voter registration outreach program for high school students. Using her linguistic skills, she wrote brochures and designed pamphlets to inform the voting public. Her dedication led her to the position of chairman of the Fairfax County Electoral Board, a position in which she faithfully continued to serve her goal of seeing every citizen involved in the electoral process. Varon also donated her time to many volunteer organizations and frequently made generous anonymous donations to those in need. Varon fought valiantly for the rights and privileges of all residents to participate in the electoral process, and today, an award is granted annually in her name to a Fairfax County resident whose dedication to improving the community through volunteer service honors her memory.

Phyllis Campbell Newsome, another exemplary woman from Virginia's Eleventh District, devoted her life to bringing together nonprofit organizations in the Greater Washington area. As the Center for Nonprofit Advancement's Director of Advocacy and Community Relations, Newsome understood the power and strength of coalitions. It was frequently the power of her persuasion that brought together those with the strongest of convictions and convinced them to put aside differences, enabling a powerful nonprofit community bent on positive change. Additionally, she was a consistent and reliable source for the media and other community leaders who needed to know how the nonprofit community would be affected by anything from a hot button issue to a broad policy change. Often quoting Tip O'Neill's, "All politics are local," she felt she could be most effective helping those she especially cared about — the poor and underserved communities—by working with local elected officials rather than at the state or even federal levels. A true community advocate, Phyllis Newsome is also memorialized by an annual award that is granted to an outstanding group of public servants for their dedication to the region's nonprofit community.

While neither of these outstanding women are with us today, their legacy lives on through

the recognition of the ongoing contributions of the noble men and women of our District that occur annually in their name. The arrival of Women's History Month serves to remind us that we are fortunate to have such a legacy of service in our rich historical tapestry. I ask that my colleagues join me in applauding the contributions of Barbara Varon, Phyllis Campbell Newsome, and the women of the Eleventh Congressional District of the Commonwealth of Virginia, past and present, in honor of Women's History Month.

INTRODUCING THE QUALITY HEALTH CARE COALITION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PAUL. Madam Speaker, I am pleased to introduce the Quality Health Care Coalition Act which takes a first step towards restoring a true free market in health care by restoring the rights of freedom of contract and association to health care professionals. For over a decade, we have had much debate in Congress about the difficulties medical professionals and patients are having with Health Maintenance Organizations (HMOs). HMOs are devices used by insurance industries to ration health care. While it is politically popular for members of Congress to bash the HMOs and the insurance industry, the growth of the HMOs are rooted in past government interventions in the health care market though the tax code, the Employment Retirement Security Act (ERSIA), and the federal anti-trust laws. These interventions took control of the health care dollar away from individual patients and providers, thus making it inevitable that something like the HMOs would emerge as a means to control costs.

Many of my well-meaning colleagues would deal with the problems created by the HMOs by expanding the federal government's control over the health care market. These interventions will inevitably drive up the cost of health care and further erode the ability of patents and providers to determine the best health treatments free of government and third-party interference. In contrast, the Quality Health Care Coalition Act addresses the problems associated with HMOs by restoring medical professionals' freedom to form voluntary organizations for the purpose of negotiating contracts with an HMO or an insurance company.

As an OB-GYN who spent over 30 years practicing medicine, I am well aware of how young physicians coming out of medical school feel compelled to sign contracts with HMOs that may contain clauses that compromise their professional integrity. For example, many physicians are contractually forbidden from discussing all available treatment options with their patients because the HMO gatekeeper has deemed certain treatment options too expensive. In my own practice, I tried hard not to sign contracts with any health insurance company that infringed on my ability to practice medicine in the best interests of my patients and I always counseled my professional colleagues to do the same. Unfortunately, because of the dominance of the HMO

in today's health care market, many health care professionals cannot sustain a medical practice unless they agree to conform their practice to the dictates of some HMO.

One way health care professionals could counter the power of the HMOs would be to form a voluntary association for the purpose of negotiating with an HMO or an insurance company. However, health care professionals who attempt to form such a group run the risk of persecution under federal anti-trust laws. This not only reduces the ability of health care professionals to negotiate with HMOs on a level playing field, but also constitutes an unconstitutional violation of medical professionals' freedom of contract and association.

Under the United States Constitution, the federal government has no authority to interfere with the private contracts of American citizens. Furthermore, the prohibitions on contracting contained in the Sherman antitrust laws are based on a flawed economic theory which holds that federal regulators can improve upon market outcomes by restricting the rights of certain market participants deemed too powerful by the government. In fact, anti-trust laws harm consumers by preventing the operation of the free-market, causing prices to rise, quality to suffer, and, as is certainly the case with the relationship between the HMOs and medical professionals, favoring certain industries over others.

By restoring the freedom of medical professionals to voluntarily come together to negotiate as a group with HMOs and insurance companies, this bill removes a government-imposed barrier to a true free market in health care. Of course, this bill does not infringe on the rights of health care professionals by forcing them to join a bargaining organization against their will. While Congress should protect the rights of all Americans to join organizations for the purpose of bargaining collectively, Congress also has a moral responsibility to ensure that no worker is forced by law to join or financially support such an organization.

Madam Speaker, it is my hope that Congress will not only remove the restraints on medical professionals' freedom of contract, but will also empower patients to control their health care by passing my Comprehensive Health Care Reform Act. The Comprehensive Health Care Reform Act puts individuals back in charge of their own health care by providing Americans with large tax credits and tax deductions for their health care expenses, including a deduction for premiums for a high-deductible insurance policy purchased in combination with a Health Savings Account. Putting individuals back in charge of their own health care decisions will enable patients to work with providers to ensure they receive the best possible health care at the lowest possible price. If providers and patients have the ability to form the contractual arrangements that they find most beneficial to them, the HMO monster will wither on the vine without the imposition of new federal regulations on the insurance industry.

In conclusion, I urge my colleagues to support the Quality Health Care Coalition Act and restore the freedom of contract and association to America's health care professionals. I also urge my colleagues to join me in working

to promote a true free market in health care by putting patients back in charge of the health care dollar by supporting my Comprehensive Health Care Reform Act.

IN MEMORY OF MARGARET GRAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. SKELTON. Madam Speaker, it is with deep regret that I inform the House of the death of Margaret Louise Gray of Lexington, MO.

Margaret was born October 27, 1931, in Ottawa, Kansas. She was married to William R. Gray, who preceded her in death on September 27, 1986. She is survived by a brother, Stephen Swaim, and two sisters, Doris Boyd and Betty Chatman.

Margaret was a member of the First Baptist Church of Lexington, the Lexington Business and Professional Woman's Club, War Dads, Elks, and a member of SORT. She was the Director of Family Services in Lafayette County for many years. Both her husband and she were active in developing the Lexington Senior Center and subsequently the 4-Life Center. The senior center was later named the Margaret Gray Senior Center in honor of her hard work and financial support.

Madam Speaker, Margaret L. Gray was an influential member in the Lexington community. I know the members of the House will join me in extending their heartfelt condolences to her family and friends. She will be greatly missed.

INTRODUCTION OF THE MAJOR DRUG TRAFFICKING PROSECUTION ACT OF 2009

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Ms. WATERS. Madam Speaker, today I am introducing the Major Drug Trafficking Prosecution Act of 2009. This legislation will refocus federal prosecutorial resources on major drug traffickers and eliminate racial disparities created by the mandatory minimum sentences for powder and crack cocaine.

In the 1980s, Congress passed two Anti-Drug Abuse Acts with the goal that federal prosecutors would go after major drug traffickers at the top of the food chain, instead of low-level drug offenders at the bottom. Lengthy mandatory minimum prison sentences were passed for most drug crimes. These mandatory terms are triggered based solely on the type and weight of the drug involved, and, with very few exceptions, the courts cannot sentence below them.

Twenty years later, mandatory drug sentences have utterly failed to achieve Congress's goals.

First, these sentences are not stopping major drug traffickers. Huge quantities of drugs enter our country each year, but in 2005

the majority of crack and powder cocaine offenses, for example, were street-level dealers, mules and lookouts and users, 61.5 percent and 53.1 percent, respectively. Mandatory minimums lock up thousands of small-time sellers and addicts for decades.

Second, mandatory minimums have lengthened drug sentences, creating the need for more prisons and more taxpayer money to pay for them. Before the advent of mandatory sentences, drug offenders served an average of 22 months in prison; by 2004, that average sentence had nearly tripled, to 62 months in prison. Because of mandatory minimums, the federal prison budget has ballooned from \$220 million in 1986 to \$5.4 billion in 2008.

Longer sentences and more people in prison haven't translated into safer streets. At some point, the effectiveness per dollar in promoting increased public safety will decrease. For example, when crime dropped dramatically between 1992 and 1997, imprisonment was responsible for just 25 percent of that reduction. Seventy five percent was attributed to factors other than incarceration.

Finally, mandatory minimums have a disproportionate impact on African Americans, who comprise 12 percent of the U.S. population and 14 percent of drug users, but 30 percent of all federal drug convictions. African American drug defendants are 20 percent more likely to be sentenced to prison than white drug defendants. African Americans, on average, serve almost as much time in federal prison for a drug offense (58.7 months) as whites do for a violent offense (61.7 months). Much of this disparity is due to the severe penalties for crack cocaine.

The Major Drug Trafficking Prosecution Act of 2009 will help refocus important federal prosecutorial resources to the major drug traffickers instead of low-level offenders and it will provide more discretion to judges by making some long overdue changes to current law: eliminating all mandatory minimum sentences for drug offenses; curbing federal prosecutions of low-level drug offenders; and allowing courts to place drug users on probation or suspend the sentence.

Mandatory minimums have been repealed before. A 2008 report issued by Families Against Mandatory Minimums describes how Congress first enacted mandatory drug sentences in the 1950s, then voted to repeal them in 1970 because they failed to reduce drug trafficking. I would like to refer Members to the report at the following site: http://www.famm.org/Repository/Files/8189_FAMM_BoggsAct_final.pdf. In a recent poll, 8 in 10 Americans agreed that courts—not Congress—should determine prison sentences, and 6 in 10 opposed mandatory sentences for nonviolent offenders. Today's Congress should heed the American people and repeal mandatory minimums again.

I strongly urge my colleagues to support The Major Drug Trafficking Prosecution Act of 2009.

CHARITABLE GIVING

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. MITCHELL. Madam Speaker, I rise today in support of charitable giving.

Americans give generously.

In the weeks following the deadly 2004 tsunami in Asia, donations from American charities outpaced official government aid by more than \$100 million.

When Hurricane Katrina devastated the Gulf Coast of our nation, Americans responded with faster and more forceful giving than ever before. In the first 10 days, charitable giving topped \$700 million. Ultimately, more than \$4 billion was donated to the recovery effort.

Since the mid-1990s, charitable giving has accounted for roughly 2 percent of our annual GDP, which is more than double the rate of giving in any other country.

And Madam Speaker, most donations don't come from big business. They come from hardworking Americans. Individuals account for 75 percent of charitable giving.

Recently, some have proposed limitations on the tax deduction for charitable giving. We face a staggering deficit, and I believe we must balance the budget—but not by raising taxes on these donations.

It has long been a hallmark of the U.S. tax code that giving gets a tax break. Today, I joined Rep. ROS-LEHTINEN of Florida to introduce a resolution that would state this Chamber's support for charitable giving and its opposition to raising taxes on donations. At this time of great need at home and abroad, we must not make it harder for Americans to give. I urge my colleagues to join me in opposing a tax increase on charitable donations.

HONORING THE LIFE OF
CONGRESSMAN DANIEL E. BUTTON

HON. ERIC J.J. MASSA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. MASSA. Madam Speaker, I would like to take a moment to recognize the life and achievements of Daniel E. Button, a former Congressman who represented New York's 29th District. Button, who died this week at age 91, was a father of five and a Columbia University-educated journalist in the late 1950s and early 1960s. In 1966, dismayed by what he saw as entrenched corruption, Button decided to run for Congress and won by doing the hard work of walking the district in a seemingly unattainable quest. He won by only 17,000 votes but was re-elected in 1968 for a second term. Even though Button's tenure as New York's 29th District Representative lasted only two terms, they were filled with Button's drive to fight for what he believed was right. For standing up and taking action for what he believed in, it is my pleasure to honor the late Congressman Daniel E. Button.

TREAT PHYSICIANS FAIRLY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PAUL. Madam Speaker, I rise today to introduce the Treat Physicians Fairly Act, legislation providing tax credits to physicians to compensate for the costs of providing uncompensated care. This legislation helps compensate medical professionals for the costs imposed on them by federal laws forcing doctors to provide uncompensated medical care. The legislation also provides a tax deduction for hospitals who incur costs related to providing uncompensated care.

Under the Emergency Medical Treatment and Active Labor Act (EMTALA) physicians who work in emergency rooms, as well as the hospitals, are required to provide care without seeking compensation to anyone who comes into an emergency room. Thus, EMTALA forces medical professionals and hospitals to bear the entire cost of caring for the indigent. According to the June 2/9, 2003 edition of AM News, emergency physicians lose an average of \$138,000 per year because of EMTALA. EMTALA also forces physicians and hospitals to follow costly rules and regulations, and can be fined \$50,000 for failure to be in technical compliance with EMTALA!

Forcing physicians to offer their services without providing any form of compensation is a blatant violation of the takings clause of the Fifth Amendment. After all, the professional skills with which one earns a living are a form of property. Therefore, legislation, such as EMTALA, which forces individuals to use their professional skills without compensation is a taking of private property. Regardless of whether the federal government has the constitutional authority to establish programs providing free-or-reduced health care for the indigent, the clear language of the takings clause prevents Congress from placing the entire burden of these programs on the medical profession.

Ironically, the perceived need to force doctors to provide medical care is itself the result of prior government interventions into the health care market. When I began practicing, it was common for doctors to provide uncompensated care as a matter of charity. However, government laws and regulations inflating the cost of medical services and imposing unreasonable liability standards on medical professionals even when they were acting in a volunteer capacity made offering free care cost prohibitive. At the same time, the increased health care costs associated with the government-facilitated over-reliance in third party payments priced more and more people out of the health care market. Thus, the government responded to problems created by their interventions by imposing EMTALA mandate on physicians, in effect making the health care profession scapegoats for the unintended consequences of failed government health care policies.

EMTALA itself is having unintended consequences that could result in less care availability for low-income Americans at emergency rooms. This is because EMTALA provides a

disincentive for physicians from offering any emergency care. Many physicians have told me in my district that they are considering curtailing their practices, in part because of the costs associated with the EMTALA mandates. Many other physicians are even counseling younger people against entering the medical profession because of the way the federal government treats medical professionals! The tax credit of the Treat Physicians Fairly Act will help mitigate some of these unintended consequences.

The Treat Physicians Fairly Act does not remove any of EMTALA's mandates; it simply provides that physicians can receive a tax credit for the costs of providing uncompensated care. This is a small step toward restoring fairness to the physicians. Furthermore, by providing some compensation in the form of tax credits, the Treat Physicians Fairly Act helps remove the disincentives to remaining active in the medical profession built into the current EMTALA law. I hope my colleagues will take the first step toward removing the unconstitutional burden of providing uncompensated care by cosponsoring the Treat Physicians Fairly Act.

INTRODUCTION OF THE "STUDY
OF WAYS TO IMPROVE THE AC-
CURACY OF THE COLLECTION OF
FEDERAL OIL, CONDENSATE,
AND NATURAL GAS ROYALTIES
ACT"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mrs. MALONEY. Madam Speaker, I am pleased to reintroduce the "Study of Ways to Improve the Accuracy of the Collection of Federal Oil, Condensate, and Natural Gas Royalties Act," which would commission a study by the National Academy of Engineering to examine the policies and procedures for ensuring the oil and gas from federal lands is appropriately measured for the purposes of paying royalties.

The bill has two components. The first calls on the National Academy of Engineering to study specific ways to improve the accuracy of the collection of royalties on oil and natural gas from Federal and Tribal lands. The study is needed because current methods used in the United States for collecting, measuring, valuing, and storing oil and natural gas may not lead to royalty payments that are as accurate as they could be.

Lawsuits have been filed alleging that energy companies are underpaying billions of dollars in royalties because of these inaccuracies—or possibly because of outright manipulation—in the process for determining royalty payments.

Many of these lawsuits have been settled, and we're talking about a lot of money here:

In 2000 and 2001, major oil companies settled with the Justice Department for over half a billion dollars in two False Claims Act lawsuits over oil and royalty underpayments.

In 2004, Chevron paid out \$111 million to the State of Louisiana for underpayments.

In 2005, BP owned up to the tune of \$233 in a Colorado case.

And, in a case still pending, Exxon Mobil may owe up to \$3.6 billion or much more to the State of Alabama for underpayments in royalties there.

Certainly, for this kind of money, we can afford to ask the experts who understand the technical issues here to study the major underlying problems.

The second part of the bill is a review of royalty payments. It provides for a comparison of royalty payments made under federal oil and gas lease provisions to data supplied to the Federal Energy Regulatory Commission. This is to determine whether such payments were adequate under the terms of the oil and gas leases. With completion of these studies, the Congress, Minerals Management Service, and the Bureau of Land Management will have a better understanding of changes that should be undertaken to make the process more accurate and transparent, and American taxpayers will have a better chance of getting all the oil and gas royalties that they are owed.

HONORING THE MODEL HIGH
SCHOOL LADY DEVILS

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. GINGREY. Madam Speaker, I rise today to recognize a talented group of girls from Floyd County in Georgia's 11th Congressional District. As we move towards March Madness in college basketball, the Georgia High School Association's state basketball playoffs are already underway. The Model High School Girl's Basketball Team—or Lady Devils—have soared to a perfect 30–0 record and are poised for a trip to the Georgia High School Association's Final Four tonight.

The Lady Devils' road to the Final Four has led them through a Region 7AA Championship and three rounds of State playoffs to send them to the semi-finals for the first time in over a decade.

Although many around Floyd County are riding high on the team's success, the girls of the No. 2-ranked and unbeaten Lady Devils are focused on getting back to work as they prepare for tonight's Final Four match-up against Henry County at the Macon Centreplex.

The Lady Devils are led by Coach Sally Echols, who actually played in Model High School's last trip to the Final Four in 1997. Echols has proved just as valuable as a head coach as she was on the court—leading the Lady Devils to four straight Region Championships. I ask that my colleagues join me in congratulating Coach Echols and the Model High School Lady Blue Devils for their success on the court as well as the hard work and determination that got them there. I wish them luck in the Final Four.

ON EL SALVADOR

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. BILIRAKIS. Madam Speaker, I rise today to express my grave concern about the upcoming elections in El Salvador this week.

Under its current and recent governments, El Salvador has served as a Forward Operating Location in the war on drugs and co-operates closely with the United States. However that may change if the opposition party, the FMLN, comes to power in Sunday's election.

The Farabundo Martí National Liberation Front (FMLN) is a pro-terrorist party with direct ties to sponsors of terror like Cuba, Iran, and FARC, the narcoguerrilla terrorist organization in Colombia. Based on its relationships, the FMLN clearly is not a reliable partner in the fight on drug trafficking and money laundering.

If the FMLN were to enter government in El Salvador, the Department of the Treasury would be forced to use its legal authority to monitor, control, delay, or terminate the movement of nearly \$4 billion in remittances and other money transfers to El Salvador.

The United States must be prepared to apply, on an urgent basis, the full array of legal instruments available should circumstances after the Salvadoran election require the urgent termination of the flow of remittances to that country.

The government of El Salvador has shown itself to be a reliable and trustworthy counterpart regarding U.S. national security. For the sake of the Salvadorans and the United States, I pray that the FMLN is defeated, so that the United States can maintain its special relationship with the government of El Salvador.

On Election Day, El Salvador will be choosing between remaining a close U.S. ally, or realigning itself with countries hostile to the U.S. Let's hope they choose freedom, security, and good neighborliness with the U.S.

INTRODUCTORY STATEMENT ON
H.R. 1463

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Ms. HARMAN. Madam Speaker, one of the most important challenges confronting the intelligence community is learning the nature of and damage done by the worldwide network in nuclear centrifuge technology, bomb components and training run for almost two decades by A. Q. Khan—the revered “father” of his country's nuclear program. Considered a pariah abroad but a hero at home, that task got a lot tougher when Pakistan's High Court ordered Khan released from house arrest last month.

At the recent Wehrkunde Security Conference in Munich, Pakistani Foreign Minister Shah Mehmood Qureshi astonished delegates, telling us that his government had not

decided whether to challenge the court decision but that Pakistan would continue to monitor Khan.

For those who stay awake at night worrying about Iran's increasing mastery of centrifuge technology and the ability of terror groups to access nuclear components, Pakistan's action is distressing.

When Khan “confessed” in 2004 to his illegal nuclear dealings, he was promptly placed under “house arrest” and pardoned by then President Pervez Musharraf. The U.S. government was denied access to him, and was never able to question him about what he did and what else he knew.

Today, we introduce legislation to condition future military aid to Pakistan on two things: that the Pakistani Government make A.Q. Khan available for questioning and that it monitor Khan's activities.

This much we do know. As a university student in Europe in the late 1960s and early 1970s, Khan earned degrees in metallurgical engineering from institutions in Holland and Belgium. In 1972, he began working for the Dutch partner of a uranium enrichment consortium and almost immediately raised eyebrows for repeated visits to a facility he was not cleared to see and for inquiries made about technical data unrelated to his own assignments.

Dutch intelligence quietly began to monitor him. In 1974, following India's first nuclear test, Khan offered his expertise to Pakistani Prime Minister Zulfikar Ali Bhutto. Later that year, Khan's company assigned him to work on Dutch translations of advanced, German-designed centrifuges—data to which he had unsupervised access for 16 days.

By 1975, the damage appears to have been done. Pakistan began to purchase components for its domestic uranium enrichment program from European suppliers, and Khan was transferred away from enrichment work due to concern about his activities.

In December, he abruptly returned to Pakistan with blueprints for centrifuges and other components and detailed lists of suppliers.

Convicted in absentia by the Dutch government for nuclear espionage, beginning in the mid-1980s, Khan is widely believed to have provided nuclear weapons technology to Iran, North Korea, Libya and possibly Syria and Iraq. His network involved front companies and operatives in Dubai, Malaysia, Singapore, South Africa, South Korea, Switzerland and Turkey. Though much of the network was taken down following his confession, there is no conclusive evidence that it was destroyed.

Khan is again a loose nuke scientist with proven ability to sell the worst weapons to the worst people. Hopefully, appropriate Pakistani officials worry as we do that their civilians could become nuclear targets—as could NATO soldiers in neighboring Afghanistan or civilians in any number of Western countries.

Our bill provides a path for the Zardari government to do the right thing—to allow the U.S. to evaluate the full extent of A. Q. Khan's proliferation activities in order to halt any ongoing or future harm.

VEOLIA ENVIRONMENTAL
SERVICES**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. POE of Texas. Madam Speaker, today I am proud to honor Veolia Environmental Services and their facility in Port Arthur, TX, for their successful destruction of 1.5 million gallons of what was once the deadly nerve agent VX. Working in conjunction with Tri-State Motor Transit (TSMT) and the U.S. Army Chemical Materials Agency (CMA), they were able to complete the project safely and on time.

In the 1950s, the United States began to stockpile VX. Signed by the U.S. in 1993, The International Chemical Weapons Convention requires destruction of all chemical agents by participating nations by specified target dates. The U.S. had a stockpile of VX at the Newport Chemical Weapons Depot in Newport, Indiana where they could deactivate the chemical. They needed a facility to destroy hydrolysate, the caustic wastewater created by the agent's destruction.

The CMA discussed building a \$300 million facility in Indiana to handle the process but the terrorist attack of 2001 forced them to reconsider. In 2007 they awarded Veolia with a \$49 million contract to incinerate the corrosive wastewater. The wastewater would be put in specialized containers and hauled more than 1,000 miles through 8 states by TSMT to Veolia's Port Arthur facility where it would be destroyed.

This is not the type of project that a community greets with open arms. Two other sites denied the venture due to political and community concerns. Public protests and a federal lawsuit almost derailed the project once more, but Veolia made a promise to handle the job safely, in accordance with all regulations and without impact to the environment, 18 months and 428 shipments later, the process concluded without a single incident of any kind.

The project was successful on a number of levels. By utilizing the Port Arthur facility, taxpayers were saved close to \$250 million. Veolia was able to assist the U.S. government in accomplishing its treaty obligations in an expeditious and safe manner. They also brought money and national attention to Southeast Texas.

I would like to commend Veolia Environmental Services and their employees for their hard work and dedication during this project.

Companies like Veolia that care about the community they serve make Southeast Texas such a special place.

INTRODUCING THE NURSING HOME
EMERGENCY ASSISTANCE ACT**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Nursing Home Emergency Assist-

ance Act. This act makes private, for-profit nursing homes eligible for the same federal aid as is currently available to public nursing homes. Under current federal law, only public nursing homes may receive federal disaster assistance. However, hurricanes, tornadoes, and earthquakes do not distinguish between private and public, or for-profit and not-for-profit, nursing homes.

As I have recently seen in my district, all nursing homes face unique challenges coping with natural disasters and their aftermaths. It is not fair to the taxpayers who work in, reside in, or have entrusted the care of their loved ones to, a private nursing home that private nursing homes are denied the same federal aid available to their public counterparts. Mr. Speaker, the Nursing Home Emergency Assistance Act ensures all residents of nursing homes can benefit from federal disaster aid. I encourage my colleagues to support this legislation.

RECOGNIZING THE FAIRFAX COUNTY
CHAMBER OF COMMERCE 2009
VALOR AWARD RECIPIENTS**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today, joined by my colleagues Rep. FRANK WOLF and Rep. JAMES MORAN, to recognize an outstanding group of men and women in Northern Virginia. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Fairfax County Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exemplified by our public safety agencies and their commitment to the community. Our public safety and law enforcement personnel put their lives on the line every day to keep our families and neighborhoods safe. More than 80 awards were presented at this year's ceremony in a variety of categories: The Lifesaving Award, the Certificate of Valor, or the Bronze, Silver, or Gold Medal of Valor.

Two members of the Town of Herndon Police Department have earned this highest honor. It is with great pride that we submit their names into the CONGRESSIONAL RECORD:

Recipient of the Lifesaving Award: Captain Robert L. Presgrave.

Recipient of the Certificate of Valor: Sergeant Darcy L. Nidell.

Madam Speaker, in closing, we would like to take this opportunity to thank all of the men and women who serve in the Town of Herndon Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. We ask our colleagues to join us in applauding this group of remarkable citizens.

IN RECOGNITION OF TALLADEGA
COLLEGE MEN'S BASKETBALL
TEAM WINNING NATIONAL TITLE**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to The Talladega College Tornadoes Men's Basketball Team for winning their first United States Collegiate Athletic Association National Championship Title.

The Talladega College Tornadoes won the national title on Saturday, March 7th in Uniontown, Pennsylvania on the Penn State Fayette campus by beating Rochester College 45 to 31.

I am proud to recognize Head Coach Matt Cross, President Billy Hawkins and the entire Tornado team and staff for their outstanding athleticism both on and off the basketball court. I congratulate each of these young men in claiming their first national championship for Talladega College.

Players: Romondo Banks, Jorge Canedo, Jeral Davis, Michael Ervine, Tory Guillory, Micah Hagans, Ricardo Moss, Donell Pope, Patrick Rodgers and Tarium Taylor.

Coaches: Matt Cross—Athletic Director and Head Men's Basketball Coach; Randy Pulley—Assistant Coach; Ricky Smith—Assistant Coach; Hellion Knight—Assistant Coach; and Demond Walker—Athletic Trainer.

EARMARK DECLARATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PAUL. Madam Speaker, "Pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of HR 1105."

1) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$382,000 to complete investigations at Freeport Harbor, Texas in furtherance of maintaining a federally authorized waterway.

2) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$406,000 to complete investigations in the Lower Colorado River Basin, Texas in furtherance of a federally authorized flood study.

3) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$1,264,000 to complete investigations in the Lower Colorado River Basin and Wharton and Onion Creeks, Texas in furtherance of a federally authorized flood study.

4) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$382,000 to complete investigations at GIWW Sabine Pass to Galveston Bay, Texas in furtherance of maintaining a federally authorized waterway.

5) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$1,914,000 to complete construction work at Texas City Ship Channel, Texas in furtherance of maintaining a federally authorized waterway.

6) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$20,766,000 to complete construction work at Houston-Galveston Navigation Channel, Texas in furtherance of maintaining a federally authorized waterway.

7) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$478,000 to complete construction work at Houston Ship Channel, Texas in furtherance of maintaining a federally authorized waterway.

8) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$478,000 to complete construction work at Clear Creek, Texas in furtherance of a federally authorized flood control.

9) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$323,000 to maintain the Channel to Port Bolivar, Texas in furtherance of a federally authorized water project.

10) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$6,516,000 to maintain Freeport Harbor, Texas in furtherance of a federally authorized water project.

11) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$5,590,000 to maintain Galveston Harbor Channel, Texas in furtherance of a federally authorized water project.

12) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$2,512,000 to maintain the GIWW Channel to Victoria, Texas in furtherance of a federally authorized water project.

13) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$2,716,000 to maintain the GIWW Chocolate Bayou, Texas in furtherance of a federally authorized water project.

14) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$5,730,000 to maintain the Matagorda Ship Channel, Texas in furtherance of a federally authorized water project.

15) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$1,376,000 to maintain the Texas City Ship Channel, Texas in furtherance of a federally authorized water project.

16) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$1,622,000 to maintain the Wallisville Lake, Texas in furtherance of a federally authorized water project.

17) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$29,586,000 to maintain the GIWW, Texas in furtherance of a federally authorized water project.

18) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: US Army Corps of Engineers

Address of Requesting Entity: 200 Fort Point Road, Galveston, Texas

Description of Request: Provide an earmark of \$13,788,000 to maintain the Houston Ship Channel, Texas in furtherance of a federally authorized water project.

19) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Department of Transportation, Buses and Facilities

Legal Name of Requesting Entity: City of Galveston

Address of Requesting Entity: 823 Rosenberg, Galveston, Texas 77553

Description of Request: Provide an earmark of \$237,500 for transit facility renovation in Galveston, Texas in furtherance of hurricane recovery.

20) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Department of Transportation, CTPS

Legal Name of Requesting Entity: City of Galveston

Address of Requesting Entity: 823 Rosenberg, Galveston, Texas 77553

Description of Request: Provide an earmark of \$95,000 for work on the Seawall in Galveston, Texas in furtherance of hurricane recovery.

21) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Department of Transportation, Buses and Facilities

Legal Name of Requesting Entity: Golden Crescent Regional Planning Commission
Address of Requesting Entity: 568 Big Bend Drive, Victoria, TX 77904

Description of Request: Provide an earmark of \$237,500 for bus replacement in Victoria, Texas in furtherance of transportation system improvement to enhance job retention and creation in and around Victoria, Texas

22) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: HHS, HRSA, Health Facilities and Services

Legal Name of Requesting Entity: Memorial Hermann Health Care Systems

Address of Requesting Entity: 7737 Southwest Freeway, Houston, Texas 77074

Description of Request: Provide an earmark of \$190,000 for healthcare facilities and equipment in and around Houston, Texas

23) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Department of Education, Innovation and Improvements

Legal Name of Requesting Entity: Reach out and Read

Address of Requesting Entity: 56 Roland Street, Suite 100D; Boston, MA 02129

Description of Request: Provide an earmark of \$4,965,000 for reading based federally-funded national educational program.

24) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Department of Education, Innovation and Improvements

Legal Name of Requesting Entity: Reading is Fundamental (RIF)

Address of Requesting Entity: 1825 Connecticut Avenue, NW—Suite 400; Washington, DC 20009

Description of Request: Provide an earmark of \$24,803,000 for reading based federally-funded national educational program.

25) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Department of Education, Innovation and Improvements

Legal Name of Requesting Entity: SURE BET

Address of Requesting Entity: 5606 N. Navarro, Suite 200 R; Victoria, TX 77904

Description of Request: Provide an earmark of \$95,000 for program to reduce school dropout rates in and around Victoria, Texas

26) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: Economic Development Initiatives
Legal Name of Requesting Entity: Housing and Community Services, Inc

Address of Requesting Entity: 8610 N. New Braunfels, Suite 500; San Antonio, TX 78217

Description of Request: Provide an earmark of \$23,750 for equipment at Fox Run Apartments in Victoria, Texas

27) Requesting Member: Congressman RON PAUL

Bill Number: H.R. 1105

Account: OJP, Juvenile Justice

Legal Name of Requesting Entity: Texana Center, inc.

Address of Requesting Entity: 4910 Airport Avenue, Rosenberg, TX 77471

Description of Request: Provide an earmark of \$500,000 for Nublac drug rehabilitation program targeted to serve minority residents in and around Bay City, Texas

CONGRESSIONAL GOLD MEDAL FOR RABBI ARTHUR SCHNEIER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mrs. MALONEY. Madam Speaker, for almost half a century Rabbi Arthur Schneier has promoted religious freedom and human rights throughout the world. A Holocaust survivor, and the Founder and President of the Appeal of Conscience Foundation, Rabbi Schneier has devoted his life to overcoming the forces of hatred and intolerance.

He has been a pioneer in bringing together religious leaders to address, ethnic or religious conflicts. For example, in Bosnia in 1997, he convened government and religious leaders to promote healing and conciliation between Orthodox, Muslim and Jewish communities. In the Balkans, the Caucasus and Central Asia he worked with the Orthodox Patriarch and the Turkish Government to hold the Peace and Tolerance Conference in 1994 and address religious and ethnic tensions in that area. In the former Yugoslavia, he mobilized religious leaders to halt the bloodshed of the early 90s, holding the Religious Summit on the Former Yugoslavia and the Conflict Resolution Conference to build support and consensus among religious leaders of different faiths. Since the early 1980s, he has led delegations of religious leaders to China to open a dialogue on religious freedom.

Born in Vienna, Austria, in 1930, Rabbi Schneier lived under Nazi occupation in Budapest during World War II and came to the United States in 1947. He has been the Spiritual Leader of the Park East Synagogue in New York City since 1962.

Today I am reintroducing the Rabbi Arthur Schneier Gold Medal act and I urge my colleague to support this legislation in recognition of a truly remarkable man.

RECOGNIZING AT&T FOR JOBS CREATION AND COMMITMENT TO CLEAN ENERGY

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. BUTTERFIELD. Madam Speaker, I rise to applaud AT&T for its commitment to creating new jobs with an environmentally friendly, clean energy business model.

At a time when millions of Americans are suffering through one of the most difficult

economies in many years, AT&T plans to create 3,000 new jobs as part of an \$18 billion investment. Under this initiative, the company will enhance its broadband capacity—increasing Internet speed and accessibility for its customers.

AT&T also plans to invest \$565 million in replacing its current fleet with 15,000 domestically manufactured Compressed Natural Gas, CNG, and alternative-fuel vehicles. Over the next 10 years, this will create or save 1,000 jobs.

The Center for Automotive Research, CAR, in Ann Arbor, MI., estimates that the new vehicles will save 49 million gallons of gasoline and reduce carbon emissions by 211,000 metric tons over the 10-year deployment period. That is equivalent to removing the emissions from more than 38,600 traditional passenger vehicles for a year.

Madam Speaker, AT&T has not only answered the call to help lead this country out of the economic downturn, but done so in an environmentally conscious manner. AT&T stands as a strong example for corporate America, and I hope that others will follow in their footsteps.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mrs. MCCARTHY of New York. Madam Speaker, today, I was unexpectedly detained at a doctor's appointment and missed one vote. I would like the RECORD to reflect how I would have voted.

Rollcall No. 116, on the motion to suspend the rules and agree to H. Res. 67, Recognizing and commending the National Aeronautics and Space Administration (NASA), the Jet Propulsion Laboratory (JPL), and Cornell University for the success of the Mars Exploration Rovers, Spirit and Opportunity, on the 5th anniversary of their successful landing, I would have voted "yea."

INTRODUCING A RESOLUTION TO COMMEND THE AUSTRALIANS' UNQUALIFIED APOLOGY TO IN- DIGENOUS AUSTRALIANS AND TORRES ISLANDERS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce legislation that commends the Australian government for apologizing for its mistreatment of Indigenous Australians and Torres Islanders, and for committing to fighting the disparities that continue to impact Indigenous communities.

Indigenous Australians first arrived on the continent more than 50,000 years ago, developed one of the oldest cultures on earth, and made world renowned contributions to the arts, politics and athletics despite the hardships that they faced at home.

From the mass killings of Indigenous people by European settlers during the 18th Century to restricting Indigenous Australians from the right to vote until 1962, violence, discrimination and disenfranchisement have however, played a significant role in European and Indigenous relations for centuries. Perhaps Australia's most notorious action against the Indigenous population during the 20th Century was the Australian government's authorization of the removal of tens of thousands of children of native and mixed ancestry from their homes under the Protection Acts. These were inspired by racist and pseudo-scientific notions of cultural and racial superiority, and designed to eradicate Indigenous culture and the very existence of the Indigenous people. The victims of this national atrocity are often referred to as the Stolen Generation.

Madam Speaker, the legacy of official and unofficial discriminatory practices by the Australian Government has contributed to substandard education, health, employment and lack of political power among Australia's Indigenous population. On average, Indigenous Australians die 17 years earlier than white Australians, and have higher instances of infant mortality, unemployment and homelessness. These figures are a jarring reminder that Australia's prosperity has yet to fully reach the people who first inhabited the land.

On February 13, 2008 millions of Australians of all colors and ethnicities witnessed Prime Minister Kevin Rudd's formal apology—on behalf of the Australian Government and its Parliament—to the Indigenous and Torres Island community. The long awaited apology was accompanied with a promise from the Council of Australian Governments (COAG) to donate \$4.6 billion to fund initiatives to improve life expectancy, health, education and employment in Indigenous communities. Nearly a year later, Prime Minister Rudd addressed the nation and reported on the status of the initiatives that were implemented and drafted after the apology, and reiterated the importance of change and reconciliation.

Madam Speaker, American Theologian Tryon Edwards said, "Right actions in the future are the best apologies for bad actions in the past." The value of Australia's apology is undoubtedly determined by the Australian government's ability to aggressively address the systemic inequalities that exclude most Indigenous people from the standard of living that is held by the vast majority of non-Indigenous Australians.

Like Australia, racial disparities exist in the United States. As we commend Australia on its willingness to confront its past, let us also reflect on our history with the purpose of comprehensively targeting the residual barriers that prevent some Americans from accessing opportunities in this country.

A TRIBUTE TO KO-THI AFRICAN DANCE COMPANY OF MILWAUKEE

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Ms. MOORE of Wisconsin. Madam Speaker, I rise to pay tribute to the internationally re-

nowned dance troupe, Ko-Thi African Dance Company of Milwaukee. In May, 2009, Ko-Thi African Dance Troupe will celebrate its 40th anniversary.

Much of the success of the Ko-Thi African Dance Company can be attributed to its founder and Artistic/Executive Director, Ferne Caulker. Ms. Caulker, born in Sierra Leone, West Africa is a creative genius blessed with the passion and determination needed to create a "family" of professional performers. She is a full professor at the University of Wisconsin-Milwaukee in the School of Dance where she has taught since 1971. Ms. Caulker is not only a former Fulbright Fellow but a recipient of numerous award. She has made the music and dance of the peoples of the African Diaspora accessible to all Americans, especially African-American audiences. Twenty years ago she extended that vision to include a children's troupe, Ton Ko-Thi, to instill cultural pride and self-worth to children through the discipline required to create art.

The Company is comprised of both musicians and dancers trained in the history, mythology and techniques of art forms within the African Diaspora. The troupe utilizes a myriad of traditional instruments, authentic costumes, infectious music and extraordinary dance to educate and bridge the gap between cultures. Ko-Thi operates a comprehensive educational outreach program, Drum Talk that works with institutions to assist with expanding and diversifying any curriculum with the history, dance, and drumming of the African continent and its Diaspora. If you have had the privilege of attending a Ko-Thi Dance Company performance, you know it is a tremendous experience to observe their exacting stepping, pulsating vibrant rhythm and hypnotic movement. The Ko-Thi African Dance Company is Wisconsin's regional, national and international touring gem. They have performed in Japan, Canada and many venues throughout the United States.

Madam Speaker, I am proud to say the Ko-Thi African Dance Company hails from the 4th Congressional District and pleased to give praise to Ferne Caulker, the ensemble, and their Board of Directors. I wish them many more years of success.

RECOGNIZING FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT RECIPIENTS OF THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2009 VALOR AWARD

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today, joined by my colleagues Rep. FRANK WOLF and Rep. JAMES MORAN, to recognize an outstanding group of men and women in Northern Virginia. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Fairfax County Chamber of Commerce.

The Valor Awards recognize remarkable heroism and bravery in the line of duty exem-

plified by our public safety agencies and their commitment to the community. Our public safety and law enforcement personnel put their lives on the line everyday to keep our families and neighborhoods safe. More than 80 awards were presented at this year's ceremony in a variety of categories: The Lifesaving Award, the Certificate of Valor, or the Bronze, Silver, or Gold Medal of Valor.

Nine members of the Fairfax County Fire and Rescue Department earned this high honor. It is with great pride that we submit their names into the Congressional Record:

Recipients of the Lifesaving Award: Shift Captain Ronald A. Gensheim Jr. and Firefighter Brian J. Bonkoski.

Recipients of the Certificate of Valor: Technician Michael S. Eddy, Technician Tie L. Burlow, Technician Kathleen M. Vorbau, and Firefighter Medic Damian C. Ripley.

Recipients of the Bronze Medal of Valor: Station Captain Tony C. Kosteck, Firefighter Miguel Obles, and Firefighter Henry T. Chan.

Madam Speaker, in closing, we would like to take this opportunity to thank all of the men and women who serve in the Fairfax County Fire and Rescue Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. We ask our colleagues to join us in applauding this group of remarkable citizens.

INTRODUCTION OF THE GERIATRICS LOAN FORGIVENESS ACT OF 2009

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Ms. DeLAURO. Madam Speaker, I rise today to introduce the Geriatrics Loan Forgiveness Act of 2009. This bill would take an important step towards encouraging more health professionals to enter the field of geriatrics and care for our aging population.

In 2011—just two years from now—the first baby boomers will turn 65. By 2030, the number of Americans 65 and older will have nearly doubled, to over 70 million.

Our nation currently has too few health care professionals who specialize in geriatrics to treat older adults with complicated illnesses, and that problem is going to dramatically worsen in the very near future. Yet there are currently fewer than 9,000 geriatric physicians practicing in the United States, far below the 36,000 or more needed to effectively care for the nation's booming population of seniors by 2030. The numbers are similar across health care disciplines, including nursing, social work, psychology, pharmacy and psychiatry.

Geriatric specialists are the foundation of high-quality, comprehensive health care for our older adults. This kind of specialized care is complicated and demanding. For example, about 80 percent of the senior population has one or more chronic conditions. In 2002, older people made up 13 percent of the U.S. population yet accounted for 36 percent of all hospital stays, 49 percent of all days of hospital care, and 50 percent of all physician hours.

Despite this growing need, many health care professionals inclined to study and practice in geriatrics are dissuaded from doing so because treating the elderly carries financial disincentives for them. Currently, over 86 percent of medical school graduates carry educational debt, and the median debt burden for graduates of public medical institutions has risen to over \$119,000 while that for private school graduates has increased to nearly \$150,000.

The Geriatrics Loan Forgiveness Act of 2009 would address the national shortage of geriatric specialists by enabling geriatric specialists to participate in the existing National Health Service Corps Loan Repayment Program, encouraging more health care professionals to be certified in geriatrics. This program currently forgives up to \$25,000 on behalf of an individual for each of the first two years of obligated service.

In its April 2008 report, "Retooling for an Aging America," the Institute of Medicine recommended that "Public and private payers should provide financial incentives to increase the number of geriatric specialists in all health professions." The Geriatrics Loan Forgiveness Act would provide a very important incentive for health care graduates to enter geriatric specialties early in their careers and become part of the workforce that we need to provide quality health care to America's seniors.

THE SAFE AND SECURE AMERICA ACT OF 2009

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. SMITH of Texas. Madam Speaker, today I introduce the Safe and Secure America Act of 2009 to instill confidence in the American people that our intelligence community is fully equipped to investigate and prevent threats to our safety and security.

This legislation extends for ten years sections 206 and 215 of the USA PATRIOT Act and section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, which are scheduled to sunset on December 31, 2009. Three years ago, Congress reauthorized the USA PATRIOT Act, eliminating all but these three sunsets.

Section 206 of the USA PATRIOT Act authorizes the use of multipoint or "roving" wiretaps for national security and intelligence investigations. A "roving" wiretap applies to an individual and allows the government to use a single wiretap order to cover any communications device that the suspect uses or may use. This type of wiretap differs from a traditional criminal wiretap that only applies to a particular phone or computer used by a target. Without roving wiretap authority, investigators would be forced to seek a new court order each time they need to change the location, phone, or computer that needs to be monitored.

Section 215 allows the Federal Bureau of Investigation (FBI) to apply to the FISA court to issue orders granting the government access to any tangible items (including books,

records, papers, and other documents), no matter who holds it, in foreign intelligence, international terrorism, and clandestine intelligence cases. The USA PATRIOT Improvement and Reauthorization Act of 2005 contains several protections against abuses of Section 215 authority, including Congressional oversight, procedural protections, application requirements, and judicial review.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 amends the definition of "agent of a foreign power" to include "lone wolf" terrorists who are non-U.S. persons engaged in international terrorism, regardless of whether they are affiliated with an international terrorist group. When FISA was originally enacted in the 1970s, terrorists were more commonly members of an identified group. That is not the case today. Many modern-day terrorists may subscribe to a movement but do not subscribe to a specific group and often act alone. It is imperative that such an out-dated definition does not impede our ability to gather intelligence about perhaps the most dangerous terrorists operating today.

Madam Speaker, America is fortunate to not have suffered a terrorist attack on our soil in over seven years. But we must not let our safety become complacency. America is safe today not because terrorists and spies have given up their mission to destroy our freedoms and our way of life. America is safe today because the men and women of the intelligence community work tirelessly to protect us. It would be irresponsible of Congress to take away the authorities needed to their job. The threat to America from terrorists, spies, and enemy nations will not sunset at the end of this year. Neither should America's anti-terrorism laws.

CONSUMER OVERDRAFT PROTECTION FAIR PRACTICES ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mrs. MALONEY. Madam Speaker, overdraft fees are becoming an increasing problem for bank customers. A November 2008 Federal Deposit Insurance Corporation (FDIC) study of 462 FDIC regulated banks found that 86% operated formal overdraft programs, with 75% automatically enrolling consumers into an overdraft protection plan. In some cases, consumers were not allowed to opt-out. Automated overdraft usage fees assessed by banks ranged from \$10 to \$38, and the median fee assessed was \$27.

A separate report released by the non-partisan Center for Responsible Lending (CRL) demonstrates that well over \$10 billion dollars in overdraft fees are generated each year, with almost half generated from debit card purchases, in which the customer typically has no warning that the transaction will trigger an overdraft fee. Not surprisingly, the CRL study also showed that the overwhelming majority of customers want to know if a debit or ATM transaction would trigger an overdraft fee.

To provide consumers more notice and choice related to overdraft fees, I am reintroducing the Consumer Overdraft Protection Fair Practices Act.

practices Act.

The central provision of the Consumer Overdraft Protection Fair Practices Act is that it requires notice to customers when an ATM or debit card transaction will trigger an overdraft and an opportunity in real time for the consumer to accept or reject the overdraft service (and the associated fee) for that transaction.

This legislation amends the Truth in Lending Act (TILA) to provide these new consumer protections. By bringing overdraft plans under the TILA, as an extension of credit, it would require the disclosure of the terms and charges associated with an overdraft program. This would give an opportunity for account holders to choose to have an overdraft plan or not—the same basic consumer protections provided for other consumer credit products.

In addition, the bill seeks to stop the practice of banks maximizing their overdraft fee income by intentionally manipulating the order in which they process debits on customer accounts so as to increase the number of overdrafts. For example, some banks pay the largest check first before paying other smaller checks or making any deposits. While banks argue that the largest check is often the most important, a bank that has an overdraft program generally pays them all, so changing the order only changes the amount of the fees paid by the customer.

This disclosure bill is modeled on legislation with which most Americans are now very familiar—requiring disclosure at ATMs that ATM transactions will trigger a fee. Just as individuals may choose the convenience of withdrawals from an ATM, they may choose the convenience of overdraft protection or not, after being informed of the cost of the service. In summary, the bill provides these key protections:

Requires consumer consent before banks can permit overdraft loans for a fee. Banks will be required to obtain written consent for covering overdrafts for a fee, and to disclose to consumers the amount of any fee, the types of transactions that will overdraw the account, and the time period for repayment of the extension of credit.

Clarifies that overdraft fees are finance charges under the Truth in Lending Act, so consumers can compare the cost of borrowing the bank's funds through an overdraft with other sources of cash advances.

Prohibits banks from manipulating the order in which checks and other debits are posted if it causes more overdrafts and maximizes fees.

Requires banks to warn the customer that an electronic transaction may trigger an overdraft loan fee and allow the customer to cancel the transaction after receiving this warning.

THE DEATH OF COMMON SENSE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. DUNCAN. Madam Speaker, John A. Smaldone of Maryville, Tennessee reads constantly and follows current events more closely than almost anyone.

He recently sent a letter to the editor of the Maryville-Alcoa Daily Times about the death of common sense.

I agree with this letter and would like to call it to the attention of my colleagues and other readers of the RECORD.

[From the Daily Times, Feb. 27, 2009]

COMMON SENSE LONG DECEASED

(By John A. Smaldone)

DEAR EDITOR: Today I am sad to announce that we mourn the passing of a beloved old friend, Common Sense. Common sense has been with us for many years. No one knows for sure how old he was, since his birth records were long ago lost in bureaucratic red tape. He will be remembered as having cultivated such valuable lessons as: Knowing when to come in out of the rain; why the early bird gets the worm; Life isn't always fair; and maybe it was my fault.

Common Sense lived by simple, sound financial policies (don't spend more than you can earn) and reliable strategies (adults, not children, are in charge).

His health began to deteriorate rapidly when well-intentioned but overbearing regulations were set in place. Reports of a 6-year-old boy charged with sexual harassment for kissing a classmate; teens suspended from school for using mouthwash after lunch; and a teacher fired for reprimanding an unruly student, only worsened his condition.

Common Sense lost ground when parents attacked teachers for doing the job that they themselves had failed to do in disciplining their unruly children.

It declined even further when schools were required to get parental consent to administer sun lotion or an aspirin to a student; but could not inform parents when a student became pregnant and wanted to have an abortion.

Common Sense lost the will to live, as the churches became businesses; and criminals received better treatment than their victims.

Common Sense took a beating when you couldn't defend yourself from a burglar in your own home and the burglar could sue you for assault.

Common Sense finally gave up the will to live after a woman failed to realize that a steaming cup of coffee was hot. She spilled a little in her lap and was promptly awarded a huge settlement.

Common Sense was preceded in death by his parents, Truth and Trust; by his wife, Discretion; by his daughter, Responsibility; and by his son, Reason.

His four stepbrothers survive him;

I Know My Rights.

I Want It Now.

Someone Else Is To Blame.

I'm A Victim.

Not many attended his funeral because so few realized he was gone.

INTRODUCTION OF THE MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP ACT: MARCH 12, 2009

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. BROWN of South Carolina. Madam Speaker, I am pleased to introduce legislation today to financially assist some of the most

endangered, charismatic and landmark wildlife species on this planet.

This measure is modeled after highly successful efforts to raise money for breast cancer research, to fund domestic violence prevention programs and to assist the families of rescue workers killed or disabled in the terrorist attacks of September 11, 2001.

Under the terms of my proposal, the U.S. Postal Service would issue a semipostal stamp depicting highly imperiled African and Asian elephants, Rhinoceros, Tigers, Great Apes and Marine turtles. The stamp would be issued at a premium price so that the Postal Service could recapture their costs and would provide any additional revenues to the Multinational Species Conservation Funds.

While it is unclear how much money would be raised through the sale of semipostal wildlife stamps, we do know that since 1998, 802 million breast cancer stamps have been sold to the public which has raised a remarkable \$59.5 million for critical breast cancer research. It is also important to note that these new wildlife stamps will not replace or undermine the breast cancer stamps which by law will be available until at least December 31, 2011. I am also convinced that stamp enthusiasts will not only buy more breast cancer stamps but will purchase wildlife flagship species stamps.

For the past twenty years, the United States Congress has enacted Multinational Species Conservation Funds to assist African and Asian elephants, Rhinoceros, Tigers, Great Apes and Marine Turtles. Money appropriated to these funds are the only continuous source of revenue in the world for these species and approved conservation projects have stopped several of these animals from sliding toward extinction. Nevertheless, there is no denying that there are now less than 40,000 Asian elephants, 15,000 Rhinoceros and 5,000 tigers living in the wild and that six of the seven species of marine turtles are highly endangered. Without further assistance several of these species will disappear in our lifetime and it is, therefore, essential that new creative funding mechanisms be developed to save these imperiled species. The semipostal wildlife stamp has the potential to raise millions of dollars at no cost to the U.S. taxpayer.

Since 1988, the U.S. Fish and Wildlife Service has funded more than 1,600 conservation projects to assist these species. What is not well known, however, is that the agency was unable to support an additional 1,300 meritorious projects which could well determine whether these species survive in the future.

Since coming to Congress, I have worked together with a number of conservation organizations to establish and extend funding for the Multinational Species Conservation Funds. I am pleased that 24 conservation organizations have endorsed this legislation including the African Wildlife Foundation, American

Veterinary Medical Association, the Association of Zoos and Aquariums, Born Free USA, Caribbean Conservation Corporation, Cheetah Conservation Fund, Conservation International, Defenders of Wildlife, Dian Fossey Gorilla Fund International, Fauna and Flora International, Feld Entertainment, Humane Society of the United States, Humane Society International, International Elephant Founda-

tion, International Fund for Animal Welfare, International Rhino Foundation, Jane Goodall Institute, The Nature Conservancy, Ocean Conservancy, Safari Club International, Wildlife Alliance, Wildlife Conservation Society, The WILD Foundation, and the World Wildlife Fund. These diverse groups which represent tens of millions of people understand that additional funding for these landmark species is essential.

Finally, I would like to thank my Subcommittee Chairwoman MADELEINE BORDALLO, the former Chairmen of the Committee on Natural Resources, Congressman DON YOUNG and GEORGE MILLER, Congressman RON KIND, Congresswoman MARY BONO MACK, Congressman PETER KING, Congressman JOHN TANNER and Congresswoman ILEANA ROS-LEHTINEN for joining with me as co-sponsors of the Multinational Species Conservation Funds Semipostal Stamp Act.

ON INTRODUCING A RESOLUTION COMMENDING THE INTERNATIONAL CRIMINAL COURT FOR ISSUING AN ARREST WARRANT FOR SUDANESE PRESIDENT OMAR HASSAN AHMAD AL-BASHIR

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise to introduce a resolution commending the International Criminal Court for issuing an arrest warrant for Sudanese President Omar Hassan Ahmad al-Bashir, for war crimes and crimes against humanity. This resolution reaffirms our nation's commitment to supporting a multifaceted approach to bringing about peace and stability in the Darfur region. After over six years of conflict in Darfur, six years of government-led genocide against its own people, six years of murder, rape, torture, and oppression, I applaud the international community for taking a major step forward in the name of justice, humanity, and the rule of law.

Madam Speaker, no leader who commits such horrific crimes should be allowed to remain free. President al-Bashir has directed the Sudanese government's efforts to use the very worst kinds of crimes to carry out an active program of oppression. While the roots of this conflict run deep, combining a complex mix of racial, tribal, religious, political, geographic, and environmental matters, surely there can be no excuse to engage in the kind of violence that President al-Bashir has inflicted on the people of Darfur. It is well past time to bring him to justice.

I laud the International Criminal Court for issuing a warrant for President al-Bashir's arrest. This was a long time coming. The ICC owes a great deal to the grassroots efforts of a wide range of non-governmental organizations (NGOs), human rights groups, individual experts, and other activists for keeping up the pressure on the international community to act.

This warrant has not yet resulted in an arrest, nor even in a cessation of hostilities. In

fact, President al-Bashir responded to the warrant by expelling over a dozen international aid agencies from the region, further threatening the lives of well over 1 million people who depend on these organizations for food, water, shelter, health care, and personal safety. Such is the measure of the Sudanese government and its leadership. But this warrant is a major step forward. When the international community begins to hold leaders responsible for their unconscionable crimes, we begin to prevent such abuses from occurring in the future.

Madam Speaker, I am under no illusion that this arrest warrant—even if it results in President al-Bashir's arrest and removal from power—will end the conflict in Darfur. This warrant is yet another step on the long road to ending this conflict and achieving some measure of stability in the war-torn region. But it will require a comprehensive approach combining positive political, economic, social, and even military efforts. The United States, for one, needs to build on the ICC's momentum by immediately committing to an intense diplomatic effort. I welcome Secretary of State Hillary Clinton's affirmative remarks on the ICC's warrant, and I further encourage President Obama to appoint a full-time, high-level envoy to the region. We can and we must build on the ICC's efforts to bring to justice those responsible for the atrocities in Darfur.

I urge my colleagues to support this resolution.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. KLEIN of Florida. Madam Speaker, on March 9, 2009, I was tending to a family commitment, for which the timing was not flexible.

Had I been able to vote, I would have voted "yes" on rollcall No. 110; "yes" on rollcall No. 111; "yes" on rollcall No. 112.

HONORING WINTER HAVEN AREA TRANSIT'S 10TH ANNIVERSARY

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PUTNAM. Madam Speaker, the Winter Haven Area Transit (WHAT) began as a three-year pilot program funded jointly by the City of Winter Haven and the Polk County Board of County Commissioners. It is now celebrating its 10th anniversary, marked by a special time capsule ceremony on Tuesday, March 17, 2009.

WHAT served 47,553 riders in its first year and served 589,747 last year. WHAT now provides transportation to Bartow, Eagle Lake, Auburndale, Lake Alfred, Lake Wales, Haines City, Lakeland and Winter Haven. It has a fully functional state-of-the-art transit terminal serving thousands of riders each day.

The WHAT is operated under the Citrus Connection, which serves Lakeland—another

city in my district. The Citrus Connection estimated that riders save \$1,300 they would otherwise spend on car expenses such as gas, title payments, maintenance, insurance, or parking fees. Given the pervasive ridership, the WHAT system puts money back in the pocket of taxpayers who would otherwise use it to unnecessarily sit in traffic.

The WHAT system moves people more efficiently to places of employment, shopping districts, medical appointments, and generally improves the quality of life of local residents.

Finally, I would like to draw attention to Winter Haven resident Larry Murphy, because this system would not have been put in place without his efforts. Mr. Murphy gathered 175 signatures on a petition and continually pushed his case before the city commission for the bus service. His efforts paid off and have been enjoyed by 2,687,618 riders over the past 10 years.

Mr. Murphy's vision was to help people get where they needed to go. His advocacy is what got the Winter Haven Area Transit buses. His legacy is what keeps them moving forward.

Happy 10th Anniversary to the Winter Haven Area Transit and a great thanks to Mr. Murphy.

INTRODUCTION OF THE FREEDOM FROM UNNECESSARY LITIGATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. PAUL. Madam Speaker, I am pleased to introduce the Freedom from Unnecessary Litigation Act. As its title suggests, this bill provides an effective means of ensuring that those harmed during medical treatment receive fair compensation while reducing the burden of costly malpractice litigation on the health care system. This bill achieves its goal by providing a tax credit for negative outcomes insurance purchased before medical treatment. The insurance will provide compensation for any negative outcomes of the medical treatment. Patients can receive this insurance without having to go through lengthy litigation and without having to give away a large portion of their award to a trial lawyer.

Relying on negative outcomes insurance instead of litigation will also reduce the costs imposed on physicians, other health care providers, and hospitals by malpractice litigation. The Freedom from Unnecessary Litigation Act also promotes effective solutions to the malpractice crisis by making malpractice awards obtained through binding, voluntary arbitration tax-free.

The malpractice crisis has contributed to the closing of a maternity ward in Philadelphia and a trauma center in Nevada. Several years ago, surgeons in West Virginia actually walked away from their jobs to protest increasing liability rates. These are a few of the examples of how access to quality health care is jeopardized by the epidemic of large, and medically questionable, malpractice awards, and the resulting increase in insurance rates.

As is typical of Washington, most of the proposed solutions to the malpractice problem involve unconstitutional usurpations of areas best left to the states. These solutions also ignore the root cause of the litigation crisis: the shift away from treating the doctor-patient relationship as a contractual one to viewing it as one governed by regulations imposed by insurance company functionaries, politicians, government bureaucrats, and trial lawyers. There is no reason why questions of the assessment of liability and compensation cannot be determined by a private contractual agreement between physicians and patients. The Freedom from Unnecessary Litigation Act is designed to take a step toward resolving these problems through private contracts.

Using insurance, private contracts, and binding arbitration to resolve medical disputes benefits patients, who receive full compensation in a timelier manner than under the current system. It also benefits physicians and hospitals, which are relieved of the costs associated with litigation. Since it will not cost as much to provide full compensation to an injured patient, these bills should result in a reduction of malpractice premiums. The Freedom from Unnecessary Litigation Act benefits everybody except those trial lawyers who profit from the current system. I hope all my colleagues will help end the malpractice crises while ensuring those harmed by medical injuries receive just compensation by cosponsoring my Freedom from Unnecessary Litigation Act.

TRIBUTE TO JERRY PATTERSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize Jerry Patterson, a native of Fort Dodge, Iowa, on being inducted into the Iowa High School Baseball Coaches Association Hall of Fame.

Jerry, a 70-year-old resident of Fort Dodge has done everything in the game of baseball. He played high school baseball in Fort Dodge, has coached for many years, and has even owned a ball park. Fort Dodge's baseball field, Patterson Field, is named after Jerry.

Jerry was recently honored in Cedar Rapids, Iowa in front of a crowd of approximately 1,000 people from across the state. Patterson has been inducted to the Hall of Fame in honor of his passion, dedication, and contributions to the game of baseball and Fort Dodge.

Jerry, who has been successfully battling cancer for over 12 years, continues to serve as an inspiration to his community, and his contributions have made a lasting impact across the state. I know that my colleagues in the United States Congress join me in congratulating Jerry Patterson on his induction into the Hall of Fame. I consider it an honor to represent Jerry in Congress, and I wish him and his wife happiness and health in the future.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Georgian Court University

Address of Requesting Entity: 900 Lakewood Avenue, Lakewood, New Jersey 08701

Description of Request: I have secured \$190,000 for the Autism Institute for Training and Applied Research at Georgian Court University, Lakewood, New Jersey in Division F of the Omnibus Appropriations Act, 2009. The Institute will establish a statewide resource for parents, caregivers and healthcare professionals and provide development and in-service training and outreach and conduct applied research on all facets of autism spectrum disorders. Georgian Court University is committed to this project and is in the process of developing courses in autism and has hired a full-time faculty member devoted to autism research.

HONORING ANNE A. ANDREWS,
FAIRFAX COUNTY'S CITIZEN OF
THE YEAR**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Anne A. Andrews, Fairfax County's Citizen of the Year. For over three decades, Anne Andrews has raised her voice for, and our awareness of, the needs of Fairfax County's most vulnerable residents. She demonstrates an unparalleled dedication to helping others and is one of the most committed citizen leaders in the County. The passion she embodies is apparent in the expansiveness and intensity of volunteer services she has faithfully provided over the years.

Anne is most well-known for her tireless commitment and dedicated service, for the past 34 years, as Convener of the Route One Task Force for Human Services, providing a collaborative forum for over 40 community and government representatives and community-based organizations. The Task Force has raised awareness of issues, developed capacities to fill service gaps, and engaged wide community participation in enhancing mental health and homeless services as well as providing more accessible health care in the Richmond Highway area.

Anne's expertise lies in identifying a need and mobilizing an entire community to help serve that need. An excellent example is that of the Community Health Care Network (CHCN), formed in 1989, an organization that credits its formation largely to her tireless advocacy. It is one of the best resources to provide accessible, quality primary health care services for low income, uninsured, and

underinsured residents. She was a key force behind pulling together community support, helping establish the CHCN that today enrolls over 20,000 residents each year through three community health care centers. Since its beginning, she has served as a stalwart member of the CHCN Community Advisory Committee.

Anne also championed the establishment of the Program of Assertive Community Treatment (PACT), providing comprehensive, community-based services in areas of treatment, rehabilitation, and support for the most severely mentally ill members of our community for whom traditional clinic-based treatments have been insufficient. She was unanimously elected to lead the Southeast Health Planning Task Force, established to develop strategies to provide enhanced services and deliver accessible health care in southeastern Fairfax County. Anne co-revived a Citizen's Advisory Board to strengthen the Mount Vernon Center for Community Mental Health. The Board assists in improved service delivery, advocates for expanded mental health programs, and provides citizen advice on mental health issues and policies.

Under Anne's leadership, the first shelter for the homeless in Fairfax County was established in the Richmond Corridor. More recently, she facilitated a community tie-in to the county's hypothermia project.

Anne remains a steady and effective advocate for community-based mental health treatment and community access to health care, particularly for the most vulnerable members of our community. There are few people who take the time and energy to affect a community so greatly and as positively as Anne. Due to her outstanding contributions and persistent efforts, Fairfax County is a healthier community, and I ask my colleagues to join me in recognizing Anne Andrews as the 2008 Fairfax County Citizen of the Year.

SENATE—Monday, March 16, 2009

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Everlasting God, who commanded light from darkness and divided the waters into sea and dry land, great and wonderful are Your works. By Your power and might, sustain our Senators this day. Lord, give them the courage to embrace the good and to avoid the evil. When they are fainthearted, strengthen them. When they are weak, support them. When they feel doubts, infuse them with faith in Your power, mercy, and grace. Transform their work into an expression of their worship of You as You help them make a renewed commitment to excellence in words and deeds.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 16, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume

consideration of the motion to proceed to H.R. 146, which is the legislative vehicle for the lands bill. At 5:30 p.m. today, we will have a cloture vote on the motion to proceed.

On the lands bill issue, Dr. COBURN is supposed to give me some amendments today that we will take a look at and see whether we are going to be able to work something out to have some amendments offered. As my colleagues know, we are back again with this issue. This represents a number of bills that have been held up—a number of these bills have been held up for some time over the past year. In the House, an issue came up, and they amended it and put it on the consent calendar, and it failed by two votes. They didn't get the two-thirds, so it comes back here. I hope we can work something out; otherwise, we will just proceed as we have in the past. Sometime tomorrow, we will be on the bill, probably at about 4 o'clock. We will offer an amendment at that time and proceed to do what we need to do. Dr. COBURN has indicated to me that he won't require reading of the amendment, which could take a lot of time, but we will see what we can work out with him and move forward as quickly as we can.

ADDRESSING AMERICA'S PRIORITIES

Mr. REID. Mr. President, this week-end, we learned that AIG doled out \$165 million in bonuses to their senior executives—bonuses paid for with taxpayer-funded bailout dollars. With millions of Americans out of work, staying up nights trying to figure out how to make this week's paycheck last until the next paycheck, wondering how they will make the next mortgage payment or pay the overdue bill—maybe even a tuition bill—these executive bonuses are beyond even outrageous. I don't know what a term is that is more definitive than "outrageous," but "outrageous" does the trick. These bonuses being paid are outrageous.

President Obama has instructed Secretary Geithner to pursue every legal avenue to address this grievous abuse of taxpayer money. I applaud that effort. Our financial sector will never heal unless the financial companies that helped create this economic crisis begin to regain the public trust. The actions of AIG do just the opposite, and every American is justified in their outrage at this breach of public trust.

President Obama was asked recently about the role of bipartisanship in addressing America's priorities. He said that it is the job of the majority to be

inclusive and of the minority to be constructive.

In the early days of the 111th Congress, Democrats have worked to be inclusive. We have achieved considerable legislative success: passing a major lands bill which we will return to later this week, as I have indicated; the children's health insurance bill to provide health coverage to millions of children of low-income families; the Lilly Ledbetter Fair Pay Act to ensure the principle of equal pay for equal work; the President's Economic Recovery Act to begin stabilizing our economy and addressing the fiscal crisis this President inherited; and, of course, we passed the Omnibus appropriations bill, which was unfinished business from the Bush Presidency. This important legislation funds Government for the rest of the fiscal year and provides funds to help meet the needs of the American people. This success has come when Democrats and Republicans have put politics aside to find common ground.

This week, we will return to consideration of a package of more than 160 public land bills, as I mentioned earlier, that will protect our environment and natural resources for generations to come. This lands package has been called, by editorial writers all over the country, the most significant environmental legislation in more than a quarter of a century.

Chairman BINGAMAN and Senator MURKOWSKI did an outstanding job of working together in the committee. The Senate followed their example by approving the bill earlier this year by a strong bipartisan majority of 73 votes. As we near the finish line on this legislation, I hope Senators from both parties will continue to follow the bipartisan example set by Senators BINGAMAN and MURKOWSKI by once again voting to pass this legislation.

We will also vote on several nominees to President Obama's administration. We hope to do it in the next few days. As our new President attempts to overcome the enormous burdens he inherited from the previous administration, it is critical that we help him succeed by providing him with all the tools, staff, and expertise he needs.

Starting this week, Members will begin to discuss President Obama's budget for the 2010 fiscal year.

Less than 2 months into his term, President Obama has already taken bold and necessary steps to begin the long climb out of the deep ditch that was left to him by the previous administration's fiscal policies. We have begun to take the necessary steps to get our economy back on track, save

and create jobs, restore confidence in the markets, and help families keep their homes. President Obama's budget will build on those near-term investments by laying the groundwork for a longer term path back to broad prosperity for all Americans.

The President's budget is built on the promise that no matter how difficult our immediate challenge, we have to keep focused on the future. We will do that by investing in health care, education, and a cleaner more affordable energy policy, while providing tax relief and helping middle-class Americans afford to purchase and stay in their homes.

These are some of the most serious issues we have ever faced, and we face them together. We must all realize that. As we move forward, we have a choice to make. Those who are opposed can try to block us or they can work with us to accomplish the critical needs of the American people. I am confident it will be the latter.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

A THREATENING BUDGET

Mr. McCONNELL. Mr. President, Americans are beginning to get a sense of what the administration's budget means to them. I think it is fair to say that most of them are worried that it spends too much, it taxes too much, and it borrows too much.

At a moment when the economy is already seriously challenged, when more people every day are struggling just to make ends meet, and when the national debt is already staggeringly high, Americans were hoping for relief. Instead, they got a budget that threatens the biggest tax hike in history, record spending, and massive debt. This budget literally shocked a lot of people. Spending in this budget is so massive that some estimate more than 250,000 Government workers will be needed to spend it all.

This is consistent with the approach the administration and the Democratically controlled Congress have taken since the beginning of the year. In just 50 days since Inauguration Day, the Democratically controlled Congress voted to spend \$1.2 trillion, which works out to \$24 billion a day or \$1 billion an hour—most of it borrowed—and we are doing this all, of course, in the midst of a recession.

People across the country are understandably nervous about this kind of spending which won't create the jobs that are promised and which will cause further tax hikes in the future to pay for all the borrowing.

Today, I wish to focus on the tax portion of the budget, the various tax

hikes the administration, of course, will need in an attempt to cover the budget's \$3.6 trillion price tag.

The administration says that 95 percent of Americans will not see a tax increase under this budget plan. Well, Americans might not see an immediate increase in their income taxes, but there is more than one way, as they say, to skin a cat, and there is more than one way for Government to take money out of your pocket. I will mention just three that the administration has proposed.

First, there is the proposed new energy tax which would tax everyone who uses energy, which, of course, is 100 percent of the population.

The administration estimates that its cap-and-trade proposal would raise about \$650 billion from gas and electric companies and other businesses. The first thing to note about this tax is that no one, not even administration officials, thinks this figure is even close to the amount that will actually be raised, and no one, not even administration officials, believes that every cent of it won't be passed along to consumers. The President himself said during the campaign that his cap-and-trade plan would cause utility rates to "skyrocket." This is President Obama himself who indicated during the campaign that he thought utility rates under his plan would skyrocket. More recently, OMB Director Orszag publicly reaffirmed the administration's view that cap and trade would increase energy taxes for everyone. This means that anybody who turns on a lightbulb will feel the pain. How bad will it be? Well, researchers at MIT were a little more specific than the President and Mr. Orszag. These researchers at MIT predicted that the proposal would cost the average American household \$3,128 a year. Now, this is the average American household under this budget and the energy taxes it will levy: \$3,128 per household.

Most of the utilities and manufacturers that take a direct hit from the energy tax are big businesses, but what about the small businesses which account for nearly three-fourths of all new private sector jobs? Well, there is a tax for them too. Thanks to an income tax hike on anyone earning more than \$200,000 a year, many will see their taxes go up significantly. Think of a general contractor, a family restaurant, a startup technology firm. These are the engines of our economy. They are struggling now. They will struggle even more once these tax hikes go into effect.

Businesses with 20 or more employees get hit particularly hard. These businesses account for two-thirds of the small business workforce. The President's budget includes a tax increase on more than half of those businesses.

It is an iron rule of economics that taxes influence the decisions of those

who are taxed. And businesses that have less income as a result of higher taxes are likely to do three things: cut jobs, put off buying new or better equipment, and take fewer risks. The real-world consequences of those decisions are immense: more jobs lost, less innovation, fewer new products, and lower salaries for employees, almost all of whom are probably making less than \$200,000 a year.

Hundreds of thousands of Americans are losing their jobs every month. Millions fear losing their homes. In response, the administration has promised in this budget a tax hike on the Nation's biggest job creators. These businesses are shedding workers already. Higher taxes will force them to shed even more.

I understand the administration's desire to make good on its promise of reforms. Most Americans understand that reforms are needed in health care, education, energy, and other areas. But they want the administration to fix the crisis in the financial sector first. Until we devote our full attention to that crisis, all other recovery efforts will be in danger of coming undone. With the highest unemployment rate in 25 years, Americans simply don't see the sense in raising taxes on small business.

Americans from all walks of life—and both political parties—are worried about something else in the budget. They don't understand why charitable organizations and the people they serve should suffer in order to pay for new or expanded Government programs. Yet in an attempt to pay for all of its spending proposals, the Obama budget reduces the deductions for charitable donations.

At a time of economic distress, when more people than ever depend on these organizations, the administration's budget reduces the incentive for people to donate to them. This will affect donations everywhere, from the Salvation Army to the Juvenile Diabetes Research Association, to educational nonprofits such as universities and art museums. According to one study, this proposal can lead to \$9 billion less in charitable giving each year.

The proposal on charitable giving appears to follow the European model, where people rely on the state to support cultural institutions. In Europe, people rely on the State to support cultural institutions, but nonprofits across our country are mobilizing against the idea and for good reason: people who give money to these institutions should not be penalized for it, and charities and nonprofits themselves certainly should not be expected to subsidize the administration's policy dreams.

These are hard times. Why make them even harder? That is the question a lot of people who have seen this budget are beginning to ask. They are looking at the highest tax increase ever,

higher taxes on small business, a proposal that would divert billions of dollars away from the Nation's charities, and a light-switch tax that will touch every single American, and they see a lot more hardship. These tax hikes are precisely the wrong prescription at a time of already serious economic distress.

The budget plan has a number of fatal flaws. But in the midst of a financial crisis, American workers don't need another reason to fear they will lose their jobs, small business owners shouldn't be further discouraged from investing, and the Nation's charities should not have to fear that even less money will come in. This budget doesn't just spend and borrow too much, it taxes too much.

AIG BONUSES

Mr. McCONNELL. Mr. President, regarding the AIG bonuses, it is hard to overstate the outrage that I and others experienced over the weekend to learn that AIG, which already has received nearly \$175 billion from the American taxpayer, is planning to hand out \$165 million in bonuses to its employees. This is absolutely appalling, and it is particularly disturbing given the fact that I sent a letter to Secretary Paulson more than 5 months ago insisting that if taxpayers were going to help private businesses, then the Treasury would need to use its "full enforcement powers to prevent any misuse of taxpayer funds."

The administration needs to get the message from the taxpayers on this issue. Going forward, the American people need to have complete certainty that taxpayer money is not wasted in this particular manner again. It is my hope the administration will continue to press AIG on these bonuses and that it will pursue any and all lawful means of recovering these payments to the very people who were responsible for creating this mess in the first place.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. I thank the Chair.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Alabama is recognized.

AIG BONUSES

Mr. SESSIONS. Mr. President, the bonuses for thousands of employees at AIG, that huge insurance company to which the Government, the taxpayers of the United States, have shoveled \$170 billion into to keep that company afloat, makes me recall an old maxim. The Sessions maxim I call it—announced about 20 years ago when I was a Federal prosecutor attempting to faithfully enforce complex Federal regulations. I stated this:

Oh, what a tangled web we create when first we start to regulate.

The more we proceed with policies whereby the Government owns 80 percent of the stock of a private insurance company—or any company—especially after we poured \$170 billion in to buy that stock—the more we are inevitably compelled to direct how the company operates, to the point of deciding whom their executives should be. We basically picked Mr. Liddy, the chief executive—plus what the company's salary scale should be or what aircraft it can or cannot have or where and what kind of corporate retreat they might have or whether they can pay bonuses.

The size of our investment—"investment" is an absurd term when used to describe the reckless, gargantuan commitment of our citizens' money to AIG puts us, the American people into the insurance business. Not long ago, I had occasion to meet an official of a healthy insurance company. In jest, I asked him—it is not one of the biggest in the country, but it is a sizable company with broad reach. I asked him how he liked competing with a company supported by the deep pockets of the taxpayers. He replied it wasn't a joke—AIG was their top competitor in several economic or insurance markets. At bottom, we extract tax money from this businessman to keep afloat his reckless competitor. The size of this commitment cannot and should not be lost on us. The entire Alabama State budget—we are about one-fiftieth of the national population, a State well and frugally run by our Governor, Bob Riley—including the State education budget for all the schools and all the teachers—thousands of schools—amounts to about \$7 billion a year. So how big is the \$170 billion we put into AIG? It is big.

The entire Federal highway budget, for our interstate system and all the pork projects that get added to the highway bill, and the billions we send to the States for their highway programs, since they are on an 80/20, 90/10 matched basis, with the majority Federal Government money, is \$40 billion a year. So that \$170 billion is a lot of money.

But here we are, and similar to that unwise banker, we face the dilemma: Do we pour more good money in to revive this corpse in a desperate effort to recoup our improvident "investment"?

It is not an investment because no rational investor would ever have invested this kind of money in this company. The bullet was already in its heart. It was a dead duck. Only the Government would have put in the kind of money we put into it.

So the facts are now becoming clear about some of the problems that go along with being in the private insurance business. The New York Times and the Washington Post have produced certain facts, with front-page stories yesterday, which, having read them, caused me indignation and provoked me to write these remarks for which I ask you to forgive me for delivering. But it makes me feel a bit better.

What was the purpose of this \$170 billion? The Washington Post said yesterday that it was to "keep the company afloat."

Treasury Secretary Geithner has had a "difficult" conversation, according to the papers, with AIG's leader, Mr. Edward M. Liddy, about Mr. Liddy's plan to award \$165 million in bonuses. Mr. Liddy says he finds that awarding the bonuses is "distasteful."

I am glad to hear him say that. But then he says they are required under previous contracts entered into before he came to AIG or was put there by Secretary Paulson, President Bush's Secretary of the Treasury.

As an aside, let me recall that had this matter been handled in the regular order such as other businesses in America get handled; that is, by appeal to the bankruptcy court for protection and reorganization under chapter 11, which doesn't shut down a company entirely but allows it to operate under bankruptcy protection, such as Delta Airlines, which is now performing very finely after saving itself through reorganization in bankruptcy, these bonus contracts would surely have been invalidated. For how could any Federal judge hold that executives of the "same business unit that brought the company to the brink of collapse last year," said the New York Times, be given bonuses.

This was a unit that did these reckless insurance derivatives that got them into this fix. So why should they be given a bonus?

This has certainly been an embarrassment to, I will say not so much to the company which has by contract apparently awarded these bonuses, but to Secretary Geithner and President Obama, who I understand himself, his very self, today called for not awarding these bonuses. The President of the United States is now deciding the bonus policy of what was once at least a private company in the United States.

At bottom, our tax money is being used to pay bonuses to reward those responsible for one of the most colossal and reckless errors in the history of world finance.

I think this whole situation is one small but very revealing reason why I think that our Government—and I certainly include the Bush administration which started the process—should not have allowed itself to be drawn into, in fact, punching this tar baby, getting itself more and more deeply embedded in a situation that it has no real ability or capability to manage.

You see, we now own about 80 percent of AIG. It is ours—yours and mine. Who then is to run AIG? Secretary Geithner? I like to call these high finance guys such as Mr. Geithner “masters of the universe.” He is now returning from Europe where he upbraided the Governments of France and Germany for not spending more money and for not invading deeper into the private sector and for not going into debt even more deeply to, as he would say, I guess, stimulate the economy. He thinks they ought to spend more and borrow more, and they are spending more and borrowing a lot. He thinks they should be spending more and borrowing more and they should be like us.

I suspect running AIG must be a bit distracting even for our fine master of the universe because he has taken on the duty of advising not only the President and our Congress on how to fix the economy, but he is now advising our big government friends in Europe who are concerned about taking on more debt. The world is his parish, it seems. All the while, the proud people of the United States, inheritors of a great tradition of free enterprise and limited Government, watched this spectacle unfold in total mortification.

The irony of these events, the historical dissonance of these acts of the United States pushing Europe further toward socialism, seems to be lost on our smiling and brilliant young Secretary.

We are in a very difficult period financially, and there is only a limited number of actions prudent governments can take to fix it. But still in campaign mode, our Secretary declares it is the fault of the previous administration, and he promises that the new President will lead us out of it with bold action.

Our Secretary of the Treasury is now calling Mr. Liddy at AIG and the paper said “demands”—that he apparently violate contracts requiring these bonuses. I submit it is not so much because of the financial significance of these bonuses, but because it is an embarrassment politically. You see, the populace is getting a bit aroused about this, and the focus of their anger might cease to fall on the last administration and begin to fall on Secretary Geithner and his boss.

The “bonus” dustup in one sense was theater, flim flummery, mountebankery, of course. Apparently in accordance with contracts and law,

Mr. Liddy, while properly effecting his distaste for having to pay these bonuses, reluctantly paid them. I think they were paid yesterday. It caused much ado.

Mr. Liddy, the Government—it is not fair to call him a stooge. He was actually placed in this position by the Government to take over this unfortunate, disastrous company. However, he could not resist one parting shot to his overlords, noting that he could not run “the AIG businesses—which are now being operated principally on behalf of the American taxpayers—if employees believe their compensation is subject to continued and arbitrary adjustment by the U.S. Treasury.”

He says right there he is operating this company on behalf of the American taxpayers, but he cannot do so if the Secretary of Treasury is going to tell him what kind of employment policy he should execute. That was in the paper yesterday. Apparently he wrote that letter Saturday.

Oh, what a tangled web we create. Will Secretary Geithner now set policy on insurance premiums? We own the company. Why can't the Government cut everybody's premium? Maybe we could order the premiums to be lowered. We own 80 percent. That would be a nice stimulus, wouldn't it, lower everybody's premiums? That is a stimulus we have not tried yet.

Probably not. He is too busy running the world and advising the French and the Germans on how to conduct their business and telling them they need to borrow more money.

What is going to happen now that the President and Mr. Geithner have demanded that the bonuses be stopped? This is pretty interesting now. What is going to happen? The people at AIG said they have to award the bonuses or they will be sued. Are they going to sue Secretary Geithner and the President if the bonuses do not get awarded?

I suggest it is plainly obvious that the folks who destroyed the financial soundness of AIG should not in any just world get a bonus. The only thing free they may deserve is a free lunch and a free room in the Bastille.

One thing we know: Much of this money has passed through AIG to the benefit of other corporate interests. But one thing we don't know completely is who they are, although today's paper had some of them listed. The biggest one getting \$12 billion plus, almost twice the total 1-year funding for the State of Alabama, was Goldman Sachs—Secretary Paulson's company he left to join the Government and be Secretary of the Treasury. They were the biggest “bailoutee” of this whole mess. We are going to find out more about that. But it doesn't look good to me. I don't like this whole process.

Things were decided in secret without any kind of hearing, so far as I can tell, without in-depth taking of testi-

mony under oath, such as would happen in a bankruptcy court. Apparently people came in to Secretary Paulson's and later Secretary Geithner's office. They sat in and asked for \$50 billion, \$100 billion, \$80 billion, and they would discuss it a little bit and would come out and say: We will give you \$60 billion.

How does this happen? I don't know. I think we have a right as Americans to be concerned—very concerned—about the recklessness on Wall Street that caused a major financial catastrophe for the country. And we need to be worried that our attempt in panic, I think, to fix it may cause more problems for our historical heritage of free enterprise. A lot of people have begun to think about it. Although when I talk with people in my home State, they think about it. They say: What are you guys doing? My 88-year-old great-aunt, whose eyes are failing and she cannot read now, but she tries to keep up on things, she put her hand on my arm a few weeks ago and said: Buddy—she calls me “Buddy”—ya'll don't know what you're doing up there, do you? She was so sympathetic. That is what most American people think and are probably right.

I will say again, if your Government, our Government had acted properly, we would have allowed this company to go forward in a controlled, orderly process through reorganization under chapter 11, and we would not have this bonus embarrassment. Those folks would have been ordered to tell the truth in a well-equipped Federal court process, and there would have been no reason for the healthy parts of AIG to fail at all. They are being pulled down by the bad part. They could have then dealt with that toxic part of the company in a more responsible way, in a more public way, in a bankruptcy court before a Federal judge who took testimony under oath and could put people in jail who deserve to go to jail.

I conclude with this. This spectacular spasm should be a vivid warning to the danger of arrogance by those would-be masters of the universe. You are not as smart as you think you are. Market forces ultimately control in the real world. Nothing comes from nothing. Debts must be paid.

Secretaries Paulson and Geithner remind me of a man in an airplane off the gulf coast throwing out dry ice in an attempt to prevent a hurricane. Do you remember that? Or of Mr. Ludd in England taking a sledgehammer to the weaving looms of England to stop the Industrial Revolution. I have seen the force of real hurricanes. We are now seeing the force of a financial hurricane, and a lot of people are getting hurt.

But there is good news, really there is. Hurricanes do pass. We will recover. The greatest danger, though, is that in this time of trouble, our Government,

in a burst of overreach, will permanently damage the great heritage of free enterprise, ordered liberty, and limited Government that has made this the freest, most productive economy in the history of the world. Why would we want to be lecturing France on how to conduct an economy by telling them they should be a bigger, more oppressive government than they already are?

I will certainly meet my colleagues in a bipartisan effort to work to mitigate the economic and emotional pain we are now suffering. But if bipartisanship means acquiescing in the wildest of economic chimeras that we have recently followed, count me out. If it means changing the legal and economic order that, through ups and downs, has formed the moral basis of the American dream and served us so well, count me out.

Oh, we are told by our leaders—and Mr. Geithner said this at the Budget Committee hearing when I asked him a few days ago—we would never want to do that. We are committed to the American heritage of economic order, he said. But one writer noted that at a time of rapid erosion of a nation's classical values, the leaders are most vociferous in proclaiming their adherence to them.

Count me a skeptic. I am watching what is being done, not what is being said. For me and for those who love liberty, limited Government, and free enterprise, these actions that are occurring today are troubling and frightening indeed.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN) Without objection, it is so ordered.

Mr. BINGAMAN. What is the business before the Senate?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 146, which the clerk will report.

The bill clerk read as follows:

A motion to proceed to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of

nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, earlier this year, the Senate passed S. 22, which is the Omnibus Public Lands Management Act, a collection of over 160 bills primarily from the Committee on Energy and Natural Resources. After a week of debate, the Senate passed S. 22 by a vote of 73 to 21. That vote occurred on January 15.

Unfortunately, the House of Representatives has not yet passed S. 22. In an effort to facilitate consideration of this package of bills in the other body, it is my hope that we will be able to attach the omnibus lands package to another bill that has already passed the House of Representatives and send it back where, hopefully, it can be quickly approved.

As the first step of this process this afternoon, the Senate will vote on whether to invoke cloture on the motion to proceed to H.R. 146, which is the Revolutionary War and War of 1812 Battlefield Protection Act. If cloture is invoked on the motion to proceed to that bill, and once we are on that bill, it is my intention to offer a substitute amendment that will essentially substitute the text of S. 22 as passed by the Senate.

In addition to making a few technical corrections to the previously passed bill text, the amendment incorporates one change that was not in the underlying Senate bill when it was previously passed.

Following Senate passage of S. 22, I understand that some Members in the House of Representatives expressed concern that the portion of the bill pertaining to Wild and Scenic Rivers and National Trails and National Heritage Areas might somehow be construed to limit access for authorized hunting, fishing, and trapping activities. While I am confident the Senate bill in no way restricts those activities, in an attempt to make this completely clear, the substitute amendment I will propose to offer, if we are able to do that, adds a provision in title V which covers Wild and Scenic Rivers and National Trails language designations. The new language states that:

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

Furthermore:

Nothing in this title shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, and trapping.

The amendment adds similar language in title VIII, which is the title designating National Heritage Areas. I would like to thank Senator MUR-

KOWSKI, who is the ranking member on the Energy Committee with me in this Congress, and also Senator CRAPO, for their assistance with this provision.

With this clarification, I believe all interested parties now agree that the bill is clear that access for recreational hunting, fishing, and trapping is not affected by the river, trail, or heritage area designations.

As we noted before, the Omnibus Public Land Management Act is collectively one of the most significant conservation bills to be considered by the Senate in this past decade. It will result in the addition of over 2 million new acres of the National Wilderness Preservation System. It will designate three new units to the National Park System, and it enlarges the boundaries of several existing parks. It creates a new national monument and three new national conservation areas. It adds over 1,000 new miles to the National Wild and Scenic Rivers System and over 2,800 miles of new trails that will be part of the National Trails System. It establishes in law the Bureau of Land Management's National Landscape Conservation System that protects over 1.2 million acres of the Wyoming Range.

In addition, the Omnibus Public Land Management Act authorizes numerous land exchanges and conveyances to help local communities throughout the West. It includes the Forest Landscape Restoration Act, which will help undertake collaborative landscape-scale restoration projects to help reduce both future fire risk and fire-associated costs. It incorporates over 30 bills which will help address critical water resource needs at both the national and local level. It authorizes several studies to help communities better understand their local water supplies and the best way to meet future water needs, and it includes several authorizations for local and regional water projects that enhance water use efficiencies, address water infrastructure needs, and help provide sustainable water supplies to rural communities.

Finally, the bill will ratify three important water settlements—settlements in California, Nevada, and New Mexico. These settlements will resolve literally decades of litigation between the affected States, Indian tribes, agricultural and municipal water users, and environmental interests.

The previous vote on S. 22 was 73 Senators voting to pass the bill—evidence of the strong bipartisan support for this package. Invoking cloture this afternoon on the motion to proceed to H.R. 146 is the first step necessary to move the Omnibus Public Land Management Act toward enactment into law.

In closing, I would like to, of course, thank our majority leader, Senator REID, for his continued commitment to pass this bill. I urge my colleagues to

support invoking cloture on the motion to proceed when we have that vote at 5:30 today.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIG

Mr. NELSON of Florida. Madam President, every time I see you sitting in the presiding chair, I can't help but think how proud your uncle, the late senior Senator from Florida and the late former Governor of Florida, Lawton Chiles—your uncle, since your mom was Lawton's sister—how proud he would be and what an enormously wonderful contribution and addition you are to the Senate. Thank you for the recognition.

It is with a heavy heart that I have to speak on this continuing saga of Wall Street, the continuing saga that the executives of big corporations in this country—and I am not talking about all corporations but a limited number of corporations with high-flying executives who, in the midst of us trying to work out this economic devastation we are in, do not understand that what they do and what they say, whether it is reality, has perception to it. As a result, they have angered a lot of people.

A lot of that anger, that disbelief, that "oh my" moment comes when you hear about what we heard over the weekend about AIG, American Insurance Group, one of the largest insurance companies in the world, which got into trouble. Last fall, we were presented with what in effect became an \$85 billion bailout. I will never forget, as the new Secretary of the Treasury was coming through the confirmation process and the members of the Finance Committee had a chance to talk to him, I asked him: Why did we let Lehman Brothers go down and yet we propped up AIG? The answer was that AIG was too big, the hole was too big, that it would have had too many ramifications across the global marketplace to let it go down, whereas contrasted with Lehman Brothers, the financial hole was too big that it just simply could not be repaired.

Originally, they were talking about \$40 or \$50 billion to bail out AIG. Then it became \$85 billion. If we had known that \$85 billion, when we first agreed to let this happen last fall, if we had known that was going to go in tax-

payer money to upwards of \$170 billion, and if we had known that money was going to prop up other financial institutions to which they had an economic obligation, many of those financial institutions across the world, would we have done it? Well, I doubt we would have because \$85 billion was big enough, but now closing in on \$170 billion of taxpayer money, I don't think we would have agreed to that. I sure don't think we would have agreed if we knew that money was going to—now get this—almost \$13 billion to Goldman Sachs; to a French financial company almost \$12 billion, Societe Generale; almost \$12 billion—all of this taxpayer money—to Deutsche Bank of Germany; \$8.5 billion to Barclays; Merrill Lynch, which eventually bit the dust, \$6.8 billion; Bank of America, which is in deep trouble right now, \$5.2 billion, in deep trouble because they acquired Merrill Lynch; UBS, \$5 billion—the list goes on through DNP, HSBC, Citigroup, Calyon, Dresdner Kleinwort, Wachovia, ING, Morgan Stanley, and Bank of Montreal.

That is American taxpayers' hard-earned money that was going to pay off those insurance policies called credit default swaps that were a kind of guarantee, a derivative that if they made a wrong bet, they would be protected by that insurance company. And lo and behold, that insurance company, the full weight and credit and finances of the United States Government—re: the American taxpayer—is going in, you can't say it with any other word, to bail out these companies.

Would we, the Senate, had we known \$170 billion was going to bail out AIG, and of that money what I just listed was going to these corporations around the globe, half of which are foreign corporations? I don't think we would.

Is it any wonder people are upset? Is it any wonder the President of the United States has just had a press conference today saying he wants the Secretary of the Treasury to go back to find out what they can do to stop those bonuses from being paid or to get them back if they have already been paid? And, oh, by the way, why did AIG, last fall, when it made all of these payments, refuse to identify the individual financial institutions it was giving the money to? It all the more adds insult to injury. No wonder people are so mad and upset.

Now, I just came from a townhall meeting in Ocoee, FL. It is little town west of Orlando. A lot of the towns' city councils, mayors in that region of west Orange County—the Chamber of Commerce—all came today. I can tell you, this was on their mind. But they want to know something more. They want to know what has happened to old-fashioned right and wrong? What has happened to old-fashioned ethics?

When this Senator went to high school, we did not have ethics classes.

It now seems we have to teach ethics classes, not only in our elementary and secondary schools, but all the way in our universities now. What is it that has gotten our leadership so askew they cannot get beyond their own blinders to see what they are doing and how it is affecting everybody else?

Now, it is no—I was going to say it is no secret, but it is not a secret, it is just a fact that I have had the privilege of being a public servant virtually all of my adult life. When I was a kid growing up, that was one of the highest callings for a person. I am starting to see some of that rekindled in young people now. But, my goodness, when they hear about all of this stuff—banks and bankers are public servants. They are entrusted with the people's money, to use it and invest it wisely, and then to be accountable for what happens to it. We elected officials are not the only public servants. There are public servants in every walk of life. If you are a teacher, if you are a doctor, a nurse—whatever your field—you are a public servant, and you owe a responsibility and accountability to the society and the country that has given you the opportunities you have. That seems to be going out of control.

We read another story a couple days ago. Bank of America bit off something they could not chew, which was Merrill Lynch. They said they were duped. Merrill Lynch gave a whole bunch of bonuses. The CEO of Bank of America, which bought Merrill Lynch, said he told them not to, and yet they did anyway. Well, since when did the captain of the ship not control the ship?

And, oh, by the way, are the CEOs of these institutions that are receiving taxpayer money not reading the papers? Did they not hear about the backlash as to the three executives of the Detroit Big Three automakers when they came to testify for a bailout of Federal taxpayer money, and they all came in their private jets? There was so much scorn and derision. They could have, of course, gotten on one of the three jets. They seemed to learn the lessons, so the next time they came to Congress asking for a bailout again, they drove their own vehicles.

Well, what happened to the CEO of Bank of America, who has taken \$45 billion of taxpayer money? Of course, he is a busy man and very talented, but he flies his Gulfstream V for a meeting in New York. It is perception. And that perception—I am not jumping on just him, I am trying to get people to understand, when you are dealing with the public's wheel, the public's business—and that certainly includes taxpayer money—then you have to be responsible and accountable. It seems somehow this goes over people's head.

Well, we all make mistakes. Certainly this Senator has made mistakes. One of the things about the American people is, they are a forgiving people. If

someone, when they make a mistake, will admit it, people are very willing to give a person a second chance.

When you keep names secret, when you take billions and tens of billions of dollars of Federal taxpayer money, when you are insensitive to the perception of the high-flying style of life you are living, the American public is not very forgiving. That is what has happened over the weekend. That is what happened in that townhall meeting of mine today in Ocoee, FL.

That is another reason the President has again stood up and spoken out and said: We are going to stop this. Why do we want to stop it? Because we all seek the same goal; that is, the resuscitation of our economy, to get the banks lending again so dollars can go out to businesses and small businesses, so they can employ people and reverse the soaring unemployment rate. That is the goal: to get America back to work, to get America moving forward again economically.

It is my hope I do not have to have the kind of townhall meeting where people are upset as they were today and as they were over the weekend in the meetings.

SPACE SHUTTLE LAUNCH

There was one good thing I did attend over the weekend. I saw Government dollars at work, as the space shuttle soared into the night sky at Cape Canaveral at the Kennedy Space Center. That was one of the most beautiful launches I have ever seen. It was right on time. Of course, it had had its delays, but that is part of the space program, making sure when you get down to T minus zero and those solid rocket boosters light off, you have it right.

Indeed, NASA had it right, and they gave a little lift to the American people last night with that display of power: almost 7 million pounds of thrust, straight up, and then arching over into a low Earth orbit.

Those astronauts now will go out and take another big section of the truss, attach it to the Space Station, and then install the final solar arrays so that the International Space Station will be up and powered with the electricity it needs for all of the scientific experimentation that is going to be done on the International Space Station, which has been designated a national laboratory of the United States.

That was a moment of joy in an otherwise time of difficult economic circumstances.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I ask unanimous consent that Senator KYL and I be permitted to engage in a colloquy for 20 minutes, and that I be informed when we have 2 minutes left.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Thank you, Madam President.

PRESIDENT OBAMA'S BUDGET

Madam President, President Obama's budget raises taxes by \$1.4 trillion over 10 years. It is the largest tax increase in history, right in the middle of a recession—a recession we all hope we can get out of soon.

I have with me today on the Senate floor my colleague Senator JON KYL, a member of the Finance Committee, who is, in our party, at least, and certainly within the entire Senate, one of the experts on taxation and jobs and pro-growth Government policies.

I say to Senator KYL, I was looking through the history books a little bit this weekend. I noticed President Hoover, in 1932, raised taxes. He, in the Revenue Act of 1932, raised taxes across the board and raised the top tax rate from 25 percent to 63 percent. That was at a time when the unemployment rate was about 23 percent in this country. The effects of the 1932 tax increase were income tax revenues went down and the Federal deficit went up and unemployment stayed up all the way to 1940, when it was still 15 percent.

But President Kennedy, of course a Democratic President, came along after a little bit of a sluggish period of time, and he cut taxes in a variety of ways and tax revenues went up. President Reagan came in a few years later, after a difficult time in the late 1970s, which I remember very well, and he reduced taxes and tax revenues went up.

So I wonder what the lessons in history are. If we are in the middle of a recession and people are struggling for jobs—and in the Hoover and Kennedy and Reagan administrations we learned that tax increases often reduce revenues and impose costs—what is the lesson in history for the Obama budget?

Mr. KYL. Madam President, I would say to my friend from Tennessee, of course, he knows the answer, having been a great student of history himself. If anyone would like to get one of the definitive works on this, it is a book called "The Forgotten Man." The author is Amity Shlaes. It is very well written. One of the key points it makes is precisely the historical point that my colleague from Tennessee makes; namely, that about the time the United States began to come out of the Depression, President Roosevelt's view was it was time to try to balance the budget and as a result—as Hoover had tried to do when he increased taxes and the economy tanked, which is exactly what happened again. So we didn't just have one Great Depression; we had a period of time when our country was in

depression, it started to get out of the depression, and then went back into depression until World War II, largely because of this increase in taxes. The combination of the Smoot-Hawley tariffs—which are an increase in taxes of a different kind—and the income tax rates plunged the country back into the Depression.

If I could respond to the point about President Kennedy, he did exactly the opposite. We were in the doldrums, and he proposed, after he was elected in 1960, that we actually reduce the capital gains tax. Now, I remember this because I was taking a course in economics at the University of Arizona at the time and I wrote a paper on this. I went home, I believe it was over the Christmas recess, and I talked to my father about it. I said: President Kennedy is a Democrat, I am a Republican, but I think he is doing the right thing. My father said: He is doing the right thing. I remember writing that in the paper and my professor was kind of scratching his head because he looked at it in a more political way. Yet if you look at it in a purely economic point of view, when the economy is not doing so well, the last thing you want to do is to raise tax rates. In fact, you can do a lot of good by reducing taxes, which is what Kennedy did, and it had a very profound and positive impact. Those are the lessons history teaches.

Mr. ALEXANDER. I believe there is another lesson, too, if we look back 40 years to October of 1969. It sounds very good to say we are going to tax the rich people. There are just a few of them; they are not you. We are going to take their money. You will be all right. That is exactly what happened in 1969. That was the last time we had a millionaires tax—that is what they called it—because they found 155 people who had paid no income taxes, so they passed the millionaires tax. We have another name for it today; it is called the alternative minimum tax. This year, if Congress did not act, it would have taxed 28 million Americans. It started out to catch 155 rich Americans and now could catch 28 million, including a lot of the middle class.

Mr. KYL. Madam President, I would say to my colleague that is exactly right. That is one of the reasons why in this so-called stimulus package, a 1-year relief from the alternative minimum tax was included because we knew that the net was now casting so wide it would incorporate 20-plus million people into the category of millionaires—people who made \$50,000; \$60,000; \$70,000. The problem was the rates were never indexed for inflation, so what only caught millionaires at one time is now catching decidedly middle-class taxpayers.

The same thing could easily be done with the proposals that the administration has in the budget—a budget which, as we discussed last week, spends too

much, taxes too much, and it borrows too much. We think we ought to spend less, tax less, and borrow less, which is one of the reasons we think the tax portions of the Obama budget are wrong.

Mr. ALEXANDER. One of the tax portions has to do with what Senator GREGG, the Senator from New Hampshire, who is our ranking Republican on the Budget Committee, calls the national sales tax on electricity, a tax that would be a so-called cap-and-trade system tax.

Mr. KYL. Madam President, that is exactly right.

Mr. ALEXANDER. It doesn't just get rich people.

Mr. KYL. No. Madam President, this is the so-called mandatory cap-and-trade system that is included within the budget under which the Government would set how much businesses could produce in the way of carbon by their activity, and then, of course, they would pass the costs of this limitation onto their customers. Now, that only applies to people who either directly use energy, such as electricity or gasoline or you buy something that has been made with energy. I think that covers just about everybody.

The point is, it will take, from every American family, at least \$800 a year, which is the amount of the so-called tax cut the President—I have forgotten what he calls that in the budget.

Mr. ALEXANDER. Madam President, I think he calls it the Making Work Pay credit.

Mr. KYL. That is correct, the Make Work Pay Act, which is actually nothing more than a spending program in the guise of a tax cut. But whatever that gives back to people, it only covers what has been taken from them in this energy tax, and, in fact, that is just the beginning. The energy tax, by all accounts, will explode to a far greater burden on every family than an initial burden of 800 bucks.

Mr. ALEXANDER. Madam President, it is not entirely clear how much a cap-and-trade system on the entire economy will raise. The President estimates in his budget \$646 billion over 10 years. Some observers think that is low; that it might be \$60, \$80, \$100, \$120 billion or even more over 10 years. The cap-and-trade system—the way of limiting the use of carbon in the economy—is the subject of a very important debate we should be having in the Senate. For the whole 6 years I have been in the Senate, I have recommended a cap-and-trade system just for powerplants, not for the whole economy. I see the distinguished Senator from New Mexico on the floor who is chairman of the Energy Committee. He has had his own bill there. But our point would be in the middle of a recession, you don't put on top of the American people a new tax on electric bills and gasoline purchases.

Just in December of last year, 10 percent of customers for Nashville Electric Service said they couldn't pay their electric bills, even with TVA's relatively low rates. So whatever the views are on cap-and-trade—and there are many views even within our conference: Our Presidential nominee, JOHN MCCAIN, supported cap-and-trade, and I support a limited one but not in the middle of a recession—the way to deal with a recession is not more taxes.

Mr. KYL. Madam President, if I could also talk about some of the other effects of this. The problem with this kind of an energy tax is that when people use less energy, obviously they buy less, they travel less, and all of this curtails economic activity. It has been estimated the gross domestic product of the United States would be roughly 1 percent lower at the end of 2014 and 2.6 percent lower by 2030, just by having to pay this tax. As economic activity would slow, employers wouldn't need to hire as many workers. In fact, it is estimated that employers would create 850,000 fewer jobs by 2014 and 3 million fewer jobs by 2030. The effect on household income would be dramatic. It would reduce, on average, household income adjusted for inflation by \$1,000 in 2014 and \$4,000 by 2030. Of course, it is also a problem because not everyone will bear the same burden, and it is a very regressive tax, given the fact that people at a lower economic income level have to pay a higher percentage of their family income for energy than do higher income folks.

So for a lot of different reasons, this is a very bad idea, and as my colleague from Tennessee points out, it is a terrible idea in the middle of a recession.

Mr. ALEXANDER. Our responsibility as the minority party is often to hold the administration accountable, to point out the other side of things, and to oppose things we think are wrong. Our responsibility also is to say what we are for. This week during the debate and over the next couple weeks you will hear Republicans offering different ideas for a clean energy agenda, one that begins with conservation, on which most of us agree. You will hear ideas including building 100 new nuclear powerplants, that is carbon free. You will hear ideas about finding more natural gas, that is low carbon and using plug-in electric cars, which we can plug in at night and we wouldn't have to build any more powerplants. So we could move toward more American energy, as clean as possible and as fast as possible, but what we want to remember—and this doesn't seem to be remembered in the budget—is to do so at as low a cost as possible because people are hurting today because of unemployment and high costs and a lack of jobs.

Mr. KYL. Madam President, let me turn to a slightly different aspect of

this same problem. It is not just the energy tax in this budget that we are concerned about; it is also a variety of tax policies that will clearly and dramatically impact business—again, not what you want to do at a time of a recession. For example, it heavily taxes American corporations that have operations overseas. Now, we want to compete overseas. We don't want to just have American businesses here in America. Anybody who would go overseas to do business would be heavily taxed here. That will have a dramatic impact on our exports, which have been a big part of our economy and on our gross domestic product in general.

Another thing it does at this time, which is dead wrong, is to indirectly impose a much higher cost on obtaining a mortgage because it limits the amount of mortgage interest deduction. One of the things that has enabled millions and millions of Americans to own their own home is because we have favorable tax treatment. They can take the mortgage interest deduction as a deduction from their Federal income taxes. So why would we limit the amount of deduction for your home mortgage, especially at this time when we are trying to encourage more people to buy homes and we don't want banks to end up with more bad loans on their books.

Then, in addition, there are other tax rates that are allowed to increase rather than to continue where they are, and these are the rates on the income tax for the top two marginal rate categories. These are exactly the people who are reporting small business income. We know small businesses create up to 80 percent of the jobs in the economy, so there again, directly imposing a greater burden on the people who run and operate the small businesses in this country; precisely the group who needs to have more income in order to hire more people so we don't have as many unemployed.

In all these ways, the budget is going to directly negatively impact our economic situation at exactly the wrong time.

Mr. ALEXANDER. Well, the Senator from Arizona brings up a very good point, which is the limitation on deductions people might take. Now, again, that sounds pretty good because one may say: Well, that applies just to someone with a lot of money, but let's think about this for a minute. That means charitable deductions in the United States would not receive the same sort of treatment under President Obama's plan that they do today. So we take a college such as Maryville College in my hometown, which is a small Presbyterian college that doesn't have a very large endowment; a faith-based college. It is having a tough time in the economy anyway. Then we come along and we say to people to whom it might turn for charitable contributions: Sorry, we are going to take away

the incentive that Americans have to make charitable contributions to the colleges, to the Boy Scouts, to the Girl Scouts, to the pro-life groups, to the pro-choice groups, to all sorts of associations in America that are having a hard time raising money for charitable activities, and we are going to make it that much harder.

This country leads the world in terms of charitable contributions. Typically, about 2 percent of our income goes to charitable contributions. No other country in the world has that sort of tradition of giving, and in the middle of a recession we would limit charitable contributions to nonprofit organizations who are already struggling.

Madam President, we have been asking the question: Why would someone who is interested in seeing an economic recovery propose these kinds of tax policies—to limit charitable deductions, limit the deduction on home mortgages, punish American companies doing business overseas, and put a mandatory energy tax on the American people?

All of these are policies that don't seem to make any sense. As my colleague pointed out in the very beginning, they run opposite to the lessons we have learned historically. Why would this be done? It turns out that a very interesting op-ed in the Wall Street Journal last Thursday, March 12, may have the answer. It was written by Daniel Henninger. It is called "The Obama Rosetta Stone." It is said that the Rosetta Stone is where you go to get the answer to the great mystery of life. The Rosetta Stone in the Obama budget Mr. Henninger finds is on page 5 of the budget. This, I think, provides the clue to why all of these negative policies are being introduced into the budget at this time.

Let me quote from page 5 of the Federal budget. He is referring to the amount of income the top 1 percent of earners in our country makes:

While middle-class families have been playing by the rules, living up to their responsibilities as neighbors and citizens, those at the commanding heights of our economy have not.

Prudent investments in education, clean energy, health care and infrastructure were sacrificed for huge tax cuts for the wealthy and well-connected.

There's nothing wrong with making money, but there is something wrong when we allow the playing field to be tilted so far in the favor of so few. . . . It's a legacy of irresponsibility, and it is our duty to change it.

I think what Mr. Henninger has found in the Obama budget is the rationale for these paradoxical tax provisions. It is not a matter of helping families or supporting small businesses to create more jobs or helping the economy grow out of the recession; rather, this is all being done to redistribute the wealth in the country because it is

alleged that the people at the top end of our economy are making more money than they should.

The PRESIDING OFFICER. The Senators have 2 minutes.

Mr. KYL. The Senator from Tennessee can close after I finish my point.

The point is, this is not the purpose of tax policy. The purpose of tax policy should be to raise the amount of money we need, and need legitimately, to run the Federal Government, and do so as fairly as possible.

As they point out here, while the top 1 percent of earners in our country has earned 22 percent of the income, they pay 40 percent of the Federal taxes. The people who would get the brunt of the tax—those making above \$200,000—pay 60 percent of the Federal income taxes in America. One wonders why a group that pays 60 percent of the taxes already and only comprises 2 percent of our population is being unfairly treated. As a result of the Bush tax policy, they are actually paying a higher percentage of income taxes than they did before the Bush tax cuts went into effect. I think maybe that is the answer to the question. If so, it is very distressing.

Mr. ALEXANDER. I thank the Senator. I ask unanimous consent for 30 seconds to conclude.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, before his conclusion, I ask unanimous consent to have the op-ed I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 12, 2009]

THE OBAMA ROSETTA STONE

(By Daniel Henninger)

Barack Obama has written two famous, widely read books of autobiography—"Dreams from My Father" and "The Audacity of Hope." Let me introduce his third, a book that will touch everyone's life: "A New Era of Responsibility: Renewing America's Promise. The President's Budget and Fiscal Preview" (Government Printing Office, 141 pages, \$26; free on the Web). This is the U.S. budget for laymen, and it's a must read.

Turn immediately to page 11. There sits a chart called FIGURE 9. This is the Rosetta Stone to the presidential mind of Barack Obama. Memorize Figure 9, and you will never be confused. Not happy, perhaps, but not confused.

One finds many charts in a federal budget, most attributed to such deep mines of data as the Census Bureau or the Bureau of Labor Statistics. The one on page 11 is attributed to "Piketty and Saez."

Either you know instantly what "Piketty and Saez" means, or you don't. If you do, you spent the past two years working to get Barack Obama into the White House. If you don't, their posse has a six-week head start on you.

Thomas Piketty and Emmanuel Saez, French economists, are rock stars of the intellectual left. Their specialty is "earnings inequality" and "wealth concentration."

Messrs. Piketty and Saez have produced the most politically potent squiggle along an

axis since Arthur Laffer drew his famous curve on a napkin in the mid-1970s. Laffer's was an economic argument for lowering tax rates for everyone. Piketty-Saez is a moral argument for raising taxes on the rich.

As described in Mr. Obama's budget, these two economists have shown that by the end of 2004, the top 1% of taxpayers "took home" more than 22% of total national income. This trend, Fig. 9 notes, began during the Reagan presidency, skyrocketed through the Clinton years, dipped after George Bush beat Al Gore, then marched upward. Widening its own definition of money-grubbers, the budget says the top 10% of households "held" 70% of total wealth.

Alan Reynolds of the Cato Institute criticized the Piketty-Saez study on these pages in October 2007. Whatever its merits, their "Top 1%" chart has become a totemic obsession in progressive policy circles.

Turn to page five of Mr. Obama's federal budget, and one may read these commentaries on the top 1% datum:

"While middle-class families have been playing by the rules, living up to their responsibilities as neighbors and citizens, those at commanding heights of our economy have not."

"Prudent investments in education, clean energy, health care and infrastructure were sacrificed for huge tax cuts for the wealthy and well-connected."

"There's nothing wrong with making money, but there is something wrong when we allow the playing field to be tilted so far in the favor of so few. . . . It's a legacy of irresponsibility, and it is our duty to change it."

Mr. Obama made clear in the campaign his intention to raise taxes on this income class by letting the Bush tax cuts expire. What is becoming clearer as his presidency unfolds is that something deeper is underway here than merely using higher taxes to fund his policy goals in health, education and energy.

The "top 1%" isn't just going to pay for these policies. Many of them would assent to that. The rancorous language used to describe these taxpayers makes it clear that as a matter of public policy they will be made to "pay for" the fact of their wealth—no matter how many of them worked honestly and honorably to produce it. No Democratic president in 60 years has been this explicit.

Complaints have emerged recently, on the right and left, that the \$787 billion stimulus bill will produce less growth and jobs than planned because too much of it goes to social programs and transfer payments, or "weak" Keynesian stimulus. The administration's Romer-Bernstein study on the stimulus estimated by the end of next year it would increase jobs by 3.6 million and GDP by 3.7%.

One of the first technical examinations of the Romer-Bernstein projections has been released by Hoover Institution economists John Cogan and John Taylor, and German economists Tobias Cwik and Volker Wieland. They conclude that the growth and jobs stimulus will be only one-sixth what the administration predicts. In part, this is because people anticipate that the spending burst will have to be financed by higher taxes and so will spend less than anticipated.

New York's Mike Bloomberg, mayor of an economically damaged city, has noted the pointlessness of raising taxes on the rich when their wealth is plummeting, or of eliminating the charitable deduction for people who have less to give anyway.

True but irrelevant. Mayor Bloomberg should read the Obama budget chapter, "Inheriting a Legacy of Mismatched Priorities."

The economy as most people understand it was a second-order concern of the stimulus strategy. The primary goal is a massive reflowing of "wealth" from the top toward the bottom, to stop the moral failure they see in the budget's "Top One Percent of Earners" chart.

The White House says its goal is simple "fairness." That may be, as they understand fairness. But Figure 9 makes it clear that for the top earners, there will be blood. This presidency is going to be an act of retribution. In the words of the third book from Mr. Obama, "It is our duty to change it."

Mr. ALEXANDER. Madam President, I hope all of us in the Chamber understand that people are hurting, and we want to see jobs and see the economy moving again. I think our point is that the lessons of history show that raising taxes doesn't help create new jobs. Now is not the time to change inequities in the Tax Code. Now is the time to create new jobs and for people to have more money in their pockets.

We would like to join with the President in focusing attention on fixing the banks and getting credit flowing again in the same way President Eisenhower did when he said: I will go to Korea and concentrate my attention on this job until it is honorably done.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that I be allowed to proceed as in morning business for no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HALABJA ANNIVERSARY

Mr. LIEBERMAN. Madam President, it was exactly 21 years ago today that Saddam Hussein perpetrated one of modern history's most barbaric crimes. On the morning of March 16, 1988, the Iraqi Air Force dropped chemical weapons on Halabja, a Kurdish city in northeastern Iraq. Over the course of 3 days, tens of thousands of victims were exposed to mustard gas—which burns, mutates DNA, and causes malformations and cancer—as well as sarin gas—which can kill, paralyze, and cause lasting neurological damage—among other deadly chemical agents. Over the course of 3 days of bombing, it is believed that at least 5,000 civilians were murdered in Halabja.

The attack on Halabja was not the only instance in which the former Iraqi regime committed mass murder with chemical weapons. On the contrary, it was just one event in a large-scale campaign against the Iraqi Kurds called the Anfal, led by Saddam and his henchman, Ali Hassal Al Majid, also known as "chemical Ali."

For 18 months between 1987 and 1988, it is estimated that Saddam's forces destroyed several thousand Iraqi Kurdish villages and murdered approximately 100,000 Iraqi Kurds, the majority of them unarmed civilians. At least 40 chemical weapon attacks have been documented—the first time in human history that a government has used weapons of mass destruction against its own citizens.

In her Pulitzer prize-winning book, "A Problem From Hell," Samantha Power describes the assault on Halabja. It is a chilling account. The chemical weapons were dropped from aircraft that flew low over the city. In Samantha Power's words:

Many families tumbled into primitive air raid shelters they had built outside their homes. When the gases seeped through the cracks, they poured out into the streets in a panic.

There, they found friends and family members frozen in time like a modern version of Pompeii. Slumped a few yards behind a baby carriage, caught permanently holding the hand of a loved one or shielding a child from the poisoned air, or calmly collapsed behind a car steering wheel. Not everyone who was exposed died instantly. Some of those who inhaled the chemicals continued to stumble around town, blinded by the gas, giggling uncontrollably, or, because their nerves were malfunctioning, buckling at the knees.

On the anniversary of this horrific attack on Halabja, I urge my colleagues to pause and reflect on the lessons it teaches us.

What happened in Halabja should remind us that there is, unfortunately, such a thing as evil in the world, and that we in the United States not only protect our security but uphold our most cherished humanitarian values when we fight against it.

Halabja should also remind us that there are leaders in the world whose conduct is unconstrained by the most basic rules of humanity, whose only interest is their own power, and who are willing to do anything necessary—no matter how unspeakable or cruel—to perpetuate their power.

Halabja should remind us of the extraordinary danger posed by rogue states that possess weapons of mass destruction, and why we and our allies must be prepared to take extraordinary measures to prevent the world's most dangerous regimes from getting the world's most dangerous armaments.

Finally, Halabja should also remind us that despite the many mistakes and missteps the Bush administration made in the course of the war in Iraq, all who value human rights should be deeply grateful that Saddam Hussein and his terrible regime are gone and now consigned to the dustbin of history. If anyone doubts the world is a better, safer place with Saddam gone, they need only look to the history of what happened on this day 21 years ago in Halabja.

Two decades ago, the Kurdish-inhabited regions of Iraq were decimated and

depopulated by one of the 20th century's most vicious and tyrannical despots. Fortunately, the story does not end there. Today, thanks in no small part to the protection provided by the United States, the Kurds of Iraq have rebuilt and their region is flourishing. The great Kurdish cities of Erbil, Sulaymaniyah, and Dohuk are the safest in Iraq today, and they are booming economically. The Kurdish people have emerged from the yoke of tyranny to become some of America's best and most loyal allies anywhere in the world.

The leaders of the Kurdistan Regional Government still face challenges. They need to pursue further political reform and economic liberalization. They must fight corruption, and they must continue to work with the democratically elected Government in Baghdad to ensure that disputes over contested territory in northern Iraq, including in the city of Kirkuk, are resolved peacefully and not through violence. And I am confident they will.

Indeed, in a remarkable—I would say miraculous—turn of history, 21 years after the atrocity of Halabja, the Kurds of Iraq have at least assumed their rightful role in shaping the future of the great country of which they are a part. Today, the Kurds of Iraq enjoy the same rights and privileges as every other Iraqi citizen, and their representatives sit in a democratically elected Parliament in Baghdad.

Perhaps in the most miraculous of all turn of events and one of the great historical justices of our time, Saddam Hussein, that evil tyrant who ordered the mass murders of tens of thousands of Kurds, has been replaced as President of Iraq by a great Kurdish Iraqi patriot, a freedom fighter and a great friend of the United States, Jalal Talabani. That is something the survivors of Halabja 21 years ago could never possibly have imagined.

As we pause to remember the victims of Halabja today, we should also give thanks to the extraordinary progress that has been achieved since that terrible day 21 years ago—progress that has been made possible through the courage and sacrifice of Kurds, Iraqis, and Americans alike.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Madam President, I ask unanimous consent to speak on the pending business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. Madam President, the American people should pay very close

attention this week. We are going to have on the floor what the majority leader calls a "noncontroversial" bill; a noncontroversial bill, in that we are going to take 3 million acres and deem it untouchable for further energy for this country; noncontroversial in that we are going to spend—in mandatory spending yearly from now on out—\$900 million a year on things you will never see the benefit of; noncontroversial in terms of taking specific areas with known, proven oil and gas reserves—300 million by the Department of the Interior's estimation in one field alone—to the tune of 300 million barrels of oil and 13 trillion cubic feet of natural gas. Yet it is noncontroversial.

The other thing we should be aware of is that throughout this omnibus lands bill there are 150 different individual bills, 50 of which never had a hearing in the House—they were voted on in the Senate in committee but most had never had a hearing—and we are going to step all over private property rights in this Nation. We are not going to do it directly, we are going to do it through laws that we refer to in this omnibus package that allows the bureaucracy—the faceless bureaucracy—to now utilize portions of pre-existing acts to take land by eminent domain.

You are going to hear: Well, that is a small portion. It is specifically prevented in certain portions of the bill. They do say that. But they do not obviate the law. In this omnibus bill are 70 or 80 bills that I would happily pass, because I don't think they have a profound negative impact on our future. But there are 70 or 80 of the bills which I think have a profound negative impact on the future, and I readily admit to trying to stop this bill in the past. I will put forward that I will do everything in my power as an individual Senator to, if not stop it, slow it down so that the American people will actually know every aspect of everything that is in this bill.

This bill is over 2,000 pages. There has never been one amendment. There has never been one amendment allowed on the Senate floor to alter this bill. So I look forward to a debate. I look forward to an open amendment process that does not allow veto by the other side of what we want to try to amend and when we want to try to amend it. But I pledge to use every parliamentary tactic I have at my disposal to defend the right to amend this bill.

Some may say: Well, you have a lost cause. Why don't you give it up, Senator COBURN, and let them have it. They are going to win. The reason we shouldn't let them win on this—although there are good things in this bill—is because we are setting a precedent with a very weak foundation underneath us for our future energy needs. Recently, in the last 6 weeks, we had a Federal judge in Utah abandon

and prohibit energy exploration because it was close to a wilderness area. We have had the Department of the Interior rescind energy exploration permits that were duly granted under a full and proper process because it was not environmentally acceptable.

What is not acceptable is to deny the fact that even if we get to a totally green energy source, it is going to take us 20 years to do it. What is not acceptable is to continue to send our hard-earned dollars out of this country when in fact we could provide that same energy without sending those dollars out of this country and increase our own economic base and freedom and prosperity.

I look forward to the debate. I plan on voting no on the motion to proceed, and I plan on using every tool I can to delay and obstruct this piece of legislation because it is not in the best long-term interest of our country.

A bill that is 150 bills or 160 bills comes to the floor with many people as proponents. The question Americans ought to ask their Senator is: Even though you get something for us, is this a good deal for us? Is this something with which we want to bless the other 149 bills throughout this mega, omnibus lands bill? Do you get something that is good for the country as a whole, that is good for the country in the long term, that benefits the next two generations; do we do so in a way that is prudent, efficient, effective, and manageable? The answer to that question is no. It is no today, it is going to be no tomorrow, and it will be no after we have done this and look back on it 10 years from now.

We live in a make-believe world where we think we can have our cake and eat it too. We can't. The fact is we are tremendously reliant on carbon sources of energy. We need to quit abandoning our own sources until we can be carbon free. This bill takes us a long way toward taking off multiple areas of both potential and proven reserves of natural gas, geothermal, and oil which we should be utilizing for our own benefit and our own future.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Madam President, I rise today to speak in favor of cloture on the motion to proceed to H.R. 146, which is the Revolutionary War and War of 1812 Battlefield Protection Act. This is being used as a vehicle for the omnibus public lands package.

I think it is probably safe to say that none of us had hoped to be voting on

this package here in the Senate again, but it has become clear that despite procedural obstacles this package has broad bipartisan support on both sides of the Hill and should become law, and that is why we are back yet again.

Although each individual bill in this package is not the kind of thing that perhaps makes national headlines, as a whole it is important enough to justify the time this body has committed to it, and I appreciate the majority leader bringing this back, and I appreciate the cooperation of my chairman, Senator BINGAMAN, as we work to advance the very important provisions that are contained in this omnibus public lands package.

In the case of the Energy Committee, this package, along with a similar package that was passed by the Senate last spring, represents almost 2 years' worth of hearings, negotiations, and business meetings on the many facets of these public lands issues. This package contains over 160 public lands bills, the vast majority of which went through the regular committee process and then sat individually on the Senate calendar at the end of last session.

Now, clearly, when you have a package that is comprised of this many bills—160 different public lands bills—it does a great deal; it covers a great many things. It covers the full range of the committee's public lands jurisdiction, whether it be from small boundary adjustments and land exchanges to large wilderness designations. There will be some who will suggest that the sheer number of bills that is contained in this package is a bad thing and that somehow or other this is new; it is unprecedented. But for those of us who come from western States, which contain large amounts of public lands—and in my State of Alaska about 1 percent of our lands are privately held, everything else is Federal, or State, or part of the native claims settlements—public land is an important aspect of how we operate within our respective States. We understand that legislation, such as that contained in this package, is necessary to the day-to-day functioning of the western economy.

I said during the first debate of this bill when it was before the Senate that in the West simple real estate transactions that are taken for granted in the East often literally take an act of Congress. And that is what we are here doing today. It is taking an act of Congress. This bill protects some of our natural landscape and historical treasures.

Now, there are some who oppose such protections, claiming that we are threatening access to our Nation's resources. But I do not believe that this is an either/or situation. We as a nation can maximize the development of our domestic energy and mineral resources while at the same time protecting our Nation's other natural

treasures and wilderness. In fact, the Department of the Interior and the U.S. Forest Service have certified in testimony, in response to questions, that none of the wilderness proposed in this legislation will negatively impact on the availability of oil, gas, or national energy corridors.

There is one section I should mention that does restrict oil and gas development in Wyoming, but as my colleague from Wyoming has mentioned, it is fully supported by their State delegation and their Governor. Almost all of the lands in this bill are already federally managed lands, most to be designated as wilderness, are either within the Federal parks or have been managed with restrictions, such as wilderness study areas or roadless areas. So in that case a designation as Federal wilderness does not further restrict use beyond what has been in place for quite some time.

On the other hand, this bill actually transfers 23,226 acres of Federal lands to private and State sectors through conveyance, exchange, or sale. The bill does authorize the expenditure of funds, but each of those is dependent on future appropriations that depend on the oversight provided by the appropriations committees and the Presidential budget request.

I think it is fair to say that this process is not my preferred method for passing legislation—putting multiple measures in an omnibus bill—but I believe that overall this package will improve our Nation's management of its public lands and its parks and will be a long-term benefit for our Nation. Therefore, I respectfully request my fellow Members support the passage of this omnibus legislation.

With that, Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. SESSIONS. Madam President, I wish to briefly begin discussion in the Senate about the President's budget that has been submitted to the Congress. We have had hearings under Chairman CONRAD, KENT CONRAD. His committee has had excellent hearings. We have had some good discussions. We have had some important witnesses, and we have been talking about some very important matters.

I wish to say now that I think the American people and the Members of the Senate need to get focused on the fact that the budget is not a good budget. The budget proposed by the President presents unsustainable spending,

tax increases, and debt. It is just that way. It is right here in the book and the numbers cannot be changed. People can talk and spin any way they would like to, but if you look at these numbers, it is a chilling proposal for America that cannot be sustained.

One of the things the President promised, I think in his State of the Union and in his budget, was that we would have an honest budget and there would not be gimmicks in it. There have been, over the years, quite a number of times when Republicans and Democrats have put gimmicks into the budget. I would say I do not think this one is any better than the past. In fact, I think it is probably worse, maybe considerably worse. The budget, entitled "A New Era of Responsibility, Renewing America's Promise," says on page 43, the conclusion of the introductory summary:

The budget itself does not use budget gimmicks or accounting sleights of hand to hide our plans or the status of our economy. It is forthright in the challenges we face and the sacrifices we must make.

I do not think that is a fair statement of some of the things in here. We will be talking about some of the concerns as we go on. Fundamentally, the budget, as proposed, presents an overly rosy economic forecast. In fact, the numbers do not correspond with the best numbers we have on the economy from the Blue Chip indicator. That is the top 51 economists in the country. It is considered the gold standard of economic forecasting that we should have used or been close to. The consensus view of the Blue Chip economists—why is this important? It is important because if you are projecting an overly healthy economy, you are projecting more revenue into the Treasury than you are actually going to receive. That is the big deal.

In a budget you assume certain things. If it assumes a level of growth that is too high or a level of unemployment that is lower than we can reasonably expect, then it provides the Government, for the purposes of a budget, the right to assume more income than we are going to have. The budget predicts our economic growth is going to only decline this year by 1.2 percent. That is what the budget has. It has these assumptions in it. That is how they reach the numbers they reach. According to the President's speeches, of course, we are facing one of the greatest economic crises in our Nation's history and things are not good at all. So I would say that is not a very honest evaluation.

The Blue Chip forecast shows that the economy will decline this year by 2.6 percent, more than twice that. That is hardly a depression, thank goodness. I like to see that number. It is not as bad as a lot of people have been predicting, 2.6, but it is way more negative than the President's budget.

Of the 51 economists who contributed to this forecast, only three said growth would decline less than 2 percent and not a single one said growth would only decline 1.2 percent. The closest that one came to 1.2 percent was one economist who predicted 1.4 percent, but the average was 2.6 percent and some, of course, higher than that. I do not think it is responsible. I think it is a gimmick or a misrepresentation to predict this economy will only contract by 1.2 percent in this year.

Let's look at unemployment. The administration forecasts it will only rise to 8.1 percent. That is in the budget. It says next year it has it coming down to 7.9 percent. That means more people are working, more people are paying taxes, we have less food stamps and less welfare and less unemployment insurance. It impacts how much money we are actually going to have to spend. So they are projecting 8.1 percent, which will be the peak of unemployment and that next year it will be lower, 7.9.

In the early 1980s, when President Reagan and one of President Obama's advisers, Paul Volcker—who was then head of the Federal Reserve—broke the back of 15 percent inflation, but it put us in a severe recession, unemployment hit 10.9 percent. We survived that without a \$800 billion stimulus bill, every penny of it going to the debt. But at any rate, they are predicting 8.1 percent on that.

What are these economists saying, the consensus? They project 9.2 percent this year and 8.8 percent next year—not 7.9. That makes a big difference. This is a big difference. It matters as to whether we can reach the goal the President has stated of reducing the deficit in half by 2013. That is not a significant commitment, frankly. It, in itself, is a gimmick, and I will explain that too. Using the Blue Chip forecast, the deficit is going to be \$53 billion higher next year for fiscal year 2010 and about \$150 billion higher in 2013.

We will have opportunities as we go forward. We will have budget hearings this week, I think some more, and a markup in the Budget Committee next week. I think we have a good committee. Chairman CONRAD is asking some tough questions. He is not rubberstamping the administration's ideas, and I am proud of that because we are going to have to take some tough decisions.

Let me share, fundamentally, where we are in spending. After 9/11, the budget deficit was \$412 billion. That was one of the largest deficits we ever had. It fell in fiscal year 2007–2008 to \$161 billion. Last year, ending September of last year, that would be the 2008 budget—the previous one was 2007 at \$171—we came in at \$455 billion.

In 2004, a \$412 billion deficit; the \$455 billion deficit last year represented the highest deficits in our Nation's history.

President Bush was roundly criticized for those and a good bit of that criticism was deserved, in my opinion.

Now that we have pumped another \$800 billion into the economy this year on top of the Wall Street bailout, that \$700 billion; on top of the \$200 billion that the Congressional Budget Office has scored that we pumped into Freddie and Fannie, those mortgage holding companies, we will total, hold your hat, this year when September 30 concludes, of this year, the estimate is projected to be \$1.8 trillion—not \$455 billion but \$1,800 billion.

They scored in that, I have to say, \$200 billion, about \$200 billion from the Wall Street bailout, \$200 billion for Freddie and Fannie, one-time expenditures. But they didn't score all the stimulus package. In fact, they have a portion of it scored as being spent this fiscal year and a portion of it the next and some the third year. Next year's fiscal situation, according to our own Congressional Budget Office, is that the deficit will be \$1.1 trillion.

I just wish to say to my colleagues and to those who might be listening outside this Chamber, it is not very hard to cut a budget deficit of \$1.8 trillion in half; \$1.8 trillion is almost four times the highest budget in the history of the Republic—unless perhaps during World War II we reached that deficit, I don't know. But certainly nothing has approached it in the last 30 or 40 years.

We are not doing well. Also, I have to tell you that the budget is a 10-year budget. All of us know that in the out-years it is hard to predict what is going to happen. I will just say, however, that President Obama's 10-year budget projects that the deficit in the 10th year—you would think if we cut the annual deficit, the annual shortfall, if we cut it in half in 4 years, we would keep cutting it. He is projecting some \$500 billion in 2013, and that is certainly conceivable, if we do not continue spending. If we keep spending at the same level we have today, we would be well below \$500 billion, Lord willing and things continue the way we project them to continue.

But I will say in the 10th year under the budget, they are projecting \$712 billion in deficits. The lowest deficit they are projecting over the entire 10 years exceeds \$500 billion. As Senator GREGG said at the hearing with Secretary Geithner in the Budget Committee last week, that is not sustainable. I am just going to tell you, that is not sustainable. I think we all, as a nation, have to ask ourselves: Should we go forward with a budget that is composed of more taxes, more spending, and more debt?

I am worried about it. I know a lot of Members are worried about it. We believe, as a lot of people do, that we have to spend some money right now to help start this economy. I am prepared to support some of that too. But I think we have gone overboard. But re-

gardless, if it was ended after 2 years, if there were the kind of projections in the future that show these programs to end and this excessive spending of today would not continue, that is one thing. But if we present a budget and ask this Congress to pass it, that calls for, over 10 years, each year having the highest deficits—higher than any deficits we have ever had before, ending up with a \$712 or \$720 billion deficit 20 years from now, I don't think we can support that.

It is time for a national discussion. As the President said, we need to talk about an honest evaluation of the challenges we face. And we face some tough challenges. But I have to tell you I am hoping CBO and the Blue Chip guys and the President are correct. I am hoping unemployment will not hit 10 percent.

I am hoping next year will be a better year. History tells us that is probably going to be the case. We have certainly had the Federal Reserve take some very aggressive action, most of it probably wise and needed.

We needed some stimulus from the Government. We certainly got that and more. It absolutely should give us some boost in the short run, although the Congressional Budget Office said the \$800 billion stimulus bill over 10 years would result in less growth of the economy over 10 years than if no bill at all was passed. But it will help us some in the short run. I am sure that is true. So we are going to hope this economy will come back. If we contain spending, if we watch the debt we are creating, we could end up with a lot better projection than this without a lot of pain because a big part of this debt increase is based on an increase of sizeable proportions in spending, more than we can sustain.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 598 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BINGAMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to

proceed to Calendar No. 27, H.R. 146, the Revolutionary War and War of 1812 Battlefield Protection Act.

Harry Reid, Patty Murray, Benjamin L. Cardin, Kay R. Hagan, Byron L. Dorgan, Richard Durbin, Carl Levin, Jeanne Shaheen, John F. Kerry, Frank R. Lautenberg, Jeff Bingaman, Roland W. Burris, Robert Menendez, Amy Klobuchar, Jim Webb, Jack Reed, Bill Nelson.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 146, the Revolutionary War and War of 1812 Battlefield Protection Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNES), the Senator from Florida (Mr. MARTINEZ), the Senator from Louisiana (Mr. VITTER), and the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 73, nays 21, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—73

| | | |
|----------|------------|-------------|
| Akaka | Feingold | Murray |
| Barrasso | Feinstein | Nelson (FL) |
| Baucus | Gillibrand | Nelson (NE) |
| Bayh | Hagan | Pryor |
| Begich | Harkin | Reed |
| Bennet | Hatch | Reid |
| Bennett | Inouye | Risch |
| Bingaman | Johnson | Rockefeller |
| Bond | Kaufman | Sanders |
| Boxer | Kerry | Schumer |
| Brown | Klobuchar | Shaheen |
| Burris | Kohl | Snowe |
| Byrd | Kyl | Specter |
| Cantwell | Landrieu | Stabenow |
| Cardin | Lautenberg | Tester |
| Carper | Leahy | Udall (CO) |
| Casey | Levin | Udall (NM) |
| Cochran | Lieberman | Voinovich |
| Collins | Lincoln | Warner |
| Conrad | Lugar | Webb |
| Crapo | McCaskill | Whitehouse |
| Dodd | Menendez | Wicker |
| Dorgan | Merkley | Wyden |
| Durbin | Mikulski | |
| Enzi | Murkowski | |

NAYS—21

| | | |
|-----------|-----------|-----------|
| Alexander | DeMint | Isakson |
| Brownback | Ensign | McCain |
| Bunning | Graham | McConnell |
| Burr | Grassley | Roberts |
| Coburn | Gregg | Sessions |
| Corker | Hutchison | Shelby |
| Cornyn | Inhofe | Thune |

NOT VOTING—5

| | | |
|-----------|----------|--------|
| Chambliss | Kennedy | Vitter |
| Johannes | Martinez | |

The PRESIDING OFFICER. On this vote, the yeas are 73, the nays are 21. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. I move to reconsider the vote.

Ms. STABENOW. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

(The remarks of Mr. KAUFMAN and Mr. ISAKSON pertaining to the introduction of S. 605 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KAUFMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIG BONUSES

Mr. BARRASSO. Mr. President, I rise to discuss the recent decision by AIG to pay out \$165 million in bonuses. In a year when Main Street has suffered dearly, it is disappointing to see that the culture of greed on Wall Street continues to prevail.

Every American ought to be outraged. Every person who has ever paid taxes ought to be outraged by AIG's decision to pay out such bonuses.

I returned from Wyoming this morning, and in the airport and on the plane, this is the topic people are talking about—taxpayers who are expecting value for their hard-earned taxpayer dollars, people who are asking about accountability, and people who are asking about oversight, saying: What in the world is going on back there in New York and in Washington?

While I understand that AIG has contractual obligations to fulfill, they also have an obligation to the American taxpayer, who now holds nearly 80 percent of the ownership of AIG stock.

To date, AIG has received nearly \$175 billion in taxpayer assistance. Similar to any publicly traded company, AIG must be accountable to shareholders, and the shareholders here are the American people.

This money was intended to serve as a liferaft to keep the company afloat. It was never intended to reward AIG

employees for the trouble they have caused for our economy.

It is insulting to all taxpayers to see that their hard-earned money is being spent to save a company that doesn't appear to be willing to make the necessary sacrifices to save itself.

Unfortunately, the same irresponsible behavior that got AIG into this mess appears likely to keep them there. They say it is a contract, but if the American public owns 80 percent of the stock, the American taxpayers are the owners. Therefore, I say, show us these contracts that allow for this sort of retention bonus. The American public, the taxpayers, have a right to expect to see each and every one of these contracts.

You may say: Why is it the Treasury didn't demand that these contracts be renegotiated when we sent that first pile of money to AIG last year, the \$85 billion? The people of America get it, and now they say: Who is watching this? There has been a response letter written from the AIG CEO—the chairman and CEO—talking about this contractual agreement, this decision to pay these kinds of bonuses. He talks about his commitment to the future. He says: AIG hereby commits to use best efforts to reduce expected 2009 retention payments by at least—listen to this—30 percent. They are going to use their best efforts, so 2009 bonus payments are reduced by at least 30 percent.

Are we still talking about \$100 million in bonus payments for a company we continue to bail out? Any American taxpayer who reads that has to be offended by this approach to say we are going to pay bonuses again in 2009.

He goes on to say in his letter that they cannot attract and retain the best and the brightest talent to lead and to staff the AIG business if the employees believe their compensation is subject to continued and arbitrary adjustment by the U.S. Treasury. Arbitrary? Continued? Bring it out there and let the owners of the company—the American people—make that decision. The American public will say they want accountability, oversight, and they want value for their taxpayer dollars. It is not what the American taxpayers are getting today from AIG.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate

proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAKEFIELD ACT

Mr. HATCH. Mr. President, I wish today to speak in support of S. 408, legislation that I introduced along with my colleague, Senator INOUE, to reauthorize the Emergency Medical Services for Children, EMSC, Program administered by the Department of Health and Human Services', HHS, Health Resources and Services Administration's, HRSA, Maternal and Child Health Bureau, MCHB. It is fitting that we do this in the year of the program's 25th anniversary.

The purpose of the EMSC Program is straightforward: to ensure state-of-the-art emergency medical care for ill or injured children and adolescents. Children have different medical needs than adults, and that presents special challenges for emergency and trauma care providers. These differences do not solely relate to medical supplies. They are also physiological and emotional. Not only will an adult-sized facemask not adequately administer oxygen to a child; but, for example, children's respiratory systems function differently, so they are more at risk for inflammation and infection; and they maintain fluid balances differently and thus are more prone to dehydration and death due to blood and fluid loss. Kids even may not be old enough or sufficiently cognizant to communicate what exactly is wrong with them or how they got hurt.

The EMSC Program has helped educate and train medical professionals to provide emergency care for children appropriately, because children are not just small adults.

The program has made extraordinary contributions in its 25 years—but disparities in children's emergency care still exist. According to the Institute of Medicine, IOM's 2006 report: "Emergency Care for Children: Growing Pains," children account for nearly one-third of all emergency department visits, yet many hospitals are simply not prepared to handle pediatric patients. The IOM reported that only 6 percent of EDs in the United States have all of the necessary supplies to appropriately handle children's emergency care.

I am proud that my home State of Utah has played a special role in advancing the level of emergency medical care for children and teenagers. Working with the EMSC Program, Utah has participated in the Intermountain Regional Emergency Medical Services for Children Coordinating Council. The University of Utah is home to both the National Emergency Medical Services for Children Data Analysis Resource

Center, NEDARC, and the Central Data Management Coordinating Center, CDMCC, for the Pediatric Emergency Care Applied Research Network, PECARN. Utah-based projects also helped pioneer the development of training materials on caring for special needs pediatric patients.

Each year, representatives of Utah's medical workforce come to visit and talk about the wonderful accomplishments and importance of the EMSC Program.

The IOM report also recommended doubling the EMSC Program budget over the next 5 years. Over the past several years, there has been a heightened interest in emergency preparedness and emergency services coordination. Despite this, there has been little concern with pediatric emergency readiness. The interest and financial support has gone to predominately support communications and coordination of local, State, and Federal emergency resources. The focus has been on the general population, on adult care; there is not a national strategy to address the complex emergency care needs of children. In light of the recent and current events related to national readiness, such as a potential influenza outbreak, bioterrorist attack, or natural disaster, children's readiness must also be acknowledged and funded.

The EMSC Program last expired in 2005. EMSC remains the only Federal program dedicated to examining the best ways to deliver various forms of care to children in emergency settings. Its reauthorization is long overdue.

The House passed its version of the EMSC reauthorization bill in April of last year by an overwhelming vote of 390 to 1; but, unfortunately, the Senate was not able to take up the bill before the 110th Congress adjourned. While I surely understand the uncertainties of the Senate's legislative agenda, I am disappointed we were unable to pass this very important reauthorization legislation to which there was no opposition.

S. 408 contains the same language that received such tremendous bipartisan support, and I urge my colleagues to support its timely passage.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL

RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Even before the almost (daily) increase in a gallon of gas, I tried to drive as little as possible and carpool when possible. And, when driving, to bunch errand together in the same area of the city, so as to use less gasoline.

It is summer, now, and I try to use my car just once a week, for church on Sunday (buses do not run on Sunday, bike helmet causes helmet hair-do, which is not cool for church).

When I do purchase gas, it shocks me how much I pay. I did not budget for \$4+/gallon gas. I worry that the effect of escalating petroleum prices on all sectors of our commerce and so, my life (along with the incredible rise in health care costs), may severely compromise my carefully-planned retirement budget. Some days I wonder what will become of me.

However, I keep on trying to live lightly, use Boise's bare-bones bus system, and ride my bike whenever and wherever I can. I know I do not look chic with my old-lady Schwinn with side baskets, but at my age, I try not to be too vain.

I have more time than employed people to use the bus and ride my bike to the grocery, appointments, and other places. Unfortunately, I also have osteoarthritis, so riding my bike or walking any distance from the bus stops has become more difficult.

Nonetheless, I try to do my part to stay green and influence others to do the same. I am a little old lady who conserves water in my landscape and in my house (e.g., bucket of water in the shower to catch the cold water while waiting for the shower to heat up, buying/installing water saving fixtures and appliances), recycles and pulls recyclables out of others' trash cans, has implemented several recycling programs, has a mostly xeric landscape, eschews plastic water bottles and paper cups, and is pure in heart.

I wish I had more answers on what will become of all of us. On dark days, I think our civilization is going to implode because we do not seem to be able to get smart enough fast enough to save ourselves. We knew—as individuals, as a government, as a society—that we would run out of fossil fuels and would need alternative energy sources. They are at least 20 years out from being viable.

I pray that God will let me die before the last catastrophic days of all our lives. Thank you for a chance to tell my story and express my opinion.

FRANCES, Boise.

It saddens me greatly that we Idahoans, along with all Americans are suffering like we are at the hands of big government and environmentalists. It is clear and has been for years that we can and should be accessing our own recourses in the United States. We should not be dependent on other coun-

tries for our oil. It is simple really. No matter how long it takes it needs to be done and we should not put it off another minute. I fear greatly that our next president (the one most likely to be elected) will overlook this issue and it will rapidly get worse.

The general public, average hard working Americans are struggling. If one does not make \$100,000 a year, it is getting impossible to live. I look at my own situation (which is not good) and then wonder how those less fortunate are even surviving?

My husband is a small partner on a dairy. I lost my job in November of last year due to an office closure and I am now working from home. Yet, there is hardly any work. As a travel agent, money only comes in when people travel. And that is not happening much anymore. We have never had much left over after bills were paid; however a year ago if my kids needed socks, I could at least buy a package. This year, I have to use one credit . . . card to pay another just to keep afloat. In fact, I have to put my groceries on credit which is pretty much run out. Do you not find that sad? I fear greatly what is ahead. Should not people who have good jobs like us be able to live without worrying about food or socks? We are \$500 away from bankruptcy.

And the stimulus package? Really, what kind of joke was that? First of all, we were lied to about when we would receive it direct deposited, so a good chunk of it went to NSF fees. Then the rest went to barely put a dent in catching up bills. Save it? Whose idea (dream) was that? I do not know a person who saved it.

I am behind in my car payments which I guess if I lose my car, I will not need to worry much about gas now, will I? I am sick, insecure, and sad about what I know is coming. We Americans cannot hold on much longer. Why is not someone doing anything about this? Maybe because most government officials make enough money to live comfortably right? I bet you can afford socks right? I bet you can buy food for your family without maxing a credit card to do so. Why cannot I?

Please . . . help us . . . and soon.

MICHELLE.

I want to thank you for taking the time to read this e-mail and for contacting us about how energy prices are having an impact on us.

My wife and I are both college graduates; she is a teacher and I am a chiropractor at Saint Alphonsus Hospital. We have sky-high student loans we pay on and as such watch our budget close. The rise in gas as well as the result in increased prices in food has caused us to ride our bikes to work; we live almost in Eagle and I ride the Greenbelt all the way into downtown Boise to try and save money. We have also planted a garden in hopes that it will save us some money at the store.

Our overall shopping is down, we do not buy clothing, or "extras" anymore and we just buy what we need and then save up for fun items once in a while. Our shopping has turned from new items to more and more used or discount so I know that if others are feeling this way too the major retail stores will be suffering a major blow, no wonder why the economy is slow? We love to travel, but we do not as much now due to the cost of gas, food and airline tickets. In short, our way of life is being crippled and will continue to be so till we wake up and start using our own natural resources.

BRIAN and AMY, Boise.

I have watched to rising cost of fuel affect everyone I know here in the Treasure Valley.

My parents own a small trucking company in Emmett, and employed two other drivers. When the price of diesel fuel hit over \$3.50 a gallon, my stepfather had to lay off the other two drivers just to keep him in business. Now the price of diesel is over \$4.80 a gallon, and my stepfather is going to have to go out of business. My parents are too young to retire, but too old to get into any other line of work. What are they going to do to survive? Could you ask your other Senators that please? I have a friend who lives in Emmett, but works in Nampa at Buy MPC loyally for the past 12 years. He bought a house in Emmett at this time, and was living the American dream. Today he is starting to consider letting his home go into foreclosure. This is because he cannot afford the gasoline to drive his car to work and back, and he is thinking of renting an apartment in Nampa to be closer to work. He does not drive some gas-guzzling SUV, but a fuel-efficient compact, and his fuel expense is still more than he can afford. Many of my friends are in a very similar situation. Are the CEOs of the oil companies going to come in and fix things so my parents and friends get to keep their jobs and their homes? Could you ask them that for me? I wonder how many CEOs of oil companies, and the big city politicians, would be willing to come out here to Idaho and work for \$11.00 an hour and make the commute from Emmett to Boise five days a week? Maybe they should, so that way they know pain many hard working Idahoans are going through right now.

I have some ideas for you and other Senators to think about. Do any of you watch the Discovery Channel? I have seen many solutions to our energy needs on this channel. In Europe they are testing a Hydrogen Fusion Reactor. This thing is environmentally safe, produces no waste, and cannot melt down. It also produces a lot more power than the old nuclear reactors that we have now. Why not look at doing this later on down the road, instead of going nuclear? During the last energy crisis of the latter 70s and early 80s, my grandfather showed me a solution. He ran his 1960s Farmall tractor on alcohol, and all he had to do was make a minor adjustment to the carburetor. He did the same thing with his 65 Ford pickup. If this worked so well with 1960s technology, why would not it work with all the technology that has come after it? I turn on the news, and all I hear politicians and CEOs saying how we either cannot do these things, or it would be more expensive if we did these things. Yet, I know from personal knowledge, and from what I see and hear on the Discovery Channels, that this just is not the truth. Maybe the time has come for Idaho to stop waiting on the federal government to do something and take the bull by the horns. Why cannot Idaho fix Idaho's energy needs? Thank you for your time in reading this, and thank you for asking for these stories.

AARON.

My husband and three children live in Nampa. We both work in Boise. It is a 25-mile commute one way every day in the morning five days a week for my husband and three times a week for me. Going to the gas pump so often does not make one happy. I cannot believe the lack of common sense our government officials have concerning most issues but right now but this is the issue affecting my family the most.

We try to live our lives in a way that is self-sufficient, trying to lower our debt, trying to not buy on credit, growing a big garden, canning food, storing water and a sup-

ply of food for the family and living within our means. We live in a 67-year-old farmhouse because that was all we could afford. It is beat up and needs to be torn down but this is our home so this is the way we live. My husband does not make a lot of money. I only can work in the evenings when he is home for the children because we do not want someone else raising our children who do not care for them in the least. I stopped working full-time five years ago to stay home full-time with the children. We lost our health benefits then and have been without since then. With a daughter who has pretty serious asthma and allergies with her medications every month costing about \$300 to me needing a \$40,000 surgery to reconstruct my knee so the intense pain I live with everyday recedes, any jump in our tight budget puts a strain on us.

Where do the extra fuel costs come from in my budget? It comes out of the money we buy food with. I cut down on fresh fruits and vegetables. I cut down on cuts of meat. I cut down on dairy products. We live very meagerly. Not in the world's standards mind you, I have lived in a third world country for about 14 months, I know what poor is. The standards we are talking about are our American society.

Our government does not live within its means; it spends to oblivion. They borrow money like it is monopoly money. They are in our lives too much and should not be. Then the answer they come up with for becoming self-reliant with our oil demands and our energy consumption is: "cut down on your driving, buy a more fuel efficient car. Do not build any more refineries, do not drill our own oil, do not build nuclear, do not convert coal to oil, do not convert shale to oil and for sure do not drill in ANWR or off our own coasts. Let us lease 100-year leases to China and India and let them take our oil. They will do it right for sure. They are so honest with us and keep us in their minds to try to help us for sure." What is wrong with all of our government officials?

My family lived in Anchorage, Alaska, for the previous eight years before moving to Nampa. We have been debating this ANWR thing since before I can remember. What will it take to knock some common sense into these elected officials? I am tired of them acting like they know what is best for us. I am tired of the environmentalists ruling the world. I am tired of these elected officials playing politics when I am suffering with my family in what I can buy for their dinner.

Do they worry about not having the right amount of vegetables and fruits for their children so they can grow and be well? No, they do not. I do. And then they vote on issues that like carbon taxes and credits. What the heck is that all about? I am so tired of this. If I could have them in a room for five minutes, I would let them know how I feel. Get your stinking head out of Washington, DC and listen to the people who elected you. Stop taking American's independence and trampling it under your feet. I am more angry than you know.

Build refineries, build coal plants, drill for oil wherever we can. Get the Chinese and India off our coasts and let us drill. Build nuclear power plants, get the coal and shale and convert it. Stop importing oil from terrorists that control our economy when they want to. Let the Americans be great again. Stop listening to the environmentalists and listen to us. My family suffers because you cannot do the right thing. Beware of continuing in your ways. Some of us have you in our sights and can vote differently. I cannot

take this stupidity much longer. I wish you would all just stop fighting, go to your rooms on time out and then think about what you are doing wrong. That is the mother in me. Do the right thing. There, I think that is it for now.

JODI and AARON, Nampa.

We are writing in response to your letter asking for Idahoans to tell their story about how high fuel prices are affecting them. First I want to say that my family has been expecting this for some time now. We have known that cheap oil is a dream funded by government subsidies working with the big oil companies.

Oil is not an infinite resource. The U.S. peaked in oil production in the 70s and we believe that the world supply has peaked already and we are now facing the fact that supply cannot keep up with demand. We have actually four things which are coming to a head at this moment in time;

1. Peak Oil
2. Peak Food
3. Climate Change
4. Economic downturn/recession

Number 2 through 4 are all due to number 1—peak oil. The world is also experiencing a population problem which has come about from cheap oil resulting in cheap food. It seems like many are in denial about what is happening—and the longer we are in denial, the harder things are going to be.

We have bought a car which gets 45-50 mpg. We are conscious of when we drive, combining our errands etc. We are growing much of our own food and are sourcing and eating local food as much as possible. We are very involved with the "Local" movement as we believe that this is the one thing that is going to save us from a meltdown. We want small government as we do not believe that BIG government is in the people's best interest. The only thing that really seems to matter with BIG government is the bottom line of the corporations and the lobbyists.

People want change. They want better leadership and leaders with common sense. If we all have to forgo our SUV's and the "old American lifestyle" then so be it. We do not see much choice in the matter. We all need to conserve energy and create ways to have renewable energy. This planet cannot handle growth unchecked—which has been the premise up til now. It is going to be painful, but in the long run it is going to be better.

JAMES and LESLEE, Buhl.

We think we are lucky to be living in Idaho, as the people who live here are resourceful and strong.

JAMES.

The high gas prices are killing me when I buy gas. I own a rather old American car. It is a 1998 Pontiac Grand Am with a 3.1 liter V6. It is well cared for and gets pretty good gas mileage. 27 mpg around town and 30 mpg on the interstate. With 167,000 miles on the odometer I want to buy a new car but with gas prices around \$4 a gallon I hesitate. I want to buy an American car that can use ethanol. General Motors is in the news joining with the Ethanol maker from the 60 Minutes TV show to make Ethanol at \$1.00 a gallon from old tires, wood chips and garbage. I went to GM dealers and none make or sell flex fuel cars that can be bought in Brazil. My car runs good because I care for it so I guess I will need to wait a few more years to buy myself a new flex fuel car that can run on either gasoline or ethanol.

I try everything to save gas. My tires are well-inflated and the engine is tuned. I use a

Chase Bank credit card that pays me 5% back on gasoline purchases. But the price of gas is still killing me.

In the short term, I believe that we in the U.S. need to pass laws to permit drilling for oil off the coast and also process oil shale into gasoline. We need to do something now or our country will come to a sudden stop.

DAN.

ADDITIONAL STATEMENTS

TRIBUTE TO DEBRA CLOW

• Mr. JOHNSON. Mr. President, I wish today to recognize the work and career of Debra K. Clow of Sioux Falls, SD. Later this month, Debra will be retiring after nearly 37 years of Federal service in the Department of Veterans Affairs.

Debra grew up in Yankton, SD. She attended the University of South Dakota at Springfield and started her career with the ROTC at USD in August 1972. She began her career with the VA as a fee base clerk in January 1974 and over the years worked impressively in various capacities, including development clerk, claims examiner, authorizer, training and quality coordinator, and coach. In recent years, she also advised and updated South Dakota congressional staffs with the detailed status of cases involving numerous veterans.

While working at the VA Regional Office in Sioux Falls, Debra served as the women's veterans coordinator. She served as coordinator from 1990 to 2008, witnessing the evolving scope of care and attention to the unique issues affecting women veterans. She has also attended numerous VA outreach events to explain VA benefits to veterans and their dependents.

I want to commend Debra for her many years of service to this Nation's veterans and their families. Her honorable service has been marked by a true sense of dedication and commitment to the men and women who have served our Nation in the Armed Forces. Countless veterans have benefitted from her dedicated work, much of which was done behind the scenes but always with the best interests of the veterans in mind. I applaud her great service, and I am sure that she is retiring from the Department of Veterans Affairs with many rewarding experiences and memories.

I wish Debra and her husband, Jeff, all the best in retirement. As a life member of the Izaak Walton League of America, a 25-year member of the American Business Women's Association, and an avid gardener and dog lover, I am sure there are many endeavors awaiting her attention and effort. Again, I wish to recognize and commend Debra for her great service to our Nation.●

TRIBUTE TO NOLAN B. GIERE

• Mr. TESTER. Mr. President, I know my colleagues and the American people agree we cannot adequately recognize the sacrifices of the men and women of what has been described as our "greatest generation"—the veterans of World War II. But today, I am going to try.

Today, I pay tribute to an obscure member of the greatest generation who has slipped the surly bounds to be with God—a simple farm boy, born and raised toiling on his father's farm in Hawley, MN, a youth who, in 1942, heard the calling of duty, honor, and country and enlisted in the U.S. Army Air Corps, a man and decorated airman who, after flying 35 combat missions over Europe, returned to the United States to restart his life in Missoula, MT.

Nolan B. Giere was a ball turret gunner in the B-24 Liberator—a simple staff sergeant upon his honorable discharge in 1945. Together with his wife Marge for almost 50 years, they lived in Missoula, MT, raised four children, and served as a foundation in the community, the business and church they both so loved.

On March 26, 2009, at the Western Montana Veterans Cemetery, a grateful Nation will place to rest another of the greatest generation—Nolan Giere—a simple farmer, a veteran, a local small businessman, and ultimately a loving father and husband. Nolan Giere epitomizes all that is great about America.

To Nolan Giere, and his wife Marge, we salute you. Godspeed.

Mr. President, I ask to have printed in the RECORD a letter from the Air Force Chief of Staff to Marjorie Giere, commemorating the life of her husband.

The information follows:

U.S. AIR FORCE,
Washington, DC, February 19, 2009.
Mrs. Marjorie H. Giere,
Missoula, MT.

DEAR MARJORIE: On March 26, 2009, at the Veterans Cemetery in Missoula, MT, a grateful nation will place to rest a fellow Airman. Volunteering to serve his country, your husband, Nolan Giere, flew 35 combat missions during World War II in the B-24 Liberator. Like others with him and after him, Nolan realized a greater duty, and did not hesitate to pick up the torch. We honor his life, his service, and his commitment to service and country.

On behalf of all Airmen, past and present, I commemorate the life of your husband, Staff Sergeant Nolan B. Giere, United States Army Air Corps, for his selfless contributions to his country.

Sincerely,

NORTON A. SCHWARTZ,
General, USAF, Chief of Staff.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1262. An act to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1262. An act to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WHITEHOUSE (for himself, Mr. REED, Mr. COCHRAN, Mr. KOHL, Mr. KERRY, and Mr. CASEY):

S. 595. A bill to authorize funds to the Local Initiatives Support Corporation to carry out its Community Safety Initiative; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 596. A bill to require the Secretary of Commerce to establish an award program to honor achievements in nanotechnology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY (for herself, Mrs. HUTCHISON, Mr. ROCKEFELLER, Ms. MIKULSKI, Mrs. BOXER, Ms. SNOWE, Mr. WYDEN, Mr. JOHNSON, Mrs. LINCOLN, Ms. STABENOW, Ms. MURKOWSKI, Mr. BROWN, Ms. COLLINS, and Mr. LAUTENBERG):

S. 597. A bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 598. A bill to amend the Energy Policy and Conservation Act to improve appliance standards, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARPER (for himself and Ms. COLLINS):

S. 599. A bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 600. A bill to protect public health and safety in the event that testing of nuclear weapons by the United States is resumed; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON:

S. 601. A bill to establish the Weather Mitigation Research Office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself, Mr. KERRY, and Mr. LIEBERMAN):

S. 602. A bill to direct the Secretary of Homeland Security to conduct a survey to determine the level of compliance with national voluntary consensus standards and any barriers to achieving compliance with such standards, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRASSLEY:

S. 603. A bill to amend rule 11 of the Federal Rules of Civil Procedure, relating to representation in court and sanctions for violating such rule, and for other purposes; to the Committee on the Judiciary.

By Mr. SANDERS:

S. 604. A bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KAUFMAN (for himself, Mr. ISAKSON, and Mr. TESTER):

S. 605. A bill to require the Securities and Exchange Commission to reinstate the uptick rule and effectively regulate abusive short selling activities; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 146, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 182

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 211

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S.

211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 213

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 213, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

S. 254

At the request of Mrs. LINCOLN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 266

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 266, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 277

At the request of Mr. BENNET, his name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

At the request of Mr. WARNER, his name was added as a cosponsor of S. 277, *supra*.

S. 298

At the request of Mr. ISAKSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 298, a bill to establish a Financial Markets Commission, and for other purposes.

S. 303

At the request of Mr. VOINOVICH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 303, a bill to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999.

S. 307

At the request of Mr. WYDEN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Nebraska (Mr. JOHANNES) were added as cosponsors of S. 307, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

S. 324

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 324, a bill to provide for research on, and services for individuals with, postpartum depression and psychosis.

S. 345

At the request of Mr. LUGAR, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 345, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2009", and for other purposes.

S. 353

At the request of Mr. BROWN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 353, a bill to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia.

S. 358

At the request of Mr. CORNYN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 358, a bill to ensure the safety of members of the United States Armed Forces while using expeditionary facilities, infrastructure, and equipment supporting United States military operations overseas.

S. 388

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 422

At the request of Ms. STABENOW, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 427

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 427, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Nevada (Mr.

ENSIGN) was added as a cosponsor of S. 462, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 467

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 467, a bill to amend the National and Community Service Act of 1990 to establish Encore Service Programs, Encore Fellowship Programs, and Silver Scholarship Programs, and for other purposes.

S. 469

At the request of Mr. VOINOVICH, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 469, a bill to amend chapter 83 of title 5, United States Code, to modify the computation for part-time service under the Civil Service Retirement System.

S. 475

At the request of Mr. BURR, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 482, *supra*.

S. 483

At the request of Mr. DODD, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 483, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 491

At the request of Mr. WEBB, the names of the Senator from Maine (Ms. SNOWE), the Senator from Florida (Mr. NELSON) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a

pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 524

At the request of Mr. FEINGOLD, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 524, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

S. 527

At the request of Mr. THUNE, the names of the Senator from Missouri (Mr. BOND) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 527, a bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production.

S. 535

At the request of Mr. NELSON of Florida, the names of the Senator from California (Mrs. BOXER) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 546

At the request of Mr. REID, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 571

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 571, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 572

At the request of Mr. WEBB, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 572, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. CON. RES. 6

At the request of Ms. STABENOW, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cospon-

sor of S. Con. Res. 6, a concurrent resolution expressing the sense of Congress that national health care reform should ensure that the health care needs of women and of all individuals in the United States are met.

S. RES. 20

At the request of Mr. VOINOVICH, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

S. RES. 37

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 37, a bill calling on officials of the Government of Brazil and the federal courts of Brazil to comply with the requirements of the Convention on the Civil Aspects of International Child Abduction and to assist in the safe return of Sean Goldman to his father, David Goldman.

S. RES. 64

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 64, a resolution recognizing the need for the Environmental Protection Agency to end decades of delay and utilize existing authority under the Resource Conservation and Recovery Act to comprehensively regulate coal combustion waste and the need for the Tennessee Valley Authority to be a national leader in technological innovation, low-cost power, and environmental stewardship.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 596. A bill to require the Secretary of Commerce to establish an award program to honor achievements in nanotechnology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, I am pleased to join today with my colleague from Maine, Senator SNOWE, to introduce the Nanotechnology Innovation and Prize Competition Act of 2009.

As Co-Chair of the Congressional Nanotechnology Caucus, and former Chair of the Subcommittee on Science, Technology, and Innovation, I have worked long and hard to advance U.S. competitiveness in nanotechnology. Nanotech is a rapidly developing field that offers a wide range of benefits to the country. It can create jobs, expand the economy, and strengthen America's position as a global leader in technological innovation. At this time, when older industries are faltering and the economy is struggling, Congress must act to open new doors, help industry to move into new fields, and work to unlock new manufacturing potential.

Nanotechnology is redefining the global economy and delivering revolutionary change through an amazing array of technological innovations. There is virtually no industry that will not be improved by the advances that are possible with nanotechnology. But to unlock the full benefits of nanotechnology's capabilities, the Federal Government must do more to partner with our nation's innovative entrepreneurs, engineers, and scientists. To that end, I am proposing, along with Senator SNOWE, legislation that will create an X-Prize competition in nanotechnology.

Many people have heard of the X-Prize, a recent and high-profile example of a prize competition like the one Sen. SNOWE and I are proposing today. The X-Prize was established in 1996 and set up a \$10 million prize fund for the first team who could make civilian space flight a reality. The award was successfully claimed just eight years later. But that was not the only achievement the X-Prize accomplished. During that span of time, the \$10 million prize stimulated over \$100 million in research and development by the competitors.

Successful prize competitions are not limited to the X-Prize. We have seen the value of these kinds of competitions before. One of the most famous was the Orteig prize, which was to be awarded to the first person to fly non-stop across the Atlantic Ocean. Claimed, of course, by Charles Lindbergh in 1927, the Orteig prize stimulated private investment 16 times greater than the amount of the prize. Imagine what kind of explosion in investment and innovation we could achieve in nanotechnology with the competition we're proposing today.

By establishing this nanotechnology prize competition, the Federal Government will promote public-private cooperation to spur investment in key areas and help solve critical problems. The very first prize competition was, in fact, a Government sponsored competition that produced a revolutionary technological breakthrough. In 1714, the British Parliament established a prize for determining a ship's longitude at sea. At the time, the inability to accurately determine longitude was causing many ships to become lost. Solving this critical problem by creating a competition to find the answer paved the way to British naval superiority.

Today, other Government sponsored prize competitions are driving technological breakthroughs and successes. For example, the DARPA Grand Challenge and Urban Challenge have stimulated tremendous advances in remotely-controlled vehicle technology.

The Nanotechnology Innovation and Prize Competition Act is a vital tool to help ensure that public and private resources will be utilized in a coordinated way and will be devoted to solv-

ing the complex and pressing problems that America faces today. This bill will also spur technological investment and create jobs here at home. Through this prize competition, the government will be able to leverage its resources and focus the intellectual and economic capacity of our nation's best and brightest entrepreneurs on finding the big answers we need in the smallest of technologies—nanotechnology.

The Nanotechnology Innovation and Prize Competition Act creates four priority areas for the establishment of prize competitions: green nanotechnology, alternative energy applications, improvements in human health, and the commercialization of consumer products. In each of these areas, nanotechnology holds the promise of tremendous breakthroughs if the necessary resources are devoted. This competition will make sure we get started as soon as possible on finding those breakthroughs. We all know that the competitive spirit is one of the strengths of our country. This bill will ignite that spirit in nanotech.

Again, I thank my colleague from Maine for her help and cooperation in introducing this bill. I also want to thank the Woodrow Wilson Center and the X-PRIZE Foundation for their work in helping to develop this bill. I look forward to working with the Commerce Committee, other members of the Congressional Nanotechnology Caucus, the Obama Administration, and the entire nanotech community to reauthorize the 21st Century Nanotechnology Research and Development Act in the 111th Congress.

I urge all my colleagues to support innovation and promote entrepreneurial competition by cosponsoring this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nanotechnology Innovation and Prize Competition Act of 2009".

SEC. 2. NANOTECHNOLOGY AWARD PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary of Commerce shall, acting through the Director of the National Institute of Standards and Technology, establish a program to award prizes to eligible persons described in subsection (b) for achievement in 1 or more of the following applications of nanotechnology:

- (1) Improvement of the environment, consistent with the Twelve Principles of Green Chemistry of the Environmental Protection Agency.
- (2) Development of alternative energy that has the potential to lessen the dependence of the United States on fossil fuels.
- (3) Improvement of human health, consistent with regulations promulgated by the

Food and Drug Administration of the Department of Health and Human Services.

(4) Development of consumer products.

(b) ELIGIBLE PERSON.—An eligible person described in this subsection is—

- (1) an individual who is—
 - (A) a citizen or legal resident of the United States; or
 - (B) a member of a group that includes citizens or legal residents of the United States; or
- (2) an entity that is incorporated and maintains its primary place of business in the United States.

(c) ESTABLISHMENT OF BOARD.—

(1) IN GENERAL.—The Secretary of Commerce shall establish a board to administer the program established under subsection (a).

(2) MEMBERSHIP.—The board shall be composed of not less than 15 and not more than 21 members appointed by the President, of whom—

- (A) not less than 1 shall—
 - (i) be a representative of the interests of academic, business, and nonprofit organizations; and
 - (ii) have expertise in—
 - (I) the field of nanotechnology; or
 - (II) administering award competitions; and
- (B) not less than 1 shall be from each of—
 - (i) the Department of Energy;
 - (ii) the Environmental Protection Agency;
 - (iii) the Food and Drug Administration of the Department of Health and Human Services;
 - (iv) the National Institutes of Health of the Department of Health and Human Services;
 - (v) the National Institute for Occupational Safety and Health of the Department of Health and Human Services;
 - (vi) the National Institute of Standards and Technology of the Department of Commerce; and
 - (vii) the National Science Foundation.

(d) AWARDS.—Subject to the availability of appropriations, the board established under subsection (c) may make awards under the program established under subsection (a) as follows:

(1) FINANCIAL PRIZE.—The board may hold a financial award competition and award a financial award in an amount determined before the commencement of the competition to the first competitor to meet such criteria as the board shall establish.

(2) RECOGNITION PRIZE.—

(A) IN GENERAL.—The board may recognize an eligible person for superlative achievement in 1 or more nanotechnology applications described in subsection (a).

(B) NO FINANCIAL REMUNERATION.—An award under this paragraph shall not include any financial remuneration.

(C) NATIONAL TECHNOLOGY AND INNOVATION MEDAL RECOMMENDATIONS.—For each eligible person recognized under this paragraph, the board shall recommend to the Secretary of Commerce that the Secretary recommend to the President under section 16(b) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3711) that the President award the National Technology and Innovation Medal established under section 16(a) of such Act to such eligible person.

(e) ADMINISTRATION.—

(1) CONTRACTING.—The board established under subsection (c) may contract with a private organization to administer a financial award competition described in subsection (d)(1).

(2) SOLICITATION OF FUNDS.—A member of the board or any administering organization

with which the board has a contract under paragraph (1) may solicit gifts from private and public entities to be used for a financial award under subsection (d)(1).

(3) **LIMITATION ON PARTICIPATION OF DONORS.**—The board may allow a donor who is a private person described in paragraph (2) to participate in the determination of criteria for an award under subsection (d), but such donor may not solely determine the criteria for such award.

(4) **NO ADVANTAGE FOR DONATION.**—A donor who is a private person described in paragraph (2) shall not be entitled to any special consideration or advantage with respect to participation in a financial award competition under subsection (d)(1).

(f) **INTELLECTUAL PROPERTY.**—The Federal Government may not acquire an intellectual property right in any product or idea by virtue of the submission of such product or idea in any competition under subsection (d)(1).

(g) **LIABILITY.**—The board established under subsection (c) may require a competitor in a financial award competition under subsection (d)(1) to waive liability against the Federal Government for injuries and damages that result from participation in such competition.

(h) **ANNUAL REPORT.**—Each year, the board established under subsection (c) shall submit to Congress a report on the program established under subsection (a).

(i) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated sums for the program established under subsection (a) as follows:

(A) For administration of prize competitions under subsection (d), \$750,000 for each fiscal year.

(B) For the awarding of a financial prize award under subsection (d)(1), in addition to any amounts received under subsection (e)(2), \$2,000,000 for each fiscal year.

(2) **AVAILABILITY.**—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) shall remain available until expended.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 598. A bill to amend the Energy Policy and Conservation Act to improve appliance standards, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I join with my colleague and the ranking member of the Committee on Energy and Natural Resources, Senator MURKOWSKI, in introducing S. 598, which is entitled the "Appliance Standards Improvement Act of 2009."

This legislation would enhance our economic and energy security, it would save consumers money, and it will reduce greenhouse gas emissions by strengthening two Federal programs that have a 20-year record of success; that is, the Department of Energy's Appliance Standards Program and the joint DOE and EPA Energy Star Program.

The Department of Energy's standards program establishes minimum energy efficiency standards for 35 products and phases out the manufacture and sale of the least efficient models for those products. The American Council for an Energy Efficient Economy, ACEEE, estimates that national

electricity use by 2020 will be nearly 16 percent less than it would have been without this standards program, which we have had in law now for many years.

The Energy Star Program is a voluntary program that promotes the development and sale of highly efficient appliances through labeling and marketing. Among its success stories is the dramatic increase in refrigerator efficiency and cost savings. The annual operating cost for Energy Star-qualified refrigerators has dropped from \$243 in the 1970s to \$46 today. The Department of Energy estimates that in 2006, Energy Star saved almost 5 percent of the Nation's electricity demand, helped avoid greenhouse gas emissions equivalent to 25 million automobiles, and saved consumers more than \$14 billion.

Notwithstanding this record of success, further increases in the efficiency of appliances remains one of the most cost-effective strategies we can pursue to enhance our economic and energy security.

The bill I am introducing, along with Senator MURKOWSKI, would expand the Department of Energy's program by establishing programs for affordable light fixtures and table and floor lamps. These products are found throughout the Nation's homes and businesses, and improving their efficiency can have enormous benefits. ACEEE estimates that annual savings would build up to about 4 billion kilowatt hours by 2020, 750 megawatts in peak-demand savings, and about \$4 billion of savings to consumers for purchases through the year 2030.

The bill would further strengthen the standards program by allowing stakeholders to directly petition the Department of Energy to update its test procedures and standards and reduce bureaucratic delays. The bill would strengthen the Energy Star Program by adopting several recommendations made by the EPA inspector general and Consumer Reports, such as improving monitoring and enforcement of Energy Star compliance.

Last month, President Obama recognized the value and potential of the standards program to meet the Nation's economic and energy challenges. He noted that standards:

will avoid the use of tremendous amounts of energy; over the next 30 years, the savings will approximate the total amount of energy produced over a 2-year period by all of the coal-fired power plants in the Nation.

This bill is a good foundation on which to expand our energy efficiency efforts. It should be part of any comprehensive national energy legislation. I look forward to working with energy efficiency advocates, with industry, my Senate colleagues, and the administration to achieve the full potential for these programs and the full benefits of energy efficiency.

We will be holding a hearing, as you know, Mr. President, on this bill this

Thursday, March 19. I hope we will be able to include this legislation as part of a more comprehensive energy bill when we are able to report such a bill out of the Senate Energy and Natural Resources Committee hopefully later this month.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Appliance Standards Improvement Act of 2009".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Test procedure petition process.
- Sec. 3. Energy Star program.
- Sec. 4. Petition for amended standards.
- Sec. 5. Portable light fixtures.
- Sec. 6. GU-24 base lamps.
- Sec. 7. Study of compliance with energy standards for appliances.
- Sec. 8. Study of direct current electricity supply in certain buildings.
- Sec. 9. Motor market assessment and commercial awareness program.

SEC. 2. TEST PROCEDURE PETITION PROCESS.

(a) **CONSUMER PRODUCTS OTHER THAN AUTOMOBILES.**—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended—

(1) in subparagraph (A)(i), by striking "amend" and inserting "publish in the Federal Register amended"; and

(2) by adding at the end the following:

"(B) PETITIONS.—

"(i) **IN GENERAL.**—In the case of any covered product, any person may petition the Secretary to conduct a rulemaking—

"(I) to prescribe a test procedure for the covered product; or

"(II) to amend the test procedures applicable to the covered product to more accurately or fully comply with paragraph (3).

"(ii) **DETERMINATION.**—The Secretary shall—

"(I) not later than 90 days after the date of receipt of the petition, publish the petition in the Federal Register; and

"(II) not later than 180 days after the date of receipt of the petition, grant or deny the petition.

"(iii) **BASIS.**—The Secretary shall grant a petition if the Secretary finds that the petition contains evidence that, assuming no other evidence was considered, provides an adequate basis for determining that an amended test method would more accurately or fully comply with paragraph (3).

"(iv) **EFFECT ON OTHER REQUIREMENTS.**—The granting of a petition by the Secretary under this subparagraph shall create no presumption with respect to the determination of the Secretary that the proposed test procedure meets the requirements of paragraph (3).

"(v) **RULEMAKING.**—

"(I) **IN GENERAL.**—Except as provided in subclause (II), not later than the end of the 18-month period beginning on the date of granting a petition, the Secretary shall publish an amended test method or a determination not to amend the test method.

“(II) EXTENSION.—The Secretary may extend the period described in subclause (I) for 1 additional year.

“(III) DIRECT FINAL RULE.—The Secretary may adopt a consensus test procedure in accordance with the direct final rule procedure established under section 325(p)(4).”.

(b) CERTAIN INDUSTRIAL EQUIPMENT.—Section 343 of the Energy Policy and Conservation Act (42 U.S.C. 6314) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) AMENDMENT AND PETITION PROCESS.—

“(A) IN GENERAL.—At least once every 7 years, the Secretary shall review test procedures for all covered equipment and—

“(i) publish in the Federal Register amended test procedures with respect to any covered equipment, if the Secretary determines that amended test procedures would more accurately or fully comply with paragraphs (2) and (3); or

“(ii) publish notice in the Federal Register of any determination not to amend a test procedure.

“(B) PETITIONS.—

“(i) IN GENERAL.—In the case of any class or category of covered equipment, any person may petition the Secretary to conduct a rulemaking—

“(I) to prescribe a test procedure for the covered equipment; or

“(II) to amend the test procedures applicable to the covered equipment to more accurately or fully comply with paragraphs (2) and (3).

“(ii) DETERMINATION.—The Secretary shall—

“(I) not later than 90 days after the date of receipt of the petition, publish the petition in the Federal Register; and

“(II) not later than 180 days after the date of receipt of the petition, grant or deny the petition.

“(iii) BASIS.—The Secretary shall grant a petition if the Secretary finds that the petition contains evidence that, assuming no other evidence was considered, provides an adequate basis for determining that an amended test method would more accurately promote energy or water use efficiency.

“(iv) EFFECT ON OTHER REQUIREMENTS.—The granting of a petition by the Secretary under this paragraph shall create no presumption with respect to the determination of the Secretary that the proposed test procedure meets the requirements of paragraphs (2) and (3).

“(v) RULEMAKING.—

“(I) IN GENERAL.—Except as provided in subclause (II), not later than the end of the 18-month period beginning on the date of granting a petition, the Secretary shall publish an amended test method or a determination not to amend the test method.

“(II) EXTENSION.—The Secretary may extend the period described in subclause (I) for 1 additional year.

“(III) DIRECT FINAL RULE.—The Secretary may adopt a consensus test procedure in accordance with the direct final rule procedure established under section 325(p).”;

(2) by striking subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 3. ENERGY STAR PROGRAM.

(a) DIVISION OF RESPONSIBILITIES.—Section 324A(b) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(b)) is amended—

(1) by striking “Responsibilities” and inserting the following:

“(1) IN GENERAL.—Responsibilities”; and

(2) by adding at the end the following:

“(2) UPDATE.—Not later than 180 days after the date of enactment of this paragraph, the

Secretary and the Administrator shall update the agreements described in paragraph (1), including agreements on provisions that provide—

“(A) a clear delineation of the roles and responsibilities of each agency that is based on the resources and areas of expertise of each agency;

“(B) a formal process for high-level decisionmaking that allows each agency to make specific programmatic decisions based on the program approaches of each agency;

“(C) a facilitated annual planning meeting that establishes strategic priorities and goals for the coming year;

“(D) a prescribed course of action to work through differences and disagreements;

“(E) a facilitated biannual program review conducted by a third-party that—

“(i) incorporates an assessment of program progress, partner acceptance, the achievement of program goals, and future strategic planning; and

“(ii) is evaluated by the Council on Environmental Quality, which shall appraise the findings in the review and work with the agencies to resolve any negative findings; and

“(F) a sunset date for the new agreement and a timetable for establishing future agreements based on priorities at that time.”.

(b) DUTIES.—Section 324A(c) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(c)) is amended—

(1) in paragraph (6), by striking “and” after the semicolon at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(8)(A) review each product category—

“(i) at least once every 3 years; or

“(ii) when market share for an Energy Star product category reaches 35 percent;

“(B) based on the review—

“(i) update and publish the Energy Star product criteria for the category; or

“(ii) publish a finding that no update is justified with the explanation for the finding; and

“(C) during the initial review for each product category, establish an alternative market share to trigger subsequent reviews, based on product-specific technology and market attributes;

“(9) require a demonstration of compliance with the Energy Star criteria by qualified products, except that—

“(A) the demonstration shall be conducted in accordance with appropriate methods determined for each product type by the Secretary or the Administrator of the Environmental Protection Agency (as appropriate), including—

“(i) third-party verification;

“(ii) third-party certification;

“(iii) purchase and testing of products from the market; or

“(iv) other verified testing and compliance approaches; and

“(B) the Secretary or Administrator may exempt specific types of products from the requirements of this subparagraph if the Secretary or Administrator finds that—

“(i) the benefits to the Energy Star program of verifying product performance are substantially exceeded by the burdens; or

“(ii) there are no benefits to the Energy Star program; and

“(10) develop and publish standardized building energy audit methods.”.

(c) FUNDING.—Section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a) is amended by adding at the end the following:

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) to the Department of Energy \$25,000,000 for each fiscal year; and

“(2) to the Environmental Protection Agency \$100,000,000 for each fiscal year.”.

SEC. 4. PETITION FOR AMENDED STANDARDS.

Section 325(n) of the Energy Policy and Conservation Act (42 U.S.C. 6295(n)) is amended—

(1) by redesignating paragraph (3) as paragraph (5); and

(2) by inserting after paragraph (2) the following:

“(3) NOTICE OF DECISION.—Not later than 180 days after the date of receiving a petition, the Secretary shall publish in the Federal Register a notice of, and explanation for, the decision of the Secretary to grant or deny the petition.

“(4) NEW OR AMENDED STANDARDS.—Not later than 3 years after the date of granting a petition for new or amended standards, the Secretary shall publish in the Federal Register—

“(A) a final rule that contains the new or amended standards; or

“(B) a determination that no new or amended standards are necessary.”.

SEC. 5. PORTABLE LIGHT FIXTURES.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding at the end the following:

“(67) ART WORK LIGHT FIXTURE.—The term ‘art work light fixture’ means a light fixture designed only to be mounted directly to an art work and for the purpose of illuminating that art work.

“(68) LED LIGHT ENGINE.—The term ‘LED light engine’ or ‘LED light engine with integral heat sink’ means a subsystem of an LED light fixture that—

“(A) includes 1 or more LED components, including—

“(i) an LED driver power source with electrical and mechanical interfaces; and

“(ii) an integral heat sink to provide thermal dissipation; and

“(B) may be designed to accept additional components that provide aesthetic, optical, and environmental control.

“(69) LED LIGHT FIXTURE.—The term ‘LED light fixture’ means a complete lighting unit consisting of—

“(A) an LED light source with 1 or more LED lamps or LED light engines; and

“(B) parts—

“(i) to distribute the light;

“(ii) to position and protect the light source; and

“(iii) to connect the light source to electrical power.

“(70) LIGHT FIXTURE.—The term ‘light fixture’ means a product designed to provide light that includes—

“(A) at least 1 lamp socket; and

“(B) parts—

“(i) to distribute the light;

“(ii) position and protect 1 or more lamps; and

“(iii) to connect 1 or more lamps to a power supply.

“(71) PORTABLE LIGHT FIXTURE.—

“(A) IN GENERAL.—The term ‘portable light fixture’ means a light fixture that has a flexible cord and an attachment plug for connection to a nominal 120-volt circuit that—

“(i) allows the user to relocate the product without any rewiring; and

“(ii) typically can be controlled with a switch located on the product or the power cord of the product.

“(B) EXCLUSIONS.—The term ‘portable light fixture’ does not include—

“(i) direct plug-in night lights, sun or heat lamps, medical or dental lights, portable electric hand lamps, signs or commercial advertising displays, photographic lamps, germicidal lamps, or light fixtures for marine use or for use in hazardous locations (as those terms are defined in ANSI/NFPA 70 of the National Electrical Code); or

“(ii) decorative lighting strings, decorative lighting outfits, or electric candles or candelabra without lamp shades that are covered by Underwriter Laboratories (UL) standard 588, ‘Seasonal and Holiday Decorative Products’.”.

(b) COVERAGE.—

(1) IN GENERAL.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(A) by redesignating paragraph (20) as paragraph (21); and

(B) by inserting after paragraph (19) the following:

“(20) Portable light fixtures.”.

(2) CONFORMING AMENDMENTS.—Section 325(l) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)) is amended by striking “paragraph (19)” each place it appears in paragraphs (1) and (2) and inserting “paragraph (21)”.

(c) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

“(19) LED FIXTURES AND LED LIGHT ENGINES.—Test procedures for LED fixtures and LED light engines shall be based on Illuminating Engineering Society of North America test procedure LM-79, Approved Method for Electrical and Photometric Testing of Solid-State Lighting Devices.”.

(d) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) by redesignating subsection (ii) as subsection (kk); and

(2) by inserting after subsection (hh) the following:

“(ii) PORTABLE LIGHT FIXTURES.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), portable light fixtures manufactured on or after January 1, 2012, shall meet 1 or more of the following requirements:

“(A) Be a fluorescent light fixture that meets the requirements of the Energy Star Program for Residential Light Fixtures, Version 4.2.

“(B) Be equipped with only 1 or more GU-24 line-voltage sockets and not be rated for use with incandescent lamps of any type, as defined in ANSI standards.

“(C) Be an LED light fixture or a light fixture with an LED light engine and comply with the following minimum requirements:

“(i) Minimum light output: 200 lumens (initial).

“(ii) Minimum LED light engine efficacy: 40 lumens/watt installed in fixtures that meet the minimum light fixture efficacy of 29 lumens/watt or, alternatively, a minimum LED light engine efficacy of 60 lumens/watt for fixtures that do not meet the minimum light fixture efficacy of 29 lumens/watt.

“(iii) All portable fixtures shall have a minimum LED light fixture efficacy of 29 lumens/watt and a minimum LED light engine efficacy of 60 lumens/watt by January 1, 2016.

“(iv) Color Correlated Temperature (CCT): 2700K through 4200K.

“(v) Minimum Color Rendering Index (CRI): 75.

“(vi) Power factor equal to or greater than 0.70.

“(vii) Portable luminaries that have internal power supplies shall have zero standby power when the luminaire is turned off.

“(viii) LED light sources shall deliver at least 70 percent of initial lumens for at least 25,000 hours.

“(D)(i) Be equipped with an ANSI-designated E12, E17, or E26 screw-based socket and be repackaged and sold together with 1 screw-based compact fluorescent lamp or screw-based LED lamp for each screw-based socket on the portable light fixture.

“(ii) The compact fluorescent or LED lamps prepackaged with the light fixture shall be fully compatible with any light fixture controls incorporated into the light fixture (for example, light fixtures with dimmers shall be packed with dimmable lamps).

“(iii) Compact fluorescent lamps prepackaged with light fixtures shall meet the requirements of the Energy Star Program for CFLs Version 4.0.

“(iv) Screw-based LED lamps shall comply with the minimum requirements described in subparagraph (C).

“(E) Be equipped with 1 or more single-ended, non-screw based halogen lamp sockets (line or low voltage), a dimmer control or high-low control, and be rated for a maximum of 100 watts.

“(2) REVIEW.—

“(A) REVIEW.—The Secretary shall review the criteria and standards established under paragraph (1) to determine if revised standards are technologically feasible and economically justified.

“(B) COMPONENTS.—The review shall include consideration of whether—

“(i) a separate compliance procedure is still needed for halogen fixtures described in subparagraph (E) and, if necessary, what an appropriate standard for halogen fixtures shall be;

“(ii) the specific technical criteria described in subparagraphs (A), (C), and (D)(iii) should be modified; and

“(iii) certain fixtures should be exempted from the light fixture efficacy standard as of January 1, 2016, because the fixtures are primarily decorative in nature (as defined by the Secretary) and, even if exempted, are likely to be sold in limited quantities.

“(C) TIMING.—

“(i) DETERMINATION.—Not later than January 1, 2014, the Secretary shall publish amended standards, or a determination that no amended standards are justified, under this subsection.

“(ii) STANDARDS.—Any standards under this subsection take effect on January 1, 2016.

“(3) ART WORK LIGHT FIXTURES.—Art work light fixtures manufactured on or after January 1, 2012, shall—

“(A) comply with paragraph (1); or

“(B)(i) contain only ANSI-designated E12 screw-based line-voltage sockets;

“(ii) have not more than 3 sockets;

“(iii) be controlled with an integral high/low switch;

“(iv) be rated for not more than 25 watts if fitted with 1 socket; and

“(v) be rated for not more than 15 watts per socket if fitted with 2 or 3 sockets.

“(4) EXCEPTION FROM PREEMPTION.—Notwithstanding section 327, Federal preemption shall not apply to a regulation concerning portable light fixtures adopted by the California Energy Commission on or before January 1, 2014.”.

SEC. 6. GU-24 BASE LAMPS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291)

(as amended by section 5(a)) is amended by adding at the end the following:

“(72) GU-24.—The term ‘GU-24’ means the designation of a lamp socket, based on a coding system by the International Electrotechnical Commission, under which—

“(A) ‘G’ indicates a holder and socket type with 2 or more projecting contacts, such as pins or posts;

“(B) ‘U’ distinguishes between lamp and holder designs of similar type that are not interchangeable due to electrical or mechanical requirements; and

“(C) 24 indicates the distance in millimeters between the electrical contact posts.

“(73) GU-24 ADAPTOR.—

“(A) IN GENERAL.—The term ‘GU-24 Adaptor’ means a 1-piece device, pig-tail, wiring harness, or other such socket or base attachment that—

“(i) connects to a GU-24 socket on 1 end and provides a different type of socket or connection on the other end; and

“(ii) does not alter the voltage.

“(B) EXCLUSION.—The term ‘GU-24 Adaptor’ does not include a fluorescent ballast with a GU-24 base.

“(74) GU-24 BASE LAMP.—‘GU-24 base lamp’ means a light bulb designed to fit in a GU-24 socket.”.

(b) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by section 5(d)) is amended by inserting after subsection (ii) the following:

“(jj) GU-24 BASE LAMPS.—

“(1) IN GENERAL.—A GU-24 base lamp shall not be an incandescent lamp as defined by ANSI.

“(2) GU-24 ADAPTORS.—GU-24 adaptors shall not adapt a GU-24 socket to any other line voltage socket.”.

SEC. 7. STUDY OF COMPLIANCE WITH ENERGY STANDARDS FOR APPLIANCES.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study of the degree of compliance with energy standards for appliances, including an investigation of compliance rates and options for improving compliance, including enforcement.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report describing the results of the study, including any recommendations.

SEC. 8. STUDY OF DIRECT CURRENT ELECTRICITY SUPPLY IN CERTAIN BUILDINGS.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study—

(1) of the costs and benefits (including significant energy efficiency, power quality, and other power grid, safety, and environmental benefits) of requiring high-quality, direct current electricity supply in certain buildings; and

(2) to determine, if the requirement described in paragraph (1) is imposed, what the policy and role of the Federal government should be in realizing those benefits.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report describing the results of the study, including any recommendations.

SEC. 9. MOTOR MARKET ASSESSMENT AND COMMERCIAL AWARENESS PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) electric motor systems account for about half of the electricity used in the United States;

(2) electric motor energy use is determined by both the efficiency of the motor and the system in which the motor operates;

(3) Federal Government research on motor end use and efficiency opportunities is more than a decade old; and

(4) the Census Bureau has discontinued collection of data on motor and generator importation, manufacture, shipment, and sales.

(b) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term “Department” means the Department of Energy.

(2) INTERESTED PARTIES.—The term “interested parties” includes—

- (A) trade associations;
- (B) motor manufacturers;
- (C) motor end users;
- (D) electric utilities; and
- (E) individuals and entities that conduct energy efficiency programs.

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy, in consultation with interested parties.

(c) ASSESSMENT.—The Secretary shall conduct an assessment of electric motors and the electric motor market in the United States that shall—

(1) include important subsectors of the industrial and commercial electric motor market (as determined by the Secretary), including—

- (A) the stock of motors and motor-driven equipment;
- (B) efficiency categories of the motor population; and

(C) motor systems that use drives, servos, and other control technologies;

(2) characterize and estimate the opportunities for improvement in the energy efficiency of motor systems by market segment, including opportunities for—

- (A) expanded use of drives, servos, and other control technologies;
- (B) expanded use of process control, pumps, compressors, fans or blowers, and material handling components; and

(C) substitution of existing motor designs with existing and future advanced motor designs, including electronically commutated permanent magnet, interior permanent magnet, and switched reluctance motors; and

(3) develop an updated profile of motor system purchase and maintenance practices, including surveying the number of companies that have motor purchase and repair specifications, by company size, number of employees, and sales.

(d) RECOMMENDATIONS; UPDATE.—Based on the assessment conducted under subsection (c), the Secretary shall—

(1) develop—

(A) recommendations to update the detailed motor profile on a periodic basis;

(B) methods to estimate the energy savings and market penetration that is attributable to the Save Energy Now Program of the Department; and

(C) recommendations for the Director of the Census Bureau on market surveys that should be undertaken in support of the motor system activities of the Department; and

(2) prepare an update to the Motor Master+ program of the Department.

(e) PROGRAM.—Based on the assessment, recommendations, and update required under subsections (c) and (d), the Secretary shall establish a proactive, national program targeted at motor end-users and delivered in cooperation with interested parties to increase awareness of—

(1) the energy and cost-saving opportunities in commercial and industrial facilities using higher efficiency electric motors;

(2) improvements in motor system procurement and management procedures in the selection of higher efficiency electric motors

and motor-system components, including drives, controls, and driven equipment; and

(3) criteria for making decisions for new, replacement, or repair motor and motor system components.

By Mr. CARPER (for himself and Ms. COLLINS):

S. 599. A bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I am pleased to join Senator CARPER in introducing a bill that would provide Federal firefighters with the same disability protections that millions of local firefighters across the Nation currently enjoy. Federal firefighters put their lives on the line each day to protect some of our Nation's most critical assets and infrastructure, and these brave men and women deserve the same occupational safeguards and benefits as their colleagues at the local level.

Our Nation's Federal firefighters have some of the most hazardous jobs in the fire service, but the Federal Government does not presume that certain illnesses associated with firefighting are job-related. As a result, to qualify for disability retirement, a Federal firefighter who suffers from an occupational illness must specify the precise exposure that caused his or her illness—an almost insurmountable burden.

The Federal Firefighters Fairness Act of 2009 would alleviate this burden by creating a rebuttable presumption that cardiovascular disease, certain cancers, and certain infectious diseases contracted by Federal firefighters are job-related for purposes of workers' compensation and disability retirement.

Such a presumption will not guarantee that Federal firefighters will receive any disability benefits. This legislation would simply switch the burden of proof from the sick Federal firefighter and his family to the Federal agency employing him.

Thus, as a practical matter, if the Federal employing agency can demonstrate that a firefighter's illness likely had another cause, then such an illness will not be considered job-related. For example, an agency that employs a firefighter who smokes and has contracted lung cancer would be able to rebut the presumption that the cancer was caused by firefighting. Therefore, I believe this legislation contains appropriate protections against those illnesses that may be caused by activities other than firefighting, providing agencies with a fair opportunity to challenge claims without requiring injured firefighters to meet the unrea-

sonable burden of proof found in current law.

This legislation is important and long overdue. If enacted, it would relieve Federal fire service personnel of an unnecessary obstacle to receiving the badly needed benefits that they deserve when they fall ill as a result of their inherently hazardous work environment. Federal firefighters work at military installations, nuclear facilities, hospitals, and countless other types of Federal facilities. They are routinely exposed to toxic substances, biohazards, temperature extremes, and stress.

As a result, firefighters are far more likely to contract heart disease, lung disease and cancer than other workers. Indeed, a number of scientific studies have found that firefighters have a higher incidence of disease overall than the general population. For example, a 2006 study conducted by the University of Cincinnati found that exposure to soot and toxins creates an increased risk for various cancers among firefighters. Further, a 2007 Harvard study found that firefighters face a risk of death from heart attack up to 100 times higher when involved in fire suppression as compared to non-emergency duties.

It also would not be unprecedented to establish a presumption for Federal firefighters. Congress has already extended presumptive benefits to various groups, including Peace Corps volunteers, military veterans, and public safety officers.

Outside the Federal Government, 41 States have already enacted presumptive disability laws for their municipal firefighters. In Maine, for example, the State presumptive benefits law applies to heart, lung, and infectious diseases.

It is fundamentally unfair that firefighters employed by the Federal Government are not eligible for disability retirement for the same occupational diseases as their municipal counterparts. This disparity is especially glaring in instances where Federal firefighters work alongside municipal firefighters during mutual aid responses and are exposed to the same hazardous conditions, as was the case in the response to Hurricane Katrina.

If the Federal Government wants to be able to recruit and retain qualified firefighters, it must be able to offer a benefits package that is competitive with the municipal sector, including having occupational illness covered by worker's compensation.

This legislation is supported by many of the fire service groups, such as the International Association of Firefighters, the International Association of Fire Chiefs, the National Volunteer Fire Council, the National Fire Protection Association, and the Congressional Fire Services Institute.

The Federal Firefighters Fairness Act is a straightforward matter of equity and sound policy. I believe this

bill merits the support of every Senator, and I am proud to be an original cosponsor. It is for these and other reasons that I urge my colleagues to support the Federal Firefighter Fairness Act of 2009.

By Mr. KAUFMAN (for himself, Mr. ISAKSON, and Mr. TESTER):

S. 605. A bill to require the Securities and Exchange Commission to reinstate the uptick rule and effectively regulate abusive short selling activities; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KAUFMAN. Mr. President, the American people have lost literally trillions of dollars as a result of the meltdown of our financial markets. This is a disaster of monumental and unprecedented proportions.

Think of the retirees who have lost more than half their savings and who lie awake at night worrying about how they are going to make it. Think of the parents who can no longer afford to send their children to the college of their choice or even to college at all. Think of the business men and women who will cancel investments or lay off workers because they cannot raise capital—hopes crushed, dreams denied, plans canceled, opportunities lost.

We need to restore the strength of the financial markets. We need to rebuild the confidence in our economy and in our markets so we can restore those losses. We all look forward to the day when wealth and employment in America are growing again. There are many things we must do to make that happen.

Foremost, we must rescue, reform, and recapitalize our banking system. In the Judiciary Committee, we moved on March 5 to restore investor confidence by reporting S. 386, the Fraud and Enforcement Recovery Act. Chairman LEAHY, Senator GRASSLEY, Senator SCHUMER, Senator KLOBUCHAR, and I pressed this legislation forward because we needed to ensure that the Justice Department, the FBI, and other law enforcement agencies have the resources they need to find, prosecute, and jail those who have committed financial fraud.

Our markets will flourish again only when investors are confident that the market will be held accountable to the law. This is one step we must take.

I am here today to talk about another urgently needed piece of the much larger project of restoring confidence in our capital markets: We must stop the artificial manipulation of stock prices. We must stop the abusive short selling of securities.

I am convinced that the SEC must restore the uptick rule and issue regulations that effectively ban abusive short selling. Abusive short selling is tantamount to fraud and market manipulation and must be stopped. The uptick rule must be restored now.

There is a growing consensus that the SEC must move quickly to reinstate the uptick rule. Everyone is talking about it. Everyone seems to support it. Everyone believes the SEC needs to put on the brakes and stop those who dump millions of shares they don't own to drive prices down. Abusive short selling amounts to gasoline on the fire for distressed stocks and distressed markets. Abusive short selling happens when traders and hedge funds sell stock shares they don't have and won't be able to deliver.

Let me make myself clear: The problem isn't short selling itself. Short selling can actually enhance market efficiency and provide the market with information it needs to set prices at appropriate levels. The problem is that under current rules, short sellers are allowed to sell stocks they haven't actually borrowed in advance of their short sale and with no uptick rule in place as a circuit breaker. This in turn frequently means they all too often simply fail to deliver the stocks they have supposedly sold. Abusive short sales expose sellers and those linked to their short sales to the risk that when settlement day arrives, the short seller won't have the necessary shares available. That harms the market and market participants, particularly when failure to deliver persists for substantial periods as statistics show they clearly have.

We have the opportunity to have the SEC become a can-do agency once more. Under the leadership of Chairwoman Shapiro, the SEC needs to move at a pace to protect investors and restore investor confidence.

I believe the SEC must impose at least two important changes. It must reestablish the uptick rule and it must establish a mandatory, marketwide, pre-borrow requirement to sell shares short.

As for the uptick rule, that rule held us in good stead for 70 years. It was first established in 1938 and the SEC eliminated it in July 2007. In my view—and I am not alone—it should never have been repealed. The uptick rule is especially helpful when the market is falling. It simply requires short sellers to take a breath and wait for an increase in price before continuing to sell shares short. Establishing a mandatory, marketwide pre-borrow requirement would simply require short sellers to demonstrate at the time of the sale that they have a legally enforceable right to deliver the shares of stock at the required delivery date. To permit short sellers to sell shares they don't have turns our capital markets into gambling casinos where these “naked” short sellers profit if the price goes down and fail to deliver if the price doesn't. The time has come for that practice to stop.

I wrote to the SEC Chair Mary Shapiro on March 3 making these same

points. I understand she testified before the Banking Committee in February and that she intends, as quickly as possible, to engage in a full review of the SEC's actions with respect to short selling, including an evaluation of why the uptick rule should be reinstated. I also understand the SEC is scheduled to meet soon to discuss ways to reform short selling practices.

We need quick action to restore investor confidence. That is why I, along with Senator ISAKSON of Georgia, am introducing a bill today that would direct the SEC to write regulations addressing abusive short sales. We believe that restoring the uptick rule is necessary, but not sufficient, to end abusive short selling.

Our bipartisan bill would direct the SEC to write regulations within 60 days that accomplish five things to end the abusive short selling. One: Reinstate the substance of that portion of its prior regulations that prohibited short sales that are not made on an increase in the price of the stock. This prevents short sellers from piling on declining stock, driving prices down.

Two: Require trades by short sellers of securities to yield priority and preference to transactions effected by long sellers of securities. This would require exchanges and other trading venues to execute the trades of long sellers instead of short sellers, all other things being equal.

Third: With the concurrence of the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, prohibit short sales of the securities of any financial institution unless the trade is effected at a price, in minimum lots specified by the Commission, at least 5 cents higher than the immediately preceding transaction in such securities. Our financial sector and financial stocks are in a fragile state and our taxpayers now hold substantial shares in many institutions. If the Treasury and the Fed believe they need additional protection in these times, this legislation permits it.

Four: Prohibit any person from selling securities short unless that person has at the time of the short sale a demonstrable legally enforceable right to deliver the securities at the required delivery date. Under current law, many short sellers fail to deliver. We must tighten up the rules.

Five: Require that all short sales settle in the same timeframe employed for long sales of the same securities. There is no reason short sellers should have 13 days to deliver shares when long sellers have only 3 days.

I look forward to hearing from Chair Shapiro soon about the conclusions of her review and the actions the SEC intends to take to stop these harmful activities that are preventing our markets from returning to a sound footing. In the meantime, Senator ISAKSON and

I believe the Senate should move forward with this legislation directing the SEC to take action now. In the end, I hope the SEC will move quickly on its own to take these actions urgently, and now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I rise first to commend the distinguished Senator from Delaware, Mr. KAUFMAN, on a very appropriate bill at a very appropriate time in our country. I am proud to be an original cosponsor of this legislation.

History teaches us good lessons and, as the Senator said, for 70 years, until July of 2007, the uptick rule served the American investor, the American banking industry, and the traders of America well, because it protected it from a very dangerous thing happening which happened beginning in September of last year. Everybody in this room will remember the markets of last fall. What happened is we hit some unsettling times. We in fact passed the TARP stabilization bill. The markets began to climb. I e-mailed Chris Cox, who was the then-Chair of the SEC, the position Mrs. Shapiro now holds. I sent him an e-mail begging him to please reinstate the uptick rule. They took a brief look at it, suspended it for a few days, and then let it stay. What happened was hedge funds and other traders coming in to cash in were taking the downward spiral of stocks and banks and financial institutions in the country and making money off the demise and the decline of those stocks, all because there was no protection so that they couldn't feed off a downward spiral. The uptick rule, as well explained by the Senator from Delaware, simply provides a cushion to discourage those who would exploit a dangerous and difficult market and make money at the expense of the American people.

Senator KAUFMAN has introduced a piece of legislation that is right for America, it is right for America's investors, and it is right for our stock market as it still languishes today somewhere down near what we hope is the bottom. One way to ensure that bottom exists is to stop rewarding those who would feed off of it and instead reinstate good discipline that ensures good practices and allows the market to restore itself back to a good equilibrium.

I commend Senator KAUFMAN on the introduction of the legislation. I am honored that he asked me to cosponsor it and I am proud to do so. I hope the Senate will expeditiously deal with it, not in the interests of Senator KAUFMAN or myself, but in the interests of the American people who are looking to us for answers in difficult times.

Mr. KAUFMAN. Mr. President, I am honored to have the Senator from

Georgia join me. The uptick rule and short selling is not a partisan issue; it is a bipartisan issue. We can work together to get this right.

It is time to send a clear message to investors, to people who want to invest in our markets, that the markets are fair and they have an opportunity and they are going to get a chance at a level playing field.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REINSTATEMENT REQUIRED.

Not later than 60 days after the date of enactment of this Act, the Securities and Exchange Commission (in this Act referred to as the "Commission") shall—

(1) reinstate the substance of that portion of the regulations in effect on July 5, 2007, that prohibited short sales not effected on a plus tick;

(2) rescind rule 201 of regulation SHO, at section 242.201 of title 17, Code of Federal Regulations, as in effect on the date of enactment of this Act;

(3) require trades by short sellers of securities to yield priority and preference to transactions effected by long sellers of securities;

(4) with the concurrence of the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, prohibit short sales of the securities of any financial institution, unless that trade is effected at a price (in minimum lots, as specified by the Commission) that is at least 5¢ higher than the immediately preceding transaction in such securities;

(5) adopt such rules and regulations, consistent with paragraphs (1) through (4), as necessary to prohibit any person from engaging in any conduct that artificially would create a plus tick or satisfy the price requirements set forth in the short sales regulations of the Commission; and

(6) take such other actions as may be necessary or appropriate to make the regulation of short sales by the Commission consistent with the requirements of this Act.

SEC. 2. MANDATORY SETTLEMENT PREPAREDNESS REQUIREMENT.

Not later than 60 days after the date of enactment of this Act, the Commission shall issue regulations prohibiting any person from selling securities short, unless that person demonstrates, at the time of the sale, that such person possesses, at the time of the sale, a demonstrable, legally enforceable right to deliver the securities at the required delivery date.

SEC. 3. MANDATORY SETTLEMENT TIMES FOR SHORT SALES.

Not later than 60 days after the date of enactment of this Act, the Commission shall issue regulations to require that all short sales settle on the same time frame employed for long sales of the same securities.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Com-

mittee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Monday, March 16, 2009 at 5:30 p.m. in SC-4 of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, March 16, 2009 at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Michael Gauthier, who is a National Park Service fellow working on the staff of the Committee on Energy and Natural Resources this year, be granted the privilege of the floor for today and for the remainder of the Senate's consideration of H.R. 146.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL

NOMINATION OF THOMAS L. STRICKLAND

Ms. MIKULSKI. Mr. President, as if in executive session, I ask unanimous consent that the nomination of Thomas L. Strickland to be Assistant Secretary of Fish and Wildlife, sent to the Senate by the President on March 12, 2009, be jointly referred to the Committees on Environment and Public Works and Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MARCH 17, 2009

Ms. MIKULSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, March 17; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; further, that following morning business, the Senate resume consideration of the motion to proceed to H.R. 146, the legislative vehicle for the lands package;

and, finally, I ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. MIKULSKI. Mr. President, tomorrow the Senate will resume postcloture debate on the motion to proceed to the legislative vehicle for the lands package.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. MIKULSKI. Mr. President, if there is no further business to come be-

fore the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:27 p.m., adjourned until Tuesday, March 17, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF COMMERCE

GARY LOCKE, OF WASHINGTON, TO BE SECRETARY OF COMMERCE.

DEPARTMENT OF TRANSPORTATION

ROY W. KIENITZ, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF TRANSPORTATION FOR POLICY, VICE JEFFREY SHANE, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

REGINA MCCARTHY, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL

PROTECTION AGENCY, VICE JEFFREY R. HOLMSTEAD, RESIGNED.

DEPARTMENT OF THE TREASURY

KIM N. WALLACE, OF TEXAS, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE KEVIN I. FROMER, RESIGNED.

DEPARTMENT OF STATE

DEMETRIOS J. MARANTIS, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE PETER F. ALLGEIER, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

R. GIL KERLIKOWSKIE, OF WASHINGTON, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY, VICE JOHN P. WALTERS, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

LADDA TAMMY DUCKWORTH, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (PUBLIC AND INTERGOVERNMENTAL AFFAIRS), VICE LISETTE M. MONDELLO, RESIGNED.

HOUSE OF REPRESENTATIVES—Monday, March 16, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 16, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 32 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, our Hope and our Salvation, You go ahead of us and prepare a place for us.

Here on Capitol Hill, there are countless workers, from carpenters to staff writers, pages, clerks, Parliamentarians, electricians, and others, who work behind the scenes.

They prepare this institution for the work of the elected Members of Con-

gress. You alone know the faith and dedication of these silent workers.

Hidden from the public eye, they can never be taken for granted. Each, in his or her own way, serves the Nation and, through their faithfulness, gives You glory.

Bless them, Lord, their work and their families. Hear their prayers and reward them with Your love and compassion, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 13, 2009.

Hon. NANCY PELOSI,
Speaker, The Capitol,
House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 13, 2009, at 9:09 a.m.:

That the Senate passed S. 338.

That the Senate passed S. 39.

That the Senate passed without amendment H. Con. Res. 37.

Appointments:

United States Senate Caucus on International Narcotics Control.

Dwight D. Eisenhower Memorial Commission.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

THE DEMOCRAT BUDGET: TAXING, SPENDING, AND BORROWING TOO MUCH

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, the Democrat budget spends too much, taxes too much, and borrows too much.

Last week we talked about the massive increase in government spending President Obama is planning, the largest since World War II.

This week we will tell you how they plan to pay for all this new government spending—with the largest tax increase in American history.

The Democrats' budget will raise taxes by \$1.4 trillion on American families and businesses over the next 10 years. President Obama promised a tax cut for most Americans, but he raises energy taxes on 100 percent of Americans. The Democrats' budget will put a new tax on charitable giving that could cost American charities as much as \$16 billion a year. This will harm numerous organizations at a time when many of these groups are now struggling with the economic downturn.

This is the wrong direction, Mr. Speaker. We need to stop this spending, taxing, and borrowing.

CONGRATULATING THE ARKANSAS EDUCATION TELEVISION NETWORK

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to congratulate the Arkansas Educational Television Network.

This important resource for Arkansans was recently recognized for its commitment to education by the Corporation For Public Broadcasting, awarding AETN with a My Source Community Impact Award for Education for its Spring Break Family Day that was designed to encourage children to learn and be physically active through PBS characters, educational games, crafts, and contests.

I am proud to support this fine organization and its mission. AETN offers lifelong learning opportunities to our community and provides programming and services that enrich the lives of Arkansans. For its innovative efforts and committed response to the diverse educational needs of our community, it is clear AETN is deserving of this honor.

With the help of organizations like this, our community is building a

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

brighter future for our children. I am glad to see that this station, which plays such an important role in our State, has been recognized on the national level. I commend the employees for their good work and wish them continued success for the 2009 Spring Break Family Day.

WE SHOULD PRAISE, NOT INSULT, LAW ENFORCEMENT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the Wall Street Journal recently reported that Speaker PELOSI called work site arrests and deportation of illegal workers “un-American.”

That’s quite a powerful word: “un-American.” And it’s quite a spectacle to have the Speaker of the United States House of Representatives call the actions of our law enforcement men and women “un-American.”

We should praise them, not insult them, for enforcing our immigration laws.

Twelve million Americans are out of work. Seven million illegal workers hold jobs that should go to citizens and legal immigrant workers.

Let’s let the American people decide what is “un-American.” We should not criticize law enforcement personnel. Instead, we should be grateful for the job they do.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o’clock and 6 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois) at 4 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

JOHN SCOTT CHALLIS, JR. POST OFFICE

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 987) to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the “John Scott Challis, Jr. Post Office”.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN SCOTT CHALLIS, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, shall be known and designated as the “John Scott Challis, Jr. Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “John Scott Challis, Jr. Post Office”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I now yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support for the consideration of H.R. 987, a bill to designate the United States postal facility located at 601 8th Street in Freedom, Pennsylvania, as the John Scott Challis, Jr. Post Office.

Introduced by Representative JASON ALTMIRE on February 11, 2009, and reported out of the Oversight and Government Reform Committee on March 10, 2009, by a voice vote, H.R. 987 enjoys the support of the entire Pennsylvania House delegation.

As recently noted in the Ellwood City Ledger, John Scott Challis, Jr., “came into this world fighting.” Only 2 days after his birth on December 16, 1989, John was helicoptered from The Medical Center in Beaver County to Children’s Hospital in Pittsburgh, where he spent 16 days in hospital care and received lifesaving surgery.

As his beloved family and friends in Beaver County, and as many of us across the Nation well know, John never stopped fighting throughout his young life, even after being diagnosed with hepatocellular carcinoma, an adult form of liver cancer, at the age of 16. John’s response to his initial diagnosis was indicative of his eternal determination and resolve, as well as a reflection of his own personal motto of “courage and believe equals life.”

In April of 2008, John learned that his cancer had spread and that, most likely, he had only a few months to live. Nevertheless, John never ceased to live his life to the fullest and do what he loved most, which was spending time with his family and friends and playing and following the game of baseball.

On April 14, 2008, John first received national attention when he was able to pinch-hit for his beloved Freedom High School baseball team in a game against Aliquippa High. John cracked the first-pitch fastball into the outfield for an RBI single, and upon making it to first base proudly exclaimed to everyone, “I did it, I did it.”

The following month, John graduated with his senior class. And in June of last year, John was able to take a family vacation with his devoted parents, Scott and Gina, and his younger sister, Lexie. He also visited the Pittsburgh Pirates Clubhouse and reminded the players to cherish the game of baseball and, of course, to cherish life.

Regrettably, John lost his battle with cancer in August of 2008. However, his memory and inspirational message will never be forgotten. In John’s honor, the John Challis Courage For Life Foundation was established in 2008. The organization is dedicated to providing sports opportunities to student athletes with life-threatening illnesses.

Mr. Speaker, it is my hope that we can further serve to honor John’s life through the passage of this legislation before us. I urge my colleagues to join me in supporting H.R. 987.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of designating the facility of the United States Postal Service at 601 8th Street in Freedom, Pennsylvania, the John Scott Challis, Jr., Post Office.

And I particularly agree with the gentleman from Massachusetts and share his belief that courage plus believe equals life. This simple but profound equation is more than an inspirational quote. It’s a testament to the character and the life of its creator, John Challis. Born in Beaver County, Pennsylvania, John’s life was too short, but not without meaning.

Mr. Speaker, often we name post offices after individuals who have lived a long and significant life, sometimes former Members of Congress, Presidents and the like. Today we are naming after someone whose life was cut off altogether too soon. In fact, after only 18 years, it is unusual that we would name a post office after somebody, but John went that extra mile to inspire America, reaching national prominence because, in fact, he would not quit, defying the odds by standing on a baseball field when most would be too weak to get out of bed and making the decision that he was going to live his every dream as best he could.

John did that, and his life will be an inspiration for as long as that plaque shall be at the post office. Today we honor that.

Mr. Speaker, I have been up here for many, many postal namings, and once in a while I get comments from back home saying "why do you spend so much time naming post offices?" And I guess the short answer is, Mr. Speaker, because we can.

But also, the longer answer is because we have so many examples of people like John Challis who, in fact, exemplify all that is good in America. All that gives us hope for the future, all that, in fact, allows us every day to know that through these troubled times, these economic problems, the recession that's before America today, that there are people who get up every morning, no matter how hard it is, and they do the best they can with the time that God gives them and with the power that they have.

John was, in every sense, a survivor, and he is survived by his parents and a younger sister who live on in his memory and who, in fact, will, for the time that this post office is in their town, realize that inspirations are important to America, particularly in difficult times.

So I join with the majority today asking that this unusual naming of a post office be passed because John's life was so special to America, and because, at a time like this, inspiration is important to all.

I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, before closing, I would like to mention that the gentleman from Pennsylvania (Mr. ALTMIRE) who is the chief sponsor, the lead sponsor of the bill under consideration, has informed me that he is en route. He has informed us that he regrets not being able to be here for this afternoon's discussion but has asked that his support for the bill and the Challis family be known.

In closing, I urge my colleagues to join myself, Representative ALTMIRE and the gentleman from California in supporting H.R. 987.

Mr. ALTMIRE. Mr. Speaker, I rise today in support of my bill to rename the Freedom Post Office honor of John Scott Challis, Jr.

John Challis inspired all of us with his determination to live every single day to the fullest. On June 23, 2006, John was diagnosed with liver cancer. He was only 16 and had just completed sophomore year at Freedom High School.

John and his family had a lot of questions after the cancer diagnosis: questions for the doctors about the disease, his treatment, and how it would impact his life. But, in these most difficult of circumstances, John found answers.

In a Pittsburgh Post Gazette article from May 2008, John's father, Scott Challis, recalls this time: "He's always been one who had to try and find an answer for everything. He wants to figure things out." The article continues, "Through his own thoughts and

through his deep Catholic beliefs, John believes he has 'figured it out.' When asked where he gained his wisdom, he answered, 'Through cancer.'"

Despite his illness, John made the most of every day he had. Although he was too ill to play sports, Freedom baseball coach Steve Wetzel invited John to join the team and became one of John's closest friends.

In battling cancer, John had come up with a message: "Courage Plus Believe Equals Life." It was a message that along with his name, he inscribed on the inside of his baseball cap. His teammates followed suit.

Then came the moment John had been waiting for, his opportunity to play. Coach Wetzel asked John to pinch-hit in a game against Aliquippa. John wasted no time. On the first pitch, John hit a single to right field that scored a run.

After the game, John's story and message garnered national attention. He was featured on ESPN, invited to speak at a Pirates game, and watched the Penguins in their Stanley Cup playoff run.

Unfortunately, John lost this battle to cancer on August 19, 2008. But he left us with an important legacy. In his last few months, John was quoted as saying, "Life ain't about how many breaths you take. It's what you do with those breaths."

John was an inspiration to me, to his local community, and to the lives he touched. He will always be remembered.

However, even after his death, his inspiration and work continue. Last summer, John helped to start a foundation, the Courage for Life Foundation, to help other student athletes with life-threatening illnesses be involved in sporting events.

I have a few articles about John's life and his impact on those he touched. I ask unanimous consent to enter them into the RECORD.

Thank you, Mr. Speaker and Chairman TOWNS, for the opportunity to honor John Challis.

[From the Pittsburgh Post-Gazette, May 4, 2008]

TEEN IS RUNNING OUT OF INNINGS, BUT THE GAME STILL ISN'T OVER

(By Mike White)

The 18-year-old kid dying of cancer gets his wish, a chance to swing a bat maybe one last time in a real baseball game.

He hasn't played in a few years, but he's called on to pinch-hit. His eyes light up at the first pitch and he puts all of his 5-foot-5, 93-pound frame into one mighty swing, making contact and sending a line drive into right field for a single—if he can reach first base. The cancer he's been battling for almost two years has spread to his pelvis, making running nearly impossible.

The kid worries about falling as he hustles down the first-base line. When he gets to the base, he lets out with a yell. "I did it! I did it!"

Safe at first with a hit and an RBI, the kid is hugged by a crying first-base coach. The opposing pitcher takes off his glove, starts applauding and his teammates follow suit. The kid's teammates run onto the field to celebrate.

It sounds like the climax to a heart-tugger movie. But there was no producer or film crew at the game between Freedom and Aliquippa high schools two weeks ago. The scene was as real as the tumors in John Challis' liver and lungs.

John is a kid with cancer, a senior at Freedom in Beaver County who was told a few weeks ago by doctors that cancer was winning and it was close to the end. The disease that started in his liver was now taking over his lungs.

"They said it could be only two months," he said, fighting back tears.

He paused before his seemingly never-ending optimism came through again.

"I told my mom I still think I can get two more years."

But his story isn't about dying. It's about inspiring.

His story, words, actions, beliefs and courage have become known around Freedom and surrounding areas in Beaver County, bringing people together from other communities and other schools.

Three weeks ago, Freedom baseball coach Steve Wetzel organized "Walk For A Champion" on Freedom High's school grounds. The purpose of the walk-a-thon was to raise money for one of John's wishes—a last vacation with his mom, dad and 14-year-old sister, Alexis.

More than 500 people took part, including baseball teams from eight Beaver County high schools and members of Center High School's football team. John also used to play football at Freedom.

Mr. Wetzel, who calls the teen his hero, hoped to raise \$6,000. That total was easily surpassed "and people are still calling with donations," he said.

The family has booked a cruise for June.

THE CHALLIS EFFECT

A Beaver County church had planned a fundraiser, but John and his family asked the church instead to conduct the event and give the money to a fifth-grade boy in Beaver County who has a brain tumor.

"His family can use it more than we can," John said. "That's just common sense. Someone does something good for you, then you help someone else."

Actions and statements like those are what has inspired so many others. All of Aliquippa's baseball players wear John's jersey number "11" on their hats. At the walk-a-thon, Aliquippa star athlete Jonathan Baldwin, a Pitt football recruit, presented him with a ball signed by Pitt players.

After the walk, John addressed the crowd. "He spoke from his heart," Mr. Wetzel, the coach, said. "He said, 'I've got two options. I know I'm going to die, so I can either sit at home and feel sorry, or I could spread my message to everybody to live life to the fullest and help those in need.' After hearing that, I don't know if there were many people not crying."

Last Thursday, Beaver pitcher Manny Cutlip tossed a three-hitter against Freedom as John watched in street clothes. After the game, every Beaver player came up to him and shook his hand. Some hugged him and some said they were praying for him. Manny Cutlip asked Mr. Wetzel if he could go to lunch some time with John. It happened the next day.

"I don't know what to say. I just wanted to get to know him better and see if I could learn anything from him to help me in my life," said the young pitcher, an imposing 6-foot-3, 225-pound standout athlete who will play football at IUP.

At lunch, he gave John a new football with a handwritten personal message on it. Part of the message read, "You have touched my heart and I will always look up to you as my role model."

Talk to John and you'll laugh at his sense of humor when he says things such as, "You

can't let girls know that you know how to text message because they won't leave you alone."

But listen to his mature views on life and his philosophies . . . and you might cry.

"I used to be afraid, but I'm not afraid of dying now, if that's what you want to know," he said. "Because life ain't about how many breaths you take. It's what you do with those breaths."

FIGURING IT OUT

It's been almost two years since John found out about his cancer. He knows the date like a birthday. June 23, 2006.

He discovered only recently that doctors didn't expect him to last through that first summer. "To me, that's already an accomplishment," he said.

In the first few months after the cancer discovery, John's father, Scott, would get up in the middle of the night, peek into his son's bedroom and see him wide awake, staring at the ceiling.

"He would just be thinking," the elder Challis said. "He's always been one who had to try and find an answer for everything. He wants to figure things out."

Through his own thoughts and through his deep Catholic beliefs, John believes he has "figured it out." He answers questions with maturity, courage and dignity, traits that have become his trademarks.

John requested that his mother, Regina, not be interviewed for this story because it will be too hard for her. He talks to his father about what to do after he dies.

"I sit up with him at night until 1 or 2 in the morning," Scott Challis said. "He'll tell me, 'Dad, when I'm gone, you have to do this or that. You have to watch your weight.' He's worried about my weight. He tells me I have to take care of mom."

"When the doctors told him a few weeks ago about how the cancer was winning, he had a lot of questions about what it was going to be like and about being comfortable. Later on, he broke down with me and you know what he did? He apologized. He was upset because he felt like he was letting everyone down who had been praying for him."

Scott Challis has found talking about his son makes the situation easier to deal with. But many people like to talk about John. Shawn Lehocsky is a senior and one of Freedom's top athletes. For every football and baseball game, he wears a red wrist band with John's No. 11 on it.

"It seems like everyone in this community knows who he is now and he really has brought so many people together," Shawn said. "He's always on my mind. To see him and what he's going through, I don't know if I could act like that. He said some pretty strong words at that walk-a-thon that you don't hear 17- or 18-year-olds say every day."

John fought back tears a few times during last week's interview.

"Sometimes I cry, but people cry for all different kinds of reasons," he said. "Sometimes I just want to know why, but I think I figured that out. God wanted me to get sick because he knew I was strong enough to handle it. I'm spreading His word and my message. By doing that, I'm doing what God put me here to do."

"It took me about a half year to figure all that out. Now, when I'm able to truly believe it, it makes it easier on me. And when you know other people support what you're thinking, it makes it easier."

When asked where he gained his wisdom, he answered, "Through cancer."

"They say it takes a special person to realize this kind of stuff," he said. "I don't know

if I'm special, but it wasn't hard for me. It's just my mind-set. A situation is what you make of it. Not what it makes of you."

He regularly wears his Freedom baseball hat. Under the bill of the cap is his name, plus this line: "COURAGE + BELIEVE = LIFE."

"I guess I can see why people see me as an inspiration," he said. "But why do people think it's so hard to see things the way I do? All I'm doing is making the best of a situation."

John then raises his voice.

"Why can't people just see the best in things? It gets you so much further in life. It's always negative this and negative that. That's all you see and hear."

John tries to keep complaining to a minimum, but he acknowledges his moments of crying.

"If I'm mad at anything in this, it's that I'm not going to be able to have a son, I'm not going to be able to get married and have my own house," he said, fighting back tears again. "Those are the things I'm mad about. But not dying."

THE ROLE OF SPORTS

John loves sports. He is an avid hunter—"got three buck and two doe in the last year," he said.

He played baseball through Pony League and always loved football, despite his small stature. As a sophomore, he started on Freedom's junior varsity team as a slotback and cornerback.

"I was 108 pounds. I had to be the smallest player in the WPIAL," he said with a laugh.

The cancer forced him to stop playing football as a junior.

"But I will never forget," his father said, "when he first got sick he told me, 'Dad, I have to dress for a football game one more time.'"

He got his wish in the final game of his senior season, against Hickory. Coaches let him kick off once. He was supposed to kick and immediately run off the field to avoid danger. Instead, he stayed on the field and got a little excited when the kick returner started heading his way before being tackled.

Later in the game, the coaches put him in for two plays at receiver. Mr. Wetzel and others who saw the game proudly tell how, on one play, John tried to block a defender, fell down, but got up and pushed another defender.

Mr. Wetzel said seeing John play in that last football game, doesn't compare to seeing his hit against Aliquippa in that April 14 baseball game. John vividly remembers the details leading up to the hit. When he walked into the batter's box, he saw Aliquippa's catcher wearing a protective mask with the initials "J.C." and the number "11."

"I just looked at him and said, 'Nice mask.'"

He then noticed an Aliquippa coach saying something to the pitcher.

"I'm thinking, 'If they're going to walk me or throw easy to me, I don't want it handed to me,'" he said. "But sure enough, he threw me a fastball. That's what made it so good. . . . There were only about 20 people there watching, but everyone was cheering."

Mr. Wetzel said: "We made it to the state [PIAA] playoffs two years ago and I thought that was the best feeling. I got to play in WPIAL championships at Blackhawk as a player. But that day, that hit, that moment . . . That was the best feeling I've ever had in sports."

Six days later, Freedom played a game at PNC Park. John attended the game, but had an IV line in his arm for a treatment he was

getting. He took out the IV line and asked Mr. Wetzel if he could pinch-hit again.

"Unbelievable. He told me the doctor said he could take it out for up to seven hours," Mr. Wetzel said. "He told me he just wanted to be a normal kid one more time."

So Mr. Wetzel let him pinch-hit. This time he struck out.

They have a unique coach-player relationship. Mr. Wetzel invited John to be part of the team a year ago and John calls the coach one of his best friends. They talk every day, at least on a cell phone, and go to lunch together once a week.

"The kid has changed my life," Mr. Wetzel said. "I cry for him just about every day. I'm 32 and I'm getting married in September. You know what he told me the other day? He told me to save him a seat in the front row of the church, because even if he's not there, he'll be there in spirit."

"He just keeps doing things and saying things that are just unbelievable. I know our team will never forget this season because of Johnny."

The two want to start a foundation in John's name for young cancer patients.

"Even if [the foundation] is something that can help only one kid or one family, to see people in a different way like I have, it will be worth it," John said. "Maybe it will help younger people who haven't gotten to see the finer things in life that I got to see."

John plans to attend Freedom's prom May 9 and plans to graduate in June. As John ended this interview, he said he wondered how his story will come out in the newspaper.

"When you write this, don't overthink things," he said. "I've learned that. There are a lot of unanswered questions in this world and the reason they're unanswered is because if you think about them too much, you're always going to come up with different answers. So don't confuse yourself and think about this too much."

CHALLIS FOUNDATION AIMS TO HELP OTHER SICK KIDS

(By Elizabeth Merrill)

The idea came over lobster bites and potato soup. It was a good day for John Challis, because he cleaned his plate and didn't become violently ill. Challis has defied grim cancer prognoses for two years, because, he says, he has so much to look forward to.

"God still has a mission for John," says Steve Wetzel, his baseball coach at Freedom (Pa.) High School. "I truly believe that. John Challis isn't going anywhere. He still has work to do on earth."

Later this month, Challis and Wetzel will officially start the John Challis Courage for Life Foundation to assist seriously ill children. The foundation will arrange sports trips for sick children to meet their favorite athletes. Eventually, Challis wants to set up a message board for kids to converse with each other about treatments and their struggles with being sick.

Challis has hobnobbed with the A-list of professional sports lately, mingling with everyone from Steelers quarterback Ben Roethlisberger to former Penguins hockey great Mario Lemieux to Cleveland Indians skipper Eric Wedge. They know about his inspirational story, and how he got his first varsity baseball hit in April despite being sapped by cancer treatments and weighing just 93 pounds.

Challis says life has been a mix of good and bad days, and he hit a very rough patch a few weeks ago. Wracked with pain from a radiation treatment, he developed severe swelling around his waist and legs. One night, he

called Wetzel and said, "Coach, this has been the worst couple of days. I feel terrible. But I'm not going to stop fighting."

A week later, Challis graduated from high school. He hopes to go to college this fall, and is putting together a scrapbook of his summer with Wetzel. They drove to Cleveland for an Indians game recently, and Challis napped on the way home. Normally, Wetzel says.

Challis gets sick during a long, 13-hour day. But on this day, he stayed strong.

"Before the game, he said, 'It's amazing to see two teams I haven't seen before. That's going to be great, Coach. But the best thing is that it's just going to be me and you.'"

"We saved our ticket stubs," Wetzel says. "That meant the world to me. That makes my life all worthwhile."

[From the Pittsburgh Post-Gazette, June 26, 2008]

AILING FREEDOM YOUNGSTER URGES PIRATES:
'HAVE FUN'

(By Dejan Kovacevic)

John Challis shakes hands last night with one of his baseball heroes, Yankees shortstop Derek Jeter.

John Challis, the Freedom youngster who has gained national attention for his battle with cancer, wrote a message on the eraser board of the Pirates' clubhouse yesterday afternoon.

"Have fun," it said. "The reason why we play ball is fun."

He signed his name underneath.

Challis, 18, also delivered a brief speech in the closed clubhouse to all players and staff, after which everyone in the room stood and applauded. From there, he spent extra time with first baseman Adam LaRoche to "talk about hunting and stuff," then sat in manager John Russell's office—his chair, actually—during Russell's afternoon news conference.

Asked to compare his battle to those faced daily by Major League Baseball players, Challis laughed and replied: "Baseball's not that complicated. You swing the bat, and you hit the ball. You don't worry about your stats. You just play the game."

Of his fate, he said: "God thinks I'm strong enough to handle it. He's just using me to spread His message."

Before Challis took his seats for the game, he also met with "the player I really want to meet" when he spoke with New York Yankees shortstop Derek Jeter during batting practice.

"If we can all show the courage and faith that John has, or even half of it, we'd all be better off," Russell said. "The selfishness that's a part of his life should be a lesson to all of us."

Challis announced the creation of his Courage For Life Foundation to benefit high school students with terminal illnesses. The Web site is www.courageforlifefoundation.com.

[From the Pittsburgh Post-Gazette, Aug. 20, 2008]

OBITUARY: JOHN SCOTT CHALLIS: TEEN DELIVERED MESSAGE OF HOPE WITH CANCER FIGHT
(By Mike White)

Over the past few months, John Challis watched a Penguins playoff game with Mario Lemieux, was featured on ESPN television, addressed the Pirates before a game and spent an afternoon with Alex Rodriguez at the New York Yankee's penthouse in Manhattan.

Although he rubbed elbows with the rich and famous, John likely will be remembered

for the many people he touched—and for his inspiring actions and words.

John's two-year battle with liver and lung cancer ended yesterday afternoon, when he died at his home in Freedom, Beaver County. He was 18.

On a warm June afternoon, John did one of his final interviews. Lying on a couch in his living room, he spoke about his young life. He struggled to keep his eyes open, but talked about how, all of a sudden in the past few months, he had become something of a national celebrity.

Not long ago, John was simply a teenager battling a terminal illness. Then a base hit in a Freedom High School baseball game led to a May story in the Pittsburgh Post-Gazette, which led to national attention, on television and radio and in other newspapers.

The attention is what John wanted. He had decided that through his fight with cancer, he could spread a message and help others.

"Everybody is scared. It's not normal to not be scared," John said of his plight. "But I'm not scared as much now. I have letters and other things from people, telling me how I've helped so many people in numerous ways. That makes me feel good."

In the corner of the family living room were two boxes of letters and cards from well-wishers and people who wrote to let him know they were inspired by his story. His family also has two binders filled with hundreds of e-mails from people who said John had impacted their lives.

Near the couch in the Challis home, a folded American flag sat on a chair. A Navy pilot flew the flag over Iraq with John's name on it and sent it to the family.

"I just want to say thanks to the people for keeping me going," John said. "All them little cards and stuff I got, keeps me going day by day. To know I'm going downhill a little bit, it doesn't bother me because I've helped so many people. Since I've helped so many people, this is easier to handle."

Courage + believe = life.

Life ain't about how many breaths you take. It's what you do with those breaths.

What teenager comes up with such sayings? John Challis did, and they became his personal trademarks. A baseball glove company sent John a black glove with "Courage + believe = life" embossed in the leather along with John's name.

"We would get things almost every day from people all over the country," said Scott Challis, John's father.

When John attended a Yankees game in late June, he had a news conference, surrounded by more than 20 reporters and photographers.

"People would sometimes call, too, just wanting to talk to him," his father said. "Some wanted to come meet him. It was amazing. I guess he touched so many people."

John was never more than an average athlete, at best. Because of the cancer, he couldn't play sports as a junior or senior at Freedom, except for a few plays in the final football game of Freedom's 2007 season. Then in April came "the hit." John hadn't played baseball in a few years but he wanted to be on Freedom's team. He wanted a chance to hit one time, and Freedom coach Steve Wetzel granted the wish, pinch-hitting John in a game against Aliquippa.

In a storybook moment, John lined a run-scoring single to right field on the first pitch. Although he had trouble running, John made it to first base, yelling "I did it. I did it."

In May, John and Mr. Wetzel were guests on Dan Patrick's national radio show. ESPN

sportscaster Scott Van Pelt devoted a segment of his national radio show to John's story.

How did a teenager with a heavy Pittsburgh accent from a small Western Pennsylvania town become a national story? How did he tug at so many people's emotions from so far away?

"There is just so much these days with the Internet, and Web sites, and blogs, but this was a story about a kid who was just so real that it grabs you," Mr. Van Pelt said. "Then, you had sports involved in it."

"I know Pittsburgh is probably all concerned about what the Steelers are going to be like this fall and how maybe the Penguins could've done things differently in the Stanley Cup, but this kid's story was just so different. It's a tremendous story. Actually, it's a bad story because it has a horrible ending."

"The story that [the Post-Gazette] did started the fire for this kid. If maybe I threw another log on to help get it going more, then great, because it deserved to be a bonfire."

John lived long enough to reach some personal goals. He graduated with his senior class. One of his last requests was to take a cruise with his father, his mother, Gina, and sister, Lexie, and they did that in June.

The Pirates brought him to a game later in June, gave him a uniform and let him address the team in the clubhouse. He told the players not to worry so much about their statistics and have fun. John told the Pirates to cherish the game—and life.

Mr. Wetzel recalled John's words: "You never know what life might bring you. You might have a few sniffles and think it's not a big thing. Then you go to the doctor the next day and they tell you that you have a 10-pound tumor in your stomach."

"Some of the Pirates got emotional," Mr. Wetzel said.

First baseman Adam LaRoche stayed in touch with John after his visit.

"It makes you realize how short life is and how unfair it can be," Mr. LaRoche said yesterday from the clubhouse in St. Louis, before the Pirates played the Cardinals. "I think what's cool is that, even with what he had, he chose to make the best of it and touch a lot of lives that he wouldn't have if this hadn't happened to him. He got the bad end of the deal, but he touched a lot of people. For sure, he touched the 25 people in here."

John also spent some time with the Tampa Bay Rays when the team was in town to play the Pirates.

"Their manager, Joe Maddon, called and said he saw the story on John on ESPN and he was just in his hotel room in tears," Mr. Wetzel said. "He said he just wanted to meet John. Coach Maddon has really become touched by John and his message."

Mr. Wetzel and Mr. Maddon now talk a few times a week. Mr. Wetzel said Mr. Maddon now puts "C + B = L" on every lineup card that he hands to umpires before games.

John's favorite moment in the past few months was the trip to New York for a Yankees game.

"Just because it was with my dad," John said. "It was a good time because we both got to experience it, and it felt like something not just for me, but something he enjoyed as well."

The afternoon at Mr. Rodriguez's penthouse was memorable.

"No Madonna," John said with a laugh.

John was never shy about expressing his feelings on a subject and was always known to ask questions. His father laughs at a couple questions John asked as Mr. Rodriguez was showing them around his home.

"Now John had no idea about these Madonna and A-Rod rumors [about an affair], and John goes, 'So, where's your wife?' I couldn't believe it. But A-Rod just said she was in Florida at their other home with their kids.

"Then John asked him if his wife worked. John wasn't trying to be smart. He was just curious. He told John that she didn't work, but that she had a psychology degree."

John faced his death with courage, dignity, a never-quit attitude and an awareness that was hard to fathom.

John's mother told of a nurse who started coming to the family home in June. "The first time she was here, John said, 'I know why you're here. You're here to make me comfortable in my last weeks. But it could be more than a few weeks, right?'"

"The kid was just unbelievable," Mr. Wetzel said. "His attitude and messages I think changed how some people looked at their lives. He changed how I went about life.

"I feel like a piece of my heart is gone now. The thing I'll miss most is his smile. He had a smile that could light up a room."

John said his Catholic faith and belief in God got stronger through his illness.

One of the things that made John happy in recent months was the start of a foundation that will raise money to help other sick teenagers enjoy a sports experience. The foundation was the idea of John and Mr. Wetzel.

"If I can help someone else going through this, then that would make me feel good," John said.

The foundation has a Web site—www.courageforlifefoundation.org—where donations can be made.

When asked a few weeks ago how he would like to be remembered, John said, "I could see people having some beers and hopefully remembering how I always tried my best, no matter what I was doing. That's my message—just for people to always do their best, no matter what they're doing or how stupid it might seem. And no matter what, there will always be a reward, no matter how small it is."

In addition to his parents, John is survived by his younger sister, Lexie.

Visitation will be tomorrow and Friday from 2 to 4 and 6 to 8 p.m. at Noll Funeral Home, 333 Third St., Beaver. A Mass will be celebrated at 11 a.m. Saturday in SS. Peter & Paul Church, Beaver. Burial will follow at Beaver Cemetery.

The family asks memorial contributions be made to John Challis Courage For Life Foundation, P.O. Box 123, Monaca, PA 15061.

Also, there will be a golf outing to benefit John's foundation Monday at Chartiers Country Club. For more information, go to www.courageforlifefoundation.org.

Mr. LYNCH. I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 987.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

SPECIALIST PETER J. NAVARRO POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1217) to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIALIST PETER J. NAVARRO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, shall be known and designated as the "Specialist Peter J. Navarro Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Specialist Peter J. Navarro Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I now yield myself such time as I may consume.

Mr. Speaker, it is my honor to present for consideration H.R. 1217, which designates the United States postal facility located at 15455 Manchester Road in Ballwin, Missouri, as the Specialist Peter J. Navarro Post Office Building.

Introduced by Representative W. TODD AKIN on February 26, 2009, and reported out of the Oversight and Government Reform Committee on March 10, 2009, by a voice vote, H.R. 1217 enjoys the support, the unanimous support of the entire Missouri House delegation.

A resident of Wildwood, Missouri, Specialist Peter Joseph Navarro bravely served with the United States Army's 2nd Battalion, 70th Armor, 3rd Brigade Combat Team out of Fort Riley, Kansas.

On December 13, 2005, Specialist Navarro and three fellow members of his unit were killed in Taji, Iraq, when an improvised explosive device detonated near their Humvee while the sol-

diers were conducting combat operations in support of Operation Iraqi Freedom. Specialist Navarro, a member of the United States Air Force Junior ROTC Program, graduated from Lafayette High School in 2003. He subsequently decided to forego his acceptance at Truman State University in order to join the United States Army.

As noted by his father, Jose, a retired chief petty officer for the United States Navy, Specialist Navarro was a strong-willed young man and a dedicated soldier who cared for the soldiers that he worked with and would do anything for his friends. Mr. Navarro also recounts that his son wanted to try and make a difference, and that being a soldier was what making a difference is in this time of our lives.

Specialist Navarro's dedication to his unit and his country was evidenced in July of 2005 when he returned home to Wildwood to attend the funeral of his younger brother, Daniel, who had been killed in a car accident. Specialist Navarro's mother, Rowena, begged her son not to return to Iraq in the summer. As Mrs. Navarro recalls her son telling her, "Mom, they would be a man short. Somebody's taking my place, and that's not fair. They'd do the same thing for me."

Mr. Speaker, Specialist Peter J. Navarro's life stands as a testament to the bravery and dedication of the heroic men and women who have served and continue to serve our Nation at home and abroad. It is my hope that we can further honor his service through the passage of this legislation.

I urge my colleagues to join me in supporting H.R. 1217 and dedicate the Manchester Road Post Office in Ballwin, Missouri, after this outstanding American soldier.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of designating the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the Specialist Peter J. Navarro Post Office Building. As you may know, in the previous Congress, we had voted to name this post office and, unfortunately, the term ended before we were able to pass this.

But the failure of the Senate to act should not diminish what happened in the summer of 2005 when Specialist Peter J. Navarro returned home from duty in Iraq to join his family at their home in Wildwood, Missouri, not for a joyful reunion, but to bury his younger brother, who had died in a car accident.

After Daniel's funeral, Peter's mother, distraught over the loss of her middle son, begged him not to return to Iraq. This young man's response to his grieving mother is nothing short of heroic. He had to go back. He said, "Mom, they would be a man short. Somebody's taking my place, and that's not fair."

□ 1615

This selfless devotion to his comrades and his country exemplifies the character of this tremendous young man.

Forgoing his acceptance to Truman State University, Specialist Navarro enlisted in the Army right after his graduation from Lafayette High School in 2003.

This young man believed in the mission, men, and country he served. Tragically, on December 13, 2005, just 1 month before he was scheduled to end his deployment, Specialist Navarro lost his life while on patrol in Iraq.

Specialist Navarro has been awarded the Good Conduct Medal, the Purple Heart, and the Bronze Star for his service. Specialist Navarro's father, a veteran of the Navy, remembers his strong-willed son with admiration: "He died because he was trying to make a difference, and being a soldier was what was making a difference in this time of life."

Like many young men and women in uniform today serving our country, Specialist Navarro in fact has made the decision to go into harm's way to help another people far away—people he never met, people he knows nothing about, and people who he only knows he's going because our country is there and because we are trying to make a difference.

I join with the majority today and with Congressman AKIN, who could not be here, for passage of his bill, in saying this is the right name in this town for the right individual who gave so completely to the American people, and I urge support.

Mr. AKIN. Mr. Speaker, I rise today in strong support of H.R. 1217, a bill I introduced to honor the life of Peter J. Navarro by designating the post office in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building." A resident of Wildwood, Missouri, Specialist Peter J. Navarro was part of Company A, 2nd Battalion, 70th Armor Regiment, 3rd Brigade Combat Team, 1st Armored Division. On December 13, 2005 Specialist Navarro was one of four soldiers killed when a roadside bomb detonated near their Humvee during combat operations in Taji, Iraq.

A graduate of Lafayette High School, Peter declined his acceptance at Truman State University so he could join the Army right after graduation.

When Peter returned home for his younger brother's funeral, he was faced with the undeniable risks of serving his country. However, he returned to Iraq telling friends and family, "They need me there."

Peter was a dedicated soldier, willing to give the ultimate sacrifice to protect his country and the men and women who reside there. As Peter's father, Jose Navarro said, "He cared for the soldiers he worked with. He would do anything for his friends. And he told me he believed in what the mission was."

As the father of two Marines, one of whom has served in Iraq; it is a privilege to stand here today to honor one of our fallen soldiers.

Peter's commitment and dedication to his country is a shining example of how our military men and women are the finest our nation has to offer. His and his family's sacrifice should serve as a reminder to all that the freedom we enjoy as Americans is not free but the result of the tremendous bravery and selfless service of men and women willing put themselves in harm's way for freedom's cause.

Our nation will be forever indebted to Specialist Peter Navarro. Mr. Speaker, I ask that my colleagues join me today in honoring Peter.

Vote "yes" on H.R. 1217.

Mr. ISSA. I yield back the balance of my time.

Mr. LYNCH. Again, Mr. Speaker, I'd like to thank the gentleman from Missouri (Mr. AKIN) for authoring the measure at hand. I urge my colleagues to support the passage of H.R. 1217.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 1217.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MAJOR ED W. FREEMAN POST OFFICE

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1284) to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the "Major Ed W. Freeman Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAJOR ED W. FREEMAN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, shall be known and designated as the "Major Ed W. Freeman Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Major Ed W. Freeman Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself such time as I may consume.

Mr. Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am pleased to present for consideration H.R. 1284, a bill to designate the United States Postal Facility located at 103 West Main Street in McLain, Mississippi, as the "Major Ed W. Freeman Post Office Building."

Introduced by my friend, Representative GENE TAYLOR, on March 3, 2009, and reported out of the Oversight and Government Reform Committee on March 10, 2009, by voice vote, H.R. 1284 enjoys the support of the entire Mississippi House delegation.

Born in Neely, Mississippi, on November 20, 1927, Major Ed W. Freeman proudly served his country in the United States Army as a fixed and rotary wing aircraft pilot. On July 16, 2001, President George W. Bush presented Major Freeman with the Medal of Honor—the United States military's highest commendation—in recognition of his brave actions during the Vietnam War.

Major Freeman began his distinguished military career at the age of 17, with 2 years of service in the United States Navy during World War II. He subsequently joined the United States Army, serving in Germany for 4 years before being deployed to Korea.

Notably, Major Freeman received his well-familiar nickname of "Too Tall" after being told that he was too tall to serve as an Army pilot. However, he quickly dispelled this notion by becoming one of the Army's finest helicopter pilots.

Major Freeman's bravery, dedication, and flying skills were never more evident than on November 14, 1965, during the battle of Ia Drang, at Landing Zone X-Ray, in Vietnam. As noted in his Medal of Honor citation, Major Freeman "distinguished himself by numerous acts of conspicuous gallantry and extraordinary intrepidity" as a member of Company A, 229th Assault Helicopter Battalion, 1st Cavalry Division.

Specifically, as a flight leader and second-in-command of a 16-helicopter lift unit, then-Captain Freeman supported a heavily engaged American battalion at the Landing Zone in the Ia Drang Valley by "flying his unarmed helicopter through a gauntlet of enemy fire, time after time, delivering critically needed ammunitions, water, and medical supplies to the besieged battalion."

Additionally, Major Freeman flew 14 separate rescue missions which resulted in the lifesaving evacuation of

an estimated 30 seriously wounded soldiers. Major Freeman's Medal of Honor citation goes on to note that his "selfless acts of great valor, extraordinary perseverance, and intrepidity were far above and beyond the call of duty or mission and set a superb example of leadership and courage for all of his peers."

Major Freeman's heroic acts in the Ia Drang Valley were subsequently immortalized in the Mel Gibson film *We Were Soldiers*.

While he retired from the military in 1967 and moved to Idaho with his beloved wife, Barbara, and sons, Mike and Doug, Major Freeman did not give up flying—as he went to work for the Department of the Interior's Office of Aircraft Services. Upon his official retirement in 1991, Major Freeman had logged more than 25,000 hours of flying time.

Regrettably, Major Freeman passed away in August of last year at the age of 80.

Mr. Speaker, let us honor Major Freeman and his service to our country through the passage of this legislation. I urge my colleagues to join me in passing H.R. 1284, and dedicating the McLain Post Office after this distinguished veteran.

I reserve the balance of our time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1284, to designate the facility of the United States postal service located at 103 West Main Street in McLain, Mississippi, as the "Major Ed W. Freeman Post Office."

Major Freeman perhaps balances the three initiatives here today—a young soldier; an inspirational young man who died far too young of cancer; and, thirdly, a man who lived a full and complete life but who gave and gave and gave.

Major Freeman was born on November 20, 1927, in Mississippi. Before graduating from high school, as many of his generation, often called America's finest generation, young Freeman enlisted in the Navy, and served 2 years before returning home to Mississippi, graduating from high school, and deciding to return to the military; this time, to the Army.

During the Korean War, Ed Freeman rose to the rank of master sergeant in an Army engineer unit, and did his battles in many places, including the battle immortalized as Pork Chop Hill, and was then awarded a Battlefield Commission.

As was earlier mentioned, Major Freeman was too tall to be initially allowed to be a pilot. At 6'4", he was certainly a big target for the infantry, I might say, too. But with his perseverance, he eventually attended flight school until the regulation changed in 1955. But he kept that nickname, "Too Tall" Freeman. He carried it through the rest of his military career.

After winning his wings, Major Freeman began to fly fixed-wing aircraft and later switched to helicopters. In 1965, he was sent to Vietnam and served in Company A, 229th Assault Helicopter Battalion, of the famous 1st Cavalry Division.

On November 14, 1965, Major Freeman's helicopters carried a battalion into battle in the Ia Drang Valley, which became the first major confrontation between large U.S. forces and North Vietnamese regulars. For that, he received a number of commendations for his willingness to fly into the face of this heavy combat while dealing with casualties, going in and out and running low on supplies and fuel.

Major Freeman volunteered to fly into the battle area, risking his own life, delivering critically needed ammunition, water, and medical supplies to a battalion on the ground.

In all, Major Freeman carried out 14 separate rescue missions. For these actions, Major Freeman was awarded the Congressional Medal of Honor on July 16, 2001, by President George W. Bush. A few months later, Major Freeman visited the White House again for the premier of *We Were Soldiers*, a 2002 feature film that depicted his role in the battle that day.

We will miss "Too Tall." We will miss his generation.

Mr. Freeman died in Boise, Idaho, on August 20, 2008, from complications of Parkinson's disease, and is survived by his wife of 54 years, Barbara Freeman, and his sons, Mike and Doug.

Mr. Speaker, naming a post office after a man who gave and gave and gave to his country the way Major Freeman did is little enough to do. Today, recognizing his life and contribution, too, is little enough to do for one of the last of America's finest generations.

With that, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, at this time I yield 5 minutes to the lead sponsor of this resolution, the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. I want to thank the gentlemen from Massachusetts and California for their very timely consideration of this. I want to thank all the members of the Mississippi House delegation for cosponsoring it.

Gentlemen, there really isn't anything that remains to be said. I think you all did a phenomenal job of honoring Ed Freeman's life. The only thing I would ask is that his Medal of Honor citation be included in the CONGRESSIONAL RECORD.

Thank you for the timely consideration.

MEDAL OF HONOR CITATION, CAPTAIN ED W. FREEMAN, UNITED STATES ARMY

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty:

Captain Ed W. Freeman, United States Army, distinguished himself by numerous acts of conspicuous gallantry and extraordinary intrepidity on 14 November 1965 while serving with Company A, 229th Assault Helicopter Battalion, 1st Cavalry Division (Airmobile). As a flight leader and second in command of a 16-helicopter lift unit, he supported a heavily engaged American infantry battalion at Landing Zone X-Ray in the Ia Drang Valley, Republic of Vietnam. The unit was almost out of ammunition after taking some of the heaviest casualties of the war, fighting off a relentless attack from a highly motivated, heavily armed enemy force. When the infantry commander closed the helicopter landing zone due to intense direct enemy fire, Captain Freeman risked his own life by flying his unarmed helicopter through a gauntlet of enemy fire time after time, delivering critically needed ammunition, water and medical supplies to the besieged battalion. His flights had a direct impact on the battle's outcome by providing the engaged units with timely supplies of ammunition critical to their survival, without which they would almost surely have gone down, with much greater loss of life. After medical evacuation helicopters refused to fly into the area due to intense enemy fire, Captain Freeman flew 14 separate rescue missions, providing life-saving evacuation of an estimated 30 seriously wounded soldiers—some of whom would not have survived had he not acted. All flights were made into a small emergency landing zone within 100 to 200 meters of the defensive perimeter where heavily committed units were perilously holding off the attacking elements. Captain Freeman's selfless acts of great valor, extraordinary perseverance and intrepidity were far above and beyond the call of duty or mission and set a superb example of leadership and courage for all of his peers. Captain Freeman's extraordinary heroism and devotion to duty are in keeping with the highest traditions of military service and reflect great credit upon himself, his unit and the United States Army.

Mr. ISSA. Mr. Speaker, in closing, I would urge the passage of H.R. 1284, recognizing a Medal of Honor winner, a great American, one who has lived a long life and contributed a great deal to our country. Again, I urge support for H.R. 1284.

I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, again, I simply want to thank Mr. TAYLOR of Mississippi and, again, I want to urge all Members to support H.R. 1284.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 1284.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 28 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARSON of Indiana) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 987, H.R. 1217, and H.R. 1284, in each case by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

JOHN SCOTT CHALLIS, JR. POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 987, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 987.

The vote was taken by electronic device, and there were—yeas 384, nays 0, not voting 47, as follows:

[Roll No. 125]

YEAS—384

| | | |
|--------------|--------------|---------------|
| Abercrombie | Bishop (GA) | Camp |
| Ackerman | Bishop (NY) | Campbell |
| Aderholt | Bishop (UT) | Cantor |
| Adler (NJ) | Blackburn | Capito |
| Akin | Blumenauer | Capps |
| Alexander | Blunt | Capuano |
| Altmire | Boccieri | Cardoza |
| Andrews | Boehner | Carnahan |
| Arcuri | Bonner | Carney |
| Austria | Bono Mack | Carson (IN) |
| Baca | Boozman | Carter |
| Bachmann | Boswell | Cassidy |
| Bachus | Boyd | Castle |
| Baird | Brady (PA) | Castor (FL) |
| Baldwin | Brady (TX) | Chaffetz |
| Barrett (SC) | Braley (IA) | Chandler |
| Barrow | Bright | Childers |
| Bartlett | Broun (GA) | Clarke |
| Barton (TX) | Brown (SC) | Clay |
| Bean | Brown-Waite, | Cleaver |
| Becerra | Ginny | Clyburn |
| Berkley | Buchanan | Coble |
| Berman | Burgess | Coffman (CO) |
| Berry | Burton (IN) | Cohen |
| Biggert | Butterfield | Cole |
| Bilbray | Buyer | Conaway |
| Bilirakis | Calvert | Connolly (VA) |

| | | |
|-----------------|------------------|------------------|
| Cooper | Johnson, Sam | Olver |
| Costa | Jones | Ortiz |
| Costello | Kagen | Pallone |
| Courtney | Kanjorski | Pastor (AZ) |
| Crenshaw | Kaptur | Paul |
| Crowley | Kildee | Paulsen |
| Cuellar | Kilpatrick (MI) | Payne |
| Culberson | Kilroy | Perlmuter |
| Cummings | Kind | Perriello |
| Dahlkemper | King (IA) | Peters |
| Davis (AL) | King (NY) | Peterson |
| Davis (CA) | Kingston | Petri |
| Davis (IL) | Kirkpatrick (AZ) | Pingree (ME) |
| Davis (KY) | Kissell | Pitts |
| Davis (TN) | Klein (FL) | Platts |
| Deal (GA) | Kline (MN) | Poe (TX) |
| DeFazio | Kosmas | Polis (CO) |
| DeGette | Kratovil | Pomeroy |
| DeLauro | Kucinich | Posey |
| Dent | Lamborn | Price (GA) |
| Diaz-Balart, L. | Lance | Price (NC) |
| Diaz-Balart, M. | Langevin | Rahall |
| Dicks | Larsen (WA) | Rangel |
| Dingell | Larson (CT) | Rehberg |
| Doggett | Latham | Reichert |
| Donnelly (IN) | LaTourette | Reyes |
| Driehaus | Latta | Richardson |
| Duncan | Lee (CA) | Rodriguez |
| Edwards (MD) | Lee (NY) | Roe (TN) |
| Edwards (TX) | Levin | Rogers (AL) |
| Ehlers | Lewis (CA) | Rogers (MI) |
| Ellison | Lewis (GA) | Rooney |
| Ellsworth | Linder | Ros-Lehtinen |
| Engel | Lipinski | Ross |
| Eshoo | LoBiondo | Rothman (NJ) |
| Etheridge | Loeb sack | Roybal-Allard |
| Fallin | Lofgren, Zoe | Royce |
| Farr | Lowe | Ruppersberger |
| Fattah | Lujan | Rush |
| Filner | Lummis | Ryan (OH) |
| Fleming | Lungrun, Daniel | Ryan (WI) |
| Forbes | E. | Salazar |
| Fortenberry | Lynch | Sanchez, Loretta |
| Foster | Mack | Sarbanes |
| Fox | Maffei | Scalise |
| Frank (MA) | Maloney | Schakowsky |
| Franks (AZ) | Manzullo | Schauer |
| Frelinghuysen | Marchant | Schiff |
| Fudge | Markey (CO) | Schmidt |
| Garrett (NJ) | Markey (MA) | Schock |
| Gerlach | Marshall | Schrader |
| Giffords | Massa | Schwartz |
| Gonzalez | Matheson | Scott (GA) |
| Goodlatte | Matsui | Scott (VA) |
| Gordon (TN) | McCarthy (CA) | Sensenbrenner |
| Granger | McCarthy (NY) | Serrano |
| Graves | McClintock | Sessions |
| Grayson | McCollum | Sestak |
| Green, Al | McCotter | Shadegg |
| Green, Gene | McDermott | Sherman |
| Griffith | McGovern | Shuler |
| Guthrie | McHenry | Shuster |
| Hall (TX) | McHugh | Simpson |
| Halvorson | McIntyre | Sires |
| Hare | McKeon | Skelton |
| Harman | McMahon | Slaughter |
| Harper | McMorris | Smith (NE) |
| Hastings (FL) | Rodgers | Smith (NJ) |
| Hastings (WA) | McNerney | Smith (TX) |
| Heinrich | Meek (FL) | Snyder |
| Heller | Meeks (NY) | Souder |
| Hensarling | Melancon | Space |
| Herger | Mica | Spratt |
| Herseht Sandlin | Michaud | Stearns |
| Higgins | Miller (FL) | Stupak |
| Hill | Miller (MI) | Sullivan |
| Himes | Miller (NC) | Sutton |
| Hinojosa | Miller, George | Tanner |
| Hirono | Minnick | Tauscher |
| Hodes | Mitchell | Taylor |
| Hoekstra | Mollohan | Teague |
| Holden | Moore (KS) | Terry |
| Holt | Moore (WI) | Thompson (CA) |
| Honda | Moran (TX) | Thompson (MS) |
| Hoyer | Murphy (CT) | Thornberry |
| Hunter | Murphy, Patrick | Tiahrt |
| Inglis | Murphy, Tim | Tiberi |
| Inslee | Murtha | Tierney |
| Israel | Nadler (NY) | Titus |
| Issa | Napolitano | Tonko |
| Jackson (IL) | Neal (MA) | Towns |
| Jackson-Lee | Neugebauer | Tsongas |
| (TX) | Nunes | Upton |
| Jenkins | Nye | Van Hollen |
| Johnson (GA) | Oberstar | Velázquez |
| Johnson, E. B. | Obey | Visclosky |

| | | |
|-----------|--------------|------------|
| Walden | Weiner | Wolf |
| Wasserman | Westmoreland | Woolsey |
| Wexler | Wexler | Wu |
| Waters | Whitfield | Yarmuth |
| Watson | Wilson (OH) | Young (AK) |
| Watt | Wilson (SC) | Young (FL) |
| Waxman | Wittman | |

NOT VOTING—47

| | | |
|----------------|--------------|----------------|
| Boren | Hall (NY) | Radanovich |
| Boucher | Hinchey | Rogers (KY) |
| Boustany | Johnson (IL) | Rohrabacher |
| Brown, Corrine | Jordan (OH) | Roskam |
| Cao | Kennedy | Sánchez, Linda |
| Conyers | Kirk | T. |
| Delahunt | Lucas | Shea-Porter |
| Doyle | Luetkemeyer | Shimkus |
| Dreier | McCaul | Smith (WA) |
| Emerson | Miller, Gary | Speier |
| Flake | Moran (VA) | Stark |
| Gallegly | Myrick | Thompson (PA) |
| Gingrey (GA) | Olson | Turner |
| Gohmert | Pascarell | Walz |
| Grijalva | Pence | Wamp |
| Gutierrez | Putnam | Welch |

□ 1856

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SPECIALIST PETER J. NAVARRO
POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1217, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 1217.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 0, not voting 47, as follows:

[Roll No. 126]

YEAS—384

| | | |
|--------------|--------------|---------------|
| Abercrombie | Blunt | Carson (IN) |
| Ackerman | Boccieri | Carter |
| Aderholt | Boehner | Cassidy |
| Adler (NJ) | Bonner | Castle |
| Akin | Bono Mack | Castor (FL) |
| Alexander | Boozman | Chaffetz |
| Altmire | Boswell | Chandler |
| Andrews | Boyd | Childers |
| Arcuri | Brady (PA) | Clarke |
| Austria | Brady (TX) | Clay |
| Baca | Braley (IA) | Cleaver |
| Bachmann | Bright | Clyburn |
| Bachus | Brown (GA) | Coble |
| Baird | Brown (SC) | Coffman (CO) |
| Baldwin | Brown-Waite, | Cohen |
| Barrett (SC) | Ginny | Cole |
| Barrow | Buchanan | Conaway |
| Bartlett | Burgess | Connolly (VA) |
| Barton (TX) | Burton (IN) | Conyers |
| Bean | Butterfield | Cooper |
| Becerra | Buyer | Costa |
| Berkley | Calvert | Costello |
| Berman | Camp | Courtney |
| Berry | Campbell | Crenshaw |
| Biggert | Cantor | Crowley |
| Bilbray | Capito | Cuellar |
| Bishop (GA) | Capps | Culberson |
| Bishop (NY) | Capuano | Cummings |
| Bishop (UT) | Cardoza | Dahlkemper |
| Blackburn | Carnahan | Davis (AL) |
| Blumenauer | Carney | Davis (CA) |

| | | | | | | | | |
|-----------------|------------------|------------------|----------------|--------------|----------------|-----------------|------------------|------------------|
| Davis (IL) | Kirkpatrick (AZ) | Pitts | Wilson (SC) | Woolsey | Young (AK) | Clay | Inglis | Murphy, Tim |
| Davis (KY) | Kissell | Platts | Wittman | Wu | Young (FL) | Cleaver | Inlee | Murtha |
| Davis (TN) | Klein (FL) | Poe (TX) | Wolf | Yarmuth | | Clyburn | Israel | Nadler (NY) |
| Deal (GA) | Kline (MN) | Polis (CO) | | | | Coble | Issa | Napolitano |
| DeFazio | Kosmas | Pomeroy | | | | Coffman (CO) | Jackson (IL) | Neal (MA) |
| DeGette | Kratovil | Posey | Bilirakis | Hall (NY) | Putnam | Cohen | Jackson-Lee | Neugebauer |
| DeLauro | Kucinich | Price (GA) | Boren | Hinchey | Radanovich | Cole | (TX) | Nunes |
| Dent | Lamborn | Price (NC) | Boucher | Johnson (IL) | Rogers (KY) | Conaway | Jenkins | Nye |
| Diaz-Balart, L. | Lance | Rahall | Boustany | Jordan (OH) | Rohrabacher | Connolly (VA) | Johnson (GA) | Oberstar |
| Diaz-Balart, M. | Langevin | Rangel | Brown, Corrine | Kennedy | Roskam | Conyers | Johnson, E. B. | Obey |
| Dicks | Larsen (WA) | Rehberg | Cao | Kirk | Sánchez, Linda | Cooper | Johnson, Sam | Olver |
| Dingell | Larson (CT) | Reichert | Delahunt | Lucas | T. | Costa | Jones | Ortiz |
| Doggett | Latham | Reyes | Doyle | Luetkemeyer | Shea-Porter | Costello | Kagen | Pallone |
| Donnelly (IN) | LaTourette | Richardson | Dreier | Marchant | Smith (WA) | Courtney | Kanjorski | Pastor (AZ) |
| Driehaus | Latta | Rodriguez | Emerson | McCauley | Speier | Crenshaw | Kaptur | Paul |
| Duncan | Lee (CA) | Roe (TN) | Flake | Miller, Gary | Stark | Crowley | Kildee | Paulsen |
| Edwards (MD) | Lee (NY) | Rogers (AL) | Gallegly | Moran (VA) | Thompson (PA) | Cuellar | Kilpatrick (MI) | Payne |
| Edwards (TX) | Levin | Rogers (MI) | Gingrey (GA) | Myrick | Turner | Culberson | Kilroy | Perlmutter |
| Ehlers | Lewis (CA) | Rooney | Gohmert | Olson | Walz | Cummings | Kind | Perriello |
| Ellison | Lewis (GA) | Ros-Lehtinen | Grijalva | Pascarell | Wamp | Dahlkemper | King (IA) | Peters |
| Ellsworth | Linder | Ross | Gutierrez | Pence | Welch | Davis (AL) | King (NY) | Peterson |
| Engel | Lipinski | Rothman (NJ) | | | | Davis (CA) | Kingston | Petri |
| Eshoo | LoBiondo | Roybal-Allard | | | | Davis (IL) | Kirkpatrick (AZ) | Pingree (ME) |
| Etheridge | Loeb sack | Royce | | | | Davis (KY) | Kissell | Pitts |
| Fallin | Lofgren, Zoe | Ruppersberger | | | | Davis (TN) | Klein (FL) | Platts |
| Farr | Lowey | Rush | | | | Deal (GA) | Kline (MN) | Poe (TX) |
| Fattah | Luján | Ryan (OH) | | | | DeFazio | Kosmas | Polis (CO) |
| Filner | Lummis | Ryan (WI) | | | | DeGette | Kratovil | Pomeroy |
| Fleming | Lungren, Daniel | Salazar | | | | DeLauro | Kucinich | Posey |
| Forbes | E. | Sanchez, Loretta | | | | Dent | Lamborn | Price (GA) |
| Fortenberry | Lynch | Sarbanes | | | | Diaz-Balart, L. | Lance | Price (NC) |
| Foster | Mack | Scalise | | | | Diaz-Balart, M. | Langevin | Rahall |
| Fox | Maffei | Schakowsky | | | | Dicks | Larsen (WA) | Rangel |
| Frank (MA) | Maloney | Schauer | | | | Dingell | Larson (CT) | Rehberg |
| Franks (AZ) | Manzullo | Schiff | | | | Doggett | Latham | Reichert |
| Frelinghuysen | Markey (CO) | Schmidt | | | | Donnelly (IN) | LaTourette | Reyes |
| Fudge | Markey (MA) | Schock | | | | Driehaus | Latta | Richardson |
| Garrett (NJ) | Marshall | Schrader | | | | Duncan | Lee (CA) | Rodriguez |
| Gerlach | Massa | Schwartz | | | | Edwards (MD) | Lee (NY) | Roe (TN) |
| Giffords | Matheson | Scott (GA) | | | | Edwards (TX) | Levin | Rogers (AL) |
| Gonzalez | Matsui | Scott (VA) | | | | Ehlers | Lewis (CA) | Rogers (MI) |
| Goodlatte | McCarthy (CA) | Sensenbrenner | | | | Ellison | Lewis (GA) | Rooney |
| Gordon (TN) | McCarthy (NY) | Serrano | | | | Ellsworth | Linder | Ros-Lehtinen |
| Granger | McClintock | Sessions | | | | Engel | Lipinski | Ross |
| Graves | McCollum | Sestak | | | | Eshoo | LoBiondo | Rothman (NJ) |
| Grayson | McCotter | Shadegg | | | | Etheridge | Loeb sack | Roybal-Allard |
| Green, Al | McDermott | Sherman | | | | Fallin | Lofgren, Zoe | Royce |
| Green, Gene | McGovern | Shimkus | | | | Farr | Lowey | Ruppersberger |
| Griffith | McHenry | Shuler | | | | Fattah | Luján | Rush |
| Guthrie | McHugh | Shuster | | | | Filner | Lummis | Ryan (OH) |
| Hall (TX) | McIntyre | Simpson | | | | Fleming | Lungren, Daniel | Ryan (WI) |
| Halvorson | McKeon | Sires | | | | Forbes | E. | Salazar |
| Hare | McMahon | Skelton | | | | Fortenberry | Lynch | Sanchez, Loretta |
| Harman | McMorris | Slaughter | | | | Foster | Mack | Sarbanes |
| Harper | Rodgers | Smith (NE) | | | | Fox | Maffei | Scalise |
| Hastings (FL) | McNerney | Smith (NJ) | | | | Frank (MA) | Maloney | Schakowsky |
| Hastings (WA) | Meek (FL) | Smith (TX) | | | | Franks (AZ) | Manzullo | Schauer |
| Heinrich | Meeks (NY) | Snyder | | | | Frelinghuysen | Marchant | Schiff |
| Heller | Melancon | Souder | | | | Fudge | Markey (CO) | Schmidt |
| Hensarling | Mica | Space | | | | Garrett (NJ) | Markey (MA) | Schrader |
| Herger | Michaud | Spratt | | | | Gerlach | Marshall | Schwartz |
| Herseth Sandlin | Miller (FL) | Stearns | | | | Giffords | Massa | Scott (VA) |
| Higgins | Miller (MI) | Stupak | | | | Gonzalez | Matheson | Sensenbrenner |
| Hill | Miller (NC) | Sullivan | | | | Goodlatte | Matsui | Serrano |
| Himes | Miller, George | Sutton | | | | Gordon (TN) | McCarthy (CA) | Sessions |
| Hinojosa | Minnick | Tanner | | | | Granger | McCarthy (NY) | Sestak |
| Hirono | Mitchell | Tauscher | | | | Graves | McClintock | Shadegg |
| Hodes | Mollohan | Taylor | | | | Grayson | McCollum | Sherman |
| Hoekstra | Moore (KS) | Teague | | | | Green, Al | McCotter | Shimkus |
| Holden | Moore (WI) | Terry | | | | Green, Gene | McDermott | Shuler |
| Holt | Moran (KS) | Thompson (CA) | | | | Griffith | McGovern | Shuster |
| Honda | Murphy (CT) | Thompson (MS) | | | | Guthrie | McHenry | Simpson |
| Hoyer | Murphy, Patrick | Thornberry | | | | Hall (TX) | McHugh | Sires |
| Hunter | Murphy, Tim | Tiahrt | | | | Halvorson | McIntyre | Skelton |
| Inglis | Murtha | Tiberi | | | | Hare | McKeon | Slaughter |
| Inlee | Nadler (NY) | Tierney | | | | Harman | McMahon | Smith (NE) |
| Israel | Napolitano | Titus | | | | Harper | McMorris | Smith (NJ) |
| Issa | Neal (MA) | Tonko | | | | Hastings (FL) | Rodgers | Smith (TX) |
| Jackson (IL) | Neugebauer | Towns | | | | Hastings (WA) | McNerney | Snyder |
| Jackson-Lee | Nunes | Tsongas | | | | Heinrich | Meek (FL) | Souder |
| (TX) | Nye | Upton | | | | Heller | Meeks (NY) | Space |
| Jenkins | Oberstar | Van Hollen | | | | Hensarling | Michaud | Spratt |
| Johnson (GA) | Obey | Velázquez | | | | Herger | Miller (FL) | Stearns |
| Johnson, E. B. | Olver | Visclosky | | | | Herseth Sandlin | Miller (MI) | Stupak |
| Johnson, Sam | Ortiz | Walden | | | | Higgins | Miller (NC) | Sullivan |
| Jones | Pallone | Wasserman | | | | Hill | Miller (NY) | Tanner |
| Kagen | Pastor (AZ) | Schultz | | | | Himes | Miller, George | Tauscher |
| Kanjorski | Paul | Waters | | | | Hinojosa | Minnick | Taylor |
| Kaptur | Paulsen | Watson | | | | Hirono | Mitchell | Teague |
| Kildee | Payne | Watt | | | | Hodes | Mollohan | Terry |
| Kilpatrick (MI) | Perlmutter | Waxman | | | | Hoekstra | Moore (KS) | Thompson (CA) |
| Kilroy | Perriello | Weiner | | | | Holden | Moore (WI) | Thompson (MS) |
| Kind | Peters | Westmoreland | | | | Holt | Moran (KS) | Thornberry |
| King (IA) | Peterson | Wexler | | | | Honda | Murphy (CT) | Tiahrt |
| King (NY) | Petri | Whitfield | | | | Hoyer | Murphy, Patrick | Tiberi |
| Kingston | Pingree (ME) | Wilson (OH) | | | | Hunter | | |

NOT VOTING—47

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining.

□ 1904

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, on rollcall No. 126, I was unavoidably detained. Had I been present, I would have voted "yea."

MAJOR ED W. FREEMAN POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1284, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 1284.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 0, not voting 47, as follows:

[Roll No. 127]

YEAS—384

| | | |
|--------------|--------------|-------------|
| Abercrombie | Biggert | Buchanan |
| Ackerman | Billray | Burgess |
| Aderholt | Bilirakis | Burton (IN) |
| Adler (NJ) | Bishop (GA) | Butterfield |
| Akin | Bishop (NY) | Buyer |
| Alexander | Bishop (UT) | Calvert |
| Altmiere | Blackburn | Camp |
| Andrews | Blumenauer | Campbell |
| Arcuri | Blunt | Cantor |
| Austria | Bocci | Capito |
| Baca | Boehner | Capps |
| Bachmann | Bonner | Capuano |
| Bachus | Bono Mack | Cardoza |
| Baird | Boozman | Carnahan |
| Baldwin | Boswell | Carney |
| Barrett (SC) | Boyd | Carson (IN) |
| Barrow | Brady (PA) | Carter |
| Bartlett | Brady (TX) | Cassidy |
| Barton (TX) | Braley (IA) | Castle |
| Bean | Bright | Castor (FL) |
| Becerra | Brown (GA) | Chaffetz |
| Berkley | Brown (SC) | Chandler |
| Berman | Brown-Waite, | Childers |
| Berry | Ginny | Clarke |

| | | |
|------------|--------------|-------------|
| Tierney | Wasserman | Wilson (OH) |
| Titus | Schultz | Wilson (SC) |
| Tonko | Waters | Wittman |
| Towns | Watson | Wolf |
| Tsongas | Watt | Woolsey |
| Upton | Waxman | Wu |
| Van Hollen | Weiner | Yarmuth |
| Velázquez | Westmoreland | Young (AK) |
| Visclosky | Wexler | Young (FL) |
| Walden | Whitfield | |

NOT VOTING—47

| | | |
|----------------|--------------|----------------|
| Boren | Hinchey | Rogers (KY) |
| Boucher | Johnson (IL) | Rohrabacher |
| Boustany | Jordan (OH) | Roskam |
| Brown, Corrine | Kennedy | Sánchez, Linda |
| Cao | Kirk | T. |
| Delahunt | Lucas | Schock |
| Doyle | Luetkemeyer | Scott (GA) |
| Dreier | McCaul | Shea-Porter |
| Emerson | Miller, Gary | Smith (WA) |
| Flake | Moran (VA) | Speier |
| Gallely | Myrick | Stark |
| Gingrey (GA) | Olson | Thompson (PA) |
| Gohmert | Pascarell | Turner |
| Grijalva | Pence | Walz |
| Gutierrez | Putnam | Wamp |
| Hall (NY) | Radanovich | Welch |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have less than 2 minutes remaining.

□ 1911

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PASCARELL. Mr. Speaker, today, March 16th, I was detained in my district and therefore missed the three rollcall votes of the day. Had I been present I would have voted "yea" on rollcall vote No. 125 on agreeing to the resolution H.R. 987—to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the "John Scott Challis, Jr. Post Office". Had I been present I would have also voted "yea" on rollcall vote No. 126 on agreeing to the resolution H.R. 1217—to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building." Lastly, had I been present I would have voted "yea" on rollcall vote No. 127 on agreeing to the resolution H.R. 1284—to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the "Major Ed W. Freeman Post Office."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 125, 126, and 127.

PERSONAL EXPLANATION

Mr. PENCE. Mr. Speaker, today, I was unexpectedly detained in my district due to a flight delay and missed three votes. If present,

I would have voted: "yea" on H.R. 987; "yea" on H.R. 1217; and "yea" on H.R. 1284.

SECRETARY OF STATE HILLARY CLINTON WILL LEAD ROBUST HUMAN RIGHTS AGENDA

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, on Friday, Secretary Clinton called the President of Sri Lanka to express deep concern over the deteriorating human rights situation in northern Sri Lanka. She stated clearly that the army should not fire on civilians, that international organizations should have full access to the thousands of people trapped inside the conflict area, and she condemned the Tamil Tigers for their atrocities. It was a strong human rights statement.

Last Wednesday, Secretary Clinton stood up for the rights of women when she hosted the 2009 International Women of Courage Awards. She noted those women whose governments kept them from traveling to Washington to receive this honor.

She also met with the Chinese Foreign Minister. She told him that every nation seeking to lead in the international community must live by the global rules that determine whether people enjoy the right to live freely and participate fully, including the freedom to speak out, to worship, and to live and work with dignity.

Secretary Clinton is committed to a strong human rights agenda, and I look forward to working with her and promoting human rights in U.S. foreign policy.

U.S. DEPARTMENT OF STATE,
OFFICE OF THE SPOKESMAN,
MARCH 13, 2009.

STATEMENT BY GORDON DUGUID, ACTING
DEPUTY SPOKESMAN

HUMANITARIAN SITUATION IN SRI LANKA

On March 13, Secretary Clinton called Sri Lankan President Rajapaksa to express the United States' deep concern over the deteriorating conditions and increasing loss of life occurring in the Government of Sri Lanka-designated "safe zone" in northern Sri Lanka. The Secretary stated that the Sri Lankan Army should not fire into the civilian areas of the conflict zone. The Secretary offered immediate and post-conflict reconstruction assistance and she extended condolences to the victims of the March 10 bombing outside a mosque in southern Sri Lanka. She condemned the actions of the Liberation Tigers of Tamil Eelam (LTTE) who are reported to be holding civilians as human shields, and to have shot at civilians leaving LTTE areas of control.

Secretary Clinton called on President Rajapaksa to devise a political solution to the ongoing conflict. She urged the President to give international humanitarian relief organizations full access to the conflict area and displaced persons camps, including screening centers.

The United States believes that a durable and lasting peace will only be achieved

through a political solution that addresses the legitimate aspirations of all of Sri Lanka's communities. We call on the Sri Lankan Government to put forward a proposal now to engage Tamils who do not espouse violence or terrorism, and to develop power sharing arrangements so that lasting peace and reconciliation can be achieved.

(March 11, 2009)

2009 INTERNATIONAL WOMEN OF COURAGE AWARDS

HILLARY RODHAM CLINTON, SECRETARY OF STATE, BENJAMIN FRANKLIN ROOM, WASHINGTON, DC

Secretary Clinton: Well, this is such an exciting occasion, and there were so many people who wanted to come today, but unfortunately, there is a limit to how many people we can let into this magnificent room. So there are people watching on closed-circuit TV all over this building, and beyond.

And it is my pleasure to welcome you to the State Department to celebrate International Women's Day with a very special event and a very special guest. The event is the International Women of Courage Awards, and in a minute, you will meet these remarkable women and learn more about their lives and their work. And I am especially delighted to thank one person in particular whose presence here means a great deal to all of us—our First Lady, Michelle Obama. (Applause.)

Now, I know a little bit about the role that—(laughter)—Michelle Obama is filling now. And I have to say that in a very short time, she has, through her grace and her wisdom, become an inspiration to women and girls not only in the United States, but around the world. And it is so fitting that she would join us here at the State Department to celebrate the achievements of other extraordinary women, and to show her commitment to supporting women and girls around the globe.

She understands, as we all do here at the State Department, that the status of women and girls is a key indicator of whether or not progress is possible in a society. And so I am very grateful to her and to President Obama, who earlier today announced the creation of the White House Interagency Council on Women and Girls. That will—(applause). That office will help us collaborate across every department and agency in our government.

President Obama has also designated an ambassador-at-large to consolidate our work on women's global issues here at the State Department. Now, this is a position that has never existed before, and I am very pleased that someone you all know, if you have ever worked on women's issues—know and appreciate a longtime colleague and friend, Melanne Verwee, who's been nominated to fill that post. (Applause.)

And I also want to thank Ambassador Susan Rice and our excellent U.S. delegation to the United Nations Commission on the Status of Women, which is in the middle of its annual meetings now, for the work that they are doing and for the engagement that they demonstrate.

Today, we're focusing on the International Women of Courage Awards. It's a fairly new tradition here at the State Department, but it's already become a cherished institution. For the past three years, our embassies have sent us stories of extraordinary women who work every day, often against great odds to advance the rights of all human beings to fulfill their God-given potential. Today, we recognize eight of those women. Each is one

of a kind, but together they represent countless women and men who strive daily for justice and opportunity in every country and on every continent, usually without recognition or reward.

And I want to say a special word about someone who could not join us, who we honor today—Reem Al Numery, who was forced to marry her older cousin when she was just 12 years old. She is now fighting to obtain a divorce for herself and end child marriage in Yemen. She was not able to be here, but we honor her strength and we pledge our support to end child marriage everywhere, once and for all. (Applause.)

We also express our solidarity with women whose governments have forbidden them from joining us, especially Aung San Suu Kyi, who has been kept under house arrest in Burma for most of the past two decades, but continues to be a beacon of hope and strength to people around the world. Her example has been especially important to other women in Burma who have been imprisoned for their political beliefs, driven into exile, or subjected to sexual violence by the military.

Our honorees and the hundreds of millions of women they represent not only deserve our respect, they deserve our full support. When we talk about human rights, what I think of are faces like these. What I am committed to is doing everything in my power as Secretary of State to further the work on the ground in countries like those represented here to make changes in peoples' lives. That doesn't happen always in the halls of government. It happens day to day in the towns and cities, the villages and countryside where the work of human rights goes on.

We simply cannot solve the global problems confronting us, from a worldwide financial crisis to the risks of climate change to chronic hunger, disease, and poverty that sap the energies and talents of hundreds of millions of people when half the world's population is left behind. The rights of women—really, of all people—are at the core of these challenges, and human rights will always be central to our foreign policy.

Earlier today I met with Foreign Minister Yang of China and conveyed to him, as I do in my meetings with all other leaders, that it is our view in the Obama Administration that every nation seeking to lead in the international community must not only live by, but help shape the global rules that will determine whether people do enjoy the rights to live freely and participate fully. The peace, prosperity and progress that we know are best served and best serve human beings come when there is freedom to speak out, to worship, to go to school, enjoy access to health care, live and work with dignity.

The United States is grounded in these ideals, and our foreign policy must be guided by them. Indeed, our own country must continually strive to live up to these ideals ourselves. Not only does smart power require us to demand more of ourselves when it comes to human rights, but to express those views to others and to actually assist those who are on the frontlines of human rights struggles everywhere.

It is important that we focus on human rights because I know what inspiration it has given to me over many years. The people I have met, they have constantly reminded me of how much work lies ahead if we are to be the world of peace, prosperity and progress that we all seek.

I've met a lot of people, particularly women, who have risked their lives—from

women being oppressed by the Taliban in Afghanistan, to mothers seeking to end the violence in Northern Ireland, to citizens working for freedom of religion in Uzbekistan, and NGOs struggling to build civil society in Slovakia, to grassroots advocates working to end human trafficking in Asia and Africa, and local women in India and Bangladesh, Chile, Nicaragua, Vietnam and many other places who are leading movements for economic independence and empowerment.

These personal experiences have informed my work. And I will continue to fight for human rights as Secretary of State in traditional and especially non-traditional ways and venues.

All of you gathered here represent the kind of broad coalition that we need—business leaders, NGO leaders, ambassadors, experts, people from every corner of our government, citizens who are moved and touched by the stories of courage that we will be hearing some more of today.

And it is exciting that we have now in our own country someone who is standing up for the best of America, a woman who understands the multiple roles that women play during the course of our lives, and fulfills each one with grace. An example of leadership, service, and strength. It is my great pleasure and honor to introduce the First Lady of the United States, Michelle Obama. (Applause.)

(The First Lady makes remarks.)

(Applause.)

Secretary Clinton: Thank you so much, Mrs. Obama, and it's exciting to have your leadership and example for not only girls and women in our country, but those around the world.

Now, we're going to start with the extraordinary women who we honor today. The first woman, Wazhma Frogh, from Afghanistan, is being recognized for her courageous efforts to combat sexual and domestic violence and child and marital rape throughout Afghanistan, despite facing dangerous conditions. She has come a long way, and we stand in solidarity with her and the people of Afghanistan. (Applause.)

Next, from Guatemala, Norma Cruz. We are recognizing her for her unyielding efforts to end the culture of impunity surrounding the murder and other forms of violence against women in Guatemala. At great risk to her personal safety, Norma Cruz has been outspoken and extraordinarily brave, and we are honored to have her with us today. Norma Cruz. (Applause.)

Suaad Allami, from Iraq. I told Suaad when we were waiting to come out how pleased I was to see her, and how grateful we are for the progress that we've seen, but we know how much more needs to be done in her country. And we honor her for bravely promoting the legal rights, the health, the social well-being and the economic and political empowerment of women in Iraq, despite threats to her own safety. Thank you so much, Suaad. (Applause.)

Veronika Marchenko, from Russia. We honor her for her stalwart leadership in seeking justice for the families of bereaved service members, young men conscripted into the Russian Army. For her commitment to seeking the truth and in promoting improved human rights conditions for those who serve in the Russian army, and being a networking presence to bring together those who served and their families to find answers to so many of the questions that no one had ever, ever bothered to answer before. Thank you so much. (Applause.)

Our next honoree is from Uzbekistan, Mutabar Tadjibayeva, for her courage, her

conviction, her perseverance in promoting human rights, the rule of law, and good governance in Uzbekistan, and for standing up for justice at great personal risk. Mutabar is someone who has been in prison for quite some time, and she still has a big smile on her face, and I salute her courage and her persistence. (Applause.)

From Niger, Hadizatou Mani. Hadizatou is such an inspiring person. Enslaved by being sold at a very young age, she never gave up on herself or on her deep reservoir of human dignity. When she finally escaped from slavery, she didn't forget those who were still enslaved. For her inspiring courage in successfully challenging an entrenched system of caste-based slavery, and securing a legal precedent that will help countless others seek freedom and justice, we honor and salute her. (Applause.)

You know, before I introduce our final honoree, who will respond on behalf of all of the honorees, I just want to say that over the course of many years of doing human rights work, and particularly on behalf of girls and women, I'm sometimes asked, well, do ceremonies like this really matter; is that just not something, you know, that you do and it's a nice feeling, and then you go back to wherever you came from?

I know that these kinds of recognitions and moments of honor by both governments and NGOs and other institutions and individuals are extremely important. They provide a recognition of an individual's struggle and courage that stands for so much more. They provide a degree of awareness about the problems that the individual is fighting to remedy. They serve notice on governments that the first and highest duty is for every government to protect the human rights of every individual within that jurisdiction. And they provide a degree of protection.

And so I salute those in the State Department who have recognized the importance of this and kept it going, and we are proud to continue that tradition.

Our final speaker, Ambiga Sreenevasan, has a remarkable record of accomplishment in Malaysia. She has pursued judicial reform and good governance, she has stood up for religious tolerance, and she has been a resolute advocate of women's equality and their full political participation. She is someone who is not only working in her own country, but whose influence is felt beyond the borders of Malaysia. And it is a great honor to recognize her and invite her to the podium. (Applause.)

Ms. Sreenevasan: The First Lady Mrs. Obama, Madame Secretary Hillary Clinton, ladies and gentlemen, I am humbled to be in the company of seven extraordinary women receiving this award for courage, and I am deeply honored to now speak on their behalf and on mine.

We accept this award in all humility, remembering that we have been fortunate in being singled out from among countless courageous women in our countries who are dedicated to the cause of equality and justice.

It is also timely for us to remember all the women in other conflict-ridden territories, like Palestine and other countries, who have to show courage every single day in their struggle to survive and to keep their families together.

Each of us fights causes that promote equality and justice, and by presenting us with this award you honor those causes and all the people who work tirelessly for them with unflinching dedication.

This award will help to bring to the international stage our voices and our advocacy

on these important issues. This occasion gives us an opportunity to reflect on the importance of the rule of law in promoting the rights of women around the world. When the rule of law is upheld, equality is upheld, the cause of justice is upheld, and human rights are upheld.

Today, we are witnessing a struggle for the souls of our nations, taking place between the forces of the old and the forces of change. We see our commitment to the rule of law, fundamental liberties, and the independence of our institutions being tested. The strength of our nations will depend on how well they withstand this test.

There are those who claim that democracy is a Western concept and is unsuitable elsewhere. There are yet others who perpetrate injustices behind a veneer of democracy. We say that democracy is universal, and a true democracy and the rule of law will prevail when the collective voices of the people are raised in its support.

On my part, I have for the past two years had the privilege to lead and serve the Malaysian Bar, a professional organization consisting of approximately 13,000 lawyers. History will bear testament to the fact that the Malaysian Bar has always been true to its first article of faith, to uphold the cause of justice without regard to its own interests or that of its members uninfluenced by fear or favor. In a sense, I was merely stepping into the shoes of the many other brave leaders of the bar who came before me, whereas many of the awardees today are pioneers in their struggle for justice.

This award has given us the opportunity which we would not otherwise have had, to share our stories, our successes, our failures, to reach out across our borders and to establish a base upon which we can build a meaningful network of support. These stories must be told in all our countries. By this experience, we are both enriched and enraged; enriched by what we have shared, and enraged that so many of our sisters endure intimidation and suffering in their countries. Nevertheless, ours is a message of hope that something has been achieved, despite the odds.

Martin Luther King said, "Injustice anywhere is a threat to justice everywhere." This means that although we may come from different walks of life, our struggle is common. And each success is a success for all, just as each failure is a failure for all. When we unite on a human rights platform, whether domestically or internationally, above politics and political alliances, we create more enduring partnerships and relationships. When we pursue freedom and empowerment for others, we reaffirm and protect our own.

In my interaction with the other awardees present here today, it was evident that the passion we feel for our causes is driven by the love of our homelands and our people. That, in turn, drives our passion for what is right and what is just. Our people deserve nothing less. We all believe in striving for ideals that are—if I may borrow the words—self-evident; namely, the ideals of truth, justice, goodness, and universal love and understanding. Our stories are a testament to the universality of these ideals.

We are truly and deeply honored by this award, more so, when it comes from you, Madame Secretary, yourself a woman of courage, who has inspired women around the world to reach great heights. Your untiring efforts in championing women's rights worldwide are well known. Your immortal words that, "Human rights are women's

rights, and women's rights are human rights," resonate with all of us here.

We would also like to express our deep admiration for the First Lady Mrs. Obama, and we would also like to express our appreciation for your sharing this moment with us. Madame Secretary, on behalf of all the awardees, I thank you. And we accept the honor with humility and pride. Thank you. (Applause.)

Secretary Clinton: Thank you. These women of courage will serve to remind us every day as we do our work in this venerable building—here we are in the Benjamin Franklin Room, and I'm about to invite you to join our reception in the Thomas Jefferson Room—that our own country has a lot to live up to. But we derive inspiration from those who are struggling so hard just to realize the basic rights that we sometimes take for granted. And it is our responsibility not only to continue to do what we must here at home to realize the dream that America represents, but to use our talents and our abilities and resources to help others as well.

It is such a great privilege to be here with all of you, to be the Secretary of State at this moment of history in an administration represented by Mrs. Obama today, led by President Obama, who means so much already to so many around the world. Now, it's our job to realize the promise that that represents. Thank you all very much. (Applause.)

[From the Washington Post, Mar. 12, 2009]

CLINTON REITERATES U.S. COMMITMENT TO 'ROBUST' RIGHTS AGENDA
(By Glenn Kessler)

Secretary of State Hillary Rodham Clinton, under fire for some of her recent remarks on human rights, insisted yesterday that the Obama administration regards the issue at the same level as economics and international security.

"A mutual and collective commitment to human rights is [as] important to bettering our world as our efforts on security, global economics, energy, climate change and other pressing issues," Clinton told reporters after meeting with Chinese Foreign Minister Yang Jiechi at the State Department. She said she had raised with Yang the issue of Tibet and a resumption of a U.S.-China human rights dialogue.

"The Obama administration is absolutely committed to a robust, comprehensive human rights agenda," she said. "We're going to look for ways where we can be effective, where we can actually produce outcomes that will matter in the lives of people who are struggling for their rights to be full participants in their societies."

Last month, during her first trip as chief U.S. diplomat to Asia, Clinton provoked human rights activists by saying that pressing China on that issue "can't interfere with the global economic crisis, the global climate change crisis and the security crisis." On matters such as greater freedom for Tibetans, Clinton said, "We pretty much know what [Beijing is] going to say."

Then, while traveling in the Middle East last week, Clinton appeared to play down human rights issues in Egypt and Turkey that had been raised in recent State Department reports, earning her further criticism.

"She has missed unique opportunities," said Rep. Frank R. Wolf (R-Va.), one of the leading congressional voices on human rights. Secretary of State Condoleezza "Rice started out strong and ended weak," he said. "But Secretary Clinton is starting out weak."

Human rights activists were further upset Tuesday by the State Department releasing a statement on Tibet in the name of spokesman Robert A. Wood, after Wood had announced hours earlier that it would be issued in Clinton's name, on the eve of her meeting with Yang. Foreign governments tend to give greater weight to statements issued in the name of the secretary of state or the president, rather than spokesmen or press secretaries.

Wood refused yesterday to discuss "internal deliberations" of the State Department and said: "The statement that we issued last night has the full weight of the secretary. It was cleared by the secretary, and it represents the secretary's views."

Department officials, speaking on the condition of anonymity because they were discussing internal deliberations, said the original announcement was an error. They noted that State had never issued a statement on the anniversary of Tibet's failed uprising against Chinese rule but that on the 50th anniversary, Clinton wanted such a statement despite the awkward timing of the Yang meeting. The meeting was scheduled mostly to discuss planning for the April 2 Group of 20 summit, which will focus on the world economic crisis.

The statement was issued in Wood's name because Clinton decided to address the media herself after the session with Yang, officials said.

Some sources said a draft statement on Tibet was more detailed and explicit, urging, for instance, the release of Tibetan prisoners. But other officials disagreed, saying that those elements were not in the statement when it reached Clinton's office and that she personally strengthened parts of it.

Wang is scheduled to meet today with President Obama at the White House, officials said yesterday.

SOMEBODY ELSE'S MONEY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Uncle Sam keeps giving away taxpayer money to businesses that claim they are too important to fail. Some of these irresponsible corporations helped bring on this economic crisis.

Our government seems to be just as irresponsible in the way that it spends America's money. AIG received \$85 billion in bailout money from our gracious government, but the Feds put little or no restrictions on that money. So, AIG is giving \$165 million of that money in bonuses to its own employees. You know, those are the same people that put AIG in this economic turmoil.

To make matters worse, since \$85 billion wasn't enough, irresponsible Uncle Sam is promising to fork over \$30 billion more of somebody else's money to AIG. Now we learn AIG is sending some of that taxpayer money to Europe, including French banks.

Normally the government should not tell private businesses how to operate, but when 80 percent of the business is run by the government, as AIG is, the government has the duty to protect taxpayer money. Thus far, Uncle Sam

has had a reckless disregard for the way it throws citizen money around.

And that's just the way it is.

□ 1915

CONGRATULATING JACK YATES HIGH SCHOOL BASKETBALL TEAM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to celebrate and congratulate my constituents' Jack Yates High School basketball team that won the State of Texas' championship.

It is important to emphasize when young people are committed to excellence, and I want to congratulate this school for never giving up, never giving out, and never giving in, as I have heard so often from my good friend and colleague.

It is important to note that this school was challenged to be closed some 3 years ago. But yet not only have they excelled academically, they excelled on the basketball court, having lost some of their star players in the last school year.

Congratulations to their great coach. Congratulations to those students who were persevering. And isn't it exciting to win their first championship since the 1940s?

Go Jack Yates, a great basketball team. We're excited, and we are proud of you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain Special Order speeches without prejudice to the possible resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICA DOES BEST WHEN WE STICK TO OUR BASIC VALUES OF PEACE AND JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, for many years I have been calling upon our Nation's leaders to reject war as an instrument of foreign policy and to emphasize diplomacy. Today I rise to praise the Obama administration for opening a new page in our relations with the world by showing that it is ready to talk with friends and foes alike.

In just a short time, the administration has taken a number of important steps. It has sent an envoy to Syria, a nation which must be part of a comprehensive solution to the conflicts in the Middle East. The administration has announced its willingness to work with China on such critical issues as the global economy, on energy, and the environment. President Obama is trying to get Russia's help in convincing the Iranians to give up their ambitions of nuclear weapons, and they are encouraging our NATO partners to resume high-level relations with Russia. These relations, as we remember, were suspended after Russia's military operation against Georgia 6 months ago.

In the State Department, Secretary of State Clinton said that the United States will hold a high-level conference in Afghanistan, a conference to bring together the nations of the region and members of the international community for serious talks. Most importantly, Secretary Clinton has said that Iran is likely to be invited to this conference because, Mr. Speaker, we must talk to Iran if we're going to reduce tensions between our two countries.

President Obama promised to reach out to Iran during the presidential campaign even though he took a lot of political heat during that time. Now the President is making good on his pledge, and I, for one, applaud him for that. Of course, there are some who oppose these diplomatic overtures.

America's 6-year occupation of Iraq, Mr. Speaker, has weakened the ability of our Armed Forces to respond to real threats elsewhere in the world, and our occupation of Afghanistan hasn't defeated the Taliban. So now we must protect against sinking even deeper into an endless conflict in that part of the world.

Those who think that diplomacy won't work should read the article in today's Washington Post by Fareed Zakaria. He says the following: "The Washington establishment treats compromise as treason and negotiations as appeasement. It believes that the only way to deal with other countries is by issuing a series of demands. This is not foreign policy," he says. "It's imperial policy. And it isn't likely to work in today's world."

Mr. Speaker, I agree with him on that because I think it's exactly right. If we are going to achieve our foreign policy goals, we must use all the tools of soft power, which really should be called "smart power," because these tools include diplomacy, humanitarian assistance, and conflict resolution.

Mr. Speaker, America does best when we stick to our basic values of peace and justice. These values are the real source of our strength, and they are the values that will help us build a world that's peaceful and safe.

HONORING DAVE LAWRENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I take this opportunity to honor a great constituent of my congressional district, Mr. Dave Lawrence of South Florida, for his upcoming recognition as the American Red Cross 2009 Humanitarian of the Year.

In order to be named Humanitarian of the Year, Mr. Speaker, the International Red Cross requires that a person possess these qualities: humanity, impartiality, neutrality, independence, voluntary service, and unity. Well, anyone who has spent even just a moment with Dave Lawrence can see that he embodies these very qualities. He brings them into every activity of his life and every endeavor that he pursues.

Mr. Lawrence is a graduate of the University of Florida, where his many distinguished academic accomplishments earned him the title of "Outstanding Journalism Graduate." Mr. Lawrence's subsequent career in journalism would take him across our country from a position as editor of the Charlotte Observer to Detroit, where he served as the publisher and executive editor of The Free Press.

In 1989, to our community's great fortune, he settled down in South Florida, where he was the publisher for the Miami Herald for 10 successful years. As a journalist, Dave Lawrence was honored with the First Amendment Award from the Scripps Howard Foundation and the IAPA Commentary Award for the elegance of his writing. Under his leadership the Miami Herald brought home five Pulitzer Prizes in a decade.

In 1999 Mr. Lawrence retired from journalism to pursue another passion. Leaving his distinguished career as a journalist behind him, Dave's altruism would rival even those individuals of the many philanthropic organizations that he has led, such as the United Way and the University of Florida Foundation. This calling was one for which he had already proven himself quite adept with his own five children.

South Florida's Father's Day Council recognized him as their Father of the Year, and the Family Counseling Services honored him; his wife, Roberta; his three daughters; and his two sons with the title "Family of the Year."

Dave's calling was to prepare as many children as possible for their education at the earliest possible opportunity. His crusade gathered steam when he led the voters of Miami-Dade County to authorize The Children's Trust, which provides an independent source of revenue devoted solely to the children of South Florida. His success in this campaign earned him two prestigious appointments by Governor Jeb Bush.

As the Chair of both the Florida Partnership for Childhood Readiness and the Blue Ribbon Panel on Child Protection, Dave Lawrence served as the steward of the early education program for Florida's children. From these positions he was able to play a crucial role in the fight to amend the constitution of our great State of Florida. Now, thanks in large part to his efforts, all of the children of our great State of Florida have access to quality pre-kindergarten education so that they may have a proper foundation for learning that will serve them for the rest of their lives.

Dave Lawrence, I hope that you know how great you have been to our children, to our South Florida community, and, indeed, to our Nation.

The global economy will continue to grow, and yet our world will become smaller, and the competition in it will be even more fierce. But thanks to the philanthropic efforts of Mr. David Lawrence, the children of Florida will have the head start that they need to stay competitive and ensure that America remains the greatest democratic country in the history of the world.

Dave, we owe you a debt of gratitude, and no one deserves to be honored by the American Red Cross 2009 Humanitarian of the Year award more than you.

Felicidades, mi amigo. Congratulations, my friend.

CRIME BY FOREIGN NATIONALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the crime committed in the United States by foreign nationals is hard to determine. The statistics are all over the map. But let me give you some tonight.

The 9/11 Families For a Secure America say that 32 percent of all people incarcerated in the United States are in the United States illegally.

Recently, I had the opportunity to go to south Texas to visit some of our sheriffs on the Texas-Mexico border. There are 16 counties in Texas that border Mexico. Two of those are Culberson County, where Sheriff Oscar Carrillo is the sheriff. The other one is Hudspeth County, where Arvin West is the sheriff. I was their guest over the weekend a couple of weeks ago.

□ 1930

And I was asking them this very question, "How can we determine if the cross-border travelers are committing crime in the United States? Does it all stay in Mexico, where we know there is corruption and violent crime, or does it come over to the United States?"

Well, Sheriff Arvin West gave me this statistic. There are two jails in Hudspeth County, one has a little over

100, and the other one is a private jail of over 500. He said most of the people in both of those jails are foreign nationals.

And I asked him, "Are these people charged with immigration violations or are they charged with other crimes?" He said, "No, they are charged with committing crimes in my county." He said, in fact, the jail that has a little over 100, every person in the jail is illegally in the United States except for one person. He said, "If I didn't have cross-border travelers committing crime in my county, I wouldn't need a jail except for two people, one for a male and one for a female."

So we do understand that crime is coming into the United States from cross-border travelers because the United States does not enforce the rule of law on the Texas-Mexico border or the southern border of the United States.

The Justice Department has said that 80 percent of the crime in the United States now is drug related or gang related. Newsweek recently reported that Phoenix, Arizona, is the No. 1 kidnapping capital in the United States, and most of it's related to the drug cartels and human trafficking.

Recently Sheriff Arpaio from Maricopa County in Phoenix has been arresting folks that are illegally in the United States pursuant to a Federal program called the 287g Program. Federal funds go to local communities to train local peace officers to enforce immigration violations.

It's been so successful that he's now being investigated by the Federal authorities, not for seeing how successful it is, but to see if he is following the rule of law, because some people who want open borders are complaining about his work. Of course, he says, he welcomes the investigation because maybe the Federal Government could do their job better. But it's important that agencies all work together. We are all in this together.

Even my hometown in Houston is changing its attitude. For years the City of Houston has been accused by some of being a sanctuary city, like San Francisco. It claims it's not a sanctuary city, even though the Center For Immigration Studies says there are over 400,000 illegals in the City of Houston.

So at least 400,000 doesn't make you a sanctuary city, but be that as it may, violence has occurred against our peace officers, Officer James Harris, Officer Andrew Winzer, Officer Florentino Garcia, Officer Guy Gaddis, Officer Rodney Johnson and Officer Gary Gryder, a personal friend of mine. You may not know those names, Mr. Speaker, but those are all Houston police officers killed by foreign nationals, most of them illegally in the country.

As recently as March 5, Officer Richard Salter was trying to arrest an indi-

vidual with an arrest warrant, and he was shot in the face by that individual. He was an individual from El Salvador who had been through the criminal justice system five times, ordered deported, and apparently he never went back to where he came from or he crossed the border again.

It's important that foreign nationals understand that we will not tolerate crime committed by them in the United States. And it makes no difference whether those people are legally in the United States or illegally in the United States.

You come to America, and you commit a crime, and you are a foreign national, those people need to be sent home first. We need to tell them to pack their toothbrush, you don't have a right to stay in this country. And our government, working with local authorities, ought to do everything it can to send those people back home.

You don't have a right to come here and commit crime and stay here. And we should enforce the rule of law first with those foreign nationals that commit crime in the United States. After all, it is the duty of our government.

The first duty of government is not building roads and bridges and naming a bunch of post offices. The first duty of government is to protect the country, protect the citizens that live here. And the government that we have, the United States of America, needs to enforce the rule of law in this country because that is the duty of government.

And that's just the way it is.

AIG BONUSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, to date, the Federal Government has given American International Group, AIG, \$173 billion in bailout funds.

AIG, which is now 80 percent owned by the American taxpayer, posted a record \$62 billion loss in the fourth quarter of 2008. And that's why this week the American people were outraged to hear that AIG would be paying out \$165 million in bonuses, courtesy of the United States taxpayer.

To add insult to injury, the bulk of the payments are going to employees of AIG Financial Products, the unit of the company that sold the risky contracts that caused massive losses for AIG. The American people are angry and frustrated. They want to know why are we giving taxpayer money to failing companies so they can hand out bonuses?

Mr. Speaker, last fall I voted against this \$700 billion government bailout because I do not believe American taxpayers should pick up the tab for the poor business decisions and greed of high-flying Wall Street firms. Because

the bailout was authorized, every American taxpayer has an interest in ensuring that the U.S. Treasury does not recklessly squander their hard-earned money.

And the Secretary of the Treasury, Henry Paulson, as former CEO of Goldman Sachs, allowed Lehman Brothers to fail, but AIG got a bailout. AIG went on to pay out \$13 billion of that Federal aid to trading partner Goldman Sachs.

And now, thanks to the American taxpayer, AIG is still doling out hundreds of millions of dollars in employee benefits and retention pay. To the taxpayers who are footing the bill, the Federal Government's selection of winners and losers just does not meet the smell test.

The lack of oversight in the process is outrageous. Employees in eastern North Carolina, which I have the privilege to represent, are not rewarded bonuses when their companies lose money.

Constituents in my district want to know why should the employees of Wall Street be any different? I join the American taxpayers in their frustration. I pay taxes, and I'm frustrated too.

Unfortunately, all we hear from AIG chairman Ed Liddy is that AIG's hands are tied because these bonuses are based on binding contracts that were made before the government bailout. Well, Mr. Speaker, this Congress and the current administration better make sure that no further corporate bonuses are paid for with taxpayers' money.

I thank President Obama for speaking out so clearly and plainly about these retention bonuses because, like those of us in Congress, he has been hearing from frustrated taxpayers. I call on the Federal Government to explore every legal option available to block these excessive and undeserved bonuses on behalf of the taxpayers of America.

And in closing, Mr. Speaker, I ask God to continue to bless our men and women in uniform and their families, and may God continue to bless America.

THE FORGOTTEN LESSONS OF HISTORY: FIXING THE FINANCIAL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, picking up where the distinguished gentleman from North Carolina (Mr. JONES) left off, I, too, wish to address the subject of American International Group, also known as AIG.

As we have recently heard, having run the company into the ground and receiving a taxpayer bailout, roughly

\$173 billion, they are now going to give themselves \$165 million in bonuses, the argument being that the contracts were entered into prior to the government bailout and, thus, darn the luck, their hands are tied. They will have to accept this money.

And yet I think of another instance where taxpayer funds have been used, one-tenth of the amount, within the auto industry, where, right now, the men and women, white-collar employees and the United Auto Workers' blue-collar workforce, are busy renegotiating contracts so they can earn less in order to justify continued taxpayer support of our domestic auto industry. Clearly they understand what is necessary to restructure and be viable for the future, even if the individuals at AIG do not.

What we are facing now is not only a crisis of confidence within our financial institutions, we are facing a crisis of confidence within our governmental institutions. As taxpayers watch hundreds of billions of their hard-earned dollars be spent on the very financial institutions that brought us to the precipice of a global depression, they now watch those individuals being rewarded with bonuses in amounts that no working family will ever see in a lifetime of sweat equity put into their professions and their careers.

And they feel that it is unjust, that it is wrong. And they wonder how much longer this can continue. The sovereign American people want to know when their representative government will end the bailout of people such as AIG and restore order to our financial markets and justice to the taxpayers of the United States.

Too often we forget the lessons of history, and so I would like to remind us of one. From 1832, when President Andrew Jackson confronted the Second Bank of the United States, he said, "Gentlemen, I have had men watching you for a long time, and I am convinced that you have used the funds of the bank to speculate in the breadstuffs of the country. When you won, you divided the profits amongst you, and when you lost, you charged it to the bank. You tell me that if I take the deposits from the bank and annul the charter, I shall ruin 10,000 families. That may be true, gentlemen, but that is your sin. Should I let you go on, you will ruin 50,000 families, and that would be my sin."

Toward the end of February we heard that the administration was in discussions with AIG to potentially reprivatize that institution, to have the government throw out their governing boards that have brought us to this point, take control and break them up and sell them off. That would be in the best interests of the American people.

For the continuation of the theory that a necessary evil requires propping them up and allowing them to profit at

taxpayer expense for the misfeasance that they have wrought would be unjust. Because, as Andrew Jackson also pointed out, there are no necessary evils in government.

It is time for the American people's representative government to take swift and decisive action, stop the bleeding of the taxpayers, put AIG out of our misery and help restore confidence and stability to America's financial markets.

IRANIAN THREAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, while much of the attention here in Congress is focused on the difficulties here at home, as we have heard in speeches this evening, rising unemployment rates, home mortgage foreclosures, increasing health care costs, stock market decline, I rise tonight to remind us that we cannot forget about the pressing challenges to global stability and our national security interest posed by Iran.

One of the best ways to understand the seriousness of the Iranian threat is to listen to the words of its leaders. Iran's President has called the Holocaust a lie, has said that Israel "must be wiped off the map" and frequently speaks about a future world in which "Israelis will be eradicated" and Israel no longer exists. Iran's supreme leader joined in this hateful refrain recently when he called Israel a cancerous tumor.

The hatred of Iran's leaders is not just directed at Israel. Ahmadinejad has called American objectives and influence "Satanic" and has spoken before crowds that chant "death to America." Such aggressive and intolerable words are not just simply rhetoric. They represent the policies of a government committed to terror and destruction.

Iran is the world's leading state sponsor of terrorism and is pursuing a nuclear program in defiance of three United Nations Security Council resolutions. Iran's support for terrorist groups Hezbollah and Hamas have enabled these organizations to carry out attacks on Israel and kill innocent civilians. With training and other assistance from Iran, Hamas increased the range of its rockets so now 1 million Israelis are within the scope of attack.

Iran's pursuit of nuclear weapons threatens Israel, other nations in the region and our U.S. national security. No government that calls for the complete destruction of another nation should be allowed to have nuclear weapons. Yet Iran continues to move closer and closer to being capable of constructing such a weapon.

Although Iran reportedly does not currently have a sufficient amount of

highly-enriched uranium to build a nuclear weapon, Iran does possess enough low-enriched uranium that can be converted into material needed to create an atomic bomb. Using existing centrifuges, Iran could enrich its low-level uranium to that of weapons grade in several months.

Time is not on our side. The Obama administration must back engagement with tougher sanctions and guard against Iranian diversions and delays. Appropriate economic, political, and diplomatic means are the best tools we have to prevent Iran from developing nuclear weapons.

Last year I cosponsored legislation that declared it was in the national interests of the U.S. to prevent Iran from acquiring nuclear weapons and urged the President to impose tough sanctions on Iran, specifically its banks engaged in proliferation activities and companies doing business with Iran's Islamic Revolutionary Guard.

□ 1945

I also voted in favor of legislation that expanded the types of entities in Iran that are subject to sanction and allowed state and local governments and individuals to divest in any company that invests in Iran's energy sectors.

America's efforts must go further. I support sanctioning Iran's Central bank and foreign banks that conduct transactions with sanctioned Iranian entities. Efforts to prohibit the export to Iran of refined petroleum products should be pursued.

Israel is one of America's closest allies and plays a central role in the peace and security of the most volatile region of the world. We must continue to demonstrate our support for our Israeli friends in the face of continued defiance and threats.

A nuclear-armed Iran is unacceptable. I urge my colleagues in Congress and the Obama administration to act with the urgency this situation demands and devote the necessary attention to this serious threat. While there are problems at home that require our attention, we must not waiver in our efforts to prevent Iran from acquiring nuclear weapons.

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to may revise and extend their remarks and insert extraneous materials on the topic of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. The Congressional Black Caucus, the CBC, is proud to anchor this hour. Currently, the CBC is chaired by the Honorable BARBARA LEE from the Ninth Congressional District of California. My name is Congresswoman MARCIA FUDGE, representing the 11th Congressional District of Ohio.

CBC members are advocates for the human family, nationally and internationally, and have played a significant role as local and regional advocates. We continue to work diligently to be the conscience of the Congress. But understand that all politics are local. Therefore, we provide dedicated and focused service to the citizens and congressional districts we serve.

The vision of the founding members of the Congressional Black Caucus to promote the public welfare through legislation designed to meet the needs of millions of neglected citizens continues to be the focal point for our legislative work in political activity.

Mr. Speaker, I would now like to yield to our chairperson, the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Thank you very much. First, let me, Mr. Speaker, thank Representative FUDGE and her staff for working with the staff of the Congressional Black Caucus to organize the CBC Special Order every Monday that Congress is in session. This takes quite a bit of time and commitment, but Congresswoman FUDGE, I just want you to know, you continue to play such an important role by ensuring that our voices are heard, that the country hears with regard to the positions of the Congressional Black Caucus, and our work, and I want to thank you and your staff for your steady and consistent work on this.

Tonight, of course, as Congresswoman FUDGE indicated, we're talking about the foreclosure crisis. As we all know, the roots of this current economic crisis are grounded in the housing market, the explosion of the subprime markets, and the unregulated and uncontrolled growth of the derivatives market that drove some of our largest financial services companies into bankruptcy.

We have to be truthful about this. The economic and fiscal policies of the Bush administration have left our country in a mess. They created this mess.

Many of us—and I remember this very vividly—we warned about this impending housing crisis years ago. As a member of the Financial Services Committee for 8 years, I remember expressing my concern about the housing bubble and the subprime loans that were fueling the housing crisis and also the consequences to our economy if the bubble ever popped. But our warnings fell on deaf ears.

I consistently questioned former Fed Chairman Alan Greenspan about the

housing bubble. Coming from California, we saw this each and every day—the increasing rates of foreclosure and the rapid growth of subprime and other exotic home mortgages. But, as this crisis was brewing, the Bush administration, the Federal Reserve, and HUD turned a deaf ear.

Now, equity in one's home is really the primary path in our country for accumulating wealth, to send one's children to college, to start a small business, and to really enhance the quality of life. Now, this American Dream of homeownership has turned into a nightmare for millions.

The impact of foreclosure also extends far beyond the personal tragedy of the family that loses their home. The foreclosure crisis now has reduced property values throughout the neighborhood. It reduces the revenues for local and State governments. It causes increased prices in the rental markets. The abandoned homes often become the blight of our communities.

We took a bus tour in my own community and saw neighborhoods just totally in shambles as a result of homes that had been foreclosed on.

Unfortunately, predatory lending targeted vulnerable populations. Predatory lenders went after communities of color, went after individuals they knew were vulnerable, and were targets. To me, that should be looked at very seriously, and hopefully one of these days some will be prosecuted for that.

When we tried to encourage the banks to participate in voluntary foreclosure prevention programs to help families in distress, they balked and made every excuse to avoid participating.

Now, millions more families are threatened with bankruptcy and foreclosure. AIG—this is unbelievable—AIG can provide what, \$165 million in bonuses, taxpayer dollars? This is criminal. It's wrong. It's immoral.

For much of the time that I sat on the Financial Services Committee and its subcommittee on Housing and Community Opportunity, I can tell you that much of the work was focused on affordable housing. In fact, I can remember sitting in a subcommittee hearing talking to then-Congressman now-Senator BERNIE SANDERS from Vermont, sketching out the outlines of legislation creating the Federal Affordable Housing Trust Fund. Although I'm glad we were finally able to get this through the Congress, we are all acutely aware of the funding problems we are seeing now as a result of the foreclosure and economic crisis that we are facing today.

So there is much, much work to be done. That is why many of us are pushing for a moratorium. And I think we need a moratorium on foreclosures. We have been pushing for this from the start of the crisis. That's why we

worked to push at every point to include significant and meaningful foreclosure relief and to keep people in their homes, including bankruptcy reform.

But it hasn't been easy, especially given the Bush administration's disastrous economic policies that I mentioned earlier. But these policies range from deregulating the financial industry, to the war in Iraq. Yes, this war in Iraq, \$10 billion a month has been part of this huge problem. These tax cuts to the rich, which created this financial mess.

I mean, this is really an unbelievable moment that this administration has stepped up to the plate on to move forward to help turn this economy around.

Despite the resistant Bush administration, at least we were able to include important Neighborhood Stabilization Funding—over \$8.25 million for my own city last year—in the Housing and Economic Recovery Act. Again, thanks to the consistent and effective work of Congresswoman MAXINE WATERS.

Today, finally a new day has dawned and we have hope because the majority in Congress and President Obama understand that we can and we must use every available tool to address this crisis head on.

The Congressional Black Caucus fought hard, fought hard, led by Congresswoman MAXINE WATERS, to ensure that an additional \$2 billion in Neighborhood Stabilization Funding in the American Recovery and Reinvestment Act was included. Not enough, but it's a start.

I'm pleased that Secretary Geithner and the President have announced a \$75 billion plan to keep families in their homes and to keep home ownership affordable.

Even with all of our efforts, we all know the enormity and the gravity of this situation, and this requires much more. We have the obligation of making the dream of home ownership accessible to all Americans and to help them achieve those dreams by limiting these unscrupulous lenders—and I mean they are unscrupulous; these unscrupulous brokers—and they are unscrupulous; and these real estate agents, who really seek to profit at the expense of the people that they purport to serve.

We are not casting a net on all of these individuals and institutions, but I think the data shows us that there's been a lot of bad faith, there's been a lot of activity in the financial services and in the real estate industry that really caused us to question a lot of the practices of some of these individuals. I think that there must be more accountability and more oversight and some need to be called on the carpet as a result.

Finally, let me just say that I have to congratulate our Speaker for help-

ing to take strong steps. Chairman FRANK, Congresswoman MAXINE WATERS. These individuals work day and night to help us figure out ways to help families in distress, and our bills to improve FHA to create grants to provide home buyers with the incentives to strengthen the oversight of this mortgage industry, which has gone wild, if you ask me.

This movement and some of these initiatives I think will help begin to mitigate some of the damage of this housing crisis. But without the safety net of the courts, the average homeowner will still too often be left to the rise and fall of the markets and the whims of the mortgage marketers. So bankruptcy reform must be enacted.

So, thank you, again, Congresswoman FUDGE, for organizing this Special Order. Thank you for allowing us to raise the alarm once again and to sound the alarm so that the country understands that we are on the case day and night, and this is quite a moment and it's quite a mess that we are faced with as a result of the last 8 years. But I am confident that with President Obama, Speaker PELOSI and our leadership, that we are going to dig ourselves out of this hole.

Thank you, and I yield back.

Ms. FUDGE. Thank you. Mr. Speaker, I would like to thank our Chair, the gentlewoman from California (Ms. LEE), for her leadership, for her ability to keep the issues that are really pertinent and pressing on the CBC agenda. Madam Chair, I thank you.

I would now like to yield to the gentlewoman from New York, Ms. YVETTE CLARKE.

Ms. CLARKE. Mr. Speaker, I first want to thank the gentlewoman from Ohio for her leadership in organizing this Congressional Black Caucus Special Order this evening. I'd also like to thank Representative FUDGE for yielding so that I may discuss how foreclosures are adversely affecting so many African American communities—communities in my district and throughout the country. I also want to commend her for her leadership role in organizing us around the issues that have been of such concern and are so critical to the strength and the underpinning of the communities that the members of the Congressional Black Caucus represent.

Let me start by joining my chairwoman, Congresswoman BARBARA LEE of California, in calling for the moratorium on mortgage foreclosures. Tonight, I rise as a member of the 11th Congressional District to state how foreclosures have devastated the lives of two individuals that I represent.

First, there's Mr. Simeon Ferguson. Mr. Ferguson is an 86-year-old retiree from Crown Heights, Brooklyn. He worked for more than 20 years as a chef at the Long Island College Hospital.

In 1975, he bought a three-story brownstone in my district. This benev-

olent man would grow tomatoes and callaloo leaves—those of you from the Caribbean know what callaloo is—it's sort of a spinach—in his garden and, according to his daughter, would love to give the excess to his neighbors and friends at no cost, as he would cook the rest of it.

But around 3 years ago, a mortgage broker sold Mr. Ferguson, at the age of 83, a new \$450,000 option adjustable rate mortgage that would almost certainly put his home into foreclosure.

□ 2000

Mr. Ferguson had no attorney present at the time during the closing and believed he had made a good deal.

To make matters worse, Mr. Ferguson had dementia, a condition he was diagnosed with in 2005, and had only his Social Security and a pension as sources of income. So this gentleman of Jamaican descent could easily forget to make a mortgage payment that could balloon to such a frightening amount that it would be insurmountable to pay back. Mr. Ferguson is a victim of predatory lending, and now he may lose his home.

Low income, elderly people are experiencing widespread theft of their equity. Elderly people are simply more susceptible to abusive predatory lending practices. Home equity scams are appealing to financial predators because the money is substantially easy to find, and the elderly can be induced into losing the equity in their homes and, even worse, becoming homeless through predatory lending, foreclosure rescue scams, and estate planning. The mortgage foreclosure crisis has had a profoundly injurious impact on our seniors.

Now, as this is the month of March and it is Women's History Month, I thought it would be good to share some of the impact of this crisis on the women of our Nation.

By 2010, women will head almost 28 percent of all households in this Nation. Of families living in poverty in 2001, 50.9 percent were women-headed households with no spouse present. But, in fact, the tremendous growth in the number of women filing for bankruptcy shows that economic instability for women reaches also into the middle class. Unmarried women accounted for 30 percent of the growth in homeowners from 1994 to 2002. Women account for a larger share of the subprime loans than of prime loans. Women are particularly vulnerable to predatory lenders. Women are particularly vulnerable to financial hardship. Older women are at greatest risk. Older women may be open to promises of ready cash if they live on modest fixed incomes that do not cover property tax increases, necessary home repairs, and unanticipated medical expenses. Women are especially susceptible to financial hardship.

I want to share with you now one of the stories of another one of my constituents. Her name is Ms. Waver Brickhouse. At age 69, Ms. Brickhouse is a gray-haired, soft-spoken woman from the Brownsville section of my district. She is a victim of mortgage fraud, and now may have her home put into foreclosure, too. She turned to what she believed to be a home rescue firm, who then secretly sold her home and added at least \$150,000 of fraudulent mortgage debt. This retired City Parks Department worker said in a recent New York Times article, and I quote, "I am going to drown in debt. I feel like it is just a matter of time until I am out on the street with my children."

However, these stories are not irregular in my district. African American seniors in New York and all across this Nation are at risk of losing homes they worked so hard for decades to some day acquire full equity of their property, but at this moment some are facing homelessness.

Mr. Speaker, just listen to the alarming numbers. According to the Federal Reserve Bank of New York, by the fall of 2007, one in four homeowners with subprime mortgages lived in neighborhoods in my district such as Crown Heights and Bedford-Stuyvesant, and these mortgages were in foreclosure. In 2008, Federal data reported that there are 5,861 foreclosures in Brooklyn alone. And the Center for Responsible Lending projected that, in 2009, there will be 435 foreclosures in my district, and within the next 4 years that number will rise to 1,448.

Communities such as the one I just mentioned as well as others throughout the Nation collectively lost as much as \$92 billion in wealth over the last 8 years resulting from predatory lending practices within the subprime mortgage crisis.

For these reasons, Mr. Speaker, I intend to introduce legislation. My bill is entitled the Foreclosure Prevention Act of 2009. This bill will provide funding to the National NeighborWorks Association for mortgage foreclosure mitigation activities. NeighborWorks has been instrumental in partnering with the State of New York Mortgage Agency to not only promote home ownership in underserved communities such as Bedford-Stuyvesant, Brownsville, and Flatbush, but they also provide foreclosure counseling that could some day help predatory victims like Mr. Ferguson and Ms. Brickhouse.

In addition, I recently voted for H.R. 1106, Helping Families Save Their Homes Act of 2009, which allows for mortgage modifications through the bankruptcy court, and I also support applying the FDIC model. The Federal Deposit Income Insurance Corporation has pioneered a promising approach that, even with some limitations, would strengthen incentives to prevent

foreclosures and greatly boost the number of successful loan modifications.

I commend President Obama and his administration for their ongoing efforts to mitigate the damage and assist our families in staying in their homes. But we must also look at ways to advocate for legal reform that would ultimately prevent the elderly from losing their homes. So I urge my colleagues tonight to work together with the CBC to take the lead in addressing the foreclosure crisis and, more important, mitigate the racial disparities of predatory lending and its impact on African American seniors. I want to thank you again, my colleague and the leader of this special order, Congresswoman FUDGE from the 11th Congressional District of Ohio, for being a beacon of light this evening to those in our communities who are really struggling to keep their heads above water and, most important, their dignity.

Ms. FUDGE. Mr. Speaker, I would certainly like to thank my friend and the outspoken representative from the 11th District of New York. She stands for her people, and I am so appreciative of her participation this evening.

Mr. Speaker, I would now like to yield to one who has been so helpful during the CBC hour, who has provided me guidance and support, and I call my co-anchor. And that would be the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Thank you, Congresswoman FUDGE, for organizing yet another time for us to speak to our colleagues and to the American people on an issue of great importance to them and to all of us. And I want to also thank Chairwoman LEE for her leadership, and our colleagues for joining us this evening, and for their leadership for introducing measures like the Foreclosure Prevention Act of 2009, to be introduced by Congresswoman CLARKE who just spoke.

Mr. Speaker, members of the Congressional Black Caucus are pleased that we are finally beginning to see what may be a glimmer of hope that we will be able to help our country and those most affected climb out of the worst fiscal crisis since the Great Depression, a crisis caused by greed, and where the most vulnerable people are the ones suffering the consequences as we have heard this evening.

If one wants to truly fix a problem, one must fix it at its root causes, and the root cause of this current crisis is the housing bubble and the subprime mortgages and the way those were pooled together and then securitized. The initial remedies shored up the government-sponsored enterprises like Freddie Mac and Fannie Mae and the banks, but the homeowners were for far too long left holding the bag, an empty bag at that, and, unfortunately, misplaced blame.

At the heart of the American Dream has always been the dream of owning one's home. Unfortunately, too many Americans have seen this dream seriously distorted and deferred by the unhealthy antiregulation environment that gave lenders free rein to push products to unsuspecting customers who simply wanted a chance at that dream. There were 2.3 million foreclosure filings last year.

While some have blamed homeowners for biting off more than they could chew, the truth is that average Americans approach their bankers like they do their doctors, in an atmosphere of trust and vulnerability, and most never imagined that they would be approved if their lender didn't think they could keep up with their payments. But this is not the time for blame, it is the time for action. And I also rise to applaud President Obama, the Democratic-led Congress, Chairman BARNEY FRANK, Congresswoman MAXINE WATERS, and others, who have come together to formulate an aggressive campaign to turn around this crisis which has threatened homeowners across this country.

President Barack Obama's comprehensive Homeowner Affordability and Stability plan will help stem foreclosures, keep families in their homes, and stop the plunge in home values for all homeowners. The President and this Congress have moved aggressively to help those in bankruptcy get a loan modification agreement, to help those who are underwater and in need of refinancing get a chance at a new start, and those who are in danger of foreclosure to avoid it altogether by being able to work it out with their banks and lending institutions.

By passing the Helping Families Save Their Home Act, the House has moved towards bringing fairness to families by giving them the same rights to keep their home as someone who owns two or three homes. Without spending one Federal dollar, it gives bankruptcy judges the chance to modify existing mortgages for families who file Chapter 13 so that they can make payments and stay in their homes. It also gives lenders more confidence to modify loans by protecting them from some lawsuits, and strengthens the FHA's Hope for Homeowners program by reducing fees and offering incentives for lenders.

Earlier, the Obama administration revealed the details of other parts of their recovery plan for homeowners aimed at helping those with existing Fannie Mae or Freddie Mac mortgages to refinance, and those who are not yet in foreclosure but are struggling to stay away from it to get a modification from their lending institution.

While the Obama administration has made it clear that not everyone will qualify for help, it is still true that millions can keep their homes under

this initiative, saving families, neighborhoods, communities, and, indeed, our economy, from further decline.

There are many people in organizations in addition to the leaders I named earlier who played a role in getting us to this point, and I would be remiss if I did not mention the NAACP's efforts to demonstrate that minority communities were being unfairly targeted with these toxic mortgages. Many have been devastated. The NAACP has filed suit against at least one bank for targeting communities of color for subprime mortgages, and we congratulate them and stand with them on this effort. The Congressional Black Caucus and the Progressive Caucus also played important roles in ensuring that the focus was expanded to include the homeowner, not just the financial institutions, and that meaningful remedies were put in place for them.

These are all meaningful steps to address the mortgage mess that has been the catalyst to a severe domestic economic downturn that has resonated globally. Our President's plan and the laws that we have passed will not only help everyone who is in or threatened with foreclosure, but we hope that many millions of homeowners who are in trouble will be able to keep their homes.

We are concerned, though, that some of the financial institutions have been turning down Federal help, ostensibly because they don't like the strings that are attached, the oversight, and the requirement for transparency. Accountability and transparency is exactly what would have kept us out of this mess and what is needed going forward, whether they take the money or not.

The White House, HUD, Treasury, and Congress must use any authority that we have to ensure that the financial institutions who themselves have been the recipients of bailouts by the billions, and even those who are refusing, to ensure that they will fully participate in the homeowner rescue initiatives and extend the lifeline that many homeowners need and are praying for.

Fixing the root cause of the problem and making American homeowners whole again, restoring the American Dream, is what will begin to restore confidence in our government's ability to put us on a stable economic course, and what will finally begin to put our country on the road to financial recovery.

I thank you again for hosting this special hour. It has been my pleasure to work with you on this, and I look forward to doing some more of this in the future.

Ms. FUDGE. Thank you so very much. I would very much like to thank my colleague for all of her help and support during the CBC hour, and look forward to working with her as well.

Mr. Speaker, at this time I would like to yield to the gentlewoman from

the State of Texas, Ms. SHEILA JACKSON LEE, who has been a strong voice in our Congress for years for the people who are most in need.

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Ms. JACKSON-LEE of Texas. Allow me to thank the gentlelady from Ohio for really taking up the very important mantle of leadership in communicating to our colleagues why we really need to be in a team effort. I was with Senator Rodney Ellis, a State senator in my State, just yesterday. We have to use time when we can, and that was Sunday. We were standing up, along with certainly many members of the State legislature and many Members here in the House, on the great need for receiving stimulus dollars and unemployment dollars in the State of Texas. \$555 million is presently being rejected by this Governor of our State.

And the quote that comes to mind from that State senator was that when people are hurting or unemployed or in foreclosure, they don't see Democrats or Republicans. They just see pain. And that is why I think it is important that we convey to our colleagues that their constituents don't see a Democratic or Republican Congressperson. They just see a major dilemma from which they are wondering how they can get out.

So this evening, I would like to emphasize something that seems to have been lost, and that is that this ongoing foreclosure crisis was percolating way before the inauguration of our present President. And in fact, I'm reading from a document that was dated 2006, and it says "foreclosures up 72 percent from last year." That would have been 2005. That was the last administration. The previous administration was a Republican administration. But I imagine that this number, 72 percent, was not coded according to Democrat or Republican homeowners. But it did say that it was up 72 percent. And it goes on to say that "national foreclosure filings continued to climb in the first 3 months of 2006, evidence that more U.S. homeowners are struggling to stay current on their monthly mortgage payments."

Why, then, wasn't it addressed by the administration during that time? That is 2006, "a total of 323,102 properties nationwide entered some stage of foreclosure in the first quarter of 2006." Again, it mentions "a 72 percent year-over-year increase from the first quarter of 2005 and a 38 percent increase from the previous quarter." It specifically talks about the fact that Texas, Florida and California report the most foreclosures. Now we are a prosperous State, or at least we are defined as such. It must be because we have government officials suggesting that we don't need unemployment dollars. Texas reported the most first-quarter foreclosures of any State with 40,236, and Florida reported the second most

with 29,636, and California was a close third with 29,537 properties entering some stage of foreclosure in the first quarter, again, this is 2006. And let me just say I do know this is 2009.

I think it is important to note that we did not create this crisis. The election of 2008 didn't all of a sudden make it where people are foreclosing. This has been happening. And what we are trying to do is to emphasize that we have to act now. That is why the President is so interested, the administration is so interested in making sure that there is a moratorium, that there is \$75 billion that is being set aside, something that we debated when we were working with the previous administration that you can't give then-Secretary of the Treasury a carte blanche utilization of then the \$350 billion. So many of us argued vehemently about that.

Let me say to my good friend from Ohio that these numbers are not ignoring the fact of how difficult it has been in the Midwest and in Ohio in particular. Again, this was emphasizing the high numbers of big States. But certainly it has Ohio. And it mentions, of course, that you, too, were in the midst of huge foreclosures. In 2006 it looks like you were in the 8,000, 9,000. You kept going up. In February you had 9,000. So you were going up, and the other States were going up as well, which means that this is not an issue for small States, big States, or middle States.

So I come to the floor really to suggest that we are in a crisis that has to be acted upon. That is why so many of us rallied around the Helping Homes legislation that is not a giveaway. It is not a refuge for deadbeats and people who can't handle their finances. It is really, as I indicate on the floor of the House, the bankruptcy provision is the little guy's helping hand, because we bailed out every large entity that we could possibly bail out. Just give the roll call of the big banks, the big investment houses, the big AIGs. We have bailed them out.

When I got on the floor to debate this bankruptcy provision, which we have been trying for a number of years, it would have been helpful if the previous administration had allowed this to go forward in 2006 with these high numbers. And then we could have had individual, responsible families who simply wanted to get time, that is what the bankruptcy does. Nobody goes to the bankruptcy court and says "take my house." We are trying to keep them from going through that humiliating experience of seeing your house auctioned off. And all of us have seen the video on television where we see families sit there with tears in their eyes. Yes, some people benefit by maybe being able to buy a house. But mostly the people with tears in their eyes, some hoping they could buy it back,

others watching their house peter away in an auction process. The Helping Homes that I know my colleague voted on and understood how important it was as a lawyer and former mayor and understands about the tax base that just deteriorates when we lose our home, this just allows the homeowner to go into the courthouse with a trained bankruptcy judge who is not prone to go lightly on people who are frivolously coming in masquerading themselves, never paid a bill in their life, but it allows them, just like you've allowed the big corporations that have gone into bankruptcy to be able to reorder.

And so, it is truly important to ensure, to help the little person, that this bankruptcy bill that has been passed by the House and the Senate, as I understand it, it may be that we move this bill along that will allow the cramdown that everybody talked about, you're going to disadvantage the lender. No, you're not. Because there are now different provisions that puts in that any value that comes through the sale of that house goes back to the lender, there are protections about the cramdown, there are notices that have to be given so that maybe you can modify the loan without going into bankruptcy. And if any lender is smart, they will do that. But at the bottom line, this bankruptcy provision helps hardworking Americans wherever they live to save their house with dignity. Mr. and Mrs. Jackson-Lee, Mr. and Mrs. Lee, Mr. and Mrs. Fudge, Mr. and Mrs. Jones, Mr. and Mrs. Smith, Mr. and Mrs. Gonzalez can go in and fix that problem through the courts and save the house for them and their four children or two children. In *USA Today*, there was an article that you, as a former mayor, would understand, the dumbing down of the amount of money that is going to school districts because we were reaching a crisis of how many homes were being foreclosed and seeing the tax base just dwindle away, in fact, I would say, go rapidly down a fast moving tube.

So it is a ripple effect of not only destroying neighborhoods, which is why these neighborhood stabilization monies in the stimulus package are crucial, but also destroying obviously paramount families, lives, and then the ability to pay for the education of your children, and then, of course, the ultimate dump of a whole town, whole city, a whole hamlet, village, being just blocks and blocks of foreclosed homes.

So I think it is important that we begin to stand on the floor of the House to support America's families. And I can't help but as I speak with you this evening and to my colleagues, I just have to hold this up because it certainly shows the strength of our President, it says, this is a headline, Obama

berates AIG and vows to try and block bonuses. Well, we know there are some legal issues that have been represented to us that provides a problem, but I will just simply say that having practiced in the courts, it is a shame that we couldn't just say, "sue me," which would have just had those individuals who thought that they were owed the bonus to be able to go into the courthouse and try to get the money.

I think I would like to commend our Speaker who has indicated that these moneys should then be paid back now by AIG. If you figured that you couldn't have any other out, you couldn't stand the impact of a lawsuit for people who were getting these huge bonuses, \$160 billion plus, then why don't you go ahead and put on the requirement that they should pay the taxpayers back. But I use this as an example that we have to be able to help these hardworking taxpayers who themselves have suffered because we have not been able to provide the relief.

I just want to add that new home sales have fallen by about 50 percent. One in six homeowners owes more on a mortgage than the home is worth which raises the possibility of default. Home values have fallen nationwide from an average of 19 percent from their peak in 2006, and this price plunge has wiped out trillions of dollars in home equity. That is the sadness of it. Many people were going to use this for retirement, had the ability to pass on a debt-free house to their children. This was the bottom line or the first line of wealth for many Americans. We were told to buy that wonderful nest egg, buy that home that will be a nest egg. The tide of foreclosure might become self-perpetuating. The Nation could be facing a housing depression something worse than the recession.

Of course, we know about the TARP bill that has helped us to move forward. But then again, we realize that there have been, certainly in the first issuance of the dollars, these major problems. And so that is why we have turned our attention, and I want to congratulate Chairman CONYERS, who had been on this issue, in the previous administration we had attempted to get the language put in the TARP.

And many times, Congresswoman FUDGE, the Congress doesn't get the recognition. And certainly none of us are saying me, me, me or I, I, I. And we also know that we are in a business that we are responsible enough to take criticism. But they need to know that we were fighting the Judiciary Committee to get the bankruptcy language into the TARP legislation a way long time ago, recognizing the importance. But it would not, could not be moved forward because of opposition from the then-White House.

And so it is important to note tonight that I am very glad that you had

this particular Special Order so that we could provide the basis of the work that we have done and also ask our colleagues to encourage all of their constituents to seek foreclosure modification in their loan, to not sit by silently, that the banks are now under a burden to not foreclose but to be able to talk to you about loan modification. Everyone should seek loan modification now. Do not suffer in silence, because we realize that it is not only a predatory lending issue which has occurred, but there are people who have regular loans that may be finding themselves in difficulty and have the right for loan modification.

We do want to say that we want to get out of this issue that whenever we see certain economic or certain neighborhoods that that particular lender is a prime target for subprime mortgages. Now some people have indicated to me that subprime mortgages have been used sometimes favorably to allow someone with some challenges. But certainly subprime should not equate to predatory. And there has been predatory lending going on. And so these subprimes have equated to that. And I want the bankers to be able to be more creative than to see certain neighborhoods, certain, if you will, ethnicities or racial groups, and the only thing you can give them is a subprime when their particular portfolio suggests that they are equal or able to take on any regular loan. And what happened is they put more people in subprime based on ethnicity and race.

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So I wanted to add as I draw to a close, and I welcome your participating in this legislation that I intend to drop, and that is to ensure that individuals who are in mortgage foreclosure because of subprime and predatory lending will not have that foreclosure on their credit score. You know what happens with credit scoring. When you go into a bank and they pull that score up, hardworking families suffer because of the credit score. Probably they were thrown into the subprime and predatory markets because of that.

So the language says in particular that a foreclosure on a subprime mortgage of a consumer may not be taken into account by any person in preparing or calculating the credit score as defined in subsection F(2) for or with respect to the consumer.

Subprime defined. The term "subprime mortgage" means any consumer credit transaction secured by the principal dwelling of this consumer that bears or otherwise meets the terms and characteristics of such a transaction that the board has defined as subprime mortgage.

So if you have been a victim of predatory lending, we will add that. And you have made every effort through loan

modification or you have been caught up in this whirl of confusion, then we don't want to impact your credit score even more, make it worse, if you will, by adding this foreclosure to you; and, therefore, making it even more impossible for you to then move into a home or buy another home or to transition to get your life in order.

I want our colleagues to realize that this is going to be an ongoing concern. And the fact that it is an ongoing concern means we have to work with our local communities. That is why I have supported the TARP funding to be as responsive to community, regional and private banks as they are to the big banks. I think it is important that we invest in the smaller banks by making sure that they get TARP funds. And I think it is enormously important for the President's mission that says that we should in fact for every dollar lent to these banks, they must lend it out, and we must lend it not only to those who are attempting to modify their loans, but to the new generation of homeowners. Let us not kill off the incentive for others to buy homes, co-ops, condominiums, brownstones, the two stories, the split levels, if you will, two families in one home scenario, we should not take away the American dream of a house.

I believe that if we can watch AIG with some sort of cavalier attitude, giving \$160 million in bonuses and not wanting to issue a report on where the moneys went, we can certainly be helpful to those who are struggling.

I would like to engage the gentlelady in a conversation, particularly as she comes from Ohio, and just get a sense of the impact that comes about when homes are foreclosed. With your experience as a former mayor and how important those local resources are, what happens to a community when there are massive foreclosures and that income doesn't come in any more?

Ms. FUDGE. There are a couple of things that I would like to address. Many people know that Cleveland, which is a major part of my district, has been one of the poorer cities in America for the last 3 years. So when we are talking about more than 10,000 vacancies in a city, which is the case in the city of Cleveland, not only does it destroy neighborhoods, but there are less resources to go to the school or to go to the city for city services, and all of the things that go along with tax dollars. As well, it deflates and devalues all of the property around it.

And it clogs the courts. The foreclosure process is a timing issue because of all the notice requirements. It is a domino effect. It hurts everything that you can think of that has to do with housing. But most importantly, it puts people on the street. We have thousands and thousands of people waiting to get into public housing. We have people who have moved in with

other family members. Where do these people go? No one addresses the issue where do these people go. Everyone doesn't have a family that they can move in with. Everyone cannot get a voucher or stay with a friend. Where do these people go?

And then what is compounding the problem is we are now having landlords who have renters in their homes, and haven't told the renters they are in foreclosure. One day the renters wake up and they have a notice on their door saying that they have to move in three days. Or the sheriff saying you must move from these premises. So it becomes a very difficult experience to watch someone lose their home.

I am hopeful that some of the things that we have done in this Congress will stop the bleeding. We may not cure the problem over the short run, but I am very confident that we will over the long run. I certainly hope that some of these things are given a chance. We have given 8 years of opportunity to make things work and they haven't. Give us the same opportunity. I do believe our President is doing the right thing. It is just going to take some time.

Ms. JACKSON-LEE of Texas. I think it is important for people to hear stories from all over the country. I think one of the salient points that you have made is how it puts people on the street and how it clogs the courts. Different from the bankruptcy proceedings which allows people to stay in their homes, the foreclosure proceeding is so long and protracted, most people will be abandoning doing their home before it concludes.

I thank the gentlelady from Ohio for being able to both express some of the outrage and pain. And this was not created under this administration. We are trying to be the problem solvers, and it would have just been great if we had looked at this issue from the administration's perspective in 2006 and before. We might then have been able to put our finger in the dike and help those who were on the verge of going over the cliff.

But now we are holding an enormous burden, and I guess the parting words are let's look at the people who are rolling up their sleeves. The media pundits who can criticize rain, if you will. If it is raining, they can criticize that. But people who are trying to build banks backs and make them responsive to our neighborhoods and school districts, let's look at the Federal legislation trying to help people modify their loans and keep them off the streets and save families and school districts. Why don't we listen to that explanation, which I am sure will give us a better understanding than national pundits who make their money off of worrying about whether it is raining and therefore if it is, that gives them a mouthful to criticize. I would

rather stand with those who are trying to stand with the American people, and I believe that is what your Special Order has been about tonight. I thank you for giving me this opportunity.

Mr. Speaker, home foreclosures are at an all-time high and they will increase as the recession continues. In 2006, there were 1.2 million foreclosures in the United States, representing an increase of 42 percent over the prior year. During 2007 through 2008, mortgage foreclosures were estimated to result in a whopping \$400 billion worth of defaults and \$100 billion in losses to investors in mortgage securities. This means that one per 62 American households is currently approaching levels not seen since the Depression.

The current economic crisis and the foreclosure blight has affected new home sales and depressed home value generally.

New home sales have fallen by about 50 percent. One in six homeowners owes more on a mortgage than the home is worth which raises the possibility of default. Home values have fallen nationwide from an average of 19 percent from their peak in 2006, and this price plunge has wiped out trillions of dollars in home equity. The tide of foreclosure might become self-perpetuating. The nation could be facing a housing depression—something far worse than a recession.

Obviously, there are substantial societal and economic costs of home foreclosures that adversely impact American families, their neighborhoods, communities and municipalities. A single foreclosure could impose direct costs on local government agencies totaling more than \$34,000.

I am glad that recently we have seen legislation on the floor the United States House of Representatives. I have long championed in the first TARP bill that was introduced and signed late last Congress, that language be included to specifically address the issue of mortgage foreclosures. I had asked that \$100 billion be set aside to address that issue. Now, my idea has been vindicated as the TARP today has included language and we here today are continuing to engage in the dialogue to provide monies to those in mortgage foreclosure. I have also asked for modification of homeowners' existing loans to avoid mortgage foreclosure. I believe that the rules governing these loans should be relaxed. These are indeed tough economic times that require tough measures.

Because of the pervasive home foreclosures, federal legislation is necessary to curb the fall out from the subprime mortgage crisis. For consumers facing a foreclosure sale who want to retain their homes, Chapter 13 of the Bankruptcy Code provides some modicum of protection. The Supreme Court has held that the exception to a Chapter 13's ability to modify the rights of creditors applies even if the mortgage is under-secured. Thus, if a Chapter 13 debtor owes \$300,000 on a mortgage for a home that is worth less than \$200,000, he or she must repay the entire amount in order to keep his or her home, even though the maximum that the mortgage would receive upon foreclosure is the home's value, i.e., \$200,000, less the costs of foreclosure.

I have long championed the rights of homeowners, especially those facing mortgage foreclosure. I have worked with the Chairman of

the House Judiciary Committee to include language that would relax the bankruptcy provisions to allow those facing mortgage foreclosure to restructure their debt to avoid foreclosure.

Because I have long championed the rights of homeowners facing mortgage foreclosure in the recent TARP bill and before the Judiciary Committee, I have worked with Chairman CONYERS and his staff to add language in the Helping Americans Save Their Homes bill that would help Americans stay in their homes that would make the bill stronger and that would help more Americans.

Specifically, I worked with Chairman CONYERS to ensure that section 109(h) of the Bankruptcy Code would be amended to waive the mandatory requirement, under current law, that a debtor receive credit counseling prior to filing for bankruptcy relief. Under the amended language there is now a waiver that will apply where the debtor submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure proceeding against such residence.

This is important because it affords the debtor the maximum relief without having to undergo a slow credit counseling process. This will help prevent the debtors credit situation from worsening, potentially spiraling out of control, and result in the eventual loss of his or her home.

The recent bill before Congress, Helping Homeowners Save Their Home Act, relaxes certain Bankruptcy requirements under Chapter 13 so that the debtor can modify the terms of the mortgage secured by his or her primary residence. This is an idea that I have long championed in the TARP legislation—the ability of debtors to modify their existing primary mortgages. The bill allows for a modification of the mortgage for a period of up to 40 years. Such modification cannot occur if the debtor fails to certify that it contacted the creditor before filing for bankruptcy. In this way, the language in the bill allows for the creditor to demonstrate that it undertook its “last clear” chance to work out the restructuring of the debt with its creditor before filing bankruptcy.

Importantly, the Act amends the bankruptcy code to provide that a debtor, the debtor's property, and property of the bankruptcy estate are not liable for fees and costs incurred while the Chapter 13 case is pending and that arises from a claim for debt secured by the debtor's principal residence.

Lastly, I worked to get language in the Helping Home Owners Save Their Homes Act that would allow the debtors and creditors to negotiate before a declaration of bankruptcy is made. I made sure that the bill addressed present situations at the time of enactment where homeowners are in the process of mortgage foreclosure. This was done with a view toward consistency predictability and a hope that things will improve.

RULES COMMITTEE

Over the past two years, debtors and average homeowners found themselves in the midst of a home mortgage foreclosure crisis of unprecedented levels. Many of the mortgage foreclosures were the result of subprime lending practices.

I have worked with my colleagues to strengthen the housing market and the econ-

omy, expand affordable mortgage loan opportunities for families at risk of foreclosure, and strengthen consumer protections against risky loans in the future. Unfortunately, problems in the subprime mortgage markets have helped push the housing market into its worst slump in 16 years.

Before the Rules Committee, I offered an amendment to the Helping Americans Save Their Homes Act that would prevent homeowners and debtors, who were facing mortgage foreclosure as a result of the unscrupulous and unchecked lending of predatory lenders and financial institutions, from having their mortgage foreclosure count against them in the determination of their credit score. It is an equitable result given that the debtors ultimately faced mortgage foreclosure because of the bad practices of the lender.

Simply put, my amendment would prevent homeowners who have declared mortgage foreclosure as a result of subprime mortgage lending and mortgages from having the foreclosure count against the debtor/homeowner in the determination of the debtor/homeowner's credit score.

Specifically, my amendment language was the following:

SEC. 205. FORBEARANCE IN CREATION OF CREDIT SCORE.

(a) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

‘(h) FORECLOSURE ON SUBPRIME NOT TAKEN INTO ACCOUNT FOR CREDIT SCORES—

‘(1) IN GENERAL.—A foreclosure on a subprime mortgage of a consumer may not be taken into account by any person in preparing or calculating the credit score (as defined in subsection (f)(2)) for, or with respect to, the consumer.

‘(2) SUBPRIME DEFINED.—The term ‘subprime mortgage’ means any consumer credit transaction secured by the principal dwelling of the consumer that bears or otherwise meets the terms and characteristics for such a transaction that the Board has defined as a subprime mortgage.’

(b) REGULATIONS.—The Board shall prescribe regulations defining a subprime mortgage for purposes of the amendment made by subsection (a) before the end of the 90-day period beginning on the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act and shall apply without regard to the date of the foreclosure.

The homeowners should not be required to pay for the bad acts of the lenders. It would take years for a homeowner to recover from a mortgage foreclosure. My amendment would have strengthened this already much needed and well thought out bill.

I intend to offer a bill later this Congress to address this issue. I am delighted however that the Judiciary Committee has expressed their willingness to incorporate my language in the Conference language for this bill. Without a doubt, this issue is important to me and it is critical to Americans who are facing mortgage foreclosure and bankruptcy.

The HOPE for Homeowners (H4H) program was created by Congress to help those at risk of default and foreclosure refinance into more affordable, sustainable loans. H4H is an addi-

tional mortgage option designed to keep borrowers in their homes.

The program is effective from October 1, 2008 to September 30, 2011.

HOW THE PROGRAM WORKS

There are four ways that a distressed homeowner could pursue participation in the HOPE for Homeowners program:

1. Homeowners may contact their existing lender and/or a new lender to discuss how to qualify and their eligibility for this program.

2. Servicers working with troubled homeowners may determine that the best solution for avoiding foreclosure is to refinance the homeowner into a HOPE for Homeowners loan.

3. Originating lenders who are looking for ways to refinance potential customers out from under their high-cost loans and/or who are willing to work with servicers to assist distressed homeowners.

4. Counselors who are working with troubled homeowners and their lenders to reach a mutually agreeable solution for avoiding foreclosure.

It is envisioned that the primary way homeowners will initially participate in this program is through the servicing lender on their existing mortgage. Servicers that do not have an underwriting component to their mortgage operations will partner with an FHA-approved lender that does.

Because I am committed to helping Americans obtain homes and remain in their homes, I support the HOPE for Homeowners Program. Indeed, I feel personally vindicated that Congress has set aside \$100 billion to address the issue of mortgage foreclosure, an issue that I have long championed in the 110th Congress.

HOUSING, FORECLOSURES, & TEXAS

Texas ranks 17th in foreclosures. Texas would have fared far worse but for the fact that homeowners enjoy strong constitutional protections under the state's home-equity lending law. These consumer protections include a 3 percent cap on lender's fees, 80 percent loan-to-value ratio (compared to many other states that allow borrowers to obtain 125 percent of their home's value), and mandatory judicial sign-off on any foreclosure proceeding involving a defaulted home-equity loan.

Still, in the last month, in Texas alone there have been 30,720 foreclosures and sadly 15,839 bankruptcies. Much of this has to do with a lack of understanding about finance—especially personal finance.

Last year, American's Personal income decreased \$20.7 billion, or 0.2 percent, and disposable personal income (DPI) decreased \$11.8 billion, or 0.1 percent, in November, according to the Bureau of Economic Analysis. Personal consumption expenditures (PCE) decreased \$56.1 billion, or 0.6 percent. In India, household savings are about 23 percent of their GDP.

Even though the rate of increase has showed some slowing, uncertainties remain. Foreclosures and bankruptcies are high and could still beat last year's numbers.

Home foreclosures are at an all-time high and they will increase as the recession continues. In 2006, there were 1.2 million foreclosures in the United States, representing an increase of 42 percent over the prior year.

During 2007 through 2008, mortgage foreclosures were estimated to result in a whopping \$400 billion worth of defaults and \$100 billion in losses to investors in mortgage securities. This means that one per 62 American households is currently approaching levels not seen since the Depression.

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Obviously, there are substantial societal and economic costs of home foreclosures that adversely impact American families, their neighborhoods, communities and municipalities. A single foreclosure could impose direct costs on local government agencies totaling more than \$34,000.

Recently, the Congress set aside \$100 billion to address the issue of mortgage foreclosure prevention. I have long championed that money be a set aside to address this very important issue. I believe in homeownership and will do all within my power to ensure that Americans remain in their houses.

BANKRUPTCY

We have come full circle in our discussion today. The bill before us today is on bankruptcy and mortgage foreclosures.

I have long championed in the first TARP bill that was introduced and signed late last Congress, that language be included to specifically address the issue of mortgage foreclosures. I had asked that \$100 billion be set aside to address that issue. Now, my idea has been vindicated as the TARP that was voted upon this week has included language that would give \$100 billion to address the issue of mortgage foreclosure. I am continuing to engage in the dialogue with Leadership to provide monies to those in mortgage foreclosure. I have also asked for modification of homeowners' existing loans to avoid mortgage foreclosure. I believe that the rules governing these loans should be relaxed. These are indeed tough economic times that require tough measures. Again, I feel a sense of vindication on this point, because this bill, H.R. 1106 addresses this point

CREDIT CRUNCH

A record amount of commercial real estate loans coming due in Texas and nationwide the next three years are at risk of not being renewed or refinanced, which could have dire consequences, industry leaders warn. Texas has approximately \$27 billion in commercial loans coming up for refinancing through 2011, ranking among the top five states, based on data provided by research firms Foresight Analytics LLC and Trepp LLC. Nationally, Foresight Analytics estimates that \$530 billion of commercial debt will mature through 2011. Dallas-Fort Worth has nearly \$9 billion in commercial debt maturing in that time frame.

Most of Texas' \$27 billion in loans maturing through 2011—\$18 billion—is held by financial

institutions. Texas also has \$9 billion in commercial mortgage-backed securities, the third-largest amount after California and New York, according to Trepp.

Mr. Speaker, I believe that the bills that the Congress has worked on since November 2008 will do yeoman's work helping America get back on the right track with respect to the economy and the mortgage foreclosure crisis.

Ms. FUDGE. I want to thank my colleague who is obviously an outstanding lawyer and leader for participating in this hour.

Mr. Speaker, certainly, as you have listened to my colleagues this evening, helping the economy recover is foremost in all of our minds. At this time in our Nation's history, it is important that Congress ensure that Americans have jobs to support themselves and their families, as well as homes to raise these families in. To fix the economy, we must address the foreclosure crisis.

Foreclosures affect all races and incomes. It doesn't just stop in the poor cities, it affects every community in every State. However, the effects on the black community are especially pronounced because of the lower level of homeownership. For many black families, home equity is the main source of wealth because most have lower incomes, little to no savings or investments, and no life insurance policies.

The decline of the housing market is at the center of our economic crisis. Home prices have dropped 18 percent in the last quarter of 2008. It is estimated that each foreclosed home reduces surrounding property values by as much as 9 percent, causing increased concern for even those who are not directly affected by the housing crisis. Nearly 6 million homes are facing foreclosure, and nearly one in five homeowners owes more than their home is worth, and many cannot afford to refinance.

The foreclosure crisis affects every sector of the population, and nearly every person in this Nation. Cities across the Nation are experiencing a crisis that imperils communities and cripples the economy. In my district, the Center For Responsible Lending projected 5,500 foreclosures in 2009—just in the 11th District—and 18,500 foreclosures over the next 4 years. Within the State of Ohio the projection is very grim: 87,500 foreclosures in 2009. In Cuyahoga County, 13,858 were foreclosed in 2008. Cleveland is one of the Nation's big cities in the most need due to its large population of poor families. The city has set aside nearly \$11 million to handle some 10,000 homes that have been abandoned primarily due to foreclosure. Much of that money, about \$7.5 million, goes to demolition, while the remainder takes care of vacant lots, boarding up windows, picking up trash, and mowing lawns. This money could be used to hire more police officers and to keep more teachers. But because of the risk that goes with aban-

doned neighborhoods, money needs to go towards foreclosed properties.

As we see far too often, for communities with foreclosed homes, it is a short road from nuisance to blight to crime. Blight affects a city's morale and slows economic growth and development. Abandoned homes also become harbors for criminal activity.

Typically, it is our inner cities that bear the brunt of vacant homes and community blight. But now it can be seen in each and every community, in every development and in every neighborhood. Even the affluent suburbs face the same problems. The suburb of Shaker Heights spent nearly \$1 million on foreclosed properties. The city of Euclid had to tear down 18 homes, and Cleveland Heights spent a great deal of money on maintenance on over 250 properties.

I spoke recently with Ms. Arnetta Parker, a long-time resident of Richmond Heights, Ohio, a nice, upper-middle-class suburb. She and her husband have resided in the area for over 35 years and are currently doing fine. However, their community is struggling greatly. Her subdivision has about 80 homes, and on her street alone, four of those homes are vacant. She recalled one of the first times she saw a family be required to move out of their home and how much it hurt her to see a hardworking couple lose their home. The displaced couple had two kids, a teenage son who was very involved in sports and a very young girl. They were uprooted from what was familiar to them, from their schools, their friends and community. They became a part of the crisis.

Just this month, foreclosures.com, a Website that looks at the rise of foreclosures in the United States, found an increase in foreclosures of over 60 percent from January to February. The organization's president, Alexis McGee, opined if foreclosures continue unabated, then the United States could see 1.2 million homes back in lenders' hands by the end of this year.

The Center For Responsible Lending estimates there are 6,600 new foreclosures every day, and that equates to one foreclosure by one family that loses their home every 13 seconds.

This Nation cannot sustain a system in which mortgage servicers prefer foreclosure over mortgage modifications. The Homeowner Affordability and Stability Plan creates incentives for lenders to modify mortgages by bringing mortgages more in line with the value of the home and should reduce the number of home foreclosures. It also encourages servicers to modify mortgages for at-risk homeowners before they are delinquent.

Recent reports show that homeowners are not the only ones suffering in this crisis. Renters are also becoming victims as their landlords lose property to foreclosure. Usually renters are not aware of the foreclosure

proceedings. Once the lender has foreclosed, they often provide little notice to tenants before demanding that the tenants vacate the property. Forced from the property, renters may lose their security deposit and everything else they have.

To help insure that similar crises are averted in the future, regulations must be developed that combat mortgage fraud and predatory lending practices. In general, predatory lending covers those practices that are deemed deceptive or fraudulent, that manipulate borrowers through aggressive sales tactics, or that unfairly seize on the borrower's lack of understanding about loan terms.

Predatory lending strips borrowers of home equity, increases the homeowner's chances of foreclosure, and destabilizes communities. Vacant properties invite criminal activities and affect neighboring property values.

□ 2045

The most common predatory lending tactics include excessive fees and abusive prepayment penalties. For example, borrowers with high-interest loans have a strong incentive to refinance as soon as their credit improves. However, as the Center for Responsible Lending estimates, up to 80 percent of all subprime mortgages carry a prepayment penalty. Homeowners become trapped by such provisions, leaving them unable to make cost-effective decisions.

Moreover, studies have shown that predatory lenders often target vulnerable groups, including minority groups, females, elderly, and low-income borrowers. The evidence is clear by the concentration of predatory loans in low-income and minority neighborhoods. Congress and President Obama have both designed legislation to curve the downward spiral in foreclosures. These plans are coordinated among major government and regulatory agencies to bring targeted relief to the American housing market and to homeowners.

The Helping Families Save Their Homes Act, H.R. 1106, is designed to stabilize the housing market by reducing foreclosures, and to help responsible, hardworking Americans who are losing their homes during this economic downturn. It could reduce foreclosures by 20 percent.

The bill ensures that those who seek recourse via chapter 13 can do so through a uniform process. Several important points about the bill are that it protects lenders from lawsuits, it fixes the Federal Housing Administration's HOPE for Homeowners Program by lowering the fees paid by borrowers and lenders, and by providing \$1,000 payments to servicers for each successful refinance of existing loans. It reduces current fees that have discouraged lenders from voluntarily partici-

pating. As a last resort, it allows bankruptcy judges to modify the terms of loans for families with existing mortgages, just as investors in vacation homes, real estate speculators, and corporations have been able to do for years. And it helps veterans, and others, to avoid foreclosure by allowing the Department of Veteran Affairs, the FHA, and the U.S. Department of Agriculture to guarantee or ensure mortgage loans modified either out of court or in a bankruptcy case.

Mr. Speaker, I thank you for allowing the CBC to have a Special Order this evening. It is my pleasure to have anchored those hours.

PRESIDENT OBAMA'S BUDGET SPENDS TOO MUCH, TAXES TOO MUCH, AND BORROWS TOO MUCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BACHMANN. Mr. Speaker, I thank you for yielding, and I thank you for this opportunity and the kindness to be able to address this body on the issue of taxes. We're very excited to be able to have this opportunity.

I'm joined this evening by two wonderful colleagues, Mrs. Foxx of North Carolina, and also Mr. GARRETT of New Jersey, who have indicated, also, willingness to speak to this important topic.

We see that there is a tremendous change that is about to occur in our Nation. And I just want to begin by talking about the real problem that we have at hand, and that's the issue of certainty versus uncertainty in our economy.

There are many people right now who have been unwilling to make decisions about investing in the economy, spending money, buying something, should they save money, should they spend it, can they get a job? And the worry has been "certainty." What's going to happen next? They feel like one shoe has dropped, when will the other shoe drop? What's it going to be? What's going to happen? People are just nervous.

I don't know about you, Mr. Speaker, I was back in my district this weekend, I'm sure you were, too, and people that I saw are very worried about what's coming down the horizon because they just saw, in the last 55, 60 days, they saw our Congress spend \$1 trillion dollars and more, once you count the debt service on the stimulus bill. They're very nervous when they see that level of spending. They've never heard of that before. It's historic, it's never happened before.

They saw that, and then right after that they saw us take up the appropriations bill for the rest of the year which spends for the Federal Government,

and it's \$410 billion. And then they heard it had 9,000 earmarks contained in the bill. And they thought, what in the world is going on? I thought this was an emergency. I thought this was a time when we're supposed to be careful with our money. And the American people are socking away money as much as they can.

It was just only about a year or so ago that we saw that the savings rate in the United States was minus 1 percent. During the Great Depression, the savings rate was minus 1.5. What was the savings rate in January? It was plus 5 percent. It's plus 5 percent because the American people have figured out, we're in trouble. And so they are battenning down the hatches and they're doing everything they can to make sure their ship is in order, their house is in order so they at least have a job and so that they can at least take care of their bills.

What has Congress' response been? It has been to spend \$1 trillion, and then \$410 billion—plus 9,000 earmarks contained in that bill—and sandwiched in between was something called a Fiscal Responsibility Summit. Now, people are scratching their heads saying, you people call yourselves fiscally responsible when you've just spent that kind of money, let alone what's happened with the Federal Reserve and all the money that the Federal Reserve has committed?

The reason why I'm bringing that up, Mr. Speaker, is because today marks a very important anniversary. I know Mr. GARRETT remembers this anniversary. It was 1 year ago today that for the very first time in the history of our country the Federal Reserve opened the discount window to a private investment bank called Bear Stearns. We all remember that, it was \$29 billion. Just preceding that, this body had spent the outrageous sum of \$168 billion in a stimulus package that was supposed to rescue our economy from diving into the doldrums. So what did our body do? We spent \$168 billion, and we got into helicopters and we dropped checks all across the United States and said, "Have a good time. Spend money so that our economy doesn't tank." Our economy tanked because people said you can't spend money like that and think that your house is going to be in order. So people got nervous, they got very worried.

Then they saw us bail out a private investment bank at \$29 billion. Well, it wasn't long after that that we heard that Freddie and Fannie, the secondary home loan mortgage companies, they were in bankruptcy. We had to bail them out. So the Federal taxpayer had to cough up \$200 billion to bail out Freddie and Fannie. This really scared people.

At the same time, the Federal Government took \$400 billion and infused that money into the Federal Home

Loan Association. People thought, my stars, what's about to happen? Well, they didn't even catch a breath, and the Treasury Secretary said, now we need \$700 billion; we've got to have \$700 billion for the TARP program, which was to have money to be able to buy troubled assets, the mortgage security bailout.

And we were told we had to get this done within a week or the whole economy was going to fail. Well, we had that tussle, we had that struggle. And you remember, Mr. Speaker, that last September we were all here in this Chamber. We came in, the galleries were filled with people, the press was up in the press box; what were we going to do? We were going to pass this historic level of spending, \$700 billion, and the vote failed. It was a Monday. No one could believe it. So there was regrouping going on; took another vote, the vote passed. Only this time it was wrapped in another \$110 billion worth of very expensive gift wrap called "vote buying." And so that bill was passed. Pretty soon, the year went by, and between this body and the Federal Reserve trillions of dollars flew through the door.

People were looking for hope and change; I was looking for hope and change. And when January 20 came and the Obama administration was sworn in, what did we see? We saw over \$1 trillion worth of spending out of the gate. And what did it do? Has it calmed the waters? Has it brought us certainty? Are you kidding? We saw GDP tank. We saw the Dow Jones Industrial Average go to such historic lows, no one could believe it. We were looking at 6000 on the Dow Jones. We saw job losses spike through the charts, unbelievable levels of job losses. Where is the certainty?

Well, Mr. Speaker, I'm here to say, there is a certainty that we can tell the American people tonight, and that certainty is that their taxes are just about to have the roof blown off. They're going to have the roof blown off. And it was here in this body, not too long ago, when President Obama stood right here and he told the American people in that camera right up there, he said, "I will not raise taxes on 95 percent of the American people. You can take that to the bank." And in the course of his remarks, he said that he is going to pass the cap and trade tax. That's the new tax on energy, which 100 percent of Americans are going to be spending.

That's what we want to talk about tonight, Mr. Speaker. We have to talk about this tonight. We've been talking about all the spending; now it's time to talk about the taxing. And it's really a shame because the time to have been talking about taxing is when we were talking about spending.

We didn't even have a paragraph of conversation on this floor about how

we're going to pay for all this spending. Congress just had a sugar high. It's as though every Member of Congress just ingested a 24 pack of Mountain Dew and said, "Hallelujah. I'm on a sugar high. We're going to spend money and we're going to rev this economy up." Well, I'm telling you, if you had a 24 pack of Mountain Dew, you would not only be on a sugar high, you would be zooming, but you would crash. And that's about what we are going to be seeing. That crash is called taxes, Mr. Speaker. And the American people haven't seen anything yet when they open up their tax bills.

At this point, I would like to yield to the gentlelady from North Carolina to take it from there. And we're going to go in a game of tennis here tonight. We're going to volley back and forth and we will have a great discussion on taxes.

I yield to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from Minnesota. It's a little hard to follow her. She is so energized and so enthusiastic. The rest of us here tonight are that way, too, but we don't have the same presence she has, but we are so fortunate to have her in the Republican Caucus.

I want to add to what she is saying, and then yield in a couple of minutes to our colleague from New Jersey (Mr. GARRETT), who has a lot to say about this subject tonight.

I want to point out that our colleague from Minnesota has set the stage for what we're going to talk about tonight, and there are lots of things to try to remember. She has gone over a whole list of all of the spending that was done last year, what has been proposed so far this year. But I want to help people just keep in mind three simple concepts about what has been happening in this Congress so far.

The budget, which the Democrats support, President Obama's budget, spends too much, taxes too much, and borrows too much. Those are three simple concepts for us to keep in mind. We can talk a lot about bailouts, stimulus, budget, omnibus budget—there are many, many terms. I know the American people have difficulty keeping up with them because I have difficulty keeping up with them. It's like you're in a whirlwind here with so many things happening.

The Democrats are living what the Chief of Staff of the President and the former head of the conference here said. He said, "Let's never let a crisis go to waste." He wanted, with a Democrat-controlled Congress and a Democrat in the White House—talk about being on a sugar high, that is really a sugar high because this is the first time in over 8 years that they have had that situation. And I think it's important that we point that out because there are still many people in this

country who don't realize that the Democrats are in charge, they've been in charge. In fact, our economy started tanking when the Democrats took over the Congress in 2007. I think I have a chart to show that; but again, I think it's really, really important to talk about that.

I want to say that our colleagues who were speaking just before we were made a comment about how it's Congress' job to assure jobs for Americans. Well, the budget they support and the policies that they have followed thus far have done just the opposite. They've done everything they can to kill jobs in this country. And let me point it out.

The Democrats took control of the Congress in January of 2007. That's not something they like to be reminded of. They want to say that all of the economic problems that we have in this country are the result of George Bush's presidency. However, we had 55 straight months of job growth up until January of 2007; that's when the Democrats took control.

And look what started happening? This is the chart. The graph is a little bit tough to read, but this is the loss of jobs going up. We probably should have had it going down to make it be a little more specific on what we're talking about. But as they said, they don't want to let a crisis go to waste, but they don't want to accept the responsibility for what their getting in control of Congress did.

For 6 years, the first 6 years of President Bush's administration, the Republicans were in control. Did they do all the things they should have done? Did they do everything right? No. They absolutely did not. I was here for 2 of those years, and colleagues of mine did our best to cut spending. And we actually did cut spending that cycle, but we never got any credit for it because of the news that came out about the elections and that kind of thing.

□ 2100

Mr. GARRETT of New Jersey. If the gentlewoman from Minnesota would yield.

Mrs. BACHMANN. I yield to the gentleman.

Ms. FOXX. This is my colleague from New Jersey, Scott Garrett.

Mr. GARRETT of New Jersey. I just want to touch on that one point as far as the perception of what the Democrats did and what the Republicans did. And I do this not for any partisan reasons because I do honestly believe that all of us here tonight actually believe, as the majority of the American public believes, that we are in a difficult situation; that people are hurting; that jobs are being lost, as your chart so adequately demonstrates there; and we don't need to be partisan about it, but we do need to set the record straight. And I will tell you this little story.

I have served here for 6 years now, and I have served on the Budget Committee. And I was here when the Republicans were in charge. And I, like you, was frustrated with the fact that many times during our tenure in office when Republicans controlled the House we were spending too much money. You and I voted against a lot of those expenditures, but as a party we were. And that's why in 2006 the American voters voted with their wallets, if you will, and said let's throw them out and let's put in a party that is campaigning on a platform of fiscal responsibility. And the reason I point out that I serve on the Budget Committee was because for 4 years when they were in the minority, they were saying a lot of the things that you and I agreed with and that you and I were saying, that we were spending too much money and were going in the wrong direction. So I perhaps naively hoped that in 2006 when they took the majority, they were going to put in practice much of what they said about the budget on their campaign trail in their rhetoric. But, you know, they didn't. They don't do it in 2006, and they didn't do it now in the 2008 election as well. And that's where we are right now.

However, I will credit them with being able to say that they have inherited the problems, but, of course, the facts don't speak to that as well. You're looking at a chart right there that says "jobs lost since the start of the Democrat majority," and even without my glasses on, I can see at the bottom of the XY-axis, it is January of 2007, and that is the starting point, and then the line goes off the charts. All you need is a little rocket on engine of how to succeed in business without really trying and just shoot up through the end over there, if you're familiar with that movie, and you would see that during their tenure, you lost the jobs. But it's not only the fact that they didn't inherit the lost jobs because they were in control of the House and Senate. I don't have a little easel here, but let me just share this chart. I don't know whether you have one up there by you as well.

The other mantra that they will say in the media, and I've been on TV shows and radio shows, and the anchors will say, well, didn't the Democrats inherit all of this spending? Not exactly, not when you really look down to it. Let me give you about five quick points that I can run through here. This too is going back to the bottom of your XY-axis, January of 2007, when HARRY REID was in charge over in the Senate and Speaker PELOSI was in charge here as Speaker of the House. Let's see what has occurred from January, 2007, to where we are now, and this is March. I will just run through a few quick numbers.

The omnibus, most recent, fiscal year 2009 omnibus, \$410 billion. That didn't

occur under Republican control. That occurred under Democrat control, spending. Stimulus 2, \$187 billion, again occurred under Democrat control and leadership. Auto bailout, of course, that too, \$14 billion, and that occurred again during Democrat control of the House and Senate. TARP, something that I have been on the floor hours upon hours talking and railing against how we're spending so much money there. First it was \$350 billion at the end of last year, and then they added another \$350 billion on that. People say we're bailing out Wall Street. We're just finding out now where some of that money is going. Apparently it's going to AIG executives, who made some of these great decisions that brought that company down to where it is today, in bonuses and what have you. So there's \$700 billion in TARP under Democrat control. The next one, pre-TARP loans, \$300 billion. And, finally, a stimulus bill, stimulus 1, that was July of last year, if I'm not mistaken, \$152 billion.

So you add them up, and I'm not going to do that in my head, but you have 400, 187, 14, 700, 300, \$152 billion. This all occurred during the time that Speaker PELOSI and HARRY REID were running things on the floor. They could have stopped, and it's easier in the Senate than here, but they could have stopped each and every one of these. They could have put any restrictions on each and every one of these. And maybe the gentlewoman from Minnesota would like to chime in on this one, and that is to talk about how they didn't put any restrictions on these points. They basically said here's \$700 billion, out the window, any way you want to spend it.

Ms. FOXX. And is it your memory also that President Obama, then Senator Obama, came back here off the campaign trail and put his blessing on the TARP bailout? It was my understanding that the Congress was controlled by the Democrats and that President Obama, then Senator Obama, said, "I support it too." Is that your memory?

Mr. GARRETT of New Jersey. It's absolutely my memory. And the reason I remember it is because there were a few of us in the House who were raising our hand at that time and saying what are we spending \$700 billion on? The idea was the so-called purchase of toxic assets, which never did occur, and we said shouldn't there, A, be other alternatives considered; B, another implementation; and, C, shouldn't there be restrictions or strings, if you will, attached to some of this? All of that was dismissed and put aside. But you're absolutely correct. Senator Obama at that time supported it, as did the leadership of this House. Not only did they support it in this House, they pushed it through so quickly that none of us really had an opportunity. We never had any markup on this bill.

That's the other little frustrating thing about all of this, and the American taxpayer must be so frustrated with how, quote, "their government," and it is their government, works, how Washington works. We spend the money today, and then a day or a week or a month from then, we'll come back and say we are going to have a hearing on this and see exactly what we spent the money on. We spent \$350 billion, then \$700 billion without so much as a markup on it, which is, for folks who don't know, the way the bill goes through and you can say I want to put this in or take that out. Without so much as a markup, we spend this \$700 billion; then Congress can come back and says let's take a look at this. We saw that on TARP 1. We saw that on TARP 2. In essence, you could say we did that on the stimulus as well. We rushed right through how many pages? I'm forgetting.

Mrs. BACHMANN. It was 1,073 pages on the stimulus, which not one Member of Congress read. It wasn't released to the public until after midnight. I kept my staff here until 9 o'clock at night hoping we could have a chance to read this bill. I released them at 9. It didn't come on-line until after midnight. And had the Members of Congress stayed up all night and had we not taken one break and just read it, we would have had 23 seconds per page to read that. Not one person could read it.

I think there is a reason for it. We know why. There was no stimulus contained in the stimulus bill, nothing that would help small businesses. We even had essentially an admission of that this morning from President Obama because President Obama said now he has to have a plan for small business. There wasn't much of anything to speak of in the stimulus bill or in his budget bill for the rest of the year; so now he wants to have a new small business bill that is quite a bit of money. But what does it do? It funds the SBA, government. It funds more government. It has no nothing to do with tax reductions for small business.

You talk to any businessman. I'm a small businessman with my husband. We started a business from scratch, and I'll tell you what would help: Lower the tax rate for businesses. American businesses pay the second highest tax rate in the world, 34 percent. Imagine. You want to have certainty in the marketplace? Bring the corporate tax rate from 34 percent down to 9 percent.

The world right now is nervous. We think we're nervous in the United States. The world doesn't know where to invest. How do we know that the world is nervous? This weekend, and this is humorous, you have the specter of the Chinese communists lecturing the Obama administration, could you please stop spending so much money, President Obama? You're making me

nervous. I'm worried that I am going to lose my Chinese debt pretty soon if you don't get a grip on your spending. Then you have European socialists saying to the Obama administration, gee, we don't want to spend all the money that you want us to spend.

Isn't it interesting that you have an American President now that's making the world nervous? We were all told that the President was going to bring the world together. We were going to have unity. All of our allies were going to be on board. Our allies are running like mice off a sinking ship saying we don't want any part of this out-of-control spending because our allies have been down that road themselves.

I'll tell you if this out-of-control spending would have worked, Japan would have been looking great for 10 years rather than this "lost decade." Europe would be the beacon, the envy of the world for investment. Instead, these are economies in shambles, and I think that's what the American people are worried about.

And I yield back to the gentleman from New Jersey. I think they're worried because they know. The American people get it that they're going to have to pay the bill.

Mr. GARRETT of New Jersey. The American people get it, although we did that hear from our President here a couple of weeks ago. He said, "I get it." Unfortunately, I don't think he does. I think what he does get is the idea of a new movement he is leading, and that is a movement of redistribution of the wealth in this country, and basically he's doing it by burdening the responsible taxpayer, the responsible family, the responsible American, and putting it on the irresponsible ones. And it's sort of funny, and maybe "funny" isn't right word for this, but if you look at the budget documents that came out, the title of it is "An Era of Responsibility." This is anything but an era of responsibility.

And I will close with this: Just as I was hopeful in 2006 and 2007 for the Democrat leadership that they would be responsible in this area, I honestly was hopeful that when President Obama became the President that he would fulfill his pledge that he would give the American public and all of us in Congress the opportunity to have 4 or 5 days actually to have any bill up on the Web site so they could see it and read it and comment on it otherwise. And you pointed out so accurately that in this case with an 1,100-page bill, it went through and no one saw it.

Ms. FOXX. I wanted to say some of the same things. I think that you and I and conservatives here in Congress really were hopeful that when the Democrats took control of Congress, when President Obama was elected, that they would keep their promises.

I agree with you. We wanted change. We wanted to cut spending. We wanted

an era of different government. But all we have dealt with has been a series of broken promises. One promise after another.

You highlighted the issue of not having 5 days to read the bill. I think that that's an extremely important thing. The American people take our job seriously even if some of our colleagues don't take their job seriously, but they expect us to be here to vote and they expect us to read the bills. I am getting more and more questions from people, have you read the bills? I am being much more diligent about reading bills these days because of that. But all we have gotten are broken promises from the President and from the Democrats who are in charge. And I think that's really a sad situation.

Earmarks, for example, as our colleague from Minnesota pointed out, the bill that was passed the other day, the omnibus bill that was passed the other day, had 8,500 earmarks in it. Now, it may be that some of those are worthwhile projects, but we had a promise from our President that he would not sign any bill with any earmarks in it. He would go through line item by line item and take those out. That is another promise that's gone by the wayside. It's just not going to happen.

I think what we are seeing is the comment that he made without his teleprompter that he does believe in wealth transfer. I think we know now why he always wants a teleprompter in front of him because when allowed to speak off the cuff sometimes he says some things that really reveal what it is. The comment about "never let a crisis go to waste," of course, he didn't say that, his Chief of Staff said it. But the wealth transfer I think is something that the American people are beginning to understand.

Mrs. BACHMANN. You had mentioned that you felt that the President maybe was revealing his true colors in an off-the-cuff remark, but I have in front of me a copy of the President's budget. This is in black and white and anyone can read it. And this is page 5, "Inheriting a Legacy of Misplaced Priorities." I think the President is pretty clear about wealth transfer. He's been very clear. He's got it down in black and white. And I will quote from it. It says this: "While middle class families have been playing by the rules living up to their responsibilities as neighbors and citizens, those at the commanding heights of our economy have not."

□ 2115

He is saying that people, the top end, have not been playing by the rules. Now, this is a canard that gets repeated over and over and over again, saying that people have not been paying their taxes, somehow it's been unfair and they have skimmed.

But as the gentleman from New Jersey knows, and that as our colleague

who has joined us, Dr. BROWN, knows, I know the gentlelady from North Carolina is aware of this, the top 1 percent of income earners in the United States pay 40 percent of all the taxes in the United States.

Mr. BROWN of Georgia. Wait a minute, would you please repeat that for the people who are watching tonight so that they understand very clearly what you just said? Say it slow for us down south.

Mrs. BACHMANN. I know these Minnesota accents are a little tough to get through, but I also want to mention, just for point of reference, I am a Federal tax attorney. That's my background. That's what I do. Taxes are us.

But the top 1 percent of income earners pay 40 percent of all the taxes. The top 5 percent of income earners in the United States pay 60 percent of all taxes. The top 10 percent of all income earners pay 80 percent of all taxes.

Today in the United States, 40 percent of all Americans pay no taxes. And under President Obama's plan, 50 percent of all Americans will pay no taxes.

This weekend I was up in the northern part of my district, probably no one in this group made more than \$50,000 a year. All the people I spoke to were very upset with President Obama's plan. They were upset because they believe in tax fairness. They believe that every American should pay something, no matter what their income is, everybody should have something in on the deal.

Why? We all benefit from national defense. We all benefit from roads. We all benefit from corrections. All of us benefit. All of us should be paying it.

I will yield to our counterpart from Georgia.

Mr. BROWN of Georgia. I thank the gentlelady.

I just came from a meeting where I heard some very interesting information about this taxing, this cap and tax, as we are calling it. The Democrats call it cap and trade.

But there is a video called "Apocalypse? No!" This was Christopher Lord, Christopher Monckton, one of the greatest outspoken people in this world, about how the global warming is just totally a farce, and he was talking about how it was going to hurt the poorest of people, not only in the United States but in the world. He was begging for us, not as a Congress, as a government, for us to not put this cap and tax policy in place, because what it's going to do is it's going to put people out of work, it's going to lock them into a welfare state, which is going to hurt everybody's pocketbook long term. It's going to hurt small business, it's going to hurt the economy of not only the United States, but the world.

And he was begging us not to pass a cap and tax policy here in the United States and was saying that we in

America need to do the right things. He was showing us graphs, and the lies, actually, that are being put out by a NASA scientist by the name of Mr. Hanson and others who are promoting this, now they talk about climate change.

But Lord was saying in the last 7 years we have actually had global cooling, global cooling. So they have stopped talking about global warming because we have had global cooling for the last 7 years. And this was in the normal variability of climate going up and down over the years.

And he was pointing out that sun spots, sun activity actually has more to do with the temperature than the CO₂ that has been emitted.

Mrs. BACHMANN. Yes, that's the solar flares, that's true.

As a matter of fact, in President Obama's budget, which he has already submitted, and which we are going to be taking up, and we are going to be voting on with appropriations, he has already included, as a baseline part of his budget, remember, his budget is historic.

It's so huge, the trillions of dollars are so huge we can't even get our arms around it, 646 billion in new taxes for the energy tax. I am sure that the gentleman and his constituents from Georgia, and I am sure that the gentlelady from North Carolina and her constituents, and the gentleman from New Jersey and his constituents would be interested in knowing, well, what does that work out for me? What does that mean that I am going to owe?

Well, people in the Sixth District of Minnesota, we need heat. We don't have a choice in wintertime. We have to turn our furnace on. This is very, very large concern, and I hope we have time to discuss it before the Democrats ask us to vote on this bill.

Because we are looking at a good \$4,000 per household in increased costs right away to pay for energy. Energy touches every part of our life, and we have got a graph up here that talks about what President Obama and the Democrats' tax plan will do.

Gas prices are going to go up. We all remember how much fun it was last July to pay over \$4 a gallon and we thought we were quick on our way to \$6 a gallon, \$8 a gallon? Well, remember that? Welcome back to it. That's called cap and tax. Welcome back to now seeing your home heating fuel, or in the case of Georgia, going up 40 percent. Can you imagine if your constituents get an electric bill that will be 40 percent higher than what it was before?

Remember also what happened at the grocery store last summer when gas prices went up. The food prices went up. Why? Energy is in everything we eat.

Also if you go to Wal-mart, if you go to Target to buy something to wear. Energy is a component, a basic building block of everything.

I know that the gentlewoman from North Carolina has a great graph on this.

Ms. FOXX. Well, there is a chart here that showed that in addition to the high rate we are going to be paying for the cap and tax that the President has in his budget bill, what I wanted to point out and wanted to ask the gentlelady, it's my understanding again that the President promised that he was going to cut taxes for 95 percent of taxpayers; is that right?

Mrs. BACHMANN. That's right. That's what he said to the American people.

Ms. FOXX. And yet he left out saying he is going to raise taxes, though, a lot more for 100 percent of the people by instituting cap and tax.

Again, they like to call it cap and trade, but it's going to be cap and tax. Because as you so eloquently pointed out, it's going to raise the cost of energy for everybody in this country. And these people, I think they are just playing God.

I think they think that we human beings are going to offset the action of the sun. They think they are God, and they are going to be playing that role.

But I wanted to point out something tonight that we haven't said that I think is very important to point out, and I think our colleague from New Jersey reminded me this is something we should be saying, we know, as Republicans, that Americans are hurting. We know lots of people in our districts who are suffering as a result of the actions and the policies that have been taken, particularly in the last couple of years, and we don't want that hurt to go on.

So Republicans have been offering alternatives. The Democrats are accusing us of being the Party of "No." You know, that's a cute little thing that they can try to hang around our necks.

But I saw something today in Roll Call, can't take the credit for it, wish I could. I love it the way cartoonists can sometimes put in just a couple of words what we are thinking about, but there is a cartoon that says the Party of Owe and showing a picture of a donkey.

Now, I like that. We are not the Party of "No" because we have presented alternatives. Last year we presented alternatives when it came to energy. We had an all-of-the-above energy plan. We have an alternative to the budget.

We had an alternative to the stimulus, but we are being accused of being the Party of "No," but I think calling them the Party of Owe is the appropriate thing to do, because they don't want to take responsibility. It's all a sham.

I tell you, again, this place reminds me of the emperor's new clothes. You know, there is this feeling that there is something out there, and it's going to

take people who are willing to say the truth to tell the American people. Those stories you heard, those promises you were made, not true.

Mrs. BACHMANN. I just want to inject, actually, this economic situation that we are in is not too tough to figure out. It's real doable. We have a plan for it, and it's pretty simple.

We have a very high rate of tax on investments. If we would take that tax off, it's called capital gains, and zero it out and shout out from the house tops, for 4 years we will have a zero capital gains. You invest, take your money off the sideline, put it into the marketplace, any profit you get back, it's yours, 100 percent.

If we would have a zero capital gain, and if we would take our corporate tax rate from 34 percent down to 9 percent, cut everyone's marginal tax rate by 5 percent, even President Obama wants to increase the death tax. We say kill the death tax. That's not a good idea to have Uncle Sam reach into somebody's coffin after they have died and take 45 percent of what they own.

And get rid of that alternative minimum tax. You do that, next quarter you have an increase in GDP and jobs. Next quarter you have the Dow Jones up. Next quarter, you are going to see unprecedented levels of growth and unprecedented levels of investment in the United States from the world markets. This is pretty easy to solve.

But the Obama administration has taken a completely different view. They have taken the view of the French Revolution, which is to tax, tax, tax and spend, spend, spend. And now they have even taken another cue from them, off with their heads.

Because in their budget proposal, by their own language, the evil are the top 1 percent of income earners. And that's who they want to whack off their heads.

But the Wall Street Journal even had a great article that said this. It said you could confiscate the wealth of everyone making \$75,000 or more, it still wouldn't be enough to pay for all the spending that President Barack Obama wants to spend.

Mr. GARRETT of New Jersey. And there was a whole bunch of points I wanted to raise on the things you said right then, but I will go with the whole bunch of them.

On the middle point with regard to taxation of capital gains and what have you, it may sound, at first blush, that when you say, well, we have to address the capital gains situation in this country, we are talking about the rich out there. But when you realize that as across the board, Americans are hurting generally pretty much across the board. A lot of people who are hurting are senior citizens, retirees, people who rely upon their pensions, whether it's union pension or private pension or otherwise.

They are saving to pay for college, what have you, they are seeing those funds go down. What can we do to try to turn that around?

I can't guarantee that it would turn around by tomorrow, but, as you said, pretty darn soon if you can get the trillions of dollars, as people say, are sitting on the sidelines and to start investing it. How can you do that?

You can do that in a couple of ways. You hit on the main ones by lowering the capital gains tax. Honestly, right now, people aren't saying I don't have any capital gains in this marketplace. But if you gave that incentive to say get into the market today, you will be tax free or have a lower rate, people would get off the side and they would get into the market immediately.

The other point that I just wanted to touch on, the other point here, I will spend 2 minutes on it. In the spending plan we have had in the last several weeks, actually several months now, we have had hundreds of billion of dollars. And this is a side note, other people are criticizing the other side of the aisle, how much debt the Bush administration added during their 8 years in office, it was something like \$4.6 trillion in his 8 years in office.

Just in 3 years, it's doubling. But, basically, remember these numbers, President Bush was in office for 8 years, he saw it go up about 4.6. President Obama has been in office for less than 2 months or something like that, a month, and you will see the debt go up by \$5.6 trillion in a 3-year period of time. It is incredible.

Part of that money, where is that money going to, deals with what the gentlelady from North Carolina was talking about before. And that is to the whole foreclosure situation, home pricing, what have you, and just follow with me on this.

Their argument is this, foreclosures are happening out there right now. We agree. That is causing problems across the board and it is causing a devaluation of people's homes across the board. Therefore, everyone must pay higher taxes, increase spending to try to prevent the foreclosure problem.

Now, you raised some of the avenues of what we could do to address foreclosure, and I can go into them as well. But I just want to give some facts, and I can do it with a picture. It's not a cartoon like Ms. FOXX had over there, actually had a picture. This was actually in USA Today, and what does this chart show, yes, it's pretty neat. It shows county-by-county the number of foreclosure actions, defaults and notices on auctions and repossessions per 1,000. Basically, this is a chart to show you where the problems are in this country.

□ 2130

So as people look at this and they think to the rhetoric that we hear from

the other side that, Oh, there are a lot of foreclosures. Yes, the rate has gone up in specific areas out here in California, Arizona, and certainly down here in Florida and up in your neck of the woods as well. But the vast majority of the country, fortunately, is not seeing the systemic problems of more than 60, more than 40, or even more than 20.

What does that mean? That changes the whole nature of the discussion as to how we go about fixing the problem. If the problem is in certain areas, then you don't need a specific blanket approach across the board in order to do it. You don't need to raise taxes on small businesses or families in my neck of the woods or in your neck of the woods to solve the problem.

You need to target some of the relief. More importantly, you need some of the Republican solutions, and I'll yield back to you on this, as the RSC, the Republican Study Committee, has already come out with, addressing capital gains, corporate taxes, section 179, and the like, as far as encouraging businesses and individuals to get their entrepreneurial spirit going again.

Those sort of things will address this problem in a way that will affect everyone and improve lifting up the prices again and getting it back to the marketplace where we want it to be.

So I just wanted to bring that one little chart to try to set the record straight as to where the foreclosure problem is in this country, how it is actually impacting only a segment of the economy, and what we need to do is address this in a widespread approach, as I'm sure you're addressing and I'm sure the gentleman from Georgia would also like to address as well.

Mrs. BACHMANN. Isn't it interesting that we are getting a blanket approach to about everything there is. I know the gentleman from Georgia had brought up the whole cap and tax thing, where we have to have a global warming tax, an energy tax, and everybody has to pay.

I thought it was interesting. I was back in the district over the weekend and I heard President Obama on the radio admitting essentially and saying that he wants to have this new energy tax passed, but he does not want implementation to occur until after 2012.

The reason why, he said, is because the economy is in such rough shape right now, businesses and the economy couldn't take it. And that's a general admission that this new energy tax is going to tank our economy. As a matter of fact, I had a conversation over the weekend with some people who are experts in this area, and they said this new energy tax literally has the potential of reducing American's standard of living 30 percent. Thirty percent reduction in standard of living because of this energy tax.

The worst feature of all is that it gives all the power to Washington,

D.C., and takes at way from the individuals by putting this right of taxation in the Federal government's hands. It's almost like an invisible tax that is put into every aspect of our lives. How do we ever get rid of it? How do we deal with it?

We are losing freedom by the boatload. That's the difference between, I think, what the Republican agenda is and the Democrat agenda. We believe in the Constitution. We believe in the first amendment, religious freedom, freedom of speech. We believe in the second amendment, the right to hold and bear arms. We believe in these important values. We believe in bedrock values for our country.

Marriage should be between a man and a woman; life should be protected from the moment of conception. We believe in these values. We believe in securing our Nation. We believe in taking on the enemy and winning and not being ashamed to win.

One thing we don't believe in are open borders. We don't believe that we should have open borders. We believe that we should deal with the drug problem that is coming across, and the illegal alien problem. And we believe in low taxes. We don't believe in high taxes. And our country will change forever if this new energy tax comes in.

Did the gentleman from New Jersey have something you wanted to say, or can I go to the gentleman from Georgia?

Mr. BROUN of Georgia. Thank you for yielding. In fact, you're exactly right. I think one point I really want to reiterate about this cap and tax or cap and trade issue—whose going to be hurt the worst? It's going to be the poor people in this country because groceries will go up, the cost of medications will go up so the elderly and the sick and the people who are on fixed incomes will have more to pay for their drugs.

It's going to hurt the poorest and the people who are in the least position to be able to take care of paying this higher tax. And this cap and tax is going to hurt everybody. But it's going to cost jobs. So that is going to make more people unemployed. Not only that, as the chart says, President Obama's budget spends too much, it taxes too much, it borrows too much. But it also hurts the poor too much.

Mrs. BACHMANN. It hurts the poor and it hurts every segment of the economy.

Mr. BROUN of Georgia. Absolutely.

Mrs. BACHMANN. Because, remember, how did this start? The housing problem. Mr. GARRETT started talking about that with foreclosures. This hurts the housing segment where you showed on the chart—Florida, Arizona, California, Nevada. They have all sorts of trouble. What does President Obama want to do? He wants to take away the home mortgage interest deduction that

will hurt people who have already made 30 years' worth of plan on their finances. They took this interest deduction out, and now it's going to be taken away from them. That is going to hurt the housing industry.

Mr. BROUN of Georgia. Absolutely. Every single policy that we hear from this administration is going to hurt the most vulnerable in our economic system.

Mrs. BACHMANN. It's raising taxes.

Mr. BROUN of Georgia. In fact, he wants to cap charitable giving in this country, which means people won't give to the Salvation Army, people won't give to the Red Cross.

Mrs. BACHMANN. Imagine what it will do to churches. Imagine—already churches are being decimated. There's a foundation in Minnesota that does good work all across the world helping people to learn how to hear. They have had donors already this year pull \$300,000 worth of donations because they are going to lose that donation.

We're going to see donations dry up to some of the best organizations; ministries, churches, synagogues. This is serious, what's happening right now.

Mr. BROUN of Georgia. If the gentleman will yield, down in my part of the country, down the in southeast, we had a couple of little hurricanes a few years back. Hurricane Katrina and Rita.

If you look at the Federal response and compare it to the private response, where FEMA came in. People are still living in trailer houses. The neighborhoods are still empty, businesses are still boarded. But where the private sector, churches, synagogues, and other private entities went in to help these people in need, communities are back functioning. People are back in their homes, they're back in their businesses. The communities are back functioning.

What that shows is that the private sector works a whole lot better than how the bureaucracy works when it has all of its encumbrances. How it crawls slowly and how it cannot really respond.

Now, we have an administration that wants to take money away from those entities that work the best to help people. I just don't understand it.

We have, as Republicans, we have solutions. We are not just the Party of "No," as Ms. FOXX was saying. We have presented solution after solution after solution.

Unfortunately, on the Wall Street bailout, President Bush and his Democratic Treasury Secretary, Hank Paulson, wouldn't consider our proposals. Our proposals were to cut the capital gains tax. That would even bring a lot of money offshore into America and free up a lot of capital so banks could start loaning to banks again. Banks could loan to people again. We had other solutions that President Bush and Hank Paulson wouldn't consider.

Since then we have had proposal after proposal that this House, the Senate leadership, as well as President Obama will not consider anything that we bring forward, which, actually, every single solution that we bring forward will help small businesses, it will create jobs.

Just in Georgia, the proposal that we had on the stimulus would have created twice the number of jobs—73,000 new jobs above what the Democrats say that they hope to save or create, using their own rules.

Mrs. BACHMANN. If the gentleman would yield, the jobs that are being created are new government jobs. They aren't new jobs in the private sector. They're government jobs that will somehow have to be continued and sustained.

Mr. BROUN of Georgia. We would have created 73,000 more jobs in Georgia alone, under the Republican proposal, at half the cost. And we would not have borrowed any money at all. We would not have borrowed from our grandchildren like the stimulus bill or "non-stimulus" bill did.

Mrs. BACHMANN. If the gentleman would yield, the cost of these jobs in the stimulus were easily \$300,000 per job. Some of these jobs were \$650,000 per job that they created.

Mr. GARRETT of New Jersey. I was just going to raise that point. As I am standing here listening to your facts, I'm looking down at the floor at the well and I see President Obama's budget and the three points that are a takeaway from tonight: Spends too much, taxes too much, and borrows too much.

It spends too much of our current hard-earned dollars that everybody has to work so hard to earn; it taxes too much on the American family and the small business and the farmer; and it borrows too much from our children and our grandchildren because they will be the ones who actually pay for all this.

On the spending side of the equation, I know it's hard to get your hands around some of these numbers sometimes. You just did when you gave the number. First it was 2 million, then it was 3 million, then it was 4 million jobs that this administration said they were going to save. Whichever number it is, if you add it all up and divide it out, you're right, it comes to around \$300,000 per job that they're going to be spending to save.

But it's a heck of a lot of people in my district, and I'm sure even more down in Georgia, who would love to have a \$300,000 job, even if it is only for a week, a month, or half a year. That's the type of job, by the way, that the government's creating—short-term job. These are not careers.

Once this job screwing in light bulbs, which was one, or painting a fence, or another, once that job is done, that job is done.

So on the spending side of the equation, and you were alluding to this point before, what it means is we are getting to the point where around over a quarter of all the growth and wealth of this country—GDP, gross domestic product—all the growth and wealth, over 27 percent is going to be sucked right out of this country, across the borders, as my picture here of the United States, and brought right here to Washington or this body and all the bureaucrats to spend however they want to.

Is that what Americans want—more than a quarter of the wealth of this country to be spent right here as opposed out of their own pockets?

And taxing too much. You hit the numbers before as far as the tax rates and how it's going to hit on the families and the budgets. And the last one on borrowing too much, the debt of this country, again, it's impossible to wrap your hands around these things, but the debt of this country, the public debt will reach 58.7 percent of the GDP this year, and eventually rise to two-thirds of GDP in a couple of years.

Last time it was like that was in early 1950s after the war, and what have you, and it's been on a steady decline ever since even then. Charts show it's a rocket ship going right back up again, all in the last 3 months and projected over the next 10 years.

Mr. BROUN of Georgia. Will the gentleman yield? The sad thing is our children and grandchildren are going to live at a lower standard. Their standard of living is going to be lower than ours today because they are going to be saddled with this huge debt.

You cannot borrow and spend your way into prosperity. In fact, our President has, if you all remember, came and told the Republican conference that he wasn't going to make the same mistake that Franklin Delano Roosevelt made when FDR got scared and quit spending. Our President said he was going to continue to spend. And it's just wrong. That policy during the Depression did not get us out of that Depression.

Warren Buffet just last week said he thinks we've been pushed off the edge and our economy is heading into a very severe depression or a very severe recession. And we may well be. I hope and pray that we aren't.

But, I know this. Every single thing that this administration and the leadership in this House and this Senate have proposed is going to hurt our economy. It's going to deepen the recession, it's going to prolong it, and may push us into a severe depression.

We keep hearing this is the worst economic time since the Great Depression. No, this is the worst time since Jimmy Carter and those failed policies. What our President has done is he's bought into that philosophy, that Keynesian economic policy, which is

socialism. That's is exactly what he's bought into.

In fact, the way I have described it in some floor speeches is that we have a steamroller of socialism being shoved down the throats of the American people. It's going to strangle the American economy and it's going to slay the American people economically. And it's going to.

That steamroller of socialism is being driven by NANCY PELOSI and HARRY REID. We have got to stop it because it's going to hurt the poor people in this country. It's going to hurt the small businessmen and women in this country. It's going to hurt the most economically disadvantaged in this country.

We have policies that we are proposing that will actually help small businesses, that will create jobs. It will create paychecks instead of welfare checks. That's exactly what we are trying to promote, is giving people a paycheck instead of a welfare check.

□ 2145

Mrs. BACHMANN. We haven't even talked yet about socialized medicine. We talked a little bit about cap and tax. We haven't even talked about socialized medicine. Find me one model anywhere in the world where socialized medicine has delivered better care at a cheaper cost. You want to talk about tax increases, socialized medicine will break the bank in the United States, because now President Obama even voted for the SCHIP bill, which we all know will now for the first time swing the door wide open for illegal aliens. I know one thing, the people in my district are not interested in paying for the health care for illegal aliens that are coming across our border to be yet one more magnet to bring people in that should come here legally. That is a very real concern that we are addressing, and that is why I think people are so concerned right now about what they are seeing on the taxing climate.

Mr. GARRETT of New Jersey. And health care issues, and we have a doctor here with us tonight, is obviously something we are all concerned about. We know too many people who are in small businesses who just say, I just can't afford to buy insurance for my employees. We know too many individuals who are not working right now, and they say they cannot afford to pay for the health insurance costs, not because doctors charge too much, and we have a doctor right here, but just because of the nature and the system that we have in place.

The system we have right now, again, to get back to the facts, we do not have a free market health care system in this country; we have a government-

regulated monopolized system in this country. But we do agree, the three of us here, I believe, without putting words in your mouth, that we do have a problem with health care affordability for a vast majority of Americans, and we do need to address that. But you do not address that, as is done in President Obama's budget, which spends too much, taxes too much, and borrows too much, by putting in placeholders of \$634 billion, which we do not have today, which goes to point three, borrows too much, that \$634 billion to pay for our health care today, which will basically come from our kids and our grandkids. We do not solve the affordability issue by simply spending more money and taxing more money. You do it by ways that I know the good doctor has addressed on this floor before, by reforming the system, getting out inefficiencies in this system, providing for the competition on various levels under the system, to basically overhauling the system to make sure that health care is available to every American citizen, young and old alike. We have talked about that on the floor before. We need to do that. Spending, taxing, and borrowing is not going to fix the health care system.

Mr. BROUN of Georgia. Let me tell you about one government regulation that came in to the health care system when I was practicing medicine down in rural South Georgia to show you and just give you a picture of how much government regulation increases the cost for all of us.

I had a small automated lab with quality controls, because when I did tests I wanted to make sure that the tests were appropriate and that they gave good results so that I could treat my patients in the best way. Well, Congress passed a bill that was signed into law called the Clinical Laboratory Improvement Act, CLIA. If a patient came in to see me and had a red, sore throat and I want to find out if they had a bacterial infection or a viral infection, I would do a CBC. It cost \$12 and I could do it in 5 minutes. CLIA shut down my lab. I had to send them to the hospital. It cost \$75 and took 2 to 3 hours. That is with just one government regulatory burden.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WELCH (at the request of Mr. HOYER) for today and March 17 on account of attending a Vermont health care summit.

Mr. BOUSTANY (at the request of Mr. BOEHNER) for today and the balance of the week on account of attending funeral services for Charles Boustany, Sr.

Mr. DREIER (at the request of Mr. BOEHNER) for today and March 17 on account of a death in the family.

Mr. LUCAS (at the request of Mr. BOEHNER) for today, March 17 and 18 on account of family business.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, March 17, 18 and 19.

Mr. POE of Texas, for 5 minutes, March 23.

Mr. MCCOTTER, for 5 minutes, today.

Mr. JONES, for 5 minutes, March 23.

Mr. MCHENRY, for 5 minutes, today, March 17, 18 and 19.

Mr. MORAN of Kansas, for 5 minutes, today, March 17, 18 and 19.

Mr. FLAKE, for 5 minutes, March 17, 18 and 19.

Mr. ROE of Tennessee, for 5 minutes, March 17.

Mr. FORBES, for 5 minutes, March 17.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 39. An act to repeal section 10(f) of Public Law 93-531, commonly known as the "Bennett Freeze"; to the Committee on Natural Resources.

S. 338. An act to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust and to provide for the conduct of certain activities on the land; to the Committee on Natural Resources.

ADJOURNMENT

Mrs. BACHMANN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 17, 2009, at 10:30 a.m., for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2008 and the first quarter of 2009 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, KAY A. KING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 29 AND FEB. 3, 2009

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|-----------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Kay A. King | 1/29 | 1/30 | Brazil | | 438.00 | (3) | | | | | 438.00 |
| | 1/30 | 2/01 | Argentina | | 698.00 | (3) | | | | | 698.00 |
| | 2/01 | 2/03 | Panama | | 592.00 | (3) | | | | | 592.00 |
| Committee total | | | | | 1,728.00 | | | | | | 1,728.00 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

KAY A. KING, Mar. 3, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JANICE MCKINNEY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 22, 2009

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|-----------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Janice McKinney | 2/16 | 2/18 | Mexico | | 699.00 | (3) | | | | | 699.00 |
| | 2/18 | 2/20 | Nicaragua | | 384.00 | (3) | | | | | 384.00 |
| | 2/20 | 2/22 | Jamaica | | | (3) | | | | | 650.00 |
| Committee total | | | | | | | | | | | 1,733.00 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

JANICE MCKINNEY, Mar. 5, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, THOMAS W. ROSS, JR., HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 21, 2009

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Thomas W. Ross, Jr. | 2/16 | 2/21 | Peru | | 1,214.00 | | 2,498.00 | | | | 3,712.00 |
| Committee total | | | | | | | | | | | 3,712.00 |

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS W. ROSS, Jr., Mar. 2, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO KUWAIT, IRAQ, AFGHANISTAN, AND BELGIUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 4 AND FEB. 9, 2009

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|-------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. John A. Boehner | 2/05 | 2/07 | Kuwait | | 950.00 | (3) | | | | | 950.00 |
| Hon. Eric Cantor | 2/05 | 2/07 | Kuwait | | 950.00 | (3) | | | | | 950.00 |
| Hon. Peter Hoekstra | 2/05 | 2/07 | Kuwait | | 950.00 | (3) | | | | | 950.00 |
| Hon. John McHugh | 2/05 | 2/07 | Kuwait | | 950.00 | (3) | | | | | 950.00 |
| Hon. Tom Latham | 2/05 | 2/07 | Kuwait | | 950.00 | (3) | | | | | 950.00 |
| Hon. Jo Bonner | 2/05 | 2/07 | Kuwait | | 950.00 | (3) | | | | | 950.00 |
| Dr. Brian Monahan | 2/05 | 2/07 | Kuwait | | 950.00 | (3) | | | | | 950.00 |
| Michael Sommers | 2/05 | 2/07 | Kuwait | | 950.00 | (3) | | | | | 950.00 |
| Kevin Smith | 2/05 | 2/07 | Kuwait | | 950.00 | (3) | | | | | 950.00 |
| Steve Stombres | 2/05 | 2/07 | Kuwait | | 950.00 | (3) | | | | | 950.00 |
| Rob Collins | 2/05 | 2/07 | Kuwait | | 950.00 | (3) | | | | | 950.00 |
| Hon. John A. Boehner | 2/06 | 2/06 | Iraq | | | (3) | | | | | |
| Hon. Eric Cantor | 2/06 | 2/06 | Iraq | | | (3) | | | | | |
| Hon. Peter Hoekstra | 2/06 | 2/06 | Iraq | | | (3) | | | | | |
| Hon. John McHugh | 2/06 | 2/06 | Iraq | | | (3) | | | | | |
| Hon. Tom Latham | 2/06 | 2/06 | Iraq | | | (3) | | | | | |
| Hon. Jo Bonner | 2/06 | 2/06 | Iraq | | | (3) | | | | | |
| Dr. Brian Monahan | 2/06 | 2/06 | Iraq | | | (3) | | | | | |
| Michael Sommers | 2/06 | 2/06 | Iraq | | | (3) | | | | | |
| Kevin Smith | 2/06 | 2/06 | Iraq | | | (3) | | | | | |
| Steve Stombres | 2/06 | 2/06 | Iraq | | | (3) | | | | | |
| Rob Collins | 2/06 | 2/06 | Iraq | | | (3) | | | | | |
| Hon. John A. Boehner | 2/07 | 2/08 | Afghanistan | | 75.00 | (3) | | | | | 75.00 |
| Hon. Eric Cantor | 2/07 | 2/08 | Afghanistan | | 75.00 | (3) | | | | | 75.00 |
| Hon. Peter Hoekstra | 2/07 | 2/08 | Afghanistan | | 75.00 | (3) | | | | | 75.00 |
| Hon. John McHugh | 2/07 | 2/08 | Afghanistan | | 75.00 | (3) | | | | | 75.00 |
| Hon. Tom Latham | 2/07 | 2/08 | Afghanistan | | 75.00 | (3) | | | | | 75.00 |
| Hon. Jo Bonner | 2/07 | 2/08 | Afghanistan | | 75.00 | (3) | | | | | 75.00 |
| Dr. Brian Monahan | 2/07 | 2/08 | Afghanistan | | 75.00 | (3) | | | | | 75.00 |
| Michael Sommers | 2/07 | 2/08 | Afghanistan | | 75.00 | (3) | | | | | 75.00 |
| Kevin Smith | 2/07 | 2/08 | Afghanistan | | 75.00 | (3) | | | | | 75.00 |
| Steve Stombres | 2/07 | 2/08 | Afghanistan | | 75.00 | (3) | | | | | 75.00 |
| Rob Collins | 2/07 | 2/08 | Afghanistan | | 75.00 | (3) | | | | | 75.00 |
| Hon. John A. Boehner | 2/08 | 2/09 | Belgium | | 394.00 | (3) | | | | | 394.00 |
| Hon. Eric Cantor | 2/08 | 2/09 | Belgium | | 394.00 | (3) | | | | | 394.00 |

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO KUWAIT, IRAQ, AFGHANISTAN, AND BELGIUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 4 AND FEB. 9, 2009—Continued

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|---------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Peter Hoekstra | 2/08 | 2/09 | Belgium | | 394.00 | (3) | | | | | 394.00 |
| Hon. John McHugh | 2/08 | 2/09 | Belgium | | 394.00 | (3) | | | | | 394.00 |
| Hon. Tom Latham | 2/08 | 2/09 | Belgium | | 394.00 | (3) | | | | | 394.00 |
| Hon. Jo Bonner | 2/08 | 2/09 | Belgium | | 394.00 | (3) | | | | | 394.00 |
| Dr. Brian Monahan | 2/08 | 2/09 | Belgium | | 394.00 | (3) | | | | | 394.00 |
| Michael Sommers | 2/08 | 2/09 | Belgium | | 394.00 | (3) | | | | | 394.00 |
| Kevin Smith | 2/08 | 2/09 | Belgium | | 394.00 | (3) | | | | | 394.00 |
| Steve Stombers | 2/08 | 2/09 | Belgium | | 394.00 | (3) | | | | | 394.00 |
| Rob Collins | 2/08 | 2/09 | Belgium | | 394.00 | (3) | | | | | 394.00 |
| Committee total | | | | | 15,609.00 | | | | | | 15,609.00 |

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. JOHN A. BOEHNER, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

| Name of Member or employee | Date | | Country | Per diem ¹ | | Transportation | | Other purposes | | Total | |
|----------------------------|---------|-----------|---------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² | Foreign currency | U.S. dollar equivalent or U.S. currency ² |
| Hon. Anthony Weiner | 12/20 | 12/21 | Kuwait | | 167.00 | | | | | | 167.00 |
| | 12/23 | 12/24 | Germany | | 321.00 | | | | | | 321.00 |
| Committee total | | | | | 488.00 | | | | | | 488.00 |

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN CONYERS, Jr., Chairman, Mar. 13, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

861. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's "Major" final rule — Direct and Counter-Cyclical Program and Average Crop Revenue Election Program (RIN: 0560-AH84) received March 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

862. A letter from the Lieutenant General, US Army Director, Army National Guard, Department of Defense, transmitting the Department's Annual Financial Report for Fiscal Year 2008; to the Committee on Armed Services.

863. A letter from the Assistant Secretary of the Navy for Research, Development and Acquisition, Department of Defense, transmitting the Department's annual report listing all repairs and maintenance performed on any covered Navy vessel in any shipyard outside the United States or Guam during the preceding fiscal year, pursuant to Section 1012 of the National Defense Authorization Act for Fiscal Year 2009; to the Committee on Armed Services.

864. A letter from the Director, Office of Legal Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Processing of Deposit Accounts in the Event of an Insured Depository Institution Failure (RIN: 3064-AD26) received March 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

865. A letter from the General Counsel, National Credit Union Administration, transmitting the System's "Major" final rule — Unfair or Deceptive Acts or Practices [Regulation AA; Docket No.: R-1314] received March 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

866. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer plans; Interest Assumptions for Valuing and Paying Benefits — received March 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

867. A letter from the Assistant Secretary, Acting Legislative Affairs, Department of State, transmitting the Department's Alternative Fuel Vehicle program report for FY 2008, pursuant to Public Law 109-58; to the Committee on Energy and Commerce.

868. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of California; 2003 State Strategy and 2003 South Coast Plan for One-Hour Ozone and Nitrogen Dioxide [EPA-R09-OAR-2008-0677; FRL-8770-1] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

869. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — New Source Performance Standards; Supplemental Delegation of Authority to the State of Wyoming [R08-WY-2008-0001; FRL 8770-2] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

870. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Hawaii; Correction [EPA-R09-OAR-2008-0884; FRL-8771-1] received March 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

871. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allot-

ments, Television Broadcast Stations. (Indianapolis, Indiana) [MB Docket No.: 08-122 RM-11440] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

872. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Implementation of the DTV Delay Act [MB Docket No.: 09-17] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

873. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, pursuant to 50 U.S.C. 1641(c), section 204(c); to the Committee on Foreign Affairs.

874. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

875. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting correspondence from John O'Donoghue, T.D., Ceann Comhairle of the Lower House of the Lower House of Parliament of Ireland; to the Committee on Foreign Affairs.

876. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's Report on the U.S.-Vietnam Human Rights Dialogue Meeting, pursuant to Public Law 107-228, section 702; to the Committee on Foreign Affairs.

877. A letter from the Chief Operating Officer, Armed Forces Retirement Home, transmitting the Home's Annual Performance and Accountability Reports for 2007 and 2008; to the Committee on Oversight and Government Reform.

878. A letter from the Secretary, Department of Energy, transmitting the Department's FY 2008 Competitive Sourcing Activity Report, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

879. A letter from the Assistant Administrator for Human Capital Mgt, National Aeronautics and Space Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

880. A letter from the Director, Office of Management and Budget, transmitting the Office's sixth annual report on implementation by Federal agencies of the Federal Information Security Management Act (FISMA), pursuant to Title III of Public Law 107-347; to the Committee on Oversight and Government Reform.

881. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Marine Recreational Fisheries of the United States; National Saltwater Angler Registry Program [Docket No.: 071001548-81392-02] (RIN: 0648-AW10) received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

882. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Bottlenose Dolphin Take Reduction Plan [Docket No.: 080407531-8840-02] (RIN: 0648-AW68) received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

883. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 071106671-8010-02] (RIN: 0648-XM87) received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

884. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal to 60 Feet (18.3 Meters) Length Overall Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 071106673-8011-02] (RIN: 0648-XN01) received March 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

885. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures [Docket No.: 0808041043-9036-02] (RIN: 0648-AX16) received March 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

886. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Civil Money Penalties: Certain Prohibited Conduct; Tech-

nical Correction [Docket No.: FR-5081-C-03] (RIN: 2501-AD23) received March 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

887. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Adjustments to Civil Monetary Penalty Amounts [Release Nos.: 33-9009; 34-59449; IA-2845; IC-28635] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

888. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule — SOLID WASTE RAIL TRANSFER FACILITIES [STB Ex Parte No.: 684] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

889. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: Safe Harbors for Sections 143 and 25 (Rev. Proc. 2009-18) received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

890. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue Foreign Tax Credit Generator Directive — Revision 1 [LSMB Control No.: LSMB-04-0109-002] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

891. A letter from the Deputy Secretary, Department of Energy, transmitting the Department's report entitled, "Hydrogen and Fuel Cell Activities, Progress, and Plans," pursuant to Public Law 109-58, section 811(a); jointly to the Committees on Energy and Commerce and Science and Technology.

892. A letter from the Acting Secretary of Health and Human Services, Department of Homeland Security, transmitting notification that the Office of Management and Budget has approved the Department's recommendation that 1.7 million courses of smallpox antivirals be procured for the Strategic National Stockpile (SNS) using the Special Reserve Fund, as authorized by the Project BioShield Act of 2004; jointly to the Committees on Energy and Commerce and Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 1388. A bill to reauthorize and reform the national service laws; with an amendment (Rept. 111-37). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 1323. A bill to require the Archivist of the United States to promulgate regulations regarding the use of information control designations, and for other purposes (Rept. 111-38). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCHUGH (for himself and Mr. SCHRADER):

H.R. 1509. A bill to amend the Internal Revenue Code of 1986 to provide a standard home office deduction; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 1510. A bill to amend the lead prohibition provisions of the Consumer Product Safety Improvement Act of 2008 to provide an exemption for certain all-terrain vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. OBERSTAR, Mr. WAXMAN, Mr. SCHIFF, Ms. MCCOLLUM, Mr. STARK, Mr. MCGOVERN, Mr. FILNER, Ms. LEE of California, Mr. LEVIN, Mr. KIRK, Mr. JACKSON of Illinois, Mr. MORAN of Virginia, Mrs. DAVIS of California, Mr. ELLISON, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SCHAKOWSKY, Mr. WALZ, and Mr. BILBRAY):

H.R. 1511. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. OBERSTAR, Mr. CAMP, Mr. MICA, Mr. COSTELLO, and Mr. PETRI):

H.R. 1512. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIRKPATRICK of Arizona (for herself, Mr. FILNER, Mr. HALL of New York, Mr. MITCHELL, Mr. DONNELLY of Indiana, Mr. RODRIGUEZ, and Mrs. HALVORSON):

H.R. 1513. A bill to increase, effective as of December 1, 2009, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Mr. GOHMERT, and Mr. SMITH of Texas):

H.R. 1514. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the juvenile accountability block grants program through fiscal year 2014; to the Committee on the Judiciary.

By Mr. SCOTT of Virginia:

H.R. 1515. A bill to assist courts in the States and territories with improving the administration of justice; to the Committee on the Judiciary.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. BILIRAKIS, Mr. BUCHANAN, Mr. YOUNG of Florida, Mr. GRAYSON, Mr. BOYD, Mr. MACK, Mr. KLEIN of Florida, Ms. KOSMAS, Mr. MILLER of Florida, Mr. POSEY, Mr.

PUTNAM, Mr. ROONEY, Ms. CASTOR of Florida, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Mr. CRENSHAW, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Ms. WASSERMAN SCHULTZ, Mr. MARIO DIAZ-BALART of Florida, Mr. MEEK of Florida, Mr. MICA, Mr. STEARNS, and Mr. WEXLER):

H.R. 1516. A bill to designate the facility of the United States Postal Service located at 37926 Church Street in Dade City, Florida, as the "Sergeant Marcus Mathes Post Office"; to the Committee on Oversight and Government Reform.

By Mr. ENGEL (for himself and Mr. KING of New York):

H.R. 1517. A bill to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service; to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Mr. BRALEY of Iowa, Mr. CHANDLER, Mrs. MCCARTHY of New York, and Mr. MASSA):

H.R. 1518. A bill to amend the Internal Revenue Code of 1986 to impose a higher rate of tax on bonuses paid by businesses receiving TARP funds; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. CANTOR, Mr. HERGER, Mr. BRADY of Texas, and Mr. GRAVES):

H.R. 1519. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits; to the Committee on Ways and Means.

By Mr. KIND (for himself and Mr. BISHOP of Utah):

H.R. 1520. A bill to improve Federal land management, resource conservation, environmental protection, and use of Federal real property, by requiring the Secretary of the Interior to develop a multipurpose cadastre of Federal real property and identifying inaccurate, duplicate, and out-of-date Federal land inventories, and for other purposes; to the Committee on Natural Resources.

By Ms. ZOE LOFGREN of California (for herself, Mr. FRANKS of Arizona, Mr. COHEN, Mr. SMITH of Texas, Mrs. BONO MACK, Mr. SENSENBRENNER, Ms. ESHOO, Mr. COBLE, Ms. JACKSON-LEE of Texas, Mr. WEXLER, Mr. JORDAN of Ohio, Mr. GUTIERREZ, Mr. ISSA, Mr. GONZALEZ, Mr. CARDOZA, Mr. FORBES, Mr. COSTA, Mr. WITTMAN, Mr. BACA, Mr. RADANOVICH, and Mr. BERRY):

H.R. 1521. A bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 1522. A bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined

by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY of Massachusetts (for himself and Ms. BALDWIN):

H.R. 1523. A bill to ban the use of bisphenol A in food containers, and for other purposes; to the Committee on Energy and Commerce.

By Ms. MATSUI:

H.R. 1524. A bill to allow flood insurance coverage under the national flood insurance program for new structures designed to protect public safety that are located in special flood hazard zones; to the Committee on Financial Services.

By Ms. MATSUI:

H.R. 1525. A bill to amend the National Flood Insurance Act of 1968 to require the Administrator of the Federal Emergency Management Agency to consider reconstruction and improvement of flood protection systems when establishing flood insurance rates; to the Committee on Financial Services.

By Mr. PAYNE:

H.R. 1526. A bill to aid and support pediatric involvement in reading and education; to the Committee on Education and Labor.

By Mr. PETERS:

H.R. 1527. A bill to amend the Internal Revenue Code of 1986 to impose a higher rate of tax on bonuses paid by certain businesses owned by the Federal Government; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 1528. A bill to allow travel between the United States and Cuba; to the Committee on Foreign Affairs.

By Mr. RANGEL:

H.R. 1529. A bill to permit expungement of records of certain nonviolent criminal offenses; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 1530. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Oversight and Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 1531. A bill to facilitate the export of United States agricultural products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States legal residents, to establish an agricultural export promotion program with respect to Cuba, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, the Judiciary, Agriculture, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 1532. A bill to amend title 10, United States Code, to eliminate the statute of limitations on the award of the Congressional Medal of Honor; to the Committee on Armed Services.

By Mr. SESTAK:

H.R. 1533. A bill to amend title 10, United States Code, to specify the minimum rank requirement for officer serving as Chief of the Navy Dental Corps to correspond to Army and Air Force requirements for the

heads of their dental corps; to the Committee on Armed Services.

By Mr. SESTAK:

H.R. 1534. A bill to direct the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to jointly carry out a study on the use of thorium-liquid fueled nuclear reactors for naval power needs, and for other purposes; to the Committee on Armed Services.

By Mr. SESTAK:

H.R. 1535. A bill to direct the Secretary of Defense to conduct a study evaluating and comparing the effectiveness of programs designed to diagnose, treat, and prevent post-traumatic stress disorder; to the Committee on Armed Services.

By Mr. SESTAK:

H.R. 1536. A bill to authorize the Secretary of Defense to establish a fellowship program regarding neuroscience; to the Committee on Armed Services.

By Mr. SESTAK:

H.R. 1537. A bill to direct the Secretary of Defense to conduct studies regarding alternative models for acquisition and funding of technologies supporting network-centric operations; to the Committee on Armed Services.

By Mr. SESTAK:

H.R. 1538. A bill to repeal the small business competitiveness demonstration program; to the Committee on Small Business.

By Mr. STUPAK:

H.R. 1539. A bill to amend title 40, United States Code, to add certain Armed Forces organizations that are exempt from taxation under section 501(c)(19) of the Internal Revenue Code of 1986 to the list of organizations eligible for donations of personal property through State agencies; to the Committee on Oversight and Government Reform.

By Mr. RANGEL:

H. Con. Res. 73. Concurrent resolution recognizing the 1807 Abolition of the Slave Trade Act, which banned the slave trade in the British Empire, allowed for the search and seizure of ships suspected of transporting enslaved people, and provided compensation for the freedom of slaves; to the Committee on Foreign Affairs.

By Mr. WEXLER (for himself and Mr. VAN HOLLEN):

H. Con. Res. 74. Concurrent resolution supporting the goals and ideals of a decade of action for road safety with a global target to reduce by 50 percent the predicted increase in global road deaths between 2010 and 2020; to the Committee on Foreign Affairs.

By Mr. HILL:

H. Res. 245. A resolution congratulating Miss Katie Stam for being crowned Miss America 2009 and thanking the participants in and supporters of the Miss America Competition for their contributions to young women's lives and communities; to the Committee on Oversight and Government Reform.

By Mr. RANGEL:

H. Res. 246. A resolution expressing support for a National Week of Reflection and Tolerance; to the Committee on Oversight and Government Reform.

By Mr. SKELTON (for himself and Mr. GINGREY of Georgia):

H. Res. 247. A resolution expressing support for designation of March 22, 2009, as "National Rehabilitation Counselors Appreciation Day"; to the Committee on Education and Labor.

By Ms. SUTTON:

H. Res. 248. A resolution honoring Glenn "Jeep" Davis for being one of the greatest Olympic hurdlers, an active member of his

community, and life-long teacher; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RANGEL introduced a bill (H.R. 1540) for the relief of Kadiatou Diallo, Sankerala Diallo, Ibrahima Diallo, Abdoul Diallo, Mamadou Bobo Diallo, and Mamadou Pathe Diallo; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. BACA, Mr. DEFazio, Ms. DEGETTE, Ms. HERSETH SANDLIN, Mr. MARKEY of Massachusetts, Mr. SARBANES, Ms. SHEA-PORTER, and Mr. WU.

H.R. 22: Ms. LEE of California, Mr. TURNER, Ms. WASSERMAN SCHULTZ, Mr. BILBRAY, Mrs. CAPPS, Mr. HODES, Mr. CAO, Mr. KIND, Mr. KISSELL, Mr. MAFFEI, Mr. BRADY of Pennsylvania, Mr. ISSA, Ms. SLAUGHTER, Mr. ACKERMAN, and Mr. CROWLEY.

H.R. 23: Mr. SPACE, Mr. ALTMIRE, Mr. MCCOTTER, Mr. MCINTYRE, Mr. THOMPSON of California, Mr. BONNER, Mrs. DAVIS of California, and Mr. CARNAHAN.

H.R. 24: Mr. BLUMENAUER, Mr. HERGER, Mr. INGLIS, Mrs. DAVIS of California, Ms. LORETTA SANCHEZ of California, Mr. SULLIVAN, Mr. SHULER, Mr. DEAL of Georgia, Mr. CULBERSON, and Ms. ROS-LEHTINEN.

H.R. 49: Mr. SCHOCK.

H.R. 52: Mr. GENE GREEN of Texas and Mr. CARSON of Indiana.

H.R. 55: Mr. MCGOVERN.

H.R. 82: Mr. HERGER and Mr. ALTMIRE.

H.R. 101: Mr. BILBRAY.

H.R. 104: Mr. WEXLER.

H.R. 118: Mr. PAYNE.

H.R. 154: Mr. ROGERS of Alabama.

H.R. 155: Mr. CARSON of Indiana.

H.R. 176: Mr. CARSON of Indiana.

H.R. 179: Mr. STARK and Ms. FUDGE.

H.R. 181: Mr. SPACE, Mr. CARNAHAN, and Mr. CHANDLER.

H.R. 205: Mr. TURNER and Mr. LATHAM.

H.R. 211: Mr. SERRANO, Mr. WOLF, Mr. CAMP, Mr. CARNAHAN, Mr. BRADY of Pennsylvania, and Ms. LEE of California.

H.R. 265: Mr. BISHOP of Georgia.

H.R. 270: Ms. GIFFORDS, Mr. ALTMIRE, Mr. CARNAHAN, and Ms. SUTTON.

H.R. 272: Mr. CLAY.

H.R. 275: Mr. LATHAM.

H.R. 293: Mr. BROWN of South Carolina.

H.R. 294: Mr. CARSON of Indiana.

H.R. 296: Mr. BROWN of South Carolina.

H.R. 297: Mr. BROWN of South Carolina.

H.R. 305: Mr. CONYERS and Mr. TONKO.

H.R. 327: Mr. BOYD.

H.R. 333: Ms. ROS-LEHTINEN, Mr. YARMUTH, and Mr. GEORGE MILLER of California.

H.R. 336: Ms. SCHAKOWSKY.

H.R. 389: Mr. SERRANO and Mr. CARSON of Indiana.

H.R. 422: Ms. BERKLEY.

H.R. 653: Mr. HINCHEY.

H.R. 731: Mr. POE of Texas and Mr. BILBRAY.

H.R. 734: Mr. DEFazio, Mr. JACKSON of Illinois, Mr. TIERNEY, Mr. ROSKAM, Ms. LINDA T. SANCHEZ of California, Mr. MOLLOHAN, Mr. GUTIERREZ, and Mrs. EMERSON.

H.R. 744: Mr. REHBERG.

H.R. 775: Ms. FALLIN and Mr. RANGEL.

H.R. 847: Mr. PIERLUISI and Ms. SLAUGHTER.

H.R. 927: Mr. DEFazio and Mr. BISHOP of Georgia.

H.R. 932: Ms. SUTTON, Mr. WILSON of Ohio, Mr. BLUMENAUER, Mr. GERLACH, and Mr. KILDEE.

H.R. 980: Mr. HONDA.

H.R. 983: Mr. BILBRAY.

H.R. 997: Mr. CALVERT.

H.R. 1016: Mr. GARRETT of New Jersey, Mr. HIGGINS, Ms. WATSON, and Mr. SPACE.

H.R. 1017: Mr. BRALEY of Iowa.

H.R. 1020: Ms. SHEA-PORTER and Mr. HEINRICH.

H.R. 1044: Mr. HINCHEY and Mrs. TAUSCHER.

H.R. 1050: Mr. SOUDER, Mr. LATTA, and Mr. FORTENBERRY.

H.R. 1054: Mr. KING of Iowa.

H.R. 1055: Mr. KING of Iowa.

H.R. 1069: Mr. TIAHRT.

H.R. 1090: Mr. ALTMIRE.

H.R. 1098: Mr. BARROW, Mr. LUJAN, Mr. SOUDER, and Mr. SABLAN.

H.R. 1100: Mr. FILNER and Ms. WOOLSEY.

H.R. 1136: Mr. SCOTT of Virginia, Mr. KLINE of Minnesota, Mr. CAMP, Ms. HIRONO, and Mrs. BACHMANN.

H.R. 1139: Mrs. CAPPS.

H.R. 1150: Mr. TIM MURPHY of Pennsylvania.

H.R. 1159: Mr. NEAL of Massachusetts and Mr. MCGOVERN.

H.R. 1180: Mrs. BLACKBURN.

H.R. 1189: Mr. CONNOLLY of Virginia.

H.R. 1190: Mr. BAIRD and Mr. RYAN of Ohio.

H.R. 1203: Ms. SUTTON, Mr. WAMP, Mr. CARNAHAN, Ms. MOORE of Wisconsin, Ms. KAPTUR, Mr. PAYNE, and Mr. DINGELL.

H.R. 1204: Mr. CARNEY, Mr. BOUCHER, Mr. TIAHRT, Mr. ELLSWORTH, Mr. BRALEY of Iowa, and Mr. RAHALL.

H.R. 1207: Mr. WAMP and Mrs. BLACKBURN.

H.R. 1209: Mr. BARTLETT, Mr. ROSKAM, Mr. MACK, Mr. JOHNSON of Illinois, Mr. MARCHANT, Mr. THOMPSON of Pennsylvania, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. BURTON of Indiana, Mr. PETRI, Mr. SHIMKUS, Mr. GRAVES, Mr. DENT, Mr. SHADEGG, Mrs. BIGGERT, Ms. FOX, Mr. GINGREY of Georgia, Mr. JORDAN of Ohio, Mr. FORTENBERRY, Mr. CAO, Mr. COFFMAN of Colorado, Mr. LEE of New York, Mr. BOUSTANY, Mr. CAMPBELL, Mr. ALEXANDER, Mr. TIAHRT, Mr. KING of Iowa, Mr. CHAFFETZ, Mr. SCALISE, Mr. REHBERG, Mr. CONAWAY, Mr. SHUSTER, Mr. DAVIS of Kentucky, Mr. FRELINGHUYSEN, Mrs. BONO MACK, Mr. DANIEL E. LUNGREN of California, Mr. BROUN of Georgia, Mr. PITTS, and Mr. JONES.

H.R. 1211: Mr. BARROW.

H.R. 1214: Mr. ACKERMAN and Mr. THOMPSON of Mississippi.

H.R. 1240: Mr. CAMP, Mr. COURTNEY, Mr. CARNAHAN, Mr. BLUMENAUER, Mr. HONDA, and Mr. WITTMAN.

H.R. 1245: Mr. GARY G. MILLER of California and Mr. BURTON of Indiana.

H.R. 1256: Ms. WASSERMAN SCHULTZ, Mr. MOORE of Kansas, Mr. WALZ, Mr. ANDREWS, Mr. SMITH of Washington, Mr. FATTAH, Mr. GERLACH, Mr. ALTMIRE, Mr. COSTELLO, Mr. PAYNE, Mr. KAGEN, Mr. MURTHA, Mr. BOSWELL, Mr. DAVIS of Illinois, Mr. FALEOMAVAEGA, Mr. HODES, Ms. WOOLSEY, Mr. JOHNSON of Georgia, and Mr. LEVIN.

H.R. 1265: Mr. GORDON of Tennessee, Mr. TONKO, and Ms. EDWARDS of Maryland.

H.R. 1280: Mr. CAMP.

H.R. 1295: Ms. GRANGER.

H.R. 1319: Mr. PALLONE, Mr. GONZALEZ, Mrs. CHRISTENSEN, Ms. CASTOR of Florida, Mr. SPACE, Mr. STUPAK, Ms. SUTTON, Mr. SARBANES, Mr. KAGEN, Mr. DONNELLY of Indi-

ana, Mr. MATHESON, Mr. CHANDLER, Mr. BOREN, Mr. GRAYSON, Mr. CLEAVER, Ms. MCCOLLUM, Ms. ESHOO, Mr. JACKSON of Illinois, Mr. GORDON of Tennessee, Mr. HILL, Mr. GRIFFITH, Mr. SCOTT of Georgia, Mr. CLAY, Ms. ZOE LOFGREN of California, Mrs. MALONEY, Mr. WEINER, Mr. PERLMUTTER, Mr. CHILDER, Mr. TANNER, and Mr. CALVERT.

H.R. 1324: Mr. MARKEY of Massachusetts, Mr. KISSELL, Ms. TITUS, Mr. MURTHA, Mr. YARMUTH, Mr. MASSA, Mr. ALTMIRE, Mr. PAS-TOR of Arizona, Mr. OBERSTAR, Mr. MCNERNEY, Mr. SCHIFF, and Mr. HASTINGS of Florida.

H.R. 1325: Mr. RUSH.

H.R. 1326: Ms. CLARKE, Mr. BLUMENAUER, Mr. CAPUANO, and Mr. LEWIS of Georgia.

H.R. 1327: Mr. KIRK, Ms. MOORE of Wisconsin, Mr. DRIEHAUS, and Mr. KLEIN of Florida.

H.R. 1341: Mr. ELLISON.

H.R. 1362: Mr. KUCINICH, Mr. GORDON of Tennessee, Mr. MCDERMOTT, Mr. WELCH, Mr. CONNOLLY of Virginia, Mr. OBERSTAR, Mr. LEWIS of Georgia, and Mr. WOLF.

H.R. 1377: Mr. MICHAUD.

H.R. 1388: Mr. PRICE of North Carolina, Ms. SUTTON, Mr. DRIEHAUS, Ms. DELAUNO, Mr. WU, Mr. PERRIELLO, Ms. BORDALLO, Ms. MATSUI, Mr. MCDERMOTT, Ms. KAPTUR, Mr. HEINRICH, and Ms. JACKSON-LEE of Texas.

H.R. 1400: Mr. WAXMAN.

H.R. 1410: Mr. WU.

H.R. 1429: Ms. NORTON, Mr. KUCINICH, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. COHEN, Mr. MEEKS of New York, and Mr. CUMMINGS.

H.R. 1441: Mr. RAHALL.

H.R. 1457: Ms. SCHAKOWSKY.

H.R. 1458: Mrs. BLACKBURN, Mr. CONNOLLY of Virginia, and Mr. GRAYSON.

H.R. 1460: Mr. ROGERS of Alabama.

H.R. 1462: Mr. CONYERS.

H.R. 1476: Ms. SCHWARTZ.

H.R. 1491: Mr. COHEN.

H.R. 1499: Mr. GRIJALVA, Ms. CLARKE, Mr. TERRY, Mr. BRADY of Pennsylvania, Mr. GUTIERREZ, Mr. ANDREWS, Mr. WOLF, Ms. ZOE LOFGREN of California, Mrs. LOWEY, and Ms. SUTTON.

H.J. Res. 26: Mr. HIGGINS.

H. Con. Res. 24: Mr. SERRANO.

H. Con. Res. 36: Mr. CROWLEY, Mr. PUTNAM, and Mr. ENGEL.

H. Con. Res. 55: Mr. CULBERSON, Mr. SIMPSON, Mr. HOLT, Mr. KLEIN of Florida, Mr. SHIMKUS, Mr. CONNOLLY of Virginia, Mr. CARSON of Indiana, and Mrs. MALONEY.

H. Con. Res. 59: Mr. MCCOTTER.

H. Con. Res. 60: Mr. CONNOLLY of Virginia.

H. Res. 109: Mr. LARSEN of Washington and Mr. CARSON of Indiana.

H. Res. 156: Mr. BILIRAKIS, and Mr. BURTON of Indiana.

H. Res. 175: Mr. KLEIN of Florida, Mr. SABLAN, Mr. CONNOLLY of Virginia, Mr. FRANKS of Arizona, Mr. HIGGINS, Mr. SENSENBRENNER, and Mr. PITTS.

H. Res. 178: Mr. SPACE and Mr. WAXMAN.

H. Res. 191: Mr. DAVIS of Illinois, Mr. ISRAEL, Mr. HALL of New York, Mr. GALLEGLY, Mr. HONDA, Mr. BRADY of Pennsylvania, Mrs. BIGGERT, Mr. CASTLE, and Mr. FILNER.

H. Res. 200: Mr. CAO.

H. Res. 207: Mr. ROE of Tennessee.

H. Res. 209: Ms. KOSMAS.

H. Res. 211: Mr. WU, Mr. COHEN, Mr. PETERSON, Ms. SPEIER, Ms. EDWARDS of Maryland, Mr. GONZALEZ, Mr. SABLAN, Mrs. CAPPS, Mr. CONNOLLY of Virginia, Mr. DELAHUNT, Mr. SESTAK, Mr. MEEKS of New York, Mr. POLIS of Colorado, and Mr. LANGEVIN.

H. Res. 232: Mr. LUETKEMEYER, Mr. NUNES, Mrs. EMERSON, Mr. PRICE of Georgia, and Mr. LAMBORN.

H. Res. 234: Mr. WOLF, Mr. GORDON of Tennessee, Mr. MOORE of Kansas, Ms. WATSON, Ms. SUTTON, Mr. BACA, Mr. SABLAN, Mr. GUTIERREZ, Mr. YOUNG of Alaska, Mr. MORAN of Virginia, and Mr. GRIJALVA.

H. Res. 236: Mr. JACKSON of Illinois and Mr. GARRETT of New Jersey.

H. Res. 241: Mr. HIMES, Mr. STARK, Mr. MCGOVERN, Ms. ESHOO, Mrs. CAPPS, and Mr. McDERMOTT.

H. Res. 242: Mr. RYAN of Ohio, Mr. MORAN of Virginia, and Mr. HONDA.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative GEORGE MILLER of California, or a designee, to H.R. 1388 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

EXTENSIONS OF REMARKS

IN HONOR OF FATHER JOHN J.
CREGAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of Chaplain Father John J. Cregan, as he is being honored by the Retired Irish Police Society with the "2009 James P. Sweeney—Man of the Year Award." Father Cregan's service to police officers and firefighters who bravely serve our community continues to be an invaluable source of support, kindness and guidance for the women and men who bravely serve in the line of duty.

At a very young age, Father Cregan and his four sisters, Sister Theresine, Rita, Florence and the late Margaret were taught the importance of family, faith, heritage and service. Father Cregan's grandfather, born in Ireland, was a Cleveland police sergeant. His father, Joseph Cregan, served for many years as a Cleveland Police Lieutenant, and two of his nephews currently serve as Cleveland police officers. Father Cregan's mother, Florence Cregan, was a critical influence in shaping his wonderful sense of humor, his faith and his sense of compassion for others.

Father Cregan has served in parishes throughout our community, including Blessed Sacrament, St. Joseph's Church, St. Thomas More and Our Lady of Angels, where he was appointed Pastor in 1987 and where he continues to serve today. Moreover, Father Cregan continues to serve as the Chaplain for the Cleveland Police and Fire, Greater Cleveland Police and Fire, Holy Name Society, Cleveland Office of the FBI, the Greater Cleveland Police Emerald Society and the Anchor Club—roles he has held for more than forty years. He has also served as the Chaplain for the Retired Irish Police Society since 1988.

Madam Speaker and colleagues, please join me in honoring Chaplain Father John J. Cregan, as he is named the 2009 John P. Sweeney "Man of the Year" by the Retired Irish Police Society. Father Cregan's warmth, concern, support and guidance continues to impact the lives of police officers and firefighters throughout our community. As he has for forty years, Father Cregan has been there with our safety forces to celebrate the happiest of times, and most significantly, he has stood with them in the most trying of times, offering strength, hope and faith to officers and their loved ones. Father Cregan continues to lift the lives of countless individuals and families throughout Greater Cleveland and today, we stand in gratitude and honor.

TRIBUTE TO MS. LUCILLE HART

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mrs. HALVORSON. Madam Speaker, today I rise to recognize the one-hundredth birthday of Ms. Lucille Hart of Le Roy, Illinois. Ms. Hart joins the rank of centenarians after a fulfilling career in education and with the postal service. For fifteen years, she taught in Delavan, Illinois. She then became the school treasurer, a position she held for thirty more years. After brief positions held at Caterpillar and the local post office, she retired and became an avid gardener. She continues to tend to her flowers and plants indoors during Illinois' harsh winters. Today, she is joined by her closest friends and family to celebrate.

In the last one hundred years, Ms. Hart has seen women granted the right to vote. She witnessed the United States in World War II. She watched a man walk on the moon. She can recall the civil rights movement and Dr. Martin Luther King's speeches. She was born during the presidency of Theodore Roosevelt and has seen the White House change hands eighteen times. Ms. Hart knows what life was like before Blackberries, cell phones, the internet, computers, color television, microwaves, traffic lights, and bubble gum. In one hundred years, American life has changed drastically right before Ms. Hart's eyes.

Ms. Lucille Hart is an inspiration to us all. It is my honor to congratulate Ms. Hart's long life of achievement. May her health remain good and may she continue to inspire.

HONORING THE 100TH ANNIVERSARY OF THE TEXAS PYTHIAN HOME

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Ms. GRANGER. Madam Speaker, I rise today to recognize the 100th anniversary of the beginning of the Texas Pythian Home. The Home, called the "Castle on the Hill," is located in my district in the city of Weatherford, Texas.

The Texas Pythian Home began on March 1, 1909, as a home for widows and orphans of Knights of Pythias members. The Pythians, a fraternal order, made the decision to build the home in Weatherford following a donation of three hundred acres of land.

The main building housed orphaned children on the second floor. The basement was divided into apartments for widows with children. There were soon so many boys that it became necessary to build a boys-only dorm. The

boys moved into their new dorm in 1914. In 1925, a girls-only dorm was built. In the early 1970s, widows moved to the completed retirement home in Greenville, Texas.

The Pythian Home School was designated an independent school district on August 1, 1910 and continued until 1972. In 1937, the last high school graduating class walked across the Pythian auditorium stage. It had been decided to send grades 6–12 to Weatherford Independent School District. Grades 1–5 continued to have classes at the Pythian Home until 1972.

As part of its effort to be self-sufficient, the Home had a large dairy operation for many years. Animals were raised to provide meat. The Home also had its own garden and orchard. The staff and children kept busy maintaining all of the operations. A change in government regulations in 1972 limited these operations, so the dairy closed in 1976.

There were many changes through the years. The Texas Pythian Home is now the last one in existence. The Home, located on 164 acres, can house up to 62 children. The number of children in residence changes as the economy and family circumstances change.

The Pythian principles of friendship, charity, and benevolence continue to be the driving force behind the organization. The Home is here because it reaches out to those in need.

Madam Speaker, it is my honor to recognize the Texas Pythian Home on the 100th anniversary of its founding and to offer my sincere appreciation for the many contributions that its residents have made and continue to make to the city of Weatherford and the state of Texas.

REMEMBERING THE SLAUGHTER
IN IRAQI KURDISTAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. BERMAN. Madam Speaker, Twenty one years ago, on March 16, 1988, the Saddam Hussein regime committed one of modern history's most horrific crimes. The indiscriminate use of chemical weapons to destroy the town of Halabja in Iraqi Kurdistan led to the brutal slaughter of thousands of innocent men, women, and children and permanently debilitated many more. More than two decades after the massacre, the people of Halabja still suffer from the effects of that barbaric attack. Long-term effects include cancers, birth defects, neurological problems, miscarriages, infertility, and congenital malformations in children—all of which are disproportionately prevalent in the Halabja area—as well as irreparable damage to the environment. These serious medical and environmental problems continue to hinder the well-being and overall

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

progress of those living in Halabja and the surrounding area.

Tragically, Halabja was not the only instance in which the former Iraqi regime used chemical weapons. Rather, it was but one event in a deliberate, large-scale campaign called the Anfal to exterminate the predominantly Kurdish inhabitants of Iraqi Kurdistan. The 1988 Anfal campaign resulted in the deaths of as many as 180,000 people. Iraqi forces used chemical and biological weapons against over 250 population centers from April 1987 to August 1988. Studies indicate that more than half of current inhabitants of Halabja were exposed to toxic chemical agents at the time of the attack.

On December 30, 2006, Saddam Hussein was hanged for the murder of 148 Shiite Arab citizens of Dujail, which is located in south-central Iraq. That case was taken up before the Anfal case, and it resulted in a death sentence. Because Iraqi law requires that a death sentence be carried out nearly immediately, Saddam's other crimes, including the Anfal genocide, never came to trial. The swiftness of Saddam's execution was an injustice to those that were brutally killed, maimed, or otherwise damaged in the Anfal; put simply, these victims were denied their day in court. Many Kurds now fear that the world will never hear of the true extent of the Halabja atrocities—widely considered the heaviest use of chemical weapons against civilians in modern times. It is therefore imperative that the Anfal campaign, and the massacre of Halabja, be documented and remembered—and internationally recognized as a crime of genocide against the Kurdish people. But we should also do more. On the tragic anniversary of Halabja 1988, the world must not only remember the individuals who perished but also provide help to those that continue to suffer today. That would be an appropriate way for the world to bear witness to crimes that are among the ugliest the world has seen.

IN RECOGNITION OF ANNUAL
WORLD GLAUCOMA DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mrs. MALONEY. Madam Speaker, I rise to urge my colleagues to recognize the importance of World Glaucoma Day, a global initiative created by the World Glaucoma Association and the World Glaucoma Patient Association to underscore the importance of getting screened for glaucoma, one of the leading causes of blindness worldwide. The day will be marked by awareness and educational events organized by eye care institutions and local patient support groups around the world.

Glaucoma afflicts 3 million Americans and some 75 million people worldwide. Glaucoma can strike anyone of any age. It affects all age groups, including infants, children, and the elderly. Congenital glaucoma and childhood glaucoma are serious pediatric medical problems. With early diagnosis and treatment, 90 percent of the blindness from glaucoma could have been avoided. World Glaucoma Day en-

courages all individuals, especially those with a high risk for developing the disease, to get regular comprehensive eye examinations.

In my district, on March 11, 2009 Dr. Robert Ritch and a dozen eye specialists from the New York Eye and Ear Infirmary (NYEE) were at the United Nations (UN) headquarters building screening UN officials such as the Secretary General, as well as ambassadors and deputy ambassadors from over 192 countries for glaucoma. Hopefully, publicity from this effort will help to prompt people around the world to get screened for glaucoma.

Early diagnosis and proper treatment of glaucoma can help people keep the precious gift of sight. Glaucoma has no symptoms and is characterized by painless, progressive loss of vision, so that detection depends upon periodic eye examinations that include evaluation of the optic nerve and measurement of eye pressure. If undetected and untreated, glaucoma will gradually claim all peripheral vision and ultimately cause total blindness. While treatment can halt the progress of the disease, nothing can reverse damage that has been done, making early detection critical.

People at high risk for glaucoma should have their eyes examined for the disease at least every two years. High-risk individuals include people with a family history of glaucoma, African Americans over the age of 40, people who are very nearsighted or farsighted and all persons over the age of 60.

The NYEE has been a driving force in combating glaucoma in increasing the number of New Yorkers who are screened. Founded in 1820, NYEE is the oldest specialty hospital in the Western Hemisphere. The NYEE has a long tradition of community outreach, medical education, and cutting-edge scientific research. It is home to many glaucoma specialists, including world-renowned glaucoma specialist Dr. Robert Ritch. Dr. Ritch is a co-founder of the World Glaucoma Patient Association, an umbrella organization which supports glaucoma associations and networks worldwide in their efforts to educate and support their members so that all people with glaucoma can understand and better manage their disease. Dr. Ritch is also a member of the World Glaucoma Day committee for the World Glaucoma Association.

I also ask my colleagues to recognize another World Glaucoma Day sponsor, the Friends of the Congressional Glaucoma Caucus, a non-partisan organization whose purpose is to educate all communities about the risks of glaucoma and other blindness-causing eye diseases, and to provide diagnostic screening opportunities for high-risk population groups across the nations.

Madam Speaker, I ask that my distinguished colleagues rise to join me in recognizing World Glaucoma Day, and the urgent need to ensure that everyone is regularly screened for glaucoma.

EARMARK DECLARATIONS

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. ADERHOLT. Madam Speaker, pursuant to the House Republican standards on ear-

marks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009.

Project Name: Mobile Harbor Turning Basin.
Requesting Member: Congressman ROBERT ADERHOLT.

Bill Number: H.R. 1105.

Account: Army Corps of Engineers, Construction General Account.

Legal Name of Requesting Entity: Alabama State Port Authority.

Address of Requesting Entity: 250 North Water Street, Suite 300, Mobile, AL 36602.

Description of Request: Provide \$4.785 million to construct the Mobile Harbor Turning Basin project as authorized by the Water Resources Development Act of 1986 (PL99-662 Ninety-ninth Congress, Second Session) under the U.S. Army Corps of Engineers—Construction General Account. Initial project request anticipated expenditures of .04 percent will be used for land; .11 percent will be used for navigation aids; .11 percent for removal of existing concrete debris; 3.97 percent for mobilization, preparation and demobilization of a 26 CY Bucket Dredge; 4.20 percent for mobilization, preparation and demobilization of a 30 inch Pipeline Dredge; 67 percent for the removal of and placement in designated dredge disposal areas approx. 2,699,232 cubic yards of dredged material; 5.32 percent for planning, engineering and design work; 2.42 percent for construction management; 12.57 percent in project construction contingency; and 3.83 percent in project escalation. The U.S. Army Corps of Engineers conducted an Environmental Assessment in accordance with Engineer Regulation (ER) 200-2-2, Procedures for Implementing the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing Procedural Provisions of the National Environmental Policy Act (40 Code of Federal Regulations (CFR) Pts. 1500-1508) resulting in a FINDING OF NO SIGNIFICANT IMPACT (FONSI). Construction of the authorized turning basin has been evaluated by the U.S. Army Corps of Engineers through the Corps General Reevaluation Report (GRR) to alleviate harbor delays and improve safety conditions, and reflects a benefit-to-cost ratio of 3.46 to 1. This project is permitted. This request is consistent with the intended and authorized purpose of U.S. Army Corps of Engineers General Construction account. The Alabama State Port Authority, the 10th largest port in the U.S., is the federally designated local sponsor for the Port of Mobile Harbor and will provide the 25 percent cost share for the Mobile Harbor Turning Basin project. The Alabama State Port Authority's 25 percent cost share funding is secured. Turning basin will help serve a new container terminal, coal terminal and two raw material terminals.

HONORING GARY SHEPHERD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. KILDEE. Madam Speaker, I would like the House of Representatives to join me in

congratulating Gary Shepherd as he retires after 33 years of service from General Motors and the UAW. A retirement party will be held in his honor on March 27th in Saginaw, Michigan.

A native of Saginaw County, Gary was hired by General Motors in 1976. He worked at the Saginaw Steering Gear facility and worked his way from the production line to journeyman status as a machine repairman. In 1985 he was elected an Alternate Committeeman at UAW Local 699. From this position he went on to serve as the District Committeeman on the Bargaining Committee, as Chairman of the Bargaining Unit for Local 699, and Top Negotiator of GM Sub-Council 5. Gary has also served on the CAP and Recreation Committee of the Local. Local 699 was featured in a 1999 Industry Week article entitled, "A Perfect Union," outlining the cooperative relationship between the UAW and the auto manufacturer. Gary continued his career with the UAW and in 1998 he was appointed as a Region 1-D International Representative and as the Skilled Trades Representative. He rounded out his career by serving on UAW President Ron Gettelfinger's staff as Coordinator for Michigan CAP in Region 1-D.

In addition to his work on behalf of UAW workers, Gary has worked extensively in the community. He is the president of the Saginaw Area Fireworks, served as co-chair of the Saginaw County Vision 20/20, and on the Boards of Saginaw Future, Great Lakes Bay Michigan Works, and Saginaw County United Way. He received the Chamber of Commerce President's Award for his work. Gary also finds time to be a read volunteer and he is a lifelong member of Second Presbyterian Church.

Gary is the past Chairman of the Saginaw County Democratic Party, a member of the Michigan Democratic State Central Committee, was elected as a John Kerry delegate to the 2004 Democratic National Convention and was the 2008 Electoral College Delegate for the Michigan 4th Congressional District, casting his ballot for President Barack Obama. He has 3 daughters and 4 grandchildren.

Madam Speaker, please join me in congratulating Gary Shepherd as he retires from the UAW and General Motors. I wish him the best as he starts this next phase of his life and continued success in his future endeavors.

RECOGNIZING THE SOUTHAMPTON FIRE COMPANY #1

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize the Southampton Fire Company #1 for 100 years of distinguished service. Since their inception in 1909, Southampton Fire Company #1 has remained an all-volunteer fire department.

On December 10, 1909, the first meeting of the Southampton Fire Company was held, and four years later they were incorporated with 88 charter members. They utilized a variety of

firefighting equipment through the years, such as a horse-drawn button hand pumper in 1913, a Ford Model T/Hale fire engine in 1921, and an 85-foot Hi-Ranger Snorkel elevated platform truck in 1965, the first of its kind in Bucks County.

A major renovation of the firehouse was dedicated in May 2000 to the "past, present, and future members of the Southampton Fire Company #1, in recognition of their unselfish service to the citizens of Upper Southampton Township." Now, on the Fire Company's 100th Anniversary, we also extend our greatest thanks and appreciation for their unwavering service.

Madam Speaker, I ask that you join me in recognizing the Southampton Fire Company #1 for their 100 years of service to our families in Bucks County. I am honored to serve as their Congressman.

HONORING STEPHANIE C. KOPELOUSOS

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker I rise today to honor a great leader from the State of Florida, Stephanie C. Kopelousos. She was appointed Secretary of the Florida Department of Transportation in 2007 and since then has been working to ensure our safety on Florida's roads.

Secretary Kopelousos got her start in public service right here in the halls of Congress in 1993 as a Legislative Assistant to then Congresswoman Tillie K. Fowler of Florida's 4th District and Chair of the Transportation Subcommittee on Oversight, Investigations and Emergency Management.

In 2001 she joined the Florida Department of Transportation as their primary federal liaison in Washington, D.C. focusing on transportation, emergency management and disaster relief, and housing. She was instrumental in negotiations during the reauthorization of the federal transportation bill. In 2005 she became the Department's Chief of Staff, and in early 2007 was appointed Interim Secretary.

Secretary Kopelousos carries with her more than a decade of professional experience in state and federal public policy, with a particular emphasis in transportation. As Secretary, she oversees more than 7,000 employees and an annual budget of \$8 billion, always keeping with the agency's mission of providing a safe transportation system that fuels economic growth and enhances quality of life for all Floridians.

As we celebrate Women's History Month, I ask you to join me in congratulating Secretary Stephanie C. Kopelousos for her commitment to ensuring a safe and efficient transportation system in Florida and her invaluable contributions in the field of public service.

HONORING TuCARE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate the Tuolumne County Alliance for Resources and Environment, incorporated upon the celebration of their 20th anniversary. The anniversary will be celebrated on Saturday, March 14, 2009 at the "Annual Dinner and Auction" in Sonoma, California.

Tuolumne County Alliance for Resources and Environment, Inc. or TuCARE, was first organized in 1989 when a group of individuals came together to enlighten others in the wise use of natural resources in Tuolumne County. The organization has a history of commitment to ensuring the long-term viability of all of the natural resources through an ecosystem management approach toward the stewardship of the public lands. They are firm believers that man must play an active role to protect the forests from the destruction of wildfires. The multiple-use system that TuCARE promotes allows for everyone to benefit from the forest. Livestock owners use the pastures in the summer, miners are allowed to extract minerals, loggers can help thin the forest and everyone can enjoy the recreation the forest has to offer.

The organization ensures that the private and the public sector work together to protect property rights and to educate our future generations. TuCARE advocates awareness in schools and communities by sponsoring "Tours for Kids" for more than twelve hundred students each year and a Natural Resources Tour for invited guests from the State of California, Congress, local businesses, educators and various agencies. TuCARE is connected to schools in Tuolumne, Calaveras and Stanislaus Counties and participates in the Tuolumne County Schools Forestry Institute for Teachers and presents to civic groups and organizations. They also sponsor various public forums on issues related to natural resources and is represented at the annual Alliance on American Fly-in for Freedom forum held in Washington, DC. The organization prepares press releases for all media outlets and meets with local, state and federal elected officials regarding issues of concern.

Madam Speaker, I rise today to commend and congratulate Tuolumne County Alliance for Resources and Environment, Inc. on twenty years of service. I invite my colleagues to join me in wishing TuCARE many years of continued success.

HONORING GEORGE VUJNOVICH FOR HIS PARTICIPATION IN THE HALYARD MISSION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. CROWLEY. Madam Speaker, I am joined by the co-chairs of the Congressional Serbian Caucus, Representatives MELISSA

BEAN of Illinois and DAN BURTON of Indiana, in honoring a treasured constituent of mine and one of the unsung heroes of World War II, retired Major George Vujnovich. Major Vujnovich, a proud Serbian-American, was instrumental in "Operation Halyard" and one of the last surviving members of that successful wartime mission.

In the summer of 1944, Americans and Allied airmen flew hundreds of sorties over Europe with the aim of disrupting the Ploesti oil complex, Adolf Hitler's most important oil pipeline. During their treacherous journey from Italian bases to the Romanian oil complex, 1,500 of our brave men were forced to bail out over Yugoslavia. Scores of American crewmen were trapped behind enemy lines and dependent on Serbian villagers to hide them from the Germans.

Although Yugoslavia was enemy territory at the time, much of the country's Serbian regions remained under the control of Yugoslav guerilla resistance leader General Draja Mihailovich and his Chetnik forces. General Mihailovich remained loyal to the Allies, and under his orders the Serbian people shielded these airmen and protected them from capture and imprisonment by German troops.

General Mihailovich passed information about the downed American airmen to the United States authorities. The Office of Strategic Services (OSS) put together Operation Halyard, a daring mission to save the men without drawing the attention of the Nazis. The mission entailed flying and landing C-47 cargo planes into enemy territory, picking up the downed airmen, and flying back to allied territory. Before the mission could go forward, however, the Allied forces cut ties with General Mihailovich and no longer had specific information about the location of the American airmen. Major George Vujnovich, the OSS operation chief stationed in Bari, Italy, discovered that Mihailovich was hiding the airmen near his headquarters in the city of Pranjani. He informed U.S. officials of their location and Operation Halyard progressed.

As the mission advanced, Major Vujnovich's experience and expertise were indispensable. Major Vujnovich was responsible for selecting members of the Halyard Mission, and orchestrating the initial parachute drop into the area. The rescue plans hinged on his direction and the ability of local Serbs to build an airstrip without any modern tools and without German detection.

Operation Halyard took place between August and December 1944 and was a complete success. Hundreds of men were rescued behind enemy lines and no lives were lost in the mission. The Halyard Mission was a success thanks to the brave men and women of the OSS and the courageous Serbian locals who risked their lives to safeguard American airmen. Thanks to a keen mind and tactical expertise, Major Vujnovich demonstrated the courage and selflessness that mark him as an American hero.

Major George Vujnovich was born to Serbian parents in 1915. In 1934 he received a scholarship from the Serb National Federation and left his home in New York to attend college in Belgrade. While living in Belgrade, Mr. Vujnovich met and married his wife, Mirjana. Their life was disrupted in 1941, when the

German Luftwaffe bombed Belgrade in Operation Punishment. Mr. Vujnovich was a firsthand witness to the bombing, nearly losing his life when a falling bomb destroyed a nearby streetcar. After the bombing, Mr. and Mrs. Vujnovich fled Yugoslavia, and he accepted a job in Ghana as assistant airport manager while Mirjana moved to Washington, DC to work at the Yugoslav Embassy. When the US entered the war, Mr. Vujnovich received a commission as a second lieutenant and assumed command of an airbase in Nigeria. While working at the airbase, he was recruited by the OSS for the clandestine services, and was later sent to the OSS post in Bari, Italy. From this post he saved the lives of his fellow servicemen and earned the title of hero. I am honored to have this opportunity to acknowledge Major Vujnovich's contribution to the Halyard Mission.

IN CELEBRATION OF MARTIN J.
AND ELEANOR R. KEARNEY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. NEAL of Massachusetts. Madam Speaker, I would like to acknowledge Martin J. and Eleanor R. Kearney for being named the Irish Couple of the Year by the John Boyle O'Reilly Club in Springfield, Massachusetts. They were awarded this deserved title on February 7, 2009 for their support and contributions to the club. The couple has been active with the club for over fifty years. Both have helped with fundraisers and dances. Eleanor is an avid baker for the club and Martin was a strong supporter of the new building fund. A reception dinner was held in their honor on March 1, 2009.

Martin was born in the Great Blasket Islands in Dingle, County Kerry, Ireland on December 31, 1926. Eleanor is a life-long Springfield resident who was born on December 17, 1932. Martin came to America in 1951 where he soon met Eleanor. In 1953, they were married in Saint Thomas Aquinas Church in Springfield. Martin became a member of the John Boyle O'Reilly Club in 1953 and now both Martin and Eleanor are life members.

The John Boyle O'Reilly Club was founded in 1880. The club consists of dedicated Irish and Irish-Americans whose goal is to preserve and promote their Irish heritage. The club's motto is culture, family and tradition. Since March 1970, the club has been located on 33 Progress Avenue in Springfield, Massachusetts. Today, the club is very active in their community, awarding the John Boyle O'Reilly Scholarship every year to college-bound students.

HONORING RABBI JON E. CUTLER

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Rabbi

Jon E. Cutler—the only Jewish Chaplain currently serving in western Iraq. And as a former paratrooper in the 82nd Airborne Division who served in Baghdad 5 years ago and the first Iraq war veteran to serve in this great body, it fills me with tremendous pride to be Rabbi Cutler's Congressman. Rabbi Cutler has set an example for all of us—not just through his spiritual leadership—but through selfless service to our community and our nation.

In Iraq, Rabbi Cutler serves as the 3rd Marine Aircraft Wing Chaplain, and assists the entire Al Asad Marine Air Base. Prior to his service in Iraq, Rabbi Cutler served as the pulpit rabbi of Tiferes B'nai Israel in Warrington, Bucks County, Pennsylvania for the past 8 years.

As the 3rd Marine Aircraft Wing Chaplain, Rabbi Cutler supervises 20 Christian chaplains and chaplain assistants, and has worked to create a center for Jewish troops who are serving in Anbar Province. The congregants of Tiferes B'nai Israel even contributed to this effort, sending tiles and paste to be used for the chapel floor.

As the Rabbi for Tiferes B'nai Israel in Warrington, Rabbi Cutler worked tirelessly to unite his congregants, both old and new. He strived to make new members feel welcome while respecting the needs and wishes of long-standing members. Before he was deployed to Iraq, he also proudly received his Navy commander pins on the pulpit at Tiferes B'nai Israel.

Commander Cutler has been a chaplain in the U.S. Navy Reserve for 23 years. He was the only Jewish chaplain serving with the Marines in Desert Storm, and after 9/11, he was called to the Pentagon to counsel family members who lost loved ones during the tragic events of that terrible day.

When not serving our troops in Iraq or his congregants in Warrington, Rabbi Cutler has served as an instructor at Gratz College for Jewish education and a visiting professor at Philadelphia University. He received his B.A. and M.A. in religious studies from Temple University, and holds a Doctor of Ministry in Pastoral Counseling from Hebrew Union College. Rabbi Cutler was ordained by the Reconstructionist Rabbinical College in Wyncote, PA.

Rabbi Cutler has contributed enormously to the citizens of Bucks County and given so much to so many servicemen and women serving abroad. He leads by example and is committed to service, spiritual leadership and education. Madam Speaker, I am proud to recognize Rabbi Cutler for his outstanding work, and am extremely honored to serve as his Congressman.

HONORING REVEREND DR. F.O.
HOCKENHULL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Reverend Dr. F.O. Hockenhull as he celebrates 40 years as pastor of the First Trinity Missionary Baptist Church in my hometown of Flint, Michigan. A banquet in his honor was held last Friday in honor of this occasion.

Reverend Dr. Hockenhull was educated at Arkansas State AM&N College, Wayne State University and Detroit Bible College. He has received an Honorary Doctorate of Divinity from Arkansas Baptist College, an Honorary Doctorate of Divinity from Selma University and an Honorary Doctorate of Law from Selma University.

He worked as a Chaplain in the Wayne County Jail and as a contact representative for the W.J. Maxey Boys Training School. After spending 6 years as the pastor of the Jehovah Baptist Church in Detroit, Reverend Dr. Hockenhull became the pastor at First Trinity Missionary Baptist Church. He has remained in this position for the past 40 years.

Reverend Dr. Hockenhull is the past-President of the Great Lakes Baptist District Leadership and Educational Congress to the Great Lakes Baptist District Association; the Associate Director General of the National Congress of Christian Education-National Baptist Convention USA, Incorporated; past-Vice-President of the Wolverine State Congress of Christian Education; a member of the Board of Directors at the Montgomery Bible Institute and Theological Center; a former member of the National Baptist Convention USA, Incorporated Publishing Board; a former instructor at the National Sunday School and Baptist Training Union Congress-National Baptist Convention USA; past Supervisor of the Administrative Leaders Division-National Baptist Congress of Christian Education, National Baptist Convention USA, Incorporated; past Instructor with the Great Lakes Baptist District of Christian Education; a member of the Board of Directors of the National Baptist Convention, USA Incorporated; a member of the Stewardship Commission of the National Baptist Convention, USA Incorporated; a Trustee of the Retirement Commission of the National Baptist Convention, USA Incorporated; and a delegate to the World Christian Conference in Australia.

In addition to his work, Reverend Dr. Hockenhull is a world renowned lecturer, a member of the NAACP, and a member of Concerned Pastors for Social Action. His wife of over 50 years, Marian, is the National Director of the Young People's Department. They have one son, Franco, and two granddaughters, Vanessa and Victoria.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the life and work of Reverend Dr. F.O. Hockenhull. He has spent his life in devotion to Our Lord, Jesus Christ, by fulfilling God's Great Commission. His compassion, patience and love for humanity are recognized throughout the Flint community. Through his example, he inspires passion, spirituality, and service in his congregation and he carries the message of God's love beyond the walls of the church building. I have known Reverend Dr. Hockenhull for many years and have always been touched by his wisdom, his zeal and his piety. I pray that he will continue to serve for many, many years to come.

IN RECOGNITION OF ELIZABETH BENHAM

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mrs. MALONEY. Madam Speaker, I rise to recognize Elizabeth Benham, who is being honored this month in New York City by the International Federation of Business and Professional Women (BPW International) for her work as its President. Founded in 1930, BPW is an international organization of women business owners with links to more than 90 countries on five continents. BPW is a wonderful way for businesswomen to network and support one another.

After more than two decades of dedicated work on behalf of BPW, Ms. Benham became the organization's President last year. She is being honored at the annual Conference on the Status of Women that is being held this month at the United Nations, located in New York's 14th Congressional District that I am privileged to represent.

Elizabeth Benham is the twentieth president of BPW International and the first American to serve at its helm in 28 years. She demonstrated her commitment to BPW International as the chair of its Fundraising Taskforce from 2004–2008. In 2005, she served the organization as the Vice President, Membership Chair, Friends and Fellows Chair, and as a member of the International Planning Committee. In these roles she traveled extensively, meeting with members and chapters around the world, and developing a broad and deep understanding of the needs of the organization's diverse membership. Since 1998, Elizabeth Benham has also served as an alternate delegate to the United Nations on behalf of BPW International.

When she became BPW International President in 2008, Elizabeth Benham not only had extensive prior experience working with BPW International, but had also achieved notable success as a businesswoman. Before going into business, she was a certified nurse midwife in high risk obstetrics. Throughout her life, Elizabeth has demonstrated her compassion and motivation in her volunteer work as the Vice President of Toys of Hope Charity, a Board Member of Women Builders Council in New York, and a Board Member of the Fire Island Lighthouse Preservation Society.

Elizabeth Benham has worked tirelessly in her professional life and leadership roles to support the accomplishments of women throughout the world. In her role as President, she is working to form connections of improved communication among all members and affiliates for a better flow of information. She has dedicated her efforts to expanding and improving training for future leaders of BPW International and for greater efficiencies in managing the vast organization. She has consistently demonstrated her commitment to the mission of the International Federation of Business and Professional Women in helping women in the workforce achieve their business and professional goals.

Madam Speaker, I request that my colleagues join me in paying tribute to Elizabeth

Benham and the International Federation of Business and Professional Women, which under her able and inspired leadership continues to ensure that women gain equal participation and success in the workforce.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. CROWLEY. Madam Speaker, on March 12, 2009, I was absent for one Rollcall Vote. If I had been here, I would have voted "yes" on Rollcall Vote 124.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. BECERRA. Madam Speaker, on Friday, March 6, 2009, I missed rollcall vote 107 on approving the Journal. If present, I would have voted "aye."

HONORING FRANCIS M. GORSKI

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Francis M. Gorski for his 50th year of active service to the Linghocken Fire Company. He and his family have been extremely dedicated to serving Wrightstown Township and the community as a whole.

Linghocken firefighters are able to become "Life Members" after twenty-five years of service and let others take over. That was an option for Mr. Gorski twenty-five years ago, but instead he has remained hard at work—as so many have come to expect.

Mr. Gorski is one of the most active members of the department, responding to 70–80% of their calls. He has responded to calls that many individuals his age would no longer respond to—including calls at 3 o'clock in the morning. He volunteers his time for Linghocken on top of the time he spends running the family business with his two younger brothers.

He has served at almost every rank in the company including chief, and is currently serving as deputy chief. His dedication and work ethic are examples for our community and country to follow.

Those at the company—and in our entire community—are extremely proud of the accomplishments and outstanding level of service Mr. Gorski provides to the people of Wrightstown Township and Bucks County, Pennsylvania. Madam Speaker, I am proud to recognize Mr. Francis Gorski for his exceptional services to his community and am extremely honored to serve as his Congressman.

IN RECOGNITION OF QUEENS BOROUGH PRESIDENT HELEN MARSHALL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mrs. MALONEY. Madam Speaker, I rise to pay tribute to Queens Borough President Helen Marshall, an outstanding public servant. First elected the Borough President of Queens in November 2001, Helen Marshall is the first African-American and just the second woman to assume the post of chief executive of Queens County, which has a population of more than 2.2 million people. She has been a leader of uncommon grace, energy, and dedication to the people she serves.

As the Queens Borough President, Helen Marshall has been a champion for public libraries and schools, job training programs, quality health care, senior citizens, the environment, and economic development, just as she has been throughout her remarkable career. She has allocated tens of millions of dollars for parks, playgrounds and libraries, and in 2005 was bestowed the statewide Daniel Casey Library Advocacy Award. She has helped fund the expansions of cultural institutions, organized a Borough President's "War Room" to ensure the timely construction of thirty new public schools with more than 17,800 seats, and marshaled support for important infrastructure projects like the Queens Plaza Roadway Rebuilding Project and Long Island City Links. Marshall also spearheaded the historic effort to bring CUNY to the Rockaway Peninsula, providing \$6 million in capital funding to convert a former courthouse.

A native New Yorker, Helen Marshall served for nearly two decades as a respected legislator in both the New York State Assembly and the New York City Council. In 1982, she was elected to the first of five terms in the New York State Assembly, where she chaired the Rules Committee and served on the Legislation Commission.

When she won her seat on the City Council in 1991, she became the first female and first member of a minority elected to represent her City Council district, she worked to improve and unite an extraordinarily diverse community. On the City Council, she served as Chair of the Higher Education Committee and on the Committees on Housing and Buildings, Environmental Protection, and Women's Issues. She also served as Co-Chair of the Council's Black and Latino Caucus. As Chair of the City Council's Higher Education Committee, Marshall successfully fought against the privatization of the City University of New York, one of the largest public university systems in the world. She secured funds to restore the City's free dental clinics, led the fight to prevent the sale of Elmhurst and Queens Hospital Center and has fought for many years to protect Flushing Bay from the impact of LaGuardia Airport.

A proud graduate of the New York City public school system, she earned a Bachelor's Degree in Education from Queens College of the City University of New York. For eight years prior to her election to the Assembly,

Marshall was an early childhood teacher. In 1969 she became the first Director of the Langston Hughes Library, a post she held for five years. She also served as Director of the Elmcot Testing Assessment and Placement Program for eight years, where she helped hundreds of New Yorkers find gainful employment. In 1975, she served as a Member of the Democratic National Committee. She also served on Queens Community Board 3 for thirteen years, as a parent activist in the public schools for a decade and a half, was a founder of the Queens Overall Economic Development Corporation, and was elected in 1974 as a Democratic District Leader.

Helen Marshall remains devoted to her beloved husband, Donald, and to her children and grandchildren. She is universally regarded with affection by the people of Queens, a remarkable feat in the most diverse county in our nation.

Madam Speaker, I ask that my distinguished colleagues join me recognizing the enormous contributions to our civic and political life made by Borough President Marshall, who has worked tirelessly and diligently throughout her career on behalf of her constituents in Queens and all New Yorkers.

IN HONOR OF JOHN P. GALLAGHER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and of memory of my friend and mentor, John P. Gallagher, upon the official naming of the West Park Post Office, John P. Gallagher Building, and in recognition of his lifetime service to our community and to our country.

A lifelong resident of Cleveland, Mr. Gallagher was the son of Irish immigrants, from whom he learned the values of a strong work ethic and the importance of faith, family and service to community. During World War II, he served in the Army, First Engineer Special Brigade and in six combat campaigns, including missions in North Africa and the Normandy Invasion. Following the war, Mr. Gallagher worked in construction before taking a job with the City of Cleveland in 1954. He worked diligently for the City, until his retirement in 1987, which followed 22 years in the role of Superintendent of Sidewalks.

Throughout his adult life, Mr. Gallagher dedicated his time and talent to issues and projects focused on the improvement of our community. He was a staunch advocate of neighborhood safety, and also advocated for the welfare and rights of senior citizens. For many years, he served as a Democratic Party precinct committee chairman and volunteered countless hours in numerous local, state and national campaigns. He kept a close watch over his neighborhood park, and organized programs and projects for senior citizens at Cleveland's Gunning Recreation Center. His intelligence, kindness and good sense of humor quickly endeared people to him. Mr. Gallagher's keen understanding of the soul of a neighborhood and his opinions on commu-

nity issues were valued by everyone, from neighbors to national leaders.

Madam Speaker and colleagues, please join me in honor and memory of John P. Gallagher, upon the official naming of the West Park Post Office building after John P. Gallagher. Mr. Gallagher's service to family, friends, community and country has greatly influenced the lives of everyone he has known, including my own. He will forever be remembered along the streets, in the meeting halls and throughout the parks of Cleveland's west side neighborhood.

PROCLAMATION: THE 50TH WINTER PARK SIDEWALK ART FESTIVAL

HON. SUZANNE M. KOSMAS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Ms. KOSMAS. Madam Speaker, Whereas, since its founding in 1960, the Winter Park Sidewalk Art Festival, which is an all volunteer effort supported by the Winter Park Sidewalk Art Festival Committee, the City of Winter Park and numerous volunteers, has grown to become one of the premier art festivals in the county; and

Whereas, every year hundreds of Winter Park citizens contribute thousands of hours to ensure that the 350,000 visitors to the Festival enjoy the best in fine art and that the 225 exhibiting artists enjoy the best in outdoor art venues; and

Whereas, exhibits by Orange County school students have been part of the Festival since its inception, and the more recent Children's Workshop Village has integrated local museums and art centers to provide exciting art experiences for children of all ages; and

Whereas, the Festival Emerging Artist Program gives promising and talents artists who are determining their career paths the opportunity to exhibit in their first outdoor art festival, all expenses paid; and

Whereas, The Winter Park Sidewalk Art Festival Foundation provides scholarships to local colleges and universities for promising art students.

Now, therefore, I, Suzanne M. Kosmas, by virtue of the authority vested in me as Congresswoman, 24th District, Florida, do hereby proclaim March 20, 21 and 22, 2009 "The 50th Winter Park Sidewalk Art Festival" and encourage all residents to recognize and show their appreciation for the many memories and contributions the Festival has made to our community over the years.

In witness whereof, I have hereunto set my hand and seal to be affixed this 16th day of March, 2009.

RECOGNIZING THE WORK OF
DOLORIS COULTER COGAN

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Ms. BORDALLO. Madam Speaker, I rise today to recognize the work of Doloris Coulter

Cogan and the publication of her book, *We Fought the Navy and Won: Guam's Quest for Democracy*. Ms. Cogan is a 1946 graduate of the Columbia University School of Journalism in New York. *We Fought the Navy and Won* is a personal recollection of Guam's transition from a Naval Administration to a civilian government after World War II. Ms. Cogan at the time was editor of the *Guam Echo* under the Institute of Ethnic Affairs, and her writings chronicle the stories of Guam's leaders, their allies in Washington, D.C., and their efforts in bringing a civilian government to Guam.

From 1898 to 1950, Guam was administered under the Secretary of the Navy, and while legislation for Guam's self-governance had been introduced before this Congress none were reported out of committee. It was not until the signing of the Guam Organic Act of 1950 by President Harry S. Truman, that Guam was allowed to govern itself with a civilian government. The Guam Organic Act transferred administration of Guam from the Secretary of the Navy to the Secretary of the Interior and established executive, legislative, and judicial branches of government on Guam. Since that time, Congress has passed legislation that changed the Governor of Guam from a Presidential appointment position to a locally elected position. Further, Congress passed legislation granting Guam a non-voting Delegate to the U.S. House of Representatives.

As Guam's representative to the U.S. Congress, I commend Ms. Cogan for her work as editor of the *Guam Echo* and for the publishing of *I Fought the Navy and Won: Guam's Quest for Democracy*. Through her writings we are to reflect and appreciate the efforts undertaken to bring self-governance to Guam and we can have a deeper appreciation of the historical roots of the Organic Act of Guam.

RECOGNIZING DANNA CHATWELL
AS THE 2008-2009 HURLBURT AFA
CHAPTER MIDDLE SCHOOL
TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Ms. Danna Chatwell, recipient of the Hurlburt Air Force Association Chapter 398 Middle School Teacher of the Year Award for the 2008-2009 school year. Her success as an educator is a testament to the power of our country's teachers, and I am proud to honor Ms. Chatwell on this distinguished occasion.

Ms. Chatwell serves as a seventh grade science teacher at Woodlawn Beach Middle School in Gulf Breeze, Florida. In 2007, she earned the Holley-Navarre Intermediate Teacher of the Year, and this recent AFA award highlights her continued achievements. By merging technology and modern trends with proven teaching practices, Ms. Chatwell gives every student the ability to be successful. Her energy and passion for teaching infuse a desire for knowledge in her students that lives on long after they have graduated from her classroom.

Madam Speaker, on behalf of the United States Congress, I would like to thank Ms. Chatwell for her service to the students of Woodlawn Beach and to the community of Northwest Florida. Vicki and I wish her and her family best wishes for continued success.

HELPING FAMILIES SAVE THEIR
HOMES ACT OF 2009

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Ms. MCCOLLUM. Madam Speaker, I rise today in strong support of the Helping Families Save Their Homes Act of 2009 (H.R. 1106) and to congratulate Chairman FRANK, Chairman CONYERS, and Speaker PELOSI for their quick action to help American families.

The last eight years of disinvestment in American families have pushed the economy into a deep recession. Unemployment is rising and home values are falling while the costs of health care and food continue to rise. Thousands of my constituents have been laid off and can no longer afford to meet the basic needs of their families or pay their mortgages.

The dream of homeownership has become a nightmare for too many. Many home buyers are falling behind on their payments because of dropping home values and the financial crisis through no fault of their own. Many could make their mortgage payments until they lost their jobs or their incomes dropped. Others were victims of predatory lending by unscrupulous mortgage brokers and are now struggling with unaffordable subprime loans. An estimated 14 million homeowners owe more than their home is worth, and many cannot refinance into an affordable mortgage. As a result, a record number of Americans are losing their homes to foreclosure every month. Foreclosures hurt everyone—including our families, neighborhoods, and communities—resulting in lost tax revenue for local governments, reduced property values for neighbors, and often abandoned properties require an increased police presence in our neighborhoods.

The Helping Families Save Their Homes Act of 2009 is a comprehensive approach to break the cycle of foreclosures and declining home values. This legislation offers fair and effective solutions to help families who are facing foreclosure today and those at risk of foreclosure in the future. To accomplish this, H.R. 1106 improves the Hope for Homeowners program by reducing fees that discourage lenders from voluntarily refinancing mortgage loans. This bill would also provide bankruptcy judges with the authority they need to modify loan terms for families who are already in the bankruptcy process—a provision that could reduce foreclosures by 20 percent at no cost to taxpayers. Bankruptcy courts currently have the power to modify loans for corporations, commercial real estate and even vacation homes; extending this option to save the primary residences for families is necessary and equitable.

Last week, President Obama announced the Comprehensive Homeowner Affordability and Stability Plan, a bold strategy to help up to

nine million families restructure their mortgages to avoid foreclosure. The Helping Families Save Their Homes Act is a key step in putting President Obama's plan into place.

The collapsing housing market is one of the root causes of the present economic crisis. Until the housing sector is stabilized, there will simply be no recovery in America. H.R. 1106 is a major step in addressing the crisis in the housing market.

I urge my colleagues to support this legislation.

HONORING MIKE HAUSER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Ms. WOOLSEY. Madam Speaker, I rise today to honor Mike Hauser of Santa Rosa, California, who passed away on March 3, 2009, at the age of 62. Mike had led the Santa Rosa Chamber of Commerce for almost nine years, including regular calls from his sick bed during the last months of his life.

Mike took the reins of Chamber in 2000, and, under his leadership, the organization expanded its programs, enhancing the business climate while benefiting the community. He realized that the two goals complemented each other and brought people together to focus on them. Mike used his low-key style and friendly manner as well as his keen understanding and broad experience to develop initiatives that drew various stakeholders into the process. He was adept at developing relationships that fostered his success.

Mike's efforts included a focus on educating the Spanish-speaking community to be the current and future workforce, including a summer algebra academy for middle school students, securing airline service at the county airport, advocating for the SMART train, and creating programs to develop entrepreneurial businesses and generate high-wage jobs.

Because of his skills and efforts, the Chamber recently learned that it had been awarded a rare five-star rating by the National Chamber of Commerce, becoming the only organization in California to achieve that honor. Also, Mike was set to become Chair of the American Chamber of Commerce Executives in August.

Originally from Iowa, Mike graduated from Iowa State University and then worked in a number of Chambers of Commerce in Minnesota, North Dakota, and Nebraska. He settled for 13 years in Fort Collins, Colorado, where his reputation attracted national attention. When the Santa Rosa Chamber was ready for a new president, Mike was an ideal choice.

He leaves a Chamber that is thriving, with increased membership and a variety of successful programs.

Mike is survived by his wife Kelly, daughters Heidi and Dana, and granddaughter Avery as well as his mother Beryl and three siblings.

Madam Speaker, the Santa Rosa Chamber and the broader community will miss Mike Hauser's leadership and his passion for addressing significant local issues. We thank him for the legacy he will leave in strong ongoing

programs, especially the newly re-named Mike Hauser Algebra Academy.

IN MEMORY OF REV. JOSEPH C.
MARTIN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. HOYER. Madam Speaker, I rise to pay tribute to Rev. Joseph C. Martin, a son of Maryland who devoted his life to helping tens of thousands of alcoholics overcome their addiction—an addiction he overcame himself. Father Martin drank heavily for more than a decade until, with the help of a treatment center for the clergy, he recovered his sobriety. Drawing on his personal struggle, Father Martin developed his famous “Chalk Talk on Alcohol,” a common-sense lecture on addiction that remains in heavy use to this day, from the U.S. Armed Forces to substance-abuse programs around the world.

Along with his hard-won lessons on sobriety, his most lasting legacy is Father Martin's Ashley, a treatment center overlooking the Chesapeake Bay in Harford County, Maryland. Father Martin's Ashley has kept its doors open for more than three decades and, with the guidance and leadership of its co-founder, has served more than 30,000 people. A giving, loving man who exemplified the best tenets of his faith and of the sobriety movement, Father Martin never turned away a potential patient who was short on funds. His example and his wise counsel enabled recovering alcoholics around the world to reclaim control of their lives.

Michael Deaver, who served as chief of staff to President Reagan and received treatment at Father Martin's Ashley, said: “I had been with presidents, kings, popes, and prime ministers, but Father Martin was the most powerful person I had ever met. You see, Father has the power to change people, to make them better, to make them whole again.”

Though Father Martin is gone, I am sure that his legacy, his teaching, and his example will have that same power for years to come.

RECOGNIZING SUSAN CUNDIFF AS
THE 2008-2009 HURLBURT AFA
CHAPTER HIGH SCHOOL TEACHER
OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Susan Cundiff, the 2008-2009 Hurlburt AFA Chapter High School teacher of the Year.

For many students, the prospect of taking physics and chemistry is daunting. Yet, for those at Gulf Breeze High School in Gulf Breeze, Florida, these advanced subjects become something comprehensible and enjoyable due to the outstanding teaching abilities of Ms. Susan H. Cundiff.

Advanced Placement Physics, Physics I/ Honors, Beginning Physics, and Beginning Chemistry are all taught by Ms. Cundiff, who was a cofounder of the Physics Alliance of Northwest Florida (PANF) and served as the organization's president for two years. She has also coached events for the Science Olympiad. In each of her classes, students participate in a Rube Goldberg project in which a particular machine must be built. Previous projects include a letter folding machine, a machine that changes light bulbs, and robots capable of picking up and carrying objects. This learning style promotes an integrated, hands-on approach which helps break down the advanced material and makes it more tangible.

The title of Teacher of the Year is an incredible honor and is evidence of Ms. Cundiff's exceptional capabilities as an educator. Her teaching skills have influenced many and pushed countless students to a higher level of academic achievement. Ms. Cundiff's outstanding accomplishments have distinguished her as one of the great teachers in Northwest Florida, and the First District of Florida is honored to have her as one of their own.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Susan Cundiff on this outstanding achievement and for her exemplary service in the Santa Rosa School District.

CELEBRATION OF WOMEN'S HISTORY
MONTH AND THE NETWORK JOURNAL'S ELEVENTH
ANNUAL 2009 TWENTY-FIVE INFLUENTIAL
BLACK WOMEN IN BUSINESS HONOREES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. RANGEL. Madam Speaker, I rise today in celebration of Women's History Month and The Network Journal's Eleventh Annual 2009 Twenty-Five Influential Black Women In Business Honorees. Since 1998, The Network Journal has recognized the outstanding performance of 25 African-American women in the public, private, entrepreneurial and non-profit sectors throughout this nation and their impact to the world economy.

The Network Journal is a monthly business magazine with more than 88,000 readers. The publication is distributed nationwide with a focus on the Tri-state area (NY/NJ/CT) and features business articles of interest such as finance, technology, industry focus and ideas for Black professionals and small business owners. Aziz Gueye Adetimirin, Publisher of The Network Journal Magazine stated. “The women we are honoring this year are in the forefront of American leadership and symbolize the diversity and advancement that has occurred across industry lines.” Founded in 1993, The Network Journal (TNJ) knows that Black professionals, more than most, recognize the importance of owning their own enterprises, but more importantly, TNJ knows that there is a difference between direct ownership and someone else defining your future. TNJ is

also aware that Black professionals and entrepreneurs can chart their own course and own their success.

I am pleased to recognize TNJ's 2009 Twenty-Five Influential Black Women In Business Honorees: Abenaa Abboa-Offei, Senior Vice President, Customer and Community Connections Affinity Health Plan, New York City; Kelly Chapman, Director, Diversity Recruiting, Microsoft Corp., Cleveland; Amina Dickerson, Senior Director, Global Community Involvement Kraft Foods, Chicago; Joi Gordon Esq. Chief Executive Officer Dress for Success Worldwide, New York City; Brenda P. Grant, Infection Preventionist, Stamford Hospital, Stamford, Connecticut; Cecelia “Ci Ci” Holloway, Managing Director, Diversity and Inclusion for the Americas UBS Investment Bank, Stamford, Connecticut; Michele Hoskins, Michele Foods Inc. South Holland, Illinois; Gayle S. Lanier, Vice President and General Manager, Nortel Knowledge Services Nortel Networks, Research Triangle Park, North Carolina; Ellin LaVar, Owner, LaVar Hair Designs, New York City; Sibongile Magubane, Head of Finance Sports Cars, General Motors Corp., Detroit; Lillian Roberts, Executive Director, District Council 37, AFSCME, AFL-CIO, New York City; Teresa Wynn Roseborough Esq., Senior Chief Litigation Counsel, MetLife Inc., New York City; Sandra Scott Esq., Vice President of Legal Affairs, Home Box Office Inc., New York City; Gerri Warren-Merrick, President Warren, Merrick Communications, New York City; Elizabeth Williams, President and CEO, Roxbury Technology Corp., Jamaica Plain, Mass.; Karen Williams, Associate Publisher, Marketing, Essence Magazine, New York City; Rebecca Williams, Senior Vice President, Executive Creative Officer, Uniworld Group Inc., New York City; and Brenda Williams-Butts, Director of Community Engagement & Audience Development, WNYC Radio, New York City.

The Network Journal has been recognized by government agencies, premier media outlets and business and professional organizations. TNJ has received the “Outstanding Commitment and Positive Contribution to the MBE Community” from the U.S. Department of Commerce Minority Business Development Agency, and has been featured on CNN and FOX Television networks.

HONORING PAUL QUINN
COLLEGE'S 137TH ANNIVERSARY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize Paul Quinn College and this institution's Founder's Observance of 2009 entitled 137 Years of Combining Intellect with Faith.

Paul Quinn College is a historically black college and holds the distinction of being the oldest such institution in the State of Texas. On April 4, 1872, a small group of African Methodist Episcopal circuit-riding preachers established the college under the leadership of Bishop J. M. Brown in Austin, Texas. Originally, Paul Quinn College helped newly freed

slaves learn various skills including blacksmithing, carpentry, tanning and saddle work.

A few short years after its founding, the college moved to Waco, Texas where increased funds allowed the school to expand in size and further develop a curriculum. The subjects of Latin, mathematics, music, theology, English, carpentry, sewing, household, kitchen and dining room work were added. In 1881, the college was chartered by the State of Texas and the school officially took the name of Paul Quinn College. This name was chosen in honor of Bishop William Paul Quinn who served as a Bishop representing the western states in the African Methodist Episcopal Church for over thirty years.

Today Paul Quinn College stands as a legacy to the hard work and dedication of the institution's founders, teachers, alumni, and students. On the week of March 28 through April 4, the college will be holding various Founders' Observances to commemorate the birth and 137 years of the school's history. I ask my fellow colleagues to join me in honoring Paul Quinn College and recognizing this institution's accomplishments.

RECOGNIZING HELENE McGLYNN
AS THE 2008-2009 HURLBURT AFA
CHAPTER ELEMENTARY AND
OVERALL TEACHER OF THE
YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Ms. Helene "De De" McGlynn, who has received the Hurlburt Air Force Association Chapter 398 Teacher of the Year Award for the 2008-2009 school year. Her passion and dedication show that teachers can truly make a difference in the lives of their students, and I am proud to honor such an admirable leader of our local community.

Ms. McGlynn teaches fifth grade at Florosa Elementary School in Mary Esther, Florida. Her classes span the width of the education spectrum, from a gifted and advanced math class to a science and reading class for lower performing students. She provides a differentiated curriculum to her pupils by integrating math, science, and reading skills to all academic levels. By using hands-on experiments, creative discussions, and real-world problem solving, Ms. McGlynn inspires a passion for learning to all. Her unwavering goal is to instill a thirst for knowledge in her students by crafting a relevant, modern program for classroom success.

Madam Speaker, on behalf of the United States Congress, I would like to thank Ms. McGlynn for her public service to the students of Northwest Florida. Vicki and I wish her and her family best wishes for continued success.

EARMARK DECLARATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. HELLER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: Dept of Agriculture—SRG

Legal Name of Requesting Entity: University of Nevada-Reno

Address of Requesting Entity: 1664 N. Virginia St., Reno, NV 89557-0208

Description of Request: Funding would be used to address critical rangeland issues as they affect the health and productivity of land, forage for wildlife and domestic livestock, protection of endangered species, wildfires and invasive species. Science-based solutions to reduce wildfires, improve forage production, and protect wildlife species are critical needs. Funds requested will pay for scientific projects approved by the Experiment Station after peer-review.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: Dept of Agriculture—Conservation Operations

Legal Name of Requesting Entity: Carson City, Nevada

Address of Requesting Entity: 201 North Carson Street, Carson City, NV 89701

Description of Request: Funding will be used by the city to continue fire restoration following the Waterfall wildfire.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: DOJ—COPS Law Enforcement Technology

Legal Name of Requesting Entity: Washoe County Sheriff's Department

Address of Requesting Entity: 911 Parr Boulevard, Reno NV 89512

Description of Request: Funding will be used to improve DNA processing technology at the sheriff's office, which serves most of northern Nevada. The bulk of the funds would specifically help with the creation of a DNA database laboratory, in addition to purchasing equipment.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: DOJ—COPS meth

Legal Name of Requesting Entity: Partnership Carson City Anti-Meth Coalition

Address of Requesting Entity: 201 North Carson Street, Carson City, NV 89701

Description of Request: Funding will be used to combat methamphetamine in the Carson City area, which is one of the top crime and narcotics issues facing the state. Carson City has developed a model program that combines law enforcement, public awareness, drug treatment and counseling programs to eradicate meth use in the local community.

The requested funding will build on significant past efforts and ultimately lead to the reduction of meth use in the local community and related criminal activity.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: DOJ—COPS Meth

Legal Name of Requesting Entity: Secret Witness

Address of Requesting Entity: Secret Witness Program at PO Box 20991, Reno, Nevada 89515

Description of Request: Secret Witness is a non-profit organization (501 (c) (3)) that has been active in northern Nevada for more than 30 years. Secret Witness will expand its efforts into Phase II, and will include an assessment of its program upon completion to determine the impact of the information.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: DOJ—OJP—Juvenile Assistance

Legal Name of Requesting Entity: National Council of Juvenile and Family Court Judges

Address of Requesting Entity: 1041 North Virginia Street, Third Floor, Reno, Nevada 89503

Description of Request: The National Council of Juvenile and Family Court Judges (NCJFCJ), the nation's premier judicial education organization, has been providing critical education to members of this nation's judiciary for decades. Located on the University of Nevada, Reno campus, its long and outstanding reputation for providing cutting-edge training for judges and other system professionals in areas related to court practice is nationally recognized. The National Council uses these Federal dollars to provide training to judges nationwide on child abuse and neglect, juvenile delinquency, divorce, custody and visitation, substance abuse, and mental health and educational needs of children, among other topics.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity: Truckee River Flood Project

Address of Requesting Entity: 9390 Gateway Drive, Ste. 230, Reno, NV 89521

Description of Request: The Truckee Meadows, Nevada project is a multi-purpose project that will provide flood damage reduction, ecosystem restoration and recreation along the Truckee River from Reno to Pyramid Lake.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: no entity—program request spent by Corps

Address of Requesting Entity:

Description of Request: The Rural Nevada program was designed to benefit small communities and to provide assistance for construction of water supply, wastewater treatment, environmental restoration and surface water protection projects. The difficulty in meeting water supply needs in Nevada has only been exacerbated by the tremendous growth Nevada has experienced. The Rural

Nevada Program was authorized in a prior Water Resources Development Act and splits the project costs with the federal government 75% federal share/25% local share.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: DOE—EERE

Legal Name of Requesting Entity: Desert Research Institute

Address of Requesting Entity: 2215 Raggio Parkway, Reno, NV 89512

Description of Request: A Renewable Energy Center (REC) will serve as the physical and programmatic focal point for all of Desert Research Institute (DRI) research, development, demonstration, and deployment (RDD&D) work in the area of renewable energy. DRI has proven strengths in wind and hydrogen research, with significant potential to expand its renewable-energy activities into areas such as biomass and biofuels.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: Small Business Administration

Legal Name of Requesting Entity: Western Nevada Development District

Address of Requesting Entity: 704 West Nye Lane, Ste 201, Carson City, Nevada 89703

Description of Request: WNDD is a multi-county development organization that promotes job creation and growth among mostly small businesses. Funds will promote job creation in northern Nevada.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: EPA—Science and Technology

Legal Name of Requesting Entity: American Water Works Research Foundation

Address of Requesting Entity: 6666 W. Quincy Avenue, Denver, Colorado 80235

Description of Request: Funding would be used to continue research into cost-effective technologies for water quality that will benefit consumers, as the primary purpose of the research is to enable water utilities to practically address and manage challenges to water supply and to be directly involved in the deployment of new technologies.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: EPA—STAG

Legal Name of Requesting Entity: City of Henderson, NV

Address of Requesting Entity: 240 Water Street, Henderson, NV 89009

Description of Request: Funding would be used for construction of the Southwest Wastewater Treatment Plant/Southwest Water Reclamation Facility.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: EPA—STAG

Legal Name of Requesting Entity: City of Reno, NV

Address of Requesting Entity: 1 E 1st Street, Reno, NV 89501

Description of Request: Funding would be used to convert septic systems to sewer systems, in order to help promote health and safety of residents.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: HHS—HRSA

Legal Name of Requesting Entity: Carson/Tahoe Regional Healthcare/CTRH Dayton Hospital

Address of Requesting Entity: 1600 Medical Parkway, Carson City, Nevada 89703

Description of Request: Funding would be used to provide Emergency Medical Services Equipment for the hospital, which serves a large and fast-growing region.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: HHS—HRSA

Legal Name of Requesting Entity: Pershing County General Hospital and Nursing Home

Address of Requesting Entity: PO Box 661, Lovelock, Nevada 89419

Description of Request: Funding would be used for the purchase of equipment, specifically a mammography machine.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: HHS—HRSA

Legal Name of Requesting Entity: St. Mary's Regional Medical Center

Address of Requesting Entity: 235 West Sixth Street, Reno, Nevada 89503

Description of Request: Funding will be used to expand and renovate the existing, outdated emergency unit.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: HHS—HRSA

Legal Name of Requesting Entity: Center for Molecular Medicine/Institute for Neuro-Immune Disease at Pennington Medical Building

Address of Requesting Entity: Mail Stop 0332, Reno, Nevada 89557

Description of Request: Funding will be used for construction and equipment for the Institute clinical and research facility.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: DOT—Buses and Bus Facilities

Legal Name of Requesting Entity: Regional Transportation Commission of Washoe County, Nevada.

Address of Requesting Entity: 2050 Villanova Drive, Reno, NV 89520

Description of Request: Funding would be used to complete the replacement intermodal transportation facilities in downtown Sparks and Reno that are currently operating over capacity.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: DOT—Interstate Maintenance Discretionary

Legal Name of Requesting Entity: Regional Transportation Commission of Washoe County, NV

Address of Requesting Entity: 2050 Villanova Drive, Reno, NV 89520

Description of Request: Funding will be used to mitigate severe current and future traffic congestion occurring on I-580/US 395 and the adjacent surface arterials in the primary

commercial retail district for the Reno/Sparks metropolitan area.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: DOT — Transportation, Community, and System Presentation

Legal Name of Requesting Entity: City of Reno, NV

Address of Requesting Entity: P.O. Box 1900, Reno, NV 89505

Description of Request: Funding would be used for continuing the revitalization and enhancement of the downtown rail access corridor.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: HUD—Economic Development Initiatives

Legal Name of Requesting Entity: City of Fernley, NV

Address of Requesting Entity: 595 Silver Lace Blvd., Fernley, NV 89408

Description of Request: Funding will be used for the redevelopment and enhancement of an historically significant downtown corridor to attract business and generate jobs, largely in response to destruction from a recent flood.

Requesting Member: Congressman DEAN HELLER

Bill Number: HR 1105

Account: HUD—Economic Development Initiatives

Legal Name of Requesting Entity: City of Wells, NV

Address of Requesting Entity: 1279 Clover Avenue, P.O. Box. 366, Wells, Nevada 89835

Description of Request: Funding will be used for streetscaping and construction of an indoor recreation facility, largely in response to destruction caused by a recent earthquake.

STRONG OPPOSITION TO THE FDIC'S SPECIAL ASSESSMENT ON COMMUNITY BANKS AND THE NEGATIVE IMPACT IT WILL HAVE ON THESE INSTITUTIONS, THE COMMUNITIES THEY SERVE, SMALL BUSINESSES, COMMUNITY-BASED GROUPS, FAITH-BASED GROUPS, AND CESAR CHAVEZ GROUPS

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. HINOJOSA. Madam Speaker, over the years, Texas community banks have provided the loans and services to small businesses and others, which have helped me help my district. Together, the community banks, the credit unions, the chambers of commerce, the mayors, the Texas Senate and House, the Public Housing Authorities, the CDCs, and many more in the Rio Grande Valley helped me reduce the unemployment rate in my district from 23 percent when I first arrived in Congress all the way down to 6 percent, which has increased to 9 percent in January 2009.

I want to impress upon you the need for all of us on this Committee, the House of Representatives, the Congress in general and the

Executive branch to keep in mind the importance of community banks. It is a small—but vital—sector in the overall health of our economy. Community banks foster economic growth and serve their communities, boost small businesses, and help increase individual savings, which is of particular importance to me as Co-Founder and Co-Chair of the Financial and Economic Literacy Caucus.

While community banks are not the cause of the current crisis, they are feeling its effects. Commercial banks and savings institutions insured by the Federal Deposit Insurance Corporation (FDIC) reported a net loss of \$26.2 billion in the fourth quarter of 2008.

However, more than two-thirds of all insured institutions were profitable in the fourth quarter of 2008, including community banks. “Unfortunately, their earnings were outweighed by large losses at a number of big banks”, as stated by the FDIC in their Quarterly Banking Report.

Total deposits increased by \$307.9 billion (3.5 percent), the largest percentage increase in 10 years, with deposits in domestic offices registering a \$274.1 billion (3.8 percent) increase. And at year-end, nearly 98 percent of all insured institutions, representing almost 99 percent of industry assets, met or exceeded the highest regulatory capital standards.

I agree with a statement made by Chairman Sheila Bair that, and I quote, “public confidence in the banking system and deposit insurance is demonstrated by the increase in domestic deposits during the fourth quarter. Clearly, people see an FDIC-insured account as a safe haven for their money in difficult times.”

Higher level of losses for actual and anticipated failures caused the FDIC Deposit Insurance Fund balance to decline during the fourth quarter of 2008 by \$16 billion, to \$19 billion (unaudited) at December 31. In addition to having \$19 billion available in the fund, \$22 billion has been set aside for estimated losses on failures anticipated in 2009. The fund reserve ratio declined from 0.76 percent at September 30, 2008, to 0.40 percent in the last quarter of 2008. The statutory “targeted” reserve ratio for the FDIC fund is 1.15 percent.

When the FDIC Board recently met to address DIF’s fund reserve ratio, they decided to increase deposit insurance assessment rates beginning in the second quarter of 2009 and to consider adopting enhancements to the risk-based premium system.

I must admit that I was surprised and concerned when I read the FDIC’s press release announcing that the FDIC Board adopted an interim rule to impose a 20 basis point “emergency special assessment” on the industry on June 30, 2009. The assessment is to be collected on September 30, 2009. The interim rule would also permit the Board to impose an additional emergency special assessment after June 30, 2009, of up to 10 basis points if they deem it necessary to maintain public confidence in federal deposit insurance.

The FDIC merged the Bank Insurance Fund (BIF) and the Savings Association Insurance Fund (SAIF) to form the Deposit Insurance Fund (DIF) on March 31, 2006 in accordance with the Federal Deposit Insurance Reform Act of 2005. As a result of the merger of the BIF and SAIF, all insured institutions are sub-

ject to the same assessment rate schedule, but not necessarily the same assessment rate.

What is key here is the amount each institution is assessed is based upon statutory factors that include the balance of insured deposits as well as the degree of risk the institution poses to the insurance fund. Community banks do not pose a risk to the solvency of the Deposit Insurance Fund and its Designated Reserve Ratio and were not a party to the activities that led to such a low DIF ratio to the best of my knowledge.

The FDIC has a \$30 billion line of credit with the Treasury Department to meet its obligations. I am not opposed to the FDIC tapping that source. Our nation is in a severe economic crisis, and the FDIC plays a pivotal role in the financial system. We need to provide Chairman Bair and the Board with as much support as possible while simultaneously avoiding imposing unnecessary and unwarranted special assessments on financial institutions that had nothing to do with the current economic crisis or the condition of the overall banking industry.

The FDIC’s Deposit Insurance Fund currently has \$19 billion available, \$22B billion set-aside for estimated losses on failures anticipated in 2009, and a \$30 billion line of credit with the Department of Treasury, bringing the total “available” to \$69 billion.

Legislation that recently passed the House and is being considered in the Senate included a \$70 billion increase in the FDIC’s line of credit at Treasury to \$100 billion, more than three-fold, and was intentionally capped at \$100 billion during a markup, bringing the total dollar amount available for the Deposit Insurance Fund to \$141 billion, provided the legislation passes and is signed by the President.

Although very pleased to learn that Chairman Bair would cut the emergency special assessment in half, to 10 basis points, provided Congress increases the FDIC’s borrowing authority to \$100 billion, a quid pro quo, I remain steadfast in my opposition to any special assessment that would be imposed on community banks.

Community banks did not cause the economic crisis. To the best of my knowledge, community banks do not pose a threat to the Deposit Insurance Fund or its Designated Reserve Ratio. Community banks did what they always do, they took care of their communities, small businesses, faith-based groups, community-based groups, nonprofits, César Chávez entities and many, many others.

Under the restoration plan approved last October, the FDIC Board set a rate schedule to raise the DIF reserve ratio to 1.15 percent within five years. Recent actions taken by the FDIC extends the restoration plan horizon to seven years in recognition of the current significant strains on banks and the financial system and the likelihood of a severe recession.

I agree with FDIC Chairman Sheila Bair’s statement in the release that, and I quote, “Public confidence in the FDIC guarantee has helped assure a stable source of funding for banks in these troubled times.” However, I am curious as to why community banks that played little to no role in the current financial crisis will have to pay a special assessment for something they did not do. I understand the argument that it’s best to impose the as-

essment on all the insured institutions across the board. But, it is flawed. And, I’ll ask one more time why should community banks that had little to nothing to do with the current crisis have to pay the special assessment?

They are small institutions that are well-capitalized whose funds are needed by local communities. Only thirteen out of 640 community banks in Texas have opted to participate in Treasury’s Capital Purchase Program, and none of them are based out of my district.

As noted, the Full Committee and subsequently the House of Representatives passed legislation authorizing the FDIC to borrow up to \$100 billion from Treasury. Recently, Senate Banking Committee Chairman CHRISTOPHER DODD introduced legislation that would give the FDIC’s Board of Directors, the Board of Governors of the Federal Reserve System and the Secretary of the Treasury, in consultation with the President, the power to increase the FDIC’s borrowing authority above the \$100 billion cap to an amount they deem necessary to maintain the stability and designated reserve ratio of the FDIC’s Deposit Insurance Fund, but not to exceed \$500 billion. This borrowing authority would sunset on December 31, 2010.

I support Chairman DODD’s legislation—both its intent and its language—in large part due to the strict requirements it imposes on the FDIC, the Federal Reserve, and Treasury (in consultation with the President) prior to granting the authority for the FDIC to borrow beyond the proposed \$100 billion threshold as capped in the House-passed version of the legislation. It is sound public policy.

At the same time, with all the funds the FDIC currently has available and the additional borrowing authority it likely will have soon, I don’t believe it needs to tap the community banks in my district, in Texas and the United States.

I have the utmost respect and confidence in Chairman Bair. I laud her for her commitment to financial literacy, especially her efforts to bring the unbanked into the mainstream financial system and away from check cashers, and payday and predatory lenders. I acknowledge and commend her and the FDIC Board for all their efforts and success at addressing the current economic crisis, up to a point.

The FDIC’s proposed emergency special assessment will not only negatively impact community banks, but it will not help me in my capacity as Co-Chair of the Financial and Economic Literacy Caucus. It will not help me as a member of the Financial Services Committee. It definitely will not help me, a representative of the poorest county in the country, to bring the unbanked into the mainstream financial system.

There are alternatives to what the FDIC is proposing. If the FDIC needs additional funds to meet the designated reserve ratio, it can easily change the assessment base from domestic deposits to all deposits. The FDIC could tap temporary funding from the Treasury, like Wall Street firms, to re-capitalize the insurance fund, giving Main Street banks time to strengthen their balance sheets and allow local lending activities to continue, and grow, to help our struggling economy recover, rather than constrict lending further by imposing a new debt obligation on already burdened balance sheets.

I cannot support a policy in which a federal agency takes funds from my district, which includes Hidalgo County—the poorest county in the country—and transfers them to the limited areas of the country in which the large banks and entities other than community banks or credit unions, with the help of certain regulators, created the current global economic crisis.

Madam Speaker, I hope that someone out there is listening.

TREASURE ISLAND MAYOR MARY MALOOF COMPLETES 12 YEARS OF SERVICE TO HER COMMUNITY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 2009

Mr. YOUNG of Florida. Madam Speaker, Treasure Island Mayor Mary Maloof turns over her gavel this week during the city commission's regularly scheduled meeting, ending 12 years of dedicated service.

It has been a privilege to work with Mayor Maloof on a number of projects important to the people of Treasure Island. Most notable was the rebuilding of the Treasure Island Causeway and Draw Bridge, which serves as a major evacuation route for the city's residents. Together, we dedicated this \$65 million project in June of 2006, to the cheers of the people of Treasure Island and to the relief of the city's engineers who were concerned about the safety of the old bridge.

Mayor Maloof was never afraid to tackle a problem of any size whether it is a major bridge replacement, the largest public works project in the city's history, or the concern of a single constituent. She approached all those challenges with the same interest and can-do spirit.

Mayor Maloof served for six years as a City Commissioner before being elected Mayor in 2003. She was the first woman to be elected Mayor of Treasure Island and was reelected to a second three-year-term in 2006.

She had the great honor to preside over the city's 50th anniversary in 2005 and through her 12 years of service to the people of Treasure Island, she has set the city on course for great success and prosperity over the course of its next 50 years.

Madam Speaker, serving as mayor of any community large or small is among the toughest of elected positions. Mayor Mary Maloof has carried out her duties with the greatest of honor and dedication and it is my hope that my colleagues join me today in saluting her for a job well done.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily

Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 17, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 18

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine nuclear energy development; to be immediately followed by a business meeting to consider the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

SD-366

Veterans' Affairs

To hold joint hearings to examine the legislative presentation of the Veterans of Foreign Wars.

334, Cannon Building

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nomination of Gary Locke, of Washington, to be Secretary of Commerce.

SR-253

Health, Education, Labor, and Pensions

Business meeting to consider S. 277, to amend the National and Community Service Act of 1990 to expand and improve opportunities for service.

SD-430

Judiciary

To hold hearings to examine the National Academy of Science's report Strengthening Forensic Science in the United States: A Path Forward.

SD-226

10:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine Department of Defense medical programs.

SD-192

2:30 p.m.

Homeland Security and Governmental Affairs

Disaster Recovery Subcommittee

To hold hearings to examine findings from the Disaster Recovery Subcommittee Special Report and working with the Administration on a way forward.

SD-342

Finance

Health Care Subcommittee

To hold hearings to examine what is health care quality and who decides.

SD-215

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine risk management oversight at Federal financial regulations.

SD-538

2:45 p.m.

Armed Services

Personnel Subcommittee

To hold hearings to examine the incidence of suicides of United States Servicemembers and initiatives within the Department of Defense to prevent military suicides.

SH-216

MARCH 19

9:30 a.m.

Armed Services

To hold hearings to examine United States Pacific Command, United States Strategic Command, and United States Forces Korea, with the possibility of a closed session following in SR-222.

SH-216

Energy and Natural Resources

To hold hearings to examine the Appliance Standards Improvement Act of 2009.

SD-366

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine cybersecurity, focusing on assessing our vulnerabilities and developing an effective defense.

SR-253

Foreign Relations

To hold hearings to examine prospects for engagement with Russia.

SD-419

Judiciary

Business meeting to consider S. 515, to amend title 35, United States Code, to provide for patent reform, and the nomination of Dawn Elizabeth Johnsen, of Indiana, to be an Assistant Attorney General, Department of Justice.

SD-226

Small Business and Entrepreneurship

To hold hearings to examine perspectives from main street on small business lending.

SR-428A

10:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine bank supervision and regulators.

SD-538

2 p.m.

Banking, Housing, and Urban Affairs

Financial Institutions Subcommittee

To hold hearings to examine current issues in deposit insurance.

SD-538

2:30 p.m.

Intelligence

To hold closed hearings on examine certain intelligence matters.

SH-219

MARCH 24

9:30 a.m.

Armed Services

To hold hearings to examine United States European Command and United States Joint Forces Command; with the possibility of a closed session following in SR-222.

SH-216

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine addressing insurance market reform in national health reform.

SD-430

| MARCH 25 | | 2:30 p.m. | | APRIL 2 | |
|---|--|--|--|---------|--|
| 9:30 a.m. | Judiciary | Commerce, Science, and Transportation Aviation Operations, Safety, and Security Subcommittee | | 2 p.m. | Armed Services |
| | To hold oversight hearing to examine the Federal Bureau of Investigation. | To hold hearings to examine Federal Aviation Administration reauthoriza- tion, focusing on NextGen and the ben- efits of modernization. | | | To hold hearings to examine the report of the Congressional Commission on the Strategic Posture of the United States. |
| SH-216 | | | | | |
| Veterans' Affairs | | Armed Services | | SD-106 | |
| To hold hearings to examine State-of- the-Art information technology (IT) solutions for Veterans' Affairs benefits delivery. | | Personnel Subcommittee | | | |
| SR-418 | | To hold hearings to examine reserve component programs of the Depart- ment of Defense. | | | |
| | | SR-232A | | | |

SENATE—Tuesday, March 17, 2009

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of the nations, we come as we are today into Your sacred presence. Lord, we feel unworthy of Your mercy and grace and long to please You by living to honor Your Name. Some of us are cornered by temptation, others are deep in grief, and still others are anxious about tomorrow. Supply our very needs according to the riches of Your powerful providence.

In a special way, sustain our Senators. Help them to cast their burdens on You because You know all about them and have the power to answer even before they call. Remind them that You desire to hear their prayers more than they long to be heard. May they remember Your promise to keep them from stumbling and slipping.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 17, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be an hour of morning business, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes; Republicans will control the final 30 minutes. Following morning business, the Senate will resume consideration of the motion to proceed to H.R. 146, the legislative vehicle for the lands package. The Senate will recess from 12:30 until 2:15 to allow for the weekly caucus lunches.

SENATE AGENDA

Mr. REID. Madam President, as a result of a number of conversations with various people last night, I think we are at a point where we should shortly be able to enter into an agreement to complete H.R. 146. Senator COBURN is going to offer six amendments. We are going to agree on a time for those amendments. We have the subject matter, and staff is going to work out the—I am told the legislative language has been drafted on the bills, so it seems to me we should be in a position to move forward. With the six amendments, we should be able to finish the legislation without a lot of heavy lifting tomorrow—maybe early tomorrow—which would allow us to do some nominations and get some of those done before we leave here. So I hope that will work out. We are not there yet, but I think we are very close.

I had a meeting this morning with Senator BINGAMAN. He understands the subject matter of the amendments—he being the chair of the Energy Committee, which has the jurisdiction of everything in this bill—so that should take care of that matter.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

AIG BONUSES

Mr. MCCONNELL. Madam President, over the weekend we learned the extent

of the bonuses being paid to some of the same people at AIG who got this company in the position it is in. Many of us on both sides of the aisle expressed absolute outrage that these bonuses could be paid. Yesterday, the White House joined that chorus and promised to do everything possible to get the taxpayers' money back. Well, we certainly appreciate those efforts. However, it could have been handled a little differently. It would have been better if this pledge had included action 2 weeks ago. Just 2 weeks ago, the Treasury agreed to give AIG another \$30 billion in taxpayer money—just within the last 2 weeks. For example, wouldn't the Treasury and the taxpayer have had more leverage over AIG's executive contracts before providing another \$30 billion in tax money for them? Once that money was handed over to AIG, the leverage was lost. That would have been the perfect time to make sure this didn't happen.

It is my hope the Treasury will be vigilant in safeguarding taxpayer funds from here on. I certainly expect them to look for every possible legal way to live up to the pledge made yesterday on behalf of the taxpayers of the United States.

GUANTANAMO BAY

Mr. MCCONNELL. Madam President, a lot has been written over the past several days about the inmates at Guantanamo, and none of it makes the administration's decision to shut this facility down by the end of the year any less challenging than it already was. This is an issue which has grave implications for our Nation's security, and we really need to get it right. So this morning, I wish to spend a few minutes explaining why the administration would do well to reconsider its approach to Guantanamo, an approach that looks even hastier now than when it was first announced back in January.

One of the most obvious problems the administration faces on this issue is what to do with these inmates once Guantanamo is closed. This is not a new concern. Ever since the United States started using Guantanamo as a detention facility after the invasion of Afghanistan, Government officials and legal thinkers have tried to come up with ways of dealing with enemy combatants who don't fall into the traditional categories of war. No one denies that the United States is legally entitled to capture and to hold enemy fighters to prevent them from returning to battle, but their release and repatriation have proved to be extremely

complicated. As the years have passed, these questions have become even more complicated—not less—than they were back in 2001.

Just this week, a number of European countries that had previously offered to help the administration find a new home for about 60 of the remaining 241 inmates at Guantanamo began to backpedal. Some of these countries now indicate they won't take any of these inmates unless the United States agrees to take some of them as well and agrees to put them in American prisons. This is clearly a dodge since the American people appear to be even less interested in housing these inmates than the Europeans are. Well, if there is no place for these terrorists to go in Europe and no place for them to go in the United States, an obvious question arises: Where else can they go? At the moment, there is no answer to that most important question.

When the question of sending detainees to U.S. soil was put to the Senate in the summer of 2007, the vote against it was 94 to 3. We had that vote right here in the Senate in the summer of 2007, and by a vote of 94 to 3 Members of the Senate said they did not want these Guantanamo prisoners on U.S. soil. This is not only a good reflection of where public opinion is on the issue, it is also notable that four of the votes cast were Senators from Kansas and Colorado, States that are most often mentioned as possibilities to house the inmates. One of these Senators, Ken Salazar, is now in the Obama administration, and former Kansas Governor Kathleen Sebelius, who also opposes sending inmates to Kansas, is the administration's pick to head the Department of Health and Human Services. So the bottom line here is that it is hard to find anyone anywhere, even inside the Obama administration, who wants their State to become the next home to captured violent terrorists.

Now, there is a reason no one wants to have these guys nearby. Over the years, the pool of prisoners at Guantanamo has become only more dangerous, not less, and those who remain include dozens of proud and self-proclaimed—proud and self-proclaimed—members of al-Qaida. Many have been directly linked to some of the worst terrorist attacks in history, including some who had direct knowledge—direct knowledge—of September 11. Others have trained or funded terrorists, made bombs or presented themselves as potential suicide bombers.

We recently got a vivid glimpse into the minds of these men when a number of them responded in writing to the Government's charges against them. Here are some of the excerpts from the document which was signed by five men whose names appear on the chart right behind me:

With regard to these nine accusations that you are putting us on trial for—

So said one of the terrorists—

to us, they are not accusations. To us, they are badges of honor which we carry with pride . . . therefore, killing you and fighting you, destroying you and terrorizing you, responding back to your attacks, are all considered to be great legitimate duty in our religion.

Later on, these men refer to the September 11 attacks as "the blessed 11 September operation."

Toward the end of the document, they make a statement and a prediction. Here is what they said:

We ask to be near to God, we fight you and destroy you and terrorize you. . . . your end is very near and your fall will be just as the fall of the towers on the blessed 9/11 day. . . . so we ask from God to accept our contributions to the great attack, the great attack on America, and to place our nineteen martyred brethren among the highest peaks in paradise. . . .

One of the most chilling statements in the document is the simple assertion by these men, quoted on the chart behind me:

We are terrorists to the bone.

"We are terrorists to the bone."

This is how they see themselves. These are the men the administration wants to release from Guantanamo?

Not only are most of the remaining inmates at Guantanamo extremely dangerous, they are also increasingly likely to return to battle if they are transferred back to their home countries. According to Pentagon reports, detainees who have been released from Guantanamo appear to be reengaging in terrorism at higher rates, with the current rate of those either suspected or confirmed of reengaging in terrorism at about 12 percent. About 12 percent of those who have been released are back in the fight.

More than a third of the detainees who have already been released were from Saudi Arabia, which has its own detention and rehabilitation system. But our confidence in that system has been shaken by recent reports that Saudi detainees who returned home have gone back to fighting.

Last month, two Saudis who were released from Guantanamo and who passed through the Saudi rehabilitation program appeared in a video as members of al-Qaida in Yemen. One of them, Ali al-Shihri, is thought to have been involved in a deadly bombing on the U.S. Embassy in Yemen last September.

Al-Shihri was released to Saudi Arabia from Guantanamo in 2007.

Even more worrisome than the Saudi detainees, however, is the prospect of releasing Yemeni detainees to Yemen since Yemen has shown little ability to control even the most dangerous terrorists we release. Of the 100 Yemenis who remain at Guantanamo, about 15 have been cleared for transfer to Yemen. Another 15 may face trial in the United States. Some of the remaining Yemenis could go to Saudi Arabia,

but the Yemeni Government is protesting the move.

Other inmates who have been released have shown up on the battlefield in places like Pakistan and Iraq. One former inmate from Kuwait traveled to Syria after his release, snuck into Iraq, and plotted attacks against U.S. forces there. He eventually drove a truck packed with explosives into a joint American and Iraqi military training camp, blowing himself up, and killing 13 Iraqi soldiers.

Each one of these concerns is serious enough to warrant a reconsideration of the administration's decision to close the detention facility at Guantanamo Bay. Taken together it is hard to imagine the administration is not already having second thoughts. Of the alternatives that have been considered, some, like a transfer of detainees to Europe, may no longer be viable.

But even if these inmates were sent to Europe, one all-important question would remain: What then? Will they be released? With a recidivism rate now hovering around 12 percent, this is a risk that is simply too dangerous to take—especially when it only takes one terrorist to inflict unimaginable horror.

According to the European Union's own rules, a detainee who is released within a 25-nation area within the EU is free to move about these countries without even a passport check. A member of al-Qaida who is sent to Europe and subsequently released could easily reenter a transnational terrorist network—and the recidivism rate suggests that this is not at all unlikely.

Guantanamo itself, on the other hand, has proven to be a completely secure facility: in more than 7 years of use, not a single prisoner has escaped Guantanamo to maim or kill a single innocent person. Let me repeat that: in the more than 7 years that we have used Guantanamo as a detention facility, not a single prisoner out of the roughly 800 who have been housed there has escaped to maim or kill a single innocent person.

No one has credibly argued that the inmates are poorly treated: three meals a day, a full library or books, magazines, and DVDs, and medical care that is said to be excellent. Indeed, one European official who visited in 2006 called Guantanamo "a model" prison and better than the ones in Belgium. This is not Abu Ghraib.

Attorney General Eric Holder is in charge of the review of the detention facility at Guantanamo Bay. He captured the dilemma over Guantanamo after a recent trip there when he offered a glowing report on the facility, said the prisoners were being treated well—and then reiterated the administration's intent to close it within the year. On some level, the Attorney General must realize how illogical this seems. If he doesn't, then for the sake

of the safety of the United States and its citizens, it is my hope that he realizes it before the end of the year.

President Obama was right and courageous to rethink an artificial deadline on withdrawing U.S. forces from Iraq. As we approach another artificial deadline, it is my hope that he rethinks this decision irrespective of what they may think in certain European capitals. Any shift in our policy on these detainees must meet a simple test: Will it keep us as safe as Guantanamo has from men like the ones whose names appear behind me? If the answer is no, then the policy we have is best. At the moment, the only safe option is to keep the inmates at Guantanamo in one place—and that's right where they are.

Mr. President, I ask unanimous consent to have printed in the RECORD the court order to publish the Islamic Response to the Government's nine accusations and the Response itself.

UNITED STATES OF AMERICA v. KHALID SHEIKH MOHAMMED, WALID MUHAMMAD SALIH MUBARAK BIN 'ATTASH, RAMZI BIN AL SHIBH, ALI ABDUL-AZIZ ALI, MUSTAFA AHMED ADAM AL HAWSAWI

D-101—Commission Order Regarding Pro Se Filing: "The Islamic Response to the Government's Nine Accusations"

1. On 5 March 2009, the Commission received and reviewed in chambers D-101, an unclassified document titled "The Islamic Response to the Government's Nine Accusations", filed pro se by the above named Accused.

2. The Commission directs that copies of this pleading be served upon the prosecution and defense counsel of record, to include stand-by counsel. The Commission further directs the pleading be provided to the Clerk of Court for immediate public release.

3. As this pleading seeks no specific relief, no responses are required by either the prosecution or defense.

4. The Clerk of Court is directed to have this order translated into Arabic and served upon each of the Accused

So Ordered this 9th day of March, 2009:

STEPHEN R. HENLEY,
Colonel, U.S. Army,
Military Judge.

UNITED STATES OF AMERICA vs. KHALID SHEIKH MOHAMMED, WALID BIN 'ATTASH, RAMZI BIN AL SHIBH, 'ALI 'ABD AL-'AZIZ 'ALI, MUSTAFA AHMED AL-HAWSAWI

THE ISLAMIC RESPONSE TO THE GOVERNMENT'S NINE ACCUSATIONS"

In the Name of Allah, the Most Merciful, the Most Compassionate

The 9/11 Shura' Council

Many thanks to God who revealed the Torah, the Bible, and the Quran, and may God praise his messenger, the prophet Mohamed, so that he causes mercy to the two realms. Also, may God praise the prophet's household, his entire companionship, and his followers until judgment day.

With regards to these nine accusations that you are putting us on trial for; to us, they are not accusations. To us they are badges of honor, which we carry with pride. Many thanks to God, for his kind gesture, and choosing us to perform the act of Jihad for his cause and to defend Islam and Mus-

lims. Therefore, killing you and fighting you, destroying you and terrorizing you, responding back to your attacks, are all considered to be great legitimate duty in our religion. These actions are our offerings to God. In addition, it is the imposed reality on Muslims in Palestine, Lebanon, Afghanistan, Iraq, in the land of the two holy sites [Mecca and Medina, Saudi Arabia], and in the rest of the world, where Muslims are suffering from your brutality, terrorism, killing of the innocent, and occupying their lands and their holy sites. Nevertheless, it would have been the greatest religious duty to fight you over your infidelity. However, today, we fight you over defending Muslims, their land, their holy sites, and their religion as a whole.

The following is our Islamic response back to your nine untenable, just like a spider web, accusations:

First, "the conspiracy accusation":

This is a very laughable accusation. Were you expecting us to inform you about our secret attack plans? Your intelligence apparatus, with all its abilities, human and logistical, had failed to discover our military attack plans before the blessed 11 September operation. They were unable to foil our attack. We ask, why then should you blame us, holding us accountable and putting us on trial? Blame yourselves and your failed intelligence apparatus and hold them accountable, not us.

With regards to us, we were exercising caution and secrecy in our war against you. This is a natural matter, where God has taught us in his book, verse 71 from An-Nisa: ((O you believers! Take your precautions, and either go forth (on an expedition) In parties, or go forth together.))

Also, as the prophet has stated: "War is to deceive."

With regards to the second, third, and forth accusations: "Attacking civilians." "Attacking civilian objects." and "deliberately causing grave bodily harm":

We ask you; who initiated the attacks on civilians? Who is attacking civilian objects? And who is causing grave bodily harm against civilians? Is it us, or is it you?

You are attacking us in Palestine and Lebanon by providing political, military, and economic support to the terrorist state of Israel, which in turn, is attacking unarmed innocent civilians. In addition, Israel attacks Palestinian and Lebanese civilian objects by bombing them and destroying them. Furthermore, Israel is causing grave bodily harm by using weapons that are forbidden internationally, such as: cluster bombs in Lebanon and the rubber and live ammunitions in Palestine and breaking bones of Palestinian children. Moreover, the Israeli criminal list is long and endless, against civilians in Lebanon and Palestine.

In addition, was it not you that attacked an entire population in Iraq, destroying civilian targets and its infrastructure? Was it not you that has killed one million Iraqi children caused by your oppressed economic sanctions, which you imposed after the first Gulf War?

In fact, it was you who had wiped out two entire cities off the face of the earth and killed roughly half a million people in a few minutes and caused grave bodily harm by nuclear radiation? Did you forget about your nuclear bombs in Hiroshima and Nagasaki?

You are the last nation that has the right to speak about civilians and killing civilians. You are professional criminals, with all the meaning the words carry. Therefore, we will treat you the same. We will attack you,

just like you have attacked us, and whom-ever initiated the attacks is the guilty party.

In God's book, verse 193, Al-Baqara, he states: ((The sacred month is for the sacred month, and for the prohibited things, there is the law of equality. Then, whoever transgresses the prohibition against you, you transgress likewise against him.))

God stated, in verse 179, Al-Baqarah: ((And there is (a saving of) life for you in Al-Qisas (The law of equality in punishment), O men of understanding, that you may become A-Muttaqin (the pious).))

God also stated, in verse 40, Al-Shura: ((The recompense for an evil is an evil like thereof.))

In verse 45, Al-Maida: ((Life for life, eye for an eye, nose for a nose, ear for an ear, tooth for a tooth, and wounds equal for equal.))

In verse 193, Al-Baqara: ((... Let there be no hostility except to those who practice oppression.))

With regards to accusations five and six. "Crimes in violation of the law of war." and "Destroying property in violation of the law of war":

Who is breaking the law of war in this world? Is it us, or is it you? You have disobeyed all heaven and earth's laws of war, to include your own laws.

You have violated the law of war by supporting the Israeli occupation of Arab land in Palestine and Lebanon, and for displacing five million Palestinians outside their land. You have supported the oppressor over the oppressed and the butcher over the victim.

Also, you have violated the law of war by attacking an independent sovereign Arab nation with your first crusade campaign in 1991. By force, you have occupied the Arabian Peninsula and the Gulf. In addition, today, you are occupying Iraq and Afghanistan.

Also, you have violated all laws of war, and in particular, your treatment of Prisoners of War, in Afghanistan and Iraq. We are the best example of such violations and your "Black Sites" for torturing prisoners. This, and with your "Abu-Ghurayb" prison in Iraq. Guantanamo camps are witness to all of that.

So, you are the first class war criminals, and the whole world witnesses this. You have no values and ethics and no principles. You are a nation without a religion. On the other hand, we are a great nation, with a great religion, values, ethics, and principles, which we comply with and follow, and we invite people to following our ways. History will testify on our actions. You should look back at Salah Al-Din and how ethically he treated your crusader ancestors that were prisoners to him.

We fight you to defense our nation, our religion, and our land. All heavenly and earthly laws guarantee our rights to do so. We, Muslims, are content with God's book, the Quran, to fight you with. God has granted us to fight, in verse 39, Al-Hajj: ((To those against whom war is waged, permission is given (to fight,) because they are wronged and verily, Allah is most powerful for their aid.))

God stated in his book, verse 190, Al-Baqara: ((And fight in the way of Allah those who fight you, but be not the transgressor, Allah likes not the transgressors.))

With regards to the seventh accusation, "Hijacking and/or endangering a vessel or an aircraft":

In return, we ask you: Which is more dangerous; Hijacking and/or endangering a vessel or an aircraft, or endangering an entire

population with a military occupation, killing and endangering innocent civilians by starving them with an economic sanction?

If you do not respect the innocent in our countries, then we will do the same, by exposing you to danger and hijacking in the air, at sea, and land.

In God's book, he ordered us to fight you everywhere we find you, even if you were inside the holiest of all holy cities, The Mosque in Mecca, and the holy city of Mecca, and even during sacred months.

In God's book, verse 9, Al-Tawbah: ((Then fight and slay the pagans wherever you find them, and seize them, and besiege them and lie in wait for them in each and every ambush.))

Remember, that you are the ones who attacked the Iranian civilian aircraft, flight 655, in 1988 with your Cruise missiles over the Hermuz straights, killing all of its 290 passengers, among them 66 children. They are still shedding tears today over your victims. Does your blood have a value and the blood of Muslims not?

With regards to the "Terrorism" accusations:

Who are the real terrorists? Is it us, or is it you? America is the terrorist country number one in the world. Is has nuclear weapons of mass destruction, and the hydrogen bombs, and the biological weapons, and its ocean fleets are around the world, threatening countries' security and safety and any country that is not subjected to its oppressed will.

In addition, America is the main shepherd of the main support to the Israeli terrorism against Muslims in the occupied state of Palestine, and also support and bond with the terrorist governments of the Arab and Islamic world, which, in turn, oppress and suppress their own people that are calling for freedom, and the application of Islamic law.

We do not possess your military might, not your nuclear weapons. Nevertheless, we fight you with the almighty God. So, if our act of Jihad and our fighting with you caused fear and terror, then many thanks to God, because it is him that has thrown fear into your hearts, which resulted in your infidelity, paganism, and your statement that God had a son and your trinity beliefs.

God stated in his book, verse 151, Al-Umran: ((Soon shall we cast terror into the hearts of the unbelievers, for that they joined companies with Allah, for which he has sent no authority; There place will be the fire; and evil is the home of the wrongdoers.))

God also stated in his book, verse 60, Al-Anfal: ((Against them make ready your strength to the utmost of your power, including steeds of war, to strike terror into the heart of the enemies of Allah and your enemies.))

Also, God has informed us, in his book, of what is in your heart from fear and terror towards us, and that you fear and have been terrorized from us more than God himself. Verse 13, Al-Hashir: ((Of a truth you (Muslims) are more feared in their (the infidels) hearts from Christians, Jews, and (others) hearts, than Allah. This is because they are men devoid of understanding.))

Therefore, you do not fight us face-to-face, man-to-man. But rather, you fight us from behind roadblocks, trenches, and warplanes, which are thousands of feet in the air.

Your status in Iraq and Afghanistan does not need any further explanation. God has demonstrated to us your mental and your defeated fighting moral status.

God has stated in his book, verse 14, Al-Hashir: ((They fight not against you even to-

gether, except in fortified townships, or from behind walls, their enmity among themselves is very great, you would think that they were united, but their hearts are divided. That is because they are a people who understand not.))

Our prophet was victorious because of fear. At a month distant, the enemy did not hear from him.

So, our religion is a religion of fear and terror to the enemies of God: the Jews, Christians, and pagans. With God's willing, we are terrorists to the bone. So, many thanks to God.

The Arab poet, Abu-Ubaydah Al-Hadrami, has stated: ((We will terrorize you, as long as we live with swords, fire, and airplanes.))

With regards to the ninth accusation. "Material support to terrorism":

America is the number one, and the largest country in the world, in spreading military might and terrorism. Also, America is the principle and greatest supplier to the occupying terrorist state of Israel in Palestine. Also, America supports and finances the terrorist regimes that govern the countries of the Arab world, such as Egypt, Saudi Arabia, and Pakistan.

Nevertheless, we are defending our rights, land, religion, and our oppressed Muslim brethren around the world. Therefore, we would spend all of our money and properties for this cause. This is not strange, since Muslims are all part of the same Umma.

We will make all of our materials available, to defend and deter, and egress you and the filthy Jews from our countries.

God has ordered us to spend for Jihad in his cause. This is evident in many Quranic verses.

Verse 195, Al-Baqara: ((And spend of your substance in the cause of Allah, and make not your own hands contribute to your destruction, but do good; for Allah loves those who do good.))

We ask to be near to God, we fight you and destroy you and terrorize you. The Jihad in god's cause is a great duty in our religion. We have news for you, the news is: You will be greatly defeated in Afghanistan and Iraq and that America will fall, politically, militarily, and economically. Your end is very near and your fall will be just as the fall of the towers on the blessed 9/11 day. We will raise from the ruins, God willing. We will leave this imprisonment with our noses raised high in dignity, as the lion emerges from his den. We shall pass over the blades of the sword into the gates of heaven.

So we ask from God to accept our contributions to the great attack, the great attack on America, and to place our nineteen martyred brethren among the highest peaks in paradise.

God is great and pride for God, the prophet, and the believers. . . .

Signed: The 9/11 Shura Council
Khalid Sheikh Mohammed
Ramzi bin As-Shibh
Walid bin 'Attash
Mustafa Ahmed Al-Hawsawi
'Ali 'abd Al-'Aziz 'Ali
Sunday, 3/1/1429h
Guantanamo Bay, Cuba

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, I certainly agree with the Republican leader about AIG. If I were in the AIG administration, I would recommend they give back those bonuses. Remember,

we as a Congress are not defenseless. We can also do things. Senator BAUCUS, chairman of the Finance Committee, is going to make a proposal that will certainly send a message to the people at AIG and others who try to benefit from the hardships the American people face. So in the next 24 hours, you will hear from the chairman of the Finance Committee, Senator BAUCUS, that AIG's recipients of these bonuses will not be able to keep all their money. That is an understatement.

Also, regarding Guantanamo, I think we should not make this a political issue. JOHN MCCAIN has come out in favor of this. 'I think that it's a wise move,' MCCAIN said about closing Guantanamo Bay. So this is something President Obama is not out there alone on.

AMERICA'S ECONOMY

Mr. REID. Madam President, 8 years of greed and negligence have left our country with the worst economic crisis since the Great Depression. President Obama took office in an economic climate that no President would relish: staggering job loss, the largest national debt in history, a frozen credit market, major banks teetering on the edge of insolvency, a record foreclosure rate forcing millions of families to lose their jobs and their homes, a stock market in freefall, leaving senior citizens to put retirement on hold and putting the economic security of millions more at risk.

The first job of any doctor is to stabilize a patient. In the first 2 months of his administration, President Obama has started to stop the bleeding and begun to heal our economy. The cornerstone of the President's near-term plan to end the freefall he inherited is the Economic Recovery Act, which will save and create 3.5 million jobs, while making critically needed investments in roads, bridges, tunnels, education, health care, and energy.

President Obama, along with Democrats in Congress, understands that as deep as our immediate problems may be, the worst mistake we could make is to stop investing for the future.

That is why the President's budget proposal lays the groundwork for an economy that just doesn't recover in the short term but also prospers in the long term. That starts with ending the previous administration's era of passing the buck, refusing to make tough choices, to plan for the future, or to hold anyone accountable for greed and corruption.

There will be no accounting tricks in the Obama budget. There will be honesty, accountability, lower taxes for working families, smart investments for a long-term prosperity that reaches beyond the privileged to lift up the middle class.

One of the most critical investments we can make today is in a new national

energy policy that finally begins to end our addiction to oil. Since the first Model-T Ford left the assembly line more than 80 years ago, the risks associated with oil consumption have been known. Today, we face a three-pronged oil crisis threatening our economy, our national security, and our environment.

After years of writing bigger and bigger checks to foreign nations for more and more barrels of oil, this budget finally takes the logical approach that all Americans understand: We need to reduce our consumption, and we need to find new renewable sources of clean energy that we can grow, creating hundreds of thousands of good jobs right here at home.

We must make these investments now and, if we do, we will not only accomplish those goals but also lower future energy bills for every single American consumer, and we will save money for all middle-class families.

Remember, last year, we spent, buying oil from foreign nations, about a half trillion dollars, which is money that should have stayed at home. That is why President Obama is proposing a market-based cap on carbon pollution to drive production of renewable fuels and energy-efficient technology and reward companies that lead the way.

This budget will also invest \$15 billion a year to develop the renewable sources of energy that lie literally all around us—in the Sun, the wind, and just beneath the Earth in geothermal. All across America, the work of tapping these plentiful energy sources is underway.

In Pennsylvania, renewable energy has sparked more than \$1 billion in private investment. In Iowa, shuttered factories have reopened to build parts for wind turbines. In Nevada, a State called the “Saudi Arabia of renewable energy,” we already have enough renewable energy projects in operation to heat and cool hundreds of thousands of homes—without a drop of oil.

If we make renewable energy a priority in this budget, these projects will just be the beginning. The solar power in Nevada and the desert Southwest alone could meet our entire energy needs 7 times over—the needs of this country.

The wind energy in the Great Plains, the Midwest, and off both of our coasts is similarly abundant. The potential for geothermal energy—still largely untapped—is staggering.

Until recently, all of these outstanding projects have been moving forward with little, if any, Federal support. Our landscape is dotted with renewable energy projects, but right now we are not connecting the dots. The renewable energy is where people don't live; we need to bring that energy to where people live.

The fact that we are not connecting the dots has to end, and it will end

when we begin to invest in a smarter and greener transmission grid that brings renewable energy from the places that produce it to the places that will use it.

We should be catalyzing the work of private sector innovators who are carrying the green revolution on their shoulders. Every job created by a new renewable energy project in California, Utah, Illinois, Nevada, or Iowa is a job that could never be shipped overseas.

Some on the other side may try to protect our country's biggest corporate polluters from cleaning up their act. Some may say that in this time of economic crisis, we should not be investing in our future. Some may criticize the President's budget, yet refuse to offer ideas of their own.

Over the next several weeks, we have the opportunity to engage in a serious and vigorous debate over this budget and the priorities it reflects.

I urge all my colleagues to choose sound policy over sound bites. We may not agree on everything, but I know we can agree that after 8 long years of irresponsibility, we must pass a budget that puts the American people first.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, what is the order?

The ACTING PRESIDENT pro tempore. The Senate is conducting morning business. The majority controls the next 24½ minutes.

THE BUDGET

Mrs. MURRAY. I thank the Chair.

Madam President, for years, we have talked about the fact that the annual budget process is the truest test of pri-

orities that the President and Congress engage in. For years, I was concerned about the last administration's budgets, and I was very vocal about that—too little investment in America, too many gimmicks, and too much focus on the few and not the many. It was those budgets and the policies they imposed that led us to the challenges we are now facing.

President Obama inherited huge problems not of his own making. That is why his first budget blueprint is such a breath of fresh air. President Obama's budget is both a statement of priorities and a test of our commitment to making our country stronger for all Americans.

Our Nation faces serious challenges now, but it is not a time to shy away from the investments that will ensure our prosperity and our competitiveness in the future. His budget builds the foundation that will make America stronger by investing in health care, energy independence, and education. The President inherited an economic recession and staggering deficits. The shortsighted budgets and policies of the past have left our infrastructure crumbling, our education system falling behind, and the debt of war in the pockets of our grandchildren.

There is no doubt we have to take some serious steps to dig out of this hole. President Obama's budget takes steps to cut our deficit in half and to restore fairness to our tax system. Importantly, after 8 years of gimmicks, this budget is transparent and tells the American people exactly where we are spending our money. The President accounts for war spending and leaves room for natural disasters or other emergencies we might face.

The President has been honest about the challenges that face this country, and now he is being honest about where we need to invest. He has warned Congress and the American people about the sacrifice we all have to make to move our country forward, and they are many. But he has also been clear that now is the time to continue to invest in health care and energy and education reform to ensure our long-term strength and prosperity.

I come to the floor today to talk specifically about the need to invest in education. Investing in education is one of the most certain ways we can create jobs and strengthen our economy well into the future. Education means economic recovery, and in this global economy a good education is no longer just a pathway to opportunity, it is a prerequisite for success. Ensuring quality education for every American is essential to our future as a nation.

The President and this Congress made a downpayment on that commitment in the Economic Recovery Act we passed last month. That bill meant help for students in Washington

State—my State—who are struggling to afford and attend college and students across the country. It means serving more K-12 students' needs. It means the ability to restore the education cuts our States are facing. It means keeping teachers in their jobs and our class sizes down.

Those investments we made in the economic recovery package are going to not only help create jobs, they are going to help our teachers and our parents in our communities keep their jobs while they modernize education for today's students. Those students are going to be tomorrow's highly skilled workforce, so we need to make this investment to stay strong as a nation. That economic recovery bill made a downpayment on our students' future. The next step we have to take is our budget, to help improve education for our kids and for all.

The budget we are going to be seeing puts a long-needed emphasis on preparing students for the jobs of today and tomorrow, with the focus on science, math and technology skills and equipment. It focuses on 21st century skills and early childhood education. It talks about career and technical education and accessing and affording higher education, which includes 2-year colleges and technical training.

So let me talk a minute about the budget and its details. The budget creates a 0-to-5 plan, which will continue to increase funding for Head Start, Early Head Start, and the child care development block grants. It encourages State and local investment in early education to help get information to parents about quality child care programs, including important home visiting programs for parents with young children.

The budget will make important investments in preparing and supporting great teachers and school leaders for our schools. It will allow students to achieve their college dream by making critical funding to raise the Pell grant in this time of need, and it continues the new American Opportunity Tax Credit, which will help families across the Nation afford tuition.

The budget also makes a 5-year, \$2.5 billion investment in a new Access and Completion Incentive Fund to ensure that low-income students complete college. We know that only about 50 percent of our students who start a college education in this country complete it. We have to do a lot better than that because almost all of our good-paying jobs today require a credential beyond high school.

I come to the floor today to say that now is not a time to sit back and just worry. Now is a time to be bold and make the critical investments in our country that are so long overdue. Nowhere is this clearer than in education. I applaud the President for making his

commitment clear, and I pledge to work with him and every one of my colleagues who are willing to ensure that ours becomes the greatest education system in the world.

Now let me say a word about some of the criticism we have been hearing from our friends on the other side of the aisle. I have heard a lot of talk about this budget "taxing" too much. Well, they must be reading a different budget than I am. President Obama's budget would not raise taxes on 95 percent of Americans. I think that is important, so let me say it again. Ninety-five percent of Americans will not see their taxes raised under this plan. In fact, too much of the tax burden in this country is being borne today by our working families, and President Obama is working hard to fix that. Nine of ten working families will see their taxes go down with his budget plan.

The President's Making Work Pay credit—\$400 for individuals and \$800 for families—is extended under his budget plan. That credit cuts taxes for 95 percent of our working families. It cuts taxes for 95 percent of our working families.

The American Opportunity Education Tax Credit is going to help our families pay for college by providing a \$2,500 credit to offset the cost of tuition and related expenses, and it makes the credit partially refundable.

Finally, the budget increases eligibility for the refundable portion of the child credit.

Those are just three ways this administration is focusing on tax relief for those who need it most—our working families. So while we are hearing a lot—and we will continue to hear a lot, no doubt—from our friends on the other side about "taxing" too much, it is important that we all look at the facts and not buy into the rhetoric.

After 8 long years of budgets that left our American families behind, I look forward to working with President Obama and a bipartisan group in Congress to move forward and invest in the future strength of this Nation. We have a lot of great challenges ahead, but I believe we can and we will overcome them by working together, making some tough choices, and investing in the best resource we have—the American people.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VITTER. I ask unanimous consent the majority's remaining time be preserved and I be allowed to proceed with remarks under the minority time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTOMATIC PAY RAISES

Mr. VITTER. Madam President, I rise again to discuss the issue of automatic pay raises for Members of Congress. As I said in our debate on the omnibus spending bill last week, I think this system of automatic pay raises—pay raises for Members of Congress on autopilot, without the need for any legislation, any debate, any vote—is truly wrong and truly offensive. I believe it is in the best of times, but I believe it is triply wrong and offensive right now as Americans all over our country, who have to work hard in the real world, face dire economic challenges and conditions.

I rise again to urge us to act, to do the right thing, to rebuild confidence among the American people by changing this system and no longer having automatic pay raises for Members of Congress. I proposed doing this as an amendment on the Omnibus appropriations bill. After some difficulty in getting my amendment even recognized and debated and voted on, I finally was able to do that and we had a meaningful debate. We had a vote. It was a close vote. Unfortunately, from my perspective, I fell a little bit short in terms of agreeing to the amendment. It was defeated 52 to 45. But in that process we did have an important debate and several other Members came forward and expressed support for the concept—most notably the majority leader, Senator REID. In fact, the very day after I finally secured a debate and a vote on my amendment, the day after that Senator REID introduced his own freestanding bill to get rid of automatic pay raises, at least after the next one scheduled, and to do away with that process.

Obviously, I completely agree with that concept. That is the whole impetus for my work, along with Senator FEINGOLD of Wisconsin and my other coauthors, Senator ENSIGN and Senator GRASSLEY.

During the debate on this issue, Senator REID went further. He spoke on the floor in support of this effort. He said several things:

I agree with Senator VITTER that cost-of-living adjustments for Members of Congress should not be automatic. That is why I introduced a freestanding bill last week that would do just that.

In addition, in the same time on the floor, Senator REID said:

If there are people who don't want to agree to this tonight, assuming the Senator from Louisiana is that person, I will bring it up some other time. I am committed to doing this.

Again:

I will bring it up some other time. I am committed to doing this.

I objected to bringing that free-standing bill up then because it clearly would have drained votes in support of my amendment away from my amendment and helped defeat it. In fact, we saw how close that vote was. But now that that vote is over, I applaud Senator REID for his offer:

I will bring it up some other time. I am committed to doing this.

I am here to say that this time, right now, these next 2 weeks, is a perfect "some other time." We are clearly in a bit of a lull in terms of floor activity, this week and next week, before we begin an important debate on the budget. The majority leader is looking for things to take up our floor time. We are clearly in a light period. So what better "some other time" than right here, right now? In that spirit, and in the spirit of cooperation to move forward, I sent the majority leader a letter last Thursday and I expressed these thoughts and I asked him to bring up his freestanding bill, or mine, or any freestanding bill to end pay raises for Members of Congress being on autopilot on the Senate floor as soon as possible. As I pointed out, this clearly has support to move this through the process, through the Senate in the near future.

It does not have unanimous support. Any issue such as this never would have unanimous support. But it has the support of over 60 Members of this body.

Why do I say that? It is simple math. On the vote on my amendment I obtained 45 "yes" votes. In addition to those 45 votes, there were 20 Members, including the distinguished majority leader, who voted against my amendment, saying that the only reason they were doing that was to not burden the omnibus spending bill with the amendment. They said on the record, they are for the concept and Senator REID introduced a freestanding bill in this body and he has coauthors to that freestanding bill in that number—20. It is simple math. If you add 45 and 20 you come up with 65, well over a filibuster-proof number, well over the 60 votes required to not only move this bill through the Senate but move it through in a fairly expedited, efficient, quick process.

The perfect time is now. We are clearly in 2 weeks of relative lull before the debate on the budget. The majority leader clearly is looking for important business to bring to the floor, particularly since cram-down and other issues are not being brought to the floor this week as planned. What better time to come together in a bipartisan way, to rebuild the confidence of the American people and to get this done, passing it through the Senate. Again:

I will bring it up some other time. I am committed to doing this.

The distinguished majority leader.

Again I ask the majority leader in a spirit of bipartisanship, of cooperation,

of reestablishing the confidence of the American people in Congress by doing away with this offensive practice—pay raises on autopilot without debate, without legislation, without a vote, without even a line item in an appropriations bill which we can try to change through amendment—let's change that wrong and offensive practice.

I urge the distinguished majority leader to look at my letter of last Thursday, to consider it carefully, to understand that we have established through his bill, through my vote, 65 votes in support of doing away with this on the Senate floor. So let's act. With 65 votes we can act, we can be successful, and we can do it in a very efficient manner. What better time to do it than right now?

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mrs. BOXER. What is the order, please?

The PRESIDING OFFICER. There is 7 minutes remaining in morning business.

AIG BONUSES AND THE BUDGET

Mrs. BOXER. Mr. President, I rise to talk about a couple issues. The first is to add my voice to the outrage over the bonuses to people who to say don't deserve it is an understatement. I used to work on Wall Street a very long time ago. You got a bonus when you did something good, when you brought business in, when you did well for the company, not when you brought the company down. It is disgusting, disgraceful. We are hearing outrage from all quarters of society, which means we are going to do something about it. I wanted to make sure I am on the record as saying the bonuses ought to be returned voluntarily and, if not, they ought to be taxed as close to 100 percent as we can get. I will be supporting that.

It is time to change the culture in corporate America. If you are going to turn to taxpayers for help, then don't squander their money. Work to pay it back as fast as you can and get back on your own. It is such an obvious point. I wish to praise the President for being clear on this point.

I also came to talk about the upcoming debate we will be having on the budget. I was a long-time member of the Budget Committee and then moved off to take other assignments. But I have always respected the work of that

committee because the budget is truly a roadmap to the priorities of a nation. When we look at a budget, surely there will be certain items in it we may not want to agree with. We may want to trim it here and there. I don't agree with everything in the Obama budget. There are a few I will work to change. In general, at this time when we are suffering so economically, the priorities laid out are good for America and good for the State of California. I wish to talk about a couple of these priorities.

We know the Obama administration inherited an economic nightmare from George Bush's administration: 4.4 million jobs lost in the last 14 months; an unemployment rate that is soaring—in my State it is in double digits—12.5 million Americans unemployed, and a Federal debt that is going upward very quickly.

What is so interesting to me is that when Bill Clinton handed over the keys to the White House to George W. Bush, our budget was actually in a surplus. We actually had discussions in my household about the fact that the debt is going down so fast, we may not have the opportunity to buy any more Treasury bonds. Let's not forget what happened in 8 years. A budget surplus turned into outrageous deficits. The economy took a terrible turn for the worse. The debt began to soar.

Now we have a new President who ran on a platform of change. As I watch my colleagues on the other side of the aisle, save a few, they are fighting for the status quo. My belief is, if you fight for the status quo, that is not a passive act. It is a hostile act. Because the status quo has to change so we can relieve some of the pain in America. What President Obama does with this budget, very wisely, is to continue the economic stimulus he started with his economic stimulus bill.

He focuses on three priorities: education, health care, and clean energy. Everyone knows—and I know my friend in the chair has a young son—what President Obama said is true. Countries that outpace us today will outcompete us tomorrow. His young son and my grandchildren, if they don't get the education they deserve, will not have a chance to get that dream we had the opportunity to get in our generation. For every dollar invested in education, there is a \$4 to \$9 return in higher earnings, higher employment rates, less crime, less welfare, and in better health. The Obama plan will double the number of children served by Early Head Start and will expand Head Start. He will provide resources to reward effective teachers and effective principals. He will increase the capacity of our young people to go to college on Pell grants. When we have a President who invests in education, we know we should support him because every dollar we invest comes back ninefold.

Then the President invests in health care. We know the biggest cause of bankruptcy in America is when a family is hit with a catastrophic health problem and they are uninsured or their insurance is capped. We know premiums have grown four times faster than wages in the last 8 years. Our President is going to finally take on the issue of health care. We should stand with him. Does that mean we will support every little thing he recommends? It may not. We may agree on 90 percent. But we will move on health care because not to do so, again, is a hostile act because the current situation is unsustainable. The cost to families today is unsustainable. The fear families have—what if somebody gets a catastrophic illness, what will happen—is unforgivable.

Lastly, we see our President investing in clean energy. What he is doing is looking at the future and recognizing that the old energy is not going to sustain us. If we want to lead the world, we have to do what Thomas Friedman suggests in his book "Hot, Flat, and Crowded"—step out and invent the new clean energy technologies. In doing that, we will lead the world in green jobs. We will lead the world in exports. If we adopt the cap-and-trade plan that is recommended by our President, we will see a robust economy because, once you put a price on carbon, all the other alternatives come up behind it, and it will lead us out of this economic morass.

I believed it important to come to the Chamber today to speak to these two issues. We cannot abide by the outrageous bonuses in a company led by people who took the company down. We can't abide by that. In addition, we need to work with our new President and bring about the change he promised in his campaign. That change is reflected in his budget.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 146, which the clerk will report by title.

The bill clerk read as follows:

A motion to proceed to the bill (H.R. 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

The PRESIDING OFFICER. The Senator from New Hampshire.

THE BUDGET AND RECONCILIATION

Mr. GREGG. Mr. President, I listened this morning to President Obama as he spoke on the budget. In attendance with him were the chairmen of the Budget Committees in the Senate and the House, Chairman CONRAD and Chairman SPRATT. Essentially, the President was defending his budget, as proposed and sent up here to the Hill.

His theme was we should not pass on problems to the next generation. Thus, he said, his budget took on the issue of energy and took on the issue of health care as being core questions that need to be resolved now and not be passed on to the next generation. I could not agree with him more—first, that we should not pass on problems to the next generation, and, secondly, we should take on the problems we have today. And they are fairly big.

Where I disagree with him is the conclusion that the budget he sent up here does not pass problems on to the next generation. In fact, it passes the most significant problem on to the next generation, which is that it so greatly expands the size of Government in such a short period of time with so much borrowing that it basically will bankrupt our children and our children's children as a result of the cost of Government going forward.

People do not have to believe me to recognize this. All they have to do is look at the President's budget. In 5 years, the President's budget will double the national debt. In 10 years, the President's budget will triple the national debt. To try to put this in perspective, if you take all the debt the U.S. Government has run up since the beginning of our country—from George Washington all the way through to George W. Bush, that total amount of debt—in 5 years it will be doubled under this budget, as sent up by President Obama.

Now, a lot of that debt that is being run up in the short run I am not going to claim is inappropriate in the sense that it is something that is under his control or that he is responsible for as President. In fact, I agree that we as a nation need to expand our spending as a government in the short run in order to try to address this recessionary period, and specifically to try to stabilize our financial situation, our financial system. I do not happen to agree with the stimulus package which was passed. I do not agree with the omnibus package which was passed. They were both profligate and unfocused, money being spent inappropriately and inefficiently. But I am willing to accept the fact in the short run there has to be a spike in our national debt in order to address this recession.

What is not tolerable, however, is that under this budget, after the short run—after this period from 2008, 2009, say, through 2011, when the recession, by all estimates, will hopefully be

over—we will still be running the debt up radically, as sent up by this President. In fact, it doubles in 5 years, but it triples in 10 years, which means there is—I am not aware that a recession in the last 5 years of this budget is being proposed; I certainly hope it is not being proposed, but certainly there is nothing that requires that type of a radical expansion in our debt over that period.

The practical implications of this doubling of the debt are that by the time the budget gets into the year 2013, the public debt of this country will be, as a ratio of GDP, 67 percent of GDP. I suspect when CBO scores the President's numbers at the end of this week it will probably be close to 70 percent of GDP. What does that mean? Well, try to put this in perspective.

Prior to the recession, our public debt—that is the debt held by people such as the Chinese, for example, and the Europeans—our public debt—the debt which we sell to the world in order to finance our Government—was about 40 percent of our gross national product. That is an acceptable level. Most economists will say we can tolerate a debt to gross national product ratio of 40 percent. But when it gets up to around 70 percent, when it gets over 60 percent—when it gets into those numbers—it is not tolerable. You might be able to tolerate it for a little while, for a few years, but you cannot tolerate it for an extended period of time. What the President is proposing is that 67 percent of public debt to GDP ratio—which will be over 70 percent, I suspect, when it is rescored that goes on forever.

In addition, the deficit, beginning in the year 2012, under the President's budget, will be at 3 percent to 4 percent of gross national product. Now, historically, over the last 20 years—prior to the recession—the deficit has been around 2 percent of gross national product. Why is it important to keep that down? Because every time you run a deficit, you add to the public debt. When you get into the 3- to 4-percent range of annual deficits as a percentage of GDP, you are essentially adding so much debt so quickly every year that basically your Government becomes unaffordable. That is the bottom line here.

What happens, as you go into the outyears when you triple the debt and keep the deficit at around 3 percent or 4 percent of GDP the currency starts to be under pressure. The dollar becomes questioned as to its value. People start asking, especially in the international community: Do we dare buy American debt? In fact, you heard, regrettably, the Chinese Premier raise that issue already. If you cannot sell the debt and you cannot finance the Government, you do not have too many choices. You must move to inflation. That is not a good choice for Americans.

So basically what you are putting in place is a structural debt and a structural deficit under the President's proposal which simply is not affordable, which means our children are either going to be overwhelmed by a tax burden or they are going to find a country where inflation is rampant or basically the standard of living has dropped significantly.

Why does this all happen? Well, it happens primarily because under the President's budget he is taking spending up radically. Sure, in the short run that may be acceptable because we are trying to address this recession. But he does not bring spending back down to its historic levels.

This chart I have in the Chamber shows you that the historic level of spending of the Federal Government has been at about 20 percent of gross national product. We have been up and down around 20 percent for years. But under President Obama's proposal, he radically moves the Government to the left, greatly expanding the Government role in all sorts of areas: in energy, in health care, in education. As a result, he takes Federal spending up to 23 percent of gross national product and keeps it there for as far as the eye can see and revenues stay down at about 19 percent, so you have this big structural deficit in here.

Even if you were to take revenues up to 23 percent of gross national product, the practical effect would be that you would be wiping out most people's incomes with taxes. The President says he is only going to raise taxes on the wealthiest in America. That, first, is inaccurate because he has put in this proposal a massive carbon tax, which is basically a national sales tax on electricity, and every time you turn on your electric lights, you are going to end up with a new tax, a new national Federal tax. But independent of that, he cannot get this debt under control with this type of spending level unless he radically increases the tax burden on working Americans—all Americans—to a point where basically productivity would drop significantly in this country, and that would be a self-fulfilling event, of course. Once productivity drops, your revenues drop, and you never get back to an efficient marketplace and, therefore, you probably aggravate the deficit.

But the problem is, this huge debt he is running up and passing on to the next generation—this tripling of the Federal debt, about which he says: We do not pass problems on to the next generation—this is a pretty darn big problem that is being passed on to the next generation—is driven almost entirely by spending, spending at the Federal level, which he greatly expands.

Under the proposal which he has put forward as a blueprint—this budget proposal—his way of solving the health

care problem is to essentially nationalize health care. His way of solving the educational problem is to essentially nationalize the student loan program. His way of solving the energy problem is not to produce more energy in America, it is basically to significantly increase the cost of energy in America to all Americans by putting in place a carbon tax, which is a national sales tax.

His way of addressing the issues which we confront, which are reasonable, philosophical approaches, is to significantly increase the size of Government and, thus, the cost of Government and, thus, to create this huge debt, this massive debt, which we are not going to be able to finance and which is, therefore, going to threaten the economic strength of our Nation and clearly give our children something less than we received. Therefore, when he says he is not going to pass the problems on to the next generation, the exact opposite is true. He is creating a huge problem for the next generation in the way he wants to spend this money.

Now, there is a second issue I want to address today. That goes to the issue of the substance of the points made today at the press conference. This could be addressed, of course—this issue of spending and those questions regarding these major public policies—if he wanted to reach across the aisle and approach things in a bipartisan way.

Senator CONRAD, the Chairman of the Budget Committee, and I have proposed an idea calling for a commission with fast-track authority which essentially would talk on the big issues which drive this spending problem—health care, specifically; Social Security, also; and tax policy—and would allow us, in a bipartisan way, to come forward and grapple with these issues and put forward ideas as to how to solve them and bring under control these numbers so they are affordable and so we do not run up this massive debt on our children. That is a bipartisan initiative which I am totally committed to.

In the area of energy, there are a number of bipartisan initiatives which make sense. But we are now hearing that rather than proceeding on a bipartisan path to try to address these issues, they are going to think about using something called reconciliation. That is a term of art around here. Most people do not know what it means. But what it essentially means is that you say here in the Senate that the Senate will function as an autocracy, it will function like the House of Representatives, that you will have the ability to bring to the floor a bill which will not essentially be amendable and which will only take 51 votes to pass.

Reconciliation was a concept enacted as part of the congressional budget process, and its use has evolved. Its

purpose was to reconcile the budget. In other words, if the numbers on spending around here did not meet the budget, then there would be a bill to correct that, so that if the appropriations numbers were not correct or the entitlement numbers were not correct or the tax numbers were not correct, there could be a bill that comes through called reconciliation, which would follow the budget resolution.

Sometimes over the years, it has been used in an aggressive way. It was used to adjust already existing programs—authorized programs, entitlement programs, and tax proposals. President Bush used it aggressively on taxes. In 1997, President Clinton used it aggressively, along with a Republican Congress, on everything—entitlements and taxes—but it was always directed at existing policy and adjusting that policy. In other words, we were raising the tax rate or dropping the tax rate, changing an entitlement program in some way that already existed or not changing an entitlement program.

Reconciliation has never been used for the purposes of putting in place a dramatic new Federal program which will fundamentally shift the way the Government functions in this country. It has never been used in the sense of an ab initio event or program.

The carbon tax—or, as I call it, the national sales tax on electric bills—is a massive exercise in industrial policy, totally redirecting how energy is produced in this Nation and affecting everybody in this Nation because everybody's energy bill will be increased as a result of this tax, especially in the Midwest and in the Northeast. It is a brand new program—something we have never seen before. It is a huge program. Obviously, rewriting the health care system of this country is a dramatic exercise affecting absolutely everyone in this Nation at all sorts of different levels. It is a brand new, major program. These are initiatives of significant size and import. Reconciliation was never conceived to undertake those types of events, those types of initiatives.

You can't bring to the floor of the Senate a bill which totally rewrites the way people produce and pay for energy in this Nation with a brand new national sales tax, under a rule that says you will get 20 hours of debate and no amendments, and have the Senate function as is its purpose, which is to be a place of discussion and amendment. It would function like the House of Representatives, that is true, but it would basically eliminate the Senate as a concept and it would go right directly at destroying the purposes of the Senate. The same, of course, is true, to bring a major initiative—to basically rewrite health care completely—basically quasi-nationalize it, as far as I can see, is the proposal—but to have a massive health care initiative which

would affect everything that has to do with health care brought to the floor of the Senate under reconciliation would be to fundamentally undermine the purposes of the Senate, which is to discuss, debate, and have the right to amend major public policy. I can't think of two things which would be more significant public policy than those initiatives.

Yes, if they used this system of reconciliation, they would take serious risks because they would be subject to something known as the Byrd Rule on public policy, but just the concept that they would be thinking about this is the reflection of their willingness to ignore the concept of bipartisanship which we hear so much about. If you are going to talk about reconciliation, you are talking about something that has nothing to do with bipartisanship; you are talking about the exact opposite of bipartisanship. You are talking about running over the minority, putting them in cement, and throwing them in the Chicago River. Basically, it takes the minority completely out of the process of having a right to have any discussion, say, or even the right to amend something so fundamental as a piece of legislation of this significance. It also, I would note, takes anybody who disagrees, even on the majority side, out of the discussion, anybody who disagrees with the actual document brought to the floor under the reconciliation instructions.

So using reconciliation in this manner, on this type of an issue, would do fundamental harm—fundamental harm—to the institution of the Senate. Why even have a Senate if you are going to use reconciliation on something this significant? You might as well just go to a unicameral body and be like Nebraska: just have one body. It would be the House of Representatives because that would be the practical effect of using reconciliation. It is such a dangerous precedent to set or to even discuss because by discussing it, you basically devalue the purposes of the Senate, which is to amend and debate and have an open forum; one where, as Washington said, the hot coffee can be poured from the teacup into the saucer. The Senate is supposed to be the saucer. It is supposed to be where we get an airing, and certainly on issues of this size we should have it.

So I certainly hope we have no further discussion of the idea of using reconciliation for the purposes of pursuing either a national sales tax on energy called the carbon tax and the policies it would imply for industrial policy relative to energy production in this Nation or for the massive rewrite of health care.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I agree wholeheartedly with the warnings

issued by my friend, the Senator from New Hampshire, whose service on the Budget Committee has been very valuable, and I hope everyone has taken careful heed of his words for what we need to do in the future.

Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN CREDIT CLEANUP PLAN

Mr. BOND. Mr. President, I wish to talk about something that is happening at this moment and a problem we have to solve before we even look at what we do in the future. Like so many others—and I assume the occupant of the chair and all of my colleagues have heard the same thing—the phones in my office in the District of Columbia and across the State are ringing off the hook. Americans are outraged that their hard-earned taxpayer dollars are being used to pay bonuses at AIG. Yesterday afternoon and today, there have been countless press reports about these bonuses paid to some of the same people who may have been responsible for putting AIG into this mess. I agree. I, too, am outraged. It is unacceptable to pay bonuses after the American taxpayer was forced to bail out an institution without reforming it—without reforming it—without demanding any changes.

While I share Americans' fury over this latest idiocy, I am, quite frankly, a little surprised to see the President and his Treasury Secretary so outraged by these bonuses when they had the opportunity to prevent them before they gave AIG the latest installment of taxpayer dollars. That is right, the Obama administration could have refused to pay the remainder of the \$170 million in bonuses to failed AIG executives as a condition to providing that company the additional money it sought from the Treasury. Earlier this month, the Obama administration gave AIG another injection of \$30 billion of taxpayer funds to keep this failed institution from failing even further. There is a rat hole, and we have thrown \$170 billion down it.

At the same time, Treasury Secretary Geithner should have and could have ensured that taxpayer dollars wouldn't be used to pay any of these bonuses, but he didn't. This is another example, I regret to say, of the Secretary's failed leadership. When he was President of the Federal Reserve of New York, he had oversight responsibility over AIG, Citi, and other of the major failed institutions. What was done? Obviously, the answer is "not much."

The outrage over the bonuses really, in some ways, kind of misses the point. I believe that capping corporate pay and taking away business and private jets is not enough for the failed execu-

tives who got us into this problem. We need to go further. The failed senior executives and the board of directors should have been fired, should have been replaced when the Government first had to step in and rescue the company. Don't throw good money after people who are not running their institutions well.

I can assure my colleagues that if any worker in Missouri or any other State across the Nation drove their company into the ground, they would have been and should have been fired. They wouldn't be receiving a bonus. I believe this double standard for Wall Street versus Main Street is another reason Americans are so mad about how their taxpayer dollars are being used.

What is particularly troubling is that AIG's intention to pay these bonuses had been no secret, and the administration was completely aware of these payments. Now that Americans are outraged about how their taxpayer dollars are being spent, Secretary Geithner and President Obama are suddenly shocked and outraged as well. The real outrage is their ad hoc and knee-jerk reaction to the crisis. The administration's ad hoc amounts to spending billions—that is right, billions with a "b"—of good taxpayer dollars on the failing banks.

What we really need, as I said last week, is to follow the words of that old country music song: "We need a little less talk and a lot more action." We need to focus on the failing banks and others, and I have laid it out. It is called the American Credit Cleanup Plan. It is really very simple. It uses existing authorities for the banks, existing authorities within the Federal Deposit Insurance Corporation.

There are three main steps that need to be taken: We need to identify failing institutions; we need to remove the toxic assets, protect depositors, and remove the failed leadership; and then return healthy, clean banks or portions of those banks into the private sector and get the Government out of running the businesses. Government doesn't do a very good job of running private business. I hate to say it, but our record in Congress on running our own business is not something one would hold up as an example of good executive management.

Unfortunately, we don't seem to have any executive management in the administration, but we can send the FDIC in to clean up the banks and put the banks back into the private sector—at least in various pieces, whatever is sold off, whatever the market will buy—and let the market judge whether these new institutions, or institutions with these new portions in them, are working. There ought to be discipline in the marketplace. There has been no discipline.

I agree with Americans who don't want to see their tax dollars going to

failed executives at AIG or any other failing institution. Our plea is stop throwing good tax dollars at bad banks. The zombies should not be propped up without being cleaned up. We have well-established principles. We need bold action that fixes the root problems and a clear exit strategy in mind such as the American Credit Cleanup Plan. Get in, take out the bad assets, protect the depositor if it is a financial institution, clean out the boards of directors if need be, and put the bank or parts of it back in the marketplace.

It is time the President and the Treasury realize that throwing good money after bad is not the way to solve this crisis. We saw in the late 1980s and 1990s where prompt action cleaned up the savings and loan crisis. It was actually savings and loans and banks. They went in, cleaned them up, sent them out, and the economy recovered.

Japan tried what we apparently are trying to do now. They spent a decade throwing more Government money at failing institutions, and what did they get? They got a decade of stagnation. There is no reason for that to happen to us when we know how it is done.

I have talked to Bill Seidman, who ran that operation. I have talked with former Chairman Greenspan and the presidents of the Federal Reserve of Kansas City and St. Louis, and they all say the same thing: Get in, clean them up, get the toxic assets out, get the Government out of running the banks and telling them where they spend their money and where they don't. Get them out and the economy will recover because the credit crisis will clear up. Until we do that, we will see more and more wasted dollars.

I have talked with the leadership, and I hope they will bring up a measure I have cosponsored along with the chairman of the Senate Banking Committee, Senator DODD, as well as Senator CRAPO, to give a line of credit to the FDIC to do its vital cleanup work. They should expand their powers to go after bank holding companies if they are in bad shape. If we can pass that, they will have an additional tool. The FDIC has the basic tools. There is expertise there. Let's use the expertise and clean up rather than flooding these zombies with more dollars.

Mr. President, I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIG BONUSES

Mr. SCHUMER. Mr. President, I will speak on a letter that myself and a

number of colleagues are sending to the head of AIG, and I believe a few other colleagues will be here in the next half hour to speak on the letter as well.

I rise today to express my outrage and the outrage of the American taxpayers at the bonus payments the American International Group intends to make to the employees of its Financial Products division.

Yesterday, we learned that AIG is in the process of paying \$165 million in bonuses to the employees of its Financial Products division as part of the plan that will pay them \$450 million in bonuses by the end of 2009.

This is disgraceful, this is unacceptable, and it is an offense to millions of hard-working Americans whose tax dollars are the only reason AIG continues to exist as a going concern.

Today, I rise to assure you, the leadership of AIG, my fellow Americans, and my colleagues, that we intend to do everything in our power to prevent those payments from being made and to recoup the money that has already been paid. As of now, eight of my colleagues and I have joined in a letter to Edward Liddy, the chairman of AIG, demanding that he renegotiate these contracts, and letting him know that we will not stand by. If Mr. Liddy does nothing, we will act, and we will take this money back and return it to its rightful owners—the American taxpayers. We will take this money back by taxing virtually all of it. So let the recipients of these large and unseemly bonuses be warned: If you don't return it on your own, we will do it for you.

In the letter, joining me are the majority leader, Senator REID; secretary of the caucus, Senator MURRAY; Senator KLOBUCHAR; Senator CARPER; Senator LINCOLN; Senator MENENDEZ; Senator JOHNSON; and the occupant of the chair, Senator BEGICH. The number is growing, and I believe many other people will put their names on the list.

In the past year, we have learned much about the reckless behavior within our financial system. No firm was more reckless than AIG. What they did was not only irresponsible but, from a business perspective, it was immoral. They took what was a very solid, well-made business that sold insurance to individuals and firms around the globe and turned it into a gambling den that they used to enrich themselves. They sold credit default swaps and other derivatives to all comers as though they were playing with monopoly money, but it was real money. When their deals went sour, when they actually had to pay, they had nothing with which to pay anyone.

As Warren Buffet said, "When the tide goes out, you see who is swimming without a bathing suit on." The leadership of this unit of AIG was doing just that.

Just this month—in fact, less than 3 weeks ago—AIG reported that in the

final quarter of 2008, as a firm, it lost \$61.7 billion. Let me repeat that. In a single quarter—in just the last 3 months of 2008 alone—this firm lost over \$60 billion. That is by far the largest single quarterly loss in corporate history. For all of 2008, AIG lost \$99.3 billion, nearly \$100 billion. Nearly all of those losses were caused by the actions of the employees of the Financial Products division. But, yesterday, we learned the firm intended to pay nearly \$165 million in "bonuses" this year and a total of \$450 million in bonuses over the next year for the employees in the very same unit—not only bonuses but performance bonuses—a performance bonus for a firm that lost \$100 billion.

I will repeat that. This is a performance bonus for a firm that lost \$100 billion. If anything defines "Alice in Wonderland" business practices, this is it. It boggles the mind.

In the past 6 months alone, the American taxpayers have been forced to commit over \$170 billion to AIG. If the Government had not stepped in, if it had not repeatedly acted to fill the hole in the financial system created by this firm and these employees' behavior, AIG would have been bankrupt. All these employees would have received nothing—zero.

We keep hearing that AIG is contractually bound to pay these bonuses; that if they don't, these supposedly talented people—those whose talent created this disaster—will leave. Here is what I would like to know from Mr. Liddy: Did he even attempt to renegotiate these contracts? Did he approach these individuals and point out to them the health of AIG and the condition of the United States and global economies and their own culpability in creating this mess? Did they respond by saying: I don't care, I want my bonus? Is that what Mr. Liddy is suggesting?

Well, Mr. Liddy, I urge you to fix this mess because, let me tell you something: We are all fed up. If you don't fix it, we will.

Here is what we are doing: My colleagues and I are sending a letter to Mr. Liddy informing him that he can go right ahead and tell these employees who are scheduled to get bonuses that they should voluntarily return them because, if they don't, we plan to tax virtually all of it. He should tell these employees if they don't give the money back, we will put into place a new law that will allow us to tax these bonuses at a high rate so it is returned to its rightful owners—the taxpayers.

For those of you getting these bonuses, be forewarned: You will not be getting to keep them.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, in the past few days, we have learned that the American International Group—known as AIG—has awarded \$165 million in bonuses to its high-end employees—the employees of its Financial Products group. These are people responsible for the fancy wheeling and dealing that nearly destroyed the company and wreaked havoc on our entire financial system.

The American public is outraged by the arrogance and the abuse of taxpayer funds, and so am I. I was just in my State, where there are people barely holding onto their homes, people who have had their hours cut, and who are just one step away from their home going into foreclosure or from losing their car, and now we learn this today.

Last year, under desperate but necessary circumstances, the U.S. Government had to rescue AIG from total collapse. This was done not to rescue the company itself but to rescue our financial system. AIG would not even continue to exist today except for the infusion of \$170 billion in taxpayer funds. The American people now own essentially 80 percent of the company, and AIG is supposed to be doing everything possible to right itself. Well, they haven't.

There is no rational way to justify these bonuses to people who have caused untold damage to our economy. This is not pay for performance, it is pay for failure, which makes no sense at all. Why should they get the golden parachutes when their company and our financial system have been crashing to the ground? The bonuses these individuals are receiving for their failure is more than most Americans make in a lifetime. The American people simply should not be in the position of rewarding the failure of high-flying Wall Street bankers who brought their company and our economy crashing down.

That is why I have joined today with Senator SCHUMER and other colleagues in writing to Edward Liddy, the chairman and CEO of AIG. We are telling him if these bonus contracts are not renegotiated immediately, we will offer legislation that will have the effect of making American taxpayers whole. AIG needs to step up and do the right thing. But if AIG doesn't take action on its own to correct this outrage, we stand ready to take the difficult but necessary step of enacting legislation that would allow the Government to recoup these bonus payments through the Tax Code.

If we are forced to do this, we will impose a steep tax, possibly as high as 91 percent, that would, in effect, recover nearly all the bonus money. Now, I am like most Americans; I don't like to see taxes raised. But in this in-

stance, I think all of us can make an exception. If they refuse to do the right thing, then it is only fair to impose this kind of tax against the people who have done such great harm to our financial system. They can't walk away with millions of dollars.

They may be laughing all the way to the bank right now, but if AIG can't or won't fix this problem, these people will soon be crying all the way to the tax office. These people seem to think they can operate with a height of arrogance and irresponsibility. This is not just a business outrage, it is a moral outrage.

I am also concerned that in addition to the bonuses already handed out, AIG has plans to spend an additional \$450 million in bonuses over the next 2 years. Based on what we know now, can we trust that these bonus payments go to the people who deserve it—the people who fix the problems rather than people who just make the problems?

AIG is set to go into the history books as a company that symbolizes the type of greed and recklessness that has weakened our economy. Where I come from, we reward those who work hard and play by the rules and we take responsibility when we screw up. I believe the administration and Congress should do everything in their power to block these payments and demand accountability.

Now, we know this is also an insult to the many good, strong, healthy financial institutions across this country—the small banks such as those we have in Minnesota; healthy financial institutions that didn't engage in these high-flying dealings that shouldn't be punished. Their stockholders shouldn't be punished because of what companies such as AIG did.

As a prosecutor for 8 years, I dealt with criminals all the time. I have to say the white-collar crooks were often the worst to deal with because they claimed their crimes were an honest mistake and that there weren't any victims. As far as I am concerned, it didn't matter if someone stole with a crowbar or a computer or that they committed their crimes in a nice office or out on the streets, they need to be held accountable under the law.

Time will tell, and the Justice Department and other prosecutors and police will sort this financial wreck out to see when and where crimes were committed, but it is clear that what we need is accountability. If AIG's leadership won't demand it, we will.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I rise to join some of my colleagues to express our deep frustration with the financial institutions that have made the very poor decision of handing out multimillion dollar bonuses at taxpayers' expense—AIG being the latest

in the line of continuing irresponsible behavior coming from Wall Street.

I have hard-working families—and there are hard-working families all across this great Nation—who are saying: Enough is enough.

This is not the kind of behavior Americans should be accepting at this time. It is completely irresponsible. Times are tough and people are sacrificing. People all across this country are sacrificing. Many employees in my State are seeing their hours cut or they are finding themselves out of work altogether. How are they caring for their families? They are working hard to look for that next job to put dinner on the table or to get their kids to school or making sure they can keep their families together.

I have talked to recent retirees who have been devastated because the nest egg they have been saving all these years has been slashed by 40 or 50 percent in just a matter of months. Now they are having to dramatically downsize their quality of life or go back to work, if they can even find work. I met a gentleman this weekend who is beginning to have college-age kids. He spent his entire life working to save for those college funds only to find that in these last several months they too have been slashed in half.

These people are realizing the impact of what is happening not only in our country but globally. They are standing up as Americans. They are willing to make sacrifices. They are working hard to keep body and soul together. But it is absolutely, unequivocally totally unacceptable for failed financial institutions that have received taxpayer assistance to be rewarding their employees with bonus payments at this time. It is outrageous and it will not be allowed.

We are the stewards of the taxpayers in our States and of the dollars we have provided in good faith as an investment in these companies to try to make sure they, too, can make ends meet. But this isn't making ends meet—handing out tremendous bonuses to just a select few. It is absolutely irresponsible.

During the debate of the recovery package, Senator WYDEN and Senator SNOWE and myself offered an amendment that put an excise tax on bonuses and financial institutions that had received TARP dollars. We did so because we feared this very thing would continue to happen. Unfortunately, our proposal was taken out of the package in the conference. So I am pleased to hear many of my colleagues who are now in agreement that something must be done to correct this travesty.

Make no mistake, if these companies handing out multimillion dollar bonuses do not rectify the situation, do not change their ways, we stand ready to work to enact legislation that recoups these tax dollars and these taxpayers' funds. Our taxpayers have

worked hard and they are suffering as much as anybody else. But we do not need to see these major corporations and financial institutions that are handing out these unbelievable enhanced bonuses at a time when we should all be pulling together, pulling together to make our economy strong, to set it back on track and to make sure we can embrace and continue the kind of quality of life that all Americans need to be able to realize.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak for 7 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEWSPAPER INDUSTRY

Mrs. MURRAY. Mr. President, we have a lot of interesting landmarks in my home State of Washington, especially in Seattle. But one of my favorites has always been the globe that sits on top of the Seattle Post Intelligencer's building on Elliott Bay. The words, "It's in the P.I." wrap around that globe, and it is more than just another quirky part of our skyline. It has symbolized the importance of the paper to generations of readers.

For 146 years, the Seattle P.I., as everyone in Seattle calls it, has informed, investigated, enlightened, entertained, and, yes, sometimes irritated the people of our community. The P.I. staff has put politicians, businesspeople and bureaucrats to the test, and their work has distinguished the paper and won them well-deserved awards—from our cartoonist David Horsey's Pulitzers to a long list of prizes for public service journalism.

But, today the P.I. published its last print edition. Its owner, the Hearst media chain, put it up for sale and hasn't been able to find a buyer.

Hearst has said it will replace the paper with a smaller online edition, but it won't be the same.

We have been lucky to live in a two-newspaper town. Two-newspaper communities used to be common, but they are rare these days.

In Seattle, the Times and the P.I. had a Joint Operating Agreement for 26

years, but they were always rivals when it came to breaking news.

Competition made both papers dig a little deeper and push a little harder. That competition meant everyone from corporate leaders to school officials to sports team owners were held to a higher standard.

Our community is a better place as a result.

Unfortunately, the P.I. is not the first major paper in our country to stop publishing this year. Last month, Denver's Rocky Mountain News closed its doors. And the P.I. may not be the last to close either.

The reality is that newspapers have been struggling and cutting back for several years now. Many of the major papers across the country are worried about whether they will make it through the economic downturn.

Like so many other companies, they are victims of the recession and a changing business environment.

The depth of the problem hit home for me earlier this year when I visited the press in Olympia, our State's capital city.

In 2001, there were 31 reporters, editors, and columnists covering the state house there. Now there are nine—nine.

We have all noticed the shrinking press corps here in Washington, DC, too.

Not too many years ago, we had more than a dozen reporters here covering the Washington State delegation. We have seen that number shrink to just a couple in the last year.

This is really troubling to me because at the end of the day, newspapers aren't just another business. And if more close—and there is nothing to replace them—our democracy will be weaker as a result.

For generations, newspaper reporters have been the ones who have done the digging, sat through the meetings, and broken the hard stories.

A newspaper broke the Watergate scandal—and the story about horrible conditions at Walter Reed Medical Center.

Newspapers have exposed graft and corruption at every level of government. They have uncovered environmental threats posed by strip mining, hog farming, and contaminated waterways.

They have used the power of the press to expose injustice, prejudice, and mistreatment of people who don't have the power to speak up for themselves.

And most importantly, newspaper stories have led to real change.

In my community, the P.I.'s reports on asbestos led me to introduce my legislation to ban it and the P.I.'s investigation on the shortage of FBI agents in the Pacific Northwest has led to my work to increase the number of agents in Washington State.

We need reporters to root out corruption, shine a light on the operations of

government, and tell the people what is really going on in our communities.

We need them to go to school board meetings, cover local elections, and attend congressional hearings.

And, yes, we need them to push for information, to investigate, to request public records—and to fight when the government stands in the way.

We are still working out what role the Internet will play in the Fourth Estate—and what role TV and radio have in the new media environment.

There has been a lot of talk recently about whether online publications can—or will—adequately replace the paper editions.

While there is something comfortable about the fact that we can pick up a paper, spread it out on the kitchen table, and cut out articles to stick on the fridge, what's most important to me is that if the media environment is really changing, someone will be there to step in and do the work newspapers do for our communities now.

I really hope what we are seeing is just an evolution in the news business.

I hope that when it all shakes out, the media will end up as strong as ever. I am going to miss the Seattle P.I., and I know all of Seattle and the Pacific Northwest will as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair. (The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 614 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Iowa is recognized.

2010 BUDGET TAX INCREASES

Mr. GRASSLEY. Mr. President, today is St. Patrick's Day. St. Patrick, the patron saint of Ireland, is revered by Irish and non-Irish alike, for many things. Among the many legends is one regarding snakes. St. Patrick drove snakes off the Emerald Isle. In looking at the President's budget, you could see that we might need St. Patrick to come back and drive all the extra taxes out of the budget. Certainly, like the snakes in Ireland, all of these new taxes, if left unchecked, could bite a lot of hard-working American taxpayers.

Nineteen days ago, President Obama sent his first budget up to Capitol Hill. The deficits and debt proposed in that budget are eye-popping. President Obama is correct when he says that he inherited a record budget deficit of \$1.2 trillion. I have a chart here that shows the pattern of the Federal debt.

But, from the statements from the congressional Democratic leadership, you would think they just got the levers of power this January. You would think they had no role in creating that deficit President Obama inherited. In fact, congressional Democrats and the

last Republican administration agreed on the fiscal policy in the last Congress. The congressional Democratic leadership, together with the George W. Bush administration, wrote the stimulus bills, housing bills, and the financial bailout. The congressional Democratic leadership wrote the budgets and spending bills in 2007 and 2008. So let's be clear. President Obama inherited the deficit and debt, but the inheritance had bipartisan origins—the Democratic Congress and the last Republican administration. What's more, the budget the President sent up would make this extraordinary level of debt an ordinary level of debt. What is now an extraordinary burden on our children and grandchildren would become an ordinary burden.

In the last year of the budget, debt held by the public would be two-thirds, 67 percent of our gross domestic product.

The President's budget does contain some common ground. Whenever President Obama wants to pursue tax relief, he will find no better ally than we Republicans. Likewise, if President Obama wants to embrace fiscal responsibility and reduce the deficit by cutting wasteful spending, Republicans on Capitol Hill will back him vigorously. From our perspective, good fiscal policy keeps the tax burden low on American families, workers, and small businesses and keeps wasteful spending in check. For the hard-working American taxpayer, there is some good news in the budget. President Obama's budget proposes to make permanent the lion's share of the bipartisan tax relief plans that are set to expire in less than 2 years. Republicans have been trying to make this bipartisan tax relief permanent since it was first passed.

It will mean families can count on marriage penalty relief and a doubled child tax credit. It means workers will be able to count on lower marginal tax rates. It means low-income seniors, who rely on capital gains and dividend income, will be able to rely on low rates of taxation as they draw on their savings. It means middle-income families will be able to count on relief from the alternative minimum tax, AMT. President Obama will find many Republican allies in his efforts to make these tax relief policies permanent.

Unfortunately, President Obama's budget also contains bad news for the American taxpayer. For every American who puts gas in a car, heats or cools a home, uses electricity to cook a meal, turn on the lights, or power a computer, there is a new energy tax for you in this budget. This tax could exceed a trillion dollars. The budget also raises taxes on those making over \$250,000. That sounds like a lot of money to most Americans. But, we are not just talking about the idle rich.

We are not talking about coupon clippers on Park Avenue. We are not

talking about the high-paid, high-corporate-jet-flying, well-paid hedge fund managers in Chicago, San Francisco, or other high-income liberal meccas. Many of the Americans targeted for a hefty tax hike are successful small business owners. And unlike the financial engineers of the flush liberal meccas of New York, Chicago, or San Francisco, a lot of these small businesses add value beyond shuffling paper.

There is bipartisan agreement that small businesses are the main drivers of our dynamic economy. Small businesses create 74 percent of all new private sector jobs, according to the latest statistics. My President, President Obama, used a similar figure of 70 percent yesterday. Both sides agree that we ought not hurt the key job producers, small business. President Obama also mentioned his zero capital gains proposal for small business startups. Republicans agree with him on that.

We are still scratching our heads on why the Democratic leadership doesn't agree with the President on that small business-friendly proposal. So if we all agree that small business is the key to creating new jobs, why does the Democratic leadership and the President's budget propose a new tax increase directed at the American small businesses most likely to create new jobs?

How do I come to that conclusion? Here's how. According to a recent Gallup survey, about half of the small business owners employing over 20 workers would pay higher taxes under the President's budget. I have a chart that shows that nearly 1 million small businesses will be hit by this tax increase. Here is another chart that shows that roughly half the firms that employ two-thirds of small business workers, those with 20 or more workers, are hit by the tax rate hikes in the President's budget.

According to Treasury Department data, these small businesses, account for nearly 70 percent of small business income. In addition, the budget would reduce itemized deductions for donations to charity, home mortgage interest, and State and local taxes. Combating tax shelters and closing corporate loopholes can be good tax policy, but higher general business taxes during a recession doesn't make much sense.

If these higher taxes were dedicated to reducing the deficit, the Democratic leadership could argue this was their version of fiscal responsibility. We Republicans would disagree with this approach, but at least we would agree with the goal. But, a close examination of the budget reveals higher taxes and higher spending. So, from an overall standpoint, deficits will remain as far as the eye can see. Drawing on our principles, Republicans will work with President Obama on making permanent tax relief for families.

We, however, will oppose tax increases that harm America's small businesses. We Republicans also will scrutinize and question a broad-based energy tax that cuts jobs and could, according to MIT, cost consumers and businesses trillions. In these troubled economic times, we ought to err on the side of keeping both taxes and spending low and reduce the deficits. That will be a necessary condition to returning our economy back to growth and providing more opportunities for all Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I rise to talk about the pending bill. I understand we will have a unanimous consent agreement that the majority leader and I have worked out on the omnibus lands package. Having spent 10 years in a legislative body, I understand how things work, and I know we have a bill that is a compilation of 150-plus other bills that is so peppered with individual parochial interests that the hopes of defeating the bill are somewhat diminished. However, I would be remiss in the oath I took to the Constitution to not try to inform my colleagues in the Senate as well as—and more importantly—the people of this country what is coming about with this bill.

Yesterday, one of my constituents sent me a news article described as the following: "Natural Gas Rig Shutting Means Prices May Double." Natural gas right now is under \$4 a million British thermal units. It was as high as \$13 in the height of what I would say was the manipulation of the commodity market but also in the height of the expansion we saw in economies around the world.

Why is that important to the American public? When people look for natural resources, they look for natural resources—to find them—so they can sell them at a profit. Natural gas exploration in the continental United States—not offshore—is fraught with great difficulties in terms of finding great supplies. However, what we do know in terms of the law of economics is: If you cut exploration in natural gas by 45 percent—and that is just through February of this year versus July of last year—what is going to happen? What is going to happen to natural gas prices? Well, they are going to rise and they are going to rise significantly and, most probably, they are going to approach \$10 a year from now.

Is it a great policy we are going to pass a bill that is going to make it

harder to find additional natural gas resources in this country, that shuts off 13 trillion cubic feet of known reserves right now? That is enough to supply our country for 2 years. Is it smart for us to pass a lands package that is going to take 2.8 million acres and say: You cannot ever touch it for energy, regardless if natural gas is \$45 a million Btu's, you cannot touch it?

But at the same time, if our demand rises, what are we going to do? We are going to import it. So we are doing two things highly negative in the long run that will have major effects on the average American family. One is, we are going to limit the ability to go find it; and, No. 2, we are going to continue to fund imports with our dollars to burn the same natural gas we could have developed here.

The same thing could be said for oil. We all remember oil at \$140 a barrel. We pretty well like that gasoline—in my hometown, I filled up with regular unleaded gasoline for \$1.64 a gallon this weekend versus the highest it got in Oklahoma, I think, was \$3.90 a gallon. We like that. But we are getting ready to pass a bill that says the likelihood of us going back to that era of demand—supply inequality—will be increased and that to pay for that will be a tax on every American family's budget. It is a pretty tough tax if you are commuting or if you are heating your home with natural gas or if you are buying heating oil. Many of our families in the Northeast and upper Midwest bought their heating oil at the peak of prices.

So the opposition to this bill, from my standpoint, comes from a lot of areas, and I am going to spend some time outlining that today. But I want to be a predictor of what is going to happen. What is going to happen is energy prices are going to rise. If you are the greenest of green and think we can provide all our energy from renewables, great. But what you cannot deny is the fact that it is going to take us 20 years to get there. What this bill is going to do is markedly hamper our ability to supply needed energy products for American families. It is not just oil and gas.

Ninety percent of the known geothermal and absolutely clean, safe, environmentally friendly way to produce steam and power a turbine to produce electricity is taken off in this bill—90 percent of the known geothermal reserves. So when we say we want to use renewables and we want to get away from a carbon-based source, there are some things we have to do. One is to recognize how long it is going to take us and make sure we do not have a disruption in our supplies; No. 2, markedly increase the supplies we need in the meantime; and, No. 3, not hamstring our ability to use completely renewable sources from sources we know are available to us right now.

There have been a lot of claims this bill is not controversial. Well, coming from an energy-producing State, it is controversial as all get out for Oklahoma. When we say we are going to shut off large portions of this country forever to future energy exploration, it does not just impact—Oklahomans have cheap energy. We are the least impacted by it. What the American citizens ought to be asking is: What did we get individually that can put 150 bills together that will make your Representative in Congress vote for something that in the long term is damaging to our energy independence and will keep us more dependent on people who are supplying energy who do not necessarily believe in freedom, do not necessarily like our way of life, and do not necessarily believe we ought to have the standard of living we have?

This bill has 1,248 pages—1,248 pages. There is a total of 170 unique, different bills. This bill, also, is going to cost the American taxpayer—our kids—\$10 billion, and it has \$900 million of mandatory spending that is going to be spent no matter what anybody in Congress says. So we are going to add another \$11 billion to our spending. It is opposed by over 200 different groups. Whether it is property rights groups, the Chamber of Commerce, energy-producing groups, recreation interests across the country, they are uniform in their opposition to this bill.

It is not necessarily just in their own self-interests they are in opposition to it. They know what is coming. They are not thinking short term. They are not thinking about how I look good at home. They are thinking about what is in the best long-term interests of our Nation.

One hundred of these bills have no effect on us as individual Americans. They will not have an effect on energy. They will not have an effect on property rights. There probably is no problem with them. But 70 of these bills will markedly impact every American.

When this bill went through the House on suspension—and it is important you know what "suspension" means: You get a vote on it, but you do not get any opportunity to amend it—it did not pass the requirement to pass the House without amendment.

This bill has been smoldering here for 2 years. I wish it would smolder a whole lot longer. I will have to admit that. This is the first time in 2 years we are going to be able to offer an amendment to change this bill. It is going to be a limited set of amendments: six amendments on 1,248 pages of legislation, on \$11 billion worth of spending, but, more importantly, on a significant decline in the American people's standard of living because energy costs are going to rise. They are going to rise anyway, but they are going to rise dramatically because of what we are going to do in this bill.

It is a massive collection of unique provisions, some quite controversial. There is actually a section of wilderness area in one Congressman's district that nobody from his district wants and neither did he, but it got put in the bill, and he has no ability to amend the bill. So we are going to take a section out of one of our States and put it in a wilderness area, where the citizens do not want that to happen and the Congressman does not have the ability to try to stop it. That is what happens when you start playing games in trading things in Congress to pass a bill that cannot pass any other way except for buying off votes with something that looks good at home.

It creates 10 new National Heritage Areas. It creates three new units of the National Park Service. We have a \$9 billion backlog in just keeping the buildings maintained in our national parks right now, and we are going to add three new parks—at a time when we are going to have an over \$2 trillion deficit. We are going to have a deficit that will add \$7,000 per man, woman, and child, \$28,000 per family this year alone—this year alone.

It creates 14 new studies to expand or create more national parks. It creates 80 new wilderness designations or expansions. It takes 2.2 million acres of direct Federal land and says: You can never touch this, regardless of how much oil is there, how much natural gas is there, how much geothermal is there. You can never touch it. No matter what our need is, we will never be able to access it.

How stupid are we when we are going to tell the rest of the world's suppliers of oil we are going to limit our ability to influence their pricing to us?

It creates 92 wild and scenic river designations—that is more than we have total wild and scenic rivers now—1,100 miles of shoreline. It is going to kill an LNG, liquefied natural gas, port in Massachusetts that is not a scenic river at all because we are so green we do not want to use natural gas, one of the cleanest carbon-based fuels we have, and we are going to eliminate the ability for people in the Northeast to have cheap natural gas. But we are going to do it.

It creates six new National Trails. I will tell you, the trails it creates have eminent domain. Even though this bill says they are not going to use it, the bureaucrats are still going to have the ability to take private property from individuals without their consent.

The Wild and Scenic Rivers Act will prohibit any gas transmission lines, any electrical lines, any utility lines, that may be in our Nation's best interest, to either pump oil from Canada or natural gas. You cannot go near the river, so you cannot cross the river. So what we are going to do is, not only are we going to raise the cost, we are going to increase the cost of getting it here

because we are going to have to go circuitous routes to bring energy to people in this country.

It includes 19 specific instances where Federal lands are permanently—permanently—withdrawn from future mineral and geothermal leasing. Three million acres are impacted by this permanent withdrawal. In the Wyoming Range that is in this bill, according to the National Petroleum Council, 12 trillion cubic feet of natural gas is proven and sitting there right now—and that is enough to run our country for almost 3 years—300 million barrels of oil. That is the most up-to-date study by the BLM. Each of the 19 withdrawal provisions of the 3 million acres also excludes future geothermal leasing. Studies performed by the Bureau of Land Management confirm geopotential on many of the designations in this bill. In other words, it has been studied. I will have a chart later to show that. We know where the geothermal sources are in this country—clean energy, cheap, abundant—yet we are going to take it away. We are going to say we are not going to use it.

The threats posed by this bill to American energy independence have grown since the last time we considered this bill. Secretary Salazar has withdrawn 77 major leases in Utah. He has withdrawn eight—and these are leases that are already completed, signed, and paid for—energy leases in Wyoming, outside of this bill. He has delayed any increase in offshore drilling because it “needs more study.” We do it with perfection in the Gulf of Mexico. The vast quantity of our oil that we produce domestically comes from there. He has delayed the development of oil shale because it needs more testing, except all the prototype plants have been highly effective in how they have utilized it.

The bill is another direct challenge from Congress to President Obama’s pledge to clean up the earmark process. There are multiple earmarks in this bill for things that none of us would be proud of and none of us would say would meet with any common sense, especially in light of the fiscal and monetary difficulties in which we find ourselves.

There is \$1 billion for a water project in California to repopulate 500 salmon. There is \$5 million for a wolf compensation and prevention program for wolves that we reintroduced in the wild that are now killing cattle. So we are reintroducing wolves, and then we are going to pay the ranchers for the cows the wolves killed.

There is \$3.5 million to celebrate the 450th anniversary of St. Augustine in 2015. Do we really think right now we ought to spend \$3.5 million to plan a birthday party in 2015 when we are stealing every penny we are going to spend this year—in the remaining portion of this year—from our kids and

our grandkids? Is that really something we want to do?

We are going to spend a quarter of a million dollars to study whether Alexander Hamilton’s boyhood estate in St. Croix, the U.S. Virgin Islands, is suitable as a new national park. Well, let’s do it after we get out of the mess we are in; let’s don’t do it now. Let’s not spend a quarter of a million dollars. What would a quarter of a million dollars do? It would buy at least 20 families health insurance for a year, 20 families who don’t have it. It would supply lots of small businesses with the working capital they require to keep going and keep their employees on board instead of laying them off.

This bill gives \$5 million for the National Tropical Botanical Garden to operate and maintain new gardens in Hawaii and Florida. Is that really a priority for us right now? Is that something—if we were a family, would we be making those kinds of decisions? It gives us a new ocean exploration program which has as its No. 1 job to locate, find, and document historic shipwrecks. It may be a good idea in a time of plenty, but in a time of hurt it is a terrible idea.

There is \$12 million for the Smithsonian to build a new greenhouse for a national orchid collection. Is that something we should do now? A full waiver for the Cave Institute in New Mexico to be fully funded by the American taxpayers rather than by the State of New Mexico. It just happens to be one of those little things snuck into the bill.

What about property rights? There is little transparency. It is estimated the Federal Government now owns 653 million acres, 1 out of 3 acres in the United States, and 1 out of 2 acres in the Western United States. The 10 national heritage areas—what does that mean? The Park Service funds advisory committees in these heritage areas which means they have an advantage over the local residents because they have money. So they come in and pass requirements and code changes that impact private property rights in all of these areas.

So if you are in the heritage area or if you are abutting it, you now have the Federal Government funding a group that may be counter to your own private property rights. Eighty wilderness areas and another 2.2 million acres. Recent court decisions have now said being in the wilderness area isn’t enough. If you are close to it, you can’t have your rights; we will decide what you do with your land.

Ninety-two national scenic rivers—again, eminent domain—anything touching it or anything they want to have touch it, they have eminent domain to take private property, and we are creating 92 of those. So if you live along one of those rivers, you should worry about whether you are going to

have the freedom to do with your property as you want, whether you are on the river or not. You just have to be in proximity.

Six national trail designations. The underlying National Trails Act grants land acquisition and eminent domain authority. So if they want to put a national trail through your backyard, they can come and take your home. Do we really want to give that kind of capability, and is now the time to do it?

Here is a quote from the National Property Rights Advocates:

This bill is a serious threat to all property owners in this country. Over the past several decades there has been a proliferation of programs dedicated to the preservation of land that has extended the grasp of the Federal Government and its influence over private property rights.

Amen.

As a result of this legislation, landowners will see their property value diminish due to increased land use regulations and outdoor recreation enthusiasts will find new restrictions on both public and private land.

So you can have private land where you allow people to horseback ride, but if you are next to one of these areas and they are not allowed in that area, you are not going to be allowed. So you may actually even lose income because you no longer have that as a capability of your property.

The experts go on and say:

This legislation should never arbitrarily attempt to seize land from the public and restrict its use as this package will.

The problem is, there is no priority in this bill—there is no priority for energy independence or less dependence. There is no priority to protect rights that are guaranteed under the Constitution.

Let’s think for a minute about what we have tasked the American agencies with. The National Park Service, here is what they are responsible for: 84 million acres of land in the National Park Service, 391 different units; 54 national wilderness areas which include 44 million acres; 15 wild and scenic rivers, and we are getting ready to add 92 to that; 40 national heritage areas, and we are getting ready to add 12; 28 national memorials, 4 national parkways, 120 national historic parks, 20 national preserves and reserves, 24 national battlefields, 18 national recreation areas, 74 national monument areas, 10 national seashores, 4 national lake shores, 3,565 miles of national scenic trails, 12,250 miles of unpaved trails, 46 miles of Canadian border, 285 miles of Mexican border to patrol and manage, 27,000 historic structures—27,000 historic structures that are falling down—26,830 camp sites, 7,580 administrative and public use buildings, 8,505 monuments and statues, 1,804 bridges and tunnels, 505 dams, 8,500 miles of road that they have to maintain yearly, 680 waste water treatment systems, and 272 million visits annually.

The National Park Service has a \$9.6 billion maintenance backlog, so severe that the backlog grew \$400 million since the time we first passed this bill and its coming back to us. The backlog has grown by \$400 million, which includes some of our treasures—the USS Arizona Memorial, where 1,117 American sailors were killed—and faces a backlog of \$33.4 million. It is not getting fixed; Gettysburg National Battlefield, 51,000 casualties in 3 days, \$29 million backlog; the Grand Canyon National Park, \$299 million backlog; the Statue of Liberty Park, \$197 million backlog; The National Mall in Washington, DC—The Mall that is just west of here—\$700 million backlog. There is even miscellaneous and supposedly noncontroversial provisions in the bill that could pose a threat to American families. It is not intended; it is just that it is a consequence.

In this bill is a little provision that if you are on Federal lands and you happen to pick up a rock—not intentionally to steal a fossil, but if it is a fossil, 5 years in jail, and they can confiscate your automobile, plus a fine. One of the amendments we have tries to fix that. We don't have a big problem with fossils being stolen, but we are going to fix a problem that isn't great by this amendment, by this bill, and we need to clean it up.

There is a provision to codify an existing agency program at the Bureau of Land Management which will, in fact, consolidate power over 38 million acres of land onto a few anti-energy, anti-recreational bureaucrats. This jurisdiction will extend the wilderness study areas lands, many of which have been deemed already unsuitable for wilderness.

I am going to make a point later in the presentation just to show my colleagues—as a matter of fact, I will make it right now. One of the things the law requires is that we, in fact, do studies on the applicability of lands for wilderness area. My staff just had time to go through California, Oregon, and Washington. By law, it is mandated there has to be a study to see if it is suitable. I am going to read through some of these.

Granite Mountain, CA. It is not suitable for wilderness recommendation because resource conflicts in the WSA include modern to high geothermal resource potential. It should never get a wilderness designation. We are going to designate it a wilderness area.

Spring Basin, oil and gas, moderate potential for occurrence based on several factors. Soda Mountain wilderness study area, California; again, the entire wilderness is considered to have a moderate potential for the occurrence of oil and gas. So we know in many of these areas there is tremendous energy potential for us, and we are going to shut it off forever.

Sabinoso wilderness study area, oil and gas; Pinto Mountain, CA, zero

acres—this is by the Bureau of Land Management—zero acres were deemed suitable for wilderness. Yet we are going to put that area in a wilderness classification. Beauty Mountain, CA, no wilderness is recommended for this wilderness study area. The wilderness values for most of the area are not outstanding at all and commonplace.

Little Jackson, Big Jackson, wilderness study area, Idaho, natural gas pipeline between it and a supposed source of minerals; Bruno River wilderness study area, geothermal resources are found at the northern and southern ends of it. The solitude of this area is frequently disrupted by flying military aircraft utilizing the U.S. Air Force bombing range just east of the wilderness study area.

I can go through Oregon, Idaho, Washington—and we will go through the rest of them before this debate is over—but the fact is, we are not even paying attention to what the law says. When we have a study that says we shouldn't be, we are putting them in wilderness areas anyway.

One of the things I would like to do is commend to my colleagues highlights of GAO-09-425T, a study released March 3, 2009, on the Department of the Interior by the GAO. I would bet my colleagues a nickel against a penny, or any multiple of that, that less than one person in the Senate besides myself has read this report because you can't read this report and come out and vote on this bill. This is the Government Accountability Office. What they say is, the Department of the Interior is essentially poorly run, poorly managed, and the safety and welfare of our people who are on BLM lands and in the national parks is at risk because of the poor management and the lack of oversight that has been carried out by Congress. It is the very same committee that brings us this bill.

Mr. President, I also commend to my colleagues the testimony of Mary Kendall, the acting inspector general for the Department of the Interior, her statement before the U.S. House of Representatives Committee on Appropriations Subcommittee on the Interior, Environment, and Related Agencies. When you read it, it will scare you to death. Here is what the internal inspector general is saying, and it mirrors what the GAO is saying. Yet this has received zero consideration from the authors of this bill; otherwise, we would see an opportunity to fix the problems that are outlined in these two documents in this bill. There has been no consideration to fix the problems and no significant oversight.

What does it find? At no point during their testimony did they agree that it was a good idea to add any additional responsibilities to the Department of the Interior, based on what has been found: We find ourselves in the biggest mess in terms of maintenance. There is

actually a public safety and health issue for people who are visiting our parks highlighted throughout both of these reports. There is no attempt to fix that, no attempt to authorize the money to get the backlog caught up with what we presently have and should be taking care of. There is no attempt whatsoever.

In the GAO report—I quoted almost \$9 billion—they are saying it is between \$13.2 billion and \$19.4 billion to get our national parks up to date and manage the things we should be managing. In contrast, the entire budget for the Department of the Interior in 2007 was under \$11 billion. We are going to take significant moneys that should be spent on the backlog of repair and maintenance and we are going to use that to implement this 1,243-page bill. I don't get it. I don't understand the lack of common sense. I understand the political drive. I understand we want to do things for people back at home. But I don't understand why there hasn't been a change in behavior given the economic situation we are in. I flat don't get it. I guess I have a lot to learn about politics.

The GAO wasn't necessarily critical of the management of the Department of the Interior, they were really critical of Congress. They said that although Interior has made a concentrated effort to address its deferred backlog, the dollar estimate of the backlog has continued to escalate. It sounds as if they need help. The last thing they need is another 3 million acres for which they have to be responsible. They classify the backlog into four categories: roads, bridges, and trails, between \$6 billion and \$9 billion; buildings, including historic buildings, between \$2 billion and \$3.5 billion; irrigation, dams, and other water structures, between \$2.4 billion and \$3.6 billion; recreation sites and fisheries, between \$2 billion and \$2.93 billion.

The Department of Interior by itself manages more than 500 million acres of Federal land, more than 1.8 billion acres of the Outer Continental Shelf, and its 70,000 employees working in 2,400 locations. Yet congressional leadership intends to add another 3 million acres and hundreds of new commitments to DOI in this bill.

In one instance of mismanagement, in this GAO report, GAO points out that the Fish and Wildlife Service is responsible for 132,000 acres of farmland, most of which it doesn't manage. However, even though these farmlands are unwanted, the Fish and Wildlife Service cannot sell these lands because they are now part of the National Wildlife Refuge System. So Fish and Wildlife owns thousands of acres of good farmland that it doesn't manage and doesn't even inspect. It is less than 13 percent of the land they inspect yearly. It is land we could use for agricultural production, but we don't use it because

we in the Congress have handicapped them.

What the GAO report also said was, in describing the maintenance backlogs, that the deterioration of these facilities can impair public health and safety, reduce employee morale and productivity, and increase the cost for major repairs and early replacement of structures and equipment.

Other groups have made similar observations. According to the National Parks Conservation Association, "From neglected trails to dirty or deteriorating facilities, national parks across the country are showing the strain of budget shortfalls in excess of \$600 million annually. . . ." It will be greater than that this year. "The visitor center at the USS Arizona Memorial in Hawaii is overcrowded, its foundation is cracking, and it is sinking. . . a shortage of staff and funding limits the ability of the Park Service to maintain campgrounds at Nevada's Great Basin National Park. Broken benches, dilapidated buildings, and a crumbling boardwalk greet visitors to Riis Park in Gateway National Recreation Area in New York and New Jersey. Chaco Culture National Historical Park in New Mexico lacks funding to maintain and repair the park's 28 miles of backcountry trails. As a result, trails are damaged by heavy use and weather, compromising the experiences of visitors and the integrity of cultural resources and nearby natural resources that become trampled when visitors cannot follow the trails." They are not maintained, and that becomes an ecological problem.

According to Acting IG Mary Kendall, "Our work has documented decades of maintenance, health and safety issues that place the Department of Interior employees and the public at risk." She listed the following examples of where poor management has led to safety concerns:

The U.S. Park Police, responsible for maintaining security at national icons, "failed to establish a comprehensive security program and lacks adequate staffing and formal training for those responsible for protection [of those assets]."

Opportunities for improvement remain in the security of our Nation's dams.

The Department's Office of Law Enforcement, Security, and Emergency Management still struggles with issuing centralized policy and providing effective oversight of DOI law enforcement.

In 2006, they found a National Park Service visitor center literally falling apart, severe deterioration at the Bureau of Indian Education elementary and secondary schools, and Fish and Wildlife employees working for almost 7 years in two buildings that were condemned and closed to the public.

That is how good the oversight is that we have done.

They identified abandoned mines where members of the public had been "killed, injured, or exposed to dangerous environmental contaminants" by abandoned mines, and Congress is prioritizing a massive increase in the public lands without funding or prioritizing the true national concerns in DOI.

What was also found in the GAO report is that despite increasing firefighting funds fourfold, there is incompetent forest fire management. The fact is that they are made worse because of poor management. We have done nothing for that.

Her statement was:

In other words, DOI has not managed to even develop goals for maximizing fire management and prevention funds.

Another statement is:

High prevalence of waste and fraud in the procurement and Federal assistance process.

They also found problems throughout the solicitation process: a lack of presolicitation planning, a lack of competition, selection of inappropriate award vehicles, and poor administration of contracts and grants.

Mary Kendall said:

Financial management has remained a top challenge for the department.

Why don't we fix it? You cannot fix what you cannot measure. Yet we are going to add this bloated bill.

There is something everybody should know. For the Native American schools in this country, we are spending a billion dollars a year for 50,000 kids. And when you look at performance, what you see is something akin, in many areas, to Washington, DC—not all but in many. The cost per student running through that is \$20,000. We could put them in the best private schools, with the best private teachers, and bunk them, for \$20,000 a year. Yet we continue to allow this.

BLM grazing fees collected were \$12 million in fiscal year 2004—that is the latest year for which we have numbers, which tells you something about the accounting—even though the cost to implement the grazing program was \$58 million. We would be better off eliminating the grazing program and saving \$46 million.

So what is it about this bill that has had me so persistent? I will tell you. It is a great example of what we do wrong. It is a great example of the worst tendency of Congress. We were in an energy-short environment, and even though it doesn't feel that way today, it will feel that way 10, 12, 18 months from now. We are going to eliminate the potential for us getting out of it. We are going to add significant responsibilities to an agency that both the GAO and their own IG says is in trouble. Yet we don't approach anything to fix it.

We are going to make everybody feel good in this body because they all have something in the bill and they can go

home and say: Look what I did, look what I accomplished. I got something that is important for our State. The problem with that thinking is that, when we only think in a parochial manner—if I only think about Oklahoma or if the Senator from Texas only thinks about Texas or any other Senator thinks only about their State and themselves—the whole country loses. Not once in our oath does it say that our allegiance is to our State. What it says is that our allegiance is to our country. And if our country is not healthy, no State can be healthy. Yet we have allowed parochialism and the politics of the Senate to design a bill that, for sure, will pass but which in the long run is going to be harmful to the country. It is going to pass. It will have 65 or 70 votes, maybe even 80 votes, because the press release at home is more important than the principle in Washington. Consequently, not only will we spend this \$11 billion and overburden an agency that is struggling to keep itself above water, we will commit the Department of Interior to further backlogs, further problems, and we will strangle our ability to respond both with clean energy and the energy we know we are going to need for the next 20 years the next time the supply-demand balance gets upset.

The question the American people ought to ask is, Is it worth it? Is it worth it for somebody from Oklahoma to get something and to do this to the Nation as a whole? Is it responsible? Is that how our country is going to work in the future? Are we going to always place parochial interests first or are we going to go back and grab ahold of the heritage which made this country great, which says the politician doesn't matter; the principles and forbearance of our forefathers in accomplishing what is best for the nation, is that going to win the day? My thoughts are that it won't. When it doesn't win the day, I don't lose—I fought for it—but my kids lose, my grandkids lose, and so does everybody else in this country. In the name of playing the good game, what we are doing is undermining our country.

We have a lot of financial problems in front of us today. We as a nation can get out of those problems. As a matter of fact, we will get out of those in spite of the U.S. Congress because what makes America great is its people, not its politicians. What makes America great is the fact that the people get up every day, and no matter what is ahead of them, they will struggle to try to defeat the problems in front of them to make a better life for themselves, their kids, and their neighbors. We could learn a great deal from the average American citizen as we approach the legislation.

This little bill, which I assure you nobody in this body has read, is a compilation of 170 bills—some good; some

don't have any of the negative effects I have described. But 50 of them are going to have devastating effects. And how we respond, how the American people respond to our doing this, is going to reflect on the character of the American people. They need to become informed about what we are doing.

Later today, we will have a unanimous consent that I thank the majority leader for. He has the toughest job in the Senate, and I recognize that. I have given him fits on this bill. I don't apologize for that. I think this bill is the wrong thing at the wrong time for the wrong reason. But we will have a unanimous consent agreement that allows six amendments, which I will offer either later this evening or tomorrow, which eliminate some of the stupidity in this bill. It won't fix the bill. It won't fix the problem I have described.

We are then going to walk out of here happy, because it will go back to the House, not have a chance to be amended in the House, and the President is going to sign a bill that is going to hurt our energy independence. We are going to hear all sorts of statements to the contrary, but that is not true. The fact is it is going to hurt our capability of becoming more self-sufficient for our own energy needs.

So a year or 18 months from now, when you are no longer paying under \$2 for gasoline, and it is \$4, I hope the American people will remember this bill, because this is the start of the battle against undermining utilizing our own resources in our own country for what is in the best long-term interest—not the short-term—for our country. And it doesn't have anything to do with climate change or global warming. Because if it did, we wouldn't worry about 20 years of carbon usage when we know we are going to go away from it.

Mr. President, I thank you for your patience and the time today. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I have a unanimous consent agreement that I am going to propound, and I believe it is acceptable on all sides.

I ask unanimous consent that all postcloture time be yielded back, and the motion to proceed to H.R. 146 be agreed to; that once the bill is reported, the Bingaman substitute amendment, which is at the desk, be called up for consideration; that once the substitute amendment has been reported, it be considered read; that the

following list of amendments be the only first-degree amendments in order; that upon disposition of the listed amendments, the substitute amendment, as amended, if amended, be agreed to, the bill, as amended, be read a third time, and the Senate then vote on passage of the bill, that passage of the bill be subject to a 60-vote threshold; that if the threshold is achieved and upon passage, the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be considered and agreed to and the motion to reconsider be laid upon the table; provided further debate time prior to a vote in relation to each amendment be limited to 60 minutes, equally divided and controlled in the usual form; and that no amendment be in order to any amendment prior to a vote in relation thereto; that if there is a sequence of votes in relation to the amendments, then prior to each vote in a sequence, there be 4 minutes of debate, divided as specified above, and that after the first vote in any sequence, subsequent votes be limited to 10 minutes each.

Here is the list of amendments: Coburn amendment No. 680, regarding barring new construction. The second is Coburn amendment No. 679, regarding striking provisions restricting alternative energy. The third is Coburn amendment No. 683, regarding striking targeted provisions. The fourth is Coburn amendment No. 675, regarding eminent domain. The fifth is Coburn amendment No. 677, regarding annual report. And the sixth is Coburn amendment No. 682 regarding subtitle D clarification.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The motion to proceed is agreed to.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT

The PRESIDING OFFICER. The clerk will report the bill.

The bill clerk read as follows:

A bill (H.R. 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

AMENDMENT NO. 684

(Purpose: In the nature of a substitute)

The PRESIDING OFFICER. The clerk will report the substitute amendment.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 684.

(The amendment is printed in today's RECORD under "Text of Amendments".)

Mr. BINGAMAN. Mr. President, at this point I believe I intend to put a quorum call in. My colleague from Idaho is going to speak in a few min-

utes, as I understand it, to discuss some of the issues involved with the legislation. I plan to speak myself and then we will await Senator COBURN's return to the floor so he can call up the first of his amendments.

I am informed that the Senator from Oklahoma wishes to speak. Accordingly, I will not put in a quorum call at this time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, a lot of my colleagues have come down and talked about the outrage at the excessive bonuses for AIG executives after, then, the \$180 billion bailout. I think we should be mad at a lot of people, I guess, right now—certainly the executives who were the ones who ran what was once a great company into the ground. But that is not where the blame ends. It is not where the buck stops. I know I will upset some of my colleagues when I remind them and the American people that much of the blame should be directed right here in this Chamber to Members of this body, the Senate, and to the other side of the Capitol, because that is where it all started in October.

It was October 10 when 75 percent of the Senators voted to give an unprecedented amount of money to an unelected bureaucrat to do with as he wished. This happened to be \$700 billion, the largest amount ever authorized, if you could use that word, in the history of the world. So 75 percent of the Senators in this Chamber said to both Treasury Secretary Hank Paulson and Tim Geithner—let's keep in mind he was in on this deal, too—when voting in favor of the massive bailout, to go ahead and take the \$700 billion and do anything with it you want.

How can they support giving money to a bureaucrat to "do anything you want"? There was nothing there. He gave a promise. He said it was to go buy damaged assets, but he didn't do that. Instead, that money went to banks and I don't know that there are any positive results in the way of credit as a result of that effort.

When it comes to AIG, outrage doesn't even come close. I have said from a long time, from the outset, in fact, that the Federal Government needs an exit strategy for its entanglement in the financial system. The revelation that AIG is trying to give hundreds of millions of dollars in bonuses at the same time it is the recipient of the largest government bailout in history shows why. How can you give out bonuses when the taxpayer has to rescue you from sudden failure? What are these bonuses for exactly?

I understand bonuses should be a reward for a job well done. It is pretty clear when they are getting bailed out by the taxpayers it was not a job well done. What could possibly justify the bonuses? I normally would not support

having the government try to micro-manage pay packages in any industry, but these are not normal times. AIG has received almost \$180 billion in U.S. taxpayers' bailouts. The U.S. Government owns 80 percent of the company. How the executives at AIG do not get the fact that these are not normal times is absolutely mind boggling.

I have been saying for a long time we need a change of course in our approach to the financial bailouts. President Obama's Treasury Secretary came out over a month ago, February 11, and he said he had a plan for changing course. We have been waiting since February 11 for that plan. Nobody has it. We do not have any idea if anybody has a plan out there, but certainly we have not heard anything from Tim Geithner.

I don't know how people at AIG, giving out or receiving a bonus right now, can look themselves in the mirror, but my colleagues and I in Congress can look you in the eye right now and say if we do not see action on this and action on it soon from the administration, you can be sure we will do all we can to right this wrong to get these bonuses back.

There are several people working on how, mechanically, that would work. But above all, we need the people to demand a change in course when it comes to a financial rescue approach.

I hesitate saying this but—and I hope this will never happen again—at the time, October 10, when a decision was made to influence 75 percent of the Senators in this Chamber to give \$700 billion to an unelected bureaucrat to do with as he wished and then we turned around and complained about what he did with it was not reasonable. I hope this never happens again.

With that, I believe there are some things in the works now that are going to change this situation. I hope we can be successful. It is unconscionable what has happened.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Mr. President, I am very pleased today to stand in behalf of and support of H.R. 146. This is what we passed earlier in the Senate as S. 22 and now, because of the procedural necessities between the House and the Senate as we seek to provide an opportunity for this legislation to reach the desk of the President, it has been amended to H.R. 146.

To call this legislation bipartisan is an understatement. This bill contains over 150 individual provisions spon-

sored by almost 50 different Members, almost half of our colleagues in this Senate. It represents every region of the country and has almost an equal number of bills from each side of the aisle. It is going to provide significant protections to existing public lands, improve recreation, cultural and historic opportunities, and provide important economic benefits for rural economy States such as my home State of Idaho.

Every bill in the package has gone through regular order. Most have had multiple hearings and markups in the Energy Committee. All are fully supported by the committee chairman and the ranking member. In fact, many of the provisions, such as my top legislative priority, the Owyhee initiative, are the result of years of extensive collaboration at the State and local levels in conjunction with elected officials, businesses, community leaders, outdoor enthusiasts, and other stakeholders. This legislation has been in preparation, also, for years. In fact, many of the provisions included in this legislation were initially worked on by the Energy Committee when the Republicans were in control of the Senate and Senator Pete Domenici was the chairman of the Energy Committee.

Additionally, there is no direct spending in this authorizing bill. The package does not have any bills that have a CBO score without an offset, meaning that the spending authorized in this bill is offset. This is not to say that the legislation is without controversy or that it is unanimously supported. Few pieces of legislation that pass through this Chamber are. However, while any omnibus package by nature will contain elements that are troubling to some, the Energy Committee negotiated the inclusion of each bill in this package to successfully reach a compromise on which both sides of the aisle could agree.

As with my Owyhee wilderness legislation, not everyone got exactly what they wanted, but both sides made concessions and believe the result is something they can put their support behind. As a result, this omnibus lands bill is widely supported and represents a diverse group of interests from every region of the country. Because of this, I strongly urge my colleagues to support its passage swiftly this week.

Some are attacking the bill by saying it is a huge omnibus bill that contains over 150 separate individual pieces of legislation and that because it is so large, that is a reason to oppose it. Frankly, I am one of those in this Senate who does not like the notion of taking smaller pieces of legislation, in general, and packaging them into large omnibus bills without allowing those bills to go through orderly process and without allowing the committee process and the amendment process on the floor to fully work. This is not the first

time this legislation has seen the floor of the Senate, however. As I said earlier, it has already passed the floor essentially in the same format as the proposed amendment of the Senator from New Mexico, as S. 22. It was on the floor previously and essentially in the same shape and we debated it multiple times.

As I said, the individual pieces of this legislation have moved through the Energy Committee and have been approved by the Energy Committee as this process was followed.

Historically it has been the way the Energy Committee approaches public lands legislation, to put them into large groups. Why? As I said, there are 150 pieces in this particular bill. Previous to this bill was another one which I believe had somewhere over 70 different pieces, and I will bet the Energy Committee today has another 50 or 70 or 100 pieces of legislation waiting for consideration. If every single one of them moved individually on the floor of the Senate, we would have little time on the floor for any other type of business.

It has become a working procedure that these bills are grouped together and moved in one unit as we work among ourselves with regard to land management issues in our respective States so we can move forward.

Let me give an example of what I am talking about, relating to my own specific state, Idaho. As I have indicated, my top legislative priority, the Owyhee initiative, is included in this bill. I am going to talk further about it in a few moments. But that is not the only bill relating to Idaho that is in this legislation. As a matter of fact, there are five or six bills in this legislation that relate to my home State of Idaho. Let me give an example of what they are so you can see why it is these bills are collected together and moved as one unit.

One of them is S. 2354, the Twin Falls Land Exchange.

This bill transfers four specified parcels of land in Twin Falls, ID, from the BLM to the city of Twin Falls, ID, for use to support the Auger Falls Project, which is a community park and recreation area.

Again, many people who are not from the West, who do not realize how large the areas of public land are that we have out here, do not realize that when we make adjustments to land ownership between the Federal Government and the city or the county or other private entities, it requires an act of Congress. That is what one of these provisions in the bill is, an uncontroversial bill for this land exchange between the BLM and the city of Twin Falls.

Another one is S. 262, to rename the Snake River Birds of Prey National Conservation Area as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late

Morley Nelson, who is an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area—the change of the name of a conservation area.

Another of those pieces of legislation relevant to my home State of Idaho is the boundary adjustment to the Frank Church River of No Return Wilderness, another huge area in Idaho which has been previously, years and years ago, designated as wilderness, where we need to make a few boundary adjustments to include and exclude some specific lands.

Another one is S. 542. The name is Snake, Boise, and Payette River Systems studies. This legislation authorizes the Secretary of Interior, acting through the Bureau of Reclamation, to conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River Systems in Idaho that are considered appropriate for further study by the Bureau of Reclamation water storage assessment report; in other words, to help us manage our water issues in Federal lands that are managed in the State of Idaho. This legislation authorizes this important water study for the people of our State.

Another of the bills in this package relating to the State of Idaho is the reauthorization of the National Geologic Mapping Act of 1992. This amends the National Geologic Mapping Act to extend the deadlines for development of a 5-year strategic plan for the geologic mapping program and for appointment of an advisory committee.

That applies a little bit more broadly than just to Idaho, but it is very important in Idaho that we have the proper and final conclusions of this mapping process for our State's land management.

There are other pieces of legislation within this package that are not specific to Idaho but are very relevant to the citizens of other States. For example, one of the bills, S. 2593, is called Forest Landscape Restoration Act of 2008, which establishes a collaborative forest landscape restoration project to select and fund ecological restoration treatments for priority forest landscapes, an important part of our forest management policy that we have been working on for some time to get a more collaborative and effective way to manage our forests in our country.

Another piece, the Ice Age Floods National Geologic Trail Designation Act—this one designates the Ice Age Floods National Geologic Trail, a trail from Missoula, MT, to the Pacific Ocean, to proceed for the public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods.

Again, I point these out simply to show the broad variety of the types of

land management decisions and acts, pieces of legislation that are included in this bill, which is being attacked as something that was just thrown together in a haphazard fashion by those who wanted to expand the role of the Federal Government in controlling the public lands.

I can tell you, in my home State of Idaho, there is very strong resistance to increasing the reach of the Federal Government. The decisions that we have made in supporting these types of legislation have been made in terms of trying to protect and preserve those very kinds of issues.

I will mention one more, S. 2875. This is one that is very important to us in the West, probably not that big of an issue in the East. It is called the Wolf Livestock Loss Prevention and Mitigation Act, introduced by Senator TESTER of Montana. I am a cosponsor of it. It authorizes the Secretary of the Interior and the Secretary of Agriculture to establish a 5-year demonstration program to provide grants to States and Indian tribes to assist livestock producers with respect to losses they may acquire on Federal, State, private, or Indian land, to undertake proactive, nonlethal activities to reduce the risk of livestock loss as a result of predation by wolves.

The reason the predation of wolves has become an issue is because under the Endangered Species Act, the wolves have been reintroduced into this area. Now a conflict has arisen as to wolves that, frankly, are predators with regard to livestock. This legislation in some States is not an issue, might be irrelevant. To people in my State, it is a huge issue. The bill continues with issue after issue in other States where Senators, with the renaming of recreation areas, the adjustment of boundaries, the establishment of water studies and the like, have been working with land management issues in their States to proceed with rational, well thought out policy changes that they and their States support. I do not believe there is a single piece of legislation in this bill that is not supported by the Senators from the States in which the land sits, where the legislation impacts.

Now, let me take a few minutes while I wait for my colleagues who want to come and bring amendments. I would say right now to my colleague from Oklahoma or any others who would like to come and either debate this matter on the floor or bring forward an amendment and be given the amendment consideration process, that I am prepared to work with them as soon as they arrive on the floor for that purpose. But until they arrive, let me talk a little bit about the Owyhee Initiative.

I said earlier it was my No. 1 priority for this legislation. Many people, when I say "Owyhee," wonder if I am saying

"Hawaii." It is Owyhee, O-w-y-h-e-e, and it is named after the Owyhee Canyonlands in southwestern Idaho, one of the most beautiful places that you can find in many parts of this country, but one of the most beautiful parts of the country with a tremendous and rich environmental and cultural heritage.

It is also an area where we have been having conflicts over land management policies for decades. Conflict among whom? Well, in this area, this beautiful gorgeous area of Idaho, not only do we have a rich environmental heritage and flora and fauna that abound, but we have livestock owners and ranchers. We have two Indian tribes. We have an Air Force training range both on land, as well as the air rights that impact on the area.

We have, as you might guess, hunters and fishers, and those who would like to recreate in the area in off-road vehicles or backpacking or rafting on the rivers or any number of other ways. And the types of uses that people want to put this gorgeous land to occasionally—not occasionally, regularly—come into conflict. Because of that, 8 years ago I was asked by a number of those from different interests in this land to see if I would host a collaborative effort to bring together those interested in all different perspectives, and instead of fighting in court or fighting in public hearings to sit down around the table and see if we could not collaboratively work out a solution.

I agreed to do so, and we started the Owyhee Initiative. That was literally about 8 years ago. Since that time, I am pleased to tell you that this collaborative effort between all levels of government, multiple users of public land and conservationists to resolve these decades-old heated land use battles in the Owyhee Canyonlands have come to a conclusion by all who support this legislation.

Now, I cannot tell you that literally every interest group possible supports it, but I can tell you that with the exception, in my opinion, of those in extreme positions, the vast majority of the people of Idaho and people across this country with interests in this great land are supportive of this land management act which has been proposed in Congress.

Owyhee County contains some of the most unique and beautiful canyonlands in the world, and offers large areas in which all of us can enjoy its grandeur. Now, 73 percent of the land base in this county is owned by the United States of America, and it is located within 1 hour's drive of one of the fastest growing areas in the Nation, Boise, ID. This combination of all of this incredible bounty, the closeness to a very large, growing population and the large amount of land ownership by the Federal Government, together with all of

these other multiple uses to which the people who love the land want to put it to, has resulted in an explosive effect on property values, community expansion development, and ever-increasing demands on public land.

Given this confluence of circumstances, Owyhee County can certainly be understood to be a focus of conflict over the years, with heated political and regulatory battles that many thought would never end. The conflict over the land management is both inevitable but also understandable. And the question we face is, how do we manage it?

The wonderful people I will mention who worked on this effort came together and were able to find win-win solutions where everybody was better off with this legislation than with the status quo. The county commissioners said enough is enough, and I have to give credit to them for their tremendous work.

As we went forward, we ran into some sharp turns and steep inclines and burdens and hurdles in the roads, sharp rocks, deep ruts, sand burrs, what have you. But we worked hard for the last 7 or 8 years to come up with this legislation which I now support.

The commissioners appointed a chairman, an extraordinary gentleman, Fred Grant. They formed a work group that included the Wilderness Society, the Idaho Conservation League, the Nature Conservancy, Idaho Outfitters and Guides, the U.S. Air Force, the Sierra Club, the county Soil Conservation Districts, Owyhee Cattleman's Association, the Owyhee Borderlands Trust, People for the Owyhees, the Shoshone and Paiute Tribes, and others to join their efforts. They all worked together, and we came up with this legislation.

Now, I see that others have come in, and I believe they may want to begin making remarks, so I will wrap up rather quickly. I have a list of the names of the individuals who worked so hard over the years to bring together a win-win situation for the people of Idaho.

These people came from groups and institutions and interests that historically have been battling head to head. Instead, they were willing to work through this in a way that I believe sets a tremendous example for how we should approach land management decisions and conflicts in this Nation.

That is another reason this important legislation should pass. This legislation, some call it a wilderness bill, and it does have wilderness in it—I call it a comprehensive management bill, not just wilderness, but wild and scenic rivers. It deals with cattle and ranching. It deals with private property ownership. It deals with off-road vehicle use. It deals with travel plans. It deals with hunting and fishing and outfitters and the guides and all of the other dif-

ferent aspects of the way that people would want to use beautiful land like this.

I commend the commitment and leadership of everybody who has worked to make this legislation possible. Today is a very important day for them. Although we will probably still spend some time on the floor of this Senate working on this and the other important issues in this legislation, it is my hope we can expeditiously handle the amendments that have been proposed to this legislation and then move forward with just as expeditious activity and send this legislation back to the House for, hopefully, its final consideration.

Again, I thank my colleagues for their forbearance and for listening to this one more time. I am looking forward to the debate that we will have on the authorized amendments that have been made in order. I will work with my colleagues to assure that we pass this legislation as quickly as possible.

I would like to recognize and thank the people who have been the real driving force behind this process: Fred Grant, chairman of the Owyhee Initiative Work Group, his assistant Staci Grant, and Dr. Ted Hoffman, Sheriff Gary Aman; the Owyhee County Commissioners: Hal Tolmie, Chris Salova, and Dick Reynolds and Chairman Terry Gibson of the Shoshone Paiute Tribes. I am grateful to Governor Jim Risch of the Great State of Idaho for all of his support. Thanks to Colonel Rock of the U.S. Air Force at Mountain Home Air Force Base; Craig Gherke and John McCarthy of the Wilderness Society; Rick Johnson and John Robison of the Idaho Conservation League; Inez Jaca representing Owyhee County; Dr. Chad Gibson representing the Owyhee Cattleman's Association; Brenda Richards representing private property owners in Owyhee County; Cindy and Frank Bachman representing the Soil Conservation Districts in Owyhee County; Marcia Argust with the Campaign for America's Wilderness; Grant Simmons of the Idaho Outfitters and Guides Association; Bill Sedivy with Idaho Rivers United; Tim Lowry of the Owyhee County Farm Bureau; Bill Walsh representing Southern Idaho Desert Racing Association; Lou Lunte and Will Whelan of the Nature Conservancy for all of their hard work and dedication.

I would also like to thank the Idaho Back Country Horseman, the Foundation for North American Wild Sheep, Roger Singer of the Sierra Club, the South Board of Control and the Owyhee Project managers, and all the other water rights holders who support me today. This process truly benefited from the diversity of these groups and their willingness to cooperate to reach a common goal of protecting the land on which they live, work, and play.

The Owyhee Canyonlands and its inhabitants are truly a treasure of Idaho

and the United States; I hope you will join me in ensuring their future.

Mr. WHITEHOUSE. I ask unanimous consent to speak as in morning business for 5 minutes and, at the conclusion of my remarks, the Senator from Vermont, Mr. SANDERS, be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIG EXECUTIVE COMPENSATION

Mr. WHITEHOUSE. Mr. President, I come to the floor to talk about the question of executive compensation triggered in particular by the recent round of bonuses paid to executives at AIG who had such a significant role in putting America into the economic distress we are in now. I have vented probably 50 times over this already, so I have calmed down a bit, but it is truly infuriating. I believe all my colleagues share how frustrating and infuriating it is. What is it about these people? They don't seem to get it. At long last have they no sense of humility? Have they no sense that their wretched corporation would not even exist today if it were not for the good will of millions of American taxpayers whose own economic future is being put at risk to prop up this corporation? Then they turn and do this?

It is not only I. I was in Rhode Island over the weekend. I stopped at Coffey's service station to have the oil changed. It was the one thing the mechanics were furious about. People don't come up to me and talk about issues all the time. I am a pretty normal person. We bump into each other, and we talk about various things. They were all over this. I stopped at Amenities Deli in Providence to pick up coffee and a muffin. Rosie, who runs it, all over this. I went to a meeting with the police chief and some community organizers in Olneyville. There was the local media, the radio stations, all over it. People are so angry.

What has happened is, the view has appeared that there isn't anything we can do about this. What I would like to say is, I believe that view is wrong. I am pleased President Obama has directed Treasury Secretary Geithner to use the Treasury's leverage and pursue every single legal avenue to block these bonuses and make the American taxpayers whole.

It is not just these bonuses. There is more out there. The Wall Street Journal reported weeks ago that there is \$40 billion in deferred executive compensation waiting to be paid to recipients of the TARP plan of Federal taxpayer generosity. We are not doing anything about that either. The problem is fairly simple. In the ordinary course, these companies which have wrecked themselves would ordinarily be insolvent and would ordinarily go into bankruptcy. In bankruptcy, you would have a judicial forum. The court would make determinations about who gets paid under a regular schedule. These

executive compensation schemes—deferred compensation is a tax dodge, so how wonderful that that should be favored now—these compensation schemes come at the very end. You line up at the back of the line with the unsecured creditors and you may get paid only pennies on the dollar. But because of their importance, because they were too big to fail, because we had to keep our financial system going, we could not allow them to go into bankruptcy. That was the decision. That took away that judicial forum.

Because we haven't replaced it under American law, where you can't undo a contractual obligation, you can't willy-nilly take it away, not without providing due process of law, all the way back to that case that all of us learned in the first year of law school, *Fuentes v. Shevin*. When the sheriff came to take away Mrs. Fuentes' stove because she hadn't paid for it, the Supreme Court said: You can't take Mrs. Fuentes' stove away, even if she hasn't paid for it, not without giving her a chance to be heard. So we have to create a place where the Government can go to contest these executive compensation schemes and have a proper due process hearing and air it out before the people.

The legislation I have proposed is called the Economic Recovery Adjustment Act of 2009. It would permit the Government, after notice and a hearing, consistent with due process principles, to reduce excessive executive compensation obligations at financial institutions that have received Federal bailout funds. It would also create an office of the taxpayer advocate in the Department of Justice to take the other side in the contest between the executives and the public, the Department of Justice would represent the public. Finally, you would set up a temporary court, a temporary recovery oversight panel of sitting bankruptcy judges. You don't have to create new positions. You take sitting bankruptcy judges and create a temporary panel and you can get this heard.

I don't wish to speak long. I know the distinguished Senator from Vermont is waiting. I do wish to assure my colleagues that if we want to ventilate about this, if we want to wring our hands about it, if we want to give speeches about how it is outrageous, we can do that. But if we actually want to do something about it, within the constitutional restrictions of the United States, I believe the bill I have proposed will allow us to do it. Frankly, I don't see another way. I invite colleagues to discuss it further with me. I don't think I have an exclusive piece of wisdom here. I do think there may be ways the bill could be improved. I am willing to listen to anybody.

I can't tolerate a situation in which we do nothing, in which we unilaterally disarm the U.S. Government from

doing anything about this compensation by failing to set up the basic judicial method through which we could take a look at this and try to make things right.

Again, I invite my colleagues to be in touch on this, if they are interested in pursuing it. I think it is necessary. I appreciate the indulgence of the Chair. I appreciate the indulgence of the distinguished Senator from Vermont.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, it is hard to know how to begin because there is such a huge sense of outrage today in our country at what Wall Street has done through their greed, through their recklessness, and through their illegal behavior. The so-called masters of the universe, the best and the brightest, have plunged our Nation and, in fact, the world into a deep recession and taken us to the edge of a major depression.

In my State of Vermont and all over the country, what we are seeing is good, decent people losing jobs, losing homes, losing savings, losing their hopes for a future because of the greed and recklessness of a small number of people on Wall Street.

Everybody understands that one of the major institutions that has taken us into the financial mess we are in today is AIG. Over the past several years, AIG has moved away from being the largest insurance company in the world to becoming the largest unregulated gambling hall in the world. That is what they have done. As a result of the risky bets that AIG had made and lost on, the taxpayers have spent \$170 billion bailing them out. That amounts to some \$600 for every man, woman, and child.

During much of this period, Hank Greenberg, former CEO of AIG, was able to amass a personal fortune of close to \$2 billion. In 2007, he was one of the wealthiest people in the world. Even after the collapse of AIG, Mr. Greenberg is still worth close to \$100 million, according to *Forbes* magazine.

Having helped cause this financial disaster as a result of their reckless and irresponsible behavior, it is beyond comprehension that these same people, the best and the brightest, would actually believe they are entitled to millions of dollars in bonuses. Think for a moment. These are the people who have caused one of the great financial disasters in the last 70 years, and they are sitting back and saying: For all of my fine and excellent work, I am going to be rewarded with a \$3 million bonus or whatever it may be.

It goes without saying that we have to hear the outrage of the American people and say: Enough is enough. I have signed on to two letters which essentially tell these people who have received their bonuses to give them back.

If they don't give them back, we are going to pass a surtax on those bonuses so the taxpayers will, in fact, receive back what we gave them. In my view, what we have to move to is legislation, to what I proposed, along with Senators LINCOLN and BOXER, which was called "stop the greed" legislation on Wall Street.

The President is paid \$400,000 a year. I think the President will survive on that sum of money. It seems to me that when taxpayers are spending hundreds of billions of dollars bailing out large Wall Street firms, we should make it very clear that none of their executives should be entitled to earn more than the President of the United States. They can, in fact, get by. I know it will be hard, but I expect they can survive on \$400,000 a year when the taxpayers of this country are bailing them out.

More importantly and, in fact, for another lengthier discussion, we need to move to a new concept of what Wall Street should be doing. Bankers historically in our country and in the world play a very important role in providing credit to businesses that then create jobs, providing credit to individuals who can purchase homes and other necessities. That is what bankers historically have done. But over the last number of years, what Wall Street has become is not a place where responsible loans are made but a gambling hall where these guys have made huge sums of money in very risky investments that have failed. The taxpayers are now bailing them out.

We need to rethink the function of Wall Street. I, personally, believe that all these CEOs who are responsible for the crisis we are in right now should be leaving their positions. I would hope business schools will be educating financiers and business people to take the position that their job is to help this country, help create decent-paying jobs, help people get the homes they need, help people get the loans responsibly that they should have. That is a radical idea, I know. But I would hope we can move toward a Wall Street which has those values. The American people are sick and tired. They have had it up to here with a Wall Street that has seen their only responsibility being to make as much money as they possibly can in any way they possibly can.

Having said that, immediate action in stopping these bonuses is the order of the day. Longer term, we need fundamental reforms in the way Wall Street does business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank my colleagues from Vermont and Rhode Island for their comments. I certainly support what they have had to say.

When my kids were growing up, my daughter's favorite movie was the

"Wizard of Oz." It had that great ending, of course, when this massive wizard who held everyone in thrall, they finally pulled the curtain back, the little doggie did, and there was this gnomish character sitting in front of a microphone. Everybody stepped back and said: All these years that we have been afraid of the great Wizard of Oz, it turns out it is just a little fellow back there.

I wish to thank the bonus babies at AIG. They managed to trip up the curtain and we took a look and saw what was behind it. What was behind it was unvarnished greed. These are people who would not have a job today were it not for the hard-working taxpayers of America putting \$160 billion of our tax money into their failed corporate experiment, an experiment that failed and they knew it would, when they went overseas to London and had 300 of their best and brightest dream up a plan to issue insurance policies that couldn't pass muster by the laws and regulations of the United States. Somehow they dreamed it up in London, executed it, and the next thing you knew American taxpayers were holding the bag. It was a big bag; some say \$1 trillion or more of liability.

So the time came when Secretary Paulson and Chairman Bernanke called the leaders from the House and Senate into a private meeting last October and said, in a very quiet manner: If we don't do something and move quickly to do it, the American economy could collapse and the rest of the world may follow.

Now, that is the kind of conversation you do not forget around Capitol Hill. I will never forget it. We said: What do you need? They said: We need hundreds of billions of dollars to ride to the rescue of AIG and all these other entities that are teetering on collapse.

So what did we do? Most of us said: We have no choice. If the alternative is to do nothing and watch businesses and families fail, we cannot let it happen. So we gave this authority to the previous administration to try to move in and prop up the economy and get it moving forward again.

Well, about \$350 billion later, people said: What happened? Did it solve our problems? No. We are still in a recession. Did it save banks? Perhaps some for another day. But the economy is still struggling. We ended up saying to American taxpayers: Now you will become investors in these teetering and failing financial institutions.

That is what brings us to today. It turns out we own about 79 percent of the value of AIG—once the world's largest insurance company. Now it is subsidized by American taxpayers. Were it not for that subsidy, it would have fallen flat on its face in bankruptcy, as Senator WHITEHOUSE mentioned earlier. In bankruptcy, the sanctity of the contract is set aside. The

bankruptcy trustee and judge sit back and decide: What are we going to do with limited assets and dramatically larger liabilities at the end of the day? They rewrite contracts. They basically come to different conclusions.

We saved AIG from that fate as taxpayers, and what reward do we have to show for it? Millions of dollars in bonuses paid to employees who failed, bonus babies at AIG who could not get enough. After \$160 billion of taxpayers' money, they wanted their own personal bonuses to take home. As families across America struggle, losing their jobs, losing their homes, watching their savings accounts diminish to virtually nothing, these folks wanted to walk off with a bonus. For good work? No. A bonus for bad work.

So this morning a couple people ventured out to defend them. I could not wait to read those articles. One of them said: These people know where all the bodies are buried. They know the intricacies of these insurance policies. We need them. They know the secret rocket fuel formula. If they leave, someone else may never discover it, and we could lose even more money.

I am not buying it. America should not be held hostage by the bonus babies at AIG. The fact is, what we have seen here is greed at its worst, incompetence rewarded, and people bold enough on the Federal subsidy to want to take a million dollars or more home for a job not well done.

Well, there are several ways we are going to try to send a wake-up call to these bonus babies at AIG. One of them is a provision that Senator BAUCUS of the Finance Committee has proposed, which is virtually going to impose taxes on them so, at the end of the day, after they pay their tax bill, there is nothing left. After they have paid their Federal and State and local taxes, there will not be anything left of these bonuses.

I do not know if they will have the good sense to realize this was a terrible corporate decision, but we have to send this message loudly and clearly. If America's taxpayers are on the line, then, frankly, these people, who now work for us and work for this Government, are not entitled to a bonus for their misconduct and incompetence.

(The further remarks of Mr. DURBIN pertaining to the introduction of S. 621 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Arizona.

Mr. KYL. Madam President, I would like to discuss the legislation before us, the so-called public lands bill and, in particular, four of the amendments that have been offered by Senator COBURN.

I think four of these amendments are—I have not concluded my study of

the other two, but four of these amendments I would commend to our colleagues and suggest that at least a couple of these amendments should not deter passage of the bill. If they are adopted by my colleagues—and I think they should be—they are in no way a poison pill. They should not cause the House of Representatives to reject the bill in any way. The bill should go on to the President. So for those who are supportive of the legislation, I think these amendments simply improve the bill, and they are offered, I know, by Senator COBURN for that purpose.

If I could discuss each of these amendments—I am sorry I do not have the numbers for them, but I will describe them briefly.

One is an amendment that would specifically strike out spending in four or five specific areas that are earmarked in the bill. It would save about \$25 million. This is symbolic, but \$25 million is still a lot of money to some of us anyway.

They are five specific areas: to celebrate St. Augustine's birthday, a party for that purpose; botanical gardens in Hawaii and Florida; salmon restoration in California; Alexander Hamilton's boyhood estate in the Virgin Islands; and something called the Shipwreck Exploration Program.

I am sure the authors of those provisions will come to the floor and describe in detail why these are such important programs and should be included in the legislation, and I will look forward to those explanations. Perhaps they will be persuasive. At this point, without further explanation, they look like the kind of thing that should not be a part of an omnibus bill such as this and could be stricken, as a result of which I am inclined to support my colleague's amendment to save \$25 million by striking those particular items.

The next deals with the subject of eminent domain. The Federal Government acquires a great deal of land under this legislation for different purposes, including wilderness areas. There are other provisions to protect other kinds of property short of wilderness areas. The point of Senator COBURN's amendment on the use of eminent domain is to just ensure that in no case is private property being taken against the wishes of the private landowner.

I think we would all agree that if the Government is acquiring a piece of property for a public purpose—let's say for a military base—the use of eminent domain is appropriate in that case. The Government has to establish that there is no reasonable alternative to the taking of the particular private property, and then if it can establish that, it can take possession of the property and then a trial ensues as to what amount of money is the proper compensation to the owner for the land. That is the

usual and appropriate use of eminent domain.

However, we are told that with respect to this legislation, it is not necessary to use eminent domain to acquire land in that way. The reason is because in every case—at least my staff advises me—the land that is owned by private landowners that would become publicly owned under this legislation has the approval of the private landowner. Specifically, a staff report says that:

None of the component parts of the omnibus land bill anticipate the use of eminent domain, and all land exchanges and conveyance provisions include willing seller-buyer provisions, or were advocated by the private landowners in each specific provision of the bill in which they are involved.

It is further noted by the staff of the committee that:

Great attention was given to private property rights issues. They were addressed on a case-by-case basis.

This omnibus bill is comprised of tens or scores of individual bills that were then added together into this one giant omnibus bill. So we are told that:

On a case-by-case basis as to each particular bill, private property rights were protected and respected. In many instances, the land designations only affect land that is already publicly owned so it is not even an issue, and for those bills that may affect privately owned land, some of the purchases were actually authorized at the request of the landowner and some contain language that allows land to be purchased only from a willing seller.

My point is that apparently, at least according to the minority staff, great attention was taken to ensure that the Government in no case in this bill is taking land against the wishes of the landowner. The point of Senator COBURN's amendment is to ensure that that is the case, that he would prohibit the use of eminent domain for the acquisition of land under the bill. So if it is true, as the staff suggests, that none of this land needs to be acquired by eminent domain, there is absolutely no harm in including the language that prohibits the use of eminent domain. The language in the bill is very brief. I think it is one or two sentences long. In fact, let me read it. It simply says:

Notwithstanding any other provision of this Act or amendment made by this Act, no land or interest in land other than access easements shall be acquired under this Act by eminent domain.

That is it, short and sweet.

The reason I think it is important is that it establishes an important principle: that the Congress will not allow land to be taken against a landowner's wishes for purposes other than the usual purposes for which eminent domain is used, where the Government has to have the property. There is no other alternative, as in a military base, as I said, where you are simply acquiring property because it is a good idea. You want to protect a particular ripar-

ian area of a river, for example. What we do there is we acquire that land either by purchasing it from a willing seller or engaging in a land exchange. Those are the two typical ways of accomplishing this—both very appropriate. But it is not a case where the Federal Government has to have the land in the public's interest, as with the military base. So we don't use eminent domain ordinarily in a case such as this.

All Senator COBURN is trying to establish here is that we are not going to change that principle and that the Senate adheres to the principle we have had in the past. We want to establish this precedent and continue to live by it—that eminent domain isn't used in circumstances such as this.

I think that is a worthy amendment, and I think, frankly, if we reject it, it raises a question of why. Why would we want to preserve the right to use eminent domain if apparently there is no reason for us to do so? It, as I said, leaves hanging the question of whether we might use eminent domain in a situation where otherwise it wouldn't be called for.

There is another amendment that I think clearly ought to be approved by my colleagues. I don't know why this hasn't been done—I know it was done a long time ago and it needs to be done again—and that is to simply require a report that details the amount of Federal land we have. This would be a public report that would be done—it would be updated each year, and it would detail Federal land ownership and the cost to maintain that land and the relative percentage of that land to the total, which would be very helpful information.

I understand Senator COBURN has added one other amendment to this because there was a question raised about the fact that some Federal land serves a military purpose or an intelligence purpose which cannot always be disclosed publicly. So, correctly, he provides for a classified annex that would provide the ownership of the lands used for classified purposes. Members who are entitled to see that would be able to see it, but it wouldn't be available to the public generally, and that is frequently the way that classified material is handled. So I think that is a good amendment. There is no reason to oppose this. It is important for us to know how much land the Government owns.

Let me put it this way: You are a landowner. Somebody says, How much land do you own? You know exactly how much land you own. You know where it is, what it does, how much it costs to own it, what the taxes on it are, and so on. It is important, if the Federal Government is going to be a good steward of both the land and taxpayer money, that it know what it owns—what we own. Do we need it all,

would be one of the questions. Are there pieces of land that could be sold? The Government could use the money. Maybe we could dispose of some of this. In fact, there has always been a list of disposable lands owned by the U.S. Government, and frequently we acquire land in trades and so on, and there is a lot of buying and selling going on, and that is perfectly appropriate. So let's have an inventory of what we own and we can make decisions better as to whether some of that land could be sold or whether we need to retain it all, but at least we will know how much it costs to retain it and how much we have.

I think that is a very good amendment. I can't imagine anyone voting against it. And, if it is adopted, it in no way should affect the legislation being passed by the House of Representatives. I know there is an intention that when the bill passes here in the Senate—assuming it does—it would immediately be taken up in the House and would be passed in the House in the form passed by the Senate and then would go to the President for his signature. There is nothing in here requiring a report of Federal lands that would upset that issue.

The final amendment is technical and it may be considered to be a minor matter, but it is an improvement in the law we have. Again, I think it does no damage to the overall piece of legislation—the omnibus lands bill. It corrects a little piece that needs correcting, and here is what it does. We all know that if you take fossils or other valuable artifacts or rocks from a national park, for example, and you collect that or you try to sell it, you are guilty of a very serious crime, and we intend to prosecute people who do that. We have had far too many thefts of valuable things, including fossils, petrified wood, Indian artifacts, and that sort of thing from our Federal lands, and it is important to have legislation that continues to criminalize that. However, if I take my grandkids on a vacation and one of them picks up a rock and brings it home to show his buddies and it may or may not contain—maybe it is a little teeny piece of petrified wood, for example, should he be prosecuted in the same way that a person who is deliberately doing this to sell would be prosecuted?

The law is sufficiently unclear on this. The underlying bill attempts to correct that problem and it comes within one word of correcting it properly. What it says is that the Secretary "may" write rules that allow for the casual collection of these items; and that is a good thing, for the Secretary to write rules that provide some exception if a little child happens to pick up a rock and it has theoretically some value to it. In order to ensure that this is done, Senator COBURN simply changes the word "may" to "shall,"

that the Secretary "shall" write rules that allow for the casual collection of these kinds of rocks. That makes sure it gets done. It doesn't tell the Secretary what he has to do, how he has to do it, or anything else. The Secretary could theoretically write a rule that says the only time this ever happens is if it is exactly midnight on a Tuesday or something such as that. So we are not telling him he has to make this a widespread thing; we are not saying he should not protect our precious assets—and indeed we want him to—but we do want him to write these rules so that a casual collector would not be penalized under the relatively harsh penalties that exist in the law today, and as I said earlier, appropriately so. It is a technical change. It is a minor chink. It should not cause anyone to not vote for the larger bill if, in fact, the amendment is adopted.

So those are the four amendments. As I say, my colleague has two other amendments and I need to study them more carefully to know whether I will support them, but I urge my colleagues to support these four amendments of Senator COBURN. I think they all make an important contribution to the bill. I am delighted he has been able to offer the amendments. I appreciate the cooperation of the majority leader in agreeing for him to be able to do that.

My understanding is we will continue to debate these amendments this afternoon and this evening and then tomorrow there will be votes on all of these amendments prior to the vote on final passage of the bill, which I think is supposed to occur tomorrow evening, but in any event, in the not too distant future. So I urge my colleagues to consider these amendments.

If you have questions about them, I urge you to talk to Senator COBURN so he can explain in detail what they are and are not intended to do. If you think in any way that they are deficient or need to be modified in some way, approach him with regard to that. I did that last night and he responded to some of my suggestions about, for example, adding the provision in the report that would allow a classified annex for those portions of the land that need to be protected. I am sure he will be willing to listen to folks if they have any concerns about his amendments, but don't vote against them on the theory that you don't care to know what is in them or if there is any change to this bill, it won't pass the House. That is not true. These are important amendments and, in some cases, benign amendments and I think they deserve our attention. I hope my colleagues would be willing to give these their serious consideration when the amendments are voted.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIG BONUSES

Mr. CASEY. Madam President, I rise first to talk about an issue so many of us have been deeply concerned about—frankly, beyond concerned but outraged by—and that is what is happening with AIG and the effect of the decision the executives made there about bonuses, in relation to our economy. I think it is important to step back from the obvious frustration we have. So many Americans are expressing their outrage and anger, and a deep sense of betrayal has been generated almost because of this action. I want to step back for a second and review where we are.

Basically, what we have is an American company of international reach that has said to the American people: We know you gave us \$170 billion, at last count; you gave us your tax money because we were in trouble. And we have to ask them: Why were you in trouble?

One of the big reasons is because a group of employees in one division of AIG developed schemes. That is the best word to describe what they developed. These were sophisticated schemes to make money, which caused the near collapse of this company. That is what we are talking about. This isn't complicated. It is that simple. The employees of that division concocted these schemes to make money, and now the company is in near collapse, while the American people—the American taxpayers—were asked through their elected representatives, through their Government, to provide tens of billions in help—by one count, \$170 billion in help. And what do we get for that? We got little in the way of accountability with all these transactions AIG has entered into, very little in the way of accountability, and now we find out this past weekend that the very division—not just a broad section of employees but the very division that concocted the schemes that led to the problems is getting tens of millions in bonuses—\$160 million, \$165 million in bonuses. So this is beyond the insult of getting billions and tens of billions and hundreds of billions in taxpayer help and then asking for bonuses for anyone. This is much worse than that. This is giving bonuses to the people in the very division that caused most, if not all, of the problems at AIG that taxpayers were then called upon to provide some remedy or rescue. That is the outrage here. That is the insult to the American people, that this company now is thumbing its nose at the American people.

This comes at a time when, for example, in Pennsylvania, our employment rate hit 7 percent. I never thought we would get to an unemployment rate

that high. Thank God we have been a little lower than the national rate, but 7 percent is a very high number in any State, and many States have been there for a year or more. So we have been spared somewhat in Pennsylvania. But at the very time we have an unemployment rate of 7 percent, when people have lost their homes, they have lost their jobs, they have lost their hopes and their dreams, we have a major international company that got what comes from the sweat and blood and work of the American people, they got the benefit of all that, the \$170 billion in taxpayer help, and what do we get for it? We get the insult and the betrayal of bonuses to the very people who caused the problem. You couldn't write fiction as disturbing as this or as outrageous as this.

So I and others have said to the company very plainly—as I said in a letter today when I gave them two choices, neither of which they may go along with—I said have these employees forgo the bonuses or fire them. Simple as that. And if you are not going to take the step and ask them or somehow compel them for the good of the country, if not for the good of their own well-being, their own ethics, to forgo these bonuses, then they should be fired.

Now, I realize they may say: That is an interesting suggestion from Congress, but we are not going to do either. Well, if they want to go down that path, then Congress will act. The Finance Committee of the Senate, as the Presiding Officer knows, is working on a piece of legislation right now. If there is legislation that says we are going to tax these bonuses at 70 or 80 or 90 percent, I, along with other people, am going to vote for it. Whatever it takes to impose the maximum amount of penalty or punishment—pick your phrase—as long as it is legal and constitutional, we are going to support it. The American people have every right to demand that Congress take action because they are the ones who have been insulted at the worst time. They have been kicked in the face at a time when they have been struggling month after month, despite all of the promises from companies that they would get back on track with taxpayer help.

So that is what is happening. The American people will monitor this. And stay tuned, because it is not over today. We can do more than express outrage. We can take action, and I think that is appropriate in this instance.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY.) Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIG BONUSES

Mr. DORGAN. Mr. President, most Americans have read in their newspaper and heard on news accounts the story about the company called AIG that has been the recipient of some \$170 billion of guarantees by the American taxpayers, because of an unbelievably failed business strategy and being involved in very risky financial products.

They had an outfit in London with several hundred people in it who were involved in trading credit default swaps and steered that company right into a ditch. We have recently learned that that company, which has lost a substantial amount of money, just paid \$165 million in bonuses to executives in its financial products unit, and the American people are furious about it and should be.

I think it is a disgrace that a company that has been engaged in the kind of essential wagering that has been involved in here is now paying bonuses. What do they teach in business school, that a company that loses money and helps create a significant problem for this country's economy ought to be paying bonuses, especially after they received American taxpayers' funds, to employees who helped the company lose money?

I want to mention one additional point. I think it is disgraceful to have those kinds of bonuses being announced for AIG employees. But we have another circumstance that is even worse. Merrill Lynch lost \$27 billion last year and still paid \$3.6 billion in bonuses to its employees last December.

There were 694 employees of that company got more than \$1 million each in bonuses. Think of it. And then, by the way, a week or two later, the company that took them over, Bank of America, got tens of billions more of TARP funds from the American taxpayer.

All of this is disgraceful. My colleagues and I have decided we are going to do everything we can to try to claw back those bonuses. They do not deserve bonuses. Where is the responsibility here on the part of people who helped steer this economy into the ditch? Where is the responsibility on the part of people who made bad business decisions, that in Merrill Lynch's case lost \$27 billion in a year, and then decide, you know what, let's decide how much we should pay in bonuses this year?

Well, you know what, the answer ought to be, zero. Where do you get the notion you pay bonuses for losing

money? Where do you get off deciding you are going to pay bonuses after you have taken tens and tens of billions of dollars of the taxpayers' money, through TARP funds and other emergency assistance, and then sit around and say, all right, now we have had to take all of this taxpayer money because we have lost a bunch of money because we gambled, we had several hundred people in that office in London who had massive gambling enterprises going on and credit default swaps, and so now we decide we are going to pay them bonuses. I do not understand that.

By the way, there is another issue, a very short issue. All of the counterparties who are getting money that the taxpayers are sending into AIG are being recompensed to the tune of 100 percent. Where is this notion about everybody sacrificing a bit? Why is it that the big interests that are counterparties to this are getting a 100-percent return on their investment? How about taking a haircut here? But nobody is doing that. Everybody is sitting around trying to figure out, how do I get mine, even in circumstances where employees now are getting big bonuses for losing money.

There has to be some accountability at some point. What is happening is disgraceful. And we have every right and responsibility as a Congress to decide that we are going to try to claw back these ill-gotten bonuses.

The AIG bonuses for the employees in its financial products unit could total as much as \$450 million. Fifty-five million was paid in December. The outrage right now is about \$165 million paid last week. But there is another \$230 million in AIG bonuses that could come later this year or next. It is time for this Congress to take a stand on behalf of the American people. We need to claw back those bonuses. We need to say to all of those companies: No more. We are not going to put up with it anymore. This is disgraceful. How about some economic patriotism? How about standing up for the interests of this country and the interests of these taxpayers?

I will have more to say about it tomorrow, but I wanted to point out that the anger around this country, reading this kind of nonsense, is palpable and real. This Congress understands it and we are going to do everything we can to try to claw back these bonuses that, in my judgment, are disgraceful.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, following my presentation, I ask unanimous consent that Senator BROWN be recognized for up to 5 minutes. Following Senator BROWN, I ask unanimous consent that Senator COBURN be recognized. I see Senator THUNE on the floor. Does he wish to be recognized after Senator COBURN?

Mr. THUNE. Reserving the right to object, as of right now, BROWN for 5? COBURN?

Mr. REID. I understand he wants to speak for about 40 minutes. I am sure, knowing Dr. COBURN, if you have a short statement, he would not care. How long do you wish to speak?

Mr. THUNE. For 7 minutes.

We will work it out on our side.

Mr. REID. I ask that Senator THUNE be recognized. Senator COBURN wants to lay down his amendments. I will renew this consent request in a minute. I withdraw the consent at this time.

The PRESIDING OFFICER. The request is withdrawn.

REPEALING AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS

Mr. REID. The recently passed Omnibus appropriations bill completed unfinished business from the Bush administration, which funded the Government to provide critically needed services for the American people. The omnibus that was signed into law last week also eliminated the congressional cost-of-living adjustment for 2010.

During debate on that bill, I sought unanimous consent of this body to take up and pass freestanding legislation to permanently end the automatic cost-of-living adjustment and instead require Members of Congress to vote for or against all future adjustments.

Especially in this hour of economic crisis, the overwhelming majority of Democrats and Republicans would agree that we should end this practice of automatic adjustments. Senator FEINGOLD has championed this cause for a long time, 17 years to be exact. I applaud him for his leadership. Others have tried to take this issue from Senator FEINGOLD, but it is his issue and has been, I repeat, for 17 years. This should have passed last Tuesday when I asked unanimous consent for the bill to pass. One week later, let's see who objects to passing this bill. It should have been done last week.

An overwhelming bipartisan majority of Senators is undeterred by the obstruction that took place last week. Passing this legislation to permanently end the automatic cost-of-living adjustment for Members is the right thing to do.

Absent any further objections, we should do so right now and pass it.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 620, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 620) to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed; the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 620) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking “(a)(1)” and inserting “(a)”;

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking “as adjusted by paragraph (2) of this subsection” and inserting “adjusted as provided by law”.

(c) EFFECTIVE DATE.—This section shall take effect on December 31, 2010.

Mr. FEINGOLD. Mr. President, I commend our majority leader for moving this legislation through the Senate. I have introduced legislation like this for the past six Congresses, and am delighted that, because of Senator REID's leadership, this proposal has finally passed the Senate.

Congress has the power to raise its own pay, something that most of our constituents cannot do. Because this is such a singular power, Congress ought to exercise it openly, and subject to regular procedures including debate, amendment, and a vote.

But current law allows Congress to avoid that public debate and vote. All that is necessary for Congress to get a pay raise is that nothing be done to stop it. The annual pay raise takes effect unless Congress acts.

That stealth pay raise mechanism began with a change Congress enacted in the Ethics Reform Act of 1989. In section 704 of that act, Members of Congress voted to make themselves entitled to an annual raise equal to half a percentage point less than the employment cost index, one measure of inflation.

On occasion Congress has voted to deny itself the raise, and the tradi-

tional vehicle for the pay raise vote is the Treasury appropriations bill. But that vehicle is not always made available to those who want a public debate and vote on the matter. As I have noted in the past, getting a vote on the annual congressional pay raise is a haphazard affair at best, and it should not be that way. The burden should not be on those who seek a public debate and recorded vote on the Member pay raise. On the contrary, Congress should have to act if it decides to award itself a hike in pay. This process of pay raises without accountability must end.

I was pleased to join with the junior Senator from Louisiana, Mr. VITTER, in offering an amendment to the Omnibus appropriations bill recently. That amendment received strong support, support which was all the more remarkable because many of the amendment's potential supporters felt constrained to oppose it in order to keep the underlying legislation free of amendments. I commend Senator VITTER for his efforts to end this system. Now, thanks to our majority leader, we have a real chance to do so.

This issue is not a new question. It was something that our Founders considered from the beginning of our Nation. In August of 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. On September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the States.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State Senate, I was proud to help ratify the amendment. Its approval by the Michigan Legislature on May 7, 1992, gave it the needed approval by three-fourths of the States.

The 27th amendment to the Constitution now states: “No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.”

I honor that limitation. Throughout my 6-year term, I accept only the rate of pay that Senators receive on the date on which I was sworn in as a Senator. And I return to the Treasury any cost-of-living adjustments or pay raises during my term. I don't take a raise until my bosses, the people of Wisconsin, give me one at the ballot box. That is the spirit of the 27th amendment, and at the very least the stealth pay raises permitted under the current system certainly violate that spirit.

This practice must end, and I am delighted to say that thanks to Majority

Leader REID, we have a real chance at ending it. I urge the House of Representatives to take this bill up and pass it right away, so we can assure the American people that we are serious about ending a system that was devised to provide us with regular pay increases without any accountability.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—Continued

Mr. REID. Mr. President, I now ask unanimous consent that Senator BROWN be recognized for 5 minutes—

Mr. THUNE. Mr. President, if the leader would yield, I think the Senator from Oklahoma will lay down his amendments, which would take up to a half an hour, 40 minutes. Whenever he concludes, I ask that I proceed.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Ohio, Mr. BROWN, be recognized for up to 5 minutes; that Senator COBURN be recognized to lay down whatever amendments he chooses, and speak up to one-half hour; that following that time Senator THUNE then be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIG

Mr. BROWN. Mr. President, the unemployment rate in my State of Ohio is 8.8 percent. The poverty rate is 13.1 percent. Lines at food pantries snake around buildings and down the street. In AIG, executives are receiving \$1 million bonuses. Failed executives, executives who have made a mess of their company, are receiving \$1 million bonuses. When the house of cards AIG built eventually collapsed, the Bush administration, then the Obama administration, provided financial support. They had no choice; doing nothing in the face of AIG's collapse could turn a national economic downturn into a full-blown, decades-long economic collapse. But what do you tell a Cincinnati who has lost her job or a Clevelander who has lost their home or someone in Mansfield, OH, who is standing in line at a food pantry when they hear that AIG executives are earning millions in bonuses as they suck up taxpayer dollars, tens and tens and tens of billions of taxpayer dollars like a vacuum?

I am going to tell them we are not only going after those bonuses, we are going after the corporate-centric, consequences-free culture that fueled those million-dollar bonuses. Many of my conservative colleagues don't believe in regulation. I would like one of them to stand with a straight face and

tell the American public that overregulation is the reason AIG accepted taxpayer-funded Government aid and then gave million-dollar bonuses to its employees.

How did AIG dig itself into this hole? How did the Bush administration, which simply didn't do the regulation they should have done, let it happen? In the short-term, either AIG CEO Edward Liddy, installed by the Bush administration months ago, needs to renegotiate these bonus contracts to get taxpayer money back or the employees need to give up their bonuses voluntarily or Congress and the administration need to act to get these dollars back. That means we impose a one-time tax on these employees on so-called retention bonuses. If we impose a one-time tax on these employees that approximates their net bonuses, so be it.

Usually after a statement that begins "in the short-term," there follows a statement that begins "in the long-term." Not this time. In the short-term, we need to return these bonuses to taxpayers, and in the short-term we need to change the rules of the road so no company, no matter how big, such as AIG, which accepts TARP funds, can fritter away those dollars on huge pay packages and lavish bonuses, as the Senator from North Dakota pointed out, while passing through those tax dollars and making whole companies such as Goldman Sachs of New York, Barclays in London, Societe Generale in Paris, Deutsche Bank in Germany, American taxpayer dollars passing through AIG executives' hands going directly to those foreign and domestic banks making them whole, when they made bad decisions just like AIG made bad decisions. In the short term, not the long term, maybe most importantly of all, we need to rewrite Federal regulations to prevent the arrogance and recklessness and the greed and self-aggrandizement from turning financial institutions into a weight around America's neck and pickpockets robbing the American people. It is what we have to do.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I ask unanimous consent that instead of going in the order that the unanimous consent had requested, Senator VITTER from Louisiana be recognized for 5 minutes, then followed by myself, and then followed by Senator THUNE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

AUTOMATIC PAY RAISES

Mr. VITTER. Mr. President, I rise to applaud the action the Senate took by unanimous consent, passing my language to get rid of the automatic pay raises for Members of Congress through the Senate. I thank Senator REID for joining in this effort after my amendment was made in order on the Omnibus appropriations bill. I thank everyone who cooperated in passing this by unanimous consent. I was happy to give that consent for my part since my vote on an amendment on another bill was no longer at stake, so it wouldn't drain votes away from my amendment. We did come together to do that, and we did pass this through the Senate. Obviously, this is a bicameral legislature so the story is not over. I encourage everyone to come together and encourage—no, do more than encourage—pressure the House of Representatives to do the right thing and pass this reform. The last week has proven what can be changed when we come together and listen to the voice of the people.

A week ago this wasn't on radar. This was not a possibility. Today it has passed the Senate. How did that happen? It happened because we brought up the issue. We came together. I joined with Senator FEINGOLD, who has been an advocate of this issue for some time. We had an open debate. The people's voices from around the country were heard, and we reacted to that in a positive way. I say that because it proves what can happen in the House. The House leadership has made clear they don't want to bring up this matter. They certainly don't want to pass this bill into law. But we can change that, even more than that, the American people can change that and call their House Members and demand that the leadership have a fair vote and pass this into law.

I thank Senator REID for changing his language from last week and adopting mine so there would be no further automatic pay raises in the near future, if this bill is adopted. Under his standalone bill filed last week, there would have been at least one more autopilot automatic pay raise to go into effect. Under my original language, which he adopted in this latest version which just passed through the Senate by unanimous consent, that is not the case. It would change the autopilot automatic pay raise system immediately. That was an important and necessary correction on his part. I thank him for making that correction.

We are on a bipartisan roll. Let's keep it up. Let's bring that spirit, that public debate, let's bring that public pressure to the House of Representatives. When the people are involved and when their voice is heard, it is amazing what can change around here and what can get done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 680 TO AMENDMENT NO. 684

Mr. COBURN. Mr. President, I will spend some time tonight offering two amendments to the bill under consideration.

I begin by asking: Why is it in the midst of all the problems that face the country, the Senate is going to spend time on an omnibus lands package? It is no emergency. There is no crisis. There is nothing critical about it. Instead of working on the problems that are in front of this country, we will spend the next 2½ days or next 1½ days on a 1,243-page bill that has 170 separate bills in it that, in fact, for the average American doesn't come anywhere close to being a priority. One has to ask that question. Why are we doing this? We don't have anything better to do. We don't have anything more important to do. If that is the case, we probably should go on until we do have something that can make a significant change in the country.

I call up amendment No. 680.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 680.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that the general public has full access to our national parks and to promote the health and safety of all visitors and employees of the National Park Service)

At the appropriate place, insert the following:

SEC. ____ LIMITATIONS ON NEW CONSTRUCTION.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of the Interior (acting through the Director of the National Park Service) (referred to in this section as the "Secretary") shall not begin any new construction in units of the National Park System until the Secretary determines that all existing sites, structures, trails, and transportation infrastructure of the National Park Service are—

- (1) fully operational;
- (2) fully accessible to the public; and

(3) pose no health or safety risk to the general public or employees of the National Park Service.

(b) EXCLUSIONS.—Subsection (a) shall not affect—

(1) the replacement of existing structures in cases in which rehabilitation costs exceed new construction costs; or

(2) any new construction that the Secretary determines to be necessary for public safety.

Mr. COBURN. I spent about an hour this afternoon talking about the problems of the National Park Service. They are severe. I introduced into the record the GAO report on the problems at the Department of Interior, as well as the testimony of the acting inspector general, Mary Kendall, about the

significant problems that parks are experiencing. Our parks are falling down. The maintenance backlog, according to the Park Service, is \$8.9 billion. But according to the testimony of the GAO, it is somewhere between \$13 and \$19 billion.

This is a very straightforward amendment. What it says is, before we start anything new and new parks, we are going to bring up-to-date what should be brought up-to-date in the parks we have today. That is important because they need to be fully operational. They need to be fully accessible to the public which many are not now because of maintenance backlogs. They need to pose no safety or health risk for both the employees of the parks and the Department of Interior as well as the American citizen, some 270 million who visit them every year.

This is a very straightforward amendment. It says we are going to do something we don't often do. We are going to prioritize how we spend money in the parks. What we are saying is, we are not going to do any new construction in terms of units of the national park system until the Secretary—and this is left to the Secretary, not us—determines that the existing sites, the structures, trails and transportation infrastructure of the National Park Service are fully operational, fully accessible to the public, and pose no health or safety risk to either the public or park employees.

We have thought about other things. We want to make sure there is an exclusion in there. If something is going to cost more to repair than to build something new, we say build something new. The other thing, anything that the Secretary deems is important for public safety that is new, we let them do that as well. All this is saying is with this \$10 billion of new authorizations and \$900 million of mandatory spending accompanying this bill, the first thing we ought to do is take care of what we have before we start off on another project.

The crown jewels of our national parks are fading. They are fading because we won't take care of them. The backlog since the last time we considered this bill has grown by \$400 million. That is just what we know since the last time we considered this bill. The other thing we know from the GAO report is there is a marked risk to both employees and the public in many areas of our national parks. The other thing we know is many of our best parks, the Grand Canyon, for example, a large number of the trails are in such disrepair that they are closed. The people can't access them because we haven't said put the money where it needs to go to make sure we keep the things we have today operational and pristine. So it is straightforward.

What we also know is that the agency needs some help in terms of prior-

ities. In spite of what we have had, oftentimes we are sending them messages to do something else that is not within these priorities. All we are saying is, we have these wonderful assets. Before we go create new assets and new things to enjoy, let's take care of the ones we have. We would not build a new addition onto our own homes when the whole rest of the home is collapsing from lack of maintenance. The first thing we would do is take care of the home, the maintenance of the home.

The bill in front of us actually has the potential to make the situation in our parks worse. It is because we are going to mandate certain things in the bill that will take away from true priorities of maintaining our existing structures.

A recent memo prepared by the Facility Management Division of the National Park Service reveals at least 10 States where the National Park Service backlog exceeds \$100 million. At least 20 States have facilities with deferred maintenance exceeding \$50 million. That excludes \$4 billion that is sitting there for roads and bridges in our national parks. This is in spite of the historically high appropriations levels we have sent to the parks.

I listed earlier—and I will not list again—all the things the National Park Service is responsible for. But it is a litany that, when you look at it, is almost incomprehensible that one agency can take care of everything we have asked them to take care of.

The USS *Arizona* now faces a maintenance backlog of \$33.4 million; the Gettysburg National Battlefield site, \$29.4 million; the Statue of Liberty Park has a backlog of \$196 million. Are we going to let it fall apart while we create something new or should we take care of what we have first?

What we do know from both the inspector general's report and the GAO is the Park Service is denying access in an increasing number of areas because of the growing maintenance backlog.

Representative ROB BISHOP is from Utah. The Dinosaur National Monument is largely inaccessible due to its overwhelming backlog. The center is designed so a kid can go in there and see, within the mountainside, the fossils that are there and see what scientists say about those fossils and then be able to put all that together in their mind. Unfortunately, no one has been able to access this building for 10 years—for 10 years—because we do not have enough money to fix the building and it has been condemned.

So here is an area where there is great educational value, great historical value and for 10 years the building has been condemned and we have not put the money there. This amendment is meant to fix what is wrong now before we spend money on new things.

According to the inspector general of the Department of Interior, financial

management has remained a top challenge for the Department, and their work—this is the inspector general—has documented decades of maintenance, health, and safety issues that place Interior Department employees at a health and safety risk, as well as the public.

A report by the Coalition of National Park Service Retirees found widespread evidence of major problems that will be evident, including decreased safety for visitors, longer emergency response times, endangerment of protected resources, and dirtier and less well-maintained parks. The problem will only grow worse in the coming years if we pass this bill and do not prioritize the maintenance backlog.

It is noted that at the Grand Canyon, the cross-canyon water line is deteriorating so badly that it had 30 leaks this year and is in danger of failing entirely. Yet we did not spend any money on that in this bill. We did not authorize them to fix it. We are not about taking care; we are about solving our own political situation.

At Yellowstone, 10,000 gallons of raw sewage this past year leaked from a broken pipe and flowed into a trout-spawning stream in Yellowstone National Park. It is the absence of maintenance. We know the life expectancy of many of these infrastructures, and yet we have not done anything about it.

Carlsbad Caverns—a great experience. Sewer lines were actually leaking into the caves because of deferred maintenance. Superintendent Benjamin said: Believe me, if there's sewage dripping down into the cavern, people are not going to believe we are doing a good job.

No kidding. Well, that starts with us.

The National Park System has grown to almost 400 units, 84 million acres, and a \$9.6 billion maintenance backlog. That is according to the Park Service. It is much higher if you look at the GAO's numbers.

We appropriated \$540 million for new land acquisition from 2001 to 2008. We have increased the number of National Heritage Areas since 2000 from 18 to 40. We added 10 more in January of this year. In the 110th Congress, 35 bills were introduced to expand the National Wild and Scenic Rivers.

The National Park Service already manages over 3,000 miles of scenic rivers. This bill includes 1,200 miles. But yet the maintenance dollars, the dollars put there to take care of what we have, are not there.

In April of 2008, the Congress passed and the President signed the Consolidated Natural Resources Act. That was another big lands bill that impacted land and property rights in over 30 States. It authorized \$380 million in new spending and not one way of paying for it and none of it for maintenance backlogs.

What we also know is this agency, the Department of Interior, is unable to prioritize the maintenance of existing obligations over new commitments. They get mixed signals. We say: Go do this new one. And then we send appropriations dollars and say: You have to spend it on this rather than taking care of a rotting sewage line.

Until we in Congress and the administration prioritize the maintenance of our existing national parks, these problems are going to grow. There is no excuse for it.

AMENDMENT NO. 679 TO AMENDMENT NO. 684

So I would put forward this is a simple amendment. It does not cost us anything. It actually saves us money because to repair something that is falling down—before it gets to that stage—is much cheaper than waiting until it is a catastrophe. Consequently, if we were to plan appropriately, and if we were to direct the funds appropriately, we would be repairing that which we need to repair so we do not spend extra dollars once they have failed.

My hope is we will get positive consideration of this amendment. This is a commonsense amendment. People at home would do the same thing. They take care of what they have before they go and add something else that is going to take away money that is required to maintain what they have.

I would say, again, individuals do not build additions to their homes when the roof and the foundation is caving in and neither should the Park Service and neither should Congress.

Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 679 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 679 to amendment No. 684.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: to provide for the future energy needs of the United States and eliminate restrictions on the development of renewable energy)

At the appropriate place, insert the following:

SEC. . DEVELOPMENT OF RENEWABLE ENERGY ON PUBLIC LAND.

Notwithstanding any other provision of this Act, nothing in this Act shall restrict the development of renewable energy on public land, including geothermal, solar, and wind energy and related transmission infrastructure.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I wish to read this amendment because it is very short and very straightforward:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, nothing in this Act shall restrict the development of renewable energy—

“Renewable energy”—

on public land, including geothermal, solar, and wind energy and related transmission infrastructure.

Very straightforward. We had a great experience with the harsh reality that we are energy dependent this past summer. It is going to come back again. Unfortunately or fortunately—depending on how you look at it—in the West, where the Government owns 1 out of every 2 acres, the vast majority of geothermal land resides.

What you will see—as indicated on this map—through this area, through southern California, along the coast of California, and Oregon, Idaho, Nevada, Colorado, New Mexico, some areas of Montana, Wyoming, and Arizona, is where the vast resources of a clean renewable energy exists: geothermal.

The only problem is, in this bill we gut a large portion of that and say we can never touch it. Well, why would we, if we believe in climate change—and I am a skeptic, but I will take that point for a moment. Let's say we believe in climate change and we want to have energy produced that does not increase the CO₂ content of the atmosphere. Why would we pass a bill that takes and restricts a large portion of this area from geothermal?

We know in Nevada and Arizona, for example, solar is a massive source for clean energy. Yet in this bill, in both the wilderness areas and the heritage areas and all these other areas, we are going to restrict not only the utilization of geothermal and wind and solar but also the ability to capture it and move it somewhere else.

Well, if we take all this area for geothermal, and if you concentrate Nevada and Arizona in terms of the solar and then you look at the wind corridor that comes up through here, as shown on this map, and say you cannot send a transmission line anywhere across any of these properties, what we are doing is shooting ourselves in the foot. We do not want carbon-based energy. And now, where the Government owns 650 million acres, we do not want wind, solar or geothermal. Why would we do that?

I guess we are going to go all nuclear. We do not see any nuclear coming from the President. We do not see any nuclear coming from anywhere else. So

what are we going to have? We are going to have no energy.

So we are going to limit hydrocarbon energy, and then we are going to take our greatest sources for wind, solar and geothermal and we are going to say: Sorry, that is off limits. You cannot use it here. You cannot extract it.

Geothermal is so powerful because it is a direct conversion. We capture steam and we capture a temperature gradient that turns a turbine that puts off nothing but water vapor—no CO₂, no nitrous oxide, no sulfur dioxide. It is free energy. Yet in this bill we are going to take 2.2 million acres out of these areas and say: You cannot touch it for renewable energy. Why would we do that? So all this amendment says is you can do whatever you want on all these areas, as what we have done in the bill, but you cannot exclude it from renewable energy.

I am reminded, everybody wants renewable energy, but they just do not want it in their own backyard. Everybody wants us to have wind. We love wind. We have turbines like crazy in Oklahoma, like they do in North Dakota and South Dakota and several other States. We are happy to have it. But if you applied the same thing to Oklahoma, in terms of wilderness areas, we would not have any of the windmills that are generating a significant portion of our alternative renewable energy today in Oklahoma. More importantly, you would not be able to transport the energy you are creating that is renewable, that does not create CO₂, that does not supposedly contribute to “climate change.”

We are going to pass a bill that is going to significantly restrict that. What are we thinking? Why would we limit alternative renewable energy access in all these Federal lands, this extra 2.2 million to 3 million acres? Why would we do that? It is almost like we have a death wish. Either that or we are not thinking, we are not considering what we are going to need in the future. We are considering the short term, but we are not considering the long term.

So this map shows us specifically where geothermal is available. If you look down in southern California, we have heritage areas. Knock it out. If you look in Oregon, Idaho, Montana, Colorado, Arizona, New Mexico, we have heritage areas. We knock it out, saying: You can never utilize this land to capture clean alternative renewable energy. That is ludicrous.

So all this amendment does is say: Yes, you can. We are going to do everything else under the heritage areas, under the wilderness areas, under all the other restrictions we put in this bill, but we are going to capture renewable, clean energy for the American people. We should do nothing, given the fact that we are in trouble on energy and we don't even know it right now.

What we know is the supply-demand glide is going like this and we are in a recession now, and we don't feel it, but as we lock in and cut exploration for natural gas in this country, we will see a twofold increase in natural gas within the next 18 months. We know that because we have built reserves every year until this year in natural gas. We know we consume 4.6 trillion cubic feet of natural gas every year in this country. As they shut down the exploration for known areas of natural gas because the price is under \$4, what we know is the demand is not going to decrease significantly over what it is because we have gone to alternative sources for power generation—a lot of it natural gas—that the demand is going to increase and the supply is going to become static.

What is going to happen? The price of natural gas is going to go up. What is that going to do to utility bills? Before we do a monstrous cap-and-trade that is going to severely raise everybody's electrical rates in this country, we are going to limit an alternative supply for electricity with this bill, because we are going to limit the access to geothermal, we are going to limit the access to wind, and we are going to limit the access to solar, and solar thermal electricity generation.

I have trouble figuring it out. It must be my commonness being from Oklahoma, but I can't figure out why we would—I know we are going to cut one leg off in terms of going green over the next 20 years. I can't figure out why we are cutting off the other leg. I am wondering what we are going to use for power in this country. If we are going to severely limit alternative renewable, nonpolluting energy that is clean and we are going to massively limit—as the Department of Interior is already—exploration for hydrocarbon-based fuels, and we are going to limit the significance of coal, of which we have over 300 years available to us, what are we going to use for energy? We are also going to slow down the permitting process and the loans for nuclear, so what are we going to use? What is going to keep the lights on?

This amendment is about keeping the lights on in a way that nobody should be able to object to. It is not carbon based. It is a renewable, it is essentially almost free, it is something we can capture without any significant greenhouse effect. Yet we are going to limit it with this bill. I think it is significantly foolish on our part.

What we know is that this 140 million acres we see here, if we add in what is already in wilderness areas, what is already off limits in terms of national forests and Federal lands, you add in—and this does not include except a small portion of Alaska—we are going to markedly limit our resources. Ninety percent of all the geothermal capability in this country—a clean source

for renewable energy—is found on Federal lands. As we grow the limitations on Federal lands, what we are going to do is take that 90 percent and we are going to take anywhere from 50 to 70 percent of that and say you can't have it. There are 29 million acres with solar potential in six southwestern States—these six States. If you can't transmit the power through power lines, if you can't disturb the soil to build, whether you put it above ground or underground, if you can't cross a river with a power line either overhead or under the river, how are we going to transmit the power? What we are saying is we believe in renewable, clean energy, but we don't.

The other point I wish to make is we now have in this country in wilderness areas alone 108 million acres. Do you know how many acres we have in developed land in this country? It is 106 million. Not counting the Federal lands outside of wilderness, which is 650 million acres, we have 108 million acres of wilderness and only 106 million acres of developed land. Where do we stop to the point where we don't steal away from the future potential energy production in this country? I am not talking carbon based; I am talking noncarbon based. How do we get the power from geothermal from these concentrated areas to the west coast and back to the upper Midwest if we can't cross any of these areas? And then, what is the cost and what is the line loss load when we have to do something such as this and then go underground and then come back up? It becomes prohibitive, and then we lose all advantage from renewable energy.

The other area we know where we have tremendous potential in all of these areas and others is biomass. We have a tremendous source. Approximately one-third of the 747 million acres across the United States is covered in forest land. Fifty-seven percent of those forests are owned by the Federal Government. Also, 590 million wet tons of biomass are available in the U.S. annually—590 million tons. Sixteen percent of renewable energy generated right now from electricity comes from biomass and 3 percent of our total energy in the year 2000. I don't have the dates for where we are today.

Here is what the U.S. Forest Service says: "The technology to generate energy from wood has entered a new millennium with virtually limitless possibilities."

Yet, even if we generate it, we can't transmit it under this bill, or the difficulty of costs for transmitting it will be prohibitive.

Each of the designations in this bill—somebody challenge me on this—each of the designations in this bill specifically withdraw the land from future mineral and geothermal leasing. That includes the wilderness areas, the wil-

derness study areas, and the wild and scenic rivers. They are withdrawn. They can't be used. Right now, there are 708 federally imposed wilderness areas totaling 107 million acres of land in 44 States. That will go to 1.92 million acres with the passage of this bill. It is a small portion of the 2 billion acres in this country, but it still denies the fact that we have more land now in wilderness than we have developed. The prohibition from capturing clean energy, renewable energy, and nonpolluting energy is unfortunate.

One of the things that is wrong with this bill also is that we are viewing tomorrow's energy potential on all of these lands with today's technology. Just like when you go back and look at the old BLM studies and the Department of the Interior studies on the land, if you use old technology, you can say there is no energy there. When you use new 3D seismic and electromagnetic seismology, what we see is a whole great potential for all other sources, including geothermal.

The other concern I have with this bill, and the reason I have this amendment, is we recently had a Federal judge in Washington, DC issue a restraining order to halt the development of major oil and natural gas reserves on 100,000 acres of Federal land in portions of Utah, not because it was in a wilderness area, not because it was in a heritage area, not because it was along a scenic river, but because it was near there. So we are going to abrogate to the courts and the aggressive environmentalists the ability to stop even clean renewable energy sources by the wilderness area designations.

Secretary of the Interior Ken Salazar, a former colleague of ours, recently ordered a secretarial order calling for the production, the development, and delivery of renewable energy; that it would be a top priority of the Department of the Interior, but this bill restricts that order. So here we have the Department of Interior Secretary saying this is our priority and we are going to pass a bill that undermines that authority and that priority.

Secretary Salazar claims that this effort will include the identification of areas of high potential renewable energy, including geothermal, wind, solar, and biomass. It also includes mapping out transmission infrastructure to connect power to consumers.

Well, as we create all of these wilderness areas and heritage areas, guess what we are doing. We are limiting the ability to map out power transmission lines. In total, the lands bill will withdraw over 3 million acres from energy leasing, placing them outside the scope of Secretary Salazar's endeavors.

Majority Leader HARRY REID summed up the difficulties imposed by these designations when he discussed energy resources in Nevada. He said:

We know that our State has immense clean energy resources. However, the Federal Government's management of 86 percent of Nevada lands makes it challenging to explore and develop our enormous renewable resources.

The only area in this bill that does not affect geothermal is in the State of Nevada. It is the only area.

If we are serious about alternative energy, this amendment should be accepted, should be voted for, allowing us to have a wilderness area, but at the same time utilizing clean energy as a way to bring us to energy independence in the 21st century. So this is a very simple amendment. It says, OK, let's have what we have, but let's don't restrict it as far as renewable, clean energy. Let's use the renewable, clean energy that is available. This happens to be geothermal, but we know where the solar is, we know where the biomass is, and we know where the wind corridor is in this country. Why would we restrict it?

AMENDMENT NO. 675 TO AMENDMENT NO. 684

(Purpose: To prohibit the use of eminent domain and to ensure that no American has their property forcibly taken from them by authorities granted under this Act)

Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 675.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 675:

(Purpose: To prohibit the use of eminent domain and to ensure that no American has their property forcibly taken from them by authorities granted under this Act)

At the appropriate place, insert the following:

SEC. __. EMINENT DOMAIN.

Notwithstanding any other provision of this Act (or an amendment made by this Act), no land or interest in land (other than access easements) shall be acquired under this Act by eminent domain.

Mr. COBURN. Mr. President, that is a straightforward amendment. The authors of this bill said we are never going to use eminent domain for any of this, even though they reference two or three statutes that give eminent domain. Well, if that is the case, if we are never going to use eminent domain to accomplish the purposes of this, there should be no trouble accepting this amendment. This amendment just says we can't. On this bill, you can't use eminent domain to take the property away from somebody who doesn't wish to give their property.

Amendment 5 of the U.S. Constitution says:

No person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken without just compensation.

That is the Constitution. But the father of the Constitution said it a different way. He said, in a word:

As a man is said to have a right to his property, he may be equally said to have a property in his right.

Eminent domain is necessary and appropriate at times in this country for national defense, for the health and well-being of the country, for priorities that protect the public at large, and that makes sense. There are times when we have to use it. There is not a time associated with any of the parts of this bill that we should have to use eminent domain.

I have been assured by the authors of this bill that they have no intention of using eminent domain. If that is the case, then support this amendment, and we will never have a problem with it. The property rights folks in this country, of which about 100 support this amendment, would say that is great, so let's vote it up or down.

But if we vote against it, what is it going to tell them? What it is going to do is erode the confidence of landowners in this country. We say we are not going to take your land away from you without your permission, without there being a willing seller, but we have kind of a king's edge. We have our fingers crossed behind our backs because there may be some time when a bureaucrat has made a decision other than what we are saying tonight.

So the way to enforce that would be a straightforward message that says, according to this amendment, "notwithstanding any other provisions of this act, or any amendment that is made to this act, no land or interest in land, other than an access easement, shall be required under this act by eminent domain."

That is straightforward. Let's give them confidence that we are not going to take their land away against their will.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I ask unanimous consent that I be allowed to speak for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL YEAR 2010 BUDGET

Mr. THUNE. Mr. President, the Senate will in a couple of weeks take up the fiscal year 2010 budget. It is a defining document. In many cases, the budget establishes a blueprint for the agenda, what is going to happen in the Congress.

We normally get a budget proposal from the President, and the Congress takes it up and acts on it. We have gotten that blueprint from the new admin-

istration. The Congress will, as I said, in a couple of weeks take up our version of that budget, put it into legislative form, and take action on it.

I think what most Republicans in the Senate are going to take issue with in this budget is the fact that it does spend too much, tax too much, and borrow too much. We believe the budget as proposed is going to be very harmful to the economy at a time when we ought to be looking at creating jobs. In fact, this budget could do the exact opposite. It could cost the economy a significant number of jobs because it is going to impose all kinds of new burdens on that economy.

The first point I would like to make with respect to the issue of spending too much—as I said, it spends too much, taxes too much, borrows too much, but if we look at the amount of spending in the bill on the surface, discretionary spending would increase by \$725 billion over 10 years. Mandatory spending would increase \$1.2 trillion during the same period.

Total spending in this year's budget for fiscal year 2010 is \$3.9 trillion or 28 percent of our gross domestic product. That means we would be spending more as a percentage of our gross domestic product than at any time since World War II.

That is a stunning and staggering fact when you think about it. At a time when a lot of Americans are being asked to tighten their belts in a difficult economy, this budget grows the size of Government by 9 percent for nondefense programs in fiscal year 2010, for a total of 20 percent growth in these programs since the year 2008.

There has been a lot of talk about revising the history of the past 8 years. But this budget spends more than the Bush budget every single year, and that is even after adjusting for inflation.

For those on the other side who have been critical of the overspending on the Republican side—and I don't deny the Republicans spent more than we should have when we were in control of this place, but this budget is staggering in terms of the amount of spending it includes—\$3.9 trillion for fiscal year 2010, and, as I said, 28 percent of GDP, which would represent the highest level of share of GDP at any time in this Nation since World War II.

With respect to the issue of taxes—and as I said, it spends too much which, obviously, any person who looks at this would agree with, but it also taxes too much. If you look at the taxes in the proposal, there is on the surface a whole lot of new revenue that is raised just by allowing previous tax policy to expire. We are going to see tax rates increase on people at the higher income levels.

The argument by the Democrats in the Senate has always been—and by the President, for that matter—that 95

percent of the people in the country are going to get tax cuts, and these new taxes on the economy are not going to impact that many people.

We are going to take issue with that because if you look at the total amount of new taxation—and when I say “new,” I am talking about net new taxes because that is independent of the tax relief. What they call the make work pay tax credit that is included in this bill does reduce the tax burden on some Americans by a certain amount. But the overall tax burden on the American economy is going to grow by \$1.4 trillion.

Again, to put things in perspective, \$1.4 trillion is equivalent to the annual GDP of Spain. We are going to raise taxes by \$1.4 trillion in an economy that is in the middle of a recession.

Much has been made about the fact small businesses are going to be saddled with new taxes under this budget. There have been statistics thrown around. Make no mistake about it; if you are a small business with more than 20 employees and you are organized as a subchapter S corporation or an LLC and, therefore, the income you derive from that business flows through to your individual income statement, you are going to pay a higher level of taxes if you have a certain amount of income coming in.

So any company that makes \$200,000 or \$250,000 a year adjusted gross income because it flows through to the individual tax form, that individual could be facing much higher taxes. In fact, what has been determined through the analysis that has been done is that 60 to 80 percent of small businesses in this country will see their tax burdens go up because of the taxes included in this budget—\$1.4 trillion in new taxes, which, as I said, is the equivalent of the annual GDP of Spain in the middle of a recession.

The other point I would make to those who say this is not going to impact average middle-income Americans is, if you look at the energy tax in this bill, I don't know how you can get around the fact that is going to hit everybody across the board.

The administration has said the revenue raised on the cap and trade—we call it the energy tax component. It is going to be a tax on utilities because the utilities are going to pass this on. It is not going to be borne by the utilities. It will be passed on to consumers. The administration has indicated \$646 billion or \$650 billion in revenue will come in from this new cap-and-trade proposal or this new energy tax proposal. I would argue that based upon additional analysis that has been done, it will be significantly more revenue coming in from that, which means it is going to cost the economy significantly more as well.

I refer my colleagues to an MIT study that was done in 2007 where they

looked at a proposal, the Boxer-Sanders proposal—S. 309, I believe it was—and made an assessment as to what that would cost the economy. Bear in mind the President, while he was a Senator, cosponsored that proposal, and his proposal for a cap-and-trade regime is modeled very much after that legislation.

What MIT found when they modeled this was that it would cost the average household in this country \$3,128 in the year 2015 if this sort of cap-and-trade proposal were implemented and put into law.

As I said before, that assumes a much higher level of taxation, a much higher level of revenue coming in from this cap-and-trade proposal than does the President's budget.

I would argue that the President's budget dramatically underestimates the impact of the cap-and-trade proposal in terms of cost to the economy and the additional taxes that will be passed on, and that this represents a much more accurate review.

The Congressional Budget Office also has in their analysis concluded that by the year 2020, this could cost somewhere between \$50 billion and \$300 billion a year. The MIT study suggests it would cost more than \$300 billion a year. I think as more and more analysis is done and more and more data is captured about this cap-and-trade proposal, we are going to find it is extremely more expensive than what has been anticipated and what has been assumed in the President's budget.

The energy tax piece of this is going to be passed on to everybody. If you are a middle-income taxpayer, a lower income taxpayer, or a small business, energy costs are going to go up. The argument has also been made the make work pay tax credit would offset that. That is true up to a point, but that is up to \$400 for a single filer and \$800 for a couple filing jointly and phased out so that people in the middle-income categories are still going to be faced with this significant energy tax that is paraded by the new cap-and-trade policy that is assumed in the President's budget. Not only does it directly raise taxes—the \$1.4 trillion that I mentioned earlier which equals the annual GDP of Spain—the tax increase is going to be passed on to a lot of small businesses in this country. But there is this cap-and-trade tax, which is the secret job killer in this budget in terms of the enormous burden and cost it will impose on our economy, on small businesses, and on working families in this country.

As I said before, this budget spends too much, it taxes too much, and the other point I will make is that it borrows too much. If we look at the amount of borrowing that is entailed as a result of this budget and what it does to our national debt over time, again, the numbers are quite staggering.

This budget doubles—doubles, Mr. President—the public debt in 5 years and triples it in 10 years. The amount of borrowing that we are passing on to future generations is going to double in 5 years and triple in 10. Just to put this in perspective, this creates more debt. The President's budget creates more debt than was accumulated under every President in this country from George Washington through George Bush. In other words, from the inception of our country, from our very first President, George Washington, to George Bush, his Presidency included—a lot of people have criticized the previous administration for adding to the Federal debt. In fact, during the Bush administration, it was about \$2.9 trillion that was added to the Federal debt. This is going to dwarf that by multitudes. It doubles the publicly held debt in 5 years and triples it in 10 years and accumulates more debt than was accumulated from the time of George Washington through the Presidency of George Bush.

That is a stunning amount of borrowing. We are getting to where even if the President's budget proposals and economic assumptions are accurate—and I would take issue with those—where the total amount of borrowing, the total amount of public debt is going to be about two-thirds of our GDP, those are numbers we have not seen at any time in this country since World War II.

There are incredible amounts of spending, incredible amounts of taxation, incredible amounts of borrowing, and lots of policy changes that we think are very bad for the country and very bad for our economy at a time when we need to be putting policies in place that will create jobs, stimulate the economy, and help expand it in a way that will make this country more prosperous and stronger for the future.

In the debate that will ensue in the next several weeks—and it will get underway in a couple of weeks—we are going to be making lots of arguments, as both sides will—those who are in favor of the President's budget proposal and those of us who are opposed to it—about the substance of it. I hope when we focus on the substance of it, the American people will tune in because they ultimately are the ones who pay the costs.

For the taxpayers of this country who bear the burden and responsibility of financing the many new initiatives that are paraded in this, it does create a lot of new initiatives. It does away with guaranteed student loan lending, a program that has been very successful across this country and moves everything back into direct lending of the Federal Government. It, as I said, creates an entirely new energy program, a cap-and-trade program, which is a tax. Let's call it what it is. It is going to impose an incredible cost on

our economy, not to be borne by corporate America; it will be passed on to the American consumers. If the MIT study that was done a year ago is right, there will be \$3,128 per household in this country to comply with the additional costs that will be imposed as a result of this new cap-and-trade proposal included in the President's budget.

It assumes some \$600 billion for health care reform. We have not seen specifics and details about that, but we are concerned as well about the direction in which that may be headed. There are lots of reasons to be opposed to this budget. There are lots of things we could and should be doing to get this economy growing again, but clearly, raising taxes, spending more money here in Washington, DC, borrowing more from our children and grandchildren is not the way to go about this.

I wish I could say I was presenting the worst-case scenario. The numbers we are seeing here are probably optimistic. I think the President's economic assumptions with respect to inflation, unemployment, GDP growth, and all those sorts of things are overly optimistic. I think they have dramatically understated, as I said, the cost of the cap-and-trade proposal. They have understated savings that will be achieved by reductions in our military spending as a result of drawdowns in Iraq. I don't think that is going to be nearly what they assume it is going to be. I think the actual deficits and debt that are going to come as a result of this budget proposal that the President is putting in front of us is going to be way beyond anything we are even contemplating now.

I have to say, what we are contemplating now is way beyond anything we have seen throughout our Nation's history. It is not fair to future generations for us to be saddling them with this enormous amount of debt. As I have pointed out before on the floor, we have had a tradition in this country of one generation sacrificing for another; one generation going without things so that future generations can have a better life. We have turned that ethic completely on its head with this budget by the amount of borrowing and spending that we are doing and in the amount of taxing. We are taking from future generations and asking them to sacrifice so we can have a better life today because we have not been willing or able to live within our means.

It is high time that Congress started taking the steps necessary to get this budget under control, to not buy into the spending spree. Since we have been here—and it has been a little over 50 days in this new Congress and the new administration—the level of spending is now at \$1.2 trillion—\$24 billion a day or \$1 billion an hour that we have spent already—and that is before we even get

to this fiscal year 2010 budget, which includes historic levels of spending, historic levels of taxation, the largest tax increase in American history, and historic levels of borrowing that asks future generations to make sacrifices which are not fair to ask of them.

It is our responsibility to live within our means. We can do that. We can put policies in place that will be additive in terms of creating jobs and growing our economy and making our country stronger. Going down this path is not going to do that. I hope as we debate this in the next couple of weeks that it will become clear to the American people who is standing up for the American taxpayer and what the costs are—the actual costs—that we are asking not only them to bear but asking their children and grandchildren to bear.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

MORNING BUSINESS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ST. PATRICK'S DAY 2009

Mr. DURBIN. Well, Mr. President, it is St. Patrick's Day, and you might notice a lot of green ties on the floor of the Senate. I notice the Presiding Officer has a nice one on.

I wish to just say for a moment how proud I am to have a grandmother, who passed away, named Mary Margaret Gaul, who was always proud of her Irish heritage and convinced us as kids that is where God would hang out, that great Republic of Ireland. It meant a lot to us growing up as kids to celebrate St. Patrick's Day with my grandmother and to try to continue that tradition in our own time.

But it goes beyond just family connections. It is almost impossible to overstate the importance of Ireland's contributions to America. From our earliest days as a nation, Ireland and America have been united by unbreakable bonds of friendship, family, and a shared commitment to liberty and freedom.

There is a great quote from George Washington, who once said:

When our friendless standard was first unfurled for resistance, who were the strangers

who first mustered around our staff? And when it reeled in the fight, who more bravely sustained it than Erin's generous sons?

In the more than two centuries since then, America has been enriched immeasurably by the contributions of the Irish, and Irish Americans, in every field and every walk of life.

And the contributions go both ways.

It just was not the "sons of Erin" who stood and fought on our side with George Washington in the Revolution, it was a son of America, Brooklyn-born Eamonn deValera, who, in 1921, became the first President of a free Ireland.

And it was another son of Irish America, former Senate majority leader George Mitchell, who helped broker the Good Friday Peace Accord nearly 11 years ago.

That hard-won historic agreement laid out a path to end more than 30 years of sectarian bloodshed in Northern Ireland and create a new province, a new government, and a new dream.

For more than a decade, the Good Friday agreement has inspired people around the world to believe it is possible to resolve old hatreds, it is possible to heal old wounds.

To paraphrase the great Irish poet and Nobel laureate, Seamus Heaney, it is possible—with courage and diplomacy—for cooperation to replace confrontation and hope to triumph over history.

We have been horrified in recent days by the reprehensible murders in Northern Ireland of two unarmed British soldiers and a police constable. The two soldiers were days away from being dispatched to Afghanistan. They were the first British soldiers killed in Northern Ireland since that Good Friday agreement. The police constable's death was the first terrorist killing of a member of Northern Ireland's new, carefully balanced police force. The police force was created a couple years ago, and it is an important symbol of political reconciliation.

Their deaths appear to be the work of isolated extremists who have no place and no support in Northern Ireland today.

If it is possible for any good to come from these despicable acts, it is in the reactions of people in Northern Ireland. In the wake of the killings, we have seen a renewed commitment to peace and reconciliation. Former enemies on both sides of "the Troubles" have condemned the killings and vowed not to retaliate with violence.

Martin McGuinness, Deputy First Minister of Northern Ireland's power-sharing Government and leader of Sinn Féin, the political wing of the IRA, called the perpetrators of these killings: "traitors to the island of Ireland."

Leaders of Northern Ireland's two largest loyalist paramilitary groups—the Ulster Volunteer Force and the Ulster Defence Association—have also

condemned the killings and vowed that they will not return to violence.

Most poignantly, we have seen the commitment to peace in the resolve of thousands of ordinary people in Northern Ireland.

Last Monday, on the morning after the killings of the two British soldiers at a military base, hundreds of people gathered in the nearby town of Antrim for a prayer service at the police cordon where the shootings took place.

The worshipers included members of the local Catholic, Presbyterian, Church of Ireland, and Methodist Churches—all praying together.

A Catholic priest told a reporter his parishioners were determined to show their outrage over the murders, but they wanted to do so collectively with their neighbors from other churches.

The priest told a reporter:

In the past, if something like this happened, people would withdraw into their own [separate] community. This time, everybody was united because it was an attack on everybody—on the peace we all own.

Last Wednesday, thousands more people attended dignified, silent “peace rallies” in Belfast, Derry, and other towns in Northern Ireland. Young and old, men and women, Protestants and Catholics stood shoulder to shoulder in the cold to express their horror at these killings and their resolve to maintain the Good Friday peace.

Signs carried by many of the more than 2,000 people who gathered at Belfast City Hall seemed to express their collective resolve. The signs read simply: “No going back.”

Many of us remember how difficult the Northern Ireland peace negotiations were, how often they seemed on the verge of collapse. But their collective determination, and the wise leadership of George Mitchell, led them to an agreement, led them to use diplomats and politicians but also the faith and courage of ordinary people to bring organizations and institutions that had been at war for decades together in peace.

Last weekend, in Chicago, we had a great St. Patrick's Day celebration. We dyed the Chicago River green, drank a lot of beer, marched in parades. Everybody wore their green and had a glorious time.

I attended a breakfast honoring a great organization. The Irish American Partnership is working to create a more hopeful future for the children of Ireland—both north and south. They support educational and other efforts to replace old divisions with understanding and cooperation.

On this St. Patrick's Day, we want the people of Northern Ireland, the Republic of Ireland, and Great Britain to know America shares their grief and outrage over these killings. We also share their resolve never to go back.

Just as it was in America's national interest to help broker the Good Fri-

day peace agreement, it is in our interest now to help the people of Northern Ireland reclaim that peace.

Now, before I yield the floor, I cannot let St. Patrick's Day pass without saying a word about a great man whose family has become synonymous with Irish America, with peace in Northern Ireland, and with so many other noble causes.

Senator TED KENNEDY—KNOWN AS SIR EDWARD by those of us who are honored to call him a colleague—is not here on the Senate floor today. But we see his pride in his Irish heritage in the shamrock sugar cookies and green punch he had delivered to the Democratic cloakroom today, as he has done on every St. Patrick's Day for decades.

More importantly, we feel TED KENNEDY's influence in this Senate's efforts to promote justice and opportunity in our own Nation—to provide more Americans with jobs, health care, and education, so they can make a good life for themselves and their families.

On this St. Patrick's Day, I know I speak for all my colleagues in the Senate in wishing Senator KENNEDY slainte.

To your health, TED. We look forward to seeing you back soon.

A few months ago, Senator KENNEDY's wife Vicki, at the Democratic Convention in Denver, handed me this little blue plastic bracelet. It has a word on it they made up for the occasion, so all of us who stand by TED and think of him every day would carry this little reminder with a bracelet that says one word: Tedstrong.

Well, we are strong in our love for this great Senator. He has been strong in his love for this great country. It is a good thing to remember him on one of his happiest days, St. Patrick's Day.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, before my colleague leaves the floor, I wonder if he might answer a question, and that is whether some of us on this side of the aisle could also celebrate our colleague, TED's, appreciation for St. Paddy's Day, if there are any more of those cookies and punch left in the Democratic cloakroom.

Mr. DURBIN. I am going to check. If there are, we will bring some across because I know TED would do that himself.

Mr. KYL. I thank my colleague.

NOMINATION OF DAN ROONEY TO BE AMBASSADOR OF IRELAND

Mr. CASEY. Mr. President, I want to speak about a very happy and positive topic, something that is close to my heart but I think also close to the heart of a lot of Americans. Today, we have the double benefit of it being not only St. Patrick's day, but in my case, as a Pennsylvanian and one of Irish de-

scent, I had the great news announced today by the President of the United States that Dan Rooney—from the great Rooney family of Pittsburgh, owner of the Pittsburgh Steelers and a great friend of the people of Ireland, who has been active in the peace process, as has his family for a generation or more with their time, their effort, their money, and their wisdom—has been nominated to be Ambassador to Ireland. He is a Pittsburgher and a Pennsylvanian, and we are so very proud today to be able to report that for those who haven't yet heard the news. I will work, as a member of the Committee on Foreign Relations, to get him confirmed because we should confirm him.

Dan Rooney is well known as the owner of the Steelers, the Super Bowl champs several times over in the last generation, and that is wonderful that he is, but he is a son of Pittsburgh, a very humble man, a very decent, kind, caring, and compassionate man, someone who has the kind of integrity and the kind of commitment to service you would want in an ambassador to any country but especially one such as Ireland. Pennsylvania has a pretty significant percentage of its population that traces its ancestry to that small island, and across the ages we have been proud of that connection, that affinity we have for the people of Ireland. In this case, if all goes as it should with the confirmation—and I am sure it will—we will have a son of Pittsburgh, a son of Pennsylvania, a resident of the Commonwealth of Pennsylvania serving as Ambassador to Ireland.

Dan is someone who not only has the character and integrity and commitment to his country, and his concern about the Irish people, but he is also someone who has broad experience in running a major organization and motivating people to meet goals. There is so much that our country can do together with the people of Ireland. That country will see, if they do not already know, what we have always seen in the character and the decency and the strength and experience of Dan Rooney. So we are very proud today that President Obama made that announcement, especially for someone who has the kind of character and commitment to public service that Dan Rooney has.

One final note about the celebration today of St. Patrick's Day. There are a lot of reasons to celebrate, even in the context of some of the recent violence in Ireland. There are more reasons than not to celebrate the enduring peace of Ireland, even in the midst of that setback, even in the midst of that violence. We have a lot to be thankful for, those of us who care about that kind of peace—one of the longest conflicts in the history of the world brought to resolution back in the 1990s. George Mitchell and the Clinton administration worked very hard on this,

and I know the Obama administration will be equally committed to making sure that peace endures.

As we are thinking today about Ireland and thinking about St. Patrick's Day and thinking about the bond between our two countries—and earlier today I heard Senator DURBIN speak of the senior Senator from Massachusetts, Mr. KENNEDY, for a whole variety of reasons—I think of TED KENNEDY as someone who spent a lot of his time in the Senate working on peace issues the world over but in particular working on the peace process in Northern Ireland. Over his lifetime of service in the Senate, he is someone who has given meaning to the values we cherish on a day like today—values of service, the value of peace over war, the value of integrity, and the value of trying to love one another the best we can.

TED KENNEDY has a long connection not just with the peace process and not just with the people of Ireland and his heritage, but his family has had a long connection with my home State of Pennsylvania—and not just on St. Patrick's Day but on a lot of other days. In fact, one of the reasons I highlighted Senator KENNEDY and am thinking of him tonight is because of all the work he has done on health care, on civil rights, on education, as well as issues as important as the peace process in Ireland.

I am also thinking of him tonight because of the Friendly Sons of St. Patrick of Lackawanna County, which has had many storied speakers, but one of the greatest speeches given at that dinner—really in the history of the American Irish—was given by then-Senator Robert Frances Kennedy of New York in 1964. So we are thinking tonight of the inspiration Senator Robert Kennedy provided to the American people, to the people of the State he served, New York, and to people across the country in his Presidential campaign in 1968 before his tragic assassination.

In a special way, I am thinking of the speech he gave not long after—literally just a few months after his brother, President Kennedy, was killed. I had the occasion a little more than a year ago to give an audio recording of that to Senator TED KENNEDY. I know he had heard of the speech and maybe even heard the actual recording, but I wanted to make sure he had a CD of that speech.

So we are thinking of him tonight and thinking of his family and the great sacrifice the Kennedy family has made for the American people; one as President, two in the Senate, and one of them in the Senate who served as Attorney General. That is just a highlight of the kind of service they have provided.

So on this St. Patrick's Day, we cherish the memory of so many things that are Irish, but we are also whispering a silent prayer for our country, whis-

pering a prayer for the people of Ireland and for those who made this peace possible, people such as TED KENNEDY and George Mitchell, and others who worked so hard.

In this very special way today, I am grateful for the chance to be able to stand on the floor of the Senate and say that a friend of mine, a friend of Pennsylvania, and a proud son of Pittsburgh has been nominated by President Obama to be Ambassador to Ireland. That friend is Dan Rooney.

So congratulations, Dan. We are thinking of you and your family tonight as we celebrate St. Patrick's Day.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate Standing Rules XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD. On March 16, 2009, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Ad Hoc Subcommittee on Contracting Oversight adopted subcommittee rules of procedure.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Ad Hoc Subcommittee on Contracting Oversight.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

(1) SUBCOMMITTEE RULES.—The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

(2) QUORUMS.

(A) TRANSACTION OF ROUTINE BUSINESS.—One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Governmental Affairs any matters or recommendations. Nothing herein shall be construed to authorize the consideration or reporting of legislation.

(B) TAKING TESTIMONY.—One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

(C) PROXIES PROHIBITED IN ESTABLISHMENT OF QUORUM.—Proxies shall not be considered for the establishment of a quorum.

(3) SUBCOMMITTEE SUBPOENAS.—The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of

memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

MOLDOVA PARLIAMENTARY ELECTIONS

Mr. CARDIN. Mr. President, with the coming parliamentary elections scheduled for April 5, Moldova is once again at a crucial juncture in its domestic political development.

In recent years, Moldova's cooperation with the United States has deepened, with steady progress through the initial stages of the Millennium Challenge Threshold Program, which promises to bring significant material assistance to Moldova in the near future. Additionally, Moldova has advanced in its quest for greater European integration. To continue to build upon and consolidate these positive developments, it is crucial that the current campaign and voting on April 5 be conducted in a manner consistent with Moldova's commitment to meeting OSCE election standards.

Since achieving independence in 1991, Moldova has had a generally positive record in conducting and respecting the results of free elections. However, there have been shortcomings and it is essential that Moldova avoid repeating practices that have drawn criticism in previous contests.

Specifically, national and local authorities must make every effort to ensure a level and transparent playing

field for all candidates during the campaign and avoid the use of administrative resources to hamper political rivals. It is also important that the authorities make efforts to ensure access to the media for all candidates and representatives of political parties. Finally, law enforcement bodies must safeguard the public's basic right to freely and publicly assemble to express their views in a peaceable manner.

As Chairman of the Commission on Security and Cooperation in Europe, I would underscore the importance that all involved in Moldova's upcoming parliamentary elections ensure compliance with international norms. This is crucial, not only for the future of democratic reform in Moldova, but also for the country's further economic development and progress along its chosen path of European integration.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

My husband and I moved to Shelley in May of 2007, and drive to work in Idaho Falls Monday through Friday. Since we work different hours, we are unable to carpool. When we first moved here, we budgeted approx. \$210 per month for gas and we now budget approx. \$320. We do not drive new, gas-guzzling cars. My husband drives a 1987 Ford Bronco II (we are on our third engine) and I drive a 1995 Ford F-150 pick-up. Both cars have four-wheel drive, which is necessary in the winter months, and the pick-up is needed as we own 6 acres. Add this increase to the gas needed for a riding lawnmower and a quad (both are needed to maintain our property), we probably spend \$350 a month in gas. I believe Congress has no idea of what the average wage earner/homeowner goes through every month just trying to get by and pay bills. There will be no vacations this year as we cannot afford to pay for gas and travel anywhere. Along with the increase in

gas prices, we have found our grocery bills have increased along with just about everything else. (the trickle-down effect) Wages in Idaho are not high and the cost of gasoline seriously impacts our budget. I am in support of more domestic drilling and believe we depend too much on foreign oil.

LAURIE, Shelley.

My husband and I both work at the Idaho National Laboratory and also operate a small beef cattle ranch. The rising costs have been affecting us but really started hitting hard last year.

First, we live in Howe and work at the INL. We work at one of the closest facilities to Howe, yet, it is still 20 miles one way. I work a 410 schedule and my husband works a rotating 412 schedule. Our schedules do not coincide with one another so we are unable to carpool. So, we both have to drive separate vehicles 4 days a week. He is unable to carpool because no one else in Howe works his same schedule. I carpool with another neighbor who works 410s at my facility, so I drive twice a week. We are driving a minimum of 240 miles per week. All of our vehicles are ranch vehicles so they get between 8 and 16 mpg (with all the rising costs, we'd be hard pressed to afford a vehicle payment for an economy car). We try to ride our motorcycles when we can (40-60 mpg) but that is hard to do with a carpool. We are using 15-30 gallons of fuel a week, minimum, at a cost of \$60-120/week or \$240-480/month. That just for going to a steady paying job.

Second, our cattle graze on private ground 20 miles away. That was the closest we could get at a reasonable cost (which was 4 years ago). Because of the problems we have had with trespassers cutting fence lines, tearing up gates, cattle disappearing, and irrigation issues, we have to check on this daily from May to November. That is another 280 miles/week. So, another \$140/week or \$560/month.

The closest full-service shopping is 80 miles away in Rexburg, Idaho Falls, or Blackfoot. We have tried to keep the trips to town to a minimum, but, that too is hard to do with cattle, owning a home, and just plain living. We carpool to town to do our grocery shopping and only go every other week. That is another 180 miles once you spend the day driving all over town to get everything in one trip—and believe me it is an all day trip when you are shopping for 2 weeks worth of supplies for 2-3 families. Another potential \$40 in fuel. We do not get to see our children, grandchildren or other family very often anymore because they are scattered all over the state. They cannot afford to spend the money on gas to come and visit and we have had to cut way back on these excursions. The cost for vehicle maintenance has shot through the roof, too. Tires are up about 50%, motor oil has double over the past couple of years, other maintenance supplies have increased and the cost of labor to have a "professional" do it is ridiculous (that is if you can get someone honest and reputable to do the work!).

Because we lost our BPA credit and Rocky Mountain Power raised the rates, our electric bill has gone up \$60-100/month depending upon how much water we are pumping and how cold it is.

The hay prices shot up from about \$85/ton to \$150/ton—nearly double. So we are forced to either sell off half the herd or double our cost for hay/feed (for 50 head of cattle we'll be paying over \$20,000). The market price for beef at auction has not increased making our profit margin take a nose dive. When there is less beef produced, the store cost goes up—

but we do not see that money as a producer. Everyone else is getting their cut but the producer. Feed grain has gone up about 33%, and veterinary supplies have gone up.

The cost of everything has gone up to account for the fuel prices. Flour has doubled, milk went up \$1/gallon, bread is \$3/loaf (can you believe it—so I make my own). The cost of fencing supplies has gone up 75%. These are just a few things that cut into our bottom line.

I hear taxes (at least federal) are going back up and the marriage penalty will be back. Is there anyone in Congress that can keep their hand out of the piggy bank? My husband and I live within our means. With all of these rising costs, we are having to cut back on many other things—but we are doing it. It just seems that our government representatives are so wealthy and are "entitled" to special treatment wherever they live that they have grown completely out of touch with how the common person lives from day to day.

We are just one small family. We are spending well over \$1000/month in fuel costs and just a few years ago I thought it was highway robbery to spend \$400/month. The US needs to get off the "enviro-nazi" kick and start utilizing the resources we have.

Thanks for listening. Maybe this will help you make a difference for Idahoans and our country.

TEKLA, Howe.

Thank you for taking the time to hear from those you represent. Yes my family has had to cut back our spending as the fuel prices are driving up the costs of everything else. There is one area I am deeply concerned with, that is with the good people who help the less fortunate. There are companies like Meals on Wheels that are hurting because of the energy costs, the food costs, as well as the other expenses they have to bear. When I hear that these good people are trying to help others, it warms my heart, but when I hear these same companies are struggling to scrape together enough funds to continue to do the incredible job they do I am deeply saddened. The costs are rising to a point that it makes it difficult to be able to donate to these wonderful organizations. When I hear the oil companies are making record profits it angers me and I feel we are being taken advantage of. I do believe in free enterprise, but at what cost to the great people of our fantastic nation.

Please help,

Scott.

This is in response to your request for citizens to "share your energy stories."

Here are some of the results I am observing, of gas being more expensive:

Traffic is (slightly) down on the overcrowded roads in and around Boise.

People are getting rid of their gas-guzzlers and getting more economical modes of transportation.

People are making more responsible transportation choices. (Dare I say it? Might they even consider carpooling, or utilizing public transportation?)

Air pollution is down.

There is some real market-driven innovation going on, in the automotive world.

In other words, the results of higher fuel prices aren't all negative. Please think long and hard before getting the government more involved. (In the past, it hasn't always had the desired effect.)

If you could figure out some way to give the freight industry some relief, that would

be a good thing. But let the free market run its course with regards to personal transportation, I say. If our economy is based on every citizen 16 and over having a private motor vehicle and unlimited access to cheap fuel . . . it is a house of cards.

Ride a bicycle.

JOSH, Boise.

These days of high fuel and energy costs have been coming for a long time now. Since the 1970s, the writing has been on the wall. Had the government taken the lead and required meaningful efficiency standards of the auto industry, we may have avoided a war and would already be on our way to energy independence. Had we raised the fuel tax by a couple of pennies each year and invested it into mass transit and infrastructure, we would not be faced with crumbling roads and bridges.

We let the marketplace get into this mess; the marketplace will get us out of this mess, if we let it. The marketplace is merely correcting for the poor decisions of the past. Progress built on the promise of an unlimited supply, of a finite resource, is hardly progress at all. To call for more production is no solution. We have squandered an immense resource on gas guzzlers, motor sports of all kind. Agriculture's dependence on fossil fuels and petroleum based chemicals is coming back to haunt us.

The best time to plan for energy independence was 30 years ago. The second best time to plan for energy Independence is today. There are other contributing factors to the mess we are in such as, the failing dollar, former third world countries whose demand for energy will soon exceed ours. We brought all this on ourselves and now we do not like it. I would be willing to bet, "we ain't seen nothin' yet".

DOUG.

We moved from southern California and left a lucrative business four years ago to come to Idaho and put our children into smaller schools. We also began a business here that has done pretty well. Lately though, gas is eating up any chance of savings for college or cars for teens who need cars to work.

Beside working many hours and employing locals when we can, we also volunteer hundreds of hours coaching kids in youth sports. I also began an all-girls youth group 18 months ago, that has presently 40 girls that have attended and come pretty regularly. We are in a poorer area so up till now we provide many rides for these kids, many from single parent homes, welfare homes, etc. These kids have been so appreciative of all the time and effort we invest in them and we see many making much better choices today that once were traveling down a very bad path in life.

How is gas affecting us, family of five? For one, we have started turning down some pretty good jobs we would usually bid within a 90-mile radius due to gas prices. Since my husband has to drive a truck to carry all of his heavy equipment to do the jobs, he has no choice but to pay for higher gas. For me, I have to choose to not pick up all the kids that I have been to keep them in youth group and sports. Some of these parents do not even own cars, so now that means some of these kids who were responding so positively either have to walk a great deal to get to a place I can pick them up (also a danger in today's world) or they do not always get to attend. I too may have to cut my hrs in volunteering soon as we just cannot afford the gas to do as much as we always have in the past.

One more way it is affecting us is we have a son ready to begin college and he may actually have to go without a vehicle. His older car broke down and, in order to purchase an energy-efficient vehicle, we would have to give up paying for college basically. We cannot afford to do both. We have another son also driving, but he cannot afford the gas prices to get to a job at minimum wage on a part-time basis. He works for his dad all summer, but gas prices is preventing him from working all school year for the minimum wage on a part-time basis (15 hr average locally for youth jobs during school year).

We ask the Congress to push harder to drill here at home, to open another refinery while they continue exploring all other energy efficient ideas. We too want the environment protected, but first we must make certain people can afford to go to school and to work. We do think the congress needs to put some pressure on and get our gas prices lowered (environmentalist caused in our opinions), but we do not believe the government should be taking over the oil companies.

We thank you for your time and hope that you can work to get this resolved before none of us are able to work.

KEN and ROSSA, Lenore.

I wanted to write you about the insanely high price of gas. My wife and I both hold jobs in different parts of Boise so we could not carpool together. Her car gets great gas mileage; mine, on the other hand, does not. When the price of gas going up, I was looking at paying almost \$200 in fuel a month for my own transportation probably closer to \$300 with both of our cars together. We simply cannot afford \$300 a month for just gas. I decided to find a new means of transportation to work—my bicycle. While I am not complaining about riding my bike to work, I have to keep looking down the road and know that winter is coming and with \$135 barrel of oil prices that means high gas prices when it is cold out, too. Congress or the House or the President or someone needs to take the reins and get control over this crisis. I keep hearing about how we went to war in Iraq for oil. If that is true, then why are not we taking oil out of Iraq to repay all the money that we have spent over there to increase our national debt to an insane amount? Why are we not drilling in Alaska? Or on the Outer Continental Shelf? Or exploring the coal to oil possibility? With all of the unemployment that is happening right now in our country opening up even one of these possibilities could create new jobs for people that are out of work right now, bring down the price of gas and oil, and we could stop funding countries that hate America. I do not understand how simple working Americans can see the solutions to this problem but our elected officials either cannot see the solutions or just do not care to fix the problem they helped to create. Thank you for your time.

KYLE, Boise.

Despite the fact that a month ago I have recently acquired a higher paying job (more than I have ever made), we are having to now decide which bills get paid and which ones do not. My fiancée and I over the past few years, worked diligently to reduce or eliminate our debt, save money for both short term and long term. We were being very responsible middle Americans.

We have not been able to successfully budget the increases in what we have to pay for gas and everything else that has gone up in price.

Now all that our debts have gone up and our emergency funds our depleted.

It is not as though we have been spending more. We have made as many cutbacks as we could. Gotten rid of cable, switched all of our bulbs to fluorescent, do not go out to eat anymore, and quality time family excursions including movies just do not happen anymore.

What else do we do when suddenly prices go up and you have to get to work, but the tank is empty and bills need paid or they shut off the power, etc.? Companies never give you a raise as quickly as prices go up. In fact, most people do not even get raises anymore. We are paying on average of \$150 to \$200 more a month than before. We do have to drive more than the average person until the wedding over and house is sold.

I already work long hours, leave the house at 6:45 am to arrive back at 7 pm exhausted go to bed at 10 pm. When would I have time to get another job? We have been selling off things we own for extra money. We have not had time to adjust. These rapid increases are killing us financially.

MONTE.

I am taking this opportunity to respond to you call for input on high energy prices. I live in Pocatello and must drive to work daily to go to work in Idaho Falls, a 100-mile round trip. My wife owns a restaurant in Pocatello, so moving would only change who commutes. The high gasoline prices have affected my personal driving habits in that I have started driving at 55 miles per hour again. If I drive at 75 mph, my car will go 19 to 20 miles per gallon of gasoline. I have found that when I drive at 55 mph, my car will go 32 to 34 miles per gallon. I only have to leave the house 15 minutes earlier in the morning to get to work on time.

I was in Nebraska a few weeks ago. I noticed that while Nebraska has not lowered posted speed limit for trucks, almost all trucks were cruising between 60 and 65 mph. Since a truck is much less streamlined, I would guess that their fuel efficiency gains are even more dramatic than mine.

I realize that, for most Americans, the vast majority of driving is done in a city where the speeds are much lower and the traffic is stop and go, so simply driving slower will not have a significant impact on fuel efficiency. But gasoline use can be greatly reduced in urban areas also. I have two sons who both get all over Pocatello very easily, and neither one of them drives an average of ten miles a week. They both walk or ride bicycles almost everywhere they go. They even takes backpacks to the grocery store and laundromats, which for one of them are over a mile and a half from his house (the other lives only around the corner from a grocery store, and his laundry seems to mysteriously appear at my house).

I do believe that urban planners in the West have long neglected pedestrian-friendly neighborhoods and business districts, not to mention the almost complete lack of attention towards mass transit systems both in and between urban areas. Congress should address these items as viable tools to curb energy demand along with promoting development of alternative energy sources. Congress should also mandate the diversification of our energy supply, which, by the way, should also be a Homeland Security priority.

Congress has known that our energy availability is getting more and more questionable for over thirty years, and has done little to promote developing new energy resources or promote curbing energy use. Simply exploring for more oil within the United States

will not solve the problems, it will only prolong the problem at great cost.

BOB.

ADDITIONAL STATEMENTS

TRIBUTE TO ST. XAVIER HIGH SCHOOL STUDENTS

• Mr. BUNNING. Mr. President, today I invite my colleagues to join me in congratulating Nathan Horrell and Will Spence from St. Xavier High School, Louisville, KY, for receiving the Achievement Award in writing. This year only 525 students around the country were recipients of this award.

The Achievement Award in writing is given to students who show excellence in English and writing. To be eligible for the award, students must submit a previously written paper and then be invited to participate in a timed essay.

Nathan Horrell and Will Spence both have shown great analytical and writing skills in their submitted papers. Each student entered an analysis of Mary Shelley's 1818 novel "Frankenstein," which they both wrote during their junior year in high school. At the contest, Nathan wrote his timed essay on the connection between the Internet and politics and Will wrote a short story.

I am impressed by the excellence these two students have displayed. I am confident that they will have success in greater challenges in the future.

Mr. President, I would like to thank Nathan Horrell and Will Spence for their contributions to the Commonwealth of Kentucky and wish them the best of luck in their future endeavors. •

TRIBUTE TO COLONEL ALVA BRYAN "RED" LASSWELL

• Mrs. LINCOLN. Mr. President, today I wish to honor a man from Arkansas who had a strong sense of duty toward his country from a very young age. COL Alva Bryan Lasswell, known as "Red" to friends, was a World War II war hero whose service has gone unrecognized for most of his life. I believe it is finally time to honor Colonel Lasswell for the brave servicemember that he was.

When he was only 13 years old, Colonel Lasswell tried to join the Marine Corps. Due to age requirements, the future hero would have to wait until his 21st birthday to enlist. Throughout his distinguished military career, Colonel Lasswell was awarded the rank of 2nd lieutenant and served in Navy intelligence.

During World War II, he was stationed at Pearl Harbor and was selected as one of 10 officers to take part in the elite intelligence gathering unit. In May 1942, Colonel Lasswell intercepted an unusual message that he reported to Navy headquarters. The mes-

sage was a Japanese Operational Order authorizing the Battle of Midway. As a result of Lasswell's heroic service, the Navy was able to prepare for the attack, and the Battle of Midway would go on to become the first major victory for the Navy in World War II.

This was not the end of his service however. Colonel Lasswell later translated a message which led to the shooting down of a plane carrying Japanese Admiral Isoroku Yamamoto in 1943, and in 1944 he recovered intelligence which involved a plot to assassinate GEN Douglas MacArthur. In addition, Lasswell's intelligence helped the U.S. Navy Antisubmarine Group sink at least five submarines in 1944. Lasswell completed his military career in 1956, serving as Chief of Staff for the Marine Recruit Depot.

Despite his tremendous service to his country, Colonel Lasswell never received distinction or recognition for his intelligence recovery efforts during World War II. At this time, I would like to pay him the tribute he has deserved for so long. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TRANSMITTING CERTIFICATION THAT THE EXPORT OF FINE GRAIN GRAPHITE TO BE USED FOR SOLAR CELL APPLICATIONS AND FOR THE FABRICATION OF COMPONENTS USED IN ELECTRONIC AND SEMICONDUCTOR FABRICATION IS NOT DETRIMENTAL TO THE U.S. SPACE LAUNCH INDUSTRY, AND THAT THE MATERIAL AND EQUIPMENT WILL NOT MEASURABLY IMPROVE THE MISSILE OR SPACE LAUNCH CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA—
PM 13

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond

National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), I hereby certify to the Congress that the export of fine grain graphite to be used for solar cell applications and for the fabrication of components used in electronic and semiconductor fabrication, and two dual-motor, dual-shaft mixers to be used to produce carbon fiber and epoxy prepreps for the commercial airline industry is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from these exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

BARACK OBAMA.

THE WHITE HOUSE, March 17, 2009.

MESSAGES FROM THE HOUSE

At 2:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 987. An act to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the "John Scott Challis, Jr. Post Office".

H.R. 1217. An act to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building".

H.R. 1284. An act to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the "Major Ed W. Freeman Post Office".

At 2:53 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1541. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ENROLLED BILL SIGNED

At 4:42 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1127. An act to extend certain immigration programs.

The message also announced that pursuant to 14 U.S.C. 194(a), and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mr. Courtney of Connecticut and Mr. Coble of North Carolina.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 987. An act to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the "John Scott Challis, Jr. Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1217. An act to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1284. An act to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the "Major Ed W. Freeman Post Office"; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-952. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report entitled "2008 Annual Report; Packers and Stockyards Program"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-953. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Formaldehyde, Polymer with 2-Methylloxirane and 4-Nonylphenol; Tolerance Exemption" (FRL-8399-5) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-954. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyraclostrobin; Pesticide Tolerances for Emergency Exemptions" (FRL-8402-8) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-955. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pendimethalin; Pesticide Tolerances for Emergency Exemptions" (FRL-8400-1) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-956. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-957. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-958. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Japan; to the Committee on Banking, Housing, and Urban Affairs.

EC-959. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Japan; to the Committee on Banking, Housing, and Urban Affairs.

EC-960. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Scranton, Pennsylvania" (MB Docket No. 08-125) received in the Office of the President of the Senate on March 12, 2009; to the Committee on Commerce, Science, and Transportation.

EC-961. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Louisiana Black Bear (*Ursus americanus luteolus*)" (RIN1018-AV52) received in the Office of the President of the Senate on March 11, 2009; to the Committee on Environment and Public Works.

EC-962. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Contiguous United States Distinct Population Segment of the Canada Lynx" (RIN1018-AV78) received in the Office of the President of the Senate on March 11, 2009; to the Committee on Environment and Public Works.

EC-963. A communication from the Chief, Branch of Listing, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Listing *Phyllostegia hispida* (No Common Name) as Endangered Throughout Its Range" (RIN1018-AV00) received in the Office of the President of the Senate on March 11, 2009; to the Committee on Environment and Public Works.

EC-964. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Update to Materials Incorporated by Reference" (FRL-8775-3) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC-965. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Update to Materials Incorporated by Reference" (FRL-8775-2) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC-966. A communication from the Director, Regulatory Management Division, Envi-

ronmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Greene County 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan and 2002 Base-Year Inventory" (FRL-8777-3) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC-967. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to the Open Burning Regulation" (FRL-8773-1) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC-968. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Clearfield/Indiana 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan and 2002 Base-Year Inventory" (FRL-8777-4) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC-969. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Alabama; Update to Materials Incorporated by Reference" (FRL-8759-9) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC-970. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Permits by Rule and Regulations for Control of Air Pollution by Permits for New Construction or Modification" (FRL-8780-5) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC-971. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Determination to Approve Research, Development, and Demonstration Request for the Salt River Landfill" (FRL-8777-9) as received during adjournment of the Senate in the Office of the President of the Senate on March 13, 2009; to the Committee on Environment and Public Works.

EC-972. A communication from the Secretary of the Treasury, transmitting, pursuant to Executive Order 13313 of July 31, 2003, the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses; to the Committee on Foreign Relations.

EC-973. A communication from the Secretary General, Inter-Parliamentary Union, transmitting a report relative to the annual session of the Parliamentary Conference on

the WTO; to the Committee on Foreign Relations.

EC-974. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0028 - 2009-0030); to the Committee on Foreign Relations.

EC-975. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of \$100,000,000 or more to Australia; to the Committee on Foreign Relations.

EC-976. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-977. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Germany; to the Committee on Foreign Relations.

EC-978. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of major defense equipment and associated technical data and defense services in the amount of \$14,000,000 or more to India; to the Committee on Foreign Relations.

EC-979. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled "Report of the Proceedings of the Judicial Conference of the United States"; to the Committee on the Judiciary.

EC-980. A communication from the Deputy Under Secretary of Defense (Civilian Personnel Policy), transmitting, pursuant to law, notification of the status of a report relative to the need for and feasibility of a mental health scholarship program; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Agriculture, Nutrition, and Forestry.

*Gary Gensler, of Maryland, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2012.

*Gary Gensler, of Maryland, to be Chairman of the Commodity Futures Trading Commission.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and tes-

tify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WARNER:

S. 606. A bill to amend the National and Community Service Act of 1990 to establish a Veterans Corps program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of Colorado:

S. 607. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 608. A bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 609. A bill to amend the National and Community Service Act of 1990 to establish a Nonprofit Capacity Building Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL:

S. 610. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. KERRY, Mr. DURBIN, Mr. MENENDEZ, Mr. BROWN, and Mr. KENNEDY):

S. 611. A bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 612. A bill to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWNBACK:

S. 613. A bill to prohibit the use of Federal funds to approve certain biologics license applications by the Food and Drug Administration; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Ms. LANDRIEU, Ms. STABENOW, Mrs. LINCOLN, Mrs. MURRAY, Ms. COLLINS, Ms. SNOWE, Mrs. BOXER, Mrs. GILLIBRAND, Mrs. SHAHEEN, Ms. MURKOWSKI, Ms. KLOBUCHAR, Mrs. HAGAN, Ms. CANTWELL, and Mrs. McCASKILL):

S. 614. A bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP"); to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COBURN, Mr. LEVIN, Mr.

GRASSLEY, Mrs. McCASKILL, Mr. MCCAIN, and Mr. VOINOVICH):

S. 615. A bill to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HARKIN:

S. 616. A bill to amend the Public Health Service Act to authorize medical simulation enhancement programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself and Mr. THUNE):

S. 617. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Indian Affairs.

By Mr. HARKIN:

S. 618. A bill to improve the calculation of, the reporting of, and the accountability for, secondary graduation rates; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. KENNEDY (for himself and Ms. SNOWE)):

S. 619. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. DORGAN, Mr. DODD, Mr. VITTER, and Mr. FEINGOLD):

S. 620. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; considered and passed.

By Mr. DURBIN (for himself and Mr. COCHRAN):

S. 621. A bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. GREGG, Mr. BINGAMAN, Ms. COLLINS, Ms. CANTWELL, and Mr. MARTINEZ):

S. 622. A bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. LAUTENBERG, and Mr. BROWN):

S. 623. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions in group health plans and in health insurance coverage in the group and individual markets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. CORKER, and Mrs. MURRAY):

S. 624. A bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005; to the Committee on Foreign Relations.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 625. A bill to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas; to

the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 626. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. MURRAY, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 277

At the request of Mr. SANDERS, his name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

At the request of Mr. MERKLEY, his name was added as a cosponsor of S. 277, *supra*.

S. 316

At the request of Mrs. LINCOLN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 316, a bill to amend the Internal Revenue Code of 1986 to make permanent the reduction in the rate of tax on qualified timber gain of corporations, and for other purposes.

S. 365

At the request of Mr. NELSON of Florida, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 365, a bill to establish in the Department of Justice the Nationwide Mortgage Fraud Task Force to address mortgage fraud in the United States, and for other purposes.

S. 366

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 366, a bill to amend the Social Security Act to eliminate the 5-month waiting period for Social Security disability and the 24-month waiting period for Medicare benefits in the cases of individuals with disabling burn injuries.

S. 422

At the request of Ms. STABENOW, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Alabama

(Mr. SESSIONS) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 428

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 435

At the request of Mr. CASEY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 462

At the request of Mrs. BOXER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 462, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 486

At the request of Mr. SANDERS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 486, a bill to achieve access to comprehensive primary health care services for all Americans and to reform the organization of primary care delivery through an expansion of the Community Health Center and National Health Service Corps programs.

S. 491

At the request of Mr. WEBB, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay

health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 525

At the request of Mr. DORGAN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 525, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 527

At the request of Mr. THUNE, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 527, a bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 541

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 541, a bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes.

S. 546

At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. RES. 20

At the request of Mr. VOINOVICH, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

S. RES. 49

At the request of Mr. LUGAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 49, a resolution to express the sense of the Senate regarding the importance of public diplomacy.

S. RES. 71

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.

Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Conventions on Human Rights.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of Colorado:

S. 607. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing a bill to revise the 1986 law dealing with use of National Forests for ski areas in order to reflect current ways those areas are used and to provide clear authority for the Forest Service to allow additional recreational uses of those areas.

I have long thought it is in the national interest to encourage Americans to engage in outdoor recreational activities that can contribute to their health and well-being, and that National Forest lands, including ski areas, can play a role by providing opportunities for such activities.

My interest in the subject was heightened last year when representatives of the National Ski Areas Association brought to my attention the fact that the National Forest Ski Areas Permit Act of 1986. This law speaks only to "nordic and alpine skiing" and does not reflect the full spectrum of snowsports for which ski areas are now used. They described this problem as the absence of clear authority for the Forest Service to permit use of ski areas for other summer, seasonal, or year-round outdoor recreational activities and facilities in support of those activities.

To better understand the matter, I sent a letter asking the Under Secretary of Agriculture for Natural Resources and the Environment whether current law could be clearer on those points. Under Secretary Mark Rey replied that the 1986 legislation indeed did not address those matters and that, if requested, the USDA "would be happy to work with you to amend" the law to provide the Forest Service with clear authority regarding such activities and facilities.

I did request and receive technical suggestions from the Forest Service, and have considered their input as well as suggestions from the National Ski Areas Association and other interested parties in developing the bill that I introduced in the U.S. House of Representatives last year.

Today, I am introducing this bill in the Senate.

The bill intentionally uses a number of terms and phrases based on the terminology of the Forest Service's regulations, manual, or other official documents because those terms and phrases are familiar not only to the Forest Service but also to permittees and others with an interest in the management of the National Forests. Thus, as used in the bill the term "developed recreation" means recreation that occurs at an area which has been improved or developed for that purpose—such as camping in constructed campgrounds or developed opportunities for off-highway-vehicle use as well as downhill skiing. Similarly, the term "natural-resource-based recreation" is intended to have the same meaning as when used in the Forest Service manual 2300, Recreation, Wilderness, and Related Resource Management.

It also should be noted that the bill deals only with the 1986 National Forest Ski Areas Act, and would not in any way affect any other law applicable to management of the National Forests or any permits issued under any of those laws.

Ski area permits under the 1986 law do give their holders a priority with respect to commercial use of the lands subject to the permits, but they do not preclude general use of those lands by the public for compatible, non-commercial uses, and the bill would not change that. In fact, the bill does not affect the status, the duration, or any other provision of any permit already issued under the 1986 law, nor does it provide for any new permits. Instead, it makes clear that the Forest Service is authorized—but not required—to allow a current or future holder of a permit under the 1986 law to provide opportunities for additional developed recreational activities, and to place associated facilities, on the lands covered by that permit if the specified requirements are met and if the Forest Service decides it would be appropriate for that to occur.

And it would not affect any existing or future permit related to use of lands that are not subject to ski area permits under the 1986 law or in any way reduce or otherwise modify the extent to which the Forest Service can allow any particular use on any of those lands outside ski areas.

This is a narrowly-targeted bill that I think can be valuable regarding an important aspect of the management of the National Forests and in facilitating the provision of additional opportunities for seasonal and year-round recreational activities on the parts of those lands that are subject to permits under the 1986 law.

Mr. President, I ask unanimous consent that a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

OUTLINE OF THE BILL

Section 1 sets forth findings regarding the basis for the legislation, and states its purpose. The findings note that it is in the national interest to provide, and encourage Americans to take advantage of, opportunities to engage in outdoor recreational activities that can contribute to their health and well-being; that National Forests, including those areas used for skiing, can provide such opportunities during all four seasons; that increased use of ski areas for that purpose can reduce impacts on other National Forest lands; and that it is in the national interest to revise the National Forest Ski Area Permit Act. The purpose is to amend that 1986 law so as to reflect that other snowsports, in addition to nordic and alpine skiing, occur at ski areas and to clarify the Forest Service's authority to permit additional appropriate seasonal or year-round recreational uses of lands subject to permits under that law.

Section 2 would amend the National Forest Ski Area Permit Act of 1986 in three ways: (1) by replacing current language that refers only to "nordic and alpine skiing" with broader terminology to reflect that additional ski areas are also used for additional snowsports, such as snowboarding.

(2) by providing specific authority for the Forest Service to authorize the holder of a ski area permit under the 1986 law to provide additional recreational opportunities (and to have associated facilities) on lands covered by that permit. This authority is limited to activities and facilities that the Forest Service determines appropriate, that encourage outdoor recreation, and that harmonize to the natural environment to the extent practicable. The bill makes clear that the activities and facilities will be subject to such terms and conditions as the Forest Service determines appropriate. It also specifies that no activity or facility can be authorized if the agency determines that authorization would result in the primary recreational purpose of lands covered by a permit under the 1986 law would not be skiing or other snowsports.

(3) Finally, the bill would delete from the 1986 law obsolete language related to a deadline for conversion of previously-issued ski-area permits to permits under the 1986 law, while retaining the requirement that regulations be promulgated to implement that law—a requirement that will apply to the law as it would be amended by the bill.

Section 3 specifies that the bill will not affect any authority the Forest Service now has under laws other than the National Forest Ski Area Permit Act of 1986, including authority with respect to recreational activities or facilities.

By Mr. TESTER:

S. 608. A bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. TESTER. Mr. President, I rise today to introduce the Common Sense in Consumer Product Safety Act of 2009 on behalf of the folks across America who are outdoor enthusiasts and budding sportsman and women. This bill will bring a common sense approach to restrictions we place upon access to children's products.

Last fall, in response to the high lead paint content found in a number of toys and products intended for children, the Congress passed legislation to limit children's access to these dangerous products. Many of these products were imports from China and other places where consumer protection is weak or non-existent. I supported this legislation, as did 78 of my colleagues.

Today, however, we have learned that this bill has had some unintended consequences. Any product sold that is intended to be used by children up to the age of 12 must be tested and certified to not contain more than the allowable level of lead.

While the goal is admirable, it is important to inject a little common sense into the process. I want our kids and grandkids to be safe and protected from harmful toys, but we all know that most kids who are past the teething stage do not chew on their toys. It is important to enact responsible safety requirements while at the same time recognizing that overzealous restrictions can interfere with a way of life enjoyed by not just Montanans, but outdoor enthusiasts across America.

As the Vice Chairman of the Congressional Sportsmen's Caucus, I am proud to stand up for Montana's outdoor heritage at every chance. Unfortunately, the new law goes too far and limits younger Montanans' opportunities to be a part of that heritage.

My bill will protect small businesses and allow families better, safer access to the outdoors.

The current law extends to all products intended for the use of children through the age of 12. This includes ATVs, dirt bikes and other vehicles built specifically for the use of older kids and adults; the way the vehicles are built, parts that might include lead are not totally sealed away and therefore they do not pass the standard of inaccessibility required by law. As a result of this requirement, a number of ATV sales and retail establishments have halted the sale of all ATVs for kids. In an abundance of caution, they have also refused to repair any equipment intended for kids use.

I have heard from many Montanans—consumers and retail sales people alike—expressing their concern about the impact of the legislation upon outdoor motor sports. Therefore today, I am introducing this bill to designate an exception for vehicles intended to be used by children between the ages of 7 and 12.

In addition to manufacturers and merchants, thrift stores and other retail establishments are also implicated because of the wide-reaching scope of the legislation. It is possible that even holding a yard sale can lead folks astray from the new law. Therefore, my bill also removes liability for lead paint content in any product that is re-

paired or is resold by thrift stores, flea markets or at yard sales. The liability in place at the time of primary sale of these products is sufficient and it could cripple the profitability of the secondary merchants if they were to be liable for testing the products they resell or repair.

In this tough economy, second-hand resellers simply can not afford the third-party testing requirement put in place by last fall's bill. At the same time, more and more of Montana's families are finding their budgets tighten and are relying upon thrift and resale stores for toys, children's clothing and other household goods. I want to make sure that laws intended to keep our kids safe end up doing more harm than good.

I think this a very important bill, bringing a dose of common sense to the very important goal of protecting our kids from lead paint and other substances that will harm their health. I urge my colleagues to join me in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Common Sense in Consumer Product Safety Act of 2009".

SEC. 2. EXCLUSION OF SECONDARY SALES, REPAIR SERVICES, AND CERTAIN VEHICLES FROM BAN ON LEAD IN CHILDREN'S PRODUCTS.

(a) EXCLUSION OF SECONDARY SALES AND REPAIR SERVICES.—Subsection (a) of section 101 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a) is amended by adding at the end the following:

“(3) CONSTRUCTION.—

“(A) SECONDARY SALES.—The sale of a children's product described in paragraph (1) after the first retail sale of that product shall not be considered an introduction or delivery for introduction into interstate commerce under section 4(a) of the Federal Hazardous Substances Act (15 U.S.C. 1263(a)) of such product.

“(B) REPAIR SERVICES.—The repair of a children's product described in paragraph (1) shall not be considered an introduction or delivery for introduction into interstate commerce under such section 4(a) of such product.”.

(b) EXCLUSION OF CERTAIN VEHICLES.—Subsection (b) of such section 101(b) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

“(5) CERTAIN VEHICLES.—A vehicle designed or intended primarily for children 7 years of age or older shall not be considered a children's product for purposes of the prohibition in subsection (a). In determining whether a vehicle is primarily intended for a child 7 years of age or older, the factors specified in section 3(a)(2) of the Consumer Product

Safety Act (15 U.S.C. 2052(a)(2)) shall be considered except that such section shall be applied by substituting ‘7 years of age or older’ for ‘12 years of age or younger’ each place that term appears.”.

By Mr. KYL:

S. 610. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 610

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Patent Reform Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Right of the first inventor to file.
- Sec. 3. Inventor's oath or declaration.
- Sec. 4. Damages.
- Sec. 5. Post-grant review proceedings.
- Sec. 6. Definition; patent trial and appeal board.
- Sec. 7. Submissions by third parties and other quality enhancements.
- Sec. 8. Venue.
- Sec. 9. Patent and trademark office regulatory authority.
- Sec. 10. Applicant quality submissions.
- Sec. 11. Inequitable conduct.
- Sec. 12. Conversion of deadlines.
- Sec. 13. Check imaging patents.
- Sec. 14. Patent and trademark office funding.
- Sec. 15. Technical amendments.
- Sec. 16. Effective date; rule of construction.

SEC. 2. RIGHT OF THE FIRST INVENTOR TO FILE.

(a) DEFINITIONS.—Section 100 of title 35, United States Code, is amended by adding at the end the following:

“(f) The term ‘inventor’ means the individual or, if a joint invention, the individuals collectively who invented or discovered the subject matter of the invention.

“(g) The terms ‘joint inventor’ and ‘co-inventor’ mean any 1 of the individuals who invented or discovered the subject matter of a joint invention.

“(h) The ‘effective filing date of a claimed invention’ is—

“(1) the filing date of the patent or the application for patent containing the claim to the invention; or

“(2) if the patent or application for patent is entitled to a right of priority of any other application under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date in the United States under section 120, 121, or 365(c), the filing date of the earliest such application in which the claimed invention is disclosed in the manner provided by the first paragraph of section 112.

“(i) The term ‘claimed invention’ means the subject matter defined by a claim in a patent or an application for a patent.”.

(b) CONDITIONS FOR PATENTABILITY.—

(1) IN GENERAL.—Section 102 of title 35, United States Code, is amended to read as follows:

“§ 102. Conditions for patentability; novelty

“(a) NOVELTY; PRIOR ART.—A patent for a claimed invention may not be obtained if—

“(1) the claimed invention was patented, described in a printed publication, or otherwise made available to the public (other than through testing undertaken to reduce the invention to practice)—

“(A) more than 1 year before the effective filing date of the claimed invention; or

“(B) 1 year or less before the effective filing date of the claimed invention, other than through disclosures made by the inventor or a joint inventor or by others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

“(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

“(b) EXCEPTIONS.—

“(1) PRIOR INVENTOR DISCLOSURE EXCEPTION.—Subject matter that would otherwise qualify as prior art based upon a disclosure under subparagraph (B) of subsection (a)(1) shall not be prior art to a claimed invention under that subparagraph if the subject matter had, before such disclosure, been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor.

“(2) DERIVATION, PRIOR DISCLOSURE, AND COMMON ASSIGNMENT EXCEPTIONS.—Subject matter that would otherwise qualify as prior art only under subsection (a)(2), after taking into account the exception under paragraph (1), shall not be prior art to a claimed invention if—

“(A) the subject matter was obtained directly or indirectly from the inventor or a joint inventor;

“(B) the subject matter had been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed, directly or indirectly, from the inventor or a joint inventor before the effective filing date of the application or patent set forth under subsection (a)(2); or

“(C) the subject matter and the claimed invention, not later than the effective filing date of the claimed invention, were owned by the same person or subject to an obligation of assignment to the same person.

“(3) JOINT RESEARCH AGREEMENT EXCEPTION.—

“(A) IN GENERAL.—Subject matter and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person in applying the provisions of paragraph (2) if—

“(i) the subject matter and the claimed invention were made by or on behalf of 1 or more parties to a joint research agreement that was in effect on or before the effective filing date of the claimed invention;

“(ii) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

“(iii) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

“(B) For purposes of subparagraph (A), the term ‘joint research agreement’ means a written contract, grant, or cooperative agreement entered into by 2 or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.

“(4) PATENTS AND PUBLISHED APPLICATIONS EFFECTIVELY FILED.—A patent or application

for patent is effectively filed under subsection (a)(2) with respect to any subject matter described in the patent or application—

“(A) as of the filing date of the patent or the application for patent; or

“(B) if the patent or application for patent is entitled to claim a right of priority under section 119, 365(a), or 365(b) or to claim the benefit of an earlier filing date under section 120, 121, or 365(c), based upon 1 or more prior filed applications for patent, as of the filing date of the earliest such application that describes the subject matter.”.

(2) CONFORMING AMENDMENT.—The item relating to section 102 in the table of sections for chapter 10 of title 35, United States Code, is amended to read as follows:

“102. Conditions for patentability; novelty.”.

(c) CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER.—Section 103 of title 35, United States Code, is amended to read as follows:

“§ 103. Conditions for patentability; non-obvious subject matter

“A patent for a claimed invention may not be obtained though the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.”.

(d) REPEAL OF REQUIREMENTS FOR INVENTIONS MADE ABROAD.—Section 104 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 10 of title 35, United States Code, are repealed.

(e) REPEAL OF STATUTORY INVENTION REGISTRATION.—

(1) IN GENERAL.—Section 157 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 14 of title 35, United States Code, are repealed.

(2) REMOVAL OF CROSS REFERENCES.—Section 111(b)(8) of title 35, United States Code, is amended by striking “sections 115, 131, 135, and 157” and inserting “sections 131 and 135”.

(f) EARLIER FILING DATE FOR INVENTOR AND JOINT INVENTOR.—Section 120 of title 35, United States Code, is amended by striking “which is filed by an inventor or inventors named” and inserting “which names an inventor or joint inventor”.

(g) CONFORMING AMENDMENTS.—

(1) RIGHT OF PRIORITY.—Section 172 of title 35, United States Code, is amended by striking “and the time specified in section 102(d)”.

(2) LIMITATION ON REMEDIES.—Section 287(c)(4) of title 35, United States Code, is amended by striking “the earliest effective filing date of which is prior to” and inserting “which has an effective filing date before”.

(3) INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES: EFFECT.—Section 363 of title 35, United States Code, is amended by striking “except as otherwise provided in section 102(e) of this title”.

(4) PUBLICATION OF INTERNATIONAL APPLICATION: EFFECT.—Section 374 of title 35, United States Code, is amended by striking “sections 102(e) and 154(d)” and inserting “section 154(d)”.

(5) PATENT ISSUED ON INTERNATIONAL APPLICATION: EFFECT.—The second sentence of section 375(a) of title 35, United States Code, is amended by striking “Subject to section

102(e) of this title, such” and inserting “Such”.

(6) LIMIT ON RIGHT OF PRIORITY.—Section 119(a) of title 35, United States Code, is amended by striking “; but no patent shall be granted” and all that follows through “one year prior to such filing”.

(7) INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Section 202(c) of title 35, United States Code, is amended—

(A) in paragraph (2)—

(i) by striking “publication, on sale, or public use,” and all that follows through “obtained in the United States” and inserting “the 1-year period referred to in section 102(a) would end before the end of that 2-year period”; and

(ii) by striking “the statutory” and inserting “that 1-year”; and

(B) in paragraph (3), by striking “any statutory bar date that may occur under this title due to publication, on sale, or public use” and inserting “the expiration of the 1-year period referred to in section 102(a)”.

(h) REPEAL OF INTERFERING PATENT REMEDIES.—Section 291 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 29 of title 35, United States Code, are repealed.

(i) ACTION FOR CLAIM TO PATENT ON DERIVED INVENTION.—Section 135(a) of title 35, United States Code, is amended to read as follows:

“(a) DISPUTE OVER RIGHT TO PATENT.—

“(1) INSTITUTION OF DERIVATION PROCEEDING.—An applicant may request initiation of a derivation proceeding to determine the right of the applicant to a patent by filing a request which sets forth with particularity the basis for finding that an earlier applicant derived the claimed invention from the applicant requesting the proceeding and, without authorization, filed an application claiming such invention. Any such request may only be made within 1 year after the date of first publication of an application or of the issuance of a patent, whichever is earlier, containing a claim that is the same or is substantially the same as the claimed invention, must be made under oath, and must be supported by substantial evidence. Whenever the Director determines that patents or applications for patent naming different individuals as the inventor interfere with one another because of a dispute over the right to patent under section 101, the Director shall institute a derivation proceeding for the purpose of determining which applicant is entitled to a patent.

“(2) DETERMINATION BY PATENT TRIAL AND APPEAL BOARD.—In any proceeding under this subsection, the Patent Trial and Appeal Board—

“(A) shall determine the question of the right to patent;

“(B) in appropriate circumstances, may correct the naming of the inventor in any application or patent at issue; and

“(C) shall issue a final decision on the right to patent.

“(3) DERIVATION PROCEEDING.—The Board may defer action on a request to initiate a derivation proceeding until 3 months after the date on which the Director issues a patent to the applicant whose application has the earlier effective filing date of the commonly claimed invention.

“(4) EFFECT OF FINAL DECISION.—The final decision of the Patent Trial and Appeal Board, if adverse to the claim of an applicant, shall constitute the final refusal by the United States Patent and Trademark Office on the claims involved. The Director may issue a patent to an applicant who is determined by the Patent Trial and Appeal Board

to have the right to patent. The final decision of the Board, if adverse to a patentee, shall, if no appeal or other review of the decision has been or can be taken or had, constitute cancellation of the claims involved in the patent, and notice of such cancellation shall be endorsed on copies of the patent distributed after such cancellation by the United States Patent and Trademark Office."

(j) **ELIMINATION OF REFERENCES TO INTERFERENCES.**—(1) Sections 6, 41, 134, 141, 145, 146, 154, 305, and 314 of title 35, United States Code, are each amended by striking "Board of Patent Appeals and Interferences" each place it appears and inserting "Patent Trial and Appeal Board".

(2) Sections 141, 146, and 154 of title 35, United States Code, are each amended—

(A) by striking "an interference" each place it appears and inserting "a derivation proceeding"; and

(B) by striking "interference" each additional place it appears and inserting "derivation proceeding".

(3) The section heading for section 134 of title 35, United States Code, is amended to read as follows:

"§ 134. Appeal to the Patent Trial and Appeal Board".

(4) The section heading for section 135 of title 35, United States Code, is amended to read as follows:

"§ 135. Derivation proceedings".

(5) The section heading for section 146 of title 35, United States Code, is amended to read as follows:

"§ 146. Civil action in case of derivation proceeding".

(6) Section 154(b)(1)(C) of title 35, United States Code, is amended by striking "INTERFERENCES" and inserting "DERIVATION PROCEEDINGS".

(7) The item relating to section 6 in the table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

"6. Patent Trial and Appeal Board."

(8) The items relating to sections 134 and 135 in the table of sections for chapter 12 of title 35, United States Code, are amended to read as follows:

"134. Appeal to the Patent Trial and Appeal Board.

"135. Derivation proceedings."

(9) The item relating to section 146 in the table of sections for chapter 13 of title 35, United States Code, is amended to read as follows:

"146. Civil action in case of derivation proceeding."

(10) **CERTAIN APPEALS.**—Section 1295(a)(4)(A) of title 28, United States Code, is amended to read as follows:

"(A) the Patent Trial and Appeal Board of the United States Patent and Trademark Office with respect to patent applications, derivation proceedings, and post-grant review proceedings, at the instance of an applicant for a patent or any party to a patent interference (commenced before the effective date of the Patent Reform Act of 2009), derivation proceeding, or post-grant review proceeding, and any such appeal shall waive any right of such applicant or party to proceed under section 145 or 146 of title 35;"

SEC. 3. INVENTOR'S OATH OR DECLARATION.

(a) **INVENTOR'S OATH OR DECLARATION.**—

(1) **IN GENERAL.**—Section 115 of title 35, United States Code, is amended to read as follows:

"§ 115. Inventor's oath or declaration

"(a) **NAMING THE INVENTOR; INVENTOR'S OATH OR DECLARATION.**—An application for

patent that is filed under section 111(a) or that commences the national stage under section 371 (including an application under section 111 that is filed by an inventor for an invention for which an application has previously been filed under this title by that inventor) shall include, or be amended to include, the name of the inventor of any claimed invention in the application. Except as otherwise provided in this section, an individual who is the inventor or a joint inventor of a claimed invention in an application for patent shall execute an oath or declaration in connection with the application.

"(b) **REQUIRED STATEMENTS.**—An oath or declaration under subsection (a) shall contain statements that—

"(1) the application was made or was authorized to be made by the affiant or declarant; and

"(2) such individual believes himself or herself to be the original inventor or an original joint inventor of a claimed invention in the application.

"(c) **ADDITIONAL REQUIREMENTS.**—The Director may specify additional information relating to the inventor and the invention that is required to be included in an oath or declaration under subsection (a).

"(d) **SUBSTITUTE STATEMENT.**—

"(1) **IN GENERAL.**—In lieu of executing an oath or declaration under subsection (a), the applicant for patent may provide a substitute statement under the circumstances described in paragraph (2) and such additional circumstances that the Director may specify by regulation.

"(2) **PERMITTED CIRCUMSTANCES.**—A substitute statement under paragraph (1) is permitted with respect to any individual who—

"(A) is unable to file the oath or declaration under subsection (a) because the individual—

"(i) is deceased;

"(ii) is under legal incapacity; or

"(iii) cannot be found or reached after diligent effort; or

"(B) is under an obligation to assign the invention but has refused to make the oath or declaration required under subsection (a).

"(3) **CONTENTS.**—A substitute statement under this subsection shall—

"(A) identify the individual with respect to whom the statement applies;

"(B) set forth the circumstances representing the permitted basis for the filing of the substitute statement in lieu of the oath or declaration under subsection (a); and

"(C) contain any additional information, including any showing, required by the Director.

"(e) **MAKING REQUIRED STATEMENTS IN ASSIGNMENT OF RECORD.**—An individual who is under an obligation of assignment of an application for patent may include the required statements under subsections (b) and (c) in the assignment executed by the individual, in lieu of filing such statements separately.

"(f) **TIME FOR FILING.**—A notice of allowance under section 151 may be provided to an applicant for patent only if the applicant for patent has filed each required oath or declaration under subsection (a) or has filed a substitute statement under subsection (d) or recorded an assignment meeting the requirements of subsection (e).

"(g) **EARLIER-FILED APPLICATION CONTAINING REQUIRED STATEMENTS OR SUBSTITUTE STATEMENT.**—The requirements under this section shall not apply to an individual with respect to an application for patent in which the individual is named as the inventor or a joint inventor and that claims

the benefit under section 120 or 365(c) of the filing of an earlier-filed application, if—

"(1) an oath or declaration meeting the requirements of subsection (a) was executed by the individual and was filed in connection with the earlier-filed application;

"(2) a substitute statement meeting the requirements of subsection (d) was filed in the earlier filed application with respect to the individual; or

"(3) an assignment meeting the requirements of subsection (e) was executed with respect to the earlier-filed application by the individual and was recorded in connection with the earlier-filed application.

"(h) **SUPPLEMENTAL AND CORRECTED STATEMENTS; FILING ADDITIONAL STATEMENTS.**—

"(1) **IN GENERAL.**—Any person making a statement required under this section may withdraw, replace, or otherwise correct the statement at any time. If a change is made in the naming of the inventor requiring the filing of 1 or more additional statements under this section, the Director shall establish regulations under which such additional statements may be filed.

"(2) **SUPPLEMENTAL STATEMENTS NOT REQUIRED.**—If an individual has executed an oath or declaration under subsection (a) or an assignment meeting the requirements of subsection (e) with respect to an application for patent, the Director may not thereafter require that individual to make any additional oath, declaration, or other statement equivalent to those required by this section in connection with the application for patent or any patent issuing thereon.

"(3) **SAVINGS CLAUSE.**—No patent shall be invalid or unenforceable based upon the failure to comply with a requirement under this section if the failure is remedied as provided under paragraph (1).

"(i) **ACKNOWLEDGMENT OF PENALTIES.**—Any declaration or statement filed pursuant to this section shall contain an acknowledgment that any willful false statement made in such declaration or statement is punishable under section 1001 of title 18 by fine or imprisonment of not more than 5 years, or both."

(2) **RELATIONSHIP TO DIVISIONAL APPLICATIONS.**—Section 121 of title 35, United States Code, is amended by striking "If a divisional application" and all that follows through "inventor."

(3) **REQUIREMENTS FOR NONPROVISIONAL APPLICATIONS.**—Section 111(a) of title 35, United States Code, is amended—

(A) in paragraph (2)(C), by striking "by the applicant" and inserting "or declaration";

(B) in the heading for paragraph (3), by striking "AND OATH"; and

(C) by striking "and oath" each place it appears.

(4) **CONFORMING AMENDMENT.**—The item relating to section 115 in the table of sections for chapter 10 of title 35, United States Code, is amended to read as follows:

"115. Inventor's oath or declaration."

(b) **FILING BY OTHER THAN INVENTOR.**—Section 118 of title 35, United States Code, is amended to read as follows:

"§ 118. Filing by other than inventor

"A person to whom the inventor has assigned or is under an obligation to assign the invention may make an application for patent. A person who otherwise shows sufficient proprietary interest in the matter may make an application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is appropriate to preserve the rights of the parties. If the Director grants a patent on an application filed under this section by a person

other than the inventor, the patent shall be granted to the real party in interest and upon such notice to the inventor as the Director considers to be sufficient."

(c) SPECIFICATION.—Section 112 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking "The specification" and inserting "(a) IN GENERAL.—The specification"; and

(B) by striking ", and shall set forth" and all that follows through "his invention"; and

(2) in the second paragraph—

(A) by striking "The specifications" and inserting "(b) CONCLUSION.—The specifications"; and

(B) by striking "applicant regards as his invention" and inserting "inventor or a joint inventor regards as the invention";

(3) in the third paragraph, by striking "A claim" and inserting "(c) FORM.—A claim";

(4) in the fourth paragraph, by striking "Subject to the following paragraph," and inserting "(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e).";

(5) in the fifth paragraph, by striking "A claim" and inserting "(e) REFERENCE IN MULTIPLE DEPENDENT FORM.—A claim"; and

(6) in the last paragraph, by striking "An element" and inserting "(f) ELEMENT IN CLAIM FOR A COMBINATION.—An element".

SEC. 4. DAMAGES.

(a) DAMAGES.—Section 284 of title 35, United States Code, is amended to read as follows:

"§ 284. Damages

"(a) IN GENERAL.—

"(1) COMPENSATORY DAMAGES.—Upon finding for a claimant, the court shall award the claimant damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by the infringer, together with interest and costs as determined by the court.

"(2) INCREASED DAMAGES.—When the damages are not found by a jury, the court shall assess them. In either event the court may increase the damages up to 3 times the amount found or assessed. Increased damages under this paragraph shall not apply to provisional rights under section 154(d) of this title.

"(3) LIMITATION.—Subsections (b) through (h) of this section apply only to the determination of the amount of reasonable royalty and shall not apply to the determination of other types of damages.

"(b) HYPOTHETICAL NEGOTIATION.—For purposes of this section, the term 'reasonable royalty' means the amount that the infringer would have agreed to pay and the claimant would have agreed to accept if the infringer and claimant had voluntarily negotiated a license for use of the invention at the time just prior to when the infringement began. The court or the jury, as the case may be, shall assume that the infringer and claimant would have agreed that the patent is valid, enforceable, and infringed.

"(c) APPROPRIATE FACTORS.—The court or the jury, as the case may be, may consider any factors that are relevant to the determination of the amount of a reasonable royalty.

"(d) COMPARABLE PATENTS.—

"(1) IN GENERAL.—The amount of a reasonable royalty shall not be determined by comparison to royalties paid for patents other than the patent in suit unless—

"(A) such other patents are used in the same or an analogous technological field;

"(B) such other patents are found to be economically comparable to the patent in suit; and

"(C) evidence of the value of such other patents is presented in conjunction with or as confirmation of other evidence for determining the amount of a reasonable royalty.

"(2) FACTORS.—Factors that may be considered to determine whether another patent is economically comparable to the patent in suit under paragraph (1)(A) include whether—

"(A) the other patent is comparable to the patent in suit in terms of the overall significance of the other patent to the product or process licensed under such other patent; and

"(B) the product or process that uses the other patent is comparable to the infringing product or process based upon its profitability or a like measure of value.

"(e) FINANCIAL CONDITION.—The financial condition of the infringer as of the time of the trial shall not be relevant to the determination of the amount of a reasonable royalty.

"(f) SEQUENCING.—Either party may request that a patent-infringement trial be sequenced so that the court or the jury, as the case may be, decides questions of the patent's infringement and validity before the issue of the amount of a reasonable royalty is presented to the court or the jury, as the case may be. The court shall grant such a request absent good cause to reject the request, such as the absence of issues of significant damages or infringement and validity. The sequencing of a trial pursuant to this subsection shall not affect other matters, such as the timing of discovery.

"(g) EXPERTS.—In addition to the expert disclosure requirements under rule 26(a)(2) of the Federal Rules of Civil Procedure, a party that intends to present the testimony of an expert relating to the amount of a reasonable royalty shall provide—

"(1) to the other parties to that civil action, the expert report relating to damages, including all data and other information considered by the expert in forming the opinions of the expert; and

"(2) to the court, at the same time as to the other parties, the complete statement of all opinions that the expert will express and the basis and reasons for those opinions.

"(h) JURY INSTRUCTIONS.—On the motion of any party and after allowing any other party to the civil action a reasonable opportunity to be heard, the court shall determine whether there is no legally sufficient evidence to support 1 or more of the contentions of a party relating to the amount of a reasonable royalty. The court shall identify for the record those factors that are supported by legally sufficient evidence, and shall instruct the jury to consider only those factors when determining the amount of a reasonable royalty. The jury may not consider any factor for which legally sufficient evidence has not been admitted at trial."

(b) TESTIMONY BY EXPERTS.—Chapter 29 of title 35, United States Code, is amended by adding at the end the following:

"§ 298. Testimony by experts

"(a) FEDERAL RULE.—In a patent case, the court shall ensure that the testimony of a witness qualified as an expert by knowledge, skill, experience, training, or education meets the requirements set forth in rule 702 of the Federal Rules of Evidence.

"(b) DETERMINATION OF RELIABILITY.—To determine whether an expert's principles and methods are reliable, the court may consider, among other factors—

"(1) whether the expert's theory or technique can be or has been tested;

"(2) whether the theory or technique has been subjected to peer review and publication;

"(3) the known or potential error rate of the theory or technique, and the existence and maintenance of standards controlling the technique's operation;

"(4) the degree of acceptance of the theory or technique within the relevant scientific or specialized community;

"(5) whether the theory or technique is employed independently of litigation; or

"(6) whether the expert has adequately considered or accounted for readily available alternative theories or techniques.

"(c) REQUIRED EXPLANATION.—The court shall explain its reasons for allowing or barring the introduction of an expert's proposed testimony under this section."

SEC. 5. POST-GRANT REVIEW PROCEEDINGS.

(a) REEXAMINATION.—Section 303(a) of title 35, United States Code, is amended to read as follows:

"(a) Within 3 months after the owner of a patent files a request for reexamination under section 302, the Director shall determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office."

(b) REPEAL OF OPTIONAL INTER PARTES REEXAMINATION PROCEDURES.—

(1) IN GENERAL.—Sections 311, 312, 313, 314, 315, 316, 317, and 318 of title 35, United States Code, and the items relating to those sections in the table of sections, are repealed.

(2) EFFECTIVE DATE.—Notwithstanding paragraph (1), the provisions of sections 311, 312, 313, 314, 315, 316, 317, and 318 of title 35, United States Code, shall continue to apply to any inter partes reexamination determination request filed on or before the effective date of subsection (c).

(c) POST-GRANT REVIEW PROCEEDINGS.—Part III of title 35, United States Code, is amended by adding at the end the following:

"CHAPTER 32—POST-GRANT REVIEW PROCEEDINGS

"Sec.

"321. Petition for post-grant review.

"322. Relation to other proceedings or actions.

"323. Requirements of petition.

"324. Publication and public availability of petition.

"325. Consolidation or stay of proceedings.

"326. Submission of additional information.

"327. Institution of post-grant review proceedings.

"328. Determination not appealable.

"329. Conduct of post-grant review proceedings.

"330. Patent owner response.

"331. Proof and evidentiary standards.

"332. Amendment of the patent.

"333. Settlement.

"334. Decision of the board.

"335. Effect of decision.

"336. Appeal.

"§ 321. Petition for post-grant review

"(a) IN GENERAL.—Subject to the provisions of this chapter, a person who has a substantial economic interest adverse to a patent may file with the Office a petition to institute a post-grant review proceeding for that patent. If instituted, such a proceeding shall be deemed to be either a first-period proceeding or a second-period proceeding.

The Director shall establish, by regulation, fees to be paid by the person requesting the proceeding, in such amounts as the Director determines to be reasonable, considering the aggregate costs of the post-grant review proceeding and the status of the petitioner.

“(b) **FIRST-PERIOD PROCEEDING.**—

“(1) **SCOPE.**—A petitioner in a first-period proceeding may request to cancel as unpatentable 1 or more claims of a patent on any ground that could be raised under paragraph (2) or (3) of section 282(b) (relating to invalidity of the patent or any claim).

“(2) **FILING DEADLINE.**—A petition for a first-period proceeding shall be filed not later than 9 months after the grant of the patent or issuance of a reissue patent.

“(c) **SECOND-PERIOD PROCEEDING.**—

“(1) **SCOPE.**—A petitioner in a second-period proceeding may request to cancel as unpatentable 1 or more claims of a patent only on a ground that could be raised under section 102 or 103 and only on the basis of prior art consisting of patents or printed publications.

“(2) **FILING DEADLINE.**—A petition for a second-period proceeding shall be filed after the later of either—

“(A) 9 months after the grant of a patent or issuance of a reissue of a patent; or

“(B) if a first-period proceeding is instituted under section 327, the date of the termination of such first-period proceeding.

“**§ 322. Relation to other proceedings or actions**

“(a) **EARLY ACTIONS.**—A first-period proceeding may not be instituted until after a civil action alleging infringement of the patent is finally concluded if—

“(1) the infringement action is filed within 3 months after the grant of the patent;

“(2) a stay of the proceeding is requested by the patent owner;

“(3) the Director determines that the infringement action is likely to address the same or substantially the same questions of patentability that would be addressed in the proceeding; and

“(4) the Director determines that a stay of the proceeding would not be contrary to the interests of justice.

“(b) **PENDING CIVIL ACTIONS.**—

“(1) **INFRINGEMENT'S ACTION.**—A post-grant review proceeding may not be instituted or maintained if the petitioner or real party in interest has filed a civil action challenging the validity of a claim of the patent.

“(2) **PATENT OWNER'S ACTION.**—A second-period proceeding may not be instituted if the petition requesting the proceeding is filed more than 3 months after the date on which the petitioner, real party in interest, or his privy is required to respond to a civil action alleging infringement of the patent.

“(3) **STAY OR DISMISSAL.**—The Director may stay or dismiss a second-period proceeding if the petitioner or real party in interest challenges the validity of a claim of the patent in a civil action.

“(c) **DUPLICATIVE PROCEEDINGS.**—

“(1) **PROHIBITION ON POST-GRANT REVIEW AND REEXAMINATION PROCEEDINGS.**—A post-grant review or reexamination proceeding may not be instituted if the petition requesting the proceeding identifies the same petitioner or real party in interest and the same patent as a previous petition requesting a post-grant review proceeding.

“(2) **PROHIBITION ON FIRST-PERIOD PROCEEDINGS.**—A first-period proceeding may not be instituted if the petition requests cancellation of a claim in a reissue patent that is identical to or narrower than a claim in the original patent from which the reissue

patent was issued, and the time limitations in section 321(b)(2) would bar filing a post-grant review petition for such original patent.

“(d) **ESTOPPEL.**—The petitioner in any post-grant review proceeding under this chapter may not request or maintain a proceeding before the Office with respect to a claim, or assert either in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission that a claim in a patent is invalid, on any ground that—

“(1) the petitioner, real party in interest, or his privy raised during a post-grant review proceeding resulting in a final decision under section 334; or

“(2) the petitioner, real party in interest, or his privy could have raised during a second-period proceeding resulting in a final decision under section 334.

“**§ 323. Requirements of petition**

“A petition filed under section 321 may be considered only if—

“(1) the petition is accompanied by payment of the fee established by the Director under section 321;

“(2) the petition identifies all real parties in interest;

“(3) the petition identifies, in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for each challenged claim, including—

“(A) copies of patents and printed publications that the petitioner relies upon in support of the petition; and

“(B) affidavits or declarations of supporting evidence and opinions, if the petitioner relies on other factual evidence or on expert opinions;

“(4) the petition provides such other information as the Director may require by regulation; and

“(5) the petitioner provides copies of any of the documents required under paragraphs (3) and (4) to the patent owner or, if applicable, the designated representative of the patent owner.

“**§ 324. Publication and public availability of petition**

“(a) **IN GENERAL.**—As soon as practicable after the receipt of a petition under section 321, the Director shall—

“(1) publish the petition in the Federal Register; and

“(2) make that petition available on the website of the United States Patent and Trademark Office.

“(b) **PUBLIC AVAILABILITY.**—The file of any proceeding under this chapter shall be made available to the public except that any petition or document filed with the intent that it be sealed shall be accompanied by a motion to seal. Such petition or document shall be treated as sealed, pending the outcome of the ruling on the motion. Failure to file a motion to seal will result in the pleadings being placed in the public record.

“**§ 325. Consolidation or stay of proceedings**

“(a) **FIRST-PERIOD PROCEEDINGS.**—If more than 1 petition for a first-period proceeding is properly filed against the same patent and the Director determines that more than 1 of these petitions warrants the instituting of a first-period proceeding under section 327, the Director shall consolidate such proceedings into a single first-period proceeding.

“(b) **SECOND-PERIOD PROCEEDINGS.**—If the Director institutes a second-period proceeding, the Director, in his discretion, may join as a party to that second-period pro-

ceeding any person who properly files a petition under section 321 that the Director, after receiving a preliminary response under section 330 or the expiration of the time for filing such a response, determines warrants the instituting of a second-period proceeding under section 327.

“(c) **OTHER PROCEEDINGS.**—Notwithstanding sections 135(a), 251, and 252, and chapter 30, during the pendency of any post-grant review proceeding the Director may determine the manner in which any proceeding or matter involving the patent that is before the Office may proceed, including providing for stay, transfer, consolidation, or termination of any such proceeding or matter.

“**§ 326. Submission of additional information**

“A petitioner under this chapter shall file such additional information with respect to the petition as the Director may require by regulation.

“**§ 327. Institution of post-grant review proceedings**

“(a) **THRESHOLD.**—The Director may not authorize a post-grant review proceeding to commence unless the Director determines that the information presented in the petition, if such information is not rebutted, would provide a sufficient basis to conclude that at least 1 of the claims challenged in the petition is unpatentable.

“(b) **ADDITIONAL GROUNDS.**—In the case of a petition for a first-period proceeding, the determination required under subsection (a) may be satisfied by a showing that the petition raises a novel or unsettled legal question that is important to other patents or patent applications.

“(c) **SUCCESSIVE PETITIONS.**—The Director may not institute an additional second-period proceeding if a prior second-period proceeding has been instituted and the time period established under section 329(b)(2) for requesting joinder under section 325(b) has expired, unless the Director determines that—

“(1) the additional petition satisfies the requirements under subsection (a); and

“(2) either—

“(A) the additional petition presents exceptional circumstances; or

“(B) such an additional proceeding is reasonably required in the interests of justice.

“(d) **TIMING.**—The Director shall determine whether to institute a post-grant review proceeding under this chapter within 3 months after receiving a preliminary response under section 330 or the expiration of the time for filing such a response.

“(e) **NOTICE.**—The Director shall notify the petitioner and patent owner, in writing, of the Director's determination under subsection (a). The Director shall publish each notice of institution of a post-grant review proceeding in the Federal Register and make such notice available on the website of the United States Patent and Trademark Office. Such notice shall list the date on which the proceeding shall commence.

“**§ 328. Determination not appealable**

“The determination by the Director regarding whether to institute a post-grant review proceeding under section 327 shall not be appealable.

“**§ 329. Conduct of post-grant review proceedings**

“(a) **IN GENERAL.**—The Director shall prescribe regulations—

“(1) in accordance with section 2(b)(2), establishing and governing post-grant review proceedings under this chapter and their relationship to other proceedings under this title;

“(2) for setting forth the standards for showings of sufficient grounds to institute a proceeding under section 321(a) and subsections (a), (b), and (c) of section 327;

“(3) providing for the publication in the Federal Register all requests for the institution of post-grant proceedings;

“(4) establishing procedures for the submission of supplemental information after the petition is filed; and

“(5) setting forth procedures for discovery of relevant evidence, including that such discovery shall be limited to evidence directly related to factual assertions advanced by either party in the proceeding.

“(b) POST-GRANT REVIEW REGULATIONS.—The regulations required under subsection (a)(1) shall—

“(1) require that the final determination in any post-grant review proceeding be issued not later than 1 year after the date on which the Director notices the institution of a post-grant proceeding under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months, and may adjust the time periods in this paragraph in the case of joinder under section 325(b);

“(2) set a time period for requesting joinder under section 325(b);

“(3) allow for discovery upon order of the Director, provided that in a second-period proceeding discovery shall be limited to—

“(A) the deposition of witnesses submitting affidavits or declarations; and

“(B) what is otherwise necessary in the interest of justice;

“(4) prescribe sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or unnecessary increase in the cost of the proceeding;

“(5) provide for protective orders governing the exchange and submission of confidential information;

“(6) ensure that any information submitted by the patent owner in support of any amendment entered under section 332 is made available to the public as part of the prosecution history of the patent; and

“(7) provide either party with the right to an oral hearing as part of the proceeding.

“(c) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect on the economy, the integrity of the patent system, and the efficient administration of the Office.

“(d) CONDUCT OF PROCEEDING.—The Patent Trial and Appeal Board shall, in accordance with section 6(b), conduct each proceeding authorized by the Director.

“§ 330. Patent owner response

“(a) PRELIMINARY RESPONSE.—If a post-grant review petition is filed under section 321, the patent owner shall have the right to file a preliminary response—

“(1) in the case of a first-period proceeding, within 2 months of the expiration of the time for filing a petition for a first-period proceeding; and

“(2) in the case of a second-period proceeding, within a time period set by the Director.

“(b) CONTENT OF RESPONSE.—A preliminary response to a petition for a post-grant review proceeding shall set forth reasons why no post-grant review proceeding should be instituted based upon the failure of the petition to meet any requirement of this chapter.

“(c) ADDITIONAL RESPONSE.—After a post-grant review proceeding under this chapter has been instituted with respect to a patent, the patent owner shall have the right to file, within a time period set by the Director, a

response to the petition. The patent owner shall file with the response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response.

“§ 331. Proof and evidentiary standards

“(a) IN GENERAL.—The presumption of validity set forth in section 282 of this title shall apply in post-grant review proceedings instituted under this chapter.

“(b) BURDEN OF PROOF.—The petitioner shall have the burden of proving a proposition of invalidity by a preponderance of the evidence in a first-period proceeding and by clear and convincing evidence in a second-period proceeding.

“§ 332. Amendment of the patent

“(a) IN GENERAL.—During a post-grant review proceeding instituted under this chapter, the patent owner may file 1 motion to amend the patent in 1 or more of the following ways:

“(1) Cancel any challenged patent claim.

“(2) For each challenged claim, propose a reasonable number of substitute claims.

“(b) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted upon the joint request of the petitioner and the patent owner to materially advance the settlement of a proceeding under section 333, or upon the request of the patent owner for good cause shown.

“(c) SCOPE OF CLAIMS.—An amendment under this section may not enlarge the scope of the claims of the patent or introduce new matter.

“§ 333. Settlement

“(a) IN GENERAL.—A post-grant review proceeding instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the matter before the request for termination is filed. If the post-grant review proceeding is terminated with respect to a petitioner under this section, no estoppel under this chapter shall apply to that petitioner. If no petitioner remains in the post-grant review proceeding, the Office may terminate the post-grant review proceeding or proceed to a final written decision under section 334.

“(b) AGREEMENTS IN WRITING.—Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of a post-grant review proceeding under this section shall be in writing and a true copy of such agreement or understanding shall be filed in the United States Patent and Trademark Office before the termination of the post-grant review proceeding as between the parties to the agreement or understanding. If any party filing such agreement or understanding so requests, the copy shall be kept separate from the file of the post-grant review proceeding, and shall be made available only to Federal Government agencies upon written request, or to any other person on a showing of good cause.

“§ 334. Decision of the board

“If the post-grant review proceeding is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision with respect to the patentability of any patent claim challenged and any new claim added under section 332.

“§ 335. Effect of decision

“If the Patent Trial and Appeal Board issues a final decision under section 334 and

the time for appeal has expired or any appeal proceeding has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable and incorporating in the patent by operation of the certificate any new claim determined to be patentable.

“§ 336. Appeal

“A party dissatisfied with the final determination of the Patent Trial and Appeal Board in a post-grant review proceeding instituted under this chapter may appeal the determination under sections 141 through 144. Any party to the post-grant review proceeding shall have the right to be a party to the appeal.”

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 35, United States Code, is amended by adding at the end the following:

“32. Post-Grant Review Proceedings 321.”

(e) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Under Secretary of Commerce for Intellectual Property and the Director of the United States Patent and Trademark Office (in this subsection referred to as the “Director”) shall, not later than the date that is 1 year after the date of the enactment of this Act, issue regulations to carry out chapter 32 of title 35, United States Code, as added by subsection (c) of this section.

(2) APPLICABILITY.—The amendments made by subsection (c) shall take effect on the date that is 1 year after the date of the enactment of this Act and shall apply only to patents issued on or after that date, except that, in the case of a patent issued before the effective date of subsection (c) on an application filed between September 15, 1999 and the effective date of subsection (c), a petition for second-period review may be filed.

(3) PENDING INTERFERENCES.—The Director shall determine the procedures under which interferences commenced before the effective date under paragraph (2) are to proceed, including whether any such interference is to be dismissed without prejudice to the filing of a petition for a post-grant review proceeding under chapter 32 of title 35, United States Code, or is to proceed as if this Act had not been enacted. The Director shall include such procedures in regulations issued under paragraph (1).

SEC. 6. DEFINITION; PATENT TRIAL AND APPEAL BOARD.

(a) DEFINITION.—Section 100 of title 35, United States Code, as amended by section 2 of this Act, is further amended in subsection (e), by striking “or inter partes reexamination under section 311”.

(b) PATENT TRIAL AND APPEAL BOARD.—Section 6 of title 35, United States Code, is amended to read as follows:

“§ 6. Patent trial and appeal board

“(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board. The administrative patent judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Secretary. Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Board of Patent Appeals and Interferences is deemed to refer to the Patent Trial and Appeal Board.

“(b) DUTIES.—The Patent Trial and Appeal Board shall—

“(1) on written appeal of an applicant, review adverse decisions of examiners upon application for patents;

“(2) on written appeal of a patent owner, review adverse decisions of examiners upon patents in reexamination proceedings under chapter 30;

“(3) determine priority and patentability of invention in derivation proceedings under subsection 135(a); and

“(4) conduct post-grant review proceedings under chapter 32.

Each appeal, derivation, and post-grant review proceeding shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director. Only the Patent Trial and Appeal Board may grant rehearings.”

SEC. 7. SUBMISSIONS BY THIRD PARTIES AND OTHER QUALITY ENHANCEMENTS.

Section 122 of title 35, United States Code, is amended by adding at the end the following:

“(e) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—

“(1) IN GENERAL.—Any person may submit for consideration and inclusion in the record of a patent application, any patent, published patent application, or other publication of potential relevance to the examination of the application, if such submission is made in writing before the earlier of—

“(A) the date a notice of allowance under section 151 is mailed in the application for patent; or

“(B) either—

“(i) 6 months after the date on which the application for patent is published under section 122, or

“(ii) the date of the first rejection under section 132 of any claim by the examiner during the examination of the application for patent,

whichever occurs later.

“(2) OTHER REQUIREMENTS.—Any submission under paragraph (1) shall—

“(A) set forth a concise description of the asserted relevance of each submitted document;

“(B) be accompanied by such fee as the Director may prescribe; and

“(C) include a statement by the person making such submission affirming that the submission was made in compliance with this section.”

SEC. 8. VENUE.

(a) VENUE FOR PATENT CASES.—Section 1400 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) Notwithstanding subsections (b) and (c) of section 1391 of this title, any civil action for patent infringement or any action for declaratory judgment arising under any Act of Congress relating to patents may be brought only in a judicial district—

“(1) where the defendant has its principal place of business or is incorporated;

“(2) where the defendant has committed acts of infringement and has a regular and established physical facility;

“(3) where the defendant has agreed or consented to be sued;

“(4) where the invention claimed in a patent in suit was conceived or actually reduced to practice;

“(5) where significant research and development of an invention claimed in a patent in suit occurred at a regular and established physical facility;

“(6) where a party has a regular and established physical facility that such party controls and operates and has—

“(A) engaged in management of significant research and development of an invention claimed in a patent in suit;

“(B) manufactured a product that embodies an invention claimed in a patent in suit; or

“(C) implemented a manufacturing process that embodies an invention claimed in a patent in suit;

“(7) where a nonprofit organization whose function is the management of inventions on behalf of an institution of higher education (as that term is defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), including the patent in suit, has its principal place of business; or

“(8) for foreign defendants that do not meet the requirements of paragraphs (1) or (2), according to section 1391(d) of this title.”

(b) TECHNICAL AMENDMENTS RELATING TO VENUE.—Sections 32, 145, 146, 154(b)(4)(A), and 293 of title 35, United States Code, and section 1071(b)(4) of an Act entitled “Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (commonly referred to as the “Trademark Act of 1946” or the “Lanham Act”) are each amended by striking “United States District Court for the District of Columbia” each place that term appears and inserting “United States District Court for the Eastern District of Virginia”.

SEC. 9. PATENT AND TRADEMARK OFFICE REGULATORY AUTHORITY.

(a) FEE SETTING.—

(1) IN GENERAL.—The Director shall have authority to set or adjust by rule any fee established or charged by the Office under sections 41 and 376 of title 35, United States Code or under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113) for the filing or processing of any submission to, and for all other services performed by or materials furnished by, the Office, provided that such fee amounts are set to reasonably compensate the Office for the services performed.

(2) REDUCTION OF FEES IN CERTAIN FISCAL YEARS.—In any fiscal year, the Director—

(A) shall consult with the Patent Public Advisory Committee and the Trademark Public Advisory Committee on the advisability of reducing any fees described in paragraph (1); and

(B) after that consultation may reduce such fees.

(3) ROLE OF THE PUBLIC ADVISORY COMMITTEE.—The Director shall—

(A) submit to the Patent or Trademark Public Advisory Committee, or both, as appropriate, any proposed fee under paragraph (1) not less than 45 days before publishing any proposed fee in the Federal Register;

(B) provide the relevant advisory committee described in subparagraph (A) a 30-day period following the submission of any proposed fee, on which to deliberate, consider, and comment on such proposal, and require that—

(i) during such 30-day period, the relevant advisory committee hold a public hearing related to such proposal; and

(ii) the Director shall assist the relevant advisory committee in carrying out such public hearing, including by offering the use of Office resources to notify and promote the hearing to the public and interested stakeholders;

(C) require the relevant advisory committee to make available to the public a written report detailing the comments, advice, and recommendations of the committee regarding any proposed fee;

(D) consider and analyze any comments, advice, or recommendations received from the relevant advisory committee before setting or adjusting any fee; and

(E) notify, through the Chair and Ranking Member of the Senate and House Judiciary Committees, the Congress of any final decision regarding proposed fees.

(4) PUBLICATION IN THE FEDERAL REGISTER.—

(A) IN GENERAL.—Any rules prescribed under this subsection shall be published in the Federal Register.

(B) RATIONALE.—Any proposal for a change in fees under this section shall—

(i) be published in the Federal Register; and

(ii) include, in such publication, the specific rationale and purpose for the proposal, including the possible expectations or benefits resulting from the proposed change.

(C) PUBLIC COMMENT PERIOD.—Following the publication of any proposed fee in the Federal Register pursuant to subparagraph (A), the Director shall seek public comment for a period of not less than 45 days.

(5) CONGRESSIONAL COMMENT PERIOD.—Following the notification described in paragraph (3)(E), Congress shall have not more than 45 days to consider and comment on any proposed fee under paragraph (1). No proposed fee shall be effective prior to the end of such 45-day comment period.

(6) RULE OF CONSTRUCTION.—No rules prescribed under this subsection may diminish—

(A) an applicant's rights under this title or the Trademark Act of 1946; or

(B) any rights under a ratified treaty.

(b) FEES FOR PATENT SERVICES.—Division B of Public Law 108-447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 2005, in section 801(a) by striking “During fiscal years 2005, 2006, and 2007,” and inserting “Until such time as the Director sets or adjusts the fees otherwise.”

(c) ADJUSTMENT OF TRADEMARK FEES.—Division B of Public Law 108-447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 802(a) by striking “During fiscal years 2005, 2006, and 2007,” and inserting “Until such time as the Director sets or adjusts the fees otherwise.”

(d) EFFECTIVE DATE, APPLICABILITY, AND TRANSITIONAL PROVISION.—Division B of Public Law 108-447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 803(a) by striking “and shall apply only with respect to the remaining portion of fiscal year 2005 and fiscal year 2006.”

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any other provision of Division B of Public Law 108-447, including section 801(c) of title VII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005.

(f) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the United States Patent and Trademark Office.

(2) OFFICE.—The term “Office” means the United States Patent and Trademark Office.

(3) TRADEMARK ACT OF 1946.—The term “Trademark Act of 1946” means an Act entitled “Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051

et seq.) (commonly referred to as the Trademark Act of 1946 or the Lanham Act).

SEC. 10. APPLICANT QUALITY SUBMISSIONS.

(a) IN GENERAL.—Chapter 11 of title 35, United States Code, is amended by adding at the end the following new section:

“§ 123. Additional information

“(a) INCENTIVES.—The Director may, by regulation, offer incentives to applicants who submit a search report, a patentability analysis, or other information relevant to patentability. Such incentives may include prosecution flexibility, modifications to requirements for adjustment of a patent term pursuant to section 154(b) of this title, or modifications to fees imposed pursuant to section 9 of the Patent Reform Act of 2009.

“(b) ADMISSIBILITY OF RECORD.—If the Director certifies that an applicant has satisfied the requirements of the regulations issued pursuant to this section with regard to a patent, the record made in a matter or proceeding before the Office involving that patent or efforts to obtain the patent shall not be admissible to construe the patent in a civil action or in a proceeding before the International Trade Commission, except that such record may be introduced to demonstrate that the patent owner is estopped from asserting that the patent is infringed under the doctrine of equivalents. The Director may, by regulation, identify any material submitted in an attempt to satisfy the requirements of any regulations issued pursuant to this section that also shall not be admissible to construe the patent in a civil action or in a proceeding before the International Trade Commission.”.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply that, prior to the date of enactment of this section, the Director either lacked or possessed the authority to offer incentives to applicants who submit a search report, a patentability analysis, or other information relevant to patentability.

SEC. 11. INEQUITABLE CONDUCT.

(a) IN GENERAL.—Chapter 29 of title 35, United States Code, as amended by section 4(b), is further amended by adding at the end the following:

“§ 299. Civil sanctions for misconduct before the Office

“(a) IN GENERAL.—Except as provided under this section, a patent shall not be held invalid or unenforceable on the basis of misconduct before the Office. Nothing in this section shall be construed to preclude the imposition of sanctions based upon criminal or antitrust laws (including section 1001(a) of title 18, the first section of the Clayton Act, and section 5 of the Federal Trade Commission Act to the extent that section relates to unfair methods of competition).

“(b) INFORMATION RELATING TO POSSIBLE MISCONDUCT.—The Director shall provide by regulation procedures for receiving and reviewing information indicating that parties to a matter or proceeding before the Office may have engaged in misconduct in connection with such matter or proceeding.

“(c) ADMINISTRATIVE PROCEEDING.—

“(1) PROBABLE CAUSE.—The Director shall determine, based on information received and reviewed under subsection (b), if there is probable cause to believe that 1 or more individuals or parties engaged in misconduct consisting of intentionally deceptive conduct of a material nature in connection with a matter or proceeding before the Office. A determination of probable cause by the Director under this paragraph shall be final and shall not be reviewable on appeal or otherwise.

“(2) DETERMINATION.—If the Director finds probable cause under paragraph (1), the Director shall, after notice and an opportunity for a hearing, and not later than 1 year after the date of such finding, determine whether misconduct consisting of intentionally deceptive conduct of a material nature in connection with the applicable matter or proceeding before the Office has occurred. The proceeding to determine whether such misconduct occurred shall be before an individual designated by the Director.

“(3) CIVIL SANCTIONS.—

“(A) IN GENERAL.—If the Director determines under paragraph (2) that misconduct has occurred, the Director may levy a civil penalty against the party that committed such misconduct.

“(B) FACTORS.—In establishing the amount of any civil penalty to be levied under subparagraph (A), the Director shall consider—

“(i) the materiality of the misconduct;

“(ii) the impact of the misconduct on a decision of the Director regarding a patent, proceeding, or application; and

“(iii) the impact of the misconduct on the integrity of matters or proceedings before the Office.

“(C) SANCTIONS.—A civil penalty levied under subparagraph (A) may consist of—

“(i) a penalty of up to \$150,000 for each act of misconduct;

“(ii) in the case of a finding of a pattern of misconduct, a penalty of up to \$1,000,000; or

“(iii) in the case of a finding of exceptional misconduct establishing that an application for a patent amounted to a fraud practiced by or at the behest of a real party in interest of the application—

“(I) a determination that 1 or more claims of the patent is unenforceable; or

“(II) a penalty of up to \$10,000,000.

“(D) JOINT AND SEVERAL LIABILITY.—Any party found to have been responsible for misconduct in connection with any matter or proceeding before the Office under this section may be jointly and severally liable for any civil penalty levied under subparagraph (A).

“(E) DEPOSIT WITH THE TREASURY.—Any civil penalty levied under subparagraph (A) shall—

“(i) accrue to the benefit of the United States Government; and

“(ii) be deposited under ‘Miscellaneous Receipts’ in the United States Treasury.

“(F) AUTHORITY TO BRING ACTION FOR RECOVERY OF PENALTIES.—

“(i) IN GENERAL.—If any party refuses to pay or remit to the United States Government a civil penalty levied under this paragraph, the United States may recover such amounts in a civil action brought by the United States Attorney General on behalf of the Director in the United States District Court for the Eastern District of Virginia.

“(ii) INJUNCTIONS.—In any action brought under clause (i), the United States District Court for the Eastern District of Virginia may, as the court determines appropriate, issue a mandatory injunction incorporating the relief sought by the Director.

“(4) COMBINED PROCEEDINGS.—If the misconduct that is the subject of a proceeding under this subsection is attributed to a practitioner who practices before the Office, the Director may combine such proceeding with any other disciplinary proceeding under section 32 of this title.

“(d) OBTAINING EVIDENCE.—

“(1) IN GENERAL.—During the period in which an investigation for a finding of probable cause or for a determination of whether misconduct occurred in connection with any

matter or proceeding before the Office is being conducted, the Director may require, by subpoena issued by the Director, persons to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

“(2) ADDITIONAL AUTHORITY.—For the purposes of carrying out this section, the Director—

“(A) shall have access to, and the right to copy, any document, paper, or record, the Director determines pertinent to any investigation or determination under this section, in the possession of any person;

“(B) may summon witnesses, take testimony, and administer oaths;

“(C) may require any person to produce books or papers relating to any matter pertaining to such investigation or determination; and

“(D) may require any person to furnish in writing, in such detail and in such form as the Director may prescribe, information in their possession pertaining to such investigation or determination.

“(3) WITNESSES AND EVIDENCE.—

“(A) IN GENERAL.—The Director may require the attendance of any witness and the production of any documentary evidence from any place in the United States at any designated place of hearing.

“(B) CONTUMACY.—

“(i) ORDERS OF THE COURT.—In the case of contumacy or failure to obey a subpoena issued under this subsection, any appropriate United States district court or territorial court of the United States may issue an order requiring such person—

“(I) to appear before the Director;

“(II) to appear at any other designated place to testify; and

“(III) to produce documentary or other evidence.

“(ii) FAILURE TO OBEY.—Any failure to obey an order issued under this subparagraph court may be punished by the court as a contempt of that court.

“(4) DEPOSITIONS.—

“(A) IN GENERAL.—In any proceeding or investigation under this section, the Director may order a person to give testimony by deposition.

“(B) REQUIREMENTS OF DEPOSITION.—

“(i) OATH.—A deposition may be taken before an individual designated by the Director and having the power to administer oaths.

“(ii) NOTICE.—Before taking a deposition, the Director shall give reasonable notice in writing to the person ordered to give testimony by deposition under this paragraph. The notice shall state the name of the witness and the time and place of taking the deposition.

“(iii) WRITTEN TRANSCRIPT.—The testimony of a person deposed under this paragraph shall be under oath. The person taking the deposition shall prepare, or cause to be prepared, a written transcript of the testimony taken. The transcript shall be subscribed by the deponent. Each deposition shall be filed promptly with the Director.

“(e) APPEAL.—

“(1) IN GENERAL.—A party may appeal a determination under subsection (c)(2) that misconduct occurred in connection with any matter or proceeding before the Office to the United States Court of Appeals for the Federal Circuit.

“(2) NOTICE TO USPTO.—A party appealing under this subsection shall file in the Office a written notice of appeal directed to the Director, within such time after the date of the determination from which the appeal is

taken as the Director prescribes, but in no case less than 60 days after such date.

“(3) REQUIRED ACTIONS OF THE DIRECTOR.—In any appeal under this subsection, the Director shall transmit to the United States Court of Appeals for the Federal Circuit a certified list of the documents comprising the record in the determination proceeding. The court may request that the Director forward the original or certified copies of such documents during the pendency of the appeal. The court shall, before hearing the appeal, give notice of the time and place of the hearing to the Director and the parties in the appeal.

“(4) AUTHORITY OF THE COURT.—The United States Court of Appeals for the Federal Circuit shall have power to enter, upon the pleadings and evidence of record at the time the determination was made, a judgment affirming, modifying, or setting aside, in whole or in part, the determination, with or without remanding the case for a rehearing. The court shall not set aside or remand the determination made under subsection (c)(2) unless there is not substantial evidence on the record to support the findings or the determination is not in accordance with law. Any sanction levied under subsection (c)(3) shall not be set aside or remanded by the court, unless the court determines that such sanction constitutes an abuse of discretion of the Director.

“(f) DEFINITION.—For purposes of this section, the term ‘person’ means any individual, partnership, corporation, company, association, firm, partnership, society, trust, estate, cooperative, association, or any other entity capable of suing and being sued in a court of law.”

(b) SUSPENSION OR EXCLUSION FROM PRACTICE.—Section 32 of title 35, United States Code, is amended—

(1) by striking “The Director may” and inserting the following:

“(a) IN GENERAL.—The Director may”; and

(2) by adding at the end the following:

“(b) TOLLING OF TIME PERIOD.—The time period for instituting a proceeding under subsection (a), as provided in section 2462 of title 28, shall not begin to run where fraud, concealment, or misconduct is involved until the information regarding fraud, concealment, or misconduct is made known in the manner set forth by regulation under section 2(b)(2)(D) to an officer or employee of the United States Patent and Trademark Office designated by the Director to receive such information.”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided under paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) INAPPLICABILITY TO PENDING LITIGATION.—Subsections (a) and (b) of section 298 of title 35, United States Code (as added by the amendment made by subsection (a) of this section), shall apply to any civil action filed on or after the date of the enactment of this Act.

SEC. 12. CONVERSION OF DEADLINES.

(a) Sections 141, 156(d)(2)(A), 156(d)(2)(B)(ii), 156(d)(5)(C), and 282 of title 35, United States Code, are each amended by striking “30 days” or “thirty days” each place that term appears and inserting “1 month”.

(b) Sections 135(c), 142, 145, 146, 156(d)(2)(B)(ii), 156(d)(5)(C), and the matter preceding clause (i) of section 156(d)(2)(A) of title 35, United States Code, are each amended by striking “60 days” or “sixty days” each place that term appears and inserting “2 months”.

(c) The matter preceding subparagraph (A) of section 156(d)(1) and sections 156(d)(2)(B)(ii) and 156(d)(5)(E) of title 35, United States Code, are each amended by striking “60-day” or “sixty-day” each place that term appears and inserting “2-month”.

(d) Sections 155 and 156(d)(2)(B)(i) of title 35, United States Code, are each amended by striking “90 days” or “ninety days” each place that term appears and inserting “3 months”.

(e) Sections 154(b)(4)(A) and 156(d)(2)(B)(i) of title 35, United States Code, are each amended by striking “180 days” each place that term appears and inserting “6 months”.

SEC. 13. CHECK IMAGING PATENTS.

(a) LIMITATION.—Section 287 of title 35, United States Code, is amended by adding at the end the following:

“(d)(1) With respect to the use by a financial institution of a check collection system that constitutes an infringement under subsection (a) or (b) of section 271, the provisions of sections 281, 283, 284, and 285 shall not apply against the financial institution with respect to such a check collection system.

“(2) For the purposes of this subsection—

“(A) the term ‘check’ has the meaning given under section 3(6) of the Check Clearing for the 21st Century Act (12 U.S.C. 5002(6));

“(B) the term ‘check collection system’ means the use, creation, transmission, receipt, storing, settling, or archiving of truncated checks, substitute checks, check images, or electronic check data associated with or related to any method, system, or process that furthers or effectuates, in whole or in part, any of the purposes of the Check Clearing for the 21st Century Act (12 U.S.C. 5001 et seq.);

“(C) the term ‘financial institution’ has the meaning given under section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809);

“(D) the term ‘substitute check’ has the meaning given under section 3(16) of the Check Clearing for the 21st Century Act (12 U.S.C. 5002(16)); and

“(E) the term ‘truncate’ has the meaning given under section 3(18) of the Check Clearing for the 21st Century Act (12 U.S.C. 5002(18)).

“(3) This subsection shall not limit or affect the enforcement rights of the original owner of a patent where such original owner—

“(A) is directly engaged in the commercial manufacture and distribution of machinery or the commercial development of software; and

“(B) has operated as a subsidiary of a bank holding company, as such term is defined under section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)), prior to July 19, 2007.

“(4) A party shall not manipulate its activities, or conspire with others to manipulate its activities, for purposes of establishing compliance with the requirements of this subsection, including, without limitation, by granting or conveying any rights in the patent, enforcement of the patent, or the result of any such enforcement.”

(b) TAKINGS.—If this section is found to establish a taking of private property for public use without just compensation, this section shall be null and void. The exclusive remedy for such a finding shall be invalidation of this section. In the event of such invalidation, for purposes of application of the time limitation on damages in section 286 of title 35, United States Code, any action for patent infringement or counterclaim for in-

fringement that could have been filed or continued but for this section, shall be considered to have been filed on the date of enactment of this Act or continued from such date of enactment.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any civil action for patent infringement pending or filed on or after the date of enactment of this Act.

SEC. 14. PATENT AND TRADEMARK OFFICE FUNDING.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) DIRECTOR.—The term “Director” means the Director of the United States Patent and Trademark Office.

(2) FUND.—The term “Fund” means the public enterprise revolving fund established under subsection (c).

(3) OFFICE.—The term “Office” means the United States Patent and Trademark Office.

(4) TRADEMARK ACT OF 1946.—The term “Trademark Act of 1946” means an Act entitled “Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the “Trademark Act of 1946” or the “Lanham Act”).

(5) UNDERSECRETARY.—The term “Undersecretary” means the Under Secretary of Commerce for Intellectual Property.

(b) FUNDING.—

(1) IN GENERAL.—Section 42 of title 35, United States Code, is amended—

(A) in subsection (b), by striking “Patent and Trademark Office Appropriation Account” and inserting “United States Patent and Trademark Office Public Enterprise Fund”; and

(B) by amending subsection (c) to read as follows:

“(c)(1) Subject to paragraphs (2) and (3), fees authorized in this title or any other Act to be charged or established by the Director shall be collected by and shall be available to the Director to carry out the activities of the Patent and Trademark Office.

“(2) All fees available to the Director under section 31 of the Trademark Act of 1946 shall be used only for the processing of trademark registrations and for other activities, services, and materials relating to trademarks and to cover a proportionate share of the administrative costs of the Patent and Trademark Office.

“(3) All fees available to the Director under paragraphs (1), (2), and (3) of section 41(a) and section 41(d)(1) of this title, and those fees available to the Director which are derived from filing fees, Request for Continued Examination fees, and Information Disclosure Statement submission fees established by regulation pursuant to section 41(d)(2) of this title, shall be used only for funding the portion of the salary of patent examiners attributable to examining patent applications and shall not be applied to fund non-examining activities or supervisory activities.”

(2) EFFECTIVE DATE; TERMINATION.—The amendments made by paragraph (1) shall take effect on the later of—

(A) October 1, 2009; or

(B) the date of enactment of this Act.

(c) USPTO REVOLVING FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the “United States Patent and Trademark Office Public Enterprise Fund”. Any amounts in the Fund shall be available for use by the Director without fiscal year limitation.

(2) DERIVATION OF RESOURCES.—There shall be deposited into the Fund—

(A) any fees collected under sections 41, 42, and 376 of title 35, United States Code, provided that notwithstanding any other provision of law, if such fees are collected by, and payable to, the Director, the Director shall transfer such amounts to the Fund; and

(B) any fees collected under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113).

(3) EXPENSES.—Amounts deposited into the Fund under paragraph (2) shall be available, without fiscal year limitation, to cover—

(A) all expenses to the extent consistent with the limitation on the use of fees set forth in section 42(c) of title 35, United States Code, including all administrative and operating expenses, determined in the discretion of the Under Secretary to be ordinary and reasonable, incurred by the Under Secretary and the Director for the continued operation of all services, programs, activities, and duties of the Office, as such services, programs, activities, and duties are described under—

(i) title 35, United States Code; and

(ii) the Trademark Act of 1946; and

(B) all expenses incurred pursuant to any obligation, representation, or other commitment of the Office.

(4) CUSTODIANS OF MONEY.—Notwithstanding section 3302 of title 31, United States Code, any funds received by the Director and transferred to Fund, or any amounts directly deposited into the Fund, may be used—

(A) to cover the expenses described in paragraph (3); and

(B) to purchase obligations of the United States, or any obligations guaranteed by the United States.

(d) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year, the Under Secretary and the Director shall submit a report to Congress which shall—

(1) summarize the operations of the Office for the preceding fiscal year, including financial details and staff levels broken down by each major activity of the Office;

(2) detail the operating plan of the Office, including specific expense and staff needs for the upcoming fiscal year;

(3) describe the long term modernization plans of the Office;

(4) set forth details of any progress towards such modernization plans made in the previous fiscal year; and

(5) include the results of the most recent audit carried out under subsection (e).

(e) ANNUAL SPENDING PLAN.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each fiscal year, the Director shall notify the Committees on Appropriations of both Houses of Congress of the plan for the obligation and expenditure of the total amount of the funds for that fiscal year in accordance with section 605 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2334).

(2) CONTENTS.—Each plan under paragraph (1) shall—

(A) summarize the operations of the Office for the current fiscal year, including financial details and staff levels with respect to major activities; and

(B) detail the operating plan of the Office, including specific expense and staff needs, for the current fiscal year.

(f) AUDIT.—The Under Secretary shall, on an annual basis, provide for an independent audit of the financial statements of the Office. Such audit shall be conducted in accordance with generally acceptable accounting procedures.

(g) BUDGET.—In accordance with section 9301 of title 31, United States Code, the Fund shall prepare and submit each year to the President a business-type budget in a way, and before a date, the President prescribes by regulation for the budget program.

SEC. 15. TECHNICAL AMENDMENTS.

(a) JOINT INVENTIONS.—Section 116 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking “When” and inserting “(a) JOINT INVENTIONS.—When”;

(2) in the second paragraph, by striking “If a joint inventor” and inserting “(b) OMITTED INVENTOR.—If a joint inventor”; and

(3) in the third paragraph—

(A) by striking “Whenever” and inserting “(c) CORRECTION OF ERRORS IN APPLICATION.—Whenever”; and

(B) by striking “and such error arose without any deceptive intent on his part.”.

(b) FILING OF APPLICATION IN FOREIGN COUNTRY.—Section 184 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking “Except when” and inserting “(a) FILING IN FOREIGN COUNTRY.—Except when”; and

(B) by striking “and without deceptive intent”;

(2) in the second paragraph, by striking “The term” and inserting “(b) APPLICATION.—The term”; and

(3) in the third paragraph, by striking “The scope” and inserting “(c) SUBSEQUENT MODIFICATIONS, AMENDMENTS, AND SUPPLEMENTS.—The scope”.

(c) FILING WITHOUT A LICENSE.—Section 185 of title 35, United States Code, is amended by striking “and without deceptive intent”.

(d) REISSUE OF DEFECTIVE PATENTS.—Section 251 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking “Whenever” and inserting “(a) IN GENERAL.—Whenever reissue of any patent is authorized under section 298 or”; and

(B) by striking “without deceptive intent”;

(2) in the second paragraph, by striking “The Director” and inserting “(b) MULTIPLE REISSUED PATENTS.—The Director”;

(3) in the third paragraph, by striking “The provision” and inserting “(c) APPLICABILITY OF THIS TITLE.—The provisions”; and

(4) in the last paragraph, by striking “No reissued patent” and inserting “(d) REISSUE PATENT ENLARGING SCOPE OF CLAIMS.—No reissued patent”.

(e) EFFECT OF REISSUE.—Section 253 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking “Whenever, without deceptive intention” and inserting “(a) IN GENERAL.—Whenever”; and

(2) in the second paragraph, by striking “in like manner” and inserting “(b) ADDITIONAL DISCLAIMER OR DEDICATION.—In the manner set forth in subsection (a).”.

(f) CORRECTION OF NAMED INVENTOR.—Section 256 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking “Whenever” and inserting “(a) CORRECTION.—Whenever”; and

(2) in the second paragraph, by striking “The error” and inserting “(b) PATENT VALID IF ERROR CORRECTED.—The error”.

(g) PRESUMPTION OF VALIDITY.—Section 282 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph, by striking “A patent” and inserting “(a) IN GENERAL.—A patent”;

(2) in the second undesignated paragraph, by striking “The following” and inserting “(b) DEFENSES.—The following”; and

(3) in the third undesignated paragraph, by striking “In actions” and inserting “(c) NOTICE OF ACTIONS; ACTIONS DURING EXTENSION OF PATENT TERM.—In actions”.

(h) ACTION FOR INFRINGEMENT.—Section 288 of title 35, United States Code, is amended by striking “, without any deceptive intention.”.

(i) GOVERNMENT-OWNED FACILITIES.—Section 202(c)(7)(E)(i) of title 35, United States Code, is amended by—

(1) striking “up to an amount equal to 5 percent of the annual budget of the facility,”; and

(2) striking “provided that” and all that follows through “in this clause (D);”.

SEC. 16. EFFECTIVE DATE; RULE OF CONSTRUCTION.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, the provisions of this Act shall take effect 12 months after the date of the enactment of this Act and shall apply to any patent issued on or after that effective date.

(b) SPECIAL PROVISIONS RELATING TO DETERMINATIONS OF VALIDITY AND PATENTABILITY.—

(1) IN GENERAL.—The amendments made by section 2 shall apply to any application for a patent and any patent issued pursuant to such an application that at any time—

(A) contained a claim to a claimed invention that has an effective filing date, as such date is defined under section 100(h) of title 35, United States Code, 1 year or more after the date of the enactment of this Act;

(B) asserted a claim to a right of priority under section 119, 365(a), or 365(b) of title 35, United States Code, to any application that was filed 1 year or more after the date of the enactment of this Act; or

(C) made a specific reference under section 120, 121, or 365(c) of title 35, United States Code, to any application to which the amendments made by section 2 otherwise apply under this subsection.

(2) PATENTABILITY.—For any application for patent and any patent issued pursuant to such an application to which the amendments made by section 2 apply, no claim asserted in such application shall be patentable or valid unless such claim meets the conditions of patentability specified in section 102(g) of title 35, United States Code, as such conditions were in effect on the day prior to the date of enactment of this Act, if the application at any time—

(A) contained a claim to a claimed invention that has an effective filing date as defined in section 100(h) of title 35, United States Code, earlier than 1 year after the date of the enactment of this Act;

(B) asserted a claim to a right of priority under section 119, 365(a), or 365(b) of title 35, United States Code, to any application that was filed earlier than 1 year after the date of the enactment of this Act; or

(C) made a specific reference under section 120, 121, or 365(c) of title 35, United States Code, with respect to which the requirements of section 102(g) applied.

(3) VALIDITY OF PATENTS.—For the purpose of determining the validity of a claim in any patent or the patentability of any claim in a nonprovisional application for patent that is made before the effective date of the amendments made by sections 2 and 3, other than in an action brought in a court before the date of the enactment of this Act—

(A) the provisions of subsections (c), (d), and (f) of section 102 of title 35, United

States Code, that were in effect on the day prior to the date of enactment of this Act shall be deemed to be repealed;

(B) the amendments made by section 3 of this Act shall apply, except that a claim in a patent that is otherwise valid under the provisions of section 102(f) of title 35, United States Code, as such provision was in effect on the day prior to the date of enactment of this Act, shall not be invalidated by reason of this paragraph; and

(C) the term "in public use or on sale" as used in section 102(b) of title 35, United States Code, as such section was in effect on the day prior to the date of enactment of this Act shall be deemed to exclude the use, sale, or offer for sale of any subject matter that had not become available to the public.

(4) CONTINUITY OF INTENT UNDER THE CREATE ACT.—The enactment of section 102(b)(3) of title 35, United States Code, under section (2)(b) of this Act is done with the same intent to promote joint research activities that was expressed, including in the legislative history, through the enactment of the Cooperative Research and Technology Enhancement Act of 2004 (Public Law 108-453; the "CREATE Act"), the amendments of which are stricken by section 2(c) of this Act. The United States Patent and Trademark Office shall administer section 102(b)(3) of title 35, United States Code, in a manner consistent with the legislative history of the CREATE Act that was relevant to its administration by the United States Patent and Trademark Office.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 612. A bill to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this week, our Nation celebrates Sunshine Week—a time to recognize and promote openness in our Government. At this important time of year, I am pleased to join with Senator CORNYN to reintroduce the OPEN FOIA Act—a bipartisan bill to promote more openness regarding statutory exemptions to the Freedom of Information Act, FOIA.

This bipartisan bill builds upon the work that Senator CORNYN and I began several years ago to reinvigorate and strengthen FOIA. Together, we introduced, and Congress ultimately enacted, the OPEN Government Act—the first major reforms to FOIA in more than a decade. I thank Senator CORNYN for his work and leadership on this important issue. I also thank President Obama—who was a cosponsor of the OPEN Government Act when he was in the Senate—for his deep commitment to FOIA. President Obama clearly demonstrated his commitment to open Government when he issued a new di-

rective to strengthen FOIA during his first full day in office.

The OPEN FOIA Act simply requires that when Congress provides for a statutory exemption to FOIA in new legislation, Congress must state its intention to do so explicitly and clearly. This commonsense bill mirrors bipartisan legislation that the Judiciary Committee favorably reported, and the Senate unanimously passed, during the 109th Congress, S. 1181. While no one can fairly question the need to keep certain Government information secret to ensure the public good, excessive Government secrecy is a constant temptation and the enemy of a vibrant democracy.

For more than four decades, FOIA has served as perhaps the most important Federal law to ensure the public's right to know, and to balance the Government's power with the need for Government accountability. The Freedom of Information Act contains a number of exemptions to its disclosure requirements for national security, law enforcement, confidential business information, personal privacy and other circumstances. The FOIA exemption commonly known as the "(b)(3) exemption," requires that Government records that are specifically exempted from FOIA by statute be withheld from the public. In recent years, we have witnessed an alarming number of FOIA (b)(3) exemptions being offered in legislation—often in very ambiguous terms—to the detriment of the American public's right to know.

The bedrock principles of open Government lead me to believe that (b)(3) statutory exemptions should be clear and unambiguous, and vigorously debated before they are enacted into law. Too often, legislative exemptions to FOIA are buried within a few lines of very complex and lengthy bills, and these new exemptions are never debated openly before becoming law. The consequence of this troubling practice is the erosion of the public's right to know, and the shirking of Congress' duty to fully consider these exemptions.

The OPEN FOIA Act will help stop this practice and shine more light on the process of creating legislative exemptions to FOIA. That will be the best antidote to the "exemption creep" that we have witnessed in recent years.

When he recently addressed a joint session of the Congress and the American people, President Obama said that "I know that we haven't agreed on every issue thus far, and there are surely times in the future when we will part ways. But, I also know that every American who is sitting here tonight loves this country and wants it to succeed. That must be the starting point for every debate we have in the coming months, and where we return after those debates are done."

Sunshine Week reminds all of us that open Government is not a Democratic

issue, nor a Republican issue. It is an American issue and a virtue that all Americans can embrace. Democratic and Republican Senators alike have rightly supported and voted for this bill in the past. It is in this same bipartisan spirit that I urge all Members to support this bipartisan FOIA reform bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "OPEN FOIA Act of 2009".

SEC. 2. SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.

Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

"(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

"(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

"(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph."

By Mrs. HUTCHISON (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Ms. LANDRIEU, Ms. STABENOW, Mrs. LINCOLN, Mrs. MURRAY, Ms. COLLINS, Ms. SNOWE, Mrs. BOXER, Mrs. GILLIBRAND, Mrs. SHAHEEN, Ms. MURKOWSKI, Ms. KLOBUCHAR, Mrs. HAGAN, Ms. CANTWELL, and Mrs. McCASKILL):

S. 614. A bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP"); to the Committee on Banking, Housing, and Urban Affairs.

Mrs. HUTCHISON. Mr. President, I rise today to introduce a bill that is sponsored by every woman in the Senate. All 17 of us have come together to introduce legislation to award the Congressional Gold Medal to the Women Airforce Service Pilots, called the WASP. Senator MIKULSKI and I are taking the lead on this with the other 15 women Senators to finally honor over 1,000 of the bravest, most courageous women in U.S. military history.

This is a picture of those brave World War II pilots. They were the first women in history to fly America's military aircraft. Between 1942 and 1944, they were recruited to fly non-combat missions so every available male pilot could be deployed in combat.

The women pilots who graduated from Army Air Force flight training

earned their silver WASP wings in Texas. The first class graduated at Ellington Field in Houston and the remaining classes from Avenger Field in Sweetwater, TX.

Throughout their service, these courageous women flew over 60 million miles in every type of aircraft and on every type of mission flown by Army Air Force male pilots except direct combat missions. Although they took the military oath and were promised military status when they entered training, they were never afforded Active-Duty military status, were never commissioned, and were not granted veteran status until 1977, over 30 years after they had served. All these women volunteered to serve their country in wartime. They paid their own way to Texas for training, and when victory seemed certain and the program was shut down, they paid their own way back home.

Over 25,000 women applied for the program, but only 1,830 qualified women pilots were accepted. Unlike the males, females were required to be qualified pilots before they could even apply for the Army Air Force's military flight training program. By the time the war ended, 38 women pilots had lost their lives while flying for their country. Their families were not allowed to have an American flag placed on their coffins.

I wrote about the WASP in my 2004 book, "American Heroines: The Spirited Women Who Shaped Our Country." I wanted to raise public awareness about these military pioneers who have had a tremendous impact on the role of women in the military today. Their examples paved the way for the Armed Forces to lift the ban on women attending military flight training in the 1970s and opened the door for women to be fully integrated as pilots in the Armed Forces.

Today, women fly every type of aircraft, from combat fighter aircraft to the space shuttle. However, despite their cultural impact, the WASP have never received honors, nor have they been formally recognized by Congress for their wartime military service—until now. We, the women of the Senate, are introducing legislation to award the Congressional Gold Medal to the courageous WASP of World War II.

The Congressional Gold Medal is the highest and most distinguished award this body can award to a civilian. These women are certainly worthy.

There are precedents for this action. In 2000 and 2006, this body awarded the Congressional Gold Medal to the Navajo Code Talkers and the Tuskegee Airmen, respectively. Those heroes deserved the same type of distinction, and they, too, served in World War II and were finally appropriately honored by their Government. Now it is time for Congress to celebrate the courage of another group of remarkable Ameri-

cans who served with courage and honor and whose example brought historic change to our Nation. Of the 1,102 WASP, approximately 300 are still alive today and are living in almost every State of our Nation. They have earned this honor, and the time to bestow the honor is now before any of them are away from us and not able to come to the ceremony which I hope we will have.

I am so pleased that every female Senator, all 17 of us, are cosponsors of this bill, and I hope the rest of our colleagues will also join and that we can pass this bill expeditiously.

I would like to take a moment, with this wonderful picture in the background, to read from the bill that we have just introduced today:

Congress finds that—

(1) the Women Airforce Service Pilots of WWII, known as the "WASP", were the first women in history to fly American military aircraft;

(2) more than 60 years ago, they flew fighter, bomber, transport, and training aircraft in defense of America's freedom;

(3) they faced overwhelming cultural and gender bias against women in nontraditional roles and overcame multiple injustices and inequities in order to serve their country;

(4) through their actions, the WASP eventually were the catalyst for revolutionary reform in the integration of women pilots into the Armed Services;

(5) during the early months of World War II, there was a severe shortage of combat pilots;

(6) Jacqueline Cochran, America's leading woman pilot of the time, convinced General Hap Arnold, Chief of the Army Air Forces, that women, if given the same training as men, would be equally capable of flying military aircraft and could then take over some of the stateside military flying jobs, thereby releasing hundreds of male pilots for combat duty;

(7) the severe loss of male combat pilots made the necessity of utilizing women pilots to help in the war effort clear to General Arnold, and a women's pilot training program was soon approved;

(8) it was not until August, 1943, that the women aviators would receive their official name;

(9) General Arnold ordered that all women pilots flying military aircraft, including 28 civilian women ferry pilots, would be named "WASP", Women Airforce Service Pilots;

(10) more than 25,000 American women applied for training, but only 1,830 were accepted and took the oath;

(11) exactly 1,074 of those trainees successfully completed the 21 to 27 weeks of Army Air Force flight training, graduated, and received their Army Air Force orders to report to their assigned air base;

(12) on November 16, 1942, the first class of 29 women pilots reported to the Houston, Texas Municipal Airport and began the same military flight training as the male Army Air Force cadets were taking;

(13) due to a lack of adequate facilities at the airport, 3 months later the training program was moved to Avenger Field in Sweetwater, Texas;

(14) WASP were eventually stationed at 120 Army air bases all across America;

(15) they flew more than 60,000,000 miles for their country in every type of aircraft and

on every type of assignment flown by the male Army Air Force pilots, except combat;

(16) WASP assignments included test piloting, instructor piloting, towing targets for air-to-air gunnery practice, ground-to-air anti-aircraft practice, ferrying, transporting personnel and cargo (including parts for the atomic bomb), simulated strafing, smoke laying, night tracking, and flying drones;

In October 1943, male pilots were refusing to fly the B-26 Martin Marauder, known as the Widowmaker, because of its fatality record. General Arnold ordered WASP director Jacqueline Cochran to collect 25 WASP to be trained to fly the B-26 to prove to the male pilots that it was safe to fly.

During the existence of the WASP, 38 women lost their lives while serving their country. Their bodies were sent home in poorly crafted pine boxes. Their burial was at the expense of their families or classmates. There were no gold stars allowed in their parent's windows, and because they were not considered military, no American flags were allowed on their coffins.

In 1944, General Arnold made a personal request to Congress to militarize the WASP, and it was denied.

On December 7, 1944, in a speech to the last graduating class of WASP, General Arnold said:

You and more than 900 of your sisters have shown you can fly wingtip with your brothers. I salute you . . . We of the Army Air Force are proud of you. We will never forget our debt to you.

With victory in World War II almost certain, on December 2, 1944, the WASP were quietly and unceremoniously disbanded. There were no honors, no benefits, and very few thank-yous. Just as they had paid their own way to enter training, they paid their way back home.

After their honorable service in the military, the WASP military records were immediately sealed, stamped "classified" or "secret," and filed away in Government archives unavailable to the historians who wrote the history of World War II or the scholars who compiled the history textbooks used today, with many of the records not being declassified until the 1980s. Consequently, the WASP story is a missing chapter in the history of the Air Force, the history of aviation, and the history of the United States of America.

In 1977, 33 years after the WASP were disbanded, the Congress finally voted to give the WASP the veteran status they had earned, but these heroic pilots were not invited to the signing ceremony at the White House, and it was not until 7 years later that their medals were delivered in the mail in plain brown envelopes.

In the late 1970s, more than 30 years after the WASP flew in World War II, women were finally permitted to attend military pilot training in the U.S. Armed Forces. Thousands of women aviators flying support aircraft had benefited from the service of the WASP and followed in their footsteps.

In 1993, the WASP were once again referenced during congressional hearings regarding the contributions women could make to the military, which eventually led to women being able to fly military fighter, bomber, and attack aircraft in combat. Hundreds of U.S. servicewomen combat pilots have seized the opportunity to fly fighter aircraft in recent conflicts, all thanks to the pioneering steps taken by the WASP.

The WASP have maintained a tight-knit community, forged by the common experiences of serving their country during war. As part of their desire to educate America on the WASP history, WASP have assisted Wings Across America, an organization dedicated to educating the American public, with much effort aimed at children, about the remarkable accomplishments of these World War II veterans, and they have been honored with exhibits at museums throughout our country.

Now it is time to give these incredible women pioneers the Congressional Gold Medal, who, along with the Tuskegee Airmen and the Navajo Code Talkers, are people who have served with courage and valor to our country, and they are people who really have not complained. They are people who did their duty, even with some discrimination in the Armed Forces. But they were never bitter, and they always knew what a service they had given. We have now honored the Navajo Code Talkers and the great Tuskegee Airmen, and I hope we will also accord the greatest honor we can bestow as a Congress to the WASP of World War II.

Ms. MIKULSKI. Mr. President, I rise today as an original cosponsor of a bipartisan bill to award the Congressional Gold Medal to the Women Airforce Service Pilots—the WASP. We are introducing this bill in March, which is Women's History Month. It is time to honor and recognize women who have made a difference in our Nation's history. It is a time to honor women who serve as role models. That is exactly what this legislation does.

The WASP were women pilots from across the Nation who volunteered to serve in World War II. They flew America's military aircraft during the war, risking their lives in the service of their nation. They came from all walks of life, but they came together to serve our country as the first women trained to fly American military aircraft. They faced overwhelming cultural and gender bias, received unequal pay, did not have full military status, and were barred from becoming military officers, even though their male counterparts performing similar duties all received officer rank.

In 1943, General Arnold combined two women flying organizations and formed the Women Airforce Service Pilots. Within months, these women paid their own way to Texas to enter training.

Each woman was already a licensed pilot, a requirement not imposed on men to apply to flight school. The WASP were still required to learn to fly "the Army way."

The WASP were assured they would be militarized and become part of the Army. These promise were not kept. The WASP took the same oath of office, they marched, but as pilots, they received less pay than men. They did not receive benefits. No VA benefits, no GI bill, no burial rights for the 38 WASP who were killed in service to our Nation. Fellow WASP had to "take the nickels out of the Coke machine" to help send their bodies home.

Over 25,000 women applied to be part of the war effort in the WASP. Many volunteers received a telegram asking for their service. Ultimately, 1102 women earned their wings as pilots. Thirteen of these brave women were from Maryland: women like Barbara Shoemaker, who joined from the Women's Auxiliary Flying Squadron; Elaine Harmon, who as a WASP trained male pilots in instrument flying; Iola Magruder, who flew the B-18 "Bolo"; Jane Tedeschi, who stretched all night before joining the WASP so she could meet the minimum height requirement; and Florence Marston, who flew the B-26 "Widowmaker," notorious for its number of early accidents.

These brave women flew over 60 million miles in 2 years. They flew every type of aircraft and every type of mission as the men, except combat missions. They towed aerial targets while being shot at with live ammunition. They transported cargo. They tested repaired aircraft. They ferried aircraft from factories like Fairchild in Hagerstown, MD, to points across the country. They were stationed at 120 air bases throughout the country.

The WASP were not established to be a replacement for the men; instead, they enabled men to fly the combat missions. They found and fulfilled the service they could. These women were committed and they believed they could do what our country needed at the time we needed it.

The WASP were disbanded in December 1944, when they were told they were "no longer needed." Just as they paid for transport to training, they paid their own way home. For 33 years their military records were classified. For 33 years, their contributions were hidden from historians and textbooks. For 33 years, these brave women were denied veterans benefits.

These women were trailblazers. They displayed honor and courage and flew the most complex aircraft of the age. They are patriots. They are an inspiration to today's women in aviation. They opened the door for today's women to fly in the military in aircraft ranging from cargo and trainers, to fighters and bombers, and even the space shuttle. They inspire young girls

to pursue technical fields and aviation. They are role models who deserve to be honored. We owe the WASP our "thank you"—not in words, but in deeds. For their courage, service and dedication to our Nation, they deserve the most distinguished honor Congress can give: the Congressional Gold Medal.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COBURN, Mr. LEVIN, Mr. GRASSLEY, Mrs. MCCASKILL, Mr. MCCAIN, and Mr. VOINOVICH):

S. 615. A bill to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I am pleased to introduce today, along with Senators LIEBERMAN, COBURN, LEVIN, GRASSLEY, MCCASKILL, MCCAIN, and VOINOVICH, a bill that will provide the Special Inspector General for Afghanistan Reconstruction, SIGAR, with the authority it needs to quickly hire experienced, well-qualified staff to conduct rigorous oversight of reconstruction efforts in Afghanistan.

The United States has provided approximately \$32 billion in humanitarian and reconstruction assistance to Afghanistan since 2001. Congress created the SIGAR in the fiscal year 2008 National Defense Authorization Act to conduct and oversee independent and objective audits, inspections, and investigations relating to these funds.

Although the SIGAR was sworn into office on July 22, 2008, the office has not yet conducted any independent audits or investigations. The SIGAR has filed two quarterly reports, but both of those reports were descriptive in nature and reviewed the work of other oversight entities.

Staffing shortages have constrained the SIGAR's oversight efforts. Although authorized a total of 18 auditors, 13 inspectors, and three investigators, SIGAR had only five auditors, two inspectors, and one investigator as of last week.

SIGAR's efforts to quickly hire experienced staff have been hindered by the often long and difficult government hiring process. The office's hiring needs are further complicated by the challenging task of recruiting well-qualified staff willing to spend a year in a dangerous environment.

The bill that we introduce today will provide the SIGAR with the authority to select, appoint, and employ the staff needed to perform effective oversight of Afghanistan reconstruction efforts. The authority is similar to that provided to other government "temporary organizations." The legislation will allow SIGAR to identify and quickly hire candidates, avoiding the bureaucratic hurdles that beset the normal civil service hiring process. Employees

hired under this new authority can serve until the termination of the SIGAR's office.

The Special Inspector General for Iraq Reconstruction, which served as the model for the legislation to create the SIGAR, faced comparable hiring challenges. This bill contains hiring authority similar to that provided to the SIGIR so that office could quickly hire experienced staff.

With his staff, the SIGIR has been successful in providing thorough oversight of reconstruction efforts in Iraq. Since 2004, the SIGIR has produced 20 quarterly reports, 135 audits, 141 inspections, and 4 "lessons-learned" reports. SIGIR's oversight work has saved or recovered more than \$81 million in U.S. taxpayer funds and has put \$224 million to better use.

If the SIGAR would have had this authority from the office's inception, it likely would be much further along in conducting its oversight work. We expect that once the SIGAR can quickly hire the skilled and experienced auditors and investigators it needs, the office's oversight activities will greatly increase.

I urge every Senator to support this constructive and bipartisan bill.

By Mr. HARKIN:

S. 618. A bill to improve the calculation of, the reporting of, and the accountability for, secondary graduation rates; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, this past fall our Nation's high school graduation class of 2012 took their first steps into their local high school as freshmen. The best research, based on data from all 50 States, tells us that one third of that class of freshmen will not walk across a stage and receive their diploma with their peers in four years.

The numbers are clear: we face a national high school dropout crisis. Every year, an estimated 1.23 million students drop out of high school. To put that number in perspective, it is equivalent to the entire population of the ninth largest city in the country, Dallas.

The President laid out the crisis we face in his February 24 address to Congress:

"In a global economy where the most valuable skill you can sell is your knowledge, a good education is no longer just a pathway to opportunity—it is a prerequisite."

"Right now, three-quarters of the fastest-growing occupations require more than a high school diploma. And yet, just over half of our citizens have that level of education. We have one of the highest high school dropout rates of any industrialized nation."

By any measure, my home state of Iowa is a national leader in terms of graduating students in four years. According to Education Week's Diplomas

Count, Iowa has the second highest graduation rate in the country, at almost 83 percent for the class of 2005. Iowa should be applauded for continually graduating such a high percentage of its students in spite of the challenges present in many rural and low-income school districts.

Yet such a lofty number masks a pervasive inability to graduate African-American and Latino students on a level equal to their peers. The graduation rate for African-American children in Iowa is 25 points below the overall 4-year rate. The discrepancy between the rate of Latino children graduating in four years and their peers' rate is even higher at 30 percent.

Just as the data on racial and ethnic minorities paints a grim picture, a look into the Nation's graduation rates for students with disabilities shows many students continue to be failed by the system. The most recent data indicates that slightly more than half of all students with disabilities graduated from high school with a regular diploma. Those rates go down when examining different categories of students with disabilities. For instance, only 43 percent of students with emotional disturbances graduate from high school with a regular diploma. Bear in mind that many of these students do not have a learning disability, and with the proper supports and interventions they can achieve at the same levels expected of their peers.

To reiterate, States like Iowa should be lauded for their success in graduating so many of their young people from high school in four years, but we must also hold those states accountable for their success or failure with vulnerable populations, or we are doomed to pay the price, both morally and economically. That is why I was proud to introduce the Every Student Counts Act last September, and why I am here to reintroduce this legislation in the Senate today.

Since I introduced the first Every Student Counts Act, the Department of Education has taken laudable action to implement a 4-year high school graduation rate through regulations issued last October.

However, the Department's action was not enough to address this crisis. The regulation leaves the specifics of the graduation rate goals and growth targets, and how to calculate Adequate Yearly Progress up to the States. In doing so, the Department indicated that it was more appropriate for Congress to define graduation rate goals, growth targets, and adequate yearly progress through statute. The Every Student Counts Act is designed to do just that.

Because if we do not set clear, consistent, and high graduation rate goals, with aggressive and attainable graduation rate growth targets, we risk falling into the same trap of mediocrity

and flat graduation rates that have led us to this crisis.

Schools, school districts and States that are not already graduating a high number of students must be required to make annual progress to high graduation rates.

This act sets a graduation rate goal of 90 percent for all students and disadvantaged populations. Schools, districts and States with graduation rates below 90 percent, in the aggregate or for any subgroup, will be required to increase their graduation rates an average of 3 percentage points per year in order to make adequate yearly progress required under the No Child Left Behind Law.

In addition to setting high standards for graduation rates, the Every Student Counts Act will also make graduation rate calculations uniform and accurate. The bill requires that all states calculate their graduation rates in the same manner, allowing for more consistency and transparency. This bill will bring all 50 States together by requiring each State to report both a 4-year graduation rate and a cumulative graduation rate. A cumulative graduation rate will give parents a clear picture of how many students are graduating, while acknowledging that not all children will graduate in four years.

Before I conclude my remarks, I would like to recognize the work of my colleague in the House, Representative BOBBY SCOTT of Virginia, who first sought to address this issue last year and today joins with me in reintroducing the Every Student Counts Act.

I would also like to thank the growing list of organizations representing the interests of children across the country who have signed on to support the Every Student Counts Act. Specifically, I recognize the Alliance for Excellent Education and their President, former Governor of West Virginia Bob Wise, who have been champions in the movement to improve our high schools and turn back the dropout crisis.

We have no more urgent educational challenge than bringing down the dropout rate, especially for minorities and children with disabilities. For reasons we all understand—poverty, poor nutrition, broken homes, disadvantage childhoods—not all of our students come to school everyday ready to learn. In some cases, it is as though they have been set up to fail. They grow frustrated. They drop out. And, as a result, they face a lifetime of fewer opportunities and lower earnings. Economically, our nation cannot afford to lose one million students each year. Morally, we cannot allow children to continue to fall through the cracks. I believe the Every Student Counts Act puts us on the right track towards turning back the tide of high school dropouts and I ask my colleagues to support this legislation.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

MARCH 11, 2009.

DEAR SENATOR HARKIN AND REPRESENTATIVE SCOTT: We, the undersigned education, civil rights, and advocacy organizations thank you for introducing the Every Student Counts Act to ensure meaningful accountability for the graduation rates of our nation's students. As you know, educators and policymakers at all levels of government agree that change is necessary on this issue.

Only 70 percent of our nation's students graduate with a regular diploma. Worse, just over half of African American and Hispanic students graduate on time. Special education students also have graduation rates of just over 50 percent. Such poor graduation rates are untenable in a global economy that demands an educated workforce. According to the Department of Labor, 90 percent of the fastest-growing and best-paying jobs in the United States require at least some postsecondary education. It is imperative that the nation's schools prepare their students to succeed in the twenty-first-century workforce.

The No Child Left Behind Act (NCLB) has focused the nation's attention on the unacceptable achievement gap and the need to improve outcomes for all students, particularly minority students, English language learners, and students with disabilities. However, NCLB does not place enough importance on graduating the nation's high school students; this fact—combined with weak state action in this area—has given states, districts, and schools little incentive to improve their graduation rates. As a response, the Secretary of Education released regulations that created a uniform high school graduation rate calculation and ensured that improving high school graduation rates for all schools is part of the federal accountability system. Although the regulations are a laudable step in the right direction, we believe that the Every Student Counts Act is a better approach to graduation rate accountability because it provides clear and high expectations for graduation rate goals and growth.

The Every Student Counts Act would:

Require a consistent and accurate calculation of graduation rates across all fifty states and the District of Columbia to ensure comparability and transparency;

Require that graduation rate calculations be disaggregated for both accountability and reporting purposes to ensure that school improvement activities focus on all students and close achievement gaps;

Ensure that graduation rates and test scores are treated equally in Adequate Yearly Progress (AYP) determinations;

Require aggressive, attainable, and uniform annual growth targets as part of AYP to ensure consistent increases in graduation rates for all schools;

While maintaining the expectation that most students will graduate in four years, recognize that a small number of students take longer than four years to graduate and give credit to schools, school districts, and states for graduating those students; and

Provide incentives for schools, districts, and states to create programs to serve students who have already dropped out and are over-age or undercredited.

Again, we thank you for introducing the Every Student Counts Act and for your leadership on this critical issue.

Sincerely,

Alliance for Excellent Education.
American Association of University Women.
American Federation of the Blind.
American School Counselor Association
America's Promise Alliance.
Bazelon Center for Mental Health Law.
Council of Administrators of Special Education.
First Focus.
Journey Programs.
Knowledge Alliance.
Learning Disabilities Association of America.
Mexican American Legal Defense and Educational Fund.
National Association for the Education of Homeless Children and Youth.
National Association of Federally Impacted Schools.
National Association of School Psychologists.
National Association of Secondary School Principals.
National Association of State Boards of Education.
National Center for Learning Disabilities
National Collaboration for Youth.
National Council of La Raza.
National Education Association.
National Parent Teacher Association.
Project Grad USA.
Public Education Network.
School Social Work Association of America.
Teachers of English to Speakers of Other Languages.
United Way of America.
Youth Service America.

JOEL KLEIN,

Chancellor, New York City Public Schools.

By Mr. REID (for Mr. KENNEDY
(for himself and Ms. SNOWE)):

S. 619. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, today we face growing concerns about infectious disease which few could have anticipated. Over a half century ago, following the development of modern antibiotics, Nobel Laureate Sir McFarland Burnet summed up what many experts believed when he stated, "One can think of the middle of the twentieth century as the end of one of the most important social revolutions in history, the virtual elimination of infectious diseases as a significant factor in social life".

How things have changed! Today many of the world's greatest killers are infectious diseases—including HIV, tuberculosis, malaria—and increasingly our Nation is susceptible. We have concerns about both natural pandemics—such as those caused by influenza—as well as manmade threats.

At the same time that the threat has grown, we have seen an alarming trend as existing antibiotics are becoming

less effective in treating infections. We know that resistance to drugs can be developed, and that the more we expose bacteria to antibiotics, the more resistance we will see. So it is critical to address preserving the lifesaving antibiotic drugs we have today so that they will be of use in treating disease when they are needed.

Today over 9 out of 10 Americans understand that resistance to antibiotics is a problem. Most Americans have learned that colds and flu are caused by viruses, and recognize that treating a cold with an antibiotic is inappropriate. Our health care providers are more careful to discriminate when to use antibiotics, because they know that when a patient who has been inappropriately prescribed an antibiotic actually develops a bacterial infection, it is more likely to be resistant to treatment.

When we overuse antibiotics, we risk eliminating the very cures which scientists fought so hard to develop. The threat of bioterrorism amplifies the danger. We have supported increased NIH research funding, as well as bio-shield legislation, in order to promote development of essential drugs, both to address natural and manmade threats. It is so counterproductive to develop antimicrobial drugs and see their misuse render them ineffective.

Yet every day in America antibiotics continue to be used in huge quantities when there is no disease present to treat. I am speaking of the nontherapeutic use of antibiotics in agriculture. Simply put, the practice of feeding antibiotics to healthy animals jeopardizes the effectiveness of these medicines in treating ill people and animals.

Recognizing the public health threat caused by antibiotic resistance, Congress in 2000 amended the Public Health Threats and Emergencies Act to curb antibiotic overuse in human medicine. Yet today, it is estimated that 70 percent of the antimicrobials used in the United States are fed to farm animals for nontherapeutic purposes including growth promotion, poor management practices and crowded, unsanitary conditions.

In March 2003, the National Academies of Sciences stated that a decrease in antimicrobial use in human medicine alone will not solve the problem of drug resistance. Substantial efforts must be made to decrease inappropriate overuse of antibiotics in animals and agriculture.

Four years ago five major medical and environmental groups—the American Academy of Pediatrics, the American Public Health Association, Environmental Defense, the Food Animal Concerns Trust and the Union of Concerned Scientists—jointly filed a formal regulatory petition with the U.S. Food and Drug Administration urging the agency to withdraw approvals for

seven classes of antibiotics which are used as agricultural feed additives. They pointed out what we have known for years—that antibiotics which are crucial to treating human disease should never be used except for their intended purpose—to treat disease.

In a study reported in the *New England Journal of Medicine*, researchers at the Centers for Disease Control and Prevention found 17 percent of drug-resistant staph infections had no apparent links to health-care settings. Nearly one in five of these resistant infections arose in the community—not in the health care setting. While must do more to address inappropriate antibiotic use in medicine, the use of these drugs in our environment cannot be ignored.

Most distressingly, we have seen the USDA issue a fact sheet on the recently recognized link between antimicrobial drug use in animals and the methicillin resistant staphylococcus aureas, MRSA, infections in humans. These infections literally threaten life and limb!

So it should be clear why I have joined with Senator KENNEDY in again introducing the Preservation of Antibiotics for Medical Treatment Act. Senator KENNEDY is truly a champion of public health and understands how critical it is to preserve the drugs we must have in our arsenal to combat infectious diseases. I am honored to join with him in an effort to preserve vital drugs and reduce the development of drug-resistant organisms which threaten human health.

This bill phases out the nontherapeutic uses of critical medically important antibiotics in livestock and poultry production, unless their manufacturers can show that they pose no danger to public health.

Our legislation requires the Food and Drug Administration to withdraw the approval for nontherapeutic agricultural use of antibiotics in food-producing animals if the antibiotic is used for treating human disease, unless the application is proven harmless within 2 years. The same tough standard of safety will apply to new applications for approval of animal antibiotics.

This legislation places no unreasonable burden on producers. It does not restrict the use of antibiotics to treat sick animals, or for that matter to treat pets and other animals not used for food.

As we are constantly reminded, the discovery and development of a new drug can require great time and expense. It is simply common sense that we preserve the use of the drugs which we already have, and use them appropriately. I call on my colleagues to support us in this effort.

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. DORGAN, Mr.

DODD, Mr. VITTER, and Mr. FEINGOLD):

S. 620. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; considered and passed.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking “(a)(1)” and inserting “(a)”;

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking “as adjusted by paragraph (2) of this subsection” and inserting “adjusted as provided by law”.

(c) EFFECTIVE DATE.—This section shall take effect on December 31, 2010.

By Mr. DURBIN (for himself and Mr. COCHRAN):

S. 621. A bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise to speak on legislation I am introducing today that relates to congenital heart disease research. Congenital heart disease is a rapidly growing national health problem. Congenital heart defects are the most common and most deadly form of birth defects, affecting nearly 1 percent of births, approximately 36,000 a year. In fact, a child is born with a congenital heart defect every 15 minutes. A congenital heart defect occurs when heart structures are malformed, missing or in the wrong place. There are over 30 types of congenital heart defects. These defects cause congenital heart disease—cardiovascular problems caused by the birth defect.

The good news is that modern medicine has made major advances in treating heart defects in newborns. In 1950, a child born with a congenital heart defect only had a 20 percent chance of surviving, but today that number has increased to 90 percent. Due to the increase in childhood survival rates, the congenital heart disease population increases by an estimated 5 percent every year.

However, the bad news is that there is no cure for congenital heart disease.

Even survivors of successful childhood intervention face lifelong risks, including heart failure, rhythmic disorders, stroke, renal dysfunction, and neurocognitive dysfunction. Sadly, the estimated life expectancy for those with congenital heart disease is significantly lower than for the general population. The life expectancy for those born with moderately complex heart defects is 55, while the estimated life expectancy for those born with highly complex defects is between 35 and 40.

Unfortunately, fewer than 10 percent of adults living with complex congenital heart disease currently receive the cardiac care they need, and many don't know that they should have lifelong specialized health surveillance. Even with access to the best care, living with congenital heart disease involves risk. But for people who don't have the medical care or who don't have it promptly, the risks of premature death or disability are much higher.

In 2004, the National Heart, Lung, and Blood Institute convened a working group on congenital heart disease. This group recommended developing a research network for clinical research, establishing a national database of patients, and creating an outreach education program on the need for continued cardiac care.

Today, I am pleased to introduce the Congenital Heart Futures Act, which builds on these recommendations in several ways. First, the legislation authorizes the Centers for Disease Control and Prevention, CDC, to lead a comprehensive public education and awareness campaign around congenital heart disease. Next, it authorizes a National Congenital Heart Disease Registry at the CDC to track the epidemiology of congenital heart disease and creates an advisory committee to provide expert information and advice to CDC. And, finally, it authorizes congenital heart disease research through NHLBI.

Despite the prevalence and seriousness of congenital heart disease, research, data collection, education, and awareness are limited. The Congenital Heart Futures Act will help prevent premature death and disability in this rapidly growing but dramatically underserved population.

I say to those who are interested in promoting health research, this is an area where we can expend more effort and save more lives. I hope my colleagues will take a look at this legislation which we are introducing today and join me in cosponsoring it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD as follows:

S. 621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Congenital Heart Futures Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Congenital heart defects are the most common and most deadly group of birth defects and affect nearly 1 percent of all live births, approximately 36,000 births a year. A child is born with a congenital heart defect every 15 minutes.

(2) Congenital heart disease is a rapidly-growing national health problem. Childhood survival has risen from below 20 percent in 1950 to more than 90 percent today. Due to the increase in childhood survival, the congenital heart disease population increases by an estimated 5 percent every year.

(3) Approximately 800,000 children and 1,000,000 adults in the United States are now living with congenital heart disease and require highly-specialized life-long cardiac care.

(4) There is no cure for congenital heart disease. Even survivors of successful childhood treatment can face life-long risks from congenital heart disease, including heart failure, rhythmic disorders, stroke, renal dysfunction, and neurocognitive dysfunction.

(5) Less than 10 percent of adults living with complex congenital heart disease currently receive recommended cardiac care. Many individuals with congenital heart disease are unaware that they require life-long specialized health surveillance. Delays in care can result in premature death and disability.

(6) The estimated life expectancy for those with congenital heart disease is significantly lower than for the general population. The life expectancy for those born with moderately complex heart defects is 55, while the estimated life expectancy for those born with highly complex defects is between 35 and 40.

(7) Despite the prevalence and seriousness of the disease, Federal research, data collection, education, and awareness activities are limited.

(8) The strategic plan of the National Heart, Lung, and Blood Institute completed in 2007 notes that “successes over several decades have enabled people with congenital heart diseases to live beyond childhood, but too often inadequate data are available to guide their treatment as adults”.

(9) The strategic plan for the Division of Cardiovascular Diseases at the National Heart, Lung and Blood Institute, completed in 2008, set goals for congenital heart disease research, including understanding the development and genetic basis of congenital heart disease, improving evidence-based care and treatment of children with congenital and acquired pediatric heart disease, and improving evidence-based care and treatment of adults with congenital heart disease.

SEC. 3. PUBLIC EDUCATION AND AWARENESS OF CONGENITAL HEART DISEASE.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

“PART S—PROGRAMS RELATING TO CONGENITAL HEART DISEASE

“SEC. 399HH. PUBLIC EDUCATION AND AWARENESS OF CONGENITAL HEART DISEASE.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Dis-

ease Control and Prevention and in collaboration with appropriate congenital heart disease patient organizations and professional organizations, may directly or through grants, cooperative agreements, or contracts to eligible entities conduct, support, and promote a comprehensive public education and awareness campaign to increase public and medical community awareness regarding congenital heart disease, including the need for life-long treatment of congenital heart disease survivors.

“(b) ELIGIBILITY FOR GRANTS.—To be eligible to receive a grant, cooperative agreement, or contract under this section, an entity shall be a State or private nonprofit entity and shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.”.

SEC. 4. NATIONAL CONGENITAL HEART DISEASE REGISTRY.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 3, is further amended by adding at the end the following:

“SEC. 399II. NATIONAL CONGENITAL HEART DISEASE REGISTRY.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may—

“(1) enhance and expand infrastructure to track the epidemiology of congenital heart disease and to organize such information into a comprehensive, nationwide registry of actual occurrences of congenital heart disease, to be known as the ‘National Congenital Heart Disease Registry’; or

“(2) award a grant to one eligible entity to undertake the activities described in paragraph (1).

“(b) PURPOSE.—The purpose of the Congenital Heart Disease Registry shall be to facilitate further research into the types of health services patients use and to identify possible areas for educational outreach and prevention in accordance with standard practices of the Centers for Disease Control and Prevention.

“(c) CONTENT.—The Congenital Heart Disease Registry—

“(1) may include information concerning the incidence and prevalence of congenital heart disease in the United States;

“(2) may be used to collect and store data on congenital heart disease, including data concerning—

“(A) demographic factors associated with congenital heart disease, such as age, race, ethnicity, sex, and family history of individuals who are diagnosed with the disease;

“(B) risk factors associated with the disease;

“(C) causation of the disease;

“(D) treatment approaches; and

“(E) outcome measures, such that analysis of the outcome measures will allow derivation of evidence-based best practices and guidelines for congenital heart disease patients; and

“(3) may ensure the collection and analysis of longitudinal data related to individuals of all ages with congenital heart disease, including infants, young children, adolescents, and adults of all ages, including the elderly.

“(d) COORDINATION WITH FEDERAL, STATE, AND LOCAL REGISTRIES.—In establishing the National Congenital Heart Registry, the Secretary may identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health infrastructure, including—

“(1) State birth defects surveillance systems;

“(2) the State birth defects tracking systems of the Centers for Disease Control and Prevention;

“(3) the Metropolitan Atlanta Congenital Defects Program; and

“(4) the National Birth Defects Prevention Network.

“(e) PUBLIC ACCESS.—The Congenital Heart Disease Registry shall be made available to the public, including congenital heart disease researchers.

“(f) PATIENT PRIVACY.—The Secretary shall ensure that the Congenital Heart Disease Registry is maintained in a manner that complies with the regulations promulgated under section 264 of the Health Insurance Portability and Accountability Act of 1996.

“(g) ELIGIBILITY FOR GRANT.—To be eligible to receive a grant under subsection (a)(2), an entity shall—

“(1) be a public or private nonprofit entity with specialized experience in congenital heart disease; and

“(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.”.

SEC. 5. ADVISORY COMMITTEE ON CONGENITAL HEART DISEASE.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 4, is further amended by adding at the end the following:

“SEC. 399JJ. ADVISORY COMMITTEE ON CONGENITAL HEART DISEASE.

“(a) ESTABLISHMENT.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may establish an advisory committee, to be known as the ‘Advisory Committee on Congenital Heart Disease’ (referred to in this section as the ‘Advisory Committee’).

“(b) MEMBERSHIP.—The members of the Advisory Committee may be appointed by the Secretary, acting through the Centers for Disease Control and Prevention, and shall include—

“(1) at least one representative from—

“(A) the National Institutes of Health;

“(B) the Centers for Disease Control and Prevention; and

“(C) a national patient advocacy organization with experience advocating on behalf of patients living with congenital heart disease;

“(2) at least one epidemiologist who has experience working with data registries;

“(3) clinicians, including—

“(A) at least one with experience diagnosing or treating congenital heart disease; and

“(B) at least one with experience using medical data registries; and

“(4) at least one publicly- or privately-funded researcher with experience researching congenital heart disease.

“(c) DUTIES.—The Advisory Committee may review information and make recommendations to the Secretary concerning—

“(1) the development and maintenance of the National Congenital Heart Disease Registry established under section 399II;

“(2) the type of data to be collected and stored in the National Congenital Heart Disease Registry;

“(3) the manner in which such data is to be collected;

“(4) the use and availability of such data, including guidelines for such use; and

“(5) other matters, as the Secretary determines to be appropriate.

“(d) REPORT.—Not later than 180 days after the date on which the Advisory Committee is established and annually thereafter, the Advisory Committee shall submit a report to

the Secretary concerning the information described in subsection (c), including recommendations with respect to the results of the Advisory Committee's review of such information."

SEC. 6. CONGENITAL HEART DISEASE RESEARCH.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following: "**SEC. 425. CONGENITAL HEART DISEASE.**

"(a) IN GENERAL.—The Director of the Institute may expand, intensify, and coordinate research and related activities of the Institute with respect to congenital heart disease, which may include congenital heart disease research with respect to—

"(1) causation of congenital heart disease, including genetic causes;

"(2) long-term outcomes in individuals with congenital heart disease, including infants, children, teenagers, adults, and elderly individuals;

"(3) diagnosis, treatment, and prevention;

"(4) studies using longitudinal data and retrospective analysis to identify effective treatments and outcomes for individuals with congenital heart disease; and

"(5) identifying barriers to life-long care for individuals with congenital heart disease.

"(b) COORDINATION OF RESEARCH ACTIVITIES.—The Director of the Institute may coordinate research efforts related to congenital heart disease among multiple research institutions and may develop research networks.

"(c) MINORITY AND MEDICALLY UNDERSERVED COMMUNITIES.—In carrying out the activities described in this section, the Director of the Institute shall consider the application of such research and other activities to minority and medically underserved communities."

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the amendments made by this Act such sums as may be necessary for each of fiscal years 2010 through 2014.

By Mrs. FEINSTEIN (for herself,
Mr. GREGG, Mr. BINGAMAN, Ms.
COLLINS, Ms. CANTWELL, and
Mr. MARTINEZ):

S. 622. A bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Imported Ethanol Parity Act of 2009.

This legislation is cosponsored by Senators GREGG, BINGAMAN, COLLINS, CANTWELL and MARTINEZ.

First, let me explain what this bill does.

The Imported Ethanol Parity Act instructs the President to lower the secondary ethanol import tariff, so that tariffs on ethanol are no higher than the subsidy for blending ethanol into gasoline.

This would restore parity between the real tariff faced by imported gasoline and ethanol, which currently compete.

This legislation is necessary because last year's Farm Bill shifted the function of ethanol tariffs.

Historically, there has been relative parity between ethanol subsidies and ethanol tariffs. The tariffs served to

"offset" domestic subsidies for ethanol use, thereby preventing imported ethanol from benefiting from domestic subsidies.

But after passage of the Farm Bill, these tariffs began to serve as a real barrier to trade.

The Farm Bill maintained the primary 2.5 percent tariff and extended the secondary tariff for two more years at \$0.54 per gallon, creating a combined tariff of \$0.56 to \$0.59 per gallon, depending on the sale price. But the Farm Bill reduced the ethanol blending subsidy that these tariffs are intended to offset to \$0.45 per gallon.

This disparity means that an ethanol importer pays more tariff than he gets back in subsidy, and parity has been lost.

Specifically, an ethanol importer pays \$0.11 to \$0.14 per gallon of tariff to the U.S. Treasury that he never gets back from the ethanol subsidy.

Ethanol is therefore disadvantaged when it competes directly with other imported transportation fuels, such as gasoline and diesel.

It increases the cost of gasoline in the United States by making ethanol more expensive.

It prevents Americans from importing ethanol made from sugarcane. Sugar ethanol is the only available transportation fuel that works in today's cars and emits considerably less lifecycle greenhouse gas than gasoline.

It taxes imported transportation fuel from our friends in Brazil, India, and Australia, while oil and gasoline imports from OPEC enter the United States tax free.

It hinders the emergence of a global biofuels marketplace through which countries with a strong biofuel crop could sell fuel to countries that suffered drought or other agricultural difficulties in the same crop year. Such a global market would permit mutually beneficial trade between producing regions and stabilize both fuel and food prices.

It makes us more dependent on the Middle East for fuel when we should be increasing the number of countries from whom we buy fuel. When it comes to energy security for the United States, which has less than 3 percent of proven global oil reserves and 25 percent of demand, we must diversify supply.

Bottom Line: Until the tariff is lowered, the United States will tax the only fuel it can import that increases energy security, reduces greenhouse gas emissions, and lowers gasoline prices.

This legislation responds to the Tariff's defenders.

In 2006 I introduced legislation to eliminate the ethanol tariff entirely, and in 2007 I cosponsored an amendment to the Energy Bill which would have eliminated the tariff.

The Imported Ethanol Parity Act is a different proposal that I believe addresses the concerns of tariff defenders.

The advocates of the \$0.54 per gallon secondary tariff on ethanol imports have always argued that the tariff is necessary in order to offset the blender subsidy that applies to the use of all ethanol, whether produced domestically or internationally.

They argue that the ethanol subsidy exists to support American farmers who produce ethanol at higher cost than foreign producers. For instance, on May 6, 2006, the Chairman of the Senate Finance Committee stated on the Senate floor that, "the U.S. tariff on ethanol operates as an offset to an excise tax credit that applies to both domestically produced and imported ethanol."

On May 9, 2006, the Renewable Fuels Association stated in a press release: "the secondary tariff exists as an offset to the tax incentive gasoline refiners receive for every gallon of ethanol they blend, regardless of the ethanol's origin."

In a letter to Congress dated June 20, 2007, the American Coalition for Ethanol, the American Farm Bureau Federation, the National Corn Growers Association, the National Council of Farmer Cooperatives, the National Sorghum Producers, and the Renewable Fuels Association stated that the blender tax credit is available to refiners regardless of whether the ethanol blended is imported or domestic. To prevent U.S. taxpayers from subsidizing foreign ethanol companies, Congress passed an offset to the tax credit that foreign companies pay in the form of a tariff.

In 2008, the Renewable Fuels Association's Executive Director asserted that "The tariff is there not so much to protect the industry but the U.S. taxpayer."

I ask tariff advocates to either support this legislation or explain how a tariff can justifiably be higher than the subsidy it is designed to offset.

Bottom Line: Ethanol from Brazil or Australia should not have to overcome a trade barrier that no drop of OPEC oil must face. The tariffs cannot be justifiably maintained at \$0.56-\$0.59 per gallon if its intent is to offset a \$0.45 per gallon blender subsidy, and it should be reduced.

Climate Change is the most significant environmental challenge we face, and I believe that lowering the ethanol tariff will make it less expensive for the United States to combat global warming.

Here is how: the fuel we burn to power our cars is a major source of the greenhouse gas emissions warming our planet. In California, it accounts for 40 percent of all of our emissions. To reduce this impact, we need to increase the fuel efficiency of our vehicles and lower the lifecycle carbon emissions of the fuel itself.

For this reason, in the 110th Congress I introduced the Clean Fuels and Vehicles Act with Senators OLYMPIA SNOWE and SUSAN COLLINS.

The legislation proposed a “Low Carbon Fuels Standard,” which would require each major oil company selling gasoline in the United States to reduce the average lifecycle greenhouse gas emissions per unit of energy in their gasoline by 3 percent by 2015 and by 3 percent more in 2020.

This concept became a major aspect of the Energy Independence and Security Act of 2007, in which Congress requires oil companies to use an increasing quantity of “advanced biofuels” that produce at least 50 percent less lifecycle greenhouse gas than gasoline.

Unfortunately the ethanol tariff puts a trade barrier in front of the lowest carbon fuel available, making it considerably more expensive for the United States to lower the lifecycle carbon emissions of transportation fuel.

The lifecycle greenhouse gas emissions of ethanol vary depending on production methods and feedstocks, and these differences will impact the degree to which ethanol may be used to meet “low-carbon” fuel requirements under the Energy Independence and Security Act of 2007.

For instance, sugar cane ethanol plants use biomass from sugar stalks as process energy, resulting in less fossil fuel input compared to current corn-to-ethanol processes. By comparison, researchers at the University of California concluded that “only 5 to 26 percent of the energy content in corn ethanol, is renewable. The rest is primarily natural gas and coal,” which are used in the production process.

The most recent research compiled by the California Air Resources Board concluded that the direct lifecycle greenhouse gas emissions of imported sugar based ethanol are 73 percent lower than gasoline, while the direct lifecycle greenhouse gas emissions of corn based ethanol from the Midwest are 31 percent lower than gasoline.

Even when land use change is factored in, the lifecycle greenhouse gas emissions of sugar-based ethanol from Brazil is the single least emitting fuel option available for today’s vehicles. It is only surpassed on an emissions basis by electric and fuel cell cars, which are unfortunately at least a few years away from widespread adoption.

Biofuels that protect our planet may be produced abroad, and we should not put tariffs in front of these fuels, if we import crude oil and gasoline tariff free.

This legislation accomplishes two goals: it corrects the Farm Bill’s mistaken policy that imposed a real trade barrier on clean and climate friendly ethanol imports, giving gasoline imports a competitive advantage over

cleaner fuel that simply should not exist at a time we are trying to combat climate change.

It prevents ethanol producers abroad from receiving American ethanol subsidies, which is supposedly the intent of the ethanol tariff.

I think it strikes the right balance, and I urge Congress to pass this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Imported Ethanol Parity Act”.

SEC. 2. ETHANOL TAX PARITY.

Not later than 30 days after the date of the enactment of this Act, and semiannually thereafter, the President shall reduce the temporary duty imposed on ethanol under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States by an amount equal to the reduction in any Federal income or excise tax credit under section 40(h), 6426(b), or 6427(e)(1) of the Internal Revenue Code of 1986 and take any other action necessary to ensure that the combined temporary duty imposed on ethanol under such subheading 9901.00.50 and any other duty imposed under the Harmonized Tariff Schedule of the United States is equal to, or lower than, any Federal income or excise tax credit applicable to ethanol under the Internal Revenue Code of 1986.

By Mr. ROCKEFELLER (for himself, Mr. LAUTENBERG, and Mr. BROWN):

S. 623. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions in group health plans and in health insurance coverage in the group and individual markets; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Pre-existing Condition Patient Protection Act, legislation to provide crucial protections for individuals with chronic and preexisting conditions. Unfair insurance market rules, including those which allow insurance companies to exclude coverage for preexisting health conditions, have forced thousands of American families into dire medical and financial situations. Addressing this issue is a priority of the President and should be a priority for Congress.

As we begin to consider comprehensive health reform, including significant coverage expansions for the uninsured, this reform should also address the gaps in coverage for the 25 million Americans who are underinsured often due to their preexisting condition.

Health insurance coverage should be meaningful and available when people need it.

The Centers for Disease Control and Prevention, CDC, estimates that nearly 45 percent of Americans—or 133 million people—have at least one chronic condition. Furthermore, a report recently published in the *Annals of Internal Medicine* found that nearly one-third of all uninsured Americans in 2004 had received a chronic condition diagnosis. Early intervention and adequate treatment for those with chronic conditions is vital. Unfortunately, preexisting condition exclusions are often a barrier for individuals seeking access to comprehensive health insurance coverage.

Congress passed the Health Insurance Portability and Accountability Act of 1996, HIPAA, P.L. 104-191, over 10 years ago with the objective of protecting Americans from interruptions in health insurance coverage resulting from job changes or other life transitions. HIPAA provides this protection by restricting when private insurers can use preexisting conditions to limit health insurance coverage. HIPAA has been successful, and many individuals have come to rely on its protections. However, after more than a decade, certain gaps in HIPAA’s protection have become apparent.

First, individuals who have been without health insurance coverage for 63 days or more are at risk of being permanently uninsurable. This is particularly true of individuals with preexisting conditions, because a 63-day gap in coverage eliminates any prior creditable coverage. If an employee cannot demonstrate that he or she had prior creditable and continuous coverage, an employer can exclude coverage for preexisting conditions for up to 12 months.

Second, employers can restrict coverage for preexisting conditions to otherwise qualified employees based on a 6-month “look-back” period. This means that an employer may use medical recommendations, diagnoses, and treatments within the most recent six months to deny health coverage for a “preexisting condition” for up to 12 months.

Third, the protections offered to individuals moving into a group health plan, or moving into the individual insurance market from a group plan, are not available to individuals attempting to shop around for policies within individual market. As a result, individuals who purchase policies in the nongroup market and never have a gap in coverage still have no protection against the preexisting condition exclusions that insurers may choose to impose. In most cases, there is no limit on the length of time an insurer can deny coverage under an individual insurance policy for a preexisting condition. An individual with a chronic condition who is buying coverage in the individual market today is likely to pay a

high deductible, have a large monthly premium, and have the very illness they need coverage for written out of their policy.

The Pre-existing Condition Patient Protection Act I am introducing today would address all three of these gaps in the current HIPAA law by eliminating preexisting condition exclusions in every single market. While this change is not the only insurance market reform necessary, it is a great step forward in improving the health coverage available to the 133 million Americans living with at least one chronic condition.

Access to treatment is critical for these individuals, and a permanent fix to the law regarding coverage exclusions is crucial for our Nation in reforming our health care system. Therefore, I urge my colleagues to join me in supporting this important bill. The time for action is now.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preexisting Condition Patient Protection Act of 2009".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the United States Census Bureau, 45,700,000 individuals were uninsured in 2007.

(2) According to a recent study by the Commonwealth Fund, the number of underinsured adults ages 19 to 64 has jumped 60 percent over the last 4 years, from 16,000,000 in 2003 to 25,000,000 in 2007.

(3) According to the Center for Disease Control and Prevention, approximately 45 percent of Americans have at least 1 chronic condition.

(4) Forty-four States currently allow insurance companies to deny coverage for, limit coverage for, or charge increased premiums for a pre-existing condition.

(5) Over 26,000,000 individuals were enrolled in private individual market health plans in 2007. Under the amendments made by the Health Insurance Portability and Accountability Act of 1996, these individuals have no protections against pre-existing condition exclusions or waiting periods.

(6) When an individual has a 63-day gap in health insurance coverage, pre-existing condition exclusions, such as limiting coverage, can be placed on them when they become insured under a new health insurance policy.

(7) Eliminating pre-existing condition exclusions for all individuals is a vital safeguard to ensuring all Americans have access to health care when in need.

(8) According to a Kaiser Family Foundation/Harvard School of Public Health public opinion poll, 58 percent of Americans strongly favor the Federal Government requiring health insurance companies to cover anyone who applies for health coverage, even if they have a prior illness.

SEC. 3. ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS UNDER GROUP HEALTH PLANS.

(a) APPLICATION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS.—Section 701 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181) is amended—

(A) by amending the heading to read as follows: "**ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS**";

(B) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, with respect to a participant or beneficiary—

"(1) may not impose any pre-existing condition exclusion; and

"(2) in the case of a group health plan that offers medical care through health insurance coverage offered by a health maintenance organization, may not provide for an affiliation period with respect to coverage through the organization.";

(C) in subsection (b), by striking paragraph (3) and inserting the following:

"(3) AFFILIATION PERIOD.—The term 'affiliation period' means a period which, under the terms of the health insurance coverage offered by the health maintenance organization, must expire before the health insurance coverage becomes effective.";

(D) by striking subsections (c), (d), (e), and (g); and

(E) by redesignating subsection (f) (relating to special enrollment periods) as subsection (c).

(2) CLERICAL AMENDMENT.—The item in the table of contents of such Act relating to section 701 is amended to read as follows:

"Sec. 701. Elimination of pre-existing condition exclusions."

(b) APPLICATION UNDER PUBLIC HEALTH SERVICE ACT.—

(1) ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS.—Section 2701 of the Public Health Service Act (42 U.S.C. 300gg) is amended—

(A) by amending the heading to read as follows: "**ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS**";

(B) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, with respect to a participant or beneficiary—

"(1) may not impose any pre-existing condition exclusion; and

"(2) in the case of a group health plan that offers medical care through health insurance coverage offered by a health maintenance organization, may not provide for an affiliation period with respect to coverage through the organization.";

(C) in subsection (b), by striking paragraph (3) and inserting the following:

"(3) AFFILIATION PERIOD.—The term 'affiliation period' means a period which, under the terms of the health insurance coverage offered by the health maintenance organization, must expire before the health insurance coverage becomes effective.";

(D) by striking subsections (c), (d), (e), and (g); and

(E) by redesignating subsection (f) (relating to special enrollment periods) as subsection (c).

(2) TECHNICAL AMENDMENTS RELATING TO EMPLOYER SIZE.—Section 2711 of such Act (42 U.S.C. 300gg-11) is amended—

(A) in subsection (a)—

(i) in the heading, by striking "SMALL";

(ii) in paragraph (1)—

(I) by striking "(c) through (f)" and inserting "(b) through (d)";

(II) in the matter before subparagraph (A), by striking "small"; and

(III) in subparagraph (A), by striking "small employer (as defined in section 2791(e)(4))" and inserting "employer"; and

(iii) in paragraph (2)—

(I) by striking "small" each place it appears; and

(II) by striking "coverage to a" and inserting "coverage to an";

(B) by striking subsection (b);

(C) in subsections (c), (d), and (e), by striking "small" each place it appears; and

(D) by striking subsection (f).

(c) APPLICATION UNDER THE INTERNAL REVENUE CODE OF 1986.—

(1) ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS.—Section 9801 of the Internal Revenue Code of 1986 is amended—

(A) by amending the heading to read as follows: "**ELIMINATION OF PREEXISTING CONDITION EXCLUSIONS**";

(B) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—A group health plan with respect to a participant or beneficiary may not impose any pre-existing condition exclusion.";

(C) by striking paragraph (3) of subsection (b);

(D) by striking subsections (c), (d), and (e); and

(E) by redesignating subsection (f) (relating to special enrollment periods) as subsection (c).

(2) CLERICAL AMENDMENT.—The item in the table of sections of chapter 100 of such Code relating to section 9801 is amended to read as follows:

"Sec. 9801. Elimination of preexisting condition exclusions."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to group health plans for plan years beginning after the end of the 12th calendar month following the date of the enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act); or

(B) the date that is after the end of the 12th calendar month following the date of enactment of this Act.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 4. NONDISCRIMINATION IN INDIVIDUAL HEALTH INSURANCE.

(a) IN GENERAL.—Section 2741 of the Public Health Service Act (42 U.S.C. 300gg-41) is amended by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

“(1) **GUARANTEED ISSUE.**—Subject to the succeeding subsections of this section, each health insurance issuer that offers health insurance coverage (as defined in section 2791(b)(1)) in the individual market to individuals residing in an area may not, with respect to an eligible individual (as defined in subsection (b)) residing in the area who desires to enroll in individual health insurance coverage—

“(A) decline to offer such coverage to, or deny enrollment of, such individual; or

“(B) impose any preexisting condition exclusion (as defined in section 2701(b)(1)(A)) with respect to such coverage.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the end of the 12th calendar month following the date of the enactment of this Act.

SEC. 5. TRANSPARENCY IN CLAIMS DATA.

(a) **REPORT ON ADVERSE SELECTION.**—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report concerning the occurrence of adverse selection as a result of the enactment of this Act. Such report shall be based on the data reported under subsection (b).

(b) **MANDATORY REPORTING.**—A health insurance issuer to which this Act applies, shall upon the request of the Secretary, submit to the Secretary of Health and Human Services, data concerning—

(1) the number of new enrollees in health plans offered by the issuer during the year involved;

(2) the number of enrollees who re-enrolled in health plans offered by the issuer during the year involved;

(3) the demographic characteristics of enrollees;

(4) the number, nature, and dollar amount of claims made by enrollees during the year involved;

(5) the number of enrollees who disenrolled or declined to be reenrolled during the year involved; and

(6) any other information determined appropriate by such Secretary.

(c) **ENFORCEMENT.**—Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-91 et seq.) is amended by adding at the end the following:

“SEC. 2793. PROVISION OF INFORMATION.

“(a) **IN GENERAL.**—The Secretary shall require that group health plans and health insurance issuers to which this Act applies provide data to the Secretary, at such times and in such manner as the Secretary may require, in order to permit the Secretary to monitor compliance with the requirements of this Act (including requirements imposed under the Preexisting Condition Patient Protection Act of 2009 (and the amendment made by that Act)).

“(b) **CIVIL PENALTIES.**—

“(1) **IN GENERAL.**—A group health plan or health insurance issuer that fails to provide information as required under subsection (a) shall be subject to a civil money penalty under this section.

“(2) **AMOUNT OF PENALTY.**—

“(A) **IN GENERAL.**—The maximum amount of penalty imposed under this paragraph is \$100 per covered life for each day that the plan or issuer fails to comply with this section.

“(B) **CONSIDERATION IN IMPOSITION.**—In determining the amount of any penalty to be assessed under this paragraph, the Secretary shall take into account the previous record

of compliance of the entity being assessed with this section and the gravity of the violation.”.

SEC. 6. REPORT ON AFFORDABLE HEALTH INSURANCE COVERAGE.

Not later than 12 months after the date of enactment of this Act, the Government Accountability Office shall submit to the Secretary of Health and Human Services a report concerning the impact of this Act and other Federal laws relating to the regulation of health insurance and its effect on the affordability of health insurance coverage for individuals in all insurance markets and a description of the effect of this Act on the expansion of coverage and reductions in the number of uninsured and underinsured.

By Mr. DURBIN (for himself, Mr. CORKER, and Mrs. MURRAY):

S. 624. A bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, later this week we will mark World Water Day. It is an important reminder of the many challenges we continue to face in providing clean water and sanitation to the world's poor.

We have made progress in recent years, but around the world today, nearly 1 billion people continue to lack access to clean, safe water. More than 2 billion people lack access to basic sanitation. Most of these people live on less than \$2 a day. They are the voiceless and the powerless of the world.

That is why today, Senator BOB CORKER and Senator PATTY MURRAY and I are introducing the Paul Simon Water for the World Act in the United States Senate. Congressmen BLUMENAUER and PAYNE have introduced the same bill in the House.

Our bill will reestablish U.S. leadership on one of the defining challenges of the 21st century: water.

The goal is to reach an additional 100 million of the world's poorest people with sustainable access to safe drinking water and basic sanitation by 2015. This would represent the largest single commitment of any donor country to meeting the Millennium Development Goal on water, which is to reduce by half the proportion of people without access to safe drinking water and sanitation by 2015.

The bill targets aid to areas with the greatest need. It helps build the capacity of poor nations to meet their own water and sanitation challenges. It supports research on clean water technologies and regional partnerships to find solutions to shared water challenges.

The bill provides technical assistance—best practices, credit authorities, and training—to help countries expand access to clean water and sanitation. Our development experts will

design the assistance based on local needs.

The Water for the World Act also designates within the State Department a high-level representative to ensure that water receives priority attention in our foreign policy, and establishes a new Office of Water at USAID to implement development assistance efforts related to water.

We ought to be assigning some of our best minds to solve the global water challenge. Right now, however, we don't have the staff at USAID to meet our goals on water or any other urgent development need.

At a time when it is more important than ever to win the hearts and minds of those around the world, as well as to address the challenges of fragile and failed states, our top development agency is suffering from an inexcusable shortage of expert staff.

In the 1960s, USAID had more than 5,000 Foreign Service Officers; today, when the needs are greater than ever, it has just over 1,000.

To correct this imbalance and help rebuild our smart power, I recently introduced a bill that would triple the number of USAID Foreign Service Officers by 2012. It's called the Increasing America's Development Capacity Act, and it's an essential part of our efforts to rebuild America's smart power role in the world—on food security, health, economic development, and yes, water.

I owe my passion on water to my friend and mentor, the man whose seat I now occupy in the U.S. Senate: the late Senator Paul Simon.

He was a profoundly good and wise man. He was also a visionary. He saw connections that many people missed. He saw answers to problems before most people even saw the problems.

As many of you know, solving the global water crisis was his last great campaign. In 1998, he wrote a book called “Tapped Out: The Coming World Crisis in Water and What We Can Do About It.”

Paul Simon would go anywhere, and talk to anyone, to try to get people and governments to take the global water crisis seriously. In the last year of his life, he traveled to Israel to moderate a panel between the Israeli and Palestinian water commissioners. He said that he and most of the people in the audience—were amazed that the two commissioners agreed on almost everything.

But when he looked in the newspapers the next day, there was nothing about the meeting. Not a word. He said that was “because nobody was shouting at each other.” That's part of the challenge.

The global water crisis is a quiet killer. In the developing world, water-related diseases claim the lives of 5,000 children every day. Diarrhea alone kills nearly 2 million children under the age of 5 each year. As CSIS's

“Global Water Futures” report hauntingly points out, that is the equivalent of all the children under age 5 in New York and London combined.

Mothers who fear the deaths of their children bear more, in a desperate race against the odds. The lack of clean water enslaves poor women in other ways, as well. In many poor nations, women and girls walk two or three hours or more each way, every day, to collect water that is often dirty and unsafe.

The UN estimates that women and girls in Sub-Saharan Africa spend a total of 40 billion working hours each year collecting water. That is equivalent to all of the hours worked in France in a year.

A developing economy cannot grow if its people are too busy collecting water, or too sick from drinking unsafe water, to work or to go to school.

What Senator Simon knew 10 years ago, and the rest of us are slowly coming around to see, is that we can't begin to solve the problems of global hunger and poverty without addressing the global water crisis.

And water is not simply a humanitarian challenge. It is a threat to global stability and the global economy.

Last June, Goldman Sachs held a meeting to assess the top five risks facing the world economy. Resource scarcity—including competition for water, food and energy—was at the top of the list.

Fortune magazine recently predicted that the global water crisis will be as serious in the 21st century as the oil crises were in the 20th, potentially leading to war.

Paul Simon understood the potential for conflicts over dwindling supplies of clean water. It alarmed him. He used to say, “Nations go to war for oil, but there are substitutes for oil. There are no substitutes for water.” We see that in the roots of the conflict in Darfur.

I have seen the challenge of water in so many of my recent trips abroad.

Two years ago I travelled to Jordan after a trip to Iraq. I went to talk with people there about the impact of the war in Iraq on one of our most important allies in the region.

The Jordanian Minister of Planning and International Cooperation, Ms. Suhair-al-Ali, told me that between 600,000 and 700,000 Iraqi refugees were living in Jordan at that time. That was equivalent to 10 percent of Jordan's entire population. For us in the U.S., that would be the equivalent of 30 million refugees.

The massive influx of Iraqi refugees had strained the ability of Jordan's government to provide basic services almost to the breaking point. What did the minister identify as one of Jordan's biggest problems? Water.

It is not just Jordan. Water is central to the fate of the entire Middle East.

In his book, Paul Simon quoted former Israeli Prime Minister Yitzhak

Rabin as saying, “If we solve every other problem in the Middle East but do not satisfactorily resolve the water problem, our region will explode. Peace will not be possible.”

You do not have to travel halfway around the world to see the devastating consequences of lack of access to clean water.

A few months ago I traveled to Haiti. This was my second visit and it is always a shock. A 90-minute plane ride from Miami takes you to another world.

There are no public sewage treatment or disposal systems anywhere in the country. Even in the capital, Port-au-Prince, a city of 2 million people, the drainage canals are choked with garbage and sewage.

It is no wonder that Haiti has the highest infant and child mortality rate in the Western Hemisphere. One-third of Haiti's children do not live to see the age of 5. The leading killer? Water-borne diseases: hepatitis, typhoid and diarrhea.

While there, I visited a rural health clinic run by a group called Partners in Health, co-founded by Dr. Paul Farmer. Dr. Farmer is a wonderful man who has improved the lives of so many, from Rwanda to Haiti.

He showed me a water purification kit that his clinic gives to nursing mothers with HIV/AIDS. This allows them to make formula for their babies and not transmit the virus through breastfeeding. It is simple, inexpensive, and life-saving.

Some years ago I visited Bolivia, one of the poorest countries in Latin America. Bolivia is an example of what awaits many countries' water supplies because of global warming.

Much of its population relies on melting glaciers for its water. But because of climate change the glaciers are not being replenished and some are already disappearing. These trends are happening from the snows of Mount Kilimanjaro to the Alps to the Himalayas.

How will the world respond to the water needs such as Bolivia and others who rely on glaciers for their water supplies?

I recently returned from a visit to Cyprus. The island has been divided now for more than 30 years. The leaders on both sides are engaged in brave and important discussions to reunify the island. Amid this hopeful progress toward peace, another problem plagues this island—water.

The groundwater in Cyprus is being depleted too quickly, often for agriculture, and it is being replenished too often with salt water that creeps into the water table. Global warming is causing rainfall to decrease.

In recognition of the vast water challenges we face around the world, two years after Paul Simon died, Congress passed the Paul Simon Water for the

Poor Act. President Bush signed it into law in December 2005.

It represents the first time the U.S. has codified our commitment to any of the Millennium Development Goals. The Paul Simon Water for the Poor Act makes safe water and basic sanitation a top priority for all U.S. foreign assistance.

In 2007 alone, it helped provide nearly 2 million people in over 30 countries with access to a better source of drinking water, and more than 1.5 million people with better sanitation.

The Water for the Poor Act is saving lives, but its impact could be greater. The Paul Simon Water for the World Act will help us expand these efforts to make a profound and sustainable difference in the lives of the world's poor.

As we prepare to mark World Water Day this Sunday, let us recommit ourselves to a new effort on safe water and sanitation.

Throughout history, civilized nations have put aside political differences to address compelling issues of life and survival. Our generation owes the world nothing less.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Senator Paul Simon Water for the World Act of 2009”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121)—

(A) makes access to safe water and sanitation for developing countries a specific policy objective of United States foreign assistance programs;

(B) requires the Secretary of State to—

(i) develop a strategy to elevate the role of water and sanitation policy; and

(ii) improve the effectiveness of United States assistance programs undertaken in support of that strategy;

(C) codifies Target 10 of the United Nations Millennium Development Goals; and

(D) seeks to reduce by half between 1990 (the baseline year) and 2015—

(i) the proportion of people who are unable to reach or afford safe drinking water; and

(ii) the proportion of people without access to basic sanitation.

(2) On December 20, 2006, the United Nations General Assembly, in GA Resolution 61/192, declared 2008 as the International Year of Sanitation, in recognition of the impact of sanitation on public health, poverty reduction, economic and social development, and the environment.

(3) On August 1, 2008, Congress passed H. Con. Res. 318, which—

(A) supports the goals and ideals of the International Year of Sanitation; and

(B) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment.

(4) While progress is being made on safe water and sanitation efforts—

(A) more than 884,000,000 people throughout the world lack access to safe drinking water; and

(B) 2 of every 5 people in the world do not have access to basic sanitation services.

(5) The health consequences of unsafe drinking water and poor sanitation are significant, accounting for—

(A) nearly 10 percent of the global burden of disease; and

(B) more than 2,000,000 deaths each year.

(6) The effects of climate change are expected to produce severe consequences for water availability and resource management in the future, with 2,800,000,000 people in more than 48 countries expected to face severe and chronic water shortages by 2025.

(7) According to the November 2008 report entitled, "Global Trends 2025: A Transformed World", the National Intelligence Council expects rapid urbanization and future population growth to exacerbate already limited access to water, particularly in agriculture-based economies.

(8) A 2009 report published in the Proceedings of the National Academy of Sciences projects that the effects of climate change will produce long-term droughts and raise sea levels for the next 1,000 years, regardless of future efforts to combat climate change.

(9) According to the 2005 Millennium Ecosystem Assessment, commissioned by the United Nations, more than 1/3 of the world population relies on freshwater that is either polluted or excessively withdrawn.

(10) The impact of water scarcity on conflict and instability is evident in many parts of the world, including the Darfur region of Sudan, where demand for water resources has contributed to armed conflict between nomadic ethnic groups and local farming communities.

(11) In order to further the United States contribution to safe water and sanitation efforts, it is necessary to—

(A) expand foreign assistance capacity to address the challenges described in this section; and

(B) represent issues related to water and sanitation at the highest levels of United States foreign assistance and diplomatic deliberations, including those related to issues of global health, food security, the environment, global warming, and maternal and child mortality.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the United States should lead a global effort to bring sustainable access to clean water and sanitation to poor people throughout the world.

SEC. 4. PURPOSE.

The purpose of this Act is—

(1) to provide first-time access to safe water and sanitation, on a sustainable basis, for 100,000,000 people in high priority countries (as designated under section 6(f) of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) by 2015; and

(2) to enhance the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121).

SEC. 5. DEVELOPING UNITED STATES GOVERNMENT CAPACITY.

Section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) is amended by adding at the end the following:

"(e) OFFICE OF WATER.—

"(1) ESTABLISHMENT.—To carry out the purposes of subsection (a), the Administrator of the United States Agency for Inter-

national Development shall establish the Office of Water within the Bureau for Economic Growth, Agriculture, and Trade.

"(2) LEADERSHIP.—The Office of Water shall be headed by a Director for Safe Water and Sanitation, who shall report directly to the Assistant Administrator of the Bureau for Economic Growth, Agriculture, and Trade.

"(3) DUTIES.—The Director shall—

"(A) implement this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121);

"(B) develop and implement country-specific water strategies and expertise, in collaboration with appropriate United States Agency for International Development Mission Directors, to meet the goal of providing 100,000,000 additional people with sustainable access to safe water and sanitation by 2015; and

"(C) place primary emphasis on providing safe, affordable, and sustainable drinking water, sanitation, and hygiene in a manner that—

"(i) is consistent with sound water resource management principles; and

"(ii) utilizes such approaches as direct service provision, capacity building, institutional strengthening, regulatory reform, and partnership collaboration.

"(4) CAPACITY.—The Director may utilize interagency details or partnerships with universities, civil society, and the private sector, as needed, to strengthen implementation capacity.

"(f) SPECIAL COORDINATOR FOR INTERNATIONAL WATER.—

"(1) ESTABLISHMENT.—To increase the capacity of the Department of State to address international issues regarding safe water, sanitation, integrated river basin management, and other international water programs, the Secretary of State shall establish a Special Coordinator for International Water (referred to in this subsection as the 'Special Coordinator'), who shall report to the Under Secretary for Democracy and Global Affairs.

"(2) DUTIES.—The Special Coordinator shall—

"(A) oversee and coordinate the diplomatic policy of the United States Government with respect to global freshwater issues, including interagency coordination related to—

"(i) sustainable access to safe drinking water, sanitation, and hygiene;

"(ii) integrated river basin and watershed management;

"(iii) transboundary conflict;

"(iv) agricultural and urban productivity of water resources;

"(v) disaster recovery, response, and rebuilding;

"(vi) pollution mitigation; and

"(vii) adaptation to hydrologic change due to climate variability; and

"(B) ensure that international freshwater issues are represented—

"(i) within the United States Government; and

"(ii) in key diplomatic, development, and scientific efforts with other nations and multilateral organizations.

"(3) STAFF.—The Special Coordinator is authorized to hire a limited number of staff to carry out the duties described in paragraph (2)."

SEC. 6. SAFE WATER, SANITATION, AND HYGIENE STRATEGY.

Section 6 of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) is amended—

(1) in subsection (c), by adding at the end the following: "In developing the program

activities needed to implement the strategy, the Secretary shall consider the results of the assessment described in subsection (e)(9)."; and

(2) in subsection (e)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(7) an assessment of all United States Government foreign assistance allocated to the drinking water and sanitation sector during the 3 previous fiscal years, across all United States Government agencies and programs, including an assessment of the extent to which the United States Government's efforts are reaching the goal of providing first-time access to safe water and sanitation on a sustainable basis for 100,000,000 people in high priority countries;

"(8) recommendations on what the United States Government would need to do to achieve the goals referred to in paragraph (7), in support of the United Nation's Millennium Development Goal on access to safe drinking water; and

"(9) an assessment of best practices for mobilizing and leveraging the financial and technical capacity of business, governments, nongovernmental organizations, and civil society in forming public-private partnerships that measurably increase access to safe drinking water and sanitation."

SEC. 7. DEVELOPING LOCAL CAPACITY.

The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121) is amended—

(1) by redesignating sections 9, 10, and 11 as sections 10, 11, and 12, respectively; and

(2) by inserting after section 8 the following:

"SEC. 9. WATER AND SANITATION INSTITUTIONAL CAPACITY-BUILDING PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development (referred to in this section as the 'Secretary' and the 'Administrator', respectively), in consultation with host country institutions, the Centers for Disease Control and Prevention, the Department of Agriculture, and other agencies, as appropriate, shall establish, in every high priority country, a program to build the capacity of host country institutions and officials responsible for water and sanitation in countries that receive assistance under section 135 of the Foreign Assistance Act of 1961, including training at appropriate levels, to—

"(A) provide affordable, equitable, and sustainable access to safe drinking water and sanitation;

"(B) educate the populations of such countries about the dangers of unsafe drinking water and lack of proper sanitation; and

"(C) encourage behavior change to reduce individuals' risk of disease from unsafe drinking water and lack of proper sanitation and hygiene.

"(2) COORDINATION.—The programs established under subsection (a) shall be coordinated in each country by the lead country water manager designated in subsection (b)(2).

"(3) EXPANSION.—The Secretary and the Administrator may establish the program described in this section in additional countries if the receipt of such capacity building would be beneficial for promoting access to safe drinking water and sanitation, with due consideration given to good governance.

"(4) CAPACITY.—The Secretary and the Administrator—

“(A) shall designate staff with appropriate expertise to carry out the strategy developed under section 4; and

“(B) may utilize, as needed, interagency details or partnerships with universities, civil society, and the private sector to strengthen implementation capacity.

“(b) DESIGNATION.—The United States Agency for International Development Mission Director for each country receiving a ‘high priority’ designation under section 6(f) and for each region containing a country receiving such designation shall—

“(1) designate safe drinking water and sanitation as a strategic objective;

“(2) appoint an employee of the United States Agency for International Development as in-country water and sanitation manager to coordinate the in-country implementation of this Act and section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) with host country officials at various levels of government responsible for water and sanitation, the Department of State, and other relevant United States Government agencies; and

“(3) coordinate with the Development Credit Authority and the Global Development Alliance to further the purposes of this Act.”.

SEC. 8. OTHER ACTIVITIES SUPPORTED.

Section 135(c) of the Foreign Assistance Act (22 U.S.C. 2152h(c)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end; and

(3) by adding at the end the following:

“(5) foster global cooperation on research and technology development, including regional partnerships among water experts to address safe drinking water, sanitation, water resource management, and other water-related issues;

“(6) establish regional and cross-border cooperative activities between scientists and specialists that work to share technologies and best practices, mitigate shared water challenges, foster international cooperation, and defuse cross-border tensions;

“(7) provide grants through the United States Agency for International Development to foster the development, dissemination, and increased and consistent use of low cost and sustainable technologies, such as household water treatment, hand washing stations, and latrines, for providing safe drinking water, sanitation, and hygiene that are suitable for use in high priority countries, particularly in places with limited resources and infrastructure;

“(8) in collaboration with the Centers for Disease Control and Prevention, Department of Agriculture, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and other agencies, as appropriate, conduct formative and operational research and monitor and evaluate the effectiveness of programs that provide safe drinking water and sanitation; and

“(9) integrate efforts to promote safe drinking water, sanitation and hygiene with existing foreign assistance programs, as appropriate, including activities focused on HIV/AIDS, malaria, tuberculosis, maternal and child health, food security, and nutritional support.”.

SEC. 9. UPDATED REPORT REGARDING WATER FOR PEACE AND SECURITY.

Section 11(b) of the Senator Paul Simon Water for the Poor Act of 2005, as redesignated by section 7, is amended by adding at the end the following: “The report submitted under this subsection shall include an assess-

ment of current and likely future political tensions over water sources and multidisciplinary assessment of the expected impacts of global climate change on water supplies in 10, 25, and 50 years.”.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal year 2009 and for each subsequent fiscal year such sums as may be necessary to carry out this Act and the amendments made by this Act, pursuant to the criteria set forth in the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121).

(b) USE OF FUNDS.—

(1) GENERAL WATER RESOURCE MANAGEMENT ACTIVITIES.—Up to 20 percent of the amounts appropriated to implement this Act may be used to support general water resource management activities that improve countries’ overall water sources.

(2) OTHER ACTIVITIES.—Any amounts appropriated to implement this Act that are not used to carry out the activities described in paragraph (1) shall be allocated for activities related to safe drinking water, sanitation, and hygiene.

By Ms. LANDRIEU:

S. 626. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I rise today to introduce legislation entitled the Lower Mississippi River National Historic Site Study Act. This bill will direct the Secretary of the Interior to study the suitability and feasibility of designating sites in Plaquemines Parish along the Lower Mississippi River Area as a unit of the National Park System. I cannot think of a more timely occasion to reintroduce this bill as Secretary Salazar is expected to be touring southeast Louisiana tomorrow.

The first step to becoming a unit in the National Park System is to conduct a special resources study to determine whether an area possesses nationally significant natural, cultural, or recreational resources to be eligible for favorable consideration. This is exactly what my bill does—it asks the Department of the Interior to take the first step in determining what I already know—that the Lower Mississippi River Area would be a suitable and feasible asset to the National Park Service.

I am proud to come to the floor today to reintroduce this bill. This area has vast historical significance and is an area with rich cultural history. In the 1500s, Spanish explorers traveled along the banks of the river. In 1682, Robert de LaSalle claimed all the land drained by the area. In 1699, the area became the site of the first fortification on the Lower Mississippi river, known as Fort Mississippi. Since then, it has been the home to 10 different fortifications, including Fort St. Philip and Fort Jackson.

Fort St. Philip, which was originally built in 1749, played a key role during the Battle of New Orleans when soldiers blocked the British navy from going upriver. Fort Jackson was built at the request of GEN Andrew Jackson and partially constructed by famous local Civil War General P.G.T. Beauregard. This fort was the site of the famous Civil War battle known as the Battle of Forts which is also referred to as the “night the war was lost.” Mr. President, as you can see, from a historical perspective, this area has many treasures that provide us a glimpse into our past. These are areas that have national significance. They should be maintained and preserved.

There are also many other important and unique attributes to this area. This area is home to the longest continuous river road and levee system in the United States. It is also home to the ancient Head of Passes site, to the Plaquemines Bend, and to two national wildlife refuges.

Finally, this area has a rich cultural heritage. Over the years, many different cultures have made this area home including Creoles, Europeans, Indians, Yugoslavs, African-Americans and Vietnamese. These cultures have worked together to create the infrastructure for transportation of our nation’s energy which is being produced by these same people out in the Gulf of Mexico off our shores. They have also created a fishing industry that contributes to Louisiana’s economy.

I think it is easy to see why this area would make an excellent addition to the National Park Service. That is why I am reintroducing this bill—to begin the process of adding this area as a unit to the National Park Service by conducting a study to determine the suitability and feasibility of bringing this area into the system. I look forward to working with my colleagues to quickly enact this bill.

AMENDMENTS SUBMITTED AND PROPOSED

SA 675. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

SA 676. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, supra; which was ordered to lie on the table.

SA 677. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, supra; which was ordered to lie on the table.

SA 678. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, supra; which was ordered to lie on the table.

SA 679. Mr. COBURN submitted an amendment intended to be proposed to amendment

SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, *supra*.

SA 680. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, *supra*.

SA 681. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, *supra*; which was ordered to lie on the table.

SA 682. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, *supra*; which was ordered to lie on the table.

SA 683. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, *supra*; which was ordered to lie on the table.

SA 684. Mr. BINGAMAN proposed an amendment to the bill H.R. 146, *supra*.

TEXT OF AMENDMENTS

SA 675. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . EMINENT DOMAIN.

Notwithstanding any other provision of this Act (or an amendment made by this Act), no land or interest in land (other than access easements) shall be acquired under this Act by eminent domain.

SA 676. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATIONS ON NEW CONSTRUCTION.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of the Interior (acting through the Director of the National Park Service) (referred to in this section as the “Secretary”) shall not begin any new construction in units of the National Park System until the Secretary determines that all existing sites, structures, trails, and transportation infrastructure of the National Park Service are—

- (1) fully operational;
- (2) fully accessible to the public; and
- (3) pose no health or safety risk to the general public or employees of the National Park Service.

(b) EXCLUSIONS.—Subsection (a) shall not affect—

- (1) the replacement of existing structures in cases in which rehabilitation costs exceed new construction costs; or
- (2) any new construction that the Secretary determines to be necessary for public safety.

SA 677. Mr. COBURN submitted an amendment intended to be proposed by

him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ANNUAL REPORT RELATING TO LAND OWNED BY FEDERAL GOVERNMENT.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), not later than May 15, 2009, and annually thereafter, the Director of the Office of Management and Budget (referred to in this section as the “Director”) shall ensure that a report that contains the information described in subsection (b) is posted on a publicly available website.

(2) EXTENSION RELATING TO CERTAIN SEGMENT OF REPORT.—With respect to the date on which the first annual report is required to be posted under paragraph (1), if the Director determines that an additional period of time is required to gather the information required under subsection (b)(3)(B), the Director may—

(A) as of the date described in paragraph (1), post each segment of information required under paragraphs (1), (2), and (3)(A) of subsection (b); and

(B) as of May 15, 2010, post the segment of information required under subsection (b)(3)(B).

(b) REQUIRED INFORMATION.—Except as provided in subsection (c), an annual report described in subsection (a) shall contain, for the period covered by the report—

(1) a description of the total quantity of—

(A) land located within the jurisdiction of the United States, to be expressed in acres;

(B) the land described in subparagraph (A) that is owned by the Federal Government, to be expressed—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (A); and

(C) the land described in subparagraph (B) that is located in each State, to be expressed, with respect to each State—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (B);

(2) a description of the total annual cost to the Federal Government for maintaining all parcels of administrative land and all administrative buildings or structures under the jurisdiction of each Federal agency; and

(3) a list and detailed summary of—

(A) with respect to each Federal agency—

(i) the number of unused or vacant assets;

(ii) the replacement value for each unused or vacant asset;

(iii) the total operating costs for each unused or vacant asset; and

(iv) the length of time that each type of asset described in clause (i) has been unused or vacant, organized in categories comprised of periods of—

(I) not more than 1 year;

(II) not less than 1, but not more than 2, years; and

(III) not less than 2 years; and

(B) the estimated costs to the Federal Government of the maintenance backlog of each Federal agency, to be—

(i) organized in categories comprised of buildings and structures; and

(ii) expressed as an aggregate cost.

(c) EXCLUSIONS.—Notwithstanding subsection (b), the Director shall exclude from

an annual report required under subsection (a) any information that the Director determines would threaten national security.

(d) USE OF EXISTING ANNUAL REPORTS.—An annual report required under subsection (a) may be comprised of any annual report relating to the management of Federal real property that is published by a Federal agency.

SA 678. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON FUNDING FOR CONGRESSIONAL EARMARKS FOR WASTEFUL AND PAROCHIAL PORK PROJECTS.

Sections 7203, 7405, 13006, 10001 through 10011, and 12003(a)(3) shall have no effect and none of the funds authorized by this Act may be spent on a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands, a celebration of the 450th anniversary of St. Augustine, Florida, and its Commemoration Commission, the National Tropical Botanical Garden and the operation and maintenance of gardens in Hawaii and Florida, and a water project in California to restore salmon populations in the San Joaquin River or the creation of a new ocean exploration program to conduct scientific voyages to locate, define and document shipwrecks and submerged sites.

SA 679. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . DEVELOPMENT OF RENEWABLE ENERGY ON PUBLIC LAND.

Notwithstanding any other provision of this Act, nothing in this Act shall restrict the development of renewable energy on public land, including geothermal, solar, and wind energy and related transmission infrastructure.

SA 680. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 684 proposed by Mr. BINGAMAN to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATIONS ON NEW CONSTRUCTION.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary of the Interior

(acting through the Director of the National Park Service) (referred to in this section as the "Secretary") shall not begin any new construction in units of the National Park System until the Secretary determines that all existing sites, structures, trails, and transportation infrastructure of the National Park Service are—

- (1) fully operational;
- (2) fully accessible to the public; and
- (3) pose no health or safety risk to the general public or employees of the National Park Service.

(b) EXCLUSIONS.—Subsection (a) shall not affect—

- (1) the replacement of existing structures in cases in which rehabilitation costs exceed new construction costs; or
- (2) any new construction that the Secretary determines to be necessary for public safety.

SA 681. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON FUNDING FOR CONGRESSIONAL EARMARKS FOR WASTEFUL AND PAROCHIAL PORK PROJECTS.

Sections 7203, 7404, 13006, 10001 through 10011, and 12003(a)(3) shall have no effect and none of the funds authorized by this Act may be spent on a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands, a celebration of the 450th anniversary of St. Augustine, Florida, and its Commemoration Commission, the National Tropical Botanical Garden and the operation and maintenance of gardens in Hawaii and Florida, and a water project in California to restore salmon populations in the San Joaquin River or the creation of a new ocean exploration program to conduct scientific voyages to locate, define and document shipwrecks and submerged sites.

SA 682. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 6304 through 6308 and insert the following:

SEC. 6304. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) PERMIT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in this subtitle, a paleontological resource may not be collected from Federal land without a permit issued under this subtitle by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary shall allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is con-

sistent with the laws governing the management of those Federal land and this subtitle.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

- (1) the applicant is qualified to carry out the permitted activity;
- (2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;
- (3) the permitted activity is consistent with any management plan applicable to the Federal land concerned; and
- (4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this subtitle. Every permit shall include requirements that—

- (1) the paleontological resource that is collected from Federal land under the permit will remain the property of the United States;
 - (2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and
 - (3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.
- (d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 6306 or is assessed a civil penalty under section 6307.

(e) AREA CLOSURES.—In order to protect paleontological or other resources or to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

SEC. 6305. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land unless such activity is conducted in accordance with this subtitle;

(2) exchange, transport, export, receive, offer to exchange, transport, export, or receive any paleontological resource if the person knew or should have known such resource to have been excavated or removed from Federal land in violation of any provisions, rule, regulation, law, ordinance, or

permit in effect under Federal law, including this subtitle; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal land.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal land.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed \$500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than 2 years, or both.

(d) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of the penalty assessed under subsection (c) may be doubled.

(e) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of enactment of this Act.

SEC. 6307. CIVIL PENALTIES.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this subtitle may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this subtitle, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any 1 violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall

promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) **FAILURE TO PAY.**—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) **HEARINGS.**—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) **USE OF RECOVERED AMOUNTS.**—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, and to protect, monitor, and study the resources and sites.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 6308.

SEC. 6308. REWARDS AND FORFEITURE.

(a) **REWARDS.**—The Secretary may pay from penalties collected under section 6306 or 6307 or from appropriated funds—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount up to ½ of the penalties, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) **FORFEITURE.**—All paleontological resources with respect to which a violation under section 6306 or 6307 occurred and which are in the possession of any person, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture.

(c) **TRANSFER OF SEIZED RESOURCES.**—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SA 683. Mr. COBURN submitted an amendment intended to be proposed by

him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON FUNDING FOR CONGRESSIONAL EARMARKS FOR WASTEFUL AND PAROCHIAL PORK PROJECTS.

Sections 7203, 7404, 13006, 10001 through 10011, and 12003(a)(3) shall have no effect and none of the funds authorized by this Act may be spent on a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands, a celebration of the 450th anniversary of St. Augustine, Florida, and its Commemoration Commission, the National Tropical Botanical Garden and the operation and maintenance of gardens in Hawaii and Florida, and a water project in California to restore salmon populations in the San Joaquin River or the creation of a new ocean exploration program to conduct scientific voyages to locate, define and document shipwrecks and submerged sites.

SA 684. Mr. BINGAMAN proposed an amendment to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Omnibus Public Land Management Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

Sec. 1001. Designation of wilderness, Monongahela National Forest, West Virginia.

Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.

Sec. 1003. Monongahela National Forest boundary confirmation.

Sec. 1004. Enhanced Trail Opportunities.

Subtitle B—Virginia Ridge and Valley Wilderness

Sec. 1101. Definitions.

Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest, Virginia, as wilderness or a wilderness study area.

Sec. 1103. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.

Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.

Sec. 1105. Trail plan and development.

Sec. 1106. Maps and boundary descriptions.

Sec. 1107. Effective date.

Subtitle C—Mt. Hood Wilderness, Oregon

Sec. 1201. Definitions.

Sec. 1202. Designation of wilderness areas.

Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.

Sec. 1204. Mount Hood National Recreation Area.

Sec. 1205. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.

Sec. 1206. Land exchanges.

Sec. 1207. Tribal provisions; planning and studies.

Subtitle D—Copper Salmon Wilderness, Oregon

Sec. 1301. Designation of the Copper Salmon Wilderness.

Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.

Sec. 1303. Protection of tribal rights.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

Sec. 1401. Definitions.

Sec. 1402. Voluntary grazing lease donation program.

Sec. 1403. Box R Ranch land exchange.

Sec. 1404. Deerfield land exchange.

Sec. 1405. Soda Mountain Wilderness.

Sec. 1406. Effect.

Subtitle F—Owyhee Public Land Management

Sec. 1501. Definitions.

Sec. 1502. Owyhee Science Review and Conservation Center.

Sec. 1503. Wilderness areas.

Sec. 1504. Designation of wild and scenic rivers.

Sec. 1505. Land identified for disposal.

Sec. 1506. Tribal cultural resources.

Sec. 1507. Recreational travel management plans.

Sec. 1508. Authorization of appropriations.

Subtitle G—Sabinoso Wilderness, New Mexico

Sec. 1601. Definitions.

Sec. 1602. Designation of the Sabinoso Wilderness.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

Sec. 1651. Definitions.

Sec. 1652. Designation of Beaver Basin Wilderness.

Sec. 1653. Administration.

Sec. 1654. Effect.

Subtitle I—Oregon Badlands Wilderness

Sec. 1701. Definitions.

Sec. 1702. Oregon Badlands Wilderness.

Sec. 1703. Release.

Sec. 1704. Land exchanges.

Sec. 1705. Protection of tribal treaty rights.

Subtitle J—Spring Basin Wilderness, Oregon

Sec. 1751. Definitions.

Sec. 1752. Spring Basin Wilderness.

Sec. 1753. Release.

Sec. 1754. Land exchanges.

Sec. 1755. Protection of tribal treaty rights.

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

Sec. 1801. Definitions.

Sec. 1802. Designation of wilderness areas.

Sec. 1803. Administration of wilderness areas.

Sec. 1804. Release of wilderness study areas.

Sec. 1805. Designation of wild and scenic rivers.

Sec. 1806. Bridgeport Winter Recreation Area.

Sec. 1807. Management of area within Humboldt-Toiyabe National Forest.

Sec. 1808. Ancient Bristlecone Pine Forest.

Subtitle L—Riverside County Wilderness, California

Sec. 1851. Wilderness designation.

- Sec. 1852. Wild and scenic river designations, Riverside County, California.
- Sec. 1853. Additions and technical corrections to Santa Rosa and San Jacinto Mountains National Monument.
- Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California
- Sec. 1901. Definitions.
- Sec. 1902. Designation of wilderness areas.
- Sec. 1903. Administration of wilderness areas.
- Sec. 1904. Authorization of appropriations.
- Subtitle N—Rocky Mountain National Park Wilderness, Colorado
- Sec. 1951. Definitions.
- Sec. 1952. Rocky Mountain National Park Wilderness, Colorado.
- Sec. 1953. Grand River Ditch and Colorado-Big Thompson projects.
- Sec. 1954. East Shore Trail Area.
- Sec. 1955. National forest area boundary adjustments.
- Sec. 1956. Authority to lease Leiffer tract.
- Subtitle O—Washington County, Utah
- Sec. 1971. Definitions.
- Sec. 1972. Wilderness areas.
- Sec. 1973. Zion National Park wilderness.
- Sec. 1974. Red Cliffs National Conservation Area.
- Sec. 1975. Beaver Dam Wash National Conservation Area.
- Sec. 1976. Zion National Park wild and scenic river designation.
- Sec. 1977. Washington County comprehensive travel and transportation management plan.
- Sec. 1978. Land disposal and acquisition.
- Sec. 1979. Management of priority biological areas.
- Sec. 1980. Public purpose conveyances.
- Sec. 1981. Conveyance of Dixie National Forest land.
- Sec. 1982. Transfer of land into trust for Shivwits Band of Paiute Indians.
- Sec. 1983. Authorization of appropriations.
- TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS
- Subtitle A—National Landscape Conservation System
- Sec. 2001. Definitions.
- Sec. 2002. Establishment of the National Landscape Conservation System.
- Sec. 2003. Authorization of appropriations.
- Subtitle B—Prehistoric Trackways National Monument
- Sec. 2101. Findings.
- Sec. 2102. Definitions.
- Sec. 2103. Establishment.
- Sec. 2104. Administration.
- Sec. 2105. Authorization of appropriations.
- Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area
- Sec. 2201. Definitions.
- Sec. 2202. Establishment of the Fort Stanton-Snowy River Cave National Conservation Area.
- Sec. 2203. Management of the Conservation Area.
- Sec. 2204. Authorization of appropriations.
- Subtitle D—Snake River Birds of Prey National Conservation Area
- Sec. 2301. Snake River Birds of Prey National Conservation Area.
- Subtitle E—Dominguez-Escalante National Conservation Area
- Sec. 2401. Definitions.
- Sec. 2402. Dominguez-Escalante National Conservation Area.
- Sec. 2403. Dominguez Canyon Wilderness Area.
- Sec. 2404. Maps and legal descriptions.
- Sec. 2405. Management of Conservation Area and Wilderness.
- Sec. 2406. Management plan.
- Sec. 2407. Advisory council.
- Sec. 2408. Authorization of appropriations.
- Subtitle F—Rio Puerco Watershed Management Program
- Sec. 2501. Rio Puerco Watershed Management Program.
- Subtitle G—Land Conveyances and Exchanges
- Sec. 2601. Carson City, Nevada, land conveyances.
- Sec. 2602. Southern Nevada limited transition area conveyance.
- Sec. 2603. Nevada Cancer Institute land conveyance.
- Sec. 2604. Turnabout Ranch land conveyance, Utah.
- Sec. 2605. Boy Scouts land exchange, Utah.
- Sec. 2606. Douglas County, Washington, land conveyance.
- Sec. 2607. Twin Falls, Idaho, land conveyance.
- Sec. 2608. Sunrise Mountain Instant Study Area release, Nevada.
- Sec. 2609. Park City, Utah, land conveyance.
- Sec. 2610. Release of reversionary interest in certain lands in Reno, Nevada.
- Sec. 2611. Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria.
- TITLE III—FOREST SERVICE AUTHORIZATIONS
- Subtitle A—Watershed Restoration and Enhancement
- Sec. 3001. Watershed restoration and enhancement agreements.
- Subtitle B—Wildland Firefighter Safety
- Sec. 3101. Wildland firefighter safety.
- Subtitle C—Wyoming Range
- Sec. 3201. Definitions.
- Sec. 3202. Withdrawal of certain land in the Wyoming range.
- Sec. 3203. Acceptance of the donation of valid existing mining or leasing rights in the Wyoming range.
- Subtitle D—Land Conveyances and Exchanges
- Sec. 3301. Land conveyance to City of Coffman Cove, Alaska.
- Sec. 3302. Beaverhead-Deerlodge National Forest land conveyance, Montana.
- Sec. 3303. Santa Fe National Forest; Pecos National Historical Park Land Exchange.
- Sec. 3304. Santa Fe National Forest Land Conveyance, New Mexico.
- Sec. 3305. Kittitas County, Washington, land conveyance.
- Sec. 3306. Mammoth Community Water District use restrictions.
- Sec. 3307. Land exchange, Wasatch-Cache National Forest, Utah.
- Sec. 3308. Boundary adjustment, Frank Church River of No Return Wilderness.
- Sec. 3309. Sandia pueblo land exchange technical amendment.
- Subtitle E—Colorado Northern Front Range Study
- Sec. 3401. Purpose.
- Sec. 3402. Definitions.
- Sec. 3403. Colorado Northern Front Range Mountain Backdrop Study.
- TITLE IV—FOREST LANDSCAPE RESTORATION
- Sec. 4001. Purpose.
- Sec. 4002. Definitions.
- Sec. 4003. Collaborative Forest Landscape Restoration Program.
- Sec. 4004. Authorization of appropriations.
- TITLE V—RIVERS AND TRAILS
- Subtitle A—Additions to the National Wild and Scenic Rivers System
- Sec. 5001. Fossil Creek, Arizona.
- Sec. 5002. Snake River Headwaters, Wyoming.
- Sec. 5003. Taunton River, Massachusetts.
- Subtitle B—Wild and Scenic Rivers Studies
- Sec. 5101. Missisquoi and Trout Rivers Study.
- Subtitle C—Additions to the National Trails System
- Sec. 5201. Arizona National Scenic Trail.
- Sec. 5202. New England National Scenic Trail.
- Sec. 5203. Ice Age Floods National Geologic Trail.
- Sec. 5204. Washington-Rochambeau Revolutionary Route National Historic Trail.
- Sec. 5205. Pacific Northwest National Scenic Trail.
- Sec. 5206. Trail of Tears National Historic Trail.
- Subtitle D—National Trail System Amendments
- Sec. 5301. National Trails System willing seller authority.
- Sec. 5302. Revision of feasibility and suitability studies of existing national historic trails.
- Sec. 5303. Chisholm Trail and Great Western Trails Studies.
- Subtitle E—Effect of Title
- Sec. 5401. Effect.
- TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS
- Subtitle A—Cooperative Watershed Management Program
- Sec. 6001. Definitions.
- Sec. 6002. Program.
- Sec. 6003. Effect of subtitle.
- Subtitle B—Competitive Status for Federal Employees in Alaska
- Sec. 6101. Competitive status for certain Federal employees in the State of Alaska.
- Subtitle C—Wolf Livestock Loss Demonstration Project
- Sec. 6201. Definitions.
- Sec. 6202. Wolf compensation and prevention program.
- Sec. 6203. Authorization of appropriations.
- Subtitle D—Paleontological Resources Preservation
- Sec. 6301. Definitions.
- Sec. 6302. Management.
- Sec. 6303. Public awareness and education program.
- Sec. 6304. Collection of paleontological resources.
- Sec. 6305. Curation of resources.
- Sec. 6306. Prohibited acts; criminal penalties.
- Sec. 6307. Civil penalties.
- Sec. 6308. Rewards and forfeiture.
- Sec. 6309. Confidentiality.
- Sec. 6310. Regulations.
- Sec. 6311. Savings provisions.
- Sec. 6312. Authorization of appropriations.
- Subtitle E—Izembek National Wildlife Refuge Land Exchange
- Sec. 6401. Definitions.
- Sec. 6402. Land exchange.
- Sec. 6403. King Cove Road.

- Sec. 6404. Administration of conveyed lands.
 Sec. 6405. Failure to begin road construction.
 Sec. 6406. Expiration of legislative authority.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

- Sec. 7001. Paterson Great Falls National Historical Park, New Jersey.
 Sec. 7002. William Jefferson Clinton Birthplace Home National Historic Site.
 Sec. 7003. River Raisin National Battlefield Park.

Subtitle B—Amendments to Existing Units of the National Park System

- Sec. 7101. Funding for Keweenaw National Historical Park.
 Sec. 7102. Location of visitor and administrative facilities for Weir Farm National Historic Site.
 Sec. 7103. Little River Canyon National Preserve boundary expansion.
 Sec. 7104. Hopewell Culture National Historical Park boundary expansion.
 Sec. 7105. Jean Lafitte National Historical Park and Preserve boundary adjustment.
 Sec. 7106. Minute Man National Historical Park.

- Sec. 7107. Everglades National Park.
 Sec. 7108. Kalaupapa National Historical Park.
 Sec. 7109. Boston Harbor Islands National Recreation Area.
 Sec. 7110. Thomas Edison National Historical Park, New Jersey.
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 Sec. 7112. Martin Van Buren National Historic Site.

- Sec. 7113. Palo Alto Battlefield National Historical Park.
 Sec. 7114. Abraham Lincoln Birthplace National Historical Park.
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Subtitle C—Special Resource Studies

- Sec. 7201. Walnut Canyon study.
 Sec. 7202. Tule Lake Segregation Center, California.
 Sec. 7203. Estate Grange, St. Croix.
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 Sec. 7205. Shepherdstown battlefield, West Virginia.
 Sec. 7206. Green McAdoo School, Tennessee.
 Sec. 7207. Harry S Truman Birthplace, Missouri.
 Sec. 7208. Battle of Matewan special resource study.
 Sec. 7209. Butterfield Overland Trail.
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Subtitle D—Program Authorizations

- Sec. 7301. American Battlefield Protection Program.
 Sec. 7302. Preserve America Program.
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Subtitle E—Advisory Commissions

- Sec. 7401. Na Hoa Pili O Kaloko-Honokohau Advisory Commission.

- Sec. 7402. Cape Cod National Seashore Advisory Commission.
 Sec. 7403. Concessions Management Advisory Board.
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TITLE VIII—NATIONAL HERITAGE AREAS

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- Sec. 8001. Sangre de Cristo National Heritage Area, Colorado.
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 Sec. 8008. Mississippi Delta National Heritage Area.
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 Sec. 8010. Kenai Mountains-Turnagain Arm National Heritage Area, Alaska.

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 Sec. 8102. Northern Neck, Virginia.

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 Sec. 8202. Delaware And Lehigh National Heritage Corridor.
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- Sec. 8301. Effect on access for recreational activities.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

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- Sec. 9001. Snake, Boise, and Payette River systems, Idaho.
 Sec. 9002. Sierra Vista Subwatershed, Arizona.
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- Sec. 9101. Tumalo Irrigation District Water Conservation Project, Oregon.
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 Sec. 9108. Santa Margarita River, California.
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- Sec. 9114. Yucaipa Valley Water District, California.
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Subtitle C—Title Transfers and Clarifications

- Sec. 9201. Transfer of McGee Creek pipeline and facilities.
 Sec. 9202. Albuquerque Biological Park, New Mexico, title clarification.
 Sec. 9203. Goleta Water District Water Distribution System, California.

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- Sec. 9301. Restoration Fund.

Subtitle E—Lower Colorado River Multi-Species Conservation Program

- Sec. 9401. Definitions.
 Sec. 9402. Implementation and water accounting.
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- Sec. 9501. Findings.
 Sec. 9502. Definitions.
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 Sec. 9603. Extraordinary operation and maintenance work performed by the Secretary.
 Sec. 9604. Relationship to Twenty-First Century Water Works Act.
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PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

- Sec. 10001. Short title.
 Sec. 10002. Purpose.
 Sec. 10003. Definitions.
 Sec. 10004. Implementation of settlement.
 Sec. 10005. Acquisition and disposal of property; title to facilities.
 Sec. 10006. Compliance with applicable law.
 Sec. 10007. Compliance with Central Valley Project Improvement Act.
 Sec. 10008. No private right of action.
 Sec. 10009. Appropriations; Settlement Fund.
 Sec. 10010. Repayment contracts and acceleration of repayment of construction costs.
 Sec. 10011. California Central Valley Spring Run Chinook salmon.

PART II—STUDY TO DEVELOP WATER PLAN; REPORT

- Sec. 10101. Study to develop water plan; report.

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- Sec. 10201. Federal facility improvements.
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Subtitle B—Northwestern New Mexico Rural Water Projects

- Sec. 10301. Short title.
- Sec. 10302. Definitions.
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- Sec. 10304. No reallocation of costs.
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PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87-483

- Sec. 10401. Amendments to the Colorado River Storage Project Act.
- Sec. 10402. Amendments to Public Law 87-483.
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PART II—RECLAMATION WATER SETTLEMENTS FUND

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PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT

- Sec. 10601. Purposes.
- Sec. 10602. Authorization of Navajo-Gallup Water Supply Project.
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- Sec. 10604. Project contracts.
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- Sec. 10701. Agreement.
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Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement

- Sec. 10801. Findings.
- Sec. 10802. Purposes.
- Sec. 10803. Definitions.
- Sec. 10804. Approval, ratification, and confirmation of agreement; authorization.
- Sec. 10805. Tribal water rights.
- Sec. 10806. Duck Valley Indian Irrigation Project.
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TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

- Sec. 11001. Reauthorization of the National Geologic Mapping Act of 1992.
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TITLE XII—OCEANS

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- Sec. 12001. Purpose.
- Sec. 12002. Program established.
- Sec. 12003. Powers and duties of the Administrator.
- Sec. 12004. Ocean exploration and undersea research technology and infrastructure task force.
- Sec. 12005. Ocean Exploration Advisory Board.
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PART II—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009

- Sec. 12101. Short title.

- Sec. 12102. Program established.
- Sec. 12103. Powers of program director.
- Sec. 12104. Administrative structure.
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Subtitle B—Ocean and Coastal Mapping Integration Act

- Sec. 12201. Short title.
- Sec. 12202. Establishment of program.
- Sec. 12203. Interagency committee on ocean and coastal mapping.
- Sec. 12204. Biannual reports.
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- Sec. 12206. Effect on other laws.
- Sec. 12207. Authorization of appropriations.
- Sec. 12208. Definitions.

Subtitle C—Integrated Coastal and Ocean Observation System Act of 2009

- Sec. 12301. Short title.
- Sec. 12302. Purposes.
- Sec. 12303. Definitions.
- Sec. 12304. Integrated coastal and ocean observing system.
- Sec. 12305. Interagency financing and agreements.
- Sec. 12306. Application with other laws.
- Sec. 12307. Report to Congress.
- Sec. 12308. Public-private use policy.
- Sec. 12309. Independent cost estimate.
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- Sec. 12311. Authorization of appropriations.

Subtitle D—Federal Ocean Acidification Research and Monitoring Act of 2009

- Sec. 12401. Short title.
- Sec. 12402. Purposes.
- Sec. 12403. Definitions.
- Sec. 12404. Interagency subcommittee.
- Sec. 12405. Strategic research plan.
- Sec. 12406. NOAA ocean acidification activities.
- Sec. 12407. NSF ocean acidification activities.
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- Sec. 12409. Authorization of appropriations.

Subtitle E—Coastal and Estuarine Land Conservation Program

- Sec. 12501. Short title.
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TITLE XIII—MISCELLANEOUS

- Sec. 13001. Management and distribution of North Dakota trust funds.
- Sec. 13002. Amendments to the Fisheries Restoration and Irrigation Mitigation Act of 2000.
- Sec. 13003. Amendments to the Alaska Natural Gas Pipeline Act.
- Sec. 13004. Additional Assistant Secretary for Department of Energy.
- Sec. 13005. Lovelace Respiratory Research Institute.
- Sec. 13006. Authorization of appropriations for National Tropical Botanical Garden.

TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT

- Sec. 14001. Short title.

Subtitle A—Paralysis Research

- Sec. 14101. Activities of the National Institutes of Health with respect to research on paralysis.

Subtitle B—Paralysis Rehabilitation Research and Care

- Sec. 14201. Activities of the National Institutes of Health with respect to research with implications for enhancing daily function for persons with paralysis.

Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities

- Sec. 14301. Programs to improve quality of life for persons with paralysis and other physical disabilities.

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- Sec. 15101. Laboratory and support space, Edgewater, Maryland.
- Sec. 15102. Laboratory space, Gamboa, Panama.
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TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

SEC. 1001. DESIGNATION OF WILDERNESS, MONONGAHELA NATIONAL FOREST, WEST VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal lands within the Monongahela National Forest in the State of West Virginia are designated as wilderness and as either a new component of the National Wilderness Preservation System or as an addition to an existing component of the National Wilderness Preservation System:

(1) Certain Federal land comprising approximately 5,144 acres, as generally depicted on the map entitled “Big Draft Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Big Draft Wilderness”.

(2) Certain Federal land comprising approximately 11,951 acres, as generally depicted on the map entitled “Cranberry Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Cranberry Wilderness designated by section 1(1) of Public Law 97-466 (96 Stat. 2538).

(3) Certain Federal land comprising approximately 7,156 acres, as generally depicted on the map entitled “Dolly Sods Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Dolly Sods Wilderness designated by section 3(a)(13) of Public Law 93-622 (88 Stat. 2098).

(4) Certain Federal land comprising approximately 698 acres, as generally depicted on the map entitled “Otter Creek Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Otter Creek Wilderness designated by section 3(a)(14) of Public Law 93-622 (88 Stat. 2098).

(5) Certain Federal land comprising approximately 6,792 acres, as generally depicted on the map entitled “Roaring Plains Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Roaring Plains West Wilderness”.

(6) Certain Federal land comprising approximately 6,030 acres, as generally depicted on the map entitled “Spice Run Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Spice Run Wilderness”.

(b) MAPS AND LEGAL DESCRIPTION.—

(1) FILING AND AVAILABILITY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall file with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated or expanded by subsection (a). The maps and

legal descriptions shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Supervisor of the Monongahela National Forest.

(2) **FORCE AND EFFECT.**—The maps and legal descriptions referred to in this subsection shall have the same force and effect as if included in this subtitle, except that the Secretary may correct errors in the maps and descriptions.

(c) **ADMINISTRATION.**—Subject to valid existing rights, the Federal lands designated as wilderness by subsection (a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.). The Secretary may continue to authorize the competitive running event permitted from 2003 through 2007 in the vicinity of the boundaries of the Dolly Sods Wilderness addition designated by paragraph (3) of subsection (a) and the Roaring Plains West Wilderness Area designated by paragraph (5) of such subsection, in a manner compatible with the preservation of such areas as wilderness.

(d) **EFFECTIVE DATE OF WILDERNESS ACT.**—With respect to the Federal lands designated as wilderness by subsection (a), any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(e) **FISH AND WILDLIFE.**—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section affects the jurisdiction or responsibility of the State of West Virginia with respect to wildlife and fish.

SEC. 1002. BOUNDARY ADJUSTMENT, LAUREL FORK SOUTH WILDERNESS, MONONGAHELA NATIONAL FOREST.

(a) **BOUNDARY ADJUSTMENT.**—The boundary of the Laurel Fork South Wilderness designated by section 1(3) of Public Law 97-466 (96 Stat. 2538) is modified to exclude two parcels of land, as generally depicted on the map entitled “Monongahela National Forest Laurel Fork South Wilderness Boundary Modification” and dated March 11, 2008, and more particularly described according to the site-specific maps and legal descriptions on file in the office of the Forest Supervisor, Monongahela National Forest. The general map shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(b) **MANAGEMENT.**—Federally owned land delineated on the maps referred to in subsection (a) as the Laurel Fork South Wilderness, as modified by such subsection, shall continue to be administered by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1003. MONONGAHELA NATIONAL FOREST BOUNDARY CONFIRMATION.

(a) **IN GENERAL.**—The boundary of the Monongahela National Forest is confirmed to include the tracts of land as generally depicted on the map entitled “Monongahela National Forest Boundary Confirmation” and dated March 13, 2008, and all Federal lands under the jurisdiction of the Secretary of Agriculture, acting through the Chief of the Forest Service, encompassed within such boundary shall be managed under the laws and regulations pertaining to the National Forest System.

(b) **LAND AND WATER CONSERVATION FUND.**—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Monongahela National Forest, as confirmed by subsection (a), shall be considered to be

the boundaries of the Monongahela National Forest as of January 1, 1965.

SEC. 1004. ENHANCED TRAIL OPPORTUNITIES.

(a) **PLAN.**—

(1) **IN GENERAL.**—The Secretary of Agriculture, in consultation with interested parties, shall develop a plan to provide for enhanced nonmotorized recreation trail opportunities on lands not designated as wilderness within the Monongahela National Forest.

(2) **NONMOTORIZED RECREATION TRAIL DEFINED.**—For the purposes of this subsection, the term “nonmotorized recreation trail” means a trail designed for hiking, bicycling, and equestrian use.

(b) **REPORT.**—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the implementation of the plan required under subsection (a), including the identification of priority trails for development.

(c) **CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.**—In considering possible closure and decommissioning of a Forest Service road within the Monongahela National Forest after the date of the enactment of this Act, the Secretary of Agriculture, in accordance with applicable law, may consider converting the road to nonmotorized uses to enhance recreational opportunities within the Monongahela National Forest.

Subtitle B—Virginia Ridge and Valley Wilderness

SEC. 1101. DEFINITIONS.

In this subtitle:

(1) **SCENIC AREAS.**—The term “scenic areas” means the Seng Mountain National Scenic Area and the Bear Creek National Scenic Area.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

SEC. 1102. DESIGNATION OF ADDITIONAL NATIONAL FOREST SYSTEM LAND IN JEFFERSON NATIONAL FOREST AS WILDERNESS OR A WILDERNESS STUDY AREA.

(a) **DESIGNATION OF WILDERNESS.**—Section 1 of Public Law 100-326 (16 U.S.C. 1132 note; 102 Stat. 584, 114 Stat. 2057), is amended—

(1) in the matter preceding paragraph (1), by striking “System—” and inserting “System.”;

(2) by striking “certain” each place it appears and inserting “Certain”;

(3) in each of paragraphs (1) through (6), by striking the semicolon at the end and inserting a period;

(4) in paragraph (7), by striking “; and” and inserting a period; and

(5) by adding at the end the following:

“(9) Certain land in the Jefferson National Forest comprising approximately 3,743 acres, as generally depicted on the map entitled ‘Brush Mountain and Brush Mountain East’ and dated May 5, 2008, which shall be known as the ‘Brush Mountain East Wilderness’.

“(10) Certain land in the Jefferson National Forest comprising approximately 4,794 acres, as generally depicted on the map entitled ‘Brush Mountain and Brush Mountain East’ and dated May 5, 2008, which shall be known as the ‘Brush Mountain Wilderness’.

“(11) Certain land in the Jefferson National Forest comprising approximately 4,223 acres, as generally depicted on the map entitled ‘Seng Mountain and Raccoon Branch’ and dated April 28, 2008, which shall be known as the ‘Raccoon Branch Wilderness’.

“(12) Certain land in the Jefferson National Forest comprising approximately 3,270 acres, as generally depicted on the map entitled

‘Stone Mountain’ and dated April 28, 2008, which shall be known as the ‘Stone Mountain Wilderness’.

“(13) Certain land in the Jefferson National Forest comprising approximately 8,470 acres, as generally depicted on the map entitled ‘Garden Mountain and Hunting Camp Creek’ and dated April 28, 2008, which shall be known as the ‘Hunting Camp Creek Wilderness’.

“(14) Certain land in the Jefferson National Forest comprising approximately 3,291 acres, as generally depicted on the map entitled ‘Garden Mountain and Hunting Camp Creek’ and dated April 28, 2008, which shall be known as the ‘Garden Mountain Wilderness’.

“(15) Certain land in the Jefferson National Forest comprising approximately 5,476 acres, as generally depicted on the map entitled ‘Mountain Lake Additions’ and dated April 28, 2008, which is incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

“(16) Certain land in the Jefferson National Forest comprising approximately 308 acres, as generally depicted on the map entitled ‘Lewis Fork Addition and Little Wilson Creek Additions’ and dated April 28, 2008, which is incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

“(17) Certain land in the Jefferson National Forest comprising approximately 1,845 acres, as generally depicted on the map entitled ‘Lewis Fork Addition and Little Wilson Creek Additions’ and dated April 28, 2008, which is incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

“(18) Certain land in the Jefferson National Forest comprising approximately 2,219 acres, as generally depicted on the map entitled ‘Shawvers Run Additions’ and dated April 28, 2008, which is incorporated in the Shawvers Run Wilderness designated by paragraph (4).

“(19) Certain land in the Jefferson National Forest comprising approximately 1,203 acres, as generally depicted on the map entitled ‘Peters Mountain Addition’ and dated April 28, 2008, which is incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

“(20) Certain land in the Jefferson National Forest comprising approximately 263 acres, as generally depicted on the map entitled ‘Kimberling Creek Additions and Potential Wilderness Area’ and dated April 28, 2008, which is incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).”.

(b) **DESIGNATION OF WILDERNESS STUDY AREA.**—The Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586) is amended—

(1) in the first section, by inserting “as” after “cited”; and

(2) in section 6(a)—

(A) by striking “certain” each place it appears and inserting “Certain”;

(B) in each of paragraphs (1) and (2), by striking the semicolon at the end and inserting a period;

(C) in paragraph (3), by striking “; and” and inserting a period; and

(D) by adding at the end the following:

“(5) Certain land in the Jefferson National Forest comprising approximately 3,226 acres, as generally depicted on the map entitled ‘Lynn Camp Creek Wilderness Study Area’

and dated April 28, 2008, which shall be known as the "Lynn Camp Creek Wilderness Study Area".

SEC. 1103. DESIGNATION OF KIMBERLING CREEK POTENTIAL WILDERNESS AREA, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) **DESIGNATION.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Jefferson National Forest comprising approximately 349 acres, as generally depicted on the map entitled "Kimberling Creek Additions and Potential Wilderness Area" and dated April 28, 2008, is designated as a potential wilderness area for incorporation in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

(b) **MANAGEMENT.**—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(c) **ECOLOGICAL RESTORATION.**—

(1) **IN GENERAL.**—For purposes of ecological restoration (including the elimination of nonnative species, removal of illegal, unused, or decommissioned roads, and any other activity necessary to restore the natural ecosystems in the potential wilderness area), the Secretary may use motorized equipment and mechanized transport in the potential wilderness area until the date on which the potential wilderness area is incorporated into the Kimberling Creek Wilderness.

(2) **LIMITATION.**—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(d) **WILDERNESS DESIGNATION.**—The potential wilderness area shall be designated as wilderness and incorporated in the Kimberling Creek Wilderness on the earlier of—

(1) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(2) the date that is 5 years after the date of enactment of this Act.

SEC. 1104. SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) **ESTABLISHMENT.**—There are designated as National Scenic Areas—

(1) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,192 acres, as generally depicted on the map entitled "Seng Mountain and Raccoon Branch" and dated April 28, 2008, which shall be known as the "Seng Mountain National Scenic Area"; and

(2) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,128 acres, as generally depicted on the map entitled "Bear Creek" and dated April 28, 2008, which shall be known as the "Bear Creek National Scenic Area".

(b) **PURPOSES.**—The purposes of the scenic areas are—

(1) to ensure the protection and preservation of scenic quality, water quality, natural characteristics, and water resources of the scenic areas;

(2) consistent with paragraph (1), to protect wildlife and fish habitat in the scenic areas;

(3) to protect areas in the scenic areas that may develop characteristics of old-growth forests; and

(4) consistent with paragraphs (1), (2), and (3), to provide a variety of recreation opportunities in the scenic areas.

(c) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall administer the scenic areas in accordance with—

(A) this subtitle; and

(B) the laws (including regulations) generally applicable to the National Forest System.

(2) **AUTHORIZED USES.**—The Secretary shall only allow uses of the scenic areas that the Secretary determines will further the purposes of the scenic areas, as described in subsection (b).

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop as an amendment to the land and resource management plan for the Jefferson National Forest a management plan for the scenic areas.

(2) **EFFECT.**—Nothing in this subsection requires the Secretary to revise the land and resource management plan for the Jefferson National Forest under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(e) **ROADS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), after the date of enactment of this Act, no roads shall be established or constructed within the scenic areas.

(2) **LIMITATION.**—Nothing in this subsection denies any owner of private land (or an interest in private land) that is located in a scenic area the right to access the private land.

(f) **TIMBER HARVEST.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), no harvesting of timber shall be allowed within the scenic areas.

(2) **EXCEPTIONS.**—The Secretary may authorize harvesting of timber in the scenic areas if the Secretary determines that the harvesting is necessary to—

(A) control fire;

(B) provide for public safety or trail access; or

(C) control insect and disease outbreaks.

(3) **FIREWOOD FOR PERSONAL USE.**—Firewood may be harvested for personal use along perimeter roads in the scenic areas, subject to any conditions that the Secretary may impose.

(g) **INSECT AND DISEASE OUTBREAKS.**—The Secretary may control insect and disease outbreaks—

(1) to maintain scenic quality;

(2) to prevent tree mortality;

(3) to reduce hazards to visitors; or

(4) to protect private land.

(h) **VEGETATION MANAGEMENT.**—The Secretary may engage in vegetation manipulation practices in the scenic areas to maintain the visual quality and wildlife clearings in existence on the date of enactment of this Act.

(i) **MOTORIZED VEHICLES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), motorized vehicles shall not be allowed within the scenic areas.

(2) **EXCEPTIONS.**—The Secretary may authorize the use of motorized vehicles—

(A) to carry out administrative activities that further the purposes of the scenic areas, as described in subsection (b);

(B) to assist wildlife management projects in existence on the date of enactment of this Act; and

(C) during deer and bear hunting seasons—

(i) on Forest Development Roads 49410 and 84b; and

(ii) on the portion of Forest Development Road 6261 designated on the map described in subsection (a)(2) as "open seasonally".

(j) **WILDFIRE SUPPRESSION.**—Wildfire suppression within the scenic areas shall be conducted—

(1) in a manner consistent with the purposes of the scenic areas, as described in subsection (b); and

(2) using such means as the Secretary determines to be appropriate.

(k) **WATER.**—The Secretary shall administer the scenic areas in a manner that maintains and enhances water quality.

(l) **WITHDRAWAL.**—Subject to valid existing rights, all Federal land in the scenic areas is withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) operation of the mineral leasing and geothermal leasing laws.

SEC. 1105. TRAIL PLAN AND DEVELOPMENT.

(a) **TRAIL PLAN.**—The Secretary, in consultation with interested parties, shall establish a trail plan to develop—

(1) in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), hiking and equestrian trails in the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(2) nonmotorized recreation trails in the scenic areas.

(b) **IMPLEMENTATION REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan, including the identification of priority trails for development.

(c) **SUSTAINABLE TRAIL REQUIRED.**—The Secretary shall develop a sustainable trail, using a contour curvilinear alignment, to provide for nonmotorized travel along the southern boundary of the Raccoon Branch Wilderness established by section 1(11) of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)) connecting to Forest Development Road 49352 in Smyth County, Virginia.

SEC. 1106. MAPS AND BOUNDARY DESCRIPTIONS.

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives maps and boundary descriptions of—

(1) the scenic areas;

(2) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5));

(3) the wilderness study area designated by section 6(a)(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586) (as added by section 1102(b)(2)(D)); and

(4) the potential wilderness area designated by section 1103(a).

(b) **FORCE AND EFFECT.**—The maps and boundary descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the maps and boundary descriptions.

(c) **AVAILABILITY OF MAP AND BOUNDARY DESCRIPTION.**—The maps and boundary descriptions filed under subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) **CONFLICT.**—In the case of a conflict between a map filed under subsection (a) and the acreage of the applicable areas specified in this subtitle, the map shall control.

SEC. 1107. EFFECTIVE DATE.

Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering—

(1) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(2) the potential wilderness area designated by section 1103(a).

Subtitle C—Mt. Hood Wilderness, Oregon**SEC. 1201. DEFINITIONS.**

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(2) **STATE.**—The term “State” means the State of Oregon.

SEC. 1202. DESIGNATION OF WILDERNESS AREAS.

(a) **DESIGNATION OF LEWIS AND CLARK MOUNT HOOD WILDERNESS AREAS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of Oregon are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) **BADGER CREEK WILDERNESS ADDITIONS.**—Certain Federal land managed by the Forest Service, comprising approximately 4,140 acres, as generally depicted on the maps entitled “Badger Creek Wilderness—Badger Creek Additions” and “Badger Creek Wilderness—Bonney Butte”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Badger Creek Wilderness, as designated by section 3(3) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(2) **BULL OF THE WOODS WILDERNESS ADDITION.**—Certain Federal land managed by the Forest Service, comprising approximately 10,180 acres, as generally depicted on the map entitled “Bull of the Woods Wilderness—Bull of the Woods Additions”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Bull of the Woods Wilderness, as designated by section 3(4) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(3) **CLACKAMAS WILDERNESS.**—Certain Federal land managed by the Forest Service, comprising approximately 9,470 acres, as generally depicted on the maps entitled “Clackamas Wilderness—Big Bottom”, “Clackamas Wilderness—Clackamas Canyon”, “Clackamas Wilderness—Memaloose Lake”, “Clackamas Wilderness—Sisi Butte”, and “Clackamas Wilderness—South Fork Clackamas”, dated July 16, 2007, which shall be known as the “Clackamas Wilderness”.

(4) **MARK O. HATFIELD WILDERNESS ADDITIONS.**—Certain Federal land managed by the Forest Service, comprising approximately 25,960 acres, as generally depicted on the maps entitled “Mark O. Hatfield Wilderness—Gorge Face” and “Mark O. Hatfield Wilderness—Larch Mountain”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Mark O. Hatfield Wilderness, as designated by section 3(1) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(5) **MOUNT HOOD WILDERNESS ADDITIONS.**—Certain Federal land managed by the Forest Service, comprising approximately 18,450 acres, as generally depicted on the maps entitled “Mount Hood Wilderness—Barlow Butte”, “Mount Hood Wilderness—Elk Cove/Mazama”, “Richard L. Kohnstamm Memorial Area”, “Mount Hood Wilderness—Sand Canyon”, “Mount Hood Wilderness—Sandy Additions”, “Mount Hood Wilderness—Twin Lakes”, and “Mount Hood Wilderness—

White River”, dated July 16, 2007, and the map entitled “Mount Hood Wilderness—Cloud Cap”, dated July 20, 2007, which is incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43).

(6) **ROARING RIVER WILDERNESS.**—Certain Federal land managed by the Forest Service, comprising approximately 36,550 acres, as generally depicted on the map entitled “Roaring River Wilderness—Roaring River Wilderness”, dated July 16, 2007, which shall be known as the “Roaring River Wilderness”.

(7) **SALMON-HUCKLEBERRY WILDERNESS ADDITIONS.**—Certain Federal land managed by the Forest Service, comprising approximately 16,620 acres, as generally depicted on the maps entitled “Salmon-Huckleberry Wilderness—Alder Creek Addition”, “Salmon-Huckleberry Wilderness—Eagle Creek Addition”, “Salmon-Huckleberry Wilderness—Hunchback Mountain”, “Salmon-Huckleberry Wilderness—Inch Creek”, “Salmon-Huckleberry Wilderness—Mirror Lake”, and “Salmon-Huckleberry Wilderness—Salmon River Meadows”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(8) **LOWER WHITE RIVER WILDERNESS.**—Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 2,870 acres, as generally depicted on the map entitled “Lower White River Wilderness—Lower White River”, dated July 16, 2007, which shall be known as the “Lower White River Wilderness”.

(b) **RICHARD L. KOHNSTAMM MEMORIAL AREA.**—Certain Federal land managed by the Forest Service, as generally depicted on the map entitled “Richard L. Kohnstamm Memorial Area”, dated July 16, 2007, is designated as the “Richard L. Kohnstamm Memorial Area”.

(c) **POTENTIAL WILDERNESS AREA; ADDITIONS TO WILDERNESS AREAS.**—

(1) **ROARING RIVER POTENTIAL WILDERNESS AREA.**—

(A) **IN GENERAL.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Forest Service, comprising approximately 900 acres identified as “Potential Wilderness” on the map entitled “Roaring River Wilderness”, dated July 16, 2007, is designated as a potential wilderness area.

(B) **MANAGEMENT.**—The potential wilderness area designated by subparagraph (A) shall be managed in accordance with section 4 of the Wilderness Act (16 U.S.C. 1133).

(C) **DESIGNATION AS WILDERNESS.**—On the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area designated by subparagraph (A) are compatible with the Wilderness Act (16 U.S.C. 1131 et seq.), the potential wilderness shall be—

(i) designated as wilderness and as a component of the National Wilderness Preservation System; and

(ii) incorporated into the Roaring River Wilderness designated by subsection (a)(6).

(2) **ADDITION TO THE MOUNT HOOD WILDERNESS.**—On completion of the land exchange under section 1206(a)(2), certain Federal land managed by the Forest Service, comprising approximately 1,710 acres, as generally de-

picted on the map entitled “Mount Hood Wilderness—Tilly Jane”, dated July 20, 2007, shall be incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43) and subsection (a)(5).

(3) **ADDITION TO THE SALMON-HUCKLEBERRY WILDERNESS.**—On acquisition by the United States, the approximately 160 acres of land identified as “Land to be acquired by USFS” on the map entitled “Hunchback Mountain Land Exchange, Clackamas County”, dated June 2006, shall be incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273) and enlarged by subsection (a)(7).

(d) **MAPS AND LEGAL DESCRIPTIONS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area and potential wilderness area designated by this section, with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(3) **PUBLIC AVAILABILITY.**—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(4) **DESCRIPTION OF LAND.**—The boundaries of the areas designated as wilderness by subsection (a) that are immediately adjacent to a utility right-of-way or a Federal Energy Regulatory Commission project boundary shall be 100 feet from the boundary of the right-of-way or the project boundary.

(e) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Subject to valid existing rights, each area designated as wilderness by this section shall be administered by the Secretary that has jurisdiction over the land within the wilderness, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land within the wilderness.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land within the boundary of a wilderness area designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(f) **BUFFER ZONES.**—

(1) **IN GENERAL.**—As provided in the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-328), Congress does not intend for designation of wilderness areas in the State under this section to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(2) **ACTIVITIES OR USES UP TO BOUNDARIES.**—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

(g) **FISH AND WILDLIFE.**—Nothing in this section affects the jurisdiction or responsibilities of the State with respect to fish and wildlife.

(h) **FIRE, INSECTS, AND DISEASES.**—As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by this section, the Secretary that has jurisdiction over the land within the wilderness (referred to in this subsection as the “Secretary”) may take such measures as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(i) **WITHDRAWAL.**—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this section is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 1203. DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA.

(a) **WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.**—

(1) **IN GENERAL.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“(171) **SOUTH FORK CLACKAMAS RIVER, OREGON.**—The 4.2-mile segment of the South Fork Clackamas River from its confluence with the East Fork of the South Fork Clackamas to its confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a wild river.

“(172) **EAGLE CREEK, OREGON.**—The 8.3-mile segment of Eagle Creek from its headwaters to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

“(173) **MIDDLE FORK HOOD RIVER.**—The 3.7-mile segment of the Middle Fork Hood River from the confluence of Clear and Coe Branches to the north section line of section 11, township 1 south, range 9 east, to be administered by the Secretary of Agriculture as a scenic river.

“(174) **SOUTH FORK ROARING RIVER, OREGON.**—The 4.6-mile segment of the South Fork Roaring River from its headwaters to its confluence with Roaring River, to be administered by the Secretary of Agriculture as a wild river.

“(175) **ZIG ZAG RIVER, OREGON.**—The 4.3-mile segment of the Zig Zag River from its headwaters to the Mount Hood Wilderness boundary, to be administered by the Secretary of Agriculture as a wild river.

“(176) **FIFTEENMILE CREEK, OREGON.**—

“(A) **IN GENERAL.**—The 11.1-mile segment of Fifteenmile Creek from its source at Senecal Spring to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east, to be administered by the Secretary of Agriculture in the following classes:

“(i) The 2.6-mile segment from its source at Senecal Spring to the Badger Creek Wilderness boundary, as a wild river.

“(ii) The 0.4-mile segment from the Badger Creek Wilderness boundary to the point 0.4 miles downstream, as a scenic river.

“(iii) The 7.9-mile segment from the point 0.4 miles downstream of the Badger Creek Wilderness boundary to the western edge of section 20, township 2 south, range 12 east as a wild river.

“(iv) The 0.2-mile segment from the western edge of section 20, township 2 south, range 12 east, to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east as a scenic river.

“(B) **INCLUSIONS.**—Notwithstanding section 3(b), the lateral boundaries of both the wild river area and the scenic river area along Fifteenmile Creek shall include an average of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river.

“(177) **EAST FORK HOOD RIVER, OREGON.**—The 13.5-mile segment of the East Fork Hood River from Oregon State Highway 35 to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a recreational river.

“(178) **COLLAWASH RIVER, OREGON.**—The 17.8-mile segment of the Collawash River from the headwaters of the East Fork Collawash to the confluence of the mainstream of the Collawash River with the Clackamas River, to be administered by the Secretary of Agriculture in the following classes:

“(A) The 11.0-mile segment from the headwaters of the East Fork Collawash River to Buckeye Creek, as a scenic river.

“(B) The 6.8-mile segment from Buckeye Creek to the Clackamas River, as a recreational river.

“(179) **FISH CREEK, OREGON.**—The 13.5-mile segment of Fish Creek from its headwaters to the confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a recreational river.”.

(2) **EFFECT.**—The amendments made by paragraph (1) do not affect valid existing water rights.

(b) **PROTECTION FOR HOOD RIVER, OREGON.**—Section 13(a)(4) of the “Columbia River Gorge National Scenic Area Act” (16 U.S.C. 544k(a)(4)) is amended by striking “for a period not to exceed twenty years from the date of enactment of this Act,”.

SEC. 1204. MOUNT HOOD NATIONAL RECREATION AREA.

(a) **DESIGNATION.**—To provide for the protection, preservation, and enhancement of recreational, ecological, scenic, cultural, watershed, and fish and wildlife values, there is established the Mount Hood National Recreation Area within the Mount Hood National Forest.

(b) **BOUNDARY.**—The Mount Hood National Recreation Area shall consist of certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 34,550 acres, as generally depicted on the maps entitled “National Recreation Areas—Mount Hood NRA”, “National Recreation Areas—Fifteenmile Creek NRA”, and “National Recreation Areas—Shellrock Mountain”, dated February 2007.

(c) **MAP AND LEGAL DESCRIPTION.**—

(1) **SUBMISSION OF LEGAL DESCRIPTION.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Mount Hood National Recreation Area with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in

this subtitle, except that the Secretary may correct typographical errors in the map and the legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall—

(A) administer the Mount Hood National Recreation Area—

(i) in accordance with the laws (including regulations) and rules applicable to the National Forest System; and

(ii) consistent with the purposes described in subsection (a); and

(B) only allow uses of the Mount Hood National Recreation Area that are consistent with the purposes described in subsection (a).

(2) **APPLICABLE LAW.**—Any portion of a wilderness area designated by section 1202 that is located within the Mount Hood National Recreation Area shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(e) **TIMBER.**—The cutting, sale, or removal of timber within the Mount Hood National Recreation Area may be permitted—

(1) to the extent necessary to improve the health of the forest in a manner that—

(A) maximizes the retention of large trees—

(i) as appropriate to the forest type; and

(ii) to the extent that the trees promote stands that are fire-resilient and healthy;

(B) improves the habitats of threatened, endangered, or sensitive species; or

(C) maintains or restores the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildfire;

(2) to accomplish an approved management activity in furtherance of the purposes established by this section, if the cutting, sale, or removal of timber is incidental to the management activity; or

(3) for de minimus personal or administrative use within the Mount Hood National Recreation Area, where such use will not impair the purposes established by this section.

(f) **ROAD CONSTRUCTION.**—No new or temporary roads shall be constructed or reconstructed within the Mount Hood National Recreation Area except as necessary—

(1) to protect the health and safety of individuals in cases of an imminent threat of flood, fire, or any other catastrophic event that, without intervention, would cause the loss of life or property;

(2) to conduct environmental cleanup required by the United States;

(3) to allow for the exercise of reserved or outstanding rights provided for by a statute or treaty;

(4) to prevent irreparable resource damage by an existing road; or

(5) to rectify a hazardous road condition.

(g) **WITHDRAWAL.**—Subject to valid existing rights, all Federal land within the Mount Hood National Recreation Area is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws relating to mineral and geothermal leasing.

(h) **TRANSFER OF ADMINISTRATIVE JURISDICTION.**—

(1) **IN GENERAL.**—Administrative jurisdiction over the Federal land described in paragraph (2) is transferred from the Bureau of Land Management to the Forest Service.

(2) **DESCRIPTION OF LAND.**—The land referred to in paragraph (1) is the approximately 130 acres of land administered by the Bureau of Land Management that is within or adjacent to the Mount Hood National Recreation Area and that is identified as “BLM Lands” on the map entitled “National Recreation Areas—Shellrock Mountain”, dated February 2007.

SEC. 1205. PROTECTIONS FOR CRYSTAL SPRINGS, UPPER BIG BOTTOM, AND CULTUS CREEK.

(a) **CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.**—

(1) **ESTABLISHMENT.**—

(A) **IN GENERAL.**—On completion of the land exchange under section 1206(a)(2), there shall be established a special resources management unit in the State consisting of certain Federal land managed by the Forest Service, as generally depicted on the map entitled “Crystal Springs Watershed Special Resources Management Unit”, dated June 2006 (referred to in this subsection as the “map”), to be known as the “Crystal Springs Watershed Special Resources Management Unit” (referred to in this subsection as the “Management Unit”).

(B) **EXCLUSION OF CERTAIN LAND.**—The Management Unit does not include any National Forest System land otherwise covered by subparagraph (A) that is designated as wilderness by section 1202.

(C) **WITHDRAWAL.**—

(i) **IN GENERAL.**—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as the Management Unit is withdrawn from all forms of—

(I) entry, appropriation, or disposal under the public land laws;

(II) location, entry, and patent under the mining laws; and

(III) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(i) **EXCEPTION.**—Clause (i)(I) does not apply to the parcel of land generally depicted as “HES 151” on the map.

(2) **PURPOSES.**—The purposes of the Management Unit are—

(A) to ensure the protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon; and

(B) to allow visitors to enjoy the special scenic, natural, cultural, and wildlife values of the Crystal Springs watershed.

(3) **MAP AND LEGAL DESCRIPTION.**—

(A) **SUBMISSION OF LEGAL DESCRIPTION.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Management Unit with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) **FORCE OF LAW.**—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(C) **PUBLIC AVAILABILITY.**—The map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) **ADMINISTRATION.**—

(A) **IN GENERAL.**—The Secretary shall—

(i) administer the Management Unit—

(I) in accordance with the laws (including regulations) and rules applicable to units of the National Forest System; and

(II) consistent with the purposes described in paragraph (2); and

(ii) only allow uses of the Management Unit that are consistent with the purposes described in paragraph (2).

(B) **FUEL REDUCTION IN PROXIMITY TO IMPROVEMENTS AND PRIMARY PUBLIC ROADS.**—To protect the water quality, water quantity, and scenic, cultural, natural, and wildlife values of the Management Unit, the Secretary may conduct fuel reduction and forest health management treatments to maintain and restore fire-resilient forest structures containing late successional forest structure characterized by large trees and multistoried canopies, as ecologically appropriate, on National Forest System land in the Management Unit—

(i) in any area located not more than 400 feet from structures located on—

(I) National Forest System land; or

(II) private land adjacent to National Forest System land;

(ii) in any area located not more than 400 feet from the Cooper Spur Road, the Cloud Cap Road, or the Cooper Spur Ski Area Loop Road; and

(iii) on any other National Forest System land in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(5) **PROHIBITED ACTIVITIES.**—Subject to valid existing rights, the following activities shall be prohibited on National Forest System land in the Management Unit:

(A) New road construction or renovation of existing non-System roads, except as necessary to protect public health and safety.

(B) Projects undertaken for the purpose of harvesting commercial timber (other than activities relating to the harvest of merchantable products that are byproducts of activities conducted to further the purposes described in paragraph (2)).

(C) Commercial livestock grazing.

(D) The placement of new fuel storage tanks.

(E) Except to the extent necessary to further the purposes described in paragraph (2), the application of any toxic chemicals (other than fire retardants), including pesticides, rodenticides, or herbicides.

(6) **FOREST ROAD CLOSURES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Secretary may provide for the closure or gating to the general public of any Forest Service road within the Management Unit.

(B) **EXCEPTION.**—Nothing in this subsection requires the Secretary to close the road commonly known as “Cloud Cap Road”, which shall be administered in accordance with otherwise applicable law.

(7) **PRIVATE LAND.**—

(A) **EFFECT.**—Nothing in this subsection affects the use of, or access to, any private property within the area identified on the map as the “Crystal Springs Zone of Contribution” by—

(i) the owners of the private property; and

(ii) guests to the private property.

(B) **COOPERATION.**—The Secretary is encouraged to work with private landowners who have agreed to cooperate with the Secretary to further the purposes of this subsection.

(8) **ACQUISITION OF LAND.**—

(A) **IN GENERAL.**—The Secretary may acquire from willing landowners any land located within the area identified on the map as the “Crystal Springs Zone of Contribution”.

(B) **INCLUSION IN MANAGEMENT UNIT.**—On the date of acquisition, any land acquired under subparagraph (A) shall be incorporated in, and be managed as part of, the Management Unit.

(b) **PROTECTIONS FOR UPPER BIG BOTTOM AND CULTUS CREEK.**—

(1) **IN GENERAL.**—The Secretary shall manage the Federal land administered by the Forest Service described in paragraph (2) in a manner that preserves the natural and primitive character of the land for recreational, scenic, and scientific use.

(2) **DESCRIPTION OF LAND.**—The Federal land referred to in paragraph (1) is—

(A) the approximately 1,580 acres, as generally depicted on the map entitled “Upper Big Bottom”, dated July 16, 2007; and

(B) the approximately 280 acres identified as “Cultus Creek” on the map entitled “Clackamas Wilderness—South Fork Clackamas”, dated July 16, 2007.

(3) **MAPS AND LEGAL DESCRIPTIONS.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Federal land described in paragraph (2) with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) **FORCE OF LAW.**—The maps and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(C) **PUBLIC AVAILABILITY.**—Each map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) **USE OF LAND.**—

(A) **IN GENERAL.**—Subject to valid existing rights, with respect to the Federal land described in paragraph (2), the Secretary shall only allow uses that are consistent with the purposes identified in paragraph (1).

(B) **PROHIBITED USES.**—The following shall be prohibited on the Federal land described in paragraph (2):

(i) Permanent roads.

(ii) Commercial enterprises.

(iii) Except as necessary to meet the minimum requirements for the administration of the Federal land and to protect public health and safety—

(I) the use of motor vehicles; or

(II) the establishment of temporary roads.

(5) **WITHDRAWAL.**—Subject to valid existing rights, the Federal land described in paragraph (2) is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

SEC. 1206. LAND EXCHANGES.

(a) **COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **COUNTY.**—The term “County” means Hood River County, Oregon.

(B) **EXCHANGE MAP.**—The term “exchange map” means the map entitled “Cooper Spur/Government Camp Land Exchange”, dated June 2006.

(C) **FEDERAL LAND.**—The term “Federal land” means the approximately 120 acres of National Forest System land in the Mount Hood National Forest in Government Camp, Clackamas County, Oregon, identified as

“USFS Land to be Conveyed” on the exchange map.

(D) **MT. HOOD MEADOWS.**—The term “Mt. Hood Meadows” means the Mt. Hood Meadows Oregon, Limited Partnership.

(E) **NON-FEDERAL LAND.**—The term “non-Federal land” means—

(i) the parcel of approximately 770 acres of private land at Cooper Spur identified as “Land to be acquired by USFS” on the exchange map; and

(ii) any buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur and the Cooper Spur Ski Area covered by an appraisal described in paragraph (2)(D).

(2) **COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.**—

(A) **CONVEYANCE OF LAND.**—Subject to the provisions of this subsection, if Mt. Hood Meadows offers to convey to the United States all right, title, and interest of Mt. Hood Meadows in and to the non-Federal land, the Secretary shall convey to Mt. Hood Meadows all right, title, and interest of the United States in and to the Federal land (other than any easements reserved under subparagraph (G)), subject to valid existing rights.

(B) **COMPLIANCE WITH EXISTING LAW.**—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) **CONDITIONS ON ACCEPTANCE.**—

(i) **TITLE.**—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(ii) **TERMS AND CONDITIONS.**—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) **APPRAISALS.**—

(i) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary and Mt. Hood Meadows shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) **REQUIREMENTS.**—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) **SURVEYS.**—

(i) **IN GENERAL.**—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) **COSTS.**—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Mt. Hood Meadows.

(F) **DEADLINE FOR COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(G) **RESERVATION OF EASEMENTS.**—As a condition of the conveyance of the Federal land, the Secretary shall reserve—

(i) a conservation easement to the Federal land to protect existing wetland, as identified by the Oregon Department of State Lands, that allows equivalent wetland mitigation measures to compensate for minor wetland encroachments necessary for the orderly development of the Federal land; and

(ii) a trail easement to the Federal land that allows—

(I) nonmotorized use by the public of existing trails;

(II) roads, utilities, and infrastructure facilities to cross the trails; and

(III) improvement or relocation of the trails to accommodate development of the Federal land.

(b) **PORT OF CASCADE LOCKS LAND EXCHANGE.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **EXCHANGE MAP.**—The term “exchange map” means the map entitled “Port of Cascade Locks/Pacific Crest National Scenic Trail Land Exchange”, dated June 2006.

(B) **FEDERAL LAND.**—The term “Federal land” means the parcel of land consisting of approximately 10 acres of National Forest System land in the Columbia River Gorge National Scenic Area identified as “USFS Land to be conveyed” on the exchange map.

(C) **NON-FEDERAL LAND.**—The term “non-Federal land” means the parcels of land consisting of approximately 40 acres identified as “Land to be acquired by USFS” on the exchange map.

(D) **PORT.**—The term “Port” means the Port of Cascade Locks, Cascade Locks, Oregon.

(2) **LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.**—

(A) **CONVEYANCE OF LAND.**—Subject to the provisions of this subsection, if the Port offers to convey to the United States all right, title, and interest of the Port in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the Port all right, title, and interest of the United States in and to the Federal land.

(B) **COMPLIANCE WITH EXISTING LAW.**—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(3) **CONDITIONS ON ACCEPTANCE.**—

(A) **TITLE.**—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(B) **TERMS AND CONDITIONS.**—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(4) **APPRAISALS.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(B) **REQUIREMENTS.**—An appraisal under subparagraph (A) shall be conducted in accordance with nationally recognized appraisal standards, including—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(5) **SURVEYS.**—

(A) **IN GENERAL.**—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(B) **COSTS.**—The responsibility for the costs of any surveys conducted under subparagraph (A), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Port.

(6) **DEADLINE FOR COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that

the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(c) **HUNCHBACK MOUNTAIN LAND EXCHANGE AND BOUNDARY ADJUSTMENT.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **COUNTY.**—The term “County” means Clackamas County, Oregon.

(B) **EXCHANGE MAP.**—The term “exchange map” means the map entitled “Hunchback Mountain Land Exchange, Clackamas County”, dated June 2006.

(C) **FEDERAL LAND.**—The term “Federal land” means the parcel of land consisting of approximately 160 acres of National Forest System land in the Mount Hood National Forest identified as “USFS Land to be Conveyed” on the exchange map.

(D) **NON-FEDERAL LAND.**—The term “non-Federal land” means the parcel of land consisting of approximately 160 acres identified as “Land to be acquired by USFS” on the exchange map.

(2) **HUNCHBACK MOUNTAIN LAND EXCHANGE.**—

(A) **CONVEYANCE OF LAND.**—Subject to the provisions of this paragraph, if the County offers to convey to the United States all right, title, and interest of the County in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the County all right, title, and interest of the United States in and to the Federal land.

(B) **COMPLIANCE WITH EXISTING LAW.**—Except as otherwise provided in this paragraph, the Secretary shall carry out the land exchange under this paragraph in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) **CONDITIONS ON ACCEPTANCE.**—

(i) **TITLE.**—As a condition of the land exchange under this paragraph, title to the non-Federal land to be acquired by the Secretary under this paragraph shall be acceptable to the Secretary.

(ii) **TERMS AND CONDITIONS.**—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) **APPRAISALS.**—

(i) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) **REQUIREMENTS.**—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) **SURVEYS.**—

(i) **IN GENERAL.**—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) **COSTS.**—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the County.

(F) **DEADLINE FOR COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchange under this paragraph shall be completed not later than 16 months after the date of enactment of this Act.

(3) **BOUNDARY ADJUSTMENT.**—

(A) **IN GENERAL.**—The boundary of the Mount Hood National Forest shall be adjusted to incorporate—

(i) any land conveyed to the United States under paragraph (2); and

(ii) the land transferred to the Forest Service by section 1204(h)(1).

(B) ADDITIONS TO THE NATIONAL FOREST SYSTEM.—The Secretary shall administer the land described in subparagraph (A)—

(i) in accordance with—

(I) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(II) any laws (including regulations) applicable to the National Forest System; and

(ii) subject to sections 1202(c)(3) and 1204(d), as applicable.

(C) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Mount Hood National Forest modified by this paragraph shall be considered to be the boundaries of the Mount Hood National Forest in existence as of January 1, 1965.

(d) CONDITIONS ON DEVELOPMENT OF FEDERAL LAND.—

(1) REQUIREMENTS APPLICABLE TO THE CONVEYANCE OF FEDERAL LAND.—

(A) IN GENERAL.—As a condition of each of the conveyances of Federal land under this section, the Secretary shall include in the deed of conveyance a requirement that applicable construction activities and alterations shall be conducted in accordance with—

(i) nationally recognized building and property maintenance codes; and

(ii) nationally recognized codes for development in the wildland-urban interface and wildfire hazard mitigation.

(B) APPLICABLE LAW.—To the maximum extent practicable, the codes required under subparagraph (A) shall be consistent with the nationally recognized codes adopted or referenced by the State or political subdivisions of the State.

(C) ENFORCEMENT.—The requirements under subparagraph (A) may be enforced by the same entities otherwise enforcing codes, ordinances, and standards.

(2) COMPLIANCE WITH CODES ON FEDERAL LAND.—The Secretary shall ensure that applicable construction activities and alterations undertaken or permitted by the Secretary on National Forest System land in the Mount Hood National Forest are conducted in accordance with—

(A) nationally recognized building and property maintenance codes; and

(B) nationally recognized codes for development in the wildland-urban interface development and wildfire hazard mitigation.

(3) EFFECT ON ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS.—Nothing in this subsection alters or limits the power of the State or a political subdivision of the State to implement or enforce any law (including regulations), rule, or standard relating to development or fire prevention and control.

SEC. 1207. TRIBAL PROVISIONS; PLANNING AND STUDIES.

(a) TRANSPORTATION PLAN.—

(1) IN GENERAL.—The Secretary shall seek to participate in the development of an integrated, multimodal transportation plan developed by the Oregon Department of Transportation for the Mount Hood region to achieve comprehensive solutions to transportation challenges in the Mount Hood region—

(A) to promote appropriate economic development;

(B) to preserve the landscape of the Mount Hood region; and

(C) to enhance public safety.

(2) ISSUES TO BE ADDRESSED.—In participating in the development of the transportation plan under paragraph (1), the Secretary shall seek to address—

(A) transportation alternatives between and among recreation areas and gateway

communities that are located within the Mount Hood region;

(B) establishing park-and-ride facilities that shall be located at gateway communities;

(C) establishing intermodal transportation centers to link public transportation, parking, and recreation destinations;

(D) creating a new interchange on Oregon State Highway 26 located adjacent to or within Government Camp;

(E) designating, maintaining, and improving alternative routes using Forest Service or State roads for—

(i) providing emergency routes; or

(ii) improving access to, and travel within, the Mount Hood region;

(F) the feasibility of establishing—

(i) a gondola connection that—

(I) connects Timberline Lodge to Government Camp; and

(II) is located in close proximity to the site of the historic gondola corridor; and

(ii) an intermodal transportation center to be located in close proximity to Government Camp;

(G) burying power lines located in, or adjacent to, the Mount Hood National Forest along Interstate 84 near the City of Cascade Locks, Oregon; and

(H) creating mechanisms for funding the implementation of the transportation plan under paragraph (1), including—

(i) funds provided by the Federal Government;

(ii) public-private partnerships;

(iii) incremental tax financing; and

(iv) other financing tools that link transportation infrastructure improvements with development.

(b) MOUNT HOOD NATIONAL FOREST STEWARDSHIP STRATEGY.—

(1) IN GENERAL.—The Secretary shall prepare a report on, and implementation schedule for, the vegetation management strategy (including recommendations for biomass utilization) for the Mount Hood National Forest being developed by the Forest Service.

(2) SUBMISSION TO CONGRESS.—

(A) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) IMPLEMENTATION SCHEDULE.—Not later than 1 year after the date on which the vegetation management strategy referred to in paragraph (1) is completed, the Secretary shall submit the implementation schedule to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(c) LOCAL AND TRIBAL RELATIONSHIPS.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The Secretary, in consultation with Indian tribes with treaty-reserved gathering rights on land encompassed by the Mount Hood National Forest and in a manner consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes and Bands of the Warm Springs Reservation of Oregon, dated April 25, 2003, as modified, shall develop and implement a management plan that meets the cultural foods obligations of the United States under applicable treaties, including the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) EFFECT.—This paragraph shall be considered to be consistent with, and is intended to help implement, the gathering rights reserved by the treaty described in subparagraph (A).

(2) SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.—

(A) TREATY RIGHTS.—Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) TRIBAL LAND.—Nothing in this subtitle affects land held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other land acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(d) RECREATIONAL USES.—

(1) MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.—The Secretary may establish a working group for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in the Mount Hood National Forest.

(2) CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.—In considering a Forest Service road in the Mount Hood National Forest for possible closure and decommissioning after the date of enactment of this Act, the Secretary, in accordance with applicable law, shall consider, as an alternative to decommissioning the road, converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National Forest.

(3) IMPROVED TRAIL ACCESS FOR PERSONS WITH DISABILITIES.—The Secretary, in consultation with the public, may design and construct a trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.

Subtitle D—Copper Salmon Wilderness, Oregon

SEC. 1301. DESIGNATION OF THE COPPER SALMON WILDERNESS.

(a) DESIGNATION.—Section 3 of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328) is amended—

(1) in the matter preceding paragraph (1), by striking “eight hundred fifty-nine thousand six hundred acres” and inserting “873,300 acres”;

(2) in paragraph (29), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(30) certain land in the Siskiyou National Forest, comprising approximately 13,700 acres, as generally depicted on the map entitled ‘Proposed Copper Salmon Wilderness Area’ and dated December 7, 2007, to be known as the ‘Copper Salmon Wilderness.’”.

(b) MAPS AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this subtitle as the “Secretary”) shall file a map and a legal description of the Copper Salmon Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) BOUNDARY.—If the boundary of the Copper Salmon Wilderness shares a border with a road, the Secretary may only establish an offset that is not more than 150 feet from the centerline of the road.

(4) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 1302. WILD AND SCENIC RIVER DESIGNATIONS, ELK RIVER, OREGON.

Section 3(a)(76) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(76)) is amended—

(1) in the matter preceding subparagraph (A), by striking “19-mile segment” and inserting “29-mile segment”;

(2) in subparagraph (A), by striking “; and” and inserting a period; and

(3) by striking subparagraph (B) and inserting the following:

“(B)(i) The approximately 0.6-mile segment of the North Fork Elk from its source in sec. 21, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

“(ii) The approximately 5.5-mile segment of the North Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the South Fork Elk, as a wild river.

“(C)(i) The approximately 0.9-mile segment of the South Fork Elk from its source in the southeast quarter of sec. 32, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

“(ii) The approximately 4.2-mile segment of the South Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the North Fork Elk, as a wild river.”.

SEC. 1303. PROTECTION OF TRIBAL RIGHTS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as diminishing any right of any Indian tribe.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary shall seek to enter into a memorandum of understanding with the Coquille Indian Tribe regarding access to the Copper Salmon Wilderness to conduct historical and cultural activities.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

SEC. 1401. DEFINITIONS.

In this subtitle:

(1) BOX R RANCH LAND EXCHANGE MAP.—The term “Box R Ranch land exchange map” means the map entitled “Proposed Rowlett Land Exchange” and dated June 13, 2006.

(2) BUREAU OF LAND MANAGEMENT LAND.—The term “Bureau of Land Management land” means the approximately 40 acres of land administered by the Bureau of Land Management identified as “Rowlett Selected”, as generally depicted on the Box R Ranch land exchange map.

(3) DEERFIELD LAND EXCHANGE MAP.—The term “Deerfield land exchange map” means the map entitled “Proposed Deerfield-BLM Property Line Adjustment” and dated May 1, 2008.

(4) DEERFIELD PARCEL.—The term “Deerfield parcel” means the approximately 1.5 acres of land identified as “From Deerfield to BLM”, as generally depicted on the Deerfield land exchange map.

(5) FEDERAL PARCEL.—The term “Federal parcel” means the approximately 1.3 acres of land administered by the Bureau of Land Management identified as “From BLM to Deerfield”, as generally depicted on the Deerfield land exchange map.

(6) GRAZING ALLOTMENT.—The term “grazing allotment” means any of the Box R,

Buck Lake, Buck Mountain, Buck Point, Conde Creek, Cove Creek, Cove Creek Ranch, Deadwood, Dixie, Grizzly, Howard Prairie, Jenny Creek, Keene Creek, North Cove Creek, and Soda Mountain grazing allotments in the State.

(7) GRAZING LEASE.—The term “grazing lease” means any document authorizing the use of a grazing allotment for the purpose of grazing livestock for commercial purposes.

(8) LANDOWNER.—The term “Landowner” means the owner of the Box R Ranch in the State.

(9) LESSEE.—The term “lessee” means a livestock operator that holds a valid existing grazing lease for a grazing allotment.

(10) LIVESTOCK.—The term “livestock” does not include beasts of burden used for recreational purposes.

(11) MONUMENT.—The term “Monument” means the Cascade-Siskiyou National Monument in the State.

(12) ROWLETT PARCEL.—The term “Rowlett parcel” means the parcel of approximately 40 acres of private land identified as “Rowlett Offered”, as generally depicted on the Box R Ranch land exchange map.

(13) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(14) STATE.—The term “State” means the State of Oregon.

(15) WILDERNESS.—The term “Wilderness” means the Soda Mountain Wilderness designated by section 1405(a).

(16) WILDERNESS MAP.—The term “wilderness map” means the map entitled “Soda Mountain Wilderness” and dated May 5, 2008.

SEC. 1402. VOLUNTARY GRAZING LEASE DONATION PROGRAM.

(a) EXISTING GRAZING LEASES.—

(1) DONATION OF LEASE.—

(A) ACCEPTANCE BY SECRETARY.—The Secretary shall accept any grazing lease that is donated by a lessee.

(B) TERMINATION.—The Secretary shall terminate any grazing lease acquired under subparagraph (A).

(C) NO NEW GRAZING LEASE.—Except as provided in paragraph (3), with respect to each grazing lease donated under subparagraph (A), the Secretary shall—

(i) not issue any new grazing lease within the grazing allotment covered by the grazing lease; and

(ii) ensure a permanent end to livestock grazing on the grazing allotment covered by the grazing lease.

(2) DONATION OF PORTION OF GRAZING LEASE.—

(A) IN GENERAL.—A lessee with a grazing lease for a grazing allotment partially within the Monument may elect to donate only that portion of the grazing lease that is within the Monument.

(B) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the portion of a grazing lease that is donated under subparagraph (A).

(C) MODIFICATION OF LEASE.—Except as provided in paragraph (3), if a lessee donates a portion of a grazing lease under subparagraph (A), the Secretary shall—

(i) reduce the authorized grazing level and area to reflect the donation; and

(ii) modify the grazing lease to reflect the reduced level and area of use.

(D) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level and area of livestock grazing on the land covered by a portion of a grazing lease donated under subparagraph (A), the Secretary shall not allow grazing to exceed the authorized level and area established under subparagraph (C).

(3) COMMON ALLOTMENTS.—

(A) IN GENERAL.—If a grazing allotment covered by a grazing lease or portion of a grazing lease that is donated under paragraph (1) or (2) also is covered by another grazing lease that is not donated, the Secretary shall reduce the grazing level on the grazing allotment to reflect the donation.

(B) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of livestock grazing on the land covered by the grazing lease or portion of a grazing lease donated under paragraph (1) or (2), the Secretary shall not allow grazing to exceed the level established under subparagraph (A).

(b) LIMITATIONS.—The Secretary—

(1) with respect to the Agate, Emigrant Creek, and Siskiyou allotments in and near the Monument—

(A) shall not issue any grazing lease; and

(B) shall ensure a permanent end to livestock grazing on each allotment; and

(2) shall not establish any new allotments for livestock grazing that include any Monument land (whether leased or not leased for grazing on the date of enactment of this Act).

(c) EFFECT OF DONATION.—A lessee who donates a grazing lease or a portion of a grazing lease under this section shall be considered to have waived any claim to any range improvement on the associated grazing allotment or portion of the associated grazing allotment, as applicable.

SEC. 1403. BOX R RANCH LAND EXCHANGE.

(a) IN GENERAL.—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to the Landowner the Bureau of Land Management land in exchange for the Rowlett parcel; and

(2) if the Landowner accepts the offer—

(A) the Secretary shall convey to the Landowner all right, title, and interest of the United States in and to the Bureau of Land Management land; and

(B) the Landowner shall convey to the Secretary all right, title, and interest of the Landowner in and to the Rowlett parcel.

(b) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Bureau of Land Management land and the Rowlett parcel shall be determined by surveys approved by the Secretary.

(2) COSTS.—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Landowner.

(c) CONDITIONS.—The conveyance of the Bureau of Land Management land and the Rowlett parcel under this section shall be subject to—

(1) valid existing rights;

(2) title to the Rowlett parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(3) such terms and conditions as the Secretary may require; and

(4) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) APPRAISALS.—

(1) IN GENERAL.—The Bureau of Land Management land and the Rowlett parcel shall be appraised by an independent appraiser selected by the Secretary.

(2) REQUIREMENTS.—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) **APPROVAL.**—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

(e) **GRAZING ALLOTMENT.**—As a condition of the land exchange authorized under this section, the lessee of the grazing lease for the Box R grazing allotment shall donate the Box R grazing lease in accordance with section 1402(a)(1).

SEC. 1404. DEERFIELD LAND EXCHANGE.

(a) **IN GENERAL.**—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to Deerfield Learning Associates the Federal parcel in exchange for the Deerfield parcel; and

(2) if Deerfield Learning Associates accepts the offer—

(A) the Secretary shall convey to Deerfield Learning Associates all right, title, and interest of the United States in and to the Federal parcel; and

(B) Deerfield Learning Associates shall convey to the Secretary all right, title, and interest of Deerfield Learning Associates in and to the Deerfield parcel.

(b) **SURVEYS.**—

(1) **IN GENERAL.**—The exact acreage and legal description of the Federal parcel and the Deerfield parcel shall be determined by surveys approved by the Secretary.

(2) **COSTS.**—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Deerfield Learning Associates.

(c) **CONDITIONS.**—

(1) **IN GENERAL.**—The conveyance of the Federal parcel and the Deerfield parcel under this section shall be subject to—

(A) valid existing rights;

(B) title to the Deerfield parcel being acceptable to the Secretary and in conformity with the title approval standards applicable to Federal land acquisitions;

(C) such terms and conditions as the Secretary may require; and

(D) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) **APPRAISALS.**—

(1) **IN GENERAL.**—The Federal parcel and the Deerfield parcel shall be appraised by an independent appraiser selected by the Secretary.

(2) **REQUIREMENTS.**—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) **APPROVAL.**—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

SEC. 1405. SODA MOUNTAIN WILDERNESS.

(a) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), approximately 24,100 acres of Monument land, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Soda Mountain Wilderness”.

(b) **MAP AND LEGAL DESCRIPTION.**—

(1) **SUBMISSION OF MAP AND LEGAL DESCRIPTION.**—As soon as practicable after the date of enactment of this Act, the Secretary shall

file a map and legal description of the Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE AND EFFECT.**—

(A) **IN GENERAL.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(B) **NOTIFICATION.**—The Secretary shall submit to Congress notice of any changes made in the map or legal description under subparagraph (A), including notice of the reason for the change.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.**—Except as provided by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), within the wilderness areas designated by this subtitle, the Secretary may take such measures in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(3) **LIVESTOCK.**—Except as provided in section 1402 and by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), the grazing of livestock in the Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) **FISH AND WILDLIFE MANAGEMENT.**—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(5) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundary of the Wilderness that is acquired by the United States shall—

(A) become part of the Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

SEC. 1406. EFFECT.

Nothing in this subtitle—

(1) affects the authority of a Federal agency to modify or terminate grazing permits or leases, except as provided in section 1402;

(2) authorizes the use of eminent domain;

(3) creates a property right in any grazing permit or lease on Federal land;

(4) establishes a precedent for future grazing permit or lease donation programs; or

(5) affects the allocation, ownership, interest, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right held by the United States, an Indian tribe, a State, or a private individual, partnership, or corporation.

Subtitle F—Owyhee Public Land Management

SEC. 1501. DEFINITIONS.

In this subtitle:

(1) **ACCOUNT.**—The term “account” means the Owyhee Land Acquisition Account established by section 1505(b)(1).

(2) **COUNTY.**—The term “County” means Owyhee County, Idaho.

(3) **OWYHEE FRONT.**—The term “Owyhee Front” means the area of the County from Jump Creek on the west to Mud Flat Road on the east and draining north from the crest of the Silver City Range to the Snake River.

(4) **PLAN.**—The term “plan” means a travel management plan for motorized and mechanized off-highway vehicle recreation prepared under section 1507.

(5) **PUBLIC LAND.**—The term “public land” has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(7) **STATE.**—The term “State” means the State of Idaho.

(8) **TRIBES.**—The term “Tribes” means the Shoshone Paiute Tribes of the Duck Valley Reservation.

SEC. 1502. OWYHEE SCIENCE REVIEW AND CONSERVATION CENTER.

(a) **ESTABLISHMENT.**—The Secretary, in coordination with the Tribes, State, and County, and in consultation with the University of Idaho, Federal grazing permittees, and public, shall establish the Owyhee Science Review and Conservation Center in the County to conduct research projects to address natural resources management issues affecting public and private rangeland in the County.

(b) **PURPOSE.**—The purpose of the center established under subsection (a) shall be to facilitate the collection and analysis of information to provide Federal and State agencies, the Tribes, the County, private landowners, and the public with information on improved rangeland management.

SEC. 1503. WILDERNESS AREAS.

(a) **WILDERNESS AREAS DESIGNATION.**—

(1) **IN GENERAL.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) **BIG JACKS CREEK WILDERNESS.**—Certain land comprising approximately 52,826 acres, as generally depicted on the map entitled “Little Jacks Creek and Big Jacks Creek Wilderness” and dated May 5, 2008, which shall be known as the “Big Jacks Creek Wilderness”.

(B) **BRUNEAU-JARBIDGE RIVERS WILDERNESS.**—Certain land comprising approximately 89,996 acres, as generally depicted on the map entitled “Bruneau-Jarbridge Rivers Wilderness” and dated December 15, 2008, which shall be known as the “Bruneau-Jarbridge Rivers Wilderness”.

(C) **LITTLE JACKS CREEK WILDERNESS.**—Certain land comprising approximately 50,929

acres, as generally depicted on the map entitled "Little Jacks Creek and Big Jacks Creek Wilderness" and dated May 5, 2008, which shall be known as the "Little Jacks Creek Wilderness".

(D) NORTH FORK OWYHEE WILDERNESS.—Certain land comprising approximately 43,413 acres, as generally depicted on the map entitled "North Fork Owyhee and Pole Creek Wilderness" and dated May 5, 2008, which shall be known as the "North Fork Owyhee Wilderness".

(E) OWYHEE RIVER WILDERNESS.—Certain land comprising approximately 267,328 acres, as generally depicted on the map entitled "Owyhee River Wilderness" and dated May 5, 2008, which shall be known as the "Owyhee River Wilderness".

(F) POLE CREEK WILDERNESS.—Certain land comprising approximately 12,533 acres, as generally depicted on the map entitled "North Fork Owyhee and Pole Creek Wilderness" and dated May 5, 2008, which shall be known as the "Pole Creek Wilderness".

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description for each area designated as wilderness by this subtitle.

(B) EFFECT.—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct minor errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the Bureau of Land Management.

(3) RELEASE OF WILDERNESS STUDY AREAS.—

(A) IN GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(B) RELEASE.—Any public land referred to in subparagraph (A) that is not designated as wilderness by this subtitle—

(i) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(ii) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) WITHDRAWAL.—Subject to valid existing rights, the Federal land designated as wilderness by this subtitle is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

(3) LIVESTOCK.—

(A) IN GENERAL.—In the wilderness areas designated by this subtitle, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines described in Appendix A of House Report 101-405.

(B) INVENTORY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an inventory of existing facilities and improvements associated with grazing activities in the wilderness areas and wild and scenic rivers designated by this subtitle.

(C) FENCING.—The Secretary may construct and maintain fencing around wilderness areas designated by this subtitle as the Secretary determines to be appropriate to enhance wilderness values.

(D) DONATION OF GRAZING PERMITS OR LEASES.—

(i) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the donation of any valid existing permits or leases authorizing grazing on public land, all or a portion of which is within the wilderness areas designated by this subtitle.

(ii) TERMINATION.—With respect to each permit or lease donated under clause (i), the Secretary shall—

(I) terminate the grazing permit or lease; and

(II) except as provided in clause (iii), ensure a permanent end to grazing on the land covered by the permit or lease.

(iii) COMMON ALLOTMENTS.—

(I) IN GENERAL.—If the land covered by a permit or lease donated under clause (i) is also covered by another valid existing permit or lease that is not donated under clause (i), the Secretary shall reduce the authorized grazing level on the land covered by the permit or lease to reflect the donation of the permit or lease under clause (i).

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of grazing on the land covered by a permit or lease donated under clause (i), the Secretary shall not allow grazing use to exceed the authorized level established under subclause (I).

(iv) PARTIAL DONATION.—

(I) IN GENERAL.—If a person holding a valid grazing permit or lease donates less than the full amount of grazing use authorized under the permit or lease, the Secretary shall—

(aa) reduce the authorized grazing level to reflect the donation; and

(bb) modify the permit or lease to reflect the revised level of use.

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the authorized level of grazing on the land covered by a permit or lease donated under subclause (I), the Secretary shall not allow grazing use to exceed the authorized level established under that subclause.

(4) ACQUISITION OF LAND AND INTERESTS IN LAND.—

(A) IN GENERAL.—Consistent with applicable law, the Secretary may acquire land or interests in land within the boundaries of the wilderness areas designated by this subtitle by purchase, donation, or exchange.

(B) INCORPORATION OF ACQUIRED LAND.—Any land or interest in land, or adjoining the boundary of, a wilderness area designated by this subtitle that is acquired by the United States shall be added to, and administered as

part of, the wilderness area in which the acquired land or interest in land is located.

(5) TRAIL PLAN.—

(A) IN GENERAL.—The Secretary, after providing opportunities for public comment, shall establish a trail plan that addresses hiking and equestrian trails on the land designated as wilderness by this subtitle, in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan.

(6) OUTFITTING AND GUIDE ACTIVITIES.—Consistent with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) are authorized in wilderness areas designated by this subtitle to the extent necessary for activities that fulfill the recreational or other wilderness purposes of the areas.

(7) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this subtitle adequate access to the property.

(8) FISH AND WILDLIFE.—

(A) IN GENERAL.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(B) MANAGEMENT ACTIVITIES.—

(i) IN GENERAL.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities that are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas designated by this subtitle, if the management activities are—

(I) consistent with relevant wilderness management plans; and

(II) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101-405.

(ii) INCLUSIONS.—Management activities under clause (i) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the minimum impact necessary to accomplish those tasks.

(C) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies, such as those established in Appendix B of House Report 101-405, the State may use aircraft (including helicopters) in the wilderness areas designated by this subtitle to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, feral horses, and feral burros.

(9) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines appropriate, the coordination of those activities with a State or local agency.

(10) ADJACENT MANAGEMENT.—

(A) IN GENERAL.—The designation of a wilderness area by this subtitle shall not create any protective perimeter or buffer zone around the wilderness area.

(B) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(11) MILITARY OVERFLIGHTS.—Nothing in this subtitle restricts or precludes—

(A) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(12) WATER RIGHTS.—

(A) IN GENERAL.—The designation of areas as wilderness by subsection (a) shall not create an express or implied reservation by the United States of any water or water rights for wilderness purposes with respect to such areas.

(B) EXCLUSIONS.—This paragraph does not apply to any components of the National Wild and Scenic Rivers System designated by section 1504.

SEC. 1504. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1203(a)(1)) is amended by adding at the end the following:

“(180) BATTLE CREEK, IDAHO.—The 23.4 miles of Battle Creek from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(181) BIG JACKS CREEK, IDAHO.—The 35.0 miles of Big Jacks Creek from the downstream border of the Big Jacks Creek Wilderness in sec. 8, T. 8 S., R. 4 E., to the point at which it enters the NW ¼ of sec. 26, T. 10 S., R. 2 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(182) BRUNEAU RIVER, IDAHO.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the 39.3-mile segment of the Bruneau River from the downstream boundary of the Bruneau-Jarbidge Wilderness to the upstream confluence with the west fork of the Bruneau River, to be administered by the Secretary of the Interior as a wild river.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), the 0.6-mile segment of the Bruneau River at the Indian Hot Springs public road access shall be administered by the Secretary of the Interior as a recreational river.

“(183) WEST FORK BRUNEAU RIVER, IDAHO.—The approximately 0.35 miles of the West Fork of the Bruneau River from the confluence with the Jarbidge River to the downstream boundary of the Bruneau Canyon Grazing Allotment in the SE/NE of sec. 5, T. 13 S., R. 7 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(184) COTTONWOOD CREEK, IDAHO.—The 2.6 miles of Cottonwood Creek from the confluence with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(185) DEEP CREEK, IDAHO.—The 13.1-mile segment of Deep Creek from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness in

sec. 30, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(186) DICKSHOOTER CREEK, IDAHO.—The 9.25 miles of Dickshooter Creek from the confluence with Deep Creek to a point on the stream ¼ mile due west of the east boundary of sec. 16, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(187) DUNCAN CREEK, IDAHO.—The 0.9-mile segment of Duncan Creek from the confluence with Big Jacks Creek upstream to the east boundary of sec. 18, T. 10 S., R. 4 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(188) JARBIDGE RIVER, IDAHO.—The 28.8 miles of the Jarbidge River from the confluence with the West Fork Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(189) LITTLE JACKS CREEK, IDAHO.—The 12.4 miles of Little Jacks Creek from the downstream boundary of the Little Jacks Creek Wilderness, upstream to the mouth of OX Prong Creek, to be administered by the Secretary of the Interior as a wild river.

“(190) NORTH FORK OWYHEE RIVER, IDAHO.—The following segments of the North Fork of the Owyhee River, to be administered by the Secretary of the Interior:

“(A) The 5.7-mile segment from the Idaho-Oregon State border to the upstream boundary of the private land at the Juniper Mt. Road crossing, as a recreational river.

“(B) The 15.1-mile segment from the upstream boundary of the North Fork Owyhee River recreational segment designated in paragraph (A) to the upstream boundary of the North Fork Owyhee River Wilderness, as a wild river.

“(191) OWYHEE RIVER, IDAHO.—

“(A) IN GENERAL.—Subject to subparagraph (B), the 67.3 miles of the Owyhee River from the Idaho-Oregon State border to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(B) ACCESS.—The Secretary of the Interior shall allow for continued access across the Owyhee River at Crutchers Crossing, subject to such terms and conditions as the Secretary of the Interior determines to be necessary.

“(192) RED CANYON, IDAHO.—The 4.6 miles of Red Canyon from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(193) SHEEP CREEK, IDAHO.—The 25.6 miles of Sheep Creek from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(194) SOUTH FORK OWYHEE RIVER, IDAHO.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the 31.4-mile segment of the South Fork of the Owyhee River upstream from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho-Nevada State border, to be administered by the Secretary of the Interior as a wild river.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River from the point at which the river enters the southernmost boundary to the point at which the river exits the northernmost boundary of private land in sec. 25 and 26, T. 14 S., R. 5

W., Boise Meridian, shall be administered by the Secretary of the Interior as a recreational river.

“(195) WICKAHONEY CREEK, IDAHO.—The 1.5 miles of Wickahoney Creek from the confluence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.”.

(b) BOUNDARIES.—Notwithstanding section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundary of a river segment designated as a component of the National Wild and Scenic Rivers System under this subtitle shall extend not more than the shorter of—

(1) an average distance of ¼ mile from the high water mark on both sides of the river segment; or

(2) the distance to the nearest confined canyon rim.

(c) LAND ACQUISITION.—The Secretary shall not acquire any private land within the exterior boundary of a wild and scenic river corridor without the consent of the owner.

SEC. 1505. LAND IDENTIFIED FOR DISPOSAL.

(a) IN GENERAL.—Consistent with applicable law, the Secretary may sell public land located within the Boise District of the Bureau of Land Management that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a proportion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury of the United States to be known as the “Owyhee Land Acquisition Account”.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase land or interests in land in, or adjacent to, the wilderness areas designated by this subtitle, including land identified as “Proposed for Acquisition” on the maps described in section 1503(a)(1).

(B) APPLICABLE LAW.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

(3) APPLICABILITY.—This subsection applies to public land within the Boise District of the Bureau of Land Management sold on or after January 1, 2008.

(4) ADDITIONAL AMOUNTS.—If necessary, the Secretary may use additional amounts appropriated to the Department of the Interior, subject to applicable reprogramming guidelines.

(c) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority provided under this section terminates on the earlier of—

(A) the date that is 10 years after the date of enactment of this Act; or

(B) the date on which a total of \$8,000,000 from the account is expended.

(2) AVAILABILITY OF AMOUNTS.—Any amounts remaining in the account on the termination of authority under this section shall be—

(A) credited as sales of public land in the State;

(B) transferred to the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(C) used in accordance with that subtitle.

SEC. 1506. TRIBAL CULTURAL RESOURCES.

(a) **COORDINATION.**—The Secretary shall coordinate with the Tribes in the implementation of the Shoshone Paiute Cultural Resource Protection Plan.

(b) **AGREEMENTS.**—The Secretary shall seek to enter into agreements with the Tribes to implement the Shoshone Paiute Cultural Resource Protection Plan to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes.

SEC. 1507. RECREATIONAL TRAVEL MANAGEMENT PLANS.

(a) **IN GENERAL.**—In accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Secretary shall, in coordination with the Tribes, State, and County, prepare 1 or more travel management plans for motorized and mechanized off-highway vehicle recreation for the land managed by the Bureau of Land Management in the County.

(b) **INVENTORY.**—Before preparing the plan under subsection (a), the Secretary shall conduct resource and route inventories of the area covered by the plan.

(c) **LIMITATION TO DESIGNATED ROUTES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the plan shall limit recreational motorized and mechanized off-highway vehicle use to a system of designated roads and trails established by the plan.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to snowmobiles.

(d) **TEMPORARY LIMITATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), until the date on which the Secretary completes the plan, all recreational motorized and mechanized off-highway vehicle use shall be limited to roads and trails lawfully in existence on the day before the date of enactment of this Act.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to—

(A) snowmobiles; or

(B) areas specifically identified as open, closed, or limited in the Owyhee Resource Management Plan.

(e) **SCHEDULE.**—

(1) **OWYHEE FRONT.**—It is the intent of Congress that, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a transportation plan for the Owyhee Front.

(2) **OTHER BUREAU OF LAND MANAGEMENT LAND IN THE COUNTY.**—It is the intent of Congress that, not later than 3 years after the date of enactment of this Act, the Secretary shall complete a transportation plan for Bureau of Land Management land in the County outside the Owyhee Front.

SEC. 1508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle G—Sabinoso Wilderness, New Mexico**SEC. 1601. DEFINITIONS.**

In this subtitle:

(1) **MAP.**—The term “map” means the map entitled “Sabinoso Wilderness” and dated September 8, 2008.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of New Mexico.

SEC. 1602. DESIGNATION OF THE SABINOSO WILDERNESS.

(a) **IN GENERAL.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 16,030 acres of land under the jurisdiction of the Taos Field Of-

fice Bureau of Land Management, New Mexico, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Sabinoso Wilderness”.

(b) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Sabinoso Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical and typographical errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Sabinoso Wilderness shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundary of the Sabinoso Wilderness that is acquired by the United States shall—

(A) become part of the Sabinoso Wilderness; and

(B) be managed in accordance with this subtitle and any other laws applicable to the Sabinoso Wilderness.

(3) **GRAZING.**—The grazing of livestock in the Sabinoso Wilderness, if established before the date of enactment of this Act, shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) **FISH AND WILDLIFE.**—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife in the State.

(5) **ACCESS.**—

(A) **IN GENERAL.**—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall continue to allow private landowners adequate access to inholdings in the Sabinoso Wilderness.

(B) **CERTAIN LAND.**—For access purposes, private land within T. 16 N., R. 23 E., secs. 17 and 20 and the N½ of sec. 21, N.M.M., shall be managed as an inholding in the Sabinoso Wilderness.

(d) **WITHDRAWAL.**—Subject to valid existing rights, the land generally depicted on the map as “Lands Withdrawn From Mineral Entry” and “Lands Released From Wilderness Study Area & Withdrawn From Mineral Entry” is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws, except

disposal by exchange in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716);

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral materials and geothermal leasing laws.

(e) **RELEASE OF WILDERNESS STUDY AREAS.**—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public lands within the Sabinoso Wilderness Study Area not designated as wilderness by this subtitle—

(1) have been adequately studied for wilderness designation and are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with applicable law (including subsection (d)) and the land use management plan for the surrounding area.

Subtitle H—Pictured Rocks National Lakeshore Wilderness**SEC. 1651. DEFINITIONS.**

In this subtitle:

(1) **LINE OF DEMARCATION.**—The term “line of demarcation” means the point on the bank or shore at which the surface waters of Lake Superior meet the land or sand beach, regardless of the level of Lake Superior.

(2) **MAP.**—The term “map” means the map entitled “Pictured Rocks National Lakeshore Beaver Basin Wilderness Boundary”, numbered 625/80,051, and dated April 16, 2007.

(3) **NATIONAL LAKESHORE.**—The term “National Lakeshore” means the Pictured Rocks National Lakeshore.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **WILDERNESS.**—The term “Wilderness” means the Beaver Basin Wilderness designated by section 1652(a).

SEC. 1652. DESIGNATION OF BEAVER BASIN WILDERNESS.

(a) **IN GENERAL.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the land described in subsection (b) is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Beaver Basin Wilderness”.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) is the land and inland water comprising approximately 11,740 acres within the National Lakeshore, as generally depicted on the map.

(c) **BOUNDARY.**—

(1) **LINE OF DEMARCATION.**—The line of demarcation shall be the boundary for any portion of the Wilderness that is bordered by Lake Superior.

(2) **SURFACE WATER.**—The surface water of Lake Superior, regardless of the fluctuating lake level, shall be considered to be outside the boundary of the Wilderness.

(d) **MAP AND LEGAL DESCRIPTION.**—

(1) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) **LEGAL DESCRIPTION.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a legal description of the boundary of the Wilderness.

(3) **FORCE AND EFFECT.**—The map and the legal description submitted under paragraph (2) shall have the same force and effect as if included in this subtitle, except that the

Secretary may correct any clerical or typographical errors in the map and legal description.

SEC. 1653. ADMINISTRATION.

(a) **MANAGEMENT.**—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) with respect to land administered by the Secretary, any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) **USE OF ELECTRIC MOTORS.**—The use of boats powered by electric motors on Little Beaver and Big Beaver Lakes may continue, subject to any applicable laws (including regulations).

SEC. 1654. EFFECT.

Nothing in this subtitle—

(1) modifies, alters, or affects any treaty rights;

(2) alters the management of the water of Lake Superior within the boundary of the Pictured Rocks National Lakeshore in existence on the date of enactment of this Act; or

(3) prohibits—

(A) the use of motors on the surface water of Lake Superior adjacent to the Wilderness; or

(B) the beaching of motorboats at the line of demarcation.

Subtitle I—Oregon Badlands Wilderness

SEC. 1701. DEFINITIONS.

In this subtitle:

(1) **DISTRICT.**—The term “District” means the Central Oregon Irrigation District.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of Oregon.

(4) **WILDERNESS MAP.**—The term “wilderness map” means the map entitled “Badlands Wilderness” and dated September 3, 2008.

SEC. 1702. OREGON BADLANDS WILDERNESS.

(a) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 29,301 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Oregon Badlands Wilderness”.

(b) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Oregon Badlands Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundary of the Oregon Badlands Wilderness that is acquired by the United States shall—

(A) become part of the Oregon Badlands Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) **GRAZING.**—The grazing of livestock in the Oregon Badlands Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) **ACCESS TO PRIVATE PROPERTY.**—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of the Oregon Badlands Wilderness adequate access to the property.

(c) **POTENTIAL WILDERNESS.**—

(1) **IN GENERAL.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), a corridor of certain Federal land managed by the Bureau of Land Management with a width of 25 feet, as generally depicted on the wilderness map as “Potential Wilderness”, is designated as potential wilderness.

(2) **INTERIM MANAGEMENT.**—The potential wilderness designated by paragraph (1) shall be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that the Secretary may allow nonconforming uses that are authorized and in existence on the date of enactment of this Act to continue in the potential wilderness.

(3) **DESIGNATION AS WILDERNESS.**—On the date on which the Secretary publishes in the Federal Register notice that any nonconforming uses in the potential wilderness designated by paragraph (1) that are permitted under paragraph (2) have terminated, the potential wilderness shall be—

(A) designated as wilderness and as a component of the National Wilderness Preservation System; and

(B) incorporated into the Oregon Badlands Wilderness.

(d) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Oregon Badlands Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1703. RELEASE.

(a) **FINDING.**—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Badlands wilderness study area that are not designated as the Oregon Badlands Wilderness or as potential wilderness have been adequately studied for wilderness or potential wilderness designation.

(b) **RELEASE.**—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 1704. LAND EXCHANGES.

(a) **CLARNO LAND EXCHANGE.**—

(1) **CONVEYANCE OF LAND.**—Subject to subsections (c) through (e), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the Landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) **DESCRIPTION OF LAND.**—

(A) **NON-FEDERAL LAND.**—The non-Federal land referred to in paragraph (1) is the approximately 239 acres of non-Federal land identified on the wilderness map as “Clarno to Federal Government”.

(B) **FEDERAL LAND.**—The Federal land referred to in paragraph (1)(B) is the approximately 209 acres of Federal land identified on the wilderness map as “Federal Government to Clarno”.

(3) **SURVEYS.**—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(b) **DISTRICT EXCHANGE.**—

(1) **CONVEYANCE OF LAND.**—Subject to subsections (c) through (e), if the District offers to convey to the United States all right, title, and interest of the District in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the District all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) **DESCRIPTION OF LAND.**—

(A) **NON-FEDERAL LAND.**—The non-Federal land referred to in paragraph (1) is the approximately 527 acres of non-Federal land identified on the wilderness map as “COID to Federal Government”.

(B) **FEDERAL LAND.**—The Federal land referred to in paragraph (1)(B) is the approximately 697 acres of Federal land identified on the wilderness map as “Federal Government to COID”.

(3) **SURVEYS.**—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) **APPLICABLE LAW.**—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) **VALUATION, APPRAISALS, AND EQUALIZATION.**—

(1) **IN GENERAL.**—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) **APPRAISALS.**—

(A) **IN GENERAL.**—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the

Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(i) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(e) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(f) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1705. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

Subtitle J—Spring Basin Wilderness, Oregon

SEC. 1751. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STATE.—The term “State” means the State of Oregon.

(3) TRIBES.—The term “Tribes” means the Confederated Tribes of the Warm Springs Reservation of Oregon.

(4) WILDERNESS MAP.—The term “wilderness map” means the map entitled “Spring Basin Wilderness with Land Exchange Proposals” and dated September 3, 2008.

SEC. 1752. SPRING BASIN WILDERNESS.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 6,382 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is des-

ignated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Spring Basin Wilderness”.

(b) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Spring Basin Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Spring Basin Wilderness that is acquired by the United States shall—

(A) become part of the Spring Basin Wilderness; and

(B) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) GRAZING.—The grazing of livestock in the Spring Basin Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary, in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Spring Basin Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct any typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1753. RELEASE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Spring Basin wilderness study area that are not designated by section 1752(a) as the Spring Basin Wilderness in the following areas have been adequately studied for wilderness designation:

(1) T. 8 S., R. 19 E., sec. 10, NE ¼, W ½.

(2) T. 8 S., R. 19 E., sec. 25, SE ¼, SE ½.

(3) T. 8 S., R. 20 E., sec. 19, SE ¼, S ½ of the S ½.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 1754. LAND EXCHANGES.

(a) CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the Tribes offer to convey to the United States all right, title, and interest of the Tribes in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the Tribes all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 4,480 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from the CTWSIR to the Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 4,578 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to CTWSIR”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(4) WITHDRAWAL.—Subject to valid existing rights, the land acquired by the Secretary under this subsection is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under any law relating to mineral and geothermal leasing or mineral materials.

(b) MCGREER LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 18 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from McGreer to the Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 327 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to McGreer”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) KEYS LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 180 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from Keys to the Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 187 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to Keys”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(d) BOWERMAN LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 32 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from Bowerman to the Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 24 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to Bowerman”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(e) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(f) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(i) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(g) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(h) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1755. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

SEC. 1801. DEFINITIONS.

In this subtitle:

(1) FOREST.—The term “Forest” means the Ancient Bristlecone Pine Forest designated by section 1808(a).

(2) RECREATION AREA.—The term “Recreation Area” means the Bridgeport Winter Recreation Area designated by section 1806(a).

(3) SECRETARY.—The term “Secretary” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(4) STATE.—The term “State” means the State of California.

(5) TRAIL.—The term “Trail” means the Pacific Crest National Scenic Trail.

SEC. 1802. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness and as

components of the National Wilderness Preservation System:

(1) HOOVER WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Certain land in the Humboldt-Toiyabe and Inyo National Forests, comprising approximately 79,820 acres and identified as “Hoover East Wilderness Addition,” “Hoover West Wilderness Addition,” and “Bighorn Proposed Wilderness Addition,” as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the Hoover Wilderness.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008; and

(ii) the map entitled “Bighorn Proposed Wilderness Additions” and dated September 23, 2008.

(C) EFFECT.—The designation of the wilderness under subparagraph (A) shall not affect the ongoing activities of the adjacent United States Marine Corps Mountain Warfare Training Center on land outside the designated wilderness, in accordance with the agreement between the Center and the Humboldt-Toiyabe National Forest.

(2) OWENS RIVER HEADWATERS WILDERNESS.—Certain land in the Inyo National Forest, comprising approximately 14,721 acres, as generally depicted on the map entitled “Owens River Headwaters Proposed Wilderness” and dated September 16, 2008, which shall be known as the “Owens River Headwaters Wilderness”.

(3) JOHN MUIR WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Inyo County, California, comprising approximately 70,411 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the John Muir Wilderness.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled “John Muir Proposed Wilderness Addition (1 of 5)” and dated September 23, 2008;

(ii) the map entitled “John Muir Proposed Wilderness Addition (2 of 5)” and dated September 23, 2008;

(iii) the map entitled “John Muir Proposed Wilderness Addition (3 of 5)” and dated October 31, 2008;

(iv) the map entitled “John Muir Proposed Wilderness Addition (4 of 5)” and dated September 16, 2008; and

(v) the map entitled “John Muir Proposed Wilderness Addition (5 of 5)” and dated September 16, 2008.

(C) BOUNDARY REVISION.—The boundary of the John Muir Wilderness is revised as depicted on the map entitled “John Muir Wilderness—Revised” and dated September 16, 2008.

(4) ANSEL ADAMS WILDERNESS ADDITION.—Certain land in the Inyo National Forest, comprising approximately 528 acres, as generally depicted on the map entitled “Ansel Adams Proposed Wilderness Addition” and dated September 16, 2008, is incorporated in, and shall be considered to be a part of, the Ansel Adams Wilderness.

(5) WHITE MOUNTAINS WILDERNESS.—

(A) IN GENERAL.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 229,993 acres, as generally depicted on the maps described in subparagraph (B), which shall be known as the “White Mountains Wilderness”.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled “White Mountains Proposed Wilderness-Map 1 of 2 (North)” and dated September 16, 2008; and

(ii) the map entitled “White Mountains Proposed Wilderness-Map 2 of 2 (South)” and dated September 16, 2008.

(6) GRANITE MOUNTAIN WILDERNESS.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 34,342 acres, as generally depicted on the map entitled “Granite Mountain Wilderness” and dated September 19, 2008, which shall be known as the “Granite Mountain Wilderness”.

(7) MAGIC MOUNTAIN WILDERNESS.—Certain land in the Angeles National Forest, comprising approximately 12,282 acres, as generally depicted on the map entitled “Magic Mountain Proposed Wilderness” and dated December 16, 2008, which shall be known as the “Magic Mountain Wilderness”.

(8) PLEASANT VIEW RIDGE WILDERNESS.—Certain land in the Angeles National Forest, comprising approximately 26,757 acres, as generally depicted on the map entitled “Pleasant View Ridge Proposed Wilderness” and dated December 16, 2008, which shall be known as the “Pleasant View Ridge Wilderness”.

SEC. 1803. ADMINISTRATION OF WILDERNESS AREAS.

(a) MANAGEMENT.—Subject to valid existing rights, the Secretary shall administer the wilderness areas and wilderness additions designated by this subtitle in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this subtitle with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Secretary.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land (or interest in land) within the boundary of a wilderness area or wilderness addition designated by this subtitle that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, any Federal land designated as a wilder-

ness area or wilderness addition by this subtitle is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing or mineral materials.

(e) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this subtitle as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98-40 of the 98th Congress.

(2) FUNDING PRIORITIES.—Nothing in this subtitle limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this subtitle.

(3) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this subtitle.

(4) ADMINISTRATION.—Consistent with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this subtitle, the Secretary shall—

(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(B) enter into agreements with appropriate State or local firefighting agencies.

(f) ACCESS TO PRIVATE PROPERTY.—The Secretary shall provide any owner of private property within the boundary of a wilderness area or wilderness addition designated by this subtitle adequate access to the property to ensure the reasonable use and enjoyment of the property by the owner.

(g) MILITARY ACTIVITIES.—Nothing in this subtitle precludes—

(1) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this subtitle;

(2) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this subtitle; or

(3) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this subtitle.

(h) LIVESTOCK.—Grazing of livestock and the maintenance of existing facilities relating to grazing in wilderness areas or wilderness additions designated by this subtitle, if established before the date of enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(i) FISH AND WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas or wilderness

additions designated by this subtitle if the activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) STATE JURISDICTION.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(j) HORSES.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness or as a wilderness addition by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

(k) OUTFITTER AND GUIDE USE.—Outfitter and guide activities conducted under permits issued by the Forest Service on the additions to the John Muir, Ansel Adams, and Hoover wilderness areas designated by this subtitle shall be in addition to any existing limits established for the John Muir, Ansel Adams, and Hoover wilderness areas.

(l) TRANSFER TO THE FOREST SERVICE.—

(1) WHITE MOUNTAINS WILDERNESS.—Administrative jurisdiction over the approximately 946 acres of land identified as “Transfer of Administrative Jurisdiction from BLM to FS” on the maps described in section 1802(5)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the White Mountains Wilderness.

(2) JOHN MUIR WILDERNESS.—Administrative jurisdiction over the approximately 143 acres of land identified as “Transfer of Administrative Jurisdiction from BLM to FS” on the maps described in section 1802(3)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the John Muir Wilderness.

(m) TRANSFER TO THE BUREAU OF LAND MANAGEMENT.—Administrative jurisdiction over the approximately 3,010 acres of land identified as “Land from FS to BLM” on the maps described in section 1802(6) is transferred from the Forest Service to the Bureau of Land Management to be managed as part of the Granite Mountain Wilderness.

SEC. 1804. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the Masonic Mountain Wilderness Study Area;

(2) the Mormon Meadow Wilderness Study Area;

(3) the Walford Springs Wilderness Study Area; and

(4) the Granite Mountain Wilderness Study Area.

(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 1805. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1504(a)) is amended by adding at the end the following:

“(196) AMARGOSA RIVER, CALIFORNIA.—The following segments of the Amargosa River in the State of California, to be administered by the Secretary of the Interior:

“(A) The approximately 4.1-mile segment of the Amargosa River from the northern boundary of sec. 7, T. 21 N., R. 7 E., to 100 feet upstream of the Tecopa Hot Springs road crossing, as a scenic river.

“(B) The approximately 8-mile segment of the Amargosa River from 100 feet downstream of the Tecopa Hot Springs Road crossing to 100 feet upstream of the Old Spanish Trail Highway crossing near Tecopa, as a scenic river.

“(C) The approximately 7.9-mile segment of the Amargosa River from the northern boundary of sec. 16, T. 20 N., R. 7 E., to .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E., as a wild river.

“(D) The approximately 4.9-mile segment of the Amargosa River from .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E. to 100 feet upstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

“(E) The approximately 1.4-mile segment of the Amargosa River from 100 feet downstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

“(197) OWENS RIVER HEADWATERS, CALIFORNIA.—The following segments of the Owens River in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 2.3-mile segment of Deadman Creek from the 2-forked source east of San Joaquin Peak to the confluence with the unnamed tributary flowing north into Deadman Creek from sec. 12, T. 3 S., R. 26 E., as a wild river.

“(B) The 2.3-mile segment of Deadman Creek from the unnamed tributary confluence in sec. 12, T. 3 S., R. 26 E., to the Road 3S22 crossing, as a scenic river.

“(C) The 4.1-mile segment of Deadman Creek from the Road 3S22 crossing to .25 miles downstream of the Highway 395 crossing, as a recreational river.

“(D) The 3-mile segment of Deadman Creek from .25 miles downstream of the Highway 395 crossing to 100 feet upstream of Big Springs, as a scenic river.

“(E) The 1-mile segment of the Upper Owens River from 100 feet upstream of Big Springs to the private property boundary in sec. 19, T. 2 S., R. 28 E., as a recreational river.

“(F) The 4-mile segment of Glass Creek from its 2-forked source to 100 feet upstream of the Glass Creek Meadow Trailhead parking area in sec. 29, T. 2 S., R. 27 E., as a wild river.

“(G) The 1.3-mile segment of Glass Creek from 100 feet upstream of the trailhead parking area in sec. 29 to the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., as a scenic river.

“(H) The 1.1-mile segment of Glass Creek from the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., to the confluence with Deadman Creek, as a recreational river.

“(198) COTTONWOOD CREEK, CALIFORNIA.—The following segments of Cottonwood Creek in the State of California:

“(A) The 17.4-mile segment from its headwaters at the spring in sec. 27, T. 4 S., R. 34 E., to the Inyo National Forest boundary at the east section line of sec. 3, T. 6 S., R. 36 E., as a wild river to be administered by the Secretary of Agriculture.

“(B) The 4.1-mile segment from the Inyo National Forest boundary to the northern boundary of sec. 5, T. 4 S., R. 34 E., as a recreational river, to be administered by the Secretary of the Interior.

“(199) PIRU CREEK, CALIFORNIA.—The following segments of Piru Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 3-mile segment of Piru Creek from 0.5 miles downstream of Pyramid Dam at the first bridge crossing to the boundary of the Sespe Wilderness, as a recreational river.

“(B) The 4.25-mile segment from the boundary of the Sespe Wilderness to the boundary between Los Angeles and Ventura Counties, as a wild river.”

(b) EFFECT.—The designation of Piru Creek under subsection (a) shall not affect valid rights in existence on the date of enactment of this Act.

SEC. 1806. BRIDGEPORT WINTER RECREATION AREA.

(a) DESIGNATION.—The approximately 7,254 acres of land in the Humboldt-Toiyabe National Forest identified as the “Bridgeport Winter Recreation Area”, as generally depicted on the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008, is designated as the Bridgeport Winter Recreation Area.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Recreation Area with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—

(1) INTERIM MANAGEMENT.—Until completion of the management plan required under subsection (d), and except as provided in paragraph (2), the Recreation Area shall be managed in accordance with the Toiyabe National Forest Land and Resource Management Plan of 1986 (as in effect on the day of enactment of this Act).

(2) USE OF SNOWMOBILES.—The winter use of snowmobiles shall be allowed in the Recreation Area—

(A) during periods of adequate snow coverage during the winter season; and

(B) subject to any terms and conditions determined to be necessary by the Secretary.

(d) MANAGEMENT PLAN.—To ensure the sound management and enforcement of the Recreation Area, the Secretary shall, not later than 1 year after the date of enactment of this Act, undergo a public process to develop a winter use management plan that provides for—

(1) adequate signage;

(2) a public education program on allowable usage areas;

(3) measures to ensure adequate sanitation;

(4) a monitoring and enforcement strategy; and

(5) measures to ensure the protection of the Trail.

(e) ENFORCEMENT.—The Secretary shall prioritize enforcement activities in the Recreation Area—

(1) to prohibit degradation of natural resources in the Recreation Area;

(2) to prevent interference with non-motorized recreation on the Trail; and

(3) to reduce user conflicts in the Recreation Area.

(f) PACIFIC CREST NATIONAL SCENIC TRAIL.—The Secretary shall establish an appropriate snowmobile crossing point along the Trail in the area identified as “Pacific Crest Trail Proposed Crossing Area” on the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008—

(1) in accordance with—

(A) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(B) any applicable environmental and public safety laws; and

(2) subject to the terms and conditions the Secretary determines to be necessary to ensure that the crossing would not—

(A) interfere with the nature and purposes of the Trail; or

(B) harm the surrounding landscape.

SEC. 1807. MANAGEMENT OF AREA WITHIN HUMBOLDT-TOIYABE NATIONAL FOREST.

Certain land in the Humboldt-Toiyabe National Forest, comprising approximately 3,690 acres identified as “Pickel Hill Management Area”, as generally depicted on the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008, shall be managed in a manner consistent with the non-Wilderness forest areas immediately surrounding the Pickel Hill Management Area, including the allowance of snowmobile use.

SEC. 1808. ANCIENT BRISTLECONE PINE FOREST.

(a) DESIGNATION.—To conserve and protect the Ancient Bristlecone Pines by maintaining near-natural conditions and to ensure the survival of the Pines for the purposes of public enjoyment and scientific study, the approximately 31,700 acres of public land in the State, as generally depicted on the map entitled “Ancient Bristlecone Pine Forest—Proposed” and dated July 16, 2008, is designated as the “Ancient Bristlecone Pine Forest”.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall file a map and legal description of the Forest with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall administer the Forest—

(A) in a manner that—

(i) protect the resources and values of the area in accordance with the purposes for

which the Forest is established, as described in subsection (a); and

(ii) promotes the objectives of the applicable management plan (as in effect on the date of enactment of this Act), including objectives relating to—

(I) the protection of bristlecone pines for public enjoyment and scientific study;

(II) the recognition of the botanical, scenic, and historical values of the area; and

(III) the maintenance of near-natural conditions by ensuring that all activities are subordinate to the needs of protecting and preserving bristlecone pines and wood remnants; and

(B) in accordance with the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), this section, and any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Forest as the Secretary determines would further the purposes for which the Forest is established, as described in subsection (a).

(B) SCIENTIFIC RESEARCH.—Scientific research shall be allowed in the Forest in accordance with the Inyo National Forest Land and Resource Management Plan (as in effect on the date of enactment of this Act).

(3) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Forest is withdrawn from—

(A) all forms of entry, appropriation or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

Subtitle L—Riverside County Wilderness, California

SEC. 1851. WILDERNESS DESIGNATION.

(a) DEFINITION OF SECRETARY.—In this section, the term “Secretary” means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) DESIGNATION OF WILDERNESS, CLEVELAND AND SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE NATIONAL PARK, AND BUREAU OF LAND MANAGEMENT LAND IN RIVERSIDE COUNTY, CALIFORNIA.—

(1) DESIGNATIONS.—

(A) AGUA TIBIA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Cleveland National Forest and certain land administered by the Bureau of Land Management in Riverside County, California, together comprising approximately 2,053 acres, as generally depicted on the map titled “Proposed Addition to Agua Tibia Wilderness”, and dated May 9, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Agua Tibia Wilderness designated by section 2(a) of Public Law 93-632 (88 Stat. 2154; 16 U.S.C. 1132 note).

(B) CAHUILLA MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 5,585 acres, as generally depicted on the map titled “Cahuilla Mountain Proposed Wilderness”, and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Cahuilla Mountain Wilderness”.

(C) SOUTH FORK SAN JACINTO WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 20,217 acres, as generally depicted on the map titled “South Fork San Jacinto Proposed Wilderness”, and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “South Fork San Jacinto Wilderness”.

(D) SANTA ROSA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, and certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 2,149 acres, as generally depicted on the map titled “Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition”, and dated March 12, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Santa Rosa Wilderness designated by section 101(a)(28) of Public Law 98-425 (98 Stat. 1623; 16 U.S.C. 1132 note) and expanded by paragraph (59) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(E) BEAUTY MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 15,621 acres, as generally depicted on the map titled “Beauty Mountain Proposed Wilderness”, and dated April 3, 2007, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Beauty Mountain Wilderness”.

(F) JOSHUA TREE NATIONAL PARK WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in Joshua Tree National Park, comprising approximately 36,700 acres, as generally depicted on the map numbered 156/80,055, and titled “Joshua Tree National Park Proposed Wilderness Additions”, and dated March 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94-567 (90 Stat. 2692; 16 U.S.C. 1132 note).

(G) OROCOPIA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 4,635 acres, as generally depicted on the map titled “Orocopia Mountains Proposed Wilderness Addition”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Orocopia Mountains Wilderness as designated by paragraph (44) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note), except that the wilderness boundaries established by this subsection in Township 7 South, Range 13 East, exclude—

(i) a corridor 250 feet north of the centerline of the Bradshaw Trail;

(ii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Eagle Mountain Railroad on the south and the existing Orocopia Mountains Wilderness boundary; and

(iii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Chocolate Mountain Aerial Gunnery Range on the

south and the existing Orocopia Mountains Wilderness boundary.

(H) PALEN/MCCOY WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 22,645 acres, as generally depicted on the map titled “Palen-McCoy Proposed Wilderness Additions”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Palen/McCoy Wilderness as designated by paragraph (47) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(I) PINTO MOUNTAINS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 24,404 acres, as generally depicted on the map titled “Pinto Mountains Proposed Wilderness”, and dated February 21, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Pinto Mountains Wilderness”.

(J) CHUCKWALLA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 12,815 acres, as generally depicted on the map titled “Chuckwalla Mountains Proposed Wilderness Addition”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Chuckwalla Mountains Wilderness as designated by paragraph (12) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(2) MAPS AND DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—A map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(3) UTILITY FACILITIES.—Nothing in this section prohibits the construction, operation, or maintenance, using standard industry practices, of existing utility facilities located outside of the wilderness areas and wilderness additions designated by this section.

(c) JOSHUA TREE NATIONAL PARK POTENTIAL WILDERNESS.—

(1) DESIGNATION OF POTENTIAL WILDERNESS.—Certain land in the Joshua Tree National Park, comprising approximately 43,300 acres, as generally depicted on the map numbered 156/80,055, and titled “Joshua Tree National Park Proposed Wilderness Additions”, and dated March 2008, is designated potential wilderness and shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such time as the land is designated as wilderness pursuant to paragraph (2).

(2) DESIGNATION AS WILDERNESS.—The land designated potential wilderness by paragraph (1) shall be designated as wilderness and incorporated in, and be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94-567 (90 Stat. 2692; 16 U.S.C. 1132 note), effective upon publication by the Secretary of the Interior in the Federal Register of a notice that—

(A) all uses of the land within the potential wilderness prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased; and

(B) sufficient inholdings within the boundaries of the potential wilderness have been acquired to establish a manageable wilderness unit.

(3) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date on which the notice required by paragraph (2) is published in the Federal Register, the Secretary shall file a map and legal description of the land designated as wilderness and potential wilderness by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(d) ADMINISTRATION OF WILDERNESS.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by this section shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date of that Act shall be deemed to be a reference to—

(i) the date of the enactment of this Act; or

(ii) in the case of the wilderness addition designated by subsection (c), the date on which the notice required by such subsection is published in the Federal Register; and

(B) any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary that has jurisdiction over the land.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundaries of a wilderness area or wilderness addition designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the land designated as wilderness by this section is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(4) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this section as are necessary for the control of fire, insects,

and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98-40 of the 98th Congress.

(B) FUNDING PRIORITIES.—Nothing in this section limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this section.

(C) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this section.

(D) ADMINISTRATION.—Consistent with subparagraph (A) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this section, the Secretary shall—

(i) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(ii) enter into agreements with appropriate State or local firefighting agencies.

(5) GRAZING.—Grazing of livestock in a wilderness area or wilderness addition designated by this section shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96-617 to accompany H.R. 5487 of the 96th Congress.

(6) NATIVE AMERICAN USES AND INTERESTS.—

(A) ACCESS AND USE.—To the extent practicable, the Secretary shall ensure access to the Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural purposes. In implementing this paragraph, the Secretary, upon the request of an Indian tribe, may temporarily close to the general public use of one or more specific portions of the wilderness area in order to protect the privacy of traditional cultural activities in such areas by members of the Indian tribe. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996), commonly referred to as the American Indian Religious Freedom Act, and the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) INDIAN TRIBE DEFINED.—In this paragraph, the term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as Indians.

(7) MILITARY ACTIVITIES.—Nothing in this section precludes—

(A) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this section;

(B) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this section; or

(C) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this section.

SEC. 1852. WILD AND SCENIC RIVER DESIGNATIONS, RIVERSIDE COUNTY, CALIFORNIA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1805) is amended by adding at the end the following new paragraphs:

“(200) NORTH FORK SAN JACINTO RIVER, CALIFORNIA.—The following segments of the North Fork San Jacinto River in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 2.12-mile segment from the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the State Park boundary, as a wild river.

“(B) The 1.66-mile segment from the Mt. San Jacinto State Park boundary to the Lawler Park boundary in section 26, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

“(C) The 0.68-mile segment from the Lawler Park boundary to its confluence with Fuller Mill Creek, as a recreational river.

“(D) The 2.15-mile segment from its confluence with Fuller Mill Creek to .25 miles upstream of the 5S09 road crossing, as a wild river.

“(E) The 0.6-mile segment from .25 miles upstream of the 5S09 road crossing to its confluence with Stone Creek, as a scenic river.

“(F) The 2.91-mile segment from the Stone Creek confluence to the northern boundary of section 17, township 5 south, range 2 east, San Bernardino meridian, as a wild river.

“(201) FULLER MILL CREEK, CALIFORNIA.—The following segments of Fuller Mill Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 1.2-mile segment from the source of Fuller Mill Creek in the San Jacinto Wilderness to the Pinewood property boundary in section 13, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

“(B) The 0.9-mile segment in the Pine Wood property, as a recreational river.

“(C) The 1.4-mile segment from the Pinewood property boundary in section 23, township 4 south, range 2 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.

“(202) PALM CANYON CREEK, CALIFORNIA.—The 8.1-mile segment of Palm Canyon Creek in the State of California from the southern boundary of section 6, township 7 south, range 5 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 1, township 6 south, range 4 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a wild river, and the Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.

“(203) BAUTISTA CREEK, CALIFORNIA.—The 9.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 2, township 6 south, range 1 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river.”

SEC. 1853. ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.

(a) BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.—Section 2 of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106-351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by adding at the end the following new subsection:

“(e) EXPANSION OF BOUNDARIES.—In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following lands identified as additions to the National Monument on

the map titled 'Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition', and dated March 12, 2008:

“(1) The ‘Santa Rosa Peak Area Monument Expansion’.

“(2) The ‘Snow Creek Area Monument Expansion’.

“(3) The ‘Tahquitz Peak Area Monument Expansion’.

“(4) The ‘Southeast Area Monument Expansion’, which is designated as wilderness in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa Wilderness.”.

(b) TECHNICAL AMENDMENTS TO THE SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000.—Section 7(d) of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106-351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by striking “eight” and inserting “a majority of the appointed”.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

SEC. 1901. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STATE.—The term “State” means the State of California.

SEC. 1902. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) JOHN KREBS WILDERNESS.—

(A) DESIGNATION.—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 39,740 acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014b, titled “John Krebs Wilderness”, and dated September 16, 2008.

(B) EFFECT.—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(ii) the private inholdings known as “Silver City” and “Kaweah Han”.

(C) POTENTIAL WILDERNESS ADDITIONS.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Secretary is authorized to allow the use of helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this section upon termination of the non-conforming uses.

(2) SEQUOIA-KINGS CANYON WILDERNESS ADDITION.—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled “Sequoia-Kings Canyon Wilderness Addition”, numbered 102/60015a, and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

(3) RECOMMENDED WILDERNESS.—Land in Sequoia and Kings Canyon National Parks that was managed as of the date of enactment of this Act as recommended or proposed wilderness but not designated by this section as wilderness shall continue to be

managed as recommended or proposed wilderness, as appropriate.

SEC. 1903. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act.

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable, but not later than 3 years, after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this subtitle with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE AND EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Office of the Secretary.

(c) HYDROLOGIC, METEOROLOGIC, AND CLIMATOLOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIPMENT.—The Secretary shall continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98-40.

(d) AUTHORIZED ACTIVITIES OUTSIDE WILDERNESS.—Nothing in this subtitle precludes authorized activities conducted outside of an area designated as wilderness by this subtitle by cabin owners (or designees) in the Mineral King Valley area or property owners or lessees (or designees) in the Silver City inholding, as identified on the map described in section 1902(1)(A).

(e) HORSEBACK RIDING.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

SEC. 1951. DEFINITIONS.

In this subtitle:

(1) MAP.—The term “map” means the map entitled “Rocky Mountain National Park Wilderness Act of 2007” and dated September 2006.

(2) PARK.—The term “Park” means Rocky Mountain National Park located in the State of Colorado.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TRAIL.—The term “Trail” means the East Shore Trail established under section 1954(a).

(5) WILDERNESS.—The term “Wilderness” means the wilderness designated by section 1952(a).

SEC. 1952. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS, COLORADO.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System approximately 249,339 acres of land in the Park, as generally depicted on the map.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a map and boundary description of the Wilderness; and

(B) submit the map and boundary description prepared under subparagraph (A) to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) AVAILABILITY; FORCE OF LAW.—The map and boundary description submitted under paragraph (1)(B) shall—

(A) be on file and available for public inspection in appropriate offices of the National Park Service; and

(B) have the same force and effect as if included in this subtitle.

(c) INCLUSION OF POTENTIAL WILDERNESS.—

(1) IN GENERAL.—On publication in the Federal Register of a notice by the Secretary that all uses inconsistent with the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased on the land identified on the map as a “Potential Wilderness Area”, the land shall be—

(A) included in the Wilderness; and

(B) administered in accordance with subsection (e).

(2) BOUNDARY DESCRIPTION.—On inclusion in the Wilderness of the land referred to in paragraph (1), the Secretary shall modify the map and boundary description submitted under subsection (b) to reflect the inclusion of the land.

(d) EXCLUSION OF CERTAIN LAND.—The following areas are specifically excluded from the Wilderness:

(1) The Grand River Ditch (including the main canal of the Grand River Ditch and a branch of the main canal known as the Specimen Ditch), the right-of-way for the Grand River Ditch, land 200 feet on each side of the center line of the Grand River Ditch, and any associated appurtenances, structures, buildings, camps, and work sites in existence as of June 1, 1998.

(2) Land owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir and the Inlet Ditch to the Reservoir from North St. Vrain Creek, comprising approximately 35.38 acres.

(3) Land owned by the Vincensten-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted on the map as the “East Shore Trail Area”.

(e) ADMINISTRATION.—Subject to valid existing rights, any land designated as wilderness under this section or added to the Wilderness after the date of enactment of this Act under subsection (c) shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act, or the date on which the additional land is added to the Wilderness, respectively; and

(2) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(f) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the United States has existing rights to water within the Park;

(B) the existing water rights are sufficient for the purposes of the Wilderness; and

(C) based on the findings described in subparagraphs (A) and (B), there is no need for the United States to reserve or appropriate any additional water rights to fulfill the purposes of the Wilderness.

(2) EFFECT.—Nothing in this subtitle—

(A) constitutes an express or implied reservation by the United States of water or water rights for any purpose; or

(B) modifies or otherwise affects any existing water rights held by the United States for the Park.

(g) FIRE, INSECT, AND DISEASE CONTROL.—The Secretary may take such measures in the Wilderness as are necessary to control fire, insects, and diseases, as are provided for in accordance with—

(1) the laws applicable to the Park; and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1953. GRAND RIVER DITCH AND COLORADO-BIG THOMPSON PROJECTS.

(a) CONDITIONAL WAIVER OF STRICT LIABILITY.—During any period in which the Water Supply and Storage Company (or any successor in interest to the company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch in the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service, the provisions of paragraph (6) of the stipulation approved June 28, 1907—

(1) shall be suspended; and

(2) shall not be enforceable against the Company (or any successor in interest).

(b) AGREEMENT.—The agreement referred to in subsection (a) shall—

(1) ensure that—

(A) Park resources are managed in accordance with the laws generally applicable to the Park, including—

(i) the Act of January 26, 1915 (16 U.S.C. 191 et seq.); and

(ii) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(B) Park land outside the right-of-way corridor remains unimpaired consistent with the National Park Service management policies in effect as of the date of enactment of this Act; and

(C) any use of Park land outside the right-of-way corridor (as of the date of enactment of this Act) shall be permitted only on a temporary basis, subject to such terms and conditions as the Secretary determines to be necessary; and

(2) include stipulations with respect to—

(A) flow monitoring and early warning measures;

(B) annual and periodic inspections;

(C) an annual maintenance plan;

(D) measures to identify on an annual basis capital improvement needs; and

(E) the development of plans to address the needs identified under subparagraph (D).

(c) LIMITATION.—Nothing in this section limits or otherwise affects—

(1) the liability of any individual or entity for damages to, loss of, or injury to any resource within the Park resulting from any cause or event that occurred before the date of enactment of this Act; or

(2) Public Law 101-337 (16 U.S.C. 19jj et seq.), including the defenses available under that Act for damage caused—

(A) solely by—

(i) an act of God;

(ii) an act of war; or

(iii) an act or omission of a third party (other than an employee or agent); or

(B) by an activity authorized by Federal or State law.

(d) COLORADO-BIG THOMPSON PROJECT AND WINDY GAP PROJECT.—

(1) IN GENERAL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or affects current and future operation and maintenance activities in, under, or affecting the Wilderness that were allowed as of the date of enactment of this Act under the Act of January 26, 1915 (16 U.S.C. 191), relating to the Alva B. Adams Tunnel or other Colorado-Big Thompson Project facilities located within the Park.

(2) ALVA B. ADAMS TUNNEL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or restricts the conveyance of water through the Alva B. Adams Tunnel for any purpose.

(e) RIGHT-OF-WAY.—Notwithstanding the Act of March 3, 1891 (43 U.S.C. 946) and the Act of May 11, 1898 (43 U.S.C. 951), the right of way for the Grand River Ditch shall not be terminated, forfeited, or otherwise affected as a result of the water transported by the Grand River Ditch being used primarily for domestic purposes or any purpose of a public nature, unless the Secretary determines that the change in the main purpose or use adversely affects the Park.

(f) NEW RECLAMATION PROJECTS.—Nothing in the first section of the Act of January 26, 1915 (16 U.S.C. 191), shall be construed to allow development in the Wilderness of any reclamation project not in existence as of the date of enactment of this Act.

(g) CLARIFICATION OF MANAGEMENT AUTHORITY.—Nothing in this section reduces or limits the authority of the Secretary to manage land and resources within the Park under applicable law.

SEC. 1954. EAST SHORE TRAIL AREA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the East Shore Trail Area in the Park an alignment line for a trail, to be known as the “East Shore Trail”, to maximize the opportunity for sustained use of the Trail without causing—

(1) harm to affected resources; or

(2) conflicts among users.

(b) BOUNDARIES.—

(1) IN GENERAL.—After establishing the alignment line for the Trail under subsection (a), the Secretary shall—

(A) identify the boundaries of the Trail, which shall not extend more than 25 feet east of the alignment line or be located within the Wilderness; and

(B) modify the map of the Wilderness prepared under section 1952(b)(1)(A) so that the western boundary of the Wilderness is 50 feet east of the alignment line.

(2) ADJUSTMENTS.—To the extent necessary to protect Park resources, the Secretary may adjust the boundaries of the Trail, if the adjustment does not place any portion of the Trail within the boundary of the Wilderness.

(c) INCLUSION IN WILDERNESS.—On completion of the construction of the Trail, as authorized by the Secretary—

(1) any portion of the East Shore Trail Area that is not traversed by the Trail, that is not west of the Trail, and that is not within 50 feet of the centerline of the Trail shall be—

(A) included in the Wilderness; and

(B) managed as part of the Wilderness in accordance with section 1952; and

(2) the Secretary shall modify the map and boundary description of the Wilderness pre-

pared under section 1952(b)(1)(A) to reflect the inclusion of the East Shore Trail Area land in the Wilderness.

(d) EFFECT.—Nothing in this section—

(1) requires the construction of the Trail along the alignment line established under subsection (a); or

(2) limits the extent to which any otherwise applicable law or policy applies to any decision with respect to the construction of the Trail.

(e) RELATION TO LAND OUTSIDE WILDERNESS.—

(1) IN GENERAL.—Except as provided in this subsection, nothing in this subtitle affects the management or use of any land not included within the boundaries of the Wilderness or the potential wilderness land.

(2) MOTORIZED VEHICLES AND MACHINERY.—No use of motorized vehicles or other motorized machinery that was not permitted on March 1, 2006, shall be allowed in the East Shore Trail Area except as the Secretary determines to be necessary for use in—

(A) constructing the Trail, if the construction is authorized by the Secretary; or

(B) maintaining the Trail.

(3) MANAGEMENT OF LAND BEFORE INCLUSION.—Until the Secretary authorizes the construction of the Trail and the use of the Trail for non-motorized bicycles, the East Shore Trail Area shall be managed—

(A) to protect any wilderness characteristics of the East Shore Trail Area; and

(B) to maintain the suitability of the East Shore Trail Area for inclusion in the Wilderness.

SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUSTMENTS.

(a) INDIAN PEAKS WILDERNESS BOUNDARY ADJUSTMENT.—Section 3(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note; Public Law 95-450) is amended—

(1) by striking “seventy thousand acres” and inserting “74,195 acres”; and

(2) by striking “, dated July 1978” and inserting “and dated May 2007”.

(b) ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.—Section 4(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 460jj(a)) is amended—

(1) by striking “thirty-six thousand two hundred thirty-five acres” and inserting “35,235 acres”; and

(2) by striking “, dated July 1978” and inserting “and dated May 2007”.

SEC. 1956. AUTHORITY TO LEASE LEIFFER TRACT.

(a) IN GENERAL.—Section 3(k) of Public Law 91-383 (16 U.S.C. 1a-2(k)) shall apply to the parcel of land described in subsection (b).

(b) DESCRIPTION OF THE LAND.—The parcel of land referred to in subsection (a) is the parcel of land known as the “Leiffer tract” that is—

(1) located near the eastern boundary of the Park in Larimer County, Colorado; and

(2) administered by the National Park Service.

Subtitle O—Washington County, Utah

SEC. 1971. DEFINITIONS.

In this subtitle:

(1) BEAVER DAM WASH NATIONAL CONSERVATION AREA MAP.—The term “Beaver Dam Wash National Conservation Area Map” means the map entitled “Beaver Dam Wash National Conservation Area” and dated December 18, 2008.

(2) CANAAN MOUNTAIN WILDERNESS MAP.—The term “Canaan Mountain Wilderness

Map" means the map entitled "Canaan Mountain Wilderness" and dated June 21, 2008.

(3) COUNTY.—The term "County" means Washington County, Utah.

(4) NORTHEASTERN WASHINGTON COUNTY WILDERNESS MAP.—The term "Northeastern Washington County Wilderness Map" means the map entitled "Northeastern Washington County Wilderness" and dated November 12, 2008.

(5) NORTHWESTERN WASHINGTON COUNTY WILDERNESS MAP.—The term "Northwestern Washington County Wilderness Map" means the map entitled "Northwestern Washington County Wilderness" and dated June 21, 2008.

(6) RED CLIFFS NATIONAL CONSERVATION AREA MAP.—The term "Red Cliffs National Conservation Area Map" means the map entitled "Red Cliffs National Conservation Area" and dated November 12, 2008.

(7) SECRETARY.—The term "Secretary" means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(8) STATE.—The term "State" means the State of Utah.

(9) WASHINGTON COUNTY GROWTH AND CONSERVATION ACT MAP.—The term "Washington County Growth and Conservation Act Map" means the map entitled "Washington County Growth and Conservation Act Map" and dated November 13, 2008.

SEC. 1972. WILDERNESS AREAS.

(a) ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.—

(1) ADDITIONS.—Subject to valid existing rights, the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(A) BEARTRAP CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 40 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Beartrap Canyon Wilderness".

(B) BLACKRIDGE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 13,015 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Blackridge Wilderness".

(C) CANAAN MOUNTAIN.—Certain Federal land in the County managed by the Bureau of Land Management, comprising approximately 44,531 acres, as generally depicted on the Canaan Mountain Wilderness Map, which shall be known as the "Canaan Mountain Wilderness".

(D) COTTONWOOD CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,712 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the "Cottonwood Canyon Wilderness".

(E) COTTONWOOD FOREST.—Certain Federal land managed by the Forest Service, comprising approximately 2,643 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the "Cottonwood Forest Wilderness".

(F) COUGAR CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 10,409 acres, as generally depicted on the Northwestern

Washington County Wilderness Map, which shall be known as the "Cougar Canyon Wilderness".

(G) DEEP CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,284 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Deep Creek Wilderness".

(H) DEEP CREEK NORTH.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,262 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Deep Creek North Wilderness".

(I) DOC'S PASS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 17,294 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the "Doc's Pass Wilderness".

(J) GOOSE CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 98 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Goose Creek Wilderness".

(K) LAVERKIN CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 445 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "LaVerkin Creek Wilderness".

(L) RED BUTTE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 1,537 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Red Butte Wilderness".

(M) RED MOUNTAIN.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,729 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the "Red Mountain Wilderness".

(N) SLAUGHTER CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,901 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the "Slaughter Creek Wilderness".

(O) TAYLOR CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 32 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Taylor Creek Wilderness".

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of each wilderness area designated by paragraph (1).

(B) FORCE AND EFFECT.—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of—

(i) the Bureau of Land Management; and
(ii) the Forest Service.

(b) ADMINISTRATION OF WILDERNESS AREAS.—

(1) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by subsection (a)(1) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(2) LIVESTOCK.—The grazing of livestock in each area designated as wilderness by subsection (a)(1), where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and
(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H.Rep. 101-405) and H.R. 5487 of the 96th Congress (H. Rept. 96-617).

(3) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in each area designated as wilderness by subsection (a)(1) as the Secretary determines to be necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of those activities with a State or local agency).

(4) BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around any area designated as wilderness by subsection (a)(1).

(B) ACTIVITIES OUTSIDE WILDERNESS.—The fact that an activity or use on land outside any area designated as wilderness by subsection (a)(1) can be seen or heard within the wilderness shall not preclude the activity or use outside the boundary of the wilderness.

(5) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(A) low-level overflights of military aircraft over any area designated as wilderness by subsection (a)(1), including military overflights that can be seen or heard within any wilderness area;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes over any wilderness area.

(6) ACQUISITION AND INCORPORATION OF LAND AND INTERESTS IN LAND.—

(A) ACQUISITION AUTHORITY.—In accordance with applicable laws (including regulations), the Secretary may acquire any land or interest in land within the boundaries of the wilderness areas designated by subsection (a)(1) by purchase from willing sellers, donation, or exchange.

(B) INCORPORATION.—Any land or interest in land acquired by the Secretary under subparagraph (A) shall be incorporated into, and administered as a part of, the wilderness area in which the land or interest in land is located.

(7) NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.—Nothing in this section diminishes—

(A) the rights of any Indian tribe; or

(B) any tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

(8) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by subsection (a)(1) if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

(9) WATER RIGHTS.—

(A) STATUTORY CONSTRUCTION.—Nothing in this section—

(i) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by subsection (a)(1);

(ii) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

(iii) shall be construed as establishing a precedent with regard to any future wilderness designations;

(iv) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(v) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(B) STATE WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by subsection (a)(1).

(10) FISH AND WILDLIFE.—

(A) JURISDICTION OF STATE.—Nothing in this section affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(B) AUTHORITY OF SECRETARY.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations (including activities to maintain and restore fish and wildlife habitats to support the populations) in any wilderness area designated by subsection (a)(1) if the activities are—

(i) consistent with applicable wilderness management plans; and

(ii) carried out in accordance with—

(I) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(II) applicable guidelines and policies, including applicable policies described in Appendix B of House Report 101–405.

(11) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to paragraph (12), the Secretary may authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by subsection (a)(1) if—

(A) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(B) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(12) COOPERATIVE AGREEMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into a cooperative agreement with the State that specifies the terms and conditions under which wildlife management activities in the wilderness areas designated by subsection (a)(1) may be carried out.

(c) RELEASE OF WILDERNESS STUDY AREAS.—

(1) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(2) RELEASE.—Any public land described in paragraph (1) that is not designated as wilderness by subsection (a)(1)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable law and the land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

(d) TRANSFER OF ADMINISTRATIVE JURISDICTION TO NATIONAL PARK SERVICE.—Administrative jurisdiction over the land identified as the Watchman Wilderness on the Northeastern Washington County Wilderness Map is hereby transferred to the National Park Service, to be included in, and administered as part of Zion National Park.

SEC. 1973. ZION NATIONAL PARK WILDERNESS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term “Federal land” means certain Federal land—

(A) that is—

(i) located in the County and Iron County, Utah; and

(ii) managed by the National Park Service;

(B) consisting of approximately 124,406 acres; and

(C) as generally depicted on the Zion National Park Wilderness Map and the area added to the park under section 1972(d).

(2) WILDERNESS AREA.—The term “Wilderness Area” means the Zion Wilderness designated by subsection (b)(1).

(3) ZION NATIONAL PARK WILDERNESS MAP.—The term “Zion National Park Wilderness Map” means the map entitled “Zion National Park Wilderness” and dated April 2008.

(b) ZION NATIONAL PARK WILDERNESS.—

(1) DESIGNATION.—Subject to valid existing rights, the Federal land is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Zion Wilderness”.

(2) INCORPORATION OF ACQUIRED LAND.—Any land located in the Zion National Park that is acquired by the Secretary through a voluntary sale, exchange, or donation may, on the recommendation of the Secretary, become part of the Wilderness Area, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(3) MAP AND LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of the Wilderness Area.

(B) FORCE AND EFFECT.—The map and legal description submitted under subparagraph (A) shall have the same force and effect as if

included in this Act, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—The map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the National Park Service.

SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA.

(a) PURPOSES.—The purposes of this section are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and

(2) to protect each species that is—

(A) located in the National Conservation Area; and

(B) listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)).

(b) DEFINITIONS.—In this section:

(1) HABITAT CONSERVATION PLAN.—The term “habitat conservation plan” means the conservation plan entitled “Washington County Habitat Conservation Plan” and dated February 23, 1996.

(2) MANAGEMENT PLAN.—The term “management plan” means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(3) NATIONAL CONSERVATION AREA.—The term “National Conservation Area” means the Red Cliffs National Conservation Area that—

(A) consists of approximately 44,725 acres of public land in the County, as generally depicted on the Red Cliffs National Conservation Area Map; and

(B) is established by subsection (c).

(4) PUBLIC USE PLAN.—The term “public use plan” means the use plan entitled “Red Cliffs Desert Reserve Public Use Plan” and dated June 12, 2000, as amended.

(5) RESOURCE MANAGEMENT PLAN.—The term “resource management plan” means the management plan entitled “St. George Field Office Resource Management Plan” and dated March 15, 1999, as amended.

(c) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State the Red Cliffs National Conservation Area.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) INCORPORATION OF PLANS.—In developing the management plan required under paragraph (1), to the extent consistent with this section, the Secretary may incorporate any provision of—

(A) the habitat conservation plan;

(B) the resource management plan; and

(C) the public use plan.

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—
 (i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);
 (ii) this section; and
 (iii) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further a purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—
 (i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law; and
 (B) in a manner consistent with the purposes described in subsection (a).

(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—
 (A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and
 (C) any other applicable law (including regulations).

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area are withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(h) EFFECT.—Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—

(1) each utility development protocol described in the habitat conservation plan; and
 (2) any other applicable law (including regulations).

SEC. 1975. BEAVER DAM WASH NATIONAL CONSERVATION AREA.

(a) PURPOSE.—The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the

Beaver Dam Wash National Conservation Area.

(b) DEFINITIONS.—In this section:

(1) MANAGEMENT PLAN.—The term “management plan” means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(2) NATIONAL CONSERVATION AREA.—The term “National Conservation Area” means the Beaver Dam Wash National Conservation Area that—

(A) consists of approximately 68,083 acres of public land in the County, as generally depicted on the Beaver Dam Wash National Conservation Area Map; and

(B) is established by subsection (c).

(c) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State the Beaver Dam Wash National Conservation Area.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) MOTORIZED VEHICLES.—In developing the management plan required under paragraph (1), the Secretary shall incorporate the restrictions on motorized vehicles described in subsection (e)(3).

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further the purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—

(A) IN GENERAL.—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(B) ADDITIONAL REQUIREMENT RELATING TO CERTAIN AREAS LOCATED IN THE NATIONAL CONSERVATION AREA.—In addition to the requirement described in subparagraph (A), with respect to the areas designated on the Beaver Dam Wash National Conservation Area Map as “Designated Road Areas”, motorized vehicles shall be permitted only on the roads identified on such map.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and
 (ii) applicable law (including regulations); and

(B) in a manner consistent with the purpose described in subsection (a).

(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

SEC. 1976. ZION NATIONAL PARK WILD AND SCENIC RIVER DESIGNATION.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

“(204) ZION NATIONAL PARK, UTAH.—The approximately 165.5 miles of segments of the Virgin River and tributaries of the Virgin River across Federal land within and adjacent to Zion National Park, as generally depicted on the map entitled ‘Wild and Scenic River Segments Zion National Park and Bureau of Land Management’ and dated April 2008, to be administered by the Secretary of the Interior in the following classifications:
 “(A) TAYLOR CREEK.—The 4.5-mile segment from the junction of the north, middle, and south forks of Taylor Creek, west to the park boundary and adjacent land rim-to-rim, as a scenic river.

“(B) NORTH FORK OF TAYLOR CREEK.—The segment from the head of North Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(C) MIDDLE FORK OF TAYLOR CREEK.—The segment from the head of Middle Fork on Bureau of Land Management land to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(D) SOUTH FORK OF TAYLOR CREEK.—The segment from the head of South Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(E) TIMBER CREEK AND TRIBUTARIES.—The 3.1-mile segment from the head of Timber Creek and tributaries of Timber Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(F) LAVERKIN CREEK.—The 16.1-mile segment beginning in T. 38 S., R. 11 W., sec. 21, on Bureau of Land Management land, southwest through Zion National Park, and ending at the south end of T. 40 S., R. 12 W., sec. 7, and adjacent land ½-mile wide, as a wild river.

“(G) WILLIS CREEK.—The 1.9-mile segment beginning on Bureau of Land Management land in the SWSW sec. 27, T. 38 S., R. 11 W., to the junction with LaVerkin Creek in Zion National Park and adjacent land rim-to-rim, as a wild river.

“(H) BEARTRAP CANYON.—The 2.3-mile segment beginning on Bureau of Management land in the SWNW sec. 3, T. 39 S., R. 11 W., to the junction with LaVerkin Creek and the segment from the headwaters north of Long Point to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(I) HOP VALLEY CREEK.—The 3.3-mile segment beginning at the southern boundary of T. 39 S., R. 11 W., sec. 20, to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(J) CURRENT CREEK.—The 1.4-mile segment from the head of Current Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(K) CANE CREEK.—The 0.6-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(L) SMITH CREEK.—The 1.3-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(M) NORTH CREEK LEFT AND RIGHT FORKS.—The segment of the Left Fork from the junction with Wildcat Canyon to the junction with Right Fork, from the head of Right Fork to the junction with Left Fork, and from the junction of the Left and Right Forks southwest to Zion National Park boundary and adjacent land rim-to-rim, as a wild river.

“(N) WILDCAT CANYON (BLUE CREEK).—The segment of Blue Creek from the Zion National Park boundary to the junction with the Right Fork of North Creek and adjacent land rim-to-rim, as a wild river.

“(O) LITTLE CREEK.—The segment beginning at the head of Little Creek to the junction with the Left Fork of North Creek and adjacent land ½-mile wide, as a wild river.

“(P) RUSSELL GULCH.—The segment from the head of Russell Gulch to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a wild river.

“(Q) GRAPEVINE WASH.—The 2.6-mile segment from the Lower Kolob Plateau to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a scenic river.

“(R) PINE SPRING WASH.—The 4.6-mile segment to the junction with the left fork of North Creek and adjacent land ½-mile, as a scenic river.

“(S) WOLF SPRINGS WASH.—The 1.4-mile segment from the head of Wolf Springs Wash to the junction with Pine Spring Wash and adjacent land ½-mile wide, as a scenic river.

“(T) KOLOB CREEK.—The 5.9-mile segment of Kolob Creek beginning in T. 39 S., R. 10 W., sec. 30, through Bureau of Land Management land and Zion National Park land to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(U) OAK CREEK.—The 1-mile stretch of Oak Creek beginning in T. 39 S., R. 10 W., sec. 19, to the junction with Kolob Creek and adjacent land rim-to-rim, as a wild river.

“(V) GOOSE CREEK.—The 4.6-mile segment of Goose Creek from the head of Goose Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(W) DEEP CREEK.—The 5.3-mile segment of Deep Creek beginning on Bureau of Land Management land at the northern boundary

of T. 39 S., R. 10 W., sec. 23, south to the junction of the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(X) NORTH FORK OF THE VIRGIN RIVER.—The 10.8-mile segment of the North Fork of the Virgin River beginning on Bureau of Land Management land at the eastern border of T. 39 S., R. 10 W., sec. 35, to Temple of Sinawava and adjacent land rim-to-rim, as a wild river.

“(Y) NORTH FORK OF THE VIRGIN RIVER.—The 8-mile segment of the North Fork of the Virgin River from Temple of Sinawava south to the Zion National Park boundary and adjacent land ½-mile wide, as a recreational river.

“(Z) IMLAY CANYON.—The segment from the head of Imlay Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(AA) ORDERVILLE CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(BB) MYSTERY CANYON.—The segment from the head of Mystery Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(CC) ECHO CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(DD) BEHUNIN CANYON.—The segment from the head of Behunin Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(EE) HEAPS CANYON.—The segment from the head of Heaps Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(FF) BIRCH CREEK.—The segment from the head of Birch Creek to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a wild river.

“(GG) OAK CREEK.—The segment of Oak Creek from the head of Oak Creek to where the forks join and adjacent land ½-mile wide, as a wild river.

“(HH) OAK CREEK.—The 1-mile segment of Oak Creek from the point at which the 2 forks of Oak Creek join to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a recreational river.

“(II) CLEAR CREEK.—The 6.4-mile segment of Clear Creek from the eastern boundary of Zion National Park to the junction with Pine Creek and adjacent land rim-to-rim, as a recreational river.

“(JJ) PINE CREEK.—The 2-mile segment of Pine Creek from the head of Pine Creek to the junction with Clear Creek and adjacent land rim-to-rim, as a wild river.

“(KK) PINE CREEK.—The 3-mile segment of Pine Creek from the junction with Clear Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a recreational river.

“(LL) EAST FORK OF THE VIRGIN RIVER.—The 8-mile segment of the East Fork of the Virgin River from the eastern boundary of Zion National Park through Parunuweap Canyon to the western boundary of Zion National Park and adjacent land ½-mile wide, as a wild river.

“(MM) SHUNES CREEK.—The 3-mile segment of Shunes Creek from the dry waterfall on land administered by the Bureau of Land Management through Zion National Park to

the western boundary of Zion National Park and adjacent land ½-mile wide as a wild river.”.

(b) INCORPORATION OF ACQUIRED NON-FEDERAL LAND.—If the United States acquires any non-Federal land within or adjacent to Zion National Park that includes a river segment that is contiguous to a river segment of the Virgin River designated as a wild, scenic, or recreational river by paragraph (204) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), the acquired river segment shall be incorporated in, and be administered as part of, the applicable wild, scenic, or recreational river.

(c) SAVINGS CLAUSE.—The amendment made by subsection (a) does not affect the agreement among the United States, the State, the Washington County Water Conservancy District, and the Kane County Water Conservancy District entitled “Zion National Park Water Rights Settlement Agreement” and dated December 4, 1996.

SEC. 1977. WASHINGTON COUNTY COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) with respect to land managed by the Bureau of Land Management, the Secretary; and

(B) with respect to land managed by the Forest Service, the Secretary of Agriculture.

(3) TRAIL.—The term “trail” means the High Desert Off-Highway Vehicle Trail designated under subsection (c)(1)(A).

(4) TRAVEL MANAGEMENT PLAN.—The term “travel management plan” means the comprehensive travel and transportation management plan developed under subsection (b)(1).

(b) COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws (including regulations), the Secretary, in consultation with appropriate Federal agencies and State, tribal, and local governmental entities, and after an opportunity for public comment, shall develop a comprehensive travel management plan for the land managed by the Bureau of Land Management in the County—

(A) to provide to the public a clearly marked network of roads and trails with signs and maps to promote—

(i) public safety and awareness; and

(ii) enhanced recreation and general access opportunities;

(B) to help reduce in the County growing conflicts arising from interactions between—

(i) motorized recreation; and

(ii) the important resource values of public land;

(C) to promote citizen-based opportunities for—

(i) the monitoring and stewardship of the trail; and

(ii) trail system management; and

(D) to support law enforcement officials in promoting—

(i) compliance with off-highway vehicle laws (including regulations); and

(ii) effective deterrents of abuses of public land.

(2) SCOPE; CONTENTS.—In developing the travel management plan, the Secretary shall—

(A) in consultation with appropriate Federal agencies, State, tribal, and local governmental entities (including the County and St. George City, Utah), and the public, identify 1 or more alternatives for a northern transportation route in the County;

(B) ensure that the travel management plan contains a map that depicts the trail; and

(C) designate a system of areas, roads, and trails for mechanical and motorized use.

(c) DESIGNATION OF TRAIL.—

(1) DESIGNATION.—

(A) IN GENERAL.—As a component of the travel management plan, and in accordance with subparagraph (B), the Secretary, in coordination with the Secretary of Agriculture, and after an opportunity for public comment, shall designate a trail (which may include a system of trails)—

(i) for use by off-highway vehicles; and

(ii) to be known as the “High Desert Off-Highway Vehicle Trail”.

(B) REQUIREMENTS.—In designating the trail, the Secretary shall only include trails that are—

(i) as of the date of enactment of this Act, authorized for use by off-highway vehicles; and

(ii) located on land that is managed by the Bureau of Land Management in the County.

(C) NATIONAL FOREST LAND.—The Secretary of Agriculture, in coordination with the Secretary and in accordance with applicable law, may designate a portion of the trail on National Forest System land within the County.

(D) MAP.—A map that depicts the trail shall be on file and available for public inspection in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary concerned shall manage the trail—

(i) in accordance with applicable laws (including regulations);

(ii) to ensure the safety of citizens who use the trail; and

(iii) in a manner by which to minimize any damage to sensitive habitat or cultural resources.

(B) MONITORING; EVALUATION.—To minimize the impacts of the use of the trail on environmental and cultural resources, the Secretary concerned shall—

(i) annually assess the effects of the use of off-highway vehicles on—

(I) the trail; and

(II) land located in proximity to the trail; and

(ii) in consultation with the Utah Department of Natural Resources, annually assess the effects of the use of the trail on wildlife and wildlife habitat.

(C) CLOSURE.—The Secretary concerned, in consultation with the State and the County, and subject to subparagraph (D), may temporarily close or permanently reroute a portion of the trail if the Secretary concerned determines that—

(i) the trail is having an adverse impact on—

(I) wildlife habitats;

(II) natural resources;

(III) cultural resources; or

(IV) traditional uses;

(ii) the trail threatens public safety; or

(iii) closure of the trail is necessary—

(I) to repair damage to the trail; or

(II) to repair resource damage.

(D) REROUTING.—Any portion of the trail that is temporarily closed by the Secretary concerned under subparagraph (C) may be

permanently rerouted along any road or trail—

(i) that is—

(I) in existence as of the date of the closure of the portion of the trail;

(II) located on public land; and

(III) open to motorized use; and

(ii) if the Secretary concerned determines that rerouting the portion of the trail would not significantly increase or decrease the length of the trail.

(E) NOTICE OF AVAILABLE ROUTES.—The Secretary, in coordination with the Secretary of Agriculture, shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes through—

(i) the placement of appropriate signage along the trail; and

(ii) the distribution of maps, safety education materials, and other information that the Secretary concerned determines to be appropriate.

(3) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 1978. LAND DISPOSAL AND ACQUISITION.

(a) IN GENERAL.—Consistent with applicable law, the Secretary of the Interior may sell public land located within Washington County, Utah, that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a portion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury to be known as the “Washington County, Utah Land Acquisition Account”.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase from willing sellers lands or interests in land within the wilderness areas and National Conservation Areas established by this subtitle.

(B) APPLICABILITY.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

SEC. 1979. MANAGEMENT OF PRIORITY BIOLOGICAL AREAS.

(a) IN GENERAL.—In accordance with applicable Federal laws (including regulations), the Secretary of the Interior shall—

(1) identify areas located in the County where biological conservation is a priority; and

(2) undertake activities to conserve and restore plant and animal species and natural communities within such areas.

(b) GRANTS; COOPERATIVE AGREEMENTS.—In carrying out subsection (a), the Secretary of the Interior may make grants to, or enter into cooperative agreements with, State, tribal, and local governmental entities and private entities to conduct research, develop scientific analyses, and carry out any other initiative relating to the restoration or conservation of the areas.

SEC. 1980. PUBLIC PURPOSE CONVEYANCES.

(a) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), upon the request of the appropriate local governmental entity, as described below, the Secretary shall convey the following parcels of public land without consideration, subject to the provisions of this section:

(1) TEMPLE QUARRY.—The approximately 122-acre parcel known as “Temple Quarry” as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel B”, to the City of St. George, Utah, for open space and public recreation purposes.

(2) HURRICANE CITY SPORTS PARK.—The approximately 41-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel C”, to the City of Hurricane, Utah, for public recreation purposes and public administrative offices.

(3) WASHINGTON COUNTY SCHOOL DISTRICT.—The approximately 70-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel D”, to the Washington County Public School District for use for public school and related educational and administrative purposes.

(4) WASHINGTON COUNTY JAIL.—The approximately 80-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel E”, to Washington County, Utah, for expansion of the Purgatory Correctional Facility.

(5) HURRICANE EQUESTRIAN PARK.—The approximately 40-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel F”, to the City of Hurricane, Utah, for use as a public equestrian park.

(b) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the parcels to be conveyed under this section. The Secretary may correct any minor errors in the map referenced in subsection (a) or in the applicable legal descriptions. The map and legal descriptions shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) REVERSION.—

(1) IN GENERAL.—If any parcel conveyed under this section ceases to be used for the public purpose for which the parcel was conveyed, as described in subsection (a), the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States.

(2) RESPONSIBILITY OF LOCAL GOVERNMENTAL ENTITY.—If the Secretary determines pursuant to paragraph (1) that the land should revert to the United States, and if the Secretary determines that the land is contaminated with hazardous waste, the local governmental entity to which the land was conveyed shall be responsible for remediation of the contamination.

SEC. 1981. CONVEYANCE OF DIXIE NATIONAL FOREST LAND.

(a) DEFINITIONS.—In this section:

(1) COVERED FEDERAL LAND.—The term “covered Federal land” means the approximately 66.07 acres of land in the Dixie National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term “landowner” means Kirk R. Harrison, who owns land in Pinto Valley, Utah.

(3) MAP.—The term “map” means the map entitled “Conveyance of Dixie National Forest Land” and dated December 18, 2008.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary may convey to the landowner all right, title, and interest of the United States in and to any of

the covered Federal land (including any improvements or appurtenances to the covered Federal land) by sale or exchange.

(2) **LEGAL DESCRIPTION.**—The exact acreage and legal description of the covered Federal land to be conveyed under paragraph (1) shall be determined by surveys satisfactory to the Secretary.

(3) **CONSIDERATION.**—

(A) **IN GENERAL.**—As consideration for any conveyance by sale under paragraph (1), the landowner shall pay to the Secretary an amount equal to the fair market value of any Federal land conveyed, as determined under subparagraph (B).

(B) **APPRAISAL.**—The fair market value of any Federal land that is conveyed under paragraph (1) shall be determined by an appraisal acceptable to the Secretary that is performed in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions;

(ii) the Uniform Standards of Professional Appraisal Practice; and

(iii) any other applicable law (including regulations).

(4) **DISPOSITION AND USE OF PROCEEDS.**—

(A) **DISPOSITION OF PROCEEDS.**—The Secretary shall deposit the proceeds of any sale of land under paragraph (1) in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(B) **USE OF PROCEEDS.**—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of real property or interests in real property for inclusion in the Dixie National Forest in the State.

(5) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require any additional terms and conditions for any conveyance under paragraph (1) that the Secretary determines to be appropriate to protect the interests of the United States.

SEC. 1982. TRANSFER OF LAND INTO TRUST FOR SHIVWITS BAND OF PAIUTE INDIANS.

(a) **DEFINITIONS.**—In this section:

(1) **PARCEL A.**—The term “Parcel A” means the parcel that consists of approximately 640 acres of land that is—

(A) managed by the Bureau of Land Management;

(B) located in Washington County, Utah; and

(C) depicted on the map entitled “Washington County Growth and Conservation Act Map”.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **TRIBE.**—The term “Tribe” means the Shivwits Band of Paiute Indians of the State of Utah.

(b) **PARCEL TO BE HELD IN TRUST.**—

(1) **IN GENERAL.**—At the request of the Tribe, the Secretary shall take into trust for the benefit of the Tribe all right, title, and interest of the United States in and to Parcel A.

(2) **SURVEY; LEGAL DESCRIPTION.**—

(A) **SURVEY.**—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of Parcel A to establish the boundary of Parcel A.

(B) **LEGAL DESCRIPTION OF PARCEL A.**—

(i) **IN GENERAL.**—Upon the completion of the survey under subparagraph (A), the Secretary shall publish in the Federal Register a legal description of—

(I) the boundary line of Parcel A; and

(II) Parcel A.

(ii) **TECHNICAL CORRECTIONS.**—Before the date of publication of the legal descriptions

under clause (i), the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions.

(iii) **EFFECT.**—Effective beginning on the date of publication of the legal descriptions under clause (i), the legal descriptions shall be considered to be the official legal descriptions of Parcel A.

(3) **EFFECT.**—Nothing in this section—

(A) affects any valid right in existence on the date of enactment of this Act;

(B) enlarges, impairs, or otherwise affects any right or claim of the Tribe to any land or interest in land other than to Parcel A that is—

(i) based on an aboriginal or Indian title; and

(ii) in existence as of the date of enactment of this Act; or

(C) constitutes an express or implied reservation of water or a water right with respect to Parcel A.

(4) **LAND TO BE MADE A PART OF THE RESERVATION.**—Land taken into trust pursuant to this section shall be considered to be part of the reservation of the Tribe.

SEC. 1983. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS **Subtitle A—National Landscape Conservation System**

SEC. 2001. DEFINITIONS.

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **SYSTEM.**—The term “system” means the National Landscape Conservation System established by section 2002(a).

SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) **ESTABLISHMENT.**—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) **COMPONENTS.**—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;

(B) a national conservation area;

(C) a wilderness study area;

(D) a national scenic trail or national historic trail designated as a component of the National Trails System;

(E) a component of the National Wild and Scenic Rivers System; or

(F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area;

(B) the Headwaters Forest Reserve;

(C) the Yaquina Head Outstanding Natural Area;

(D) public land within the California Desert Conservation Area administered by the Bureau of Land Management for conservation purposes; and

(E) any additional area designated by Congress for inclusion in the system.

(c) **MANAGEMENT.**—The Secretary shall manage the system—

(1) in accordance with any applicable law (including regulations) relating to any com-

ponent of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

(d) **EFFECT.**—

(1) **IN GENERAL.**—Nothing in this subtitle enhances, diminishes, or modifies any law or proclamation (including regulations relating to the law or proclamation) under which the components of the system described in subsection (b) were established or are managed, including—

(A) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(B) the Wilderness Act (16 U.S.C. 1131 et seq.);

(C) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(D) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) **FISH AND WILDLIFE.**—Nothing in this subtitle shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping and recreational shooting on public land managed by the Bureau of Land Management. Nothing in this subtitle shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle B—Prehistoric Trackways National Monument

SEC. 2101. FINDINGS.

Congress finds that—

(1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatrackways was discovered in the Robledo Mountains in southern New Mexico;

(2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including previously unknown species), plants, and petrified wood dating back approximately 280,000,000 years, which collectively provide new opportunities to understand animal behaviors and environments from a time predating the dinosaurs;

(3) title III of Public Law 101-578 (104 Stat. 2860)—

(A) provided interim protection for the site at which the trackways were discovered; and

(B) directed the Secretary of the Interior to—

(i) prepare a study assessing the significance of the site; and

(ii) based on the study, provide recommendations for protection of the paleontological resources at the site;

(4) the Bureau of Land Management completed the Paleozoic Trackways Scientific Study Report in 1994, which characterized the site as containing “the most scientifically significant Early Permian tracksites” in the world;

(5) despite the conclusion of the study and the recommendations for protection, the site remains unprotected and many irreplaceable trackways specimens have been lost to vandalism or theft; and

(6) designation of the trackways site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

SEC. 2102. DEFINITIONS.

In this subtitle:

(1) **MONUMENT.**—The term “Monument” means the Prehistoric Trackways National Monument established by section 2103(a).

(2) **PUBLIC LAND.**—The term “public land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 2103. ESTABLISHMENT.

(a) **IN GENERAL.**—In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico.

(b) **DESCRIPTION OF LAND.**—The Monument shall consist of approximately 5,280 acres of public land in Doña Ana County, New Mexico, as generally depicted on the map entitled “Prehistoric Trackways National Monument” and dated December 17, 2008.

(c) **MAP; LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.

(2) **CORRECTIONS.**—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.

(3) **CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.**—In the case of a conflict between the map and the legal description, the map shall control.

(4) **AVAILABILITY OF MAP AND LEGAL DESCRIPTION.**—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) **MINOR BOUNDARY ADJUSTMENTS.**—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of this Act, the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument.

SEC. 2104. ADMINISTRATION.

(a) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in section 2103(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) other applicable laws.

(2) **NATIONAL LANDSCAPE CONSERVATION SYSTEM.**—The Monument shall be managed as a component of the National Landscape Conservation System.

(b) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument.

(2) **COMPONENTS.**—The management plan under paragraph (1)—

(A) shall—

(i) describe the appropriate uses and management of the Monument, consistent with the provisions of this subtitle; and

(ii) allow for continued scientific research at the Monument during the development of the management plan; and

(B) may—

(i) incorporate any appropriate decisions contained in any current management or activity plan for the land described in section 2103(b); and

(ii) use information developed in studies of any land within or adjacent to the Monument that were conducted before the date of enactment of this Act.

(c) **AUTHORIZED USES.**—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(d) **INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.**—

(1) **IN GENERAL.**—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(e) **SPECIAL MANAGEMENT AREAS.**—

(1) **IN GENERAL.**—The establishment of the Monument shall not change the management status of any area within the boundary of the Monument that is—

(A) designated as a wilderness study area and managed in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(B) managed as an area of critical environment concern.

(2) **CONFLICT OF LAWS.**—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this subtitle, the more restrictive provision shall control.

(f) **MOTORIZED VEHICLES.**—

(1) **IN GENERAL.**—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan prepared under subsection (b).

(2) **PERMITTED EVENTS.**—The Secretary may issue permits for special recreation events involving motorized vehicles within the boundaries of the Monument—

(A) to the extent the events do not harm paleontological resources; and

(B) subject to any terms and conditions that the Secretary determines to be necessary.

(g) **WITHDRAWALS.**—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(h) **GRAZING.**—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).

(i) **WATER RIGHTS.**—Nothing in this subtitle constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area**SEC. 2201. DEFINITIONS.**

In this subtitle:

(1) **CONSERVATION AREA.**—The term “Conservation Area” means the Fort Stanton-Snowy River Cave National Conservation Area established by section 2202(a).

(2) **MANAGEMENT PLAN.**—The term “management plan” means the management plan developed for the Conservation Area under section 2203(c).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 2202. ESTABLISHMENT OF THE FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA.

(a) **ESTABLISHMENT; PURPOSES.**—There is established the Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave resources of the Fort Stanton-Snowy River cave system.

(b) **AREA INCLUDED.**—The Conservation Area shall include the area within the boundaries depicted on the map entitled “Fort Stanton-Snowy River Cave National Conservation Area” and dated December 15, 2008.

(c) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) **EFFECT.**—The map and legal description of the Conservation Area shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description of the Conservation Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.

(a) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in section 2202(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable laws.

(2) **USES.**—The Secretary shall only allow uses of the Conservation Area that are consistent with the protection of the cave resources.

(3) **REQUIREMENTS.**—In administering the Conservation Area, the Secretary shall provide for—

(A) the conservation and protection of the natural and unique features and environs for scientific, educational, and other appropriate public uses of the Conservation Area;

(B) public access, as appropriate, while providing for the protection of the cave resources and for public safety;

(C) the continuation of other existing uses or other new uses of the Conservation Area

that do not impair the purposes for which the Conservation Area is established;

(D) management of the surface area of the Conservation Area in accordance with the Fort Stanton Area of Critical Environmental Concern Final Activity Plan dated March, 2001, or any amendments to the plan, consistent with this subtitle; and

(E) scientific investigation and research opportunities within the Conservation Area, including through partnerships with colleges, universities, schools, scientific institutions, researchers, and scientists to conduct research and provide educational and interpretive services within the Conservation Area.

(b) WITHDRAWALS.—Subject to valid existing rights, all Federal surface and subsurface land within the Conservation Area and all land and interests in the land that are acquired by the United States after the date of enactment of this Act for inclusion in the Conservation Area, are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the general land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation under the mineral leasing and geothermal leasing laws.

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-term management of the Conservation Area.

(2) PURPOSES.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area;

(B) incorporate, as appropriate, decisions contained in any other management or activity plan for the land within or adjacent to the Conservation Area;

(C) take into consideration any information developed in studies of the land and resources within or adjacent to the Conservation Area; and

(D) provide for a cooperative agreement with Lincoln County, New Mexico, to address the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area.

(d) RESEARCH AND INTERPRETIVE FACILITIES.—

(1) IN GENERAL.—The Secretary may establish facilities for—

(A) the conduct of scientific research; and

(B) the interpretation of the historical, cultural, scientific, archaeological, natural, and educational resources of the Conservation Area.

(2) COOPERATIVE AGREEMENTS.—The Secretary may, in a manner consistent with this subtitle, enter into cooperative agreements with the State of New Mexico and other institutions and organizations to carry out the purposes of this subtitle.

(e) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation of any water right.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle D—Snake River Birds of Prey National Conservation Area

SEC. 2301. SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.

(a) RENAMING.—Public Law 103-64 is amended—

(1) in section 2(2) (16 U.S.C. 460iii-1(2)), by inserting “Morley Nelson” before “Snake River Birds of Prey National Conservation Area”; and

(2) in section 3(a)(1) (16 U.S.C. 460iii-2(a)(1)), by inserting “Morley Nelson” before “Snake River Birds of Prey National Conservation Area”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Snake River Birds of Prey National Conservation Area shall be deemed to be a reference to the Morley Nelson Snake River Birds of Prey National Conservation Area.

(c) TECHNICAL CORRECTIONS.—Public Law 103-64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 460iii-2(a)(1)), by striking “(hereafter referred to as the ‘conservation area’)”; and

(2) in section 4 (16 U.S.C. 460iii-3)—

(A) in subsection (a)(2), by striking “Conservation Area” and inserting “conservation area”; and

(B) in subsection (d), by striking “Visitors Center” and inserting “visitors center”.

Subtitle E—Dominguez-Escalante National Conservation Area

SEC. 2401. DEFINITIONS.

In this subtitle:

(1) CONSERVATION AREA.—The term “Conservation Area” means the Dominguez-Escalante National Conservation Area established by section 2402(a)(1).

(2) COUNCIL.—The term “Council” means the Dominguez-Escalante National Conservation Area Advisory Council established under section 2407.

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan developed under section 2406.

(4) MAP.—The term “Map” means the map entitled “Dominguez-Escalante National Conservation Area” and dated September 15, 2008.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of Colorado.

(7) WILDERNESS.—The term “Wilderness” means the Dominguez Canyon Wilderness Area designated by section 2403(a).

SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Dominguez-Escalante National Conservation Area in the State.

(2) AREA INCLUDED.—The Conservation Area shall consist of approximately 209,610 acres of public land, as generally depicted on the Map.

(b) PURPOSES.—The purposes of the Conservation Area are to conserve and protect for the benefit and enjoyment of present and future generations—

(1) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and

(2) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) as a component of the National Landscape Conservation System;

(B) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area described in subsection (b); and

(C) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this subtitle; and

(iii) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines would further the purposes for which the Conservation Area is established.

(B) USE OF MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), use of motorized vehicles in the Conservation Area shall be allowed—

(I) before the effective date of the management plan, only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public land in the Conservation Area; and

(II) after the effective date of the management plan, only on roads and trails designated in the management plan for the use of motor vehicles.

(ii) ADMINISTRATIVE AND EMERGENCY RESPONSE USE.—Clause (i) shall not limit the use of motor vehicles in the Conservation Area for administrative purposes or to respond to an emergency.

(iii) LIMITATION.—This subparagraph shall not apply to the Wilderness.

SEC. 2403. DOMINGUEZ CANYON WILDERNESS AREA.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 66,280 acres of public land in Mesa, Montrose, and Delta Counties, Colorado, as generally depicted on the Map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Dominguez Canyon Wilderness Area”.

(b) ADMINISTRATION OF WILDERNESS.—The Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this subtitle, except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

SEC. 2404. MAPS AND LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Conservation Area and the Wilderness with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The Map and legal descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the Map and legal descriptions.

(c) PUBLIC AVAILABILITY.—The Map and legal descriptions filed under subsection (a) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2405. MANAGEMENT OF CONSERVATION AREA AND WILDERNESS.

(a) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired by the United States within the Conservation Area or the Wilderness is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) GRAZING.—

(1) GRAZING IN CONSERVATION AREA.—Except as provided in paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area in accordance with the laws (including regulations) applicable to the issuance and administration of such leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) GRAZING IN WILDERNESS.—The grazing of livestock in the Wilderness, if established as of the date of enactment of this Act, shall be permitted to continue—

(A) subject to any reasonable regulations, policies, and practices that the Secretary determines to be necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(c) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this subtitle creates a protective perimeter or buffer zone around the Conservation Area.

(2) ACTIVITIES OUTSIDE CONSERVATION AREA.—The fact that an activity or use on land outside the Conservation Area can be seen or heard within the Conservation Area shall not preclude the activity or use outside the boundary of the Conservation Area.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire non-Federal land within the boundaries of the Conservation Area or the Wilderness only through exchange, donation, or purchase from a willing seller.

(2) MANAGEMENT.—Land acquired under paragraph (1) shall—

(A) become part of the Conservation Area and, if applicable, the Wilderness; and

(B) be managed in accordance with this subtitle and any other applicable laws.

(e) FIRE, INSECTS, AND DISEASES.—Subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may undertake such measures as are necessary to control fire, insects, and diseases—

(1) in the Wilderness, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(2) except as provided in paragraph (1), in the Conservation Area in accordance with this subtitle and any other applicable laws.

(f) ACCESS.—The Secretary shall continue to provide private landowners adequate access to inholdings in the Conservation Area.

(g) INVASIVE SPECIES AND NOXIOUS WEEDS.—In accordance with any applicable laws and subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the Conservation Area.

(h) WATER RIGHTS.—

(1) EFFECT.—Nothing in this subtitle—

(A) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) affects any interstate water compact in existence on the date of enactment of this Act;

(D) authorizes or imposes any new reserved Federal water rights; or

(E) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(2) WILDERNESS WATER RIGHTS.—

(A) IN GENERAL.—The Secretary shall ensure that any water rights within the Wilderness required to fulfill the purposes of the Wilderness are secured in accordance with subparagraphs (B) through (G).

(B) STATE LAW.—

(1) PROCEDURAL REQUIREMENTS.—Any water rights within the Wilderness for which the Secretary pursues adjudication shall be adjudicated, changed, and administered in accordance with the procedural requirements and priority system of State law.

(ii) ESTABLISHMENT OF WATER RIGHTS.—

(I) IN GENERAL.—Except as provided in subclause (II), the purposes and other substantive characteristics of the water rights pursued under this paragraph shall be established in accordance with State law.

(II) EXCEPTION.—Notwithstanding subclause (I) and in accordance with this subtitle, the Secretary may appropriate and seek adjudication of water rights to maintain surface water levels and stream flows on and across the Wilderness to fulfill the purposes of the Wilderness.

(C) DEADLINE.—The Secretary shall promptly, but not earlier than January 2009, appropriate the water rights required to fulfill the purposes of the Wilderness.

(D) REQUIRED DETERMINATION.—The Secretary shall not pursue adjudication for any instream flow water rights unless the Secretary makes a determination pursuant to subparagraph (E)(ii) or (F).

(E) COOPERATIVE ENFORCEMENT.—

(1) IN GENERAL.—The Secretary shall not pursue adjudication of any Federal instream flow water rights established under this paragraph if—

(I) the Secretary determines, upon adjudication of the water rights by the Colorado Water Conservation Board, that the Board holds water rights sufficient in priority, amount, and timing to fulfill the purposes of the Wilderness; and

(II) the Secretary has entered into a perpetual agreement with the Colorado Water Conservation Board to ensure the full exercise, protection, and enforcement of the State water rights within the Wilderness to reliably fulfill the purposes of the Wilderness.

(ii) ADJUDICATION.—If the Secretary determines that the provisions of clause (i) have not been met, the Secretary shall adjudicate and exercise any Federal water rights required to fulfill the purposes of the Wilderness in accordance with this paragraph.

(F) INSUFFICIENT WATER RIGHTS.—If the Colorado Water Conservation Board modifies the instream flow water rights obtained under subparagraph (E) to such a degree that the Secretary determines that water rights held by the State are insufficient to fulfill the purposes of the Wilderness, the Secretary shall adjudicate and exercise Federal water rights required to fulfill the purposes of the Wilderness in accordance with subparagraph (B).

(G) FAILURE TO COMPLY.—The Secretary shall promptly act to exercise and enforce the water rights described in subparagraph (E) if the Secretary determines that—

(i) the State is not exercising its water rights consistent with subparagraph (E)(i)(I); or

(ii) the agreement described in subparagraph (E)(i)(II) is not fulfilled or complied with sufficiently to fulfill the purposes of the Wilderness.

(3) WATER RESOURCE FACILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraph (B), beginning on the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new irrigation and pumping facility, reservoir, water conservation work, aqueduct, canal, ditch, pipeline, well, hydro-power project, transmission, other ancillary facility, or other water, diversion, storage, or carriage structure in the Wilderness.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the Secretary may allow construction of new livestock watering facilities within the Wilderness in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) CONSERVATION AREA WATER RIGHTS.—With respect to water within the Conservation Area, nothing in this subtitle—

(A) authorizes any Federal agency to appropriate or otherwise acquire any water right on the mainstem of the Gunnison River; or

(B) prevents the State from appropriating or acquiring, or requires the State to appropriate or acquire, an instream flow water right on the mainstem of the Gunnison River.

(5) WILDERNESS BOUNDARIES ALONG GUNNISON RIVER.—

(A) IN GENERAL.—In areas in which the Gunnison River is used as a reference for defining the boundary of the Wilderness, the boundary shall—

(i) be located at the edge of the river; and

(ii) change according to the river level.

(B) EXCLUSION FROM WILDERNESS.—Regardless of the level of the Gunnison River, no portion of the Gunnison River is included in the Wilderness.

(i) EFFECT.—Nothing in this subtitle—

(1) diminishes the jurisdiction of the State with respect to fish and wildlife in the State; or

(2) imposes any Federal water quality standard upstream of the Conservation Area or within the mainstem of the Gunnison River that is more restrictive than would be applicable had the Conservation Area not been established.

(j) VALID EXISTING RIGHTS.—The designation of the Conservation Area and Wilderness is subject to valid rights in existence on the date of enactment of this Act.

SEC. 2406. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Conservation Area.

(b) PURPOSES.—The management plan shall—

(1) describe the appropriate uses and management of the Conservation Area;

(2) be developed with extensive public input;

(3) take into consideration any information developed in studies of the land within the Conservation Area; and

(4) include a comprehensive travel management plan.

SEC. 2407. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the “Dominguez-Escalante National Conservation Area Advisory Council”.

(b) DUTIES.—The Council shall advise the Secretary with respect to the preparation and implementation of the management plan.

(c) APPLICABLE LAW.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) MEMBERS.—The Council shall include 10 members to be appointed by the Secretary, of whom, to the extent practicable—

(1) 1 member shall be appointed after considering the recommendations of the Mesa County Commission;

(2) 1 member shall be appointed after considering the recommendations of the Montrose County Commission;

(3) 1 member shall be appointed after considering the recommendations of the Delta County Commission;

(4) 1 member shall be appointed after considering the recommendations of the permittees holding grazing allotments within the Conservation Area or the Wilderness; and

(5) 5 members shall reside in, or within reasonable proximity to, Mesa County, Delta County, or Montrose County, Colorado, with backgrounds that reflect—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and Wilderness.

(e) REPRESENTATION.—The Secretary shall ensure that the membership of the Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Council.

(f) DURATION.—The Council shall terminate on the date that is 1 year from the date on which the management plan is adopted by the Secretary.

SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle F—Rio Puerco Watershed Management Program

SEC. 2501. RIO PUERCO WATERSHED MANAGEMENT PROGRAM.

(a) RIO PUERCO MANAGEMENT COMMITTEE.—Section 401(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4147) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (I) through (N) as subparagraphs (J) through (O), respectively; and

(B) by inserting after subparagraph (H) the following:

“(I) the Environmental Protection Agency;”;

(2) in paragraph (4), by striking “enactment of this Act” and inserting “enactment of the Omnibus Public Land Management Act of 2009”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 401(e) of the Omnibus Parks and

Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4148) is amended by striking “enactment of this Act” and inserting “enactment of the Omnibus Public Land Management Act of 2009”.

Subtitle G—Land Conveyances and Exchanges

SEC. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means Carson City Consolidated Municipality, Nevada.

(2) MAP.—The term “Map” means the map entitled “Carson City, Nevada Area”, dated November 7, 2008, and on file and available for public inspection in the appropriate offices of—

(A) the Bureau of Land Management;

(B) the Forest Service; and

(C) the City.

(3) SECRETARY.—The term “Secretary” means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) with respect to other Federal land, the Secretary of the Interior.

(4) SECRETARIES.—The term “Secretaries” means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(5) TRIBE.—The term “Tribe” means the Washoe Tribe of Nevada and California, which is a federally recognized Indian tribe.

(b) CONVEYANCES OF FEDERAL LAND AND CITY LAND.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), if the City offers to convey to the United States title to the non-Federal land described in paragraph (2)(A) that is acceptable to the Secretary of Agriculture—

(A) the Secretary shall accept the offer; and

(B) not later than 180 days after the date on which the Secretary receives acceptable title to the non-Federal land described in paragraph (2)(A), the Secretaries shall convey to the City, subject to valid existing rights and for no consideration, except as provided in paragraph (3)(A), all right, title, and interest of the United States in and to the Federal land (other than any easement reserved under paragraph (3)(B)) or interest in land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 2,264 acres of land administered by the City and identified on the Map as “To U.S. Forest Service”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is—

(i) the approximately 935 acres of Forest Service land identified on the Map as “To Carson City for Natural Areas”;;

(ii) the approximately 3,604 acres of Bureau of Land Management land identified on the Map as “Silver Saddle Ranch and Carson River Area”;;

(iii) the approximately 1,848 acres of Bureau of Land Management land identified on the Map as “To Carson City for Parks and Public Purposes”;;

(iv) the approximately 75 acres of City land in which the Bureau of Land Management has a reversionary interest that is identified on the Map as “Reversionary Interest of the United States Released”.

(3) CONDITIONS.—

(A) CONSIDERATION.—Before the conveyance of the 62-acre Bernhard parcel to the City, the City shall deposit in the special ac-

count established by subsection (e)(2)(A) an amount equal to 25 percent of the difference between—

(i) the amount for which the Bernhard parcel was purchased by the City on July 18, 2001; and

(ii) the amount for which the Bernhard parcel was purchased by the Secretary on March 24, 2006.

(B) CONSERVATION EASEMENT.—As a condition of the conveyance of the land described in paragraph (2)(B)(ii), the Secretary, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement to the land to protect, preserve, and enhance the conservation values of the land, consistent with paragraph (4)(B).

(C) COSTS.—Any costs relating to the conveyance under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(4) USE OF LAND.—

(A) NATURAL AREAS.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(i) shall be managed by the City to maintain undeveloped open space and to preserve the natural characteristics of the land in perpetuity.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) conduct projects on the land to reduce fuels;

(II) construct and maintain trails, trailhead facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act.

(B) SILVER SADDLE RANCH AND CARSON RIVER AREA.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(ii) shall—

(I) be managed by the City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and

(II) be used for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) construct and maintain trails and trailhead facilities on the land;

(II) conduct projects on the land to reduce fuels;

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act; and

(IV) allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.

(C) PARKS AND PUBLIC PURPOSES.—The land described in paragraph (2)(B)(iii) shall be managed by the City for—

(i) undeveloped open space; and

(ii) recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.).

(D) REVERSIONARY INTEREST.—

(i) RELEASE.—The reversionary interest described in paragraph (2)(B)(iv) shall terminate on the date of enactment of this Act.

(ii) CONVEYANCE BY CITY.—

(I) IN GENERAL.—If the City sells, leases, or otherwise conveys any portion of the land described in paragraph (2)(B)(iv), the sale, lease, or conveyance of land shall be—

(aa) through a competitive bidding process; and

(bb) except as provided in subclause (II), for not less than fair market value.

(II) CONVEYANCE TO GOVERNMENT OR NON-PROFIT.—A sale, lease, or conveyance of land described in paragraph (2)(B)(iv) to the Federal Government, a State government, a unit of local government, or a nonprofit organization shall be for consideration in an amount equal to the price established by the Secretary of the Interior under section 2741 of title 43, Code of Federal Regulation (or successor regulations).

(III) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale, lease, or conveyance of land under subclause (I) shall be distributed in accordance with subsection (e)(1).

(5) REVERSION.—If land conveyed under paragraph (1) is used in a manner that is inconsistent with the uses described in subparagraph (A), (B), (C), or (D) of paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(6) MISCELLANEOUS PROVISIONS.—

(A) IN GENERAL.—On conveyance of the non-Federal land under paragraph (1) to the Secretary of Agriculture, the non-Federal land shall—

(i) become part of the Humboldt-Toiyabe National Forest; and

(ii) be administered in accordance with the laws (including the regulations) and rules generally applicable to the National Forest System.

(B) MANAGEMENT PLAN.—The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for National Forest System land that ensures the protection and stabilization of the National Forest System land to minimize the impacts of flooding on the City.

(7) CONVEYANCE TO BUREAU OF LAND MANAGEMENT.—

(A) IN GENERAL.—If the City offers to convey to the United States title to the non-Federal land described in subparagraph (B) that is acceptable to the Secretary of the Interior, the land shall, at the discretion of the Secretary, be conveyed to the United States.

(B) DESCRIPTION OF LAND.—The non-Federal land referred to in subparagraph (A) is the approximately 46 acres of land administered by the City and identified on the Map as “To Bureau of Land Management”.

(C) COSTS.—Any costs relating to the conveyance under subparagraph (A), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM THE FOREST SERVICE TO THE BUREAU OF LAND MANAGEMENT.—

(1) IN GENERAL.—Administrative jurisdiction over the approximately 50 acres of Forest Service land identified on the Map as “Parcel #1” is transferred, from the Secretary of Agriculture to the Secretary of the Interior.

(2) COSTS.—Any costs relating to the transfer under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(3) USE OF LAND.—

(A) RIGHT-OF-WAY.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior shall grant to the City a right-of-way for the maintenance of flood management facilities located on the land.

(B) DISPOSAL.—The land referred to in paragraph (1) shall be disposed of in accordance with subsection (d).

(C) DISPOSITION OF PROCEEDS.—The gross proceeds from the disposal of land under sub-

paragraph (B) shall be distributed in accordance with subsection (e)(1).

(d) DISPOSAL OF CARSON CITY LAND.—

(1) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall, in accordance with that Act, this subsection, and other applicable law, and subject to valid existing rights, conduct sales of the Federal land described in paragraph (2) to qualified bidders.

(2) DESCRIPTION OF LAND.—The Federal land referred to in paragraph (1) is—

(A) the approximately 108 acres of Bureau of Land Management land identified as “Lands for Disposal” on the Map; and

(B) the approximately 50 acres of land identified as “Parcel #1” on the Map.

(3) COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.—Before a sale of Federal land under paragraph (1), the City shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(A) City zoning ordinances; and

(B) any master plan for the area approved by the City.

(4) METHOD OF SALE; CONSIDERATION.—The sale of Federal land under paragraph (1) shall be—

(A) consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713);

(B) unless otherwise determined by the Secretary, through a competitive bidding process; and

(C) for not less than fair market value.

(5) WITHDRAWAL.—

(A) IN GENERAL.—Subject to valid existing rights and except as provided in subparagraph (B), the Federal land described in paragraph (2) is withdrawn from—

(i) all forms of entry and appropriation under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing and geothermal leasing laws.

(B) EXCEPTION.—Subparagraph (A)(i) shall not apply to sales made consistent with this subsection.

(6) DEADLINE FOR SALE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 1 year after the date of enactment of this Act, if there is a qualified bidder for the land described in subparagraphs (A) and (B) of paragraph (2), the Secretary of the Interior shall offer the land for sale to the qualified bidder.

(B) POSTPONEMENT; EXCLUSION FROM SALE.—

(i) REQUEST BY CARSON CITY FOR POSTPONEMENT OR EXCLUSION.—At the request of the City, the Secretary shall postpone or exclude from the sale under subparagraph (A) all or a portion of the land described in subparagraphs (A) and (B) of paragraph (2).

(ii) INDEFINITE POSTPONEMENT.—Unless specifically requested by the City, a postponement under clause (i) shall not be indefinite.

(e) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—Of the proceeds from the sale of land under subsections (b)(4)(D)(ii) and (d)(1)—

(A) 5 percent shall be paid directly to the State for use in the general education program of the State; and

(B) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the “Carson City Special Account”, and shall be available without further appropriation to the Secretary until expended to—

(i) reimburse costs incurred by the Bureau of Land Management for preparing for the

sale of the Federal land described in subsection (d)(2), including the costs of—

(I) surveys and appraisals; and

(II) compliance with—

(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(bb) sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(ii) reimburse costs incurred by the Bureau of Land Management and Forest Service for preparing for, and carrying out, the transfers of land to be held in trust by the United States under subsection (h)(1); and

(iii) acquire environmentally sensitive land or an interest in environmentally sensitive land in the City.

(2) SILVER SADDLE ENDOWMENT ACCOUNT.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a special account, to be known as the “Silver Saddle Endowment Account”, consisting of such amounts as are deposited under subsection (b)(3)(A).

(B) AVAILABILITY OF AMOUNTS.—Amounts deposited in the account established by paragraph (1) shall be available to the Secretary, without further appropriation, for the oversight and enforcement of the conservation easement established under subsection (b)(3)(B).

(f) URBAN INTERFACE.—

(1) IN GENERAL.—Except as otherwise provided in this section and subject to valid existing rights, the Federal land described in paragraph (2) is permanently withdrawn from—

(A) all forms of entry and appropriation under the public land laws and mining laws;

(B) location and patent under the mining laws; and

(C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 19,747 acres, which is identified on the Map as “Urban Interface Withdrawal”.

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the land described in paragraph (2) that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with this subsection.

(4) OFF-HIGHWAY VEHICLE MANAGEMENT.—Until the date on which the Secretary, in consultation with the State, the City, and any other interested persons, completes a transportation plan for Federal land in the City, the use of motorized and mechanical vehicles on Federal land within the City shall be limited to roads and trails in existence on the date of enactment of this Act unless the use of the vehicles is needed—

(A) for administrative purposes; or

(B) to respond to an emergency.

(g) AVAILABILITY OF FUNDS.—Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—

(1) in paragraph (3)(A)(iv), by striking “Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4))” and inserting “Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4)) and Carson City (subject to paragraph (5))”;

(2) in paragraph (3)(A)(v), by striking “Clark, Lincoln, and White Pine Counties” and inserting “Clark, Lincoln, and White Pine Counties and Carson City (subject to paragraph (5))”;

(3) in paragraph (4), by striking “2011” and inserting “2015”; and

(4) by adding at the end the following:

“(5) **LIMITATION FOR CARSON CITY.**—Carson City shall be eligible to nominate for expenditure amounts to acquire land or an interest in land for parks or natural areas and for conservation initiatives—

“(A) adjacent to the Carson River; or

“(B) within the floodplain of the Carson River.”.

(h) **TRANSFER OF LAND TO BE HELD IN TRUST FOR WASHOE TRIBE.**—

(1) **IN GENERAL.**—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (2)—

(A) shall be held in trust by the United States for the benefit and use of the Tribe; and

(B) shall be part of the reservation of the Tribe.

(2) **DESCRIPTION OF LAND.**—The land referred to in paragraph (1) consists of approximately 293 acres, which is identified on the Map as “To Washoe Tribe”.

(3) **SURVEY.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under paragraph (1).

(4) **USE OF LAND.**—

(A) **GAMING.**—Land taken into trust under paragraph (1) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(B) **TRUST LAND FOR CEREMONIAL USE AND CONSERVATION.**—With respect to the use of the land taken into trust under paragraph (1) that is above the 5,200’ elevation contour, the Tribe—

(i) shall limit the use of the land to—

(I) traditional and customary uses; and

(II) stewardship conservation for the benefit of the Tribe; and

(ii) shall not permit any—

(I) permanent residential or recreational development on the land; or

(II) commercial use of the land, including commercial development or gaming.

(C) **TRUST LAND FOR COMMERCIAL AND RESIDENTIAL USE.**—With respect to the use of the land taken into trust under paragraph (1), the Tribe shall limit the use of the land below the 5,200’ elevation to—

(i) traditional and customary uses;

(ii) stewardship conservation for the benefit of the Tribe; and

(iii)(I) residential or recreational development; or

(II) commercial use.

(D) **THINNING; LANDSCAPE RESTORATION.**—With respect to the land taken into trust under paragraph (1), the Secretary of Agriculture, in consultation and coordination with the Tribe, may carry out any thinning and other landscape restoration activities on the land that is beneficial to the Tribe and the Forest Service.

(i) **CORRECTION OF SKUNK HARBOR CONVEYANCE.**—

(1) **PURPOSE.**—The purpose of this subsection is to amend Public Law 108-67 (117 Stat. 880) to make a technical correction relating to the land conveyance authorized under that Act.

(2) **TECHNICAL CORRECTION.**—Section 2 of Public Law 108-67 (117 Stat. 880) is amended—

(A) by striking “Subject to” and inserting the following:

“(a) **IN GENERAL.**—Subject to”;

(B) in subsection (a) (as designated by paragraph (1)), by striking “the parcel” and all that follows through the period at the end and inserting the following: “and to approximately 23 acres of land identified as ‘Parcel A’ on the map entitled ‘Skunk Harbor Conveyance Correction’ and dated September 12, 2008, the western boundary of which is the low water line of Lake Tahoe at elevation 6,223.0’ (Lake Tahoe Datum).”; and

(C) by adding at the end the following:

“(b) **SURVEY AND LEGAL DESCRIPTION.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this subsection, the Secretary of Agriculture shall complete a survey and legal description of the boundary lines to establish the boundaries of the trust land.

“(2) **TECHNICAL CORRECTIONS.**—The Secretary may correct any technical errors in the survey or legal description completed under paragraph (1).

“(c) **PUBLIC ACCESS AND USE.**—Nothing in this Act prohibits any approved general public access (through existing easements or by boat) to, or use of, land remaining within the Lake Tahoe Basin Management Unit after the conveyance of the land to the Secretary of the Interior, in trust for the Tribe, under subsection (a), including access to, and use of, the beach and shoreline areas adjacent to the portion of land conveyed under that subsection.”.

(3) **DATE OF TRUST STATUS.**—The trust land described in section 2(a) of Public Law 108-67 (117 Stat. 880) shall be considered to be taken into trust as of August 1, 2003.

(4) **TRANSFER.**—The Secretary of the Interior, acting on behalf of and for the benefit of the Tribe, shall transfer to the Secretary of Agriculture administrative jurisdiction over the land identified as “Parcel B” on the map entitled “Skunk Harbor Conveyance Correction” and dated September 12, 2008.

(j) **AGREEMENT WITH FOREST SERVICE.**—The Secretary of Agriculture, in consultation with the Tribe, shall develop and implement a cooperative agreement that ensures regular access by members of the Tribe and other people in the community of the Tribe across National Forest System land from the City to Lake Tahoe for cultural and religious purposes.

(k) **ARTIFACT COLLECTION.**—

(1) **NOTICE.**—At least 180 days before conducting any ground disturbing activities on the land identified as “Parcel #2” on the Map, the City shall notify the Tribe of the proposed activities to provide the Tribe with adequate time to inventory and collect any artifacts in the affected area.

(2) **AUTHORIZED ACTIVITIES.**—On receipt of notice under paragraph (1), the Tribe may collect and possess any artifacts relating to the Tribe in the land identified as “Parcel #2” on the Map.

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2602. SOUTHERN NEVADA LIMITED TRANSITION AREA CONVEYANCE.

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term “City” means the City of Henderson, Nevada.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of Nevada.

(4) **TRANSITION AREA.**—The term “Transition Area” means the approximately 502 acres of Federal land located in Henderson, Nevada, and identified as “Limited Transition Area” on the map entitled “Southern

Nevada Limited Transition Area Act” and dated March 20, 2006.

(b) **SOUTHERN NEVADA LIMITED TRANSITION AREA.**—

(1) **CONVEYANCE.**—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), on request of the City, the Secretary shall, without consideration and subject to all valid existing rights, convey to the City all right, title, and interest of the United States in and to the Transition Area.

(2) **USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.**—

(A) **IN GENERAL.**—After the conveyance to the City under paragraph (1), the City may sell, lease, or otherwise convey any portion or portions of the Transition Area for purposes of nonresidential development.

(B) **METHOD OF SALE.**—

(i) **IN GENERAL.**—The sale, lease, or conveyance of land under subparagraph (A) shall be through a competitive bidding process.

(ii) **FAIR MARKET VALUE.**—Any land sold, leased, or otherwise conveyed under subparagraph (A) shall be for not less than fair market value.

(C) **COMPLIANCE WITH CHARTER.**—Except as provided in subparagraphs (B) and (D), the City may sell, lease, or otherwise convey parcels within the Transition Area only in accordance with the procedures for conveyances established in the City Charter.

(D) **DISPOSITION OF PROCEEDS.**—The gross proceeds from the sale of land under subparagraph (A) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(3) **USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.**—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election.

(4) **NOISE COMPATIBILITY REQUIREMENTS.**—The City shall—

(A) plan and manage the Transition Area in accordance with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated in accordance with that section; and

(B) agree that if any land in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance shall contain a limitation to require uses compatible with that airport noise compatibility planning.

(5) **REVERSION.**—

(A) **IN GENERAL.**—If any parcel of land in the Transition Area is not conveyed for nonresidential development under this section or reserved for recreation or other public purposes under paragraph (3) by the date that is 20 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(B) **INCONSISTENT USE.**—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this subsection—

(i) at the discretion of the Secretary, the parcel shall revert to the United States; or

(ii) if the Secretary does not make an election under clause (i), the City shall sell the parcel of land in accordance with this subsection.

SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEYANCE.

(a) **DEFINITIONS.**—In this section:

(1) **ALTA-HUALAPAI SITE.**—The term “Alta-Hualapai Site” means the approximately 80 acres of land that is—

(A) patented to the City under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.); and

(B) identified on the map as the “Alta-Hualapai Site”.

(2) **CITY.**—The term “City” means the city of Las Vegas, Nevada.

(3) **INSTITUTE.**—The term “Institute” means the Nevada Cancer Institute, a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code of 1986, the principal place of business of which is at 10441 West Twain Avenue, Las Vegas, Nevada.

(4) **MAP.**—The term “map” means the map titled “Nevada Cancer Institute Expansion Act” and dated July 17, 2006.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) **WATER DISTRICT.**—The term “Water District” means the Las Vegas Valley Water District.

(b) **LAND CONVEYANCE.**—

(1) **SURVEY AND LEGAL DESCRIPTION.**—The City shall prepare a survey and legal description of the Alta-Hualapai Site. The survey shall conform to the Bureau of Land Management cadastral survey standards and be subject to approval by the Secretary.

(2) **ACCEPTANCE.**—The Secretary may accept the relinquishment by the City of all or part of the Alta-Hualapai Site.

(3) **CONVEYANCE FOR USE AS NONPROFIT CANCER INSTITUTE.**—After relinquishment of all or part of the Alta-Hualapai Site to the Secretary, and not later than 180 days after request of the Institute, the Secretary shall convey to the Institute, subject to valid existing rights, the portion of the Alta-Hualapai Site that is necessary for the development of a nonprofit cancer institute.

(4) **ADDITIONAL CONVEYANCES.**—Not later than 180 days after a request from the City, the Secretary shall convey to the City, subject to valid existing rights, any remaining portion of the Alta-Hualapai Site necessary for ancillary medical or nonprofit use compatible with the mission of the Institute.

(5) **APPLICABLE LAW.**—Any conveyance by the City of any portion of the land received under this section shall be for no less than fair market value and the proceeds shall be distributed in accordance with section 4(e)(1) of Public Law 105-263 (112 Stat. 2345).

(6) **TRANSACTION COSTS.**—All land conveyed by the Secretary under this section shall be at no cost, except that the Secretary may require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

(7) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on all transactions conducted under Public Law 105-263 (112 Stat. 2345).

(c) **RIGHTS-OF-WAY.**—Consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the Secretary may grant rights-of-way to the Water District on a portion of the Alta-Hualapai Site for a flood control project and a water pumping facility.

(d) **REVERSION.**—Any property conveyed pursuant to this section which ceases to be used for the purposes specified in this section shall, at the discretion of the Secretary, re-

vert to the United States, along with any improvements thereon or thereto.

SEC. 2604. TURNABOUT RANCH LAND CONVEYANCE, UTAH.

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND.**—The term “Federal land” means the approximately 25 acres of Bureau of Land Management land identified on the map as “Lands to be conveyed to Turnabout Ranch”.

(2) **MAP.**—The term “map” means the map entitled “Turnabout Ranch Conveyance” dated May 12, 2006, and on file in the office of the Director of the Bureau of Land Management.

(3) **MONUMENT.**—The term “Monument” means the Grand Staircase-Escalante National Monument located in southern Utah.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **TURNABOUT RANCH.**—The term “Turnabout Ranch” means the Turnabout Ranch in Escalante, Utah, owned by Aspen Education Group.

(b) **CONVEYANCE OF FEDERAL LAND TO TURNABOUT RANCH.**—

(1) **IN GENERAL.**—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), if not later than 30 days after completion of the appraisal required under paragraph (2), Turnabout Ranch of Escalante, Utah, submits to the Secretary an offer to acquire the Federal land for the appraised value, the Secretary shall, not later than 30 days after the date of the offer, convey to Turnabout Ranch all right, title, and interest to the Federal land, subject to valid existing rights.

(2) **APPRAISAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land. The appraisal shall be completed in accordance with the “Uniform Appraisal Standards for Federal Land Acquisitions” and the “Uniform Standards of Professional Appraisal Practice”. All costs associated with the appraisal shall be born by Turnabout Ranch.

(3) **PAYMENT OF CONSIDERATION.**—Not later than 30 days after the date on which the Federal land is conveyed under paragraph (1), as a condition of the conveyance, Turnabout Ranch shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under paragraph (2).

(4) **COSTS OF CONVEYANCE.**—As a condition of the conveyance, any costs of the conveyance under this section shall be paid by Turnabout Ranch.

(5) **DISPOSITION OF PROCEEDS.**—The Secretary shall deposit the proceeds from the conveyance of the Federal land under paragraph (1) in the Federal Land Deposit Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305), to be expended in accordance with that Act.

(c) **MODIFICATION OF MONUMENT BOUNDARY.**—When the conveyance authorized by subsection (b) is completed, the boundaries of the Grand Staircase-Escalante National Monument in the State of Utah are hereby modified to exclude the Federal land conveyed to Turnabout Ranch.

SEC. 2605. BOY SCOUTS LAND EXCHANGE, UTAH.

(a) **DEFINITIONS.**—In this section:

(1) **BOY SCOUTS.**—The term “Boy Scouts” means the Utah National Parks Council of the Boy Scouts of America.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **BOY SCOUTS OF AMERICA LAND EXCHANGE.**—

(1) **AUTHORITY TO CONVEY.**—

(A) **IN GENERAL.**—Subject to paragraph (3) and notwithstanding the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.), the Boy Scouts may convey to Brian Head Resort, subject to valid existing rights and, except as provided in subparagraph (B), any rights reserved by the United States, all right, title, and interest granted to the Boy Scouts by the original patent to the parcel described in paragraph (2)(A) in exchange for the conveyance by Brian Head Resort to the Boy Scouts of all right, title, and interest in and to the parcels described in paragraph (2)(B).

(B) **REVERSIONARY INTEREST.**—On conveyance of the parcel of land described in paragraph (2)(A), the Secretary shall have discretion with respect to whether or not the reversionary interests of the United States are to be exercised.

(2) **DESCRIPTION OF LAND.**—The parcels of land referred to in paragraph (1) are—

(A) the 120-acre parcel that is part of a tract of public land acquired by the Boy Scouts under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly described as the W 1/2 SE 1/4 and SE 1/4 SE 1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(B) the 2 parcels of private land owned by Brian Head Resort that total 120 acres, which are more particularly described as—

(i) NE 1/4 NW 1/4 and NE 1/4 NE 1/4 sec. 25, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(ii) SE 1/4 SE 1/4 sec. 24, T. 35 S., R. 9 W., Salt Lake Base Meridian.

(3) **CONDITIONS.**—On conveyance to the Boy Scouts under paragraph (1)(A), the parcels of land described in paragraph (2)(B) shall be subject to the terms and conditions imposed on the entire tract of land acquired by the Boy Scouts for a camp under the Bureau of Land Management patent numbered 43-75-0010.

(4) **MODIFICATION OF PATENT.**—On completion of the exchange under paragraph (1)(A), the Secretary shall amend the original Bureau of Land Management patent providing for the conveyance to the Boy Scouts under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.) numbered 43-75-0010 to take into account the exchange under paragraph (1)(A).

SEC. 2606. DOUGLAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) **DEFINITIONS.**—In this section:

(1) **PUBLIC LAND.**—The term “public land” means the approximately 622 acres of Federal land managed by the Bureau of Land Management and identified for conveyance on the map prepared by the Bureau of Land Management entitled “Douglas County Public Utility District Proposal” and dated March 2, 2006.

(2) **PUD.**—The term “PUD” means the Public Utility District No. 1 of Douglas County, Washington.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **WELLS HYDROELECTRIC PROJECT.**—The term “Wells Hydroelectric Project” means Federal Energy Regulatory Commission Project No. 2149.

(b) **CONVEYANCE OF PUBLIC LAND, WELLS HYDROELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON.**—

(1) **CONVEYANCE REQUIRED.**—Notwithstanding the land use planning requirements

of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), and notwithstanding section 24 of the Federal Power Act (16 U.S.C. 818) and Federal Power Order for Project 2149, and subject to valid existing rights, if not later than 45 days after the date of completion of the appraisal required under paragraph (2), the Public Utility District No. 1 of Douglas County, Washington, submits to the Secretary an offer to acquire the public land for the appraised value, the Secretary shall convey, not later than 30 days after the date of the offer, to the PUD all right, title, and interest of the United States in and to the public land.

(2) APPRAISAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land. The appraisal shall be conducted in accordance with the "Uniform Appraisal Standards for Federal Land Acquisitions" and the "Uniform Standards of Professional Appraisal Practice".

(3) PAYMENT.—Not later than 30 days after the date on which the public land is conveyed under this subsection, the PUD shall pay to the Secretary an amount equal to the appraised value of the public land as determined under paragraph (2).

(4) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the public land to be conveyed under this subsection. The Secretary may correct any minor errors in the map referred to in subsection (a)(1) or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(5) COSTS OF CONVEYANCE.—As a condition of conveyance, any costs related to the conveyance under this subsection shall be paid by the PUD.

(6) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the sale in the Federal Land Disposal Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305) to be expended to improve access to public lands administered by the Bureau of Land Management in the State of Washington.

(c) SEGREGATION OF LANDS.—

(1) WITHDRAWAL.—Except as provided in subsection (b)(1), effective immediately upon enactment of this Act, and subject to valid existing rights, the public land is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws, and all amendments thereto;

(B) location, entry, and patenting under the mining laws, and all amendments thereto; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

(2) DURATION.—This subsection expires two years after the date of enactment of this Act or on the date of the completion of the conveyance under subsection (b), whichever is earlier.

(d) RETAINED AUTHORITY.—The Secretary shall retain the authority to place conditions on the license to insure adequate protection and utilization of the public land granted to the Secretary in section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) until the Federal Energy Regulatory Commission has issued a new license for the Wells Hydroelectric Project, to replace the original license expiring May 31, 2012, consistent with

section 15 of the Federal Power Act (16 U.S.C. 808).

SEC. 2607. TWIN FALLS, IDAHO, LAND CONVEYANCE.

(a) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the city of Twin Falls, Idaho, subject to valid existing rights, without consideration, all right, title, and interest of the United States in and to the 4 parcels of land described in subsection (b).

(b) LAND DESCRIPTION.—The 4 parcels of land to be conveyed under subsection (a) are the approximately 165 acres of land in Twin Falls County, Idaho, that are identified as "Land to be conveyed to Twin Falls" on the map titled "Twin Falls Land Conveyance" and dated July 28, 2008.

(c) MAP ON FILE.—A map depicting the land described in subsection (b) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LANDS.—

(1) PURPOSE.—The land conveyed under this section shall be used to support the public purposes of the Auger Falls Project, including a limited agricultural exemption to allow for water quality and wildlife habitat improvements.

(2) RESTRICTION.—The land conveyed under this section shall not be used for residential or commercial purposes, except for the limited agricultural exemption described in paragraph (1).

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(e) REVERSION.—If the land conveyed under this section is no longer used in accordance with subsection (d)—

(1) the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States and if the Secretary determines that the land is environmentally contaminated, the city of Twin Falls, Idaho, or any other person responsible for the contamination shall remediate the contamination.

(f) ADMINISTRATIVE COSTS.—The Secretary shall require that the city of Twin Falls, Idaho, pay all survey costs and other administrative costs necessary for the preparation and completion of any patents of and transfer of title to property under this section.

SEC. 2608. SUNRISE MOUNTAIN INSTANT STUDY AREA RELEASE, NEVADA.

(a) FINDING.—Congress finds that the land described in subsection (c) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—The land described in subsection (c)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—
(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and
(B) cooperative conservation agreements in existence on the date of the enactment of this Act.

(c) DESCRIPTION OF LAND.—The land referred to in subsections (a) and (b) is the approximately 70 acres of land in the Sunrise

Mountain Instant Study Area of Clark County, Nevada, that is designated on the map entitled "Sunrise Mountain ISA Release Areas" and dated September 6, 2008.

SEC. 2609. PARK CITY, UTAH, LAND CONVEYANCE.

(a) CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH.—

(1) LAND TRANSFER.—Notwithstanding the planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall convey, not later than 180 days after the date of the enactment of this Act, to Park City, Utah, all right, title, and interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and designated as parcel 8 (commonly known as the White Acre parcel) and parcel 16 (commonly known as the Gambel Oak parcel). The conveyance shall be subject to all valid existing rights.

(2) DEED RESTRICTION.—The conveyance of the lands under paragraph (1) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

(3) CONSIDERATION.—In consideration for the transfer of the land under paragraph (1), Park City shall pay to the Secretary of the Interior an amount consistent with conveyances to governmental entities for recreational purposes under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(b) SALE OF BUREAU OF LAND MANAGEMENT LAND IN PARK CITY, UTAH, AT AUCTION.—

(1) SALE OF LAND.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall offer for sale any right, title, or interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and are designated as parcels 17 and 18 in the Park City, Utah, area. The sale of the land shall be carried out in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and other applicable law, other than the planning provisions of sections 202 and 203 of such Act (43 U.S.C. 1712, 1713), and shall be subject to all valid existing rights.

(2) METHOD OF SALE.—The sale of the land under paragraph (1) shall be consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) through a competitive bidding process and for not less than fair market value.

(c) DISPOSITION OF LAND SALES PROCEEDS.—All proceeds derived from the sale of land described in this section shall be deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

SEC. 2610. RELEASE OF REVERSIONARY INTEREST IN CERTAIN LANDS IN RENO, NEVADA.

(a) RAILROAD LANDS DEFINED.—For the purposes of this section, the term "railroad lands" means those lands within the City of Reno, Nevada, located within portions of sections 10, 11, and 12 of T.19 N., R. 19 E., and

portions of section 7 of T.19 N., R. 20 E., Mount Diablo Meridian, Nevada, that were originally granted to the Union Pacific Railroad under the provisions of the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act.

(b) **RELEASE OF REVERSIONARY INTEREST.**—Any reversionary interests of the United States (including interests under the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act) in and to the railroad lands as defined in subsection (a) of this section are hereby released.

SEC. 2611. TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA.

(a) **IN GENERAL.**—

(1) **FEDERAL LANDS.**—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b), the Federal lands shall be declared to be held in trust by the United States for the benefit of the Tribe for nongaming purposes, and shall be subject to the same terms and conditions as those lands described in the California Indian Land Transfer Act (Public Law 106-568; 114 Stat. 2921).

(2) **TRUST LANDS.**—Lands described in subsection (c) of this section that are taken or to be taken in trust by the United States for the benefit of the Tribe shall be subject to subsection (c) of section 903 of the California Indian Land Transfer Act (Public Law 106-568; 114 Stat. 2921).

(b) **FEDERAL LANDS DESCRIBED.**—The Federal lands described in this subsection, comprising approximately 66 acres, are as follows:

(1) Township 1 North, Range 16 East, Section 6, Lots 10 and 12, MDM, containing 50.24 acres more or less.

(2) Township 1 North, Range 16 East, Section 5, Lot 16, MDM, containing 15.35 acres more or less.

(3) Township 2 North, Range 16 East, Section 32, Indian Cemetery Reservation within Lot 22, MDM, containing 0.4 acres more or less.

(c) **TRUST LANDS DESCRIBED.**—The trust lands described in this subsection, comprising approximately 357 acres, are commonly referred to as follows:

(1) Thomas property, pending trust acquisition, 104.50 acres.

(2) Coenenburg property, pending trust acquisition, 192.70 acres, subject to existing easements of record, including but not limited to a non-exclusive easement for ingress and egress for the benefit of adjoining property as conveyed by Easement Deed recorded July 13, 1984, in Volume 755, Pages 189 to 192, and as further defined by Stipulation and Judgment entered by Tuolumne County Superior Court on September 2, 1983, and recorded June 4, 1984, in Volume 751, Pages 61 to 67.

(3) Assessor Parcel No. 620505300, 1.5 acres, trust land.

(4) Assessor Parcel No. 620505400, 19.23 acres, trust land.

(5) Assessor Parcel No. 620505600, 3.46 acres, trust land.

(6) Assessor Parcel No. 620505700, 7.44 acres, trust land.

(7) Assessor Parcel No. 620401700, 0.8 acres, trust land.

(8) A portion of Assessor Parcel No. 620500200, 2.5 acres, trust land.

(9) Assessor Parcel No. 620506200, 24.87 acres, trust land.

(d) **SURVEY.**—As soon as practicable after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of

Land Management shall complete fieldwork required for a survey of the lands described in subsections (b) and (c) for the purpose of incorporating those lands within the boundaries of the Tuolumne Rancheria. Not later than 90 days after that fieldwork is completed, that office shall complete the survey.

(e) **LEGAL DESCRIPTIONS.**—

(1) **PUBLICATION.**—On approval by the Community Council of the Tribe of the survey completed under subsection (d), the Secretary of the Interior shall publish in the Federal Register—

(A) a legal description of the new boundary lines of the Tuolumne Rancheria; and

(B) a legal description of the land surveyed under subsection (d).

(2) **EFFECT.**—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of those boundary lines of the Tuolumne Rancheria and the lands surveyed.

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

SEC. 3001. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105-277), is amended—

(1) in subsection (a), by striking “each of fiscal years 2006 through 2011” and inserting “fiscal year 2006 and each fiscal year thereafter”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) **APPLICABLE LAW.**—Chapter 63 of title 31, United States Code, shall not apply to—

“(1) a watershed restoration and enhancement agreement entered into under this section; or

“(2) an agreement entered into under the first section of Public Law 94-148 (16 U.S.C. 565a-1).”.

Subtitle B—Wildland Firefighter Safety

SEC. 3101. WILDLAND FIREFIGHTER SAFETY.

(a) **DEFINITIONS.**—In this section:

(1) **SECRETARIES.**—The term “Secretaries” means—

(A) the Secretary of the Interior, acting through the Directors of the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the Bureau of Indian Affairs; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) **WILDLAND FIREFIGHTER.**—The term “wildland firefighter” means any person who participates in wildland firefighting activities—

(A) under the direction of either of the Secretaries; or

(B) under a contract or compact with a federally recognized Indian tribe.

(b) **ANNUAL REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—The Secretaries shall jointly submit to Congress an annual report on the wildland firefighter safety practices of the Secretaries, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, during the preceding calendar year.

(2) **TIMELINE.**—Each report under paragraph (1) shall—

(A) be submitted by not later than March of the year following the calendar year covered by the report; and

(B) include—

(i) a description of, and any changes to, wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(ii) statistics and trend analyses;

(iii) an estimate of the amount of Federal funds expended by the Secretaries on wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(iv) progress made in implementing recommendations from the Inspector General, the Government Accountability Office, the Occupational Safety and Health Administration, or an agency report relating to a wildland firefighting fatality issued during the preceding 10 years; and

(v) a description of—

(I) the provisions relating to wildland firefighter safety practices in any Federal contract or other agreement governing the provision of wildland firefighters by a non-Federal entity;

(II) a summary of any actions taken by the Secretaries to ensure that the provisions relating to safety practices, including training, are complied with by the non-Federal entity; and

(III) the results of those actions.

Subtitle C—Wyoming Range

SEC. 3201. DEFINITIONS.

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **WYOMING RANGE WITHDRAWAL AREA.**—The term “Wyoming Range Withdrawal Area” means all National Forest System land and federally owned minerals located within the boundaries of the Bridger-Teton National Forest identified on the map entitled “Wyoming Range Withdrawal Area” and dated October 17, 2007, on file with the Office of the Chief of the Forest Service and the Office of the Supervisor of the Bridger-Teton National Forest.

SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN THE WYOMING RANGE.

(a) **WITHDRAWAL.**—Except as provided in subsection (f), subject to valid existing rights as of the date of enactment of this Act and the provisions of this subtitle, land in the Wyoming Range Withdrawal Area is withdrawn from—

(1) all forms of appropriation or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing.

(b) **EXISTING RIGHTS.**—If any right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through donation under section 3203) after the date of enactment of this Act, the land subject to that right shall be withdrawn in accordance with this section.

(c) **BUFFERS.**—Nothing in this section requires—

(1) the creation of a protective perimeter or buffer area outside the boundaries of the Wyoming Range Withdrawal Area; or

(2) any prohibition on activities outside of the boundaries of the Wyoming Range Withdrawal Area that can be seen or heard from within the boundaries of the Wyoming Range Withdrawal Area.

(d) **LAND AND RESOURCE MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Bridger-Teton National Land and Resource Management Plan (including any revisions to the Plan) shall apply to any land

within the Wyoming Range Withdrawal Area.

(2) **CONFLICTS.**—If there is a conflict between this subtitle and the Bridger-Teton National Land and Resource Management Plan, this subtitle shall apply.

(e) **PRIOR LEASE SALES.**—Nothing in this section prohibits the Secretary from taking any action necessary to issue, deny, remove the suspension of, or cancel a lease, or any sold lease parcel that has not been issued, pursuant to any lease sale conducted prior to the date of enactment of this Act, including the completion of any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) **EXCEPTION.**—Notwithstanding the withdrawal in subsection (a), the Secretary may lease oil and gas resources in the Wyoming Range Withdrawal Area that are within 1 mile of the boundary of the Wyoming Range Withdrawal Area in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subject to the following conditions:

(1) The lease may only be accessed by directional drilling from a lease held by production on the date of enactment of this Act on National Forest System land that is adjacent to, and outside of, the Wyoming Range Withdrawal Area.

(2) The lease shall prohibit, without exception or waiver, surface occupancy and surface disturbance for any activities, including activities related to exploration, development, or production.

(3) The directional drilling may extend no further than 1 mile inside the boundary of the Wyoming Range Withdrawal Area.

SEC. 3203. ACCEPTANCE OF THE DONATION OF VALID EXISTING MINING OR LEASING RIGHTS IN THE WYOMING RANGE.

(a) **NOTIFICATION OF LEASEHOLDERS.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall provide notice to holders of valid existing mining or leasing rights within the Wyoming Range Withdrawal Area of the potential opportunity for repurchase of those rights and retirement under this section.

(b) **REQUEST FOR LEASE RETIREMENT.**—

(1) **IN GENERAL.**—A holder of a valid existing mining or leasing right within the Wyoming Range Withdrawal Area may submit a written notice to the Secretary of the interest of the holder in the retirement and repurchase of that right.

(2) **LIST OF INTERESTED HOLDERS.**—The Secretary shall prepare a list of interested holders and make the list available to any non-Federal entity or person interested in acquiring that right for retirement by the Secretary.

(c) **PROHIBITION.**—The Secretary may not use any Federal funds to purchase any right referred to in subsection (a).

(d) **DONATION AUTHORITY.**—The Secretary shall—

(1) accept the donation of any valid existing mining or leasing right in the Wyoming Range Withdrawal Area from the holder of that right or from any non-Federal entity or person that acquires that right; and

(2) on acceptance, cancel that right.

(e) **RELATIONSHIP TO OTHER AUTHORITY.**—Nothing in this subtitle affects any authority the Secretary may otherwise have to modify, suspend, or terminate a lease without compensation, or to recognize the transfer of a valid existing mining or leasing right, if otherwise authorized by law.

Subtitle D—Land Conveyances and Exchanges

SEC. 3301. LAND CONVEYANCE TO CITY OF COFFMAN COVE, ALASKA.

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term “City” means the city of Coffman Cove, Alaska.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(b) **CONVEYANCE.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim deed all right, title, and interest of the United States, except as provided in paragraphs (3) and (4), in and to the parcel of National Forest System land described in paragraph (2).

(2) **DESCRIPTION OF LAND.**—

(A) **IN GENERAL.**—The parcel of National Forest System land referred to in paragraph (1) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled “Subdivision of U.S. Survey No. 10099” and recorded as Plat 2003-1 on January 21, 2003, Petersburg Recording District, Alaska.

(B) **EXCLUDED LAND.**—The parcel of National Forest System land conveyed under paragraph (1) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030-295 and southeast of Tract CC-8.

(3) **RIGHT-OF-WAY.**—The United States may reserve a right-of-way to provide access to the National Forest System land excluded from the conveyance to the City under paragraph (2)(B).

(4) **REVERSION.**—If any portion of the land conveyed under paragraph (1) (other than a portion of land sold under paragraph (5)) ceases to be used for public purposes, the land shall, at the option of the Secretary, revert to the United States.

(5) **CONDITIONS ON SUBSEQUENT CONVEYANCES.**—If the City sells any portion of the land conveyed to the City under paragraph (1)—

(A) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(B) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale, which shall be available, without further appropriation, for the Tongass National Forest.

SEC. 3302. BEAVERHEAD-DEERLODGE NATIONAL FOREST LAND CONVEYANCE, MONTANA.

(a) **DEFINITIONS.**—In this section:

(1) **COUNTY.**—The term “County” means Jefferson County, Montana.

(2) **MAP.**—The term “map” means the map that is—

(A) entitled “Elkhorn Cemetery”;

(B) dated May 9, 2005; and

(C) on file in the office of the Beaverhead-Deerlodge National Forest Supervisor.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(b) **CONVEYANCE TO JEFFERSON COUNTY, MONTANA.**—

(1) **CONVEYANCE.**—Not later than 180 days after the date of enactment of this Act and subject to valid existing rights, the Secretary (acting through the Regional Forester, Northern Region, Missoula, Montana) shall convey by quitclaim deed to the County for no consideration, all right, title, and interest of the United States, except as provided in paragraph (5), in and to the parcel of land described in paragraph (2).

(2) **DESCRIPTION OF LAND.**—The parcel of land referred to in paragraph (1) is the parcel of approximately 9.67 acres of National Forest System land (including any improvements to the land) in the County that is known as the “Elkhorn Cemetery”, as generally depicted on the map.

(3) **USE OF LAND.**—As a condition of the conveyance under paragraph (1), the County shall—

(A) use the land described in paragraph (2) as a County cemetery; and

(B) agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery, under such terms and conditions as are agreed to by the Secretary and the County.

(4) **EASEMENT.**—In conveying the land to the County under paragraph (1), the Secretary, in accordance with applicable law, shall grant to the County an easement across certain National Forest System land, as generally depicted on the map, to provide access to the land conveyed under that paragraph.

(5) **REVERSION.**—In the quitclaim deed to the County, the Secretary shall provide that the land conveyed to the County under paragraph (1) shall revert to the Secretary, at the election of the Secretary, if the land is—

(A) used for a purpose other than the purposes described in paragraph (3)(A); or

(B) managed by the County in a manner that is inconsistent with paragraph (3)(B).

SEC. 3303. SANTA FE NATIONAL FOREST; PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE.

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND.**—The term “Federal land” means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) **LANDOWNER.**—The term “landowner” means the 1 or more owners of the non-Federal land.

(3) **MAP.**—The term “map” means the map entitled “Proposed Land Exchange for Pecos National Historical Park”, numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) **NON-FEDERAL LAND.**—The term “non-Federal land” means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) **PARK.**—The term “Park” means the Pecos National Historical Park in the State.

(6) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) **STATE.**—The term “State” means the State of New Mexico.

(b) **LAND EXCHANGE.**—

(1) **IN GENERAL.**—If the Secretary of the Interior accepts the non-Federal land, title to which is acceptable to the Secretary of the Interior, the Secretary of Agriculture shall, subject to the conditions of this section and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), convey to the landowner the Federal land.

(2) **EASEMENT.**—

(A) **IN GENERAL.**—As a condition of the conveyance of the non-Federal land, the landowner may reserve an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(B) **ROUTE.**—The Secretary of the Interior and the landowner shall determine the appropriate route of the easement through the non-Federal land.

(C) **TERMS AND CONDITIONS.**—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior and the landowner determine to be appropriate.

(D) **APPLICABLE LAW.**—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(3) VALUATION, APPRAISALS, AND EQUALIZATION.—

(A) IN GENERAL.—The value of the Federal land and non-Federal land—

(i) shall be equal, as determined by appraisals conducted in accordance with subparagraph (B); or

(ii) if the value is not equal, shall be equalized in accordance with subparagraph (C).

(B) APPRAISALS.—

(i) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(ii) REQUIREMENTS.—An appraisal conducted under clause (i) shall be conducted in accordance with—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(iii) APPROVAL.—The appraisals conducted under this subparagraph shall be submitted to the Secretaries for approval.

(C) EQUALIZATION OF VALUES.—

(i) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(ii) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(I) be deposited in the fund established by Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a); and

(II) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(4) COSTS.—Before the completion of the exchange under this subsection, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(5) APPLICABLE LAW.—Except as otherwise provided in this section, the exchange of land and interests in land under this section shall be in accordance with—

(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) other applicable Federal, State, and local laws.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this section, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this section as the Secretaries determine to be appropriate to protect the interests of the United States.

(7) COMPLETION OF THE EXCHANGE.—

(A) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(i) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(ii) the date on which the Secretary of the Interior approves the appraisals under paragraph (3)(B)(iii); or

(iii) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this subsection.

(B) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Re-

sources of the Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this subsection.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this section in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act") (16 U.S.C. 1 et seq.).

(2) MAPS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(B) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

(i) the Federal land and non-Federal land exchanged under this section; and

(ii) the easement described in subsection (b)(2).

SEC. 3304. SANTA FE NATIONAL FOREST LAND CONVEYANCE, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) CLAIM.—The term "Claim" means a claim of the Claimants to any right, title, or interest in any land located in lot 10, sec. 22, T. 18 N., R. 12 E., New Mexico Principal Meridian, San Miguel County, New Mexico, except as provided in subsection (b)(1).

(2) CLAIMANTS.—The term "Claimants" means Ramona Lawson and Boyd Lawson.

(3) FEDERAL LAND.—The term "Federal land" means a parcel of National Forest System land in the Santa Fe National Forest, New Mexico, that is—

(A) comprised of approximately 6.20 acres of land; and

(B) described and delineated in the survey.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Forest Service Regional Forester, Southwestern Region.

(5) SURVEY.—The term "survey" means the survey plat entitled "Boundary Survey and Conservation Easement Plat", prepared by Chris A. Chavez, Land Surveyor, Forest Service, NMPLS#12793, and recorded on February 27, 2007, at book 55, page 93, of the land records of San Miguel County, New Mexico.

(b) SANTA FE NATIONAL FOREST LAND CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall, except as provided in subparagraph (A) and subject to valid existing rights, convey and quitclaim to the Claimants all right, title, and interest of the United States in and to the Federal land in exchange for—

(A) the grant by the Claimants to the United States of a scenic easement to the Federal land that—

(i) protects the purposes for which the Federal land was designated under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(ii) is determined to be acceptable by the Secretary; and

(B) a release of the United States by the Claimants of—

(i) the Claim; and

(ii) any additional related claims of the Claimants against the United States.

(2) SURVEY.—The Secretary, with the approval of the Claimants, may make minor corrections to the survey and legal description of the Federal land to correct clerical, topographical, and surveying errors.

(3) SATISFACTION OF CLAIM.—The conveyance of Federal land under paragraph (1) shall constitute a full satisfaction of the Claim.

SEC. 3305. KITTITAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the King and Kittitas Counties Fire District #51 of King and Kittitas Counties, Washington (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of National Forest System land in Kittitas County, Washington, consisting of approximately 1.5 acres within the SW¼ of the SE¼ of section 4, township 22 north, range 11 east, Willamette meridian, for the purpose of permitting the District to use the parcel as a site for a new Snoqualmie Pass fire and rescue station.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—If necessary, the exact acreage and legal description of the lands to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of a survey shall be borne by the District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 3306. MAMMOTH COMMUNITY WATER DISTRICT USE RESTRICTIONS.

Notwithstanding Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a), the approximately 36.25 acres patented to the Mammoth County Water District (now known as the "Mammoth Community Water District") by Patent No. 04-87-0038, on June 26, 1987, and recorded in volume 482, at page 516, of the official records of the Recorder's Office, Mono County, California, may be used for any public purpose.

SEC. 3307. LAND EXCHANGE, WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means the City of Bountiful, Utah.

(2) FEDERAL LAND.—The term "Federal land" means the land under the jurisdiction of the Secretary identified on the map as "Shooting Range Special Use Permit Area".

(3) MAP.—The term "map" means the map entitled "Bountiful City Land Consolidation Act" and dated October 15, 2007.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the 3 parcels of City land comprising a total of approximately 1,680 acres, as generally depicted on the map.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) EXCHANGE.—Subject to subsections (d) through (h), if the City conveys to the Secretary all right, title, and interest of the City in and to the non-Federal land, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Federal land.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection

in the appropriate offices of the Forest Service.

(d) VALUATION AND EQUALIZATION.—

(1) VALUATION.—The value of the Federal land and the non-Federal land to be conveyed under subsection (b)—

(A) shall be equal, as determined by appraisals carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); or

(B) if not equal, shall be equalized in accordance with paragraph (2).

(2) EQUALIZATION.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(A) making a cash equalization payment to the Secretary or to the City, as appropriate; or

(B) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(e) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (b), except that the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

(f) CONDITIONS.—

(1) LIABILITY.—

(A) IN GENERAL.—As a condition of the exchange under subsection (b), the Secretary shall—

(i) require that the City—

(I) assume all liability for the shooting range located on the Federal land, including the past, present, and future condition of the Federal land; and

(II) hold the United States harmless for any liability for the condition of the Federal land; and

(ii) comply with the hazardous substances disclosure requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(B) LIMITATION.—Clauses (ii) and (iii) of section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)(3)(A)) shall not apply to the conveyance of Federal land under subsection (b).

(2) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (b) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

(g) MANAGEMENT OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under subsection (b) shall be—

(1) added to, and administered as part of, the Wasatch-Cache National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest System.

(h) EASEMENTS; RIGHTS-OF-WAY.—

(1) BONNEVILLE SHORELINE TRAIL EASEMENT.—In carrying out the land exchange under subsection (b), the Secretary shall ensure that an easement not less than 60 feet in width is reserved for the Bonneville Shoreline Trail.

(2) OTHER RIGHTS-OF-WAY.—The Secretary and the City may reserve any other rights-of-way for utilities, roads, and trails that—

(A) are mutually agreed to by the Secretary and the City; and

(B) the Secretary and the City consider to be in the public interest.

(i) DISPOSAL OF REMAINING FEDERAL LAND.—

(1) IN GENERAL.—The Secretary may, by sale or exchange, dispose of all, or a portion of, the parcel of National Forest System land comprising approximately 220 acres, as generally depicted on the map that remains after the conveyance of the Federal land authorized under subsection (b), if the Secretary determines, in accordance with paragraph (2), that the land or portion of the land is in excess of the needs of the National Forest System.

(2) REQUIREMENTS.—A determination under paragraph (1) shall be made—

(A) pursuant to an amendment of the land and resource management plan for the Wasatch-Cache National Forest; and

(B) after carrying out a public process consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) CONSIDERATION.—As consideration for any conveyance of Federal land under paragraph (1), the Secretary shall require payment of an amount equal to not less than the fair market value of the conveyed National Forest System land.

(4) RELATION TO OTHER LAWS.—Any conveyance of Federal land under paragraph (1) by exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(5) DISPOSITION OF PROCEEDS.—Any amounts received by the Secretary as consideration under subsection (d) or paragraph (3) shall be—

(A) deposited in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(B) available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land to be included in the Wasatch-Cache National Forest.

(6) ADDITIONAL TERMS AND CONDITIONS.—Any conveyance of Federal land under paragraph (1) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

SEC. 3308. BOUNDARY ADJUSTMENT, FRANK CHURCH RIVER OF NO RETURN WILDERNESS.

(a) PURPOSES.—The purposes of this section are—

(1) to adjust the boundaries of the wilderness area; and

(2) to authorize the Secretary to sell the land designated for removal from the wilderness area due to encroachment.

(b) DEFINITIONS.—In this section:

(1) LAND DESIGNATED FOR EXCLUSION.—The term “land designated for exclusion” means the parcel of land that is—

(A) comprised of approximately 10.2 acres of land;

(B) generally depicted on the survey plat entitled “Proposed Boundary Change FCRONRW Sections 15 (unsurveyed) Township 14 North, Range 13 East, B.M., Custer County, Idaho” and dated November 14, 2001; and

(C) more particularly described in the survey plat and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the office of the Intermountain Regional Forester, Ogden, Utah.

(2) LAND DESIGNATED FOR INCLUSION.—The term “land designated for inclusion” means the parcel of National Forest System land that is—

(A) comprised of approximately 10.2 acres of land;

(B) located in unsurveyed section 22, T. 14 N., R. 13 E., Boise Meridian, Custer County, Idaho;

(C) generally depicted on the map entitled “Challis National Forest, T.14 N., R. 13 E., B.M., Custer County, Idaho, Proposed Boundary Change FCRONRW” and dated September 19, 2007; and

(D) more particularly described on the map and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the Intermountain Regional Forester, Ogden, Utah.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(4) WILDERNESS AREA.—The term “wilderness area” means the Frank Church River of No Return Wilderness designated by section 3 of the Central Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note; 94 Stat. 948).

(c) BOUNDARY ADJUSTMENT.—

(1) ADJUSTMENT TO WILDERNESS AREA.—

(A) INCLUSION.—The wilderness area shall include the land designated for inclusion.

(B) EXCLUSION.—The wilderness area shall not include the land designated for exclusion.

(2) CORRECTIONS TO LEGAL DESCRIPTIONS.—The Secretary may make corrections to the legal descriptions.

(d) CONVEYANCE OF LAND DESIGNATED FOR EXCLUSION.—

(1) IN GENERAL.—Subject to paragraph (2), to resolve the encroachment on the land designated for exclusion, the Secretary may sell for consideration in an amount equal to fair market value—

(A) the land designated for exclusion; and

(B) as the Secretary determines to be necessary, not more than 10 acres of land adjacent to the land designated for exclusion.

(2) CONDITIONS.—The sale of land under paragraph (1) shall be subject to the conditions that—

(A) the land to be conveyed be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the person buying the land shall pay—

(i) the costs associated with appraising and, if the land needs to be resurveyed, resurveying the land; and

(ii) any analyses and closing costs associated with the conveyance;

(C) for management purposes, the Secretary may reconfigure the description of the land for sale; and

(D) the owner of the adjacent private land shall have the first opportunity to buy the land.

(3) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—The Secretary shall deposit the cash proceeds from a sale of land under paragraph (1) in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(B) AVAILABILITY AND USE.—Amounts deposited under subparagraph (A)—

(i) shall remain available until expended for the acquisition of land for National Forest purposes in the State of Idaho; and

(ii) shall not be subject to transfer or reprogramming for—

(I) wildland fire management; or

(II) any other emergency purposes.

SEC. 3309. SANDIA PUEBLO LAND EXCHANGE TECHNICAL AMENDMENT.

Section 413(b) of the T’uif Shur Bien Preservation Trust Area Act (16 U.S.C. 539m-11) is amended—

(1) in paragraph (1), by inserting “3,” after “sections”; and

(2) in the first sentence of paragraph (4), by inserting “, as a condition of the conveyance,” before “remain”.

Subtitle E—Colorado Northern Front Range Study

SEC. 3401. PURPOSE.

The purpose of this subtitle is to identify options that may be available to assist in maintaining the open space characteristics of land that is part of the mountain backdrop of communities in the northern section of the Front Range area of Colorado.

SEC. 3402. DEFINITIONS.

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) **STATE.**—The term “State” means the State of Colorado.

(3) **STUDY AREA.**—

(A) **IN GENERAL.**—The term “study area” means the land in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado, that is located west of Colorado State Highway 93, south and east of Colorado State Highway 119, and north of Colorado State Highway 46, as generally depicted on the map entitled “Colorado Northern Front Range Mountain Backdrop Protection Study Act: Study Area” and dated August 27, 2008.

(B) **EXCLUSIONS.**—The term “study area” does not include land within the city limits of the cities of Arvada, Boulder, or Golden, Colorado.

(4) **UNDEVELOPED LAND.**—The term “undeveloped land” means land—

(A) that is located within the study area;

(B) that is free or primarily free of structures; and

(C) the development of which is likely to affect adversely the scenic, wildlife, or recreational value of the study area.

SEC. 3403. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

(a) **STUDY; REPORT.**—Not later than 1 year after the date of enactment of this Act and except as provided in subsection (c), the Secretary shall—

(1) conduct a study of the land within the study area; and

(2) complete a report that—

(A) identifies the present ownership of the land within the study area;

(B) identifies any undeveloped land that may be at risk of development; and

(C) describes any actions that could be taken by the United States, the State, a political subdivision of the State, or any other parties to preserve the open and undeveloped character of the land within the study area.

(b) **REQUIREMENTS.**—The Secretary shall conduct the study and develop the report under subsection (a) with the support and participation of 1 or more of the following State and local entities:

(1) The Colorado Department of Natural Resources.

(2) Colorado State Forest Service.

(3) Colorado State Conservation Board.

(4) Great Outdoors Colorado.

(5) Boulder, Jefferson, and Gilpin Counties, Colorado.

(c) **LIMITATION.**—If the State and local entities specified in subsection (b) do not support and participate in the conduct of the study and the development of the report under this section, the Secretary may—

(1) decrease the area covered by the study area, as appropriate; or

(2)(A) opt not to conduct the study or develop the report; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives notice of the decision not to conduct the study or develop the report.

(d) **EFFECT.**—Nothing in this subtitle authorizes the Secretary to take any action that would affect the use of any land not owned by the United States.

TITLE IV—FOREST LANDSCAPE RESTORATION

SEC. 4001. PURPOSE.

The purpose of this title is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes through a process that—

(1) encourages ecological, economic, and social sustainability;

(2) leverages local resources with national and private resources;

(3) facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and

(4) demonstrates the degree to which—

(A) various ecological restoration techniques—

(i) achieve ecological and watershed health objectives; and

(ii) affect wildfire activity and management costs; and

(B) the use of forest restoration byproducts can offset treatment costs while benefitting local rural economies and improving forest health.

SEC. 4002. DEFINITIONS.

In this title:

(1) **FUND.**—The term “Fund” means the Collaborative Forest Landscape Restoration Fund established by section 4003(f).

(2) **PROGRAM.**—The term “program” means the Collaborative Forest Landscape Restoration Program established under section 4003(a).

(3) **PROPOSAL.**—The term “proposal” means a collaborative forest landscape restoration proposal described in section 4003(b).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(5) **STRATEGY.**—The term “strategy” means a landscape restoration strategy described in section 4003(b)(1).

SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.

(a) **IN GENERAL.**—The Secretary, in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Landscape Restoration Program to select and fund ecological restoration treatments for priority forest landscapes in accordance with—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(3) any other applicable law.

(b) **ELIGIBILITY CRITERIA.**—To be eligible for nomination under subsection (c), a collaborative forest landscape restoration proposal shall—

(1) be based on a landscape restoration strategy that—

(A) is complete or substantially complete;

(B) identifies and prioritizes ecological restoration treatments for a 10-year period within a landscape that is—

(i) at least 50,000 acres;

(ii) comprised primarily of forested National Forest System land, but may also include land under the jurisdiction of the Bureau of Land Management, land under the jurisdiction of the Bureau of Indian Affairs, or other Federal, State, tribal, or private land;

(iii) in need of active ecosystem restoration; and

(iv) accessible by existing or proposed wood-processing infrastructure at an appro-

priate scale to use woody biomass and small-diameter wood removed in ecological restoration treatments;

(C) incorporates the best available science and scientific application tools in ecological restoration strategies;

(D) fully maintains, or contributes toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health and retaining the large trees contributing to old growth structure;

(E) would carry out any forest restoration treatments that reduce hazardous fuels by—

(i) focusing on small diameter trees, thinning, strategic fuel breaks, and fire use to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(ii) maximizing the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; and

(F)(i) does not include the establishment of permanent roads; and

(ii) would commit funding to decommission all temporary roads constructed to carry out the strategy;

(2) be developed and implemented through a collaborative process that—

(A) includes multiple interested persons representing diverse interests; and

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of Public Law 106–393 (16 U.S.C. 500 note);

(3) describe plans to—

(A) reduce the risk of uncharacteristic wildfire, including through the use of fire for ecological restoration and maintenance and reestablishing natural fire regimes, where appropriate;

(B) improve fish and wildlife habitat, including for endangered, threatened, and sensitive species;

(C) maintain or improve water quality and watershed function;

(D) prevent, remediate, or control invasions of exotic species;

(E) maintain, decommission, and rehabilitate roads and trails;

(F) use woody biomass and small-diameter trees produced from projects implementing the strategy;

(G) report annually on performance, including through performance measures from the plan entitled the “10 Year Comprehensive Strategy Implementation Plan” and dated December 2006; and

(H) take into account any applicable community wildfire protection plan;

(4) analyze any anticipated cost savings, including those resulting from—

(A) reduced wildfire management costs; and

(B) a decrease in the unit costs of implementing ecological restoration treatments over time;

(5) estimate—

(A) the annual Federal funding necessary to implement the proposal; and

(B) the amount of new non-Federal investment for carrying out the proposal that would be leveraged;

(6) describe the collaborative process through which the proposal was developed, including a description of—

(A) participation by or consultation with State, local, and Tribal governments; and

(B) any established record of successful collaborative planning and implementation of ecological restoration projects on National Forest System land and other land included in the proposal by the collaborators; and

(7) benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for restoration planning, design, implementation, or monitoring with—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local, and non-profit youth groups;

(C) existing or proposed small or micro-businesses, clusters, or incubators; or

(D) other entities that will hire or train local people to complete such contracts, grants, or agreements; and

(8) be subject to any other requirements that the Secretary, in consultation with the Secretary of the Interior, determines to be necessary for the efficient and effective administration of the program.

(c) NOMINATION PROCESS.—

(1) SUBMISSION.—A proposal shall be submitted to—

(A) the appropriate Regional Forester; and

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(2) NOMINATION.—

(A) IN GENERAL.—A Regional Forester may nominate for selection by the Secretary any proposals that meet the eligibility criteria established by subsection (b).

(B) CONCURRENCE.—Any proposal nominated by the Regional Forester that proposes actions under the jurisdiction of the Secretary of the Interior shall include the concurrence of the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(3) DOCUMENTATION.—With respect to each proposal that is nominated under paragraph (2)—

(A) the appropriate Regional Forester shall—

(i) include a plan to use Federal funds allocated to the region to fund those costs of planning and carrying out ecological restoration treatments on National Forest System land, consistent with the strategy, that would not be covered by amounts transferred to the Secretary from the Fund; and

(ii) provide evidence that amounts proposed to be transferred to the Secretary from the Fund during the first 2 fiscal years following selection would be used to carry out ecological restoration treatments consistent with the strategy during the same fiscal year in which the funds are transferred to the Secretary;

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the nomination shall include a plan to fund such actions, consistent with the strategy, by the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior; and

(C) if actions on land not under the jurisdiction of the Secretary or the Secretary of the Interior are proposed, the appropriate Regional Forester shall provide evidence that the landowner intends to participate in, and provide appropriate funding to carry out, the actions.

(d) SELECTION PROCESS.—

(1) IN GENERAL.—After consulting with the advisory panel established under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall, subject to paragraph (2), select the best proposals that—

(A) have been nominated under subsection (c)(2); and

(B) meet the eligibility criteria established by subsection (b).

(2) CRITERIA.—In selecting proposals under paragraph (1), the Secretary shall give special consideration to—

(A) the strength of the proposal and strategy;

(B) the strength of the ecological case of the proposal and the proposed ecological restoration strategies;

(C) the strength of the collaborative process and the likelihood of successful collaboration throughout implementation;

(D) whether the proposal is likely to achieve reductions in long-term wildfire management costs;

(E) whether the proposal would reduce the relative costs of carrying out ecological restoration treatments as a result of the use of woody biomass and small-diameter trees; and

(F) whether an appropriate level of non-Federal investment would be leveraged in carrying out the proposal.

(3) LIMITATION.—The Secretary may select not more than—

(A) 10 proposals to be funded during any fiscal year;

(B) 2 proposals in any 1 region of the National Forest System to be funded during any fiscal year; and

(C) the number of proposals that the Secretary determines are likely to receive adequate funding.

(e) ADVISORY PANEL.—

(1) IN GENERAL.—The Secretary shall establish and maintain an advisory panel comprised of not more than 15 members to evaluate, and provide recommendations on, each proposal that has been nominated under subsection (c)(2).

(2) REPRESENTATION.—The Secretary shall ensure that the membership of the advisory panel is fairly balanced in terms of the points of view represented and the functions to be performed by the advisory panel.

(3) INCLUSION.—The advisory panel shall include experts in ecological restoration, fire ecology, fire management, rural economic development, strategies for ecological adaptation to climate change, fish and wildlife ecology, and woody biomass and small-diameter tree utilization.

(f) COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the “Collaborative Forest Landscape Restoration Fund”, to be used to pay up to 50 percent of the cost of carrying out and monitoring ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(2) INCLUSION.—The cost of carrying out ecological restoration treatments as provided

in paragraph (1) may, as the Secretary determines to be appropriate, include cancellation and termination costs required to be obligated for contracts to carry out ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(3) CONTENTS.—The Fund shall consist of such amounts as are appropriated to the Fund under paragraph (6).

(4) EXPENDITURES FROM FUND.—

(A) IN GENERAL.—On request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are appropriate, in accordance with paragraph (1).

(B) LIMITATION.—The Secretary shall not expend money from the Fund on any 1 proposal—

(i) during a period of more than 10 fiscal years; or

(ii) in excess of \$4,000,000 in any 1 fiscal year.

(5) ACCOUNTING AND REPORTING SYSTEM.—The Secretary shall establish an accounting and reporting system for the Fund.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund \$40,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(g) PROGRAM IMPLEMENTATION AND MONITORING.—

(1) WORK PLAN.—Not later than 180 days after the date on which a proposal is selected to be carried out, the Secretary shall create, in collaboration with the interested persons, an implementation work plan and budget to implement the proposal that includes—

(A) a description of the manner in which the proposal would be implemented to achieve ecological and community economic benefit, including capacity building to accomplish restoration;

(B) a business plan that addresses—

(i) the anticipated unit treatment cost reductions over 10 years;

(ii) the anticipated costs for infrastructure needed for the proposal;

(iii) the projected sustainability of the supply of woody biomass and small-diameter trees removed in ecological restoration treatments; and

(iv) the projected local economic benefits of the proposal;

(C) documentation of the non-Federal investment in the priority landscape, including the sources and uses of the investments; and

(D) a plan to decommission any temporary roads established to carry out the proposal.

(2) PROJECT IMPLEMENTATION.—Amounts transferred to the Secretary from the Fund shall be used to carry out ecological restoration treatments that are—

(A) consistent with the proposal and strategy; and

(B) identified through the collaborative process described in subsection (b)(2).

(3) ANNUAL REPORT.—The Secretary, in collaboration with the Secretary of the Interior and interested persons, shall prepare an annual report on the accomplishments of each selected proposal that includes—

(A) a description of all acres (or other appropriate unit) treated and restored through projects implementing the strategy;

(B) an evaluation of progress, including performance measures and how prior year evaluations have contributed to improved project performance;

(C) a description of community benefits achieved, including any local economic benefits;

(D) the results of the multiparty monitoring, evaluation, and accountability process under paragraph (4); and

(E) a summary of the costs of—

(i) treatments; and

(ii) relevant fire management activities.

(4) **MULTIPARTY MONITORING.**—The Secretary shall, in collaboration with the Secretary of the Interior and interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of projects implementing a selected proposal for not less than 15 years after project implementation commences.

(h) **REPORT.**—Not later than 5 years after the first fiscal year in which funding is made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this title, to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Natural Resources of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out this title.

TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

SEC. 5001. FOSSIL CREEK, ARIZONA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

“(205) **FOSSIL CREEK, ARIZONA.**—Approximately 16.8 miles of Fossil Creek from the confluence of Sand Rock and Calf Pen Canyons to the confluence with the Verde River, to be administered by the Secretary of Agriculture in the following classes:

“(A) The approximately 2.7-mile segment from the confluence of Sand Rock and Calf Pen Canyons to the point where the segment exits the Fossil Spring Wilderness, as a wild river.

“(B) The approximately 7.5-mile segment from where the segment exits the Fossil Creek Wilderness to the boundary of the Mazatzal Wilderness, as a recreational river.

“(C) The 6.6-mile segment from the boundary of the Mazatzal Wilderness downstream to the confluence with the Verde River, as a wild river.”.

SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.

(a) **SHORT TITLE.**—This section may be cited as the “Craig Thomas Snake Headwaters Legacy Act of 2008”.

(b) **FINDINGS; PURPOSES.**—

(1) **FINDINGS.**—Congress finds that—

(A) the headwaters of the Snake River System in northwest Wyoming feature some of the cleanest sources of freshwater, healthiest native trout fisheries, and most intact rivers and streams in the lower 48 States;

(B) the rivers and streams of the headwaters of the Snake River System—

(i) provide unparalleled fishing, hunting, boating, and other recreational activities for—

(I) local residents; and

(II) millions of visitors from around the world; and

(i) are national treasures;

(C) each year, recreational activities on the rivers and streams of the headwaters of the Snake River System generate millions of dollars for the economies of—

(i) Teton County, Wyoming; and

(ii) Lincoln County, Wyoming;

(D) to ensure that future generations of citizens of the United States enjoy the benefits of the rivers and streams of the headwaters of the Snake River System, Congress should apply the protections provided by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams; and

(E) the designation of the rivers and streams of the headwaters of the Snake River System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) will signify to the citizens of the United States the importance of maintaining the outstanding and remarkable qualities of the Snake River System while—

(i) preserving public access to those rivers and streams;

(ii) respecting private property rights (including existing water rights); and

(iii) continuing to allow historic uses of the rivers and streams.

(2) **PURPOSES.**—The purposes of this section are—

(A) to protect for current and future generations of citizens of the United States the outstandingly remarkable scenic, natural, wildlife, fishery, recreational, scientific, historic, and ecological values of the rivers and streams of the headwaters of the Snake River System, while continuing to deliver water and operate and maintain valuable irrigation water infrastructure; and

(B) to designate approximately 387.7 miles of the rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

(c) **DEFINITIONS.**—In this section:

(1) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is not located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge; and

(B) the Secretary of the Interior, with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge.

(2) **STATE.**—The term “State” means the State of Wyoming.

(d) **WILD AND SCENIC RIVER DESIGNATIONS, SNAKE RIVER HEADWATERS, WYOMING.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5001) is amended by adding at the end the following:

“(206) **SNAKE RIVER HEADWATERS, WYOMING.**—The following segments of the Snake River System, in the State of Wyoming:

“(A) **BAILEY CREEK.**—The 7-mile segment of Bailey Creek, from the divide with the Little Greys River north to its confluence with the Snake River, as a wild river.

“(B) **BLACKROCK CREEK.**—The 22-mile segment from its source to the Bridger-Teton National Forest boundary, as a scenic river.

“(C) **BUFFALO FORK OF THE SNAKE RIVER.**—The portions of the Buffalo Fork of the Snake River, consisting of—

“(i) the 55-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river;

“(ii) the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and

“(iii) the 7.7-mile segment from the upstream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.

“(D) **CRYSTAL CREEK.**—The portions of Crystal Creek, consisting of—

“(i) the 14-mile segment from its source to the Gros Ventre Wilderness boundary, as a wild river; and

“(ii) the 5-mile segment from the Gros Ventre Wilderness boundary to its confluence with the Gros Ventre River, as a scenic river.

“(E) **GRANITE CREEK.**—The portions of Granite Creek, consisting of—

“(i) the 12-mile segment from its source to the end of Granite Creek Road, as a wild river; and

“(ii) the 9.5-mile segment from Granite Hot Springs to the point 1 mile upstream from its confluence with the Hoback River, as a scenic river.

“(F) **GROS VENTRE RIVER.**—The portions of the Gros Ventre River, consisting of—

“(i) the 16.5-mile segment from its source to Darwin Ranch, as a wild river;

“(ii) the 39-mile segment from Darwin Ranch to the upstream boundary of Grand Teton National Park, excluding the section along Lower Slide Lake, as a scenic river; and

“(iii) the 3.3-mile segment flowing across the southern boundary of Grand Teton National Park to the Highlands Drive Loop Bridge, as a scenic river.

“(G) **HOBACK RIVER.**—The 10-mile segment from the point 10 miles upstream from its confluence with the Snake River to its confluence with the Snake River, as a recreational river.

“(H) **LEWIS RIVER.**—The portions of the Lewis River, consisting of—

“(i) the 5-mile segment from Shoshone Lake to Lewis Lake, as a wild river; and

“(ii) the 12-mile segment from the outlet of Lewis Lake to its confluence with the Snake River, as a scenic river.

“(I) **PACIFIC CREEK.**—The portions of Pacific Creek, consisting of—

“(i) the 22.5-mile segment from its source to the Teton Wilderness boundary, as a wild river; and

“(ii) the 11-mile segment from the Wilderness boundary to its confluence with the Snake River, as a scenic river.

“(J) **SHOAL CREEK.**—The 8-mile segment from its source to the point 8 miles downstream from its source, as a wild river.

“(K) **SNAKE RIVER.**—The portions of the Snake River, consisting of—

“(i) the 47-mile segment from its source to Jackson Lake, as a wild river;

“(ii) the 24.8-mile segment from 1 mile downstream of Jackson Lake Dam to 1 mile downstream of the Teton Park Road bridge at Moose, Wyoming, as a scenic river; and

“(iii) the 19-mile segment from the mouth of the Hoback River to the point 1 mile upstream from the Highway 89 bridge at Alpine Junction, as a recreational river, the boundary of the western edge of the corridor for

the portion of the segment extending from the point 3.3 miles downstream of the mouth of the Hoback River to the point 4 miles downstream of the mouth of the Hoback River being the ordinary high water mark.

“(L) WILLOW CREEK.—The 16.2-mile segment from the point 16.2 miles upstream from its confluence with the Hoback River to its confluence with the Hoback River, as a wild river.

“(M) WOLF CREEK.—The 7-mile segment from its source to its confluence with the Snake River, as a wild river.”.

(e) MANAGEMENT.—

(1) IN GENERAL.—Each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) shall be managed by the Secretary concerned.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—In accordance with subparagraph (A), not later than 3 years after the date of enactment of this Act, the Secretary concerned shall develop a management plan for each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in an area under the jurisdiction of the Secretary concerned.

(B) REQUIRED COMPONENT.—Each management plan developed by the Secretary concerned under subparagraph (A) shall contain, with respect to the river segment that is the subject of the plan, a section that contains an analysis and description of the availability and compatibility of future development with the wild and scenic character of the river segment (with particular emphasis on each river segment that contains 1 or more parcels of private land).

(3) QUANTIFICATION OF WATER RIGHTS RESERVED BY RIVER SEGMENTS.—

(A) The Secretary concerned shall apply for the quantification of the water rights reserved by each river segment designated by this section in accordance with the procedural requirements of the laws of the State of Wyoming.

(B) For the purpose of the quantification of water rights under this subsection, with respect to each Wild and Scenic River segment designated by this section—

(i) the purposes for which the segments are designated, as set forth in this section, are declared to be beneficial uses; and

(ii) the priority date of such right shall be the date of enactment of this Act.

(4) STREAM GAUGES.—Consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Secretary may carry out activities at United States Geological Survey stream gauges that are located on the Snake River (including tributaries of the Snake River), including flow measurements and operation, maintenance, and replacement.

(5) CONSENT OF PROPERTY OWNER.—No property or interest in property located within the boundaries of any river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) may be acquired by the Secretary without the consent of the owner of the property or interest in property.

(6) EFFECT OF DESIGNATIONS.—

(A) IN GENERAL.—Nothing in this section affects valid existing rights, including—

(i) all interstate water compacts in existence on the date of enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(ii) water rights in the States of Idaho and Wyoming; and

(iii) water rights held by the United States.

(B) JACKSON LAKE; JACKSON LAKE DAM.—Nothing in this section shall affect the management and operation of Jackson Lake or Jackson Lake Dam, including the storage, management, and release of water.

(F) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5002(d)) is amended by adding at the end the following:

“(207) TAUNTON RIVER, MASSACHUSETTS.—The main stem of the Taunton River from its headwaters at the confluence of the Town and Matfield Rivers in the Town of Bridgewater downstream 40 miles to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, to be administered by the Secretary of the Interior in cooperation with the Taunton River Stewardship Council as follows:

“(A) The 18-mile segment from the confluence of the Town and Matfield Rivers to Route 24 in the Town of Raynham, as a scenic river.

“(B) The 5-mile segment from Route 24 to 0.5 miles below Weir Bridge in the City of Taunton, as a recreational river.

“(C) The 8-mile segment from 0.5 miles below Weir Bridge to Muddy Cove in the Town of Dighton, as a scenic river.

“(D) The 9-mile segment from Muddy Cove to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, as a recreational river.”.

(b) MANAGEMENT OF TAUNTON RIVER, MASSACHUSETTS.—

(1) TAUNTON RIVER STEWARDSHIP PLAN.—

(A) IN GENERAL.—Each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall be managed in accordance with the Taunton River Stewardship Plan, dated July 2005 (including any amendment to the Taunton River Stewardship Plan that the Secretary of the Interior (referred to in this subsection as the “Secretary”) determines to be consistent with this section).

(B) EFFECT.—The Taunton River Stewardship Plan described in subparagraph (A) shall be considered to satisfy each requirement relating to the comprehensive management plan required under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COOPERATIVE AGREEMENTS.—To provide for the long-term protection, preservation, and enhancement of each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may enter into cooperative agreements (which may include provisions for financial and other assistance) with—

(A) the Commonwealth of Massachusetts (including political subdivisions of the Commonwealth of Massachusetts);

(B) the Taunton River Stewardship Council; and

(C) any appropriate nonprofit organization, as determined by the Secretary.

(3) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall not be—

(A) administered as a unit of the National Park System; or

(B) subject to the laws (including regulations) that govern the administration of the National Park System.

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—The zoning ordinances adopted by the Towns of Bridgewater, Halifax, Middleborough, Raynham, Berkley, Dighton, Freetown, and Somerset, and the Cities of Taunton and Fall River, Massachusetts (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a))), shall be considered to satisfy each standard and requirement described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) VILLAGES.—For the purpose of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), each town described in subparagraph (A) shall be considered to be a village.

(C) ACQUISITION OF LAND.—

(i) LIMITATION OF AUTHORITY OF SECRETARY.—With respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may only acquire parcels of land—

(I) by donation; or

(II) with the consent of the owner of the parcel of land.

(ii) PROHIBITION RELATING TO ACQUISITION OF LAND BY CONDEMNATION.—In accordance with section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may not acquire any parcel of land by condemnation.

Subtitle B—Wild and Scenic Rivers Studies

SEC. 5101. MISSISQUOI AND TROUT RIVERS STUDY.

(a) DESIGNATION FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

“(140) MISSISQUOI AND TROUT RIVERS, VERMONT.—The approximately 25-mile segment of the upper Missisquoi from its headwaters in Lowell to the Canadian border in North Troy, the approximately 25-mile segment from the Canadian border in East Richford to Enosburg Falls, and the approximately 20-mile segment of the Trout River from its headwaters to its confluence with the Missisquoi River.”.

(b) STUDY AND REPORT.—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

“(19) MISSISQUOI AND TROUT RIVERS, VERMONT.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall—

“(A) complete the study of the Missisquoi and Trout Rivers, Vermont, described in subsection (a)(140); and

“(B) submit a report describing the results of that study to the appropriate committees of Congress.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle C—Additions to the National Trails System

SEC. 5201. ARIZONA NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

“(27) ARIZONA NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—The Arizona National Scenic Trail, extending approximately 807 miles across the State of Arizona from the U.S.–Mexico international border to the Arizona–Utah border, as generally depicted on the map entitled ‘Arizona National Scenic Trail’ and dated December 5, 2007, to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior and appropriate State, tribal, and local governmental agencies.

“(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Forest Service.”.

SEC. 5202. NEW ENGLAND NATIONAL SCENIC TRAIL.

(a) AUTHORIZATION AND ADMINISTRATION.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5201) is amended by adding at the end the following:

“(28) NEW ENGLAND NATIONAL SCENIC TRAIL.—The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled ‘New England National Scenic Trail Proposed Route’, numbered T06/80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in consultation with appropriate Federal, State, tribal, regional, and local agencies, and other organizations, shall administer the trail after considering the recommendations of the report titled the ‘Metacomet Monadnock Mattabessett Trail System National Scenic Trail Feasibility Study and Environmental Assessment’, prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.”.

(b) MANAGEMENT.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall consider the actions outlined in the Trail Management Blueprint described in the report titled the “Metacomet Monadnock Mattabessett Trail System National Scenic Trail Feasibility Study and Environmental Assessment”, prepared by the National Park Service, and dated Spring 2006, as the framework for management and administration of the New England National Scenic Trail. Additional or more detailed plans for administration, management, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, and as approved by the Secretary.

(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivisions), and other regional, local, and private organizations deemed necessary and desirable to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. An agreement under this subsection may include provisions for limited financial assistance to encourage

participation in the planning, acquisition, protection, operation, development, or maintenance of the trail.

(d) ADDITIONAL TRAIL SEGMENTS.—Pursuant to section 6 of the National Trails System Act (16 U.S.C. 1245), the Secretary is encouraged to work with the State of New Hampshire and appropriate local and private organizations to include that portion of the Metacomet-Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the New England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint.

SEC. 5203. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) at the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the States of Montana, Idaho, Washington and Oregon;

(B) geological features that have exceptional value and quality to illustrate and interpret this extraordinary natural phenomenon are present on Federal, State, tribal, county, municipal, and private land in the region; and

(C) in 2001, a joint study team headed by the National Park Service that included about 70 members from public and private entities completed a study endorsing the establishment of an Ice Age Floods National Geologic Trail—

(i) to recognize the national significance of this phenomenon; and

(ii) to coordinate public and private sector entities in the presentation of the story of the Ice Age floods.

(2) PURPOSE.—The purpose of this section is to designate the Ice Age Floods National Geologic Trail in the States of Montana, Idaho, Washington, and Oregon, enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities.

(b) DEFINITIONS.—In this section:

(1) ICE AGE FLOODS; FLOODS.—The term “Ice Age floods” or “floods” means the cataclysmic floods that occurred in what is now the northwestern United States during the last Ice Age from massive, rapid and recurring drainage of Glacial Lake Missoula.

(2) PLAN.—The term “plan” means the cooperative management and interpretation plan authorized under subsection (f)(5).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TRAIL.—The term “Trail” means the Ice Age Floods National Geologic Trail designated by subsection (c).

(c) DESIGNATION.—In order to provide for public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods and to promote collaborative efforts for interpretation and education among public and private entities located along the pathways of the floods, there is designated the Ice Age Floods National Geologic Trail.

(d) LOCATION.—

(1) MAP.—The route of the Trail shall be as generally depicted on the map entitled “Ice

Age Floods National Geologic Trail,” numbered P43/80,000 and dated June 2004.

(2) ROUTE.—The route shall generally follow public roads and highways.

(3) REVISION.—The Secretary may revise the map by publication in the Federal Register of a notice of availability of a new map as part of the plan.

(e) MAP AVAILABILITY.—The map referred to in subsection (d)(1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer the Trail in accordance with this section.

(2) LIMITATION.—Except as provided in paragraph (6)(B), the Trail shall not be considered to be a unit of the National Park System.

(3) TRAIL MANAGEMENT OFFICE.—To improve management of the Trail and coordinate Trail activities with other public agencies and private entities, the Secretary may establish and operate a trail management office at a central location within the vicinity of the Trail.

(4) INTERPRETIVE FACILITIES.—The Secretary may plan, design, and construct interpretive facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, tribal, or nonprofit entities and are consistent with the plan.

(5) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after funds are made available to carry out this section, the Secretary shall prepare a cooperative management and interpretation plan for the Trail.

(B) CONSULTATION.—The Secretary shall prepare the plan in consultation with—

- (i) State, local, and tribal governments;
- (ii) the Ice Age Floods Institute;
- (iii) private property owners; and
- (iv) other interested parties.

(C) CONTENTS.—The plan shall—

(i) confirm and, if appropriate, expand on the inventory of features of the floods contained in the National Park Service study entitled “Ice Age Floods, Study of Alternatives and Environmental Assessment” (February 2001) by—

- (I) locating features more accurately;
- (II) improving the description of features; and

(III) reevaluating the features in terms of their interpretive potential;

(ii) review and, if appropriate, modify the map of the Trail referred to in subsection (d)(1);

(iii) describe strategies for the coordinated development of the Trail, including an interpretive plan for facilities, waysides, roadside pullouts, exhibits, media, and programs that present the story of the floods to the public effectively; and

(iv) identify potential partnering opportunities in the development of interpretive facilities and educational programs to educate the public about the story of the floods.

(6) COOPERATIVE MANAGEMENT.—

(A) IN GENERAL.—In order to facilitate the development of coordinated interpretation, education, resource stewardship, visitor facility development and operation, and scientific research associated with the Trail and to promote more efficient administration of the sites associated with the Trail, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Montana, Idaho, Washington, and Oregon in accordance with

the authority provided for units of the National Park System under section 3(1) of Public Law 91-383 (16 U.S.C. 1a-2(1)).

(B) **AUTHORITY.**—For purposes of this paragraph only, the Trail shall be considered a unit of the National Park System.

(7) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with public or private entities to carry out this section.

(8) **EFFECT ON PRIVATE PROPERTY RIGHTS.**—Nothing in this section—

(A) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(B) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(9) **LIABILITY.**—Designation of the Trail by subsection (c) does not create any liability for, or affect any liability under any law of, any private property owner with respect to any person injured on the private property.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section, of which not more than \$12,000,000 may be used for development of the Trail.

SEC. 5204. WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5202(a)) is amended by adding at the end the following:

“(29) **WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.**—

“(A) **IN GENERAL.**—The Washington-Rochambeau Revolutionary Route National Historic Trail, a corridor of approximately 600 miles following the route taken by the armies of General George Washington and Count Rochambeau between Newport, Rhode Island, and Yorktown, Virginia, in 1781 and 1782, as generally depicted on the map entitled ‘WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL’, numbered T01/80,001, and dated June 2007.

“(B) **MAP.**—The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(C) **ADMINISTRATION.**—The trail shall be administered by the Secretary of the Interior, in consultation with—

“(i) other Federal, State, tribal, regional, and local agencies; and

“(ii) the private sector.

“(D) **LAND ACQUISITION.**—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.”.

SEC. 5205. PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5204) is amended by adding at the end the following:

“(30) **PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.**—

“(A) **IN GENERAL.**—The Pacific Northwest National Scenic Trail, a trail of approximately 1,200 miles, extending from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean Coast in Olympic National Park, Washington, following the route depicted on the map entitled ‘Pacific Northwest National Scenic Trail: Proposed Trail’, numbered T12/80,000, and dated February 2008 (referred to in this paragraph as the ‘map’).

“(B) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

“(C) **ADMINISTRATION.**—The Pacific Northwest National Scenic Trail shall be administered by the Secretary of Agriculture.

“(D) **LAND ACQUISITION.**—The United States shall not acquire for the Pacific Northwest National Scenic Trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.”.

SEC. 5206. TRAIL OF TEARS NATIONAL HISTORIC TRAIL.

Section 5(a)(16) of the National Trails System Act (16 U.S.C. 1244(a)(16)) is amended as follows:

(1) By amending subparagraph (C) to read as follows:

“(C) In addition to the areas otherwise designated under this paragraph, the following routes and land components by which the Cherokee Nation was removed to Oklahoma are components of the Trail of Tears National Historic Trail, as generally described in the environmentally preferred alternative of the November 2007 Feasibility Study Amendment and Environmental Assessment for Trail of Tears National Historic Trail:

“(i) The Benge and Bell routes.

“(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

“(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

“(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).”.

(2) In subparagraph (D)—

(A) by striking the first sentence; and

(B) by adding at the end the following: “No lands or interests in lands outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears National Historic Trail except with the consent of the owner thereof.”.

Subtitle D—National Trail System Amendments

SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AUTHORITY.

(a) **AUTHORITY TO ACQUIRE LAND FROM WILLING SELLERS FOR CERTAIN TRAILS.**—

(1) **OREGON NATIONAL HISTORIC TRAIL.**—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(2) **MORMON PIONEER NATIONAL HISTORIC TRAIL.**—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(3) **CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.**—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended

by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(4) **LEWIS AND CLARK NATIONAL HISTORIC TRAIL.**—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(5) **IDITAROD NATIONAL HISTORIC TRAIL.**—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(6) **NORTH COUNTRY NATIONAL SCENIC TRAIL.**—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

(7) **ICE AGE NATIONAL SCENIC TRAIL.**—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

(8) **POTOMAC HERITAGE NATIONAL SCENIC TRAIL.**—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

(9) **NEZ PERCE NATIONAL HISTORIC TRAIL.**—Section 5(a)(14) of the National Trails System Act (16 U.S.C. 1244(a)(14)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(b) **CONFORMING AMENDMENT.**—Section 10 of the National Trails System Act (16 U.S.C. 1249) is amended by striking subsection (c) and inserting the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Except as otherwise provided in this Act, there are authorized to be appropriated such sums as are necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

“(2) NATCHEZ TRACE NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—With respect to the Natchez Trace National Scenic Trail (referred to in this paragraph as the ‘trail’) designated by section 5(a)(12)—

“(i) not more than \$500,000 shall be appropriated for the acquisition of land or interests in land for the trail; and

“(ii) not more than \$2,000,000 shall be appropriated for the development of the trail.

“(B) PARTICIPATION BY VOLUNTEER TRAIL GROUPS.—The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.”.

SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by adding at the end the following:

“(g) REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.—

“(1) DEFINITIONS.—In this subsection:

“(A) ROUTE.—The term ‘route’ includes a trail segment commonly known as a cutoff.

“(B) SHARED ROUTE.—The term ‘shared route’ means a route that was a segment of more than 1 historic trail, including a route shared with an existing national historic trail.

“(2) REQUIREMENTS FOR REVISION.—

“(A) IN GENERAL.—The Secretary of the Interior shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

“(B) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

“(C) COMPLETION AND SUBMISSION OF STUDY.—A study listed in this subsection shall be completed and submitted to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

“(3) OREGON NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Oregon National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) Whitman Mission route.

“(ii) Upper Columbia River.

“(iii) Cowlitz River route.

“(iv) Meek cutoff.

“(v) Free Emigrant Road.

“(vi) North Alternate Oregon Trail.

“(vii) Goodale’s cutoff.

“(viii) North Side alternate route.

“(ix) Cutoff to Barlow road.

“(x) Naches Pass Trail.

“(4) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony

Express Trail from Wathena, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Pony Express National Historic Trail.

“(5) CALIFORNIA NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other and shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the California National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) MISSOURI VALLEY ROUTES.—

“(I) Blue Mills-Independence Road.

“(II) Westport Landing Road.

“(III) Westport-Lawrence Road.

“(IV) Fort Leavenworth-Blue River route.

“(V) Road to Amazonia.

“(VI) Union Ferry Route.

“(VII) Old Wyoming-Nebraska City cutoff.

“(VIII) Lower Plattsmouth Route.

“(IX) Lower Bellevue Route.

“(X) Woodbury cutoff.

“(XI) Blue Ridge cutoff.

“(XII) Westport Road.

“(XIII) Gum Springs-Fort Leavenworth route.

“(XIV) Atchison/Independence Creek routes.

“(XV) Fort Leavenworth-Kansas River route.

“(XVI) Nebraska City cutoff routes.

“(XVII) Minersville-Nebraska City Road.

“(XVIII) Upper Plattsmouth route.

“(XIX) Upper Bellevue route.

“(ii) CENTRAL ROUTES.—

“(I) Cherokee Trail, including splits.

“(II) Weber Canyon route of Hastings cutoff.

“(III) Bishop Creek cutoff.

“(IV) McAuley cutoff.

“(V) Diamond Springs cutoff.

“(VI) Secret Pass.

“(VII) Greenhorn cutoff.

“(VIII) Central Overland Trail.

“(iii) WESTERN ROUTES.—

“(I) Bidwell-Bartleson route.

“(II) Georgetown/Dagget Pass Trail.

“(III) Big Trees Road.

“(IV) Grizzly Flat cutoff.

“(V) Nevada City Road.

“(VI) Yreka Trail.

“(VII) Henness Pass route.

“(VIII) Johnson cutoff.

“(IX) Luther Pass Trail.

“(X) Volcano Road.

“(XI) Sacramento-Coloma Wagon Road.

“(XII) Burnett cutoff.

“(XIII) Placer County Road to Auburn.

“(6) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted in the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Mormon Pioneer Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Mormon Pioneer National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

“(ii) 1856–57 Handcart route (Iowa City to Council Bluffs).

“(iii) Keokuk route (Iowa).

“(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

“(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

“(vi) 1850 Golden Pass Road in Utah.

“(7) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) St. Joe Road.

“(ii) Council Bluffs Road.

“(iii) Sublette cutoff.

“(iv) Applegate route.

“(v) Old Fort Kearny Road (Oxbow Trail).

“(vi) Childs cutoff.

“(vii) Raft River to Applegate.”.

SEC. 5303. CHISHOLM TRAIL AND GREAT WESTERN TRAILS STUDIES.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

“(44) CHISHOLM TRAIL.—

“(A) IN GENERAL.—The Chisholm Trail (also known as the ‘Abilene Trail’), from the vicinity of San Antonio, Texas, segments from the vicinity of Cuero, Texas, to Ft. Worth, Texas, Duncan, Oklahoma, alternate segments used through Oklahoma, to Enid, Oklahoma, Caldwell, Kansas, Wichita, Kansas, Abilene, Kansas, and commonly used segments running to alternative Kansas destinations.

“(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.

“(45) GREAT WESTERN TRAIL.—

“(A) IN GENERAL.—The Great Western Trail (also known as the ‘Dodge City Trail’), from the vicinity of San Antonio, Texas, north-by-northwest through the vicinities of Kerrville and Menard, Texas, north-by-northeast through the vicinities of Coleman and Albany, Texas, north through the vicinity of Vernon, Texas, to Doan’s Crossing, Texas, northward through or near the vicinities of Altus, Lone Wolf, Canute, Vici, and May, Oklahoma, north through Kansas to Dodge City, and north through Nebraska to Ogallala.

“(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.”.

Subtitle E—Effect of Title

SEC. 5401. EFFECT.

(a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.—Nothing in this title shall be

construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

(b) **EFFECT ON STATE AUTHORITY.**—Nothing in this title shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, and trapping.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

SEC. 6001. DEFINITIONS.

In this subtitle:

(1) **AFFECTED STAKEHOLDER.**—The term “affected stakeholder” means an entity that significantly affects, or is significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) **GRANT RECIPIENT.**—The term “grant recipient” means a watershed group that the Secretary has selected to receive a grant under section 6002(c)(2).

(3) **PROGRAM.**—The term “program” means the Cooperative Watershed Management Program established by the Secretary under section 6002(a).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **WATERSHED GROUP.**—The term “watershed group” means a self-sustaining, cooperative watershed-wide group that—

(A) is comprised of representatives of the affected stakeholders of the relevant watershed;

(B) incorporates the perspectives of a diverse array of stakeholders, including, to the maximum extent practicable—

- (i) representatives of—
 - (I) hydroelectric production;
 - (II) livestock grazing;
 - (III) timber production;
 - (IV) land development;
 - (V) recreation or tourism;
 - (VI) irrigated agricultural production;
 - (VII) the environment;
 - (VIII) potable water purveyors and industrial water users; and
 - (IX) private property owners within the watershed;
- (ii) any Federal agency that has authority with respect to the watershed;
- (iii) any State agency that has authority with respect to the watershed;
- (iv) any local agency that has authority with respect to the watershed; and
- (v) any Indian tribe that—
 - (I) owns land within the watershed; or
 - (II) has land in the watershed that is held in trust;

(C) is a grassroots, nonregulatory entity that addresses water availability and quality issues within the relevant watershed;

(D) is capable of promoting the sustainable use of the water resources of the relevant watershed and improving the functioning condition of rivers and streams through—

- (i) water conservation;
- (ii) improved water quality;
- (iii) ecological resiliency; and
- (iv) the reduction of water conflicts; and
- (E) makes decisions on a consensus basis, as defined in the bylaws of the watershed group.

(6) **WATERSHED MANAGEMENT PROJECT.**—The term “watershed management project” means any project (including a demonstration project) that—

- (A) enhances water conservation, including alternative water uses;
- (B) improves water quality;

(C) improves ecological resiliency of a river or stream;

(D) reduces the potential for water conflicts; or

(E) advances any other goals associated with water quality or quantity that the Secretary determines to be appropriate.

SEC. 6002. PROGRAM.

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the “Cooperative Watershed Management Program”, under which the Secretary shall provide grants—

- (1) (A) to form a watershed group; or
- (B) to enlarge a watershed group; and
- (2) to conduct 1 or more projects in accordance with the goals of a watershed group.

(b) **APPLICATION.**—

(i) **ESTABLISHMENT OF APPLICATION PROCESS; CRITERIA.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish—

(A) an application process for the program; and

(B) in consultation with the States, prioritization and eligibility criteria for considering applications submitted in accordance with the application process.

(c) **DISTRIBUTION OF GRANT FUNDS.**—

(1) **IN GENERAL.**—In distributing grant funds under this section, the Secretary—

- (A) shall comply with paragraph (2); and
- (B) may give priority to watershed groups that—

(i) represent maximum diversity of interests; or

(ii) serve subbasin-sized watersheds with an 8-digit hydrologic unit code, as defined by the United States Geological Survey.

(2) **FUNDING PROCEDURE.**—

(A) **FIRST PHASE.**—

(i) **IN GENERAL.**—The Secretary may provide to a grant recipient a first-phase grant in an amount not greater than \$100,000 each year for a period of not more than 3 years.

(ii) **MANDATORY USE OF FUNDS.**—A grant recipient that receives a first-phase grant shall use the funds—

(I) to establish or enlarge a watershed group;

(II) to develop a mission statement for the watershed group;

(III) to develop project concepts; and

(IV) to develop a restoration plan.

(iii) **ANNUAL DETERMINATION OF ELIGIBILITY.**—

(I) **DETERMINATION.**—For each year of a first-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) **EFFECT OF DETERMINATION.**—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year covered by the determination justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) **ADVANCEMENT CONDITIONS.**—A grant recipient shall not be eligible to receive a second-phase grant under subparagraph (B) until the date on which the Secretary determines that the watershed group—

(I) has approved articles of incorporation and bylaws governing the organization; and

(II)(aa) holds regular meetings;

(bb) has completed a mission statement; and

(cc) has developed a restoration plan and project concepts for the watershed.

(v) **EXCEPTION.**—A watershed group that has not applied for or received first-phase

grants may apply for and receive second-phase grants under subparagraph (B) if the Secretary determines that the group has satisfied the requirements of first-phase grants.

(B) **SECOND PHASE.**—

(i) **IN GENERAL.**—A watershed group may apply for and receive second-phase grants of \$1,000,000 each year for a period of not more than 4 years if—

(I) the watershed group has applied for and received watershed grants under subparagraph (A); or

(II) the Secretary determines that the watershed group has satisfied the requirements of first-phase grants.

(ii) **MANDATORY USE OF FUNDS.**—A grant recipient that receives a second-phase grant shall use the funds to plan and carry out watershed management projects.

(iii) **ANNUAL DETERMINATION OF ELIGIBILITY.**—

(I) **DETERMINATION.**—For each year of the second-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) **EFFECT OF DETERMINATION.**—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) **ADVANCEMENT CONDITION.**—A grant recipient shall not be eligible to receive a third-phase grant under subparagraph (C) until the date on which the Secretary determines that the grant recipient has—

(I) completed each requirement of the second-phase grant; and

(II) demonstrated that 1 or more pilot projects of the grant recipient have resulted in demonstrable improvements, as determined by the Secretary, in the functioning condition of at least 1 river or stream in the watershed.

(C) **THIRD PHASE.**—

(i) **FUNDING LIMITATION.**—

(I) **IN GENERAL.**—Except as provided in subclause (II), the Secretary may provide to a grant recipient a third-phase grant in an amount not greater than \$5,000,000 for a period of not more than 5 years.

(II) **EXCEPTION.**—The Secretary may provide to a grant recipient a third-phase grant in an amount that is greater than the amount described in subclause (I) if the Secretary determines that the grant recipient is capable of using the additional amount to further the purposes of the program in a way that could not otherwise be achieved by the grant recipient using the amount described in subclause (I).

(ii) **MANDATORY USE OF FUNDS.**—A grant recipient that receives a third-phase grant shall use the funds to plan and carry out at least 1 watershed management project.

(3) **AUTHORIZING USE OF FUNDS FOR ADMINISTRATIVE AND OTHER COSTS.**—A grant recipient that receives a grant under this section may use the funds—

(A) to pay for—

(i) administrative and coordination costs, if the costs are not greater than the lesser of—

(I) 20 percent of the total amount of the grant; or

(II) \$100,000;

(ii) the salary of not more than 1 full-time employee of the watershed group; and

(iii) any legal fees arising from the establishment of the relevant watershed group; and

(B) to fund—

(i) water quality and quantity studies of the relevant watershed; and

(ii) the planning, design, and implementation of any projects relating to water quality or quantity.

(d) COST SHARE.—

(1) PLANNING.—The Federal share of the cost of an activity provided assistance through a first-phase grant shall be 100 percent.

(2) PROJECTS CARRIED OUT UNDER SECOND PHASE.—

(A) IN GENERAL.—The Federal share of the cost of any activity of a watershed management project provided assistance through a second-phase grant shall not exceed 50 percent of the total cost of the activity.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(3) PROJECTS CARRIED OUT UNDER THIRD PHASE.—

(A) IN GENERAL.—The Federal share of the costs of any activity of a watershed group of a grant recipient relating to a watershed management project provided assistance through a third-phase grant shall not exceed 50 percent of the total costs of the watershed management project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(e) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date on which a grant recipient first receives funds under this section, and annually thereafter, in accordance with paragraph (2), the watershed group shall submit to the Secretary a report that describes the progress of the watershed group.

(2) REQUIRED DEGREE OF DETAIL.—The contents of an annual report required under paragraph (1) shall contain sufficient information to enable the Secretary to complete each report required under subsection (f), as determined by the Secretary.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the ways in which the program assists the Secretary—

(A) in addressing water conflicts;

(B) in conserving water;

(C) in improving water quality; and

(D) in improving the ecological resiliency of a river or stream; and

(2) benefits that the program provides, including, to the maximum extent practicable, a quantitative analysis of economic, social, and environmental benefits.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$2,000,000 for each of fiscal years 2008 and 2009;

(2) \$5,000,000 for fiscal year 2010;

(3) \$10,000,000 for fiscal year 2011; and

(4) \$20,000,000 for each of fiscal years 2012 through 2020.

SEC. 6003. EFFECT OF SUBTITLE.

Nothing in this subtitle affects the applicability of any Federal, State, or local law with respect to any watershed group.

Subtitle B—Competitive Status for Federal Employees in Alaska

SEC. 6101. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended by adding at the end the following:

“(e) COMPETITIVE STATUS.—

“(1) IN GENERAL.—Nothing in subsection (a) provides that any person hired pursuant to the program established under that subsection is not eligible for competitive status in the same manner as any other employee hired as part of the competitive service.

“(2) REDESIGNATION OF CERTAIN POSITIONS.—

“(A) PERSONS SERVING IN ORIGINAL POSITIONS.—Not later than 60 days after the date of enactment of this subsection, with respect to any person hired into a permanent position pursuant to the program established under subsection (a) who is serving in that position as of the date of enactment of this subsection, the Secretary shall redesignate that position and the person serving in that position as having been part of the competitive service as of the date that the person was hired into that position.

“(B) PERSONS NO LONGER SERVING IN ORIGINAL POSITIONS.—With respect to any person who was hired pursuant to the program established under subsection (a) that is no longer serving in that position as of the date of enactment of this subsection—

“(i) the person may provide to the Secretary a request for redesignation of the service as part of the competitive service that includes evidence of the employment; and

“(ii) not later than 90 days of the submission of a request under clause (i), the Secretary shall redesignate the service of the person as being part of the competitive service.”.

Subtitle C—Wolf Livestock Loss Demonstration Project

SEC. 6201. DEFINITIONS.

In this subtitle:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) LIVESTOCK.—The term “livestock” means cattle, swine, horses, mules, sheep, goats, livestock guard animals, and other domestic animals, as determined by the Secretary.

(3) PROGRAM.—The term “program” means the demonstration program established under section 6202(a).

(4) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

SEC. 6202. WOLF COMPENSATION AND PREVENTION PROGRAM.

(a) IN GENERAL.—The Secretaries shall establish a 5-year demonstration program to provide grants to States and Indian tribes—

(1) to assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves; and

(2) to compensate livestock producers for livestock losses due to such predation.

(b) CRITERIA AND REQUIREMENTS.—The Secretaries shall—

(1) establish criteria and requirements to implement the program; and

(2) when promulgating regulations to implement the program under paragraph (1), consult with States that have implemented State programs that provide assistance to—

(A) livestock producers to undertake proactive activities to reduce the risk of livestock loss due to predation by wolves; or

(B) provide compensation to livestock producers for livestock losses due to such predation.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State or Indian tribe shall—

(1) designate an appropriate agency of the State or Indian tribe to administer the 1 or more programs funded by the grant;

(2) establish 1 or more accounts to receive grant funds;

(3) maintain files of all claims received under programs funded by the grant, including supporting documentation;

(4) submit to the Secretary—

(A) annual reports that include—

(i) a summary of claims and expenditures under the program during the year; and

(ii) a description of any action taken on the claims; and

(B) such other reports as the Secretary may require to assist the Secretary in determining the effectiveness of activities provided assistance under this section; and

(5) promulgate rules for reimbursing livestock producers under the program.

(d) ALLOCATION OF FUNDING.—The Secretaries shall allocate funding made available to carry out this subtitle—

(1) equally between the uses identified in paragraphs (1) and (2) of subsection (a); and

(2) among States and Indian tribes based on—

(A) the level of livestock predation in the State or on the land owned by, or held in trust for the benefit of, the Indian tribe;

(B) whether the State or Indian tribe is located in a geographical area that is at high risk for livestock predation; or

(C) any other factors that the Secretaries determine are appropriate.

(e) ELIGIBLE LAND.—Activities and losses described in subsection (a) may occur on Federal, State, or private land, or land owned by, or held in trust for the benefit of, an Indian tribe.

(f) FEDERAL COST SHARE.—The Federal share of the cost of any activity provided assistance made available under this subtitle shall not exceed 50 percent of the total cost of the activity.

SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle \$1,000,000 for fiscal year 2009 and each fiscal year thereafter.

Subtitle D—Paleontological Resources Preservation

SEC. 6301. DEFINITIONS.

In this subtitle:

(1) CASUAL COLLECTING.—The term “casual collecting” means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the terms “reasonable amount”, “common invertebrate and plant paleontological resources” and “negligible disturbance” shall be determined by the Secretary.

(2) FEDERAL LAND.—The term “Federal land” means—

(A) land controlled or administered by the Secretary of the Interior, except Indian land; or

(B) National Forest System land controlled or administered by the Secretary of Agriculture.

(3) **INDIAN LAND.**—The term “Indian Land” means land of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(4) **PALEONTOLOGICAL RESOURCE.**—The term “paleontological resource” means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth’s crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior with respect to land controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System land controlled or administered by the Secretary of Agriculture.

(6) **STATE.**—The term “State” means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 6302. MANAGEMENT.

(a) **IN GENERAL.**—The Secretary shall manage and protect paleontological resources on Federal land using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) **COORDINATION.**—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this subtitle.

SEC. 6303. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 6304. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) **PERMIT REQUIREMENT.**—

(1) **IN GENERAL.**—Except as provided in this subtitle, a paleontological resource may not be collected from Federal land without a permit issued under this subtitle by the Secretary.

(2) **CASUAL COLLECTING EXCEPTION.**—The Secretary may allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal land and this subtitle.

(3) **PREVIOUS PERMIT EXCEPTION.**—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) **CRITERIA FOR ISSUANCE OF A PERMIT.**—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal land concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) **PERMIT SPECIFICATIONS.**—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this subtitle. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal land under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) **MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.**—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 6306 or is assessed a civil penalty under section 6307.

(e) **AREA CLOSURES.**—In order to protect paleontological or other resources or to provide for public safety, the Secretary may restrict access to or close areas under the Secretary’s jurisdiction to the collection of paleontological resources.

SEC. 6305. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) **IN GENERAL.**—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land unless such activity is conducted in accordance with this subtitle;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if the person knew or should have known such resource to have been excavated or removed from Federal land in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this subtitle; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal land.

(b) **FALSE LABELING OFFENSES.**—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal land.

(c) **PENALTIES.**—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection

(a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed \$500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than 2 years, or both.

(d) **MULTIPLE OFFENSES.**—In the case of a second or subsequent violation by the same person, the amount of the penalty assessed under subsection (c) may be doubled.

(e) **GENERAL EXCEPTION.**—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of enactment of this Act.

SEC. 6307. CIVIL PENALTIES.

(a) **IN GENERAL.**—

(1) **HEARING.**—A person who violates any prohibition contained in an applicable regulation or permit issued under this subtitle may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) **AMOUNT OF PENALTY.**—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this subtitle, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) **MULTIPLE OFFENSES.**—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) **LIMITATION.**—The amount of any penalty assessed under this subsection for any 1 violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) **PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.**—

(1) **JUDICIAL REVIEW.**—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) **FAILURE TO PAY.**—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the

Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) **HEARINGS.**—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) **USE OF RECOVERED AMOUNTS.**—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal land.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 6308.

SEC. 6308. REWARDS AND FORFEITURE.

(a) **REWARDS.**—The Secretary may pay from penalties collected under section 6306 or 6307 or from appropriated funds—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount up to ½ of the penalties, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) **FORFEITURE.**—All paleontological resources with respect to which a violation under section 6306 or 6307 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this subtitle, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this subtitle.

(c) **TRANSFER OF SEIZED RESOURCES.**—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SEC. 6309. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological re-

source shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this subtitle;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 6310. REGULATIONS.

As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment.

SEC. 6311. SAVINGS PROVISIONS.

Nothing in this subtitle shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), Public Law 94–429 (commonly known as the “Mining in the Parks Act”) (16 U.S.C. 1901 et seq.), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal land;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this subtitle;

(4) affect any land other than Federal land or affect the lawful recovery, collection, or sale of paleontological resources from land other than Federal land;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal land in addition to the protection provided under this subtitle; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this subtitle.

SEC. 6312. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

Subtitle E—Izembek National Wildlife Refuge Land Exchange

SEC. 6401. DEFINITIONS.

In this subtitle:

(1) **CORPORATION.**—The term “Corporation” means the King Cove Corporation.

(2) **FEDERAL LAND.**—The term “Federal land” means—

(A) the approximately 206 acres of Federal land located within the Refuge, as generally depicted on the map; and

(B) the approximately 1,600 acres of Federal land located on Sitkinak Island, as generally depicted on the map.

(3) **MAP.**—The term “map” means each of—

(A) the map entitled “Izembek and Alaska Peninsula National Wildlife Refuges” and dated September 2, 2008; and

(B) the map entitled “Sitkinak Island-Alaska Maritime National Wildlife Refuge” and dated September 2, 2008.

(4) **NON-FEDERAL LAND.**—The term “non-Federal land” means—

(A) the approximately 43,093 acres of land owned by the State, as generally depicted on the map; and

(B) the approximately 13,300 acres of land owned by the Corporation (including approximately 5,430 acres of land for which the Corporation shall relinquish the selection rights of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) as part of the land exchange under section 6402(a)), as generally depicted on the map.

(5) **REFUGE.**—The term “Refuge” means the Izembek National Wildlife Refuge.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(7) **STATE.**—The term “State” means the State of Alaska.

(8) **TRIBE.**—The term “Tribe” means the Agdaagux Tribe of King Cove, Alaska.

SEC. 6402. LAND EXCHANGE.

(a) **IN GENERAL.**—Upon receipt of notification by the State and the Corporation of the intention of the State and the Corporation to exchange the non-Federal land for the Federal land, subject to the conditions and requirements described in this subtitle, the Secretary may convey to the State all right, title, and interest of the United States in and to the Federal land. The Federal land within the Refuge shall be transferred for the purpose of constructing a single-lane gravel road between the communities of King Cove and Cold Bay, Alaska.

(b) **COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 AND OTHER APPLICABLE LAWS.**—

(1) **IN GENERAL.**—In determining whether to carry out the land exchange under subsection (a), the Secretary shall—

(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) except as provided in subsection (c), comply with any other applicable law (including regulations).

(2) **ENVIRONMENTAL IMPACT STATEMENT.**—

(A) **IN GENERAL.**—Not later than 60 days after the date on which the Secretary receives notification under subsection (a), the Secretary shall initiate the preparation of an environmental impact statement required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) **REQUIREMENTS.**—The environmental impact statement prepared under subparagraph (A) shall contain—

(i) an analysis of—

(I) the proposed land exchange; and

(II) the potential construction and operation of a road between the communities of King Cove and Cold Bay, Alaska; and

(ii) an evaluation of a specific road corridor through the Refuge that is identified in consultation with the State, the City of King Cove, Alaska, and the Tribe.

(3) **COOPERATING AGENCIES.**—

(A) **IN GENERAL.**—During the preparation of the environmental impact statement under paragraph (2), each entity described in subparagraph (B) may participate as a cooperating agency.

(B) **AUTHORIZED ENTITIES.**—An authorized entity may include—

(i) any Federal agency that has permitting jurisdiction over the road described in paragraph (2)(B)(i)(II);

(ii) the State;
 (iii) the Aleutians East Borough of the State;
 (iv) the City of King Cove, Alaska;
 (v) the Tribe; and
 (vi) the Alaska Migratory Bird Co-Management Council.

(c) **VALUATION.**—The conveyance of the Federal land and non-Federal land under this section shall not be subject to any requirement under any Federal law (including regulations) relating to the valuation, appraisal, or equalization of land.

(d) **PUBLIC INTEREST DETERMINATION.**—

(1) **CONDITIONS FOR LAND EXCHANGE.**—Subject to paragraph (2), to carry out the land exchange under subsection (a), the Secretary shall determine that the land exchange (including the construction of a road between the City of King Cove, Alaska, and the Cold Bay Airport) is in the public interest.

(2) **LIMITATION OF AUTHORITY OF SECRETARY.**—The Secretary may not, as a condition for a finding that the land exchange is in the public interest—

(A) require the State or the Corporation to convey additional land to the United States; or

(B) impose any restriction on the subsistence uses (as defined in section 803 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3113)) of waterfowl by rural residents of the State.

(e) **KINZAROFF LAGOON.**—The land exchange under subsection (a) shall not be carried out before the date on which the parcel of land owned by the State that is located in the Kinzaroff Lagoon has been designated by the State as a State refuge, in accordance with the applicable laws (including regulations) of the State.

(f) **DESIGNATION OF ROAD CORRIDOR.**—In designating the road corridor described in subsection (b)(2)(B)(ii), the Secretary shall—

(1) minimize the adverse impact of the road corridor on the Refuge;

(2) transfer the minimum acreage of Federal land that is required for the construction of the road corridor; and

(3) to the maximum extent practicable, incorporate into the road corridor roads that are in existence as of the date of enactment of this Act.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The land exchange under subsection (a) shall be subject to any other term or condition that the Secretary determines to be necessary.

SEC. 6403. KING COVE ROAD.

(a) **REQUIREMENTS RELATING TO USE, BARRIER CABLES, AND DIMENSIONS.**—

(1) **LIMITATIONS ON USE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), any portion of the road constructed on the Federal land conveyed pursuant to this subtitle shall be used primarily for health and safety purposes (including access to and from the Cold Bay Airport) and only for noncommercial purposes.

(B) **EXCEPTIONS.**—Notwithstanding subparagraph (A), the use of taxis, commercial vans for public transportation, and shared rides (other than organized transportation of employees to a business or other commercial facility) shall be allowed on the road described in subparagraph (A).

(C) **REQUIREMENT OF AGREEMENT.**—The limitations of the use of the road described in this paragraph shall be enforced in accordance with an agreement entered into between the Secretary and the State.

(2) **REQUIREMENT OF BARRIER CABLE.**—The road described in paragraph (1)(A) shall be constructed to include a cable barrier on

each side of the road, as described in the record of decision entitled “Mitigation Measure MM-11, King Cove Access Project Final Environmental Impact Statement Record of Decision” and dated January 22, 2004, unless a different type barrier is required as a mitigation measure in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2).

(3) **REQUIRED DIMENSIONS AND DESIGN FEATURES.**—The road described in paragraph (1)(A) shall—

(A) have a width of not greater than a single lane, in accordance with the applicable road standards of the State;

(B) be constructed with gravel;

(C) be constructed to comply with any specific design features identified in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) as Mitigation Measures relative to the passage and migration of wildlife, and also the exchange of tidal flows, where applicable, in accordance with applicable Federal and State design standards; and

(D) if determined to be necessary, be constructed to include appropriate safety pull-outs.

(b) **SUPPORT FACILITIES.**—Support facilities for the road described in subsection (a)(1)(A) shall not be located within the Refuge.

(c) **FEDERAL PERMITS.**—It is the intent of Congress that any Federal permit required for construction of the road be issued or denied not later than 1 year after the date of application for the permit.

(d) **APPLICABLE LAW.**—Nothing in this section amends, or modifies the application of, section 1110 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3170).

(e) **MITIGATION PLAN.**—

(1) **IN GENERAL.**—Based on the evaluation of impacts determined through the completion of the environmental impact statement under section 6402(b)(2), the Secretary, in consultation with the entities described in section 6402(b)(3)(B), shall develop an enforceable mitigation plan.

(2) **CORRECTIVE MODIFICATIONS.**—The Secretary may make corrective modifications to the mitigation plan developed under paragraph (1) if—

(A) the mitigation standards required under the mitigation plan are maintained; and

(B) the Secretary provides an opportunity for public comment with respect to any proposed corrective modification.

(3) **AVOIDANCE OF WILDLIFE IMPACTS.**—Road construction shall adhere to any specific mitigation measures included in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) that—

(A) identify critical periods during the calendar year when the refuge is utilized by wildlife, especially migratory birds; and

(B) include specific mandatory strategies to alter, limit or halt construction activities during identified high risk periods in order to minimize impacts to wildlife, and

(C) allow for the timely construction of the road.

(4) **MITIGATION OF WETLAND LOSS.**—The plan developed under this subsection shall comply with section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) with regard to minimizing, to the greatest extent practicable, the filling, fragmentation or loss of wetlands, especially intertidal wetlands, and shall evaluate mitigating effect of those wetlands transferred in Federal ownership under the provisions of this subtitle.

SEC. 6404. ADMINISTRATION OF CONVEYED LANDS.

(1) **FEDERAL LAND.**—Upon completion of the land exchange under section 6402(a)—

(A) the boundary of the land designated as wilderness within the Refuge shall be modified to exclude the Federal land conveyed to the State under the land exchange; and

(B) the Federal land located on Sitkinak Island that is withdrawn for use by the Coast Guard shall, at the request of the State, be transferred by the Secretary to the State upon the relinquishment or termination of the withdrawal.

(2) **NON-FEDERAL LAND.**—Upon completion of the land exchange under section 6402(a), the non-Federal land conveyed to the United States under this subtitle shall be—

(A) added to the Refuge or the Alaska Peninsula National Wildlife Refuge, as appropriate, as generally depicted on the map; and

(B) administered in accordance with the laws generally applicable to units of the National Wildlife Refuge System.

(3) **WILDERNESS ADDITIONS.**—

(A) **IN GENERAL.**—Upon completion of the land exchange under section 6402(a), approximately 43,093 acres of land as generally depicted on the map shall be added to—

(i) the Izembek National Wildlife Refuge Wilderness; or

(ii) the Alaska Peninsula National Wildlife Refuge Wilderness.

(B) **ADMINISTRATION.**—The land added as wilderness under subparagraph (A) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other applicable laws (including regulations).

SEC. 6405. FAILURE TO BEGIN ROAD CONSTRUCTION.

(a) **NOTIFICATION TO VOID LAND EXCHANGE.**—If the Secretary, the State, and the Corporation enter into the land exchange authorized under section 6402(a), the State or the Corporation may notify the Secretary in writing of the intention of the State or Corporation to void the exchange if construction of the road through the Refuge has not begun.

(b) **DISPOSITION OF LAND EXCHANGE.**—Upon the latter of the date on which the Secretary receives a request under subsection (a), and the date on which the Secretary determines that the Federal land conveyed under the land exchange under section 6402(a) has not been adversely impacted (other than any nominal impact associated with the preparation of an environmental impact statement under section 6402(b)(2)), the land exchange shall be null and void.

(c) **RETURN OF PRIOR OWNERSHIP STATUS OF FEDERAL AND NON-FEDERAL LAND.**—If the land exchange is voided under subsection (b)—

(1) the Federal land and non-Federal land shall be returned to the respective ownership status of each land prior to the land exchange;

(2) the parcel of the Federal land that is located in the Refuge shall be managed as part of the Izembek National Wildlife Refuge Wilderness; and

(3) each selection of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that was relinquished under this subtitle shall be reinstated.

SEC. 6406. EXPIRATION OF LEGISLATIVE AUTHORITY.

(a) **IN GENERAL.**—Any legislative authority for construction of a road shall expire at the end of the 7-year period beginning on the date of the enactment of this subtitle unless a construction permit has been issued during that period.

(b) **EXTENSION OF AUTHORITY.**—If a construction permit is issued within the allotted period, the 7-year authority shall be extended for a period of 5 additional years beginning on the date of issuance of the construction permit.

(c) **EXTENSION OF AUTHORITY AS RESULT OF LEGAL CHALLENGES.**—

(1) **IN GENERAL.**—Prior to the issuance of a construction permit, if a lawsuit or administrative appeal is filed challenging the land exchange or construction of the road (including a challenge to the NEPA process, decisions, or any required permit process required to complete construction of the road), the 7-year deadline or the five-year extension period, as appropriate, shall be extended for a time period equivalent to the time consumed by the full adjudication of the legal challenge or related administrative process.

(2) **INJUNCTION.**—After a construction permit has been issued, if a court issues an injunction against construction of the road, the 7-year deadline or 5-year extension, as appropriate, shall be extended for a time period equivalent to time period that the injunction is in effect.

(d) **APPLICABILITY OF SECTION 6405.**—Upon the expiration of the legislative authority under this section, if a road has not been constructed, the land exchange shall be null and void and the land ownership shall revert to the respective ownership status prior to the land exchange as provided in section 6405.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

SEC. 7001. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term “City” means the City of Paterson, New Jersey.

(2) **COMMISSION.**—The term “Commission” means the Paterson Great Falls National Historical Park Advisory Commission established by subsection (e)(1).

(3) **HISTORIC DISTRICT.**—The term “Historic District” means the Great Falls Historic District in the State.

(4) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Park developed under subsection (d).

(5) **MAP.**—The term “Map” means the map entitled “Paterson Great Falls National Historical Park—Proposed Boundary”, numbered T03/80.001, and dated May 2008.

(6) **PARK.**—The term “Park” means the Paterson Great Falls National Historical Park established by subsection (b)(1)(A).

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(8) **STATE.**—The term “State” means the State of New Jersey.

(b) **PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.**—

(1) **ESTABLISHMENT.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), there is established in the State a unit of the National Park System to be known as the “Paterson Great Falls National Historical Park”.

(B) **CONDITIONS FOR ESTABLISHMENT.**—The Park shall not be established until the date on which the Secretary determines that—

(i) the Secretary has acquired sufficient land or an interest in land within the boundary of the Park to constitute a manageable unit; or

(ii) the State or City, as appropriate, has entered into a written agreement with the Secretary to donate—

(aa) the Great Falls State Park, including facilities for Park administration and visitor services; or

(bb) any portion of the Great Falls State Park agreed to between the Secretary and the State or City; and

(ii) the Secretary has entered into a written agreement with the State, City, or other public entity, as appropriate, providing that—

(I) land owned by the State, City, or other public entity within the Historic District will be managed consistent with this section; and

(II) future uses of land within the Historic District will be compatible with the designation of the Park.

(2) **PURPOSE.**—The purpose of the Park is to preserve and interpret for the benefit of present and future generations certain historical, cultural, and natural resources associated with the Historic District.

(3) **BOUNDARIES.**—The Park shall include the following sites, as generally depicted on the Map:

(A) The upper, middle, and lower raceways.

(B) Mary Ellen Kramer (Great Falls) Park and adjacent land owned by the City.

(C) A portion of Upper Raceway Park, including the Ivanhoe Wheelhouse and the Society for Establishing Useful Manufactures Gatehouse.

(D) Overlook Park and adjacent land, including the Society for Establishing Useful Manufactures Hydroelectric Plant and Administration Building.

(E) The Allied Textile Printing site, including the Colt Gun Mill ruins, Mallory Mill ruins, Waverly Mill ruins, and Todd Mill ruins.

(F) The Rogers Locomotive Company Erecting Shop, including the Paterson Museum.

(G) The Great Falls Visitor Center.

(4) **AVAILABILITY OF MAP.**—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) **PUBLICATION OF NOTICE.**—Not later than 60 days after the date on which the conditions in clauses (i) and (ii) of paragraph (1)(B) are satisfied, the Secretary shall publish in the Federal Register notice of the establishment of the Park, including an official boundary map for the Park.

(c) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall administer the Park in accordance with—

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) **STATE AND LOCAL JURISDICTION.**—Nothing in this section enlarges, diminishes, or modifies any authority of the State, or any political subdivision of the State (including the City)—

(A) to exercise civil and criminal jurisdiction; or

(B) to carry out State laws (including regulations) and rules on non-Federal land located within the boundary of the Park.

(3) **COOPERATIVE AGREEMENTS.**—

(A) **IN GENERAL.**—As the Secretary determines to be appropriate to carry out this section, the Secretary may enter into cooperative agreements with the owner of the Great Falls Visitor Center or any nationally significant properties within the boundary of the Park under which the Secretary may identify, interpret, restore, and provide tech-

nical assistance for the preservation of the properties.

(B) **RIGHT OF ACCESS.**—A cooperative agreement entered into under subparagraph (A) shall provide that the Secretary, acting through the Director of the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purposes of—

(i) conducting visitors through the properties; and

(ii) interpreting the properties for the public.

(C) **CHANGES OR ALTERATIONS.**—No changes or alterations shall be made to any properties covered by a cooperative agreement entered into under subparagraph (A) unless the Secretary and the other party to the agreement agree to the changes or alterations.

(D) **CONVERSION, USE, OR DISPOSAL.**—Any payment made by the Secretary under this paragraph shall be subject to an agreement that the conversion, use, or disposal of a project for purposes contrary to the purposes of this section, as determined by the Secretary, shall entitle the United States to reimbursement in amount equal to the greater of—

(i) the amounts made available to the project by the United States; or

(ii) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or disposal.

(E) **MATCHING FUNDS.**—

(i) **IN GENERAL.**—As a condition of the receipt of funds under this paragraph, the Secretary shall require that any Federal funds made available under a cooperative agreement shall be matched on a 1-to-1 basis by non-Federal funds.

(ii) **FORM.**—With the approval of the Secretary, the non-Federal share required under clause (i) may be in the form of donated property, goods, or services from a non-Federal source.

(4) **ACQUISITION OF LAND.**—

(A) **IN GENERAL.**—The Secretary may acquire land or interests in land within the boundary of the Park by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(B) **DONATION OF STATE OWNED LAND.**—Land or interests in land owned by the State or any political subdivision of the State may only be acquired by donation.

(5) **TECHNICAL ASSISTANCE AND PUBLIC INTERPRETATION.**—The Secretary may provide technical assistance and public interpretation of related historic and cultural resources within the boundary of the Historic District.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 fiscal years after the date on which funds are made available to carry out this subsection, the Secretary, in consultation with the Commission, shall complete a management plan for the Park in accordance with—

(A) section 12(b) of Public Law 91-383 (commonly known as the “National Park Service General Authorities Act”) (16 U.S.C. 1a-7(b)); and

(B) other applicable laws.

(2) **COST SHARE.**—The management plan shall include provisions that identify costs to be shared by the Federal Government, the State, and the City, and other public or private entities or individuals for necessary capital improvements to, and maintenance and operations of, the Park.

(3) **SUBMISSION TO CONGRESS.**—On completion of the management plan, the Secretary shall submit the management plan to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(e) **PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ADVISORY COMMISSION.**—

(1) **ESTABLISHMENT.**—There is established a commission to be known as the “Paterson Great Falls National Historical Park Advisory Commission”.

(2) **DUTIES.**—The duties of the Commission shall be to advise the Secretary in the development and implementation of the management plan.

(3) **MEMBERSHIP.**—

(A) **COMPOSITION.**—The Commission shall be composed of 9 members, to be appointed by the Secretary, of whom—

(i) 4 members shall be appointed after consideration of recommendations submitted by the Governor of the State;

(ii) 2 members shall be appointed after consideration of recommendations submitted by the City Council of Paterson, New Jersey;

(iii) 1 member shall be appointed after consideration of recommendations submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and

(iv) 2 members shall have experience with national parks and historic preservation.

(B) **INITIAL APPOINTMENTS.**—The Secretary shall appoint the initial members of the Commission not later than the earlier of—

(i) the date that is 30 days after the date on which the Secretary has received all of the recommendations for appointments under subparagraph (A); or

(ii) the date that is 30 days after the Park is established in accordance with subsection (b).

(4) **TERM; VACANCIES.**—

(A) **TERM.**—

(i) **IN GENERAL.**—A member shall be appointed for a term of 3 years.

(ii) **REAPPOINTMENT.**—A member may be reappointed for not more than 1 additional term.

(B) **VACANCIES.**—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(5) **MEETINGS.**—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(6) **QUORUM.**—A majority of the Commission shall constitute a quorum.

(7) **CHAIRPERSON AND VICE CHAIRPERSON.**—

(A) **IN GENERAL.**—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(B) **VICE CHAIRPERSON.**—The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(C) **TERM.**—A member may serve as Chairperson or Vice Chairman for not more than 1 year in each office.

(8) **COMMISSION PERSONNEL MATTERS.**—

(A) **COMPENSATION OF MEMBERS.**—

(i) **IN GENERAL.**—Members of the Commission shall serve without compensation.

(ii) **TRAVEL EXPENSES.**—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(B) **STAFF.**—

(i) **IN GENERAL.**—The Secretary shall provide the Commission with any staff members and technical assistance that the Secretary, after consultation with the Commission, determines to be appropriate to enable the Commission to carry out the duties of the Commission.

(ii) **DETAIL OF EMPLOYEES.**—The Secretary may accept the services of personnel detailed from—

(I) the State;

(II) any political subdivision of the State; or

(III) any entity represented on the Commission.

(9) **FACA NONAPPLICABILITY.**—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) **TERMINATION.**—The Commission shall terminate 10 years after the date of enactment of this Act.

(f) **STUDY OF HINCHLIFFE STADIUM.**—

(1) **IN GENERAL.**—Not later than 3 fiscal years after the date on which funds are made available to carry out this section, the Secretary shall complete a study regarding the preservation and interpretation of Hinchliffe Stadium, which is listed on the National Register of Historic Places.

(2) **INCLUSIONS.**—The study shall include an assessment of—

(A) the potential for listing the stadium as a National Historic Landmark; and

(B) options for maintaining the historic integrity of Hinchliffe Stadium.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7002. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE.

(a) **ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.**—Should the Secretary of the Interior acquire, by donation only from the Clinton Birthplace Foundation, Inc., fee simple, unencumbered title to the William Jefferson Clinton Birthplace Home site located at 117 South Hervey Street, Hope, Arkansas, 71801, and to any personal property related to that site, the Secretary shall designate the William Jefferson Clinton Birthplace Home site as a National Historic Site and unit of the National Park System, to be known as the “President William Jefferson Clinton Birthplace Home National Historic Site”.

(b) **APPLICABILITY OF OTHER LAWS.**—The Secretary shall administer the President William Jefferson Clinton Birthplace Home National Historic Site in accordance with the laws generally applicable to national historic sites, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1-4), and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 7003. RIVER RAISIN NATIONAL BATTLEFIELD PARK.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—If Monroe County or Wayne County, Michigan, or other willing landowners in either County offer to donate to the United States land relating to the Battles of the River Raisin on January 18 and 22, 1813, or the aftermath of the battles, the Secretary of the Interior (referred to in this section as the “Secretary”) shall accept the donated land.

(2) **DESIGNATION OF PARK.**—On the acquisition of land under paragraph (1) that is of sufficient acreage to permit efficient administration, the Secretary shall designate the acquired land as a unit of the National Park System, to be known as the “River Raisin National Battlefield Park” (referred to in this section as the “Park”).

(3) **LEGAL DESCRIPTION.**—

(A) **IN GENERAL.**—The Secretary shall prepare a legal description of the land and interests in land designated as the Park by paragraph (2).

(B) **AVAILABILITY OF MAP AND LEGAL DESCRIPTION.**—A map with the legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall manage the Park for the purpose of preserving and interpreting the Battles of the River Raisin in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) **GENERAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available, the Secretary shall complete a general management plan for the Park that, among other things, defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the site.

(B) **CONSULTATION.**—The Secretary shall consult with and solicit advice and recommendations from State, county, local, and civic organizations and leaders, and other interested parties in the preparation of the management plan.

(C) **INCLUSIONS.**—The plan shall include—

(i) consideration of opportunities for involvement by and support for the Park by State, county, and local governmental entities and nonprofit organizations and other interested parties; and

(ii) steps for the preservation of the resources of the site and the costs associated with these efforts.

(D) **SUBMISSION TO CONGRESS.**—On the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(3) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with State, county, local, and civic organizations to carry out this section.

(c) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House a report describing the progress made with respect to acquiring real property under this section and designating the River Raisin National Battlefield Park.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Amendments to Existing Units of the National Park System

SEC. 7101. FUNDING FOR KEWENAW NATIONAL HISTORICAL PARK.

(a) **ACQUISITION OF PROPERTY.**—Section 4 of Public Law 102-543 (16 U.S.C. 410yy-3) is amended by striking subsection (d).

(b) **MATCHING FUNDS.**—Section 8(b) of Public Law 102-543 (16 U.S.C. 410yy-7(b)) is amended by striking “\$4” and inserting “\$1”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of Public Law 102-543 (16 U.S.C. 410yy-9) is amended—

- (1) in subsection (a)—
 - (A) by striking “\$25,000,000” and inserting “\$50,000,000”; and
 - (B) by striking “\$3,000,000” and inserting “\$25,000,000”; and
- (2) in subsection (b), by striking “\$100,000” and all that follows through “those duties” and inserting “\$250,000”.

SEC. 7102. LOCATION OF VISITOR AND ADMINISTRATIVE FACILITIES FOR WEIR FARM NATIONAL HISTORIC SITE.

Section 4(d) of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note) is amended—

- (1) in paragraph (1)(B), by striking “contiguous to” and all that follows and inserting “within Fairfield County.”;
- (2) by amending paragraph (2) to read as follows:

“(2) DEVELOPMENT.—

“(A) MAINTAINING NATURAL CHARACTER.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

“(B) TREATMENT OF PREVIOUSLY DEVELOPED PROPERTY.—Nothing in subparagraph (A) shall either prevent the Secretary from acquiring property under paragraph (1) that, prior to the Secretary’s acquisition, was developed in a manner inconsistent with subparagraph (A), or require the Secretary to remediate such previously developed property to reflect the natural character described in subparagraph (A).”; and

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking “the appropriate zoning authority” and all that follows through “Wilton, Connecticut,” and inserting “the local governmental entity that, in accordance with applicable State law, has jurisdiction over any property acquired under paragraph (1)(A)”.

SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION.

Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended—

- (1) in subsection (b)—
 - (A) by striking “The Preserve” and inserting the following:
 - “(1) IN GENERAL.—The Preserve”; and
 - (B) by adding at the end the following:
 - “(2) BOUNDARY EXPANSION.—The boundary of the Preserve is modified to include the land depicted on the map entitled ‘Little River Canyon National Preserve Proposed Boundary’, numbered 152/80,004, and dated December 2007.”;
 - (2) in subsection (c), by striking “map” and inserting “maps”.

SEC. 7104. HOPEWELL CULTURE NATIONAL HISTORICAL PARK BOUNDARY EXPANSION.

Section 2 of the Act entitled “An Act to rename and expand the boundaries of the Mound City Group National Monument in Ohio”, approved May 27, 1992 (106 Stat. 185), is amended—

- (1) by striking “and” at the end of subsection (a)(3);
- (2) by striking the period at the end of subsection (a)(4) and inserting “; and”;
- (3) by adding after subsection (a)(4) the following new paragraph:
 - “(5) the map entitled ‘Hopewell Culture National Historical Park, Ohio Proposed Boundary Adjustment’ numbered 353/80,049 and dated June, 2006.”;

(4) by adding after subsection (d)(2) the following new paragraph:

“(3) The Secretary may acquire lands added by subsection (a)(5) only from willing sellers.”.

SEC. 7105. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking “of approximately twenty thousand acres generally depicted on the map entitled ‘Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve’ numbered 90,000B and dated April 1978,” and inserting “generally depicted on the map entitled ‘Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve’, numbered 467/80100A, and dated December 2007.”.

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

- (1) in subsection (a)—
 - (A) by striking “(a) Within the” and all that follows through the first sentence and inserting the following:

“(a) IN GENERAL.—

“(1) BARATARIA PRESERVE UNIT.—

“(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the Barataria Preserve Unit by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

“(B) LIMITATIONS.—

“(i) IN GENERAL.—Any non-Federal land depicted on the map described in section 901 as ‘Lands Proposed for Addition’ may be acquired by the Secretary only with the consent of the owner of the land.

“(ii) BOUNDARY ADJUSTMENT.—On the date on which the Secretary acquires a parcel of land described in clause (i), the boundary of the Barataria Preserve Unit shall be adjusted to reflect the acquisition.

“(iii) EASEMENTS.—To ensure adequate hurricane protection of the communities located in the area, any land identified on the map described in section 901 that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.

“(C) TRANSFER OF ADMINISTRATION JURISDICTION.—Effective on the date of enactment of the Omnibus Public Land Management Act of 2009, administrative jurisdiction over any Federal land within the areas depicted on the map described in section 901 as ‘Lands Proposed for Addition’ is transferred, without consideration, to the administrative jurisdiction of the National Park Service, to be administered as part of the Barataria Preserve Unit.”;

(B) in the second sentence, by striking “The Secretary may also acquire by any of the foregoing methods” and inserting the following:

“(2) FRENCH QUARTER.—The Secretary may acquire by any of the methods referred to in paragraph (1)(A)”;

(C) in the third sentence, by striking “Lands, waters, and interests therein” and inserting the following:

“(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water”; and

(D) in the fourth sentence, by striking “In acquiring” and inserting the following:

“(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring”;

(2) by striking subsections (b) through (f) and inserting the following:

“(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and

water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

- “(1) fresh water drainage patterns;
- “(2) vegetative cover;
- “(3) the integrity of ecological and biological systems; and
- “(4) water and air quality.

“(c) ADJACENT LAND.—With the consent of the owner and the parish governing authority, the Secretary may—

- “(1) acquire land, water, and interests in land and water, by any of the methods referred to in subsection (a)(1)(A) (including use of appropriations from the Land and Water Conservation Fund); and
- “(2) revise the boundaries of the Barataria Preserve Unit to include adjacent land and water.”;

(3) by redesignating subsection (g) as subsection (d).

(c) DEFINITION OF IMPROVED PROPERTY.—Section 903 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230b) is amended in the fifth sentence by inserting “(or January 1, 2007, for areas added to the park after that date)” after “January 1, 1977”.

(d) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking “, except that within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he” and inserting “on land, and interests in land and water managed by the Secretary, except that the Secretary”.

(e) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

- (1) by striking the first sentence; and
- (2) in the second sentence, by striking “Pending such establishment and thereafter the” and inserting “The”.

(f) REFERENCES IN LAW.—

(1) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(A) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(B) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(2) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(A) by striking “Barataria Marsh Unit” each place it appears and inserting “Barataria Preserve Unit”; and

(B) by striking “Jean Lafitte National Historical Park” each place it appears and inserting “Jean Lafitte National Historical Park and Preserve”.

SEC. 7106. MINUTE MAN NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Minute Man National Historical Park Proposed Boundary”, numbered 406/81001, and dated July 2007.

(2) PARK.—The term “Park” means the Minute Man National Historical Park in the State of Massachusetts.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) MINUTE MAN NATIONAL HISTORICAL PARK.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Park is modified to include the area generally depicted on the map.

(B) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in the

appropriate offices of the National Park Service.

(2) **ACQUISITION OF LAND.**—The Secretary may acquire the land or an interest in the land described in paragraph (1)(A) by—

(A) purchase from willing sellers with donated or appropriated funds;

(B) donation; or

(C) exchange.

(3) **ADMINISTRATION OF LAND.**—The Secretary shall administer the land added to the Park under paragraph (1)(A) in accordance with applicable laws (including regulations).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7107. EVERGLADES NATIONAL PARK.

(a) **INCLUSION OF TARPON BASIN PROPERTY.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **HURRICANE HOLE.**—The term “Hurricane Hole” means the natural salt-water body of water within the Duesenbury Tracts of the eastern parcel of the Tarpon Basin boundary adjustment and accessed by Duesenbury Creek.

(B) **MAP.**—The term “map” means the map entitled “Proposed Tarpon Basin Boundary Revision”, numbered 160/80,012, and dated May 2008.

(C) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(D) **TARPON BASIN PROPERTY.**—The term “Tarpon Basin property” means land that—

(i) is comprised of approximately 600 acres of land and water surrounding Hurricane Hole, as generally depicted on the map; and

(ii) is located in South Key Largo.

(2) **BOUNDARY REVISION.**—

(A) **IN GENERAL.**—The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

(B) **ACQUISITION AUTHORITY.**—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange, land, water, or interests in land and water, within the area depicted on the map, to be added to Everglades National Park.

(C) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(D) **ADMINISTRATION.**—Land added to Everglades National Park by this section shall be administered as part of Everglades National Park in accordance with applicable laws (including regulations).

(3) **HURRICANE HOLE.**—The Secretary may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(b) **LAND EXCHANGES.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **COMPANY.**—The term “Company” means Florida Power & Light Company.

(B) **FEDERAL LAND.**—The term “Federal Land” means the parcels of land that are—

(i) owned by the United States;

(ii) administered by the Secretary;

(iii) located within the National Park; and

(iv) generally depicted on the map as—

(I) Tract A, which is adjacent to the Tamiami Trail, U.S. Rt. 41; and

(II) Tract B, which is located on the eastern boundary of the National Park.

(C) **MAP.**—The term “map” means the map prepared by the National Park Service, enti-

tled “Proposed Land Exchanges, Everglades National Park”, numbered 160/60411A, and dated September 2008.

(D) **NATIONAL PARK.**—The term “National Park” means the Everglades National Park located in the State.

(E) **NON-FEDERAL LAND.**—The term “non-Federal land” means the land in the State that—

(i) is owned by the State, the specific area and location of which shall be determined by the State; or

(ii)(I) is owned by the Company;

(II) comprises approximately 320 acres; and

(III) is located within the East Everglades Acquisition Area, as generally depicted on the map as “Tract D”.

(F) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(G) **STATE.**—The term “State” means the State of Florida and political subdivisions of the State, including the South Florida Water Management District.

(2) **LAND EXCHANGE WITH STATE.**—

(A) **IN GENERAL.**—Subject to the provisions of this paragraph, if the State offers to convey to the Secretary all right, title, and interest of the State in and to specific parcels of non-Federal land, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the State all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract A”.

(B) **CONDITIONS.**—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) **VALUATION.**—

(i) **IN GENERAL.**—The values of the land involved in the land exchange under subparagraph (A) shall be equal.

(ii) **EQUALIZATION.**—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) **APPRAISALS.**—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) **TECHNICAL CORRECTIONS.**—Subject to the agreement of the State, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) **ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.**—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(3) **LAND EXCHANGE WITH COMPANY.**—

(A) **IN GENERAL.**—Subject to the provisions of this paragraph, if the Company offers to convey to the Secretary all right, title, and interest of the Company in and to the non-Federal land generally depicted on the map as “Tract D”, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the Company all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract B”, along with a perpetual easement on a corridor of land contiguous to Tract B for the purpose of vegetation management.

(B) **CONDITIONS.**—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) **VALUATION.**—

(i) **IN GENERAL.**—The values of the land involved in the land exchange under subparagraph (A) shall be equal unless the non-Federal land is of higher value than the Federal land.

(ii) **EQUALIZATION.**—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) **APPRAISAL.**—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) **TECHNICAL CORRECTIONS.**—Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) **ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.**—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(4) **MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) **BOUNDARY REVISION.**—On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.

SEC. 7108. KALAUPAPA NATIONAL HISTORICAL PARK.

(a) **IN GENERAL.**—The Secretary of the Interior shall authorize Ka ‘Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park, and their family members and friends, to establish a memorial at a suitable location or locations approved by the Secretary at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1969.

(b) **DESIGN.**—

(1) **IN GENERAL.**—The memorial authorized by subsection (a) shall—

(A) display in an appropriate manner the names of the first 5,000 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, most of whom lived at Kalawao; and

(B) display in an appropriate manner the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history, when most of the community was concentrated on the Kalaupapa side of the peninsula.

(2) **APPROVAL.**—The location, size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary of the Interior.

(c) **FUNDING.**—Ka ‘Ohana O Kalaupapa, a nonprofit organization, shall be solely responsible for acceptance of contributions for and payment of the expenses associated with the establishment of the memorial.

SEC. 7109. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

(a) COOPERATIVE AGREEMENTS.—Section 1029(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(d)) is amended by striking paragraph (3) and inserting the following:

“(3) AGREEMENTS.—

“(A) DEFINITION OF ELIGIBLE ENTITY.—In this paragraph, the term ‘eligible entity’ means—

“(i) the Commonwealth of Massachusetts;

“(ii) a political subdivision of the Commonwealth of Massachusetts; or

“(iii) any other entity that is a member of the Boston Harbor Islands Partnership described in subsection (e)(2).

“(B) AUTHORITY OF SECRETARY.—Subject to subparagraph (C), the Secretary may consult with an eligible entity on, and enter into with the eligible entity—

“(i) a cooperative management agreement to acquire from, and provide to, the eligible entity goods and services for the cooperative management of land within the recreation area; and

“(ii) notwithstanding section 6305 of title 31, United States Code, a cooperative agreement for the construction of recreation area facilities on land owned by an eligible entity for purposes consistent with the management plan under subsection (f).

“(C) CONDITIONS.—The Secretary may enter into an agreement with an eligible entity under subparagraph (B) only if the Secretary determines that—

“(i) appropriations for carrying out the purposes of the agreement are available; and

“(ii) the agreement is in the best interests of the United States.”.

(b) TECHNICAL AMENDMENTS.—

(1) MEMBERSHIP.—Section 1029(e)(2)(B) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amended by striking “Coast Guard” and inserting “Coast Guard.”.

(2) DONATIONS.—Section 1029(e)(11) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(11)) is amended by striking “Notwithstanding” and inserting “Notwithstanding”.

SEC. 7110. THOMAS EDISON NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) PURPOSES.—The purposes of this section are—

(1) to recognize and pay tribute to Thomas Alva Edison and his innovations; and

(2) to preserve, protect, restore, and enhance the Edison National Historical Site to ensure public use and enjoyment of the Site as an educational, scientific, and cultural center.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Thomas Edison National Historical Park as a unit of the National Park System (referred to in this section as the “Historical Park”).

(2) BOUNDARIES.—The Historical Park shall be comprised of all property owned by the United States in the Edison National Historic Site as well as all property authorized to be acquired by the Secretary of the Interior (referred to in this section as the “Secretary”) for inclusion in the Edison National Historic Site before the date of the enactment of this Act, as generally depicted on the map entitled the “Thomas Edison National Historical Park”, numbered 403/80,000, and dated April 2008.

(3) MAP.—The map of the Historical Park shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Historical Park in accordance with this section and with the provisions of law generally applicable to units of the National Park System, including the Acts entitled “An Act to establish a National Park Service, and for other purposes,” approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes,” approved August 21, 1935 (16 U.S.C. 461 et seq.).

(2) ACQUISITION OF PROPERTY.—

(A) REAL PROPERTY.—The Secretary may acquire land or interests in land within the boundaries of the Historical Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(B) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Historical Park.

(3) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the Historical Park.

(4) REPEAL OF SUPERSEDED LAW.—Public Law 87–628 (76 Stat. 428), regarding the establishment and administration of the Edison National Historic Site, is repealed.

(5) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “Edison National Historic Site” shall be deemed to be a reference to the “Thomas Edison National Historical Park”.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7111. WOMEN'S RIGHTS NATIONAL HISTORICAL PARK.

(a) VOTES FOR WOMEN TRAIL.—Title XVI of Public Law 96–607 (16 U.S.C. 4101) is amended by adding at the end the following:

“SEC. 1602. VOTES FOR WOMEN TRAIL.

“(a) DEFINITIONS.—In this section:

“(1) PARK.—The term ‘Park’ means the Women’s Rights National Historical Park established by section 1601.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior, acting through the Director of the National Park Service.

“(3) STATE.—The term ‘State’ means the State of New York.

“(4) TRAIL.—The term ‘Trail’ means the Votes for Women History Trail Route designated under subsection (b).

“(b) ESTABLISHMENT OF TRAIL ROUTE.—The Secretary, with concurrence of the agency having jurisdiction over the relevant roads, may designate a vehicular tour route, to be known as the ‘Votes for Women History Trail Route’, to link properties in the State that are historically and thematically associated with the struggle for women’s suffrage in the United States.

“(c) ADMINISTRATION.—The Trail shall be administered by the National Park Service through the Park.

“(d) ACTIVITIES.—To facilitate the establishment of the Trail and the dissemination of information regarding the Trail, the Secretary shall—

“(1) produce and disseminate appropriate educational materials regarding the Trail, such as handbooks, maps, exhibits, signs, interpretive guides, and electronic information;

“(2) coordinate the management, planning, and standards of the Trail in partnership with participating properties, other Federal agencies, and State and local governments;

“(3) create and adopt an official, uniform symbol or device to mark the Trail; and

“(4) issue guidelines for the use of the symbol or device adopted under paragraph (3).

“(e) ELEMENTS OF TRAIL ROUTE.—Subject to the consent of the owner of the property, the Secretary may designate as an official stop on the Trail—

“(1) all units and programs of the Park relating to the struggle for women’s suffrage;

“(2) other Federal, State, local, and privately owned properties that the Secretary determines have a verifiable connection to the struggle for women’s suffrage; and

“(3) other governmental and nongovernmental facilities and programs of an educational, commemorative, research, or interpretive nature that the Secretary determines to be directly related to the struggle for women’s suffrage.

“(f) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—

“(1) IN GENERAL.—To facilitate the establishment of the Trail and to ensure effective coordination of the Federal and non-Federal properties designated as stops along the Trail, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical and financial assistance to, other Federal agencies, the State, localities, regional governmental bodies, and private entities.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the period of fiscal years 2009 through 2013 to provide financial assistance to cooperating entities pursuant to agreements or memoranda entered into under paragraph (1).”.

(b) NATIONAL WOMEN'S RIGHTS HISTORY PROJECT NATIONAL REGISTRY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”) may make annual grants to State historic preservation offices for not more than 5 years to assist the State historic preservation offices in surveying, evaluating, and nominating to the National Register of Historic Places women’s rights history properties.

(2) ELIGIBILITY.—In making grants under paragraph (1), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women’s rights movement, such as politics, economics, education, religion, and social and family rights.

(3) UPDATES.—The Secretary shall ensure that the National Register travel itinerary website entitled “Places Where Women Made History” is updated to contain—

(A) the results of the inventory conducted under paragraph (1); and

(B) any links to websites related to places on the inventory.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$1,000,000 for each of fiscal years 2009 through 2013.

(c) NATIONAL WOMEN'S RIGHTS HISTORY PROJECT PARTNERSHIPS NETWORK.—

(1) GRANTS.—The Secretary may make matching grants and give technical assistance for development of a network of governmental and nongovernmental entities (referred to in this subsection as the “network”), the purpose of which is to provide interpretive and educational program development of national women’s rights history, including historic preservation.

(2) MANAGEMENT OF NETWORK.—

(A) IN GENERAL.—The Secretary shall, through a competitive process, designate a nongovernmental managing network to manage the network.

(B) COORDINATION.—The nongovernmental managing entity designated under subparagraph (A) shall work in partnership with the Director of the National Park Service and State historic preservation offices to coordinate operation of the network.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(B) STATE HISTORIC PRESERVATION OFFICES.—Matching grants for historic preservation specific to the network may be made available through State historic preservation offices.

(4) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to carry out this subsection \$1,000,000 for each of fiscal years 2009 through 2013.

SEC. 7112. MARTIN VAN BUREN NATIONAL HISTORIC SITE.

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term “historic site” means the Martin Van Buren National Historic Site in the State of New York established by Public Law 93-486 (16 U.S.C. 461 note) on October 26, 1974.

(2) MAP.—The term “map” means the map entitled “Boundary Map, Martin Van Buren National Historic Site”, numbered “460/80801”, and dated January 2005.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) BOUNDARY ADJUSTMENTS TO THE HISTORIC SITE.—

(1) BOUNDARY ADJUSTMENT.—The boundary of the historic site is adjusted to include approximately 261 acres of land identified as the “PROPOSED PARK BOUNDARY”, as generally depicted on the map.

(2) ACQUISITION AUTHORITY.—The Secretary may acquire the land and any interests in the land described in paragraph (1) from willing sellers by donation, purchase with donated or appropriated funds, or exchange.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) ADMINISTRATION.—Land acquired for the historic site under this section shall be administered as part of the historic site in accordance with applicable law (including regulations).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7113. PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.

(a) DESIGNATION OF PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Palo Alto Battlefield National Historic Site shall be known and designated as the “Palo Alto Battlefield National Historical Park”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the historic site referred to in subsection (a) shall be deemed to be a reference to the Palo Alto Battlefield National Historical Park.

(3) CONFORMING AMENDMENTS.—The Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102-304) is amended—

(A) by striking “National Historic Site” each place it appears and inserting “National Historical Park”;

(B) in the heading for section 3, by striking “NATIONAL HISTORIC SITE” and inserting “NATIONAL HISTORICAL PARK”; and

(C) by striking “historic site” each place it appears and inserting “historical park”.

(b) BOUNDARY EXPANSION, PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK, TEXAS.—Section 3(b) of the Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102-304) (as amended by subsection (a)) is amended—

(1) in paragraph (1), by striking “(1) The historical park” and inserting the following:

“(1) IN GENERAL.—The historical park”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

“(2) ADDITIONAL LAND.—

“(A) IN GENERAL.—In addition to the land described in paragraph (1), the historical park shall consist of approximately 34 acres of land, as generally depicted on the map entitled ‘Palo Alto Battlefield NHS Proposed Boundary Expansion’, numbered 469/80,012, and dated May 21, 2008.

“(B) AVAILABILITY OF MAP.—The map described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.”; and

(4) in paragraph (3) (as redesignated by paragraph (2))—

(A) by striking “(3) Within” and inserting the following:

“(3) LEGAL DESCRIPTION.—Not later than”;

(B) in the second sentence, by striking “map referred to in paragraph (1)” and inserting “maps referred to in paragraphs (1) and (2)”.

SEC. 7114. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORICAL PARK.

(a) DESIGNATION.—The Abraham Lincoln Birthplace National Historic Site in the State of Kentucky shall be known and designated as the “Abraham Lincoln Birthplace National Historical Park”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Abraham Lincoln Birthplace National Historic Site shall be deemed to be a reference to the “Abraham Lincoln Birthplace National Historical Park”.

SEC. 7115. NEW RIVER GORGE NATIONAL RIVER.

Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-20) is amended in the first sentence by striking “may” and inserting “shall”.

SEC. 7116. TECHNICAL CORRECTIONS.

(a) GAYLORD NELSON WILDERNESS.—

(1) REDESIGNATION.—Section 140 of division E of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108-447), is amended—

(A) in subsection (a), by striking “Gaylord A. Nelson” and inserting “Gaylord Nelson”;

(B) in subsection (c)(4), by striking “Gaylord A. Nelson Wilderness” and inserting “Gaylord Nelson Wilderness”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the “Gaylord A. Nelson Wilderness” shall be deemed to be a reference to the “Gaylord Nelson Wilderness”.

(b) ARLINGTON HOUSE LAND TRANSFER.—Section 2863(h)(1) of Public Law 107-107 (115 Stat. 1333) is amended by striking “the George Washington Memorial Parkway” and inserting “Arlington House, The Robert E. Lee Memorial,”.

(c) CUMBERLAND ISLAND WILDERNESS.—Section 2(a)(1) of Public Law 97-250 (16 U.S.C. 1132 note; 96 Stat. 709) is amended by striking “numbered 640/20,038I, and dated September 2004” and inserting “numbered 640/20,038K, and dated September 2005”.

(d) PETRIFIED FOREST BOUNDARY.—Section 2(1) of the Petrified Forest National Park Expansion Act of 2004 (16 U.S.C. 119 note; Public Law 108-430) is amended by striking “numbered 110/80,044, and dated July 2004” and inserting “numbered 110/80,045, and dated January 2005”.

(e) COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code, is amended—

(1) in section 8903(d), by inserting “Natural” before “Resources”;

(2) in section 8904(b), by inserting “Advisory” before “Commission”; and

(3) in section 8908(b)(1)—

(A) in the first sentence, by inserting “Advisory” before “Commission”; and

(B) in the second sentence, by striking “House Administration” and inserting “Natural Resources”.

(f) CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL.—Section 5(a)(25)(A) of the National Trails System Act (16 U.S.C. 1244(a)(25)(A)) is amended by striking “The John Smith” and inserting “The Captain John Smith”.

(g) DELAWARE NATIONAL COASTAL SPECIAL RESOURCE STUDY.—Section 604 of the Delaware National Coastal Special Resources Study Act (Public Law 109-338; 120 Stat. 1856) is amended by striking “under section 605”.

(h) USE OF RECREATION FEES.—Section 808(a)(1)(F) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807(a)(1)(F)) is amended by striking “section 6(a)” and inserting “section 806(a)”.

(i) CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.—Section 297F(b)(2)(A) of the Crossroads of the American Revolution National Heritage Area Act of 2006 (Public Law 109-338; 120 Stat. 1844) is amended by inserting “duties” before “of the”.

(j) CUYAHOGA VALLEY NATIONAL PARK.—Section 474(12) of the Consolidated Natural Resources Act of 2008 (Public Law 110-229; 122 Stat. 827) is amended by striking “Cuyahoga” each place it appears and inserting “Cuyahoga”.

(k) PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE.—

(1) NAME ON MAP.—Section 313(d)(1)(B) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-199; 40 U.S.C. 872 note) is amended by striking “map entitled ‘Pennsylvania Avenue National Historic Park’, dated June 1, 1995, and numbered 840-82441” and inserting “map entitled ‘Pennsylvania Avenue National Historic Site’, dated August 25, 2008, and numbered 840-82441B”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pennsylvania Avenue National Historic Park shall be deemed to be a reference to the “Pennsylvania Avenue National Historic Site”.

SEC. 7117. DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, OHIO.

(a) **ADDITIONAL AREAS INCLUDED IN PARK.**—Section 101 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww, et seq.) is amended by adding at the end the following:

“(c) **ADDITIONAL SITES.**—In addition to the sites described in subsection (b), the park shall consist of the following sites, as generally depicted on a map titled ‘Dayton Aviation Heritage National Historical Park’, numbered 362/80,013 and dated May 2008:

“(1) Hawthorn Hill, Oakwood, Ohio.

“(2) The Wright Company factory and associated land and buildings, Dayton, Ohio.”.

(b) **PROTECTION OF HISTORIC PROPERTIES.**—Section 102 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww–1) is amended—

(1) in subsection (a), by inserting “Hawthorn Hill, the Wright Company factory,” after “; acquire”;

(2) in subsection (b), by striking “Such agreements” and inserting:

“(d) **CONDITIONS.**—Cooperative agreements under this section”;

(3) by inserting before subsection (d) (as added by paragraph 2) the following:

“(c) **COOPERATIVE AGREEMENTS.**—The Secretary is authorized to enter into a cooperative agreement with a partner or partners, including the Wright Family Foundation, to operate and provide programming for Hawthorn Hill and charge reasonable fees notwithstanding any other provision of law, which may be used to defray the costs of park operation and programming.”; and

(4) by striking “Commission” and inserting “Aviation Heritage Foundation”.

(c) **GRANT ASSISTANCE.**—The Dayton Aviation Heritage Preservation Act of 1992, is amended—

(1) by redesignating subsection (b) of section 108 as subsection (c); and

(2) by inserting after subsection (a) of section 108 the following new subsection:

“(b) **GRANT ASSISTANCE.**—The Secretary is authorized to make grants to the parks’ partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, for projects not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park’s general management plan, and shall enhance public use and enjoyment of the park.”.

(d) **NATIONAL AVIATION HERITAGE AREA.**—Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 461 note; Public Law 108–447), is amended—

(1) in section 503(3), by striking “104” and inserting “504”;

(2) in section 503(4), by striking “106” and inserting “506”;

(3) in section 504, by striking subsection (b)(2) and by redesignating subsection (b)(3) as subsection (b)(2); and

(4) in section 505(b)(1), by striking “106” and inserting “506”.

SEC. 7118. FORT DAVIS NATIONAL HISTORIC SITE.

Public Law 87–213 (16 U.S.C. 461 note) is amended as follows:

(1) In the first section—

(A) by striking “the Secretary of the Interior” and inserting “(a) The Secretary of the Interior”;

(B) by striking “476 acres” and inserting “646 acres”; and

(C) by adding at the end the following:

“(b) The Secretary may acquire from willing sellers land comprising approximately 55 acres, as depicted on the map titled ‘Fort Davis Proposed Boundary Expansion’, numbered 418/80,045, and dated April 2008. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon acquisition of the land, the land shall be incorporated into the Fort Davis National Historic Site.”.

(2) By repealing section 3.

Subtitle C—Special Resource Studies**SEC. 7201. WALNUT CANYON STUDY.**

(a) **DEFINITIONS.**—In this section:

(1) **MAP.**—The term “map” means the map entitled “Walnut Canyon Proposed Study Area” and dated July 17, 2007.

(2) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(3) **STUDY AREA.**—The term “study area” means the area identified on the map as the “Walnut Canyon Proposed Study Area”.

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretaries shall conduct a study of the study area to assess—

(A) the suitability and feasibility of designating all or part of the study area as an addition to Walnut Canyon National Monument, in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c));

(B) continued management of the study area by the Forest Service; or

(C) any other designation or management option that would provide for—

(i) protection of resources within the study area; and

(ii) continued access to, and use of, the study area by the public.

(2) **CONSULTATION.**—The Secretaries shall provide for public comment in the preparation of the study, including consultation with appropriate Federal, State, and local governmental entities.

(3) **REPORT.**—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the results of the study; and

(B) any recommendations of the Secretaries.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7202. TULE LAKE SEGREGATION CENTER, CALIFORNIA.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the Tule Lake Segregation Center to determine the national significance of the site and the suitability and feasibility of including the site in the National Park System.

(2) **STUDY GUIDELINES.**—The study shall be conducted in accordance with the criteria for the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(3) **CONSULTATION.**—In conducting the study, the Secretary shall consult with—

(A) Modoc County;

(B) the State of California;

(C) appropriate Federal agencies;

(D) tribal and local government entities;

(E) private and nonprofit organizations; and

(F) private landowners.

(4) **SCOPE OF STUDY.**—The study shall include an evaluation of—

(A) the significance of the site as a part of the history of World War II;

(B) the significance of the site as the site relates to other war relocation centers;

(C) the historical resources of the site, including the stockade, that are intact and in place;

(D) the contributions made by the local agricultural community to the World War II effort; and

(E) the potential impact of designation of the site as a unit of the National Park System on private landowners.

(b) **REPORT.**—Not later than 3 years after the date on which funds are made available to conduct the study required under this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study.

SEC. 7203. ESTATE GRANGE, ST. CROIX.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”), in consultation with the Governor of the Virgin Islands, shall conduct a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton’s life on St. Croix in the United States Virgin Islands.

(2) **CONTENTS.**—In conducting the study under paragraph (1), the Secretary shall evaluate—

(A) the national significance of the sites and resources; and

(B) the suitability and feasibility of designating the sites and resources as a unit of the National Park System.

(3) **CRITERIA.**—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5) shall apply to the study under paragraph (1).

(4) **REPORT.**—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(A) the results of the study; and

(B) any findings, conclusions, and recommendations of the Secretary.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7204. HARRIET BEECHER STOWE HOUSE, MAINE.

(a) **STUDY.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the “Secretary”) shall complete a special resource study of the Harriet Beecher Stowe House in Brunswick, Maine, to evaluate—

(A) the national significance of the Harriet Beecher Stowe House and surrounding land; and

(B) the suitability and feasibility of designating the Harriet Beecher Stowe House and surrounding land as a unit of the National Park System.

(2) **STUDY GUIDELINES.**—In conducting the study authorized under paragraph (1), the

Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(b) **REPORT.**—On completion of the study required under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7205. SHEPHERDSTOWN BATTLEFIELD, WEST VIRGINIA.

(a) **SPECIAL RESOURCES STUDY.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study relating to the Battle of Shepherdstown in Shepherdstown, West Virginia, to evaluate—

(1) the national significance of the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield; and

(2) the suitability and feasibility of adding the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield as part of—

(A) Harpers Ferry National Historical Park; or

(B) Antietam National Battlefield.

(b) **CRITERIA.**—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under subsection (a).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7206. GREEN MCADOO SCHOOL, TENNESSEE.

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the site of Green McAdoo School in Clinton, Tennessee, (referred to in this section as the “site”) to evaluate—

(1) the national significance of the site; and

(2) the suitability and feasibility of designating the site as a unit of the National Park System.

(b) **CRITERIA.**—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **CONTENTS.**—The study authorized by this section shall—

(1) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(2) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site; and

(3) identify alternatives for the management, administration, and protection of the site.

(d) **REPORT.**—Not later than 3 years after the date on which funds are made available

to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SEC. 7207. HARRY S TRUMAN BIRTHPLACE, MISSOURI.

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the Harry S Truman Birthplace State Historic Site (referred to in this section as the “birthplace site”) in Lamar, Missouri, to determine—

(1) the suitability and feasibility of—

(A) adding the birthplace site to the Harry S Truman National Historic Site; or

(B) designating the birthplace site as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the birthplace site by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the birthplace site.

SEC. 7208. BATTLE OF MATEWAN SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the sites and resources at Matewan, West Virginia, associated with the Battle of Matewan (also known as the “Matewan Massacre”) of May 19, 1920, to determine—

(1) the suitability and feasibility of designating certain historic areas of Matewan, West Virginia, as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the historic areas by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the historic areas.

SEC. 7209. BUTTERFIELD OVERLAND TRAIL.

(a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study along the route known as the “Ox-Bow Route” of the Butterfield Overland Trail (referred to in this section as the

“route”) in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California to evaluate—

(1) a range of alternatives for protecting and interpreting the resources of the route, including alternatives for potential addition of the Trail to the National Trails System; and

(2) the methods and means for the protection and interpretation of the route by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) or section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), as appropriate.

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the route.

SEC. 7210. COLD WAR SITES THEME STUDY.

(a) **DEFINITIONS.**—

(1) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the Cold War Advisory Committee established under subsection (c).

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **THEME STUDY.**—The term “theme study” means the national historic landmark theme study conducted under subsection (b)(1).

(b) **COLD WAR THEME STUDY.**—

(1) **IN GENERAL.**—The Secretary shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(2) **RESOURCES.**—In conducting the theme study, the Secretary shall consider—

(A) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1906); and

(B) historical studies and research of Cold War sites and resources, including—

(i) intercontinental ballistic missiles;

(ii) flight training centers;

(iii) manufacturing facilities;

(iv) communications and command centers (such as Cheyenne Mountain, Colorado);

(v) defensive radar networks (such as the Distant Early Warning Line);

(vi) nuclear weapons test sites (such as the Nevada test site); and

(vii) strategic and tactical aircraft.

(3) **CONTENTS.**—The theme study shall include—

(A) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

(i) sites for which studies for potential inclusion in the National Park System should be authorized;

(ii) sites for which new national historic landmarks should be nominated; and

(iii) other appropriate designations;

(B) recommendations for cooperative agreements with—

(i) State and local governments;

(ii) local historical organizations; and

(iii) other appropriate entities; and

(C) an estimate of the amount required to carry out the recommendations under subparagraphs (A) and (B).

(4) CONSULTATION.—In conducting the theme study, the Secretary shall consult with—

- (A) the Secretary of the Air Force;
- (B) State and local officials;
- (C) State historic preservation offices; and
- (D) other interested organizations and individuals.

(5) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

(C) COLD WAR ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—As soon as practicable after funds are made available to carry out this section, the Secretary shall establish an advisory committee, to be known as the “Cold War Advisory Committee”, to assist the Secretary in carrying out this section.

(2) COMPOSITION.—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary, of whom—

(A) 3 shall have expertise in Cold War history;

(B) 2 shall have expertise in historic preservation;

(C) 1 shall have expertise in the history of the United States; and

(D) 3 shall represent the general public.

(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(5) MEETINGS.—On at least 3 occasions, the Secretary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

(d) INTERPRETIVE HANDBOOK ON THE COLD WAR.—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary shall—

(1) prepare and publish an interpretive handbook on the Cold War; and

(2) disseminate information in the theme study by other appropriate means.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$500,000.

SEC. 7211. BATTLE OF CAMDEN, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the site of the Battle of Camden fought in South Carolina on August 16, 1780, and the site of Historic Camden, which is a National Park System Affiliated Area, to determine—

(1) the suitability and feasibility of designating the sites as a unit or units of the National Park System; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available

to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

- (1) the results of the study; and
- (2) any recommendations of the Secretary.

SEC. 7212. FORT SAN GERÓNIMO, PUERTO RICO.

(a) DEFINITIONS.—In this section:

(1) FORT SAN GERÓNIMO.—The term “Fort San Gerónimo” (also known as “Fortín de San Gerónimo del Boquerón”) means the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico.

(2) RELATED RESOURCES.—The term “related resources” means other parts of the fortification system of old San Juan that are not included within the boundary of San Juan National Historic Site, such as sections of the City Wall or other fortifications.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall complete a special resource study of Fort San Gerónimo and other related resources, to determine—

(A) the suitability and feasibility of including Fort San Gerónimo and other related resources in the Commonwealth of Puerto Rico as part of San Juan National Historic Site; and

(B) the methods and means for the protection and interpretation of Fort San Gerónimo and other related resources by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(2) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

- (1) the results of the study; and
- (2) any recommendations of the Secretary.

Subtitle D—Program Authorizations

SEC. 7301. AMERICAN BATTLEFIELD PROTECTION PROGRAM.

(a) PURPOSE.—The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(b) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) FINANCIAL ASSISTANCE.—To carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated

\$3,000,000 annually to carry out this subsection, to remain available until expended.

(c) BATTLEFIELD ACQUISITION GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) BATTLEFIELD REPORT.—The term “Battlefield Report” means the document entitled “Report on the Nation’s Civil War Battlefields”, prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(B) ELIGIBLE ENTITY.—The term “eligible entity” means a State or local government.

(C) ELIGIBLE SITE.—The term “eligible site” means a site—

(i) that is not within the exterior boundaries of a unit of the National Park System; and

(ii) that is identified in the Battlefield Report.

(D) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the American Battlefield Protection Program.

(2) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(3) NONPROFIT PARTNERS.—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

(4) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

(5) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3)).

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this subsection \$10,000,000 for each of fiscal years 2009 through 2013.

SEC. 7302. PRESERVE AMERICA PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

(b) DEFINITIONS.—In this section:

(1) COUNCIL.—The term “Council” means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term “heritage tourism” means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) PROGRAM.—The term “program” means the Preserve America Program established under subsection (c)(1).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local

governments (including local governments in the process of applying for designation as Preserve America Communities under subsection (d)), Indian tribes, communities designated as Preserve America Communities under subsection (d), State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(2) ELIGIBLE PROJECTS.—

(A) IN GENERAL.—The following projects shall be eligible for a grant under this section:

- (i) A project for the conduct of—
 - (I) research on, and documentation of, the history of a community; and
 - (II) surveys of the historic resources of a community.
- (ii) An education and interpretation project that conveys the history of a community or site.
- (iii) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.
- (iv) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.
- (v) A project to support heritage tourism in a Preserve America Community designated under subsection (d).
- (vi) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this section.

(B) LIMITATION.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(3) PREFERENCE.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(4) CONSULTATION AND NOTIFICATION.—

(A) CONSULTATION.—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(5) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) shall be in the form of—

- (i) cash; or
- (ii) donated supplies and related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) DESIGNATION OF PRESERVE AMERICA COMMUNITIES.—

(1) APPLICATION.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(2) CRITERIA.—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under paragraph (1) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(A) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(B) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(C) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(3) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES.—The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)).

(4) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this subsection.

(e) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for each fiscal year, to remain available until expended.

SEC. 7303. SAVE AMERICA'S TREASURES PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize within the Department of the Interior the Save America's Treasures Program, to be carried out by the Director of the National Park Service, in partnership with—

- (1) the National Endowment for the Arts;
- (2) the National Endowment for the Humanities;
- (3) the Institute of Museum and Library Services;
- (4) the National Trust for Historic Preservation;
- (5) the National Conference of State Historic Preservation Officers;
- (6) the National Association of Tribal Historic Preservation Officers; and
- (7) the President's Committee on the Arts and the Humanities.

(b) DEFINITIONS.—In this section:

(1) COLLECTION.—The term “collection” means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) HISTORIC PROPERTY.—The term “historic property” has the meaning given the term in section 301 of the National Historic Preservation Act (16 U.S.C. 470w).

(4) NATIONALLY SIGNIFICANT.—The term “nationally significant” means a collection

or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(5) PROGRAM.—The term “program” means the Save America's Treasures Program established under subsection (c)(1).

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of the Interior the Save America's Treasures program, under which the amounts made available to the Secretary under subsection (e) shall be used by the Secretary, in consultation with the organizations described in subsection (a), subject to paragraph (6)(A)(ii), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

(2) DETERMINATION OF GRANTS.—Of the amounts made available for grants under subsection (e), not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under paragraph (5).

(3) APPLICATIONS FOR GRANTS.—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(4) COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.—

(A) IN GENERAL.—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

- (i) nationally significant; and
- (ii) threatened or endangered.

(B) ELIGIBLE COLLECTIONS.—A determination by the Secretary regarding the national significance of collections under subparagraph (A)(i) shall be made in consultation with the organizations described in subsection (a), as appropriate.

(C) ELIGIBLE HISTORIC PROPERTIES.—To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application—

- (i) be listed in the National Register of Historic Places at the national level of significance; or
- (ii) be designated as a National Historic Landmark.

(5) SELECTION CRITERIA FOR GRANTS.—

(A) IN GENERAL.—The Secretary shall not provide a grant under this section to a project for an eligible collection or historic property unless the project—

- (i) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;
- (ii) has a clear public benefit; and
- (iii) is able to be completed on schedule and within the budget described in the grant application.

(B) PREFERENCE.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(C) LIMITATION.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(6) CONSULTATION AND NOTIFICATION BY SECRETARY.—

(A) CONSULTATION.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary shall consult with the organizations described in subsection (a) in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(ii) LIMITATION.—If an entity described in clause (i) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that clause and paragraph (1).

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(7) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies or related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000 for each fiscal year, to remain available until expended.

SEC. 7304. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.

Section 4 of Public Law 106-45 (16 U.S.C. 461 note; 113 Stat. 226) is amended by striking “2009” and inserting “2019”.

SEC. 7305. NATIONAL CAVE AND KARST RESEARCH INSTITUTE.

The National Cave and Karst Research Institute Act of 1998 (16 U.S.C. 4310 note; Public Law 105-325) is amended by striking section 5 and inserting the following:

“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as are necessary to carry out this Act.”

Subtitle E—Advisory Commissions

SEC. 7401. NA HOA PILI O KALOKO-HONOKOHAU ADVISORY COMMISSION.

Section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)) is amended by striking “ten years after the date of enactment of the Na Hoa Pili O Kaloko-Honokohau Re-establishment Act of 1996” and inserting “on December 31, 2018”.

SEC. 7402. CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION.

Effective September 26, 2008, section 8(a) of Public Law 87-126 (16 U.S.C. 459b-7(a)) is

amended in the second sentence by striking “2008” and inserting “2018”.

SEC. 7403. CONCESSIONS MANAGEMENT ADVISORY BOARD.

Section 409(d) of the National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. 5958(d)) is amended in the first sentence by striking “2008” and inserting “2009”.

SEC. 7404. ST. AUGUSTINE 450TH COMMEMORATION COMMISSION.

(a) DEFINITIONS.—In this section:

(1) COMMEMORATION.—The term “commemoration” means the commemoration of the 450th anniversary of the founding of the settlement of St. Augustine, Florida.

(2) COMMISSION.—The term “Commission” means the St. Augustine 450th Commemoration Commission established by subsection (b)(1).

(3) GOVERNOR.—The term “Governor” means the Governor of the State.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—

(A) IN GENERAL.—The term “State” means the State of Florida.

(B) INCLUSION.—The term “State” includes agencies and entities of the State of Florida.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the “St. Augustine 450th Commemoration Commission”.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 14 members, of whom—

(i) 3 members shall be appointed by the Secretary, after considering the recommendations of the St. Augustine City Commission;

(ii) 3 members shall be appointed by the Secretary, after considering the recommendations of the Governor;

(iii) 1 member shall be an employee of the National Park Service having experience relevant to the historical resources relating to the city of St. Augustine and the commemoration, to be appointed by the Secretary;

(iv) 1 member shall be appointed by the Secretary, taking into consideration the recommendations of the Mayor of the city of St. Augustine;

(v) 1 member shall be appointed by the Secretary, after considering the recommendations of the Chancellor of the University System of Florida; and

(vi) 5 members shall be individuals who are residents of the State who have an interest in, support for, and expertise appropriate to the commemoration, to be appointed by the Secretary, taking into consideration the recommendations of Members of Congress.

(B) TIME OF APPOINTMENT.—Each appointment of an initial member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(C) TERM; VACANCIES.—

(i) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(ii) VACANCIES.—

(I) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(II) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(iii) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as Mayor of the city of St. Augustine or as an employee of the National

Park Service or the State University System of Florida, and ceases to hold such position, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date on which that member ceases to hold the position.

(3) DUTIES.—The Commission shall—

(A) plan, develop, and carry out programs and activities appropriate for the commemoration;

(B) facilitate activities relating to the commemoration throughout the United States;

(C) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of the significance of the founding and continuing history of St. Augustine;

(D) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(E) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, St. Augustine;

(F) ensure that the commemoration provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs; and

(G) help ensure that the observances of the foundation of St. Augustine are inclusive and appropriately recognize the experiences and heritage of all individuals present when St. Augustine was founded.

(c) COMMISSION MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(2) MEETINGS.—The Commission shall meet—

(A) at least 3 times each year; or

(B) at the call of the Chairperson or the majority of the members of the Commission.

(3) QUORUM.—A majority of the voting members shall constitute a quorum, but a lesser number may hold meetings.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(B) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(5) VOTING.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(d) COMMISSION POWERS.—

(1) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(2) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this section.

(3) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this section.

(4) PROCUREMENT.—

(A) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this section (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

(B) **LIMITATION.**—The Commission may not purchase real property.

(5) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(6) **GRANTS AND TECHNICAL ASSISTANCE.**—The Commission may—

(A) provide grants in amounts not to exceed \$20,000 per grant to communities and nonprofit organizations for use in developing programs to assist in the commemoration;

(B) provide grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of St. Augustine; and

(C) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) **COMMISSION PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS.**—

(A) **IN GENERAL.**—Except as provided in paragraph (2), a member of the Commission shall serve without compensation.

(B) **FEDERAL EMPLOYEES.**—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) **TRAVEL EXPENSES.**—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) **DIRECTOR AND STAFF.**—

(A) **IN GENERAL.**—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), nominate an executive director to enable the Commission to perform the duties of the Commission.

(B) **CONFIRMATION OF EXECUTIVE DIRECTOR.**—The employment of an executive director shall be subject to confirmation by the Commission.

(4) **COMPENSATION.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) **MAXIMUM RATE OF PAY.**—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(5) **DETAIL OF GOVERNMENT EMPLOYEES.**—

(A) **FEDERAL EMPLOYEES.**—

(i) **DETAIL.**—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(ii) **CIVIL SERVICE STATUS.**—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) **STATE EMPLOYEES.**—The Commission may—

(i) accept the services of personnel detailed from the State; and

(ii) reimburse the State for services of detailed personnel.

(6) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(7) **VOLUNTEER AND UNCOMPENSATED SERVICES.**—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

(8) **SUPPORT SERVICES.**—

(A) **IN GENERAL.**—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(B) **REIMBURSEMENT.**—Any reimbursement under this paragraph shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

(9) **FACA NONAPPLICABILITY.**—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) **NO EFFECT ON AUTHORITY.**—Nothing in this subsection supersedes the authority of the State, the National Park Service, the city of St. Augustine, or any designee of those entities, with respect to the commemoration.

(f) **PLANS; REPORTS.**—

(1) **STRATEGIC PLAN.**—The Commission shall prepare a strategic plan for the activities of the Commission carried out under this section.

(2) **FINAL REPORT.**—Not later than September 30, 2015, the Commission shall complete and submit to Congress a final report that contains—

(A) a summary of the activities of the Commission;

(B) a final accounting of funds received and expended by the Commission; and

(C) the findings and recommendations of the Commission.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Commission to carry out this section \$500,000 for each of fiscal years 2009 through 2015.

(2) **AVAILABILITY.**—Amounts made available under paragraph (1) shall remain available until December 31, 2015.

(h) **TERMINATION OF COMMISSION.**—

(1) **DATE OF TERMINATION.**—The Commission shall terminate on December 31, 2015.

(2) **TRANSFER OF DOCUMENTS AND MATERIALS.**—Before the date of termination specified in paragraph (1), the Commission shall transfer all documents and materials of the Commission to the National Archives or another appropriate Federal entity.

TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A—Designation of National Heritage Areas

SEC. 8001. SANGRE DE CRISTO NATIONAL HERITAGE AREA, COLORADO.

(a) **DEFINITIONS.**—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Sangre de Cristo National Heritage Area established by subsection (b)(1).

(2) **MANAGEMENT ENTITY.**—The term “management entity” means the management entity for the Heritage Area designated by subsection (b)(4).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area required under subsection (d).

(4) **MAP.**—The term “map” means the map entitled “Proposed Sangre De Cristo National Heritage Area” and dated November 2005.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **STATE.**—The term “State” means the State of Colorado.

(b) **SANGRE DE CRISTO NATIONAL HERITAGE AREA.**—

(1) **ESTABLISHMENT.**—There is established in the State the Sangre de Cristo National Heritage Area.

(2) **BOUNDARIES.**—The Heritage Area shall consist of—

(A) the counties of Alamosa, Conejos, and Costilla; and

(B) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(3) **MAP.**—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) **MANAGEMENT ENTITY.**—

(A) **IN GENERAL.**—The management entity for the Heritage Area shall be the Sangre de Cristo National Heritage Area Board of Directors.

(B) **MEMBERSHIP REQUIREMENTS.**—Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) **ADMINISTRATION.**—

(1) **AUTHORITIES.**—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(D) obtain money or services from any source including any that are provided under any other Federal law or program;

(E) contract for goods or services; and

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area and is consistent with the approved management plan.

(2) **DUTIES.**—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area; and

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year that Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds;

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located in the core area described in subsection (b)(2); and

(II) any other property in the core area that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, or maintained because of the significance of the property;

(ii) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date that the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines make a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8002. CACHE LA POUDE RIVER NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Cache La Poudre River National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Poudre Heritage Alliance, the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (d)(1).

(4) MAP.—The term “map” means the map entitled “Cache La Poudre River National Heritage Area”, numbered 960/80,003, and dated April, 2004.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of Colorado.

(b) CACHE LA POUDE RIVER NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Cache La Poudre River National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the area depicted on the map.

(3) MAP.—The map shall be on file and available for public inspection in the appropriate offices of—

(A) the National Park Service; and

(B) the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The local coordinating entity for the Heritage Area shall be the Poudre Heritage Alliance, a nonprofit organization incorporated in the State.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—To carry out the management plan, the Secretary, acting through the local coordinating entity, may use amounts made available under this section—

(A) to make grants to the State (including any political subdivision of the State), nonprofit organizations, and other individuals;

(B) to enter into cooperative agreements with, or provide technical assistance to, the

State (including any political subdivision of the State), nonprofit organizations, and other interested parties;

(C) to hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resource protection, and heritage programming;

(D) to obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) to enter into contracts for goods or services; and

(F) to serve as a catalyst for any other activity that—

(i) furthers the purposes and goals of the Heritage Area; and

(ii) is consistent with the approved management plan.

(2) DUTIES.—The local coordinating entity shall—

(A) in accordance with subsection (d), prepare and submit to the Secretary a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values located in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, the natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest, are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the

local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of the resources located in the Heritage Area;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(iv) a program of implementation for the management plan by the local coordinating entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the local coordinating entity shall be ineligible to receive additional funding under this section until the date on which the Secretary approves a management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the date of receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(5) AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines would make a substantial change to the management plan.

(B) USE OF FUNDS.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law (including regulations).

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including any regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any public or private property owner, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner—

(A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law (including regulations), of any private property owner with respect to any individual injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area to identify the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

(j) CONFORMING AMENDMENT.—The Cache La Poudre River Corridor Act (16 U.S.C. 461 note; Public Law 104-323) is repealed.

SEC. 8003. SOUTH PARK NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Board of Directors of the South Park National Heritage Area, comprised initially of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(2) HERITAGE AREA.—The term “Heritage Area” means the South Park National Heritage Area established by subsection (b)(1).

(3) MANAGEMENT ENTITY.—The term “management entity” means the management entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required by subsection (d).

(5) MAP.—The term “map” means the map entitled “South Park National Heritage Area Map (Proposed)”, dated January 30, 2006.

(6) PARTNER.—The term “partner” means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in the conservation, preservation, interpretation, development or promotion of heritage sites or resources of the Heritage Area.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(8) STATE.—The term “State” means the State of Colorado.

(9) TECHNICAL ASSISTANCE.—The term “technical assistance” means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

(b) SOUTH PARK NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the South Park National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the areas included in the map.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Park County Tourism & Community Development Office, in conjunction with the South Park National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(2) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, fundraising, heritage facility planning and development, and heritage tourism programming;

(D) obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) enter into contracts for goods or services; and

(F) to facilitate the conduct of other projects and activities that further the Heritage Area and are consistent with the approved management plan.

(3) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, local property owners and businesses, and non-profit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, enhance, and promote important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing economic, recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area;

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area; and

(viii) planning and developing new heritage attractions, products and services;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit to the Secretary an annual report that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the Federal funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity, with public participation, shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, interpretation, development, and promotion of the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located within the areas included in the map; and

(II) any other eligible and participating property within the areas included in the map that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, maintained, developed, or promoted because of the significance of the property;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, development, and promotion of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to manage protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing and effective collaboration among partners to promote plans for resource protection, enhancement, interpretation, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) an analysis of and recommendations for means by which Federal, State, and local programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and inter-agency cooperative agreements to protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date on which the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, local businesses

and industries, community organizations, recreational organizations, and tourism organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) strategies contained in the management plan, if implemented, would adequately balance the voluntary protection, development, and interpretation of the natural, historical, cultural, scenic, recreational, and agricultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines makes a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8004. NORTHERN PLAINS NATIONAL HERITAGE AREA, NORTH DAKOTA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Northern Plains National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Northern Plains Heritage Foundation, the local coordinating entity for the Heritage Area designated by subsection (c)(1).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan

for the Heritage Area required under subsection (d).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of North Dakota.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Northern Plains National Heritage Area in the State of North Dakota.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) a core area of resources in Burleigh, McLean, Mercer, Morton, and Oliver Counties in the State; and

(B) any sites, buildings, and districts within the core area recommended by the management plan for inclusion in the Heritage Area.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the local coordinating entity and the National Park Service.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Northern Plains Heritage Foundation, a nonprofit corporation established under the laws of the State.

(2) DUTIES.—To further the purposes of the Heritage Area, the Northern Plains Heritage Foundation, as the local coordinating entity, shall—

(A) prepare a management plan for the Heritage Area, and submit the management plan to the Secretary, in accordance with this section;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(3) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the Heritage Area, the local coordinating entity may use Federal funds made available under this section to—

(A) make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including other Federal programs;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(4) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized to be appropriated under this section to acquire any interest in real property.

(5) OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds from other sources for authorized purposes.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation of the Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for the Heritage Area on the basis of the criteria established under subparagraph (B).

(B) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(C) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan,

the Secretary shall approve or disapprove the revised management plan.

(D) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(E) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide financial assistance and, on a reimbursable or nonreimbursable basis, technical assistance to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(4) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies or alters any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(F) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) modify public access to, or use of, the property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, tribal, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the

date that is 15 years after the date of enactment of this Act.

SEC. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARYLAND.

(a) **DEFINITIONS.**—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Baltimore National Heritage Area, established by subsection (b)(1).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) **MAP.**—The term “map” means the map entitled “Baltimore National Heritage Area”, numbered T10/80,000, and dated October 2007.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **STATE.**—The term “State” means the State of Maryland.

(b) **BALTIMORE NATIONAL HERITAGE AREA.**—

(1) **ESTABLISHMENT.**—There is established the Baltimore National Heritage Area in the State.

(2) **BOUNDARIES.**—The Heritage Area shall be comprised of the following areas, as described on the map:

(A) The area encompassing the Baltimore City Heritage Area certified by the Maryland Heritage Areas Authority in October 2001 as part of the Baltimore City Heritage Area Management Action Plan.

(B) The Mount Auburn Cemetery.

(C) The Cylburn Arboretum.

(D) The Middle Branch of the Patapsco River and surrounding shoreline, including—

(i) the Cruise Maryland Terminal;

(ii) new marina construction;

(iii) the National Aquarium Aquatic Life Center;

(iv) the Westport Redevelopment;

(v) the Gwynns Falls Trail;

(vi) the Baltimore Rowing Club; and

(vii) the Masonville Cove Environmental Center.

(3) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Baltimore Heritage Area Association.

(4) **LOCAL COORDINATING ENTITY.**—The Baltimore Heritage Area Association shall be the local coordinating entity for the Heritage Area.

(c) **DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.**—

(1) **DUTIES OF THE LOCAL COORDINATING ENTITY.**—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are

consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling

the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park

Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8006. FREEDOM'S WAY NATIONAL HERITAGE AREA, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) PURPOSES.—The purposes of this section are—

(1) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the States of Massachusetts and New Hampshire;

(2) to assist the entities described in paragraph (1) to preserve the special historic identity of the Heritage Area; and

(3) to manage, preserve, protect, and interpret the cultural, historic, and natural resources of the Heritage Area for the educational and inspirational benefit of future generations.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Freedom's Way National Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (d)(1)(A).

(4) MAP.—The term “map” means the map entitled “Freedom's Way National Heritage Area”, numbered T04/80,000, and dated July 2007.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire.

(2) BOUNDARIES.—

(A) IN GENERAL.—The boundaries of the Heritage Area shall be as generally depicted on the map.

(B) REVISION.—The boundaries of the Heritage Area may be revised if the revision is—

(i) proposed in the management plan;

(ii) approved by the Secretary in accordance with subsection (e)(4); and

(iii) placed on file in accordance with paragraph (3).

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The Freedom's Way Heritage Association, Inc., shall be the local coordinating entity for the Heritage Area.

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize and protect important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use

Federal funds made available under this section to—

(A) make grants to the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(4) USE OF FUNDS FOR NON-FEDERAL PROPERTY.—The local coordinating entity may use Federal funds made available under this section to assist non-Federal property that is—

(A) described in the management plan; or

(B) listed, or eligible for listing, on the National Register of Historic Places.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) provide a framework for coordination of the plans considered under subparagraph (B) to present a unified historic preservation and interpretation plan;

(D) contain the contributions of residents, public agencies, and private organizations within the Heritage Area;

(E) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(F) specify existing and potential sources of funding or economic development strategies to conserve, manage, and develop the Heritage Area;

(G) include an inventory of the natural, historic, and recreational resources of the Heritage Area, including a list of properties that—

(i) are related to the themes of the Heritage Area; and

(ii) should be conserved, restored, managed, developed, or maintained;

(H) recommend policies and strategies for resource management that—

(i) apply appropriate land and water management techniques;

(ii) include the development of intergovernmental and interagency agreements to protect the natural, historic, and cultural resources of the Heritage Area; and

(iii) support economic revitalization efforts;

(I) describe a program for implementation of the management plan, including—

(i) restoration and construction plans or goals;

(ii) a program of public involvement;

(iii) annual work plans; and

(iv) annual reports;

(J) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(K) include an interpretive plan for the Heritage Area; and

(L) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(C) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan,

the Secretary shall approve or disapprove the revised management plan.

(D) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, and cultural resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(G) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(H) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the States of Massachusetts and New Hampshire to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(I) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(J) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to

provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8007. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Mississippi Hills National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for Heritage Area designated by subsection (b)(3)(A).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of Mississippi.

(b) MISSISSIPPI HILLS NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Mississippi Hills National Heritage Area in the State.

(2) BOUNDARIES.—

(A) AFFECTED COUNTIES.—The Heritage Area shall consist of all, or portions of, as specified by the boundary description in subparagraph (B), Alcorn, Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Clay, DeSoto, Grenada, Holmes, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha Counties in the State.

(B) BOUNDARY DESCRIPTION.—The Heritage Area shall have the following boundary description:

(i) traveling counterclockwise, the Heritage Area shall be bounded to the west by U.S. Highway 51 from the Tennessee State line until it intersects Interstate 55 (at Geeslin Corner approximately ½ mile due north of Highway Interchange 208);

(ii) from this point, Interstate 55 shall be the western boundary until it intersects with Mississippi Highway 12 at Highway Interchange 156, the intersection of which shall be the southwest terminus of the Heritage Area;

(iii) from the southwest terminus, the boundary shall—

(I) extend east along Mississippi Highway 12 until it intersects U.S. Highway 51;

(II) follow Highway 51 south until it is intersected again by Highway 12;

(III) extend along Highway 12 into downtown Kosciusko where it intersects Mississippi Highway 35;

(IV) follow Highway 35 south until it is intersected by Mississippi Highway 14; and

(V) extend along Highway 14 until it reaches the Alabama State line, the intersection of which shall be the southeast terminus of the Heritage Area;

(iv) from the southeast terminus, the boundary of the Heritage Area shall follow the Mississippi-Alabama State line until it reaches the Mississippi-Tennessee State line, the intersection of which shall be the northeast terminus of the Heritage Area; and

(v) the boundary shall extend due west until it reaches U.S. Highway 51, the intersection of which shall be the northwest terminus of the Heritage Area.

(3) LOCAL COORDINATING ENTITY.—

(A) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Mississippi Hills Heritage Area Alliance, a nonprofit organization registered by the

State, with the cooperation and support of the University of Mississippi.

(B) BOARD OF DIRECTORS.—

(i) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors comprised of not more than 30 members.

(ii) COMPOSITION.—Members of the Board of Directors shall consist of—

(I) not more than 1 representative from each of the counties described in paragraph (2)(A); and

(II) any ex-officio members that may be appointed by the Board of Directors, as the Board of Directors determines to be necessary.

(C) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(ii) developing recreational opportunities in the Heritage Area;

(iii) increasing public awareness of, and appreciation for, natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(v) carrying out any other activity that the local coordinating entity determines to be consistent with this section;

(C) conduct meetings open to the public at least annually regarding the development and implementation of the management plan;

(D) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(E) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(F) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(G) ensure that each county included in the Heritage Area is appropriately represented on any oversight advisory committee established under this section to coordinate the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants and loans to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program; and

(E) contract for goods or services.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) provide recommendations for the preservation, conservation, enhancement, funding, management, interpretation, development, and promotion of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(B) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(C) include—

(i) an inventory of the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) an analysis of how Federal, State, tribal, and local programs may best be coordinated to promote and carry out this section;

(D) provide recommendations for educational and interpretive programs to provide information to the public on the resources of the Heritage Area; and

(E) involve residents of affected communities and tribal and local governments.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the manage-

ment plan, if implemented, would adequately protect the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) REVIEW; AMENDMENTS.—

(i) IN GENERAL.—After approval by the Secretary of the management plan, the Alliance shall periodically—

(I) review the management plan; and

(II) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

(ii) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(iii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) EFFECT.—

(1) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(A) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(B) requires any property owner to—

(i) permit public access (including Federal, tribal, State, or local government access) to the property; or

(ii) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(C) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(D) conveys any land use or other regulatory authority to the local coordinating entity;

(E) authorizes or implies the reservation or appropriation of water or water rights;

(F) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(G) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(2) NO EFFECT ON INDIAN TRIBES.—Nothing in this section—

(A) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(B) diminishes the trust responsibilities or government-to-government obligations of the United States to any Indian tribe recognized by the Federal Government.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8008. MISSISSIPPI DELTA NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Board of Directors of the local coordinating entity.

(2) HERITAGE AREA.—The term “Heritage Area” means the Mississippi Delta National Heritage Area established by subsection (b)(1).

(3) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area developed under subsection (d).

(5) MAP.—The term “map” means the map entitled “Mississippi Delta National Heritage Area”, numbered T13/80,000, and dated April 2008.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) STATE.—The term “State” means the State of Mississippi.

(b) ESTABLISHMENT.—

(1) ESTABLISHMENT.—There is established in the State the Mississippi Delta National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall include all counties in the State that contain land located in the alluvial floodplain of the Mississippi Delta, including Bolivar, Car-

roll, Coahoma, Desoto, Holmes, Humphreys, Issaquena, Leflore, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica, Warren, Washington, and Yazoo Counties in the State, as depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) LOCAL COORDINATING ENTITY.—

(A) DESIGNATION.—The Mississippi Delta National Heritage Area Partnership shall be the local coordinating entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—

(I) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors composed of 15 members, of whom—

(aa) 1 member shall be appointed by Delta State University;

(bb) 1 member shall be appointed by Mississippi Valley State University;

(cc) 1 member shall be appointed by Alcorn State University;

(dd) 1 member shall be appointed by the Delta Foundation;

(ee) 1 member shall be appointed by the Smith Robertson Museum;

(ff) 1 member shall be appointed from the office of the Governor of the State;

(gg) 1 member shall be appointed by Delta Council;

(hh) 1 member shall be appointed from the Mississippi Arts Commission;

(ii) 1 member shall be appointed from the Mississippi Department of Archives and History;

(jj) 1 member shall be appointed from the Mississippi Humanities Council; and

(kk) up to 5 additional members shall be appointed for staggered 1- and 2-year terms by County boards in the Heritage Area.

(II) RESIDENCY REQUIREMENTS.—At least 7 members of the Board shall reside in the Heritage Area.

(i) OFFICERS.—

(I) IN GENERAL.—At the initial meeting of the Board, the members of the Board shall appoint a Chairperson, Vice Chairperson, and Secretary/Treasurer.

(II) DUTIES.—

(aa) CHAIRPERSON.—The duties of the Chairperson shall include—

(AA) presiding over meetings of the Board;

(BB) executing documents of the Board; and

(CC) coordinating activities of the Heritage Area with Federal, State, local, and non-governmental officials.

(bb) VICE CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the absence or disability of the Chairperson.

(iii) MANAGEMENT AUTHORITY.—

(I) IN GENERAL.—The Board shall—

(aa) exercise all corporate powers of the local coordinating entity;

(bb) manage the activities and affairs of the local coordinating entity; and

(cc) subject to any limitations in the articles and bylaws of the local coordinating entity, this section, and any other applicable Federal or State law, establish the policies of the local coordinating entity.

(II) STAFF.—The Board shall have the authority to employ any services and staff that are determined to be necessary by a majority vote of the Board.

(iv) BYLAWS.—

(I) IN GENERAL.—The Board may amend or repeal the bylaws of the local coordinating entity at any meeting of the Board by a majority vote of the Board.

(II) NOTICE.—The Board shall provide notice of any meeting of the Board at which an amendment to the bylaws is to be considered that includes the text or a summary of the proposed amendment.

(v) MINUTES.—Not later than 60 days after a meeting of the Board, the Board shall distribute the minutes of the meeting among all Board members and the county supervisors in each county within the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of

the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) **DUTIES AND AUTHORITIES OF THE SECRETARY.**—

(1) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) **PRIORITY.**—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(D) **PROHIBITION OF CERTAIN REQUIREMENTS.**—The Secretary may not, as a condition of the provision of technical or financial assistance under this subsection, require any recipient of the assistance to impose or modify any land use restriction or zoning ordinance.

(2) **EVALUATION; REPORT.**—

(A) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) **EVALUATION.**—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) **REPORT.**—

(i) **IN GENERAL.**—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) **REQUIRED ANALYSIS.**—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) **SUBMISSION TO CONGRESS.**—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) **PROPERTY OWNERS AND REGULATORY PROTECTIONS.**—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area;

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property;

(8) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(9) diminishes the trust responsibilities of government-to-government obligations of the United States of any federally recognized Indian tribe.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) **FORM.**—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) **TERMINATION OF FINANCIAL ASSISTANCE.**—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA.

(a) **PURPOSES.**—The purposes of this section are—

(1) to preserve, support, conserve, and interpret the legacy of the region represented by the Heritage Area as described in the feasibility study prepared by the National Park Service;

(2) to promote heritage, cultural, and recreational tourism, and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key developments in the growth of the United States, including the Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the manner by which the distinctive geography of the region has shaped the development of the settlement, defense, transportation, commerce, and culture of the region;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

(b) **DEFINITIONS.**—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Muscle Shoals National Heritage Area established by subsection (c)(1).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the plan for the Heritage Area required under subsection (d)(1)(A).

(4) **MAP.**—The term “map” means the map entitled “Muscle Shoals National Heritage Area”, numbered T08/80,000, and dated October 2007.

(5) **STATE.**—The term “State” means the State of Alabama.

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established the Muscle Shoals National Heritage Area in the State.

(2) **BOUNDARIES.**—The Heritage Area shall be comprised of the following areas, as depicted on the map:

(A) The Counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan, Alabama.

(B) The Wilson Dam.

(C) The Handy Home.

(D) The birthplace of Helen Keller.

(3) **AVAILABILITY MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) **LOCAL COORDINATING ENTITY.**—The Muscle Shoals Regional Center shall be the local coordinating entity for the Heritage Area.

(d) **DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.**—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(D) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area; and

(E) serve as a catalyst for the implementation of projects and programs among diverse partners in the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal,

and local governments, private organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, or developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and inter-agency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, recreational organizations, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local

governmental involvement (including through workshops and public meetings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan;

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, and private sector parties for implementation of the management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to

refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(4) USE OF FEDERAL FUNDS FROM OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds available under provisions of law other than this section for the purposes for which those funds were authorized.

(j) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA, ALASKA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Kenai Mountains-Turnagain Arm National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Kenai Mountains-Turnagain Arm Corridor Communities Association.

(3) MANAGEMENT PLAN.—The term “management plan” means the plan prepared by the local coordinating entity for the Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the Heritage Area, in accordance with this section.

(4) MAP.—The term “map” means the map entitled “Proposed Kenai Mountains-Turnagain Arm NHA” and dated August 7, 2007.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) DESIGNATION OF THE KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the land in the Kenai Moun-

tains and upper Turnagain Arm region, as generally depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(A) the appropriate offices of the Forest Service, Chugach National Forest;

(B) the Alaska Regional Office of the National Park Service; and

(C) the office of the Alaska State Historic Preservation Officer.

(c) MANAGEMENT PLAN.—

(1) LOCAL COORDINATING ENTITY.—The local coordinating entity, in partnership with other interested parties, shall develop a management plan for the Heritage Area in accordance with this section.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for use in—

(i) telling the story of the heritage of the area covered by the Heritage Area; and

(ii) encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that the Federal Government, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and inter-agency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service, the Forest Service, and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and each of the major activities contained in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the management plan under paragraph (3), the Secretary shall review and approve or disapprove the management plan for a Heritage Area on the basis of the criteria established under subparagraph (C).

(B) CONSULTATION.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving a management plan for the Heritage Area.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including the Federal Government, State, tribal, and local governments, natural and historical resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with other interested parties, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal Government, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(d) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under this section, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(e) LOCAL COORDINATING ENTITY.—

(1) DUTIES.—To further the purposes of the Heritage Area, in addition to developing the management plan for the Heritage Area under subsection (c), the local coordinating entity shall—

(A) serve to facilitate and expedite the implementation of projects and programs among diverse partners in the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraging; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—For the purpose of preparing and implementing the approved management plan for the Heritage Area under subsection (c), the local coordinating entity may use Federal funds made available under this section—

(A) to make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) to enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) to hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) to obtain funds or services from any source, including other Federal programs;

(E) to enter into contracts for goods or services; and

(F) to support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this section to acquire any interest in real property.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other provision of law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity, to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including a regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, tribal, or local law;

(3) alters any duly adopted land use regulatory, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of any State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated to carry out this section \$1,000,000 for each fiscal year, to remain available until expended.

(2) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than a total of \$10,000,000 may be made available to carry out this section.

(3) COST-SHARING.—

(A) IN GENERAL.—The Federal share of the total cost of any activity carried out under this section shall not exceed 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of any activity carried out under this section may be provided in the form of in-kind contributions of goods or services fairly valued.

(1) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle B—Studies

SEC. 8101. CHATTAHOOCHEE TRACE, ALABAMA AND GEORGIA.

(a) DEFINITIONS.—In this section:

(1) CORRIDOR.—The term “Corridor” means the Chattahoochee Trace National Heritage Corridor.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STUDY AREA.—The term “study area” means the study area described in subsection (b)(2).

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with State historic preservation officers, State historical societies, State tourism offices, and other appropriate organizations or agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as the Chattahoochee Trace National Heritage Corridor.

(2) STUDY AREA.—The study area includes—

(A) the portion of the Apalachicola-Chattahoochee-Flint River Basin and surrounding areas, as generally depicted on the map entitled “Chattahoochee Trace National Heritage Corridor, Alabama/Georgia”, numbered T05/80000, and dated July 2007; and

(B) any other areas in the State of Alabama or Georgia that—

(i) have heritage aspects that are similar to the areas depicted on the map described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, those areas.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) represent distinctive aspects of the heritage of the United States;

(ii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iii) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes non-contiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklore that are a valuable part of the story of the United States;

(C) provides—

(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and

(ii) outstanding recreational and educational opportunities;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Corridor;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Corridor, including the Federal Government; and

(iii) have demonstrated support for the designation of the Corridor;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Corridor while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

(c) REPORT.—Not later than the 3rd fiscal year after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 8102. NORTHERN NECK, VIRGINIA.

(a) DEFINITIONS.—In this section:

(1) PROPOSED HERITAGE AREA.—The term “proposed Heritage Area” means the proposed Northern Neck National Heritage Area.

(2) STATE.—The term “State” means the State of Virginia.

(3) STUDY AREA.—The term “study area” means the area that is comprised of—

(A) the area of land located between the Potomac and Rappahannock rivers of the eastern coastal region of the State;

(B) Westmoreland, Northumberland, Richmond, King George, and Lancaster Counties of the State; and

(C) any other area that—

(i) has heritage aspects that are similar to the heritage aspects of the areas described in subparagraph (A) or (B); and

(ii) is located adjacent to, or in the vicinity of, those areas.

(b) STUDY.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the Secretary, in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, shall conduct a study to determine the suitability and feasibility of designating the study area as the Northern Neck National Heritage Area.

(2) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historical, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklore that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities;

(G) contains resources and has traditional uses that have national importance;

(H) includes residents, business interests, nonprofit organizations, and appropriate Federal agencies and State and local governments that are involved in the planning of, and have demonstrated significant support for, the designation and management of the proposed Heritage Area;

(I) has a proposed local coordinating entity that is responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(J) with respect to the designation of the study area, has the support of the proposed local coordinating entity and appropriate Federal agencies and State and local governments, each of which has documented the commitment of the entity to work in partnership with each other entity to protect, enhance, interpret, fund, manage, and develop the resources located in the study area;

(K) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the proposed Heritage Area;

(L) has a proposal that is consistent with continued economic activity within the area; and

(M) has a conceptual boundary map that is supported by the public and appropriate Federal agencies.

(3) ADDITIONAL CONSULTATION REQUIREMENT.—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the managers of any Federal land located within the study area; and

(B) before making any determination with respect to the designation of the study area, secure the concurrence of each manager with respect to each finding of the study.

(c) DETERMINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the State, shall review, comment on, and determine if the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(2) REPORT.—

(A) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are first made available to carry out the study, the Secretary shall submit a report describing the findings, conclusions, and recommendations of the study to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) REQUIREMENTS.—

(I) **IN GENERAL.**—The report shall contain—
(i) any comments that the Secretary has received from the Governor of the State relating to the designation of the study area as a national heritage area; and

(II) a finding as to whether the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(ii) **DISAPPROVAL.**—If the Secretary determines that the study area does not meet any requirement described in subsection (b)(2) for designation as a national heritage area, the Secretary shall include in the report a description of each reason for the determination.

**Subtitle C—Amendments Relating to
National Heritage Corridors**

**SEC. 8201. QUINEBAUG AND SHETUCKET RIVERS
VALLEY NATIONAL HERITAGE
CORRIDOR.**

(a) **TERMINATION OF AUTHORITY.**—Section 106(b) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by striking “September 30, 2009” and inserting “September 30, 2015”.

(b) **EVALUATION; REPORT.**—Section 106 of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by adding at the end the following:

“(c) **EVALUATION; REPORT.**—

“(1) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Corridor, the Secretary shall—

“(A) conduct an evaluation of the accomplishments of the Corridor; and

“(B) prepare a report in accordance with paragraph (3).

“(2) **EVALUATION.**—An evaluation conducted under paragraph (1)(A) shall—

“(A) assess the progress of the management entity with respect to—

“(i) accomplishing the purposes of this title for the Corridor; and

“(ii) achieving the goals and objectives of the management plan for the Corridor;

“(B) analyze the Federal, State, local, and private investments in the Corridor to determine the leverage and impact of the investments; and

“(C) review the management structure, partnership relationships, and funding of the Corridor for purposes of identifying the critical components for sustainability of the Corridor.

“(3) **REPORT.**—

“(A) **IN GENERAL.**—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Corridor.

“(B) **REQUIRED ANALYSIS.**—If the report prepared under subparagraph (A) recommends that Federal funding for the Corridor be reauthorized, the report shall include an analysis of—

“(i) ways in which Federal funding for the Corridor may be reduced or eliminated; and

“(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

“(C) **SUBMISSION TO CONGRESS.**—On completion of the report, the Secretary shall submit the report to—

“(i) the Committee on Energy and Natural Resources of the Senate; and

“(ii) the Committee on Natural Resources of the House of Representatives.”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 109(a) of the Quinebaug and

Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by striking “\$10,000,000” and inserting “\$15,000,000”.

**SEC. 8202. DELAWARE AND LEHIGH NATIONAL
HERITAGE CORRIDOR.**

The Delaware and Lehigh National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; Public Law 100-692) is amended—

(1) in section 9—

(A) by striking “The Commission” and inserting the following:

“(a) **IN GENERAL.**—The Commission”; and

(B) by adding at the end the following:

“(b) **CORPORATION AS LOCAL COORDINATING ENTITY.**—Beginning on the date of enactment of the Omnibus Public Land Management Act of 2009, the Corporation shall be the local coordinating entity for the Corridor.

“(c) **IMPLEMENTATION OF MANAGEMENT PLAN.**—The Corporation shall assume the duties of the Commission for the implementation of the Plan.

“(d) **USE OF FUNDS.**—The Corporation may use Federal funds made available under this Act—

“(1) to make grants to, and enter into cooperative agreements with, the Federal Government, the Commonwealth, political subdivisions of the Commonwealth, nonprofit organizations, and individuals;

“(2) to hire, train, and compensate staff; and

“(3) to enter into contracts for goods and services.

“(e) **RESTRICTION ON USE OF FUNDS.**—The Corporation may not use Federal funds made available under this Act to acquire land or an interest in land.”;

(2) in section 10—

(A) in the first sentence of subsection (c), by striking “shall assist the Commission” and inserting “shall, on the request of the Corporation, assist”;

(B) in subsection (d)—

(i) by striking “Commission” each place it appears and inserting “Corporation”; and

(ii) by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”; and

(iii) by adding at the end the following:

“(2) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the Corporation and other public or private entities for the purpose of providing technical assistance and grants under paragraph (1).

“(3) **PRIORITY.**—In providing assistance to the Corporation under paragraph (1), the Secretary shall give priority to activities that assist in—

“(A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and

“(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Corridor.”; and

(C) by adding at the end the following:

“(e) **TRANSITION MEMORANDUM OF UNDERSTANDING.**—The Secretary shall enter into a memorandum of understanding with the Corporation to ensure—

“(1) appropriate transition of management of the Corridor from the Commission to the Corporation; and

“(2) coordination regarding the implementation of the Plan.”;

(3) in section 11, in the matter preceding paragraph (1), by striking “directly affecting”;

(4) in section 12—

(A) in subsection (a), by striking “Commission” each place it appears and inserting “Corporation”;

(B) in subsection (c)(1), by striking “2007” and inserting “2012”; and

(C) by adding at the end the following:

“(d) **TERMINATION OF ASSISTANCE.**—The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 5 years after the date of enactment of this subsection.”; and

(5) in section 14—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) the term ‘Corporation’ means the Delaware and Lehigh National Heritage Corridor, Incorporated, an organization described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986.”.

**SEC. 8203. ERIE CANALWAY NATIONAL HERITAGE
CORRIDOR.**

The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106-554) is amended—

(1) in section 804—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking “27” and inserting “at least 21 members, but not more than 27”;

(ii) in paragraph (2), by striking “Environment” and inserting “Environmental”; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking “19”;

(II) by striking subparagraph (A);

(III) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(IV) in subparagraph (B) (as redesignated by subclause (III)), by striking the second sentence; and

(V) by inserting after subparagraph (B) (as redesignated by subclause (III)) the following:

“(C) The remaining members shall be—

“(i) appointed by the Secretary, based on recommendations from each member of the House of Representatives, the district of which encompasses the Corridor; and

“(ii) persons that are residents of, or employed within, the applicable congressional districts.”;

(B) in subsection (f), by striking “Fourteen members of the Commission” and inserting “A majority of the serving Commissioners”;

(C) in subsection (g), by striking “14 of its members” and inserting “a majority of the serving Commissioners”;

(D) in subsection (h), by striking paragraph (4) and inserting the following:

“(4)(A) to appoint any staff that may be necessary to carry out the duties of the Commission, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service; and

“(B) to fix the compensation of the staff, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates.”; and

(E) in subsection (j), by striking “10 years” and inserting “15 years”;

(2) in section 807—

(A) in subsection (e), by striking “with regard to the preparation and approval of the Canalway Plan”; and

(B) by adding at the end the following:

“(f) **OPERATIONAL ASSISTANCE.**—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and

private organizations in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.”; and

(3) in section 810(a)(1), in the first sentence, by striking “any fiscal year” and inserting “any fiscal year, to remain available until expended”.

SEC. 8204. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 3(b)(2) of Public Law 99-647 (16 U.S.C. 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

(1) by striking “shall be the the” and inserting “shall be the”; and

(2) by striking “Directors from Massachusetts and Rhode Island;” and inserting “Directors from Massachusetts and Rhode Island, ex officio, or their delegates;”.

Subtitle D—Effect of Title

SEC. 8301. EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS, IDAHO.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and are considered appropriate for further study by the Bureau of Reclamation Boise Payette water storage assessment report issued during 2006.

(b) BUREAU OF RECLAMATION.—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines for studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section \$3,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.

(a) DEFINITIONS.—In this section:

(1) APPRAISAL REPORT.—The term “appraisal report” means the appraisal report concerning the augmentation alternatives for the Sierra Vista Subwatershed in the State of Arizona, dated June 2007 and prepared by the Bureau of Reclamation.

(2) PRINCIPLES AND GUIDELINES.—The term “principles and guidelines” means the report entitled “Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies” issued on March 10, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) SIERRA VISTA SUBWATERSHED FEASIBILITY STUDY.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the reclamation laws and the principles and guidelines, the Secretary, acting through the Commissioner of Reclamation, may complete a feasibility study of alternatives to augment the water supplies within the Sierra Vista Subwatershed in the State of Ari-

zona that are identified as appropriate for further study in the appraisal report.

(B) INCLUSIONS.—In evaluating the feasibility of alternatives under subparagraph (A), the Secretary shall—

(i) include—

(I) any required environmental reviews;

(II) the construction costs and projected operations, maintenance, and replacement costs for each alternative; and

(III) the economic feasibility of each alternative;

(ii) take into consideration the ability of Federal, tribal, State, and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs;

(iii) establish the basis for—

(I) any cost-sharing allocations; and

(II) anticipated repayment, if any, of Federal contributions; and

(iv) perform a cost-benefit analysis.

(2) COST SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total costs of the study under paragraph (1) shall not exceed 45 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind service that the Secretary determines would contribute substantially toward the conduct and completion of the study under paragraph (1).

(3) STATEMENT OF CONGRESSIONAL INTENT RELATING TO COMPLETION OF STUDY.—It is the intent of Congress that the Secretary complete the study under paragraph (1) by a date that is not later than 30 months after the date of enactment of this Act.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$1,260,000.

(c) WATER RIGHTS.—Nothing in this section affects—

(1) any valid or vested water right in existence on the date of enactment of this Act; or

(2) any application for water rights pending before the date of enactment of this Act.

SEC. 9003. SAN DIEGO INTERTIE, CALIFORNIA.

(a) FEASIBILITY STUDY, PROJECT DEVELOPMENT, COST SHARE.—

(1) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as “Secretary”), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary’s engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served by the proposed reservoir and intertie project, the potential benefits to the people of that service area, and improved operations of the proposed reservoir and intertie system. The Secretary shall indicate in the feasibility report required under paragraph (4) whether the proposed reservoir and intertie project is recommended for construction.

(2) FEDERAL COST SHARE.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study costs. The Secretary may accept as part of the non-Federal cost share, any contribution of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute to-

ward the conduct and completion of the study.

(3) COOPERATION.—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this subsection.

(4) FEASIBILITY REPORT.—The Secretary shall submit to Congress a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include—

(A) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and

(B) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

(b) FEDERAL RECLAMATION PROJECTS.—Nothing in this section shall supersede or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$3,000,000 for the Federal cost share of the study authorized in subsection (a).

(d) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

Subtitle B—Project Authorizations

SEC. 9101. TUMALO IRRIGATION DISTRICT WATER CONSERVATION PROJECT, OREGON.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term “District” means the Tumalo Irrigation District, Oregon.

(2) PROJECT.—The term “Project” means the Tumalo Irrigation District Water Conservation Project authorized under subsection (b)(1).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) AUTHORIZATION TO PLAN, DESIGN AND CONSTRUCT THE TUMALO WATER CONSERVATION PROJECT.—

(1) AUTHORIZATION.—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any appropriate studies and reports prepared by the District.

(2) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the total cost of the Project shall be 25 percent, which shall be nonreimbursable to the United States.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the Project any amounts that the District provides toward the design, planning, and construction before the date of enactment of this Act.

(3) TITLE.—The District shall hold title to any facilities constructed under this section.

(4) OPERATION AND MAINTENANCE COSTS.—The District shall pay the operation and maintenance costs of the Project.

(5) EFFECT.—Any assistance provided under this section shall not be considered to be a

supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary for the Federal share of the cost of the Project \$4,000,000.

(d) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to carry out this section shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA.

(a) **DEFINITIONS.**—In this section:

(1) **DISTRICT.**—The term “District” means the Madera Irrigation District, Madera, California.

(2) **PROJECT.**—The term “Project” means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646-acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year, as substantially described in the California Environmental Quality Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2005.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **TOTAL COST.**—The term “total cost” means all reasonable costs, such as the planning, design, permitting, and construction of the Project and the acquisition costs of lands used or acquired by the District for the Project.

(b) **PROJECT FEASIBILITY.**—

(1) **PROJECT FEASIBLE.**—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Project is feasible and no further studies or actions regarding feasibility are necessary.

(2) **APPLICABILITY OF OTHER LAWS.**—The Secretary shall implement the authority provided in this section in accordance with all applicable Federal laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (7 U.S.C. 136; 16 U.S.C. 460 et seq.).

(c) **COOPERATIVE AGREEMENT.**—All final planning and design and the construction of the Project authorized by this section shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

(1) engineering and design;

(2) construction; and

(3) the administration of contracts pertaining to any of the foregoing.

(d) **AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.**—

(1) **AUTHORIZATION OF CONSTRUCTION.**—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, is authorized to enter into a cooperative agreement through the Bureau of Reclamation with the District for the support of the final design and construction of the Project.

(2) **TOTAL COST.**—The total cost of the Project for the purposes of determining the

Federal cost share shall not exceed \$90,000,000.

(3) **COST SHARE.**—The Federal share of the capital costs of the Project shall be provided on a nonreimbursable basis and shall not exceed 25 percent of the total cost. Capital, planning, design, permitting, construction, and land acquisition costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(4) **CREDIT FOR NON-FEDERAL WORK.**—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(A) in-kind services that the Secretary determines would contribute substantially toward the completion of the project;

(B) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, and construction of the Project; and

(C) the acquisition costs of lands used or acquired by the District for the Project.

(5) **LIMITATION.**—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this subsection. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(6) **PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.**—Before obligating funds for design or construction under this subsection, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(7) **TITLE; RESPONSIBILITY; LIABILITY.**—Nothing in this subsection or the assistance provided under this subsection shall be construed to transfer title, responsibility, or liability related to the Project to the United States.

(8) **AUTHORIZATION OF APPROPRIATION.**—There is authorized to be appropriated to the Secretary to carry out this subsection \$22,500,000 or 25 percent of the total cost of the Project, whichever is less.

(e) **SUNSET.**—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

SEC. 9103. EASTERN NEW MEXICO RURAL WATER SYSTEM PROJECT, NEW MEXICO.

(a) **DEFINITIONS.**—In this section:

(1) **AUTHORITY.**—The term “Authority” means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) **ENGINEERING REPORT.**—The term “engineering report” means the report entitled “Eastern New Mexico Rural Water System Preliminary Engineering Report” and dated October 2006.

(3) **PLAN.**—The term “plan” means the operation, maintenance, and replacement plan required by subsection (c)(2).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means the State of New Mexico.

(6) **SYSTEM.**—

(A) **IN GENERAL.**—The term “System” means the Eastern New Mexico Rural Water System, a water delivery project designed to deliver approximately 16,500 acre-feet of water per year from the Ute Reservoir to the cities of Clovis, Elida, Grady, Melrose, Portales, and Texico and other locations in Curry, Roosevelt, and Quay Counties in the State.

(B) **INCLUSIONS.**—The term “System” includes the major components and associated infrastructure identified as the “Best Technical Alternative” in the engineering report.

(7) **UTE RESERVOIR.**—The term “Ute Reservoir” means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

(b) **EASTERN NEW MEXICO RURAL WATER SYSTEM.**—

(1) **FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(B) **USE.**—

(i) **IN GENERAL.**—Any financial assistance provided under subparagraph (A) shall be obligated and expended only in accordance with a cooperative agreement entered into under subsection (d)(1)(B).

(ii) **LIMITATIONS.**—Financial assistance provided under clause (i) shall not be used—

(I) for any activity that is inconsistent with constructing the System; or

(II) to plan or construct facilities used to supply irrigation water for irrigated agricultural purposes.

(2) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall be not more than 75 percent of the total cost of the System.

(B) **SYSTEM DEVELOPMENT COSTS.**—For purposes of subparagraph (A), the total cost of the System shall include any costs incurred by the Authority or the State on or after October 1, 2003, for the development of the System.

(3) **LIMITATION.**—No amounts made available under this section may be used for the construction of the System until—

(A) a plan is developed under subsection (c)(2); and

(B) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(4) **TITLE TO PROJECT WORKS.**—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

(c) **OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.**—

(1) **IN GENERAL.**—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(2) **OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.**—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

(d) **ADMINISTRATIVE PROVISIONS.**—

(1) **COOPERATIVE AGREEMENTS.**—

(A) **IN GENERAL.**—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this section.

(B) **COOPERATIVE AGREEMENT FOR PROVISION OF FINANCIAL ASSISTANCE.**—

(i) **IN GENERAL.**—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance and any other assistance requested by the Authority for planning, design, related

preconstruction activities, and construction of the System.

(ii) **REQUIREMENTS.**—The cooperative agreement entered into under clause (i) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(I) ensuring that the cost-share requirements established by subsection (b)(2) are met;

(II) completing the planning and final design of the System;

(III) any environmental and cultural resource compliance activities required for the System; and

(IV) the construction of the System.

(2) **TECHNICAL ASSISTANCE.**—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

(3) **BIOLOGICAL ASSESSMENT.**—The Secretary shall consult with the New Mexico Interstate Stream Commission and the Authority in preparing any biological assessment under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that may be required for planning and constructing the System.

(4) **EFFECT.**—Nothing in this section—

(A) affects or preempts—

(i) State water law; or

(ii) an interstate compact relating to the allocation of water; or

(B) confers on any non-Federal entity the ability to exercise any Federal rights to—

(i) the water of a stream; or

(ii) any groundwater resource.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—In accordance with the adjustment carried out under paragraph (2), there is authorized to be appropriated to the Secretary to carry out this section an amount not greater than \$327,000,000.

(2) **ADJUSTMENT.**—The amount made available under paragraph (1) shall be adjusted to reflect changes in construction costs occurring after January 1, 2007, as indicated by engineering cost indices applicable to the types of construction necessary to carry out this section.

(3) **NONREIMBURSABLE AMOUNTS.**—Amounts made available to the Authority in accordance with the cost-sharing requirement under subsection (b)(2) shall be nonreimbursable and nonreturnable to the United States.

(4) **AVAILABILITY OF FUNDS.**—At the end of each fiscal year, any unexpended funds appropriated pursuant to this section shall be retained for use in future fiscal years consistent with this section.

SEC. 9104. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

(a) **IN GENERAL.**—The Reclamation Water and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

“SEC. 1649. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the Rancho California Water District, California, may participate in the design, planning, and construction of permanent facilities for water recycling, demineralization, and desalination, and distribution of non-potable water supplies in Southern Riverside County, California.

“(b) **COST SHARING.**—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project or \$20,000,000, whichever is less.

“(c) **LIMITATION.**—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).”.

(b) **CLERICAL AMENDMENT.**—The table of items in section 2 of Public Law 102-575 is amended by inserting after the last item the following:

“Sec. 1649. Rancho California Water District Project, California.”.

SEC. 9105. JACKSON GULCH REHABILITATION PROJECT, COLORADO.

(a) **DEFINITIONS.**—In this section:

(1) **ASSESSMENT.**—The term “assessment” means the engineering document that is—

(A) entitled “Jackson Gulch Inlet Canal Project, Jackson Gulch Outlet Canal Project, Jackson Gulch Operations Facilities Project: Condition Assessment and Recommendations for Rehabilitation”;

(B) dated February 2004; and

(C) on file with the Bureau of Reclamation.

(2) **DISTRICT.**—The term “District” means the Mancos Water Conservancy District established under the Water Conservancy Act (Colo. Rev. Stat. 37-45-101 et seq.).

(3) **PROJECT.**—The term “Project” means the Jackson Gulch rehabilitation project, a program for the rehabilitation of the Jackson Gulch Canal system and other infrastructure in the State, as described in the assessment.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) **STATE.**—The term “State” means the State of Colorado.

(b) **AUTHORIZATION OF JACKSON GULCH REHABILITATION PROJECT.**—

(1) **IN GENERAL.**—Subject to the reimbursement requirement described in paragraph (3), the Secretary shall pay the Federal share of the total cost of carrying out the Project.

(2) **USE OF EXISTING INFORMATION.**—In preparing any studies relating to the Project, the Secretary shall, to the maximum extent practicable, use existing studies, including engineering and resource information provided by, or at the direction of—

(A) Federal, State, or local agencies; and

(B) the District.

(3) **REIMBURSEMENT REQUIREMENT.**—

(A) **AMOUNT.**—The Secretary shall recover from the District as reimbursable expenses the lesser of—

(i) the amount equal to 35 percent of the cost of the Project; or

(ii) \$2,900,000.

(B) **MANNER.**—The Secretary shall recover reimbursable expenses under subparagraph (A)—

(i) in a manner agreed to by the Secretary and the District;

(ii) over a period of 15 years; and

(iii) with no interest.

(C) **CREDIT.**—In determining the exact amount of reimbursable expenses to be recovered from the District, the Secretary shall credit the District for any amounts it paid before the date of enactment of this Act for engineering work and improvements directly associated with the Project.

(4) **PROHIBITION ON OPERATION AND MAINTENANCE COSTS.**—The District shall be responsible for the operation and maintenance of any facility constructed or rehabilitated under this section.

(5) **LIABILITY.**—The United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed under this section.

(6) **EFFECT.**—An activity provided Federal funding under this section shall not be con-

sidered a supplemental or additional benefit under—

(A) the reclamation laws; or

(B) the Act of August 11, 1939 (16 U.S.C. 590y et seq.).

(7) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to pay the Federal share of the total cost of carrying out the Project \$8,250,000.

SEC. 9106. RIO GRANDE PUEBLOS, NEW MEXICO.

(a) **FINDINGS AND PURPOSE.**—

(1) **FINDINGS.**—Congress finds that—

(A) drought, population increases, and environmental needs are exacerbating water supply issues across the western United States, including the Rio Grande Basin in New Mexico;

(B) a report developed by the Bureau of Reclamation and the Bureau of Indian Affairs in 2000 identified a serious need for the rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos;

(C) inspection of existing irrigation infrastructure of the Rio Grande Pueblos shows that many key facilities, such as diversion structures and main conveyance ditches, are unsafe and barely, if at all, operable;

(D) the benefits of rehabilitating and repairing irrigation infrastructure of the Rio Grande Pueblos include—

(i) water conservation;

(ii) extending available water supplies;

(iii) increased agricultural productivity;

(iv) economic benefits;

(v) safer facilities; and

(vi) the preservation of the culture of Indian Pueblos in the State;

(E) certain Indian Pueblos in the Rio Grande Basin receive water from facilities operated or owned by the Bureau of Reclamation; and

(F) rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos would improve—

(i) overall water management by the Bureau of Reclamation; and

(ii) the ability of the Bureau of Reclamation to help address potential water supply conflicts in the Rio Grande Basin.

(2) **PURPOSE.**—The purpose of this section is to direct the Secretary—

(A) to assess the condition of the irrigation infrastructure of the Rio Grande Pueblos;

(B) to establish priorities for the rehabilitation of irrigation infrastructure of the Rio Grande Pueblos in accordance with specified criteria; and

(C) to implement projects to rehabilitate and improve the irrigation infrastructure of the Rio Grande Pueblos.

(b) **DEFINITIONS.**—In this section:

(1) **2004 AGREEMENT.**—The term “2004 Agreement” means the agreement entitled “Agreement By and Between the United States of America and the Middle Rio Grande Conservancy District, Providing for the Payment of Operation and Maintenance Charges on Newly Reclaimed Pueblo Indian Lands in the Middle Rio Grande Valley, New Mexico” and executed in September 2004 (including any successor agreements and amendments to the agreement).

(2) **DESIGNATED ENGINEER.**—The term “designated engineer” means a Federal employee designated under the Act of February 14, 1927 (69 Stat. 1098, chapter 138) to represent the United States in any action involving the maintenance, rehabilitation, or preservation of the condition of any irrigation structure or facility on land located in the Six Middle Rio Grande Pueblos.

(3) **DISTRICT.**—The term “District” means the Middle Rio Grande Conservancy District,

a political subdivision of the State established in 1925.

(4) **PUEBLO IRRIGATION INFRASTRUCTURE.**—The term “Pueblo irrigation infrastructure” means any diversion structure, conveyance facility, or drainage facility that is—

(A) in existence as of the date of enactment of this Act; and

(B) located on land of a Rio Grande Pueblo that is associated with—

(i) the delivery of water for the irrigation of agricultural land; or

(ii) the carriage of irrigation return flows and excess water from the land that is served.

(5) **RIO GRANDE BASIN.**—The term “Rio Grande Basin” means the headwaters of the Rio Chama and the Rio Grande Rivers (including any tributaries) from the State line between Colorado and New Mexico downstream to the elevation corresponding with the spillway crest of Elephant Butte Dam at 4,457.3 feet mean sea level.

(6) **RIO GRANDE PUEBLO.**—The term “Rio Grande Pueblo” means any of the 18 Pueblos that—

(A) occupy land in the Rio Grande Basin; and

(B) are included on the list of federally recognized Indian tribes published by the Secretary in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1).

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) **SIX MIDDLE RIO GRANDE PUEBLOS.**—The term “Six Middle Rio Grande Pueblos” means each of the Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta.

(9) **SPECIAL PROJECT.**—The term “special project” has the meaning given the term in the 2004 Agreement.

(10) **STATE.**—The term “State” means the State of New Mexico.

(c) **IRRIGATION INFRASTRUCTURE STUDY.**—

(1) **STUDY.**—

(A) **IN GENERAL.**—On the date of enactment of this Act, the Secretary, in accordance with subparagraph (B), and in consultation with the Rio Grande Pueblos, shall—

(i) conduct a study of Pueblo irrigation infrastructure; and

(ii) based on the results of the study, develop a list of projects (including a cost estimate for each project), that are recommended to be implemented over a 10-year period to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure.

(B) **REQUIRED CONSENT.**—In carrying out subparagraph (A), the Secretary shall only include each individual Rio Grande Pueblo that notifies the Secretary that the Pueblo consents to participate in—

(i) the conduct of the study under subparagraph (A)(i); and

(ii) the development of the list of projects under subparagraph (A)(ii) with respect to the Pueblo.

(2) **PRIORITY.**—

(A) **CONSIDERATION OF FACTORS.**—

(i) **IN GENERAL.**—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall—

(I) consider each of the factors described in subparagraph (B); and

(II) prioritize the projects recommended for implementation based on—

(aa) a review of each of the factors; and

(bb) a consideration of the projected benefits of the project on completion of the project.

(ii) **ELIGIBILITY OF PROJECTS.**—A project is eligible to be considered and prioritized by

the Secretary if the project addresses at least 1 factor described in subparagraph (B).

(B) **FACTORS.**—The factors referred to in subparagraph (A) are—

(i)(I) the extent of disrepair of the Pueblo irrigation infrastructure; and

(II) the effect of the disrepair on the ability of the applicable Rio Grande Pueblo to irrigate agricultural land using Pueblo irrigation infrastructure;

(ii) whether, and the extent that, the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would provide an opportunity to conserve water;

(iii)(I) the economic and cultural impacts that the Pueblo irrigation infrastructure that is in disrepair has on the applicable Rio Grande Pueblo; and

(II) the economic and cultural benefits that the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would have on the applicable Rio Grande Pueblo;

(iv) the opportunity to address water supply or environmental conflicts in the applicable river basin if the Pueblo irrigation infrastructure is repaired, rehabilitated, or reconstructed; and

(v) the overall benefits of the project to efficient water operations on the land of the applicable Rio Grande Pueblo.

(3) **CONSULTATION.**—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall consult with the Director of the Bureau of Indian Affairs (including the designated engineer with respect to each proposed project that affects the Six Middle Rio Grande Pueblos), the Chief of the Natural Resources Conservation Service, and the Chief of Engineers to evaluate the extent to which programs under the jurisdiction of the respective agencies may be used—

(A) to assist in evaluating projects to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure; and

(B) to implement—

(i) a project recommended for implementation under paragraph (1)(A)(ii); or

(ii) any other related project (including on-farm improvements) that may be appropriately coordinated with the repair, rehabilitation, or reconstruction of Pueblo irrigation infrastructure to improve the efficient use of water in the Rio Grande Basin.

(4) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that includes—

(A) the list of projects recommended for implementation under paragraph (1)(A)(ii); and

(B) any findings of the Secretary with respect to—

(i) the study conducted under paragraph (1)(A)(i);

(ii) the consideration of the factors under paragraph (2)(B); and

(iii) the consultations under paragraph (3).

(5) **PERIODIC REVIEW.**—Not later than 4 years after the date on which the Secretary submits the report under paragraph (4) and every 4 years thereafter, the Secretary, in consultation with each Rio Grande Pueblo, shall—

(A) review the report submitted under paragraph (4); and

(B) update the list of projects described in paragraph (4)(A) in accordance with each factor described in paragraph (2)(B), as the Secretary determines to be appropriate.

(d) **IRRIGATION INFRASTRUCTURE GRANTS.**—

(1) **IN GENERAL.**—The Secretary may provide grants to, and enter into contracts or other agreements with, the Rio Grande Pueblos to plan, design, construct, or otherwise implement projects to repair, rehabilitate, reconstruct, or replace Pueblo irrigation infrastructure that are recommended for implementation under subsection (c)(1)(A)(ii)—

(A) to increase water use efficiency and agricultural productivity for the benefit of a Rio Grande Pueblo;

(B) to conserve water; or

(C) to otherwise enhance water management or help avert water supply conflicts in the Rio Grande Basin.

(2) **LIMITATION.**—Assistance provided under paragraph (1) shall not be used for—

(A) the repair, rehabilitation, or reconstruction of any major impoundment structure; or

(B) any on-farm improvements.

(3) **CONSULTATION.**—In carrying out a project under paragraph (1), the Secretary shall—

(A) consult with, and obtain the approval of, the applicable Rio Grande Pueblo;

(B) consult with the Director of the Bureau of Indian Affairs; and

(C) as appropriate, coordinate the project with any work being conducted under the irrigation operations and maintenance program of the Bureau of Indian Affairs.

(4) **COST-SHARING REQUIREMENT.**—

(A) **FEDERAL SHARE.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the Federal share of the total cost of carrying out a project under paragraph (1) shall be not more than 75 percent.

(ii) **EXCEPTION.**—The Secretary may waive or limit the non-Federal share required under clause (i) if the Secretary determines, based on a demonstration of financial hardship by the Rio Grande Pueblo, that the Rio Grande Pueblo is unable to contribute the required non-Federal share.

(B) **DISTRICT CONTRIBUTIONS.**—

(i) **IN GENERAL.**—The Secretary may accept from the District a partial or total contribution toward the non-Federal share required for a project carried out under paragraph (1) on land located in any of the Six Middle Rio Grande Pueblos if the Secretary determines that the project is a special project.

(ii) **LIMITATION.**—Nothing in clause (i) requires the District to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(C) **STATE CONTRIBUTIONS.**—

(i) **IN GENERAL.**—The Secretary may accept from the State a partial or total contribution toward the non-Federal share for a project carried out under paragraph (1).

(ii) **LIMITATION.**—Nothing in clause (i) requires the State to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(D) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share under subparagraph (A)(i) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under paragraph (1).

(5) **OPERATION AND MAINTENANCE.**—The Secretary may not use any amount made available under subsection (g)(2) to carry out the operation or maintenance of any project carried out under paragraph (1).

(e) **EFFECT ON EXISTING AUTHORITY AND RESPONSIBILITIES.**—Nothing in this section—

(1) affects any existing project-specific funding authority; or

(2) limits or absolves the United States from any responsibility to any Rio Grande

Pueblo (including any responsibility arising from a trust relationship or from any Federal law (including regulations), Executive order, or agreement between the Federal Government and any Rio Grande Pueblo).

(f) EFFECT ON PUEBLO WATER RIGHTS OR STATE WATER LAW.—

(1) PUEBLO WATER RIGHTS.—Nothing in this section (including the implementation of any project carried out in accordance with this section) affects the right of any Pueblo to receive, divert, store, or claim a right to water, including the priority of right and the quantity of water associated with the water right under Federal or State law.

(2) STATE WATER LAW.—Nothing in this section preempts or affects—

- (A) State water law; or
- (B) an interstate compact governing water.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) STUDY.—There is authorized to be appropriated to carry out subsection (c) \$4,000,000.

(2) PROJECTS.—There is authorized to be appropriated to carry out subsection (d) \$6,000,000 for each of fiscal years 2010 through 2019.

SEC. 9107. UPPER COLORADO RIVER ENDANGERED FISH PROGRAMS.

(a) DEFINITIONS.—Section 2 of Public Law 106-392 (114 Stat. 1602) is amended—

(1) in paragraph (5), by inserting “, rehabilitation, and repair” after “and replacement”; and

(2) in paragraph (6), by inserting “those for protection of critical habitat, those for preventing entrainment of fish in water diversions,” after “instream flows.”

(b) AUTHORIZATION TO FUND RECOVERY PROGRAMS.—Section 3 of Public Law 106-392 (114 Stat. 1603; 120 Stat. 290) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “\$61,000,000” and inserting “\$88,000,000”; and

(B) in paragraph (2), by striking “2010” and inserting “2023”; and

(C) in paragraph (3), by striking “2010” and inserting “2023”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “\$126,000,000” and inserting “\$209,000,000”;

(B) in paragraph (1)—

(i) by striking “\$108,000,000” and inserting “\$179,000,000”; and

(ii) by striking “2010” and inserting “2023”; and

(C) in paragraph (2)—

(i) by striking “\$18,000,000” and inserting “\$30,000,000”; and

(ii) by striking “2010” and inserting “2023”; and

(3) in subsection (c)(4), by striking “\$31,000,000” and inserting “\$87,000,000”.

SEC. 9108. SANTA MARGARITA RIVER, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term “District” means the Fallbrook Public Utility District, San Diego County, California.

(2) PROJECT.—The term “Project” means the impoundment, recharge, treatment, and other facilities the construction, operation, watershed management, and maintenance of which is authorized under subsection (b).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) AUTHORIZATION FOR CONSTRUCTION OF SANTA MARGARITA RIVER PROJECT.—

(1) AUTHORIZATION.—The Secretary, acting pursuant to Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), to

the extent that law is not inconsistent with this section, may construct, operate, and maintain the Project substantially in accordance with the final feasibility report and environmental reviews for the Project and this section.

(2) CONDITIONS.—The Secretary may construct the Project only after the Secretary determines that the following conditions have occurred:

(A)(i) The District and the Secretary of the Navy have entered into contracts under subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(ii) As an alternative to a repayment contract with the Secretary of the Navy described in clause (i), the Secretary may allow the Secretary of the Navy to satisfy all or a portion of the repayment obligation for construction of the Project on the payment of the share of the Secretary of the Navy prior to the initiation of construction, subject to a final cost allocation as described in subsection (c).

(B) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted the permits to the Bureau of Reclamation for the benefit of the Secretary of the Navy and the District as permittees for rights to the use of water for storage and diversion as provided in this section, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(C)(i) The District has agreed—

(I) to not assert against the United States any prior appropriative right the District may have to water in excess of the quantity deliverable to the District under this section; and

(II) to share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in subsection (d)(2).

(ii) The agreement and waiver under clause (i) and the changes in points of diversion and storage under subparagraph (B)—

(I) shall become effective and binding only when the Project has been completed and put into operation; and

(II) may be varied by agreement between the District and the Secretary of the Navy.

(D) The Secretary has determined that the Project has completed applicable economic, environmental, and engineering feasibility studies.

(c) COSTS.—

(1) IN GENERAL.—As determined by a final cost allocation after completion of the construction of the Project, the Secretary of the Navy shall be responsible to pay upfront or repay to the Secretary only that portion of the construction, operation, and maintenance costs of the Project that the Secretary and the Secretary of the Navy determine reflects the extent to which the Department of the Navy benefits from the Project.

(2) OTHER CONTRACTS.—Notwithstanding paragraph (1), the Secretary may enter into a contract with the Secretary of the Navy for the impoundment, storage, treatment, and carriage of prior rights water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes using Project facilities.

(d) OPERATION; YIELD ALLOTMENT; DELIVERY.—

(1) OPERATION.—The Secretary, the District, or a third party (consistent with sub-

section (f)) may operate the Project, subject to a memorandum of agreement between the Secretary, the Secretary of the Navy, and the District and under regulations satisfactory to the Secretary of the Navy with respect to the share of the Project of the Department of the Navy.

(2) YIELD ALLOTMENT.—Except as otherwise agreed between the parties, the Secretary of the Navy and the District shall participate in the Project yield on the basis of equal priority and in accordance with the following ratio:

(A) 60 percent of the yield of the Project is allotted to the Secretary of the Navy.

(B) 40 percent of the yield of the Project is allotted to the District.

(3) CONTRACTS FOR DELIVERY OF EXCESS WATER.—

(A) EXCESS WATER AVAILABLE TO OTHER PERSONS.—If the Secretary of the Navy certifies to the official agreed on to administer the Project that the Department of the Navy does not have immediate need for any portion of the 60 percent of the yield of the Project allotted to the Secretary of the Navy under paragraph (2), the official may enter into temporary contracts for the sale and delivery of the excess water.

(B) FIRST RIGHT FOR EXCESS WATER.—The first right to excess water made available under subparagraph (A) shall be given the District, if otherwise consistent with the laws of the State of California.

(C) CONDITION OF CONTRACTS.—Each contract entered into under subparagraph (A) for the sale and delivery of excess water shall include a condition that the Secretary of the Navy has the right to demand the water, without charge and without obligation on the part of the United States, after 30 days notice.

(D) MODIFICATION OF RIGHTS AND OBLIGATIONS.—The rights and obligations of the United States and the District regarding the ratio, amounts, definition of Project yield, and payment for excess water may be modified by an agreement between the parties.

(4) CONSIDERATION.—

(A) DEPOSIT OF FUNDS.—

(i) IN GENERAL.—Amounts paid to the United States under a contract entered into under paragraph (3) shall be—

(I) deposited in the special account established for the Department of the Navy under section 2667(e)(1) of title 10, United States Code; and

(II) shall be available for the purposes specified in section 2667(e)(1)(C) of that title.

(ii) EXCEPTION.—Section 2667(e)(1)(D) of title 10, United States Code, shall not apply to amounts deposited in the special account pursuant to this paragraph.

(B) IN-KIND CONSIDERATION.—In lieu of monetary consideration under subparagraph (A), or in addition to monetary consideration, the Secretary of the Navy may accept in-kind consideration in a form and quantity that is acceptable to the Secretary of the Navy, including—

(i) maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Department of the Navy;

(ii) construction of new facilities for the Department of the Navy;

(iii) provision of facilities for use by the Department of the Navy;

(iv) facilities operation support for the Department of the Navy; and

(v) provision of such other services as the Secretary of the Navy considers appropriate.

(C) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code,

shall not apply to any new facilities the construction of which is accepted as in-kind consideration under this paragraph.

(D) CONGRESSIONAL NOTIFICATION.—If the in-kind consideration proposed to be provided under a contract to be entered into under paragraph (3) has a value in excess of \$500,000, the contract may not be entered into until the earlier of—

(i) the end of the 30-day period beginning on the date on which the Secretary of the Navy submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the contract and the form and quantity of the in-kind consideration; or

(ii) the end of the 14-day period beginning on the date on which a copy of the report referred to in clause (i) is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

(e) REPAYMENT OBLIGATION OF THE DISTRICT.—

(1) DETERMINATION.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the general repayment obligation of the District shall be determined by the Secretary consistent with subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(B) GROUNDWATER.—For purposes of calculating interest and determining the time when the repayment obligation of the District to the United States commences, the pumping and treatment of groundwater from the Project shall be deemed equivalent to the first use of water from a water storage project.

(C) CONTRACTS FOR DELIVERY OF EXCESS WATER.—There shall be no repayment obligation under this subsection for water delivered to the District under a contract described in subsection (d)(3).

(2) MODIFICATION OF RIGHTS AND OBLIGATION BY AGREEMENT.—The rights and obligations of the United States and the District regarding the repayment obligation of the District may be modified by an agreement between the parties.

(f) TRANSFER OF CARE, OPERATION, AND MAINTENANCE.—

(1) IN GENERAL.—The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions that are—

(A) satisfactory to the Secretary and the District; and

(B) with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory to the Secretary, the District, and the Secretary of the Navy.

(2) EQUITABLE CREDIT.—

(A) IN GENERAL.—In the event of a transfer under paragraph (1), the District shall be entitled to an equitable credit for the costs associated with the proportionate share of the Secretary of the operation and maintenance of the Project.

(B) APPLICATION.—The amount of costs described in subparagraph (A) shall be applied against the indebtedness of the District to the United States.

(g) SCOPE OF SECTION.—

(1) IN GENERAL.—Except as otherwise provided in this section, for the purpose of this section, the laws of the State of California

shall apply to the rights of the United States pertaining to the use of water under this section.

(2) LIMITATIONS.—Nothing in this section—

(A) provides a grant or a relinquishment by the United States of any rights to the use of water that the United States acquired according to the laws of the State of California, either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of that acquisition, or through actual use or prescription, or both since the date of that acquisition, if any;

(B) creates any legal obligation to store any water in the Project, to the use of which the United States has those rights;

(C) requires the division under this section of water to which the United States has those rights; or

(D) constitutes a recognition of, or an admission by the United States that, the District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California.

(h) LIMITATIONS ON OPERATION AND ADMINISTRATION.—Unless otherwise agreed by the Secretary of the Navy, the Project—

(1) shall be operated in a manner which allows the free passage of all of the water to the use of which the United States is entitled according to the laws of the State of California either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and

(2) shall not be administered or operated in any way that will impair or deplete the quantities of water the use of which the United States would be entitled under the laws of the State of California had the Project not been built.

(i) REPORTS TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act and periodically thereafter, the Secretary and the Secretary of the Navy shall each submit to the appropriate committees of Congress reports that describe whether the conditions specified in subsection (b)(2) have been met and if so, the manner in which the conditions were met.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) \$60,000,000, as adjusted to reflect the engineering costs indices for the construction cost of the Project; and

(2) such sums as are necessary to operate and maintain the Project.

(k) SUNSET.—The authority of the Secretary to complete construction of the Project shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 9109. ELSINORE VALLEY MUNICIPAL WATER DISTRICT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9104(a)) is amended by adding at the end the following:

“SEC. 1650. ELSINORE VALLEY MUNICIPAL WATER DISTRICT PROJECTS, CALIFORNIA.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the Elsinore Valley Municipal Water District, California, may participate in the design, planning, and construc-

tion of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to treat wastewater and provide recycled water in the Elsinore Valley Municipal Water District, California.

“(b) COST SHARING.—The Federal share of the cost of each project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the projects described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$12,500,000.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of Public Law 102-575 (as amended by section 9104(b)) is amended by inserting after the item relating to section 1649 the following:

“Sec. 1650. Elsinore Valley Municipal Water District Projects, California.”.

SEC. 9110. NORTH BAY WATER REUSE AUTHORITY.

(a) PROJECT AUTHORIZATION.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9109(a)) is amended by adding at the end the following:

“SEC. 1651. NORTH BAY WATER REUSE PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

- “(A) Marin County;
- “(B) Napa County;
- “(C) Solano County; or
- “(D) Sonoma County.

“(2) WATER RECLAMATION AND REUSE PROJECT.—The term ‘water reclamation and reuse project’ means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

- “(A) water quality improvement;
- “(B) wastewater treatment;
- “(C) water reclamation and reuse;
- “(D) groundwater recharge and protection;
- “(E) surface water augmentation; or
- “(F) other related improvements.

“(3) STATE.—The term ‘State’ means the State of California.

“(b) NORTH BAY WATER REUSE PROGRAM.—

“(1) IN GENERAL.—Contingent upon a finding of feasibility, the Secretary, acting through a cooperative agreement with the State or a subdivision of the State, is authorized to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse facilities and recycled water conveyance and distribution systems.

“(2) COORDINATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

- “(A) non-Federal entities; and
- “(B) the Corps of Engineers in the San Pablo Bay Watershed of the State.

“(3) PHASED PROJECT.—A cooperative agreement described in paragraph (1) shall require that the North Bay Water Reuse Program carried out under this section shall consist of 2 phases as follows:

“(A) FIRST PHASE.—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance systems.

“(B) SECOND PHASE.—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems.

“(4) COST SHARING.—

“(A) FEDERAL SHARE.—The Federal share of the cost of the first phase of the project authorized by this section shall not exceed 25 percent of the total cost of the first phase of the project.

“(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

“(i) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

“(ii) the acquisition costs of land acquired for the project that is—

“(I) used for planning, design, and construction of the water reclamation and reuse project facilities; and

“(II) owned by an eligible entity and directly related to the project.

“(C) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(5) EFFECT.—Nothing in this section—

“(A) affects or preempts—

“(i) State water law; or

“(ii) an interstate compact relating to the allocation of water; or

“(B) confers on any non-Federal entity the ability to exercise any Federal right to—

“(i) the water of a stream; or

“(ii) any groundwater resource.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Federal share of the total cost of the first phase of the project authorized by this section \$25,000,000, to remain available until expended.”

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 (as amended by section 9109(b)) is amended by inserting after the item relating to section 1650 the following:

“Sec. 1651. North Bay water reuse program.”

SEC. 9111. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT, CALIFORNIA.

(a) PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9110(a)) is amended by adding at the end the following:

“SEC. 1652. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

“(a) IN GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

“(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000.

“(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.”

(2) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 (43 U.S.C. prec. 371) (as amended by section 9110(b)) is amended by inserting after the last item the following:

“1652. Prado Basin Natural Treatment System Project.”

(b) LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by subsection (a)(1)) is amended by adding at the end the following:

“SEC. 1653. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

“(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

“(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

“(1) 25 percent of the total cost of the project; or

“(2) \$26,000,000.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

“(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.”

(2) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 (43 U.S.C. prec. 371) (as amended by subsection (a)(2)) is amended by inserting after the last item the following:

“1653. Lower Chino dairy area desalination demonstration and reclamation project.”

(c) ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT.—Section 1624 of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h-12j) is amended—

(1) in the section heading, by striking the words “phase 1 of the”; and

(2) in subsection (a), by striking “phase 1 of”.

SEC. 9112. BUNKER HILL GROUNDWATER BASIN, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term “District” means the Western Municipal Water District, Riverside County, California.

(2) PROJECT.—

(A) IN GENERAL.—The term “Project” means the Riverside-Corona Feeder Project.

(B) INCLUSIONS.—The term “Project” includes—

(i) 20 groundwater wells;

(ii) groundwater treatment facilities;

(iii) water storage and pumping facilities; and

(iv) 28 miles of pipeline in San Bernardino and Riverside Counties in the State of California.

(C) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) PLANNING, DESIGN, AND CONSTRUCTION OF RIVERSIDE-CORONA FEEDER.—

(1) IN GENERAL.—The Secretary, in cooperation with the District, may participate in the planning, design, and construction of the Project.

(2) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this subsection.

(3) FEDERAL SHARE.—

(A) PLANNING, DESIGN, CONSTRUCTION.—The Federal share of the cost to plan, design, and construct the Project shall not exceed the lesser of—

(i) an amount equal to 25 percent of the total cost of the Project; and

(ii) \$26,000,000.

(B) STUDIES.—The Federal share of the cost to complete the necessary planning studies associated with the Project—

(i) shall not exceed an amount equal to 50 percent of the total cost of the studies; and

(ii) shall be included as part of the limitation described in subparagraph (A).

(4) IN-KIND SERVICES.—The non-Federal share of the cost of the Project may be provided in cash or in kind.

(5) LIMITATION.—Funds provided by the Secretary under this subsection shall not be used for operation or maintenance of the Project.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection the lesser of—

(A) an amount equal to 25 percent of the total cost of the Project; and

(B) \$26,000,000.

SEC. 9113. GREAT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102-575; 43 U.S.C. 390h et seq.) (as amended by section 9111(b)(1)) is amended by adding at the end the following:

“SEC. 1654. OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Oxnard, California, may participate in the design, planning, and construction of Phase I permanent facilities for the GREAT project to reclaim, reuse, and treat impaired water in the area of Oxnard, California.

“(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

“(c) LIMITATION.—The Secretary shall not provide funds for the following:

“(1) The operations and maintenance of the project described in subsection (a).

“(2) The construction, operations, and maintenance of the visitor's center related to the project described in subsection (a).

“(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.”

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (as amended by section 9111(b)(2)) is amended by inserting after the last item the following:

“Sec. 1654. Oxnard, California, water reclamation, reuse, and treatment project.”

SEC. 9114. YUCAIPA VALLEY WATER DISTRICT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Water and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9113(a)) is amended by adding at the end the following:

“SEC. 1655. YUCAIPA VALLEY REGIONAL WATER SUPPLY RENEWAL PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the Santa Ana Watershed as described in the report submitted under section 1606.

“(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000.

“SEC. 1656. CITY OF CORONA WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Corona Water Utility, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Corona Water Utility, California.

“(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.”.

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102-575 (as amended by section 9114(b)) is amended by inserting after the last item the following:

“Sec. 1655. Yucaipa Valley Regional Water Supply Renewal Project.

“Sec. 1656. City of Corona Water Utility, California, water recycling and reuse project.”.

SEC. 9115. ARKANSAS VALLEY CONDUIT, COLORADO.

(a) COST SHARE.—The first section of Public Law 87-590 (76 Stat. 389) is amended in the second sentence of subsection (c) by inserting after “cost thereof,” the following: “or in the case of the Arkansas Valley Conduit, payment in an amount equal to 35 percent of the cost of the conduit that is comprised of revenue generated by payments pursuant to a repayment contract and revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities.”.

(b) RATES.—Section 2(b) of Public Law 87-590 (76 Stat. 390) is amended—

(1) by striking “(b) Rates” and inserting the following:

“(b) RATES.—

“(1) IN GENERAL.—Rates”; and

(2) by adding at the end the following:

“(2) RUEDI DAM AND RESERVOIR, FOUNTAIN VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT PUEBLO DAM AND RESERVOIR.—

“(A) IN GENERAL.—Notwithstanding the reclamation laws, until the date on which the payments for the Arkansas Valley Conduit under paragraph (3) begin, any revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of Ruedi Dam and Reservoir, the Fountain Valley Pipeline, and the South Outlet Works at Pueblo Dam and Reservoir plus interest in an amount determined in accordance with this section.

“(B) EFFECT.—Nothing in the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) prohibits the concurrent crediting of revenue (with interest as provided under this section) towards payment of the Arkansas Valley Conduit as provided under this paragraph.

“(3) ARKANSAS VALLEY CONDUIT.—

“(A) USE OF REVENUE.—Notwithstanding the reclamation laws, any revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of the Arkansas Valley Conduit plus interest in an amount determined in accordance with this section.

“(B) ADJUSTMENT OF RATES.—Any rates charged under this section for water for municipal, domestic, or industrial use or for the use of facilities for the storage or delivery of water shall be adjusted to reflect the estimated revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7 of Public Law 87-590 (76 Stat. 393) is amended—

(1) by striking “SEC. 7. There is hereby” and inserting the following:

“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is”; and

(2) by adding at the end the following:

“(b) ARKANSAS VALLEY CONDUIT.—

“(1) IN GENERAL.—Subject to annual appropriations and paragraph (2), there are authorized to be appropriated such sums as are necessary for the construction of the Arkansas Valley Conduit.

“(2) LIMITATION.—Amounts made available under paragraph (1) shall not be used for the operation or maintenance of the Arkansas Valley Conduit.”.

**Subtitle C—Title Transfers and Clarifications
SEC. 9201. TRANSFER OF MCGEE CREEK PIPELINE AND FACILITIES.**

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term “Agreement” means the agreement numbered 06-AG-60-2115 and entitled “Agreement Between the United States of America and McGee Creek Authority for the Purpose of Defining Responsibilities Related to and Implementing the Title Transfer of Certain Facilities at the McGee Creek Project, Oklahoma”.

(2) AUTHORITY.—The term “Authority” means the McGee Creek Authority located in Oklahoma City, Oklahoma.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) CONVEYANCE OF MCGEE CREEK PROJECT PIPELINE AND ASSOCIATED FACILITIES.—

(1) AUTHORITY TO CONVEY.—

(A) IN GENERAL.—In accordance with all applicable laws and consistent with any terms and conditions provided in the Agreement, the Secretary may convey to the Authority

all right, title, and interest of the United States in and to the pipeline and any associated facilities described in the Agreement, including—

- (i) the pumping plant;
- (ii) the raw water pipeline from the McGee Creek pumping plant to the rate of flow control station at Lake Atoka;
- (iii) the surge tank;
- (iv) the regulating tank;
- (v) the McGee Creek operation and maintenance complex, maintenance shop, and pole barn; and
- (vi) any other appurtenances, easements, and fee title land associated with the facilities described in clauses (i) through (v), in accordance with the Agreement.

(B) EXCLUSION OF MINERAL ESTATE FROM CONVEYANCE.—

(i) IN GENERAL.—The mineral estate shall be excluded from the conveyance of any land or facilities under subparagraph (A).

(ii) MANAGEMENT.—Any mineral interests retained by the United States under this section shall be managed—

- (I) consistent with Federal law; and
- (II) in a manner that would not interfere with the purposes for which the McGee Creek Project was authorized.

(C) COMPLIANCE WITH AGREEMENT; APPLICABLE LAW.—

(i) AGREEMENT.—All parties to the conveyance under subparagraph (A) shall comply with the terms and conditions of the Agreement, to the extent consistent with this section.

(ii) APPLICABLE LAW.—Before any conveyance under subparagraph (A), the Secretary shall complete any actions required under—

- (I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
- (II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
- (III) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and
- (IV) any other applicable laws.

(2) OPERATION OF TRANSFERRED FACILITIES.—

(A) IN GENERAL.—On the conveyance of the land and facilities under paragraph (1)(A), the Authority shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of any transferred facilities.

(B) OPERATION AND MAINTENANCE COSTS.—

(i) IN GENERAL.—After the conveyance of the land and facilities under paragraph (1)(A) and consistent with the Agreement, the Authority shall be responsible for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities.

(ii) LIMITATION ON FUNDING.—The Authority shall not be eligible to receive any Federal funding to assist in the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities, except for funding that would be available to any comparable entity that is not subject to reclamation laws.

(3) RELEASE FROM LIABILITY.—

(A) IN GENERAL.—Effective beginning on the date of the conveyance of the land and facilities under paragraph (1)(A), the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to any land or facilities conveyed, except for damages caused by acts of negligence committed by the United States (including any employee or agent of the United States) before the date of the conveyance.

(B) NO ADDITIONAL LIABILITY.—Nothing in this paragraph adds to any liability that the

United States may have under chapter 171 of title 28, United States Code.

(4) **CONTRACTUAL OBLIGATIONS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), any rights and obligations under the contract numbered 0-07-50-X0822 and dated October 11, 1979, between the Authority and the United States for the construction, operation, and maintenance of the McGee Creek Project, shall remain in full force and effect.

(B) **AMENDMENTS.**—With the consent of the Authority, the Secretary may amend the contract described in subparagraph (A) to reflect the conveyance of the land and facilities under paragraph (1)(A).

(5) **APPLICABILITY OF THE RECLAMATION LAWS.**—Notwithstanding the conveyance of the land and facilities under paragraph (1)(A), the reclamation laws shall continue to apply to any project water provided to the Authority.

SEC. 9202. ALBUQUERQUE BIOLOGICAL PARK, NEW MEXICO, TITLE CLARIFICATION.

(a) **PURPOSE.**—The purpose of this section is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, or the BioPark Parcels to the City, thereby removing a potential cloud on the City's title to these lands.

(b) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term “City” means the City of Albuquerque, New Mexico.

(2) **BIOPARK PARCELS.**—The term “BioPark Parcels” means a certain area of land containing 19.16 acres, more or less, situated within the Town of Albuquerque Grant, in Projected Section 13, Township 10 North, Range 2 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, comprised of the following platted tracts and lot, and MRGCD tracts:

(A) Tracts A and B, Albuquerque Biological Park, as the same are shown and designated on the Plat of Tracts A & B, Albuquerque Biological Park, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on February 11, 1994 in Book 94C, Page 44; containing 17.9051 acres, more or less.

(B) Lot B-1, Roger Cox Addition, as the same is shown and designated on the Plat of Lots B-1 and B-2 Roger Cox Addition, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on October 3, 1985 in Book C28, Page 99; containing 0.6289 acres, more or less.

(C) Tract 361 of MRGCD Map 38, bounded on the north by Tract A, Albuquerque Biological Park, on the east by the westerly right-of-way of Central Avenue, on the south by Tract 332B MRGCD Map 38, and on the west by Tract B, Albuquerque Biological Park; containing 0.30 acres, more or less.

(D) Tract 332B of MRGCD Map 38; bounded on the north by Tract 361, MRGCD Map 38, on the west by Tract 32A-1-A, MRGCD Map 38, and on the south and east by the westerly right-of-way of Central Avenue; containing 0.25 acres, more or less.

(E) Tract 331A-1A of MRGCD Map 38, bounded on the west by Tract B, Albuquerque Biological Park, on the east by Tract 332B, MRGCD Map 38, and on the south by the westerly right-of-way of Central Avenue and Tract A, Albuquerque Biological Park; containing 0.08 acres, more or less.

(3) **MIDDLE RIO GRANDE CONSERVANCY DISTRICT.**—The terms “Middle Rio Grande Conservancy District” and “MRGCD” mean a political subdivision of the State of New

Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(4) **MIDDLE RIO GRANDE PROJECT.**—The term “Middle Rio Grande Project” means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80-858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81-516; 64 Stat. 170).

(5) **SAN GABRIEL PARK.**—The term “San Gabriel Park” means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(6) **TINGLEY BEACH.**—The term “Tingley Beach” means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, and secs. 18 and 19, T10N, R3E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(c) **CLARIFICATION OF PROPERTY INTEREST.**—

(1) **REQUIRED ACTION.**—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, and the BioPark Parcels to the City.

(2) **TIMING.**—The Secretary shall carry out the action in paragraph (1) as soon as practicable after the date of enactment of this Act and in accordance with all applicable law.

(3) **NO ADDITIONAL PAYMENT.**—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park, Tingley Beach, and the BioPark Parcels.

(d) **OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.**—

(1) **IN GENERAL.**—Except as expressly provided in subsection (c), nothing in this section shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(2) **ONGOING LITIGATION.**—Nothing contained in this section shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, 99-CV-01320-JAP-RHS, entitled *Rio Grande Silvery Minnow v. John W. Keys, III*, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

SEC. 9203. GOLETA WATER DISTRICT WATER DISTRIBUTION SYSTEM, CALIFORNIA.

(a) **DEFINITIONS.**—In this section:

(1) **AGREEMENT.**—The term “Agreement” means Agreement No. 07-LC-20-9387 between the United States and the District, entitled “Agreement Between the United States and the Goleta Water District to Transfer Title of the Federally Owned Distribution System to the Goleta Water District”.

(2) **DISTRICT.**—The term “District” means the Goleta Water District, located in Santa Barbara County, California.

(3) **GOLETA WATER DISTRIBUTION SYSTEM.**—The term “Goleta Water Distribution Sys-

tem” means the facilities constructed by the United States to enable the District to convey water to its water users, and associated lands, as described in Appendix A of the Agreement.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **CONVEYANCE OF THE GOLETA WATER DISTRIBUTION SYSTEM.**—The Secretary is authorized to convey to the District all right, title, and interest of the United States in and to the Goleta Water Distribution System of the Cachuma Project, California, subject to valid existing rights and consistent with the terms and conditions set forth in the Agreement.

(c) **LIABILITY.**—Effective upon the date of the conveyance authorized by subsection (b), the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the lands, buildings, or facilities conveyed under this section, except for damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act).

(d) **BENEFITS.**—After conveyance of the Goleta Water Distribution System under this section—

(1) such distribution system shall not be considered to be a part of a Federal reclamation project; and

(2) the District shall not be eligible to receive any benefits with respect to any facility comprising the Goleta Water Distribution System, except benefits that would be available to a similarly situated entity with respect to property that is not part of a Federal reclamation project.

(e) **COMPLIANCE WITH OTHER LAWS.**—

(1) **COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC PRESERVATION LAWS.**—Prior to any conveyance under this section, the Secretary shall complete all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and all other applicable laws.

(2) **COMPLIANCE BY THE DISTRICT.**—Upon the conveyance of the Goleta Water Distribution System under this section, the District shall comply with all applicable Federal, State, and local laws and regulations in its operation of the facilities that are transferred.

(3) **APPLICABLE AUTHORITY.**—All provisions of Federal reclamation law (the Act of June 17, 1902 (43 U.S.C. 371 et seq.) and Acts supplemental to and amendatory of that Act) shall continue to be applicable to project water provided to the District.

(f) **REPORT.**—If, 12 months after the date of the enactment of this Act, the Secretary has not completed the conveyance required under subsection (b), the Secretary shall complete a report that states the reason the conveyance has not been completed and the date by which the conveyance shall be completed. The Secretary shall submit a report required under this subsection to Congress not later than 14 months after the date of the enactment of this Act.

Subtitle D—San Gabriel Basin Restoration Fund

SEC. 9301. RESTORATION FUND.

Section 110 of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A-222), as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106-554, as amended by Public Law 107-66), is further amended—

(1) in subsection (a)(3)(B), by inserting after clause (iii) the following:

“(iv) **NON-FEDERAL MATCH.**—After \$85,000,000 has cumulatively been appropriated under subsection (d)(1), the remainder of Federal funds appropriated under subsection (d) shall be subject to the following matching requirement:

“(I) **SAN GABRIEL BASIN WATER QUALITY AUTHORITY.**—The San Gabriel Basin Water Quality Authority shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the Authority under this Act.

“(II) **CENTRAL BASIN MUNICIPAL WATER DISTRICT.**—The Central Basin Municipal Water District shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the District under this Act.”;

(2) in subsection (a), by adding at the end the following:

“(4) **INTEREST ON FUNDS IN RESTORATION FUND.**—No amounts appropriated above the cumulative amount of \$85,000,000 to the Restoration Fund under subsection (d)(1) shall be invested by the Secretary of the Treasury in interest-bearing securities of the United States.”; and

(3) by amending subsection (d) to read as follows:

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There is authorized to be appropriated to the Restoration Fund established under subsection (a) \$146,200,000. Such funds shall remain available until expended.

“(2) **SET-ASIDE.**—Of the amounts appropriated under paragraph (1), no more than \$21,200,000 shall be made available to carry out the Central Basin Water Quality Project.”.

Subtitle E—Lower Colorado River Multi-Species Conservation Program

SEC. 9401. DEFINITIONS.

In this subtitle:

(1) **LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.**—The term “Lower Colorado River Multi-Species Conservation Program” or “LCR MSCP” means the cooperative effort on the Lower Colorado River between Federal and non-Federal entities in Arizona, California, and Nevada approved by the Secretary of the Interior on April 2, 2005.

(2) **LOWER COLORADO RIVER.**—The term “Lower Colorado River” means the segment of the Colorado River within the planning area as provided in section 2(B) of the Implementing Agreement, a Program Document.

(3) **PROGRAM DOCUMENTS.**—The term “Program Documents” means the Habitat Conservation Plan, Biological Assessment and Biological and Conference Opinion, Environmental Impact Statement/Environmental Impact Report, Funding and Management Agreement, Implementing Agreement, and Section 10(a)(1)(B) Permit issued and, as applicable, executed in connection with the LCR MSCP, and any amendments or successor documents that are developed consistent with existing agreements and applicable law.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means each of the States of Arizona, California, and Nevada.

SEC. 9402. IMPLEMENTATION AND WATER ACCOUNTING.

(a) **IMPLEMENTATION.**—The Secretary is authorized to manage and implement the LCR MSCP in accordance with the Program Documents.

(b) **WATER ACCOUNTING.**—The Secretary is authorized to enter into an agreement with

the States providing for the use of water from the Lower Colorado River for habitat creation and maintenance in accordance with the Program Documents.

SEC. 9403. ENFORCEABILITY OF PROGRAM DOCUMENTS.

(a) **IN GENERAL.**—Due to the unique conditions of the Colorado River, any party to the Funding and Management Agreement or the Implementing Agreement, and any permittee under the Section 10(a)(1)(B) Permit, may commence a civil action in United States district court to adjudicate, confirm, validate or decree the rights and obligations of the parties under those Program Documents.

(b) **JURISDICTION.**—The district court shall have jurisdiction over such actions and may issue such orders, judgments, and decrees as are consistent with the court’s exercise of jurisdiction under this section.

(c) **UNITED STATES AS DEFENDANT.**—

(1) **IN GENERAL.**—The United States or any agency of the United States may be named as a defendant in such actions.

(2) **SOVEREIGN IMMUNITY.**—Subject to paragraph (3), the sovereign immunity of the United States is waived for purposes of actions commenced pursuant to this section.

(3) **NONWAIVER FOR CERTAIN CLAIMS.**—Nothing in this section waives the sovereign immunity of the United States to claims for money damages, monetary compensation, the provision of indemnity, or any claim seeking money from the United States.

(d) **RIGHTS UNDER FEDERAL AND STATE LAW.**—

(1) **IN GENERAL.**—Except as specifically provided in this section, nothing in this section limits any rights or obligations of any party under Federal or State law.

(2) **APPLICABILITY TO LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.**—This section—

(A) shall apply only to the Lower Colorado River Multi-Species Conservation Program; and

(B) shall not affect the terms of, or rights or obligations under, any other conservation plan created pursuant to any Federal or State law.

(e) **VENUE.**—Any suit pursuant to this section may be brought in any United States district court in the State in which any non-Federal party to the suit is situated.

SEC. 9404. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to the Secretary such sums as may be necessary to meet the obligations of the Secretary under the Program Documents, to remain available until expended.

(b) **NON-REIMBURSABLE AND NON-RETURNABLE.**—All amounts appropriated to and expended by the Secretary for the LCR MSCP shall be non-reimbursable and non-returnable.

Subtitle F—Secure Water

SEC. 9501. FINDINGS.

Congress finds that—

(1) adequate and safe supplies of water are fundamental to the health, economy, security, and ecology of the United States;

(2) systematic data-gathering with respect to, and research and development of, the water resources of the United States will help ensure the continued existence of sufficient quantities of water to support—

(A) increasing populations;

(B) economic growth;

(C) irrigated agriculture;

(D) energy production; and

(E) the protection of aquatic ecosystems;

(3) global climate change poses a significant challenge to the protection and use of

the water resources of the United States due to an increased uncertainty with respect to the timing, form, and geographical distribution of precipitation, which may have a substantial effect on the supplies of water for agricultural, hydroelectric power, industrial, domestic supply, and environmental needs;

(4) although States bear the primary responsibility and authority for managing the water resources of the United States, the Federal Government should support the States, as well as regional, local, and tribal governments, by carrying out—

(A) nationwide data collection and monitoring activities;

(B) relevant research; and

(C) activities to increase the efficiency of the use of water in the United States;

(5) Federal agencies that conduct water management and related activities have a responsibility—

(A) to take a lead role in assessing risks to the water resources of the United States (including risks posed by global climate change); and

(B) to develop strategies—

(i) to mitigate the potential impacts of each risk described in subparagraph (A); and

(ii) to help ensure that the long-term water resources management of the United States is sustainable and will ensure sustainable quantities of water;

(6) it is critical to continue and expand research and monitoring efforts—

(A) to improve the understanding of the variability of the water cycle; and

(B) to provide basic information necessary—

(i) to manage and efficiently use the water resources of the United States; and

(ii) to identify new supplies of water that are capable of being reclaimed; and

(7) the study of water use is vital—

(A) to the understanding of the impacts of human activity on water and ecological resources; and

(B) to the assessment of whether available surface and groundwater supplies will be available to meet the future needs of the United States.

SEC. 9502. DEFINITIONS.

In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the National Advisory Committee on Water Information established—

(A) under the Office of Management and Budget Circular 92-01; and

(B) to coordinate water data collection activities.

(3) **ASSESSMENT PROGRAM.**—The term “assessment program” means the water availability and use assessment program established by the Secretary under section 9508(a).

(4) **CLIMATE DIVISION.**—The term “climate division” means 1 of the 359 divisions in the United States that represents 2 or more regions located within a State that are as climatically homogeneous as possible, as determined by the Administrator.

(5) **COMMISSIONER.**—The term “Commissioner” means the Commissioner of Reclamation.

(6) **DIRECTOR.**—The term “Director” means the Director of the United States Geological Survey.

(7) **ELIGIBLE APPLICANT.**—The term “eligible applicant” means any State, Indian tribe, irrigation district, water district, or

other organization with water or power delivery authority.

(8) **FEDERAL POWER MARKETING ADMINISTRATION.**—The term “Federal Power Marketing Administration” means—

- (A) the Bonneville Power Administration;
- (B) the Southeastern Power Administration;
- (C) the Southwestern Power Administration; and
- (D) the Western Area Power Administration.

(9) **HYDROLOGIC ACCOUNTING UNIT.**—The term “hydrologic accounting unit” means 1 of the 352 river basin hydrologic accounting units used by the United States Geological Survey.

(10) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) **MAJOR AQUIFER SYSTEM.**—The term “major aquifer system” means a groundwater system that is—

- (A) identified as a significant groundwater system by the Director; and
- (B) included in the Groundwater Atlas of the United States, published by the United States Geological Survey.

(12) **MAJOR RECLAMATION RIVER BASIN.**—

(A) **IN GENERAL.**—The term “major reclamation river basin” means each major river system (including tributaries)—

- (i) that is located in a service area of the Bureau of Reclamation; and
- (ii) at which is located a federally authorized project of the Bureau of Reclamation.

(B) **INCLUSIONS.**—The term “major reclamation river basin” includes—

- (i) the Colorado River;
- (ii) the Columbia River;
- (iii) the Klamath River;
- (iv) the Missouri River;
- (v) the Rio Grande;
- (vi) the Sacramento River;
- (vii) the San Joaquin River; and
- (viii) the Truckee River.

(13) **NON-FEDERAL PARTICIPANT.**—The term “non-Federal participant” means—

- (A) a State, regional, or local authority;
- (B) an Indian tribe or tribal organization; or

(C) any other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association, or a nongovernmental organization.

(14) **PANEL.**—The term “panel” means the climate change and water intragovernmental panel established by the Secretary under section 9506(a).

(15) **PROGRAM.**—The term “program” means the regional integrated sciences and assessments program—

- (A) established by the Administrator; and
- (B) that is comprised of 8 regional programs that use advances in integrated climate sciences to assist decisionmaking processes.

(16) **SECRETARY.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “Secretary” means the Secretary of the Interior.

(B) **EXCEPTIONS.**—The term “Secretary” means—

- (i) in the case of sections 9503, 9504, and 9509, the Secretary of the Interior (acting through the Commissioner); and
- (ii) in the case of sections 9507 and 9508, the Secretary of the Interior (acting through the Director).

(17) **SERVICE AREA.**—The term “service area” means any area that encompasses a

watershed that contains a federally authorized reclamation project that is located in any State or area described in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

SEC. 9503. RECLAMATION CLIMATE CHANGE AND WATER PROGRAM.

(a) **IN GENERAL.**—The Secretary shall establish a climate change adaptation program—

- (1) to coordinate with the Administrator and other appropriate agencies to assess each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in a service area; and
- (2) to ensure, to the maximum extent possible, that strategies are developed at watershed and aquifer system scales to address potential water shortages, conflicts, and other impacts to water users located at, and the environment of, each service area.

(b) **REQUIRED ELEMENTS.**—In carrying out the program described in subsection (a), the Secretary shall—

- (1) coordinate with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary has access to the best available scientific information with respect to presently observed and projected future impacts of global climate change on water resources;
- (2) assess specific risks to the water supply of each major reclamation river basin, including any risk relating to—

- (A) a change in snowpack;
- (B) changes in the timing and quantity of runoff;
- (C) changes in groundwater recharge and discharge; and
- (D) any increase in—

- (i) the demand for water as a result of increasing temperatures; and
- (ii) the rate of reservoir evaporation;

(3) with respect to each major reclamation river basin, analyze the extent to which changes in the water supply of the United States will impact—

- (A) the ability of the Secretary to deliver water to the contractors of the Secretary;
- (B) hydroelectric power generation facilities;

- (C) recreation at reclamation facilities;
- (D) fish and wildlife habitat;
- (E) applicable species listed as an endangered, threatened, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(F) water quality issues (including salinity levels of each major reclamation river basin);

(G) flow and water dependent ecological resiliency; and

- (H) flood control management;
- (4) in consultation with appropriate non-Federal participants, consider and develop appropriate strategies to mitigate each impact of water supply changes analyzed by the Secretary under paragraph (3), including strategies relating to—

- (A) the modification of any reservoir storage or operating guideline in existence as of the date of enactment of this Act;
- (B) the development of new water management, operating, or habitat restoration plans;

- (C) water conservation;
- (D) improved hydrologic models and other decision support systems; and
- (E) groundwater and surface water storage needs; and

(5) in consultation with the Director, the Administrator, the Secretary of Agriculture

(acting through the Chief of the Natural Resources Conservation Service), and applicable State water resource agencies, develop a monitoring plan to acquire and maintain water resources data—

(A) to strengthen the understanding of water supply trends; and

(B) to assist in each assessment and analysis conducted by the Secretary under paragraphs (2) and (3).

(c) **REPORTING.**—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in each major reclamation river basin;

(2) the impact of global climate change with respect to the operations of the Secretary in each major reclamation river basin;

(3) each mitigation and adaptation strategy considered and implemented by the Secretary to address each effect of global climate change described in paragraph (1);

(4) each coordination activity conducted by the Secretary with—

- (A) the Director;
- (B) the Administrator;
- (C) the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service); or
- (D) any appropriate State water resource agency; and

(5) the implementation by the Secretary of the monitoring plan developed under subsection (b)(5).

(d) **FEASIBILITY STUDIES.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary, in cooperation with any non-Federal participant, may conduct 1 or more studies to determine the feasibility and impact on ecological resiliency of implementing each mitigation and adaptation strategy described in subsection (c)(3), including the construction of any water supply, water management, environmental, or habitat enhancement water infrastructure that the Secretary determines to be necessary to address the effects of global climate change on water resources located in each major reclamation river basin.

(2) **COST SHARING.**—

(A) **FEDERAL SHARE.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the Federal share of the cost of a study described in paragraph (1) shall not exceed 50 percent of the cost of the study.

(ii) **EXCEPTION RELATING TO FINANCIAL HARDSHIP.**—The Secretary may increase the Federal share of the cost of a study described in paragraph (1) to exceed 50 percent of the cost of the study if the Secretary determines that, due to a financial hardship, the non-Federal participant of the study is unable to contribute an amount equal to 50 percent of the cost of the study.

(B) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of a study described in paragraph (1) may be provided in the form of any in-kind services that substantially contribute toward the completion of the study, as determined by the Secretary.

(e) **NO EFFECT ON EXISTING AUTHORITY.**—Nothing in this section amends or otherwise affects any existing authority under reclamation laws that govern the operation of any Federal reclamation project.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9504. WATER MANAGEMENT IMPROVEMENT.

(a) **AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary may provide any grant to, or enter into an agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement—

(A) to conserve water;

(B) to increase water use efficiency;

(C) to facilitate water markets;

(D) to enhance water management, including increasing the use of renewable energy in the management and delivery of water;

(E) to accelerate the adoption and use of advanced water treatment technologies to increase water supply;

(F) to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule);

(G) to accelerate the recovery of threatened species, endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or

(H) to carry out any other activity—

(i) to address any climate-related impact to the water supply of the United States that increases ecological resiliency to the impacts of climate change; or

(ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area.

(2) **APPLICATION.**—To be eligible to receive a grant, or enter into an agreement with the Secretary under paragraph (1), an eligible applicant shall—

(A) be located within the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

(B) submit to the Secretary an application that includes a proposal of the improvement or activity to be planned, designed, constructed, or implemented by the eligible applicant.

(3) REQUIREMENTS OF GRANTS AND COOPERATIVE AGREEMENTS.—

(A) **COMPLIANCE WITH REQUIREMENTS.**—Each grant and agreement entered into by the Secretary with any eligible applicant under paragraph (1) shall be in compliance with each requirement described in subparagraphs (B) through (F).

(B) **AGRICULTURAL OPERATIONS.**—In carrying out paragraph (1), the Secretary shall not provide a grant, or enter into an agreement, for an improvement to conserve irrigation water unless the eligible applicant agrees not—

(i) to use any associated water savings to increase the total irrigated acreage of the eligible applicant; or

(ii) to otherwise increase the consumptive use of water in the operation of the eligible applicant, as determined pursuant to the law of the State in which the operation of the eligible applicant is located.

(C) **NONREIMBURSABLE FUNDS.**—Any funds provided by the Secretary to an eligible applicant through a grant or agreement under paragraph (1) shall be nonreimbursable.

(D) **TITLE TO IMPROVEMENTS.**—If an infrastructure improvement to a federally owned

facility is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1), the Federal Government shall continue to hold title to the facility and improvements to the facility.

(E) COST SHARING.—

(i) **FEDERAL SHARE.**—The Federal share of the cost of any infrastructure improvement or activity that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall not exceed 50 percent of the cost of the infrastructure improvement or activity.

(ii) **CALCULATION OF NON-FEDERAL SHARE.**—In calculating the non-Federal share of the cost of an infrastructure improvement or activity proposed by an eligible applicant through an application submitted by the eligible applicant under paragraph (2), the Secretary shall—

(I) consider the value of any in-kind services that substantially contributes toward the completion of the improvement or activity, as determined by the Secretary; and

(II) not consider any other amount that the eligible applicant receives from a Federal agency.

(iii) **MAXIMUM AMOUNT.**—The amount provided to an eligible applicant through a grant or other agreement under paragraph (1) shall be not more than \$5,000,000.

(iv) **OPERATION AND MAINTENANCE COSTS.**—The non-Federal share of the cost of operating and maintaining any infrastructure improvement that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall be 100 percent.

(F) LIABILITY.—

(i) **IN GENERAL.**—Except as provided under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved under this section, the title of which is not held by the United States.

(ii) **TORT CLAIMS ACT.**—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(b) RESEARCH AGREEMENTS.—

(1) **AUTHORITY OF SECRETARY.**—The Secretary may enter into 1 or more agreements with any university, nonprofit research institution, or organization with water or power delivery authority to fund any research activity that is designed—

(A) to conserve water resources;

(B) to increase the efficiency of the use of water resources; or

(C) to enhance the management of water resources, including increasing the use of renewable energy in the management and delivery of water.

(2) TERMS AND CONDITIONS OF SECRETARY.—

(A) **IN GENERAL.**—An agreement entered into between the Secretary and any university, institution, or organization described in paragraph (1) shall be subject to such terms and conditions as the Secretary determines to be appropriate.

(B) **AVAILABILITY.**—The agreements under this subsection shall be available to all Reclamation projects and programs that may benefit from project-specific or programmatic cooperative research and development.

(C) **MUTUAL BENEFIT.**—Grants or other agreements made under this section may be

for the mutual benefit of the United States and the entity that is provided the grant or enters into the cooperative agreement.

(d) **RELATIONSHIP TO PROJECT-SPECIFIC AUTHORITY.**—This section shall not supersede any existing project-specific funding authority.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$200,000,000, to remain available until expended.

SEC. 9505. HYDROELECTRIC POWER ASSESSMENT.

(a) **DUTY OF SECRETARY OF ENERGY.**—The Secretary of Energy, in consultation with the Administrator of each Federal Power Marketing Administration, shall assess each effect of, and risk resulting from, global climate change with respect to water supplies that are required for the generation of hydroelectric power at each Federal water project that is applicable to a Federal Power Marketing Administration.

(b) ACCESS TO APPROPRIATE DATA.—

(1) **IN GENERAL.**—In carrying out each assessment under subsection (a), the Secretary of Energy shall consult with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary of Energy has access to the best available scientific information with respect to presently observed impacts and projected future impacts of global climate change on water supplies that are used to produce hydroelectric power.

(2) **ACCESS TO DATA FOR CERTAIN ASSESSMENTS.**—In carrying out each assessment under subsection (a), with respect to the Bonneville Power Administration and the Western Area Power Administration, the Secretary of Energy shall consult with the Commissioner to access data and other information that—

(A) is collected by the Commissioner; and

(B) the Secretary of Energy determines to be necessary for the conduct of the assessment.

(c) **REPORT.**—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary of Energy shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to—

(A) water supplies used for hydroelectric power generation; and

(B) power supplies marketed by each Federal Power Marketing Administration, pursuant to—

(i) long-term power contracts;

(ii) contingent capacity contracts; and

(iii) short-term sales; and

(2) each recommendation of the Administrator of each Federal Power Marketing Administration relating to any change in any operation or contracting practice of each Federal Power Marketing Administration to address each effect and risk described in paragraph (1), including the use of purchased power to meet long-term commitments of each Federal Power Marketing Administration.

(d) **AUTHORITY.**—The Secretary of Energy may enter into contracts, grants, or other agreements with appropriate entities to carry out this section.

(e) COSTS.—

(1) **NONREIMBURSABLE.**—Any costs incurred by the Secretary of Energy in carrying out this section shall be nonreimbursable.

(2) **PMA COSTS.**—Each Federal Power Marketing Administration shall incur costs in

carrying out this section only to the extent that appropriated funds are provided by the Secretary of Energy for that purpose.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9506. CLIMATE CHANGE AND WATER INTRAGOVERNMENTAL PANEL.

(a) **ESTABLISHMENT.**—The Secretary and the Administrator shall establish and lead a climate change and water intragovernmental panel—

(1) to review the current scientific understanding of each impact of global climate change on the quantity and quality of freshwater resources of the United States; and

(2) to develop any strategy that the panel determines to be necessary to improve observational capabilities, expand data acquisition, or take other actions—

(A) to increase the reliability and accuracy of modeling and prediction systems to benefit water managers at the Federal, State, and local levels; and

(B) to increase the understanding of the impacts of climate change on aquatic ecosystems.

(b) **MEMBERSHIP.**—The panel shall be comprised of—

(1) the Secretary;

(2) the Director;

(3) the Administrator;

(4) the Secretary of Agriculture (acting through the Under Secretary for Natural Resources and Environment);

(5) the Commissioner;

(6) the Secretary of the Army, acting through the Chief of Engineers;

(7) the Administrator of the Environmental Protection Agency; and

(8) the Secretary of Energy.

(c) **REVIEW ELEMENTS.**—In conducting the review and developing the strategy under subsection (a), the panel shall consult with State water resource agencies, the Advisory Committee, drinking water utilities, water research organizations, and relevant water user, environmental, and other nongovernmental organizations—

(1) to assess the extent to which the conduct of measures of streamflow, groundwater levels, soil moisture, evapotranspiration rates, evaporation rates, snowpack levels, precipitation amounts, flood risk, and glacier mass is necessary to improve the understanding of the Federal Government and the States with respect to each impact of global climate change on water resources;

(2) to identify data gaps in current water monitoring networks that must be addressed to improve the capability of the Federal Government and the States to measure, analyze, and predict changes to the quality and quantity of water resources, including flood risks, that are directly or indirectly affected by global climate change;

(3) to establish data management and communication protocols and standards to increase the quality and efficiency by which each Federal agency acquires and reports relevant data;

(4) to consider options for the establishment of a data portal to enhance access to water resource data—

(A) relating to each nationally significant freshwater watershed and aquifer located in the United States; and

(B) that is collected by each Federal agency and any other public or private entity for each nationally significant freshwater watershed and aquifer located in the United States;

(5) to facilitate the development of hydrologic and other models to integrate data that reflects groundwater and surface water interactions; and

(6) to apply the hydrologic and other models developed under paragraph (5) to water resource management problems identified by the panel, including the need to maintain or improve ecological resiliency at watershed and aquifer system scales.

(d) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the review conducted, and the strategy developed, by the panel under subsection (a).

(e) **DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary, in consultation with the panel and the Advisory Committee, may provide grants to, or enter into any contract, cooperative agreement, interagency agreement, or other transaction with, an appropriate entity to carry out any demonstration, research, or methodology development project that the Secretary determines to be necessary to assist in the implementation of the strategy developed by the panel under subsection (a)(2).

(2) **REQUIREMENTS.**—

(A) **MAXIMUM AMOUNT OF FEDERAL SHARE.**—The Federal share of the cost of any demonstration, research, or methodology development project that is the subject of any grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and an appropriate entity under paragraph (1) shall not exceed \$1,000,000.

(B) **REPORT.**—An appropriate entity that receives funds from a grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and the appropriate entity under paragraph (1) shall submit to the Secretary a report describing the results of the demonstration, research, or methodology development project conducted by the appropriate entity.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out subsections (a) through (d) \$2,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

(2) **DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.**—There is authorized to be appropriated to carry out subsection (e) \$10,000,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9507. WATER DATA ENHANCEMENT BY UNITED STATES GEOLOGICAL SURVEY.

(a) **NATIONAL STREAMFLOW INFORMATION PROGRAM.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Advisory Committee and the Panel and consistent with this section, shall proceed with implementation of the national streamflow information program, as reviewed by the National Research Council in 2004.

(2) **REQUIREMENTS.**—In conducting the national streamflow information program, the Secretary shall—

(A) measure streamflow and related environmental variables in nationally significant watersheds—

(i) in a reliable and continuous manner; and

(ii) to develop a comprehensive source of information on which public and private de-

cisions relating to the management of water resources may be based;

(B) provide for a better understanding of hydrologic extremes (including floods and droughts) through the conduct of intensive data collection activities during and following hydrologic extremes;

(C) establish a base network that provides resources that are necessary for—

(i) the monitoring of long-term changes in streamflow; and

(ii) the conduct of assessments to determine the extent to which each long-term change monitored under clause (i) is related to global climate change;

(D) integrate the national streamflow information program with data collection activities of Federal agencies and appropriate State water resource agencies (including the National Integrated Drought Information System)—

(i) to enhance the comprehensive understanding of water availability;

(ii) to improve flood-hazard assessments;

(iii) to identify any data gap with respect to water resources; and

(iv) to improve hydrologic forecasting; and

(E) incorporate principles of adaptive management in the conduct of periodic reviews of information collected under the national streamflow information program to assess whether the objectives of the national streamflow information program are being adequately addressed.

(3) **IMPROVED METHODOLOGIES.**—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure streamflow in a more cost-efficient manner.

(4) **NETWORK ENHANCEMENT.**—

(A) **IN GENERAL.**—Not later than 10 years after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall—

(i) increase the number of streamgages funded by the national streamflow information program to a quantity of not less than 4,700 sites; and

(ii) ensure all streamgages are flood-hardened and equipped with water-quality sensors and modernized telemetry.

(B) **REQUIREMENTS OF SITES.**—Each site described in subparagraph (A) shall conform with the National Streamflow Information Program plan as reviewed by the National Research Council.

(5) **FEDERAL SHARE.**—The Federal share of the national streamgaging network established pursuant to this subsection shall be 100 percent of the cost of carrying out the national streamgaging network.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), there are authorized to be appropriated such sums as are necessary to operate the national streamflow information program for the period of fiscal years 2009 through 2023, to remain available until expended.

(B) **NETWORK ENHANCEMENT FUNDING.**—There is authorized to be appropriated to carry out the network enhancements described in paragraph (4) \$10,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(b) **NATIONAL GROUNDWATER RESOURCES MONITORING.**—

(1) **IN GENERAL.**—The Secretary shall develop a systematic groundwater monitoring program for each major aquifer system located in the United States.

(2) PROGRAM ELEMENTS.—In developing the monitoring program described in paragraph (1), the Secretary shall—

(A) establish appropriate criteria for monitoring wells to ensure the acquisition of long-term, high-quality data sets, including, to the maximum extent possible, the inclusion of real-time instrumentation and reporting;

(B) in coordination with the Advisory Committee and State and local water resource agencies—

(i) assess the current scope of groundwater monitoring based on the access availability and capability of each monitoring well in existence as of the date of enactment of this Act; and

(ii) develop and carry out a monitoring plan that maximizes coverage for each major aquifer system that is located in the United States; and

(C) prior to initiating any specific monitoring activities within a State after the date of enactment of this Act, consult and coordinate with the applicable State water resource agency with jurisdiction over the aquifer that is the subject of the monitoring activities, and comply with all applicable laws (including regulations) of the State.

(3) PROGRAM OBJECTIVES.—In carrying out the monitoring program described in paragraph (1), the Secretary shall—

(A) provide data that is necessary for the improvement of understanding with respect to surface water and groundwater interactions;

(B) by expanding the network of monitoring wells to reach each climate division, support the groundwater climate response network to improve the understanding of the effects of global climate change on groundwater recharge and availability; and

(C) support the objectives of the assessment program.

(4) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure groundwater recharge, discharge, and storage in a more cost-efficient manner.

(5) FEDERAL SHARE.—The Federal share of the monitoring program described in paragraph (1) may be 100 percent of the cost of carrying out the monitoring program.

(6) PRIORITY.—In selecting monitoring activities consistent with the monitoring program described in paragraph (1), the Secretary shall give priority to those activities for which a State or local governmental entity agrees to provide for a substantial share of the cost of establishing or operating a monitoring well or other measuring device to carry out a monitoring activity.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for the period of fiscal years 2009 through 2023, to remain available until expended.

(c) BRACKISH GROUNDWATER ASSESSMENT.—

(1) STUDY.—The Secretary, in consultation with State and local water resource agencies, shall conduct a study of available data and other relevant information—

(A) to identify significant brackish groundwater resources located in the United States; and

(B) to consolidate any available data relating to each groundwater resource identified under subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Sec-

retary shall submit to the appropriate committees of Congress a report that includes—

(A) a description of each—

(i) significant brackish aquifer that is located in the United States (including 1 or more maps of each significant brackish aquifer that is located in the United States);

(ii) data gap that is required to be addressed to fully characterize each brackish aquifer described in clause (i); and

(iii) current use of brackish groundwater that is supplied by each brackish aquifer described in clause (i); and

(B) a summary of the information available as of the date of enactment of this Act with respect to each brackish aquifer described in subparagraph (A)(i) (including the known level of total dissolved solids in each brackish aquifer).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$3,000,000 for the period of fiscal years 2009 through 2011, to remain available until expended.

(d) IMPROVED WATER ESTIMATION, MEASUREMENT, AND MONITORING TECHNOLOGIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants on a nonreimbursable basis to appropriate entities with expertise in water resource data acquisition and reporting, including Federal agencies, the Water Resources Research Institutes and other academic institutions, and private entities, to—

(A) investigate, develop, and implement new methodologies and technologies to estimate or measure water resources data in a cost-efficient manner; and

(B) improve methodologies relating to the analysis and delivery of data.

(2) PRIORITY.—In providing grants to appropriate entities under paragraph (1), the Secretary shall give priority to appropriate entities that propose the development of new methods and technologies for—

(A) predicting and measuring streamflows;

(B) estimating changes in the storage of groundwater;

(C) improving data standards and methods of analysis (including the validation of data entered into geographic information system databases);

(D) measuring precipitation and potential evapotranspiration; and

(E) water withdrawals, return flows, and consumptive use.

(3) PARTNERSHIPS.—In recognition of the value of collaboration to foster innovation and enhance research and development efforts, the Secretary shall encourage partnerships, including public-private partnerships, between and among Federal agencies, academic institutions, and private entities to promote the objectives described in paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2009 through 2019.

SEC. 9508. NATIONAL WATER AVAILABILITY AND USE ASSESSMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Advisory Committee and State and local water resource agencies, shall establish a national assessment program to be known as the “national water availability and use assessment program”—

(1) to provide a more accurate assessment of the status of the water resources of the United States;

(2) to assist in the determination of the quantity of water that is available for beneficial uses;

(3) to assist in the determination of the quality of the water resources of the United States;

(4) to identify long-term trends in water availability;

(5) to use each long-term trend described in paragraph (4) to provide a more accurate assessment of the change in the availability of water in the United States; and

(6) to develop the basis for an improved ability to forecast the availability of water for future economic, energy production, and environmental uses.

(b) PROGRAM ELEMENTS.—

(1) WATER USE.—In carrying out the assessment program, the Secretary shall conduct any appropriate activity to carry out an ongoing assessment of water use in hydrologic accounting units and major aquifer systems located in the United States, including—

(A) the maintenance of a comprehensive national water use inventory to enhance the level of understanding with respect to the effects of spatial and temporal patterns of water use on the availability and sustainable use of water resources;

(B) the incorporation of water use science principles, with an emphasis on applied research and statistical estimation techniques in the assessment of water use;

(C) the integration of any dataset maintained by any other Federal or State agency into the dataset maintained by the Secretary; and

(D) a focus on the scientific integration of any data relating to water use, water flow, or water quality to generate relevant information relating to the impact of human activity on water and ecological resources.

(2) WATER AVAILABILITY.—In carrying out the assessment program, the Secretary shall conduct an ongoing assessment of water availability by—

(A) developing and evaluating nationally consistent indicators that reflect each status and trend relating to the availability of water resources in the United States, including—

(i) surface water indicators, such as streamflow and surface water storage measures (including lakes, reservoirs, perennial snowfields, and glaciers);

(ii) groundwater indicators, including groundwater level measurements and changes in groundwater levels due to—

(I) natural recharge;

(II) withdrawals;

(III) saltwater intrusion;

(IV) mine dewatering;

(V) land drainage;

(VI) artificial recharge; and

(VII) other relevant factors, as determined by the Secretary; and

(iii) impaired surface water and groundwater supplies that are known, accessible, and used to meet ongoing water demands;

(B) maintaining a national database of water availability data that—

(i) is comprised of maps, reports, and other forms of interpreted data;

(ii) provides electronic access to the archived data of the national database; and

(iii) provides for real-time data collection; and

(C) developing and applying predictive modeling tools that integrate groundwater, surface water, and ecological systems.

(c) GRANT PROGRAM.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants to State water resource agencies to assist State water resource agencies in—

(A) developing water use and availability datasets that are integrated with each appropriate dataset developed or maintained by the Secretary; or

(B) integrating any water use or water availability dataset of the State water resource agency into each appropriate dataset developed or maintained by the Secretary.

(2) **CRITERIA.**—To be eligible to receive a grant under paragraph (1), a State water resource agency shall demonstrate to the Secretary that the water use and availability dataset proposed to be established or integrated by the State water resource agency—

(A) is in compliance with each quality and conformity standard established by the Secretary to ensure that the data will be capable of integration with any national dataset; and

(B) will enhance the ability of the officials of the State or the State water resource agency to carry out each water management and regulatory responsibility of the officials of the State in accordance with each applicable law of the State.

(3) **MAXIMUM AMOUNT.**—The amount of a grant provided to a State water resource agency under paragraph (1) shall be an amount not more than \$250,000.

(d) **REPORT.**—Not later than December 31, 2012, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that provides a detailed assessment of—

(1) the current availability of water resources in the United States, including—

(A) historic trends and annual updates of river basin inflows and outflows;

(B) surface water storage;

(C) groundwater reserves; and

(D) estimates of undeveloped potential resources (including saline and brackish water and wastewater);

(2) significant trends affecting water availability, including each documented or projected impact to the availability of water as a result of global climate change;

(3) the withdrawal and use of surface water and groundwater by various sectors, including—

(A) the agricultural sector;

(B) municipalities;

(C) the industrial sector;

(D) thermoelectric power generators; and

(E) hydroelectric power generators;

(4) significant trends relating to each water use sector, including significant changes in water use due to the development of new energy supplies;

(5) significant water use conflicts or shortages that have occurred or are occurring; and

(6) each factor that has caused, or is causing, a conflict or shortage described in paragraph (5).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out subsections (a), (b), and (d) \$20,000,000 for each of fiscal years 2009 through 2023, to remain available until expended.

(2) **GRANT PROGRAM.**—There is authorized to be appropriated to carry out subsection (c) \$12,500,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9509. RESEARCH AGREEMENT AUTHORITY.

The Secretary may enter into contracts, grants, or cooperative agreements, for periods not to exceed 5 years, to carry out research within the Bureau of Reclamation.

SEC. 9510. EFFECT.

(a) **IN GENERAL.**—Nothing in this subtitle supersedes or limits any existing authority

provided, or responsibility conferred, by any provision of law.

(b) **EFFECT ON STATE WATER LAW.**—

(1) **IN GENERAL.**—Nothing in this subtitle preempts or affects any—

(A) State water law; or

(B) interstate compact governing water.

(2) **COMPLIANCE REQUIRED.**—The Secretary shall comply with applicable State water laws in carrying out this subtitle.

Subtitle G—Aging Infrastructure

SEC. 9601. DEFINITIONS.

In this subtitle:

(1) **INSPECTION.**—The term “inspection” means an inspection of a project facility carried out by the Secretary—

(A) to assess and determine the general condition of the project facility; and

(B) to estimate the value of property, and the size of the population, that would be at risk if the project facility fails, is breached, or otherwise allows flooding to occur.

(2) **PROJECT FACILITY.**—The term “project facility” means any part or incidental feature of a project, excluding high- and significant-hazard dams, constructed under the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(3) **RESERVED WORKS.**—The term “reserved works” mean any project facility at which the Secretary carries out the operation and maintenance of the project facility.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) **TRANSFERRED WORKS.**—The term “transferred works” means a project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(6) **TRANSFERRED WORKS OPERATING ENTITY.**—The term “transferred works operating entity” means the organization which is contractually responsible for operation and maintenance of transferred works.

(7) **EXTRAORDINARY OPERATION AND MAINTENANCE WORK.**—The term “extraordinary operation and maintenance work” means major, nonrecurring maintenance to Reclamation-owned or operated facilities, or facility components, that is—

(A) intended to ensure the continued safe, dependable, and reliable delivery of authorized project benefits; and

(B) greater than 10 percent of the contractor's or the transferred works operating entity's annual operation and maintenance budget for the facility, or greater than \$100,000.

SEC. 9602. GUIDELINES AND INSPECTION OF PROJECT FACILITIES AND TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.

(a) **GUIDELINES AND INSPECTIONS.**—

(1) **DEVELOPMENT OF GUIDELINES.**—Not later than 1 year after the date of enactment of this Act, the Secretary in consultation with transferred works operating entities shall develop, consistent with existing transfer contracts, specific inspection guidelines for project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such project facilities were to fail.

(2) **CONDUCT OF INSPECTIONS.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall conduct inspections of those project facilities, which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such facilities were to fail, using

such specific inspection guidelines and criteria developed pursuant to paragraph (1). In selecting project facilities to inspect, the Secretary shall take into account the potential magnitude of public safety and economic damage posed by each project facility.

(3) **TREATMENT OF COSTS.**—The costs incurred by the Secretary in conducting these inspections shall be nonreimbursable.

(b) **USE OF INSPECTION DATA.**—The Secretary shall use the data collected through the conduct of the inspections under subsection (a)(2) to—

(1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures including operation guidelines consistent with existing transfer contracts, and structural modifications to those transferred works;

(2) determine an appropriate inspection frequency for such nondam project facilities which shall not exceed 6 years; and

(3) provide, upon request of transferred work operating entities, local governments, or State agencies, information regarding potential hazards posed by existing or proposed residential, commercial, industrial or public-use development adjacent to project facilities.

(c) **TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.**—

(1) **AUTHORITY OF SECRETARY TO PROVIDE TECHNICAL ASSISTANCE.**—The Secretary is authorized, at the request of a transferred works operating entity in proximity to an urbanized area, to provide technical assistance to accomplish the following, if consistent with existing transfer contracts:

(A) Development of documented operating procedures for a project facility.

(B) Development of documented emergency notification and response procedures for a project facility.

(C) Development of facility inspection criteria for a project facility.

(D) Development of a training program on operation and maintenance requirements and practices for a project facility for a transferred works operating entity's workforce.

(E) Development of a public outreach plan on the operation and risks associated with a project facility.

(F) Development of any other plans or documentation which, in the judgment of the Secretary, will contribute to public safety and the safe operation of a project facility.

(2) **COSTS.**—The Secretary is authorized to provide, on a non-reimbursable basis, up to 50 percent of the cost of such technical assistance, with the balance of such costs being advanced by the transferred works operating entity or other non-Federal source. The non-Federal 50 percent minimum cost share for such technical assistance may be in the form of in-lieu contributions of resources by the transferred works operating entity or other non-Federal source.

SEC. 9603. EXTRAORDINARY OPERATION AND MAINTENANCE WORK PERFORMED BY THE SECRETARY.

(a) **IN GENERAL.**—The Secretary or the transferred works operating entity may carry out, in accordance with subsection (b) and consistent with existing transfer contracts, any extraordinary operation and maintenance work on a project facility that the Secretary determines to be reasonably required to preserve the structural safety of the project facility.

(b) **REIMBURSEMENT OF COSTS ARISING FROM EXTRAORDINARY OPERATION AND MAINTENANCE WORK.**—

(1) **TREATMENT OF COSTS.**—For reserved works, costs incurred by the Secretary in conducting extraordinary operation and maintenance work will be allocated to the authorized reimbursable purposes of the project and shall be repaid within 50 years, with interest, from the year in which work undertaken pursuant to this subtitle is substantially complete.

(2) **AUTHORITY OF SECRETARY.**—For transferred works, the Secretary is authorized to advance the costs incurred by the transferred works operating entity in conducting extraordinary operation and maintenance work and negotiate appropriate 50-year repayment contracts with project beneficiaries providing for the return of reimbursable costs, with interest, under this subsection: Provided, however, That no contract entered into pursuant to this subtitle shall be deemed to be a new or amended contract for the purposes of section 203(a) of the Reclamation Reform Act of 1982 (43 U.S.C. 390cc(a)).

(3) **DETERMINATION OF INTEREST RATE.**—The interest rate used for computing interest on work in progress and interest on the unpaid balance of the reimbursable costs of extraordinary operation and maintenance work authorized by this subtitle shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which extraordinary operation and maintenance work is commenced, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest $\frac{1}{8}$ of 1 percent on the unamortized balance of any portion of the loan.

(c) **EMERGENCY EXTRAORDINARY OPERATION AND MAINTENANCE WORK.**—

(1) **IN GENERAL.**—The Secretary or the transferred works operating entity shall carry out any emergency extraordinary operation and maintenance work on a project facility that the Secretary determines to be necessary to minimize the risk of imminent harm to public health or safety, or property.

(2) **REIMBURSEMENT.**—The Secretary may advance funds for emergency extraordinary operation and maintenance work and shall seek reimbursement from the transferred works operating entity or benefitting entity upon receiving a written assurance from the governing body of such entity that it will negotiate a contract pursuant to section 9603 for repayment of costs incurred by the Secretary in undertaking such work.

(3) **FUNDING.**—If the Secretary determines that a project facility inspected and maintained pursuant to the guidelines and criteria set forth in section 9602(a) requires extraordinary operation and maintenance pursuant to paragraph (1), the Secretary may provide Federal funds on a nonreimbursable basis sufficient to cover 35 percent of the cost of the extraordinary operation and maintenance allocable to the transferred works operating entity, which is needed to minimize the risk of imminent harm. The remaining share of the Federal funds advanced by the Secretary for such work shall be repaid under subsection (b).

SEC. 9604. RELATIONSHIP TO TWENTY-FIRST CENTURY WATER WORKS ACT.

Nothing in this subtitle shall preclude a transferred works operating entity from applying and receiving a loan-guarantee pursuant to the Twenty-First Century Water Works Act (43 U.S.C. 2401 et seq.).

SEC. 9605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

TITLE X—WATER SETTLEMENTS

Subtitle A—San Joaquin River Restoration Settlement

PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

SEC. 10001. SHORT TITLE.

This part may be cited as the “San Joaquin River Restoration Settlement Act”.

SEC. 10002. PURPOSE.

The purpose of this part is to authorize implementation of the Settlement.

SEC. 10003. DEFINITIONS.

In this part:

(1) The terms “Friant Division long-term contractors”, “Interim Flows”, “Restoration Flows”, “Recovered Water Account”, “Restoration Goal”, and “Water Management Goal” have the meanings given the terms in the Settlement.

(2) The term “Secretary” means the Secretary of the Interior.

(3) The term “Settlement” means the Stipulation of Settlement dated September 13, 2006, in the litigation entitled *Natural Resources Defense Council, et al. v. Kirk Rodgers, et al.*, United States District Court, Eastern District of California, No. CIV. S-88-1658-LKK/GGH.

SEC. 10004. IMPLEMENTATION OF SETTLEMENT.

(a) **IN GENERAL.**—The Secretary of the Interior is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures as these measures are prescribed in the Settlement:

(1) Design and construct channel and structural improvements as described in paragraph 11 of the Settlement, provided, however, that the Secretary shall not make or fund any such improvements to facilities or property of the State of California without the approval of the State of California and the State’s agreement in 1 or more memoranda of understanding to participate where appropriate.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(3) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such acquisitions shall only be made from willing sellers and not through eminent domain.

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary’s use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors; and

(C) the Secretary’s performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agree-

ment to resolve conflicts arising from said Agreement.

(5) Develop and implement the Recovered Water Account as specified in paragraph 16(b) of the Settlement, including the pricing and payment crediting provisions described in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(b) **AGREEMENTS.**—

(1) **AGREEMENTS WITH THE STATE.**—In order to facilitate or expedite implementation of the Settlement, the Secretary is authorized and directed to enter into appropriate agreements, including cost-sharing agreements, with the State of California.

(2) **OTHER AGREEMENTS.**—The Secretary is authorized to enter into contracts, memoranda of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to any terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.

(c) **ACCEPTANCE AND EXPENDITURE OF NON-FEDERAL FUNDS.**—The Secretary is authorized to accept and expend non-Federal funds in order to facilitate implementation of the Settlement.

(d) **MITIGATION OF IMPACTS.**—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall identify—

(1) the impacts associated with such actions; and

(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.

(e) **DESIGN AND ENGINEERING STUDIES.**—The Secretary is authorized to conduct any design or engineering studies that are necessary to implement the Settlement.

(f) **EFFECT ON CONTRACT WATER ALLOCATIONS.**—Except as otherwise provided in this section, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10011, shall not result in the involuntary reduction in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors.

(g) **EFFECT ON EXISTING WATER CONTRACTS.**—Except as provided in the Settlement and this part, nothing in this part shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase, or exchange contract.

(h) **INTERIM FLOWS.**—

(1) **STUDY REQUIRED.**—Prior to releasing any Interim Flows under the Settlement, the Secretary shall prepare an analysis in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including at a minimum—

(A) an analysis of channel conveyance capacities and potential for levee or groundwater seepage;

(B) a description of the associated seepage monitoring program;

(C) an evaluation of—

(i) possible impacts associated with the release of Interim Flows; and

(ii) mitigation measures for those impacts that are determined to be significant;

(D) a description of the associated flow monitoring program; and

(E) an analysis of the likely Federal costs, if any, of any fish screens, fish bypass facilities, fish salvage facilities, and related operations on the San Joaquin River south of the confluence with the Merced River required under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) as a result of the Interim Flows.

(2) **CONDITIONS FOR RELEASE.**—The Secretary is authorized to release Interim Flows to the extent that such flows would not—

(A) impede or delay completion of the measures specified in Paragraph 11(a) of the Settlement; or

(B) exceed existing downstream channel capacities.

(3) **SEEPAGE IMPACTS.**—The Secretary shall reduce Interim Flows to the extent necessary to address any material adverse impacts to third parties from groundwater seepage caused by such flows that the Secretary identifies based on the monitoring program of the Secretary.

(4) **TEMPORARY FISH BARRIER PROGRAM.**—The Secretary, in consultation with the California Department of Fish and Game, shall evaluate the effectiveness of the Hills Ferry barrier in preventing the unintended upstream migration of anadromous fish in the San Joaquin River and any false migratory pathways. If that evaluation determines that any such migration past the barrier is caused by the introduction of the Interim Flows and that the presence of such fish will result in the imposition of additional regulatory actions against third parties, the Secretary is authorized to assist the Department of Fish and Game in making improvements to the barrier. From funding made available in accordance with section 10009, if third parties along the San Joaquin River south of its confluence with the Merced River are required to install fish screens or fish bypass facilities due to the release of Interim Flows in order to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary shall bear the costs of the installation of such screens or facilities if such costs would be borne by the Federal Government under section 10009(a)(3), except to the extent that such costs are already or are further willingly borne by the State of California or by the third parties.

(i) **FUNDING AVAILABILITY.**—

(1) **IN GENERAL.**—Funds shall be collected in the San Joaquin River Restoration Fund through October 1, 2019, and thereafter, with substantial amounts available through October 1, 2019, pursuant to section 10009 for implementation of the Settlement and parts I and III, including—

(A) \$88,000,000, to be available without further appropriation pursuant to section 10009(c)(2);

(B) additional amounts authorized to be appropriated, including the charges required under section 10007 and an estimated \$20,000,000 from the CVP Restoration Fund pursuant to section 10009(b)(2); and

(C) an aggregate commitment of at least \$200,000,000 by the State of California.

(2) **ADDITIONAL AMOUNTS.**—Substantial additional amounts from the San Joaquin River Restoration Fund shall become available without further appropriation after October 1, 2019, pursuant to section 10009(c)(2).

(3) **EFFECT OF SUBSECTION.**—Nothing in this subsection limits the availability of funds authorized for appropriation pursuant to section 10009(b) or 10203(c).

(j) **SAN JOAQUIN RIVER EXCHANGE CONTRACT.**—Subject to section 10006(b), nothing in this part shall modify or amend the rights and obligations under the Purchase Contract

between Miller and Lux and the United States and the Second Amended Exchange Contract between the United States, Department of the Interior, Bureau of Reclamation and Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District and Columbia Canal Company.

SEC. 10005. ACQUISITION AND DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

(a) **TITLE TO FACILITIES.**—Unless acquired pursuant to subsection (b), title to any facility or facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement authorized by this part, and title to any modifications or improvements of such facility or facilities, stream channel, levees, or other real property—

(1) shall remain in the owner of the property; and

(2) shall not be transferred to the United States on account of such modifications or improvements.

(b) **ACQUISITION OF PROPERTY.**—

(1) **IN GENERAL.**—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or options to acquire real property needed to implement the Settlement authorized by this part.

(2) **APPLICABLE LAW.**—The Secretary is authorized, but not required, to exercise all of the authorities provided in section 2 of the Act of August 26, 1937 (50 Stat. 844, chapter 832), to carry out the measures authorized in this section and section 10004.

(c) **DISPOSAL OF PROPERTY.**—

(1) **IN GENERAL.**—Upon the Secretary's determination that retention of title to property or interests in property acquired pursuant to this part is no longer needed to be held by the United States for the furtherance of the Settlement, the Secretary is authorized to dispose of such property or interest in property on such terms and conditions as the Secretary deems appropriate and in the best interest of the United States, including possible transfer of such property to the State of California.

(2) **RIGHT OF FIRST REFUSAL.**—In the event the Secretary determines that property acquired pursuant to this part through the exercise of its eminent domain authority is no longer necessary for implementation of the Settlement, the Secretary shall provide a right of first refusal to the property owner from whom the property was initially acquired, or his or her successor in interest, on the same terms and conditions as the property is being offered to other parties.

(3) **DISPOSITION OF PROCEEDS.**—Proceeds from the disposal by sale or transfer of any such property or interests in such property shall be deposited in the fund established by section 10009(c).

(d) **GROUNDWATER BANK.**—Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity.

SEC. 10006. COMPLIANCE WITH APPLICABLE LAW.

(a) **APPLICABLE LAW.**—

(1) **IN GENERAL.**—In undertaking the measures authorized by this part, the Secretary and the Secretary of Commerce shall comply with all applicable Federal and State laws, rules, and regulations, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as necessary.

(2) **ENVIRONMENTAL REVIEWS.**—The Secretary and the Secretary of Commerce are authorized and directed to initiate and expeditiously complete applicable environmental reviews and consultations as may be necessary to effectuate the purposes of the Settlement.

(b) **EFFECT ON STATE LAW.**—Nothing in this part shall preempt State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

(c) **USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.**—

(1) **DEFINITION OF ENVIRONMENTAL REVIEW.**—For purposes of this subsection, the term “environmental review” includes any consultation and planning necessary to comply with subsection (a).

(2) **PARTICIPATION IN ENVIRONMENTAL REVIEW PROCESS.**—In undertaking the measures authorized by section 10004, and for which environmental review is required, the Secretary may provide funds made available under this part to affected Federal agencies, State agencies, local agencies, and Indian tribes if the Secretary determines that such funds are necessary to allow the Federal agencies, State agencies, local agencies, or Indian tribes to effectively participate in the environmental review process.

(3) **LIMITATION.**—Funds may be provided under paragraph (2) only to support activities that directly contribute to the implementation of the terms and conditions of the Settlement.

(d) **NONREIMBURSABLE FUNDS.**—The United States' share of the costs of implementing this part shall be nonreimbursable under Federal reclamation law, provided that nothing in this subsection shall limit or be construed to limit the use of the funds assessed and collected pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721, 4727), for implementation of the Settlement, nor shall it be construed to limit or modify existing or future Central Valley Project ratesetting policies.

SEC. 10007. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Congress hereby finds and declares that the Settlement satisfies and discharges all of the obligations of the Secretary contained in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721), provided, however, that—

(1) the Secretary shall continue to assess and collect the charges provided in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721), as provided in the Settlement; and

(2) those assessments and collections shall continue to be counted toward the requirements of the Secretary contained in section 3407(c)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4726).

SEC. 10008. NO PRIVATE RIGHT OF ACTION.

(a) **IN GENERAL.**—Nothing in this part confers upon any person or entity not a party to the Settlement a private right of action or claim for relief to interpret or enforce the provisions of this part or the Settlement.

(b) **APPLICABLE LAW.**—This section shall not alter or curtail any right of action or claim for relief under any other applicable law.

SEC. 10009. APPROPRIATIONS; SETTLEMENT FUND.

(a) **IMPLEMENTATION COSTS.**—

(1) **IN GENERAL.**—The costs of implementing the Settlement shall be covered by payments or in-kind contributions made by Friant Division contractors and other non-Federal parties, including the funds provided in subparagraphs (A) through (D) of subsection (c)(1), estimated to total \$440,000,000, of which the non-Federal payments are estimated to total \$200,000,000 (at October 2006 price levels) and the amount from repaid Central Valley Project capital obligations is estimated to total \$240,000,000, the additional Federal appropriation of \$250,000,000 authorized pursuant to subsection (b)(1), and such additional funds authorized pursuant to subsection (b)(2); provided however, that the costs of implementing the provisions of section 10004(a)(1) shall be shared by the State of California pursuant to the terms of a memorandum of understanding executed by the State of California and the Parties to the Settlement on September 13, 2006, which includes at least \$110,000,000 of State funds.

(2) **ADDITIONAL AGREEMENTS.**—

(A) **IN GENERAL.**—The Secretary shall enter into 1 or more agreements to fund or implement improvements on a project-by-project basis with the State of California.

(B) **REQUIREMENTS.**—Any agreements entered into under subparagraph (A) shall provide for recognition of either monetary or in-kind contributions toward the State of California's share of the cost of implementing the provisions of section 10004(a)(1).

(3) **LIMITATION.**—Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—In addition to the funding provided in subsection (c), there are also authorized to be appropriated not to exceed \$250,000,000 (at October 2006 price levels) to implement this part and the Settlement, to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts equal to the amount of funds deposited in the San Joaquin River Restoration Fund (not including payments under subsection (c)(1)(B) and proceeds under subsection (c)(1)(C)), the amount of in-kind contributions, and other non-Federal payments actually committed to the implementation of this part or the Settlement.

(2) **USE OF THE CENTRAL VALLEY PROJECT RESTORATION FUND.**—The Secretary is authorized to use monies from the Central Valley Project Restoration Fund created under section 3407 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4727) for purposes of this part in an amount not to exceed \$2,000,000 (October 2006 price levels) in any fiscal year.

(c) **FUND.**—

(1) **IN GENERAL.**—There is hereby established within the Treasury of the United States a fund, to be known as the San Joaquin River Restoration Fund, into which the following funds shall be deposited and used solely for the purpose of implementing the Settlement except as otherwise provided in subsections (a) and (b) of section 10203:

(A) All payments received pursuant to section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721).

(B) The construction cost component (not otherwise needed to cover operation and

maintenance costs) of payments made by Friant Division, Hidden Unit, and Buchanan Unit long-term contractors pursuant to long-term water service contracts or pursuant to repayment contracts, including repayment contracts executed pursuant to section 10010. The construction cost repayment obligation assigned such contractors under such contracts shall be reduced by the amount paid pursuant to this paragraph and the appropriate share of the existing Federal investment in the Central Valley Project to be recovered by the Secretary pursuant to Public Law 99-546 (100 Stat. 3050) shall be reduced by an equivalent sum.

(C) Proceeds from the sale of water pursuant to the Settlement, or from the sale of property or interests in property as provided in section 10005.

(D) Any non-Federal funds, including State cost-sharing funds, contributed to the United States for implementation of the Settlement, which the Secretary may expend without further appropriation for the purposes for which contributed.

(2) **AVAILABILITY.**—All funds deposited into the Fund pursuant to subparagraphs (A), (B), and (C) of paragraph (1) are authorized for appropriation to implement the Settlement and this part, in addition to the authorization provided in subsections (a) and (b) of section 10203, except that \$88,000,000 of such funds are available for expenditure without further appropriation; provided that after October 1, 2019, all funds in the Fund shall be available for expenditure without further appropriation.

(d) **LIMITATION ON CONTRIBUTIONS.**—Payments made by long-term contractors who receive water from the Friant Division and Hidden and Buchanan Units of the Central Valley Project pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721, 4727) and payments made pursuant to paragraph 16(b)(3) of the Settlement and subsection (c)(1)(B) shall be the limitation of such entities' direct financial contribution to the Settlement, subject to the terms and conditions of paragraph 21 of the Settlement.

(e) **NO ADDITIONAL EXPENDITURES REQUIRED.**—Nothing in this part shall be construed to require a Federal official to expend Federal funds not appropriated by Congress, or to seek the appropriation of additional funds by Congress, for the implementation of the Settlement.

(f) **REACH 4B.**—

(1) **STUDY.**—

(A) **IN GENERAL.**—In accordance with the Settlement and the memorandum of understanding executed pursuant to paragraph 6 of the Settlement, the Secretary shall conduct a study that specifies—

(i) the costs of undertaking any work required under paragraph 11(a)(3) of the Settlement to increase the capacity of reach 4B prior to reinitiation of Restoration Flows;

(ii) the impacts associated with reinitiation of such flows; and

(iii) measures that shall be implemented to mitigate impacts.

(B) **DEADLINE.**—The study under subparagraph (A) shall be completed prior to restoration of any flows other than Interim Flows.

(2) **REPORT.**—

(A) **IN GENERAL.**—The Secretary shall file a report with Congress not later than 90 days after issuing a determination, as required by the Settlement, on whether to expand channel conveyance capacity to 4500 cubic feet per second in reach 4B of the San Joaquin

River, or use an alternative route for pulse flows, that—

(i) explains whether the Secretary has decided to expand Reach 4B capacity to 4500 cubic feet per second; and

(ii) addresses the following matters:

(I) The basis for the Secretary's determination, whether set out in environmental review documents or otherwise, as to whether the expansion of Reach 4B would be the preferable means to achieve the Restoration Goal as provided in the Settlement, including how different factors were assessed such as comparative biological and habitat benefits, comparative costs, relative availability of State cost-sharing funds, and the comparative benefits and impacts on water temperature, water supply, private property, and local and downstream flood control.

(II) The Secretary's final cost estimate for expanding Reach 4B capacity to 4500 cubic feet per second, or any alternative route selected, as well as the alternative cost estimates provided by the State, by the Restoration Administrator, and by the other parties to the Settlement.

(III) The Secretary's plan for funding the costs of expanding Reach 4B or any alternative route selected, whether by existing Federal funds provided under this subtitle, by non-Federal funds, by future Federal appropriations, or some combination of such sources.

(B) **DETERMINATION REQUIRED.**—The Secretary shall, to the extent feasible, make the determination in subparagraph (A) prior to undertaking any substantial construction work to increase capacity in reach 4B.

(3) **COSTS.**—If the Secretary's estimated Federal cost for expanding reach 4B in paragraph (2), in light of the Secretary's funding plan set out in that paragraph, would exceed the remaining Federal funding authorized by this part (including all funds reallocated, all funds dedicated, and all new funds authorized by this part and separate from all commitments of State and other non-Federal funds and in-kind commitments), then before the Secretary commences actual construction work in reach 4B (other than planning, design, feasibility, or other preliminary measures) to expand capacity to 4500 cubic feet per second to implement this Settlement, Congress must have increased the applicable authorization ceiling provided by this part in an amount at least sufficient to cover the higher estimated Federal costs.

SEC. 10010. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

(a) **CONVERSION OF CONTRACTS.**—

(1) The Secretary is authorized and directed to convert, prior to December 31, 2010, all existing long-term contracts with the following Friant Division, Hidden Unit, and Buchanan Unit contractors, entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions: Arvin-Edison Water Storage District; Delano-Earlimart Irrigation District; Exeter Irrigation District; Fresno Irrigation District; Ivanhoe Irrigation District; Lindmore Irrigation District; Lindsay-Strathmore Irrigation District; Lower Tule River Irrigation District; Orange Cove Irrigation District; Porterville Irrigation District; Saucelito Irrigation District; Shafter-Wasco Irrigation District; Southern San Joaquin Municipal Utility District; Stone Corral Irrigation District; Tea Pot Dome Water District; Terra Bella Irrigation District; Tulare Irrigation District; Madera Irrigation District; and Chowchilla Water District. Upon

request of the contractor, the Secretary is authorized to convert, prior to December 31, 2010, other existing long-term contracts with Friant Division contractors entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(2) Upon request of the contractor, the Secretary is further authorized to convert, prior to December 31, 2010, any existing Friant Division long-term contract entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to a contract under subsection (c)(1) of section 9 of said Act, under mutually agreeable terms and conditions.

(3) All such contracts entered into pursuant to paragraph (1) shall—

(A) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the Central Valley Project Schedule of Irrigation Capital Rates by Contractor 2007 Irrigation Water Rates, dated January 25, 2007, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2011, or if made in approximately equal annual installments, no later than January 31, 2014; such amount to be discounted by $\frac{1}{2}$ the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2011, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2010;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000. If such amount is \$5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of \$5,000,000 shall not be a precedent in any other context;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(4) All such contracts entered into pursuant to paragraph (2) shall—

(A) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2014. An estimate of the remaining amount of construction costs as of January 31, 2014, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2013;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall

be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000. If such amount is \$5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of \$5,000,000 shall not be a precedent in any other context; and

(C) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(b) FINAL ADJUSTMENT.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary upon completion of the construction of the Central Valley Project. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be no less than 1 year and no more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary is authorized and directed to credit such overpayment as an offset against any outstanding or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) Notwithstanding any repayment obligation under subsection (a)(3)(B) or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in subsection (a)(3)(A), the provisions of section 213(a) and (b) of the Reclamation Reform Act of 1982 (96 Stat. 1269) shall apply to lands in such district.

(2) Notwithstanding any repayment obligation under paragraph (3)(B) or (4)(B) of subsection (a), or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in paragraphs (3)(A) and (4)(A) of subsection (a), the Secretary shall waive the pricing provisions of section 3405(d) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) for such contractor, provided that such contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to such repayment contracts pursuant to the then-current rate-setting policy and applicable law.

(3) Provisions of the Settlement applying to Friant Division, Hidden Unit, and Buchanan Unit long-term water service contracts shall also apply to contracts executed pursuant to this section.

(d) REDUCTION OF CHARGE FOR THOSE CONTRACTS CONVERTED PURSUANT TO SUBSECTION (A)(1).—

(1) At the time all payments by the contractor required by subsection (a)(3)(A) have been completed, the Secretary shall reduce the charge mandated in section 10007(1) of this part, from 2020 through 2039, to offset the financing costs as defined in section 10010(d)(3). The reduction shall be calculated at the time all payments by the contractor required by subsection (a)(3)(A) have been completed. The calculation shall remain fixed from 2020 through 2039 and shall be

based upon anticipated average annual water deliveries, as mutually agreed upon by the Secretary and the contractor, for the period from 2020 through 2039, and the amounts of such reductions shall be discounted using the Treasury Rate; provided, that such charge shall not be reduced to less than \$4.00 per acre foot of project water delivered; provided further, that such reduction shall be implemented annually unless the Secretary determines, based on the availability of other monies, that the charges mandated in section 10007(1) are otherwise needed to cover ongoing federal costs of the Settlement, including any federal operation and maintenance costs of facilities that the Secretary determines are needed to implement the Settlement. If the Secretary determines that such charges are necessary to cover such ongoing federal costs, the Secretary shall, instead of making the reduction in such charges, reduce the contractor's operation and maintenance obligation by an equivalent amount, and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-federal operating entity.

(2) If the calculated reduction in paragraph (1), taking into consideration the minimum amount required, does not result in the contractor offsetting its financing costs, the Secretary is authorized and directed to reduce, after October 1, 2019, any outstanding or future obligations of the contractor to the Bureau of Reclamation, other than the charge assessed and collected under section 3407(d) of Public Law 102-575, by the amount of such deficiency, with such amount indexed to 2020 using the Treasury Rate and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-Federal operating entity.

(3) Financing costs, for the purposes of this subsection, shall be computed as the difference of the net present value of the construction cost identified in subsection (a)(3)(A) using the full Treasury Rate as compared to using one half of the Treasury Rate and applying those rates against a calculated average annual capital repayment through 2030.

(4) Effective in 2040, the charge shall revert to the amount called for in section 10007(1) of this part.

(5) For purposes of this section, "Treasury Rate" shall be defined as the 20 year Constant Maturity Treasury (CMT) rate published by the United States Department of the Treasury as of October 1, 2010.

(e) SATISFACTION OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Upon the first release of Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement, any short- or long-term agreement, to which 1 or more long-term Friant Division, Hidden Unit, or Buchanan Unit contractor that converts its contract pursuant to subsection (a) is a party, providing for the transfer or exchange of water not released as Interim Flows or Restoration Flows shall be deemed to satisfy the provisions of subsection 3405(a)(1)(A) and (I) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) without the further concurrence of the Secretary as to compliance with said subsections if the contractor provides, not later than 90 days before commencement of any such transfer or

exchange for a period in excess of 1 year, and not later than 30 days before commencement of any proposed transfer or exchange with duration of less than 1 year, written notice to the Secretary stating how the proposed transfer or exchange is intended to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement. The Secretary shall promptly make such notice publicly available.

(2) DETERMINATION OF REDUCTIONS TO WATER DELIVERIES.—Water transferred or exchanged under an agreement that meets the terms of this subsection shall not be counted as a replacement or an offset for purposes of determining reductions to water deliveries to any Friant Division long-term contractor except as provided in paragraph 16(b) of the Settlement. The Secretary shall, at least annually, make publicly available a compilation of the number of transfer or exchange agreements exercising the provisions of this subsection to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or to facilitate the Water Management Goal, as well as the volume of water transferred or exchanged under such agreements.

(3) STATE LAW.—Nothing in this subsection alters State law or permit conditions, including any applicable geographical restrictions on the place of use of water transferred or exchanged pursuant to this subsection.

(f) CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.—Implementation of the provisions of this section shall not alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the Central Valley Project, or shift any costs that would otherwise have been properly assignable to the Friant contractors absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other such contractors.

(g) STATUTORY INTERPRETATION.—Nothing in this part shall be construed to affect the right of any Friant Division, Hidden Unit, or Buchanan Unit long-term contractor to use a particular type of financing to make the payments required in paragraph (3)(A) or (4)(A) of subsection (a).

SEC. 10011. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) FINDING.—Congress finds that the implementation of the Settlement to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the California Central Valley Spring Run Chinook salmon is a unique and unprecedented circumstance that requires clear expressions of Congressional intent regarding how the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are utilized to achieve the goals of restoration of the San Joaquin River and the successful reintroduction of California Central Valley Spring Run Chinook salmon.

(b) REINTRODUCTION IN THE SAN JOAQUIN RIVER.—California Central Valley Spring Run Chinook salmon shall be reintroduced in the San Joaquin River below Friant Dam pursuant to section 10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley Spring Run Chinook salmon may be issued pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

(c) FINAL RULE.—

(1) DEFINITION OF THIRD PARTY.—For the purpose of this subsection, the term “third party” means persons or entities diverting or receiving water pursuant to applicable State and Federal laws and shall include Central Valley Project contractors outside of the Friant Division of the Central Valley Project and the State Water Project.

(2) ISSUANCE.—The Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the reintroduction.

(3) REQUIRED COMPONENTS.—The rule issued under paragraph (2) shall provide that the reintroduction will not impose more than de minimus: water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such reintroduction.

(4) APPLICABLE LAW.—Nothing in this section—

(A) diminishes the statutory or regulatory protections provided in the Endangered Species Act of 1973 for any species listed pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinions or new biological opinions issued by the Secretary or Secretary of Commerce; or

(B) precludes the Secretary or Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for other species listed pursuant to section 4 of that Act (16 U.S.C. 1533) because those protections provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Commerce shall report to Congress on the progress made on the reintroduction set forth in this section and the Secretary's plans for future implementation of this section.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the major challenges, if any, to successful reintroduction;

(B) an evaluation of the effect, if any, of the reintroduction on the existing population of California Central Valley Spring Run Chinook salmon existing on the Sacramento River or its tributaries; and

(C) an assessment regarding the future of the reintroduction.

(e) FERC PROJECTS.—

(1) IN GENERAL.—With regard to California Central Valley Spring Run Chinook salmon reintroduced pursuant to the Settlement, the Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by reserving its right to file prescriptions in proceedings for projects licensed by the Federal Energy Regulatory Commission on the Calaveras, Stanislaus, Tuolumne, Merced, and San Joaquin rivers and otherwise consistent with subsection (c) until after the expiration of the term of the Settlement, December 31, 2025, or the expiration of the designation made pursuant to subsection (b), whichever ends first.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection shall preclude the Secretary of Commerce from imposing prescriptions pursuant to section 18 of the Federal Power Act (16 U.S.C. 811) solely for other anadromous

fish species because those prescriptions provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(f) EFFECT OF SECTION.—Nothing in this section is intended or shall be construed—

(1) to modify the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.); or

(2) to establish a precedent with respect to any other application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.).

PART II—STUDY TO DEVELOP WATER PLAN; REPORT

SEC. 10101. STUDY TO DEVELOP WATER PLAN; REPORT.

(a) PLAN.—

(1) GRANT.—To the extent that funds are made available in advance for this purpose, the Secretary of the Interior, acting through the Bureau of Reclamation, shall provide direct financial assistance to the California Water Institute, located at California State University, Fresno, California, to conduct a study regarding the coordination and integration of sub-regional integrated regional water management plans into a unified Integrated Regional Water Management Plan for the subject counties in the hydrologic basins that would address issues related to—

(A) water quality;

(B) water supply (both surface, ground water banking, and brackish water desalination);

(C) water conveyance;

(D) water reliability;

(E) water conservation and efficient use (by distribution systems and by end users);

(F) flood control;

(G) water resource-related environmental enhancement; and

(H) population growth.

(2) STUDY AREA.—The study area referred to in paragraph (1) is the proposed study area of the San Joaquin River Hydrologic Region and Tulare Lake Hydrologic Region, as defined by California Department of Water Resources Bulletin 160-05, volume 3, chapters 7 and 8, including Kern, Tulare, Kings, Fresno, Madera, Merced, Stanislaus, and San Joaquin counties in California.

(b) USE OF PLAN.—The Integrated Regional Water Management Plan developed for the 2 hydrologic basins under subsection (a) shall serve as a guide for the counties in the study area described in subsection (a)(2) to use as a mechanism to address and solve long-term water needs in a sustainable and equitable manner.

(c) REPORT.—The Secretary shall ensure that a report containing the results of the Integrated Regional Water Management Plan for the hydrologic regions is submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than 24 months after financial assistance is made available to the California Water Institute under subsection (a)(1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$1,000,000 to remain available until expended.

PART III—FRIANT DIVISION IMPROVEMENTS

SEC. 10201. FEDERAL FACILITY IMPROVEMENTS.

(a) The Secretary of the Interior (hereafter referred to as the “Secretary”) is authorized and directed to conduct feasibility studies in coordination with appropriate Federal, State, regional, and local authorities on the

following improvements and facilities in the Friant Division, Central Valley Project, California:

(1) Restoration of the capacity of the Friant-Kern Canal and Madera Canal to such capacity as previously designed and constructed by the Bureau of Reclamation.

(2) Reverse flow pump-back facilities on the Friant-Kern Canal, with reverse-flow capacity of approximately 500 cubic feet per second at the Poso and Shafter Check Structures and approximately 300 cubic feet per second at the Woollomes Check Structure.

(b) Upon completion of and consistent with the applicable feasibility studies, the Secretary is authorized to construct the improvements and facilities identified in subsection (a) in accordance with all applicable Federal and State laws.

(c) The costs of implementing this section shall be in accordance with section 10203, and shall be a nonreimbursable Federal expenditure.

SEC. 10202. FINANCIAL ASSISTANCE FOR LOCAL PROJECTS.

(a) **AUTHORIZATION.**—The Secretary is authorized to provide financial assistance to local agencies within the Central Valley Project, California, for the planning, design, environmental compliance, and construction of local facilities to bank water underground or to recharge groundwater, and that recover such water, provided that the project meets the criteria in subsection (b). The Secretary is further authorized to require that any such local agency receiving financial assistance under the terms of this section submit progress reports and accountings to the Secretary, as the Secretary deems appropriate, which such reports shall be publicly available.

(b) CRITERIA.—

(1) A project shall be eligible for Federal financial assistance under subsection (a) only if all or a portion of the project is designed to reduce, avoid, or offset the quantity of the expected water supply impacts to Friant Division long-term contractors caused by the Interim or Restoration Flows authorized in part I of this subtitle, and such quantities have not already been reduced, avoided, or offset by other programs or projects.

(2) Federal financial assistance shall only apply to the portion of a project that the local agency designates as reducing, avoiding, or offsetting the expected water supply impacts caused by the Interim or Restoration Flows authorized in part I of this subtitle, consistent with the methodology developed pursuant to paragraph (3)(C).

(3) No Federal financial assistance shall be provided by the Secretary under this part for construction of a project under subsection (a) unless the Secretary—

(A) determines that appropriate planning, design, and environmental compliance activities associated with such a project have been completed, and that the Secretary has been offered the opportunity to participate in the project at a price that is no higher than the local agency's own costs, in order to secure necessary storage, extraction, and conveyance rights for water that may be needed to meet the Restoration Goal as described in part I of this subtitle, where such project has capacity beyond that designated for the purposes in paragraph (2) or where it is feasible to expand such project to allow participation by the Secretary;

(B) determines, based on information available at the time, that the local agency has the financial capability and willingness to fund its share of the project's construction and all operation and maintenance costs on an annual basis;

(C) determines that a method acceptable to the Secretary has been developed for quantifying the benefit, in terms of reduction, avoidance, or offset of the water supply impacts expected to be caused by the Interim or Restoration Flows authorized in part I of this subtitle, that will result from the project, and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5); and

(D) has entered into a cost-sharing agreement with the local agency which commits the local agency to funding its share of the project's construction costs on an annual basis.

(c) **GUIDELINES.**—Within 1 year from the date of enactment of this part, the Secretary shall develop, in consultation with the Friant Division long-term contractors, proposed guidelines for the application of the criteria defined in subsection (b), and will make the proposed guidelines available for public comment. Such guidelines may consider prioritizing the distribution of available funds to projects that provide the broadest benefit within the affected area and the equitable allocation of funds. Upon adoption of such guidelines, the Secretary shall implement such assistance program, subject to the availability of funds appropriated for such purpose.

(d) **COST SHARING.**—The Federal financial assistance provided to local agencies under subsection (a) shall not exceed—

(1) 50 percent of the costs associated with planning, design, and environmental compliance activities associated with such a project; and

(2) 50 percent of the costs associated with construction of any such project.

(e) PROJECT OWNERSHIP.—

(1) Title to, control over, and operation of, projects funded under subsection (a) shall remain in one or more non-Federal local agencies. Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity. All projects funded pursuant to this subsection shall comply with all applicable Federal and State laws, including provisions of California water law.

(2) All operation, maintenance, and replacement and rehabilitation costs of such projects shall be the responsibility of the local agency. The Secretary shall not provide funding for any operation, maintenance, or replacement and rehabilitation costs of projects funded under subsection (a).

SEC. 10203. AUTHORIZATION OF APPROPRIATIONS.

(a) The Secretary is authorized and directed to use monies from the fund established under section 10009 to carry out the provisions of section 10201(a)(1), in an amount not to exceed \$35,000,000.

(b) In addition to the funds made available pursuant to subsection (a), the Secretary is also authorized to expend such additional funds from the fund established under section 10009 to carry out the purposes of section 10201(a)(2), if such facilities have not already been authorized and funded under the plan provided for pursuant to section 10004(a)(4), in an amount not to exceed \$17,000,000, provided that the Secretary first determines that such expenditure will not conflict with or delay his implementation of actions required by part I of this subtitle. Notice of the Secretary's determination shall be published not later than his submission of the report to Congress required by section 10009(f)(2).

(c) In addition to funds made available in subsections (a) and (b), there are authorized to be appropriated \$50,000,000 (October 2008 price levels) to carry out the purposes of this part which shall be non-reimbursable.

Subtitle B—Northwestern New Mexico Rural Water Projects

SEC. 10301. SHORT TITLE.

This subtitle may be cited as the "Northwestern New Mexico Rural Water Projects Act".

SEC. 10302. DEFINITIONS.

In this subtitle:

(1) **AAMODT ADJUDICATION.**—The term "Aamodt adjudication" means the general stream adjudication that is the subject of the civil action entitled "State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.", No. 66 CV 6639 MV/LCS (D.N.M.).

(2) **ABEYTA ADJUDICATION.**—The term "Abeyta adjudication" means the general stream adjudication that is the subject of the civil actions entitled "State of New Mexico v. Abeyta and State of New Mexico v. Arrellano", Civil Nos. 7896-BB (D.N.M.) and 7939-BB (D.N.M.) (consolidated).

(3) **ACRE-FEET.**—The term "acre-feet" means acre-feet per year.

(4) **AGREEMENT.**—The term "Agreement" means the agreement among the State of New Mexico, the Nation, and the United States setting forth a stipulated and binding agreement signed by the State of New Mexico and the Nation on April 19, 2005.

(5) **ALLOTTEE.**—The term "allottee" means a person that holds a beneficial real property interest in a Navajo allotment that—

(A) is located within the Navajo Reservation or the State of New Mexico;

(B) is held in trust by the United States; and

(C) was originally granted to an individual member of the Nation by public land order or otherwise.

(6) **ANIMAS-LA PLATA PROJECT.**—The term "Animas-La Plata Project" has the meaning given the term in section 3 of Public Law 100-585 (102 Stat. 2973), including Ridges Basin Dam, Lake Nighthorse, the Navajo Nation Municipal Pipeline, and any other features or modifications made pursuant to the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106-554; 114 Stat. 2763A-258).

(7) **CITY.**—The term "City" means the city of Gallup, New Mexico, or a designee of the City, with authority to provide water to the Gallup, New Mexico service area.

(8) **COLORADO RIVER COMPACT.**—The term "Colorado River Compact" means the Colorado River Compact of 1922 as approved by Congress in the Act of December 21, 1928 (45 Stat. 1057) and by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000).

(9) **COLORADO RIVER SYSTEM.**—The term "Colorado River System" has the same meaning given the term in Article II(a) of the Colorado River Compact.

(10) **COMPACT.**—The term "Compact" means the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(11) **CONTRACT.**—The term "Contract" means the contract between the United States and the Nation setting forth certain commitments, rights, and obligations of the United States and the Nation, as described in paragraph 6.0 of the Agreement.

(12) **DEPLETION.**—The term "depletion" means the depletion of the flow of the San Juan River stream system in the State of

New Mexico by a particular use of water (including any depletion incident to the use) and represents the diversion from the stream system by the use, less return flows to the stream system from the use.

(13) **DRAFT IMPACT STATEMENT.**—The term “Draft Impact Statement” means the draft environmental impact statement prepared by the Bureau of Reclamation for the Project dated March 2007.

(14) **FUND.**—The term “Fund” means the Reclamation Waters Settlements Fund established by section 10501(a).

(15) **HYDROLOGIC DETERMINATION.**—The term “hydrologic determination” means the hydrologic determination entitled “Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico,” prepared by the Bureau of Reclamation pursuant to section 11 of the Act of June 13, 1962 (Public Law 87-483; 76 Stat. 99), and dated May 23, 2007.

(16) **LOWER BASIN.**—The term “Lower Basin” has the same meaning given the term in Article II(g) of the Colorado River Compact.

(17) **NATION.**—The term “Nation” means the Navajo Nation, a body politic and federally-recognized Indian nation as provided for in section 101(2) of the Federally Recognized Indian Tribe List of 1994 (25 U.S.C. 497a(2)), also known variously as the “Navajo Tribe,” the “Navajo Tribe of Arizona, New Mexico & Utah,” and the “Navajo Tribe of Indians” and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

(18) **NAVAJO-GALLUP WATER SUPPLY PROJECT; PROJECT.**—The term “Navajo-Gallup Water Supply Project” or “Project” means the Navajo-Gallup Water Supply Project authorized under section 10602(a), as described as the preferred alternative in the Draft Impact Statement.

(19) **NAVAJO INDIAN IRRIGATION PROJECT.**—The term “Navajo Indian Irrigation Project” means the Navajo Indian irrigation project authorized by section 2 of Public Law 87-483 (76 Stat. 96).

(20) **NAVAJO RESERVOIR.**—The term “Navajo Reservoir” means the reservoir created by the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.).

(21) **NAVAJO NATION MUNICIPAL PIPELINE; PIPELINE.**—The term “Navajo Nation Municipal Pipeline” or “Pipeline” means the pipeline used to convey the water of the Animas-La Plata Project of the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in the State of New Mexico (including the City of Shiprock), as authorized by section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2973; 114 Stat. 2763A-263).

(22) **NON-NAVAJO IRRIGATION DISTRICTS.**—The term “Non-Navajo Irrigation Districts” means—

- (A) the Hammond Conservancy District;
- (B) the Bloomfield Irrigation District; and
- (C) any other community ditch organization in the San Juan River basin in the State of New Mexico.

(23) **PARTIAL FINAL DECREE.**—The term “Partial Final Decree” means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth the rights of the Nation to use and administer waters of the San Juan River Basin in New Mexico, as set forth in Appendix 1 of the Agreement.

(24) **PROJECT PARTICIPANTS.**—The term “Project Participants” means the City, the Nation, and the Jicarilla Apache Nation.

(25) **SAN JUAN RIVER BASIN RECOVERY IMPLEMENTATION PROGRAM.**—The term “San Juan River Basin Recovery Implementation Program” means the intergovernmental program established pursuant to the cooperative agreement dated October 21, 1992 (including any amendments to the program).

(26) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation or any other designee.

(27) **STREAM ADJUDICATION.**—The term “stream adjudication” means the general stream adjudication that is the subject of *New Mexico v. United States*, et al., No. 75-185 (11th Jud. Dist., San Juan County, New Mexico) (involving claims to waters of the San Juan River and the tributaries of that river).

(28) **SUPPLEMENTAL PARTIAL FINAL DECREE.**—The term “Supplemental Partial Final Decree” means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth certain water rights of the Nation, as set forth in Appendix 2 of the Agreement.

(29) **TRUST FUND.**—The term “Trust Fund” means the Navajo Nation Water Resources Development Trust Fund established by section 10702(a).

(30) **UPPER BASIN.**—The term “Upper Basin” has the same meaning given the term in Article II(f) of the Colorado River Compact.

SEC. 10303. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) **EFFECT OF EXECUTION OF AGREEMENT.**—The execution of the Agreement under section 10701(a)(2) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **COMPLIANCE WITH ENVIRONMENTAL LAWS.**—In carrying out this subtitle, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 10304. NO REALLOCATION OF COSTS.

(a) **EFFECT OF ACT.**—Notwithstanding any other provision of law, the Secretary shall not reallocate or reassign any costs of projects that have been authorized under the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.), as of the date of enactment of this Act because of—

(1) the authorization of the Navajo-Gallup Water Supply Project under this subtitle; or

(2) the changes in the uses of the water diverted by the Navajo Indian Irrigation Project or the waters stored in the Navajo Reservoir authorized under this subtitle.

(b) **USE OF POWER REVENUES.**—Notwithstanding any other provision of law, no power revenues under the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.), shall be used to pay or reimburse any costs of the Navajo Indian Irrigation Project or Navajo-Gallup Water Supply Project.

SEC. 10305. INTEREST RATE.

Notwithstanding any other provision of law, the interest rate applicable to any repayment contract entered into under section 10604 shall be equal to the discount rate for Federal water resources planning, as determined by the Secretary.

PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87-483

SEC. 10401. AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT.

(a) **PARTICIPATING PROJECTS.**—Paragraph (2) of the first section of the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620(2)) is amended by inserting “the Navajo-Gallup Water Supply Project,” after “Fruitland Mesa.”

(b) **NAVAJO RESERVOIR WATER BANK.**—The Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) is amended—

(1) by redesignating section 16 (43 U.S.C. 620o) as section 17; and

(2) by inserting after section 15 (43 U.S.C. 620n) the following:

“SEC. 16. (a) The Secretary of the Interior may create and operate within the available capacity of Navajo Reservoir a top water bank.

“(b) Water made available for the top water bank in accordance with subsections (c) and (d) shall not be subject to section 11 of Public Law 87-483 (76 Stat. 99).

“(c) The top water bank authorized under subsection (a) shall be operated in a manner that—

“(1) is consistent with applicable law, except that, notwithstanding any other provision of law, water for purposes other than irrigation may be stored in the Navajo Reservoir pursuant to the rules governing the top water bank established under this section; and

“(2) does not impair the ability of the Secretary of the Interior to deliver water under contracts entered into under—

“(A) Public Law 87-483 (76 Stat. 96); and

“(B) New Mexico State Engineer File Nos. 2847, 2848, 2849, and 2917.

“(d)(1) The Secretary of the Interior, in cooperation with the State of New Mexico (acting through the Interstate Stream Commission), shall develop any terms and procedures for the storage, accounting, and release of water in the top water bank that are necessary to comply with subsection (c).

“(2) The terms and procedures developed under paragraph (1) shall include provisions requiring that—

“(A) the storage of banked water shall be subject to approval under State law by the New Mexico State Engineer to ensure that impairment of any existing water right does not occur, including storage of water under New Mexico State Engineer File No. 2849;

“(B) water in the top water bank be subject to evaporation and other losses during storage;

“(C) water in the top water bank be released for delivery to the owner or assigns of the banked water on request of the owner, subject to reasonable scheduling requirements for making the release;

“(D) water in the top water bank be the first water spilled or released for flood control purposes in anticipation of a spill, on the condition that top water bank water shall not be released or included for purposes of calculating whether a release should occur for purposes of satisfying the flow recommendations of the San Juan River Basin Recovery Implementation Program; and

“(E) water eligible for banking in the top water bank shall be water that otherwise would have been diverted and beneficially used in New Mexico that year.

“(e) The Secretary of the Interior may charge fees to water users that use the top water bank in amounts sufficient to cover

the costs incurred by the United States in administering the water bank.”.

SEC. 10402. AMENDMENTS TO PUBLIC LAW 87-483.

(a) NAVAJO INDIAN IRRIGATION PROJECT.—Public Law 87-483 (76 Stat. 96) is amended by striking section 2 and inserting the following:

“SEC. 2. (a) In accordance with the Act of April 11, 1956 (commonly known as the ‘Colorado River Storage Project Act’) (43 U.S.C. 620 et seq.), the Secretary of the Interior is authorized to construct, operate, and maintain the Navajo Indian Irrigation Project to provide irrigation water to a service area of not more than 110,630 acres of land.

“(b)(1) Subject to paragraph (2), the average annual diversion by the Navajo Indian Irrigation Project from the Navajo Reservoir over any consecutive 10-year period shall be the lesser of—

“(A) 508,000 acre-feet per year; or

“(B) the quantity of water necessary to supply an average depletion of 270,000 acre-feet per year.

“(2) The quantity of water diverted for any 1 year shall not exceed the average annual diversion determined under paragraph (1) by more than 15 percent.

“(c) In addition to being used for irrigation, the water diverted by the Navajo Indian Irrigation Project under subsection (b) may be used within the area served by Navajo Indian Irrigation Project facilities for the following purposes:

“(1) Aquaculture purposes, including the rearing of fish in support of the San Juan River Basin Recovery Implementation Program authorized by Public Law 106-392 (114 Stat. 1602).

“(2) Domestic, industrial, or commercial purposes relating to agricultural production and processing.

“(3)(A) The generation of hydroelectric power as an incident to the diversion of water by the Navajo Indian Irrigation Project for authorized purposes.

“(B) Notwithstanding any other provision of law—

“(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Navajo Nation;

“(ii) the Navajo Nation shall retain any revenues from the sale of the hydroelectric power; and

“(iii) the United States shall have no trust obligation to monitor, administer, or account for the revenues received by the Navajo Nation, or the expenditure of the revenues.

“(4) The implementation of the alternate water source provisions described in subparagraph 9.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act.

“(d) The Navajo Indian Irrigation Project water diverted under subsection (b) may be transferred to areas located within or outside the area served by Navajo Indian Irrigation Project facilities, and within or outside the boundaries of the Navajo Nation, for any beneficial use in accordance with—

“(1) the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act;

“(2) the contract executed under section 10604(a)(2)(B) of that Act; and

“(3) any other applicable law.

“(e) The Secretary may use the capacity of the Navajo Indian Irrigation Project works to convey water supplies for—

“(1) the Navajo-Gallup Water Supply Project under section 10602 of the Northwestern New Mexico Rural Water Projects Act; or

“(2) other nonirrigation purposes authorized under subsection (c) or (d).

“(f)(1) Repayment of the costs of construction of the project (as authorized in subsection (a)) shall be in accordance with the Act of April 11, 1956 (commonly known as the ‘Colorado River Storage Project Act’) (43 U.S.C. 620 et seq.), including section 4(d) of that Act.

“(2) The Secretary shall not reallocate, or require repayment of, construction costs of the Navajo Indian Irrigation Project because of the conveyance of water supplies for nonirrigation purposes under subsection (e).”.

(b) RUNOFF ABOVE NAVAJO DAM.—Section 11 of Public Law 87-483 (76 Stat. 100) is amended by adding at the end the following:

“(d)(1) For purposes of implementing in a year of prospective shortage the water allocation procedures established by subsection (a), the Secretary of the Interior shall determine the quantity of any shortages and the appropriate apportionment of water using the normal diversion requirements on the flow of the San Juan River originating above Navajo Dam based on the following criteria:

“(A) The quantity of diversion or water delivery for the current year anticipated to be necessary to irrigate land in accordance with cropping plans prepared by contractors.

“(B) The annual diversion or water delivery demands for the current year anticipated for non-irrigation uses under water delivery contracts, including contracts authorized by the Northwestern New Mexico Rural Water Projects Act, but excluding any current demand for surface water for placement into aquifer storage for future recovery and use.

“(C) An annual normal diversion demand of 135,000 acre-feet for the initial stage of the San Juan-Chama Project authorized by section 8, which shall be the amount to which any shortage is applied.

“(2) The Secretary shall not include in the normal diversion requirements—

“(A) the quantity of water that reliably can be anticipated to be diverted or delivered under a contract from inflows to the San Juan River arising below Navajo Dam under New Mexico State Engineer File No. 3215; or

“(B) the quantity of water anticipated to be supplied through reuse.

“(e)(1) If the Secretary determines that there is a shortage of water under subsection (a), the Secretary shall respond to the shortage in the Navajo Reservoir water supply by curtailing releases and deliveries in the following order:

“(A) The demand for delivery for uses in the State of Arizona under the Navajo-Gallup Water Supply Project authorized by section 10603 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for the uses from inflows to the San Juan River that arise below Navajo Dam in accordance with New Mexico State Engineer File No. 3215.

“(B) The demand for delivery for uses allocated under paragraph 8.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for such uses under State Engineer File No. 3215.

“(C) The uses in the State of New Mexico that are determined under subsection (d), in accordance with the procedure for apportioning the water supply under subsection (a).

“(2) For any year for which the Secretary determines and responds to a shortage in the Navajo Reservoir water supply, the Secretary shall not deliver, and contractors of

the water supply shall not divert, any of the water supply for placement into aquifer storage for future recovery and use.

“(3) To determine the occurrence and amount of any shortage to contracts entered into under this section, the Secretary shall not include as available storage any water stored in a top water bank in Navajo Reservoir established under section 16(a) of the Act of April 11, 1956 (commonly known as the ‘Colorado River Storage Project Act’).

“(f) The Secretary of the Interior shall apportion water under subsections (a), (d), and (e) on an annual volume basis.

“(g) The Secretary of the Interior may revise a determination of shortages, apportionments, or allocations of water under subsections (a), (d), and (e) on the basis of information relating to water supply conditions that was not available at the time at which the determination was made.

“(h) Nothing in this section prohibits the distribution of water in accordance with cooperative water agreements between water users providing for a sharing of water supplies.

“(i) Diversions under New Mexico State Engineer File No. 3215 shall be distributed, to the maximum extent water is available, in proportionate amounts to the diversion demands of contractors and subcontractors of the Navajo Reservoir water supply that are diverting water below Navajo Dam.”.

SEC. 10403. EFFECT ON FEDERAL WATER LAW.

Unless expressly provided in this subtitle, nothing in this subtitle modifies, conflicts with, preempts, or otherwise affects—

(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(2) the Boulder Canyon Project Adjustment Act (54 Stat. 774, chapter 643);

(3) the Act of April 11, 1956 (commonly known as the ‘Colorado River Storage Project Act’) (43 U.S.C. 620 et seq.);

(4) the Act of September 30, 1968 (commonly known as the ‘Colorado River Basin Project Act’) (82 Stat. 885);

(5) Public Law 87-483 (76 Stat. 96);

(6) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

(7) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(8) the Compact;

(9) the Act of April 6, 1949 (63 Stat. 31, chapter 48);

(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2237); or

(11) section 205 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2949).

PART II—RECLAMATION WATER SETTLEMENTS FUND

SEC. 10501. RECLAMATION WATER SETTLEMENTS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ‘Reclamation Water Settlements Fund’, consisting of—

(1) such amounts as are deposited to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) DEPOSITS TO FUND.—

(1) IN GENERAL.—For each of fiscal years 2020 through 2029, the Secretary of the Treasury shall deposit in the Fund, if available, \$120,000,000 of the revenues that would otherwise be deposited for the fiscal year in the fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under paragraph (1) shall be made available pursuant to this section—

(A) without further appropriation; and

(B) in addition to amounts appropriated pursuant to any authorization contained in any other provision of law.

(C) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—

(A) EXPENDITURES.—Subject to subparagraph (B), for each of fiscal years 2020 through 2034, the Secretary may expend from the Fund an amount not to exceed \$120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3).

(B) ADDITIONAL EXPENDITURES.—The Secretary may expend more than \$120,000,000 for any fiscal year if such amounts are available in the Fund due to expenditures not reaching \$120,000,000 for prior fiscal years.

(2) AUTHORITY.—The Secretary may expend money from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation to provide financial assistance for, or plan, design, and construct—

(A) water supply infrastructure; or

(B) a project—

(i) to rehabilitate a water delivery system to conserve water; or

(ii) to restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by, or located within the same river basin as, a Federal reclamation project that is in existence on the date of enactment of this Act.

(3) USE FOR COMPLETION OF PROJECT AND OTHER SETTLEMENTS.—

(A) PRIORITIES.—

(i) FIRST PRIORITY.—

(1) IN GENERAL.—The first priority for expenditure of amounts in the Fund during the entire period in which the Fund is in existence shall be for the purposes described in, and in the order of, clauses (i) through (iv) of subparagraph (B).

(II) RESERVED AMOUNTS.—The Secretary shall reserve and use amounts deposited into the Fund in accordance with subclause (I).

(ii) OTHER PURPOSES.—Any amounts in the Fund that are not needed for the purposes described in subparagraph (B) may be used for other purposes authorized in paragraph (2).

(B) COMPLETION OF PROJECT.—

(1) NAVAJO-GALLUP WATER SUPPLY PROJECT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, if, in the judgment of the Secretary on an annual basis the deadline described in section 10701(e)(1)(A)(ix) is unlikely to be met because a sufficient amount of funding is not otherwise available through appropriations made available pursuant to section 10609(a), the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the costs, and substantially complete as expeditiously as practicable, the construction of the water supply infrastructure authorized as part of the Project.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$500,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (ii) through (iv).

(ii) OTHER NEW MEXICO SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to the funding made available under clause (i), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing the Indian water rights settlement agreements entered into by the State of New Mexico in the Aamodt adjudication and the Abeyta adjudication, if such settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—The amount expended under subclause (I) shall not exceed \$250,000,000.

(iii) MONTANA SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i) and (ii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing Indian water rights settlement agreements entered into by the State of Montana with the Blackfeet Tribe, the Crow Tribe, or the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation in the judicial proceeding entitled “In re the General Adjudication of All the Rights to Use Surface and Groundwater in the State of Montana”, if a settlement or settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$350,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clause (i), (ii), and (iv).

(cc) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(iv) ARIZONA SETTLEMENT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i), (ii), and (iii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing an Indian water rights settlement agreement entered into by the State of Arizona with the Navajo Nation to resolve

the water rights claims of the Nation in the Lower Colorado River basin in Arizona, if a settlement is subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$100,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (i) through (iii).

(cc) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(C) REVERSION.—If the settlements described in clauses (ii) through (iv) of subparagraph (B) have not been approved and authorized by an Act of Congress by December 31, 2019, the amounts reserved for the settlements shall no longer be reserved by the Secretary pursuant to subparagraph (A)(i) and shall revert to the Fund for any authorized use, as determined by the Secretary.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(2) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) TERMINATION.—On September 30, 2034—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the appropriate fund of the Treasury.

PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT

SEC. 10601. PURPOSES.

The purposes of this part are—

(1) to authorize the Secretary to construct, operate, and maintain the Navajo-Gallup Water Supply Project;

(2) to allocate the capacity of the Project among the Nation, the City, and the Jicarilla Apache Nation; and

(3) to authorize the Secretary to enter into Project repayment contracts with the City and the Jicarilla Apache Nation.

SEC. 10602. AUTHORIZATION OF NAVAJO-GALLUP WATER SUPPLY PROJECT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, is authorized to design, construct, operate, and maintain the Project in substantial accordance with the preferred alternative in the Draft Impact Statement.

(b) PROJECT FACILITIES.—To provide for the delivery of San Juan River water to Project Participants, the Secretary may construct, operate, and maintain the Project facilities described in the preferred alternative in the Draft Impact Statement, including:

(1) A pumping plant on the San Juan River in the vicinity of Kirtland, New Mexico.

(2)(A) A main pipeline from the San Juan River near Kirtland, New Mexico, to Shiprock, New Mexico, and Gallup, New Mexico, which follows United States Highway 491.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(3)(A) A main pipeline from Cutter Reservoir to Ojo Encino, New Mexico, which follows United States Highway 550.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(4)(A) Lateral pipelines from the main pipelines to Nation communities in the States of New Mexico and Arizona.

(B) Any pumping plants associated with the pipelines authorized under subparagraph (A).

(5) Any water regulation, storage or treatment facility, service connection to an existing public water supply system, power substation, power distribution works, or other appurtenant works (including a building or access road) that is related to the Project facilities authorized by paragraphs (1) through (4), including power transmission facilities and associated wheeling services to connect Project facilities to existing high-voltage transmission facilities and deliver power to the Project.

(c) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary is authorized to acquire any land or interest in land that is necessary to construct, operate, and maintain the Project facilities authorized under subsection (b).

(2) LAND OF THE PROJECT PARTICIPANTS.—As a condition of construction of the facilities authorized under this part, the Project Participants shall provide all land or interest in land, as appropriate, that the Secretary identifies as necessary for acquisition under this subsection at no cost to the Secretary.

(3) LIMITATION.—The Secretary may not condemn water rights for purposes of the Project.

(d) CONDITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not commence construction of the facilities authorized under subsection (b) until such time as—

(A) the Secretary executes the Agreement and the Contract;

(B) the contracts authorized under section 10604 are executed;

(C) the Secretary—

(i) completes an environmental impact statement for the Project; and

(ii) has issued a record of decision that provides for a preferred alternative; and

(D) the Secretary has entered into an agreement with the State of New Mexico under which the State of New Mexico will provide a share of the construction costs of the Project of not less than \$50,000,000, except that the State of New Mexico shall receive credit for funds the State has contributed to construct water conveyance facilities to the Project Participants to the extent that the facilities reduce the cost of the Project as estimated in the Draft Impact Statement.

(2) EXCEPTION.—If the Jicarilla Apache Nation elects not to enter into a contract pursuant to section 10604, the Secretary, after consulting with the Nation, the City, and the State of New Mexico acting through the Interstate Stream Commission, may make appropriate modifications to the scope of the Project and proceed with Project construc-

tion if all other conditions for construction have been satisfied.

(3) EFFECT OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design, construction, operation, maintenance, or replacement of the Project.

(e) POWER.—The Secretary shall reserve, from existing reservations of Colorado River Storage Project power for Bureau of Reclamation projects, up to 26 megawatts of power for use by the Project.

(f) CONVEYANCE OF TITLE TO PROJECT FACILITIES.—

(1) IN GENERAL.—The Secretary is authorized to enter into separate agreements with the City and the Nation and, on entering into the agreements, shall convey title to each Project facility or section of a Project facility authorized under subsection (b) (including any appropriate interests in land) to the City and the Nation after—

(A) completion of construction of a Project facility or a section of a Project facility that is operating and delivering water; and

(B) execution of a Project operations agreement approved by the Secretary and the Project Participants that sets forth—

(i) any terms and conditions that the Secretary determines are necessary—

(I) to ensure the continuation of the intended benefits of the Project; and

(II) to fulfill the purposes of this part;

(ii) requirements acceptable to the Secretary and the Project Participants for—

(I) the distribution of water under the Project or section of a Project facility; and

(II) the allocation and payment of annual operation, maintenance, and replacement costs of the Project or section of a Project facility based on the proportionate uses of Project facilities; and

(iii) conditions and requirements acceptable to the Secretary and the Project Participants for operating and maintaining each Project facility on completion of the conveyance of title, including the requirement that the City and the Nation shall—

(I) comply with—

(aa) the Compact; and

(bb) other applicable law; and

(II) be responsible for—

(aa) the operation, maintenance, and replacement of each Project facility; and

(bb) the accounting and management of water conveyance and Project finances, as necessary to administer and fulfill the conditions of the Contract executed under section 10604(a)(2)(B).

(2) EFFECT OF CONVEYANCE.—The conveyance of title to each Project facility shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of the water associated with the Project.

(3) LIABILITY.—

(A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(4) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a pro-

posed conveyance of title to any Project facility, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each Project facility.

(g) COLORADO RIVER STORAGE PROJECT POWER.—The conveyance of Project facilities under subsection (f) shall not affect the availability of Colorado River Storage Project power to the Project under subsection (e).

(h) REGIONAL USE OF PROJECT FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), Project facilities constructed under subsection (b) may be used to treat and convey non-Project water or water that is not allocated by subsection 10603(b) if—

(A) capacity is available without impairing any water delivery to a Project Participant; and

(B) the unallocated or non-Project water beneficiary—

(i) has the right to use the water;

(ii) agrees to pay the operation, maintenance, and replacement costs assignable to the beneficiary for the use of the Project facilities; and

(iii) agrees to pay an appropriate fee that may be established by the Secretary to assist in the recovery of any capital cost allocable to that use.

(2) EFFECT OF PAYMENTS.—Any payments to the United States or the Nation for the use of unused capacity under this subsection or for water under any subcontract with the Nation or the Jicarilla Apache Nation shall not alter the construction repayment requirements or the operation, maintenance, and replacement payment requirements of the Project Participants.

SEC. 10603. DELIVERY AND USE OF NAVAJO-GAL-LUP WATER SUPPLY PROJECT WATER.

(a) USE OF PROJECT WATER.—

(1) IN GENERAL.—In accordance with this subtitle and other applicable law, water supply from the Project shall be used for municipal, industrial, commercial, domestic, and stock watering purposes.

(2) USE ON CERTAIN LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Nation may use Project water allocations on—

(i) land held by the United States in trust for the Nation and members of the Nation; and

(ii) land held in fee by the Nation.

(B) TRANSFER.—The Nation may transfer the purposes and places of use of the allocated water in accordance with the Agreement and applicable law.

(3) HYDROELECTRIC POWER.—

(A) IN GENERAL.—Hydroelectric power may be generated as an incident to the delivery of Project water for authorized purposes under paragraph (1).

(B) ADMINISTRATION.—Notwithstanding any other provision of law—

(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Nation;

(ii) the Nation shall retain any revenues from the sale of the hydroelectric power; and

(iii) the United States shall have no trust obligation or other obligation to monitor, administer, or account for the revenues received by the Nation, or the expenditure of the revenues.

(4) STORAGE.—

(A) IN GENERAL.—Subject to subparagraph (B), any water contracted for delivery under paragraph (1) that is not needed for current

water demands or uses may be delivered by the Project for placement in underground storage in the State of New Mexico for future recovery and use.

(B) STATE APPROVAL.—Delivery of water under subparagraph (A) is subject to—

(i) approval by the State of New Mexico under applicable provisions of State law relating to aquifer storage and recovery; and

(ii) the provisions of the Agreement and this subtitle.

(b) PROJECT WATER AND CAPACITY ALLOCATIONS.—

(1) DIVERSION.—Subject to availability and consistent with Federal and State law, the Project may divert from the Navajo Reservoir and the San Juan River a quantity of water to be allocated and used consistent with the Agreement and this subtitle, that does not exceed in any 1 year, the lesser of—

(A) 37,760 acre-feet of water; or

(B) the quantity of water necessary to supply a depletion from the San Juan River of 35,890 acre-feet.

(2) PROJECT DELIVERY CAPACITY ALLOCATIONS.—

(A) IN GENERAL.—The capacity of the Project shall be allocated to the Project Participants in accordance with subparagraphs (B) through (E), other provisions of this subtitle, and other applicable law.

(B) DELIVERY CAPACITY ALLOCATION TO THE CITY.—The Project may deliver at the point of diversion from the San Juan River not more than 7,500 acre-feet of water in any 1 year for which the City has secured rights for the use of the City.

(C) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN NEW MEXICO.—For use by the Nation in the State of New Mexico, the Project may deliver water out of the water rights held by the Secretary for the Nation and confirmed under this subtitle, at the points of diversion from the San Juan River or at Navajo Reservoir in any 1 year, the lesser of—

(i) 22,650 acre-feet of water; or

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 20,780 acre-feet of water.

(D) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN ARIZONA.—Subject to subsection (c), the Project may deliver at the point of diversion from the San Juan River not more than 6,411 acre-feet of water in any 1 year for use by the Nation in the State of Arizona.

(E) DELIVERY CAPACITY ALLOCATION TO JICARILLA APACHE NATION.—The Project may deliver at Navajo Reservoir not more than 1,200 acre-feet of water in any 1 year of the water rights of the Jicarilla Apache Nation, held by the Secretary and confirmed by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102-441; 106 Stat. 2237), for use by the Jicarilla Apache Nation in the southern portion of the Jicarilla Apache Nation Reservation in the State of New Mexico.

(3) USE IN EXCESS OF DELIVERY CAPACITY ALLOCATION QUANTITY.—Notwithstanding each delivery capacity allocation quantity limit described in subparagraphs (B), (C), and (E) of paragraph (2), the Secretary may authorize a Project Participant to exceed the delivery capacity allocation quantity limit of that Project Participant if—

(A) delivery capacity is available without impairing any water delivery to any other Project Participant; and

(B) the Project Participant benefitting from the increased allocation of delivery capacity—

(i) has the right under applicable law to use the additional water;

(ii) agrees to pay the operation, maintenance, and replacement costs relating to the additional use of any Project facility; and

(iii) agrees, if the Project title is held by the Secretary, to pay a fee established by the Secretary to assist in recovering capital costs relating to that additional use.

(c) CONDITIONS FOR USE IN ARIZONA.—

(1) REQUIREMENTS.—Project water shall not be delivered for use by any community of the Nation located in the State of Arizona under subsection (b)(2)(D) until—

(A) the Nation and the State of Arizona have entered into a water rights settlement agreement approved by an Act of Congress that settles and waives the Nation's claims to water in the Lower Basin and the Little Colorado River Basin in the State of Arizona, including those of the United States on the Nation's behalf; and

(B) the Secretary and the Navajo Nation have entered into a Navajo Reservoir water supply delivery contract for the physical delivery and diversion of water via the Project from the San Juan River system to supply uses in the State of Arizona.

(2) ACCOUNTING OF USES IN ARIZONA.—

(A) IN GENERAL.—Pursuant to paragraph (1) and notwithstanding any other provision of law, water may be diverted by the Project from the San Juan River in the State of New Mexico in accordance with an appropriate permit issued under New Mexico law for use in the State of Arizona within the Navajo Reservation in the Lower Basin; provided that any depletion of water that results from the diversion of water by the Project from the San Juan River in the State of New Mexico for uses within the State of Arizona (including depletion incidental to the diversion, impounding, or conveyance of water in the State of New Mexico for uses in the State of Arizona) shall be administered and accounted for as either—

(i) a part of, and charged against, the available consumptive use apportionment made to the State of Arizona by Article III(a) of the Compact and to the Upper Basin by Article III(a) of the Colorado River Compact, in which case any water so diverted by the Project into the Lower Basin for use within the State of Arizona shall not be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; or

(ii) subject to subparagraph (B), a part of, and charged against, the consumptive use apportionment made to the Lower Basin by Article III(a) of the Colorado River Compact, in which case it shall—

(I) be a part of the Colorado River water that is apportioned to the State of Arizona in Article II(B) of the Consolidated Decree of the Supreme Court of the United States in *Arizona v. California* (547 U.S. 150) (as may be amended or supplemented);

(II) be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; and

(III) be accounted as the water identified in section 104(a)(1)(B)(ii) of the Arizona Water Settlements Act, (118 Stat. 3478).

(B) LIMITATION.—Notwithstanding subparagraph (A)(ii), no water diverted by the Project shall be accounted for pursuant to subparagraph (A)(ii) until such time that—

(i) the Secretary has developed and, as necessary and appropriate, modified, in consultation with the Upper Colorado River Commission and the Governors' Representatives on Colorado River Operations from each State signatory to the Colorado River Compact, all operational and decisional criteria, policies, contracts, guidelines or other

documents that control the operations of the Colorado River System reservoirs and diversion works, so as to adjust, account for, and offset the diversion of water apportioned to the State of Arizona, pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), from a point of diversion on the San Juan River in New Mexico; provided that all such modifications shall be consistent with the provisions of this Section, and the modifications made pursuant to this clause shall be applicable only for the duration of any such diversions pursuant to section 10603(c)(2)(A)(ii); and

(ii) Article II(B) of the Decree of the Supreme Court of the United States in *Arizona v. California* (547 U.S. 150 as may be amended or supplemented) is administered so that diversions from the main stream for the Central Arizona Project, as served under existing contracts with the United States by diversion works heretofore constructed, shall be limited and reduced to offset any diversions made pursuant to section 10603(c)(2)(A)(ii) of this Act. This clause shall not affect, in any manner, the amount of water apportioned to Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), or amend any provisions of said decree or the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.).

(3) UPPER BASIN PROTECTIONS.—

(A) CONSULTATIONS.—Henceforth, in any consultation pursuant to 16 U.S.C. 1536(a) with respect to water development in the San Juan River Basin, the Secretary shall confer with the States of Colorado and New Mexico, consistent with the provisions of section 5 of the "Principles for Conducting Endangered Species Act Section 7 Consultations on Water Development and Water Management Activities Affecting Endangered Fish Species in the San Juan River Basin" as adopted by the Coordination Committee, San Juan River Basin Recovery Implementation Program, on June 19, 2001, and as may be amended or modified.

(B) PRESERVATION OF EXISTING RIGHTS.—Rights to the consumptive use of water available to the Upper Basin from the Colorado River System under the Colorado River Compact and the Compact shall not be reduced or prejudiced by any use of water pursuant to subsection 10603(c). Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

(d) FORBEARANCE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), during any year in which a shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona occurs (as determined under section 11 of Public Law 87-483 (76 Stat. 99)), the Nation may temporarily forbear the delivery of the water supply of the Navajo Reservoir for uses in the State of New Mexico under the apportionments of water to the Navajo Indian Irrigation Project and the normal diversion requirements of the Project to allow an equivalent quantity of water to be delivered from the Navajo Reservoir water supply for municipal and domestic uses of the Nation in the State of Arizona under the Project.

(2) LIMITATION OF FORBEARANCE.—The Nation may forebear the delivery of water under paragraph (1) of a quantity not exceeding the quantity of the shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona.

(3) EFFECT.—The forbearance of the delivery of water under paragraph (1) shall be subject to the requirements in subsection (c).

(e) EFFECT.—Nothing in this subtitle—

(1) authorizes the marketing, leasing, or transfer of the water supplies made available to the Nation under the Contract to non-Navajo water users in States other than the State of New Mexico; or

(2) authorizes the forbearance of water uses in the State of New Mexico to allow uses of water in other States other than as authorized under subsection (d).

(f) COLORADO RIVER COMPACTS.—Notwithstanding any other provision of law—

(1) water may be diverted by the Project from the San Juan River in the State of New Mexico for use within New Mexico in the lower basin, as that term is used in the Colorado River Compact;

(2) any water diverted under paragraph (1) shall be a part of, and charged against, the consumptive use apportionment made to the State of New Mexico by Article III(a) of the Compact and to the upper basin by Article III(a) of the Colorado River Compact; and

(3) any water so diverted by the Project into the lower basin within the State of New Mexico shall not be credited as water reaching Lee Ferry pursuant to Articles III(c) and III(d) of the Colorado River Compact.

(g) PAYMENT OF OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Secretary is authorized to pay the operation, maintenance, and replacement costs of the Project allocable to the Project Participants under section 10604 until the date on which the Secretary declares any section of the Project to be substantially complete and delivery of water generated by, and through, that section of the Project can be made to a Project participant.

(2) PROJECT PARTICIPANT PAYMENTS.—Beginning on the date described in paragraph (1), each Project Participant shall pay all allocated operation, maintenance, and replacement costs for that substantially completed section of the Project, in accordance with contracts entered into pursuant to section 10604, except as provided in section 10604(f).

(h) NO PRECEDENT.—Nothing in this Act shall be construed as authorizing or establishing a precedent for any type of transfer of Colorado River System water between the Upper Basin and Lower Basin. Nor shall anything in this Act be construed as expanding the Secretary's authority in the Upper Basin.

(i) UNIQUE SITUATION.—Diversions by the Project consistent with this section address critical tribal and non-Indian water supply needs under unique circumstances, which include, among other things—

(1) the intent to benefit an American Indian tribe;

(2) the Navajo Nation's location in both the Upper and Lower Basin;

(3) the intent to address critical Indian water needs in the State of Arizona and Indian and non-Indian water needs in the State of New Mexico;

(4) the location of the Navajo Nation's capital city of Window Rock in the State of Arizona in close proximity to the border of the State of New Mexico and the pipeline route for the Project;

(5) the lack of other reasonable options available for developing a firm, sustainable supply of municipal water for the Navajo Nation at Window Rock in the State of Arizona; and

(6) the limited volume of water to be diverted by the Project to supply municipal

uses in the Window Rock area in the State of Arizona.

(j) CONSENSUS.—Congress notes the consensus of the Governors' Representatives on Colorado River Operations of the States that are signatory to the Colorado River Compact regarding the diversions authorized for the Project under this section.

(k) EFFICIENT USE.—The diversions and uses authorized for the Project under this Section represent unique and efficient uses of Colorado River apportionments in a manner that Congress has determined would be consistent with the obligations of the United States to the Navajo Nation.

SEC. 10604. PROJECT CONTRACTS.

(A) NAVAJO NATION CONTRACT.—

(1) HYDROLOGIC DETERMINATION.—Congress recognizes that the Hydrologic Determination necessary to support approval of the Contract has been completed.

(2) CONTRACT APPROVAL.—

(A) APPROVAL.—

(i) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with this subtitle, Congress approves, ratifies, and confirms the Contract.

(ii) AMENDMENTS.—To the extent any amendment is executed to make the Contract consistent with this subtitle, that amendment is authorized, ratified, and confirmed.

(B) EXECUTION OF CONTRACT.—The Secretary, acting on behalf of the United States, shall enter into the Contract to the extent that the Contract does not conflict with this subtitle (including any amendment that is required to make the Contract consistent with this subtitle).

(3) NONREIMBURSABILITY OF ALLOCATED COSTS.—The following costs shall be nonreimbursable and not subject to repayment by the Nation or any other Project beneficiary:

(A) Any share of the construction costs of the Nation relating to the Project authorized by section 10602(a).

(B) Any costs relating to the construction of the Navajo Indian Irrigation Project that may otherwise be allocable to the Nation for use of any facility of the Navajo Indian Irrigation Project to convey water to each Navajo community under the Project.

(C) Any costs relating to the construction of Navajo Dam that may otherwise be allocable to the Nation for water deliveries under the Contract.

(4) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—Subject to subsection (f), the Contract shall include provisions under which the Nation shall pay any costs relating to the operation, maintenance, and replacement of each facility of the Project that are allocable to the Nation.

(5) LIMITATION, CANCELLATION, TERMINATION, AND RESCISSION.—The Contract may be limited by a term of years, canceled, terminated, or rescinded only by an Act of Congress.

(b) CITY OF GALLUP CONTRACT.—

(1) CONTRACT AUTHORIZATION.—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the City that requires the City—

(A) to repay, within a 50-year period, the share of the construction costs of the City relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the City.

(2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the City to

satisfy the repayment obligation of the City for construction costs of the Project on the payment of the share of the City prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of the City described in subparagraph (A) shall be determined by agreement between the Secretary and the City.

(C) REPAYMENT OBLIGATION.—Any repayment obligation established by the Secretary and the City pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the City and establish the percentage of the allocated construction costs that the City shall be required to repay pursuant to the contract entered into under paragraph (1), based on the ability of the City to pay.

(B) MINIMUM PERCENTAGE.—Notwithstanding subparagraph (A), the repayment obligation of the City shall be at least 25 percent of the construction costs of the Project that are allocable to the City, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the City in excess of the repayment obligation of the City, as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the amount required to be repaid by the City under a repayment contract.

(6) TITLE TRANSFER.—If title is transferred to the City prior to repayment under section 10602(f), the City shall be required to provide assurances satisfactory to the Secretary of fulfillment of the remaining repayment obligation of the City.

(7) WATER DELIVERY SUBCONTRACT.—The Secretary shall not enter into a contract under paragraph (1) with the City until the City has secured a water supply for the City's portion of the Project described in section 10603(b)(2)(B), by entering into, as approved by the Secretary, a water delivery subcontract for a period of not less than 40 years beginning on the date on which the construction of any facility of the Project serving the City is completed, with—

(A) the Nation, as authorized by the Contract;

(B) the Jicarilla Apache Nation, as authorized by the settlement contract between the United States and the Jicarilla Apache Tribe, authorized by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102-441; 106 Stat. 2237); or

(C) an acquired alternate source of water, subject to approval of the Secretary and the State of New Mexico, acting through the New Mexico Interstate Stream Commission and the New Mexico State Engineer.

(c) JICARILLA APACHE NATION CONTRACT.—

(1) CONTRACT AUTHORIZATION.—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the Jicarilla Apache Nation that requires the Jicarilla Apache Nation—

(A) to repay, within a 50-year period, the share of any construction cost of the Jicarilla Apache Nation relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the Jicarilla Apache Nation.

(2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the Jicarilla Apache Nation to satisfy the repayment obligation of the Jicarilla Apache Nation for construction costs of the Project on the payment of the share of the Jicarilla Apache Nation prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of Jicarilla Apache Nation described in subparagraph (A) shall be determined by agreement between the Secretary and the Jicarilla Apache Nation.

(C) REPAYMENT OBLIGATION.—Any repayment obligation established by the Secretary and the Jicarilla Apache Nation pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the Jicarilla Apache Nation and establish the percentage of the allocated construction costs of the Jicarilla Apache Nation that the Jicarilla Apache Nation shall be required to repay based on the ability of the Jicarilla Apache Nation to pay.

(B) MINIMUM PERCENTAGE.—Notwithstanding subparagraph (A), the repayment obligation of the Jicarilla Apache Nation shall be at least 25 percent of the construction costs of the Project that are allocable to the Jicarilla Apache Nation, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the Jicarilla Apache Nation in excess of the repayment obligation of the Jicarilla Apache Nation as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the share of the Jicarilla Apache Nation of construction costs.

(6) NAVAJO INDIAN IRRIGATION PROJECT COSTS.—The Jicarilla Apache Nation shall have no obligation to repay any Navajo Indian Irrigation Project construction costs that might otherwise be allocable to the Jicarilla Apache Nation for use of the Navajo Indian Irrigation Project facilities to convey water to the Jicarilla Apache Nation, and any such costs shall be nonreimbursable.

(d) CAPITAL COST ALLOCATIONS.—

(1) IN GENERAL.—For purposes of estimating the capital repayment requirements of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement allocating capital construction costs for the Project.

(2) FINAL COST ALLOCATION.—The repayment contracts entered into with Project Participants under this section shall require that the Secretary perform a final cost allocation when construction of the Project is determined to be substantially complete.

(3) REPAYMENT OBLIGATION.—The Secretary shall determine the repayment obligation of the Project Participants based on the final cost allocation identifying reimbursable and nonreimbursable capital costs of the Project consistent with this subtitle.

(e) OPERATION, MAINTENANCE, AND REPLACEMENT COST ALLOCATIONS.—For purposes of determining the operation, maintenance, and replacement obligations of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement that allocates operation, maintenance, and replacement costs for the Project.

(f) TEMPORARY WAIVERS OF PAYMENTS.—

(1) IN GENERAL.—On the date on which the Secretary declares a section of the Project to be substantially complete and delivery of water generated by and through that section of the Project can be made to the Nation, the Secretary may waive, for a period of not more than 10 years, the operation, maintenance, and replacement costs allocable to the Nation for that section of the Project that the Secretary determines are in excess of the ability of the Nation to pay.

(2) SUBSEQUENT PAYMENT BY NATION.—After a waiver under paragraph (1), the Nation shall pay all allocated operation, maintenance, and replacement costs of that section of the Project.

(3) PAYMENT BY UNITED STATES.—Any operation, maintenance, or replacement costs waived by the Secretary under paragraph (1) shall be paid by the United States and shall be nonreimbursable.

(4) EFFECT ON CONTRACTS.—Failure of the Secretary to waive costs under paragraph (1) because of a lack of availability of Federal funding to pay the costs under paragraph (3) shall not alter the obligations of the Nation or the United States under a repayment contract.

(5) TERMINATION OF AUTHORITY.—The authority of the Secretary to waive costs under paragraph (1) with respect to a Project facility transferred to the Nation under section 10602(f) shall terminate on the date on which the Project facility is transferred.

(g) PROJECT CONSTRUCTION COMMITTEE.—The Secretary shall facilitate the formation of a project construction committee with the Project Participants and the State of New Mexico—

(1) to review cost factors and budgets for construction and operation and maintenance activities;

(2) to improve construction management through enhanced communication; and

(3) to seek additional ways to reduce overall Project costs.

SEC. 10605. NAVAJO NATION MUNICIPAL PIPELINE.

(a) USE OF NAVAJO NATION PIPELINE.—In addition to use of the Navajo Nation Municipal Pipeline to convey the Animas-La Plata Project water of the Nation, the Nation may use the Navajo Nation Municipal Pipeline to convey non-Animas La Plata Project water for municipal and industrial purposes.

(b) CONVEYANCE OF TITLE TO PIPELINE.—

(1) IN GENERAL.—On completion of the Navajo Nation Municipal Pipeline, the Secretary may enter into separate agreements with the City of Farmington, New Mexico and the Nation to convey title to each portion of the Navajo Nation Municipal Pipeline facility or section of the Pipeline to the City of Farmington and the Nation after execution of a Project operations agreement approved by the Secretary, the Nation, and the City of Farmington that sets forth any terms and conditions that the Secretary determines are necessary.

(2) CONVEYANCE TO THE CITY OF FARMINGTON OR NAVAJO NATION.—In conveying title to the Navajo Nation Municipal Pipeline under this subsection, the Secretary shall convey—

(A) to the City of Farmington, the facilities and any land or interest in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located within the corporate boundaries of the City; and

(B) to the Nation, the facilities and any land or interests in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that

are located outside the corporate boundaries of the City of Farmington.

(3) EFFECT OF CONVEYANCE.—The conveyance of title to the Pipeline shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of water associated with the Animas-La Plata Project.

(4) LIABILITY.—

(A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States or by employees or agents of the United States prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this subsection increases the liability of the United States beyond the liability provided under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(5) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of title to the Pipeline, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, notice of the conveyance of the Pipeline.

SEC. 10606. AUTHORIZATION OF CONJUNCTIVE USE WELLS.

(a) CONJUNCTIVE GROUNDWATER DEVELOPMENT PLAN.—Not later than 1 year after the date of enactment of this Act, the Nation, in consultation with the Secretary, shall complete a conjunctive groundwater development plan for the wells described in subsections (b) and (c).

(b) WELLS IN THE SAN JUAN RIVER BASIN.—In accordance with the conjunctive groundwater development plan, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of not more than 1,670 acre-feet of groundwater in the San Juan River Basin in the State of New Mexico for municipal and domestic uses.

(c) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—

(1) IN GENERAL.—In accordance with the Project and conjunctive groundwater development plan for the Nation, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of—

(A) not more than 680 acre-feet of groundwater in the Little Colorado River Basin in the State of New Mexico;

(B) not more than 80 acre-feet of groundwater in the Rio Grande Basin in the State of New Mexico; and

(C) not more than 770 acre-feet of groundwater in the Little Colorado River Basin in the State of Arizona.

(2) USE.—Groundwater diverted and distributed under paragraph (1) shall be used for municipal and domestic uses.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary for the construction, operation, and maintenance of the wells and related pipeline facilities authorized under subsections (b) and (c).

(2) LIMITATION.—Nothing in this subsection authorizes the Secretary to condemn water rights for the purposes described in paragraph (1).

(e) **CONDITION.**—The Secretary shall not commence any construction activity relating to the wells described in subsections (b) and (c) until the Secretary executes the Agreement.

(f) **CONVEYANCE OF WELLS.**—

(1) **IN GENERAL.**—On the determination of the Secretary that the wells and related facilities are substantially complete and delivery of water generated by the wells can be made to the Nation, an agreement with the Nation shall be entered into, to convey to the Nation title to—

(A) any well or related pipeline facility constructed or rehabilitated under subsections (a) and (b) after the wells and related facilities have been completed; and

(B) any land or interest in land acquired by the United States for the construction, operation, and maintenance of the well or related pipeline facility.

(2) **OPERATION, MAINTENANCE, AND REPLACEMENT.**—

(A) **IN GENERAL.**—The Secretary is authorized to pay operation and maintenance costs for the wells and related pipeline facilities authorized under this subsection until title to the facilities is conveyed to the Nation.

(B) **SUBSEQUENT ASSUMPTION BY NATION.**—On completion of a conveyance of title under paragraph (1), the Nation shall assume all responsibility for the operation and maintenance of the well or related pipeline facility conveyed.

(3) **EFFECT OF CONVEYANCE.**—The conveyance of title to the Nation of the conjunctive use wells under paragraph (1) shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(g) **USE OF PROJECT FACILITIES.**—The capacities of the treatment facilities, main pipelines, and lateral pipelines of the Project authorized by section 10602(b) may be used to treat and convey groundwater to Nation communities if the Nation provides for payment of the operation, maintenance, and replacement costs associated with the use of the facilities or pipelines.

(h) **LIMITATIONS.**—The diversion and use of groundwater by wells constructed or rehabilitated under this section shall be made in a manner consistent with applicable Federal and State law.

SEC. 10607. SAN JUAN RIVER NAVAJO IRRIGATION PROJECTS.

(a) **REHABILITATION.**—Subject to subsection (b), the Secretary shall rehabilitate—

(1) the Fruitland-Cambridge Irrigation Project to serve not more than 3,335 acres of land, which shall be considered to be the total serviceable area of the project; and

(2) the Hogback-Cudei Irrigation Project to serve not more than 8,830 acres of land, which shall be considered to be the total serviceable area of the project.

(b) **CONDITION.**—The Secretary shall not commence any construction activity relating to the rehabilitation of the Fruitland-Cambridge Irrigation Project or the Hogback-Cudei Irrigation Project under subsection (a) until the Secretary executes the Agreement.

(c) **OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.**—The Nation shall continue to be responsible for the operation, maintenance, and replacement of each facility rehabilitated under this section.

SEC. 10608. OTHER IRRIGATION PROJECTS.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the State of New Mexico (acting through the Interstate Stream Commission) and the Non-Navajo Irrigation Districts that elect to participate, shall—

(1) conduct a study of Non-Navajo Irrigation District diversion and ditch facilities; and

(2) based on the study, identify and prioritize a list of projects, with associated cost estimates, that are recommended to be implemented to repair, rehabilitate, or reconstruct irrigation diversion and ditch facilities to improve water use efficiency.

(b) **GRANTS.**—The Secretary may provide grants to, and enter into cooperative agreements with, the Non-Navajo Irrigation Districts to plan, design, or otherwise implement the projects identified under subsection (a)(2).

(c) **COST-SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the total cost of carrying out a project under subsection (b) shall be not more than 50 percent, and shall be nonreimbursable.

(2) **FORM.**—The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under subsection (b).

(3) **STATE CONTRIBUTION.**—The Secretary may accept from the State of New Mexico a partial or total contribution toward the non-Federal share for a project carried out under subsection (b).

SEC. 10609. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS FOR NAVAJO-GALLUP WATER SUPPLY PROJECT.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Secretary to plan, design, and construct the Project \$870,000,000 for the period of fiscal years 2009 through 2024, to remain available until expended.

(2) **ADJUSTMENTS.**—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2007 in construction costs, as indicated by engineering cost indices applicable to the types of construction involved.

(3) **USE.**—In addition to the uses authorized under paragraph (1), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(4) **OPERATION AND MAINTENANCE.**—

(A) **IN GENERAL.**—There are authorized to be appropriated such sums as are necessary to operate and maintain the Project consistent with this subtitle.

(B) **EXPIRATION.**—The authorization under subparagraph (A) shall expire 10 years after the year the Secretary declares the Project to be substantially complete.

(b) **APPROPRIATIONS FOR CONJUNCTIVE USE WELLS.**—

(1) **SAN JUAN WELLS.**—There is authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(b) \$30,000,000, as adjusted under paragraph (3), for the period of fiscal years 2009 through 2019.

(2) **WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.**—There are authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(c) such sums as are necessary for the period of fiscal years 2009 through 2024.

(3) **ADJUSTMENTS.**—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2008 in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(4) **NONREIMBURSABLE EXPENDITURES.**—Amounts made available under paragraphs (1) and (2) shall be nonreimbursable to the United States.

(5) **USE.**—In addition to the uses authorized under paragraphs (1) and (2), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(6) **LIMITATION.**—Appropriations authorized under paragraph (1) shall not be used for operation or maintenance of any conjunctive use wells at a time in excess of 3 years after the well is declared substantially complete.

(c) **SAN JUAN RIVER IRRIGATION PROJECTS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary—

(A) to carry out section 10607(a)(1), not more than \$7,700,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2016, to remain available until expended; and

(B) to carry out section 10607(a)(2), not more than \$15,400,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2019, to remain available until expended.

(2) **ADJUSTMENT.**—The amounts made available under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since January 1, 2004, in construction costs, as indicated by engineering cost indices applicable to the types of construction involved in the rehabilitation.

(3) **NONREIMBURSABLE EXPENDITURES.**—Amounts made available under this subsection shall be nonreimbursable to the United States.

(d) **OTHER IRRIGATION PROJECTS.**—There are authorized to be appropriated to the Secretary to carry out section 10608 \$11,000,000 for the period of fiscal years 2009 through 2019.

(e) **CULTURAL RESOURCES.**—

(1) **IN GENERAL.**—The Secretary may use not more than 2 percent of amounts made available under subsections (a), (b), and (c) for the survey, recovery, protection, preservation, and display of archaeological resources in the area of a Project facility or conjunctive use well.

(2) **NONREIMBURSABLE EXPENDITURES.**—Any amounts made available under paragraph (1) shall be nonreimbursable.

(f) **FISH AND WILDLIFE FACILITIES.**—

(1) **IN GENERAL.**—In association with the development of the Project, the Secretary may use not more than 4 percent of amounts made available under subsections (a), (b), and (c) to purchase land and construct and maintain facilities to mitigate the loss of, and improve conditions for the propagation of, fish and wildlife if any such purchase, construction, or maintenance will not affect the operation of any water project or use of water.

(2) **NONREIMBURSABLE EXPENDITURES.**—Any amounts expended under paragraph (1) shall be nonreimbursable.

PART IV—NAVAJO NATION WATER RIGHTS SEC. 10701. AGREEMENT.

(a) **AGREEMENT APPROVAL.**—

(1) **APPROVAL BY CONGRESS.**—Except to the extent that any provision of the Agreement conflicts with this subtitle, Congress approves, ratifies, and confirms the Agreement (including any amendments to the Agreement that are executed to make the Agreement consistent with this subtitle).

(2) **EXECUTION BY SECRETARY.**—The Secretary shall enter into the Agreement to the extent that the Agreement does not conflict with this subtitle, including—

(A) any exhibits to the Agreement requiring the signature of the Secretary; and

(B) any amendments to the Agreement necessary to make the Agreement consistent with this subtitle.

(3) **AUTHORITY OF SECRETARY.**—The Secretary may carry out any action that the Secretary determines is necessary or appropriate to implement the Agreement, the Contract, and this section.

(4) **ADMINISTRATION OF NAVAJO RESERVOIR RELEASES.**—The State of New Mexico may administer water that has been released from storage in Navajo Reservoir in accordance with subparagraph 9.1 of the Agreement.

(b) **WATER AVAILABLE UNDER CONTRACT.**—

(1) **QUANTITIES OF WATER AVAILABLE.**—

(A) **IN GENERAL.**—Water shall be made available annually under the Contract for projects in the State of New Mexico supplied from the Navajo Reservoir and the San Juan River (including tributaries of the River) under New Mexico State Engineer File Numbers 2849, 2883, and 3215 in the quantities described in subparagraph (B).

(B) **WATER QUANTITIES.**—The quantities of water referred to in subparagraph (A) are as follows:

| | Diversion (acre- feet/year) | Depletion (acre- feet/year) |
|------------------------------------|-----------------------------------|-----------------------------------|
| Navajo Indian Irrigation Project | 508,000 | 270,000 |
| Navajo-Gallup Water Supply Project | 22,650 | 20,780 |
| Animas-La Plata Project | 4,680 | 2,340 |
| Total | 535,330 | 293,120 |

(C) **MAXIMUM QUANTITY.**—A diversion of water to the Nation under the Contract for a project described in subparagraph (B) shall not exceed the quantity of water necessary to supply the amount of depletion for the project.

(D) **TERMS, CONDITIONS, AND LIMITATIONS.**—The diversion and use of water under the Contract shall be subject to and consistent with the terms, conditions, and limitations of the Agreement, this subtitle, and any other applicable law.

(2) **AMENDMENTS TO CONTRACT.**—The Secretary, with the consent of the Nation, may amend the Contract if the Secretary determines that the amendment is—

(A) consistent with the Agreement; and

(B) in the interest of conserving water or facilitating beneficial use by the Nation or a subcontractor of the Nation.

(3) **RIGHTS OF THE NATION.**—The Nation may, under the Contract—

(A) use tail water, wastewater, and return flows attributable to a use of the water by the Nation or a subcontractor of the Nation if—

(i) the depletion of water does not exceed the quantities described in paragraph (1); and

(ii) the use of tail water, wastewater, or return flows is consistent with the terms, conditions, and limitations of the Agreement, and any other applicable law; and

(B) change a point of diversion, change a purpose or place of use, and transfer a right for depletion under this subtitle (except for a point of diversion, purpose or place of use, or right for depletion for use in the State of Arizona under section 10603(b)(2)(D)), to another use, purpose, place, or depletion in the State of New Mexico to meet a water resource or economic need of the Nation if—

(i) the change or transfer is subject to and consistent with the terms of the Agreement,

the Partial Final Decree described in paragraph 3.0 of the Agreement, the Contract, and any other applicable law; and

(ii) a change or transfer of water use by the Nation does not alter any obligation of the United States, the Nation, or another party to pay or repay project construction, operation, maintenance, or replacement costs under this subtitle and the Contract.

(c) **SUBCONTRACTS.**—

(1) **IN GENERAL.**—

(A) **SUBCONTRACTS BETWEEN NATION AND THIRD PARTIES.**—The Nation may enter into subcontracts for the delivery of Project water under the Contract to third parties for any beneficial use in the State of New Mexico (on or off land held by the United States in trust for the Nation or a member of the Nation or land held in fee by the Nation).

(B) **APPROVAL REQUIRED.**—A subcontract entered into under subparagraph (A) shall not be effective until approved by the Secretary in accordance with this subsection and the Contract.

(C) **SUBMITTAL.**—The Nation shall submit to the Secretary for approval or disapproval any subcontract entered into under this subsection.

(D) **DEADLINE.**—The Secretary shall approve or disapprove a subcontract submitted to the Secretary under subparagraph (C) not later than the later of—

(i) the date that is 180 days after the date on which the subcontract is submitted to the Secretary; and

(ii) the date that is 60 days after the date on which a subcontractor complies with—

(I) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(II) any other requirement of Federal law.

(E) **ENFORCEMENT.**—A party to a subcontract may enforce the deadline described in subparagraph (D) under section 1361 of title 28, United States Code.

(F) **COMPLIANCE WITH OTHER LAW.**—A subcontract described in subparagraph (A) shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other applicable law.

(G) **NO LIABILITY.**—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(2) **ALIENATION.**—

(A) **PERMANENT ALIENATION.**—The Nation shall not permanently alienate any right granted to the Nation under the Contract.

(B) **MAXIMUM TERM.**—The term of any water use subcontract (including a renewal) under this subsection shall be not more than 99 years.

(3) **NONINTERCOURSE ACT COMPLIANCE.**—This subsection—

(A) provides congressional authorization for the subcontracting rights of the Nation; and

(B) is deemed to fulfill any requirement that may be imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(4) **FORFEITURE.**—The nonuse of the water supply secured by a subcontractor of the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(5) **NO PER CAPITA PAYMENTS.**—No part of the revenue from a water use subcontract under this subsection shall be distributed to any member of the Nation on a per capita basis.

(d) **WATER LEASES NOT REQUIRING SUBCONTRACTS.**—

(1) **AUTHORITY OF NATION.**—

(A) **IN GENERAL.**—The Nation may lease, contract, or otherwise transfer to another party or to another purpose or place of use in the State of New Mexico (on or off land that is held by the United States in trust for the Nation or a member of the Nation or held in fee by the Nation) a water right that—

(i) is decreed to the Nation under the Agreement; and

(ii) is not subject to the Contract.

(B) **COMPLIANCE WITH OTHER LAW.**—In carrying out an action under this subsection, the Nation shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement, and any other applicable law.

(2) **ALIENATION; MAXIMUM TERM.**—

(A) **ALIENATION.**—The Nation shall not permanently alienate any right granted to the Nation under the Agreement.

(B) **MAXIMUM TERM.**—The term of any water use lease, contract, or other arrangement (including a renewal) under this subsection shall be not more than 99 years.

(3) **NO LIABILITY.**—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(4) **NONINTERCOURSE ACT COMPLIANCE.**—This subsection—

(A) provides congressional authorization for the lease, contracting, and transfer of any water right described in paragraph (1)(A); and

(B) is deemed to fulfill any requirement that may be imposed by the provisions of section 2116 of the Revised Statutes (25 U.S.C. 177).

(5) **FORFEITURE.**—The nonuse of a water right of the Nation by a lessee or contractor to the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(e) **NULLIFICATION.**—

(1) **DEADLINES.**—

(A) **IN GENERAL.**—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

(i) **AGREEMENT.**—Not later than December 31, 2010, the Secretary shall execute the Agreement.

(ii) **CONTRACT.**—Not later than December 31, 2010, the Secretary and the Nation shall execute the Contract.

(iii) **PARTIAL FINAL DECREE.**—Not later than December 31, 2013, the court in the stream adjudication shall have entered the Partial Final Decree described in paragraph 3.0 of the Agreement.

(iv) **FRUITLAND-CAMBRIDGE IRRIGATION PROJECT.**—Not later than December 31, 2016, the rehabilitation construction of the Fruitland-Cambridge Irrigation Project authorized under section 10607(a)(1) shall be completed.

(v) **SUPPLEMENTAL PARTIAL FINAL DECREE.**—Not later than December 31, 2016, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in subparagraph 4.0 of the Agreement.

(vi) **HOGBACK-CUDEI IRRIGATION PROJECT.**—Not later than December 31, 2019, the rehabilitation construction of the Hogback-Cudei Irrigation Project authorized under section 10607(a)(2) shall be completed.

(vii) **TRUST FUND.**—Not later than December 31, 2019, the United States shall make all deposits into the Trust Fund under section 10702.

(viii) **CONJUNCTIVE WELLS.**—Not later than December 31, 2019, the funds authorized to be appropriated under section 10609(b)(1) for the conjunctive use wells authorized under section 10606(b) should be appropriated.

(ix) **NAVAJO-GALLUP WATER SUPPLY PROJECT.**—Not later than December 31, 2024, the construction of all Project facilities shall be completed.

(B) **EXTENSION.**—A deadline described in subparagraph (A) may be extended if the Nation, the United States (acting through the Secretary), and the State of New Mexico (acting through the New Mexico Interstate Stream Commission) agree that an extension is reasonably necessary.

(2) **REVOCABILITY OF AGREEMENT, CONTRACT AND AUTHORIZATIONS.**—

(A) **PETITION.**—If the Nation determines that a deadline described in paragraph (1)(A) is not substantially met, the Nation may submit to the court in the stream adjudication a petition to enter an order terminating the Agreement and Contract.

(B) **TERMINATION.**—On issuance of an order to terminate the Agreement and Contract under subparagraph (A)—

- (i) the Trust Fund shall be terminated;
- (ii) the balance of the Trust Fund shall be deposited in the general fund of the Treasury;
- (iii) the authorizations for construction and rehabilitation of water projects under this subtitle shall be revoked and any Federal activity related to that construction and rehabilitation shall be suspended; and
- (iv) this part and parts I and III shall be null and void.

(3) **CONDITIONS NOT CAUSING NULLIFICATION OF SETTLEMENT.**—

(A) **IN GENERAL.**—If a condition described in subparagraph (B) occurs, the Agreement and Contract shall not be nullified or terminated.

(B) **CONDITIONS.**—The conditions referred to in subparagraph (A) are as follows:

(i) A lack of right to divert at the capacities of conjunctive use wells constructed or rehabilitated under section 10606.

(ii) A failure—

(I) to determine or resolve an accounting of the use of water under this subtitle in the State of Arizona;

(II) to obtain a necessary water right for the consumptive use of water in Arizona;

(III) to contract for the delivery of water for use in Arizona; or

(IV) to construct and operate a lateral facility to deliver water to a community of the Nation in Arizona, under the Project.

(f) **EFFECT ON RIGHTS OF INDIAN TRIBES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section quantifies or adversely affects the land and water rights, or claims or entitlements to water, of any Indian tribe or community other than the rights, claims, or entitlements of the Nation in, to, and from the San Juan River Basin in the State of New Mexico.

(2) **EXCEPTION.**—The right of the Nation to use water under water rights the Nation has in other river basins in the State of New Mexico shall be forborne to the extent that the Nation supplies the uses for which the water rights exist by diversions of water from the San Juan River Basin under the Project consistent with subparagraph 9.13 of the Agreement.

SEC. 10702. TRUST FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury a fund to be known as the “Navajo Nation Water Resources Development Trust Fund”, consisting of—

(1) such amounts as are appropriated to the Trust Fund under subsection (f); and

(2) any interest earned on investment of amounts in the Trust Fund under subsection (d).

(b) **USE OF FUNDS.**—The Nation may use amounts in the Trust Fund—

(1) to investigate, construct, operate, maintain, or replace water project facilities, including facilities conveyed to the Nation under this subtitle and facilities owned by the United States for which the Nation is responsible for operation, maintenance, and replacement costs; and

(2) to investigate, implement, or improve a water conservation measure (including a metering or monitoring activity) necessary for the Nation to make use of a water right of the Nation under the Agreement.

(c) **MANAGEMENT.**—The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund pursuant to subsection (d), and make amounts available from the Trust Fund for distribution to the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **INVESTMENT OF THE TRUST FUND.**—Beginning on October 1, 2019, the Secretary shall invest amounts in the Trust Fund in accordance with—

- (1) the Act of April 1, 1880 (25 U.S.C. 161);
- (2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and
- (3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(e) **CONDITIONS FOR EXPENDITURES AND WITHDRAWALS.**—

(1) **TRIBAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Subject to paragraph (7), on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Nation may withdraw all or a portion of the amounts in the Trust Fund.

(B) **REQUIREMENTS.**—In addition to any requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Nation only use amounts in the Trust Fund for the purposes described in subsection (b), including the identification of water conservation measures to be implemented in association with the agricultural water use of the Nation.

(2) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Trust Fund are used in accordance with this subtitle.

(3) **NO LIABILITY.**—Neither the Secretary nor the Secretary of the Treasury shall be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation.

(4) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Nation shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Trust Fund made available under this section that the Nation does not withdraw under this subsection.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Nation remaining in the Trust Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle.

(5) **ANNUAL REPORT.**—The Nation shall submit to the Secretary an annual report that describes any expenditures from the Trust Fund during the year covered by the report.

(6) **LIMITATION.**—No portion of the amounts in the Trust Fund shall be distributed to any Nation member on a per capita basis.

(7) **CONDITIONS.**—Any amount authorized to be appropriated to the Trust Fund under subsection (f) shall not be available for expenditure or withdrawal—

- (A) before December 31, 2019; and
- (B) until the date on which the court in the stream adjudication has entered—
 - (i) the Partial Final Decree; and
 - (ii) the Supplemental Partial Final Decree.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for deposit in the Trust Fund—

- (1) \$6,000,000 for each of fiscal years 2010 through 2014; and
- (2) \$4,000,000 for each of fiscal years 2015 through 2019.

SEC. 10703. WAIVERS AND RELEASES.

(a) **CLAIMS BY THE NATION AND THE UNITED STATES.**—In return for recognition of the Nation's water rights and other benefits, including but not limited to the commitments by other parties, as set forth in the Agreement and this subtitle, the Nation, on behalf of itself and members of the Nation (other than members in the capacity of the members as allottees), and the United States acting in its capacity as trustee for the Nation, shall execute a waiver and release of—

(1) all claims for water rights in, or for waters of, the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e), except to the extent that such rights are recognized in the Agreement or this subtitle;

(2) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the San Juan River Basin in the State of New Mexico that accrued at any time up to and including the effective date described in subsection (e);

(3) all claims of any damage, loss, or injury or for injunctive or other relief because of the condition of or changes in water quality related to, or arising out of, the exercise of water rights; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Agreement.

(b) **CLAIMS BY THE NATION AGAINST THE UNITED STATES.**—The Nation, on behalf of itself and its members (other than in the capacity of the members as allottees), shall execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or waters of the San Juan River Basin in the State of New Mexico that the United States, acting in its capacity as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication;

(2) all claims against the United States, its agencies, or employees relating to damages,

losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to inference with, diversion, or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water or water rights) in the San Juan River Basin in the State of New Mexico that first accrued at any time up to and including the effective date described in subsection (e);

(3) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Nation's water rights in the stream adjudication; and

(4) all claims against the United States, its agencies, or employees relating to the negotiation, execution, or the adoption of the Agreement, the decrees, the Contract, or this subtitle.

(c) **RESERVATION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this subtitle, the Nation on behalf of itself and its members (including members in the capacity of the members as allottees) and the United States acting in its capacity as trustee for the Nation and allottees, retain—

(1) all claims for water rights or injuries to water rights arising out of activities occurring outside the San Juan River Basin in the State of New Mexico, subject to paragraphs 8.0, 9.3, 9.12, 9.13, and 13.9 of the Agreement;

(2) all claims for enforcement of the Agreement, the Contract, the Partial Final Decree, the Supplemental Partial Final Decree, or this subtitle, through any legal and equitable remedies available in any court of competent jurisdiction;

(3) all rights to use and protect water rights acquired pursuant to State law after the date of enactment of this Act;

(4) all claims relating to activities affecting the quality of water not related to the exercise of water rights, including but not limited to any claims the Nation might have under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(5) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights; and

(6) all rights, remedies, privileges, immunities, and powers not specifically waived and released under the terms of the Agreement or this subtitle.

(d) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) March 1, 2025; or

(B) the effective date described in subsection (e).

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) **LIMITATION.**—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(e) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The waivers and releases described in subsections (a) and (b) shall be

effective on the date on which the Secretary publishes in the Federal Register a statement of findings documenting that each of the deadlines described in section 10701(e)(1) have been met.

(2) **DEADLINE.**—If the deadlines described in section 10701(e)(1)(A) have not been met by the later of March 1, 2025, or the date of any extension under section 10701(e)(1)(B)—

(A) the waivers and releases described in subsections (a) and (b) shall be of no effect; and

(B) section 10701(e)(2)(B) shall apply.

SEC. 10704. WATER RIGHTS HELD IN TRUST.

A tribal water right adjudicated and described in paragraph 3.0 of the Partial Final Decree and in paragraph 3.0 of the Supplemental Partial Final Decree shall be held in trust by the United States on behalf of the Nation.

Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement

SEC. 10801. FINDINGS.

Congress finds that—

(1) it is the policy of the United States, in accordance with the trust responsibility of the United States to Indian tribes, to promote Indian self-determination and economic self-sufficiency and to settle Indian water rights claims without lengthy and costly litigation, if practicable;

(2) quantifying rights to water and development of facilities needed to use tribal water supplies is essential to the development of viable Indian reservation economies and the establishment of a permanent reservation homeland;

(3) uncertainty concerning the extent of the Shoshone-Paiute Tribes' water rights has resulted in limited access to water and inadequate financial resources necessary to achieve self-determination and self-sufficiency;

(4) in 2006, the Tribes, the State of Idaho, the affected individual water users, and the United States resolved all tribal claims to water rights in the Snake River Basin Adjudication through a consent decree entered by the District Court of the Fifth Judicial District of the State of Idaho, requiring no further Federal action to quantify the Tribes' water rights in the State of Idaho;

(5) as of the date of enactment of this Act, proceedings to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada are pending before the Nevada State Engineer;

(6) final resolution of the Tribes' water claims in the East Fork of the Owyhee River adjudication will—

(A) take many years;

(B) entail great expense;

(C) continue to limit the access of the Tribes to water, with economic and social consequences;

(D) prolong uncertainty relating to the availability of water supplies; and

(E) seriously impair long-term economic planning and development for all parties to the litigation;

(7) after many years of negotiation, the Tribes, the State, and the upstream water users have entered into a settlement agreement to resolve permanently all water rights of the Tribes in the State; and

(8) the Tribes also seek to resolve certain water-related claims for damages against the United States.

SEC. 10802. PURPOSES.

The purposes of this subtitle are—

(1) to resolve outstanding issues with respect to the East Fork of the Owyhee River

in the State in such a manner as to provide important benefits to—

(A) the United States;

(B) the State;

(C) the Tribes; and

(D) the upstream water users;

(2) to achieve a fair, equitable, and final settlement of all claims of the Tribes, members of the Tribes, and the United States on behalf of the Tribes and members of Tribes to the waters of the East Fork of the Owyhee River in the State;

(3) to ratify and provide for the enforcement of the Agreement among the parties to the litigation;

(4) to resolve the Tribes' water-related claims for damages against the United States;

(5) to require the Secretary to perform all obligations of the Secretary under the Agreement and this subtitle; and

(6) to authorize the actions and appropriations necessary to meet the obligations of the United States under the Agreement and this subtitle.

SEC. 10803. DEFINITIONS.

In this subtitle:

(1) **AGREEMENT.**—The term "Agreement" means the agreement entitled the "Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Upstream Water Users, East Fork Owyhee River" and signed in counterpart between, on, or about September 22, 2006, and January 15, 2007 (including all attachments to that Agreement).

(2) **DEVELOPMENT FUND.**—The term "Development Fund" means the Shoshone-Paiute Tribes Water Rights Development Fund established by section 10807(b)(1).

(3) **EAST FORK OF THE OWYHEE RIVER.**—The term "East Fork of the Owyhee River" means the portion of the east fork of the Owyhee River that is located in the State.

(4) **MAINTENANCE FUND.**—The term "Maintenance Fund" means the Shoshone-Paiute Tribes Operation and Maintenance Fund established by section 10807(c)(1).

(5) **RESERVATION.**—The term "Reservation" means the Duck Valley Reservation established by the Executive order dated April 16, 1877, as adjusted pursuant to the Executive order dated May 4, 1886, and Executive order numbered 1222 and dated July 1, 1910, for use and occupation by the Western Shoshones and the Paddy Cap Band of Paiutes.

(6) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(7) **STATE.**—The term "State" means the State of Nevada.

(8) **TRIBAL WATER RIGHTS.**—The term "tribal water rights" means rights of the Tribes described in the Agreement relating to water, including groundwater, storage water, and surface water.

(9) **TRIBES.**—The term "Tribes" means the Shoshone-Paiute Tribes of the Duck Valley Reservation.

(10) **UPSTREAM WATER USER.**—The term "upstream water user" means a non-Federal water user that—

(A) is located upstream from the Reservation on the East Fork of the Owyhee River; and

(B) is a signatory to the Agreement as a party to the East Fork of the Owyhee River adjudication.

SEC. 10804. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT; AUTHORIZATION.

(a) **IN GENERAL.**—Except as provided in subsection (c) and except to the extent that the Agreement otherwise conflicts with provisions of this subtitle, the Agreement is approved, ratified, and confirmed.

(b) SECRETARIAL AUTHORIZATION.—The Secretary is authorized and directed to execute the Agreement as approved by Congress.

(c) EXCEPTION FOR TRIBAL WATER MARKETING.—Notwithstanding any language in the Agreement to the contrary, nothing in this subtitle authorizes the Tribes to use or authorize others to use tribal water rights off the Reservation, other than use for storage at Wild Horse Reservoir for use on tribal land and for the allocation of 265 acre feet to upstream water users under the Agreement, or use on tribal land off the Reservation.

(d) ENVIRONMENTAL COMPLIANCE.—Execution of the Agreement by the Secretary under this section shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall carry out all environmental compliance required by Federal law in implementing the Agreement.

(e) PERFORMANCE OF OBLIGATIONS.—The Secretary and any other head of a Federal agency obligated under the Agreement shall perform actions necessary to carry out an obligation under the Agreement in accordance with this subtitle.

SEC. 10805. TRIBAL WATER RIGHTS.

(a) IN GENERAL.—Tribal water rights shall be held in trust by the United States for the benefit of the Tribes.

(b) ADMINISTRATION.—

(1) ENACTMENT OF WATER CODE.—Not later than 3 years after the date of enactment of this Act, the Tribes, in accordance with provisions of the Tribes' constitution and subject to the approval of the Secretary, shall enact a water code to administer tribal water rights.

(2) INTERIM ADMINISTRATION.—The Secretary shall regulate the tribal water rights during the period beginning on the date of enactment of this Act and ending on the date on which the Tribes enact a water code under paragraph (1).

(c) TRIBAL WATER RIGHTS NOT SUBJECT TO LOSS.—The tribal water rights shall not be subject to loss by abandonment, forfeiture, or nonuse.

SEC. 10806. DUCK VALLEY INDIAN IRRIGATION PROJECT.

(a) STATUS OF THE DUCK VALLEY INDIAN IRRIGATION PROJECT.—Nothing in this subtitle shall affect the status of the Duck Valley Indian Irrigation Project under Federal law.

(b) CAPITAL COSTS NONREIMBURSABLE.—The capital costs associated with the Duck Valley Indian Irrigation Project as of the date of enactment of this Act, including any capital cost incurred with funds distributed under this subtitle for the Duck Valley Indian Irrigation Project, shall be nonreimbursable.

SEC. 10807. DEVELOPMENT AND MAINTENANCE FUNDS.

(a) DEFINITION OF FUNDS.—In this section, the term "Funds" means—

- (1) the Development Fund; and
- (2) the Maintenance Fund.

(b) DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Shoshone-Paiute Tribes Water Rights Development Fund".

(2) USE OF FUNDS.—

(A) PRIORITY USE OF FUNDS FOR REHABILITATION.—The Tribes shall use amounts in the Development Fund to—

(i) rehabilitate the Duck Valley Indian Irrigation Project; or

(ii) for other purposes under subparagraph (B), provided that the Tribes have given written notification to the Secretary that—

(I) the Duck Valley Indian Irrigation Project has been rehabilitated to an acceptable condition; or

(II) sufficient funds will remain available from the Development Fund to rehabilitate the Duck Valley Indian Irrigation Project to an acceptable condition after expending funds for other purposes under subparagraph (B).

(B) OTHER USES OF FUNDS.—Once the Tribes have provided written notification as provided in subparagraph (A)(ii)(I) or (A)(ii)(II), the Tribes may use amounts from the Development Fund for any of the following purposes:

(i) To expand the Duck Valley Indian Irrigation Project.

(ii) To pay or reimburse costs incurred by the Tribes in acquiring land and water rights.

(iii) For purposes of cultural preservation.

(iv) To restore or improve fish or wildlife habitat.

(v) For fish or wildlife production, water resource development, or agricultural development.

(vi) For water resource planning and development.

(vii) To pay the costs of—

(I) designing and constructing water supply and sewer systems for tribal communities, including a water quality testing laboratory;

(II) other appropriate water-related projects and other related economic development projects;

(III) the development of a water code; and

(IV) other costs of implementing the Agreement.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Development Fund \$9,000,000 for each of fiscal years 2010 through 2014.

(c) MAINTENANCE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Shoshone-Paiute Tribes Operation and Maintenance Fund".

(2) USE OF FUNDS.—The Tribes shall use amounts in the Maintenance Fund to pay or provide reimbursement for—

(A) operation, maintenance, and replacement costs of the Duck Valley Indian Irrigation Project and other water-related projects funded under this subtitle; or

(B) operation, maintenance, and replacement costs of water supply and sewer systems for tribal communities, including the operation and maintenance costs of a water quality testing laboratory.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Maintenance Fund \$3,000,000 for each of fiscal years 2010 through 2014.

(d) AVAILABILITY OF AMOUNTS FROM FUNDS.—Amounts made available under subsections (b)(3) and (c)(3) shall be available for expenditure or withdrawal only after the effective date described in section 10808(d).

(e) ADMINISTRATION OF FUNDS.—Upon completion of the actions described in section 10808(d), the Secretary, in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall manage the Funds, including by investing amounts from the Funds in accordance with the Act of April 1, 1880 (25 U.S.C. 161), and the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(f) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Tribes may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American In-

dian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribes spend any amounts withdrawn from the Funds in accordance with the purposes described in subsection (b)(2) or (c)(2).

(C) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this subtitle and the Agreement.

(D) LIABILITY.—If the Tribes exercise the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(2) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Tribes shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribes do not withdraw under the tribal management plan.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribes remaining in the Funds will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle and the Agreement.

(D) ANNUAL REPORT.—For each Fund, the Tribes shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(3) FUNDING AGREEMENT.—Notwithstanding any other provision of this subtitle, on receipt of a request from the Tribes, the Secretary shall include an amount from funds made available under this section in the funding agreement of the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), for use in accordance with subsections (b)(2) and (c)(2). No amount made available under this subtitle may be requested until the waivers under section 10808(a) take effect.

(g) NO PER CAPITA PAYMENTS.—No amount from the Funds (including any interest income that would have accrued to the Funds after the effective date) shall be distributed to a member of the Tribes on a per capita basis.

SEC. 10808. TRIBAL WAIVER AND RELEASE OF CLAIMS.

(a) WAIVER AND RELEASE OF CLAIMS BY TRIBES AND UNITED STATES ACTING AS TRUSTEE FOR TRIBES.—In return for recognition of the Tribes' water rights and other benefits as set forth in the Agreement and this subtitle, the Tribes, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Tribes are authorized to execute a waiver and release of—

(1) all claims for water rights in the State of Nevada that the Tribes, or the United States acting in its capacity as trustee for the Tribes, asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork

of the Owyhee River in Nevada, up to and including the effective date, except to the extent that such rights are recognized in the Agreement or this subtitle; and

(2) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the State of Nevada that accrued at any time up to and including the effective date.

(b) **WAIVER AND RELEASE OF CLAIMS BY TRIBES AGAINST UNITED STATES.**—The Tribes, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating in any manner to claims for water rights in or water of the States of Nevada and Idaho that the United States acting in its capacity as trustee for the Tribes asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, and the Snake River Basin Adjudication in Idaho;

(2) all claims against the United States, its agencies, or employees relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses or injuries to fishing and other similar rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the States of Nevada and Idaho that first accrued at any time up to and including the effective date;

(3) all claims against the United States, its agencies, or employees relating to the operation, maintenance, or rehabilitation of the Duck Valley Indian Irrigation Project that first accrued at any time up to and including the date upon which the Tribes notify the Secretary as provided in section 10807(b)(2)(A)(ii)(I) that the rehabilitation of the Duck Valley Indian Irrigation Project under this subtitle to an acceptable level has been accomplished;

(4) all claims against the United States, its agencies, or employees relating in any manner to the litigation of claims relating to the Tribes' water rights in pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada or the Snake River Basin Adjudication in Idaho; and

(5) all claims against the United States, its agencies, or employees relating in any manner to the negotiation, execution, or adoption of the Agreement, exhibits thereto, the decree referred to in subsection (d)(2), or this subtitle.

(c) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this subtitle, the Tribes on their own behalf and the United States acting in its capacity as trustee for the Tribes retain—

(1) all claims for enforcement of the Agreement, the decree referred to in subsection (d)(2), or this subtitle, through such legal and equitable remedies as may be available in the decree court or the appropriate Federal court;

(2) all rights to acquire a water right in a State to the same extent as any other entity

in the State, in accordance with State law, and to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims relating to activities affecting the quality of water including any claims the Tribes might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts; and

(4) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this subtitle.

(d) **EFFECTIVE DATE.**—Notwithstanding anything in the Agreement to the contrary, the waivers by the Tribes, or the United States on behalf of the Tribes, under this section shall take effect on the date on which the Secretary publishes in the Federal Register a statement of findings that includes a finding that—

(1) the Agreement and the waivers and releases authorized and set forth in subsections (a) and (b) have been executed by the parties and the Secretary;

(2) the Fourth Judicial District Court, Elko County, Nevada, has issued a judgment and decree consistent with the Agreement from which no further appeal can be taken; and

(3) the amounts authorized under subsections (b)(3) and (c)(3) of section 10807 have been appropriated.

(e) **FAILURE TO PUBLISH STATEMENT OF FINDINGS.**—If the Secretary does not publish a statement of findings under subsection (d) by March 31, 2016—

(1) the Agreement and this subtitle shall not take effect; and

(2) any funds that have been appropriated under this subtitle shall immediately revert to the general fund of the United States Treasury.

(f) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts authorized to be appropriated under subsections (b)(3) and (c)(3) of section 10807 are appropriated.

(2) **EFFECT OF SUBPARAGRAPH.**—Nothing in this subparagraph revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

SEC. 10809. MISCELLANEOUS.

(a) **GENERAL DISCLAIMER.**—The parties to the Agreement expressly reserve all rights not specifically granted, recognized, or relinquished by—

(1) the settlement described in the Agreement; or

(2) this subtitle.

(b) **LIMITATION OF CLAIMS AND RIGHTS.**—Nothing in this subtitle—

(1) establishes a standard for quantifying—

(A) a Federal reserved water right;

(B) an aboriginal claim; or

(C) any other water right claim of an Indian tribe in a judicial or administrative proceeding;

(2) affects the ability of the United States, acting in its sovereign capacity, to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the

Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the “Resource Conservation and Recovery Act of 1976”), and the regulations implementing those Acts;

(3) affects the ability of the United States to take actions, acting in its capacity as trustee for any other Tribe, Pueblo, or allottee;

(4) waives any claim of a member of the Tribes in an individual capacity that does not derive from a right of the Tribes; or

(5) limits the right of a party to the Agreement to litigate any issue not resolved by the Agreement or this subtitle.

(c) **ADMISSION AGAINST INTEREST.**—Nothing in this subtitle constitutes an admission against interest by a party in any legal proceeding.

(d) **RESERVATION.**—The Reservation shall be—

(1) considered to be the property of the Tribes; and

(2) permanently held in trust by the United States for the sole use and benefit of the Tribes.

(e) **JURISDICTION.**—

(1) **SUBJECT MATTER JURISDICTION.**—Nothing in the Agreement or this subtitle restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or tribal court.

(2) **CIVIL OR REGULATORY JURISDICTION.**—Nothing in the Agreement or this subtitle impairs or impedes the exercise of any civil or regulatory authority of the United States, the State, or the Tribes.

(3) **CONSENT TO JURISDICTION.**—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

(4) **EFFECT OF SUBSECTION.**—Nothing in this subsection confers jurisdiction on any State court to—

(A) interpret Federal law regarding the health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of a Federal agency action.

TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

SEC. 11001. REAUTHORIZATION OF THE NATIONAL GEOLOGIC MAPPING ACT OF 1992.

(a) **FINDINGS.**—Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) although significant progress has been made in the production of geologic maps since the establishment of the national cooperative geologic mapping program in 1992, no modern, digital, geologic map exists for approximately 75 percent of the United States;”;

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting “homeland and” after “planning for”;

(B) in subparagraph (E), by striking “predicting” and inserting “identifying”;

(C) in subparagraph (I), by striking “and” after the semicolon at the end;

(D) by redesignating subparagraph (J) as subparagraph (K); and

(E) by inserting after subparagraph (I) the following:

“(J) recreation and public awareness; and”;

(3) in paragraph (9), by striking “important” and inserting “available”.

(b) PURPOSE.—Section 2(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by inserting “and management” before the period at the end.

(c) DEADLINES FOR ACTIONS BY THE UNITED STATES GEOLOGICAL SURVEY.—Section 4(b)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is amended in the second sentence—

(1) in subparagraph (A), by striking “not later than” and all that follows through the semicolon and inserting “not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009;”;

(2) in subparagraph (B), by striking “not later than” and all that follows through “in accordance” and inserting “not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009 in accordance”; and

(3) in the matter preceding clause (i) of subparagraph (C), by striking “not later than” and all that follows through “submit” and inserting “submit biennially”.

(d) GEOLOGIC MAPPING PROGRAM OBJECTIVES.—Section 4(c)(2) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(c)(2)) is amended—

(1) by striking “geophysical-map data base, geochemical-map data base, and a”; and

(2) by striking “provide” and inserting “provides”.

(e) GEOLOGIC MAPPING PROGRAM COMPONENTS.—Section 4(d)(1)(B)(ii) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

(1) in subclause (I), by striking “and” after the semicolon at the end;

(2) in subclause (II), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(III) the needs of land management agencies of the Department of the Interior.”.

(f) GEOLOGIC MAPPING ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—Section 5(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)) is amended—

(A) in paragraph (2)—

(i) by inserting “the Secretary of the Interior or a designee from a land management agency of the Department of the Interior,” after “Administrator of the Environmental Protection Agency or a designee,”;

(ii) by inserting “and” after “Energy or a designee,”; and

(iii) by striking “, and the Assistant to the President for Science and Technology or a designee”; and

(B) in paragraph (3)—

(i) by striking “Not later than” and all that follows through “consultation” and inserting “In consultation”;;

(ii) by striking “Chief Geologist, as Chairman” and inserting “Associate Director for Geology, as Chair”; and

(iii) by striking “one representative from the private sector” and inserting “2 representatives from the private sector”.

(2) DUTIES.—Section 5(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)) is amended—

(A) in paragraph (2), by striking “and” at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) provide a scientific overview of geologic maps (including maps of geologic-based hazards) used or disseminated by Federal agencies for regulation or land-use planning; and”.

(3) CONFORMING AMENDMENT.—Section 5(a)(1) of the National Geologic Mapping Act

of 1992 (43 U.S.C. 31d(a)(1)) is amended by striking “10-member” and inserting “11-member”.

(g) FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATABASE.—Section 7(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f(a)) is amended—

(1) in paragraph (1), by striking “geologic map” and inserting “geologic-map”; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

“(A) all maps developed with funding provided by the National Cooperative Geologic Mapping Program, including under the Federal, State, and education components;”.

(h) BIENNIAL REPORT.—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended by striking “Not later” and all that follows through “biennially” and inserting “Not later than 3 years after the date of enactment of the Omnibus Public Land Management Act of 2009 and biennially”.

(i) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$64,000,000 for each of fiscal years 2009 through 2018.”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “2000” and inserting “2005”;;

(B) in paragraph (1), by striking “48” and inserting “50”; and

(C) in paragraph (2), by striking 2 and inserting “4”.

SEC. 11002. NEW MEXICO WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the United States Geological Survey (referred to in this section as the “Secretary”), in coordination with the State of New Mexico (referred to in this section as the “State”) and any other entities that the Secretary determines to be appropriate (including other Federal agencies and institutions of higher education), shall, in accordance with this section and any other applicable law, conduct a study of water resources in the State, including—

(1) a survey of groundwater resources, including an analysis of—

(A) aquifers in the State, including the quantity of water in the aquifers;

(B) the availability of groundwater resources for human use;

(C) the salinity of groundwater resources;

(D) the potential of the groundwater resources to recharge;

(E) the interaction between groundwater and surface water;

(F) the susceptibility of the aquifers to contamination; and

(G) any other relevant criteria; and

(2) a characterization of surface and bedrock geology, including the effect of the geology on groundwater yield and quality.

(b) STUDY AREAS.—The study carried out under subsection (a) shall include the Estancia Basin, Salt Basin, Tularosa Basin, Hueco Basin, and middle Rio Grande Basin in the State.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE XII—OCEANS

Subtitle A—Ocean Exploration

PART I—EXPLORATION

SEC. 12001. PURPOSE.

The purpose of this part is to establish the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

SEC. 12002. PROGRAM ESTABLISHED.

The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

SEC. 12003. POWERS AND DUTIES OF THE ADMINISTRATOR.

(a) IN GENERAL.—In carrying out the program authorized by section 12002, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 12005;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensor and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) DONATIONS.—The Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

SEC. 12004. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this part and part II of this subtitle;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

(b) BUDGET COORDINATION.—The task force shall coordinate the development of agency budgets and identify the items in their annual budget that support the activities identified in the strategy developed under subsection (a).

SEC. 12005. OCEAN EXPLORATION ADVISORY BOARD.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields—

(1) to advise the Administrator on priority areas for survey and discovery;

(2) to assist the program in the development of a 5-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery;

(3) to annually review the quality and effectiveness of the proposal review process established under section 12003(a)(4); and

(4) to provide other assistance and advice as requested by the Administrator.

(b) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

(c) APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.—Nothing in part supercedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this part—

(1) \$33,550,000 for fiscal year 2009;

(2) \$36,905,000 for fiscal year 2010;

(3) \$40,596,000 for fiscal year 2011;

(4) \$44,655,000 for fiscal year 2012;

(5) \$49,121,000 for fiscal year 2013;

(6) \$54,033,000 for fiscal year 2014; and

(7) \$59,436,000 for fiscal year 2015.

PART II—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009**SEC. 12101. SHORT TITLE.**

This part may be cited as the “NOAA Undersea Research Program Act of 2009”.

SEC. 12102. PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

(b) PURPOSE.—The purpose of the program is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes.

SEC. 12103. POWERS OF PROGRAM DIRECTOR.

The Director of the program, in carrying out the program, shall—

(1) cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations;

(2) enter into partnerships, as appropriate and using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry; and

(3) coordinate the development of agency budgets and identify the items in their annual budget that support the activities described in paragraphs (1) and (2).

SEC. 12104. ADMINISTRATIVE STRUCTURE.

(a) IN GENERAL.—The program shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science and Technology.

(b) DIRECTION.—The Director shall develop the overall direction of the program in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. The Director shall publish a draft program direction document not later than 1 year after the date of enactment of this Act in the Federal Register for a public comment period of not less than 120 days. The Director shall publish a final program direction, including responses to the comments received during the public comment period, in the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every 5 years.

SEC. 12105. RESEARCH, EXPLORATION, EDUCATION, AND TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration’s research mission and programs.

(3) Undersea science-based education and outreach programs to enrich ocean science

education and public awareness of the oceans and Great Lakes.

(4) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(5) Discovery, study, and development of natural resources and products from ocean, coastal, and aquatic systems.

(b) OPERATIONS.—The Director of the program, through operation of the extramural regional centers and the National Institute for Undersea Science and Technology, shall leverage partnerships and cooperative research with academia and private industry.

SEC. 12106. COMPETITIVENESS.

(a) DISCRETIONARY FUND.—The Program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

(b) COMPETITIVE SELECTION.—The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 12104 and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

SEC. 12107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration—

(1) for fiscal year 2009—

(A) \$13,750,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$5,500,000 for the National Technology Institute;

(2) for fiscal year 2010—

(A) \$15,125,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$6,050,000 for the National Technology Institute;

(3) for fiscal year 2011—

(A) \$16,638,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$6,655,000 for the National Technology Institute;

(4) for fiscal year 2012—

(A) \$18,301,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$7,321,000 for the National Technology Institute;

(5) for fiscal year 2013—

(A) \$20,131,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$8,053,000 for the National Technology Institute;

(6) for fiscal year 2014—

(A) \$22,145,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$8,859,000 for the National Technology Institute; and

(7) for fiscal year 2015—

(A) \$24,359,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$9,744,000 for the National Technology Institute.

Subtitle B—Ocean and Coastal Mapping Integration Act

SEC. 12201. SHORT TITLE.

This subtitle may be cited as the “Ocean and Coastal Mapping Integration Act”.

SEC. 12202. ESTABLISHMENT OF PROGRAM.

(a) **IN GENERAL.**—The President, in coordination with the Interagency Committee on Ocean and Coastal Mapping and affected coastal states, shall establish a program to develop a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances ecosystem approaches in decision-making for conservation and management of marine resources and habitats, establishes research and mapping priorities, supports the siting of research and other platforms, and advances ocean and coastal science.

(b) **MEMBERSHIP.**—The Committee shall be comprised of high-level representatives of the Department of Commerce, through the National Oceanic and Atmospheric Administration, the Department of the Interior, the National Science Foundation, the Department of Defense, the Environmental Protection Agency, the Department of Homeland Security, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) **PROGRAM PARAMETERS.**—In developing such a program, the President, through the Committee, shall—

(1) identify all Federal and federally-funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) facilitate cost-effective, cooperative mapping efforts that incorporate policies for contracting with non-governmental entities among all Federal agencies conducting ocean and coastal mapping, by increasing data sharing, developing appropriate data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and coastal mapping technologies, including through research, development, and training conducted among Federal agencies and in cooperation with non-governmental entities;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies between the Federal Government, coastal state, and non-governmental entities;

(5) provide for the archiving, management, and distribution of data sets through a national registry as well as provide mapping products and services to the general public in service of statutory requirements;

(6) develop data standards and protocols consistent with standards developed by the Federal Geographic Data Committee for use by Federal, coastal state, and other entities in mapping and otherwise documenting locations of federally permitted activities, living

and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, offshore aquaculture projects, offshore energy projects, and any areas designated for purposes of environmental protection or conservation and management of living and non-living coastal and marine resources;

(7) identify the procedures to be used for coordinating the collection and integration of Federal ocean and coastal mapping data with coastal state and local government programs;

(8) facilitate, to the extent practicable, the collection of real-time tide data and the development of hydrodynamic models for coastal areas to allow for the application of V-datum tools that will facilitate the seamless integration of onshore and offshore maps and charts;

(9) establish a plan for the acquisition and collection of ocean and coastal mapping data; and

(10) set forth a timetable for completion and implementation of the plan.

SEC. 12203. INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING.

(a) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or utilize an existing interagency committee on ocean and coastal mapping to implement section 12202.

(b) **MEMBERSHIP.**—The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this subtitle. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, the Minerals Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States Army Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) **CO-CHAIRMEN.**—The Committee shall be co-chaired by the representative of the Department of Commerce and a representative of the Department of the Interior.

(d) **SUBCOMMITTEE.**—The co-chairmen shall establish a subcommittee to carry out the day-to-day work of the Committee, comprised of senior representatives of any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration. The subcommittee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairmen of the Committee may create such additional subcommittees and working groups as may be needed to carry out the work of Committee.

(e) **MEETINGS.**—The committee shall meet on a quarterly basis, but each subcommittee and each working group shall meet on an as-needed basis.

(f) **COORDINATION.**—The committee shall coordinate activities when appropriate, with—

(1) other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee;

(2) international mapping activities;

(3) coastal states;

(4) user groups through workshops and other appropriate mechanisms; and

(5) representatives of nongovernmental entities.

(g) **ADVISORY PANEL.**—The Administrator may convene an ocean and coastal mapping advisory panel consisting of representatives from non-governmental entities to provide input regarding activities of the committee in consultation with the interagency committee.

SEC. 12204. BIENNIAL REPORTS.

No later than 18 months after the date of enactment of this Act, and biennially thereafter, the co-chairmen of the Committee shall transmit to the Committees on Commerce, Science, and Transportation and Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing progress made in implementing this subtitle, including—

(1) an inventory of ocean and coastal mapping data within the territorial sea and the exclusive economic zone and throughout the Continental Shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(5) a description of any products resulting from coordinated mapping efforts under this subtitle that improve public understanding of the coasts and oceans, or regulatory decisionmaking;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing, and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency, and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public;

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea;

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion;

(11) the status of efforts to coordinate Federal programs with coastal state and local government programs and leverage those programs;

(12) a description of efforts of Federal agencies to increase contracting with non-governmental entities; and

(13) an inventory and description of any new Federal or federally funded programs conducting shoreline delineation and ocean

or coastal mapping since the previous reporting cycle.

SEC. 12205. PLAN.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated ocean and coastal mapping initiative within the National Oceanic and Atmospheric Administration.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) identify and describe all ocean and coastal mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and ocean and coastal observations and science projects;

(2) establish priority mapping programs and establish and periodically update priorities for geographic areas in surveying and mapping across all missions of the National Oceanic and Atmospheric Administration, as well as minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative ocean and coastal mapping technologies and applications, through research and development through cooperative or other agreements with joint or cooperative research institutes or centers and with other non-governmental entities;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, coastal states, and non-governmental entities;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program;

(6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration that meets Federal mandates for data accuracy and accessibility and designate a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and coastal state programs; and

(7) set forth a timetable for implementation and completion of the plan, including a schedule for submission to the Congress of periodic progress reports and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall each be collocated with an institution of higher education. The centers shall serve as hydrographic centers of excellence and may conduct activities necessary to carry out the purposes of this subtitle, including—

(1) research and development of innovative ocean and coastal mapping technologies, equipment, and data products;

(2) mapping of the United States Outer Continental Shelf and other regions;

(3) data processing for nontraditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations, and ocean exploration; and

(5) providing graduate education and training in ocean and coastal mapping sciences for members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps, personnel of other agencies with ocean and coastal mapping programs, and civilian personnel.

(d) NOAA REPORT.—The Administrator shall continue developing a strategy for expanding contracting with non-governmental entities to minimize duplication and take maximum advantage of nongovernmental capabilities in fulfilling the Administration's mapping and charting responsibilities. Within 120 days after the date of enactment of this Act, the Administrator shall transmit a report describing the strategy developed under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

SEC. 12206. EFFECT ON OTHER LAWS.

Nothing in this subtitle shall be construed to supersede or alter the existing authorities of any Federal agency with respect to ocean and coastal mapping.

SEC. 12207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this subtitle—

(1) \$26,000,000 for fiscal year 2009;

(2) \$32,000,000 for fiscal year 2010;

(3) \$38,000,000 for fiscal year 2011; and

(4) \$45,000,000 for each of fiscal years 2012 through 2015.

(b) JOINT OCEAN AND COASTAL MAPPING CENTERS.—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 12205(c) of this subtitle:

(1) \$11,000,000 for fiscal year 2009.

(2) \$12,000,000 for fiscal year 2010.

(3) \$13,000,000 for fiscal year 2011.

(4) \$15,000,000 for each of fiscal years 2012 through 2015.

(c) COOPERATIVE AGREEMENTS.—To carry out interagency activities under section 12203 of this subtitle, the head of any department or agency may execute a cooperative agreement with the Administrator, including those authorized by section 5 of the Act of August 6, 1947 (33 U.S.C. 883e).

SEC. 12208. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COASTAL STATE.—The term “coastal state” has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).

(3) COMMITTEE.—The term “Committee” means the Interagency Ocean and Coastal Mapping Committee established by section 12203.

(4) EXCLUSIVE ECONOMIC ZONE.—The term “exclusive economic zone” means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(5) OCEAN AND COASTAL MAPPING.—The term “ocean and coastal mapping” means the acquisition, processing, and management of physical, biological, geological, chemical,

and archaeological characteristics and boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, direct sampling, and other mapping technologies.

(6) TERRITORIAL SEA.—The term “territorial sea” means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

(7) NONGOVERNMENTAL ENTITIES.—The term “nongovernmental entities” includes nongovernmental organizations, members of the academic community, and private sector organizations that provide products and services associated with measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite images, or other graphical or digital presentations depicting natural or manmade physical features, phenomena, and legal boundaries of the Earth.

(8) OUTER CONTINENTAL SHELF.—The term “Outer Continental Shelf” means all submerged lands lying seaward and outside of lands beneath navigable waters (as that term is defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Subtitle C—Integrated Coastal and Ocean Observation System Act of 2009

SEC. 12301. SHORT TITLE.

This subtitle may be cited as the “Integrated Coastal and Ocean Observation System Act of 2009”.

SEC. 12302. PURPOSES.

The purposes of this subtitle are to—

(1) establish a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of regional information coordination entities, and that includes in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, and is designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data to—

(A) support national defense, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach training and education;

(B) promote greater public awareness and stewardship of the Nation's ocean, coastal, and Great Lakes resources and the general public welfare; and

(C) enable advances in scientific understanding to support the sustainable use, conservation, management, and understanding of healthy ocean, coastal, and Great Lakes resources;

(2) improve the Nation's capability to measure, track, explain, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes; and

(3) authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean-atmosphere dynamics, global climate change, physical, chemical, and biological dynamics of the ocean, coastal and Great Lakes environments, and to conserve healthy and restore degraded coastal ecosystems.

SEC. 12303. DEFINITIONS.

In this subtitle:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary’s capacity as Administrator of the National Oceanic and Atmospheric Administration.

(2) **COUNCIL.**—The term “Council” means the National Ocean Research Leadership Council established by section 7902 of title 10, United States Code.

(3) **FEDERAL ASSETS.**—The term “Federal assets” means all relevant non-classified civilian coastal and ocean observations, technologies, and related modeling, research, data management, basic and applied technology research and development, and public education and outreach programs, that are managed by member agencies of the Council.

(4) **INTERAGENCY OCEAN OBSERVATION COMMITTEE.**—The term “Interagency Ocean Observation Committee” means the committee established under section 12304(c)(2).

(5) **NON-FEDERAL ASSETS.**—The term “non-Federal assets” means all relevant coastal and ocean observation technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed through States, regional organizations, universities, non-governmental organizations, or the private sector.

(6) **REGIONAL INFORMATION COORDINATION ENTITIES.**—

(A) **IN GENERAL.**—The term “regional information coordination entity” means an organizational body that is certified or established by contract or memorandum by the lead Federal agency designated in section 12304(c)(3) of this subtitle and coordinates State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.

(B) **CERTAIN INCLUDED ASSOCIATIONS.**—The term “regional information coordination entity” includes regional associations described in the System Plan.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration.

(8) **SYSTEM.**—The term “System” means the National Integrated Coastal and Ocean Observation System established under section 12304.

(9) **SYSTEM PLAN.**—The term “System Plan” means the plan contained in the document entitled “Ocean. US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan”, as updated by the Council under this subtitle.

SEC. 12304. INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.

(a) **ESTABLISHMENT.**—The President, acting through the Council, shall establish a Na-

tional Integrated Coastal and Ocean Observation System to fulfill the purposes set forth in section 12302 of this subtitle and the System Plan and to fulfill the Nation’s international obligations to contribute to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(b) **SYSTEM ELEMENTS.**—

(1) **IN GENERAL.**—In order to fulfill the purposes of this subtitle, the System shall be national in scope and consist of—

(A) Federal assets to fulfill national and international observation missions and priorities;

(B) non-Federal assets, including a network of regional information coordination entities identified under subsection (c)(4), to fulfill regional observation missions and priorities;

(C) data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the System;

(D) a research and development program conducted under the guidance of the Council, consisting of—

(i) basic and applied research and technology development to improve understanding of coastal and ocean systems and their relationships to human activities and to ensure improvement of operational assets and products, including related infrastructure, observing technologies, and information and data processing and management technologies; and

(ii) large scale computing resources and research to advance modeling of coastal and ocean processes.

(2) **ENHANCING ADMINISTRATION AND MANAGEMENT.**—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall support the purposes of this subtitle and may take appropriate actions to enhance internal agency administration and management to better support, integrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.

(3) **AVAILABILITY OF DATA.**—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data that are produced by that asset and that are not otherwise restricted for integration, management, and dissemination by the System.

(4) **NON-FEDERAL ASSETS.**—Non-Federal assets shall be coordinated, as appropriate, by the Interagency Ocean Observing Committee or by regional information coordination entities.

(c) **POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.**—

(1) **COUNCIL FUNCTIONS.**—The Council shall serve as the policy and coordination oversight body for all aspects of the System. In carrying out its responsibilities under this subtitle, the Council shall—

(A) approve and adopt comprehensive System budgets developed and maintained by the Interagency Ocean Observation Committee to support System operations, including operations of both Federal and non-Federal assets;

(B) ensure coordination of the System with other domestic and international earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems, and provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observing programs; and

(C) encourage coordinated intramural and extramural research and technology develop-

ment, and a process to transition developing technology and methods into operations of the System.

(2) **INTERAGENCY OCEAN OBSERVATION COMMITTEE.**—The Council shall establish or designate an Interagency Ocean Observation Committee which shall—

(A) prepare annual and long-term plans for consideration and approval by the Council for the integrated design, operation, maintenance, enhancement and expansion of the System to meet the objectives of this subtitle and the System Plan;

(B) develop and transmit to Congress at the time of submission of the President’s annual budget request an annual coordinated, comprehensive budget to operate all elements of the System identified in subsection (b), and to ensure continuity of data streams from Federal and non-Federal assets;

(C) establish required observation data variables to be gathered by both Federal and non-Federal assets and identify, in consultation with regional information coordination entities, priorities for System observations;

(D) establish protocols and standards for System data processing, management, and communication;

(E) develop contract certification standards and compliance procedures for all non-Federal assets, including regional information coordination entities, to establish eligibility for integration into the System and to ensure compliance with all applicable standards and protocols established by the Council, and ensure that regional observations are integrated into the System on a sustained basis;

(F) identify gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

(G) subject to the availability of appropriations, establish through one or more participating Federal agencies, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs—

(i) to promote intramural and extramural research and development of new, innovative, and emerging observation technologies including testing and field trials; and

(ii) to facilitate the migration of new, innovative, and emerging scientific and technological advances from research and development to operational deployment;

(H) periodically review and recommend to the Council, in consultation with the Administrator, revisions to the System Plan;

(I) ensure collaboration among Federal agencies participating in the activities of the Committee; and

(J) perform such additional duties as the Council may delegate.

(3) **LEAD FEDERAL AGENCY.**—The National Oceanic and Atmospheric Administration shall function as the lead Federal agency for the implementation and administration of the System, in consultation with the Council, the Interagency Ocean Observation Committee, other Federal agencies that maintain portions of the System, and the regional information coordination entities, and shall—

(A) establish an Integrated Ocean Observing Program Office within the National Oceanic and Atmospheric Administration utilizing to the extent necessary, personnel from member agencies participating on the Interagency Ocean Observation Committee, to oversee daily operations and coordination of the System;

(B) implement policies, protocols, and standards approved by the Council and delegated by the Interagency Ocean Observing Committee;

(C) promulgate program guidelines to certify and integrate non-Federal assets, including regional information coordination entities, into the System to provide regional coastal and ocean observation data that meet the needs of user groups from the respective regions;

(D) have the authority to enter into and oversee contracts, leases, grants or cooperative agreements with non-Federal assets, including regional information coordination entities, to support the purposes of this subtitle on such terms as the Administrator deems appropriate;

(E) implement a merit-based, competitive funding process to support non-Federal assets, including the development and maintenance of a network of regional information coordination entities, and develop and implement a process for the periodic review and evaluation of all non-Federal assets, including regional information coordination entities;

(F) provide opportunities for competitive contracts and grants for demonstration projects to design, develop, integrate, deploy, and support components of the System;

(G) establish efficient and effective administrative procedures for allocation of funds among contractors, grantees, and non-Federal assets, including regional information coordination entities in a timely manner, and contingent on appropriations according to the budget adopted by the Council;

(H) develop and implement a process for the periodic review and evaluation of regional information coordination entities;

(I) formulate an annual process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System are identified by the regional information coordination entities, the Administrator, or other members of the System and transmitted to the Interagency Ocean Observing Committee;

(J) develop and be responsible for a data management and communication system, in accordance with standards and protocols established by the Council, by which all data collected by the System regarding ocean and coastal waters of the United States including the Great Lakes, are processed, stored, integrated, and made available to all end-user communities;

(K) implement a program of public education and outreach to improve public awareness of global climate change and effects on the ocean, coastal, and Great Lakes environment;

(L) report annually to the Interagency Ocean Observing Committee on the accomplishments, operational needs, and performance of the System to contribute to the annual and long-term plans developed pursuant to subsection (c)(2)(A)(i); and

(M) develop a plan to efficiently integrate into the System new, innovative, or emerging technologies that have been demonstrated to be useful to the System and which will fulfill the purposes of this subtitle and the System Plan.

(4) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—To be certified or established under this subtitle, a regional information coordination entity shall be certified or established by contract or agreement by the Administrator, and shall agree to meet the certification standards and compliance procedure guidelines issued by the Administrator and information needs of user groups in the region while adhering to national standards and shall—

(i) demonstrate an organizational structure capable of gathering required System observation data, supporting and integrating all aspects of coastal and ocean observing and information programs within a region and that reflects the needs of State and local governments, commercial interests, and other users and beneficiaries of the System and other requirements specified under this subtitle and the System Plan;

(ii) identify gaps in observation coverage needs for capital improvements of Federal assets and non-Federal assets of the System, or other recommendations to assist in the development of the annual and long-term plans created pursuant to subsection (c)(2)(A)(i) and transmit such information to the Interagency Ocean Observing Committee via the Program Office;

(iii) develop and operate under a strategic operational plan that will ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System, pursuant to the standards approved by the Council;

(iv) work cooperatively with governmental and non-governmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the regional information coordination entities; and

(v) comply with all financial oversight requirements established by the Administrator, including requirements relating to audits.

(B) PARTICIPATION.—For the purposes of this subtitle, employees of Federal agencies may participate in the functions of the regional information coordination entities.

(d) SYSTEM ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Administrator shall establish or designate a System advisory committee, which shall provide advice as may be requested by the Administrator or the Interagency Ocean Observing Committee.

(2) PURPOSE.—The purpose of the System advisory committee is to advise the Administrator and the Interagency Ocean Observing Committee on—

(A) administration, operation, management, and maintenance of the System, including integration of Federal and non-Federal assets and data management and communication aspects of the System, and fulfillment of the purposes set forth in section 12302;

(B) expansion and periodic modernization and upgrade of technology components of the System;

(C) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and

(D) any other purpose identified by the Administrator or the Interagency Ocean Observing Committee.

(3) MEMBERS.—

(A) IN GENERAL.—The System advisory committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.

(B) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year

terms if the remainder of the unexpired term is less than 1 year.

(C) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the System advisory committee.

(D) APPOINTMENT.—Members of the System advisory committee shall be appointed as special Government employees for purposes of section 202(a) of title 18, United States Code.

(4) ADMINISTRATIVE PROVISIONS.—

(A) REPORTING.—The System advisory committee shall report to the Administrator and the Interagency Ocean Observing Committee, as appropriate.

(B) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the System advisory committee.

(C) MEETINGS.—The System advisory committee shall meet at least once each year, and at other times at the call of the Administrator, the Interagency Ocean Observing Committee, or the chairperson.

(D) COMPENSATION AND EXPENSES.—Members of the System advisory committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(E) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System advisory committee.

(e) CIVIL LIABILITY.—For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or regional information coordination entity incorporated into the System by contract, lease, grant, or cooperative agreement under subsection (c)(3)(D) that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or regional information coordination entity, while operating within the scope of his or her employment in carrying out the purposes of this subtitle, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) LIMITATION.—Nothing in this subtitle shall be construed to invalidate existing certifications, contracts, or agreements between regional information coordination entities and other elements of the System.

SEC. 12305. INTERAGENCY FINANCING AND AGREEMENTS.

(a) IN GENERAL.—To carry out interagency activities under this subtitle, the Secretary of Commerce may execute cooperative agreements, or any other agreements, with, and receive and expend funds made available by, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual.

(b) RECIPROCITY.—Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this subtitle and fulfillment of the System Plan.

SEC. 12306. APPLICATION WITH OTHER LAWS.

Nothing in this subtitle supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

SEC. 12307. REPORT TO CONGRESS.

(a) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act and every 2 years thereafter, the Administrator shall prepare and the President acting

through the Council shall approve and transmit to the Congress a report on progress made in implementing this subtitle.

(b) **CONTENTS.**—The report shall include—

(1) a description of activities carried out under this subtitle and the System Plan;

(2) an evaluation of the effectiveness of the System, including an evaluation of progress made by the Council to achieve the goals identified under the System Plan;

(3) identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies;

(4) a review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems;

(5) an assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of regional information coordination entities to coordinate regional observation operations;

(6) a description of benefits of the program to users of data products resulting from the System (including the general public, industries, scientists, resource managers, emergency responders, policy makers, and educators);

(7) recommendations concerning—

(A) modifications to the System; and

(B) funding levels for the System in subsequent fiscal years; and

(8) the results of a periodic external independent programmatic audit of the System.

SEC. 12308. PUBLIC-PRIVATE USE POLICY.

The Council shall develop a policy within 6 months after the date of the enactment of this Act that defines processes for making decisions about the roles of the Federal Government, the States, regional information coordination entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this section shall be construed to require changes in policy in effect on the date of enactment of this Act.

SEC. 12309. INDEPENDENT COST ESTIMATE.

Within 1 year after the date of enactment of this Act, the Interagency Ocean Observation Committee, through the Administrator and the Director of the National Science Foundation, shall obtain an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, operation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unbridged and without revision by the Administrator to Congress.

SEC. 12310. INTENT OF CONGRESS.

It is the intent of Congress that funding provided to agencies of the Council to implement this subtitle shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter into contracts or agreements for the development or procurement of new Federal assets

for the System that are estimated to be in excess of \$250,000,000 in life-cycle costs without first providing adequate notice to Congress and opportunity for review and comment.

SEC. 12311. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2009 through 2013 such sums as are necessary to fulfill the purposes of this subtitle and support activities identified in the annual coordinated System budget developed by the Interagency Ocean Observation Committee and submitted to the Congress.

Subtitle D—Federal Ocean Acidification Research and Monitoring Act of 2009

SEC. 12401. SHORT TITLE.

This subtitle may be cited as the “Federal Ocean Acidification Research And Monitoring Act of 2009” or the “FOARAM Act”.

SEC. 12402. PURPOSES.

(a) **PURPOSES.**—The purposes of this subtitle are to provide for—

(1) development and coordination of a comprehensive interagency plan to—

(A) monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems; and

(B) establish an interagency research and monitoring program on ocean acidification;

(2) establishment of an ocean acidification program within the National Oceanic and Atmospheric Administration;

(3) assessment and consideration of regional and national ecosystem and socioeconomic impacts of increased ocean acidification; and

(4) research adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

SEC. 12403. DEFINITIONS.

In this subtitle:

(1) **OCEAN ACIDIFICATION.**—The term “ocean acidification” means the decrease in pH of the Earth’s oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(3) **SUBCOMMITTEE.**—The term “Subcommittee” means the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council.

SEC. 12404. INTERAGENCY SUBCOMMITTEE.

(a) **DESIGNATION.**—

(1) **IN GENERAL.**—The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification and establish an interagency working group.

(2) **MEMBERSHIP.**—The interagency working group on ocean acidification shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

(3) **CHAIRMAN.**—The interagency working group shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

(b) **DUTIES.**—The Subcommittee shall—

(1) develop the strategic research and monitoring plan to guide Federal research on

ocean acidification required under section 12405 of this subtitle and oversee the implementation of the plan;

(2) oversee the development of—

(A) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and

(B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;

(3) facilitate communication and outreach opportunities with nongovernmental organizations and members of the stakeholder community with interests in marine resources;

(4) coordinate the United States Federal research and monitoring program with research and monitoring programs and scientists from other nations; and

(5) establish or designate an Ocean Acidification Information Exchange to make information on ocean acidification developed through or utilized by the interagency ocean acidification program accessible through electronic means, including information which would be useful to policymakers, researchers, and other stakeholders in mitigating or adapting to the impacts of ocean acidification.

(c) **REPORTS TO CONGRESS.**—

(1) **INITIAL REPORT.**—Not later than 1 year after the date of enactment of this Act, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that—

(A) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) describes the progress in developing the plan required under section 12405 of this subtitle.

(2) **BIENNIAL REPORT.**—Not later than 2 years after the delivery of the initial report under paragraph (1) and every 2 years thereafter, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Subcommittee under section 12405.

(3) **STRATEGIC RESEARCH PLAN.**—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall transmit the strategic research plan developed under section 12405 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

SEC. 12405. STRATEGIC RESEARCH PLAN.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall develop a strategic plan for Federal research and monitoring on ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems and the development of adaptation and mitigation strategies to conserve marine

organisms and marine ecosystems. In developing the plan, the Subcommittee shall consider and use information, reports, and studies of ocean acidification that have identified research and monitoring needed to better understand ocean acidification and its potential impacts, and recommendations made by the National Academy of Sciences in the review of the plan required under subsection (d).

(b) **CONTENTS OF THE PLAN.**—The plan shall—

(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve the understanding of ocean chemistry that will affect marine ecosystems;

(2) establish, for the 10-year period beginning in the year the plan is submitted, the goals and priorities for Federal research and monitoring which will—

(A) advance understanding of ocean acidification and its physical, chemical, and biological impacts on marine organisms and marine ecosystems;

(B) improve the ability to assess the socioeconomic impacts of ocean acidification; and

(C) provide information for the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems;

(3) describe specific activities, including—

- (A) efforts to determine user needs;
- (B) research activities;
- (C) monitoring activities;
- (D) technology and methods development;
- (E) data collection;
- (F) database development;
- (G) modeling activities;
- (H) assessment of ocean acidification impacts; and

(I) participation in international research efforts;

(4) identify relevant programs and activities of the Federal agencies that contribute to the interagency program directly and indirectly and set forth the role of each Federal agency in implementing the plan;

(5) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(6) make recommendations for the coordination of the ocean acidification research and monitoring activities of the United States with such activities of other nations and international organizations;

(7) outline budget requirements for Federal ocean acidification research and monitoring and assessment activities to be conducted by each agency under the plan;

(8) identify the monitoring systems and sampling programs currently employed in collecting data relevant to ocean acidification and prioritize additional monitoring systems that may be needed to ensure adequate data collection and monitoring of ocean acidification and its impacts; and

(9) describe specific activities designed to facilitate outreach and data and information exchange with stakeholder communities.

(c) **PROGRAM ELEMENTS.**—The plan shall include at a minimum the following program elements:

(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize—

- (A) marine ecosystems;
- (B) changes in marine productivity; and
- (C) changes in surface ocean chemistry.

(2) Research to understand the species specific physiological responses of marine orga-

nisms to ocean acidification, impacts on marine food webs of ocean acidification, and to develop environmental and ecological indices that track marine ecosystem responses to ocean acidification.

(3) Modeling to predict changes in the ocean carbon cycle as a function of carbon dioxide and atmosphere-induced changes in temperature, ocean circulation, biogeochemistry, ecosystem and terrestrial input, and modeling to determine impacts on marine ecosystems and individual marine organisms.

(4) Technology development and standardization of carbonate chemistry measurements on moorings and autonomous floats.

(5) Assessment of socioeconomic impacts of ocean acidification and development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems.

(d) **NATIONAL ACADEMY OF SCIENCES EVALUATION.**—The Secretary shall enter into an agreement with the National Academy of Sciences to review the plan.

(e) **PUBLIC PARTICIPATION.**—In developing the plan, the Subcommittee shall consult with representatives of academic, State, industry and environmental groups. Not later than 90 days before the plan, or any revision thereof, is submitted to the Congress, the plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 12406. NOAA OCEAN ACIDIFICATION ACTIVITIES.

(a) **IN GENERAL.**—The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to conduct research, monitoring, and other activities consistent with the strategic research and implementation plan developed by the Subcommittee under section 12405 that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global and national ocean observing assets, and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) as an integral part of the research programs described in this subtitle, educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) as an integral part of the research programs described in this subtitle, national public outreach activities to improve the understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based process for awarding grants that may be con-

ducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

(b) **ADDITIONAL AUTHORITY.**—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this subtitle on such terms as the Secretary considers appropriate.

SEC. 12407. NSF OCEAN ACIDIFICATION ACTIVITIES.

(a) **RESEARCH ACTIVITIES.**—The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research and monitoring of ocean acidification and its impacts, including—

(1) impacts on marine organisms and marine ecosystems;

(2) impacts on ocean, coastal, and estuarine biogeochemistry; and

(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts.

(b) **CONSISTENCY.**—The research activities shall be consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) **COORDINATION.**—The Director shall encourage coordination of the Foundation's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12408. NASA OCEAN ACIDIFICATION ACTIVITIES.

(a) **OCEAN ACIDIFICATION ACTIVITIES.**—The Administrator of the National Aeronautics and Space Administration, in coordination with other relevant agencies, shall ensure that space-based monitoring assets are used in as productive a manner as possible for monitoring of ocean acidification and its impacts.

(b) **PROGRAM CONSISTENCY.**—The Administrator shall ensure that the Agency's research and monitoring activities on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) **COORDINATION.**—The Administrator shall encourage coordination of the Agency's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12409. AUTHORIZATION OF APPROPRIATIONS.

(a) **NOAA.**—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the purposes of this subtitle—

- (1) \$8,000,000 for fiscal year 2009;
- (2) \$12,000,000 for fiscal year 2010;
- (3) \$15,000,000 for fiscal year 2011; and
- (4) \$20,000,000 for fiscal year 2012.

(b) **NSF.**—There are authorized to be appropriated to the National Science Foundation to carry out the purposes of this subtitle—

- (1) \$6,000,000 for fiscal year 2009;
- (2) \$8,000,000 for fiscal year 2010;
- (3) \$12,000,000 for fiscal year 2011; and
- (4) \$15,000,000 for fiscal year 2012.

Subtitle E—Coastal and Estuarine Land Conservation Program

SEC. 12501. SHORT TITLE.

This Act may be cited as the “Coastal and Estuarine Land Conservation Program Act”.

SEC. 12502. AUTHORIZATION OF COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by inserting after section 307 the following new section:

“AUTHORIZATION OF THE COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM

“SEC. 307A. (a) IN GENERAL.—The Secretary may conduct a Coastal and Estuarine Land Conservation Program, in cooperation with appropriate State, regional, and other units of government, for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses or could be managed or restored to effectively conserve, enhance, or restore ecological function. The program shall be administered by the National Ocean Service of the National Oceanic and Atmospheric Administration through the Office of Ocean and Coastal Resource Management.

“(b) PROPERTY ACQUISITION GRANTS.—The Secretary shall make grants under the program to coastal states with approved coastal zone management plans or National Estuarine Research Reserve units for the purpose of acquiring property or interests in property described in subsection (a) that will further the goals of—

“(1) a Coastal Zone Management Plan or Program approved under this title;

“(2) a National Estuarine Research Reserve management plan;

“(3) a regional or State watershed protection or management plan involving coastal states with approved coastal zone management programs; or

“(4) a State coastal land acquisition plan that is consistent with an approved coastal zone management program.

“(c) GRANT PROCESS.—The Secretary shall allocate funds to coastal states or National Estuarine Research Reserves under this section through a competitive grant process in accordance with guidelines that meet the following requirements:

“(1) The Secretary shall consult with the coastal state's coastal zone management program, any National Estuarine Research Reserve in that State, and the lead agency designated by the Governor for coordinating the implementation of this section (if different from the coastal zone management program).

“(2) Each participating coastal state, after consultation with local governmental entities and other interested stakeholders, shall identify priority conservation needs within the State, the values to be protected by inclusion of lands in the program, and the threats to those values that should be avoided.

“(3) Each participating coastal state shall to the extent practicable ensure that the acquisition of property or easements shall complement working waterfront needs.

“(4) The applicant shall identify the values to be protected by inclusion of the lands in the program, management activities that are planned and the manner in which they may affect the values identified, and any other information from the landowner relevant to administration and management of the land.

“(5) Awards shall be based on demonstrated need for protection and ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other gov-

ernmental units, landowners, corporations, or private organizations.

“(6) The governor, or the lead agency designated by the governor for coordinating the implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that the application is consistent with the State's or territory's approved coastal zone plan, program, and policies prior to submittal to the Secretary.

“(7)(A) Priority shall be given to lands described in subsection (a) that can be effectively managed and protected and that have significant ecological value.

“(B) Of the projects that meet the standard in subparagraph (A), priority shall be given to lands that—

“(i) are under an imminent threat of conversion to a use that will degrade or otherwise diminish their natural, undeveloped, or recreational state; and

“(ii) serve to mitigate the adverse impacts caused by coastal population growth in the coastal environment.

“(8) In developing guidelines under this section, the Secretary shall consult with coastal states, other Federal agencies, and other interested stakeholders with expertise in land acquisition and conservation procedures.

“(9) Eligible coastal states or National Estuarine Research Reserves may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

“(10) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program's effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.

“(d) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS.—

“(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be the result of a forced taking under this section. Nothing in this section requires a private property owner to participate in the program under this section.

“(2) Any interest in land, including any easement, acquired with a grant under this section shall not be considered to create any new liability, or have any effect on liability under any other law, of any private property owner with respect to any person injured on the private property.

“(3) Nothing in this section requires a private property owner to provide access (including Federal, State, or local government access) to or use of private property unless such property or an interest in such property (including a conservation easement) has been purchased with funds made available under this section.

“(e) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title modifies the authority of Federal, State, or local governments to regulate land use.

“(f) MATCHING REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary may not make a grant under the program unless the Federal funds are matched by non-Federal funds in accordance with this subsection.

“(2) COST SHARE REQUIREMENT.—

“(A) IN GENERAL.—Grant funds under the program shall require a 100 percent match from other non-Federal sources.

“(B) WAIVER OF REQUIREMENT.—The Secretary may grant a waiver of subparagraph (A) for underserved communities, communities that have an inability to draw on other sources of funding because of the small

population or low income of the community, or for other reasons the Secretary deems appropriate and consistent with the purposes of the program.

“(3) OTHER FEDERAL FUNDS.—Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

“(4) SOURCE OF MATCHING COST SHARE.—For purposes of paragraph (2)(A), the non-Federal cost share for a project may be determined by taking into account the following:

“(A) The value of land or a conservation easement may be used by a project applicant as non-Federal match, if the Secretary determines that—

“(i) the land meets the criteria set forth in section 2(b) and is acquired in the period beginning 3 years before the date of the submission of the grant application and ending 3 years after the date of the award of the grant;

“(ii) the value of the land or easement is held by a non-governmental organization included in the grant application in perpetuity for conservation purposes of the program; and

“(iii) the land or easement is connected either physically or through a conservation planning process to the land or easement that would be acquired.

“(B) The appraised value of the land or conservation easement at the time of the grant closing will be considered and applied as the non-Federal cost share.

“(C) Costs associated with land acquisition, land management planning, remediation, restoration, and enhancement may be used as non-Federal match if the activities are identified in the plan and expenses are incurred within the period of the grant award, or, for lands described in (A), within the same time limits described therein. These costs may include either cash or in-kind contributions.

“(g) RESERVATION OF FUNDS FOR NATIONAL ESTUARINE RESEARCH RESERVE SITES.—No less than 15 percent of funds made available under this section shall be available for acquisitions benefitting National Estuarine Research Reserves.

“(h) LIMIT ON ADMINISTRATIVE COSTS.—No more than 5 percent of the funds made available to the Secretary under this section shall be used by the Secretary for planning or administration of the program. The Secretary shall provide a report to Congress with an account of all expenditures under this section for fiscal year 2009 and triennially thereafter.

“(i) TITLE AND MANAGEMENT OF ACQUIRED PROPERTY.—If any property is acquired in whole or in part with funds made available through a grant under this section, the grant recipient shall provide—

“(1) such assurances as the Secretary may require that—

“(A) the title to the property will be held by the grant recipient or another appropriate public agency designated by the recipient in perpetuity;

“(B) the property will be managed in a manner that is consistent with the purposes for which the land entered into the program and shall not convert such property to other uses; and

“(C) if the property or interest in land is sold, exchanged, or divested, funds equal to the current value will be returned to the

Secretary in accordance with applicable Federal law for redistribution in the grant process; and

“(2) certification that the property (including any interest in land) will be acquired from a willing seller.

“(j) REQUIREMENT FOR PROPERTY USED FOR NON-FEDERAL MATCH.—If the grant recipient elects to use any land or interest in land held by a non-governmental organization as a non-Federal match under subsection (g), the grant recipient must to the Secretary's satisfaction demonstrate in the grant application that such land or interest will satisfy the same requirements as the lands or interests in lands acquired under the program.

“(k) DEFINITIONS.—In this section:

“(1) CONSERVATION EASEMENT.—The term ‘conservation easement’ includes an easement or restriction, recorded deed, or a reserve interest deed where the grantee acquires all rights, title, and interest in a property, that do not conflict with the goals of this section except those rights, title, and interests that may run with the land that are expressly reserved by a grantor and are agreed to at the time of purchase.

“(2) INTEREST IN PROPERTY.—The term ‘interest in property’ includes a conservation easement.

“(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$60,000,000 for each of fiscal years 2009 through 2013.”.

TITLE XIII—MISCELLANEOUS

SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH DAKOTA TRUST FUNDS.

(a) NORTH DAKOTA TRUST FUNDS.—The Act of February 22, 1889 (25 Stat. 676, chapter 180), is amended by adding at the end the following:

“SEC. 26. NORTH DAKOTA TRUST FUNDS.

“(a) DISPOSITION.—Notwithstanding section 11, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of public land are deposited under this Act (referred to in this section as the ‘trust fund’)—

“(1) deposit all revenues earned by a trust fund into the trust fund;

“(2) deduct the costs of administering a trust fund from each trust fund; and

“(3) manage each trust fund to—

“(A) preserve the purchasing power of the trust fund; and

“(B) maintain stable distributions to trust fund beneficiaries.

“(b) DISTRIBUTIONS.—Notwithstanding section 11, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

“(c) MANAGEMENT OF PROCEEDS.—Notwithstanding section 13, the State of North Dakota shall manage the proceeds referred to in that section in accordance with subsections (a) and (b).

“(d) MANAGEMENT OF LAND AND PROCEEDS.—Notwithstanding sections 14 and 16, the State of North Dakota shall manage the land granted under that section, including any proceeds from the land, and make distributions in accordance with subsections (a) and (b).”.

(b) MANAGEMENT AND DISTRIBUTION OF MORRILL ACT GRANTS.—The Act of July 2, 1862 (commonly known as the “First Morrill Act”) (7 U.S.C. 301 et seq.), is amended by adding at the end the following:

“SEC. 9. LAND GRANTS IN THE STATE OF NORTH DAKOTA.

“(a) EXPENSES.—Notwithstanding section 3, the State of North Dakota shall manage

the land granted to the State under the first section, including any proceeds from the land, in accordance with this section.

“(b) DISPOSITION OF PROCEEDS.—Notwithstanding section 4, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of land under this Act are deposited (referred to in this section as the ‘trust fund’)—

“(1) deposit all revenues earned by a trust fund into the trust fund;

“(2) deduct the costs of administering a trust fund from each trust fund; and

“(3) manage each trust fund to—

“(A) preserve the purchasing power of the trust fund; and

“(B) maintain stable distributions to trust fund beneficiaries.

“(c) DISTRIBUTIONS.—Notwithstanding section 4, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

“(d) MANAGEMENT.—Notwithstanding section 5, the State of North Dakota shall manage the land granted under the first section, including any proceeds from the land, in accordance with this section.”.

(c) CONSENT OF CONGRESS.—Effective July 1, 2009, Congress consents to the amendments to the Constitution of North Dakota proposed by House Concurrent Resolution No. 3037 of the 59th Legislature of the State of North Dakota entitled “A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of North Dakota, relating to distributions from and the management of the common schools trust fund and the trust funds of other educational or charitable institutions; and to provide a contingent effective date” and approved by the voters of the State of North Dakota on November 7, 2006.

SEC. 13002. AMENDMENTS TO THE FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000.

(a) PRIORITY PROJECTS.—Section 3(c)(3) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended by striking “\$5,000,000” and inserting “\$2,500,000”.

(b) COST SHARING.—Section 7(c) of Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended—

(1) by striking “The value” and inserting the following:

“(1) IN GENERAL.—The value”; and

(2) by adding at the end the following:

“(2) BONNEVILLE POWER ADMINISTRATION.—

“(A) IN GENERAL.—The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided to the Secretary by the Administrator of the Bonneville Power Administration.

“(B) NON-FEDERAL SHARE.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the Program shall be credited toward the non-Federal share of the costs of the project.”.

(c) REPORT.—Section 9 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended—

(1) by inserting “any” before “amounts are made”; and

(2) by inserting after “Secretary shall” the following: “, after partnering with local governmental entities and the States in the Pacific Ocean drainage area.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the Fisheries Restoration and

Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended—

(1) in subsection (a), by striking “2001 through 2005” and inserting “2009 through 2015”; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) ADMINISTRATIVE EXPENSES.—

“(A) DEFINITION OF ADMINISTRATIVE EXPENSE.—In this paragraph, the term ‘administrative expense’ means, except as provided in subparagraph (B)(iii)(II), any expenditure relating to—

“(i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

“(ii) the review, processing, and provision of applications for funding under the Program.

“(B) LIMITATION.—

“(i) IN GENERAL.—Not more than 6 percent of amounts made available to carry out this Act for each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

“(ii) FEDERAL AND STATE SHARES.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

“(I) 50 percent shall be provided to the State agencies provided assistance under the Program; and

“(II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

“(iii) STATE EXPENSES.—Amounts made available to States for administrative expenses under clause (i)—

“(I) shall be divided evenly among all States provided assistance under the Program; and

“(II) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with—

“(aa) arranging meetings to promote the Program to potential applicants;

“(bb) assisting applicants with the preparation of applications for funding under the Program; and

“(cc) visiting construction sites to provide technical assistance, if requested by the applicant.”.

SEC. 13003. AMENDMENTS TO THE ALASKA NATURAL GAS PIPELINE ACT.

Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following:

“(3) the validity of any determination, permit, approval, authorization, review, or other related action taken under any provision of law relating to a gas transportation project constructed and operated in accordance with section 103, including—

“(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’);

“(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

“(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(D) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

“(E) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).”.

SEC. 13004. ADDITIONAL ASSISTANT SECRETARY FOR DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42

U.S.C. 7133(a)) is amended in the first sentence by striking "7 Assistant Secretaries" and inserting "8 Assistant Secretaries".

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Energy (7)" and inserting "Assistant Secretaries of Energy (8)".

SEC. 13005. LOVELACE RESPIRATORY RESEARCH INSTITUTE.

(a) DEFINITIONS.—In this section:

(1) INSTITUTE.—The term "Institute" means the Lovelace Respiratory Research Institute, a nonprofit organization chartered under the laws of the State of New Mexico.

(2) MAP.—The term "map" means the map entitled "Lovelace Respiratory Research Institute Land Conveyance" and dated March 18, 2008.

(3) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of Energy, with respect to matters concerning the Department of Energy;

(B) the Secretary of the Interior, with respect to matters concerning the Department of the Interior; and

(C) the Secretary of the Air Force, with respect to matters concerning the Department of the Air Force.

(4) SECRETARY OF ENERGY.—The term "Secretary of Energy" means the Secretary of Energy, acting through the Administrator for the National Nuclear Security Administration.

(b) CONVEYANCE OF LAND.—

(1) IN GENERAL.—Notwithstanding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and subject to valid existing rights and this section, the Secretary of Energy, in consultation with the Secretary of the Interior and the Secretary of the Air Force, may convey to the Institute, on behalf of the United States, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) for research, scientific, or educational use.

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1)—

(A) is the approximately 135 acres of land identified as "Parcel A" on the map;

(B) includes any improvements to the land described in subparagraph (A); and

(C) excludes any portion of the utility system and infrastructure reserved by the Secretary of the Air Force under paragraph (4).

(3) OTHER FEDERAL AGENCIES.—The Secretary of the Interior and the Secretary of the Air Force shall complete any real property actions, including the revocation of any Federal withdrawals of the parcel conveyed under paragraph (1) and the parcel described in subsection (c)(1), that are necessary to allow the Secretary of Energy to—

(A) convey the parcel under paragraph (1); or

(B) transfer administrative jurisdiction under subsection (c).

(4) RESERVATION OF UTILITY INFRASTRUCTURE AND ACCESS.—The Secretary of the Air Force may retain ownership and control of—

(A) any portions of the utility system and infrastructure located on the parcel conveyed under paragraph (1); and

(B) any rights of access determined to be necessary by the Secretary of the Air Force to operate and maintain the utilities on the parcel.

(5) RESTRICTIONS ON USE.—

(A) AUTHORIZED USES.—The Institute shall allow only research, scientific, or educational uses of the parcel conveyed under paragraph (1).

(B) REVERSION.—

(i) IN GENERAL.—If, at any time, the Secretary of Energy, in consultation with the Secretary of the Air Force, determines, in accordance with clause (ii), that the parcel conveyed under paragraph (1) is not being used for a purpose described in subparagraph (A)—

(I) all right, title, and interest in and to the entire parcel, or any portion of the parcel not being used for the purposes, shall revert, at the option of the Secretary, to the United States; and

(II) the United States shall have the right of immediate entry onto the parcel.

(ii) REQUIREMENTS FOR DETERMINATION.—Any determination of the Secretary under clause (i) shall be made on the record and after an opportunity for a hearing.

(6) COSTS.—

(A) IN GENERAL.—The Secretary of Energy shall require the Institute to pay, or reimburse the Secretary concerned, for any costs incurred by the Secretary concerned in carrying out the conveyance under paragraph (1), including any survey costs related to the conveyance.

(B) REFUND.—If the Secretary concerned collects amounts under subparagraph (A) from the Institute before the Secretary concerned incurs the actual costs, and the amount collected exceeds the actual costs incurred by the Secretary concerned to carry out the conveyance, the Secretary concerned shall refund to the Institute an amount equal to difference between—

(i) the amount collected by the Secretary concerned; and

(ii) the actual costs incurred by the Secretary concerned.

(C) DEPOSIT IN FUND.—

(i) IN GENERAL.—Amounts received by the United States under this paragraph as a reimbursement or recovery of costs incurred by the Secretary concerned to carry out the conveyance under paragraph (1) shall be deposited in the fund or account that was used to cover the costs incurred by the Secretary concerned in carrying out the conveyance.

(ii) USE.—Any amounts deposited under clause (i) shall be available for the same purposes, and subject to the same conditions and limitations, as any other amounts in the fund or account.

(7) CONTAMINATED LAND.—In consideration for the conveyance of the parcel under paragraph (1), the Institute shall—

(A) take fee title to the parcel and any improvements to the parcel, as contaminated;

(B) be responsible for undertaking and completing all environmental remediation required at, in, under, from, or on the parcel for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents, in the same manner and to the same extent as required by law applicable to privately owned facilities, regardless of the date of the contamination or the responsible party;

(C) indemnify the United States for—

(i) any environmental remediation or response costs the United States reasonably incurs if the Institute fails to remediate the parcel; or

(ii) contamination at, in, under, from, or on the land, for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents;

(D) indemnify, defend, and hold harmless the United States from any damages, costs, expenses, liabilities, fines, penalties, claim, or demand for loss, including claims for

property damage, personal injury, or death resulting from releases, discharges, emissions, spills, storage, disposal, or any other acts or omissions by the Institute and any officers, agents, employees, contractors, sublessees, licensees, successors, assigns, or invitees of the Institute arising from activities conducted, on or after October 1, 1996, on the parcel conveyed under paragraph (1); and

(E) reimburse the United States for all legal and attorney fees, costs, and expenses incurred in association with the defense of any claims described in subparagraph (D).

(8) CONTINGENT ENVIRONMENTAL RESPONSE OBLIGATIONS.—If the Institute does not undertake or complete environmental remediation as required by paragraph (7) and the United States is required to assume the responsibilities of the remediation, the Secretary of Energy shall be responsible for conducting any necessary environmental remediation or response actions with respect to the parcel conveyed under paragraph (1).

(9) NO ADDITIONAL COMPENSATION.—Except as otherwise provided in this section, no additional consideration shall be required for conveyance of the parcel to the Institute under paragraph (1).

(10) ACCESS AND UTILITIES.—On conveyance of the parcel under paragraph (1), the Secretary of the Air Force shall, on behalf of the United States and subject to any terms and conditions as the Secretary determines to be necessary (including conditions providing for the reimbursement of costs), provide the Institute with—

(A) access for employees and invitees of the Institute across Kirtland Air Force Base to the parcel conveyed under that paragraph; and

(B) access to utility services for the land and any improvements to the land conveyed under that paragraph.

(11) ADDITIONAL TERM AND CONDITIONS.—The Secretary of Energy, in consultation with the Secretary of the Interior and Secretary of the Air Force, may require any additional terms and conditions for the conveyance under paragraph (1) that the Secretaries determine to be appropriate to protect the interests of the United States.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—After the conveyance under subsection (b)(1) has been completed, the Secretary of Energy shall, on request of the Secretary of the Air Force, transfer to the Secretary of the Air Force administrative jurisdiction over the parcel of approximately 7 acres of land identified as "Parcel B" on the map, including any improvements to the parcel.

(2) REMOVAL OF IMPROVEMENTS.—In concurrence with the transfer under paragraph (1), the Secretary of Energy shall, on request of the Secretary of the Air Force, arrange and pay for removal of any improvements to the parcel transferred under that paragraph.

SEC. 13006. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TROPICAL BOTANICAL GARDEN.

Chapter 1535 of title 36, United States Code, is amended by adding at the end the following:

"§ 153514. Authorization of appropriations

"(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the corporation for operation and maintenance expenses \$500,000 for each of fiscal years 2008 through 2017.

"(b) LIMITATION.—Any Federal funds made available under subsection (a) shall be matched on a 1-to-1 basis by non-Federal funds."

TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT

SEC. 14001. SHORT TITLE.

This title may be cited as the “Christopher and Dana Reeve Paralysis Act”.

Subtitle A—Paralysis Research

SEC. 14101. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON PARALYSIS.

(a) **COORDINATION.**—The Director of the National Institutes of Health (referred to in this title as the “Director”), pursuant to the general authority of the Director, may develop mechanisms to coordinate the paralysis research and rehabilitation activities of the Institutes and Centers of the National Institutes of Health in order to further advance such activities and avoid duplication of activities.

(b) **CHRISTOPHER AND DANA REEVE PARALYSIS RESEARCH CONSORTIA.**—

(1) **IN GENERAL.**—The Director may make awards of grants to public or private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium funded through such grants as a Christopher and Dana Reeve Paralysis Research Consortium.

(2) **RESEARCH.**—Each consortium under paragraph (1)—

(A) may conduct basic, translational, and clinical paralysis research;

(B) may focus on advancing treatments and developing therapies in paralysis research;

(C) may focus on one or more forms of paralysis that result from central nervous system trauma or stroke;

(D) may facilitate and enhance the dissemination of clinical and scientific findings; and

(E) may replicate the findings of consortia members or other researchers for scientific and translational purposes.

(3) **COORDINATION OF CONSORTIA; REPORTS.**—The Director may, as appropriate, provide for the coordination of information among consortia under paragraph (1) and ensure regular communication among members of the consortia, and may require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

(4) **ORGANIZATION OF CONSORTIA.**—Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director.

(c) **PUBLIC INPUT.**—The Director may provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from the public regarding such programs and activities.

Subtitle B—Paralysis Rehabilitation Research and Care

SEC. 14201. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS.

(a) **IN GENERAL.**—The Director, pursuant to the general authority of the Director, may make awards of grants to public or private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation

intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders, or stroke, or any combination of such conditions.

(b) **RESEARCH.**—A multicenter network of clinical sites funded through this section may—

(1) focus on areas of key scientific concern, including—

(A) improving functional mobility;

(B) promoting behavioral adaptation to functional losses, especially to prevent secondary complications;

(C) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies;

(D) developing improved assistive technology to improve function and independence; and

(E) understanding whole body system responses to physical impairments, disabilities, and societal and functional limitations; and

(2) replicate the findings of network members or other researchers for scientific and translation purposes.

(c) **COORDINATION OF CLINICAL TRIALS NETWORKS; REPORTS.**—The Director may, as appropriate, provide for the coordination of information among networks funded through this section and ensure regular communication among members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director.

Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities

SEC. 14301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.

(a) **IN GENERAL.**—The Secretary of Health and Human Services (in this subtitle referred to as the “Secretary”) may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) **CERTAIN ACTIVITIES.**—Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency, and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Disability and Health Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community-based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, the establishment of a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions; and

(4) the replication and translation of best practices and the sharing of information across States, as well as the development of comprehensive, unique, and innovative programs, services, and demonstrations within

existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) promoting proper nutrition, increasing physical activity, and reducing tobacco use;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home- and community-based interventions;

(F) coordinating services and removing barriers that prevent full participation and integration into the community; and

(G) recognizing the unique needs of underserved populations.

(c) **GRANTS.**—The Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with State-based disability and health programs.

(d) **COORDINATION OF ACTIVITIES.**—The Secretary shall ensure that activities under this section are coordinated as appropriate by the agencies of the Department of Health and Human Services.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there is authorized to be appropriated \$25,000,000 for each of fiscal years 2008 through 2011.

TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION

SEC. 15101. LABORATORY AND SUPPORT SPACE, EDGEWATER, MARYLAND.

(a) **AUTHORITY TO DESIGN AND CONSTRUCT.**—The Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section a total of \$41,000,000 for fiscal years 2009 through 2011. Such sums shall remain available until expended.

SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.

(a) **AUTHORITY TO CONSTRUCT.**—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section a total of \$14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

SEC. 15103. CONSTRUCTION OF GREENHOUSE FACILITY.

(a) **IN GENERAL.**—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$12,000,000 to carry out this section. Such sums shall remain available until expended.

NOTICE OF HEARING**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, March 24, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Thomas Strickland, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET**COMMITTEE ON ARMED SERVICES**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 17, 2008. At 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet

during the session of the Senate on March 17, 2009 at 10 a.m. to conduct a hearing entitled "Perspectives on Modernizing Insurance Regulation."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, March 17, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, March 17, 2009 at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 17, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs be authorized to meet during the session of the Senate, to conduct a hearing entitled "Law Enforcement Responses to Mexican Drug Cartels" on Tuesday, March 17, 2009, at 10:30 a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MERKLEY. Mr. President, as in executive session, I ask unanimous consent that on Wednesday, March 18, following the period of morning business, the Senate proceed to executive session to consider Calendar No. 24, the nomination of Ronald Kirk to be U.S. Trade Representative; that there be up to 90 minutes of debate with respect to the nomination, with the time divided as follows: 30 minutes under the control of the majority and 60 minutes under the control of the Republicans; that upon the use or yielding back of time, the vote on confirmation of the nomination occur at a time to be determined by the majority leader, following consultation with the Republican leader, and that upon confirmation, the motion to reconsider be laid

upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL TEMPORARY EXTENSIONS OF THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1541, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1541) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1541) was ordered to a third reading, was read the third time, and passed.

REAUTHORIZING AND IMPROVING THE FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT OF 2009

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 30, S. 303.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 303) to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 303) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Financial Assistance Management Improvement Act of 2009".

SEC. 2. REAUTHORIZATION.

Section 11 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) in the section heading, by striking “**AND SUNSET**”; and

(2) by striking “and shall cease to be effective 8 years after such date of enactment”.

SEC. 3. WEBSITE RELATING TO FEDERAL GRANTS.

Section 6 of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(2) by inserting after subsection (d) the following:

“(e) **WEBSITE RELATING TO FEDERAL GRANTS.**—

“(1) **IN GENERAL.**—The Director shall establish and maintain a public website that serves as a central point of information and access for applicants for Federal grants.

“(2) **CONTENTS.**—To the maximum extent possible, the website established under this subsection shall include, at a minimum, for each Federal grant—

“(A) the grant announcement;

“(B) the statement of eligibility relating to the grant;

“(C) the application requirements for the grant;

“(D) the purposes of the grant;

“(E) the Federal agency funding the grant; and

“(F) the deadlines for applying for and awarding of the grant.

“(3) **USE BY APPLICANTS.**—The website established under this subsection shall, to the greatest extent practical, allow grant applicants to—

“(A) search the website for all Federal grants by type, purpose, funding agency, program source, and other relevant criteria;

“(B) apply for a Federal grant using the website;

“(C) manage, track, and report on the use of Federal grants using the website; and

“(D) provide all required certifications and assurances for a Federal grant using the website.”; and

(3) in subsection (g), as so redesignated, by striking “All actions” and inserting “Except for actions relating to establishing the website required under subsection (e), all actions”.

SEC. 4. REPORT ON IMPLEMENTATION.

The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by striking section 7 and inserting the following:

“SEC. 7. EVALUATION OF IMPLEMENTATION.

“(a) **IN GENERAL.**—Not later than 9 months after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, and every 2 years thereafter until the date that is 15 years after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, the Director shall submit to Congress a report regarding the implementation of this Act.

“(b) **CONTENTS.**—

“(1) **IN GENERAL.**—Each report under subsection (a) shall include, for the applicable period—

“(A) a list of all grants for which an applicant may submit an application using the website established under section 6(e);

“(B) a list of all Federal agencies that provide Federal financial assistance to non-Federal entities;

“(C) a list of each Federal agency that has complied, in whole or in part, with the requirements of this Act;

“(D) for each Federal agency listed under subparagraph (C), a description of the extent of the compliance with this Act by the Federal agency;

“(E) a list of all Federal agencies exempted under section 6(d);

“(F) for each Federal agency listed under subparagraph (E)—

“(i) an explanation of why the Federal agency was exempted; and

“(ii) a certification that the basis for the exemption of the Federal agency is still applicable;

“(G) a list of all common application forms that have been developed that allow non-Federal entities to apply, in whole or in part, for multiple Federal financial assistance programs (including Federal financial assistance programs administered by different Federal agencies) through a single common application;

“(H) a list of all common forms and requirements that have been developed that allow non-Federal entities to report, in whole or in part, on the use of funding from multiple Federal financial assistance programs (including Federal financial assistance programs administered by different Federal agencies);

“(I) a description of the efforts made by the Director and Federal agencies to communicate and collaborate with representatives of non-Federal entities during the implementation of the requirements under this Act;

“(J) a description of the efforts made by the Director to work with Federal agencies to meet the goals of this Act, including a description of working groups or other structures used to coordinate Federal efforts to meet the goals of this Act; and

“(K) identification and description of all systems being used to disburse Federal financial assistance to non-Federal entities.

“(2) **SUBSEQUENT REPORTS.**—The second report submitted under subsection (a), and each subsequent report submitted under subsection (a), shall include—

“(A) a discussion of the progress made by the Federal Government in meeting the goals of this Act, including the amendments made by the Federal Financial Assistance Management Improvement Act of 2009, and in implementing the strategic plan submitted under section 8, including an evaluation of the progress of each Federal agency that has not received an exemption under section 6(d) towards implementing the strategic plan; and

“(B) a compilation of the reports submitted under section 8(c)(3) during the applicable period.

“(c) **DEFINITION OF APPLICABLE PERIOD.**—In this section, the term ‘applicable period’ means—

“(1) for the first report submitted under subsection (a), the most recent full fiscal year before the date of the report; and

“(2) for the second report submitted under subsection (a), and each subsequent report submitted under subsection (a), the period beginning on the date on which the most recent report under subsection (a) was submitted and ending on the date of the report.”.

SEC. 5. STRATEGIC PLAN.

(a) **IN GENERAL.**—The Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended—

(1) by redesignating sections 8, 9, 10, and 11 as sections 9, 10, 11, and 12, respectively; and

(2) by inserting after section 7, as amended by this Act, the following:

“SEC. 8. STRATEGIC PLAN.

“(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of the

Federal Financial Assistance Management Improvement Act of 2009, the Director shall submit to Congress a strategic plan that—

“(1) identifies Federal financial assistance programs that are suitable for common applications based on the common or similar purposes of the Federal financial assistance;

“(2) identifies Federal financial assistance programs that are suitable for common reporting forms or requirements based on the common or similar purposes of the Federal financial assistance;

“(3) identifies common aspects of multiple Federal financial assistance programs that are suitable for common application or reporting forms or requirements;

“(4) identifies changes in law, if any, needed to achieve the goals of this Act; and

“(5) provides plans, timelines, and cost estimates for—

“(A) developing an entirely electronic, web-based process for managing Federal financial assistance, including the ability to—

“(i) apply for Federal financial assistance;

“(ii) track the status of applications for and payments of Federal financial assistance;

“(iii) report on the use of Federal financial assistance, including how such use has been in furtherance of the objectives or purposes of the Federal financial assistance; and

“(iv) provide required certifications and assurances;

“(B) ensuring full compliance by Federal agencies with the requirements of this Act, including the amendments made by the Federal Financial Assistance Management Improvement Act of 2009;

“(C) creating common applications for the Federal financial assistance programs identified under paragraph (1), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

“(D) establishing common financial and performance reporting forms and requirements for the Federal financial assistance programs identified under paragraph (2), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

“(E) establishing common applications and financial and performance reporting forms and requirements for aspects of the Federal financial assistance programs identified under paragraph (3), regardless of whether the Federal financial assistance programs are administered by different Federal agencies;

“(F) developing mechanisms to ensure compatibility between Federal financial assistance administration systems and State systems to facilitate the importing and exporting of data;

“(G) developing common certifications and assurances, as appropriate, for all Federal financial assistance programs that have common or similar purposes, regardless of whether the Federal financial assistance programs are administered by different Federal agencies; and

“(H) minimizing the number of different systems used to disburse Federal financial assistance.

(b) **CONSULTATION.**—In developing and implementing the strategic plan under subsection (a), the Director shall consult with representatives of non-Federal entities and Federal agencies that have not received an exemption under section 6(d).

(c) **FEDERAL AGENCIES.**—

“(1) **IN GENERAL.**—Not later than 6 months after the date on which the Director submits the strategic plan under subsection (a), the

head of each Federal agency that has not received an exemption under section 6(d) shall develop a plan that describes how the Federal agency will carry out the responsibilities of the Federal agency under the strategic plan, which shall include—

“(A) clear performance objectives and timelines for action by the Federal agency in furtherance of the strategic plan; and

“(B) the identification of measures to improve communication and collaboration with representatives of non-Federal entities on an on-going basis during the implementation of this Act.

“(2) CONSULTATION.—The head of each Federal agency that has not received an exemption under section 6(d) shall consult with representatives of non-Federal entities during the development and implementation of the plan of the Federal agency developed under paragraph (1).

“(3) REPORTING.—Not later than 2 years after the date on which the head of a Federal agency that has not received an exemption under section 6(d) develops the plan under paragraph (1), and every 2 years thereafter until the date that is 15 years after the date of enactment of the Federal Financial Assistance Management Improvement Act of 2009, the head of the Federal agency shall submit to the Director a report regarding the progress of the Federal agency in achieving the objectives of the plan of the Federal agency developed under paragraph (1).”

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5(d) of the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note) is amended by inserting “, until the date on which the Federal agency submits the first report by the Federal agency required under section 8(c)(3)” after “subsection (a)(7)”.

THE DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. MERKLEY. Mr. President, I ask unanimous consent the Rules Committee be discharged from further consideration of H. Con. Res. 39 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A resolution (H. Con. Res. 39) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. MERKLEY. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 39) was agreed to.

APPOINTMENT OF DAVID M. RUBENSTEIN AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S.J. Res. 8 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 8) providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MERKLEY. I ask unanimous consent that the joint resolution be read three times, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 8) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 8

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring because of the expiration of the term of Anne d'Harnoncourt of Pennsylvania is filled by the appointment of David M. Rubenstein of Maryland. The appointment is for a term of 6 years, effective on the date of enactment of this joint resolution.

APPOINTMENT OF FRANCE A. CORDOVA AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S.J. Res. 9 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 9) providing for the appointment of France A. Cordova as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MERKLEY. I ask unanimous consent that the joint resolution be read three times, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 9) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 9

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Eli Broad of California is filled by the appointment of France A. Cordova of Indiana. The appointment is for a term of 6 years, effective on the later of April 7, 2009, or the date of enactment of this joint resolution.

ORDERS FOR WEDNESDAY, MARCH 18, 2009

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, March 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, that following morning business, the Senate proceed to executive session under the previous order; further that following executive session, the Senate resume consideration of H.R. 146, the lands bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MERKLEY. Mr. President, Senators should expect a series of votes around 2 p.m. on the confirmation of the Kirk nomination and three Coburn amendments.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Wednesday, March 18, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

DAVID F. HAMILTON, OF INDIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT, VICE KENNETH F. RIPPLE, RETIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KATHLEEN SEBELIUS, OF KANSAS, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES.

WILLIAM V. CORR, OF VIRGINIA, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES, VICE TEVI DAVID TROY, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

MICHAEL J. MCNEIL

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

DESARAE A. JANSZEN

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

XAVIER A. NGUYEN
SCOTT D. ROBINSON
JENNIFER A. TAY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

JOHN M. BEENE II
RAMSIS K. BENJAMIN
ELIZABETH N. SMITH

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

To be major

LAURA K. LESTER

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BRIGITTE BELANGER

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MITZI A. RIVERA

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CATHERINE B. EVANS

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

VICTOR G. KELLY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RYAN T. CHOATE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

RAFAEL A. CABRERA
THOMAS D. STARKEY

To be major

JOSEPH P. JEANETTE
CAROLINE F. MERVEILLE
JESUS MULET
WYLAN C. PETERSON
ANDREW J. SCHOENFIELD
MARK R. SHASHIKANT
CARL J. TADAKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

ROBERT A. BORCHERDING
ROBERT A. BROADBENT
ERIC R. CARPENTER
CHRISTOPHER D. CARRIER
DANA J. CHASE
JOHN H. COOK
MICHAEL S. DEVINE
RICHARD P. DIMEGLIO
TIERNAN P. DOLAN
MARK E. EICHELMAN
DEIDRA J. FLEMING
JOHN S. FROST, JR.
PATRICK L. GARY

LANCE S. HAMILTON
DONNA C. HANSEN
STEPHEN L. HARMS
PETER R. HAYDEN
BRIAN A. HUGHES
RUSSELL K. JACKSON
JOHN P. JURDEN
ELIZABETH KUBALA
KATHERINE A. LEHMANN
JULIE A. LONG
DION LYONS
ELIZABETH G. MAROTTA
ALISON C. MARTIN
JEFFREY A. MILLER
JOSEPH B. MORSE
JOHN T. RAWCLIFFE
TRAVIS L. ROGERS
CARLOS O. SANTIAGO
DANIEL P. SAUMUR
JOSHUA S. SHUEY
DANIEL A. TANABE
JAMES J. TEIXEIRA, JR.
PETER H. TRAN
JAMES S. TRIPP
MARK A. VISGER
DOUGLAS K. WATKINS
WARREN L. WELLS
DEAN L. WHITFORD
DARYL B. WITHERSPOON
MICHAEL C. WONG

EXECUTIVE OFFICE OF THE PRESIDENT

DEMETRIOS J. MARANTIS, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE KAREN K. BHATIA, RESIGNED.

DEPARTMENT OF STATE

ROSE EILENE GOTTEMOLLER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE), VICE PAULA A. DESUTTER, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

WILLIAM CRAIG FUGATE, OF FLORIDA, TO BE ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE R. DAVID PAULISON.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 17, 2009 withdrawing from further Senate consideration the following nomination:

DEMETRIOS J. MARANTIS, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE PETER F. ALLGEIER, RESIGNED, WHICH WAS SENT TO THE SENATE ON MARCH 16, 2009.

HOUSE OF REPRESENTATIVES—Tuesday, March 17, 2009

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

March 17, 2009.

I hereby appoint the Honorable SHEILA JACKSON-LEE to act as Speaker pro tempore on this day.

NANCY PELOSI,

Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

THE BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. I welcome my colleagues to St. Patrick's Day and I hope everyone has a happy one.

Madam Speaker, we are 2 months into this Congress, and Washington has done nothing to ease the economic challenges facing middle class families and small businesses.

We've watched the administration approve another \$350 billion for more bailouts for the financial industry, and we've watched passage of a trillion-dollar "stimulus" bill, and then we've watched the passage of a \$410 billion omnibus bill loaded with some 9,000 unscrutinized earmarks.

Soon we are going to debate the President's budget, a budget which spends too much, taxes too much, and borrows too much from our kids and our grandkids. This budget raises taxes on everyone, from middle class families to small businesses, to seniors and to schools. It even punishes anyone who would have the audacity to flip on a light switch thanks to a brand new \$646 billion energy tax. This means less money in the family budget and more jobs being shipped overseas.

The American people are looking for real solutions that will help create jobs, rebuild savings, and create more investment in our economy. And in spite of what some disingenuous political operatives are saying, Republicans are offering better solutions.

So far this year, we've presented clear, superior alternatives to Washington Democrats' flawed proposals. We've asked the administration for an exit strategy to get the government back out of the private sector and get taxpayers off the hook for more billions in handouts to the financial sector. Our whip, ERIC CANTOR, and I personally delivered to the President an economic recovery plan that would create twice as many jobs as the Democrats' plan at half the cost. And we fought for a spending freeze as the majority fought for their bloated \$410 billion omnibus spending bill.

Listen, the American people are fed up with what they're seeing here in Washington. Don't they deserve to keep more of what they earn as we try to get this economy back on track? Don't they deserve better solutions than the spending, taxing, and borrowing that they're seeing out of this Congress?

Republicans are offering better solutions, and we hope the majority will join us.

THE CONTINUED NEED FOR HEALTH REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. LANGEVIN) for 5 minutes.

Mr. LANGEVIN. I would like to just take this opportunity to wish all of my colleagues and the American people, particularly my constituents, a happy St. Patrick's Day.

Madam Speaker, I rise today to speak on an issue that continues to be a top priority for American families and businesses, one that is fundamentally intertwined with the strength of our Nation's economy and the government's long-term fiscal sustainability. I'm speaking, of course, about the need for health care reform.

Health care costs in the United States are rising at an alarming rate. Yet despite the fact that we spend more per capita on health care than any other industrialized country, we produce some of the worst outcomes by a number of important health measures. Furthermore, the U.S. remains the only developed nation that does

not guarantee health coverage as a right to its citizens.

Recent estimates indicate that over 45 million Americans lack health insurance, leaving one in six without access to proper medical care. Even more shocking is that over 80 percent of the uninsured come from working families. Health care costs are imposing an increasing burden on families and placing employers at a further competitive disadvantage in our global economy.

Now, as we seek to unfurl the complex economic challenges facing our country, it remains abundantly clear that our success will not only depend on our ability to stem housing foreclosures and create new jobs; it will also depend on our will to change a system of health care that is fundamentally flawed and under tremendous strain.

According to Dr. Peter Orszag, the Director of the Office of Management and Budget, in his recent testimony before the Housing Budget Committee on which I sit, "the single most important step we could take to put this Nation back on a path to fiscal responsibility is to address rising health care costs." He further stated that "health care is the key to our fiscal future. We cannot afford inaction."

I could not agree more, Madam Speaker. But this is not just an economic or a fiscal imperative; it is also a moral one. For many years I have continually heard from Rhode Islanders who are struggling to pay their share of health care premiums, as well as from businesses that can no longer afford to operate under the existing system. Those constituents who are fortunate to have access to health insurance are struggling in the face of increasingly daunting costs, while many of them are afraid, of course, that they will lose the benefit altogether.

Now, this cannot simply continue any longer, and I am very pleased that within the last 2 months, this Congress and President Obama have already taken extraordinary steps to begin addressing these challenges by expanding coverage and investing in innovative technologies that will ensure better treatments and outcomes for the future.

On February 4 Congress passed and the President enacted a bill to provide health coverage to 11 million low-income children through SCHIP, the State Children's Health Insurance Program, which I was proud to support. Also included in the Recovery Act were a number of important measures to

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

provide additional funding to State Medicaid programs, extend health benefits to the unemployed, and ensure proper investment into health information technology so that we can achieve higher quality care with greater efficiency.

As recently as last week, President Obama signed an executive order lifting the ban on Federal funding for embryonic stem cell research, an act, I believe, will fundamentally alter the course of science and medicine in the same manner as did the discovery of the first vaccine or X-rays or other significant medical discoveries.

We have made amazing strides in a short period of time, but there is obviously so much more work to be done. I believe it is incumbent upon us, as policymakers, to offer a new vision for health care in America, one that contains costs, improves quality, increases efficiency, promotes wellness, guarantees universal coverage, and encourages investment in treatments and cures for the 21st century.

Madam Speaker, I look forward to working with my colleagues in Congress, the President, health care providers, community advocates, business leaders, families, and patients across the country to find real solutions that permanently address the longstanding need to health reform in America.

HONK IF YOU'RE PAYING MY MORTGAGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, I have been asked to present more than 6,000 postcards that were generated by the Armstrong and Getty radio show to protest policies that can best be described by the new bumper sticker "Honk if You're Paying My Mortgage" or today's reprise "Honk if You're Paying AIG's Bonuses."

These postcards represent the first stirring of the public against some of the excesses that we are seeing out of this administration on the mortgage issue.

Rick Santelli of CNBC struck a nerve last month when he asked, "How many of you want to pay your neighbor's mortgage who has an extra bathroom and can't pay their bills?" Jack Armstrong and Joe Getty, who host the popular radio talk show in Northern California, asked the same question of their listeners. And here's their response:

On each of these thousands of postcards is the story of a responsible family struggling to make ends meet in the worst recession in a generation, families who are meeting their obligations, who are staying current with their mortgages, even though many of them are upside down on their home

values and owe more than their home is worth. And they're watching as this government says to borrowers who lied on their applications, who put no money down and accepted teaser rates, and who withdrew all of the equity of their home to pay for stuff, don't worry, we'll force your neighbor to pay your mortgage.

They're watching as this government says to lenders like AIG who knowingly made loans to people they knew couldn't afford them, who made millions creating the housing bubble, don't worry, we'll cover your million dollar bonuses with taxpayer money.

But the families who sent in these postcards keep making their payments, many eating into their savings, foregoing vacations, postponing retirements, turning down consumer purchases because they stand by their word. These are the families that turned down the opportunity to flip that house, to make that quick fortune, to cash in on their equity for a second home or a boat they couldn't afford. They are the 92 percent of borrowers who are making their mortgage payments, despite all of the incentives that this administration's offering them to stop. And these postcards are eloquent testimony to their resentment at being required to bail out the banks and the borrowers who created the housing bubble, who caused the credit collapse, and who now are being subsidized, bailed out, and lavished with multi-million dollar bonuses paid for with our tax money.

Joe Getty asked the question yesterday, "What has happened to the words 'sadder but wiser'? What has happened to that American tradition that you make your own decisions, good or bad, and then you live with those decisions?"

The President tells us that if your neighbor's home is on fire, you don't quibble over who pays for the water. And that's true. But as Jack Armstrong pointed out, if my neighbor burns down his house by shooting off Roman candles in his living room, I'll be darned if I'm going to pay for him to rebuild it.

Armstrong and Getty, Rick Santelli, and others are speaking for the vast silent majority of Americans who pay their bills, who honor their commitments, and who make this country run.

The President recently said that we are all to blame. Well, no, we not all to blame. Those families who passed up the get-rich-quick real estate seminars and turned down the loans they couldn't afford or settled for a smaller home or who rented because that's what they could afford, they're not to blame, and they shouldn't be left holding the bag.

Ninety-two percent of Americans are making their mortgage payments not only because it's the right thing to do, but because they know that the sooner

the market corrects itself, the sooner our homes will begin to appreciate once again.

By prolonging the real estate correction, by propping up bad loans, by undermining responsible homeowners, and by rewarding the smartest guys in the room who created this catastrophe with taxpayer-paid bonuses, this government is extending the agony and postponing the day when the market will bottom out and home buyers can safely re-enter the housing market.

Madam Speaker, I take great hope from the public's response to Armstrong and Getty's invitation to protest the mortgage bailouts. It means that the American spirit is not dead, that there are still millions of Americans who believe in individual responsibility and integrity. And even if such people are in short supply in Washington today, they still comprise the vast majority of our Nation, and that great silent majority is fast tiring of remaining silent.

CENSUS

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. MCHENRY) for 5 minutes.

Mr. MCHENRY. Madam Speaker, tomorrow the President's nominee for Commerce Secretary will have his confirmation hearing in the Senate.

Gary Locke, the former Governor of Washington State, is the third nominee for this Cabinet position. As you recall, the second nominee, Senator JUDD GREGG, withdrew his name from consideration.

Senator GREGG objected to the President's intention to move control of the Census Bureau from the Commerce Department into the White House. This unprecedented move to politicize the 2010 Decennial Census has met with strong opposition from across the political spectrum. The Obama administration has since backtracked and attempted to downplay its role regarding the census. To his credit, Governor Locke has expressed his intention to not cede control of the 2010 census to the White House should he be confirmed.

I have encouraged our colleagues in the Senate Commerce Committee to ask Governor Locke several important questions at tomorrow's hearing, two of which are: What would he consider to be an inappropriate political interference from the White House regarding the census, and how would he respond to attempts from the White House to exert political influence over the conduct of the census?

□ 1045

I suspect that Governor Locke's responses to these questions will determine his fate in the Senate.

But there is a second and equally important point of contention and controversy over the census. The statistical adjustment of census data is prohibited by Federal law. However, there are some partisans who refuse to give up the cause of data manipulation. They want to manipulate the census results for political gain, for their own political gain, and, in the process, undermine the integrity of the country's entire statistical system.

I hope that our colleagues in the Senate will question Governor Locke about his thoughts regarding statistical adjustment. Governor Locke expressed his willingness to use adjustment as an "accuracy check." This comment must be expanded upon for members of the Senate Commerce Committee and all interested parties. Republicans and Democrats alike must truly guard the integrity of the constitutionally-mandated census in the United States. The appropriate allocation of Federal funds depend upon an accurate census.

My colleagues and I on the Census Subcommittee, of which I am the ranking member, are working to ensure that the 2010 Decennial Census is apolitical, fair and accurate. Governor Locke's confirmation should rest upon whether he shares this goal; a census free of White House political pressure and partisan influence and free of manipulation, and data manipulation in particular.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

PRESENTING A PROPER BUDGET FOR AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DANIEL E. LUNGREN) for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, just a few moments ago the President of the United States made a press statement in which he outlined parts of his budget and then challenged the Republicans, or those who might oppose his budget, to come up with alternatives. Well, let me say in the spirit of St. Patrick, as a great descendant of the Irish aisle, I accept that challenge. I accept that challenge on behalf of my colleagues on this side of the aisle, but also on behalf of my constituents.

When I was home this weekend, I heard from many of them. In fact, I continued to hear from them on the plane ride back from Sacramento here to Dulles Airport. They said, please tell the President this: Let's get our priorities straight. Fix the financial system first. Get the economy working right.

Then we will talk about your other ideas.

So I would say to the President, the better idea that I have from my constituents back home is set your sights on righting the financial institutions in America.

Now, what we have heard from the President by and large is well, it is somebody else's fault. It was the fault of the previous administration. And there may be some truth to that. But let's remember, for instance, with AIG it was Treasury Secretary Geithner who negotiated that deal with AIG. It was this administration that allowed something like \$30 billion to go to AIG just recently without any strings attached.

Let's focus on the situation we have with respect to our financial institutions first. The President tells us we have to do all these other things first. Well, as Warren Buffett said the other day, he doesn't think Franklin Delano Roosevelt said on the day after Pearl Harbor, "What a great opportunity for us to expand government. We shouldn't let this crisis be wasted."

Let's not listen to some around the President who say that a crisis like this gives us a great opportunity to do all of the things we have wanted to do with respect to government. Let's get down to the basics.

So let's talk about the budget that the President has presented to us. It increases spending by \$1 trillion over the next decade. It includes an additional \$250 billion placeholder for another financial bailout. It likely leads to a 12 percent increase in discretionary spending. It permanently expands, makes larger, the Federal Government by nearly 3 percent of the gross domestic product over pre-recession levels. In other words, the answer to big government and big spending and big taxing and big borrowing is more big government, big spending, big taxes and big borrowing.

It raises taxes on all Americans by \$1.4 trillion over the next decade. It raises taxes on 3.2 million taxpayers by an average of \$300,000 over the next decade.

The President said look, he is going to raise taxes on the rich, but 95 percent of Americans are going to get a better deal. Well, guess what? His cap-and-trade plan, if adopted, is a cap-and-tax plan. He calls it cap-and-trade. It actually is cap-and-tax, because it increases the cost of anything basically produced by fossil fuels in America. That means your air conditioning, that means your heating, that means your transportation. That means it is going to be placed into the cost of food being developed, of food being delivered to us. It is going to wipe out any suggested tax relief that the average family gets, and more. And the average family uses these things as a higher percentage of these income than do the

rich, therefore they will be disproportionately impacted.

So, Madam Speaker, let's look at what the President has presented. I love his melodious tones as he explains to us he is not for more spending, he is not for more taxes, he is not for more borrowing, he is not for expansion of entitlement programs. But his budget does precisely all of those things. It is a net increase in taxes on every American. It is an increase in spending. It is an increase in borrowing on my children and my grandchildren and everyone's children and grandchildren. It is the greatest transfer of wealth from one generation to another in the history of the United States.

Madam Speaker, you don't have to dislike a President of the United States personally, you don't have to dislike what he is trying to do, to dislike his policies, particularly if they undercut the very promises he is making, if they undercut the very things he says we want to do. We stand ready to join him. We stand ready to join him in meeting the goals that he sets up. But, Madam Speaker, this budget taxes too much, spends too much, borrows too much. It is in fact a repudiation of the very goals he has established.

THE PRESIDENT'S BUDGET AND TAXES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Madam Speaker, I also come down to the floor to talk about the President's budget, and I am going to focus on the issue of taxing. There is one provision in the tax increase of the President's budget that is very detrimental to our country and to our society, and that is the carbon tax aspect of this. Imagine paying more for every piece of energy that you use. That is what this cap-and-trade, cap-and-tax plan will do.

I have seen the direct result of placing taxes and additional regulatory burdens on my congressional district in Southern Illinois. I always tell the story about the 1990 amendments to the Clean Air Act where because of Federal regulation, in this one case, in this one case, 1,200 miners lost their jobs.

I was told by someone who was the business manager for the United Mine Workers of America in Southern Illinois that during 1990 he was responsible for 14,000 mine workers in Southern Illinois. After the amendments were passed, he then was reorganized into a three-State region to only bargain for 4,000 United Mine workers. 10,000 mine workers' jobs were lost.

That was just in the cap-and-trade clean air amendments 1990s, where we had technology to make the transformation. This carbon dioxide cap-and-tax provision, we do not have the

technology available today to effect this change.

So this is what happened. This is actually a picture of mine workers who lost their jobs. This is the mine I was talking about, Peabody No. 10 in Kincaid, Illinois. The interesting thing about this mine, it is very, very efficient in that the mine was right across the street from the power plant, so you saved on the transportation costs, whether that be the trucks or that would be the rail applications. There was a little conveyor belt going across the road to the power plant. This mine was closed down. These miners lost their jobs.

Now, under the new regime of the President's bill that taxes too much, he proposes additional taxation of \$686 billion through a carbon tax. This carbon tax will be passed on to everybody who uses fossil fuels in America.

You might say, I don't want to use fossil fuels. It is like the story where the individual says I don't like coal, I don't like nuclear power, I don't like hydroelectric. I like electricity. The problem with this is 50 percent of all electricity, even the electricity that lights this Chamber, is produced by coal-based electricity generation. The power plant just down the road two blocks from here is a coal-fired power plant. Fifty percent.

If you put additional taxation on that fossil fuel, that cost will be passed on to the individuals and the consumers. This is the worst time to really attack our economy through additional taxation, because of the economic slowdown, the economic recession, the competitive nature of the world. If we not only put a challenge to our use of fossil fuels in this country, not only coal, natural gas as a fossil fuel, gasoline as a fossil fuel, estimations of the last cap-and-trade bills are 50 cents additional to the cost of a gallon of gas.

Where does that money go to when we collect it? There is an old story. When the bank robbers rob a bank and they get away to their hideaway and they put the loot on the table, what happens? That is when you have the fights break out. That is when one bad guy shoots the other bad guy and says, I am taking all the money for myself.

What this cap-and-tax regime will do will allow bureaucrats, it will allow us in Washington, to decide how that money is going to be split up, and it will be folks here making that determination. Why do you think so many people are at the table? They are at the table because they want part of your tax dollars that you are going to pay through higher rates to us and they want to get benefited.

You can look across all the regimes that are at the table. They are at the table because they want part of that revenue stream. What this revenue stream will do is not only kill the fos-

sil fuel of this industry, which is hundreds of thousands of jobs and low-cost power, it will make us not competitive with the developing nations who are using coal and having low cost power.

MOVING FORWARD TO A NEW ENERGY FUTURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. INSLEE) for 5 minutes.

Mr. INSLEE. Madam Speaker, last week I had two very exciting meetings with people who have some insights about how we can move forward to use a new energy future to really revive our economy, and I thought I would take a couple of moments to advise my colleagues about these meetings. I thought they would be interested in them.

First, I met some absolutely brilliant people up in Boston area at the MIT, Massachusetts Institute of Technology, Energy Club. This is a club of graduate and post-graduate students who have come together to organize themselves to try to promote ideas about how to build a new, clean energy future for the country.

These are brilliant people, post-graduates in chemistry, electrical engineering, mechanical engineering. These are really some of the creme de la creme of our young geniuses coming up who can help build our new economy. It was fascinating to me, because these were people who were tremendously optimistic even in these tough times about the ability to grow the U.S. economy, if we will get serious about promoting the future of new energy technologies.

□ 1100

I am convinced after meeting these relatively young people that we've got a bright future in our economy if we can unleash these intellectual geniuses. They told me that they were waiting for a signal from Washington, DC, that we were really going to embrace these new technologies; and they told me about some of these new technologies that they're fascinated in. I thought I would share some of them today.

They told me about a technology company called Ramgen, a company out in my State of Washington, that has an ability to compress carbon dioxide so that someday we might be able to burn coal in a way that carbon dioxide doesn't go into the air but we compress that carbon dioxide and put it under the ground permanently so it doesn't cause global warming. They're waiting for Congress to pass a bill that will essentially direct the economy in that direction. They told me it's very important to have a bill that will create a fund to be able to support the research so that these people at MIT can help develop this and various other technologies. The cap-and-trade bill,

which I'll talk about a little later, is a bill that will do just that, to help that technology forward.

We talked about the Ausra Company, a company that just opened the first manufacturing plant in the United States, commercial plant, for concentrated solar energy, so you can concentrate the sun's rays and generate electricity. They are now hiring several hundred people in Nevada, building these new plants, so that we can convert the sun's energy directly to electricity, and they were very excited about that technology.

I met up there the leader of A123 Battery Company. At A123 Battery, they make lithium ion batteries that can power plug-in hybrid cars and ultimately all electric cars using lithium ion. The beauty of this, of course, is that if you use electricity, you don't have to import gasoline from Saudi Arabia, you don't have to wrap yourself around that national security threat, and you can use electricity rather than oil. But they told me they're waiting for a signal from Congress to move toward electricity in our cars. Now we started that in the stimulus bill to help them, but now we need to move forward to have a bill to essentially regulate carbon dioxide so we can have another signal to industry to start moving to electric cars.

We talked about a company called the Sapphire Energy Company. The Sapphire Energy Company just started construction of ponds—and this will sound like science fiction but it's real—ponds where you can grow algae and the algae takes the sun's energy and turns it into lipids and then you essentially press it and you get fuel that you make gasoline out of. So we can use algae to essentially eat carbon dioxide out of our coal-fired plants and then use it to make a liquid automobile fuel that's chemically indistinguishable for gasoline. Pretty exciting company.

We talked about the AltaRock Company. The AltaRock Company is a company, again up in the State of Washington, which is trying to commercialize what we call engineered geothermal, where you can poke a hole down in the Earth, you pump water down there, it collects to a 300-degree temperature, you bring it up, generate steam and make electricity. Again, zero CO₂.

These companies are waiting for a signal from Congress, the cap-and-trade bill, and we're going to try and get it through this year.

REGARDING THE PRESIDENT'S BUDGET PROPOSAL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. PENCE) for 3 minutes.

Mr. PENCE. Madam Speaker, I rise today in the midst of an enormous

amount of national outrage. I sensed it yesterday when I was in Anderson, Indiana, meeting with my constituents, meeting with small business leaders at a forum. Now much in the media today is focused on the frustration over a large business, specifically AIG, that received tens of billions of dollars in taxpayer money and now has been busy paying bonuses with it to the tune of over \$150 million and has been passing out that money to foreign corporations. That outrage is very real and I agree with it. The American people are tired of bailouts. I voted against the Wall Street bailout last fall, defied a President of my own party, because I simply believe we can't borrow and spend and bail our way back to a growing America. And it seems that much of the public has now come to the conclusion that this notion that we can bail out every failing business in the country is a deeply flawed notion. But I also heard an enormous amount of outrage in my district yesterday about this administration's budget.

The truth is the more the American people look at the President's budget plan, the more they realize that it spends too much, it taxes too much, and it borrows too much, and we have to do better.

I heard yesterday from a constituent by the name of Ted Fiock, who runs and owns Anderson Tool and Engineering Company. He talked about the increasing cost in his business, saying, "The cost burden is just insane right now. We're not doing well. We're struggling. We're in a survival mode right now." You can imagine his frustration and even, I would perceive, outrage when I explained to him that 50 percent of the Americans who will be paying higher taxes under the President's budget are actually small business owners just like him. The President said it would just affect Americans who make more than \$250,000 a year, but according to the most reasonable estimates, more than 50 percent of the Americans that file taxes over that amount are actually small business owners just like Ted filing as individuals. Raising taxes on small businesses, especially during these difficult economic times, is not a prescription for recovery. It's a prescription for economic decline. I also shared with Ted and others the President's plan, the so-called cap-and-trade energy tax. Under the administration's budget, there would be a new energy tax that could cost every household, let alone every business, up to \$3,128 a year for using electricity, driving a car, relying on energy in any way.

The President's budget simply taxes too much. And as I explain the metes and bounds in this budget today, the outrage about AIG's bonuses, the outrage about bailouts has suddenly met its match. I think the more the American people look at this administra-

tion's budget, the more they know we can do better, and we must do better. It's time for this Congress to embrace the principles of fiscal restraint and policies that will get America growing again, and Republicans are prepared to bring those ideas forward.

CONGRESSIONAL EARMARKS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. FLAKE) for 3 minutes.

Mr. FLAKE. Madam Speaker, a little later today, I will bring another privileged resolution to the floor asking for the Ethics Committee to look into the relationship between earmarks and campaign contributions. This will be the fourth one that has been offered. Each time these have been tabled and we haven't instructed the Ethics Committee to look into this. I hope that that changes.

Several years ago, we had a scandal involving earmarks, the Jack Abramoff scandal. Mr. Abramoff now sits in Federal prison. Some staff members and lobbyists and others also were implicated in that scandal. The leadership at that time was slow to recognize the scandal that was there, and I would say today that the leadership is also slow to recognize what is going on here. There are investigations going on around us. The Department of Justice is investigating—we know this from various press reports—the relationship between earmarks and campaign contributions.

Let me just read a few of the whereas clauses from the resolution that will be introduced later today. This one is a little more specific. The first resolution that was introduced had to do just with earmarks and campaign contributions in general. The second one had to do with earmarks related to the PMA Group. The next one just with earmarks related to the PMA Group for FY09 defense spending. This one has to do specifically with the head of PMA, Mr. Magliocchetti, whom we were told had his home raided by the FBI a while ago. Keep in mind that the PMA Group was a lobbying firm, a powerhouse lobbying firm, that over a period of 8 years collected more than \$100 million in fees from its clients, mostly for seeking earmarks from this Congress. Yet when the news came that the FBI was investigating and had raided the office, that firm, that I believe brought in about \$17 million last year alone in revenue, imploded, within a week. By the end of this month it will be completely gone, dissolved. And when you read some of allegations that are going around in the press, you don't wonder why.

CQ Today reported recently that Mr. Magliocchetti and nine of his relatives—two children, daughter-in-law, current wife, his ex-wife, ex-wife's parents, sister and brother-in-law—pro-

vided \$1.5 million in political contributions from 2000 to 2008. Now if you look at some of the occupations listed by some of those who were giving \$100,000 over just a couple of years—school teacher, police sergeant, homemaker—does that not raise somebody's antenna that something might be amiss here?

We can't simply let the Justice Department's investigation dictate what we do here in the House. We should move forward ourselves. We shouldn't say that whether or not you can be indicted or convicted should be the standard that we uphold here in the House to uphold the dignity and decorum of this body. Madam Speaker, this body, this Congress, deserves better than that. That's why I hope that we will actually ask this time the Ethics Committee to investigate this matter.

THE BUDGET TAXES TOO MUCH

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACKBURN) for 3¾ minutes.

Mrs. BLACKBURN. I thank the Speaker.

Madam Speaker, I rise today to talk a little bit about the budget issues that are before us and about how we are spending too much, we're borrowing too much and we're taxing too much. Recently one of my constituents came up and she had a child in her arms. It was her 6-month-old grandchild. She looked at me and she said, Marsha, you know, it makes me really angry when you all spend money that I haven't made, but when Congress is spending money that this grandbaby has not made, it just absolutely infuriates me. It makes me want to come to Washington and knock on the doors of the Members of Congress and say, What are you doing to this child's future?

Madam Speaker, that is what our constituents are saying when they look at this budget proposal that contains the largest tax increase in history, \$1.4 trillion, over a 10-year period of time. Now some of my constituents have said, where do they get this money? Where does this come from and what are they taxing to come up with \$1.4 trillion? Well, I want to talk a second about the cap-and-tax proposal that the President and the administration has brought forward. I want to use a quote that the President made in an editorial board with the San Francisco Chronicle in January 2008. It said under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket. That will cost money. That will pass the money on to consumers.

That was in January 2008. What we see is, yes, electricity rates will go up. Every time an individual flips on a light switch, every time they punch the brew button on their coffee maker, every time they turn on their computer, it is going to cost them more

money, every single time, to the tune of \$3,128 per family per year. That is what we are beginning to see. This is going to increase your cost of doing business in your home every single day of living, that maintenance of life that we all go through.

We're very concerned about this part of the proposal, the cap-and-tax. It is part of the \$1.4 trillion increase.

With that, Madam Speaker, I yield back my time, and I thank you for yielding the time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 14 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God Almighty, Creator of all things great and small, the ancient Celtic people took such joy in nature's secrets as well as its beauty. They found Your presence in every spring, every lake, forest and glen. Each was a sanctuary where prayer came easily, and the poetry of creation became a spark of Your own Divine light.

Be with Congress today. Bless its aspirations and its work. Be close to this Nation, and intimately present to its people.

In the midst of anxieties, busy work, and grave responsibilities, grant them a moment to be touched by Your glorious creation so they, too, find praise on their lips and joy in their hearts for another day, and a sense of Your eternal goodness.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. KINGSTON) come forward and lead the House in the Pledge of Allegiance.

Mr. KINGSTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONCERNS OVER AIG BONUSES

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, like most Americans, I am deeply outraged this morning that while millions of people suffer through this difficult economy, AIG executives are seeking to take \$165 million in bonus pay. The scope and depth of this waste and greed are just shocking and unjustifiable. It is beyond my imagination that they would do that.

Mr. Speaker, I represent a district in North Carolina where the median household income is just a little bit more than \$30,000 per year. These Americans must work extremely hard every day just to meet their obligations.

It is patently unfair that hard-working Americans could be asked to work harder to pay more taxes that are needed simply to provide AIG executives with multimillion-dollar bonuses. It is patently unfair.

I encourage this body and President Barack Obama to take every avenue possible to stop these bonuses or, if they are legally unstoppable, to tax them beyond belief.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas, Mr. Paul Magliocchetti, a former Appropriations Committee staffer, founded a prominent lobbying firm specializing in obtaining defense earmarks for its clients and whose offices—along with the home of the founder—were recently raided by the FBI.

Whereas, the lobbying firm has shuttered its political action committee and is scheduled to cease operations at the end of the month but, according to the New York Times, "not before leaving a detailed blueprint of how the political money churn works in Congress" and amid multiple press reports that its founder is the focus of a Justice Department investigation. (The New York Times, February 20, 2009)

Whereas, CQ Today noted that the firm has "charged \$107 million in lobbying fees from 2000 through 2008" and estimates of political giving by the raided firm have varied in the press, with The Hill reporting that the firm has given \$3.4 million to no less than 284 members of Congress. (CQ Today, March 12, 2009; The Hill, March 4, 2009)

Whereas, The Hill reported that Mr. Magliocchetti is "under investigation for [the firm's] campaign donations," the Wash-

ington Post highlighted the fact that federal investigators are "focused on allegations" that he "may have reimbursed some of his staff to cover contributions made in their names . . ." and the New York Times noted that federal prosecutors are "looking into the possibility" that he "may have funneled bogus campaign contributions" to members of Congress. (The Hill, February 20, 2009; The Washington Post, February 14, 2009; The New York Times, February 11, 2009)

Whereas, Roll Call reported on "the suspicious pattern of giving established by two Floridians who joined [the firm's] board of directors in 2006" and who, with "no previous political profile . . . made more than \$160,000 in campaign contributions over a three-year period" and "generally contributed the same amount to the same candidate on the same days." (Roll Call, February 20, 2009)

Whereas, The Hill also reported that "the embattled defense lobbyist who led the FBI-raided [firm] has entered into a Florida-based business with two associates whose political donations have come into question" and is listed in corporate records as being an executive with them in a restaurant business. (The Hill, February 17, 2009)

Whereas, Roll Call also reported that it had located tens of thousands of dollars of donations linked to the firm that "are improperly reported in the FEC database." (Roll Call, February 20, 2009)

Whereas, CQ Today recently reported that Mr. Magliocchetti and "nine of his relatives—two children, his daughter-in-law, his current wife, his ex-wife and his ex-wife's parents, sister, and brother-in-law" provided "\$1.5 million in political contributions from 2000 through 2008 as the lobbyist's now-embattled firm helped clients win billions of dollars in federal contracts," with the majority of the family members contributing in excess of \$100,000 in that timeframe. (CQ Today, March 12, 2009)

Whereas, CQ Today also noted that "all but one of the family members were recorded as working for [the firm] in campaign finance reports, and most also were listed as having other employers" and with other occupations such as assistant ticket director for a Class A baseball team, a school teacher, a police sergeant, and a homemaker. (CQ Today, March 12, 2009)

Whereas, in addition to reports of allegations related to reimbursing employees and the concerning patterns of contributions of business associates and board members, ABC News reported that some former clients of the firm "have complained of being pressured by [the firm's] lobbyists to write checks for politicians they either had no interest in or openly opposed." (ABC News The Blotter, March 4, 2009)

Whereas, Roll Call has taken note of the timing of contributions from employees of Mr. Magliocchetti's firm and its clients when it reported that they "have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters or passage of a spending bill." (Roll Call, March 3, 2009)

Whereas, reports of the firm's success in obtaining earmarks for their clients are widespread, with CQ Today reporting that "104 House members got earmarks for projects sought by [clients of the firm] in the 2008 defense appropriations bills," and that 87 percent of this bipartisan group of Members received campaign contributions from the raided firm. (CQ Today, February 19, 2009)

Whereas, clients of Mr. Magliocchetti's firm received at least three hundred million

dollars worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid and Justice Department investigation into the firm and its founder was well known.

Whereas, the Chicago Tribune noted that the ties between a senior House Appropriations Committee member and Mr. Magliocchetti's firm "reflect a culture of pay-to-play in Washington," and ABC News indicated that "the firm's operations—millions out to lawmakers, hundreds of millions back in earmarks for clients—have made it, for many observers, the poster child for tacit 'pay-to-play' politics . . ." (Chicago Tribune, March 2, 2009; ABC News The Blotter, March 4, 2009)

Whereas Roll Call has reported that "a handful of lawmakers had already begun to refund donations tied to" the firm "at the center of a federal probe . . ." (Roll Call, February 23, 2009)

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to Mr. Magliocchetti, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of Congressional proceedings and the dignity of the institution.

Whereas, the fact that cases are being investigated by the Justice Department does not preclude the Committee on Standards from taking investigative steps: Now, therefore, be it

Resolved, That

(a) The Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its members appointed by the chairman and ranking member, shall immediately begin an investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the founder of the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of the resolution.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

WHAT'S GOOD FOR DETROIT IS GOOD FOR WALL STREET

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, this week, we saw the latest outrage from Wall Street when it was exposed that AIG paid out hundreds of millions of dollars in bonuses, much of which went to workers in the division that helped actually cause the economic meltdown, and all with taxpayers' money. The excuse we are given is that those are contractual obligations and they must be paid, and we are supposed to just accept that.

Let us contrast that with how American auto workers are treated when General Motors or Chrysler need bridge loans from the government. They are told that they make too much money and that their contracts are killing the companies, and that they must take less or else the Federal Government will let the companies die.

So let's get this straight; AIG employees, who helped implode the economy, are given bonuses with taxpayers' money because it's in their contract, while UAW workers whose companies were badly hurt by the economic meltdown—partially caused by AIG—are told that their contracts must be disregarded or renegotiated. That is a vivid example of the double standard where people who work on Wall Street get their contracts upheld, but people who work on the line, it doesn't matter, and let them eat cake. This is wrong, Mr. Speaker.

RESPONSIBLE CORPORATE EXECUTIVE COMPENSATION ACT OF 2009

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, like everybody else in this Chamber, I am outraged about AIG. They got \$170 billion in taxpayer funds to bail them out of a situation which was largely of their own creation. And they then made it worse by giving \$165 million in bonuses to people who had participated in the outrage about which all Americans are so infuriated.

The Federal Government is trying to save this corporation because it's too big to fail, but we don't have to save a bunch of money-grubbing rascals who had a part in the collapse of our economy, which they helped to bring about.

I am introducing a bill today which is going to address the problem. It is entitled, the "Responsible Corporate Executive Compensation Act of 2009." It will impose a 95 percent tax on bonuses paid to employees of TARP recipients.

I urge my colleagues to cosponsor this bill and help make certain that hardworking Americans are not the only ones who have to sacrifice during this time of severe economic stress and uncertainty.

WE OWE OUR VETERANS EVERYTHING

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, last week the administration announced plans for veterans to rely on private insurance company payments for the treatment of their war wounds. The American Legion's Commander Rehbein and the Iraq and Afghanistan Veterans of America Executive Director Reickhoff have already expressed very strong concerns.

The government broke these soldiers in battles across World War II, Korea, Vietnam, Iraq, and Afghanistan. We, the citizens of America, owe veterans care through our government. Veterans should not depend on private insurance companies who bear no moral bond to soldiers or their pain.

One of President Washington's first missions was to care for veterans. President Lincoln promised "to care for him who bore the brunt of battle, his widow and his orphan."

President Obama eloquently portrays Lincoln as his hero, and it is clear what Lincoln would advise today.

Care for our veterans, Mr. President. Private companies owe them very little. We, the American people and our Federal Government, owe them everything.

□ 1215

DISCRIMINATION IS STILL ALIVE AND WELL

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, discrimination is alive and well all across America. You may not have heard about it on the radio or seen it on television, but it's still alive and well. You won't see it on television because discrimination today is beneath the skin, beneath the skin of our entire society, as insurance companies, omnipotent as they are, continue to discriminate based on the preexisting condition of a citizen.

These insurance companies no longer discriminate on the basis of skin color. Rather, they discriminate against women because of the calcium, or the lack of it, in their bones. They discriminate against people who may have coronary artery disease or any of a number of medical conditions.

The lessons of both my profession and my faith have made it clear: We are all really the same beneath our skin. We're all made of the same clay. And 40 years after the civil rights movement has established that all citizens of any color shall be able to drink from the same water fountain, sit on the same bus, and attend the same

medical clinic, our Nation still remains divided, not by skin color but by skin chemistry.

Mr. Speaker, it's time we bring an end to discrimination in health care.

THE FLOGGING OF GRANDMA

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, last week was International Women's Day to proclaim human rights for all women.

Obviously, Saudi Arabia didn't get the memo. In the name of religion, the official Muslim religious police arrested a 75-year-old woman for accepting bread from two young men. The crime: She had the arrogance to be with males who were not blood kin.

To the religious police in Saudi Arabia, her behavior cannot be tolerated. So the 75-year-old woman was hauled off to court, and a judge ordered her to receive, get this, 40 lashes and 4 months in jail with deportation to follow. And the two boys who were kind to her by giving her bread: lashes and prison for them too.

The official Muslim religious police are feared by women in Saudi Arabia because they enter homes to enforce dress codes, prayer times, and segregation of the sexes. Flogging women in the name of religion for accepting bread from young men seems to be anti-social action and contrary to basic human rights.

So much for the idea of helping the widows and the orphans. Maybe next year grandmas in Saudi Arabia can celebrate International Women's Day without being flogged by their government.

And that's just the way it is.

THE ECONOMY

(Ms. RICHARDSON asked and was given permission to address the House for 1 minute.)

Ms. RICHARDSON. Mr. Speaker, mistaken policies, misplaced priorities, and profound irresponsibility have brought us where we are today. President Obama and this Congress are committed to real change. And what is that change? We propose solutions, real solutions. An honest budget, rejecting gimmicks, and eliminating the wasteful spending that has brought us to this trillion dollar deficit that we now have today.

What the American people need are tax cuts, and 95 percent of Americans will now receive a tax cut. What do the American people need? A double commitment of the investment of Pell grants, of looking at a commitment to Head Start, and so many of the other vital areas.

When we look at this Congress, we are committed to fixing health care,

not to be a party of "no," but to say that we are going to address what is happening for struggling homeowners.

The American Recovery Act addressed and is helping us to bring forward 3.5 million jobs to help stabilize the State budgets and to dig us out of this fiscal mess that we inherited over the last 8 years.

We can recover, we must recover, because as Americans, failure is not an option.

ENERGY

(Mr. CASSIDY asked and was given permission to address the House for 1 minute.)

Mr. CASSIDY. Mr. Speaker, as regards to energy, I'm an all-of-the-above-type person. We need a diversity of energy sources. But we will not be carbon free for generations. Our need for plastics, fertilizers, lubricants, and fuels so dictates.

So given the fact that we're not going to be carbon free, it seems like domestic energy production should be encouraged. If we've got to have something, it's better for us to buy it from ourselves, for our workers, for the money to stay here.

In Louisiana alone, my home State, oil and gas production in the petrochemical industry employs 320,000 people. They work as welders, pipe-fitters, on barges, engineers. Countless small businesses with another 100,000 or so workers. Yet the President's budget contains at least eight separate tax hikes specifically targeting domestic oil and gas production.

Tax hikes create uncertainty, uncertainty creates caution, and caution inhibits economic activity. As we seek energy security and to create and preserve American jobs, I have to ask why are we punishing the industry which contributes both?

FORMER VICE PRESIDENT CHENEY'S ATTEMPT TO REWRITE HISTORY

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, on Sunday former Vice President Cheney made the latest in a series of outrageous attempts to rewrite history. He suggested that America was less safe now than under President Bush. Well, as a former journalist and editor, I'm compelled to do a little rewrite of his story.

I think it is important to note that under President Bush and Vice President Cheney, we let Osama bin Laden escape. We took our eye off the ball in Afghanistan and moved to Iraq. We went into Iraq with no plan for victory. We heard from Vice President Cheney that we were going to be greeted as liberators, that WMD would certainly be

found, and that this war was going to be very short and cost us very little money.

My editing of Vice President Cheney's statement on Sunday would be that he did not exactly tell the whole story.

Fortunately, the American people know the whole story. They know that we are much safer now with President Obama in the White House. So as the recently departed Paul Harvey would have said, "And now you know the rest of the story."

CALLING FOR THE PREVENTION OF BONUSES PAID TO AIG EXECUTIVES AT TAXPAYERS' EXPENSE

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, the American people were outraged yesterday, and with good reason, when they learned that the bonuses of \$165 million were going to executives at AIG, an insurance company. They are the very executives who drove the company to the ground and helped create the economic problems we're facing today. Instead of getting bonuses, they should be fired.

AIG is now 80 percent owned by the Federal Government, which is the American people. This is an outrageous injustice at taxpayers' expense.

I have been in business 30 years. We always pay for results, proven results, in this case something that would be a return to the American people. But that hasn't happened. This rewards greed and recklessness.

AIG recently reported in a 2008 fourth quarter more than \$60 billion in losses, all while the unemployment in America hit a 25-year high.

I ask the President to use all the power at his disposal to prevent these bonuses from being paid at taxpayers' expense.

CALLING FOR 100 PERCENT TAX ON "PERFORMANCE" BONUSES BY ANY COMPANY IN WHICH THE GOVERNMENT OWNS A MAJORITY STAKE

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, we all know the news yesterday that AIG is paying over \$100 million in bonuses. I find this an absolute outrage. I'm glad the President has directed the Treasury Department to use all legal means to restrict these bonuses.

But we in Congress can actually make the laws, and here's a law we should make: Tax the bonuses of any company in which the government owns a majority stake at 100 percent. I have introduced this bill today—tax so-

called “performance” bonuses at 100 percent.

Bonuses are supposed to be given to someone who has done a good job. But AIG, as my colleague said, and we’ve found something we agree on, lost over \$70 billion in the last quarter. We put in \$170 billion of taxpayers’ money. They don’t deserve a bonus. They deserve better management. They deserve certainly a restriction on the bonuses that they have. And I really applaud President Obama, who said yesterday that this isn’t just a matter of dollars and cents; it’s a matter of fundamental values.

I urge my colleagues to join me in taxing this bonus.

PRESIDENT’S BUDGET: TAXES TOO MANY TOO MUCH

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Democrats have broken their promise not to raise taxes on 95 percent of Americans. Democrats are proposing to tax small businesses and everyone who plans to turn on a light, drive a car, or heat their home.

Under the Democrat budget, many small businesses will see their taxes go up. At a time when our economy is in trouble, this budget raises taxes on the one group that creates the most jobs in America.

But small businesses are not alone. Under the new Democrat cap, trade, and tax proposal, every household in this country would pay as much as \$3,128 each year in higher energy costs. This would surely overwhelm any tax break they may be getting.

The President says this budget is not just about numbers on a page. I agree. There are real families and small businesses that will be hurt by the \$1.4 trillion in new taxes this budget will create.

In conclusion, God bless our troops, and we will never forget September the 11th.

CALLING FOR COMPREHENSIVE FINANCIAL REGULATORY REFORM AND ACCOUNTABILITY

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, the bonuses announced by AIG are nothing less than a slap in the face to the tax-paying families across my district and across the entire country. Families that are struggling to pay rising energy bills and put food on their table.

To expect hardworking middle class families in my district and across the country to foot the bill for executive bonuses when those same executives

failed in their job and dragged our economy down with them is completely unacceptable.

My constituents pay their bills on time. They make hard financial choices, and they meet their responsibilities each and every day without a bailout.

This is truly a nonpartisan issue. I will work with my colleagues on both sides of the aisle and with the administration to build a regulatory system founded on accountability. That is why I support legislation to hold these irresponsible individuals accountable and demand that they pay back to the American people the money that we gave them in bailouts.

Now is the time for comprehensive financial regulatory reform and accountability. Never again should we leave the foxes in charge of the henhouse.

THE DEMOCRAT PARTY: THE PARTY OF “OWE”

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, the Democrat budget that we are looking at of \$3.6 trillion spends too much, taxes too much, and it borrows too much.

Not that spending is a problem to this majority. Take recently the town of Union, New York, which received \$578,000 in stimulus money that they did not ask for, and the money was earmarked for a homeless prevention shelter, which they do not have. Now the town supervisor says this is nice but we’re not aware of any homeless problem in Union, New York.

Nonetheless, the White House, instead of saying this is a mistake, they simply say we encourage them to develop creative strategies for this funding.

This party is the party of “owe.” They owe China. They owe their big union lobbyists. They owe our children and the future generations. And, oh, my goodness, look how many O’s are in \$3.6 trillion.

□ 1230

FISCAL YEAR 2010 BUDGET

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to address the President’s fiscal year 2010 budget proposal. We are in a crucial time in our Nation’s history. According to a recent CNN poll, 45 percent of Americans believe that another Great Depression is likely.

The President’s budget represents a bold strike to revitalize the economy

and provides a path to future economic stability and prosperity. The proposal is a good start.

There are, however, areas that require further refinement. The suggestion to limit itemized deductions will have negative unintended consequences. As charitable donations become scarcer in these trying times, signaling an intent to limit their tax-deductible value may further impair charitable giving at precisely the time we need more.

Capping the mortgage interest deduction will cause unintended discouragement for homeownership at precisely the time we need to stabilize home values. We also must consider increasing the \$250,000 income cap for raising tax brackets. In my district, with one of the highest costs of living and one of the highest percentages of dual incomes, the proposed level would be a difficult imposition. Additionally, we must ensure pay parity between civilian and military government employees as we ask more of the civilian workforce.

Overall, I expect the proposed budget to be worked out over the next few weeks in the Budget Committee.

LEGISLATIVE MALPRACTICE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the President’s chief of staff said, “You never want a serious crisis to go to waste. It’s an opportunity to do things that you think you could not do before.”

In other words, the administration and this Congress are exploiting our financial crisis, inserting many of their political-agenda items into the massive spending bills without due deliberation: items like repeal of welfare reform; like the comparative effectiveness board that will lead to rationed health care; like electricity rate decoupling, which increases electricity prices as people use less energy; like easing Cuba travel restrictions; like mandating Davis-Bacon for all contract projects in the country; like killing school choice for poor kids in Washington; and parts of government-run health care and the cap-and-trade energy taxes and more and more.

Without one Member of the House reading these 1,100-page-plus bills, Mr. Speaker, this is legislative malpractice.

AIG AND THEIR BIG-TIME BONUSES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, my e-mail inbox is full of constituents fed up with AIG. I don’t

blame them. I have had it up to here with bad news about AIG and their big-time bonuses. They should return that money.

As a U.S. News columnist asked, "Forget bonuses. Why are these people still collecting regular paychecks?" I am glad that New York Attorney General Andrew Cuomo demanded AIG provide information on who is receiving bonuses in its Financial Products Group. Those who receive the fat-cat bonuses are mainly responsible for the company's and the country's financial problems.

I say fire them all. They don't deserve bonuses. Turn them over to the Marines. Put them in the brig.

CONGRATULATING ZWOLLE AND SPRINGHILL ON WINNING BASKETBALL STATE CHAMPIONSHIPS

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, I want to acknowledge the accomplishments of two outstanding basketball programs that brought home Louisiana State titles in my district over this weekend.

The Springhill High School Lumberjacks won the Class 2A State championship on Saturday with a 70-66 victory over Many High School. Antonious Markray ended a stellar high-school career with a game high of 29 points for the Lumberjacks. This is the first State title in the modern era for Springhill, Louisiana.

Also winning a State title this weekend were the Class B champions from Zwolle High School. The Hawks beat Rapides 55-53 with Antonio Holmes leading the way. He finished with 17 points and was awarded the MVP trophy. This is the third State title in 4 years for Zwolle.

Congratulations to the players, coaches and parents of the Lumberjacks and the Hawks for a job well done.

HONORING THE EDEN PRAIRIE EAGLES BOYS HOCKEY TEAM

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, I rise to pay tribute to the Eden Prairie Eagles boys hockey team that won the Minnesota State High School Class AA Tournament just this past weekend.

Minnesota is known as the "State of Hockey," and I submit we have the highest quality high school hockey tournament in the Nation. Led by coach Lee Smith, the talented Eden Prairie team had a tough road to the title.

They beat defending State champion Hill-Murray in the opening round, and

they followed that win with a victory over a tough Blaine team. In the final, they defeated a tough Moorhead team as well, 3-0, to win the school's very first high school hockey championship for Eden Prairie.

As a resident of Eden Prairie myself, I am especially proud of the Eagles. I ask my colleagues to join me in offering our praises and congratulations to the coaches, the parents and the talented group of scholar athletes for a great season. And I also heartily applaud the school spirit of the student cheering section, which was the largest at the tournament.

OUTRAGE OVER HARASSMENT OF U.S. UNARMED CIVILIANS IN INTERNATIONAL WATERS

(Mr. FORBES asked and was given permission to address the House for 1 minute.)

Mr. FORBES. Mr. Speaker, I have watched in the last several minutes as one by one people have come up to these podiums and beaten them and talked about being outraged. But 10 days ago, one of our naval vessels that was unarmed, full of civilians, was harassed by a Chinese aircraft and five Chinese vessels, and this House has not had time to express the outrage for what has happened with that.

We had time to pass a bill that expressed our outrage of how they treated the people of Tibet, but not over unarmed American civilians. We had time yesterday to pass three pieces of enormous legislation naming post offices, but not time to express our outrage over the harassment of U.S. civilians who are unarmed in international waters. Today we will leave at 3 o'clock, but we won't have time to express our outrage over unarmed civilians.

Mr. Speaker, I hope this House leadership will change its position, bring the resolution to the floor and send a message that we are going to protect and defend our people when they are in international waters.

PRESIDENT'S BUDGET SPENDS TOO MUCH, TAXES TOO MUCH AND BORROWS TOO MUCH

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. It's St. Patrick's Day, Mr. Speaker, and my Irish grandfather would want me to do nothing short of acknowledging that and wearing the green. But I have to tell you, with the headlines about bailouts, the President's budget for \$3.5 trillion and more spending and more taxes to grow government and pay for more bailouts, it's enough to get my Irish up.

Reality is that when the American people are taking a closer and closer

look at this administration's budget, they know three things. This President's budget spends too much, it taxes too much and it borrows too much.

Believe it or not, in these times when the American people are saying enough is enough on big government spending and bailouts, this administration is poised to raise taxes on small business owners. Fifty percent of Americans who file taxes above the level the President wants to raise them are actually small business owners filing as individuals.

The average American household will pay \$3,100 more with the President's new energy tax. And with the President capping charitable giving, charities in this country, churches and synagogues and the like could lose \$9 billion this year alone.

Enough is enough. We have to say no to the President's budget and give the American people a budget that is strong and diverse and restrained and committed to growth as they are.

HOUSE CONSERVATIVES AND THE MINORITY TODAY ARE READY TO LEAD AND OFFER ALTERNATIVES

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Mr. Speaker, the conservatives who won re-election in the House are those who overwhelmingly voted against the massive spending programs that were proposed over the course of the last administration, who voted against the \$1.5 trillion of new spending of this new administration. And we, House conservatives and the minority today, are ready to lead. We are offering alternatives to this massive spending program proposed by this new administration.

In only 38 legislative days, Mr. Speaker, the new liberal majority that rules Congress and rules the White House has managed to spend more money in less time than any Congress in the history of the United States. Never before have so few spent so much money in so little time.

This budget proposed by the White House, spending \$3.5 trillion, driving up the deficit to triple the level of last year, doubling the national debt in 8 years, ignores the financial hurricane just over the horizon that House conservatives are ready to deal with. This Nation faces unfunded liabilities at unprecedented levels, and we have got to just say "no" to more spending.

SMALL BUSINESSES AND NEW TAX BURDEN

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, growing up, my father ran two small businesses, a sporting goods business and a marina, both of which I worked at over the years. My grandfather's family worked a local dairy and farm.

So, Mr. Speaker, I was a bit taken back when the administration's budget proposal came across my desk last week. I know you often hear politicians speak about small business being the backbone of our economy, but it's true, and even more so in the American rural communities that I represent.

With 710 new jobs created by small business owners, these individuals are key to the revitalization of our economy and putting folks back to work. This budget proposal will increase the tax burden on every single small business owner not once, but twice. Overhead costs, raw materials, transportation, and every other segment of the supply chain will skyrocket under this proposal.

This is not acceptable and will only lengthen this recession and penalize the very best people that are best equipped to put folks back to work. Now, I will give credit where credit is due. I was pleased to see the President take a step in the right direction yesterday by relaxing the lending rules at the Small Business Administration to allow credit to flow more freely.

PRESIDENT'S BUDGET TAXES TOO MUCH

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, hardworking Americans across this country are trimming their budgets and finding ways to save and make sacrifices. In these tough economic times the Federal Government should be held to that same standard.

During a time of economic instability, we cannot start raising taxes to pay for more government spending. Unfortunately, that's exactly what the President has proposed in his budget that he has submitted to Congress. The administration proposes to raise taxes \$1.4 trillion over the next 10 years, which includes taxes on small businesses, the backbone of our economy.

Let's be clear about what \$1 trillion is. If you started counting to \$1 trillion, 1, 2, 3, it would only take you 31,708 years to count to 1 trillion. Yet we are talking about \$1.3 trillion in new taxes.

The American taxpayers deserve a better plan for individuals and small businesses. We must empower American individuals and families. The road to economic recovery is paved with healthy small business communities creating jobs and opportunity.

Congress and the administration should focus on solutions that empower

individuals and businesses to succeed in the economy, rather than solutions that spend too much, borrow too much and tax too much.

PRESIDENT'S BUDGET IS RECIPE FOR HIGH INFLATION

(Mr. COFFMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN. Mr. Speaker, the President's budget is a recipe for high inflation, higher interest rates and a permanent downsizing of the U.S. economy.

For the President to say that this budget has fiscal year discipline defies all common sense. The President says he will cut the deficit in half over the next 5 years. However, that is only after he hikes it to over \$1 trillion in the first year. His promise of never having a balanced budget has even caused our largest public debt holder, the People's Republic of China, to take notice and express concern over the lack of fiscal responsibilities in this budget.

When the economy begins to recover, public borrowing under the President's budget will compete with the demand for private borrowing, leading to a dramatic rise in interest rates and inflation, weakening the value of the dollar and lessening the value of U.S. Treasury notes.

Mr. Speaker, this budget taxes too much, spends too much and borrows too much and must be defeated.

HONORING UNIVERSITY OF WYOMING NORDIC SKI CLUB

(Mrs. LUMMIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LUMMIS. Mr. Speaker, I rise today to recognize an achievement of the University of Wyoming Nordic Ski Club.

Two weeks ago, this team swept the United States Collegiate Ski and Snowboard Association Nationals, with the men's and women's team both bringing home the gold.

I would like to congratulate coaches Christi Boggs and Rachel Watson, who led this team to double championship titles at Devil's Thumb Ranch in Colorado. This is the fourth national title for the University of Wyoming's women's program and the second for the men's program in 10 years.

Particular recognition should also go to Daniel Lewis, who came away with three individual championships, as well as his fellow teammates on the men's championship relay team, Eliah Pedersen and Evgeniy Panzhinskiy. In addition to these three accomplished young men, John Kirilin was named an Overall Individual All-American.

On the women's team, this title was awarded to Gracey Lewis, Kari Boroff, Gwynn Barrows and Marie Cartwright.

Again, I congratulate the University of Wyoming ski teams, my alma mater ski teams, on all their success. The Cowboy State is proud of these young men and women.

□ 1245

CAP-AND-TAX PROVISION HURTS AN AILING ECONOMY

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. The President today said that he was frustrated at the Republicans' "just say no" attitude. Well, this is what I am going to say "no" to. I am saying "no" to a 686 billion carbon tax increase. What does that mean?

This is Peabody Mine No. 10 in 1990. After the last Clean Air amendments, this mine was shut down. We lost over 1,200 mineworkers' jobs because of that.

The carbon tax, the cap-and-tax provision in the budget bill, will raise costs to every energy user in this country, hurting manufacturing, hurting retail industries. It's egregious, it's not necessary, and it only hurts an ailing economy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SUPPORTING PROFESSIONAL SOCIAL WORK MONTH AND WORLD SOCIAL WORK DAY

Mr. POLIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 240) to support the goals and ideals of Professional Social Work Month and World Social Work Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 240

Whereas social workers have the demonstrated education and experience to guide individuals, families, and communities through complex issues and choices;

Whereas social workers help people in all stages of life, from children to the elderly, and in all situations from adoption to hospice care;

Whereas social workers are in schools, courtrooms, drug clinics, hospitals, senior centers, shelters, nursing homes, the military, disaster relief, prisons, and corporations;

Whereas social workers are dedicated to improving the society in which we live and connecting individuals, families, and communities to available resources;

Whereas social workers stand up for others to make sure everyone has access to the same basic rights, protections, and opportunities;

Whereas social workers, such as Harry Hopkins, Frances Perkins, Whitney M. Young, Jr., and Dr. Dorothy I. Height have been the driving force behind important social movements in the United States and abroad;

Whereas, according to the United States Department of Labor, Bureau of Labor Statistics, employment for social workers is expected to grow much faster than the average for all occupations;

Whereas Professional Social Work Month and World Social Work Day, which is March 17, 2009, will build awareness of the role of professional social workers and their commitment and dedication to individuals, families, and communities everywhere through service delivery, research, education, and legislative advocacy; and

Whereas the 2009 Social Work Month theme—Social Work: Purpose and Possibility—highlights the special characteristics of those who choose social work as a profession, and underscores the goals of their work: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Professional Social Work Month and World Social Work Day;

(2) acknowledges the diligent efforts of individuals and groups who promote the importance of social work and who are observing Professional Social Work Month and World Social Work Day;

(3) encourages the American people to engage in appropriate ceremonies and activities to further promote awareness of the life-changing role of social workers;

(4) recognizes with gratitude the contributions of the millions of caring individuals who have chosen to serve their communities through social work; and

(5) encourages young people to seek out educational and professional opportunities to become social workers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. I request 5 legislative days during which Members may revise and extend and insert extraneous materials on House Resolution 240 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I rise today to support the goals and ideals of Professional Social Work Month and World Social Work Day. Social workers are valuable members of all communities,

helping people in all stages of life, from birth through the elderly, and in all situations, from adoption to hospice care and end of life. Dedicating their education and experience, social workers help to guide individuals, families, and communities through complicated issues and complex choices.

There are more than 600,000 people in the United States who have devoted their lives to social work and to the improvement of the society in which we live by obtaining social work degrees. Many social workers have been the driving force behind important social movements in the United States and abroad.

A few examples include Harry Hopkins, who relocated to New Orleans in order to work for the American Red Cross as Director of Civilian Relief, Gulf Division; or Francis Perkins, who championed the minimum wage laws and reduced the workweek for women to 48 hours.

My late grandmother, Ruth Schutz, was a social worker for over 20 years in New York City, as well as a progressive activist. These are the frequently unsung heroes of our communities, and that's why it's important that we recognize them here today, Mr. Speaker.

Social workers labor in schools, courtrooms, drug clinics, hospitals, senior centers, shelters, nursing homes, the military, disaster relief, prisons, and corporations all over the country as they stand up for others to make sure that everyone has access to the same basic rights, protections, and opportunities.

This is hard work, emotionally difficult, and frequently thankless work, which is why it's so important that our body take this step to honor social workers here today.

However, the need for social workers is expected to grow twice as fast as other occupations, especially in gerontology and home health care issues as our aging demographic requires more services for our seniors. Substance abuse, private social service agencies, and school social work also continue to increase.

Professional Social Work Month and World Social Work Day, which is March 17, 2009, will build awareness of the role of professional social workers and their commitment and dedication to individuals, families, and community everywhere through service delivery, research, education, and legislative advocacy.

I urge my colleagues to support this resolution honoring those who choose social work as a profession in their endeavors to better society.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 240, which supports the goals and ideals of Profes-

sional Social Work Month and World Social Work Day.

As a health care professional of three decades and a former licensed nursing home administrator, I observed personally every day social workers making meaningful contributions throughout the Nation.

They are on the front lines helping people overcome life's most difficult challenges—poverty, abuse, addiction, illness, disability, discrimination, and more. Social workers are the Nation's largest providers of mental health services, delivering 60 percent of mental health treatment.

However, these highly trained professionals also work in schools, hospitals, health care agencies, senior centers, crisis centers, and military bases. Social workers also actively advocate changes in policy and legislation to strengthen the social safety nets critical to so many. Whether in direct practice, administration, education, research, or policy development, social workers promote social justice for all.

According to the International Federation of Social Workers, social work grew out of humanitarian and democratic ideals, and its values are based on respect for equality, worth, and dignity of all people.

Since its beginnings over a century ago, social work has focused on meeting human needs and developing human potential. Human rights and social justice serve as the motivation and justification for social work action. In solidarity with those who are less fortunate, the profession strives to alleviate poverty and to promote inclusion for the most vulnerable populations.

This year's Social Work Month theme—"Purpose and Possibility"—truly highlights the special characteristics of those who choose social work as a profession and underscores the goals of their work. While their day-to-day work often goes unnoticed, we stand today to recognize with gratitude the contributions of the millions of caring individuals who have chosen to serve their communities through social work. I ask my colleagues to support this resolution.

I yield back the balance of my time.

Mr. POLIS. By passing this resolution and by bringing attention to Professional Social Work Month and World Social Work Day, which is March 17, 2009, we can not only bring attention and appreciation to an important profession, but engage in a discussion about the important role of social workers in keeping and weaving our community fabric together.

I ask my colleagues to join me in supporting this important bill.

Ms. SHEA-PORTER. Mr. Speaker, I am pleased to rise today to speak on behalf of House Resolution 240, which honors the dedication and compassion of professional social workers. Our highest calling is to provide service to others, especially those less fortunate than ourselves.

In the early 20th century, thousands of people lived in despair and poverty, and it was the early progressive moment in which the social work movement was born, providing food, clothing, health care and education to the less fortunate.

Social workers had a role in civil rights and in women's freedom. Today, social workers continue this fight to ensure that vulnerable families have the support and the health care that they need.

Social workers are everywhere in our society, caring for all of us. They help people in all stages of life, from children to the elderly, and in all situations, from adoption to hospice care. You can find social workers in hospitals, police departments, mental health clinics, military facilities and corporations.

Professional social workers are the Nation's largest providers of mental health care services. They provide more mental health services than psychologists, psychiatrists and psychiatric nurses combined.

The Veterans Administration employs more than 4,400 social workers to assist veterans and their families with individual and family counseling, client education, end-of-life planning, substance abuse treatment, crisis intervention and other services.

Today we thank all those who have toiled in the fields of our community, including my grandmother, who left the comfort of her home each day at the turn of the century and went to the Lower East Side to help immigrants. And we praise all of those who reach out to others every day in their community.

Social workers' service makes our communities stronger. March is National Professional Work Month, and Tuesday, March 17 is World Social Work Day. I honor their service and thank them for caring for all of us each day.

Mr. POLIS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 240, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING NATIONAL WOMEN'S HISTORY MONTH

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 211) supporting the goals and ideals of National Women's History Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 211

Whereas the purpose of National Women's History Month is to increase awareness and

knowledge of women's involvement in history;

Whereas as recently as the 1970s, women's history was rarely included in the kindergarten through grade 12 curriculum and was not part of public awareness;

Whereas the Education Task Force of the Sonoma County (California) Commission on the Status of Women initiated a "Women's History Week" celebration in 1978 centered around International Women's History Day, which is celebrated on March 8th;

Whereas in 1981, responding to the growing popularity of women's history celebrations, Congress passed a resolution making Women's History Week a national observance;

Whereas during this time, using information provided by the National Women's History Project, founded in Sonoma County, California, thousands of schools and communities joined in the commemoration of National Women's History Week, with support and encouragement from governors, city councils, school boards, and Congress;

Whereas in 1987, the National Women's History Project petitioned Congress to expand the national celebration to include the entire month of March;

Whereas educators, workplace program planners, parents, and community organizations in thousands of American communities, under the guidance of the National Women's History Project, have turned National Women's History Month into a major local learning experience and celebration;

Whereas the popularity of women's history celebrations has sparked a new interest in uncovering women's forgotten heritage;

Whereas the President's Commission on the Celebration of Women in American History was established to consider how best to acknowledge and celebrate the roles and accomplishments of women in American history;

Whereas the National Women's History Museum was founded in 1996 as an institution dedicated to preserving, interpreting, and celebrating the diverse historic contributions of women, and integrating this rich heritage fully into the Nation's teachings and history books;

Whereas the House of Representatives recognizes March 2009 as National Women's History Month; and

Whereas the theme of National Women's History Month for 2009 is women taking the lead to save our planet: Now, therefore, be it Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Women's History Month; and

(2) recognizes and honors the women and organizations in the United States that have fought for and continue to promote the teaching of women's history.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in consideration of H. Res. 211, which is designed to provide recognition and support for National Women's History Month, which is commemorated annually during the month of March.

Sponsored by our colleague, Congresswoman LYNN WOOLSEY of California, H. Res. 211 was introduced on March 5, 2009, and is currently cosponsored by 115 Members of Congress, both men and women, as well as from both sides of the aisle. The measure was considered by Chairman TOWNS and the Oversight panel on March 10, 2009, where it was passed without objection by voice vote.

Mr. Speaker, I contend that it would be challenging to recount history without recognizing the profound role that women have played in every community, State, and country throughout the world. While only a small measure of appreciation, today's consideration of H. Res. 211 is designed to express the appreciation and the gratitude of this legislative body for the priceless and timeless contribution of women throughout history.

The origins of National Women's History Month dates back to 1978 when organizers in Sonoma County, California, established a public celebration of women's history, calling it "Women's History Week." In 1987, Congress expanded the celebration to a month-long commemoration by declaring March as Women's History Month.

Since the 1970s, we in America have seen notable growth in the study and expansion of women's history. In fact, today almost every college offers women's history courses and most major graduate programs offer doctoral degrees in this important field of study.

Even today, we continue to witness women history makers—from our very own Speaker of the House to the Speaker of the California State Assembly. From Governors and mayors to successful businesswomen, scientists, athletes, teachers and, of course, mothers, women are clearly making a difference in our country and in our world.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. I yield myself such time as I may consume.

Mr. Speaker, I join with my colleagues in recognizing Women's History Month. This is important. We recognize a great many days and months here in the Capitol, and sometimes we get disparaged for it. But I think when we look at the important role and the partnership since Colonial times until this very day that women have spent and made in our history, we do so without it being properly marked in history.

One needs to dig a little deeper in order to see the equal participation of

women. Our Founding Fathers did not make the decision to go to war without the support of their families because their land, their property, and their very lives were at stake when they made that decision.

Since 1987, this country has recognized Women's History Month in this month, and we should. National Women's History Month has also received the support of Federal, State, and local officials that allow for public fora to raise the awareness and perhaps to inspire a next generation of women to do all that they can do, be all that they can be, and participate in ways that women throughout our history have, and more.

So I join with my colleagues, and particularly my California colleague, Representative WOOLSEY, in asking that we take a moment to recognize Women's History Month.

I reserve the balance of my time.

□ 1300

Mr. CLAY. Mr. Speaker, I recognize the sponsor of the resolution, Ms. WOOLSEY of California, for 4 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise to honor Women's History Month. Women were once considered second-class citizens whose rights were restricted, from voting to property ownership. But today, women serve in the Senate and the House of Representatives, they serve as members of the President's cabinet, and as Speaker of the House of Representatives. It is important that the role that women have played in shaping this country is honored. However, it wasn't until the late 1970s that women's history was taught in our schools. It was almost completely absent in media coverage and cultural celebrations.

That is why, Mr. Speaker, in 1998, the Education Task Force of the Sonoma County Commission on the Status of Women, when I was the Chair of the Commission on the Status of Women, initiated a women's history week celebration, a celebration that centered around International Women's History Day. The National Women's History Project, located in my district, was founded in 1980 by many dedicated women who poured their hearts and their ideas into promoting and expanding the weeklong celebration. Because several dedicated women, including Molly Murphy MacGregor, Mary Ruthsdotter, Maria Cuevas, Paula Hammett, and Bette Morgan, decided to write women back into history, thousands of schools and communities then started to commemorate Women's History Week by bringing lessons on women's achievements into the classroom, staging parades, and engaging neighborhoods and churches in celebration of the contributions of women.

The hard work and dedication of these women and the support of the Sonoma County Commission on the

Status of Women paid off. They started a national movement, and in 1981 Congress responded to the growing popularity of Women's History Week by making it a national observance in 1987 and expanding the week to a month, the month of March.

Imagine what American history lessons would be today without teaching about Harriet Tubman's Underground Railroad; or the work of Elizabeth Cady Stanton or Susan B. Anthony, and the many women who fought for women's suffrage; or Dr. Sally K. Ride, who was the first woman in space, encouraging more girls to be interested in science.

Today, Mr. Speaker, I ask my colleagues to join me in reaffirming our commitment to the celebration of women's history by supporting H. Res. 211, to ensure our grandchildren and great grandchildren learn more about women like Amelia Earhart and, eventually, the first woman President.

Mr. Speaker, I want to thank Chairman TOWNS, Chairman CLAY, and Ranking Member ISSA for supporting this resolution. Let us reflect on the contributions of women. Let us reflect on their place in history, with the hope that the day will come, and soon, when it is impossible to study American history without remembering the contribution of women.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

As cochair of the Congressional Caucus on Women's Issues, it gives me great pleasure to rise in strong support of H. Res. 211, Recognizing March As Women's History Month. I want to thank Congresswoman LYNN WOOLSEY for introducing this resolution, and to acknowledge our own woman Speaker of the House, NANCY PELOSI.

Women's History Month is about recognizing the achievements of women throughout our history, while also acknowledging the significant obstacles they had to overcome along the road to success, and the many we still face. I want to thank President Obama for creating, this month, a high-level White House Council on Women and Girls.

Our women's caucus, which is chaired by my friend and colleague, MARY FALLIN, is dedicated to addressing those challenges by supporting legislation and developing policies through our eight task forces. And I want to thank my sisters in the House for making history that will lift women and girls in the United States and around the world. We, as the more privileged women of the United States of America, see ourselves as part of an international sisterhood, where women in places like the Congo are facing a weapon of war that is low cost and low

tech called rape. We are concerned about our sisters here in the United States who are victims of domestic violence and discrimination in the workplace. We understand all these challenges, but we have seen women throughout history, fierce and strong women, who have stood up to those and overcome those challenges, and we want to acknowledge those women on whose shoulders we stand and to pledge in their memory to go forward on their behalf.

Mr. CLAY. Mr. Speaker, at this time I yield 2 minutes to my good friend from the State of Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. As a vice chair of the Congressional Women's Caucus, I proudly rise today in support of House Resolution 211, honoring the contributions that women have made to history both at home and abroad.

Women have never, ever had it easy, and it is vital that as we continue to move forward, we never forget the contributions of those who came before us. Whether it was Harriet Tubman, repeatedly risking death to lead slaves through the dangers and trials of the underground railroad, or Elizabeth Cady Stanton and Susan B. Anthony organizing, against the wisdom of the day, to convince the male electorate to let women vote, over and over and over again women have stood up and demanded the rights that are due to them. And today, with so much uncertainty in our economy, it is women in households across our country who are pooling together their resources to make sure their families can eat and that their children are on time for school. So let us remember Mother Ruth, Big Mama, Aunt Peaches, and Grandma Helen.

This resolution honors the contributions that women have made through history. But it does more than that. It reminds us of the strength and dignity that we possess in even the most uncertain times, and it urges us to seek out and stamp out injustice against women and their families wherever we see it. I urge support for H. Res. 211.

Mr. CLAY. Mr. Speaker, at this time I recognize my friend from Ohio, the most senior female in the House, Ms. KAPTUR, for 2 minutes.

Ms. KAPTUR. I thank Chairman CLAY for moving this bill forward. I thank him for yielding me time. I want to thank Congresswoman WOOLSEY for her great leadership in introducing House Resolution 211, honoring the contributions of women across history, and certainly here in our great country. I want to thank Congressman ISSA for his support.

I also want to say that we have a long way to go. As far as we have come, we have even further to go. The majority of women's contributions in history have never been recorded. So much of what women have lived has not even

been put to pen and to page; and that is no more true than here in the House of Representatives itself.

I was so pleased the other day to walk in the main corridor on the first floor of the Capitol, and to see for the first time in history the portrait of Shirley Chisholm hung in a place where most people who travel here will actually witness the first African American woman ever to be elected to the Congress of the United States, and who campaigned for me in my very first campaign. She left in 1983.

For a very long time, indeed the first 200 years of our country, up until this last decade, the only portrait of a woman hung in this House was of Pocahontas over in the main dome of the Capitol as she saved the life of John Smith around the year 1623. But it wasn't until this last decade where we tried to get the portraits of women hung in this Capitol, and it has proved to be as hard as winning the Revolutionary War.

Mary Norton, the child of Irish immigrants, has finally been hung in the Education and Labor Committee as the first woman to chair a committee in this House, the Education and Labor Committee. She wrote the National Labor Relations Act, No Child Labor, time-and-a-half overtime, minimum wage. And for all those years, from the Great Depression until this past year, her portrait was in a closet here in the Capitol. Imagine that. Jeannette Rankin, the first woman to ever serve from the State of Montana before suffrage was even adopted, never a portrait of her. Finally, it was commissioned. We worked so hard. She is hung up on the third floor as you come off to the visitor's gallery.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CLAY. I yield the gentlewoman another 30 seconds.

Ms. KAPTUR. I thank the gentleman for that time. And, to say, when the Senate saw what we did in the House, they hung a portrait of Hattie Carraway, the first woman elected to the Senate, over on the Senate side.

So the road has been a very long road, even here inside the Capitol, which is supposed to reflect the history of the American people. We know as women, at the founding of our republic, as with slaves, we were considered three-quarters of a person, and it was not until 1920 with adoption of the 19th amendment to our Constitution were we considered full persons. And it was not until the Married Women Property Acts were passed in the State of New York in the late 1800s that in fact women began to emerge from the shackles that had held them in bondage for all of recorded history.

I congratulate my dear friend from California, Congresswoman WOOLSEY. I thank the chairman of the Committee. Thank you for bringing us into the 21st century.

Mr. CLAY. Let me first of all thank the gentlewoman from Ohio for that quick history lesson on women's history in this Capitol. I want to yield to my friend from South Dakota (Ms. HERSETH SANDLIN) for 2 minutes.

MS. HERSETH SANDLIN. Mr. Speaker, I thank the gentleman from Missouri for yielding. I rise in strong support of House Resolution 211, a resolution Supporting the Goals and Ideals of National Women's History Month.

I am proud to be a cosponsor of this resolution, along with many of my colleagues, and would like to thank Congresswoman WOOLSEY for introducing this legislation, recognizing the critical role women have played in shaping the Nation we are proud to call home today.

Women like the pioneers who helped settle the great plains in the West, the women who were the suffragettes working to ensure women's right to vote, the role of so many women on the home front and abroad throughout our Nation's history and serving in our Armed Forces, the important and positive influence of women across the country in the workplace, in public service, and throughout our communities.

Although we have certainly come a long way in ensuring equal treatment of women, challenges do remain. In recognition of the need to address the obstacles women still face, President Obama signed an executive order recently, creating the White House Council on Women and Girls, and I was honored to participate in the signing ceremony at the White House.

Given the number of working mothers in South Dakota, one of the highest numbers per capita in the country, and having recently become a working mother myself, I will be particularly interested in this new council's focus on this aspect of women and families. I am proud of the progress we have made to integrate the stories of heroic American women into the discussion of our Nation's history. I encourage schools and organizations across the country to participate in the celebration of National Women's History Month and make their own unique contribution to the ongoing narrative of the history of women in America.

I would like to thank again Congresswoman WOOLSEY for introducing this important resolution. I thank her for her leadership, and I encourage my colleagues to support the resolution.

Mr. CLAY. Mr. Speaker, at this time I would like to recognize the distinguished gentlewoman from Nevada (Ms. TITUS) for 2 minutes.

□ 1315

Ms. TITUS. Thank you, Mr. Chairman, for yielding.

Today I rise in strong support of H. Res. 211 and National Women's History Month, which this year celebrates

women who are taking the lead to save our planet. Women have played a critical role in the fight to protect the Earth as activists, scientists and public servants. In Nevada, many of the early environmental activists, like Tina Nappe, were women inspired to act by their childhood experiences in the beautiful Silver State. They have been joined by respected scientists, such as Dr. Peg Rees, dedicated to finding new ways to protect the desert for future generations.

As public servants, women have also made a significant contribution to saving our planet. In the Nevada legislature, for example, our women members have been ahead of their time, championing issues from renewable energy development, like Sheila Leslie, to smart growth, like Chris Giunchigliani. These many accomplishments are being documented, analyzed and disseminated to the public by the Women's Research Institute at the University of Nevada in Las Vegas under the able direction of Dr. Joanne Goodwin.

But Women's History Month is not only a month of remembrance of the important women of our past. It is an inspiration for the next generation of women and a call for them to continue the fight to leave this precious rock a better place to our children than we found it. So, thank you, Mr. Chairman, and thank you especially, Ms. WOOLSEY, for offering this important resolution that commemorates the 22nd anniversary of National Women's History Month.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe today as we move this important piece of legislation recognizing Women's History Month that we realize that women have played an important part in both parties and in all the major issues of our time. Certainly when we view Susan B. Anthony through the role she played as a strong women's suffragette and as a strong advocate for women's rights, the right of life, a strong pro-life advocate, we realize that women have played an important role in political decisions, decisions of war and peace and in development of so many things in our country. And they continue to do so today.

So, I would hope that as we recognize Women's History Month, we recognize that women are just as independent in their politics, in their desires and in their beliefs as any man would ever hope to be, and that we not falsely determine that somehow women will save the planet where men won't, or that there aren't women developing innovative solutions including next generation nuclear, wind and solar, and, beyond that, solutions that haven't even been talked about on the House floor.

With that, I reserve the balance of my time.

Mr. CLAY. At this time, Mr. Speaker, I would like to recognize my friend

from Florida (Ms. WASSERMAN SCHULTZ) for 2 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, today I rise in recognition of National Women's History Month.

With this year's theme of "Women Taking the Lead to Save Our Planet," I am pleased to recognize the many women who have showed exceptional vision and leadership in the ongoing efforts to save our planet, women like Carol Browner, the White House Coordinator of Energy and Climate Policy, Speaker NANCY PELOSI, the first ever female Speaker of the U.S. House of Representatives, Eileen Collins, the first woman shuttle commander, and Nan Rich, my State senator, who just became the first female Democratic leader in the Florida State Senate in our history. These women exemplify that a woman can do any job a man can do. As we saw during the Presidential election, women like Secretary of State Hillary Clinton showed Americans that women are ready to lead.

My daughter, Rebecca, turned in her fourth grade biography report on Susan B. Anthony this week. She and I learned together about the right to vote and equal access to education for women that she fought for so valiantly but never lived to see. As the mother of two young daughters, it is so important to me that they see strong women taking the lead to repair our world.

As we look to the future and the steps that must be taken to save our planet, women can and will take the lead.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise in strong support of House Resolution 211, a bill to support the goals and ideals of National Women's History Month.

I would like to send a tribute out to all of the women trailblazers who have contributed so much to our country. And I think St. Patrick's Day is the perfect time to remember them! I would like to begin by sending a very special thank you to former Congresswoman Pat Schroeder of Colorado; Congresswoman Carrie Meek of Florida; and Congresswoman Barbara Kennelly of Connecticut; and to some of the women Members who I had the honor to serve with in this body and recently passed: The Honorable Stephanie Tubbs-Jones of Ohio; The Honorable Julia Carson of Indiana; and the Honorable Juanita Millender-McDonald of California.

I would also like to discuss a few of the women who served as mentors to me over the years. I remember growing up in Jacksonville, back in the civil rights era in the United States. And I knew I wanted to do something—get involved in something big—to make a difference. And I was inspired by a strong willed woman, Ms. Gwendolyn Sawyer Cherry, who would stop at nothing to change the terrible ills that our society, and in particular, African Americans, were facing in that time period.

Ms. Sawyer Cherry was the first African-American woman to practice law in Dade County, Florida, and became one of the first nine attorneys who initially served at Legal Services in Greater Miami in 1966. She was

elected as a state representative in 1970, becoming the first African-American woman to serve as a legislator for the State of Florida. She was elected to four terms and served until 1979.

During her term, she introduced the Equal Rights Amendment in Florida, chaired the State of Florida's committee for International Woman's Year in 1978, and co-authored *Portraits in Color*. I thank you, Ms. Sawyer Cherry, for all you have done for our nation and for the state of Florida.

And the last woman I would like to mention is a very near and dear friend of mine; an African American woman who served with me both in the Florida state legislature and came up to Washington with me in 1993. I am referring to, of course, Ms. Carrie Meek of Miami.

The granddaughter of a slave and the daughter of former sharecroppers, she spent her childhood in segregated Tallahassee. She then went on to graduate from Florida A&M University in 1946, at a time when African Americans could not attend graduate school in Florida, so she was forced to travel North to continue her studies and ended up graduating from the University of Michigan.

Ms. Meek went on to become a Florida state representative in 1979, and was the first African American female elected to the Florida State Senate in 1982. As a state senator, Meek served on the Education Appropriations Subcommittee, and her efforts in the Legislature also led to the construction of thousands of affordable rental housing units.

In 1992, Congresswoman Carrie Meek was elected to the U.S. House of Representatives from Florida's 17th Congressional District. This made Ms. Meek, along with myself and Congressman ALCEE HASTINGS, to serve as the first black lawmakers elected to represent Florida in Congress since Reconstruction. Upon taking office, Ms. Meek was faced the extreme task of helping her district recover from Hurricane Andrew's devastation, and her efforts helped to provide \$100 million in federal assistance to rebuild Dade County.

As a powerful and hard working Member of the appropriations committee, Congresswoman Meek became a leader on issues from economic development, to health care funding, to education and housing. She also passed legislation to improve Dade County's transit system, their airport and seaport; construct a new family and childcare center in North Dade County; and fund advanced aviation training programs at Miami-Dade Community College. In recent times, the Honorable Carrie Meek has worked to become a civil rights advocate for senior citizens in the Miami area, as well for the Haitian community in South Florida.

In closing, I want to thank these pioneers, those who have led the way for our daughters today and in the future.

Ms. GIFFORDS. Mr. Speaker, I am honored today to celebrate March as National Women's History Month with my support of H. Res. 211, "Supporting the Goals and Ideals of National Women's History Month."

Women make up only 17% of the 111th Congress—that is abysmal given that we make up more than 50 percent of America's population. In the private sector, women CEOs are also in the minority. According to a 2008 census by Catalyst, among fortune 500 com-

panies, only 2.4 percent are women. We can do better. More voices of women are needed in our boardrooms, courtrooms and in the halls of Congress.

In my home state of Arizona, women have been trailblazers. This year, Arizona became the only state in the nation to have three female Governors in a row: Jane Hull, Janet Napolitano and Janice Brewer. In 1998, Arizona became the first state to elect women to all five of its top offices, dubbed the "Fab Five." Additionally, Sandra Day O'Connor, the first woman to serve on the United States Supreme Court, hails from the great state of Arizona.

All of these strong, independent leaders embody the true spirit of Arizona women: self-reliant, hard-working and determined.

I also want to pay tribute to the countless organizations and coalitions that work tirelessly to improve the lives of women and girls throughout Southern Arizona.

I am proud to celebrate National Women's History Month by recognizing the increased awareness and knowledge of women's involvement in history.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand here before you not only as a Member of the United States Congress, but as a woman. I fully support H. Res. 211, "Supporting the goals and ideals of National Women's History Month", this is an issue that I hold dear to my heart. This bill will increase awareness and knowledge of women's involvement in history.

Women's history is a vital part of American history, however it is not public knowledge; mostly in part to the lack of women's history education in the schools. I thank my colleague Representative WOOLSEY for introducing this valuable piece of legislation.

As Susan B. Anthony said "It was we, the people; not we, the white male citizens; nor yet we, the male citizens; but we, the whole people, who formed the Union" and "There never will be complete equality until women themselves help to make laws and elect lawmakers."

This national celebration and recognition of women's historic achievements began in 1980 when National Women's History Week was proclaimed by Presidential Proclamation. In 1987, this national celebration was expanded by Congressional Resolution to an entire month by declaring March as National Women's History Month.

National Women's History Month provides an opportunity to educate the general public about the significant role of women in American history and contemporary society. Establishing this focal celebration has encouraged schools to introduce new curriculum, and communities to recognize women who have been pivotal in their own communities.

The knowledge of women's history provides a more expansive vision of what a woman can do. This perspective can encourage girls and women to think larger and bolder and can give boys and men a fuller understanding of the female experience.

Today, women account for 51% of the world's population and throughout "woman's-kind" we have had countless sisters whose brilliance, bravery and power changed the course of history. H. Res. 211 recognizes and

honors the women and organizations in the United States that have fought for and continue to promote the teaching of women's history.

While we have come a long way from the early nineteenth century, when women were considered second class citizens whose existence was limited to the interior life of the home and care of the children, we have yet to achieve equality. It is a shame that a decade into the new millennium we are still fighting for women's equality and the right to be respected for our contributions both in and out of the workplace.

This bill will bring awareness to all of those women who have broken barriers and glass ceilings for the rest of us. Women such as the Honorable Speaker PELOSI, the Honorable Ruth Bader Ginsburg, Susan B. Anthony, the Honorable Barbara Jordan, Sojourner Truth, Sacagawea, Rosa Parks, Amelia Earhart, Joan of Arc, and the list could go on for miles.

However, this month is not only about the well known women of history. It is also about those less renowned, such as Belva Ann Lockwood, who fought for admittance into law school. She fought to practice before the Supreme Court and even ran two full campaigns to run for President of the United States, although she could not vote. Texas is home to a multitude of women. The women of Texas are strong, and National Women's History Month is the perfect time to celebrate the diverse population of women that reside in the great state of Texas. I am a proud Texan, and today, I want to bring attention to several women from Texas who deserve recognition and praise for their influence in the continuing fight for women's equality.

One of my personal heroes is Barbara Jordan. Barbara Jordan was born in the Fifth Ward of Houston to a Baptist minister and a domestic worker. She grew up a native Houstonian, attended Houston public school, and attended Texas Southern University in Houston. In 1966, Barbara Jordan was elected as State Senator becoming the first woman to serve since 1883. Her political career continued to grow when she was elected to Federal Representative in 1972. As a Congresswoman, Barbara Jordan sponsored the cause of the poor, black, and disadvantaged people. She is truly a strong woman from Texas that is more than deserving of our recognition during National Women's History Month.

A native Texan, Ann Richards was politically motivated from a young age. Through the 1950s and 60s, she volunteered on several Democratic Governor campaigns, and by 1976, she won her first political position as a Commissioner in Travis County. Beginning in 1982, she became the first woman elected to statewide office in 50 years as state Treasurer, and in 1990, a Democrat turned the typically red state of Texas blue. Ann Richards worked hard to champion for all of her constituents while she was in office and continued this fight even after she was out of office. In 2006, Ms. Richards passed away, but she will always be remembered for her kind heart and determined demeanor. She was an advocate for women everywhere. I want to make sure that her Texas memory is not forgotten.

Alongside Barbara Jordan and Ann Richards there are many Texas women that have

championed to represent strong, Texas women. Throughout Texas, there are women that have paved their individual paths independently and with dignity. Texas Railroad Commissioner Lena Guerrero was also a Hispanic legend in Texas. She was the youngest ever President of the Young Democrats of Texas at 21 years of age and was elected as a state representative in 1984. She was the first Hispanic and first woman on the Texas Railroad commission. Tragically, Lena met her demise at the age of 50. However, in her short time, Lena was someone to be admired and who made many contributions as a Texas citizen.

Dr. Polly Turner, an Associate Professor of Health Administration at Texas Southern University is another outstanding woman I would like to direct attention to. In 2007, she was awarded the Outstanding Texan Honoree in Education by State Representative Garnet Coleman.

Vanessa Diane Gilmore is a judge on the United States District Court for the Southern District of Texas. She was appointed to this position by President Clinton in 1994. At that time, she was the youngest sitting federal judge in the United States. She was also the first graduate of the University of Houston to be appointed to the federal bench.

Hazel Hainsworth Young is another Texan deserving of our respect. In 1926, Hazel Young was named the first Latin teacher at the brand-new Jack Yates High School. In 2008, HISD honored Ms. Young and her contributions as a teacher at her 103rd birthday.

I would also like to direct attention to Faye B. Bryant, the 21st International President of Alpha Kappa Alpha (AKA) Sorority, Inc. Faye B. Bryant was born in Houston in 1957. Since then, Ms. Bryant has worked as a teacher and administrator of Houston Independent School District (HISD). Along with her education focus, she stayed a strong supporter of her sorority, and as President of AKA, she has reached out to other nations and developed programs such as the African Village Development Program.

Mattelia B. Grays, the 18th International President of AKA, was also a native born Houstonian. After her education in Michigan and California, Ms. Grays returned to Houston to teach for public schools. Under her leadership the Rodgers Educational Enrichment Center was named one of "One of Six Super Schools" by Texas Monthly magazine. Like Ms. Bryant, Ms. Grays held positions of influence in HISD and championed for children's rights.

Aside the plethora of minority women that have made a name and established a foothold in the state of Texas, there are Caucasian women such as Patricia Lykos who is currently the District Attorney of Harris County. A graduate of the University of Houston and South Texas College of Law, Patricia has dedicated her career to the administration of justice. In 1980, she was the first Republican elected to the Harrison County criminal court bench.

Melissa Noriega is also a woman to be admired. She is a 27 year veteran of the HISD, a community activist, and a former member of the Texas House of representatives. Melissa's actions demonstrate her belief in public serv-

ice and her ability to set aside her personal agendas for the greater good.

Furthermore, Rosanna Osterman was a Texas pioneer, American Civil War nurse and philanthropist. She lived in Galveston, and during the 1853 yellow fever epidemic, she erected a temporary hospital on her family premises in order to nurse the sick and the dying. Osterman also chose to stay in Galveston during the civil war and opened her home as a hospital, first to Union soldiers, then to Confederate soldiers.

I am proud to stand here today as a female member of Congress and champion for the unending fights for the rights and equality of women, and I am proud that I am able to bring recognition to these truly amazing women from Texas.

Women have a distinct place in American history as well as world history. Women had to fight uphill battles in order to free themselves from their cages. For example, women had to prove that intense physical or intellectual activity would not in fact be injurious to the "delicate" female biology, and to be seen as individuals and not property and objects of beauty.

As Susan B. Anthony said "It was we, the people; not we, the white male citizens; nor yet we, the male citizens; but we, the whole people, who formed the Union" and "There never will be complete equality until women themselves help to make laws and elect law-makers". Women face discrimination and prejudice everyday, yet women all over the world continue to work hard to make a difference—to alter their lives and the lives of others. I believe that women have always had the power to change the world and we will. I urge my colleagues to support this important resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in strong support of House Resolution 211, Supporting the Goals and Ideals of National Women's History Month. I am proud to be a cosponsor of this resolution.

Throughout the month of March, we pause to celebrate the rich achievements women have made in every aspect of life—whether in arts, government, science, sports, or family life. We stand here to champion these contributions and honor those taking the lead to save our planet.

Before the 1970s women's history was largely overlooked, but today we cannot ignore the significant contributions women have made in shaping our country and building for a brighter, more peaceful future.

Recognizing these accomplishments through Women's History Month will no doubt greatly impact the self-esteem of young women and girls.

Emphasizing the wide range of educational and career opportunities, and introducing them to positive role models of all backgrounds, will leave a lasting impression on the future women leaders of our country.

Mr. Speaker, I call on my colleagues to support House Resolution 211, recognizing the unique role of women and working to increase awareness of women's involvement in our history.

Mr. ISSA. Mr. Speaker, I would like to yield back the remainder of my time.

Mr. CLAY. At this time, we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 211.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

AUTHORIZING PILOT PROGRAM FOR PATENT CASES

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 628) to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PILOT PROGRAM IN CERTAIN DISTRICT COURTS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a program, in each of the United States district courts designated under subsection (b), under which—

(A) those district judges of that district court who request to hear cases under which 1 or more issues arising under any Act of Congress relating to patents or plant variety protection are required to be decided, are designated by the chief judge of the court to hear those cases;

(B) cases described in subparagraph (A) are randomly assigned to the judges of the district court, regardless of whether the judges are designated under subparagraph (A);

(C) a judge not designated under subparagraph (A) to whom a case is assigned under subparagraph (B) may decline to accept the case; and

(D) a case declined under subparagraph (C) is randomly reassigned to 1 of those judges of the court designated under subparagraph (A).

(2) SENIOR JUDGES.—Senior judges of a district court may be designated under paragraph (1)(A) if at least 1 judge of the court in regular active service is also so designated.

(3) RIGHT TO TRANSFER CASES PRESERVED.—This section shall not be construed to limit the ability of a judge to request the reassignment of or otherwise transfer a case to which the judge is assigned under this section, in accordance with otherwise applicable rules of the court.

(b) DESIGNATION.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Director of the Administrative Office of the United States Courts shall designate not less than 6 United States district courts, in

at least 3 different judicial circuits, in which the program established under subsection (a) will be carried out.

(2) CRITERIA FOR DESIGNATIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the Director shall make designations under paragraph (1) from—

(i) the 15 district courts in which the largest number of patent and plant variety protection cases were filed in the most recent calendar year that has ended; or

(ii) the district courts that have adopted local rules for patent and plant variety protection cases.

(B) EXCEPTIONS.—The Director may only designate a court in which—

(i) at least 10 district judges are authorized to be appointed by the President, whether under section 133(a) of title 28, United States Code, or on a temporary basis under other provisions of law; and

(ii) at least 3 judges of the court have made the request under subsection (a)(1)(A).

(c) DURATION.—The program established under subsection (a) shall terminate 10 years after the end of the 6-month period described in subsection (b).

(d) APPLICABILITY.—The program established under subsection (a) shall apply in a district court designated under subsection (b) only to cases commenced on or after the date of such designation.

(e) REPORTS TO CONGRESS.—

(1) IN GENERAL.—At the times specified in paragraph (2), the Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the pilot program established under subsection (a). The report shall include—

(A) an analysis of the extent to which the program has succeeded in developing expertise in patent and plant variety protection cases among the district judges of the district courts so designated;

(B) an analysis of the extent to which the program has improved the efficiency of the courts involved by reason of such expertise;

(C) with respect to patent cases handled by the judges designated pursuant to subsection (a)(1)(A) and judges not so designated, a comparison between the 2 groups of judges with respect to—

(i) the rate of reversal, by the Court of Appeals for the Federal Circuit, of such cases on the issues of claim construction and substantive patent law; and

(ii) the period of time elapsed from the date on which a case is filed to the date on which trial begins or summary judgment is entered;

(D) a discussion of any evidence indicating that litigants select certain of the judicial districts designated under subsection (b) in an attempt to ensure a given outcome; and

(E) an analysis of whether the pilot program should be extended to other district courts, or should be made permanent and apply to all district courts.

(2) TIMETABLE FOR REPORTS.—The times referred to in paragraph (1) are—

(A) not later than the date that is 5 years and 3 months after the end of the 6-month period described in subsection (b); and

(B) not later than 5 years after the date described in subparagraph (A).

(3) PERIODIC REPORTS.—The Director of the Administrative Office of the United States Courts, in consultation with the chief judge

of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall keep the committees referred to in paragraph (1) informed, on a periodic basis while the pilot program is in effect, with respect to the matters referred to in subparagraphs (A) through (E) of paragraph (1).

(f) AUTHORIZATION FOR TRAINING AND CLERKSHIPS.—

(1) IN GENERAL.—In addition to any other funds made available to carry out this section, there are authorized to be appropriated not less than \$5,000,000 in each fiscal year for—

(A) educational and professional development of those district judges designated under subsection (a)(1)(A) in matters relating to patents and plant variety protection; and

(B) compensation of law clerks with expertise in technical matters arising in patent and plant variety protection cases, to be appointed by the courts designated under subsection (b) to assist those courts in such cases.

(2) AVAILABILITY OF FUNDS.—Amounts made available pursuant to this subsection shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes. The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, this bill will create a pilot program to help enhance district court expertise in patent cases. The United States patent system leads the world in its strength and effectiveness. For over two centuries, the incentives for innovation it supports have helped create the world's strongest economy. But to ensure that it continues to play this role, we must be mindful of whether it is working as efficiently as it could be and whether we can improve it.

In recent years, concern has arisen over the expense and duration of patent litigation, as well as the lack of consistency in the patent decisions that are handed down by district courts. This bill should help address both of those concerns. It is widely believed that the lack of experience and expertise that most district court judges have with respect to patent and plant variety protection cases is responsible for the wide divergence in their decisions in these cases and their high rate of reversal on appeal.

This bill establishes a pilot program to enable interested judges in certain

district courts to gain increased expertise in adjudicating complex and technical patent and plant variety protection cases. This will create a cadre of judges who gain advanced knowledge of patent and plant variety protection through more intensified experience in handling the cases, along with special education and career development opportunities.

This should bring greater predictability in patent and plant variety protection decisions, as well as greater efficiency in the processing of all cases. The bill also sets forth reporting requirements to Congress, which will help us guide our future efforts to further improve the patent system.

H.R. 628 has bipartisan support in the Judiciary Committee and broad support from the patent bar and affected industry and trade groups. In 2006 a nearly identical bill, H.R. 5418, was reported by the Judiciary Committee and passed the House under suspension. The legislation passed the House again under suspension in the last Congress.

I urge my colleagues to join me in supporting it now.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is widely recognized that patent litigation is too expensive, too time consuming, and too unpredictable. H.R. 628 addresses these concerns by authorizing a pilot program in certain United States district courts to promote patent expertise among participating judges. The need for such a program becomes apparent when one considers that less than 1 percent of all cases in U.S. district courts are patent cases and that a district court judge typically has a patent case proceed through trial only once every 7 years. These cases require a disproportionate share of attention and judicial resources, and the rate of reversal, unfortunately, remains unacceptably high.

The premise underlying H.R. 628 is that practice makes perfect, or at least better. Judges who regularly focus on patent cases can be expected to make better decisions.

Introduced by our colleagues DARRELL ISSA and ADAM SCHIFF, this bill is identical to legislation that the House passed unanimously under suspension of the rules in the last two Congresses. H.R. 628 requires that the Director of the Administrative Office of the Courts to select six district courts to participate in a 10-year pilot program that begins no later than 6 months after the date of enactment.

This bill requires the director to provide the Committees on the Judiciary of the House of Representatives and the Senate with periodic progress reports. These reports will enable Congress and the courts to evaluate whether the pilot program is working, and, if so, whether it should be made permanent.

Mr. Speaker, this is a creative bill that will improve the application of patent law. I want to really take a moment to thank again Mr. ISSA, the gentleman from California, for this creative idea coming up with this bill, and also for his personal expertise. Mr. ISSA actually holds 37 patents, which I suspect is far more than any other Member of Congress has ever held in the history of this institution, so he knows whereof he speaks. It is no surprise he has come up with this very productive and constructive piece of legislation. And we are very pleased he is also a leader on the Judiciary Committee as well.

I urge my colleagues to support this legislation.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from California (Mr. ISSA).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from California will control the balance of the time.

Mr. JOHNSON of Georgia. Mr. Speaker, first I would like to thank the gentleman from California (Mr. ISSA) for his leadership on this bill. It has been his bill for four sessions of Congress. That tells you how much we need to do in order to do something we should have done a while ago. So I'm glad to support you on this, Mr. ISSA.

Also I thank the ranking member of the Judiciary Committee, Mr. LAMONT SMITH of Texas, for his work in bringing this bill to the floor in the 111th Congress.

Mr. Speaker, I yield 3 minutes to the honorable gentleman from California, ADAM SCHIFF.

Mr. SCHIFF. I thank the gentleman.

Mr. Speaker, I want to join in acknowledging the leadership of my colleague, DARRELL ISSA from California, in developing this bill. He has fought hard for it for several years now. We are hoping this is the time we succeed. We have a deep interest in improving the efficiency of the patent process, in taking a lot of the costs out, some of the litigation costs and the inefficiencies in the patent review, and also by improving the quality of patents. We are at present trying to work on those broader patent reforms. We hope we can succeed with those. This bill is a win-win situation. Through it, we can expand upon the knowledge and expertise of the courts that decide patent issues. We can allow the courts to identify judges that have an interest in this area and that want to engage in further education to improve the quality of decision making.

Unfortunately, these cases are often very complex. The result is that you get decisions that are too often reversed on appeal. So to the degree that

we can encourage some specialization in the district courts, improve the cost quality of decisions in the court process, we can reduce costs and we can improve the process.

□ 1330

So I think that this pilot project is a very important step forward.

Again, I want to congratulate my colleague. I know how hard he has worked on this. It is good to have somebody with the experience of getting a patent himself. I have some fabulous patent ideas, multimillion-dollar ideas. I haven't gotten them patented yet. But when I do, I want to make sure that there is a good, efficient system. And should anyone have the unmitigated temerity to actually challenge one in court, I want judges who are well educated and understand that my patent is valid and any claim to the contrary is without merit.

I congratulate my colleague, thank him for his superb work, and urge my fellow colleagues to support the bill.

I rise today in support of H.R. 628, legislation that will enhance expertise in patent cases among district judges, provide district courts with resources and training to reduce the error rates in patent cases, and help reduce the high cost and lost time associated with patent litigation.

I joined my colleague Mr. ISSA in introducing this legislation because I believe this proposal will provide us with valuable and important insight on the operation of patent litigation in the federal court system.

In the 109th Congress, the Judiciary Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on improving federal court adjudication of patent cases in response to high rates of reversal at the Federal Circuit. At this hearing, a number of proposed options to address this issue were discussed. Serious concerns were expressed with a number of proposals, including those that would create new specialized courts and those that would move all patent cases to existing specialized courts.

These concerns centered around the need to maintain generalist judges, to preserve random case assignment, and to continue fostering the important legal percolation that currently occurs among the various district courts. Our proposal aims to avoid these pitfalls.

H.R. 628 establishes a mechanism to steer patent cases to judges that have the desire and aptitude to hear such cases, while preserving the principle of random assignment in order to prevent forum shopping among the pilot districts.

The legislation will also provide the Congress and the courts with the opportunity to assess the program on a periodic basis. Reports will examine whether the program succeeds in developing greater expertise among participating District judges, the extent to which the program contributes to improving judicial efficiency in deciding these cases, and whether the program should be extended, expanded or made permanent.

By providing our courts with the resources they need to carefully consider patent cases,

we will ultimately save the American taxpayer money.

The legislation has been passed by the House in the 109th and 110th Congresses. We are pleased that companion legislation has been introduced by Senator SPECTER, and we hope that the other body will act on this proposal this Congress.

While this legislation is an important first step at addressing needed patent reforms, I believe that Congress must continue to work on a more comprehensive reform of our patent system. I look forward to continuing my work with my colleagues in the Judiciary Committee and in Congress to address these issues.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my partner in this bill, ADAM SCHIFF. For three Congresses in a row, we have worked together and enjoyed a luxury of riches. The bill passes unanimously on suspension, only to be not quite broad enough to appeal to some people in the Senate. I think many of those questions were worked out by agreement in the last Congress, and I believe we have a real chance of moving this bill into law in this Congress.

I thank Mr. JOHNSON and the ranking member, HOWARD COBLE, for both being cosponsors of this bill. I believe we have made some technical adjustments that will inspire not just the three districts of California, but also Massachusetts, New Jersey and some of the other major areas in which these types of legislation have run into a lot of problems, particularly the fact that we have amended the bill to support those jurisdictions which adopt local rules even if they would otherwise not be eligible that would allow for this type of specialization.

On that word, I want to make sure that everyone in the Congress understands, on both sides of the dome, that when we say specialization, we are not trying to create a specialty court; just the opposite. We are trying to save the district court as we know it. I have had a number of patents properly adjudicated both as a defendant and as a plaintiff, and what I have discovered is that the judges, given the tools at the district court level and given the opportunity to practice more frequently, or at least having at least one judge who has practiced more frequently, they will adjudicate these cases properly. They will make good Markman decisions, and they will in fact understand the nuances of patent. Without that expertise lying in each of the district courts, particularly the large ones, we undoubtedly will continue to have cases which get ping-ponged around and which get decided, unfortunately, incorrectly the first time and only decided correctly after they have come back from the Fed circuit.

So as many have called for the creation of a specialty court similar to the appellate court, the Fed circuit, we are trying here through this patent

pilot to do just the opposite: to retain at the district court closest to the people the opportunity to have their patents heard, but to provide them the additional tools necessary to do it, and as was said very kindly by both Mr. SCHIFF and Mr. JOHNSON, to give them the frequency of those judges who would like to have that frequency of doing more than one case every seven years. So with that, I again urge passage of this bill.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, may I inquire as to how many more speakers the gentleman from California has?

Mr. ISSA. I would make myself the last speaker, if the gentleman is prepared to close.

Mr. JOHNSON of Georgia. I am prepared to close if you are.

Mr. ISSA. I yield myself 30 seconds to again recognize that this bill has passed this House overwhelmingly repeatedly. This time I believe we have perfected on a bipartisan basis with a companion, including Senator SPECTER in the Senate, the ability to move this as a separate freestanding bill quickly, and then I look forward to working particularly with ADAM SCHIFF on these many other pieces of legislation and other reforms that we have talked about at length, and of course with the chairman of the subcommittee, Mr. JOHNSON.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 628, the "Patent Judges Pilot Program in Certain District Courts." I urge my colleagues to support this bill. This bill will provide more expertise in skill in a difficult area of law: patent law. Americans hold the patents and patent law as important integral to our very lives. Patents reward ingenuity and creativity.

As the Blackberry litigation demonstrated, deficiencies in the current system have the ability to paralyze America. Indeed, the New York Times noted that "[something] has gone very wrong with the United States patent system." The Financial Times opined that "[i]t is time to restore the balance of power in U.S. patent law." Indeed, there has been a cry for change in the patent system and increased expertise for many years now.

The Constitution mandates that we "promote the progress of science and the useful arts . . . by securing for limited times to . . . inventors the exclusive right to their . . . discoveries." In order to fulfill the Constitution's mandate, we, as Members of Congress, must examine the system periodically to determine whether there may be flaws in the system that may hamper innovation, including the problems described as decreased patent quality, prevalence of subjective elements in patent practice, patent abuse, and lack of qualified persons to study patent law. H.R. 628 attempts to correct some of these problems.

H.R. 628 creates a pilot program to increase the expertise of U.S. District Court judges who wish to hear cases that involve issues related to patents or plant variety protection. The bill provides for the designation of not less than 6

United States district courts in at least 3 different circuits to take part in the pilot program. In the designated courts, judges who elect to hear patent or plant variety protection cases will be designated to do so by the chief judge. Cases will be assigned randomly, but undesignated judges may decline to accept patent and plant variety protection cases. The bill authorizes the expenditure of not less than \$5 million per year for up to 10 years to pay for the educational and professional development of designated judges, and for compensation for law clerks with technical expertise related to patent and plant variety protection cases to be appointed by the designated courts.

The high cost of patent litigation is widely publicized. It is not unusual for a patent suit to cost each party upwards of \$10 million. Appeals from United States district courts to the Federal Circuit are frequent, in part because of the perception within the patent community that most district court judges are not sufficiently prepared to adjudicate complex, technical patent cases. In 2008, 45 percent of the patent cases that were appealed to the Federal Circuit were reversed in whole or in part or vacated and remanded. This bill seeks to promote consistency among United States district courts by increasing the expertise of district court judges, thus providing for more certainty in intellectual property protection.

Taken together, these improvements would bring the American patent system up to speed for the twenty-first century. Instead of remaining a hindrance to innovation and economic growth, the patent system should work for inventors, ensuring America's patent system remains the best in the world and prevents risks to innovation.

I am encouraged by this bill, and I am hopeful that minorities and women take advantage of this pilot program. The patent judges pilot program and pilot program for law clerks provides for the educational and professional development of the designated district judges in matters relating to patent and plant variety protection, and for compensating law clerks with expertise in technical matters arising in patent and plant variety protection cases. This is yet another step that America is taking to ensure that its patent system is the best in the world. I urge my colleagues to support this bill.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 628.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

STOP AIDS IN PRISON ACT OF 2009

Ms. WATERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1429) to provide for an effective HIV/AIDS program in Federal prisons.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop AIDS in Prison Act of 2009".

SEC. 2. COMPREHENSIVE HIV/AIDS POLICY.

(a) IN GENERAL.—The Bureau of Prisons (hereinafter in this Act referred to as the "Bureau") shall develop a comprehensive policy to provide HIV testing, treatment, and prevention for inmates within the correctional setting and upon reentry.

(b) PURPOSE.—The purposes of this policy shall be as follows:

(1) To stop the spread of HIV/AIDS among inmates.

(2) To protect prison guards and other personnel from HIV/AIDS infection.

(3) To provide comprehensive medical treatment to inmates who are living with HIV/AIDS.

(4) To promote HIV/AIDS awareness and prevention among inmates.

(5) To encourage inmates to take personal responsibility for their health.

(6) To reduce the risk that inmates will transmit HIV/AIDS to other persons in the community following their release from prison.

(c) CONSULTATION.—The Bureau shall consult with appropriate officials of the Department of Health and Human Services, the Office of National Drug Control Policy, and the Centers for Disease Control regarding the development of this policy.

(d) TIME LIMIT.—The Bureau shall draft appropriate regulations to implement this policy not later than 1 year after the date of the enactment of this Act.

SEC. 3. REQUIREMENTS FOR POLICY.

The policy created under section 2 shall do the following:

(1) TESTING AND COUNSELING UPON INTAKE.—

(A) Medical personnel shall provide routine HIV testing to all inmates as a part of a comprehensive medical examination immediately following admission to a facility. (Medical personnel need not provide routine HIV testing to an inmate who is transferred to a facility from another facility if the inmate's medical records are transferred with the inmate and indicate that the inmate has been tested previously.)

(B) To all inmates admitted to a facility prior to the effective date of this policy, medical personnel shall provide routine HIV testing within no more than 6 months. HIV testing for these inmates may be performed in conjunction with other health services provided to these inmates by medical personnel.

(C) All HIV tests under this paragraph shall comply with paragraph (9).

(2) PRE-TEST AND POST-TEST COUNSELING.—Medical personnel shall provide confidential pre-test and post-test counseling to all inmates who are tested for HIV. Counseling may be included with other general health counseling provided to inmates by medical personnel.

(3) HIV/AIDS PREVENTION EDUCATION.—

(A) Medical personnel shall improve HIV/AIDS awareness through frequent edu-

cational programs for all inmates. HIV/AIDS educational programs may be provided by community based organizations, local health departments, and inmate peer educators. These HIV/AIDS educational programs shall include information on modes of transmission, including transmission through tattooing, sexual contact, and intravenous drug use; prevention methods; treatment; and disease progression. HIV/AIDS educational programs shall be culturally sensitive, conducted in a variety of languages, and present scientifically accurate information in a clear and understandable manner.

(B) HIV/AIDS educational materials shall be made available to all inmates at orientation, at health care clinics, at regular educational programs, and prior to release. Both written and audio-visual materials shall be made available to all inmates. These materials shall be culturally sensitive, written for low literacy levels, and available in a variety of languages.

(4) HIV TESTING UPON REQUEST.—

(A) Medical personnel shall allow inmates to obtain HIV tests upon request once per year or whenever an inmate has a reason to believe the inmate may have been exposed to HIV. Medical personnel shall, both orally and in writing, inform inmates, during orientation and periodically throughout incarceration, of their right to obtain HIV tests.

(B) Medical personnel shall encourage inmates to request HIV tests if the inmate is sexually active, has been raped, uses intravenous drugs, receives a tattoo, or if the inmate is concerned that the inmate may have been exposed to HIV/AIDS.

(C) An inmate's request for an HIV test shall not be considered an indication that the inmate has put him/herself at risk of infection and/or committed a violation of prison rules.

(5) HIV TESTING OF PREGNANT WOMAN.—

(A) Medical personnel shall provide routine HIV testing to all inmates who become pregnant.

(B) All HIV tests under this paragraph shall comply with paragraph (9).

(6) COMPREHENSIVE TREATMENT.—

(A) Medical personnel shall provide all inmates who test positive for HIV—

(i) timely, comprehensive medical treatment;

(ii) confidential counseling on managing their medical condition and preventing its transmission to other persons; and

(iii) voluntary partner notification services.

(B) Medical care provided under this paragraph shall be consistent with current Department of Health and Human Services guidelines and standard medical practice. Medical personnel shall discuss treatment options, the importance of adherence to antiretroviral therapy, and the side effects of medications with inmates receiving treatment.

(C) Medical and pharmacy personnel shall ensure that the facility formulary contains all Food and Drug Administration-approved medications necessary to provide comprehensive treatment for inmates living with HIV/AIDS, and that the facility maintains adequate supplies of such medications to meet inmates' medical needs. Medical and pharmacy personnel shall also develop and implement automatic renewal systems for these medications to prevent interruptions in care.

(D) Correctional staff and medical and pharmacy personnel shall develop and implement distribution procedures to ensure timely and confidential access to medications.

(7) PROTECTION OF CONFIDENTIALITY.—

(A) Medical personnel shall develop and implement procedures to ensure the confidentiality of inmate tests, diagnoses, and treatment. Medical personnel and correctional staff shall receive regular training on the implementation of these procedures. Penalties for violations of inmate confidentiality by medical personnel or correctional staff shall be specified and strictly enforced.

(B) HIV testing, counseling, and treatment shall be provided in a confidential setting where other routine health services are provided and in a manner that allows the inmate to request and obtain these services as routine medical services.

(8) TESTING, COUNSELING, AND REFERRAL PRIOR TO REENTRY.—

(A) Medical personnel shall provide routine HIV testing to all inmates no more than 3 months prior to their release and reentry into the community. (Inmates who are already known to be infected need not be tested again.) This requirement may be waived if an inmate's release occurs without sufficient notice to the Bureau to allow medical personnel to perform a routine HIV test and notify the inmate of the results.

(B) All HIV tests under this paragraph shall comply with paragraph (9).

(C) To all inmates who test positive for HIV and all inmates who already are known to have HIV/AIDS, medical personnel shall provide—

(i) confidential prerelease counseling on managing their medical condition in the community, accessing appropriate treatment and services in the community, and preventing the transmission of their condition to family members and other persons in the community;

(ii) referrals to appropriate health care providers and social service agencies in the community that meet the inmate's individual needs, including voluntary partner notification services and prevention counseling services for people living with HIV/AIDS; and

(iii) a 30-day supply of any medically necessary medications the inmate is currently receiving.

(9) OPT-OUT PROVISION.—Inmates shall have the right to refuse routine HIV testing. Inmates shall be informed both orally and in writing of this right. Oral and written disclosure of this right may be included with other general health information and counseling provided to inmates by medical personnel. If an inmate refuses a routine test for HIV, medical personnel shall make a note of the inmate's refusal in the inmate's confidential medical records. However, the inmate's refusal shall not be considered a violation of prison rules or result in disciplinary action.

(10) EXCLUSION OF TESTS PERFORMED UNDER SECTION 4014(B) FROM THE DEFINITION OF ROUTINE HIV TESTING.—HIV testing of an inmate under section 4014(b) of title 18, United States Code, is not routine HIV testing for the purposes of paragraph (9). Medical personnel shall document the reason for testing under section 4014(b) of title 18, United States Code, in the inmate's confidential medical records.

(11) TIMELY NOTIFICATION OF TEST RESULTS.—Medical personnel shall provide timely notification to inmates of the results of HIV tests.

SEC. 4. CHANGES IN EXISTING LAW.

(a) SCREENING IN GENERAL.—Section 4014(a) of title 18, United States Code, is amended—

(1) by striking "for a period of 6 months or more";

(2) by striking " , as appropriate, "; and

(3) by striking "if such individual is determined to be at risk for infection with such virus in accordance with the guidelines issued by the Bureau of Prisons relating to infectious disease management" and inserting "unless the individual declines. The Attorney General shall also cause such individual to be so tested before release unless the individual declines."

(b) INADMISSIBILITY OF HIV TEST RESULTS IN CIVIL AND CRIMINAL PROCEEDINGS.—Section 4014(d) of title 18, United States Code, is amended by inserting "or under the Stop AIDS in Prison Act of 2009" after "under this section".

(c) SCREENING AS PART OF ROUTINE SCREENING.—Section 4014(e) of title 18, United States Code, is amended by adding at the end the following: "Such rules shall also provide that the initial test under this section be performed as part of the routine health screening conducted at intake."

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORT ON HEPATITIS AND OTHER DISEASES.—Not later than 1 year after the date of the enactment of this Act, the Bureau shall provide a report to the Congress on Bureau policies and procedures to provide testing, treatment, and prevention education programs for Hepatitis and other diseases transmitted through sexual activity and intravenous drug use. The Bureau shall consult with appropriate officials of the Department of Health and Human Services, the Office of National Drug Control Policy, and the Centers for Disease Control regarding the development of this report.

(b) ANNUAL REPORTS.—

(1) GENERALLY.—Not later than 2 years after the date of the enactment of this Act, and then annually thereafter, the Bureau shall report to Congress on the incidence among inmates of diseases transmitted through sexual activity and intravenous drug use.

(2) MATTERS PERTAINING TO VARIOUS DISEASES.—Reports under paragraph (1) shall discuss—

(A) the incidence among inmates of HIV/AIDS, Hepatitis, and other diseases transmitted through sexual activity and intravenous drug use; and

(B) updates on Bureau testing, treatment, and prevention education programs for these diseases.

(3) MATTERS PERTAINING TO HIV/AIDS ONLY.—Reports under paragraph (1) shall also include—

(A) the number of inmates who tested positive for HIV upon intake;

(B) the number of inmates who tested positive prior to reentry;

(C) the number of inmates who were not tested prior to reentry because they were released without sufficient notice;

(D) the number of inmates who opted-out of taking the test;

(E) the number of inmates who were tested under section 4014(b) of title 18, United States Code; and

(F) the number of inmates under treatment for HIV/AIDS.

(4) CONSULTATION.—The Bureau shall consult with appropriate officials of the Department of Health and Human Services, the Office of National Drug Control Policy, and the Centers for Disease Control regarding the development of reports under paragraph (1).

SEC. 6. APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

California (Ms. WATERS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my friends, JOHN CONYERS, the chairman of the House Judiciary Committee, Mr. LAMAR SMITH, ranking member of the House Judiciary Committee, and Mr. BOBBY SCOTT, chairman of the Judiciary Subcommittee on Crime, Terrorism and Homeland Security. Their staffs worked closely with my staff in a bipartisan manner when we drafted this bill 2 years ago, introduced it as H.R. 1943, reported it favorably and passed it on suspension. And they have been strong supporters of it ever since.

More than a quarter century has passed since AIDS was first discovered, yet the AIDS virus continues to infect and kill thousands of Americans every year. Last year, the Centers for Disease Control and Prevention, CDC, released new estimates of HIV infection which proves that the HIV/AIDS epidemic is even worse than we thought. The new estimates indicate that approximately 56,300 new infections occurred in the United States in 2006. This figure is approximately 40 percent higher than CDC's previous estimates of 40,000 new infections every year.

Here in our Nation's capital, health officials just announced that the HIV infection rate has reached 3 percent. That is 2,984 residents per every 100,000 over the age of 15, or 15,120 right here in our capital. This is a rate that exceeds the 1 percent threshold for a severe epidemic, and compares to severely impacted nations in West Africa. This announcement made the headlines in Sunday's Washington Post.

We need to take the threat of HIV/AIDS seriously, and we need to confront it in every institution in our society. That includes our Nation's prison system.

In 2005, the Department of Justice reported that the rate of confirmed AIDS cases in prisons is three times higher than in the general population. The Department of Justice also reported that 2 percent of State prison inmates and 1.1 percent of Federal prison inmates were known to be living with HIV/AIDS in 2003. However, the actual rate of HIV infection in our Nation's prisons is still unknown because prison officials do not consistently test prisoners.

In January of this year, the Journal of the National Medical Association published an article by Dr. Nina Harawa and Dr. Adaora Adimora on "Incarceration, African Americans and HIV: Advancing a Research Agenda." The article confirmed that individuals at high risk for incarceration also tend to be at high risk for HIV infections. Incarcerated populations have a high prevalence of characteristics associated with HIV infection. These characteristics include low socioeconomic status, drug use, multiple sex partners, and histories of sexual abuse and assault.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

The Stop AIDS in Prison Act of 2009 requires the Federal Bureau of Prisons to develop comprehensive policy to provide HIV testing, treatment, and prevention for inmates in Federal prisons. This legislation will combat and prevent the continued spread of HIV and AIDS among prison populations and the community at large.

Mr. Speaker, there are about 200,000 prisoners in the Federal prison system, but the incidence of HIV and AIDS in the prison system is difficult to measure because not all prisoners are routinely tested.

Mr. Speaker, there is no doubt that the prison population, like the population of America as a whole, includes prisoners who are HIV positive and do not know it. In 2006, a report by the U.S. Department of Justice estimated that over 1 percent of Federal inmates were known to be infected with HIV. The United Nations Joint Program on HIV/AIDS and the U.S. Centers for Disease Control and Prevention have historically defined an HIV epidemic as occurring when the overall percentage of disease among residents of a specific geographic area exceeds 1 percent. That means that the percentage of prisoners who carry the HIV/AIDS virus may have reached epidemic proportions.

The occurrence of HIV and AIDS cases in Federal prisons is at least three times higher among prison inmates than it is among the United States population as a whole.

H.R. 1429 requires routine testing of all Federal prison inmates upon entry and prior to release. For all existing inmates, testing will be required within 6 months of enactment. This reasonable requirement will enable prison officials to reduce HIV/AIDS among inmates and provide counseling, prevention, and health care services for inmates who are infected with the disease.

For those prisoners tested when they enter prison, testing will ensure that they receive adequate treatment, education, and prevention services while incarcerated. Similarly, it is important that prisoners are tested shortly before

release into the community so adequate services can be coordinated for the prisoners after release. That in turn will protect the community that they then reside in.

I believe in thorough punishment for criminal offenders because the public deserves to be protected; but we have a duty to treat prisoners humanely and to prevent the spread of HIV/AIDS, not just within the prison populations, but to the populations they return to.

Mr. Speaker, I would like to thank my colleagues on the Judiciary Committee and particularly Congresswoman WATERS for her work on this legislation. She has led the way, she has pushed hard, and she, with Ranking Member LAMAR SMITH, bring this bill today with broad bipartisan support. As was said earlier, this bill passed by suspension in the last Congress, and we would hope that it passes early and is signed into law at the earliest possible date. H.R. 1429 remains an important piece of legislation yet undone by this Congress from the previous Congress.

I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, Dr. Harawa's and Dr. Adimora's article also pointed out that incarceration could provide a window of opportunity for reaching at-risk individuals and providing them testing, treatment, and prevention services for HIV and AIDS. Unfortunately, these services are not consistently available in the correctional system.

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HIV testing is not required upon entry and prior to release from Federal prisons, nor is testing required in most State prisons.

Treatment for HIV/AIDS in the correctional system is often limited by lack of expertise among prison health providers and inadequate access to HIV pharmaceuticals.

Finally, HIV prevention programs are not available in a consistent or complete fashion throughout the entire correctional system. That is why we need to pass the Stop AIDS in Prison Act today. The Stop AIDS in Prison Act requires the Federal Bureau of Prisons to develop a comprehensive policy to provide HIV testing, treatment, and prevention for inmates in Federal prisons.

This bill requires the Bureau of Prisons to test all prison inmates for HIV upon entering prison and again prior to release from prison unless the inmate absolutely opts out of taking the test. Inmates who test positive will be given comprehensive treatment during their incarceration and referrals to services in the community prior to release. All inmates, regardless of their test results, will be given HIV prevention education.

We are honored to have the support of many of the prominent HIV/AIDS advocacy organizations for the Stop

AIDS in Prison Act. These include; AIDS Action, The AIDS Institute, the National Minority AIDS Council, the AIDS Healthcare Foundation, the HIV Medicine Association, the Latino Commission on AIDS, AIDS Project Los Angeles, Bienestar, a Latino community service and advocacy organization, and the AmASSI National Health and Cultural Centers, another community service and advocacy organization. The Board of Supervisors of the County of Los Angeles, which has been severely impacted by HIV/AIDS, has also expressed support for this bill.

In conclusion, the Stop AIDS in Prison Act will help stop the spread of HIV/AIDS among prison inmates, encourage them to take personal responsibility for their health, and reduce the risk that they will transmit HIV/AIDS to other persons in the community following their release from prison.

I would like to thank my colleagues who have been involved, especially my colleague from California who is on the floor today in support of this legislation.

I would urge all of my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I think the gentlelady made such a good point that, in fact, we have an obligation to recognize that individuals will return to our community, and they need to return healthier than they came in. So the requirements in this bill, both for testing on the way in and testing on the way out of prison, are so important.

Mr. Speaker, under Governor Pete Wilson, I had the honor to serve on his prison board for the Prison Work Program. What I discovered in prison is exactly what the gentlelady from California is alluding to, that we often incarcerate without doing the other things that should be done—education programs, work programs, drug and alcohol detoxing programs, and, yes, recognizing that good physical and mental health are essential, that we have to make sure that people who are being prepared to leave prison are being prepared to not return to prison.

So I join with the gentlelady in support of this effort, like so many others that she has championed over the years.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentlewoman has 13½ minutes remaining.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the gentlelady from California, the Chair of the Congressional Black Caucus, BARBARA LEE.

Ms. LEE of California. I thank the gentlelady for yielding. But also, let

me thank you for making sure that we stayed on point as it relates to HIV/AIDS. And I have to just stop and take a minute and help recall some of this history.

Actually, when I was first elected in 1998, you were chairing the Congressional Black Caucus at that point. And you recognized what this HIV/AIDS epidemic was doing in our country, especially in the African American community.

I remember you called a meeting—I think you gave us maybe 2 or 3 days, but the seriousness of this warranted that. People came from all over the country. And we talked about what we needed to do, and we sounded the alarm.

Under your leadership, we developed the Minority AIDS Initiative. And I must say, you insisted then that it be comprehensive, and it must be complete, and it must be funded. I believe at that point we were able to get maybe \$150, \$157 million; drop in the bucket, maybe, but yes, it was a major step in the right direction. We are still trying to get up to \$650 million for the Minority AIDS Initiative.

But having said that, let me just say, in terms of the comprehensive nature of what we talked about then and what you insisted on, we said that any AIDS strategy had to be seen from the perspective of prevention, care, and treatment. In fact, we talked about the disproportionate numbers of African Americans being infected and affected and how the resources should be targeted to the communities in most need.

Fast forward to Toronto, Canada, to the HIV/AIDS International Conference. And I'll never forget this—and I have to say this because today is really a milestone, I think, in Congresswoman WATERS' work around this—we were there with the NAACP, we were there with all of our black AIDS organizations. And you whispered to me, you said, I'm getting ready to do something that's very controversial; some folks may not like it, but are you with me? I said, "Yes, ma'am." You said, "We're going to do a mandatory testing bill." And we talked about it. And you made it public at that conference, and you said you were not going to rest until this is done. You talked about the bill in concept, in terms of stopping AIDS in prison, because you were talking about the rates of infection with regard to African American women and what is taking place in prisons and how all of our heads really are in the sand about this, we just didn't want to deal with it at all. But you were determined that all of us—the NAACP, all of our groups—were going to deal with it. Some said it was going to be impossible to do because of mandatory testing requirements. We talked about how to deal with that, and you found a way, and that is, by allowing anyone who wants to opt out to opt out.

I always have to say, Congresswoman WATERS, that you always insist on doing this work—if we have to do it out of the box, we will, but where there is a will, there is a way. I think today really just demonstrates that where there is a will, there is a way. And with the bipartisan support now on H.R. 1429, with our President supporting the development of a national AIDS strategy and a national AIDS plan, I have a lot of hope.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. WATERS. I yield to the gentle lady as much time as she may need to continue this wonderful talk she's giving.

Ms. LEE of California. I have to say I am really excited today because I have a lot of hope. When you look at the numbers in the District of Columbia, for instance, what, 33 percent new infections for African American women? When you look at what is happening around the country and when you look at the disproportionate rates of African American men in prison, you can't help but be thankful today that this bill is on the floor, and with bipartisan support we're going to move it off the floor. Because I think that if we really are being for real about tackling this, we have got to do it, and we have got to require what this bill requires in our prisons.

I just have to say today, on behalf of my constituents, where we declared a state of emergency in 1999 in the African American community in Alameda County, on behalf of the entire country, thank you very much. It is a very hopeful day.

I urge support of this bill, and look forward to our continuing work and getting it to President Obama's desk so he can sign this into law.

Mr. SMITH of Texas. I am pleased to be original co-sponsor of H.R. 1429, the "STOP AIDS in Prison Act of 2009."

The Stop AIDS in Prison Act of 2009 requires the federal Bureau of Prisons to develop a comprehensive policy to provide HIV testing, treatment and prevention for inmates in federal prisons.

This legislation will combat and prevent the continued spread of HIV and AIDS among the prison population and the community at large.

There are about 200,000 prisoners in the federal system. But, the incidence of HIV and AIDS in the prison population is difficult to measure because not all inmates are routinely tested.

In a 2006 report, the Justice Department estimated that over one percent of federal inmates were known to be infected with HIV. The United Nations Joint Program on HIV/AIDS and the U.S. Centers for Disease Control and Prevention have historically defined an HIV epidemic as occurring when the overall percentage of disease among residents of a specific geographic area exceeds one percent.

That means that the percentage of prisoners who carry the HIV/AIDS virus may have reached epidemic proportions.

The occurrence of HIV and AIDS cases in federal prison is at least three times higher among prison inmates than it is among the United States population as a whole.

H.R. 1429 requires routine HIV testing for all federal prison inmates upon entry and prior to release. For all existing inmates, testing is required within six months of enactment.

This reasonable requirement will enable prison officials to reduce HIV/AIDS among inmates and provide counseling, prevention, and health care services for inmates who are infected with the disease.

For those prisoners tested when they enter prison, such testing will ensure that they receive adequate treatment, education and prevention services while incarcerated.

Similarly, it is important that prisoners are tested shortly before release into the community so that adequate services can be coordinated for the prisoner after release. That, in turn, will protect the community.

I believe in tough punishment for criminal offenders because the public deserves to be protected. But we have a duty to treat prisoners humanely and to rehabilitate them.

To me, preventing the spread of HIV and AIDS among prisoners is an essential part of humane treatment and rehabilitation.

I would like to thank my colleague on the Judiciary Committee, Congresswoman WATERS, for her work on this legislation. Ms. WATERS and I worked together on earlier versions of this bill in previous sessions of Congress. She has been an energetic partner in this effort.

I would also like to thank Chairman CONYERS for helping bring this legislation to the House floor today.

As my colleagues will recall, the House passed a version of this bill last Congress by voice vote. The bill was placed on the legislative calendar of the Senate, but it was never acted upon. It is my hope that the Senate will pass H.R. 1429 during this Congress.

I urge my colleagues to support this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1429, "Stop AIDS in Prison Act of 2009." I want to thank my colleague Congresswoman MAXINE WATERS of California for introducing this legislation.

Mr. Speaker, I strongly support H.R. 1429, which designed to address the growing impact that HIV/AIDS is having on minority communities. According to the Black AIDS Institute, Centers for Disease Control and Prevention (CDC) statistics reveal that African Americans account for half of all new HIV/AIDS cases. Racial and ethnic minorities comprise 69 percent of new cases, according to the 2005 data released by the CDC. African-American women account for the majority of new AIDS cases among women (67 percent in 2004); whereas white women account for 17 percent and Latinas 15 percent. The CDC estimates that 73 percent of all children born to HIV infected mothers in 2004 were African American. HIV/AIDS is now the leading cause of death among African Americans ages 25 to 44—deadlier than heart disease, accidents, cancer, and homicide.

The CDC reported that Hispanics accounted for 18 percent of new diagnoses reported in the 35 areas with long-term, confidential

name-based HIV reporting in the United States, and that most Hispanic men were exposed to HIV through sexual contact with other men, followed by injection drug use and heterosexual contact; and that most Hispanic women were exposed to HIV through heterosexual contact, followed by injection drug use.

According to the Bureau of Justice Statistics, African Americans made up 41 percent of all inmates in the prison system at the end of 2004. Since African Americans are disproportionately represented in jails and prisons, the Stop AIDS in Prison Bill is one way to begin addressing this problem.

The "Stop AIDS in Prison Act of 2009" directs the Bureau of Prisons to develop a comprehensive policy to provide HIV testing, treatment, and prevention for inmates in federal prisons and upon reentry into the community. The bill would require initial testing and counseling of inmates upon entry into the prison system and then ongoing testing available up to once a year upon the request of the inmate, or sooner if an inmate is exposed to the HIV/AIDS virus or becomes pregnant. Furthermore, the Bureau of Prisons will be required to make HIV/AIDS counseling and treatment available to prisoners, and give testing and treatment referrals to prisoners prior to reentering the community. The bill protects the confidentiality of prisoners, and allows prisoners to refuse routine HIV testing.

Finally, the bill contains a requirement that the Bureau of Prisons report to Congress, no later than one year after enactment, the number of inmates who tested positive for HIV upon intake; the number of inmates who tested positive prior to reentry; the number of inmates who were not tested prior to reentry because they were released without sufficient notice; the number of inmates who opted-out of taking the test; the number of inmates who were tested following exposure incidents; and the number of inmates who were under treatment for HIV/AIDS.

I urge my colleagues to support H.R. 1429 because we must reverse these costly trends. Currently, the only cure we have for HIV/AIDS is prevention.

Had the bill gone through regular and been marked up, I was planning on offering an amendment that would permit those infected with HIV to elect, on their own volition, to be housed separate from the general population as long as the prison had the facilities. This way, those infected with HIV could be housed in safety.

The HIV/AIDS pandemic is indeed a state of emergency in the African-American and Hispanic community. We must use all resources necessary to defeat this deadly enemy that continues to devastate the minority community. As Americans, we have a strong history, through science and innovation, of detecting, conquering and defeating many illnesses. We must and we will continue to fight HIV/AIDS until the battle is won.

Mr. Speaker, I strongly support H.R. 1429, "Stop AIDS in Prisons Act of 2009," and urge my colleagues to support it as well.

Mrs. CHRISTENSEN. Mr. Speaker, incarceration rates in the United States have skyrocketed through the years. Approximately 2.3 million Americans are incarcerated and more

than 1 in 100 American adults were incarcerated just at the start of 2008. Although the actual rates of HIV/AIDS infections in our nation's prisons are not known due the fact that current prison officials do not consistently test their prisoners; we see how this epidemic is effecting our nation and especially devastating the African American community.

An estimated 20 percent–26 percent of all Americans living with HIV/AIDS are incarcerated at some point and are frequently incarcerated during the course of their disease. Persons at risk for incarceration are more likely than others in our nation to be at high risk for HIV/AIDS infections especially related to risky behavioral practices and characteristics. These risk characteristics include minimal education, drug use, low socioeconomic status, multiple sex partners, a high prevalence of sexually transmitted infections, and histories of sexual abuse and assault. This also renders those in prison who are infected to become vulnerable to a whole range of other diseases. In custody HIV transmission occur through sexual activity, needle-sharing for drug injection, tattooing with unsterilized equipment, and contact with blood or mucous membranes through violence.

Incarceration is a crisis among African Americans. Research and data show that African Americans are disproportionately more likely than any other racial and ethnic group to be at risk for incarceration. In fact African Americans constitute just 13 percent of the American population but make up 44 percent of all prison and jail inmates. I am sure it is not surprising to see the correlation between this statistic and also the statistics that show that African Americans account for the majority of new AIDS cases, the majority of new HIV infections, and the majority of HIV deaths. The prevalence of HIV/AIDS in incarcerated men and women is 3–5 times that of the general population.

Particularly affected by the HIV/AIDS epidemic in incarcerated populations are African American women. The most astounding news is that prisons are the only setting in the United States where HIV prevalence is higher in females than in males, with approximately 2.6 percent of female and 1.8 percent of male state prison inmates known to be HIV infected. Further, African-American women make up two-thirds of newly reported HIV cases in females overall and 34 percent of all female inmates' cases.

In attempt to counter many assumptions, a number of published case studies and a smaller number of retrospective cohort studies have described cases of HIV transmission in U.S. inmates that occurred during incarceration. These studies only suggest that the incarcerated population needs to be fully included in HIV/AIDS prevention and treatment efforts. There must be a change in people's attitudes and the way we promote positive health initiatives through our federal prison systems.

I, therefore, rise today in strong and unwavering support of H.R. 1429, The Stop AIDS in Prison Act, which would require routine HIV testing for all federal prison inmates upon entry and prior to release from prison, provide inmates with education and treatment, and reduces the risks they may pose of transmitting HIV/AIDS to others in their communities after their release.

We all should support H.R. 1429 and ensure that incarcerated and ex-offender populations have access to adequate and realistic HIV prevention methods, receive voluntary and confidential HIV testing and are rolled into adequate HIV/AIDS-related care, treatment and services.

Mr. RANGEL. Mr. Speaker, I rise today to express my support of H.R. 1429, Stop AIDS in Prison Act of 2009, which has been reintroduced by Congresswoman MAXINE WATERS. It is important that proper HIV/AIDS testing, prevention, treatment, and education are provided to all inmates. HIV/AIDS is quickly rising in America. According to the Department of Justice the rate of confirmed AIDS cases in prisons was three times higher than in the general population.

This piece of legislation will help reduce the spread of HIV/AIDS by making inmates get tested for HIV/AIDS upon entering jail and when they leave. Testing inmates when they enter and when they leave will help track the number of people infected and it will also help reduce the spread to others in their communities. Educating inmates about HIV/AIDS and providing them treatment will make them more responsible about their health and the health of others.

This is only one part of helping to solve this epidemic that has spread vastly in large and small cities and towns across America as well as in countries around the world. That is why I am in strong support of this legislation.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I would like to thank Congresswoman BARBARA LEE for rushing to the floor to participate in the presentation of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and pass the bill, H.R. 1429.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JOHN "BUD" HAWK POST OFFICE

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 955) to designate the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the "John 'Bud' Hawk Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN "BUD" HAWK POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, shall be known and designated as the "John 'Bud' Hawk Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John 'Bud' Hawk Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House subcommittee with jurisdiction over the U.S. Postal Service, I am pleased to present for consideration H.R. 955, a bill to designate the U.S. postal facility located at 10355 Northeast Valley Road in Rollingbay, Washington, as the "John 'Bud' Hawk Post Office."

Introduced by Representative JAY INSLEE on February 10, 2009 and reported out of our full committee by voice vote on March 10, 2009, H.R. 955 enjoys the support of the State of Washington's entire House delegation.

A long time resident of Bremerton, Washington, Sergeant John "Bud" Hawk received the Medal of Honor, the U.S. military's highest commendation, from President Harry S. Truman on July 13, 1945. Following his military career, Sergeant Hawk continued his devotion to public service by serving as a longtime educator in Bremerton, Washington.

In April of last year, Sergeant Hawk was again honored for his bravery during World War II as he was presented with a Medal of Honor flag at Olympia's Capitol Rotunda by Brigadier General Gordon Toney, Commander of the Washington Army National Guard.

Mr. Speaker, Sergeant Hawk's service stands as a testament to the brave men and women that have served and continue to serve our Nation at home and abroad. And it is my hope that we can further honor this distinguished veteran through the passage of H.R. 955.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of this bill designating the facility of the United States Postal Service located at 10355 Northeast Valley

Road in Rollingbay, Washington, as the "John "Bud" Hawk Post Office Building."

Bud Hawk embodies, in every sense, the word "hero." In June of 1945, President Truman placed a Congressional Medal of Honor around John "Bud" Hawk's neck on the Capitol steps in Olympia in his home State of Washington. With this bill, we are honoring John again, this time in the Nation's Capitol, and this time not only for his heroic efforts in World War II, but for his lifetime of service.

John first earned the Nation's gratitude and respect during World War II when his heroism was instrumental in destroying two enemy tanks and forcing the surrender of more than 500 enemy combatants in August of 1944.

Sergeant Hawk showed fearless initiative and heroic conduct, even while suffering from a painful wound. Under heavy enemy fire, John ran back and forth toward the enemy in order to give the American tanks correct targeting directions. John sacrificed his already wounded body to act as a human firing director for the American tanks. His action came at the end of the Battle of Normandy. In gratitude for his help in the liberation of their country, John was awarded France's Legion of Honor in 2007. John also received four Purple Hearts for four separate times he was wounded during his enlistment.

But John's heroics did not end when he returned home from World War II. A longtime teacher and principal in Bremerton, Washington, he has been a familiar face who has had tremendous impact on countless schoolchildren in his community. To this day, he remains a personal hero of his students for the humility and strength of character that he has instilled. That strength of character and humility is embodied in John Hawk and is, today, the reason that we recognize him as a hero and Medal of Honor recipient, and a lifetime hero to children in his home community.

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I urge my colleagues to support this bill that demonstrates our gratitude for the life and contribution of John "Bud" Hawk, from his heroics in the battlefield to one might say his heroics in the classroom.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, at this time I yield 4 minutes to my good friend from the State of Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I would commend this resolution to the House. This really is a great American story of truly a great American hero.

John "Bud" Hawk is a son of Rollingbay, Washington. He grew up playing with his sister around the post office we're about to name in his honor

in the little community of Rollingbay, Washington. And he's a fellow who answered the Nation's call in the 1940s and was a hero in the 1940s, but was a hero for several decades to the students he educated. And I just want to commend him for both of those acts of heroism.

My colleagues have talked about why he won the Congressional Medal of Honor, and I have to tell you if you actually read this, you would be mightily impressed by a fellow who on one day at the Battle of the Falaise Gap essentially with his machine gun squad destroyed two enemy tanks while he was already severely wounded and, after he was severely wounded, leading to the surrender of hundreds of German prisoners, still refused medical treatment. He was a hero several times in 1 day, and he was then injured three more times during World War II, and we still honor him for that.

But I want to just highlight something that he earned not in 1 day but he earned the honor and affection of hundreds, if not thousands, of people in our community.

After he got back from World War II, he came home and got a degree in biology. He worked for 7 years to do that, and he started teaching fifth and sixth grade, first at Tracyton Elementary in Bremerton and later at nearby Brownsville Elementary. He eventually became a teaching principal and taught classes while he was running the school. He served 31 years as an educator and retired in 1983 as principal of Woodlands Elementary in Bremerton.

And I just want to read something that a lot of people feel in our community of Bainbridge and Bremerton, something a former student of Mr. Hawk's wrote in a University of Washington Alumni magazine, recalling 1 year he spent as Mr. Hawk's student. This former student wrote:

"Ascribe it to my then youthful impressionableness, if you will, but John Hawk was then and remains still a personal hero of mine for the humanity and strength of character he taught his students, along with the more mundane subjects of math, science, and history. I count myself fortunate to have spent that year as his student. And I relish the opportunity all these years later to say what I at age 11 didn't know to say: For both a year of education and for your lifetime of service to your country and to humanity, thank you, Mr. Hawk."

So on this day of honoring Mr. Hawk by naming the Rollingbay Post Office in his honor, we want to say thank you, Mr. Hawk.

I know Mr. ISSA noted the bagpipes we heard just a few moments ago. They were honoring a great Irishman who's now President, President Barack Obama. All of the Irish are celebrating John "Bud" Hawk's celebration. There is a young lad, a young Irishman,

named Brody in Bainbridge Island. He's honoring Bud.

Thank you, Mr. Hawk. And thank you for the country in passing this resolution.

Mr. ISSA. Mr. Speaker, I yield myself 30 seconds to say from the "O'Issas" to the "Obamas," everyone is an Irishman here today. I'm sure there isn't anyone who isn't Irish here today. Perhaps a few with orange but most with green.

Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, at this time I urge my colleagues to support H.R. 955.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 955.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REDUCING INFORMATION CONTROL DESIGNATIONS ACT

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1323) to require the Archivist of the United States to promulgate regulations regarding the use of information control designations, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reducing Information Control Designations Act".

SEC. 2. PURPOSE.

The purpose of this Act is to increase Governmentwide information sharing and the availability of information to the public by standardizing and limiting the use of information control designations.

SEC. 3. REGULATIONS RELATING TO INFORMATION CONTROL DESIGNATIONS WITHIN THE FEDERAL GOVERNMENT.

(a) REQUIREMENT TO REDUCE AND MINIMIZE INFORMATION CONTROL DESIGNATIONS.—Each Federal agency shall reduce and minimize its use of information control designations on information that is not classified.

(b) ARCHIVIST RESPONSIBILITIES.—

(1) REGULATIONS.—The Archivist of the United States shall promulgate regulations regarding the use of information control designations.

(2) REQUIREMENTS.—The regulations under this subsection shall address, at a minimum, the following:

(A) Standards for utilizing the information control designations in a manner that is narrowly tailored to maximize public access to information.

(B) The process by which information control designations will be removed.

(C) Procedures for identifying, marking, dating, and tracking information assigned the information control designations, including the identity of officials making the designations.

(D) Provisions to ensure that the use of information control designations is minimized and cannot be used on information—

(i) to conceal violations of law, inefficiency, or administrative error;

(ii) to prevent embarrassment to Federal, State, local, tribal, or territorial governments or any official, agency, or organization thereof; any agency; or any organization;

(iii) to improperly or unlawfully interfere with competition in the private sector;

(iv) to prevent or delay the release of information that does not require such protection;

(v) if it is required to be made available to the public; or

(vi) if it has already been released to the public under proper authority.

(E) Provisions to ensure that the presumption shall be that information control designations are not necessary.

(F) Methods to ensure that compliance with this Act protects national security and privacy rights.

(G) The establishment of requirements that Federal agencies, subject to chapter 71 of title 5, United States Code, implement the following:

(i) A process whereby an individual may challenge without retribution the application of information control designations by another individual.

(ii) A method for informing individuals that repeated failure to comply with the policies, procedures, and programs established under this section could subject them to a series of penalties.

(iii) Penalties for individuals who repeatedly fail to comply with the policies, procedures, and programs established under this section after having received both notice of their noncompliance and appropriate training or re-training to address such noncompliance.

(H) Procedures for members of the public to be heard regarding improper applications of information control designations.

(I) A procedure to ensure that all agency policies and standards for utilizing information control designations that are issued pursuant to subsection (c) be provided to the Archivist and that such policies and standards are made publicly available on the website of the National Archives and Records Administration.

(3) **CONSULTATION.**—In promulgating the regulations, the Archivist shall consult with the heads of Federal agencies and with representatives of State, local, tribal, and territorial governments; law enforcement entities; organizations with expertise in civil rights, employee and labor rights, civil liberties, and government oversight; and the private sector, as appropriate.

(c) **AGENCY RESPONSIBILITIES.**—The head of each Federal agency shall implement the regulations promulgated by the Archivist under subsection (b) in the agency in a manner that ensures that—

(1) information can be shared within the agency, with other agencies, and with State, local, tribal, and territorial governments, the private sector, and the public, as appropriate;

(2) all policies and standards for utilizing information control designations are consistent with such regulations;

(3) the number of individuals with authority to apply information control designations is limited; and

(4) information control designations may be placed only on the portion of information that requires control and not on the entire material.

SEC. 4. ENFORCEMENT OF INFORMATION CONTROL DESIGNATION REGULATIONS WITHIN THE FEDERAL GOVERNMENT.

(a) **INSPECTOR GENERAL RESPONSIBILITIES.**—The Inspector General of each Federal agency, in consultation with the Archivist, shall randomly audit unclassified information with information control designations. In conducting any such audit, the Inspector General shall—

(1) assess whether applicable policies, procedures, rules, and regulations have been followed;

(2) describe any problems with the administration of the applicable policies, procedures, rules and regulations, including specific non-compliance issues;

(3) recommend improvements in awareness and training to address any problems identified under paragraph (2); and

(4) report to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Archivist, and the public on the findings of the Inspector General's audits under this section.

(b) **PERSONAL IDENTIFIERS.**—

(1) **IN GENERAL.**—For purposes described in paragraph (2), the Archivist of the United States shall require that, at the time of designation of information, the following shall appear on the information:

(A) The name or personal identifier of the individual applying information control designations to the information.

(B) The agency, office, and position of the individual.

(2) **PURPOSES.**—The purposes described in this paragraph are as follows:

(A) To enable the agency to identify and address misuse of information control designations, including the misapplication of information control designations to information that does not merit such markings.

(B) To assess the information sharing impact of any such problems or misuse.

(c) **TRAINING.**—The Archivist, subject to chapter 71 of title 5, United States Code, and in coordination with the heads of Federal agencies, shall—

(1) require training as needed for each individual who applies information control designations, including—

(A) instruction on the prevention of the overuse of information control designations;

(B) the standards for applying information control designations;

(C) the proper application of information control designations, including portion markings;

(D) the consequences of repeated improper application of information control designations, including the misapplication of information control designations to information that does not merit such markings, and of failing to comply with the policies and procedures established under or pursuant to this section; and

(E) information relating to lessons learned about improper application of information control designations, including lessons learned pursuant to the regulations and Inspector General audits required under this Act and any internal agency audits; and

(2) ensure that such program is conducted efficiently, in conjunction with any other se-

curity, intelligence, or other training programs required by the agency to reduce the costs and administrative burdens associated with the additional training required by this section.

(d) **DETAILEE PROGRAM.**—

(1) **REQUIREMENT FOR PROGRAM.**—The Archivist, subject to chapter 71 of title 5, United States Code, shall implement a detailee program to detail Federal agency personnel, on a nonreimbursable basis, to the National Archives and Records Administration, for the purpose of—

(A) training and educational benefit for agency personnel assigned so that they may better understand the policies, procedures, and laws governing information control designations;

(B) bolstering the ability of the National Archives and Records Administration to conduct its oversight authorities over agencies; and

(C) ensuring that the policies and procedures established by the agencies remain consistent with those established by the Archivist of the United States.

(2) **SUNSET OF DETAILEE PROGRAM.**—Except as otherwise provided by law, this subsection shall cease to have effect on December 31, 2012.

SEC. 5. RELEASING INFORMATION PURSUANT TO THE FREEDOM OF INFORMATION ACT.

(a) **AGENCY RESPONSIBILITIES.**—The head of each Federal agency shall ensure that—

(1) information control designations are not a determinant of public disclosure pursuant to section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”); and

(2) all information in the agency's possession that is releasable is made available to members of the public pursuant to an appropriate request under such section 552.

(b) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to prevent or discourage any Federal agency from voluntarily releasing to the public any unclassified information that is not exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”).

SEC. 6. DEFINITIONS.

In this Act:

(1) **INFORMATION CONTROL DESIGNATIONS.**—The term “information control designations” means information dissemination controls, not defined by Federal statute or by an Executive order relating to the classification of national security information, that are used to manage, direct, or route information, or control the accessibility of information, regardless of its form or format. The term includes, but is not limited to, the designations of “controlled unclassified information”, “sensitive but unclassified”, and “for official use only”.

(2) **INFORMATION.**—The term “information” means any communicable knowledge or documentary material, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the Federal Government.

(3) **FEDERAL AGENCY.**—The term “Federal agency” means—

(A) any Executive agency, as that term is defined in section 105 of title 5, United States Code;

(B) any military department, as that term is defined in section 102 of such title; and

(C) any other entity within the executive branch that comes into the possession of classified information.

SEC. 7. DEADLINE FOR REGULATIONS AND IMPLEMENTATION.

Regulations shall be promulgated in final form under this Act, and implementation of the requirements of this Act shall begin, not later than 24 months after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, at this time I want to yield 3 minutes to the distinguished chairman of the House Oversight and Government Reform Committee, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. I would like to thank the gentleman from Missouri for yielding me 3 minutes.

Mr. Speaker, H.R. 1323, the Reducing Information Control Designations Act, introduced by Representative DRIEHAUS, is an important piece of legislation that will improve public access to unclassified information. I am pleased to be a cosponsor of this bill.

This week has been designated as Sunshine Week, and this bill will help bring more sunshine to the Federal Government. Our democracy requires that citizens be able to access information about how their government is working and how it is spending their tax dollars. This bill is the latest step that the Oversight Committee has taken to advance that goal.

In January we passed bills to open up presidential records and information on presidential libraries. The stimulus package requires that all spending information be posted online at recovery.gov, and we are holding a hearing on Thursday to examine how the transparency provisions of the stimulus bill are being implemented. And we are moving forward to obtain information from all Wall Street banks that receive bailout money, including AIG, on how they are spending that money, especially the bonuses. What these Wall Street firms need to understand is that if they are being supported by the taxpayers, which they are, sunshine applies to them also, and we will make that happen.

I would like to thank the gentleman from Ohio (Mr. DRIEHAUS) for taking the lead on this bill and the Chair of the Information Policy Subcommittee, Mr. CLAY, for all his work on bringing sunshine to the government. I also want to thank the ranking member, Mr. ISSA, for working together with us on these sunshine bills.

President Obama has indicated repeatedly that we need more transparency in our government. In almost every speech, he has indicated that. I agree with that goal. And this bill is an important step towards it.

I urge my colleagues to support this legislation. And, of course, on that note I would like to just commend the gentleman from Missouri and, of course, the gentleman from California for their outstanding work.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, often we bring a bill under suspension that's considered not to be overly important. This one is just the opposite. Transparency in government is an effort that has to be ongoing, and this is an important step. This solution has to be government-wide in order to be effective.

For too long, Mr. Speaker, the Federal departments have insisted on treating information that develops within their agency in a restricted fashion. We need to have government-wide solutions that make the maximum amount of information possible available to the public, and even if it is not available to the public, it must be classified at the most appropriate and lowest level in order to ensure its sensitive treatment.

For that reason I support, with the chairman, this piece of legislation that will reduce or eliminate the proliferation of terms such as "sensitive but unclassified" or "for official use only," designations which essentially mean nothing but clearly cause trepidation in the release of documents. Many organizations under the Freedom of Information Act have had to deal with redaction of these comparatively and usually meaningless terms.

So I join with the gentleman from Ohio, the chairman of the full committee, and the chairman of the subcommittee, Mr. CLAY, in asking that this important piece of legislation be moved under suspension because, although important, it is not controversial and its time has come.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. I want to thank the ranking member, Mr. ISSA, for his remarks.

Mr. Speaker, I want to recognize one of our newest members on the committee, the gentleman from Ohio (Mr. DRIEHAUS) for 5 minutes. And, by the way, this is his inaugural bill on the floor, so I want to congratulate him too.

Mr. DRIEHAUS. A happy St. Patrick's Day to you, Mr. Speaker.

I very much appreciate the comments of the gentleman from Missouri and certainly the comments of Mr. ISSA from California as well as our chairman. This is an important issue, and I appreciate having the support of both the ranking member and the chairman of the committee as we move

forward on the Government Reform and Oversight Committee in really looking at how documents are classified in the United States Government.

As was mentioned by the chairman, this is Sunshine Week. And Sunshine Week is about shining the bright light on government to help people better understand what decisions are being made on their behalf because the information is the people's information.

But when we look at the records and we look at the classification of documents in the Federal Government, we find confusion. Since 1979 there have been six separate GAO reports talking about the over-classification of documents; yet nothing has been done by Congress to address this growing problem. Today there are over 107 different classifications. Some of these are official classifications, some of these are pseudo-classifications of documents in every administrative body in the Federal Government.

This bill is about the systemic issue of over-classification and the existence of these pseudo-classifications within the government. The citizens of our Nation have an inherent right to the information that the government collects so long as it's not of a sensitive nature. The bill promotes transparency and government efficiency by promoting a common language within government. It was introduced by Congressman WAXMAN last year, who was chairing the committee, and passed this House without objection.

Specifically, the bill has several components. It instructs the Archivist to create regulations that control what is classified and how it would be classified with the input of agency stakeholders. It provides training for agency employees who classify information. It calls for random audits of these materials by Inspectors General to ensure compliance. It requires personal identifiers to be placed on classified information in order to track and uphold regulations. And it restricts information from being classified that is not of a sensitive nature.

Essentially, Mr. Speaker, what this bill does is it allows the agencies of our government to not only talk with each other, but it allows the people to have access to the information and the decisions being made by their government.

□ 1415

It is an important step in the right direction. I would only give you one example to prove the point.

In 2008, and I think this was enlightening, there were over 362,000 requests under the Freedom of Information Act to the Federal Government; 121,833 of those requests still remain to be processed, and that is because of overclassification of documents.

It's not about documents of a sensitive nature not being turned over to the public, it is about making information available to the public in an easier fashion. That's what this bill is about.

I appreciate the support of the chairman and the ranking member.

Mr. ISSA. Mr. Speaker, I yield myself 2 minutes. I join with the gentleman in his comments and would only anecdotally tell you that this is the tip of the iceberg, and this committee is dedicated to drilling down deeply.

We want to know where our money has gone for TARP, we want to know where stimulus money is spent, both at the contractor and subcontractor level and beyond. We want to make sure that America's taxpayer dollars are well taken care of and transparent.

I will share with you something that perhaps you hadn't known, and that is that our government inflicts more wounds than you have yet seen, and you are going to see more in your time. Just last year I visited a location in Nevada, and since I was flying into Las Vegas people said, "Oh, are you going to Area 51?" I had been cautioned that I could not use that term, that that term was unacceptable. So I said, "Well, I can't tell you. I am just going to Nevada." So then when I returned I googled Area 51, and, of course, I saw detailed maps or detailed photos of everything, including the airfield that perhaps someone would land at, well into that Nevada test range which Google identifies as Area 51.

So I would say that if the gentleman and, of course, the Chair, would continue to work with us on all these matters, we will, on a bipartisan basis, drill down to try to prevent these prohibitions on that, which certainly flies in the face of common sense.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Subcommittee on Information Policy, Census, and National Archives, I am pleased to join my colleagues in the consideration of H.R. 1323, the Reducing Information Control Designations Act.

This bill is being considered with an amendment to address some concerns that have been raised with the provision in the bill requiring incentives for individuals who successfully challenge the information control designation. This amendment strikes the language requiring incentives but continues to require a process through which individuals can challenge the information control designation.

Mr. Speaker, H.R. 1323 promotes transparency and government efficiency by promoting a common language within government. Therefore, I urge swift passage of the bill.

Mr. ISSA. Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules

and pass the bill, H.R. 1323, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LANCE CORPORAL MATTHEW P. PATHENOS POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1216) to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the "Lance Corporal Matthew P. Pathenos Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANCE CORPORAL MATTHEW P. PATHENOS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, shall be known and designated as the "Lance Corporal Matthew P. Pathenos Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lance Corporal Matthew P. Pathenos Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. I now yield myself such time as I may consume.

On behalf of the House Committee on Oversight and Government Reform, I stand and join my colleagues from my home State of Missouri for the consideration of H.R. 1216, which names a postal facility in Chesterfield, Missouri, after Lance Corporal Matthew P. Pathenos.

As stated, H.R. 1216 has the support of the entire House congressional delegation from Missouri but is sponsored by my friend, Representative TODD AKIN. The bill was introduced on February 26 of 2009 and was considered by and reported from the Oversight Committee by voice vote on March 10.

As a member of the 3rd Battalion, 24th Marine Regiment, 4th Marine Di-

vision, Marine Forces and Reserve out of Bridgeton, Missouri, following in the footsteps of his older brother, Matthew Pathenos enlisted in military service with the hope of helping those who could not help themselves.

Unfortunately, on February 7, 2007, Lance Corporal Matthew Pathenos was killed while conducting combat operations in Fallujah, Iraq. In recognition of Corporal Pathenos' commitment to country and the concept of freedom, Mr. Speaker, I ask my colleagues join me in commemorating the life of this brave Marine by supporting the passage of H.R. 1216.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of this bill designating the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the Lance Corporal Matthew P. Pathenos Post Office Building.

Marine Lance Corporal Pathenos was a selfless patriot. He was a loving brother, son and friend. As one of his comrades in arms once reflected, "The best thing about Matt was his ability to wake up every day with a smile and hold it all day long." Even through the hardships of war, Matt strove to bring joy to his friends.

A native of Ballwin, Missouri, Matt was an avid golfer and accomplished pilot, earning his flying license at age 14. After graduating from high school in 2003, Matt followed in the footsteps of his older brother and mentor, Marine Sergeant Christopher Pathenos, who had enlisted in the Armed Forces in the wake of September 11.

In the words of one relative, "For Matty, the motivation was more about Christopher, seeing how the Corps treated him."

As a member of the 3rd Battalion, 24th Marines, Matthew was one of 80 Marine members of his unit that were attached to a sister unit, the 1st Battalion, 24th Marines, for deployment to Iraq in September of 2006.

Tragically, on February 6, 2007, Lance Corporal Pathenos lost his life near Fallujah when his Humvee was struck by an improvised explosive device. His family will always remember him as a smiling young man who "sang as though no one could hear him and danced as though no one was watching him."

In a release shortly after the tragic loss, the family captured the sentiments of a grateful Nation. "Like his brother, Christopher, Matthew was proud to be a Marine and volunteered to serve his country. Matthew paid the ultimate sacrifice for our freedom and the future generations of this country. He loved his country and family, and we will miss him terribly."

Mr. Speaker, I urge my colleagues to join the chairman and myself in support of this courageous young man and

the sacrifice he gave by naming the post office in his honor.

I reserve the balance of my time.

Mr. CLAY. Again, I would like to thank my friend and colleague, Mr. AKIN, for introducing such a thoughtful measure.

I urge my colleagues to vote in favor of renaming the Town and Country Commons Post Office in Chesterfield, Missouri, after Lance Corporal Matthew P. Pathenos by passing H.R. 1216.

I continue to reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I urge support for this resolution, and I yield back the balance of my time.

Mr. AKIN. Mr. Speaker, I rise today in strong support of H.R. 1216, a bill I introduced to honor the life of Matthew P. Pathenos by designating the post office in Chesterfield, Missouri, as the "Lance Corporal Matthew P. Pathenos Post Office Building." A resident of Ballwin, Missouri, Lance Corporal Matthew Pathenos was part of the 3rd Battalion, 24th Marine Regiment, 4th Marine Division, of the Marine Forces Reserve. On February 7th, 2007, Lance Corporal Pathenos was killed during combat operations in the Anbar province of Iraq. Matthew was often described by family and friends as a friendly young man who always had a joke to tell and a smile on his face. Matthew decided to join the military in order to follow his older brother into his country's service with the hope of helping those who could not help themselves. Matthew's then girlfriend, Erin, calls Lance Corporal Pathenos her hero, and wishes she might one day, "possess a fraction of his bravery and discipline."

As the father of two Marines, one of whom has served in Iraq; it is a privilege to stand here today to honor one of our fallen soldiers. Matthew's commitment and dedication to his country is a shining example of how our military men and women are the finest our nation has to offer. His and his family's sacrifice should serve as a reminder to all that the freedom we enjoy as Americans is not free but the result of the tremendous bravery and selfless service of men and women willing put themselves in harms way for freedom's cause.

Our nation will be forever indebted to Lance Corporal Matthew Pathenos.

Mr. Speaker, I ask that my colleagues join me today in honoring Lance Corporal Matthew Pathenos.

Vote "yes" on H.R. 1216.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1216.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SMALL BUSINESS ADMINISTRATION EXTENSION

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1541) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION.

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 110-235 (122 Stat. 1552), is amended by striking "March 20, 2009" in each place it appears and inserting "July 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on March 19, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I might consume.

As our Nation responds to the current economic downturn, small businesses will be central to our recovery. They are the engine of our economy, producing 60 to 80 percent of new jobs, and their role is even more important during recessions.

The fact is, when the job market is tight, many Americans venture out, launch their own enterprises. Following the recession of the early 1990s, small firms generated 3.8 million new positions for American workers, a number that surpassed big business expansion by almost half a million.

That kind of resilience, in the face of economic uncertainty, is a testament to the strength of our Nation. Times may be tough, but the American entrepreneurial spirit is tougher. Today, the

House is considering legislation that will extend programs at the Small Business Administration into July.

These programs play a pivotal role in our economy. The SBA guarantees loans that allow new ventures to start and existing firms to grow. It provides counseling and technical know-how to entrepreneurs, and it helps ensure that small firms can obtain their fair share of Federal contracts, something that will be more important as the Economic Recovery Act generates \$111 billion worth of new public works projects.

Extending these programs is important, but we must not lose sight of a larger goal. Later this Congress we will pass legislation to modernize the SBA and change the agency's culture. In these difficult economic times, we will need an SBA that can respond effectively. This will require extensive reforms.

Already in this Congress we passed the most significant update to the agency in a decade. With the economic recovery legislation, we made SBA bank loans more affordable for entrepreneurs. We increased the amount of a loan that the SBA can back, further opening up affordable credit for small business owners.

We established a new Small Business Stabilization Financing Program at the SBA, which will provide short-term loans to businesses struggling to meet their existing obligations. We gave the SBA tools it needs to begin unfreezing the secondary market for small business loans.

□ 1430

By reforming and updating the Small Business Investment Company program, we help channel new venture capital to small firms.

Taken together, all of these initiatives will yield \$21 billion in new investment and lending for small businesses and save or create 600,000 new jobs.

Earlier this week, President Obama moved to implement many of these changes. I applaud the administration for working quickly. However, this is just the start.

Later this year, the committee will draft a comprehensive rewrite of the SBA. If there has ever been a time for a strong, effective SBA, that time is now. It will be the responsibility of every Member in this House to make sure that we reauthorize these programs properly so the SBA can help Main Street businesses weather this recession and contribute to our economy.

The extension we are voting on today will give us the time to hear from all our colleagues and interested parties as we develop this legislation. I urge my colleagues to vote "yes."

I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the chairwoman's request to suspend the rules and pass H.R. 1541. The bill is very simple. It extends the authorization of all programs operated or authorized by the Small Business Act, the Small Business Investment Act, and any program by the Small Business Administration for which Congress has already appropriated funds. The extension will last until July 31 of this year.

This extension is necessary because the authorization for various programs operated by the SBA ceases on March 20. The Committee has worked in a bipartisan fashion in the last Congress, and we reported out a number of bills to address programs operated by the SBA. Despite the efforts of the House, time in the last Congress expired before the legislative process could run its course.

The work needed to help America's entrepreneurs revitalize the economy simply can't be accomplished by Friday of this week.

Without the enactment of this extension, a number of vital programs that the SBA operates will cease to function. Given the importance that small businesses play, and will continue to play in the revitalization of the American economy, we cannot allow the SBA authorizations to run out.

Enactment of this extension will enable the House and Senate to work in a diligent manner to address the necessary changes to SBA programs. I urge all of my colleagues to suspend the rules and pass H.R. 1541.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. Wu).

Mr. WU. Thank you, Madam Chair, and thank you, Mr. Speaker. As President Obama said recently, "small businesses are the heart of the American economy." They are responsible for half of all private-sector jobs, and they've created about 70 percent of all new jobs in the past 10 years.

We need to build our economy from the ground up, create stable jobs, and foster innovation that will lead to long-term growth. To do this, we need to support the small high-tech companies that grow our economy.

The Federal Government supports these innovative small businesses through the Small Business Innovative Research program and the Small Business Technology Transfer Program, which help companies commercialize Federally funded research. The programs now distribute more than \$2.5 billion each year and constitute the largest tech-transfer commercialization programs that we have in the Federal Government.

However, these programs must be updated to reflect the current innovation environment. Award sizes should be increased to reflect inflation and the

growth of operating costs; the issue of venture capital participation needs to be resolved; flexibility must be instilled between phase one and phase two grants; and data collection needs to be improved so that we can better target the program and determine its effectiveness.

Last year, the House overwhelmingly passed H.R. 5819, which made these necessary changes based on suggestions from hearings in my Technology and Innovation Subcommittee and in conjunction with our work with Chairwoman VELÁZQUEZ and Ranking Member GRAVES. However, good legislation, once again, died in the other Chamber.

Today, we find the House needing to pass an extension to keep these programs alive. This extension is necessary because the SBA and SBIR serve important purposes. But, moving forward, if we are to continue realizing the full value of programs like SBIR, we must reauthorize them with changes that reflect the evolving innovation environment, rather than simply extending the current authorization. It must be an innovation program as well as a jobs and small business program.

At a time when credit is tight and jobs are scarce, SBIR and STTR can have a significant role in jump-starting our economy. The House and Senate need to pass legislation this year that will reauthorize these programs, innovate new products and services, support small businesses, and create well-paying jobs for decades to come.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 1541.

The Small Business Administration (SBA) was created in 1953, and has a current business loan portfolio of roughly 220,000 loans worth more than \$50 billion, which makes it the largest single financial backer of U.S. businesses. My district is home to these businesses, many of which are struggling to hang tough in this trying economy.

In the 110th Congress, several short-term SBA authorization measures were enacted; the latest was signed into law on May 23, 2008. Under that law, authorization for SBA programs is scheduled to expire on March 20. I am hopeful that President Obama continues the recognition and support for small businesses that he demonstrated yesterday. His leadership, along with that of my colleague NYDIA VELÁZQUEZ on these issues could not come at a more important time.

Small business is frequently viewed as an incubator for employment and economic growth, and is a continuing legislative and oversight concern for Congress due to its constitutional role, through the interstate commerce and general welfare clauses, to promote economic well being and prosperity.

While many analysts believe a very significant percentage of the nation's jobs are created by small businesses, others note that a great many small businesses fail every year thereby eliminating jobs.

The 111th Congress is likely to consider many small business issues as it debates re-

authorization for the many Small Business Administration (SBA) programs that are scheduled to expire in 2009. Our small business owners need certainty to plan for the future and I will continue to work hard for a more permanent solution to complement the authorizations that many businesses have to endure.

A primary issue in the reauthorization is likely to be the cost to the government of various small business assistance programs. The Bush Administration had proposed that certain loan programs be cut back or eliminated, that borrowers in the SBA's basic loan program be charged higher fees, and that interest rates for disaster loans rise to market levels after five years. I hope that a full review of these policies is underway by the new administration.

Ways to insure that small businesses benefit from economic stimulus programs are likely to be considered. Finding ways for small businesses to provide health insurance to employees could be vital in getting elements of the business community to be actively supporting and working with Congress as we press ahead with legislation on health care. I understand that we in Congress cannot run your businesses for you. I just want to be there to help fashion fair and reasonable legislation that affects small business.

Mr. Speaker, this bill authorizes Small Business Administration programs and authority through July 31 and again it is my hope that we continue to engage the business community as this Congress seeks to move America from recession back to prosperity.

Mr. GRAVES. I would, again, urge my colleagues to support H.R. 1541.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I ask for a "yes" vote.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 1541.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 240, by the yeas and nays;

House Resolution 211, de novo; and
H.R. 628, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes. Remaining votes on outstanding postponed motions to suspend the rules will be taken later.

SUPPORTING PROFESSIONAL SOCIAL WORK MONTH AND WORLD SOCIAL WORK DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 240, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 240, as amended.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 10, as follows:

[Roll No. 128]

YEAS—421

| | | |
|----------------|-----------------|-----------------|
| Ackerman | Carson (IN) | Foster |
| Aderholt | Carter | Fox |
| Adler (NJ) | Cassidy | Frank (MA) |
| Akin | Castle | Franks (AZ) |
| Alexander | Castor (FL) | Frelinghuysen |
| Altmire | Chaffetz | Fudge |
| Andrews | Chandler | Gallegly |
| Arcuri | Childers | Garrett (NJ) |
| Austria | Clarke | Gerlach |
| Baca | Clay | Giffords |
| Bachmann | Cleaver | Gingrey (GA) |
| Bachus | Clyburn | Gohmert |
| Baird | Coble | Gonzalez |
| Baldwin | Coffman (CO) | Goodlatte |
| Barrett (SC) | Cohen | Gordon (TN) |
| Barrow | Cole | Granger |
| Bartlett | Conaway | Graves |
| Barton (TX) | Connolly (VA) | Grayson |
| Bean | Conyers | Green, Al |
| Becerra | Cooper | Green, Gene |
| Berkley | Costa | Griffith |
| Berman | Costello | Grijalva |
| Berry | Courtney | Guthrie |
| Biggert | Crenshaw | Gutierrez |
| Bilbray | Crowley | Hall (NY) |
| Bilirakis | Cuellar | Hall (TX) |
| Bishop (GA) | Culberson | Halvorson |
| Bishop (NY) | Cummings | Hare |
| Bishop (UT) | Dahlkemper | Harman |
| Blackburn | Davis (AL) | Harper |
| Blumenauer | Davis (CA) | Hastings (FL) |
| Blunt | Davis (IL) | Hastings (WA) |
| Boccieri | Davis (KY) | Heinrich |
| Boehner | Davis (TN) | Heller |
| Bonner | Deal (GA) | Hensarling |
| Bono Mack | DeFazio | Herger |
| Boozman | DeGette | Herseth Sandlin |
| Boren | Delahunt | Higgins |
| Boswell | DeLauro | Hill |
| Boucher | Dent | Himes |
| Boyd | Diaz-Balart, L. | Hinojosa |
| Brady (PA) | Diaz-Balart, M. | Hirono |
| Brady (TX) | Dicks | Hodes |
| Braley (IA) | Dingell | Hoekstra |
| Bright | Doggett | Holden |
| Broun (GA) | Donnelly (IN) | Holt |
| Brown (SC) | Doyle | Honda |
| Brown, Corrine | Driehaus | Hoyer |
| Brown-Waite, | Duncan | Hunter |
| Ginny | Edwards (MD) | Inglis |
| Buchanan | Edwards (TX) | Inslee |
| Burgess | Ehlers | Israel |
| Burton (IN) | Ellison | Issa |
| Butterfield | Ellsworth | Jackson (IL) |
| Buyer | Emerson | Jackson-Lee |
| Calvert | Engel | (TX) |
| Camp | Eshoo | Jenkins |
| Campbell | Etheridge | Johnson (GA) |
| Cantor | Fallin | Johnson (IL) |
| Cao | Farr | Johnson, E. B. |
| Capito | Fattah | Johnson, Sam |
| Capps | Filner | Jones |
| Capuano | Flake | Jordan (OH) |
| Cardoza | Fleming | Kagen |
| Carnahan | Forbes | Kanjorski |
| Carney | Fortenberry | Kaptur |

| | | |
|------------------|------------------|---------------|
| Kennedy | Minnick | Schock |
| Kildee | Mitchell | Schrader |
| Kilpatrick (MI) | Mollohan | Schwartz |
| Kilroy | Moore (KS) | Scott (GA) |
| Kind | Moore (WI) | Scott (VA) |
| King (IA) | Moran (KS) | Sensenbrenner |
| King (NY) | Moran (VA) | Serrano |
| Kingston | Murphy (CT) | Sessions |
| Kirk | Murphy, Patrick | Sestak |
| Kirkpatrick (AZ) | Murphy, Tim | Shadegg |
| Kissell | Murtha | Sherman |
| Klein (FL) | Myrick | Shimkus |
| Kline (MN) | Nadler (NY) | Shuler |
| Kosmas | Napolitano | Shuster |
| Kratovil | Neal (MA) | Simpson |
| Kucinich | Neugebauer | Sires |
| Lamborn | Nunes | Skelton |
| Lance | Nye | Slaughter |
| Langevin | Oberstar | Smith (NE) |
| Larsen (WA) | Obey | Smith (NJ) |
| Larson (CT) | Oliver | Smith (TX) |
| Latham | Ortiz | Smith (WA) |
| LaTourette | Pallone | Snyder |
| Latta | Pascarell | Souder |
| Lee (CA) | Pastor (AZ) | Space |
| Lee (NY) | Paul | Speier |
| Levin | Paulsen | Spratt |
| Lewis (CA) | Payne | Stark |
| Lewis (GA) | Pence | Stearns |
| Linder | Perlmutter | Stupak |
| Lipinski | Perriello | Sullivan |
| LoBiondo | Peters | Sutton |
| Loebach | Peterson | Tanner |
| Loftgren, Zoe | Petri | Tauscher |
| Lowey | Pingree (ME) | Taylor |
| Luetkemeyer | Pitts | Teague |
| Lujan | Platts | Terry |
| Lummis | Poe (TX) | Thompson (CA) |
| Lungren, Daniel | Polis (CO) | Thompson (MS) |
| E. | Pomeroy | Thompson (PA) |
| Lynch | Posey | Thornberry |
| Mack | Price (GA) | Tiahrt |
| Maffei | Price (NC) | Tiberi |
| Maloney | Radanovich | Tierney |
| Manzullo | Rahall | Titus |
| Marchant | Rangel | Tonko |
| Markey (CO) | Rehberg | Towns |
| Markey (MA) | Reichert | Tsongas |
| Marshall | Reyes | Turner |
| Massa | Richardson | Upton |
| Matheson | Rodriguez | Van Hollen |
| Matsui | Roe (TN) | Velázquez |
| McCarthy (CA) | Rogers (AL) | Visclosky |
| McCarthy (NY) | Rogers (KY) | Walden |
| McCaul | Rogers (MI) | Walz |
| McClintock | Rohrabacher | Wamp |
| McCollum | Rooney | Wasserman |
| McCotter | Ros-Lehtinen | Schultz |
| McDermott | Roskam | Waters |
| McGovern | Ross | Watson |
| McHenry | Rothman (NJ) | Watt |
| McHugh | Roybal-Allard | Waxman |
| McIntyre | Royce | Weiner |
| McKeon | Ruppersberger | Westmoreland |
| McMahon | Rush | Wexler |
| McMorris | Ryan (OH) | Whitfield |
| Rodgers | Ryan (WI) | Wilson (OH) |
| McNerney | Salazar | Wilson (SC) |
| Meek (FL) | Sánchez, Linda | Wittman |
| Meeks (NY) | T. | Wolf |
| Melancon | Sanchez, Loretta | Woolsey |
| Mica | Sarbanes | Wu |
| Mitchell | Scalise | Yarmuth |
| Miller (FL) | Schakowsky | Young (AK) |
| Miller (MI) | Schauer | Young (FL) |
| Miller (NC) | Schiff | |
| Miller, George | Schmidt | |

NOT VOTING—10

| | | |
|-------------|--------------|-------------|
| Abercrombie | Lucas | Shea-Porter |
| Boustany | Miller, Gary | Welch |
| Dreier | Olson | |
| Hinchee | Putnam | |

□ 1507

Mr. BILIRAKIS changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 211.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 211.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 418, noes 0, not voting 13, as follows:

[Roll No. 129]

AYES—418

| | | |
|----------------|---------------|-----------------|
| Ackerman | Butterfield | Diaz-Balart, L. |
| Aderholt | Buyer | Diaz-Balart, M. |
| Adler (NJ) | Calvert | Dicks |
| Akin | Camp | Dingell |
| Alexander | Campbell | Doggett |
| Altmire | Cantor | Donnelly (IN) |
| Andrews | Cao | Doyle |
| Arcuri | Capito | Driehaus |
| Austria | Capps | Duncan |
| Baca | Capuano | Edwards (MD) |
| Bachmann | Cardoza | Edwards (TX) |
| Bachus | Carnahan | Ehlers |
| Baird | Carney | Ellison |
| Baldwin | Carson (IN) | Ellsworth |
| Barrett (SC) | Carter | Emerson |
| Barrow | Cassidy | Engel |
| Bartlett | Castle | Eshoo |
| Barton (TX) | Castor (FL) | Etheridge |
| Bean | Chaffetz | Fallin |
| Becerra | Chandler | Farr |
| Berkley | Childers | Fattah |
| Berman | Clarke | Filner |
| Berry | Clay | Flake |
| Biggert | Cleaver | Fleming |
| Bilbray | Clyburn | Forbes |
| Bilirakis | Coble | Fortenberry |
| Bishop (GA) | Coffman (CO) | Foster |
| Bishop (NY) | Cohen | Fox |
| Bishop (UT) | Cole | Frank (MA) |
| Blackburn | Conaway | Franks (AZ) |
| Blumenauer | Connolly (VA) | Frelinghuysen |
| Blunt | Conyers | Fudge |
| Boccieri | Cooper | Gallegly |
| Boehner | Costa | Garrett (NJ) |
| Bonner | Costello | Gerlach |
| Bono Mack | Courtney | Giffords |
| Boozman | Crenshaw | Gingrey (GA) |
| Boren | Crowley | Gonzalez |
| Boswell | Cuellar | Goodlatte |
| Boucher | Culberson | Gordon (TN) |
| Boyd | Cummings | Granger |
| Brady (PA) | Dahlkemper | Graves |
| Brady (TX) | Davis (AL) | Grayson |
| Braley (IA) | Davis (CA) | Green, Al |
| Bright | Davis (IL) | Green, Gene |
| Broun (GA) | Davis (KY) | Griffith |
| Brown (SC) | Davis (TN) | Grijalva |
| Brown, Corrine | Deal (GA) | Guthrie |
| Brown-Waite, | DeFazio | Gutierrez |
| Ginny | DeGette | Hall (NY) |
| Buchanan | Delahunt | Hall (TX) |
| Burgess | DeLauro | Halvorson |
| Burton (IN) | Dent | Hare |

Harman Matsui
 Harper McCarthy (CA)
 Hastings (FL) McCarthy (NY)
 Hastings (WA) McCaul
 Heinrich McClintock
 Heller McCollum
 Hensarling McCotter
 Herger McDermott
 Herseth Sandlin McGovern
 Higgins McHenry
 Hill McHugh
 Himes McIntyre
 Hinojosa McKeon
 Hirono McMahon
 Hodes McMorris
 Hoekstra Rodgers
 Holden McNeerney
 Holt Meek (FL)
 Honda Meeks (NY)
 Hoyer Melancon
 Hunter Mica
 Inglis Michaud
 Inslee Miller (FL)
 Israel Miller (MI)
 Issa Miller (NC)
 Jackson (IL) Miller, George
 Jackson-Lee Minnick
 (TX) Mitchell
 Jenkins Mollohan
 Johnson (GA) Moore (KS)
 Johnson (IL) Moore (WI)
 Johnson, E. B. Moran (KS)
 Johnson, Sam Moran (VA)
 Jones Murphy (CT)
 Jordan (OH) Murphy, Patrick
 Kagen Murphy, Tim
 Kanjorski Murtha
 Kaptur Myrick
 Kennedy Nadler (NY)
 Kildee Napolitano
 Kilpatrick (MI) Neal (MA)
 Kilroy Neugebauer
 Kind Nunes
 King (IA) Nye
 King (NY) Oberstar
 Kingston Obey
 Kirk Oliver
 Kirkpatrick (AZ) Ortiz
 Kissell Pallone
 Klein (FL) Pascrell
 Kline (MN) Pastor (AZ)
 Kosmas Paul
 Kratovil Paulsen
 Kucinich Payne
 Lamborn Pence
 Lance Perlmutter
 Langevin Perriello
 Larsen (WA) Peters
 Larson (CT) Peterson
 Latham Petri
 LaTourette Pingree (ME)
 Latta Pitts
 Lee (CA) Platts
 Lee (NY) Poe (TX)
 Levin Polis (CO)
 Lewis (CA) Pomeroy
 Lewis (GA) Posey
 Linder Price (GA)
 Lipinski Price (NC)
 LoBiondo Radanovich
 Loeb sack Rahall
 Lofgren, Zoe Rehberg
 Lowey Reichert
 Luetkemeyer Reyes
 Luján Richardson
 Lummis Rodriguez
 Lungren, Daniel Roe (TN)
 E. Rogers (AL)
 Lynch Rogers (KY)
 Mack Rogers (MI)
 Maffei Rohrabacher
 Maloney Rooney
 Manzullo Ros-Lehtinen
 Marchant Roskam
 Markey (CO) Ross
 Markey (MA) Rothman (NJ)
 Marshall Roybal-Allard
 Massa Royce
 Matheson Ruppertsberger

NOT VOTING—13

Abercrombie Gohmert
 Boustany Hinchey
 Dreier Lucas

Rush Ryan (WI)
 Salazar
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schauer
 Schiff
 Schmidt
 Schock
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Sessions
 Sestak
 Shadegg
 Sherman
 Shimkus
 Shuler
 Shuster
 Simpson
 Sires
 Skelton
 Slaughter
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Souder
 Space
 Speier
 Spratt
 Stark
 Stearns
 Stupak
 Sullivan
 Sutton
 Tanner
 Tauscher
 Taylor
 Teague
 Terry
 Thompson (CA)
 Thompson (MS)
 Thompson (PA)
 Thornberry
 Tiahrt
 Tiberi
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden
 Walz
 Barton (TX)
 Bean
 Becerra
 Berkley
 Berman
 Berry
 Watson
 Watt
 Waxman
 Weiner
 Westmoreland
 Wexler
 Whitfield
 Wilson (OH)
 Wilson (SC)
 Wittman
 Wolf
 Woolsey
 Bonner
 Bono Mack
 Boozman
 Boren
 Boswell
 Boucher
 Boyd
 Brady (PA)
 Brady (TX)
 Braley (IA)

Olson Putnam
 Rangel Ryan (OH)
 Shea-Porter Welch

□ 1515

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING PILOT PROGRAM FOR PATENT CASES

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 628.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 628.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 409, noes 7, not voting 15, as follows:

[Roll No. 130]

AYES—409

Ackerman Bright
 Aderholt Brown (GA)
 Adler (NJ) Brown (SC)
 Akin Brown, Corrine
 Alexander Brown-Waite,
 Altmire Ginny
 Andrews Buchanan
 Arcuri Burgess
 Austria Burton (IN)
 Baca Butterfield
 Bachmann Buyer
 Bachus Calvert
 Baird Camp
 Baldwin Campbell
 Barlett Barrett (SC)
 Barrow Cao
 Bartlett Capito
 Barton (TX) Capps
 Bean Capuano
 Becerra Cardoza
 Berkley Carnahan
 Berman Carney
 Berry Carson (IN)
 Biggart Carter
 Bilbray Cassidy
 Bilirakis Castle
 Bishop (GA) Castor (FL)
 Bishop (NY) Chaffetz
 Bishop (UT) Chandler
 Blackburn Childers
 Blumenauer Clarke
 Blunt Clay
 Boccieri Cleaver
 Boehner Clyburn
 Bonner Coble
 Bono Mack Coffman (CO)
 Boozman Cohen
 Boren Cole
 Boswell Conaway
 Boucher Connolly (VA)
 Boyd Conyers
 Brady (PA) Cooper
 Brady (TX) Costa
 Braley (IA) Costello

Frelinghuysen
 Fudge
 Gallegly
 Garrett (NJ)
 Gerlach
 Giffords
 Gingrey (GA)
 Gohmert
 Gonzalez
 Goodlatte
 Gordon (TN)
 Granger
 Graves
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Guthrie
 Hall (NY)
 Hall (TX)
 Halvorson
 Hare
 Harman
 Harper
 Hastings (FL)
 Hastings (WA)
 Heinrich
 Heller
 Hensarling
 Herger
 Herseth Sandlin
 Higgins
 Hill
 Himes
 Hinojosa
 Hirono
 Hodes
 Hoekstra
 Holden
 Holt
 Honda
 Hoyer
 Hunter
 Inslee
 Israel
 Issa
 Jackson (IL)
 Jackson-Lee
 (TX)
 Jenkins
 Johnson (GA)
 Johnson, E. B.
 Johnson, Sam
 Jones
 Jordan (OH)
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kissell
 Klein (FL)
 Kline (MN)
 Kosmas
 Kratovil
 Kucinich
 Lamborn
 Lance
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Latta
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (CA)
 Lewis (GA)
 Linder
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Luetkemeyer
 Luján
 Lungren, Daniel
 E.
 Lynch
 Mack
 Maffei
 Maloney
 Manzullo
 Marchant
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Ros-Lehtinen
 Roskam
 Ross
 Rothman (NJ)
 Roybal-Allard
 Ryan (WI)
 Salazar
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schauer
 Schiff
 Schmidt
 Schock
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Sessions
 Sestak
 Shadegg
 Sherman
 Shimkus
 Shuler
 Simpson
 Sires
 Skelton
 Slaughter
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Souder
 Space
 Speier
 Spratt
 Stark
 Stearns
 Stupak
 Sullivan
 Sutton
 Tanner
 Tauscher
 Taylor
 Teague
 Terry
 Thompson (CA)
 Thompson (MS)
 Thompson (PA)
 Thornberry
 Tiahrt
 Tiberi
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Upton
 Van Hollen
 Visclosky
 Walden
 Walz
 Wamp
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Westmoreland
 Wexler
 Whitfield
 Wilson (OH)
 Wilson (SC)
 Wittman
 Wolf
 Woolsey
 Wu
 Yarmuth
 Young (AK)
 Young (FL)

NOES—7

| | | |
|--------|--------------|------|
| Duncan | Johnson (IL) | Paul |
| Flake | Lummis | |
| Fox | Manzullo | |

NOT VOTING—15

| | | |
|-------------|--------------|-------------|
| Abercrombie | Hinchey | Putnam |
| Boustany | Inglis | Shea-Porter |
| Crowley | Lucas | Shuster |
| Dreier | Miller, Gary | Velázquez |
| Gutierrez | Olson | Welch |

□ 1523

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. INGLIS. Mr. Speaker, on rollcall No. 130, I was unavoidably detained. Had I been present, I would have voted "aye."

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO THE UNITED STATES COAST GUARD ACADEMY

The SPEAKER pro tempore. Pursuant to 14 U.S.C. 194(a), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Coast Guard Academy:

Mr. COURTNEY, Connecticut

Mr. COBLE, North Carolina

CERTIFICATION TO CONGRESS IN ACCORDANCE WITH PROVISIONS OF SECTION 1512 OF STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-25)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), I hereby certify to the Congress that the export of fine grain graphite to be used for solar cell applications and for the fabrication of components used in electronic and semiconductor fabrication, and two dual-motor, dual-shaft mixers to be used to produce carbon fiber and epoxy prepreps for the commercial airline industry is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from these exports, will not measurably improve the mis-

sile or space launch capabilities of the People's Republic of China.

BARACK OBAMA.
THE WHITE HOUSE, March 17, 2009.

NATIONAL WOMEN'S HISTORY MONTH

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, obviously I rise to commemorate some special days, St. Patrick's Day to all of my wonderful Irish friends all over the Nation, and certainly to perpetuate the wonderful relationship that we have with the great nation of Ireland.

At the same time, we have the opportunity to celebrate supporting the goals and ideals of National Women's History Month, and I thank my good friend, Congresswoman LYNN WOOLSEY, for offering H. Res. 211, supporting the goals and ideals of National Women's History Month.

There is so much we can say as part of the great history of the women of this country and around the world, but we all should note that women express and exhibit a very special part of American history.

Today, women account for 51 percent of the world's population, and throughout women's time, we have had countless sisters of brilliance. And so I salute them today and say we must stand for the cause of pay equity, and I am excited that one of the first bills that the President signed was pay equity.

I am also excited to note that I offered legislation to support the placement of Sojourner Truth, a suffragette and an abolitionist, in the House of the United States Capitol, and that will be done.

Let me close by simply thanking all of the great women of this Nation, Barbara Jordan and others, for what they have done and what they have contributed to America's history.

HUMAN EMBRYONIC STEM-CELL RESEARCH

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, human lives should never be sacrificed for the promotion of science. The very purpose of science is to uphold and protect life. We cannot in one breath say we want to advance science in order to save lives, and in the next support science that devalues the life of the smallest and most defenseless humans. All human life is sacred.

The alternatives to embryonic stem-cell research are vast. There is no reason to force taxpayers to fund research that will destroy human life because the advances we are seeing from adult

stem-cell research hold tremendous promise.

To date, there have been 73 treatments for disease ethically using adult forms of stem-cell research while embryonic stem-cell research has failed to provide a single treatment.

There is no one in this Chamber who does not wish to see science advance. But as we progress, we must be mindful that science is best when it is used within ethical boundaries. In our quest for progress, if we compromise the morals that support us, what good will our so-called progress be then?

OUT-OF-CONTROL SPENDING MUST STOP

(Mr. LUETKEMEYER asked and was given permission to address the House for 1 minute.)

Mr. LUETKEMEYER. Mr. Speaker, families and small businesses all across our country are making sacrifices, yet our government continues to spend like a drunken sailor. And how does Washington propose paying for all this spending? With more tax increases on hardworking families and small businesses, the very businesses that are crucial generators of job creation and economic growth.

The President's budget includes the largest tax increase in history, shouldering our families and small businesses with the cost of an ever-expanding government. Tax increases on small businesses will stifle job creation and economic growth at the very moment our country needs a strong and robust small-business sector to help us get back on solid ground.

The President's cap-and-trade program will increase the cost of energy for all Americans and place a tax of about \$3,000 per household in my district for this very program. Hardworking families and businesses all across my district and America are asking: What is going on in Washington? Does it have a clue how we work hard and how we earn our money and what we are doing with it?

This out-of-control spending must stop.

□ 1530

CONGRATULATING CARROLLTON HIGH SCHOOL LADY TROJANS ON STATE CHAMPIONSHIP

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I rise to recognize a very talented group of girls from Carrollton, Georgia. The Carrollton High School Girls Basketball team—or the Lady Trojans—defeated a very talented Lakeview-Fort Oglethorpe team 51-31 to claim the Class AAA Georgia High School Association State title this weekend.

The Lady Trojans found themselves down at the half, 24–23. However, Carrollton's defense, led by Karisma Boykin—always helps to have charisma, Mr. Speaker—stole the show in the second half, keeping the explosive Lakeview-Fort Oglethorpe offense scoreless in the third quarter and allowing only seven points in the fourth quarter. As they say, defense wins championships.

Mr. Speaker, we all know that the other thing that wins championships, of course, is hard work and determination, and there was no shortage of that from Carrollton Coach Shon Thomaston and the Lady Trojans.

Mr. Speaker, I ask that my colleagues join me in congratulating the Carrollton High School Lady Trojans on their State championship, as well as all of their hard work that got them there.

PRESIDENT OBAMA SHOULDN'T BE SURPRISED ABOUT AIG BONUSES

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the President showed some real anger about the bonuses that were paid to AIG executives. The problem is, he either knew they were getting the bonuses or he should have because every one of the spending bills that came through this House went through a conference committee, and the White House was deeply involved in what was put in those conference committee reports.

The stimulus package, the TARP bill, every single bill that gave money to AIG and to others went through the scrutiny of the White House. The President is up there today saying, "Oh my gosh, this is terrible," and he shows real anger. Well, if he didn't know about it, he should have; and if he did know about it, he shouldn't be raising Cain about it.

THE REAL AIG OUTRAGE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the previous speaker mentioned the outrage about the bonuses to AIG. That's not the real outrage. The real outrage is that taxpayers have given AIG \$173 billion, and this amount of money was then used to funnel out to other financial institutions.

After months of government stonewalling, on Sunday night AIG officially acknowledged where most of the taxpayer funds had been going. Since September 16, AIG has spent \$120 billion in cash, collateral, and other payments to banks, municipal govern-

ments, and other derivative counterparties around the world. This also includes \$20 billion to European banks. We never intended for this money to go overseas; the taxpayers thought it was going to AIG.

This list also includes American charity cases like Goldman Sachs, which received \$13 billion. This comes after months of claims by Goldman Sachs themselves that they did not need the money. Then why take it?

Mr. Speaker, that's the real AIG outrage.

AIG SHOULD PAY BACK EVERY CENT THEY SPENT ON BONUSES

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, I was as shocked as all Americans were to learn about AIG, the recipient of more than \$170 billion of taxpayer money, paying out more than \$165 million in bonuses to its executives. Where I come from, when you run your company into the ground, you get fired, you do not get a bonus.

Seventy-three people at AIG received bonuses of more than \$1 million; that includes one bonus of \$6.4 million, six more who received more than \$4 million each. Eleven people received retention bonuses, that is, bonuses specifically designed to keep valuable employees from leaving the company. Well, you know what? They have already left the company—take the retention bonus and then leave; all this from a company that is 80 percent owned by the taxpayer. The people of the United States are not going to stand for this behavior from these people; neither would I, neither should this House.

AIG should pay back every cent they spent on "performance bonuses," and the only reward they should get for their performance is a pink slip.

FORT DUPONT ICE HOCKEY CLUB

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, the first annual Lawmakers versus Lobbyists Charity Hockey Game took place 2 weeks ago on Friday, March 6. The game was played at the Kettler Capitals Iceplex, the practice facility of the NHL's Washington Capitals.

The game was a fundraiser for the Fort Dupont Ice Hockey Club of Washington, D.C. The club is a developmental program that provides local, inner-city youth with an opportunity to participate in an organized ice hockey program.

More than \$25,000 was raised for this organization. The Lawmakers team was led by Senator JOHN KERRY, Congressman ANTHONY WEINER—who

played goalie with his cat-like reflexes—Congressman PATRICK MURPHY, and me. Also, Bob Fisher, the assistant manager of the Cloak Room, participated in the Members' team.

The Lobbyists were led by Nick Lewis and Jeffrey Kimbell. Lobbyist Captain Nick Lewis and Lawmaker Captain Tim Regan squared off for the ceremonial opening face-off.

The Lawmakers won a hard-earned 6–4 victory in this inaugural contest. The real winners, however, Mr. Speaker, of this game were the kids from the Fort Dupont Ice Hockey Club.

I yield to Mr. MURPHY.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, it was a great charity event.

There are a lot of challenges facing our country right now where our focus is, but we took time out for the kids to make sure that we raised money. These kids could not afford to play the game of hockey, which really demonstrates and embodies the sense of teamwork and goal setting. It was great to be with those kids, with the first African American NHL player, who was also there. And I would also like to highlight the cooperation of the Washington Capitals.

I would like to say that our colleague from New York (Mr. WEINER), who got the puck of the game, who was our goaltender, a lot of folks did say that he had cat-like reflexes. He reminded me of a young Mike Richter, who most folks understand is a New York Ranger, won the World Cup for Team America that was played at the Wachovia Center in Philadelphia. But Mike Richter is from the suburbs of Philadelphia, and I was proud of that comparison of ANTHONY WEINER to Mike Richter. I sometimes question the athletic ability of Mr. WEINER, but that day he really showed his skill.

Mr. WEINER. Will the gentleman yield so I may defend myself?

Mr. PATRICK J. MURPHY of Pennsylvania. I will yield.

Mr. WEINER. First of all, let me join with my colleagues in expressing the gratitude that we all have to the organizers that helped raise so much money for these kids that play in the inner city. They scarcely have rinks, unlike in Buffalo and some of our communities. It was really a terrific program. I'm glad we were able to do it.

"Lobbyists" is a dirty word in this town now—and sometimes they played a little dirty on the ice, but we will put that aside because the result was the same.

I just want to say, being a great hockey player in Congress is kind of like being the one-eyed man in the land of the blind; I'm not sure it says all that much. But I want to thank Congressman HIGGINS—who I believe scored two goals; I learned that by watching the news reports and hearing him say it again and again throughout

his quotes—and also you, Mr. MURPHY. I have never seen a hockey player skate that slowly, but somehow you managed to get to every puck.

This is a great cause. Let's hope that we do it every 10 or 12 years or so because that's how long it takes us all to recover. I thank you very much for what you have done, and I thank you for persuading me to play in the game. It is true, I am cat-like in the crease. I curl up in a ball and just sleep through the game while you guys did the hard work.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TONKO). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICA'S ECONOMIC POLICY: SPEND, BORROW AND TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, America's new economic policy is real simple; spend a lot of money, borrow a lot of money, and tax everybody, all in an effort to make the United States a country like socialist France. And the method to pay for these high-dollar programs that the administration is now funding is to tax everything, especially energy.

The first part of the "tax energy plan" is to tax energy consumption. Now we understand that every homeowner in the United States will be taxed approximately \$3,000 a year every year for the consumption of energy in that home. So every time you turn on the lights, you turn up the taxes. You use a little bit of heat to keep warm in the winter, you're going to pay the heat tax, all in an effort to bring revenue in for these high-dollar programs.

There are more ideas to tax energy. One is to increase the gasoline tax—not that we aren't paying enough for gasoline already, now we're going to pay 10 cents more a gallon in the gasoline tax. We use gasoline, we're going to give the government more money.

And then, thirdly, there is the mileage tax that is being proposed. What that means, Mr. Speaker, is for every mile you drive somewhere in the fruited plain, the government is going to track you with GPS, and at the end of the day you are going to get taxed on mileage tax. Being tracked by GPS by the Federal Government sounds a little bit like Big Brother out of "1984" to me.

Contrary to some places in the United States, where I come from we don't have mass transit. We don't have choo-choo trains that run and take ev-

erybody to work. I have an area made up predominantly of rice farmers, suburban areas, petrochemical areas, and we don't have high-dollar trains like the one that is being built from Los Angeles to Las Vegas, or from La La Land to Fantasy Land. People have to drive work trucks, that's what they drive, but now they are going to be taxed for driving. And of course that is taxing the American worker and the consumer.

And now there are going to be new energy taxes on energy companies—you know, those mean old energy companies that produce energy to keep the lights on in this place and other places, and so we can drive our vehicles and that sort of thing. But the energy companies are going to pass that tax on to the rest of us. And what that means, you cut through all the taxes, because of the new energy tax on energy companies, every American is going to add 41 cents to their gasoline; in other words, that's passed on to us. You add on the mileage tax, you add on the 10-cent tax for using gasoline, and now we've got another 41 cents that will be passed on to the American consumer.

Now the new cap-and-trade idea—it really should be called cap-and-tax—is sending energy companies packing their bags. Mr. Speaker, what I mean by that is, they're leaving town. The taxes are too high. They're not going to stay here any longer. It's been reported by different media sources that the new country, the new place for energy companies to move is a place called Zug, Switzerland. You've probably never heard of it. You have to look it up on a map to find it. But the tax rate for corporations in that area of Switzerland is 9 percent. The corporate tax in the United States on those energy companies is 35 percent. No wonder they're leaving town. They can't afford to do business in the United States.

□ 1545

The U.S. energy companies are going someplace else because of the overwhelming tax structure here.

Mr. Speaker, the answer is not to tax more but to allow more energy production, novel thought that that is. Rather than run energy companies out of town, maybe we ought to let them expand in the Outer Continental Shelf. That would actually create thousands of American jobs. We wouldn't be sending money overseas to OPEC. We'd keep that money in the United States. We'd keep the lease revenue that those oil companies have to pay for to get that oil out of the Outer Continental Shelf. We'd keep that lease revenue in the United States. And we'd also keep the tax revenue in the United States.

But, Mr. Speaker, the new French economic plan is tax anything that produces in this country, and now we're going to tax energy out of the en-

ergy business, including consumers that use energy. I guess next year, Mr. Speaker, we'll all wonder why we're just freezing in the dark because we don't have any energy because it all left town.

And that's just the way it is.

SECURITY CHALLENGES ARISING FROM THE GLOBAL FINANCIAL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, students of history know that hyperinflation in Germany was a significant factor in the rise of Hitler. The economic decay of the Soviet Union led to regime change across Eastern Europe. And a serious economic crisis preceded the French Revolution. So the record is clear that economic crises can have consequences for national security of the highest order. Here in the United States, our economic strength has always been the foundation of our national power and our national security. Economics plays no less important a role in the fate of many other nations.

Knowing this, the House Armed Services Committee decided to explore how the current global financial crisis is affecting national security by holding a hearing last week with a distinguished panel of economic and national security experts. We had been working to hold such a hearing since November, but the urgency of this effort was only emphasized when the Director of National Intelligence, Admiral Dennis Blair, stated in this annual threat assessment that the global financial crisis represents the primary near-term concern for U.S. national security. During our hearing, we learned more about the many ways the world has been thrown into serious turmoil by this sudden global shock and that many if not most of the international consequences are yet to come.

We learned that, at a minimum, the global financial crisis will exacerbate an already growing set of political and economic challenges facing the world. In country after country, the crisis is increasing citizen discontent and anger toward their leaders and providing an excuse for authoritarian regimes to consolidate their power. It distracts and strains our allies and generates conditions that could provide fodder for terrorism. Financial turmoil can loosen the fragile hold that many countries have on law and order and increase the number and size of ungoverned spaces.

While most of the experts we heard from agree that the strongest economies will weather this storm, it is the fragile states that worry me the most. Emerging democracies throughout Eastern and Central Europe, Africa,

and Asia will turn to the Western world for support. If we cannot or do not help them, they may be forced into economic alliances of necessity with long-term consequences. When Iceland recently turned without success to its friends in the West, it found a "new friend" in Russia. Jamaica has received significant financial assistance from China. The list of countries in critical regions in need of such assistance is long indeed. Economic pressures within European countries might even become so severe as to seriously weaken or unravel the ties that bind the countries of the European Union and NATO Alliance together.

Perhaps most serious, at a time when U.S. leadership is sorely needed, our international credibility is at an unprecedented low. The crisis is causing the emerging nations to question the Western model of market capitalism. Flawed policies, poor decisions, weak regulation, and questionable behavior have led to a widespread perception that American-style capitalism is unsustainable. This perception may be the most corrosive effect of the current crisis.

Mr. Speaker, our response to the global economic crisis must be far reaching and far seeing. We must restore our economy, maintain and enhance our key instruments of national power, including the Department of Defense, and take an approach with the world that reestablishes our credibility and claim to world leadership. We must support our friends and maintain our alliances. We must not become so self absorbed that we fail to recognize our long-term strategic interests. And we must be very clear, in today's world a strong national defense is not a luxury, it is an imperative.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1388, GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION ACT

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-39) on the resolution (H. Res. 250) providing for consideration of the bill (H.R. 1388) to reauthorize and reform the national service laws, which was referred to the House Calendar and ordered to be printed.

THE PLIGHT OF THE IRAQI REFUGEES CONTINUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the President has announced a plan to re-deploy troops from Iraq, and if you're watching the nightly news or pick up a paper, you might think that the occu-

pation was actually over. But when was the last time you saw a major TV news story from Iraq or some ink at least above the fold about Iraq?

Sadly, the United States' occupation of Iraq is far from over. The need still remains for a stable nation and a stable Iraqi Government that is able to provide basic services and a sense of normalcy and support of the rule of law for everyone in Iraq.

Almost 6 years ago today, the United States military was mobilized in a pre-emptive attack on Iraq. By now we all know there were no weapons of mass destruction. However, destruction was left in the wake of the invasion. Both the Iraqi and American Governments must focus on these immediate pressing human needs rather than continuing military presence. A prolonged occupation is not the answer. Prosperity and stability will not come at the end of a gun. We must support reconstruction. We must support reconciliation efforts. And we must find the best way out of Iraq so that we can begin all of this. And the best way is by bringing our troops and military contractors home from Iraq so then we can give Iraq back to the Iraqis and work with them to rebuild reconciliation and to return to their homes.

Families face unimaginable hardships, from widespread violence and suicide attacks to the destruction of their schools, their hospitals, and utility providers. Some of the devastation can be and is actually visible, and it's rubble that still litters the streets and walled-off sections of neighborhoods.

The more difficult picture to capture is that of the refugees. Millions have fled their homes never to return. Nationwide there are between 1.6 million and 2.8 million internally displaced people, refugees who left their homes but not Iraq. According to the International Organization of Migration, only 288,000 have returned home. Refugees International calls this one of the largest humanitarian and displacement crises in the world. They say "most are unable to access their food rations and are often unemployed; they live in squalid conditions, have run out of resources, and find it extremely difficult to access essential services."

Mr. Speaker, the Iraqi Government has established a program to reimburse Iraqi families who have lost their homes. Most families get about half of their home's value, and that's when someone can safely come into the area to assess the damage. This process is slow going and will never make these families whole.

But to what are Iraqi families returning? Refugees International found that some Iraqis who have tried to return home have found their homes occupied or destroyed, the likelihood of violence still high, a collapse of social services, and neighborhoods divided into sectarian areas.

Sadly, the U.S. occupation has caused this to happen. But the good news is we have a chance to bring our troops home, give Iraq back to the Iraqi people, and let them have their sovereignty and let them get home to their properties. We need to help them do that. What we don't need to be doing is spending more money on the military occupation in Iraq.

THE AIG CASINO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, the AIG Financial Products unit created a casino. At that casino, people were invited to bet on credit default swaps. Smart people went to that casino, the largest financial institutions, the richest and the most powerful in the world. They were smart. They bet against the mortgage market of the United States. They won. But they broke the bank.

Now when ordinary gamblers break the bank, they have to settle for less than their full winnings. But these, as I said, are the most rich and powerful and best-connected institutions in the world, and they want everything the contract calls for. And that is why American taxpayers have provided \$170 billion in payments and risk assumption so that these gamblers would be paid.

That is not how capitalism is supposed to work. When you're owed money by an insolvent financial institution, that institution is supposed to be in receivership. Those who have insured accounts or insured life insurance policies get paid; everybody else takes a substantial haircut. But, instead, Wall Street is telling us that there is this sanctity of contract; so they must get every penny that Wall Street is supposed to get under the contract.

Wait a minute. Sanctity of contract? Every bankruptcy, every receivership involves setting aside virtually every contract of the insolvent financial institution. And when Richard Nixon was President, he, through wage and price controls, shredded every wage contract in this country.

Receivership is the way to clean up the balance sheets of our financial institutions. But we're not focused on it because it costs the shareholders, it costs the creditors, it costs management, and they would rather give us a "solution" that costs the American taxpayer.

Receivership means that you strip some liabilities off the balance sheet. That is the way to strengthen the balance sheet of our financial institutions. Instead, we're told that the way to improve these balance sheets is to take assets off the balance sheet, albeit the so-called toxic assets. There's nothing

the matter with those assets except they're worth less than they used to be. You do not strengthen financial institutions by taking their assets. You strengthen them by putting them in receivership and removing their liabilities.

Now we're focused on the bonuses being paid to the croupiers of this AIG casino. Receivership would have been the clearest way to prevent those payments from being made, but we weren't told about those outrageous bonuses until hours before they were distributed.

□ 1600

Now all that money is in the hands of the executives. No doubt they have got them in Cayman Island accounts as we speak.

Those bonuses should have been disclosed to us, but there is something this Congress can do, and that is through the Tax Code. Impose on the executives of all TARP bailed-out firms a special surtax on that portion of their compensation which is excess.

I think that ought to be the portion in excess of \$500,000, excluding restricted stock. That is the exact standard put forward by President Obama for his toughest standard on executive compensation.

That tax could be at the 60, 70, 80 percent level, and those executives who did not want to pay the tax could, instead, return the excess portion of their compensation to their employer. It is important that this tax law apply not only to those who received excess payments in 2009, but also those who received the excess payments in 2008.

We have a precedent for having excess profits taxes. We can have a special tax on excess compensation.

We also, though, need to put AIG and others into receivership because this is the way we can deal, not with the bonuses, which are in the hundreds of millions of dollars, but deal with the tens and hundreds of billions of dollars of taxpayer money that are being disbursed to the wealthiest financial institutions of the world, including tens of billions of dollars going overseas.

In order to get this economy moving again, we need banks and other financial institutions with strong balance sheets. The way to get strong balance sheets is to write down liabilities, not to "get rid of" certain assets by calling them toxic assets. It is unlikely that we will pursue this plan because it will lead to substantial losses for the most powerful, richest and best-connected institutions and individuals in this country, but it is the way for us to go forward.

I look forward to working with my colleagues to getting to a plan that serves Main Street, not Wall Street.

SECOND AMENDMENT RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I come this afternoon to the House of Representatives to bring a message from Kansans and those who support the Second Amendment.

The United States Supreme Court ruled last year that the Second Amendment guarantees an individual's right to own firearms and that Washington DC's gun ban is unconstitutional. This decision was a win for all Americans and sent a message to governments across the country in support of Second Amendment freedoms.

Unfortunately in recent weeks we have heard from administration officials and gun control advocates that they are pushing to restrict an individual's gun rights, the rights guaranteed by our Constitution. Discussing escalating violence caused by drug cartels in Mexico, U.S. Attorney General Eric Holder last month called for reinstating the so-called assault weapons ban.

This is the wrong approach. Instead of punishing law-abiding American gun owners, our citizens, our country should be working to enforce existing gun laws that outlaw illegal purchases. We should secure our borders, and we should work to increase the cooperation between the United States and Mexican authorities.

Many Kansans are also concerned about H.R. 45, legislation that has been proposed to license gun owners and track firearms sales. I am hopeful that this bill does not have the support to be approved by this Congress.

An article in today's Wichita Eagle, our newspaper at home, highlights an ironic twist. The article reports that news of gun control efforts, along with concerns that crime will increase with a troubled economy, has ramped up the demand for firearms and ammunitions. Shortages are now common as retail stores are having trouble keeping guns and ammunition on the shelves.

I want to restate that our Founding Fathers established a Bill of Rights to our Constitution to make sure that American citizens can live in freedom without government intrusion. Human liberty and limited government are principles I hold in high regard.

I stand with Kansans in opposing efforts that violate the Second Amendment, and I will continue to cast my votes where it's necessary to protect our rights, including those provided for by the Second Amendment.

SALUTING 290TH MILITARY POLICE COMPANY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. KRATOVIL) is recognized for 5 minutes.

Mr. KRATOVIL. Mr. Speaker, I rise today to honor the 290th Military Po-

lice Company of Adelphi, Maryland. Earlier this month I had the honor of attending a welcome home ceremony for the soldiers.

In June of 1948, the "Defenders" received their original Federal recognition and were activated several times during the 1960s and 1970s to quell civil disturbance in Cambridge, Salisbury and Baltimore, Maryland. In 1990, the 290th was mobilized both in support of Operation Desert Shield and of Desert Storm.

On September 11, the 290th was again called to service to secure the crash site at the Pentagon while rescue and recovery operations took place. From there, the 290th was mobilized under Operation Noble Eagle for homeland defense.

The 290th was again called upon to help support Operation Enduring Freedom in Afghanistan. During the mission, the 290th provided force protection for key air bases, including those in Pakistan.

In 2005, when Hurricane Katrina devastated the gulf region, once again the 290th was sent to Mississippi to assist local law enforcement with emergency and relief operations. And, again, in October 2007, the 290th was once again mobilized and deployed in support of Operation Iraqi Freedom. This is a unit that has been asked to serve our Nation all over the world and right here at home, and each time it has responded to the call of duty valiantly and honorably. But now, deservedly, they are home.

Our Nation's greatest strength is the men and women who selflessly give of themselves to defend our ideals, and their families, who make sacrifices every day while their loved ones are in harm's way. I salute the 290th military police company and welcome them home, and pledge to be an advocate for them and all veterans of our Armed Forces.

Celebrating the valor of our Armed Forces is one thing, but here in Congress we must put our money where our mouth is and support the men and women of our Armed Forces, their families and our veterans, or we are merely providing lip service to them.

Mr. Speaker, I submit for the RECORD the members of the unit from Maryland's First Congressional District, who served so honorably.

Name, Rank, City:

Benitez, Luis Enrique, Jr, SPC, Bel Air, MD 21014; Fowler, Allen Mitchell, SGT, Bel Air, MD 21014; Sullens, Jeffrey Lee, SGT, Belcamp, MD 21017; Frederick, Robert, SPC, Preston, MD 21655; Zimmerman, Maria Masha, SPC, Preston, MD 21655; Wood, James Spencer, SPC, Cockeysville, MD 21030; Smack, Derrick Clinton, SPC, Delmar, MD 21875.

Dixon, Kassey Craig, SPC, Elkridge, MD 21075; Dixon, Kim Craig, SGT, Elkridge, MD 21075; Saunders, James Junior, 1SG, Hanover, MD 21076; Baschogeorge, Franklyn L, SGT, Jessup, MD 20794; Buckingham, Victoria Kathari, SGT, Laurel, MD 20708; Sadler,

Brandon Anthony, SPC, Port Deposit, MD 21904; Ward, John Allen, SPC, Port Deposit, MD 21904.

Clayton, John Joseph, SSG, Annapolis, MD 21409; Tull, Thomas David, SSG, Severn, MD 21144; Windisch, Catherine Anne, SSG, Annapolis, MD 21409; Blevins, Richard Earl, SGT, Hebron, MD 21830; Calhoun, Susan Mabel, SGT, Delmar, MD 21875; Cannon, Anitra Chantal, SPC, Crisfield, MD 21817; Dixon, Joel Harrison, SPC, Salisbury, MD 21804.

Henley, Tony Mario, Jr, SPC, Pittsville, MD 21850; Houston, Martin Lee, Jr, SPC, Ocean City, MD 21842; Insley, Amber Joy, SPC, Princess Anne, MD 21853; Marvin, Andrew Michael, SGT, Salisbury, MD 21804; Richards, Johnathan, SPC, Pocomoke, MD 21851; Hunter, Christy Lynn, SGT, Crisfield, MD 21817.

FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. ROE) is recognized for 5 minutes.

Mr. ROE of Tennessee. Mr. Speaker, while I was running for Congress last year, I noticed that Democrats everywhere were campaigning on the notion that they were fiscally responsible and would make wise decisions for our country based on what we could afford.

Frankly, as the former mayor of Johnson City, Tennessee, who has grown accustomed to balanced budgets and living within our means, this sounded pretty good. It made me excited to come to Washington and get our financial house in order.

My excitement, however, was short lived when I realized how thoughtlessly we would spend a billion dollars. First we approved the second \$350 billion of the Troubled Asset Relief Program, which is what people back home and I call a bailout of our banking institutions. Then we approved \$787 billion for what was called economic stimulus, but what was in reality a laundry list of spending items the Democrats hadn't been able to get funded the past few years and won't produce sustainable economic growth.

Just when I thought things couldn't get worse, we went out and passed a fiscal year 2009 omnibus spending bill that included \$410 billion and an 8 percent increase for our Federal agencies. I am going to pause for a second and let that sink in, an 8 percent increase at a time of record deficits where local county, city and State governments are cutting and balancing budgets.

I think the American people are so skeptical of what's happening in Washington because what they see people in Washington do is disconnected completely from reality. The reality is in Johnson City, Tennessee, they are asking their agencies to fund a 5 percent cut over last year's budget.

All over America, families and State and local governments are tightening their belts and making do with what they have. Only in Washington do we

respond to a huge drop in tax receipts by spending even more money.

Now the administration has proposed a \$3.9 trillion budget, which will be 27 percent of gross domestic product of this country. This will create the largest Federal Government since World War II.

This budget is especially troubling because it's coupled with tax increases, and our job creators have to pay for it. The math of these policies seems to be more government spending, plus higher taxes, equals more jobs and economic growth.

If this equation seems questionable to you, I'm right there with you. This budget spends too much, taxes too much and borrows too much.

I think the American people are beginning to question everything they hear being done in the name of economic stimulus and recovery. They heard "fiscally responsible" during the campaign and assumed that meant we would be looking for savings from ineffective programs and keep income in families pockets where it's most needed. They are getting just the opposite.

My House Republican colleagues prefer a simpler strategy that has proven effective time and time again. First you want to leave the money in the hands of the families to decide how to spend their own money. We proposed lowering the lowest two tax brackets from 15 to 10 percent and 10 to 5 percent respectively.

We would like to create tax incentives for small businesses, the engines of our economy, to create these jobs. We believe it's important to eliminate taxes on unemployment insurance, which will help those who have lost their jobs stay afloat until they find a new job.

And I believe we should invest in our transportation, water, education, and infrastructure. As a fiscal conservative, I generally don't like deficit spending unless future generations will get to enjoy the benefit of the spending.

By leaving a lasting infrastructure in place, our children will be able to enjoy the benefits, even if they are asked to pay for some of the costs. While I am hopeful we can consider these common-sense solutions, the fact is Republicans are in the minority. We don't have the ability to stop these harmful policies from going forward, only President Obama, and Democrats and Congress can.

I urge the American people to ask President Obama and his Democratic colleagues to fulfill their campaign promises of fiscal responsibility and stop these tax increases and wasteful spending, and help restore our economy, which is still the strongest in the world.

OUTRAGED

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, I found it almost comical today, as I watched both on the floor and from my office, as one Member after the other has come to these podiums all across this Chamber, and they pounded on their desk, and they have screamed and they have all used the same word, "outraged."

They are outraged over the \$165 million in bonuses that AIG has paid and the \$90 million that AIG has paid to European banks and Wall Street investment firms. But I am outraged about something different. I am outraged that they are outraged, and the reason is because I am only one of 17 Members out of 435 Members who voted "no" on every single one of these so-called stimulus and bailout packages, for one reason: we didn't think it would work.

Mr. Speaker, as we were trying to raise our hands and just ask intelligent questions about them, we were finding that people were ignoring the rules and they were rushing them through, that there was a whole set of people out there screaming and yelling, if you just didn't pass this bill in this form, the sky was going to fall and the world was going to come to an end, and they pushed these bills through without legislative analysis. While we were trying to just tell people what was going on and simply ask the question nobody wanted to hear, they just wanted to pass the bills.

Mr. Speaker, I have a suggestion: just read the bills. If we had read those bills, we would know what most of the analysts are telling us now, and that is that it would take 100,000 to 250,000 government bureaucrats just to monitor where this money is going and how it's going to be spent.

And instead of coming to the podium and pounding it and saying how outraged they are, wouldn't it be novel if they came and just said "we are wrong. We admit we are wrong. We are not going to make those mistakes again."

But, Mr. Speaker, coming here and saying you are outraged is not some kind of get out of political hot water free card. In fact, it's like a sitcom. Imagine this situation: a husband goes out in this economic situation, buys an expensive new boat.

A few weeks later, the bill comes in the mail, and his wife opens it up. And she is steaming and seething and looking at how they are going to pay this payment.

And he walks in, and he looks at her, and she throws it across the table. And he picks up the bill, and he looks at it, realizes he can't make those payments, looks at her steaming and mad, and all of a sudden he pounds the table and he says, "Honey, I am outraged over this bill that I am having to pay." And that's where Congress is finding itself today.

Mr. Speaker, we wouldn't run our businesses that way. Only the government and AIG run theirs that way. We have a lot of people calling our offices and saying "What can I do?"

Well, here's what you can do. Go find out how people voted and then call them up and ask them why.

The second thing we can do is make sure we are going to stop this bailout madness and then simply do this. Before we take more options away from our children and grandchildren by mortgaging their future, let's simply ask these four questions: Where is the money actually going? How do we know it's going to get there? Will it work once it arrives? And how will we pay it back?

□ 1615

Mr. Speaker, I would submit that perhaps if we do that, next time there will be more than 17 of us justified and actually coming to the podium, beating on it, and saying we are outraged.

CAP-AND-TRADE

The SPEAKER pro tempore (Mr. SCHAUER). Under a previous order of the House, the gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 5 minutes.

Mrs. CAPITO. Thank you.

I rise today to talk about the President's program for cap-and-trade. I'd like to take just a few minutes to explain it a little bit and talk to people about what this is really going to mean to them.

I represent the State of West Virginia. But here in the United States, coal is our most abundant resource. We have recoverable reserves that are sufficient for at least 250 years. Coal currently fuels 50 percent of all the electricity generated in this country.

In my home State of West Virginia, 98 percent of our electricity comes from coal. Our State has abundant resources. We give, and we turn on the lights in America.

There's been a lot of discussion surrounding the future of coal in this global warming debate. The first thing we need to remember is that anything we do, whether or not it's climate change, is inextricably linked with energy policies that are going to cascade across the environmental, economic, and social issues of the day.

So cap-and-trade. It sounds nice. Cap emissions and then trade away. What does that really mean?

It means, basically, a tax increase on carbon dioxide emissions that will lead to a reduction in energy use. That sounds good. But it will also lead to an enormous erosion of America's family budget. This will tax every single American and tax those who are in most difficulty and who have most difficulty making ends meet.

The administration's budget calls for a 100 percent auction of allowances

under a cap-and-trade system to reduce greenhouse gas emissions. Sounds good, doesn't it?

The President's "cap-and-tax" proposal will impose mandates and further regulations on manufacturing and will dramatically increase the cost of energy and electricity. This proposal will create a great transfer of wealth between coal-dependent States like West Virginia and those that rely on alternative resources, with no change in the ultimate environmental outcome of the cap-and-trade policy and a huge estimated GDP loss.

I think there's one thing we know here in this time and right now is that a solid economy is the best way to innovate and create and solve problems that we need help with.

So you say, Where does the money come from? If you're going to trade and buy, where does the money come from? That money will come from the individual consumer because the manufacturers, the electricity producer, all the folks who are going to be trading allowances are going to have to find that money somewhere, and it's going to be tacked on as a form of an energy tax to every single American.

Under the Lieberman-Warner legislation of last year, the EPA estimated a rise in electricity costs between 44 and 79 percent. In West Virginia, the price of our electricity would go up between 103 and 135 percent. That is going to hurt folks on fixed incomes, our elderly, and it's going to hurt the poor the most, who cannot afford the huge chunk out of our budgets that energy takes right now.

The revenue returned to consumers from the President's budget, he says he's going to give money back to folks to help them meet this high cost. But that is not even close to covering the increase in household electricity costs.

When the President was a candidate, this is what he said, "What I've said that if we would put a cap-and-trade system in place that is more—that is as aggressive if not more aggressive than anyone else's out there, so if somebody wants to build a coal-powered plant, they can, it's just that it will bankrupt them because they're going to be charged a huge sum for all that greenhouse gas that's being emitted."

Remember, the State of West Virginia, 98 percent of our electricity is generated by coal.

Manufacturing output will fall considerably if the President's plan goes through. The whole idea is to tax the consumer, to bring down emissions, and no consideration has been made as to what this is going to do to the rank-and-file everyday citizen.

What is the job loss? In West Virginia, under Lieberman-Warner—and I realize that's not the President's bill. The President's bill is even broader reaching than this one. The estimation

of the job loss is between 7,000 and 10,000 jobs between now and the year 2020.

Addressing climate change concerns is a global challenge requiring global solutions. We need common sense. We need to slow down here because unilateral action by this Congress and by the United States will have no impact, or very little impact on global emissions but will also have a great impact on our economy and on our citizens.

We need to innovate and use technology. We could use the development of advanced clean coal technologies; most importantly, CCS, or carbon capture and storage technologies.

We need technology to push as hard and fast as we can. I urge caution. We need to slow down. For the sake of my constituents and those in States like mine, we should not forget this as our debate moves forward.

KEEPING PROMISES MADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. We've heard a lot about AIG and how they shouldn't have been getting those bonuses they got—\$165 million—but let's take a real objective look here.

These executives took one of the biggest, most important companies in the world, in the country, and they ran it into the dirt. They bankrupted a lot of other companies. But they didn't have to go into bankruptcy because they convinced the government to come in with taxpayer dollars and give them \$173 billion.

Now that's pretty extraordinary. They still have their jobs. Why wouldn't they get a bonus? Good night. You run a company into the dirt and then talk the government into giving you \$173 billion in taxpayer dollars, that's deserving of something, and apparently somebody thought it was worth a bonus.

Well, the fact is they shouldn't have gotten bonuses. They should have been in receivership. But I keep looking for people to finally keep the promises that they have made.

We heard that we were going to get change that people could believe in. We saw with the bailout back in September what some of us knew was a horrible mistake, and we said it then.

Even though I am a Republican, I was looking forward to change from the deficit spending. Yet we have just gotten more and more and more of the same. When are we going to get change? Isn't it about time we quit the deficit spending? It would sure be nice.

We were told that there would be no more lobbyists in this administration. I liked the sound of that. It sounded good. Well, it turned out he meant no lobbyists except for the ones they actually hired to be part of the administration.

We were told there would be new ideas in this administration; we'd go in a new direction; we'd have change. But then we got a Secretary of the Treasury that is given credit for thinking of a lot of the plan that Paulson had, even though I still haven't been able to figure out what plan that was.

So we didn't get change. We're getting more of the same. More and more of the deficit spending. When are we going to get the change?

We have heard from the majority over and over again for the last 4 years that deficit spending is bad. I agreed with them my first 2 years here, 2005 and 2006. So when they took the majority, I thought, Well, the good news is they'll finally stop this ridiculous deficit spending. But they didn't. It got worse and worse and worse.

Then when they found that there was a President from the same party, instead of together, since they control the House, the Senate and the White House, to completely bring an end to deficit spending, it's just gotten worse and worse.

This madness has to stop. We are blessed right now with a President who's one of the most gifted communicators I have ever seen in my lifetime. But what we are finding is that true leadership is not going to be found between the lines in a Teleprompter. You can look at the Teleprompter, you can read from it, but that is not where leadership is.

I heard right here from that podium, Mr. Speaker, at the State of the Union last month these words: "We're going to assure the continuity of a strong, viable institution that can serve our people and our economy," and President Obama said, "I understand that on any given day, Wall Street may be more comforted by an approach that gives banks bailouts with no strings attached, and that holds nobody accountable for their reckless decision. But such an approach won't solve the problem."

He went on to say, "This time, CEOs won't be able to use taxpayer money to pad their paychecks or buy fancy drapes or disappear on a private jet. Those days are over."

And then here we come the following month—there were no strings attached—to say, You know what? You ran this company in the ground. You don't get a bonus with taxpayer dollars.

I'm kind of outraged over that. Like my friend, Mr. FORBES, I'm kind of outraged that people are outraged they didn't stop this, when some of us—you go back to some of our comments on this very floor—we said, Read the bill. It's a problem.

Well, it's time for true change. Let's get what we should have and not what people talk about.

CONSIDER THE FAIR TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. I'm here to support the Fair Tax. The current U.S. Tax Code is too big, too complicated, and benefits too many special interests, and must be replaced with a code that is fair and encourages savings and investment.

This code has been amended tens of thousands of times, my colleagues, and it's grown to over 60,000 pages, possibly more. For this, and many other reasons, I rise in support of the Fair Tax and urge my colleagues to consider this new tax simplification program.

The Fair Tax will eliminate Federal income taxes, corporate income taxes, payroll taxes, capital gains taxes, the alternative minimum tax, and the death tax, and replace it with a flat, simple and efficient consumption tax.

Mr. Speaker, Ronald Reagan hit the nail on the head when he described the government's basic view of the economy as: "If it moves, tax it. If it keeps moving, regulate it. If it stops moving, subsidize it."

Unfortunately, Mr. Speaker, this burdensome view taken by our government has resulted in the current problem we face today, where citizens and business owners across this country devote billions of hours and billions of tax dollars just to navigate the process of paying their Federal income tax.

A simpler Tax Code may have prevented former Senator Daschle or current Secretary of the Treasury Geithner the embarrassment of having to explain their failure to properly pay the taxes due to the complicated IRS tax system.

I know many of my constituents in the Sixth Congressional District are aware of how this simple tax reform will work when implemented. They have written numerous letters to me and voiced their support at many town meetings.

I thought I'd take a moment this afternoon to lay out the basic principles of this legislation for those who are not familiar with the Fair Tax.

The Fair Tax will do away with all Federal taxes such as income tax, the death tax, as I mentioned, all the way down to the estate tax. Basically, many Americans with low incomes will receive a check at the beginning of each month from the Federal Government that will cover the cost of the consumption tax on necessary goods, thus increasing the purchasing power of low-income individuals and completely avoiding any unintended tax increase on their purchasing power.

Furthermore, a study conducted by Harvard economist Dale Jorgenson illustrates that roughly 22 percent of the retail price of an item is the direct result of the cost our current Tax Code

places on a product through payroll taxes, business taxes, business taxes, compliance costs, and other taxes.

Therefore, by paying an additional consumption tax, we will be able to fund our entire government, and the taxpayer can keep 100 percent of his hard-earned paycheck. This would lead to increased savings, increased investment, and Americans, not the Federal Government, would decide how to best utilize their wealth.

In addition, Mr. Speaker, the Fair Tax, through its simplicity, will provide transparency to the Federal budget and Federal spending here in Congress. Each time the government claims a needed tax increase to fund runaway spending, as we do, and government expansion, or special district funding requests, the American citizen would be directly affected by this irresponsibility and would be aware of it immediately through the transparency of the Fair Tax system instead of hidden tax increases and budget gimmicks that our government institutes today.

□ 1630

So now, my colleagues, it is time to get rid of this complicated, inefficient, and unfair tax. Now is the time to institute transparency, efficiency, and, finally, fairness in our Tax Code.

Now, for those of us in Congress and perhaps throughout the Nation who are skeptical, I have a suggestion for them, an approach that I think would be possible. Why not take Washington, D.C. as a demonstration project to see if it would work here in Washington, D.C.; allow all residents of this city to pay no Federal taxes, and institute a fair consumption tax, and this consumption tax would be collected by the city and then sent to the Federal Government. Then we could see how it would work and discern its advantages and disadvantages.

The Fair Tax I think ultimately would prove to be very useful, and I urge my colleagues to stand for real change and support this fair solution.

H. RES. 251

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Speaker, I rise today to share with you and Members of the House the introduction of a resolution of inquiry regarding the payment of executive bonuses to employees of American International Group, AIG. It is H. Res. 251.

Mr. Speaker, my constituents and I, as well as many Americans across the country, are outraged at the unfurling of events surrounding this freewheeling company which helped to lead us into the financial disaster we now face.

To make matters worse, we find out this week that the administration was

fully aware of the March 15 payment of \$165 million in executive or retention bonuses for many months. Even more troubling is the fact that the one person who was in the dark about the pending bonuses, until last week no less, was our very own Secretary of the Treasury who was supposed to be masterminding our economic recovery and banking recovery.

It is clear from the media reports that AIG did not award these bonuses as a snub to the administration, but instead waited until they had the blessing of the Secretary of Treasury, who apparently believes he did his due diligence by berating AIG and then saying that there was nothing that he could do to stop the bonuses.

The fact that we are rewarding the very people who caused the largest corporate loss in history is astounding. Just recently, the Attorney General of New York has indicated that at least 73 AIG employees received bonuses in excess of more than \$1 million, including nearly one dozen AIG employees who no longer work for the beleaguered firm.

Mr. Speaker, there are millions of Americans who have lost their jobs during this economic crisis, and most did their jobs well with great purpose and performance. There are no bonuses for them. Instead, they risk losing their homes, health care, and more. Meanwhile, AIG employees who engaged in risky, perilous behavior that brought our economy to the brink of collapse are rewarded.

There is a great deal of finger-pointing about how we got into this mess and what Congress and the administration is doing. Let me state just a few facts.

Since the beginning of this Congress, which is about 2½ months old now, only eight bills have been signed into law; and this week is like many others in the House, virtually no substantive legislative activity. This House, within 8 days of one person being attacked in Connecticut by a chimpanzee, rushed through legislation to make it harder to own chimpanzees. Mr. Speaker, where are our priorities? Here we sit, wringing our hands over how to curb bailout abuses, and what have we done to date to show for it?

Today, again, the House was deeply contemplating a series of non-controversial bills under suspension, including two measures naming post offices, and approving a bill supporting Professional Social Worker Month. I like social workers, Mr. Speaker, but who in their right mind thinks that that should be a priority today or this week while the Nation is roiled in anger over these bonuses? We might as well tackle more chimp or monkey legislation.

Mr. Speaker, based upon the Nation's unemployment rate, which hit a new high of 8.1 percent in February, that

translates into 16 Americans losing their job every minute. Americans are struggling to keep their homes. Two hundred seventy-five thousand foreclosure filings were reported in January, with one home in every 440 receiving a foreclosure filing in February. This year, the stock market has plunged 1,750 points and is at its lowest rate since 1997. Millions of Americans continue to lose their retirement security. To date, AIG has received \$200 billion in taxpayers' funds to keep the company afloat and recently suffered the largest quarterly loss of any corporation in American history.

Mr. Speaker, Americans are hurting. We cannot sit by and watch as AIG executives not only keep their jobs but are also rewarded for their actions.

Further, the administration needs to come clean on its discussions with AIG and approving these bonuses. Therefore, today I have introduced a resolution requiring the Secretary of the Treasury to transmit to Congress all communications relating to AIG and its approval of these executive bonuses as well as the use of Federal infusion of taxpayer money. Americans deserve to know the full story, and this Congress must act to get it now.

The excuses on television are, "Well, these are contracts. We can't mess with contract law." Mr. Speaker, recently we have told the Big Three auto makers that if they want Federal Government assistance, they have to cram down the people that work in their auto factories. Those are contracts. Recently, the House has passed legislation on mortgage relief that says that even though a bank gave you \$100,000 to buy a house, if you got that house under false circumstances, we have to cram down how much you owe the bank. That is certainly contract law as well.

The notion that it is an excuse that somehow these contracts were entered into and we must honor them, and we have to pay \$165 million to 73 people, is an abomination. We need to stop it. And I am asking for every Member of this House to cosponsor the resolution.

THE PARTY OF "OWE"

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, again, it is a privilege to address you here on the floor of the United States House of Representatives, and also to have the chance to lay out here before you and our colleagues and ultimately the American people a point on the cause that we are involved in.

We have dealt with crisis after crisis here on the floor of Congress, and I look back at many of the things that have taken place historically here, and

I could list them long. But I will say that I think the most colossal mistake that this Congress ever made was passing the President's Stimulus Act.

I think we have a budget hanging out today that may be a more colossal error. In fact, this budget that lays in front of us, President Obama's budget, spends too much, taxes too much, borrows too much. And what it turns into is their party, that side of the aisle, Mr. Speaker, has become the Party of Owe, the party of debt, the party of borrow. Not the party of "no," the party of "owe." They can't say "no" to anything; they just want to owe everything and everybody, even to the extent where this budget projects out by CBO to go to 200 percent deficit of GDP. Unheard of. The highest we have ever had in history was 1945, the end of World War II. Now, the President's budget takes this to that place.

This takes us to, in the middle of this economic crisis where we have seen the equity and the stock market drop by a huge percentage, by one-third or 40 percent or, in many cases, even more. It takes us to this point where the President said to us that he believes that FDR's New Deal actually would have worked, it actually was working, and that he just simply lost his nerve and didn't spend enough money. Can you imagine?

When he said that to us back in, I think, early February, I didn't think he was completely serious about having more commitment to spending a massively larger amount of money than FDR did in the New Deal.

But history hasn't served us very well in the way they reported the New Deal, because a lot of young people for two generations have been taught that the New Deal was a good deal and it got us out of the Depression.

Mr. Speaker, by the time the stock market got back to where it was in October of 1929, Franklin Delano Roosevelt had been dead for 9 years; we had fought two wars, World War II and Korea, and finally in 1954 the markets got to where they were in 1929.

There is no way that a logical objective historian can say that the Keynesian idea of borrowing and spending was a good deal when it was the New Deal. Nor is there any model in history that says that the new New Deal, the Obama Uber New New Deal, would be as good a deal as the bad old deal or a better deal than the old New Deal. This is the new New Deal, it is a bad deal, and Keynesian economics have failed wherever they have been tried.

We need to turn ourselves around to real solutions, Mr. Speaker, real solutions for the American people, real solutions that will take America to the next level of its destiny, not the level down, not in the direction where we put our children and grandchildren and our great grandchildren in debt, not to where little babies born today are looking at thousands of dollars in debt, for

every child that is born in America that they are going to have to work off. And we can either print a lot of money and devalue our currency, or we can suppress our economy for generations to come by all of this debt that is on us. And what can transform us as a country? What will ever grow our economy out of this anchor that we are now dragging? They are going to be pitching more anchors off the side of this great economic ship, of the greatest economic machinery that has ever been built in the United States of America, and our free market system.

But in the bailout bill last fall, we pitched an anchor over the side, and we have been dragging that anchor. And then we have the stimulus plan that is another anchor we pitched over the side that we are dragging along bottom. And we have got the President's budget as another anchor that we are going to have to drag. And, now, they are talking about another stimulus plan. And burden after burden heaped on top of the American people, the free market system cannot sustain this kind of a load. We need to do something transformative.

The transformative component that I am advocating here tonight is the one that Mr. STEARNS of Florida advocated a little bit earlier, Mr. Speaker. And I'll take you this way on the fair tax, and that is this:

I was audited one too many years in a row early on when I first started my construction business. The IRS showed up every year for a while, and they decided they were going to justify their existence by milking the little bit of blood that there was out of this fledgling turnip of a company that King Construction was back in those years. And after they audited me one too many years in a row and I shut the doors on my business for 4 days so that I could be there and personally hand them the documents and justify the expenses, so that I could minimize the loss that was going to come to me from the IRS, because I had experience with that, and it cost me money, and I had to make a calculation on whether I was going to—I believe I did everything right. And I had to make a calculation on whether I was going to stand on principle and go and fight the IRS, in which case it was almost inevitable that I would lose my business in the process, because I couldn't afford to be away from my business and still keep it going. Or, borrow the money to pay the IRS a bill that I still don't believe that I owed in order to be able to keep operating.

Well, that was one of the times when I didn't commit suicide on principle for the business, but I borrowed the money, paid the IRS. And then I went out and climbed in the seat of one of my bulldozers, and the smoke went up out of the exhaust stack, and it went out of my ears. And I began to think, what is the IRS doing in my office?

Why are they impeding my production? Why are they making Monday morning quarterback decisions on me and my life when I am doing the best I can to comply with the laws that are passed by Congress? Well, I didn't know then that it was impossible for the new head of the IRS to figure out the Tax Code.

So, Mr. Speaker, when Timothy Geithner can't figure it out even with Turbo Tax, and if Tom Daschle can't figure it out, I guess I shouldn't have felt so angry. But I am glad today that I was angry, because I did a little fast-forward in my mind and it was, I want rid of the IRS. I want to be rid of that intrusive organization that can come in and take away the sweat of my brow and diminish the creativity and the energy and the entrepreneurial spirit that it takes for any business to get started, especially a small business, and especially a highly capital-intensive business like mine was. I understand how this works. So I just leaped to this conclusion. The next day I decided, I want rid of the IRS, and I want to repeal the entire Federal Income Tax Code.

Now, I didn't think about how you get that done. I am working on how you get that done today. But what I thought about was, how do you replace the revenue? Because the government has to have some money to run on, and the only way you replace the revenue is if you go to a national sales tax, and it starts with about three principles to know:

Businesses transfer the cost of those taxes on to their customers. Yes, I wrote a check for those taxes, but I had to pass those costs on to my customers if I was going to stay in business. Corporations don't really pay taxes, businesses don't pay taxes. They are tax collectors for Uncle Sam.

But here is the transformative principle No. 1: Ronald Reagan, quoted by Mr. STEARNS of Florida, and I will give you a different quote from Ronald Reagan. He said, "what you tax, you get less of. A tax is a punishment." But Uncle Sam, the Federal Government, has the first lien on all productivity in America.

□ 1645

If you have earnings, savings or investments, Uncle Sam is there with his hand out. When you walk in and punch the time clock at 8 o'clock on Monday morning, Uncle Sam is right there figuratively with his hand out, and you work until he gets what he wants. Then he puts that in his pocket and figuratively goes away, and then you can start working for the rest of the interest.

If it is earnings, savings or investment, if it is productivity, the Federal Government has the first lien on all productivity in America. So a taxation is a punishment. It is a disincentive. We have less production than we would

have otherwise because we tax it first. We tax all earnings, savings and investment. If you go to a national sales tax, "the Fair Tax," and tax the last stop on the retail for personal consumption of sales and service, that way you're actually levying the tax against the people that are the consumers that are using it. So we lift the tax off of all production in America, off of all earnings, savings and investments in America, then we cut those anchor chains that we are dragging. The cost of tax compliance is a cost to this economy, because we have lawyers that are tied up and business decision makers who have to, in every single business decision, do a tax calculation. We eliminate all of that and take that burden off and cut those anchor chains that we are dragging, and we turn those brains of H&R Block and tax lawyers, tax accountants and people that are strategizing business off of the advice that they get from their tax lawyers, and there are those people that have to make those decisions without the benefit of counsel, all of that mental energy, all of that time goes from, I'm going to just say this in a nice, gentle way since it is St. Patrick's Day, it goes from the parasitic sector of the economy to the productive sector of the economy. And the productive sector is the free market sector that produces goods and services that has value to people. That is the first transformative thing about the Fair Tax, of taking that burden off of the production, the taxation that is on production, and cuts all of those anchor chains, and it puts the taxation over on consumption where we can use a little bit of an incentive for savings and investment. And it lets people decide when to pay their taxes by when they make their purchases.

I watched a little YouTube clip of the majority leader in the United States Senate, HARRY REID. It was just not quite a year ago. He said, "we have a voluntary tax system." Well, it is hard to make that argument stick. No. We have a confiscatory tax system. It is not voluntary. You don't today get to pay taxes when you want to. If you fail to pay your taxes, the IRS will show up, and they will charge you interest and penalty for failure to pay your taxes. If you still don't pay your taxes, they will garnish your wages. They can come in and put a title on your vehicle, assign themselves a new title to the vehicle, sell that vehicle and credit your account. But the interest and the penalty probably is going on faster than you can sell a car to get that back out of there. There is nothing that the IRS can't touch if they are going to collect your taxes. And when they are done, if they think you have avoided taxes, they will encourage prosecution. We have people in federal penitentiaries today for tax avoidance. So it is a confiscatory, mandatory taxation today.

I want to go to what HARRY REID calls a "voluntary tax system." That is the Fair Tax. People volunteer to pay the tax when they make their purchases. There are other components to this, but I want to make one more point before I yield, and that is the other transformative point. The first transformative point is that what you tax, you get less of. The Fair Tax takes the tax off of all production in America. All earnings, savings and investment is not punished. You get to keep it.

The other transformative component is this, and a lot of people have been credited with this statement. I will give the general one, Mr. Speaker, and then we will perhaps give credit all where it is due before this discussion is over. But there have been many of our Founders and statesmen that have referenced what happens to a country that claims to be a democracy, and I will call us a constitutional Republic, when more than half of the people figure out they can vote themselves benefits out of the public Treasury, on that day our democracy ceases to exist. The future of the Republic ceases to exist. Many of us think we have crossed that line already. And if we listen to the promises that were made in the last campaign that came from our now President, Mr. Speaker, about how everybody was going to get a tax cut, even those that weren't paying taxes were getting tax cuts, those are refundable tax credits. It is a transfer of wealth from the wealthy to the unwealthy, a transfer of wealth internally. When that happens, when the American people become dependent upon someone else for their livelihood, when they lose their sense of self-responsibility, that sense of self-sustainability, when they stop teaching their children, Mr. Speaker, that they cannot be a burden on this society, that they must be a contributor to this society, then our freedom is diminished, and perhaps our constitutional Republic ceases to exist.

Mr. Speaker, I will submit this. There is a way we can pass this Fair Tax, and if we do so, no one any longer pays any federal income tax. Everybody gets roughly 56 percent more in their paycheck. And how do we transform this sense of responsibility? In this way, in billions of transactions at a time. When little Michael Dicks stepped up to the counter when he was 8 years old, he said, "I want to buy this." He put a box of Skittles on the counter. It was 89 cents. He counted out his 89 cents. The lady at the check-out register said, "that will be fine. I need 96 cents." And he looked at his father and said, "Dad, I've only got 89 cents. The price says 89 cents and the lady at the register says you have to pay the sales tax for the Governor." He looked at his father with a pained look in his eyes. He said, "Dad, I have to

pay tax on Skittles?" "Yes, you have to pay tax on Skittles, Son."

Think what that does. If every little child growing up in America, when they buy their Skittles or their Barbie doll clothes or their baseball cards, or whatever they spend their money on, if they have to put a couple of dimes up on the counter for Uncle Sam, they will be reminded at every transaction, millions of young people, billions of transactions, how expensive our Federal Government is. When that happens, it will slowly transform America, the core of America, the core of American responsibility. The two things transformational are we stop punishing production and we raise generations of fiscally responsible, independent-minded Americans. Those are the two transformational principles.

I would like to go to whichever one of my colleagues is the most urgently here. So, I would be happy to yield then to the gentleman from Georgia, Mr. NATHAN DEAL.

Mr. DEAL from Georgia. I want to thank the gentleman for yielding. I want to join him in talking about the Fair Tax issue and to thank my colleague, JOHN LINDER, who is here on the floor, who is the primary sponsor of this legislation in the House.

We all talk about change. We all talk about reform. I can't think of a single bill that is before this House, in committee at least, that would have the transformational effect of passing a Fair Tax. As the name implies, it is a matter of fairness. It would do many things, and you're going to hear, in addition to Mr. KING who has already addressed the topic, you're going to hear others today talk about some of the benefits that would be derived from this kind of legislation.

First of all, it gives people a choice, a choice over how they spend their money. We know that our country is in a deficit in terms of savings. This approach to taxation would say to every American, if you choose to save, then you're going to be able to do so, and the government is not going to tax you as a result of making that choice. If you choose to spend and to consume, then that is the basis on which your taxation will be founded. Those are the kinds of things that give people more of an involvement and a control over their own financial destiny. Of course, as has been referred to, it does much to restore our balance in the international trading community.

Coming from a part of the country in the Southeast which was the old textile belt, we have seen those jobs virtually disappear. It happened for a variety of reasons. But one of the things that made it at a great disadvantage was the tax structure that our country has in place. If we are going to compete in the international marketplace, then a system that does not add on a cost at every stage of the production cycle in

the form of taxation is the best way to begin to make us competitive. I think it will be a step toward having those industries, many of whom have left for a variety of reasons, but taxation being one of them, to see them return back to our shores and to restore those job opportunities back to the American people.

For this and many other reasons, I support the Fair Tax. I urge those committees in this House who have jurisdiction over that issue to discharge it from their committee and give this House the opportunity for the elected representatives to express the will of their constituents on this very critical and important reform, the Fair Tax. I thank the gentleman for yielding.

Mr. KING of Iowa. I thank the gentleman for coming down and weighing in on this subject matter. I appreciate each of you as you weigh in. Hopefully we will be able to do this more often in the future weeks.

I would like to then yield to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. I thank the gentleman for yielding. Thank you for setting up this time this evening to talk about the Fair Tax, something that a great many of us, in fact 51, have signed on as cosponsors of this particular piece of legislation. I do salute my friend, Mr. LINDER of Georgia, for continuing to keep this piece of legislation out in the forefront. It is incumbent upon us as members of the legislative body to do what we can to bring things to the floor for debate. But it is also incumbent on people out there in just good old regular America to call their Members of Congress, to inform them of what they want.

I think of Skip and Loretta Akin back in my district who, every time there is a Fair Tax issue that comes up, they are a part of it. They are wearing their Fair Tax shirts. They have been to the city of Atlanta talking about the issue and bringing the good news forward. But there are just a lot of people that aren't listening. We are in great economic peril now. We all know that. We all have compassion. We want to solve the problems that are out there. But we hear more and more about taxes. We hear class warfare, if you will. And again, my colleague has just talked about the issue of choosing where you spend your money, choosing if you're going to buy something. It even goes beyond that. It is choosing whether you buy something new or whether you buy something existing or used where there won't be a sales tax on it. What is amazing to me is that besides the fact that it does away with all of the other taxes that are embedded out there, it is something that you alluded to, Mr. KING, just a little while ago, and that was that it prohibits funding of the IRS after the year 2013. Can you imagine no Internal Revenue Service after the year 2013? Why? Because each and every one of us remits

at the cash register at the point of sale. We remit the taxes there. So yes, it has already been alluded to, in the administration, where the Treasury Secretary that our President chose could not figure out how to pay his taxes among the overly complicated Tax Code. I hope that Secretary Geithner will join my colleagues and others in supporting this particular bill.

Lastly, Mr. KING, I would like to also remind my colleagues that there are Fair Tax rallies that are being held all across the country. The next one that I'm familiar with is in Jacksonville, in my State of Florida, on the 11th of April. Unfortunately, I will not be able to be there as I will be somewhere overseas visiting with our troops during that time of our break. The people that are keeping this issue forward and in the forefront today are the ones that need to be saluted as well as those that continue to talk about it. I encourage you and will be here every time that you want to bring the Fair Tax issue to the floor.

I thank you again for bringing this to the floor.

Mr. KING of Iowa. I thank the gentleman from Florida (Mr. MILLER) for coming down and standing up for the one big policy before this Congress that will give us back our freedom. He wouldn't be the only individual from Florida who would be on and be a supporter of the Fair Tax. As I cast my eyes around this Chamber, Mr. Speaker, I pick up another one. It would be the gentleman from Florida (Mr. MICA) whom I would like to yield to and ask him if he can add to this cause that is led by Mr. LINDER. As I came to this Congress, I looked around to find JOHN LINDER, because I knew that I wanted to tie up with him on this Fair Tax cause.

I yield as much time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank you so much. I thank the gentleman from Iowa for yielding to me. I thank him for his leadership and also for calling this Special Order tonight to talk about the Fair Tax and about the subject of taxation which has sort of gotten brushed under the carpet and not been considered in the 111th Congress, or for that matter in the past Congress. The Fair Tax has not been given a fair hearing or a fair chance.

I can't come before the House and talk about the subject without complimenting the gentleman from Georgia (Mr. LINDER). Mr. LINDER certainly is an inspiration for moving this proposal forward, not only in Congress, but across the Nation. We were pleased to have him in my Congressional district to speak on the Fair Tax and other matters before Congress. There is no question that without JOHN LINDER, this topic would be totally forgotten

both in the Congress and across the country.

□ 1700

I come before Congress at a time when we have a new administration, and I think we all wish the President well. We wish him success. The country is hurting economically, and we don't want one person without a job. We don't want one person who has a problem paying their mortgage or losing their home. We don't want people to suffer because they don't have health insurance or an opportunity for education or the great opportunities that this Nation provides.

Unfortunately, this new administration also has not considered the Fair Tax. I think they have considered or are considering just about every other tax. I don't have enough time to cite all of them, but if you ever want to see new taxes, look at the budget that has been rolled out by the new administration. Some are hidden. Some have fancy, clever names. There is the cap-and-trade which would impose higher costs for energy users. Someone told me it is over \$3,128 annually in higher cost for every household. That is a new tax. It has a clever name, but they have no problem imposing another tax on people who are already hurting and having difficulty in paying their energy bills.

The new administration is looking at again a host of other ways to tax people, but not looking at the Fair Tax, which would probably be the simplest, one of the fairest means of assessing costs to run our government. Now they are talking about new taxes on small business, taxes for anyone who makes \$250,000 a year, taxes on charitable giving, taxes on certain housing and financial transactions, bringing back the death tax, and there are some taxes that under the Bush administration needed to be extended and they will let them expire.

So I think they are finding every way to tax but not looking at probably the simplest, most honest approach to again raising revenue, and that we think is the option of the Fair Tax.

It is kind of interesting, too, in the new crowd we have folks we find don't mind raising new taxes because a lot of them haven't been paying those taxes or are having difficulty explaining both to congressional committees and the American public and others that they couldn't figure out the taxes, or their highly paid CPAs or accountants couldn't figure out the morass of regulations and all of the terms in the thousands of pages of Tax Code that everybody has to comply with. This is not a laughing matter, folks. We have buried ourselves in tax law that again would probably reach higher than me if it was all stacked up here on these desks at which I am pleased to speak tonight.

But again, I think that it is vital and I would appeal to the leadership of the House and those on the Ways and Means Committee and other committees in the Congress to give the Fair Tax a fair chance. Give it a fair hearing. Give it a chance to be debated in committee and here on the floor of the House of Representatives. Instead of this long list of new taxes that we hear coming out almost daily from the new administration to raise revenue, to look at a means of a very simple, economical, efficient reasons of raising revenue, eliminating the red tape and eliminating the questionable thousands of pages that people are having difficulty with, whether they are high Wall Street smart executives being considered for the highest posts in our land, or the average taxpayer who is struggling to compile their taxes.

I know that people are saying that Mr. MICA made this up, but I came from my office and almost tripped over a little stack that I have on the floor that I have to get to this week, and that is my taxes, to prepare that complicated—and thank goodness I have been out of business and the private sector for some time—so what used to be probably 2 or 3 inches of tax returns and sitting down for some time with my CPA and accountant is a much smaller, less complicated affair; but nonetheless, it is complicated. And many people, obviously, have difficulty complying with the thousands and thousands of pages and rules and regulations that are interpreted differently.

So this is the time, I think, to give this proposal which has been developed by some here in Congress a fair chance, a fair hearing. Let's not sweep it under the carpet for another 2 years, but let's give it an honest hearing and look at how we can eliminate a huge bureaucracy and red tape. And so important today in creating jobs, whether it is in my district which is hurting for jobs, or across the country, the issue of competitiveness in the world markets, and nothing would allow us to compete more than a fair and equitable tax system that many other nations in the world have turned to, and many of our competitors have turned to, which make us less competitive in our jobs and products, and ability to compete in this global market.

I am here tonight to join my colleagues in asking that we give the Fair Tax a fair hearing and a fair chance and fair consideration in the Congress rather than the host of taxes that are being cast upon us and the Nation to pay by the administration at this time.

I thank you for the opportunity to join you tonight for a few minutes in this Special Order. And again, I praise your work and hope that we get a fair hearing on the Fair Tax.

Mr. KING of Iowa. I thank the gentleman from Florida. I would just add that the Fair Tax does everything good

that anybody else's tax proposal does that is good, it does them all, and it does them all better. And I do that right before I yield to the real American leader on the Fair Tax, an individual whom I met when I was a State legislator at an American Legislative Exchange Council meeting, and I heard from JOHN LINDER in that meeting. I had no idea at the time I was going to get to be his colleague, and I had no idea at the time I would be able to yield some time to our national leader on the Fair Tax, Mr. JOHN LINDER.

Mr. LINDER. I thank the gentleman for yielding and for organizing this Special Order.

I think it might be good right now to repeat what the Fair Tax is.

The Fair Tax would repeal all taxes on income. No more corporate income tax, personal income tax, no more payroll tax. Most Americans pay more in payroll taxes than income taxes. That pays for Social Security and Medicare. We would get rid of the gift tax, the estate tax, the alternative minimum tax. No more tax on income at all. And instead, we would tax a national sales tax on everything that you purchased.

On average today, the average income American gives the government 33 cents out of every dollar he earns. Under the Fair Tax, they would give the government 23 cents out of every dollar they spend and raise the same amount of money.

Now we are going to come to this point because economic forces are going to drive us to this point. I had the privilege of visiting with Chairman Bernanke last week or 10 days ago or so. One day, whether I am here or not, this Congress is going to decide the only way to go is to a more fair tax, that taxes not what you put into society, but what you take out.

Today we know that on average, 22 percent of what you pay for is the embedded cost to the IRS. With all of the companies that it takes to get a loaf of bread to your table, there are payroll taxes, income taxes, there are compliance costs, they get embedded in that price system. That is the only way a business can pay a bill is through price. And you pay that business' light bill, their rent, and their tax bill.

If we have a price system that is inflated by 22 percent because of the embedded cost of the IRS, that makes us less than competitive in a global economy and jobs move into better tax jurisdictions offshore.

Secondly, the Tax Foundation said that last year we spent \$350 billion filling out IRS paperwork. We spend another \$125 billion a year calculating the tax implications of a business decision. If we are spending in excess of \$450 billion a year just to fill out forms to send them in, that is inefficient. That is stupid. It is like paying for a dead horse. You get nothing from the transaction.

Third, the underground economy is about \$2 trillion a year. And the more complex our code gets, the easier it is to go underground and avoid paying taxes. They are not contributing.

Fourth, there is today in offshore financial centers in dollar-denominated deposits \$13 trillion. My point to Chairman Bernanke was this: that is money that would be on shore in our markets, in our banks, if we didn't have an IRS.

All four of those issues: the embedded costs, the compliance costs, the underground economy, and the offshore investments, would be eliminated and fixed by getting rid of the IRS. None of them will be touched by nibbling around the edges of our current tax system.

Fifth is this point. We are having a serious problem starting in real estate in America because people can't afford to pay their mortgages. Some made bad choices, but that is a simple fact. Under the Fair Tax the average income earner would have a 50 percent increase in take-home pay. They would pay their mortgages. Now all of this stuff gets fixed in the economy without spending \$700 billion here and \$700 billion there without raising taxes and everything, as Mr. MICA said.

Lastly, this point: we have never taxed wealth in America; we tax wages. The first thing very wealthy people do is stop getting wages so they pay 15 percent on capital gains and dividends, and if the Obama plan goes through, they will pay a 20 percent tax. But they don't pay anything to Social Security and Medicare because they have no wages.

When Mrs. Kerry had to release her tax return in 2004 during the Presidential election, it showed she had \$5.1 million in income the previous year. She paid a 12 percent tax on it. She paid nothing into Social Security and Medicare. She had no wages. This taxes wealth when it is spent. It is fair to assume that she spent a good part of that \$5 million on several houses and travel. And in that case if she had spent it all, she would have put \$400,000 into Social Security and Medicare, but we don't tax wealth when it is spent today.

Now what would happen if all of this comes to pass? Our studies from outside consultants say that in the first year we would have a 10.6 percent increase in the GDP. I asked Chairman Greenspan when he was chairman if that was inflationary, and he said not at all. We would have a 72 percent in capital spending, and we know that real take-home pay for workers increases in exact correspondence to capital spending.

We would have jobs coming here. An informal study done at Princeton many years ago asked 500 international companies located in Europe and Japan: What would you do in your long-term planning if the United States eliminated all taxes on capital and labor and

taxed only personal consumption? Eighty percent said they would build their next plant in the United States.

If you are selling to Detroit, you would rather be in Detroit because transportation costs are high. But we have driven them off with tax policy.

We have lots of debates on the floor of this House, but punishing people who go offshore, locking up their accounts, they are not leaving because they hate America, they are leaving because we kicked them offshore with confiscatory tax policies.

This will come to pass, and it will be fair, and I hope one day we can give back to the American people and the freest society ever known the privilege of anonymity. No one should know as much about us as our Tax Code. We should have no agency of the Federal Government that knows more about us than we are willing to tell our children. Under this system, there would be no agency that knew how you made your money, how much you made, or how you spent it. You could anonymously go into any store, buy something, have the tax collected there just like we do in 45 States with the sales tax, and we would contract with those States to collect the money and remit it to us. We would have a system of government that was fair.

Let me just close with this comment. During the debate in 1912 when income tax was hot and heavy in the United States, one southern Senator made a statement that was considered so ridiculous and outrageous that he was laughed off the floor of the Senate. Here is what he said. He said, "Mark my words, if we pass this, in time they will be taking 10 percent of everything you earn." It was considered ridiculous, but it did bring back to mind my favorite country song, if 10 percent is enough for Jesus, it ought to be enough for Uncle Sam.

□ 1715

Mr. KING of Iowa. I thank the gentleman from Georgia. I know that this country is going to call upon him many times as we move forward in this debate.

I want to make the point that I have been challenged in the past, and people will say, well, I know that the Fair Tax is a great idea, I'm convinced that you're right on the economics of it—in fact, thinking economists won't disagree; but the rebuttal that I get is, well, you can't get it passed. My answer to that is, if it gets passed under two different scenarios. One is, if we elect a President who has run on it and receives a mandate from the American people for the Fair Tax. And the other one is, when you are in a downward economic spiral and Americans are actively looking for solutions, this is it.

I will yield back to the gentleman from Georgia.

Mr. LINDER. I think that is correct. And in the last Presidential election,

Governor Huckabee did run on the Fair Tax. In your State, he won the Republican primary. And he told me he ran because of the Fair Tax Organization in Iowa. We have organizations in 50 States, and most States have dozens of them. These are people who, no matter that happens to me or you or the folks right now pushing this idea, they are not going to let it die. If you Google "Fair Tax," you will find that they are meeting in every State, every week. Somewhere along the way it winds up in the literature.

The American people are going to demand this. If you remember the debates from the Republican primary, it came up in virtually every debate and brought down the house. So I don't think it is going to go away because the American people are not going to allow it.

Mr. KING of Iowa. I thank the gentleman. This good idea, I don't know that it has ever lost a debate and probably never will.

I am looking around and I am seeing a lot of my colleagues from south of the Mason-Dixon line—I'm glad there is one from the north side of the Mason-Dixon line. But before we go there, I have never met a Republican from Tennessee I didn't like. And we have one on the floor with us tonight, Mr. Speaker, and that's Mr. DUNCAN from Tennessee. I would be happy to yield.

Mr. DUNCAN. I thank the gentleman from Iowa for yielding.

I want to say, first of all, that I will be very brief because there are several other people here who wish to speak. But I want to commend my friend, JOHN LINDER, who has worked so hard in advocating the Fair Tax. And I especially want to commend my good friend, the gentleman from Iowa (Mr. KING), for calling this Special Order tonight. The gentleman from Iowa has been a real leader, a real champion in the fight to reduce our taxes and to try to bring Federal spending under some type of control.

This is my 21st year in Congress. And I'll tell you, I have seen some pretty mindboggling spending in that time, but even I have been shocked and astounded by all the spending that we have seen lately, and it just seems to be almost completely out of control. And in all this spending and legislation that we passed just in the last few months, in the midst of that, we've raised our national debt limit to 12 trillion, 104 billion. That's a mindboggling, incomprehensible figure. And nobody can really understand it or relate to it, but David Walker, as many of you know, the former head of the GAO, the Government Accountability Office, has been going around this country trying to be a Paul Revere to sound the warning to say that as troublesome and worrisome as the \$12 trillion national debt is, that an even

greater problem is what he estimates are now \$56 trillion in unfunded future pension liabilities.

And I used to say that what we were doing to our children and grandchildren is terrible, but actually now I say what we're doing to ourselves, because I don't believe it's going to be more than 10 or 15 years, if that long, before we're not able to pay all our Social Security and Medicare and veterans' pensions and all of the things we have promised our own people with money that will buy anything. What we will do, we will do what governments all over the world have done when they have gotten in this situation, they have just started printing more money. And that never works; it's like a ball going downhill. It just means that what people thought was a good pension is not going to work, not going to support them at all.

And every place in this world where the people have let the government get out of control, what has happened is there have been a few elitists at the top, it has basically wiped out the middle class, and there has been a huge starvation class because that is the only thing big government is good at is wiping out the middle class.

I will say this; there is no good reason why we should have a tax code nearly as complicated, convoluted, and confusing as the one we have, where I have read that even half the advice the IRS itself gives out is wrong.

The Fair Tax certainly has a lot of merit to it. Mr. LINDER has pointed out so many things. But right now the people who are paying their taxes, their honest share of taxes, they're paying the taxes for the illegal immigrants and the drug dealers and those who work in the underground economy. Under the Fair Tax, the illegal immigrants and the drug dealers would have to start paying their fair share of taxes.

In addition to that, we have—I think it's 65 million foreign tourists. They would help us pay a Fair Tax. They don't help us pay an income tax. And as Mr. LINDER just said, we now spend \$350 billion just in filling out the tax forms. It is ridiculous that we have a system that is that complicated.

As the gentleman from Iowa pointed out a short time ago, the administration has submitted a \$3.9 trillion budget. I noticed that Jim Cramer, the famous stock analyst who is on television every night, he said President Obama's budget may be one of the great wealth destroyers of all time. And that is a significant statement coming from a man who has been a six-figure contributor to the Democratic Party. He said President Obama's budget may be one of the great wealth destroyers of all time. We don't need that, especially in this type of economy.

We don't have enough people who realize this; there is waste in the private

sector just like there is waste in the public sector, but the waste in the private sector pales in comparison to the waste that is in the public sector because a business that continually wastes money will very soon go out of business, but a government agency that wastes money just seems to get increased funding. So what that means is that every dollar you can keep in the private sector will do more to create jobs and keep prices low than will any dollars turned over to the government. Yet, I saw on Lou Dobbs last night that in this past year, we've lost four million jobs in the private sector while government employment has increased by 151,000 over the past 12 months. At the same time that individuals and families all over this country are having to cut back, we are giving increases to the government.

The Washington Post, just after the House passed the stimulus—and they supported it, but they said it would mean "a massive financial windfall"—that's the words they used—"a massive financial windfall" for Federal agencies. So that is who is coming out good in this, the Federal bureaucrats, Federal agencies. And this area, which was already one of the wealthiest areas in the country, is going to come out just fine under this stimulus package and under this increased spending we're doing.

But about the time we were voting on this stimulus package, 203 leading university economists ran a full-page ad in the Washington Times and they said this; "We, the undersigned, do not believe that more government spending is a way to improve economic performance. More government spending by Hoover and Roosevelt did not pull the United States economy out of the Great Depression of the 1930s. More government spending did not solve Japan's "lost decade" in the 1990s. As such, it is a triumph of hope over experience to believe that more government spending will help the U.S. today."

And these economists continued and said this: "To improve the economy, policymakers should focus on reforms that remove impediments to work, saving, investment, and production. Lower tax rates and a reduction in the burden of government are the best ways of using fiscal policy to boost growth."

I will just wind up with a couple more comments. Edward Rendell, the Governor of Pennsylvania, when he was the Mayor of Philadelphia, testified in front of a congressional committee and he said this; "The problem with government is that there is no incentive for people to work hard, so many do not. There is no incentive to save money, so much of it is squandered." And that pretty much sums it up. And that pretty much sums up why the more money you turn over to the government, the less it helps the economy.

It helps those who are in with the government, but if you want to really help the poor people and the lower income people in this country, then you will try every way possible to keep more money in the private sector.

We are going in the opposite direction today. I noticed that even the liberal New York Times reporter asked President Obama a few days ago if he was a socialist. And that is the path we're headed down. They may try to deny it. Socialism, though, has not worked anywhere in this world; if it had, the Soviet Union and Cuba would have been heaven on Earth.

I could say more, but I will stop because others want to speak. Once again, I want to commend my friend, the gentleman from Iowa, for bringing us together here tonight. Thank you very much.

Mr. KING of Iowa. I thank the gentleman from Tennessee for coming to the floor and engaging in this discussion.

Mr. Speaker, as we move through this and we get down to the last 10 minutes available in this hour, I would be happy to yield to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I appreciate the gentleman yielding.

I am very happy to be here this evening to address my colleagues on this important issue of the Fair Tax and pay tribute to our colleague from Georgia, Representative JOHN LINDER. Representative LINDER, from the Seventh Congressional District of Georgia, is a long-term Member of this body, is former chairman of the NRCC, long-term vice chairman of the Rules Committee, and now a member of the Ways and Means Committee. And Mr. Speaker, he knows of what he says in regard to the Fair Tax.

I think JOHN is absolutely right. And I am just, as I say, proud to be here and be his colleague and to have an opportunity to weigh in, in support of the Fair Tax. My only regret—or one of my biggest regrets—since I've been here is that when we had the majority on our side of the aisle, we lost the opportunity, didn't take the opportunity. It wasn't because of JOHN's lack of ethics, however. And I think he is absolutely right; if we live long enough—Lord willing—we're going to see the elimination of the 16th amendment, and that is, obliterate the income tax and replace it with the Fair Tax. I think this country will be much more competitive.

I could stand here and take up the rest of the time, but I know my other colleague from Georgia is here and he wants to speak.

I want to thank the gentleman from Iowa for conducting this Special Order tonight. And I thank him for the time that he gave me to weigh in, in support of JOHN LINDER and the Fair Tax. And I yield back.

Mr. KING of Iowa. I thank the gentleman from Georgia, my good, long-time friend from the first day I arrived in this Congress. I look forward to more of these opportunities in this fashion.

To conserve our time, I will happily and quickly yield to the gentleman from Georgia, Dr. BROWN.

Mr. BROWN of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I believe that if a study were done on facial expressions made during a word association test, the results would show that most people's facial expression given the word "taxes" would be strikingly similar to that as when they were asked to recall the last time that they stubbed their toe or they smashed their finger with a hammer. Just as each physical injury has left a memory of pain and discomfort, so has each tax season burned a memory of stress and anger into the minds of most Americans.

As many of you may know, I am an original-intent constitutionalist. I believe the Federal Government was not established to tax and spend; it was established to protect freedom and liberty. Yet, here we are today trying to solve our Nation's economic woes through an outdated and failed philosophy of more taxes, more spending, more borrowing, and an overall belief that more government is the solution. How many times, Mr. Speaker, will we hit ourselves in the thumb with an economic hammer before we realize that this is not the way to approach our problems? As the great Winston Churchill once said, "For a nation to try to tax itself into prosperity is like a man standing in a bucket and trying to lift himself up by the handle."

With the tax filing deadline just around the corner and many Georgia families struggling to figure out how they will pay off Uncle Sam this year, now is the time to do away with our terrible tax system, scrap this tax-and-spend mentality so we can go about a better way to get this country back on track.

Mr. Speaker, I would submit that one great way to reform our tax system would be to institute the Fair Tax, which I'm an ardent supporter, a system that would replace all Federal taxes with one single retail sales tax. Just imagine the money that would flow into our economy if hardworking Americans were actually allowed to keep more of their money that they earned, if they didn't see increasing amounts being taken by a government that can't even pass a balanced budget, much less operate on one.

□ 1730

However, it would be foolish to only discuss reforming our tax system without addressing its soul mate, and that is government spending. Skyrocketing growth in government spending by

both Congress and Presidents, regardless of political party, has grown to a level of astronomical proportions. Spending by the Federal Government has more than doubled since 1980 and tripled since 1965. Recent history has shown us that cutting taxes is not a viable solution if we do not also address our gluttonous spending.

This government exists for the sole purpose of serving the people, but for too many years, government has been merely serving itself. It has taxed and spent itself into a debt that shows no signs of receding.

You see, this is something that seems to have been forgotten by Congress and by this administration. To spend these huge increases as they are proposing, they must first take it away from people through taxes. And what happens when there are not enough taxes to cover all the increased spending? They simply increase taxes, often through new and creative methods, while also increasing our Federal debt.

In 1930 the U.S. Tax Code was a brisk 500 pages long. Today it has swollen to more than 45,000 pages, full of provisions that too often produce negative results. A Fair Tax system, empowering the American people to decide how much taxes they'll pay through their own purchasing decisions, will force this spending-engorged government to change their ways and enact fiscally responsible budgets.

In addition, a Fair Tax system will move the responsibility of taxing citizens back to the States, simplifying the process, and remove the temptation by Congress and the administration to feed their growing appetites at the smorgasbord that is our current tax system.

Often when I'm at home talking with my constituents in Georgia about taxes, I tell them if 10 percent is good enough for the Lord, it ought to be good enough for Uncle Sam. We have to reduce the size of government and government spending to achieve this heavenly goal. Under the original intent of our Constitution, 10 percent would be more than enough to fund all of the functions of the Federal Government as envisioned by our founders.

I call on my colleagues to listen to the American people who are demanding a better system. We can and should give it to them by reducing Federal Government spending and reforming our tax system by enacting the Fair Tax.

I congratulate my dear colleague from Iowa for allowing me to speak and bringing this very, very important issue to the forefront of the American people.

We have to stop spending. We are spending too much. We are taxing too much. We are borrowing too much. And it's going to kill our economy. I call this a steamroll of socialism being shoved down the throats of the American people that's going to strangle our

economy. It's going to slay the American people economically if we don't stop it. Thank you so much.

Mr. KING of Iowa. I thank the gentleman from Georgia for coming down and joining in this discussion, Mr. Speaker, and I am hopeful that we will have many more like this.

I want to reiterate a point that I made at the conclusion of Mr. LINDER's delivery, and that is, as he went down through the list of all the taxes that get eliminated, corporate and personal income tax and payroll tax and inheritance tax and the list goes on and on and on, the Fair Tax provides an incentive for earnings, savings, and investment. Here's my point, and I want to make this clear and I will stand on it and I'll defend it and I have made this statement across the country, and it is this: The Fair Tax does everything good that anybody's tax proposal does that is good for our economy and the American people. It does all of them and it does them all better.

Now, that sounds like a real big position to take, and I'm taking it because I'm solid in that, and I'm happy to debate that. I'd be happy to debate anybody from the other side of the aisle that can come over here and tell me that any part of that's wrong and then let's have that discussion. When you take the punishment off of people who are producing, earning, saving, and investing, and you let them earn, save, and invest all they want to produce, and then you provide that incentive for that savings and investment on the other side, as John Linder said, the Fair Tax eliminates the taxes on capital and labor.

Now, Adam Smith said the sum total of the cost of anything that you produce or buy is the cost of the capital plus the cost of the labor. But we are taxing all capital and labor in America under the Federal income tax along with the whole array of other Federal taxes that we have. We have to be able to give that all back and let people earn, save, and invest all they want to earn, save, and invest. And I just urge that this Congress take a look at this Fair Tax. And let's get some hearings. Let's get something moving through the Ways and Means Committee. Let's continue to make this point.

Also, I will say this: I came to this conclusion in 1980. That's 29 years ago. I have looked at this Rubik's Cube of the Fair Tax every way I can possibly turn it. I turn it one way and another way. The colors show a little bit differently, but every time I turn it again, it looks better and better and better. The more I know about it, the better I like it. And I don't know if anybody has studied it as long as I have, 29 years, before there was anybody that had any science, any background on this. I took this to the people and economists and the tax lawyers that I knew.

I yield to the gentleman from Georgia.

Mr. BROUN of Georgia. I thank you for yielding.

I want to just point out that you have been a leader on this Fair Tax and trying to offer solutions. Republicans have offered solution after solution after solution to energy, to housing, to taxes, to the spending; and the leadership has totally denied us from bringing this forward to the American public. And I congratulate you for being a leader in this regard.

Mr. KING of Iowa. I thank the gentleman from Georgia and all the participants.

THE SUBPRIME HOUSING CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes as the designee of the majority leader.

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to include extraneous material in the RECORD thereof as I proceed this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Ms. KAPTUR. Mr. Speaker, as our economy continues to oscillate, and the world markets with it, it is good to remind ourselves of some economic fundamentals so we can fix what ails us. Let us return to the opening fact: The proximate cause of America's downturn is the subprime housing crisis. It is not abating. Until America addresses that, our economy will continue to bleed.

Washington is obstinately refusing to address that head-on. Six thousand six hundred homes enter foreclosure across this country every day. That is one home, one family every 13 seconds. Instead, Washington seems to still be just picking at the edges of the glaring headlights facing us.

The President today, in the wake of AIG's giving AIG executives hundreds and hundreds more millions of dollars, taxpayer dollars, in bonuses, has stated the need for overall financial regulatory reform. He is right. America needs more than executive bonus reform, however. That only represents a wart on a very large elephant, of hundreds of billions and, indeed, trillions of dollars irresponsibly managed and the burden of resolution being put on our taxpayers, on their children, on their grandchildren. The executive and legislative branches of our government must dive in and reform this out-of-control financial marketplace. The Republic and our citizens deserve no less. The question for history is whether this Congress will meet its constitutional obligations to protect and defend the Republic.

It is time that Wall Street and the megabanks saw the writing on the wall. Yet they seem hell-bent at resistance. Wall Street's response of putting its head in the sand and their hands in our pockets should be over. AIG's bonuses are merely the latest sign, like a big canary in the mine shaft sign, of Wall Street's high arrogance and its real power, I repeat, its real power, over the American people and the institutions that govern us. The voices of the people are not being fully heard. Wall Street's latest racketeering and ransacking of our Republic trumps anything they have done in the past.

Let us recall the savings and loan debacle back in the 1980s when financial institutions dumped \$150 billion of their bad debts onto the American people, onto their children. It was a huge load. In fact, we're still paying it. It became the third largest share of our Nation's long-term debt. We're paying for it until today. It gets hidden in the overall debt but it's in there. But Wall Street and the megabanks had no remorse. They smelled blood. They got away with what they did. And they learned something from that fiasco. They were able to wash their hands of responsibility. They got away with it.

They then worked like eager beavers to change the laws of this country so that they could do even more. So much more. The savings and loan bailout marks the point in time when the largest financial institutions in this country figured out that they could push this Congress around and the President around, and they were emboldened by what they did. And they not only have ever since, and royally, I might add, but they have done so at a magnitude that is unprecedented. Who knows how deep the hole is this time around? They've already dumped \$700 billion of their bills already directly on the American people, six times more than the last time.

And on top of that, who knows really what debt the Federal Reserve is racking up in its hidden transactions, furiously assembled at its own counting house. Those secret transactions merely tell us how far out of control our elected representatives have been distanced from the government they are sworn to defend against all enemies.

After the big banks were rewarded 20 years ago by forcing the public to pick up their dirty laundry, they enlarged their thievery during the 1990s with a vengeance. Once most of America's thrift and home loan institutions were destroyed along with the savings ethic that had been embedded into the law, the megabanks set in place a massive racket to exploit and draw down the accumulated savings that were left, you can call it equity, of the American people represented in their homes, in the housing market. Wall Street and the megabanks accomplished their

goal. They drew down huge sums of equity from homeowners through scheme after conceivable scheme. Yes, they sucked out the value of what homeowners actually owned, not owed but owned, in their homes. Their schemes were masterful and they were morally wrong.

Look in neighborhood after neighborhood in this country. I bet your property values have come down. If you're not losing your home, you've been impacted by it. Your equity has been lessened. They got to you too. They got to almost every single household in this country.

□ 1745

How did they do it? They had millions of schemes. Take widows' loans, widow, w-i-d-o-w. This was the rotten racket by which Wall Street's sharp-pencil boys preyed on grief-stricken women who had just lost their husbands, unethical money men at white-shoe Wall Street institutions like Citigroup, through its CitiFinancial, no less, drilled into that segment of the market for every penny they could exact.

They promised widows—and they followed the obituaries to find them—they promised widows that now that their husbands were gone, they needn't worry about their finances into the future. Just sign on the dotted line and an equity bonanza would be yielded to that widow.

They failed to mention that in a few years the widow's mortgage payments would more than double. But who was to worry? Tragic, yes, but true. Did it happen, yes, over and over and over again.

And those who worked for CitiFinancial across this Nation, and I am sure some are listening this evening, some refused to do that. They left their firms or they were terminated, but others did it.

And every time they did it, they got a bonus on that widow's refinancing. I can't imagine how those people can sleep at night. That's how they made their money.

Congress needs to hear from those widows. I know they are out there. What happened to them, in my opinion, was criminal.

So the subprime housing implosion is the proximate cause of our downturn. But I have a question, why is our government not fully using the normal institutions that could resolve the crisis on the books of the financial institutions involved, the FDIC, the Federal Deposit Insurance Corporation and the Securities and Exchange Commission. Why aren't we?

Last week we heard from the former chair of the Federal Deposit Insurance Corporation who served both Republican and Democratic Presidents back in the 1980s, Mr. William Isaac, who is published in *Investment Dealers' Di-*

gest this week, an article I am going to quote from. He essentially resolved and successfully resolved over 3,000 insolvent banks back in the 1980s.

Every bank in Texas went down but one. Continental Bank of Illinois went down. He resolved those without a cost to the public. His answer to what we face is follows, a four-point alternative to the bailout bill. Implement a program that would ease the fears of depositors and other general creditors of banks. You do that through the FDIC and the Securities and Exchange Commission.

No. 2, you reinstitute restrictions on short sellers. You do that through legislation or the SEC could do that. They haven't.

No. 3, you could suspend or alter substantially mark-to-market accounting which has contributed to mightily to our current problems by marking assets to unrealistic fire-sale prices. We could authorize a net worth certificate program, that authority still exists. FDIC needs to use it.

We could settle the financial markets, he says, without significant expense to taxpayers. This would leave \$700 billion of dry powder we could put to work in targeted tax incentives, if needed, to get the economy moving again.

But why hasn't Washington done what he suggests? Perhaps it's because the megabanks and their Wall Street patrons relish the world of greed in which they float. And, frankly, they have worked very hard and spent billions in lobbying fees and campaign contributions to set up the world just the way they like it, and they have been rewarded handsomely. They are still being rewarded very handsomely.

They don't want to lose their grip. After all, they have figured it all out. From every angle, they know even that congressional elections are cheap. They are now the largest contributors, Wall Street, that is, to congressional elections and Presidential races. They figure about \$3 million a seat in here and a few hundred million for a President. You add those all up, it doesn't even equal what we put in to the AIG bailout for the entire Congress of the United States.

The castle that Wall Street built, and which it is defending now at all costs, was built at the price of great harm to this republic. I believe that the situation can right itself, but it will take the American people taking back their power through us, those that they elect.

The situation we face did not happen overnight. As I stated, it grew out of the savings and loan crisis. And let's look back at the late 1980s and 1990s, in the 1990s, activities began and a plan was set in place by Wall Street and the largest money-center banks, and I will name them, JPMorgan Chase, Citigroup, Bank of America, HSBC,

Wachovia and Wells Fargo—Wells Fargo and Bank of America down in Charlotte—to overleverage our U.S. housing market through such schemes as mortgage-backed securities and home-equity loans to make extraordinary profits and enrich executives, boards and their shareholders. We know some of their names, but it's amazing how they can avoid the public limelight.

The net result of their combined actions has been to indebt our Nation on the private side with our families and ultimately shift the cost of what they have done, their excesses, to the public realm.

The Wall Street and Wall Street-related institutions lobbied to change Federal laws, along with executive actions, that aided and abetted their plan. In 1994, the Riegle-Neal Interstate Banking and Branching Efficiency Act was passed into law with Congress hastening bank mergers, resulting in the further concentration of financial power in money center banks, most often leading to Wall Street.

And in local communities across this country, what happened was banks that had been headquartered in towns and cities began to disappear, as they were gobbled up by money center banks far from home. And communities across this country became derivative money centers of a headquartered bank a very long way home. Think about where you live. Think about what happened in your community.

With the passage of the Riegle-Neal bill, what changed was this, the traditional concept of community banking where residential lending took the form of a loan which was made on the time-tested standards of character, collateral and collectability, was transformed into a bond and then security, which was broken into pieces and then sold into, ultimately, the international market, where you can't even find it, largely through Wall Street dealers. Essentially, collateral was overvalued, the value of the house became overvalued.

Risk was masked and proper underwriting and oversight of the loans was dispensed with. Thus began the silent eroding of our Nation's community banks. They are not all gone, but they are fewer, and they are burdened unfairly by the economy Wall Street-money centered banks have delivered to them and us.

In addition, in the years of 1993 and 1994, there were changes made at the Department of Housing and Urban Development that removed normal underwriting standards. For example, HUD's mortgage letter, 93-2, "Mandatory Direct Endorsement Processing," gave authority to home builder-owned lenders like KB Mortgage and affiliate lenders like Countrywide to independently approve their own loans.

Then in 1994, HUD mortgage letter 94-54 allowed lenders to select their own appraisers. How do you like that?

Secretary of HUD Henry Cisneros, upon departure from the Department of Housing and Urban Development, became a KB Home board member as well as a Countrywide board member. So as a public servant of the highest order, with the trust of the President and all those at HUD, Mr. Cisneros appears to have leveraged his position to his own benefit. Of course, appearances can be deceptive, and sometimes appearances are spot on.

Continuing on, Mr. Speaker, in 1995 Congress passed, over my objection, the Private Securities Litigation Reform Act. This bill was the only bill ever passed by Congress over a Clinton veto, and it was part of Newt Gingrich's Contract with America. This law made securities class action lawsuits more difficult.

In fact, Representative ED MARKEY of Massachusetts offered an amendment to that bill that would have made those that sold derivatives still subject to class actions. But his amendment was not accepted, and it never passed.

Back in those days, I can remember when the Securities and Exchange chair, Brooksley Born, made public statements talking about the necessity to regulate the derivatives market, what she saw happening. She was forced out of the SEC. I nominate her for a gold medal.

In 1999 Gramm-Leach-Bliley Act passed Congress, and for the first time since the 1930s removed the regulatory barriers that existed between banks and insurance and real estate and commerce. It was like all the rules were thrown out.

Insurance companies got into derivatives, securities houses got into housing and real estate, America's banking system was turned inside out. Over the next several years, the fury of an inflating housing market and mergers of financial institutions increased.

To illustrate the general pattern of behavior, an interesting case to follow is that of investment bank Wasserstein Perella of New York and Chicago. It wasn't the largest, but one can follow and track it.

In 2001, at the height of the mortgage bubble, it merged with Dresdner Bank of Germany, taking with it volumes of U.S. subprime paper. Today, Dresdner, which is the second largest bank in Germany, has been victimized by the subprime crisis and has been put up for sale. It is likely being acquired by Commerzbank in Germany, which is owned by their largest insurance group, Allianz Insurance Group of Germany. They have the same kinds of insurance problems as we do.

The question is, on behalf of which institutions did Wasserstein Perella move the subprime paper? Equally interesting is, effective June 5, 2008, last

year, Dresdner Kleinwort Wasserstein Securities was listed on Federal Reserve Bank of New York's private government securities dealers' list. They are right on the inside. They are more on the inside than my neighbors are back in Ohio where 10 percent of our homes have been foreclosed. This means a foreign institution with severe financial problems is brought under the umbrella of the U.S. Federal Reserve.

In fact, if you review the list of troubled money center banks, most of them are now listed on the preferred primary dealers' list at the Federal Reserve. The Fed is starting to look like the encampment of the most culpable.

This brings me back to A.I.G. This weekend, AIG grudgingly released the names of the banks that they had to pay related to the credit default swaps on securities that failed. So AIG had to pay on those failures.

Who did they pay with taxpayer dollars that bailed them out and continued to bail them out over and over to a level of \$176 billion and beyond?

You know the No. 1 company? As of Monday this week, Goldman Sachs. Well, they got \$12.9 billion, Goldman Sachs. That's where the last two Secretaries of the Treasury have come from, both in Democratic and Republican administrations. We have a new Secretary of Treasury now who came from the New York Federal Reserve.

I will insert in the RECORD the The New York Times article by Mary Williams Walsh.

[From the New York Times, Washington Edition]

FIRMS TO WHICH IT PAID TAXPAYER MONEY
TRACKING THE BAILOUT
FOREIGN AND U.S. BANKS WERE GIVEN BILLIONS
AGAINST BAD DEBT

(By Mary Williams Walsh)

Amid rising pressure from Congress and taxpayers, the American International Group on Sunday released the names of dozens of financial institutions that benefited from the Federal Reserve's decision last fall to save the giant insurer from collapse with a huge rescue loan.

Financial companies that received multi-billion-dollar payments owed by A.I.G. include Goldman Sachs (\$12.9 billion), Merrill Lynch (\$6.8 billion), Bank of America (\$5.2 billion), Citigroup (\$2.3 billion) and Wachovia (\$1.5 billion).

Big foreign banks also received large sums from the rescue, including Société Générale of France and Deutsche Bank of Germany, which each received nearly \$12 billion; Barclays of Britain (\$8.5 billion); and UBS of Switzerland (\$5 billion).

A.I.G. also named the 20 largest states, starting with California, that stood to lose billions last fall because A.I.G. was holding money they had raised with bond sales.

In total, A.I.G. named nearly 80 companies and municipalities that benefited most from the Fed rescue, though many more that received smaller payments were left out.

The list, long sought by lawmakers, was released a day after the disclosure that A.I.G. was paying out hundreds of millions of dollars in bonuses to executives at the A.I.G. division where the company's crisis origi-

nated. That drew anger from Democratic and Republican lawmakers alike on Sunday and left the Obama administration scrambling to distance itself from A.I.G.

"There are a lot of terrible things that have happened in the last 18 months, but what's happened at A.I.G. is the most outrageous," Lawrence H. Summers, an economic adviser to President Obama who was Treasury secretary in the Clinton administration, said Sunday on "This Week" on ABC. He said the administration had determined that it could not stop the bonuses.

But some members of Congress expressed outrage over the bonuses. Representative Elijah E. Cummings, a Democrat of Maryland who had demanded more information about the bonuses last December, accused the company's chief executive, Edward M. Liddy, of rewarding reckless business practices.

"A.I.G. has been trying to play the American people for fools by giving nearly \$1 billion in bonuses by the name of retention payments," Mr. Cummings said on Sunday. "These payments are nothing but a reward for obvious failure, and it is an egregious offense to have the American taxpayers foot the bill."

An A.I.G. spokeswoman said Sunday that the company would not identify the recipients of these bonuses, citing privacy obligations.

Ever since the insurer's rescue began, with the Fed's \$85 billion emergency loan last fall, there have been demands for a full public accounting of how the money was used. The taxpayer assistance has now grown to \$170 billion, and the government owns nearly 80 percent of the company.

But the insurance giant has refused until now to disclose the names of its trading partners, or the amounts they received, citing business confidentiality.

A.I.G. finally relented after consulting with the companies that received the government support. The company's chief executive, Edward M. Liddy, said in a statement on Sunday: "Our decision to disclose these transactions was made following conversations with the counterparties and the recognition of the extraordinarily nature of these transactions."

Still, the disclosure is not likely to calm the ire aimed at the company and its trading partners.

The Fed chairman, Ben S. Bernanke, appearing on "60 Minutes" on CBS on Sunday night, said: "Of all the events and all of the things we've done in the last 18 months, the single one that makes me the angriest, that gives me the most angst, is the intervention with A.I.G."

He went on: "Here was a company that made all kinds of unconscionable bets. Then, when those bets went wrong, they had a—we had a situation where the failure of that company would have brought down the financial system."

In deciding to rescue A.I.G., The government worried that if it did not bail out the company, its collapse could lead to a cascading chain reaction of losses, jeopardizing the stability of the worldwide financial system.

The list released by A.I.G. on Sunday, detailing payments made between September and December of last year, could bolster that justification by illustrating the breadth of losses that might have occurred had A.I.G. been allowed to fail. Some of the companies, like Goldman Sachs and Société Générale, had exposure mainly through A.I.G.'s derivatives program. Others, though, like Barclays

and Citigroup, stood to lose mainly because they were customers of A.I.G.'s securities-lending program, which does not involve derivatives.

But taxpayers may have a hard time accepting that so many marquee financial companies—including some American banks that received separate government help and others based overseas—benefitting from government money.

The outrage that has been aimed at A.I.G. could complicate the Obama administration's ability to persuade Congress to authorize future bailouts.

Patience with the company's silence began to run out this month after it disclosed the largest loss in United States history and had to get a new round of government support. Members of Congress demanded in two hearings to know who was benefiting from the bailout and threatened to vote against future bailouts for anybody if they did not get the information.

"A.I.G.'s trading partners were not innocent victims here," said Senator Christopher J. Dodd, the Connecticut Democrat who presided over one recent hearing. "They were sophisticated investors who took enormous, irresponsible risks."

The anger peaked over the weekend when correspondence surfaced showing that A.I.G. was on the brink of paying rich bonuses to executives who had dealt in the derivative contracts at the center of A.I.G.'s troubles.

Representative Barney Frank, Democrat of Massachusetts and chairman of the House Financial Services Committee, implicitly questioned the Treasury Department's judgment about the whether the bonuses were binding.

"We need to find out whether these bonuses are legally recoverable," Mr. Frank said in an interview Sunday on Fox News.

Many of the institutions that received the Fed payments were owed money by A.I.G. because they had bought its credit derivatives—in essence, a type of insurance intended to protect buyers should their investments turn sour.

As it turned out, many of their investments did sour, because they were linked to subprime mortgages and other shaky loans. But A.I.G. was suddenly unable to honor its promises last fall, leaving its trading partners exposed to potentially big losses.

When A.I.G. received its first rescue loan of \$85 billion from the Fed, in September, it forwarded about \$22 billion to the companies holding its shakiest derivatives contracts. Those contracts required large collateral payments if A.I.G.'s credit was downgraded, as it was that month.

Among the beneficiaries of the government rescue were Wall Street firms, like Goldman Sachs, JPMorgan and Merrill Lynch that had argued in the past that derivatives were valuable risk-management tools that skilled investors could use wisely without any intervention from federal regulators. Initiatives to regulate financial derivatives were beaten back during the administrations of Presidents Bill Clinton and George W. Bush.

Goldman Sachs had said in the past that its exposure to A.I.G.'s financial trouble was "immaterial." A Goldman Sachs representative was not reachable on Sunday to address whether that characterization still held. When asked about its exposure to A.I.G. in the past, Goldman Sachs has said that it used hedging strategies with other investments to reduce its exposure.

Until last fall's liquidity squeeze, A.I.G. officials also dismissed those who questioned its derivatives operation, saying losses were out of the question.

BENEFICIARIES OF A RESCUE

The American International Group on Sunday released the names of financial institutions that benefited last fall when the Federal Reserve saved it from collapse with an \$85 billion rescue loan. The Fed paid A.I.G.'s obligations to the following companies, among others:

| Institution | Amount (in billions) |
|--------------------------|-------------------------|
| Goldman Sachs | \$12.9 |
| Societe Generale | 11.9 |
| Deutsche Bank | 11.8 |
| Barclays | 8.5 |
| Merrill Lynch | 6.8 |
| Bank of America | 5.2 |
| UBS | 5.0 |
| BNP Paribas | 4.9 |
| HSBC | 3.5 |
| Citigroup | 2.3 |
| Calyon | 2.3 |
| Dresdner Kleinwort | 2.2 |
| Wachovia | 1.5 |
| ING | 1.5 |
| Morgan Stanley | 1.2 |
| Bank of Montreal | 1.1 |

But it's very interesting which firms get special treatment. Several of the AIG infusions of money that came from the U.S. taxpayers are foreign based. Societe Generale of France, \$12 billion; Deutsche Bank of Germany, \$12 billion; Barclays of Britain, \$8.5 billion; UBS of Switzerland, \$5 billion; Dresdner, \$2.2 billion; foreign banks paid with U.S. taxpayer dollars?

The American taxpayers are becoming the insurance company for Wall Street and global banks. Think about that one.

There is simply no way for us to pay our way out of this, because without mark-to-market accounting being engaged, that is destroying more capital inside these banks than we can possibly make up for with the debt we are assuming as the risk is passed on to the American people.

□ 1800

Besides Goldman Sachs in our country, Merrill Lynch got \$6.8 billion through AIG; Bank of America, \$5.2 billion; Citigroup, \$2.3 billion; Wachovia, \$12.5 billion. All banks are receiving TARP funds, too. So it's almost like double dipping into taxpayer dollars. Oh, my, is it time for major reform.

Mr. Speaker, this past week Congress took some steps forward toward real reform, and I'd like to highlight a couple of them and thank those who made them possible. I'd like to begin by thanking House Financial Services Committee Chairman BARNEY FRANK for not only permitting, but attending the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises hearing on mark-to-market accounting. This is the bullseye at the center of the target.

In addition, I wish to extend my gratitude for his leadership to the chairman of that Committee, Representative PAUL KANJORSKI, and the ranking member, Representative SCOTT GARRETT, whose opposition to the Wall Street bailout is as strong as mine, for allowing me to participate in that

hearing although I am not on that subcommittee.

I'd also like to congratulate the staff on the subcommittee for a job well done. This hearing was informative on many levels. It is clear that reform of the mark-to-market system is a bipartisan issue. Congress surely would prefer that the industry itself privately, through the Federal Accounting Standards Board, make the necessary changes to properly account for and subsequently protect institutions. But that appears to be log jammed.

Though not an easy task, time and time again in the hearing the Federal Accounting Standards Board, the Securities and Exchange Commission, and the Office of the Comptroller of the Currency in the Department of the Treasury were told to take action or Congress would take action. I hope that they listen, too, because I know my colleagues can take action, and they surely must.

Three weeks was given as the timeline for FASB and its collaborators to take action. Chairman KANJORSKI already has a hearing date blocked out for the week we return from our April break to follow up as necessary. I thank him for that.

Congress is, for now, expecting and hoping that those who are in charge of regulation will do so, so we do not have to. They, together, are the experts, and should see to the necessity for making these improvements.

All in all, his hearing was a very good one. I commend it to those who are listening to look at that RECORD. We heard excellent testimony from not one, but two panels of experts and people in the field. Yet, for me, and some other Members, the day's work was not complete yet, even though the last votes of the week had been cast.

This takes me to my second round of thank-you's. After Representative KANJORSKI's hearing ended, multiple members attended an informational briefing in the Capitol with the two former Chairmen of the Federal Deposit Insurance Corporation who helped America dig out from that big hole of the 1980s and that last banking crisis so we could learn from their experience.

These crises were far larger than what we faced at the beginning of this one, but this one has been mishandled, and every day it gets worse. So we have much to learn from them. Yet, lack of appropriate resolution to date in our current situation made their appearance even more important.

I wish to thank Majority Leader STENY HOYER for his interest in this discussion, and I wish to thank Mr. William Seidman and Mr. William Isaac for traveling here to the Capitol to share their experiences, these two amazing Americans who have so much to say, and we thank them for their records as senior statesmen and as successful regulators who actually did

something right to stabilize our ship of State when it was so desperately needed. We need to hear their voices more.

Tonight, however, I am moderated in my optimism because of those meetings last week and because of Treasury's actions toward AIG. And I want to place on the record some of the following. AIG was the largest insurance company in our country. It collapsed last September due to its mega involvement in insuring mortgage-backed securities.

Prudent lending has been thrown out the window for a very long time, and basically the system that has been set up has taken the individual mortgage loan—let's say this is your mortgage that was arranged at your local lending institution—and what happened across our country in the past was that when you would go to a bank and you would get a mortgage locally, you might have deposits in that bank, and the bank could only loan 10 times more than the level of deposits in that institution.

A system was set up in our country where, when you took the loan out, that loan was purchased. Usually it went to the Federal Housing Administration or the Federal National Mortgage Association here. But it had never really been taken into the international market.

What they did under this new system was rather than having the 10 to 1 lending ratio to capital deposit, what Wall Street did is it had a ratio of 1 to 100. It took \$1 and it turned it into \$100—10 times more than ever had been done in history—terribly imprudent, terribly irresponsible, terribly high risk—and they leveraged the whole Republic.

Mortgage firms will tell you that often the value of your mortgage, the underlying value of your home, was really too small for their tastes. If your house was only worth \$50,000 or \$100,000, or even \$250,000 for them that is small potatoes. And what they wanted to do was figure out a system where they could take lots of mortgage loans. And what they did was they took them from all around the country, hundreds and hundreds and hundreds of loans, and then they figured out what they will do is they will take this mortgage loan, all these mortgage loans, and what they did was they sold them together.

So what they did was they created these instruments where they literally put these loans together and then they sent them up the line of command, and what Wall Street did, they said, Well, let's see. What is that worth? Let's take the risk out of this.

So what they did was they took all these loans and they cut them up into pieces. What they did was they broke the mortgage up into little pieces and then they took all of those pieces and they packaged them—they mixed them all up and they packaged them into a security. Can you find your loan?

All of a sudden, your loan lost its individual character. It's sort of like the walnut shell game. Where is your mortgage in here?

Wall Street cannot unwind the securities that it has now even sold into the international market. That's why what's happening is so hard to unwind. They bundled some really bad loans where they had poor underwriting and poor appraisal practices with very good loans. But when they cut them all up, who knows where your loan really is, and the prudent oversight at the local level, since your local bank no longer really had that loan and you started sending your mortgage check to places far away from home, most of which ended up on Wall Street or in one of these money center banks. Well, you get the picture.

Just to make it more interesting, what AIG did was took all those cut-up securities and they sold insurance that they called credit-default swaps on those mortgage-backed securities, and they had to pay out on that insurance that was sold as our housing market started to deteriorate and mortgages began to fail. But, you know what? They did it through an office in London. This just gets more interesting—where the meltdown of AIG actually began.

You see, the insurance market is regulated, but what they did with it, with credit-default swaps, that isn't regulated. Nobody was really in charge of that. So they hid a lot of this. They hid a lot of what was going on and they created almost like a Ponzi scheme. And I have been saying to homeowners across the country, if you get a foreclosure notice, don't leave your property. Get a lawyer. Because until you actually get your own note back, until they piece it back together and you get your original loan, how do you know that you have signed a legal note?

What if you have a widow's loan and they cheated you? What if you had a predatory loan? Make sure you can get your entire note back, and you need legal representation through your Fair Housing offices in order to do that.

The castle that Wall Street built—and which it is defending now at all costs because it has made an enormous amount of money. Some people have made an enormous amount of money. Some of those houses that securitized these loans, half of their profit went to the executives in those companies.

What they have done has been at great price to our Republic. The situation we face can right itself if the new President and if the leaders of this Congress listen to those Americans who have actually resolved serious banking crises before.

To date, those voices have not been allowed to rise because, in my opinion, Wall Street has too much power and they can block, just like in football, there's somebody that is the quarter-

back. They can carry that ball right down the field. But not without the blockers being there. What is happening is some of these important voices are being blocked by those who have enormous power.

Members of Congress must also remember that we represent our constituents and our communities. Their votes got us here and their votes can return us or not return us. Congress needs to get in and get dirty in solving this problem, just like our predecessors did, and find the truth, whatever it takes.

We saw this begin last week at Representative KANJORSKI's hearing. Congress needs to do what is right and not what is easy. Congress doesn't need to be cowardly. Our Nation and our citizens expect no less than what Daniel Webster's quote says right up on that wall, and that is "to do something in our time and generation worthy to be remembered."

It is far overdue for real banking reform in this country and the return of financial power back to the American people.

Mr. Speaker, I yield back my remaining time.

CARBON TAX AND THE PRESIDENT'S BUDGET

The SPEAKER pro tempore (Ms. KOSMAS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes.

Mr. SHIMKUS. I come to the floor tonight—and I will be joined by a couple of my colleagues—to talk about the President's budget and the issue of the carbon tax proposed therein.

Part of the President's budget submission is \$686 billion raised by a carbon tax. This poses a serious number of questions, and I will highlight the history and then talk about how that addresses a concern from, really, a large part of this country, especially the Midwest.

When the 1990 Clean Air Act passed and was signed into law, a mining operation in my congressional district, Peabody Mine #10, which is located right here, a big facility, very efficient, and the great thing about this facility was that right across the street and down the road was a coal-fired generating plant.

So you have what you hear a lot of people talk about today, a mine mouth operation, where you have the coal located underground and you have the power plant on the surface. So you save in the aspect of transportation either by rail or by truck.

What happened under the Clean Air Amendments of 1990 is what will happen as we move to a carbon-constrained regime when we monetize carbon, is that in this process there will be winners and losers. So I am coming

to the floor tonight to talk about who these people are and why are they in this debate. One of the most clearly identified losers in a cap-and-tax regime are the miners.

□ 1815

Now, we hear a lot about green jobs, but I can guarantee you that the green jobs created will in no way match the loss of the fossil fuel industry in this country. And when I say fossil fuel, I talk about all the fossil fuel regimes, from coal to crude oil to natural gas. And we could go, as we talked about last fall oil shale, we could talk about the tar sands, vast resources of energy which, through a climate change regime, through a cap-and-tax provision, we could lose.

Well, these guys lost out and ladies. This one mine in southern Illinois that had over 1,200 miners was shut down, and it was shut down to meet the requirements of the 90 amendments to the Clean Air Act. So I find it very, very difficult when my colleagues say there will be no effect. And we have been very successful, I think, in this debate to highlight the reality that people will lose jobs as we move to address the climate regime. These guys and these ladies lost their jobs. This is one mine.

I talked to an individual who was a business agent for the United Mine Workers who told me, at one time before these acts were passed there were about 16,000 bargain members of the United Mine Workers in southern Illinois. After this last legislation was passed, he was reorganized into a three-State region and he only was working for at that time 4,000 miners. So he went from 14,000 miners in southern Illinois to 4,000 United Mine Workers in a three-State region. There will be definitely be effects, and it is the blue-collar jobs, the working men and women who have mined our coals.

The historical importance of coal mining is part of the reason why many immigrant families found jobs when they moved here. I am a fourth-generation Lithuanian. My great grandfather came to this country and worked in the coal mine. That story is told over and over and over again and highlights the importance of this debate. So you go from this coal mine, this operation to nothing, you go to this job loss, and then you go to the last revenue for the country.

Now, this is just one story that can be told over and over again in just my State, central Illinois, from central Illinois all the way down to the southern tip, that story of miners losing their jobs. So that is why we come to this debate. And we come fervently to talk about the challenges of a cap-and-trade regime.

In this country, the portfolio of energy, again, in this chamber the electricity produced is by a coal-fired

power plant just two blocks away from here. The electricity generated in this country is generated by 49 percent coal. So just imagine that you take coal out of the equation. Now you have current demand and you have less than half the amount of supply. And if you understand supply and demand, costs will then escalate. Who will that cost escalate to? Well, it escalates to everybody.

We hear about the President is making work pay tax credit, the \$300 to \$400 a year for an individual or the \$700 for a couple, that is for 95 percent of all Americans, as he promised. But what he hasn't been able to explain is how, as he passes this cap-and-tax on to the American public, he is going to tax everybody, 100 percent, because we will pay, the consumer will pay for the energy used across the board, because energy is used in everything that we touch, we eat, we consume in this country, and that cost will be passed on in higher costs.

So now let's just talk about the manufacturing sector. If you think that the manufacturing sector that is in this economic malaise right now, you think it is better served with low energy costs or high energy costs? I think the answer is clear: It is better served with low energy costs. If our manufacturing sector is completing against the likes of India and China in the manufacturing sector, do you think our manufacturing sector is better served with higher costs versus the competitors of India and China? Of course they are not. But this Congress and this President is planning to threaten the economic vitality of this country on this cap-and-tax regime and put thousands and thousands of people employed either in the mines or in the power plants or in the manufacturing sector out of work.

And I am just going to end with this story, and then I will yield to my colleague from Minnesota. People say, well, you know, America has got to lead. We have got to lead the folks from India and China. I was in a bipartisan meeting with senior Democrat leaders talking to a senior Chinese official; and I didn't ask the question, two of my democratic colleagues asked this question. The question was: Will China ever agree to an international cap-and-trade regime that is complied by the worldwide organization?

After answering both questions for about 15 minutes, the answer was the same, and this is a paraphrase. He said: You know, the United States and Western Europe built their middle class by cheap fossil fuel use, and now it is our turn. Now it is our turn.

So for anyone who thinks that they are going to comply just because we have now guttered ourselves and made ourselves less competitive and they are going to be goody two-shoes and going to join, they are wrong, and they are

not understanding this other simple fact. I think in January, more automobiles were sold in China than in the United States. They are only starting their era of fossil fuel use. They are not going to stop their era of fossil fuel use. They are not going to comply with any international standards.

So our pain, our job loss, our inability to get out of this recession or this economic malaise is going to be held hostage to the fact that China is going to do nothing. We are going to tell our blue-collar workers out there, yeah, we are going to shut down this coal mine in the hopes that we can encourage China to join us? Are they kidding me?

So that is why we took to the floor. There is a lot more to talk about. I appreciate my colleague and friend from Minnesota for coming down, and I would like to yield time to her.

Mrs. BACHMANN. I commend the gentleman from Pennsylvania (Mr. SHIMKUS) for all the work that he has done, the tremendous work on energy. The energy fight that we all participated in last summer when we talked about how we needed to adopt an all-of-the-above-energy standard so that we can increase America's energy supply, your leadership was exemplary on that effort.

We all remember how much fun that was last July 4, when we were all paying \$4 and more a gallon, thinking that we were on our way to paying \$6 a gallon, \$8 a gallon. We had no idea where it would lead, because what we are seeing was that the world was diminishing its supply, raising its prices. And here in the United States we adopted a policy that was to not produce more American energy, and that constricted and constrained the American public because they had less supply and they had to pay more money. This was not a scenario that the American people were very happy about, and we can see why.

Now, it is curious that under President Obama's spending plan, and that is what we talked about last week on the floor, that the President's budget spends too much, it taxes too much, it borrows too much. All of this radical historical level of spending is mandating massive tax increases. Mandating.

Just the stimulus plan alone, which we found doesn't do anything to stimulate, was over \$1 trillion in spending. Then we saw after that a \$410 billion budget bill which included almost 9,000 earmarks. And our President, who said he would not sign a bill with earmarks, signed a bill loaded with earmarks, and he did it behind a closed door where no cameras were present. And sandwiched in between all that massive spending was a fiscal responsibility summit. Now, that was a little humorous to me, but now here we are today talking about the budget.

Moving forward. This historic level of spending, \$3.7 trillion, where will the

money come? Where will the money come from to fund all of this massive spending? I can guarantee to the American people, there is no vault back here in the Capitol filled with wrapped \$100 bills. There is no money here. There is no money tree out on the Capitol lawn that produces money every morning that we can shake and go gather that money up and spend on all these programs, socialized medicine, all the programs that the President is envisioning. So where will we go to get this money?

To fuel this radical historic level of spending, we are looking at the system that Mr. SHIMKUS has spoken of so well, and it is the cap-and-trade system, which we all know now is a subterfuge for an energy tax. This is a massive tax. And just as our President stood right here in this room several weeks ago and looked into the camera and said to the American people: 95 percent of the American people will pay no increase in taxation. And that absolutely is not true. We know it, because during the course of those remarks he said he wants to pass a cap-and-trade system.

What will cap-and-trade do? It will increase the price of almost every product and service in the United States. Why? Because think of any commodity that somehow doesn't have energy attached to it. There isn't one.

I hail from great State of Minnesota, Minnesota's Sixth District. I will tell you one thing. When October hits in Minnesota, you turn on your furnace, and your furnace stays on until April. Our furnace is still on in Minnesota. It stays on. Energy is a fact of life. And under this cap-and-tax system, we are looking at a minimum 40 percent increase in the monthly energy bill, the monthly electric bill, let alone the increase in the gas tax when you go to the gas station, let alone when you go to the grocery store the increase in taxation. We know this.

As a matter of fact, we have some quotes from our President. We have a quote just a few days ago when the President said that he wants to pass this cap-and-tax system, but he said we may need to delay implementation until 2012. Why? Because our President said, in our current economic meltdown, we will not be able to afford a cap-and-tax system. Well, we know something about our economy. We engage in business cycles where we have good times and not so good times. What are we going to do, suspend this tax in not so good times? The President by his own words is admitting this will harm our economic future.

In fact, when President Obama was running for President, he said, and I quote, "What I said is that we would put a cap-and-trade system in place that is more, that is as aggressive if not more aggressive than anybody else's out there." So if somebody wants

to build a coal powered plant, they can. It is just that they will bankrupt them, because they are going to be charged a huge sum for all that greenhouse gas that is being emitted.

And then he went on to say, "When I was asked earlier about the issue of coal, uh, you know, under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket."

Coal is the number one energy electricity producer in the United States, and we have coal in abundance in this country. Coal isn't evil. Oil isn't evil. Natural gas isn't evil. It has given us the energy to fuel the greatest economy that has ever been known in the history of man. And I fear that what we will be seeing is the demise of the American economy if we tie cement blocks onto the coal, oil, and natural gas industry. And I fear even the biofuel industry will be negatively impacted, the solar and wind industries I think also will be negatively impacted, because we need to have money in private hands to be able to create these new, wonderful alternative forms of energy that we need to have in the United States. We want to see more nuclear powered plants, zero emissions.

□ 1830

Now, if the President is truly worried about the emissions problem into our atmosphere, why not embrace nuclear power? It produces zero emissions. We should be building nuclear power plants all across this country.

I don't want to take up all the time here, and I would be happy to dialogue with my colleague. Again, I want to thank Mr. SHIMKUS, because Mr. SHIMKUS understands, unfortunately all too well personally in his own district, what the cost has been when government rolls the dice with people's lives and thinks that they have come up with some grand new idea, but that grand new idea, as we have already seen economists forecast, is a loss of at minimum 1 million jobs. How could America accommodate right now 1 million more job losses because of this new tax? I yield back.

Mr. SHIMKUS. I think there is a group that will have jobs in this regime, and it is the Wall Street traders.

Mrs. BACHMANN. That's right.

Mr. SHIMKUS. The cap-and-tax regime, the cap-and-trade regime is predicated on the fact they are going to trade these carbon credits on a trading floor. So we are going to allow folks like Goldman Sachs and Bear Stearns—my colleague from Ohio just left the floor talking about the demise of the economy based upon shady actions. My colleagues on the other side who are on the floor are always throwing bombs at the New York Mercantile Exchange and these traders, the people who trade these instruments on the floor. This is a way for rich people to get richer, when you have a trading floor for carbon.

If my colleagues on the other side were intellectually honest, and I don't think they are being intellectually honest, they would say, let's outright cap, let's tax carbon emissions. Let's put a monetary amount on the carbon emission, and let's make it transparent so the public understands how much they are going to pay to try to mitigate carbon use. But they can't go that route because they can't be intellectually honest in this debate because they know the public will not accept the increase in energy cost and the job losses that are going to incur. So what do they do? They package this cap-and-trade trading floor scheme. And the same people they vilify, the Wall Street traders, are the people they are holding up saying, oh, no, but this system is going to work fine.

So, this carbon tax, I pulled this out, this is the President's "making work pay tax credit." I think we are being generous saying it is \$800. I think it is about \$700. The impact of a cap-and-tax provision as proposed in the budget is \$1,600 per individual. So the net loss to the individual, the household and the family is \$800. We are in the hole. We are not making money on this deal. We are behind.

Who is going to determine where this money goes to? The story I like to tell is that it is like the bank robbers. They rob the bank. They go to the hideout. And they put the loot on the table. And where do the real fights begin? The fights begin as to how they are trying to split the proceeds. What is going on here in Washington now is my friends on the other side are trying to buy off votes to pass this regime promising this largess, which is a tax increase paid for by us, saying, "don't worry, you will get your share." It is just like the bank robbers. And that is why I'm so angry about it.

I yield to my colleague from Minnesota.

Mrs. BACHMANN. I thank you for yielding.

When we are looking at the money and where all of this massive amount of money will be spent, again, the placeholder in the President's budget is \$646 billion. But we are told that is maybe one-third of the true amount of revenue that will be generated. Now just think, that is between \$1.5 and \$2 trillion in new taxation. That is just one new taxation burden on the American people. And the President has already indicated that he may be using that money not to build new nuclear power plants, which would have zero emissions, but to redistribute the wealth, as he is wont to do, with paying for socialized medicine. So we are going to embrace a socialistic view of socialized medicine for the American people which will further be a burden on the American people.

I just wanted to go back on your previous comments on China. There is an

article in today's Washington Times newspaper. Open up the inside of the paper. It said this regarding China, China made the comment that they will not be engaging in a cap-and-trade system. They won't be engaging in reducing their own emissions. Why? Because they said the United States are the consumers of products. Japan is the producers of products. They said, with a straight face, "as the producers of products, we aren't the ones who are truly generating the emissions, it is the consumers." Now they are ignoring the fact that they probably have one of the largest pools of consumers in the world.

They have no intention of paying this tax. And if you would give Al Gore and the people who are embracing the whole global warming narrative, if you would give them every aspect of what they believe, if you presume every premise they believe, and if the United States would implement all of their radical ideas, all of this cap and tax, let's say we did everything, gave it all to them, what would we produce in lowering emissions? By their own numbers, it shows that we would be reducing emissions by the year 2095—which is a long time from now—by less than 1 percent. That is a negligible amount. And we know that China is going to continue to grow as a manufacturer. India will continue to grow. Their emissions will overtake any savings the United States would possibly have.

So we need to recognize the truth of what cap and tax is. Cap and tax, pure and simple, is a big government attempt to reach into Americans' pockets, pull more money out, bring it to Washington, DC, to empower the Federal Government so they can decide to do what they want to do with the American people's money.

I would yield back.

Mr. SHIMKUS. I appreciate that comment. That is really the irony of this whole debate. If all this money was going to go to mitigate carbon emissions or to help us adjust to this change, you may get some people, even though I still don't agree with it, who would say, okay, we know where it is going. But the fact that this money is going to go to grow government just shows you the problem they have with the real debate of what the real reason is that this cap-and-tax regime is being initiated.

I'm happy to be joined by my colleague from Tennessee, Congresswoman BLACKBURN. Thanks for coming down.

Mrs. BLACKBURN. It is so good to be with you. I thank the gentleman for his leadership on this issue. You have just been a stalwart on this.

As we have looked at what it takes to address the energy needs of our Nation and how we should go about that, of course, we all know that one of the things we have to do is look at all of

the above. And we began talking about this last year and spent some time talking about that we needed an all-of-the-above strategy to make certain that we addressed every component that was out there, every possibility that was going to be held. It is an honor to serve on the Energy and Commerce Committee with the gentleman from Illinois. It is also an honor to work with the Select Committee on Energy Independence. We know that this is a direction where we need to move towards energy independence. We know that we need to do this in a thoughtful way. We also know that we need to do this without raising taxes on the American people. Certainly that is possible.

As the gentleman and my colleague from Minnesota were both saying, the taxes that are out there are of tremendous concern to us. I appreciate the poster that the gentleman has where it shows what it is going to cost every family for this cap-and-tax scheme that the Democrat leadership is wanting to put in place. The MIT researchers feel that this tax is going to end up being \$3,100 per family. That is something that is going to far exceed even the \$1,600 that we see there.

It basically is a tax every time you turn on the light switch, every time you plug in the coffee pot and every time you turn on the computer. Every single time you go to use any energy source, you are going to be paying a tax. That means if you freeze your food, you're going to pay more. If you cook your food, you're going to pay more. Everything you use is going to end up costing you more, \$3,128 per family per year. That is not my estimate. It is not Mr. SHIMKUS' estimate. That is the estimate from researchers at MIT as they look at this. And CBO, the Congressional Budget Office, also warns us of the burden that this is going to place on our middle income and our working families here in this country.

Many of my constituents are saying, "what in the world is a cap-and-trade, or what is a cap-and-tax?" And they are asking about how this would go about. And they can't believe that with the greenhouse gasses and the carbon emissions that you would have to go in and buy permits to use this. Indeed, our agricultural community is very concerned about this because what we are hearing from our friends across the aisle is that there would be a tax on every head of cattle. There would be a tax on every pig. What is that going to do? It is going to increase the cost of the food that you eat.

We know that it doesn't stop there, and the taxing doesn't stop there. The gentleman has talked some about coal and clean coal technologies. He has talked about nuclear power and the importance of having that in our strategy of how we solve this problem. What is

the best way to take action? Of course, we know that it is going to be more difficult for our electric power generators to generate the electricity that we are going to need. We know that for anyone that works or deals with hydrocarbons, it is going to drive their costs up. Certainly our trucking and logistics companies are going to see incredible increases in taxes. All of that doesn't get equated and rolled into the \$3,128 per family that this would cost. These are all additional costs that would be seen in the increased cost of commodities that everyone is going to have to pay.

Now, one of the things that I have thought was, it's really quite curious, in all of this discussion, we all know that the best economic stimulus is a job. And you can't go anywhere right now without hearing about the economy. We all are worried about the recession and the length of the recession. We are worried about how we can energize this economy. We know the best economic stimulus is a job. And we know that the stimulus plans and the budget, all these ideas that have come from the Democrat side of the aisle, they tax too much, they borrow too much, and they spend too much. We all recognize this. But jobs growth is one of the things that we have focused on. Certainly with pushing the stimulus, we heard from the administration and the Democrat leadership, well, it was going to create 3 or 4 million new jobs. Well, as we have looked at this cap-and-tax proposal alone, just that portion of it, not looking at any other portion of it, we have seen that there are estimates that have come to us from CBO that the cap and tax could cost us as many as 3 or 4 million jobs. So putting this tax in place in the budget would negate all the jobs that they think they would create by going through the stimulus and the money that they have put out there in the form of spending.

Also, I think that there has been much discussion about green jobs, and would this proposal create new green jobs? There is a good bit of study on this from Heritage Foundation and some others that say, no, such a proposal would actually reduce economic growth, reduce the gross domestic product and reduce employment opportunities. So for those of us who look at this as an issue of how we recover, what are the steps we take for this economy to recover, how do we reduce the tax burden, and then we look at the analysis not from you and me, but from outside entities, we see that this cap-and-tax scheme would be something that would be a jobs killer and a reduction in the gross domestic product of our Nation.

And I yield back to the gentleman from Illinois.

Mr. SHIMKUS. I wonder if my colleague would stay for a minute and

just go into a little dialogue as to in an economic decline, where we are fighting for every job, why would we put an additional burden on our manufacturing sector and the average American citizen in the aspect of raising taxes? Why? It just doesn't seem sensible when you need to get the jobs to get the economy moving again. What do you think is going on?

□ 1845

Mrs. BLACKBURN. Well, my constituents ask this regularly, and I have had an opportunity this week to meet with some of my constituents who are in the auto manufacturing industry and who work in logistics. Their question is always what in the world do people in Washington think they are doing? Are they that removed from what is happening in our communities? Do they not understand how jobs growth takes place?

You've got to have some incentives there for jobs growth to take place. Certainly, it seems there is a disconnect here.

My constituents know you cannot spend your way to recovery, and you cannot build recovery on a foundation of debt. They absolutely understand that. And they are very concerned that in the midst of this recession, which troubles us all, and as you look at the jobs loss that is taking place, the amount of jobs loss that has taken place the first quarter of this year, we know that to increase taxes, you can go back and look time and again at how things have taken place through our history. Certainly you can look at the late seventies. If you want a recent example, look at what transpired in 1977, 1978, 1979 and 1980, I was a young mom at that point in time, 13 percent mortgage on homes, 20 percent inflation. Raising taxes in a recession does not work. We do know that lowering the rate of taxation and spurring economic growth is good for Main Street, it is good for the American people, and it is good for our GDP and for our government and our economy.

Mr. SHIMKUS. I thank my colleague. I think the answer is they have got such a large majority on their side of the aisle that this is the time to pass it. It is a religion now. It doesn't have to be based on facts or the time that is at hand. We can impose an additional burden on business and manufacturing and electricity generation. We can impose an additional burden on the household, but that doesn't matter. But it is going to matter because even in the analysis of the Warner-Lieberman bill, we are talking about thousands of jobs. And that, by the Henry Waxman model, that is a moderate bill. An analysis was done on that bill, and it was summarily dismissed on the floor of the Senate. Why? Because it was a job killer, a job destroyer.

So on this side we are rushing, like we are rushing all legislation, to move

a cap-and-tax bill by Memorial Day which will be even more egregious than the Warner-Lieberman bill which projected thousands of jobs lost. It is a religion that has to have service now versus the needs of our citizens.

You know, here is the tax increase. Here is the mine that was shut down. Here are the coal miners that lost their jobs. You were at the hearing. We had the Ohio Coal Association testify. When I talked about the environmental impact and the loss of these jobs, do you remember how many jobs Ohio lost? They lost 36,000 coal miner jobs in the State of Ohio. That is why some of my colleagues on the other side in the other body voted no.

Fossil fuel, here are some basic facts. When we came on the floor during the energy debate, we said all of the above. In our Commerce hearing, there was a proposal given to one of the panelists, if we allowed the company to shut down the coal-fired power plant and they built a nuclear power plant, would they get some of these credits because they are going from emitting some to emitting none. The answer was no.

We were looking around asking, Isn't that why you are proposing this? Don't you understand that we still need electricity, a 30 percent increase in the next 20 years. I have a teenage son. I have told the story numerous times. At home I go down to the basement, he is watching cable TV, he has his iPod in and he is surfing on the wireless Internet; three times the amount of electricity. That is what America is today.

The demand is going up and we are going to stop the production of electricity, and then people talk about renewables. Let me quote the President, and I use this one quite a bit. This is from his inaugural address. "We will harness the sun and the winds and the soil to fuel our cars and run our factories." No, we won't. There is no possible way.

Mrs. BLACKBURN. If the gentleman would yield, I wish you would read that quote one more time because as we talk about renewables and the renewable standards that are being placed out there that would be so harmful to our electric power generators, I think this is very important.

Mr. SHIMKUS. Before I read it again, the fact that in the renewable fuels debate, there is a debate upon calculation of the use of land which the EPA is going into. So if you are using bio-diesel, soy-diesel, they want to say if you produce soybeans, that encourages the Brazilians to go into the rainforest and so we want to mitigate that loss of the ability to sequester carbon in the rain forest, so we are going to say no to renewable fuels.

But here is from the inaugural address. "We will harness the sun and the winds and the soil to fuel our cars and run our factories." Now I am a big renewable fuels guy. I like ethanol and I

like bio-diesel. I think the thing that really stood out for me is "run our factories."

The stats I use are this. I just ask for one steel mill. I take a steel mill that uses 545 million kilowatts a year. It would require roughly 138 wind turbines on roughly 12,443 acres of land for that total output. However, during peak load at the steel mill, it requires 100,000 kilowatts. For that you would need roughly 825 turbines on 33,000 acres of land to account for peak load. Now that is just one steel plant that may be close to me. Now add to that the second steel mill and add to that the refinery. What we are trying to do in this process is help educate the people. Right now 1.6 percent of our electricity is generated by renewables. So let's double it. That's a good goal. So 3.2 percent of the energy would then be by renewables. You are still going to have 50 percent coal, 20 percent nuclear, 20 percent hydro. It is still going to be part of the electricity generation mix, and a critical part if we want low-cost energy.

Mrs. BLACKBURN. If the gentleman will yield, I hope you will put those figures on the amount of space it would take for the wind turbines and other components to fuel one steel factory. I would imagine your research also shows that one steel factory probably has one power generation area, and it would be interesting to see the amount of acreage required for that. But I would encourage the gentleman to put this on his Website so that constituents of ours who are listening to this debate can pull those down because what we are hearing is as people have moved to growing corn and growing products to make renewable fuels and ethanol and the bio-diesels, but especially the ethanol, we are hearing of food shortages in some areas because corn is not being used for food. And certainly Haiti and some other countries that have food shortages, we have that documented evidence that shows that there is a need to move that production into the food arena and not necessarily into the ethanol area because of the food shortages that are existing in this world today. And certainly also because of the subsidies that are required to make ethanol affordable and to get the amount of energy that is used in producing a gallon of ethanol, to get that down.

Certainly research and innovation will help us with the renewables, but we are not to the point where this can become the primary source of our electricity, or it is going to shut down our manufacturing, our productivity, the movement of our transportation fuels, the use of transportation fuels, the movement of products and commodities around our country, and the ability of people to be able to go from one area of the country to another in a reasonable amount of time.

It is something that is of tremendous concern to us because as I said earlier, the best economic stimulus is a job. And all of the outside research and the data we have been able to compile shows that this is not going to create jobs, it is going to cost us, and there is going to be a negative impact on our GDP.

I yield back to the gentleman.

Mr. SHIMKUS. I thank my colleague from Tennessee for joining me. Many States have power companies. I am fortunate to have some that aren't for profit. They are rural electric coops, like the Illinois Municipal Electrical Association. So their ratepayers are their constituents, so the elected officials are running this electricity generating and operation and distribution system for the people who vote for them.

They have made themselves pretty clear that this cap-and-tax regime will create a huge tax burden on the people who vote for them.

I have some stats that were sent to me. The Illinois Municipal Electric Association revenue requirements, without allowances in 2015 are approximately \$320 million, or \$60 per megawatt. The cost with allowances at \$20 per ton is \$510 million.

This is additional cost incurred to the utility that has not been planned for. When you have an additional cost and you are providing a service or a good, business, whether it is profitable, for profit or not for profit, will cost will pass that cost on to the consumer. That's where we make this claim that a cap-and-tax regime will raise taxes on the individual and it will cost jobs.

One of my colleagues talked about this article in the paper today, "China: Importers Need to Share Blame for Emissions," and it basically says that global warming would not require China to reduce emissions caused by goods manufactured there to meet demand elsewhere. The basic premise is that it is the people who are purchasing the goods who will pay for any burden increase.

Another story, "University of Wisconsin-Milwaukee Study Could Realign Climate Change Theory," and I want to quote one paragraph.

"In climate, when this happens, the climate state changes. You go from a cooling regime to a warming regime or a warming regime to a cooling regime. This way we were able to explain all of the fluctuations in the global temperature trend in the past century," Tsonis said. "The research team that sound the warming trend of the past 30 years has stopped and in fact global temperatures have leveled off since 2001." The most recent climate shift probably occurred at about the year 2000."

That is why the climate-change activists and those who promote the carbon tax regime, that is why they are so befuddled and they want to move this

quickly because what has happened to the temperatures over the last 7 years? Has it gone up? No, it hasn't. The average temperature has gone down, and since it has gone down, it has got them very frustrated on how they are going to sell this cap-and-tax regime to the public.

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Madam Speaker, I would like to submit for the RECORD these two articles for submission with this Special Order.

Madam Speaker, in the fall of last year, we really made a concerted effort to talk about the energy needs of this country, and we brought to the floor the basic debate that we wanted a more-of-the-above strategy. We wanted to incentivize coal, we wanted to incentivize nuclear power, we wanted to incentivize wind and solar, renewables, and we wanted them to compete for the public's demand based upon cost so that you would create jobs.

I brought this chart to the floor numerous times over the last Congress to point out the fallacy of not having an all-of-the-above strategy. And why I bring this up now is that this cap-and-tax regime will not help this all-of-the-above strategy, will not broaden the portfolio of fuels that we are able to use and compete for. It will restrict them to a point where we are going to price ourselves out of the ability to use fuels.

This chart is pretty clear; it just shows jobs being created in a—I wish it was a coal mine that is about 3,000 feet under the ground in southern Illinois, but it is an open mine probably in the Wyoming basin in Montana or Wyoming. And you see people working, recovering the coal. Recoverable coal.

Then you take that mine and you move it to a coal-to-liquid refinery. The jobs to build this refinery would be good-paying, building trade jobs. We have an expansion of an oil refinery in my district. Right now, in this economic decline, 1,000 jobs are being created to expand this refinery. That's the type of jobs you could have by building a coal-to-liquid refinery.

Then, wherever this refinery is located, you then develop a pipeline. I saw a natural gas pipeline being laid from my district last fall. It takes a lot of skilled labor, a lot of time, and a lot of patience to move a pipeline. And that is good-paying American jobs.

Then, in this case, the coal-to-liquid debate is a national security issue. We have in the United States an Air Force base where coal-to-liquid has been tested to be used in Air Force planes. This is what the Department of Defense wants for national security purposes to not be held captive to imported crude oil. This proposal, and proposals like this, are dead on arrival here in Washington. Why are they dead on arrival? They are dead on arrival because of this carbon tax provision, this carbon tax regime.

Again, I want to be clear; if my colleagues on the other side want to be intellectually honest, let's just tax it, know how much we're going to receive, and watch the pure transparency of the money going from the payees to the government, who is going to pay up. It is not the best solution, but it is better than setting up a trading floor, like so many that have been demagogued on this floor, of the rich getting richer by working the trading floor markets—the Bear Stearns of the world, the Goldman Sachs of the world, the NYMEXs of the world. And hopefully this will not get passed and signed into law, but I know that if it will, my friends will be down here arguing and complaining about the people who are manipulating that market. And that manipulation is going to cause costs to increase. And there is going to be a lot of wealthy people making a lot of money on a carbon tax regime, and it is going to cost many thousands of people their jobs.

In a slow economy, when you are trying to encourage job creation, job development, the best way to be competitive is to have low-cost energy. When only 1.6 percent of your electricity in this country is generated by renewables, you have to understand that you are not going to get to 90 percent of your electricity being generated by renewables. If we are good, we may get to 3.2. If we are extremely good, we may get to five.

So that begs the question of where the other electricity is being generated. If we want low-cost power, it has to be with the use of recoverable coal in our Midwest States and our northwestern mountainous States that have, arguably—this country has, arguably, 240 years of recoverable coal. That is coal that we can recover and use for practice. Now, we have a lot more, but that is the amount that we know that we can recover and still make money on it because their coal seams are big enough, you can engineer it and the like.

Madam Speaker, I appreciate this opportunity. I have been talking about energy for many years now on the floor. In the Energy and Commerce Committee, we have had numerous hearings on climate change and how to address this.

You will hear the terminology of cap-and-trade. Remember that the trading floor, which people will buy credits, those purchases of credits will raise the costs of people who use energy—whether they are truck drivers, whether they are people who manufacture goods and services and use a lot of electricity, you name it, you buy it, there is going to be an added cost to that good or that service based upon climate change. That money will then go to the table to be split up by legislation that we pass here.

I would just hope that, first of all, we don't do that; but if we do, that that

money goes to mitigate the loss of jobs or the increased cost to the individual consumer, not to grow government, not to create new policies. That money has to go to transform this Nation. I fear it will not. I fear it will not do the job.

My friend from Iowa is here. I only have a couple minutes. If he would like to join me, I would be happy to hear any comments he wants to add.

Mr. KING of Iowa. I thank the gentleman from Illinois. I appreciate the recognition.

I wanted to come down here and thank JOHN SHIMKUS for leading on energy all summer long with an intense effort, and for standing up for the fuel that means so much to the parts of this country, this massive supply of coal that we have, as a big piece of the entire picture of energy that we need to do.

What happens if they put this cap-and-tax on us? We are going to need more and more articulate voices to defend our values and to defend our economy. And the very idea that we can put a tax on energy is a tax on every consumer, it is a tax on our economy, it shrinks the American economy, and it lets the rest of the world out-compete us. And I just appreciate a minute to say so. I thank you. And congratulations to the gentleman from Illinois. I yield back.

Mr. SHIMKUS. I thank my colleague. And I think even my colleagues on the other side will understand the kind of sincerity I bring to this debate. Because in 1992, I was at a rally to save these coal miner jobs. It was at the Christian County Fairgrounds. This mine was closed because of the Clean Air Act Amendments of 1990. They shipped in western coal to meet the standards, and 1,200 miners lost their job.

There was a rally that brought in a lot of politicians who said they were there to fight to save these jobs. One of them whom was there voted for the Clean Air Act that destroyed these jobs. I think that's a little hypocritical. If you pass legislation that is going to destroy these jobs, don't come crying and saying, shame on that company for closing that mine down.

My job, through this whole cap-and-tax debate, is to make sure that, when all is said and done, this body, my constituents, will know that I did everything possible to save the remaining coal mining jobs in southern Illinois and I did everything possible to make sure that coal-fired electricity generation is still part of our portfolio because it is a low-cost fuel, and it will help us in our competitive nature in this country.

And so I want to walk away from this debate—hopefully I'll win, but I want to walk away from this debate saying, it is for these folks that I came down to fight. I know my colleagues on the other side, those who even disagree

with the basic premise I think will appreciate the emotion and the fervor that I am going to bring to this.

[From the Indianapolis Star, Mar. 16, 2009]
CHINA: IMPORTERS NEED TO SHARE BLAME FOR EMISSIONS

(By Dina Cappiello)

WASHINGTON (AP).—Countries buying Chinese goods should be held responsible for the heat-trapping gases released during manufacturing in China, one of its top officials said Monday.

The argument could place an even greater burden on the U.S. for reducing pollution blamed for global warming.

Li Gao, China's chief climate negotiator, said that any fair international agreement to curb the gases blamed for global warming would not require China to reduce emissions caused by goods manufactured there to meet demand elsewhere.

China has surpassed the U.S. as the world's largest emitter of greenhouse gases. But 15 to 25 percent of its emissions are generated by manufacturing goods for export, Li said.

"As one of the developing countries, we are at the low end of the production line for the global economy. We produce products and these products are consumed by other countries. . . . This share of emissions should be taken by the consumers, but not the producers," Li said during a briefing at the Capitol's visitor center.

Li directs the climate changes department at the National Development and Reform Commission and was in Washington, along with negotiators from other countries, to meet with Obama administration officials. President Barack Obama has indicated a willingness to enter into a global agreement to reduce greenhouse gases.

But China's stance could be one of the stumbling blocks facing the U.S., China's largest trading partner, when negotiations to broker a new international treaty begin in Copenhagen in December. Li said China was not alone in thinking that emissions generated by the production of exports should be dealt with by importing countries.

Li also criticized proposals by the U.S. to place carbon tariffs on goods imported from countries that do not limit the gases blamed for global warming. Lawmakers on Capitol Hill are considering it as they draft legislation to control global warming pollution to ensure that U.S. goods can compete with cheaper imports from countries without regulation.

"If developed countries set a barrier in the name of climate change for trade, I think it is a disaster," Li said.

Neither China nor the U.S. ratified the last agreement, the Kyoto Protocol, which expires in 2012.

China has long insisted that developed nations bear the main responsibility for cutting emissions. As president, George W. Bush refused to sign the Kyoto Protocol because he said developing nations like India and China should not be exempt.

Negotiators from other governments at the Monday briefing, including the European Union and Japan, said that they would not support China's proposal to unload a portion of its greenhouse gas emissions on importers.

"I think the issue here is we take full responsibility and we . . . regulate all the emissions that come from our territory," said Artur Runge-Metzger, who heads the climate change strategy and international negotiations unit at the European Commission. Runge-Metzger said that if China's approach were adopted, it would require allowing

other countries to have jurisdiction and legislative powers to control emissions outside their borders.

Li was joined by Vice Chairman Xie Zhenhua of the National Development and Reform Commission in his visit to Washington.

Xie met with U.S. climate envoy Todd Stern at the State Department on Monday. The talks in Copenhagen were among the topics discussed, said State Department spokesman Robert Wood.

"There's a willingness, particularly on the Chinese side, to really engage on the subject of climate change, and we welcome that," Wood said.

UW—MILWAUKEE STUDY COULD REALIGN CLIMATE CHANGE THEORY—SCIENTISTS CLAIM EARTH IS UNDERGOING NATURAL CLIMATE SHIFT

MILWAUKEE.—The bitter cold and record snowfalls from two wicked winters are causing people to ask if the global climate is truly changing.

The climate is known to be variable and, in recent years, more scientific thought and research has been focused on the global temperature and how humanity might be influencing it.

However, a new study by the University of Wisconsin-Milwaukee could turn the climate change world upside down.

Scientists at the university used a math application known as synchronized chaos and applied it to climate data taken over the past 100 years.

"Imagine that you have four synchronized swimmers and they are not holding hands and they do their program and everything is fine; now, if they begin to hold hands and hold hands tightly, most likely a slight error will destroy the synchronization. Well, we applied the same analogy to climate," researcher Dr. Anastasios Tsonis said.

Scientists said that the air and ocean systems of the earth are now showing signs of synchronizing with each other.

Eventually, the systems begin to couple and the synchronous state is destroyed, leading to a climate shift.

"In climate, when this happens, the climate state changes. You go from a cooling regime to a warming regime or a warming regime to a cooling regime. This way we were able to explain all the fluctuations in the global temperature trend in the past century," Tsonis said. "The research team has found the warming trend of the past 30 years has stopped and in fact global temperatures have leveled off since 2001."

The most recent climate shift probably occurred at about the year 2000.

Now the question is how has warming slowed and how much influence does human activity have?

"But if we don't understand what is natural, I don't think we can say much about what the humans are doing. So our interest is to understand—first the natural variability of climate—and then take it from there. So we were very excited when we realized a lot of changes in the past century from warmer to cooler and then back to warmer were all natural," Tsonis said.

Tsonis said he thinks the current trend of steady or even cooling earth temps may last a couple of decades or until the next climate shift occurs.

ALTERNATIVE ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes.

Mr. BLUMENAUER. Madam Speaker, I enjoyed listening to my colleague from Illinois. In fact, this is the second time today I have heard him speak on the floor and I have seen him point to the picture of the coal miners and talk about the problems of the Clean Air Act. And I hope every American was listening to that because that is exactly what we are talking about today.

We had, for decades, people burning dirty coal, turning rivers and lakes in other parts of the country, acid rain, destroying forests, posing problems to people's health. And what this Congress did, in a bipartisan effort, was create a mechanism to make it so that it was no longer free to pollute the air with dirty coal that created acid rain and destroyed lakes and forests.

My friend didn't want to talk about the problems to health, didn't want to talk about the issues that relate to the damage to the environment, or the fact that we were able to create the most effective market system in history that was able to solve a real problem to the environment, to health. Life went on. Yes, there were some changes in terms of the economy. There were some people who didn't—when it became too expensive for them to foul the air, spoil our lakes, and destroy our forests, then they shifted. Well, I would suggest, Madam Speaker, that any independent observer would suggest that that was a solid program and a good tradeoff.

I don't hear my friend from Illinois coming to the floor and saying, repeal the Clean Air Act so we can have a few more miners at work creating dirty coal that is going to ruin our environment and destroy health. That issue is over.

We are facing a very real challenge today about what we are going to do to protect the future of the planet. I will get into, in a moment, talking about some of the discussion that we have heard from our friends on the other side of the aisle, but one of the things that is very, very important to note is that they have no answer in terms of what we do to the slow cooking of the planet. They ignore the costs that are being incurred right this minute. Temperatures in Alaska have already gone up several degrees, permafrost is no longer permanent, roads are buckling, coastal villages washed away. These are costs and consequences that we are already seeing as the ocean levels slowly, imperceptibly to most of us, but very clear to scientists when they see the fabled Inland Passage in the Arctic Ocean free of ice, when we watch the habitat shrink for arctic animals, when we watch diseases shifting from vector

control—West Nile disease, for instance, popping up in places where it shouldn't be, where invasive species are infesting our forests. These are costs and consequences that we are seeing now that my friends on the other side of the aisle refuse to come to grips with.

But we are not going to be able to have the same head-in-the-sand attitude that we saw from the Bush administration alone—of all the major governments in the world, alone—denying the imperative of global warming, withdrawing from opportunities to be collaborative on a national scale.

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What we had to have in the last 8 years, where the other side of the aisle simply accepted that sort of behavior from their administration and, in fact, aided and abetted and supported it, we had over 900 cities across the country come forward and say wait a minute, we're not going to wait for the Bush administration and the Federal Government. We are going to take it upon ourselves to deal with climate change and global warming and move to change our local economy, to prepare it for the future, and to help slow this damage to the environment by carbon pollution.

I come from a community in Portland, Oregon, where we have actually reduced greenhouse gas emissions for 4 years in a row. We're very close to being Kyoto compliant. It gave us an opportunity, frankly, to create new green jobs. We were competing with Houston and Denver for being the wind energy capital of the United States because we've been serious about energy conservation, transportation choices, land use, all of the things that are going to be part of a comprehensive solution to the threat of these changes to the climate and the carbon pollution. We've actually been able to make some progress and be positioned to deal with a carbon-constrained economy.

We need, Madam Speaker, for people to reflect on what is happening now. Just like my friend from Illinois didn't talk about the cost of acid rain. It didn't matter to him. He was concerned about a few miners in his district and didn't care about the damage to forests and human health and lakes and fishing. But we are already seeing the damage that is occurring as a result of climate change.

Speaking of acid rain, one of the things we are seeing is that the ocean is slowly becoming more and more acidic. This increased acidic content of the ocean is having a consequence in terms of damaging coral reefs. I mean these are the rain forests of the ocean. This is where billions and billions of different animals and plants reside up the food chain throughout the ecological system of the ocean that makes a difference in terms of how people on

this planet are going to be fed. We are watching what has happened. There may be consequences in terms of the Earth's climate because of the change in the ocean's current and acidic level.

We are seeing across the country increases in extreme weather events, exactly what the scientists told us would happen. Yes, the world's atmosphere is increasing in temperature. Yes, we're seeing an increase in the sea level that could be 2 to 6 feet by the end of the next century. But we are already seeing vast stretches of this country in the flame zone being subjected to increased forest fires, to drought. In your areas in the Southeast, you have seen drought where it has not been a problem for years. In the Southwest, Lake Mead that supplies the city of Las Vegas is going down, causing massive disruption. We are watching changes that are taking place in terms of snowpack. My good friend and colleague from the Pacific Northwest, Mr. INSLEE, and I depend on snowpack for water supply and energy production. This makes a great deal of difference.

Madam Speaker, one of the concerns I have as I am listening to our friends on the other side of the aisle make things up about what is going to happen with a proposal to reduce carbon pollution and put a price on it, they assume somehow that this is going to result in money disappearing, that somehow this is just a tax that goes into the great government maw and there is nothing that comes out the other end. Well, as a practical matter, and I'm confident that in the course of this hour as I work with my friend Mr. INSLEE, who I see poised here in the front of the Chamber and I am hoping that he's willing to enter into this conversation with me because he knows a great deal about it, we hope that we will be able to encourage, if not our Republican friends, at least the American people to look at the President's budget. Look at what he has proposed to begin a comprehensive approach to transform our energy supply and slow global warming.

Yes, he recommends putting a price on carbon pollution, but he also recommends that this money would be generated by having the carbon polluters pay for the privilege, just like we did with acid rain so successfully that my friend from Illinois now is against. There are opportunities to be able to put this back into place because the program, and I'm just quoting from the President's budget, would be implemented through a cap and trade, like we did with acid rain, that will ensure that the biggest polluters don't enjoy a windfall. The program will fund vital investments in a clean energy future, which I think my friend Mr. INSLEE may have some thoughts about, \$150 billion over the course of the next 10 years. The balance of the auction revenues are to be returned to the people,

especially vulnerable families, communities, and business, to help the transition to the clean energy economy.

You know, there's a great NRDC blog that talks about Newt Gingrich's assertion that climate change will result in a \$1,300 tax per household. And they point out it's simply voodoo economics.

First of all, he ignores the value of the carbon market. It just disappears. He assumes that the money doesn't get returned to the taxpayers. Well, based on what New Gingrich and the Republicans did with their bridges to nowhere, with their profligate spending in Iraq, with their driving up the budget deficits and giving benefits to a few taxpayers at the expense of the many, I can understand the skepticism. He assumes that it won't be invested in energy conservation, saving us money. He assumes that communities aren't being helped. He assumes that it's not going to address regional differences in the cost of cutting global warming. He just assumes that somehow it's locked up someplace in a vault. Well, that's wrong. The President has outlined an approach that captures the value and makes America stronger, more energy reliant, and allows families the tools to reduce their escalating energy costs.

And I will conclude on this point and then yield to my colleague from Washington State if he's interested in joining in. But I want to say that we are facing now the consequences of an energy policy that was designed looking in a rear-view mirror for failed fossil fuels, lack of energy conservation, and not dealing with the technologies of the future. And as a result, energy bills are going up. As a result, we saw \$4.11 a gallon gasoline last summer. We saw \$700 billion leave this country to petroleum potentates when there's a different vision of the President and of those of us who want to do something not just about global warming but to retool and revitalize our green economy.

And with that I would like to yield to my colleague Mr. INSLEE, who's an author in this arena, a noted spokesperson who has been working for years in Congress before, as they say, it was fashionable, to talk about how our economy and our environment could look different.

Congressman INSLEE, welcome.

Mr. INSLEE. I appreciate, Mr. BLUMENAUER, coming forth to talk about this issue because we're about to really make a pretty big decision here, whether we're going to just continue doing nothing about our energy problems, this sort of inaction model. Some of my colleagues on the other side of the aisle basically are saying everything is hunky-dory and we should do nothing about the energy challenges we have. Or should we take a real step forward to try to move to transform our economy, to build millions of green

collar jobs, to wean ourselves off of Middle Eastern oil and at the same time reduce the amount of global warming that is occurring?

We think we need to move. We think we need action. We don't think the current state of the economy is good enough for America. We think America is better than this for ways I'd like to talk about a little bit. And I don't think it's good enough to adopt this sort of approach some of my colleagues earlier were talking about to just say it's okay to be addicted to Middle Eastern oil, it's okay to allow the jobs of building electric cars to go to China.

It's not okay to let the jobs building wind turbines to go to Denmark. It's not okay to let the job of building solar cells go to China. We don't think that's okay. We want an American response to build those products here, to build those green collar jobs here.

Now, I meet with a lot of groups about energy. I was very heartened last weekend. I went to the Boston area to go to the Massachusetts Institute of Technology, the MIT Conference on Energy, and there's a group up at MIT of students, mostly post-graduate science and engineering students, and they have an energy club, and and once a year they have a meeting about energy. So I went up there to address their group. There were about 150, 200 students, and about 300 entrepreneurs and business people. And I was so excited to listen to what they saw as a vision for this country.

And for those who think we can just stay in the status quo, I wish they could meet these MIT students. These folks were telling me about the jobs we can create in the solar industry with concentrated solar energy power, like the Ausra Company that just built the first manufacturing plant for concentrated solar cell energy in Nevada. Just 2 months ago they opened up this plant. And these MIT students are chomping at the bit to start working in that technology. We were talking about the AltaRock Company, a company that's now exploring engineered geothermal up in the State of Washington. These MIT students just can't wait to start going out and start businesses around technology like that. We talked about the Sapphire Energy Company, a company that now is building production facilities to use algae to make biofuels. We talked about the A123 Company in Boston, which makes lithium-ion batteries so we can power our plug-in electric hybrid cars.

And what these MIT students told me is, Mr. Congressman, you build a structure to drive investment into these new technologies, and we will build the companies of the future and the jobs of the future to deliver a clean energy transformed economy for the United States.

And for anybody who is a pessimist about our ability to wean ourselves off

of fossil fuel and wean ourselves off of Saudi Arabian oil, you ought to go out and meet these MIT students.

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But the businessmen there told us something, and this is the important point, I think. What the business people, these were venture capitalists, these were CEOs of major corporations, what they told us is that future will not come to pass, the green-collar jobs we are talking about, unless we adopt some rules of the road for a market-based economy that will not give such an advantage to fossil fuels but, in fact, will level the playing field.

And what they told me is that basically there is a couple of things we can do. One thing we can do is to essentially level the playing field between these new technologies and some of the older companies that have been subsidized for so long, like the oil and gas industry.

Now, basically, we can do that through a system that will drive investment towards these new jobs of the future. And, by the way, those new jobs of the future may include what we call sequestered coal. Some of my colleagues were here earlier talking a lot about coal. The folks up at MIT were telling me that we may be able to find a technology to sequester carbon dioxide when you gasify coal. It may be a possibility.

So we need some research dollars to make that come to pass. Well, we have a way of doing that, and President Obama has proposed a way of generating funds that can be used to essentially develop that technology, and he has proposed what's called a cap-and-trade or a cap-and-invest system which is, basically, it's pretty simple. We would establish a cap, a limit on the amount of pollution that polluting industries are allowed to put into the air.

We have done this to great success in acid rain, sulfur dioxide, which is the pollution that causes acid rain. Congress several years ago passed a cap, a limit on the amount of that acid rain pollution that we put into the atmosphere.

Now, President Obama has proposed doing the same for the pollutant that causes global warming, principally carbon dioxide. And then we would simply have the polluting industries buy, at auction, the permits to do that, and use the market system to establish a price for that.

Now, here's the important part about this approach. Number 1, it does, it takes action. It recognizes that the status quo is not good enough. And we are here tonight to say that America needs a better energy policy than the one we have right now. So, number one, it takes action.

Number two, when you do this, what the business people have told me all across this country, when you do this,

it starts to drive investment into these new technologies that can create the green-collar jobs that we need so much in wind power, in solar power, in enhanced geothermal power, in electric cars and potentially in sequestered coal to use coal in that way. But to do that you have to put a price on carbon dioxide, and you have to limit the amount of this pollution that's going into the atmosphere. So we are here to say that we are capable of building a new transformed economy.

I want to make one other comment if I can, people have said that when you make an investment like this it costs some money. Well, any investment costs some money, when you buy a house, it costs some money. When you build an electric car, it costs you some money. But the people who want us to just stay in the status quo don't understand that the door of inaction is going to cost us a heck of a lot more money.

Go ask the people up in Alaska whose homes tonight are washing into the Arctic Ocean because the permafrost is melting, these are Americans. There is a town in America that is going to have to be moved at the cost of about \$30 million because it's basically melting into the Arctic Ocean because the tundra is melting underneath them. That's costing Americans a lot of money tonight. We need to figure that into the proposition.

Go ask the farmers in California, who are losing their farms tonight because we have this horrendous drought, an unprecedented drought in the western United States, who are losing their farms and their livelihoods. Ask them if there is a cost associated with global warming.

Ask the folks who are losing salmon, the salmon fishermen on the west coast—I am from Washington, Mr. BLUMENAUER is from Oregon—ask them the cost of inaction of losing their livelihood because we lost salmon runs because there wasn't enough water in the rivers last year to have a salmon harvest.

Americans are getting costs tonight that we cannot ignore, and we know those costs are going to be greater than any investments that we make. By the way, those investments that we make under our plan, here is what is going to happen, and this is President Obama's plan. Polluting industries are going to do what they should do, which is to have to pay some cost to put pollution into the atmosphere.

You know, when you and I go to the dump, we pay \$25 to dump our junk in the garbage dump. We can't just dump it for free. And under our plan polluting industries will pay some cost associated with putting pollution into the atmosphere, as determined by the market. They will bid against each other, and the highest bidder will get the permit.

So they will get to finally recognize the atmosphere as not a personal

dumping ground for a coal-fired plant but, in fact, something we share that has a market value. So they will put money into the pot to buy those permits.

That money will then go back to the American people in a variety of ways. First it will go back to the American people in making an investment for America in common to build these new industries to do the research and development it takes so these jobs will be here, not China. It will go back to the American people as an investment to build research facilities to build lithium ion batteries here in this country rather than China and Korea, that's number 1.

Number two, it will go back to the American people in a substantial tax cut, probably the largest tax cut America has seen for the middle class, to make permanent some of these tax cuts. It's going to go right back to the American people.

Third, it will go back in a way, and there are several ways we can do this, to help some of the communities that might be disadvantaged, potentially, by job loss and energy-intensive industries around steel mills and the like. The point is it will go back to the American people, and it go in a way that will reduce the cost for Americans, not increase it.

Now, if you think I am just making this stuff up, people can go check an authoritative view, an assessment of the cost of this, and it basically concluded as this has net positive costs. I mean, it doesn't have costs relative to what's going to happen to our economy if we do not act, and that's from an assessment done on the GNP that predicted we would have a 5 percent reduction.

Lloyd Stern, a very well respected economist from England, he and his team did this assessment. They concluded we will have net negative costs relative to this inaction.

So we are here to say we have a vision based on confidence that Americans still have the right stuff, that people who put a man on the Moon still have the right stuff. And if we go out and make these investments, we are going to put Americans to work building these green-collar jobs right in this country. If we don't, we are going to lose jobs.

Mr. BLUMENAUER. I very much appreciate the perspective you bring to this discussion, and I very much appreciate you referencing the Stern report. This is an opportunity, we both serve on the Speaker's Select Committee for Energy Independence and Global Warming, having a chance to deal with the British Parliament hearing and Sir Nicholas Stern lay out the result of his research.

And by a 5-1 margin, the cost, the risks, the costs that we are looking at were far greater than any cost of im-

plementation, and as you have outlined in great detail, there are many opportunities, if we do this right, to revitalize our economy, to reduce costs right now to American families.

Just four categories of climate damage alone, hurricanes, higher energy bills, property lost to rising sea level and water-supply impacts are predicted to cost the average family \$2,000 a year by 2025; by 2050, that increases another 50 percent to \$3,000 a year; and by the end of the next century, \$11,000 per family, just for those elements.

Now, those estimates ignore, because they are a little hard to quantify, but as you pointed out, they are real. The added cost of drought, flood, wildfires, the mud slides that follow, agricultural damage and the value of lost life. We saw thousands of people lose their lives a few years ago in Europe, in France. We saw hundreds of people die in the Midwest.

These are real problems that our friends on the other side have no answers for. They are, instead, paying—I am stunned that they would come to the floor and argue against.

Mr. INSLEE. I just had a thought, as you were talking. I have seen this movie before of those who didn't want to take action, and I am trying to remember where I saw it before and I just flashed on where it was. It was in Katrina, because if you think about some of my colleagues who don't want to take action to protect against natural disaster, it's kind of like the response of the administration to Hurricane Katrina in New Orleans where they did not make a response to a natural disaster.

And we are now experiencing a natural disaster of enormous implications and costs. What I think this is like is if we had come forward the day before Katrina with meteorological evidence that this hurricane is coming, and we went to President Bush and we said, if we make this investment, we can build these levees real fast and protect this city from this known damage that's coming our way.

You know what our friends across the aisle would have said? Costs too much money. It's just another socialist experiment. And that's pretty much what the administration's attitude was in Katrina even when that was happening.

Now, we have a slow-motion disaster which is a lot worse than Katrina. But their philosophy is the same, which is to not spend a dollar for investment against a known risk. And so I just want to suggest it's a similar situation.

Mr. BLUMENAUER. Well, I appreciate your clarification and amplification. It is stunning to hear my friend on the other side of the aisle think that the Clean Air Act failed, and because a few people admittedly lost their jobs mining dirty coal, that somehow it wasn't worth stopping the

damage to lakes and forests and human health. We put a price on a pollutant, as you pointed out, sulfur dioxide.

People paid and pretty soon we had reversed the damage and we were cleaning it up. There are costs now that the American public is paying. There are greater, future costs that we can avoid, an opportunity to strengthen America and strengthen our economy.

I see we have been joined by our colleague from Colorado, Congressman POLIS, if you would wish to enter into this dialogue, I know you have been an avid supporter of a strong environment. You come from a community that cares deeply about this, and we would welcome your thoughts and observations if you would care to join us.

Mr. POLIS. Here in Congress, and as a new Member going through the budget process and looking at a lot of these issues for the first time, I am really struck by the fact that as we discuss numbers on the cost side, we are not accounting for the cost of not taking action which, in many cases, particularly with regard to reducing our carbon emissions, are far greater than a lot of the costs that we are looking at with regard to the actions we need to take.

So a more comprehensive and an integral approach to kind of how we look at costs is absolutely critical here.

You mentioned as well, the Clean Air and Clean Water Act. There are ways, economic ways to put a value, a beyond the moral value of preserving our rivers and preserving our trees. There is a very legitimate moral value, whether you derived that from a faith-based position or another position, there are actual economic costs of our value of our natural heritage and our natural assets. When minerals or oil and gas are extracted, they are extracted once, they are gone.

We are losing a national asset. It's not a renewable energy source. And these are not looked at in terms of coming from the financial calculations with regard to the programs that we are proposing.

So I think it would be some benefit in trying to apply some more integral accounting and economic modeling and budgetary techniques to looking at the real cost of doing nothing and, in fact, the real savings from taking action. When you are taking action to preserve our rivers and streams and forest, for instance, you might look at the direct economic cost of that to businesses, but you also have to look at the natural capital that is preserved, that is a true form of capital wealth for our great country that deserves every bit as much consideration as the direct dollars and cents associated with implementation of these policies.

Mr. BLUMENAUER. I very much appreciate your observations. We have been joined by my colleague from New

York, Congressman TONKO from Albany who, in a prior life, as I recall, was CEO of the New York State Energy and Research Development Authority. You have got some practical applications, both in your private sector experience and your work for years in the New York State Assembly. We will welcome thoughts and observations that you would have to add to the conversation.

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Mr. TONKO. Thank you, Congressman. I think it's absolutely important that we move forward with progressive policy in the energy area. I chaired the Energy Committee in the New York State Assembly for 15 years. And, you're right, went on to serve as president and CEO at NYSEERDA, where we focused on renewables, efficiency, research and development. The investment that we saw was tremendously powerful to the economy and where we worked on several projects that really promoted efficiency and conservation measures.

What I think is important to note here is that this President, this administration, has shared a vision with a laser-sharp focus and shared with a very direct boldness about the opportunity we have now as a Nation.

We have witnessed the last several years of conflicts in the Middle East, and so many believe that was over the commodity of oil. We know that that fossil-based dependency pollutes the environment and that we have an opportunity here to not only address our future and job creation, but our environment and greening up the outcomes, leaving not only this generation, but certainly those to follow much cleaner air to breathe and a stronger sense of environment-friendly policy.

Where I think the significance comes here is that we can grow our energy independence. We can strengthen that outcome by reducing what is a glutinous dependency on fossil-based fuels, oftentimes imported and from some of the most troubled spots in the world that have unstable governments. And it's why we were drawn into a conflict, I think, because of our dependency on that area for our energy commodities.

While we can reduce that dependence on fossil-based fuels, we can strengthen our energy security, which is a good thing. It's a great bit of policy initiative that we should have pull us along this roadway of progressive politics as it relates to energy generation and energy usage.

We also, when we reduce that dependency and grow the energy security, we grow and strengthen our national security, which is an important factor in the international concepts. We are able to move forward in a way that I think promotes a much more stable national security outcome for our Nation and generations, again, to follow.

So, as we do this, I believe the investments we can make now by the policies that will build an investment in renewables, in shelf-ready opportunities to grow energy efficient outcomes, to retrofit our businesses, to retrofit our farms. We did projects through NYSEERDA that spoke favorably, overwhelmingly favorably, to dairy farmers, who are dealing with perishable products, who are dealing with perishable produce, that were dealing with a very important bit of nature. They couldn't avoid at times the peak periods where they could perhaps avoid priciest power. They needed to have some sort of addressing of those situations.

What we were able to do is retrofit those dairy farms and allow for them to reduce their energy costs, which allows for them to feed this Nation in a more effective way.

So, also, as we create these opportunities through investment and research and development, we are growing significant jobs, tremendous jobs that will call upon the engineer out there, the inventor, the innovator, and we know that there's a great career ladder we can build there.

We are investing in the trades because the trading out and the retrofit of these systems, they will maintain, operate, and repair these situations so that, again, job creation galore here that can really allow us to breathe freer in terms of creating the energy that we need and how we use that energy.

What I also would make mention of is that R&D, research and development, should be seen as economic development. I believe that by investing in that sort of future, by creating the funds that will allow for a blueprint for our energy future, that allows us to take that intellectual capacity as a Nation, to take our brain power as Americans, and put it to work so that we can deploy these success stories into the commercial sector, where we can do cutting edge, where we already have ready opportunities, they need to be inserted into the outcomes here in the States, and we also can move forward with many, many new opportunities in this energy-driven, innovative economy that is so boldly expressed by this President and certainly by Speaker PELOSI and the leadership of this House.

So I see a great opportunity here for this Nation to respond favorably to the energy needs of this country, to do it much more independent of reliance on some of the most troubled spots in the world, and doing it in a way that creates significant career ladders for people across the strata of job opportunities, from trades on up to those who hold bachelor's and master's and doctorate degrees that can assist this Nation.

Mr. BLUMENAUER. We deeply appreciate your adding a voice of experience as somebody who dealt not just with the policy but the practice to demonstrate how this money somehow doesn't disappear, but is reinvested, creates wealth, creates economic opportunities for a wide variety of people.

Mr. TONKO. Certainly. As we struggle through these very difficult economic times, job creation, job retention is at the forefront of the work we do. We all talk about it every day. This is a good way that not only grows jobs but grows that energy independence and strengthens the energy outcome, and it does it in an environmentally friendly way.

So it's a powerful statement that we can make here as legislators.

Mr. BLUMENAUER. I appreciate that very much.

Mr. INSLEE.

Mr. INSLEE. Thank you. I want to continue this discussion of job creation. I want to address—some of our colleagues may be watching tonight, possibly—a couple of industries that are concerned about this. One is the coal industry and one is the auto industry, two great industries doing hard work for a long time. And I want to address how our proposals tonight I believe long term will help those people working in those industries. Not hurt them, but help them, which we want to do. These are great, hardworking people.

I want to address the auto industry first. We know the difficulty we have right now with many thousands of Americans who are in difficult straits in the auto industry right now. I believe that what we are proposing here can be a great tool for the rebirth of the American auto industry. Here's the reason I believe this.

Right now, we are in a race to build the next generation of the new car of the next couple of decades. We know it's going to be different than the car of the last several decades. We know it has to be. It has to not use as much Saudi Arabian oil so we would be addicted to Saudi Arabian oil as much.

We know it has to be advanced on materials. We are in a race to preserve the jobs of the American auto industry against folks in China who want to take these jobs and against folks in Korea who want to take these jobs. We are in a race right now with them to get these jobs in this country.

Well, to get these jobs in this country, we know we have to have the technology here to build these next generation of cars. We know to do that, we are going to need an investment to help the research and to help the retooling of these domestic auto industries to retool to start to build electric plug-in cars and the aerodynamic cars and the cars that can move to these new technologies with the new biofuel cars.

We have to win this race with China and Korea. To do that, we need an investment pool to help the auto industry to do that. Where are we going to get this pool? We are not suggesting we get it from some tax of lower- and middle-income Americans. We are suggesting we get it from an auction of the right to put pollution into the atmosphere and then use those funds to help auto workers build the cars of tomorrow and, for those who can't, to be retrained to help in some other industries, which is an important part of this.

Let me tell you why retraining is important. There's a company in Washington State called Infinia. Infinia makes a Stirling engine, a concentrating solar power system that basically it's a big parabola and concentrates the sun's energy and uses thermal energy from the sun to create electricity.

Guess who's the perfect workers to build those? It's auto workers. Because this technology is essentially right out of Detroit. Whatever you use to build a car, you use to build this Stirling engine, which could be one piece of the puzzle. They are now selling tons of these Stirling engines to Spain, and they are worried about having to build—not this company, but others in Spain—because Spain has policies like we are now advocating to try to move Spain forward. We need this right in this country.

Move to coal. People are concerned about coal. A company called Ramgen, which is a company that has figured out a way to compress carbon dioxide so you can stick it under the ground to continue to burn coal. We know we need to have those technologies if it's going to be a meaningful player in the future.

Thanks.

Mr. BLUMENAUER. Super. As we move into our last 10 minutes, I would like to turn again to my colleague from Boulder to share some of your further thoughts in terms of where you think we are now and how we move this forward.

Mr. POLIS. I'd like to build on some of my colleague from Washington's arguments about the opportunity for growth in the green economy.

My district and, in particular, Boulder, Colorado, has been a center of growth in the green jobs industry. In fact, when President Obama signed the Recovery Act a few weeks ago, he did so in Denver, and invited a company from my district, Namaste Solar, a company that had three people 3 years ago, now is up to 45 people, install solar home panels.

This has been—and, like many districts in the country, of course my district has been hit by this recession. We have seen unemployment rise. One of the biggest sectors we have seen job growth in is these green economy

jobs—solar energy, the research and development.

It's not only areas that have strong solar and wind geophysical characteristics. We are also talking about energy conservation. There are several model homes in my district that are net energy positive. Put energy back on the grid. They get there, yes, with solar panels, but also by reducing their energy consumption, looking at insulation, a smart grid, and Boulder is the pilot for allowing energy consumption when there is more power on the grid and turning many homes into net energy producers during part of the day, as well, and having an intelligence aspect to appliances so they can draw from the grid when we have extra capacity.

Researching, developing and, yes, manufacturing these products are going to be a major sector for economic growth across our country in the future. When we talk about where America can still be competitive and will be competitive in manufacturing, it's in these high-tech items.

We do have a hard time, and we have been losing jobs to other countries in some of the manufacturing jobs that gave our middle class strength in the 20th century. But I am optimistic that we can grow in some of these short order, smart appliances, which traditionally have been and will continue to be developed and brought to market right here in this country, and be a critical part of this new economy.

I have had the chance to visit with a number of companies in our district. Our district is really a hot bed of entrepreneurial activity. And there are others in other parts of the country.

The more that public policy can embrace this, the more that we can serve the dual goal of fostering economic development as well as preserving our natural heritage, reducing our carbon emissions and reliance on foreign oil, and all the issues which a number of my colleagues have so ably discussed that are critical reasons to invest in the green economy boom.

Mr. BLUMENAUER. I appreciate you zeroing in, both of you, talking about the value that is added. A wind turbine, for instance, has more than 8,000 parts. There's cement, steel, ball bearings, copper, wiring. It goes up and down the production line. As soon as that order is placed, it moves out throughout the economy.

Congressman TONKO.

Mr. TONKO. Right, Congressman BLUMENAUER. I'm enthralled by the comment made by Congressman INSLEE about the auto industry and the work that we can be doing on investing in new ideas and new concepts. Just in our recovery package that we did a few weeks ago was a major investment in advanced battery technology. That advanced battery technology can speak to not only transportation sectors in

our economy, but to energy generation. And it may hold the secret to an awful lot of progress that we can make.

If we continue to invest in that R&D, I'm convinced we will have the automobile of the future. Also, when we look at some of these investments in R&D, they will incorporate other sectors of the economy like the ag economy, where you can diversify that ag economy to grow the produce that would be required to go forward with some of the fuels that we can create simply by using cellulosic formulas that include perhaps switch grass or soy products or whatever and go forward in a smart way that will look at the best outcomes that we can encourage by the government, based on energy required to create new energy, impacts on the ag, impact on environment, do those quantifiable studies and then determine what path to follow.

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But we can do this with a great degree of skill and analysis that will move us into a new generation of thinking. But it takes the boldness, it takes that major step forward.

To your point about some of the opportunities with renewables, we are bringing in all aspects of opportunity from R&D from the highest technical sense on to the trades that will install these facilities and allow us to move forward with a smart grid to connect all of this, the smart metering concepts that we need to invest in so that we are using the power at the right time and making those consumer judgments that are in our best interests individually or household-wise and also collectively in a way that has the smartest energy consumers possible with the choices being placed before us and the job creation that is embraced by this sort of an agenda.

So I am really encouraged by the work that is being done in this House. I know that in a caucus that we have created that deals with sustainable energy and environment outcomes, that is a powerful place to share these ideas and grow the synergy that will produce the policies that take us forward.

Mr. BLUMENAUER. I appreciate that. And as I turn to my friend from Washington to conclude this session for us this evening, I do hope that our friends who are watching this program on TV, on C-SPAN, go to the President's budget. I hope they look on page 21. It is available at www.budget.gov. There are copies available in libraries. Look on page 21 where the President outlines his goal. He is talking about putting a price on carbon pollution, yes, returning the benefit to the American consumer, the American economy to be able to reduce our dependence on foreign oil, to reduce costs for paying for utilities, to be able to spark that green economy.

You know, I am struck by people who are making things up about what is in

the President's plan and outlandish numbers that are associated with it, and I think we have gone a long way tonight towards debunking that and talking about the real cost that the American consumer and the environment is paying right now. But I am hopeful that people will embrace this, like we embraced the Clean Air Act where, on a bipartisan basis, people decided that it wasn't fair to pollute the atmosphere with sulfur dioxide; that we were going to have acid rain, that we are going to poison lakes in your area and kill forests. We put a price on it, and we were able to make remarkable progress with a very light touch as far as the government is concerned. We have this opportunity with carbon pollution to do exactly the same thing. The stakes, if anything, are higher.

I hope that our friends on the other side of the aisle stop this line of argument that somehow the Clean Air Act was a mistake, that a few polluting jobs were worth the damage that it inflicted on the environment, and ignore the lessons that we have learned.

Congressman INSLEE, I would appreciate it if you would kind of take us home.

Mr. INSLEE. Well, I would take it home to say this is an American approach to a problem. It really is. We basically are following in the footsteps of what Americans have always done when they are presented with a problem.

Number one, when Americans are presented with a challenge, we act. We don't just sit around on our hands. Some people are saying we should do nothing about this. We believe we need a new energy transformation of our economy to deal with this. So that is number one, we act. We are not a passive people.

Number two, we act with confidence in our ability to innovate and find solutions to these problems based on technological solutions. Other people think we are just too dull to figure out how not to just burn fossil fuels. We think we are smart enough that the people who went to the moon and invented the cup holder ought to be able to invent ways to solve this problem. So we act with confidence.

Third, we would like to act in a bipartisan way. You know, you would think that growing green collar jobs and saving the planet from global warming would be a bipartisan thing; but, unfortunately, so far in this debate we have advocated an action plan, and there is a thousand ways to skin this cat, there is various ways to deal with regional cost disparities, there is various ways to distribute the pool of revenue between research and helping low income people. There is all kinds of permutations that we are going to find a consensus on eventually. But, unfortunately, our friends across the aisle have just adopted a favorite movie of

Ian Fleming, "Dr. No." They have just said no. And I hope that over time some of our friends across the aisle will join us in finding a consensus on how to move forward. If we do that, we are going to continue to enjoy successes in building jobs for Americans like we have in the wind energy industry.

I will just close with this one comment. People 4 or 5 years ago said that wind turbines were kind of child's play; they were a fancy toy of a bunch of fruitcakes out on the West Coast who were dreaming in their teepees of how to solve this problem. Today, America is the leading producer of wind power in the world, and more people work today in the wind power industry than in the coal mining industry and it is the fastest growing of energy in the United States.

This is the kind of future that we believe we can move forward in. It doesn't mean that we are going to replace coal necessarily. We are going to use this money that we are going to generate from this plan to try to find a way to burn coal cleanly, because we think we ought to look at all possible approaches to this problem. So we are going to act, we are going to be confident, we are going to believe in bipartisanship, and we are going to believe in innovation. That is the American response to this problem, and I look forward to when we get this done. Thank you, Mr. BLUMENAUER.

Mr. BLUMENAUER. Well said.

Mr. Speaker, we yield back the balance of our time.

ETHICAL ISSUES THAT NEED TO BE RESOLVED

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes.

Mr. CARTER. Mr. Speaker, I appreciate being recognized for this time.

I have been coming down here now for 2 or 3 weeks talking about fact that we have some ethical issues that need to be resolved, and that is something I think is important. I am going to try to frame that so you can understand why I think it is important.

Tonight, we have been talking about Mr. Obama's budget. I just enjoyed immensely the argument that was just made a few minutes ago about energy. And I really wish, sometime it would really be nice up here if we could do one of these things where we talk back and forth and ask questions. I would like to address that a little bit, because it is a big part of this budget. It is going to be this huge tax program that is being put together, and I would like some questions answered.

It seems to me that what I heard argued just a few minutes ago was that we have a real crisis with carbon, carbon dioxide. I think most Americans

know that we are major producers of carbon dioxide. If you don't think so, take a big breath and then let it out, and you will have just produced carbon dioxide. So I think we realize that it is kind of a natural process that is going on. But if we need to fix that, then we need to slow down the amount of carbon dioxide going out into the atmosphere. And as I understand the proposal is that let's say you have a widget plant that is belching out carbon dioxide into the atmosphere in record numbers because it is burning, let's just use that horrible substance they were discussing, coal. And even though it is being scrubbed for the sulfur dioxide, which the Clean Air Act dealt with, it is still putting out carbon dioxide, the substance that is the part of the fuel of photosynthesis in plants across the entire globe, including the microscopic plants that grow in the oceans of the world, and it is just too much.

Now, the plan they are proposing in the President's budget, as I understand it, is that they will have to pay a tax that the government would say this is the amount of carbon dioxide we are going to allow to come out of one source, and the government would determine what that ceiling would be. It is called a cap. And then they would say, every bit that you put out above that cap, we are going to tax you on it because we are going to use the tax money to acquire some kind of credits that the people are selling that don't pollute. Or maybe they are not even going to that. Maybe they are just saying, we are going to tax you so we can do research and development on new energy, which is what they seem to be saying tonight. If that be the case, then how does that tax stop that carbon emission out of that plant? I don't get that. Maybe someone can explain it to me.

Now, I guess, yes, you could stop it if the tax were so onerous that the plant owner said the product that I am producing, and let's say on that particular plant rather than it being widgets it is electricity, that this is going to make my cost of electricity so onerous that I won't be able to sell my electricity so I will just shut down my electricity plant. That is the way economy works. At some point in time when the cost is such that you can't make a profit from the product that you are producing, maybe you would shut it down. I don't understand how that would help particularly the energy problems of the United States, and I don't think that is what would be envisioned.

I think what would really be envisioned is that the evil corporation, if you will, would have to pay the tax and eat the tax. In other words, it would come out of their profits. Now, the evil corporation is really a group of American citizens and maybe other country citizens who have bought stock in the

evil corporation, and they have invested their money in it in hopes that they would make a profit. And so is the solution that you think the corporation is going to do is that this tax that has been put on this coal emission is going to be paid by the corporation, which means by the stockholders, the owners, so they are just going to take less profit. At what point in time are the owners, that is the stockholders, going to be happy with their profit being reduced until they make no profit? I don't think very long. So then they would close down our power plant. But that is not what the solution is, either.

The reality is, and it is in every case in every industry demonstrated every day across the world, is that tax will then go to the consumer of the product that that company is selling. Therefore, the cap tax we just heard about from our colleagues on the other side of the aisle would be paid by the consumer. Unless you are sitting in the dark watching television by candlelight, you are probably using electricity in your home. I say that tongue in cheek, because I guess you could watch television with a battery. But the facts are you are burning electricity every day, and you are going to pay the tax.

Now, they are going to put a tax on oil and gas products because they create carbon emissions, CO₂, the same as you create carbon emissions, by breathing. So they are going to tax the oil and gas industry. And guess who is going to pay the tax; the oil and gas industry is going to pass that tax on to the consumer. So if it is a nickel on a gallon of gasoline, the nickel is going to be yours to pay. If it is 50 cents on a gallon of gasoline, the 50 cents is going to be yours to pay, and the price of gasoline is going up.

□ 2015

The price of gasoline is going up.

There is a bigger picture here you need to see. If you could look around this room, this gigantic House of Representatives, you would see leather and wooden seats, beautiful carpeting, gorgeous lights everywhere, all these various paintings and tapestries on the walls, glass, brass, steel, concrete and stone. All of that is in this room right here. How do you think it got here? How do you think the wallpaper up there got here? Did somebody bring it up here with a horse? Did they pack it on their back? No. They put it in a truck or on a train. And that truck or train delivered everything in this room to this building to be installed by the workers who got here in automobiles and pickups. So everything in this room was brought to you by motor fuel, including diesel fuel that burns in our trains that pull our freight cars. So everything in this room was brought to you by diesel or gasoline. So if tomorrow

you were rebuilding this room, and if our new and wonderful "nobody in the middle class will have to pay tax increase" that we were just told by our colleagues, if that is there, then if it costs the wallpaper people extra money to get the wallpaper here because the price of diesel has gone up 20 cents a gallon, then the price of wallpaper is going up 20 cents a roll, or some equivalent, to make it up. If the brass manufacturers, if they are not using any kind of fuel to make brass, but they are shipping it here somehow magically, they are going to use diesel, because that is what drives our trucks. And the brass is going up, the concrete is going up, and the leather is going up. Everything in this room is going up because we have placed a new tax on fuel.

Now, is any of that fuel not being burned? No. That fuel is still being burned. Is there carbon going into the atmosphere? Yes. There is carbon going into the atmosphere. Guess who is paying this tax? You are. And you're going to pay it if you make \$10,000 a year, and you're going to pay it if you make \$10 million a year because you're a consumer. And so the tax is going to be passed down to the consumer. So when you say this is not a tax on the middle class, it is a farce.

That comes back to the issue of people need to make trustworthy statements when they say things around here. People need to explain things in a clear picture so the public can understand it. Then the American public needs to decide what is right and what is wrong. To me, I would like anybody to explain to me how this stuff would get here if it wasn't for a diesel truck or a train. I would like anybody to tell me how that would happen. Or maybe they fly an airplane in here on air freight, which is even more expensive and which is going to have an even bigger tax on it because it is a fuel guzzler and it creates carbon.

So what we have been told here tonight is that there is going to be no tax on the middle class. Yet, people who do something that I wouldn't do for a living, but sit around and calculate an estimate of what these things might cost, are saying that this new energy tax, this tax on energy is going to cost every household in America \$3,128 annually. Now maybe for somebody making \$250,000 a year, that hurts a little bit. But, boy, it hurts the heck out of the teacher in Round Rock, Texas, making \$32,000 a year. It hurts the heck out of that truck driver that drives that truck that maybe makes \$30,000 a year or \$35,000 a year. If he is really a hustler, he makes \$50,000 a year. Everything he is going to use, plus the fuel he is burning, is going to cost him more. And the freight charges are going up.

So, wake up. You can't put a tax on something that everybody uses and not expect everybody to have to pay for the

tax. It is just that simple. This is not rocket science. This is basic logic 101.

The reason we need to have ethical issues resolved in this House is because the American people need to learn to trust us to try to shoot straight with them. And those people who don't have a track record of shooting straight, at least you can make that conclusion because of accusations made against them, maybe you should worry about their leadership. Now, the question I would ask myself and you—and what my whole position has been on ethics issues is that these ethics issues need to be resolved so that you know you can trust when somebody stands up at that mic or that one over there or this one right here and tells you something, and you say, yeah, but what about that accusation? Hey, maybe it's not true. Okay, maybe it is not true. But it ought to be resolved. This body ought to resolve accusations that are made against the people that they have done something that is unethical.

Now, I'm not making the accusations. I'm telling you that the newspapers are making the accusations, the talk shows are making the accusations, the TV news at 6 o'clock is making the accusations, and people that claim to be the watchdogs of American politics are making the accusations. I just want them resolved. I want the Ethics Committee or the courts or whoever it takes to resolve the issues to resolve the issues, so that when somebody stands up here and tells you there is not going to be a tax on the middle class, but we are going to tax every kind of carbon-burned fuel, when 90 percent of the fuel, probably 95 percent of the fuel used for every purpose on the face of this Earth is carbon based, then do you know what? You're going to say, "I would like to know if that is somebody that is very trustworthy that I ought to be listening to."

I hope that is not convoluted logic. But I sit here and ask you, if you assume that what these gentlemen said tonight was true, and they are going to use this stuff for research to come up with alternative fuels, you tell me when is the first truck going to be invented with an electric motor big enough to haul freight down the highways of the United States? When is it going to happen? Nobody is talking about that. They are not talking about it because the electric engine that it would take to haul the loads of freight down the interstate to bring stuff to your home so you have the goods and the services of this Nation, that electrical engine would be as big as that podium or bigger than the Speaker's tonight. In fact, they even make some electric engines that size in my district for ships in the sea. And they are gigantic, half as big as this room, to get the kind of torque, to get the kind of power out of electricity to pull a heavy load. So, think when you hear these

things being talked about, how long will it take to get to a point that goods and services can be brought to you the way they are brought to you now without this tax being imposed upon you? I would submit, it is not decades. It may be centuries.

So, I'm a little off the subject. But when you start talking about this budget, this is the kind of thing we want to talk about. Can you honestly think that you're getting a straight shot when you hear about some of this stuff?

I'm very happy to see my friend from North Carolina. She is one of the real tough ladies in this House. VIRGINIA FOXX is here to join me. And I'm glad to have her. I will yield whatever time the gentlelady may use up.

Ms. FOXX. Well, I thank my colleague from Texas for starting this Special Order tonight and giving me a chance to come down and be you with you and spend some time talking about several different issues. I certainly agree with you that it is important for the American people to have faith and trust in their elected officials. And I think that there is a great deal of cynicism in this country. And people wonder what can they believe in? I think that it is important that when they hear us speaking on the floor, or they get letters from us, or they have other means of communications from us, that they know that we are telling them the truth.

When I first came here, we had folks speaking on the floor almost every night. A group of us who were new in the Congress that year, in 2005, were so concerned about the things that were being said that we established a group called the "Truth Squad." And we would come down at night after that group would speak and set the record straight by giving out what we thought were true statements. They were often very different from the statements that were being made by our colleagues. I think it is important that we do this on every occasion, because frankly, I think in the last 3 years or so, the American people have really been sold a bill of goods.

All of us would like to see things easier, better and less expensive. We would like to think that life would be a lot easier than it is. But we have challenges that we deal with every day. It is not likely that the government is going to be able to make our lives easier for us. Yet, that is what has been sold, I think, to the American people. We haven't had the benefit of having a large segment of the media on our side in order to be able to counteract some of those things that were said.

I want to give a little detail, put a little meat on the bones of some of the things that you have been talking about in terms of what would this cap-and-tax plan do to us in the country? We have been told that everybody mak-

ing less than \$250,000 is not going to be taxed in this country and that 95 percent of the people are going to get a tax cut. But let's talk a little bit again about the particulars of this. It is actually \$250,000 per couple. It is not \$250,000 for an individual. It doesn't exempt small businesses who often are taxed at the individual rate. So there are some minor little details in there in what has been told about taxes and about the budget that has been presented.

To go to your point about what the increase in taxes are going to do to the American people, you are absolutely right. Every single family is going to be paying for these ideas that are being brought up under the guise of "scientific knowledge." I don't know about you, but I haven't seen any conclusive proof presented that the science can support this. We know that President Obama himself said, "under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket." So we know that is going to happen. But no one has explained to the American people how that is going to happen.

There was a piece done by FOXNews just a few days ago, I think somewhere around March 4, where an energy analyst, Margot Thorning, said: "In dollar cost terms, it is probably an additional \$700 to \$1,400 per family per year starting around 2012." That is right around the corner. So what the President says he is going to give is a tax cut. But that is going to amount to about \$600 to \$800, and at the same time, the families are going to be charged about \$1,400 more in energy costs. So what the government is going to give, it is also going to take away.

I think, again, what you're doing is great. I have pointed out many times that the North Carolina State motto is "to be, rather than to seem." I have brought that up several times on the floor because I think that is what the American people want out of us here in Congress.

□ 2030

The American people don't want us to seem rather than to be; and yet what is being done here in the name of science and in the name of protecting us from the climate change that they believe is occurring is going to be a pretty expensive trial as to whether or not this is going to work. And we don't know. It is an experiment, really. It is not proven science. We don't know that we are causing global warming with carbon. We have had global warming and global cooling even before human beings were on the Earth.

So I think it is a great thing that you are doing, to tie programs, budgets, proposals and policies to this issue of ethics because they are tied together and are very important. I want to commend you for doing that.

We have been joined by some of our very articulate colleagues here tonight, and I want to give them an opportunity to share their knowledge, their enthusiasm for this issue.

Mr. CARTER. Let me point out, I have a poster board here. Now some might think I have been picking on Chairman RANGEL too much, and I don't intend to do that, but this is to make my point. Chairman RANGEL is in charge of taxation. That is his job. He is the tax man of this House.

We have a little quote here from a real conservative news source we all love and adore, the New York Times, January 3, 2009, "Rangel Pushed for a Donation; Insurer Pushed for a Tax Cut." It is written by David Kocieniewski. "On April 21, 2008, Representative Charles B. Rangel met with officials of the American International Group, the now-troubled insurance giant, to ask for a donation to a school of public service that City College of New York was building in his honor," and I will point out named after him.

"Mr. Rangel had already helped secure a \$5 million pledge for the project from a foundation controlled by Maurice R. Greenberg, one of the company's largest shareholders and its former chief executive. And CCNY officials, according to the school's own records, had high hopes for AIG—a donation of perhaps as much as \$10 million."

Some may have heard of AIG. It has been a little bit in the news lately.

Now my point is that is an accusation made by the New York Times, not by me, not by any Member of this House. That is an accusation made by the New York Times that should be resolved because it is about our number one tax man, and our number one tax man along with the President of the United States is going to be championing the Democrat budget of \$3.6 trillion, a number that almost defies imagination.

We have gotten used to trillions in the last 60 days because we have seen lots of them. They are everywhere. This administration is throwing trillions around like tennis balls at Wimbledon and we are sitting here looking at a new little slight glitch of \$3.6 trillion. I would think that the average American looking at this budget would like to know that the people that designed it and the people that put it together shoot straight, deal ethically with issues. And they would like to know that, but they have an accusation from the New York Times that says contrary to that.

So is there a place to resolve that? Yes, we have one. It is called the Ethics Committee. But there is no action out of the Ethics Committee. It just kind of sits there.

So I guess our famous Rangel rule which now is on everybody's tongue about special privileges for Mr. RAN-

GEL, I guess we add this to the Rangel rule. I don't know what else to do with it. If you have accusations and the Ethics Committee doesn't act, then they just go away. Trust me, everything is okay because the Ethics Committee hasn't acted. Well, I think they should.

I will start, beauty over the beast. I have both MICHELE BACHMANN and LYNN WESTMORELAND here, and so I will turn to MICHELE BACHMANN to talk about the budget and about trusting those who are going to be giving us these numbers and these ideas and shouldn't we have the ethical issues resolved as they lead this Congress down a \$3.6 trillion path.

Mrs. BACHMANN. Mr. Speaker, I thank the gentleman from Texas, Judge CARTER, for yielding on that point. You could not have set up this segment better to talk about ethics and talk about those who are writing our budget, that they need to live under the laws that they are creating. You quoted from the New York Times article that said there are high hopes for AIG.

The American people had very high hopes for AIG, the largest insurance company in the world. They should, after all, the American people own AIG now. We own 80 percent of AIG. The American people have been forced to invest \$173 billion in this company. And they just found out that \$165 million, perhaps as much as \$450 million, has been paid out in bonuses to some of the executives at AIG. And the American people are outraged. They realize that is their money, and that money is going out on bonuses.

But then along came a story from CNN. And CNN said guess what, in President Obama's stimulus package earlier this year, we remember, that is the over-trillion-dollar bill that none of us were allowed to read because the Obama administration wouldn't release that bill until after midnight, and we started debate the next morning at 9 in the morning, contained in that stimulus bill is an interesting provision that was put in by the head of the Banking Committee on the Senate side, Senator CHRIS DODD.

Senator CHRIS DODD inserted a provision into the stimulus bill that said essentially this: it said that the bonuses that would be given out to any of these companies can stay with the people who get the bonuses unless they are given after February 11, 2009. In other words, these bonuses that AIG received are prohibited by the language in the stimulus bill from being recouped by the U.S. Government. We are prohibited. Our hands are tied. This is President Obama's stimulus bill and the chair, the Democrat chair of the Banking Committee, inserted an amendment that prevented the taxpayer from recouping any bonuses that would be paid out to the executives.

Now this is a curious thing because CNN also reported that the largest ben-

eficiary of campaign donations in 2008 from AIG was Senator CHRIS DODD. So Senator CHRIS DODD, CNN said, was the largest recipient at over \$103,000, managed to slip into President Obama's stimulus bill, which he didn't give any time for any Member of Congress to read, a provision that would have prevented the American people from recouping any of these bonuses.

Now I think that raises questions I would suggest along the line of the gentleman that you've been raising about the ethical requirements of the people who are serving the American people.

With that, I yield back to the Judge.

Mr. CARTER. I yield to the gentleman from Georgia, Mr. LYNN WESTMORELAND.

Mr. WESTMORELAND. I want to thank my friend from Texas for yielding.

Judge, I think what we have to look at is connecting the dots. We see in a lot of these children's puzzle books and stuff, you connect the dots to see the big picture. I think if we could see the picture of all of these dots connected, it would be hypocrisy that has come down from the Democratic leadership and we could go back to even when they first became the majority in January of 2007, because prior to that they talked about they had a way of lowering gas prices. Judge, you will remember gas prices went to over \$4 a gallon in some areas. They never told us how they were going to get that down. The only way that came down was what we did in August of that year, and really exposed the energy situation for what it was. And I think the speculators finally realized that we were serious about doing something for our own energy policy.

Then if you look at the problems that Mr. RANGEL has had. Just to list a few, the loan-subsidized apartments that he had, the fact that he was using letterhead to solicit some of these campaign contributions, the fact that he received the money from AIG and the other people who received some of this bailout, the fact that he didn't pay his taxes, if you look at that, that is not anything in itself, but if you connect the dots with all of the other things that are going on, I think that shows a picture that they did what it took to get elected.

We can look at that with what President Obama's campaign promise was, that he would drive the lobbyists out of the White House. And now he is writing waivers. It seems like every time he does an appointment, he has to write a waiver because they are a lobbyist. We have Mr. Geithner who was approved by the Senate as the Treasury Secretary who has similar tax problems. So you connect all of the dots, and what seems to be happening is we see a chain of events that may seem separate, but they are really kind of all tied together.

And then if you look at what President Obama's chief of staff Rahm Emanuel said, and I can't remember the exact words, but he said never let a crisis pass without taking advantage of it.

And so if you look at this financial crisis and what has happened and what has taken place, look at how they are taking advantage of it with this \$3.6 trillion budget that they are proposing, with a cap-and-trade, which is another tax that is going to be on the 95 percent that he promised would never have a tax.

If you look at the bonuses for AIG, well, the reason that they are getting the bonuses is because the government intervened into that business. If the government had not intervened and saved AIG, I don't know what kind of financial calamity would have been out there, but I promise you these guys wouldn't have gotten a bonus. So we enabled them to do that. So now what's the government going to do? Everybody is in an uproar over these bonuses being paid to these executives, as well they should. But now is the government going to say we have a crisis, we need to step in and intervene in contracts between employers and employees? And so this is another one of these crises, for the government to take one more step into our lives and into our businesses.

So this is a connect-the-dot picture that we have got to keep in mind. This is a lot bigger than what we ever anticipated or that the American people would think that they were getting.

Mr. Daschle was another one. Ron Kirk. We could go on. Ms. WATERS, and others.

Judge, has the Ethics Committee met, because if I remember correctly back in November, Speaker PELOSI said that she was going to have this Rangel problem resolved by the end of December of 2008. I guess she did that for the elections, but it is not resolved yet, and I have not even heard of them having a hearing.

Mr. CARTER. I haven't heard a peep out of them. Just recently, we have another story that has come out from the Congressional Quarterly, "Waters Calls TARP Meeting for her Husband's Bank." This is by Bennett Roth, part of CQ staff.

"Watchdog groups claimed Waters took inappropriate actions on behalf of OneUnited Bank which received financial assistance from the Federal Government last fall. Waters, a senior member of the Financial Services Committee which oversees banking issues, last year requested a meeting between Treasury Department officials and representatives of minority-owned banks, including OneUnited on whose board her husband, Sydney Williams, had previously served. He also held stock in the bank."

That's not our accusation, that's an accusation by a publication that is

read regularly in the halls of Congress and informs us of what is going on. That is an issue that should be addressed by the body that is required to address it, the Ethics Committee.

□ 2045

Is that unethical behavior? Possibly not. Possibly it is. But she is the chairman of the Subcommittee on Housing and Community Opportunity, which means that whatever housing there may be in the Obama bill, this \$3.6 trillion Obama bill—and Lord, for that much money there ought to be a couple of houses in there anyway—then if that is the case, she would be the spokesman for the housing attitudes of the U.S. Government of the majority party, the Democratic Party—who run this place, by the way. If nobody gets it yet, the majority rules in the House of Representatives. So when you have 38 more votes than the other guys, you win, they lose. That's the way it works. If you've got one more vote and everybody stays with you, you win, they lose.

So they own all of this. This Bush bashing that we hear around here, wake up. The man is hanging out in Crawford chasing cattle; he's not doing this job anymore. This is your job, the Democratic Party's job. They are doing this job here, with the leadership of Barack Obama, their President. He, with their help, proposed \$3.6 trillion.

And when it comes to housing, we must rely upon MAXINE WATERS, the leader of that subcommittee. That issue ought to be resolved. I think that's important.

This is the whole point of this whole thing. You know, this banking thing, we are all worried to death about this banking thing. And I don't think any Member of Congress—or for that matter, any American—isn't concerned about this tightening, choking down of credit that has taken place in the United States. And therefore, the entrepreneurial spirit of America is being choked down because of stupid mistakes that were made by the government. And let's maybe talk about those for just a little bit. And I will first yield to MICHELE BACHMANN.

Mrs. BACHMANN. I thank the gentleman for yielding. And I am wondering when it will be that Congress will finally have hearings on itself and on the culpability of Members of Congress for this housing meltdown.

We look at individuals who were involved in shielding Freddie and Fannie for years from any sort of tightening, any sort of regulatory burden, any sort of accountability, any sort of transparency—for years. We look at comments that were made even by the current head of the Financial Services Committee. I sit on the Financial Services Committee. And the chairman of our committee, BARNEY FRANK, had made statements when he was con-

fronted by former Treasury Secretary John Snow that Freddie and Fannie were in deep trouble. And he also foretold of a housing collapse that he was portending on into the future for the United States. And the comments from Representative FRANK were, don't worry, everything's fine; there's no problem with Freddie and Fannie. People knew we were looking at a meltdown.

When are we going to have those hearings? When are we going to hear from Members of Congress, their culpability in bringing about this housing meltdown, about the Members of Congress who loosened and relaxed the platinum level standards of lending in our country? We had platinum levels of standards of lending for over 200 years in our country. Those lending standards were so reduced, that created our subprime mortgage mess. It even created a problem in prime mortgages because the lending standards were so reduced. That just didn't happen in the free market, because private businesses, they want to limit their risks. It was the Federal Government that forced these private businesses to maximize risk. With what? The promises that good old Uncle Sam, the chump called Joe taxpayer would bail these businesses out—AIG, Freddie, Fannie—if anything went wrong. We need to have a hearing where Members of Congress are called on the carpet for their involvement in leading to this housing collapse.

I yield back.

Mr. CARTER. And just another little news story here that broke. This is a former colleague of ours. He is now maybe in one of the most powerful positions in the United States, he is the Chief of Staff of the White House, Rahm Emanuel. This is from ABC News, a very conservative source. "Emanuel was Director of Freddie Mac during the scandal. \$25,000 Freddie to Emanuel equals \$200 billion taxpayers to Freddie," written by Brian Ross and Rhonda Schwartz.

"President-elect Barack Obama's newly appointed Chief of Staff, Rahm Emanuel, served on the board of directors of the Federal mortgage firm, Freddie Mac, at a time when scandal was brewing at the troubled agency, and the board failed to spot red flags, according to government reports reviewed by abc.com. The actions by Freddie Mac are cited by some economists as the beginning of the country's economic meltdown."

"The Federal Government this year was forced to take over Freddie Mac and his sister Federal mortgage agency, Fannie Mae, pledging at least \$200 billion in public funds." And that is not my news story, that is ABC's news story.

And of course our Ethics Committee, bless their hearts, I don't think they have to deal with Mr. Rahm Emanuel.

I think maybe the White House has to deal with the issues of Mr. Rahm Emanuel, and maybe they should. But it is the White House budget that we're talking about, and he is the chief policy officer of the White House. So I would assume that Mr. Rahm Emanuel's fingerprints are all over this budget. And I would expect Mr. Rahm Emanuel to be a spokesman for this budget. And we all can watch, in breathless anticipation, and see if I'm telling the truth. But let's watch and see. But those sort of things ought to be cleared up with the American people because at least one news source is saying this was the start of the crisis we're in, and he was right in the middle of it. So those are the kinds of things we have to look at.

Mr. SCALISE has joined us. I will yield such time as you would like to have to comment on what we're talking about here today.

Mr. SCALISE. Well, I want to thank my friend from Texas for hosting this and really helping unravel the mess, as Americans all across the country are very frustrated, they are angry about what's happening with our economy, they are angry when they read about what happened with AIG. And then I think they get cynical when they see some of the very people who helped create this mess going on all of these talk shows over the weekend, pointing their fingers everywhere else other than themselves and saying it was this administration or that administration.

You can find more than enough blame to go around, but if you really go back to the root—and I think you've started to touch on it—the problems that existed with Fannie Mae and Freddie Mac, going back to the Community Reinvestment Act, going back to the 1990s when a gentleman who represented part of my State from Louisiana, Richard Baker from Baton Rouge, who actually sat on the Financial Services Committee, he had the guts to go and take on Fannie and Freddie back in the 1990s, and he exposed all of this. And this is all out there on the Internet, it's information you can actually go and verify. You can look at those hearings—and many Americans already have. And for those who haven't, it would be a really good history lesson to go back and look at those hearings that he had as he was calling on the government to finally reform these institutions who were being encouraged—not by some bank on Wall Street, not by George W. Bush, this goes back to the Clinton administration—but it was people in Congress, some people who are right now chairmen of these very committees that have oversight, and he was fighting and saying we have got to reform Fannie and Freddie because this entire situation is going to melt down.

We've got institutions that are encouraging people, using the strength of

the Federal Government, encouraging people to give out loans to people who don't have the ability to pay. And Members of Congress who are in leadership positions today were giving edicts to Fannie and Freddie saying go out and give those loans to people who don't have any ability to pay, when people all across our country—people in my district, your district—people who are playing by the rules today go out and want to get a home mortgage, they have to prove their ability to pay, they have to prove that they've got equity, they have to put up maybe 20 percent, they've got to fill out a bunch of forms. And ultimately they make their payments. Over 90 percent of the people in this country, even in these tough economic times today, are making their payments on their mortgage. Yet, you have a small group of people—some who actually lied on their application, but some who were encouraged by the Federal Government to get loans that they didn't have the ability to pay by these institutions, Fannie and Freddie. And people like Richard Baker, back in the 1990s, were saying we've got to reform this corrupt system. And yet, some of the very people who are now yelling at the top of their lungs at the top of this Capitol saying, blame this guy and blame that guy, they were there defending Fannie and Freddie. And it's all out there on the Internet, you can actually go and see it.

And yet, when you look at what happened with AIG just 2 weeks ago—and of course, again, you've got the record to go and check it—President Obama's spokesperson was asked about the next \$30 billion that the Federal Government released to AIG. And they said, what do you think about the money that AIG has already gotten so far, the \$150 billion they had already gotten; they said, do you think that that money has been spent properly? And the White House actually said yes. They said, yes, we think AIG has done good things with the money.

Now, clearly AIG has not. AIG has been caught giving bonuses, hundreds of millions of dollars—up to \$6.5 million for some executives—in bonuses with taxpayer money. And some of those very same people are yelling and screaming at the top of their lungs. And we are all outraged, but Americans that are outraged are looking at this and they are getting very cynical because they are saying, wait a minute, we can actually go back and unravel this, we can look and see some of these same people. And those of us who voted against the financial bailout last year because we knew this was the wrong approach, we knew giving taxpayer money to help these financial groups on Wall Street who made irresponsible decisions, we knew that was bad public policy, but yet some of those very same people who voted to give the money are now yelling about

how the money is being spent, even though they allowed the money to be spent that way. It was a wrong approach then. We should have never done it. We're seeing how flawed that system is now. But I think people across the country, they do get it. They are seeing what's happening out there and they are realizing that some of these very same people that are yelling at the top of their lungs and expressing outrage were the ones who actually voted to give that taxpayer money away.

Mr. CARTER. Reclaiming my time, you mentioned Wall Street. And Wall Street has taken a big hickey here lately. And you know who really took the hickey was the American people. And one of the things that I think everybody dreads doing almost as much as taking out the garbage is looking at their 401(k) or their pension plan after this last 60 days of the Obama administration and this trillion dollar leadership of this Democrat-led House of Representatives.

Mr. WESTMORELAND. Can I interrupt the gentleman? It's not the last 60 days, this is his first 60 days.

Mr. CARTER. First 60 days, yes. Thank you for correcting me.

And then, lo and behold, under the President's budget, taxes on capital gains and dividends would increase from 15 to 20 percent, increasing their taxes on investments by \$398 billion over 10 years. So if the poor old guy whose 401(k) is almost used to wrap the garbage in, if he starts to have any kind of rally on the stock market at any time in the foreseeable future—at least the next 10 years—this budget we are being asked to pass, this \$3.6 trillion budget, is going to raise the taxes on his poor little old beat-up 401(k), or on your pension plans. This is a direct tax on American families.

And believe me, contrary to popular belief by the other side of the aisle, there are a lot of people in this country who make a whole lot less than \$250,000 a year who own stock in corporations in America because they believe in the free enterprise system. They have invested in a way they feel is adequate to be good for their families, and they will be hit by this capital gains tax.

I will yield to Mr. WESTMORELAND.

Mr. WESTMORELAND. I thank my friend from Texas.

You were talking about Wall Street, the large banks that got the bulk of this TARP money. Our local community banks and some of the smaller banks did not get this. And the whole reason that this Congress—and I didn't vote for it, but I think a reason that the people that did were sold a bill of goods by then Secretary Paulson that this was going to unfreeze the credit market, but it has not done that.

And what has happened to the FDIC—and I'm not sure if the gentleman has heard this yet, but I had

some of my local bankers call me, going from \$100,000 to \$250,000, their premiums are going up. That is the way the FDIC is funded is through premiums on this deposit guarantee. And so they are going up on the premium. And so now they are not only having to pay a high premium on \$100,000, but the high premium on \$250,000. But here's the kicker; they are going to be charged a one-time fee from the FDIC on their deposits—I think it is, or their assets.

To my friend from Texas, I was told today by somebody in our Georgia banking community that if you took all the profits of all the banks in Georgia and added it together, the fees that these banks were going to be charged would be more than the money that they made all last year. Now, that is a double whammy on the small community banks that have been basically responsible for funding our small businesses in our communities that have not had access to this TARP money.

□ 2100

So what has happened is the big banks and the FDIC and the others who have let this situation get way out of hand are here again sticking their money down and getting the investors and the shareholders from these local banks their money. And these banks are owned by local people.

I know we're getting short on time, but I want to thank you for doing this. And I think we need to remember that we need to continue not only with some of these ethics that you brought up, but we need to connect all these dots and get the clear picture of where this new administration and this larger majority is trying to take this country.

Mr. CARTER. Well, I agree.

Reclaiming my time, I thank Mr. WESTMORELAND for pointing that out. And, actually, I have talked to my community banks too, and they are very concerned about the massive increase in their assessment by FDIC and the fact they're going to have to pay a premium. But also what's really sad is they're the guys who made good loans. See, what people don't realize is that these community banks can hold their heads up high. They're not asking for TARP money because they didn't make bad loans. They stuck to the banking principles that their boards of directors made, and they stayed away from the pressure, with some exceptions, but in the vast majority of the cases across this country, the community bank system made sound, good business decisions. And now, unfortunately, because of the way it works, they are going to have to pay the penalty for those people who went off and made bad loans.

Now, we understand and I think our bankers will tell you they understand that's how the FDIC works and it's a program that they rely upon. But it

still is part of that old "taint fair" system that you and I have been talking about for the last couple of days.

I want to bring up just one more thing that's in this budget that I think is going to be a real issue for some awfully important people in this country. This budget that they've got out here caps the value of itemized deductions at 28 percent for those who have income over \$250,000 married or \$200,000 single, which will reduce charitable giving in this country by \$9 billion. You know, I don't know why in the world you would want to hit the charities, the Cancer Society, the Heart Fund, the First Methodist Church, or the Third Baptist Church, why you would want to hit those people's pocketbooks to fund \$3.6 trillion, but to me, that's questionable. We ought to be questioning that, and we ought to be saying why in the world do we have to basically put a burden on charities? And then tomorrow, tomorrow, we're supposed to vote on a bill to pay volunteers with taxpayer dollars. So we're going to pay volunteers with taxpayer dollars rather than encourage private sector donors to take care of community problems that they all work hard to take care of. This is nuts. This is European socialism at its best.

Americans have hearts of gold. One of the things that the American people liked that Ronald Reagan said about them was he reminded them that deep down inside every American there burned that flame of liberty and freedom that made them good people who were all heroes because they got up in the morning and they went to work and they took care of their families. And yet it seems that whoever put together this budget doesn't view America that way. They view it differently.

Finally, something that I have been appalled with forever is taxing death. A guy works all of his life. He pays his taxes. He takes care of his bills. He works double shifts and works hard. He acquires some property, and that property gains value, whatever the property may be. And he's happy because he's been an honest taxpaying citizen. And then he dies, and lo and behold the United States Government wants to come in and tax him on his death.

Now, I have a good friend, and I'm not going to use his name because I don't have his permission to use it, but he is from Clayton, New Mexico, and he'll know who he is, who had a beautiful ranching operation in Clayton, New Mexico, when I knew him at Texas Tech University and he was a buddy of mine. And he had two really nice ranches in that area, the home place and another ranch. I ran into him in Rocksprings, Texas, a while back, and I asked him how he was doing, and he said, "Well, I'm living in Texas now. I'm ranching in Texas."

I said, "What happened to Clayton, New Mexico?"

He said, "The taxman took it." He said, "When my dad died, I had to sell land, and the only land I could sell was the home place, which was the best place; so that only left me with our worst little ranch. I traded that for a small place down here in Texas, and I'm down here scratching out a living on about a third of what my daddy worked and fought for and my great-granddaddy and my granddaddy died for in fighting to tame that part of New Mexico."

I don't know. I find that's pretty offensive to me. Why does the United States Government deserve to put the fourth generation of that family out of the ranching business so they can tax a guy that has already paid his taxes? But that's headed our way in this new \$3.6 trillion budget.

I'm not going to tonight go into the rest of the examples that I have here. We'll go into those another time. But I hope I've made it clear that my purpose to get up and talk about these ethical problems is not to make the kind of accusations that were made two Congresses ago against the Republican Party about "culture of corruption" because I don't think that's appropriate. I am only pointing out there are issues that have been raised by the watchdogs of this Congress, the press, that should be resolved.

Mr. Speaker, I appreciate your patience and thank you for this evening.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes.

Mr. PALLONE. Mr. Speaker, I came to the floor this evening to talk about a topic that's very much on the minds of my constituents and many Americans, and that's health care reform. I think that many of us know that President Obama has paid a lot of attention to this. It was a major focus during the campaign. And since he's become President, he's already addressed health care reform in some significant ways, both in the SCHIP, or Children's Health Care expansion legislation, that was passed in the House and the Senate and signed by the President about a month ago, as well as in the economic recovery package, which has several initiatives related to health care reform. I would like to talk a little bit about those tonight, but I'd also like to talk about where we go from here.

The President had a health care summit about 2 weeks ago where he talked about health care reform and outlined what might be done in this Congress. He said he wanted to get the health care reform bill passed and on his desk this year if at all possible. And he's also in his budget outlined some ways of paying for it through cost efficiencies and other means. So this is an

issue that's very much on the mind of the President and certainly on the mind of this Congress, and, also, we have begun to move in the committees of jurisdiction. I happen to chair the Health Subcommittee of the Committee on Energy and Commerce. We have already had 2 weeks of hearings on health care reform, and we are going to continue doing this for the next few weeks and then begin the process of drafting legislation.

Now, I wanted to stress that this is an economic issue because some, not many, but some have said, well, the economy is in bad shape, Congress is so focused on trying to revive the economy, whether it involves the banks or it involves unemployment or involves the economic recovery package in an effort to try to stimulate the economy. Why are we talking about health care reform right now? Can't we delay? And the President and those who attended the health summit that President Obama held a couple of weeks ago, both Democrats and Republicans alike, as well as the business community and the health care providers, the doctors, the hospitals, but, interestingly enough, even some of the people who have opposed significant health care reform in the past were all united in saying that this is the time to do it, that we shouldn't wait. And the reason they say that it's important to do it now even with the recession is because increasingly the health care system gobbles up, if you will, a larger and larger part of our gross national product. It goes up maybe 1 or 2 percent every so many years in terms of the amount of our gross national product that is dedicated to health care. And as those costs escalate, and they escalate exponentially sometimes, the health care inflation, if you will, increasingly makes the system unsustainable and, as a result, has a direct impact on our economy and drags down the economy in many ways. So health care reform is an economic issue. It needs to be done now. And a big factor in the reform is how can we slow the growth, keep down the inflation, take some of the savings that would be generated from cost efficiencies and use it to provide health insurance for everyone? Because the goal, obviously, is to provide health insurance for every American.

Now, in the context of this, the other important aspect that I think came out of the President's health care summit and that he continues to stress is the fact that we want to make these changes in the context of the existing system. We're not looking for radical changes in the way that we deliver health care or the way that people are covered by health insurance. We're not looking towards, for example, the Canadian model or the Western European models where they have a single payer system or perhaps where the government even runs a significant part of

the system. What we want to do is build on what we have, and that really encompasses three areas, three general areas.

One is the existing public health programs like Medicare, Medicaid, SCHIP for children, and there are many others like the Indian health care system or the system for the military. We want to make those betterment. We want to make those more efficient. We want to make sure that they have adequate coverage and that they don't result in too much money having been spent out of pocket by the average American. So that's the first part of this reform. What can be done to improve those existing government programs like Medicare?

The second aspect of this is what can we do to improve employer-sponsored health insurance? Most Americans still get their health insurance through their employer. The number has actually decreased significantly in the last 10 or 20 years as a percentage of Americans who get their health insurance through their employer, but it's still pretty big. It's still certainly a majority of the people who do receive health insurance through their employer. Well, the second part of our health care reform is to make sure that that system is shored up, in other words, so that employers continue to provide coverage for their employees, perhaps even get more employers to do that by giving them some kind of a tax break or a subsidy or looking at other ways of encouraging them to cover their employees.

And then the third aspect of this reform, if you lack at it in sort of a general overview, is to deal with those people that can't get insurance either through an existing government program like Medicare because they're not old enough or they're not kids or they are not poor enough for Medicaid; they can't get insurance through their employer because the employer doesn't provide it at all or because it's too prohibitive in terms of how much they have to contribute; so they try to get health insurance through the individual market, just going out on their own and finding an insurance plan individually through an insurance policy that might cover them, but when they do that, the cost is so overwhelming, they simply can't afford it. So for those individuals, what we have talked about, and, again, this is in discussion and we'd like to get bipartisan support; so I'm just talking about it in general terms, is that we have the government basically work with private health insurance companies to either negotiate a group policy in terms of lower premiums and having a standard policy that provides good coverage and then the government gives those options to individuals who haven't been able to get health insurance through the individual market.

□ 2115

So they now become part of a larger group plan that has some government regulation to bring costs down and significantly brings cost down, because now you are part of a group policy rather than going out in the individual marketplace.

We do that now with Federal employees. Some States, like Massachusetts, have actually implemented this type of system, they call it a health marketplace because you can basically go to the State and buy your insurance through the State government through these private insurance companies.

That's the broad outline of the kind of reform that we are looking at, but there are so many other aspects of it, many of which I would like to discuss further tonight, but I see that I am joined by the gentleman from Arkansas (Mr. SNYDER) who also happens to be a physician.

And if I could say, I didn't tell him I was going to say this, but I will say it that an important part of this health care reform is how to address the concerns of providers, health care professionals. Whether they are physicians, whether they are nurses, whether they are home health care aids, one of the biggest concerns we have right now is that we face a crisis with health care professionals.

For example, with doctors, we are having a hard time getting doctors to go into primary care. A lot of times my constituents will complain that even if they have good health insurance they can't find a primary care doctor, they even go to an emergency room sometimes because they can't find one. We know we have a nursing shortage.

So an important part of this, as the gentleman knows, is health care professionals. I don't know if that's what you want to discuss, but I couldn't help it, because I know that you are a physician.

I yield to the gentleman from Arkansas.

Mr. SNYDER. Thank you, Mr. PALONE. Here we are in Washington DC, the Nation's Capital and there is a good number of people tonight celebrating St. Patrick's Day. And for us, for you and I, it has come down to wearing green ties on the floor of the House tonight talking about health care.

But I was in my office, and I heard you talking, and I appreciate all the work you have done through so many years now talking about this issue.

I just want to share two or three stories, if I might, and they are somewhat personal stories. As you know, 3 months ago my wife had three babies, three baby boys, Wyatt, Sullivan and Aubrey, in addition to our 2-year-old boy, Penn Snyder.

Then shortly after the delivery, about a week later, my wife ended up in the coronary care unit and had an

extended hospitalization of about 11 days. So I remember going back home one day, running back from the hospital and talking to one of my neighbors. She said, "How is everything going?" And I said, "Well, two-thirds of our family of six is in the intensive care unit," because I had three babies in the neonatal care unit and my wife in the coronary care unit. I thought, okay, that's quite a burden for a family.

But my wife has insurance, she is a Methodist minister, she has good insurance through where she has worked. You and I are Federal employees, and we have insurance. We pay for our insurance like all Federal employees do. We have good insurance.

And one of the things I did not worry about during that period was who was going to pay the horrendous cost of the incredibly good care that we can get in this country. So all evening my wife has been sending me pictures of our four boys out on the lawn wearing green outfits with shamrocks on them, I guess just to brag about how nice the weather is in Arkansas this evening. But it brought home, here we are 3 months out and everybody is doing great and she is doing well.

Last week, I met with a young woman that I think if anyone in Congress would meet with, we would say she is just a gifted young woman, a medical student in her mid-20s, in her final year of medical school making decisions about where she is going to do her residency. We got to talking about some of the issues of medical students like they have got too much debt.

We are expecting them to pay for all this in medical school on their own. They are ending up with tremendous six-figure debt coming out of medical school. They don't get paid a lot as residents.

But in the course of the discussion it came out that while she was a medical student she was diagnosed with insulin-dependent diabetes and, of course, she is in a medical school. She knows where good resources are. She is at the best resource in Arkansas, except the health insurance that she has, by being a student, doesn't cover the cost of an insulin pump.

So she doesn't have it, and five shots a day doesn't give her the kind of control that we know helps prevent long-term problems. So here is this wonderful young woman, gifted young woman. She is our future, she is going to be taking care of you and I. And yet we, as a country, are not taking good care of her, even though she is in one of the medical centers of the world.

So I contrasted what happened with my family and me, and we do have health insurance, with what happens with a person who has health insurance, but it's just not the kind of coverage that they need. So I applaud you tonight for talking about this topic. I

hope that we will make the kind of progress that you have been yearning for probably a couple of decades.

In the olden days, I was a family doctor before coming to this job here, and I always remind myself, people always come to me and say, oh, you are a doctor, you understand all this about health policy. I said, no, I used to do sprained ankles, nosebleeds and urinary tract infections. Health policy is that kind of mysterious nebulous world that many, many people don't understand. We are health care providers, we are patients, we are family, we are business people who try to go provide for our employees.

But we have this opportunity right now for all of us, whether we are providers or patients or business people or legislators or business people, to get up to speed on these topics. Because I think there is a real opportunity, with the mood of the country, with the international challenges we face from our economic competitors, that don't have the same kind of health care plan that we do and with the commitment of President Obama and his administration to do something.

I also think this really needs to be worked through with all components of our country. We talk about being across the aisle. Across the aisle is fine, but we need the business community and the providers and the hospitals and the insurance companies and patients and providers and all the advocacy groups and the research advocates to come together as best we can.

This is not going to be a 435-0 vote on whatever we do, but as best we can to listen to each other and move ahead. I think you gave an excellent outline on the kinds of issues that we need to be talking about.

But I believe that it is a very doable challenge that we have. I commend you for talking about this this evening.

Mr. PALLONE. I appreciate you coming down and talking about this, but you made very good points that I just wanted to follow up on briefly.

First of all, I always stress that this is an economic issue, and that's why it's important to do it now. And it does relate to our recovery, if you will, from the recession, and coming back with a strengthened economy.

You mentioned that, because you said that, you know, it has to do with our ability to compete with other countries. You know, you remember at one time, I don't know if it was a year or two ago when some of auto companies—they were in better shape then than they are now—but all three, Ford, GM and Chrysler came down here a couple of years ago and said that we need health care reform, because the bottom line is it's hard for us to compete with foreign car manufacturers when we have most of the burden, or all of the burden, of health care costs on us, whereas that's not true if a car

is made in Canada or if it's made in France or Italy or some other country where the government, you know, takes on the full responsibility—not that we are suggesting that here—but takes on the full responsibilities of those costs. I remember something like \$2,000 of every car that was produced in the country was reflected somehow in paying health care costs. So it is an economic issue.

The other thing that you pointed out is that even if you have health insurance, even if you have good health insurance, you are a big part of this debate. As the cost of health insurance continues to escalate, and health care costs in general continue to escalate way above inflation for everything else, it just becomes unaffordable ultimately for almost everyone. What they end up having is if they have a policy, there is a cutback in what's covered, or they have a higher copay, or the premium goes up, so that overall they are impacted.

I could just use a couple of stories, if I could, because I tend to be a little wonky sometimes and not tell the stories, but I will give you two stories. One is one of my employees who works for me back in New Jersey in my congressional office. He is part of the Federal employee program just like you and I.

He, on two occasions, could not find a primary doctor, a primary care physician, and ended up going to the emergency room for matters that were not of emergency room nature like a strep throat or something like that, which could have been handled by a visit to just a general practitioner.

Well, if someone who essentially has, you know, Blue Cross Blue Shield, Cadillac plan in this case, can't see a general practitioner, who can? I mean, you wonder.

Then the other example, I remember going a couple of years ago to a union organizing effort—well, actually, it wasn't a union organizing effort, the employees were members of the union, the service employees, I think, at a nursing home in my district. But they didn't have any health care coverage. In other words, the employer didn't provide that option, or, if he did, it was so prohibitive they couldn't afford it on their salary. So that was the irony here of people who spend their day and their job taking care of the health care needs of other people, but don't get health insurance themselves.

Now, I wasn't there, you know, to condemn the employer. I mean, I do think that he should have provided coverage. But, you know, the problem is for a lot of the employers now, it's just becoming so prohibitive. So there are so many stories like this, and I appreciate you bringing them up.

Mr. SNYDER. I have seen that myself as a family practice doctor. I never owned a clinic, I worked at other people's clinics and met some wonderful

people. But health care providers are business people too. They have got to pay their employees. Some health care programs don't reimburse as well as they would like.

Some clinics are in places that they may end up giving free care or have a group of patients that are not able to pay so well, and so it's like any business. It can be a strain to find the money for health care. It's one of the challenges we have to have.

You mentioned the economic issue, the one of our ability to compete internationally. I think that's an important one.

I want to also mention the national security issue, and I don't think this one has gotten as much attention as it probably deserves. We have had a lot of discussions about, you know, mental health coverage for our young men and women that come back that we think needed their families. The reality is we are expecting the military health care plan, or military health care programs and the VA health care programs to solve a national problem, which is we do not have a good network of mental health care in any of our States, particularly rural areas. But it's just difficult to find the kinds of providers you want for that kind of care.

I want to go before they go over. We had an issue, when we first started mobilizing our troops to go to Iraq and Afghanistan. When we were mobilizing our reserve component forces, about one-third of our troops were on some kind of a medical hold.

Now, a lot of it was for dental, a lot of it could be taken care of reasonably quickly. But the reality was, we had a situation. These are men and women who have been going on their weekends once a month for their training.

They go every 2 weeks in the summer and yet they are showing up on mobilization orders. We are finding out that they were not, under military standards, medically fit to be mobilized. I think for a lot of us that were on the Armed Services Committee, that was a bit of a wake-up call too.

Because one of the issues for dental, although I was in medical and not dental school, I actually think my teeth are part of the body and should not be divorced from the whole system, because we know it has tremendous ramifications on the overall health. Dental health is part of this overall picture.

And here we have a situation where you make a pretty good argument, our national security efforts were slowed down and more inefficient because of the kind of health care plans that we have.

Now, having good health insurance doesn't necessarily get everybody to the dentist, but I guarantee you, if you don't have good health insurance or dental insurance you are much more likely not to get preventive care. So that's an issue too.

Mr. PALLONE. Well, you raised, again, two very good issues that I would like to briefly comment on.

When I was talking before about the first part of this, which is to upgrade or make more efficient existing government programs like Medicare, SCHIP, Medicaid, you made me think of two aspects of that. One of them was with SCHIP, when we passed that bill that the President signed just a few weeks ago.

Not only did it upgrade, if you will, the children's health initiative by expanding the coverage to maybe another 4 or 5 million kids that were eligible under the SCHIP program, but we just didn't have the money with the States to pay for them.

But it also provided guaranteed dental coverage for the first time. In other words, before that bill was passed under the old SCHIP program, States had the option of covering dental care, but it wasn't required. Now it is.

And that is very important, because I remember going around to a lot of community health centers that just did not have dental coverage. And they would tell me that the biggest problem they had was providing dental coverage and getting dentists and how it affected kids.

We had the one instance with a young person in Maryland that actually died because his teeth weren't properly treated.

□ 2130

Mr. SNYDER. I took my little boy to the State Fair in Arkansas this year. Me and my little boys. Anyway, we're walking down the Midway and a couple were coming the other way in the crowd there, and he was a paraplegic in a wheelchair. And he stopped me. A very polite young man. And he obviously had had some significant health issues that he was dealing with—had been dealing with.

But he said, Man, is there anything you can do to help me with this. And he had an obvious need for dental work. But here's a man you would think would be in the system somehow—our system. But it just pointed out once again the inadequacy of the coverage in the country that can do the best job of solving his problem if we get him to the right person.

I want to bring up another issue, and I think it's one that you have had an interest in, too, and it's the issue of medical education. I think it's one that we will need to pay attention to as we go through the very important democratic process of looking at changing our health care system.

We need to be sure that we recognize at our hospitals that are involved in medical education that it is more inefficient and more expensive to teach while you're doing something. It is much quicker for a doctor, an experienced doctor, to come in and see the patient and get on to the next patient.

We have to recognize that there are additional costs for our teaching institutions. We make allowances for that through some of our government health care programs, probably not as well as we could or should, but it's certainly something that we need to watch to be sure that our teaching institutions, whether it's for nursing or doctors, that we recognize that there is an extra expense and inefficiency for them to provide the kind of quality teaching that takes additional time to sit down, not with the patient, but with the student.

Mr. PALLONE. You're absolutely right. I'm not suggesting that under the rubric of this reform this year that we are going to be able to address all these problems. But it always drives me crazy that more and more, and I don't know what the percentage is, but more and more of our health care professionals are trained overseas, either Americans that go overseas to medical school, or people that we bring here as immigrants, either nurses or doctors, because we are not graduating enough doctors or nurses here in the United States. I don't think that that trend can continue forever.

I give you an example. In my State of New Jersey, we have a University of Medicine in Dentistry that basically has three divisions: Newark, New Brunswick, and down in south Jersey in Stratford. I think total they graduate—I may be off a little—maybe 700, 800 physicians every year in the State of New Jersey. We have what, 8 million people, and we are graduating in our university system only 700 or 800 physicians per year?

Now, sure, a lot of New Jersey physicians go elsewhere for their education. But how can you justify that with a population of 8 million people? I just find more and more that we are relying on doctors and nurses that are trained overseas, and maybe it's a way for us to cut costs because we don't have to pay for their education or training, and the other countries do it.

Somehow it seems to me that that has got to be reversed. And maybe it's going to cost more money, but it just doesn't make sense to me.

Mr. SNYDER. It's particularly a poignant issue for you and me, Mr. PALLONE, as we get older, because a lot of our doctors are going to be retiring and we are expecting these generations coming to take care of this big swell of the aging population as the Baby Boomers retire. So it's really important.

We are not going to get to where we want to go though in this process of doing health care reform and trying to find ways to save money, which we all want to do, if we don't recognize the cost of medical education.

Mr. PALLONE. The other thing that I really want to stress, and I haven't tonight, and you did touch upon it also,

is new ways of doing things. I mean one of the things that President Obama did in this economic recovery package is that he actually put in pots of money that would be used to try to change the way we do things with health care.

So there's a pot of money for prevention programs, there's a pot of money for wellness programs. There are going to be pilot programs through grants for what we call comparative effectiveness, where you would actually look at certain operations or certain procedures or the use of certain drugs to determine whether they are even effective from an economic point of view. It may cost you more, but are you really getting anything for your money.

In addition to that, there's a major initiative—I think it's \$20 billion—for health information technology to upgrade doctors' and hospital offices so that records and other things are done electronically.

It's not just a question of covering everyone or reducing costs, but it's a question of doing things differently, because if a person can go to a general practitioner on a regular basis and get a checkup, then it's a preventive measure that prevents them being hospitalized and costing more money to the government or to the system later.

I mean these really haven't been played out much in this economic recovery package. Most of the talk has been about infrastructure and transportation and all that. There are major changes envisioned in the way we look at health care that the President has taken the leadership on, and the Congress, too, since we passed this bill.

Mr. SNYDER. I think this issue of the health information technology is really important. I notice that since the bill passed and the bill has been increasingly studied by people in the press and policymakers, that the health IT part, the health information technology piece of that bill, is starting to get a lot more attention.

There's been articles in the papers in the last couple of days. Wal-Mart is starting to look at doing some things.

The challenge—I mean, I'm somebody who most of my career was working for doctors who had small practices. And so there have been hospitals that have moved in this direction, large practices have moved in the direction of having a modern electronic medical record.

The problem has been that most doctors are in small offices of maybe one to five or six people. When the studies have been done about what does it take for that kind of an office to move to an electronic medical record, the kind that most patients will want, it takes several months from the time they start until it's where they want to be.

It takes several months to get back to that same level of efficiency as seeing patients; the installation, learning the new ways of doing things, just figuring out how to do things.

Now everyone recognizes, even the ones who don't have it, that ultimately it makes it more efficient, it's safer for their patient, safer for them because no doctors want to make mistakes, nurses don't want to make mistakes. There's nothing worse than having to have a clerk sit there and Xeroxing medical records off because you have got a patient that you have had for 40 years that's moving across the country. You can do it electronically and it just moves things.

I think the money that is in this bill is really going to motivate both physicians, physicians' offices, the folks that manage their practices, but also those kinds of business people out there who say, Wait a minute. Here's a chance to move America forward, to invest in our health care infrastructure and, by the way, create some new jobs, make some money for my business, and do some good things for the American people in anticipation of these changes that I hope will come in our health care system as part of President Obama's proposals. So I think that is very exciting.

I was talking to one of my Republican doctor friends who voted against the bill. I certainly understand his reasons for voting against the economic recovery bill. But I said, I want to know, what do you think about the health information technology piece? He said, Oh, I like that. He might quibble with little details of it.

But we have liked the bill before, as doctors. The problem has been for the last several years is finding the money to pay for it, and the opportunity came along through the stimulus package. And I think this is a real opportunity to be a good investment in the change that our health care system needs. So I find that very exciting.

I want to say a point about prevention. And I recognize that I am probably in the minority on this view. My own view is that we ought to not sell preventive measures, which I think are so important, but I think we ought to not sell them or oversell them as ways to save dramatic amounts of money.

My own view is that prevention is a quality of life issue. If I can work with a patient when they're 25 years old to get them to stop smoking, I know, I know their quality of life is going to be better. I know there are diseases they are not going to get when they quit smoking or if they never start smoking because of good health education programs when they're 16, 17, and 18.

Now, where I have a problem with this prevention-saves-money argument is if somebody lives to be 90, I know at some point they are going to need health care. But, God bless them, that is a good problem to have. I would so much rather deal with the infirmities of a 90-year old than the emphysema and COPD and heart disease of a 45-year old who smoked for 25 years, since they were 20.

So I have a little different view on that. I think you can find arguments on both sides. But I don't think that we should ever be defensive about saying, You know, some preventive things cost money. But the quality of life, if you can keep a family from losing a family member from cancer, if you can cut down the number of kids that go to emergency rooms because their parents smoke, or whatever it is, it's a quality of life issue, and that can really turn into additional years of life and the pursuit of happiness for that family in this great country.

So I'm pleased that prevention is part of this.

Mr. PALLONE. I appreciate what you're saying. I think that in fact when we had the health care summit, in maybe a little different context President Obama actually said, Look, we do need additional money if we're going to have health care reform and provide people quality health care and cover everyone, because a lot of that is going to have to be upfront.

In other words, if you talk about new ways of doing things, whether it's health information technology or preventive care, whatever, a lot of times you do need money upfront to pay for some of it. But then in the long run you do actually save money.

So I agree with you that the better quality care is ultimately more important. But it can over the long-term save money.

I use the example with one of my community health centers where I went. An incredible part of the building was devoted to keeping the medical records. I can't say exactly whether it was a third of the building or 25 percent of the building.

But I looked at where they stored all these handwritten or typed records because they didn't have them on a computer, and I said, Gee, if we could just get—I don't know how much it will cost so I'll pick a number—\$100,000 dollars to put all these records into the computer, you'd now have all this space available that you're not really utilizing right now.

So maybe upfront it's going to cost you \$100,000, but in the long run you're saving money.

I think you can use the primary care doctors. I use the example of my staff person who goes to the emergency room because he can't get a primary care physician. Primary care physicians say we don't have enough of a reimbursement rate. If you gave us a higher reimbursement rate under Medicare, there would be more primary care physicians.

I don't know if that is necessarily true, but assuming it's true, it is going to cost you more money upfront. But, in the long run, if the person goes to the doctor when they have strep throat rather than going to the emergency room, do you save money. But it's oftentimes hard to actually put a dollar

figure on how prevention saves you money.

Mr. SNYDER. This will be a true confession here tonight about a mistake that I made practicing medicine one time. It was about 15 years ago, I had a young boy, I think he was about 7 or 8, kind of a quiet boy, brought in by his grandmother. And he was there for a cold or something. I dealt with his cold or ear infection.

Then his grandmother started talking about some behavioral stuff he was having. We talked about it for a few minutes, and I didn't have much to offer.

It was like about 2 months later I was reading an article about Tourette's syndrome. And I thought, That's what that little boy had.

Well, the clinic I worked at had a wall about as big as the wall behind the Speaker here tonight that was all handwritten medical records. One of my nurses aids and I—we did it on Saturday because we were slow enough when we worked on Saturday, we could do this—we began systematically going through every one of those handwritten charts to see if we could find that little boy because I was going to call his family and say, Hey, I think I figured what you were talking about with this little boy. The reality is in Tourette's syndrome a lot of time they are underdiagnosed and, unfortunately for the family, it takes a while to sort it out sometimes.

We never did find that chart even though we systematically went through every handwritten chart. Well, if we had had a computer system we would have been able to pull up the names of appointments seen in the last period of time or probably could have pulled it up by approximate birth date.

There's so many tools that a good health information technology system gives you for the benefit of patients.

□ 2145

Efficiency of doctors, more prompt payment of doctors, less mistakes, but ultimately it is for the benefit of patients; and I think that is what you were talking about, looking ahead to doing things differently, doing things better. It is not just figuring out how to pay for the kind of care we are getting now, but it is better care in the future as part of this. And I think that is important.

Mr. PALLONE. I appreciate your input on all this. I know you said you haven't practiced for a while, but there is no question that having a physician who has had experience in a lot of this makes a difference in terms of relating what we have to do.

Mr. SNYDER. It is interesting, we have a good number of physicians in the House now.

Mr. PALLONE. It wasn't true when we first started, but it is now.

Mr. SNYDER. Physicians have figured out more and more, number one,

that this Nation wants us to do something about health care. And I always tell my doctor friends, we can either do it with you, or we can do it to you. And most doctors have figured out they would like to have it done with them.

The other thing, though, is, and I have clearly seen this change in the time I have been in medicine, doctors have figured out that the programs that help people are the programs that help doctors. So they are here to help make those programs better. Now, we may have philosophical differences about how to get there and how to pay for it, but we recognize that there is a role for government in trying to make sure that whatever that number is, 47 million, 48 million people who don't have health insurance over a year's time actually are able to participate in this system that we call American health care.

I want to ask about another topic, Mr. PALLONE, medical research. We had a pretty good run there for a time under the leadership of Speaker Gingrich and President Clinton in terms of increasing the research dollars available for NIH. My own view of the last administration over the last 8 years has been very poor with regard to research, all kinds of research. There are, and I am talking now specifically about medical research, medical research funds in a variety of different budgets, from the military budget, veterans budget, NIH, agriculture budget, Department of Agriculture, they have research. Well, this is another place that is part of the kind of quality care we want for all of us. We need to be investing in that kind of research, because the reality is medical jobs are good jobs.

In fact, when you look at the numbers, as people have been losing jobs, the thing that stands out the most in terms of who is gaining right now is health care. It is kind of counter-cyclical. There are medical jobs out there that don't get filled that people will look at. Now, we need to do I think a better job of helping nursing home aides get paid and all. But there is a tremendous opportunity to create the kind of technology and new jobs and new treatments that this country can be selling all over the world, and we need to be the leaders in a lot of these things.

I think the whole issue of stem cells has gotten a lot of attention. Regardless of where you come down philosophically on the issue of stem-cell research, there is a ton of things out there that would benefit from more research dollars, and it has to be part of this picture, too. You mentioned the comparative effectiveness. That is probably too fancy a name. It kind of got bad-mouthed in some of the media when that bill came out. The reality is, why wouldn't we want to see what works the best for the least amount of cost? We would do that as a family.

If I go in to my doctor and he said, here is my prescription, it is \$180. And I say, well, is there anything better? Oh, yeah, there is a generic. It is like \$14. Why don't I take the generic for \$14? I mean, why not go for something that would work as well, perhaps even better, but be dramatically less expensive? I mean, we all are responsible as a country for these health care plans and making sure we pay for things. And somehow the idea that we would actually want to pay attention to what things cost and what works and what doesn't work, and are we prescribing things that we don't really need? I mean, that is just common sense, and I think families want that. They don't want us to prescribe things that are not effective or there could be something cheaper that would work just as well. So I think that is part of this picture.

Maybe I am making the universe bigger than it needs to as we are talking about health care and health care coverage, but it is all part of this investment in our future. And medical researchers will do better with a health information technology system. Those people who are responsible for paying the bills, who are processing claims will do better if that health IT system is more efficient. All this stuff builds on each other. Ultimately, we want to lead to better coverage for the best price that we can give.

Mr. PALLONE. You make such a good opinion. And, again, we are always talking about the budget. So much of the discussion here is about the spending in the economic recovery package or the spending in the budget. The fact of the matter is that the economic recovery package had a significant amount of money for medical research at NIH and at other institutions, and the President's budget also significantly increases funding for medical research. And I remember that, actually—and I am not trying to be that partisan tonight. But some of the Republicans did actually criticize the economic recovery package because it had that medical research money in it, because they said, well, how is that a stimulus?

The fact of the matter is, it is a tremendous stimulus; because when you give money to medical research, it is always matched either by the university or by private sources of funding, pharmaceuticals, whatever. And if you look at what it generates, it generates a lot more. For every one job that is generated through the public money, there are two or three or more that are generated through the private money, and it is actually a tremendous stimulus. So it makes sense to include it in an economic recovery package.

The fact of the matter is that in the beginning of President Bush's administration, he actually did increase funding significantly for NIH and medical

research, but then gradually lessened and lessened it to the point where it was an actual cut. And I got particularly annoyed. I probably shouldn't even mention it, but I am going to, because I heard on one of the talk shows that they were picking out pieces of the research in the economic recovery package and criticizing it. Like, I think there was money for research on venereal disease and somebody was saying on one of the talk shows, why are we spending money on that? There is an epidemic in some of these venereal diseases and they have become resistant to a lot of the drugs and things that have been traditionally used. So why not spend money on research?

You can pick these things apart, but the bottom line is that if you have problems and you are trying to address the diseases, you have got to spend some money on research. And the few Federal dollars capture private and other money and actually do a lot towards not only finding a cure but creating jobs.

Mr. SNYDER. We also have learned in a very difficult way for a lot of American families the challenges of what happens to our men and women in uniform overseas with the traumatic brain injury and some of the kinds of injuries that have occurred. And what happens in every war is, sadly, we have opportunities to learn new things and get better at treating these. And there are some real opportunities of helping these families in terms of looking at traumatic brain injury and how we respond to them.

Looking over the long run, we are just a few years into this thing, what impact will this have on their lives 10 years and 20 years and 30 years and 40 years from now? And what opportunities will there be for them 10 and 20 and 30 and 40 years from now depending on what we do in terms of investing in research? And we have had these discussions before, both in the Armed Services Committee and the Veterans Services Committee. There are research projects out there that can be funded if we have adequate funding for them. And that is not part of civilian health care for them; that is part of our responsibility as a government to be sure that we adequately fund medical research. And a lot of it is going to be done in our civilian facilities, also, whether it is medical schools or veterans hospitals. The research needs to go on, and it needs to be well funded.

Mr. PALLONE. I wanted to mention one last thing, if I could, because I don't know how much time we have left.

But when you were talking about doctors, when we had the health care summit with the President a couple weeks ago, there were many things that struck me, but one thing that struck me was there were so many groups there represented demanding

health care reform now that 15 years ago, whenever it was that President Clinton and Mrs. Clinton came up with their health care initiative, and of course it failed. But many of the groups that opposed the initiative then were present at the summit saying we have to do something. And I don't know that the doctors were in that category, but all the doctor groups were represented at the summit and they were all saying we have got to do this, we have got to do this now. The trade group from the health insurance companies, which opposed and actually ran the ads against the Clinton plan 15 years ago were there saying, we are here because we want to participate and we need health care reform. The small business representatives, the National Federation of Independent Businesses were there and said the same thing: We were against the Clinton reform 15 years ago. We are for what you are saying now, because we know that something has to be done.

Mr. SNYDER. If I might intervene for a minute. I think it is perfectly consistent for somebody to have been opposed to the plan in 1993 and be for something now. There is a broad spectrum of ideas out there. I am hoping that, and I think President Clinton would acknowledge, that we have learned from that experience 15 years ago, 16 years ago.

So I think that is a very important point you make, because we don't know what the ultimate product is going to be; but, hopefully, it is going to be something that will be shaped so you won't have somebody out there doing a huge media bite trying to kill a plan when the country is trying to come together to make something work. And I am not sure if everybody will be happy, but I am hoping that almost everybody can live with the ultimate result, because we all come from different perspectives.

Mr. PALLONE. I think the other difference is that we are trying to make this bipartisan. We are trying to have it come from the House and the Senate. In other words, we are not actually getting something from the Obama administration and saying, this is what we want you to do, this is what we want you to pay us. We will give you some principles, but we want this thrashed out in the House, in the Senate, with Democrats and with Republicans, going through the committees and all that.

And I did want to mention, because I am not sure if I did, that we are really determined to do this this year. I mean, the timetable essentially would be that sometime between now and the August recess that we would actually pass bills that would come to the floor of the House and come to the floor of the Senate, and then in September, October, in the fall we would try to work out the differences between the House

and the Senate and send something to the President by the end of the year. I know it sounds ambitious, but I am optimistic.

I really think, when I talk to Members, we had a hearing today and our ranking member, the Republican, Mr. BARTON from Texas, said: I want you to know that I want this done, and I am going to participate in this and the Republicans are going to participate in this. So the atmosphere is very good in terms of trying to work out something that can pass.

Mr. SNYDER. May I close out my contribution here this evening. I want to tell you another story. And I appreciate your talking about this evening.

I began by talking about my four little boys who are age 3 months, three of them are 3 months and one is 2 years old, and how much we benefited not only from the quality of health care we had but also from the quality insurance plans that my wife and I had.

Over the weekend, Senator BLANCHE LINCOLN had an event in Little Rock, and Vice President BIDEN was there and her family was there and there were a lot of people there. I was looking for her grandmother-in-law. Her grandmother-in-law, her husband's grandmother, is Mrs. Ruth Lincoln. Mrs. Ruth Lincoln is 111 years old. She is delightful. And I thought, well, surely she would be here. Well, she had fallen about a month ago and broke a bone I think in her pelvis. And I thought about that and felt badly about that, and then I thought later, well, of course I assumed she is going to bounce back from that, get healed up, and I am going to see her again. On her birthday she always does something special like cross the Arkansas River on a bridge. She always does a very special thing. And when you talk to her, she talks about how she loves growing old. She has loved growing old at age 111. And I think in a way that is what we aspire to through this health care reform. We want everyone to say, whether they are young with young children who benefit from our health care system, or people who go through the very frail years, that throughout they can say that I have loved growing old. Now, maybe we won't live to be 111, but if we all do this right, we will increase the chances of more people being able to have those kinds of long, long years.

I applaud you once again for spending this time this evening.

Mr. PALLONE. I think I am going to end with that, because I like that ending of our hour this evening.

Mr. Speaker, I yield back the balance of my time.

HIDDEN TAXES

The SPEAKER pro tempore (Mr. FOSTER). Under the Speaker's announced policy of January 6, 2009, the gentleman from Louisiana (Mr. SCALISE) is recognized for 60 minutes.

□ 2200

Mr. SCALISE. Mr. Speaker, I appreciate the opportunity to address the House and talk about the economic crisis that our country is facing and also to go through and walk through some of the things that got us here, because as you talk to Americans all around the country, they are frustrated. They realize the problems that we are facing in our economy. But then they start to see a lot of these proposals that are coming out of Washington, and they don't see how any of these relate to the problems that we are facing today and how they are going to get our economy and our country back on track.

I have got to say that there are a lot of us here that share that same frustration and share that same feeling that Washington still doesn't get the message of what is happening out there in the country and what it is going to take to get the economy back on track.

I think what really underscored it in the last few weeks was when the President released his budget, which really shows the first outline of which direction President Obama wants to take our country and how he plans on dealing with these problems that our country faces. I think what most people have now realized is that the President's budget spends too much money. It taxes too much, and it leaves too much debt behind for our children and grandchildren.

Really, if you look at that in a theme, it really underscores how it misses the point of what is happening out there in the country, the fact that people all across the Nation are tightening their belts. They realize that there are tough economic times out there, and they are dealing with it in each individual family. You hear a lot about the problems with the banking industry. And we will talk a little bit about the banking industry and really how that problem still has not been addressed by this President or by his budget director or by his Treasury Secretary and the fact that a lot of the problems facing our economy still go back to a tightened credit market and a failure in the banking system that we can address and there are ways to address it. And we will talk about that too.

But unfortunately, rather than focusing on those areas, those very narrow areas that can get our economy back on track and get small businesses creating jobs again—the ability is there for us to do that—unfortunately, the budget that the President submitted goes in the opposite direction. At that point, a lot of us who really care about this country and really feel that we have got to make sure we chart the right course have been standing up and saying that there is a better way to do this.

Some people might want to just criticize people who don't just go along and

blindly vote “yes.” And we have seen so many bad policies coming from people who are just blindly voting for the next thing that is laid on this floor here in the House of Representatives. Yet, there is no accountability and there are no actual benchmarks to get us to where we need to be. There is a better way. And people know this is the greatest country, with all of our flaws, the greatest country in the history of the world. And we know we can get to a better place. Yet, as we stand here tonight, we wonder why we do this. Why do we fight to make this a better country? A lot of it is because we want to leave behind a better place than we have today.

Tonight is a special night because tonight is my daughter's second birthday. I'm here in Washington, and unfortunately, I cannot be with her, and I want to say “happy birthday” to Madison. But I want to be here to fight to make it a better country so that my daughter, and everybody else's daughter and son, has a better place, that they can still pursue that American Dream, that dream that makes people come here from all across the world, that they would give up everything to go beneath the Statute of Liberty and look up and see what that represents.

That vision of America is still out there. And it is still in the hearts of people all across this country. But I think for too many people, they don't see that same vision, that same spirit here in this Chamber dealing with these problems. We have been here for 3 days now as we have come back from the break, and all that has been brought up by the Speaker has been votes on post offices and ceremonial resolutions. People want us to be here dealing with these tough issues. People want us to be here tonight, late at night and going into the midnight hour dealing with these tough issues, because they know we can get through this. And they know there is a better way. And that is what we are going to be talking about tonight.

We have some other people that are going to talk with us. But first, I want to talk about some other parts of the President's budget that have caused so much concern for people across the country. I want to talk about how much money it spends. This budget gives a record deficit of \$1.7 trillion in deficit spending this year. It is an amount that is unseen in past budgets, an amount that none of us think is a tolerable level. This is all money we don't have, money that will be left to our children and grandchildren to have to pay off. But if they also look—and this is what is sending shock waves throughout the rest of this country now—as people start to read the fine print, they are looking at these tax increases. These are tax increases that President Obama submitted in his own budget. And if you look here, he is pro-

jecting to raise \$1.4 trillion in new taxes at a time when our economy is in such disarray. We are in a recession, possibly heading toward a depression, because of some of the decisions being made here. We have got the ability to stop that from happening. But you surely don't fix tough economic times by adding \$1.4 trillion in new taxes on to the backs of hardworking people, small businesses.

Look at these tax increases, \$636 billion would fall on to the backs of small businesses in our country, the people who create 70 percent of the jobs in our country. Then look at the cap-and-trade legislation. This is a tax on energy. There is actually an energy tax in the President's budget. And while he said here on this floor just a few weeks ago that 95 percent of the people in this country would not be paying a dime in new taxes, what they failed to mention was the next day when he submitted his budget, he had a \$646 billion energy tax which is paid for not by those rich people in the top 2 percent, but paid for by every family out there who actually uses energy. And that is going to be roughly a \$1,300 tax on everybody who uses power.

So we have laid out a little bit of a framework of what is in this President's budget, what causes us concern and how there is a better way. With that I want to introduce my friend from Georgia (Mr. WESTMORELAND) to also share some of his thoughts on this.

Mr. WESTMORELAND. I want to thank my friend from Louisiana for hosting this hour tonight and giving us a time to come talk to each other and the American people to give them an idea and maybe be able to connect some of the dots of what has been going on in this Chamber for the last 50-plus days of the new administration that we have.

What we have seen in the gentleman's chart where it talks about small business and investors, \$636 billion in tax increases on small business. And with that, a small business, a Subchapter S, if they make over \$250,000—and if you're in business, you need to make that so you can reinvest in your company—they are taxed as individuals. So, this is a big tax increase. And the interesting part is that yesterday, President Obama came out with a \$15 billion small business loan program which, if my figures are correct, is about 2.5 percent of the amount that he is going to increase the taxes on small business. Then the other startling thing when we started looking at this \$15 billion—and I want to commend the President for doing the \$15 billion and trying to help small businesses after he is burying them in this additional tax burden—but only 5 percent of the small businesses, only 5 percent of the small businesses get their loans from the SBA. So it means the other 95 percent get their loans from their community banks, their local banks.

As the gentleman from Louisiana might remember, one of the reasons that this huge stimulus package or bank bailout bill, there has been so many of them I get confused, but one of the reasons the bank bailout bill was done was to unfreeze the credit market. Well, within 2 days after the bill passed in both Chambers, then-Secretary Paulson took a different track and decided to bail out some of these investment houses on Wall Street. And we can see how that has turned out. But credit was never unfrozen. And so these small businesses are hurting because their community banks can't loan them the money that it takes to make their payroll or do new investment or really just keep their business running.

So what we see is that now, all of a sudden, the government is saying, well, we will make this loan available to you through the SBA. What that does is, it says, we will decide who gets the loans.

In other words, it gives the government the ability to pick the winners and losers of who is going to be able to get these government-backed small business loans. It takes the ability away from these community banks. They don't have the money to lend as a result of the mark-to-market rules and the other rules that have come down because of the catastrophe that we have had on Wall Street. Their assets, their loanable product and their cash reserves have gone down because of the mark-to-market rules. And so they don't have the money to loan to these small businesses in their own community.

If you have a nail shop or a barber shop or an auto repair facility, that community banker knows that community and your ability to repay that loan better than anybody else. But now you're going to have to jump through all the hoops and the red tape that the government has in trying to get an SBA loan. And they will be the ones to pick the winners and losers, rather than the people in the community itself.

So I think you have to look at the big picture of what all of this means. We look at the charitable contributions. If you make over \$250,000 a year, which these small business guys will, you can only deduct your charitable contributions or your home mortgage up to 28 percent of your taxable income. Well, what does that mean? Well, the government said, well, the reason we are doing that is because we had money for the charities in the stimulus bill. So what happens? Now, the government is picking the winners and the losers in the charity business. They are not wanting us to be able to take our money and do the things that we normally did with it. We gave to the United Way or to our church or to an overseas ministry or wherever it was, where we wanted our money to go. Now

the government is saying, "no, we are going to limit your ability to do that. We will take care of that for you. We will take your tax dollars and we will reward and give to the charities that we want to give to."

So you can see the gentleman from Louisiana has greatly explained the cap-and-trade which is going to be a tax on everybody that uses energy. I don't think the American people are going to continue to buy that 95 percent of the people are not going to have a tax increase. That is a misrepresentation. Because if we do the cap-and-trade, everybody that uses energy—and as far as I know, everybody in this country uses some sort of energy—is going to pay more for that energy. That is a direct tax increase.

So I want to thank the gentleman for hosting this Special Order. And I will sit down now and let some of your other friends and my friends get up and talk and continue the conversation.

Mr. SCALISE. Reclaiming my time. Again, I want to thank the gentleman from Georgia for talking on that point about that cap-and-trade tax. And interestingly, about 1 year ago, Peter Orszag was the head of the Office of Management and Budget. He is actually now the President's budget director. The person who today is the President's budget director said that this tax, this energy tax, while decreasing emissions would also impose costs on the economy. Much of those costs will be passed along to the consumers in the form of higher prices for energy and energy-intensive goods.

So what the President's own budget director said was, this energy tax that he has proposed in his budget will actually increase the cost of energy for every American family in this country. But it also will increase the cost of every energy-intensive good, meaning any time you go to fill up your tank at the gas station, you're going to be paying more in energy taxes. Any time you go and buy goods at the grocery store you will pay more because those products you buy, the food you buy, the can of soup you buy, they are trucked in from somewhere or it was shipped in on rail. All of those have costs. And those costs, as the President's budget director said, will be passed on to the consumer.

In fact, we have got estimates that right here, according to an analysis by MIT researchers, the total energy bill for the average American household will increase by up to \$3,128 per year based on Congressional Budget Office testimony. So this energy tax right here, this \$646 billion that is in the President's budget, we are not talking about some bill that somebody filed that is never going to see the light of day. This has already been filed just 2 weeks ago in the President's budget, a day after he said here on this House floor that no American family that

makes less than \$250,000 will pay a dime. And the key was a dime. And I guess he was right. He won't pay a dime. According to the Congressional Budget Office, you will pay \$3,128 in new energy taxes.

And all of this is coming at a time when our economy is in such a troubled period. We are in a recession. We are trying to get out. And you surely don't get out by throwing \$1.4 trillion of new taxes on to the backs of every small business and every consumer of energy, every family in America. We especially want to talk about freeing up these credit markets and getting our banking system working, because that is the problem that got us here in the first place. Some people want to say that there are no alternatives on the table, and there is one way, or "my way or the highway," and it is just their approach or nobody else's. And maybe they don't want to listen to other opinions. And that is unfortunate.

□ 2215

We live in a democracy, and that means that we exchange ideas and not everybody has a monopoly on great ideas. In fact, with 435 people in this body, you will get some good ideas, and some bad ideas too. I think some of them we have just talked about. But there are good ideas on the table.

One idea still on the table, going back to the first financial bailout, H.R. 7223, this is a bill that was filed, almost a hundred-page bill. I was a cosponsor of this bill. This was our alternative bill to the first financial bailout, about 6 months ago, when that first \$700 billion bailout passed which many of us said was the wrong approach to fixing the financial crisis in our country. There was definitely a financial crisis. There still is a financial crisis.

The problem is now the taxpayers are on the hook for \$700 billion because the approach they used was to just throw taxpayer money at the problem and not go to the root and say why are banks not lending to banks? Why is it that people who have good credit ratings are having trouble getting loans?

So what we did was we put an alternative on the table. It is kind of an interesting point now that we look at the problems going on with AIG and the fact that we see these egregious bonuses being paid to people, who in many cases were people who ran their company into the ground. The folks over at AIG who were getting \$165 million in bonuses, they actually got \$173 billion in taxpayer-funded bailouts from that financial bailout. In fact, they were the very people, many of these, who ran that company into the ground.

So why is that a bad approach? I think the American public that is looking at this knows it is a bad approach. They are offended that their tax dollars, their hard-earned tax dollars and

money that we don't have, money that our children and grandchildren are going to have to pay, are going to give executives of a failed company up to \$6.5 million each in bonuses during these tough times.

So this bill that we filed that is still out there, this is still a solid alternative that I would suggest would help address and fix our economic problems, H.R. 7223, from the 110th Congress.

What it did basically was set up a workout, not a bailout. It allowed and made these companies who ran their companies into the groundwork, actually go and work themselves out by going in and establishing a price for mortgage-backed securities, which is the problem which started all of this. A lot of the problems with subprime mortgages and then Fannie and Freddie giving loans to people who didn't have the ability to pay, all those things that still have not been reformed that need to be reformed, this bill actually addressed that problem, but it went one step further.

My friend from Georgia talked about the mark-to-market accounting rule. Our bill addresses that and suspends it. There is a rule out there, it is a financial accounting rule, that many bank executives will tell you is currently forcing a lot of these mortgaged-backed securities to be valued at zero dollars, even though they have some value. Nobody knows what the value is today. But because the value is unknown, they have to literally mark them down to almost zero which means they have no ability to loan to anybody. By suspending that accounting rule alone, you would free up liquidity in the markets.

One other change we were going to make that still is on the table today, it is still in this proposal and it is called repatriation.

Back in 2005, Congress actually for 1 year lowered the capital gains rates for U.S. companies who have foreign profits. Believe it or not, there are still U.S. companies that are making profits. And some of them work and have businesses in other countries. Unfortunately, not enough of them bring those profits back to America to help the American economy. They leave them in foreign countries because they are taxed. Today, they are taxed on bringing that money back.

or 1 year they tried suspending that tax. They lowered it from 35 percent down to 5 percent. You know what happened, \$300 billion of money came into our economy because those U.S. companies said we want to bring that money back and help the U.S. economy because the Federal Government is not going to tax us at such a high rate.

That worked so well, you know what happened when the Democrats took control of Congress in 2006, they revoked that law. So the tax went back up, and you know what happened. Be-

cause the tax went up, those profits from those U.S. companies went back overseas. And they are still sitting in foreign banks helping foreign countries. But they could be here helping our country. Not taxpayer money, \$300 billion by that one change could be here helping our country get back on track.

These are just a few examples of what is in the alternative bill that was filed over 6 months ago that is still an alternative and we still offer up to the President. If President Obama really wants to get serious about addressing the banking problem, this is one way to go, to not put taxpayers on the hook, but actually use the markets and use the people that created this mess, and then use some smart changes that have been proven over time to put real liquidity back in the marketplace.

I am joined by one of our bright new shining stars, a freshman Member from Utah, Mr. CHAFFETZ.

Mr. CHAFFETZ. I thank the good Member for allowing me to join in this conversation because I think the American people are so frustrated. I am so frustrated. Here we have the greatest opportunity, the greatest country on the face of the planet, and yet we see this excessive spending and these taxes that will continue to grow and take away our liberty and freedom and ability to grow as families and as people. And that borrows so much.

I think inherently the American people know that we can no longer afford to run this country on a credit card. I was touched by the mention of your daughter, Madison, and being 2 years old.

As a father, I have three kids at home, and one of the hardest things about being in the House of Representatives is being away from your family at night. To do the work and argue about the issues of the day is a great privilege, but it is so hard to be away from that family. And you look into the eyes of your daughter or of your son, or you have a loved one who has maybe lost a job, or a friend who has lost a job or has a business that is struggling. I have people in my own community who had home building businesses, and they have literally fallen apart.

The question is how are we going to solve these problems? How are we going to move this country forward? There are some on the Democrat side of the aisle who will argue that only government can solve these problems. It is not only government. In fact, I would argue it is only the American people that will actually go forward and solve and create and build this country back up to where it should be, as the economic and military leader in the world. That is done through entrepreneurs. It is done through building businesses.

I was so satisfied. Actually, I felt a bit of vindication when I saw the Presi-

dent stand up and make the case that I have been making for a long, long time: that small businesses are the ones that are going to build jobs in this country, that small businesses are the drivers of this economy.

And yet, that was the same argument that I used to say look, the trillions of dollars that are going to be set aside for stimulus and bailouts and all of that, isn't going to drive our economy forward. The last stimulus bill that we had, the Republicans in the House of Representatives united. Not one of them voted in favor of it. That was because it expanded 106 Federal programs, 33 new programs and a whole host of other programs, that got money sprinkled across it, but it did nothing for the Madisons of the world, for my son, Max, and Ellis and Kate, and for Burtis Bills, the mayor of Payson, and even my brother's father-in-law, Bob Johnson of Topeka, Kansas, who owns a transmission shop. I had to talk to these people and look them in the eye and convey to them that we weren't doing anything to help them. We were growing government, we weren't growing jobs. We were building all-time, record-high debt, debt that ultimately has to be paid.

So I look at what we are doing in this government, the amount of spending and the amount of taxes and the amount of borrowing, and say it is just too much. If we are truly going to grow the United States of America, it is going to be that entrepreneur. It is going to be that small business owner that is going to propel this country forward.

Mr. SCALISE. I appreciate the passion and the examples that my friend from Utah gives of real people out there in this country and the things that they are dealing with. And, of course, the way that they deal with it is a lot different than unfortunately the way it is not being dealt with here in Washington. And especially when we know there are proven ways to address these problems.

A lot of us kind of get a little irritated when we hear people complaining that the Republicans were in power and they did this and that so that makes it okay to do what they are doing today.

If we talk about spending, and let's talk about the spending that has gone on. There is a lot of blame that can go around. I sure don't support the deficit spending that has been going on, but what we are seeing today, the deficit spending we are seeing today is historic. It is record levels. While some of our friends may want to criticize spending that had been done in the past, the spending that is going on today makes people in the past look like amateurs on spending. It is levels we have never seen before.

Here is a chart that shows deficits over the last 4 years, and it is \$400 billion, trickling down below \$200 billion

in 2007, definitely going in the right direction. We want to have surpluses and we want to run a balanced budget. I am a cosponsor of a bill to balance the Federal budget. We should require a balanced budget, but at least the direction was trending downward. And then we see the 2010 budget that was just submitted goes to \$1.7 trillion in deficit spending in 1 year alone. And those record numbers continue on for years. In fact, the first 4 years of the President's budget would be over a 50 percent increase in the national debt.

In those 4 years combined with every budget since President George Washington, so if you take George Washington and go through President Bush, and in just 4 years, President Obama will add 50 percent to the national debt because of this level of spending. This is again money our children and our grandchildren will have to inherit. In fact, the budget, that spending bill, and some people called it a stimulus bill that passed just a few weeks ago, the \$800 billion spending bill that ended up spending billions of dollars on a high-speed rail from California to Las Vegas, and research for a field mouse, and massive growth of government, that one bill alone added over \$3,000 in new national debt, \$3,000 for every man, woman and child in this country.

People say what did my State get for it? What is my community going to get for it? I think as they look, they will realize over the next few months, as they see more of these egregious spending programs that came out of that bill, they are going to realize that they didn't get \$3,000 worth out of that bill.

That is why when we talk about the entrepreneurial spirit, and I think my friend from Texas has some good insights on that, and great entrepreneurs and the fact that government can encourage a way out of this problem, but government spending cannot solve this problem. We can look back to the Great Depression, and we will talk about that and the mistakes made during the Great Depression.

Mr. CARTER. I would like to point out something that seems to be a mistake that is made by a lot of people.

The 2008 budget which would be argued here on the floor of the House was Bush's budget. The reality of spending, we up here, this House of Representatives has responsibilities as well as rights. And the real world is the President proposes a budget, but the Congress adopts the budget. It is the Congress's budget when we get through with it.

So the 2008 budget that shows the increase over 2007 fairly substantially is the Congress's budget. You are not seeing George Bush's budget, you are seeing the Democrat-controlled Congress's budget in 2008.

Now their President has proposed, the Democratic Party's President has proposed a 2009 budget that goes off the

charts. It is kind of interesting because we hear, "I will reduce the budget by 50 percent." So let's see, if you raise the budget 300 percent and you reduce it 150 percent, you have reduced it 50 percent. We are still 150 percent over where you were.

□ 2230

And that chart exactly shows what we're talking about. If you look at those lines, we're taking the President at his word, as we go all the way down here, what is that last one? 2018?

Mr. SCALISE. If I can reclaim my time for a moment, and then I will yield back to my friend from Texas. What you're talking about right here in 2008, and this is when the Democratic-controlled Congress ramped up that spending. But even here, it is below \$600 billion. And then in the first year of President Obama's budget, it goes up to \$1.7 trillion in deficits. This isn't the size of the budget—the budget is over \$3.5 trillion—this is just the size of the deficit. And then if you look, by the fourth year of the President's budget, it is still roughly \$600 billion. So it's higher in his fourth year than the first budget that he inherited.

And so, while he would say he is reducing it by 50 percent, it is actually larger than the first budget that he inherited because his first budget adds over \$1.7 trillion in deficit spending.

And I will yield back.

Mr. CARTER. That's right. That is my whole point. That chart clearly shows you that if your criticism was of the Bush administration for deficit spending—which we heard a lot of noise about that—then if you look at those red columns, none of those drops down to even equal with the largest Republican-led Congress deficit. Okay. They are almost double the Republican-led Congress' deficit all the way to the end of your chart.

But yes, they do reduce that big line by more than 50 percent. If you want to talk about voodoo chart drawing, that's voodoo chart drawing. That's saying, if I jack it up to \$3.6 trillion, then, yes, I can drop this thing big time down the road, but you are still way over what you were dealing with back in 2004. So this whole concept of trying to smoke and mirrors the world, it's time to stop all that.

There is a young man I was just talking to out in the hall who has a little business, and he wants to go out and expand his little business. And his world is this, that he looks at it, he gets taxed as ordinary income even though he's a small business, and he says to himself, why should I stick my neck out for another couple hundred thousand dollars in debt to try to expand my business when all I'm going to do is get myself up into a tax bracket that I'm going to be going downhill?

So, that's exactly the example. Or a young man I talked to, walked up to

me at an event in Killeen, Texas, and he said, you know, my wife and I started a business 5 years ago. He said, we have taken this idea up to a business that employs 40 people. We are now at a point where we have to make a decision; do we expand our business by borrowing about a half a million dollars, indebting ourselves as a couple, and have the potential to maybe employ 80 people—which, gosh, isn't that what we want? Isn't that what we're talking about, creating jobs? He said, but we look at it, and we see what is coming down with this cap-and-trade and the cost that that's going to put on me, when we see what's coming down on the tax increase for people earning over \$250,000, and we're concerned that will put such a burden upon us that we might actually lose this business. So now we're looking at it and saying, maybe we should shore up what we've got and lay off a few people to be sound in hopes that somebody will get sanity back in the taxing of our people in this country. And let's hold on until logic comes back into the world.

That's not the way we want to cause people to expand and have a better life. And that's exactly what we're talking about with this budget that's proposed by the President and looks like is overwhelmingly going to be adopted by the majority in this House.

We've got real issues here that the American people have to think about. Because with your 2-year-old daughter—and I wish her a happy birthday—that's where you should be focusing all your attention. And I should be focusing all my attention on what we're leaving—not just to her little generation at 2 years old that's going to grow up in this country, but the children that she is going to have and the children they are going to have. If we keep going down the road that we're going down right now with the kind of unbelievable spending that has gone on in the first 50 some-odd days of Obama's first term as President of the United States, if this keeps up, how will our descendants ever pay this back?

Mr. SCALISE. Reclaiming my time, the gentleman from Texas makes some wonderful points. And I appreciate your concern for what happens when Madison, my daughter, grows up and what kind of country she is going to be left with and what kind of debt she is going to inherit. And I think when the American people across the country look at this—and they've started to look at it in, I think, a very close way. And what they're telling me when I go back home, and those of us that have gone throughout the country to our districts, they're telling us that this budget spends too much and it taxes too much. And it borrows too much from future generations at the expense of our ability to get our economy back on track to help those small businesses.

And then they look and they say, well, what are all of these deficits? What is all of this spending going toward? And what they see, they see that first stimulus bill, they look at this TARP money, they look at what's happening with that TARP money and AIG and companies that are getting this money. In some cases, you can't even find out what they did with the money. And then when you find out what they did, it makes you even more angry because you see they are giving it in bonuses to people who helped run those companies into the ground. These are people who truly would be unemployed because they bankrupted their own companies, and today the only reason they have a job is because of these Federal bailouts of these companies. And then they are using that money—not to make loans, but something even more egregious. And as angered as we are hearing about these bonuses that they're paying—\$160 million in bonuses that AIG paid to its executives—we also found out today that AIG used \$26 billion of that taxpayer money to give to French and German banks—not American banks, to help our American banking system, but \$26 billion of that TARP money went to German and French banks, which might be helping their economies in those countries, but it sure isn't helping America. So for those of us who voted against those bailouts, saying I told you so doesn't help anybody, but saying this madness has to end.

And people are looking at this. And then they are seeing the budget that's proposed. And they're seeing these huge spikes in deficit spending and this huge amount of new government socializing of different systems and forms of our economy, and it's scaring people. Because when you look at the stock market, the stock market is an indication not just of what's happening to those individual companies, but of consumer confidence. In fact, since this President took office in January, the stock market is down about 25 percent. That means 401(k)s out there, families who are investing in those markets, their retirement savings are down over 25 percent just since January 20. We're not talking about something that has been going on for over a year now, we're talking about something that is maybe 2 months in the making, a 25 percent decrease because people are seeing these plans—these spending plans, these tax plans, this massive borrowing—and they are realizing somebody has to pay for this.

And what are we doing with this money? And you can't even go find it. It's not helping our country get back on track; because, again, if you go back to the Great Depression—and we said we are going to talk about this a little bit—during the Great Depression in the 1930s, it wasn't because they didn't spend enough money. They actually

spent money for years and years and the depression stayed as bad as it was. For over 8 years they spent money. And there is an old saying, if you don't learn from history, you are doomed to repeat it.

Back in the 1930s, the budget director, the Treasury Secretary under FDR, Henry Morgenthau, actually said, "We're spending too much money." After 8 years of them spending money, they were still at double-digit unemployment. We were still in a Great Depression. In fact, some people said we were in a recession then, and the spending brought us into a Great Depression. And FDR's own Treasury Secretary in the 1930s said it's the spending that's giving us all this massive debt, and it's not doing anything to help our economy. It wasn't until World War II that we got back on track.

And so people are looking at that and saying, wait a minute; we sure don't want to make the mistakes of history's past if we learn how we are going to get ourselves out of this problem today.

If the gentleman has anything else to add—

Mr. CARTER. If the gentleman would yield for just a moment, because I actually happened to be thinking about that on my way up here this week.

We are experiencing that rare time that all Members of Congress who travel back and forth have to deal with called spring break. And I think that everybody that flew on an airplane coming up here knows that there were thousands and thousands and thousands of young people going all over the country and all over Mexico—and who knows where—on spring break. And it reminded me of something that Will Rogers said during the Great Depression, he said, "America is a funny place. We may be the only country in the world that's driving to the poor house in an automobile." The whole point was, we need to remind ourselves, as we debate about this issue, that we are Americans who, if given the right tools, can incentivize our way out of any mess we get into.

We are still the most blessed Nation on the face of the Earth. We need to fix this banking crisis. And we don't need to fix it by indebting our grandchildren and our great grandchildren with special projects to meet campaign promises that were made. We need to concentrate on the issue, which is getting credit back in the market. And then that young man out in the hall and that young man in Killeen, Texas, can go borrow their loan from their bank and go invest it in the future for their children and grandchildren, and our country will continue to send all these beautiful children off on spring break.

I think we realize who we are. We can do anything we set our mind to if the government will just get out of the

way and give us a chance to do it. I yield back.

Mr. SCALISE. Reclaiming my time. And I thank the gentleman from Texas for sharing that because that is the reason that we're here tonight because we know that there is a better way, there is a way out of this problem. And people across this country know. They know that we put a man on the moon because we, as a nation, set our mind to it and we said we are not going to accept failure. And so as people look at these proposals and they look at these record deficits, they know this is not the way out. They know that if spending would solve this problem, we would have the best economy in decades. And so, clearly, spending and taxing is not the answer.

But there are proven answers; and some of those answers are rooted in the very things we've been talking about, the alternative proposals we've been talking about, ways to help small businesses get back on their feet and hire more people. The people that employ 70 percent of our workforce today are being faced with \$640 billion in taxes by this budget, and obviously that has had a ripple effect. And we can unravel that by stopping this from happening.

And people across this country know that, too. That's why you are seeing these tea parties sprout up all across the country where people are saying, we are not going to take it anymore, and we want to stand up and let the government know—because government does answer to the people, especially here in this House, of all places, the People's House. So this is the voice of the people, and we're trying to express that voice. And another great voice is my friend from Texas as well, Mr. BURGESS.

Mr. BURGESS. I thank the gentleman for yielding. And I really appreciate your energy and enthusiasm with coming to the floor at this late hour of the night. You and I serve on the same committee, and our committee has been extremely active for the past several weeks. I think we spent 10 hours today talking about health care. We will spend many hours tomorrow talking about the carbon tax that is going to be enacted before Memorial Day. And then on Thursday we will have another lengthy hearing dealing with food safety; all terribly important issues to the American people. It's good to be up here doing the people's work. Unfortunately, on the floor of the House this week we're not really doing very much, but at least in our committee there is a great deal of work going on.

I will say that I am grateful that this week the President chose to stop talking down the economy and Wall Street, and we perhaps had a little bit of a respite from the inexorable downward spiral that we had seen from Inauguration

Day forward. That has been a welcomed respite, I know, to my constituents back home.

I so appreciate the gentleman having the poster which shows the differences in the deficit by the time we lost control of the House with the 2006 election. We were told that we lost the election for the majority of the House in 2006 because of spending, because we had a deficit of \$160 billion at the end of that fiscal year. Mind you, that was a year that had seen Federal expenditures go up because of Hurricanes Katrina and Rita, the continued fighting of two wars in the Middle East. We had a tsunami that we had to help with right after the 2004 election. There were some significant expenditures which were really once-in-a-lifetime expenditures, and our deficit was \$160 billion.

Now, 3 years later, we are looking at a projected deficit 10 times that much, 10 times \$160 billion. And we're told, don't worry, all is well, we can, indeed, spend our way out of this crisis. But I will tell you, I have not been in favor of any of these spending bills that have come through the House of Representatives in the past year. I think, going back to January of 2008, the so-called stimulus bill of \$170 billion at that time was an error; it was wrong, and it didn't deliver as intended.

□ 2245

The bill to bail out Fannie and Freddie in July that had to be redone in September didn't have the intended result, and then finally the big bailout that occurred right at the end of September, the first of October, in the election process clearly was a spending bill that we should not have undertaken.

Now, it's instructive to know if you're spending all this money and you're not bringing it in in tax revenue, we are intending or at least the signals are there that the Democrats are intending to raise taxes considerably on every American, as has already been alluded to, this carbon tax. Yes, you won't pay more tax if you earn less than \$250,000 a year, unless you turn the lights on, in which case you're going to spend more in taxes, unless you drive a car, in which case you're going to spend more in taxes. So there will be massive tax increases visited upon the middle class of this country. But if you can't tax enough to cover this much spending, where do you get it? Well, you either print it or you borrow it, and right now we are in the process of borrowing this money.

Just a little less than a month ago, I spent an interesting afternoon down at a Federal agency called the Bureau of Public Debt. The Bureau of Public Debt that day was having its third of three auctions. Each auction was to be \$32 billion, so roughly \$100 billion which was going to be auctioned off that day. Each auction lasted 30 minutes. Each

auction, fortunately, was fully subscribed, in fact, oversubscribed. So the notes that we had to sell as a country to keep our economy afloat did sell. The interest rate was not terrible. It was 1½ percent. At the same time, a month ago we were selling about \$160 billion in paper every week. A year before, it was a little less than \$100 billion, and it has obviously gone up every year, year over year, and will continue to do so.

What is the effect of putting \$2.1 trillion in new paper on the market in a very short period of time? Well, one of two things can happen: Your interest rates will go up or the paper won't sell. If the interest rates go up, that crowds out the private sector, which is also competing for that money to borrow to expand business and grow business. We're going to make it that much harder to add new jobs because we're going to add to the expense of a business growing or expanding. In addition, the tax burden that we are going to be adding in the energy sector alone will be a job-killing crush that most people at this point, quite frankly, haven't engaged upon. They do not comprehend the danger that is coming their way as we seek to recover our economy and grow new jobs and grow new sources of revenue.

One of the things that I have been so concerned about is here we are talking about a very enormous budget, an enormous amount of Federal spending. Have we really corrected the problems that were the underlying difficulties before? And I'm not certain we had. I came to Congress in 2003. I was elected in 2002 and was sworn in in 2003. We had just come through a very significant economic downturn. We had just come through some very significant corporate malfeasance with the implosion of Enron. We had new regulations enacted in Sarbanes-Oxley. And the feeling was that we had done all we needed to do and we had gotten it right. But the reality was there were still problems and we hadn't gotten to the bottom of it.

I urged the prior administration to proceed upon a course with engaging—I don't like to use the term "Special Prosecutor." Perhaps we should call it a "Special Inspector General"—to look into the problems in the financial institution that caused us to be in this place. That did not happen.

Within the next 2 days, I am going to be introducing with another member on the Joint Economic Committee, another Member of the House, a bill to ask for a commission to study the problems that brought us to this point. I am not a fan of commissions. I think, in fact, most of the time they detract from congressional power and they are something that we should not do. But in this instance, the stakes are so high and the price we will pay if we get this wrong yet one more time will be so

large that I, frankly, do not know if the country can sustain that. So I will be introducing legislation to ask for a commission to study not only what went wrong but who should be held accountable at this point. The same as we did with 9/11. The same as we did with the Iraq Study Group. I was not in favor of those commissions, but I think in this situation it does warrant that type of intervention because we cannot allow this to happen again.

And I don't know about you, Mr. SCALISE, but when I go down to Denton, Texas, when I go home to Fort Worth, Texas, or Lewisville, Texas, and I talk about these problems, everyone wants to know who is responsible and when are we going to see someone held accountable? And the fact that we see more people receive bonus money for driving their companies into the ground because, oh, I'm so sorry, it's contractual obligation; so we have no way around it. Nonsense. Ask any Delta pilot what happened to their contractual obligation about their pension. Ask any United pilot what happened to the contractual obligation with their pension, and they will tell you what those contractual obligations were worth. These contractual obligations to AIG border on criminal. There is no defense for our continuing down this road, and those need to be stopped.

I do hope that people will take a look at the concept of having a commission to study this problem because I do believe that the difficulties are so deep and so entrenched that if we do not correct them, if we do not get rid of the dry rot that's in the system, we will build an entirely new house of cards on an unstable foundation, and we know where that will lead.

But I do thank the gentleman for bringing this forward. Again, I know it's been a very long day at least for members of our committee. We will have a long day again tomorrow. We'll have a long day again Thursday. I wish our floor schedule mirrored that. Unfortunately, right now we don't seem to feel the same urgency on the floor of the House that the American people are feeling every single day as they watch the job losses mount in their communities and their area.

But I thank the gentleman very much for allowing me a chance to talk on this.

Mr. SCALISE. I want to thank my friend from Texas for sharing that with us. And really it is important that we unravel this mess, that we not only fix these problems but also that we hold those accountable who got us in this mess in the first place because in some cases some of those same people are still out there today using taxpayer money to enrich themselves when so many people across the country are struggling.

And when we go back to these charts and we look at these record deficits, we

look at the fact that, yes, in 2004, 2005, 2006, and 2007, we had deficits and they were too high. But they were too high while they were less than \$200 billion. Today we're facing a deficit that's over \$1.7 trillion. An exorbitant amount of money. An amount of money that's going to saddle future generations.

And when we look historically at our national debt, we started with about \$10 trillion in national debt at the beginning of this year. We're already closing in on \$12 trillion in national debt, and this chart shows how it continues to rise in the years ahead with these record deficits and these taxes that are going to kill jobs in our country. So that's what we are trying to stop. We are not saying this is something that has already happened when we get beyond 2008. We're talking about things that are proposed that we can stop.

So I want to go back to my friend from Utah who's got an interesting insight as well to talk about what we can do to stop this and where this national debt leads us if we don't stop it from happening.

Mr. CHAFFETZ. I thank the gentleman for yielding.

This chart should be concerning to every single American because what it shows is a doubling, a doubling, from \$10 trillion to over \$20 trillion of debt. Somebody has to pay that. It's going to be our kids and our grandkids and future generations. We continue to leave this country in a state of debt that is not sustainable.

I didn't create this mess, but I am here to help clean it up. I'm a freshman here. But I think we all have to take some responsibility and hold our government leaders accountable for the mess that we're getting in. I think they would appreciate it a lot more if there were more sacrifice. The President talked about going line by line, item by line. We were going to get rid of earmarks. We were going to get rid of this; we were going to get rid of that, go line by line. That hasn't happened. The very day after the President said those words, we were presented a bill that was \$410 billion and it had over 8,500 earmarks, 8,500-plus earmarks. The President had just asked for zero, for none. And yet it passed. It went to the President and he signed it. That just doesn't sound like the type of responsibility and accountability that I would expect from my own kids, from the President of the United States. So there has to be this degree of responsibility.

And I also want to touch on the AIG thing because that's on the top of everybody's mind. Really what we have seen is a redistribution of wealth. We have seen the government misuse the role of government in reaching into people's pockets and then redistributing that, picking winners and losers like AIG and others, and saying it's

better that we take that money out of the people's pockets and put it in their pockets. And then with this audacity, this greed, this unsustainable, unacceptable passion, they go out and misuse this money.

Don't you just wish these executives that were going to get these bonuses—why don't they just step up and do the right thing? I wish there would be a sense of pride within these people to say it's just not right for me to get a bonus. It's like when I was a little kid and I was playing soccer or baseball or something like that. I was taught that what you were supposed to do is if you stepped over the line, if you didn't actually make it, you're supposed to call it yourself instead of saying, well, that wasn't me, instead of getting tied up in some technicality that would allow them to do something that they really should not have been doing.

So what I would hope that people would do is to take this personal responsibility. The government's not. We are here to fight to make sure that it does become more accountable. But it's this underlying greed that, oh, my goodness, please, step up and do the right thing.

But that debt, that is something we can do something about. And that's why I think you see so many of us stepping up and saying the President's budget spends too much, it taxes too much, and it borrows too much.

Mr. SCALISE. I thank my friend from Utah again because I think what he touches on is this lost direction, this lost focus on the real problem that we are facing right now. And those of us that are here tonight are staying here as late as we can to try to get this administration back on track, focused on fixing the problems of this economy, on fixing the problems in our banking system.

Again, that bill is still out there, H.R. 7223, from the 110th Congress. We are still ready to present these ideas. These are good solutions to solve the problems our country faces today. But instead what do we get? Instead of that line-by-line scrutiny that we need, for the last 2 weeks we've had the White House, people in the White House, picking on media personalities, talking about what Rush Limbaugh is saying on the radio or what Jim Cramer is saying on CNBC. If that's the focus of this administration, it's no wonder why people are so mad out there in the rest of the country saying what about the focus on the real problems that we are facing and the things that need to be done, the things the White House needs to be doing to address those problems, going line by line and cutting out the waste and the fraud and the corruption that exists in this government and in this budget instead of picking on media personalities or filing bills to tax small businesses or families on their energy bill?

Just last week we saw a bill filed called Card Check. A bill that literally would take away an employee's right to a secret ballot in a vote over whether or not to form a union. This is something for decades that's been in law. There's a process. If somebody wants to form a union, there is a process they go through, but it involves a secret ballot in the end to decide whether or not those employees actually want to form a union, and it's a protection for the employee so that they are freed from the intimidation and the coercion that has gone along in years past, in decades past, times in our history we sure don't want to repeat. That bill was filed last week to take away an employee's right to a secret ballot and forcing arbitration on companies.

The U.S. Chamber of Commerce has come out with reports that show that bill alone would cost our country 600,000 jobs in the first year, 600,000 jobs if that bill passed that would go overseas. And the President said he would sign that bill. So people look at this and they say we're facing real problems in our country, but we know, because we're America, because we are the greatest country in the world, we know we can address and fix these problems. But what they are very disappointed in is that they don't see solutions coming out of the leadership here in Congress and the White House. So that's why we are going to continue to talk about it and find solutions and find a better way.

□ 2300

TAKING US IN THE WRONG DIRECTION

The SPEAKER pro tempore (Mr. FOSTER). Under the Speaker's announced policy of January 6, 2009, the gentleman from North Carolina (Ms. FOXX) is recognized for the remaining time until midnight.

Ms. FOXX. Mr. Speaker, I want to congratulate my colleagues on the great job that they have done this evening in presenting information about the budget, the deficit, the challenges that we are facing in this country, and I particularly want to agree with Congressman CARTER from Texas for the statement he made about the fact that we live in a wonderful country.

In fact, I tell my friends all the time, the first thing I do in the morning when I wake up is say thank you, Lord, for letting me live in this country. And the last thing I say, before I go to sleep at night, is thank you, Lord, for letting me live in this country.

We are the most blessed people in the world, I believe that God has given us tremendous opportunities and responsibilities. And for those of us who have been here tonight and other nights and other days talking about what's happening in our country, we are really

motivated by the fact that we know we live in the greatest country in the world, and we want it to remain that way.

And what we see happening in this country is people taking us in the wrong direction in order to maintain the greatness and the opportunities that this country has always had and always presented.

One of the things nobody said tonight is the fact that we, as Republicans, we, as conservatives, I would say—not all Republicans are conservatives, but those of us who are conservatives and who have been here talking about these issues are not alone. There are many Democrats who share our concerns too.

I want to just share some quotes from some of our colleagues who have expressed their own concern and their own apprehension about the proposals that have been made by this Congress and by this President.

Senator EVAN BAYH, Democrat of Indiana. “I do think that before we raise revenue we first should look to see if there are ways we can cut back on spending.” As for the tax increases on high-income earners called for in Obama’s plan, BAYH said, I do think that before we raise revenue, we first should look to see if there are ways we can cut back on spending. This was in *Politico* March 3, 2009, “Moderates Uneasy With Obama Plan.”

Again, Republican conservatives are not the only ones that are worried about the direction that we are going. Senator BEN NELSON, Democrat of Nebraska, “I have major concerns about trying to raise taxes in the midst of a downturn of the economy.”

Then he says, “On the one hand, you’re trying to stimulate the economy. On the other hand, you’re trying to keep money from going into taxpayers’ pockets. It’s very difficult to make that logic work.” Again, *Politico*, March 3, 2009.

Representative SHELLEY BERKLEY, Democrat, Nevada.

“Representative Shelley Berkley, (D-Nev) called the proposal ‘a nonstarter,’ telling Geithner, ‘I’d like to think that people give out of the goodness of their hearts, but that tax deduction helps to loosen up their heartstrings.’ Outside the hearing, Berkeley said the proposed tax increase was ‘the number one issue on the minds of her constituents over the weekend. Reminded that the provision is intended to raise hundreds of billions of dollars to finance an expansion of health insurance coverage, Obama’s top domestic priority, she said, ‘We can find another way.’”

We know that going in this direction, and these Democrats know, that this is not the way that we should be going. We should not be taking more money from the American people. Cutting back spending would be the appropriate way to go.

I have a couple of other articles that I want to share, actually three articles

that I want to share pieces of, because, again, they show, I think, the direction or the concern that people are having about these proposals that have been made in the last 50 days.

This article is from Stewart Taylor, Jr., it’s in the *National Journal*, March 7, 2009. Stewart Taylor is known as a very strong liberal. He has been described in other terms even stronger than that, in terms of his liberalism, but I am just going to call him that tonight.

The title of this article is “Obama’s Left Turn.” It reads, “Having praised President Obama’s job performance in two recent columns, it is with regret that I now worry that he may be deepening what looks more and more like a depression and may engineer so much spending, debt, and government control of the economy as to leave most Americans permanently less prosperous and less free.

“Other Obama-admiring centrists have expressed similar concerns. Like them, I would like to be proved wrong. After all, if this President fails, who will revive our economy? And when? And what kind of America will our children inherit?

“But with the Nation already plunging deep into probably necessary debt to rescue the crippled financial system and stimulate the economy, Obama’s proposals for many hundreds of billions in additional spending on universal health care, universal postsecondary education, a massive overhaul of the energy economy, and other liberal programs seem grandiose and unaffordable.

“With little in the way of offsetting savings likely to materialize, the Obama agenda would probably generate trillion-dollar deficits with no end in sight or send middle-class taxes soaring to record levels or both.

“All this from a man who told the Nation last week that he doesn’t ‘believe in bigger government,’ and who promised tax cuts for 95 percent of Americans.

“The President’s suggestions that all the necessary tax increases can be squeezed out of the richest 2 percent are deceptive and likely to stir class resentment. And his apparent cave-ins to liberal interest groups may change the country for the worse.”

Then he goes on to say, “Such concerns may help explain why the Dow Jones Industrial Average plunged 17 percent from the morning of Inauguration Day (8,280) to its close on March 4 (6,876). The markets have also been deeply shaken by Obama’s alarming failure to come up with a clear plan for fixing the crippled financial system—which has loomed since his election 4 months ago as by far his most urgent challenge—or for working with foreign leaders to arrest the meltdown of the world economy.

“The house is burning down. It’s no time to be watering the grass.

“This is not to deny that the liberal wish list in Obama is staggering \$3.6 trillion budget would be wonderful if we had limitless resources. But in the real world, it could put vast areas of the economy under permanent government mismanagement, kill millions of jobs, drive investors and employers overseas, and bankrupt the Nation.”

Let me say again, these words are not being written or spoken by a conservative, they are being spoken by a person who calls himself a moderate but is described by most people as quite a liberal.

He goes on to say, “Meanwhile, liberal Democrats in Congress are racing to gratify their interest groups in a slew of ways likely to do much more harm than good: Pushing a union-backed ‘card check’ bill that would bypass secret-ballot elections on unionization and facilitate intimidation of reluctant workers; slipping into the stimulus package a formula to reimburse States that increase welfare dependency among single mothers and reduce their incentives to work; defunding a program that now pays for the parents of some 1,700 poor kids to choose private schools over crumbling D.C. public schools; fencing out would-be immigrants with much-needed skills.

“Not to mention the \$7.7 billion in an omnibus spending bill to pay for 9,000 earmarks of the kind that Obama campaigned against: \$1.7 million for research on pig odors in Iowa; \$1.7 million for a honey bee factory in Texas; \$819,000 for research on catfish genetics in Alabama; \$2 million to promote astronomy in Hawaii, \$650,000 to manage beavers in North Carolina and Mississippi; and many more.”

The article goes on and on as I said, but I want to share, not all of it, but a couple of more pieces of it, because I don’t want to spend all the time reading from this article.

I want to skip over to where he says, “Small wonder that liberal commentators who complained about Obama’s initial stabs at bipartisanship are ecstatic about his budget. And small wonder that some centrists, who have had high hopes for Obama—including New York Times columnist, David Brooks, my colleague, Clive Crook, David Gergen and Christopher Buckley—are sounding alarms.

“In a March 3 column headed ‘A Moderate Manifesto,’ Brooks wrote, ‘Those of us who consider ourselves moderates—moderate conservative, in my case—are forced to confront the reality that Barack Obama is not who we thought he was. His words are responsible; his character is inspiring. But his actions betray a transformational liberalism that should put every centrist on notice. The only thing more scary than Obama’s experiment is the thought that it might fail.’”

Then I will share the end of the column, “I still hold out hope that Obama

is not irrevocably 'casting his lot with collectivists and status,' as asserted by Peter Wehner, a former Bush aid and a leading conservative intellectual now with the Ethics and Public Policy Center."

"And I hope that the President ponders well Margaret Thatcher's wise warnings against some collectivist conceits, in a 1980s speech quoted by Wehner: 'The illusion that government can be a universal provider and yet society still stay free and prosperous. The illusion that every loss can be covered by a subsidy. The illusion that we can break the link between reward and effort, and still get the reward.'"

Again, my point in sharing this is that it isn't just conservatives who are concerned with the direction in which we are going in this society.

There is another article on an Internet Web site called GOPUSA that many people who use the Internet and use e-mail will be familiar with. The title of it is "George Orwell Would Be Impressed With Barack Obama," and it's written by Doug Patton and it's dated March 2, 2009.

"There he was, standing before a joint session of Congress, promising America the Moon 1 minute and sounding like a deficit hawk the next. President Barack Obama and his Democrat cohorts had just rammed through the biggest pile of pork in the history of the republic, and yet there he stood, before the whole Nation, telling us he was going to go through the budget 'line by line' finding ways to cut waste. In fact, he intended to 'slash the deficit' he 'inherited' by almost exactly the amount he and his Democrat Congress had just spent. What a coincidence."

The article goes on to say, "Obama is a combination of Ronald Reagan and Big Brother—by which I mean that he uses his considerable communications skills to sell the agenda of the huge, intrusive government, and that he does it in a 'Newspeak' that would impress George Orwell.

"Those who have read Orwell's prophetic little tomorrow, '1984,' will recall that 'Newspeak' was a language in which the line between contrary concepts was so blurred that words either had no meaning at all or could be used to create concepts that were contrary. When words no longer had meaning, the concept of truth was not far behind."

I want to say to those who are watching this tonight, if you have never read "1984," or if it's been a long time since you have read it, I will urge you to reread it now, because I think you will be startled by it and by the analogies that are being made by this author here tonight.

So what will Obama's America look like if he gets all that he wants? It won't happen overnight, but if he has his way, eventually it will be a very

dreary place, much like the old Soviet Union. Having followed the old Marxist axiom of making everyone equal, Obama will have brought about the same kind of quality instituted by the old Soviet Politburo. Gone will be the quality of opportunity we have enjoyed for more than 200 years, the right to experience life, liberty and the pursuit of happiness. In Obama's America, as in the failed Soviet State, a quality of outcome will be the preferred result. The idea is to make everyone equally prosperous.

This sounds good in theory until one considers that the only way governments have ever accomplished this is by making men and women equal in their poverty, misery and squalor.

□ 2315

And how does the President pay for it all? It doesn't seem to matter to most Americans. He talks about taxing the rich in order to pay for his schemes. Yet, if our government confiscated 100 percent of the income of everyone in this country making more than \$75,000 a year, he would barely have enough to cover this year's budget. And we don't even have universal health care yet.

Human beings are endowed with our rights by our Creator. Our Founders recognized that principle. This President and the majority in Congress believe our rights come from them. No one, until now, has been able to sell that idea to the American people. Barack Obama is doing his best to sell it to us now, and George Orwell would be very impressed.

The last article I want to share is an article from the Saturday-Sunday March 7-8, 2009, Wall Street Journal. I think another thing that hasn't been clear to the American people is that there are many things said by the President, by the leadership in this Congress, that if you look behind the curtain, as we do in the Wizard of Oz, you will see that what is being said and what is actually being done are not exactly the same thing.

More and more people are beginning to talk about this, but few have brought out really good examples of it as well as this article in the Wall Street Journal does.

The title of it, and it's an editorial, the title of it is: Obama Channels Cheney. "The Obama administration this week released its predecessors post-9/11 legal memoranda in the name of transparency, producing another round of feel-good Bush criticism.

"Anyone initiated in President Obama's actual executive power policies, however, should look at his position on warrantless wiretapping. Dick Cheney must be smiling.

"In a Federal suit, the Obama legal team is arguing that judges lack the authority to enforce their own rulings in classified matters of national security. The standoff concerns the Oregon

chapter of the al-Haramain Islamic Foundation, a Saudi Arabian charity that was shut down in 2004 on evidence that it was financing al Qaeda. Al-Haramain sued the Bush administration in 2004, claiming it had been illegally wiretapped.

"At the heart of the al-Haramain case is a classified document that it says proves that the alleged eavesdropping was not authorized under the Foreign Intelligence Service Act, or FISA.

That record was inadvertently disclosed after al-Haramain was designated as a terrorist organization; the Bush administration declared such documents state secrets after their existence became known.

"In July, the ninth circuit court of appeals upheld the President's right to do so, which should have ended the matter. But the San Francisco panel also returned the case to the presiding district court judge, Vaughn Walker, ordering him to decide if FISA preempts the state secrets privilege. If he does, al-Haramain would be allowed to use the document to establish the standing to litigate.

"The Obama Justice Department has adopted a legal stance identical to, if not more aggressive, than the Bush version. It argues that the court-forced disclosure of the surveillance programs would cause exceptional harm to national security by exposing intelligence sources and methods. Last Friday, the ninth circuit denied the latest emergency motion to dismiss, again kicking matters back to Judge Walker.

"In court documents filed hours later, Justice argues that the decision to release classified information is committed to the discretion of the executive branch. And is not subject to judicial review. Moreover, the court does not have independent power to order the government to grant counsel access to classified information when the executive branch has denied them such access.

"The brief continues that Federal judges are ill-equipped to second-guess the executive branch. That is about as pure an assertion of Presidential powers as they come, and we are beginning to wonder if the White House has put David Addington, Mr. Cheney's chief legal aid, on retainer.

"The practical effect is to prevent the courts from reviewing the legality of the warrantless wiretapping program that Mr. Obama repeatedly claimed to find so heinous, at least before taking office.

"Justice, by the way, is making the same state secrets argument in a separate lawsuit involving rendition and a Boeing subsidiary.

"Hide the children, but we agree with Mr. Obama that the President has inherent Article II constitutional powers that neither the judiciary nor statutes like FISA can impinge upon. The FISA

appeals court said as much in a decision released in January, as did Attorney General Eric Holder during his confirmation hearings.

"It's reassuring to know the administration is refusing to compromise core executive branch prerogatives, especially on war powers. Then, again, we are relearning that the "Imperial Presidency" is only imperial when the President is a Republican. Democrats who spent years denouncing George Bush for spying on Americans and illegal wiretaps are now conspicuously silent. Yet, these same liberals are going ballistic about the Bush-era legal memos issue this week.

"Cognitive dissonance is the polite explanation, and we wouldn't be surprised if Mr. Holder released them precisely to distract liberal attention from the al-Haramain case.

"By the way, those Bush documents are Office of Legal Counsel memos, not political directives. They were written in the immediate aftermath of a major terrorist attack, when war seemed possible, and it would have been irresponsible not to explore the outer limits of war powers in a worst case scenario. Based on what we are learning so far about Mr. Obama's policies, his administration would do the same."

"I think, again, it's important that even late at night, when maybe not too many people are paying attention, we reveal some of the cognitive dissonance that exists in this administration and in this Congress in ways that it discussed the previous administration, actions of the previous administration, and the things that it is doing now.

"We have to hope that once he became President, President Obama did learn that there are some things that the President must do that he may have railed against as a candidate, and hope that there's a maturity there that will service us all well."

I want to end my comments tonight on a totally different subject. Today, we passed a resolution celebrating Women's History Month. I was not able to be here during that time. But I often point out the situation with women in the Congress and with the role that they have played in our country over the years, and celebrate that role, as I think it is important to our country.

Most people know very little about the history of women in our country; about the history of women and their voting rights. So I am going to share just a little bit with you on that issue. And I have learned some of these things since coming to Congress.

Some people may not know that in 1790, the New Jersey colony granted voting rights to all free inhabitants. But then, in 1807, they took back from New Jersey women the right to vote.

In 1869, the Wyoming territory gave women full suffrage; 1870, Utah. And it goes on and on with other States, other territories giving women the right to

vote. In fact, the first woman who was elected to Congress was elected in 1916 before women in this country had the right to vote. She was from Montana—Jeannette Rankin.

She was elected there, and women got the right to vote in the West because women were valued much more in the West in the early days of our country, and that was one of the ways to attract women to come out West.

Let me give you a little history of the women in the Congress. Thirty-seven women have served in the United States Senate. Only 37. I don't have the total number of the men who have served, but I have been told that approximately 12,000 men have served in the Congress. Only 37 women in the Senate. Seventeen are currently serving.

Two hundred twenty-nine women have served in the U.S. House of Representatives. Seventy-four of them are currently serving. That totals 266 women that have ever served in the United States Congress; 91 currently serving. So 12,000 men, 266 women.

I am the fourth woman from the State of North Carolina. The first woman was elected in a special election in 1946. She served 1946 and 1947 and didn't run in the general election for re-election. Eva Clayton from the first district was the first woman to serve. She was elected in a special election. SUE MYRICK, who's currently serving, was the second woman to be elected. North Carolina has had two women Senators; Elizabeth Dole, who served from 2003 to 2008, and KAY HAGAN, who is currently serving.

I think most of us wish we would have more women serving in the Congress on both sides of the aisle because we believe that it adds to the Congress in terms of the perspectives that we bring, is as it adds to the Congress that we have men serving who have been in many, many different professions and had many, many different experiences.

I see that my colleague from Texas has joined me. Before I yield back my time, I would like to see if he has some comments that he would like to make. This is Mr. GOHMERT from the great State of Texas. I would remind him that he and I are the only two things standing in the way of adjournment tonight.

Mr. GOHMERT. I do thank my dear friend, Ms. FOXX, for the things that she's pointed out tonight, Mr. Speaker, and also for the good that she's done. I hadn't realized. I guess we don't notice gender around this body, but apparently one of the few women. I didn't realize there had been that few. But what a powerful contribution, Mr. Speaker, that Ms. FOXX has made, and is making. It makes me very proud to be serving with her, as we came in together.

But there is something that we have discussed and have in common, and that is a concern about the morality of

this Nation. Chuck Coulson talked about in a recent Bible study group we had, quoted Michael Novak, using the metaphor of the three-legged stool on which a government and a country like ours is seated.

Now many have used the metaphor of the three-legged stool, but he was pointing out that really the three legs are composed of morality, economic freedom, and political freedom, and that you need all three legs.

What we have seen in this country is a breakdown of the morality leg. As we look at the struggles in our economy, it seems that there has been a real problem with this nagging issue of greed and jealousy and envy, covetousness. People see what others want and they want that and they want more.

□ 2330

And as we have seen greed take over good sense, then it affects the economic freedom. And as that has impacted the economy and the economy has gotten in trouble, what we see throughout history is that when people have a choice between order and freedom, they will give up freedom just to have order, and that it puts our entire political freedom at risk when we have had a breakdown in morality affecting the economy, and then the third leg goes, our political freedom.

I have been visiting with a group tonight, and I know the rules of the House are that we don't call attention to anyone in the gallery so I will not do that. But I have been visiting tonight with friends from Lufkin, Texas, Mayor Gordon and his wife, and Paul Parker and his wife and their grandson, Josh. They understand this issue of morality. They understand that a country cannot be perpetuated where you lose that leg of the three-legged stool.

We even see it in Washington, where people get envious: Well, somebody got something in their district, I want something in mine. And if they put what they want or their district's wants over the needs of the Nation, then we come in here and we pass bills that have 9,000 earmarks in them that don't help with the stimulus, they don't help the country go in the right direction. And it is really kind of a moral leg that is affected there as well, which affects the economy because it doesn't stimulate the economy, which can throw the economy into chaos, at which time people are willing to give up political freedom in order to have the security of some order in this Nation.

I have been inspired by some of the words of our President, President Obama. But as we have found, leadership is not found in the lines on a teleprompter; leadership is something you have got to do, how you live. And George Washington, we know, struggling as we was to win freedom, he

knew that his life had to be transparent, that he had to be humble, and he had to be a man of complete honesty; otherwise, it wouldn't survive. And his quote was: Men unused to restraint must be led; they will not be driven. And that is what we need more of, not just pretty words that are read from a teleprompter. We need leadership. We need people not to say we are not going to allow greed to get \$165 million worth of bonuses after driving a country into the dirt. Not at all. No, we need leadership that doesn't just say these things. They follow through, and make sure he appoints honorable men, honorable people. And by that I mean generically men and women, because of the contribution.

We were just down to Statuary Hall, and I was pointing out the first woman to address a group in Congress was a Christian evangelist, I think it was before 1820, that delivered the Sunday nondenominational Christian sermon down in Statuary Hall back when it was the House of Representatives. But men and women have inspired this place, but they don't inspire anyone unless their life is transparent enough so that people know that they mean what they say.

So as we continue to have these issues arise of the lack of morality; Ms. Coleson once said: You can't have the morality of Woodstock and not have tragedies in this country. If you have the morality of, "If it feels good, do it," then you are going to have some catastrophes, because some people will want to see how it feels to do different catastrophic, greedy, terrible things. So we have got to get back to our moral underpinnings and moral anchoring so that we can move forward. But we need leadership from the White House to the Senate to this House to be in order so that they can lead by example, and not put earmarks in that may help some people but not help the economy and not help the Nation move forward and not help the generations to come.

Ms. Foxx has heard me say, Mr. Speaker, before. As a judge, I know if a parent were to have come before me and that parent had been to the bank and said, I can't control my spending, I just can't stop spending, so please make me a loan; and my children and my grandchildren, maybe my great grandchildren who aren't even born, will pay it all back some day because I can't and I can't control my spending. Well, that parent wouldn't get to keep the kids much longer, and especially if the kids had kids. That raises issues.

But in any event, we have got to get back to morality of good leaders here. We don't spend our children's money, we don't spend our grandchildren's money and our great grandchildren's money. That is irresponsible. And if we are going to do the business of this Nation with which we have been trusted,

we have got to just reestablish the moral leg, the humility, the strength of character that Washington displayed, and that I have seen in my friend, Ms. Foxx. I appreciate your yielding and I appreciate the chance to speak here.

I have seen that same moral strength in a group that is here at the Capitol tonight from Murray State University, a group of Christians that are here.

So thank you for yielding and allowing me to speak tonight. And thank you for taking this time.

Ms. FOXX. I want to thank my colleague from Texas for coming in tonight and sharing this time with me and ending the evening on the appropriate note.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HALL of New York, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 24.

Mr. JONES, for 5 minutes, March 24.

Mr. ROONEY, for 5 minutes, March 18.

Mrs. CAPITO, for 5 minutes, today.

Mr. LATOURETTE, for 5 minutes, today.

Mr. SMITH of New Jersey, for 5 minutes, March 18.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KRATOVIL, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

Mr. STEARNS, for 5 minutes, today.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the fol-

lowing title, which was thereupon signed by the Speaker:

H.R. 1127. An act to extend certain immigration programs.

ADJOURNMENT

Ms. FOXX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 18, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

893. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV-08-0105; FV09-932-1IFR] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

894. A letter from the Acting Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in a Designated Area of Southeastern California; Decreased Assessment Rate [Doc. No.: AMS-FV-08-0107; FV09-925-2IFR] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

895. A letter from the Acting Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2008-2009 Crop Year for Tart Cherries [Doc. No. AMS-FV-08-0089; FV09-930-1FR] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

896. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches [Doc. No. AMS-FV-08-0108; FV09-916/917-1 IFR] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

897. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Washington; Relaxation of Handling and Import Regulations [Docket No.: AMS-FV-08-0036; FV08-946-1 FIR] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

898. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Fruit, Vegetable, and Specialty Crops-Import Regulations; Proposed Revision to Reporting Requirements [Docket No.: AMS-FV-07-0110; FV07-944/980/999-1 FR] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

899. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Farm Program Payment Limitation and Payment Eligibility for 2009 and Subsequent Crop, Program, or Fiscal Years (RIN: 0560-

AH85) received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

900. A letter from the Acting Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General James N. Soligan, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

901. A letter from the Acting Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Removal and Modification of Certain Entries from the Entity List; Person Removed Based on Removal Request and Clarification of Certain Entries [Docket No.: 0812241647-9151-01] (RIN: 0694-AE51) received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

902. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting correspondence from Speaker Luka Bebic of the Croatian Parliament; to the Committee on Foreign Affairs.

903. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees Health Benefits Program Acquisition Regulation: Miscellaneous Clarifications and Corrections (RIN: 3206-AL66) received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

904. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Landing Craft, Air-Cushioned (LCAC), (LC-42), Elliott Bay, Seattle, Washington [Docket No.: USCG-2008-0418] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

905. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; USS RUSHMORE (LSD-47), Elliott Bay, Seattle, Washington [Docket No.: USCG-2008-0417] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

906. A letter from the Director, National Science Foundation, transmitting the Foundation's report entitled, "Women, Minorities, and Persons With Disabilities in Science and Engineering: 2009," pursuant to Public Law 96-516; to the Committee on Science and Technology.

907. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Research Credit Claims Audit Techniques Guide: Credit for Increasing Research Activities IRC Section 41 — Revised Exhibit C [LMSB-4-0209-008] received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

908. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2009-20] received March 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

909. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmit-

ting the Board's seventh quarterly report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects; jointly to the Committees on Armed Services and Appropriations.

910. A letter from the Executive Director, Office of Compliance, transmitting the Office's biennial report on the applicability to the legislative branch of federal law relating to terms and conditions of employment and access to public services and accommodations, pursuant to 2 U.S.C. 1302, section 102(b); jointly to the Committees on House Administration and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. MATSUI: Committee on Rules. House Resolution 250. Resolution providing for consideration of the bill (H.R. 1388) to reauthorize and reform the national service laws (Rept. 111-39). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. VELÁZQUEZ (for herself, Mrs. DAHLKEMPER, Mr. GRIFFITH, and Mr. SESTAK):

H.R. 1541. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business; considered and passed.

By Mrs. MALONEY (for herself, Mr. POMEROY, Mr. ENGEL, Ms. HIRONO, Mr. HIGGINS, and Mr. SPACE):

H.R. 1542. A bill to amend the Internal Revenue Code of 1986 to impose a 100 percent tax on bonuses paid by businesses that receive TARP assistance and are majority owned by the Federal Government; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 1543. A bill to amend the Internal Revenue Code of 1986 to impose a tax on bonuses received from companies receiving TARP funds; to the Committee on Ways and Means.

By Mr. DRIEHAUS (for himself, Mr. KENNEDY, and Ms. KILPATRICK of Michigan):

H.R. 1544. A bill to amend title 38, United States Code, to provide for unlimited eligibility for health care for mental illnesses for veterans of combat service during certain periods of hostilities and war; to the Committee on Veterans' Affairs.

By Mr. BOCCIERI (for himself and Mr. LEE of New York):

H.R. 1545. A bill to amend the Internal Revenue Code of 1986 to make the credit for research activities permanent and to provide an increase in such credit for taxpayers whose gross receipts are predominantly from domestic production activities; to the Committee on Ways and Means.

By Mr. MCNERNEY (for himself and Mr. BOOZMAN):

H.R. 1546. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Committee on

Care of Veterans with Traumatic Brain Injury; to the Committee on Veterans' Affairs.

By Ms. BERKLEY (for herself, Mr.

RYAN of Wisconsin, Mr. PAUL, Mr. AKIN, Mr. RYAN of Ohio, Mr. GRAVES, Mr. GRIJALVA, Mr. OLVER, Mr. WILSON of South Carolina, Ms. CORRINE BROWN of Florida, Mr. DICKS, Mr. HOLT, Ms. FUDGE, Mr. LAMBORN, Ms. WATSON, Mr. MCGOVERN, Mr. PAYNE, Mr. BOUCHER, Mr. SIRES, Ms. JACKSON-LEE of Texas, Ms. SUTTON, Ms. MCCOLLUM, Ms. SCHAKOWSKY, Mr. VAN HOLLEN, Ms. KAPTUR, Mr. MOORE of Kansas, Mrs. BIGGERT, Ms. BALDWIN, Mrs. MALONEY, Mr. TURNER, Mr. HASTINGS of Florida, Mr. WOLF, Mr. CLEAVER, and Mr. HINCHEY):

H.R. 1547. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Ways and Means.

By Ms. ESHOO (for herself, Mr. INSLEE,

Mr. BARTON of Texas, Mr. GENE GREEN of Texas, Ms. BALDWIN, Mr. ROGERS of Michigan, Mrs. BONO MACK, Mr. HILL, Mr. UPTON, Mr. BARROW, Mr. PITTS, Mr. THOMPSON of California, Mr. CAPUANO, Mrs. DAVIS of California, Mr. BILBRAY, Mr. DREIER, Mr. ELLSWORTH, Mr. MCGOVERN, Mr. HERGER, Mr. DENT, Mr. GERLACH, Mr. BISHOP of New York, Ms. ZOE LOFGREN of California, Mr. PENCE, Mr. SOUDER, Mr. HONDA, Mrs. TAUSCHER, Mr. SCALISE, Mr. TOWNS, Mr. CROWLEY, Mr. ISSA, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. BEAN, Mr. DELAHUNT, Mr. SMITH of Washington, Mr. MCCARTHY of California, Mr. NEAL of Massachusetts, Mr. LYNCH, Mr. DONNELLY of Indiana, Mr. HALL of Texas, Mr. LANCE, Mr. HOLT, Mr. NUNES, and Mr. KIND):

H.R. 1548. A bill to amend the Public Health Service Act to establish a pathway for the licensure of biosimilar biological products, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr.

TIERNNEY, Mr. HONDA, Mr. VAN HOLLEN, Mr. HINCHEY, Mr. GRIJALVA, Ms. HIRONO, Ms. ZOE LOFGREN of California, Mr. KUCINICH, Ms. LEE of California, Mr. DEFazio, Mr. WEXLER, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Mr. FARR, Ms. DELAURO, Mr. SHERMAN, Mr. CONNOLLY of Virginia, Mr. STARK, Mrs. MALONEY, Mr. JACKSON of Illinois, Mr. BRADY of Pennsylvania, and Ms. KILROY):

H.R. 1549. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Energy and Commerce, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SUTTON (for herself, Mr.

BRALEY of Iowa, and Mrs. MILLER of Michigan):

H.R. 1550. A bill to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with

new fuel efficient and less polluting automobiles or public transportation; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself, Mr. MCGOVERN, Mrs. CAPPS, Mr. MCDERMOTT, Mr. BERMAN, Ms. HIRONO, Mr. HINCHEY, Mr. CROWLEY, Mrs. MALONEY, Ms. DELAURO, Mr. DOYLE, Ms. SLAUGHTER, Mr. FARR, Mr. FATTAH, Mr. ACKERMAN, Ms. WASSERMAN SCHULTZ, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. KUCINICH, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Ms. NORTON, Mr. BLUMENAUER, Ms. MCCOLLUM, Mr. BRADY of Pennsylvania, and Mrs. DAVIS of California):

H.R. 1551. A bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KRATOVL (for himself and Mr. LEE of New York):

H.R. 1552. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 1553. A bill to amend the Home Owners' Loan Act to provide equitable remedies to mutual savings institutions to defend against individuals acting as a de facto corporation attempting to implement a hostile takeover of the institution, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN:

H.R. 1554. A bill to take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) Nation, and for other purposes; to the Committee on Natural Resources.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 1555. A bill to debar or suspend contractors from Federal contracting for unlawful employment of aliens, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY:

H.R. 1556. A bill to authorize appropriations for the National Historical Publications and Records Commission through fiscal year 2014; to the Committee on Oversight and Government Reform.

By Mr. COOPER (for himself, Mr. WOLF, Mr. BOYD, Mr. MOORE of Kansas, Mr. ROSS, Mr. MELANCON, Mr. GORDON of Tennessee, Mr. BOSWELL, Mr. SHULER, Ms. BEAN, Mr. DONNELLY of Indiana, Ms. HERSETH SANDLIN, Ms. GIFFORDS, Mr. MATHESON, Mr. COSTA, Mr. HILL, Mr. KIND, Mr. MORAN of Virginia, Mr. LARSEN of Washington, Mr. CHILDERS, Mr. MINNICK, Mr. BISHOP of Georgia, Mr.

WILSON of Ohio, Mr. ELLSWORTH, Mr. GRIFFITH, Mr. MICHAUD, Mr. SCHIFF, Mr. KRATOVL, Mr. CASTLE, Mr. JONES, Mr. BARTLETT, Mr. KINGSTON, Mr. WAMP, Mr. BLUNT, Mr. LATHAM, Mr. INGLIS, Mr. CULBERSON, Mr. EHLERS, Mr. GOHMERT, Mr. BACHUS, Mr. GARRETT of New Jersey, Mr. WESTMORELAND, Mr. HELLER, Mr. FLAKE, Mr. TIBERI, Mr. WITTMAN, Mr. GOODLATTE, Mr. CAMPBELL, Mr. HENSARLING, Mr. CARTER, Mr. COLE, Mr. PUTNAM, Mr. STEARNS, and Mr. KIRK):

H.R. 1557. A bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and ensure a sound fiscal future for the United States, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY (for himself, Mr. SCHIFF, Mrs. CAPPS, Ms. DELAURO, Ms. CLARKE, Mr. LANGEVIN, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Mr. MASSA, Ms. BALDWIN, Ms. ROS-LEHTINEN, Ms. PINGREE of Maine, and Mrs. DAVIS of California):

H.R. 1558. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions in group health plans and health insurance coverage in the group and individual markets; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARIO DIAZ-BALART of Florida:

H.R. 1559. A bill to provide for the resolution of several land ownership and related issues with respect to parcels of land located within the Everglades National Park; to the Committee on Natural Resources.

By Ms. ESHOO:

H.R. 1560. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent; to the Committee on the Judiciary.

By Mr. FORTENBERRY:

H.R. 1561. A bill to amend the Internal Revenue Code of 1986 to provide a standard deduction for the business use of a home; to the Committee on Ways and Means.

By Ms. HERSETH SANDLIN:

H.R. 1562. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Natural Resources.

By Mr. JOHNSON of Illinois:

H.R. 1563. A bill to authorize the conveyance of a portion of the campus of the Illiana Health Care System of the Department of Veterans Affairs to Danville Area Community College of Vermilion County, Illinois; to the Committee on Veterans' Affairs.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 1564. A bill to designate the headquarters building of the Embassy of the United States in Addis Ababa, Ethiopia, as the "Mickey Leland United States Embassy Building"; to the Committee on Foreign Affairs.

By Ms. KAPTUR:

H.R. 1565. A bill to provide for the issuance of a semipostal in order to afford a convenient means by which members of the public may contribute towards the acquisition of works of art to honor female pioneers in Government service; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINE of Minnesota (for himself and Mrs. BACHMANN):

H.R. 1566. A bill to prohibit the use of funds to transfer individuals detained at Naval Station, Guantanamo Bay, Cuba, to facilities in Minnesota or to house such individuals at such facilities; to the Committee on Armed Services.

By Mr. MEEK of Florida:

H.R. 1567. A bill to amend the Haitian Refugee Immigration Fairness Act of 1998; to the Committee on the Judiciary.

By Mr. SCHIFF:

H.R. 1568. A bill to reauthorize the Community Oriented Policing Services (COPS) program, to reauthorize and rename the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) as the KIDS Act, to provide for funding parity between COPS and the KIDS Act, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Mr. HINOJOSA, Mr. GRIJALVA, Mr. FATTAH, Mr. PAYNE, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. POLIS of Colorado, Mr. DAVIS of Illinois, Mr. CONYERS, Mr. BISHOP of Georgia, Mr. HONDA, Ms. CLARKE, Mr. ORTIZ, Ms. FUDGE, Ms. LEE of California, and Mr. THOMPSON of Mississippi):

H.R. 1569. A bill to improve the calculation of, the reporting of, and the accountability for, secondary school graduation rates; to the Committee on Education and Labor.

By Mr. SPACE (for himself and Mr. BILIRAKIS):

H.R. 1570. A bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. TAUSCHER (for herself and Mr. ROGERS of Michigan):

H.R. 1571. A bill to amend title 49, United States Code, to permit certain revenues of private providers of public transportation by vanpool received from providing public transportation to be used for the purpose of acquiring rolling stock, and to permit certain expenditures of private vanpool contractors to be credited toward the local matching share of the costs of public transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of California:

H.R. 1572. A bill to amend the Internal Revenue Code of 1986 to impose a 90 percent tax on bonuses paid by business that receive TARP assistance; to the Committee on Ways and Means.

By Mr. VAN HOLLEN (for himself, Mr. WELCH, Mr. BLUMENAUER, Ms. GIFFORDS, Mr. LOEBACK, Mr. GRIJALVA, and Ms. BORDALLO):

H.R. 1573. A bill to establish the National Home Energy Savings Revolving Fund within the Department of Energy to provide amounts to units of general local government to make loans to homeowners for qualified home energy audits and certified energy savings improvements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VISCLOSKEY (for himself and Mr. DONNELLY of Indiana):

H.R. 1574. A bill to amend the Act titled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes" to allow the acquisition of lands by payment of delinquent taxes; to the Committee on Natural Resources.

By Mr. CONYERS (for himself, Mr. COHEN, Mr. NADLER of New York, Mr. DELAHUNT, Mr. JOHNSON of Georgia, Mr. PIERLUISI, Ms. FUDGE, and Mr. TONKO):

H.R. 1575. A bill to authorize the Attorney General to limit or recover excessive compensation paid or payable by entities that have received Federal financial assistance on or after September 1, 2008; to the Committee on the Judiciary.

By Mr. CLAY:

H. Con. Res. 75. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to honor America's barbers; to the Committee on Oversight and Government Reform.

By Mrs. LUMMIS:

H. Res. 249. A resolution expressing the sense of the House of Representatives that the Department of Veterans Affairs should take full responsibility for financing the health care benefits earned by veterans with service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. LATOURETTE (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. McCOTTER, Mr. UPTON, Mr. PETRI, Mr. TIBERI, Mr. WALDEN, Mrs. EMERSON, Mr. GERLACH, Mr. DENT, Mr. BARTLETT, Mrs. MILLER of Michigan, Mr. SIMPSON, Mr. AUSTRIA, Mr. PLATTS, Mr. KIRK, Mr. WHITFIELD, Mr. GOHMERT, Mr. DUNCAN, Mr. DREIER, Mr. REICHERT, Mr. BILBRAY, and Mr. EHLERS):

H. Res. 251. A resolution directing the Secretary of the Treasury to transmit to the House of Representatives all information in his possession relating to specific communications with American International Group, Inc. (AIG); to the Committee on Financial Services.

By Mr. SCHIFF (for himself, Mr. RADANOVICH, Mr. PALLONE, Mr. KIRK, Mr. BERMAN, Mr. CANTOR, Mr. McCOTTER, Mr. ACKERMAN, Mr. ROYCE, Mr. WAXMAN, Mr. SMITH of New Jersey, Ms. WATSON, Mr. BILIRAKIS, Mr. CROWLEY, Mr. SENSENBRENNER, Mr. PAYNE, Mr. SHERMAN, Mr. WU, Mr. SIRES, Mr. DANIEL E. LUNGREN of California, Mr. BARRETT of South Carolina, Ms. ESHOO, Mr. CAPUANO, Mr. WEINER, Mr. HONDA, Mrs. MALONEY, Mr. LANGEVIN, Mr. WALZ, Mr. PETERS, Ms. SUTTON, Mr. COSTA, Mr. LOBIONDO, Mr. FRANK of Massachusetts, Mr. SOUDER, Mr. GARRETT of New Jersey, Mr. WOLF, Mr. MARKEY of Massachusetts, Mr. NEAL of Massachusetts, Mr. CARDOZA, Mr. LIPINSKI, Mr. ABERCROMBIE, Mrs. CAPPS, Ms. SCHAKOWSKY, Mr. LEVIN, Mr. HIMES, Mr. BACA, Ms. HIRONO, Mr. ROTHMAN of New Jersey, Mr. MCGOVERN, Ms.

MCCOLLUM, Mr. FATTAH, Mrs. NAPOLITANO, Mr. SPACE, Ms. DELAURO, Mr. RYAN of Wisconsin, Mr. CALVERT, Mr. POLIS of Colorado, Mr. LANCE, Ms. LORETTA SANCHEZ of California, Mr. OLVER, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. GONZALEZ, Mr. CONYERS, Mr. SARBANES, Mr. VAN HOLLEN, Ms. TITUS, Mr. STARK, Mr. JACKSON of Illinois, Mr. KENNEDY, Ms. TSONGAS, Mrs. TAUSCHER, Ms. WOOLSEY, Mr. DREIER, Mr. NUNES, Mr. TONKO, and Mr. TIERNEY):

H. Res. 252. A resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BOREN:

H. Res. 253. A resolution honoring Ms. Lois Burton for setting an example for all women through her influence and dedication to the Choctaw Nation and to improved health care and education in honor of Women's History Month; to the Committee on Natural Resources.

By Mrs. MCCARTHY of New York (for herself, Mr. KING of New York, Mr. ROHRBACHER, Mr. HINCHAY, Mrs. MALONEY, Mr. LARSON of Connecticut, Mr. RYAN of Ohio, Mr. MCHUGH, Mr. MCGOVERN, Mr. DELAHUNT, Mr. COURTNEY, Mr. NEAL of Massachusetts, Mr. HOLDEN, Ms. KILROY, Mr. MURTHA, Mr. MCMAHON, Mr. CONNOLLY of Virginia, Mr. SESTAK, Mr. CAPUANO, Mr. ISRAEL, Mr. McDERMOTT, Mr. McCOTTER, Mr. TIM MURPHY of Pennsylvania, and Mr. BROWN of South Carolina):

H. Res. 254. A resolution recognizing the designation of March 2009 as Irish American Heritage Month and honoring the significance of Irish Americans in the history and progress of the United States; to the Committee on Oversight and Government Reform.

By Mr. RUPPERSBERGER (for himself and Ms. GRANGER):

H. Res. 255. A resolution expressing support for designation of the month of September as "National Atrial Fibrillation Awareness Month" and supporting efforts to educate the public about atrial fibrillation; to the Committee on Energy and Commerce.

By Mr. WAMP (for himself and Mr. EDWARDS of Texas):

H. Res. 256. A resolution expressing the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad; to the Committee on Armed Services.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

10. The SPEAKER presented a memorial of the House of Representatives of Maine, relative to H.P. 273, MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ALLOCATE FULL FUNDING FOR THE NATIONAL VETERINARY MEDICAL SERVICES ACT; to the Committee on Agriculture.

11. Also, a memorial of the Senate of Michigan, relative to Senate Resolution No.

6 memorializing the Congress of the United States to tie the federal economic stimulus package distribution to the unemployment rate in each state and to provide that those states with the highest unemployment rates receive a higher percentage of federal funds; to the Committee on Education and Labor.

12. Also, a memorial of the Senate of Kentucky, relative to Senate Resolution No. 76, to enact a federal Menu Education and Labeling (Meal) Act; to the Committee on Energy and Commerce.

13. Also, a memorial of the House of Representatives of Colorado, relative to House Joint Resolution 09-1006 concerning the U.S.S. Pueblo; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RANGEL introduced A bill (H.R. 1576) for the relief of Daniel Wachira; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mrs. BACHMANN and Mr. FLEMING.

H.R. 22: Ms. MARKEY of Colorado, Mr. DEAL of Georgia, Mr. WILSON of Ohio, Mr. COSTELLO, Mr. MEEKS of New York, Mr. KLEIN of Florida, and Mr. RAHALL.

H.R. 24: Mr. CARSON of Indiana, Mr. McCOTTER, Mr. LOBIONDO, Mr. GONZALEZ, Mr. KIND, Mr. PITTS, Mr. TERRY, Mr. JERRY LEWIS of California, Mr. GINGREY of Georgia, Mr. MOORE of Kansas, Mrs. MALONEY, Mr. ISSA, and Mr. TURNER.

H.R. 31: Ms. MCCOLLUM.

H.R. 55: Mr. BLUMENAUER.

H.R. 155: Mr. SCHAUER.

H.R. 174: Ms. MARKEY of Colorado.

H.R. 179: Ms. DELAURO.

H.R. 186: Ms. KILPATRICK of Michigan.

H.R. 211: Mr. MATHESON and Mr. TURNER.

H.R. 235: Mr. MASSA, Mr. KANJORSKI, Mrs. LOWEY, Mr. SHUSTER, Mr. MARSHALL, Ms. SLAUGHTER, Mr. KILDEE, Mr. PETERSON, Mr. UPTON, and Mr. DONNELLY of Indiana.

H.R. 270: Mr. BISHOP of Georgia.

H.R. 388: Ms. HIRONO.

H.R. 392: Mr. McCOTTER, Mr. TURNER, and Mr. THORNBERRY.

H.R. 463: Mr. JACKSON of Illinois, Mr. PAS-
TOR of Arizona, and Mr. SCOTT of Virginia.

H.R. 475: Mr. PETERSON.

H.R. 509: Ms. BORDALLO.

H.R. 510: Mr. PAUL, Mr. LATTI, and Mr. YOUNG of Alaska.

H.R. 560: Mr. ALEXANDER.

H.R. 564: Mr. GRIJALVA, Mr. CARSON of Indiana, Mr. CARNAHAN, and Ms. LEE of California.

H.R. 579: Ms. HIRONO.

H.R. 622: Mr. DAVIS of Alabama.

H.R. 658: Mr. BOCCIERI and Mr. ARCURI.

H.R. 666: Mr. PETERSON and Mr. BACA.

H.R. 667: Mrs. EMERSON and Mr. DELAHUNT.

H.R. 676: Mr. LEWIS of Georgia and Mr. BECERRA.

H.R. 699: Mr. LEWIS of Georgia.

H.R. 734: Mrs. CAPPS, Mr. COURTNEY, Mrs. BIGGERT, Mr. CRENSHAW, Mr. WU, and Mr. KENNEDY.

H.R. 745: Mr. WOLF, Mrs. LOWEY, Mr. FRANK of Massachusetts, and Ms. ROYBAL-ALLARD.

H.R. 775: Mr. CRENSHAW, Mr. MICA, and Mr. BONNER.

H.R. 795: Mr. MARSHALL and Mr. MCINTYRE.
H.R. 804: Mr. HINOJOSA, Mr. GUTIERREZ, and Ms. JACKSON-LEE of Texas.

H.R. 816: Mr. GINGREY of Georgia, Mr. DAVIS of Kentucky, Mr. MCCOTTER, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 859: Mrs. HALVORSON and Mr. THOMPSON of Pennsylvania.

H.R. 864: Mr. HOLDEN.

H.R. 885: Mr. MURPHY of Connecticut and Mr. KIND.

H.R. 906: Mr. POLIS of Colorado.

H.R. 929: Mr. TEAGUE.

H.R. 948: Ms. JACKSON-LEE of Texas.

H.R. 968: Mr. BURGESS and Mr. DAVIS of Tennessee.

H.R. 997: Mr. HARPER.

H.R. 1018: Ms. BORDALLO and Mrs. MALONEY.

H.R. 1029: Mr. MCMAHON and Mr. DONNELLY of Indiana.

H.R. 1030: Mr. GORDON of Tennessee.

H.R. 1059: Mr. WAMP, Mr. COOPER, and Mr. DAVIS of Tennessee.

H.R. 1064: Mr. MURPHY of Connecticut and Mr. HOLT.

H.R. 1066: Ms. NORTON, Mr. MCMAHON, Mr. SABLON, Mr. SARBANES, and Ms. LEE of California.

H.R. 1067: Mr. BROWN of South Carolina and Mr. STUPAK.

H.R. 1084: Mrs. MYRICK.

H.R. 1179: Mr. SIREN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HONDA, Mr. LANGEVIN, Mr. WALZ, Mr. MCHUGH, and Mr. PLATTS.

H.R. 1189: Mr. BOREN.

H.R. 1205: Mr. EHLERS, Mr. THOMPSON of California, Mr. ANDREWS, Mr. DREIER, and Mr. COHEN.

H.R. 1207: Mr. BUCHANAN and Mr. CASTLE.

H.R. 1209: Mr. MANZULLO, Mr. MURTHA, and Mr. ROGERS of Michigan.

H.R. 1210: Mr. WITTMAN, Mr. SCHIFF, and Ms. SCHWARTZ.

H.R. 1254: Mr. BRADY of Pennsylvania.

H.R. 1256: Mr. BISHOP of New York and Mr. LANGEVIN.

H.R. 1264: Mr. BISHOP of New York, Mr. DAVIS of Alabama, and Mr. BONNER.

H.R. 1283: Mr. ARCURI, Ms. RICHARDSON, Mr. SCOTT of Virginia, and Mr. TONKO.

H.R. 1289: Mr. SIREN, Ms. KILROY, and Mr. CARSON of Indiana.

H.R. 1303: Mr. PAYNE, Ms. JACKSON-LEE of Texas, and Ms. KILPATRICK of Michigan.

H.R. 1308: Mr. BLUMENAUER, Ms. BORDALLO, Mr. CONNOLLY of Virginia, Mr. ELLSWORTH, Mr. HINCHEY, Mr. ISRAEL, Mr. LUJÁN, Mr. SABLON, and Mr. TOWNS.

H.R. 1313: Mr. BLUMENAUER, Ms. ROSELEHTINEN, Mr. RODRIGUEZ, and Mr. MCNERNEY.

H.R. 1326: Mr. MARKEY of Massachusetts, Mr. BRADY of Pennsylvania, Mr. NADLER of New York, Ms. BERKLEY, and Mr. FILNER.

H.R. 1332: Mr. ADLER of New Jersey.

H.R. 1339: Mr. MICHAUD and Ms. ROSELEHTINEN.

H.R. 1346: Mr. FOSTER and Mr. SCHAUER.

H.R. 1349: Mr. DONNELLY of Indiana.

H.R. 1360: Mr. BRADY of Pennsylvania, Mr. STARK, Ms. SCHAKOWSKY, Ms. KILROY, Ms. SHEA-PORTER, and Mr. ARCURI.

H.R. 1361: Mr. BISHOP of Georgia.

H.R. 1362: Ms. KILPATRICK of Michigan, Mr. HINOJOSA, Ms. ESHOO, Mr. WALDEN, Mr. JONES, and Mr. BOSWELL.

H.R. 1405: Mr. SIREN, Mr. BLUMENAUER, Mr. HONDA, Mr. RYAN of Ohio, and Ms. FUDGE.

H.R. 1409: Mr. COHEN.

H.R. 1414: Mr. HARPER.

H.R. 1429: Mr. RANGEL, Mr. BISHOP of Georgia, Mr. WATT, Ms. ZOE LOFGREN of California, Mr. FRANK of Massachusetts, and Mr. DAVIS of Illinois.

H.R. 1460: Mr. HOLT.

H.R. 1466: Mr. GUTIERREZ, Mr. PAYNE, and Mr. GRIJALVA.

H.R. 1472: Mr. BOOZMAN, Mr. SAM JOHNSON of Texas, and Mrs. BACHMANN.

H.R. 1479: Mr. HASTINGS of Florida and Mr. ELLISON.

H.R. 1499: Ms. MATSUI and Ms. DEGETTE.

H.R. 1509: Mr. PAUL and Mr. WESTMORELAND.

H.R. 1511: Mr. CONYERS.

H.R. 1518: Mr. VAN HOLLEN, Mr. MOORE of Kansas, Mr. PERRIELLO, Mr. HIGGINS, Mr. ARCURI, Ms. BERKLEY, Mr. HILL, Mr. CLEAVER, Mr. TAYLOR, Mr. STUPAK, Ms. SCHAKOWSKY, Mr. RYAN of Ohio, Mr. KAGEN, Mr. KLEIN of Florida, Mr. GEORGE MILLER of California, Mr. ROSS, Mr. SCHIFF, Mr. CARNAHAN, Mr. HOLT, Mr. MAFFEI, Ms. DELAULO, Mr. BISHOP of New York, Ms. HIRONO, Mr. HARE, Mr. KILDEE, Mr. MORAN of Virginia, and Mrs. DAHLKEMPER.

H.J. Res. 39: Ms. TITUS, Mr. RYAN of Ohio, Mr. CARTER, Mr. FATTAH, Mr. GALLEGLY, Mr. BACHUS, Mr. ALTMIRE, Mr. PAYNE, Mr. BERMAN, Mr. JACKSON of Illinois, Mr. MCMAHON, Mr. SPACE, Mr. ENGEL, Ms. TSONGAS, and Mr. GARRETT of New Jersey.

H. Con. Res. 18: Mrs. BACHMANN.

H. Con. Res. 55: Mr. FARR, Mr. JONES, Mrs. MCCARTHY of New York, and Mr. BISHOP of New York.

H. Con. Res. 59: Mr. KLEIN of Florida.

H. Con. Res. 60: Mr. MCCOTTER, Ms. BALDWIN, Mr. FRANK of Massachusetts, and Mr. BOREN.

H. Con. Res. 63: Mr. GRIJALVA.

H. Res. 20: Mr. CALVERT.

H. Res. 69: Mr. FARR.

H. Res. 101: Mr. LOEBSACK and Mr. ARCURI.

H. Res. 130: Ms. FUDGE.

H. Res. 156: Mr. SMITH of New Jersey.

H. Res. 171: Mr. SIREN, Mr. CROWLEY, Mr. PRICE of North Carolina, Mr. FALEOMAVAEGA, Mr. ACKERMAN, Mr. CARSON of Indiana, and Mrs. MYRICK.

H. Res. 185: Mr. KRATOVIL, Mr. SCHOCK, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 211: Mrs. CAPITO and Mr. POE of Texas.

H. Res. 214: Mr. LEE of New York, Mr. HUNTER, Mr. MCHENRY, Mr. MCCARTHY of California, Mr. KINGSTON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROE of Tennessee, Mr. CHAFFETZ, Mr. LANCE, Mr. HARPER, Mr. BONNER, Mr. BAIRD, Mr. MCMAHON, Mrs. DAHLKEMPER, Mr. KRATOVIL, Mr. DUNCAN, Mr. CARTER, Mr. THOMPSON of Pennsylvania, Mr. COFFMAN of Colorado, Mr. POSEY, Mr. LATTA, Mr. AUSTRIA, Mr. UPTON, Mr. CASTLE, Mr. KISSELL, and Ms. MARKEY of Colorado.

H. Res. 215: Ms. MATSUI, Mr. WU, Ms. BORDALLO, Mr. GRIJALVA, Ms. HIRONO, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. ZOE LOFGREN of California.

H. Res. 223: Mr. POSEY, Mr. KING of Iowa, Mr. ETHERIDGE, and Mr. COBLE.

H. Res. 234: Mrs. MCMORRIS RODGERS, Mr. MCGOVERN, Mr. BRALEY of Iowa, Mr. SCHIFF, Ms. CLARKE, Ms. MOORE of Wisconsin, Ms. BEAN, Ms. BALDWIN, Mr. ARCURI, and Mr. CARNEY.

H. Res. 244: Mr. BURTON of Indiana, Mr. EHLERS, and Mr. KING of New York.

PETITIONS, ETC.

Under clause 3 of rule XII,

18. The SPEAKER presented a petition for the Legislature of Rockland County, New York, relative to Resolution No. 12 of 2009—Expressing Support for Israel, Recognizing Israel's Right To Defend Itself Against Attacks From Gaza, And Supporting The Israeli-Palestinian Peace Process; which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

CONGRATULATING PEBBLEBROOK
HIGH SCHOOL

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SCOTT of Georgia. Madam Speaker, I rise today to congratulate an exceptional high school choir in my district, Pebblebrook High School Performing Arts Chamber Choir of Mabelton, Georgia, which has been chosen to perform at New York City's legendary Carnegie Hall on March 20, 2009.

Pebblebrook High School Performing Arts Chamber Choir was selected out of dozens of high school choirs across the country for this performance. The concert will feature 200 students from four states, and is the capstone of Carnegie Hall's yearlong National High School Choral Festival. The concert will be conducted by Dr. Craig Jessop, esteemed Director of the Utah State University Music Department and former director of the Mormon Tabernacle Choir, who has been working with the choirs and their conductors throughout the year. Apart from their world-renowned performances, Carnegie Hall brings innovative music education programs to students across the nation. I am delighted that these young constituents have been given this opportunity.

Led by George Case, the Pebblebrook High School Performing Arts Chamber Choir performs works from all periods of classical music with a strong emphasis on 20th- and 21st-century compositions with a focus on choral/orchestral masterworks. The Choir has shared the stage with the Atlanta Symphony Orchestra and Cobb Symphony Orchestra, and has entered numerous competitions and adjudications at which they have consistently received superior ratings and awards. Choir members are actively involved in extracurricular performances and are given the opportunity to work with top professionals in the arts from the Atlanta area and throughout the United States.

I am honored to have one of the four schools in the nation chosen for the Carnegie Hall National High School Choral Festival residing in my Georgia district. They should be proud not only of their musical achievement, but their embodiment of the quality musical education the State of Georgia provides. I commend these students and their leaders for their success, and wish them the best of luck on March 20 when they perform at Carnegie Hall.

IN HONOR OF JUSTICE SEAN
RYAN; SUPREME COURT JUDGE
OF IRELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Justice Sean Ryan, High Court and Supreme Court Judge of Ireland, as I welcome him to Cleveland, Ohio on St. Patrick's Day, March 17, 2009.

For the past thirty years, attorneys Tim Collins and Thomas Scanlon have organized the St. Patrick's Day Party and Parade—a joyous event that brings people together in the heart of Cleveland. This treasured event promotes and preserves the rich traditions of their beloved Irish homeland. As in years past, downtown Cleveland will once again spring to life as a sea of green and the spirited sound of drums and bagpipes wind their way along Euclid Avenue. This enchanted day promises old friendships renewed, the discovery of new ones, and the spirit of all those joining together to celebrate Irish culture.

Justice Sean Ryan studied in Dublin at University College and at Dublin & King University where he studied law. After being called to the Bar in 1972, Justice Ryan practiced as junior counsel in the South Eastern Circuit of Ireland until 1983, when he was appointed to Senior Counsel. For the next twenty years, Justice Ryan worked diligently in Ireland's High Court and Supreme Court on a wide range of cases and issues, including constitutional law, law of torts, criminal law and administrative law. Since 2001, Justice Ryan has focused his energy and expertise on investigating cases of child abuse and working as an advocate for victims of child abuse.

Madam Speaker and Colleagues, please join me in honor and recognition of Justice Sean Ryan, as we welcome him to Cleveland on St. Patrick's Day. Please also join me in recognition of Tim Collins and Thomas Scanlon for organizing this wondrous St. Patrick's Day Celebration again this year, as they have for the past thirty years. "Ni dheanfaidh smaoineamh an treabhadh duit—You'll never plough a field by turning it over in your mind" Old Irish Proverb.

A TRIBUTE TO TRACYE RAWLS-
MARTIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Tracye Rawls-Martin, proud daughter of Henry Sr. and Shirley M. Rawls,

wife of Arnold V "Woody" Martin, stepmother to Britt'ney D. Clarence and "Nana T" to Woody's oldest daughters' son, Charles Lovell 3rd.

Tracye Rawls-Martin, MS ATC is a Certified Athletic Trainer and one of 5 African American Athletic Training Education Program Directors in the United States. She is "mother", advisor and professor to more than 16 Athletic Training Students within the BS/MS Degree Program in Athletic Training & Sports Sciences at Long Island University Brooklyn Campus. She began her academic career as a Dance Education major and progressed to a Pre-Physical Therapy major and fell in love with an Athletic Training major. After completing two semesters in the Pre-Physical Therapy program at Kingsborough Community College, she decided it was time to move on to a more exciting and productive field—the field of Athletic Training and Sports Sciences. The field of Athletic Trainers was made for her because it is designed for Health Care Professionals who specialize in prevention, assessment, treatment and rehabilitation of injuries and illnesses that occur to athletes and the physically active. All Certified Athletic Trainers must have at least a bachelor's degree in athletic training, which is an allied health profession, must pass a comprehensive exam before earning the ATC credential, must keep knowledge and skills current by participating in continuing education and must adhere to standards of professional practice set by a national certifying agency.

The combination of dance education & athletic performance was a winning combination for her personality because she loves helping people, teaching, watching and participating in sports. In addition to nurturing her students through academic requirements for the program, she has had the honor and privilege of working with over 1000 athletes worldwide; high school, junior college, division one collegiate athletes, semi professional and professional. Her current responsibilities as Director of Athletic Training Education Programs at Long Island University, Brooklyn Campus include teaching (18 credit hours teaching a variety of sports medicine topics which include risk management, injury prevention, orthopedic examination & diagnosis, medical conditions and disabilities, acute care of injuries and illnesses, therapeutic modalities, conditioning, rehabilitation exercise and pharmacology, psychosocial intervention and referral, nutritional aspect of injuries and illnesses and health care administration), administrative (direct and administer BS/MS Degree Program and Advanced Master's Degree program in Athletic Training and Sports Sciences, maintain guidelines and standards set forth by the accrediting agency, work with the Clinical Coordinator to establish and maintain affiliations,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

conduct and publish research/scholarly activities in areas of expertise, advise students, develop and implement internal/external marketing strategies for the Athletic Training Education Programs, assist in the recruitment of faculty, continue to encourage good citizenship and professional conduct among all students and faculty so as to promote the best interest of athletic trainers, maintain continuing education credits, participate/coordinate and conduct committees within the Division, School of Health Professions, the University and the Brooklyn Committee), service (active member with the local, regional and national athletic training organizations, Athletic Training Students Club/Members and Faculty noted on national website, Instructor for American Heart Association, Book reviewer for Lippincott Williams and Wilkin publishing company, participant in several health events for children, i.e. TEAM L.I.U.-Teenagers Educated About Asthma Management).

In addition, Tracie Rawls-Martin is an entrepreneur and a top executive for one of the world's largest direct selling telecommunications providers. On a part time basis she has reached the first earned executive position in the company. She is well on her way to helping hundreds and thousands of individuals achieve financial freedom and continue to live out their life long dreams whether it be to have more time with their families or to explore the beaches of the world.

Tracie will continue to pursue her passions and would like to contribute her success to the Lord, her family and her students. She will not rest until she has fulfilled her life's long mission—to take care of children of all ages, to feed them, clothe them, teach them and love them; in the end to develop a place they can call home and a place they can always return to a "University for Children."

HONORING THE ACCOMPLISHMENTS OF DETECTIVE LESTER J. NERI

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor a dedicated public servant in Chester County, Pennsylvania, who has retired after 33 years of loyal service in law enforcement.

Detective Lester J. Neri started his career in 1975 with the Springfield Township Police Department and faithfully served the Tredyffrin Township Police Department for the last 27 years.

Detective Neri earned the respect of fellow officers and supervisors with his outstanding leadership and analytical skills over the course of his distinguished career.

He has been a tremendous asset to the department due to his wide range of skills, including crisis negotiations, homicide investigations, undercover investigative techniques and fingerprint processing.

Despite retiring in December, Detective Neri continues to serve the 42,000 men and women who pin on a badge each day in his

position as State President of the Pennsylvania Fraternal Order of Police.

Madam Speaker, I ask that my colleagues join me today in praising the outstanding service and dedication of Detective Lester J. Neri, and all those who take an oath to serve and protect their communities.

TRIBUTE TO THE GERMANTOWN BULLDOGS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to a championship team from Germantown, Illinois.

The Germantown Bulldogs beat Mt. Vernon-St. Mary 35–32 to clinch the 2009 Southern Illinois Junior High School Athletic Association Class S state championship. The Bulldogs brought home the trophy after finishing the season with a stellar 28–1 record.

To win the title, the Bulldogs built an early lead, then had to hold off an intense second-half rally, but they showed poise under pressure, and held on to get the win.

I want to congratulate Coach Gerard Alpers and his assistant coach, Jeff Lampe, on their fine work with this group of student athletes. I also want to extend my congratulations to the members of the 2008–2009 Germantown Bulldogs state championship boys basketball team: Seth Haake, Nick Hitpas, Jalen Albers, Drew Poppe, Grant Haake, Kevin Haar, Kyle Kohnen, Brandon Becker, Mitchell Langenhorst, Christian Kohnen, Kyler Scheer, Jordan Lampe and Travis Wuebbels.

This outstanding group of young men represented themselves, their school, families and community in a first-rate fashion. It is my privilege to congratulate them on a job well done.

TRIBUTE TO BILL GHENT, INC.

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to a community institution in Harrisburg, Illinois, celebrating its 100th birthday.

Bill Ghent, Inc. began business in 1909 as J.C. Robertson, and boasted as its slogan, "Friends may sympathize, but we pay cash." Bill Ghent joined the business in the late 1930s, and in 1957, Bill Ghent, Inc. was established. In the early days, the only worries this small-town insurance agency was concerned with were fire and lightning. "Now, we've got all kinds of perils to deal with," Bill Ghent, II, told the local newspaper.

These days, Bill Ghent, Inc. insures not just private citizens and their property, but also looks after the schools of the area. Insuring schools is something of a tradition for Bill Ghent, Inc. In Mr. Ghent's office, behind glass, is the 1909 to 1911 policy for the Bramlet

School in Raleigh, Illinois. It insured the school building for \$500 and the contents for \$100.

Bill Ghent, Inc. has served the residents of Harrisburg and southeastern Illinois from the days of horse and buggies to today's modern world. I want to congratulate Bill Ghent and all the employees of Bill Ghent, Inc. on one hundred years of service to the community, and to wish them one hundred more.

TRIBUTE TO SERGEANT BRIAN SCHAR

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. DUNCAN. Madam Speaker, Albert Caswell is one of the finest tour guides in the United States Capitol Guide Service. But what many may not know about Albert is that he is also a gifted poet.

Oftentimes, when I run into Albert in the Capitol, he shares his work with me. Recently, he gave me a poem about a man from my District in East Tennessee, Sergeant Brian Schar.

Sergeant Schar served our Nation valiantly during the War on Terror, and in doing so made a sacrifice only few could imagine.

Albert's poem is a tribute to Sergeant Schar's courage and strength as he adjusts to life as a double amputee. While we often hear on the news of the lives lost in the War, we also need reminding of the thousands more who suffered life-altering injuries.

Madam Speaker, I would like to call Albert's poem to the attention of my colleagues and other readers of the RECORD, and I pray many will be inspired by his words.

Everyday, magnificent men and women like SSG Schar go off to war and leave their loved ones behind. All for the greater good, putting themselves last while putting their nation first. Many lie in graves as the ultimate sacrifice. While, others like Brian . . . must come home and fight another battle. While all the time teaching and inspiring us, with their undying faith and courage to inspire us.

ONE THING . . . FOR SCHAR

Throughout the course of our nation's history . . .

There have come so many fine patriots who have blessed her so indeed . . .

And many all from this great state of Tennessee . . .

Men like Crockett all in their glory . . .

And Sargent York, all the more he . . .

Who, fought and died . . . all so we could be free . . . their story . . .

Men, who went straight into that face of hell . . .

With hearts of courage full, which swelled . . .

Who all in that moment of truth . . .

Have so showed us the proof . . .

That on this earth, angels dwell . . .

For there have been so many Tennesseans, such fine lives would create . . .

Men who have so blessed our nation, and this their state . . .

But, One Thing For Schar . . .

The Tallest of All Tennessean's by far . . .

Are but men like this young star . . .

Men who so bravely lived and died . . .

Who come home without arms and legs . . .
 And don't ask why? . . .
 For they have a higher calling . . .
 As they wipe those tears from their eyes . . .
 For he won't moan and he won't beg . . .
 As a new war he must wage . . .
 As on this day he stands taller, than any
 other man with legs . . .
 As he must go through hell and back, all so
 you can say . . .
 I am free this day . . .
 As one of The Tallest of Tennessean's, he
 now stands . . .
 As it's his heart that which now so com-
 mands . . .
 Teaching us . . .
 Reaching us . . .
 Into your our very souls to make us under-
 stand . . .
 Why we are free, and how beautiful a heart
 can be . . .
 Blessing us all, you and me . . .
 As the high cost of freedom we so see . . .
 As from his heart he speaks!
 Saying, I will not be stopped . . .
 I will not be slowed . . .
 As a force of nature, as onward he goes . . .
 As his fine heart climbs mountains tops . . .
 And if I ever have a son . . .
 I but hope and pray that he could but be like
 this fine one . . .
 But, one thing I ask . . .
 One, Thing . . . For Schar . . .
 As you go home this night . . .
 Holding, your family warm and tight . . .
 As all in your world, all seems so right . . .
 Remember, the great price of freedom paid
 . . .

Get down on your knee's . . .
 And thank this young man so brave . . .
 And all of his brothers and sisters in arms,
 who now so lie in soft quiet graves!
 Just, One Thing For Schar . . .

ALBERT CAREY CASWELL ©, 2009

FAOY This poem is dedicated to a real
 American Hero Brian Schar . . . he was in-
 jured on September 9th 2007 in an IED blast
 . . . SSG Brian Schar of A. Co. 9th Eng 1st ID
 The United States Army . . . Brian is a Com-
 bat Engineer from Sevierville Tennessee.

TRIBUTE TO KENT OLSON, EXECU- TIVE DIRECTOR OF THE PROFES- SIONAL INSURANCE AGENTS OF NORTH DAKOTA

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. POMEROY. Madam Speaker, I rise to
 honor the distinguished career of Kent Olson.
 I am pleased to have known Kent Olson for
 the many years he served as the Executive
 Director of the Professional Insurance Agents
 of North Dakota working with him on important
 insurance issues for North Dakota farmers.

Kent Olson is a model of the highest stand-
 ards of honesty, integrity and professionalism.
 As Mr. Olson prepares to begin retirement, I
 want to pay tribute to his leadership of the
 professional insurance agents in North Dakota
 focusing on the importance of quality contin-
 uing education for its members that trans-
 lated into excellent service for families and
 farmers in North Dakota. Throughout the
 years, quality education for professional insur-
 ance agents has been known by one name:
 Kent Olson.

Among his many achievements, Kent Olson
 is an expert in crop insurance and has been
 passionate in support of the key role that crop
 insurance plays in the farming economy of our
 state and of our entire nation.

In addition to his work in our state, Kent has
 contributed his many talents to the national
 PIA agents association, putting on seminars
 and getting personally involved every year. His
 involvement typifies his belief in our democ-
 racy and embodies the motto of PIA as being,
 "Local Agents Serving Main Street America."
 Kent believes passionately in the value that
 local professional insurance agents always
 provide. And with equal passion, he believes
 that insurance should continue to be regulated
 by the State, not by the federal government.

I am pleased to note that although Kent will
 be retiring, he will never give up his passion—
 whether they are for the Main Street insurance
 agents, who have come to call him a close
 friend, or for his family, or for his music.

Kent Olson is one of those people whom
 everyone respects, and with many good rea-
 sons. I have had the pleasure of calling Kent
 Olson a colleague and a friend, and that will
 never change.

I am pleased to congratulate and commend
 Kent Olson on the occasion of his retirement
 as executive director of the Professional Insur-
 ance Agents of North Dakota.

RECOGNIZING AT&T FOR JOBS CREATION AND COMMITMENT TO CLEAN ENERGY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. BACA. Madam Speaker, in this time of
 economic uncertainty, I rise to thank one com-
 pany who is actively working to create new
 jobs and practice a clean, environmentally
 friendly business model, AT&T.

Through a new \$18 billion initiative, AT&T is
 pledging to increase its broadband capacity.
 Not only will this initiative increase Internet
 speed and accessibility for customers, but per-
 haps more importantly it will create 3,000 new
 jobs.

Over the next ten years, AT&T also plans to
 create or save an additional one thousand
 jobs through a plan to invest \$565 million in
 replacing its current fleet of vehicles with
 15,000 domestically manufactured Com-
 pressed Natural Gas and alternative fuel vehi-
 cles.

Research shows that this new fleet will save
 49 million gallons of gasoline over the next ten
 years. It also will reduce carbon emissions by
 211,000 metric tons in this same time frame.

Madam Speaker, I applaud AT&T for its ini-
 tiative in taking the lead in the movement to
 green our economy. Not only will these new
 initiatives help lead our nation out of its cur-
 rent economic downturn, but they also help to
 create an environmentally sustainable future
 for our children and grandchildren to enjoy.
 These actions set AT&T apart as an exem-
 plary company, and I hope that others will
 soon follow their lead.

TRIBUTE TO THE OMEGA PSI PHI FRATERNITY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. MEEK of Florida. Madam Speaker,
 today I rise to recognize my fraternity, Omega
 Psi Phi Fraternity, Incorporated, the first Afri-
 can-American national fraternal organization to
 be founded at a historically black college, for
 their 7th Annual Florida Political Summit in
 Tallahassee, Florida.

For nearly 100 years, my fraternal brothers
 have faithfully carried out their mission of fos-
 tering the growth of men, both college and
 post college, by providing an outlet and oppor-
 tunity to serve the community as set forth by
 our founders at Howard University, Edgar A.
 Love, Oscar J. Cooper, Frank Coleman, and
 Ernest Just.

Since its inception in 1911, Omega Psi Phi
 brothers have been advocates of taking lead-
 ership to prevent violence against women and
 children in the African-American community,
 supported efforts of the United Negro College
 Fund and the Congressional Black Caucus,
 and most recently partnered with the American
 Cancer Society and the National Association
 of Basketball Coaches in Coaches vs. Cancer
 in empowering basketball coaches, their
 teams and local communities to make a dif-
 ference in the fight against cancer.

While attending Florida Agricultural and Me-
 chanical University, FAMU, in Tallahassee,
 Florida, I had the distinct honor of serving as
 Basileus of the Upsilon Psi Chapter of Omega
 Psi Phi. My experiences as Basileus have
 served as the cornerstone in my education
 and leadership skills that I have carried over
 into this esteemed Chamber in representing
 the 17th Congressional District of Florida.

In an esteemed effort to continue Omega
 Psi Phi's mission, I know the men of Omega
 Psi Phi Fraternity will discuss their legislative
 concerns ranging from civil rights, health care
 reform and veteran's affairs to public edu-
 cation, foreign policy, and economic issues
 while sharing their experiences and raising
 awareness of issues affecting our daily lives.

Madam Speaker, I encourage my col-
 leagues to join me in wishing my brothers of
 Omega Psi Phi Fraternity a successful political
 summit as these men continue to build a
 strong and effective force of men dedicated to
 its Cardinal Principles of manhood, scholar-
 ship, perseverance, and uplift.

REMEMBERING THE LIFE OF MUSIC IMPRESARIO RALPH MERCADO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. RANGEL. Madam Speaker, I rise to ask
 my colleagues to pause and remember the life
 of a good friend, Ralph Mercado, the leg-
 endary Latin music executive who recently
 passed away on March 10, 2009. As much an

icon as the musicians that he worked with and promoted, Mercado was a visionary innovator who helped popularize tropical music worldwide, including New York's mixture of popular Latin rhythms known as "salsa."

Mercado etched his name in the history books by building a record label whose various components (from a publishing company to a video and film production arm) helped make and take salsa to some of the largest stages around the world. A catalog of award-winning international hits across three decades transformed the Latino music industry, bringing respect not only to talented artists but also providing young Latinos with a way to connect with their parents, their roots and their communities.

It all started in Brooklyn on Sept. 29, 1941. The son of a Dominican dockworker and a Puerto Rican factory worker, Mercado often commented that he learned merengue, the typical dance from the Dominican Republic, in the hallway of the family's fifth-floor walkup as soon as he could walk. He first fell in love with the rhythms while at the Palladium Nightclub when he was only 16, watching the big bands of Machito, Tito Puente and Tito Rodriguez. As a teenager, he was famed for producing "waistline parties" in apartment building basements where a couple's admission was a penny per inch of their dates' waistline.

Using the same concept, he then opened the 3 & 1 Club where he began booking local Latin bands such as Eddie Palmieri and Richie Ray & Bobby Cruz, among many others. This led to Mercado's first management, booking, and promotions company called Showstoppers. He promoted legendary R&B acts that included James Brown, Aretha Franklin, Gladys Knight & the Pips, the Stylistics, the Chi-lites, starting a salsa-soul music trend.

Mercado also continued to open many doors to up and coming artists. He helped to expand the Fania All-Stars, promoted dances at the Cheetah Nightclub, and presented Latin jazz at the Red Garter and, later, at the Village Gate and other downtown venues. His partnership with Jack Hooke, the late Tito Puente's longtime manager, helped create the Salsa Meets Jazz Series at the Village Gate and the Latin Jazz Jam as part of the JVC Jazz Festival.

A great judge of talent, Mercado opened RMM Management in 1972 representing Eddie Palmieri and Ray Barretto. He went on to manage virtually every name in the industry, including its two biggest stars: Tito Puente and Celia Cruz. His concerts grew more popular and by 1987 the wildly successful "Latin Tinge" nights at the Palladium on New York's 14th Street were bringing 3,000 "salseros" to dance every Thursday night. Mercado managed these events until 1992, when he refocused his energies on the creation of a record label, RMM.

Mercado expanded his venture into numerous companies including RMM Records, RMM Filmworks, and two publishing houses. With over 140 artists signed to RMM Records, the label sold millions of recordings a year. The recipient of countless awards and proclamations, Ralph Mercado was honored with a Lifetime Achievement Tribute by Billboard Magazine in 1999.

Always an innovator, Ralph Mercado pioneered the presentation of salsa music in Africa, South America, Asia, and Israel. He was one of the first to bring Latin music concerts to such prestigious venues as Radio City Music Hall with Julio Iglesias' New York performance; Lincoln Center's Avery Fisher Hall; the Beacon Theater; and Madison Square Garden.

The truth of course is that Mercado's death this week leaves a tremendous void in the hearts of not just his family and friends but also countless Latin music fans around the world. However, his body of personal and professional work leaves a distinguished legacy whose impact can be seen not just in the industry he helped create, but also in the countless lives that his music touched. Little boys and girls can dream of singing the songs that their parents know and love thanks to Ralph's extraordinary commitment, energy and discipline.

So Madam Speaker, rather than mourn his passing, I hope that my colleagues will join me in celebrating the life of Ralph Mercado, Jr. His is an inspirational story for all Americans, one that exemplified greatness in every single way.

HONORING MAYELA ROSALES

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor an exceptional businesswoman, journalist and community activist from Naples, Florida, Mayela Rosales. As Executive Vice President of Azteca America SWFL and host of the most popular Spanish language TV show in Southwest Florida, D'Latinos al Dia, Mrs. Rosales is an example of what can be achieved through hard work and dedication.

With a degree in Journalism and Communications from the University of Zulul in her native country of Venezuela and 12 years of experience in the field, she came to the U.S. 13 years ago. Since then, she has worked towards ensuring that the fast-growing Hispanic community in Southwest Florida has access to news and information through Spanish language television programming and print. In 2003, Media Vista Group, the company she owned, integrated with Media Vista Publications and now produces the D'Latinos Magazine, D'Latinos online and D'Latinos al Dia program. Mrs. Rosales is Executive Director of the monthly magazine and host of the television show, which has been the only live, Spanish language program in the area for six years and airs every weekday in more than 400,000 homes.

In 2006, Mrs. Rosales, in partnership with her husband Orlando Rosales and others, acquired local TV station WTPH 14 Azteca America Southwest Florida in Naples. The station serves as a venue for Spanish language programming and news including D'Latinos al Dia.

In addition to her business ventures and career in journalism, Mrs. Rosales is a dedicated

wife to husband Orlando and mother of two boys, Gabriel and Daniel. She is also active in a number of civic and charitable organizations including the Greater Naples Chamber of Commerce, the Children's Museum of Naples, the American Heart Association, the Fifth Third Bank, the Ronald McDonald House, Hospice of Naples, Catholic Charities and Literacy Volunteers, and was the founder of the Council for Hispanic Business Professionals.

As we celebrate Women's History Month, I ask you to join me in congratulating my dear friend Mayela Rosales for her invaluable contributions to the Hispanic community and her dedication to professionalism and communicating accurate and valuable information to residents of Southwest Florida.

TRIBUTE TO THE BARTELSON BRAVES

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to an outstanding group of student athletes from Bartleso, Illinois.

The Bartleso Braves of Bartleso Elementary School, defeated Centralia Trinity Lutheran 49-26 to capture the Southern Illinois Junior High School Athletic Association Class S State Championship. The win followed victories in the quarterfinals over Rome and in the semifinals over Waltonville.

I want to congratulate Coach Gigi Kohrmann and Assistant Coach Abby Winkler for all of their work with their team. I especially want to congratulate the members of the 2008-2009 Bartleso Braves state championship basketball team: Emily Koelling, April Gebke, Madison Thole, Kaitlyn Albers, Katlyn Albers, Paige Varel, Torre Kohrmann, Nicole Loepker, Noel Loepker, Jillian Menkhous, Erin Brueggemann, Sophie Rickhoff, Elle Gebke, Chloe Beckmann and Madison Haake.

These young ladies have made our community proud, and have brought home the championship trophy to Bartleso. I wish them all the best in their future academic and athletic endeavors.

HONORING MILCA GUTIERREZ

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Milca Gutierrez upon being named as the Children's Miracle Network's "California Champion Across America" for 2009. Miss Gutierrez will be honored on Tuesday, March 17, 2009 at Children's Hospital Central California at an event to kick off the local and national public awareness program.

Milca Gutierrez, of Fresno, California, was diagnosed when she was four months old with a rare disorder called ontogenesis imperfecta, commonly known as brittle bone disease. This

rare disorder affects the connective tissue and causes bones to break easily and without any apparent reason. At the age of eleven, Miss Gutierrez has been seen at Children's Hospital Central California over 180 times and has undergone over ten operations; she remains positive with her motto "It's just a bone."

Miss Gutierrez is a constant source of brightness and support, whether to herself or others, she has a unique ability to always help those around her. Once a year she and her family travel to their native hometown in Mexico to provide clothes, toys and stuffed animals to families in need. She is able to live an active and full life; she loves swimming, math and dreams of becoming a doctor. Her unique situation has placed her in a position to advocate for children's hospitals across the nation, serve as a "Champion" for the State of California and act as an ambassador for the seventeen million children who are treated at children's hospitals every year. The Children's Miracle Network sponsors a variety of events to help raise money for children's hospitals; including the Champions Across America initiative, where one child from each state is selected to serve as a champion to help highlight the importance of a children's hospitals. Miss Gutierrez, along with her fellow champions, and her family will travel to Walt Disney World to participate in the Children's Miracle Network Celebration and to Washington, D.C. to highlight the vital work of children's hospitals.

Madam Speaker, I rise today to commend and congratulate Milca Gutierrez upon her achievements and strength. I invite my colleagues to join me in wishing Miss Gutierrez many years of happiness and success.

IN HONOR OF JOHN KURKOSKY

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor John Kurkosky of Annandale, Minnesota for creatively using his song-writing and singing talents to support his neighbors in need.

A self-professed "shower singer," John makes a hobby out of writing and singing country, rock and gospel songs. Five years ago, he wrote a song, "Ice Fishin' My Buddies and Me" that gained popularity last year when it was featured on the local news story about Minnesota ice houses. Though John has recorded about 40 songs, his tale about one of Minnesota's most popular pastimes seems to be everyone's favorite. So popular is this local song that if you Google "Kurkosky fish house song," you'll get hits all over the web, including YouTube.

His CD, "John Kurkosky: My Mixed Up Music" sells at a shop in Annandale, Minnesota and is also available by mail. As a construction worker, John doesn't plan to quit his day job anytime soon, but since March is Food Share Month, he is using his talent to set up fundraising events in Central Minnesota for local food shelves. In addition, John already donates a portion of every CD sale to food shelves. This March campaign is the

largest food drive in the state, supporting work at 260 food shelves across Minnesota.

Madam Speaker, I rise today to congratulate and honor John Kurkosky on his musical success and his charitable efforts. It is Minnesotans like John that make our communities better places to live, work and raise a family.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, March 16, 2009, I was unable to cast my votes on H.R. 987, H.R. 1217, and H.R. 1284. I was dealing with the death of a very dear friend of mine over the weekend and was visiting with his family Monday night.

Had I been present for Rollcall No. 125, on suspending the Rules and passing H.R. 987, naming the John Scott Challis, Jr. Post Office, I would have voted "yea."

Had I been present for Rollcall No. 126, on suspending the Rules and passing H.R. 1217, naming the Specialist Peter J. Navarro Post Office, I would have voted "yea."

Had I been present for Rollcall No. 127, on suspending the Rules and passing H.R. 1284, naming the Major Ed W. Freeman Post Office, I would have voted "yea."

TRIBUTE TO THE ALTAMONT LIONS CLUB

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to an important community institution. The Altamont Lions Club in Altamont, Illinois, celebrated its 70th Anniversary on January 15 at the Immanuel Lutheran Church Parish Hall.

Since January 1939, the Altamont Lions Club has been doing good deeds in this small town in Effingham County, Illinois. Each year, the club gives two Lions Club scholarships to deserving students in the community. Through the Lions' nationwide commitment to assisting the sight-impaired, they hold candy days fundraisers to purchase large-print Readers' Digests for the local library, and donate funds to enable blind youth to attend Space Camp. This commitment has also led to the club purchasing eyeglasses for community members in need. In recent years, the Altamont Lions have sponsored youth soccer and basketball leagues, giving area children a positive opportunity for healthy recreation.

I want to congratulate Club President Jim Strange and the members of the Altamont Lions Club on 70 years of good work, and wish them all the best for the next 70 years and beyond.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. TIAHRT. Madam Speaker, in accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to the Fiscal Year 2009 Omnibus Appropriations Act found in H.R. 1105: Department of Agriculture—Preharvest Food Safety

H.R. 1105, the FY 2009 Omnibus Appropriations Act contains \$142,000 for Preharvest Food Safety, Kansas, in the Cooperative State Research Education and Extension Service's Research and Education Activities Account. The entity to receive funding for this project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to expand its research in emerging threats of food-borne and zoonotic diseases associated with food-producing animals.

No matching funds are required for this Department of Agriculture project.

Department of Agriculture—Karnal Bunt
H.R. 1105, the FY 2009 Omnibus Appropriations Act contains \$508,000 for Karnal Bunt, Manhattan, Kansas, in the Agriculture Research Service's Salaries and Expenses Account. The entity to receive funding for this project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

This funding will be used to develop breeding lines of wheat that are resistant to existing and emerging diseases, including Karnal Bunt, leaf rust, and UG99 stem rust.

No matching funds are required for this Department of Agriculture project.

HONORING FLYING CROSS RECIPIENT ROBERT P. CHRISTIANSEN OF HOMOSASSA, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an American hero and Distinguished Flying Cross recipient, Major Robert P. Christiansen of Homosassa, Florida. His extraordinary achievement while participating in aerial combat flight during an engagement in Southeast Asia in 1968 and his service to our Nation will forever be remembered by this Congress. Mr. Christiansen bravely encountered dangerous and life-threatening events during his time in the Air Force.

Born in Philadelphia, Pennsylvania, Mr. Christiansen graduated from West Point in 1957. He bravely served our country as a fighter pilot for the next 15 years, including service in Southeast Asia. On May 1, 1968, Mr. Christiansen bravely participated in an aerial combat mission.

On that night, Mr. Christiansen and his navigator bombardier dutifully responded to an urgent call to attack a convoy of hostile vehicles

in a heavily defended and strategically important area. Mr. Christiansen made three attacks and was credited with destroying five vehicles and causing two significant secondary explosions. The professional skill and personal devotion displayed by Mr. Christiansen reflect his immense commitment and sacrifice.

Madam Speaker, soldiers like Robert P. Christiansen should be recognized for their service to our Nation and for their commitment and sacrifices in battle. I am honored to congratulate Mr. Christiansen on his long overdue Flying Cross award. His family, friends and loved ones should know that we truly consider him one of America's heroes.

**THE HOME OFFICE DEDUCTION
SIMPLIFICATION ACT (H.R. 1509)**

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. McHUGH. Madam Speaker, yesterday, March 16, 2009, the Gentleman from Oregon, Mr. SCHRADER, and I introduced legislation, H.R. 1509, the Home Office Deduction Simplification Act. This legislation, which was H.R. 6214 in the 110th Congress, is designed to reduce the complexity of the tax code and provide Americans with the ability to elect to take a standard deduction in the amount of \$1,500 for home office expenses.

In 1976, Congress enacted Section 280A of the Internal Revenue Code, which as amended in 1997, provides the limited circumstances in which an individual or an S corporation may take a deduction for expenses related to an office in the home. Generally, deductions are limited to those parts of a home that are exclusively used on a regular basis as a principal place of business or to meet with patients, clients, or customers.

As a result of technological advancements and other significant changes in our economy over the past 40 years, many more small businesses are now able to effectively operate out of the home. Not surprisingly, there has been a growth in the use of home offices; according to the Internal Revenue Service (IRS), the home office deduction was taken on 3.3 million self-employed business returns in tax year 2006, an increase of 700,000 from tax year 2002.

Nonetheless, the IRS reports that "a substantial number of taxpayers with home office expenses are not claiming them on tax returns." According to the IRS, the deduction might be underutilized because "understanding and complying with the rules for deducting home office expenses can be difficult for small business and self-employed taxpayers." This is borne out by an IRS analysis that found almost half of the taxpayers claiming a home office deduction made errors.

Small businesses are unquestionably the backbone of our nation's economy. In fact, some 27 million American small businesses represent more than 99 percent of all employers, provide 51% of private sector employment and 45% of its payroll, and produce approximately 50% of the nation's private, nonfarm GDP. I could not overstate the importance of

the nearly 66,000 small businesses I have the privilege of representing to the economy of Northern and Central New York.

The importance of this measure to small businesses is evident by the fact that it is supported by a coalition that includes the Alliance of Visual Artists, American Homeowners Grassroots Alliance, Associated Builders & Contractors (ABC), Association for Enterprise Opportunity (AEO), National Association for the Self-Employed (NASE), National Federation of Independent Business (NFIB), National Small Business Association (NSBA), Professional Photographers of America, Small Business & Entrepreneurship Council, Small Business Legislative Council (SBLC), and Women Impacting Public Policy (WIPP). The Home Office Deduction Simplification Act is also supported by the SBA Office of Advocacy.

Given the importance of small businesses to our economy, it is imperative that Congress act when presented with opportunities to reduce or remove costly regulatory burdens. The current home office deduction presents such an opportunity, which Congress can reduce, by enacting the Home Office Deduction Simplification Act. Accordingly, I ask my colleagues to join with Mr. SCHRADER and me to enact this important measure.

**HONORING ST. PATRICK'S DAY
AND THE INDY SPORTS FOUNDATION**

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. CARSON of Indiana. Madam Speaker, today I rise in recognition of Saint Patrick, the patron saint of Ireland. As we celebrate St. Patrick's Day, I would like to honor the Indy Sports Foundation for their continued dedication in civic engagement and preservation of the rich Irish heritage in Indianapolis, Indiana.

The Indy Sports Foundation has done an excellent job of hosting the Annual Indianapolis St. Patrick's Day Parade and Celebration along with the Annual Shamrock Run/Walk. With nearly 2,000 participants and over 20,000 spectators, the Indy Sports Foundation celebrates the vibrant Irish culture and Irish contributions to American society.

For the past 25 years, the Indy Sports Foundation has played an invaluable role in our community to promote athletics and youth engagement. They have sponsored events such as the Special Olympic Camps, summer programs for disabled children, and provided mentorship for children from disadvantaged backgrounds.

Each year, the Indy Sports Foundation recognizes an outstanding individual who's dynamic and selfless contributions have impacted the public good. I would like to congratulate Pat Cronin, the first female to be named "Indianapolis Irish Citizen of the Year." I thank her for her service to the Irish community and her ceaseless efforts to advance the philanthropic mission of the Indy Sports Foundation.

I urge my colleagues to join me this St. Patrick's Day in recognizing the Indy Sports

Foundation for their ongoing involvement in the Greater Indianapolis community.

**INTRODUCTION OF LOWER BRULE
AND CROW CREEK TRIBAL COM-
PENSATION ACT**

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Ms. HERSETH SANDLIN. Madam Speaker, today I am pleased to reintroduce the Lower Brule and Crow Creek Tribal Compensation Act. This bill would fully compensate the Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe in South Dakota for the lands that they lost as a result of the federal government's construction of the massive dams on the main stem of the Missouri River.

The Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe reservations border on the Missouri River in central South Dakota and are connected by the Big Bend Dam. The 1944 Flood Control Act flooded and devalued tribal lands. The flooding also took an enormous toll on the people of both tribes and their economies. It is critically important that we seek to fully reimburse these tribes for the lands they lost.

Congress created a trust fund for the Crow Creek Sioux Tribe in 1996, and a separate trust fund for the Lower Brule Sioux Tribe in 1997. These trust funds sought to compensate the tribes for the value of their land that is now permanently inundated as a result of the construction of the Big Bend Dam.

Regrettably, the compensation amounts varied between separate but similarly-situated tribes along the Missouri River. The result was unfair and inadequate compensation trust funds for Lower Brule and Crow Creek, and therefore, Congress should revisit the compensation levels provided to these tribes in the 1990s. This act is designed to create consistency among the affected tribes and to bring some long-overdue closure to the people of Lower Brule and Crow Creek.

Compensation for these tribes would give the tribes the tools they need for economic recovery in the face of lasting impacts from the 1944 Flood Control Act. This compensation would enable the tribe to improve their community facilities and fix their roads. It would mean better health care and newer schools. Most importantly, it would mean a real chance for these tribes to provide future generations with the tools that so many of us take for granted.

I am hopeful that the House will move quickly in the 111th Congress to advance this important legislation. An earlier version of this bill was reported by the Senate Committee on Indian Affairs in the 108th Congress and ultimately passed the Senate. In the 109th Congress it was amended in the Senate after further hearings and then reported. In the 110th Congress, the Committee on Natural Resources Water and Power Subcommittee held a legislative hearing on an identical bill.

In closing, I respectfully ask my colleagues to support the Lower Brule and Crow Creek Tribal Compensation Act and work with me to

enact legislation that would fairly and appropriately compensate members of the Lower Brule and Crow Creek Sioux Tribes.

INTRODUCTION OF THE PATHWAY FOR BIOSIMILARS ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Ms. ESHOO. Madam Speaker, the field of biotechnology is the future of medicine. Scientists and doctors are just beginning to scratch the surface of the potential to harness the extraordinary power of biology and the astounding natural processes which occur in the human body, in animals, and in other living organisms to advance breakthrough medical discoveries and treatments. While ordinary pharmaceuticals primarily treat the symptoms of a disease or illness, biotechnology products—"biologics"—can be manipulated to target the underlying mechanisms and pathways of a disease.

Through the study of biotechnology, the potential exists to develop effective treatments for cancer and AIDS, many of which are already saving lives. We will cure diabetes. We will prevent the onset of deadly and debilitating diseases such as Alzheimer's, heart disease, Parkinson's, multiple sclerosis and arthritis. We will save millions of lives and improve countless more.

The development of biologics is expensive and extremely risky. Bringing a biologic to market can require hundreds of millions of dollars in research and development costs and can take several years. For every successful biologic, there are another 10 or 20 that do not pan out, making the incentives for investment in this field extremely sensitive for any changes in the regulatory structure for biologics.

In 1984 the highly successful Hatch-Waxman Act was enacted, establishing a new market for generic versions of pharmaceuticals. Today, patients can buy generic drugs that are safe and save them money compared with brand name drugs. The Pathway for Biosimilars Act will accomplish the same thing for biologics.

In the relatively young industry of biotechnology, many of the original patents on biologics are beginning to expire and it's appropriate for Congress to consider how "follow-on" biologics or "biosimilars" are considered and approved by the FDA, and the impact these products will have on patient health and safety, health care costs, and incentives for innovation.

As a primary matter, it's important to recognize that traditional "small-molecule" pharmaceuticals and biologics are fundamentally different in their development, their manufacture and their chemical makeup. A traditional small-molecule drug is manufactured through synthesis of chemical ingredients in an ordered process, and the resulting product can be easily identified through laboratory analysis. A biologic is a large, complex molecule, which is "grown" in living systems such as a microorganism, a plant or animal cell. The re-

sulting protein is unique to the cell lines and specific process used to produce it, and even slight differences in the manufacturing of a biologic can alter its nature. As a result, biologics are difficult, sometimes impossible to characterize, and laboratory analysis of the finished product is insufficient to ensure its safety and efficacy.

The pharmaceutical drug production process is easily replicated and a "generic" drug product is virtually identical to the original innovative product, so generic drug manufacturers are permitted to reference the original testing data submitted by the innovator companies when the original drug is submitted to the FDA for approval. With biologics, the manufacturing process is unique to each biologic and is not generally disclosed as part of the published patent. A biosimilar manufacturer would have to have intimate knowledge of these proprietary processes in order to "duplicate" the biologic product, and even then it is extremely difficult—no two living cell lines are identical, so no two biologics manufacturing processes have identical starting materials or proceed in the same way.

It's also important to note that because biologics are produced with cells from living organisms, many of them can cause an immune reaction which is normally benign and does not affect safety. However, some of these reactions can negate the effectiveness of the biologic or even cause side effects that are more dangerous. Most of these reactions can only be observed through clinical trials with real patients.

Any expedited regulatory pathway for biosimilars must account for all these factors and I'm proud to join with Congressman JAY INSLEE and the Ranking Member of the Energy and Commerce Committee, Rep. JOE BARTON, to introduce the Pathway for Biologics Act. Our bill builds on the significant progress the Senate, led by Senators KENNEDY and ENZI, already made during the last Congress, as well as the significant level of consensus we have heard on our Committee about this issue. The Pathway for Biologics Act will establish a new statutory pathway for biosimilars guided by three principles:

1. Legislation to facilitate the development of biosimilars should promote competition and lower prices, but patient safety, efficacy and sound science must be paramount.

2. We must preserve incentives for innovation and ensure that patients will continue to benefit from the ground-breaking treatments biotechnology alone can bring.

3. We must strive to protect the rights of all parties and resolve disputes over patents in a timely and efficient manner that does not delay market entry and provides certainty to all parties.

The regulatory pathway set forth in the Pathway for Biologics Act embodies each of these principles and sets forth a sensible, scientifically sound process for approval of biosimilars. The legislation allows for input from all interested parties and provides FDA appropriate flexibility to protect patient health by requesting analytical, animal and clinical studies to demonstrate the safety, purity and potency of a biosimilar. The FDA will be empowered to require the tests and data it deems necessary, but the results of clinical

testing for immunogenicity will always be required as part of this data unless the FDA has published final guidance documents advising that such a determination is feasible in the current state of science absent clinical data and explaining the data that will be required to support such a determination. Since biologics are derived from human and animal products, immune reactions are a major concern for any new biologic product and are now impossible to detect without actual human testing.

Our legislation also addresses the important issue of interchangeability of biosimilars for the reference product. Some legislative proposals would allow the FDA to permit pharmacists and insurers to substitute a biosimilar for a physician's prescription for an innovator biologic product even when they cannot be demonstrated to be identical in their composition or effectiveness. Interchangeability of generic pharmaceuticals for brand name drugs is entirely appropriate since traditional generic drugs are chemically identical to the reference product. However, if the state of science is such that a complex molecule cannot be fully characterized and a precursor biologic cannot be adequately compared to a proposed biosimilar, then the biosimilar should not be fully substitutable for the precursor product without a physician's direction. The Pathway for Biologics Act makes it clear that the FDA cannot make a determination that a biosimilar is interchangeable with a reference product until it has published final guidance documents advising that it is feasible in the current state of scientific knowledge to make such determinations with respect to the relevant product class and explaining the data that will be required to support such a determination. This requirement is consistent with the recommendations of the Chief Scientist of the FDA.

An essential element of any new regulatory scheme for the biotech industry is a careful balancing of incentives for innovation and opportunities for new entry by competitors. To preserve incentives for innovation, the Pathway for Biologics Act provides 12 years of data exclusivity for new biologic products, which ensures that biosimilar applications that rely on the safety and efficacy record of existing biologic products will not be permitted to enter the market for 12 years following the approval of the innovator product. The 12-year exclusivity period is meant to preserve existing protections biotech companies receive from patents. The Congressional Budget Office has found that the effective patent life for pharmaceuticals is about 11.5 years, so a data exclusivity period of 12 years is consistent with that finding. Data exclusivity is necessary to provide additional protections and incentives for biologics because biosimilars—unlike generic drugs—will not be chemically identical to the reference product and will be less likely to infringe the patents of the innovator.

The legislation also includes incentives for additional indications and pediatric testing. New indications are critical for biologics and are often more significant than the indications for which approval was granted. Incentives for continued testing on new indications must be included to promote access to new treatments and cures, and this bill provides an additional two years exclusivity for new indications. I also believe it's important to provide incentives

similar to those given traditional pharmaceuticals under the Best Pharmaceuticals for Children Act to biologics, so the legislation provides an additional six months of data exclusivity for testing for use in pediatric groups.

In order to protect the rights of all parties and ensure that all patent disputes involving a biosimilar are resolved before the expiration of the data exclusivity period, the Pathway for Biosimilars Act establishes a simple, streamlined patent resolution process. This process would take place within a short window of time—roughly 6–8 months after the biosimilar application has been filed with the FDA. It will help ensure that litigation surrounding relevant patents will be resolved expeditiously and prior to the launch of the biosimilar product, providing certainty to the applicant, the reference product manufacturer, and the public at large. The legislation also preserves the ability of third-party patent holders such as universities and medical centers to defend their patents.

Once a biosimilar application is accepted by the FDA, the agency will publish a notice identifying the reference product and a designated agent for the biosimilar applicant. After an exchange of information to identify the relevant patents at issue, the applicant can decide to challenge any patent's validity or applicability. All information exchanged as part of this procedure must be maintained in strict confidence and used solely for the purpose of identifying patents relevant to the biosimilar product. The patent owner will then have two months to decide whether to enforce the patent. If the patent owner's case is successful in court, the final approval of the application will be deferred until the patent expires.

Madam Speaker, I believe the Pathway for Biosimilars Act sets forth a straightforward, scientifically based process for expedited approval of new biologics based on innovative products already on the market. This new biosimilars approval pathway will promote competition and lower prices, but also ensure that patients are given safe and effective treatments that have been subjected to thorough scrutiny and testing by the FDA. The Pathway for Biosimilars Act will also protect the rights of patent holders and preserve incentives for innovation in the biotechnology sector to develop the next generation of life-saving, life-changing therapies.

I strongly urge my colleagues to support the Pathway for Biosimilars Act.

TRIBUTE TO HARRISBURG JUNIOR BULLDOGS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to a championship team from Harrisburg, Illinois.

On February 18, the Harrisburg Junior Bulldogs beat previously-undefeated Carlyle 52–43 to clinch the 2009 Southern Illinois Junior High School Athletic Association Class L state championship. Finishing with a record of 26–1, the Junior Bulldogs gave Harrisburg Middle School its first state championship in boys basketball.

Facing a strong, talented opponent, the Junior Bulldogs stayed cool under pressure, held off a late rally and then came from behind to seal the win. This year's team exemplifies teamwork. As Coach Kevin Dowdy told the local newspaper, "Everyone had their part."

I want to congratulate Coach Dowdy and his assistant coach, Marcus Questelle, on their fine work with this group of student athletes. I also want to extend my congratulations to the members of the 2008–2009 Harrisburg Junior Bulldogs state championship boys basketball team: Tyler Smithpeters, Capel Henshaw, Ryne Roper, Brian Berkel, Caleb Bailey, Justin Younger, Cody Hall, Isaac Ingram, Caleb Bartok, Gabe Oglesby, Phillip West, Brandon Pate and Chris Wilsey.

This outstanding group of young men represented themselves, their school, families and community in a first-rate fashion. It is my privilege to congratulate them on a job well done.

INTRODUCTION OF THE PRESERVATION OF ANTIBIOTICS FOR MEDICAL TREATMENT ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Ms. SLAUGHTER. Madam Speaker, I rise today to reintroduce legislation that is critically important in preventing our current stock of antibiotics from becoming obsolete. As a mother, grandmother, and microbiologist, I cannot stress the urgency of this problem enough.

Two million Americans acquire bacterial infections during their hospital stay every year, and 70 percent of their infections will be resistant to the drugs commonly used to treat them. As a result, every day thirty-eight patients in our hospitals will die of those infections.

Sadly, children and infants are particularly susceptible to infections caused by antibiotic resistant bacteria. For example, Salmonella causes 1.4 million illnesses every year. Over one-third of all diagnoses occur in children under the age of 10. Infants under the age of one are 10 times more likely than the general population to acquire a Salmonella infection. In 1995, 19 percent of Salmonella strains were found to be multi-drug resistant. That means that our children are left to undergo multiple treatments for otherwise simple infections because we have allowed traditional treatments to become ineffective.

And the cost to our already strained health care system is astronomical. In fact, resistant bacterial infections increase health care costs by \$4 billion to \$5 billion each year.

Currently, seven classes of antibiotics certified by the Food and Drug Administration (FDA) as "highly" or "critically" important in human medicine are used in agriculture as animal feed additives. Among them are penicillin, tetracyclines, macrolides, lincosamides, streptogramins, aminoglycosides, and sulfonamides. These classes of antibiotics are among the most critically important in our arsenal of defense against potentially fatal human diseases.

Penicillins, for example, are used to treat infections ranging from strep throat to meningitis. Macrolides and Sulfonamides are used to prevent secondary infections in patients with AIDS and to treat pneumonia in HIV-infected patients. Tetracyclines are used to treat people potentially exposed to anthrax.

Despite their importance in human medicine, these drugs are added to animal feed as growth promotants and for routine disease prevention. Approximately 70 percent of antibiotics and related drugs produced in the U.S. are given to cattle, pigs, and chicken to promote growth and to compensate for crowded, unsanitary, stressful conditions. The nontherapeutic use of antibiotics in poultry skyrocketed from 2 million pounds in 1985 to 10.5 million pounds in the late 1990s.

This kind of habitual, nontherapeutic use of antibiotics has been conclusively linked to a growing number of incidents of antimicrobial-resistant infections in humans, and may be contaminating ground water with resistant bacteria in rural areas. In fact, a National Academy of Sciences report states that, "a decrease in antimicrobial use in human medicine alone will have little effect on the current situation. Substantial efforts must be made to decrease inappropriate overuse in animals and agriculture as well."

Resistant bacteria can be transferred from animals to humans in several ways. Antibiotic resistant bacteria can be found in the meat and poultry that we purchase in the grocery store. In fact, a New England Journal of Medicine study conducted in Washington, DC found that 20 percent of the meat sampled was contaminated with Salmonella and 84 percent of those bacteria were resistant to antibiotics used in human medicine and animal agriculture. Bacteria can also be transferred from animals to humans via workers in the livestock industry who handle animals, feed, and manure. Farmers may then transfer the bacteria on to their family. A third method is via the environment. Nearly 2 trillion pounds of manure generated in the U.S. annually contaminate our groundwater, surface water, and soil. Because this manure contains resistant bacteria, the resistant bacteria can then be passed on to humans that come in contact with the water sources or soil.

And the problem has been well documented.

A 2002 analysis of more than 500 scientific articles and published in the journal *Clinical Infectious Diseases* found that "many lines of evidence link antimicrobial resistant human infections to foodborne pathogens of animal origin."

The Institute of Medicine's 2003 report on *Microbial Threats to Health* concluded "Clearly, a decrease in the inappropriate use of antimicrobials in human medicine alone is not enough. Substantial efforts must be made to decrease inappropriate overuse in animals and agriculture as well."

As the impact of MRSa continues to unfold, there is little doubt that antibiotic resistant diseases are a growing public health menace demanding a high priority response. Despite increased attention to the issue, the response has been inadequate. Part of the problem has been the FDA's failure to adequately address the effect of the misuse of animal antibiotics on the efficacy of human drugs.

Although the FDA could withdraw its approval for these antibiotics, its record of reviewing currently approved drugs under existing procedures indicates that it would take nearly a century to get these medically important antibiotics out of the feed given to food producing animals. In October 2000, for example, the FDA began consideration of a proposal to withdraw its approval for the therapeutic use of fluoroquinolones in poultry. The review, and eventual withdraw of approval, took five years to complete. Under its regulations, the FDA must review each class of antibiotics separately.

The legislation I am reintroducing today, the Preservation of Antibiotics for Medical Treatment Act, would phase out the use of the seven classes of medically significant antibiotics that are currently approved for non-therapeutic use in animal agriculture. Make no mistake, this bill would in no way infringe upon the use of these drugs to treat a sick animal. It simply proscribes their nontherapeutic use.

Madam Speaker, when we go to the grocery store to pick up dinner, we should be able to buy our food without worrying that eating it will expose our family to potentially deadly bacteria that will no longer respond to our medical treatments. Unless we act now, we will unwittingly be permitting animals to serve as incubators for resistant bacteria.

It is time for Congress to stand with scientists, the World Health Organization, the American Medical Association, and the National Academy of Sciences and do something to address the spread of resistant bacteria. We cannot afford for our medicines to become obsolete.

I urge my colleagues to support the Preservation of Antibiotics for Medical Treatment Act to protect the integrity of our antibiotics and the health of American families.

TRIBUTE TO TRINITY EPISCOPAL CHURCH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to an important community institution in Mt. Vernon, Illinois.

In February, Trinity Episcopal Church celebrated its 100th anniversary. Since the first service was held at 1100 Harrison Street in Mt. Vernon on January 3, 1909, thousands of people have visited Trinity Episcopal to worship with their neighbors. Generations of families in Mt. Vernon and Jefferson County have been welcomed into the congregation.

Today, Trinity Episcopal is an important part of the spiritual fabric of the community and serves as a good neighbor to families in need throughout the area. Through a century of the congregation's generosity, many have found a helping hand, warm embrace, and comfort in times of despair.

I want to congratulate Father Gene Tucker of Trinity Episcopal, all members of the congregation, and the extended Trinity Episcopal family on 100 years of service and thank them for the important role they play in our community.

RECOGNIZING AND COMMENDING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA), THE JET PROPULSION LABORATORY (JPL), AND CORNELL UNIVERSITY FOR THE SUCCESS OF THE MARS EXPLORATION ROVERS, SPIRIT AND OPPORTUNITY, ON THE 5TH ANNIVERSARY OF THE ROVERS' SUCCESSFUL LANDING

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. CALVERT. Madam Speaker, just over 5 years ago, two engineering marvels—the Mars Exploration Rovers Spirit and Opportunity—captured the imagination of the American public and the world when they landed on Mars to begin a 3 month-long NASA mission. The mission objective was to search for signs that water may have been present for long periods of time—signs that could tell us whether the Red Planet had been hospitable to life in the past. Within the first several months of the Mars mission, the NASA Web site experienced over a billion site visits. The Mars Exploration Rovers have been a wildly successful mission, with more than 13 miles of harsh Martian terrain traversed and over a quarter million awe-inspiring images from the Martian surface captured, in addition to many thousands of scientific spectra that lends to our study of Mars.

Spirit and Opportunity have made many important discoveries over the last 5 years. One of the most significant discoveries was evidence of water and geological information that supports an understanding that ancient Martian environments included periods of wet, possibly habitable conditions.

I wholeheartedly support H. Res. 67, the resolution offered by my friends and colleagues from southern California, Mr. SCHIFF and Mr. DREIER to honor NASA, their team from the Jet Propulsion Laboratory, and Cornell University on 5 years of great engineering and scientific discovery.

TRIBUTE TO Y-YARD AUTO AND TRUCK, INC.

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to Y-Yard Auto and Truck, Inc. of Effingham, Illinois.

Y-Yard Auto and Truck, Inc. was awarded the Automotive Recyclers Association CAR Star award in recognition of their commitment to environmental stewardship in the automotive recycling industry.

I would like to congratulate Y-Yard Auto and Truck, Inc. for this achievement, earned by upholding the highest in standards of environmental consciousness, safety, and customer service setting a leading example in their industry and community.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

Rollcall vote 125, on motion to suspend the rules and pass H.R. 987, the John Scott Challis, Jr. Post Office Designation Act, I would have voted "aye."

Rollcall vote 126, on motion to suspend the rules and pass H.R. 1217, the Specialist Peter J. Navarro Post Office Building Designation Act, I would have voted "aye."

Rollcall vote 127, on motion to suspend the rules and pass H.R. 1284, the Major Ed W. Freeman Post Office Designation Act, I would have voted "aye."

TRIBUTE TO MAJOR GENERAL ROBERT E. DUIGNAN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California and to the United States of America are exceptional. This country has been fortunate to have dedicated, honorable, and steadfast leaders who willingly and unselfishly give their time and talent to make our communities better places to live and work. General Robert E. Duignan of the United States Air Force is one of these individuals and today I thank him for 36 years of service to our great nation. On Sunday, January 25, 2009, General Duignan was honored with a retirement celebration at March Air Reserve Base in Riverside, California.

General Duignan took his first plane ride at the age of 13, traveling from Seattle to New York, and from that moment he knew that he wanted to fly airplanes. He attended the University of Washington on an ROTC scholarship and earned a bachelor's degree in business. He entered the Air Force during the Vietnam War, a time when it was not popular to be in the military, and he experienced firsthand the objection to the war on his college campus. However, he never changed course and after graduation he spent 14 years at Travis Air Force Base, flying C-141 cargo planes on missions across the world, sometimes to pick up a single wounded soldier.

In 1989, General Duignan was promoted to Deputy Commander of Operations for the 459th Military Airlift Wing. While serving in this post, General Duignan witnessed the September 11, 2001, attack on the Pentagon and focused his efforts on the Global War on Terror as the Director of Plans and Programs at Headquarters AFRC. After two years, he returned to March Air Reserve Base and has worked tirelessly in support of the wars in Iraq and Afghanistan. As the Commander of the

4th Air Force he has supervised the Reserve's long-range airlift and air refueling units located throughout the continental United States, Hawaii and Guam. It is also important to note that during his career, he has accumulated more than 5,000 flying hours as a pilot flying the C-141, C-5, T-38 and T-37 aircrafts.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like General Robert Duignan, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. Today I offer my gratitude for the decades of service and I salute Major General Robert Duignan as he retires from the United States Air Force.

FAIR TAX

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. BROWN of South Carolina. Madam Speaker, I rise today to highlight a unique and innovative economic stimulus proposal that doesn't rely on large amounts of government spending, borrowing from foreign governments, or rebate checks. Instead, the Fair Tax would be a permanent economic stimulus that would have none of the transparency issues of conventional spending, or of the current tax code under the IRS. As a co-sponsor of H.R. 25, the Fair Tax Act, I believe that simplification of the 45,000 page tax code will empower the American people through returning their earned spending power to them, and by reducing government spending.

The Fair Tax replaces all federal income and payroll based taxes with a progressive national retail sales tax, a prebate to ensure no American pays federal taxes on spending up to the poverty level, dollar-for-dollar federal revenue neutrality, and, through companion legislation, the repeal of the 16th Amendment. It abolishes all federal personal and corporate income taxes, gift, estate, capital gains, alternative minimum, Social Security, Medicare, and self-employment taxes and replaces them with one simple, visible, federal retail sales tax administered primarily by existing state sales tax authorities.

As April 15th approaches, imagine this: no tax forms to wade through, no worries about deductions, withholding, or underpayment, and no payroll tax. Instead you, just like every American, would have more take-home income that could be put towards things like mortgage bills, thereby addressing one of the root causes of this economic crisis.

I hope that in the future we will consider such innovative proposals as the Fair Tax, and I thank my colleagues Rep. JOHN LINDER from Georgia who has done so much to publicize the idea of the Fair Tax, and Rep. STEVE KING of Iowa who called this Special Order.

Madam Speaker, we can do something better than haphazard spending to get us out of this economic mess. We can simplify a tax code that destroys wealth, and replace it with one that lets Americans keep their entire pay-

check. It's time for new solutions, and not more of the old tax and spend.

HONORING THE KNIGHTS OF PETER CLAVER, INC. AND THE CENTENNIAL OF THEIR FOUND- ING

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in recognition of the 100th anniversary of the Knights of Peter Claver, Inc. and to celebrate this group's century of dedication to God, Church, and Community through Charity.

In November of 1909, a group of forty African American men became the first initiates of a Catholic fraternal order called the Knights of Peter Claver. This group was founded in Mobile, Alabama with the aim of creating a Catholic fraternal society for men who were traditionally not able to belong to such organizations. Today, the Knights of Peter Claver, Inc. has over 18,000 members, is active in over thirty states, and includes divisions for men, women and children. In my home state of Texas, this group is particularly active and has been involved with numerous community outreach programs throughout the state.

The Knights of Peter Claver and other such organizations have made incredible contributions to society. Throughout its history, this group has supported community efforts, scholarship and various charitable programs. Additionally, during times of strife for the African American Community, the Knights of Peter Claver supported non-violent actions to fight many social injustices.

This August, The Knights of Peter Claver, Inc. will celebrate the centennial of their society at their 94th National Convention in New Orleans, Louisiana. I ask my fellow Members of Congress to join me in honoring this group and to celebrate their hundred years of dedication to God and service to community.

CONGRATULATIONS TO ROBERT HALE

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. AUSTRIA. Madam Speaker, I rise today to congratulate Robert Hale, for his outstanding service to the community on the occasion of his retirement.

On behalf of the people of Ohio's Seventh Congressional District, I am honored to congratulate Robert Hale on being recognized by the Filipino-American community, his business associates and employees, and his family upon his recent retirement.

His dedicated service to the citizens of Dayton and the Filipino-American community is both admirable and commendable. Hale spent the last 25 years working at Dayton Mailing Service, Inc., a company he founded in 1984.

He recently retired and his daughter has taken over daily operations of the company.

Robert has been an avid supporter of the Philippine-American Society of Greater Dayton, the Association of Philippine Physicians of Greater Dayton, Filipino-American Ladies Organization of Dayton and the former Philippine Folk Arts Society. Hale is a member of the Optimist Club and joined the Peace Corps in 1962.

He has been a driving force within the business and Filipino-American communities in the Dayton area and has earned the respect and admiration of all those with whom he has served and the gratitude of the people that have come to know him.

The people of Ohio's Seventh Congressional District and I extend best wishes upon retirement and ongoing success in all endeavors.

THE INTRODUCTION OF THE EVERY STUDENT COUNTS ACT

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. SCOTT of Virginia. Madam Speaker, I rise today to introduce the "Every Student Counts Act," legislation that will prioritize graduation of all of our Nation's high school students. My friend, Senator TOM HARKIN, the Senator from Iowa, is also introducing this legislation in the Senate.

Madam Speaker, as you know in 2001, The No Child Left Behind Act passed with broad bipartisan support. The purpose of No Child Left Behind was to ensure that every student in America would receive a quality education. However, over the past eight years, NCLB has not lived up to its promises. Certain aspects of the law are difficult to implement and are not bringing about the results we thought it would. One of the major shortcomings of NCLB is its failure to hold schools accountable for dropouts. Although we believed we addressed this issue in the original NCLB legislation, this portion of the law has not been implemented as we had hoped. Instead, under current law, the only meaningful accountability standard for high schools is students' scores on standardized tests, with virtually no concern given to how many students graduate or drop out of school. Unfortunately, this myopic accountability standard has created an incentive for high schools to push out students who are struggling academically, so that their test scores are not counted in the assessments. Furthermore, the current accountability system also has allowed States to report graduation rates inconsistently and in misleading ways. Finally, NCLB does not require the disaggregation of graduation rates by subgroup, leading to incomplete data on how our schools are doing with one subgroup compared to others.

What is clear is the fact that the current high school accountability system is failing both our students and our Nation. Each year, about 1.23 million secondary school students, approximately one-third of all secondary school students, fail to graduate with their peers. In

addition, nearly 2,000 secondary schools—roughly 12 percent of all secondary schools in the United States—produce about half of the Nation's secondary school dropouts. In these schools, the number of seniors is routinely 60 percent or less than the number of freshmen three years earlier. And almost half of the Nation's African-American students and nearly 40 percent of Latino students attend these so called "dropout factories," while only 11 percent of white students do.

In Virginia last year, nearly 30,000 students did not graduate from high school with their peers. But the numbers are worse for minorities—only about 50 percent of African American students and 60 percent of Hispanic students graduate on time with a regular diploma, compared to 75 percent of whites.

These numbers are just the tip of the iceberg. Research shows that the lifetime earnings difference between a high school dropout and a high school graduate is about \$260,000. This loss in potential earnings of a dropout can cause serious hardships throughout their lifetime. We cannot sit back and allow this problem to escalate, or our inaction will create a generation of lower and stagnant earnings and a poorer quality of life. We must reverse this trend and hold schools accountable for graduation rates and dropouts, so all students are graduating with a high school diploma and improving their outcomes in life.

Additionally, reducing dropouts improves America's position in both the global economy and workforce. Attaining a high school diploma is the first step in becoming a member of the educated workforce. Having unprepared workers sets us back considerably, diminishing our role as a global leader in the economy. The major competitive advantage America has in the global economy is an educated workforce. Yet, with an estimated 3.5 million Americans ages 16 to 25 who do not have a high school diploma and are not enrolled in school, we are slowly losing this advantage. Because of the need for well-educated workers to keep our country competitive, we can't allow—or afford—our Nation's high school students to dropout and not reach their full potential.

Until recently, federal policy did not place nearly enough importance on graduating the Nation's high school students. The regulations released by the Department of Education in October 2008 did much to correct the lack of attention to graduation rates in the federal accountability system: they require a uniform graduation rate calculation and improvement in graduation rates over time. Though these regulations are a laudable step in the right direction, they do not go far enough in setting consistent, high graduation rate goals and aggressive, attainable graduation rate growth targets. Without clear guidance and meaningful accountability, most secondary schools can continue to achieve Adequate Yearly Progress, AYP, by making negligible annual improvement in graduation rates and can do so with a consistent, or even growing, graduation gap.

The Every Student Counts Act will bring meaningful accountability to America's high schools by requiring a consistent and accurate calculation of graduation rates across all fifty states to ensure comparability and transparency. The legislation builds on the National

Governors Association's Graduation Rate Compact, which was signed by all 50 of the Nation's governors in 2005. Under the Every Student Counts Act, graduation rates and test scores are treated equally in AYP determinations. Moreover, the Every Student Counts Act would require high schools to have aggressive, attainable and uniform annual growth requirements as part of AYP. This will ensure consistent increases to graduation rates for all students by meeting annual, research-based benchmarks with the long-term goal of reaching a 90 percent graduation rate. The bill would also require the disaggregation of graduation data by subgroup to make certain that schools are held accountable for increasing the graduation rate for all of our students and require that school improvement activities focus on closing any achievement gaps.

Recognizing that some small numbers of students take longer than four years to graduate, the bill will give credit to schools, school districts and states for graduating these students while maintaining the primacy of graduating the great preponderance of all students in four years. The Every Student Counts Act will provide incentives for schools, districts and states to create programs to serve students who have already dropped out and are overage or under credited. Some credit has to be given to those who get a GED and also those who take more than one or two years and maybe even three years longer than others to graduate. If no credit is given, the school system has no incentive to continue these important programs.

In order to truly ensure that all children have access to a quality education, it is imperative that we take steps to immediately end America's dropout crisis. We must ensure not only that graduation rates increase, but that earning a high school diploma is a meaningful accomplishment. We must use the indicators of student achievement and graduation to know which high schools are doing their job. Those who are must be recognized and supported. Those that are not must be rehabilitated with targeted interventions, whole school reform, or replacement strategies to ensure the standard of accountability with graduation rates and standardized tests are met.

Making sure accountability with graduation rates and standardized testing are met, Virginia's education leaders and the Virginia State Board of Education recently became the first state to give equal consideration to dropout rates and standardized tests when judging AYP. The new standard in Virginia will take effect with the start of the 2011–2012 school years. It also sets an 85 percent graduation rate, well above the dreadful benchmark of 61 percent set for Virginia under the No Child Left Behind Act.

It is my hope that with the Every Student Counts Act, we can make greater strides nationally toward graduating more of America's students and preparing them to succeed in college, the workplace and in life. So, I ask my colleagues to join me in passing this bill and seeing to it that it is quickly enacted into law to ensure, at a minimum, every child becomes a high school graduate.

H.R. 1106, THE HELPING FAMILIES
SAVE THEIR HOMES ACT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Ms. KAPTUR. Madam Speaker, the bill before us is far from perfect. Though it will help some homeowners who are facing foreclosure, this bill requires asking a few additional questions.

Why would Congress want to pass a bill that uses bankruptcy as the first option to resolve only some loans, and not all loans, as opposed to invoking the full power of the FDIC and SEC to handle all loans?

This legislation will "protect mortgage services from legal liability." Why would we do this at the same time as we are sending individual homeowners to the bankruptcy gallows?

Why would we pass a bill that eliminates the government's share of any appreciation in the home's value at sale?

Madam Speaker, these are some of the questions for which this bill does not provide answers to those critical questions.

Most of all, this bill continues to reinforce the seriously flawed mortgage securitization approach to the U.S. housing market. The overarching concentration and securitization of the housing mortgage market by Wall Street bond houses and money center banks are continued in the bill rather than replaced by an approach that restores prudent Main Street lending practices again.

Our housing finance system is far too concentrated. Its system-wide imprudent practices centered in the securitization process, itself, have done enormous damage domestically and internationally and have ripped neighborhoods and communities apart across our Nation.

Responsible lending requires that our financial system re-empower the local banking, local underwriting and local mortgage markets first. This bill merely rewards the wrongdoers by letting them fall in the government basket of FHA, FNMA, and Freddie Mac.

A real reform plan should be the foundation stone that precedes any legislation that proposes to transfer hundreds of billions of dollars more to the very money center banks and servicing companies that have produced the chaos that ails our mortgage lending system today. Reform must come first, not last. No matter how well-intentioned any housing bill is, there must be a broader policy context in which it is advanced.

In sum, this plan does not do enough to address the fundamental cause of the financial crisis—widespread and overuse of concentrated securitization practices, mortgage and appraisal fraud, and the seize up of credit markets due to improper use of federal instrumentalities in attempting to resolve the situation.

This bill nips at the edges of a very troubled system, picks up some of the casualties, and lets the Titanic continue to chug toward some iceberg.

Our citizens deserve full justice, not continuing reliance on the very institutions that brought us to this fork in the road.

CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE, H.R. 1388, THE
GENERATIONS INVIGORATING
VOLUNTEERISM AND EDUCATION
ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 17, 2009

Mr. MILLER of California. Madam Speaker, I insert into the RECORD the Cost Estimate from the Congressional Budget Office on H.R. 1388, the Generations Invigorating Volunteerism and Education Act.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 17, 2009.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1388, the Generations Invigorating Volunteerism and Education Act. If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Anthony.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 1388—Generations Invigorating Volunteerism and Education Act

Summary: H.R. 1388 would amend and reauthorize programs established under the

National and Community Service Act of 1990 (NCSA) and the Domestic Volunteer Service Act of 1973 (DVSA).

Assuming appropriation of the estimated amounts, CBO estimates that implementing the bill would cost \$481 million in 2010 and about \$6 billion over the 2010–2014 period. Enacting the bill would not affect direct spending or receipts.

H.R. 1388 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. H.R. 1388 contains no private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1388 is shown in the following table. The costs of this legislation fall within budget function 500 (education, employment, training, and social services).

By fiscal year, in millions of dollars—

| | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2009–2014 |
|--|-------|-------|-------|-------|-------|-------|-----------|
| SPENDING SUBJECT TO APPROPRIATION | | | | | | | |
| NCSA and DVSA Spending Under Current Law: | | | | | | | |
| Budget Authority ^a | 1,084 | 0 | 0 | 0 | 0 | 0 | 1,084 |
| Estimated Outlays | 927 | 688 | 359 | 177 | 89 | 58 | 2,299 |
| Proposed Changes: | | | | | | | |
| Estimated Authorization Level | 0 | 1,312 | 1,580 | 1,860 | 2,151 | 2,454 | 9,356 |
| Estimated Outlays | 0 | 481 | 951 | 1,249 | 1,515 | 1,785 | 5,980 |
| Spending Under H.R. 1388: | | | | | | | |
| Estimated Authorization Level ^a | 1,084 | 1,340 | 1,611 | 1,894 | 2,189 | 2,496 | 10,440 |
| Estimated Outlays | 927 | 1,169 | 1,310 | 1,426 | 1,604 | 1,844 | 8,279 |

Note: NCSA = National and Community Service Act; DVSA = Domestic Volunteer Service Act.
^a The 2009 level is the amount appropriated for that year for NCSA and DVSA programs.

Basis of estimate: For some programs, the bill would authorize the appropriation of specified amounts for fiscal year 2010 and such sums as may be necessary for each subsequent year through 2014. For those programs, CBO estimated the authorization level for fiscal years 2011 through 2014 by adjusting the amount authorized for 2010 for anticipated inflation. For the remaining programs authorized by H.R. 1388, the bill would authorize such sums as may be necessary for each fiscal year. CBO estimated those authorization levels based on historical program costs for similar activities, anticipated inflation, and the bill's stated goal of achieving 250,000 participants by 2014.

For this estimate, CBO assumes the bill will be enacted by October 1, 2009, and that outlays will follow historical patterns for those programs.

Programs funded under NCSA and DVSA received appropriations of \$1.1 billion for fiscal year 2009, including \$200 million in funding from the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

Specified Authorizations: Under H.R. 1388, specified authorizations for 2010 would total \$472 million. Specifically, the bill would authorize the appropriation of the following amounts for 2010:

Foster Grandparent Program (\$115 million),
VISTA (\$100 million),
Learn and Serve America (\$97 million),
Retire and Senior Volunteer Program (\$70 million),
Senior Companion Program (\$55 million), and
National Civilian Community Corps (\$35 million).

CBO estimates that implementing those programs would cost \$1.9 billion over the

2010–2014 period, assuming appropriation of the specified amounts for 2010 and adjusting those amounts for anticipated inflation for 2011 through 2014.

Indefinite Authorizations: The bill also would authorize the appropriation of such sums as may be necessary for fiscal years 2010 through 2014 for other programs, including AmeriCorps and education awards funded through the National Service Trust. CBO estimates those indefinite authorizations would total \$840 million in fiscal year 2010 and would rise to nearly \$2 billion by 2014.

H.R. 1388 includes a stated goal that participation in all AmeriCorps programs (including the National Civilian Community Corps and VISTA) should increase to 250,000 people by 2014 (participation in those programs was about 75,000 in 2008). For this estimate, CBO assumes that sufficient funds would be provided to meet that goal—\$3.6 billion over the 2010–2014 period, CBO estimates. Those funds would be used primarily to provide grants to states, territories, tribes, and nonprofit organizations to operate volunteer service programs. CBO estimates that outlays for those programs would total \$2.7 billion over the 2010–2014 period.

Most participants in AmeriCorps programs (and some VISTA participants) earn education awards for completing specific terms of service that can be used to repay certain student loans or to pay for future education expenses. In 2009, the maximum award is \$4,725. Beginning in 2010, the maximum full-time education award would be pegged to the amount authorized for Pell grants under the Higher Education Act of 1965. Those amounts are \$6,400 in 2010; \$6,800 in 2011; \$7,200 in 2012; \$7,600 in 2013; and \$8,000 in 2014. CBO estimates that over the 2010–2014 period another \$2.4 billion would be needed to fund education awards for AmeriCorps participants.

Assuming the appropriation of those sums, CBO estimates outlays would increase by \$0.5 billion over the five-year period (with significant additional outlays in subsequent years).

CBO also estimates that over the 2010–2014 period, the bill would authorize the appropriation of funds for:

Administrative expenses, including support to state service commissions and evaluation of programs (\$0.6 billion),

Various demonstration programs (\$0.2 billion),

Training and technical assistance programs (\$150 million), and

A new Congressional Commission on Civic Service (\$1 million).

In total, CBO estimates that outlays would rise by \$0.8 billion over the next five years, assuming appropriation of the estimated amounts.

Intergovernmental and private-sector impact: H.R. 1388 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would authorize grants to state, local, and tribal governments to support national service programs including AmeriCorps, VISTA, and the National Senior Service Corps. CBO estimates state, local, and tribal governments could receive grants totaling more than \$4 billion over the next five years. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

Estimate prepared by: Federal Costs: Christina Hawley Anthony; Impact on State, Local, and Tribal Governments: Burke Doherty; Impact on the Private Sector: Patrick Bernhardt.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

SENATE—Wednesday, March 18, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O merciful Lord, enlighten our lawmakers with a clear and shining inward light and remove the shadows from their hearts. Control their wandering thoughts and prepare them to face the inevitable temptations that come. Lord, give them the peace of knowing that their times are in Your hands and that You are willing to fight the battles of all who trust in the power of Your Name. Fill their hearts with Thanksgiving, and may they take time throughout this day to praise You for Your goodness. Help them to maintain a pure conscience as the light of Your truth illumines their path. Join them to You with cords of love, and may they rejoice as they remember Your direct involvement in all the details of their lives.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 18, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks this morning, the Senate will be in a period of morning business for up to 1 hour. Senators will be recognized for up to 10 minutes each. Republicans will control the first half; the majority will control the second half. Following morning business, the Senate will proceed to executive session to debate the nomination of Ronald Kirk to be U.S. Trade Representative. There will be up to 90 minutes for debate on that nomination, with the majority controlling 30 minutes and the Republicans controlling 60 minutes. Upon conclusion of the debate, the Senate will resume consideration of H.R. 146, the lands bill. We expect to lock in the vote on confirmation on the Kirk nomination for 2 p.m. today. We also hope to be able to line up three votes on amendments that Senator COBURN has offered following the confirmation vote. Therefore, Senators should expect a series of up to four votes at 2 o'clock this afternoon.

MIDDLE-CLASS TAX RELIEF

Mr. REID. Mr. President, President John Kennedy famously said that "a rising tide lifts all boats."

The economic policies of the past 8 years may have lifted the privileged few to greater wealth, but they left the rest of our country to drown in shallow waters. With this new President, with this new budget, we begin to turn the page. President Obama's 2010 budget honors the middle class. It honors the middle-class values of hard work, responsibility, and opportunity.

After years of falling incomes and rising costs across the board for health care, education, groceries, gas, and retirement, this budget finally begins to bring the American dream back within the grasp of middle-class families once again. We are cutting taxes for 95 percent of working families and ending the irresponsible tax giveaways the Bush administration doled out to the superwealthy. Ninety-five percent of American households will get to keep more of each paycheck to save or spend on a mortgage payment, a doctor bill, a new car, or maybe a used car. We will expand the child tax credit for all families and increase credits available for larger families, who are more likely to live in poverty. We will help families afford the rising cost of college by making a \$2,500 tuition tax credit permanent. We will help to encourage a new generation of savers by providing automatic enrollment in retirement accounts and expanding tax credits to

reward the choice to save for retirement. Also, because we understand that every dollar the Federal Government invests comes from American taxpayers, we will ensure that high-level transparency and accountability exist. The taxpayers deserve this, and certainly taxpayer money deserves to be transparent and accounted for.

After 8 years of misplaced priorities, corporate greed, and failed oversight, we are facing a severe economic crisis. And that is an understatement. Senior citizens are delaying their retirement, workers are losing their jobs, and families are losing their homes. Although this hour is difficult, President Obama's budget sets the path toward recovery, and when our economy does recover, we will ensure that this time not just the yachts but all boats are lifted with the coming tide.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

AIG

Mr. MCCONNELL. Mr. President, the situation at AIG is an offense to the taxpayers, and we are going to get to the bottom of it even if the Department of the Treasury hasn't.

Here is a company that has been taking billions and billions of dollars from taxpayers in the middle of what could be the worst economic downturn since the Depression. Now we hear that those taxpayer dollars were going in the front door, supposedly to keep the company afloat, and then right back out the back door into the hands of those corporate officials who got us into this mess in the first place.

The Treasury Department was supposed to be minding the store. They had the authority to disburse the funds and to provide oversight. It was Treasury's responsibility to watch how these funds were being used. Obviously, they fell asleep on the job. The Treasury Department was completely asleep on the job. They need to wake up. Americans are fed up with their hard-earned tax dollars going to people who got us into this mess in the first place. They deserve to know how this happened. The American people deserve to know how this happened. The administration and the Treasury Department need to reassure the American people that this will never, ever happen again.

THE BUDGET

Mr. McCONNELL. Mr. President, the American people are starting to get an idea about the administration's budget. They understand that it taxes too much, it spends too much, and it borrows too much, especially in the middle of an economic crisis.

On taxes, the budget includes the largest tax hike in history, diverts billions of dollars from charities here at home at a time when Americans are looking to those charities even more than they would be in normal times, and it raises taxes on small businesses.

Small businesses account for nearly three-fourths of all new private sector jobs here in our country. The budget's tax on small businesses would cause many of them to see their taxes go up significantly. This tax hits the general contractor down the street, the family restaurant, the startup technology firm, and many other businesses people deal with or work at all across our country every single day. These businesses are the engines of our economy. They are struggling, and they will struggle even more once these tax hikes go into effect. Small businesses with more than 20 workers, which account for two-thirds—two-thirds—of the small business workforce, get hit particularly hard. The President's budget includes a tax increase on more than half of those businesses. These businesses are run by men and women who make decisions based on considerations such as how much they are taxed, and if they have less money coming in as a result of higher taxes, they cut jobs, put off buying new equipment, and they take fewer risks, the kinds of risks that have always made our economy so vibrant and so innovative. These risks will be squeezed out as a result of these higher taxes.

Hundreds of thousands of Americans are losing their jobs every month. Many of these jobs are with small businesses. Higher taxes will only force these businesses to shed even more jobs. I understand the administration's desire to make good on its promises, but taxes on job creators in a recession is not the right approach. With the highest unemployment rate in 25 years, most people don't see the sense of raising taxes on small businesses, and they are absolutely right.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction

of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each and with the time equally divided, the Republicans controlling the first half hour and the majority controlling the second half hour.

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, it is my understanding I have the first 15 minutes, and I would ask the Chair to advise me when I have 1 minute left.

The ACTING PRESIDENT pro tempore. The Chair will do so.

THE BUDGET

Mr. INHOFE. Mr. President, I don't think my State of Oklahoma is any different from any other State when you go home and you find out that people are looking at these monstrous expenditures never even dreamed of before in the history of this country. They talk about the auto bailout, \$17 billion; the housing bailout—I think probably the worst one was the first one, the bank bailout that gave the authority to unelected bureaucrats to do what they are doing today. We have the economic bailout, the stimulus package. I am here today to say that as bad as all of this is, if you look at the one that is in the budget—the climate bailout—it is far worse because at least these are one-shot deals, and that would be a permanent tax every year. Over the next few weeks, we will be talking about it.

I spent nearly 10 years on this issue in the capacity of the ranking member and the chairman of the Environment and Public Works Committee. To tell the truth, for a long time I was a one-man truth squad, and now more and more people realize that the science that was supposed to be there really is not there. But that is not the important thing. As I said in the debate against the Boxer bill a year ago, let's go ahead and concede the science, even though it is not there, so that it doesn't take away from the economic arguments.

So, in my view, I think the President did a good thing, including an estimate in his budget as to how much this is going to cost. Now, his estimate was understated, I understand that, but it allows us to have an honest debate about the cost of a program of this magnitude to the American people, not to mention the enormous redistribution of wealth for pet projects and programs under the umbrella of clean energy. In fact, according to a new report by the Center for Public Integrity, the number of lobbyists seeking to influence Federal policy on climate change—that is what we are talking about here—has grown more than 300 percent in 5 years. This represents more than four lobbyists for every Member of Congress, with a slew of new

interests from Main Street to Wall Street, clamoring for new taxpayer-funded subsidies.

I don't think anyone questions that in the Senate. Our Halls are inundated with people who want in on this deal. The administration's decision to include cap and trade, and the revenues it generates in the budget, forces my colleagues in the Senate to quit hiding from this issue. They are going to have to talk about it. They can no longer prevent a discussion of what a program of this magnitude is.

The public is finally beginning to pay attention. To put it simply, they are realizing cap and trade is a regressive energy tax that hits the Midwest and the South the hardest, and it hits the poor disproportionately. I don't think anyone now is questioning that because everyone has been talking about it.

While a number of lobbyists and the companies are lining up inside the beltway, Washington businesses and the consumers are coming to realize that cap and trade is designed to deliver money and power to the Government, and there is nothing in it for the taxpayers or consumers or even for the climate.

Let me further explain at this time that with the recession and economic pain, the administration and the proponents of mandatory global warming controls now need to be honest with the American people. The purpose of these programs is to ration fossil energy by making it more expensive and less appealing to public consumption. It is so regressive in nature. All you have to do is calculate it in any State, including Colorado and Oklahoma. The poor people spend a larger percentage of their money on heating their homes and driving their vehicles—using energy.

If you need proof, the President's own OMB Director, Peter Orszag, is on record making the statement:

The rise in prices for energy and energy-intensive goods and services would impose a larger burden, relative to income, on low-income households than on high-income households.

That is the OMB Director, who also said:

Under a cap and trade program, firms would not ultimately bear most of the costs of the allowances, but instead would pass them along to their customers in the form of higher prices for products such as electricity and gasoline. The higher prices caused by the cap would lower real inflation-adjusted wages and real returns on capital, which would be equivalent to raising marginal tax rates on those sources of income.

No one questions this. Recently, there was an article in the Wall Street Journal—this month. It said:

Cap and trade, in other words, is a scheme to redistribute income and wealth—but in a very curious way. It takes from the working class and gives to the affluent; takes from Miami, Ohio, and gives to Miami, FL; and

takes from an industrial America that is already struggling and gives to rich Silicon Valley and Wall Street "green tech" investors who know how to leverage the political class.

Warren Buffet said:

That tax is probably going to be pretty regressive. If you put a cost of issuing—putting carbon into the atmosphere—in the utility business, it's going to be borne by customers. And it's a tax hike like anything else.

Ben Stein had an op-ed piece in the Wall Street Journal in which he said:

Why add another element of uncertainty to energy production, especially if the goal of suppressing carbon-based fuel burning can be accomplished by another means? Energy companies have enough problems as it is—including reduced supplies, political risks, and wildly changing prices of raw materials.

Jim Cramer of CNBC said this:

Obama's budget is pushing an aggressive cap and trade program that could raise the price of energy for millions of people.

Detroit would really suffer. The Detroit News said this:

President Barack Obama's proposed cap and trade system on greenhouse gas emissions is a giant economic dagger aimed at the nation's heartland—particularly Michigan. It is a multibillion dollar tax hike on everything that Michigan does, including making things, driving cars and burning coal.

So we have this awareness that wasn't there until this appeared in the President's budget. I have to say this. Back in the very beginning of this discussion, I was somewhat of a believer that manmade gas, anthropogenic gases, CO₂, caused global warming, until we found out what the cost is going to be, and until we looked at the science.

In terms of the costs and how it is going to impact the various States such as Ohio, Pennsylvania, Indiana, and Michigan, these States will be impacted harder than most others.

All of these reports reflect the numbers released in the President's proposed budget which estimated that a cap-and-trade program would generate \$646 billion in Federal revenues through 2019. Keep in mind, that is a nice way of saying increase taxes by \$646 billion. However, we now know that figure is way low.

Nearly 10 years ago—and this was my first discovery—we came this close to ratifying the Kyoto Treaty, which would have mandated all these things they are talking about doing now. That was about 10 years ago. The Wharton Econometric Forecasting Associates did an analysis and said: What could it cost if we were to sign Kyoto and live by its provisions? They found it would cost 2.4 million U.S. jobs and reduce GDP by 3.2 percent or about \$300 billion a year in taxes.

Well, nearly 10 years later, we have come full circle. According to MIT, an analysis of similar legislation as the President's budget proposal suggests much higher revenues. We have gone

through the Kyoto thing and then we had the Lieberman-McCain bill and then the Lieberman-Warner bill. Each time we do this, more people come in and do analyses, and they come to the same conclusion.

Then I looked at one of the more recent ones, the Sanders-Boxer bill, and that bill mandates even less aggressive emissions reduction targets, and that is 80 percent. Now they are talking about 83 percent. It would have cost approximately \$366 billion a year. So you have a consistent range from \$300 billion to \$366 billion. That is what everyone says it is actually going to cost. It is around \$350 billion if you round it off.

As bad as all this spending is—it is out of control—still, this is worse because this is something that is every year. To put it into perspective for my colleagues, I point to this chart that shows the largest tax increases in history—we remember these—in the last 50 years. I remember this one, the Clinton-Gore tax increase of 1993. I remember talking about this on the Senate floor—the inheritance tax, the marginal tax rates, the income tax, and the capital gains tax. It was a \$32 billion tax increase.

By contrast, look at what we have—a \$300 billion increase or 10 times greater than the largest tax increase in the last 50 years. You are going to hear that some of these revenues will fund tax relief to be returned to the people.

For the purposes of this budget proposal, the administration plans to spend \$15 billion a year to fund clean energy technologies and allocate \$63 billion to \$68 billion per year for the making work pay tax credit campaign promise to give back to people who don't pay taxes. We have learned firsthand that, of course, this stuff wasn't true. We learned that in the consideration of the Warner-Lieberman bill, when they made the statement that they were going to give back a lot of this revenue to poor people—it turned out the same thing will be true in the case of this budget—that for each \$1 a person gets back, they are paying \$8.40. That is how the math works out.

You can try to make people believe they are going to be on the receiving end of this, but when it is over, the cost is \$6.7 trillion, and the refund—which wasn't guaranteed; it was legislative intent—was \$802 billion. I think we will have plenty of time to talk about this and bring this to the American people.

In his budget, the President wants to recycle \$525 billion through the making work pay tax credit that goes to many people who don't pay income taxes. The math is not good, as we noted. It doesn't work. My colleagues may argue that at least this money will be going to a good purpose, for the cause of fighting global warming, having America lead the way. I think many find it

very difficult this would happen. I add that, at times, you have to be logical on these things.

Referring to this chart, these are the figures actually used in terms of how it would have an effect if we passed one of these programs. This was based on the Lieberman-Warner bill. If we had passed it in terms of the emissions of CO₂ worldwide, you can see it doesn't have an effect. Let's assume that—which is not true but assume—there is global warming, which is not happening, as we are in a cooling period now; global warming is a result of CO₂ coming into the atmosphere, and that we want to somehow reduce the emissions of CO₂.

The problem we have with this is, if we do it unilaterally, then we in the United States are going to be paying these huge taxes.

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. INHOFE. I thank the Chair. While we are paying these huge taxes, you have to keep in mind that China is not doing that, Mexico isn't doing it, and India isn't doing it. They are laughing at us. I wish there was time to finish. We document what China and Mexico are saying. They are going to be the beneficiary. If we were to limit CO₂ in our country, our jobs would have to go elsewhere. There would not be adequate energy.

In conclusion, if you look at how fast this is in terms of what happened so far, for those of us—I am not saying anything disparaging about the President; I like the guy—all of these things that are in yellow are expenditures that are unprecedented in the history of this country. Far worse than that would be if we were to pass a cap-and-trade bailout. It would cost some \$6.7 trillion, as opposed to the lower figures. It is something we cannot afford. It is all pain and no climate gain.

Let me briefly go back in history. It is my understanding that the other person who was going to use time is delayed, so we have more time. I mentioned a minute ago that when Republicans were in the majority, I was the chairman of the committee called Environment and Public Works. This committee has jurisdiction over most of the energy issues we deal with.

At that time—way back during the Kyoto consideration, about 10 years ago—most people didn't believe CO₂ or anthropogenic gases were causing global warming. We were in a warming period at that time. I have an interesting speech where I take magazines, such as *Time*, where back in the middle 1970s they were talking about another ice age coming, and we were all going to die. I wish I had it with me now.

About 2 years ago, the same *Time* magazine had this polar bear standing on the last piece of ice floating around on an icecap, saying that we were all going to die; global warming is coming.

A couple things, I believe, are the motivation for this. One is publications. Probably their two largest issues were those two. They made people walking by the news stands and seeing that "we are going to die" think: I better see how much time we have left. It started with the U.N. IPCC, Intergovernmental Panel on Climate Change, that came out with this idea that somehow greenhouse gases are causing global warming.

When you think about it—and this was in concert with the NAS—they had reports they started giving out, summaries for policyholders. They were not based on science. They talked about how the science is all settled. It was after we realized from the Wharton School how much money this is going to cost taxpayers. After that, we were in a position where we could start analyzing it, and then the scientists started coming out of the woodwork. They were no longer intimidated.

One of the problems we had was that the scientists who were dependent upon various sources of income, either from the Government or from various organizations, such as the Heinz Foundation and Pew Foundation—so long as they said they went along with this scheme that CO₂ is causing global warming, they were getting grants. This started changing, and they started telling the truth. We now have accumulated—later today or tomorrow, I will give a talk showing how the science now has grown, where over 700 scientists who were on the other side of this issue are now on the truth side of this issue.

So the science needs to be talked about even right now during the debate. It is probably more significant that we talk about the economics and what it is going to cost people.

I can remember when Claude Allegre, who is probably the most respected scientist in France, a Socialist, was a person who was very strongly on the Al Gore side of this issue and has recently come over and said, in reevaluating, in looking at this issue and in looking at what has happened to the climate, the science is not there.

David Bellamy, a similar scientist in Great Britain, was on the other side of this issue. He has now come over.

Nir Shaviv from Israel, a top scientist who was always on the other side of this issue until about 3 years ago—I don't have the quotes here—came out and said: We are wrong on this issue, the science is not there.

By the way, we have a lot of documentation, and I invite my colleagues to go to my Web site, inhouse.senate.gov. We document what has happened in terms of the science.

This has been a 10-year journey. I sometimes think of Winston Churchill, who said:

The truth is incontrovertible. Malice may attack it, ignorance may deride it, but in the end, there it is.

It has taken 10 years for the truth to come out so the American people realize, with all of the scary stuff going on, with Hollywood and the elitists pouring money into campaigns—and I am talking about moveon.org, George Soros, Michael Moore, and all the millions of dollars that went into campaigns. They have influenced a lot of Members of the House and Senate. But the truth is coming out now.

As this issue moves forward, I invite all of us to look at all that has happened. It is hard for people to understand this sometimes until they get to my stage in life. I have 20 kids and grandkids. None of this stuff is going to affect me, but it is going to affect future generations. I look at that and think: How can we allow all this to take place and then pass a tax increase that will do absolutely nothing?

I repeat, those who are believers who have bought into this thing and have seen the science fiction movie "An Inconvenient Truth"—even if we do that, what good would it do for us to do it unilaterally in the United States, take the jobs and put them in countries that have no additional requirements? It would have a net increase of CO₂. That is being logical even for those who are believers that this is a problem.

Yesterday, I pointed out something I thought should be pointed out; that is, the first bailout was the \$700 billion bailout. As much as I hate to say it, 74 Senators voted for that bailout. What is bad about that is this gave one person, an unelected bureaucrat, the power over \$700 billion to do with as he wished. It is interesting because that was Hank Paulson, the Secretary of Treasury. Now we find the new Secretary of Treasury was in on that deal at the same time. So they put this together. A lot of this stuff was authorized by voting to give someone \$700 billion to do with as he wished. Now we are paying for that, and the costs are very great.

I believe, when we look at what is going on right now, there are some scary things over and above what I have been talking about. I had occasion to make several trips to Gitmo, Guantanamo Bay. That is an asset we have had in this country since 1903. In fact, it is one of the few good deals around. We are still paying the same rent now that we paid back then. It is \$4,000 a year, and we get this great big resource. It is a place to put the detainees and to go through the tribunals in a courtroom that is over there.

One of the scary things I am looking at now is a statement by President Obama that he wants to do away with the tribunals and he wants to close Gitmo or Guantanamo Bay. Here is the problem we have with that. Right now, we have 245 detainees—some call them terrorists—who are incarcerated there. Of the 245, 170 of them have no place to go. Their countries will not take them

back. They cannot be repatriated anywhere. Of the 170, 110 are really like the Shaikh Mohammed-type individuals—really bad terrorists. If the President goes through with his statement that he is going to close Guantanamo Bay, there is no place else to put them, no place in the world.

This number is going to increase as we escalate in Afghanistan. It is going to be going up. Some might say: There are prisons in Afghanistan. Yes, there are two, but they will only take detainees who are Afghans. So if they are from Djibouti, Yemen, or Saudi Arabia, then they have to go someplace else. The only place we can put them right now is Guantanamo Bay.

The argument some make is there has been torture going on. That has been completely refuted. In fact, every publication, every television station, every newspaper that has gone and inspected the premises at Guantanamo Bay has come back with a report that it is better than anything in our prison system in the United States.

One of the suggestions was that we take these people and send them around to some 17 areas within the United States. One of those areas suggested is in my State of Oklahoma, which is Fort Sill. I went down to Fort Sill the other day to look at the place, trying to picture if we had a bunch of terrorist detainees there.

By the way, this will serve throughout the country as 17 magnets to bring in terrorist activity. Most people agree that would be the case.

If we were to distribute these people around, they would have to be coming into our court system since we could not use tribunals, and the rules of evidence are different in a court system. It could be that some of these people would actually be turned loose.

It is very serious. It is something we need to keep. Every publication, every newspaper or television station that has gone to Guantanamo Bay has come back and said all these things just are not true, we need to keep Gitmo, and it has changed a lot of minds. I am hoping that is one area where we will be able to demonstrate clearly that it is a resource we must have and the world needs very much. We will be working to that cause.

Another issue that is not talked about very much in the budget is that almost everything is increased. We look at the size of the budget. We look at the deficits. The deficit for the year we are in right now could approach \$2 trillion. It is just unimaginable. People criticized George W. Bush during his tenure, but if you take all the deficits for those 8 years, add them up, and divide by eight, it averaged \$245 billion a year. Now we are talking about eight times that in 1 year. These amounts are horrible.

The other aspect of the budget I don't like is everything is going up, an

increase in spending, except military. We have a serious problem right now that we are facing in the military; that is, during the decade of the nineties, we downgraded our military by about 40 percent. I might add that some countries that could be potential adversaries, such as China, increased tenfold during that time. We reduced. There was this euphoric attitude that the Cold War is over, we don't need a military anymore. So in the nineties, they brought down the military in terms of our force strength, in terms of our modernization program.

There were a few heroes back at that time who helped us out. One was a GEN John Jumper, before he became the Chief of the Air Force. He made a statement in 1998. He said: Now we are in a position where our best strike fighters, our best strike equipment, the F-15 and F-16, are not as good in many ways as what the Russians are making right now in the SU series. At that time, it was SU-30s, now SU-35s. We went ahead. That helped us get into the F-22 and the Joint Strike Fighter so we would again regain our superiority.

When I talk with people and tell them that when our kids go out in potential conflicts, they would be fighting people who have better equipment than we do, it is un-American, it is not believable. Right now, the best artillery piece we have is called a Paladin. It is World War II technology. You have to get out and swab the breech after every shot. Yet there are five countries, including South Africa, that make a better one than we have.

Because we lifted that awareness, we were able to step into an area of what we call Future Combat Systems, FCS, to modernize our ground equipment and other equipment they will use. There are 16 elements of the Future Combat Systems. The first is NLOS-C, non-line-of-site cannon. This would replace the Paladin, so we will have something that is state of the art. But we are not there and will not be there for several more years.

We went through the decade of the nineties downgrading our military, and then, of course, when 9/11 came, all of a sudden we were in a war. I have to be sympathetic with former President George W. Bush because he inherited a military that had been taken down, and then all of a sudden he is confronted with one or two wars or fronts he had to fight. So it has been very difficult.

It is interesting to me that many of the liberal Members of the Senate during the years we were trying to enhance our military spending are the ones who objected to that and then complained about the overworking of our Guard and Reserve. They actually are responsible for that. Yes, we are now trying to do something about it. But in this budget, we increase spend-

ing everywhere except the military. That is an area where we are going to have to be doing something.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

MR. INHOFE. I encourage us to look at the overall budget, not just the tax increases but also how it affects other programs, such as our military.

I thank the Chair and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MS. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE BUDGET

MS. STABENOW. Mr. President, I left a wonderful meeting with a group of organizations—many of our national faith leaders—from around the country and those who have been deeply involved in the issues around the Federal budget and expenditures and what our priorities should be as a country. There was a new optimism in the room about the direction of the country because for the first time in a long time—certainly since 2001—we have actually been talking about how does a budget reflect what is right for the majority of the American people; how do we address what is happening for children and families; middle-class workers who have lost their jobs and are trying just to put food on the table; people who have been struggling and not doing well even before the recession; the poor who find themselves hit over and over again and need to know there is a ladder out of poverty and into the middle class.

It was wonderful to see the commitment in that room and to see the fact that people around the country are coming together to focus on how we strengthen our country in very real ways. Not what has happened in the last 8 years—where it has been all about tax policies to help the privileged few, spending to help the privileged few—but how do we have a country where everybody has a chance to achieve the American dream for themselves and their families.

We talked about the fact that the budget we will be taking up next week, the week after, and every year is a moral document. It is about who we are as Americans: What do we believe in? What do we care about? I am very proud President Obama has given us a moral document that reflects the values and the priorities of the American people; the fact that he has focused on education, health care, getting us off our dependence on foreign oil so we can bring down the costs of energy and cre-

ate jobs through the new green economy, and that we are turning the corner as we look at a tax policy to focus on the middle class and to focus on families who are working hard every day or trying to find a job. So these were all positive things.

But I also thought in that meeting this morning—when we were talking about the budget as a moral document—how there has been created in this country a culture of greed. Greed has been rewarded for too long at the expense of the majority of Americans—certainly at the expense of the people in my great State of Michigan. Nowhere is that more epitomized than looking at recent outrages, whether it be Bernie Madoff and what happened with all the people who were victimized and who lost their savings and all the people who have been impacted—wiped out—by a Ponzi scheme and the greed of one individual or a few individuals or turning closer to home and what we have been talking about for the last couple days, which is the outrageous bonuses—\$165 million in bonuses—to a group of people at AIG who actually created the situation we are in today—not only for this country but which has created a ripple effect that has caused a global credit crisis. We look at the morality of that—the morality of \$165 million in bonuses.

I am also outraged at the fact that we have put so much money into this company. Taxpayers now own 80 percent of it. Yet we have not seen the oversight, the accountability one would expect, whether it is the bonuses or anything else for that matter. Now, we all know President Obama inherited an incredible mess and is working with all of us to dig our way out, but we have to have accountability with AIG and every other entity that has stepped up to ask for or received taxpayer dollars. Bonuses? They are absolutely an outrage, especially for people who didn't deserve a bonus for their performance. In fact, many left, and should leave, because of what has been done. They should be fired, if they haven't already left—the people who got us where we are today.

I am amazed when I look at the fact that we are providing such a different standard between those on Wall Street, who got us into this mess—AIG and others receiving taxpayer money—and what I see happening with my own auto industry in Michigan, employing directly or indirectly 3 million people. Where is the equivalent of the auto task force? I can tell you that every single line in every single budget, every single management plan, every part of the auto companies that has received a small fraction of what AIG has received has been gone through and is continuing to receive great scrutiny. I support that. They certainly are willing to do that. But where is the scrutiny on AIG? Where is the scrutiny on

the other companies that have taken huge amounts of money from taxpayers?

I find it incredible when they say they can't renegotiate contracts. Somebody should tell that to the United Auto Workers, who are renegotiating contracts right now, who have opened their contracts over and over again, with workers taking more and more cuts, paying more and more in health care. Yet we hear from this company and these executives with AIG that they have contractual agreements and they can't reopen contracts? I don't think there is anybody in my State who believes that is not possible, given what our families have gone through over and over again, with people who thought they had jobs, thought they had contracts but suddenly do not.

Why is it the people who got us into this mess—with their complicated leveraging, the tools they put together that created this house of cards that has fallen and affected not only everyone in America but around the world—can't be asked to step up and reopen contracts? I don't understand that at all.

We are going to do everything we can in order to get that money back for the American taxpayers. We have seen bills introduced, and I am proud to be cosponsoring one of those bills through the Finance Committee. Our leader, Senator REID, has asked us to move as quickly as possible, and I know the Speaker of the House has as well, as has the President of the United States, and we are going to do everything we can to be able to recoup those dollars.

When we talk about what is moral in this country, whether it is the budget, whether it is bonuses of millions of dollars for people who have hurt so many, caused so much damage, created such a crisis around the world or whether it is looking at what is happening to families every day, this is a moral issue. This is a question of right and wrong. It is a question of our priorities. The budget the President has proposed focuses us back on what is important for this country, and it is critical we get that budget passed. We have middle-class families across the country right now, and really all families, who never thought they would have to worry about trying to decide whether to buy groceries or to buy medicine; worrying about what happens tomorrow—will there be food tomorrow. People are going to food banks who never thought they would have to go to a food bank. People who used to donate to the food bank are now going to the food bank, and others who have been relying on the food banks for a long time find it is getting tougher and tougher and tougher.

More than 11 percent—in fact, close to 12 percent—of the people in my State do not have jobs right now. They

are unemployed. That is only the official number. That doesn't count those who have been long-term unemployed, unable to find work and are no longer counted. It also doesn't count the number of people who are working one, two, and three part-time jobs trying to hold it together. That is a moral issue.

The reason we tackled this recovery plan and so quickly brought it forward—to create jobs that we create in America, jobs in a green economy, focusing on job training and education and health care for people who have not been able to find a job so they will be able to keep health care going for their families—is because we understand what this is all about in terms of our values and priorities. Millions of families are in danger of losing their homes or have already lost their homes which is why we are focused on doing everything we can to help families, neighborhoods, and communities address the housing crisis. We know that education is the key to the future for all of us, for our children and our grandchildren. Keeping education a priority and investing in the future, in education and access to college, is a critical part of our budget because it is a critical part of the American dream.

Yes, I am outraged about AIG giving away millions in bonuses—absolutely. I am outraged about other injustices going on, about the focus over the last 8 years on those who are doing well and policies that made sure they were doing even better, oftentimes at the expense of middle-class Americans, at the expense of the majority of Americans in this country. I am outraged that billions of dollars are going to companies that do not have accountability attached to them. I know the people in Michigan are as well. But I also believe it is critical that we not only get the money back from these bonuses and provide the accountability but we redirect back to the priorities of the American people. That is what this budget is all about.

We need jobs. We need jobs in this country because, if people have money in their pockets and they can pay their bills and keep that mortgage and invest in their families' education, this country is going to turn around.

The budget the President has proposed, the budget the people with whom I met this morning are so encouraged about, is, in fact, a moral document. It changes the way this country has been operating—from a culture of greed, where somehow bonuses for AIG made sense to somebody somewhere in AIG, to a situation where we are focused again on what is important for the majority of the American people, what will allow us to be strong as a country: putting people back to work; making sure we have access to health care, which is not only the moral thing to do but brings down costs; education and investing in a new

energy economy that is not dependent on anybody else but American ingenuity. That is what is in this budget, and it is a budget that reflects the priorities and the values of the American people. We need to come together in a bipartisan way to pass this as quickly as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF RONALD KIRK TO BE UNITED STATES TRADE REPRESENTATIVE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Ronald Kirk, of Texas, to be U.S. Trade Representative.

The PRESIDING OFFICER. Under the previous order, there will be 90 minutes of debate on the nomination, with the majority controlling 30 minutes and the Republicans controlling 60 minutes.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, as you noted, we will consider the nomination of Mr. Ron Kirk as the next U.S. Trade Representative.

With some reluctance, I will vote to confirm Mr. Kirk's nomination. I think it is pretty obvious Mr. Kirk has been less than forthcoming on a number of trade issues that affect this country, and some of the positions he has articulated are very dangerous for this Nation's future. I have come to this floor on numerous occasions and argued against the provisions that have been signed into law in omnibus bills recently, one of them "Buy American," the other, of course, the latest being the barring of Mexican trucks into the United States of America.

The signal that sends to the world is that the United States is on a path of protectionism. That shows at least a majority of Members of this body have ignored the lessons of history. That lesson, obviously, we learned in the Great Depression, when isolationism

and protectionism turned our economy from a deep recession to the worst depression of modern times. That is what protectionism and isolationism does.

So we now have a predictable result of killing the program which would allow, in keeping with the North American Free Trade Agreement, a solemn treaty signed by then-President Clinton, that Mexican trucks would be allowed into the United States.

Before I go much further, though, I wished to comment on the issue that is consuming the American people and the Congress today; that is, the AIG bonuses paid to executives. The simple lesson is, if we had not bailed out AIG, we would not be worried about the bonuses. I spoke out against the bailout of AIG at the time when it was first proposed when AIG was in trouble.

I, along with every other American, share anger and obvious displeasure that these bonuses were given to executives who obviously did not deserve them. But we should not have bailed out AIG. We should have let them fail and reorganize.

I would also like to point out that another area of the bailout that Americans should be equally disturbed about is the \$20 billion that went to foreign banks. American taxpayers are paying now \$20 billion to bail out foreign banks. Have we not enough trouble here at home and enough areas of the country that need Government assistance than to send \$20 billion to foreign banks?

There is an obvious need for increased transparency, increased oversight, and far more careful stewardship of American tax dollars. The numbers we are talking about are, indeed, staggering. I would point out, again, we are committing generational theft by these kinds of expenditures of American taxpayers' dollars and mortgaging our children and grandchildren's future.

The direction of our trade policy has hardly been more important in recent years, given the enormous economic challenges we are facing today, with unemployment rising, consumer confidence dropping, and our growth rate stagnating, at best.

American exports. American exports have been one of the few bright spots in a terrible economic situation. Until last quarter, the export sector of our economy grew at a faster rate than other sectors during the past several years. In the face of this fact, and mindful of history lessons, Congress and the administration should be working to break down remaining barriers to trade.

However, we are doing the opposite. Since the beginning of this year, Congress and the administration have taken several steps designed to choke off access to the U.S. market which invites retaliation from our foreign trading partners.

American business and workers will suffer as the result of these ill-considered moves.

Last month, as I mentioned, Congress adopted and the President signed into law—again, one of the consequences of these omnibus bills that are thousands of pages, that nobody knows what is included, they are designed to be a “stimulus” or “spending bill,” and we stuff policy provisions in them, which people may not know about for weeks or even months.

We find out that these are egregious in the case of “Buy American” and in the case of the American trucks. Both of them send a signal to the world that America is going down the path of protectionism.

The results, as far as Mexico is concerned, are unfortunate, very unfortunate, but predictable. The reaction of our friends and allies throughout the world to the “Buy American” provisions is predictable. They are angry and they are upset. I cannot say I blame them.

Now, the “Buy American” provision required funds appropriated in that bill—this is a policy change, remember, adopted in a “stimulus package,” that we purchase only American-made steel, iron, and manufactured goods.

As we debated this provision, many of our closest partners expressed great concerns about the implications of this course of action. The Canadian Ambassador to the United States wrote:

If Buy America becomes part of the stimulus legislation, the United States will lose the moral authority to pressure others not to introduce protectionist policies. A rush of protectionist actions could create a downward spiral like the world experienced in the 1930's.

When then-Candidate Obama said he would “unilaterally renegotiate” the North American Free Trade Agreement, the Canadian response was: Yes, and if you do that, then we will sell our oil to China. Then, later, Candidate Obama changed his position to saying: Well, that wasn't exactly what he meant. Then, President Obama said: Now we are in favor of free trade. But yet President Obama did not veto either one of these bills, which sends a signal to the world that the United States has embarked on a protectionist path. He should have vetoed those bills, especially the one on Mexican trucks.

A European Commission spokesman noted:

We are particularly concerned about the signal that these measures could send to the world at a time when all countries are facing difficulty. Where America leads, many others tend to follow.

Others lent their own voices to those cautioning against a terribly ill-timed protectionist act.

While some Senators may have taken comfort in last-minute language added to require that implementation of the “Buy American” provisions be consistent with our international obligations, I worry very much about the effect this and other steps will have on the global trading system. For decades

the United States has led global efforts toward free and open trade and investment. We abandon this leadership at our peril.

The “Buy American” provision was not the only step in the protectionist direction. There have been other protectionist measures, and we are already seeing the fallout from such unwise decisions. Mr. KIRK agreed during his confirmation hearing:

[I]f the United States raises barriers in our own market, other countries are more likely to raise barriers against our products.

We have that evidence already. On Monday, the Mexican Government announced it will increase tariffs on 90 American agricultural and manufactured goods in direct retaliation for our recent decision to ban Mexican trucks from traveling beyond commercial zones. Although the Mexican Government is yet to specify the 90 different goods, it has announced that its decision would affect \$2.4 billion worth of exports from 40 States. The Mexican Ambassador had an article in the Wall Street Journal this morning.

I ask unanimous consent that it be printed in the RECORD, along with an editorial from this morning from the Arizona Republic.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 18, 2009]

CONGRESS DOESN'T RESPECT NAFTA

Nobody can argue that Mexico hasn't worked tirelessly for more than a decade to avoid a dispute with the United States over Mexican long-haul trucks traveling through this country. But free and fair trade hit another red light this past week.

Back in 1995, the U.S. unilaterally blocked the implementation of the North American Free Trade Agreement's cross-border trucking provisions, just as they were about to enter into force. In response, and after three years of constant engagement, Mexico had no alternative but to request the establishment of an arbitration panel as allowed under NAFTA. A five-member panel, chaired by a Briton and including two U.S. citizens, ruled unanimously in February 2001 that Washington had violated the trucking provisions contained in NAFTA, authorizing Mexico to adopt retaliatory measures. Yet once again, Mexico exercised restraint and sought a resolution of this issue through further dialogue.

Unfortunately, Mexico's forbearance only seemed to make matters worse. In 2002, Congress introduced 22 additional safety requirements that Mexican trucks would have to meet, a measure that was clearly discriminatory as these requirements were not applied to U.S. and Canadian carriers operating in the U.S. Mexico worked assiduously with the U.S. administration to find a solution to this problem.

Finally, in 2007 an agreement was reached that included the implementation of a demonstration program in which up to 100 carriers from each nation would be allowed to participate. This program was designed precisely to address the concerns voiced by those opposed to cross-border trucking. The demonstration program, launched in September 2007, was an unmitigated success.

During the 18 months that the program was in operation, 26 carriers from Mexico (with 103 trucks) and 10 from the U.S. (with 61 trucks) crossed the border over 45,000 times without any significant incident or accident. Moreover, according to reports of both the Department of Transportation's inspector general and an independent evaluation panel, Mexico's carriers participating in the program have a safety record far better than that of all other carriers operating in the U.S.

The demonstration program also underscored the benefits of free and fair cross-border trade, given the lower costs that would result from ending the requirement that short-haul trucks be used to transfer cargo at the border from the long-haul trucks of one country to those of the other. Thus, for example, one participating carrier saved over \$600,000 a year by cutting trip times and fuel costs, while another saved an estimated \$188,000 in transfer fees in the nine months that it participated in the demonstration program.

These savings benefit consumers and enhance North American competitiveness. Moreover, a streamlined system would also cut pollution, since fewer and newer Mexican long-haul trucks would replace smaller and older trucks that now huff and puff their way to the border. Unfortunately, notwithstanding these benefits to businesses and workers, and to the safety of our roads and the health of our environment, a small but vocal group has consistently blocked progress on this issue. It has now finally managed to stop the demonstration program by defunding it through the 2009 omnibus spending bill.

In confronting this situation, the government of Mexico—after over a decade of dialogue and engagement in which it has asked for nothing more than U.S. compliance with its international commitments and with the rules of the game that provide for a level playing field—has had no alternative but to respond by raising tariffs on 90 U.S. products that account for approximately \$2.4 billion in trade.

Today, opponents within Congress continue to allege concerns related to the safety of America's roads—yet they cancelled the very program designed to address such concerns, and which had been producing positive results. After all, the cross-border trucking program that was defunded had been demonstrating not only compliance by Mexico's long-haul trucks with U.S. regulations, but a superb and unmatched record of safety. It is precisely because of our firm belief in the importance of cross-border services that the government of Mexico will continue, as a sign of good-faith and notwithstanding the countermeasures announced early this week, to allow U.S. carriers to provide trucking services into Mexico under the now-defunct demonstration program guidelines and criteria.

Mexico is the U.S.'s second-largest buyer of exports. It remains a steadfast supporter of free and fair trade, and will continue to work actively and responsibly during the coming weeks and months with Congress and the administration to find a solution that will allow safe Mexican trucks onto U.S. roads under Nafta rules.

[From the Arizona Republic, Mar. 18, 2009]

U.S. IN THE WRONG BY BLOCKING MEXICAN TRUCKS

America is picking a food fight with Mexico over trade. Congress set it off by canceling a pilot program that allowed Mexican

trucks to operate on U.S. highways—a blatant violation of the North American Free Trade Agreement.

Mexico responded Monday by announcing that it will jack up tariffs on 90 U.S. agricultural and manufactured products. About \$2.4 billion worth of exports from 40 states will be affected.

Under NAFTA, we agreed to give Mexican trucks access beginning in 1995, increasing efficiency and lowering costs for consumers.

But U.S. trucking interests and unions have been trying to block the move for years with scare stories about safety. Actually, thousands of Mexican trucks, which were grandfathered in, have operated safely here for years. The pilot program set high standards for vehicles and drivers. The real issue isn't safety but competition and profits.

President Barack Obama, who was cool to NAFTA during the campaign, must step up to ensure the United States finally follows its treaty obligations. The White House says he is working on a new version of the pilot program that responds to congressional concerns. It needs to happen quickly.

Sen. John McCain, R-Ariz., is sounding a timely warning that this dispute could lead to more protectionist measures.

Let the trucks roll.

Mr. MCCAIN. The Mexican Ambassador says, in part of his article:

The U.S. Congress, which has now killed a modest and highly successful U.S.-Mexico trucking demonstration program, has sadly left my government no choice but to impose countermeasures after years of restraint and goodwill.

Then and now, this was never about the safety of American roads or drivers; it was and has been about protectionism, pure and simple.

He is right. It is also a testimony to the influence of the Teamsters Union. Elections have consequences.

He goes on to say:

It is worth noting that this takes place shortly after Mexico announced it would unilaterally reduce its industrial tariffs from an average of 10.4% in 2008 to 4.3% by 2013, and that it has underscored its commitment, along with its other G-20 partners, to push back on protectionist pressures.

What has been particularly frustrating in this long and uphill battle has been the fact that the Congress continues to move the goalposts.

Importantly, he concludes:

Mexico is the U.S.'s second largest buyer of exports. It remains a steadfast supporter of free and fair trade, and will continue to work actively and responsibly during the coming weeks and months with Congress and the administration to find a solution that will allow safe Mexican trucks onto U.S. roads under Nafta rules.

Again, NAFTA was signed by President Clinton 14 years ago. Part of that agreement was that Mexican trucks would be allowed into the United States. Study after study has concluded that Mexican trucks operate as safely as U.S. trucks do.

Today, on goods America buys coming from Mexico, the truck, after crossing the border, if it is Mexican, has to stop. The goods are offloaded onto another truck, moved to another truck that is American-owned and loaded on-board that truck. Meanwhile, there are

CO₂ emissions and the cost and expenses of the delay are passed on to the American consumer.

I repeat, Mexico is the third largest trading partner of the United States, behind Canada and China, and the United States ranks first among Mexico's trading partners. United States trade with Mexico totaled \$368 billion in 2008. We have close and growing ties between our two Governments. Right now there is an existential threat to our southern neighbor from drug cartels. The violence on the border is at unprecedented levels. Acts of cruelty and murder are taking place beyond belief. People are being beheaded. There is the assassination of police chiefs and others. The corruption is very high. Why should we care? One reason we should care is because of violence spilling over from the Mexican border into ours.

The other reason is, there is between, according to estimates, \$10 and \$13 billion worth of revenue in receipts from the sale of drugs in the United States. It is the United States that is creating the market that is creating the drug cartels and violence on the border that has ensued. The Mexican Government is trying—maybe for the first time in as serious a way as they are now—to bring under control these cartels. The corruption reaches to the highest level. The violence is incredibly high. We need to do what we can to help the Mexican Government bring these cartels under control and try to eradicate them because they do pose an existential threat. We cannot afford to have a government that is full of corruption and controlled by drug cartels on our southern border, not to mention the impact it has on illegal immigration.

What did we do? We took steps in violation of our obligations under the North America Free Trade Agreement that will have precisely the opposite effect and have prompted retaliation that will only serve to harm American workers, consumers, and our Nation's relationship with Mexico.

During these difficult economic times for many American businesses, the ability to sell products on the world market is essential to our economic recovery. The Financial Times wrote in an editorial published yesterday:

The retaliatory duties are a legitimate response to a U.S. violation of a trade deal . . . but this does not bode well for bilateral relations just under two months into the Obama administration.

It goes on:

We hope cooler heads prevail and prevent any deterioration of the bilateral relationship. Both nations have too much at stake—and trade as well as security issues.

I could not agree more.

The Arizona Republic published an editorial that reads:

With the economy in tatters, it's no time to mince words: The United States is in the

wrong. Under NAFTA, we agreed to give Mexican trucks access beginning in 1995, increasing efficiency and lowering costs for consumers.

The editorial continues:

Around the world, countries are considering trade barriers that could have disastrous consequences for the world economy. The United States must put the brakes on trade restrictions, not fuel them.

I am aware there is a sizable block of public opinion that believes we should close our borders to everybody and everything, that somehow Mexican trucks are unacceptable, that legal immigration is something we ought to do away with. I understand all those arguments. But I also urge those who say that trade with Mexico is not important to understand the facts: They are our third largest trading partner; we have a trade surplus; it is important to have our relationship good as we help them battle the drug cartels; and, most importantly, protectionism and high tariffs led to the Great Depression.

Congress passed NAFTA in 1993 and President Clinton signed it into law in 1994, which mandated the opening of our southern border to Mexican trucking operations to allow the free flow of goods and services between the two countries. Last year, language was slipped into a fiscal year 2008 spending bill that sought to strip funding for a pilot program with Mexico that would allow a limited number of Mexican trucks to enter the United States. Now the administration says it will try to create "a new trucking project that will meet the legitimate concerns" of Congress. I don't understand how the administration can create a new trucking project to comply with NAFTA, when Congress explicitly barred any money from being spent toward such activities. The President should not seek to create a new project to circumvent the terms of the legislative language. Rather, he should have vetoed it in the first place.

The administration's eliminating the Mexican cross-border trucking program will harm millions of American consumers who could benefit from lower prices on many goods manufactured in Mexico and then distributed in the United States.

According to the U.S. Department of Transportation, refusing entry into our country of Mexican trucks carrying Mexican-made goods adds \$400 million to the price of Mexican imports which is, of course, passed on to the American consumer. Mr. Kirk has made some statements broadly supportive of international trade, but he has also made comments suggesting protectionism might not be so bad after all. During his confirmation hearing, Mr. Kirk stated:

Not all Americans are winning from [trade] and our trading partners are not always playing by the rules.

He suggested the administration may abandon the free-trade agreement we

have concluded with South Korea, one projected to increase the United States GDP by \$10 to \$12 billion. He said the pact "simply isn't fair." He emphasized he does not have "deal fever" when it comes to trade agreements. Again, it is up in the air as to what the fate of the Colombia Free Trade Agreement would be, sending a clear signal that we would be punishing the Colombian Government for their assistance in trying to combat drug cartels.

Our trading partners, including Canada and Mexico, don't seem interested in strengthening agreements that have served them and us well for years. Rather, they would like to see the United States fulfill its own trade obligations and look for further ways to open markets to the free flow of commerce. The free flow of commerce has been a founding principle of U.S. economic policy for many decades and a key factor in our rise to prosperity and greatness. It is for this reason I hope Mr. Kirk and his colleagues in the administration will reconsider their stance and help build, not damage, the consensus behind free trade. After all, we have seen a terribly destructive pattern unfold before.

In 1930, as the United States and the world were entering what would be known in history as the Great Depression, two men, Mr. Smoot and Mr. Hawley, led the effort to enact protectionist legislation in the face of economic crisis. Their bill, the Smoot-Hawley Tariff Act, raised duties on thousands of imported goods in a futile attempt to keep jobs at home. In the face of this legislation, 1,028 economists issued a statement to President Herbert Hoover, wherein they wrote:

America is now facing the problem of unemployment.

The proponents of higher tariffs would claim that an increase in rates will give work to the idle. This is not true. We cannot increase employment by restricting trade.

Mr. Smoot, Mr. Hawley, and their colleagues paid no attention to this wise admonishment, and the Congress went ahead with protectionist legislation. In doing so, they sparked an international trade war as countries around the world retaliated, raising their own duties and restricting trade, and they helped turn a severe recession into the greatest depression in modern history.

I do not intend to oppose the President's nominee for U.S. Trade Representative. I remain very concerned about the direction of our trade policies at a time of economic peril. I urge my colleagues and the administration to heed the lessons of economics and heed the lessons of history.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the vote on confirmation of the nomination of Ron

Kirk occur at 2 p.m. today, with the remaining provisions of the previous order governing the consideration of this nomination in effect; that upon resuming legislative session, the Senate then proceed to vote in relation to the following amendments in the order listed; further, with respect to H.R. 146 and the provisions of the order governing vote sequences remaining in effect: Coburn amendment No. 680, Coburn amendment No. 679, Coburn amendment No. 675.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be allowed to speak for up to 8 minutes as in morning business and that the time not count against debate time on the Kirk nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ENDING STEALTH BONUSES

Mr. FEINGOLD. Mr. President, I come to the floor to discuss taxpayer-funded bonuses. These bonuses are paid every year, often without any public discussion or a recorded vote by those with the authority to approve or stop them. The people giving themselves these bonuses have made sure they get them regardless of their performance.

I am referring to the annual bonuses given to Members of Congress.

There is some good news to report on this issue today. Thanks to the leadership of majority leader HARRY REID, we took an important step yesterday. Senator REID moved legislation through the Senate that will end these annual stealth bonuses. I have introduced legislation similar to Senator REID's bill for the past six Congresses, and I am delighted, because of Senator REID's leadership, this proposal has finally passed the Senate.

Congress has the power to raise its own pay. While some corporate executives apparently have this power as well, it is something most of our constituents cannot do. Because this is such a singular power, I think Congress ought to exercise it openly and subject to regular procedures, including debate, amendment, and, of course, a vote on the record.

But current law allows Congress to avoid that public debate and vote. All that is necessary for Congress to get a pay raise is that they do nothing, that nothing be done to stop it. The annual bonus takes effect unless Congress acts.

As I noted in a statement yesterday, that stealth bonus mechanism began with a change Congress enacted in the Ethics Reform Act of 1989. In section 704 of that act, Members of Congress voted to make themselves entitled—entitled—to an annual raise equal to half a percentage point less than the employment cost index, which is one measure of inflation.

On occasion, Congress has actually voted to deny itself a bonus, and the traditional vehicle for the pay raise vote is the Treasury appropriations bill. But that vehicle is not always made available to those who want a public debate and vote on the matter. As I have noted in the past, getting a vote on the annual congressional pay raise is a haphazard affair, at best, and it should not be that way. The burden should not be on those who seek a public debate and a recorded vote on the Member pay raise. On the contrary, Congress should have to act if it decides to award itself a hike in pay. This process of congressional bonuses without accountability must end.

I joined with the junior Senator from Louisiana in offering an amendment to the Omnibus appropriations bill recently. That amendment received strong support—support which was all the more remarkable because many of the amendment's potential supporters felt constrained to oppose it in order to keep the underlying legislation free of amendments. Now, thanks to our majority leader, we have a real chance to end this system in fact.

This issue is not a new question. It was something our Founders considered from the beginning of our Nation. In August of 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. On September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the States.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State Senate, I was pleased to help add Wisconsin to the States ratifying the amendment. Then its approval by the Michigan legislature on May 7, 1992, gave it the needed approval by three-fourths of the States.

So the 27th amendment to the Constitution now states:

No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.

I honor that limitation. Throughout my 6-year term, I accept only the rate of pay Senators receive on the date on which I was sworn in as a Senator. I return to the Treasury any cost-of-living adjustments or bonuses during my term. I do not take a raise until my bosses, the people of Wisconsin, give me one at the ballot box. That is the spirit of the 27th amendment, and, at the very least, the stealth pay raises permitted under the current system certainly violate that spirit.

This practice must end. I am so delighted to express my thanks to Major-

ity Leader REID. Because of him, we have a real chance of ending it.

Today I am sending a letter to Speaker PELOSI asking that the other body take up and pass the Reid legislation to end the automatic congressional bonuses. Doing so would assure the American people that we are not only serious about going after the abusive bonuses paid to the executives of firms bailed out with taxpayer dollars, but we are also serious about ending a system that was devised to provide Members of Congress with bonuses without any accountability.

Mr. President, I yield back whatever time I have remaining.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I might ask, what is the pending business?

The PRESIDING OFFICER. The Kirk nomination is before the Senate.

Mr. BAUCUS. I thank the Chair.

I would like to speak on the Kirk nomination.

Mr. President, Ralph Waldo Emerson said:

[The most advanced nations are always those who navigate the most.]

Today, the Senate considers the nomination of Mayor Ron Kirk to be U.S. Trade Representative. As we consider the nomination, America is navigating a shifting economic landscape. And so are our trading partners.

As financial systems weaken, protectionist sentiments strengthen. As markets crumble, import barriers rise. And as jobs disappear, trade violations emerge.

Ron Kirk has been asked to navigate U.S. trade policy through these difficult waters. To ensure that America keeps moving forward, he must navigate the right course.

Many feel our trade policy has veered off course. They argue the Government has not safeguarded our workers. They argue the Government has not enforced our trade agreements. They argue the Government has not dismantled barriers to our exports.

I believe Mayor Kirk will chart the right course. He understands he must steady the tilting ship of public opinion. He will do so by rebuilding America's faith in the benefits of international trade. He will remain constantly on the lookout for America's workers. He will shine a spotlight on trade violations. He will vigilantly enforce our international agreements. He will speed our economic recovery by opening markets for American exports.

Let us chart the right course on international trade. Let us rebuild

America's faith in our trade policy. Let us confirm Ron Kirk to be the U.S. Trade Representative.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, the nomination before the Senate is critically important in this time of economic upheaval.

We need a U.S. Trade Representative to assert our rights, defend our interests, and negotiate new market opportunities for our exporters.

Trade can and should play an important role in our economic recovery. President Obama recently acknowledged this in his trade policy agenda.

If Mayor Kirk is confirmed today, I look forward to working with him to advance a progrowth trade agenda for the benefit of U.S. consumers and producers.

We have a lot of work to do, some of which is left over from the last Congress. By that I am referring to our three pending trade agreements with Colombia, Panama, and South Korea.

We also need to find a way to reinvestigate the Doha Development Round negotiations in the World Trade Organization.

I appreciate Mayor Kirk's engagement and enthusiasm to assume the responsibilities of the U.S. Trade Representative.

Based on his responses to my questions during the vetting process in the Finance Committee, there appear to be some policy areas in which our views converge.

There are some other areas in which I continue to have concerns, particularly where his responses provided insufficient detail to determine whether we can have a convergence of views.

But that said, if Mayor Kirk is confirmed, I believe that we will be able to work together on a positive trade agenda.

During the committee vetting process, several issues arose with respect to the nominee's tax returns.

I am grateful for Mayor Kirk's cooperation with me, Chairman BAUCUS, and the Finance Committee staff.

In the true spirit of transparency and cooperation, he responded to all questions about his taxes directly and honestly.

He also agreed in communications with the staff to release information about his tax issues, and that information was put into the record of the committee proceedings.

I believe that all nominees should be held to the same standard when it comes to compliance with the tax laws.

Mayor Kirk was required to amend his returns and pay additional tax as a result of the vetting process.

Each of the issues for which he amended his returns was considered by him and his preparer at the time the returns were prepared. However, upon further review of some of the calculations, he agreed that some of them

needed to be changed. Those issues are now resolved.

In closing, Mayor Kirk is a strong nominee for the position of U.S. Trade Representative.

He brings enthusiasm and energy to the table, as well as first-hand experience and understanding of the benefits of liberalized trade.

I urge my colleagues to support his nomination.

Mrs. HUTCHISON. Mr. President, I rise today to speak about Ron Kirk, the nominee for whom we will vote in the next few minutes for U.S. Trade Representative. I wish to speak in strong support of Ron Kirk to serve as U.S. Trade Representative. I would have been here sooner, but as ranking member of the Committee on Commerce, I was holding a hearing with the chairman, JAY ROCKEFELLER, on Governor Locke to be Secretary of Commerce, and that was my responsibility that I certainly had to meet.

I will say that Governor Locke did a very good job before our Commerce Committee. We just, within the last hour, concluded that hearing. But I wanted to make sure that I am able to speak about Ron Kirk because, certainly, I know him. I have known him for many years. We both live in Dallas, and he and I enjoy a great relationship. I was in the Senate when Ron Kirk was the mayor of Dallas, and he did a wonderful job as mayor of our city. I worked with him as a Senator. I know he can get things done. He is very bright, very affable, really funny. He is the kind of person you want to sit next to in a very dull speech because he can make you laugh no matter how bad the summit or the speech or whatever the business of the day. He is a very rare, wonderful person.

During his time in office, Mayor Kirk expanded Dallas's reach to the world through a range of trade missions, trying to show that Dallas was open for business, and he traveled on trade missions to assure that would happen. While he was mayor he sponsored a competition every year for small businesses to highlight those competing in foreign markets and invited the winner to go on his trade mission trips. I think it is important as a former small business owner myself that we show how you can export to foreign countries, no matter how small your business is, if you just know how to pursue it. Mayor Kirk tried to ensure that small businesses in Dallas, as well as our big businesses, were able to have a place at the table when he was on trade missions, showing what could be done with trade.

Before becoming mayor of Dallas, Ron Kirk was secretary of state of Texas. He was an appointee of Gov. Ann Richards. He attended Austin College, graduating with a degree in political science and sociology in 1976 and then went to the University of Texas

Law School, which is also my alma mater. Upon receiving his J.D. in 1979, he practiced law until 1981 when he went to work in the office of then Texas Senator Lloyd Bentsen who was my immediate predecessor in this Senate seat.

On a personal note, Ron is married to Matrice Ellis Kirk. She, in her own right, is a professional woman, a leader in Dallas, another very bright, affable person who has made her own impression in Dallas as well. They have two daughters, Elizabeth Alexandria and Catherine Victoria.

I know that Mayor Kirk's leadership and experience will make him a strong ambassador for U.S. trade policy. Last week in his testimony before the Senate Finance Committee, Mayor Kirk pledged that as U.S. Trade Representative, "I will work to increase opportunities for American entrepreneurs in the global marketplace."

These economic opportunities are critical to America's prosperity. In 2007, exports accounted for 40 percent of our economic growth.

The next U.S. Trade Representative will face a series of challenges, including revitalizing the stalled WTO talks and managing the Doha Round, which is preoccupied with topics such as export subsidies, tariffs, copyright issues, and keeping markets open to U.S. goods. Equally important, the next U.S. Trade Representative will face the worst economic downturn in decades in America and in the world.

As we face economic hardships, trade presents a tremendous opportunity to sustain and create jobs, expand economies, and stimulate growth. We must resist the temptation to close our borders and engage in protectionism, which always ends up harming our economy.

History is not kind to those who raise trade barriers during a recession. In 1930, President Hoover made the mistake of signing the Smoot-Hawley tariff, which dramatically increased the cost of imports and turned a serious recession into the Great Depression. We can't allow that to happen again. My heavens, if we know anything, it is that we should learn from history. The past is prologue.

I believe trade policy can play a leading role in getting the U.S. economy and the global economy back on track.

Currently, the United States has free-trade agreements in effect with 14 countries: Canada, Mexico, Israel, Jordan, Chile, Singapore, Australia, Morocco, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, and Bahrain. However, we still have free-trade agreements with Colombia, Panama, and South Korea that await congressional approval.

The next U.S. Trade Representative must work with Congress to implement those trade agreements and ensure that American exports enter the global

market on a level playing field. I am pleased that in his testimony before the Senate Finance Committee, Mayor Kirk committed to work with Congress to develop "benchmarks" that will allow these accords to move forward.

The Colombian Free Trade Agreement in particular will be tremendously beneficial to the United States, both economically and diplomatically. This accord would remove tariffs on the \$8.6 billion of U.S. agricultural exports to Colombia every year.

While America's economic growth is a primary objective of free-trade agreements, they also serve the broader purpose of bolstering our foreign policy.

At a time when Venezuelan dictator Hugo Chavez is trying to undermine U.S. security interests in Latin America, we must seek trade partnerships with allies such as Colombia.

As the Washington Post said in an editorial: "A vote for the Colombia deal would show Latin America that a staunch U.S. ally will be rewarded for improving its human rights record and resisting the anti-American populism of Venezuela's Hugo Chavez."

By helping Colombia and other countries thrive under the free market, we will help them become less vulnerable to Chavez's petrodollars.

I am hopeful that Mayor Kirk will take the necessary steps to ensure that the Colombian Free Trade Agreement is approved.

Let me say that I think probably the first issue the U.S. Trade Representative will have to focus on and solve is with Mexico. This week Mexico threw up tariffs on 90 products that are imported to Mexico from the United States. Most of these are agricultural products. It will hurt our agriculture businesses if we have a trade war with Mexico; if we have tariffs that increase the price of American goods into Mexico. We all know this must be solved.

I will say that the person who understands this best is Ron Kirk. Ron Kirk, obviously, lives in Texas. He knows how important free trade is with Mexico. Mexico is Texas's largest trading partner. We export to Mexico, and he has been there. So he understands that this is a high priority for all of our States exporting into Mexico and that we must solve the trucking issue so that Mexico understands that there will be parity across the border and that Mexican trucks, like American trucks, will have the same safety standards and that they will have an ability to be inspected. He can solve this if we will confirm him today and let him start on this very important problem.

Throughout his career, Mayor Kirk has shown the character and leadership skills to bring people together on behalf of a good cause. For that reason, I am very confident he will make a great U.S. Trade Representative. He will seek exports of American goods all

over the world. He will seek free and fair trade. That is very important—we don't want other countries to throw up barriers to our entry into their country—and he will do the right thing. I know he is a good negotiator. I know he will be a good representative of the United States in this very important position.

I urge my colleagues to support his nomination. I am pleased we are voting on him soon so that he can hit the ground running on the Doha Round and the many issues that are facing our country in this time of economic stress—when the last thing we should be doing is throwing up barriers to trade and exports from our country into other countries, where good trade makes good neighbors and partners.

Mr. FEINGOLD. Mr. President, I support the nomination of Ron Kirk to be our trade representative, despite my concerns with his position on trade policy. The tax matters that came to light during Mr. Kirk's vetting are not disqualifying, and because I am inclined to defer to any President on the choice of his closest advisers, I decided to support this nomination.

Having said that, I very much hope the President and his new trade representative will carefully review our current trade policies, and the impact they have had on the lives of millions of Americans. The trade policies handed over to this administration are as fundamentally flawed and damaging to our economy as the fiscal disaster and financial market crisis they inherited.

The trade policies of the last two decades, under both Republican and Democratic administrations, and supported by both Republican and Democratic controlled Congresses, have undermined environmental protections, food safety and public health protections, subverted our democratic institutions, and helped ship millions of family-supporting decent paying jobs overseas. They have greatly disadvantaged thousands of small businesses in my home State of Wisconsin, exposed consumers to health risks, and decimated communities. They have accelerated the very worst aspects of globalization, and have not done nearly enough to advance its potential benefits.

Mr. President, I wish Mr. Kirk all the best in his new position, and hope he and the President will take a fresh look at our trade policy. As I noted earlier, the mess they have inherited is as big a problem as any presented to the new administration, and it deserves our full attention.

Mr. CORNYN. Mr. President, I rise today to congratulate Mayor Ron Kirk on his nomination to serve as President Obama's U.S. trade representative. I am proud to support the confirmation of my fellow Texan.

Following World War II, the United States recognized a need to engage foreign nations and harmonize global eco-

nomie trade. President Kennedy recognized the value in placing a single chief U.S. trade negotiator in charge of these responsibilities. Later, President Ford elevated this important position to Cabinet rank. Since then, Congress has worked with many administrations to strengthen the ability of the U.S. trade representative to enforce existing trade agreements and open new markets for American workers, farmers, and consumers.

Mayor Kirk would lead the office of U.S. trade representative during the most challenging global financial crisis in history. The World Bank predicts that the global economy will shrink this year for the first time in more than six decades. People in many nations are suffering, and calls for new trade barriers grow louder. However, the U.S. trade representative must speak clearly and calmly against protectionism. He must show how open markets can renew global prosperity and lift millions in the developing world out of poverty.

I believe President Obama chose the right man for this job. As mayor of Dallas, Ron Kirk saw how open markets create new opportunities for our people. His trade missions to other nations encouraged new export growth. He engaged and recruited foreign investors thereby attracting new jobs into the city. And he recognized that the North American Free Trade Agreement would bring additional export-related jobs to the region. While many roundly criticized that accord, Mayor Kirk put it to work for the residents of Dallas. His leadership in the late 1990s helped reenergize the local economy. By 2007, the Dallas-Fort Worth area was exporting more than \$22 billion of goods and services to foreign markets.

Mayor Kirk's confirmation will fill an important void in President Obama's Cabinet. Mayor Kirk has demonstrated that he will warn against protectionism. This voice is needed in the Cabinet.

Congress recently voted to suspend the cross-border transportation pilot program occurring at the southern border of my State of Texas. This short-sighted cancellation was met immediately with news that the government of Mexico will retaliate by levying new tariffs on U.S. made products.

This unfortunate situation was avoidable had my colleagues heeded warnings of the retaliation that this policy change would incur upon our economy. These tariffs amount to a \$2.4 billion tax increase on American made products, and one economist estimates a loss of approximately 40,000 jobs.

At a time when Congress should be working to expand markets for our goods and create jobs in the United States, Congress is instead provoking the ire of the customers who buy American products and services. Our

workers and our consumers deserve a trade ambassador that will ensure economic policy is rooted in the best interest of the economy rather than political payback.

The President has three economic remedies available immediately. The pending trade agreements with Colombia, Panama, and Korea will create jobs in the United States. Consumers in these countries have a voracious appetite for American goods and services. My State of Texas is the top exporter to both Colombia and Panama and the second leading exporter to Korea. These destinations represented a \$9.5 billion market for Texas-made goods and services in 2008.

The hard work is over; these agreements have been negotiated and signed. I urge the administration to work with Congress and pass these beneficial accords.

Mayor Kirk is not the first choice of those who fail to recognize the benefits of free trade, but he's the first choice of the President—and a good choice for American exporters and consumers. The continuing global financial crisis demands a strong leader at USTR—and Mayor Kirk will fill this role well.

Mr. LEVIN. Mr. President, I will vote today to confirm Ronald Kirk to be U.S. Trade Representative. Although I have had serious concerns about our trade policies in the past, I am hopeful this administration will deal differently with trade.

I am reassured by some of the things that Mr. Kirk said at his confirmation hearing. For instance, Mr. Kirk said he will put an emphasis on workers and the environment, something that his predecessors failed to do. He also has acknowledged that the pending U.S.-South Korea trade deal negotiated by the Bush administration "... just simply isn't fair." This acknowledgement is important because the U.S.-South Korea trade agreement as currently written is harmful to the U.S. auto industry and its workers and should not be pursued in its present form.

When it comes to automotive trade between the United States and Korea, the numbers speak for themselves. While Americans buy more than 770,000 Korean vehicles each year, fewer than 6,300 American autos are sold in Korea. Despite two bilateral memoranda of understanding in 1995 and 1998, Korea continues to use ever-changing standards to restrict auto imports. There is nothing in the pending agreement that guarantees Korea will open its market to U.S. automobiles even though it commits the U.S. to further opening its already open market to Korean vehicles. We should open our auto market further only after U.S. autos have gained measurable access to the Korean market but that is not how the agreement is currently written.

At his confirmation hearing Mr. Kirk agreed the U.S.-South Korea free trade

agreement wasn't fair and said, "if we don't get that right we'll be prepared to step away from that." He also said, "I do not come to this job with 'deal fever.' We will not do trade deals just for the sake of doing deals."

I am pleased to hear these remarks because frankly some of the trade agreements the U.S. has entered into have not been in the best interests of the United States. The North American Free Trade Agreement, NAFTA, is a good example. NAFTA contained a number of unfair provisions that are discriminatory to Michigan workers and companies. For example, it restricted U.S.-made auto parts from entering Mexico for a decade and American used car exports for 25 years. Furthermore, the U.S. maintained small but stable trade deficits with Canada and Mexico in the 1980s and early 1990s. After NAFTA took effect in 1994, the U.S. developed large and rapidly growing deficits with Canada and Mexico. Since jobs are created by exports but displaced by imports, job losses occurred. The Economic Policy Institute found that total U.S. job displacement from NAFTA over 12 years was 1 million jobs.

Our trade policy should focus on opening markets in nations such as China, Japan, the European Union, and South Korea, where the most egregious trade barriers block the sale of U.S. goods and services and where we have the potential to export a larger quantity of goods and services. Mr. Kirk has promised to pry open foreign markets and enforce existing trade rules. I support his confirmation in the hope that he will.

I have not been satisfied with America's trade policy over the past 30 years. I believe in free trade, but I believe that with free trade we must have fair trade. The U.S. market is the most open in the world, but our policy has failed to insist that foreign markets be equally open to American products. We sorely need a new and just approach to trade.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you, Mr. President. I understand that we are on the Kirk nomination; however, I ask unanimous consent to speak on the lands bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COBURN AMENDMENTS

Mrs. FEINSTEIN. Mr. President, the Senate will have before it a series of amendments to the lands bill made by Senator COBURN. I rise to oppose specifically two of these amendments, amendment No. 683 and amendment No. 675, and I do so on behalf of myself and my friend and colleague from California, Senator BOXER.

These amendments would essentially throw out a legal settlement agreement concerning the restoration of the San Joaquin River. The settlement agreement ends 18 years of costly litigation. It is the product of 4 years of negotiation by the Bush administration, the State of California, dozens of water agencies, the Friant water users—it affects Friant, and Friant is a Division of the Central Valley Project and 15,000 farmers draw their water from this Division; it is big, it is important, it is critical—and by environmental and fishing groups.

This was a suit brought by the Natural Resources Defense Council against the Federal Government saying that what was happening at Friant Dam was not sufficient in the release of water to protect the salmon.

I wish to have printed in the RECORD at the end of my remarks a letter by the Governor of the State of California, Arnold Schwarzenegger, supporting the settlement agreement, and a letter from the U.S. Department of Justice supporting the settlement agreement. I also commend to my colleagues a Congressional Research Service Memorandum entitled "Institutional and Economic Context of the San Joaquin River Restoration Settlement," spelling out the institutional and economic context of this settlement agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Thank you very much.

So we have broad and strong support for the settlement agreement. Now, the question is, Why do we have it? The reason we have it is because it is my understanding that the Government has lost the case, and the result is that with or without the settlement, a Federal court will require restoration of the San Joaquin River. According to all of the parties, the court could—and we believe would—order a huge release of water from Friant Dam, negatively impacting the 15,000 farms in the Friant Division of the Central Valley Project.

In contrast, the settlement agreement allows orderly restoration of the

river, with minimized impacts to irrigated agricultural and municipal water users. It provides negotiated flood control and other protections for private landowners. It represents a sensible and hard-fought consensus solution. I know, because these parties came to me and asked me if I would sit down with all of the parties and try to put together this settlement agreement, and we did, in fact, do this. It is virtually supported by all of these elements.

Also, the settlement would be far less costly to the taxpayers than returning to court and having the end result of having a Federal judge manage the river. That is what the alternative is. Here is why: The settlement provides almost \$400 million in non-Federal funds, so what would have had to have been funded by the Federal taxpayers will be lowered. Effectively, the costs are lowered to Federal taxpayers. The affected water districts have agreed to help fund the settlement with approximately \$200 million. The State of California will provide another \$200 million. If the Coburn amendment is successful and this is dropped from the bill, the Federal Government will have to pay an additional \$400 million and face the fact that the judge could well order a huge release of water, not staggered to any particular time, in no orderly manner, which could have tremendous adverse impacts on the farming community.

The settlement also minimizes economic costs to the region by providing water supply certainty for users, but without the settlement water users in Friant could face more severe water losses and potentially millions of dollars of lost income and lost jobs. As I say, this is 15,000 separate farming entities, so that is unacceptable.

Critics have argued that this provision is wasteful spending and that it would cost millions of dollars for every fish restored. But the facts prove them wrong. To get the number the critics use, they assume that only 500 fish will ever be restored; that is, salmon, instead of the 30,000 salmon that will eventually return to the river each year as a self-sustaining fishery. They ignore all the other benefits of the settlement.

According to the Congressional Research Service analysis I have referenced, it is "misleading" to disregard the "full array of likely project costs and benefits," including "the values that Californians and U.S. citizens place on improvements in environmental quality and restored runs of salmon."

The bottom line: The settlement offers the best possible solution to a longstanding water fight in my State. I do not believe there is anything wasteful about it. Remember, this suit has gone on for 18 years. I have talked with every one of the parties. They have all

come together asking for a settlement agreement, including the Federal Government, the State of California, and actually the environmental group that sued, the NRDC, because they believe that if left to the judge, the action might be very adverse in terms of large amounts of water, rather than being staggered and done in a more sensible way, would be detrimental to the Friant farmers as well as, quite possibly, to the fish.

The other problematic amendment offered by Senator COBURN is amendment No. 675 which would remove the Government's eminent domain authority for the public lands omnibus bill, including the San Joaquin River settlement title of the lands bill.

Now, to be candid, none of us like the use of eminent domain. In the 9 years I was mayor, I refused to use eminent domain in San Francisco and, in fact, never did. But Senator COBURN's amendment ignores the basic reality that the use of eminent domain is sometimes necessary to carry out western water projects that are vital for an entire region because the water comes from one place, the State is vast, and it has to be moved to other places, and the public benefit of moving that water is enormous in the seventh largest economy on Earth.

These water projects need to have the use of eminent domain as a last resort for building water projects and flood channels on a willing seller-willing buyer basis. Otherwise, the Government clearly is not going to be able to build water conduits, water projects, and flood control elements where they are most needed. That may be different in small States, but in huge States such as California, where the water comes primarily either from the very north of the State, the Sierra Nevada mountain range, or the Colorado River—where we are being weaned off of the Colorado River, and have an agreement to dramatically cut our take of water from the Colorado River—we have to have the conveyances to move the water around the State.

Private landowners also receive the benefit of upgraded flood protections and bypasses around key diversion points, so that fish are not diverted along with irrigation supplies. This is a very sensitive, very problematic area. It has taken a lot of work to know how to do this. The Federal Government could not build these flood and bypass measures to benefit third party landowners without the ability to acquire land through eminent domain. That is just a fact.

There is a great need for water projects in my State. If we don't move, I believe California will end up a desert State. We are faced with high wildfire potential, with warming climates, and reduced water. We are in the third year of a drought.

Mr. President, you might be interested in knowing that for the big Central Valley of California, which makes California the No. 1 agricultural producer in America, most of that valley's water allocation from the Central Valley Project for this year is zero, which means fallowing, which means cutting out trees and crops. So we are in a very sensitive situation.

I urge the Senate to vote no on these Coburn amendments. I think it is very easy to come in and second-guess a situation and not know anything about 18 years of litigation and the fact that the Government is going to lose the case and having to try to work out a settlement, which gets the best for all of the parties concerned. I believe we have done it, and it has taken hours and hours of negotiation.

This has been approved by this body once. To remove the bill and the eminent domain authority from the lands bill would be tragic. Again, the Federal Government would have to pick up the costs the State of California is willing to pay under this settlement—\$200 million—and the cost these water contractors are willing to provide—\$200 million—and do the whole job itself, which is going to cost an additional \$400 million.

These amendments are in no way, shape, or form, cost effective, and they will hamstring California's effort to solve what is an egregious problem, and that is an increasingly drying State, which is in drought almost on a perpetual basis and is trying to solve its problems.

On behalf of Senator BOXER and I, I urge a "no" vote on both of these amendments.

Mr. President, I ask unanimous consent that my time not count against the time allocated for the Kirk nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair.

EXHIBIT 1

STATE CAPITOL,

Sacramento, CA, May 5, 2008.

HON. DIANNE FEINSTEIN,

U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: As Congress again considers legislation needed to implement the Settlement Agreement reached to restore the San Joaquin River, I write to reiterate my support of your leadership in this matter and to urge Congress to act now to take advantage of this historic opportunity. Restoring the San Joaquin River will provide vital benefits to the environment, to the people of the San Joaquin Valley, and to all Californians. I remain confident that this settlement can be implemented to provide these important benefits while minimizing impacts to the Friant water users and preserving the regional economy.

The state of California has already committed substantial funding to support the settlement effort. In November 2006, California voters approved Proposition 84, the Water Quality, Safety and Supply, Flood Control, Natural Resource Protection Bond,

which earmarks \$100 million to support San Joaquin River restoration. Other bond funds are available to provide flood management improvements and to support regional water supply reliability projects. Moreover, I have directed my Administration to pursue all available opportunities to contribute to the dual restoration and water management goals of the Settlement Agreement.

Thank you again for your leadership to secure the passage of the necessary legislation to advance the restoration of the San Joaquin River. Please know that my Administration remains committed to this important effort and we look forward to continuing our work with the federal government on this significant restoration program.

Sincerely,

ARNOLD SCHWARZENEGGER,

Governor.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, November 7, 2007.

Hon. NICK J. RAHALL II,

Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Justice (DOJ) strongly supports H.R. 4074, the San Joaquin River Restoration Settlement Act (originally introduced by Congressman Radanovich as H.R. 24). This bill provides necessary authorization and funding to carry out the terms of the San Joaquin River Settlement. The purpose of the settlement is to fully restore the San Joaquin River and to mitigate the impact of water losses on water districts in the Friant Division of the Central Valley Project who have long-term contractual rights and obligations with the Bureau of Reclamation. This settlement not only resolves litigation over the operation of the Bureau of Reclamation's Friant Dam east of Fresno, California, it provides a framework for the restoration of the San Joaquin River and its fishery in a way that protects the sustainability of farming in the Friant Division.

On October 23, 2006, the United States District Court for the Eastern District of California approved this settlement, ending eighteen years of litigation, *Natural Resources Defense Council, et al. v. Kirk Rodgers, et al.* The Administration previously announced its support for legislation implementing this settlement in testimony before your Committee on March 1, 2007, by Jason Peltier, Principal Deputy Assistant Secretary for Water and Science for the U.S. Department of the Interior. The State of California has pledged its support for the Settlement in the amount of \$200 million.

Enactment of H.R. 4074 is essential to the implementation of this historic, court-approved settlement. Without this legislation, the Secretary of the Interior lacks sufficient authority to implement the actions in the settlement. Implementation of the San Joaquin River Settlement will avoid the high cost and uncertainty that will result from a return to litigation if the settlement is not implemented.

Thank you for the consideration of our views. Please do not hesitate to contact this office if we can be of further assistance in this matter. The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

BRIAN A. BENCZKOWSKI,

Principal Deputy Assistant,

Attorney General.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time during the quorum call be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. BARRASSO. Mr. President, today I wish to talk about this administration's proposed budget. I believe the President's proposed budget fails the American people. It fails small businesses, and it fails our economic future.

To me, this budget spends too much on bailouts and on wasteful Government programs. It raises the cost of energy, and it costs American jobs.

The spending in this budget is so massive that independent estimates say they are going to need another quarter million people—250,000 more Federal Washington bureaucratic workers—just to spend all the money.

Middle-class families and small businesses all across this country are taking notice. These are the people who are making the financial sacrifices every day to pay for these huge Government expenses. Yet Washington continues to spend trillions in taxpayers' dollars on bailouts and big Government programs.

This budget spends too much, it taxes too much, and it borrows too much.

This budget contains the largest tax increase in the history of our country. We need to help American industry promote growth and create jobs. I will tell you that raising taxes makes matters worse, especially in an economic downturn.

The President's plan takes money from small businesses and families in my home State of Wyoming. The President's budget will devastate the small businesses of America. The budget even limits itemized deductions for people who give money to charities. This effectively raises our Nation's top tax rate to 42 percent.

Our Treasury Secretary Geithner says the proposed changes in the tax rates would apply to only 2 or 3 percent of small business owners. But the reality is, those tax increases are going to hit hardest those small businesses which create the most jobs in our Nation.

Small businesses created a majority of new jobs in America over the last 10

years. Small businesses are responsible for 70 percent of the job creation in this Nation.

These jobs are being created by businesses similar to those that are now threatened by the administration's proposed tax increases. When we consider that the administration talks about a goal of job creation, why is this administration proposing a budget with costly tax hikes on those very engines that create the jobs in this Nation?

They say: We are going to delay the tax increases until 2010. That doesn't make those tax increases hurt any less. Small business owners plan ahead. They plan well in advance. They will not hire someone today if they know they are going to be forced to lay that person off in less than 2 years.

I want to talk a little bit about electric bills.

Electric bills and the cost of everything manufactured in America is going to skyrocket under this proposed budget. Under the Obama budget, gasoline prices are likely to go up as much as 145 percent.

The President from Duke Energy says the plan could increase energy prices for American households by as much as 40 percent.

People need to know under this plan, anything that emits carbon is going to be more expensive. This means the plastics we use, the cars we drive, the homes we heat—they are all going to be more expensive. Every time you flip the light switch, you are going to be paying much more.

The very building blocks of our Nation will be dramatically taxed. American families will experience a dramatic shift down the economic ladder.

Folks who are struggling to get by in my home State of Wyoming and all across America will fall through the cracks in this budget. It is wrong. It is time this administration leveled with the American people about the hidden details in this budget plan.

The President is proposing we spend scarce resources transferring income rather than promoting growth.

According to the President's climate proposal, taxes on carbon are projected to total over \$78 billion in 2012 and at least \$646 billion over the next 10 years. Of that money, he proposes to spend \$1 out of every \$5—only \$1 of every \$5—on clean energy technologies. The other \$4 of every \$5 are going to go to bigger Government programs.

According to the President's budget document, his climate change proposal is more expensive than the \$646 billion he has suggested. He is hiding the true cost to the economy of his cap-and-trade scheme.

The President is also abandoning what I call 24-hour power. Under his cap-and-trade scheme, that is power that runs the factories and American homes 24 hours a day, 7 days a week. It

is the power we need when renewable energy is not there—when the Sun is not shining or the wind is not blowing. We need all the energy. We need the coal. We need the nuclear. We need the natural gas. We need the hydropower. All are proven and affordable energy solutions. Those are the kinds of things that will help keep electric bills low.

If you eliminate these, you are automatically taxing all Americans with high energy bills—that is what you are doing—and that means making the cost of running a business more expensive. That means heating homes all across America will be much more expensive.

They have done some estimates, and they have estimated that the President's new energy tax will cost every household in America an additional \$250—not each year but \$250 each month.

Frankly, that is a tax increase that most American people cannot afford, and, frankly, I don't understand why the President is asking them to pay it.

In reality, the President's cap-and-trade scheme is another bailout, a trillion-dollar climate bailout.

This budget spends too much, it taxes too much, and it borrows too much.

This budget costs too much in dollars, and it costs too much in jobs. This budget hurts small businesses, and it hurts American families alike.

This budget provides for the largest tax increase in history to fund a trillion-dollar climate bailout. It is unfortunate that we are aiming and targeting small businesses because they are the very foundation of job creation in this country. It is unfortunate that this is the starting point of the debate of how to get our economy moving again.

The American people expect better. The American people demand better. The American people deserve better.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, how much time remains on the Democratic side on the nomination for USTR?

The PRESIDING OFFICER. There remains 16 minutes.

Mr. DORGAN. Mr. President, I intend to speak for 10 of the 16 minutes. I will reserve the 6 minutes for others.

Mr. President, we are dealing with the nomination of Mr. Kirk to be trade ambassador, the head of the trade office in our Government. I intend to support his nomination, but I wanted to come to the floor to take the opportunity to say that ambassador after

ambassador after ambassador has left that trade office with large and growing trade deficits that I think weaken and undermine our country. And I want to make certain Mr. Kirk and others know what I think is the urgency to address these significant trade deficits.

We are a country that is consuming 3 percent more than we produce. No country can do that for a very long period of time. We are buying more from abroad than we are selling abroad—\$2 billion every single day. We import \$2 billion every day more than we export.

We are facing a very severe financial crisis in this country now. At least one of the causes of that crisis, which is never discussed by anybody, is an unbelievable trade deficit.

Our merchandise trade deficit last year was \$800 billion. You can take a look at what has happened in recent years. These red lines represent the deep hole of trade deficits. That is money we owe to other countries because we are buying more from them than we are selling to them.

Now, I am for trade, and plenty of it, but I insist it be fair, and I also believe there are mutual responsibilities of trading partners. The trade deficit, for example—in the \$800 billion merchandise trade deficit we have—with China is \$256 billion. Think of that: \$256 billion in a year. And we have very serious trade problems with China with respect to the issue of counterfeiting and piracy.

Part of what we are producing in this country these days is intellectual property—computer programming and software, various types of music and movies, and all kinds of inventions. Our intellectual property is being pirated and counterfeited on street corners all across China. And it is not as if China doesn't know how to deal with that. When China held the Olympics, they knew how to deal with their logo. There was an Olympic logo for the Chinese Olympics which belonged to the Government of China. All of a sudden, that had value, and they decided to protect that. People started showing up on street corners in China selling mugs and banners with the Chinese Olympic logo, and they shut them down just like that. They stopped it just like that because that belonged to the Government of China. Well, what about all the intellectual property that is pirated and counterfeited and reverse-engineered in China that is sold on their street corners in violation of everything, which helps result in this \$256 billion trade deficit with China? That is something our U.S. trade ambassador has to confront.

Let me give an example—and this is just one; I could give a dozen—of part of our problem. We have a trade deficit with South Korea. Ninety-eight percent of the cars on the streets of South Korea are made in South Korea because that is what they want. They do

not want foreign cars in South Korea. Our country signed two separate trade deals with Korea in the 1990s, which supposedly meant that Korea would open up their auto market. Those agreements are apparently not worth the paper they were written on. So Korea sent us 770,000 vehicles last year—770,000 Korean-made vehicles. Those are Korean jobs—vehicles made in Korea, sold in the United States. Yet we are able to sell 6,000 American vehicles in Korea. Now, think of that: 770,000 cars coming our way, and we get to sell 6,000 there. Why? Because the Korean Government doesn't want American cars on their roads. They want one-way trade, which I think results in unfairness to our country, lack of jobs in our country, and a growing trade deficit in our country that undermines our economy.

The same is true with respect to China. For example, we negotiated a bilateral trade agreement with China. Only much later did we learn the ingredients of that agreement. China is now creating a significant automobile export industry, and we will begin seeing Chinese cars on American streets in the not too distant future. They are gearing up for a very robust automobile export industry. Here is what our country agreed with in a bilateral agreement with China. We agreed that any American cars sold in China after a phase-in could have a 25-percent tariff imposed by the Chinese. Any Chinese cars sold in America would have a 2½-percent tariff. Think of the absurdity of that. A country with which we have a \$200 billion trade deficit—last year, \$260 billion—and we said: It is okay for you to impose a tariff that is 10 times higher on U.S.-made automobiles sold in your country than we will impose on your automobiles sold in our country. That is the kind of ignorance, in my judgment, and unfair trade provisions that result in our having an \$800 billion merchandise trade deficit.

Now, Warren Buffett has said—and Warren Buffett is a bright guy, and I like him, I have known him for a long while—this is unsustainable. You can't run these kinds of trade deficits year after year. It is unsustainable. Why? Because when we buy \$800 billion more from other countries than we sell to them, it means they end up with our money or a debt, and that debt will be repaid with a lower standard of living in our country.

My point is that the financial crisis in this country is caused by a lot of things, at least one of which is an unbelievable growing trade deficit that has gone on and festered for a long while, and no administration has done much about it. Oh, the last administration, I think the last time they took action was against Europe, and they announced with big fanfare that they were going to impose tariffs on Roque-

fort cheese, truffles, and goose liver. That will scare the devil out of some country—Roquefort cheese, truffles, and goose liver. We not only negotiate bad trade agreements, but then we fail to enforce them. And when we do enforce them, we don't enforce them with any vigor.

Mr. President, I know there has been discussion in the last couple of days about trade with Mexico. Mexico had a \$66 billion surplus—or we a deficit with them—last year. We have had a nearly ½ trillion dollar trade deficit with Mexico in the last 10 years alone, and Mexico is accusing us of unfair trade? I am sorry. We have a ½ trillion dollar deficit with Mexico in trade relationship in 10 years, and they believe we are unfair?

The recent action by Mexico against the United States is due to the fact that a large bipartisan majority of both Chambers of Congress objected to a Mexican long-haul trucking pilot program that the Bush Administration wanted to establish. The inspector general of the Transportation Department had said that in Mexico there is no central repository of drivers' records, no central repository of accident reports, and no central repository of vehicle inspections. We don't have an equivalent system. Well, there is nothing in a trade agreement that requires us to diminish safety on our roads. When we have equivalent systems or when we have conditions in both countries that are equivalent, you will hear no complaint from me about any pilot program of this type, but that is not the case today.

Just as an aside, at a hearing I held last year, we were told that one of the rules for the cross-border trucking program was that the drivers who were coming in with the big trucks were going to be required to be fluent in English. One way they would determine whether they were fluent in English is they would hold up a highway sign, such as a stop sign, to the driver and ask him: What is this sign? And if the driver replied, "Alto," which means "stop" in Spanish, they would declare that driver fluent in English. Look, this made no sense at all. Let's make sure we protect the safety on America's roads. I have no problem with cross-border trucking as soon as we have equivalent standards. That is not now the case.

But my larger point with Mexico, as with other countries, is that we have a large and growing trade deficit—\$66 billion last year with Mexico; ½ trillion dollars in 10 years. This country can't continue that. We have to have fair trade with other countries and fair trade agreements. And when we do, it seems to me we should be aggressive in trying to sell worldwide. We are good at this. We can prevail. We don't have to have an \$800 billion deficit that threatens our country's economy. No

one talks about it much, but the fact is, this enormous deficit undermines the strength of the American economy. It sucks jobs out of our country and moves them overseas in search of cheap labor. We can do better than that.

I intend to support Ron Kirk. I think he will be a good choice. However, I hope this trade ambassador understands that while our country stands for trade and our country stands for open markets, we ought to, for a change, also stand for fair trade agreements and we ought to stand for balance in trade and get rid of an \$800 billion-a-year deficit in which we end up owing other countries a substantial amount of our future. It makes no sense to me.

So I am for trade, and plenty of it, but let's try to get it right for a change, to strengthen this country and put this country on the right track.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent to yield back all time on the Kirk nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent that H.R. 146 be the pending business.

LEGISLATIVE SESSION

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 146, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bingaman amendment No. 684, in the nature of a substitute;

Coburn amendment No. 680 to amendment No. 684, to ensure that the general public has full access to our national parks and to promote the health and safety of all visitors and employees of the National Park Service;

Coburn amendment No. 679 to amendment No. 684, to provide for the future energy needs of the United States and eliminate restrictions on the development of renewable energy;

and Coburn amendment No. 675 to amendment No. 684, to prohibit the use of eminent domain and to ensure that no American has their property forcibly taken from them by authorities granted under this Act.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, first of all, I ask unanimous consent to have printed in the RECORD the statement of the Secretary of the Interior, Ken Salazar, given yesterday before the Senate Committee on Energy and Natural Resources. I think Members will find significant support for my amendment on alternative energy in his statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF KEN SALAZAR, SECRETARY OF THE INTERIOR, BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES ON ENERGY DEVELOPMENT ON THE PUBLIC LANDS AND OUTER CONTINENTAL SHELF

Thank you, Chairman Bingaman, Senator Murkowski, and Members of the Committee, for giving me the opportunity to come before you today to discuss energy development on public lands and the Outer Continental Shelf (OCS) under the Department of the Interior's jurisdiction. This is my first hearing before you since my confirmation as Secretary of the Interior and it is an honor to be here.

President Obama has pledged to work with you to develop a new energy strategy for the country. His New Energy for America plan will create a clean energy-based economy that promotes investment and innovation here at home, generating millions of new jobs. It will ensure energy security by reducing our dependence on foreign oil, increasing efficiency, and making responsible use of our domestic resources. Finally, it will reduce greenhouse gas emissions.

During his visit to the Department for our 160th anniversary celebration two weeks ago, the President spoke about the Department's major role in helping to create this new, secure, reliable and clean energy future. The vast landholdings and management jurisdiction of the Department's bureaus, encompassing 20 percent of the land mass of the United States and 1.7 billion acres of the Outer Continental Shelf, are key to realizing this vision through the responsible development of these resources.

These lands have some of the highest renewable energy potential in the nation. The Bureau of Land Management has identified a total of approximately 20.6 million acres of public land with wind energy potential in the 11 western states and approximately 29.5 million acres with solar energy potential in the six southwestern states. There are also over 140 million acres of public land in western states and Alaska with geothermal resource potential.

There is also significant wind and wave potential in our offshore waters. The National Renewable Energy Lab has identified more than 1,000 gigawatts of wind potential off the Atlantic coast, and more than 900 gigawatts of wind potential off the Pacific Coast.

Renewable energy companies are looking to partner with the government to develop this renewable energy potential. We should responsibly facilitate this development. Unfortunately, today, in BLM southwestern states, there is a backlog of over 200 solar energy applications. In addition, there are some 20 proposed wind development projects

on BLM lands in the west. These projects would create engineering and construction jobs.

To help focus the Department of the Interior on the importance of renewable energy development, last Wednesday, March 11, I issued my first Secretarial Order. The order makes facilitating the production, development, and delivery of renewable energy top priorities for the Department. Of course, this would be accomplished in ways that also protect our natural heritage, wildlife, and land and water resources.

The order also establishes an energy and climate change task force within the Department, drawing from the leadership of each of the bureaus. The task force will be responsible for, among other things, quantifying the potential contributions of renewable energy resources on our public lands and the OCS and identifying and prioritizing specific "zones" on our public lands where the Department can facilitate a rapid and responsible move to significantly increased production of renewable energy from solar, wind, geothermal, incremental or small hydroelectric power on existing structures, and biomass sources. The task force will prioritize the permitting and appropriate environmental review of transmission rights-of-way applications that are necessary to deliver renewable energy generation to consumers, and will work to resolve obstacles to renewable energy permitting, siting, development, and production without compromising environmental values.

Accomplishing these goals may require new policies or practices or the revision of existing policies or practices, including possible revision of the Programmatic Environmental Impact Statements (PEISs) for wind and geothermal energy development and the West-Wide Corridors PEIS that BLM has completed, as well as their Records of Decision. The Department of Interior will work with relevant agencies to explore these options.

We will also, as I have said before, finalize the regulations for offshore renewable development authorized by section 388 of the Energy Policy Act of 2005, which gave the Secretary of the Interior authority to provide access to the OCS for alternative energy and alternate use projects. This rulemaking was proposed but never finalized by the previous Administration.

For these renewable energy zones to succeed, we will need to work closely with other agencies, states, Tribes and interested communities to determine what electric transmission infrastructure and transmission corridors are needed and appropriate to deliver these renewable resources to major population centers. We must, in effect, create a national electrical superhighway system to move these resources from the places they are generated to where they are consumed. We will assign a high priority to completing the permitting and appropriate environmental review of transmission rights-of-way applications that are necessary to accomplish this task.

Developing these renewable resources requires a balanced and mindful approach that addresses the impacts of development on wildlife, water resources and other interests under the Department's management jurisdiction. I recognize this responsibility, and it is not a charge I take lightly.

At the same time, we must recognize that we will likely be dependent on conventional sources—oil, gas, and coal—for a significant portion of our energy for many years to come. Therefore it is important that the Department continue to responsibly develop these energy resources on public lands.

In the past 7 weeks, the Department has held seven major oil and gas lease sales onshore, netting more than \$33 million for taxpayers. And tomorrow I will be in New Orleans for a lease sale covering approximately 34.6 million offshore acres in the Central Gulf of Mexico. This sale includes 4.2 million acres in the 181 South Area, opened as a result of the Gulf of Mexico Energy Security Act. Continuing to develop these assets, through an orderly process and based on sound science, adds important resources to our domestic energy production.

Based on this approach, I announced last week that I would be hosting four regional public meetings next month in order to gather a broad range of viewpoints from all parties interested in energy development on the OCS. In addition, I directed the Minerals Management Service and the U.S. Geological Survey to assemble a report on our offshore oil and gas resources and the potential for renewable energy resources, including wind, wave, and tidal energy. The results of that report will be presented and discussed with the public.

The meetings will be held in Atlantic City, New Jersey, New Orleans, Louisiana, Anchorage, Alaska, and San Francisco, California, during the first two weeks in April.

These meetings are an integral part of our strategy for developing a new, comprehensive, and environmentally appropriate energy development plan for the OCS. I have also extended the comment period on the previous Administration's proposed 5-year Plan for development by 180 days. We will use the information gathered at these regional meetings to help us develop the new 5-year plan on energy development on the OCS.

Similarly, again based on sound science, policy and public input, we will move forward with a second round of research, development, and demonstration leases for oil shale in Colorado and Utah. While we need to move aggressively with these technologies, these leases will help answer the critical questions about oil shale, including about the viability of emerging technologies on a commercial scale, how much water and power would be required, and what impact commercial development would have on land, water, wildlife, communities and on addressing global climate change.

We are also proceeding with development onshore, where appropriate, on our public lands. As I noted above, the responsible development of our oil, gas and coal resources help us reduce our dependence on foreign oil, but this development must be done in a thoughtful and balanced way, and in a way that allows us to protect our signature landscapes, natural resources, wildlife, and cultural resources.

We also need to ensure that this development results in a fair return to the public that owns these federal minerals. That's why the President's 2010 Budget includes several proposals to improve this return by closing loopholes, charging appropriate fees, and reforming how royalties are set. Of course, I'll be happy to discuss these in more detail after the Administration's full budget request is released in the coming weeks.

Implementation of the President's energy plan will ultimately focus the nation on development of a new green economy and move us toward energy independence, and I and my team are working hard to put that plan into place.

Mr. Chairman, I know you and the Committee, along with the Majority Leader and others in Congress, are working hard on

these issues. I believe we are being presented today with an historic opportunity to enhance our economy, our environment, and our national security. Too much is at stake for us to miss this opportunity.

Thank you, Mr. Chairman and Members of the Committee. I am happy to answer any questions that you may have.

Mr. COBURN. Mr. President, we are putting the cart before the horse, because one of the things the Secretary spoke about yesterday is that we have to figure out how to transfer all this renewable energy from Federal lands. What this bill and what a previous amendment that I have offered and that is now pending would do is to say this bill is going to offset that. We are not going to know where we need to send it or how we need to send it. With this bill, we are going to deny the options to the Secretary of the Interior in terms of transmission lines with geothermal, with solar, and with wind.

Mr. President, I also ask unanimous consent to have printed in the RECORD the opening statement of the chairman of the Energy and Natural Resources Committee, Senator BINGAMAN, because I am very pleased with his statements on oil and gas and renewables, and it again would support the amendment I have offered that we should not preclude renewables from this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENERGY PRODUCTION ON FEDERAL LANDS

I want to welcome my colleagues, our witnesses and especially Secretary Salazar to today's hearing on the important topic of energy development on public lands and the Outer Continental Shelf. Our Nation has abundant energy resources, a good portion of which are found on our onshore public lands and the Outer Continental Shelf. These resources are owned by all of the people of the United States, and their management is entrusted to the Federal Government.

That's why we're particularly pleased that our new Secretary of the Interior is here today to tell us about his vision for the development of our energy resources on public lands, both onshore and offshore. Secretary Salazar has important decisions to make—decisions that may prove essential to our Nation's energy security and economic well-being—but also decisions that will impact the landscape and our environment for generations to come.

I look forward to hearing more about the Administration's plans in this regard. I hope that Secretary Salazar can share with us his vision for how we can determine the best places for energy development on the OCS, and how we can move forward to get more energy production—both oil and gas and renewables—in a safe and environmentally sound manner from the Outer Continental Shelf.

I know that the Secretary is also interested in our onshore oil and gas leasing program. We recognize the contribution of that program to our energy supply. I hope that under his leadership, the BLM can resolve any resource conflicts up front, so that this important program can run smoothly and efficiently. To this end, it is also important that the inspection and enforcement program at the BLM be well-funded.

Finally, this Administration is clearly committed to renewable energy. I know Secretary Salazar is. The Department of the Interior and the Forest Service have a key role in the siting of generation and transmission facilities for wind and solar energy. I know that Secretary Salazar has already undertaken initiatives to bring about more renewable energy production on Federal lands.—Jeff Bingaman, Chairman, Committee on Energy and Natural Resources.

AMENDMENT NO. 682 TO AMENDMENT NO. 684

(Purpose: To protect scientists and visitors to federal lands from unfair penalties for collecting insignificant rocks)

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 682 be brought up and considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 682 to amendment No. 684.

Mr. COBURN. Mr. President, I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. COBURN. Mr. President, this is a very simple amendment. We do have a problem with thieves stealing significant fossil remains from public lands, but the way the bill is written currently is that we are going to hit a fly with a sledgehammer. What we are going to do is put Scout leaders and troops, graduate students, and the regular public in line for tremendously harsh penalties if they inadvertently or inconsequentially pick up a small rock that might have a fossil.

All this amendment does is it tells the Secretary that "they shall allow," without penalty, the insignificant capture of these small items—not to resell, not for going on the black market, but actually for educational purposes—by Scout troops, graduate students, college classes, and the like.

What we know from the history is that there have been significant difficulties in terms of the lack of law enforcement on public lands. This goes back to one of our other amendments we talked about earlier, which is not only is there a backlog in the repair and care of our public lands, but we don't have the money to enforce and protect the very assets which we think are paleontological assets, which we know are valuable both for history and science. We haven't had the forces capable of even enforcing what is already illegal. It is already illegal to steal those items from public land.

So what this amendment does is just change the wording from "may" to "shall"; that the Secretary "shall allow casual collecting" that will not harm any of our public lands and will

not put the truly innocent—simply inquiring minds—at risk of the harsh penalties of this segment of the bill. It is as simple as that. All it does is lighten up on the inadvertent and the non-inappropriate looking for small fossils and small rocks that may not even contain fossils. We have already had testimony that the majority of the people who have been arrested under the illegal statute have not been those who have been in the black market. It has been Scout leaders and graduate students and college professors who have actually been out there.

So I think it is a commonsense amendment, and I hope my colleagues will consider it and adopt it so that we don't overshoot on what is intended to be a solution to a very serious problem.

I would also like to spend a moment in rebutting some of the words of the Senator from California. I have not yet offered, but intend to offer, one amendment that will in fact strike some earmarks from this bill. The San Joaquin River has, no question, been engaged in a lawsuit. But if you go back to 1924 and see what the Federal Government said about the salmon run over this area, it was already in decline. As a matter of fact, it was in a decline to a level very close to what we have seen today.

What we have had is a lawsuit that has reached a settlement that now we are to pay \$1 billion with the specific goal not of 100,000 salmon, not of 30,000 salmon, but the goal in the settlement is 500 salmon. The likelihood of achieving that, for \$1 billion, first of all, is unlikely. The ultimate outside costs are going to be tremendous. What are the costs? Through this lawsuit, we are going to put at jeopardy, put at risk, \$20 billion worth of economic activity in one of the most fertile areas of California.

The Congressman who represents 85 percent of that district and his constituents are adamantly opposed to this settlement because they know what it is going to do in terms of the water resource for that agricultural community. Not everyone supports this settlement, as the Senator from California said, certainly not the Congressman representing the district.

The other claim Senator FEINSTEIN made is it would be less costly than the alternative litigation. If you use the two analyses done in the late 1990s regarding the economic impacts of water supply reductions, estimates paint the total costs of this settlement to the community at over \$10 billion; \$10 billion is the economic loss to be associated with this settlement.

At a time of economic difficulty, the last thing we need to be doing is cutting out another \$10 billion of economic productivity.

AMENDMENT NO. 677 TO AMENDMENT NO. 684

I ask the pending amendment be set aside and amendment No. 677 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 677 to amendment No. 684.

The amendment reads as follows:

(Purpose: To require Federal agencies to determine on an annual basis the quantity of land that is owned by each Federal agency and the cost to taxpayers of the ownership of the land)

At the appropriate place, insert the following:

SEC. ____ . ANNUAL REPORT RELATING TO LAND OWNED BY FEDERAL GOVERNMENT.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), not later than May 15, 2009, and annually thereafter, the Director of the Office of Management and Budget (referred to in this section as the “Director”) shall ensure that a report that contains the information described in subsection (b) is posted on a publicly available website.

(2) EXTENSION RELATING TO CERTAIN SEGMENT OF REPORT.—With respect to the date on which the first annual report is required to be posted under paragraph (1), if the Director determines that an additional period of time is required to gather the information required under subsection (b)(3)(B), the Director may—

(A) as of the date described in paragraph (1), post each segment of information required under paragraphs (1), (2), and (3)(A) of subsection (b); and

(B) as of May 15, 2010, post the segment of information required under subsection (b)(3)(B).

(b) REQUIRED INFORMATION.—Except as provided in subsection (c), an annual report described in subsection (a) shall contain, for the period covered by the report—

(1) a description of the total quantity of—

(A) land located within the jurisdiction of the United States, to be expressed in acres;

(B) the land described in subparagraph (A) that is owned by the Federal Government, to be expressed—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (A); and

(C) the land described in subparagraph (B) that is located in each State, to be expressed, with respect to each State—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (B);

(2) a description of the total annual cost to the Federal Government for maintaining all parcels of administrative land and all administrative buildings or structures under the jurisdiction of each Federal agency; and

(3) a list and detailed summary of—

(A) with respect to each Federal agency—

(i) the number of unused or vacant assets;

(ii) the replacement value for each unused or vacant asset;

(iii) the total operating costs for each unused or vacant asset; and

(iv) the length of time that each type of asset described in clause (i) has been unused or vacant, organized in categories comprised of periods of—

(I) not more than 1 year;

(II) not less than 1, but not more than 2, years; and

(III) not less than 2 years; and

(B) the estimated costs to the Federal Government of the maintenance backlog of each Federal agency, to be—

(i) organized in categories comprised of buildings and structures; and

(ii) expressed as an aggregate cost.

(c) EXCLUSIONS.—Notwithstanding subsection (b), the Director shall exclude from an annual report required under subsection (a) any information that the Director determines would threaten national security.

(d) USE OF EXISTING ANNUAL REPORTS.—An annual report required under subsection (a) may be comprised of any annual report relating to the management of Federal real property that is published by a Federal agency.

Mr. COBURN. Mr. President, this is a simple amendment, too. It is a good housekeeping amendment. What this amendment does is requires the Federal Government every year to detail to the people of this country the amount of the property that the Federal Government owns and the cost of that land ownership to taxpayers. Do you realize right now we have 21,000 buildings that are owned by the Federal Government sitting empty? We have 40 million square feet of excess space that is not being used, just by the Department of Energy alone.

The Federal Government currently does not disclose these assets. As a matter of fact, they do not even know what they are. What this amendment would do is ask the Federal Government, through the OMB, to create an inventory of Federal assets as far as land and buildings are concerned. We do not know what it costs us to maintain it. We don't know if it is economical for us to continue to maintain it as a Federal Government property or whether we ought to put it up for sale or we ought to cede it to the States, to an Indian tribe or some other Government agency where it can be utilized. We just don't have the knowledge. Without this kind of knowledge there is no way that Congress can manage Federal properties and Federal lands.

What this would specifically require is the Office of Management and Budget to issue a report detailing the following: the total amount of land in the United States that is owned by the Federal Government; the percentage of all U.S. property controlled by the Federal Government, that is controlled—maybe not owned but controlled; the total cost of operating and maintaining Federal real property, including land, buildings and structures; a list of all Federal property that is either unused or vacant—that is something we should know which we do not know—and the estimated cost of the maintenance backlog on Federal land, buildings, and properties by agency.

This will give taxpayers greater transparency. It allows the taxpayers to know what kind of poor stewards we are with Federal property and land. It will also give us a focus to direct the maintenance backlog that we have today, to create a priority for it. We can see it in light of all the maintenance problems by agency.

It also will help us when we are considering a bill like this one. Nobody

knows the total impact of this bill—this bill, 170 bills. Nobody has done a study to say what the total impact is going to be. We don't know what the total impact is going to be on energy transmission. What we do know is it is going to hinder it greatly. What it does is it gives us a management tool.

According to the Congressional Research Service, the total amount of Federal land is unknown. In fact, different sources show significantly different estimates. This is their direct quote:

The estimate of \$650 million assumes the four Federal land management agencies have reasonably accurate data on lands under their jurisdiction, and the Department of Defense.

I would note that this amendment specifically excludes any properties that should not be known publicly, that are of national security or defense nature.

It is interesting, the Government tracks property we own, but the taxpayers cannot track the property the Government owns. Let me repeat that. Government at all levels tracks the property we own, but the taxpayers are not allowed to track the property the Government owns through them—ridiculous. The Government should have to disclose exactly the same information, when it is not a national security issue, that we have to disclose on our own property.

What we do know is that the Federal Government controls more than one-fourth of the Nation's total land, and that continues to grow. It is going to grow by almost 3 million acres in this bill. Between 1997 and 2004, the latest years for which reliable information was available, Federal land ownership increased from 563 million to 654.7 million acres. In 7 years it grew 100 million acres. That is 100 million acres on which nobody is collecting any property tax. It is 100 million acres we are not taking care of. It is 100 million acres that have facilities and structures and backlogs on maintenance issues on it that are costing us dearly every year. As the Federal Government takes more land, the costs of maintaining the property increases and the maintenance backlogs continue to grow.

It also does something else. In this 100 million acres of growth in the 7 years up to 2004, that is 100 million acres that is not available to the American public to utilize in a productive way, in a way that could build capacity, could build wealth, could build jobs. None of that happens. The only jobs that come with Federal Government programs or Federal Government property is Federal jobs that are not necessarily productive of new assets, new wealth, and new job creation beyond it.

The other thing we know is, as this 100 million acres has been added over

the previous 7 years, that the maintenance backlog of what we do own has fallen further and further behind. We know, according to the GAO, the maintenance backlog just at the Forest Service—not the national parks—we know that is somewhere between \$12 billion and \$19 billion. But the Forest Service has tripled.

The other problem I mentioned earlier, of the 21,000 buildings we have now that we are not utilizing, we could reduce the debt by \$18 billion just in the maintenance costs to those buildings. Think about that. We have 21,000 buildings sitting. We are not doing anything with them except maintaining them, and we are spending \$18 billion that we do not have taking care of buildings whereas we could get \$18 billion for those buildings if we would dispose of them. But we have been blocked in this body from proposing real property reform.

The first step, then, is to know what we have, and this is just a guess of what we have. I mentioned earlier that the Department of Energy—I said 40—it is 20 million square feet of excess capacity. That is three times the size of the Pentagon. So three times the size of the Pentagon, you could put five U.S. Capitols inside the Pentagon in terms of square footage.

The other benefit from this is transparency will help us every time in every way. Knowing what we need to know about Federal property, knowing what we need to know about maintenance backlogs, is key to us fixing the problem. We cannot manage Federal property unless we know what we are managing, unless we have the details and the data. My hope is this amendment will be accepted and that the American people can actually know what they own, much like the Government knows what they own.

I have one other amendment to offer, but I will defer that to a later point in time, and at this time I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I believe at 2 o'clock we are proceeding to vote on a nomination and then also on three of the six amendments that are being proposed by the Senator from Oklahoma to this omnibus lands bill. I just want to speak briefly about the three amendments that we are expected to vote on in the sequence of votes beginning at 2 o'clock.

AMENDMENT NO. 680

As I understand it, the first of those is an amendment, SA 680, prohibiting construction in the national parks. This amendment prohibits the National Park Service from beginning any new construction until the Secretary determines that "all existing sites, structures, trails, and transportation infrastructure of the National Park Service are—fully operational;

fully accessible to the public; and propose no health or safety risk to the general public or employees of the National Park Service."

The amendment excludes from the new construction ban, first, "the replacement of existing structures in cases in which rehabilitation costs exceed new construction costs"; or, second, the second area that is excluded from the construction ban would be "any new construction that the Secretary determines to be necessary for public safety."

The amendment, as I read it, would eliminate the ability of Congress to determine what funds should be appropriated to each park. In all likelihood, the Secretary would never be able to make the certification called for in the amendment since there would always be some backlog. So this amendment would ensure that we would not proceed with new construction in our national parks.

The amendment also appears to prohibit the expenditure of already appropriated funds, if the construction has not yet begun, which would negate funds recently appropriated as part of the American Recovery and Reinvestment Act and also funds contained in the Omnibus Appropriations Act that was approved by this Congress.

For those reasons, I urge my colleagues to oppose that amendment.

AMENDMENT NO. 679

The second amendment I wanted to talk about is Coburn amendment No. 679. That amendment states:

Notwithstanding any other provision of this Act, nothing in this Act shall restrict the development of renewable energy on public land, including geothermal, solar and wind energy and related transmission infrastructure.

Madam President, the proponent of the amendment argues we should not designate the wilderness or national park or other conservation in the areas set out in this bill because they will restrict our sources of energy. I disagree with that.

For example, the bill, as it stands before us, designates 15 new wilderness areas. None of those areas have significant energy development potential. Three of the wilderness areas are within national parks where energy development is already not allowed. So the wilderness designation would not change that in any way.

The remaining wilderness areas are on land administered by the Bureau of Land Management or the Forest Service, and those agencies have provided information to our committee, the Energy Committee, that the new wilderness areas have low or no potential for energy development within the areas designated.

In addition to the wilderness areas, the amendment would undermine the designation of several other areas that are created to protect naturally significant features. For example, the bill

designates a new national monument and a new national conservation area in my home State of New Mexico, one of which will protect a series of fossilized prehistoric trackways and the other which protects a large cave system. Neither site is appropriate for energy development. Neither designation would reduce the contribution made by New Mexico as a major energy provider.

We are currently working on an energy bill in our Energy and Natural Resources Committee that will encourage the development of renewable energy. However, the areas designated in this bill will not reduce our Nation's ability to develop these resources.

AMENDMENT NO. 675

The third amendment I wished to briefly describe or discuss is the amendment No. 675 offered by the Senator from Oklahoma. This amendment states that no land or interest in land shall be acquired under this act by eminent domain.

First, it is important to understand that there are no provisions in this act that grant the Federal Government eminent domain authority. That authority already exists. It has existed since the founding of the country.

The use of eminent domain authority, however, is limited and controlled by the fifth amendment and by certain Federal statutes. These provisions require just compensation when eminent domain is actually used.

Secondly, there are no major land acquisitions in the bill. The amendment could impact the water projects that are authorized by the bill, particularly the Indian water rights settlement and rural water projects that are authorized in titles IX and X of the regulation.

Eminent domain, while sparingly used, has at times been a crucial tool for the Bureau of Reclamation in its attempts to complete important water projects. Examples that come to mind are the Central Arizona Project. My colleagues from Arizona are very familiar with the benefits that has brought to the State of Arizona.

The Central Utah Project, again, my colleagues from Utah undoubtedly know the value of that project. In such cases, without this tool, it likely would have been impossible to complete the reservoirs and drinking water pipelines and irrigation canals that are so crucial to the communities that are served by those projects.

The amendment that is being offered is problematic for several reasons. Let me recount those: First, it would impede the construction or increase the cost of several of the water projects provided for in this bill. This could result in the failure to complete projects or to implement one or more of the Indian water rights settlements that are being resolved.

The Navajo settlement, which includes a rural water project critical to

the Navajo people, is one of particular importance to me. It needs to be fully implemented without delay, and elimination of this authority would impede that. The language of the amendment is not limited to Federal agencies. Accordingly, it would be interpreted to restrict eminent domain by State-based entities if Federal money is involved as part of a condemnation.

The Eastern New Mexico Project is an example of a project where the local water authority will be responsible for securing rights of way for the project. It does not intend to condemn any property rights, but it will have that power, if needed, to deliver much needed water to the communities in rural New Mexico that will be served by the project. The Coburn amendment could interfere with the authority of that local entity to complete that project.

Finally, the Bureau of Reclamation indicates it has at times used so-called friendly condemnation to acquire State and local lands when the relevant government entities do not have the authority to sell such land. This has been a valuable tool to the Bureau of Reclamation and could be prohibited by the Coburn amendment.

In sum, for well over 100 years, the Bureau of Reclamation, as one agency, has balanced public needs with private property rights to help address critical water needs throughout the West. I expect that Reclamation's approach will not change as a result of anything in this bill. The Coburn amendment is unnecessary, would likely complicate the work done by numerous communities to address the water issues that affect their future.

I urge my colleagues to oppose that amendment as well.

I yield the floor. I see my colleague from Oklahoma is here and would like to continue with his other amendments.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. While I thank the chairman, the Senator from New Mexico, for his words and his comments, I would note that true eminent domain was not truly exercised in this country until the authority was given in 1960, not at the start of our founding. As a matter of fact, we believed in property rights in our founding. It is only since 1960 have we decided the Government knows better than a private landowner.

I ask unanimous consent to have printed in the RECORD the present ongoing debate on eminent domain between the Friars and the National Park Service on the Appalachian Trail, just to show you how controversial the taking of land of private homeowners, landowners is, when we, in our ultimate wisdom, say we know better than the people who own private land in this country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FRIARS AND NATIONAL PARK SERVICE FACE OFF ON APPALACHIAN TRAIL

EMINENT DOMAIN PROCEEDINGS HALTED

(By Margaret O'Sullivan)

The Franciscan Friars and Sisters of the Atonement at Graymoor met with officials from the National Park Service: Judy Brumback, Chief of the Acquisitions Division and Pamela Underhill, Park Manager of the Appalachian Trail; US Senator Charles E. Schumer and Congresswoman Sue Kelly on August 7. The topic was the disputed 20-acre parcel the National Park Service wants as "a buffer area" for the Appalachian Trail. As reported in this paper on July 19, 2000 the Park Service obtained an easement on 58 acres of Friar land just north of the contested section in 1984 when the Friars sold the development rights of that parcel to the Park Service. The following year the agreement was violated when a pumphouse for a sewage treatment plant was built by the Franciscan Friars on the land.

After a private meeting on a hot and humid August 7, between the Friars and the Park Service, moderated by Senator Schumer and Congresswoman Kelly, Senator Schumer said that letters had been going back and forth to the Park Service since May this year and finally the situation had come to a head. He stated that "good news" is on the way: The lawsuit is on hold, the parties have come back to the table for talks and they have a basic agreement in that their goals are not really in conflict.

A further meeting is scheduled for August 23, 2000 when discussions will take place in order to resolve the dispute. Senator Schumer further stated that it is great to have the Friary here—it is probably the best part of the Appalachian Trail, if one was caught in a storm or in need. The Friars welcome anyone who might need assistance, a shower or a meal while hiking the trail. As Senator Schumer indicated, there are many solutions short of legal action. He said he has "a nose" for when disputes will escalate or get resolved and it is positive for the community to bring both sides together. The situation should be resolved amiably; there are no gains by continued fighting.

Congresswoman Kelly said that recently the National Park Service had turned down a request from her office to arrange a meeting between the Friars and the Park Service to resolve the matter. Instead the National Park Service initiated eminent domain proceedings through the Justice Department. She hadn't thought another meeting would rake place this soon but stated that "it appears that the Park service is finally coming to its senses." "Their decision to pursue this case using such heavy-handed tactics is wrong. The Justice Department should play no role in this matter. The Friars contribute to our community every day. Their work has touched the lives of countless individuals and the Hudson Valley community as a whole. I don't want to see their work hindered in any way." She said it was a good sign that the Justice Department had withdrawn any legal action and emphasized that the dispute is not about development but about the use of land.

Rev. Arthur M. Johnson, Minister General of Graymoor, (Fr. Art) thanked both Senator Schumer and Congresswoman Kelly for "pressuring" the two factions to get together face to face. He felt that the Friary and the National Park Service actually had a common goal, and that is people. Hiking the Appalachian Trail gives people a natural experience while the Friary wants to continue their ministry to help those in need.

Many hikers, over 400 a year in fact, have experienced the Franciscan hospitality while hiking the Trail, a service recognized by hikers and the Park Service alike. He felt it was a "win-win" situation for all.

Pamela Underhill, Park Manager of the Appalachian National Scenic Trail, agreeing in principle with Fr. Art, stated that it was rewarding to meet and felt that the lines of communication had vastly improved. She too touched on the common goal theme, which offered both a "Godly and natural retreat." She reiterated the need for a "buffer zone" along the trail, which is the heart of the matter. Although Ms. Underhill and Fr. Art had both hiked the Trail, they had never hiked together—August 7th was the first time.

They hit the trail along with other Friars, Senator Schumer, Congresswoman Kelly and members of the press. All agreed that it was very beneficial to actually see the site in question, and the position of the pump house in proximity to the Appalachian Trail. Putting their "worst fears" on the table, Pamela Underhill stated that she is concerned about the Trail and development of any land in close proximity to the Appalachian Trail. Fr. Art's concerns were about the future of their ministry. He did not want to see any plans they may have for the future undermined which could curtail their ability to sustain the needed infrastructure to minister to the thousands of men and women who come to Graymoor each year.

Both sides are optimistic about the upcoming meeting on August 23rd.

Mr. COBURN. I would also note the testimony yesterday given by the Secretary of the Interior on his idea that we have to figure out where the transmission lines are going to run.

This bill goes against exactly his testimony before your committee yesterday. Because what he said was, we need to plan ahead where the transmission lines are going to go. We need to know that before we block off anything else. That was the implication of his testimony.

For these renewable energy sites to succeed, we need to work closely with other agencies, States, tribes, and interested communities to determine what electric transmission infrastructure and corridors are needed and appropriate to deliver the renewable resources to major population centers. Our own Secretary of the Interior, our former colleague, says we have the cart before the horse.

What we heard in opposition to the first amendment, No. 680, is a continued slight to the American people in terms of taking care of the properties we have. Now, the GAO says, and the IG of the Department of the Interior, it is somewhere between \$12 and \$19 billion in backlog.

What we hear is nobody wants to put a priority in taking care of what we have. What we want to do is build more new and let what we have crumble. The last thing we should be doing is building something new until we take care of what we have. Go to any of our national parks and talk to the people who are in charge of the maintenance and they will tell you: Congress never gives

us the money to take care of it. And it is growing at \$1 billion a year in terms of backlog.

I understand the chairman's reluctance to accept these amendments. I respect him greatly. But we are going to continue on doing what we have been doing, which is a shame looking at our national parks.

I have not even talked seriously about the backlog at the Forest Service. So if we want to deny the amendment to not start new construction unless the Secretary certifies it is something for safety or that it would, in fact, help us build something that would cost more to fix than to repair, then we are going to keep on allowing this backlog to grow. That is exactly what this bill does. This amendment is not trying to stop or play any games, it is saying, let's catch up with the real need we have in our parks now. Let's catch up with the needs on the National Mall. Let's catch up with the \$200 million backlog at the Statue of Liberty. No, we are not going to do that. We are going to authorize all these new programs. Then we are going to fund the new programs because we look better doing it than taking care of the very valuable assets we have.

I disagree with my colleague from New Mexico on the importance and the intention of that amendment. The amendment is to cause us to focus on priorities which this body has not. One of the reasons we have not is because we do not have my other amendment saying we need a list of what we have, where we have it, what the problems are, and what the backlogs are.

With that I yield the floor.

The PRESIDING OFFICER (Mr. BROWN.) The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

2010 BUDGET

Mr. GRASSLEY. Mr. President, yesterday I had an opportunity to address my colleagues on my concerns with the budget sent to us by President Obama, a bloated budget crawling with tax increases. Today, I would like to be more specific in that discussion.

Almost 3 weeks ago, President Obama sent his first budget up to Capitol Hill. The deficit and debt proposed in that budget are eye-popping. President Obama is correct when he says he inherited a record budget deficit of \$1.2 trillion. Let me repeat that because this Senator and the Senator from Idaho are willing to be very transparent on what the numbers are. You do not argue with them.

I can say we agree with what President Obama said, that he inherited a record budget deficit of \$1.2 trillion. This is a chart that shows the pattern of Federal deficits over the past few

years. We go out to the year 2019 because the Congressional Budget Office always looks ahead in their projections. You can see what those deficits are—obviously, very high where we are right now because of the recession we are in and things of that nature.

But from the talk around here, especially the talk from the Congressional Democratic leadership, you would think they got majority power just this January, 2 months ago. You would think there was no role of the Democratic Party in creating deficits that President Obama inherited. Now we even have some in the administration who are joining this chorus. A very smart guy, a guy we all ought to respect for his understanding of economics, former Treasury Secretary Summers, now Director of the National Economic Council, said Sunday on a news show that a Republican President—and emphasis upon Republican Congress—had left President Obama with this inherited deficit.

Well, I am sure Senator MCCONNELL would have liked to have been majority leader, but he would be glad to correct Dr. Summers and let him know he was not majority leader but was minority leader during the years of 2007 and 2008.

Likewise, Congressman BOEHNER, though he would like to be Speaker, was not Speaker. He would be glad to point out he was leader of the minority, the Republicans, within the minority in the House and not Speaker during 2007 and 2008.

So the correction comes from the fact that Congressional Democrats and the last Republican administration agreed on the fiscal policy in the last Congress. The Congress, namely the Democratic leadership, together with former President George W. Bush and that administration, wrote the stimulus bill, wrote the housing bills, and had a great deal to do with financial bailouts.

The congressional Democratic leadership wrote the budgets and the spending bills of 2007 and 2008. So we need to set the facts straight. President Obama did, as I said twice—I will say again—inherited the deficit and debt. But—and a very important "but"—the inheritance had bipartisan origins, the Democratic Congress, on the one hand, and a Republican President on the other hand.

Now, what is more, the budget the President sent up would make this extraordinary level of debt an ordinary level of debt.

We have to think about the budget coming up because this is budget month. These issues are going to be driven home to the people. We have an extraordinary level of debt in this budget. It soon may look like an ordinary level of debt, and it will be. What is now an extraordinary burden on our children and grandchildren would become an ordinary burden.

I have a chart that shows this inherited debt. The inherited debt meaning what was inherited by this administration on the day they were sworn into office, January 20 of this year, is here. This black line is the percentage of gross national product. This is real dollars. So you see by 2019 how it grows and how it still is very big debt. But this inherited debt is not a pretty picture. But the picture gets uglier because in the last year of the budget, meaning the budget the President sent up here, debt held by the public would be two-thirds, 67 percent, of our gross national product. In other words, what was inherited has the national debt coming down to about 42 percent of gross national product, but what is happening from this point on with the budget we have, this black line will come up here at 67 percent. That is the legacy of this budget.

That number assumes also the return of a healthy economy, which we all hope happens. I suppose most Presidents would assume a healthy economy, but it is not a certainty. That means President Obama's budget assumes that a prosperous United States will carry the debt to more than two-thirds of the gross national product as we look out 10 years ahead, and the Congressional Budget Office does that on an automatic basis. That number, if the economy is healthy, will be 67 percent, right here, that black line. If the budget is not as healthy as what they project then, of course, that black line will be higher than 67 percent.

In terms of proposed tax policy, the President's budget does contain some common ground. If President Obama wants to pursue tax relief, he will find no better ally than we Republicans. If President Obama wants to embrace fiscal responsibility and reduce the deficit by cutting wasteful spending, Republicans on Capitol Hill will have his back. From our perspective, good fiscal policy keeps the tax burden low on American families, workers and small businesses and keeps wasteful spending in check. For the hard-working American taxpayers, there is some good news in this budget. President Obama's budget proposes to make permanent about 80 percent of the bipartisan tax relief plans set to expire in less than 2 years. For 8 long years, Republicans have tried to make this bipartisan tax relief permanent. Now the Democratic leadership seems to have seen some of that light. They now agree with us Republicans that families should be able to count on marriage penalty relief, on a double child tax credit. Democratic leaders now seem to agree with decisions that were in the bipartisan tax bill of 2003, agree with us Republicans that low-income seniors who rely on capital gains and dividend income will be able to rely on low rates of taxation as they draw on their savings.

Democratic leaders now agree with Republicans that middle-income fami-

lies will be able to count on relief from the alternative minimum tax. They were never supposed to be taxed in the first place, but it is not indexed. So they would agree that we protect middle-class taxpayers from the AMT which was not indexed. President Obama will find many Republican allies in his efforts to make these tax relief policies permanent.

I wish the budget I am referring to, the budget that came to the Hill a couple weeks ago, was as taxpayer friendly, but it is not. There is a lot of bad news for American taxpayers. If you put gas in a car, heat or cool your home, use electricity to cook a meal, turn on the lights, power a computer, there is a new energy tax for you in the budget from the President. This tax would exceed a trillion dollars. I better say "could" exceed because the figure in the budget is less than that, but most everybody around here thinks it is going to be over a trillion dollars.

This budget also raises taxes on those making more than \$250,000. That sounds like a lot of money to most Americans. If we were only talking about the idle rich, maybe the news wouldn't be so bad. But we are not talking about coupon clippers on Park Avenue. We are not talking about the high-paid, corporate jet-flying, well-paid hedge fund managers in Chicago, San Francisco or other high-income, liberal meccas. Many of the Americans targeted for this hefty tax hike are successful small business owners. Unlike the financial engineers of the flush, liberal meccas of New York, Chicago, and San Francisco, a lot of these small businesses add value beyond just shuffling paper. There is bipartisan agreement that small business and all these businesses are the main drivers of our dynamic economy. Small businesses create 74 percent of all new private sector jobs, according to latest statistics. On Monday, my President, President Obama, used a similar figure of 70 percent. Whether it is 70 or 74 percent, it means the vast majority of small businesses create most of the new jobs in America. They are the employment machine. Both sides agree we ought to not hurt key job producers that small businesses are.

President Obama also mentioned his zero capital gains proposal for small business startups. It might surprise you, but we Republicans agree with President Obama on that issue. We are still trying to figure out why Democratic leadership doesn't agree with the President on that small business-friendly proposal, because we tried to get a better proposal in the stimulus bill. If we also agree that small business is the key to creating new jobs, why does the Democratic leadership and the President's budget propose a new tax increase directed at these small businesses of America that are most likely to create new jobs? Wait a

minute, please. Many on the left side of the political spectrum say only 2 or 3 percent of the small businesses are affected by this tax increase. That figure was developed by a think tank, and it is based on a microsimulation model. Treasury studies show the figure to be considerably higher. But to focus solely on the filer percentage is to miss the forest for the trees. It is to assume that all small businesses have the same level of activity, that they employ the same workers, that they buy the same number of machines, that they make the same number of sales. Common sense has to prevail, and common sense will tell you that can't be the case.

In fact, it is not the case. The data on small business activity tells a different story. I come to that conclusion this way. According to a recent Gallup survey, over half the small business owners employing over 20 workers would pay higher taxes under the President's budget. This chart depicts the number of small businesses hit by this tax increase. We point to different levels of employment of small business being affected by this. We get to a point out here where we have 950,000 businesses, one-sixth of small businesses, with 1 to 499 employees are hit by it. Do we want to destroy that employment machine? I don't think so. But this tax proposal will do that.

I have another chart that shows that roughly half the firms that employ two-thirds of small business workers, those with 20 or more workers, are hit by the tax rate hikes in the President's budget. I will not go through all of them, but we can see here, 50 percent of the employers with employees of somewhere between 20 and 499 are hit by that big, fat tax increase.

According to Treasury Department data, not mine, these small businesses account for nearly 70 percent of small business income. So there is a big tax hit on small businesses that employ 20 or more workers. It is a marginal tax rate increase of 20 percent. Everybody, Democrat or Republican, ought to think about how these dynamic small businesses, responsible for two-thirds of small businesses, will react. That 20 percent in new taxes has to come from somewhere.

We Republicans will also scrutinize the budget for other major new taxes. We have discussed the new cutbacks on itemized deductions. I am referring to home mortgage interest, charities and State and local taxes. We Republicans will question a broad-based energy tax that actually cuts jobs and could, according to the Massachusetts Institute of Technology, cost consumers and businesses trillions.

In these troubled economic times, we ought to err on the side of keeping taxes and spending low and reduce the deficit. Keeping taxes and spending low, along with reversing the growth in Federal debt, will push the economy

back to growth. It is the only way we will provide more opportunities for all Americans.

Getting our private sector going, making small business strong is the basis for getting out of this recession and continuing to grow. I hope throughout this process of the budget debate, we will remember a firm fact that ought to be common sense, but I am not sure in this town it is seen as common sense: Government does not create wealth. Government consumes wealth.

I hope my colleagues will listen to my friend from Idaho as he gives his version of the budget. He is an outstanding member of our Finance Committee, and I appreciate his work.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The senior Senator from Idaho is recognized.

Mr. CRAPO. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Thank you very much, Madam President.

I appreciate the opportunity to come to the floor this morning and join with my colleague, Senator GRASSLEY from Iowa, who is the ranking member of the Finance Committee. It is truly a pleasure to serve with him on that committee. He is one of those who, day in and day out, year in and year out, fights for fiscal responsibility at the Federal level. I appreciate his support and share in the comments he has made already today.

I wish to start my remarks by talking about a meeting I had this morning in my office with a couple of mayors from two Idaho cities and a number of young students whom they brought with them from their respective cities to come to Washington, DC. These two mayors have established a mayor's council of students in their cities and work with these students on public issues and help these young people find an effective way to be active and involved.

As they came to visit with me today, they brought up two issues. The first issue they brought up was the alarming rate of high school dropouts and the need for us to pay attention to our educational system. They talked with me about a number of interesting ideas we should pursue as we try to regain America's lead in excellence in education. I am going to have more to say about that on the floor and in other contexts on another day.

But I thought it was very interesting; the second issue they brought up with me was directly relevant to the remarks I planned to make on the floor today; that is, they brought me a set of petitions—I am holding them in my hand right now—with the signatures of about 400 students in Idaho, whom I

think properly reflect many, many, more than they, who have asked that we pay attention to our national debt and our inability—our inability in Congress—to achieve fiscal responsibility.

These young people said what I and many others have been saying, only they said it best; that is, that our inability to control our fiscal house here in Washington, DC, is jeopardizing their future and it is jeopardizing their children's future and their children's future.

Now, we often say that on the floor, but I had the opportunity today to meet with these young people who looked me in the eye and asked me to do everything I can to help protect them from what they see happening as a result of a runaway Congress and a runaway spending plan in this Congress that will specifically fall on their shoulders to bear.

Well, they talked with me about things such as who owns our national debt. They pointed out, as most Americans are starting to realize, that foreign nations own most of our national debt, which raises additional threats to our security.

Today, China and Japan are the primary holders of our national debt. As I think many Americans have noted recently, the Chinese are starting to wonder whether this investment in U.S. debt instruments is a viable investment because of the spending policies of our Nation.

Well, I am here to talk about the budget that this Senate and this Congress are now beginning to consider. In addition to sitting on the Finance Committee, I sit on the Budget Committee. In the next few weeks, the Budget Committee is going to begin its deliberations on the budget the President has submitted to us.

Every year, the President submits to Congress a budget. I do not think in any year I have served in Congress has the Congress actually adopted the exact budget the President has proposed. But the President's budget proposal acts as a guide from which the Congress then crafts its own budget.

I believe this year Congress must be very careful in following the proposals or using as a model or a guide the budget which we have been given.

As shown on this chart, the budget that has been proposed to us will increase taxes by approximately \$1.4 trillion. This number is hard to get at because we do not have the details yet. The reason I say that is because many—including myself—believe that is a very low number in terms of the actual amount of the tax increases. I will explain that in a moment.

It increases discretionary spending by \$725 billion. These are 10-year numbers. As my colleague from Iowa said, the budgets project out over a 10-year cycle, and it increases mandatory spending by \$1.2 trillion.

If you look at the spending side of this for a minute—for those who do not pay attention to our discussion of different pieces of the budget here in Washington, mandatory spending generally is spending that previous Congresses and previous Presidents have already debated, passed into law, and signed into law and is ongoing. I call it spending that is on autopilot because this spending will happen regardless of whether Congress ever votes or meets again. It is law, and regardless of the status of the economy, regardless of the demographics of our Nation and what is happening in the world in which we are living today, the law requires this spending occur. It is what often we call entitlement spending—"entitlement" because the law has created an entitlement, and if a person qualifies in a certain way, they are entitled to receive payment under the law.

Now, the vast majority of this entitlement spending, as most people know, is Medicare, Medicaid, and Social Security. There are other entitlement laws, mandatory spending laws, in the United States, but the vast majority—the vastly largest percentage—are Medicare, Medicaid, and Social Security. Also added into this category of mandatory spending is interest on the national debt because that also must be paid.

So you can think of the mandatory spending or autopilot spending as basically this column here, as shown on the chart, that represents about two-thirds—roughly, about two-thirds—of all the spending in each year's average budget.

The discretionary spending is everything else. That is what we actually vote on in Congress every year in our appropriations process. As I have said, it is roughly about a third of our budget. That spending can also be divided roughly in half. Approximately half of it is national defense and security spending; and approximately half of it is everything other than defense. So you often hear us talk about non-defense discretionary spending. That is what we are talking about: the things Congress actually votes on every year.

Together, our discretionary spending and our mandatory spending are the spending side of our budget. As you can see on this chart, we are proposing in both categories dramatic increases over the next 10 years. The fiscal restraint is not there. At a time when Americans are tightening their belts, this budget grows the size of Government by 9 percent—9-percent growth for nondefense programs in just the year 2010 alone. If you go back to the 2009 budget we adopted and finalized in our appropriations process in this Congress and add the growth there into it as well, you will see a 20-percent growth—a 20-percent growth—in our nondefense spending in this country since the year 2008.

The fiscal restraint is lacking in this budget proposal. In fact, there is only one category of this budget in which there is any actual reduction in spending, and that is in the defense side of the ledger. There are actual proposed reductions in defense spending in the President's budget. But only in that category.

If we look at the tax side for a moment, you can see there is \$1.4 trillion of new taxes. As I said a minute ago, that number is kind of hard to quantify. Why is that hard to quantify?

Well, the President has said his tax policies would reduce taxes for 95 percent of American taxpayers. That statement can only be accurate if you only look at one kind of tax; namely, income taxes. I believe it is correct that in the income tax category, there will not be an increase for the vast majority of Americans, and, in fact, for most Americans we might actually see a reduction.

But if you look at all the other proposals for tax increases and tax adjustments in the President's budget, you see there is going to be a huge increase in tax payments by Americans in every category of income in this country.

Those taxes include things such as a brandnew—and this is the part that makes it difficult to give a final number—a brandnew tax on energy. It is part of what some have called the cap-and-trade proposal the President has made on carbon fuels. Others have called it a cap-and-tax approach.

The point, however, is, under this new energy proposal, somewhere between \$600 billion and \$2 trillion of new cost will be put on carbon-emitting energy sources, and Americans will pay those increased costs, primarily in their utility bills. The President himself has said this proposal would cause electricity rates to skyrocket. We do not know exactly to what level, but everyone who uses electricity, everyone who pumps gas at the gas station, everyone who uses natural gas can expect to see—and we do not know the details yet, which is why we cannot give the details on the numbers, but they can expect to see significantly increased costs for them in their household budgets.

Now, some would say that is not a tax. That is just a fee or it is just an increase in the price of your electricity as a result of some national policies. But however you say it, the fact is, there is a projected revenue to the Federal Treasury to come from people who will pay more on their electricity bills and pay more on their gasoline and other fuel bills that will be somewhere in the neighborhood of \$1.4 trillion. Many of us think it is going to be closer to \$2 trillion.

The list goes on.

It is proposed the capital gains and dividends tax rates go up. Some argue that only hurts wealthy people. In fact,

the argument made on this floor so often is: Any tax increase is justified as being a tax increase on only the wealthy. Well, if you look at dividends and capital gains and look at the kinds of people in this country who own stock, either in their own individual account or through a pension fund, it reaches far deeper than just the wealthy. The people who are impacted day in and day out by having to pay tax on dividends and capital gains are far more people than simply those who are the so-called wealthy.

The list goes on.

The bottom line is, the budget will raise taxes by about \$1.4 trillion and raise spending—both in discretionary and mandatory levels—a greater amount.

Now let me look at this last category shown on the chart. It is called mandatory savings. The number there is zero. Now, why do we have that column? In order to change—remember the law I told you about earlier: The entitlement programs are already the law. If we are going to change and gain savings in this category of mandatory spending, we have to literally vote to change the law. It takes 60 votes in the Senate to do that because we always face a filibuster when we try to find savings in this category of entitlement spending.

But in the budget proposal the Budget Committee will put forward, the Budget Committee is allowed to propose that there be savings here. And then, if the Budget Committee can get that proposal adopted in the budget, our respective committees of jurisdiction in the areas where the entitlements lie are required by the budget to find those savings and make law-change proposals to Congress so we can achieve some savings.

The reason I have this column on the chart is because in the budget that has been proposed, there are no savings proposed. There is not even a request that \$1 of savings be found in the entire entitlement system. That is wrong also.

Now, let's go to the next chart.

This is a chart that shows the deficits we expect to face—not the national debt but the deficits, the yearly deficits we expect to face. That means the amount of money we will spend beyond our projected revenue.

The blue line, as shown on the chart, is what we call the BEA baseline. What that means is that is current law. If we do not change any law and do not do anything in Congress and do not put any more increased spending into place, what would our deficits look like? We can see there is a big spike here, in about 2009 and 2010, and then it drops off dramatically. Under current law, it tails down rather dramatically over the next 10 years.

Now, one of the reasons it goes down so dramatically over the next 10 years is that we have a number of tax cuts

that were passed in the 2001 and 2003 timeframe that are going to expire, which means if we do nothing, taxes are going to go up dramatically, and we are going to see the deficit drop dramatically because everybody is going to be paying a lot more taxes. If we allow those tax cuts to stay in place—and I believe we are starting to get some consensus that we do that—then this line for what current law would be with those tax cuts staying in place would be somewhere between the red line and the blue line.

The point I wish to make, though, is the red line is the proposed budget we are now dealing with. As my colleagues can see, the spending in excess of revenue is dramatically higher than current law under the proposed budget.

There is another point that needs to be made, and I think this point shows it as well as anything. The President has said his goal is to reduce the deficit by half in the next 4 to 5 years, but as my colleagues can see by the chart, that will happen anyway under current law.

Now, why will that happen anyway under current law? That will happen anyway under current law because this spike we are looking at is the result of the phenomenal spending spree that Congress has been on since last fall. Actually, even going into the spring of last year, you may recall that Congress, to stimulate the economy, passed a \$158 billion bill, I think it was, for rebate checks, to send rebate checks out to Americans so they could stimulate the economy. Well, we have seen that those checks didn't actually stimulate the economy, but it did add \$158 billion to our spending.

Then we had the \$700 billion TARP bill, \$350 billion under President Bush and \$350 billion under President Obama. We had the \$800 billion stimulus package, much of which we will be spending out in this timeframe. We have had the auto bailout, and actually part of it—most of it, so far—has come from the TARP dollars. But we are seeing a spending spree by Congress which is driving these deficits up dramatically over the next 2 years.

But assuming—and this is an important assumption—assuming Congress does not continue this pattern of bailouts and Congress does not continue this pattern of \$800 billion stimulus spending bills, then we should see this spending rate of Congress drop back down. So assuming Congress doesn't continue this rampant spending spree it is on, the deficit will return itself to half without any real effort and, in fact, without any real cuts in spending.

The last thing this chart shows that is very notable is, in the outyears—again, current law starts seeing us get our deficit under control, but the proposed budget starts us growing this deficit and leaves it at a permanent level around \$600 billion. We are dealing with a proposed budget that leaves

America with a proposed ongoing and growing deficit for the indefinite future of about \$600 billion. That is not good enough. We need to be following a line on our deficit that brings us toward balance, and we can't do that. We can't achieve that.

One last point: We had Secretary Geithner before our Budget Committee last week to talk about this budget. In his comments, Secretary Geithner acknowledged that the tax increases that are being proposed—the ones I had on the previous chart—are going to actually harm our economy in our effort to build back right now. He acknowledged the point that this is the wrong time to be increasing taxes and that taxes at this time would have a chilling effect on our ability to restimulate our economic activity. But he defended these tax increase proposals by saying that they are not projected to take place until the year 2011, at which point the economy is supposed to be back in good shape. Therefore, we can let the economy get healthy again, and then we can hit it with some tax increases and then it will be OK.

Well, first of all, I don't believe it is necessarily going to be OK to hit the economy as it is starting to stabilize again in 2011, even if it is starting to stabilize at that point. But there is no consensus that we will be out of this difficulty by that time. So I asked Secretary Geithner: If the economy is not strong by 2011, will you still push for these tax cuts—increases—or are these tax increases contingent on a strong economy? In other words, if we don't have the strength you are projecting we will have, will you still propose the tax increases? He ducked the question.

I think the reason he ducked the question is because the answer was, yes; the taxes are going to go up regardless of what happens with the economy, and we are just hoping and projecting that we are not going to have any problem there because we think the economy is going to be fine in 2011.

Well, I certainly hope the economy is fine in 2011, and I don't think that will be a good time to hit it with a huge tax burden again anyway, but it is clearly wrong to put into place a path toward tax increases when we don't know whether the economy is going to remain strong.

Let's put up the last chart. The last chart just shows the debt we are growing. The chart before was deficits. The debt is the accumulation of all of our deficits over time. You will see right in here and around the 2009 timeframe, we were at around \$6 trillion—actually, it was growing up into the \$7 trillion and \$8 trillion level, and Congress is starting a spending spike that is starting to drive up our national debt. It is hard to get a handle on our national debt right now, but it is between \$10 trillion and \$11 trillion. It is projected that our na-

tional debt—excuse me, the debt held by the public, and there are different pieces of the debt—but the debt held by the public—that is the debt we talk about when we talk about China and Japan and other nations buying our bonds and pension plans and so forth. The debt held by the public under this proposed budget will double in 5 years and triple in 10 years. That is remarkable and it is scary that we could have a budget that proposes a wall of debt like this and does not put into place any kind of spending restraint proposals but adds increased taxes, which will make it harder for our economy to keep up with this spending level, and proposes no effort to address the entitlement growth that is probably the biggest driver of spending in the Federal budget.

I guess I should clarify that—the biggest driver except when Congress gets engaged in stimulus packages and bailouts, at which point Congress becomes the biggest driver. But assuming we can stop the tendency in Congress to spend as rapidly as we have been doing over the last 6 months, then we must turn our attention to the entitlement programs and begin to find a way to find savings in them.

So I will conclude with this: Many have said on this floor that this budget spends too much, taxes too much, and results in too much debt. It couldn't be said more succinctly or better. This budget jeopardizes the economic strength of our Nation. It taxes far too much, it spends far too much, and it leaves us with a legacy of debt that our children and our grandchildren will face to their detriment.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I have been listening to Senator CRAPO's remarks, and I think he has made some excellent points. The Senator is pointing out the long-term consequences of this incredible spending proposal that has been put before us on top of two incredible spending proposals that we have passed in the last month in this Congress. So I do hope the people of America start looking at the long-term effects of this spending increase at a time when our economy is seriously in jeopardy. I hope we can stop it at the budget and start showing the American people that we know everyone is concerned about their jobs, their retirement. We need to act accordingly in Congress; and that is, to spend taxpayer dollars wisely and not continue to borrow as we have been just in the last 2 months. It is going to be a spiral that I don't know how we overcome. So we have to start overcoming it right now, and that is with the budget proposal that has been put before us.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

COBURN AMENDMENTS

Mr. CHAMBLISS. Madam President, I rise to speak in support of the three amendments filed by Senator COBURN that we are going to be voting on shortly to the omnibus lands package.

With this country in the dire economic straits we are in, with the housing market crumbling, and with all of the major issues we have on our plate, I am not sure I understand why we are here dealing with a lands package today but, more importantly, why we are dealing with this lands package.

This omnibus lands package is truly antistimulus because it will erect new barriers to energy exploration and squander billions of taxpayer dollars on low-priority, parochial programs and frivolous earmarks.

The bill is another direct challenge from Congress to President Obama's pledge to clean up the earmark process. Last week, the President pledged to eliminate earmarks that didn't serve a legitimate purpose. He also said that each earmark must be scrutinized at public hearings. None of the individual earmarks in this bill were subject to public hearings, nor would many Americans describe earmarks such as a \$3.5 million birthday bash for St. Augustine, FL, a legitimate public purpose.

The omnibus lands bill should be subject to a full and open amendment process. For months, the leader on the other side has argued that the bill is "noncontroversial" and should pass by a voice vote, with no amendments and no recorded rollcall votes. Yet, last week, 144 Members of the House of Representatives voted against the bill because it does need major revision. More than 100 organizations, ranging from the U.S. Chamber of Commerce to the National Wildlife Refuge Association, have expressed their opposition to this package.

The bill blocks the development of both renewable and oil and gas energy resources—one of the critical issues we are still facing in this country even with the price of a barrel of oil down and the price of a cubic foot of natural gas down. But they are not going to stay down. One bill in the package locks up at least 8.8 trillion cubic feet of natural gas and more than 300 million barrels of oil in a single field, which is equal to nearly twice as much natural gas as all Americans use in a year. All of that will be off limits at a time when we are seeking to take advantage of our natural resources in this country. The bill includes 92 National Wild and Scenic Rivers designations, covering over 1,100 miles that will prohibit any pipeline or transmission crossing. In 19 cases, the bill permanently withdraws Federal lands from future mineral and geothermal leasing.

Since the Senate last considered the lands bill, Secretary Salazar has withdrawn major energy leases in both

Utah and Wyoming that were the subject of a coordinated lawsuit brought by extreme anti-energy groups.

The three amendments we are going to be voting on do three basic things to try to improve this package. First, amendment No. 679 strikes provisions that restrict the development of renewable energy on public lands, including but not limited to geothermal, wind, solar, biomass, and related transmission infrastructure. Amendment No. 680 bars new construction until all current sites are certified by the Secretary as fully operational, ensuring full access by the public and posing no health or safety threat. The National Park Service is currently facing a \$10 billion maintenance backlog. Yet we are going to be adding to their inventory. The third amendment prohibits the use of eminent domain for any provision authorized in the bill.

These are basic, commonsense amendments that ought to be supported by everybody here. If we are going to have this lands package debated and voted on—and, again, I am not clear as to exactly why we are dealing with this in the middle of our other crises—certainly we ought to make commonsense amendments applicable to basic provisions in this huge package that is going to be the most major acquisition of lands by the Federal Government, which is already the largest landowner in our country over the last two decades.

With that, I urge adoption of the Coburn amendments on which we are getting ready to vote.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF RON KIRK TO BE UNITED STATES TRADE REPRESENTATIVE—Continued

Mr. CARDIN. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Ronald Kirk, of Texas, to be the United States Trade Representative?

Mr. BINGAMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the

Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 5, as follows:

[Rollcall Vote No. 100 Ex.]

YEAS—92

| | | |
|-----------|------------|-------------|
| Akaka | Feingold | Merkley |
| Alexander | Feinstein | Mikulski |
| Barrasso | Gillibrand | Murkowski |
| Baucus | Graham | Murray |
| Bayh | Grassley | Nelson (FL) |
| Begich | Gregg | Nelson (NE) |
| Bennet | Hagan | Pryor |
| Bennett | Harkin | Reed |
| Bingaman | Hatch | Reid |
| Boxer | Hutchison | Risch |
| Brown | Inhofe | Roberts |
| Brownback | Inouye | Rockefeller |
| Burr | Johanns | Schumer |
| Burriss | Johnson | Sessions |
| Cantwell | Kaufman | Shaheen |
| Cardin | Kerry | Shelby |
| Carper | Klobuchar | Snowe |
| Casey | Kohl | Specter |
| Chambliss | Kyl | Stabenow |
| Coburn | Landrieu | Tester |
| Cochran | Lautenberg | Thune |
| Collins | Leahy | Udall (CO) |
| Conrad | Levin | Udall (NM) |
| Corker | Lieberman | Vitter |
| Cornyn | Lincoln | Voinovich |
| Crapo | Lugar | Warner |
| DeMint | Martinez | Webb |
| Dodd | McCain | Whitehouse |
| Dorgan | McCaskill | Wicker |
| Ensign | McConnell | Wyden |
| Enzi | Menendez | |

NAYS—5

| | | |
|---------|---------|---------|
| Bond | Byrd | Sanders |
| Bunning | Isakson | |

NOT VOTING—2

| | |
|--------|---------|
| Durbin | Kennedy |
|--------|---------|

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

Mr. DURBIN. Mr. President, on vote No. 100, I was unavoidably detained. Had I been present for the vote, I would have voted to confirm the nomination of Ronald Kirk to be U.S. trade representative.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—Continued

AMENDMENT NO. 680

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote in relation to amendment No. 680 offered by the Senator from Oklahoma, Mr. COBURN.

Who yields time?

Mr. COBURN. Mr. President, the amendment we are going to be voting

on next is amendment No. 680. If my colleagues have not read the GAO report on the Department of Interior released this month, they should as they consider this.

The national parks have—according to the national parks—a \$9 billion backlog. According to the GAO, it is somewhere between \$13 billion and \$19 billion. This amendment is not intended to do anything except cause us to order a priority that we will take care of what we have now before we spend new money on new parks and new areas under the Department of the Interior. It is simple. It is straightforward. There is nothing underhanded about it.

The fact is, we cannot continue adding things when we are not taking care of the Statute of Liberty, the National Mall, and many of our national parks that are falling down and are a threat to health and safety of the visitors and the employees who work there.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I will take the first minute, and my colleague from Alaska will take the second minute.

This amendment would prohibit the National Park Service from beginning any new construction in national parks until the Secretary of the Interior can certify that the backlog of maintenance in all structures, trails, sites and transportation infrastructure has all been accomplished. I would argue he or she will never be able to certify that; therefore, we could not have new construction in our national parks. This would apply to funds we have already appropriated, including those in this American Recovery and Reinvestment Act that we voted on a couple of weeks ago.

I urge my colleagues to oppose the amendment, and at the appropriate time I will move to table the amendment.

I yield the remainder of the time to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. In addition to what the chairman of the Energy Committee has stated, we may be in a situation where you have a newly acquired national park or national historic facility and this amendment would prevent the Director of the Park Service from even putting in new facilities until the maintenance backlog is completed in older existing park units. It could also force the agency to expend funds on facilities they no longer need, such as trails or buildings that the agency would like to remove.

I think this is a well-intended amendment, but I believe it misses the mark

by placing restrictions that could hamstring the National Park Service's effort to provide high-quality recreational opportunities, and I urge opposition.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, this does not limit the ability of the National Park Service to consider something they do not want to repair. In fact, there is an exact exemption in this amendment for that.

We are going to do the same thing. We are not going to take care of what we have and we are going to spend money on new things and we are going to put the employees and the people of this country at risk. Let's take care of what we have. Let's agree to this amendment.

I yield the remainder of my time and ask for the yeas and nays.

Mr. BINGAMAN. Mr. President, I move to table the amendment and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—79

| | | |
|-----------|------------|-------------|
| Akaka | Feingold | Murkowski |
| Alexander | Feinstein | Murray |
| Barrasso | Gillibrand | Nelson (FL) |
| Baucus | Gregg | Nelson (NE) |
| Bayh | Hagan | Pryor |
| Begich | Harkin | Reed |
| Bennet | Hutchison | Reid |
| Bennett | Inouye | Risch |
| Bingaman | Johanns | Roberts |
| Bond | Johnson | Rockefeller |
| Boxer | Kaufman | Sanders |
| Brown | Kerry | Schumer |
| Brownback | Klobuchar | Sessions |
| Burris | Kohl | Shaheen |
| Byrd | Kyl | Snowe |
| Cantwell | Landrieu | Specter |
| Cardin | Lautenberg | Stabenow |
| Carper | Leahy | Tester |
| Casey | Levin | Udall (CO) |
| Cochran | Lieberman | Udall (NM) |
| Collins | Lincoln | Voinovich |
| Conrad | Lugar | Warner |
| Crapo | Martinez | Webb |
| Dodd | McCaskey | Whitehouse |
| Dorgan | Menendez | Wyden |
| Durbin | Merkley | |
| Enzi | Mikulski | |

NAYS—19

| | | |
|-----------|----------|-----------|
| Bunning | Ensign | McConnell |
| Burr | Graham | Shelby |
| Chambliss | Grassley | Thune |
| Coburn | Hatch | Vitter |
| Corker | Inhofe | Wicker |
| Cornyn | Isakson | |
| DeMint | McCain | |

NOT VOTING—1

Kennedy

The motion was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote, and I move to table that motion.

The motion to table was agreed to.

AMENDMENT NO. 679

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate, equally divided, on amendment No. 679 offered by the Senator from Oklahoma, Mr. COBURN.

Mr. COBURN. Mr. President, this is another amendment, the whole purpose of which is to think forward not think short term. What we are going to do in this collage of 170 bills is restrict, significantly restrict, the availability of geothermal, solar, wind, and biomass energy.

We are doing that because we are going to limit the places where we can get that. Ninety percent of the geothermal capability in this country lies on Federal lands. What we are doing in this bill is not thinking about what we are going to do on transmission lines, not thinking how we are going to bring solar, wind, and geothermal, as well as biomass, to the population centers of this country.

Yesterday, the Secretary of the Interior outlined, in his testimony before the committee, the importance of getting transmission lines and grids right in anticipation of having this access for renewable energy that is clean and without a significant carbon footprint.

All this amendment does is say we are not going to allow it to prohibit our utilization of geothermal, our utilization of solar, and our utilization of wind by what we are doing in the bill.

So everything else stays the same, but we are not going to handicap ourselves and handcuff ourselves by eliminating the ability to gather these energy sources off these lands.

I reserve the remainder of my time.

Mr. BINGAMAN. Mr. President, I oppose this amendment as well. This would open the wilderness areas, the parks, and the wild and scenic rivers that are designated in the bill to potential development of new energy projects, renewable energy projects, as well as the associated facilities that go with those such as transmission lines, generating stations, access roads.

There are 2 million acres of new wilderness area here. We do not want wind farms in those wilderness areas. There are over 1,000 miles of wild and scenic rivers. We do not want hydroelectric powerplants on those wild and scenic rivers. I think this would be a major mistake for us to make an exception and say that renewable energy sources should go in regardless of the designation in the bill.

I yield the balance of my time to the Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I make a point that is worth mentioning that Senators may have forgotten. The 1964 Wilderness Act includes a provision that allows the President may de-

clare an emergency and allow "water resources, reservoirs, water construction work, power plants, transmission lines and other facilities needed in the public interest, including road construction and maintenance essential to develop and use thereof."

So, therefore, other than a handful of declared wilderness areas in Colorado and Nevada, this protection is included in the law establishing every wilderness, including those in this bill. Therefore, I do not think there is a reason we need the amendment of the Senator from Oklahoma.

Mr. COBURN. Mr. President, what we are doing in this country is we are shutting off oil and gas energy that we are going to need for the next 20 years. Now we are going to handicap the renewable, clean energy that is in the bill.

I disagree that the President has the ability only under an extreme national emergency. Well, we have an emergency right now and nobody is doing that. What we ought to do is make sure we do not limit further energy potential for this country. We are going to see petroleum prices rise. We are going to see energy costs double in the future.

This will eliminate some of that.

I yield back the time.

Mr. BINGAMAN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—65

| | | |
|-----------|------------|-------------|
| Akaka | Feingold | Mikulski |
| Alexander | Feinstein | Murkowski |
| Baucus | Gillibrand | Murray |
| Bayh | Hagan | Nelson (FL) |
| Begich | Harkin | Pryor |
| Bennet | Inouye | Reed |
| Bingaman | Johnson | Reid |
| Boxer | Kaufman | Rockefeller |
| Brown | Kerry | Sanders |
| Burris | Klobuchar | Schumer |
| Byrd | Kohl | Shaheen |
| Cantwell | Kyl | Snowe |
| Cardin | Landrieu | Stabenow |
| Carper | Lautenberg | Tester |
| Casey | Leahy | Udall (CO) |
| Collins | Levin | Udall (NM) |
| Conrad | Lieberman | Voinovich |
| Corker | Lincoln | Warner |
| Crapo | Martinez | Webb |
| Dodd | McCaskey | Whitehouse |
| Dorgan | Menendez | Wyden |
| Durbin | Merkley | |

NAYS—33

| | | |
|-----------|-----------|-------------|
| Barrasso | Ensign | McCain |
| Bennett | Enzi | McConnell |
| Bond | Graham | Nelson (NE) |
| Brownback | Grassley | Risch |
| Bunning | Gregg | Roberts |
| Burr | Hatch | Sessions |
| Chambliss | Hutchison | Shelby |
| Coburn | Inhofe | Specter |
| Cochran | Isakson | Thune |
| Cornyn | Johanns | Vitter |
| DeMint | Lugar | Wicker |

NOT VOTING—1

Kennedy

The motion was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader.

SENATOR LUGAR CASTS VOTE NO. 12,000

Mr. MCCONNELL. Mr. President, the majority leader and I would like to make a few brief comments before this last vote in the tranche of votes we are having at the moment.

It is customary in the Senate to acknowledge one's colleagues on the occasion of a major legislative milestone, and so today we honor the senior Senator from Indiana on the occasion of his 12,000th vote. In our Nation's history, only 12 individuals have cast more votes in this body than Senator LUGAR, and this is well worth noting.

But it is a special pleasure to recognize someone who has always been so reluctant to speak about himself. Few Americans have more to brag about than Senator RICHARD LUGAR. Yet I know of no one who is less likely to do so. So it is an honor for me to take a moment to brag about my colleague, my neighbor, and my friend.

As a measure of Senator LUGAR's reputation for bipartisanship, historians will note that when our current President launched his Presidential campaign at the Illinois statehouse 2 years ago, he mentioned just one politician by name: RICHARD LUGAR. No one in the Senate commands more bipartisan respect.

As a measure of Senator LUGAR's reputation as a foreign policy expert, ask any television news producer for the first Senator they would think to look to to discuss an important international story. They would, of course, tell you: RICHARD LUGAR.

As a measure of Senator LUGAR's effectiveness as a lawmaker, just take a look at the results from his last election. During a year in which Democrats made significant gains in both the House and the Senate, Senator LUGAR won 87 percent of the vote—a victory so convincing that the State chairman of the Democratic Party in Indiana made the following statement: "Let's be honest," he said, "Richard Lugar is beloved not only by Republicans, but by Independents and Democrats."

Never has anyone provided his or her political opponent with a better script for a campaign ad than that—particularly since the comment had the added virtue of being absolutely true.

As a measure of my own personal esteem for Senator LUGAR, I would note that I have 12 framed photographs in my office in the Capitol marking various points in my own career, dating back to my days as a college Republican. One of those photographs is a picture of a young Senator LUGAR helping me in my first Senate campaign. Whenever I see it, I am reminded of what a public servant should be.

Senator LUGAR's life has been one of high achievement: high school valedictorian, a straight-A college student, Eagle Scout, Rhodes Scholar, big-city mayor at the age of 35, U.S. Senator. He has been a counselor to Presidents and one of the most widely respected voices on foreign relations within the Senate for decades. Before he finishes out his current term, he will have served almost twice as long as any Indiana Senator before him—a milestone he has approached with characteristic humility.

In a long Senate career, perhaps none of Senator LUGAR's achievements has been more far reaching as the Nunn-Lugar Cooperation Threat Reduction Program, which has led to the dismantling of thousands of nuclear warheads and contributed immeasurably to the promotion of peace. For this achievement in particular, he has been considered for a Nobel Peace Prize.

But ask Senator LUGAR and he will probably tell you his greatest achievement was his marriage to Charlene. Senator LUGAR was recently asked about the demands of his work. Here is what he had to say:

I've been especially fortunate that my wife, Charlene, has shared my enthusiasm. It would not have been remotely possible if that had not been the case.

Senator LUGAR and Char have been married for more than 50 years. They are proud of their four sons and their 13 grandchildren, and they can be proud of the teamwork that has produced a brilliant career, carried out in the best traditions of the Senate and of our country.

Senator LUGAR, you are a treasure to the Senate and a model for anyone who wishes to pursue a career in public service.

It is an honor and a privilege for me to recognize my esteemed colleague on this latest of so many accomplishments in a truly distinguished Senate career.

(Applause, Senators rising.)

Mr. BYRD. Hear, hear.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I hesitate to jump in front of my friend from Indiana, but I feel I want to say, as I should, a few things about Senator LUGAR.

He is not only the most senior Republican currently serving in the Senate, he also will have served twice as long as any other Senator in the history of the State of Indiana, as mentioned by my colleague, Senator MCCONNELL.

Born in Indianapolis, he spent much of his boyhood focusing on things—as he is able to do—such as on becoming an Eagle Scout, and he did become an Eagle Scout.

He graduated first in his class—not just at Shortridge High School but also at Denison University. This is where he met Charlene, his wife.

RICHARD LUGAR is clearly one of the most intellectually sound Members of the Senate. After college, he earned a Rhodes Scholarship to study at Oxford University, where he received honors in various programs. He received honors degrees in politics, philosophy, and economics and was a member of Phi Beta Kappa. He has also earned honorary degrees from 41 universities and colleges—41.

When RICHARD LUGAR returned from Oxford, he and Charlene were married. But just a few months later, Richard began his 3 years of volunteer service in the U.S. Navy, where he was ultimately assigned as intelligence briefer for ADM Arleigh Burke, the Chief of Naval Operations.

Back home in Indiana, after the Navy, RICHARD went into business with his brother, running a food machinery manufacturing company, before winning a seat on the school board, and then serving two terms as mayor of Indianapolis.

In the Senate, RICHARD LUGAR has been a national leader on the environment, foreign policy, and let's not forget agriculture.

He worked closely with then-Senator Obama on the Foreign Affairs Committee on the complex challenge of loose nukes.

He currently serves as ranking Republican and former chairman of the Foreign Relations Committee and as a member and former chairman of the Agriculture Committee.

Charlene and RICHARD have four sons: Mark, Robert, John, and David, and 14 grandchildren.

So, Senator LUGAR, congratulations in casting your 12,000th vote as a U.S. Senator. This milestone is the latest in a career filled with remarkable accomplishments.

(Applause, Senators rising.)

Mr. BYRD. Hear, hear.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I thank my very dear friends, MITCH MCCONNELL and HARRY REID, for overly generous comments, which give me great encouragement and inspiration.

I appreciate so much the Senate taking time for a moment in my life I will always cherish. I thank you for recognizing the importance of my sweetheart, Charlene, and our children and

our grandchildren. They are the precious inspiration for me, as it is for each one of us who serves in this way and who enjoys and loves the Senate as I do.

I thank all of you so very much.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, this will be the last vote in the series of votes of amendments offered by Senator COBURN. There are three other amendments Senator COBURN has laid down, two of which we will have to vote on. On one I think there is agreement on this side it should be accepted, and Senator COBURN has acknowledged we would not need a vote on that. We are going to have those two votes. We are working on the appropriate time.

Senator COBURN has one more amendment on which he needs to speak. He has already spoken on the others I have mentioned.

I tell all Senators, we will likely do these votes when we first come in in the morning rather than this afternoon. There are a number of hearings and other things going on this afternoon. I think that would be to everyone's advantage.

We are also working on a number of nominations we are trying to complete. We hope we can get those done tomorrow. I do not see any reason to do the votes tonight. We will do them in the morning, at a very early time in the morning.

AMENDMENT NO. 675

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided on amendment No. 675, offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I yield a minute to the minority whip.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would ask for my colleagues' attention for just a moment.

This is a very good amendment. The staff has informed me all the land acquisition under this bill has been accomplished through the cooperation of all parties—willing sellers, willing buyers—and there is no need for condemnation of any property, no need for eminent domain.

Believing that to be true, my colleague has simply said, therefore, there will be no eminent domain used to purchase land under this bill; in other words, no acquisitions contrary to the wishes of the landowner.

Believing the staff is correct, and, therefore, that it is not necessary, it seems to me it establishes a good principle to say that where there is no need for it, we should not authorize eminent domain to acquire land against a landowner's wishes.

Therefore, I urge my colleagues to vote in support of this amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, first, it is important to understand there are no provisions in the bill granting the Federal Government eminent domain authority. That authority already exists. It has existed for many years. The Supreme Court first recognized it in 1876 and acknowledged that the Government had that authority.

What I believe is important is that there are water projects in this bill which are very important—the San Joaquin project in California, various water projects throughout the West—and it is important the Bureau of Reclamation have authority, if it needs to use it, to proceed with eminent domain proceedings.

My colleague from Arizona, I am sure, takes great pride in the Central Arizona project. It is very doubtful that project could have been accomplished had not the Federal Government had eminent domain authority. That is true of these water projects in this legislation as well.

So we should not be writing provisions in here that take that tool away from our Federal land managers and particularly the Bureau of Reclamation, and that is exactly what the effect of this amendment would be.

So I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, there is eminent domain, and then there is the threat of eminent domain. The threat of eminent domain is as powerful as eminent domain in itself because we cause people who have pure and sincere and guaranteed rights to their property to give up their property.

The fact is, this bill relates to all sorts of statutes that utilize eminent domain. If, in fact, we do not intend to utilize eminent domain, why won't we say it? We will not say it because we want to use the power of having that to intimidate property owners in this country and landowners.

This is about protecting one of the most important principles of our country: the right to have and hold property. This is an issue under which we either accept the rights of individuals to hold property or we say the Government knows better. Even though we are saying we are not going to use it, we are going to use it to intimidate landowners.

I would appreciate your vote.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—63

| | | |
|-----------|------------|-------------|
| Akaka | Feinstein | Mikulski |
| Alexander | Gillibrand | Murkowski |
| Baucus | Gregg | Murray |
| Bayh | Hagan | Nelson (FL) |
| Bennet | Harkin | Pryor |
| Bingaman | Inouye | Reed |
| Boxer | Johnson | Reid |
| Brown | Kaufman | Rockefeller |
| Burris | Kerry | Sanders |
| Cantwell | Klobuchar | Schumer |
| Cardin | Kohl | Shaheen |
| Carper | Landrieu | Snowe |
| Casey | Lautenberg | Specter |
| Cochran | Leahy | Stabenow |
| Collins | Levin | Tester |
| Conrad | Lieberman | Udall (CO) |
| Crapo | Lincoln | Udall (NM) |
| Dodd | Martinez | Voinovich |
| Dorgan | McCaskey | Warner |
| Durbin | Menendez | Whitehouse |
| Feingold | Merkley | Wyden |

NAYS—35

| | | |
|-----------|-----------|-------------|
| Barrasso | DeMint | McCain |
| Begich | Ensign | McConnell |
| Bennett | Enzi | Nelson (NE) |
| Bond | Graham | Risch |
| Brownback | Grassley | Roberts |
| Bunning | Hatch | Sessions |
| Burr | Hutchison | Shelby |
| Byrd | Inhofe | Thune |
| Chambliss | Isakson | Vitter |
| Coburn | Johanns | Webb |
| Corker | Kyl | Wicker |
| Cornyn | Lugar | |

NOT VOTING—1

Kennedy

The motion was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURBIN. Mr. President, I ask unanimous consent that after the Republican leader, Senator MCCONNELL, has an opportunity to be recognized and speak, that Senator CORKER be recognized at that point and that I then follow him with another unanimous consent recognition, and after that moment, Senator MCCASKILL be recognized to speak for 5 minutes, Senator MIKULSKI for 5 minutes, and Senator BURRIS for 5 minutes.

I wish to amend that UC request to include 10 minutes following Senator BURRIS for Senator SESSIONS and 10 minutes for Senator GRASSLEY.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Republican leader is recognized.

DEPOSITOR PROTECTION ACT OF 2009

Mr. MCCONNELL. Mr. President, I know how important it is to our banking system, and especially our community banks, that the Senate pass S. 541, the Depositor Protection Act of 2009.

This is a bipartisan bill, led by Senators DODD and CRAPO, that we increase the borrowing authority of the Federal Deposit Insurance Corporation, thereby freeing up capital for banks to lend to small businesses and people who need it.

The Depositor Protection Act is co-sponsored by Senators across the political spectrum, including Senators SCHUMER, BROWN, AKAKA, BOND, GREGG, and CORKER, who is here on the floor with us. The fact that it has such diverse support underscores how important it is to our financial system. This is a bill we should pass without delay. Doing so would help our financial institutions, and thus our economy, during this economic downturn.

The bipartisan Dodd-Crapo bill should not be held hostage by efforts to attach much more controversial legislation on top of it. Specifically, I understand some of our Democratic colleagues want the Dodd-Crapo bill to pull to passage a controversial measure called cram-down, which would allow bankruptcy judges to basically rewrite mortgage contracts.

Politically and economically, cram-down is the opposite of the Dodd-Crapo bill because it has bipartisan opposition; it has bipartisan opposition because it would worsen our economic situation. For example, last year, 11 Senate Democrats, along with every single Republican in the Senate, voted against cram-down because its passage would worsen housing markets by raising interest rates for everyone in order to benefit a very few. This, in turn, would make it more difficult for everyone, especially those of modest means, to own a home. This is the wrong prescription at the wrong time for an ailing housing market. These concerns, of course, have not gone away. This year, some Senate Democrats have publicly reiterated their opposition to cram-down. There are no such concerns with the bipartisan Dodd-Crapo Depositor Protection Act of 2009. We could pass it right now, Mr. President, on a bipartisan basis and help our financial situation.

I hope our friends on the other side of the aisle will let us pass this important bill. They should not hold it up so they can chase something that is fraught with problems and, according to a Senate Democrat, isn't going anywhere anytime soon.

I thank in particular one of the most knowledgeable Members of the Senate, who is thoroughly conversant with these issues and has recommended this approach, and that is my friend and colleague from Tennessee, Senator CORKER, whom I see is on the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

UNANIMOUS CONSENT REQUEST—S. 541

Mr. CORKER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and

Urban Affairs be discharged from further consideration of S. 541, a Dodd-Crapo bill, which would increase the borrowing authority of the FDIC, the Senate proceed to its immediate consideration, the bill be read the third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I am going to object to this unanimous consent request. The reason is that the provision that has been referred to by Senator MCCONNELL, the Republican leader, relative to the Bankruptcy Code is one that is in negotiation at this very moment.

When this measure was called before the Senate last year, there were some who ominously predicted we could be losing some 2 million homes to foreclosure in America. The most recent estimate of Goldman Sachs is that 13 million homes will be lost to mortgage foreclosure in the next 5 years.

The efforts underway to revise the bankruptcy law to provide for authority in that court in specialized circumstances is one to prevent and preclude these foreclosures from occurring. That is actively under consideration. It is included in the House bill that I will subsequently ask to be approved by unanimous consent, and it is one supported by the chairman of the Banking Committee, Senator DODD, as well as many others.

I would hate to see us lose an opportunity to deal with this looming foreclosure crisis by agreeing to this unanimous consent request. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Tennessee is recognized.

Mr. CORKER. I will yield to the Senator from Illinois.

UNANIMOUS CONSENT AGREEMENT—S. 541 AND H.R. 1106

Mr. DURBIN. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 541, the Depositor Protection Act, and that the Senate proceed to its immediate consideration; that an amendment at the desk, which contains the provisions of the House-passed bill, H.R. 1106, be agreed to; the bill, as amended, be read the third time and passed; and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee is recognized.

Mr. CORKER. I object to this, Mr. President. As was stated, we have a bipartisan solution that many banks across the country are clamoring for—

the banking system is clamoring for. This bill I tried to call up would pass overwhelmingly in this body.

The Senator from Illinois—and I appreciate his persistence—has continued to pursue this cram-down bill, which meets with tremendous opposition in this body.

I just hate that what we are doing is in essence extorting community banks and extorting credit unions all across this country to provisions that everyone knows are very problematic.

I object, and I hope the Senator from Illinois will allow us, at some point soon, to take up this issue that is very important to credit unions, to community banks, to institutions across this country. As a result, it is very important to the men and women all across this country who are concerned about their jobs, concerned about credit. This is something we can do together to change the atmosphere of the banking community and change our country in the process. But it appears we are not going to have that opportunity today. I hope the Senator from Illinois will give us that opportunity in the near future.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GREED

Mrs. MCCASKILL. Mr. President, as we look around at the problems we are facing in this country now when it comes to our economy, all of us are trying to figure out what caused this mess, what is the root cause of this incredible meltdown in the financial sector of our economy, in our housing sector. It comes back to one simple concept: greed. It is just about a bunch of really greedy people, brought to you by the current executive pay structure we have on Wall Street and in some parts of corporate America. It is the largest part of the problem.

These potential payouts under this corporate structure of pay we have right now are so large that executives at financial institutions, including institutions such as Fannie Mae and Freddie Mac that were supposed to have a public purpose, had incentives to create rules that would reward them no matter what happens. Why did all these exotic derivatives and swaps start happening? Pay. Pay. And greed. Performance, not so much. It didn't matter whether you failed, you got paid anyway. That is the culture that caused the problem. Failure and you walk with huge money.

These AIG bonuses are just one symptom of this very serious illness that is gripping our economy and harming our competitiveness. The Merrill Lynch bonuses, which I stood on

the floor and railed about a few short weeks ago, were exhibit B. Those guys failed, and they made sure they got the money and walked with it before Bank of America took over. They moved up their bonuses. Retention? Not so much. It doesn't have much to do with that. These AIG bonuses—52 of the people had already walked out the door when they got the money. We weren't paying them to stay; they had already left.

Our competitive disadvantage in this regard is real. Two of the most productive competitors to our country, Germany and Japan—their trade surplus per capita is the highest. Do you know what their average corporate pay is? It is 10 or 11 times the average worker's. What is it in the United States of America? It is 400 times the average worker's.

We need to get back to our American values of hard work equals success, equals financial reward—not failure and you get paid anyway. It is most insulting on the American taxpayer's dime when it comes to Merrill Lynch and AIG.

There is a great column in the New York Times today by David Leonhardt. I recommend it to my colleagues. In that column, he makes the following statement, and I paraphrase: Stop the deference to this culture. Stop the deference to Wall Street. Treasury, can you hear me? Stop the deference to the culture of Wall Street. Be bold, stand up to them.

That deference has now created a cold anger of populism that is going to make it very politically difficult for us to do anything else to free up our credit markets that are so essential for our economy to survive.

America's economy has a hangover from the drunken greed of high pay and bonuses for failure. Sober up. Sober up, folks, because the American people are paying too high a price.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIG BONUSES

Ms. MIKULSKI. Mr. President, AIG is in the news. If you want to know what I think AIG stands for, it is "Ain't I Greedy." If there were ever a company that stands for "ain't I greedy," it is certainly AIG.

In the midst of one of the greatest economic turmoils to hit our country, we have a corporation that received \$170 billion in taxpayer money to keep them afloat, and now they want to pay themselves \$165 million in bonuses. Ain't I greedy?

You better believe they are greedy. The very people who helped bring the financial services and structure of the world economy to the brink of disaster

now want to give themselves bonuses. That is like saying to the crew on the Titanic, after they hit the iceberg: We are going to give you a bonus for navigation.

What is this? I want people to know that I am mad as hell and, like the taxpayers, I don't want to take it anymore. We need to do something about this.

Right now, we see that over at that corporation, and others that are doing these self-enrichment bonuses, they are the very people who brought us near financial bankruptcy, and they are now demonstrating moral bankruptcy. They nearly bankrupted their companies, but they come with bankrupt values and a bankrupt approach to trying to help America out of this situation. If we want bankruptcy modification, let's throw those bums out. Let's make them wear a scarlet B. I am ready to put them in a stockade in Rockefeller Center so all the people who are losing their homes, losing their jobs, losing their health care can come and take a look at them.

You think I am frustrated? I am nowhere near frustrated compared to what my constituents are facing. They are very worried about their future. Senior citizens who saved all their lives and fought in great wars to protect America now have no one to protect their life savings as Wall Street sinks. People who played by the rules and are raising their families and trying to run a small business cannot have access to credit because these guys were busy being celebrity CEOs, celebrity chefs with celebrity wives, and now they want a celebrity bonus. You better believe they are celebrities. Everybody knows who they are.

Also, what so infuriates the people of Maryland and, I believe, this country and we in Congress is there is no remorse about what they did. In a 12-step program, when you have been an addict—and they certainly were addicted to greed and they certainly were compulsive about failure—usually you say: I am sorry, I did wrong. I promise never to do it anymore, and I want to make amends by making it right.

Not these guys. They want more money to do the same. What is it they say to us? My way or the highway. We need to pay bonuses to get people to stay. Why would we want them to stay? They got us into this mess. They show no remorse, and I don't see a lot of competency in getting us out of it.

We need to use the power of our ownership. We own 80 percent of AIG. You know what I think an 80-percent owner ought to do? Goodbye to the people who either do not know how to work to get us out of this mess or are unwilling to help us get out of this mess unless they get a bonus.

Second, I think for those who took these bonuses, we are saying: Don't take the money or, if you have, give it back.

I signed a letter with other colleagues to Mr. Liddy, the CEO, saying: Don't give them the bonuses, and if they got any, to give it back. But if they will not do it, I am saying loudly and clearly that I will support the initiative to tax them at 90 percent of the money they got.

My belief is: You can take it, but we are not going to let you keep it. You can take it, but we are not going to let you keep it. We are going to tax you at 90 percent. If we are 80 percent owners, then we are going to exercise our influence.

I believe we need to show not only the taxpayers that we are serious about being stewards of their money, but we have to show corporate America they have to get serious about working with the Obama administration and us to get this economy back on track. Then we need to change not only the culture but help change the direction of our economy.

I wish to see change in this country. That is what the voters voted for. Let's start right now, today, by ending this culture of corruption, greed, and self-enrichment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIG BONUSES

Mr. BURRIS. Mr. President, I rise to express my outrage that at a time of economic crisis in our Nation and around the world, at a time when so many Americans are losing jobs, defaulting on homes, and falling behind in their own payments, they are paying into a system doling out multimillion-dollar bonuses to employees at AIG.

Many of the same employees receiving these lavish payouts are the same ones who brought their company to the edge of collapse and the economy into the depths of recession.

We cannot let their actions be rewarded—excessively rewarded—with the multimillion-dollar bonuses paid by the taxpayers.

Time and again, we have gone back to our constituents and asked them to sacrifice to make ends meet. Now we demand the corporate executives do the same.

As American families struggle to balance their own checkbooks at kitchen tables all across America, the employees of AIG walk out of their offices with \$165 million in bonuses so far and are on track to take home an estimated \$450 million by the end of this year—free money that they did not earn and certainly do not deserve.

It is now time for those executives who, through their reckless greed and irresponsible actions, have jeopardized our economic security to share the burden in rebuilding this economy. If this

company and others like it fail to recognize the outrage and the frivolous nature of these taxpayer-funded bonuses, Congress will intervene and act on their behalf.

Yesterday, I joined my Democratic colleagues in sending a letter to the CEO of AIG, Edward Liddy. We asked that Mr. Liddy take a reasonable look at these excessive bonuses and requested that he act to renegotiate them.

We also warned that if he chooses not to act immediately, we will take action to recoup the American taxpayers' money through punitive legislation.

Chairman BAUCUS has signaled he is poised to move forward with legislation that he and Senators GRASSLEY, WYDEN, and SNOWE are drafting to allow the Government to recoup this money for taxpayers by subjecting the bonuses to severe tax penalties.

At the same time we are correcting the payouts of the past, we have been working with the current administration to put in place new standards of accountability for the future.

As part of the American Recovery and Reinvestment Act we passed last month, we asked the Treasury Department to establish new guidelines regarding executive pay and luxuries. Just last week, we reiterated the urgency in a second letter to the Treasury Department asking that they swiftly complete this project and announce these new standards.

In addition to these steps, let us resolve to work in partnership with the Obama administration and the Senate Banking Committee to take up a strong Wall Street accountability bill as soon as possible.

Our responsibilities lie with the citizens we represent. If we are successful in taming the greed of Wall Street, we will have gone a long way to safeguarding the economic interests of those we represent and those for whom we work—the people of the United States of America.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. GRASSLEY. Mr. President, I think our colleagues know that the issue of health care reform is hopefully on a fast track in the sense of getting something done this year. This is a very big project to get underway. Senator BAUCUS and I have laid out an ambitious schedule for enacting a bipartisan health reform bill, and I think there are a lot of facets of it that we

have to expect people who are not on the committees—Senator KENNEDY's committee on the one hand and Senator BAUCUS's committee on the other hand—will have to take into consideration. I am asking, through a series of speeches I will give this spring, for people who perhaps don't think about the issue of health care reform because they do not serve on the committees to think of various things.

Today, I wish to address an issue we often read about in newspaper accounts—and the most recent one comes from a Wall Street Journal article I had a chance to read—that comes up as a reminder when people think about health care reform that we ought to take into consideration. I often refer to Canada, I suppose because a lot of Americans are familiar with the health care system in Canada, and we have a lot of our constituents who ask us why we don't put in place what they have in Canada. We refer to that system as single payer. We often run into people who say: Well, don't do what they are doing in Canada. I think a lot of our colleagues here would support single payer. So obviously, when these things are discussed in America at the grass roots level, I think we ought to be constantly reminded of this here as we debate health care reform, and a lot of our colleagues need to be thinking about this a long time before legislation comes to the floor.

We have a lot of work ahead of us if we want to see meaningful legislation that will accomplish our three main goals of health care reform: lower cost, expanded coverage, and better quality.

Let me say that again: Lower cost, expanded coverage, and better quality.

As we roll up our sleeves, it is helpful to look to our neighbor to the north, Canada, for some lessons about what works and what does not work. Some of the proposals that are being discussed—the public plan option, rationing of care, and a Federal health board—will make our current market-based health care system that we have in the United States more similar to the Canadian health care system. Some like that. Some do not like it. My purpose is to be raising questions that our colleagues ought to be considering.

The Canadian health care system might seem like a good idea to some of my colleagues, but this should make anyone who values access to care and the doctor-patient relationship very nervous. Canadian patients often wait months or even years for necessary care. It has become so bad that some patients are suing the Government in Canada to gain access to care. One Ontario man suffering from headaches and seizures was told he would have to wait 4½ months for an MRI. Instead of standing in line, he did what a lot of Canadians do. He traveled across the border to Buffalo for an MRI. It was there he discovered he had a malignant

brain tumor. When he returned to Canada, he was told again it would be months before he could have surgery, so once again he traveled to Buffalo, for surgery. Another Canadian man waited in pain for a year before he could see a doctor about his arthritic hip. Once he finally saw the right specialist he was told that he would need a state-of-the-art procedure to resurface his hip, but sadly the Canadian Government told the 57-year-old gentleman he was “too old” to get the procedure. He was also prohibited from paying for the surgery with his own money. Similar to so many other Canadian patients, he is taking his case to court.

These court cases gained traction in 2005, when the Canadian supreme court ruled that patients suffer physically and psychologically while waiting for treatment in Canada's Government-run system. The court also concluded that the Government's controls over basic health care services impose a risk of irreparable harm and even death.

As some people propose that the Government take a more active role in our Nation's health care system, I hope we can agree that access to a waiting list is not access to health care. We all agree we need to fix our health care system but, as we try to fix it, let's not make it worse. Let's learn from our neighbors to the north. Let's not force patients in America into a one-size-fits-all Government-run system.

COMPARATIVE EFFECTIVENESS RESEARCH

I would like to speak on another matter, about an important provision tucked away in the \$1 trillion spending bill that passed last month. During the debate, Members spent a lot of time talking about big-ticket health care provisions—Medicaid, COBRA, Health IT. But one issue that did not receive enough attention was a term that a lot of our colleagues are not familiar with, but every colleague needs to become familiar with—this phrase “comparative effectiveness research.” I still haven't figured out how spending money on comparative effectiveness research is actually stimulative, but this is one of those things that probably should not have been in the stimulus bill—but it was there and is now law.

I am even willing to guess that a lot of Members do not even know what comparative effectiveness research actually is, but in the so-called stimulus bill, we increased our investment in this research from about \$30 million to \$1 billion. That is over a 3,000-percent increase for something a lot of Members don't know about and can't even define—and I am not sure I want anybody to ask me right now to define it in the purest sense. This makes me a little nervous.

Mr. President, \$1 billion is a lot of money, but maybe it is money that even people in comparative research might not even know what they are spending the money for.

Some policy experts have expressed concerns that this drastic increase in funding will help establish the United States version of England's National Institute for Health and Clinical Excellence, also referred to as—I don't know whether the English pronounce it "nice" or "niece," I am going to say NICE.

So you are not misled, many patient groups consider NICE to be anything but nice. NICE was created by the British Government in 1999 to decide what treatments, prescription drugs, and medical devices the British Government is going to pay for. In other words, you are having bureaucrats and/or politicians interfere in decisions that in America we normally leave to the doctor and the patient. Put another way, NICE was created for the Government to ration care and ultimately save money.

If the Congress of the United States was passing something to ration care, I will bet a good number of people in this country would get up in arms. For example, a news story printed in August entitled "UK's"—meaning United Kingdom's—"NICE says 'No' to four new cancer drugs." It detailed how the NICE panel concluded that the four drugs would extend people's lives, but somehow you cannot use them because they are not cost-effective.

So, under England's single-payer Government system, patients were prohibited from getting those drugs, regardless of what the patient or their doctor might have thought. It was not until there was public outrage about that decision that made newspaper headlines around the world that NICE then reversed its decision about at least one of those drugs. The three other drugs are still considered too costly to give to patients.

Another article in the New York Times on December 8, 2008, was entitled "British Balance Benefit vs. Cost of Latest Drugs." This article told the story of Bruce Hardy, a British citizen who was diagnosed with kidney cancer. Mr. Hardy was unable to get a particular drug that would have extended his life because NICE determined the drug was not "cost-effective." That is because NICE has decided the British Government can only afford to pay about \$22,000 for every 6 months of life.

Get this. The Government of England is putting a value on life of about \$22,000 for every 6 months of life. This may be acceptable in a government-run single-payer health care system, but here in the United States only two people should be involved in deciding what treatment, drug or device to use, and those two people would be, on the one hand, the doctor; on the other hand, the patient.

We do not need the Federal Government standing between patients and their doctors. We do not need bureaucrats in Washington denying patients

with terminal cancer access to the newest and most promising experimental drugs. We do not need the drug companies to have undue influence over our system either.

I think my work overseeing, as congressional responsibility dictates, the Food and Drug Administration, gives me some authority to speak in this area, that drug companies should not have undue influence. I have been a leading advocate for increasing oversight of drugs and device manufacturers. In fact, I have introduced legislation to make manufacturers report payments to patients so we can make sure we do not have conflicts of interest getting in the way of high-quality care. I have also supported drug importation and legislation to prohibit brand-name manufacturers from gaming the system to prevent lower cost generic drugs from getting to the market. So I am not down here today to defend the drug companies or device industry. They can do that on their own, and I think they do it very well. But I think it is legitimate to be concerned about patients. I don't want some faceless, unelected Government panel keeping patients in Iowa or anywhere from getting the lifesaving treatment they need.

At this time, I ask unanimous consent to have printed in the RECORD a letter I received from 60 patient groups, from the breast cancer advocates to muscular dystrophy, to name two, expressing concerns about using comparative effectiveness to ration care.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 26, 2009.

Hon. DANIEL INOUE, *Chairman*,
Hon. THAD COCHRAN, *Ranking Member*,
Committee on Appropriations, The Capitol,
Washington, DC.

Hon. TOM HARKIN, *Chairman*,
Hon. ARLEN SPECTER, *Ranking Member*,
Committee on Appropriations, Subcommittee on
Labor, Health and Human Services, Education, and Related Agencies, Washington,
DC.

DEAR CHAIRMAN INOUE, RANKING MEMBER COCHRAN, CHAIRMAN HARKIN AND RANKING MEMBER SPECTER: We are writing to urge you to ensure that any comparative effectiveness research (CER) included in the economic stimulus package establish a legislative framework that is strong and patient-centered. The goal of CER should be to arm individual patients and their doctors with the best available information to help assess the relative clinical outcomes of various treatment strategies and alternatives, recognizing that this will vary with circumstances. When used appropriately, comparative clinical effectiveness information can serve as a valuable tool that can contribute to improving health care delivery and outcomes by informing clinical decision making. By focusing on quality of patient care, such research also can help us achieve better health care value. However, we are very concerned that the House legislation and accompanying report language could have unintended and negative effects for pa-

tients, providers and medical innovators, leading to restrictions on patients' access to treatments and physicians' and other providers' ability to deliver care that best meets the needs of the individual patient. Rather, we believe any provisions related to comparative effectiveness should:

Focus CER on comparative clinical benefit, rather than cost-effectiveness. Any legislation should state that funding will be used only to support clinical comparative effectiveness research, and define clinical comparative effectiveness as research evaluating and comparing the clinical effectiveness of two or more medical treatments, services, items and care processes and management. Additionally, CER should not encourage a generalized, "one-size fits all" approach. Rather, it is necessary to design studies and communicate results in ways that reflect variation in individual patient needs, that help patients and doctors make informed choices, and account for differences among patients including co-morbidities, sex, race and ethnicity. Recognizing these differences is important to allowing patients optimal treatment today and to encouraging the development of innovative targeted therapies which will advance personalized medicine.

Be conducted through an open and transparent process that allows for patients, providers and other stakeholders to participate equally in governance and input, starting from the research planning stage. There are many challenges in successfully conducting and communicating high-quality, patient-centered CER. Therefore, comparative effectiveness programs should include transparent decision-making procedures and broad stakeholder representation to enhance the credibility and usefulness of such studies.

Ensure that research supports providers in delivering the best possible care to their patients. To maintain a focus on patient and provider needs, the research entity should not engage in making policy recommendations or coverage decisions. Patients may respond differently to the same intervention and the needs of the individual must be taken into consideration. Imposing rigid, federally-proscribed practice guidelines, which fail to recognize such variations, among patients can lead to poor patient outcomes and increased health care costs.

Comparative effectiveness information that reflects interactions among all of the various components of the health care system has the greatest potential to empower clinicians and patients to make more appropriate decisions. In addition to comparing scientific treatment interventions, research should also focus on how innovations in care delivery models, such as disease management programs, may produce better health outcomes.

We look forward to working with you to create a system that improves information about clinical outcomes, ensures that patients continue to have access to life-saving treatments and the tools necessary to advance a better quality of life for all Americans. Thank you for your consideration.

Sincerely,

AACSA Foundation; The AIDS Institute; Alliance for Aging Research; Alliance for Better Medicine; Alliance for Patient Access; Alliance for Plasma Therapies; Alpha-1 Association; Alpha-1 Foundation; American Association for Cancer Research; American Association for Respiratory Care; American Association of Neurological Surgeons (AANS); American Association of Orthopaedic Surgeons; American Association of People with

Disabilities; American Autoimmune Related Diseases Association; American College of Obstetricians and Gynecologists; American Institute for Medical and Biological Engineering (AIMBE); American Osteopathic Association; Association of Clinical Research Organizations (ACRO); Asthma and Allergy Foundation of America; Autism Society of America; Breast Cancer Network of Strength.

C3: Colorectal Cancer Coalition; Californians for Cures; Celiac Disease Center at Columbia University; Children's Tumor Foundation; Coalition of State Rheumatology Organizations; Colon Cancer Alliance; Congress of Neurological Surgeons (CNS); COPD Foundation; Cure Arthritis Now; Cutaneous Lymphoma Foundation; Easter Seals; FasterCures; Foundation for Sarcoidosis Research; Friends of Cancer Research; The Government Accountability Project; Intercultural Cancer Council Caucus; International Cancer Advocacy Network (ICAN); International Myeloma Foundation; International Prostate Cancer Education and Support Network; Kidney Cancer Association; Malecare Cancer Support.

Men's Health Network; Muscular Dystrophy Association; National Alliance for Hispanic Health; National Alliance on Mental Illness; National Alopecia Areata Foundation; National Foundation for Ectodermal Dysplasias; National Hemophilia Foundation; National Kidney Foundation; National Spinal Cord Injury Association; Ovarian Cancer National Alliance; Plasma Protein Therapeutics Association; Prostate Cancer International, Inc.; Prostate Health Education Network, Inc. (PHEN); RetireSafe; Society for Women's Health Research; Tuberculous Sclerosis Alliance; United Spinal Association; VHL Family Alliance; Virginia Prostate Cancer Coalition; Vital Options International; ZERO—The Project to End Prostate Cancer.

Mr. GRASSLEY. I agree we need to lower the overall cost of our health care system. We need to improve quality. It is true we spend more money, about twice as much more than other developed nations in the world, and still rank poorly in many health care indicators. But having the Government ration care is not the answer. In fact, the Congressional Budget Office concluded that comparative effectiveness research would only save 1/10th of 1 percent of the total health care spending.

Let me remind you when I started out I was saying I want my colleagues to become familiar with comparative effectiveness research because this is something we are going to be dealing with in the legislation later on this year, and we just put \$1 billion into this project as opposed to \$30 million previously.

If Congress is going to spend this \$1 billion on this research, let's not bill it as some magic bullet to control health care spending because the Congressional Budget Office—and I hope you know they are God around here, they are God around here because if they say something costs something, it costs something. If you want to overrule them, it takes 60 votes to overrule. So what they say counts. If we are going to spend that \$1 billion, we have

to make sure it is improving quality and informing patients and providers. If Congress is going to spend \$1 billion on this, let's not establish the United States version of the United Kingdom's government-run National Institutes of Health and Clinical Excellence that I have been referring to by the acronym NICE. Let's not set up a system for Washington dictating to your doctor what treatment to prescribe. If we are going to do this, we have to do it right. Comparative effectiveness research should be about comparing clinical treatments and then letting your doctor decide the best way to treat it.

I am not up here saying there should not be any comparative effectiveness research. I am here to say it should not be a subterfuge for some bureaucrat or politician deciding who is going to live and who is going to die. It is information for doctors and patients. It should be done in the most open and transparent process possible.

Finally, the research should be used to get information to doctors and patients about the best treatment.

It should not be used for Washington to make policy or to decide what treatments the government will or will not cover. I hope we can agree the Federal Government should not be in the business of determining the value of a person's life, as I indicated to you this outfit in the United Kingdom decides that your life is worth \$22,000 per 6 months.

Clinical comparative effectiveness can be a valuable tool in creating a more efficient health care system, but let's make sure we use this tool wisely. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIG BONUSES

Mr. SESSIONS. Mr. President, I first would like to say a thing or two about the bonuses that have been paid to the AIG employees, those persons who are in the specific division whose actions led to the demise of what was once considered a great insurance company.

No doubt about it, that was a very serious error, and now as a result of agreements made, apparently sometime ago, they are going to receive bonuses. Everybody has been upset about it. So have I.

I said Monday on this floor the only thing I felt like giving them for free would be a free lunch and a free bed somewhere in a penitentiary. I know the Presiding Officer is a former prosecutor and has sent some people to the penitentiary. I hope they are not guilty of criminal activities, but that is how I feel about it.

But the reason we are in this is because of an unwise act. That act was—

beginning with Secretary Paulson, President Bush's Secretary of the Treasury, continued now under Secretary Geithner, President Obama's Secretary of the Treasury—taking over AIG.

We own 80 percent of AIG's stock. Secretary Paulson picked Mr. Liddy, who had a good record in the past and was off somewhere with his grandchildren, and asked him to come back and try to take over this company and start pumping billions of dollars into it. It now has totaled \$170 billion.

It is unbelievable how much that is, \$170 billion. I would repeat, that is, compared to the Alabama budget, including schools and teachers' pay, \$7 billion a year. We gave one private company, competing with a lot of other private insurance companies in America today that did not get themselves in trouble—we are bailing them out. So we should not have done that.

Now, when Mr. Paulson came before this body and asked for this power to get \$700 billion to spend as he wished, I objected. As just a Senator, I was flabbergasted that he would ask for such unlimited power. Not one time did he hint that he was going to buy stock in an insurance company. It was to buy the toxic assets from banks. Do you remember that?

So Secretary Paulson, within a few days, a week I believe, had gotten his authority. But it did not say: Mr. Secretary, you get to buy toxic assets in banks—which I did not think was very good anyway and voted against it—it gave him power to do virtually anything. That is another reason I voted against the legislation.

By the way, under oath in a House committee, Secretary Paulson said he had no intention of buying stock. Somebody asked him: What about buying stock in these banks?

He said, no, he did not want to buy stock; that we were just going to buy these toxic assets.

A week later he was buying stock in an insurance company and stock in banks. And to this day, we have not yet bought any of these toxic assets, these bad mortgages that are really the problem that have destabilized our financial situation and have not dealt with yet. That is why there is still instability out there.

OK. So here we are now; we own this corporation. So I asked the question about the bonuses at AIG. Apparently, they got a contract. By the way, when we passed legislation here, it was with a Democratic majority. Somewhere in conference they put in language in the legislation that basically said bonuses would be honored if they were entered into before a certain date. These bonus contracts were entered into before that date.

So now we have all of these protestations and all this angst and all this outrage about bonuses, and we have to

do something about it. I am outraged, too, really but have a little perspective. The amount of the bonuses are one-thousandth, less than one-thousandth of the amount of money we put in this corporation that is at great risk today. And that is a galling issue for all of us, to have this division, the bad division in the whole fine insurance company, taking this company down, and they get the bonuses. It is outrageous. It really is. But the truth is, it appears there is some contractual right for them to have it.

So I would ask, what about the folks in these companies who are paid too much? Maybe we ought to have debate on the Senate floor about how much every employee of AIG should be paid or how their bathrooms should be configured or whether they should even have a private bathroom or how many businesses they ought to have or what kind of cars they should drive, whether they should have jet airplanes, whether they ought to be on Manhattan or some cheaper place in Brooklyn.

I mean, what we are going to enter into is these have become political decisions because politicians own the company. This is a warning for us. We have to be careful about buying stock in corporations. I am telling you, it is not a good policy. I do not believe it was justified in this circumstance. I think history is demonstrating that.

I am worried about it. We need to get out of AIG. How are we going to do it? I think the way you do it, and the way it should have been done from the beginning, is the company should have gone into chapter 11 under the Bankruptcy Code. You would have had a Federal bankruptcy judge bring all of them in, raise their hands under oath, testify to the financial condition, how this all happened, what parts of the company are good, valuable, prosperous, what parts are sick and in danger.

Then we could have figured out as a government how we could help with the sick and toxic parts, get rid of the others and let all of that go, and we would not have been running this company.

So now we are going to tax them. I am not sure how this has been written, but we are somehow going to identify the several hundred people who got bonuses, and we are going to tax them. We might as well put their names in the RECORD. I do not know; it is probably unconstitutional. It really is. It is a real constitutional question, certainly a policy question, that the Congress is going to abrogate a contract whether we like it or not. But a bankruptcy judge can. A bankruptcy judge has constitutional power to abrogate a contract. I am certain a bankruptcy judge would have invalidated the contract for bonuses for the people in this division. They do not have the money.

The only reason they are afloat today is because we bailed them out.

They would not have jobs if we had not bailed them out. This whole thing would have been done differently. So I am worried about what we are doing.

THE BUDGET

Mr. President, I am also worried about the budget. The President has submitted a budget. It has come over to us now. It is in a bound book, slick cover. It sets out his agenda for the future. It is an important document, and it sets out his priorities and his direction he wants the country to go.

I am a member of the Budget Committee, and we will be marking that up and offering amendments to it next week. But the American people need to know that the financial condition of our country will be altered to a historic degree if this budget is passed. I am not just saying that. I am saying, read the budget. That is what it says.

I will share some thoughts about it. I think there is a growing bipartisan consensus, and certainly at least a concern on both sides of the aisle, that the budget deficits and spending levels are unsustainable; that is, continuing these levels of spending will destabilize this country, weaken the value of our dollar, perhaps kick off inflation, and in many other ways erode confidence in the United States as a government of integrity and financial wisdom and management that can be relied on.

So while American families are out there right now saving a good bit more than they have in years past, watching their pennies, while American cities and towns who have been in my office this week and are telling me they are seeing a 6 or 7 or so percent reduction in sales tax revenues and revenues for their towns, they are managing well, and they are getting by. They are postponing some things they would like to have done this year until they get a little more money in, and they are not going out of business. They heard there was some free money in the stimulus package. They wanted as much of it as they can get. Fair enough. But, you know, they are getting by.

Our Government is increasing spending to a degree to which we have never seen before. This budget calls for \$3.6 billion in spending, which is, in effect, a 20-percent growth in nondefense programs. I am talking about the discretionary programs under our control that we deal with from 2008 levels to 2010 levels, 20 percent.

At that rate, of course, that is 10 percent a year, and with a 7-percent growth rate per year your money will double in 10 years. This is the track we are on. It is a huge baseline budget increase to pay for this expansion of Government.

The budget imposes or presumes \$1.4 trillion in new taxes. That includes a national energy tax similar to the one the MIT experts predict would cost working families \$3,100 per year. That is almost \$300 a month for the average

family for this tax. So despite these taxes, the budget will require even more borrowing. We will go even further in debt despite the tax increase.

We would double the debt held by the public in 5 years. I mean, the total American debt we have today would double in 5 years and triple in 10 years. Our budget is a 10-year budget. It projects what this administration believes should happen over the next 10 years. That is what they project will happen.

Under this plan, starting in 2012, the United States will pay \$1 billion a day in interest to our creditors, the largest of which are China and Japan outside of our country. That is \$1 billion a day in interest on this surging debt we have.

So, in summary, I believe it is fair and honest to say this budget spends too much, it taxes too much, and it borrows too much. The administration has promised the budget would be free of accounting tricks and gimmicks, but they have not met that standard either. On the one hand, we have been told repeatedly by the administration that we face the gravest economic crisis since the Great Depression.

On the other hand, his budget assumes that unemployment will not rise beyond today's level and economic growth will not substantially fall. I cannot accept and I do not buy the rhetoric of imminent economic disaster. I have not believed that is likely. I still don't believe it is likely. I know we are in a difficult time, but few, if any, economists would agree with the budget's prediction and assumption that unemployment will stay at today's rate of 8.1 percent or that the gross domestic product this year will only decrease by 1.2 percent. The administration's rosy economic picture permits them to assume, therefore, greater revenue. If you assume you have a higher growth rate, a lower unemployment rate, more people are making money, more people are working and getting paid, less people are on unemployment compensation, you assume you have billions more dollars to spend on whatever you would like to spend it on.

An independent blue chip group that predicts unemployment and predicts GDP is predicting GDP will decline more than twice 1.2 percent, and they are also predicting the unemployment rate will hit 8.9. I believe our Congressional Budget Office is predicting unemployment will cap out at 9.1 percent. I have seen some figures of 9.4 percent. I am hopeful we will come in under 10 percent. I believe we will.

To build on good feelings here, I will note that under President Reagan, when Mr. Volcker was Secretary of the Treasury, they realized they had to confront and break the back of surging inflation. Unemployment hit 10.9 in the early 1980s. It kicked off, though, a

sound economy, and for 20 years we have had steady growth after collapsing the unacceptable inflation rate.

The best estimates I am seeing do not predict economic disaster, but they certainly don't predict the kind of minimum economic slowdown these numbers are assuming. When those numbers prove to be off the mark, the result will be deficits higher than the administration is predicting in their own budget. That is what I am saying. If you look at the budget over the next 10 years, that is what really worries me.

In 2004, President Bush, after 9/11 and after the recession that occurred there, his deficit hit \$412 billion. That was the biggest deficit we had since World War II. He was roundly criticized for that. I wasn't very happy with it either. I liked President Bush, but I thought that was too big a deficit. It dropped until 2007, when it hit \$161 billion.

Last year, President Bush sent out the \$300 checks and the \$150 billion in deficit spending on top of our other deficit to try to stimulate the economy. It didn't work. He sent out that money. Everybody got the little check. Whatever they did with it, it didn't do much good. The debt jumped to \$455 billion. So last year, September 30, the deficit was \$455 billion, the largest we have ever had, perhaps including World War II. This year, there is uniform agreement.

The Congressional Budget Office is scoring that at September 30, our deficit—the amount of money we spent, less the amount of money we have taken in in taxes—will be \$1.8 trillion, one thousand eight hundred billion, four times the highest deficit we ever had last year. That is a serious matter, not a little bitty matter. The budget the President sent us projects that next year—and he does this over 10 years—it will be \$1.1 trillion. It begins to drop down to that and hits \$533 billion in the fourth year. That is the year he said he cuts the budget deficit in half.

The reason the deficit was particularly high this year is the money we spent for the financial bailout of Wall Street that they bought AIG with and other bank stock. The Congressional Budget Office said we are going to lose about \$250 billion in that deal. We will get some of it back. They scored in this year's budget \$250 billion for that. We have bought Freddie and Fannie, taken over and guaranteed all those loans at those two huge financing institutions, which were quasi-private, basically private, we have taken those over now, and CBO has scored about another \$250 billion. They are putting all of that in this year. And then we passed, a few weeks ago, \$800 billion—pure stimulus spending to send out over the country. You heard it was for roads and bridges. Only 3 or 4 percent went for roads and bridges. The rest of it went for all kinds of nice ideas, not very stimula-

tive in the minds of experts. So you add that over the next 2 years of spending, split that out. That is how we get such a high year this year.

One reason we are at a trillion dollars next year is because they are scoring some of that \$800 billion in next year's deficit. At any rate, it drops down, OK? So the fourth year, we are hitting \$533 billion. That is still the highest deficit in the history of our Republic. Then it starts going up. And the budget President Obama gives us projects that in the 10th year, the deficit will be over \$700 billion.

That is why we need the American people to be engaged. Members of Congress are going to have to study the numbers. They are going to have to study the immensity of the requirements of this budget. We are going to have to reject it. We cannot pass such an automatic guaranteed surge in debt. It would triple our total national public debt in 10 years.

This is the beginning. The budget will begin to be marked up next week in committee. It is going to take more than just the committee members to decide what we do. I believe the American people and the Members of this Congress are going to have to get our heads together and figure out some ways to do like our cities and counties. Instead of having baseline spending increase at 7, 8, 10 percent a year, we might go for a year or two where we don't increase at all. Just a little bit of that would have a dramatic impact on the deficit. It is the increases that are killing us. They are projecting increased revenues in the years to come, but they are projecting substantially greater increases in spending.

That is not who we are as a people. We are a people of limited government. We are people of low taxes. We are people of individual responsibility. That is a fundamental American ethic, individual responsibility. The Europeans are more into this Socialist mentality, but we were faced with the spectacle over the weekend of our own Secretary of the Treasury going to Europe meeting with Europeans and upbraiding them because they aren't borrowing enough or spending enough, in his mind, going far enough into debt to stimulate the economy as much as he would like to see it done. They are being more conservative and responsible than we are. It is a matter of real concern.

These are important issues. I hope the debate will continue and all of us will look at the long-term interests of this great Nation and take the steps today that will protect our future.

I yield the floor.

THE PRESIDING OFFICER (Mr. SCHUMER). The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent to speak in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL MARKETS COMMISSION

Mr. ISAKSON. Mr. President, we were all reminded yesterday, when news of the AIG bonus payouts hit, of the frustration all of us have and all the American people have with the financial difficulties the Nation has had but also what appear to be at best irresponsible acts taking place by many of the financial institutions that, in fact, received Federal TARP money.

I rise to repeat a call that Senator CONRAD and I made 6 weeks ago on the floor of the Senate. We created a piece of legislation known as the Financial Markets Commission, a commission patterned after the 9/11 Commission, a commission of seven appointed members—two by the President, one by the Speaker of the House, one by majority leader of the Senate and one by the minority leader, one by the minority leader of the House, and then one by the chairman of the Federal Reserve—seven members given 360 days a year, empowered with a \$3 million budget and subpoena power to investigate every aspect of the financial collapse in the United States, whether it is insurance, investment bankers, mortgage bankers, individual managers such as Mr. Madoff in New York or anybody else, and to come back to the American people and to the President a year from now and tell us, to the best of their ability, in a forensic way, what happened. If, in the course of their investigation, they find inappropriate activities, there is the requirement that they refer those to the Attorney General of the United States of America.

It is important that we do this for four reasons. I will go about them briefly.

No. 1, it should be an independent panel that is fully funded and has subpoena power so there is no impediment to gathering facts, finding out the information necessary, and making that report.

No. 2, it should be created by the Congress, but the membership should be appointees who are experienced and knowledgeable in finance, banking, investment banking, and in law, not politicians but professionals who know, just as we had on the 9/11 Commission 2 years ago.

No. 3, there is no question that mistakes were made, but there is no question that some people took advantage of the system. The public expects, I expect, and we should demand that where we find wrongdoing, it is eliminated, pointed out, the individuals who did wrong are held accountable, and we restore some level of confidence in the oversight of our financial system.

No. 4, I think it is time that all of us recognize there is plenty of fault to go around. You could blame a hedge fund. You can blame a Madoff. You could blame an AIG. We have to look in the mirror as well. The second vote I ever cast in the Congress was the vote that

repealed Glass-Steagall, put in the Gramm-Leach-Bliley bill. I thought it was good legislation. So did 99 percent of the House and Senate. In retrospect, by allowing the vertical integration of the financial system from insurance and mortgage banking to investment banking and regular banking, we blurred some of the lines that for so many years had protected the integrity of the financial system in America. As a result of that, situations happened, like AIG and Citibank, where vertical integration beyond the original mission of the financial services of the company attracted more money but it also attracted more greed. And it had no transparency.

I think it is critical, at a time and place where we recognize we have had some significant problems, where the American people know it is going to take us time to recover, for us to have a forensic audit of the financial systems of the United States, the regulatory authorities, the legislative bodies, and any individuals who were part of it so that we can learn from the mistakes that have been made, we can put in the transparency that is necessary to prevent it happening in the future, and we can restore the confidence of the American people in the American financial system.

I urge colleagues to look at the Financial Markets Commission, join Senator CONRAD and myself as cosponsors. Let's begin finding the answers that all of us seek and that the American public demands.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIG

Mr. HARKIN. Mr. President, I am sure my office is not the only one that has been flooded with calls, e-mails, and letters expressing anger—righteous anger—as to what happened at AIG. In fact, the person in charge of my mail told me our e-mails on this issue is running higher than anything that has happened in recent history.

Well, I am not just angry and disgusted at AIG, I am, frankly, kind of dumbfounded by how this has all happened. How in the world could AIG decide to pay retention bonuses worth millions of dollars to the very individuals whose reckless practices caused this meltdown on the global financial system? This truly sets a new gold standard for arrogance and being clueless.

Now, to add insult to injury, the CEO of AIG, Edward Liddy, told the House Financial Services Committee this

morning that these bonuses were “distasteful” but “necessary” because of contractual obligations. Mr. Liddy said he asked the bonus recipients to return half of the money. But he rebuffed the demand of 44 Senators, including me, that he renegotiate those contracts and recoup all of the bonus payments.

Now, for the AIG unit specifically responsible for much of the financial difficulties we are in to receive \$170 billion in taxpayers' money, and then to give these extraordinary bonuses to people who should have been fired a long time ago, is shameful and inexcusable—inexcusable—since the Federal Reserve and the Treasury knew about these bonus payments before they went out but did not act aggressively to stop them.

There is a broader context to the public's anger at AIG's misconduct. Bear in mind we are in the longest, deepest, most destructive economic downturn since the Great Depression. We are now losing jobs at a rate of about 650,000 a month. Millions of Americans are losing their jobs, their retirement savings, their pensions, their health insurance, and, yes, their homes.

But Americans look at Wall Street and Washington, and they see business as usual. They see alumni of Goldman Sachs and Citigroup arranging tens of billions in bailouts for their former Wall Street colleagues. They see corporate executives flying to Washington in expensive corporate jets to ask for taxpayer bailout money.

At a time when their incomes are stagnant, they see a rapidly rising concentration of wealth in the hands of a few, with the average CEO now making 430 times as much as the average worker. They see these hedge fund hotshots making tens of millions of dollars manipulating markets, while they get paid the minimum wage for doing some of the most difficult, draining work imaginable.

They see corporate executives getting gold-plated pensions worth tens of millions of dollars, while, in some cases, the very same corporation is slashing pensions for their rank-and-file employees.

Hard-working, ordinary Americans see these harsh realities and—with good reason—they get the idea there is one set of rules for the little people and a very different set of rules for the privileged and the well-connected and the wealthy. Call it the Leona Helmsley rule.

For instance, look at the double standard for key people at AIG. The Federal Government required union workers at GM and Chrysler—some making as little as \$14 an hour—to renegotiate their contracts and accept lower compensation as a condition for their employers getting taxpayer bailout money. But the compensation contracts at AIG are held up as somehow

sacrosanct and untouchable. Well, this is complete nonsense. Why shouldn't multimillionaire employees at AIG be treated the same as line workers at GM or Chrysler? Why shouldn't they have been required in the first instance to renegotiate their compensation contracts, as well, before we gave AIG all that money? To me, it is a matter of basic fairness and equity.

So the anger of the American people at AIG must be seen in this broader context. Hard-working Americans are sick and tired of playing by the rules and falling further and further behind, while the privileged and the well-connected break the rules and get richer and richer.

That is why the misconduct at AIG—these lavish bonus payouts to people who deserve to be fired—must not be tolerated. It is time for a measure of fairness and common sense.

Mr. President, 73 AIG employees were paid bonuses of \$1 million or more, and 7 in excess of \$4 million. Now we find that a number of these people who got these bonuses already left the company. We were told before the reason for the bonuses was to retain people. Well, we see a lot of these people have already left. So now the reason is because of a contractual—a contractual—obligation.

Well, even if an AIG executive had a contractual claim to a multi million bonus, one would think that contract has been abrogated. It has been a few years since I have been in law school, but I do remember a few things from contracts. Contracts can be abrogated.

For example, Mr. President, if you and I have a contract, and one party does not perform, the contract is abrogated. Contracts also can be abrogated by bankruptcy. We know that. If we have a contract, and one party goes bankrupt, the contract can be abrogated.

Well, let's look at it from those two standpoints.

Nonperformance: Well, it is funny. We have been told about these contracts, but has anyone ever seen one? I am talking about the contracts AIG had with the people who were getting the bonuses. They say they had a contractual obligation. I would like to see one of those contracts. What did it say?

Well, to listen to Mr. Liddy, evidently all the contract said is, if you are alive at a certain date you get a bonus. Now, I say to the Presiding Officer, you know as well as I do, bonus contracts are not made that way. Bonus agreements are made on the basis of performance. Surely, AIG did not make a contract with one of their employees that said: No matter what you do, no matter how much money you lose for this company, no matter the circumstances, we are going to give you a bonus. No one believes that.

So, herewith, I call upon Mr. Liddy to show us the contracts. Let us see

them. Let us see the contract that AIG had with all those people who got bonuses. I would like to see what it says. I would like to see if it just says: If you are alive on a certain date, you get the bonus no matter what you do.

I do not think it said that. I think those contracts said: If you do certain things, you get a bonus; or if you are here, we will give you a bonus to retain you; or you have to do certain performances. I would like to see those contracts.

Then I hear people in our own Government, in this administration, talking about the sanctity of contracts. Well, maybe they ought to go to law school—a couple of them—and find out that contracts can be abrogated. They can also be abrogated if they are unconscionable.

Public policy: This goes way back into British common law. But, again, that is a sort of maybe yes, maybe no. But courts have held contracts to be abrogated if it is in the public good or if it is unconscionable, for example, that these contracts were made. I would say in this case it would be unconscionable for someone who has been in charge of bringing this company down and lost more money than any corporate enterprise in history to receive a bonus payment, especially since it comes from the taxpayers.

Now, it might not be unconscionable if it came from stockholders, shareholders, other equity partners. But when it comes from the taxpayer, I would suggest it is unconscionable in this circumstance. So I do not know who these people are, talking about the sanctity of these contracts, but, obviously, on any one of those three items, surely those contracts cannot be held to be valid.

Now, the only reason these contracts are worth anything at all is because we stepped in and gave them all this money. If we allowed AIG to go bankrupt, these executives would probably not have gotten one cent of bonus. They would not have gotten one cent. So it really is unconscionable they would then take taxpayer money and give these bonuses out.

But, again, I repeat, we need to see these contracts so we can make a judgment as to whether Mr. Liddy is telling the truth. I have gone beyond accepting his word. I want to see the contracts.

Now, again, since AIG seems to have the responsiveness of a mule, it is time to hit them in the head with a 2 by 4. Congress has to step in. And I know the Presiding Officer, the distinguished Senator from New York, Mr. SCHUMER, has worked on a bill that I support that would reach out and get this money back to our taxpayers. I want to compliment my good friend from New York, the Presiding Officer, right now for doing that because basically that is the way we have to get the money back.

Ideally, I would tax at close to all income above \$400,000 not only at AIG but at all other companies that have taken TARP money, bonus or otherwise. State, local and foreign income taxes plus payroll taxes and the federal tax should add up to 100 percent on whatever is over \$400,000.

Now, I know Mr. Liddy asked for them to give back half of the money. To me, that is not acceptable. If somebody got \$4 million, and they are going to give \$2 million back, I am sorry, that is not acceptable. Go tell that to the line workers at GM and Chrysler who was asked to gave up some of their \$14 per hour or gave up some of their pension rights and things like that to get the bailout money.

Well, at any rate, I think there are 44 Senators on a letter, if I am not mistaken, now, I say to my friend from New York that says take those bonuses back or we stand ready to recoup those bonus payments, perhaps with an income tax of 91 percent.

I also say there was an amendment that was added to the stimulus bill, the American Recovery and Reinvestment Act, that limited executive pay at bailed out companies to \$400,000 annually and voided any contracts providing compensation above that level. The Senator from Missouri was the lead sponsor on that. I was a cosponsor on that amendment. It was accepted on the stimulus bill here in the Senate, and then it went to conference. Then it got dropped. Why did it get dropped? When did it get dropped? Who advocated dropping that in conference? I would like to know the answer to that question.

Now, again, you might say \$400,000 annually? Well, that was put in there because that is the salary of the President of the United States. We said nobody working for are TARP receiving company should make over that. You could get \$400,000, but nobody over that. But that was put in the stimulus bill, and then it got dropped mysteriously in conference. I ask, why?

Well, again, I say to the Presiding Officer, I think your work on this issue and I hope we act on the concepts we are urging soon; I do not know when, but the sooner the better—that the tax be as close to 100 percent as we can get. But, obviously, we have to minus the State and other income and payroll taxes that might be owed on that sum. That has to be taken out. I understand that. And, ideally, if some lower paid person, a secretary or someone like that, got—you do not want to bother them either. But you want to get at these people who were meddling and moving these credit default swaps and other financial instruments around and ratcheting them up and giving phony valuations to them. These are the people who should not be getting any of the bonus money whatsoever.

I would also like to see the Treasury become a much more aggressive watch-

dog and defender of the taxpayers' interests. When Wall Street lawyers say that outrageous compensation contracts must be honored—even under dramatically changed circumstances and even when we know the contracts can be abrogated by certain circumstances such as nonperformance and things such as that—we need Treasury lawyers who will say no, who will push back hard, be creative and tough-minded, doing everything possible to protect the taxpayers' interests.

Likewise, when the lawyers say AIG—which we must say now is the Federal Government because we own 80 percent of it. So when you are talking about AIG, you are talking about the Federal Government and taxpayers. So when Wall Street lawyers and the Treasury lawyers say taxpayers must pay 100 percent of payouts to counterparties on derivatives contracts, we need a Treasury that will do all that they can to say no and who will see to it that those counterparts, including Deutsche Bank and other big banks in Europe, have to take a haircut too. They have to share some of the pain. Again, after all, if we had let AIG go bankrupt, Deutsche Bank would have gotten nothing or very little. Yet to permit them to be made completely whole by the taxpayers of this country is not right.

We need to make it clear to AIG—and, again, we are focused on AIG, but we have to say this to all recipients of taxpayer bailout money that business as usual will not be tolerated. Incompetence, recklessness will not be rewarded. It is an insult and an affront to the American people that will not be allowed to stand. Not just at AIG but everyone else who is getting this so-called TARP money. It is time to be fair, and it is time to let the taxpayers of this country know we are going to stick up for them. We are not going to let this business as usual continue.

Again, I thank the Presiding Officer, for the time but also for his leadership on this issue, in making sure we go after these people and get this money back. I just hope we do it soon. The sooner we do it, the better off we are all going to be.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOLLOW AUTOWORKERS' EXAMPLE

Mr. LEVIN. Mr. President, much has already been made of the recent action by AIG to distribute \$165 million in bonuses for some of the very employees who contributed to the company's near

collapse, the loss to our Treasury of tens of billions of dollars, and the severe damage to our economy. I joined with 43 colleagues yesterday in signing a letter, which our Presiding Officer was instrumental in writing, to the chief executive officer of AIG to express our outrage that this kind of money could go out the door, when the only reason the company survives today is the \$170 billion in U.S. taxpayer dollars that has been pumped into AIG over the past 6 months.

I recognize that my disgust with this situation is far from unique. I wish to briefly discuss the appalling double standard revealed by the treatment of hundreds of thousands of honest autoworkers who are victims of the current financial crisis, compared to the treatment of a few hundred overpaid financial executives whose poor judgment and greed helped cause AIG's and our Nation's financial crisis.

Right now, in large part because of the mortgage fraud, sleazy lending practices, outrageous financial engineering, and inadequate regulatory oversight that caused the financial crisis, we are in a deep recession. The recession means people aren't buying cars, and many who want to buy a car cannot get a loan because credit is so tight. No one foresaw those circumstances back in 2007, when the UAW last negotiated a labor contract for this country's autoworkers. That 4-year contract was supposed to last through 2011. When the bottom fell out of the economy, the future of the big three auto companies was called into question. The auto industry came to the Federal Government for help, and we offered assistance in the form of bridge loans, with the understanding that all the stakeholders would have to sacrifice to make this a fair deal for taxpayers.

The autoworkers' response was not: We signed a 4-year contract and we are not changing a word.

They could have taken that position, but they didn't. Instead, the workers renegotiated their contract. They agreed to significant reductions in their pay and benefits. They are doing what they can to help their company survive and help get our Nation out of this economic ditch.

Contrast those autoworkers with the AIG executives. When the economy began tanking, AIG's stock nosedived, its assets plummeted in value, and the company lost its AAA credit rating. Due to hundreds of billions of dollars in commitments that AIG had issued, called credit default swaps, but which they failed to support with reserves, AIG's executives came hat in hand to the Government. The Government responded with billions of dollars in aid, not to protect AIG but to safeguard the U.S. economy from the threat posed by an AIG collapse.

AIG's executives, including the financial products division that helped bring

AIG down, were saved from bankruptcy. To recovery from AIG's financial fiasco and repay the Government loans, it should have been clear that everybody at AIG would have to make sacrifices to sustain the company and rebuild the U.S. economy. Unlike the autoworkers, however, AIG's executives didn't step to the plate. The 400 or so AIG employees at the Financial Products division signed employment contracts in the spring of 2008 that promised millions of dollars in bonuses and retention payments. When AIG attempted to renegotiate those employment contracts, the Financial Products executives refused. They demanded their millions, and AIG complied at the same time the company is borrowing tens of billions of dollars from American taxpayers.

This week, according to the information of the New York attorney general, Andrew Cuomo, 73 AIG executives received so-called retention bonuses of \$1 million or more. That is 73 millionaires out of the AIG fiasco that is taking billions of taxpayer dollars to fix. Eleven of those millionaires took the money and ran—they don't even work at AIG anymore.

Wall Street has been out of control for years now, with high-risk financial concoctions and with excessive compensation that is too often unrelated to performance or shareholder value. But the contrast between assembly line workers in the auto industry giving up their bonuses and benefits to keep the big three in business, while executives who drove AIG over a cliff thumb their noses at the very taxpayers bailing them out, is simply too much to go unnoticed.

The greed and chutzpah shown by these executives is reprehensible—unacceptable to me, unacceptable to my constituents and unacceptable to this body and to every American who believes, as I do, that our Nation perseveres through hard times by working toward our common interests and making shared sacrifice. American taxpayers are pouring billions into AIG, even as millions of Americans have lost their jobs. Many more have made sacrifices similar to the autoworkers to help their employers and their families survive.

AIG employees need to be clear: Without the U.S. Government, there would be no AIG, and they would have no job and no salary, let alone a bonus—let alone a \$1 million bonus. In these exceedingly difficult times, AIG executives should follow the example set by the American autoworkers and renegotiate their employment contracts and accept compensation that doesn't shock and offend the American taxpayers who are keeping their company and this economy afloat.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, H.R. 146 is the pending business; is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 683

Mr. COBURN. Mr. President, I call up amendment No. 683.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 683.

(Purpose: To prohibit funding for congressional earmarks for wasteful and parochial pork projects)

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON FUNDING FOR CONGRESSIONAL EARMARKS FOR WASTEFUL AND PAROCHIAL PORK PROJECTS.

Sections 7203, 7404, 13006, 10001 through 10011, and 12003(a)(3) shall have no effect and none of the funds authorized by this Act may be spent on a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands, a celebration of the 450th anniversary of St. Augustine, Florida, and its Commemoration Commission, the National Tropical Botanical Garden and the operation and maintenance of gardens in Hawaii and Florida, and a water project in California to restore salmon populations in the San Joaquin River or the creation of a new ocean exploration program to conduct scientific voyages to locate, define and document shipwrecks and submerged sites.

Mr. COBURN. Mr. President, this is the last of the amendments I will offer on this bill. These are specifically five particular directed authorizations and spending that really do not fit—maybe with the exception of one—that do not pass the smell test and do not pass the commonsense test. I have no delusions about how the Congress will handle this. We have demonstrated our inability to choke off our own parochial interests. These are five areas that, I believe, if the American people really knew what they were about, would reject out of hand.

This bill is going to cost the American taxpayers \$11 billion. If we adopt this amendment, we will reduce that by 10 percent.

In this bill is \$3.5 million for a birthday celebration for the oldest city in America, St. Augustine in Florida. That is going to occur 6 years from now. Think about that. We are in one of the most difficult financial times we have experienced. Families are being hit severely with unemployment, declining values of their savings, declining values of their No. 1 asset, their

home, and we are going to authorize \$3.5 million to study how to best have a birthday party in a town in America. It may be a great thing to celebrate this early city in our country, but it is not a great thing to steal \$3.5 million from the next two generations to pay for it. Noting, and I have said this on the floor, that we will have a \$2.2 trillion deficit this year, any example of less than the tightest fiscal ship ought to be made fun of, it ought to be brought forward, it ought to be made public so people can see it.

There is not a whole lot of difference between this and somebody inserting something in a bill to say the people who got the \$176 million worth of bonuses will be able to keep them. That is what happened in the conference. That is why the AIG problem is there, because some Member of Congress made it happen that way. We should be just as outraged when we see these kinds of projects earmarked in an authorization bill that do not pass the smell test either.

There is \$5 million for botanical gardens in Hawaii and Florida. We don't have to spend that money. That is an option. This is directed authorization to make sure when it comes to appropriations we know where it is going to go. It is going to go to somebody's benefit—some Congressman's benefit or some Senator's benefit.

So in this bill is a birthday celebration, \$5 million for botanical gardens in Hawaii and Florida, a controversial issue, to say the least, in terms of spending over \$1 billion on a settlement claim on a river. Prior to a dam being placed there, they already had a marked decline of the salmon run in it. That is what the historical records show. But we have a lawsuit and a Federal judge who says we are going to do this. By the way, we are going to put at risk \$11 billion worth of commerce in some of the most productive areas of California. The metric on spending the \$1 billion that has been agreed to is when you have 500 salmon. That comes out to over \$2 million a salmon. I have not figured that up by ounce, but it is pretty expensive salmon. It is not to say we should not do good things and right things to maintain fisheries and to maintain natural salmon runs. The fact is, this happened a long time ago, and it was diminished before there was ever an imprint in terms of damming in the waterway.

There is also \$250,000 to study Alexander Tyler's boyhood home in St. Croix, Virgin Islands, with the idea of making it a national landmark. First, it is not a priority—it cannot be a priority for us. It cannot be a priority that we would spend money right now at this time when we are facing these significant difficulties financially, when, in fact, we are going to borrow \$7,000 per person across the whole Nation more than we spend this year—

\$7,000. That works out to almost \$30,000 a family that we are going to borrow against our kids and our grandkids. And then we have the gall to say it is OK to spend money on this.

The final aspect is a study and an authorization to allow an unspecified amount for a new national ocean exploration program and undersea research program within the National Oceanic and Atmospheric Administration that is tasked to conduct scientific voyages to locate, define, and document historic shipwrecks. There is \$320 million authorized to be spent over the next 7 years on that. It may be something we want to do when we have our ship aright and our ship is not sinking, but to authorize and spend that money now on a new program to look for sunken ships does not pass the commonsense test this body ought to be about.

We already have the following that documents shipwrecks, old ones as well as new ones: the U.S. Coast Guard, the Library of Congress, 12 private museums, 8 libraries, 8 historical societies. And those are just a few. There are other Government sources, including the National Archives and Records Administration, Internal Revenue Service, Office of Distribution Services, the Defense Mapping Agency, the Smithsonian Institution, the Naval Historical Center, and the Federal Building, Great Lakes Courthouse papers. There are 12 separate museums and 8 other libraries and historical societies. There are 22 publications out this year on shipwrecks. Oh, there are nine U.S. Government shipwreck publications, and there are eight other additional sets of records in custody of the National Archives.

The other thing that this bill does is it throws five earmarks right at President Obama and says: We don't care what you said, we are going to do it anyway. It goes against his pledge. It goes against our pledge. It goes against the idea of change you can believe in. It diminishes hope when we have items such as this in this bill. It is discouraging to the people who are out there struggling that we would put such things in this bill. I understand they are authorizations and they may not happen. I agree that you ought to authorize earmarks before we do them. But I can tell you, I don't think these pass any resemblance to anything that has common sense.

I will talk about this again in the morning. Tomorrow, I also plan, before the final vote on this bill, to list specifically over 30 wilderness areas that the wilderness study said should not be transferred into wilderness as we do in this bill. Hear me clearly: 30 new wilderness areas which the study said should not be included in the wilderness area that we have included in wilderness in this new bill. Why spend the money on a study if you are not going to pay attention to it? Why did we waste all that money?

I will go through a limited but thorough critique of the bill again tomorrow.

I know the ranking member would like to speak and to praise a species of stamina and courage that I would only hope we would reflect in the Senate.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Alaska.

TRIBUTE TO LANCE MACKEY

Ms. MURKOWSKI. Madam President, my colleague from Oklahoma has given me a fine lead-in this evening to rise and tell an amazing story of an Alaskan dog musher named Lance Mackey and the story of his dog teams that carried him to yet another record-breaking victory today in the toughest race on Earth, and that is the Iditarod.

The story of Lance Mackey is not only amazing because of his skill and his determination in the sport of dog mushing, but Lance Mackey has also overcome some very incredible personal challenges. He had a victory over cancer that preceded his victories in the sport of dog mushing.

Lance is a lifelong Alaskan. He married his high school sweetheart. He has four children.

He was diagnosed with throat cancer after finishing in 36th place in the 2001 Iditarod sled dog race. After that race—the man doesn't give up—he had extensive surgery and radiation treatment.

He attempted to complete the Iditarod the following year, in 2002, after this surgery, but he had to scratch. He had to drop out of that race, taking time off from dog mushing to recover from his cancer and the surgery. He is now considered cancer free. He went on to win the Yukon Quest, one of the two major sled dog races in Alaska. He did this in 2005 and 2006. Then Lance Mackey went on to do what no one had done before and what most people consider absolutely impossible. In 2007 and 2008, he won both the Yukon Quest and the Iditarod, two incredibly grueling races, with only a week and a half in between each race to rest before he moved to the next event. For the first time in the history of the races, Lance had won both races, and he did so 2 years in a row. And today, Lance Mackey won the Iditarod yet again.

For those of you who may be unfamiliar with either the Iditarod or the Yukon Quest, these races are the world's two longest sled dog races. Both races span over 1,000 miles of really tough mountains, rugged mountains, frozen tundra, dense forests. These are true tests of dedication and determination. Not only does the rugged terrain pose immense obstacles, but they have the weather that factors in. It is starting to turn a little bit like spring around here, but back home it is still winter, and these mushers face temperatures which frequently drop to 30

or 40 degrees below zero. And then they have the wind that kicks up, winds gusting up to about 100 miles per hour. So you can imagine what the wind chill factor is as you are racing those dogs in the weather and the elements.

The annual Yukon Quest sled dog race is a 1,000-mile international trek. It goes from Fairbanks, AK, over to Whitehorse in Canada. Lance Mackey and his team of canine athletes have won this race 4 years in a row.

The race Lance won for the third consecutive year today is the 1,100-mile Iditarod sled dog race. This race starts in Willow, AK, and ends up in Nome, AK. The race commemorates the 1925 diphtheria serum relay. They ran dog teams in a relay to pass along a vaccine for diphtheria. They needed to get it from Anchorage, where it had come in by ship, to Nome. At that point in time, we didn't have the ability for air transport to get into Nome. So how do you move it and how do you move it quickly? Well, we resorted to a series of dog teams to move that serum north and to save the lives of those who were infected.

Today, the Iditarod is no longer run as a relay, but it is a race of individual dog sled teams. This 1,100-mile race takes the mushers into some incredibly beautiful areas. The journey they travel through—the Alaskan wilderness—is exceptionally beautiful. But as I mentioned, you not only have tough terrain but you have brutal weather. This year has been particularly tough, with the snow and the wind. It has caused delays, it has caused real setbacks with the mushers and the teams as they have been trying to go through high snowpack. There have been some accidents, there have been some sleds that have been lost, and it has been very difficult. We had some near hurricane-force winds that forced dog musher Lou Packer and his dogs to be airlifted to safety, and he and his team had to quit the race. He described what I would call life-threatening weather conditions by saying:

We were climbing over this mountain and we got hit by this wind that hit us like a hammer. The temperature dropped—started plummeting—and I lost the trail. And the wind started to build and build, and then the wind got bad, so I climbed in my sled and it was pretty much a survival situation at this point. I threw all the gear out of my sled and climbed in and zipped it up; it was probably 30, 35 below, I have no idea.

These are the types of individuals who train all year long with their dogs to prepare for this incredible race. So it is not just the musher whose success we celebrate but it is these incredible four-legged athletes that are absolutely astounding.

Some of the other mushers out on the trail are pretty extraordinary folks, such as John Baker, out of Nome, Sebastian Schnuelle and Aaron Burmeister. They were describing other conditions along the trail.

Schnuelle described it as brutal, but he said:

At times the wind was blowing so hard out of Shaktoolik that his dog team moved sideways.

Well, when you have about 15 or 16 dogs pulling a loaded sled and a musher and you have winds that are blowing you sideways, you know you are in some weather. He commented further:

First we had snow and wind. Now we have wind and wind.

Well, earlier this afternoon, thousands gathered at the famous burlwood arch on Front Street in Nome, AK, to cheer on Lance Mackey as his dogs carried him to victory over his extremely talented and resilient competitors from all over the world. This is an international race, most absolutely. Lance and his team of canines completed the race a little less than 3 hours short of 10 days.

Imagine yourself standing on the back of sled runners going over mountain ranges, going through ice and snow, in temperatures of 30 below and the wind howling at you. And that is fun, ladies and gentlemen. This is man and dog against Mother Nature, and the best teams sure are winning.

Alaskan newspapers tell a story of Lance's fired-up dog team after taking his only 24-hour break during the race. He broke in a town called Takotna. After the layover was completed—you have to rest for 24 hours, mandatory, because sometimes your teams don't want to rest; they want to keep moving. Well, after this layover was completed, Lance's 16 dogs were barking and pulling at their tug lines like they were leaving the race's starting line. Lance said he had this amazing run, and he was going to put the bale of straw out for the dogs to rest. He had every intention of stopping, but then he sees that his dogs are yelping and barking to get going, so he takes off. He said:

They're telling me what to do. So I dumped the straw, and it's been heaven ever since.

What you have here, with this individual musher, Lance Mackey, who cares so deeply for the health and the condition of these four-legged athletes, is a guy who has shown a great mastery of working with and training these canine athletes for the sport of dog mushing. The Anchorage Daily News last year, when he won, stated:

A musher doesn't win four straight 1,000 mile Yukon Quests and two straight Iditarods by making dogs run. He wins by making dogs want to run.

Lance describes working with his dogs this way: He says:

The biggest challenge working with a large team of dogs is the individual personalities. Like a classroom full of kids, all with issues, wants, questions, some barking wildly to get my attention, and then there are some who just do what needs to be done and require only a nod or a smile. Every dog is different. Every need is different. That is what I love.

The reward is seeing them all come together as a team working for a common goal. It's just cool.

I had the opportunity last week—when I was up in the State for the ceremonial start of the Iditarod—to go around and talk with the mushers and see all their teams. I had a chance to see Larry, his lead dog. My favorite is Lippy. I just kind of like the name, but Lippy has great little eyebrows. My favorite picture is with Lippy, but these dogs all have personalities unto themselves. And when they do come together as a team to do these incredible athletic feats, we must acknowledge and respect them.

Lance Mackey continues to impress all of us with his remarkable achievements and record-setting performances. He is an inspiration to others who struggle with cancer. He named his dog kennel up north the Lance Mackey's Comeback Kennel. I think that is most appropriate.

So it is my honor today to stand before the Senate to congratulate Lance Mackey and his team of amazing dogs. Lance is a world-class dog musher and a true Alaskan hero, and I wish him and his team continued success and good health in the future.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that tomorrow morning, March 19, following a period of morning business, the Senate proceed to H.R. 146; that upon the bill being reported, there be 20 minutes of debate equally divided and controlled between Senators BINGAMAN and COBURN or their designees; that upon the use or yielding back of this time, the Senate proceed to vote in relation to the amendments as listed below and that the order with respect to time prior to votes and vote sequencing remain in effect: amendment No. 677, No. 682, No. 683; that upon disposition of all amendments, there be 30 minutes of debate with respect to the bill, equally divided and controlled between Senators BINGAMAN and COBURN or their designees; that upon the use or yielding back of that time, the Senate then proceed as provided for under the order of March 17, with all other provisions remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that upon disposition of H.R. 146, the Senate proceed to a period of morning business with Senators allowed to

speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that we now proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARMARKS DEBATE

Mr. REID. Mr. President, for several months now we have been discussing earmarks or congressionally directed spending. This body has heard many false charges about earmarks. We have heard that earmarks amount to wasteful spending. We have heard that taxpayers should not support these projects. We have even heard that earmarks don't actually benefit our States.

Fortunately, my constituents understand that the rhetoric on earmarks doesn't match the facts.

Nevadans know that these projects are brought to me by their mayors, council members, and city managers. Nevadans know that, as their Senator, I understand their needs better than a faceless bureaucrat in Washington. And most importantly, Nevadans know how valuable earmarks are in a small State like ours to expand medical services, build infrastructure, and provide other services.

I ask unanimous consent to have printed in the RECORD the following editorial from Las Vegas Review-Journal columnist John L. Smith. Mr. Smith accurately points out the hypocrisy surrounding the earmarking debate and provides examples of many beneficial earmarks for Nevada.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From Las Vegas Review-Journal, Mar. 18, 2009]

JOHN L. SMITH: LET'S DO RIGHT-WING THING AND SEND THAT PORK BACK TO WASHINGTON

Here's your chance, Nevada.

This is your golden opportunity to unfurl old "Battle Born" and wave it proudly in the Libertarian breezes.

Come on, all you die-hard conservatives and daffy Obama critics who these days find yourselves chattering endlessly about the evils of pork barrel politics, "earmarks" and government waste in general. Take time out from calling into your favorite radio talk show and register your complaint.

This is the time to demand that your local and state officials return the \$100 million secured by Senate Majority Leader and Silver State Pork Farmer Supreme Harry Reid in the recent \$410 billion federal spending bill. (Meanwhile, Nevada's "hard-core conservative" John Ensign voted against the bill after putting his fingerprints on \$54 million in earmarks. And he didn't even blush.)

Many conservatives have assailed the latest federal shopping spree for being riddled

with "earmarks" at a time Congress had supposedly sworn off pork. You can't turn on a television or open a newspaper without running into the criticism.

So here's your chance, Nevada. Demand that your community's portion of the money be returned.

If wicked old Clark County wants to keep its share of the loot, that doesn't preclude the state's rural counties from taking a righteous stand and marking the metaphorical envelopes containing those federal hand-out checks "Return to Sender." Even if it isn't effective, just think how much publicity your town will generate by tossing that federal handout back into Uncle Sam's face.

Of course, criticizing government waste is easy. Rejecting it when it's your turn at the trough is more difficult. A quick perusal of the particulars of Nevada's \$100 million proves this out.

There's \$807,500 for the Nevada Fair Housing Foreclosure Effort, and another \$507,000 for the Access to Healthcare Network for uninsured Nevadans.

Remember the hepatitis C scandal? There's \$523,000 earmarked for the Southern Nevada Health District to fight that battle.

There's nearly \$1 million to assist the University of Nevada Health Sciences System nursing program and \$856,000 each for the Clark County and Washoe County school districts for dropout prevention.

There's more than \$800,000 for University of Nevada, Reno agriculture-related programs, and another \$269,000 to help Carson City battle erosion that followed the 2004 Waterfall Fire.

Come on, Carson. Just say no.

While Clark and Washoe counties receive by far the greatest percentage of federal funding for public safety improvements for everything from training facilities to DNA labs, the city of Fernley in Lyon County is due to get \$300,000 for law enforcement equipment.

While I've never thought much about the need for invasive weed control, there's \$235,000 for those who do at the Nevada Department of Agriculture. Presumably, they'll be controlling invasive weeds somewhere in the middle of Great Basin cattle country.

There's \$4.78 million for the Truckee Meadows Flood Control Project, another \$2.5 million for Truckee Canal Reconstruction. There's more than \$3 million for water treatment at Lake Tahoe and \$18 million for "rural Nevada water infrastructure and water quality projects."

There's money to study wildlife habitat in central Nevada lakes and to restore the Lahontan cutthroat trout population.

Inside town limits, there's \$608,000 to help Wells recover from its earthquake, \$150,000 to restore St. Augustine's Church in Austin, \$475,000 for the Virginia & Truckee Railroad, \$190,000 for the Amargosa Valley Community Center, \$300,000 for wastewater treatment in Goldfield, \$1.5 million for an interpretive center in Elko, \$285,000 for Truckee Meadows Community College low-income student recruitment, and \$24,000 to help poor schoolchildren in Lincoln County.

One of my serious favorites is \$381,000 for the Nevada Cancer Institute to fund the Hope Coach "mammovan," which will provide cancer screening for women in the state's many rural outposts.

This is a great project, but then I like pork spending.

Don't misunderstand: There's plenty to criticize about earmarks and federal spending. Nevada's list of big government projects made me scratch my head several times.

And there are compelling philosophical arguments to be made against wide-open government checkbooks and big deficits. Frankly, I'll be happy to have that discussion—as soon as lowly, care-worn Nevada finishes getting its share. Until then, I'll refrain from joining the Libertarian chorus.

That's the thing about pork.

It's easy to turn it down until the pig is roasted and the platter is passed to you.

STEM CELL RESEARCH

Mr. KYL. Mr. President, in a recent column for the Washington Post, "Obama's 'Science' Fiction," Charles Krauthammer exposes President Obama's efforts to destabilize the delicate balance between moral concerns over destroying embryonic stem cells and advancing medical research that can be universally accepted.

President Obama's recent decision to authorize expanded and seemingly unlimited Federal funding for stem cell research eviscerates the delicate balance forged by President Bush by forcing taxpayers to support embryonic creation and destruction. Mr. Krauthammer observed that some may "favor moving that moral line to additionally permit the use of spare fertility clinic embryos," but "President Obama replaced it with no line at all. He pointedly left open the creation of cloned and noncloned sperm-and-egg derived—human embryos solely for the purpose of dismemberment and use for parts." What is most concerning to me, and what Mr. Krauthammer succinctly exposes, is that President Obama's new embryonic stem cell policy is devoid of any ethical standards or guidelines. President Obama's decision makes the federal government the final arbiter in a moral argument that defies many Americans' core beliefs about the creation of life.

I ask unanimous consent that his column be printed in the RECORD and I urge my colleagues to consider his thoughtful views.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 13, 2009]

OBAMA'S 'SCIENCE' FICTION
(By Charles Krauthammer)

Last week, the White House invited me to a signing ceremony overturning the Bush (43) executive order on stem cell research. I assume this was because I have long argued in these columns and during my five years on the President's Council on Bioethics that, contrary to the Bush policy, federal funding should be extended to research on embryonic stem cell lines derived from discarded embryos in fertility clinics.

I declined to attend. Once you show your face at these things you become a tacit endorser of whatever they spring. My caution was vindicated.

President Bush had restricted federal funding for embryonic stem cell research to cells derived from embryos that had already been destroyed (as of his speech of Aug. 9, 2001). While I favor moving that moral line to additionally permit the use of spare fertility

clinic embryos, President Obama replaced it with no line at all. He pointedly left open the creation of cloned—and noncloned sperm-and-egg-derived—human embryos solely for the purpose of dismemberment and use for parts.

I am not religious. I do not believe that personhood is conferred upon conception. But I also do not believe that a human embryo is the moral equivalent of a hangnail and deserves no more respect than an appendix. Moreover, given the protean power of embryonic manipulation, the temptation it presents to science and the well-recorded human propensity for evil even in the pursuit of good, lines must be drawn. I suggested the bright line prohibiting the deliberate creation of human embryos solely for the instrumental purpose of research—a clear violation of the categorical imperative not to make a human life (even if only a potential human life) a means rather than an end.

On this, Obama has nothing to say. He leaves it entirely to the scientists. This is more than moral abdication. It is acquiescence to the mystique of “science” and its inherent moral benevolence. How anyone as sophisticated as Obama can believe this within living memory of Mengele and Tuskegee and the fake (and coercive) South Korean stem cell research is hard to fathom.

That part of the ceremony, watched from the safe distance of my office, made me uneasy. The other part—the ostentatious issuance of a memorandum on “restoring scientific integrity to government decision-making”—would have made me walk out.

Restoring? The implication, of course, is that while Obama is guided solely by science, Bush was driven by dogma, ideology and politics.

What an outrage. Bush’s nationally televised stem cell speech was the most morally serious address on medical ethics ever given by an American president. It was so scrupulous in presenting the best case for both his view and the contrary view that until the last few minutes, the listener had no idea where Bush would come out.

Obama’s address was morally unserious in the extreme. It was populated, as his didactic discourses always are, with a forest of straw men. Such as his admonition that we must resist the “false choice between sound science and moral values.” Yet, exactly 2 minutes and 12 seconds later he went on to declare that he would never open the door to the “use of cloning for human reproduction.”

Does he not think that a cloned human would be of extraordinary scientific interest? And yet he banned it.

Is he so obtuse as not to see that he had just made a choice of ethics over science? Yet, unlike Bush, who painstakingly explained the balance of ethical and scientific goods he was trying to achieve, Obama did not even pretend to make the case why some practices are morally permissible and others not.

This is not just intellectual laziness. It is the moral arrogance of a man who continuously dismisses his critics as ideological while he is guided exclusively by pragmatism (in economics, social policy, foreign policy) and science in medical ethics.

Science has everything to say about what is possible. Science has nothing to say about what is permissible. Obama’s pretense that he will “restore science to its rightful place” and make science, not ideology, dispositive in moral debates is yet more rhetorical sleight of hand—this time to abdicate decision-making and color his own ideological preferences as authentically “scientific.”

Dr. James Thomson, the pioneer of embryonic stem cells, said “if human embryonic stem cell research does not make you at least a little bit uncomfortable, you have not thought about it enough.” Obama clearly has not.

KENYA

Mr. FEINGOLD. Mr. President, two human rights defenders, Oscar Kamau Kingara and John Paul Oulu, were murdered in the streets of Nairobi, Kenya 2 weeks ago. I was deeply saddened to learn of these murders and join the call of U.S. Ambassador Ranneberger for an immediate, comprehensive and transparent investigation of this crime. At the same time, we cannot view these murders simply in isolation; these murders are part of a continuing pattern of extrajudicial killings with impunity in Kenya. The slain activists were outspoken on the participation of Kenya’s police in such killings and the continuing problem of corruption throughout Kenya’s security sector. If these and other underlying rule of law problems are not addressed, there is a very real potential for political instability and armed conflict to return to Kenya.

In December 2007, Kenya made international news headlines as violence erupted after its general elections. Over 1,000 people were killed, and the international community, under the leadership of Kofi Annan, rallied to broker a power-sharing agreement and stabilize the government. In the immediate term, this initiative stopped the violence from worsening and has since been hailed as an example of successful conflict resolution. But as too often happens, once the agreement was signed and the immediate threats receded, diplomatic engagement was scaled down. Now over a year later, while the power-sharing agreement remains intact, the fundamental problems that led to the violence in December 2007 remain unchanged. In some cases, they have even become worse.

Last October, the independent Commission of Inquiry on Post-Election Violence, known as the Waki Commission, issued its final report. The Commission called for the Kenyan government to establish a special tribunal to seek accountability for persons bearing the greatest responsibility for the violence after the elections. It also recommended immediate and comprehensive reform of Kenya’s police service. Philip Alston, the U.N. Special Rapporteur on extrajudicial killings, echoed that recommendation in his report, which was released last month. Alston found the police had been widely involved in the post-election violence and continue to carry out carefully planned extrajudicial killings. The Special Rapporteur also identified systematic shortcomings and the need for reform in the judiciary and Office of the Attorney General.

Despite these official reports, there has been very little action toward implementing these recommendations. The Kenyan government has not taken steps to establish the special tribunal. The police commissioner and attorney general, both heavily implicated in these problems, remain in their respective posts. Meanwhile, reported scandals involving maize and oil imports suggest that public corruption in Kenya remains pervasive and may be getting worse. This is generating increased public resentment that can easily be exploited by armed militias and turn violent. I am especially worried about these heightened hostilities given the tensions expected to surround Kenya’s census, which is scheduled for later this year and the potential for them to flow over into next year’s constitutional referendum, and ultimately the 2012 general elections.

There is a lot of talk these days about conflict prevention. I see no greater opportunity for conflict prevention in Africa right now than in Kenya. The international community needs to coordinate its efforts to ensure the Kenyan government addresses these fundamental problems of governance and rule of law. The United States has a key role to play in this regard, especially given our longstanding and historic partnership with Kenya. To that end, I was pleased that FBI Director Robert Mueller visited Kenya 2 weeks ago and delivered a very clear message: “Public corruption should be a priority for all investigation and prosecution agencies in the country.” We need to consistently reiterate that message and we need to back it up with concrete actions that both support reform and sanction individuals found guilty of kleptocracy.

In the months ahead, Kenya must get more attention from our senior government officials. I hope the Obama administration’s nominee for Assistant Secretary of State for African Affairs will be ready to give it that attention and develop an effective strategy for preventing conflict there. Allowing the status quo to persist will be far more costly in the long run. Kenya is an extremely important country for the stability of the Horn of Africa and East Africa; it is a country of great talent and entrepreneurship, rich history and diversity. With all those strengths, a promising and peaceful future is possible for Kenya and we must help its people to attain it.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have

dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Gas prices have not only affected our family for our vehicle but also in heating fuel. We live 15 miles from town and from our jobs, costing us an increase of \$400-500 a month. Our heating bills went from \$89 to \$389 a month. That has had great impact our family. I am sure that it has on many families. Our hope is that our legislators will find us the resources that available to lower the costs. The cost of living is above our wages for many people. Be it the wind and solar power something needs to done. Thank you for your time.

CINDY.

Thanks for the opportunity to comment. I am an architect and travel to construction sites. It is obvious. The cost goes up so I compromise with my clients; the price goes up a little to them and my already slim margin goes down. Everything is affected: transportation costs more so building materials cost more so we get less buildings and infrastructure for our money. My family gets to do less together.

The nonsense is everywhere. In Boise our Mayor wants to reinstitute a street car system. Why not create better bus schedules so people will ride and save billions? The "environmentalists" do not want us to recover our own resources because they are looking at the processes of oil, timber and mining of 50 and 100 years ago, not giving credit to the enormous progress those industries have made in their processes.

We have become a nation that consumes exponentially more than it produces. If we do not repair that imbalance, it will consume us destructively! Get the supply side in balance. Use our own resources. Bring much manufacturing home. (The unions have already priced themselves out of the market. They may have to give a little.) Extract our own resources in the environmentally safe and sound ways that are now known. Then do not export our resources.

Lastly, as I have been saying for 20 years, explore and support development of all logical alternative energy sources.

Thanks for the opportunity to do my own pontificating!!

DAVID, Boise.

Because all of the food in our area is trucked in the price of groceries is naturally going to go up. I worry about the young people that do not have large incomes and have families to feed. Please be our voice of reason in this tough time our wages stay the

same and everything else rises. Please do not let the rich run this country! Thank you for listening.

SHEILA, Idaho Falls.

Build nuclear energy plants.

Open ANWR, Wyoming, Utah and etc. The Great Salt Lake is covering a bed of oil, a little sludgy, but oil just the same, found by the only "off shore" rig set up there in the late 70s or early 80s.

Fight for our right to open up our off shore oil possibilities.

Tax incentives for solar energy for hot water, heating homes.

NANCY.

Thank you, Mr. Crapo, for this opportunity. In addition to my suggested impacts/solutions submitted yesterday, in addition to the obvious need to drastically streamline the NRC licensing process for nuclear reactors, perhaps the single largest improvement to dropping the costs of virtually all commodities, including crude oil, take all necessary measures to regain the value of the U.S. dollar. Its record weakness is impacting all market sectors virtually all commodities purchased abroad.

PAUL.

I think you should be pushing with all of your might to ramp up drilling for oil anywhere within our country and offshore. For too long, we have tried the policy of powder puff energy programs, ethanol, and environmentalist-led no drilling mandates. We are now trying to adjust our lives to survive the "raging successes" this policy has delivered to the American people. My family, my friends, and I are all getting really mad about this whole situation. It is blatantly obvious that our current policies are total failures. If this cannot be seen by our elected representatives, then maybe we need some new people capable of rational thought.

New technology, new power sources and innovative ways to address our energy needs are embraced and supported by the majority of Americans. However, the same majority fully understands that it will take years, even decades, to transition into these systems. While we are enduring this transition, why punish ourselves with ever-escalating energy costs by squandering our own natural resources.

Last September, I made a wonderful trip to Eastern Europe (former Iron Curtain countries). While enjoying a coffee at an outside café in "Old Warsaw", an old Polish gentleman walked up and politely asked if he could sit down and talk to me. He knew we were speaking English but was unsure if we were Americans, Canadians, Australians, etc. When I said we were Americans and he was most welcome to sit down, he was delighted. Without hesitation, he started in on me by saying "do not you Americans realize that oil is a global commodity"? We all pay the world price per barrel. He continued by saying that we were sitting on a ton of oil resources that we "smugly" refuse to develop and thereby raise the price of oil for everybody. Maybe, he said, you guys can afford it but we cannot. "We Poles simply cannot understand why it is not obvious to you what the production of 2 or 3 million barrels of oil per day by you Americans from your own resources would do to prices and your own reputation around the world". What could I say? He was right. Before leaving, the old man looked me straight in the eye and said "remember, no country is so rich that it can afford to squander it is natural resources".

Drilling is a winner in many ways. By increasing supply we will temper, even lower prices for crude. We will decrease our dependence on hostile foreign suppliers whose production can be disrupted at any time by a few radical people. New, well-paying jobs for Americans will be developed. National security will be advanced by not depending on anyone for our energy needs. Last, but not least, we will always need petroleum. I do not care what energy source drives our cars in the future, they will roll on tires made from petroleum, their bearings and moving parts will be lubricated and cooled by petroleum based products. Our homes will be built with plumbing pipes made from petroleum. The plastics used in cars and untold millions of domestic uses are all petroleum based.

It is finally time we let the radical environmentalists know that we gave them their chance to lead us to the energy promised land and they have failed totally. The environmentalists have always been a noisy bunch while the rational thinkers have sat in the background. This is starting to change; the regular people are getting worked up and involved. Some meaningful new direction is now being demanded. The one thing we have not tried is drill and increase supply along with some new refining capability. We, at last, are getting tired of paying unbelievable prices and sending all the money offshore. We are getting tired of watching a bunch of pompous politicians hold stupid hearings and try to lay the whole problem at the feet of "Big Oil". Contrary to popular opinion, we are a little smarter than that. I do not think the politicians realize what absolute fools they are making of themselves. Are we supposed to take our business to "Little Oil"?

Bottom line, this issue is so big and important, something is going to happen, and you can count on it. Pie in the sky dreams will not make it, business as usual will not make it, and only straight forward policies that address our real energy needs in the shortest possible time will make it. It is popular among the liberal opposition to say that we cannot drill our way out of this problem. Our answer should be that we have tried all of your ideas and things have only gotten worse. It is people like you liberals who say we cannot drill and succeed, why should the average American believe your analysis when you have done nothing but fail in a huge way.

DENNY.

I have no answer to the problem other than I know doing nothing is not the answer. If 80% of Americans are in favor of offshore drilling, then why are we not doing it? I would like to see the government say to auto manufacturer who are building cars in America with only 100% American-made auto parts, build a car that can run with whatever fuel that does not need gas and we will do something to help you. I am 80 years old and not smart enough to know what that is or how to do it but if the incentive was there it would get done and make jobs for Americans.

HAROLD.

I send this letter and information speaking for myself as an individual and not the INL. I am a senior engineer at the Idaho National Laboratory with 19 years of experience working here doing heat transfer modeling. I received a Masters Degree in Mechanical Engineering from BYU in 1989. I just recently submitted a patent to the U.S. patent office through the INL concerning a method to create all of our liquid transportation fuels with

a new process we are researching. The process uses high temperature steam electrolysis (HTSE) to produce hydrogen, with electricity supplied by non-fossil power plants. Biomass is used as the carbon source and heat source for this cycle. When combining the biomass gasification products with the hydrogen produced from HTSE, liquid hydrocarbon fuels can be created with such processes as the Fischer-Tropsch process. With this process, we could make 13 million barrels of liquid hydrocarbon transportation fuel each day that would go along with 7 million barrels produced from U.S. oil supplies for the total of 20 million barrels per day that we currently use. This means that we would not need to import any oil from anyone. The success of this process includes a huge amount of fossil-free electricity. This can only be done with several hundred large nuclear electricity power plants. These plants do not need to be the NGNP or GEN-IV plants, but would be beneficial if they are. The biomass gasification would supply the heat source for the HTSE. We do not need an NGNP to supply the heat source for the HTSE. This process converts more than 90% of the carbon in the biomass to liquid fuels, while cellulosic ethanol converts only 30%.

I am absolutely convinced after many years of thinking about this that this will solve our nation's energy problems. In order to accomplish this feat, the following needs to occur:

(1) Increase the DOE funding for researching this promising cycle by:

(a) Analyze, Develop, and Build a small scale version of this production facility using Eastern Idaho biomass and create liquid hydrocarbon transportation fuels.

(b) Drastically increase the funding for High Temperature Steam Electrolysis performance, reliability, mass production, and cost.

(c) Send funding to solve the nuclear fuel cycle for recycling nuclear waste.

(2) With this huge increase in electrical power production capacity, drastically increase the fleet of U.S. vehicles using the plug-in hybrid methodology. These plug-in hybrids solve our social need to be able to use electricity for short trips to work each day, or liquid hydrocarbon fuels in a long trip across the country. These are absolutely the way to go as they are very fuel efficient and let us keep our wonderful life-style that we enjoy here in America.

(3) Absolutely under no circumstance invoke the "carbon tax". This will only send money from the rich nations to the poor nations. If I ever hear anyone use the phrase "carbon tax" again, it shows how uneducated they are on this topic. The only source of carbon to the earth's atmosphere is the combustion of fossil fuels. This is a one way street for the carbon from underground to the earth's atmosphere where it will stay for many hundreds if not thousands of years. This phrase needs to be renamed "fossil tax". You can only tax people that take the carbon out of the ground and sell it to be combusted and put in the atmosphere. All of the other carbon in the world like ethanol production needs to be left alone, because it only recycles carbon from the atmosphere back to the atmosphere again.

Thank you for your attention to this email. I would dearly love to go over all of this with you in person. Please let me know how we can meet together.

GRANT.

I thank you for the opportunity to share with you my views on climate change. My

husband and I recently made the decision for me to stay home with our 9-month-old daughter. Even though this has impacted our monthly income, we nevertheless feel the increased fuel prices are a good thing for our nation. It is about time we start paying the real price of oil. When I hear stories of friends selling their trucks for smaller cars, I grin ear-to-ear. For me, the high prices have caused me to limit my trips to town and purchase more goods online (especially from sites where the shipping is free). For my husband, he will begin commuting to work by bike two days/week. The concept of drilling for more domestic oil is a Band-aid approach to our need for more oil. We would not see the results for years and they would only be short-lived. Instead, states should be focused on building city infrastructure and public transportation systems to accommodate the new reality of high fuel prices. As a nation, we should provide incentives for alternative energy research. As a resident of Boise, I am more than willing to utilize the bus system. However, Valley Ride severely lacks what the Treasure Valley would need to make it an appealing option. I came from a city where I utilized two forms of public transportation a day (bus and light rail). It was a inconvenient in some ways but mostly wonderful considering I saved on gas money, read my book and felt great about doing 'my part' to help the environment. Besides helping residents, a new and innovative public transportation system appeals to those visiting our beautiful valley as well. Our infrastructure and public transportation system in the Treasure Valley lacks the innovation, efficiency and foresight to become a real option for those feeling the crunch of high gas prices. It is too bad that as a nation, state, and county we are so reactive to issues like this rather than leaders! Why not address the local changes that we can make right here and now that will only continue to benefit and serve us going forward?

ALLISON, Boise.

Thank you for giving me the opportunity to tell how the rising cost of gasoline is affecting my family. Just yesterday, I had to cancel reservations I had made back in March for a family vacation to the Oregon Coast in September. This "yurt" vacation was going to be the highlight of our year. In fact, we had been planning it since early in March. Already living on a tight budget, this simple vacation would have been an extravagance for us. But I was only able to budget up to \$4 a gallon for gas. Now that the price of gas has reached the \$4 mark and is expected to be much higher by September, we had no choice but to cancel. We will be taking a "staycation" instead.

My husband and I share one automobile and are already conservative with our driving. Most days, he drives from our house to the nearest bus stop (about 3 miles) to take a crowded bus to work in downtown Boise. On the one to two days a week that I need the car to drive to work, I have to get him to and from the bus. We have been doing this for over a year now. Our budget already required this of us when gas prices were under \$3 a gallon. We seem to have no other way to cut back. My husband has been trying to get a job near where we live which would enable him to ride his bicycle to work but, so far, he hasn't been able to. For us, driving less to save dollars at the pump means giving up some time we would usually spend visiting with family and friends, most of whom live 30 miles from us.

Perhaps the biggest way this has affected my family is that we have continued to be

unable to afford health insurance. Though my husband has had a couple of good raises over the past year and a half (and is insured through his employer), those raises were eaten up in rising fuel and grocery prices. So, I have been unable to budget in the nearly \$400 month it would cost to put myself and our two boys on health insurance.

Again, thank you for this opportunity!

SUSAN, Meridian.

I do not know if this will really help you, but anything is worth a try, especially for the whole of the United States.

My story begins about a year ago, when I discovered I was pregnant. My husband is blind! He receives SSI. Because of this, if I work fulltime and gross \$1,400 in a month, the United States government takes away his SSI. OK, no problem. If I claim our daughter and my husband, then not enough taxes will be taken out, and I will owe at the end of the year and struggle to pay what I will owe. If I do not claim our daughter and my husband, then to survive every month will be a challenge because my net income (take home) will be roughly half and then that leaves little to pay the bills (as if we have enough now). So I work parttime, and we still cannot pay all our bills.

Our electricity bill was over \$200 in one month, during this last winter. With our daughter being a newborn, we just did not want to risk the temperature lower than 65 degrees, which is where we kept our thermostat, just to try to keep the electric bill down. We did receive energy assistance; that helped. However we are still behind in our electric bill, and, to be perfectly honest with you, if I was to work fulltime, I could not afford the fuel in the car. My car is a 1989 GEO Tracker which gets up to 25-28 miles per gallon. So where does that leave my husband, our daughter and me? Broke and completely reliant on the government to survive, especially with the cost of food going up. Our \$900 stimulus check is not going to the economy; it is going to pay credit card debt, just as my income tax return did.

Well, hopefully this will help you in your fight on Capitol Hill.

CHRISSY, Sagle.

ADDITIONAL STATEMENTS

RECOGNIZING DUKE EYE CENTER

• Mr. BURR. Mr. President, today I recognize the Duke Eye Center in North Carolina for its determined efforts to promote awareness, treatment, and prevention of glaucoma. Glaucoma, an optic nerve disease, is the leading cause of incurable blindness in the United States. Worldwide, 70 million people suffer from the disease, 2.2 million of those in the United States. Because the disease does not usually show signs until the point that irreversible vision loss occurs, the development of early detection and prevention strategies is imperative.

We recently observed World Glaucoma Day, on March 12, 2009. In light of this important observance, I express my thanks for the researchers and staff at the Duke Eye Center, who are devoted to the task of uncovering the cause of glaucoma. Historically, most research and treatment has focused on

reducing elevated pressure within the eye. However, not everyone with glaucoma has elevated pressure, and not everyone with elevated pressure develops glaucoma. Researchers at the Duke Eye Center are working diligently to uncover other possible causes of the disease. Researchers and clinicians have excellent working relationships, collaborating on genomics, oxidative stress, and even links to Alzheimer's disease. They are performing cutting edge research, while at the same time delivering cutting edge patient care.

In 2008, Ophthalmology Times ranked the Duke Eye Center fourth best among U.S. ophthalmology programs. I applaud their hard work and achievements in the diagnosis, treatment, and prevention of glaucoma.●

HONORING BANCROFT CONTRACTING CORPORATION

● Ms. SNOWE. Mr. President, today I wish to recognize a Maine small enterprise that epitomizes the values and commitment necessary to excel not only as a business, but also as a leader in the community. Bancroft Contracting Corporation, located in the western Maine town of South Paris, is one of the leading general contractors in Maine, and does superb work in industrial and commercial markets throughout New England. I am extremely proud to report that the Small Business Administration has named Bancroft's president, Mark A. Bancroft, the 2009 Maine Small Business Person of the Year.

Bancroft Contracting is a second-generation, family-owned company that provides a wide range of construction and industrial maintenance services to an array of diverse markets. Founded in 1977 by Al Bancroft, the firm's customers include pulp and paper manufacturers, power-generating companies, State transportation departments, and cement and plastics manufacturers. Additionally, Bancroft Contracting supplies thousands of cubic yards of reinforced concrete every season for a variety of projects that include dams, bridges, and large commercial foundations. The company employs more than 130 construction professionals in the winter months and upwards of 200 in the summer. Bancroft's employees represent a wide spectrum of construction professions, from structural welders and pipe fitters, to riggers and ironworkers, and they all possess an extraordinary level of expertise in their specialized areas.

Bancroft Contracting prides itself on relationship-based customer service, and the company responds diligently to all customer requests in a prompt and efficient manner. In a similar vein, Bancroft takes care to contribute significantly to the well-being of the western Maine community. Organizations and institutions that have bene-

fited from Bancroft's generous contributions and services over the years include the University of Maine, the area school department, the Boy Scouts, various local sports teams, Kiwanis, and the Rotary Club.

As Bancroft's president for the past 7 years, Mark Bancroft has had a significant impact on the company's direction. He is a graduate of the construction management technology program in the School of Engineering Technology at the University of Maine. Notable, he started his tenure at Bancroft Contracting at the age of 14 and continued working for the company throughout high school and college. Mr. Bancroft learned the business at an early age and received critical training from many of the company's skilled craftsmen.

Mr. Bancroft's desire to roll up his sleeves and his ability to understand the business from the ground up has earned him the respect of both his employees and customers alike. Before becoming president in 2002, he worked in a variety of capacities throughout the years, serving as a project manager, human resources manager, operations manager, and vice president of operations. It is this intricate knowledge of the business, along with his distinguished leadership, that has resulted in Bancroft's tremendous 19 percent growth over the last 3 years, defying the downward trend of too many firms during these difficult economic times.

Additionally, Mr. Bancroft serves on several boards of trustees and directors, including, the Paris Utility District, University of Maine Construction Management Technology Industrial Advisory Council, Associated General Contractors of America Education Foundation Trust, and Self Insured Workers Compensation Group Trust. And just last week, Mr. Bancroft was elected chair of the Associated General Contractors of Maine.

On a personal note, in the winter of 2008, Mr. Bancroft donated the use of a crane and several employees to the town of Bethel to help the community construct Olympia SnowWoman. This architectural feat is now in the "Guinness Book of World Records" as the largest snowwoman at 122 feet and 1 inch tall—and what a record to hold! I am proud that Mr. Bancroft played such an integral part in a project that brought a great sense of community pride to Bethel and to Maine.

It is my distinct honor to congratulate Mark Bancroft, an immensely deserving individual, as the SBA's 2009 Small Business Person of the Year in Maine, and I extend my best wishes to everyone at Bancroft Contracting for their continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:37 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 628. An act to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

H.R. 955. An act to designate the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the "John 'Bud' Hawk Post Office".

H.R. 1323. An act to require the Archivist of the United States to promulgate regulations regarding the use of information control designations, and for other purposes.

H.R. 1429. An act to provide for an effective HIV/AIDS program in Federal prisons.

H.R. 1512. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 628. An act to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; to the Committee on the Judiciary.

H.R. 955. An act to designate the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the "John 'Bud' Hawk Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1323. An act to require the Archivist of the United States to promulgate regulations regarding the use of information control designations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1429. An act to provide for an effective HIV/AIDS program in Federal prisons; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources:

Special Report entitled "History, Jurisdiction, and a Summary of Activities of the Committee on Energy and Natural Resources During the 110th Congress" (Rept. No. 111-8).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 146. A bill to amend the Federal anti-trust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads (Rept. No. 111-9).

By Ms. MIKULSKI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 277. A bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL:

S. 627. A bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself, Mr. BROWNBACK, Ms. COLLINS, Mr. JOHNSON, and Mrs. MURRAY):

S. 628. A bill to provide incentives to physicians to practice in rural and medically underserved communities; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. VOINOVICH, and Mr. KOHL):

S. 629. A bill to facilitate the part-time reemployment of annuitants, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. WHITEHOUSE, and Mr. SESSIONS):

S. 630. A bill to make technical amendments to laws containing time periods affecting judicial proceedings; to the Committee on the Judiciary.

By Mr. KOHL (for himself, Ms. COLLINS, Mr. COCHRAN, Mr. KERRY, Mr. WHITEHOUSE, Mr. BINGAMAN, Mr. LEVIN, Mr. CASEY, Mrs. LINCOLN, Ms. KLOBUCHAR, Ms. STABENOW, and Mr. BAYH):

S. 631. A bill to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. CRAPO, Mrs. LINCOLN, Ms. SNOWE, Mr. ROBERTS, Mr. ENZI, and Mr. ENSIGN):

S. 632. A bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly; to the Committee on Finance.

By Mr. TESTER (for himself, Mr. BAUCUS, Mr. JOHNSON, Mr. BINGAMAN, and Mr. DORGAN):

S. 633. A bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes; to the Committee on Indian Affairs.

By Mr. HARKIN:

S. 634. A bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY:

S. 635. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. THUNE (for himself, Mr. TESTER, and Mr. CHAMBLISS):

S. 636. A bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 637. A bill to authorize the construction of the Dry-Redwater Regional Water Authority System in the State of Montana and a portion of McKenzie County, North Dakota, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. CANTWELL:

S. Res. 76. A resolution expressing the sense of the Senate that the United States and the People's Republic of China should work together to reduce or eliminate tariff and nontariff barriers to trade in clean energy and environmental goods and services; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mr. VOINOVICH):

S. Res. 77. A resolution expressing the sense of the Senate that the United States and the People's Republic of China should negotiate a bilateral agreement on clean energy cooperation; to the Committee on Foreign Relations.

By Mr. CHAMBLISS (for himself and Ms. LANDRIEU):

S. Res. 78. A resolution designating March 22, 2009, as "National Rehabilitation Counselors Appreciation Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 21, a bill to reduce unintended pregnancy, re-

duce abortions, and improve access to women's health care.

S. 144

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Alabama (Mr. SESSIONS), the Senator from Oklahoma (Mr. INHOFE) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 180

At the request of Mr. BENNET, his name was added as a cosponsor of S. 180, a bill to establish the Cache La Poudre River National Heritage Area, and for other purposes.

S. 183

At the request of Mr. BENNET, his name was added as a cosponsor of S. 183, a bill to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area.

S. 184

At the request of Mr. BENNET, his name was added as a cosponsor of S. 184, a bill to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado.

S. 185

At the request of Mr. BENNET, his name was added as a cosponsor of S. 185, a bill to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes.

S. 186

At the request of Mr. BENNET, his name was added as a cosponsor of S. 186, a bill to establish the South Park National Heritage Area in the State of Colorado, and for other purposes.

S. 187

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 187, a bill to provide for the construction of the Arkansas Valley Conduit in the State of Colorado.

S. 188

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 188, a bill to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes.

S. 189

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 189, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

S. 190

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 190, a bill to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado.

S. 191

At the request of Mr. BENNET, his name was added as a cosponsor of S. 191, a bill to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge.

S. 243

At the request of Mr. CARDIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 243, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements for gross income.

S. 277

At the request of Mr. REED, his name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

At the request of Mr. CASEY, his name was added as a cosponsor of S. 277, *supra*.

At the request of Mr. BYRD, his name was added as a cosponsor of S. 277, *supra*.

S. 407

At the request of Mr. AKAKA, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 407, a bill to increase, effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 462, a bill to amend the Lacey Act Amendments of 1981 to pro-

hibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 475

At the request of Mr. BURR, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 491

At the request of Mr. WEBB, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 506

At the request of Mr. LEVIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 506, a bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes.

S. 511

At the request of Mr. BROWNBACK, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 527

At the request of Mr. THUNE, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 527, a bill to amend the Clean Air act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production.

S. 528

At the request of Mr. WHITEHOUSE, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 528, a bill to prevent voter caging.

S. 535

At the request of Mr. NELSON of Florida, the names of the Senator from

West Virginia (Mr. BYRD) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 542

At the request of Mr. REID, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 542, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 546

At the request of Mr. REID, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 572

At the request of Mr. WEBB, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 572, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 599

At the request of Ms. COLLINS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 611

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. BOXER), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 611, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 620

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 620, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. RES. 49

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 49, a resolution to express the sense of the Senate regarding the importance of public diplomacy.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 627. A bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. KOHL. Mr. President, today I am doing my part to end the growing crisis of high school dropouts. I am introducing the Fast Track to College Act, a bill to increase high school graduation rates and improve access to college through the expansion of dual enrollment programs and Early College High Schools. Such programs allow young people to earn up to two years of college credit, including an Associate's degree, while also earning their high school diploma.

As our country struggles with an economic recession, I believe we must continue to invest in our public schools. While we must carefully consider how taxpayer dollars are spent during these trying times, education is one of the wisest investments we can make, and it is an investment that must be made now, before our children fall farther behind.

Education provides an outstanding return on investment for taxpayers, and it builds the foundation for future economic growth. Young people who drop out of high school are at increased risk for unemployment and incarceration, and they are more likely to depend on public assistance for healthcare, housing, and other basic needs. Conversely, adults with a bachelor's degree will earn two-thirds more than a high school graduate over the course of their working lives, and they are much less likely to experience unemployment or rely on social programs.

Our Nation's future depends on how we respond to the growing crisis in our schools, especially the rising number of high school dropouts. This generation of Americans is the first in history to be less likely to graduate from high school than their parents, and the U.S. is the only industrialized Nation where that is the case. This is not a sustainable trend if we hope to remain powerful and prosperous. Recent reports have illustrated the enormous challenge: the national graduation rate is only 70 percent, and is significantly lower in many large urban school districts. For example, my home state of Wisconsin has a relatively high graduation rate of 86 percent, but that rate drops to only 46 percent in the urban schools in Milwaukee. Such an achievement gap cannot continue.

As we work to reauthorize the No Child Left Behind Act, we must find solutions to the growing dropout crisis and provide opportunities for young people to pursue higher education. More funding is not the only answer for

the problems in our schools—we must also reform our whole approach to education. We must ensure that young people are being equipped with the skills they need to compete in a 21st century economy. In particular, we can no longer view a high school diploma as a satisfactory goal for students. In today's world, students need at least two years of college or technical education in order to secure a well-paying job and provide for themselves and their families.

That is why I ask my colleagues to support this bill, which provides competitive grant funding for Early College High Schools and other dual enrollment programs that allow low-income students to earn college credit and a high school diploma at the same time. These programs put students on the fast track to college and increase the odds that they will not only graduate, but go on to continue their education and secure higher-paying jobs. The Gates Foundation has been funding evaluations of such programs for several years now, and they have shown incredible promise as a tool for increasing attendance, graduation, and college enrollment rates, particularly among low-income high school students. Students are motivated by a challenging curriculum and the tangible rewards of achievement, including free college credit and exposure to career opportunities. This free college credit is critically important, especially in this economy, as family savings dwindle and tuition costs continue to rise. Dual enrollment programs can provide just enough costs savings to make college affordable, especially for low and middle-income families who might think it is out of their reach.

Specifically, this bill authorizes \$140,000,000 for competitive 6-year grants to schools, with priority given to schools that serve low-income students. The funding will help defray the costs of implementing new programs, strengthening existing programs, and providing students and teachers with the resources they need to succeed in early college high schools and other dual enrollment programs. The bill also includes \$10 million for states to provide support for these programs, as well as an evaluation component so we can measure the program's effectiveness.

I am proud to sponsor this legislation because I believe this investment in our schools will help solve the dropout crisis and secure America's future by ensuring that all young people can compete in today's global economy. Further, I believe that all children, regardless of income or other factors, deserve equal opportunities to fulfill their potential, and it is both morally and fiscally responsible for this Congress to invest in high-quality educational programs that help them reach that potential.

While our country faces unprecedented challenges at this moment in history, I believe we also face incredible opportunities to shape our future. I look forward to working with my colleagues in the Congress to reinvest in a world-class education system that will move our country forward into the 21st century.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fast Track to College Act of 2009".

SEC. 2. PURPOSE.

The purpose of this Act is to increase high school graduation rates and the percentage of students who complete a recognized postsecondary credential by the age of 26, including among low-income students and students from other populations underrepresented in higher education.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) **DUAL ENROLLMENT PROGRAM.**—The term "dual enrollment program" means an academic program through which a high school student is able simultaneously to earn credit toward a high school diploma and a postsecondary degree or certificate.

(2) **EARLY COLLEGE HIGH SCHOOL.**—The term "early college high school" means a high school that provides a course of study that enables a student to earn a high school diploma and either an associate's degree or one to two years of college credit toward a postsecondary degree or credential.

(3) **EDUCATIONAL SERVICE AGENCY.**—The term "educational service agency" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) **ELIGIBLE ENTITY.**—The term "eligible entity" means a local educational agency, which may be an educational service agency, in a collaborative partnership with an institution of higher education. Such partnership also may include other entities, such as a nonprofit organization with experience in youth development.

(5) **INSTITUTION OF HIGHER EDUCATION.**—The term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965.

(6) **LOCAL EDUCATIONAL AGENCY.**—The term "local educational agency" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(7) **SECRETARY.**—The term "Secretary" means the Secretary of Education.

(8) **LOW-INCOME STUDENT.**—The term "low-income student" means a student described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.

(a) **IN GENERAL.**—To carry out this Act, there are authorized to be appropriated \$150,000,000 for fiscal year 2010 and such sums

as may be necessary for each of fiscal years 2011 through 2015.

(b) **EARLY COLLEGE HIGH SCHOOLS.**—The Secretary shall reserve not less than 45 percent of the funds appropriated under subsection (a) to support early college high schools under section 5.

(c) **OTHER DUAL ENROLLMENT PROGRAMS.**—The Secretary shall reserve not less than 45 percent of such funds to support other dual enrollment programs under section 5.

(d) **STATE GRANTS.**—The Secretary shall reserve 10 percent of such funds, or \$10,000,000, whichever is less, for grants to States under section 9.

SEC. 5. AUTHORIZED PROGRAM.

(a) **IN GENERAL.**—The Secretary is authorized to award six-year grants to eligible entities seeking to establish a new, or support an existing, early college high school or other dual enrollment program.

(b) **GRANT AMOUNT.**—The Secretary shall ensure that grants are of sufficient size to enable grantees to carry out all required activities and otherwise meet the purposes of this Act, except that a grant under this section may not exceed \$2,000,000.

(c) MATCHING REQUIREMENT.—

(1) **IN GENERAL.**—An eligible entity shall contribute matching funds toward the costs of the early college high school or other dual enrollment program to be supported under this section, of which not less than half shall be from non-Federal sources, which funds shall represent not less than the following:

(A) 20 percent of the grant amount received in each of the first and second years of the grant.

(B) 30 percent in each of the third and fourth years.

(C) 40 percent in the fifth year.

(D) 50 percent in the sixth year.

(2) **DETERMINATION OF AMOUNT CONTRIBUTED.**—The Secretary shall allow an eligible entity to satisfy the requirement of this subsection through in-kind contributions.

(d) **SUPPLEMENT, NOT SUPPLANT.**—An eligible entity shall use a grant received under this section only to supplement funds that would, in the absence of such grant, be made available from non-Federal funds for support of the activities described in the eligible entity's application under section 7, and not to supplant such funds.

(e) **PRIORITY.**—In awarding grants under this section, the Secretary shall give priority to applicants—

(1) that propose to establish or support an early college high school or other dual enrollment program that will serve a student population of which 40 percent or more are students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)); and

(2) from States that provide assistance to early college high schools or other dual enrollment programs, such as assistance to defray the costs of higher education, such as tuition, fees, and textbooks.

(f) **GEOGRAPHIC DISTRIBUTION.**—The Secretary shall, to the maximum extent practicable, ensure that grantees are from a representative cross-section of urban, suburban, and rural areas.

SEC. 6. USES OF FUNDS.

(a) **MANDATORY ACTIVITIES.**—An eligible entity shall use grant funds received under section 5 to support the activities described in its application under section 7, including the following:

(1) **PLANNING YEAR.**—In the case of a new early college high school or other dual enrollment program, during the first year of the grant—

(A) hiring a principal and staff, as appropriate;

(B) designing the curriculum and sequence of courses in collaboration with, at a minimum, teachers from the local educational agency and faculty from the partner institution of higher education;

(C) informing parents and the community about the school or program and opportunities to become actively involved in the school or program;

(D) establishing a course articulation process for defining and approving courses for high school and college credit;

(E) outreach programs to ensure that middle and high school students and their families are aware of the school or program;

(F) liaison activities among partners in the eligible entity; and

(G) coordinating secondary and postsecondary support services, academic calendars, and transportation.

(2) **IMPLEMENTATION PERIOD.**—During the remainder of the grant period—

(A) academic and social support services, including counseling;

(B) liaison activities among partners in the eligible entity;

(C) data collection and use of such data for student and instructional improvement and program evaluation;

(D) outreach programs to ensure that middle and high school students and their families are aware of the early college high school or other dual enrollment program;

(E) professional development, including joint professional development for secondary school personnel and faculty from the institution of higher education; and

(F) school or program design and planning team activities, including curriculum development.

(b) **ALLOWABLE ACTIVITIES.**—An eligible entity may also use grant funds received under section 5 otherwise to support the activities described in its application under section 7, including—

(1) purchasing textbooks and equipment that support the curriculum of the early college high school or other dual enrollment program;

(2) developing learning opportunities for students that complement classroom experiences, such as internships, career-based capstone projects, and opportunities to participate in the activities provided under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.);

(3) transportation; and

(4) planning time for high school and college educators to collaborate.

SEC. 7. APPLICATION.

(a) **IN GENERAL.**—To receive a grant under section 5, an eligible entity shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary determines to be appropriate.

(b) **CONTENTS OF APPLICATION.**—At a minimum, the application described in subsection (a) shall include a description of—

(1) the budget of the early college high school or other dual enrollment program;

(2) each partner in the eligible entity and its experience with early college high schools or other dual enrollment programs, key personnel from each partner and such personnel's responsibilities for the school or program, and how the eligible entity will work with secondary and postsecondary teachers, other public and private entities, community-based organizations, businesses, labor organizations, and parents to ensure

that students will be prepared to succeed in postsecondary education and employment, which may include the development of an advisory board;

(3) how the eligible entity will target and recruit at-risk youth, including those at risk of dropping out of school, first generation college students, and students from populations described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(4) a system of student supports, including small group activities, tutoring, literacy and numeracy skill development in all academic disciplines, parental and community outreach and engagement, extended learning time, and college readiness activities, such as early college academic seminars and counseling;

(5) in the case of an early college high school, how a graduation and career plan will be developed, consistent with State graduation requirements, for each student and reviewed each semester;

(6) how parents or guardians of students participating in the early college high school or other dual enrollment program will be informed of the students' academic performance and progress and, subject to paragraph (5), involved in the development of the students' career and graduation plans;

(7) coordination between the institution of higher education and the local educational agency, including regarding academic calendars, provision of student services, curriculum development, and professional development;

(8) how the eligible entity will ensure that teachers in the early college high school or other dual enrollment program receive appropriate professional development and other supports, including to enable the teachers to utilize effective parent and community engagement strategies, and help English-language learners, students with disabilities, and students from diverse cultural backgrounds to succeed;

(9) learning opportunities for students that complement classroom experiences, such as internships, career-based capstone projects, and opportunities to participate in the activities provided under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.);

(10) how policies, agreements, and the courses in the program will ensure that postsecondary credits earned will be transferable to, at a minimum, public institutions of higher education within the State, consistent with existing statewide articulation agreements;

(11) student assessments and other measurements of student achievement, including benchmarks for student achievement;

(12) outreach programs to provide elementary and secondary school students, especially those in middle grades, and their parents, teachers, school counselors, and principals information about and academic preparation for the early college high school or other dual enrollment program;

(13) how the local educational agency and institution of higher education will work together, as appropriate, to collect and use data for student and instructional improvement and program evaluation;

(14) how the eligible entity will help students meet eligibility criteria for postsecondary courses and ensure that students understand how their credits will transfer; and

(15) how the eligible entity will access and leverage additional resources necessary to

sustain the early college high school or other dual enrollment program after the grant expires, including by engaging businesses and non-profit organizations.

(c) **ASSURANCES.**—An eligible entity's application under subsection (a) shall include assurances that—

(1) in the case of an early college high school, the majority of courses offered, including of postsecondary courses, will be offered at facilities of the institution of higher education;

(2) students will not be required to pay tuition or fees for postsecondary courses offered as part of the early college high school or other dual enrollment program;

(3) postsecondary credits earned will be transcribed upon completion of the requisite coursework; and

(4) faculty teaching such postsecondary courses meet the normal standards for faculty established by the institution of higher education.

(d) **WAIVER.**—The Secretary may waive the requirement of subsection (c)(1) upon a showing that it is impractical to apply due to geographic considerations.

SEC. 8. PEER REVIEW.

(a) **PEER REVIEW OF APPLICATIONS.**—The Secretary shall establish peer review panels to review applications submitted pursuant to section 7 to advise the Secretary regarding such applications.

(b) **COMPOSITION OF PEER REVIEW PANELS.**—The Secretary shall ensure that each peer review panel is not comprised wholly of full-time officers or employees of the Federal Government and includes, at a minimum—

(1) experts in the establishment and administration of early college high schools or other dual enrollment programs from the secondary and postsecondary perspective;

(2) faculty at institutions of higher education and secondary school teachers with expertise in dual enrollment; and

(3) experts in the education of at-risk students.

SEC. 9. GRANTS TO STATES.

(a) **IN GENERAL.**—The Secretary is authorized to award five-year grants to State agencies responsible for secondary or postsecondary education for efforts to support or establish early college high schools or other dual enrollment programs.

(b) **GRANT AMOUNT.**—The Secretary shall ensure that grants are of sufficient size to enable grantees to carry out all required activities.

(c) **MATCHING REQUIREMENT.**—A State shall contribute matching funds from non-Federal sources toward the costs of carrying out activities under this section, which funds shall represent not less than 50 percent of the grant amount received in each year of the grant.

(d) **PRIORITY.**—In awarding grants under this section, the Secretary shall give priority to States that provide assistance to early college high schools or other dual enrollment programs, such as assistance to defray the costs of higher education, such as tuition, fees, and textbooks.

(e) **APPLICATION.**—To receive a grant under this section, a State agency shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary determines to be appropriate.

(f) **CONTENTS OF APPLICATION.**—At a minimum, the application described in subsection (e) shall include—

(1) how the State will carry out all of the required State activities described in subsection (g);

(2) how the State will identify and eliminate barriers to implementing effective early college high schools and other dual enrollment programs after the grant expires, including by engaging businesses and non-profit organizations;

(3) how the State will access and leverage additional resources necessary to sustain early college high schools or other dual enrollment programs; and

(4) such other information as the Secretary determines to be appropriate.

(g) **STATE ACTIVITIES.**—A State receiving a grant under this section shall use such funds for—

(1) creating outreach programs to ensure that middle and high school students, their families, and community members are aware of early college high schools and other dual enrollment programs in the State;

(2) planning and implementing a statewide strategy for expanding access to early college high schools and other dual enrollment programs for students who are underrepresented in higher education to raise statewide rates of high school graduation, college readiness, and completion of postsecondary degrees and credentials, with a focus on at-risk students, including identifying any obstacles to such a strategy under State law or policy;

(3) providing technical assistance to early college high schools and other dual enrollment programs, such as brokering relationships and agreements that forge a strong partnership between elementary and secondary and postsecondary partners;

(4) identifying policies that will improve the effectiveness and ensure the quality of early college high schools and other dual enrollment programs, such as access, funding, data and quality assurance, governance, accountability, and alignment policies;

(5) planning and delivering statewide training and peer learning opportunities for school leaders and teachers from early college high schools and other dual enrollment programs, which may include providing instructional coaches who offer on-site guidance;

(6) disseminating best practices in early college high schools and other dual enrollment programs from across the State and from other States; and

(7) facilitating Statewide data collection, research and evaluation, and reporting to policymakers and other stakeholders.

SEC. 10. REPORTING AND OVERSIGHT.

(a) **REPORTING BY GRANTEEES.**—

(1) **IN GENERAL.**—The Secretary shall establish uniform guidelines for all grantees concerning information such grantees annually shall report to the Secretary to demonstrate a grantee's progress toward achieving the goals of this Act.

(2) **CONTENTS OF REPORT.**—At a minimum, a report submitted under this subsection by an eligible entity receiving funds under section 5 for an early college high school or other dual enrollment program shall include the following information about the students participating in the school or program, for each category of students described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)):

(A) The number of students.

(B) The percentage of students scoring advanced, proficient, basic, and below basic on the assessments described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965.

(C) The performance of students on other assessments or measurements of achievement.

(D) The number of secondary school credits earned.

(E) The number of postsecondary credits earned.

(F) Attendance rate, as appropriate.

(G) Graduation rate.

(H) Placement in postsecondary education or advanced training, in military service, and in employment.

(I) A description of the school or program's student, parent, and community outreach and engagement.

(b) **REPORTING BY SECRETARY.**—The Secretary annually shall—

(1) prepare a report that compiles and analyzes the information described in subsection (a) and identifies the best practices for achieving the goals of this Act; and

(2) submit the report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

(c) **MONITORING VISITS.**—The Secretary's designee shall visit each grantee at least once for the purpose of helping the grantee achieve the goals of this Act and to monitor the grantee's progress toward achieving such goals.

(d) **NATIONAL EVALUATION.**—Not later than 6 months after the date on which funds are appropriated to carry out this Act, the Secretary shall enter into a contract with an independent organization to perform an evaluation of the grants awarded under this Act. Such evaluation shall apply rigorous procedures to obtain valid and reliable data concerning participants' outcomes by social and academic characteristics and monitor the progress of students from high school to and through postsecondary education.

(e) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance to eligible entities concerning best practices in early college high schools and other dual enrollment programs and shall disseminate such best practices among eligible entities and State and local educational agencies.

SEC. 11. RULES OF CONSTRUCTION.

(a) **EMPLOYEES.**—Nothing in this Act shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to the employees of local educational agencies (including schools) or institutions of higher education under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

(b) **GRADUATION RATE.**—A student who graduates from an early college high school supported under this Act in the standard number of years for graduation described in the eligible entity's application shall be considered to have graduated on time for purposes of section 1111(b)(2)(C)(6) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(6)).

By Mr. CONRAD (for himself, Mr. BROWNBACK, Ms. COLLINS, Mr. JOHNSON, and Mrs. MURRAY):

S. 628. A bill to provide incentives to physicians to practice in rural and medically underserved communities; to the Committee on the Judiciary.

Mr. CONRAD. Mr. President, today I am introducing the Conrad State 30 Improvement Act to extend and expand this program's success in bringing doctors to communities that would otherwise not have access to health care services. In the last Congress, a very

similar version of this bill had extremely widespread support in the medical community and a diverse group of cosponsors in the Senate.

The Conrad State 30 program, which I helped create in 1994, has brought thousands of physicians to underserved communities in all 50 States, across our great country. Under the program, foreign doctors already in the country for medical training are granted a waiver from a visa requirement to return to their home country for 2 years. In exchange for this waiver, the doctors must commit to providing health care to underserved populations in the United States for 3 years.

By 2020, some projections show that the United States may have 200,000 fewer doctors than it needs; that is a staggering statistic, and one that cannot be taken lightly. If this shortfall is allowed to materialize, rural areas, like my State of North Dakota, will undoubtedly be among the hardest hit.

Given the looming deficit of doctors and an increasingly competitive global marketplace, it is vital that we maintain the incentives for qualified foreign physicians to serve patients in this country. The immigration benefits historically provided by the Conrad 30 program, and enhanced in this bill, provide crucial incentives to foreign doctors. When they do come to our country, it is vital that we make sure that they end up in the places that need them most.

This bill makes the Conrad 30 program permanent, something that I believe is long overdue. It also invites a new group of foreign doctors to take part in the program, a change that could dramatically expand the pool of doctors practicing in rural and underserved areas. Further, the bill creates a mechanism by which the current cap of 30 doctors per State can significantly expand, while protecting the interests of those States that have had difficulty recruiting doctors under the program. Finally, the bill creates an important new incentive for doctors to participate in the program by granting them a green card cap exemption when they have completed their service.

I strongly believe the Conrad State 30 Improvement Act can be of great benefit to every state in the country and help combat the growing shortage of health care providers in the U.S.

By Ms. COLLINS (for herself, Mr. VOINOVICH, and Mr. KOHL):

S. 629. A bill to facilitate the part-time reemployment of annuitants, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise to introduce a bill with my colleagues Senators VOINOVICH and KOHL that will strengthen the Federal Government's ability to serve the public at a time when Federal agencies face a wave of

retirement of highly experienced employees.

When we think about the coming demographic shock of millions of Baby Boomers reaching retirement age, we usually focus on the cash-flow implications for the Social Security and Medicare programs. But their aging will also have a profound effect on the Federal workforce.

On average, retirements from the Federal workforce have exceeded 50,000 a year for a decade. The numbers will certainly rise in the near future. The Office of Personnel Management calculates that 60 percent of the current Federal workforce, whose civilian component approaches three million people, will be eligible to retire during the coming 10 years.

Federal agencies, which already must hire more than a quarter-million new employees each year, will need to work hard to replace those retirees, as the private sector and state and local governments will be facing the same problem and competing for qualified replacements.

The Baby Boom retirement wave will have another impact. It will cause a sudden acceleration in the loss of accumulated skills and mentoring capabilities that experienced workers possess.

Research has repeatedly shown that, in general, older workers equal or outperform younger workers in organizational knowledge, ability to work independently, commitment, productivity, flexibility, and mentoring ability. Making good use of their talents is, therefore, not charity. It is common sense and sound management.

Federal agencies recognize the value of older workers, as witnessed by the fact that nearly 4,500 retirees have been allowed to return to full-time work on a waiver basis.

Agencies could make use of even more Federal annuitants for short-term projects or part-time work, but for a disincentive in current law.

Current law mandates that annuitants who return to work for the Federal Government must have their salary reduced by the amount of their annuity during the period of reemployment. The bill I introduce today with Senators VOINOVICH and KOHL would provide a limited but vital measure of relief to agencies who could benefit from the skills and knowledge of Federal retirees. It provides an opportunity for Federal agencies to reemploy retirees without requiring them to take pay cuts based on their annuity payment.

This simple but powerful reform will provide some much needed hiring flexibilities for agencies, especially given the expertise the Federal Government will need to effectively implement the American Recovery and Reinvestment Act of 2009.

The Homeland Security and Governmental Affairs Committee held a hear-

ing earlier this month where we discussed how oversight entities will meet their responsibilities to ensure that stimulus funds are spent effectively. Acting Comptroller General Gene Dodaro indicated that the reemployment of annuitants is an essential authority that the Government Accountability Office uses when circumstances arise that require rapid staffing increases. Using statutory authority possessed by GAO, the agency is able to attract and hire back their annuitants without offsetting their pay by the amount of their pension.

Most executive branch agencies do not enjoy similar flexibility as GAO. Instead, current law requires these agencies to offset an annuitant's salary, unless the agency can first obtain a waiver from OPM. This waiver will be granted if the agency demonstrates to OPM that only a particular annuitant is qualified to fill a particular need and the annuitant will only return if his or her salary is not offset. The waiver process is administratively cumbersome, and often prevents agencies from even considering a returning annuitant for an important position.

Whether at GAO or in our Government's Inspectors General offices, experienced, qualified former employees—with institutional knowledge—could play an important role in oversight of stimulus spending. This point was recently made by both Acting Comptroller General Dodaro and the Chair of the Council of Inspectors General on Integrity and Efficiency, CIGIE, Phyllis Fong, in testimony before the Homeland Security and Governmental Affairs Committee.

Inspectors General will have to quickly hire experienced auditors and investigators to ensure critical oversight of stimulus spending. This legislation will allow IG offices to bring back valuable and experienced employees to the Federal Government to ensure aggressive oversight, enhanced transparency, and accountability for taxpayer dollars.

Ensuring an experienced acquisition workforce is available to oversee stimulus spending is just as critical. The government spent \$532 billion on contracts last year—a 140 percent increase from 2001 to 2008. At the same time, the Federal Government entered the 21st century with 22 percent fewer federal civilian acquisition personnel than it had at the start of the 1990s. As early as 2012, 50 percent of this workforce will be eligible to retire. This means that as our contract spending continues to increase dramatically, our contracting workforce continues to shrink. This legislation will allow agencies to bring in experienced acquisition personnel at a time when they are desperately needed—whether to ensure that stimulus funds are spent wisely or to help administer over \$500 billion in government contract spending.

Several organizations have endorsed the reforms in our bill, including the National Active and Retired Federal Employees Association, the Partnership for Public Service, and the Government Managers Coalition.

I would also note two important points about the bill.

First, it will not materially affect the necessary flow of younger workers into Federal agencies. The bill contemplates reemployment for part-time or project work of not more than 520 hours in the first six months following the start of annuity payments, not more than 1,040 hours in any 12-month period, and not more than 3,120 hours total for the annuitant's lifetime. In terms of eight-hour days, those figures are equivalent to 65, 130, and 390 days, respectively.

These limits will give agencies flexibility in assigning retirees to limited-time or limited-scope projects, including mentoring and collaboration, without evading or undermining the waiver requirement for substantial or full-time employment of annuitants.

I would also note that this bill gives no cause for concern about financial impact. Reemployed annuitants would be performing work that the agencies needed to do in any case, but would not require any additional contributions to pension or savings plans. Meanwhile, their retiree health and life insurance benefits would be unaffected by their part-time work. Even without making any allowance for the positive effects of their organizational knowledge, commitment, productivity, and mentoring potential, their reemployment is likely to produce net savings.

This measure offers benefits for Federal agencies, for Federal retirees who would welcome the opportunity to perform part-time work, and for taxpayers, especially during these tough economic times. I urge my colleagues to support it.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. WHITEHOUSE, and Mr. SESSIONS):

S. 630. A bill to make technical amendments to laws containing time periods affecting judicial proceedings; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, we introduce the Statutory Time-Periods Technical Amendments Act of 2009. I thank Senator SPECTER, the Ranking Republican on the Judiciary Committee and Senators WHITEHOUSE and SESSIONS, the Chairman and Ranking Member of the Administrative Oversight and Courts Subcommittee for co-sponsoring.

This legislation incorporates recommendations from the Judicial Conference of the United States to alter deadlines in certain statutes affecting court proceedings to account for recent amendments to the Federal time-computation rules. This bipartisan bill

would provide judges and practitioners with commonsense deadlines that are less confusing and less complex than current deadlines, and also ensure that existing time periods are not shortened.

After much study and significant public comment, the Judicial Conference's Standing Committee on Rules of Practice and Procedure and the Advisory Committees on Appellate, Bankruptcy, Civil, and Criminal Rules arrived at proposed new rules intended to provide predictability and uniformity to the current process of calculating court deadlines. The proposed rules respond, in part, to findings from the Judicial Conference that the current time-computation process is confusing and can lead to missed deadlines and litigants' loss of important rights. Under the current time-calculation rules, weekends and holidays are not counted when calculating court deadlines of less than 30 days, but are counted for calculating court deadlines longer than 30 days. The proposed new rules simplify this process by counting holidays and weekends regardless of a court deadline's time period. According to the Judicial Conference, these proposed changes would respond to practitioners' complaints and criticism from judges.

This legislation would amend a number of Federal civil and criminal statutes affecting court proceedings and harmonize them with the proposed rules. First, this remedial bill would alter certain statutory court deadlines to counterbalance any shortening of the time period resulting from the "days are days" approach. For example, the bill changes 5 days to 7 days, and 10 days to 14 days, to prevent time periods from becoming shorter when a practitioner counts all days, including weekends. This change would, in effect, maintain the same time periods in the statutes. In addition, if a time period ends on a holiday or a weekend the time period would be extended to the next business day. The bill would also change some statutory deadlines that would otherwise be inconsistent with the amended rules deadlines and lead to confusion.

This bipartisan legislation is time-sensitive. Both the Department of Justice and Judicial Conference urge swift consideration of this proposal, to allow it to take effect on December 1, 2009, the same date as the amendments to the rules.

According to a letter the Department of Justice sent to the Judicial Conference last year: "Failure to adopt statutory changes that move in concert with the proposed rule changes will result in exactly the opposite effect of what is intended—changes to the rules alone will introduce greater confusion rather than desirable simplification." Although the Obama administration has not formally weighed

in on this legislation, I anticipate that the Justice Department will again support this proposal. In addition, this bill mirrors the proposal from the Judicial Conference which enjoyed broad support from numerous legal and bar organizations, including of the American College of Trial Lawyers, the Council of Appellate Lawyers, and the American Bar Association's Section of Litigation and Criminal Justice Section.

I hope we will consider this measure expeditiously and improve the effectiveness of our judicial system. Passing this bill will create a consistent and standard method for lawyers and judges to calculate court deadlines.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Statutory Time-Periods Technical Amendments Act of 2009".

SEC. 2. AMENDMENTS RELATED TO TITLE 11, UNITED STATES CODE.

Title 11, United States Code, is amended—

- (1) in section 109(h)(3)(A)(ii), by striking "5-day" and inserting "7-day";
- (2) in section 322(a), by striking "five days" and inserting "seven days";
- (3) in section 332(a), by striking "5 days" and inserting "7 days";
- (4) in section 342(e)(2), by striking "5 days" and inserting "7 days";
- (5) in section 521(e)(3)(B), by striking "5 days" and inserting "7 days";
- (6) in section 521(i)(2), by striking "5 days" and inserting "7 days";
- (7) in section 704(b)(1)(B), by striking "5 days" and inserting "7 days";
- (8) in section 749(b), by striking "five days" and inserting "seven days"; and
- (9) in section 764(b), by striking "five days" and inserting "seven days".

SEC. 3. AMENDMENTS RELATED TO TITLE 18, UNITED STATES CODE.

Title 18, United States Code, is amended—

- (1) in section 983(j)(3), by striking "10 days" and inserting "14 days";
- (2) in section 1514(a)(2)(C), by striking "10 days" each place it appears and inserting "14 days";
- (3) in section 1514(a)(2)(E), by inserting after "the Government" the following: "excluding intermediate weekends and holidays";
- (4) in section 1963(d)(2), by striking "ten days" and inserting "fourteen days";
- (5) in section 2252A(c), by striking "10 days" and inserting "14 days";
- (6) in section 2339B(f)(5)(B)(ii), by striking "10 days" and inserting "14 days";
- (7) in section 2339B(f)(5)(B)(iii)(I), by inserting after "trial" the following: "excluding intermediate weekends and holidays";
- (8) in section 2339B(f)(5)(B)(iii)(III), by inserting after "appeal" the following: "excluding intermediate weekends and holidays";
- (9) in section 3060(b)(1), by striking "tenth day" and inserting "fourteenth day";
- (10) in section 3432, by inserting after "commencement of trial" the following: "excluding intermediate weekends and holidays";

excluding intermediate weekends and holidays;"

(11) in section 3509(b)(1)(A), by striking "5 days" and inserting "7 days"; and

(12) in section 3771(d)(5)(B), by striking "10 days" and inserting "14 days".

SEC. 4. AMENDMENTS RELATED TO THE CLASSIFIED INFORMATION PROCEDURES ACT.

The Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in section 7(b), by striking "ten days" and inserting "fourteen days";

(2) in section 7(b)(1), by inserting after "adjournment of the trial," the following: "excluding intermediate weekends and holidays,"; and

(3) in section 7(b)(3), by inserting after "argument on appeal," the following: "excluding intermediate weekends and holidays,".

SEC. 5. AMENDMENT RELATED TO THE CONTROLLED SUBSTANCES ACT.

Section 413(e)(2) of the Controlled Substances Act (21 U.S.C. 853(e)(2)) is amended by striking "ten days" and inserting "fourteen days".

SEC. 6. AMENDMENTS RELATED TO TITLE 28, UNITED STATES CODE.

Title 28, United States Code, is amended—

(1) in section 636(b)(1), by striking "ten days" and inserting "fourteen days";

(2) in section 1453(c)(1), by striking "not less than 7 days" and inserting "not more than 10 days"; and

(3) in section 2107(c), by striking "7 days" and inserting "14 days".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on December 1, 2009.

Mr. KOHL (for himself, Ms. COLLINS, Mr. COCHRAN, Mr. KERRY, Mr. WHITEHOUSE, Mr. BINGAMAN, Mr. LEVIN, Mr. CASEY, Mrs. LINCOLN, Ms. KLOBUCHAR, Ms. STABENOW, and Mr. BAYH):

S. 631. A bill to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce the Patient Safety and Abuse Prevention Act along with my colleague, Senator COLLINS. This bill is the culmination of years of work and careful study, and would go a long way to ensuring the safety of vulnerable older Americans. We have hard evidence that this policy will work and will protect lives. It is vital that we consider getting this legislation moving soon, and I look forward to working with the Finance Committee, the elder justice community, and Congressman JOE SESTAK in the House to make that happen.

Thousands of individuals with a history of substantiated abuse or a criminal record are hired every year to work closely with exposed and defenseless seniors within our nation's nursing homes and other long-term care facilities. Because the current system of state-based background checks is haphazard, inconsistent, and full of gaping holes, predators can evade detection throughout the hiring process, securing

jobs that allow them to assault, abuse, and steal from defenseless elders.

We can and must take action to stop this type of abuse by building on the resounding success of a seven-state background check pilot program, enacted as part of the 2003 Medicare Modernization Act, which enabled seven states to make major improvements in their existing screening procedures of individuals applying for jobs in long-term care settings. The results of this 3-year pilot program were a resounding success: more than 7,200 individuals with a history of abuse or violence were kept out of the workforce in Alaska, Idaho, Illinois, Michigan, Nevada, New Mexico, and Wisconsin.

The states who participated in the pilot have all chosen to continue their programs, and are taking additional steps to build on the success of the technological infrastructure they created. The Patient Safety and Abuse Prevention Act will expand these outstanding results nationwide by making it possible for all states to make these commonsense improvements. The cost of enabling states to efficiently connect registries and databases, expand the range of workers who are screened, and add a national criminal history check is very modest. If states take these steps, we can reduce the terrible toll of elder abuse. If we do not, experts tell us abuse rates will continue to rise.

Our straightforward approach is strongly endorsed by State Attorneys General across the country, the Elder Justice Coalition, which speaks for over 500 member organizations, AARP, the American Health Care Association, NCCNHR, the American Association of Homes and Services for the Aging, and advocates in hundreds of communities who work every day to protect the well-being of elders and individuals with disabilities.

Last Congress, the Patient Safety and Abuse Prevention Act was passed unanimously out of the Finance Committee. We are so close to getting this policy passed. I ask my colleagues to join Senators COLLINS, KERRY, WHITEHOUSE, BINGAMAN, LEVIN, CASEY, LINCOLN, KLOBUCHAR, STABENOW, BAYH, and COCHRAN in supporting our efforts to reduce and prevent abuse of our elders and loved ones.

Mr. President, I ask unanimous consent that support material be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

[From the PARADE Intelligence Report, Mar. 1, 2009]

PROTECTING THE ELDERLY FROM ABUSE

(By Lyric Wallwork Winik)

In 2006, a 90-year-old New York grandmother was raped by a caregiver with a criminal record. The man worked in the nursing home where she lived. Similar incidents over the years have led many to won-

der how criminals end up working with vulnerable populations in the first place.

While most states require background checks for nursing-home employees, there is no national database that allows employers to check for crimes committed in other states.

Sen. Herb Kohl (D., Wis.) has introduced legislation that would require the creation of a national cross-referencing system. According to the Senate Special Committee on Aging, which Kohl leads, the Congressional Budget Office has estimated the cost at \$100 million over three years. A trial program in seven states found that 7000 applicants for eldercare positions had violent criminal records or a substantiated history of abuse. Says Kohl, "This policy is more than just a good idea in theory—we've implemented it in seven states and seen the results. Comprehensive background checks are routine for those who work with young children, and we should be protecting vulnerable seniors and disabled Americans in the same way."

By Mr. BAUCUS (for himself, Mr. CRAPO, Mrs. LINCOLN, Ms. SNOWE, Mr. ROBERTS, Mr. ENZI, and Mr. ENSIGN):

S. 632. A bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am pleased today to join with my friend Senator CRAPO to introduce an important piece of legislation that would help to strengthen the financial health of America's firearm and ammunition manufacturers, who in turn support wildlife conservation in America.

The firearm and ammunition industry pays a Federal excise tax of 11 percent on long guns and ammunition and 10 percent on handguns. The Tax and Trade Bureau in the Treasury Department collects this tax. The Bureau sends the proceeds to the U.S. Fish and Wildlife Service, where they are deposited into the Wildlife Restoration Trust Fund, also known the Pittman-Robertson Trust Fund.

The tax is a major source of conservation funding in America. Since 1991, the firearm and ammunition industry has contributed about \$3 billion to the Pittman-Robertson Fund and since the inception of the tax, has contributed over \$5.5 billion. In 2008, over \$321 million was collected.

Of all the industries that pay excise taxes on the sale of their products to support wildlife conservation efforts, firearms and ammunition manufacturers are the only ones that have to pay excise taxes every 2 weeks. Other industries, such as archery and fishing, pay their tax every 3 months.

This frequent payment obligation imposes a costly and inequitable burden on the firearms and ammunition industry. Manufacturers spend thousands of additional man-hours just to administer the paperwork associated with making the bi-weekly excise payments.

According to the National Shooting Sports Foundation, changing the deposit schedule from a bi-weekly to quarterly payment would save the industry an estimated \$21.6 million dollars a year. That is money that the industry could use for investment in researching and developing new products, purchasing new manufacturing plants and equipment, and communicating with the hunting and shooting sports community.

Let me take a moment to explain what this legislation does not do. It does not reduce the firearm and ammunition industry's excise tax rates. It simply adds fairness to the tax code.

It is important for my Colleagues to understand the history and nature of the firearm and ammunition excise tax. During the Great Depression, hunters and conservationists recognized that overharvesting of wildlife would destroy America's treasured wildlife and natural habitats. Sportsmen, state wildlife agencies, and the firearm and ammunition industries lobbied Congress to extend the existing 10 percent excise tax and impose a new 11 percent excise tax to create a new fund. The fund was called the Pittman-Robertson Trust Fund after Senator Key Pittman of Nevada and Representative A. Willis Robertson of Virginia. President Franklin D. Roosevelt signed the legislation into law in 1937.

The industry, hunters, and conservationists came together to create this structure. They recognized the importance of conservation. And they encouraged Congress to impose a tax on their guns and ammo. It is rare thing when taxpayers ask to be taxed. But preserving our country's wildlife habitat was and continues to be that important.

Today, more than \$700 million each year is generated and used exclusively to establish, restore, and protect wildlife habitats.

Now let me explain the effect that the bill we are introducing today would have on the Pittman-Robertson Trust Fund. As the Joint Committee on Taxation explained in its revenue estimate, the net budget effect to the fund is \$4 million. This is purely a result of the shift in the timing of collections, from bi-weekly to quarterly, over a 10-year budget window. Consumers of firearms and ammunition would still pay the exact same amount of tax.

The firearm and ammunition industry recognizes the ten-year \$4 million loss to the trust fund. The industry developed a comprehensive 5-year proposal to ease this effect. Under the proposal, the industry would contribute \$150,000 a year for the next 5 years, a total of \$750,000, to the fund.

These actions again show the partnership between hunters, conservation groups, and the firearm and ammunition industry to protect conservation programs and initiatives. That's why

this legislation is supported by the following groups: Archery Trade Association; Association of Fish and Wildlife Agencies; Boon and Young; Congressional Sportsmen's Foundation; Delta Waterfowl; Ducks Unlimited; National Rifle Association; National Shooting Sports Foundation, Inc.; National Wild Turkey Federation; North American Wetlands Conservation Council; Pheasants Forever; Rocky Mountain Elk Foundation; Safari Club International; Wildlife Management Institute; U.S. Fish and Wildlife Service; and U.S. Sportsmen's Alliance.

I urge my Colleagues to support this legislation. I am very glad that Senators LINCOLN, SNOWE, ROBERTS, ENSIGN and ENZI have also signed onto this legislation as original cosponsors. I hope that we can come together, just as the industry, hunters, and conservation groups have, to pass this legislation. It is a matter of tax fairness. Let us do our part to correct this inequity in the tax code. Let us do our part to support an American industry that in turn supports wildlife habitat restoration and conservation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Firearms Fairness and Affordability Act".

SEC. 2. TIME FOR PAYMENT OF MANUFACTURERS' EXCISE TAX ON RECREATIONAL EQUIPMENT.

(a) IN GENERAL.—Subsection (d) of section 6302 of the Internal Revenue Code of 1986 (relating to mode or time of collection) is amended to read as follows:

"(d) TIME FOR PAYMENT OF MANUFACTURERS' EXCISE TAX ON RECREATIONAL EQUIPMENT.—The taxes imposed by subchapter D of chapter 32 of this title (relating to taxes on recreational equipment) shall be due and payable on the date for filing the return for such taxes."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles sold by the manufacturer, producer, or importer after the date of the enactment of this Act.

By Mr. TESTER (for himself, Mr. BAUCUS, Mr. JOHNSON, Mr. BINGAMAN, and Mr. DORGAN):

S. 633. A bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes; to the Committee on Indian Affairs.

Mr. TESTER. Mr. President, my colleagues and I rise today to introduce the Tribal Health Promotion and Trib-

al Colleges and Universities Advancement Act of 2009.

Indian Education is perhaps the most important issue facing Indian Country today because education represents hope. Higher education leads to better job opportunities. Better jobs lead to higher income. Higher income leads to greater access to health care, adequate housing and overall, a higher quality of life. Higher quality of life leads to strong communities. Happy, healthy and strong communities are more resistant to the destructive forces of poverty such as chemical abuse, violence and neglect. This bill will improve Indian Country by addressing three of the most pressing issues facing it today: healthcare, job creation and education.

No one disagrees that 85 percent unemployment in Indian Country is unacceptable. No one disagrees that it is unacceptable that the majority of America's at-risk youth live in Indian Country. However, merely reciting these statistics over and over will not make the situation any better. We need to work together to make Indian Country a better place to live, work and raise a family.

We introduced this vital legislation to help advance the remarkable work of tribal colleges and universities. Through grants awarded under this bill, tribal colleges and universities will have additional resources necessary to strengthen Indian communities by providing healthy living and disease prevention education, outreach and workforce development programs, research, and capacity building. Not only will it improve education, but it will also improve the delivery of culturally appropriate health care services. In addition to good education and increased access to health care, this bill will also help create good jobs for tribal members living on American Indian reservations.

Tribal Colleges and Universities are accredited by independent, regional accreditation agencies, and like all institutions of higher education, must undergo stringent performance reviews to retain their accreditation status. In addition to offering postsecondary education opportunities, tribal colleges serve reservation communities by providing critical services including: libraries, community centers, cultural, historical and language programs; tribal archives, career centers, economic development and business centers; health and wellness centers, public meeting places, child and elder care centers. Despite their many obligations, functions, and notable achievements, tribal colleges remain the most poorly funded institutions of higher education in this country.

The continued success and future of the Nation's tribal colleges and universities depends on their ability to provide higher education and community

outreach programs. For them to succeed however, they must have the financial resources to do so.

As a Montanan and member of the Senate Indian Affairs Committee, I am proud to introduce this legislation. I look forward to swift consideration and eventual passage.

By Mrs. MURRAY:

S. 635. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“() ILLABOT CREEK, WASHINGTON.—The 14.3 mile segment from the headwaters of Illabot Creek to 1,000 feet south of and at no point closer than 200 feet from the Rockport-Cascade Road, flowing through lands managed by the U.S. Forest Service, Washington State Department of Natural Resources, and Seattle City Light, to be administered by the Secretary of Agriculture as follows:

“(A) The 4.3 mile segment from the headwaters of Illabot Creek to the boundary of Glacier Peak Wilderness Area as a wild river.

“(B) The 10 mile segment from the boundary of Glacier Peak Wilderness to 1,000 feet south of Rockport-Cascade Road as a recreational river.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 76—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA SHOULD WORK TOGETHER TO REDUCE OR ELIMINATE TARIFF AND NONTARIFF BARRIERS TO TRADE IN CLEAN ENERGY AND ENVIRONMENTAL GOODS AND SERVICES

Ms. CANTWELL submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 76

Whereas the United States and the People's Republic of China are among the world's largest economies, are the world's largest producers, consumers, and importers of energy, and are the world's largest sources of energy-related greenhouse gas emissions;

Whereas future growth in the United States, China, and other countries should follow a model for energy use that does not further jeopardize the planet's climate and that presents numerous opportunities for significant economic growth;

Whereas a global transformation to the use of clean energy will require the adoption of renewable energy technologies to reduce carbon emissions and to build energy-efficient infrastructures;

Whereas that global transformation will also require substantial amounts of clean energy and environmental goods and services to be traded among the United States, China, and other countries;

Whereas tariffs imposed by foreign countries on renewable energy goods such as solar water heaters can be as high as 35 percent, tariffs on solar cells can be as high as 23 percent, and tariffs on wind power generating sets and hydraulic turbines can be as high as 25 percent; and

Whereas it is in the best interests of all countries to reduce or eliminate tariff and nontariff barriers to trade in clean energy and environmental goods and services: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States and the People's Republic of China should—

(A) work together to reduce or eliminate tariff and nontariff barriers to trade in clean energy and environmental goods and services; and

(B) work through the Asia Pacific Economic Cooperation and the World Trade Organization to reach a multilateral agreement to reduce or eliminate such barriers; and

(2) reducing or eliminating tariff and nontariff barriers to trade in clean energy and environmental goods and services will allow the United States, China, and other countries to develop, promote, and deploy clean energy technologies to meet global environmental challenges.

SENATE RESOLUTION 77—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA SHOULD NEGOTIATE A BILATERAL AGREEMENT ON CLEAN ENERGY COOPERATION

Ms. CANTWELL (for herself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 77

Whereas the United States and the People's Republic of China are the world's largest producers, consumers, and importers of energy and account for 36 percent of global primary energy use and 41 percent of global carbon dioxide emissions;

Whereas, in 2007, China surpassed the United States to become the world's largest emitter of greenhouse gases and China is projected to increase emissions of greenhouse gases by 3.3 percent annually during the next 2 decades;

Whereas, by working together to tackle shared economic, environmental, and security challenges, the United States and China can more quickly and cost-effectively develop and implement cleaner, 21st-century energy systems;

Whereas efforts to develop and implement such systems will benefit from a foundation in sound science and policies that rely on and augment the vast technical capabilities and resources of both the United States and China; and

Whereas an action plan resulting from a bilateral agreement on clean energy coopera-

tion between the United States and China may serve as a catalyst for the economic growth of the United States, an expression of United States foreign policy with respect to mitigating climate change, and a means for accelerating the development of a global clean energy economy: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States and the People's Republic of China should negotiate a bilateral agreement under which the United States and China agree to cooperate in the development and use of clean energy; and

(2) the negotiation of such an agreement would send a clear signal to the world community that the United States is ready to lead a robust effort to mitigate global climate change that involves all countries that are major emitters of greenhouse gases.

SENATE RESOLUTION 78—DESIGNATING MARCH 22, 2009, AS “NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY”

Mr. CHAMBLISS (for himself and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 78

Whereas rehabilitation counselors conduct assessments, provide counseling, support families, and plan and implement rehabilitation programs for those in need of rehabilitation;

Whereas the purpose of professional organizations for rehabilitation counseling and education is to promote the improvement of rehabilitation services available to individuals with disabilities through quality education for counselors and rehabilitation research;

Whereas various professional organizations, including the National Rehabilitation Association, Rehabilitation Counselors and Educators Association, the National Council on Rehabilitation Education, the National Rehabilitation Counseling Association, the American Rehabilitation Counseling Association, the Commission on Rehabilitation Counselor Certification, the Council of State Administrators of Vocational Rehabilitation, and the Council on Rehabilitation Education, have vigorously advocated up-to-date education and training and the maintenance of professional standards in the field of rehabilitation counseling and education;

Whereas on March 22, 1983, Martha Walker of Kent State University, who was President of the National Council on Rehabilitation Education, testified before the Subcommittee on Select Education of the Committee on Education and Labor of the House of Representatives, and was instrumental in bringing the need for qualified rehabilitation counselors to the attention of Congress; and

Whereas the efforts of Martha Walker led to the enactment of laws that require rehabilitation counselors to have proper credentials, in order to provide a higher quality of service to those in need of rehabilitation: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 22, 2009, as “National Rehabilitation Counselors Appreciation Day”; and

(2) commends—

(A) rehabilitation counselors, for their dedication and the hard work they provide to individuals in need of rehabilitation; and

(B) professional organizations, for the efforts they have made to assist those who require rehabilitation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 685. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 685. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FLINT HILLS CONSERVATION EASEMENTS, KANSAS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall offer to enter into such conservation easements as the Secretary determines to be necessary to protect the Flint Hills tallgrass prairie in eastern Kansas.

(b) WILLING OWNERS.—The Secretary shall offer to enter into conservation easements under subsection (a) with any willing owner of land or an interest in land located in a biologically significant area of the Flint Hills tallgrass prairie in eastern Kansas, as determined by the Secretary.

(c) TREATMENT.—A conservation easement entered into under this section shall be—

- (1) a perpetual easement; and
- (2) recorded on the deed of the relevant land or interest in land.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy of the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, March 25, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the legislative hearing is to receive testimony on draft legislation to improve energy market transparency and regulation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy

and Natural Resources, U.S. Senate, Washington, DC 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224-4756 or Rosemarie Calabro at (202) 224-5039.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy of the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, March 25, 2009, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the legislative hearing is to receive testimony on draft legislation to improve energy market transparency and regulation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224-4756 or Rosemarie Calabro at (202) 224-5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, March 18, 2009 at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 18, 2009 at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, March 18, 2009 at 10 a.m. in Dirksen 430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, March 18, 2009. The Committee will meet in room 334 of the Cannon House Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "The Need to Strengthen Forensic Science in the United States: The National Academy of Science's Report on a Path Forward" on Wednesday, March 18, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 18, 2009, at 2:30 p.m. to conduct a hearing entitled "A New Way Home: Findings from the Disaster Recovery Subcommittee Special Report and Working with the New Administration on a Way Forward."

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURITIES, INSURANCE, AND INVESTMENT SUBCOMMITTEE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 18, 2009, at 2:30 p.m. to conduct a Securities, Insurance and Investment Subcommittee hearing entitled "Lessons Learned in Risk Management Oversight at Federal Financial Regulators."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HEALTH CARE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Health Care of the Committee on Finance will meet on Wednesday, March 18, 2009, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 18, 2009, at 2:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent that on Thursday, March 19, at 2 p.m., the Senate proceed to executive session to consider Calendar No. 22, the nomination of Elena Kagan to be Solicitor General of the United States; that there be 6 hours of debate with respect to the nomination, with the time equally divided and controlled between Senators LEAHY and SPECTOR or their designees; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2009

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of H.R. 1512.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1512) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times and passed; the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1512) was ordered to be read a third time, was read the third time, and passed.

NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 78.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 78) designating March 22, 2009, as "National Rehabilitation Counselors Appreciation Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 78) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 78

Whereas rehabilitation counselors conduct assessments, provide counseling, support families, and plan and implement rehabilitation programs for those in need of rehabilitation;

Whereas the purpose of professional organizations for rehabilitation counseling and education is to promote the improvement of rehabilitation services available to individuals with disabilities through quality education for counselors and rehabilitation research;

Whereas various professional organizations, including the National Rehabilitation Association, Rehabilitation Counselors and Educators Association, the National Council on Rehabilitation Education, the National Rehabilitation Counseling Association, the American Rehabilitation Counseling Association, the Commission on Rehabilitation Counselor Certification, the Council of State Administrators of Vocational Rehabilitation, and the Council on Rehabilitation Education, have vigorously advocated up-to-date education and training and the maintenance of professional standards in the field of rehabilitation counseling and education;

Whereas on March 22, 1983, Martha Walker of Kent State University, who was President of the National Council on Rehabilitation Education, testified before the Subcommittee on Select Education of the Committee on Education and Labor of the House of Representatives, and was instrumental in bringing the need for qualified rehabilitation counselors to the attention of Congress; and

Whereas the efforts of Martha Walker led to the enactment of laws that require rehabilitation counselors to have proper credentials, in order to provide a higher quality of service to those in need of rehabilitation: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 22, 2009, as "National Rehabilitation Counselors Appreciation Day"; and

(2) commends—

(A) rehabilitation counselors, for their dedication and the hard work they provide to individuals in need of rehabilitation; and

(B) professional organizations, for the efforts they have made to assist those who require rehabilitation.

ORDERS FOR THURSDAY, MARCH 19, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, March 19; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the

time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders, with the majority controlling the first half and the Republicans controlling the second half; further, that following morning business, the Senate resume consideration of H.R. 146, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, under the previous order, at approximately 11 a.m., there will be up to three votes in relation to the remaining Coburn amendments, with a vote on passage of the bill shortly thereafter. This evening we were able to reach an agreement to consider the nomination of the Solicitor General to be of the United States, Elena Kagan. Senators should expect a vote on confirmation tomorrow afternoon or evening, depending on how much debate time is used.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Thursday, March 19, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

JAMES W. MILLER, OF VIRGINIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES, VICE MARK EVERETT KEENUM, RESIGNED.

DEPARTMENT OF DEFENSE

ASHTON B. CARTER, OF MASSACHUSETTS, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS, VICE JOHN J. YOUNG, JR.

DEPARTMENT OF STATE

SUSAN FLOOD BURK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE SPECIAL REPRESENTATIVE OF THE PRESIDENT, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF EDUCATION

RUSSLYNN ALLI, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION, VICE STEPHANIE JOHNSON MONROE, RESIGNED.
CARMEL MARTIN, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR PLANNING, EVALUATION, AND POLICY DEVELOPMENT, DEPARTMENT OF EDUCATION, VICE WILLIAMSON EVERS, RESIGNED.

CHARLES P. ROSE, OF ILLINOIS, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION, VICE KENT D. TALBERT, RESIGNED.

DEPARTMENT OF JUSTICE

RONALD H. WEICH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WILLIAM EMIL MOSCHELLA.

CONFIRMATION

EXECUTIVE OFFICE OF THE PRESIDENT

Executive nomination confirmed by
the Senate, Wednesday, March 18, 2009:

RONALD KIRK, OF TEXAS, TO BE UNITED STATES
TRADE REPRESENTATIVE, WITH THE RANK OF AMBAS-
SADOR EXTRAORDINARY AND PLENIPOTENTIARY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO
THE NOMINEE'S COMMITMENT TO RESPOND TO RE-
QUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY
CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—Wednesday, March 18, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BUTTERFIELD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 18, 2009.

I hereby appoint the Honorable G.K. BUTTERFIELD to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend George E. Battle, Bishop, North Eastern Episcopal District, African Methodist Episcopal Zion Church, Charlotte, North Carolina, offered the following prayer:

God, we thank You for this wonderful day and this historic occasion. Thank You for our wonderful Nation and all those who represent us in the Congress of the United States of America.

You continually give us the opportunity to start anew so we celebrate this magnificent collection of leaders who will help pilot this Nation. Please give our Congress the wisdom to do what is right and not be driven by what is expedient. Give them the discretion to not be threatened by wise counsel or constructive criticism.

In the face of this magnificent occasion, God, continue to not only endow and bolster our Representatives, but give us the understanding to know that we play a crucial part in whether or not our leadership will be successful.

Bless the brave men and women of our armed services and their families. God bless America, her leaders and her people. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. JOHNSON of Georgia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 1541. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

H. Con. Res. 39. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The message also announced that the Senate has passed bills and agreed to joint resolutions of the following titles in which the concurrence of the House is requested:

S. 303. An act to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999.

S. 620. An act to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S.J. Res. 8. Joint Resolution providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 9. Joint Resolution providing for the appointment of France A. Cordova as a citizen regent of the Board of Regents of the Smithsonian Institution.

WELCOMING BISHOP GEORGE E. BATTLE

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina (Mr. WATT) is recognized for 1 minute.

There was no objection.

Mr. WATT. Mr. Speaker, I am privileged today to welcome and say words of welcome on behalf of the House to the wonderful bishop and minister who delivered our prayer for us this morning, whom I am privileged to have as a constituent in my congressional district.

He is not only a leader in the African Methodist Episcopal Zion Church but has been a leader in our community of Charlotte, North Carolina, and in our State for a number of years. He has served on our school board, he has been a corporate leader serving on boards of distinction, and he is an outstanding family man as well as, of course, a religious leader of our community.

We are delighted to welcome Bishop Battle today, and wish him well. His wife is just recovering from surgery, and we wish her well also on behalf of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

MORNING IN AMERICA BRINGS NEW COURSE OF ACTION

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Good morning, everybody; good morning, America. How are you? I am showing my age a little bit.

Ladies and gentlemen, it is always great to be an American, and it is always a great time in America because we have hope and vision for the future, and I am happy to report to you that Congress and the Obama administration have departed on a new course of action—no more voodoo economics, no more trickle-down economics. These are failed policies, and it is time for something new.

Whenever something new is on the table, there are always those who, instead of appreciating being Americans, they complain and don't add anything positive to the discussion.

But despite the obstacles that we confront, we will continue down this road. And, indeed, America will continue to experience morning in America.

AIG, BONUSES, AND THE FRENCH

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, AIG took bailout money and then gave millions to executives in bonuses. Now Congress is bent out of shape about it, and rightfully so. But the truth is in the last stimulus bill that Congress quickly passed with little or no debate was an attached amendment to allow AIG to do exactly what they did—give out high-dollar bonuses.

Congress is responsible for this irresponsible spending and must deal with the consequences. To make matters worse, AIG gave bailout money to foreign banks, like in France. The French

are the same people who vilify the United States, blame the world's problems on us, and have a disdain for everything American.

Mr. Speaker, I think the U.S. has bailed out France enough. We helped save France in World War I, saved them again in World War II, and took over in Vietnam after they failed there—but with little or no gratitude from the French.

And AIG also gave billions to German and English banks. We can't afford to give away taxpayer money and reward failure while making working Americans pay for all of this nonsense. "No" to more bailouts, foreign or domestic.

And that's just the way it is.

BRAIN AWARENESS WEEK

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Mr. Speaker, I rise to say a few words about Brain Awareness Week. This is the week that the Society of Neuroscience members spread throughout America to speak about the exciting wonders of the mind. But in addition, like up in my district at Franklin Institute, they will speak about not only neuroscience, but how do we take care of those patients who suffer damage.

I speak about this because as a veteran, as the Pentagon announced early this month, 360,000 of those 1.8 million members of our society who went to Iraq or Afghanistan have returned with a brain injury. The vast majority of them have healed and will heal, except for about 90,000 who will have lasting damage. That's why this week is so important. While we have a tendency to take care of these patients, there is much more to be done in the treatment of their damage with the discovery of neurostem cells and the possibility of stem transplants to repair the damage.

Again, I commend the Society of Neuroscience, particularly in this area of our returning veterans to help them improve their quality of life.

BUDGET TAXES TOO MUCH

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, this is budget time again, and this budget proposed by the administration has some very major flaws in it. It creates a greater tax burden on the American people, among other things. The budget calls for a \$637 billion tax increase for the majority of small businesses that pay taxes as individuals.

The cap-and-tax program, not the cap-and-trade but cap-and-tax program, will increase taxes conservatively by \$646 billion on energy to every household in America. These

households can expect to pay more than \$3,000 a year extra on their utility bills. This is money taken directly out of the pockets of working families struggling to pay bills each month.

This budget also caps the value of itemized deductions for those with higher incomes and really middle-class incomes, reducing charitable giving by \$9 billion a year which will devastate charities.

Finally, this budget reinstates the death tax which has been found to lower overall employment by \$1.5 million.

This budget spends too much, wastes too much, and taxes too much.

NOT SO FAST ON THE AIG BONUSES

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, not quite so fast on the AIG bonuses. The weasels who drove that company into the ground may not even be entitled to the bonuses in their contract based on their performance. And a failed company rescued from bankruptcy by the United States Government may not be obligated to pay them anyway.

Thankfully, there is also the power of the tax code. Let's return to the Eisenhower tax rates of 90 percent for people who receive bonuses from companies that we already own 50 percent or more of with taxpayer money.

For years the tax code around here has been tortured to reward people who need tax cuts absolutely the least. Hopefully we can use it this time to impose a little tax justice.

WHERE DOES ALL OF THE MONEY COME FROM?

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, one of my constituents recently said to me, "I'm tired of the government spending money I have not made yet for programs I don't want." And my constituents are right on this.

On top of the trillions that have already been spent, the President's budget is proposing doubling Federal spending by the year 2019. My constituents are saying, "How are we going to pay for this?"

Well, as we have heard this morning, there is the tax-and-cap scheme which is \$646 billion and is going to cost every American family an additional \$3,128 per year out of their household budget.

There is also the small-business taxes, \$637 billion of new small-business taxes. It is going to wipe out any kind of tax reduction that would have gone to the 95 percent of working Americans.

So the question becomes: Where does all of this money come from? Well, we know that the Democrat leadership is going to borrow too much, they are going to tax too much, and they are going to spend too much of the taxpayers' money.

HEALTH CARE REFORM

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, with passage of the long-overdue SCHIP bill, Congress and the President expanded health care coverage to 4 million American children who were previously uncovered. This single step did more to improve our health care system in one day than we had seen in 8 years. But there is still more to be done.

Every individual, every family, and every business in America struggles every day with health care costs. Their inability to afford coverage and the increased cost for goods and services as a result of health care costs for their business, this issue affects everybody in every way.

But for the first time, the President and Congress plan to consider health care reform as part of the budget process so we can accurately account for the true costs of doing health care reform and of not doing health care reform, which would be the price of inaction.

Health care cost increases are on an unsustainable course, and we can no longer hide behind budget gimmicks and just pass along the tough fiscal decisions for future Congresses. The time has come to act.

□ 1015

PRESIDENT'S BUDGET TAKES US IN THE WRONG DIRECTION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the \$3.6 trillion budget released by President Obama spends too much, taxes too much, borrows too much, and wastes too much.

Today, middle-class families and small businesses are making sacrifices when it comes to their own budget, yet Washington continues to spend trillions of taxpayer dollars on bailouts and other government programs. The spending in this budget is so massive that independent estimates suggest roughly 250,000 new Federal bureaucrats may be needed just to spend it all.

Rather than government cutting back, showing restraint, operating more efficiently on basic government responsibilities, the President proposes to create massive new programs, vastly

expanding the scope and reach of the Federal Government. The energy taxes alone will cost every household over 3,000 additional dollars per year.

This budget will cost American jobs at a time when we can't afford it. The majority of those hit by the new tax increases are small businesses, the engines of job creation in our economy. This budget takes us in the wrong direction.

CONGRATULATING MAHONING VALLEY

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, I come to the floor today to congratulate the Mahoning Valley on a much-deserved honor. It recently ranked seventh in the Nation among mid-sized metropolitan areas for business attraction and expansion, according to Site Selection magazine. This is the first time the Valley has been chosen since the survey began 30 years ago.

Amidst all the bad economic news, this announcement was a bright spot that demonstrates all the hard work our businesses, workforce, and elected officials have put into making our community a great place to live and work and expand. The Mahoning Valley is ripe for economic development, and I am so pleased to see it receive such positive recognition. The magazine recognizes the local metropolitan area, which includes Mahoning, Trumbull, and Columbiana Counties in Ohio.

Congratulations, Mahoning Valley. I am so proud to represent you, and look forward to continuing to help foster economic development in Ohio's Sixth District.

MEDIA'S IMMIGRATION BIAS PREVENTS AMERICANS FROM GETTING FACTS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, many of us remember the tragic case of Chandra Levy, a former Washington, D.C. intern who disappeared suddenly 8 years ago.

The man charged recently with murdering Ms. Levy entered the United States illegally, but you might not have known that by following the news. CBS, CNN, and the AP, among many other media outlets, failed to mention even once that the suspect entered the country illegally. Instead, the media used terms like "incarcerated felon" and "jailed attacker" to refer to the suspect in news reports. They neglected to point out that the suspect would not have been able to commit the alleged murder if he had not entered the country illegally in the first place.

This is an example of how the media's liberal bias on immigration issues prevents Americans from getting the facts. Whether it's immigration or any other issue, the media should report the facts, not slant the news.

BUSH BUDGET LEGACY—DEEP DEFICITS AND ECONOMIC DECLINE

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, in January, 2001, President Bush inherited a fiscal situation stronger than any in half a century. When President Clinton left office, the Federal budget was on track to retire all debt for the first time since 1835 and add \$3 trillion in net national savings. But Republican trickle-down economic policies changed all that—squandering the entire budget surplus and instead creating deficits in the trillions.

Republicans let budget rules lapse. They increased spending, they cut revenue, and enacted expensive tax cuts for those who needed them the least. On President Bush's watch, the debt held by the public grew from \$3.4 to \$6.3 trillion. The gross Federal debt doubled, and foreign-held debt more than tripled.

Mr. Speaker, the healthy fiscal forecast the Bush administration inherited 8 years ago has now been replaced by record budget deficits as far as the eye can see and an economy in a tailspin. This is the unfortunate situation that President Bush left President Obama. It stands in stark contrast to what President Bush inherited in 2001 and demonstrates the harmful effects of Republican economic policies.

REJECT THE FLAWED CAP-AND-TAX PROGRAM

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute.)

Mr. SULLIVAN. Mr. Speaker, while our Nation is suffering a severe economic recession, the Democrat majority is working behind closed doors to enact the largest carbon regulatory scheme in our Nation's history in the form of a cap-and-tax system. In fact, President Obama's budget includes a \$646 billion cap-and-trade energy tax that will be paid by every American who drives a car, turns on a light switch, or buys a product made in the United States. And that's every single American, regardless of income. No matter how you slice it, this issue is a huge tax. Government revenues are, of course, taxes on the American people.

This cap-and-tax scheme would cost the average American household in every State up to \$3,000 a year, and that's a very conservative estimate. This is really not a good way to stimulate our economy in economic bad times like we are in.

I urge my colleagues on the other side of the aisle to reject the flawed cap-and-tax program in the President's budget. The Democrat majority is borrowing too much money, taxing too much, and spending too much. When is it enough?

AMERICA WILL RECOVER AND EMERGE STRONGER THAN EVER BEFORE

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute.)

Ms. CASTOR of Florida. According to a poll released this week, more Americans believe that the country is on the right track than before the election, and they believe that President Obama is handling his new job very well.

What I hear from folks back home in Florida is they have faith that the recovery plan is going to help them. Indeed, the moneys are being delivered to local communities to create jobs. In Tampa, we're going to construct an important link for economic development out of our port, moneys for our public schools, and students will arrive this month.

Energy efficiency. We are going to weatherize homes throughout the Tampa Bay area and the State of Florida.

On Monday, we announced a computer initiative to computerize medical records throughout the Tampa Bay region. Health care for Floridians will be provided because we are not going to let our neighbors fall through the crack during this economic downturn.

The budget priorities President Obama has sent us are right—health care reform, education, and investments in energy. We will recover, and America will emerge stronger than ever before.

PMA SCANDAL

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, later today or tomorrow, the House will be voting again on a privileged resolution to look into the matter of the PMA scandal. There is an outside investigation by the Department of Justice into PMA, a powerhouse lobbying firm that will close its doors at the end of the month because of suspect contributions to Members of Congress, Members of Congress who secured no-bid contracts on behalf of that firm.

Mr. Speaker, several years ago we had the Jack Abramoff scandal. The leadership at that time was slow to recognize that scandal, and it kept spreading until it got worse and did damage to the reputation of this body. Let's not make that same mistake today. This scandal promises to be far larger if we let it go. So let's have the

investigation go on by the Ethics Committee. We have an obligation to uphold the dignity and decorum of this body and we are not exercising it yet.

I urge a vote not to table the resolution, and let the Ethics Committee investigate this scandal.

NATIONAL SAFE PLACE WEEK

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, I rise in recognition of National Safe Place Week, the organization and the critical services it provides to young people in need.

Of the more than 1 million youth who experience homelessness annually, some are born without homes, but most run away to escape abuse; and with no hope in sight, one-third attempt suicide. Thankfully, National Safe Place recognizes that in each of these young people is hope for the future, a chance to succeed, and an opportunity to become productive members of our communities.

In the 26 years since National Safe Place began in my hometown of Louisville, Kentucky, it has served nearly a quarter million disconnected youth nationwide, 100,000 in Kentucky alone. In 40 States and 1,400 communities across the Nation, Safe Place has provided the services and support to help a child's potential become a reality. No wonder Safe Place is the largest recipient of funding through the Reconnecting Homeless Youth Act, which we just reauthorized with legislation I authored with my colleague, JUDY BIGGERT.

Time after time, adolescents devoid of hope have traveled a path that seems sure to dead end, only to find themselves in front of one of 1,600 stores, restaurants, and businesses bearing the Safe Place logo. Inside, they find a new path that begins with the support every child needs and ends with a chance that every child deserves.

I urge my colleagues to join me in celebrating National Safe Place Week.

IT IS TIME TO TAKE BACK TAXPAYER MONEY FROM AIG

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise today on behalf of the hardworking families of my district and the State of Pennsylvania who, like me, are shocked and outraged by recent actions taken by the insurance company, AIG.

Mr. Speaker, the current economic downturn has been especially difficult for my constituents. Traveling across my district, I have heard the same story from far too many middle-class families about how they are bearing the brunt of our faltering economy.

Paychecks can't stretch far enough anymore to make payments on the mortgage, buy groceries, and pay the utility bills. In fact, many of my constituents who have worked hard and played by the rules have had to take a pay cut simply to keep their jobs.

My constituents work hard and meet their responsibilities every day, and they don't have the benefit of government bailouts or multimillion-dollar bonuses. However, they have seen their hard-earned tax dollars go to bail out companies like AIG, whose own greed and recklessness are responsible for the economic downturn in the first place.

Mr. Speaker, it is hard to understand why AIG executives think they have earned bonuses in the first place; but, more importantly, how dare AIG use tens of millions of taxpayer dollars to reward themselves for bad behavior. How can they justify this outrage to taxpayers who are keeping their company afloat?

I say enough is enough. And that is why I am supporting legislation that will safeguard the taxpayers' money and hold AIG executives accountable once and for all.

CHANGING THE HEALTH CARE SYSTEM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am so grateful for a President that believes in the American people. I thank him for his budget, thank him for his outrage regarding outrageous AIG employees receiving bonuses, thank him for recognizing the 47 million plus that are growing who need health care reform, and thank this leadership that is beginning to open the discussion on American health care reform that is so very important.

I happen to believe a single-payer system is a health care payment system, not a health care delivery system. Health care providers will be in a fee-for-service practice and will not be employees of the government. Therefore, it is not socialized medicine. Single-payer health care is not socialized medicine any more than the public funding of education is socialized education or the public funding of the defense industry is socialized defense.

What we simply want is the ability for that single payer to negotiate prescription drug prices, hospital prices, nursing home prices. We simply want the ability to give the American people the insurance on health care that they and their children need.

Interestingly enough, polls show that 60 to 75 percent of Americans believe in this type of system. But the most important aspect is, we have a leader—and the leadership in this Congress—that says Americans count. Let us change the health care system today, not pay AIG employees bonuses.

AMERICANS DESERVE BETTER SOLUTIONS

(Mr. TIBERI asked and was given permission to address the House for 1 minute.)

Mr. TIBERI. Ladies and gentlemen, in the coming weeks, we are going to debate the budget for the United States of America for the next 10 years, for next year and beyond. This budget clearly taxes too much, spends too much, and borrows too much from the American people. In fact, not only does it do that, but for someone like my mom and dad who are on fixed incomes, seniors, this will cause their taxes to go up every time they fill the tank of their 14-year-old car, turn on the lights of their 35-year-old house, or turn up the thermostat to heat or turn it down to cool their home.

This is a huge tax on American consumers, particularly from my State in Ohio, with this cap-and-tax issue that is within this budget, a debate that we're going to have in this House this month and next month.

Americans deserve better. They deserve better solutions. Republicans in the minority here are willing to be part of those better solutions. I hope that the Speaker and the leadership of the House will be partners with us for those better solutions.

□ 1030

RESEARCH AND DEVELOPMENT TAX CREDITS

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Mr. Speaker, the American people are demanding leadership, and we will be judged in this House by two measures, by action or inaction, and whether what we do in this House is going to put our economy and our people back on track.

And let me tell you, while some of my colleagues stand with their arms extended and say "no," we stand here today and say "yes," that America can and will recover from this great economic downturn.

I found a Member on the other side of the aisle who would stand with me to make permanent research and development tax credits that will invest in energy programs that will benefit Ohio and put our Nation on the road to recovery. I talk about a tax credit that will help companies like the EBO Group in my district that's studying plug-in hybrids and batteries that can make our cars more efficient, or the Rolls Royce Corporation in my district with the research and development tax credit that will give them the wherewithal to invest in fuel cell technology so we can move away from our dependence on foreign oil.

My friends, we will be judged as leaders or blockers. Are we going to say

"yes" or are we going to say "no"? Are we going to act or are we not? This is the time we need to invest in America, in her greatest time of need.

TAX CUTS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the President's budget cuts taxes for 95 percent of America's workers and their families. It cuts spending, nondefense discretionary, over 10 years to its lowest level as a percentage of the economy in nearly half a century. The President's budget also cuts the deficit in half over 4 years. It grows nothing but jobs. And creating American jobs means making quality health care affordable. It means powering our economy with clean American energy. And it means modernizing our education system.

Mr. Speaker, we have had 8 years of slow growth and actually a loss of jobs under President Bush, under the previous administration. The failure to reform and invest produced those 8 years of slow growth and loss of jobs. We need to turn that around, and that's what President Obama's budget will do.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2009

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1512) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Aviation Administration Extension Act of 2009".

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code

of 1986 is amended by striking "March 31, 2009" and inserting "September 30, 2009".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2009" and inserting "September 30, 2009".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "March 31, 2009" and inserting "September 30, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2009.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "April 1, 2009" and inserting "October 1, 2009", and

(2) by inserting "or the Federal Aviation Administration Extension Act of 2009" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "April 1, 2009" and inserting "October 1, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2009.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103(6) of title 49, United States Code, is amended by striking "\$1,950,000,000 for the 6-month period beginning on October 1, 2008," and inserting "\$3,900,000,000 for fiscal year 2009."

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "March 31, 2009," and inserting "September 30, 2009."

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(1)(7) of title 49, United States Code, is amended by striking "April 1, 2009," and inserting "October 1, 2009."

(b) Section 44302(f)(1) of such title is amended—

(1) by striking "March 31, 2009," and inserting "September 30, 2009,"; and

(2) by striking "May 31, 2009," and inserting "December 31, 2009."

(c) Section 44303(b) of such title is amended by striking "May 31, 2009," and inserting "December 31, 2009."

(d) Section 47107(s)(3) of such title is amended by striking "April 1, 2009," and inserting "October 1, 2009."

(e) Section 47115(j) of such title is amended by striking "2008, and for the portion of fiscal year 2009 ending before April 1, 2009," and inserting "2009."

(f) Section 47141(f) of such title is amended by striking "March 31, 2009," and inserting "September 30, 2009."

(g) Section 49108 of such title is amended by striking "March 31, 2009," and inserting "September 30, 2009."

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking "made in" and all that follows through "under chapter 471" and inserting "made in fiscal year 2009 under chapter 471".

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking "2008, and for the portion of fiscal year 2009 ending before April 1, 2009," and inserting "2009."

(j) The amendments made by this section shall take effect on April 1, 2009.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1)(E) of title 49, United States Code, is amended by striking

"\$4,516,364,500 for the 6-month period beginning on October 1, 2008," and inserting "\$9,042,467,000 for fiscal year 2009."

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(5) of title 49, United States Code, is amended by striking "\$1,360,188,750 for the 6-month period beginning on October 1, 2008," and inserting "\$2,742,095,000 for fiscal year 2009."

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(13) of title 49, United States Code, is amended by striking "\$85,507,500 for the 6-month period beginning on October 1, 2008," and inserting "\$171,000,000 for fiscal year 2009."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Ohio (Mr. TIBERI) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent to give Members 5 legislative days to revise and extend their remarks on House bill 1512.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1512, the Federal Aviation Administration Extension Act of 2009, extends the financing and spending authority for the Airport and Airway Trust Fund.

The trust fund taxes and spending authority are scheduled to expire on March 31, 2009. This bill extends these taxes at current rates for 6 months, through the end of the fiscal year on September 30.

Failure to act on this bill would mean that the taxes expire and the trust fund would lose revenues that are necessary to finance future airport construction projects and updates to the air traffic control system. It would also prevent the FAA from spending funds that are already in the trust fund, shutting down the Airport Improvement Program and critical airport construction projects around the country.

I know the importance of our air transportation system. The Hartsfield-Jackson Atlanta International Airport, located in my congressional district, is the world's busiest passenger airport. In 50 years the number of passengers traveling through that airport has grown from 2 million to almost 80 million a year. The airport has a direct and indirect impact on the economy of over \$20 billion. We must make sure that the taxes are extended and the FAA remains funded. It is critical to our economy and the safety of all of our passengers.

The bill also extends a number of authorizing provisions that are under the

jurisdiction of the Transportation and Infrastructure Committee. All of those provisions were also extended last September in the same bill that extended the expiring tax provisions. This bill will keep the Airport and Airway Trust Fund taxes and operations in place until a long-term FAA Reauthorization Act is signed into law.

Mr. Speaker, I reserve the balance of my time.

Mr. TIBERI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1512.

As the gentleman from Georgia said, this is a straightforward bill to provide a 6-month extension of the various excise taxes that support the Airport and Airway Trust Fund as well as the trust fund's expenditure authorities. These taxes and authorities are currently scheduled to expire at the end of this month, and today's legislation will permit Congress the time it needs to consider a longer-term FAA reauthorization bill.

As the ranking member of the Select Revenues Subcommittee, I'm pleased that Chairman RANGEL has asked our panel to examine tax issues related to the transportation trust funds, including the Airport and Airway Trust Fund. I certainly look forward to working with Chairman NEAL, Chairman LEWIS, and all the members of our committee over the months ahead as we determine whether modifications to the financing structure of the Airport and Airway Trust Fund are warranted going forward. Ways and Means is clearly the appropriate committee of jurisdiction regarding these tax issues, and I anticipate working with other members of the Ways and Means Committee of both parties to ensure that our committee continues to shape the FAA reauthorization process this year.

I would note for my colleagues that under the CBO baseline, expiring excise taxes that are dedicated to a trust fund are assumed to be extended at current rates for budgeting purposes. Consequently, the Joint Committee on Taxation is expected to score H.R. 1512 as having no revenue effect, Mr. Speaker, no revenue effect, just as it has with similar short-term extensions of FAA taxes in the past. While many Members on our side of the aisle would argue that CBO and Joint Tax should make that same assumption about expiring tax cuts as well, that's a bigger debate for another day.

For now it's important that we all extend the current FAA excise taxes on a temporary basis, and I am pleased to join with my colleagues from the other side of the aisle and Chairman LEWIS in support of this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I fully support House bill 1512. I urge

my colleagues on both sides of the aisle to vote "yes" for this bill.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 1512, the Federal Aviation Administration (FAA) Extension Act of 2009. I want to thank Chairman RANGEL and Ranking Member CAMP for bringing this to the floor today, as well as Chairman OBERSTAR and Ranking Members MICA and PETRI.

Earlier this month, the Transportation and Infrastructure Committee marked up H.R. 915, the FAA Reauthorization Act of 2009, a long-term authorization of the Federal Aviation Administration's (FAA) programs. It should be to the House floor in the coming weeks. However, until H.R. 915 is signed into law, it is imperative that we not allow FAA's critical programs to lapse.

The Aviation Trust Fund is currently operating under a short-term extension that expires on March 31, 2009. To that end, H.R. 1512 would extend not only the aviation taxes and expenditure authority, but also Airport Improvement Program (AIP) contract authority, until September 30, 2009.

H.R. 1512 also provides an additional \$1.95 billion in AIP contract authority, resulting in a full-year contract authority level of \$3.9 billion for fiscal year 2009. These additional funds will allow airports to proceed with critical safety and capacity enhancement projects, particularly larger projects that require a full-year's worth of AIP funds to move forward.

Mr. Speaker, aviation is too important to our nation's economy—contributing \$1.2 trillion in output and approximately 11.4 million U.S. jobs—to allow the taxes or funding for critical aviation programs to expire.

Congress must ensure that this extension passes expeditiously to reduce delays and congestion; improve safety and efficiency; stimulate the economy; and create jobs. I urge my colleagues to support the bill.

Mr. PETRI. Mr. Speaker, in September 2007, the House considered and passed the FAA Reauthorization Act of 2007, H.R. 2881. That legislation reauthorized the FAA for four years.

Unfortunately, the Senate was unable to come to an agreement on its bill, and so in September 2008 Congress extended the Federal Aviation Administration's (FAA) funding and authority for a fifth time.

That extension will expire on March 31, 2009, so today we are considering another extension.

H.R. 1512 would extend the taxes, programs, and funding of the FAA through September of 2009.

This bill—

Extends FAA Funding and contract authority for 6 months;

Funds the Airport Improvement Program at \$1.95 billion through September 2009;

Extends the War Risk Insurance program; and

Extends the Small Community Air Service Development Program.

H.R. 1512 will ensure that our National Aviation System continues to operate until a full FAA Reauthorization can be enacted.

As I have indicated many times since the passage of the House FAA Reauthorization bill back in 2007, we need to pass a long-term bill so that we can meet the growing demands

placed on our nation's infrastructure. Modernizing our antiquated air traffic control system and repairing our crumbling infrastructure need to be at the top of our priorities.

As we begin the 111th Congress, there is still much work to be done. This 6-month extension gives us time to improve H.R. 915, the "FAA Reauthorization Act of 2009," which was introduced by Chairmen OBERSTAR and COSTELLO last month and approved by our Committee earlier this month.

As we move toward Floor consideration of the FAA Reauthorization bill, I look forward to working with my colleagues to address ongoing concerns with some of the provisions in H.R. 915.

I also urge our colleagues in the other body to take up a comprehensive FAA reauthorization package as early as possible this year.

I support this extension as the best alternative to keep the FAA and the National Airspace System running safely until we can take up and pass a bipartisan and bicameral bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1512. To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes, introduced by my distinguished colleague from New York, Representative CHARLES B. RANGEL. This important legislation will extend funding in order to improve transportation for Americans across the nation.

The costs of air travel have increased rapidly in the last few months. Airlines have not only increased the price of air fare, but they have been forced to put charges on extra baggage, cut flights, and lay off hundreds of employees. Air travel is essential, as it is beneficial environmentally, socially, and especially economically. Without the ability to travel by air cheaply and easily, the flow of people, goods, and ideas would substantially decrease.

If we do not extend funding to airline programs, many negative consequences will ensue, including cutting services, such as air traffic control, certification, and inspection, as well as the inability by the airlines to buy new equipment for the aging infrastructure.

It is obvious that something must be done to solve this pressing problem. It is necessary for airlines to look into 2 alternative means in order to increase their effectiveness. However, it is also necessary for the United States to fund several programs.

The Airport and Airway Trust Fund was established in 1970 "to provide for the expansion and improvement of the nation's airport and airway system." Since then, it has provided funds for the Federal Aviation Administration. Various pieces of legislation have come before the Congress to extend this fund, and yet partisanship has stalled these bills. It is necessary for us to extend this program in order to modernize our air traffic control system. NextGen, a state-of-the-art air traffic control system would allow control towers to pinpoint the exact locations of aircrafts, making the skies less chaotic, and air travel much more efficient.

Additionally, the extension of the Airport Improvement Program is necessary in order to improve safety and efficiency in our air travel. Airports are sites used by millions and millions

of Americans every single day. It is vital that airports, travelers, and air flight personnel be secure, and thus it is important to continue to fund this program.

Even though air travel is obviously important, other forms of travel contribute to the nation as well. The Highway Trust Fund was created by the Highway Revenue Act of 1956 to ensure a dependable source of financing for the National System of Interstate and Defense Highways. This is the premier fund for government spending on highways, with approximately 45% of all highway spending coming from this fund. The Congressional Budget Office predicts the fund will run a deficit of \$1.7 billion at the end of 2009 and \$8.1 billion by the end of 2010. The Highway Trust Fund balance must be restored.

This bill will extend the taxes that fund The Airport and Airway Trust Fund, extend the expenditure authority of The Airport and Airway Trust Fund, extend the Airport Improvement Program, and restore the Highway Trust Fund balance. This is a vital bill for cities like Houston, Texas, which happens to have one of the top 10 airports in the Nation. I urge my fellow members of Congress to support H.R. 1512 in order to increase efficiency, safety, and functioning of our nation's transportation systems.

Mr. LEWIS of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 1512.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

IN SUPPORT OF THE FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2009

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute.)

Mr. OBERSTAR. Mr. Speaker, the Ways and Means Committee under Chairman RANGEL was so efficient, they completed action on the extension bill for the FAA authorization before I could reach the House floor from a hearing the Committee on Transportation and Infrastructure is holding on the next-generation aviation technology for FAA, and I wanted to be here to thank the chairman, Chairman RANGEL, and the ranking Republican for moving the bill quickly and without dispute or without a recorded vote.

But I want to supplement those comments by observing that the Committee on Transportation and Infrastructure has done its work. In the last Congress, we reported the 4-year authorization for FAA, but the other body didn't act on it. So we quickly moved our bill with bipartisan support through committee March 5, just earlier this month, to extend, with a great many improvements and upgrades in

the operations of FAA, and provide authority for the next-generation technology. Again, the other body is not prepared to act.

Now, the reason we need an extension through the end of this fiscal year is to avoid disruption in the Airport Improvement Program. If we have a stop-and-go, 3-month extension and another 3-month extension, then the funding for the airport grants for increasing capacity on the air side of airports would stop and go as well. That's not good public investment strategy.

But I regret that we have to do this. The other body simply is not ready to move ahead with full consideration of the bill. We should be able to do that in a matter of days. Unfortunately, they are not ready to do that. And I just want to make it clear that the Committee on Transportation and Infrastructure, in partnership with the Committee on Ways and Means, is ready to do the job of the House in moving the agenda forward and continuing the modernization of the Air Traffic Control System, rebuilding the air traffic control workforce, and investing in the hard side of airports, and we will continue to do that. We stand ready. Although our patience is running out, we await the administration's proposals for the future revenue stream for the FAA and the Air Traffic Control System.

□ 1045

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 968

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 968. My name was added in error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1388, GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION ACT

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 250 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 250

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1388) to reauthorize and reform the national service laws. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and

shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of this rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Ms. MATSUI. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 250.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, H. Res. 250 provides for consideration of H.R. 1388, the Generations Invigorating Volunteerism and Education, or the GIVE Act, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Education and Labor.

The rule makes in order 11 amendments which are listed in the Rules Committee report accompanying the

resolution. Each amendment is debatable for 10 minutes except the manager's amendment, which is debatable for 30 minutes. The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today in support of a vital piece of bipartisan legislation that directly affects all of our communities and the lives of millions of Americans.

Legislation that strengthens our communities helps educate our future generations, teaches our youth to prepare for and respond to unthinkable tragedies and fosters the growth of respect and compassion throughout our entire society.

The GIVE Act will help launch a new era of American service and volunteerism. The bill answers President Obama's call for Americans of all generations to help get the country through the economic crisis by serving and volunteering in their communities.

The GIVE Act reauthorizes, for the first time in 15 years, our country's investment in community service and volunteerism. As a cochair of the National Service Caucus, it is a pleasure to call attention to the tremendous work of those involved at every level and in every program of the corporation.

Service programs not only help each of our communities but also provide training that could lead to future careers. Many individuals who are involved in service at a young age continue in public service careers and in service programs throughout their lives.

Mr. Speaker, service and volunteerism are the bedrock of emergency preparedness and national security. In times of strife, the American people have always shown a spirit of service and ingenuity. Investing in service and volunteer programs prepares us to handle any crisis.

We must focus on building our national capacity, and harnessing the enterprising spirit of the American people is a good way to do so. In the wake of a catastrophe, a first responder is likely to be a civilian. A neighbor is likely to be the first one to provide assistance. By building up our service and volunteer programs, we are taking proactive steps to bolster our national security and capability to weather a disaster now and in the years to come.

We saw firsthand the importance of having trained volunteers in the wake of the 2005 hurricanes, Katrina and Rita. These forever changed thousands of lives and communities in the gulf coast. We also witnessed an outpouring of support and compassion from individuals who were touched by this immense tragedy.

Following the devastation in the gulf coast, more than 92,000 national service volunteers contributed over 3.5 million hours of work to the recovery effort.

They repaired neighborhoods. They rebuilt lives.

Since September of 2005, over 4,070 National Civilian Community Corps—or NCCC—members have served more than 2.1 million hours in the gulf coast on over 830 relief and recovery projects. Through programs such as AmeriCorps State and national, Volunteers in Service to America—or VISTA—and NCCC, servicemembers address critical needs in our communities.

AmeriCorps and NCCC members are disaster trained and available for immediate deployment in the event of a natural disaster anywhere within the United States, just as they were to the gulf coast.

In fact, NCCC teams have responded to every national disaster, including the recent fires in my home State of California. Disaster relief and emergency response now accounts for over 60 percent of the NCCC portfolio. Over \$42 million worth of hurricane recovery resources have come from AmeriCorps and NCCC alone, which is millions more than we have spent on the entire program nationwide. This is a clear return on our investment.

These exceptional young men and women are especially trained in disaster preparedness and organizing local volunteers into an effective recovery operation. These programs continually put more back into the community than we put into them. The GIVE Act shows Congress' support for their heroic and continued efforts and ensures these programs continue for years to come.

The GIVE Act of 2009 will strengthen the emergency preparedness and response training of our country's NCCC participants. The changes will also help the program continue to grow.

The legislation expands the scope of NCCC to specifically include disaster relief, infrastructure improvement, environmental and energy conservation and urban and rural development.

The GIVE Act also establishes four new service corps, including a Clean Energy Corps to encourage energy efficiency and conservation measures; an Education Corps to help increase student engagement, achievement and graduation; a Healthy Futures Corps to improve health care access; and a Veterans Service Corps to enhance services for veterans.

This bill includes a Call to Service Campaign to encourage all Americans to engage in service and to observe September 11 as a National Day of Service and Remembrance.

The bill seeks to tap the growing pool of baby boomers reaching retirement that wish to continue serving their country and provides real alternatives to traditional employment at a time when jobs are scarce. The GIVE Act also seeks to engage our future generations in lifetimes of service. Engaging young men and women is vi-

tally important. The Education Awards, which will be increased in this bill, encourage our youth to apply the skills that they learn at volunteerism to a successful education and the lessons they learn in school to improving their communities.

The GIVE Act specifically seeks to make a difference, not only by the services that are provided but by who we are engaged in serving. It seeks to exponentially increase the numbers of disadvantaged and at-risk youth participating in service. Each one of these valuable young men and women will take the respect and compassion that they learn at service programs back to their schools and to their families and be a seed of inspiration amongst those who need it most.

We cannot pass up the opportunity to better our future generations. Service programs provide an opportunity to give our youth the most valuable lesson of all, positive personal experience.

Mr. Speaker, as a result of the great work of AmeriCorps members, extraordinary things are happening all around America. The corporation supports such important nonprofit organizations as Habitat for Humanity, City Year and the American Red Cross.

National service participants have built homes, healed wounds, worked in national parks and taught elementary school kids. These volunteers are part of the backbone of our country. With very little funding, service participants leverage millions of dollars and perform crucial work in classrooms and in areas of our Nation hit by disaster.

The service programs and new initiatives in H.R. 1388 help address some of our Nation's toughest problems, from poverty and unmet education needs to natural disasters. Just this week, The New York Times and the Wall Street Journal pointed to the rise in the number of volunteers nationwide. Many who have been laid off or are in between jobs have joined volunteer programs to stay connected to their community and learn new skills. Some have even benefited by gaining employment through their work as volunteers.

The GIVE Act will expand these opportunities as well as health care access, provide seniors with help living independently, enhance services for veterans, and help build a clean, green, energy-efficient economy.

As a result, I hope that my colleagues will support the rule and the underlying legislation. The spirit of service has been renewed at a time of economic challenges, and it is time for our government to foster a continued dedication to our country's prosperity through national service.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend from California (Ms. MATSUI) for the time, and I yield myself such time as I may consume.

It can sometimes seem that we are surrounded by news of selfishness and greed. I think, very appropriately, and I will discuss this later, the American people are outraged by an example of really cynicism intertwined with greed in this AIG example. More about that later.

However, those individuals, those few individuals, those cynics who utilized taxpayer dollars to give out bonuses for AIG, those really few individuals, Mr. Speaker, when you think about it in comparison to the myriad of individuals who really commit themselves to the service of others through volunteerism, those who serve are a beacon of compassion and hope for us all. Community service is one of the most gratifying, rewarding, fulfilling ways people can spend their time and their efforts.

Community service has always been a vital pillar of American society. It's one of the things that distinguishes the United States and exalts the American people.

Volunteers all over the United States dedicate millions of hours to their contemporaries in the hope of making people's lives better. Through their selfless work, volunteers help improve the lives of millions of Americans. In 1993, the Congress, with my support, passed legislation creating AmeriCorps and the Corporation for National and Community Service to administer and coordinate Federal service community programs.

Since then, almost 500,000 Americans have served with thousands of not-for-profit organizations, public agencies and faith-based organizations nationwide.

□ 1100

These citizens tackle many unmet needs in our communities. They provide for our youth through tutoring, mentoring, and after-school programs. They provide for the disadvantaged by building homes for the needy and reaching out to misguided youth. They conduct neighborhood patrols; they care for our environment; respond to disasters, engage citizens in public, health, safety, and emergency preparedness services. And they support those who have served and continue to serve our Nation in the Armed Forces by meeting the needs of our Nation's veterans, active duty servicemembers, and their families. They do, oftentimes, exemplary work.

The underlying legislation, known as the Generations Invigorating Volunteerism and Education Act, referred to as the GIVE Act because of its initials, will reauthorize the national service programs administered by the Corporation for National and Community Service. This reauthorization sets the goal to recruit 250,000 volunteers for AmeriCorps by 2014. It will also create service opportunities for middle

school and high school students through the Summer of Service program.

The legislation emphasizes the critical role of service in meeting the national priorities of emergency and disaster preparedness, and it will help improve program integrity.

I am pleased that the committee, the Committee on Education and Labor, worked in a bipartisan manner to reauthorize this program and to include provisions that will make the programs more effective and efficient, responding to State and local needs with performance orientation.

It goes to show, Mr. Speaker, that when there is a willingness to work together and to negotiate, we can bring forth good pieces of legislation with bipartisan support.

I know the majority is trumpeting this rule with which we bring this underlying legislation to the floor because it will allow Members to debate all of the amendments that were submitted to the Rules Committee by Republicans. And that's appropriate. Nevertheless, I remind my colleagues the majority does this when the underlying legislation is uncontroversial.

Even though the majority promised to be the most open Congress in history, if the majority is so proud of this rule, then they should allow a more open process when controversial bills come before the floor as well.

I urge Americans everywhere, regardless of whether they take part in AmeriCorps, to volunteer and give back to their communities. The rewards are extraordinary to both the volunteer and to the community. As Winston Churchill said, "We make a living by what we do, but we make a life by what we give."

I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to my good friend, the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentlewoman from California for the time and for her leadership on this bill. I also want to thank my good friend from across the aisle, Mr. DIAZ-BALART, for his thoughtful words about this bill and about the amazing character of the American people to serve and reach out to others in their communities through volunteerism.

This bill, Mr. Speaker, will unite Americans during these challenging economic times through service and volunteerism in our communities. And I am pleased that this Congress is moving swiftly to reauthorize and expand national service programs managed by the Corporation for National and Community Service.

I am particularly supportive of two initiatives that are included in this bill that I sponsored in the last Congress.

The first proposal requires the Corporation to conduct a study to identify specific areas of need for displaced

workers, and to identify how existing programs and activities carried out under our national service laws can better serve displaced workers and the communities affected by plant closings and job losses.

Communities in Ohio and across our Nation are being devastated by the economic downturn, and it's essential that we support new opportunities for Americans who have lost their jobs through no fault of their own.

Our workers who have toiled for so long in manufacturing plants have unique skill sets and leadership capabilities that can be of great value when utilized through service projects.

In Ohio, we face an unemployment rate of 8.8 percent. I eagerly look forward to seeing how new service programs like this will help us help our displaced workforce.

The second proposal requires the Corporation to consider whether an area has a mortgage foreclosure rate greater than the national average when considering grant applications from States and other eligible entities.

Ohio has been particularly devastated by the mortgage crisis and ranks 10th in the Nation in home foreclosures. According to recent statistics, my congressional district is projected to have over 5,000 foreclosures in the coming year.

In a time when so many of our communities are struggling, we need to pursue every avenue available to make sure that the cities and towns with the greatest needs have access to the assistance that we can provide.

Mr. Speaker, this legislation will go a long way to energize and create new opportunities for Americans to build confidence and assist in our country's recovery.

I urge a "yes" vote on the rule and the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure at this time to yield 5 minutes to a distinguished colleague from the Rules Committee, who has brought to our committee great wisdom and tenacity, the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from Florida for his gracious comments. It's a joy to serve on the Rules Committee. It's a joy, actually, to serve with all the folks on the Rules Committee. I am learning a great deal. We have some very talented people on that committee.

I do have to say, though, that I disagree with many of my colleagues about this rule and about this bill. I appreciated the comments that have been made. I particularly appreciate my colleague giving the definition from Winston Churchill because I use that definition often when I write volunteers to congratulate them on what they do.

To quote it again, "We make a living by what we do, but we make a life by

what we give." The word "give" is the important word here.

I looked up the definition of volunteer, and it says "a person who voluntarily offers himself or herself for a service or undertaking." The second definition is "a person who performs a service willingly and without pay."

What this bill does is expands dramatically the government's role in an area that I don't think the government should be dealing with. Our colleague from Ohio just said this is an opportunity for people who have lost their jobs. Well, I think it's important that we encourage volunteers, but this is a paid job.

This is a government-authorized charity. And it concerns me a great deal because I see our taking over what is being done voluntarily by people—this, and in the budget. The President wants to tax people who give money to volunteer organizations and to charities. He says that's okay because the government's going to pay it.

We're pretty soon going to have a government that controls everything in our society. That's not what America is all about.

When de Tocqueville came here in the 1800s—and he is quoted over and over—he said he never saw a society with so many associations. Those are voluntary associations. We have Ruritan clubs, Civitan clubs, Rotary clubs. They do their work without pay. That is what America's all about.

What we are doing is creating a 1984 because we're setting up paid volunteers. That's not what America's all about.

Someone sent me an e-mail last night and said we need to give this GIVE Act a new name: People Audaciously and Insidiously Demanding Vituperously Outlandish, Laughable, Unsustainable, Needless, Totally Egregious and Extortionary Recompense Act, or the PAID VOLUNTEER Act. That is what this is all about.

That is not what America is all about. We need to be encouraging people to be volunteers and not be paid for it.

The other concern that I have is that there is no accountability in this bill. The Learn and Serve program that is already in existence was rated the lowest rating possible—not performing; results not demonstrated by OMB's Program Assessment Rating Tool.

Yesterday, in the committee, the gentleman from the Education Committee made a big deal about the fact that these programs are going to be evaluated by PART. But they've already been evaluated, and they've been evaluated as basically no good and as wasting money.

The AmeriCorps National Community Corps Program was rated as a low rating, of not performing, and ineffective by OMB's PART program. OMB defines a rating of ineffective as pro-

grams not using your tax dollars effectively. Ineffective programs have been unable to achieve results due to a lack of clarity regarding the program's purpose or goals, poor management, or some other significant weakness.

Well, ladies and gentlemen, Mr. Speaker, it is very difficult to establish evaluation programs. I know. I was in education for a long, long time. It is difficult to do that. These programs are not establishing credible evaluation programs. We demand that of our education programs, we demand it of teachers. No Child Left Behind has the most egregious kinds of evaluation programs that we hear about all the time.

Here, we are spending \$27,000 dollars per person; \$27,000. In North Carolina, I think we are spending about an average of \$7,000 dollars per child in public education. That may not be the most up-to-date figure, but it's something like that. And here we are going to pay \$27,000 dollars per person for these volunteers? What about that?

I know that probably hospitals in my community and other groups that use volunteers extensively don't spend hundreds of dollars for volunteers, let alone \$27,000.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield an additional 2 minutes.

Ms. FOXX. I thank the gentleman for yielding additional time. As I said, one of my concerns is here we are in a time when we need to be looking at every single dollar we spend. I take that approach every day. I don't care if the Federal Government is flush with money, we should be very careful with every penny we spend.

The American public are watching us like never before. And here we are, about to put these programs out. One of the concerns I had, too, is how the people are going to be counted. Again, where is the evaluation?

In the rule that was adopted yesterday, it said that this bill adds language to promote community-based efforts to reduce crime and recruit public safety officers in the service opportunities.

Well, I wonder if every community-watch program in the country, which can have hundreds of people in them who do very little, but they perform an important service for their community. They may be assigned an hour a week to do something. Are they going to be part of these 250,000 volunteers? That's not at all clear. But I have a suspicion they're going to be counted if they can get to that magic number. And they will say, Look, we have 250,000 people.

But the effectiveness is not being gauged, and I think this is a tremendous waste of money where we could be doing this for a lot less.

Ms. MATSUI. Mr. Speaker, before I yield to my next speaker, I'd like to make a couple of comments. First of

all, we aren't paying volunteers, we're supporting an infrastructure that removes barriers to service. We're making volunteers more accessible and more effective by creating an infrastructure in which everyday citizens can volunteer and be effective, without having resources, prior experience, or formal training.

Also, one of the GIVE Act's major themes is to increase transparency and accountability in national service programs, particularly in showing program outcomes. Section 179 of the Act establishes performance measures for each national service program and a framework for ensuring that Federal dollars go to high-performing programs.

With that, I yield 3 minutes to my fellow Rules Committee colleague, the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Today, I rise in support of the Generations Invigorating Volunteerism and Education, the GIVE Act, and the rule. I thank Chairman MILLER for his leadership in introducing this bipartisan comprehensive legislation, which answers President Obama's call to launch a new era of national service and volunteerism.

I'd also like to thank Congresswoman MCCARTHY for her efforts as chairwoman of the Healthy Families and Communities Subcommittee to expand opportunities for all.

□ 1115

The GIVE Act's new programs, expanded capacity, meaningful incentives, and innovative approaches will allow us to come together and rise to the challenges we face. It also represents a historic call to action that reaches out to all Americans from all walks of life and asks them to commit to service.

During these difficult times, our Nation needs the help of each and every one of us more than ever. The generosity, energy, and goodwill of the American people has fueled our Nation throughout its history and seen us through our darkest hours. If we want to restore our economy, rebuild our schools, and revitalize our neighborhoods, we must once again draw on this powerful spirit of service that pervades the American psyche. The GIVE Act harnesses the power of America's two greatest natural resources, our ingenuity and our work ethic, to generate a new era of national service.

More than 15,000 of my fellow Coloradans are strengthening our communities, helping others, and serving unmet needs in our neighborhoods through 147 national service projects in our State: more than 9,000 in Senior Corps, 2,500 in AmeriCorps—and I have had the opportunity to work with a number of AmeriCorps volunteers in our schools—and 4,200 in Learn and Serve America. This legislation will allow even more Coloradans to participate by creating thousands of new opportunities to volunteer and offering

training in green energy products, veterans services, and community services across the communities, health and wellness initiatives as well.

As a former chairman of our Colorado State Board of Education, I am particularly pleased with the establishment of the Summer of Service program which will engage middle and high school students in volunteer activities in their communities. The Youth Engagement Zones will capitalize on the largely untapped energy of American youth, especially disadvantaged high school students and out-of-school youth, and put them to work in service of our communities.

Again, I applaud the efforts of all those involved in the crafting of this historic bipartisan legislation, and encourage our body to pass both the rule and the bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 5 minutes to a brilliant new Member of this House who is already leaving a mark on Congress by facing the important issues of our day, Mr. PAULSEN of Minnesota.

Mr. PAULSEN. I thank the gentleman for yielding and appreciate his leadership as well.

Mr. Speaker, I understand that my colleague from Florida will offer my legislation to help recoup the \$165 million in taxpayer dollars that were paid out as AIG bonuses as part of the previous question.

Mr. Speaker, when the latest unemployment figures came out and were released earlier this month, America saw its jobless rate soar to over 8.1 percent. That is the highest percentage that we have seen in over 25 years in the United States. This equates to approximately 12.5 million Americans who are currently out of work. Against this grim backdrop, AIG has announced that it intends to pay out \$165 million in bonuses to its employees, with a number of those employees receiving more than \$3 million. To date, \$55 million in Federal money has been used to pay AIG employees directly. Additionally, AIG expects to see total bonus payouts to its financial products division increase by nearly \$15 million over the next year.

Mr. Speaker, most troubling is that this \$165 million comes directly out of the nearly \$170 billion that U.S. taxpayers have given to AIG over the last 8 months. In only 8 months, \$170 billion.

In early March, AIG announced a corporate loss of nearly \$62 billion. That is the single greatest quarterly loss in U.S. history of any corporation. While Americans are struggling to put food on the table, I wonder if they are going to be able to ever see the repayment of their investment in the companies that they are participating in, companies like AIG who are paying bonuses, which is the height of irresponsibility.

This money belongs to the American public. It does not belong to the executives at AIG. So I, like my constituents, am shocked. I am shocked at the corruption, especially when AIG's actions come at the expense of America's public. To pay bonuses which in some circumstances can be as high as \$6.5 billion is really antithetical to what the U.S. Government should stand for and the very reason the U.S. Government was lending this money in the first place. Allowing AIG to spend taxpayer money on paying these bonuses can only be seen as reckless incompetence.

The legislation will do three things:

Number one, it is going to require that the Treasury Department recoup all of the bonuses that have been paid.

Number two, no more excuses. It will require the Treasury Department and the Treasury Secretary to sign off on any future bonuses with his signature.

And, number three, it would require the Treasury Secretary to sign off on any future contracts as a part of any ongoing TARP legislation. That is where accountability is needed for the American taxpayer.

Mr. Speaker, we were sent here by our constituents to bring accountability back to government and protect the taxpayers from reckless spending. I strongly urge my colleagues to do just that. They should vote "no" on the previous question.

We have a chance to do this today, Members. This is the issue of urgency today. This is nothing but bad government incompetence. It is not acceptable for the Treasury Secretary to throw his hands up in the air and walk away from this. Congress should act today. We should move forward, vote "no" on the previous question, and defeat the rule so that we can consider this very important legislation.

Ms. MATSUI. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. At this time it is my privilege, Mr. Speaker, to yield an additional 2 minutes to Dr. FOXX of North Carolina.

Ms. FOXX. Again I thank my colleague for yielding me this time.

It is interesting. I had intended to say something about this sounding to me like AIG in many ways. I didn't realize that my colleague from Minnesota was going to say that when he got up to speak. But I wanted to point out the purpose of this program as stated in section 1201. It is to: Support high-quality service-learning projects that engage students in meeting community needs with demonstrable results, while enhancing students' academic and civic learning; and build institutional capacity, including the training of educators, and to strengthen the service infrastructure. That is the purpose.

When you get over in the evaluation section, it is pretty nebulous. One of

the interesting things that I find is that they are saying that if the program doesn't perform, if they received assistance for less, they mean fewer, than 3 years, and is failing to achieve the performance measures, then they give them technical assistance. They give them technical assistance for 3 more years, and then they make some decision about whether they are going to continue funding the program.

I think we are setting up AIG programs all over this government. We just happen to know about AIG because of the egregious situation that has come up. But we have a potential AIG program right here. We are funding these people. We have no way to evaluate it. The expectations are not set out to begin with, and that is a great failing in this program.

So I can tell you that if we examine this program closely, we could show at least as much or maybe more money being abused by this program than is being used by AIG. The American people should be up in arms about all of these programs that we are funding from which we get no value.

Now what we are getting, we are employing a lot of bureaucrats, a lot of bureaucrats at high salaries. I call that high-priced welfare. But we are not getting a good return on our investment, just like we haven't gotten a good return on our investment from AIG.

Ms. MATSUI. Mr. Speaker, before I yield to the next speaker, let me just say this is not AIG. The bill on the floor today is the GIVE Act. And to compare AIG to the GIVE Act is absolutely, astoundingly ridiculous.

With that, I yield 3 minutes to my good friend, the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I had the pleasure this morning of visiting with a number of youngsters from the Youth Build Program. They participated with Mrs. Obama yesterday in building a home.

It is interesting, when you speak of the words GIVE, that you can equate it to an organization such as AIG that simply takes. So I rise today to support the rule and the underlying bill. And let me explain to you what this means to America.

How many of us can raise our hand and say that we understand what USAID means, or we understand what the Peace Corps means or AmeriCorps? And how many countless hours of youthful enthusiasm did we see after Hurricane Katrina? I know, because I am from Houston, Texas, and the thousands and thousands of survivors and evacuees that came, we were inundated, rightfully so and enthusiastically so, by these volunteers and by these workers from these many different aspects.

Unregulated? No. Much of this will be volunteer service. Much of this will be

educating people about service. Much of this will be doing what young people across America have asked us to do: Give them something to do. And that is what this bill intends.

I am delighted to have joined as a cosponsor in the recent days. I am delighted to have been able to work on a specific amendment that is incorporated in the bill that reaches out to the underserved like Historically Black Colleges and Hispanic Serving Colleges, because America is a potpourri, it is a mosaic of so many different people with so many different histories, people who are already bilingual, who can speak to people who are in need, refugees, people who are fleeing oppression. There are so many different aspects of letting young people help other young people or young people help children.

As the cofounder of the Congressional Children's Caucus, this bill specifically provides for enhanced community services with AmeriCorps, Learn and Serve America, VISTA, the National Civilian Community Corps, and Senior Corps.

Mr. Speaker, this is the right direction for America in the 21st century. Be reminded that we ask not what this country can do for us. We don't equate AIG's insensitivity to the American taxpayer to this bill that gives everybody the opportunity to say, what can I do for my country, America the beautiful? That is what this bill is all about.

I am so proud to stand alongside of this kind of legislation, because as our military forces are on the front lines, I want Americans to be able to stand on the front lines of this Nation, helping those who cannot help themselves. That is what this GIVE bill is all about. And I think we need to go around with a GIVE Bill button like I have got the Youth Bill button saying, Yes, We Can.

Mr. Speaker, I rise today in strong support of H.R. 1388, the "Generations of Invigorating Volunteerism and Education Act or the 'GIVE Act'." I would like to thank my colleague Congresswoman MCCARTHY for introducing this important legislation, as well as the Chairman of the Committee on Education and Labor, Congressman GEORGE MILLER, for his leadership in bringing this bill to the floor today.

Mr. Speaker, this legislation will expand the already highly successful volunteer programs that empower community activists and improve the education and economic conditions of cities throughout the United States. It supports and increases funding for key community services programs, including AmeriCorps, Learn and Serve America, VISTA, National Civilian Community Corps, and Senior Corps.

The GIVE Act creates opportunities for green jobs that will contribute to energy conservation and environmental protection. It will create critical educational opportunities for disadvantaged youth and will create incentives for students to improve their communities.

Every year, more than 70,000 Americans participate in the AmeriCorps program alone,

which provides relief to cities during natural disasters and reinvigorates communities. Over 50 million American volunteers build homes, organize food-drives, and improve schools through national service programs. The GIVE Act will broaden the opportunities for students and activists to participate in national service via education rewards that keep up with soaring costs of universities and Summer Service programs. After Ike and Katrina, thousands of local students worked to help rebuild communities and provide necessary services to distressed families. The GIVE Act is the critical linchpin in sustaining this civic activism.

Specifically, the GIVE Act would expand the job opportunities for Volunteers in Service to America, or VISTA, to re-integrate youth into society, increase literacy in communities through teaching opportunities in before and after-school programs, and to provide health and social services to low-income communities. VISTA is a critical step toward poverty alleviation, and the GIVE Act will equip it with the resources to fulfill its obligations.

I am pleased to see that my colleague, representative CUELLAR, revised the legislation to increase the number of volunteers from 75,000 to 250,000 members and added provisions for unemployed individuals to be included in the national service workforce, a step that will be a critical step to combating the employment crisis afflicting millions. I am also pleased that Congressman MILLER further specified that the increase in volunteers is not just designed for AmeriCorps, but for all national service programs such as the Peace Corps and Opportunity Corps, and also included language to promote community based efforts to reduce crime and recruit public safety officers.

In addition, the GIVE Act will create 4 new service opportunities including a Clean Energy Corps, an Education Corps, a Healthy Futures Corps, and a Veteran Service Corps. These volunteer opportunities will further improve environmental protection, health-care access, and services for veterans. These new service corps will address critical concerns in low-income communities. I am very happy that Congressman TEAGUE revised the legislation to aid veterans in their pursuit of education and professional opportunities, and help veterans with the claims process, and assist rural, disabled, and unemployed veterans with transportation needs. Moreover, the GIVE Act will recognize colleges and universities that are strongly engaged in service through grants and rewards that will in turn improve educational access in the United States.

I am pleased to see the retention of my language from the 110th Congress that gives special consideration to historically black colleges and universities, Hispanic-serving institutions, Tribal universities, and colleges serving predominantly minority populations. So strong are these universities' support of service, that "veritas et beneficium," or "truth and service" in Latin, is inscribed on their insignias.

The GIVE Act will create a Campuses of Service Program that will encourage and assist students in pursuing public service careers. It will also focus on recruiting scientists and engineers to keep America competitive for years to come. The Act will expand the Senior Corps as a way to keep Older Americans in-

cluding seniors engaged in public service, and will create a Youth Engagement Zone to increase the number of young students in volunteer services.

Moreover, it expands the focus of The National Civilian Community Corps to include disaster relief efforts and infrastructure improvement to allow quicker and more effective responses to disasters like Katrina and Ike that devastated numerous communities in the United States. Finally, the Give Act will launch a nation-wide Call to Service Campaign that encourages all Americans to engage in national service and to recognize September 11th as a National Day of Service and Remembrance.

I am honored to cosponsor this legislation that will add service before self to America's future leaders. I urge my colleagues to join me in supporting this legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentleman for yielding.

I intend to vote "no" on the previous question on this particular rule. I don't have any big problem with the rule, but it is my understanding that Mr. DIAZ-BALART will, if it is defeated, offer an amendment to the rule that will address a topic that isn't the subject of the GIVE Act, but the AIG bonuses.

Yesterday, the country was roiled by the fact that a company that has received \$175 billion has handed out to 73 individuals bonuses of \$1 million or more. Multiple pieces of legislation were introduced yesterday to put a stop to it. We see a lot of gnashing of teeth on the other side of the Capitol like, "How could this happen? We didn't know it happened." We have some Senators introducing bills to tax these bonuses at 100 percent. But, Mr. Speaker, we know how this happened, and yesterday we filed legislation and Mr. DIAZ-BALART's amendment would move the process along. In deference to the gentlelady who just spoke, we can chew gum and walk at the same time. We can consider the GIVE Act and we can also talk about the Nation's economy, which is critical.

But we know that when the stimulus bill was passed, there was an amendment offered, a bipartisan amendment, by Senators WYDEN and SNOWE that would have said that if there are in fact these egregious bonuses—and think about it for just a minute. You run a company into the ground and participate in causing the greatest economic crisis since the Great Depression, and you get millions of dollars in bonuses. I would like that job, and a lot of people that I represent would like that job.

There was a provision in the stimulus bill that would have said that if you give out these egregious bonuses, there is going to be an excise tax of 35 percent. It goes to conference. All of a

sudden, that provision is then gone, and what is inserted in section 111, paragraph 3(iii) is that: No bonus that was agreed to or negotiated prior to February 11 will be subject to this restriction.

Does anybody think that the bonuses that were just given out that were the subject of a CNN report on January 28 was negotiated after February 11? It is ridiculous. They knew it was going to happen. They let it happen. And now that the public has somehow said we don't think this should happen, we have a lot of finger-pointing going on on Capitol Hill.

Yesterday, I filed a Resolution of Inquiry directing the Secretary of the Treasury to hand over all of the documents leading up to why this transpired, why it was permitted to transpire. And we hear the Constitution being bandied about. "We can't interfere with contract law." I am going to tell you, since the beginning of this Congress, the 111th Congress, if you are an auto worker, even though you had a contract to make X number of dollars to build automobiles in this country, we violated those contracts and said let's cram those down if you want to get Federal assistance.

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If you lied on your mortgage application when you went to the ABC bank, and they gave you a \$100,000 mortgage, and they said, "you lied to get that mortgage," we just passed a piece of legislation that says, "we don't care if you lied. If you get in financial trouble, we are going to cram down the mortgage, and you don't owe the bank \$100,000 anymore."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 30 additional seconds.

Mr. LATOURETTE. Clearly, those are contracts. We can mess with those contracts. We can mess with people that are working hard every day. We can mess with people that lend money so people can have the American Dream of homeownership. But we can't mess with 73 people who directed a company into near bankruptcy and needed \$175 billion of my constituents' money and your constituents' money. But that is okay. We can't mess with those contracts.

Please defeat the previous question and support Mr. DIAZ-BALART's amendment.

Ms. MATSUI. Mr. Speaker, I just want to say that both sides of this aisle are absolutely outraged about what happened at AIG, absolutely outraged. We agree with you on that, definitely. And we will be taking action immediately. In fact, I have been informed that we will be having a Rules meeting this afternoon. But let's get the GIVE Act through. Let's do the rule on this and move forward.

With that, I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, first yielding myself such time as I may consume, I'm very happy that we have gotten the message to the majority leadership and that they have set a Rules meeting, we have just been informed, for 3 p.m. to address this issue. It shows that the rules protect the minority and that the minority can bring issues of great importance to the American people and get the attention of the majority. So I'm glad that the majority will be addressing this at 3.

But we don't have to wait until 3. It is 11:30. We can address it now. And then after we address it—we are not saying that we won't pass the GIVE Act. But let's address at 11:30, not at 3 in the Rules Committee, this issue that is of great importance to the American people.

I yield 2 minutes to my friend, Dr. FOXX, from North Carolina.

Ms. FOXX. Mr. Speaker, again, I thank my colleague. I agree with him. I think this should be dealt with right now. This is something we very much agree on. And my colleague from California, I think, has just made the case for why this bill should not be passed. She said, let's get this on through. Let's move it through. That is the same thing we heard about the stimulus: We don't have time to wait; we have got to move this on through.

Every time the majority wants to get something passed that ought not to be passed, they are ramming it through. That has been the whole story of this session.

I just want to share with you from the White House OMB, Washington, ExpectMore, their program assessment of the AmeriCorps National Civilian Community Corps. It says, "not performing, ineffective, the program has never conducted a comprehensive evaluation. Compared to other AmeriCorps service programs, this program is very costly. Performance goals are not measurable."

Ladies and gentlemen, and Mr. Speaker, these are not my words. These are coming from OMB. We know the program is not effective, and we are going to be spending \$3 billion. With AIG, the contention is \$165 million. It is a pittance compared to the money that is going to be spent on this program. And the program says "and such sums." That, ladies and gentlemen, means any money they want to spend. It is open-ended. They can spend anything.

I want to say, again, what is happening here is that we are confusing government work with public service. Yesterday our colleague from the Education Committee said, "well, this program gets kids in middle school, it moves them into high school and moves them into that, and eventually they get a government job." We are

teaching people to go to work for the government through this program. What a shame. Shame on us. This country was not built on working for the government. It was built on volunteering and on the private sector. We are taking this country over with the government.

Ms. MATSUI. Mr. Speaker, I have no further speakers.

I inquire of the gentleman, does he have any speakers?

Mr. LINCOLN DIAZ-BALART of Florida. I'm ready.

Ms. MATSUI. So you're ready to close.

I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the rule before us brings to the floor the GIVE Act, which is a bill to reauthorize the National Service programs. And the majority on our side supports that. I support that legislation. It is a good piece of legislation. It has the support of the ranking member of the Education and Labor Committee, and we are in support of the underlying legislation.

What we are saying, though, is that—and by the way, I reiterate that I'm pleased that we have caught the attention of the majority leadership and that they have convened a rules meeting for 3 p.m. to deal with the issue of AIG, the outrage of the AIG bonuses. At a time when the Federal Government is propping up AIG with over \$170 billion in taxpayer funds, it is unconscionable that AIG is giving its executives bonuses, some of them which are over \$1 million.

That is why today I will be asking for a "no" vote on the previous question. We don't have to wait until a rules meeting and then who knows when they will bring to the floor—if they do—legislation. We don't know what it will say.

What I'm saying is that right now we can amend this rule and allow the House to consider H.R. 1577, a bill by my colleagues, Representatives PAULSEN and LANCE, that will require that the Treasury Department implement a plan within the next 2 weeks to recoup the AIG bonuses. And in order to prevent another bonus controversy, the bill will require that any future bonus payments from TARP funds be approved by the Treasury Department in writing, including any contractual bonus obligations.

Now, Mr. Speaker, Americans are rightfully upset over the use of taxpayer funds to give executives million-dollar bonuses. They expect the administration will keep a watchful eye on the proper use of bailout funds. Just 2 weeks ago, the President's spokesman said that they were confident that they knew how every dime was being spent at AIG. Well, obviously, Mr. Speaker, that doesn't seem to be the case. That is the reason that I am calling for Members of this House to vote "no" on the previous question.

The Paulsen-Lance legislation is just another example of how the responsible and vigilant opposition, the Republicans, we are working to provide transparency and oversight of taxpayer funds in the TARP program. We must demand that the administration provide proper accounting of TARP funds. Americans deserve to know how their tax dollars are being utilized.

Now, if Members support transparency and oversight of taxpayer funds in the TARP program, then they should vote "no" on the previous question.

Now, our friends on the other side of the aisle said they have discovered the issue, and they are calling a rules meeting at 3 p.m. to deal with it. We don't know what they are going to be bringing forward. But we have brought forward legislation. Our colleagues have filed legislation, Representatives Paulsen and Lance, to deal with this issue today and to require the Treasury Department to recoup those unconscionable bonuses within 2 weeks. And we should vote on it today.

So I urge my colleagues to vote "no" on the previous question and to make a statement: Enough is enough. Enough of these bailouts so that millionaires can become billionaires and billionaires can give their cronies bonuses with taxpayer dollars. Enough is enough. And we can vote on it right now, Mr. Speaker.

By the way, we will vote on the amendment on the legislation with regard to volunteerism. This does not negate that. But before, we must and we should address the issue of the unconscionable bonuses by defeating the previous question.

I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, this reauthorization, the first in 15 years, takes programs and infrastructure that touch so many lives and builds off its foundation to greatly increase the quantity and improve the quality of service that we, as a Nation, work to provide.

National Service is a proven return on our investments. With this bill, we will broaden those involved in service across the country, and in doing so, foster the values of civic engagement and duty that can change a life and a community.

This bipartisan legislation is truly a win-win for all those involved and for our country. It makes excellent improvements to an already successful Corporation for National and Commu-

nity Service. It improves access and support for organizations and grant applicants, and most importantly, reassures our valued servicemembers that Congress supports them and their work in our communities.

I urge a "yes" vote on the previous question and on the rule.

Mr. CARDOZA. Mr. Speaker, I thank my good friend from California, Ms. MATSUI and I also thank her for her passion and dedication to increasing our country's commitment to community service and volunteerism.

Mr. Speaker, I rise today in support of the rule and the underlying bill, the Generations Invigorating Volunteerism and Education Act.

As we all know, our country is at a significant crossroads of the likes we've never known. And my own district has been hit like no other.

My district is saddled with the nation's highest foreclosure rates and drops in home equity, unemployment rates approaching 20 percent, my dairy farmers are in crisis, and we have the worst drought in a century.

There is an unmistakable feeling of despair in every coffee shop I visit. My constituents are hurting and need help getting through this economic crisis.

But beyond the housing, infrastructure, and other assistance to stimulate my district's economy, we will surely benefit from the countless Good Samaritans who are willing to answer our country's call to service and help communities most in need.

To that end, I proposed two amendments to ensure that the hardest-hit areas of the country such as mine would not be overlooked.

All told, my amendments added home price declines as an eligible criteria; defined "severely economically distressed areas" to include staggering foreclosure rates, home price declines, and unemployment rates; and most importantly, waived the matching grant requirements in economically distressed areas where it is impossible to raise any local funding.

And thanks to my good friend from Texas, Mr. CUELLAR, the "distressed areas" definition was further expanded to include areas that lack basic needs such as water and electricity.

Together, these changes put the hardest-hit districts such as mine on the volunteer map. And it will give us the ability to enlist a cadre of willing volunteers to provide my constituents and my community with the support and assistance they need to overcome these trying times.

I would like to thank my friend and fellow Californian, and Chairman of the Education and Labor Committee Mr. MILLER—and his staff—for supporting my proposals and including them in the manager's amendment.

Mr. Speaker, the fact remains that these are tough times for our country. But with opportunities like this where we can tap the American spirit, promote community service, and come together to give those in need a hand up, I know we will be able to rebuild our communities, recover from this economic disaster, and come out stronger at the end of the day.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

At the end of the resolution, insert the following new section:

SEC. 2. Upon adoption of this resolution, the House shall, without intervention of any point of order, consider the bill (H.R. 1577) to require the Secretary of the Treasury to pursue every legal means to stay or recoup certain incentive bonus payments and retention payments made by American International Group, Inc. to its executives and employees, and to require the Secretary's approval of such payments by any financial institution who receives funds under title I of the Emergency Economic Stabilization Act of 2008. The bill shall be considered as read. All points of order against the bill are waived. Notwithstanding clause 1(c) of rule XIX, the previous question shall be considered as ordered on the bill to final passage without intervening motion except (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's "American Congressional Dictionary"*: "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled

"Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. MATSUI. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 221, nays 182, not voting 28, as follows:

[Roll No. 131]

YEAS—221

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| Abercrombie | Cummings | Higgins |
| Ackerman | Dahlkemper | Hill |
| Adler (NJ) | Davis (AL) | Himes |
| Altmire | Davis (CA) | Hirono |
| Andrews | Davis (IL) | Hodes |
| Arcuri | Davis (TN) | Holden |
| Baird | DeFazio | Holt |
| Baldwin | DeGette | Honda |
| Bean | Delahunt | Hoyer |
| Berkley | DeLauro | Inslee |
| Berry | Dicks | Israel |
| Bishop (GA) | Dingell | Jackson (IL) |
| Bishop (NY) | Doggett | Jackson-Lee |
| Blumenauer | Donnelly (IN) | (TX) |
| Boccheri | Doyle | Johnson (GA) |
| Boren | Driehaus | Johnson, E. B. |
| Boswell | Edwards (MD) | Kagen |
| Boucher | Edwards (TX) | Kanjorski |
| Boyd | Ellison | Kaptur |
| Brady (PA) | Ellsworth | Kennedy |
| Braley (IA) | Engel | Kildee |
| Bright | Eshoo | Kilpatrick (MI) |
| Brown, Corrine | Etheridge | Kilroy |
| Butterfield | Farr | Kind |
| Capps | Fattah | Kirkpatrick (AZ) |
| Capuano | Filner | Kissell |
| Carnahan | Foster | Klein (FL) |
| Carney | Frank (MA) | Kratovil |
| Carson (IN) | Fudge | Kucinich |
| Castor (FL) | Giffords | Langevin |
| Chandler | Gordon (TN) | Larsen (WA) |
| Clarke | Grayson | Larson (CT) |
| Clay | Green, Al | Lee (CA) |
| Cleaver | Green, Gene | Levin |
| Clyburn | Griffith | Lewis (GA) |
| Cohen | Hall (NY) | Lipinski |
| Connolly (VA) | Halvorson | Loeb sack |
| Conyers | Hare | Lofgren, Zoe |
| Cooper | Harman | Lowe y |
| Costello | Hastings (FL) | Lynch |
| Courtney | Heinrich | Maffei |
| Crowley | Herse th Sandlin | Maloney |

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| Markey (CO) | Payne | Speier |
| Markey (MA) | Perlmutter | Spratt |
| Marshall | Peters | Stark |
| Massa | Peterson | Stupak |
| Matheson | Pingree (ME) | Sutton |
| Matsui | Polis (CO) | Tanner |
| McCarthy (NY) | Pomeroy | Tauscher |
| McCollum | Price (NC) | Teague |
| McDermott | Rahall | Thompson (CA) |
| McGovern | Rangel | Thompson (MS) |
| McIntyre | Richardson | Tierney |
| McMahon | Ross | Titus |
| Meek (FL) | Rothman (NJ) | Tonko |
| Meeks (NY) | Ruppersberger | Towns |
| Melancon | Rush | Tsongas |
| Michaud | Ryan (OH) | Van Hollen |
| Miller (NC) | Sarbanes | Visclosky |
| Miller, George | Schakowsky | Walz |
| Minnick | Schauer | Wasserman |
| Mollohan | Schiff | Schultz |
| Moore (KS) | Schrader | Waters |
| Moore (WI) | Schwartz | Watson |
| Moran (VA) | Scott (GA) | Watt |
| Murphy (CT) | Scott (VA) | Waxman |
| Murphy, Patrick | Sestak | Weiner |
| Murtha | Shea-Porter | Welch |
| Nadler (NY) | Sherman | Wexler |
| Neal (MA) | Shuler | Wilson (OH) |
| Oberstar | Skelton | Woolsey |
| Obey | Slaughter | Wu |
| Oliver | Smith (WA) | Yarmuth |
| Pallone | Snyder | |
| Pascarell | Space | |

NAYS—182

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|-----------------|-----------------|---------------|
| Aderholt | Foxx | Miller (FL) |
| Akin | Franks (AZ) | Miller (MI) |
| Alexander | Frelinghuysen | Mitchell |
| Austria | Gallagher | Moran (KS) |
| Bachmann | Garrett (NJ) | Murphy, Tim |
| Bachus | Gerlach | Myrick |
| Barrett (SC) | Gingrey (GA) | Neugebauer |
| Barrow | Gohmert | Nunes |
| Bartlett | Goodlatte | Nye |
| Barton (TX) | Granger | Paul |
| Biggett | Graves | Paulsen |
| Bilbray | Guthrie | Pence |
| Bilirakis | Hall (TX) | Perriello |
| Bishop (UT) | Harper | Petri |
| Blackburn | Hastings (WA) | Pitts |
| Blunt | Heller | Platts |
| Boehner | Hensarling | Poe (TX) |
| Bonner | Herger | Posey |
| Bono Mack | Hoekstra | Price (GA) |
| Boozman | Hunter | Putnam |
| Brady (TX) | Inglis | Radanovich |
| Broun (GA) | Issa | Rehberg |
| Brown (SC) | Jenkins | Reichert |
| Brown-Waite, | Johnson (IL) | Roe (TN) |
| Ginny | Johnson, Sam | Rogers (AL) |
| Buchanan | Jones | Rogers (KY) |
| Burgess | Jordan (OH) | Rogers (MI) |
| Burton (IN) | King (IA) | Rohrabacher |
| Buyer | King (NY) | Rooney |
| Calvert | Kingston | Ros-Lehtinen |
| Camp | Kirk | Roskam |
| Campbell | Kline (MN) | Royce |
| Cantor | Kosmas | Ryan (WI) |
| Cao | Lamborn | Scalise |
| Capito | Lance | Schmidt |
| Carter | Latham | Schock |
| Cassidy | LaTourette | Sensenbrenner |
| Castle | Latta | Sessions |
| Chaffetz | Lee (NY) | Shadegg |
| Childers | Lewis (CA) | Shimkus |
| Coble | Linder | Shuster |
| Coffman (CO) | LoBiondo | Simpson |
| Cole | Luettkemeyer | Smith (NE) |
| Conaway | Lummis | Smith (NJ) |
| Crenshaw | Lungren, Daniel | Smith (TX) |
| Culberson | E. | Souder |
| Davis (KY) | Mack | Stearns |
| Deal (GA) | Manullo | Sullivan |
| Dent | Marchant | Taylor |
| Diaz-Balart, L. | McCarthy (CA) | Terry |
| Diaz-Balart, M. | McCauley | Thompson (PA) |
| Dreier | McClintock | Thornberry |
| Duncan | McCotter | Tiahrt |
| Ehlers | McHenry | Tiberi |
| Emerson | McHugh | Turner |
| Fallin | McKeon | Upton |
| Flake | McMorris | Walden |
| Fleming | Rodgers | Wamp |
| Forbes | McNerney | Westmoreland |
| Fortenberry | Mica | |

| | | |
|-------------|---------|------------|
| Whitfield | Wittman | Young (AK) |
| Wilson (SC) | Wolf | Young (FL) |

NOT VOTING—28

| | | |
|-----------|--------------|------------------|
| Baca | Hinchey | Rodriguez |
| Becerra | Hinojosa | Roybal-Allard |
| Berman | Lucas | Salazar |
| Boustany | Lujan | Sanchez, Linda |
| Cardoza | Miller, Gary | T. |
| Costa | Napolitano | Sanchez, Loretta |
| Cuellar | Olson | Serrano |
| Gonzalez | Ortiz | Sires |
| Grijalva | Pastor (AZ) | Velazquez |
| Gutierrez | Reyes | |

□ 1214

Messrs. WILSON of South Carolina, WITTMAN, GOODLATTE, BARTON of Texas, BRADY of Texas, YOUNG of Alaska and Mrs. BACHMANN changed their vote from "yea" to "nay."

Messrs. BERRY and RUSH changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. ROYBAL-ALLARD. Mr. Speaker, I was unavoidably detained at the White House today and was not present for votes on the Motion on Ordering the Previous Question on the Rule for H.R. 1388 (rollcall 131). Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. MATSUI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 248, noes 174, not voting 9, as follows:

[Roll No. 132]

AYES—248

| | | |
|----------------|---------------|------------------|
| Abercrombie | Clarke | Fattah |
| Ackerman | Clay | Filner |
| Adler (NJ) | Cleaver | Foster |
| Altmire | Clyburn | Frank (MA) |
| Andrews | Cohen | Fudge |
| Arcuri | Connolly (VA) | Giffords |
| Baca | Conyers | Gonzalez |
| Baird | Cooper | Gordon (TN) |
| Baldwin | Costello | Grayson |
| Barrow | Courtney | Green, Al |
| Bean | Crowley | Green, Gene |
| Becerra | Cuellar | Griffith |
| Berkley | Cummings | Grijalva |
| Berman | Dahlkemper | Gutierrez |
| Berry | Davis (AL) | Hall (NY) |
| Bishop (GA) | Davis (CA) | Halvorson |
| Bishop (NY) | Davis (IL) | Hare |
| Blumenauer | Davis (TN) | Harman |
| Boccheri | DeFazio | Hastings (FL) |
| Boren | DeGette | Heinrich |
| Boswell | Delahunt | Herse th Sandlin |
| Boucher | DeLauro | Higgins |
| Boyd | Dicks | Hill |
| Brady (PA) | Dingell | Himes |
| Braley (IA) | Doggett | Hinojosa |
| Bright | Donnelly (IN) | Hirono |
| Brown, Corrine | Doyle | Hodes |
| Butterfield | Driehaus | Holden |
| Capps | Edwards (MD) | Holt |
| Capuano | Edwards (TX) | Honda |
| Carnahan | Ellison | Hoyer |
| Carney | Ellsworth | Inslee |
| Carson (IN) | Engel | Israel |
| Castor (FL) | Eshoo | Jackson (IL) |
| Chandler | Etheridge | Jackson-Lee |
| Childers | Farr | (TX) |

Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)

Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sarbanes
Schakowsky
Schauer
Schiff

Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skeltan
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner

Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)

Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Boustany
Cardoza
Costa

Gallegly
Hinchev
Lucas

Miller, Gary
Olson
Sanchez, Loretta

□ 1227

Mr. LAMBORN changed his vote from “aye” to “no.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 1388.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 250 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1388.

□ 1228

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1388) to reauthorize and reform the national service laws, with Mr. PASTOR of Arizona in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. I yield myself 4 minutes.

Mr. Chairman, today we consider legislation that is vital to the spirit of America and to our future. A few weeks ago, President Obama called on Congress to quickly deliver legislation that will launch a new era of American service.

Today the House will answer that call. The GIVE Act will help our country get through these crises and recognize that service is a deeply ingrained and deeply valued American trait.

I want to thank all my colleagues on the committee on both sides of the aisle for their support of this legislation.

We consider this bill at a time when our Nation faces enormous challenges. Families are losing jobs, health care, child care and other key services. Schools and colleges are seeing their budgets evaporate. Our public needs are growing while the resources to meet them are disappearing.

This legislation will make Americans part of the solution in getting our country back on track. Service is the lifeblood of this country. We have seen this throughout our history. In times of crisis, Americans stand up. Americans give back.

We saw it during World Wars I and II, when the Red Cross helped soldiers and their families and returning veterans, and later relief efforts during the Great Depression. We saw this after 9/11 when our citizens, young and old, sprung into action to help their fellow neighbors.

We saw it in the wake of Hurricanes Katrina and Rita when volunteers on the ground were there before the Federal Government. They were beacons of hope amidst serious despair. Today volunteers continue to play a huge role in gulf coast relief efforts. We have seen it in my State of California when communities were ravaged by floods, by earthquakes and wildfires.

We saw it this last June in the floods that devastated homes and businesses in southeast Iowa. Even before the storms came, volunteers were there. To date, AmeriCorps has coordinated over 800,000 volunteer hours in Iowa.

Volunteers play many roles. They teach in our classrooms. They clean up our trails and our public lands. They build and weatherize homes. They shelter the homeless and feed the hungry. That's what Americans do for one another. That's what Americans do in the name of service.

They learn skills. They teach others those skills so they can not only participate with Habitat for Humanity but they can develop a career ladder in the construction trades. They pass on those skills to others in communities so communities can help build, help build stronger communities and better homes to be weatherized and to be energy-efficient.

They tutor our children. They mentor students in school. They help our community. They build our communities. They strengthen our communities. We have seen them come from all walks of life, from young students who want to give to their community, who want to participate, to senior citizens who continue to take their skills and their talents from their working

NOES—174

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Billirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)

Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn

Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert

life and repatriate them back to the community and helping others, the next generation after them.

Our generation was called by President Kennedy to do this. This generation is being called by President Obama to do this, and millions of Americans are answering the call and preparing others to answer that call. This is what strengthens our communities. This is what builds our communities. This is what makes America, America.

People do it, some for a small stipend, some for an educational benefit, some for free. They come from all different places on the compass to help Americans in our communities.

There is a huge focus in this legislation, from middle school to senior citizens, to tying this to a benefit for education. Young students in middle schools can earn a small educational benefit that they can redeem when they go to community college or to the university.

For students, for young people who work full time in AmeriCorps, they can earn a stipend of almost \$4,700, \$4,800 that they can redeem to help pay for their college education. Senior citizens too can get a stipend and get help for education if they want to continue their education.

It's a very important piece, and it's about American values. It's about the value of education, it's about the value of Americans helping one another, it's about how we treat our communities. That's what AmeriCorps has done.

We have an organization that has been building homes in Louisiana after Hurricane Katrina in St. Bernard Parish, and today they will welcome their 200th family back to a home, a gift from the community, from volunteers in America, to those families that were ravaged, that lost everything.

That's what this bill will enable more Americans to do. That's what this bill will do for our communities.

I reserve the balance of my time.

Mr. PLATTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1388, the Generations Invigorating Volunteerism and Education Act, the GIVE Act, which will strengthen and reauthorize America's national community service programs. After 16 years, this reauthorization is certainly overdue.

In 1973, Congress passed the Domestic Volunteer Service Act, DVSA, to foster and expand voluntary service in communities while helping vulnerable and disadvantaged populations, such as the elderly and the poor. DVSA also authorized the National Senior Volunteer Corps, made up of the Foster Grandparents Program, the Senior Companion Program and the Retired and Senior Volunteer Program.

Seventeen years later, Congress passed the National and Community

Service Act, NCSA, of 1990. NCSA aims to address unmet human, educational, environmental and public safety needs as well as to renew a sense of civic responsibility by encouraging citizens to participate in national service programs. Authorized under NCSA are Learn and Serve America, AmeriCorps State and National Grants and the National Civilian Community Corps.

Both DVSA and NCSA are administered by the Corporation for National and Community Service, and both laws were most recently amended in 1993 by the National and Community Service Act. While authorization of appropriations for both of these laws expired at the end of fiscal year 2006, the programs have remained funded through annual appropriations measures.

I am pleased to have worked with the chairman of the Education and Labor Committee, Chairman MILLER, with my subcommittee chairwoman, CAROLYN MCCARTHY from New York, as well as the distinguished ranking member of the full committee, BUCK MCKEON of California, on crafting the GIVE Act, and believe that the bill makes commonsense improvements to our Nation's national service programs. Not only does it provide increased flexibility for States but it also increases accountability and efficiency within the administration of the programs.

H.R. 1388 strengthens existing community and national service programs by providing year-round service opportunities for students and the elderly alike, and further encourages volunteer involvement by disadvantaged youth.

This legislation also expands eligibility requirements for senior-focused programs such as Foster Grandparents and the Senior Companion Program, ensuring that individuals with an interest in serving have options available to them. Finally, I am pleased that the legislation reorganizes AmeriCorps activities into several different corps focused on national areas of need such as education, health care, clean energy and veterans.

In recent years, natural disasters such as hurricanes in the South as well as the wildfires in California have showcased the important efforts of AmeriCorps and NCCC volunteers. I am proud to support this effort to strengthen national service programs and to ensure that participants can continue to aid disadvantaged and needy populations.

Mr. Chairman, I hope all Members will join me in supporting the GIVE Act.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield myself 15 seconds.

I want to thank Congressman PLATTS and Congressman MCKEON for all their cooperation, and for the staff on the minority side, because without their cooperation, I don't think we would be here today. I want to thank them.

At this time I want to recognize for 3 minutes subcommittee Chair CAROLYN MCCARTHY from New York who has been an absolute driving force on this issue of national service and thank her for all of her work.

Mrs. MCCARTHY of New York. I would like to thank Chairman MILLER for his leadership and dedication to national service and for moving this important bill towards passage.

Also Ranking Member MCKEON, and certainly my good friend on the Subcommittee on Healthy Families and Communities, Mr. TODD PLATTS, I would like to thank them for all the work they have done, and also the staff. This is a bill that has been put together for over a year and a half, and they have worked tireless hours.

Last month President Obama stood in this Chamber and called on Congress to pass legislation that would inspire a new generation of service and volunteerism in our Nation. Serving our fellow citizens for the sake of the service itself has become a hallmark of who we are as Americans.

Beginning with President Roosevelt's Civilian Conservation Corps and continuing with President Kennedy's creation of the Peace Corps and more recently programs like AmeriCorps, our Nation has time and again shown that Americans respond when they are needed. Mr. Chairman, I want to say that over the process of this last year and a half, so many different groups that have already been serving this country have come forward with new ideas, new suggestions, and we have put that all into this bill.

The GIVE Act is a piece of legislation, in my opinion, that is going to change, again, the way we as Americans work together. After World War II we had the veterans that came home and gave so much to this country to make it what it is. In this bill, we are reaching out, from students in middle school all the way through to our seniors and our retirees who have done so much to improve people's lives.

We have programs in here that are going to basically help with our energy. We have mentoring programs. We have programs for our veterans coming home to help other veterans get accustomed to being home again and helping them find jobs and also to see service.

I have to say, for those who have disabilities, we are bringing them into the fold now, too, so they can work with other students that might have disabilities and to help them.

Mr. Chairman, this is a bill that in my opinion is going to change the communities around this country. We have always seen Americans stand together any time there was an emergency. We saw that during, unfortunately, Hurricane Katrina. We have seen it after 9/11. We have seen it in so many tragedies.

This is going to encourage those that have been trained to continue with

their service, to be there, the first responders, when neighbors need help.

Mr. Chairman, this is a bill that Republicans and Democrats alike should support. There is no name on this on who should be part of this. This is a bill that could actually get this country up and going. We all know that we are facing terrible times during this economic downturn. I happen to believe that we will come out of it fully. I happen to believe that Americans will come together and make this a better country. This is our opportunity.

I encourage everyone to vote for this bill.

Last month, President Obama stood in this chamber and called on Congress to pass legislation that would inspire a new generation of service and volunteerism in our nation.

In calling for a national service bill, President Obama has renewed the spirit of a practice in our country that is as old as the Union itself; the call to public service.

Americans have developed an extraordinary tradition of public service and volunteerism.

Serving our fellow citizens for the sake of the service itself, has become a hallmark of what it means to be an American.

Beginning with President Roosevelt's Civilian Conservation Corps and continued with President Kennedy's creation of the Peace Corps and more recent programs like AmeriCorps, our nation has time and again shown that Americans respond when they are needed.

No statement has put the sentiment of Americans' willingness to serve better than when President Kennedy told a generation to "Ask not what your country can do for you, but what you can do for your country."

Public service and volunteerism provide the means through which Americans can give back to their communities while gaining the tools they need to achieve their own goals.

The GIVE Act will create a framework to develop national service programs that will improve their communities and enrich the lives of all of those who answer the call to serve.

The GIVE Act contains important provisions that will help strengthen communities and provide real opportunities for Americans to serve in meaningful ways.

The bill before us, which builds upon last year's GIVE act, will help thousands of Americans who choose to serve our communities.

I am proud of the focus the bill places on providing opportunities for disadvantaged youth, strengthening mentoring programs, increasing service opportunities in cities and urban centers for vets and people with disabilities.

This bill creates 175,000 new service opportunities for Americans.

Under the GIVE Act volunteer and service opportunities are made available to people of all ages.

The bill puts an emphasis on service-learning efforts, establishing programs to engage kids of all ages, middle school, high school and college.

For middle school and high school students, there are opportunities through the Summer of Service service-learning program to earn an award to pay toward college expenses and

serve in the summer months when school is out of session. Priority is given to programs enrolling middle school students.

The bill makes high school students part of the solution to challenges faced in their communities by establishing Youth Engagement Zones. These programs will help bridge partnerships between community based organizations and schools in high-need, low-income communities to engage high school students and out-of-school youth in service learning to address specific challenges their communities face.

I am proud that this bill contains an important focus on disadvantaged youth.

By providing the right types of outlets, young people coming from difficult circumstances will have a chance to lift themselves up through service.

In addition to strengthened efforts in our middle and high schools, the bill also recognizes outstanding institutions of higher education which engage in service learning through the Campuses of Service.

The bill will help students by linking the full-time education awards to the maximum authorized Pell Grant award amount for the first time, in order to keep up with rising college costs.

It will also engage more retirees to volunteer, particularly those who have backgrounds in the science, law enforcement and military professions to help in afterschool programs.

This will give thousands of older Americans the opportunity to share their knowledge and skills for the benefit of their communities while offering young people guidance and support.

We establish Silver Scholarships and Encore Fellowships to further expand service opportunities for older Americans.

Encore Fellows are individuals, age 55 or older, that want to transition into a second career in the public or nonprofit sector and who agree to be placed with a nonprofit organization to carry out service projects in specified areas of national need.

Silver Scholarships give individuals age fifty five or older who complete five hundred hours of service in a year an education award of one thousand dollars.

To focus on addressing the nation's most pressing needs, the GIVE Act establishes a Clean Energy Corps to encourage energy conservation in low income communities, an Education Corps to help improve graduation rates, a Healthy Futures Corps to increase access to healthcare, and a Veterans Corps that will help provide services to those brave Americans that have already served our nation.

What the GIVE Act will do is to build a national infrastructure for service and volunteerism and makes an historic investment in way our service programs are administered.

Just as we did in the last Congress the bill expands the focus of the National Civilian Community CORE (NCCC) to include disaster relief.

It was NCCC members who answered the call when disasters such as Hurricane Katrina occurred and this bill recognizes how important it is to have trained folks on the ground during a disaster by allowing members engaged in disaster relief to extend their service term if necessary.

The bill focuses on building our national service participation while providing much

needed streamlining to reduce administrative burdens.

One of the concerns I have heard during this process was that currently there is not enough consultation between the Corporation, States and local government.

This can result in local program needs not being addressed when national service plans are being developed.

This bill requires states to ensure outreach to local government such as cities and counties when preparing national service plans.

Better outreach will result in being able to target program funds to where the local folks think they need to go.

I am also pleased that this bill includes an investment in mentoring partnerships.

I would like to thank Rep. SUSAN DAVIS for her hard work on this issue.

Youth mentoring programs can have a profound effect on efforts to increase both the quality and quantity of mentoring opportunities available to America's young people.

In my home district, we have the Mentoring Partnership of Long Island and they do terrific work getting students connected with successful mentoring programs in Nassau County.

Finally, the bill includes a requirement that the Corporation conduct a nationwide "Call to Service" campaign to encourage all of our nation's citizens to engage in service.

I worked with my colleague from New York, Rep. PETER KING, on this provision.

As part of this campaign, Americans will be urged to observe September 11th as a National Day of Service and Remembrance.

It is important that Congress work together to continue to build on America's traditions of public service and volunteerism.

The GIVE Act creates a path through which we can help ourselves by helping others.

We need to work to create more volunteer and service opportunities by finding more ways for more Americans to become stewards of public service—and the GIVE Act does exactly that.

We have worked for years to develop a comprehensive service program in this nation.

We have the opportunity to do something truly significant with this bill, which is to make a cultural change in the way we relate to our community and support each others needs.

As a young woman I was inspired by President Kennedy's call to public service.

Today, a new generation is being called on by this Congress and President Obama to contribute to the strength of our nation by engaging in public service and volunteerism.

The GIVE Act is a once in a generation bill that will change the fabric of our nation for generations to come and I call on all of my colleagues to enthusiastically support this groundbreaking legislation.

Mr. PLATTS. Mr. Chairman, I yield such time as he may consume to the distinguished ranking member of the full committee, Mr. MCKEON from California.

Mr. MCKEON. I thank the gentleman for yielding, and I rise in strong support of H.R. 1388.

Neighbors helping neighbors. This happens countless times every day across America. A college student teaching English to immigrants, a Boy

Scout troop collecting canned food for the hungry, families taking in neighbors who have lost their homes in floods or tornado or fire.

Mr. Chairman, the bill before us today, aptly named the GIVE Act, encourages the selfless actions I just described by updating decades-old national service programs to make them even more effective in the 21st century.

H.R. 1388 allows for year-round service learning opportunities. It also offers a new emphasis on emergency and disaster relief and recovery. Finally, it offers increased opportunities for baby boomers, a generation known for its social activism.

But I would like to inform my colleagues of one fact that has not been given much attention. This bill includes powerful new safeguards to protect taxpayers by making the service programs more accountable and performance based. The bill also makes the programs it funds more competitive to ensure efficiency and effectiveness. In addition to H.R. 1388, individuals can receive Federal funding to serve at organizations of their choosing.

Of course, to prevent fraud, these organizations will be closely examined. But after such screening, part of the funds the bill provides will be dedicated to those people who believe they can make the greatest difference at small organizations.

And yet this bill also addresses national needs. For example, this proposal adds a new Veterans Corps, giving people who served in our military a chance to serve their Nation once more and a chance for our Nation to serve them. Through the Veterans Corps, veterans and others can help the families of servicemembers through their hardships and aid fellow veterans as they readjust to civilian life.

Finally, this bill makes disaster assistance a priority. It allows the Corporation for National and Community Service to develop a system to quickly mobilize former participants, if they are needed. It also allows people to extend their service if their term has run out in the middle of a disaster.

I would like to thank Chairman MILLER, Subcommittee Chairman MCCARTHY, Ranking Member PLATTS and our staff for such an excellent job to work together to craft this bill.

This is the way legislation should be passed, and I think it has been an example, and I wish all bills were passed in this manner.

You know, we have been hearing a lot in the last couple of days about AIG and about the bonuses that were made to leaders of that company, a company that would not even be in existence if it were not for the Federal Government and the taxpayers that bailed them out.

The stimulus package that was passed was the last attempt that would

have been able to stop those bonuses. There was an amendment in there, and I know the Senator that's credited for that amendment, he says he didn't know about it, or didn't have part in it. That could have been taken care of if we had what was promised to us, 48 hours at least, to review that bill, or if we had worked together in a bipartisan way to craft that bill.

□ 1245

I'm sorry that that did not happen. Because of that, we have found now a terrible tragedy has taken place, and I hope that we will be able to correct it. But it could have been avoided if we had just simply worked, as we did on this bill, in a bipartisan way to see that that never happened.

Mr. Chair, I support this bill because Americans who give their time, talent, and compassion to others clearly can help our Nation. And we, as their representatives, should help them.

Thank you. I ask all of our colleagues to support this bill.

Mr. GEORGE MILLER of California. I yield 1½ minutes to a gentleman who's been key in this legislation, given his background and history in energy conservation and efficiencies and weatherization, the gentleman from New York (Mr. TONKO).

Mr. TONKO. Thank you, Mr. Chairman. The GIVE Act before us responds to President Obama's call to service for our Nation's volunteers to help move our country forward by launching a new era of service during these challenging economic times.

Certainly, there are many new corps established in this legislation; amongst them, Clean Energy as a corps. Those members will be able to work in their given communities providing valuable services that range from retrofitting housing for low-income households to improving their energy efficiency outcomes; to building energy-efficient housing in low-income communities; conducting energy audits for low-income households; and to installing renewable energy technologies, amongst other things.

This energy improvement will be an empowerment to the given communities. I am fortunate to have thriving programs in my Capital District region of New York State. Amongst them are the Self Advocacy Association of New York, conducted through the auspices of an organization in Schenectady. They deal with those of the developmental disability community that enable them to provide for self-advocacy for people with disabilities. Also, the Capital District RSVP, which places retired people in projects that address the needs of their community, where we have over 1,200 volunteers providing over 250,000 hours of service.

Mr. Chair, this is an exciting bit of legislation. It allows us to utilize volunteer power that has been a tradition

with this Nation. It dispels loneliness and despair, it builds a sense of dignity and hope, and certainly, as they do that, they will deliver services, very valuable services, to the doorstep of their communities.

Let it be said that volunteers are the muscle of America.

Mr. PLATTS. I yield such time as he may consume to the ranking member of the Ways and Means Subcommittee on Social Security, the distinguished gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Today, we're debating the merits of paying volunteers. Experts estimate this bill will cost the government about \$1 billion for just 1 year.

I've got a better idea. Let's redirect just a small portion of that money to the real volunteers—those who voluntarily serve in the Armed Forces. They volunteer to wear the uniform. There is no draft. Some volunteer their limbs, their lives. Surely, these folks deserve special treatment too. Not so, says the White House.

The White House has floated a plan to save the government \$540 million. The White House will cut costs by forcing wounded warriors to pay for their own treatment. Talk about the cost of war!

As a combat-wounded fighter pilot who served in two wars, I find the White House idea of charging wounded war heroes for care absurd, abhorrent, and unconscionable.

It's sad and shameful that the administration is willing to force our combat wounded to foot the bill for their own recovery and rehab.

I will fight like mad to stop this rash and reckless proposal and back a new resolution blasting the White House plan. I urge every American who loves freedom and supports the troops, why don't you just call the White House at 202-456-1414.

Tell the President those who voluntarily choose the Armed Forces and voluntarily serve in harm's way, voluntarily leave their loved ones, and voluntarily endure enemy fire, are the absolute last people we need to hit up to balance any budget.

Again, that number is 202-456-1414. Tell the White House that forcing veterans to pay for the cost of war out of pocket is just plain wrong. Our troops fight, they lose legs, they lose arms. Support the troops.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, one of the very exciting parts of this legislation, as pointed out by Mr. MCKEON, is the full integration of our veterans into national service.

Today, earlier, we heard from Captain Scott Quilty, who is a decorated infantry captain and Army major retired who lost both his legs and one of

his arms in Iraq. Scott has come back to assume the management responsibilities for Survivor Corps, a U.S.-based program that serves the needs of servicemembers and veterans returning from Iraq and Afghanistan. And Survivor Corps spoke in strong support of this legislation, recognizing that we now are extending full partnership to the veterans of this country, thanking them for their services, and providing services to them as they return home.

I yield 1½ minutes to a leader in service, the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank Chairman MILLER, my good friend, for yielding time. Mr. Chairman, I rise in strong support of H.R. 1388, the GIVE Act. People are hurting. Americans are having to choose between paying their mortgages and putting food on the table. In these tough times, it's more important than ever that we, as American citizens, yield back to those in need.

National service becomes ever more important when people are hurting, when people are in need. We need to do more to show our appreciation to people who get out there, they get in the way, they stand up, they speak up, they speak out. They work hard to get their hands dirty helping their neighbor.

The GIVE Act is a great step forward for national service. However, we also need to make the AmeriCorps Education Award, in my estimation, tax exempt. We need to do more to encourage and reward Americans who answer the call of national service. It is a call that we responded to in 1961 when President Kennedy issued a call for the Peace Corps. And it is a call now in 2009 when President Barack Obama is urging national service.

I urge all of my colleagues to support national service and vote "yes" on this important piece of legislation.

Mr. PLATTS. I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1½ minutes to a member of the committee, a strong supporter of the bill, the gentleman from the Northern Mariana Islands (Mr. SABLÁN).

Mr. SABLÁN. Thank you, Mr. Chairman. H.R. 1388 answers President Obama's call to service and helps Americans invest in their communities by greatly expanding potential service opportunities and increasing educational and other benefits.

Provisions like those in the GIVE Act are especially effective in the Northern Mariana Islands. They allow our young people to help their communities while also doing something positive for themselves.

In these areas of high unemployment, community service programs like those in the GIVE Act allow participants to receive benefits, including health care, earn money for college, re-

ceive important career and technical training, make connections with potential employers, and develop confidence, self-esteem, and leadership skills.

Not just that, but participants are also able to give back to those around them, providing support for the people and communities that are suffering during these tough economic times. This is what America is all about.

We hope that this program, along with the President's call to action, strengthens our citizens' pride in themselves, their communities, and their Nation, and allows them to feel like they are truly a part of the American Dream.

For these reasons, I urge my colleagues to support H.R. 1388, the GIVE Act.

Mr. PLATTS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Chairman MILLER, Americans everywhere should thank you and they should thank Congresswoman MCCARTHY, and all of those who are part of this GIVE Act and made it happen, because it stands for a very simple and elegant proposition and purpose, and that is that if Americans want to serve, they ought to be given that opportunity.

The GIVE Act creates many different dimensions of service that Americans can pursue. I'm very proud to have worked closely with Congressman PHIL HARE in introducing the Vet Corps component of this service corps. I want to thank Chairman MILLER for working to include that in the final version of the bill.

We owe so much to our veterans. We can never fully repay the debt that we owe them, but we can try. The way we can try is to create a service corps program like Vet Corps that is going to make sure that when veterans return from their service, we have an opportunity to serve them and that they in turn can serve the broader communities and serve other military families and other veterans.

The statistics are alarming. The unemployment rate for returning veterans is as high as 18 percent. We can give them the training and the opportunity to become engaged and re-engaged in our communities through service corps programs like Vet Corps. I'm so very pleased that that is part of this opportunity here.

I'd also like to say before I yield back that I enjoyed working with Congressman JAY INSLEE on the Clean Energy Corps, which is going to provide opportunities for young people to get involved in improving energy efficiency and the green revolution.

Mr. PLATTS. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes for

the purpose of entering into a colloquy with the gentleman from Florida (Mr. GRAYSON.)

Mr. GRAYSON. Mr. Chair, I'd like to engage in a colloquy with the chairman.

Mr. Chairman, I want to thank you for working with me on increasing the number of volunteers trained and available for immediate deployment to States with high vulnerability to hurricanes and various natural disasters, like my State of Florida.

As you know, the National Civilian Community Corps is a full-time team-based residential program for men and women aged 18 to 24 that helps meet critical community needs. The mission of the NCCC is to strengthen communities and to develop leaders through direct, team-based national and community service.

Drawn from the successful models of the Civilian Conservation Corps in the 1930s and the U.S. military, the NCCC is built on the belief that civic responsibility is an inherent duty of all citizens. These members have been instrumental in assisting communities with relief and recovery needs during times of natural disasters.

According to the Corporation for National and Community Service, more than 2,900 NCCC members have served on disaster-related projects in the Gulf Coast region since September 2005, in coordination with such groups as the Red Cross, Salvation Army, the Army Corps of Engineers, and various State service commissions.

In all, NCCC members have contributed more than 1.4 million hours of service and have completed nearly 13,000 damage assessments, refurbished more than 6,500 homes, put tarps on thousands of homes, served 1.3 million meals, and distributed more than 2,200 tons of food.

Given the critical needs that this program provides, I would like to work with you on exploring potential options to establish an NCCC campus in Florida.

Mr. GEORGE MILLER of California. I yield myself 15 seconds to respond to the gentleman and say that I agree that many of our communities' needs, especially in times of natural disaster, are being met through the hard work of the NCCC members, and I look forward to working with you in exploring this issue and certainly recognizing the needs of those States that are hit repeatedly by natural disasters, representing one of those States, but knowing what has taken place in Florida and others with hurricanes and storms that we are now experiencing. And I look forward to working with him as this bill progresses.

Mr. PLATTS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

□ 1300

Ms. DELAURO. Mr. Chairman, I want to say thank you to Chairman MILLER for his commitment to this effort.

For generations, during times of great crisis, Americans have stepped up and served their country and their communities. Today, with soaring unemployment, rising health care costs, and a financial system turned upside down, we face one of those moments.

When the National Community Service Act was enacted in 1990, we saw powerful new opportunities to inspire civic engagement to transform our communities. And today, the Generations Invigorating Volunteerism and Education Act, yes, the GIVE Act, renews and enhances these opportunities by providing Americans of all ages, from middle schoolers to baby boomers, the chance to reach their full potential as engaged and active members of their community.

The Summer of Service initiative is geared toward middle school students and provides a new opening to reach many young people who we know will benefit from the opportunity to spend a summer in service in their communities, a right of passage, as students make the transition from middle to high school. Through a competitive grant program, States and localities can offer students an opportunity to participate in a structured community service program, earning educational awards of up to \$500 upon completing 100 hours of service.

Research shows that, among those students who participate in in-service learning, teens from disadvantaged communities who serve hold more positive civic attitudes. Students who engage in volunteering are more likely to be successful at school and avoid risky behaviors, such as drugs, alcohol, and crime.

This legislation also provides a long-awaited increase to the Segal AmericaCorps Education Award, tying it to Pell grants to ensure that it stays in step with rising tuition rates. It will make it easier for older Americans to give back as well, to share their experience and expertise through Encore Fellowships and Silver Scholarships.

This is a transformational moment in our Nation's history. So today, with these efforts we hope to mark a new beginning, ready to meet that responsibility again to the greater good and to our shared community. I urge my colleagues to vote "yes."

Mr. PLATTS. Mr. Chairman, I yield such time as he may consume to the distinguished ranking member of the Homeland Security Subcommittee on Border and Port Security, Mr. SOUDER from Indiana.

Mr. SOUDER. I thank my friend from Pennsylvania, and Chairman MILLER.

I have some concerns about this bill. One of the challenges as a conservative Republican in a Congress dominated by

the Democrats in the House and Senate and the President is that it is likely to be that, for most bills, we are likely to have some concerns. We lost the election, we are not writing the bills, and so therefore we are likely to have some concerns.

When the Republicans last wrote this bill, for example, we had a clause in restricting sex education money usage. It is not likely to be a use of this bill, but as a conservative I sometimes have justifiable paranoia about how liberals may use this money. At the same time, we are not the majority, we don't get to write every clause in it, and, it is not necessarily a likely use.

I also have concerns about the amount of money that the Federal Government is spending. There are going to be bills in this cycle that many Republicans who might have supported them in the past will have reservations on. We have run up in the first 2 months more additions to the deficit than we had in the first 5 years of the last administration. At some point the question is, how are we going to fund these Treasury bills? Are interest rates going to go up and drive out the private market? How is a district like is mine that is hammered, how is Elkhart County going to recover? So I have deep concerns.

Now, I understand this is an authorizing bill, not an appropriations bill. Authorizing bills merely set the cap. That leads, however, to a lot of pressure internally of, like we saw in No Child Left Behind, you are only funding X amount of a bill. No, that was a cap; that wasn't a guarantee that the funding was going to go through. So when we go through authorizing bills, does this in fact push the spending, or not?

But authorizing bills fundamentally guide the programs. And if we as Republicans say we are never going to participate because we are not in the majority and these are authorizing bills that guide the guidelines, are we going to give up both the actual spending and not participating in the authorizing process?

There are fundamental differences inside any kind of coalition of people on what the role of government should be. If you are a pure libertarian, it is unlikely that you like any of these kind of programs. Volunteers are volunteers; government employees are government employees. But if you have, as I have in the past, supported these different programs, some more than others, but basically believe that everything from the seniors' different programs to domestic volunteer groups are, as a whole, a benefit to the community, then trying to shape that as best we can and to participate I think is helpful.

In this particular bill, I want to thank the chairman for two particular amendments that we have worked

with, with Congressman GRIJALVA who heads the National Parks Committee in the Resources Committee, and Congressman RUSH HOLT who has been a big supporter of the national parks, and I, who along with BRIAN BAIRD co-chair the National Parks Caucus, we have worked from the Leave No Child Inside bill to this bill to try to include parks, and working with others to include not only the national parks, but other types of parks, particularly with Mr. SARBANES of Maryland in the previous bill.

But inside the Energy Corps, this will allow volunteers to work with our National Parks Service to help address backlog and maintenance issues; that whenever, particularly when you look at the type of economy we have right now, and we are coming up on the 100th birthday of the National Park Service, during the Great Depression quite frankly was one of the greatest moves toward American architecture. What we think of as a national park actually came from many of the summer jobs programs and WPA and CCC.

While this is not the same, this is a blended program, it is important that as we see whatever types of legislation goes through, even if I as a Republican have some concerns about the scope of government and the cost, I still feel that it is important that we participate in that. And one of the best uses of this is the National Park Service, which everybody benefits from, and it is an opportunity to try to address some of the backlog issues there.

There is a second part that was a program developed, Serve America, and I want to thank in this case not only Chairman MILLER and Ranking Member PLATTS and our Ranking Member BUCK MCKEON, but Senator HATCH, in working with a clause and refining it from the first bill where we had it a larger percentage. But basically it says that one-third of the Serve America grants can go to small institutions. As somebody who has been very passionate, who believes that many of these programs which are very small, don't have good grant writers, often don't have the ability to get as much match, particularly when you get into urban centers or in some of the rural areas, particularly when you get into a lot of the African American and Hispanic church groups or volunteer groups. They aren't United Way, so how can they partake of this? This says that up to one-third of this can be used for organizations with 10 full-time and up to 10 part-time, or 20 total, employees. And then they get up to one-third of the Serve America program, and they only have to have a smaller match of roughly \$1,000. This will enable lots of these small neighborhood groups to be eligible.

Now, Senator HATCH correctly pointed out, he and his staff, that maybe there won't be enough of these smaller

groups. So it doesn't guarantee a third of this, but it says that up to one-third can be used this way. I think this is a diversification of this program that it is an invaluable addition, and will empower lots of people to be able to do this in this community.

So while I have some reservations, I think this is basically a good bill. It is a bill that we worked on together cooperatively, and I appreciate the opportunity to do that even in a Congress that is marked by partisanship. But it is a way to show the American people that in fact we do work together on most pieces of legislation that come through here. There are differences between our parties, but we try to work in a bipartisan way when we can.

Mr. GEORGE MILLER of California. I yield to the gentleman from Texas (Mr. AL GREEN) for 1½ minutes.

Mr. AL GREEN of Texas. Mr. Chairman, Gandhi reminds us that we should be the change we wish to see.

I want to thank the President, President Obama, for sounding the clarion call for volunteerism such that we can see this change that we all desire to have in our country. I would like to thank Chairman MILLER and Ranking Member McKEON for answering the clarion call from the President with this bill, H.R. 1388.

This is a good piece of legislation. And, if I may be so bold as to say so, we are doing, Mr. Chairman, God's work today. This is what we are called upon to do, to be our brother's keeper, and we can do so by utilizing this army of volunteers to go out and make the change we wish to see in society.

Mr. Chairman, I especially thank you for including language in this legislation that will allow volunteers to help in the area of housing. You know and we know that we have an affordable housing crisis. We have lost more than 600,000 units in affordable housing since the mid-1990s that are subsidized. It is time for us to restock our affordable housing. These volunteers will help us to do so.

I will close with this. I thank you and all of the Members who have supported this legislation, and I trust that Gandhi would be proud of us today because we are affording people to transform neighborhoods into brotherhoods, and to make sure that we can see the change in our society and bring it about by virtue of our own hands and our creation.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman 10 additional seconds, and I want to thank the gentleman for bringing the housing language that is based upon his expertise in this field, and along with MAXINE WATERS, thank you so very much. We are happy to include it.

Mr. AL GREEN of Texas. I thank you again, Mr. Chairman, as well as Chairperson WATERS and Chairman FRANK.

Mr. PLATTS. I yield 3 minutes to the distinguished gentleman from Louisiana (Mr. CASSIDY).

Mr. CASSIDY. Mr. Chairman, I wish to engage the chairman of Education and Labor in a colloquy.

Mr. Chairman, Teach for America has been in the AmericaCorps program since 1994 and is the Nation's largest professional service corps. This program recruits top college graduates of all backgrounds and career interests to commit to teach for at least 2 years in our Nation's most underserved classrooms.

To date, 20,000 Teach for America corps members have enriched the lives of more than 3 million low-income students in our Nation's lowest performing schools. While only the one in ten Teach for America corps members initially planned on a career in education, two-thirds remain in the field in some capacity. This only goes to further demonstrate the life-changing impact this kind of service can have on an individual.

Teach for America is also experiencing remarkable growth as more and more Americans look to give back to their communities. Applications are up 40 percent this year, with 35,000 people applying to serve through Teach for America alone.

Given this growth and its potential to expand and meet the needs of underserved students across the Nation, is it correct that, under this bill, Teach for America will continue to be eligible under the professional corps' description of the model for funding under the Education Corps or any of the other newly created corps programs under section 122?

I yield to the chairman of the Education and Labor Committee, and ask if this understanding is correct.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding and for raising this issue. Thank you so much for bringing this to our attention.

I am proud to be a long-time supporter of Teach for America, and I am pleased to say that they will continue to be eligible to participate in AmeriCorps through the newly-created National Service Corps exactly as you have described.

Teach for America has demonstrated measurable effectiveness in the classroom and is exactly the type of measurable success that we are looking to scale up. Thank you again, Mr. CASSIDY, for your support of this program and for raising this issue and for the support of the GIVE Act.

Mr. CASSIDY. I thank the chairman.

Mr. GEORGE MILLER of California. I yield to the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) for 1½ minutes.

Mrs. DAHLKEMPER. Mr. Chairman, service has always been a deeply rooted American value, from service to our

country during times of war to service to our neighborhood in times of need. I believe that a commitment to service is one of the defining characteristics of being an American.

Service has also played an important role for my family and is a value I have tried to impart to my five children. I am so proud of my son, Nathan, who spent his time this spring volunteering in a homeless shelter in New York City. And I love our family tradition of adopting a family at the holiday season.

I have spent my life doing community service, founding and operating a Lake Erie arboretum for over a decade, and serving on the board of the Erie Community Foundation. Mr. Chairman, it is because of this background and service that I rise today in strong support of the GIVE Act.

This legislation will provide hundreds of thousands of Americans the opportunity to invest through service in our Nation's recovery. And it will not have a bigger impact anywhere than in Pennsylvania's Third District. One county in my district, Erie County, has nearly 250 different nonprofit organizations that depend on volunteers to support their work, work that improves the quality of life for the region.

Mr. Chairman, the economic recession has been especially difficult to my constituents. With lines at our food banks, and our shelters literally full, these groups take care of tens of thousands of adults and children who live in poverty.

□ 1315

Last year, the Erie County homeless shelters served 1,500 homeless individuals, 200 of which were children.

With the recession deepening, there is no better time to support community service and volunteerism to help our country get through this economic crisis, restore confidence and prepare our Nation for the future.

Therefore, I urge my colleagues to join me in supporting the GIVE Act.

Mr. PLATTS. Mr. Chairman, I continue to reserve my time.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. Mr. Chairman, I stand today on the floor to also give my support to this important piece of legislation. Mr. Chairman, I am one of four Members of this House who is a former Peace Corps volunteer. I had the privilege of serving this country in the United States Peace Corps for almost 2½ years in West Africa. I can speak on behalf of the returning volunteers in this body and the returning volunteers across this country as to the importance of service, both at home and abroad.

This is an important step in the right direction. As we ask so many sons and

daughters of this country to serve in our military in Iraq and Afghanistan, I think it is critically important that we open up doors of opportunity for young men and women and older men and women across this country to also serve right here at home. Service is critically important to show that they believe in this country, to show that they believe in their community and that they are able to give back. This is an important step in the right direction.

I have had the privilege in Cincinnati of working with the Public Allies Program, an AmeriCorps program which has contributed to tremendous work for nonprofit organizations across the region. This expands that opportunity for so many more people.

Again I applaud the President for his efforts. I applaud the First Lady for shining the light on service in the United States. I want to thank the chairman and the committee for their tremendous work.

Mr. PLATTS. Mr. Chairman, I continue to reserve.

Mr. GEORGE MILLER of California. I yield now 1 minute to the gentleman from Maryland, the leader, Mr. HOYER.

Mr. HOYER. I thank the chairman for yielding. I thank Mr. PLATTS for his leadership on this bill, and I thank BUCK MCKEON, the ranking Republican who leads this committee for his party. I want to say this is a perfect example of when we can work in a bipartisan way, we do work in a bipartisan way.

Mr. Chairman, in my view what has angered so many people about this recession is the perception that its causes are not simply material, not simply financial, but in many ways moral. Ask most Americans what got us to this point, and I doubt the first words they will reach for will be "credit default swaps" or "troubled assets" or "overleveraging." They will turn, I think, to older ideas—greed, recklessness, self-dealing and profit-taking. In sum, they will think there is a moral deficiency.

It follows that our economy and our recovery will not be whole if it only encompasses renewed balance sheets or consumer demand. What is also required is a renewed public spirit. Government cannot create that spirit. We would be fools to think it could. But it can recognize it, applaud it and give avenues for its manifestation. We can coordinate it and give it productive outlets. That is exactly what this bill does.

I want to congratulate the President of the United States, Barack Obama, for his leadership, and Michelle Obama for working so avidly on behalf of public service and a renewed spirit of giving to our country. Our President has not just talked about that, he has lived a life of service. I said with Chairman MILLER at a press conference just a few hours ago that Barack Obama grad-

uated from one of the best law schools in this country. He was editor of the Law Review. He had one of the keenest minds in his class, indeed in the country. He could have made literally millions of dollars practicing law representing the most powerful interests of our country. He choose not to do that. He went to Chicago, his hometown, and he spent his time reaching out to those who needed help, those who didn't have power and those who did not have economic might, to assist them in making their lives better and their communities better.

That is what this bill does. So the principal spokesperson for this bill, President Obama, has lived it, not just talked it. We are blessed with a young generation remarkably committed to public service. This bill gives them the outlets and the opportunities to contribute to our recovery.

Mr. Chairman, I would also say there are a whole lot of seniors who have retired from their careers but don't want to retire from life, don't want to retire from their communities and don't want to retire from continuing to give service to their fellow men and women. This bill strengthens the bond between service and education by helping volunteers pay for college. It focuses volunteer efforts on our most pressing needs, including rebuilding our infrastructure and retooling our economy for clean energy and expands opportunity for volunteers of all ages, from middle schoolers to baby boomers.

In sum, this bill represents the greatest expansion in national service since the days of John F. Kennedy. He asked us to not ask what the country could do for us, but what we could do for our country. In fact, that is what our faiths ask us as well, for all of our faiths have a central theme: love God and love God's children as well. And we love God's children by giving them a hand up and helping to serve with them in making their lives better.

These new ranks of volunteers will be making tangible contributions that benefit all of us. According to House testimony from Time Magazine's managing editor, Richard Stengel, and I quote, 61 million Americans volunteered in their communities in 2007, giving more than 8 billion hours—that is billion—8 billion hours of community service worth more than \$158 billion to America's communities.

In my community, we have volunteer fire companies in the southern part of my district. The cost of providing fire service in St. Mary's, Calvert and Charles Counties would be a lot higher if it weren't for the literally tens of thousands of hours volunteered by citizens who care about their communities and care about keeping us safe when fire occurs.

He continued:

"A cost-benefit analysis of AmeriCorps programs has concluded

that every \$1 that we invest in AmeriCorps results in \$1.50 to \$3.90 of direct measurable benefits to the community."

Wouldn't it be wonderful if all of our businesses had been as successful? We wouldn't be in the pickle we are in.

Those are the material rewards of this bill. But, Mr. Chairman, I think we all know that the rewards we can't measure are far greater. They are the virtues of community and self-sacrifice, of responsibility and teamwork, of a better country and a better community. JOHN LEWIS talks about the beloved community. This bill seeks to serve the beloved community.

I urge its adoption. I thank Mr. MILLER for his leadership, I thank the Speaker for her pressing us to consider this early, and I thank Mr. PLATTS and Mr. MCKEON for their leadership and work on this bill as well.

Mr. PLATTS. Mr. Chairman, I continue to reserve my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 1 minute.

Questions have been raised about the intent of section 1705 giving the Chief Executive Officer authority to delegate specific programmatic authority to the States. In particular, strong concerns have been raised that corporation officials would use this authority to eliminate the State offices of the corporation and adversely impact the operation of VISTA and the Senior Corps.

The committee intends that the Chief Executive Officer will use this authority judiciously to improve the operation of all of the corporation's programs by using a consultative process that includes all of the stakeholders in the affected programs. The committee expects the corporation to continue the staff from State offices at an operational level that is at least equal to the current one.

I yield 1½ minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. I thank Chairman MILLER for the work that he has done on this bill.

I rise to support the manager's amendment which has language from an amendment that I have submitted. This language goes a long way to support the poor communities in different parts of the Nation, especially around the southern border.

In particular, I'm talking about adding the definition of colonias as part of the definition of "severely economically distressed areas" that under this bill receive special financial consideration in the operation of national volunteer services. Colonias are found in Texas, New Mexico, Arizona and California along the border. These colonias are areas that have no water, no sewage or paving. It is almost Third World conditions, Mr. Chairman and Members of Congress, where we have to do something to help these people. Just in my area, for example, it is estimated in the

State of Texas that we have over 400,000 Texans that live along the border in colonias.

This help will go a long way, and this is why the manager's amendment that includes my language gives critical financial assistance to the areas that contain colonias to facilitate the operation in support of national service programs that are working to solve many of these problems in colonias.

With this amendment, we are one step closer to helping colonias to have the basic living conditions that all Americans deserve. Mr. Chairman, I want to thank you for allowing this language to be added dealing with colonias.

I urge all colleagues to vote "yes."

Mr. PLATTS. Mr. Chairman, I continue to reserve.

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent to control the time for the chairman of the committee.

The CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ANDREWS. Mr. Chairman, may I inquire as to how much time we have left in general debate.

The CHAIR. The gentleman has 5 minutes. The gentleman from Pennsylvania has 12½ minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this bill answers the question, whose skills does America need? Every day in our districts and in our travels, we see heartrending examples of the needs of our country. There are men and women who are struggling to find a job who cannot read and write. They need a literacy coach. There are elderly people who don't see anyone come visit with them at all during the course of a week who may be sick or hungry or certainly are very lonely. They need geriatric care workers to come in, friends to come in and be with them. There are children who today after school will face a choice between the ravages of drugs and alcohol, the irresponsibility of bad personal behavior, the violence of gang warfare, and really nothing else. They need an afterschool program. They need a loving and supportive family or religious institution to help them out.

Everywhere we look in this country, there are examples of great, unmet needs. Now, many of these needs require money to meet. And this President has proposed a budget, and this Congress just enacted, and the President signed, a stimulus bill that provides great new resources toward those needs. But money will never be enough, because in addition to financial resources, we also need the spirit, enthusiasm and integrity of our people.

The answer to the question, whose skills does America need, is America

needs everyone's skills, everyone's skills to move forward as a country. This legislation is supported by both the Republican and Democratic Parties and is supported by the President. We are very hopeful it will be supported by the other body in short order. This legislation provides powerful new ways for people to offer those skills that America needs. It will be open to very young Americans who want to gain the experience of helping their neighbors while helping to finance their own education. It will be open to vastly experienced Americans who have achieved success in the classroom or the lab or the military base who now want to use the lessons of that success to help their friends and neighbors.

This is a bill that unlocks the door for opportunity, not just for those of our neighbors who are in need of these services, but also for those of us who will provide those services. There is very little in life that is more fulfilling than doing a job well whose benefits reach beyond your own personal interests and values.

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The power of this bill, which is so well put together, is not its scholarship programs, although they are very needed; it is not its broad reach among the American people, although it is very desirable; it is not the track record of success that national service has already provided, although it is very admirable. The power of this bill is it provides bold new pathways for people to do right by their communities and right by themselves. I would urge a "yes" vote.

I reserve the balance of my time.

Mr. PLATTS. Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. I yield to the gentleman from Mississippi (Mr. TAYLOR), who has been a leader in the reconstruction efforts after the devastation in the gulf, and I am pleased to yield to him 1 minute.

Mr. TAYLOR. Mr. Chairman, I thank the gentleman. There is nothing I can say that can top the words of the gentleman from New Jersey, but I do want to use this opportunity to say what a magnificent job the AmeriCorps volunteers did down in southern Mississippi after Hurricane Katrina. They showed up almost as soon as the dust settled from the storm, and they are still there 3½ years later doing things for people who need some hope. I wanted to take this opportunity to heartily endorse this program.

Mr. PLATTS. Mr. Chairman, I yield myself the balance of my time to close.

Mr. Chairman, just again I would urge a "yes" vote in favor of GIVE Act. I want to again recognize both Chairman MILLER and Ranking Member MCKEON, and especially the staff on both sides, for their tireless effort and many, many hours working together in

a bipartisan way to bring this bill to fruition.

The last speaker's comments about the work of AmeriCorps working in the gulf region, it is my understanding that over the last 3 years, more than 4 million hours of service have been provided through national service programs, and that is just one example of how effective these programs can be to assisting those in need. Again I encourage a "yes" vote in favor of the GIVE Act.

I yield back the balance of my time.

Mr. ANDREWS. On behalf of the chairman and the ranking member, we would urge a "yes" vote from all Members. We proudly support this legislation.

Mr. KING of New York. Mr. Chair, today I rise in support of H.R. 1388, the GIVE Act, which would encourage a new generation of Americans to answer the call and get involved in service to their communities and their country. However, there is one provision of particular importance to me and my constituents.

The GIVE Act will authorize a call to service campaign, encouraging all Americans to observe September 11th as a national day of service. As the representative of a district that lost over a hundred people on 9/11 and includes thousands more who worked in the area or were involved in cleanup efforts, I believe it is right that we as a nation honor the lives lost on 9/11 by giving back to our country.

In my district office in New York, I have hosted a blood drive on the anniversary of 9/11 and I know that many others in my home state have taken part in similar activities. I am pleased that this bill will encourage all those across the United States to join in this effort, which is important not only for the 9/11 families, volunteers, rescue and recovery workers, but for the entire country.

America came together in the aftermath of 9/11, reminding us what it truly means to be part of this great nation. By making 9/11 a national day of service, that same spirit of giving will continue in a day of remembrance, unity, and selflessness. Let us never forget the unity we felt as a nation following the tragedy of 9/11.

I would like to thank my friend and colleague Representative MCCARTHY for her work on this issue, as well as Jay Winuk and David Paine of the organization My Good Deed, who pioneered the 9/11 day of service movement. I look forward to working with my colleagues on both sides of the aisle to continue to ensure that we always remember 9/11, particularly to preserve the spirit of patriotism we all felt as Americans in the months and weeks following the attacks.

Mr. EHLERS. Mr. Chair, I rise in support of the Generations Invigorating Volunteerism and Education (GIVE) Act.

For many years, organizations in my congressional district have run excellent service programs. For example, approximately 26 AmeriCorps members serve low-income people with health care needs through the Cherry Street Health Center in Grand Rapids, Michigan. I applaud the efforts of all of the organizations and participants that have served the needs of West Michigan and our nation.

Recently, I met with a group of seniors who were very motivated to help their community with energy efficiency projects. They gave me the idea to expand the focus of the Senior Corps programs. I am very pleased that the Education and Labor Committee accepted my amendment to clarify that activities for older adults who participate in the National Senior Volunteer Programs may include conducting energy audits, insulating homes, and conducting other activities to promote energy efficiency.

The number of participants in the Senior Corps programs will be increasing as the almost 79 million members of the "Baby Boomer" generation retire and look for other activities to fill their days. Many of these individuals have unique skill sets that could be put to use in helping our country become more energy efficient. Also, in the modern home, insulation and other energy efficiency techniques have become very sophisticated.

This program will provide participants with the opportunity to learn about these new methods. These participants can also pass their knowledge on to the younger generations through the relationships developed with youth, including disadvantaged youth, through the Senior Corps programs. The concept of energy efficiency provides multidisciplinary learning opportunities in math, science, and language arts—subjects that America's Baby Boomers and seniors can assist students with by using hands-on, real-world projects.

I urge all Members to support this important legislation to reauthorize our national service programs, and I encourage people of all ages to seek ways to serve our communities.

Mr. SPACE. Mr. Chair, I rise today in support of the Generations Invigorating Volunteerism and Education, GIVE, Act. The GIVE Act is an important piece of legislation that is instrumental expanding AmeriCorps and increasing volunteerism in our country. I commend Chairman MILLER and Ranking Member McKEON for their work on this critical piece of legislation.

In particular, I would like to thank Chairman MILLER for his work to include language, in the Manager's Amendment, which encourages the recruitment of youth to work in health professions in communities where there are unmet needs. This legislation is extremely important to my District, where we are facing a lack of access to health care. The recruitment of health professionals is vital to maintaining a strong, healthy country and I am grateful that the Chairman and Ranking Member recognize this as they work to enact this legislation.

Community service is a cornerstone of American society and our Domestic Volunteer Programs, which encourage individuals to meet needs of others, are critical in hard economic times such as these. National support for reauthorization and expansion of community service programs is a testament to the resolve of Americans to help those who are most in need. Again, I thank Chairman MILLER and Ranking Member McKEON for taking the steps to expand the recruitment of youth to health care professions.

Mr. STARK. Mr. Chair, I rise today in support of H.R. 1388, the Generations Invigorating Volunteerism & Education, GIVE, Act.

The challenges we face have never been greater. Unemployment, foreclosures, inad-

equated health care, and dwindling retirement accounts are plaguing communities all over our country. Congress and the President are acting quickly and boldly, passing unprecedented measures to create jobs and bolster the frayed safety net.

Ordinary Americans are also rising to the challenge. They understand that this recession is not just a collection of statistics but an everyday reality for them and their neighbors. People are lining up in record numbers—for AmeriCorps, VISTA, Learn and Serve America and many other national volunteer programs—hoping to have the opportunity to contribute to their communities. Yet these organizations are turning people away because they do not have the necessary funds. This is a tragedy and a wasted opportunity. In these times of crisis, it is imperative that we make use of all our resources.

H.R. 1388 brings together America's human capital—our engineers and entrepreneurs, our students and seniors—to find new solutions to pressing community challenges. This bill will more than triple the number of volunteers in these programs nationwide to 250,000 and give people from all backgrounds the opportunity to contribute to a common purpose. In addition to improving existing service programs, the bill also creates a number of new programs that will allow volunteers to help address the energy, health care and education needs in our communities.

The GIVE Act is the right legislation at the right time. Thousands of Americans want to invest their time and their energy in the future of our nation. I urge my colleagues to join me in providing them that opportunity.

Mr. PAUL. Mr. Chair, I rise to oppose H.R. 1388. The idea that it is legitimate for the federal government to take money from one group of citizens and use that money to bribe other citizens into performing "national service" violates the basic moral principles of individual liberty that this country was founded upon.

I would make three points to those of my colleagues who try to justify this bill by saying that participation in the programs are voluntary. First, participation in the program is not voluntary for the taxpayers. Second, nothing in the bill prevents federal taxpayer dollars from being used to support state and local programs that force children to perform "community service" as a condition of graduating from high school. Because an increasing number of schools across the nation are forcing children to provide "service" as a condition of graduating, it is quite likely that the funds authorized by this bill will be used to support mandatory service. Third, and most importantly, by legitimizing the idea that it is an appropriate role for the government to promote "service," legislation such as H.R. 1388 opens the door for mandatory national service. Today, influential voices in both major parties are calling for a national program of mandatory service as well as a resumption of the military draft. With the increased need for more troops for the administration's expanded military adventurism in Afghanistan, as well as the continuing movement to conscript young people not eligible for military service to serve the government at home, can anyone doubt that this bill is only the down payment on a much larger program of mandatory national service?

The moral case against national service was eloquently expressed by former President Ronald Reagan in the publication *Human Events* in 1979: "... it [national service and conscription] rests on the assumption that your kids belong to the state. If we buy that assumption then it is for the state—not for parents, the community, the religious institutions or teachers—to decide who shall have what values and who shall do what work, when, where and how in our society. That assumption isn't a new one. The Nazis thought it was a great idea."

Mr. Chair, millions of Americans including many young people, are already volunteering their time and talents to help their fellow citizens and better their communities without being bribed by the government. In fact, to suggest that the young Americans need a federal check as an incentive to volunteer is an insult to the American people. I hope all my colleagues to join me in standing up for individual liberty, the great American tradition of true volunteerism, and the Constitution by opposing H.R. 1388.

Mrs. MALONEY. Mr. Chair, I am pleased to support H.R. 1388, the Generations Invigorating Volunteerism and Education (GIVE) Act, legislation which will launch a new era of American service and volunteerism. I thank Mrs. MCCARTHY of New York for her hard work on the bill, which answers President Obama's call for Americans of all ages to help get the country through the economic crisis by serving and volunteering in their communities.

Among other provisions, the bill creates 175,000 new service opportunities and rewards Americans for their commitment to service. From middle school students to baby boomers and retirees, the GIVE Act provides incentives for Americans of all generations to be part of the solution to challenges in their communities. To meet the key needs in low income communities, the legislation also establishes four new service corps to tackle important issues including clean energy, education, health care access, and services for veterans.

In addition, I am pleased that the bill encourages Americans to observe September 11th as a National Day of Service and Remembrance.

There is no better time to support and energize community service and volunteerism to help our country get through the economic crisis we face. I will proudly cast my vote for the GIVE Act and encourage my colleagues to do the same.

Mrs. BIGGERT. Mr. Chair, I rise today in strong support of H.R. 1388, the Generations Invigorating Volunteerism and Education, or GIVE Act.

This important legislation will reauthorize AmeriCorps and other programs under the Corporation for National and Community Service. I was particularly pleased by the addition of new performance measures that will ensure that AmeriCorps funds go to organizations that are efficient and effective with taxpayers' dollars. Also, by using fixed grants and eliminating costly bureaucratic red tape, the GIVE Act will ensure that small organizations have an equal opportunity to obtain federal service funds, without compromising the accountability of the program.

Finally, I would like to applaud the addition of a veterans corps, which will dedicate a specific funding stream to organizations that assist veterans and their families. These brave men and women have served our country honorably, and we have a responsibility to help them in their transition back to civilian life.

I would like to thank Chairman MILLER and Ranking Member McKEON for crafting a compromise bill that will receive broad, bipartisan support. It is my hope that this can be a model for cooperation on future legislation.

I urge my colleagues to support this bill.

Mr. VAN HOLLEN. Mr. Chair, throughout our history, American citizens have never hesitated to heed the call to service. They have answered in times of peace and prosperity, in times of war and recession. They have donated time and money and sweat—as much as they could, whenever it was needed.

When our nation faced the Great Depression, President Roosevelt formed the Civilian Conservation Corps and put citizens to work for the national interest. When we faced political uncertainty in the world, President Kennedy challenged our young people to serve and dispatched the Peace Corps on missions of international aid and public diplomacy. And when neighbors have challenges, when communities struggle, or when the nation sees tragedy, our citizens rally and lend a hand.

In recent years, we have seen some of the largest increases in volunteerism in history. This new trend is led by our young people, who are serving in record numbers. The number of college students who volunteer increased by 20 percent between 2002 and 2005. And the programs we consider today are a key part of that service.

Today's legislation will create new opportunities for Americans to volunteer and serve their communities while encouraging innovation and expanding on successful models. I have no doubt that Americans will take advantage of these programs.

As we emphasize the importance of volunteer service, I also want to call attention to the tremendous work done by our federal workforce. In the coming weeks, I will be introducing legislation to continue our support for service by cultivating our next generation of civil servants. My legislation will set up a scholarship program that will identify areas of national need in the federal workforce and recruit exceptional students to fill those positions after they graduate. In exchange for their commitment to serve, we will help them pay for school.

Mr. Chair, Americans have made tremendous investments through national service. Let us, in turn, pass this legislation today to assist their efforts and continue their commitment to our nation's future.

Mr. HONDA. Mr. Chair, I rise today in support of the Generations Invigorating Volunteerism and Education Act, the GIVE Act. In this time of economic crisis, when people all around our nation are suffering, an increase in service and volunteerism is what we need for a better, safer, kinder country and world.

It is more important now than ever before to support and reinvigorate the spirit of service in our country. As the recession intensifies, as more families are left without food, health

care, or homes and as our schools suffer, the GIVE Act offers solutions to restore confidence and put our nation on a path to recovery by rebuilding cities, creating green jobs, improving communities, and establishing new service corps for every walk of life.

President Obama has asked us all to expand and create new opportunities for service and to recommit ourselves to the spirit of service that has always characterized our Nation. President Obama understands that the benefits of service are immeasurable. Other than the obvious personal gains that can be derived from volunteering, the concept of volunteerism is a simple one—service to our neighbors, near or far, that need a hand in this time of economic hardship.

America is facing challenges today. We have seen higher unemployment, more people without insurance, more homes in foreclosure, and the number of people in poverty rise all as a result of a struggling economy, a lack of skills training, and poor education. The GIVE Act will help fund service programs for high-need, low-income communities which will in turn provide training programs, support social entrepreneurship, and help engage citizens in service-learning to address the specific challenges faced by their communities.

As a teacher and returned Peace Corps Volunteer, I cannot tell you how happy I am to see us focus our attention on national service. The GIVE Act's strength lies not only in the number of programs it expands and creates, but in its desire to provide service opportunities for people of all ages and for future generations. It takes important steps to incentivize service, grow the number of AmeriCorps volunteers nationwide to 250,000, and assist students in the pursuit of public service careers.

The GIVE Act is an incredibly important and comprehensive piece of legislation that reflects our values as a nation. I urge my colleagues in the House to support this legislation and those in the Senate to quickly pass it so that we can expand federally funded national service opportunities.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise today in strong support of the Generations Invigorating Volunteerism and Education Act. During this time of economic challenges the idea of helping one's community through volunteerism is particularly important.

The GIVE Act will expand the Corporation for National and Community Service which has been instrumental in helping connect Americans to high quality, meaningful service and service-learning opportunities. The GIVE Act will create new service programs for thousands of Americans and provide additional opportunities and incentives for middle and high school students to participate in service programs. The GIVE Act also improves program quality, ensures participant diversity, increases the value of the AmeriCorps education award, and reduces the age eligibility for Senior Corps to 55.

In particular, I would like to thank Chairman MILLER for incorporating into the Manager's Amendment my proposed language to engage public safety officers to volunteer with disadvantaged youth and provide opportunities for community based crime prevention efforts. It is important that we engage our commu-

nities and at-risk youth with law enforcement efforts. Too often there is a disconnect between the police and citizens of high-crime communities. It is important that these two groups recognize they can be partners in crime prevention, instead of having a fearful or untrusting relationship.

Since AmeriCorps was created in 1994, Texas has benefited from over 22,000 young people serving for at least one year in our communities. Through programs such as the 'National Civilian Community Corps' and 'City Year,' AmeriCorps volunteers address critical Texas needs in the areas of education, public safety, disaster response and recovery, and environment preservation. These programs serve the important role of providing an outlet for service to the country in a manner previously not afforded.

Mr. Chair, the AmeriCorps program has done great things for Texas and this nation as a whole, as is reflected in the AmeriCorps members' pledge to 'get things done.' I am indeed honored to support this wonderful program which represents the very best of the United States of America.

Mr. LARSON of Connecticut. Mr. Chair, I rise today in strong support of H.R. 1388, the Generations Invigorating Volunteerism and Education Act. I would like to thank Congresswoman MCCARTHY and Congressman MILLER for their persistent advocacy on such an important priority for our country. The GIVE Act will build on the President's call to action for public service by increasing opportunities available to citizens to help their communities and enhancing incentives for participation.

This bill will amend and extend programs that promote active community engagement. It will strengthen programs like Learn and Serve and AmeriCorps and will establish the Summer of Service program, which will reward middle and high school students that participate in eligible community service activities with money toward their college education.

In Connecticut, these programs have had an impact on thousands of our residents. Over 3,700 students participated in Learn and Serve activities last year and across the state we had 549 AmeriCorps volunteers. These programs offer vital services for our residents. Hartford's AmeriCorps program provided classroom support to 633 students last year, giving them one-on-one tutoring and helping them to improve their reading skills. The Learn and Serve program has also provided great benefits to Connecticut through programs that promote Civic engagement, environmental awareness, and fire-safety.

The GIVE Act is really a stimulus bill. It is estimated that every dollar spent on service initiatives is worth three dollars of investment in a community. These dollars go to repair community centers, build homes and bring back the neighborhoods that have been hit hardest by the economic downturn. This money will go to our students to provide them with the resources they need to go to college and the skills that will help them land jobs when they are done.

This legislation speaks to what is at the heart of American values. America is strongest when we are united and work together. The GIVE Act encourages just that. Once again, I would like to express my support for this bill

and urge my colleagues to vote in favor of the GIVE Act.

Mr. GENE GREEN of Texas. Mr. Chair, I rise today to show my support for H.R. 1388, the Generations Invigorating Volunteerism and Education Act of 2009 or the GIVE Act.

President Obama called on Congress to create new opportunities for Americans to build a stronger country by helping students perform better in school, prepare Americans for green and innovative 21st century jobs, rebuild cities in times of disaster, and improve communities. I am proud to say that through the various programs contained in the GIVE Act—whether new or old but reinvigorated—this bill meets President Obama's call.

Most importantly, I am pleased that this bill encourages our younger generations to engage in volunteerism while allowing them the opportunity to gain real-world experience working in our communities and addressing issues that are sometimes hard to face. During these trying times and with so many individuals losing their jobs, it is important to equip our youth with this type of experience.

I support the programs in the GIVE Act because its goals seek to better not only our future, but the future of generations to come. I urge my colleagues support this bill.

Mr. CROWLEY. Mr. Chair, I rise today in support of H.R. 1388, the Generations Invigorating Volunteerism and Education (GIVE) Act, and I want to thank Representative MILLER and his staff for all their good work on this bill.

Among the bill's many provisions is one I helped to craft that will increase service opportunities for musicians and artists.

Specifically, it would create a Musicians and Artists Corps to train and deploy skilled musicians and artists to low-income communities, schools, healthcare and therapeutic settings, and other areas, where they will promote music and arts engagement programs.

As someone who has had music play an important role in my life, I know firsthand that music and the arts are about far more than just entertainment—they have the power to change lives.

Indeed, research has also backed this up. Music and arts education has been proven to contribute to lower crime rates among disadvantaged youth, and it improves graduation rates and academic performance in schools.

In the world of healthcare, we see even more benefits. Patients who have undergone trauma or are suffering from chronic illness, as well as those with emotional and mental health problems, all benefit from being engaged in art and music programs.

Clearly, there is a wide span of areas where music and the arts can play a key role, and there are hundreds of thousands of musicians and artists that have the talent and the skills to help their communities.

President Obama has called on us all to increase our service to our nation, and these musicians and artists are ready and eager to serve. The Musicians and Artists Corps will connect these volunteers with the settings where they can make a world of difference.

Our citizen service programs, like AmeriCorps, have done a great job of engaging Americans of all ages, from a variety of professions, in national service. It is time now

that we bring more musicians and artists into this community.

Passage of the GIVE Act will go a long way toward increasing service in our country, and I am proud to support the measure.

Mr. KENNEDY. Mr. Chair, I rise in support of the Generations Invigorating Volunteerism and Education (GIVE) Act which will renew our nation's commitment to service and volunteerism. Public service is something my family knows a little bit about. Countless Americans were called to public service by President Kennedy's famous appeal: "Ask not what your country can do for you but what you can do for your country." It is my hope that with the passage of the GIVE Act, Congress and President Obama will create a new era of public service that goes beyond any one group or generation. The bill we are considering today expands opportunities for volunteerism to include disadvantaged youth, seniors and people with disabilities. If we are going to regain a sense of community and shared responsibility in this country, we must encourage national service among all people. I'm a strong believer in the abilities of the American people to confront our biggest challenges with perhaps our biggest asset: our manpower.

The creation of new programs like the Clean Energy Corps, to focus on environmental conservation, will work with our economy as we forge a new direction on energy. I am pleased that this bill provides new incentives for middle and high school students to volunteer in their communities, and will allow them to earn a \$500 education award to be used for college costs. In addition, this legislation will increase the number of AmeriCorps volunteers and increase the education reward they receive to match the maximum Pell Grant scholarship award.

The benefits that this legislation would bring to our struggling communities, across this country, and in my home state of Rhode Island, are endless. When President Obama took office just a few short months ago, he called upon Congress to expand federally funded national service opportunities. Today, we fulfill that promise. I am proud to vote in favor of this bill.

Mr. HARE. Mr. Chair, President Obama has set high goals for this nation to improve public education, combat climate change, extend quality affordable health care to all Americans, and honor our veterans. I believe renewing our nation's commitment to service will be the vehicle through which we meet these challenges.

Under the leadership of Chairman MILLER and Subcommittee Chair, Congresswoman MCCARTHY, the GIVE Act (H.R. 1388) answers the President's call to service, and I am proud to be an original cosponsor of this legislation.

Mr. Chair, very important to me as a veteran of the Army Reserves and the veterans' community is a provision I worked to secure in the GIVE Act that establishes a Veterans' Corps.

Last Congress when we considered legislation similar to H.R. 1388, I offered an amendment to create a grant program to enhance service opportunities for veterans and military families. The GIVE Act builds upon this effort by establishing a separate Veterans' Corps.

As more and more troops return from Iraq and Afghanistan, fulfilling our promise to them

will be an even greater challenge and priority for our nation. Through the Veterans' Corps we can recruit and mobilize veterans into service projects that provide educational and economic opportunities, job training, mentoring and outreach to other veterans.

Mr. Chair, our nation's veterans have already demonstrated a profound commitment to service. The Veterans' Corps aims to harness that spirit and in the process give back to those who have sacrificed so much for us.

I would like to acknowledge the work of my friend and colleague, Congressman JOHN SARBANES of Maryland. Together, we introduced H.R. 1401, the VET Corps Act, which was the foundation for the Veterans' Corps in the GIVE Act.

I ask my colleagues to vote yes on the GIVE Act.

Ms. JACKSON-LEE of Texas. Mr. Chair, I rise today in strong support of H.R. 1388, the "Generations of Invigorating Volunteerism and Education Act or the 'GIVE Act'." I would like to thank my colleague Congresswoman MCCARTHY for introducing this important legislation, as well as the Chairman of the Committee on Education and Labor, Congressman GEORGE MILLER, for his leadership in bringing this bill to the floor today.

Mr. Chair, this legislation will expand the already highly successful volunteer programs that empower community activists and improve the education and economic conditions of cities throughout the United States. It supports and increases funding for key community services programs, including AmeriCorps, Learn and Serve America, VISTA, National Civilian Community Corps, and Senior Corps.

The GIVE Act creates opportunities for green jobs that will contribute to energy conservation and environmental protection. It will create critical educational opportunities for disadvantaged youth and will create incentives for students to improve their communities.

Every year, more than 70,000 Americans participate in the AmeriCorps program alone, which provides relief to cities during natural disasters and reinvigorates communities. Over 50 million American volunteers build homes, organize food-drives, and improve schools through national service programs. The GIVE Act will broaden the opportunities for students and activists to participate in national service via education rewards that keep up with soaring costs of universities and Summer Service programs. After Ike and Katrina, thousands of local students worked to help rebuild communities and provide necessary services to distressed families. The GIVE Act is the critical linchpin in sustaining this civic activism.

Specifically, the GIVE Act would expand the job opportunities for Volunteers in Service to America, or VISTA, to re-integrate youth into society, increase literacy in communities through teaching opportunities in before and after-school programs, and to provide health and social services to low-income communities. VISTA is a critical step toward poverty alleviation, and the GIVE Act will equip it with the resources to fulfill its obligations.

I am pleased to see that my colleague, representative CUELLAR, revised the legislation to increase the number of volunteers from 75,000 to 250,000 members and added provisions for unemployed individuals to be included in the national service workforce, a

step that will be a critical step to combating the employment crisis afflicting millions. I am also pleased that Congressman MILLER further specified that the increase in volunteers is not just designed for AmeriCorps, but for all national service programs such as the Peace Corps and Opportunity Corps, and also included language promote community based efforts to reduce crime and recruit public safety officers.

In addition, the GIVE Act will create 4 new service opportunities including a Clean Energy Corps, an Education Corps, a Healthy Futures Corps, and a Veteran Service Corps. These volunteer opportunities will further improve environmental protection, health-care access, and services for veterans. These new service corps will address critical concerns in low-income communities. I am very happy that Congressman TEAGUE revised the legislation to aid veterans in their pursuit of education and professional opportunities, and help veterans with the claims process, and assist rural, disabled, and unemployed veterans with transportation needs. Moreover, the GIVE Act will recognize colleges and universities that are strongly engaged in service through grants and rewards that will in turn improve educational access in the United States.

I am pleased to see the Retention of my Language from the 110th Congress that gives special consideration to historically black colleges and universities, Hispanic-serving institutions, Tribal universities, and colleges serving predominantly minority populations. So strong are these universities' support of service, that "veritas et beneficium," or "truth and service" in Latin, is inscribed on their insignias.

The GIVE Act will create a Campuses of Service Program that will encourage and assist students in pursuing public service careers. It will also focus on recruiting scientists and engineers to keep America competitive for years to come. The Act will expand the Senior Corps as a way to keep Older Americans including seniors engaged in public service, and will create a Youth Engagement Zone to increase the number of young students in volunteer services.

Moreover, it expands the focus of The National Civilian Community Corps to include disaster relief efforts and infrastructure improvement to allow quicker and more effective responses to disasters like Katrina and Ike that devastated numerous communities in the United States. Finally, the Give Act will launch a nation-wide Call to Service Campaign that encourages all Americans to engage in national service and to recognize September 11th as a National Day of Service and Remembrance.

I am honored to cosponsor this legislation that will add service before self to America's future leaders. I urge my colleagues to join me in supporting this legislation.

Ms. MCCOLLUM. Mr. Chair, as a member of the National Service Caucus, I rise today in strong support of H.R. 1388, the Generations Invigoration, and Education or GIVE Act.

President and First Lady Obama have encouraged a renewed spirit of service and active citizenship in America. The GIVE Act answers that call to service by reauthorizing and expanding the National and Community Service Act of 1990.

H.R. 1388 will increase national service opportunities for many more of our citizens. This bill expands AmeriCorps, an existing and outstanding service-learning program with a proven track record of integrating academic study with community service. It also creates four new service corps in the areas of clean energy, education, health care, and veteran service and adds new programs to enable middle and high-school youth and retirees to serve their communities. Finally, this bill expands the National Civilian Community Corps to include disaster relief and energy conservation and provides funds to help non-profits recruit new volunteers.

The GIVE Act more than triples the number of federal volunteers serving in our communities so that an estimated 250,000 Americans will be able to participate in a year of service by 2014. These extra volunteers will help their neighbors endure these tough economic times by improving education, providing food and other services to the disadvantaged, and rebuilding towns and cities after disasters. This bill will also strengthen the economy because every dollar invested in service produces up to \$3.90 in direct, measurable benefits.

Volunteerism is growing in America. From 2002 to 2007, one million more citizens across the country started dedicating their time to worthy causes. Twenty-seven percent of all Americans are now volunteering. My state of Minnesota has a proud tradition of civic engagement. In a study conducted by the Corporation for National and Community Service, Minneapolis-St. Paul was ranked number one for volunteer rates in a large city.

American men and women who choose to better their communities and themselves by responding to the nation's critical education, safety, homeland security, and health needs exemplify the values of America. I want to thank every American volunteer and urge my colleagues to support this important bill.

Mr. ANDREWS. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Generations Invigorating Volunteerism and Education Act" or the "GIVE Act".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

Sec. 1001. References.

Subtitle A—Amendments to Subtitle A (General Provisions)

Sec. 1101. Purposes; sense of Congress.

Sec. 1102. Definitions.

Subtitle B—Amendments to Subtitle B (Learn and Serve America)

Sec. 1201. School-based allotments.

Sec. 1202. Higher education provisions and Campuses of Service.

Sec. 1203. Innovative programs and research.

Subtitle C—Amendments to Subtitle C (National Service Trust Program)

Sec. 1301. Prohibition on grants to Federal agencies; limits on Corporation costs.

Sec. 1302. Required and eligible national service programs.

Sec. 1303. Types of positions.

Sec. 1304. Conforming repeal relating to training and technical assistance.

Sec. 1305. Assistance to State Commissions; challenge grants.

Sec. 1306. Allocation of assistance to States and other eligible entities.

Sec. 1307. Additional authority.

Sec. 1308. State selection of programs.

Sec. 1309. National service program assistance requirements.

Sec. 1310. Consideration of applications.

Sec. 1311. Description of participants.

Sec. 1312. Selection of national service participants.

Sec. 1313. Terms of service.

Sec. 1314. Adjustments to living allowance.

Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

Sec. 1401. Availability of funds in the National Service Trust.

Sec. 1402. Individuals eligible to receive a national service educational award from the Trust.

Sec. 1403. Determination of the amount of national service educational awards.

Sec. 1404. Disbursement of educational awards.

Sec. 1405. Process of approval of national service positions.

Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)

Sec. 1501. Purpose.

Sec. 1502. Program components.

Sec. 1503. Eligible participants.

Sec. 1504. Summer national service program.

Sec. 1505. Team leaders.

Sec. 1506. Training.

Sec. 1507. Consultation with State Commissions.

Sec. 1508. Authorized benefits for Corps members.

Sec. 1509. Permanent cadre.

Sec. 1510. Contract and grant authority.

Sec. 1511. Other departments.

Sec. 1512. Advisory Board.

Sec. 1513. Evaluation.

Sec. 1514. Repeal of funding limitation.

Sec. 1515. Definitions.

Sec. 1516. Terminology.

Subtitle F—Amendments to Subtitle F (Administrative Provisions)

Sec. 1601. Family and medical leave.

Sec. 1602. Additional prohibitions on use of funds.

Sec. 1603. Notice, hearing, and grievance procedures.

Sec. 1604. Resolution of displacement complaints.

Sec. 1605. State Commissions on National and Community Service.

Sec. 1606. Evaluation and accountability.

Sec. 1607. Technical amendment.

Sec. 1608. Partnerships with schools.

Sec. 1609. Rights of access, examination, and copying.

Sec. 1610. Additional administrative provisions.

Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)

Sec. 1701. Terms of office.

Sec. 1702. Board of Directors authorities and duties.

Sec. 1703. Chief executive officer compensation.

- Sec. 1704. Authorities and duties of the Chief Executive Officer.
 Sec. 1705. Delegation to States.
 Sec. 1706. Chief financial officer compensation.
 Sec. 1707. Nonvoting members; personal services contracts.
 Sec. 1708. Donated services.
 Sec. 1709. Study to examine and increase service programs for displaced workers.
 Sec. 1710. Study to evaluate the effectiveness of a centralized electronic citizenship verification system.

Subtitle H—Amendments to Subtitle H

- Sec. 1801. Technical amendments to subtitle H.
 Sec. 1802. Repeals.
 Sec. 1803. New Fellowships.
 Sec. 1804. Innovative and model program support.
 Sec. 1805. Clearinghouses.
Subtitle I—Training and Technical Assistance
 Sec. 1821. Training and technical assistance.
Subtitle J—Repeal of Title III (Points of Light Foundation)
 Sec. 1831. Repeal.

Subtitle K—Amendments to Title V (Authorization of Appropriations)

- Sec. 1841. Authorization of appropriations.

TITLE II—AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

- Sec. 2001. References.

Subtitle A—Amendments to Title I (National Volunteer Antipoverty Programs)

- Sec. 2101. Purpose.
 Sec. 2102. Purpose of the VISTA program.
 Sec. 2103. Applications.
 Sec. 2104. VISTA programs of national significance.
 Sec. 2105. Terms and periods of service.
 Sec. 2106. Support Service.
 Sec. 2107. Sections repealed.
 Sec. 2108. Conforming amendment.
 Sec. 2109. Financial assistance.

Subtitle B—Amendments to Title II (National Senior Volunteer Corps)

- Sec. 2201. Change in name.
 Sec. 2202. Purpose.
 Sec. 2203. Grants and contracts for volunteer service projects.
 Sec. 2204. Foster Grandparent Program grants.
 Sec. 2205. Senior Companion Program grants.
 Sec. 2206. Promotion of National Senior Service Corps.
 Sec. 2207. Technical amendments.
 Sec. 2208. Programs of national significance.
 Sec. 2209. Additional provisions.
 Sec. 2210. Authority of Director.

Subtitle C—Amendments to Title IV (Administration and Coordination)

- Sec. 2301. Nondisplacement.
 Sec. 2302. Notice and hearing procedures.
 Sec. 2303. Definitions.
 Sec. 2304. Protection against improper use.

Subtitle D—Amendments to Title V (Authorization of Appropriations)

- Sec. 2401. Authorization of appropriations for VISTA and other purposes.
 Sec. 2402. Authorization of appropriations for National Senior Service Corps.

TITLE III—AMENDMENTS TO OTHER LAWS

- Sec. 3101. Inspector General Act of 1978.

TITLE IV—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

- Sec. 4101. Table of contents for the National and Community Service Act of 1990.
 Sec. 4102. Table of contents amendments for the Domestic Volunteer Service Act.

TITLE V—EFFECTIVE DATE

- Sec. 5101. Effective date.
 Sec. 5102. Service assignments and agreements.

TITLE VI—CONGRESSIONAL COMMISSION ON CIVIC SERVICE

- Sec. 6101. Short title.
 Sec. 6102. Findings.
 Sec. 6103. Establishment.
 Sec. 6104. Duties.
 Sec. 6105. Membership.
 Sec. 6106. Director and Staff of Commission; Experts and Consultants.
 Sec. 6107. Powers of Commission.
 Sec. 6108. Reports.
 Sec. 6109. Termination.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

SEC. 1001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the reference shall be considered to be made to a provision of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

Subtitle A—Amendments to Subtitle A (General Provisions)

SEC. 1101. PURPOSES; SENSE OF CONGRESS.

(a) PURPOSES.—Section 2(b) (42 U.S.C. 12501(b)) is amended—

(1) in paragraph (2), by striking “community throughout” and inserting “community and service throughout the varied and diverse communities of”;

(2) in paragraph (4), by inserting after “income,” the following: “geographic location,”;

(3) in paragraph (6), by inserting after “existing” the following: “national”;

(4) in paragraph (7)—
 (A) by striking “programs and agencies” and inserting “programs, agencies, and communities”; and

(B) by striking “and” at the end;

(5) in paragraph (8), by striking the period and inserting a semicolon; and

(6) by adding at the end the following:
 “(9) recognize and increase the impact of social entrepreneurs and other nonprofit community organizations in addressing national and local challenges;

“(10) increase public and private investment in nonprofit community organizations that are effectively addressing national and local challenges and to encourage such organizations to replicate and expand successful initiatives;

“(11) leverage Federal investments to increase State, local, business, and philanthropic resources to address national and local challenges;

“(12) expand and strengthen service-learning programs through year-round opportunities, including during the summer months, to improve the education of children and youth and to maximize the benefits of national and community service, in order to renew the ethic of civic responsibility and the spirit of community to children and youth throughout the United States;

“(13) assist in coordinating and strengthening Federal and other service opportunities, including opportunities for participation in emergency and disaster preparedness, relief, and recovery;

“(14) increase service opportunities for our Nation’s retiring professionals, including such opportunities for those retiring from the science, technical, engineering, and mathematics professions to improve the education of our Nation’s youth and keep America competitive in the global knowledge economy, and to further utilize the experience, knowledge, and skills of older Americans;

“(15) encourage the continued service of the alumni of the national service programs, including service in times of national need;

“(16) support institutions of higher education that engage students in community service ac-

tivities, provide service-learning courses, and encourage or assist graduates to pursue careers in public service in the nonprofit or government sector; and

“(17) encourage members of the Baby Boom generation to partake in service opportunities.”.

(b) SENSE OF CONGRESS.—The Act is amended by inserting after section 2 the following:

“SEC. 3. SENSE OF CONGRESS.

“It is the sense of Congress that the number of participants in the programs authorized under subtitle C, including the Volunteers in Service to America (VISTA) and the National Civilian Community Corps (NCCC), should grow to reach 250,000 participants by 2014.”.

SEC. 1102. DEFINITIONS.

Section 101 (42 U.S.C. 12511) is amended—

(1) by redesignating—

(A) paragraphs (21) through (29) as paragraphs (28) through (36), respectively;

(B) paragraphs (9) through (20) as paragraphs (15) through (26), respectively;

(C) paragraphs (7) and (8) as paragraphs (10) and (11), respectively; and

(D) paragraphs (3) through (6) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (2) the following:

“(3) APPROVED SUMMER OF SERVICE POSITION.—The term ‘approved summer of service position’ means a position in a program described under section 120(c)(8) for which the Corporation has approved the provision of a summer of service educational award as one of the benefits to be provided for successful service in the position.

“(4) BABY BOOM GENERATION.—The term ‘Baby Boom generation’ means the generation that consists of individuals born during the period beginning with 1946 and ending with 1964.”.

(3) in paragraph (5) (as so redesignated), by striking “described in section 122”;

(4) in paragraph (7) (as so redesignated), by striking “church or other”;

(5) by inserting after paragraph (8) (as so redesignated) the following:

“(9) DISADVANTAGED YOUTH.—The term ‘disadvantaged youth’ includes those youth who are economically disadvantaged and one or more of the following:

“(A) Who are out-of-school youth, including out-of-school youth who are unemployed.

“(B) Who are in or aging out of foster care.

“(C) Who have limited English proficiency.

“(D) Who are homeless or who have run away from home.

“(E) Who are at-risk to leave school without a diploma.

“(F) Who are former juvenile offenders or at risk of delinquency.

“(G) Who are individuals with a disability.”;

(6) by inserting after paragraph (11) (as so redesignated) the following:

“(12) COMMUNITY-BASED ORGANIZATION.—The term ‘community-based organization’ means a public or private nonprofit organization that—

“(A) has experience with meeting unmet human, educational, environmental, or public safety needs; and

“(B) meets other such criteria as the Chief Executive Officer may establish.

“(13) HISPANIC-SERVING INSTITUTION.—The term ‘Hispanic-serving institution’ has the meaning given such term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

“(14) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ‘historically black college or university’ means a part B institution, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).”;

(7) in paragraph (19) (as so redesignated), by striking “section 101(a) of the Higher Education

Act of 1965" and inserting "sections 101(a) and 102(a)(1) of the Higher Education Act of 1965";

(8) in paragraph (23)(B) (as so redesignated), by striking "program in which the participant is enrolled" and inserting "organization receiving assistance under the national service laws through which the participant is enrolled in an approved national service position";

(9) by inserting after paragraph (26) (as so redesignated) the following:

"(27) **QUALIFIED ORGANIZATION.**—The term 'qualified organization' means a public or private nonprofit organization with experience working with school-age youth that meets such criteria as the Chief Executive Officer may establish.;"

(10) in paragraph (28)(B) (as so redesignated)—

(A) by striking "602" and inserting "602(3)"; and

(B) by striking "1401" and inserting "1401(3)"; and

(11) by adding at the end the following:

"(37) **PREDOMINANTLY BLACK INSTITUTION.**—The term 'predominantly black institution' has the meaning given such term in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e).

"(38) **TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.**—The term 'tribally controlled college or university' has the meaning given such term in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801).

"(39) **MEDICALLY UNDERSERVED POPULATION.**—The term 'medically underserved population' has the meaning given that term in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3)).

"(40) **VETERAN.**—The term 'veteran' means any individual who has engaged in the active duty in the United States Army, Navy, Air Force, or Coast Guard and was released under a condition other than dishonorable."

Subtitle B—Amendments to Subtitle B (Learn and Serve America)

SEC. 1201. SCHOOL-BASED ALLOTMENTS.

Part I of subtitle B of title I (42 U.S.C. 12521 et seq.) is amended to read as follows:

"PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY STUDENTS

"SEC. 111. ASSISTANCE TO STATES, TERRITORIES, AND INDIAN TRIBES.

"(a) **PURPOSE.**—School-based service learning programs promote service-learning as a strategy to—

"(1) support high-quality service-learning projects that engage students in meeting community needs with demonstrable results, while enhancing students' academic and civic learning; and

"(2) support efforts to build institutional capacity, including the training of educators, and to strengthen the service infrastructure to expand service opportunities.

"(b) **ALLOTMENTS TO STATES, TERRITORIES, AND INDIAN TRIBES.**—The Corporation, in consultation with the Secretary of Education, may make allotments to State educational agencies, Territories, and Indian tribes to pay for the Federal share of—

"(1) planning and building the capacity within the State, Territory, or Indian tribe to implement service-learning programs that are based principally in elementary and secondary schools, including—

"(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the recruitment, utilization, and management of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

"(B) developing service-learning curricula, consistent with State or local academic content standards, to be integrated into academic programs, including an age-appropriate learning component that provides participants an opportunity to analyze and apply their service experiences;

"(C) forming local partnerships described in paragraph (2) or (4) to develop school-based service-learning programs in accordance with this part;

"(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on communities;

"(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities; and

"(F) establishing effective outreach and dissemination of information to ensure the broadest possible participation of schools throughout the State, with particular attention to schools identified for school improvement under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

"(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through distribution of Federal funds by State educational agencies, Territories, and Indian tribes made available under this part to projects operated by local partnerships among—

"(A) local educational agencies; and

"(B) 1 or more community partners that—

"(i) shall include a public or private nonprofit organization that—

"(I) has a demonstrated expertise in the provision of services to meet unmet human, education, environmental, or public safety needs;

"(II) will make projects available for participants, who shall be students; and

"(III) was in existence at least 1 year before the date on which the organization submitted an application under section 113; and

"(ii) may include a private for-profit business, private elementary or secondary school, or Indian tribe (except that an Indian tribe distributing funds to a project under this paragraph is not eligible to be part of the partnership operating that project);

"(3) planning of school-based service-learning programs, through distribution by State educational agencies, Territories, and Indian tribes of Federal funds made available under this part to local educational agencies and Indian tribes, which planning may include paying for the cost of—

"(A) the salaries and benefits of service-learning coordinators; or

"(B) the recruitment, training, supervision, and placement of service-learning coordinators who may be participants in a program under subtitle C or receive a national service educational award under subtitle D, who may be participants in a project under section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001), or who may participate in a Youthbuild program under section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a),

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2);

"(4) implementing, operating, or expanding school-based service-learning programs to utilize adult volunteers in service-learning to improve the education of students, through distribution by State educational agencies, Territories, and Indian tribes of Federal funds made available under this part to—

"(A) local educational agencies;

"(B) Indian tribes (except that an Indian tribe distributing funds under this paragraph is not eligible to be a recipient of those funds);

"(C) public or private nonprofit organizations; or

"(D) partnerships or combinations of local educational agencies and entities described in subparagraph (B) or (C); and

"(5) developing civic engagement programs that promote a better understanding of—

"(A) the principles of the Constitution, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance;

"(B) promote a better understanding of how the Nation's government functions; and

"(C) promote a better understanding of the importance of service in the Nation's character.

"(c) **CONSULTATION WITH SECRETARY OF EDUCATION.**—The Corporation is authorized to enter into agreements with the Secretary of Education for initiatives that may include—

"(1) identification and dissemination of research findings on service-learning and scientifically-valid research based practices; and

"(2) Provision of professional development opportunities that—

"(A) improve the quality of service-learning instruction and delivery for teachers both pre-service and in-service, personnel from community-based agencies and youth workers; and

"(B) create and sustain effective partnerships between local education agencies, community-based organizations, businesses, and other stakeholders.

"(d) **DUTIES OF SERVICE-LEARNING COORDINATOR.**—A service-learning coordinator referred to in paragraph (2) or (3) of subsection (b) shall provide services that may include—

"(1) providing technical assistance and information to, and facilitating the training of, teachers and assisting in the planning, development, execution, and evaluation of service-learning in their classrooms;

"(2) assisting local partnerships described in subsection (b) in the planning, development, and execution of service-learning projects, including summer of service programs; and

"(3) carrying out such other duties as the recipient of assistance under this part may determine to be appropriate.

"(e) **RELATED EXPENSES.**—An entity that receives financial assistance under this part may, in carrying out the activities described in subsection (b), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, and evaluations and for other reasonable expenses related to the activities.

"SEC. 112. ALLOTMENTS.

"(a) **INDIAN TRIBES AND TERRITORIES.**—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve an amount of not less than 2 percent and not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs.

"(b) **ALLOTMENTS THROUGH STATES.**—After reserving the amount under subsection (a), the Corporation shall use the remainder of the funds appropriated to carry out this part for any fiscal year as follows:

"(1) **ALLOTMENTS.**—

"(A) **SCHOOL-AGE YOUTH.**—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the number of school-age youth in the State bears to the total number of school-age youth of all States.

"(B) **ALLOCATION UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.**—From 50

percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the allocation to the State for the previous fiscal year under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) or its successor authority bears to such allocations to all States.

“(2) **DEFINITION.**—Notwithstanding section 101, for purposes of this subsection, the term ‘State’ means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(c) **REALLOTMENT.**—If the Corporation determines that the allotment of a State, Territory, or Indian tribe under this section will not be required for a fiscal year because the State, Territory, or Indian tribe did not submit and receive approval of an application for the allotment under section 113, the Corporation shall make the allotment for such State, Territory, or Indian tribe available for grants to community-based organization to carry out service-learning programs as described in section 111(b) in such State, Territory, or Indian tribe. After community-based organizations apply for the allotment with an application at such time and in such manner as the Corporation requires and receive approval, the remainder of such allotment shall be available for reallocation to such other States, Territories, or Indian tribes with approved applications submitted under section 113 as the Corporation may determine to be appropriate.

“(d) **MINIMUM AMOUNT.**—For any fiscal year for which amounts appropriated for this part exceed \$50,000,000, the minimum allotment to each State (as defined in subsection (b)(2)) under this section shall be \$65,000.

“SEC. 113. APPLICATIONS.

“(a) **IN GENERAL.**—To be eligible to receive an allotment under section 112, a State, acting through the State educational agency, Territory, or Indian tribe shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.

“(b) **CONTENTS.**—An application for an allotment under this part shall include—

“(1) a proposal for a 3-year plan promoting service-learning, which shall contain such information as the Chief Executive Officer may reasonably require, including how the applicant will integrate service opportunities into the academic program of the participants;

“(2) information about the criteria the State educational agency, Territory, or Indian tribe will use to evaluate and grant approval to applications submitted under subsection (c), including an assurance that the State educational agency, Territory, or Indian tribe will comply with the requirement in section 114(a);

“(3) assurances about the applicant's efforts to—

“(A) ensure that students of different ages, races, sexes, ethnic groups, disabilities, and economic backgrounds have opportunities to serve together;

“(B) include any opportunities for students enrolled in schools or other programs of education providing elementary or secondary education to participate in service-learning programs and ensure that such service-learning programs include opportunities for such students to serve together;

“(C) involve participants in the design and operation of the program;

“(D) promote service-learning in areas of greatest need, including low-income or rural areas; and

“(E) otherwise integrate service opportunities into the academic program of the participants; and

“(4) assurances that the applicant will comply with the nonduplication and nondisplacement

requirements of section 177 and the grievance procedures required by section 176.

“(c) **APPLICATION TO STATE, TERRITORY, OR INDIAN TRIBE TO RECEIVE ASSISTANCE TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS.**—

“(1) **IN GENERAL.**—Any—

“(A) qualified organization, Indian tribe, Territory, local educational agency, for-profit business, private elementary, middle, or secondary school, or institution of higher education that desires to receive financial assistance under this subpart from a State, Territory, or Indian tribe for an activity described in section 111(b)(1);

“(B) partnership described in section 111(b)(2) that desires to receive such assistance from a State, Territory, or Indian tribe or community-based organization described in section 111(b)(2);

“(C) entity described in section 111(b)(3) that desires to receive such assistance from a State, Territory, or Indian tribe for an activity described in such section;

“(D) partnership described in section 111(b)(4) that desires to receive such assistance from a State, Territory, or Indian tribe for an activity described in such section; and

“(E) agency or partnership described in section 120(c)(8) that desires to receive such assistance, or approved summer of service positions, from a State, Territory, or Indian tribe for an activity described in such section to be carried out through a service-learning program described in section 111,

shall prepare, submit to the State educational agency, Territory, community-based organization, or Indian tribe, and obtain approval of, an application for the program.

“(2) **SUBMISSION.**—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, Territory, Indian tribe, or entity may reasonably require.

“SEC. 114. CONSIDERATION OF APPLICATIONS.

“(a) **PRIORITY.**—In considering competitive applications under this part, the Corporation shall give priority to innovation, sustainability, capacity building, involvement of disadvantaged youth, and quality of programs, as well as other criteria approved by the Chief Executive Officer.

“(b) **REJECTION OF APPLICATIONS.**—If the Corporation rejects an application submitted by a State, Territory, or Indian tribe under section 113 for an allotment, the Corporation shall promptly notify the State, Territory, or Indian tribe of the reasons for the rejection of the application. The Corporation shall provide the State, Territory, or Indian tribe with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State, Territory, or Indian tribe as part of the re-submission process. The Corporation shall promptly reconsider such resubmitted application.

“SEC. 115. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

“(a) **IN GENERAL.**—To the extent consistent with the number of students in the State, Territory, or Indian tribe or in the school district of the local educational agency involved who are enrolled in private nonprofit elementary and secondary schools, such State, Territory, Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

“(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

“(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs imple-

mented to carry out the objectives and provide the benefits described in this part.

“(b) **WAIVER.**—If a State, Territory, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private nonprofit schools as required by subsection (a), or if the Corporation determines that a State, Territory, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Chief Executive Officer shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to the requirements of sections 9503 and 9504 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7883 and 7884).

“SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

“(a) **FEDERAL SHARE.**—

“(1) **IN GENERAL.**—The Federal share of the cost of carrying out a program for which assistance is provided under this part—

“(A) for new grants, may not exceed 80 percent of the total cost for the first year of the grant, 65 percent for the second year, and 50 percent for each remaining year; and

“(B) for continuing grants, may not exceed 50 percent of the total cost of the program.

“(2) **NON-FEDERAL CONTRIBUTION.**—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this part—

“(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

“(B) may provide for such share through State sources or local sources, including private funds or donated services.

“(b) **WAIVER.**—

“(1) **IN GENERAL.**—The Chief Executive Officer may, with respect to any such program for any fiscal year, and upon determination that such action would be equitable due to lack of resources at the local level—

“(A) waive the requirements of subsection (a) in whole or in part; or

“(B) allow a recipient to provide the non-Federal contribution required under subsection (a)(2) from funding available pursuant to title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

“(2) **RULES.**—The following rules apply to paragraph (1)(B):

“(A) Paragraph (1)(B) applies only to recipients that are schools receiving funding under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

“(B) The non-Federal contribution provided under paragraph (1)(B) may only be used for purposes consistent with title I of such Act (20 U.S.C. 6301 et seq.).

“SEC. 117. LIMITATIONS ON USES OF FUNDS.

“Not more than 6 percent of the amount of assistance received by an applicant in a fiscal year may be used to pay, in accordance with such standards as the Corporation may issue, for administrative costs, incurred by—

“(1) the original recipient; or

“(2) the entity carrying out the service-learning program supported with the assistance.”.

SEC. 1202. HIGHER EDUCATION PROVISIONS AND CAMPUSES OF SERVICE.

(a) **PART HEADING.**—The heading relating to part II of subtitle B of title I is amended to read as follows:

“PART II—HIGHER EDUCATION PROVISIONS AND CAMPUSES OF SERVICE”.

(b) **HIGHER EDUCATION.**—Section 119 (42 U.S.C. 12561) is redesignated as section 118 and amended—

(1) in subsection (a), by inserting after “community service programs” the following: “through service-learning”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “combination” and inserting “consortia”;

(B) in paragraph (1)—

(i) in subparagraph (A), by striking “and” at the end;

(ii) in subparagraph (B), by adding “and” at the end; and

(iii) by adding at the end the following:

“(C) may coordinate with service-learning curricula being offered in the academic curricula at the institution of higher education or at one or more members of the consortia;”;

(3) in subsection (b)(3)—

(A) in the matter preceding subparagraph (A), by striking “teachers at the elementary, secondary, and postsecondary levels” and inserting “institutions of higher education and their faculty”;

(B) in subparagraph (A), by striking “education of the institution; and” and inserting “curricula of the institution to strengthen the instructional capacity of service-learning at the elementary and secondary levels;”;

(C) by redesignating subparagraph (B) as subparagraph (E); and

(D) by inserting after subparagraph (A) the following:

“(B) including service-learning as a key component of the health professionals curricula, including nursing, pre-medicine, medicine, and dentistry curricula of the institution;

“(C) including service-learning as a key component of the criminal justice professionals curricula of the institution;

“(D) including service-learning as a key component of the public policy and public administration curricula of the institution; and”;

(4) by striking subsections (c), (d), (e), and (g);

(5) by redesignating subsection (f) as (i); and

(6) by inserting after subsection (b) the following:

“(c) **SPECIAL CONSIDERATION.**—To the extent practicable, the Corporation shall give special consideration to applications submitted by predominantly Black institutions, Historically Black Colleges and Universities, Hispanic-serving institutions, Tribal Colleges and Universities, and community colleges serving predominantly minority populations.

“(d) **FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.**—

“(1) **FEDERAL SHARE.**—

“(A) **IN GENERAL.**—The Federal share of the cost of carrying out a program for which assistance is provided under this part may not exceed 50 percent of the total cost of the program.

“(B) **NON-FEDERAL CONTRIBUTION.**—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant under this part—

“(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

“(ii) may provide for such share through State sources or local sources, including private funds or donated services.

“(2) **WAIVER.**—The Chief Executive Officer may waive the requirements of paragraph (1) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

“(e) **APPLICATION FOR GRANT.**—

“(1) **SUBMISSION.**—To receive a grant or enter into a contract under this part, an applicant shall prepare, submit to the Corporation, and obtain approval of, an application at such time, in such manner, and containing such information and assurances as the Corporation may reasonably require. In requesting applications for assistance under this part, the Corporation

shall specify such required information and assurances.

“(2) **CONTENTS.**—An application submitted under paragraph (1) shall contain, at a minimum—

“(A) assurances that—

“(i) prior to the placement of a participant, the applicant will consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and

“(ii) the applicant will comply with the non-duplication and nondisplacement provisions of section 177 and the grievance procedures required by section 176; and

“(B) such other assurances as the Chief Executive Officer may reasonably require.

“(f) **PRIORITY.**—In making grants and entering into contracts under subsection (b), the Corporation shall give priority to applicants or institutions that submit applications containing proposals that—

“(1) demonstrate the commitment of the institution of higher education, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;

“(2) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;

“(3) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools and colleges;

“(4) describe any partnership that will participate in the community service projects, such as a partnership comprised of—

“(A) the institution;

“(B)(i) a community-based agency;

“(ii) a local government agency; or

“(iii) a non-profit entity that serves or involves school-age youth, older adults, or low-income communities; and

“(C)(i) a student organization;

“(ii) a department of the institution; or

“(iii) a group of faculty comprised of different departments, schools, or colleges at the institution;

“(5) demonstrate community involvement in the development of the proposal and the extent to which the proposal will contribute to the goals of its community partners;

“(6) describe research on effective strategies and methods to improve service utilized in the design of the project;

“(7) demonstrate a commitment to perform service projects in underserved urban and rural communities;

“(8) specify that the institution will use such assistance to strengthen the service infrastructure in institutions of higher education;

“(9) with respect to projects involving delivery of services, specify projects that involve leadership development of school aged youth; or

“(10) describe how service projects and activities are associated with such ideas as housing, economic development, infrastructure, health care, job training, education, crime prevention, urban planning, transportation technology, and child welfare.

“(g) **DEFINITION.**—Notwithstanding section 101, as used in this part, the term ‘student’ means an individual who is enrolled in an institution of higher education on a full- or part-time basis.

“(h) **FEDERAL WORK-STUDY.**—To be eligible for assistance under this part, an institution of higher education must demonstrate that it meets the minimum requirements under section

443(b)(2) of the Higher Education Act of 1965 (42 U.S.C. 2753(b)(2)) relating to the participation of Federal Work-Study students in community service activities, or has received a waiver of those requirements from the Secretary of Education.”.

(c) **CAMPUSES OF SERVICE.**—Title I of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq.) is amended by adding after section 118 (as redesignated by subsection (a)) at the end the following:

“SEC. 119. CAMPUSES OF SERVICE.

“(a) **IN GENERAL.**—The Corporation, after consultation with the Secretary of Education, may annually designate not more than 25 institutions of higher education as Campuses of Service, from among institutions nominated by State Commissions.

“(b) **APPLICATIONS FOR NOMINATION.**—

“(1) **IN GENERAL.**—To be eligible for a nomination to receive designation under subsection (a), and have an opportunity to apply for funds under subsection (d) for a fiscal year, an institution of higher education in a State shall submit an application to the State Commission at such time, in such manner, and containing such information as the State Commission may require.

“(2) **CONTENTS.**—At a minimum, the application shall include information specifying—

“(A)(i) the number of undergraduate and, if applicable, graduate service-learning courses offered at such institution for the most recent full academic year preceding the fiscal year for which designation is sought; and

“(ii) the number and percentage of undergraduate students and, if applicable, the number and percentage of graduate students at such institution who were enrolled in the corresponding courses described in clause (i), for such preceding academic year;

“(B) the percentage of undergraduate students engaging in and, if applicable, the percentage of graduate students engaging in activities providing community services, as defined in section 441(c) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)), during such preceding academic year, the quality of such activities, and the average amount of time spent, per student, engaged in such activities;

“(C) for such preceding academic year, the percentage of Federal work-study funds made available to the institution under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) that is used to compensate students employed in providing community services, as so defined, and a description of the efforts the institution undertakes to make available to students opportunities to provide such community services and be compensated through such work-study funds;

“(D) at the discretion of the institution, information demonstrating the degree to which recent graduates of the institution, and all graduates of the institution, have obtained full-time public service employment in the nonprofit sector or government, with a private nonprofit organization or a Federal, State, or local public agency; and

“(E) any programs the institution has in place to encourage or assist graduates of the institution to pursue careers in public service in the nonprofit sector or government.

“(c) **NOMINATIONS AND DESIGNATION.**—

“(1) **NOMINATION.**—

“(A) **IN GENERAL.**—A State Commission that receives applications from institutions of higher education under subsection (b) may nominate, for designation under subsection (a), not more than 3 such institutions of higher education, consisting of—

“(i) not more than one 4-year public institution of higher education;

“(ii) not more than one 4-year private institution of higher education; and

“(iii) not more than one 2-year institution of higher education.

“(B) **SUBMISSION.**—The State Commission shall submit to the Corporation the name and application of each institution nominated by the State Commission under subparagraph (A).

“(2) **DESIGNATION.**—The Corporation shall designate, under subsection (a), not more than 25 institutions of higher education from among the institutions nominated under paragraph (1). In making the designations, the Corporation shall, if feasible, designate various types of institutions, including institutions from each of the categories of institutions described in clauses (i), (ii), and (iii) of paragraph (1)(A).

“(d) **AWARDS.**—

“(1) **IN GENERAL.**—Using sums appropriated under section 501(a)(1)(C), the Corporation shall provide an award to institutions designated under subsection (c), to be used by the institutions to develop or disseminate service-learning models and best practices regarding service-learning to other institutions of higher education.

“(2) **PLANS.**—To be eligible to receive funds under this subsection, an institution designated under subsection (c) shall submit a plan to the Corporation describing how the institution intends to use the funds to encourage or assist those students to pursue public service careers in the nonprofit sector or government.

“(3) **ALLOCATION.**—The Corporation shall determine how the funds appropriated under section 501(a)(1)(C) for a fiscal year will be allocated among the institutions submitting acceptable plans under paragraph (2). In determining the amount of funds to be allocated to such an institution, the Corporation shall consider the number of students at the institution, and the quality and scope of the plan submitted by the institution under paragraph (2) and the institution's current (as of the date of submission of the plan) strategies to encourage or assist students to pursue public service careers in the nonprofit sector or government.”.

SEC. 1203. INNOVATIVE PROGRAMS AND RESEARCH.

Subtitle B of title I (42 U.S.C. 12521 et seq.) is further amended by adding after part II the following new part:

“PART III—INNOVATIVE DEMONSTRATION SERVICE-LEARNING PROGRAMS AND RESEARCH

“SEC. 120. INNOVATIVE DEMONSTRATION SERVICE-LEARNING PROGRAMS AND RESEARCH.

“(a) **IN GENERAL.**—From the amounts appropriated to carry out this part for a fiscal year, the Corporation may make grants and fixed-amount grants (in accordance with section 129(l)) with eligible entities for activities described in subsection (c).

“(b) **DEFINITIONS.**—For purposes of this part, the following definitions apply:

“(1) **ELIGIBLE ENTITIES.**—The term ‘eligible entity’ means a State education agency, a State Commission, a Territory, an Indian tribe, an institution of higher education, or a public or private nonprofit organization (including community-based organizations), a public or private elementary or secondary school, a local educational agency, or a consortia of such entities, where a consortia of two or more such entities may also include a for-profit organization.

“(2) **YOUTH ENGAGEMENT ZONE.**—The term ‘youth engagement zone’ means the area in which a youth engagement zone program is carried out.

“(3) **YOUTH ENGAGEMENT ZONE PROGRAM.**—The term ‘youth engagement zone program’ means a service learning program in which members of an eligible partnership described in paragraph (4) collaborate to provide coordinated school-based or community-based service learn-

ing opportunities, to address a specific community challenge, for an increasing percentage of out-of-school youth and secondary school students served by local educational agencies where—

“(A) not less than 90 percent of the students participate in service-learning activities as part of the program; or

“(B) service-learning is a mandatory part of the curriculum in all of the secondary schools served by the local educational agency.

“(4) **ELIGIBLE PARTNERSHIP.**—

“(A) **IN GENERAL.**—The term ‘eligible partnership’ means—

“(i) one or more community-based agencies that have demonstrated records of success in carrying out service-learning programs with disadvantaged students, and that meet such criteria as the Chief Executive Officer may establish; in combination with;

“(ii) (I) one or more local educational agencies for which—

“(aa) a high number or percentage of the students served by the agency, as determined by the Corporation, are disadvantaged students; and

“(bb) the graduation rate for the secondary school students served by the agency is less than 70 percent; or

“(II) a State Commission; or

“(III) a State educational agency.

“(B) **ADDITIONAL ENTITIES.**—An eligible partnership may also include—

“(i) a local government agency that is not described in subparagraph (A);

“(ii) the office of the chief executive officer of a unit of general local government; or

“(iii) an institution of higher education.

“(c) **AUTHORIZED ACTIVITIES.**—Funds under this part may be used to—

“(1) integrate service-learning programs into the science, technology, engineering, and mathematics (STEM) curricula at the elementary, secondary, or post-secondary, and post-baccalaureate levels in coordination with practicing or retired STEM professionals;

“(2) involve students in service-learning programs focusing on energy conservation in their community, including conducting educational outreach on energy conservation and working to improve energy efficiency in low income housing and in public spaces;

“(3) involve students in service-learning projects in emergency and disaster preparedness;

“(4) involve students in service-learning projects aimed at improving access to and obtaining benefits from computers and other emerging technologies, including improving such access to individuals with disabilities, in low income or rural communities, in senior centers and communities, in schools, in libraries, and in other public spaces;

“(5) involve high school age youth in the mentoring of middle school youth while involving all participants in service-learning to seek to meet unmet human, educational, environmental, public safety, or emergency disaster preparedness needs in their community;

“(6) conduct research and evaluations on service-learning, including service-learning in middle schools, and disseminate such research and evaluations widely;

“(7) conduct innovative and creative activities as described in section 111(b);

“(8) establish or implement summer of service programs (giving priority to programs that enroll youth in grades 6 through 9) during the summer months, including the cost of recruitment, training, and placement of service-learning coordinators—

“(A) for youth who will be enrolled in any grade from grade 6 through grade 12 at the end of the summer concerned;

“(B) for community-based service-learning projects that—

“(i) shall—

“(I) meet unmet human, educational, environmental (including energy conservation and stewardship), emergency and disaster preparedness, and public service needs; and

“(II) be intensive, structured, supervised, and designed to produce identifiable improvements to the community; and

“(ii) may include the extension of academic year service-learning programs into the summer months;

“(C) under which any student who completes 100 hours of service in an approved summer of service position, as certified through a process determined by the Corporation through regulations consistent with section 138(f), shall be eligible for a summer of service educational award of not more than \$500 (or, at the discretion of the Chief Executive Officer, not more than \$1,000 in the case of a participant who is economically disadvantaged) from funds deposited in the National Service Trust and distributed by the Corporation as described in section 148; and

“(D) subject to the limitation that a student may not receive more than 2 summer of service educational awards from funds deposited in the National Service Trust;

“(9) establish or implement youth engagement zone service learning programs in youth engagement zones for students in secondary school served by local educational agencies where a majority of such students do not participate in service learning activities carried out by eligible partnerships as defined in paragraph (4) that are designed to—

“(A) involve all students in secondary school in the local educational agency in service-learning to address a specific community challenge;

“(B) improve student engagement, including student attendance and student behavior, and student achievement, graduation rates, and college-going rates in secondary schools;

“(C) involve an increasing percentage of students in secondary school and out-of-school youth in the community in school-based or community based service-learning activities each year, with the goal of involving all students in secondary schools served by the local educational agency and involving an increasing percentage of the out-of-school youth in service learning activities; and

“(D) encourage participants to engage in service throughout their lives; and

“(10) carry out any other innovative service-learning programs or research that the Corporation considers appropriate.

“(d) **PRIORITY.**—Priority shall be given to programs that—

“(1) involve students and community stakeholders in the design and implementation of the service-learning program;

“(2) implement service-learning programs in low-income or rural communities; and

“(3) utilize adult volunteers, including tapping the resource of retired and retiring adults, in the planning and implementation of the service-learning programs.

“(e) **REQUIREMENTS.**—

“(1) **THREE-YEAR TERM.**—Each program funded under this part shall be carried out over a period of three years, including one planning year and two additional grant years, with a 1-year extension possible, if the program meets performance measures developed in accordance with section 179(a) and any other criteria determined by the Corporation.

“(2) **COLLABORATION ENCOURAGED.**—Each program funded under this part is encouraged to collaborate with other Learn and Serve programs, AmeriCorps, VISTA, and the National Senior Service Corps.

“(3) **EVALUATION.**—Upon completion of the program, the Corporation shall conduct an independent evaluation of the program and widely

disseminate the results to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies and recommendations for improvement.

“(f) MATCHING FUNDS.—

“(1) IN GENERAL.—The Federal share of the cost of carrying out a program for which a grant (that is not a fixed-amount grant as described in section 129(l)) is made under this part may not exceed 75 percent of the total cost of the program in the first year of the grant and 50 percent of the total cost of the program in the remaining years of the grant, including if the grant is extended for a fourth year.

“(2) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant under this part—

“(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

“(B) may provide for such share through State sources or local sources, including private funds or donated services.

“(3) WAIVER.—The Chief Executive Officer may waive the requirements of paragraph (1) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such action would be equitable due to lack of resources at the local level.

“(g) APPLICATIONS.—To be eligible to carry out a program under this part, an entity shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.”.

**Subtitle C—Amendments to Subtitle C
(National Service Trust Program)**

SEC. 1301. PROHIBITION ON GRANTS TO FEDERAL AGENCIES; LIMITS ON CORPORATION COSTS.

Section 121 (42 U.S.C. 12571) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after “subdivisions of States,” the following: “Territories.”;

(2) in subsection (b)—

(A) in the heading, by striking “AGREEMENTS WITH FEDERAL AGENCIES” and inserting “RESTRICTIONS ON AGREEMENTS WITH FEDERAL AGENCIES”;

(B) in paragraph (1)—

(i) by striking “a contract or cooperative agreement” and inserting “an interagency agreement other than a grant”;

(ii) by inserting “or otherwise supported” after “program carried out”;

(iii) by striking “by the agency.” and inserting “by the agency, including programs under the Public Lands Corps and Urban Youth Corps as described in section 122(a)(2).”; and

(iv) by striking the second sentence;

(C) by striking paragraph (2) and inserting the following:

“(2) PROHIBITION ON GRANTS.—The Corporation may not provide a grant under this section to a Federal agency.”; and

(D) in paragraph (3), by striking “receiving assistance under this subsection” and inserting “operating a national service program”; and

(3) in subsection (c)(2)(B), by striking “to be provided” and inserting “to be provided or otherwise approved”;

(4) in subsection (d)—

(A) in the subsection heading, by striking “FIVE” and inserting “SIX”; and

(B) in paragraph (1), by striking “5 percent” and inserting “6 percent”; and

(5) in subsection (e)—

(A) in paragraph (1)—

(i) by striking “section 140” and inserting “paragraph (2)”; and

(ii) by striking “Federal share of the cost” and inserting “Corporation share of the cost, in-

cluding member living allowances, employment-related taxes, health care coverage, and worker's compensation and other necessary operation costs.”;

(iii) by striking “may not exceed 75 percent of such cost.” and inserting “may not exceed—”; and

(iv) by adding at the end the following:

“(A) for the first 3 years in which the recipient receives such assistance, 76 percent of such cost;

“(B) for the fourth through ninth years in which the recipient receives such assistance, a decreasing share of such cost between 76 percent and 50 percent, as established by the Corporation in regulation; and

“(C) for the tenth year (and each year thereafter) in which the recipient receives such assistance, 50 percent of such cost.”;

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following:

“(2) ALTERNATIVE CORPORATION SHARE FOR PROGRAMS IN RURAL OR SEVERELY ECONOMICALLY DISTRESSED COMMUNITIES.—Upon approval by the Corporation, the Corporation share of the cost, including member living allowances, employment-related taxes, health care coverage, and worker's compensation, of carrying out a national service program that receives assistance under subsection (a) and that is located in a rural or severely economically distressed community may not exceed—

“(A) for the first 6 years in which the recipient receives such assistance, 76 percent of such cost;

“(B) for the seventh through ninth years in which the recipient receives such assistance, a decreasing share of such cost between 76 and 65 percent as established by the Corporation in regulation; and

“(C) for the tenth year (and each year thereafter) in which the recipient receives such assistance, 65 percent of such cost.”; and

(E) by adding at the end the following:

“(5) OTHER FEDERAL FUNDS.—

“(A) RECIPIENT REPORT.—A recipient of assistance under section 121 (other than a recipient of assistance of a fixed-amount grant) shall report to the Corporation the amount and source of any Federal funds used to carry out the program other than those provided by the Corporation.

“(B) CORPORATION REPORT.—The Corporation shall report to the appropriate committees of Congress on an annual basis information regarding each recipient under subparagraph (A) that uses Federal funds other than those provided by the Corporation to carry out the program, including amounts and sources of other Federal funds.”.

SEC. 1302. REQUIRED AND ELIGIBLE NATIONAL SERVICE PROGRAMS.

Section 122 is amended to read as follows:

“SEC. 122. NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.

“(a) REQUIRED NATIONAL SERVICE CORPS.—The recipient of a grant under section 121(a) and each Federal agency operating or supporting a national service program under section 121(b) shall, directly or through grants or subgrants to other entities, carry out or support the following national service corps, as full- or part-time corps, including during the summer months, to address unmet educational, health, veteran, or environmental needs:

“(1) EDUCATION CORPS.—An Education Corps that identifies unmet educational needs within communities through activities such as those described in subparagraph (A) and meets or exceeds the performance indicators under subparagraph (B).

“(A) ACTIVITIES.—An Education Corps described in this paragraph may carry out activities such as—

“(i) tutoring, or providing other academic support to students;

“(ii) full-time classroom instruction;

“(iii) mentoring students, including adult or peer mentoring;

“(iv) linking needed integrated services and comprehensive supports with students, their families, and their public schools;

“(v) improving school climate;

“(vi) providing assistance to a school in expanding the school day by strengthening the quality of staff and expanding the academic programming offered in an expanded learning time initiative, a program of a 21st century community learning center (as defined in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171)), or a high-quality after-school program, such as through recruiting, placing, training and supporting a full-time corps of Fellows who are graduates of 4-year institutions of higher education or 2-year institutions of higher education with a certificate or degree in youth development to administer the initiative or program at high-need school;

“(vii) assisting schools and local educational agencies in improving and expanding high-quality service-learning programs that keep students engaged in schools by providing service-learning coordinators;

“(viii) assisting students in being prepared for college-level work;

“(ix) involving family members of students in supporting teachers and students;

“(x) conducting a pre-professional training program in which students enrolled in an institution of higher education—

“(I) receive training in specified fields, which may include classes containing service-learning, including early childhood education, elementary and secondary education and other professions such as those in health care, criminal justice, environmental stewardship and conservation or public safety;

“(II) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

“(III) agree to provide service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training;

“(xi) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

“(I) students who are attending an institution of higher education, including students participating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

“(II) teams composed of such students;

“(III) teams composed of a combination of such students and community residents; or

“(IV) students participating in service-learning programs at an institution of higher education;

“(xii) a program that provides specialized training to individuals in service-learning and places the individuals after such training in positions, including positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I of subtitle B;

“(xiii) providing education or job training services that are designed to meet the needs of rural communities; and

“(xiv) other activities addressing unmet educational needs as the Corporation may designate.

“(B) EDUCATION CORPS INDICATORS.—The corps indicators for a corps described in this paragraph are—

“(i) student engagement, including student attendance and student behavior;

“(ii) student academic achievement;

“(iii) high school graduation rates;

“(iv) rate of college enrollment and continued college enrollment for recipients of a high school diploma;

“(v) an additional indicator relating to improving education for students that the Corporation, in consultation with the Secretary of Education, establishes for a given year;

“(vi) a local indicator (applicable to a particular eligible entity and on which an improvement in performance is needed) relating to improving education for students, proposed by that eligible entity in an application submitted to, and approved by, a State Commission or the Corporation under this section; and

“(vii) any additional local indicator (applicable to a particular eligible entity and on which an improvement in performance is needed) that is approved by the Corporation.

“(2) HEALTHY FUTURES CORPS.—A Healthy Futures Corps that identifies unmet health needs within communities through activities such as those described in subparagraph (A) and meets or exceeds the performance indicators under subparagraph (B).

“(A) ACTIVITIES.—A Healthy Futures Corps described in this paragraph may carry out activities such as—

“(i) assisting economically disadvantaged individuals in navigating the health care system;

“(ii) assisting individuals in obtaining access to health care for themselves or their children;

“(iii) educating economically disadvantaged individuals and individuals who are members of medically underserved populations about, and engaging individuals described in this clause in, initiatives regarding navigating the health care system and regarding disease prevention and health promotion, with a particular focus on common health conditions, chronic diseases, and conditions, for which disease prevention and health promotion measures exist and for which socioeconomic, geographic, and racial and ethnic health disparities exist;

“(iv) improving health literacy of patients;

“(v) providing translation services at clinics and in emergency rooms to improve health care;

“(vi) providing services designed to meet the needs of rural communities;

“(vii) assisting in health promotion interventions that improve health status, and helping people adopt and maintain healthy lifestyles and habits to improve health status; and

“(viii) other activities addressing unmet health needs as the Corporation may designate.

“(B) HEALTHY FUTURES CORPS INDICATORS.—The corps indicators for a corps described in this paragraph are—

“(i) access to health care among economically disadvantaged individuals and individuals who are members of medically underserved populations;

“(ii) access to health care for uninsured individuals, including such individuals who are economically disadvantaged children;

“(iii) participation, among economically disadvantaged individuals and individuals who are members of medically underserved populations, in disease prevention and health promotion initiatives, particularly those with a focus on addressing common health conditions, addressing chronic diseases, and decreasing health disparities;

“(iv) health literacy of patients;

“(v) an additional indicator, relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved popu-

lations, that the Corporation, in consultation with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, establishes for a given year;

“(vi) a local indicator (applicable to a particular eligible entity and on which an improvement in performance is needed) relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, proposed by that eligible entity in an application submitted to, and approved by, a State Commission or the Corporation under this section; and

“(vii) any additional local indicator (applicable to a particular eligible entity and on which an improvement in performance is needed) that is approved by the Corporation.

“(3) CLEAN ENERGY CORPS.—A Clean Energy Corps that identifies unmet environmental needs within communities through activities such as those described in subparagraph (A) and meets or exceeds the performance indicators under subparagraph (B).

“(A) ACTIVITIES.—A Clean Energy Corps described in this paragraph may carry out activities such as—

“(i) weatherizing and retrofitting housing units for low-income households to significantly improve the energy efficiency and reduce carbon emissions of such housing units;

“(ii) building energy efficient housing units in low-income communities;

“(iii) conducting energy audits for low-income households and recommending ways for the households to improve energy efficiency;

“(iv) the enhancement of renewable energy production by facilitating the installation or repair of renewable energy technologies;

“(v) assisting in emergency operations, such as disaster prevention and relief;

“(vi) the repair, renovation, or rehabilitation of an existing infrastructure facility including, but not limited to, rail, mass transportation, ports, inland navigation, schools and hospitals;

“(vii) working with schools and youth programs to educate students and youth about ways to reduce home energy use and improve the environment, including conducting service-learning projects to provide such education;

“(viii) assisting in the development of local recycling programs;

“(ix) improving national and State parks, city parks, county parks, forest preserves, and trails owned or maintained by the Federal Government or a State, including planting trees, carrying out reforestation, and making trail enhancements;

“(x) cleaning and improving rivers maintained by the Federal Government or a State;

“(xi) full-time, year-round youth corps program or full-time summer youth corps program, such as a conservation corps or youth service corps (including youth corps programs under subtitle I, the Public Lands Corps established under the Public Lands Corps Act of 1993, the Urban Youth Corps established under section 106 of the National and Community Service Trust Act of 1993, and other conservation corps or youth service corps that performs service on Federal or other public lands or on Indian lands or Hawaiian home lands), that—

“(I) undertakes meaningful service projects with visible public benefits, including projects involving urban renewal, sustaining natural resources, or improving human services;

“(II) includes as participants youths and young adults between the ages of 16 and 25, inclusive, and at least 50 percent of whom are out-of-school youths and other disadvantaged youths (such as youths with limited basic skills, youths in foster care who are becoming too old for foster care, youths of limited-English pro-

ficiency, homeless youths, youths who are individuals with disabilities), and youths who are economically disadvantaged who are between those ages; and

“(III) provides those participants who are youths and young adults with—

“(aa) crew-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services including mentoring; and

“(bb) the opportunity to develop citizenship values and skills through service to their community and the United States;

“(xii) projects designed to renew and rehabilitate National Park resources and enhance services and learning opportunities for National Park visitors, communities, and schools; and

“(xiii) other activities addressing unmet environmental needs as the Corporation may designate.

“(B) CLEAN ENERGY CORPS INDICATORS.—The corps indicators for a corps described in this paragraph are—

“(i) the number of housing units of low-income households weatherized or retrofitted to significantly improve energy efficiency and reduce carbon emissions;

“(ii) annual energy costs (to determine savings in those costs) at facilities where participants have provided service;

“(iii) the number of students and youth receiving education or training in energy-efficient and environmentally conscious practices;

“(iv) the number of national parks, State parks, city parks, county parks, forest preserves, or trails or rivers owned or maintained by the Federal Government or a State, that are cleaned or improved;

“(v) another indicator relating to clean energy that the Corporation, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy and the Department of Interior, as appropriate, establishes for a given year;

“(vi) another indicator relating to education or skill attainment for clean energy jobs that the Corporation, in consultation with the Secretary of Labor, establishes for a given year;

“(vii) a local indicator (applicable to a particular eligible entity and on which an improvement in performance is needed) relating to clean energy, or education or skill attainment for clean energy jobs, proposed by that eligible entity in an application submitted to, and approved by, a State Commission or the Corporation under this section; and

“(viii) any additional local indicator (applicable to a particular eligible entity and on which improvement in performance is needed) that is approved by the Corporation.

“(4) VETERANS' CORPS.—A Veterans' Corps that identifies unmet needs of veterans through activities such as those described in subparagraph (A) and meets or exceeds the performance indicators under subparagraph (B).

“(A) ACTIVITIES.—A Veterans' Corps described in this paragraph may carry out activities such as—

“(i) promoting community-based efforts to meet the unique needs of military families while a family member is deployed and upon that family member's return home;

“(ii) recruiting veterans, particularly returning veterans, into service opportunities;

“(iii) working to assist veterans in developing their educational opportunities, including opportunities for professional certification;

“(iv) promoting efforts within the community to serve the needs of veterans and active duty military members;

“(v) assisting veterans in developing mentoring relationships with economically disadvantaged students;

“(vi) developing projects to assist disabled, unemployed, and older veterans; and

“(vii) other activities addressing unmet veterans’ needs as the Corporation may designate.

“(B) VETERANS’ CORPS INDICATORS.—The corps indicators for a corps described in this paragraph are—

“(i) the number of housing units created for veterans;

“(ii) the number of veterans who pursue educational opportunities;

“(iii) the number of veterans receiving professional certification;

“(iv) outreach efforts to service organizations serving the needs to veterans;

“(v) the number of veterans engaged in service opportunities;

“(vi) the number of military families assisted by organizations while the family member is deployed and when the family member returns from deployment;

“(vii) the number of economically disadvantaged students engaged in mentoring relationships with veterans;

“(viii) projects designed to meet identifiable public needs with a specific emphasis on projects in support of veterans, especially disabled and older veterans;

“(ix) another indicator relating to education or skill attainment that assists in providing veterans with the skills to address identifiable public needs, that is approved by the Corporation;

“(x) other additional indicators that improve the lives of veterans and families of individuals deployed in service, that the Corporation, in consultation with the Department of Veterans Affairs, establishes for a given year; and

“(xi) any additional local indicator (applicable to a particular eligible entity and on which an improvement in performance is needed) that is approved by the Corporation.

“(b) ELIGIBLE OPPORTUNITY CORPS PROGRAMS.—The recipient of a grant under section 121(a) and each Federal agency operating or supporting a national service program under section 121(b) shall, directly or through grants or subgrants to other entities, carry out or support full- or part-time national service programs, including summer programs, to address unmet community needs.

“(1) ELIGIBLE PROGRAMS.—National service programs under this subsection shall be known as ‘Opportunity Corps’ and may include the following types of national service programs:

“(A) A community corps program that meets unmet human, educational, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical and developmental capabilities, ages, ethnic backgrounds, or genders.

“(B) A professional corps program that recruits and places qualified participants in positions—

“(i) such as teachers, nurses and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;

“(ii) that may include a salary in excess of the maximum living allowance authorized in subsection (a)(3) of section 140, as provided in subsection (c) of such section; and

“(iii) that are sponsored by public or private employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants.

“(C) A community service program designed to meet the needs of rural communities, using teams or individual placements to address the

development needs of rural communities, including the issues of rural poverty, health care, education, and job training.

“(D) A program that seeks to eliminate hunger in communities and rural areas through service in projects—

“(i) involving food banks, food pantries, and nonprofit organizations that provide food during emergencies;

“(ii) involving the gleaning of prepared and unprepared food that would otherwise be discarded as unusable so that the usable portion of such food may be donated to food banks, food pantries, and other nonprofit organizations;

“(iii) seeking to address the long-term causes of hunger through education and the delivery of appropriate services; or

“(iv) providing training in basic health, nutrition, and life skills necessary to alleviate hunger in communities and rural areas.

“(E) An E-Corps program that involves participants who provide services in a community by developing and assisting in carrying out technology programs which seek to increase access to technology and the benefits thereof in such community.

“(F) A program that engages citizens in public safety, public health, and emergency and disaster preparedness, and may include the recruitment and placing of qualified participants in positions to be trainees as law enforcement officers, firefighters, search and rescue personnel, and emergency medical service workers, and may engage Federal, State, and local stakeholders in collaboration to organize more effective responses to issues of public safety and public health, emergencies, and disasters.

“(G) A program, initiative, or partnership that seeks to expand the number of mentors for youths (including by recruiting high-school and college-aged individuals to enter into mentoring relationships), including mentors for disadvantaged youths, either through provision of direct mentoring services, provision of supportive services to direct mentoring service organizations (in the case of a partnership), or through the creative utilization of current and emerging technologies to connect youth with mentors.

“(H) A program that has the primary purpose of re-engaging court-involved youth and adults with the goal of reducing recidivism.

“(I) Programs to support the needs of veterans or active duty service members and their families, including providing opportunities to participate in service projects.

“(J) Such other national service programs addressing unmet human, educational, environmental, or public safety needs as the Corporation may designate.

“(2) OPPORTUNITY CORPS INDICATORS.—The corps indicators for programs under this subsection are—

“(A) financial literacy among economically disadvantaged individuals;

“(B) housing units built or improved for economically disadvantaged individuals or low-income families;

“(C) economically disadvantaged individuals with access to job training and other skill enhancement;

“(D) economically disadvantaged individuals with access to information about job placement services;

“(E) a reduced crime rate in the community where service is provided;

“(F) established or improved access to technology in the community where service is provided;

“(G) mentor relationships among disadvantaged youth;

“(H) food security among economically disadvantaged individuals;

“(I) service opportunities through the programs described in subparagraphs (A), (B), and (F) for economically disadvantaged individuals;

“(J) an additional indicator relating to improving economic opportunity for economically disadvantaged individuals that the Corporation, in consultation with the Secretary of Health and Human Services, the Secretary of Labor, and the Attorney General, establishes for a given year;

“(K) a local indicator (applicable to a particular eligible entity and on which an improvement in performance is needed) relating to improving economic opportunity for economically disadvantaged individuals, proposed by that eligible entity in an application submitted to, and approved by, a State Commission or the Corporation under this section;

“(L) increase capacity of local nonprofit organizations to meet the needs of disadvantaged people and communities;

“(M) any additional indicator proposed by a Governor or State Commission that is approved by the Corporation; and

“(N) any additional local indicator (applicable to a particular eligible entity and on which an improvement in performance is needed) that is approved by the Corporation.

“(c) PRIORITIES FOR CERTAIN REQUIRED CORPS.—In awarding financial assistance and approved national service positions to eligible entities proposed to carry out the required corps described in subsection (a)—

“(1) in the case of a corps described in subsection (a)(2)—

“(A) the Corporation may give priority to such eligible entities that propose to develop policies to provide, and provide, support for participants who, after completing service under this section, will undertake careers to improve performance on health indicators; and

“(B) the Corporation shall give priority to such eligible entities that propose to carry out national service programs in medically underserved areas (as designated by the Secretary of Health and Human Services as an area with a shortage of personal health services); and

“(2) in the case of a corps described in subsection (a)(3), the Corporation shall give priority to such eligible entities that propose to recruit individuals for the Clean Energy Corps so that significant percentages of participants in the Corps are economically disadvantaged individuals, and provide to such individuals support services and education and training to develop skills needed for clean energy jobs for which there is current demand or projected future demand.

“(d) CONSULTATION ON PERFORMANCE INDICATORS.—The Corporation shall consult with the Secretaries of Education, Health and Human Services, Energy, Veterans Affairs, Department of Interior, the Administrator of the Environmental Protection Agency, and the Attorney General, as appropriate, in developing additional performance indicators for the corps and programs described in subsections (a) and (b).

“(e) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—

“(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance or approved national service positions under this subtitle.

“(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals with extensive experience in developing and administering effective national service programs or regarding the delivery of human, educational, environmental, or public safety services to communities or persons.

“(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation

under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

“(4) ENCOURAGEMENT OF INTERGENERATIONAL COMPONENTS OF PROGRAMS.—The Corporation shall encourage national service programs eligible to receive assistance or approved national service positions under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youths, disadvantaged youth, and older adults as participants to provide services to address unmet human, educational, environmental, or public safety needs.

“(f) NATIONAL SERVICE PRIORITIES.—

“(1) ESTABLISHMENT.—

“(A) BY CORPORATION.—In order to concentrate national efforts on meeting certain human, educational, environmental, or veterans’ needs and to achieve the other purposes of this Act, the Corporation, consistent with the strategic plan approved under section 192A(g)(1), shall establish (and may periodically alter) priorities regarding the types of national service programs and corps to be assisted under section 129 and the purposes for which such assistance may be used. In establishing such priorities, the Corporation—

“(i) shall select 2 or more of the corps described in subsection (a) to receive assistance under section 129(d); and

“(ii) may select other programs described in subsection (b) to receive assistance under such section.

“(B) BY STATES.—Consistent with paragraph (4), States shall establish, and through the national service plan process described in section 178(e)(1), periodically alter priorities as appropriate regarding the national service programs to be assisted under section 129(d) and 129(e). The State priorities shall be subject to Corporation review as part of the application process under section 130.

“(2) NOTICE TO APPLICANTS.—The Corporation shall provide advance notice to potential applicants of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—

“(A) a description of any alteration made in the priorities since the previous notice; and

“(B) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 121(a).

“(3) REGULATIONS.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs that—

“(A) receive funding under this subtitle for multiple years; and

“(B) would be adversely affected by annual revisions in such national service priorities.

“(4) APPLICATION TO SUBGRANTS.—Any national service priorities established by the Corporation under this subsection shall also be used by each recipient of funds under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

“(g) REQUIREMENTS FOR TUTORS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Corporation shall require that each recipient of assistance under the national service laws that operates a tutoring program involving elementary or secondary school students certifies that individuals serving in approved national service positions as tutors in such program have—

“(A) either—

“(i) obtained their high school diploma; or

“(ii) passed a proficiency test demonstrating that such individuals have the skills necessary to achieve program goals; and

“(B) have successfully completed pre- and in-service training for tutors.

“(2) EXCEPTION.—The requirements in paragraph (1) do not apply to an individual serving in an approved national service position who is enrolled in an elementary or secondary school and is providing tutoring services through a structured, school-managed cross-grade tutoring program.

“(h) REQUIREMENTS FOR TUTORING PROGRAMS.—Each tutoring program that receives assistance under the national service laws shall—

“(1) offer a curriculum that is high quality, research-based, and consistent with the State academic content standards required by section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) and the instructional program of the local educational agency; and

“(2) offer high quality, research-based pre- and in-service training for tutors.

“(i) CITIZENSHIP TRAINING.—The Corporation shall establish requirements for recipients of assistance under the national service laws relating to the promotion of citizenship and civic engagement, that are consistent with the principles on which citizenship programs administered by U.S. Citizenship and Immigration Services are based and are appropriate to the age, education, and experience of the participants enrolled in approved national service positions and approved summer of service positions.

“(j) REPORT.—Not later than 60 days after the end of each fiscal year for which the Corporation makes grants under section 121(a), the Corporation shall prepare and submit to the appropriate committees of Congress a report containing—

“(1) information describing how the Corporation allocated financial assistance and approved national service positions among eligible entities proposed to carry out national service corps described in that subsection (a) for that fiscal year; and

“(2) information describing the amount of financial assistance and the number of approved national service positions the Corporation provided to each national service corps described in subsection (a) for that fiscal year;

“(3) a measure of the extent to which the national service corps improved performance on the corresponding indicators; and

“(4) information describing how the Corporation is coordinating—

“(A) the national service corps funded under subsection (a); with

“(B) applicable programs, as determined by the Corporation, carried out under subtitles B of this title, and part A of title I and parts A and B of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 5001, 5011) that improve performance on those indicators or otherwise address identified community needs.”.

SEC. 1303. TYPES OF POSITIONS.

Section 123 (42 U.S.C. 12573) is amended—

(1) in paragraph (2)(A) by inserting after “subdivision of a State,” the following: “a Territory,”; and

(2) in paragraph (5) by inserting “National” before “Civilian Community Corps”.

SEC. 1304. CONFORMING REPEAL RELATING TO TRAINING AND TECHNICAL ASSISTANCE.

Section 125 (42 U.S.C. 12575) is repealed.

SEC. 1305. ASSISTANCE TO STATE COMMISSIONS; CHALLENGE GRANTS.

Section 126 (42 U.S.C. 12576) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “\$125,000 and \$750,000” and inserting “\$250,000 and \$1,000,000”; and

(B) by striking paragraph (2) and inserting the following:

“(2) MATCHING REQUIREMENT.—In making grants to a State under this subsection, the Corporation shall require the State to provide matching funds of \$1 from non-Federal sources for every \$1 provided by the Corporation.

“(3) ALTERNATIVE.—Notwithstanding paragraph (2), the Chief Executive Officer may permit a State that demonstrates hardship or a new State Commission to use an alternative match as follows:

“(A) FIRST \$100,000.—For the first \$100,000 of grant amounts provided by the Corporation, a State shall not be required to provide matching funds.

“(B) AMOUNTS GREATER THAN \$100,000.—For grant amounts of more than \$100,000 and not exceeding \$200,000 provided by the Corporation, a State shall provide \$1 from non-Federal sources for every \$2 provided by the Corporation.

“(C) AMOUNTS GREATER THAN \$200,000.—For grant amounts of more than \$200,000 provided by the Corporation, a State shall provide \$1 from non-Federal sources for every \$1 provided by the Corporation.

“(D) RESERVATION OF FUNDS.—The corporation shall ensure that it reserves funds for assistance provided under section 126(a) at an aggregate amount equal to that of at least 150 percent allocated in fiscal year 2004 for the first full fiscal year after the date of enactment of the GIVE Act. Each subsequent year the corporation shall increase the amount reserved proportionately including minimum and maximum amounts described in paragraph (1) to the amount of program funding allocated in subtitle C.”.

(2) in subsection (b), by striking the period and inserting “and to support, including through mission-assignments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5147), nonprofit organizations and public agencies responding to the needs of communities in disasters.”; and

(3) in subsection (c)—

(A) in paragraph (1), by striking “to national service programs that receive assistance under section 121” and inserting “to programs supported under the national service laws”; and

(B) by striking paragraph (3) and inserting the following:

“(3) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide, for an initial 3-year grant period, not more than \$1 of assistance under this subsection for each \$1 in cash raised from private sources by the program supported under the national service laws in excess of amounts required to be provided by the program to satisfy matching funds requirements. After an initial 3-year grant period, grants under this subsection may provide not more than \$1 of assistance for each \$2 in cash raised from private sources by the program in excess of amounts required to be provided by the program to satisfy matching funds requirements. The Corporation may permit the use of local or State funds as matching funds if the Corporation determines that such use would be equitable due to a lack of available private funds at the local level. The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.”.

SEC. 1306. ALLOCATION OF ASSISTANCE TO STATES AND OTHER ELIGIBLE ENTITIES.

Section 129 (42 U.S.C. 12581) is amended to read as follows:

“SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

“(a) 1-PERCENT ALLOTMENT FOR CERTAIN TERRITORIES.—Of the funds allocated by the

Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve 1 percent for grants to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands upon approval by the Corporation of an application submitted under section 130. The amount allotted as a grant to each such Territory under this subsection for a fiscal year shall be equal to the amount that bears the same ratio to 1 percent of the allocated funds for that fiscal year as the population of the Territory bears to the total population of such Territories.

“(b) ALLOTMENT FOR INDIAN TRIBES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve at least 1 percent for grants to Indian tribes, including nonprofit organizations applying on behalf of a tribe or tribes, to be allotted by the Corporation on a competitive basis. In the case of a nonprofit organization applying on behalf of a tribe or tribes such nonprofit organization shall include in its application—

“(1) written documentation from such tribe or tribes that such tribe or tribes has approved the application and authorized such nonprofit organization to submit an application on the behalf of the tribe or tribes; and

“(2) certification that the nonprofit organization will use the grant exclusively to serve members of such tribe or tribes and will, to the maximum extent practicable, do so on tribal lands.

“(c) RESERVATION OF APPROVED POSITIONS.—The Corporation shall ensure that each individual selected during a fiscal year for assignment as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or as a participant in the Civilian Community Corps Demonstration Program under subtitle E shall receive the national service educational award described in subtitle D if the individual satisfies the eligibility requirements for the award. Funds for approved national service positions required by this paragraph for a fiscal year shall be deducted from the total funding for approved national service positions to be available for distribution under subsections (d) and (e) for that fiscal year.

“(d) ALLOTMENT FOR COMPETITIVE GRANTS.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year and subject to section 133(d)(3), the Corporation shall reserve up to 62.7 percent for grants awarded on a competitive basis to States for national service programs and to nonprofit organizations seeking to operate a national service program in 2 or more States.

“(e) ALLOTMENT TO CERTAIN STATES ON FORMULA BASIS.—

“(1) GRANTS.—Of the funds allocated by the Corporation for provision of assistance under subsection (a) of section 121 for a fiscal year, the Corporation shall make a grant to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that submits an application under section 130 that is approved by the Corporation.

“(2) ALLOTMENTS.—The amount allotted as a grant to each such State under this subsection for a fiscal year shall be equal to the amount that bears the same ratio to 35.3 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, in compliance with paragraph (3).

“(3) MINIMUM AMOUNT.—Notwithstanding paragraph (2), the minimum grant made available to each State approved by the Corporation under paragraph (1) for each fiscal year must be at least \$600,000, or 0.5 percent of the amount allocated for the State formula under this section, whichever is greater.

“(f) EFFECT OF FAILURE TO APPLY.—If a State or Territory fails to apply for, or fails to give notice to the Corporation of its intent to apply for an allotment under this section, or the Corporation does not approve the application consistent with section 133, the Corporation may use the amount that would have been allotted under this section to the State or Territory to—

“(1) make grants (and provide approved national service positions in connection with such grants) to other community-based organizations under section 121 that propose to carry out national service programs in such State or Territory; and

“(2) make a reallocation to other States or Territories with approved applications submitted under section 130, to the extent community-based organizations do not apply as described in paragraph (1).

“(g) APPLICATION REQUIRED.—The allotment of assistance and approved national service positions to a recipient under this section shall be made by the Corporation only pursuant to an application submitted by a State or other applicant under section 130.

“(h) APPROVAL OF POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not approve positions as approved national service positions under this subtitle for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year, taking into consideration funding needs for national service educational awards under subtitle D based on completed service. If appropriations are insufficient to provide the maximum allowable national service educational awards under subtitle D for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules.

“(i) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—

“(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of these approved national service positions shall be made pursuant to the agreement, and the creation of these positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

“(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

“(j) RESERVATION OF FUNDS FOR SPECIAL ASSISTANCE.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 501(a)(2) and subject to the limitation in such section, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under section 126.

“(k) RESERVATION OF FUNDS TO INCREASE THE PARTICIPATION OF INDIVIDUALS WITH DISABILITIES.—

“(1) RESERVATION.—To make grants to public or private nonprofit organizations to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose, and subject to the limitation in paragraph (2), the Chief Executive Officer shall reserve not less than 1 percent from the amount allocated to carry out program grants under the national service laws.

“(2) LIMITATION.—The amount reserved in paragraph (1) may not exceed \$10,000,000.

“(3) REMAINDER.—After making grants under subsection (k), excess funds may be used by the

Chief Executive Officer for other activities under section 501(a)(2).

“(l) AUTHORITY FOR FIXED-AMOUNT GRANTS.—

“(1) IN GENERAL.—

“(A) AUTHORITY.—From amounts appropriated for a fiscal year to provide financial assistance under the national service laws, the Corporation, subject to the limitation in subparagraph (B) may provide assistance in the form of fixed-amount grants in an amount determined by the Corporation under paragraph (2) rather than on the basis of actual costs incurred by a program.

“(B) LIMITATION.—Other than fixed-amount grants to support programs described in section 129A, for the 1-year period beginning on the date of enactment of the GIVE Act, the Corporation may provide assistance in the form of fixed-amount grants only to support full-time positions.

“(2) DETERMINATION OF AMOUNT OF FIXED-AMOUNT GRANTS.—A fixed-amount grant authorized by this subsection shall be in an amount determined by the Corporation that is—

“(A) significantly less than the reasonable and necessary costs of administering the program receiving the grant; and

“(B) based on the amount per individual enrolled in the program receiving the grant, taking into account—

“(i) the program's capacity to manage funds and achieve programmatic results;

“(ii) the number of national service positions approved for the program;

“(iii) the proposed design of the program;

“(iv) whether the program provides service to or involves the participation of disadvantaged youth or otherwise would reasonably incur a relatively higher level of costs; and

“(v) such other factors as the Corporation may consider under section 133 in considering applications for assistance.

“(3) REQUIREMENTS FOR GRANT RECIPIENTS.—In awarding a fixed-amount grant under this subsection, the Corporation—

“(A) shall require the grant recipient—

“(i) to return a pro rata amount of the grant funds based upon the difference between the number of hours served by a participant and the minimum number of hours for completion of a term of service (as established by the Corporation);

“(ii) to report on standardized and other performance measures established by the Corporation;

“(iii) to cooperate with any evaluation activities undertaken by the Corporation; and

“(iv) to provide assurances that additional funds shall be raised in support of the proposed program, in addition to those received under the national service laws; and

“(B) may adopt other terms and conditions as it considers necessary or appropriate based on the relative risks (as determined by the Corporation) associated with any application for a fixed-amount grant.

“(4) OTHER REQUIREMENTS NOT APPLICABLE.—Limitations on administrative costs and matching fund documentation requirements shall not apply to fixed-amount grants provided in accordance with this subsection.

“(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall relieve a grant recipient of the responsibility to comply with the requirements of the Single Audit Act (31 U.S.C. 7501 et seq.) or other requirements of Office of Management and Budget Circular A-133.”.

SEC. 1307. ADDITIONAL AUTHORITY.

Part II of subtitle C of title I is amended by inserting after section 129 (42 U.S.C. 12581) the following:

“SEC. 129A. EDUCATION AWARDS ONLY PROGRAM.

“(a) IN GENERAL.—From amounts appropriated for a fiscal year to provide financial assistance under this subtitle and consistent with

the restriction in subsection (b), the Corporation may, through fixed-amount grants (in accordance with section 129(l)), provide operational assistance to programs that receive approved national service positions but do not receive funds under section 121(a).

“(b) **LIMIT ON CORPORATION GRANT FUNDS.**—Operational support under this section may not exceed \$600 per individual enrolled in an approved national service position and may reach \$800 per individual if the program supports at least 50 percent disadvantaged youth.

“(c) **ADJUSTMENTS FOR INFLATION.**—For each year after 2008, the amounts specified in subsection (b) shall be adjusted for inflation as measured by the Consumer Price Index for all Urban Consumers published by the Secretary of Labor.

“(d) **INAPPLICABLE PROVISIONS.**—The provisions under section 129(l)(4) and the living allowances and other benefits under sections 131(e) and section 140 (other than individualized support services for disabled members under section 140(f)) shall not apply to programs that receive assistance under this section.”.

SEC. 1308. STATE SELECTION OF PROGRAMS.

Section 130 (42 U.S.C. 12582) is amended—

(1) in subsection (a)—

(A) by inserting after “State,” the following: “Territory,”; and

(B) by striking “institution of higher education, or Federal agency” and inserting “or institution of higher education”;

(2) in subsection (b)—

(A) in paragraph (9), by striking “section 122(c)” and inserting “section 122(f)”;

(B) in paragraph (12), by inserting “municipalities and county governments in the areas being served,” after “services,”.

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “jobs or positions” and inserting “proposed positions”;

(ii) by striking “, including” and all that follows through the period at the end and inserting a period;

(B) in paragraph (2) by inserting “proposed” before “minimum”; and

(C) by adding at the end the following:

“(3) In the case of a nonprofit organization operating programs in 2 or more States, a description of the manner and extent to which the State Commissions of each State in which the nonprofit organization intends to operate were consulted and the nature of the consultation.”;

(4) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively and inserting after subsection (c) the following:

“(d) **ADDITIONAL REQUIRED APPLICATION INFORMATION.**—An application submitted under subsection (a) for programs described in 122(a) shall also contain—

“(1) measurable goals, to be used for annual measurements of the program on 1 or more of the corresponding performance indicators;

“(2) information describing how the applicant proposes to utilize funds to improve performance on the corresponding performance indicators utilizing participants, including the activities in which such participants will engage to improve performance on those indicators;

“(3) information identifying the geographical area in which the eligible entity proposed to carry out the program proposes to use funds to improve performance on the corresponding performance indicators including demographic information on the students or individuals, as appropriate, in such area, and statistics demonstrating the need to improve such indicators in such area; and

“(4) if applicable, information on how the eligible entity will work with other community-based agencies to carry out activities to improve performance on the corresponding performance indicators using such funds.”;

(5) in subsection (f)(2) (as so redesignated) by striking “were selected” and inserting “were or will be selected”;

(6) in subsection (g) (as so redesignated)—

(A) in paragraph (1), by striking “a program applicant” and inserting “an applicant”; and

(B) in paragraph (2)—

(i) in the heading, by striking “PROGRAM APPLICANT” and inserting “APPLICANT”;

(ii) in the matter preceding subparagraph (A), by striking “program applicant” and inserting “applicant”;

(iii) in subparagraph (A)—

(I) by inserting after “subdivision of a State,” the following: “Territory,”; and

(II) by striking “institution of higher education, or Federal agency” and inserting “or institution of higher education”;

(iv) in subparagraph (B)—

(I) by inserting after “subdivision of a State,” the following: “Territory,”; and

(II) by striking “institution of higher education, or Federal agency” and inserting “or institution of higher education”;

(7) in subsection (h) (as so redesignated), by striking the period and inserting “or is already receiving financial assistance from the Corporation.”.

SEC. 1309. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

Section 131(c) (42 U.S.C. 12583(c)) is amended—

(1) in paragraph (1)—

(A) by amending subparagraph (A) to read as follows:

“(A) the community served, including, if appropriate, municipal and county governments in the area served, and potential participants in the program”;

(B) in subparagraph (B), by inserting “and” after “program”;

(C) by adding at the end the following:

“(C) municipalities and county governments in the areas being served”;

(2) by amending paragraph (3) to read as follows:

“(3) in the case of a program that is not funded through a State, including programs operated by nonprofit organizations seeking to operate a national service program in 2 or more States—

“(A) consult with and coordinate with the State Commission for the State in which the program operates; and

“(B) obtain confirmation from the State Commission that the applicant seeking assistance under this Act has consulted with and coordinated with the State Commission when seeking to operate a program in that State.”.

SEC. 1310. CONSIDERATION OF APPLICATIONS.

Section 133 (42 U.S.C. 12585) is amended—

(1) in subsection (c)(6), insert after subparagraph (E) the following:

“(F) Areas that have a mortgage foreclosure rate greater than the national average mortgage foreclosure rate for the most recent 12 months for which satisfactory data are available.”;

(2) in subsection (b)(2)(B), by striking “jobs or”;

(3) in subsection (d)(2)—

(A) by striking “and” at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting a semicolon; and

(C) by adding at the end the following:

“(H) programs that recruit veterans, particularly returning veterans, into service opportunities; and

“(I) programs that promote community-based efforts to meet the unique needs of military families while a member of the family is deployed, or when a member of the family returns from deployment.”.

SEC. 1311. DESCRIPTION OF PARTICIPANTS.

Section 137 (42 U.S.C. 12591) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(2) in subsection (b)—

(A) in paragraph (1), by striking “paragraph (4)” and inserting “paragraph (3)”;

(B) in paragraph (2), by striking “between the ages of 16 and 25” and inserting “a 16-year-old out of school youth or an individual between the ages of 17 and 25”; and

(3) in subsection (c), by striking “(a)(5)” and inserting “(a)(4)”.

SEC. 1312. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

Section 138 (42 U.S.C. 12592) is amended—

(1) in subsection (a) by striking “conducted by the State” and all that follows through “or other entity” and inserting “conducted by the entity”;

(2) in subsection (e)(2)(C) by inserting before the semicolon at the end the following: “, particularly those who were considered at the time of their service disadvantaged youth”.

SEC. 1313. TERMS OF SERVICE.

Section 139 (42 U.S.C. 12593) is amended—

(1) in subsection (b)(1), by striking “not less than 9 months and”;

(2) in subsection (b)(2), by striking “during a period of—” and all that follows through the period at the end and inserting “during a period of not more than 2 years.”;

(3) in subsection (b) by inserting at the end the following:

“(4) **EXTENSION OF TERM FOR DISASTER PURPOSES.**—

“(A) An individual in an approved national service position performing service directly related to disaster relief efforts may continue in a term of service for a period of 90 days beyond the period otherwise specified in sections 139(b) and 153 (e) or in section 104 of the Domestic Volunteer Service Act of 1973.

“(B) Service performed by an individual in an originally-agreed to term of service and service performed under this paragraph shall constitute a single term of service for purposes of sections 146(b) and (c) but may not receive an additional education award under section 141.”;

(4) in subsection (c)—

(A) in paragraph (1)(A), by striking “as demonstrated by the participant” and inserting “as determined by the organization responsible for granting a release, if the participant has otherwise performed satisfactorily and has completed at least 15 percent of the original term of service”;

(B) in paragraph (2)(A), by striking “provide to the participant that portion of the national service educational award” and inserting “certify the participant’s eligibility for that portion of the national service educational award”;

(C) in paragraph (2)(B), by striking “to allow return to the program with which the individual was serving in order”.

SEC. 1314. ADJUSTMENTS TO LIVING ALLOWANCE.

Section 140 (42 U.S.C. 12594) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “paragraph (3)” and inserting “paragraphs (2) and (3)”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as (2);

(D) by inserting after paragraph (2) (as so redesignated) the following:

“(3) **FEDERAL WORK-STUDY STUDENTS.**—The living allowance that may be provided to an individual whose term of service includes hours for which the individual receives Federal work study wages shall be reduced by the amount of the individual’s Federal work study award.”;

and

(E) in paragraph (4), by striking “a reduced term of service under section 139(b)(3)” and inserting “a term of service that is less than 12 months”;

(2) in subsection (b), by striking “shall include an amount sufficient to cover 85 percent of such taxes” and all that follows through the period at the end and inserting “may be used to pay such taxes.”;

(3) in subsection (c)—

(A) in paragraph (1) by adding “and” at the end;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as (2);

(4) in subsection (d)(1), by striking the second sentence; and

(5) by striking subsections (g) and (h).

Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

SEC. 1401. AVAILABILITY OF FUNDS IN THE NATIONAL SERVICE TRUST.

Section 145 (42 U.S.C. 12601) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking “section 148(e)” and inserting “section 148(f)”;

(B) in paragraph (2), by striking “pursuant to section 196(a)(2)” and inserting “pursuant to section 196(a)(2), if the terms of such donations direct that they be deposited in the National Service Trust”;

(2) in subsection (c), by striking “for payments of national service educational awards in accordance with section 148.” and inserting “for—

“(1) payments of summer of service educational awards and national service educational awards in accordance with section 148; and

“(2) payments of interest in accordance with section 148(f).”

SEC. 1402. INDIVIDUALS ELIGIBLE TO RECEIVE A NATIONAL SERVICE EDUCATIONAL AWARD FROM THE TRUST.

Section 146 (42 U.S.C. 12602) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “if the individual” and inserting “if the organization responsible for an individual’s supervision certifies that the individual”;

(B) by striking paragraphs (1), (2), and (3) and inserting the following:

“(1) met the applicable eligibility requirements for the position; and

“(2)(A) for a full-time or part-time educational award, successfully completed the required term of service described in subsection (b) in an approved national service position; or

“(B) for a partial educational award—

“(i) satisfactorily performed prior to being granted a release for compelling personal circumstances under section 139(c); and

“(ii) served at least 15 percent of the required term of service described in subsection (b); and”;

(C) by redesignating paragraph (4) as paragraph (3);

(2) by striking subsection (c) and inserting the following:

“(c) **LIMITATION ON RECEIPT OF NATIONAL SERVICE EDUCATIONAL AWARDS.**—An individual may not receive, in national service educational awards, more than an amount equal to the aggregate value of 2 such awards for full-time service. The aggregate value of summer of service educational awards that an individual receives shall have no effect on the aggregate value of national service educational awards the individual may receive.”;

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “SEVEN-YEAR REQUIREMENT” and inserting “IN GENERAL”;

(ii) by striking “An” and inserting “Subject to paragraph (2), an”;

(B) in paragraph (2)—

(i) in subparagraph (A) by striking “or” at the end;

(ii) in subparagraph (B) by striking the period at the end and inserting “; or”;

(iii) by adding at the end the following:

“(C) is an individual eligible to receive a summer of service educational award, in which case the individual shall have a 10-year period to use such educational award beginning on the date that the individual completes the term of service that is the basis of such educational award.”;

(4) in subsection (e)(1)—

(A) by inserting after “qualifying under this section” the following: “or under section 120(c)(8)”;

(B) by inserting after “to receive a national service educational award” the following: “or a summer of service educational award”.

SEC. 1403. DETERMINATION OF THE AMOUNT OF NATIONAL SERVICE EDUCATIONAL AWARDS.

Section 147 (42 U.S.C. 12603) is amended—

(1) by amending subsection (a) to read as follows:

“(a) **AMOUNT FOR FULL-TIME NATIONAL SERVICE.**—Except as provided in subsection (c), an individual described in section 146(a) who successfully completes a required term of full-time national service in an approved national service position shall receive a national service educational award having a value equal to the maximum amount of a Federal Pell Grant that a student eligible under section 401(b)(2)(A) of the Higher Education Act of 1965 may receive for the award year for which the national service position is approved by the Corporation.”;

(2) in subsection (b), by inserting after “for each of not more than 2 of such terms of service” the following: “in the period of one year”.

SEC. 1404. DISBURSEMENT OF EDUCATIONAL AWARDS.

Section 148 (42 U.S.C. 12604) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “cost of attendance” and inserting “cost of attendance or other educational expenses”;

(B) in paragraph (3), by striking “and”;

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following:

“(4) to pay expenses incurred in enrolling in an educational institution or training establishment that meets the requirements of chapter 36 of title 38, United States Code (38 U.S.C. 3451 et seq.); and”;

(2) in subsection (b)(1) by inserting after “the national service educational award of the individual” the following: “, or an eligible individual under section 120(c)(8) who received a summer of service educational award”;

(3) in subsection (b)(2) by inserting after “the national service educational award” the following: “or the summer of service educational award, as applicable.”;

(4) in subsection (b)(5) by inserting after “the national service educational award” the following: “or the summer of service educational award, as applicable.”;

(5) in subsection (b)(7)—

(A) in subparagraph (A), by striking “, other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078-2); and” and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting “; and”;

(C) by adding at the end the following:

“(C) any loan (other than a loan described in subparagraph (A) or (B)) determined by an institution of higher education to be necessary to cover a student’s educational expenses and made, insured, or guaranteed by—

“(i) an eligible lender, as defined in section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085);

“(ii) the direct student loan program under part D of title IV of such Act;

“(iii) a State agency; or

“(iv) a lender otherwise determined by the Corporation to be eligible to receive disbursements from the National Service Trust.”;

(6) in subsection (c)(1), by inserting after “national service educational award” the following: “, or an eligible individual under section 120(c)(8) who desires to apply the individual’s summer of service educational award.”;

(7) in subsection (c)(2)(A), by inserting after “national service educational award” the following: “or summer of service educational award, as applicable.”;

(8) in subsection (c)(2)(C)(iii), by inserting after “national service educational awards received under this subtitle” the following: “or summer of service educational awards received under section 120(c)(8)”;

(9) in subsection (c)(3), by inserting after “national service educational awards” the following: “and summer of service educational awards”;

(10) in subsection (c)(5)—

(A) by inserting after “national service educational award” the following: “, or summer of service educational award, as applicable.”;

(B) by inserting after “additional” the following: “summer of service educational awards and additional”;

(11) in subsection (c)(6), by inserting after “national service educational award” the following: “and summer of service educational award”;

(12) in subsection (d), by inserting after “national service educational awards” the following: “and summer of service educational awards”;

(13) in subsection (e), by striking “subsection (b)(6)” and inserting “subsection (b)(7)”;

(14) in subsection (f), by striking “Director” and inserting “Chief Executive Officer”.

SEC. 1405. PROCESS OF APPROVAL OF NATIONAL SERVICE POSITIONS.

(a) **IN GENERAL.**—Subtitle D of title I (42 U.S.C. 12601 et seq.) is further amended by adding at the end the following new section:

“SEC. 149. PROCESS OF APPROVAL OF NATIONAL SERVICE POSITIONS.

“(a) **TIMING AND RECORDING REQUIREMENTS.**—

“(1) **IN GENERAL.**—Notwithstanding subtitles C and D, and any other provision of law, in approving a position as an approved national service position, the Corporation—

“(A) shall approve the position at the time the Corporation—

“(i) enters into an enforceable agreement with an individual participant to serve in a program carried out under subtitle E of title I of this Act or under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), or a summer of service educational award; or

“(ii) except as provided in clause (i), awards a grant to (or enters into a contract or cooperative agreement with) an entity to carry out a program for which such a position is approved under section 123; and

“(B) shall record as an obligation an estimate of the net present value of the national service educational award associated with the position, based on a formula that takes into consideration historical rates of enrollment in such a program, and of earning and using national service educational awards for such a program and remain available.

“(2) **FORMULA.**—In determining the formula described in paragraph (1)(B), the Corporation shall consult with the Director of the Congressional Budget Office.

“(3) **CERTIFICATION REPORT.**—The Chief Executive Officer of the Corporation shall annually prepare and submit to the appropriate committees of Congress a report that contains a certification that the Corporation is in compliance with the requirements of paragraph (1).

“(4) **APPROVAL.**—The requirements of this subsection shall apply to each approved national service position that the Corporation approves—

“(A) during fiscal year 2009; and

“(B) during any subsequent fiscal year.

“(b) **RESERVE ACCOUNT.**—

“(1) **ESTABLISHMENT AND CONTENTS.**—

“(A) **ESTABLISHMENT.**—Notwithstanding subtitles C and D, and any other provision of law, within the National Service Trust established under section 145, the Corporation shall establish a reserve account.

“(B) **CONTENTS.**—To ensure the availability of adequate funds to support the awards of approved national service positions for each fiscal year, the Corporation shall place in the account—

“(i) during fiscal year 2009, a portion of the funds that were appropriated for fiscal year 2009 or a previous fiscal year under section 501(a)(2), were made available to carry out subtitle C, D, or E of this title, subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service under section 120(c)(8), and remain available; and

“(ii) during fiscal year 2009 or a subsequent fiscal year, a portion of the funds that were appropriated for that fiscal year under section 501(a)(2) and were made available to carry out subtitle C, D, or E of this title, subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service under section 111(a)(5), and remain available.

“(2) **OBLIGATION.**—The Corporation shall not obligate the funds in the reserve account until the Corporation—

“(A) determines that the funds will not be needed for the payment of national service educational awards associated with previously approved national service positions and summer of service educational awards; or

“(B) obligates the funds for the payment of national service educational awards for such previously approved national service positions or summer of service educational awards, as applicable.

“(c) **AUDITS.**—The accounts of the Corporation relating to the appropriated funds for approved national service positions, and the records demonstrating the manner in which the Corporation has recorded estimates described in subsection (a)(1)(B) as obligations, shall be audited annually by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States in accordance with generally accepted auditing standards. A report containing the results of each such independent audit shall be included in the annual report required by subsection (a)(3).

“(d) **AVAILABILITY OF AMOUNTS.**—Except as provided in subsection (b), all amounts included in the National Service Trust under paragraphs (1), (2), and (3) of section 145(a) shall be available for payments of national service educational awards or summer of service educational awards under section 148.”.

(b) **CONFORMING REPEAL.**—Section 2 of the Strengthen AmeriCorps Program Act (Public Law 108-145; 117 Stat. 844; 42 U.S.C. 12605) is repealed.

Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)

SEC. 1501. PURPOSE.

Section 151 (42 U.S.C. 12611) is amended to read as follows:

“SEC. 151. PURPOSE.

“It is the purpose of this subtitle to authorize the operation of, and support for, residential and other service programs that combine the best practices of civilian service with the best aspects of military service, including leadership

and team building, to meet national and community needs. Such needs to be met under such programs include those related to—

“(1) natural and other disasters;

“(2) infrastructure improvement;

“(3) environmental stewardship and conservation;

“(4) energy conservation;

“(5) urban and rural development; and

“(6) other unmet needs consistent with the purpose as described in this section.”.

SEC. 1502. PROGRAM COMPONENTS.

Section 152 (42 U.S.C. 12612) is amended—

(1) by amending the section heading to read as follows:

“SEC. 152. ESTABLISHMENT OF NATIONAL CIVILIAN COMMUNITY CORPS PROGRAM.”.

(2) in subsection (a), by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”;

(3) in subsection (b)—

(A) by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”;

(B) by striking “a Civilian Community Corps” and inserting “a National Civilian Community Corps”;

(4) in the heading of subsection (c), by striking “PROGRAMS” and inserting “COMPONENTS”;

(5) in subsection (c), by striking “program components are residential programs” and all that follows and inserting “programs referred to in subsection (b) may include a residential component.”.

SEC. 1503. ELIGIBLE PARTICIPANTS.

Section 153 (42 U.S.C. 12613) is amended—

(1) in subsection (a)—

(A) by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”;

(B) by striking “on Civilian Community Corps” and inserting “on National Civilian Community Corps”;

(2) in subsection (b), by striking “if the person” and all that follows through the period at the end and inserting “if the person will be at least 18 years of age on or before December 31 in the calendar year in which the individual enrolls in the program.”;

(3) in subsection (c)—

(A) by striking “BACKGROUNDS” and inserting “BACKGROUND”;

(B) by adding at the end the following: “The Director shall take appropriate steps, including through outreach and recruitment activities carried out by the chief executive officer, to increase the percentage of participants in the program who are disadvantaged youth toward 50 percent of all participants by year 2011. The Director shall report to the appropriate committees of Congress biennially on such efforts, any challenges faced, and the annual participation rates of disadvantaged youth in the program.”;

(4) by striking subsection (e).

SEC. 1504. SUMMER NATIONAL SERVICE PROGRAM.

Section 154 (42 U.S.C. 12614) is amended—

(1) in subsection (a)—

(A) by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”;

(B) by striking “on Civilian Community Corps” and inserting “on National Civilian Community Corps”;

(2) in subsection (b), by striking “shall be” and all that follows through the period at the end and inserting “shall be from economically and ethnically diverse backgrounds, including youth who are in foster care.”.

SEC. 1505. TEAM LEADERS.

Section 155 (42 U.S.C. 12615) is amended—

(1) by amending the section heading to read as follows:

“SEC. 155. NATIONAL CIVILIAN COMMUNITY CORPS.”;

(2) in subsection (a)—

(A) by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”;

(B) by striking “the Civilian Community Corps shall” and inserting “the National Civilian Community Corps shall”;

(3) in subsection (b)—

(A) by amending the subsection heading to read as follows:

“(b) MEMBERSHIP IN NATIONAL CIVILIAN COMMUNITY CORPS.—”;

(B) in paragraph (1), by inserting “National” before “Civilian Community Corps”;

(C) in paragraph (3)—

(i) by striking “superintendent” and inserting “campus director”;

(ii) by striking “camp” and inserting “campus”;

(D) by adding at the end the following:

“(4) TEAM LEADERS.—The Director may select from Corps members individuals with prior supervisory or service experience to be team leaders within units in the National Civilian Community Corps to perform service that includes leading and supervising teams of Corps members. Team leaders shall—

“(A) be selected without regard to the age limitation under section 153(b);

“(B) be members of the National Civilian Community Corps; and

“(C) be provided the rights and benefits applicable to Corps members, except that the limitation on the amount of living allowance shall not exceed 10 percent more than the amount established under section 158(b).”;

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows:

“(d) CAMPUSES.—”;

(B) in paragraph (1)—

(i) by amending the paragraph heading to read as follows:

“(1) UNITS TO BE ASSIGNED TO CAMPUSES.—”;

(ii) by striking “in camps” and inserting “in campuses”;

(iii) by striking “camp” and inserting “campus”;

(iv) by striking “in the camps” and inserting “in the campuses”;

(C) by amending paragraph (2) to read as follows:

“(2) CAMPUS DIRECTOR.—There shall be a campus director for each campus. The campus director is the head of the campus.”;

(D) in paragraph (3)—

(i) by amending the paragraph heading to read as follows:

“(3) ELIGIBLE SITE FOR CAMPUS.—”;

(ii) by striking “A camp may be located” and inserting “A campus must be cost-effective and may, upon the completion of a feasibility study, be located”;

(5) in subsection (e)—

(A) by amending the paragraph heading to read as follows:

“(e) DISTRIBUTION OF UNITS AND CAMPUSES.—”;

(B) by striking “camps are distributed” and inserting “campuses are cost-effective and are distributed”;

(C) by striking “rural areas” and all that follows through the period at the end and inserting “rural areas such that each Corps unit in a region can be easily deployed for disaster and emergency response to such region.”;

(6) in subsection (f)—

(A) in paragraph (1)—

(i) by striking “superintendent” and inserting “campus director”;

(ii) by striking “camp” both places such term appears and inserting “campus”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “superintendent of a camp” and inserting “campus director of a campus”;

(ii) in subparagraph (A)—

(I) by striking “superintendent” and inserting “campus director”;

(II) by striking “superintendent’s” and inserting “campus director’s”; and

(III) by striking “camp” each place such term appears and inserting “campus”;

(iii) in subparagraph (B), by striking “superintendent” and inserting “campus director”; and

(C) in paragraph (3), by striking “camp superintendent” and inserting “campus director”.

SEC. 1506. TRAINING.

Section 156 (42 U.S.C. 12616) is amended—

(1) in subsection (a)—

(A) by inserting “National” before “Civilian Community Corps”; and

(B) by adding at the end the following: “The Director shall ensure that to the extent practicable, each member of the Corps is trained in CPR, first aid, and other skills related to disaster preparedness and response.”;

(2) in subsection (b)(1), by inserting before the period at the end the following: “, including a focus on energy conservation, environmental stewardship or conservation, infrastructure improvement, urban and rural development, or disaster preparedness needs”; and

(3) by amending subsection (c)(2) to read as follows:

“(2) COORDINATION WITH OTHER ENTITIES.—Members of the cadre may provide, either directly or through grants, contracts, or cooperative agreements, the advanced service training referred to in subsection (b)(1) in coordination with vocational or technical schools, other employment and training providers, existing youth service programs, other qualified individuals, or organizations with expertise in training youth, including disadvantaged youth, in the skill areas described in such subsection.”.

SEC. 1507. CONSULTATION WITH STATE COMMISSIONS.

Section 157 (42 U.S.C. 12617) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “National” before “Civilian Community Corps”;

(B) in paragraph (1), by inserting before the semicolon the following: “with specific emphasis on projects in support of infrastructure improvement, disaster relief and recovery, the environment, energy conservation, and urban and rural development”; and

(C) in paragraph (2) by striking “service learning” and inserting “service-learning”;

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking “and the Secretary of Housing and Urban Development” and inserting “the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Emergency Management Agency, the Secretary of Energy, the Secretary of Transportation, and the Chief of the United States Forest Service”;

(B) in paragraph (1)(B)—

(i) by inserting “community-based organizations and” before “representatives of local communities”; and

(ii) by striking “camp” both places such term appears and inserting “campus”;

(C) in paragraph (2), by inserting “State Commissions,” before “and persons involved in other youth service programs.”; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “superintendent” both places such term appears and inserting “campus director”; and

(ii) by striking “camp” both places such term appears and inserting “campus”; and

(B) in paragraph (2), by striking “camp superintendents” and inserting “campus directors”.

SEC. 1508. AUTHORIZED BENEFITS FOR CORPS MEMBERS.

Section 158 (42 U.S.C. 12618) is amended—

(1) in subsection (a) by inserting “National” before “Civilian Community Corps”; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting “National” before “Civilian Community Corps”; and

(ii) by inserting before the colon the following: “, as the Director determines appropriate”;

(B) in paragraph (6), by striking “Clothing” and inserting “Uniforms”; and

(C) in paragraph (7), by striking “Recreational services and supplies” and inserting “Supplies”.

SEC. 1509. PERMANENT CADRE.

Section 159 (42 U.S.C. 12619) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”; and

(B) in paragraph (1)—

(i) by inserting “including those” before “recommended”; and

(ii) by inserting “National” before “Civilian Community Corps”;

(2) in subsection (b)(1), by inserting “National” before “Civilian Community Corps”;

(3) in subsection (c)—

(A) in paragraph (1)(B)(i), by inserting “National” before “Civilian Community Corps”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “The Director shall establish a permanent cadre of” and inserting “The Chief Executive Officer shall establish a permanent cadre that includes the Director and other appointed”; and

(II) by inserting “National” before “Civilian Community Corps”;

(ii) in subparagraph (B), by striking “The Director shall appoint the members” and inserting “The Chief Executive Officer shall consider the recommendations of the Director in appointing the other members”;

(iii) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking “the Director” and inserting “the Chief Executive Officer”;

(II) in clause (iii) by striking “and” at the end;

(III) by redesignating clause (iv) as (v); and

(IV) by inserting after clause (iii) the following:

“(iv) give consideration to retired and other former law enforcement, fire, rescue, and emergency personnel, and other individuals with backgrounds in disaster preparedness, relief, and recovery; and”;

(iv) in subparagraph (E)—

(I) by inserting after “techniques” the following: “, including techniques for working with and enhancing the development of disadvantaged youth,”; and

(II) by striking “service learning” and inserting “service-learning”; and

(C) in the first sentence of paragraph (3), by striking “the members” and inserting “other members”.

SEC. 1510. CONTRACT AND GRANT AUTHORITY.

Section 161 (42 U.S.C. 12621) is amended—

(1) in subsection (a), by striking “perform any program function under this subtitle” and inserting “carry out the National Civilian Community Corps program”; and

(2) in subsection (b)(2), by inserting “National” before “Civilian Community Corps”.

SEC. 1511. OTHER DEPARTMENTS.

Section 162 (42 U.S.C. 12622) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “National” before “Civilian Community Corps”; and

(ii) in subparagraph (B)(i), by striking “the registry established by” and all that follows through the semicolon and inserting “the registry established by section 1143a of title 10, United States Code”;

(B) in paragraph (2)(A), by striking “to be recommended for appointment” and inserting “from which individuals may be selected for appointment by the Director”; and

(C) in paragraph (3), by inserting “National” before “Civilian Community Corps”; and

(2) by striking subsection (b).

SEC. 1512. ADVISORY BOARD.

Section 163 (42 U.S.C. 12623) is amended—

(1) in subsection (a)—

(A) by striking “Upon the establishment of the Program, there shall also be” and inserting “There shall be”;

(B) by inserting “National” before “Civilian Community Corps Advisory Board”; and

(C) by striking “to assist” and all that follows through the period at the end and inserting “to assist the Corps in responding rapidly and efficiently in times of natural and other disasters. Consistent with the needs outlined in section 151, the Advisory Board members shall help coordinate activities with the Corps as appropriate, including the mobilization of volunteers and coordination of volunteer centers to help local communities recover from the effects of natural and other disasters.”;

(2) in subsection (b)—

(A) by redesignating paragraphs (8) and (9) as paragraphs (13) and (14), respectively;

(B) by inserting after paragraph (7) the following:

“(8) The Administrator of the Federal Emergency Management Agency.

“(9) The Secretary of Transportation.

“(10) The Chief of the United States Forest Service.

“(11) The Administrator of the Environmental Protection Agency.

“(12) The Secretary of Energy.”; and

(C) in paragraph (13), as so redesignated, by striking “industry,” and inserting “public and private organizations.”.

SEC. 1513. EVALUATION.

Section 164 (42 U.S.C. 12624) is amended—

(1) in the section heading, by striking “annual”;

(2) by striking “annual evaluation” and inserting “evaluation before September 30, 2014”;

(3) by inserting “National” before “Civilian Community Corps”; and

(4) by adding at the end the following: “Upon completing each such evaluation, the Corporation shall transmit to the appropriate committees of Congress a report on the evaluation.”.

SEC. 1514. REPEAL OF FUNDING LIMITATION.

Section 165 (42 U.S.C. 12625) is repealed.

SEC. 1515. DEFINITIONS.

Section 166 (42 U.S.C. 12626) is amended—

(1) by striking paragraphs (2), (3), and (9);

(2) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(3) by inserting after paragraph (1) the following:

“(2) CAMPUS DIRECTOR.—The term ‘campus director’, with respect to a Corps campus, means the head of the campus under section 155(d).

“(3) CORPS.—The term ‘Corps’ means the National Civilian Community Corps required under section 155 as part of the Civilian Community Corps Program.

“(4) CORPS CAMPUS.—The term ‘Corps campus’ means the facility or central location established

as the operational headquarters and boarding place for particular Corps units.”;

(4) in paragraph (5) (as so redesignated), by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”;

(5) in paragraph (6) (as so redesignated), by inserting “National” before “Civilian Community Corps”;

(6) in paragraph (8) (as so redesignated), by striking “The terms” and all that follows through “Demonstration Program” the first place such term appears and inserting “The term ‘Program’ means the National Civilian Community Corps Program”; and

(7) in paragraph (9) (as so redesignated)—

(A) in the heading by striking “SERVICE LEARNING” and inserting “SERVICE-LEARNING”; and

(B) in the matter preceding subparagraph (A) by striking “service learning” and inserting “service-learning”.

SEC. 1516. TERMINOLOGY.

Subtitle E of title I (42 U.S.C. 12611 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

“Subtitle E—National Civilian Community Corps”;

and

(2) in section 160(a) (42 U.S.C. 12620(a)) by inserting “National” before “Civilian Community Corps”.

Subtitle F—Amendments to Subtitle E (Administrative Provisions)

SEC. 1601. FAMILY AND MEDICAL LEAVE.

Section 171(a)(1) (42 U.S.C. 12631(a)(1)) is amended by striking “with respect to a project” and inserting “with respect to a project authorized under the national service laws”.

SEC. 1602. ADDITIONAL PROHIBITIONS ON USE OF FUNDS.

Section 174 (42 U.S.C. 12634) is amended by adding at the end the following:

“(d) REFERRALS FOR FEDERAL ASSISTANCE.—A program may not receive assistance under the national service laws for the sole purpose of referring individuals to Federal assistance programs or State assistance programs funded in part by the Federal Government.”.

SEC. 1603. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

Section 176 (42 U.S.C. 12636) is amended—

(1) in subsection (a)(2)(A), by striking “30 days” and inserting “1 or more periods of 30 days not to exceed 90 days in total”; and

(2) in subsection (f)—

(A) in paragraph (1), by striking “A State or local applicant” and inserting “An entity”; and

(B) in paragraph (6)—

(i) in subparagraph (C), by striking “and”;

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

“(D) in a grievance filed by an individual applicant or participant—

“(i) the applicant’s selection or the participant’s reinstatement, as the case may be; and

“(ii) other changes in the terms and conditions of service; and”.

SEC. 1604. RESOLUTION OF DISPLACEMENT COMPLAINTS.

Section 177 (42 U.S.C. 12637) is amended—

(1) in subsections (a) and (b), by striking “under this title” each place it appears and inserting “under the national service laws”;

(2) in subsection (b)(1), by striking “employee or position” and inserting “employee, position, or volunteer (other than a participant under the national service laws)”; and

(3) by adding at the end the following:

“(f) PARENTAL INVOLVEMENT.—

“(1) IN GENERAL.—Programs that receive assistance under the national service laws shall consult with the parents or legal guardians of children in developing and operating programs that include and serve children.

“(2) PARENTAL PERMISSION.—Programs that receive assistance under the national service laws shall, consistent with State law, before transporting minor children, provide the reason for and obtain written permission of the children’s parents.”.

SEC. 1605. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

Section 178 (42 U.S.C. 12638) is amended—

(1) in subsection (c)(1), by adding at the end the following:

“(J) A representative of the volunteer sector.”;

(2) in subsection (c)(3), by striking “, unless the State permits the representative to serve as a voting member of the State Commission or alternative administrative entity”;

(3) by striking subsection (e)(1) and inserting the following:

“(1) Preparation of a national service plan for the State that—

“(A) is developed through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from companies, organizations, and public agencies using service and volunteerism as a strategy to meet critical community needs, including programs funded under the national service laws;

“(B) covers a 3-year period, the beginning of which may be set by the State;

“(C) is subject to approval by the chief executive officer of the State;

“(D) includes measurable goals and outcomes for the State consistent with those for national service programs as described in section 179(a)(1)(A);

“(E) ensures outreach to diverse community-based agencies that serve under-represented populations, by using established networks and registries at the State level, or establishing such networks and registries;

“(F) provides for effective coordination of funding applications submitted by the State and others within the State under the national service laws;

“(G) is updated annually, reflecting changes in practices and policies that will improve the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State; and

“(H) contains such information as the State Commission considers to be appropriate or as the Corporation may require.”;

(4) by redesignating subsections (f) through (j) as subsections (h) through (l), respectively;

(5) by inserting after subsection (e) the following:

“(f) RELIEF FROM ADMINISTRATIVE REQUIREMENTS.—Upon approval of a State plan submitted under subsection (e)(1), the Chief Executive Officer may waive, or specify alternatives to, administrative requirements (other than statutory provisions) otherwise applicable to grants made to States under the national service laws, including those requirements identified by a State as impeding the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within a State.

“(g) STATE PLAN FOR BABY BOOMER AND OLDER ADULT VOLUNTEER AND PAID SERVICE.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section, to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State must work with appropriate State agencies and private entities to develop a comprehensive State plan for volunteer and paid service by members of the Baby Boom generation and older adults.

“(2) MATTERS INCLUDED.—The State plan shall include—

“(A) recommendations for public policy initiatives, including how to best tap the population of members of the Baby Boom generation and older adults as sources of social capital and as ways to address community needs;

“(B) recommendations to the State unit on aging on—

“(i) a marketing outreach plan to businesses;

“(ii) outreach to—

“(I) non-profit organizations;

“(II) the State’s Department of Education;

“(III) institutions of higher education; and

“(IV) other State agencies; and

“(C) recommendations for civic engagement and multigenerational activities, such as—

“(i) early childhood education, family literacy, and after school programs;

“(ii) respite services for older adults and caregivers; and

“(iii) transitions for members of the Baby Boom generation and older adults to purposeful work in their post career lives.

“(3) KNOWLEDGE INCORPORATED.—The State plan shall incorporate the current knowledge base regarding—

“(A) the economic impact of older workers’ roles in the economy;

“(B) the social impact of older workers’ roles in the community; and

“(C) the health and social benefits of active engagement for members of the Baby Boom generation and older adults.

“(4) PUBLICATION.—The State plan must be made public and be transmitted to the Chief Executive Officer.”; and

(6) in subsection (k)(1) (as redesignated by this section), by striking the period at the end and inserting “, consistent with section 174(d).”.

SEC. 1606. EVALUATION AND ACCOUNTABILITY.

Section 179 (42 U.S.C. 12639) is amended—

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—The Corporation shall provide, directly or through grants or contracts, for the continuing evaluation of programs that receive assistance under the national service laws, including evaluations that measure the impact of such programs, to determine—

“(1) the effectiveness of programs receiving assistance under the national service laws in achieving stated goals and the costs associated with such, including—

“(A) an evaluation of performance measures, as established by the Corporation in consultation with each grantee receiving assistance under the national service laws, which may include—

“(i) number of participants enrolled and completing terms of service compared to the stated goals of the program;

“(ii) number of volunteers recruited from the community in which the program was implemented;

“(iii) if applicable based on the program design, the number of individuals receiving or benefiting from the service conducted;

“(iv) number of disadvantaged and under-represented youth participants;

“(v) sustainability of project or program, including measures to ascertain the level of community support for the project or program;

“(vi) measures to ascertain the change in attitude toward civic engagement among the participants and the beneficiaries of the service; and

“(vii) other quantitative and qualitative measures as determined to be appropriate by the recipient of assistance; and

“(B) review of the implementation plan for reaching such measures described in subparagraph (A); and

“(2) the effectiveness of the structure and mechanisms for delivery of services, such as the effective utilization of the participants’ time, the management of the participants, and the ease with which recipients were able to receive services, to maximize the cost-effectiveness and the impact of such programs.”;

(2) in subsection (g)—

(A) in paragraph (3), by striking “National Senior Volunteer Corps” and inserting “National Senior Service Corps”; and

(B) in paragraph (9), by striking “to public service” and all that follows through the period at the end and inserting “to engage in service that benefits the community.”; and

(3) by adding at the end the following:

“(j) **RESERVED PROGRAM FUNDS FOR ACCOUNTABILITY.**—In addition to amounts appropriated to carry out this section, the Corporation may reserve up to 1 percent of total program funds appropriated for a fiscal year under the national service laws to support program accountability activities under this section.

“(k) **CORRECTIVE PLANS.**—

“(1) **IN GENERAL.**—A grantee that fails to reach the performance measures in subsection (a)(1)(A) as determined by the Corporation, shall reach an agreement with the Corporation on a corrective action plan to achieve the agreed upon performance measures.

“(2) **ASSISTANCE.**—

“(A) **NEW PROGRAM.**—For a program that has received assistance for less than 3 years and is failing to achieve the performance measures agreed upon under subsection (a)(1)(A), the Corporation shall—

“(i) provide technical assistance to the grantee to address targeted performance problems relating to the performance measures in subsection (a)(1)(A); and

“(ii) require quarterly reports from the grantee on the program’s progress toward achieving the performance measures in subsection (a)(1)(A) to the appropriate State, Territory, or Indian tribe and the Corporation.

“(B) **ESTABLISHED PROGRAMS.**—For a program that has received assistance for 3 years or more and is failing to achieve the performance measures agreed upon under subsection (a)(1)(A), the Corporation shall require quarterly reports from the grantee on the program’s progress towards achieving performance measures in subsection (a)(1)(A) to the appropriate State, Territory, or Indian tribe and the Corporation.

“(1) **FAILURE TO MEET PERFORMANCE LEVELS.**—If, after a period for correction as approved by the Corporation, a grantee or subgrantee fails to achieve the established levels of performance, the Corporation shall—

“(1) reduce the annual amount of the grant award attributable to the underperforming grantee or subgrantee by at least 25 percent; or

“(2) terminate assistance to the underperforming grantee or subgrantee, consistent with section 176(a).

“(m) **REPORTS.**—The Corporation shall submit to the appropriate committees of Congress not later than two years after the date of the enactment of this subsection, and annually thereafter, a report containing information on the number of—

“(1) grantees implementing corrective action plans;

“(2) grantees for which the Corporation offers technical assistance under subsection (k);

“(3) grantees for which the Corporation terminates assistance for a program under subsection (l);

“(4) entities that expressed interest in applying for assistance under a national service law but did not apply;

“(5) entities whose application was rejected; and

“(6) grantees meeting or exceeding their performance measures in subsection (a).”.

SEC. 1607. TECHNICAL AMENDMENT.

Section 181 (42 U.S.C. 12641) is amended by striking “Section 414” and inserting “Section 422”.

SEC. 1608. PARTNERSHIPS WITH SCHOOLS.

Section 182(b) (42 U.S.C. 12642(b)) is amended to read as follows:

“(b) **REPORT.**—

“(1) **FEDERAL AGENCY SUBMISSION.**—The head of each Federal agency shall prepare and submit to Corporation for Community and National Service a report concerning the implementation of this section, including an evaluation of the performance goals and benchmarks of the partnership programs.

“(2) **REPORT TO CONGRESS.**—The Corporation for National and Community Service shall prepare and submit to the appropriate committees of Congress a compilation of the information received under paragraph (1).”.

SEC. 1609. RIGHTS OF ACCESS, EXAMINATION, AND COPYING.

Section 183 (42 U.S.C. 12643) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “The” and inserting “Consistent with otherwise applicable law, the”; and

(B) in paragraph (1), by inserting after “local government,” the following: “Territory,”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “The” and inserting “Consistent with otherwise applicable law, the”; and

(B) in paragraph (1), by inserting after “local government,” the following: “Territory,”; and

(3) by adding at the end the following:

“(c) **INSPECTOR GENERAL.**—Consistent with otherwise applicable law, the Inspector General of the Corporation shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

“(1) within the possession or control of the Corporation or any State or local government, Territory, Indian tribe, or public or private nonprofit organization receiving assistance directly or indirectly under this Act that relates to the assistance received, directly or indirectly, under this Act; and

“(2) that relates to the duties of the Inspector General under the Inspector General Act of 1978.”.

SEC. 1610. ADDITIONAL ADMINISTRATIVE PROVISIONS.

Subtitle F of title I (42 U.S.C. 12631 et seq.) is amended by adding at the end the following:

“SEC. 185. SUSTAINABILITY.

“(a) **GOALS.**—To ensure that recipients of assistance under the national service laws are carrying out sustainable projects or programs, the Corporation, after collaboration with State Commissions and consultation with recipients of assistance under the national service laws, may set sustainability goals supported by policies and procedures to—

“(1) build the capacity of the projects that receive assistance under the national service laws to meet community needs and lessen the dependence on Federal dollars to do so, taking into consideration challenges that programs in underserved rural or urban areas may face;

“(2) provide technical assistance to aid the recipients of assistance under the national service laws in acquiring and leveraging non-Federal funds for the projects; and

“(3) implement measures to ascertain whether the projects are generating sufficient community support.

“(b) **ENFORCEMENT.**—If a recipient does not meet the sustainability goals in subsection (a) for a project, the Corporation may take action as described in sections 176 and 179.

“SEC. 186. GRANT PERIODS.

“Unless otherwise specifically provided, the Corporation has authority to make a grant

under the national service laws for a period of 3 years.

“SEC. 187. GENERATION OF VOLUNTEERS.

“In making decisions on applications for assistance or approved national service positions under the national service laws, the Corporation shall take into consideration the extent to which the applicant’s proposal will increase the involvement of volunteers in meeting community needs. In reviewing the application for this purpose, the Corporation may take into account the mission of the applicant.

“SEC. 188. LIMITATION ON PROGRAM GRANT COSTS.

“(a) **LIMITATION ON GRANT AMOUNTS.**—Except as otherwise provided by this section, the amount of funds approved by the Corporation in a grant to operate a program authorized under the national service laws supporting individuals serving in approved national service positions may not exceed \$17,000 per full-time equivalent position.

“(b) **COSTS SUBJECT TO LIMITATION.**—The limitation in subsection (a) applies to the Corporation’s share of member support costs, staff costs, and other costs borne by the grantee or subgrantee to operate a program.

“(c) **COSTS NOT SUBJECT TO LIMITATION.**—The limitation in subsection (a) and (e)(1) shall not apply to expenses that are not included in the program operating grant award.

“(d) **ADJUSTMENTS FOR INFLATION.**—The amount specified in subsections (a) and (e)(1) shall be adjusted each year after 2008 for inflation as measured by the Consumer Price Index for All Urban Consumers published by the Secretary of Labor.

“(e) WAIVER AUTHORITY AND REPORTING REQUIREMENT.—

“(1) **WAIVER.**—The Chief Executive Officer may waive the requirements of this section, up to a maximum of \$19,500, if necessary to meet the compelling needs of a particular program, such as exceptional training needs for a program serving disadvantaged youth, increased costs relating to the participation of individuals with disabilities, tribal programs or programs located in the Territories and start-up costs associated with a first-time grantee, and up to a maximum of \$22,000 for Tribal residential programs.

“(2) **REPORTS.**—The Chief Executive Officer shall report to the appropriate committees of Congress annually on all waivers granted under this section, with an explanation of the compelling needs justifying such waivers.

“SEC. 189. AUDITS AND REPORTS.

“The Corporation shall comply with applicable audit and reporting requirements as provided in the Chief Financial Officers Act of 1990 (31 U.S.C. 501 et seq.) and the Government Corporation Control Act of 1945 (31 U.S.C. 9101 et seq.). The Corporation shall report to the appropriate committees of Congress any failure to comply with the requirements of such audits.

“SEC. 190. CRIMINAL HISTORY CHECKS.

“(a) **IN GENERAL.**—Entities selecting individuals to serve in a position in which the individual receives a Corporation grant-funded living allowance, stipend, education award, salary, or other remuneration in a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

“(b) **REQUIREMENTS.**—A criminal history check shall, except in cases approved for good cause by the Corporation, include a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.) and—

“(1) a search of the State criminal registry or repository in the State in which the program is

operating and the State in which the individual resides at the time of application; or

“(2) a Federal Bureau of Investigation fingerprint check.

“(c) **ELIGIBILITY PROHIBITION.**—An individual shall be ineligible to serve in a position described under subsection (a) if such individual—

“(1) refuses to consent to the criminal history check described in subsection (b);

“(2) makes a false statement in connection with such criminal history check;

“(3) is registered, or is required to be registered, on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

“(4) has been convicted of murder, as described in section 1111 of title 18, United States Code.

“SEC. 190A. REPORT ON PARTICIPANT INFORMATION.

“(a) **IN GENERAL.**—The Corporation shall annually collect and report to the appropriate committees of Congress any demographic and socioeconomic information on the participants of all programs or projects receiving assistance under the national service laws.

“(b) **INFORMATION COLLECTED AND REPORTED.**—

“(1) **PARTICIPANTS AGES 18 AND OLDER.**—The information collected and reported under this section for participants ages 18 and older shall include age, gender, race, ethnicity, annual income, employment status, disability status, veteran status, marital status, educational attainment, and household size, type, and income.

“(2) **PARTICIPANTS UNDER AGE 18.**—The information collected and reported under this section for participants under age 18 shall only include age, gender, race, ethnicity, and eligibility for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(c) **PUBLIC AVAILABILITY.**—The information collected and reported under this section shall be available to the public.

“(d) **CONFIDENTIALITY.**—The information collected and reported under this section shall not contain any personally identifiable information of any participant.”.

Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)

SEC. 1701. TERMS OF OFFICE.

Section 192 (42 U.S.C. 12651a) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) **TERMS.**—Subject to subsection (e), each appointed member shall serve for a term of 5 years.”;

(2) by adding at the end the following:

“(e) **SERVICE UNTIL APPOINTMENT OF SUCCESSOR.**—A voting member of the Board whose term has expired may continue to serve for one year beyond expiration of the term if no successor is appointed or until the date on which a successor has taken office.”.

SEC. 1702. BOARD OF DIRECTORS AUTHORITIES AND DUTIES.

Section 192A(g) (42 U.S.C. 12651b(g)) is amended—

(1) in the matter preceding paragraph (1) by striking “shall—” and inserting “shall have responsibility for setting overall policy for the Corporation and shall—”;

(2) in paragraph (1), by inserting before the semicolon at the end the following: “, and review the budget proposal in advance of submission to the Office of Management and Budget and to Congress”;

(3) in paragraph (5)—

(A) in subparagraph (A) by striking “and” at the end;

(B) in subparagraph (B) by inserting “and” at the end; and

(C) by adding at the end the following:

“(C) review the performance of the Chief Executive Officer annually and forward a report on that review to the President.”;

(4) by amending paragraph (10) to read as follows:

“(10) notwithstanding any other provision of law—

“(A) make grants to or contracts with Federal and other public departments or agencies, and private nonprofit organizations for the assignment or referral of volunteers under the provisions of Title I of the Domestic Volunteer Service Act of 1973 (except as provided in section 108 of the Domestic Volunteer Service Act of 1973) which may provide that the agency or organization shall pay all or a part of the costs of the program; and

“(B) enter into agreements with other Federal agencies for the support of programs under the national service laws which—

“(i) may provide that the agency or organization shall pay all or a part of the costs of the program; and

“(ii) shall provide that the program (including any program operated by another Federal agency) will comply with all requirements related to evaluation, performance, and other goals applicable to similar programs under the national service laws, as determined by the Corporation; and”;

(5) in paragraph (11), by striking “September 30, 1995” and inserting “January 1, 2012”.

SEC. 1703. CHIEF EXECUTIVE OFFICER COMPENSATION.

Section 193(b) (42 U.S.C. 12651c(b)) is amended by striking the period and inserting “, plus 3 percent.”.

SEC. 1704. AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER.

Section 193A (42 U.S.C. 12651d) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “shall—” and inserting “, in collaboration with State Commissions, shall—”;

(B) in paragraph (1), by inserting after “a strategic plan” the following: “, including a plan for achieving 50 percent full-time approved national service positions by 2012.”;

(C) in paragraph (10)—

(i) in the matter preceding subparagraph (A), by striking “June 30, 1995,” and inserting “June 30 of each even-numbered year.”; and

(ii) in subparagraph (A)(i), by striking “section 122(c)(1)” and inserting “section 122(c)”;

(D) by adding at the end the following:

“(12) bolster the public awareness of and recruitment efforts for the wide range of service opportunities for citizens of all ages, regardless of socioeconomic status or geographic location, through a variety of methods, including—

“(A) print media;

“(B) the Internet and related emerging technologies;

“(C) television;

“(D) radio;

“(E) presentations at public or private forums;

“(F) other innovative methods of communication; and

“(G) outreach to offices of economic development, State employment security agencies, labor unions and trade associations, local education agencies, institutions of higher education, agencies and organizations serving veterans and people with disabilities, and other institutions or organizations from which participants for programs receiving assistance from the national service laws can be recruited;

“(13) identify and implement methods of recruitment to—

“(A) increase the diversity of participants in the programs receiving assistance under the national service laws; and

“(B) increase the diversity of service sponsors of programs desiring to receive assistance under the national service laws;

“(14) coordinate with organizations of former participants of national service programs for service opportunities that may include capacity building, outreach, and recruitment for programs receiving assistance under the national service laws;

“(15) collaborate with organizations with demonstrated expertise in supporting and accommodating individuals with disabilities, including institutions of higher education, to identify and implement methods of recruitment to increase the number of participants with disabilities in the programs receiving assistance under the national service laws;

“(16) identify and implement recruitment strategies and training programs for bilingual volunteers in the National Senior Service Corps under title II of the Domestic Volunteer Service Act of 1973;

“(17) collaborate with organizations which have established volunteer recruitment programs, including those on the Internet, to increase the recruitment capacity of the Corporation;

“(18) where practicable, provide application materials in languages other than English for those with limited English proficiency who wish to participate in a national service program;

“(19) collaborate with the training and technical assistance programs described in subtitle J and in appropriate paragraphs of section 199N(b);

“(20) coordinate the clearinghouses described in section 198F;

“(21) coordinate with entities receiving funds under Subtitle Establishing the Reserve Corps for alumni of the national service programs to serve in emergencies, disasters, and other times of national need;

“(22) identify and implement strategies to increase awareness among Indian tribes of the types and availability of assistance under the national service laws, increase Native American participation in national service, and collect information on challenges facing Native American communities;

“(23) conduct outreach to ensure the inclusion of low-income persons in national service programs and activities authorized under the National Senior Service Corps; and

“(24) ensure that outreach, awareness, and recruitment efforts are consistent with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).”;

(2) in subsection (c)—

(A) in paragraph (9), by striking “and” at the end;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

“(10) obtain the opinions of peer reviewers in evaluating applications to the Corporation for assistance under this title; and”;

(3) in subsection (f)—

(A) by inserting “AND STUDIES” after “EVALUATIONS” in the subsection heading; and

(B) by adding at the end the following new paragraphs:

“(3) **EVALUATION ON REACHING 50 PERCENT GOAL.**—The Corporation shall submit a report to the appropriate committees of Congress, not later than 18 months after the enactment of this section on actions taken to achieve the goal of 50 percent full-time approved national service positions as described in 193A(b)(1), including an assessment of the progress made toward achieving that goal and the actions to be taken in the coming year toward achieving that goal.

“(4) **EVALUATION ON APPLICATIONS.**—The Corporation shall submit a report to the appropriate

committees of Congress, not later than 18 months after the enactment of this section a report on the actions taken to modify the application procedures and reporting requirements for programs and activities funded under then national service laws, including a description of the consultation procedures with grantees.

“(5) **STUDY OF INVOLVEMENT OF VETERANS.**—The Corporation shall submit to the appropriate committees of Congress, not later than 3 years after the enactment of this section, on—

“(A) the number of veterans serving in national service programs historically by year;

“(B) strategies being undertaken to identify the specific areas of need of veterans, including any goals set by the Corporation for veterans participating in the service programs;

“(C) the impact of the strategies described in paragraph (2) and the Veterans Corps on enabling greater participation by veterans in the national service programs carried out under the national service laws;

“(D) how existing programs and activities carried out under the national service laws could be improved to serve veterans, veterans service organizations, families of active-duty military, including gaps in services to veterans;

“(E) the extent to which existing programs and activities carried out under the national service laws are coordinated and recommendations to improve such coordination including the methods for ensuring the efficient financial organization of services directed towards veterans; and

“(F) how to improve utilization of veterans as resources and volunteers.

“(6) **CONSULTATION.**—In conducting the studies and preparing the reports required under this subsection, the Corporation shall consult with veterans’ service organizations, the Department of Veterans Affairs, State veterans agencies, the Department of Defense, as appropriate, and other individuals and entities the Corporation considers appropriate.”;

(4) by adding at the end the following:

“(h) **AUTHORITY TO CONTRACT WITH A BUSINESS.**—The Chief Executive Officer may, through contracts or cooperative agreements, carry out the marketing duties described in subsection (b)(13), with priority given to those entities who have established expertise in the recruitment of disadvantaged youth, members of Indian tribes, and members of the Baby Boom generation.

“(i) **CAMPAIGN TO SOLICIT FUNDS.**—The Chief Executive Officer may conduct a campaign to solicit non-Federal funds to support outreach and recruitment of a diverse population of service sponsors of and participants in programs and projects receiving assistance under the national service laws.”.

SEC. 1705. DELEGATION TO STATES.

Consistent with section 193A(c)(1) (42 U.S.C. 12651d(c)(1)), the Chief Executive Officer may delegate to States specific programmatic authority upon a determination that such a delegation will increase efficiency in the operation or oversight of a program under the national service laws.

SEC. 1706. CHIEF FINANCIAL OFFICER.

Section 194(c) (42 U.S.C. 12651e(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting:

“(1) **IN GENERAL.**—The Corporation shall have a chief financial officer appointed subject to the provisions of title 5, United States Code, governing appointment in the competitive service and paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.”; and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 1707. NONVOTING MEMBERS; PERSONAL SERVICES CONTRACTS.

Section 195 (42 U.S.C. 12651f) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(B), by inserting after “subdivision of a State,” the following: “Territory.”; and

(B) in paragraph (3)—

(i) in the heading, by striking “MEMBER” and inserting “NON-VOTING MEMBER”; and

(ii) by inserting “non-voting” before “member”; and

(2) by adding at the end the following new subsection:

“(g) **PERSONAL SERVICES CONTRACTS.**—The Corporation may enter into personal services contracts to carry out research, evaluation, and public awareness related to the national service laws.”.

SEC. 1708. DONATED SERVICES.

Section 196(a) (42 U.S.C. 12651g(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

“(A) **ORGANIZATIONS AND INDIVIDUALS.**—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws, and may provide to such individuals the travel expenses described in section 192A(d).”;

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking “Such a volunteer” and inserting “A person who is a member of an organization or is an individual covered by subparagraph (A)”;

(ii) in clause (i), by striking “a volunteer” and inserting “such a person”;

(iii) in clause (ii), by striking “volunteers” and inserting “such a person”;

(iv) in clause (iii), by striking “such a volunteer” and inserting “such a person”; and

(C) in subparagraph (C)(i), by striking “Such a volunteer” and inserting “Such a person”; and

(2) by striking paragraph (3).

SEC. 1709. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR DISPLACED WORKERS.

(a) **PLANNING STUDY.**—The Corporation for National and Community Service shall conduct a study to identify—

(1) specific areas of need for displaced workers;

(2) how existing programs and activities carried out under the national service laws could better serve displaced workers and communities that have been adversely affected by plant closings and job losses;

(3) prospects for better utilization of skilled workers as resources and volunteers; and

(4) methods for ensuring the efficient financial organization of services directed towards displaced workers.

(b) **CONSULTATION.**—The study shall be carried out in consultation with the Department of Labor, State labor agencies, and other individuals and entities the Corporation considers appropriate.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Corporation shall submit to the appropriate committees of Congress a report on the results of the planning study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches for better targeting and serving displaced workers.

(d) **PILOT PROGRAM.**—From amounts made available to carry out this section, the Corporation shall develop and carry out a pilot program

based on the findings in the report submitted under subsection (c).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2014.

SEC. 1710. STUDY TO EVALUATE THE EFFECTIVENESS OF A CENTRALIZED ELECTRONIC CITIZENSHIP VERIFICATION SYSTEM.

(a) **STUDY.**—The Corporation for National and Community Service shall conduct a study to determine the effectiveness of a centralized electronic citizenship verification system which would allow the Corporation to share employment eligibility information with the Department of Education in order to reduce administrative burden and lower costs for member programs. This study shall identify—

(1) the costs associated with establishing this program both for the Corporation and for the Department of Education;

(2) the benefits or detriments of such a system both for the Corporation and for the Department of Education;

(3) strategies for ensuring the privacy and security of member information that is shared between agencies and member organizations;

(4) the information that needs to be shared in order to fulfill employment eligibility requirements; and

(5) recommendations for implementation of such a program.

(b) **CONSULTATION.**—The study shall be carried out in consultation with the Department of Education and other individuals and entities the Corporation considers appropriate.

(c) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Corporation shall submit to the appropriate committees of Congress a report on the results of the study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches identified in such study, if the Corporation determines such program to be feasible.

(d) **PILOT PROGRAM.**—From amounts made available to carry out this section, the Corporation may develop and carry out a pilot program based on the findings in the report submitted under subsection (c).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2014.

Subtitle H—Amendments to Subtitle H

SEC. 1801. TECHNICAL AMENDMENTS TO SUBTITLE H.

(a) **ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.**—Subtitle H is amended by inserting after the subtitle heading and before section 198 the following:

“PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE”.

(b) **TECHNICAL AMENDMENTS.**—Section 198 (42 U.S.C. 12653) is amended—

(1) in subsection (a), by striking “subsection (r)” and inserting “subsection (g)”;

(2) in subsection (b), by striking “to improve the quality” and all that follows through “including” the first place such term appears and inserting “to address emergent needs through summer programs and other activities, and to support service-learning programs and national service programs, including”; and

(3) by striking subsections (c), (d), (e), (f), (h), (i), (j), (l), (m), and (p) and redesignating subsections (g), (k), (n), (o), (q), (r), and (s) as subsections (c), (d), (e), (f), (g), (h), and (i), respectively.

(c) **CALL TO SERVICE CAMPAIGN AND SEPTEMBER 11TH DAY OF SERVICE.**—Section 198 (as amended by subsection (b) (42 U.S.C. 12653) is

further amended by adding at the end the following:

“(j) **CALL TO SERVICE CAMPAIGN.**—Not less than 180 days after enactment of this Act, the Corporation shall conduct a nationwide ‘Call to Service’ campaign, to encourage all people of the United States, regardless of age, race, ethnicity, religion, or economic status, to engage in full- or part-time national service, long- or short-term public service in the nonprofit sector or government, or volunteering. In conducting the campaign, the Corporation may collaborate with other Federal agencies and entities, State Commissions, Governors, nonprofit and faith-based organizations, businesses, institutions of higher education, elementary schools, and secondary schools.

“(k) **SEPTEMBER 11TH DAY OF SERVICE.**—

“(1) **FEDERAL ACTIVITIES.**—The Corporation may organize and carry out appropriate ceremonies and activities, which may include activities that are part of the broader Call to Service Campaign, in order to observe September 11th National Day of Service and Remembrance at the Federal level.

“(2) **ACTIVITIES.**—The Corporation may make grants and provide other support to community-based organizations to assist in planning and carrying out appropriate service, charity, and remembrance opportunities in conjunction with the September 11th National Day of Service and Remembrance.

“(3) **CONSULTATION.**—The Corporation may consult with and make grants or provide other forms of support to nonprofit organizations with expertise in representing September 11th families and other impacted constituencies, in promoting the establishment of September 11th as an annually recognized National Day of Service and Remembrance.”.

SEC. 1802. REPEALS.

(a) **REPEALS.**—The following provisions are repealed:

(1) **CLEARINGHOUSES.**—Section 198A (42 U.S.C. 12653a).

(2) **MILITARY INSTALLATION CONVERSION DEMONSTRATION PROGRAMS.**—Section 198C (42 U.S.C. 12653c).

(3) **SPECIAL DEMONSTRATION PROJECT.**—Section 198D (42 U.S.C. 12653d).

(b) **REDESIGNATION.**—Section 198B is redesignated as section 198A.

SEC. 1803. NEW FELLOWSHIPS.

Subtitle H is further amended by adding at the end the following new sections:

“SEC. 198B. SERVE AMERICA FELLOWSHIPS.

“(a) **DEFINITIONS.**—In this section:

“(1) **AREA OF NATIONAL NEED.**—The term ‘area of national need’ means an area involved in efforts to—

“(A) improve education in schools for economically disadvantaged students;

“(B) expand and improve access to health care;

“(C) improve energy efficiency and conserve natural resources;

“(D) improve economic opportunities for economically disadvantaged individuals; or

“(E) improve disaster preparedness and response.

“(2) **ELIGIBLE FELLOWSHIP RECIPIENT.**—The term ‘eligible fellowship recipient’ means an individual who is selected by a State Commission under subsection (c), as a result of such selection, is eligible for a ServeAmerica Fellowship.

“(3) **FELLOW.**—The term ‘fellow’ means an eligible fellowship recipient who is awarded a ServeAmerica Fellowship and is designated a fellow under subsection (e).

“(b) **GRANTS.**—

“(1) **IN GENERAL.**—From the amounts appropriated under section 501(a)(2) and allotted under paragraph (2)(A), the Corporation shall make grants (including financial assistance and

a corresponding allotment of approved national service positions), to the State Commission of each of the several States, the District of Columbia, or the Commonwealth of Puerto Rico with an application approved under this section, to enable such State Commission to award ServeAmerica Fellowships under subsection (e).

“(2) **ALLOTMENT; RULES.**—

“(A) **ALLOTMENT.**—The amount allotted to a State Commission for a fiscal year shall be equal to an amount that bears the same ratio to the amount appropriated under section 501(a)(2), as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(B) **RULES.**—Of the amount allotted to a State Commission under subparagraph (A)—

“(i) $\frac{1}{3}$ of such amount shall be awarded to Fellows serving in organizations that maintain not more than 10 full-time staff and not more than 10 part-time staff; and

“(ii) not more than 1.5 percent of such amount may be used for administrative costs.

“(C) **REALLOTMENT.**—If a State Commission does not apply for an allotment under this subsection, or if a State Commission’s application is not approved, the Corporation shall reallocate the amount of the State Commission’s allotment to the remaining State Commissions in accordance with subparagraph (A).

“(3) **NUMBER OF POSITIONS.**—The Corporation shall—

“(A) establish or increase the number of approved national service positions under this subsection during each of fiscal years 2010 through 2014;

“(B) establish the number of approved positions at 500 for fiscal year 2010; and

“(C) increase the number of the approved positions to—

“(i) 750 for fiscal year 2011;

“(ii) 1,000 for fiscal year 2012;

“(iii) 1,250 for fiscal year 2013; and

“(iv) 1,500 for fiscal year 2014.

“(4) **USES OF GRANT FUNDS.**—

“(A) **REQUIRED USES.**—A grant awarded under this subsection shall be used to enable fellows to carry out service projects in areas of national need.

“(B) **PERMITTED USES.**—A grant awarded under this subsection may be used for—

“(i) oversight activities and mechanisms for the service sites as determined by the State Commission or the Corporation, which may include site visits;

“(ii) activities to augment the experience of participants in approved national service positions under this section, including activities to engage such participants in networking opportunities with other national service participants; and

“(iii) recruitment or training activities for participants in approved national service positions under this section.

“(5) **APPLICATIONS.**—To be eligible to receive a grant under this subsection, a State Commission shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, including information on the criteria and procedures that the State Commission will use for overseeing ServeAmerica Fellowship placements for service projects, under subsection (e).

“(c) **ELIGIBLE FELLOWSHIP RECIPIENTS.**—

“(1) **APPLICATION.**—

“(A) **IN GENERAL.**—An applicant desiring to become an eligible fellowship recipient shall submit an application to a State Commission, at such time and in such manner as the Commission may require, and containing the information described in subparagraph (B) and such additional information as the Commission may require. An applicant may submit such applica-

tion to only one State Commission for a fiscal year.

“(B) **CONTENTS.**—The Corporation shall specify information to be provided in an application submitted under this subsection, which shall include—

“(i) a description of the area of national need that the applicant intends to address in the service project;

“(ii) a description of the skills and experience the applicant has to address the area of national need;

“(iii) a description of the type of service the applicant plans to provide as a fellow; and

“(iv) information identifying the local area in which the applicant plans to serve, for the service project.

“(2) **SELECTION.**—Each State Commission shall select the applicants received by the State Commission for a fiscal year, the number of eligible fellowship recipients that may be supported for that fiscal year based on the grant received by the State Commission under subsection (b).

“(d) **SERVICE SPONSOR ORGANIZATIONS.**—

“(1) **IN GENERAL.**—Each service sponsor organization shall—

“(A) be a nonprofit organization or an institution of higher education that is not a Campus of Service (as described in section 119);

“(B) satisfy qualification criteria established by the Corporation or the State Commission, including standards relating to organizational capacity, financial management, and programmatic oversight;

“(C) not be a recipient of other national service awards; and

“(D) at the time of registration with a State Commission, enter into an agreement providing that the service sponsor organization shall—

“(i) abide by all program requirements;

“(ii) provide an amount described in subsection (e)(3)(b) for each fellow serving with the organization through the ServeAmerica Fellowship;

“(iii) be responsible for certifying whether each fellow serving with the organization successfully completed the ServeAmerica Fellowship, and record and certify in a manner specified by the Corporation the number of hours served by a fellow for purposes of determining the fellow’s eligibility for benefits; and

“(iv) provide timely access to records relating to the ServeAmerica Fellowship to the State Commission, the Corporation, and the Corporation’s Inspector General.

“(2) **REGISTRATION.**—

“(A) **REQUIREMENT.**—No service sponsor organization may receive a fellow under this subsection until the organization registers with the State Commission;

“(B) **CLEARINGHOUSE.**—The State Commission shall maintain a list of registered service sponsor organizations on a public website;

“(C) **REVOCATION.**—If a State Commission determines that a service sponsor organization is in violation of any of the applicable provisions of this section—

“(i) the State Commission shall revoke the registration of the organization;

“(ii) the organization shall not be eligible to receive a national service award under this title, for not less than 5 years; and

“(iii) the State Commission shall have the right to remove a fellow from the organization and relocate the fellow to another site.

“(e) **FELLOWS.**—

“(1) **IN GENERAL.**—To be eligible to participate in a service project as a fellow and receive a ServeAmerica Fellowship, an eligible fellowship recipient shall—

“(A) within 3 months after being selected as an eligible fellowship recipient, select a registered service sponsor organization described in subsection (d) with which the recipient is interested in serving under this section; and

“(B) enter into an agreement with the organization—

“(i) that specifies the service the recipient will provide if the placement is approved; and

“(ii) in which the recipient agrees to serve for 1 year on a full-time or part-time basis (as determined by the Corporation); and

“(iii) submit such agreement to the State Commission.

“(2) AWARD.—Upon receiving the eligible fellowship recipient's agreement under paragraph (1), the State Commission shall award a ServeAmerica Fellowship to the recipient and designate the recipient as a fellow.

“(3) FELLOWSHIP AMOUNT.—

“(A) IN GENERAL.—From amounts received under subsection (b), each State Commission shall award each of the State's fellows a ServeAmerica Fellowship amount that is equal to 50 percent of the amount of the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

“(B) AMOUNT FROM SERVICE SPONSOR ORGANIZATION.—Except as provided in subsection (C), the service sponsor organization shall award to the fellow serving such organization an amount that will ensure that the total award received by the fellow for service in the service project (consisting of such amount and the ServeAmerica Fellowship amount the fellow receives under subparagraph (A)) is equal to or greater than 70 percent of the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

“(C) MAXIMUM LIVING ALLOWANCE.—

“(i) IN GENERAL.—The total amount that may be provided to a fellow under this subparagraph shall not exceed 100 percent of the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

“(ii) SMALL ORGANIZATIONS.—A service sponsor organization meeting the requirements of subsection (b)(2)(B)(i) shall award to the fellow serving such organization an amount that will ensure that the total award received by the fellow for service in the service project (consisting of that amount and the ServeAmerica Fellowship amount that fellows receive under clause (i) is equal to or greater than 60 percent of the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973.

“(D) PRORATION OF AMOUNT.—In the case of a fellow who is authorized to serve a part-time term of service under the agreement described in subparagraph (1)(B)(ii), the amount provided to a fellow under this subparagraph shall be prorated accordingly.

“(E) WAIVER.—The Corporation may allow a State Commission to waive the amount required under subparagraph (B) from the service sponsor organization for a fellow serving the organization if—

“(i) such requirement is inconsistent with the objectives of the ServeAmerica Fellowship program; and

“(ii) the amount provided to the fellow under subparagraph (A) is sufficient to meet the necessary costs of living (including food, housing, and transportation) in the area in which the ServeAmerica Fellowship program is located.

“(f) COMPLIANCE WITH INELIGIBLE SERVICE CATEGORIES.—Service under a ServeAmerica Fellowship shall comply with section 132(a). For purposes of applying that section to this subsection, a reference to assistance shall be considered to be a reference to assistance provided under this section.

“(g) REPORTS.—Each service sponsor organization that receives a fellow under this sub-

section shall, on a biweekly basis, report to the State Commission on the number of hours served and the services provided by that fellow. The Corporation shall establish a web portal for the organizations to use in reporting the information.

“(h) EDUCATIONAL AWARDS.—A fellow who serves in a service project under this section shall be considered to have served in an approved national service position and, upon meeting the requirements of section 147 for full-time or part-time national service, shall be eligible for a national service educational award described in such section. The Corporation shall transfer an appropriate amount of funds to the National Service Trust to provide for the national service educational awards for such fellow.

“SEC. 198C. SILVER SCHOLARSHIPS AND ENCORE FELLOWSHIPS.

“(a) SILVER SCHOLARSHIP.—

“(1) ESTABLISHMENT.—The Corporation may award grants, including fixed-amount grants (in accordance with section 129(l)) to community-based organizations to carry out a Silver Scholarship Grant Program for individuals age 55 and older to complete not less than 500 hours of service in a year carrying out projects of national need and to receive a Silver Scholarship in the form of a \$1,000 education award. Under such a program—

“(A) the Corporation shall establish criteria for the types of the service required to be performed to receive such award; and

“(B) the individual receiving the award shall use such award in accordance with sections 146(c), 146(d), and 148(c).

“(2) TERM.—Each program funded under this subsection shall be carried out over a period of 3 years, which may include 1 planning year and 2 additional grant years, with a 1-year extension possible, if the program meets performance measures developed in accordance with section 179(a) and any other criteria determined by the Corporation.

“(3) APPLICATIONS.—To be eligible to carry out a program under this subsection, a community-based organization shall submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require. A community-based organization approved by the Corporation shall be a listed organization as described in subsection (b)(2)(D).

“(4) COLLABORATION ENCOURAGED.—A community-based organization awarded a grant under this subsection is encouraged to collaborate with programs funded under title II of the Domestic Volunteer Service Act in carrying out this program.

“(5) ELIGIBILITY FOR SCHOLARSHIP.—An individual is eligible to receive a Silver Scholarship if the community-based organization certifies to the Corporation that the individual has completed not less than 500 hours of service under this section.

“(6) SUPPORT SERVICES.—A community-based organization receiving a grant under this subsection may use a portion of the fixed-amount grant to provide transportation services to an eligible individual to allow such individual to participate in a service project.

“(b) ENCORE FELLOWSHIPS.—

“(1) ESTABLISHMENT.—The Corporation may award 1-year Encore Fellowships to enable individuals age 55 or older to—

“(A) carry out service projects in areas of national need; and

“(B) to receive training and development in order to transition to full- or part-time public service in the nonprofit sector or government.

“(2) PROGRAM.—In carrying out the program, the Corporation shall—

“(A) maintain a list of eligible organizations for which Encore Fellows may be placed to

carry out service projects through the program and shall provide the list to all Fellowship recipients; and

“(B) at the request of a Fellowship recipient—

“(i) determine whether the requesting recipient is able to meet the service needs of a listed organization, or another organization that the recipient requests in accordance with subparagraph (E), for a service project; and

“(ii) upon making a favorable determination under clause (i), award the recipient with an Encore Fellowship, and place the recipient with the organization as an Encore Fellow under subparagraph (E).

“(C) ELIGIBLE RECIPIENTS.—

“(i) IN GENERAL.—An individual desiring to be selected as a Fellowship recipient shall—

“(I) be an individual who—

“(aa) is at least 55 years of age as of the time the individual applies for the program; and

“(bb) is not engaged in, but who wishes to engage in, full- or part-time public service in the nonprofit sector or government; and

“(II) submit an application to the Corporation, at such time, in such manner, and containing such information as the Corporation may require, including—

“(aa) a description of the area of national need that the applicant hopes to address through the service project;

“(bb) a description of the skills and experience the applicant has to address an area of national need; and

“(cc) information identifying the region of the United States in which the applicant wishes to serve.

“(ii) SELECTION BASIS.—In determining which individuals to select as Fellowship recipients, the Corporation shall—

“(I) select not more than 10 individuals from each State; and

“(II) give priority to individuals with skills and experience for which there is an ongoing high demand in the nonprofit sector and government.

“(D) LISTED ORGANIZATIONS.—To be listed under subparagraph (A), an organization shall—

“(i) be a nonprofit organization; and

“(ii) submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, including—

“(I) a description of—

“(aa) the services and activities the organization carries out generally;

“(bb) the area of national need that the organization seeks to address through a service project; and

“(cc) the services and activities the organization seeks to carry out through the proposed service project;

“(II) a description of the skills and experience that an eligible Encore Fellowship recipient needs to be placed with the organization as an Encore Fellow for the service project;

“(III) a description of the training and leadership development the organization shall provide an Encore Fellow placed with the organization to assist the Encore Fellow in obtaining a public service job in the nonprofit sector or government after the period of the Encore Fellowship; and

“(IV) evidence of the organization's financial stability.

“(E) PLACEMENT.—

“(i) REQUEST FOR PLACEMENT WITH LISTED ORGANIZATIONS.—To be placed with a listed organization in accordance with subparagraph (B)(ii) for a service project, an eligible Encore Fellowship recipient shall submit an application for such placement to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

“(ii) REQUEST FOR PLACEMENT WITH OTHER ORGANIZATION.—An eligible Encore Fellowship

recipient may apply to the Corporation to serve the recipient's Encore Fellowship year with a nonprofit organization that is not a listed organization. Such application shall be submitted to the Corporation at such time, in such manner, and containing such information as the Corporation shall require, and shall include—

- “(I) an identification and description of—
 - “(aa) the organization;
 - “(bb) the area of national need the organization seeks to address; and
 - “(cc) the services or activities the organization carries out to address such area of national need;
- “(II) a description of the services the eligible Encore Fellowship recipient shall provide for the organization as an Encore Fellow; and
- “(III) a letter of support from the leader of the organization, including—
 - “(aa) a description of the organization's need for the eligible Encore Fellowship recipient's services;
 - “(bb) evidence that the organization is financially sound;
 - “(cc) an assurance that the organization will provide training and leadership development to the eligible Encore Fellowship recipient if placed with the organization as an Encore Fellow, to assist the Encore Fellow in obtaining a public service job in the nonprofit sector or government after the period of the Encore Fellowship; and
 - “(dd) a description of the training and leadership development to be provided to the Encore Fellowship recipient if so placed.
- “(iii) PLACEMENT AND AWARD OF FELLOWSHIP.—If the Corporation determines that the eligible Encore Fellowship recipient is able to meet the service needs (including skills and experience to address an area of national need) of the organization that the eligible fellowship recipient requests under clause (ii) or (iii), the Corporation shall—
 - “(I) approve the placement of the eligible Encore Fellowship recipient with the organization;
 - “(II) award the eligible Encore Fellowship recipient an Encore Fellowship for a period of 1 year and designate the eligible Encore Fellowship recipient as an Encore Fellow; and
 - “(III) in awarding the Encore Fellowship, make a payment, in the amount of \$11,000, to the organization to enable the organization to provide living expenses to the Encore Fellow for the year in which the Encore Fellow agrees to serve.
- “(F) MATCHING FUNDS.—An organization that receives an Encore Fellow under this subsection shall agree to provide, for the living expenses of the Encore Fellow during the year of service, non-Federal contributions in an amount equal to not less than \$1 for every \$1 of Federal funds provided to the organization for the Encore Fellow through the fellowship.
- “(G) TRAINING AND ASSISTANCE.—Each organization that receives an Encore Fellow under this subsection shall provide training, leadership development, and assistance to the Encore Fellow, and conduct oversight of the service provided by the Encore Fellow.
- “(H) LEADERSHIP DEVELOPMENT.—Each year, the Corporation shall convene current and former Encore Fellows to discuss the Encore Fellows' experiences related to service under this subsection and discuss strategies for increasing leadership and careers in public service in the nonprofit sector or government.
- “(c) EVALUATIONS.—The Corporation shall conduct an independent evaluation of the programs authorized under subsections (a) and (b) and widely disseminate the results, including recommendations for improvement, to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies.”.

SEC. 1804. INNOVATIVE AND MODEL PROGRAM SUPPORT.

Subtitle H is further amended by adding at the end the following:

“PART II—INNOVATIVE AND MODEL PROGRAM SUPPORT

“SEC. 198D. INNOVATIVE AND MODEL PROGRAM SUPPORT.

“(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may, through grants and fixed-amount grants (in accordance with section 129(l)), carry out the following programs:

“(1) PROGRAMS FOR DISADVANTAGED YOUTH.—A program selected from among those listed in 122(a) where no less than 75 percent of the participants are disadvantaged youth.

“(A) COMPONENTS OF PROGRAMS.—Such programs may include life skills training, employment training, educational counseling, program to complete a high-school diploma or GED, counseling, or a mentoring relationship with an adult volunteer.

“(B) PRIORITY.—Priority shall be given to programs that engage retirees to serve as mentors.

“(2) PROGRAMS THAT ENGAGE YOUTH UNDER THE AGE OF 17.—Programs that engage youth under the age of 17 in service to the community to meet unmet human, educational, environmental, emergency and disaster preparedness, or public safety needs and may be a summer program or a year-round program. Priority shall be given to programs that collaborate with the RSVP Program and the AmeriCorps programs.

“(3) PROGRAMS THAT REDUCE RECIDIVISM.—Programs that re-engage court-involved youth and adults with the goal of reducing recidivism. Priority shall be given to such programs that create support systems beginning in corrections facilities, and programs that have life skills training, employment training, an education program, including a program to complete a high-school diploma or GED, educational and career counseling, post program placement, and support services, which could begin in corrections facilities. The program may include health and wellness programs, including but not limited to drug and alcohol treatment, mental health counseling, and smoking cessation.

“(4) PROGRAMS THAT RECRUIT CERTAIN INDIVIDUALS.—Demonstration projects for programs that have as one of their primary purposes the recruitment and acceptance of court-involved youth and adults as participants, volunteers, or members. Such a program may serve any purpose otherwise permitted under this Act.

“(5) PROGRAMS THAT SUPPORT MENTORING.—Programs that support and strengthen direct-service youth mentoring programs by increasing State resources dedicated to mentoring and to allow mentoring partnerships to assist direct-service mentoring programs through subgrants, to promote quality standards for mentoring programs, to expand mentoring opportunities tailored to the needs and circumstances of youth, to increase the number of at-risk youth in the State receiving mentoring from screened and trained adult mentors; and

“(6) PROGRAMS THAT BUILD STATE AND NATIONAL MENTORING INFRASTRUCTURE.—Programs to create statewide Mentoring Partnerships or implement youth mentoring projects of national scope.

“(7) OTHER INNOVATIVE AND MODEL PROGRAMS.—Any other innovative and model programs that the Corporation considers appropriate.

“(b) REQUIREMENTS.—

“(1) THREE-YEAR TERM.—Each program funded under this part shall be carried out over a period of three years, which may include one planning year and two additional grant years, with a 1-year extension possible, if the program meets performance measures developed in ac-

cordance with section 179(a) and any other criteria determined by the Corporation.

“(2) MATCHING FUNDS.—

“(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which a grant is made under this part may not exceed 76 percent of the total cost of the program in the first year and may not exceed 50 percent of the total cost of the program for the remaining years of the grant, including if the grant is extended for 1 year.

“(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant under this part—

“(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

“(ii) may provide for such share through State sources or local sources, including private funds or donated services.

“(3) COLLABORATION ENCOURAGED.—Each program funded under this part is encouraged to collaborate with Learn and Serve, AmeriCorps, VISTA, and the National Senior Service Corps.

“(4) EVALUATION.—Upon completion of the program, the Corporation shall conduct an independent evaluation of the program and widely disseminate the results, including recommendations for improvement, to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies.

“(c) APPLICATIONS.—To be eligible to carry out a program under this part, an entity shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.”.

SEC. 1805. SOCIAL INNOVATION FUND.

Subtitle H is further amended by adding after Part II (as added by section 1804) the following new part:

“PART III—SOCIAL INNOVATION FUND

“SEC. 198E. SOCIAL INNOVATION FUND.

“(a) FINDINGS.—Congress finds the following:

“(1) Social entrepreneurs and other nonprofit community organizations are developing innovative and effective solutions to national and local challenges.

“(2) Increased public and private investment in replicating and expanding proven effective solutions developed by social entrepreneurs and other nonprofit community organizations, could allow those entrepreneurs and organizations to replicate and expand proven initiatives in communities.

“(3) Increased public and private investment to seed new solutions to our nation's most serious challenges will create a pipeline of new social innovations.

“(4) A Social Innovation Fund could leverage Federal investments to increase State, local, business, and philanthropic resources to replicate and expand proven solutions, and invest in seeding new innovations, to tackle specific identified community challenges.

“(b) PURPOSES.—The purposes of this section are—

“(1) to recognize and increase the impact of social entrepreneurs and other nonprofit community organizations in tackling national and local challenges;

“(2) to stimulate the development of a Social Innovation Fund that will increase private and public investment in nonprofit community organizations that are effectively addressing national and local challenges to allow such organizations to replicate and expand successful initiatives;

“(3) to assess the effectiveness of—

“(A) leveraging Federal investments to increase State, local, business, and philanthropic

resources to address national and local challenges;

“(B) providing resources to replicate and expand effective initiatives; and

“(C) seeding experimental initiatives; and

“(4) to strengthen the infrastructure to identify, invest in, and replicate and expand, initiatives with effective solutions to national and local challenges.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘community organization’ means a nonprofit organization that carries out innovative, effective initiatives to address community challenges;

“(2) the term ‘covered entity’ means—

“(A) an existing grantmaking institution (existing as of the date on which the institution applies for a grant under this section); or

“(B) a partnership between—

“(i) such an existing grantmaking institution; and

“(ii) an additional grantmaking institution, a State Commission, or a chief executive officer of a unit of general local government; or

“(C) an individual nonprofit organization; and

“(3) the term ‘issue area’ means an area described in subsection (f)(3).

“(d) PROGRAM.—The Corporation shall establish a Social Innovation Fund grant program to make grants on a competitive basis to eligible entities.

“(e) PERIODS; AMOUNTS.—

“(1) For covered entities described in subsection (c)(2)(A) and (B), the Corporation shall make such grants for periods of 5 years, and may renew the grants for additional periods of 5 years, in amounts of not less than \$1,000,000 and not more than \$10,000,000 per year.

“(2) For covered entities described in subsection (c)(2)(C), the Corporation shall make grants for up to 3 years, and may renew the grants for additional periods of 3 years, in amounts up to \$500,000 per year.

“(f) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

“(1) be a covered entity;

“(2) be focused on—

“(A) serving a specific local geographical area; or

“(B) addressing a specific issue area, in geographical areas that have the highest need in that issue area, as demonstrated by statistics concerning that need.

“(3) be focused on improving measurable outcomes relating to—

“(A) education for economically disadvantaged students;

“(B) child and youth development;

“(C) reductions in poverty or increases in economic opportunity for economically disadvantaged individuals;

“(D) health, including access to health care and health education;

“(E) resource conservation and local environmental quality;

“(F) individual or community energy efficiency;

“(G) civic engagement; or

“(H) reductions in crime;

“(4) For covered entities described in subsection (c)(2)(A) and (B), have an evidence-based decision-making strategy including, but not limited to—

“(A) use of evidence produced by prior rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials; and

“(B) a well-articulated plan to—

“(i) replicate and expand research-proven initiatives that have been shown to produce sizeable, sustained benefits to participants or society; or

“(ii) partner with a research organization to carry out rigorous evaluations to assess the effectiveness of approaches.

“(5) For covered entities described in subsection (c)(2)(C), have an evidence-based decision-making strategy including, but not limited to—

“(A) use of evidence produced by prior rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials; or

“(B) a well-articulated plan to—

“(i) conduct rigorous evaluations to assess the effectiveness of approaches; or

“(ii) partner with a research organization to carry out rigorous evaluations to assess the effectiveness of approaches to addressing national or local challenges.

“(6) For covered entities described in subsection (c)(2)(A) and (B), have a well-articulated process for assessing community organizations for subgrants; and

“(7) have appropriate policies, as determined by the Corporation, that protect against conflict of interest, self-dealing, and other improper practices.

“(g) APPLICATION.—To be eligible to receive a grant under subsection (d) for national leveraging capital, an eligible entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may specify, including, at a minimum—

“(1) an assurance that the eligible entity will—

“(A) use the funds received through that capital in order to make subgrants to community organizations that will use the funds to test new initiatives, or replicate or expand proven initiatives in low-income communities;

“(B) use the funds for growth capital or to test new initiatives;

“(C) in making decisions about subgrants for communities, consult with a diverse cross section of community representatives in the decisions, including individuals from the public, nonprofit, and for-profit private sectors; and

“(D) make subgrants of a sufficient size and scope to enable the community organizations to build their capacity to test or manage initiatives, and sustain replication or expansion of the initiatives;

“(2) an assurance that the eligible entity will not make any subgrants to the parent organizations of the eligible entity, a subsidiary organization of the parent organization, or, if the eligible entity applied for funds under this section as a partnership, any member of the partnership;

“(3) an identification of, as appropriate—

“(A) the specific local geographical area referred to in subsection (f)(2)(A) that the eligible entity is proposing to serve; or

“(B) geographical areas referred to in subsection (f)(2)(B) that the eligible entity is likely to serve;

“(4)(A) information identifying the issue areas in which the eligible entity will work to improve measurable outcomes;

“(B) statistics on the needs related to those issue areas in, as appropriate—

“(i) the specific local geographical area described in paragraph (3)(A); or

“(ii) the geographical areas described in paragraph (3)(B), including statistics demonstrating that those geographical areas have the highest need in the specific issue area that the eligible entity is proposing to address; and

“(C) information on the specific measurable outcomes related to the issue areas involved that the eligible entity will seek to improve;

“(5) information describing the process by which the eligible entity selected, or will select, community organizations to receive the subgrants, to ensure that the community organizations—

“(A) are institutions with proven initiatives, with track records of achieving specific out-

comes related to the measurable outcomes for the eligible entity, or are institutions that articulate a new solution with potential for substantial impact;

“(B) articulate measurable outcomes for the use of the subgrant funds that are connected to the measurable outcomes for the eligible entity;

“(C) will use the funds to test, replicate or expand their initiatives;

“(D) provide a well-defined plan for testing, replicating or expanding the initiatives funded;

“(E) can sustain the initiatives after the subgrant period concludes through reliable public revenues, earned income, or private sector funding;

“(F) have strong leadership and financial and management systems;

“(G) are committed to the use of data collection and evaluation for improvement of the initiatives;

“(H) will implement and evaluate innovative initiatives, to be important contributors to knowledge in their fields; and

“(I) will meet the requirements for providing matching funds specified in subsection (k);

“(6) information about the eligible entity, including its experience managing collaborative initiatives, or assessing applicants for grants and evaluating the performance of grant recipients for outcome-focused initiatives, and any other relevant information;

“(7) a commitment to meet the requirements of subsection (i) and a plan for meeting the requirements, including information on any funding that the eligible entity has secured to provide the matching funds required under that subsection;

“(8) a description of the eligible entity's plan for providing technical assistance and support, other than financial support, to the community organizations that will increase the ability of the community organizations to achieve their measurable outcomes;

“(9) information on the commitment, institutional capacity, and expertise of the eligible entity concerning—

“(A) collecting and analyzing data required for evaluations, compliance efforts, and other purposes;

“(B) supporting relevant research; and

“(C) submitting regular reports to the Corporation, including information on the initiatives of the community organizations, and the replication or expansion of such initiatives; and

“(10) a commitment to use data and evaluations to improve their model and be more transparent about its challenges; and

“(11) a commitment to cooperate with any evaluation activities undertaken by the Corporation.

“(h) SELECTION CRITERIA.—In selecting eligible entities to receive grants under this section, the Corporation shall—

“(1) select eligible entities on a competitive basis;

“(2) select eligible entities on the basis of the quality of their selection process, as described in subsection (g)(5), the capacity of the eligible entities to manage Social Innovation Funds, and the potential of the eligible entities to sustain the Funds after the conclusion of the grant period;

“(3) solicit broad community perspectives that inform grant-making decisions;

“(4) include among the grant recipients eligible entities that propose to provide subgrants to serve communities (such as rural low-income communities) that the eligible entities can demonstrate are significantly philanthropically underserved; and

“(5) select a geographically diverse set of eligible entities.

“(i) MATCHING FUNDS FOR GRANTS.—

“(1) IN GENERAL.—The Corporation may not make a grant to an eligible entity under this

section for a Community Solutions Fund unless the entity agrees that, with respect to the cost described in subsection (d) for that Fund, the entity will make available matching funds in an amount not less than \$1 for every \$1 of funds provided under the grant.

“(2) NON-FEDERAL SHARE.—The eligible entity shall provide the matching funds in cash.

“(j) RESERVED PROGRAM FUNDS FOR RESEARCH AND EVALUATION.—The Corporation may reserve up to 5 percent of total program funds appropriated to carry out this section for a fiscal year to support research and evaluation related to this section.

“(k) ADVISORY PANEL.—

“(1) IN GENERAL.—Under authority of section 195 (f) of the National and Community Service Act of 1990, the Chief Executive Officer, in consultation with the Board, shall establish an Advisory Panel to provide advice and input about carrying out this section. The Advisory Panel may collectively have experience in—

“(A) social entrepreneurship and social enterprise;

“(B) the management and operation of small nonprofit organizations and large nonprofit organizations;

“(C) business, including a business with experience working with a startup enterprises, experience growing businesses, experience with corporate social responsibility or a business with experience working with the nonprofit sector;

“(D) philanthropy, including an understanding of philanthropic challenges in urban and rural areas and in areas that are philanthropically underserved;

“(E) qualitative and quantitative social science research, including scientifically-rigorous evaluations of program effectiveness; data driven decision making and evidence-based policymaking;

“(F) volunteering, including effective volunteer management; and

“(G) government, including the management of government agencies and the role of government programs in providing services.

“(2) OTHER QUALIFICATIONS.—The Advisory Panel shall include a diverse range of individuals, including young people, and individuals from diverse economic, racial, ethnic, and religious backgrounds, and individuals from diverse geographic areas.

“(I) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.”.

SEC. 1806. CLEARINGHOUSES.

Subtitle H is further amended by adding at the end the following:

“PART IV—NATIONAL SERVICE PROGRAMS CLEARINGHOUSE

“SEC. 198F. NATIONAL SERVICE PROGRAMS CLEARINGHOUSE.

“(a) IN GENERAL.—The Corporation shall provide assistance, either by grant, contract, or cooperative agreement, to entities with expertise in the dissemination of information through clearinghouses to establish one or more clearinghouses for the national service laws.

“(b) FUNCTION OF CLEARINGHOUSE.—Such a clearinghouse may—

“(1) assist entities carrying out State or local service-learning and national service programs with needs assessments and planning;

“(2) conduct research and evaluations concerning service-learning or programs receiving assistance under the national service laws unless the recipient is receiving funds for such purpose under part III of subtitle B and under subtitle H;

“(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

“(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

“(4) facilitate communication among entities carrying out service-learning programs and programs offered under the national service laws and participants in such programs;

“(5) provide and disseminate information and curriculum materials relating to planning and operating service-learning programs and programs offered under the national service laws, to States, Territories, Indian tribes, and local entities eligible to receive financial assistance under the national service laws;

“(6) provide and disseminate information regarding methods to make service-learning programs and programs offered under the national service laws accessible to individuals with disabilities;

“(7) disseminate applications in languages other than English;

“(8)(A) gather and disseminate information on successful service-learning programs and programs offered under the national service laws, components of such successful programs, innovative curricula related to service-learning, and service-learning projects; and

“(B) coordinate the activities of the Clearinghouse with appropriate entities to avoid duplication of effort;

“(9) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs and programs offered under the national service laws;

“(10) assist organizations in recruiting, screening, and placing a diverse population of service-learning coordinators and program sponsors;

“(11) disseminate effective strategies for working with disadvantaged youth in national service programs as determined by organizations with an established expertise working with such youth;

“(12) collaborate with State and local Mentoring Partnerships and directly with youth mentoring organizations to disseminate effective strategies for the recruiting, training, and screening of responsible adult mentors and best practices for building quality relationships between adult mentors and youth mentees; and

“(13) carry out such other activities as the Chief Executive Officer determines to be appropriate.”.

Subtitle I—Training and Technical Assistance

SEC. 1821. TRAINING AND TECHNICAL ASSISTANCE.

Title I is further amended by adding at the end the following new subtitle:

“Subtitle J—Training and Technical Assistance

“SEC. 199N. TRAINING AND TECHNICAL ASSISTANCE.

“(a) IN GENERAL.—The Corporation shall conduct, either directly or through grants, contracts, or cooperative agreements, including through State Commissions on National and Community Service, appropriate training and technical assistance to—

“(1) programs receiving assistance under the national service laws; and

“(2) entities (particularly those in rural areas and underserved communities)—

“(A) that desire to carry out or establish national service programs;

“(B) that desire to apply for assistance under the national service laws; or

“(C) that desire to apply for a subgrant under the national service laws.

“(b) ACTIVITIES INCLUDED.—Such training and technical assistance activities may include—

“(1) providing technical assistance to those applying to carry out national service programs or those carrying out national service programs;

“(2) promoting leadership development in national service programs;

“(3) improving the instructional and programmatic quality of national service programs;

“(4) developing the management and budgetary skills of those operating or overseeing national service programs, including to increase the cost effectiveness of the programs under the national service laws;

“(5) providing for or improving the training provided to the participants in programs under the national service laws;

“(6) facilitating the education of national service programs in risk management procedures, including the training of participants in appropriate risk management practices;

“(7) training of those operating or overseeing national service programs in volunteer recruitment, management, and retention to improve the abilities of such individuals to use participants and other volunteers in an effective manner which results in high quality service and the desire of participants or volunteers to continue to serve in other capacities after the program is completed;

“(8) training of those operating or overseeing national service programs in program evaluation and performance measures to inform practices to augment the capacity and sustainability of the program;

“(9) training of those operating or overseeing national service programs to effectively accommodate people with disabilities to increase the participation of people with disabilities in national service programs. Such activities may utilize funding from the reservation of funds to increase the participation of individuals with disabilities as described in section 129(j);

“(10) establishing networks and collaboration among employers, educators, and other key stakeholders in the community to further leverage resources to increase local participation and to coordinate community-wide planning and service;

“(11) providing training and technical assistance for the National Senior Service Corps, including providing such training and technical assistance to programs receiving assistance under section 201 of the Domestic Volunteer Service Act of 1973; and

“(12) carrying out such other activities as the Chief Executive Officer determines to be appropriate.

“(c) PRIORITY.—The Corporation shall give priority to programs under the national service laws and those entities eligible to establish programs under the national service laws seeking training or technical assistance that—

“(1) seek to carry out high quality programs where the services are needed most;

“(2) seek to carry out high quality programs where national service programs do not currently exist or where the programs are too limited to meet community needs;

“(3) seek to carry out high quality programs that focus on and provide service opportunities for underserved rural and urban areas and populations; and

“(4) assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.”.

Subtitle J—Repeal of Title III (Points of Light Foundation)

SEC. 1831. REPEAL.

Title III (42 U.S.C. 12661 et seq.) is repealed.

Subtitle K—Amendments to Title V (Authorization of Appropriations)

SEC. 1841. AUTHORIZATION OF APPROPRIATIONS.

Section 501 (42 U.S.C. 12681) is amended to read as follows:

“SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

“(a) TITLE I.—

“(1) **SUBTITLE B.**—

“(A) **IN GENERAL.**—There are authorized to be appropriated to provide financial assistance under subtitle B of title I—

“(i) \$97,000,000 for fiscal year 2010; and

“(ii) such sums as may be necessary for each of fiscal years 2011 through 2014.

“(B) **PROGRAMS.**—Of the amount appropriated under subparagraph (A) for a fiscal year—

“(i) not more than 60 percent shall be available to provide financial assistance under part I of subtitle B of title I;

“(ii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle; and

“(iii) not less than 15 percent shall be available to provide financial assistance under part III of such subtitle.

“(C) **SPECIAL ALLOCATIONS.**—Of the amount appropriated under subparagraph (A) for a fiscal year, up to \$10,000,000 shall be for summer of service grants, \$20,000,000 for youth engagement zones, \$7,000,000 for Campuses of Service, and up to \$10,000,000 shall be deposited in the National Service Trust to support summer of service educational awards, consistent with section 120(c)(8).

“(2) **SUBTITLES C, D, AND H.**—

“(A) **IN GENERAL.**—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, to administer the National Service Trust and disburse national service educational awards and scholarships under subtitle D of title I, and to carry out such audits and evaluations as the Chief Executive Officer of the Corporation may determine to be necessary, such sums as may be necessary for each of fiscal years 2010 through 2014.

“(B) **PRIORITY.**—Notwithstanding any other provision of this Act, in obligating the amounts made available pursuant to the authorization of appropriations in subparagraph (C), priority shall be given to programs carried out in areas for which the President has declared the existence of a major disaster, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), as a consequence of Hurricanes Katrina and Rita.

“(3) **SUBTITLE E.**—There are authorized to be appropriated to operate the National Civilian Community Corps and provide financial assistance under subtitle E of title I, \$35,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2014.

“(4) **ADMINISTRATION.**—

“(A) **CORPORATION.**—There are authorized to be appropriated for the Corporation's administration of the national service laws such sums as may be necessary for each of fiscal years 2010 through 2014.

“(B) **STATE COMMISSIONS.**—There are authorized to be appropriated for assistance to State Commissions under section 126(a), such sums as may be necessary for each of fiscal years 2010 through 2014.

“(5) **TRAINING AND TECHNICAL ASSISTANCE.**—Of the amounts appropriated for a fiscal year under subtitles B, C, and H of title I of this Act and under titles I and II of the Domestic Volunteer Service Act of 1973, the Corporation shall reserve up to 2.5 percent to carry out subtitle J of this Act. Notwithstanding subsection (b), amounts so reserved shall be available only for the fiscal year for which they are reserved.

“(b) **AVAILABILITY OF APPROPRIATIONS.**—Funds appropriated under this section shall remain available until expended.”

TITLE II—AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

SEC. 2001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or re-

peal of a provision, the reference shall be considered to be made to a provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

Subtitle A—Amendments to Title I (National Volunteer Antipoverty Programs)

SEC. 2101. PURPOSE.

Section 2 (42 U.S.C. 4950) is amended—

(1) in subsection (a), by striking “both young and older citizens” and inserting “citizens of all ages and backgrounds”; and

(2) in subsection (b), by striking “local agencies” and all that follows through the period at the end and inserting “local agencies, expand relationships with, and support for, the efforts of civic, community, and educational organizations, and utilize the energy, innovative spirit, experience, and skills of all Americans.”

SEC. 2102. PURPOSE OF THE VISTA PROGRAM.

Section 101 (42 U.S.C. 4951) is amended—

(1) in the second sentence, by striking “affected with” and inserting “affected by”; and

(2) in the third sentence, by striking “local level” and all that follows through the period at the end and inserting “local level, to support efforts by local agencies and organizations to achieve long-term sustainability of projects, consistent with section 185 of the National and Community Service Act of 1990, initiated or expanded under the VISTA program activities, and to strengthen local agencies and community organizations to carry out the purpose of this part.”

SEC. 2103. APPLICATIONS.

Section 103 (42 U.S.C. 4953) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “the Commonwealth of the Northern Mariana Islands,” after “American Samoa,”; and

(B) in paragraph (2)—

(i) by striking “handicapped” and inserting “disabled”; and

(ii) by striking “handicaps” and inserting “disabilities”;

(C) in paragraph (3), by striking “jobless, the hungry, and low-income” and inserting “unemployed, the hungry, and low-income”;

(D) in paragraph (4), by striking “prevention, education,” and inserting “through prevention, education, rehabilitation, and treatment,”;

(E) in paragraph (5), by inserting “, mental illness,” after “including”;

(F) in paragraph (6), by striking “; and” and inserting a semicolon;

(G) in paragraph (7), by striking the period and inserting a semicolon; and

(H) by adding at the end the following new paragraphs:

“(8) in the re-entry and re-integration of formerly incarcerated youth and adults into society, including life skills training, employment training, counseling, educational training, and educational counseling;

“(9) in developing and carrying out financial literacy, financial planning, budgeting, savings, and reputable credit accessibility programs in low-income communities, including those programs which educate on financing home ownership and higher education;

“(10) in initiating and supporting before-school and after-school programs servicing children in low-income communities that may engage participants in mentoring relationships, tutoring, life skills, or study skills programs, service-learning, physical, nutrition, and health education programs, including programs aimed at fighting childhood obesity, and other activities addressing the needs of the community's children;

“(11) in establishing and supporting community economic development initiatives, including micro-enterprises, with a priority on such programs in rural areas and other areas where such programs are needed most;

“(12) in assisting veterans and their families through establishing or augmenting programs which assist such persons with access to legal assistance, health care (including mental health), employment counseling or training, education counseling or training, affordable housing, and other support services; and

“(13) in addressing the health and wellness of low-income and underserved communities, including programs to increase access to preventive services, insurance, and health care.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “recruitment and placement procedures” and inserting “placement procedures that involve sponsoring organizations and”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “related to the recruitment and” and inserting “related to the”;

(II) by striking “in conjunction with recruitment and” and inserting “in conjunction with the”;

(III) by striking “1993. Upon” and all that follows through the period at the end and inserting “1993.”;

(ii) in subparagraph (B), by striking “central information system that shall, on request, promptly provide” and inserting “database that provides”;

(iii) in subparagraph (C)—

(I) by striking “timely and effective” and inserting “timely and cost-effective”; and

(II) by striking “the recruitment of volunteers” and inserting “recruitment and management of volunteers”;

(C) in paragraph (3), by adding at the end the following: “The Director shall give priority to—

“(A) disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) and low-income adults; and

“(B) retired adults of any profession, but with an emphasis on those professions whose services and training are most needed in a community, such as the health care professions, teaching, counseling, and engineering and other professions requiring a high level of technical and project management skills, to utilize their experience, including professional skills, in the VISTA program.”;

(D) in paragraph (5)(B), by striking “information system” and inserting “database”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “personnel described in subsection (b)(2)(C)” and inserting “personnel described in subsection (b)(2)(C) and sponsoring organizations”;

(ii) in subparagraph (A), by inserting “the Internet and related technologies,” after “television,”;

(iii) in subparagraph (B), by inserting “Internet and related technologies,” after “through the”;

(iv) in subparagraph (C), by inserting after “senior citizens organizations,” the following: “offices of economic development, State employment security agencies, employment offices,”;

(v) in subparagraph (F), by striking “National and Community Service Trust Act of 1993” and inserting “National and Community Service Act of 1990”; and

(vi) in subparagraph (G), by striking “, on request,”;

(B) in paragraph (3), by striking “this subsection” and inserting “this subsection and related public awareness and recruitment activities under the national service laws”; and

(C) in paragraph (4)—

(i) by striking “Beginning” and all that follows through “for the purpose” and inserting “For the purpose”; and

(ii) by striking “1.5 percent” and inserting “2 percent”;

(4) by amending the second sentence of subsection (d) to read as follows: "Whenever feasible, such efforts shall be coordinated with an appropriate local workforce investment board established under section 117 of the Workforce Investment Act of 1998.";

(5) in subsection (g) by striking "and has been submitted to the Governor" and all that follows and inserting a period; and

(6) by adding at the end the following:

"(i) The Director may enter into agreements under which public and private nonprofit organizations, with sufficient financial capacity and size, pay for all or a portion of the costs of supporting the service of volunteers under this title, consistent with the provisions of section 186 of the National and Community Service Act of 1990."

SEC. 2104. VISTA PROGRAMS OF NATIONAL SIGNIFICANCE.

Part A of title I is amended by inserting after section 103 (42 U.S.C. 4953) the following:

"SEC. 103A. VISTA PROGRAMS OF NATIONAL SIGNIFICANCE.

"(a) IN GENERAL.—With not less than one-third of the funds made available under subsection (d) in each fiscal year, the Director shall make grants for VISTA positions to support programs of national significance. Each program for which a grant is received under this subsection shall be carried out in accordance with the requirements applicable to that program.

"(b) ACTIVITIES SUPPORTED.—The Director shall make grants under subsection (a) to support one or more of the following programs to address problems that concern low-income and rural communities in the Nation:

"(1) In the re-entry and re-integration of formerly incarcerated youth and adults into society, including life skills training, employment training, counseling, educational training, and educational counseling.

"(2) In developing and carrying-out financial literacy, financial planning, budgeting, savings, and reputable credit accessibility programs in low-income communities, including those programs which educate on financing home ownership and higher education.

"(3) In initiating and supporting before-school and after-school programs in low-income communities that may include such activities as establishing mentoring relationships, physical education, tutoring, instruction in 21st century thinking skills, life skills, and study skills, community service, service-learning, nutrition and health education, and other activities aimed at keeping children, safe, educated, and healthy, which serve the children in such community.

"(4) In establishing and supporting community economic development initiatives, including micro-enterprises, with a priority on such programs in rural areas and areas where such programs are needed most.

"(5) In assisting veterans and their families through establishing or augmenting programs which assist such persons with access to legal assistance, health care (including mental health), employment counseling or training, education counseling or training, affordable housing, and other support services.

"(6) In addressing the health and wellness of low-income and underserved communities across our Nation, including programs to fight childhood obesity through nutrition, physical fitness, and other associated life skills education programs and programs to increase access to preventive services, insurance, and health care.

"(c) REQUIREMENTS.—

"(1) ELIGIBILITY.—In order to receive a grant under subsection (a), an applicant shall submit an application to the Director at such time and in such manner as the Director requires and receive approval of the application. Such application shall, at a minimum, demonstrate to the Di-

rector a level of expertise in carrying out such a program.

"(2) SUPPLEMENT NOT SUPPLANT.—Funds made available under subsection (d) shall be used to supplement and not supplant the number of VISTA volunteers engaged in programs addressing the problem for which such funds are awarded unless such sums are an extension of funds previously provided under this title.

"(d) FUNDING.—

"(1) IN GENERAL.—From the amounts appropriate under section 501 for each fiscal year there shall be available to the Director such sums as may be necessary to make grants under subsection (a).

"(2) LIMITATION.—No funds shall be made available to the Director to make grants under subsection (a) unless the amounts appropriated under section 501 available for such fiscal year to carry out part A are sufficient to maintain the number of projects and volunteers funded under part A in the preceding fiscal year.

"(e) INFORMATION.—The Director shall widely disseminate information on grants that may be made under this section, including through volunteer recruitment programs being carried out by public or private non-profit organizations."

SEC. 2105. TERMS AND PERIODS OF SERVICE.

Section 104(d) (42 U.S.C. 4954(d)) is amended—

(1) in the first sentence, by striking "with the terms and conditions of their service." and inserting "with the terms and conditions of their service or any adverse action, such as termination, proposed by the sponsoring organization. The procedure shall provide for an appeal to the Director of any proposed termination."; and

(2) in the third sentence (as amended by this section), by striking "and the terms and conditions of their service".

SEC. 2106. SUPPORT SERVICE.

Section 105(a)(1)(B) (42 U.S.C. 4955(a)(1)(B)) is amended by striking "Such stipend" and all that follows through "in the case of persons" and inserting "Such stipend shall be set at a minimum of \$125 per month and a maximum of \$150 per month, subject to the availability of funds to accomplish such a maximum. The Director may provide a stipend of \$250 per month in the case of persons".

SEC. 2107. SECTIONS REPEALED.

The following provisions are repealed:

(1) VISTA LITERACY CORPS.—Section 109 (42 U.S.C. 4959).

(2) UNIVERSITY YEAR FOR VISTA.—Part B of title I (42 U.S.C. 4971 et seq.).

(3) LITERACY CHALLENGE GRANTS.—Section 124 (42 U.S.C. 4995).

SEC. 2108. CONFORMING AMENDMENT.

Section 121 (42 U.S.C. 4991) is amended in the second sentence by striking "situations" and inserting "organizations".

SEC. 2109. FINANCIAL ASSISTANCE.

Section 123 (42 U.S.C. 4993) is amended—

(1) in the section heading by striking "TECHNICAL AND"; and

(2) by striking "technical and".

Subtitle B—Amendments to Title II (National Senior Volunteer Corps)

SEC. 2201. CHANGE IN NAME.

Title II (42 U.S.C. 5000 et seq.) is amended in the title heading by striking "NATIONAL SENIOR VOLUNTEER CORPS" and inserting "NATIONAL SENIOR SERVICE CORPS".

SEC. 2202. PURPOSE.

Section 200 (42 U.S.C. 5000) is amended to read as follows:

"SEC. 200. STATEMENT OF PURPOSE.

"It is the purpose of this title to provide—

"(1) opportunities for senior service to meet unmet local, State, and national needs in the areas of education, public safety, emergency

and disaster preparedness, relief, and recovery, health and human needs, and the environment;

"(2) for the National Senior Service Corps, comprised of the Retired and Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program, and demonstration and other programs to empower people 55 years of age or older to contribute to their communities through service, enhance the lives of those who serve and those whom they serve, and provide communities with valuable services;

"(3) opportunities for people 55 years of age or older, through the Retired and Senior Volunteer Program, to share their knowledge, experiences, abilities, and skills for the betterment of their communities and themselves;

"(4) opportunities for low-income people 55 years of age or older, through the Foster Grandparents Program, to have a positive impact on the lives of children in need;

"(5) opportunities for low-income people 55 years of age or older, through the Senior Companion Program, to provide critical support services and companionship to adults at risk of institutionalization and who are struggling to maintain a dignified independent life; and

"(6) for research, training, demonstration, and other program activities to increase and improve opportunities for people 55 years of age or older to meet unmet needs, including those related to public safety, public health, and emergency and disaster preparedness, relief, and recovery, in their communities."

SEC. 2203. GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS.

Section 201 (42 U.S.C. 5001) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "avail themselves of opportunities for volunteer service in their community" and inserting "share their experiences, abilities, and skills for the betterment of their communities and themselves through service";

(B) in paragraph (2), by striking "and individuals 60 years of age or older will be given priority for enrollment";

(C) in paragraph (3), by inserting "either prior to or during the volunteer service" after "may be necessary"; and

(D) by striking paragraph (4) and inserting the following:

"(4) the project is being designed and implemented with the advice of experts in the field of service to be delivered as well as with those who have expertise in the recruitment and management of volunteers, particularly those of the Baby Boom generation.";

(2) by amending subsection (c) to read as follows:

"(c) The Director shall give priority to projects—

"(1) utilizing retired scientists, technicians, engineers, and mathematicians (the STEM professionals) to improve Science, Technology, Engineering, and Mathematics (STEM) education through activities such as assisting teachers in classroom demonstrations or laboratory experiences, running after-school, weekend, or summer programs designed to engage disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) or low-income, minority youth in the STEM fields and to improve mastery of the STEM content, providing field trips to businesses, institutions of higher education, museums, and other locations where the STEM professions are practiced or illuminated;

"(2) utilizing retired health care professionals to improve the health and wellness of low income or rural communities;

"(3) utilizing retired criminal justice professionals for programs designed to prevent disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) from joining gangs or committing crimes;

“(4) utilizing retired military and emergency professionals for programs to improve public safety, emergency and disaster preparedness, relief, and recovery, search and rescue, and homeland security efforts; and

“(5) utilizing retired computer science professionals, technicians of related technologies, business professionals, and others with relevant knowledge to increase, for low income individuals and families, access to and obtaining the benefits from computers and other existing and emerging technologies.”; and

(3) by adding at the end the following:

“(e) COMPETITIVE GRANT AWARDS REQUIRED.—

“(1) IN GENERAL.—Effective for fiscal year 2013 and each fiscal year thereafter, each grant or contract awarded under this section in such a year shall be—

“(A) awarded for a period of 3 years; and

“(B) awarded through a competitive process.

“(2) ELEMENTS OF COMPETITIVE PROCESS.—The competitive process required by paragraph (1)(B)—

“(A) shall include the use of a peer review panel, including members with expertise in senior service and aging;

“(B) shall ensure that—

“(i) the resulting grants (or contracts) support no less than the volunteer service years of the previous grant (or contract) cycle in a given geographic service area;

“(ii) the resulting grants (or contracts) maintain a similar program distribution; and

“(iii) every effort is made to minimize the disruption to volunteers; and

“(C) shall include the performance measures, outcomes, and other criteria established under subsection (f).

“(3) ESTABLISHMENT OF COMPETITIVE PROCESSES.—The Corporation shall establish and make available the competitive process required by paragraph (1)(B) no later than 18 months after the date of the enactment of this subsection. The Corporation shall consult with the program directors of the Retired Senior Volunteer Program during development and implementation of the competitive process.

“(f) EVALUATION PROCESS REQUIRED.—

“(1) IN GENERAL.—Notwithstanding section 412, and effective beginning 180 days after the date of the enactment of this subsection, each grant or contract under this section that expires in fiscal year 2011, 2012, and 2013 shall be subject to an evaluation process. The evaluation process shall be carried out, to the maximum extent practicable, in fiscal year 2010, 2011, and 2012, respectively.

“(2) ELEMENTS OF EVALUATION PROCESS.—The evaluation process required by paragraph (1)—

“(A) shall include performance measures, outcomes, and other criteria; and

“(B) shall evaluate the extent to which the recipient of the grant or contract meets or exceeds such performance measures, outcomes, and other criteria.

“(3) ESTABLISHMENT OF EVALUATION PROCESSES.—The Corporation shall, in collaboration and consultation with program directors of the Retired Senior Volunteer Program, establish and make available the evaluation process required by paragraph (1), including the performance measures, outcomes, and other criteria required by paragraph (2)(A), with particular attention to the different needs of rural and urban programs. The processes shall be established and made available, including notification of the available training and technical assistance, no later than 180 days after the date of the enactment of this subsection.

“(4) EFFECT OF FAILING TO MEET PERFORMANCE MEASURES.—If the evaluation process determines that the recipient has failed to meet or exceed the performance measures, outcomes, and

other criteria established under this subsection, the grant or contract shall not be renewed. Any successor grant or contract shall be awarded through the competitive process described in subsection (e)(1).

“(5) SPECIAL RULE.—The Corporation may continue to fund a program which has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection for up to 12 months if competition does not result in a successor grant or contract for such program, in order to minimize the disruption to volunteers and disruption of services. In such a case, outreach shall be conducted and a new competition shall be established. The previous recipient shall remain eligible for the new competition.

“(6) PERFORMANCE MEASURES.—

“(A) IN GENERAL.—The performance measures, outcomes, and other criteria established under this subsection may be updated or modified as necessary, in consultation with program directors for the Retired Senior Volunteer Program, but no earlier than fiscal year 2014.

“(B) OPERATIONAL PROBLEMS.—Effective for fiscal years before fiscal year 2014, the Corporation may, after consulting with program directors of the Retired Senior Volunteer Program, determine that a performance measure, outcome, or criterion established under this subsection is operationally problematic, and may, in consultation with program directors of the Retired Senior Volunteer Program and after notifying the appropriate committees of Congress—

“(i) eliminate the use of that performance measure, outcome, or criterion; or

“(ii) modify that performance measure, outcome, or criterion as necessary to render it no longer operationally problematic.

“(g) ONLINE RESOURCE GUIDE.—The Corporation shall develop and disseminate an online resource guide for the Retired Senior Volunteer Program within 180 days after the date of the enactment of this subsection, which shall include, but not be limited to—

“(1) examples of high performing programs;

“(2) corrective actions for underperforming programs; and

“(3) examples of meaningful outcome-based performance measures that capture a program's mission and priorities.

“(h) REPORT TO CONGRESS.—Not later than September 30, 2013, the Corporation shall submit to the appropriate committees of Congress a report on—

“(1) the number of programs that did not meet or exceed the established performance measures, outcomes, and other criteria established under subsection (f);

“(2) the number of new grants awarded;

“(3) the challenges to the implementation of evaluation and competition, including but not limited to geographic distribution and the minimization of disruption to volunteers; and

“(4) how the current program geographic distribution affects recruitment for the Retired Senior Volunteer Program.”.

SEC. 2204. FOSTER GRANDPARENT PROGRAM GRANTS.

Section 211 (42 U.S.C. 5011) is amended—

(1) in subsection (a)—

(A) by striking “low-income persons aged sixty or over” and inserting “low-income and other persons aged 55 or over”; and

(B) by striking “children having exceptional needs” and inserting “children having special or exceptional needs or with conditions or circumstances identified as limiting their academic, social, or emotional development”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “shall have the exclusive authority to determine, pursuant to the provisions of

paragraph (2) of this subsection—” and inserting “may determine—”;

(ii) in subparagraph (A), by striking “and”;

(iii) in subparagraph (B), by striking the period and inserting “; and”; and

(iv) by adding after subparagraph (B) the following:

“(C) whether it is in the best interests of a child receiving, and of a particular foster grandparent providing, services in such a project, to continue such relationship after the child reaches the age of 21, if such child was receiving such services prior to attaining the age of 21.”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2);

(D) in paragraph (2) (as redesignated by this section), by striking “paragraphs (1) and (2)” and inserting “paragraph (1)”; and

(E) by adding after paragraph (2) (as redesignated by this section) the following:

“(3) If an assignment of a foster grandparent is suspended or discontinued, the replacement of that foster grandparent shall be determined through the mutual agreement of all parties involved in the provision of services to the child.”;

(3) in subsection (d), in the second sentence, by striking “Any stipend” and all that follows through “inflation,” and inserting “Any stipend or allowance provided under this part shall not exceed 75 percent of the minimum wage under section 6 the Fair Labor Standards Act of 1938 (29 U.S.C. 206), and the Federal share shall not be less than \$2.65 per hour, provided that the Director shall adjust the Federal share once prior to December 31, 2012, to account for inflation.”;

(4) in subsection (e)—

(A) in paragraph (1), by striking “125” and inserting “200”; and

(B) in paragraph (2), by striking “, as so adjusted” and all that follows through “local situations”;

(5) by striking subsection (f) and inserting:

“(f)(1) Subject to the restrictions in paragraph (3), individuals who are not low-income persons may serve as volunteers under this part. The regulations issued by the Director to carry out this part (other than regulations relating to stipends or allowances to individuals authorized by subsection (d)) shall apply to all volunteers under this part, without regard to whether such volunteers are eligible to receive a stipend or allowance under subsection (d).

“(2) Except as provided under paragraph (1), each recipient of a grant or contract to carry out a project under this part shall give equal treatment to all volunteers who participate in such project, without regard to whether such volunteers are eligible to receive a stipend or allowance under subsection (d).

“(3) An individual who is not a low-income person may not become a volunteer under this part if allowing that individual to become a volunteer under this part would prevent a low-income person from becoming a volunteer under this part or would displace a low-income person from being a volunteer under this part.”; and

(6) by adding at the end the following new subsections:

“(g) The Director may also provide a stipend or allowance in an amount not to exceed 10 percent more than the amount established under subsection (d) to leaders who, on the basis of past experience as volunteers, special skills, and demonstrated leadership abilities, may coordinate activities, including training, and otherwise support the service of volunteers under this part.

“(h) The program may accept up to 15 percent of volunteers serving in a project under this part for a fiscal year who do not meet the definition of ‘low-income’ under subsection (e), upon certification by the recipient of a grant or contract

that it is unable to effectively recruit and place low-income volunteers in the number of placements approved for the project.”.

SEC. 2205. SENIOR COMPANION PROGRAM GRANTS.

Section 213 (42 U.S.C. 5013) is amended—

(1) in subsection (a), by striking “low-income persons aged 60 or over” and inserting “low-income and other persons aged 55 or over”;

(2) in subsection (b), by striking “Subsections (d), (e), and (f)” and inserting “Subsections (d) through (h)”;

(3) by striking subsection (c)(2)(B) and inserting the following:

“(B) Senior companion volunteer trainers and leaders may receive a stipend or allowance consistent with subsection (g) authorized under subsection (d) of section 211, as approved by the Director.”.

SEC. 2206. PROMOTION OF NATIONAL SENIOR SERVICE CORPS.

Section 221 (42 U.S.C. 5021) is amended—

(1) in the section heading, by striking “VOLUNTEER” and inserting “SERVICE”; and

(2) in subsection (b)(2), by inserting “of all ages and backgrounds living in rural, suburban, and urban localities” after “greater participation of volunteers”.

SEC. 2207. TECHNICAL AMENDMENTS.

(a) CHANGE IN AGE ELIGIBILITY.—Section 223 (42 U.S.C. 5023) is amended by striking “sixty years and older from minority groups” and inserting “55 years and older from minority and underserved populations”.

(b) NAME CHANGE.—Section 224 (42 U.S.C. 5024) is amended in the heading by striking “VOLUNTEER” and inserting “SERVICE”.

SEC. 2208. PROGRAMS OF NATIONAL SIGNIFICANCE.

Section 225 (42 U.S.C. 5025) is amended—

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

“(2) Applicants for grants under paragraph (1) shall determine which program under part A, B, or C the program shall be carried out and submit an application as required for programs under part A, B, or C.”; and

(B) by adding at the end the following:

“(4) To the maximum extent practicable, the Director shall ensure that at least 25 percent of the grants under this subsection are made to applicants not receiving assistance from the Corporation at the time of such grant and, when possible, from locations where no programs under part A, B, or C are in effect at the time of such grant. In a fiscal year where less than 25 percent of the applicants are applicants not receiving such assistance, the Director may make more than 75 percent of such grants to applicants receiving such assistance.”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting before the period at the end the following: “or Alzheimer’s disease, with an intent of allowing those served to age in place”;

(B) in paragraph (2), by inserting before the period at the end the following: “through education, prevention, treatment, and rehabilitation”;

(C) in paragraph (3), by inserting before the period at the end the following: “, including programs that teach parenting skills, life skills, and family management skills”;

(D) by amending paragraph (4) to read as follows:

“(4) Programs that establish and support mentoring programs for disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990), including those mentoring programs that match youth with volunteer mentors leading to apprenticeship programs and employment training.”;

(E) in paragraph (5), by inserting before the period at the end the following: “, including

those programs that serve youth and adults with limited English proficiency”;

(F) in paragraph (6), by striking “and” and all that follows through the period and insert “and for individuals and children with disabilities or chronic illnesses living at home.”;

(G) in paragraph (7), by striking “after-school activities” and all that follows through the period at the end and inserting “after-school programs serving children in low-income communities that may engage participants in mentoring relationships, tutoring, life skills or study skills programs, service-learning, physical, nutrition, and health education programs, including programs aimed at fighting childhood obesity, and other activities addressing the needs of the community’s children, including those of working parents.”;

(H) by striking paragraphs (8), (9), (12), (13), (14), (15), (16), and (18);

(I) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively;

(J) by inserting after paragraph (9) (as so redesignated) the following:

“(10) Programs that engage older adults with children and youth to complete service in energy conservation, environmental stewardship, or other environmental needs of a community, including conducting energy audits, insulating homes, or conducting other activities to promote energy efficiency.

“(11) Programs that collaborate with criminal justice professionals and organizations in prevention programs aimed at disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) or youth re-entering society after incarceration and their families, which may include mentoring and counseling, which many include employment counseling.”;

(K) by redesignating paragraph (17) as paragraph (12); and

(L) by adding at the end the following:

“(13) Programs that strengthen community efforts in support of homeland security.”;

(3) in subsection (c)(1), by striking “shall demonstrate to the Director” and all that follows through the period at the end and inserting “shall demonstrate to the Director a level of expertise in carrying out such a program.”; and

(4) in subsection (e)—

(A) by inserting “widely” before “disseminate”;

(B) by striking “to field personnel” and all that follows through the period at the end and inserting “, including through volunteer recruitment programs being carried out by public or private non-profit organizations.”.

SEC. 2209. ADDITIONAL PROVISIONS.

Part D of title II (42 U.S.C. 5000 et seq.) is amended by adding after section 227 the following:

“SEC. 228. CONTINUITY OF SERVICE.

“To ensure the continued service of individuals in communities served by the Retired and Senior Volunteer Program prior to enactment of this section, in making grants under this title the Corporation shall take actions it considers necessary to maintain service assignments for such seniors and to ensure continuity of service for communities.

“SEC. 229. ACCEPTANCE OF DONATIONS.

“(a) IN GENERAL.—Except as provided in subsection (b), a program receiving assistance under this title may accept donations, including donations in cash or in kind.

“(b) EXCEPTION.—Notwithstanding subsection (a), a program receiving assistance under this title shall not accept donations from the beneficiaries of the program.”.

SEC. 2210. AUTHORITY OF DIRECTOR.

Section 231 (42 U.S.C. 5028) is amended—

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—

“(1) ACTIVITIES AUTHORIZED.—The Director is authorized to—

“(A) make grants to or enter into contracts with public or nonprofit organizations, including organizations funded under part A, B, or C, for the purposes of demonstrating innovative activities involving older Americans as volunteers; and

“(B) make incentive grants under subsection (d).

“(2) SUPPORT OF VOLUNTEERS.—The Director may support under this part both volunteers receiving stipends and volunteers not receiving stipends.”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “subsection (a)” and inserting “subsection (a)(1)(A)”;

(B) in paragraph (1), by striking “activities,” and inserting “activities described in section 225(b) and carried out through programs described in parts A, B, and C.”; and

(C) by striking paragraphs (2) and (3) and inserting the following:

“(2) programs that support older Americans in aging in place while augmenting the capacity of members of a community to serve each other through reciprocal service centers, service credit banking, community economic scripts, barter services, timebanking, and other similar programs where services are exchanged and not paid for; or

“(3) grants to non-profit organizations to establish sites or programs to—

“(A) assist retiring or retired individuals in locating opportunities for—

“(i) public service roles, including through paid or volunteer service;

“(ii) participating in life-planning programs, including financial planning and issues revolving around health and wellness; and

“(iii) continuing education, including leadership development, health and wellness, and technological literacy; and

“(B) connect retiring or retired individuals with members of the community to serve as leaders and mentors in life planning, relationships, employment counseling, education counseling, and other areas of expertise as developed by the retiring or retired adults.”; and

(3) by adding at the end the following:

“(c) PRIORITY.—For purposes of subsection (b)(2), priority shall be given to—

“(1) programs with established experience in carrying out such a program and engaging the entire community in service exchange;

“(2) programs with the capacity to connect to similar programs throughout a city or region to augment the available services to older Americans and for members of the community to serve each other;

“(3) programs seeking to establish in an area where needs of older Americans are left unmet and older Americans are unable to consider aging in place without such service exchange in place; and

“(4) programs that integrate participants in or collaborate with service-learning programs, AmeriCorps State and National programs, the VISTA program, the Retired and Senior Volunteer Program, Foster Grandparents program, and the Senior Companion programs, and programs described in section 411 of the Older Americans Act of 1965 (42 U.S.C. 3032).

“(d) INCENTIVE GRANTS.—The incentive grants referred to in subsection (a)(1)(B) are incentive grants to programs receiving assistance under this title, subject to the following:

“(1) Such grants (which may be fixed-amount grants) shall be grants in an amount equal to \$300 per volunteer enrolled in the program, except that such amount shall be reduced as necessary to meet the goals of this section.

“(2) Such a grant shall be awarded to a program only if the program—

“(A) exceeds performance measures established under section 179 of the National and Community Service Act of 1990;

“(B) provides non-Federal matching funds in an amount that is not less than 50 percent of the amount received by the program under this title;

“(C) enrolls more than 50 percent of the volunteers in outcome-based service programs with measurable objectives meeting community needs, as determined by the Corporation; and

“(D) enrolls more volunteers from among members of the Baby Boom generation, as defined in section 101 of the National and Community Service Act of 1990, than were enrolled in the program during the previous fiscal year.

“(3) For each such grant, the Corporation shall require the recipient to provide matching funds of 70 cents from non-Federal sources for every \$1 provided under the grant.

“(4) Such a grant shall be awarded to a program only if the program submits, at such time and in such manner as the Corporation may reasonably require, an application that contains—

“(A) a demonstration that the program has met the requirements of paragraph (2);

“(B) if applicable, a plan for innovative programs as described in paragraph (6)(B)(ii);

“(C) a sustainability plan that describes how the program will maintain the activities described in paragraph (6) when the grant terminates; and

“(D) other information that the Corporation may require.

“(5) Such grants shall be awarded for a period of 3 years, except that the grant shall be reviewed by the Corporation at the end of the first and second fiscal years and revoked if the Corporation finds that the program has failed to continue to meet the requirements of paragraph (2) for those fiscal years.

“(6) Such grants—

“(A) shall be used to increase the number of volunteers in outcome-based service with measurable objectives meeting community needs as determined by the Corporation; and

“(B) may be used—

“(i) for activities for which the program is authorized to receive assistance under this title; and

“(ii) for innovative programs focused on the Baby Boom generation, as defined in section 101 of the National and Community Service Act of 1990, that have been accepted by the Corporation through the application process in paragraph (4) and are outcome-based programs with measurable objectives meeting community needs as determined by the Corporation.

“(7) The Director shall, in making such grants, give high priority to programs receiving assistance under section 201.”

Subtitle C—Amendments to Title IV (Administration and Coordination)

SEC. 2301. NONDISPLACEMENT.

Section 404(a) (42 U.S.C. 5044(a)) is amended by striking “displacement of employed workers” and inserting “displacement of employed workers or volunteers (other than participants under the national service laws)”.

SEC. 2302. NOTICE AND HEARING PROCEDURES.

Section 412(a) (42 U.S.C. 5052(a)) is amended—

(1) in paragraph (2)—

(A) by striking “75” and inserting “60”; and

(B) by adding “and” at the end;

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

SEC. 2303. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) in paragraph (2), by inserting “, the Commonwealth of the Northern Mariana Islands” after “American Samoa”;

(2) in paragraph (13), by striking “National Senior Volunteer Corps” and inserting “National Senior Service Corps”; and

(3) in paragraph (14)—

(A) by striking “National Senior Volunteer Corps” and inserting “National Senior Service Corps”; and

(B) by striking “parts A, B, C, and E of”;

SEC. 2304. PROTECTION AGAINST IMPROPER USE.

Section 425 (42 U.S.C. 5065) is amended by striking “National Senior Volunteer Corps” and inserting “National Senior Service Corps”.

Subtitle D—Amendments to Title V (Authorization of Appropriations)

SEC. 2401. AUTHORIZATION OF APPROPRIATIONS FOR VISTA AND OTHER PURPOSES.

Section 501 (42 U.S.C. 5081) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “, excluding section 109” and all that follows and inserting “\$100,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2014.”;

(B) by striking paragraphs (2) and (4) and redesignating paragraphs (3) and (5) as paragraphs (2) and (3); and

(C) in paragraph (2) (as redesignated by this section), by striking “, excluding section 125” and all that follows and inserting “such sums as may be necessary for each of fiscal years 2010 through 2014.”; and

(2) by striking subsection (e).

SEC. 2402. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SENIOR SERVICE CORPS.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

“SEC. 502. NATIONAL SENIOR SERVICE CORPS.

“(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, \$70,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2014.

“(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, \$115,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2014.

“(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, \$55,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2014.

“(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II such sums as may be necessary for each of fiscal years 2011 through 2014.”

TITLE III—AMENDMENTS TO OTHER LAWS

SEC. 3101. INSPECTOR GENERAL ACT OF 1978.

Section 8F(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “National and Community Service Trust Act of 1993” and inserting “National and Community Service Act of 1990”.

TITLE IV—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

SEC. 4101. TABLE OF CONTENTS FOR THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Section 1(b) of the National and Community Service Act of 1990 (42 U.S.C. 12501 note) is amended to read as follows:

“(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

“Sec. 1. Short title and table of contents.

“Sec. 2. Findings and purpose.

“Sec. 3. Sense of Congress.

“TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

“Subtitle A—General Provisions

“Sec. 101. Definitions.

“Sec. 102. Authority to make State grants.

“Subtitle B—School-Based and Community-Based Service-Learning Programs

“PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY STUDENTS

“Sec. 111. Assistance to States, Territories, and Indian tribes.

“Sec. 112. Allotments.

“Sec. 113. Applications.

“Sec. 114. Consideration of applications.

“Sec. 115. Participation of students and teachers from private schools.

“Sec. 116. Federal, State, and local contributions.

“Sec. 117. Limitation on uses of funds.

“PART II—HIGHER EDUCATION PROVISIONS AND CAMPUSES OF SERVICE

“Sec. 118. Higher education innovative programs for community service.

“Sec. 119. Campuses of Service.

“PART III—INNOVATIVE DEMONSTRATION SERVICE-LEARNING PROGRAMS AND RESEARCH

“Sec. 120. Innovative demonstration service-learning programs and research.

“Subtitle C—National Service Trust Program

“PART I—INVESTMENT IN NATIONAL SERVICE

“Sec. 121. Authority to provide assistance and approved national service positions.

“Sec. 122. National service programs eligible for program assistance.

“Sec. 123. Types of national service positions eligible for approval for national service educational awards.

“Sec. 124. Types of program assistance.

“Sec. 125. [Repealed]

“Sec. 126. Other special assistance.

“PART II—APPLICATION AND APPROVAL PROCESS

“Sec. 129. Provision of assistance and approved national service positions.

“Sec. 129A. Education awards only program.

“Sec. 130. Application for assistance and approved national service positions.

“Sec. 131. National service program assistance requirements.

“Sec. 132. Ineligible service categories.

“Sec. 133. Consideration of applications.

“PART III—NATIONAL SERVICE PARTICIPANTS

“Sec. 137. Description of participants.

“Sec. 138. Selection of national service participants.

“Sec. 139. Terms of service.

“Sec. 140. Living allowances for national service participants.

“Sec. 141. National service educational awards.

“Subtitle D—National Service Trust and Provision of National Service Educational Awards

“Sec. 145. Establishment of the National Service Trust.

“Sec. 146. Individuals eligible to receive a national service educational award from the Trust.

“Sec. 147. Determination of the amount of the national service educational award.

“Sec. 148. Disbursement of national service educational awards.

“Sec. 149. Process of approval of national service positions.

“Subtitle E—National Civilian Community Corps

“Sec. 151. Purpose.

“Sec. 152. Establishment of National Civilian Community Corps program.

“Sec. 153. National service program.

“Sec. 154. Summer national service program.

“Sec. 155. National Civilian Community Corps.

“Sec. 156. Training.

“Sec. 157. Service projects.

“Sec. 158. Authorized benefits for Corps members.

"Sec. 159. Administrative provisions.
 "Sec. 160. Status of Corps members and Corps personnel under Federal law.
 "Sec. 161. Contract and grant authority.
 "Sec. 162. Responsibilities of other departments.
 "Sec. 163. Advisory board.
 "Sec. 164. Evaluation.
 "Sec. 165. [Repealed]
 "Sec. 166. Definitions.
 "Subtitle F—Administrative Provisions
 "Sec. 171. Family and medical leave.
 "Sec. 172. Reports.
 "Sec. 173. Supplementation.
 "Sec. 174. Prohibition on use of funds.
 "Sec. 175. Nondiscrimination.
 "Sec. 176. Notice, hearing, and grievance procedures.
 "Sec. 177. Nonduplication and nondisplacement.
 "Sec. 178. State Commissions on National and Community Service.
 "Sec. 179. Evaluation.
 "Sec. 180. Engagement of participants.
 "Sec. 181. Contingent extension.
 "Sec. 182. Partnerships with schools.
 "Sec. 183. Rights of access, examination, and copying.
 "Sec. 184. Drug-free workplace requirements.
 "Sec. 185. Sustainability.
 "Sec. 186. Grant periods.
 "Sec. 187. Generation of volunteers.
 "Sec. 188. Limitation on program grant costs.
 "Sec. 189. Audits and reports.
 "Sec. 190. Criminal history checks.
 "Sec. 190A. Report on participant information.
 "Subtitle G—Corporation for National and Community Service
 "Sec. 191. Corporation for National and Community Service.
 "Sec. 192. Board of Directors.
 "Sec. 192A. Authorities and duties of the Board of Directors.
 "Sec. 193. Chief Executive Officer.
 "Sec. 193A. Authorities and duties of the Chief Executive Officer.
 "Sec. 194. Officers.
 "Sec. 195. Employees, consultants, and other personnel.
 "Sec. 196. Administration.
 "Sec. 196A. Corporation State offices.
 "Subtitle H—Investment for Quality and Innovation
 "PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE
 "Sec. 198. Additional corporation activities to support national service.
 "Sec. 198A. Presidential awards for service.
 "Sec. 198B. ServeAmerica Fellowships.
 "Sec. 198C. Silver Scholarships and Encore Fellowships.
 "PART II—INNOVATIVE AND MODEL PROGRAM SUPPORT
 "Sec. 198D. Innovative and model program support.
 "PART III—SOCIAL INNOVATION FUND
 "Sec. 198E. Social innovation fund.
 "PART IV—NATIONAL SERVICE PROGRAMS CLEARINGHOUSE
 "Sec. 198F. National service programs clearinghouse.
 "Subtitle I—American Conservation and Youth Corps
 "Sec. 199. Short title.
 "Sec. 199A. General authority.
 "Sec. 199B. Limitation on purchase of capital equipment.
 "Sec. 199C. State application.
 "Sec. 199D. Focus of programs.
 "Sec. 199E. Related programs.
 "Sec. 199F. Public lands or Indian lands.
 "Sec. 199G. Training and education services.

"Sec. 199H. Preference for certain projects.
 "Sec. 199I. Age and citizenship criteria for enrollment.
 "Sec. 199J. Use of volunteers.
 "Sec. 199K. Living allowance.
 "Sec. 199L. Joint programs.
 "Sec. 199M. Federal and State employee status.
 "Subtitle J—Training and Technical Assistance
 "Sec. 199N. Training and technical assistance.
 "TITLE II—MODIFICATIONS OF EXISTING PROGRAMS
 "Subtitle A—Publication
 "Sec. 201. Information for students.
 "Sec. 202. Exit counseling for borrowers.
 "Sec. 203. Department information on deferments and cancellations.
 "Sec. 204. Data on deferments and cancellations.
 "Subtitle B—Youthbuild Projects
 "Sec. 211. Youthbuild projects.
 "Subtitle C—Amendments to Student Literacy Corps
 "Sec. 221. Amendments to Student Literacy Corps.
 "TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS
 "Sec. 401. Projects.
 "TITLE V—AUTHORIZATION OF APPROPRIATIONS
 "Sec. 501. Authorization of appropriations.
 "TITLE VI—MISCELLANEOUS PROVISIONS
 "Sec. 601. Amtrak waste disposal.
 "Sec. 602. Exchange program with countries in transition from totalitarianism to Democracy."
SEC. 4102. TABLE OF CONTENTS AMENDMENTS FOR THE DOMESTIC VOLUNTEER SERVICE ACT.
 The table of contents in section 1(b) of the Domestic Volunteer Service Act of 1973 is amended as follows:
 (1) By inserting after the item relating to section 103 the following new item:
 "Sec. 103A. VISTA programs of national significance."
 (2) By striking the item relating to section 123 and inserting the following new item:
 "Sec. 123. Financial assistance."
 (3) By amending the item relating to title II to read as follows:
 "TITLE II—NATIONAL SENIOR SERVICE CORPS".
 (4) By striking the item relating to section 224 and inserting the following new item:
 "Sec. 224. Use of locally generated contributions in National Senior Service Corps."
 (5) By inserting after the item relating to section 227 the following new items:
 "Sec. 228. Continuity of service.
 "Sec. 229. Acceptance of donations."
 (6) By striking the item relating to section 502 and inserting the following new item:
 "Sec. 502. National Senior Service Corps."
TITLE V—EFFECTIVE DATE
SEC. 5101. EFFECTIVE DATE.
 Unless specifically provided otherwise, the amendments made by this Act shall take effect on the date of the enactment of this Act.
SEC. 5102. SERVICE ASSIGNMENTS AND AGREEMENTS.
 (a) SERVICE ASSIGNMENTS.—Changes pursuant to this Act in the terms and conditions of terms of service and other service assignments under the national service laws (including the amount of the education award) shall apply only to individuals who enroll or otherwise begin service assignments after 90 days after the date of en-

actment of this Act, except when agreed upon by all interested parties.

(b) AGREEMENTS.—Changes pursuant to this Act in the terms and conditions of grants, contracts, or other agreements under the national service laws shall apply only to such agreements entered into after 90 days after the date of enactment of this Act, except when agreed upon by the parties to such agreements.

(c) EXCEPTION.—Subsections (a) and (b) do not apply to the amendments made by this Act to section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001). Any changes pursuant to those amendments apply as specified in those amendments.

TITLE VI—CONGRESSIONAL COMMISSION ON CIVIC SERVICE

SEC. 6101. SHORT TITLE.

This title may be cited as the "Congressional Commission on Civic Service Act".

SEC. 6102. FINDINGS.

Congress finds the following:

(1) The social fabric of the United States is stronger if individuals in the United States are committed to protecting and serving our Nation by utilizing national service and volunteerism to overcome our civic challenges.

(2) A more engaged civic society will strengthen the Nation by bringing together people from diverse backgrounds and experiences to work on solutions to some of our Nation's major challenges.

(3) Despite declines in civic health in the past 30 years, national service and volunteerism among the Nation's youth are increasing, and existing national service and volunteer programs greatly enhance opportunities for youth to engage in civic activity.

(4) In addition to the benefits received by nonprofit organizations and society as a whole, volunteering and national service provide a variety of personal benefits and satisfaction and can lead to new paths of civic engagement, responsibility, and upward mobility.

SEC. 6103. ESTABLISHMENT.

There is established in the legislative branch a commission to be known as the "Congressional Commission on Civic Service" (in this title referred to as the "Commission").

SEC. 6104. DUTIES.

(a) GENERAL PURPOSE.—The purpose of the Commission is to gather and analyze information in order to make recommendations to Congress to—

(1) improve the ability of individuals in the United States to serve others and, by doing so, to enhance our Nation and the global community;

(2) train leaders in public service organizations to better utilize individuals committed to national service and volunteerism as they manage human and fiscal resources;

(3) identify and offer solutions to the barriers that make it difficult for some individuals in the United States to volunteer or perform national service; and

(4) build on the foundation of service and volunteer opportunities that are currently available.

(b) SPECIFIC TOPICS.—In carrying out its general purpose under subsection (a), the Commission shall address and analyze the following specific topics:

(1) The level of understanding about the current Federal, State, and local volunteer programs and opportunities for service among individuals in the United States.

(2) The issues that deter volunteerism and national service, particularly among young people, and how the identified issues can be overcome.

(3) Whether there is an appropriate role for Federal, State, and local governments in overcoming the issues that deter volunteerism and

national service and, if appropriate, how to expand the relationships and partnerships between different levels of government in promoting volunteerism and national service.

(4) Whether existing databases are effective in matching community needs to would-be volunteers and service providers.

(5) The effect on the Nation, on those who serve, and on the families of those who serve, if all individuals in the United States were expected to perform national service or were required to perform a certain amount of national service.

(6) Whether a workable, fair, and reasonable mandatory service requirement for all able young people could be developed, and how such a requirement could be implemented in a manner that would strengthen the social fabric of the Nation and overcome civic challenges by bringing together people from diverse economic, ethnic, and educational backgrounds.

(7) The need for a public service academy, a 4-year institution that offers a federally funded undergraduate education with a focus on training future public sector leaders.

(8) The means to develop awareness of national service and volunteer opportunities at a young age by creating, expanding, and promoting service options for elementary and secondary school students, through service learning or other means, and by raising awareness of existing incentives.

(9) The effectiveness of establishing a training program on college campuses to recruit and educate college students for national service.

(10) The effect on United States diplomacy and foreign policy interests of expanding service opportunities abroad, such as the Peace Corps, and the degree of need and capacity abroad for an expansion.

(11) The constraints that service providers, nonprofit organizations, and State and local agencies face in utilizing federally funded volunteer programs, and how these constraints can be overcome.

(12) Whether current Federal volunteer programs are suited to address the special skills and needs of senior volunteers, and if not, how these programs can be improved such that the Federal Government can effectively promote service among the "baby boomer" generation.

(c) METHODOLOGY.—

(1) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(2) REGULAR AND FREQUENT CONSULTATION.—The Commission shall regularly and frequently consult with an advisory panel of Members of Congress appointed for such purpose by the Speaker of the House of Representatives and the majority leader of the Senate.

SEC. 6105. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 8 members appointed as follows:

(A) 2 members appointed by the Speaker of the House of Representatives.

(B) 2 members appointed by the minority leader of the House of Representatives.

(C) 2 members appointed by the majority leader of the Senate.

(D) 2 members appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—The members of the Commission shall consist of individuals who are of recognized standing and distinction in the areas of international public service, national public service, service-learning, local service, business, or academia.

(3) DEADLINE FOR APPOINTMENT.—The members of the Commission shall be appointed not later than 90 days after the date of the enactment of this title.

(4) CHAIRPERSON.—The Chairperson of the Commission shall be designated by the Speaker

of the House of Representatives at the time of the appointment.

(b) TERMS.—

(1) IN GENERAL.—The members of the Commission shall serve for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall not affect the power of the remaining members to execute the duties of the Commission but any such vacancy shall be filled in the same manner in which the original appointment was made.

(c) COMPENSATION.—

(1) RATES OF PAY; TRAVEL EXPENSES.—Each member shall serve without pay, except that each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter 1 of chapter 57 of title 5, United States Code.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Notwithstanding paragraph (1), any member of the Commission who is a full-time officer or employee of the United States may not receive additional pay, allowances, or benefits because of service on the Commission.

(d) MEETING REQUIREMENTS.—

(1) FREQUENCY.—

(A) QUARTERLY MEETINGS.—The Commission shall meet at least quarterly.

(B) ADDITIONAL MEETINGS.—In addition to quarterly meetings, the Commission shall meet at the call of the Chairperson or a majority of its members.

(2) QUORUM.—5 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(3) MEETING BY TELEPHONE OR OTHER APPROPRIATE TECHNOLOGY.—Members of the Commission are permitted to meet using telephones or other suitable telecommunications technologies provided that all members of the Commission can fully communicate with all other members simultaneously.

SEC. 6106. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—

(1) APPOINTMENT.—The Commission shall have a Director who shall be appointed by the Chairperson with the approval of the Commission.

(2) CREDENTIALS.—The Director shall have credentials related to international public service, national public service, service-learning, or local service.

(3) SALARY.—The Director shall be paid at a rate determined by the Chairperson with the approval of the Commission, except that the rate may not exceed the rate of basic pay for GS-15 of the General Schedule.

(b) STAFF.—With the approval of the Chairperson, the Director may appoint and fix the pay of additional qualified personnel as the Director considers appropriate.

(c) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay for GS-15 of the General Schedule.

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, Chairperson, or Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this title.

SEC. 6107. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold public hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if au-

thorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—Upon request of the Chairperson, the head of any department or agency shall furnish information to the Commission that the Commission deems necessary to enable it to carry out this title.

(d) PHYSICAL FACILITIES AND EQUIPMENT.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable facilities and equipment for the operation of the Commission on a nonreimbursable basis.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Architect of the Capitol and the Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request in order for the Commission to carry out its responsibilities under this title.

SEC. 6108. REPORTS.

(a) INTERIM REPORT.—The Commission shall submit an interim report on its activities to the appropriate committees of Congress not later than 20 months after the date of the enactment of this title.

(b) FINAL REPORT.—

(1) DEADLINE.—The Commission shall submit a final report on its activities to the appropriate committees of Congress not later than 120 days after the submission of the interim report under subsection (a).

(2) CONTENTS.—The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for proposed legislation.

SEC. 6109. TERMINATION.

The Commission shall terminate not later than 30 days after submitting its final report under section 6108(b)(1).

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111-39. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. ANDREWS,
AS MODIFIED

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-39.

Mr. ANDREWS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ANDREWS:

In the table of contents in section 1(b) of the bill, strike the item relating to title VI and the items relating to sections 6101 through 6109.

In section 3 of the National and Community Service Act of 1990 (as proposed to be inserted by section 1101 of the bill), strike "the programs authorized under subtitle C" and insert "approved national service positions".

In section 101(12) of the National and Community Service Act of 1990 (as proposed to be inserted by section 1102(6) of the bill), strike "ORGANIZATION" and insert "ENTITY" in the heading.

In section 101(12) of the National and Community Service Act of 1990 (as proposed to be inserted by section 1102(6) of the bill), in the matter preceding subparagraph (A), strike “organization” and insert “entity”.

In section 1102 of the bill, redesignate paragraph (11) as paragraph (12) and insert after paragraph (10) the following:

(11) in paragraph (33) (as so redesignated), strike the last sentence.

In the matter proposed to be added by section 1102(12) of the bill (as redesignated by the preceding amendment), redesignate paragraphs (38) through (40) as paragraphs (41) through (43), respectively, and insert after paragraph (37) the following:

“(38) **SCIENTIFICALLY VALID RESEARCH.**—The term ‘scientifically valid research’ includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.

“(39) **PRINCIPLES OF SCIENTIFIC RESEARCH.**—The term ‘principles of scientific research’ means principles of research that—

“(A) applies rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

“(B) presents findings and makes claims that are appropriate to and supported by methods that have been employed; and

“(C) includes, as appropriate to the research being conducted—

“(I) use of systematic, empirical methods that draw on observation or experiment;

“(ii) use of data analyses that are adequate to support the general findings;

“(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

“(iv) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random assignment experiments;

“(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

“(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

“(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.

“(40) **SEVERELY ECONOMICALLY DISTRESSED COMMUNITY.**—The term ‘severely economically distressed community’ means an area that has a mortgage foreclosure rate, home price decline, and unemployment rate greater than the national mortgage foreclosure rate, home price decline, and unemployment rate for the last 12 months for which satisfactory data are available, or a residential area that lacks basic living necessities, such as water and sewer systems, electricity, paved roads, and safe sanitary housing.”

In section 101(42) (as so redesignated) of the National and Community Service Act of 1990 (as proposed to be amended by section 1102(12) (as so redesignated) of the bill), strike “means any individual” and all that follows through “condition other than dishonorable” and insert “has the meaning given the term in section 101 of title 38, United States Code.”

In section 111(a)(2) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “training” and insert “professional development”.

In section 111(b)(1)(A) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “training” and insert “professional development”.

In section 111(b)(3)(B) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “training” and insert “professional development”.

In section 111(b)(5)(B) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “promote a better understanding of”.

In section 111(b)(5)(C) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “promote a better understanding of”.

In section 111(c) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), in the matter preceding paragraph (1), strike “The” and insert “From the amounts appropriated under section 501(a)(4), the”.

In section 111(d)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “training” and insert “professional development”.

In section 111(d)(2) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “and” at the end.

In section 111(d)(3) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike the period at the end and insert “; and”.

In section 111(d) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), insert at the end the following:

“(4) assisting schools and school districts in developing school policies and practices that support the integration of service-learning into the curriculum.”

In section 112(c) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “community-based organization” and insert “community-based entity”, and strike “community-based organizations” and insert “community-based entities”.

In section 112(d) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “this part” and insert “this subtitle”.

In section 112(d) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “\$65,000” and insert “\$75,000”.

In section 113(b)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “service” and insert “service-learning”.

In section 113(c)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), in the matter following subparagraph (E), strike “community-based organization” and insert “community-based entity”.

In section 113(c)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), insert “and” at the end of subparagraph (C).

In section 113(c)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “and” at the end of subparagraph (D).

In section 113(c)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike paragraph (E).

In section 115(a)(2) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “training” and insert “professional development”.

In section 116(b)(2)(B) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “purposes consistent with title I of such Act (20 U.S.C. 6301 et seq.)” and insert “activities authorized under section 1114 or 1115 of title I of such Act (as applicable) subject to the approval of the local educational agency”.

Strike clause (iii) of section 1301(2)(B) of the bill, and insert the following:

(iii) by striking “by the agency.” and inserting “by the agency, and may approve national service positions for a program carried out or otherwise supported by the agency.”

In section 122(a)(1)(A) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), strike clause (ii) and redesignate clauses (iii) through (xiv) as clauses (ii) through (xiii), respectively.

In section 122(a)(2)(A)(vi) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), insert before the semicolon “including the recruitment of youth to work in health professions in such communities”.

In section 122(a)(3)(A)(xi) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), in the matter preceding subclause (I), strike “(including youth corps programs)” and all that follows through “Hawaiian home lands,”.

In section 122(a)(3)(A)(xi)(II) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), strike “youths who are individuals with disabilities and youths who are economically disadvantaged” and insert “and youths who are individuals with disabilities”.

In section 122(a)(3)(A)(xii) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), insert “in partnership with the National Park Service” after “projects”.

In section 122(a) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), insert at the end the following:

“(5) **PROGRAM MODELS FOR SERVICE CORPS.**—In addition to any activities described in paragraphs (1) through (4), a recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) may directly or through grants or subgrants to other entities carry out a national service corps through the following program models:

“(A) a community corps program that meets unmet human, educational, health, veteran, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical and developmental capabilities, ages, ethnic backgrounds, or genders;

“(B) a service program that—

“(i) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and

“(ii) if consistent with the purposes of the program, brings participants together for additional training and other activities designed to foster civic responsibility, increase

the skills of participants, and improve the quality of the service provided;

“(C) a campus based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

“(i) students who are attending an institution of higher education, including students participating in a work study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

“(ii) teams composed of such students; or

“(iii) teams composed of a combination of such students and community residents;

“(D) a professional corps program that recruits and places qualified participants in positions—

“(i) as teachers, nurses and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;

“(ii) that may include a salary in excess of the maximum living allowance authorized in subsection (a)(3) of section 140, as provided in subsection (c) of such section; and

“(iii) that are sponsored by public or private employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants; and

“(E) such other program models as approved by the Corporation or a State commission, as appropriate.”.

In section 122(a)(3)(A)(xi) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), in subclause II, strike “and at least 50 percent of whom are” and insert “including”.

In section 122(b)(1)(D) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), in the matter preceding clause (i), insert “and improve nutrition” after “hunger”.

In section 122(b)(1)(D) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), insert “faith-based entities” after “food pantries” both places it appears in clauses (i) and (ii), respectively.

In section 122(b)(1)(D) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), redesignate clauses (iii) and (iv) as clauses (v) and (vi), respectively, and after clause (ii) insert the following:

“(iii) increasing access to and participation in federally supported nutrition programs;

“(iv) involving the preparation and delivery of nutritious food and the dissemination of nutrition education to critically and chronically ill individuals;”.

In section 122(b)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), redesignate subparagraph (J) as subparagraph (R) and insert after subparagraph (I) the following:

“(J) Providing financial literacy education to economically disadvantaged individuals, including financial literacy education with regard to credit management, financial institutions including banks and credit unions, and utilization of savings plans.

“(K) Assisting in building, improving, and preserving affordable housing and in the construction and rehabilitation of housing units, including energy efficient homes, for economically disadvantaged individuals.

“(L) Assisting individuals in obtaining access to health care for themselves or their children.

“(M) Assisting individuals in obtaining information about Federal, State, local, or private programs or benefits focused on assisting economically disadvantaged individuals, economically disadvantaged children, or low-income families.

“(N) Facilitating enrollment in and completion of job training for economically disadvantaged individuals.

“(O) Assisting economically disadvantaged individuals in obtaining access to job placement assistance.

“(P) Promoting community-based efforts to reduce crime and recruiting public safety officers into service opportunities to work with disadvantaged youth.

“(Q) A musician and artist corps program that trains and deploys skilled musicians and artists to promote greater community unity through the use of music and arts education and engagement through work in low income communities, education, healthcare and therapeutic settings, and other work in the public domain with citizens of all ages.”.

In section 126(a)(3)(B) of the National and Community Service Act of 1990 (as proposed to be amended by section 1305 of the bill), strike “\$200,000” and insert “\$250,000”, and insert before the period “in excess of \$100,000”.

In section 126(a)(3)(C) of the National and Community Service Act of 1990 (as proposed to be amended by section 1305 of the bill), strike “\$200,000” in the heading and insert “\$250,000”, and insert before the period “in excess of \$250,000”.

In section 126(a)(3)(C) of the National and Community Service Act of 1990 (as proposed to be amended by section 1305 of the bill), strike “\$200,000” and insert “\$250,000”, and insert before the period “in excess of \$250,000”.

Strike subparagraph (D) of section 126(a)(3) of the National and Community Service Act of 1990 (as proposed to be inserted by section 1305(1)(B) of the bill), and insert the following:

“(4) RESERVATION OF FUNDS.—From the amounts appropriated to carry out this subsection each fiscal year, the corporation shall ensure that it reserves funds for assistance provided under this subsection at an aggregate amount equal to that of at least 150 percent allocated in fiscal year 2004 for the first full fiscal year after the date of enactment of the GIVE Act. Each subsequent year the corporation shall increase the amount reserved proportionately including minimum and maximum amounts described in paragraph (1) to the amount of program funding allocated in subtitle C.”.

In section 129(b) of the National and Community Service Act of 1990 (as proposed to be amended by section 1306 of the bill), in the matter preceding paragraph (1), strike “, including nonprofit organizations applying on behalf of a tribe or tribes” and strike “In the case of a” and all that follows through “its application.”.

In section 129(b) of the National and Community Service Act of 1990 (as proposed to be amended by section 1306 of the bill), strike paragraphs (1) and (2).

In section 129(f)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1306 of the bill), strike “organizations” and insert “entities”.

In section 1308 of the bill, strike paragraph (7) and insert the following:

(7) by amending subsection (h) (as so redesignated) to read as follows:

“(h) LIMITATION ON SAME PROJECT RECEIVING MULTIPLE GRANTS.—Unless specifically authorized by law, the Corporation may not provide more than 1 grant under the national service laws to support the same project.”.

In section 133(c)(6)(F) of the National and Community Service Act of 1990 (as proposed to be amended by section 1310(1) of the bill), insert “or home price decline” after each place “mortgage foreclosure rate” appears.

In section 1303 of the bill, amend paragraph (2) to read as follows:

(2) in paragraph (5).

(A) by inserting “National” before “Civilian Community Corps”; and

(B) by inserting before the period “the Summer of Service program under section 120(c)(8), the ServeAmerica Fellowship under 198B or the Silver Scholarship under section 198C(a)”.

In section 129(j) of the National and Community Service Act of 1990 (as proposed to be amended by section 1306 of the bill), strike “section 126” and insert “section 126(b) and (c)”.

In section 129A(c) of the National and Community Service Act of 1990 (as proposed to be inserted by section 1307 of the bill), strike “2008” and insert “2009”.

In section 1310 of the bill, amend paragraph (3) to read as follows:

(3) in subsection (d), by adding at the end the following:

“(5) DIVERSITY IN PROGRAM SIZE.—The Corporation shall ensure that recipients of assistance provided under section 121 are diverse in terms of program size, as reflected in the number of participants.”.

In paragraph (1) of the matter proposed to be inserted by section 1402(3) of the bill insert “, including in the Summer of Service program under section 120(c)(8), the ServeAmerica program under section 198B, or the Silver Scholarship program under section 198E” after “position”.

In section 149(a)(1) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), in the matter preceding subparagraph (A), strike “subtitle C and D” and insert “subtitles C, D, and H”.

In section 149(a)(4)(A) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), strike “2009” and insert “2010”.

In section 149(b)(1)(A) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), strike “C and D” and insert “C, D, and H”.

In section 149(b)(1)(B)(i) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), strike “2009” and insert “2010” each place such term appears.

In section 149(b)(1)(B)(i) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), strike “D, or E” and insert “D, E, or H”.

In section 149(b)(1)(B)(i) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), strike “or” before “summer” and insert “, Silver Scholarship under section 198C, or ServeAmerica Fellowship under section 198B” after “section 120(c)(8),”.

In section 149(b)(1)(B)(ii) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), strike “2009” and insert “2010”.

In section 149(b)(1)(B)(ii) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), strike “or E” and insert “E, or H”.

In section 149(b)(1)(B)(ii) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill),

strike “or” before “summer” and insert “, Silver Scholarship under section 198C, or ServeAmerica Fellowship under section 198B” after “section 120(c)(8),”.

In section 1503(4) of the bill, strike “subsection (e)” and insert “subsection (d)”.

In section 155(b)(4) of the National and Community Service Act of 1990 (as proposed to be amended by section 1505 of the bill), in the matter preceding subparagraph (A), strike “from Corps members”.

In section 155(b)(4)(C) of the National and Community Service Act of 1990 (as proposed to be amended by section 1505 of the bill), strike “limitation on the amount” and all that follows through “established under” and insert “Director may establish a separate living allowance amount consistent with the limitation in”.

In section 1503(3)(B) of the bill, in the matter proposed to be amended by such section, strike “2011” and insert “2012”.

In section 178(e)(1)(G) of the National and Community Service Act of 1990 (as proposed to be amended by section 1605(3) of the bill), strike “and” at the end.

In section 178(e)(1)(H) of the National and Community Service Act of 1990 (as proposed to be amended by section 1605(3) of the bill), strike the period at the end and insert “; and”.

In section 1605(3) of the bill, strike the close quotation mark and following semicolon after the matter proposed to be inserted by such section and at the end of such section insert the following:

“(I) ensures outreach to and coordination with municipalities and county governments, including large cities.”;

In section 178(g)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1605(5) of the bill), strike “B or”.

In subsection (m) of section 179 of the National and Community Service Act of 1990 (as proposed to be added by section 1606 of the bill), strike paragraph (4) and redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

Insert after section 189 of the National and Community Service Act of 1990 (as proposed to be added by section 1610 of the bill) the following:

“SEC. 189A. RESTRICTIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

“(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction, specific instructional content, academic achievement standards, assessments, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

“(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—No funds provided to the Chief Executive Officer under this Act may be used by the Corporation to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

“(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION STANDARDS.—No State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.”.

In paragraph (12)(G) of section 193A of the National and Community Service Act of 1990 as proposed to be added by section 1704 of the

bill, insert “cultural institutions,” after “disabilities.”.

In section 1704(1)(D) of the bill, strike paragraph (21) of the matter proposed to be added by such section and redesignate subparagraphs (22) through (24) as subparagraphs (21) through (23), respectively.

In the matter proposed to be inserted by section 1704(3)(B) of the bill, redesignate paragraphs (4) through (6) as paragraphs (5) through (7) and insert after paragraph (3) the following:

“(4) CONSOLIDATED APPLICATION.—To promote efficiency and eliminate duplicative requirements, the Corporation shall consolidate or modify application procedures and reporting requirements for programs and activities funded under the national service laws.”.

In section 1705 of the bill, add at the end the following: “In carrying out this section and before executing any delegation of authority, the Chief Executive Officer shall seek input from and consult with Corporation employees, State commissions on national and community service, State educational agencies, and other interested stakeholders.”

In section 198C(a) of the National and Community Service Act of 1990 (as proposed to be added by section 1805 of the bill), strike “community-based organization” and insert “community-based entity” each place such term appears.

In section 194(c)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1706 of the bill), strike “subject to the provisions of title 5, United States Code” and all that follows through “pay rates” and insert “pursuant to sections 195(a) and 195(b) of this Act”.

In section 198B(d)(1)(A) of the National and Community Service Act of 1990 (as proposed to be added by section 1803 of the bill), strike “or an institution of higher education that is not a Campus of Service (as described in section 119)”.

In section 198C(a)(6) of the National and Community Service Act of 1990 (as proposed to be added by section 1803 of the bill), strike “fixed-amount”.

In section 198D(a) of the National and Community Service Act of 1990 (as proposed to be added by section 1804 of the bill), amend paragraph (5) to read as follows:

“(5) PROGRAMS THAT SUPPORT MENTORING.—Programs to support mentoring partnerships, including statewide and local partnerships that strengthen direct-service youth mentoring programs by increasing State resources dedicated to mentoring, assisting direct-service mentoring programs through subgrants, promoting quality standards for mentoring programs, expanding mentoring opportunities tailored to the needs and circumstances of youth, and increasing the number of at-risk youth in the State receiving mentoring from screened and trained adult mentors, as well as programs to support the creation of statewide mentoring partnerships and programs of national scope through collaborative efforts between entities such as local mentoring partnerships, units of State or local government, or direct service mentoring programs.”.

In section 198D(a) of the National and Community Service Act of 1990 (as proposed to be added by section 1804 of the bill), strike paragraph (6) and redesignate paragraph (7) as paragraph (6).

In section 198E of the National and Community Service Act of 1990 (as proposed to be added by section 1805 of the bill), strike subsection (c) and redesignate subsections (d)

through (l) as subsections (c) through (k), respectively.

In section 501(a)(2)(B) of the National and Community Service Act of 1990 (as proposed to be amended by section 1841 of the bill), strike “subparagraph (C)” and insert “subparagraph (A)”, and insert before the period at the end the following: “, and disasters of similar magnitude”.

In section 501(a)(3) of the National and Community Service Act of 1990 (as proposed to be amended by section 1841 of the bill), strike “\$35,000,000” and insert “\$30,000,000”.

In section 2103(3) of the bill, insert “and” at the end of subparagraph (A), strike “and” at the end of subparagraph (B), and strike subparagraph (C).

In section 201(e)(1) of the Domestic Volunteer Service Act of 1973 (as proposed to be amended by section 2203 of the bill), strike “2013” and insert “2014”.

In section 225(a)(4) of the Domestic Volunteers Service Act of 1973 (as proposed to be amended by section 2208 of the bill), strike “grants” the first place it appears and insert “funds”, and strike “grants” the last place it appears and insert “funds available”.

In the table of contents of the National and Community Service Act of 1990 (as proposed to be amended by section 4101 of the bill), after the item relating to section 189, insert the following:

“Sec. 189A. Restrictions on Federal Government and use of Federal funds.”.

Strike title VI of the bill.

The CHAIR. Pursuant to House Resolution 250, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 15 minutes.

Mr. ANDREWS. Mr. Chair, I ask unanimous consent to modify the manager’s amendment by replacing it with the modification at the desk.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Mr. ANDREWS:

In the table of contents in section 1(b) of the bill, strike the item relating to title VI and the items relating to sections 6101 through 6109.

In section 3 of the National and Community Service Act of 1990 (as proposed to be inserted by section 1101 of the bill), strike “the programs authorized under subtitle C” and insert “approved national service positions”.

In section 101(12) of the National and Community Service Act of 1990 (as proposed to be inserted by section 1102(6) of the bill), strike “ORGANIZATION” and insert “ENTITY” in the heading.

In section 101(12) of the National and Community Service Act of 1990 (as proposed to be inserted by section 1102(6) of the bill), in the matter preceding subparagraph (A), strike “organization” and insert “entity”.

In section 1102 of the bill, redesignate paragraph (11) as paragraph (12) and insert after paragraph (10) the following:

(11) in paragraph (33) (as so redesignated), strike the last sentence.

In the matter proposed to be added by section 1102(12) of the bill (as redesignated by the preceding amendment), redesignate paragraphs (38) through (40) as paragraphs (41) through (43), respectively, and insert after paragraph (37) the following:

“(38) SCIENTIFICALLY VALID RESEARCH.—The term ‘scientifically valid research’ includes applied research, basic research, and field-

initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.

“(39) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term ‘principles of scientific research’ means principles of research that—

“(A) applies rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

“(B) presents findings and makes claims that are appropriate to and supported by methods that have been employed; and

“(C) includes, as appropriate to the research being conducted—

“(i) use of systematic, empirical methods that draw on observation or experiment;

“(ii) use of data analyses that are adequate to support the general findings;

“(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

“(iv) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random assignment experiments;

“(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

“(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

“(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.

“(40) SEVERELY ECONOMICALLY DISTRESSED COMMUNITY.—The term ‘severely economically distressed community’ means an area that has a mortgage foreclosure rate, home price decline, and unemployment rate greater than the national mortgage foreclosure rate, home price decline, and unemployment rate for the last 12 months for which satisfactory data are available, or a residential area that lacks basic living necessities, such as water and sewer systems, electricity, paved roads, and safe sanitary housing.”

In section 101(43) (as so redesignated) of the National and Community Service Act of 1990 (as proposed to be amended by section 1102(12) (as so redesignated) of the bill), strike “means any individual” and all that follows through “condition other than dishonorable” and insert “has the meaning given the term in section 101 of title 38, United States Code.”

In section 111(a)(2) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “training” and insert “professional development”.

In section 111(b)(1)(A) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “training” and insert “professional development”.

In section 111(b)(3)(B) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “training” and insert “professional development”.

In section 111(b)(5)(B) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “promote a better understanding of”.

In section 111(b)(5)(C) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “promote a better understanding of”.

In section 111(c) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), in the matter preceding paragraph (1), strike “The” and insert “From the amounts appropriated under section 501(a)(4), the”.

In section 111(d)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “training” and insert “professional development”.

In section 111(d)(2) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “and” at the end.

In section 111(d)(3) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike the period at the end and insert “; and”.

In section 111(d) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), insert at the end the following:

“(4) assisting schools and school districts in developing school policies and practices that support the integration of service-learning into the curriculum.”

In section 112(c) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “community-based organization” and insert “community-based entity”, and strike “community-based organizations” and insert “community-based entities”.

In section 112(d) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “this part” and insert “this subtitle”.

In section 112(d) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “\$65,000” and insert “\$75,000”.

In section 113(b)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “service” and insert “service-learning”.

In section 113(c)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), in the matter following subparagraph (E), strike “community-based organization” and insert “community-based entity”.

In section 113(c)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), insert “and” at the end of subparagraph (C).

In section 113(c)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “and” at the end of subparagraph (D).

In section 113(c)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike paragraph (E).

In section 115(a)(2) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “training” and insert “professional development”.

In section 116(b)(2)(B) of the National and Community Service Act of 1990 (as proposed to be amended by section 1201 of the bill), strike “purposes consistent with title I of such Act (20 U.S.C. 6301 et seq.)” and insert “activities authorized under section 1114 or 1115 of title I of such Act (as applicable) subject to the approval of the local educational agency”.

Strike clause (iii) of section 1301(2)(B) of the bill, and insert the following:

(iii) by striking “by the agency.” and inserting “by the agency, and may approve na-

tional service positions for a program carried out or otherwise supported by the agency.”

In section 122(a)(1)(A) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), strike clause (ii) and redesignate clauses (iii) through (xiv) as clauses (ii) through (xiii), respectively.

In section 122(a)(2)(A)(vi) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), insert before the semicolon “including the recruitment of youth to work in health professions in such communities”.

In section 122(a)(3)(A)(xi) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), in the matter preceding subclause (I), strike “(including youth corps programs” and all that follows through “Hawaiian home lands).”.

In section 122(a)(3)(A)(xi)(II) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), strike “youths who are individuals with disabilities and youths who are economically disadvantaged” and insert “and youths who are individuals with disabilities”.

In section 122(a)(3)(A)(xii) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), insert “in partnership with the National Park Service” after “projects”.

In section 122(a) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), insert at the end the following:

“(5) PROGRAM MODELS FOR SERVICE CORPS.—In addition to any activities described in paragraphs (1) through (4), a recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) may directly or through grants or subgrants to other entities carry out a national service corps through the following program models:

“(A) a community corps program that meets unmet human, educational, health, veteran, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical and developmental capabilities, ages, ethnic backgrounds, or genders;

“(B) a service program that—

“(i) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and

“(ii) if consistent with the purposes of the program, brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided;

“(C) a campus based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

“(i) students who are attending an institution of higher education, including students participating in a work study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

“(ii) teams composed of such students; or

“(iii) teams composed of a combination of such students and community residents;

“(D) a professional corps program that recruits and places qualified participants in positions—

“(i) as teachers, nurses and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet educational, human, environmental, or public safety needs in communities with an inadequate number of such professionals;

“(ii) that may include a salary in excess of the maximum living allowance authorized in subsection (a)(3) of section 140, as provided in subsection (c) of such section; and

“(iii) that are sponsored by public or private employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants; and

“(E) such other program models as approved by the Corporation or a State commission, as appropriate.”

In section 122(a)(3)(A)(xi) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), in subclause II, strike “and at least 50 percent of whom are” and insert “including”.

In section 122(b)(1)(D) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), in the matter preceding clause (i), insert “and improve nutrition” after “hunger”.

In section 122(b)(1)(D) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), insert “faith-based entities” after “food pantries” both places it appears in clauses (i) and (ii), respectively.

In section 122(b)(1)(D) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), redesignate clauses (iii) and (iv) as clauses (v) and (vi), respectively, and after clause (ii) insert the following:

“(iii) increasing access to and participation in federally supported nutrition programs;

“(iv) involving the preparation and delivery of nutritious food and the dissemination of nutrition education to critically and chronically ill individuals;”

In section 122(b)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1302 of the bill), redesignate subparagraph (J) as subparagraph (R) and insert after subparagraph (I) the following:

“(J) Providing financial literacy education to economically disadvantaged individuals, including financial literacy education with regard to credit management, financial institutions including banks and credit unions, and utilization of savings plans.

“(K) Assisting in building, improving, and preserving affordable housing and in the construction and rehabilitation of housing units, including energy efficient homes, for economically disadvantaged individuals.

“(L) Assisting individuals in obtaining access to health care for themselves or their children.

“(M) Assisting individuals in obtaining information about Federal, State, local, or private programs or benefits focused on assisting economically disadvantaged individuals, economically disadvantaged children, or low-income families.

“(N) Facilitating enrollment in and completion of job training for economically disadvantaged individuals.

“(O) Assisting economically disadvantaged individuals in obtaining access to job placement assistance.

“(P) Promoting community-based efforts to reduce crime and recruiting public safety officers into service opportunities to work with disadvantaged youth.

“(Q) A musician and artist corps program that trains and deploys skilled musicians and artists to promote greater community unity through the use of music and arts education and engagement through work in low income communities, education, healthcare and therapeutic settings, and other work in the public domain with citizens of all ages.”

In section 126(a)(3)(B) of the National and Community Service Act of 1990 (as proposed to be amended by section 1305 of the bill), strike “\$200,000” and insert “\$250,000”, and insert before the period “in excess of \$100,000”.

In section 126(a)(3)(C) of the National and Community Service Act of 1990 (as proposed to be amended by section 1305 of the bill), strike “\$200,000” in the heading and insert “\$250,000”, and insert before the period “in excess of \$250,000”.

In section 126(a)(3)(C) of the National and Community Service Act of 1990 (as proposed to be amended by section 1305 of the bill), strike “\$200,000” and insert “\$250,000”, and insert before the period “in excess of \$250,000”.

Strike subparagraph (D) of section 126(a)(3) of the National and Community Service Act of 1990 (as proposed to be inserted by section 1305(1)(B) of the bill), and insert the following:

“(4) RESERVATION OF FUNDS.—From the amounts appropriated to carry out this subsection each fiscal year, the corporation shall ensure that it reserves funds for assistance provided under this subsection at an aggregate amount equal to that of at least 150 percent allocated in fiscal year 2004 for the first full fiscal year after the date of enactment of the GIVE Act. Each subsequent year the corporation shall increase the amount reserved proportionately including minimum and maximum amounts described in paragraph (1) to the amount of program funding allocated in subtitle C.”

In section 129(b) of the National and Community Service Act of 1990 (as proposed to be amended by section 1306 of the bill), in the matter preceding paragraph (1), strike “, including nonprofit organizations applying on behalf of a tribe or tribes” and strike “In the case of a” and all that follows through “its application—”.

In section 129(b) of the National and Community Service Act of 1990 (as proposed to be amended by section 1306 of the bill), strike paragraphs (1) and (2).

In section 129(f)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1306 of the bill), strike “organizations” and insert “entities”.

In section 1308 of the bill, strike paragraph (7) and insert the following:

(7) by amending subsection (h) (as so redesignated) to read as follows:

“(h) LIMITATION ON SAME PROJECT RECEIVING MULTIPLE GRANTS.—Unless specifically authorized by law, the Corporation may not provide more than 1 grant under the national service laws to support the same project.”

In section 133(c)(6)(F) of the National and Community Service Act of 1990 (as proposed to be amended by section 1310(1) of the bill), insert “or home price decline” after each place “mortgage foreclosure rate” appears.

In section 1303 of the bill, amend paragraph (2) to read as follows:

(2) in paragraph (5),

(A) by inserting “National” before “Civilian Community Corps”; and

(B) by inserting before the period “the Summer of Service program under section 120(c)(8), the ServeAmerica Fellowship under 198B or the Silver Scholarship under section 198C(a)”.

In section 129(j) of the National and Community Service Act of 1990 (as proposed to be amended by section 1306 of the bill), strike “section 126” and insert “section 126(b) and (c)”.

In section 129A(c) of the National and Community Service Act of 1990 (as proposed to be inserted by section 1307 of the bill), strike “2008” and insert “2009”.

In section 1310 of the bill, amend paragraph (3) to read as follows:

(3) in subsection (d), by adding at the end the following:

“(5) DIVERSITY IN PROGRAM SIZE.—The Corporation shall ensure that recipients of assistance provided under section 121 are diverse in terms of program size, as reflected in the number of participants.”

In paragraph (1) of the matter proposed to be inserted by section 1402(1) of the bill insert “, including in the Summer of Service program under section 120(c)(8), the ServeAmerica program under section 198B, or the Silver Scholarship program under section 198E” after “position”.

In section 149(a)(1) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), in the matter preceding subparagraph (A), strike “subtitle C and D” and insert “subtitles C, D, and H”.

In section 149(a)(4)(A) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), strike “2009” and insert “2010”.

In section 149(b)(1)(A) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), strike “C and D” and insert “C, D, and H”.

In section 149(b)(1)(B)(i) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), strike “2009” and insert “2010” each place such term appears.

In section 149(b)(1)(B)(i) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), strike “D, or E” and insert “D, E, or H”.

In section 149(b)(1)(B)(i) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), strike “or” before “summer” and insert “, Silver Scholarship under section 198C, or ServeAmerica Fellowship under section 198B” after “section 120(c)(8),”.

In section 149(b)(1)(B)(ii) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), strike “2009” and insert “2010”.

In section 149(b)(1)(B)(ii) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), strike “or E” and insert “E, or H”.

In section 149(b)(1)(B)(ii) of the National and Community Service Act of 1990 (as proposed to be added by section 1405 of the bill), strike “or” before “summer” and insert “, Silver Scholarship under section 198C, or ServeAmerica Fellowship under section 198B” after “section 111(a)(5),”.

In section 1503(4) of the bill, strike “subsection (e)” and insert “subsection (d)”.

In section 155(b)(4) of the National and Community Service Act of 1990 (as proposed to be amended by section 1505 of the bill), in the matter preceding subparagraph (A), strike “from Corps members”.

In section 155(b)(4)(C) of the National and Community Service Act of 1990 (as proposed to be amended by section 1505 of the bill), strike “limitation on the amount” and all that follows through “established under” and insert “Director may establish a separate living allowance amount consistent with the limitation in”.

In section 1503(3)(B) of the bill, in the matter proposed to be amended by such section, strike “2011” and insert “2012”.

In section 178(e)(1)(G) of the National and Community Service Act of 1990 (as proposed to be amended by section 1605(3) of the bill), strike “and” at the end.

In section 178(e)(1)(H) of the National and Community Service Act of 1990 (as proposed to be amended by section 1605(3) of the bill), strike the period at the end and insert “; and”.

In section 1605(3) of the bill, strike the close quotation mark and following semicolon after the matter proposed to be inserted by such section and at the end of such section insert the following:

“(I) ensures outreach to and coordination with municipalities and county governments, including large cities.”;

In section 178(g)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1605(5) of the bill), strike “B or”.

In subsection (m) of section 179 of the National and Community Service Act of 1990 (as proposed to be added by section 1606 of the bill), strike paragraph (4) and redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

Insert after section 189 of the National and Community Service Act of 1990 (as proposed to be added by section 1610 of the bill) the following:

“SEC. 189A. RESTRICTIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

“(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction, specific instructional content, academic achievement standards, assessments, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

“(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—No funds provided to the Chief Executive Officer under this Act may be used by the Corporation to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

“(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION STANDARDS.—No State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.”.

In paragraph (12)(G) of section 193A of the National and Community Service Act of 1990 as proposed to be added by section 1704 of the bill, insert “cultural institutions,” after “disabilities,”.

In section 1704(1)(D) of the bill, strike paragraph (21) of the matter proposed to be added by such section and redesignate subparagraphs (22) through (24) as subparagraphs (21) through (23), respectively.

In the matter proposed to be inserted by section 1704(3)(B) of the bill, redesignate paragraphs (4) through (6) as paragraphs (5) through (7) and insert after paragraph (3) the following:

“(4) CONSOLIDATED APPLICATION.—To promote efficiency and eliminate duplicative requirements, the Corporation shall consolidate or modify application procedures and reporting requirements for programs and activities funded under the national service laws.”.

In section 1705 of the bill, add at the end the following: “In carrying out this section and before executing any delegation of authority, the Chief Executive Officer shall seek input from and consult with Corporation employees, State commissions on national and community service, State educational agencies, and other interested stakeholders.”

In section 198C(a) of the National and Community Service Act of 1990 (as proposed to be added by section 1803 of the bill), strike “community-based organization” and insert “community-based entity” each place such term appears.

In section 194(c)(1) of the National and Community Service Act of 1990 (as proposed to be amended by section 1706 of the bill), strike “subject to the provisions of title 5, United States Code” and all that follows through “pay rates” and insert “pursuant to sections 195(a) and 195(b) of this Act”.

In section 198B(d)(1)(A) of the National and Community Service Act of 1990 (as proposed to be added by section 1803 of the bill), strike “or an institution of higher education that is not a Campus of Service (as described in section 119)”.

In section 198C(a)(6) of the National and Community Service Act of 1990 (as proposed to be added by section 1803 of the bill), strike “fixed-amount”.

In section 198D(a) of the National and Community Service Act of 1990 (as proposed to be added by section 1804 of the bill), amend paragraph (5) to read as follows:

“(5) PROGRAMS THAT SUPPORT MENTORING.—Programs to support mentoring partnerships, including statewide and local partnerships that strengthen direct-service youth mentoring programs by increasing State resources dedicated to mentoring, assisting direct-service mentoring programs through subgrants, promoting quality standards for mentoring programs, expanding mentoring opportunities tailored to the needs and circumstances of youth, and increasing the number of at-risk youth in the State receiving mentoring from screened and trained adult mentors, as well as programs to support the creation of statewide mentoring partnerships and programs of national scope through collaborative efforts between entities such as local mentoring partnerships, units of State or local government, or direct service mentoring programs.”.

In section 198D(a) of the National and Community Service Act of 1990 (as proposed to be added by section 1804 of the bill), strike paragraph (6) and redesignate paragraph (7) as paragraph (6).

In section 198E of the National and Community Service Act of 1990 (as proposed to be added by section 1805 of the bill), strike subsection (c) and redesignate subsections (d) through (l) as subsections (c) through (k), respectively.

In section 501(a)(2)(B) of the National and Community Service Act of 1990 (as proposed to be amended by section 1841 of the bill), strike “subparagraph (C)” and insert “subparagraph (A)”, and insert before the period at the end the following: “, and disasters of similar magnitude”.

In section 501(a)(3) of the National and Community Service Act of 1990 (as proposed to be amended by section 1841 of the bill), strike “\$35,000,000” and insert “\$30,000,000”.

In section 2103(3) of the bill, insert “and” at the end of subparagraph (A), strike “and” at the end of subparagraph (B), and strike subparagraph (C).

In section 201(e)(1) of the Domestic Volunteer Service Act of 1973 (as proposed to be

amended by section 2203 of the bill), strike “2013” and insert “2014”.

In section 225(a)(4) of the Domestic Volunteers Service Act of 1973 (as proposed to be amended by section 2208 of the bill), strike “grants” the first place it appears and insert “funds”, and strike “grants” the last place it appears and insert “funds available”.

In the table of contents of the of the National and Community Service Act of 1990 (as proposed to be amended by section 4101 of the bill), after the item relating to section 189, insert the following:

“Sec. 189A. Restrictions on Federal Government and use of Federal funds.”.

Strike title VI of the bill.

Mr. ANDREWS (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading of the modification.

The CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIR. Without objection, the amendment is modified.

There was no objection.

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill has moved to the floor under an open spirit of bipartisan cooperation. The Committee on Education and Labor had a markup very much in that spirit. Members’ views have been solicited and received from throughout the House, and this manager’s amendment is very much in that same spirit. I want to briefly review the substance of the manager’s amendment so that the Members may understand it.

The amendment clarifies that the goal of reaching a quarter of a million volunteers is throughout all national service programs and not simply AmeriCorps. It promotes the use of interagency agreements between the Corporation For National and Community Service and other Federal agencies. Many of these agencies have innovative service projects they carry out through nonprofits, and this manager’s amendment will allow these participants to earn education benefits.

The amendment adds a new definition of “severely economically distressed community,” and allows the corporation to consider whether projects in the bill respond to the needs of economically distressed communities.

The amendment includes language that will allow participants in the Opportunity Corps to conduct activities that would increase access to child nutrition programs.

The amendment also ensures that programs and models currently authorized could be incorporated into the new corps created in the bill.

The amendment is needed to make further technical clarifications in the bill, and we would ask for our colleagues to support the bill.

I reserve the balance of my time.

The CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 15 minutes.

There was no objection.

Mr. PLATTS. Mr. Chairman, I yield myself such time as I may consume.

First, I would like to recognize Chairman MILLER and the staff for working to include a number of important changes in this manager's amendment. While there are many technical changes included, there are a number of important changes, including protections against double dipping and Federal control of curriculum, and provisions designed to streamline the application process for grants under the national service programs.

This amendment includes language that would clarify current law to ensure that the corporation is only able to provide one grant to support the same project. This protection ensures that Federal funds are used wisely and that the same project is not funded through multiple funding streams.

The manager's amendment also includes important language that specifically prohibits an employee of the Federal Government from mandating, directing or controlling a school's curriculum or instructional program. Under the amendment, States would also not be required to have academic content or student academic achievement standards approved or certified by the Federal Government in order to receive a national service grant.

Although we agree there is a role for the Federal Government to play in supporting State and local service learning programs, I believe that the decision on what type of instructional practices or curriculum is used in the classroom should very importantly be made by teachers and principals in the Nation's elementary and secondary schools, not here in Washington. This is an important change that will ensure that the corporation's activities conform to the highest standards of quality, integrity and accuracy, and are objective, neutral, nonideological, and free of partisan political influence.

Finally, the manager's amendment includes a provision that requires the corporation to promote efficiency by consolidating application procedures and reporting requirements for programs funded under the national service laws. Small organizations may currently be unwilling to participate in these programs because the application procedures and reporting requirements are too burdensome on them. This change will help promote diversity among the size of the organizations participating in this program and applying for grants.

Again, I want to thank the majority and urge a "yes" vote in favor of this amendment.

I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, before I yield back, I would like to thank the

gentleman from Pennsylvania for his very diligent work on this bill and this amendment, and for his spirit of bipartisanship. It is very much appreciated.

I am pleased to yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA), the chairman of the Subcommittee on Higher Education.

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of the manager's amendment and the underlying bill, the GIVE Act, H.R. 1388. This legislation reauthorizes and strengthens our national service programs. I would like to thank my good friend, CAROLYN MCCARTHY, chairwoman of the Healthy Families and Community Subcommittee, as well as the gentleman from Pennsylvania (Mr. PLATTS), Chairman MILLER and Ranking Member McKEON for their bipartisan work on this fine legislation.

The spirit of service runs strong in our Nation. Many Americans—young and old, rich and poor—look for ways to give back to their communities and to the Nation. During difficult times such as those we are facing today, we need to enable more people to answer the call to serve.

I am proud to have served on our Knapp Hospital board in Weslaco for nearly 10 years. Another great board where I served from 1984 to 1994 was the Boys and Girls Club board of directors. During those 10 years, I saw the need for helping young children get involved after school and on weekends, and saw how the programs that we developed on education and sports helped keep them out of trouble and helped raise them to be college-ready.

The GIVE Act is the first reauthorization of our national service programs in 16 years, and it is long overdue. With this legislation, we will set a national goal for volunteers of 250,000 by the year 2014. It addresses a wide range of community needs, from disaster relief to health care to education, nonprofits, and housing.

I am especially proud that the GIVE Act, through this manager's amendment, harnesses the power of service to promote and strengthen financial literacy. Our economic crisis has shed an unflattering light on the lack of financial and economic knowledge across the Nation, especially in the communities that can least afford it. The GIVE Act will put resources and volunteers into our communities to help turn this around.

The GIVE Act will make our great tradition of service even stronger. I urge all of my colleagues to vote "yes."

Mr. ANDREWS. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS), as modified.

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. PINGREE OF MAINE

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-39.

Ms. PINGREE of Maine. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. PINGREE of Maine:

In section 122(a)(3)(A) of the National and Community Service Act of 1990 as proposed to be amended by section 1302 of the bill, redesignate clauses (xi) and (xii) as clauses (xii) and (xiii), respectively, and insert after clause (x) the following new clause:

"(xi) providing clean-energy-related services designed to meet the needs of rural communities;"

The CHAIR. Pursuant to House Resolution 250, the gentlewoman from Maine (Ms. PINGREE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maine.

Ms. PINGREE of Maine. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1388 is an important call to service for the entire country. It will offer opportunities to people of all ages, races, and backgrounds to get involved in their communities and make lasting changes in the places they live. I strongly support this bill and want to commend the authors for their hard work in crafting this essential piece of legislation.

Among the many important provisions of this bill, I was pleased to see the inclusion of the Clean Energy Corps. In my home State of Maine, we have some of the oldest housing stock in the Nation, and we are one of the most dependent on home heating oil. Clean energy innovation is essential to our economic growth and survival.

I believe our rural State can become a leader in clean energy and in creating good-paying, sustainable jobs. Clean energy development is an important issue for both urban and rural communities, but rural communities often have to address their clean energy needs in different ways than big cities do.

In addition, rural areas frequently have a wide array of natural resources at their disposal that enable them to effectively address their clean energy needs.

This amendment will give service-based projects in small towns the flexibility to design clean energy solutions that are specific to their rural needs.

□ 1345

I would like to share with you one short example of an innovative and

groundbreaking project that was developed in my hometown, the island of North Haven.

I live in a rural community on an island 12 miles off the coast of Maine. Because we have to get our electricity from the mainland over an undersea cable, electric rates are extremely high. Most recently, we paid 27 to 29 cents per kilowatt hour. So the people of my tiny town, where we have 350 year-round residents, have gotten together with a neighboring island and have put together a plan to construct a wind turbine that will provide our electricity, and may even allow us to send some back to the mainland.

This is nearly a \$10 million project. This project could not and would not happen without the volunteer efforts of dozens of people in our community who have donated thousands of hours to make this clean energy project a reality.

It is crucial to encourage volunteerism and ingenuity in rural areas which are traditionally underserved by these types of service projects. This amendment extends additional opportunities for volunteerism into rural areas so we can continue to help and encourage our citizens of all ages to contribute to our clean energy future.

I urge you to vote "yes" on this amendment.

Mr. ANDREWS. Will the gentlewoman yield?

Ms. PINGREE of Maine. I yield to the gentleman from New Jersey.

Mr. ANDREWS. On behalf of the committee, I just want to congratulate the author of the amendment and indicate my enthusiastic support for your amendment.

In hearing the gentlelady tell the story of her neighbors volunteering to bring wind energy to her hometown, imagine how many hours of volunteer effort we will leverage by AmeriCorps and other participants being expanded under this bill. I think the gentlelady is not only directly addressing one of the great needs of rural America, which is energy diversification, but also opening the door for many more people to participate. I thank the gentlelady for her amendment. The majority strongly supports the amendment.

Ms. PINGREE of Maine. Mr. Chairman, I reserve the balance of my time.

The CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. PLATTS. Mr. Chairman, I rise in support of this amendment, which adds to the list of approved Clean Energy Corps activities the development of clean energy programs designed to meet the needs of rural communities. Our rural communities are a vital part of America, and this amendment helps to ensure that they are equally served under this act.

I urge a "yes" vote.

Mr. Chairman, I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. I want to thank the sponsor of this amendment for broadening the application of this bill.

I just want to make the point that this is a bill that is not only for the benefit of the individuals, the people who are going to gain these skills, but the whole country. When we weatherize homes, when we install solar panels, when we engage in all of these activities, it is part of the whole clean energy revolution that this country is going through, and it is going to help all 50 States.

The best vote I have ever cast, the very first vote I ever cast in Congress was for AmeriCorps, and I am happy that that is being extended. Mr. SARBANES and I introduced a stand-alone bill to get this Energy Corps going, and now I'm glad that we make sure it is all across the country. I thank the gentlelady for her sponsorship.

Mr. PLATTS. Mr. Chairman, I urge a "yes" vote in favor of the amendment, and I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Maine (Ms. PINGREE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Maine will be postponed.

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent to withdraw the request for the rollcall vote on the manager's amendment and to reinstate the voice vote for which the Chair ruled in favor of the amendment.

The CHAIR. Without objection, amendment No. 1, as modified, is adopted by voice vote.

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. HUNTER

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-39.

Mr. HUNTER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HUNTER:
Amend section 1404(11) of the bill to read as follows:

(11) in section (c)(6)—

(A) in the matter preceding subparagraph (A), by inserting after "national service educational award" the following: "and summer of service educational award"; and

(B) by amending subparagraph (B) to read as follows:

"(B) the student's estimated financial assistance for such period under part A of title IV of such Act (20 U.S.C. 1070 et seq.).";

The CHAIR. Pursuant to House Resolution 250, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to H.R. 1388, the Generations Invigorating Volunteerism and Education Act, that ensures veterans are no longer denied the educational benefits they earn through national service programs. My amendment simply removes GI benefits from the maximum educational award calculation so that veterans have full access to national service educational benefits.

Under current law, individuals who participate in national service programs earn educational awards to support their postsecondary education. The total amount a student can draw down for any one period takes into account the cost of attendance at an institution, Pell Grants, and the amount a student receives in veterans' educational benefits. In other words, veterans qualify for lower benefits if they choose to participate in national service programs.

At some low-cost institutions, educational benefits provided to veterans through the GI Bill either significantly reduce the national service award or deny access to this benefit altogether. In States such as California, where the true cost of living is not accurately captured by an institution's cost of attendance, veterans are often unfairly denied the educational award they earn for participation in national service programs.

Full access to these benefits would make a significant difference for some students in high-cost areas, particularly when college costs continue to increase at a rate of 6 or 7 percent a year. Additionally, removing GI Bill benefits from the maximum educational award calculation would likely increase the enrollment of veterans in national service programs, an idea that I hope all of us would support.

Our Nation's veterans are experienced leaders with invaluable skills acquired through years of military service. These qualities make them ideal candidates for volunteer opportunities, yet only about 2 percent of the total AmeriCorps participants are veterans. That is due in large part to the fact that current law discourages this type of service among America's veteran population.

National service programs provide important services that improve the lives of others. Increasing the enrollment of veterans in these programs will only serve to improve their quality and effectiveness.

This amendment is consistent with provisions included in the Higher Education Opportunity Act enacted last year that excluded veterans' educational benefits from a student's eligibility for Federal financial aid. Policies on veterans' educational benefits should be consistent. Students should not be denied the educational assistance they earn through volunteer programs because of their service in America's Armed Forces.

I urge my colleagues to support this amendment so that we can build on our commitment to promote and advance educational opportunities for America's veterans.

Mr. Chairman, I reserve the balance of my time.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. Mr. Chairman, the committee majority supports the amendment and thanks the gentleman for offering it.

The amendment is a great idea for two reasons: First, it will significantly broaden participation by our veterans in the national service programs. The skills and abilities and integrity that veterans bring to these programs will no doubt enhance each one of them. And then secondly, we share with the author of the amendment the conclusion that service in the Armed Forces should not act as a penalty, which it sort of does right now. By counting veterans' benefits against the subsidy characterization, the award characterization, in effect we say that veterans aren't entitled to the same benefit everybody else is. So we think it is an excellent amendment, and we enthusiastically support it.

I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the honorable gentleman from California, the ranking member on Education and Labor, Congressman McKEON.

Mr. McKEON. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of the Hunter amendment.

The gentleman that is the sponsor of this amendment speaks with great expertise when he talks of military and veterans affairs, having joined the Marine Corps the day after 9/11 and having served two tours in Iraq and one in Afghanistan. In fact, when he signed up to run for Congress, he was recalled up, sent back to Afghanistan, and couldn't even campaign. So I thank him for offering this amendment.

Since passage of the original GI Bill, we have provided educational benefits to soldiers returning from battle. Helping these brave men and women pursue a college education is a small price to pay for their valiant service to our Nation. These benefits are not a government handout; rather, they're a small token of our appreciation for their

willingness to serve. Unfortunately, the education awards under the GI Bill may actually be held against veterans participating in national service by sometimes decreasing their ability to receive other educational awards.

I support the Hunter amendment because it restores fairness in how veterans' educational awards are treated. This amendment is consistent with bipartisan reforms enacted last year to the Higher Education Act, and it is consistent with our commitment to the veterans who have already given so much to our Nation.

Mr. HUNTER. I would like to thank Congressman ANDREWS and the Democrat side for just recognizing that we have the best of this generation serving in the U.S. military at this time. They are put under extreme stress all the time. If there is any way that we can give back to them, for them to have higher education opportunities and for them to share in those things which people who did not serve share in and not to penalize them, we should do so.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. LOEBSACK

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-39.

Mr. LOEBSACK. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LOEBSACK: Insert after section 1821 the following:

SEC. 1822. VOLUNTEER GENERATION FUND.

Title I is further amended by adding at the end the following new subtitle:

**"Subtitle K—Volunteer Generation Fund
"SEC. 199P. VOLUNTEER GENERATION FUND.**

"(a) PURPOSE.—The purpose of this section is to—

"(1) assist nonprofit, faith-based, and other civic organizations in the United States and State Commissions in expanding the supply of volunteers and improving the capacity of such organizations and State Commissions to utilize new volunteers;

"(2) spur innovation in volunteer recruitment and management practices, with a goal of increasing the number of volunteers in the United States; and

"(3) enable the people of the United States to effect change throughout the United States by participating in active volunteer and citizen service.

"(b) GRANTS AUTHORIZED.—Subject to the availability of appropriations for this purpose, the Corporation may make grants to State commissions and nonprofit organizations for the purpose of assisting the recipients of the grants to—

"(1) develop and carry out volunteer programs described in this section;

"(2) make subgrants to support and create new local organizations that generate volunteers as described in this section.

"(c) ELIGIBLE VOLUNTEER PROGRAMS.—The recipient of a grant under this section shall

use the assistance, directly or through subgrants to other entities, to carry out volunteer programs and develop and support organizations that generate volunteers through the following types of grants:

"(1) Grants to community based organizations for activities that are consistent with the priorities set by the State's national service plan as described in section 178(e).

"(2) Grants to nonprofit organizations that recruit, manage, and support volunteers, such as a volunteer coordinating agency, a nonprofit resource center, a volunteer training clearinghouse, an institution of higher learning, or collaborative partnerships of faith-based and community organizations.

"(3) Grants to develop strong volunteer infrastructure organizations in communities without such a resource or to strengthen struggling volunteer infrastructure organizations.

"(4) Grants to nonprofit organizations whose activities are consistent with national volunteer generating priorities set by the President and the Corporation.

"(5) Grants to nonprofit organizations that provide technical assistance and support to—

"(A) strengthen the capacity of local volunteer infrastructure organizations;

"(B) address areas of national need; and

"(C) expand the number of volunteers nationally.

"(d) ALLOCATION OF FUNDS.—Of the funds allocated by the Corporation for provision of assistance under this section for a fiscal year, the Corporation shall reserve 50 percent to be allotted on a competitive basis. Of the remaining 50 percent of funds, the Corporation shall make a grant to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico in accordance with the formula in section 129(e) and (f). The corporation may designate a minimum amount to ensure that each State is able to improve efforts to generate volunteers.

"(e) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 6 percent of the amount of any grant provided under this section for a fiscal year may be used to pay for administrative costs incurred by either the recipient of the grant or any community based organization receiving assistance from such grant.

"(f) MATCHING FUND REQUIREMENTS.—The Corporation share of the cost of carrying out a program that receives assistance under this section, whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed—

"(1) 80 percent of such cost for the first year in which the recipient receives such assistance;

"(2) 70 percent of such cost for the second year in which the recipient receives such assistance;

"(3) 60 percent of such cost for the third year in which the recipient receives such assistance; and

"(4) 50 percent of such cost for the fourth year in which the recipient receives such assistance and each year thereafter.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

"(1) \$50,000,000 for fiscal year 2010;

"(2) \$60,000,000 for fiscal year 2011;

"(3) \$70,000,000 for fiscal year 2012;

"(4) \$80,000,000 for fiscal year 2013; and

"(5) \$100,000,000 for fiscal year 2014."

In the table of contents in section 1(b), strike the item relating to subtitle I of title I and insert the following:

Subtitle I—Training and Technical Assistance and Volunteer Generation Fund

In the table of contents in section 1(b), insert after the item relating to section 1821 the following new item:

Sec. 1822. Volunteer generation fund.

In the table of contents of the National and Community Service Act of 1990, as proposed to be amended by section 4101 of the bill, insert after the item relating to section 199N the following:

SUBTITLE K—VOLUNTEER GENERATION FUND
Sec. 199P. Volunteer generation fund.

The CHAIR. Pursuant to House Resolution 250, the gentleman from Iowa (Mr. LOEBSACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LOEBSACK. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I want to thank Chairman MILLER, Ranking Member McKEON, Subcommittee Chairwoman MCCARTHY, and Ranking Member PLATTS for their bipartisan work on the GIVE Act. I am offering this amendment today to build on this important legislation and increase volunteerism across America.

My amendment authorizes grants to nonprofits, including faith-based organizations, and to States to increase the supply of volunteers in this country, and to strengthen volunteer infrastructure organizations nationwide. These grants will help address national and State priorities, especially in areas with the greatest need for this support.

I have never seen more clearly the need for volunteers than in Iowa this past year. In June 2008, Iowa was overcome by severe flooding. As my colleagues know, 85 of Iowa's 99 counties were declared Presidential disaster areas. The Second District, which I represent, sustained the greatest damage. Thousands of homes and businesses were destroyed, families were displaced, and the devastation was indescribable.

□ 1400

Needless to say, we are still struggling to get back on our feet.

In the initial days of the floods, we faced many challenges. Among them was the need to coordinate volunteer efforts. United Way of East Central Iowa; Serve the City, a local ecumenical group; and several major corporations were all involved in various efforts to recruit and deploy volunteers, but there was no centralized location and point of contact.

In late June United Way of East Central Iowa formed a partnership with Community Corrections Improvement Association, the Iowa Commission on Volunteer Service, and AmeriCorps. Together they created the East Central Iowa Volunteer Reception Center to organize and coordinate volunteer responses to the disasters. AmeriCorps/

VISTA team members, working with the United Way and the Iowa Commission staff, opened the volunteer center within 3 weeks of the flood's crest and began taking calls from both volunteers and those who needed volunteer help. AmeriCorps members have helped coordinate over 800,000 volunteer hours through eight volunteer reception centers.

Iowa would not have made the progress it has made in the wake of disasters without volunteers, and Iowa is not alone. Across this country States are faced with growing unmet public needs which can be better addressed by leveraging the work of volunteers. And I might just say, as we speak, we have over 600 student volunteers from universities from all over the country taking time in their spring break to help us continue work in Iowa. This amendment is the missing link in the current set of strategies at the Corporation For National and Community Service to achieve the goal of enabling all Americans to make a contribution through service.

A modest but critical Federal investment in a new volunteer generation fund that builds capacity and access for millions of new volunteers can leverage billions of dollars in volunteer services to some of the country's neediest citizens. I urge my colleagues to support this amendment, and I will submit an article written by an AmeriCorps intern, Lacy White, who was inspired by the work of all the AmeriCorps members in what they were doing and asked if she could do her part by recording their story.

AMERICORPS FUELS HOPE THROUGH DISASTER RELIEF

(By Lacy White)

The summer of 2008 brought tornados and floods that devastated many Iowa towns. In May, an F5 tornado tore through Parkersburg, leveling almost half the town. Homeowners emerged from their basements to find nothing on their lots but piles of rubble and debris. In June, record flooding submerged towns like Oakville and Cedar Rapids. When the waters receded, residents were left with houses full of molding walls and possessions beyond salvaging.

Families across the state were in dire need of help, the damage so extensive that any hope of rebuilding their homes—and their lives—seemed out of reach. Many did not know how or where to begin the enormous task that lay ahead.

AmeriCorps quickly stepped in to offer its service—hundreds of members arrived eager to do whatever necessary to rally and relieve distressed communities. Arriving in Parkersburg less than a week after the tornado, Bill Dillon, a Corporation for National Community Service (CNCS) program director, realized the greatest need was for organization. Dozens of volunteers sat waiting to be deployed, but there was no system for coordinating them. “We determined the most appropriate use for our team was to set up a Volunteer Reception Center (VRC) to which all groups—internal and traveling through—could report,” said Dillon. This is also where homeowners could call in and register for assistance.

The VRCs established by AmeriCorps teams across the state provided the key element of efficiency to the work being done in each town, benefiting not only AmeriCorps members, but any volunteer who registered at the VRC. They also became a place for residents to socialize with volunteers, to tell their stories or take their minds off their trouble. Perry Onorio, a member of the Washington Conservation Corps AmeriCorps program, served as head of the Oakville VRC. “I had direct contact with almost everyone in that town,” he said. “I talked to them and let them vent or let them know what was going on. I assured them there were people who had come in solely to help them rebuild their lives.”

It was this assurance by Onorio—and countless other AmeriCorps members like him—that helped facilitate one of the program's most important duties: to offer hope to those who could not see past the devastation in front of them, those who saw their belongings lost or destroyed, their futures uncertain. Many thought their homes were beyond repair and there was nothing they could do. But, as Onorio observed in Oakville, their outlook evolved: “As people started seeing things change in town it became more hopeful. Once a group like AmeriCorps comes in and does a lot of the work for you—rips out your carpet and drywall—it looks much more doable. You can say, ‘I can totally fix this up now.’ I saw that change in people on a daily basis as homes were gutted out.”

In flooded towns, the work consisted of draining houses of water and mud, throwing out waterlogged furniture and appliances, removing everything down to the studs and power washing inside and out. In Parkersburg, it was removing debris—everything from trees to metal to glass to concrete to piles of lumber—and anything salvageable from inside houses. AmeriCorps members were able to undertake a tremendous amount of manual labor, freeing many residents from the emotional task of gutting their own homes. Their tireless commitment to backbreaking work in sweltering humidity and the enthusiasm with which they met each challenge provided the support residents needed to endure the summer.

AmeriCorps members also took something away from the experience of disaster relief. Katie Graham, a member of Volunteers in Service to America (VISTA), shared the lesson she learned from her ten week term in Cedar Rapids: “I learned the importance of living for someone other than yourself, for giving even when you think you have nothing to give, for giving without an expectation of being thanked. And I learned how much community service can tie you to the place where you serve; you sow a part of yourself into whatever community you serve, so returning is a little like coming back home. It's familiar, it's comfortable, it's yours.” This is a sentiment echoed by many other members who found it difficult to leave when their first term was up, often requesting to extend their service to a second term. In Cedar Rapids, VISTA remains a strong presence as it continues to help the town in its rebuilding process.

Across the state, AmeriCorps helped accomplish in weeks what it would have taken individual homeowners and volunteers months to complete. The program's quick and effective response cleared a space for hope to rise up from the muck and debris, and there are those now rebuilding on foundations AmeriCorps helped clear and cleanse. It has left a lasting impression on the towns

through proactive and sustainable volunteer coordination systems, thousands of eager helping hands and relentless positivity. It was this selfless desire to alleviate the frustration and vulnerability of those left suddenly in need that put so many Iowa residents on the road to reclaiming their lives in the wake of disaster.

Mr. Chairman, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I rise to claim the time in opposition to this amendment.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McKEON. Mr. Chairman, Members on both sides of the aisle have worked hard to strike a balance on this legislation. We have produced a major reorganization and renewal of national service programs, and we've done so without layering on unnecessary new programs.

The purpose of this amendment is to generate volunteers, which is the purpose of the whole bill. It's a worthy goal, and that's why we've taken steps to ensure that all national service programs, in one way or another, encourage volunteerism. The approach included in the bill, agreed to in a bipartisan manner, is the right one. Rather than creating a new program, which this amendment does, we should work to achieve the goal of generating volunteers under the existing programs authorized in this legislation.

Therefore, I oppose this redundant amendment and encourage my colleagues to do the same.

Mr. Chairman, I yield back the balance of my time.

Mr. LOEBACK. Mr. Chairman, I yield 1 minute to my colleague ROB ANDREWS.

Mr. ANDREWS. I thank my friend for yielding.

I rise in support of the amendment he's offering.

The ranking member is correct that the purpose of the underlying bill is to generate volunteers, but I think that the gentleman from Iowa has put a finer point on that and given the structure of the program a specific place at which volunteers will be generated.

It is a full-time job to generate volunteers. You need someone who gets up every morning dedicated to that purpose. And although the present program has generated millions of hours of volunteer service, I think too often that's been done in a way that's not as effective and robust as it could be.

So we support the gentleman's amendment and urge its adoption because I believe it will result in a quantum leap in the number of volunteer hours.

Mr. LOEBACK. Mr. Chairman, at this time I want to thank my colleagues for their consideration of my amendment and urge its passage.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. LOEBACK).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. McKEON. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. ROE OF TENNESSEE, AS MODIFIED

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-39.

Mr. ROE of Tennessee. Mr. Chairman, I have an amendment made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ROE of Tennessee:

In paragraph (1)(C) of section 501(a) of the National and Community Service Act of 1990 as proposed to be added by section 1841 of the bill, strike "such sums as may be necessary" and all that follows and insert "\$405,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011 through 2014."

The CHAIR. Pursuant to House Resolution 250, the gentleman from Tennessee (Mr. ROE) and a Member opposed each will control 5 minutes.

Mr. ROE of Tennessee. Mr. Chairman, I ask unanimous consent that the amendment be modified by the text I placed at the desk.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 5 offered by Mr. ROE of Tennessee:

In paragraph (2)(A) of section 501(a) of the National and Community Service Act of 1990 as proposed to be added by section 1841 of the bill, strike "such sums as may be necessary" and all that follows and insert "\$405,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011 through 2014."

The CHAIR. Is there objection to the modification of the amendment?

There was no objection.

Mr. ROE of Tennessee. Mr. Chairman, I yield myself 1½ minutes.

My amendment would cap the authorization level in this legislation for fiscal year 2010 at the fiscal year 2008 level of \$405 million. This is 5 percent less than fiscal year 2009, which I think reflects what State and local governments are asking their programs to do all over the country.

The legislation we have before us today continues the process of turning the AmeriCorps program into a much more streamlined, cost-effective program that is leveraging a great deal of service for dollars we are spending. While I have some concerns that a few programs want additional scrutiny, the majority of the programs within the national service laws are performing well.

With that being said, the fact is we are in a recession and face record defi-

cits. The legislation before us includes a sense of Congress that the AmeriCorps and several other programs should increase the number of volunteers to 250,000, up from its current level of just over 75,300, which, if achieved, would represent a 300 percent increase. While it seems to me this is a worthy goal for the future, I'm concerned about the temptation to try to get there all at once without some direction to the Appropriations Committee on how much funding to allocate the program.

Nothing in this amendment prevents the program from growing in future years. If our economy gets back on track and revenues increase, which we all are hoping will happen, I think it's perfectly reasonable in the future years to increase the funding for the program. At least for this year, however, when our focus should be on tightening our belts to lower our deficits, this amendment sets what I think is a reasonable boundary for the program.

I urge adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. Mr. Chairman, we oppose this amendment because it replaces carefully reasoned consideration of the growth of the program with an arbitrary standard.

I'm quite sympathetic to the author's concern that no program grow more quickly than it should. I think that he's right, and I think that that's a concern we should have in every aspect of the Federal budget. But I think that the proper place to adjudicate that concern is in the appropriations bill.

What the bill before us does is to set a maximum limit, an authorization limit, for how much money can go into these programs. As the gentleman knows, each year the Appropriations Committee will consider, among competing priorities for the public funds, how much money this program should receive. The purpose of an authorization level is aspirational. It is to set a goal that we think is the optimal goal. But we may be wrong. It's shocking, but it's been known to happen around here. If that's the case, it is the job of the Appropriations Committee, after full public hearing and usually under a very open procedure here on the floor, for Members to come and debate the proper amount of funding that should go into such a program.

So we believe that the goals are right. We believe that the aspirational goals in this organization bill are quite right. But we understand that it's our responsibility to subject those aspirational goals to the rigor of the annual appropriations process, and that is

what would happen if the bill passes without this amendment's being adopted.

So although we certainly understand the gentleman's concerns, we respectfully oppose his amendment because it deprives the appropriate committee, the Appropriations Committee, and the entire body of the right to make that annual assessment as to what the appropriate level of funding is.

Mr. Chairman, I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Chair, I yield such time as he may consume to the distinguished ranking member of the Education and Labor Committee, the gentleman from California (Mr. McKEON).

Mr. McKEON. I thank the gentleman for yielding and welcome him to the committee, a new member of our committee and a great addition to the committee.

The gentleman that just spoke is correct. We do have the appropriators who spend the money, but that does not mean that the authorizers should give up their responsibilities, and they have the responsibility of putting in the bills what they think should be spent.

None of us needs reminding about the grave economic and fiscal challenges we face at this time. In fact, a child born today carries a debt of at least \$175,000. That's the equivalent of having a mortgage and no house.

The Roe amendment is a small step but a very important one. It underscores our commitment to fiscal responsibility. And I think, as authorizers, we can step up and do that, and I commend him for offering the amendment.

The GIVE Act, as currently drafted, offers no clear guidance on funding levels for AmeriCorps and its supporting programs. Rather, this section of the bill is merely authorized to spend "such sums as may be required," and we would be giving up the opportunity to advise the appropriators.

As we implement major structural changes in the bill, such as the new fixed-price grant structure, it would be prudent to take our time before deploying on a larger scale. Therefore, although we have encouraged the corporation to actually expand these programs, I support this amendment to authorize funding for the coming year at the fiscal year 2008 level and allow flexibility in future years to help reach the goal we have articulated.

I urge my colleagues to support this amendment.

Mr. ANDREWS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, I yield myself the balance of my time.

I know I am new here in Congress and probably don't understand the way things work, but I have a basic philosophy that I have applied throughout

my public service. It's very simple: The government should spend less than it takes in. It's a concept that our State governments and local governments achieve every year, and I know there's pain, but they get it, and it's because that's what they have to do. States like California and Tennessee have to make major spending cuts this year to bring their budgets in balance. The city I was mayor of has a 5 percent cut in their budget this year.

Congress, unfortunately, seems to be best at completely ignoring this principle. I'm not blaming Republicans or Democrats, because it has occurred under the watch of Presidents of both parties. But now is our chance to do something about it. Our economy is in crisis, our deficits are soaring, and I think it's reasonable to ask good programs like AmeriCorps to join the rest of the country in tightening our belts and making do with what we have for 1 more year while we try to get out of this crisis.

With that I urge adoption of my amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, we would again respectfully request a "no" vote on this amendment.

The fiscal concerns that the gentleman raises are quite valid. We believe that the procedure that's in place to address those fiscal concerns is the right one, and we actually believe that this bill in many ways is a partial answer to the country's fiscal crisis in three ways:

First, it promotes many more people getting a higher education. A skilled workforce is one of the most important ways we can grow the economy.

Second, it addresses some of the most pressing needs of the country that are precluding us from growth. Whether it's illiteracy, juvenile delinquency, gaps in our health care system, this underlying bill, we believe, addresses those needs, and this amendment artificially cuts off funding for some of those needs.

And, finally, we think that the volunteer hours that are leveraged by this legislation accomplish so much more for the commonwealth at no cost to the public treasury.

□ 1415

We believe that the amendment artificially cuts off those possibilities and we urge a "no" vote.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. ROE), as modified.

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. ROE of Tennessee. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the

amendment offered by the gentleman from Tennessee will be postponed.

Mr. ANDREWS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. KILROY) having assumed the chair, Mr. PASTOR of Arizona, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1388) to reauthorize and reform the national service laws, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING PROCEEDINGS TODAY

Mr. ANDREWS. Madam Speaker, I ask unanimous consent that, during consideration of H.R. 1388 pursuant to House Resolution 250, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 250 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1388.

□ 1418

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1388) to reauthorize and reform the national service laws, with Mr. PASTOR of Arizona in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose earlier today, amendment No. 5 had been postponed.

AMENDMENT NO. 6 OFFERED BY MS. KILROY

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-39.

Ms. KILROY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. KILROY:

In section 122(a)(2)(A) of the National and Community Service Act of 1990 as proposed to be amended by section 1302 of the bill, redesignate clauses (vii) and (viii) as clauses (ix) and (x), respectively, and insert after clause (vi) the following new clauses:

"(vii) addressing childhood obesity by providing volunteers to organize and supervise

physical education classes and after school physical activities at elementary and secondary schools and providing nutrition education to students;

“(viii) addressing issues faced by homebound elderly citizens through food deliveries, legal and medical services provided in the home, and providing transportation;”

The CHAIR. Pursuant to House Resolution 250, the gentlewoman from Ohio (Ms. Kilroy) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KILROY. Mr. Chairman, I yield myself such time as I may consume.

I rise today regarding my amendment to the Generations Invigorating Volunteerism and Education Act, or the GIVE Act.

My amendment would add additional opportunities to the GIVE Act by adding the Healthy Futures Corps, by helping children and the elderly.

Mr. Chairman and Members, as a former VISTA volunteer, as a former school board member who helped bring City Year to my community, and as a former county commissioner who worked diligently on the issues of childhood obesity and hunger in our community, as well as with senior options, issues facing our homebound elderly, this amendment continues some of the issues and concerns that I have seen and recognized back in central Ohio.

As somebody who has had close involvement with AmeriCorps and City Year and with VISTA, I can assert that these are very cost-effective programs that provide vital services to our community. In this instance, today, in Ohio, more than 30 percent of our children between the ages of 10 to 17 are found to be overweight or obese.

As we know, childhood obesity leads to lifelong health consequences, including diabetes and heart disease. Our poorest children are more than twice as likely to be overweight. At a time when our schools are facing cuts, physical education classes are being cut and parents are working more than one job to keep families together, this program would allow us to step up, to help educate our children about living healthy lifestyles.

My amendment focuses volunteers towards programs that combat obesity through physical education for children, after-school activities and nutrition classes. We simply cannot continue to ignore this nationwide epidemic and also the corollary epidemics of preventable chronic diseases.

Physical education opportunities not only help to build strong bodies but help to build for these children habits for a healthy lifetime of good, healthy living. And, as I have seen this as a member of the school board, I believe that including physical education and exercise in our children's daily lives also helps them improve their learning.

Along with our children, our elderly face challenges in obtaining access to

health care and other services. Many senior citizens face restrictions on their movement, making them unable to leave their homes. It shuts them off from the world, and not only from medical care, but from social interaction, from companionship, dealing with other human beings.

Our homebound elderly struggle to get food and adequate nutrition, because they are unable to shop for groceries. It can be a lonely life and a dangerous one where a fall can mean a painful end of their life. My amendment would also allow volunteers to bring food, medical supplies, and legal counsel to these senior citizens who may never be able to access these services otherwise.

I ask for support of children and the elderly by supporting my amendment to direct volunteer services towards combating childhood obesity and providing services to the homebound elderly, to our senior citizens who we need to respect and care for in their later years.

Mr. Chairman, America is facing unprecedented challenges, and it is in these times that Americans must come together to support one another by directing our attention to those who truly need our help.

It was heartwarming to me to learn in our local newspapers that many people who have lost their jobs are devoting themselves to volunteerism, putting their talents to work.

President Obama has called on Congress to create new opportunities for Americans, to build a stronger country, stronger communities and calling for a new era of service.

This bill, the GIVE Act, is an answer to that call, a call to all Americans to help give back to their communities and to offer help to those of us in greatest need.

Again, I can testify from my experience as a VISTA volunteer and being inspired by the young people in City Year, we see people helping people, helping themselves. We see young people becoming role models for other young people, and we see these young volunteers, themselves, learning and developing their own leadership skills.

I support the GIVE Act. It helps people of all ages, from our schools and our school children to our seniors and encourages others to invest their time and passion in their communities.

I urge support of this bill, which will signal a new era of social responsibility.

The CHAIR. The time of the gentlewoman has expired.

Mr. PLATTS. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. PLATTS. Mr. Chairman, I would just quickly say I support the amendment, commend the maker of the amendment, the gentlelady from Ohio, for ensuring that through the GIVE Act we are looking out for our Nation's youth and our elderly, especially when it comes to their health and nutrition, and especially in the area of physical fitness. As we know, many schools are struggling to be able to provide physical education classes.

I have a fourth grader and sixth grader and know how important those classes are to them, both from a health standpoint and from just a release to be out of school now and then and burn off a little energy. I think that probably makes them all the more focused in the classroom and maybe a little less antsy in the classroom, which benefits their teachers as well.

I support the amendment.

I yield 3 minutes to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I want to thank my colleague from Pennsylvania for yielding the time.

I want to thank the gentlewoman from Ohio (Ms. KILROY) for her service in various governmental capacities and for her amendment. We all agree that service to this Nation is important. That's why all of us are here. We serve our constituents.

So I would like to ask the gentlewoman, Ms. KILROY, why she voted to block consideration of a bill to require the Treasury Secretary to recoup the outrageous bonuses to AIG employees.

This week, \$165 million was awarded to 73 AIG employees. Today's vote would have stopped the bonus payments on behalf of American taxpayers and prevented future abuses of bailout funds. All Americans, my constituents, your constituents, which we serve, are outraged over this because it is taxpayers who are keeping this country alive.

So I ask the gentlewoman from Ohio (Ms. Kilroy) why she didn't stand up and serve her constituents today. We all had a chance to do something today.

I would like to yield to the gentlewoman for a response.

Ms. KILROY. Mr. Chairman, I would like to address those comments. Nobody is more outraged by the actions of AIG than myself.

Ms. FOXX. Reclaiming my time, I would like to ask the gentlewoman to answer my question. Why did you not vote for that bill to stop these payments?

Ms. KILROY. If the gentlelady will yield, there have been votes on record in this House, including a vote prior to the last allocation of TARP funds, in which I am on record as asking for restrictions on executive compensation.

Ms. FOXX. Reclaiming my time, I would like to ask the gentlelady to answer my question.

The CHAIR. Members should direct their remarks in debate to the Chair.

Ms. FOXX. Mr. Chairman, I have asked the gentlewoman from Ohio for a simple answer and I am not getting that. I would like to ask her to please answer the question that I asked her: Why did she not vote to stop the bonuses to the AIG employees?

Does the gentlelady refuse to answer?

The CHAIR. Members are reminded to direct their comments to the Chair.

Ms. FOXX. I yield to the gentlelady from Ohio.

Ms. KILROY. It appears the gentlelady from North Carolina does not like the answers that she has been receiving.

I am on record as being against excessive compensation, restrictions on bonuses paid to those recipients of the TARP fund.

I think there should be a time and a place for this debate, and it is unfortunate that a debate on volunteerism and service has been turned into a debate on another issue.

Ms. FOXX. Reclaiming my time, Mr. Chairman, the gentlewoman from Ohio says there is a time and place for this debate. She indicates this is not the time and place.

It is my belief that this is the time and place for that debate. It is a time and place for there to be accountability and responsibility. We have heard those words over and over and over from the other side and from the President. It's time that the other side decides to live up to their responsibility and their accountability.

The CHAIR. The gentleman from Pennsylvania has 1 minute remaining.

□ 1430

Mr. PLATTS. Mr. Chairman, I again rise in support of the amendment, and thank the maker of the amendment for offering it and urge a "yes" vote.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KILROY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Ms. KILROY. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Ohio will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. ROSKAM

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-39.

Mr. ROSKAM. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ROSKAM:

In the table of contents in section 1(b) of the bill, strike the item relating to section 1601 of the bill and insert the following:

"Sec. 1601. Family and medical leave and reports."

In section 1513 of the bill, strike paragraphs (1) and (2), and redesignate paragraphs (3) and (4) as paragraphs (1) and (2), respectively.

Amend section 1601 of the bill to read as follows:

SEC. 1601. FAMILY AND MEDICAL LEAVE AND REPORTS.

(a) FAMILY AND MEDICAL LEAVE.—Section 171(a)(1) (42 U.S.C. 12631(a)(1)) is amended by striking "with respect to a project" and inserting "with respect to a project authorized under the national service laws".

(b) REPORTS.—Section 172 (42 U.S.C. 12632) is amended by adding at the end the following:

"(d) EVALUATION USING PROGRAM ASSESSMENT RATING TOOL.—

"(1) STUDY.—The Director of the Office of Management and Budget shall conduct a study to evaluate the programs authorized by this Act, including the amendments made by this Act, under the Program Assessment Rating Tool or a successor performance assessment tool that is developed by the Office of Management and Budget.

"(2) REPORT.—The Director shall transmit to Congress a report on the results of the study conducted under paragraph (1) within 1 year of the date of enactment of this subsection.

"(e) GAO STUDY.—

"(1) STUDY.—The Comptroller General shall conduct a study of the National Civilian Community Corps program authorized under subtitle E of title I.

"(2) COMPONENTS OF STUDY.—The study conducted under paragraph (1) shall consist of—

"(A) a comprehensive examination of the program;

"(B) an examination of the programs cost-effectiveness, particularly in relation to other comparable AmeriCorps service programs;

"(C) whether the program has data and quantifiable measures to adequately assess the program's progress toward achieving its strategic goals;

"(D) a review of the Office of Management and Budget's 2005 Program Assessment Rating Tool assessment of the program; and

"(E) recommendations for future Congressional treatment of the program, particularly assessing whether the program is duplicative or could be more efficiently managed.

"(3) SUBMISSION.—The results of the study conducted under paragraph (1) shall be submitted within 6 months of the date of enactment of this subsection."

The CHAIR. Pursuant to House Resolution 250, the gentleman from Illinois (Mr. ROSKAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. ROSKAM. Thank you, Mr. Chairman. In a nutshell, this is an amendment that is meant to follow on some of the themes that President Obama articulated in his inauguration where he said—and I'm paraphrasing—"Programs that are good, we are going to continue to do, but those that are not so good, let's not do them."

Toward that end, this is an attempt to give us a diagnostic tool to make sure that we have a clear understanding of what's working and what's not working.

So, in a nutshell, Mr. Chairman, the amendment directs the Office of Management and Budget to evaluate all programs authorized by the entire legislation under the Program Assessment Rating Tool or some successor standard to that.

It also directs the GAO to conduct a review of the National Civilian Community Corps program, and it strikes one of the underlying provisions of the bill which, in my view, and I hope in the majority's view, we can do a little bit better, which would have eliminated the Community Corps' annual reporting requirement, and it would have said let us evaluate this in 2014. But instead, with the amendment, if it's adopted, Mr. Chairman, it will say let's continue on an annual basis with the evaluations.

So I think it's short, sweet, not meant to be controversial, and it's my understanding that it is perceived in that way.

With that, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent to claim time in opposition, although we do not oppose the amendment.

The Acting CHAIR (Mr. BLUMENAUER). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ANDREWS. Mr. Chairman, I thank you. We will support this amendment because we certainly want whatever analytical tools the Office of Management and Budget or whomever uses to rigorously look at all aspects of this bill and this program.

We believe that it's a very sound program, but we certainly invite rigorous scrutiny of the expenditures of the program when it's adopted.

I do want to address some of the remarks by my dear friend from North Carolina. I notice she's left the floor.

She asked the rhetorical question, Mr. Chairman, "When is the right time to discuss the bonuses paid by some of the recipients of the financial recovery legislation of last fall?" The answer is: Probably within the next 24 hours.

It's the intention of the House leadership, my understanding, to bring to the floor a bill which does not make a political point but actually solves the problem.

So I think the short answer to the gentlelady's rhetorical question is: The right time is when you know what you're doing, when you have found the mechanism that will actually solve the problem, and you can bring the bill to the floor when it's the issue on the floor, and not make it into an ancillary diversion, which is what happened here.

This bill is about improving and strengthening national service. We believe this amendment is consistent with the bill, and we will support the amendment.

I reserve the balance of my time.

Mr. ROSKAM. I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I thank the gentleman for yielding. I rise in support of conducting a GAO study of whether the NCCC and PART programs are accomplishing their mission in a cost-effective manner.

While reauthorizing the Corporation for National and Community Service in our committee, I learned that approximately up to \$27,000 dollars is spent per volunteer in the NCCC. In Tennessee, where I am from, you can go to a university in our State for 3 years for that.

I understand that this is a residential program, so there are additional costs for this program that don't exist for other programs, but it still seems high to me. I think it would be helpful to have an independent evaluation of this program to prove its effectiveness, and I thank the gentleman for yielding.

Mr. ANDREWS. I support the amendment and yield back the balance of my time.

Mr. ROSKAM. I thank the gentleman from New Jersey, thank the gentleman from Tennessee, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. MARKEY OF COLORADO

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-39.

Ms. MARKEY of Colorado. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. MARKEY of Colorado:

In section 129A(b) of the National and Community Service Act of 1990 (as proposed to be inserted by section 1307 of the bill), strike “\$600” and insert “\$800” and strike “\$800” and insert “\$1,000”.

The Acting CHAIR. Pursuant to House Resolution 250, the gentlewoman from Colorado (Ms. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado.

Ms. MARKEY of Colorado. Mr. Chairman, I yield myself such time as I may consume. I'd like to thank Chairman MILLER, Congresswoman MCCARTHY, and the entire committee for their diligent work on this important legislation.

I rise today to urge my colleagues to support my amendment to H.R. 1388. My amendment would increase the amount of funds that go to organizations to support national servicemembers. AmeriCorps is one such organiza-

tion, and its members are making a difference in communities across the United States.

Each year, AmeriCorps offers 75,000 opportunities for adults of all ages and backgrounds to serve through a network of partnerships with local and national nonprofit groups, including nine in my home State of Colorado.

These projects have helped to coordinate such days as Martin Luther King Day of Service and Colorado Cares Day.

Within my congressional district, the Weld County Youth Conservation Corps contracts with the city of Greeley and does everything from working in museums to making buildings handicapped-accessible to eradicating weeds in our State parks. The Corps maintains the Poudre River Trail Corridor, works at the Wray Fish Hatchery, and supports the forest service. In my rural district, VISTA members address poverty needs and disaster relief.

Additionally, one of my constituents, Justin Horn, won “Corps Member of the Year” for the State of Colorado in 2008. Constituents in my district contribute to the great work being done around Colorado, along with 75,000 AmeriCorps programs across the country.

To help our men and women do this admirable work, Congress established the Education Award Program in 1998 in order to address concerns about costs organizations incurred from hosting national servicemembers.

Currently, organizations receive only \$600 to support the individuals who are enrolled in full-time national service positions. This small amount helps to pay for operational and member support costs, including a living allowance. My amendment proposes an increase to that amount. In today's economy, these organizations are struggling.

My amendment is not only an investment that will boost these organizations and their noble work but, at the same time, improve these communities throughout the United States.

I urge all Members to support my amendment to H.R. 1388.

I reserve the balance of my time.

Mr. PLATTS. Mr. Chair, I rise to claim time in opposition, but I rise in support of the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PLATTS. I yield myself such time as I may consume.

As I said, I rise in support of the amendment in strong recognition of the National Service Corporation's request for this additional ability to ensure they can recruit needed personnel.

So I urge a “yes” vote.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Would the gentlewoman from Colorado yield?

Ms. MARKEY of Colorado. Yes, I yield.

Mr. GEORGE MILLER of California. I want to thank the gentlewoman for introducing this amendment. It's an important amendment so that we can preserve the quality of these programs, and we can make sure that they remain accessible to all those who want to participate.

This will help such grantees as the Boys and Girls Club of America, the Student Conservation Association, and so many other organizations that are responsible for covering this cost. This will help them out in that effort.

They clearly are putting their own resources into this program. This is the Federal Government providing up as a good partner to increase the opportunities that the gentlewoman from Colorado has supported and spoken to the committee about.

We support the amendment. Thank you.

Ms. MARKEY of Colorado. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Colorado (Ms. MARKEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. MARKEY of Colorado. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Colorado will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. HILL

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-39.

Mr. HILL. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. HILL:

In section 122(b)(1)(I) of the National and Community Service Act of 1990 as proposed to be amended by section 1302 of the bill, insert “, such as sending care packages to members of the Armed Forces deployed in combat zones overseas” before the period.

The Acting CHAIR. Pursuant to House Resolution 250, the gentleman from Indiana (Mr. HILL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. HILL. I am happy that we are taking up this important piece of legislation today. I think it's the right thing to do. The President and the First Lady have, of course, been strong advocates for national service programs.

The amendment that I am offering today evolved as a result of a bill that I introduced in this session. It's House

Resolution 1090, called the Homefront Heroes Tax Relief Act. It's a bill that gives support to our troops and our military families who are serving our country.

This legislation actually came about because of a constituent of mine in Bloomington, Indiana—Indiana University Professor Catherine Dalton—who came up with the idea. She had been sending care packages to Iraq and incurring a lot of expense. These care packages were sent to families and to soldiers in Iraq that were not related to her own family.

Everybody wants to help our troops, and this fine young woman was doing just that. She was helping our troops, on her own. But she was also incurring a lot of expense. So she came to me and said, "Congressman HILL, I think it would be a good idea to help people like myself who are trying to help our troops, and that is the expenses that we incur are tax deductible on our income taxes."

So I filed the bill, the Homefront Heroes Tax Relief Act, to allow people like Professor Dalton to do just that.

So my amendment simply ensures that sending care packages to members of the armed services deployed in combat are also included in the eligible national service program.

Currently, people like Professor Dalton have to just absorb these expenses. If this amendment is passed, it would allow volunteer programs that send care packages to members of the armed services to be eligible for grant funding under the GIVE Act.

With that, I reserve the balance of my time.

Mr. PLATTS. Mr. Chairman, I ask unanimous consent to claim time in opposition to the amendment, although I am not opposed to the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PLATTS. I yield myself such time as I may consume. I rise in strong support of the amendment. I thank the gentleman from Indiana for offering this amendment.

Having had the privilege to visit our courageous troops eight times in Iraq and five times in Afghanistan, I know how much these care packages from home really mean to the troops, and how they look forward to them and what a morale boost it is.

I think recognizing this type of service, especially to those who are serving us in harm's way, is a wonderful amendment, a change to the legislation, and urge a "yes" vote.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Will the gentleman yield for 30 seconds?

Mr. HILL. I will yield.

Mr. GEORGE MILLER of California. I just want to commend him for offer-

ing this amendment, for all of his work on behalf of not only our veterans, but service people on active duty and in support of his constituent from Indiana that came up with this idea to start sending care packages to our troops in service in the theaters of battle.

We clearly think this is a consistent use and allowable use under the National Service Act, and we welcome the amendment and support it.

Mr. HILL. I yield myself such time as I may consume. I thank the chairman and the ranking member for this bipartisan support. This is a bipartisan bill and amendment, and I am sure it will gain a lot of Democrat and Republican votes.

This is the right thing to do. This is how democracy is supposed to work. We are supposed to listen to our constituents who have good ideas and come here to Washington to pass good legislation. So I am happy that we have this bipartisan support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. HILL).

The amendment was agreed to.

□ 1445

AMENDMENT NO. 10 OFFERED BY MR. TEAGUE

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-39.

Mr. TEAGUE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. TEAGUE:

In section 122(a)(4)(A)(ii) of the National and Community Service Act of 1990 (as proposed to be inserted by section 1302 of the bill), insert after "opportunities" the following: " , including such opportunities that reflect their military experience".

In section 122(a)(4)(A)(iii) of the National and Community Service Act of 1990 (as proposed to be inserted by section 1302 of the bill), insert after "certification" the following: " , licensure, and credentials, including coordinating with and assisting State and local agencies administering veterans education benefits and programs for internships and fellowships that could lead to employment in the private and public sector".

In section 122(a)(4)(A)(iv) of the National and Community Service Act of 1990 (as proposed to be inserted by section 1302 of the bill), strike "active duty military members" and insert the following: "members of the Armed Forces serving on active duty, including such efforts to help veterans file benefits claims and assist Federal agencies in providing services to veterans".

In section 122(a)(4)(A)(vi) of the National and Community Service Act of 1990 (as proposed to be inserted by section 1302 of the bill), insert after "disabled," the following: "rural,".

In section 122(a)(4)(A)(vi) of the National and Community Service Act of 1990 (as proposed to be inserted by section 1302 of the bill), insert after "veterans" the following: " , including such projects that assist such veterans with transportation".

The Acting CHAIR. Pursuant to House Resolution 250, the gentleman from New Mexico (Mr. TEAGUE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. TEAGUE. Mr. Chairman, I rise today to offer an important amendment to an important piece of legislation, the GIVE Act. My amendment, which I am offering together with my friend, Congressman KLEIN of Florida, establishes that a Veterans Volunteer Corps would engage in activities that are important to veterans in my district and across the country.

Those activities include: Helping veterans pursue education and employment by coordinating with State and local agencies that administer education and job programs for veterans; helping veterans file benefit claims; and, aiding rural, disabled, and unemployed veterans with transportation needs.

This amendment is especially important for veterans in rural areas like the one I represent. Many veterans in my district have to travel 4 hours or more to reach a veterans hospital for doctor appointments. For folks who would require constant medical care, the burden of this travel weighs heavily on both the veteran and his or her family. Ensuring that a veteran can receive a helping hand for transportation through the GIVE Act will mean so much to men and women in Southern New Mexico and rural areas across the country.

Additionally, providing access to knowledgeable volunteers for veterans applying for their benefits can be a guiding light through the maze of the benefits application process. Veterans service organizations across the country already provide assistance like this at veterans benefits centers often on a volunteer basis. My amendment bolsters their critical service.

Mr. Chairman, this amendment invests in our veteran community, while also allowing our veterans to invest in themselves and their fellow vets.

I thank my chairman on the Veterans' Affairs Committee, Congressman FILNER, for his assistance and support of this amendment, and I thank Chairman MILLER.

I reserve the balance of my time.

Mr. PLATTS. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. PLATTS. Mr. Chairman, I yield myself such time as I may consume.

I just rise in support of the amendment. I want to commend the gentlemen from both New Mexico and Florida for offering this amendment, a great

addition to the bill, and, as with the previous amendment, ensuring we do right by those who are serving our Nation, past and present, and that we recognize the sacrifices they have made in defense of our Nation, along with their families, and that we now keep our commitment as a Nation to them. I urge a "yes" vote.

I yield back the balance of my time.
Mr. TEAGUE. I yield to Chairman MILLER 30 seconds.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding. I want to thank him for bringing this to the committee and offering this amendment.

All of us in our congressional offices know how thin the support services for the veterans as they seek out occupational opportunities, therapy opportunities, all of the needs that our returning veterans have. The gentleman is making a great contribution to this legislation, especially since this is the first time that we have fully integrated veterans into the national service corps of this Nation. These kinds of services are in desperate need in so many areas of the country. This is a very important amendment to making sure that our veterans are able to proceed with all of their needs when they return home.

I thank the gentleman for offering the amendment, and I urge passage of the amendment.

Mr. TEAGUE. Mr. Chairman, I yield the remaining time to the cosponsor of this amendment, Congressman KLEIN of Florida.

Mr. KLEIN of Florida. I thank the gentleman.

Mr. Chairman, Members, I rise in strong support of this amendment and the underlying bill. Congressman TEAGUE and I introduced this amendment in order to clarify the services that could be formed by Veterans' Corps volunteers anywhere.

I represent Palm Beach and Broward Counties in south Florida, home to many of our Nation's veterans. We all agree that when Americans who wear the military uniform return from service, they deserve to be treated with the highest level of respect and dignity that they have earned. This includes making sure they receive the benefits they are entitled to, and I know we all share that commitment.

While the United States Department of Veterans Affairs and military staff work hard to ensure that every veteran gets full advantage of the benefits they have earned, some veterans still have difficulty navigating the system and coming up with all the necessary documents. By allowing trained Veterans' Corps volunteers to guide them through this process, we can ensure more veterans obtain the benefits they were promised.

With thousands of new servicemembers returning from Afghanistan and

Iraq, the job of the Veterans' Corps is more critical than ever. As of September 2008, 330,000 Iraq and Afghanistan war veterans have filed disability claims with the VA; yet, 54,000 are still waiting for confirmation that the VA even received their claims. The average wait for a disability claim is more than 6 months. This amendment could help these veterans access the services they need.

I can think of few priorities greater or more urgent than providing basic services such as these to our brave men and women who serve to protect our country, secure our peace, and safeguard our way of life.

I would like to thank my colleague, Congressman TEAGUE, for working with me on this amendment, and particularly Chairman MILLER for introducing this important piece of legislation, which will enable hundreds of thousands of Americans to dedicate their time to a cause that is bigger than themselves through volunteerism and community service. I urge adoption of this amendment and a "yes" vote on the underlying legislation for the betterment of our community and our country as a whole.

Mr. LUJAN. Mr. Chair, I rise in support of the GIVE Act and the amendment offered by Congressman TEAGUE of New Mexico and Congressman KLEIN of Florida. This is a great example of furthering our commitment to America's veterans, and I commend Congressman KLEIN and my fellow New Mexican, Congressman TEAGUE, for leading the effort to ensure our veterans have access to resources and programs that will benefit them.

During times of crisis and economic hardship, Americans have always joined together to overcome obstacles. The GIVE Act will provide Americans with the tools to get our country back on track by working in their communities. Americans of all ages have always responded to the call of service in times of crisis, and this legislation helps Americans to respond to this call by creating new opportunities to serve. This amendment ensures that those who are no strangers to service to our nation—our veterans—are included in this bill.

I urge my colleagues to join me in supporting this amendment to put veterans back to work and train them for civilian careers. This addition would provide support to veterans in their pursuit of education and professional careers, and assist disabled and unemployed veterans with transportation needs. This is an important step in moving forward with constructive legislation that gives due respect to those who have given so much. I thank Congressman TEAGUE and Congressman KLEIN for their efforts on behalf of our nation's veterans and urge an aye vote.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE). The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MS. TITUS

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-39.

Ms. TITUS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Ms. TITUS:

In the table of contents in section 1(b) of the bill, strike the item relating to section 1804 and insert the following:

Sec. 1804. Innovative and Model Program Support and National Service Reserve Corps.

In section 193A(b)(20) of the National and Community Service Act of 1990 (as proposed to be inserted by section 1704 of the bill), strike "section 198F" and insert "section 198G".

In the section heading of section 1804, insert "AND NATIONAL SERVICE RESERVE CORPS" after "INNOVATIVE AND MODEL PROGRAM SUPPORT".

In the matter proposed to be inserted by section 1804 of the bill, amend the heading relating to part II of subtitle H of the National and Community Service Act of 1990 to read as follows:

PART II—INNOVATIVE AND MODEL PROGRAM SUPPORT AND NATIONAL SERVICE RESERVE CORPS

In section 1804 of the bill, strike the close quotation mark and following period after the matter proposed to be inserted by such section, and insert at the end of such section the following:

"SEC. 198E. NATIONAL SERVICE RESERVE CORPS.

"(a) DEFINITIONS.— In this section—

"(1) the term 'term of national service' means a term or period of service—

"(A) under subtitle C, E, or G or sections 198B or 198F of this Act, or under part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.); or

"(B) under an annual service requirement, which may include an annual training session under subsection (b), as determined by the Corporation of not less than 10 hours.

"(2) the term 'National Service Reserve Corps member' means an individual who—

"(A) has completed a term of national service;

"(B) has successfully completed training described in subsection (b) within the previous 2 years; and

"(C) has indicated interest to the Corporation in responding to national disasters and other emergencies in a timely manner through the National Service Reserve Corps.

"(3) ESTABLISHMENT OF NATIONAL SERVICE RESERVE CORPS.—The Corporation shall establish a National Service Reserve Corps to prepare and deploy National Service Reserve Corps. In carrying out this section, the Corporation may work with organizations representing individuals who have completed a term of national service, as well as directly with such individuals.

"(b) ANNUAL TRAINING.—The Corporation shall, in consultation with the Administrator of the Federal Emergency Management Agency, conduct or coordinate annual training sessions for individuals who have completed a term of national service, and who wish to join the National Service Reserve Corps.

"(c) CERTIFICATION OF ORGANIZATIONS.—

"(1) On a biannual basis, the Corporation shall certify organizations with demonstrated experience in responding to disasters, including through using volunteers, for participation in the program under this section.

"(2) The Corporation shall ensure that every certified organization is—

“(A) prepared to respond to major disasters or emergencies;

“(B) prepared and able to utilize National Service Reserve Members in responding; and

“(C) willing to respond in a timely manner when notified by the Corporation of a disaster or emergency.

“(d) DATABASES.—The Corporation shall develop or contract with an outside organization to develop—

“(1) a database of all National Service Reserve Corps members; and

“(2) a database of all nonprofit organizations that have been certified by the Corporation under subsection (c).

“(e) DEPLOYMENT OF NATIONAL SERVICE RESERVE CORPS.—

“(1) IN GENERAL.—If a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) occurs and the Corporation, in consultation with the Administrator of the Federal Emergency Management Agency, determines is an incident for which National Service Reserve Corps members are prepared to assist, the Corporation shall—

“(A) deploy interested National Service Reserve Corps members on 30-day assignments to assist with local needs related to preparing or recovering from the incident in the affected area, through organizations certified under subsection (c);

“(B) make travel arrangements for the deployed National Service Reserve Corps members to the site of the incident; and

“(C) provide funds to those organizations that are responding to the incident with deployed National Service Reserve Corps members, to enable the organizations to coordinate and provide housing, living stipends, and insurance for those deployed members.

“(2) ALLOWANCE.—Any amounts that are utilized by the Corporation from funds appropriated under section 501(a)(2)(F) to carry out paragraph (1) for a fiscal year shall be kept in a separate fund. Any amounts in such fund that are not used during a fiscal year shall remain available to use to help organizations pay Reserve Corps Members an allowance, determined by the Corporation, for out-of-pocket expenses.

“(3) INFORMATION.—The Corporation, the State Commissions, and entities receiving financial assistance for programs under subtitle C, E, or G or section 198F of this Act, or under part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), shall inform participants of those programs of the National Service Reserve Corps upon the participants' completion of their term of national service.

“(4) COORDINATION.—In deploying National Service Reserve Corps members under this subsection, the Corporation may consult and, as appropriate, partner with Citizen Corps programs in the affected area.”.

In the matter proposed to be inserted by section 1805 of the bill, redesignate section 198E of the National and Community Service Act of 1990 as section 198F.

In the matter proposed to be inserted by section 1806 of the bill, redesignate section 198F of the National and Community Service Act of 1990 as section 198G.

In the table of contents of the National and Community Service Act of 1990 (as proposed to be amended by section 4104 of the bill), strike the item relating to part II of subtitle H and insert the following:

PART II—INNOVATIVE AND MODEL PROGRAM
SUPPORT AND NATIONAL SERVICE RESERVE
CORPS

In the table of contents of the National and Community Service Act of 1990 (as proposed to be amended by section 4101 of the bill), after the item relating to section 198D, insert the following:

Sec. 198E. National Service Reserve Corps.

In the table of contents of the National and Community Service Act of 1990 (as proposed to be amended by section 4101 of the bill), strike the item relating to section 198E and insert the following:

Sec. 198F. Social Innovation Fund.

In the table of contents of the National and Community Service Act of 1990 (as proposed to be amended by section 4101 of the bill), strike the item relating to section 198F and insert the following:

Sec. 198G. National Service Programs Clearinghouse.

The Acting CHAIR. Pursuant to House Resolution 250, the gentlewoman from Nevada (Ms. TITUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. TITUS. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of this amendment, which will create a National Service Reserve Corps.

In recent years, we have watched with broken hearts when the aftermath of some natural disaster has left people homeless, jobless, and helpless. But we have also felt, as we witnessed our fellow citizens rise to the occasion with perseverance and selflessness to assist those in need, a real hope for the future.

Many wonderful Americans, including Members of this body, have reached into their hearts and their pockets to help, to serve, to work, and to give. The creation of a National Service Reserve Corps will make sure that those who are most eager to serve and already have the training that communities need can be deployed quickly and effectively.

Our amendment will create a National Service Reserve Corps composed of alumni of AmericaCorps and Senior Corps programs. These wonderful volunteers can be identified and called upon in time of natural disasters and emergencies to start the relief and rebuilding process post haste. The corps members will not only have the valuable training and experience from their year of service, but they will also receive annual training sessions in emergency response.

Our Nation is facing numerous economic challenges, and Nevada, my State, is one of the hardest hit. We have endured record foreclosures and an unemployment rate that is approaching double digits. Nevada AmeriCorps volunteers have been invaluable to our communities in need. Over 2,000 AmericaCorps members have served in 15 different programs; they have provided more than 2.5 million

hours of service, and have earned over \$4.7 million in education credits. In 2007, AmericaCorps programs contributed over 25,000 hours of service to Nevada, and members recruited over 3,300 community volunteers who then gave more than 23,000 hours of service.

With public need rising all across the country, we must do all we can to shore up volunteer programs and provide opportunities to those who want to be of service. By creating a National Service Reserve Corps, we will create an organized deployment system for those citizens who are ready to serve and are trained to do so.

We will also show volunteers and anyone who is considering a year of national service that we value their contributions and we will continue to honor it in the years to come. So I encourage my colleagues to support this amendment as well as final passage of the GIVE Act.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Mr. Chairman, I rise today in support of this great national service bill, and specifically the Reserve Corps amendment. I rise also as a proud member of the community service generation. My generation, which was often given a hard time for not voting, was always volunteering in record numbers. We did believe in the idea of civic duty and community service that we had learned from our grandparents in the greatest generation, and we saw through the original AmericaCorps programs and others what a great idea service was. Not only was it a chance to help out those struggling in our community, but it was a chance to build our own character and our own sense of commitment to community and to country.

I come from the nonprofit sector. I spent most of the last decade before Congress in the nonprofit sector, and I have not had a day of that experience go by that I did not feel that I had benefited as much as I had helped. I have worked in West Africa, in Darfur, and in the communities with at-risk kids back here at home, and always enjoyed and celebrated that time.

There are a few things that I have learned from that time in the nonprofit sector that I believe have gone into this Reserve Corps amendment. First and foremost is the idea that once you get someone to volunteer for a little piece of time, you have turned them into a volunteer for life. Volunteering is a wonderful program, and where we can reach out and help people become volunteers we will see that continue to come back to our communities time and time again.

And this cannot be something that is only affordable to those with wealth. We have so many displaced workers who want to volunteer, senior citizens who want to volunteer, community and

high school students. And we need to be celebrating and fostering that spirit of service.

Finally, we need to respect and understand the level of professionalism in our nonprofit and volunteer sector. People learn skills here that are incredibly valuable to our community, and this Reserve Corps is based on the idea that once we have made that investment in giving someone the skills to be a great high-level professional in their community, let's keep them on as a Reserve Corps so that we can call them up in times of great national emergency, like Hurricane Katrina, to help them rebuild levees, to help build low-income homes. Let's make volunteerism not something just to do for a summer, but something to do for a lifetime.

I believe this amendment reaches into the best of the American tradition of service and the best of our sense of this being not something that happens for one generation, but across generations, particularly at this time of economic crisis when we must all come together.

Mr. PLATTS. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. PLATTS. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of the amendment, and commend the gentlelady from Nevada and the gentleman from Virginia for their amendment and urge a "yes" vote.

I yield back the balance of my time.

Ms. TITUS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Nevada (Ms. TITUS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. TITUS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Nevada will be postponed.

□ 1500

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-39 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Ms. PINGREE of Maine;

Amendment No. 4 by Mr. LOEBSACK of Iowa;

Amendment No. 5 by Mr. ROE of Tennessee;

Amendment No. 6 by Ms. Kilroy of Ohio;

Amendment No. 8 by Ms. MARKEY of Colorado;

Amendment No. 11 by Ms. TITUS of Nevada.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 2-minute votes.

AMENDMENT NO. 2 OFFERED BY MS. PINGREE OF MAINE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Maine (Ms. PINGREE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 388, noes 36, not voting 13, as follows:

[Roll No. 133]

AYES—388

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccheri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Cantor
Cao

Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus

Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallagher
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes

Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Lujan
Lungren, Daniel
E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon

McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Oliver
Ortiz
Pallone
Pascarelli
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Tsongas
Price (NC)
Turner
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda
T.

NOES—36

Akin
Barrett (SC)
Barton (TX)
Blunt
Broun (GA)
Burton (IN)
Campbell
Carter
Flake
Foxy
Franks (AZ)
Garrett (NJ)

Hastings (WA)
Hensarling
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Latta
Linder
Lummis
Mack
Marchant

Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skeltton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

Miller (FL)
Nunes
Paul
Pence
Poe (TX)
Rohrabacher
Royce
Scalise
Sessions
Shadegg
Stearns
Westmoreland

NOT VOTING—13

| | | |
|-------------|--------------|------------------|
| Alexander | Hinchey | Olson |
| Bishop (UT) | Honda | Sanchez, Loretta |
| Boustany | Lucas | Tiahrt |
| Capuano | Miller, Gary | |
| Davis (TN) | Obey | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1530

Messrs. MARCHANT, WESTMORELAND, ROHRABACHER, LATTA, PAUL and MACK changed their vote from “aye” to “no.”

Messrs. PETERS, GORDON of Tennessee and BURGESS and Mrs. SCHMIDT changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. TIAHRT. Mr. Chairman, on rollcall No. 133, I was unavoidably detained. Had I been present, I would have voted “aye.”

AMENDMENT NO. 4 OFFERED BY MR. LOEBACK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. LOEBACK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 261, noes 168, not voting 8, as follows:

[Roll No. 134]

AYES—261

| | | |
|----------------|---------------|---------------|
| Abercrombie | Carnahan | Dingell |
| Ackerman | Carney | Doggett |
| Adler (NJ) | Carson (IN) | Donnelly (IN) |
| Andrews | Castor (FL) | Doyle |
| Arcuri | Chandler | Driehaus |
| Baca | Childers | Edwards (MD) |
| Baird | Christensen | Edwards (TX) |
| Baldwin | Clarke | Ehlers |
| Barrow | Clay | Ellison |
| Bean | Cleaver | Ellsworth |
| Becerra | Clyburn | Engel |
| Berkley | Cohen | Eshoo |
| Berman | Connolly (VA) | Etheridge |
| Bilirakis | Conyers | Faleomavaega |
| Bishop (GA) | Cooper | Farr |
| Bishop (NY) | Costa | Fattah |
| Blumenauer | Costello | Finer |
| Boccieri | Courtney | Foster |
| Bordallo | Crowley | Frank (MA) |
| Boren | Cuellar | Fudge |
| Boswell | Cummings | Gerlach |
| Boucher | Dahlkemper | Gonzalez |
| Boyd | Davis (AL) | Gordon (TN) |
| Brady (PA) | Davis (CA) | Grayson |
| Braley (IA) | Davis (IL) | Green, Al |
| Bright | DeFazio | Green, Gene |
| Brown, Corrine | DeGette | Griffith |
| Butterfield | DeLaunt | Grijalva |
| Capps | DeLauro | Gutierrez |
| Capuano | Dent | Hall (NY) |
| Cardoza | Dicks | Halvorson |

| | | |
|------------------|-----------------|----------------|
| Hare | McCollum | Sablan |
| Harman | McDermott | Salazar |
| Hastings (FL) | McGovern | Sanchez, Linda |
| Heinrich | McIntyre | T. |
| Herseht Sandlin | McMahon | Sarbanes |
| Higgins | McNerney | Schakowsky |
| Hill | Meek (FL) | Schauer |
| Himes | Meeks (NY) | Schiff |
| Hinojosa | Melancon | Schrader |
| Hirono | Michaud | Schwartz |
| Hodes | Miller (NC) | Scott (GA) |
| Holt | Miller, George | Scott (VA) |
| Honda | Mitchell | Serrano |
| Hoyer | Mollohan | Sestak |
| Inslee | Moore (KS) | Shea-Porter |
| Israel | Moore (WI) | Sherman |
| Jackson (IL) | Moran (VA) | Shuler |
| Jackson-Lee | Murphy (CT) | Sires |
| (TX) | Murphy, Patrick | Skelton |
| Johnson (GA) | Murtha | Slaughter |
| Johnson, E. B. | Nadler (NY) | Smith (WA) |
| Kagen | Napolitano | Snyder |
| Kanjorski | Neal (MA) | Space |
| Kaptur | Norton | Speier |
| Kennedy | Nye | Spratt |
| Kildee | Oberstar | Stark |
| Kilpatrick (MI) | Obey | Stupak |
| Kilroy | Olver | Sutton |
| Kind | Ortiz | Tanner |
| Kirk | Pallone | Tauscher |
| Kirkpatrick (AZ) | Pascarell | Taylor |
| Kissell | Pastor (AZ) | Teague |
| Klein (FL) | Payne | Thompson (CA) |
| Kosmas | Perlmutter | Thompson (MS) |
| Kratovil | Perriello | Tierney |
| Kucinich | Peters | Titus |
| Lance | Peterson | Tonko |
| Langevin | Petri | Towns |
| Larsen (WA) | Pierluisi | Tsongas |
| Lee (CA) | Pingree (ME) | Turner |
| Levin | Platts | Van Hollen |
| Lewis (GA) | Polis (CO) | Velázquez |
| Lipinski | Pomeroy | Visclosky |
| Loeback | Price (NC) | Walz |
| Lofgren, Zoe | Rahall | Wasserman |
| Lowe | Rangel | Schultz |
| Lujan | Reyes | Waters |
| Lynch | Richardson | Watson |
| Maffei | Rodriguez | Watt |
| Maloney | Rooney | Waxman |
| Markey (CO) | Ros-Lehtinen | Weiner |
| Markey (MA) | Ross | Welch |
| Marshall | Rothman (NJ) | Wexler |
| Massa | Roybal-Allard | Wilson (OH) |
| Matheson | Ruppersberger | Woolsey |
| Matsui | Rush | Wu |
| McCarthy (NY) | Ryan (OH) | Yarmuth |

NOES—168

| | | |
|--------------|-----------------|-----------------|
| Aderholt | Cassidy | Heller |
| Akin | Castle | Hensarling |
| Alexander | Chaffetz | Henger |
| Altmire | Coble | Hoekstra |
| Austria | Coffman (CO) | Holden |
| Bachmann | Cole | Hunter |
| Bachus | Conaway | Inglis |
| Barrett (SC) | Crenshaw | Issa |
| Bartlett | Culberson | Jenkins |
| Barton (TX) | Davis (KY) | Johnson (IL) |
| Berry | Deal (GA) | Johnson, Sam |
| Biggert | Diaz-Balart, L. | Jones |
| Bilbray | Diaz-Balart, M. | Jordan (OH) |
| Bishop (UT) | Dreier | King (IA) |
| Blackburn | Duncan | King (NY) |
| Blunt | Emerson | Kingston |
| Boehner | Fallin | Kline (MN) |
| Bonner | Flake | Lamborn |
| Bono Mack | Fleming | Latham |
| Boozman | Forbes | LaTourette |
| Brady (TX) | Fortenberry | Latta |
| Broun (GA) | Fox | Lee (NY) |
| Brown (SC) | Franks (AZ) | Lewis (CA) |
| Brown-Waite, | Frelinghuysen | Linder |
| Ginny | Gallely | LoBiondo |
| Buchanan | Garrett (NJ) | Luetkemeyer |
| Burgess | Giffords | Lummis |
| Burton (IN) | Gingrey (GA) | Lungren, Daniel |
| Buyer | Gohmert | E. |
| Calvert | Goodlatte | Mack |
| Camp | Granger | Manzullo |
| Campbell | Graves | Marchant |
| Cantor | Guthrie | McCarthy (CA) |
| Cao | Hall (TX) | McCauley |
| Capito | Harper | McClintock |
| Carter | Hastings (WA) | McCotter |

| | | |
|-------------|---------------|---------------|
| McHenry | Putnam | Smith (NE) |
| McHugh | Radanovich | Smith (NJ) |
| McKeon | Rehberg | Smith (TX) |
| McMorris | Reichert | Souder |
| Rodgers | Roe (TN) | Stearns |
| Mica | Rogers (AL) | Sullivan |
| Miller (FL) | Rogers (KY) | Terry |
| Miller (MI) | Rogers (MI) | Thompson (PA) |
| Minnick | Rohrabacher | Thornberry |
| Moran (KS) | Roskam | Tiahrt |
| Murphy, Tim | Royce | Tiberi |
| Myrick | Ryan (WI) | Upton |
| Neugebauer | Scalise | Walden |
| Nunes | Schmidt | Wamp |
| Paul | Schock | Westmoreland |
| Paulsen | Sensenbrenner | Whitfield |
| Pence | Sessions | Wilson (SC) |
| Pitts | Shadegg | Wittman |
| Poe (TX) | Shimkus | Wolf |
| Posey | Shuster | Young (AK) |
| Price (GA) | Simpson | Young (FL) |

NOT VOTING—8

| | | |
|------------|--------------|------------------|
| Boustany | Larson (CT) | Olson |
| Davis (TN) | Lucas | Sanchez, Loretta |
| Hinchey | Miller, Gary | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1536

Mr. SCHOCK changed his vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. ROE OF TENNESSEE, AS MODIFIED

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. ROE), as modified, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 256, not voting 6, as follows:

[Roll No. 135]

AYES—175

| | | |
|--------------|--------------|-----------------|
| Aderholt | Brown-Waite, | Davis (KY) |
| Akin | Ginny | Deal (GA) |
| Alexander | Buchanan | Dent |
| Austria | Burgess | Diaz-Balart, L. |
| Bachmann | Burton (IN) | Diaz-Balart, M. |
| Bachus | Buyer | Dreier |
| Barrett (SC) | Calvert | Duncan |
| Bartlett | Camp | Ehlers |
| Barton (TX) | Campbell | Emerson |
| Biggert | Cantor | Fallin |
| Bilbray | Cao | Flake |
| Bilirakis | Capito | Fleming |
| Bishop (UT) | Carter | Forbes |
| Blackburn | Cassidy | Fortenberry |
| Blunt | Castle | Fox |
| Boehner | Chaffetz | Franks (AZ) |
| Bonner | Childers | Frelinghuysen |
| Bono Mack | Coble | Gallely |
| Boozman | Coffman (CO) | Garrett (NJ) |
| Brady (TX) | Cole | Gerlach |
| Bright | Conaway | Gingrey (GA) |
| Broun (GA) | Crenshaw | Gohmert |
| Brown (SC) | Culberson | Goodlatte |

Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant

McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen

NOES—256

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccheri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)

DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inlee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)

Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)

Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross

Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Linda
T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark

Stupak
Sutton
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—6

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1544

Mr. JOHNSON of Georgia changed his vote from “aye” to “no.”

Ms. FALLIN and Mr. LEE of New York changed their vote from “no” to “aye.”

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members are reminded we are in a series of 2-minute votes.

AMENDMENT NO. 6 OFFERED BY MS. KILROY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio (Ms. KILROY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 372, noes 57, not voting 8, as follows:

[Roll No. 136]

AYES—372

Abercrombie
Ackerman
Adler (NJ)
Altmire

Andrews
Arcuri
Austria
Baca

Bachus
Baird
Baldwin
Barrow

Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccheri
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)

Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo

Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel
E.
Lynch
Maffei

Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)

Sablan
Salazar
Sánchez, Linda
T.
Sarbanes
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)

Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner

Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

[Roll No. 137]
AYES—283

Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Hereth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim

Welch
Wexler
Wilson (OH)

Wittman
Woolsey
Wu

Yarmuth

NOES—147

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Criswell
Davis (KY)
Deal (GA)
Dreier
Duncan
Emerson
Fallin
Flake

Fleming
Forbes
Foxy
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers

Mica
Miller (FL)
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—57

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Berry
Bishop (UT)
Blunt
Boehner
Bonner
Brady (TX)
Broun (GA)
Campbell
Cantor
Carter
Coble
Culberson
Davis (KY)
Deal (GA)

Flake
Fleming
Foxy
Franks (AZ)
Gingrey (GA)
Gohmert
Granger
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Inglis
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn

Latta
Linder
Lummis
Mack
Marchant
McClintock
Neugebauer
Nunes
Pence
Poe (TX)
Rogers (AL)
Royce
Scalise
Sessions
Shadegg
Shuster
Souder
Thornberry
Westmoreland

NOT VOTING—8

Boustany
Hinchey
Lucas

Miller, Gary
Olson
Schakowsky
Skelton
Sanchez, Loretta

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1549

Mr. McHUGH changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MS. MARKEY OF COLORADO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Ms. MARKEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 147, not voting 7, as follows:

NOT VOTING—7

Boustany
Hinchey
McNerney

Miller, Gary
Minnick
Olson

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1555

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MS. TITUS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Nevada (Ms. TITUS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 339, noes 93, not voting 5, as follows:

[Roll No. 138]

AYES—339

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggart
Billirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett

Donnelly (IN)
Doyle
Dreier
Driebeaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseeth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Insee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo

Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel
E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCauley
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rooney

Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda
T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus

Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko

Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—93

Aderholt
Alkin
Alexander
Bachmann
Barrett (SC)
Bartlett
Berry
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Broun (GA)
Burton (IN)
Buyer
Campbell
Cantor
Carter
Coble
Conaway
Culberson
Davis (KY)
Deal (GA)
Duncan
Flake
Fleming
Forbes
Foxy

NOT VOTING—5

Boustany
Hinchey

Miller, Gary
Olson

Marchant
McCarthy (CA)
McClintock
Mica
Miller (FL)
Moran (KS)
Neugebauer
Nunes
Paul
Poe (TX)
Posey
Price (GA)
Radanovich
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Souder
Stearns
Sullivan
Thornberry
Tiahrt
Westmoreland
Wilson (SC)
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1601

The Acting CHAIR. So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. BLUMENAUER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consider-

ation the bill (H.R. 1388) to reauthorize and reform the national service laws, pursuant to House Resolution 250, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. FOXX. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. FOXX. I am, Madam Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Foxx moves to recommit the bill, H.R. 1388, to the Committee on Education and Labor with instructions to report the bill back to the House forthwith with the following amendments:

Strike section 1304 of the bill and insert the following:

SEC. 1304. PROHIBITED ACTIVITIES AND INELIGIBLE ORGANIZATIONS.

Section 125 (42 U.S.C. 12575) is amended to read as follows:

“SEC. 125. PROHIBITED ACTIVITIES AND INELIGIBLE ORGANIZATIONS.

“(a) PROHIBITED ACTIVITIES.—A participant in an approved national service position under this subtitle may not engage in the following activities:

“(1) Attempting to influence legislation.

“(2) Organizing or engaging in protests, petitions, boycotts, or strikes.

“(3) Assisting, promoting, or deterring union organizing.

“(4) Impairing existing contracts for services or collective bargaining agreements.

“(5) Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office.

“(6) Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials.

“(7) Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization.

“(8) Providing a direct benefit to—

“(A) a business organized for profit;

“(B) a labor organization;

“(C) a partisan political organization;

“(D) a nonprofit organization that fails to comply with the restrictions contained in section 501(c)(3) of the Internal Revenue Code

of 1986 except that nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and

“(E) an organization engaged in the religious activities described in paragraph (7), unless Corporation assistance is not used to support those religious activities.

“(9) Conducting a voter registration drive or using Corporation funds to conduct a voter registration drive.

“(10) Such other activities as the Corporation may prohibit.

“(b) INELIGIBLE ORGANIZATIONS.—No assistance provided under this subtitle may be provided to the following types of organizations (including the participation of a participant in an approved national service position under this subtitle in activities conducted by such organizations) or to organizations that are co-located on the same premises as the following organizations:

“(1) Organizations that provide or promote abortion services, including referral for such services.

“(2) For-profit organizations, political parties, labor organizations, or organizations engaged in political or legislative advocacy.

“(3) Organizations that have been indicted for voter fraud.

“(c) NONDISPLACEMENT OF EMPLOYED WORKERS OR OTHER VOLUNTEERS.—A participant in an approved national service position under this subtitle may not perform any services or duties or engage in activities which—

“(1) would otherwise be performed by an employed worker as part of his or her assigned duties as an employee or by another volunteer who is not a participant in an approved national service position; or

“(2) will supplant the hiring of employed workers or work of such other volunteers.”.

Amend the table of contents in section 1(b) by striking the item relating to section 1304 and inserting the following:

Sec. 1304. Prohibited activities and ineligible organizations.

Amend the table of contents of the National and Community Service Act of 1990 (as proposed to be amended by section 4101 of the bill) by striking the item relating to section 125 and inserting the following:

“Sec. 125. Prohibited activities and ineligible organizations.”.

Ms. FOXX (during the reading). I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, this motion to recommit codifies current regulations with regard to activities and organizations ineligible for grants from the Corporation for National and Community Service and AmeriCorps volunteers.

The activities include lobbying, protesting, union organizing, engaging in partisan political activities or religious instruction, conducting voter registration, or providing direct benefits to for-profit businesses, labor unions or political parties.

It also adds to the list of organizations, those that promote or provide

abortion, as well as for-profit organizations, political parties, labor organizations, lobbyists, and those indicted for voter fraud. Organizations are also prohibited from receiving funds under these instructions if they are also co-located with an organization that engages in prohibited activities.

Finally, no organization that receives funds under this bill may displace current employed workers or volunteers.

Madam Speaker, the overriding principle here is that money is fungible. Funds must be used for the purpose of service and encouraging others to serve within their communities. They must not be allowed to be used for prohibited activities.

Groups that might be eligible for these grants and volunteers, if this motion to recommit were not to pass, include a laundry list of organizations that engage in activities that many Americans do not support.

For example, ACORN employees and supervisors have been indicted for voter fraud in recent history. During the 2008 election, proof surfaced that voter registration by the group was, in the words of the New York Times, “vastly overstated,” including registrations for Disney characters and Dallas Cowboy football players. Experts say that instances of inaccurate registration and fraud are greater when volunteers receive payment for their services. The American taxpayer should not be forced to pay for fraudulent behavior in the name of promoting community service.

For the current 2008–2009 AmeriCorps service year, Oregon Planned Parenthood has listed position for a paid volunteer. This AmeriCorps volunteer would be responsible for “providing, promoting and protecting access to reproductive sexual health care for the women, men, and teens.”

While individuals should be aware of how to access health care services within their communities, the Federal Government prohibits use of Federal funds to be used for abortion as a form of family planning. Planned Parenthood is the largest abortion provider in the U.S. Federal taxpayer dollars should not be used to fund volunteers at organizations such as this.

Volunteerism plays a critical role in meeting many needs in our society. However, the Federal Government should not be paying individuals to volunteer their time at locations that are prohibited from receiving taxpayer dollars, especially when Americans are already facing budget constraints from all the demands they face. This is not acceptable.

This motion to recommit ensures that taxpayer dollars are not directed toward programs that are politically divisive and morally objectionable. It also ensures that AmeriCorps volunteers and recipients of corporation

grants do not disrupt current volunteer activities and employee responsibilities.

I yield back the balance of my time. Mr. GEORGE MILLER of California. Madam Speaker, I am against it, but I will not oppose it.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Members of the House, I want to begin by thanking all of you for your support for this legislation, for the bipartisan support we have received throughout the committee deliberations in our committee, and the support that we received both in the Rules Committee and on the floor today.

As we went through the amendment process, Members of Congress from both sides of the aisle spoke in favor of this most important American value, and that is service to our country, service to our neighbors, service to our communities, and that's what's reflected in this legislation. It is a rather remarkable mosaic of organizations and individuals from every corner of this country, from large cities to small rural towns that have responded to the needs of others, and they have responded without question. They have responded with their skills, their talents, and they have come forth to build a stronger America and a better community.

Earlier today at an event that we had with many of the volunteers to discuss this legislation, we were honored with the presence of Captain Scott Quilty, who retired from the Army after 10 years of service as a decorated infantry captain and Army Ranger during his tour in Iraq, where he led a platoon assigned to train, assess and build the operational capacity of a 460-man element of the Iraqi Army.

In that tour of duty, he lost an arm and a leg. When he returned to America, as if he hadn't given enough service to America, he immediately joined the organization of Survivor Corps to help our returning vets when they come back to this country after serving in Afghanistan, Iraq, and other places around the world, to reintegrate with their families, their communities, their schools, their jobs, their friends, their neighbors.

We were honored with Scott Quilty. And at that very same service, a gentleman walked up to me and handed me these, many of us see this when we tour our Army bases or our Air Force Bases or meet with the troops, it's called the Young Marines, and they do much of the same service. They give their time to our veterans. But they are not the only ones. We have senior grandparents, we have Teach For America, we have Jumpstart, we have Americans doing all of this.

We have Americans in the AmeriCorps that organized over 300,000

hours of volunteer service when the floods hit Iowa. They were there first. They came with their first responders in California with the wildfires and with the floods. They showed up early and they stayed late with Katrina and Rita.

This is what we celebrate with this legislation, and I want to thank you for your support and your good words on behalf of these people, Americans all, who step forward every time one of us needs them or the community needs them.

This legislation will strengthen and enable more Americans to be able to do so. It will tie in an educational benefit so that young children can have a service experience in middle school and high school and schools will become the center of service for young people in their communities.

Now let me get to the motion to recommit. I think, as we have only seen it for a few minutes, I think most of the motion to recommit is, in fact, already covered in statutes, regulations and the grant agreements that are issued. We are well aware of these issues. The Members on both sides of the aisle have spoken to them, and they have offered statutes, not only in this act, but in other acts, making sure that people who get these grants don't engage in activities that they should not be.

So we plan to accept this amendment. I appreciate the gentlewoman offering it, and we will take it to conference.

But, again, I want to thank you for supporting this legislation in advance of your support, and I would ask that you feel free to vote for the motion to recommit.

Again, I ask for passage of the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. FOXX. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 318, noes 105, not voting 8, as follows:

[Roll No. 139]

AYES—318

| | | |
|------------|----------|--------------|
| Aderholt | Andrews | Barrett (SC) |
| Adler (NJ) | Arcuri | Barrow |
| Akin | Austria | Bartlett |
| Alexander | Bachmann | Barton (TX) |
| Altmire | Bachus | Berkley |

| | | |
|-----------------|------------------|-----------------|
| Biggert | Grayson | Mitchell |
| Bilbray | Griffith | Mollohan |
| Bilirakis | Guthrie | Moore (KS) |
| Bishop (GA) | Hall (TX) | Moran (KS) |
| Bishop (UT) | Halvorson | Moran (VA) |
| Blackburn | Harman | Murphy (CT) |
| Blumenauer | Harper | Murphy, Patrick |
| Blunt | Hastings (WA) | Murphy, Tim |
| Boccieri | Heinrich | Myrick |
| Boehner | Heller | Neal (MA) |
| Bonner | Hensarling | Neugebauer |
| Bono Mack | Herger | Nunes |
| Boozman | Hereth Sandlin | Nye |
| Boren | Hill | Oberstar |
| Boswell | Himes | Obey |
| Boucher | Hinojosa | Ortiz |
| Boyd | Hodes | Pallone |
| Brady (TX) | Hoekstra | Pascarell |
| Bright | Holden | Pastor (AZ) |
| Broun (GA) | Honda | Paul |
| Brown (SC) | Hoyer | Paulsen |
| Brown-Waite, | Hunter | Pence |
| Ginny | Inglis | Perriello |
| Buchanan | Israel | Peters |
| Burgess | Issa | Peterson |
| Burton (IN) | Jenkins | Petri |
| Butterfield | Johnson (GA) | Pitts |
| Buyer | Johnson (IL) | Platts |
| Calvert | Johnson, Sam | Poe (TX) |
| Camp | Jones | Pomeroy |
| Campbell | Jordan (OH) | Posey |
| Cantor | Kagen | Price (GA) |
| Cao | Kaptur | Price (NC) |
| Capito | Kennedy | Putnam |
| Carnahan | Kildee | Radanovich |
| Carney | Kilroy | Rahall |
| Carter | Kind | Rangel |
| Cassidy | King (IA) | Rehberg |
| Castle | King (NY) | Reichert |
| Chaffetz | Kingston | Reyes |
| Chandler | Kirk | Rodriguez |
| Childers | Kirkpatrick (AZ) | Roe (TN) |
| Coble | Klein (FL) | Rogers (AL) |
| Coffman (CO) | Kline (MN) | Rogers (KY) |
| Cole | Kosmas | Rogers (MI) |
| Conaway | Kratovil | Rohrabacher |
| Connolly (VA) | Lamborn | Rooney |
| Conyers | Lance | Ros-Lehtinen |
| Cooper | Langevin | Roskam |
| Costello | Latham | Ross |
| Crenshaw | LaTourette | Rothman (NJ) |
| Cuellar | Latta | Royce |
| Culberson | Lee (NY) | Ruppersberger |
| Cummings | Lewis (CA) | Ryan (OH) |
| Dahlkemper | Linder | Ryan (WI) |
| Davis (AL) | Lipinski | Salazar |
| Davis (IL) | LoBiondo | Scalise |
| Davis (KY) | Loeb sack | Schauer |
| Davis (TN) | Lucas | Schiff |
| Deal (GA) | Luetkemeyer | Schmidt |
| DeFazio | Lummis | Schock |
| Dent | Lungren, Daniel | Schrader |
| Diaz-Balart, L. | E. | Scott (GA) |
| Diaz-Balart, M. | Lynch | Sensenbrenner |
| Dicks | Mack | Sessions |
| Dingell | Maffei | Sestak |
| Donnelly (IN) | Maloney | Shadegg |
| Dreier | Manzullo | Shea-Porter |
| Driehaus | Marchant | Shimkus |
| Duncan | Markey (CO) | Shuler |
| Ehlers | Markey (MA) | Shuster |
| Ellsworth | Marshall | Simpson |
| Emerson | Massa | Sires |
| Eshoo | Matheson | Skelton |
| Etheridge | McCarthy (CA) | Smith (NE) |
| Fallin | McCarthy (NY) | Smith (NJ) |
| Farr | McCaul | Smith (TX) |
| Flake | McClintock | Smith (WA) |
| Fleming | McCotter | Snyder |
| Forbes | McHenry | Souder |
| Fortenberry | McHugh | Space |
| Foster | McIntyre | Spratt |
| Fox | McKeon | Stearns |
| Franks (AZ) | McMahon | Stupak |
| Frelinghuysen | McMorris | Sullivan |
| Gallegly | Rodgers | Tanner |
| Garrett (NJ) | McNerney | Tauscher |
| Gerlach | Meeks (NY) | Taylor |
| Giffords | Melancon | Teague |
| Gingrey (GA) | Mica | Terry |
| Gohmert | Michaud | Thompson (CA) |
| Gonzalez | Miller (FL) | Thompson (PA) |
| Goodlatte | Miller (MI) | Thornberry |
| Gordon (TN) | Miller (NC) | Tiahrt |
| Granger | Miller, George | Tiberi |
| Graves | Minnick | Titus |

| | | |
|------------|-------------|------------|
| Towns | Wamp | Wittman |
| Turner | Wasserman | Wolf |
| Upton | Schultz | Yarmuth |
| Van Hollen | Wexler | Young (AK) |
| Visclosky | Whitfield | Young (FL) |
| Walden | Wilson (OH) | |
| Walz | Wilson (SC) | |

NOES—105

| | | |
|----------------|-----------------|----------------|
| Abercrombie | Frank (MA) | Nadler (NY) |
| Ackerman | Fudge | Napolitano |
| Baca | Green, Al | Olver |
| Baird | Green, Gene | Payne |
| Baldwin | Grijalva | Perlmutter |
| Bean | Gutierrez | Pingree (ME) |
| Becerra | Hall (NY) | Polis (CO) |
| Berman | Hare | Richardson |
| Berry | Hastings (FL) | Roybal-Allard |
| Bishop (NY) | Higgins | Rush |
| Brady (PA) | Hirono | Sánchez, Linda |
| Braley (IA) | Holt | T. |
| Brown, Corrine | Inslee | Sarbanes |
| Capps | Jackson (IL) | Schakowsky |
| Capuano | Jackson-Lee | Schwartz |
| Cardoza | (TX) | Scott (VA) |
| Carson (IN) | Johnson, E. B. | Serrano |
| Castor (FL) | Kanjorski | Sherman |
| Clarke | Kilpatrick (MI) | Slaughter |
| Clay | Kissell | Speier |
| Cleaver | Kucinich | Stark |
| Clyburn | Larsen (WA) | Sutton |
| Cohen | Larson (CT) | Thompson (MS) |
| Courtney | Lee (CA) | Tierney |
| Crowley | Levin | Tonko |
| Davis (CA) | Lewis (GA) | Tsongas |
| DeGette | Lofgren, Zoe | Velázquez |
| Delahunt | Lowey | Waters |
| DeLauro | Lujan | Watson |
| Doggett | Matsui | Watt |
| Doyle | McCollum | Waxman |
| Edwards (MD) | McDermott | Weiner |
| Ellison | McGovern | Welch |
| Engel | Meek (FL) | Woolsey |
| Fattah | Moore (WI) | Wu |
| Filner | Murtha | |

NOT VOTING—8

| | | |
|--------------|--------------|------------------|
| Boustany | Hinchey | Sanchez, Loretta |
| Costa | Miller, Gary | Westmoreland |
| Edwards (TX) | Olson | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 1631

Messrs. HALL of New York, HASTINGS of Florida, INSLEE, TIERNEY, TONKO, Mrs. CAPPS, Mr. CARDOZA, Ms. SCHAKOWSKY, Messrs. PERLMUTTER, BISHOP of New York, Mr. RICHARDSON, Mrs. DAVIS of California, Mr. BACA, Ms. ZOE LOFGREN of California, and Ms. PINGREE of Maine changed their vote from "aye" to "no."

Messrs. CARNAHAN and MICA changed their vote from "no" to "aye."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. GEORGE MILLER of California. Madam Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 1388, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GEORGE MILLER of California:

Strike section 1304 of the bill and insert the following:

SEC. 1304. PROHIBITED ACTIVITIES AND INELIGIBLE ORGANIZATIONS.

Section 125 (42 U.S.C. 12575) is amended to read as follows:

"SEC. 125. PROHIBITED ACTIVITIES AND INELIGIBLE ORGANIZATIONS.

"(a) PROHIBITED ACTIVITIES.—A participant in an approved national service position under this subtitle may not engage in the following activities:

"(1) Attempting to influence legislation.

"(2) Organizing or engaging in protests, petitions, boycotts, or strikes.

"(3) Assisting, promoting, or deterring union organizing.

"(4) Impairing existing contracts for services or collective bargaining agreements.

"(5) Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office.

"(6) Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials.

"(7) Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization.

"(8) Providing a direct benefit to—

"(A) a business organized for profit;

"(B) a labor organization;

"(C) a partisan political organization;

"(D) a nonprofit organization that fails to comply with the restrictions contained in section 501(c)(3) of the Internal Revenue Code of 1986 except that nothing in this section shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and

"(E) an organization engaged in the religious activities described in paragraph (7), unless Corporation assistance is not used to support those religious activities.

"(9) Conducting a voter registration drive or using Corporation funds to conduct a voter registration drive.

"(10) Such other activities as the Corporation may prohibit.

"(b) INELIGIBLE ORGANIZATIONS.—No assistance provided under this subtitle may be provided to the following types of organizations (including the participation of a participant in an approved national service position under this subtitle in activities conducted by such organizations) or to organizations that are co-located on the same premises as the following organizations:

"(1) Organizations that provide or promote abortion services, including referral for such services.

"(2) For-profit organizations, political parties, labor organizations, or organizations engaged in political or legislative advocacy.

"(3) Organizations that have been indicted for voter fraud.

"(c) NONDISPLACEMENT OF EMPLOYED WORKERS OR OTHER VOLUNTEERS.—A participant in an approved national service position under this subtitle may not perform any services or duties or engage in activities which—

"(1) would otherwise be performed by an employed worker as part of his or her assigned duties as an employee or by another volunteer who is not a participant in an approved national service position; or

"(2) will supplant the hiring of employed workers or work of such other volunteers."

Amend the table of contents in section 1(b) by striking the item relating to section 1304 and inserting the following:

Sec. 1304. Prohibited activities and ineligible organizations.

Amend the table of contents of the National and Community Service Act of 1990 (as proposed to be amended by section 4101 of the bill) by striking the item relating to section 125 and inserting the following:

"Sec. 125. Prohibited activities and ineligible organizations."

Mr. GEORGE MILLER of California (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. GEORGE MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 321, nays 105, not voting 6, as follows:

[Roll No. 140]

YEAS—321

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bocciari
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Butterfield
Calvert
Camp

Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro

Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filmer
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez

Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum

McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarelli
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Perrillo
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar

NAYS—105

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Berry
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Campbell
Cantor

Carter
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Davis (KY)
Deal (GA)
Dreier
Duncan
Fallin
Flake
Fleming
Forbes
Foss
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Granger
Graves
Hall (TX)

Sánchez, Linda
T.
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schradner
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel
E.

| | | |
|---------------|---------------|--------------|
| Mack | Pence | Sessions |
| Manzullo | Pitts | Shadegg |
| Marchant | Poe (TX) | Shuster |
| McCarthy (CA) | Possey | Smith (NE) |
| McCaul | Price (GA) | Smith (TX) |
| McClintock | Radanovich | Stearns |
| McHenry | Rogers (AL) | Thornberry |
| Mica | Rohrabacher | Tiahrt |
| Miller (FL) | Roskam | Wamp |
| Moran (KS) | Royce | Westmoreland |
| Myrick | Ryan (WI) | Whitfield |
| Neugebauer | Scalise | Wilson (SC) |
| Nunes | Schmidt | |
| Paul | Sensenbrenner | |

NOT VOTING—6

| | | |
|----------|--------------|------------------|
| Boustany | Hinchey | Olson |
| Gohmert | Miller, Gary | Sanchez, Loretta |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining to record their vote.

□ 1639

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1388, GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION ACT

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1388, to include corrections in spelling, punctuation, section numbering, cross-referencing, and the insertion of appropriate headings, and that the Clerk make the correction that I have placed at the desk.

The SPEAKER pro tempore (Mr. DRIEHAUS). The Clerk will report the correction.

The Clerk read as follows:

In section 1306 of the bill, strike the close quotation mark and following period after the matter proposed to be inserted by such section, and insert at the end of such section the following:

“(m) NO MATCHING FUNDS REQUIREMENT FOR SEVERELY ECONOMICALLY DISTRESSED COMMUNITIES.—Notwithstanding any other provision of law, a severely economically distressed community that receives assistance from the Corporation for any program under the national service laws shall not be subject to any requirement to provide matching funds for any such program, and the Federal share of such assistance for such a community may be 100 percent.”

Mr. GEORGE MILLER of California (during the reading). I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111-40) on the resolution (H. Res. 257) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

AIG'S EXECUTIVE BONUSES

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I rise today to express my deep outrage over AIG using \$165 million in government funding to pay top executive bonuses.

The company, for all intents and purposes, is bankrupt and has been bailed out by taxpayer dollars, and the fact that these bonuses could have gone forward simply defies logic.

Mr. Speaker, I would like to commend Chairman FRANK and Chairman KANJORSKI for presiding over today's hearing on AIG and for their continued oversight to make sure that taxpayer funds are being used responsibly to get our economy back on track.

While I was pleased to hear that Edward Liddy said that he would try to recoup the bonuses from his employees, I remain furious at how and why AIG chose to reward complete incompetence with taxpayer money. AIG executives must be held more accountable for their decision and may need to pay for mismanagement with their jobs. That is why I joined over 90 of my colleagues in sending a letter to Secretary Geithner demanding a full accounting of the use of taxpayer money at AIG and to block these bonuses and why I support legislation to ensure that taxpayers receive a full refund.

At this time of great uncertainty and instability in our Nation, the public deserves more from AIG and from us, their elected officials, who are entrusted to make responsible decisions on their behalf.

FDA ADVERSE EVENT REPORTING LABELING CHANGES

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Mr. Speaker, Americans are concerned not only about the safety of their food but their ability to put food on their tables. So it makes no sense that the Food and Drug Administration has mandated change to dietary supplement labels which will add no safety benefits or protections to consumers. These forced changes will result in higher prices for vitamins and

minerals many Americans rely on to maintain a healthy diet and lifestyle.

In December of 2006, the Dietary Supplement and Nonprescription Drug Consumer Protection Act was passed into law. The law requires mandatory reporting of serious adverse events. That is a good thing. But the FDA has now mandated label changes which they're only giving the industry 1 year to comply with. Industry will make the required changes in their labels, but forcing them to do so in less than 9 months is not the answer.

Keep in mind, however, the law underlying this guidance did not require any label changes. It was the FDA's decision, independent of legislation, to force these changes on supplement producers. And what is the price tag for these required changes? According to the FDA's own documents, compliance would exceed \$220 million. Not a small amount in today's business environment.

Clearly, now is not the time for our government to find ways to needlessly increase costs for consumers, especially when these mandates provide no added benefits or protections for consumers.

□ 1645

THE FIGHTING TIGERS OF MIZZOU

(Mr. LUETKEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUETKEMEYER. Mr. Speaker, if you listen very closely, very closely, you can hear it. It's the sound of Tigers roaring from their den at the University of Missouri-Columbia, deep in the heart of the Ninth Congressional District.

For those of you who haven't heard, the Fighting Tigers of Mizzou were unleashed upon their unsuspecting Big 12 prey and earned MU's first league championship in 16 years and first Big 12 Basketball Championship this past weekend.

I want to congratulate Coach Anderson and the 2009 Missouri Tigers for a regular season to remember. I also want to recognize the best defense in the country for offering their opponents “40 Minutes of Hell.”

But these Tigers are still hungry. And as the No. 3 seed in the West Regional, they are seeking new prey, beginning with Cornell this Friday. Mr. Speaker, I'm not a betting man, but something tells me that the Tigers will roar when they hit the floor, knocking down that national championship door. Go Tigers.

CAP-AND-TRADE ENERGY TAX

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, let me quote from a meeting with the editorial board at the San Francisco Chronicle that then-candidate Barack Obama had in January of 2008. He said, "under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket. This will cost money. They will pass that money on to consumers."

Well, ladies and gentlemen, unfortunately, the President's cap-and-trade plan, or as many people call it, the cap-and-tax plan, does exactly that.

There was a recent study conducted by MIT, the Massachusetts Institute of Technology, and it was able to assess the fact that a total energy bill for the average household will increase over \$3,000. As a matter of fact, it will be up by \$3,128 per year. According to CBO testimony, those figures actually will relate.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ON THIS SIXTH ANNIVERSARY OF WAR, LET US WORK FOR PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, in 2 days, we will mark the sixth anniversary of America's invasion and occupation of Iraq. When President Bush announced the start of the conflict on the night of March 20, 2003, he said that America must go to war against a regime "that threatens the peace with weapons of mass murder." Of course, Mr. Speaker, we know that those weapons did not exist and that the war should never have been fought. But today, I don't want to go back, and I don't want to revisit all the many mistakes of the past. Instead, I want to use this time to remember the literally millions of men, women and children from the United States of America, from Iraq and from the many other countries whose lives have been shattered over the past 6 years.

These include those who died, the wounded, the veterans, the refugees, the orphans, the widows and the many other family members who are left to mourn and to struggle. We have a great responsibility in this House of Representatives to honor and to give meaning to their sacrifice. I believe the best way to do that is by committing ourselves to work for peace so that war becomes a thing of the past.

On this sixth anniversary, Mr. Speaker, this anniversary of the occupation, we have more reason to hope for peace than on the previous five. That is be-

cause we have a new leader in the White House, one who has already taken some very positive steps. President Obama is committed to diplomacy, not war, and the most important tool of American foreign policy. He has banned the use of torture. He is closing the notorious prison at Guantanamo Bay. And he has announced a plan to remove all combat troops from Iraq. But Mr. Speaker, there is much more that we need to do.

The Iraq withdrawal plan will leave 50,000 troops behind to continue the occupation. That is unacceptable. All troops and military contractors must come home by August 2010, at the latest. In Afghanistan, the administration is planning to double down on our military involvement. But, Mr. Speaker, there is no military solution to the situation in Afghanistan. That is why I have joined my colleagues, BARBARA LEE and MAXINE WATERS, in asking the President to establish a timeline for the redeployment of our troops out of Afghanistan. We have also called for a plan to assist the Afghan people, because we cannot defeat the Taliban with bombs and bullets. We can only defeat the Taliban by helping the Afghan people to meet their desperate needs for schools, for roads and for economic development.

But we need to do more than just solve problems as they arise. We need to be proactive. We need to have a comprehensive strategy for keeping the peace. Let me suggest two ways to achieve that goal. First, I believe this is a good time to renew Congressman KUCINICH's calls for the establishment of a Cabinet-level Department of Peace so we can work full-time to analyze international problems and advise the President on strategies to prevent war and to peacefully resolve conflicts around the world. The President of the United States has never had the advantage of such advice. I believe it is high time that he did.

Second, I believe that this is a good time to renew our proposal for a smart national security plan. "Smart" is based on a simple idea: War is an outdated concept. That is why my smart plan keeps Americans safe through strong global alliances and better intelligence, as opposed to pre-emptive military strikes. Smart also calls for the United States to support nuclear nonproliferation, and it includes an ambitious humanitarian development agenda to end the hopelessness and oppression that lead to war and terrorism in the first place.

Mr. Speaker, after these many years of violence, one thing is clear. The American people have had enough war. They are seeking a better way to make the world safe for their children and grandchildren. So let us resolve in the honor of those who suffer because of a mistaken occupation 6 years ago to do everything we can to avoid the mis-

takes of the past and lay the foundation for a peaceful future.

That is the best way to honor those who were caught up in the chaos of Iraq. And it is the best way to turn the tragedy of this sixth anniversary into a time of hope for the people of the world.

REDESIGNATING THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I want to thank my colleagues in the House, from both parties, for joining me as cosponsors of H.R. 24, legislation to redesignate the Department of the Navy to be the Department of the Navy and Marine Corps. As of today, this legislation has 100 cosponsors.

Mr. Speaker, this is the right thing for the Congress to do. For the past 7 years, the language of this bill has been part of the House version of the National Defense Authorization Act. And this year, I'm grateful to have the support of Senator PAT ROBERTS, a former Marine, who introduced the same bill in the Senate, S. 504. With his help, I'm hopeful this will be the year the Senate supports the House position, and we can bring proper respect to the fighting team of the Navy and the Marine Corps.

It is important to remember: The National Security Act of 1947 defines the Marine Corps, Army, Navy and Air Force as the four services. It clearly indicates that the Marine Corps is a legally distinct military service within the Department of the Navy. The Navy and Marine Corps have operated as one entity for more than two centuries, and H.R. 24 would enable the name of their department to illustrate this fact.

Mr. Speaker, I would like to share part of a 2006 editorial published by the Chicago Tribune which describes what that legislation is really all about. And I quote the editorial, "no service branch shows more respect for tradition than the United States Marine Corps does, which makes it all the more ironic that tradition denies the Corps an important show of respect, equal billing with the other service branches." They are the words that were in the editorial in the Chicago Tribune. But sometimes it is good to break with tradition. The War Department, for example, became the Department of Defense after World War II. The Army Air Corps was elevated in 1941 to the Army Air Forces, and in 1947 to the autonomous Air Force.

The Marine Corps has not asked for complete autonomy. Nothing structurally needs to change in their relations with the Navy which has served

both branches well. The Corps only asks for recognition. Having served their Nation proudly and courageously since colonial days, the leathernecks have earned a promotion.

Mr. Speaker, the marines who are fighting today deserve this recognition.

Before closing, I would like to show you what this change could mean to the family of a fallen Marine. Mr. Speaker, on this poster is an enlargement of a copy of a letter that the Secretary of the Navy sent to a Marine Corps family. The Marine was killed for this Nation serving in Iraq. And I read from the letter from the Secretary of the Navy, and I will point out that the head of the letter says, "the Secretary of the Navy, Washington, D.C.," with the zip code, November 18, 2008. "Dear Marine Corps family, on behalf of the Department of the Navy, please accept my very sincere condolences on the loss of your loved one."

Mr. Speaker, if this becomes reality this year, should this be a requirement, if any more of our Marines are killed in Afghanistan and Iraq, the letterhead would say, "the Secretary of the Navy and Marine Corps, Washington, D.C., Dear Marine Corps family, on behalf of the Department of the Navy and Marine Corps."

Mr. Speaker, that is what it is all about. This is one fighting team, and the name should carry equal, Navy and Marine Corps. And with that, Mr. Speaker, before I close, I will ask God to continue to bless our men and women in uniform. I ask God to place in His loving arms, to hold the families who have given a child dying for freedom in Afghanistan and Iraq. And I close by asking God to continue to bless America.

DISPELLING THE MYTHS OF HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Speaker, as we begin a potentially transformational debate about health care this year, I think it is critical that we start making policy based on facts and empirical data, rather than anecdotes. Currently, our Nation's conversation about the future of health care is a little sloppy when it comes to backing up interesting stories with actual data. The result is that dozens of myths both about our own health care system and about that of other countries with systems of universal care have become so dangerously prevalent as to risk becoming accepted truth.

So, I thought it might be useful for the next few months to try to come down to this floor and dispel some of those myths and to put hard cold facts back on the table as we begin to move forward with a better way of providing health care for this country.

□ 1700

So let's start with this. Over and over I have heard the health care reform skeptics tell stories about people that they know or that they have heard of living in Canada or living in England waiting for care, who had to wait weeks or months or maybe even years to get to see a doctor or to get to have a procedure done.

Every time I hear these stories I think to myself, "Well, they are right; that one person probably did encounter that type of resistance from the system." But then I also think to myself that it doesn't matter, because in this place we need to make policy not on anecdote, we need to make policy based on true, real, aggregated data.

So I think it is time that we started talking about this idea, often promulgated by menacing stories of people waiting in other countries for a necessary surgery, that a health care system run or overseen by a public entity comes automatically with unreasonably long wait times for care. The fact is not only is that idea a myth, but the very idea that our own health care system delivers the speediest care in the world might be an even bigger myth.

So here are the facts.

Mr. Speaker, a Commonwealth Fund study of six industrialized nations showed that the U.S. actually ranked fifth out of six in patients reporting that they could receive a same day or next-day appointment for an immediate medical problem. We were behind New Zealand, Great Britain, Germany, and Australia, just in front of Canada. In fact, the difference between us and England was astonishing, especially because many of the stories that you hear about wait times come from the British system.

In England, 71 percent of patients receive a next-day appointment for a nonroutine or emergency care visit. In the United States, that number is 47 percent. That means, in other words, that more than half of Americans when they believe that they have an immediate need to see a doctor have to wait at least 48 hours to get in to see that physician.

Here's another fact. A study by the Institute for Health Care Improvement cited in a recent speech by a medical director of a large U.S. insurer showed that, on average, Americans are waiting nearly 70 days to see a health care provider. That same medical director noted that many people who are diagnosed with cancer are waiting over a month to get in for their first appointment for care.

Compare that to Canada, a country with a system of universal health care most often cited as having unreasonable wait times. Canada's national statistics agency reports that its citizens are now waiting about 3 weeks for elective surgery, a week less than many people in the United States are waiting

for cancer treatment. And today in Canada, there are no wait times for emergency surgery.

Now as Paul Krugman points out, it is true that across the board, Canadians do wait longer for nonelective surgeries. For instance, in one case, the facts back up the claim that hip replacement and knee replacement surgeries happen more quickly in the United States. And, in fact, there probably are people from Canada traveling to the United States to get those procedures done. But you know who pays and schedules those procedures here in the United States? You guessed it, the government. As it turns out, in America's government run health care system, Medicare, which pays for those hip replacement and knee replacement surgeries, wait times aren't really that much of a problem.

The fact is, there is ample evidence to dispel the myth that Americans don't wait for health care, and those in government-run systems do. And when we looked at the Canadian, which in some cases does have longer wait times, we need to remember this: In Canada, they are spending about half as much money on a per capita basis as the United States. If they spent 1 percent more of their GDP, they could eliminate their wait times.

The bottom line? Stories about people waiting in lines for health care in other countries are just that; they are stories.

The facts, on the other hand, dispel that myth. We wait for health care, too. Mr. Speaker, health care reform is our chance to fix that.

AIG BONUSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this evening in the House in strong opposition to AIG's recent payments to employees in the form of bonuses. I can't believe that this conversation is even necessary. The handling of these bonus payments by AIG's management is an insult to the people who are ultimately paying for them, the American taxpayer.

I believe that good business behavior and superior professional performance should be rewarded. That's the way the market system works and should work. People that are good at their jobs should be recognized. Compensation bonuses awarded to certain AIG employees do not fall into this category of recognition. The American people own 80 percent of this company, yet 73 individuals employed by AIG received a bonus of at least \$1 million each.

The CEO of AIG today here on Capitol Hill called the bonuses "distasteful." I can tell you that Kansans have a much more colorful description when

they are telling the story about these bonuses. Their outrage stems from a series of corporate actions, actions that have steadily eroded our Nation's confidence in the competency of Wall Street and the business community, and the Federal Government's response to these business conditions. And the mortgaging of our children's future is especially damning when news of the bonuses arrives like it has this week.

When the Troubled Asset Relief Program was first laid out, Members of Congress were assured that this would be a benefit to the public and would make a difference not only in the short term, but especially in the long term.

For many reasons, I did not support the initial bailout, including my belief that there were few taxpayer safeguards within this legislation. Recent actions on the part of AIG only confirmed what I feared. Troubled businesses—and I think this is what is happening here—troubled businesses were not forced to change their failed practices. Instead, they were given a lifeline, and they are beginning to pull us under with them.

Kansans ask only to have an opportunity to earn a paycheck and make a living. Most Americans realize that bonuses are awarded if and when their employer is profitable and successful. AIG is neither. It is not fair, it is not right, and it ought not happen.

I ask my colleagues in the House and the Senate to pursue all methods of recourse against companies that flaunt the will of the American taxpayer. But it is not just AIG we should blame. Congress passed this legislation without timely consideration. We rushed to judgment. In many instances, we violated principles that we know work, principles of an economy. And our actions as a Congress that passed this legislation allowed AIG to pay these bonuses. Shame on AIG and shame on Congress.

By demanding accountability and some commonsense from those businesses that are being assisted, Congress may finally begin to get it right, and the taxpayer may finally be protected.

CONDEMNING SHIPMENTS OF NUCLEAR WASTE ACROSS THE SOUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, on March 6, 2009, two ships named the Pacific Pintail and Pacific Heron left the port of Cherbourg in France bound for Japan. The total cargo onboard the purpose-built ships amounts to 1.8 tons, or 1,800 kilograms, of plutonium mixed-oxide nuclear fuel, which according to Greenpeace, is enough to produce 225 nuclear bombs. Scheduled

to arrive in May, the shipment is to travel via the Cape of Good Hope, the Southern Ocean, the Tasman Sea between Australia and New Zealand, and the southwest Pacific Ocean.

The latest shipment of plutonium mixed-oxide nuclear fuel is part of an ongoing process involving several major countries in Europe and Japan, whereby Japan usually supplies spent fuel from commercial reactors in return for MOX nuclear fuel from Europe. Using a procedure known as reprocessing, plutonium and uranium are extracted from highly radioactive products contained in the spent fuel. Most of the extracted plutonium, along with the nuclear waste, will eventually be returned to the country of origin.

Mr. Speaker, this latest shipment of MOX fuel complements earlier shipments of spent fuel, about 170, from Japan to Europe. As usual, plans for this latest shipment, the largest so far, were covered in shrouds of secrecy, without prior consultation or notification of en route states. Yet any action involving the ships or their cargo could have catastrophic consequences on the environment and the populations of en route states. Moreover, with the increasing threat of piracy, the transported plutonium MOX fuel could easily fall into the hands of terrorists.

This unnecessary and unjustifiable shipment provides another example of the unacceptable risks and adverse impact the use of nuclear power and nuclear materials have on the environment and the lives of those involved. It demonstrates once again the best example of arrogance and imperialistic behavior of some major countries at the expense of others.

In 1995, I accompanied Mr. Oscar Temaru, the current president of French Polynesia, on the Greenpeace Warrior, which took us to Moruroa to protest French nuclear testing. At the time, while the world turned a blind eye, the newly elected president of France, Jacques Chirac and the French government broke the world moratorium on nuclear testing and exploded eight more nuclear bombs at the Pacific atolls of Moruroa and Fangataufa in Tahiti. Adding insult to injury, President Chirac stated that nuclear explosions would have no effect on the ecological environment.

Mr. Speaker, history shows that for some 30 years the French government detonated approximately 218 nuclear devices at Moruroa and Fangataufa atolls in French Polynesia. About 10,000 Tahitians are believed to have been severely exposed to nuclear radiation during French nuclear testing.

Our own U.S. Government contributed to this grim history of nuclear testing in the South Pacific. Indeed, one may argue that it was the nuclear testing program in the Marshall Islands that set the precedent for France to follow suit and use the Pacific Is-

lands as testing grounds for nuclear bombs. Between 1946 and 1958, the United States detonated 67 nuclear bombs in the Marshall Islands, including the first hydrogen bomb, or the Bravo shot, which was 1,300 times more powerful than the bomb that was dropped on Hiroshima. Acknowledged as the greatest nuclear explosion ever detonated by the United States at the time, the Bravo shot decimated six islands and produced a mushroom cloud 25 miles in diameter. It has been said that if one were to calculate the net yield of the tests conducted by our government in the Marshall Islands, it would be equivalent to the detonation of 1.7 Hiroshima nuclear bombs every day for 12 years.

Mr. Speaker, such was the magnitude of the devastation that threatened the Marshall Islands. In addition to the annihilation of the surrounding environment and ecological system, the U.S. nuclear testing program exposed the people of the Marshall Islands to severe health issues and genetic irregularities for generations to come. It was so serious that we had to move our nuclear testing program, this time conducted underground in the deserts of Nevada. What happened was that this nuclear cloud that came from the Pacific Ocean went as far as Minnesota and Wisconsin, with contaminants later found in milk products coming out of Wisconsin as well as Minnesota.

Mr. Speaker, something needs to be done about the shipment of this nuclear waste from Europe to Japan. I sincerely hope that my colleagues will help me develop legislation.

Mr. Speaker, on March 6, 2009, two ships named the Pacific Pintail and Pacific Heron, left the port of Cherbourg in France bound for Japan. The total cargo onboard the purpose-built ships amount to about 1.8 tonnes (1800 kilograms) of plutonium mixed-oxide (MOX) nuclear fuel, which according to Greenpeace, enough to produce 225 nuclear bombs. Scheduled to arrive in May, the shipment is to travel via the Cape of Good Hope, the Southern Ocean, the Tasman Sea between Australia and New Zealand and the southwest Pacific Ocean.

The latest shipment of plutonium mixed-oxide nuclear fuel is part of an ongoing process involving several major countries in Europe and Japan, whereby, Japan usually supplies spent fuel from commercial reactors in return for MOX nuclear fuel from Europe. Using a procedure known as "reprocessing", plutonium and uranium are extracted from highly radioactive products contained in the spent fuel. Most of the extracted plutonium along with the nuclear waste will eventually be returned to the country of origin.

This latest shipment of MOX fuel complements earlier shipments of spent fuel, about 170, from Japan to Europe. As usual, plans for this latest shipment, the largest so far, was covered in shrouds of secrecy without prior consultation or notification of en-route states. Yet, any accident involving the ships or

their cargo could have catastrophic consequences on the environment and the population of en-route states. Moreover, with the increasing threat of piracy, the transported plutonium MOX fuel could easily fall in the hands of terrorists.

This unnecessary and unjustifiable shipment provides another example of the unacceptable risks and adverse impact the use of nuclear power and nuclear materials have on the environment and the lives of those involved. It demonstrates once again the best example of arrogance imperialistic behavior of some major countries at the expense of others.

In 1995, I accompanied Mr. Oscar Temaru, the current President of French Polynesia, on the Green Peace Warrior which took us to Moruroa to protest French nuclear testing. At the time, while the world turned a blind eye, the newly elected President of France, Jacques Chirac and the French government broke the world moratorium on nuclear testing and exploded 8 more nuclear bombs at the Pacific atolls of Moruroa and Fangataufa in Tahiti. Adding insult to injury, President Chirac stated that nuclear explosions would have no effect on the ecological environment.

History shows that for some 30 years, the French Government detonated approximately 218 nuclear devices at Moruroa and Fangataufa atolls in Tahiti. About 10,000 Tahitians are believed to have been severely exposed to nuclear radiation during French nuclear testing.

Our own U.S. government also contributed to this grim history of nuclear testing in the South Pacific. Indeed, one may argue that it was the U.S. nuclear testing program in the Marshall Islands that set the precedent for France to follow suit and use the Pacific Islands as testing grounds for nuclear weapons. Between 1946 and 1958, the United States detonated 67 nuclear weapons in the Marshall Islands including the first hydrogen bomb, or Bravo shot, which was 1,300 times more powerful than the bomb dropped on Hiroshima. Acknowledged as the greatest nuclear explosion ever detonated by the U.S., the Bravo shot decimated 6 islands and produced a mushroom cloud 25 miles in diameter. It has been said that if one were to calculate the net yield of the tests conducted in the Marshall Islands, it would be equivalent to the detonation of 1.7 Hiroshima nuclear bombs every day for 12 years.

Such was the magnitude of the devastation that threatened the Marshall Islands. In addition to the annihilation of the surrounding environment and ecological system, the U.S. nuclear testing program exposed the people of the Marshall Islands to severe health issues and genetic irregularities for generations to come.

Mr. Speaker, at this critical point in our history when the global community is confronted with tough decisions concerning energy resources for future generations, it is important to remind ourselves of the lessons of the past.

I am inspired by President Obama's recent decision concerning the storage of nuclear waste in Yucca Mountain, Nevada. In cutting funding to the Yucca Mountain project, President Obama made good on a campaign promise. But more significantly, he reignites the debate on a controversial issue: how to move and store the Nation's radioactive wastes?

To understand the President's recent decision, I am reminded that as a U.S. Senator in 2007, he then wrote in the Las Vegas Review-Journal that "states should not be fairly burdened with waste from other states." Moreover, "every state should be afforded the opportunity to chart a course that addresses its own interim waste storage in a manner that makes sense to that state."

From the above statement, one may infer that President Obama's decision to terminate funding to the Yucca Mountain project underlines the high risks and danger involve with the storage and transportation of nuclear wastes and nuclear materials.

Mr. Speaker, I believe a similar framework should apply to the international treatment of nuclear waste and nuclear materials. Each nation should be responsible for its own interim waste storage and avoid shipments of nuclear waste and nuclear materials across oceans and territorial waters of other nations.

I support a moratorium on all international shipments of nuclear fuel and nuclear waste until the international community has in place an agreement to ensure the protection of our oceans and the environment, economy and population of coastal and small island states. Such an agreement should include prior notification and consultation of en-route states before shipment of all hazardous and radioactive materials, environmental impact assessments, a satisfactory liability mechanism and protection from terrorism attacks.

Until such system is in place, Europe, Japan and all nuclear states, should keep their nuclear materials and waste in their own backyard, and not endanger the lives of others.

[From USA Today, Mar. 17, 2009]

RESPONSIBILITY? YUCCA CHOICE SQUANDERS \$8B INVESTMENT

We usually applaud politicians who keep their campaign promises, but one we were hoping President Obama would forget was his pledge to end the 22-year effort to build a nuclear waste repository inside remote Yucca Mountain in Nevada.

Like it or not, the nation needs nuclear power as a carbon-free bridge to a future in which wind, solar and other options will power computers and TVs and charge plug-in hybrid cars. It makes sense to dispose of spent nuclear fuel in a single place instead of at more than 100 nuclear plants around the country, where it is now. Yucca was the presumed central location until the president's "new era of responsibility" budget would eliminate virtually all funding. Never mind that environmental objections to the project have long seemed strained and the logic for going forward strong.

Now the government has to find some other way to fulfill its contract with nuclear utilities to take the waste off their hands. Since 1983, the government has levied a fee on every kilowatt hour of nuclear-generated electricity—guess who's been paying that, ratepayers—to finance a national disposal site. The feds have collected about \$30 billion and spent almost \$8 billion on the Yucca Mountain site. So much for that investment.

During the presidential campaign, candidate Obama said he wanted no new nuclear plants until there was some place to store the waste, a stance that seems ominous now that he's killed off the only central disposal site. When we asked the Energy Department if that means no new nuclear plants until there's a successor to Yucca Mountain, we

got a carefully hedged non-answer: "The president remains committed to resolving key issues including nuclear waste, non-proliferation and plant security."

Yucca's demise shouldn't be an excuse to delay new nuclear plants. Storing spent fuel at existing plant sites is a second-best solution, but it's a safe enough stopgap until the nation agrees on a permanent disposal site. Once spent fuel has cooled enough to move, it's typically stored outdoors in steel pods that weigh 100 tons or more, emitting little radiation and virtually impossible to destroy or steal.

The president and the nuclear industry now want a group of experts to convene to decide what to do next. An idea to revisit is reprocessing spent fuel, which President Carter banned out of security concerns that seem much less compelling 30 years later. Reprocessing allows fuel to be re-used and shrinks the ultimate amount of spent fuel—but what's left still has to go somewhere.

One potential site is in New Mexico, which in the past decade has quietly accepted more than 7,000 shipments of radioactive material from the nation's nuclear weapons facilities and buried them in a salt bed almost half a mile below the desert in the southeastern part of the state. By law, the Waste Isolation Pilot Plant can't accept spent fuel from nuclear power plants, but some state officials have agitated for a second facility there as a backup for Yucca. It might be an alternative worth pursuing.

Killing Yucca is a big political win for Senate Majority Leader Harry Reid and other Nevada lawmakers who've long opposed the storage site. But that victory empowers not-in-my-backyard politicians in every state to dig in their heels. And, whether it's waste dumps or wind farms or oil refineries or air routes, they do—the national interest be damned.

When Obama lifted the ban on stem cell research last week, his press secretary said the president made it clear that "politics should not drive science." Unfortunately, that's exactly what happened here.

YUCCA PLAN POSES 'GRAVE' RISK

(By Harry Reid and John Ensign)

We applaud President Obama's bold decision to scale back the budget for the proposed Yucca Mountain nuclear waste dump. Permanently ending the project is right not just for our state but for our entire country.

The peril of storing 70,000 tons of the nation's toxic trash just an hour's drive from Las Vegas rightly worries Nevadans, and all Americans would face a grave threat from this bad idea.

The reasons for ending the taxpayer boondoggle are plentiful: supporting data that relies on flawed science; estimated costs of nearly \$100 billion; and the egregious error of burying waste that could, with American innovation, be less dangerous and even be turned into energy.

The Department of Energy's plan to store deadly nuclear waste at Yucca ignores even the most glaring facts, such as the major earthquake fault lines running across the storage site. Many Americans are unaware that DOE concedes that water will flow through the dump, eventually carrying radiation into Nevada's groundwater.

Yucca Mountain, simply put, is bad policy that is wrong for America.

America still needs a scientifically sound and responsible policy to deal with nuclear waste. More taxpayer money dumped into the Yucca Mountain project is more money wasted that could have been invested in securing waste on nuclear plant sites in dry

casks, while researching new technologies such as reprocessing. There are solutions.

That is why we are working together and with our colleagues on bipartisan legislation to form a commission exploring alternative approaches. The Obama administration and the nuclear energy industry have expressed support for reviewing our nation's approach to nuclear waste so we will no longer be stuck with the current failed policy.

Forming such a commission would be only a first step away from Yucca Mountain. It's an important and necessary step, though. The effort will require input not only from our nation's foremost authorities on nuclear energy and nuclear waste, but also from policymakers, environmental experts and public health and safety advocates.

The time is now to put Yucca Mountain to rest and work together to deal with nuclear waste concerns while also protecting the health, safety and security of all Americans. We look forward to working with President Obama and all stakeholders in resolving our country's nuclear waste issues.

CHARGING WOUNDED VETERANS FOR TREATMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 5 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, can you believe that President Obama wants to start charging wounded veterans for their treatment?

Our first Commander-in-Chief, George Washington, once said, "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their country."

Taking care of those who have sacrificed for our Nation is, I believe, our sacred duty. It is a national promise that goes back to Presidents Washington and Lincoln. President Obama actually acknowledged this during his campaign when, on the floor of the Senate on April 10, 2007, he said these are soldiers who fought in World War II, Korea, Vietnam and Iraq. They made a commitment to their country when they chose to serve, and we must now keep our commitment to them.

I could not agree more with those words. But in the meantime, as we all know, he was elected. Yesterday, we learned that President Obama plans to move ahead, despite what he said on the floor of the Senate, and start to charge veterans private insurance for the treatment of combat-related injuries.

Let no one be mistaken that the President's plan breaches the moral responsibility the Commander-in-Chief owes to veterans wounded on the field of battle. It is a breach of our national promise, and we should not let this stand. The proposal is outrageous and beyond belief. The men and women he

proposes to charge are those injured on the field of combat. These are people who sacrifice not only their sweat and tears, but their flesh and blood so the American dream can be protected.

□ 1715

Mr. Speaker, what must the average American think? Just recently, the criminals at AIG received hundreds of millions of dollars in bonuses paid by the taxpayers. Is the President now seriously considering balancing a \$1.7 trillion deficit on the backs of veterans? To do so would be a great insult to anyone who ever wore the uniform of this great country.

LEADING THIS COUNTRY OUT OF THE ABYSS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. COHEN) is recognized for 5 minutes.

Mr. COHEN. Mr. Speaker, I was pleased to read that President Bush made his first address since he left the Office of President yesterday in Canada. President Bush said that he loved his country more than he loved his party, and he wished President Obama success. I thought that was really telling. President Bush, while I differed with him on many policies and many of his initiatives, I always felt he was a good and decent person. And I think what he said showed that in many ways he is.

I wish that the people on the other side of the aisle, rather than coming here and constantly bringing up false information about our current President, wishing him ill will—which of course Rush Limbaugh has done, the leader of the other side, and others, like former Vice President Cheney, who came out for television on Saturday and had some statements that were very inappropriate for a former Vice President to make this quickly after he has left office. There is a certain time when Presidents and Vice Presidents should go back to their private lives, maybe practice shooting, and learning how to shoot in a proper direction and not jeopardize their friends, and do other things, but not necessarily take shots at the new President of the United States and not claim that the American public is less safe, which is not in any way true. As my colleague here from Kentucky has well spoke in a 5 minute recently, the other side of the story and the full side of the story showed history that we are safer.

But the bottom line is, President Bush said he wished our country well, his country came before party. And it gets tiring to be here and hear the other side take shots and shots and shots and hoping they can win in 2012 and take back this House in 2010 rather than working for the American public and the American government.

We are at a very critical time, caused by years of lack of regulation and deficit spending, wars that we didn't need to be into, loss of life and monies, and lack of regulation that Mr. Paulson was responsible for in giving AIG this money, and in many other ways, without regulations and restrictions on benefits. And President Obama has had to deal with that.

I support our President. And I am proud to be a Member of this Congress trying to lead this country out of the abyss of which it seemed to be heading at the end of this last term.

I am also proud to join in a few minutes with my fellow sophomore Majority Makers, Mr. KLEIN of Florida and Mr. YARMUTH of Kentucky. We're called the Majority Makers because we did take this Congress in 2006 back, but it was after 12 years of Republican control in the House and Senate, 1994 to 2006, and a Republican administration that caused the deficit problems, caused the budget problems, caused the economic crisis. We plan to bring it out.

IMPROVING ACCESS TO CREDIT FOR SMALL BUSINESSES

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, this week, we took important action to address a critical issue in south Florida and around the country, to improve access to credit for small business owners.

Small businesses generated more than 70 percent of the new jobs every year for the past decade, and even beyond that. And they will fuel our economic recovery, both where I live in south Florida, and nationwide.

I recently visited Uniworld Products, a family-owned business in Fort Lauderdale. This small business has been operating for 60 years, yet because of the frozen credit markets has been unable to secure vital loans and has been forced to lay off a quarter of its workforce in recent months. The plan announced by the administration this week will help businesses like Uniworld access the credit they need to keep their doors open and to thrive.

I strongly support this aggressive and immediate action and look forward to continuing to work with entrepreneurs and community leaders in south Florida to support our small businesses as they lead our way toward economic recovery.

AIG, SMALL BUSINESSES, AND THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Florida (Mr. KLEIN) is recognized for 60

minutes as the designee of the majority leader.

Mr. KLEIN of Florida. Mr. Speaker, it is, once again, an honor and a privilege, as a Member of Congress, to talk to the Members of this House and the American people about the kinds of things that are on their minds right now. And we are doing so with a group of us who were elected in 2006 and have the opportunity, from all parts of the United States, to represent our great country and work toward the solutions that are necessary to get our country back on track.

I am joined by Mr. YARMUTH from Kentucky, Mr. COHEN from Tennessee, and a number of others.

What we are going to talk about tonight are a couple of things; and these are the things that really are a great focus to all of us. One is AIG. Another one is, of course, the small business initiatives that I was just discussing a few minutes ago and will discuss them in greater detail. And the third is the budget. The budget, of course, is the framework by which we govern ourselves as a country, the kind of money we put into our government, and the kind of resources and commitments that we take out.

And particularly at this moment in time it is absolutely essential that we are not only thinking about the short term, but we have a unique opportunity to think about the long term, about how we are going to put ourselves in a very, very strong position so that when we recover, we will have the best workforce, the best technologies, the best businesses, the most competitive environment to prosper for generations to come.

I am just going to start, if I can, with the gentlemen that are with us tonight and the gentlewoman from Ohio that is going to join us about AIG.

I have to tell you, it is hard to even imagine the kind of thought process that the people at AIG came up with in allowing these decisions to be made to allow the \$165 million in bonuses to go forward.

Now, we understand that AIG is a large insurance company. They came to this government, under President Bush, and asked for a massive bailout. It was given to them once before, twice, and it is now at about \$180 billion.

One of the frustrations I've had—even before we get to the bonus issue—is the fact that AIG operates in 100 and some countries around the world. It is a very, very large insurance company. By the way, the insurance part of it—which is regulated in the United States by our State insurance commissioners, as I understand there was testimony before a committee today—is doing fine. Those people who have AIG policies, those are policies that will stand, and that's all good.

Unfortunately, some very creative people did a lot of things that they are

now telling us they didn't even understand and put at risk a massive—I think it's \$1.3 trillion of resources and investments into what they are calling "exotic" investments. You have already heard the terms "credit defaults," "swaps," and a whole lot of other things. And it is just extraordinary that, when it comes to this—and we recognize this is a worldwide issue—United States taxpayers, they have already put a lot of money into this, but if this is such a calamitous risk—which it obviously is very serious—why is it that the hundred and some other countries that are also under this same calamitous risk if AIG were to fall apart, why aren't they stepping forward and putting some money on the table? Why aren't they putting billions of dollars into AIG to make sure it survives if that is such a necessary thing?

Obviously, I think all of us—Democrats and Republicans, American taxpayers—feel very strongly that, if we are in it, we understand what the risks are, but at the same time, everyone needs to be in it. And the rest of the countries, Europe and Asia, that have played in this also need to put some money on the table.

But more particularly, what really got under people's skin, rightfully so—it has certainly gotten under my skin—is this idea that bonuses that were committed last year are all of a sudden something that had to be paid in this last number of weeks. I don't get it. And I hear them say the story is, well, they were committed, they're contractual. We're going to get sued. Well, I heard a very interesting story today. One of the members of our committee, when Mr. Liddy was testifying, asked a question, well, it's very interesting, insurance companies, by definition—and I will just stereotype for a minute—their tendency, when a claim is made, is to say no; that is just the sort of business as it is. And they like to fight over it. Obviously many companies pay legitimate claims, but a lot of the strategy is they hire lawyers, and lawyers say no, and you have to sue them before you can get the money. Well, that seems to be the typical way many insurance companies operate. Why is it, in this moment in time, we are told by the executives of AIG that, well, if we don't pay it, we're going to get sued? Since when is that such a defense when that is their strategy normally? I would have said don't pay it, they don't deserve it, the American taxpayers' money needs to be protected. And if somebody is so upset about it and they think they have a contractual right, let them sue.

But the reality is—and I will just make it real simple—the reality is, if this is a performance budget—and presumably it's performance based on a successful company that has profits at the end of the year—and if this com-

pany can't even survive on its own without our taxpayer money going into it, that seems to be a pretty strong case to say there is absolutely no basis for a payment of a bonus to a group within an organization that is failing or is really not in a profitable position.

As Americans, we understand success. We reward success, as President Obama says. If a company is successful, the shareholders, I think, are usually very comfortable with rewarding the management for good work—to a point. But when you are failing, I mean, I can't imagine any company in the United States feeling real strongly; and if they are doing it, if I am a shareholder, I am not supporting that kind of deal.

I am a taxpayer like everyone else here. And I am not happy, I am outraged, like everyone else, about the fact that this money was paid. The good news is that this Congress is going to take action, Democrats and Republicans together.

Today, Mr. Liddy said, well, we have now put out officially to the people who received this to give it back, at least give half of it back. Well, I think many of us said half is not enough; we want the money back. If that money is necessary to get AIG back on track, that's what it should be used for. And I can obviously think of a lot of other very good purposes and places for that money to go if it's not AIG—how about the American taxpayers and our needs? But this is something that he proposed today.

Well, I think we are going to take a little stronger action. Members of Congress, tomorrow, are going to have the opportunity to vote on a bill which demands that either almost all the money or all of it be returned to AIG and to the American taxpayers. And if they don't want to do it, then it will be taxed at 100 percent or 90 percent. That way, we make sure that that money comes back. This is not a game, this is the real thing. This is serious business.

We all want to get our economy back on track. Obviously, we don't want any company to fail, but at the same time, we want fairness and justice. That is how we operate in the United States. And businesses, we want them to succeed, but when we are going to put taxpayer money on the table, there is a different set of criteria that have to be applied.

With that, I am going to shift it over to my friend from Kentucky (Mr. YARMUTH), who is the president of our freshman class—and we are now sort of in the second term. But he just has been outstanding, and as a businessman, really understands the principles that I have been referring to. Feel free to add your thoughts to this.

Mr. YARMUTH. Well, I thank my colleague.

It is a very interesting situation to me, not just a question of outrage, but

also a question of mystery. Because for many Americans who are viewing this situation basically as a new situation, looking at it just from the last week or so when the news of these bonuses came out—and of course they've known about the huge amounts that the taxpayers have been paying to AIG to keep them from collapsing—now we know that the American taxpayer owns 80 percent of AIG. But this story started a long time ago.

Last Congress, I was a member of the Oversight and Government Reform Committee. And last fall, we had the opportunity to hear from the last two CEOs of AIG before the government takeover. And it was a fascinating and illuminating story because what we learned during those hearings last October was that, early last year, in 2008, the man who ran this exotic investment faculty operation in London, Mr. Cassano, had told the board of directors of AIG that his division, the Credit Swap Division of AIG, would not cost the company one dollar. Several weeks later, all of a sudden there's \$5 billion in losses in his division. And as we know, subsequent events have shown that there were literally hundreds of billions of dollars of credit default swaps—which are basically bets on whether a certain obligation will be a valid obligation—but it was basically nothing but bets, and that this division had brought down a giant company.

□ 1730

Now, Mr. Cassano, it came out in testimony, was paid for his leadership, if you can call it that, of that division, \$280 million over 8 years, \$280 million over 8 years. And, strangely enough, in light of what we have learned recently, he had a contract which entitled him to bonuses of another \$34 million.

Now, we don't know yet who the recipients of these bonuses that were paid last week are, but it would be fascinating to know if Mr. Cassano was one of those people because he had one of those contracts. One contract with someone who has been paid \$280 million over 8 years was contractually due \$34 million more when he had essentially brought down one of the 10 largest corporations in the United States and in the process cost American taxpayers as much as \$180 billion.

So it's not just a question of outrage now since the American taxpayers are paying attention and the Congress is paying attention to the AIG situation and all of us are rightly outraged, but we have to look back and see the greed, the malfeasance, and the close to criminality that occurred in this corporate operation.

Strangely enough, when we spoke to those CEOs in the Oversight Committee last year, they really didn't understand anything that had been going on. And in their defense, they came on the scene when this operation had al-

ready been going, and I assume at some point it had been making AIG a fair amount of money. But they didn't know what credit default swaps were. They didn't know what all these collateralized debt obligations were upon which these bets were made. But they did know that all of a sudden this one operation that was kind of hidden from their view and developed this mystery about it because nobody except Mr. Cassano knew what was going on there, they knew that he had cost them their company and he had cost the American people an awful lot of money.

The great finishing touch on this story is that even after Mr. Cassano had been fired, he was still on AIG's payroll as a consultant for a million dollars a month, a million dollars a month. And the reason was nobody else knew what was going on in that division. They had to have the benefit of his knowledge, even though his knowledge had cost them their company.

So this is a story that didn't happen yesterday. It didn't happen on Friday when those bonus checks were issued. This is a story that is symbolic of what has gone on in this country over the last decade when greed and a lack of supervision and a lack of regulation have resulted in a worldwide financial crisis. So we can rightly be mad and we will take action tomorrow to rectify this situation with bonuses, but this, again, is symptomatic of a much deeper problem that this Congress both in the Financial Services Committee in the House, the Finance Committee in the Senate, and throughout government is going to be dealing with for a long period of time.

So I'm glad that we have the opportunity to talk about this crisis in accountability, this crisis in regulation, this crisis in supervision in our country because the American people deserve not just to have those bonuses returned to the taxpayers' accounts, but they also deserve to have an economy that is free of the insecurity that these types of situations bring.

So with that I look forward to hearing from our other colleagues.

Mr. KLEIN of Florida. I thank the gentleman from Kentucky.

And I certainly agree with you. When we think about investments, we think about the word "transparency." And that is, as a small investor, if you buy a stock on the New York Stock Exchange or NASDAQ or whatever, you want to know as much as you can about that company. You want to make sure the information that's presented to you is real and that, if you're buying a bond, that the ratings services, Standard & Poor's and some of the other ones that have been before us, are giving an objective evaluation.

Something has gone wrong in the system, and it's a mood and sort of an inaction that has been bred into the

last 10 years where we have gotten farther and farther away from responsible regulation. I hear people say we don't want more regulation. It's not a question of more or less; it's a question of the right kind of regulation that really focuses on what the investor wants to know. Whether it's an investor like my dad, who is 80 years old and he's depending on his stocks and bonds and smaller portfolio to take care of him plus Social Security, or whether it's a very sophisticated person, it's all the same point. And we have gotten away from that, and, unfortunately, these massive billions of dollars where people are making hundreds of millions of dollars on a transaction, something went wrong here because they were not regulated, and that's where we're really focusing the attention now. It's going to take some smart people collectively, not just Members of Congress but also the public to work together to get this right.

I thank the gentleman for those comments and that introduction.

Now I would like to turn it over to the gentleman from Tennessee, who's going to share with us some of his thoughts on this.

Mr. COHEN. I appreciate the opportunity to join my colleagues and particularly to follow my colleague from Louisville, which my basketball team, Memphis, also follows as the second team in the ESPN coaches' poll, Louisville being first. That won't last for long for the tournament starts and we're all on an equal footing and Memphis will once again be first, as they have been in many people's minds.

This situation with AIG is just hard to fathom that it could come about. When we had the Six for '06 when we started this Congress, we had six laws that we wanted to pass, and one of them was the minimum wage. And the minimum wage had been impossible to pass through 10 years of a Republican-controlled Congress. We increased that minimum wage for the first time in 10 or 12 years, and I think it was 12 years, where people making just \$5 and \$6 an hour were getting a very small increase, and this was done over the horror of certain people in business. And now we hear of people who are making \$6.5 million bonuses in a year when their company lost money and would have gone bankrupt but for the bailout by Mr. Paulson and President Bush and have basically taken the financial economic situation in the country and put it in great peril. Having gambled and lost and jeopardized the entire world economic structure, they paid themselves bonuses in the area of \$1 million to \$6.5 million. And it's hard to see the contrast in perspectives in this Congress and this country when certain people just want a minimum wage and others get away with millions of dollars in bonuses for doing next to nothing.

I had a man come into my office last week, and I had checked him out on the Internet beforehand, and his salary the previous year was about \$2 million. He had a company where the stock had gone from \$45 to \$1.50, and he told me that he was working for nothing. I thought, well, that was noble. I said, "Are you really working for nothing?"

He said, "Virtually nothing. Look at what happened to my net worth."

I said, "How about your salary?"

He said, "No, I'm taking my salary, but I'm taking less of a bonus this year."

Well, I thought that was unbelievable. His salary is in the millions. He's taking less of a bonus because of the stock's going from \$45 to \$1.50. And he said it with a straight face. I'm sure he wasn't in favor of the minimum wage. And there's something wrong with this country where people who work 40-hour weeks can't get a basic minimum wage and other people who think they're the masters of the universe and who have almost destroyed this universe want to get millions and millions of dollars and particularly now from government-handed-out moneys to save businesses from going under.

Well, I'm on the Judiciary Committee, and in the Judiciary Committee, we had a bill today which we voted out which would give the Attorney General the power, in consultation with the Secretary of the Treasury, to recoup those moneys paid in the past and to stop those types of expenditures in the future on compensation to people who are part of businesses that have gotten extraordinary government relief, \$10 billion or more in government support, and but for the government moneys they would be in bankruptcy and taking the theory of bankruptcy and the theory of the laws against fraudulent conveyances that all States have and limiting the amount of moneys that they can give out to their management employees to a very decent amount. And that law would allow that money to be recaptured and prohibited in the future from those types of individuals.

When you have a fraudulent conveyance, it's assumed that you're paying money to preferred creditors at the expense of others. In this situation when AIG went ahead and said they were bound by contract to pay their gamblers, that they did it because they were bound to, the fact is these were fraudulent conveyances and but for the government they'd have had no money to pay them and they didn't earn any bonuses. Now, they were retention bonuses. Some of the people have already left. I don't know why they'd give retention bonuses to people who lost, but that's what happened. And I am pleased that the Judiciary Committee voted the bill out. It will probably come to the floor next week. It's a new way to approach this and an oppor-

tunity for constitutional experts to come together and fashion this unique approach for an unusual circumstance.

We see the taxpayer and the American Treasury being raped, and in such a situation if it's criminal law, you allow for police to take extraordinary actions with either the use of deadly force or the opportunities to apprehend somebody about to commit a crime in hot pursuit. And I think what the Judiciary Committee is proposing and what the Congress is doing, in essence, is hot pursuit to stop a violent felony from occurring to our Treasury by people who are morally reprehensible in taking this money at this time.

I don't know if my colleagues have thought too much about it, but I suspect there are other companies who have been paid billions of dollars by AIG, as they revealed this week under pressure, that are paying bonuses to their executives as well. The old Merrill Lynch and whatever their successor name is now; Goldman Sachs, I believe they might have been paid. Other companies, the banks have been paid moneys, and they're probably paying out bonuses as well with taxpayer money that's gone through AIG, and we need to look at that as well. These companies also are getting government support, and I'm sure they're paying out bonuses. And the names of every single one of those individuals who've received bonuses from any of these companies should be published. The head of AIG said they're not putting the names out because they're concerned about the safety of the individuals, but that ought tell you that what they did was wrong. Criminals don't want to be exposed to the public because the public would come get them in some type of personal posse. They would form their own groups, a posse comitatus, and come get them. And if they don't want to be revealed, obviously they did something wrong. If they did something good, they'd want to have their posters up and not in the post office.

So I'm proud the Judiciary Committee acted today, and I'm proud this House is going to act tomorrow. What's happened has made me, as one congressman, a representative of the people, extremely upset, and I had several thoughts about the French Revolution and what drove people to that. And if we were looking at this 200 and some odd years ago, we would have seen the guillotine being brought out because this is the type of thing that is absolutely revolting and it needs to stop. And I think there has been too much of this in our society where people just think that they are the masters of the universe on Wall Street. They've caused a cataclysmic condition. They've been rewarded for too long. And they have what is known in the Yiddish language as chutzpah, and we ought to call this the "chutzpah act of the 21st century."

I thank Mr. KLEIN for the opportunity to speak here on this floor.

Mr. KLEIN of Florida. I thank the gentleman from Tennessee. There are obviously some strong feelings on all of our parts here.

As we move forward, Mr. Speaker, if you would consider yielding the balance of my time to Mr. YARMUTH, I would appreciate that.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Kentucky (Mr. YARMUTH) is recognized for the balance of the time as the designee of the majority leader.

Mr. YARMUTH. Mr. Speaker, it now gives me great pleasure to yield to my good friend from Iowa who served with me on the Oversight Committee last year and sat through many of those hearings and now serves us well on the Energy and Commerce Committee, Mr. BRALEY of Iowa.

Mr. BRALEY of Iowa. I thank my friend for yielding. And I want to remind my friend from Kentucky that I actually had the privilege of following him immediately during that hearing and questioning the CEOs of AIG. And I have to tell you it was one of the more shocking examples of corporate greed that I've ever heard in my lifetime, and I have lived 51 years in this country.

But I think one of the things that we've talked about is the reality that we as taxpayers now own approximately 80 percent of this company because of the investment that we have made. So my recommendation to Treasury Secretary Geithner and President Obama is that we rename AIG to properly reflect and offer a lasting lesson to the American people of what happened here. I am going to recommend we rename this company "Arrogance Inspires Greed" because that is exactly what we learned on October 7, 2008, when we had a hearing in the Oversight Committee and got to the bottom of this problem.

So let's have a short history lesson of exactly what led this company into the crisis that brought it to the American Government for help.

□ 1745

We learned that the principal actor responsible for the demise of AIG was an employee named Joseph Cassano, and Mr. Cassano operated the London office of AIG, its Financial Products division, which was primarily the unit that sold credit default swaps that helped bring down AIG.

If you go back to the Presidential election, you may recall that CNN was running a feature during this time that had the 10 top villains responsible for the collapse of our financial system. The number one culprit that they identified was Joseph Cassano. Here's why.

Mr. Cassano, who was president of this division, was paid \$280 million in

cash during the last 8 years of his employment, far more than the CEOs of AIG made. The bulk of his money came from, guess what, a bonus program.

In fact, for every dollar that his unit made, Mr. Cassano and the executives who worked with him got 30 cents on the dollar, and this was a unit that was trading in trillions of dollars of credit default swaps.

To make matters worse, on February 28, 2008, AIG posted record losses of \$5.3 billion. And the main reason for those losses was that Mr. Cassano's division had lost \$11 billion.

So what did AIG do? Well, as a responsible corporate citizen, it fired Mr. Cassano. And the very next day it gave him a severance agreement that Mr. YARMUTH talked about, paying him \$1 million a month and allowing him to keep that \$34 million in uninvested bonuses.

So he was paid essentially, to do nothing, \$1 million a month. So when we had this hearing in October of 2008, 6 months later, and these corporate CEOs who were in charge of the company during the period of time when he was receiving those payments were called to account for the conduct of this company, these are the questions and answers that I got.

The first CEO was Mr. Willumstad.

"Mr. Willumstad, let me start with you. As CEO of AIG, you had authority, until September 17, 2008, to cancel Mr. Cassano's consulting agreement for cause, but you never did that, did you?"

And his answer, "No."

Second CEO, Mr. Sullivan. "As CEO for AIG during the period from March 11, 2008, when this severance agreement was signed between AIG and Mr. Cassano, through June 15, 2008, you had authority to cancel Mr. Cassano's consulting agreement for cause, but you never took that action, did you?"

His answer, "That is correct."

Think about that. The one person identified as the principal culprit for the financial collapse of this country and the global economy continued to receive \$1 million a month after driving this truck off the cliff. It was shocking then, it's more shocking now, because the losses continued to mount.

And what the American people are demanding right now is justice by superior firepower, and we in the House and our colleagues in the Senate and the White House and the Treasury Department have to provide that firepower because the American people are demanding it, and they deserve nothing less. But there were a lot of things that came up during that hearing, and one of them we talked about was this philosophy that less regulation is always better.

Well, one of the things that came out during this hearing, and which 60 Minutes covered in two excellent stories, was that this giant credit default swap

market, which at the time was estimated to be between 63 and \$75 trillion, 90 percent of it was the same thing as what you and I would consider gambling.

So back in 2000, when they had a chance to get a handle on this and provide some type of governmental oversight, what happened? Well, they could have classified it as insurance and made it subject to insurance regulation in all 50 States, but they decided not to.

Then they could have decided, well, this is gambling. Let's make it subject to gaming regulations in all 50 States. They decided not to.

Well, it's kind of like a security. Maybe we should make this part of the Securities and Exchange Commission. They didn't because of this push against any form of regulation. So now, in 2009, we are sitting here with no effective oversight at the State or Federal level of this enormous credit default swap market.

That has to change, and it's part of the ongoing regulatory reform we are pushing in the 111th Congress. We have to do it, and we have to be smart about how we do it so we don't find ourselves in this position again.

I just want to emphasize justice by superior firepower. Congress has the responsibility to act.

Mr. YARMUTH. It was a fascinating hearing, and something that came up in that hearing was intriguing to me as well. One of our members early in the questioning period asked the two CEOs why the Treasury Department, under Secretary Paulson, had bailed out AIG and not Lehman Brothers, and they both said, well, we don't know, you will have to ask the Treasury Department.

And when it got to my turn to question, I asked them, I said, you know, I would like to ask you a similar question or related question, but maybe in a different fashion, what was the relationship between AIG and Goldman Sachs? And the reason I asked the question was because Secretary Paulson and many of the officials at Treasury had come out of the Goldman Sachs operation.

And they responded, as you will recall, Goldman Sachs was the counterparty with AIG on \$20 billion worth of credit default swaps.

And until the last few days, AIG had been unwilling to tell anyone who their counterparties had been, and they did reveal last week, a list of many of them, and how much money they had been paid and Goldman Sachs had been paid 11 or \$12 billion of this amount.

So what we saw was an incredible amount of incestuous dealings among these giant corporations who were out to, essentially, create wealth without creating value. And creating wealth, not for the American people, but creating wealth for these few people, these giants of Wall Street, these masters of

the universe, who got into an operation that they really didn't understand. And now we are all paying the price for that.

There is a fascinating article that's in the current issue of Harper's Magazine by a lawyer out of Chicago. It talks about what he perceives to be one of the problems in our current economic situation, and that it was that over the last 20, 30 years, we have put more and more emphasis on the financial services aspect of our country as opposed to the manufacturing facilities.

And it all happened because we stopped paying attention to how much money you could make in the banking business, and we essentially did away with usury laws so that banks could earn 25, 30, 35 percent on their money on credit cards, and these exotic instruments where they could leverage their assets 30 and 40 times.

And because they were making these huge profit margins, they drew capital away from manufacturing to the financial sector, because there was no longer nearly the return available to capital in the manufacturing sector, and it was all in the financial services sector.

What we have seen as a result of that is, as has been mentioned already today, the greatest disparity in wealth between the rich and everyone else in this country in its history, and also, basically, an unsustainable and dangerous financial services sector, one that had gotten so big and created so little value that it jeopardized all of our society and our economy.

With that, I would like to yield again to my friend from Memphis, the runner-up in the last poll to my beloved Louisville Cardinals, Mr. COHEN.

Mr. COHEN. Thank you. I would like to ask a question of one of my colleagues. Either of you can answer it.

I know the hedge funds, and they are involved in all of this as well, and the hedge funds folks were making enormous amounts of money, unfathomable amounts of money. They are taxed at capital gains rates, which is like, what, 15 percent instead of ordinary income, which a person on minimum wage is paying ordinary income. Of course, they are a lower rate, but still ordinary income.

Didn't we try to do something in the last Congress to try to change that taxing scheme of the hedge funds and find some problem and some pushback maybe from the administration? Do you recall that?

Mr. BRALEY of Iowa. I recall we had a lot of discussions about that as part of the ongoing debate about how to provide effective regulation to the broad scope of financial services, but I am fairly confident that no action was taken because of a lot of different reasons. But I think you have brought up a great point, one that came up at this hearing we had back on October 7.

When I was in law school from 1980 to 1983, the insurance industry and the financial services sector was completely different than it is today.

One of the things that came out of the hearing was AIG's insurance business was very successful, which is why, even though they lost \$11 billion in their London office, they only had a loss of \$5.3 billion, because of the off-sets from their insurance business.

But back in those days, most insurance companies were mutual companies. Their sole responsibility was to their policyholders.

And then we saw a lot of blurring of lines between various types of financial services providers. Why is that important? Well, in this case it's important because insurance companies, going way back to the McCarran-Ferguson Act, have had an exemption from antitrust oversight by the Federal Government.

And yet when you see companies that formerly limited their involvement to providing insurance products branching out into other types of financial services and vice versa, you get a lot of confusion. And then the big push, as my friend from Louisville mentioned, is returning profits to shareholders, not providing a conservative return on investments to protect policyholders.

So what happened is as continued de-emphasis on regulation was part of the Federal approach to all of these products, we had things going on that were completely beyond the control of the average investor.

In fact, these CEOs testified during the hearing that their understanding of credit default swaps was, in fact, quite limited, which is a shocking thing when you think of how deeply this company that they were shepherding was involved in this one high-risk financial investment tool.

Mr. COHEN. Let me ask a question, too, of my colleagues. The hedge funds monies, I think that's something, I thought we had a proposal on it, and I thought it got passed through the House, I'm not sure, to raise that, but that was an issue that came up and maybe there was a problem in the Caucus as well on taxing the hedge fund folks at regular income.

That's something that needs to happen, because it's outrageous. The money that they make and then the monies that they are taxed on is such a low percentage.

There was a lot of deregulation. The banks were deregulated, the financial services, and banks got into doing different things than they used to be able to do in savings and loans. Do you believe that we need to go back to some of these types of regulations to get into a more conservative type of financial structure?

Mr. YARMUTH. I can tell my friend that one of the reasons no action was taken last year was the carried-inter-

est provision, which is to what you refer. Also, it affects a lot of people who are developing apartment complexes and other things, so they are essentially individual businessmen investors who had formed partnerships, and they would have been affected by the same change.

And there was a considerable amount of question as to whether that was advisable, because we want to promote people to do apartment complexes and shopping centers and so forth. We couldn't quite figure out a way to make the distinction. But that was, I think, one of the main reasons we didn't take action.

But in reference to your question, and I think our colleague from Florida discussed this perfectly in his opening remarks, and that is it's not a question of whether we need massive regulation, or little regulation, we need the right regulation.

□ 1800

What we have failed to do over the last 20 years is to modernize our regulatory system in such a way that it took recognition of the very changing picture of business, particularly in the financial sector.

I think this Congress, and I know Chairman FRANK of Financial Services, I know the administration is very much concerned with reshaping our regulatory system. Again, not to over-regulate the economy, but to make sure we have the right type of regulation in place, adapted to the current financial structure of the world, so that these types of situations don't reoccur.

I think that my colleague from Iowa also mentioned something that we really need to look into as a Congress and that is the whole question of our antitrust laws, and not just which industries are covered or not covered, but also what we can do and whether we should do something to in some way control the size of businesses because what we have seen in many of these cases recently is we have gotten businesses that are "too big to fail."

I understand that there is a worldwide economy and these companies have worldwide operations and there is somewhat of a limit as to what we can do, but we have not revisited the question of our antitrust laws and the size of corporations for some time in this country.

I think the American people would appreciate that conversation because they don't like being in a position in which they are virtually helpless when a giant corporation which yields no benefit to them—that they perceive, anyway—is able to affect their lives so dramatically.

Mr. BRALEY of Iowa. Would my friend yield for a followup?

Mr. YARMUTH. I would yield to the gentleman from Iowa.

Mr. BRALEY of Iowa. We have all sat here during this financial crisis and

have heard over and over again from Treasury "this company is too big to fail." And I'd like to propose right now on the floor of the House of Representatives, the people's House, an exception to that rule, which is there are some companies that are too arrogant to save.

Here's an example of what I'm talking about. I'm going to quote to you—and I quoted this during the hearing on October 7. This is from a September 28, 2008, article of the New York Times. This was a comment made by the same Joseph Cassano who headed AIG's London office and who brought about this \$11 billion first quarter loss that took them over the cliff.

Here's what he said when asked to respond to this financial crisis. He said, "It is hard for us," AIG, "without being flippant, to even see a scenario within any kind of realm of reason that would see us losing \$1 in these circumstances." One dollar.

Then, apparently his math skills are somewhat lacking because he obviously earned a heck of a lot more than \$1—\$280 million over an 8-year period. That just shows the level of arrogance that these financial prognosticators have.

I'd like to throw this question over to my friend from Memphis. I remember when the Fed was trying to have discussions about what type of financial oversight was appropriate for these new financial devices called mortgage-backed securities and credit-default swaps.

Then-Fed Chairman Alan Greenspan was a firm believer in "just let the market regulate itself." In fact, that is what his recommendation was on credit-default swaps.

So then we saw this market grow to a \$100 trillion-plus market with no Federal or State oversight. I guess we should be shocked that anyone would be surprised that we would find ourselves in this predicament.

Mr. COHEN. Well, thank you, sir. The SEC has a new leader—Ms. Mary Schapiro is her name—and I have confidence she's going to provide the regulation we need. In the past administration, the SEC was woefully understaffed, and I think when there were whistleblowers, they weren't listened to. I believe, if I'm correct, there was a whistleblower on the Madoff Ponzi scheme, and there was a Ponzi scheme that was through Dallas, Texas, and in my city of Memphis with a company called Stanford Financial that has taken a lot of people's investments, claimed they were buying CDs in an island in the Caribbean—I think Antigua—and in fact they weren't doing it. A lot of people have lost all of their investments. A lot of people lost all of their investments with Madoff.

They were not regulated. And that is what the SEC needs to do, is have regulations on all these companies to make

sure they're really doing what they say they're doing and to listen to whistleblowers and to have investigative staffs. Money invested in government in these areas can save people in the long run. There are people who wished we had spent that money because they're not going to have their monies, and if they don't have their monies, it's going to hurt the Treasury as well because they are not having to have money for spending.

I believe you're on Financial Services, are you not, Mr. BRALEY.

Mr. BRALEY of Iowa. That would be my friend Mr. KLEIN.

Mr. COHEN. A lot of people have talked about mark-to-market changes, and I think Mr. KANJORSKI talked about that today, and also on the uptick rule. Are these two changes that you think might come about soon? And, if they do, do you think they will be helpful in having a more fair and just and realistic perspective on the valuations and on trading in the stock market?

Mr. KLEIN of Florida. Would the gentleman yield?

Mr. COHEN. I yield.

Mr. KLEIN of Florida. Mr. COHEN, a couple of the issues are out there, and some of these are fairly technical but they are very important, actually, and for those people in banks, those people in real estate, financial service issues, one of the things that all of our small businesses know right now, and the people that own homes, the people that own real estate properties, commercial properties, is the banks are not lending enough.

There's some exceptions in there. But all I can tell you is when we had the eight large banks in front of our committee 2 weeks ago, we heard, Oh, we are lending here and billions of dollars here. That may have been to Fortune 100 companies. I understand that, and that's fine. But it was not translating down to our local communities.

I know in West Palm Beach, in Delray Beach, where we do business and things like that at home, it's not happening. And the short answer is: What can we and should we be doing.

The mark-to-marketing rule basically is a way that the regulators look at the bank's balance sheet and say that a certain asset is a certain value. And that works just fine when properties are going up in value. The problem is when there's really no market, when you can't sell a piece of property because nobody wants to buy it or finance it, they get written down to not necessarily zero, but something very insignificant.

And what that does is puts lots of pressure on the banks and their balance sheet and then they say, Well, we can't lend because our balance sheet looks so small. It's a chicken-egg thing between the regulators and the bank.

To make a long story short, there's common ground that needs to be found.

It's not a question the banks shouldn't be lending. They should. And the regulators may be being a little cautious right now under the circumstances.

But there is a middle ground. I think we have to find it and crank it up quickly because whether it's mark-to-market or a few other regulatory issues, we want to make sure the regulators are doing their job. It doesn't mean stopping lending. But there are a whole lot of creditworthy borrowers out there that could borrow.

Many of you have small businesses. They're making their payments; real estate owners that are making their payment. They are current but they're saying: I can't get a term loan even though I am current because they are saying the asset value is so low.

So on a simple basis we need to find that middle ground. We are pushing hard to let them put this through carefully. Lend to the appropriate people. Don't lend to people that shouldn't be borrowing for homes or anything else. But do it the right way.

So we are working on that right now, Mr. COHEN, and hopefully in the next couple of weeks they will have some answers and get the banks moving along again.

Mr. COHEN. Thank you, Mr. KLEIN. It's an issue I've heard from a lot of brokers about what they think would help the stock market, but they also think that the uptick rule would require people that at least own some stock and to have a trade take place before they shorted it, and basically win by the economy losing.

That's not the American way. And it's what has happened in the stock market so much, and in other ways in the stock market. People have manipulated the market. Hedge funds have manipulated the market to destroy companies and to make money while they did it, and to become fabulously wealthy.

This is where regulation is so important. We haven't had regulation in this previous administration. The market didn't work. The market needs regulating because if you let people go unchecked, greed comes into play. We've seen the utmost of greed.

I think Mr. BRALEY's wonderful new AIG is something that will take fire.

Mr. BRALEY of Iowa. Will my friend yield for a followup comment, and then I want to yield back to Mr. YARMUTH on this point that I think is an important complement, with an e, to the regulation piece, and that is the whistleblower protection. Because one of the things that Mr. YARMUTH and I had a key role in was passing out of our Oversight Committee the Whistleblower Enhancement Bill of 2007. It was an enormously overwhelmingly bipartisan bill. It passed on the floor of this House with over 330 votes which, as all of us can tell, if you're not naming a post office, that is doing pretty good down here.

Unfortunately, it ran into obstacles in the Senate and did not get to the President's desk in the 110th Congress. And then Congressman CHRIS VAN HOLLEN, who's a Democrat, and Congressman TODD PLATTS from Pennsylvania, who's a Republican, had the brilliant idea when we were putting together some of this financial recovery legislation in the stimulus bill, let's put the whistleblower bill back in. We're putting a lot of money into the economy. We want to provide protection to Federal employees to report instances of waste, fraud, and abuse.

And it passed overwhelmingly here and it went to the Senate. One Senator decided that that was not appropriate, and it came out of the bill. I think the American taxpayers are fed up with the lack of accountability. They want people to be protected when they have the courage to put their lives and their careers on the line and stand up for American taxpayers.

That is why we had a press conference last week to reintroduce the bill as a standalone bill. I hope we quickly get it over to the Senate and I hope this time the Senate understands that the American people are outraged. They want us to be on their side to protect their hard-earned dollars. I think this is a critical component we need to push.

With that, I will yield to Mr. YARMUTH.

Mr. YARMUTH. I thank my colleague. One of the things that we have to continue to do is to remind the American taxpayer of what has happened, what brought us to this point. I know that right now our colleagues on the other side are trying to play political games and, all of a sudden, because of this new revelation about bonuses, they want to make this all a Democratic problem.

But, as all of us will recall, and I think the American citizens will recall, we were cruising along last year, knowing that we were in a little bit of financial difficulty. We knew that the foreclosures were up, we knew that the signs of the economy were not where we would like them to be, and that, for many Americans, those of us that had been in the trenches politically since 2006, knew a lot of Americans have been hurting for a long time, particularly middle-class Americans and hard-working families out there.

But all of a sudden, last September, out of the blue, seemingly, Secretary Paulson and Chairman Bernanke call us all in and say, The sky is falling, and we are about to go over the cliff, and we need \$700 billion to bail out these companies that are in severe difficulty.

I think the American people rightly were stunned, saying, Where did this come from? I think all of us were stunned because we didn't know where it came from.

And what we have found out subsequently is that in many of these operations like AIG, sometimes the CEOs didn't really know the depths of their problems.

I know we had hearings again in the Oversight Committee last Congress where we talked to, for instance, the rating agencies and some of the people who were involved in the measurement of risk and the analysis of risk, and even Chairman Greenspan, who said we had no way of assessing risk that involved declining real estate values.

All of the models they had built to assess the risk, whether it was Moody's or any of the rating agencies or, in this case, the Fed, said our computer models wouldn't accept negative growth in real estate. So all of a sudden the American people say, Whoa. Where did this all come from?

I think none of us really knew where it came from. And the reason we didn't know is because we had trusted the marketplace to be the salvation of our financial system. And, as we have seen, the marketplace that Chairman Greenspan worshipped, and others, was not capable of accounting for what happened in the real world.

So now we are cleaning up. We are trying to pick up the pieces. The American people are rightly dismayed that their government was not on the job. We have an opportunity now to show the American people that they can have confidence, not just in the economy, but also in their government. And that is the charge that I think all of us willingly accept.

I am very happy to be here tonight to talk about that and to be part of a Congress that is responding to a crisis that, basically, we didn't build, we didn't create, but we are more than willing to try to fix, because we owe that to the American taxpayer.

With that, I'd yield back to my colleague from Florida.

Mr. KLEIN of Florida. I thank the gentleman. I think you have summed it up exactly right, and that is the American people want answers. They want to make sure this doesn't happen again. It's unacceptable for there to be cycles where this happens; you clean up and it happens again. This is a very significant time for everyone, and the challenge is great.

□ 1815

So we are going to have to focus on them. And if I can, I will spend a last minute referencing the fact that we are now moving into the conversation about our budget for next year. But talking about the kinds of things that the American people are looking for, it is transparency and openness when we have a budget.

The last number of years, of which this group here has only been here 2 years, but the wars, which obviously we appreciate the work that our mili-

tary did and all the rest of that, but 100-some billion dollars every year for the last number of years, not even on the books of the balance sheet of the Federal Government. Every year it is a supplemental budget. A supplemental budget is supposed to be when you have an emergency. God forbid you have a Katrina or something like that they didn't plan for. The war was there. It should have been planned for. It should have been accounted for.

And when you talk about a balanced budget, and all of us standing here today, we are fiscal deficit people. We are deficit hawks. We believe in it. I think every American does. It is common sense: You can only live within your means. And the Republicans didn't do it. The Democrats didn't do it in the past. But I think all of us together have got to get it right now. And it is going to take time. We inherited, unfortunately, a very difficult budget, and it is going to take some time to get through this. I think Mr. SPRATT who works with us, as well as President Obama, has got a lot of ideas. We are going to put them through the mix here, and I think we will come out with something. But, most importantly, it is an honest, open conversation.

The American people are smart people. They understand the process of building a budget. They do it for themselves every day around the kitchen table or in their businesses. And I look forward to the opportunity of working with everyone, Democrats and Republicans. There may be differences of opinion and priorities. I happen to personally believe that education and health care and energy, and making this country energy independent, is a very forward-thinking way of addressing the next generation of where we need to be. But we will get through that process. But the point of it is an honest, open process where the American people can understand all the debts, all the possibilities, all the opportunities to build a stronger country.

I will turn it back over to the gentleman from Kentucky.

Mr. YARMUTH. I thank the gentleman from Florida. We just have a couple of minutes left, so we will just have some concluding remarks from the gentleman from Tennessee and the gentleman from Iowa. I think this conversation has been a good one, and I am glad that they joined us for it.

I yield briefly to my colleague from Memphis.

Mr. COHEN. I thank the gentleman.

I just join with my colleagues in saying how much of an honor it is to have the opportunity to try to clean up this mess. And as I started earlier, President Bush is to be commended for saying he hopes this President succeeds. He puts his country before his party. And I hope that his colleagues and the members of his party will listen to him

and not to his Vice President, who broke the code of silence before it should have been broken.

With that, I yield to the gentleman from Iowa.

Mr. BRALEY of Iowa. Well, the concluding remarks I just want to offer to the American people are, AIG is now a symbol of Arrogance Inspires Greed. That should be the lasting hallmark of this sad chapter in our Nation's history.

The other thing is, the American people expect us in Congress to provide justice with superior firepower. We have got a lot of intellectual firepower on both sides of the aisle, a lot of bright, creative people who have had diverse world experiences.

And to my colleague's reference about cleaning up, I spent a lot of time doing janitorial work putting my way through college and law school. I have got to tell you, I am excited to be here at this important moment in our Nation's history. We need bright, creative people with critical thinking skills, and together we will solve this problem.

Mr. YARMUTH. I thank my colleagues for their participation today. I look forward to our conversations next week, next Wednesday, and as we go through the year. It is a great honor for me to serve with so many thoughtful, dedicated Representatives.

Mr. Speaker, I yield back the balance of my time.

THE ECONOMY AND GOVERNMENT SPENDING

The SPEAKER pro tempore (Mr. GRIFFITH). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, we have a number of interesting topics that we are going to be talking about tonight, and even a little bit of a challenge question for people who are feeling imaginative and innovative, and it is a strategic question about some votes that are coming up tomorrow on the floor. It should be very interesting.

Joining us first off this evening is my good friend, Congressman PITTS, who hails from Pennsylvania and has come up with quite a barrage of different colorful charts here. I don't know, it looks like some part of a critical measurement of somebody's life expectancy or what it is, so I am going to yield time to Congressman PITTS, who has been a Congressman for a long time, highly respected, from Pennsylvania. I yield the gentleman time, and I would like you to tell us a little bit about what you graphed here, because they are quite interesting.

Mr. PITTS. Mr. Speaker, I thank the gentleman for yielding. There is an old saying that a picture is worth a thousand words. And I think sometimes,

Mr. Speaker, pictures help explain some otherwise complicated situations, so I have assembled some data about the economy and government spending, and put them on charts to help explain some of the facts.

I think the overall emphasis is that there are economic consequences to what we do and what we say here in Congress. There are economic consequences to our taxation and spending, our budget policies. And I would just like to first explain some of the colors on the chart and go through them.

On the chart you see red and blue lines. The colors here indicate which party is in control of Congress. So where you have red, that is the control of Congress in both the House and Senate is Republican. So you have here and here in these years Republican control. Where you have blue, that is both chambers being controlled by the Democrats. Where you have the slanted marks, you have a divided Congress. So here, the House is Democrat and the Senate is Republican; and with the smaller lines, you have the House Republican and the Senate Democrat. And we have a range of years here from 1977 to 2009.

At the bottom, you can see President Carter here from 1977 to 1981, and then Reagan, and these white dash marks show the range of the terms of the President.

Mr. AKIN. Reclaiming my time. I think what you are saying is you are really putting a whole lot of information in one picture. Aren't you?

Mr. PITTS. That is correct.

Mr. AKIN. The white dash lines are transitions in terms of the Presidencies.

Mr. PITTS. That is correct.

Mr. AKIN. The blue color represents the Democrat color; the red is the Republican color; the hash marks is a mixed bag, you have got Republicans in one body and Democrats in the other. So now you have got basically a whole timeline going, what is it, close to 20 years or so?

Mr. PITTS. That is correct.

Mr. AKIN. Go ahead. Proceed.

Mr. PITTS. Thank you. If you look at how the market, for instance, reacts, here is the Dow Jones in yellow over this period of time. It is going along real nicely here until it hits the red section, and then you see it move sharply up. The Dow goes sharply up. You have a divided legislature. And, to be fair, you had the dot-com collapse and 9/11, as well as the switch of Jeffords to make the divided Congress. It goes down. And then you hit the red, it goes sharply up. As long as President Bush is there to veto any of the proposed tax changes that the Democrats in this Congress proposed, it goes up.

Mr. AKIN. Reclaiming my time, gentleman, it sounds like to me this is stock market advice that you are offer-

ing today. What you are saying is if you see the Republicans in charge of the House and the Senate, then go buy some stocks. Is that what you are trying to tell us?

Mr. PITTS. No. I am saying that markets basically react to rhetoric; and that on-again, off-again tax cuts, that rhetoric about tax increases affect the market dramatically in a negative way, and you can see this drop here.

This second chart is unemployment, which is sort of a mirror image in the strong periods and in the weak periods with the recessions. The next charts are the budget deficit and job growth. So if you look at these yellow bars here, these are the budget deficits. Notice under President Obama this deficit here, \$1.752 billion, this bar. That is more than all of the 8 of the previous administration, under Bush, combined.

Mr. AKIN. Reclaiming my time, that little yellow line is so close to the edge that the first time I saw that, I just about missed what you are saying. This looks like some sort of science fiction thing. Let's go through it.

If you add up the yellow bars between those two sets of dotted lines, which represents the 8 years of the Bush years.

Mr. PITTS. That is correct.

Mr. AKIN. And that President Bush was being beat up because the Republicans were spending too much money. Now, was that true?

Mr. PITTS. That is true. I remember when they were attacking him for \$250 billion deficits. Now, we have a \$1.7 trillion.

Mr. AKIN. I voted against a lot of that spending. But now reclaiming, and taking a look at that chart, what you are saying is if you add up all of those Bush deficits together, how does that compare to that huge jump that you see this year?

Mr. PITTS. The deficit of \$1.752 trillion is more than all of the previous 8 years combined.

Mr. AKIN. More than all 8 years of Bush. You add all of the 8 years, and you are saying in this year—is this 2009?

Mr. PITTS. That is correct.

Mr. AKIN. You are saying that, in 2009, we have more deficit we racked up than all 8 years of Bush?

Mr. PITTS. That is correct. I could have really scared you and showed you the proposed deficits in the future, but I only have this year's proposed deficits.

Mr. AKIN. My heart might not handle that.

I notice we have been joined here by Congressman ROONEY from Florida, who is bringing a little bit of southern perspective on these charts.

I yield to Congressman ROONEY.

Mr. ROONEY. Thank you, sir. I appreciate the chart, first and foremost, because what I wanted to jump in and tell you is that we have been joined by

some children in the chamber. This past weekend, I had the opportunity to go camping with my kids in Central Florida, and it all sort of dawned on me and hit me at once, as we are now referred to as the party of "no."

When you see a chart like this and you see what these children are about to face and what my three young sons, who are 7, 5, and 2, are about to face, why we are the party of "no." And we heard recently from the other side as they were here and how outraged they were at AIG and how outraged they are at some of the things that are going on, this is why we vote "no." This is exactly the reason why. We have to stand by our children and not saddle them and put on their backs what you are displaying on that chart there, sir, so that we can keep our financial house in order and allow it to translate to them an America that is better than we inherited.

We are on the cusp, as one of my friends in Florida likes to say, of being the first generation of Americans that leaves to their children an America that is worse off than what we received. That is all on us.

So we can sit here all day and talk about how outraged we are at AIG and what has happened with these bonuses being paid out that was agreed to and voted on by this Congress, even though a lot of us on the Republican side voted "no," to be called the party of "no" and to see this, and now to hear the Democrats say they are outraged by what has happened.

Mr. AKIN. What just occurred today made it pretty obvious why we needed to be saying "no" to that big porkulus bill; because it had, just as we knew it would, all these little things hidden in it. We are going to be talking about that. We are going to be talking about some of the things that were hidden in it that were just announced on ABC News just recently.

We have also been joined by a doctor, we have increasingly a number of doctors in this Congress, the good Dr. CASSIDY from Louisiana.

I yield time to Dr. CASSIDY.

Mr. CASSIDY. Thank you. It is interesting, as you are talking, two things occurred to me. You mentioned how taxes have the ability to create uncertainty.

Now, if we just take this, not from the nationwide but bring it down to a family in Louisiana. This new budget is going to tax oil and gas exploration. Well, it turns out 90 percent of oil and gas is done not by ExxonMobil but by small wildcatters, if you will, and these folks employ about 320,000 people in my State in petrochemical. Now, these are great jobs. These jobs give benefits. They allow people to pay their mortgage. They are not service level in that sense, but they are jobs of the type that you can raise a family.

So earlier we heard our Democratic colleagues speaking about our need for

energy independence, and I am struck. I am new here, so I don't quite understand it.

We want energy independence. We want to create good jobs for working folks with good benefits, help the uninsured, but at the same time we are penalizing a domestic energy industry, which cannot move because it is domestic, which is helping our energy independence and which is creating these jobs.

□ 1830

Mr. PITTS. Would the gentleman yield?

Mr. CASSIDY. Yes, sir.

Mr. PITTS. I serve on the Energy and Commerce Committee, and we are having hearings every week. We had one today on the proposed new proposals, cap-and-trade they call it, of the Obama administration. Now in a time of economic uncertainty, families and small businesses have to conserve. They have to be more efficient. They have to save. They have to be a lot more frugal. This is not the time to massively expand the Federal Government.

We should be doing what we are supposed to do in a more frugal way, a more efficient way. And yet the new administration is proposing vast new proposals in the area of government-owned health care, in the area of cap-and-trade, which is a tax on all energy use in the United States.

Mr. AKIN. Reclaiming the time here. I recall standing not very far from where I'm standing right here on the floor of this House and hearing the President make a promise. And I felt good when he made the promise. He said, "I'm not going to tax anybody who is making less than \$250,000." And I sort of slumped back in my chair and said, "well, at least he missed me." Now we are talking about cap-and-trade. And what he is going to do is he is going to increase the energy costs on every household across our country. It doesn't make any difference how much money you're making. If you're using electricity or burning fuel, you're going to get zapped. And the average is \$3,000 per household. When you see that big yellow line, that just isn't a big old line on a graph. We are talking about families in America in all of our districts getting saddled. And this is just one proposal. This is just "cap-and-trade."

Mr. PITTS. Will the gentleman permit me to speak here? The cap-and-trade proposal really has eight taxes on energy. And the President is proposing to raise \$646 billion with this new cap-and-trade regime. So this big line here, the deficit here, which makes all the other deficits look small in comparison, is reflecting these massive new government programs. In the stimulus bill we passed—not we—but the Congress passed, the creation of 31 new

Federal programs and an expansion of 73 existing programs. This is massive government spending. That is what is reflected in this.

Could I just point one other thing out, Mr. Chairman?

Mr. AKIN. Certainly.

Mr. PITTS. There is a good lesson in here. Do you see these 4 years right here when the Republicans controlled the House and Senate? Speaker Gingrich was here. I served on the Budget Committee with John Kasich of Ohio. And because the Republicans in Congress worked with President Clinton—Clinton deserves some credit, and we deserve some credit—we balanced the budget 4 years in a row. We had four consecutive balanced budgets and paid down the public debt 4 years in a row.

Real bipartisanship works. This phony bipartisanship of wanting us to come in at the last minute and vote for something without having any bipartisanship in creating the bill, in crafting the bill at first, that will not work. Real bipartisanship is good for the country, not calling us in and trying to buy off three votes at the end. I yield back.

Mr. AKIN. The gentleman from Florida, Congressman ROONEY.

Mr. ROONEY. Sir, I appreciate your saying that, because as I stand here with my colleague, Dr. CASSIDY, as a fellow freshman, I do believe that when we came up here after campaigning recently, what the American public, or at least my constituents, were expecting, was the bipartisanship that you are talking about. And I have to tell you, it is the biggest disappointment from taking the oath of office and starting as a congressman, that that is just not reality. I don't know if that is how it has worked. Obviously, it has worked in the past. But that is not what we are getting now in this Congress. And it is an extremely disappointing, eye-opening phenomenon that unfortunately we have to endure.

I just want to expand a little bit on what the gentleman was talking about with regard to the \$250,000 on top of what you are talking about with cap-and-trade, or cap-and-tax, as some people like to call it, with the people that are going to have to pay the \$3,000 per household to afford the energy costs that cap-and-trade will bring. But the \$250,000 cannot be dismissed without first realizing you're talking about the small business owners. The people who in my district employ five, 10, 15 people, they have told me that if they have to incur more taxes, because they are doing their taxes right now, if they have to incur more taxes, they are going to have to lay people off. So even if you don't make \$250,000, you are going to be affected by this tax increase because you might be one of those people that the people making \$250,000 lays off.

So I think it is important that the spending, the taxing, and now obvi-

ously the borrowing that we are having to incur is just the wrong recipe, as I said before, for the future of our country.

Mr. CASSIDY. Will the gentleman yield? It is a little bit ironic because I actually think our hopes are bipartisan. Our hopes are that we create jobs for the American people. Let's give it to our Democratic colleagues. They felt like spending this \$1 trillion dollars is actually going to stimulate jobs.

Now, as I listened to you, Mr. PITTS, speak about your committee, John Marshall's quote occurs to me, "the power to tax is the power to destroy." I think our function here is actually to connect the fact that we share that hope for more jobs. But our fear is this tax, which is being justified by this deficit spending, will destroy. It will destroy these kind of jobs that we have in Louisiana for folks who may not go to college, but nonetheless are earning \$70,000 to \$80,000 a year and sending their kids to good schools with good benefits. And we are going to destroy it in the name of creating new jobs. When I was running for office, Congressman ROONEY, that was backward logic: Let's destroy in order to save.

Mr. ROONEY. If the gentleman will yield. And the question that you have to ask yourself, say that there are jobs created, and certainly there may be short-term jobs created. But what happens when the money runs out? You either have to pass another stimulus bill to keep those jobs or the small businesses are going to have to absorb those jobs. But if they have to incur increased taxes, they are not going to be able to do so. So whatever jobs are created through the current stimulus are a flash in the pan. And we are seeing there are a lot of things in that stimulus that we don't like so much, like bonuses for AIG. That is why we voted "no." And we are criticized for doing that. But it was the right thing to do. I think that in the end, with what you're saying, Dr. CASSIDY, is that there may be a short flash in the pan for jobs, but it is not the long-term jobs that this country needs.

Mr. CASSIDY. The thought also occurs to me that obviously the jobs that are created that do have long-term benefit are created by those small businesses. And so the thought occurs to me, someone said, a commentator of some sort, it is good that the stimulus package is going to have people hire two more, say, police officers. That is good. It helps safety on the street. But two more police officers does not create 10 more jobs. On the other hand, if we can enable that small business, that small business will create 10 more jobs. So, again, it just keeps echoing in my mind, "the power to tax is the power to destroy."

Mr. AKIN. Reclaiming my time. We have shifted the topic here just a little

bit. But I think it is very important. And you're making excellent points.

What I'm hearing is we are talking about taxes. Let's just talk a little bit about an average guy that has a small business, because 70 or so, depending on how big you call a small business, 70 or 80 percent of the jobs in America are in small businesses. So let's talk about the average guy in a small business. First of all, most of them are making or have a \$250,000 income. So starting right off the bat, we are going to tax these guys, because they are the rich guys.

Mr. CASSIDY. And gals.

Mr. AKIN. They are the ones making over \$250,000. So first off, we are going to tax the very source of 70 percent or 80 percent of the jobs in America. Then we are going to whack them with a tax on energy, first in their own home, but then in their businesses. Depending on if it is a small job, it may or may not be an energy dependent kind of business. So we are going to hit them again. Then we are going to hit them again by allowing the dividends and capital gains tax cut, which very much helps small businesses, and the death tax, all that is going to be allowed to expire. So now we are going to whack them the third time.

After you get done beating them and beating them and beating them, then what we are going to do is spend money like mad on government programs, which the gentleman from Pennsylvania's chart is showing is unprecedented, we are in uncharted waters, so we are going to vacuum all the liquidity out of the economy so it makes it harder for the small businessman to get a loan and make an investment.

Mr. PITTS. When we talk about \$250,000 adjusted gross income, you're talking about a lot of small businesses who may be what you would call "asset rich but cash poor." They may have assets in building, lands and equipment. But that is where they put their profit. That is where they put a lot of their money. They are just not walking off with \$250,000. They are small businesses that are investing in their businesses and creating jobs. So, we should keep in mind that government cannot create wealth. It is the American people. It is the entrepreneur. It is the small businesses that have to do that.

However, government can hinder economic growth. With flawed policies, flawed tax-and-spend policies, borrowing, spending and taxing too much, we can crowd out the private sector. So that is important to remember as we look at the impact of these proposed new taxes. But that kind of rhetoric, on-again off-again tax cuts, tax increases they talk about, creates uncertainty in the market. So you will see people not investing, not risking their capital, and holding back in uncertain times.

Mr. AKIN. Basically there are a bunch of people that are old geezers

like I am. I'm a baby boomer. And you have saved money for years and years and years, and all of a sudden half of your money is gone because of the entire economic crisis which is a result of these kinds of socialistic policies which say that we are going to give loans to a whole lot of people that couldn't afford to pay, and we created this entire loan crisis. The loan crisis then spreads to the rest of the economy. So now you have people who are not very eager to be putting money into small businesses because they just lost their life savings on the stock market. So what they are going to be spending money on is gold bricks to stick under their pillow or other kinds of things. But they are not going to want to take those risks.

We have been joined by my good friend from Ohio, Congressman LATTA. Welcome to our discussion.

I yield time.

Mr. LATTA. I thank very much the gentleman for yielding. And I appreciate your having this very important discussion this evening. I have been sitting here listening to the other gentlemen this evening. I have been having what we call "courthouse conferences" in my district. What I have been doing is I have been going around the district. We go to two counties a day when we are not in session. We are there from about 8 o'clock in the morning to about 12:30 in one county, and then 1:30 to 6 in another county, and I meet with constituents almost every 10 minutes.

What you have been talking about is on the minds not only of your constituents, and your constituents in Pennsylvania, but constituents across this country. And I will tell you, the question on their minds is about jobs. And it is about saving that wealth that they tried to accumulate, as you said, in their 401(k)s and their IRAs. They are worried about the Federal spending that is going on out there.

You're absolutely right. The small-business owners are the ones that are creating the jobs in our area right now. A lot of people think it is the big corporations. No. It is not. It is those smaller companies.

I sit across the table from these individuals. They look you in the face and they say, "do you know what? I'm not sure how I am going to keep my doors open. We are having a liquidity problem. We are having a problem where we are losing our orders." But there is one thing that they all say. They all say the same thing: "I feel a responsibility to the people I hire. How am I going to look those people in the face in a few months? I have 20 employees or 30 employees. And I have to start laying these people off. These people not only work for me, but they are part of my family now. They live down the street from me."

You're absolutely right. We are going down that road of ruin. It was not that

long ago, back in the Carter administration, when we saw interest rates in this country go up to 21 percent. And what did that do? As you said, Federal Government does not create any wealth. We consume wealth. It is that small entrepreneur out there that creates the wealth for this great country of ours. So when we watch what happened back in the Carter administration, it is not that long ago that you couldn't go down to the local bank and get a mortgage. You couldn't get a loan. I started practicing law back in those days. We had to do what they call "laying contracts," where the seller actually had to do the financing for the buyer because there was no money.

I will tell you, the last thing we want to see in this country is interest rates going back to 21 percent. I remember, though, you could get a money market at that time, you could get a 14 percent return on your money. But if you are paying 21 percent, you're in the hole.

So not only the folks back home in northwest and north central Ohio are scared, but people across this country. They tell us, "here we are in our businesses cutting back. We are trying to scale back in every possible way that we possibly can. But what's the Federal Government doing?"

□ 1845

They just see us with the \$700 billion bailout last fall for the financial institutions. And then they find out about AIG and the big pay outs. And they ask how about the stimulus package, how is that going to help me? How is the \$75 billion on the mortgage bailout going to help me? What is going to be in it for me with the \$410 billion omnibus. And as the gentleman talked about, we might be talking about another stimulus package. Who is going to pay for it? You are absolutely right, the generations to come are going to be paying for it.

Mr. AKIN. I yield to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. This fourth chart shows the job situation. Above the line is job growth; and below the line is job loss by month. You can see when Reagan or Bush inherited a recession, when they passed these tax cuts, they stimulated tremendous job growth.

For instance, in 1981, the capital gains tax was reduced from 28 to 21 percent, and the revenue rose by 325 percent in 6 years.

In 2003, you remember that under President Bush, when we reduced the capital gains, revenue rose 159 percent in 5 years. So this tax policy stimulates the formation of capital and directly affects job growth or job loss. Our tax policies have real economic consequences.

Finally, the last chart. The President talked about gyrations in the stock market. So I took this last year from February 2008 to March 2009, and here

is where the President Obama was inaugurated. I put up several things we considered in the Congress. The rebate checks, the housing bailout of \$300 billion, the Fannie Mae and Freddie Mac bailout of \$200 billion. You remember the \$700 billion bailout we passed, look at how the market dropped after that. Here is election day. Here is the auto bailout. Here is the stimulus bill, a \$787 billion stimulus bill, look at the market drop. The \$410 billion omnibus bill, look at the market drop; and now the proposed \$3.6 trillion budget. What we do here has direct economic consequences on the market and on job formation.

Mr. AKIN. Reclaiming my time, there are two general theories going way back in our past in America about what do we do when we start into a recession. One of the theories was started back in FDR's day back in the 1930s. We started into a recession, and there was a guy, Henry Morgenthau, and he was the Secretary of Treasury under FDR. He had the idea that we will spend a whole lot of government money, which will stimulate demand and get the economy going. People today still talk about stimulating demand by a whole lot of government spending. That guy's name was Henry Morgenthau. So how well did it work? He was joined in that theory by a little fellow by the name of Lord Keynes; a strange fellow. Because of his name, we called it Keynesian economics. And so at the end of 8 years of a tremendous level of government spending, Henry Morgenthau meets in the U.S. Congress in the Ways and Means Committee, and there is a quotation I have which says, "We tried spending. We spent and spent, and it doesn't work." This is a guy whose theory it was you have to spend a whole lot of money. He said, "It didn't work, and unemployment is as bad as it was 8 years ago. And what is more, we are tremendously in debt." The Japanese tried it in the 1970s, and it didn't work for them.

So what is the other theory than this Keynesian idea, the theory you are talking about, sometimes called supply side. JFK, who is obviously a Democrat, did a significant tax cut, and the economy improved. Ronald Reagan, another almost 20 years beyond him, did the same thing. You get this big kick, and then what you are showing there is President Bush. So this has been done a number of times.

The one thing I regret, and you could have assumed from your chart, was that every tax cut is going to produce this improvement to the economy. I think the facts of the matter are it is not every tax cut, but certain specific tax cuts, particularly targeted, as the gentlemen that were guests before were talking about, toward what is going to affect that small business. So the tax cuts that really work are things like dividends, capital gains tax, death tax,

and things along those lines because those allow the small businessman to have the liquidity to invest in his own company, and that is what really works.

So it is not like Republicans just say no. It is just what we are saying no to is an absolute runaway train of government spending.

We have been joined by the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I want to thank my friend from Missouri. I think what you have been showing really is something that people around the country have been seeing for the last 2 months. They have realized what this change really means in terms of policy because ultimately what the markets are reacting to, what people are reacting to when they are at the water coolers is not just the rhetoric because the rhetoric during the campaign sounded really good. It was hard to disagree with people saying we need to be fiscally responsible.

But when somebody says we need to be fiscally responsible, which I agree with, and then they present a budget which is \$1.7 trillion out of balance, the largest deficit in our country's history, not just spending at record levels, dangerously record levels, but also adding \$1.4 billion in new taxes, I think that is at the point where people said, Wait a minute, this wasn't the change that I envisioned. This wasn't what I was promised.

The American people were told that 95 percent of the people in this country won't pay a dime in new taxes. And then they see this energy tax, this cap-and-tax proposal by the President, which literally would increase the taxes that people pay on their electricity bills. Anybody and everybody in this country who has an electricity bill will see at least a \$1,300 a year, and the newest reports that are just coming out as they are factoring more of these changes, this budget that just got filed, the revised estimates are showing over \$3,000 per family in America in new energy taxes.

When people see this, they are saying, Wait a minute, that's not what you told me. That wasn't the change I was envisioning when you told me only the top 5 percent, people making over \$250,000 would pay more. Not that it is a good thing to play class warfare, and I think that is the danger of class warfare that we are seeing. And your charts reflect what is happening because the markets continue to drop each time more of these proposals come out.

We have been having hearings now in committee for the last 3 weeks on this energy tax proposal, and not only will every American in the country see now roughly a \$3,000 increase per year once this is effective; and, hopefully, it will not be effective. This bill still hasn't passed. These bills just got filed 2

weeks ago, and the American public is starting to digest it.

I think the AIG scandal that just erupted in the last few days shows people what the fine print really means. When that stimulus bill that the President said that we needed to rush through, didn't want to give anybody in Congress a chance to read the fine print, those of us who voted against it, and I know everybody talking tonight, the reason we are here tonight is because we opposed those bad policies because we knew it was bad policy, not because we want to be against or for.

Mr. AKIN. Reclaiming my time, gentleman, you have moved into a subject that I definitely wanted to get to tonight. I think this is something that our other congressional friends who are joining us tonight, and others, perhaps, would want to understand because this is an extremely exciting juncture really where we are timewise today and tomorrow.

I want to recreate what happened here on the floor less than 2 weeks ago. First of all, we voted for a measure that said when this great big bill, this supposedly stimulus bill, which I somehow call "porkulus" bill, when it comes out, we will have 48 hours to read the thousand-plus pages so we have some idea what is in this bill. And everybody on this floor voted that we would have 48 hours to have time to look at what was in this bill. It was \$700-plus billion. We are talking about enough money to buy at the rate of—I think of big things because I am on Armed Services, you could buy at the average cost 250 aircraft carriers with this much money that we don't have. And we only have 11 in our country.

Mr. PITTS. If the gentleman would yield, we have to borrow that money. That is all borrowed money, \$787 billion. When you add the interest on that, that amounts to about \$1.1 trillion, the price tag of that one bill.

Now President Obama said right before we voted that we are in a crisis and we must pass this stimulus bill immediately or we may suffer a catastrophe. That is the kind of rhetoric that scares the market. We need to stay away from the rhetoric of fear and panic and disaster and catastrophe, a lot of which has been used to pass these bills. That bill you are referring to was 1,174 pages long. It wasn't put on the web until after midnight. The next morning at 9:00 we were debating and voting on that bill. Not one Member had a chance to read that bill. That is legislative malpractice.

Mr. AKIN. Reclaiming my time, so what happens? We vote for 48 hours, the bill comes along and we are supposed to have 48 hours, and we get a copy of it at 11:30 Thursday night; 1,100-plus pages, more than a thousand pages, as you said. So we get a copy of it. And, of course, we have lots of staffers sitting around at 11:30 just waiting

for the bill, right. The next day what do we do, we vote on the bill.

Now of course what happened was the Republicans voted "no." There was talk about we are going to have transparency and we are going to have bipartisanship on the floor. Republicans asked, Hey, I thought we had 48 hours? Do we have any way to get our 48 hours?

The answer was: No, we are going to vote on it.

We didn't like that, partly because of the tremendous cost of it, and also because what is hidden in those thousand-plus pages? That brings us up to today.

Where we are today is we find that hidden in this bill in conference, put in according to ABC by Senator DODD, was an amendment that says that the executives from AIG insurance company, and a lot of them live in his district, that those executives can keep their \$165 million in bonuses. Now the public is upset about \$165 million in bonuses, and I can't say that I blame them. But on the other hand, they should be even more upset. It is not just millions, you have to look at that letter, it is billions or trillions.

I yield to the gentleman from Pennsylvania.

Mr. PITTS. I have a copy of that press account that occurred yesterday. It was ABC News. Jonathan Karl reported this: "Last month the Senate unanimously approved an amendment to the stimulus bill aimed at restricting bonuses over \$100,000 at any company receiving Federal bailout funds. The measure, which was drafted by Senator OLYMPIA SNOWE of Maine and Senator RON WYDEN of Oregon, applied these restrictions retroactively to bonuses received or promised in 2008 and onward." But then the provision was stripped out during the closed-door conference negotiations involving House and Senate leaders and the White House, and a measure by the Senate banking chairman, CHRIS DODD of Connecticut, to limit executive compensation replaced it with an 11-page amendment. DODD's measure explicitly exempted bonuses agreed to prior to the passage of the stimulus bill.

That should be investigated. That is the news story you are talking about.

Mr. LATTA. If the gentleman from Missouri would yield, I think the real question is where is this taking us? As the gentleman mentioned, \$1.1 trillion, and the American people and the folks in my district are saying this: \$1.1 trillion, what is this all adding up to?

Right now, this country is \$10.6 trillion in debt. By the end of this fiscal year, this country is going to be \$12.7 trillion in debt; \$12.7 trillion.

And it hasn't been very long, when you start looking at the figures, in 1979, the national debt of this country was only \$129 million. We went to \$2.8 billion in 1989, and it started going up.

But when you start looking at the totals, the thing that really concerns me is not only are we building this debt up, but we have a \$1.75 trillion deficit. The real question is: Who is buying this debt? Who is buying this debt?

□ 1900

Right now, we have a \$3 trillion debt that we owe to foreign countries and governments, \$727 billion is what we owe the Chinese right now—they are our largest debt holders—and that is not counting what they own in Fannie and Freddie, which takes them over \$1 trillion of our debt.

What is happening in this country is, we are going to not only have problems in this country trying to pay this back, but we also have a problem in this country, we have a situation where we are trying to say, in our foreign policy, who is going to start dictating it, us or our debt holders? And that scares the living daylights out of me.

Mr. AKIN. Reclaiming my time, when you start talking about debt, the public understands one thing; you have a bunch of executives who have run a company into the ground, and then they're picking up \$165 million in bonuses for doing it, and out of the pockets of the U.S. taxpayer. The one thing is if you think people are mad now, if \$165 million bothers them, when they start looking at the billions and trillions that are being wasted with no transparency at all, they are really going to be getting mad.

We are also joined, I see, by my friend, Congressman SCALISE from Louisiana. I will yield to the gentleman.

Mr. SCALISE. As we complete the thought that we've been talking about, these were all things that didn't just happen by accident. This was in legislation. We are not talking about the previous administration. The word "inherited" seems to be thrown around a lot here. The same people that support the death tax seem to be trying to say they inherited every problem that exists. And there sure is blame to go around from people in years past, but we don't have time to talk about the past. What we do have time to talk about is what is happening today.

In the stimulus bill that everyone here tonight is talking about, these problems and the ramifications throughout the country, throughout our economy, with what is happening with these policies, this was in legislation that was passed by this President. Just 3 weeks ago, he signed that stimulus bill that he himself pushed through Congress, said it had to be pushed through at record speed, didn't want to have the accountability and the oversight. And so Congress literally, in 2 weeks, spent a record amount, \$800 billion, that we all voted against because we knew it was bad policy. But the President said we need to act soon, and this is all critical to

getting our economy back on track. I mean, look at the details.

Mr. PITTS. Will the gentleman yield?

Mr. SCALISE. Yes.

Mr. PITTS. I know the public might sometimes be confused by all these bills we talk about. There was a \$700 billion bailout bill; there was a \$787 billion stimulus bill; there was a \$410 billion omnibus bill—the one that had the 8,500 earmarks that he signed last week that just funds the government for the rest of this year; and then now we have this proposed budget of \$3.6 trillion.

Now, the gentleman from Ohio was talking about the Chinese owning \$726 billion of our debt. You know, I met with a Chinese delegation last month of officials from China, and the first question they asked me was, Congressman, is America abandoning the free market system? I mean, the world is watching this. And they have expressed some hesitancy about buying more of our debt. I think when we go on the market with \$2 or \$3 trillion in treasuries this year to fund our budget, we are probably going to have to raise interest rates on those notes, or else we're going to have to print money. We are going to feed inflation. At the end of this year, I am afraid we are going to see inflationary pressures that is going to impact every consumer, just like the energy tax.

Mr. SCALISE. Reclaiming my time, and what you're talking about is something that we are already starting to see; it's problems that happened in the 1930s during the Great Depression. And unfortunately, it seems like history is repeating itself because we are seeing that, now that countries are saying we're concerned about this level of debt that America is going into, families across this country are concerned about this level of debt.

It seems like, in Washington, that this liberal leadership is the only group that wants to go on this wild spending spree. The good news is it hasn't all happened yet. Some of it has. That \$800 billion stimulus bill that we talked about that didn't do anything to stimulate our economy that President Obama signed, that bill that had the language that protected AIG's bonuses that we're all outraged about—and it is kind of ironic when you see those people feigning their anger and saying those people are getting these bonuses, \$160 million—that I agree is offensive; the problem is, they put the language in. This President signed that bill that protected those bonuses.

The record is clear. You can go back and look at it. And I think my friend from Missouri actually pointed out the chronology of how that got thrown in, airdropped in in that final report.

I yield back.

Mr. PITTS. You said wild spending spree. I really think this is by design.

I think they are exploiting the financial crisis to move their political agenda and tuck into these big spending bills—that they are not permitting anybody to read—all of these issues that we are now reading about, like repealing welfare reform, that worked well, that the Congress passed back in '96. Now there is an incentive from the Federal Government to the States, 80 percent match for every new welfare recipient you add.

Mr. AKIN. Reclaiming my time, I like to get right up because we are talking about something that has been happening today. This is on the news. I think this is a very interesting kind of scenario.

So what happened a couple of weeks ago was, first of all, you had this tremendously expensive bill which was called stimulus—that I call porkulus. It came along. We were promised we would have 48 hours, we did not. It came to the floor. The Republicans voted “no” on the bill because it was way too much money, but also, we didn't even have a chance to know what was in it. But who did know what was in it? Well, certainly, according to ABC, Senator DODD knew that he had allowed these executives from AIG to have this \$165 million in bonuses for shipwrecking their company. Now what we have going on is we find out in testimony today that the administration knew that that was in the bill; obviously they would have probably had some people scan it before the President signed it.

So now that the President, the administration, was aware that this was in the bill, that the executives were going to get their \$165 million, that it was put in there by a Senator—who, by the way, had a loan for 3 percent on his home, who also got more money from AIG than any other Congressman. AIG gave him over \$100,000 in 2008. The only second-place contender was the President. So the President and the Senator both received over \$100,000 from AIG. This amendment was slipped into this bill—and we, of course, didn't know it when we voted “no” on the bill.

So, what is going to happen tomorrow? I am going to finish what is going to happen tomorrow, and then I would encourage some discussion, because this is kind of like a little case study. Because now the Democrats have put this amendment in, these executives are getting their \$165 million, and the public is going crazy. They are mad. They are ready for somebody's scalp. And so we are going to bring a bill to the floor which is going to say that we are going to tax these executives at a rate of 90 percent. Well, that's interesting, isn't it?

We already knew they were going to get paid, and so now we are trying to somehow put the toothpaste back in the tube. We are going to tax a couple of specialized, specifically named peo-

ple at 90 percent—which, of course, is unconstitutional. How would you like it if somebody could single you out as the only guy on your block and we are going to tax you at 90 percent, but nobody else? It is completely unconstitutional.

So they are going to bring a bill to tax these guys at a 90 percent tax rate, which will make a lot of Americans on the surface think, oh, this is a pretty good idea. And if we vote no because it's unconstitutional—because we took an oath of office to protect the Constitution—we look like we are defending people getting \$165 million for crashing this company. So that's a pretty clever thing to do; it's a good diversion.

I thought it was a brilliant piece of strategy to try to cover the fact that the Democratic Party knew that this thing was in the bill all along, did not take any actions. Now people caught them. Now people are mad. And so what we are going to do is we are going to start this unconstitutional policy of taxing somebody. Now, the question then becomes, what are the Republicans going to do tomorrow morning? That's going to be an interesting question.

I yield to my good friend, the doctor from Atlanta, Georgia, Congressman GINGREY.

Mr. GINGREY of Georgia. Well, I thank the gentleman from Missouri for yielding. And I thank the gentleman from Pennsylvania, Congressman PITTS, for holding this hour-long discussion, Mr. Speaker, and my colleague, Representative LATTA from Ohio, and others that have spoken. I appreciate the opportunity.

And Representative AKIN just mentioned, my colleagues, that tomorrow we are going to have this bill under suspension that so-called “gets our money back.” It's telling the American public, oh, we are going to get our money back from these absolute scoundrels that got these bonuses—in some cases, \$1 million, I think there were a couple of cases where people got \$3 million, and in the aggregate, something like \$160, \$170 million. I will tell you, I would call those bills, the bill tomorrow, the “unrighteous indignation” bill, or maybe the “majority mendacity” bill. Because what this majority party wants to do, Mr. Speaker, is posture themselves like, oh, you know, we are going to go after the bad guys, when, as the Congressman just pointed out, when you connect the dots, when you follow the dots in some of those charts that were presented earlier and you see that we have actually given this insurance company, American International Group, \$190 billion, that is over a thousand times as much as these bonuses.

So the real issue, which they are diverting our attention from—they, the majority party—and don't want the

American public to realize what they have done—

Mr. AKIN. Reclaiming my time for a second, you just gave us a number thing. It is hard to keep all those zeros straight. You are saying that we just gave—as I recall the number was \$173 billion to AIG. How does that compare to \$165 million? What was the ratio?

Mr. GINGREY of Georgia. Well, reclaiming my time, you add three zeros to that. A million is six zeros. A billion, if I am correct, is a thousand million.

Mr. AKIN. So a thousand more than this executive pay thing?

Mr. GINGREY of Georgia. This is what we are talking about, literally, the money that was given to this company.

I know, Mr. Speaker, the American people, when you explain that to them, they can understand it. And they say, well, now, wait a minute, this is an insurance company. I've got my life insurance, I've got my health insurance with Prudential or Provident or Aetna or any other. I mean, it's not like it was the only insurance company in the world. And this business of being too big to fail—because what they did is they, in these subsidiaries, they weren't just satisfied with making money off selling life insurance, they had to get into this business of selling these financial products, these credit default swaps and mortgage-backed securities and derivatives, things that the common man doesn't even know what you're talking about. But it's all about greed.

And I am telling you, this business of bailing them out with our money, taxpayer money, Mr. Speaker, people like my constituents in the 11th District of Georgia who are struggling every day, some of them, through no fault of their own, losing their homes, losing their jobs—particularly if they're in the construction business—can't get loans. And here this majority party is continuing to give this company—and I think my figure is right, Mr. AKIN, that \$190 billion will be the amount, the bailout money that, in the final analysis, we have given to—and maybe that's not the final analysis. Maybe we are going to say, oh, we are going to get the \$170 million in bonuses, but we are going to give another \$25 billion to this company.

I yield back to my colleague.

Mr. AKIN. That does raise, though, an interesting question. Because here we are, we are in the middle of this whole situation. We understood that there wasn't time to look at what was in the bill. We know that this prominent Senator, that is in the same home as AIG, who has got that 3 percent loan on his house, he has received more money than any other Member of Congress—House or Senate—from AIG, that he put the amendment in to protect those bonuses. And the administration knew that was in there, and yet

there is this sort of a mock sense of, hey, we are really upset about this. So what we are going to do is we are going to just ignore the Constitution and tax these guys at 90 percent. And then that puts us in a trick box as Republicans; do we vote to ignore the U.S. Constitution or do we vote to try to make some claim on these guys' salaries?

Mr. GINGREY of Georgia. If the gentleman would yield just for a second on this point, and then I will yield back to my colleague from Pennsylvania, Representative PITTS.

On this particular issue, don't forget, my colleagues, that at that so-called "conference committee" back in the fall when this economic stimulus bill, all the details were being worked out, the majority party was there in the dark of night. I don't know how many conferees from the minority party were there, but the administration was absolutely there when this provision, as my colleague said, was put in by the Senator from Connecticut, Senator DODD, in regard to making those changes so that these employees of AIG could get these bonuses. But a representative of the administration, the new administration, the Barack Obama administration, Mr. Speaker, was in the room and knew exactly what was happening. And the second largest recipient of contributions, when he was in the United States Senate, from AIG was none other than Senator Barack Obama. I think it's very important that the American people understand these things and try to connect the dots.

□ 1915

Mr. PITTS. I just want to say after hearing the gentleman, I can only say one thing: Please, no more bailouts. Look at the market and see what has happened with these big bailout bills.

I would say the message that I'm trying to convey here tonight is that policies matter. And some policies help create an environment in which the economy is able to thrive, and wrong policies have the opposite effect. So let's learn the lessons that we can learn from these charts. Let's get good policies again. Let's get our spending under control. Let's not tax too much. Let's not waste money. Let's not borrow too much. And if we will pursue good policies, then, hopefully, the market will start responding again the way we'd like to see it.

And I thank the gentleman for yielding.

Mr. AKIN. Reclaiming my time, gentleman, when you talk about consequences, just taking a look at that one bill alone, which was the thing they called the "stimulus" bill or the "porkulus" bill at \$800 billion, \$800 billion that we don't have. We only have a 300-ship Navy. We're talking 250 aircraft carriers as the equivalent cost. But let's talk about what the indebtedness of that is. Just that one bill, what

that would mean would be nine new aircraft carriers every year. That's just the cost of the debt that we're getting into.

Mr. LATTA. Will the gentleman yield?

Mr. AKIN. I will yield.

Mr. LATTA. I think the number I'm now seeing is that by the year 2012 we'll be paying a billion dollars in interest on the debt every day, which is absolutely putting our future generations in the hole that they're never going to climb out of. And that worries me with our kids back in Bowling Green and what we're going to do to their future. And I don't think it's right what this Congress is doing.

I think a little earlier I might have misspoken when I was talking about some of the debt numbers. You start throwing around billions and trillions, and I think the numbers I should have been saying were trillions when we talking about the debt in 1989 and 1999 and 2007. But those numbers keep going up. And we can't have that going on because, again, as I've mentioned and as all the gentlemen have mentioned this evening, when you look at what we have been doing to this country and owing foreign governments only \$119 billion in 1979 and, as I said a little bit ago, that we now owe over \$3 trillion. As the gentleman from Pennsylvania mentioned, the problem we're going to be having is that we're going to have a situation with this debt going up. The President has already said if we can't get people to buy that debt, we're just going to have to raise that interest rate. And as I mentioned a little bit earlier, we're going to be right back where we were in the late 1970s with President Carter when we had 21 percent interest rates, and the problem is going to be that no one is going to be able to get any loans out there and the situation we're going to be in is a dire one because back 30 years ago, this country was on top of the heap. China is now the number one manufacturing country in the world, not the United States. They've passed us this year, and now we are going to be in a situation where how do we climb out of it?

Mr. AKIN. Reclaiming my time, to summarize what we have been talking about in a way, first of all, we're taxing too much; second of all, we're spending too much; and third of all, we're borrowing too much. That's basically the way things are going. We have tried that approach before. We tried it during the Great Depression. It turned a recession into the Great Depression. Henry Morgenthau was the one who made it clear that it hadn't worked.

And take a look at what's going on here in the situation with the jobs that have been lost since the Democrat majority, and you see what's going on is this thing is really going up in terms of jobs lost. Why is that? Well, because

small businesses are getting hammered and they're the source of a great number of those jobs. So if we do not have the liquidity and we don't allow the small businessman to keep some of what he earns and to invest in his company, we lose jobs. And this is what's going on. It's predictable. It's happened this way for years, all throughout history. And the solution is straightforward. There is a solution. We don't have to go down this path. But it means that we have to stop spending, we've got to stop taxing, we've got to stop borrowing, and what we have to do is let some liquidity back for the small businessman, and you'll see this job thing turn around.

TARP AND THE AIG-WALL STREET AXIS

The SPEAKER pro tempore (Mr. SCHRADER). Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes.

Mr. SHERMAN. Mr. Speaker, I will try not to consume the entire 60 minutes, but I do have much to say about the progress of the so-called TARP, or bailout, program and the treatment of executives as well as general creditors and counter-parties under that bill.

I think that the way this bill has been administered has been a travesty for quite some time, and it is perhaps peculiar that only this last outrage from AIG has generated the kind of public revulsion that is well justified by actions taken prior to the recent AIG giant bonus payments.

But let us look in particular at AIG. They have healthy insurance companies, a healthy savings bank, all owned by a parent company. And that parent company decided to establish a Financial Products division, a casino, in which the rich and powerful from around the world could come to bet. In fact, that is what they did. And they bet that American mortgages would decline in value. These gamblers were right, but they were too smart by half because together, they broke the bank. And now they come to American taxpayers, and they say, "You should make sure that we walk away from the table with our winnings intact."

Now, how does this compare to the way that capitalism is supposed to work? When an insolvent institution has general creditors and that insolvency requires governmental intervention, usually in the form of bankruptcy reorganization or receivership, not just the shareholders, not just the executives, but also the general creditors and the counter-parties take a substantial hit. This is what is, in effect, happening with General Motors today. Now, General Motors is not in a formal bankruptcy, but they are carrying on pre-bankruptcy or in-lieu-of-bankruptcy negotiations. Their workers are

seeing their contract changed and modified. The bondholders are seeing that they will get paid only one-third of what the bond contract says they are supposed to be paid in cash. So what kind of country is it when what was once our greatest industrial company, the investors and the bondholders of that company, the workers at that company are told that they have to take a substantial hit, but a giant casino, we are told, those who went and bet at that casino need to get every dollar their winnings entitle them to at the expense of the Federal Government and, oh, by the way, the croupier is supposed to get a \$6 million bonus as well?

The difference is that the AIG-Wall Street axis represents the most powerful in the world, and they are not going to sit idly by as people say that just because AIG is insolvent, they should take less than everything they want.

What should have happened to AIG long ago is AIG should have gone into receivership. Now, this would have liberated their insurance subsidiaries and savings bank, which are healthy, to be spun off and to play the role that they need to play in our economy. Now, it is said that these subsidiaries would have been hurt, that the consumers of the insurance company would feel bad and reluctant and uneasy if AIG went into receivership because, after all, that would mean AIG would get a lot of bad press and some of that bad feeling might attach itself to these subsidiaries. Well, my God, is there anything that could have generated more bad press for AIG and every entity associated with it than the events of the last few days?

Had AIG gone into receivership, it would have been a 1-day story. Oh, in the financial press they would have covered it for weeks, but it would have been a 1-day story on the front page of every newspaper in the country. Instead, those affiliated and associated with AIG are being associated with what has got to be referred to as the worst business press any company has received.

The second thing that would have happened with receivership is that the general creditors, the counter-parties, the people who won by placing bets at the AIG casino would have to take less than what the contract provides. This would have been a reasonable outcome because one of the bets you make when you go to the casino is whether the casino is going to be able to pay. And if the house can't afford to pay, the House of Representatives shouldn't be the ones called upon to do so.

Finally, receivership would have voided or forced major modifications of all those bonus contracts that we are told are so sacrosanct that in a society with a rule of law we have got to pay the \$6 million bonuses to the people who invented the AIG casino.

Now, we are told, oh, my God, we need these talented people to stay at AIG. We had testimony from the regulators of AIG's healthy subsidiaries, and they indicated to us in committee today that they have on their staffs at salaries between \$100,000 and \$150,000 people with expertise, substantial, major expertise, in credit default swaps. So if you want somebody with the expertise to deal with the assets that AIG needs to unwind, you may need to pay a salary of \$100,000 or \$150,000. But if you need not just that expertise but somebody who has the experience of creating a casino that destroyed the AIG Company and has imperiled the economy of the world, if you want somebody with the talent for that level of destruction, then you need to provide them with multi-million dollar bonuses. Clearly, AIG in receivership could have staff being paid reasonable amounts with the expertise necessary to carry on the necessary transactions.

Now, AIG is not the only one of these firms that should be in receivership because how can we make the major bank balance sheet healthy? What we're told is we have to remove the toxic assets. Well, I'm an old CPA. I know what a balance sheet looks like. And you never made a company any stronger by removing any kind of asset from its balance sheet. Now, if you cannot remove an asset from the balance sheet but, rather, trade a bad asset for a lot of taxpayer cash, that can, indeed, enrich the company, and that enrichment is reflected on the balance sheet.

But the way to strengthen these financial institutions isn't by taking assets off their balance sheet; it's by taking liabilities off their balance sheet. And how do you do that? Well, when you have an insolvent financial institution, you go into receivership. The creditors who are uninsured, the big boys, have to take a cut in the amount that's owed to them. That reduces the liabilities on the balance sheet. It increases the amount of net capital on the balance sheet, and that institution is able to emerge healthy and ready to do business and play the role in the economy it should.

□ 1930

Instead, we are told, Treasury is looking to buy the "toxic assets" in a "public-private partnership." When you hear that the Treasury is going to trade cash for trash, that they are going to give large amounts of money in return for the worst assets these banks have, then hold on to your wallets.

But now we are told it will be a partnership between hedge funds and the Treasury, in which the Treasury will put up almost all of the money and the Treasury will take almost all of the risk and the private hedge funds will get almost all of the upside. This is,

needless to say, something that's going to be hard to sell to a skeptical American public.

We need to make sure that if there's any public-private partnership, that the terms on which the Treasury invests are identical to those terms of the private investors. They put a dollar on the table, we put a dollar on the table. They make a dime, we make a dime. We lose a dime, they lose a dime.

Instead, what I fear will be created is a system in which we put \$9 on the table, they put \$1. And if money is to be made, it goes chiefly to the folks that put in only \$1 of capital. Beware of any system that is overly complex, because that is a system in which the taxpayers may get shortchanged.

I think we speak from experience, because taxpayers have already invested in the preferred stock of all these big banks, and the official congressional oversight panel says we got shortchanged to the tune of roughly \$78 billion, 31 percent of the amount we invested. It got a few headlines for a while, and people have forgotten.

Now we're told that these same companies that shortchanged us, that took in \$252 billion of our money but gave us securities worth \$78 billion less than the cash we gave them, that they are eligible for further bailouts, that we are ready to do business with them as if they have sinned not at all. We should establish a policy that we are not doing business with these banks that shortchanged us until they give us additional preferred stock to fully compensate for the cash that we have put into the institutions.

I fear that this will not be the policy of the Treasury. We already know, because I asked them at the last hearing, that the major banks are unwilling, on their own, to issue additional preferred stock to the U.S. Treasury in order to make up for the fact that they have shortchanged us.

So we need to compel those additional shares of preferred stock to be issued. We need to be wary of buying toxic assets. We need to be wary of buying any assets on terms under which we put up most of the money and take most of the risk and private interests get most of the upside.

But let me return to the issues of executive compensation which are, after all, what has touched a nerve with the American people. Before I quite go to executive compensation, let's talk a little bit about why that nerve was hit and why the larger rip-offs of the taxpayer have generated less attention. The reason is simply that people understand what it is for somebody who screwed up a company and drove it into the ground and imperiled the American economy to get a \$6 million bonus. They understand a \$6 million bonus.

In contrast, the fact that the counterparties and general creditors of insolvent institutions are being paid in

full when they should take a substantial haircut, that is something outside the experience of the American people. So, recently, we put up \$30 billion to AIG. Immediately \$20 billion went to the richest and most powerful in the world.

Over the last few months, tens of billions of dollars have gone to foreign banks, as if bailing out American banks wasn't taxing us sufficiently already, those are the multibillion, the \$10 billion, the \$100 billion transactions. They are complex, and Wall Street is able to use that complexity to say, "Oh, American taxpayers, you just don't understand, but trust us, trust us. The whole world economy will implode if you don't make sure that the credit default swap counterparties are paid in full."

And since so few Americans have much experience with credit default swaps, they have been able to sell that, and that's the big swindle. The small swindle is the \$6 million, the \$3 million bonus, the \$165 million in total bonuses going to this unit of AIG at this time. That is something the American people understand.

So what are we going to do about it? First of all, let's reflect. If AIG had gone into receivership even a few days ago, those bonuses would not have been disbursed and the contracts under which they had been paid would have been modified or discarded. We still need receivership for AIG, but receivership last week would have been better.

But now we have an opportunity to use the Tax Code to make sure that those who receive excess compensation and who work for these big bailed-out banks have to give that money back, either to the employer, or have to give it back through the Tax Code to the American taxpayer.

Now I think that tax bill may reach this floor tomorrow. Let us discuss what should be in it, and I am concerned that a few things that should be in it will not be in it. First, and I think that the bill will be good in this respect, it shouldn't just be an AIG bill. What about the giant bonuses at Merrill Lynch?

What about all those who are getting multimillion-dollar bonuses and working at firms that are insolvent, firms that need to be propped up by this extraordinary and perverse departure from capitalism called the TARP program? We ought to treat all executives at the big bailed-out firms the same.

Now I see a reason to draw a line with those bailed-out firms that received only a few billion dollars in TARP money. They might be viewed separately. But those who have received many billions of taxpayer money, those companies, we ought to look to the executives and say we don't think you should be receiving more than a reasonable amount of compensation.

Now President Obama has drawn that line at half a million dollars of compensation per year. Plus, in his program, and he has several programs, this is the program that's most severe, plus an unlimited amount of restricted stock. That would be a reasonable line. Other people might draw the line differently.

But we need to apply it, not just to bonuses, but to other forms of compensation as well. We got all upset about bonuses, they started calling them retention payments. Now we are going to pass a tax law dealing with bonuses and retention payments.

You know what they are going to do? They are going to increase the salaries from \$1 million a month up to \$2 million a month. So the first thing we need, in any tax law designed to tax away the ill-gotten excessive compensation of executives with bailed-out firms is we need to deal with all forms of compensation, not just bonuses.

Otherwise we will go back to our constituents for the District Work Period and they will say, fine, Congressman, fine, Congresswoman, you dealt with the bonuses, what about the \$1 million-a-month salaries? What about the fact that some of them went up to \$2 million a month? Deal with the entire executive compensation. Deal with all of the major bailed-out firms.

Next, it is important that any tax bill provide explicitly what happens if, as we hope, the executive decides to return to the company the excessive portion of the compensation they have received.

So I look forward to working both on this floor and perhaps with a conference committee to have a bill that is comprehensive as to which companies it deals with, that is comprehensive in that it deals with all forms of compensation.

I see we have been joined by the esteemed gentlelady from Texas, and at this point I shall yield to her for whatever comments she would like to make to the House.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from California, and I thank him for yielding. I have listened to the gentleman. We have participated in a number of caucuses where we have collectively expressed the importance of reinstituting regulation, but, more importantly, letting the people speak.

Our challenges to the actions of AIG are not new. I am reminded of the works that were done in the last administration in 2008. There was a whole litany of prohibition and restrictions, particularly to regulate how that money would be given. No bonuses was one of those that was highlighted.

In addition, to restrain the random use of money, reporting transparency, the idea of set-asides for those involved in mortgage foreclosures or modification, these are the issues we fought for.

And in a lesson that has been bitter, we have seen AIG literally implode the, if you will, sympathy of the American taxpayer.

I believe that the tax bill that's going to be on the floor tomorrow, I happen to support the efforts that are being made by the Judiciary Committee to provide for enforcement against those who would issue such, in essence, retention bonuses and to likewise require penalties and reimbursement.

But let me just indicate why we need to be strong in our regulation on these issues. We take note of the fact that the CEO of AIG came just a few months ago. We thanked him for committing to serving after AIG had reached the brink of collapse.

But I think the concern that I wish to speak to is the need for congressional oversight that was occurring in the Financial Services Committee today. It was occurring in the Judiciary Committee today. We should not be ashamed or shocked of holding the reins on entities that seem to be confused about the importance of congressional oversight.

The points that were most provoking and striking to me today in the Financial Services Committee hearing are two: one, that these retention bonuses were issued on a Saturday night. Sounds to me like something of old, the Saturday Night Massacre. I frankly thought that much of our business is done from 9 to 5 from Monday to Friday, but that was not the case.

But the other part of it that raised concern is the lack of transparency. Some government officials were made aware of this, in particular, the Federal Reserve. But committees that have oversight jurisdiction, either enforcement or regulation, just seem to be lost along the way.

How many times do we have to repeat the fact that these Members do not represent themselves? This House, in fact, is the people's House. The upper body, of course, represents the combination of Congress.

So I think it is important, as we look to the legislative focus, we also need to change minds and mindsets. But now that we are a major stakeholder, we do believe in capitalization, or capitalizing, restoring the markets, but we also think it is important that there be this link of understanding.

My question would be, and I am wearing a lawyer's hat, that if there was a legal premise on which one thought they had to give these bonuses, frankly, I believe, our legal system is strong enough, and the financial system, to have indicated that we are not giving these bonuses at this time and to, in essence, say, let us take it to court. In that instance, we would have had an independent arbiter to address the question of whether these bonuses were, in fact, adequate.

I look forward to the legislation making its way through this House dealing with taxation. I would hope that this would be recognized as not a punitive measure for people's hard work. Don't get the wrong idea. We understand hard work. We understand business hard work, small business hard work. We understand people who work in the financial markets, the hard work they do, the late hours. But we are partners now, and we have to do hard work on behalf of the American public.

We have got to cherish their tax dollars as we look forward to reform the health care system, as we make the markets work again. We have got to restore their confidence, that people will believe it's okay to invest in these large entities to make the market work.

□ 1945

So I would simply ask my colleagues as we begin to debate this, let us not mischaracterize any of our work. We have been fighting against this kind of debacle, if you will. Members have been working on both sides of the aisle. But I think it's honest to say that all of this started way back in the last administration.

The language of the TARP bill of that era, the \$350 billion, was not with any restraint, and many of us argued against it, and there were arguments across party lines.

So let us now take the pledge, if you will, take the leap, if you will, in the cold waters to be able to accept the responsibilities—as a Judiciary Committee member, myself on the aspect of enforcement, and certainly I think the regulatory aspect, Mr. SHERMAN, is one that we need to ramp up.

I will simply close by saying we're here tonight—it's about quarter to eight eastern standard time, but it is after a full day of work. I just hope that we can find a better day than late Saturday night, early Sunday morning, or midnight Saturday night and Sunday morning, to make important decisions that are made by the private sector and give the opportunity to the American people to see transparency and let us fix these markets.

I'm prepared to fight the battle so that taxpayers can have a restoration of their confidence in what we are doing here but, more importantly, in what America stands for, and that is equality and justice and opportunity and fairness for all.

I thank the gentleman for yielding to me at this time, and I'd be happy to yield back.

Mr. SHERMAN. I thank the gentleman from Texas. At this point I would want to resume my comments about the tax bill or the latest draft of it that I expect will come before this floor tomorrow.

The bill is retroactive in the sense that it does affect the taxation of mon-

ies received in 2008. That is not the best way to pass tax law, but it is not uncommon to act right up until April 15, 2009 or, even later, to affect the tax law applicable to 2008 tax returns.

There have been many occasions when this House has, after the end of a calendar year, modified the tax law for that year. Usually, that takes the form of a tax reduction. But it has sometimes taken the form of a tax increase.

Second, I should point out that the draft that is in circulation now uses the term "capital infusions" so as to apply the bill to executives with companies that have received capital infusions of over \$5 billion. The bill, however, does not define the term capital infusions and so it leaves open how it would apply in two different situations.

In one situation, it clearly would apply, and that is if the Federal Government spends \$5 billion or more to buy preferred stock from a company, we have made a capital infusion in that company of \$5 billion or more.

But it now appears that Treasury is going to buy toxic assets from companies. The authors of the tax legislation should indicate if somebody sells us a big package of bad mortgages for \$5 billion or \$10 billion, is that company covered by this new tax law—or are the executives covered by this new tax law.

Second, the draft that is coming before us—and this isn't really second, but this is last on my list, rather—deals, perhaps unfairly, with small bonuses.

The draft, for example—say you have an individual, and I will make it simple by assuming this individual is filing a separate tax return, separate from his or her spouse. And say the individual makes \$125,000 a year salary and a \$10,000 bonus. Under this draft, they face a penalty tax on the \$10,000 bonus.

Well, somebody earning \$125,000 dollars isn't terribly rich certainly, by Wall Street standards, and a \$10,000 dollar bonus may not be excessive.

The bill's laser-like focus on bonuses could subject a \$10,000 bonus to a \$9,000 tax, notwithstanding the fact that if somebody is getting \$1 million a month in salary, and no bonus—if you're getting \$1 million a month in salary, I'm not sure you need a bonus—that person will face no additional tax under this tax bill.

So I would hope that the bill would be reconfigured to deal with the total compensation package, including salaries and, in any case, even if it's just going to be targeted at bonuses, should focus not on small bonuses received by people who are earning modest middle-class or even upper middle-class salaries.

The next point I would like to make—I think it's kind of obvious from the tone I'm taking that I voted against the TARP bill on this floor, twice, and hope that we see very substantial changes in the way we are

dealing with financial institutions before we are called upon to vote on any financial rescue bill in the future.

One change we need to see, a change I think we can believe in, would be a change of personnel in Treasury as to the Assistant Secretary of the Treasury responsible for the TARP program. I refer to it not by its technical name but the Assistant Secretary for Big Bank Bailouts.

Neel Kashkari is a holdover from the last administration. He is, more than any other person, responsible for the fact that we got shortchanged to the tune of \$78 billion worth of securities on our first \$252 billion of security purchases. He is still there.

If there's one thing this country wanted change and expected would be changed on January 20 of this year, it would be the person in charge of the TARP program. And I look forward to the day when we get a new assistant secretary into that position. Even a temporary acting assistant secretary drawn from the banks of the bureaucracy would be an improvement over someone who has managed to lose 31 percent, and more, of everything we have invested.

Now I'd like to return to the process by which AIG revealed these bonuses. It is true that everyone paying attention is aware that AIG had a lot of excessively compensated individuals. In fact, when Neel Kashkari, the Assistant Secretary of the Treasury, came before our committee, I questioned him about what I knew were \$3 million bonuses being paid to AIG executives. I was able to point out to him that the TARP statute mandated that the Secretary of the Treasury provide standards of appropriate executive compensation, and that only because Treasury had deliberately intentionally ignored that general mandate were the—at that point, I only knew of \$3 million bonuses being paid at AIG—were they paid.

Assistant Secretary of the Treasury Kashkari, then speaking for the old administration, but perhaps holding the same views under the new administration, would not opine on whether a \$3 million AIG bonus was or was not appropriate executive compensation.

The fact is, Treasury continues to have the power and the duty to issue regulations defining executive compensation—appropriate levels of executive compensation at bailed out firms. They should do that, and do it promptly.

So, in any case, people were aware that there were executives at AIG getting enormous bonuses and huge salaries. But this last weekend, it was revealed to us some particularly painful details. First, that \$165 million was about to be disbursed. Second, that the chief beneficiaries were going to be the people that created the most malignant casino in the history of Wall

Street, the AIG Financial Products Division.

So all this money, or virtually all of it, was going to the people at the division that had destroyed the AIG company and much of Wall Street besides.

Finally, we learned that some of those bonuses would be in excess of millions of dollars—in one case, over \$6 million. Those particulars were revealed just hours before the checks were distributed. And the question is: Did the securities law of the United States require that AIG reveal that much, much earlier.

If the securities laws are not that clear, they should be, because the theme of the securities laws are that a company must reveal on a timely basis material information to its shareholders. Material information is that which would influence the shareholders in a decision to invest.

Well, the American taxpayer invested \$30 billion additional into the AIG morass just 2 weeks ago. I submit we definitely would have been influenced by knowing that these particular bonuses were being paid to the executives of the Financial Products Division of AIG.

But, instead, these bonuses were hidden from us. The particulars were hidden from us right up until hours before disbursement. Well, why was that done? Because we could have, as a country, put AIG into receivership before they got the last \$30 billion. We could have saved ourselves \$30 billion and, in the process, we would also have invalidated or forced a judicial modification of all those obnoxious bonus contracts.

But they didn't tell us about this. They didn't give us the particulars that are so important to the American taxpayer. They may have told one or two people over at the Federal Reserve Board, but securities law does not say that you reveal material facts to one or two people at the Federal Reserve Board. Securities law says material facts need to be revealed to shareholders promptly. And there is nothing that the 300 million shareholders of AIG—the American people—find more significant to them than this obnoxious bonus program.

I suggest that we were not told until the bonuses were distributed, not only to protect the bonuses, but to protect the concept that AIG's general creditors and counterparts should be paid in full with taxpayer dollars, as necessary.

America would be a lot happier today. The subsidiaries of AIG, the insurance companies and the savings bank, would be much stronger today. The likelihood of the administration being able to get this Congress to pass additional legislation if it finds that necessary would be much higher today.

If AIG had revealed these material facts in all of their very significant particulars months ago, or even weeks

ago, but somebody at AIG decided not to tell us. Somebody at the Fed may have known these particulars and decided that the American people should not be trusted with such inflammatory information. And that is why we are where we are today.

I look forward to strengthening America's insolvent financial institutions, not by putting in hundreds of billions of dollars more of taxpayer money, not by creating partnerships in which we put up hundreds of billions of dollars but, if there's any upside, it goes to various hedge funds on Wall Street.

I look forward to strengthening these institutions, not by removing assets, even assets that have declined in value, but assets nevertheless, from their balance sheet. I look forward to strengthening these institutions by going into receivership, removing liabilities from their balance sheet, thereby increasing their net worth, their capital, and returning them to the private sector as very, very well-capitalized institutions.

What is standing in our way is the fact that that reduction in liability is a reduction in the amount payable to the most powerful in the world—the largest financial institutions in the world.

One final comment. I thank the House for indulging this lengthy speech. First we were told that AIG was too big to fail. Then the folks on Wall Street came up with a new story. They said AIG was too interconnected with other institutions to fail.

Well, AIG is not too big to fail. It's not too interconnected to fail. It's too well-connected to fail. But receivership is not failure for AIG. Receivership is the road to success for AIG.

□ 2000

It simply will cost these very well-connected general creditors, the ones who went and bet at the AIG casino, the ones who broke the AIG casino bank. It will simply cost them money. And this Congress and this government should have the courage to do just that for the benefit of the American people.

I yield back the balance of my time.

VACATING 5-MINUTE SPECIAL ORDERS

The SPEAKER pro tempore. Without objection, permission for 5-minute special order speeches by the gentleman from California (Mr. SHERMAN) and the gentleman from Texas (Mr. POE) is vacated.

There was no objection.

THE FEAR OF GLOBAL WARMING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. POE) is recognized for 60 minutes.

Mr. POE of Texas. Mr. Speaker, tonight and today we have been hearing a lot about the economic crisis throughout the globe. Parallel to the concern about the economic crisis is another concern that we have been told about, and that is the fear of global warming. It preoccupies much of what we do here in this House, and it preoccupies much of what is in the media, not only in the United States but throughout the world.

I would like to read a portion of a Newsweek article, Mr. Speaker. It says:

There are ominous signs that the earth's weather patterns have begun to change dramatically, and that these changes may bring a drastic decline in food production with serious political implications for just about every nation on this earth. The drop in food output could begin quite soon, perhaps in only 10 years.

The regions destined to feel its impact are the great wheat-producing lands of Canada and Russia in the north, along with a number of marginally self-sufficient tropical areas, parts of India, Pakistan, Bangladesh, Indo-China and Indonesia, where the growing season is dependent upon the rains brought by the monsoons. The evidence in support of these predictions has now begun to accumulate so massively that meteorologists are hard-pressed to keep up with it.

In England, farmers have seen their growing season decline by 2 weeks since 1950, with the result overall loss in grain production estimated up to 100,000 tons every year. During this same time, the average temperature around the equator has arisen by a fraction of a degree, a fraction that in some areas can mean drought and desolation.

Last April, the most devastating outbreak of tornadoes ever recorded, 148 twisters, killed more than 300 people and caused one-half billion dollars worth of damage in 13 States in the United States.

To scientists, these seemingly disparate incidents represent the advanced signs of a fundamental change in the world's weather. The central fact—and you note here, Mr. Speaker, it is a fact. It says: The central fact is that after three-quarters of a century of extraordinarily mild conditions, the earth's climate is beginning to cool down. That is right, Mr. Speaker, this article says the world is cooling down.

Meteorologists disagree about the cause and extent of this cooling trend as well as over its specific impact on local weather conditions, but they are almost unanimous in the view that the trend will produce agricultural productivity for rest of the century. If the climate change is as profound as some of the pessimists fear, the resulting famines could be catastrophic. A major climate change would force economic and social adjustments on a worldwide

scale, warns a recent report by the National Academy of Science.

This article goes on and on, Mr. Speaker, to talk about the new Ice Age affecting the world; how we are going to have a new Ice Age that will come to the United States, all parts of the world, how our whole attitude about the world will change because it will be a cold place. Basically, Mr. Speaker, Newsweek in 1975, April 28, said we are all going to freeze in the dark.

Now the people who said this—and I remember all of this taking place back in the seventies, and I believed this nonsense, that we are all going to freeze, that the Earth is getting colder, and that we can't do anything about it and that it will never correct itself. I believed all that, as did a lot of other Americans, because it was based on, as this article says, scientific fact that the earth is getting colder. And these same people in 1975 that predicted that the earth was going to get colder are the same people today, in the year 2009, saying just the opposite: That the earth is getting hot. We are all going to roast. It is the same global warming crowd.

The difference is a few years have passed. And our attention span is so short as Americans, and other people in the world, we forget these predictions that occurred just 33 years ago. And that is unfortunate.

The people in the weather business, meteorologists, for example, who predicted the global warming and some that predicted the earth getting colder are the same people who can't predict tomorrow's weather. You know, these folks are the only people that I know of in our culture that can be consistently wrong and keep their jobs, but they do. They can't predict tomorrow's weather, but they are telling us, we are all going to roast because of global warming. I am not so sure that that is true.

The article goes ahead and points out that the earth is already one-sixth of the way toward the new Ice Age. And, of course, history proved the experts in 1970 wrong; that we did not all freeze. Now, in fact, they are predicting the opposite.

Mr. Speaker, last week we had the global warming crowd here in Washington, D.C., protesting how we provide energy for this building. Now I have nothing against folks who want to peaceably assemble and talk about issues. That is great. That is part of the American way. But it is interesting, they showed up on a day, March 2, where we had 10 inches of snow and one of the coldest days in recorded history in Washington, D.C., 18 degrees, and they were here protesting the way we find energy for this Capitol. And it is how inconsistent the global warming crowd is. They are against everything that produces energy, especially those bad, nasty oil companies.

They were wearing, and I thought this was interesting, green hard hats.

Which is fine. I asked one of the young ladies that was with the group, do you know what that hard hat is made out of? And she said, plastic. And I said, what do you think plastic is made out of? And she said, well, plastic is made out of plastic.

Contrary to what some people believe, plastic is not an element. It is not a mineral. Plastic, like many things that we see every day, is a derivative of crude oil. I told her that, and she didn't understand it or believe it, but whatever. The problem they see is the fact that humans are the problem; that we use energy, and that they wish to, I guess, eliminate humans on this earth because we are the problem, they say, in global warming.

Well, first of all, global warming is not a scientific fact even though some say that it is. There are other scientists who say we are not having global warming. Unfortunately, we have been basically told here in the House of Representatives that global warming is a scientific fact, and all of our legislation is going to be based upon the absolute fact of global warming. That is unfortunate. We should still continue the debate on, first, whether or not global warming is occurring; and, second, and most importantly, is it man's fault that there is a climate change? Scientists certainly disagree.

I think the bottom line in global warming and those that advocate that we are having global warming is it is real basic: It is all about money.

You see, those who advocate that we have global warming want more Federal dollars to study that issue to convince us that there is global warming, and they get those Federal dollars. Those meteorologists and scientists on the other side who say maybe we are not having global warming. Maybe climate change does occur, but man is not the fault; see, there is no money in saying that. There is only Federal dollars in saying, yes, there is global warming. It seems like those people who advocate global warming are just saying that because they are getting paid by the Federal Government.

Of course, the second issue is man, the culprit. I am not so sure man is the culprit. The jury is still out on that, and I think we should not be so fast to rush to judgment.

The last thing I wanted to point out is that, in the name of global warming, it really means more government control over our personal lives. That is what it is about, it is about money and it is about the fact that there is personal control over our lives by the Federal Government.

For example, soon the Federal Government is going to tell us all the type of light bulbs we can have in our homes. We have to go to those Chinese-only-made light bulbs that have mercury in them, because it soon will be the law that you can't buy any light

bulbs except these energy-efficient light bulbs. The Federal Government wants to tell us what the kind of cars to use. The Federal Government wants to tell us what kind of energy to use, all in the name of global warming. But it is really control of our personal liberty in the name of global warming.

So the jury is still out on that issue, and I think we have an obligation to the American people to debate the issue of climate change, global warming, whether the earth is getting warmer or hotter, whether there is a climate change, and whether man is the culprit. I think that we should do that.

At this time, Mr. Speaker, I would like to yield such time as he wishes to consume to my good friend, Mr. ROHRABACHER, from California.

Mr. ROHRABACHER. Thank you very much. And I will be amplifying on some of the points that you have made.

I would just like to suggest that, as a 20-year veteran of the Science Committee, this issue has been before me, and I have been through many hearings and many actual examinations of this particular issue.

Last week, President Obama pledged that during his administration he would see, and I quote, that scientific data is never distorted or concealed to serve a political agenda, and that we make scientific decisions based on facts, not ideology. End of quote.

Viewing this commitment through the lens of global warming gives us some hope that President Obama will break from the ranks of the lockstep conformity that is demanded of the politicized scientists concerning the issue of global warming. Perhaps now we can get on with discovering the truth through science, not chicken little science, but real science, and leave the political pressure out of it.

Unfortunately, up to today politicians like Vice President Al Gore have done their best to silence the rational voices of scientists who have been skeptical of Mr. Gore's agenda.

Let no one forget, Vice President Al Gore's first act as Vice President was to insist that Dr. William Happer be fired as chief scientist for the Department of Energy. Dr. Happer apparently had uttered words indicating that he was open-minded to the issue of global warming. So: Off with his head. Out the door. They wanted someone who was going to provide grants only to scientists whose would verify this man-made global warming theory. Dr. Happer was relieved in 1993, the first year of the Clinton-Gore administration. So for over a decade all we have heard is a one-sided drumbeat.

Dr. William Gray, now emeritus professor of atmospheric science at the Colorado State University, and a fellow of the American Meteorological Society, verified this. Quote: I had NOAA money for 30 years, Gray recounted. And when the Clinton administration

came in and Gore started directing some of that environmental stuff, I was cut off. I couldn't get any money from NOAA. They turned me down 13 straight proposals. End of quote.

This man is one of the most prominent hurricane experts in the world who before received grants for study and scientific grants, but after Clinton-Gore he was turned down 13 straight times.

This gross intimidation of other scientists was done to lay the foundation; because if it could happen to this prominent scientist, it was going to happen to them. But it was done to lay down a foundation for a radical agenda that would change our life. The first thing he had to do was to have hand-picked scientists create fear that the planet was in jeopardy. Then these hand-picked scientists had to lie about everybody agreeing to that type of prediction.

□ 2015

Unfortunately, for all those scientists who went along with this scheme, now over a decade later, there is a big problem. The claim that the science is clear and there is a consensus that humans are directly responsible for global warming is now as clearly wrong as it is dishonest. Why is it clearly wrong? Because it has not been getting warmer for the last 8 years. It is harder for everybody to ignore that fact, especially as more and more scientists are stepping up and pointing it out. It is not getting any warmer. In fact, it hasn't been getting warmer for 8 years.

In January, a U.S. Senate minority report stated over 650 dissenting scientists from around the globe challenged manmade global warming claims made by the United Nations Intergovernmental Panel on Climate Change as well as disagreeing with former Vice President Al Gore. The esteemed scientists being referred to come from a wide range of disciplines. Several are Nobel Prize winners. And many work at the most respected scientific institutions in the world. They totally disagree with the theory. They call it into question, this manmade global theory claim.

Finally, just last year the Oregon Institute of Science and Medicine released the names of some 31,478 scientists who signed a petition rejecting the claims of human-caused global warming. Of those 31,000, 9,029 have Ph.D.s. Many currently work in climatology, meteorology, atmospheric, environmental and geophysical studies, as well as astronomical studies, as well as the biological fields that directly relate to the climate change controversy.

So, there is no consensus. Thousands of scientists are disagreeing with what has been foisted upon us. Yet, we are bombarded by radical environmentalists and the media hype with the com-

mon refrain, "case closed, the global warming is real." It is repeated over and over again. "Case closed, global warming is real." Well, it is repeated as if it were a mantra by religious zealots. It was pounded into the public consciousness over the airwaves, in print and even in congressional hearings. Case closed. Well, this was obviously a brazen attempt to end open discussion and to silence differing views, dismissing the need to explore legitimate contrary arguments on both sides of the issue.

Again, there are hundreds of prominent scientists and meteorologists and heads of science departments at major universities, Nobel Prize winners and others who are highly skeptical and highly critical of this manmade global warming theory. But case closed. We shouldn't even listen to their arguments. There is Dr. Richard Lindzen, for example, of the Massachusetts Institute of Technology. He has been adamant in his opposition, as has Dr. William Gray, whom I mentioned a moment ago, a world-renowned hurricane expert and fellow at the American Meteorological Society. He recently pointed out that the 15-year prediction by global warming activists that the Earth would by now be suffering many more and much more severe hurricanes, that that prediction was dead wrong. It doesn't come from me. It comes from Dr. William Gray, one of the most renowned hurricane experts in the world, who could not get a research grant during the Clinton-Gore administration.

So, let us note, the planet is not getting warmer. Hurricanes are at a 30-year low. But these views, and the views of so many more prominent scholars and scientists who also agree with these views, their views don't matter. The debate is over. Al Gore has his Nobel Prize, and the film "An Inconvenient Truth" has its Academy Award. So shut up and get your mind in lockstep with the politically correct prevailing wisdom, or at least what the media tells us is the prevailing wisdom. And no questions, please. The case is closed.

We have heard this dozens and dozens of times. Don't people who are advocating global warming, who are honest people, doesn't that cause them reason to pause and think, why are people trying to shut down the discussion? Okay, the science has been skewed by heavy-handed intervention in the awarding of research grants. It is clear now, evidenced by a propaganda barrage that would make George Orwell blush. This propaganda barrage has been aimed at the American people. So what is this theory that is now so accepted that grants were denied, the debate is deliberately stifled and that a barrage of propaganda is aimed at the American people to get them just to accept it? The manmade global warming theory is presented as scientific truism.

So, let's see, is it really? It is, let's say, specifically, it is a disturbing theory that the Earth began warming, a warming cycle 150 years ago. This was a warming cycle that differed greatly from all the other warming and cooling cycles that had gone on on this planet for millenniums. For as long as the Earth has a geologic history, there have been warmings and coolings. But this warming cycle of 150 years ago, we keep being told, is not like all the other cycles. This one is tied directly to mankind's use of fossil fuels, basically coal and oil. These so-called fossil fuels that have powered our industries and made civilization possible are, we have been told, causing a global-warming catastrophe. The weather is changing. It is getting hotter and hotter. After all, former Vice President Al Gore now said that, and I quote, "humanity is sitting on a time bomb. The vast majority of the world's scientists are right. We have just 10 years to avert a major catastrophe that could send our entire planet's climate system into a tailspin of epic destruction, involving extreme weather, floods, droughts, epidemics and killer heat waves beyond anything we have ever experienced, a catastrophe of our own making." Al said that, not acknowledging that when his statement was made, the world temperature had already ceased to climb in the previous 5 years. But he should be excused because he was so sure, really sure, that global warming would come back and then validate his warnings.

Why was he so sure? Because fossil fuels, people like Al tell us, put an ever-increasing level of so-called greenhouse gases into the atmosphere. The most prevalent is carbon dioxide, CO₂. This increase in CO₂, we are told, causes the warming that we are supposedly experiencing. Of course, we know that ended 8 years ago, but supposedly we are still experiencing it. We will just ignore that it hasn't been getting warmer for these last 8 years.

This manmade warming cycle, according to the theory, is rapidly approaching a tipping point, as we have just heard from Al, when the world's temperature will abruptly jump and accelerate with dire and perhaps apocalyptic consequences for the entire planet. If one accepts this as fact, then manmade global warming is overwhelming our planet even as we speak. If we believed that, then we would be expected to accept controls, regulation, taxation, international planning and enforcement, mandated lifestyle changes, lower expectations, limits on consumer choice, as well as personal and family sacrifices. All of this we would be expected to accept as necessary to save our planet from—well, from us.

What are the costs of these controls? According to the Wharton Economic Forecasting report, complying with the

Kyoto treaty alone would reduce our country's national output by \$300 billion annually and would result in the loss of 2.4 million jobs. The cap-and-trade legislation, now being considered in Washington, would cost American industry \$600 billion. This, of course, will simply be passed on to consumers in the price of the goods that we purchase.

By the way, when President Obama said there will be no new taxes for anyone with less than a \$250,000 annual income, did he include all of this money that was going to be added to the price of the goods that we are paying by federal regulations that are trying to deal with global warming? I wonder who is going to pay that \$600 billion. Is it just the people who make over \$250,000 a year? Well, promise or no, this economically oppressive medicine will be shoved down our throats at a time of incredible hardship and economic chaos in our country. We can't afford to lose millions of jobs.

To charge the American taxpayer billions more in the price of the goods they buy, which is little more than a thinly disguised tax, is unconscionable. We can't afford to increase the electric costs as much as 129 percent, which is predicted. And significantly, they would like to raise the price of gasoline once more. They want it to stay at \$4 a gallon.

It really takes a lot to frighten people into accepting such economically destructive and personally restrictive mandates that would result from the implementing of a global warming-based agenda. That is why the debate has been stifled. The case is closed. The phony claims of consensus. That is why the proponents of this theory have been so heavy-handed, heavy-handed enough to interfere with the unbiased issuances of research grants. How else, except for dishonest tactics, can they frighten people to accept the huge changes in their lives that they will be required to make by the global warming community? And these are not changes that are being made, changes for the better in their lives, otherwise they would make them gladly and voluntarily. Inexpensive air travel, for example, the global warming alarmists believe that jet aircraft should be considered among the worst CO₂ polluters. Jet travel, therefore, must be restricted. People are expected to give up the freedom to use cheap air fares. So how many people are aware of that? If the global warming fanatics have their way, there will be no more discounted airline tickets, which of course means fewer visits to see our loved ones and fewer visits to explore the world.

Better known, however, is the global warming movement's commitment to severely restrict the use of private automobiles. The rich will still have their limos and of course their private jets. Carbon offsets will see to that.

Certainly Al and the others will be let off the hook because of these carbon offsets which, of course, Al will also profit from by organizing them in the private sector. The rest of us will not be able to travel by plane and will be stuck sitting at home or sitting next to a gang member on public transportation.

If we are just staying at home, what does that leave us? Is that a better life? Outlandish global warming predictions, then, are designed to strike fear into the hearts of those malcontents who just won't be willing to accept giving up those low-priced air fares and will not accept government mandates in their lifestyle. They just won't stay at home. Those changes, we are told, are needed to save the planet. Well, if proponents have their way, people are just going to have to accept things like higher food prices and, importantly, less meat in their diet. That's right. They want to wean us away from meat. A 2006 report entitled "Livestock's Long Shadow" to the United Nations mentions livestock emissions and grazing, and it places part of the blame for global warming squarely on the hind parts of cows. Cows are to be added to the list of greenhouse-emitting machines. So, not only are we going to be forced to cut our personal air travel and our ground transportation, as I say, which keeps us at home, but then when we stay home, we can't even have a barbecue. And heck, they won't even let us have a hamburger.

□ 2030

I point out that before the introduction of cattle to the United States, millions upon millions of buffalo dominated the Great Plains of America. They were so thick you could not see where one herd began and the other ended. One can only assume that the anti-meat manmade global warming crowd must believe that buffalo farts have some redeeming value that is better than the flatulence emitted by cattle.

Underscoring this dishonesty of the global warming fanatics, in my attempt to make light of the argument that cattle production is an evil element of our world, I once suggested, in jest, that perhaps dinosaurs' flatulence changed the climate in those days which may have ended the time of the dinosaurs. Well, it was widely reported that I was serious when I said that. Anyone who could suggest that I was serious and not making light of the other person, and I say respectfully making light of the other person's argument, anybody who reports that I was serious, that I really believed that dinosaurs were extinct because of flatulence is intentionally portraying something that they know not to be true, or they are just ignorant. But I believe we are not talking about ignorant people, we are talking about people

who are portraying things that they know not to be true as if it were true.

What we have here is steely-eye fanaticism by those on the other side of the global warming debate; people clearly blinded by fanaticism and, thus, are unable to grasp nuance, unable to grasp a bit of humor added to a debate, and certainly unable to honestly examine an opposing argument.

But let's look at the proof these zealots give us to back up their claim of global warming that is threatening our planet. Let's be honest enough to be open minded to what they are presenting us.

First, let's note that the baseline used to prove global warming is 1850. I have been through hearing after hearing in the Science Committee. And 1850, by the way, is the year in which they judge whether the planet is getting warmer or cooler. And 1850 also marks something else: it marks the end, the bottom end, the final end of a 500-year decline in the Earth's temperatures called the Mini Ice Age. Yes, it was a cycle trending down for about 500 years, and it all got down to about 1850 when it started trending up. So 1850 is the baseline for judging warming of our planet? Does that make any sense? They are making comparisons against a temperature that was the bottom end of a 500-year decline in temperature. I pointed that out at numerous hearing and in numerous debates, and the issue continues to be ignored.

So if anyone out there is listening and is honest, please give us an answer: Isn't 1850 a dishonest date to use as a baseline to prove that the Earth is getting warmer? Isn't the statistical base clearly flawed when you start at a low point?

Then there are, of course, the predictions that we have heard. In testimony before Congress 20 years ago, NASA's James Hansen predicted CO₂ would shoot up and global temperatures would shoot up by more than one-third of a degree Celsius during the 1990s, and the trend would then escalate. A rise in temperature was predicted, and it would lead to what: rising sea levels, cities underwater, droughts and famines and an increase in tropical diseases; yes, tropical diseases.

Sometimes it is difficult for me when radical environmentalists use that as an example considering that tropical diseases, especially malaria, have killed millions of children in the Third World because radical environmentalists have been successful in banning DDT; but that is another issue.

It has been awhile since the apocalyptic predictions by global warming fanatics were made. Were these predictions correct? Mr. Hansen said the temperature would rise by a third of a degree just a little over a decade ago,

and the answer is that the predictions turned out to be dramatically wrong. Temperatures during that decade rose only one-third of what was predicted by Mr. Hansen, a modest increase to the point that it would alarm nobody and would be of little difference than any of the other many cycle changes that we have seen on our planet over our planet's millions of years of history.

Again, over the past 8 years there hasn't even been a modest rise of temperature, again as differentiated from what Mr. Hansen predicted.

We shouldn't be surprised. Climate modeling, which is the basis of almost all alarmist predictions, is not an exact science. No weather or climate model has ever been accurate to the point the alarmists would have us believe. This was stunningly clear when Dr. Hansen called for an anti-global warming protest here in Washington 2 weeks ago that the gentleman from Texas (Mr. POE) just talked about. The day the demonstrators arrived coincided with the worst snowstorm in a year and the coldest March 2 in more than a decade.

So let's look at the other predictions. He was dead wrong to try to call a global warming demonstration on the coldest day of the year because he didn't think it would be cold. Numerous and powerful other hurricanes were forecast by the National Hurricane Center for NOAA and others. Okay, that is what we were going to have. The last decade, the global warming people said we would have more and more hurricanes. Well, for the last 8 years it hasn't been getting warmer, and we haven't seen more hurricanes. Yes, as I stated earlier, the number of hurricanes is at a 30-year low.

During the Clinton administration, scientists produced a study and then another study and another study predicting the horrific impact of the unstoppable onslaught of manmade global warming: droughts, fires, polar ice caps melting, mass extinctions, all of this, report after report, what I call Chicken Little science. We were led to believe this nightmare would be overwhelming us by now. Of course, if there was even a hint that the conclusion wouldn't back up this global warming theory, the scientists who applied wouldn't have seen one red cent of Federal research money.

And just recently Tom Knutsen, research meteorologist for NOAA, the ones who ended up not being able to give Dr. Gray any research grants, this gentleman, Mr. Knutsen, now says that he has reviewed the evidence and totally changed his mind and now admits that he was wrong about global warming and the increase of hurricane activities. So here is a scientist with integrity. Such scientific integrity did not always rise to the occasion.

Contrary to what all of those scientists living on their Federal research

grants predicted, the world hasn't been getting warmer. In fact, in the last 8 years there has been no warming at all. Global snowfall is at record levels, and there are fewer, not more hurricanes. And yes, there is some melting in the Arctic. We hear about it over and over again. In fact, NBC did a special on the melting of the Arctic and how bad it is, showing penguins sitting on diminished pieces of ice in the Arctic. The problem is that penguins don't live in the Arctic. There are no penguins in the Arctic. They live in the Antarctic. So NBC had it wrong. Somebody must have told them that the penguins from the Arctic were being victimized by global warming.

In fact, the Antarctic where the penguins live, there is a buildup of ice going on. It is getting colder in the Antarctic. In the Arctic, of course, we recognize there has been some rise in temperatures; that due, which many experts tell us, to ocean currents that have changed in the last few years. But emphatically, it is not due to CO₂ that comes from somebody's SUV. The Arctic is in fact returning to the temperature levels of the 1940s.

And what about the disappearing polar bears? Are the polar bears really disappearing? Dr. Mitchell Taylor from the Department of Environmental Studies under the Canadian territory of Nunavut, and other experts suggest that all but two types of polar bears are flourishing. So yes, two types of polar bears out of 13 different types, two of those types are in decline. The rest of the polar bears, the population is expanding. So there are more polar bears. Let me say that again: more polar bears. But here we are, understanding there are more polar bears in the world, we are treated with a spectacle of polar bears being put onto the endangered species list with a caveat that they really aren't endangered now, but with global warming, they are expected to dwindle. Never mind that the global warming trend stopped 8 years ago.

Unfortunately, the debate on this case is not closed. So emerging obvious differences between reality and theory needs to be addressed by people who have been advocating the global warming theory. Even without going outside and checking the thermometer, it is easy to tell that the predictions of manmade global warming were wrong. How can you tell they were wrong? Because they don't even use the words "global warming" anymore. The words "climate change" have now replaced the words "global warming." Get that? Every time you hear the words "climate change," it is evidence of error that they were wrong to begin with, or of deceit on the part of radical environmentalists.

So no matter what happens from now on, climate change has replaced global warming, and whether it is hotter or

cooler, it can be presented as further indication that humans have caused the change that is taking place. No, there have been changes in our weather forever. You have always had adjustments up and down, trends and cycles.

We just need to ask ourselves, if a salesman gives a strong pitch and makes claims about something that is later to be found out to be wrong, totally wrong, when do you stop trusting the salesman? Then if he starts playing word games and changing the actual words he is using about the same product, and rather than just admitting that he was wrong, he just changes the words he is using but he is talking about the same product, isn't it reasonable to stop trusting this person?

Yes, Al Gore and company, we have noticed that you are now saying climate change rather than global warming. They tried to slip it in, but we have noticed.

So, why the alteration? Why are they doing that? That is because the world has not been getting warmer in the last 8 years as predicted, and everybody is beginning to notice it. So we actually see a beehive of activity because of this. Those federally funded scientists who were sucked into this are now trying to save themselves some modicum of credibility, this even as more and more scientists speak up and publicly disassociate themselves with the scientific claims of global warming that have been foisted upon us.

To understand all of this nonsense, you have to go back and look at the basic scientific assumptions that are being used by the global warming alarmists. They claim that excessive amounts of manmade CO₂ are being deposited in the air which causes a greenhouse effect that warms the atmosphere. They call this increase in CO₂ mankind's carbon footprint. The global warming analysts want us to judge everything by its carbon footprint. What that means is how much CO₂ is being released as a result of that specific activity is a carbon footprint. They adamantly believe that it is CO₂ that causes our planet to warm and that more CO₂, the hotter it will get, and an increasing CO₂ problem. And why is CO₂ increasing, according to these folks, that is due to us. And although mankind is responsible for significantly less than 10 percent of all CO₂ in the Earth's atmosphere, we are told climate change is our fault.

Can one huge volcano spew more CO₂ into the atmosphere than all of the people of the world? Yes, but that is still our fault.

Can one huge fire, like the one we had recently in Australia, throw just as much CO₂ into the air? Yes, but it is still our fault.

Rotting trees in the Amazon and the by-product of rot and termites may cause even more CO₂ than what people put into the air, all of the people on

the planet? Well, yes, but again, it is our fault that CO₂ is rising.

This concept, just like the extrapolations from their computers is wrong, dead wrong. Andrei Kapitsa, a Russian geographer and Antarctic ice core researcher, slammed the U.N. IPCC, and this is the report that has been used to justify all of this monstrous and very dangerous global warming agenda, well this Russian ice core researcher suggests it is "the biggest scientific fraud" in 2008. "The Kyoto theorists have put the cart before the horse. It is global warming that triggers higher levels of carbon dioxide in the atmosphere, not the other way around."

□ 2045

Furthermore, he went on to point out, "A large number of critical documents submitted at the 1995 U.N. Conference in Madrid vanished without a trace. As a result, the discussion was one-sided and heavily biased, and the U.N. declared global warming to be a scientific fact. We found out that the level of CO₂ had fluctuated greatly over the period, but at any given time increases in air temperature preceded higher concentrations of CO₂." This is exactly opposite from what is the basis of the whole global warming argument.

So this is the challenge; many prominent scientists including the head of the Russian Academy of Science—who I recently met with, I might add, talking about this issue—are now confirming that the rise in CO₂ comes after global temperatures increase, not before. This has been observed in ice cores, yet this has been again ignored by those who were screaming their warnings at us.

Please, give us an answer to this challenge. Why ignore it? How can the American people just accept the validity of the argument that's being presented to us when they just ignore challenges to the validity of their argument? If the increase in CO₂ is not the cause of any warming cycle the world may experience, how can there be any validity at all to any of the demands made upon us?

We have had many warming cycles in the past, but what these scientists are telling us is CO₂ increase did not cause those warming cycles. In fact, Dr. Claude Allegre, the scientist who first postulated the theory that CO₂ increase was spiking the world's temperature, has now changed his mind. Officially, he says he was wrong. He told Al Gore he was wrong. Al Gore won't listen.

So what is the cause of the world's warming and cooling cycles? If it's not CO₂, if the global warming crowd refuses to deal with that issue and look at that specifically and deal with that challenge, okay, well, I assume they're wrong. But what is it that we really believe causes these changes that have gone on for millenniums in the Earth's

temperature? It's called sun spots. Yes, solar activity. That explains why one sees similar temperature cycles on Mars and Jupiter to the cycles that are happening on this planet. That's why icecaps on those planets, like on ours, expand and contract. It's the sun, stupid.

So take note that the very argument upon which global warming is built has proven to be false, and that manmade global warming activists will not address this issue. This is the most supreme arrogance that I have witnessed in my 30 years in Washington. After all, the case is closed. We don't need to discuss any more details. Yet, expert after expert keep pointing to the flaws in their central argument.

And Mr. Gore's mumbo-jumbo notwithstanding, the predictions have been wrong. And the CO₂ premise is wrong. The methodology that has been used has been wrong. The observations have been wrong. The attempt to shut up those people who disagree with them has been wrong.

Now, I remember when I chaired the Subcommittee on Research and Science in the House back when the Republicans controlled this body. I insisted that both sides be present and that expert witnesses be expected to address each other's points and contentions. This methodology led Al Gore to refer to me as a "Stalinist." I would suggest that the propaganda campaign of the manmade global warming alarmists has much more in common with Stalinism than does insisting that both sides of an issue be heard at a congressional hearing. One has to really believe that he or she has a corner on the truth to make such a complaint that Stalinism is having both sides presented and addressing each other's points.

Of course, Al Gore's documentary, "An Inconvenient Truth," suggests by its title that what he says should be taken as truth. Well, I won't go into the numerous debatable points and outright errors in that film, but there is something far worse in that film. This pseudoscientific documentary—what I call Chicken Little science—presented numerous film segments of climate and environmental incidents similar to those footages that you would see from National Geographic. This added to the credibility of the points being made. Specifically, the film portrays a dramatic cracking and breaking away of a huge portion of the polar icecap. The scene is awesome and somewhat overwhelming, and leaves the audience with the feeling that they have witnessed a massive historic occurrence. Unfortunately, it's all a fake. This is not grand, firsthand photographic evidence. It's not National Geographic footage of a huge breaking away of a portion of the icecap. Instead, what the audience is looking at is a deceptive use of special effects. It's

not the icecaps, it's Styrofoam. That's right, Styrofoam special effects trying to fool us into thinking we're observing an occurrence by nature. By the way, isn't Styrofoam an oil-based product or something? Isn't there some sort of carbon footprint with Styrofoam? Well, Mr. Gore has not commented on this depiction. Maybe it is "inconvenient" for him to comment because it may hurt his credibility. After all, it's not getting warmer, as he predicted; so maybe his, let's say, theories that are based on Styrofoam are inaccurate as well.

The first time I met Al Gore was in my first term in Congress back in 1989 and '90. Al Gore was then a United States Senator, and he marched into the science room, followed by a platoon of cameras and reporters. He sat in front of our committee demanding that President Bush—that's George W.'s father—declare an ozone emergency. He waved a report in his hand as evidence that there was an ozone hole opening up right over the northeast of the United States. A few days later, the report touted by Senator Gore was found to have been based on faulty data, data collected by one so-called researcher flying a single-engine Piper cub with limited technology and no experience. The emergency declaration the Senator called for would have had severe negative consequences on the people who live in the northeast part of the United States.

Now, does anybody detect a pattern here? Such a scare tactic—as I say, Chicken Little-ism—based on false information? Well, it isn't new. We have had many examples, not just of Al Gore, but of others playing this sort of tactic in order to get their way.

In 1957, the FDA recalled 3 million pounds of cranberries. A few years later, the FDA admitted it was a total mistake. Sorry. Of course, there was a tremendous price to be paid; a large number of our farmers went out of business. They went broke because nobody had their cranberries for Thanksgiving and Christmas.

Then, of course, there was the scare over cyclamate, used in everyday items like sodas, jams, ice cream. It was very sweet and extremely low in calories. In the early 1970s, the FDA banned cyclamate as a cancer hazard. Well, come to find out, the rats in their study had been force-fed the equivalent of 350 cans of soda a day, and only eight of the 240 rats that they had crammed all this soda in actually got sick. It was a faulty test. And eventually, years later, the truth finally prevailed, and it was officially recognized that cyclamate does not cause cancer. Canada, by the way, never banned cyclamate. Our northern buddies, I guess, just couldn't get themselves to force-feed those rats.

Well, the FDA did take back its negative finding. It came up with the truth, finally. However, great damage was

done. This episode had serious consequences. It was the cyclamate ban that led to the introduction of high-fructose corn syrup, with the obesity and health problems that have come with high-fructose corn syrup. So, yes, another scare tactic, another American industry—cyclamate—decimated, another rotten theory with unintended consequences foisted upon us.

The next example of fearmongering with pseudoscience came in February of 1989. On the evening of February 26, Americans tuned in to "60 Minutes" and heard Ed Bradley say, "The most potent cancer-causing agent in our food supply is a substance sprayed on apples to keep them on the tree." He went on to warn that children were being put at risk by eating Alar-dusted apples. The story snowballed out of control, climaxing with actress Meryl Streep's testimony before Congress. Frantic parents tossed apples out the window, schools removed apple sauce from the cafeteria and replaced those apples and that apple sauce with more safe and nutritious substances, like ice cream and pudding. Well, there is only one small problem; Alar, which is what was on the apples, didn't cause cancer. A study later found out that that was wrong. Twenty thousand apple growers in the United States suffered enormous harm.

Then, of course, there was Three Mile Island; another fake, another situation where people were stampeded. And what we ended up with that, no one was hurt at Three Mile Island, but instead, what it did was it created a political momentum that destroyed our ability to utilize nuclear energy in the United States. Instead, we are still dependent on coal and other fuels. We are dependent on oil and other fuels that we now have to buy from people overseas. Jane Fonda's movie, "China Syndrome," helped create the scare. It has had an enormously negative impact. Ironically, today radical environmentalists still make attempts to stop the expansion of nuclear energy for producing electricity, even as we remain dependent on foreign oil and continue to use coal-fired plants.

Then we know about the ozone hole in Latin America, which was supposed to be around for decades, and then mysteriously it just naturally closed up after just a few years. Again, another cycle of nature presented to us as if there was some major problem with human activity.

Of course, what we've got is an example of—and we have already been presented this by my colleague—where people, just a few years ago, were talking about global cooling in the same way that they now talk about global warming.

Then there was, of course, acid rain. Ronald Reagan, thank God, stood firm. Instead of putting controls on our economy to stop so-called "acid rain,"

he insisted on long-term scientific research. And when that research came out, it verified that acid rain was not caused by people, and it was not the problem that it was being portrayed as. So we have seen these tactics over and over again.

What we should be doing, when we hear people trying to scare us into accepting controls, accepting higher taxes, what we need to do is make sure that their science is challenged, and that we do so with an open mind. Our goal should not be to end global warming because it doesn't exist. We should be focusing on global pollution, not CO₂, but the pollutants that will hurt our people.

One of the great damages that the global warming people are doing to us today is focusing our attention on CO₂ when we should be focusing our attention on the other pollutants that threaten the health of our people. We don't need to save the planet by utilizing certain energy, we need to save the human beings on this planet. And the CO₂ focus of the global warming crowd is causing the great damage to the well-being of our people by focusing us on the wrong enemy.

I would ask that the rest of my statement be made part of the RECORD.

Then there's the so-called nuclear disaster at Three Mile Island. This incident put an end to expanding the use of nuclear energy for the production of America's electricity. It is the prime example of how devastating pseudoscience scare tactics can be. In this case, our country ended up heavily dependent on foreign oil, while France has developed a thriving nuclear infrastructure. The French learned how to reprocess uranium. We learned how to buy more energy from abroad. Three Mile Island also left us dependent on coal fired power plants and their pollution. Was this really better than the "risk" associated with nuclear power?

An operational mishap at the Three Mile Island nuclear power plant was portrayed as a deadly accident putting millions of people in jeopardy. Well, no one has yet to show me that one person's life was shortened by the Three Mile Island incident.

Because the media hype was coupled with Jane Fonda's movie called "The China Syndrome," which had just been released, the Three Mile Island incident "became" in the public's mind a major disaster. The only kind of disaster that really happened was a major public relations disaster. The American people were terrified into rejecting nuclear energy as a means of producing clean, reliable, domestically fueled electric energy.

Ironically, nuclear power is probably the most effective means of producing power with no carbon footprint, no CO₂. Yet the radical environmentalists to this day still block attempts to expand the use of nuclear energy, even as we expand our dependency on foreign oil, and continue to use coal fired plants. Again, it was a total con job and has had a horrible impact on our lives.

And what about that ozone hole over the Antarctic? We were told it would continue to

grow and grow and it would take decades to get it under control. Boyce Rensberger, director of the Knight Fellowship at the Massachusetts Institute of Technology, now points to evidence that the ozone concentration is a cyclical event, expanding and contracting the ozone throughout the eons of time. It's just part of a natural cycle according to this scientist from MIT.

So here is a scientist from the Massachusetts Institute of Technology telling us the current ozone depletion is simply part of a recurring cycle, not the result of chlorofluorocarbons, as we were told. In layman terms, he's telling us that the gigantic expense of shifting away from aerosol was a waste for America. We're talking about billions of dollars here. The ozone hole closed on its own. It was just part of a cycle. If it wasn't, it would be much different than it is today.

Then there is acid rain. Who can forget the frightening threats that acid rain posed to us just 20 years ago? Acid rain was supposed to decimate our forests, destroy fresh water bodies, and erode our buildings and sidewalks. Well, what ever happened to acid rain? Well, that theory, too, proved to be an extreme stretch.

President Reagan was pummeled without mercy for his unwillingness to take monstrously costly action aimed at thwarting acid rain. He insisted on waiting for an in-depth study to be completed, and he was vilified for his insistence on legitimate scientific verification.

Well, a 10-year study by the National Acid Precitation Assessment Project was submitted to Congress in 1990. It minimized the human impact of acidity of water in the northwest and the northeast of the United States. The issue then died quickly and quietly, and no one ever apologized to Ronald Reagan. We haven't heard about acid rain. If they were right, we should have been hearing about it all this time.

Instead, of course we've been hearing about something else which is much easier to scare people with, global warming. And of course, the last one before global warming that I'd like to mention is the most pitiful of all. Yes, an alarmist scheme which made the cover of Time magazine 30 years ago.

Just 3 decades ago, scientists and politicians were frantic about global cooling. We were told the Earth was entering a new ice age. Unfortunately for the scaremongers, the temperature did not plummet and the oceans did not freeze. In fact, it was getting a bit warmer during the 1980s and 1990s. It was part of the Earth's on-going up-and-down cycles, as has always been the case.

Well, some of those people, some of those scientists, and others who were talking about global cooling, changed their words, and, you guessed it, global cooling became global warming. Almost overnight global cooling was rejected, and then global warming was in vogue. And now, of course, global warming is changing to climate change.

So, scare tactics are nothing new; it's a tried and true method. Those pushing an agenda know people can be frightened and stampeded; and then policies can be foisted on a hysterical public. Unfortunately, this time around, the long-term consequences will be very, very damaging for the next generation.

I often ask students visiting from my southern California district whether they think that 45 years ago, when I went to high school in southern California, whether the air was cleaner or dirtier than it is now. A huge percentage believe that the air quality 45 years ago in southern California was dramatically better than it is today. When I tell them that what they believe is 100 percent wrong, that the air is dramatically cleaner today in southern California, you can see the frustration in their eyes; they have been lied to in a big way.

The big lie their generation has been fed is that the environment is going the wrong way and that they have to give up their freedom, and that they have to give up their expectations of certain things in their life because the future is bleak. They are told the lie that we have to give up our national sovereignty, because it's a global crisis—everything about the environment—the air, the water, the land—is all getting worse. In fact, there's been tremendous progress in cleaning up the pollution that not that long ago was found in our air, water and soil.

And let me tip my hat to the environmentalists. This progress has been as a result of government regulations, often pushed by liberal Democrats. For anyone not to admit that would be disingenuous.

But the fact is that our children are now being told that this man-made global warming will devastate our whole planet.

Dr. John Christy, a professor of Atmospheric Science at the University of Alabama at Huntsville, has a different perspective, "I remember as a college student at the first Earth Day being told it was a certainty that by the year 2000 the world would be starving and out of energy." Dr. Christy goes on to say, "Similar pronouncements made today about catastrophes due to human-induced climate change sound all too familiar and are all too exaggerated for me, as someone who actually produces and analyzes climate information."

So, we are told that polar bears are dying, but they aren't. We are told that the polar ice caps are melting, but now we know that in the Antarctic, ice is actually growing.

Hurricane Katrina, we were told would only be the first of many horrendous hurricanes to hit the United States in the next few years but, of course, there has been no significant rise in the number or strength of hurricanes. Recently it was pointed out that a hurricane just as strong as Katrina hit the United States 100 years earlier, long before the effects of "global warming."

Katherine Richardson, one of the organizers of the Copenhagen Conference, an "emergency summit" established to forward the next Kyoto Protocol, advertised the event not as "a regular scientific conference. This is a deliberate attempt to influence policy." It was, she admitted, "Explicitly designed to stoke up the fear of global warming to an unprecedented pitch."

THERE IS NO CONSENSUS

What we have is calculated alarmism at its worst, and the consequences will be very, very severe if we let such fanatics determine policy that will shape the lives of our children. I would submit a list of 650 members of the scientific community, who I mentioned earlier; who do not agree that human activity is causing an unprecedented global warming trend.

People like me have been labeled with the epithet "skeptics." Let me suggest something—science is skepticism. A scientist doesn't "believe" something to be true. Nor does he negotiate a solution with his colleagues. He does not reach consensus. A scientist doubts, tests, verifies, and repeats. A scientist engages in a search for answers by forming a theory and trying to tear it apart. He invites his colleagues to prove him wrong and encourages other points of view. A scientist will do everything he can to prove a theory wrong. Only then, when he and his colleagues are unsuccessful at disproving a concept, will he accept it.

Dr. William M. Briggs, a climate statistician and professor at Cornell, explained that his colleagues described "absolute horror stories of what happened to them when they tried getting papers published that explored non-'consensus' views."

Nobel Prize Winner for Physics in 1973, Ivar Giaever, a fellow of the American Physical Society, declared himself a dissenter in 2008. "I am a skeptic," Giaever announced in June 2008. "Global warming has become a new religion," Giaever added.

UN IPCC award-winning environmental physical chemist Dr. Kiminori Itoh of Yokohama National University, a contributor to the 2007 UN IPCC AR4 (fourth assessment report) as an expert reviewer, publicly rejected man-made climate fears in 2008, calling the promotion of such fears "the worst scientific scandal in the history."

Environmental Scientist Professor Delgado Domingos of Portugal, the founder of the Numerical Weather Forecast group, who has more than 150 published articles said, "Creating an ideology pegged to carbon dioxide is a dangerous nonsense . . . The present alarm on climate change is an instrument of social control, a pretext for major businesses and political battle. It became an ideology, which is concerning."

Dr. William Happer, award-winning Princeton physicist, said that "much of the current warming occurred before the levels of carbon dioxide in the atmosphere were significantly increased by the burning of fossil fuels."

Dr. Takeda Kunihiro, vice-chancellor of the Institute of Science and Technology Research at Chubu University in Japan, said CO₂ emissions make absolutely no difference one way or another. . . . Every scientist knows this, but it doesn't pay to say so . . . Global warming, as a political vehicle, keeps Europeans in the driver's seat and developing nations walking barefoot."

Cleaning our air and water from real pollutants is very important to Americans. It's important to us, to our children and our grandchildren. If we fail to leave a world clean of real pollutants because we were focused on CO₂, then we will have done a major disservice to future generations. Let me emphasize that the issue should be global pollution, not global warming or climate change or any other phrases made up to scare people.

So with this said, we need to ask: what is the negative impact of all of this lack of truthful information? What could possibly happen? What is the big deal if someone is making a claim that global warming exists and it is caused by humankind and in reality it is just

the pollution that we are both trying to get at? Well, it just doesn't work that way.

CONCLUSION

The fact is if we accept this theory of man-made global warming, we will be focusing our activities on trying to eliminate CO₂ rather than on eliminating toxic substances from our air, land and water. I am concerned about my children, my three triplets, Christian, Anika and Tristan; I am concerned about their health, which is something that I think I share with every parent. Their health is not in any way threatened by CO₂.

Carbon dioxide is, in fact, like the penguins and the Styrofoam ice caps. It's being falsely pictured. It is being portrayed as a pollutant; in fact, it makes things grow, and it is not toxic to humans. In the distant past the earth had much more CO₂ in the air, perhaps as a result of volcanoes, but at that time we had abundant animal life, dinosaurs and lots of plants for them to eat. CO₂ is today pumped into greenhouses to make tomatoes grow bigger and better.

Nevertheless, we are now presented with ideas like sequestration or carbon credits that serve only to enrich the alarmists and impoverish our people. This is only possible with a public that has been frightened into accepting totally false information about CO₂. Let me state that I do support efforts that reduce pollution, particulates that do have a negative impact on the environment and human health. I support technologies that reduce these materials. If we are to save the environment for the people of the planet, that is what we should be focusing on.

Mr. Speaker, this old world has had many cycles of warming and cooling, influenced by solar activity, volcanoes, even forest fires and many other natural factors. The ice caps on Mars and Jupiter go back and forth, just as glaciers have gone back and forth. But such a powerful and mysterious force as the weather can be frightening. We need not fear the thunder, and we need not fear climate cycles.

We need not be frightened, hoodwinked into giving away our own freedom. Not to our own government, much less the U.N. or a global power—the power to control our lives in the name of man-made global warming, or climate change, or whatever they want to call it. We cannot allow the alarmists to take this country down the wrong path. Let us pass on to the children of this country and the planet, let us give them the freedom and prosperity we enjoyed. We must not allow our future to be stolen by hucksters who would frighten us into giving up our birthright in the name of saving the planet. It sounds good and noble, as most scams do, but it is just a trick, a hoax. Let's not get taken in by the greatest hoax of all.

Mr. POE of Texas. I want to thank the gentleman from California (Mr. ROHRBACHER) for his insightful evaluation of the entire global warming concept, and I appreciate the research that he has done.

It is important that we have a debate on this issue because our entire energy policy under this administration is based upon the myth that there is global warming. It has been pointed out that the Earth goes through cycles of

different climate changes—it gets cooler, it gets warmer—and whether man is at fault or not, I think not.

I would like to enter into the RECORD the Newsweek article I referred to earlier from April 28, 1975, the article that says we are all going to freeze in the dark.

[From Newsweek, Apr. 28, 1975]

There are ominous signs that the Earth's weather patterns have begun to change dramatically and that these changes may bring a drastic decline in food production—with serious political implications for just about every nation on Earth. The drop in food output could begin quite soon, perhaps only 10 years from now. The regions destined to feel its impact are the great wheat-producing lands of Canada and Russia in the North, along with a number of marginally self-sufficient tropical areas—parts of India, Pakistan, Bangladesh, Indochina and Indonesia—where the growing season is dependent upon the rains brought by the monsoon.

The evidence in support of these predictions has now begun to accumulate so massively that meteorologists are hard-pressed to keep up with it. In England, farmers have seen their growing season decline by about two weeks since 1950, with a resultant overall loss in grain production estimated at up to 100,000 tons annually. During the same time, the average temperature around the equator has risen by a fraction of a degree—a fraction that in some areas can mean drought and desolation. Last April, in the most devastating outbreak of tornadoes ever recorded, 148 twisters killed more than 300 people and caused half a billion dollars' worth of damage in 13 U.S. states.

To scientists, these seemingly disparate incidents represent the advance signs of fundamental changes in the world's weather. The central fact is that after three quarters of a century of extraordinarily mild conditions, the earth's climate seems to be cooling down. Meteorologists disagree about the cause and extent of the cooling trend, as well as over its specific impact on local weather conditions. But they are almost unanimous in the view that the trend will reduce agricultural productivity for the rest of the century. If the climatic change is as profound as some of the pessimists fear, the resulting famines could be catastrophic. "A major climatic change would force economic and social adjustments on a worldwide scale," warns a recent report by the National Academy of Sciences, "because the global patterns of food production and population that have evolved are implicitly dependent on the climate of the present century."

A survey completed last year by Dr. Murray Mitchell of the National Oceanic and Atmospheric Administration reveals a drop of half a degree in average ground temperatures in the Northern Hemisphere between 1945 and 1968. According to George Kukla of Columbia University, satellite photos indicated a sudden, large increase in Northern Hemisphere snow cover in the winter of 1971-72. And a study released last month by two NOAA scientists notes that the amount of sunshine reaching the ground in the continental U.S. diminished by 1.3% between 1964 and 1972.

To the layman, the relatively small changes in temperature and sunshine can be highly misleading. Reid Bryson of the University of Wisconsin points out that the Earth's average temperature during the great Ice Ages was only about seven degrees lower than during its warmest eras—and

that the present decline has taken the planet about a sixth of the way toward the Ice Age average. Others regard the cooling as a reversion to the "little ice age" conditions that brought bitter winters to much of Europe and northern America between 1600 and 1900—years when the Thames used to freeze so solidly that Londoners roasted oxen on the ice and when iceboats sailed the Hudson River almost as far south as New York City.

Just what causes the onset of major and minor ice ages remains a mystery. "Our knowledge of the mechanisms of climatic change is at least as fragmentary as our data," concedes the National Academy of Sciences report. "Not only are the basic scientific questions largely unanswered, but in many cases we do not yet know enough to pose the key questions."

Meteorologists think that they can forecast the short-term results of the return to the norm of the last century. They begin by noting the slight drop in overall temperature that produces large numbers of pressure centers in the upper atmosphere. These break up the smooth flow of westerly winds over temperate areas. The stagnant air produced in this way causes an increase in extremes of local weather such as droughts, floods, extended dry spells, long freezes, delayed monsoons and even local temperature increases—all of which have a direct impact on food supplies.

"The world's food-producing system," warns Dr. James D. McQuigg of NOAA's Center for Climatic and Environmental Assessment, "is much more sensitive to the weather variable than it was even five years ago." Furthermore, the growth of world population and creation of new national boundaries make it impossible for starving peoples to migrate from their devastated fields, as they did during past famines.

Climatologists are pessimistic that political leaders will take any positive action to compensate for the climatic change, or even to allay its effects. They concede that some of the more spectacular solutions proposed, such as melting the Arctic ice cap by covering it with black soot or diverting arctic rivers, might create problems far greater than those they solve. But the scientists see few signs that government leaders anywhere are even prepared to take the simple measures of stockpiling food or of introducing the variables of climatic uncertainty into economic projections of future food supplies. The longer the planners delay, the more difficult will they find it to cope with climatic change once the results become grim reality.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. TAYLOR, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to re-

vises and extend their remarks and include extraneous material:)

Mr. GINGREY of Georgia, for 5 minutes, today.

Ms. FOXX, for 5 minutes, March 23.

Mr. POE of Texas, for 5 minutes, March 25.

Mr. JONES, for 5 minutes, March 25.

Mr. GOODLATTE, for 5 minutes, today.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mr. REICHERT, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. COHEN, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 303. An act to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Oversight and Government Reform.

S. 620. An act to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on House Administration in addition to the Committee on Oversight and Government Reform for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S.J. Res. 8. Joint resolution providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

S.J. Res. 9. Joint resolution providing for the appointment of France A. Córdova as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

ADJOURNMENT

Mr. POE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, March 19, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

911. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's 2009 compensation program adjustments, including the Agency's current salary range structure and the performance-based merit pay matrix, in accordance with section 1206 of the Financial Institutions, Reform, Recovery, and Enforcement Act of 1989; to the Committee on Agriculture.

912. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting notification of two violations of the Anti-Deficiency Act, as required by 31 U.S.C. 1517(b); to the Committee on Appropriations.

913. A letter from the Comptroller, Department of Defense, transmitting notification of an Antideficiency Act violation, Army case number 08-01, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

914. A letter from the Director, Office of Management and Budget, transmitting a letter maintaining that there is at least a 75 percent spend-out rate for the economic recovery package as a whole as the legislation moves through the Senate and House and into conference; to the Committee on Appropriations.

915. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the Department's annual report for 2008 on the STARBASE Program, pursuant to 10 U.S.C. 2193b(g); to the Committee on Armed Services.

916. A letter from the Acting Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting the Department's report on the Critical Skills Retention Bonus (CSRB) program, pursuant to 37 U.S.C. 355(h); to the Committee on Armed Services.

917. A letter from the Assistant Secretary for Manpower & Reserve Affairs, Department of the Army, transmitting the Department's annual report on recruiting incentives, pursuant to Public Law 109-163, section 681; to the Committee on Armed Services.

918. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's report, pursuant to Public Law 110-343, section 125(b); to the Committee on Financial Services.

919. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's "Major" final rule — Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs; Final Rule [Docket No. FR-4998-F-02] (RIN: 2501-AD16) received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

920. A letter from the Director, United States Mint, Department of the Treasury, transmitting the Annual Report for 2008 from the United States Mint; to the Committee on Financial Services.

921. A letter from the Acting Assistant Secretary Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's report entitled, "Report to Congress on Renewable Energy Resource Assessment Information for the United States," pursuant to 42 U.S.C. 15851(b), section 201(b); to the Committee on Energy and Commerce.

922. A letter from the Acting Chairman, Federal Energy Regulatory Commission, transmitting the Commission's report describing the progress made in licensing and constructing the Alaska natural gas pipeline and describing any issue impeding that progress, pursuant to Section 1810 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

923. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 01-09 informing of an intent to sign a Memorandum of Understanding between the United States of America and Australia concerning Cooperation in the P-8A Poseidon Spiral Development One Development Program; to the Committee on Foreign Affairs.

924. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's week-

ly reports for the December 15, 2008 to February 15, 2009 reporting period on matters relating to post-liberation Iraq, pursuant to Public Law 105-338, section 7; to the Committee on Foreign Affairs.

925. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting A MEMORANDUM OF JUSTIFICATION FOR DETERMINATION AND CERTIFICATION ON THE MAJOR METHAMPHETAMINE PRECURSOR CHEMICAL EXPORTING AND IMPORTING COUNTRIES, pursuant to Public Law 109-177, section 722; to the Committee on Foreign Affairs.

926. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's annual International Narcotics Control Strategy Report, prepared in accordance with section 489 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

927. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report entitled, "Country Reports on Human Rights Practices for 2008," pursuant to Sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

928. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

929. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

930. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

931. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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936. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

937. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

938. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

939. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

940. A letter from the Acting Director Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Annual Sunshine Act Report for 2008, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

941. A letter from the Director, Office of Government Ethics, transmitting the Office's fiscal year 2008 Annual Federal Information Security Management Act (FISMA) and Privacy Management Report, pursuant to 44 U.S.C. 3544(c); to the Committee on Oversight and Government Reform.

942. A letter from the Secretary of the Board of Governors, United States Postal Service, transmitting the Service's report, as required by Section 3686(c) of the Postal Accountability and Enhancement Act of 2006; to the Committee on Oversight and Government Reform.

943. A letter from the President and Chief Executive Officer, Amtrak, National Railroad Passenger Corporation, transmitting the Corporation's FY 2010 Grant and Legislative Request, pursuant to 49 U.S.C. 24315(b); to the Committee on Transportation and Infrastructure.

944. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Coast Guard Academy Commencement, New London, CT [Docket No. USCG-2008-0415] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

945. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Strategies for the Commercialization and Deployment of Greenhouse Gas Intensity Reducing Technologies and Practices," pursuant to Title XVI of the Energy Policy Act of 2005; jointly to the Committees on Science and Technology, Energy and Commerce, and the Judiciary.

946. A letter from the Deputy Secretary, Department of the Interior, transmitting draft legislation entitled, "Albatross and Petrel Conservation Act of 2009"; jointly to the Committees on Natural Resources, Transportation and Infrastructure, the Judiciary, Ways and Means, and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Ms. PINGREE of Maine: Committee on Rules. House Resolution 257. Resolution providing for consideration of motions to suspend the rules (Rept. 111-40). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PAULSEN (for himself, Mr. LANCE, Mr. LEE of New York, Mr. ROE of Tennessee, Mr. POSEY, Mr. GUTHRIE, Mr. SCHOCK, Mr. MCCLINTOCK, Mr. OLSON, Ms. JENKINS, Mr. LUETKEMEYER, Mr. ROONEY, Mr. THOMPSON of Pennsylvania, Mr. CAO, Mrs. LUMMIS, Mr. CHAFFETZ, Mr. AUSTRIA, Mr. HARPER, Mr. HUNTER, Mr. COFFMAN of Colorado, Mr. CASSIDY, Mr. FLEMING, and Mr. CONNOLLY of Virginia):

H.R. 1577. A bill to require the Secretary of the Treasury to pursue every legal means to stay or recoup certain incentive bonus payments and retention payments made by American International Group, Inc. to its executives and employees, and to require the Secretary's approval of such payments by any financial institution who receives; to the Committee on Financial Services.

By Mr. KILDEE:

H.R. 1578. A bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs; to the Committee on Education and Labor.

By Mr. FATTAH:

H.R. 1579. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions to a trust used to provide need-based college scholarships; to the Committee on Ways and Means.

By Mr. GORDON of Tennessee (for himself, Mr. THOMPSON of California, Mr. BAIRD, Mr. CARNAHAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WU, and Mr. LUJÁN):

H.R. 1580. A bill to authorize the Administrator of the Environmental Protection Agency to award grants for electronic waste reduction research, development, and demonstration projects, and for other purposes; to the Committee on Science and Technology.

By Ms. SCHAKOWSKY (for herself and Mr. CANTOR):

H.R. 1581. A bill to optimize the delivery of critical care medicine and expand the critical care workforce; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself, Mr. MCCOTTER, Mr. AUSTRIA, Ms. FOXX, Mr. UPTON, Mr. COLE, Mr. SESSIONS, Mr. FORTENBERRY, Mr. LOBIONDO, Mr. SIMPSON, Mr. ROGERS of Michigan, Mr. DENT, Mr. EHLERS, Mr. BURTON of Indiana, Mr. LINCOLN DIAZ-BALART of Florida, Mr. TIBERI, Mr. LATHAM, Mr. MARCHANT, Mr. TURNER, Mr. ROONEY, Mr. REICHERT, Mr. ROE of Tennessee, Mr. NUNES, Mr. ROGERS of Kentucky, Mr. MORAN of Kansas, Mr. GOODLATTE, Mr. HASTINGS of Washington, Mr. MCHUGH, Mr. BROUN of Georgia, Mrs. BONO MACK, Mr. LUETKEMEYER, and Mr. AKIN):

H.R. 1582. A bill to amend the Emergency Economic Stabilization Act of 2008 to strike a provision included in a recent amendment of such Act; to the Committee on Financial Services.

By Mr. DEFAZIO (for himself, Mr. TAYLOR, Ms. KAPTUR, Mr. BAIRD, Mr. HARE, and Mr. NADLER of New York):

H.R. 1583. A bill to further competition in the insurance industry; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. LOBIONDO, Mr. FRANK of Massachusetts, Mr. JONES, Mr. KENNEDY, Mr. ADLER of New Jersey, Ms. GINNY BROWN-WAITE of Florida, and Mr. MCINTYRE):

H.R. 1584. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized time period for rebuilding of certain overfished fisheries, and for other purposes; to the Committee on Natural Resources.

By Mr. KIND (for himself, Mr. WAMP, Mr. INSLEE, Mrs. DAVIS of California, and Mr. HOLT):

H.R. 1585. A bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education; to the Committee on Education and Labor.

By Mr. RANGEL (for himself, Mr. ISRAEL, Mr. PETERS, Mrs. MALONEY, Mr. STARK, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. TANNER, Mr. POMEROY, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. PASCRELL, Ms. BERKLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. ETHERIDGE, Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Mr. YARMUTH, Mr. DINGELL, Mr. CONNOLLY of Virginia, Ms. FUDGE, Mr. LUJÁN, Mr. MAFFEI, Mr. PERRIELLO, Mr. CARNEY, Ms. CASTOR of Florida, Ms. CLARKE, Mr. COHEN, Mr. ELLISON, Mr. HALL of New York, Mr. HARE, Mr. KLEIN of Florida, Mr. LOEBSACK, Ms. SCHAKOWSKY, Mr. SIRES, Mr. WELCH, Mr. WILSON of Ohio, Mr. WU, and Mr. HILL):

H.R. 1586. A bill to impose an additional tax on bonuses received from certain TARP recipients; to the Committee on Ways and Means.

By Mr. REHBERG (for himself, Mr. BURGESS, Mr. POMEROY, and Mr. SIMPSON):

H.R. 1587. A bill to amend the lead prohibition provisions of the Consumer Product Safety Improvement Act of 2008 to provide an exemption for certain off-highway vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PRICE of Georgia (for himself, Mr. AKIN, Mr. BARTLETT, Mrs. BIGGERT, Mr. BILBRAY, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. DEAL of Georgia, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GINGREY of Georgia, Mr. HELLER, Mr. HERGER, Mr. JONES, Mr. JORDAN of Ohio, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATTI, Mr. LUCAS, Mr. MARCHANT, Mr. MCHENRY, Mr. MILLER of Florida, Mr. PAUL, Mr. PETRI, Mr. POE of Texas, Mr. REHBERG, Mr. ROHRBACHER, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. SULLIVAN, Mr. WESTMORELAND, and Mr. WOLF):

H.R. 1588. A bill to ensure that an employer has the freedom to implement English in the workplace policies; to the Committee on Education and Labor.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. EHLERS, Mrs. CAPPs, Mr. COHEN, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HARE, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. HOLT, Mr. HONDA, Ms. LEE of California, Mr. MEEKS of New York, Mrs. NAPOLITANO, Mr. REYES, Mr. SIRES, Ms. SUTTON, and Mr. DAVIS of Illinois):

H.R. 1589. A bill to amend the Safe and Drug-Free Schools and Communities Act to authorize the use of grant funds for gang prevention, and for other purposes; to the Committee on Education and Labor.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. NADLER of New York, Mr. MCCOTTER, Mr. SHERMAN, and Mr. COHEN):

H.R. 1590. A bill to provide assistance for the Museum of the History of Polish Jews in Warsaw, Poland; to the Committee on Foreign Affairs.

By Mr. ADLER of New Jersey (for himself, Mr. LOBIONDO, Mr. YOUNG of Alaska, Mr. KLEIN of Florida, Mr. ELLISON, Mr. NYE, Mr. MITCHELL, and Mr. MICHAUD):

H.R. 1591. A bill to amend title 38, United States Code, to clarify that the United States may not recover or collect any charges from a third party for hospital care or medical services provided by the Secretary of Veterans Affairs to a veteran for a service-connected disability; to the Committee on Veterans' Affairs.

By Mr. BILIRAKIS:

H.R. 1592. A bill to amend title 37, United States Code, to guarantee a pay increase for members of the uniformed services for fiscal years 2011 through 2014 of one-half of one percentage point higher than the Employment Cost Index; to the Committee on Armed Services.

By Mr. LARSEN of Washington:

H.R. 1593. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; to the Committee on Natural Resources.

By Ms. LEE of California (for herself, Ms. WOOLSEY, Mr. COHEN, and Mr. FILNER):

H.R. 1594. A bill to amend the Internal Revenue Code of 1986 to limit the deductibility of excessive rates of executive compensation; to the Committee on Ways and Means.

By Mr. LEE of New York (for himself, Mr. HIGGINS, Ms. SLAUGHTER, Mr. MAFFEI, Mr. MASSA, Mr. ARCURI, Mr. MCHUGH, Mr. HINCHEY, Mr. TONKO, Mr. HALL of New York, Mrs. LOWEY, Mr. ENGEL, Mr. SERRANO, Mr. RANGEL, Mrs. MALONEY, Mr. MCMAHON, Ms. VELÁZQUEZ, Ms. CLARKE, Mr. WEINER, Mr. NADLER of New York, Mr. CROWLEY, Mr. MEEKS of New York, Mr. ACKERMAN, Mrs. MCCARTHY of New York, Mr. KING of New York, Mr. ISRAEL, and Mr. BISHOP of New York):

H.R. 1595. A bill to designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the "Brian K. Schramm Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of Georgia (for himself, Mr. BOUSTANY, Mr. RANGEL, Mr. MCDERMOTT, Mr. STARK, Ms. MATSUI, Mr. PRICE of North Carolina, Mr. PLATTS, Ms. BERKLEY, Mr. BLUMENAUER, Mr. DOGGETT, Mr. SARBANES, Mr. FARR, Ms. SHEA-PORTER,

Mr. MORAN of Virginia, Mr. GRIJALVA, Mr. YARMUTH, Ms. SCHAKOWSKY, Mr. WELCH, Mr. HIGGINS, Mr. ETHERIDGE, Mr. DAVIS of Illinois, Mr. POMEROY, Mr. UPTON, Mr. CARNAHAN, Ms. SUTTON, Ms. HIRONO, Ms. DELAURO, Mr. FATTAH, Mr. VAN HOLLEN, Mr. GONZALEZ, and Mr. MASSA):

H.R. 1596. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for AmeriCorps educational awards; to the Committee on Ways and Means.

By Mr. MATHESON:

H.R. 1597. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MOORE of Wisconsin:

H.R. 1598. A bill to amend the Internal Revenue Code of 1986 to impose a higher rate of tax on bonuses paid by businesses receiving TARP funds; to the Committee on Ways and Means.

By Mr. SESSIONS:

H.R. 1599. A bill to require survivor annuity payments made to disabled dependents to be disregarded in eligibility and benefit determinations under the supplemental security income (SSI) and Medicaid Programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK (for himself, Mr. RODRIGUEZ, and Mr. JONES):

H.R. 1600. A bill to amend title 10, United States Code, to provide for the treatment of autism under TRICARE; to the Committee on Armed Services.

By Mr. SESTAK:

H.R. 1601. A bill to require the Secretary of Defense to require members of the Armed Forces, before being deployed, to be trained in management of contracts and contractors; to the Committee on Armed Services.

By Mr. SESTAK:

H.R. 1602. A bill to authorize the Secretary of the Navy to convey, without consideration, to Piasecki Aircraft Corporation the right, title, and interest of the United States in and to Navy aircraft N40VT, and for other purposes; to the Committee on Armed Services.

By Mr. WILSON of Ohio:

H.R. 1603. A bill to require institutions receiving large amounts of assistance under TARP to restrict compensation increases for officers, directors, and employees to the Federal civil service pay increase; to the Committee on Financial Services.

By Ms. GIFFORDS (for herself and Mr. GENE GREEN of Texas):

H. Res. 258. A resolution expressing the sense of the House of Representatives regarding drug trafficking in Mexico; to the Committee on Foreign Affairs.

By Mr. BOOZMAN (for himself and Mr. SKELTON):

H. Res. 259. A resolution expressing the gratitude and appreciation of the House of Representatives for the acts of heroism and military achievement by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing

at Normandy, France, and commending them for leadership and valor in an operation that helped bring an end to World War II; to the Committee on Armed Services.

By Mr. COHEN (for himself, Mr. MCGOVERN, Ms. MCCOLLUM, Mr. BUTTERFIELD, Mr. MASSA, Mr. DAVIS of Illinois, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Ms. MOORE of Wisconsin, Ms. DELAURO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SARBANES, Mrs. NAPOLITANO, Ms. LEE of California, Ms. BORDALLO, Ms. EDWARDS of Maryland, and Mr. WAMP):

H. Res. 260. A resolution supporting efforts to reduce infant mortality in the United States; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H. Res. 261. A resolution expressing the sense of the House of Representatives that the Department of Veterans Affairs should not retreat from its responsibility to support those veterans with combat wounds or service-connected disabilities; to the Committee on Veterans' Affairs.

By Mrs. MALONEY (for herself, Mr. HINCHEY, and Mr. FILNER):

H. Res. 262. A resolution expressing the strong concern of the House of Representatives about the actions of the Taliban in Swat, Pakistan, to restrict girls' access to education; to the Committee on Foreign Affairs.

By Mr. TIBERI:

H. Res. 263. A resolution expressing support for designation of the month of September as "National Brain Aneurysm Awareness Month"; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. CARSON of Indiana, Mr. MCINTYRE, Mr. CLAY, Ms. GINNY BROWN-WAITE of Florida, and Mr. THORNBERRY.

H.R. 23: Mr. SCHIFF, Mr. DUNCAN, Mr. MICA, Mr. TONKO, and Mr. MILLER of Florida.

H.R. 24: Ms. ESHOO, Mr. THOMPSON of California, Mr. MILLER of Florida, Mr. LINDER, Ms. WATERS, Ms. ROYBAL-ALLARD, Mr. HILL, Mr. KIRK, Mr. ANDREWS, and Mr. GALLEGLY.

H.R. 31: Mr. KIND, Mr. GENE GREEN of Texas, Mr. HALL of Texas, and Mr. STARK.

H.R. 42: Mr. HONDA, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. SABLAN, Mr. GRIJALVA, Ms. MATSUI, Mr. ISSA, Ms. JACKSON-LEE of Texas, Mr. ABERCROMBIE, Mr. AL GREEN of Texas, and Mr. DANIEL E. LUNGREN of California.

H.R. 60: Mr. SIRES.

H.R. 179: Mr. WEXLER.

H.R. 197: Mr. FRANKS of Arizona, Mr. FLEMING, Mr. LINDER, Mr. ALTMIRE, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 303: Ms. GIFFORDS.

H.R. 406: Mr. PETERSON and Mr. CARSON of Indiana.

H.R. 413: Mr. DINGELL, Mrs. MALONEY, Mr. WAMP, Mr. COURTNEY, Ms. MATSUI, Mr. BRALEY of Iowa, Mr. SESTAK, Ms. SUTTON, Mrs. LOWEY, Mr. JONES, Mr. DICKS, Mr. MURTHA, Mr. PASCRELL, Ms. CORRINE BROWN of Florida, Ms. DEGETTE, Mr. BERMAN, Mr. ROTHMAN of New Jersey, Mr. STUPAK, Mrs. EMERSON, Ms. ROS-LEHTINEN, Mr. LOEBSACK, Mrs. MILLER of Michigan, Mr. WALZ, and Mr. HASTINGS of Florida.

H.R. 484: Ms. ROS-LEHTINEN, Mr. BOUCHER, Mr. MICA, and Mr. BRALEY of Iowa.

H.R. 510: Mr. SKELTON.

H.R. 528: Ms. SLAUGHTER.

H.R. 574: Mr. ROSS, Mr. WILSON of Ohio, Mr. WILSON of South Carolina, Ms. HIRONO, Mr. TIERNEY, and Mr. BRADY of Pennsylvania.

H.R. 626: Mr. TIM MURPHY of Pennsylvania.

H.R. 673: Mr. RANGEL.

H.R. 734: Mr. BLUNT and Mr. CONNOLLY of Virginia.

H.R. 746: Mr. JOHNSON of Georgia and Mr. BRADY of Pennsylvania.

H.R. 832: Mr. PAYNE.

H.R. 864: Mr. SCHOCK.

H.R. 885: Mr. COURTNEY, Mr. TAYLOR, Mr. MURTHA, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. CLEAVER, Mr. GONZALEZ, Mr. MEEKS of New York, Mr. PAYNE, Mr. WATT, Mr. AL GREEN of Texas, Ms. Linda T. SANCHEZ of California, and Mr. DOYLE.

H.R. 890: Mr. GEORGE MILLER of California.

H.R. 903: Ms. JACKSON-LEE of Texas.

H.R. 936: Mr. YOUNG of Florida.

H.R. 953: Mr. YOUNG of Alaska and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 957: Mr. LOEBSACK.

H.R. 958: Mrs. MALONEY, Mr. CARNAHAN, Mr. GORDON of Tennessee, Mr. UPTON, Mr. WALZ, Mrs. CAPPs, and Mr. TIM MURPHY of Pennsylvania.

H.R. 980: Mr. KILDEE.

H.R. 1016: Mr. GERLACH.

H.R. 1026: Mr. DEAL of Georgia.

H.R. 1027: Mr. PAUL, Mr. HERGER, and Mr. FORTENBERRY.

H.R. 1050: Mr. TIM MURPHY of Pennsylvania.

H.R. 1085: Mr. KENNEDY.

H.R. 1090: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1098: Mr. MASSA, Ms. BORDALLO, Mr. FILNER, and Mr. RODRIGUEZ.

H.R. 1101: Ms. MARKEY of Colorado.

H.R. 1136: Mr. HALL of Texas.

H.R. 1139: Mr. PIERLUISI.

H.R. 1142: Mrs. LOWEY.

H.R. 1191: Ms. HIRONO and Mr. VAN HOLLEN.

H.R. 1196: Mr. HASTINGS of Florida.

H.R. 1204: Mr. BONNER, Mr. COOPER, and Mr. DEFazio.

H.R. 1205: Mr. ELLSWORTH, Mr. MACK, Ms. BEAN, Mr. CARSON of Indiana, and Mr. FRANK of Massachusetts.

H.R. 1207: Mr. FLEMING.

H.R. 1211: Mr. FRANK of Massachusetts.

H.R. 1214: Mr. JACKSON of Illinois.

H.R. 1228: Mr. GARY G. MILLER of California.

H.R. 1229: Mr. GARY G. MILLER of California.

H.R. 1238: Mr. MCCOTTER.

H.R. 1242: Mr. CARNAHAN and Mr. GINGREY of Georgia.

H.R. 1247: Ms. SCHAKOWSKY and Mr. BACA.

H.R. 1256: Mr. KUCINICH and Mr. DICKS.

H.R. 1261: Mr. PETERSON and Mr. MCHENRY.

H.R. 1285: Ms. ZOE LOFGREN of California.

H.R. 1305: Mr. ENGEL.

H.R. 1317: Mrs. BONO MACK.

H.R. 1327: Mr. BISHOP of Georgia, Mr. PLATTS, Mr. WEXLER, Mrs. BONO MACK, Mr. LOBIONDO, Mr. HASTINGS of Florida, and Mr. ROONEY.

H.R. 1332: Mr. RANGEL.

H.R. 1337: Mrs. LOWEY.

H.R. 1340: Mr. CONNOLLY of Virginia.

H.R. 1346: Mr. HIMES.

H.R. 1362: Mr. SPRATT, Mr. JOHNSON of Georgia, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. KAPTUR, and Mr. YARMUTH.

H.R. 1382: Mr. BERMAN.

H.R. 1386: Mr. BACA, Mr. GRIJALVA, Mr. ORTIZ, and Mr. RODRIGUEZ.

H.R. 1404: Mr. BLUMENAUER, Ms. BORDALLO, and Mr. PETERSON.

H.R. 1425: Mr. SERRANO, Mr. FATTAH, and Mr. MORAN of Virginia.

H.R. 1427: Mr. THORNBERRY, Ms. SCHA-KOWSKY, Mr. HIMES, and Mrs. CAPPS.

H.R. 1458: Mr. KIRK.

H.R. 1460: Mr. ROTHMAN of New Jersey.

H.R. 1485: Mr. HIMES.

H.R. 1493: Mr. MILLER of Florida.

H.R. 1511: Mrs. MALONEY.

H.R. 1518: Mr. TONKO, Mr. SERRANO, Mr. HINCHEY, Mr. SARBANES, Mr. ROTHMAN of New Jersey, Mr. GORDON of Tennessee, Mr. CONNOLLY of Virginia, Ms. RICHARDSON, and Mr. MICHAUD.

H.R. 1527: Ms. HIRONO, Mr. SCHAUER, Mr. MASSA, Mr. EDWARDS of Texas, Mr. VISCLOSKEY, Mr. RODRIGUEZ, Mr. CONNOLLY of Virginia, Mr. HARE, Ms. GIFFORDS, Mr. KILDEE, Mr. HEINRICH, Mr. MAFFEI, Mr. TONKO, Mr. HINCHEY, Ms. WASSERMAN SCHULTZ, and Mr. WEXLER.

H.R. 1542: Mr. RUPPERSBERGER and Mr. COHEN.

H.R. 1543: Ms. HIRONO, Mr. COHEN, Mr. PAL-LONE, Mr. STARK, Mr. OBEY, Mr. RUPPERS-BERGER, and Mr. HINCHEY.

H.R. 1548: Mr. SULLIVAN, Mr. CARNEY, Mr. FATTAH, Mr. HOLDEN, Mr. PASCRELL, and Mr. LARSON of Connecticut.

H.R. 1549: Mr. CARSON of Indiana.

H.R. 1551: Mr. WAXMAN, Ms. CASTOR of Florida, and Mr. LEWIS of Georgia.

H.R. 1570: Ms. SUTTON and Mr. WILSON of Ohio.

H.R. 1572: Ms. SUTTON and Mr. TANNER.

H.R. 1575: Ms. WASSERMAN SCHULTZ, Mr. BOSWELL, Mr. BACA, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 48: Mr. JACKSON of Illinois and Ms. KAPTUR.

H. Con. Res. 55: Mr. KING of New York, Mr. FRANK of Massachusetts, and Mr. DAVIS of Tennessee.

H. Con. Res. 60: Ms. BORDALLO, Ms. NOR-TON, Mr. LUETKEMEYER, Mr. BLUNT, and Ms. JENKINS.

H. Res. 57: Mrs. TAUSCHER and Ms. JACK-SON-LEE of Texas.

H. Res. 69: Mr. HASTINGS of Florida.

H. Res. 111: Mr. MCCOTTER, Mrs. MCCARTHY of New York, and Ms. MCCOLLUM.

H. Res. 156: Mr. ROGERS of Alabama.

H. Res. 171: Mr. ARCURI, Mrs. TAUSCHER, and Mr. CAPUANO.

H. Res. 175: Mr. DOGGETT and Mr. MCIN-TYRE.

H. Res. 200: Mrs. BIGGERT.

H. Res. 208: Mr. DAVIS of Kentucky.

H. Res. 214: Mr. HENSARLING, Mrs. LUMMIS, Mr. PAULSEN, Mr. ROGERS of Michigan, Mr. ADERHOLT, Mr. FLEMING, Mr. RYAN of Wis-consin, Mr. ROSKAM, Mrs. CAPITO, Mr. PLATTS, Ms. JENKINS, Mr. BROWN of South Carolina, Mr. BUCHANAN, Mr. MCCLINTOCK, Mrs. EMERSON, Mr. HELLER, Mr. THORN-BERRY, Mr. BRADY of Texas, Mr. COLE, Mr. CAO, Mr. SENSENBRENNER, Mr. MCCAUL, Mr. CRENSHAW, Mr. MCKEON, Ms. FALLIN, Mr. GINGREY of Georgia, Mr. ROONEY, and Mr. BOEHNER.

H. Res. 217: Ms. HIRONO, Ms. SUTTON, Mr. SESTAK, Mr. GUTHRIE, and Mr. DONNELLY of Indiana.

H. Res. 232: Mr. SCHOCK.

H. Res. 234: Ms. MCCOLLUM.

H. Res. 244: Mr. JONES and Mrs. BIGGERT.

H. Res. 249: Mr. SAM JOHNSON of Texas, Mr. PETERSON, Mrs. MILLER of Michigan, and Mr. MCCARTHY of California.

H. Res. 251: Mr. MARIO DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. MILLER of Florida, Mr. SOUDER, Mr. CAMP, Mr. FLEMING, Mr. CULBERSON, Mr. SHIMKUS, Mr. COLE, Mr. COFFMAN of Colo-rado, Mr. HARPER, Mr. SMITH of Texas, Mr. LOBIONDO, Mrs. BONO MACK, Mr. HERGER, Mr. ISSA, Mr. TURNER, Mr. GOODLATTE, Mr. BRADY of Texas, Mr. POE of Texas, Mr. FRANKS of Arizona, Mr. BROWN of South Carolina, and Mr. SCHOCK.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and reso-lutions as follows:

H.R. 968: Mr. LINCOLN DIAZ-BALART of Flor-ida.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

19. The SPEAKER presented a petition of Beaufort County, North Carolina, relative to A RESOLUTION IN SUPPORT OF THE RE-SOURCE CONSERVATION AND DEVELOP-MENT (RC&D) PROGRAM; to the Com-mittee on Agriculture.

20. Also, a petition of the California Fed-eration of Teachers, relative to a resolution in support of the United States and the World Act to be introduced by Congress-woman Loretta Sanchez; to the Committee on Education and Labor.

21. Also, a petition of the City of East Or-ange, New Jersey, relative to Resolution I-33 of 2009 In Support Of And Recommending For Consideration Certain Legislation Initiatives To Be Included Within The Pending Federal Economic Stimulus Plan; to the Committee on Education and Labor.

22. Also, a petition of the City of Miami, Florida, relative to Resolution: R-09-0017 URGING THE UNITED STATES CONGRESS TO DELAY THE FEBRUARY CONVERSION OF TELEVISION ANALOG BROADCASTS TO DIGITAL BROADCASTS UNTIL FUND-ING IS AVAILABLE TO ASSIST THE PUB-LIC IN PURCHASING CONVERTER BOXES IN ORDER TO BE ABLE TO WATCH LOCAL TELEVISION; to the Committee on Energy and Commerce.

EXTENSIONS OF REMARKS

MICHAEL D. O'CONNOR

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. GRAVES. Madam Speaker, I rise today to honor Michael D. O'Connor, a heroic veteran from Blue Springs, Missouri. Michael has an incredible history of service and honor to his country, and it is my pleasure to highlight just a few of his stories.

Michael was born in Oconto, Wisconsin on June 6, 1918. He is a veteran of World War II who was in the 1st Marine Division and served at the Battle of Midway in 1943. He also served in the Battles of Peleliu and Cape Gloucester, serving a total of four Southwest Pacific campaigns, as well as six months of service in Australia. Michael has witnessed many historical moments in his life, including when he was stationed in Honolulu when Martial Law was declared following the attack on Pearl Harbor in 1941. He even served as an MP at President Franklin Roosevelt's funeral.

Michael has received three purple hearts for his sacrifice to his country. Aside from this, he lives quietly in Blue Springs and rarely receives recognition for his service, like so many other veterans across the nation. It is an honor to have someone like Mr. O'Connor in the Sixth Congressional District, who like so many others has dedicated his life to defending our freedom. His courage and dedication should serve as an example to the rest of us on how we can better serve each other and our great nation.

Madam Speaker, I ask my colleagues to join with me in commending Michael D. O'Connor for his dedication to his country. I know Michael's family and friends join with me in congratulating him on his graduation and wishing him best of luck on all of his future endeavors.

IN RECOGNITION OF SOKKA GAKKAI INTERNATIONAL ON THE OCCASION OF ITS FOUNDING COMMEMORATIVE GATHERING IN NEW YORK CITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mrs. MALONEY. Madam Speaker, I rise to pay tribute to the Sokka Gakkai International, whose founding commemorative gathering is being celebrated at its Manhattan Cultural Center this month. Sokka Gakkai International, or SGI, is a worldwide Buddhist organization with 12 million members. SGI is dedicated to the universal principles of peace, culture, and education and thus encourages its members to assert responsibility for their lives to con-

tribute to the building of a world in which people of different faiths and backgrounds can live together in peace and harmony.

Sokka Gakkai International, whose name can be translated as the "Value Creation Society," has expanded its reach around the world since its founding 34 years ago on the island of Guam. Under the influence of its founding and current President, Dr. Daisaku Ikeda, the Buddhist philosopher, educator, writer and poet, SGI has grown to span 192 countries across the globe, and counts 12 million adherents worldwide. More than 10,000 members live in New York City.

On January 26, 2009, more than 500 representatives gathered at SGI's New York Cultural Center, which is located in New York State's 14th Congressional District that I am privileged to represent. They convened in order to celebrate world peace, culture, and the value of education. Through its dedication to tolerance for all citizens of the world, respect for human rights, and the pursuit of peace through strict adherence to the principle of non-violence, Sokka Gakkai International has provided worshipers of the Buddhist faith with an organizational vehicle with transformative potential and a creed of harmony and understanding.

Madam Speaker, I am deeply honored to represent the Sokka Gakkai International's New York Cultural Center. I ask that my distinguished colleagues join me in recognizing the tremendous contributions to our educational and civic life made by the Sokka Gakkai International, its visionary President Dr. Daisaku Ikeda, and its dedicated members.

HONORING SISTER PATRICE COOLICK, C.S.J.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Sister Patrice Coolick, Sisters of St. Joseph Carondelet, as she celebrates the Golden Jubilee of taking her vows. Her family and friends will celebrate this anniversary with her on March 21st.

Since taking her vows on March 19, 1959, Sister Patrice moved from Flushing, Michigan to Missouri and attended Fontbonne University. She received her Bachelor Degree in Nursing from the College of St. Catherine in 1967 and one year later began working in Lima, Peru at the Military Hospital. She came back to the United States and completed a physician's assistant program at Saint Louis University. Upon receiving her degree she returned to Peru. In 1983 she became part of a medical team working in refugee camps in Thailand and Sudan.

Sister Patrice returned to the United States and earned a Master's Degree in Marriage

and Family Counseling from the Santa Clara University-California. She joined the O'Connor Hospital staff working in the oncology department and she became a member of the staff at Santa Clara Catholic Charities.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the life of Sister Patrice Coolick. Throughout her life she has worked to bring physical and spiritual healing to the destitute, the displaced and the discouraged. She has taken her God-given gifts of nursing and empathy and given back to the disheartened of our world. Above all Sister Patrice demonstrates in small everyday acts of love, her commitment to following the words of Our Lord, Jesus Christ, contained in Matthew 25:40, "Whatsoever you do to the least of my people, that you do unto me." May God continue to bless Sister Patrice and inspire her in her work.

IN RECOGNITION OF THE 1ST BATTALION, 69TH INFANTRY OF THE NEW YORK NATIONAL GUARD

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mrs. MALONEY. Madam Speaker, I rise to recognize the soldiers of the 1st Battalion, 69th Infantry Regiment of the New York National Guard who are being honored on St. Patrick's Day in New York City. I know that my distinguished colleagues will join me in extending our appreciation and gratitude to all of the brave members of the armed forces serving in the National Guard and the Reserve, who are so courageously and selflessly dedicated to their fellow Americans.

The National Guard is an integral part of a great American military tradition that began during the American Revolution. At that time, our Founding Fathers placed the country's security in the hands of citizen-soldiers who trained and organized into militias in their home colonies. To this day, members of the National Guard must be ready to serve their state and their country, often at a moment's notice.

Headquartered in the historic Armory on Lexington Avenue—one of a dwindling number of armories remaining in our nation's greatest city—the members of the 1st Battalion, 69th Infantry continue to uphold a distinguished tradition in both battle and disaster response. As part of the famous Irish Brigade during the Civil War, the members of the 69th Infantry were renowned for their tenacity on the battlefield, leading Confederate General Robert E. Lee to bestow upon them the nickname of "The Fighting 69th." In acknowledgment of its proud heritage, the Fighting 69th participates each year in New York's world-renowned St. Patrick's Day Parade.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Fighting 69th are infantry soldiers—the “boots on the ground”—whose mission is to engage and destroy enemy forces in close combat. In addition to the Civil War, its members have also fought in the Spanish-American War, World War I and World War II, when its soldiers served valiantly in the battles of Makin, Saipan and Okinawa. Its members completed a tour of duty in Iraq, returning to the U.S. after serving with distinction. The battalion mobilized more than 300 soldiers to support Task Force Phoenix VII during its deployment to Afghanistan in 2008 and 2009, when four of its members paid the ultimate sacrifice for their country and were killed in action.

During the current conflict in Iraq, 19 members of the Fighting 69th were killed in action, including a member who was one of the New York firefighters who first raised the American flag above Ground Zero, Christian Engledrum. Six members of the 69th Regiment were awarded Purple Hearts in April, 2006 after being wounded by roadside bombs in Iraq. The unit patrolled the infamous road to the Baghdad airport and was stationed primarily in the Sunni Triangle, where many insurgent attacks have taken place.

The members of the Regiment also have mobilized during times of emergency in their home state of New York. The Fighting 69th was the first National Guard unit to arrive on the scene following the devastating terrorist attacks of September 11, 2001. In the hours after the attacks, the Battalion assisted medical teams treating the wounded and provided significant assistance to rescue and recovery operations, continuing in this mission for nearly a year. For several months following the attacks, the members of the Fighting 69th guarded the bridges and tunnels that ring New York City.

Madam Speaker, in recognition of its tremendous contributions to civic and public life, I request that my colleagues join me in paying tribute to the Fighting 69th Regiment of the New York State National Guard, whose members are great New Yorkers and great Americans. All patriots should be grateful for the dedication demonstrated every day by the men and women of the Fighting 69th as well as all of the brave individuals serving in National Guard and Reserve units throughout our great country. The Fighting 69th Regiment's service to our country inspires us all.

HONORING TRUMAN ALLEN AND
SUSAN L. MOORE

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. JOHNSON of Illinois. Madam Speaker, I rise today to honor Truman Allen and Susan L. Moore for their contributions to the Young Men's Christian Association.

Truman Allen Moore was born to Truman E. and Margaret Allen Moore with three siblings. Truman married the love of his life Susan L. Lacy at the beginning of his post-graduate education on August 19, 1967. They have a daughter and a son, Amanda and Mark. Tru-

man obtained a Bachelor of Science in Business in 1967 and a Master of Science in Education from Eastern Illinois University in 1971.

Truman's first job for the YMCA was an Assistant Physical Director in Danville while in his post-graduate education. From this position, he rose to Program Director in Paris then to Kewanee. Truman was promoted to Executive Director of YMCA Youth and Government at Kewanee in 1974. He then served this position at Knox County from 1978–2001 and Champaign County for two years before becoming President of YMCA Youth and Government.

Lester Y. and Luella C. Lacy had a daughter named Susan L. Moore on October 16, 1944. She grew up with a brother and a sister. Susan graduated from Kansas High School in 1962 as the Valedictorian. She went on to obtain a Bachelor of Arts in Education from DePauw University in Indiana in 1966 and a Master of Science in Education from Eastern Illinois University in 1971.

She began her professional life by becoming a teacher at the grade school level. Susan served Illinois in towns Flossmoor, Danville, and Charleston while pursuing her Master's. She worked at the Wethersfield School in Kewanee as a reading specialist for second graders while volunteering with the YMCA Youth and Government. She became its secretary in 1979 before becoming the Program Director in 2001.

I hope all of you will join me in recognizing Truman and Susan Moore for their contributions to the YMCA and their communities.

HONORING RODOLFO SANTAYANA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to recognize the extraordinary life and work of Rodolfo Santayana, a Cuban refugee turned entrepreneurial pioneer who recently had the intersection of SW 8th St. and SW 122nd Ave. in Miami named in his honor.

Mr. Santayana arrived in the United States after fleeing the despotic Castro regime of his beloved Cuba. He was only seventeen, but managed to help provide for his family by holding two jobs as a paperboy and a gas station attendant.

However, it would not take him long to discover his calling in the family business. His father, Rodolfo Santayana, Sr. sold jewelry door-to-door in Cuba and beseeched Rodolfo Jr. to seek out his old customers in Cuba who also found refuge from the tyranny of Castro in South Florida.

After studying jewelry design at Miami's Lindsey Hopkins Technical Education Center, he took on his father's request, opening his own store on the street that now bears his name.

He was highly regarded in South Florida not only for the beauty of his work but also for his ability to honor the Cuban heritage with his jewelry. He incorporated some of the symbols of his lost, but far from forgotten, Cuba: palm

trees, ox pulled carts full of sugar cane and Cuban silver coins.

It is a testament to the greatness of our country that a man driven from his home to America with only a suitcase full of hopes could use his talent and drive to forge a remarkable life for himself. Now, he is remembered as one of Miami's most prominent businessman and jewelry artisans, even after his death.

May he be remembered, not only on his street in Miami, but by the entire nation for his beautiful portrayals of a free Cuba.

IN HONOR OF JIM WINESTOCK

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Jim Winestock, an outstanding Atlanta, GA, citizen who in February retired from a 40-year career with the United Parcel Service (UPS). In his most recent role as the Senior Vice President of U.S. Operations, Mr. Winestock was responsible for all package operations in the United States, including the pick up and delivery of more than 15.8 million packages each day. Mr. Winestock leaves a tremendous legacy of leadership, not only within the UPS organization, but in the business world in general.

A Greenville, SC, native, Mr. Winestock joined UPS in 1969 as a part-time package loader while attending Massey College in Jacksonville, FL. After graduation, he was promoted into management and worked in a broad range of jobs with increasing responsibility across Florida and Georgia. In 1992, he was promoted to vice president and Chief Operating Officer of the Northeast Texas District, then in 1996 he assumed responsibility for the Missouri District. Mr. Winestock was promoted again in 1998 to president of the Midwest Region, then became president of the North Central Region in 2000. In 2004, he was named Senior Vice President of U.S. Operations, the position he would hold for the duration of his UPS career.

Today I honor Mr. Winestock not only for his distinguished career, but also for his service that extends far beyond the meaning of his title. In addition to his responsibilities as Senior Vice President of U.S. Operations, Mr. Winestock served as the coordinator of UPS Corporate Schools, the company's management training program, and participated in the UPS Community Internship Program at the University of Tennessee-Chattanooga. In addition to his numerous career accomplishments, Mr. Winestock sits on the Board of Directors of the National Urban League and also is a trustee of the MARCH Foundation.

I am truly honored to be able to call Mr. Winestock a fellow Georgian. His hard work and dedication are rare traits. I thank him for his years of service and I wish him luck and Godspeed in the next phase of his life.

TRIBUTE TO SGT. MICHAEL
ESPOSITO

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. ISRAEL. Madam Speaker, Today I honor the service and memory of Sgt. Michael Esposito, of Brentwood New York. On March 18th, 2004 Sgt. Esposito led his unit into a hostile compound, hoping to neutralize the threat from within. Working to secure the facility, Sgt. Esposito cleared three rooms, exposing himself to incredible danger by leading from the front of his team. Despite the presence of hostile fire, Michael approached a previously unidentified area, remaining ahead of his men. Sadly, the enemy engaged as he advanced, inflicting a mortal wound on Michael, and a grievous injury on all who knew him.

Sgt. Esposito's team—inspired by his courage and leadership—achieved their objective in the wake of tragedy. Assuming the lead position, as he so often did, Michael displayed the heroism that remains an inspiration to his fellow platoon members. On that day, and always, Michael displayed a willingness to put the welfare of others before his own. Through selfless acts of leadership, he provided an example to which all of us should aspire.

For Michael's bravery, sacrifice, and service, I am deeply thankful. For his enduring commitment to defending our safety and ideals, we are all deeply indebted.

On this, the five-year anniversary of Michael's tragic passing, the words of a brother in arms speak volumes about his character. His platoon leader, 1st Lieutenant James Howell, said of Sgt. Esposito "[he] was one of the most selfless leaders I have ever known . . . The platoon, and especially all of his men, took his loss hard. It is impossible to forget a leader like Michael Esposito."

A soldier, a friend, and a man of immense integrity, Michael will always retain a firm grasp on our memories. Today, our nation remembers the tragic loss of a cherished citizen, fallen hero, beloved brother, and adored son. Dedicated in his commitment to country and lasting in his impact on those blessed to have called him friend, Michael is and will forever be, sorely missed.

IN RECOGNITION OF THE WOMEN'S
ISSUES NETWORK OF THE
PANCYPRIAN ASSOCIATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mrs. MALONEY. Madam Speaker, I rise to honor the Women's Issues Network (WIN) of the Pancyprian Association of America. This month WIN honors Joanna Savvides as Woman of the Year and Evi Rafti and Eleftheria Saittis as Members of the Year at its annual dinner-dance.

Founded in 1996, WIN works on behalf of the Cypriot-American community to pave the way to success for future generations of Hel-

lenic Americans and to promote Cypriot culture. WIN sponsors numerous cultural, health and educational programs, including breast and cervical cancer screenings for uninsured women. Additionally, WIN is committed to ending the decades-long Turkish occupation of Cyprus. —This year, WIN honors the distinguished international entrepreneur Joanna Savvides. Born in Cyprus, Joanna immigrated with her family to America in 1980. She has served as President of the World Trade Center of Greater Philadelphia since its foundation in October 2002. Under her leadership, the non-profit helped 400 small and medium-sized companies expand on the international level, contributing to a surge in the volume of goods exported by businesses in New Jersey and Pennsylvania. She also serves as an adjunct professor at St. Joseph's University in Philadelphia. Renowned for her cross cultural and international business expertise, she is frequently sought after as a lecturer. Joanna serves as the President of the Cyprus Society of Greater Philadelphia and was a founder and director of the Cypriot Dancers of Greater Philadelphia. An accomplished linguist, her knowledge of six languages has proven invaluable in international trade. Joanna's achievements have been honored by many organizations. The Philadelphia Business Journal recognized her with the Women of Distinction Award. She has also been honored with the Global Business Award from the United Nations Association of Greater Philadelphia, the Global Leadership Award from the Consular Corps Association of Philadelphia, the Heritage Preservation Award from the Cyprus Society of Greater Philadelphia, and the Artemis Award from the European American Business Council. More than these many honors, however, Joanna cherishes her husband, George, and her children, Andreas and Renos.

WIN honors Evi Rafti as its Member of the Year for her efforts to further knowledge, understanding, and appreciation of Cypriot culture. Born the youngest of six children in Mosfiloti, Larnaca, she studied at Academia Thileon in Nicosia. Shortly after marrying her husband Christos, they immigrated to New York in 1969. Evi has retained a strong commitment to Cypriot culture as an active member of the vibrant Cypriot-American community in our nation's greatest city. During her years of volunteering, she has helped plan numerous special events such as parades, charity and non-profit fundraisers, and demonstrations. Over the past ten years, she has also served as a dedicated member of the Board of Directors of the Pancyprian Dance Group. The mother of three children, Panayiota, Tatiana, and Stavro, she has instilled in them a love of Cypriot culture by inspiring their participation in the Pancyprian Dance Group and youth groups, and the Eleftheria soccer team.

WIN honors Eleftheria Saittis as Member of the Year for her dedication to the Cypriot community. Born in the village of Agios Theodoros Karpasias (now under Turkish occupation), she graduated with a diploma in fashion design from the Professional School New Horizon in Famagusta. To continue her education, Eleftheria immigrated to New York. Her family joined her after the Turkish invasion of Cyprus in 1974. Eleftheria is a dedicated and gen-

erous member of the Cyprian community. She devotes much of her time and energy to serving on the Pancyprian Dance Group's Board of Directors. She also works as a teacher's aide for the New York City Department of Education. She is devoted to her husband, Michalis, and her children, Prodromos, Konstantine and Konstantina. One of her proudest moments occurred when she graduated from the City University of New York with her granddaughter Evangelia in attendance.

Madam Speaker, I request that my esteemed colleagues join me in paying tribute to the Women's Issues Network of the Pancyprian Association of America and its distinguished honorees, Joanna Savvides, Evi Rafti, and Eleftheria Saittis.

HONORING MRS. MARY ELLEN
MENDELSON

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize and honor my friend and colleague, Mrs. Mary Ellen Mendelsohn, upon her retirement from the Federal Government. Public service is one of the most honorable and important professions an individual can choose. Mrs. Mendelsohn is at the top of her profession, working on campaigns and in government offices for more than 25 years.

Mrs. Mendelsohn earned her degree at Boston University and later went on to become District Director to former US Congressman Robert Mrazek. She later worked as Mr. Mrazek's Deputy Campaign Director during his bid for the United States Senate.

Mrs. Mendelsohn later became the President, MC Communications, a Public Relations and Intergovernmental Affairs Firm, assisting clients like the Town of Huntington, Child Abuse Prevention Services of Long Island, Housing All Americans, and the Columbia University Department of Oral History obtain grants from the public and private sector. All the while, she simultaneously and effectively managed campaigns for Hynes for New York State Attorney General and raised funds for New York State Assemblyman Thomas DiNapoli.

After successfully assisting Brooklyn DA Charles J. Hynes, Mrs. Mendelsohn was appointed the Director, Government and Community Affairs, Office of the District Attorney, Kings County, New York. She remained in this position until deciding to move on to private consulting for such clients as Cancer Cured Kids, John Bryant for Senate, Coalition for Peoples Choice and last but not least a Campaign Consultant for "McCarthy for Congress."

Mary Ellen came to work for me and the US House of Representatives as my District Director and Political Advisor in January 1997. I came to depend on Mary Ellen's breadth of knowledge to brief me and my Washington Staff on issues that directly affect my district. Her reputation has surpassed the confines of the Long Island office. My staff and I enjoyed

a wonderful relationship with Mary Ellen, who is a pleasure and a delight to work with.

You only have to meet Mary Ellen once to realize that she is smart, funny and above all else, genuine. She is a daughter, sister, wife, mother, grandmother and friend. She is the best kind of friend. She laughs at your jokes, sings and dances spontaneously, listens to your tales of glee or woe with the same intensity. She helps you feel strong when you feel weak and found when you feel lost. She is the friend everyone should have. We are blessed.

Madam Speaker it is with great admiration, pride and respect that I acknowledge and thank Mary Ellen for her work in public service and friendship.

PERSONAL EXPLANATION

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. LUETKEMEYER. Madam Speaker, I would like to state for the record my position on the following votes I missed on March 16, 2009 due to the delay of my flight from Missouri.

On Monday, March 16, 2009 I missed Rollcall votes 125, 126, and 127. Had I been present, I would have voted "aye" on rollcall votes 125, 126, and 127.

EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. BILBRAY. Madam Speaker, I submit the following:

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Transportation, Federal Highway Administration, Interstate Maintenance

Legal Name of Requesting Entity: City of Encinitas, CA

Address of Requesting Entity: 505 S. Vulcan Avenue, Encinitas, CA 92034

Description of Request: I secured \$285,000 in the FY 2009 Omnibus Appropriations bill for the Encinitas Boulevard/Interstate 5 Interchange Project Study Report, Project Report, and Environmental Review. The City of Encinitas is contracting with an engineering consultant to prepare a Project Study Report, Project Report and Environmental Document for the Encinitas Blvd/I-5 Interchange. The consulting firm (Dokken Engineering) is working with CALTRANS and the City of Encinitas staff to study and develop viable alternatives for four Interstate 5 interchanges, including the Encinitas Boulevard interchange. Unless the City can fund this study, Caltrans will move ahead with an environmental review and design on their "minimum build" alternative for this interchange, which assumes no under crossing widening and some roadway im-

provements, while maintaining the existing diamond interchange configuration. Encinitas Boulevard must be widened as part of the North Coast Interstate 5 Corridor (widening) Project or the City will suffer significant traffic congestion at this location by 2030 and probably much sooner. If the City is to have any hope of later integrating its alternative, we need to keep pace with the Interstate 5 widening project.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Transportation, Federal Highway Administration, Interstate Maintenance

Legal Name of Requesting Entity: City of San Diego, CA

Address of Requesting Entity: 202 C Street, San Diego, CA 92101

Description of Request: I secured \$475,000 to fund relocation of fiber optic cable that is obstructing a major interstate highway interchange improvement project to connect I-5 with S.R. 56 in San Diego. The I-5 corridor is the primary link between Southern California—San Diego, Los Angeles, Orange County—and Mexico. The route experiences extensive traffic congestion, with average daily counts at the interchange site of 261,000 vehicles, including 10,000 trucks, projected to reach 430,000 daily vehicles within 20 years. The project is consistent with the authorized purpose of the Department of Transportation Interstate Maintenance account, which includes funding for the addition of new interchanges. Local and State matching funds will provide at least 20% cost share.

CELEBRATION OF WOMEN'S HISTORY MONTH AND THE NETWORK JOURNAL'S ELEVENTH ANNUAL 2009 TWENTY-FIVE INFLUENTIAL BLACK WOMEN IN BUSINESS HONOREES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. RANGEL. Madam Speaker, I rise today in celebration of Women's History Month and The Network Journal's Eleventh Annual 2009 Twenty-Five Influential Black Women In Business Honorees. Since 1998, The Network Journal has recognized the outstanding performance of 25 African-American women in the public, private, entrepreneurial and non-profit sectors throughout this nation and their impact to the world economy.

The Network Journal is a monthly business magazine with more than 88,000 readers. The publication is distributed nationwide with a focus on the Tri-state area (NY/NJ/CT) and features business articles of interest such as finance, technology, industry focus and ideas for Black professionals and small business owners. Aziz Gueye Adetimirin, Publisher of The Network Journal Magazine stated. "The women we are honoring this year are in the forefront of American leadership and symbolize the diversity and advancement that has

occurred across industry lines." Founded in 1993, The Network Journal (TNJ) knows that Black professionals, more than most, recognize the importance of owning their own enterprises, but more importantly, TNJ knows that there is a difference between direct ownership and someone else defining your future. TNJ is also aware that Black professionals and entrepreneurs can chart their own course and own their success.

I am pleased to recognized TNJ's 2009 Twenty-Five Influential Black Women In Business Honorees:

Marcella Maxwell Ed.D., former Director of Development and Government Affairs Concord Family Services, Brooklyn, NY; Vernā Myers Esq. Principal, Vernā Myers Consulting Group L.L.C., Newton, Mass.; Irma Norris, Production Executive, Harpo Productions, Inc. Chicago, Illinois; Valerie Oliver-Durrah, President/CEO, Neighborhood Technical Assistance Clinic, Brooklyn, NY; N. Joyce Payne Ph.D., Founder, Thurgood Marshall College Fund, New York, NY; Cheryl Pegus M.D., Chief Medical Officer, SymCare Personalized Health Solutions, West Chester, Pa.; Karen Rafferty, Product Marketing Director, Chevrolet Midsize and Sports Cars, General Motors Corp., Detroit.

The Network Journal has been recognized by government agencies, premier media outlets and business and professional organizations. TNJ has received the "Outstanding Commitment and Positive Contribution to the MBE Community" from the U.S. Department of Commerce Minority Business Development Agency, and has been featured on CNN and FOX Television networks.

EMORY UNIVERSITY

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. LEWIS of Georgia. Madam Speaker, people are hurting right now, in Atlanta and across the country. It is in times like this that we need to help our neighbor. Volunteerism in these tough times is critical; that is why I want to highlight the work Emory University, in my district, is doing. Emory University has a strong history of reaching out to the community and engaging in projects to help people in need. Emory students completed nearly 150,000 hours of service in 2008, partnering with more than 200 community partners on projects related to poverty, homelessness, medical services and environmental conservation. The University's dedication to service reflects the desire in many of our students across the nation to get involved in and give back to their communities. America's young people have always been an integral part of the success of our country, and I am especially proud of Emory University's dedication to service.

Each year, the Corporation for National and Community Service recognizes institutions of higher education for exemplary efforts to engage students in service learning, community partnerships, and volunteer service by publishing The President's Higher Education Community Service Honor Roll. At the top of the

Honor Roll is a small group of institutions of higher education who are given the Presidential Award for General Community Service. I am proud to announce that Emory has been awarded the 2008 Presidential Award. This is the highest award possible for a college or university with respect to community service and student engagement. I want to recognize and thank Emory University for its commitment to giving back to the community and fostering a sense of service among its students.

Congratulations to Emory University on being honored as a recipient of the 2008 Presidential Award for General Community Service.

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES AIR FORCE STAFF SERGEANT TIMOTHY BOWLES

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Ms. GIFFORDS. Madam Speaker, I rise today to honor United States Air Force Staff Sergeant Timothy Bowles, who was killed in action with three fellow Airmen when his armored vehicle struck a buried IED near Kot, Afghanistan on March 15, 2009. He leaves behind his father, Louis, a Retired Airman, his mother, Lisa, and a sister, Heather.

Born in Anchorage, Alaska, Timothy grew up on Davis-Monthan Air Force Base and lived much of his life in Tucson, where his father was stationed. Timothy graduated from Tucson High School in 2002 and attended Pima Community College before joining the Air Force in 2007. Staff Sergeant Bowles was assigned to the 3rd Logistics Readiness Squadron at Elmendorf Air Force Base back in Alaska, where he was trained to be a fire truck mechanic. But on this day, he volunteered to stand in for a fellow airman who was not feeling well.

Timothy's Provincial Reconstruction Team was headed out to Jalalabad to check on a local schoolhouse when a pressure-plate IED ended his life. He was only twenty-four years old.

Born to and raised among the United States Air Force, Staff Sergeant Bowles knew well the costs of war. He volunteered for the nine-month deployment that took him to Bagram Air Base in November 2008. He volunteered for this dangerous duty. Tying humanitarian support to local security, Timothy and his PRT teammates stood between civilians and insurgents as Afghans seek to rebuild their long-oppressed country.

We remember Sergeant Bowles and offer our deepest condolences and sincerest prayers to his family. My words cannot effectively convey the feeling of great loss nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that Timothy's legacy reaches beyond the desolate landscape of Afghanistan and into the hearts of a grateful nation.

This body and this country owe Timothy and his family a debt of gratitude and it is vital that

we remember him and his fellow servicemembers who have paid the ultimate price.

Timothy is a hero both to his country and to his wonderful family. We salute his selfless service, sacrifice and bravery. May he not be forgotten and may his mission continue in the work of this body and the hearts of all Americans.

TRIBUTE TO BERNARD CATCHER

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. WEINER. Madam Speaker, I rise today to join the many residents of my district in recognizing the works and accomplishments of Bernard Catcher who will be honored for his service on March 20th as a "Good Friend and Temple Benefactor" at Temple Shalom's Shabbat Across America Dinner. Bernard Catcher is a man known to me for his hard work and dedication to Brooklyn residents and his sound advice and counsel to those seeking political or community insight. Bernard Catcher's service and reach is legendary. He is the Democratic District Leader of the 59th Assembly District, the head of the Thomas Jefferson Democratic Club, advisor to the Thomas Jefferson Young Democrats and has served as a delegate to the Democratic National Convention. His concern for our communities knows no bounds and stretches over many years. He has served as District Manager of Planning Board 18, serves as the Government Liaison to Coney Island Hospital, and is an accountant by trade. He is active in, and has been recognized by, many local civic organizations from Marine Park to Canarsie and has been honored as "Man of the Year" by the Mill Island Civic Association, among others, for his service. Even with all his other activities Bernard Catcher always finds time and energy to dedicate to Jewish causes and take pride in his Jewish roots. He has served as an officer in the local Bnai Brith and serves as a member of the Board of Trustees of Temple Shalom of Flatbush. Always one to shy away from recognition preferring to do his work behind the scenes, I am honored and privileged to have this opportunity to publicly acknowledge the force of nature that is Bernard Catcher and offer my best wishes on his being named "Good Friend and Benefactor" at the Shabbat Across America Dinner at Temple Shalom on March 20th, 2009.

TRIBUTE TO LIEUTENANT GENERAL WILLIAM F. PITTS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. CALVERT. Madam Speaker, I rise to pay tribute to a hero from my congressional district, Lieutenant General William F. Pitts. Today, I ask that the House of Representatives honor and remember this incredible man

who dedicated his life in service to our country. On Tuesday, December 30, 2008, Lt. Gen. Pitts passed away at the age of 89.

Lt. Gen. Pitts' father was a career military officer, and Lt. Gen. Pitts was born at March Field Hospital, located in Riverside, California, on Thanksgiving Day 1919. When he was 10 years old, Lt. Gen. Pitts took his first airplane ride and vowed to become an Air Force pilot. In 1943, he graduated from West Point and flew 25 World War II missions against Japan in a B-29 Superfortress. In his last mission in the bomber, he was shot down off the coast of Japan but was able to parachute out of the plane and was rescued by a submarine.

After Lt. Gen. Pitts' heroic service during World War II, he was steadily promoted and earned three stars. He served as a NATO commander in Turkey, four tours at the Pentagon and also as a diplomat in Cuba, Haiti, the Dominican Republic, England and Taiwan. In 1972, Lt. Gen. Pitts returned to March Air Force Base as the Commander of the 15th Air Force. His military decorations and awards include the Distinguished Service Medal, Legion of Merit with an oak leaf cluster, Distinguished Flying Cross with one oak leaf cluster, Air Medal with three oak leaf clusters, Air Force Commendation Medal with one oak leaf cluster, the Distinguished Unit Citation Emblem with one oak leaf cluster and the Purple Heart.

In 1975, Lt. Gen. Pitts retired from the Air Force and he and his wife, Doris, made Riverside their permanent home in the 1990s. He was active in the March community during his retirement, helping to keep the base open during the Base Realignment and Closure process. In honor of his efforts, March erected a stone post at the parade grounds on the base. He was also a board member of the March Field Museum.

On December 22, 2008, Lt. Gen. Pitts celebrated his 60th anniversary with his wife Doris. He is survived by his wife; daughters Cowgill, Alisha and Linda; sister Nanetta Atkinson; and four grandchildren.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men like Lt. Gen. Pitts who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. Lt. Gen. Pitts was a dear friend and above all, he was a patriot. He will be sorely missed but his legacy and service to our great nation will always be remembered.

RESOLUTION REGARDING GIRLS' ACCESS TO EDUCATION IN PAKISTAN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mrs. MALONEY. Madam Speaker, I rise today to introduce a resolution expressing the strong concern of the House of Representatives about the actions of the Taliban in Swat, Pakistan to restrict girls' access to education. In the past year, the deliberate destruction of hundreds of schools for girls has forced more

than 40,000 young women to forego schooling. This resolution would urge the Government of Pakistan to act swiftly to halt and reverse the Taliban's unconstitutional ban on education for girls. It also encourages the Secretary of State to review and report on Pakistan's progress in protecting the rights of women, as well as on the actions of the United States Government in providing support for this goal.

In the past few weeks there have been negotiations between the Pakistani government and the Taliban in an effort to broker a peace deal. At the heart of the ceasefire agreement is a pledge to impose Islamic law in the area. Government officials have said that this law will be in accordance with Pakistan's constitution, and will restore security and justice in the region. However, the accord makes no mention of the future of girls' education. Women and girls are a great resource for promoting development, prosperity, and peace. The United States must ensure that explicit measures are taken to protect women's rights in Pakistan, in order to uphold internationally recognized human rights while supporting regional peace and stability.

IN COMMEMORATION OF WOMEN'S HISTORY MONTH

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. AL GREEN of Texas. Madam Speaker, I wish to commemorate the month of March 2009 as Women's History Month in honor of the female trailblazers and unsung heroes in American history.

H. Res. 211, Supporting the goals and ideals of National Women's History Month, is intended to increase awareness and knowledge of women's involvement in history, as well as recognize and honor the women and organizations in the United States that have fought for and continue to promote the teaching of women's history.

In the United States, Women's History Month has been celebrated during the month of March since 1987. The National Women's History Project petitioned Congress to increase awareness and knowledge of women's contributions to our great society, because women's history was a practically unknown topic in schools and public awareness.

Women from all different backgrounds, races, social classes, and ethnicities have contributed significantly to the greatness of our nation, and have transformed and revolutionized politics, law, business, social service, civil rights, education, music, athletics, science and technology, as well as the military. Women have been leaders in numerous movements throughout history, such as the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, the peace movement, and the women's movement in the struggle to obtain suffrage and equal rights. The contributions of notable women such as Susan B. Anthony, Clara Barton, Harriet Tubman, Dorothy Height, Coretta Scott King, Sally Ride and numerous

others have sparked an unstoppable momentum for women's rights and others. Their dedication, perseverance and courage have generated a wave of opportunities for entire generations of women.

It is essential that all Americans continue to learn about the many ways women have assisted in the progress of our nation, and acknowledge and celebrate the contributions of women throughout history.

Therefore, I urge my colleagues and all Americans to commemorate women for their significant involvement and participation in our nation's history, by recognizing and supporting March as Women's History Month.

TRIBUTE TO ELDER DAVID J. YOUNG

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. MOORE of Kansas. Madam Speaker, I am pleased to have this opportunity to pay tribute before the House of Representatives to Elder David J. Young of the Church of God in Christ, who formed the first church of this denomination in the state of Kansas and served as an important, early spiritual leader in our community.

The first Church of God in Christ in the state of Kansas was organized in Kansas City, Kansas, on September 23, 1916, at 409 Oakland by Elder David J. Young, with a charter membership of some twenty members. Less than two years later, in the early summer of 1918, it was destroyed by a fire set by an arsonist. Undaunted by this act of violence, Elder Young pushed forward, holding services under a nearby large shade tree, and later in the homes of charter members and other buildings until a new structure was built.

Later, in 1960, a new church was constructed at 2401 North 9th Street, erected to the glory of the Lord as a "Living Monument for which Holiness Stands", and in honor of Elder Young. On October 9-11, 2008, the D.J. Young Heritage Foundation hosted a revival, paying tribute to Elder Young and other pioneers of the Church of God in Christ. I am pleased to have this opportunity to share my support for this tribute by placing into the CONGRESSIONAL RECORD a biographical sketch of Elder David J. Young, which was provided by the D.J. Young Heritage Foundation.

DAVID JOHNSON YOUNG

David Johnson Young was born in approximately 1861, in Chester, South Carolina. Raised in the war-ravaged South, young David ascended to unimaginable heights amid a climate of severe racism and oppression of African Americans. Early on, his parents perceived that young David was exceptionally gifted and determined to use their meager means to afford him the education that would prove invaluable for his life and the countless lives he would impact through teaching and ministry.

He initially attended a country school with his siblings but went on to graduate from Brainard Institute and Morehouse College. David then set out to bring hope to his fellowman through education. With illiteracy one of the most devastating problems in the

aftermath of slavery, David Johnson Young brought access to a better future for many during his career as an educator. Even later in his life as a preacher, he would come to be recognized for his emphasis on formal education in ministerial service.

Still more remarkable was the life changing message of hope brought by his fiery preaching of the Gospel of Jesus Christ. Beginning as a young preacher in the AME Zion Church, Elder Young grew to be a widely known and sought after minister in the South. He was also an editor of the official organ of the AME Zion Church, the Star of Zion. Elder Young met his call to preach with great fervor, evangelizing and serving as pastor in various states including North Carolina, South Carolina, Florida, Mississippi, Indiana, Illinois, Georgia, Alabama and Tennessee.

In 1897, he was joined with Priscilla Louise Jones in marriage, another stalwart of the faith. Mother Young served as a true helpmate, covering and supporting D. J. with much prayer and fasting. At times she even supported the family with the small wages she earned as a music teacher while he was out working on the evangelistic field. To their union were born Harold, Melvin, Ceolya, Valleda, Russel, William, and Rosette. As with other great leaders of the faith, their ministry began in the home, where Mother Young taught each of their children how to play two instruments. For example, their eldest son, Harold, played the piano and guitar while the second oldest, Melvin, was skilled in the piano and violin. In fact, when they were yet small boys, Elder Young often carried them with him on evangelistic crusades where they would draw crowds in public areas, such as parks, with their Holy Ghost filled praise and testimony services prior to their father's sermon. With their father as their teacher in the faith, they soon acquired the name, "little boy preachers." After D. J. Young's demise, Mother Young and their children would take upon them the mantle once carried by D. J. Young with the various ministries he began during his latter years.

Despite his many successes, David perceived the need to ascend to the "higher life" and grew increasingly troubled until he submitted to God's divine purpose for him to be sanctified. With his background in Methodism he had received teaching on the sanctifying power of the Holy Ghost and God's command for all His children to live holy. However, it was during his pastorate in Chicago, IL, around the turn of the century, that he became associated with a holiness group known as the Burning Bush people and received the divine, life changing experience of sanctification. Sanctification is the work of the Holy Spirit in cleansing the believer from all inbred sin, purifying their heart and filling them with love for God and all people. Having thus been "sanctified and meet for the Master's use," 2 Timothy 2:21, Young set out to share his testimony and declare God's wonderful plan. David better understood that God made a way for men to be justified by faith in Jesus Christ. Yet, He didn't stop there. For God also provided the means for His children to live holy, separated unto Him, and freed from the very power or slavery of sin. In truth, His will is for man to be restored to the glorious image of God (Col. 3:10, Eph. 4:24, 2 Cor. 3:18—note the active role of the believer).

Indeed the message of sanctification, also called perfection or holiness, had already started to sweep the nation, reaching into nearly every mainstream denomination. As a

result scores of 'Saints' left their denominations to form new religious bodies. Such was the case with Elder Young who, in approximately 1902, after graduating from the Burning Bush Holiness Bible School, left the AME Zion Church and became a mighty trail-blazer in the Holiness Crusade. He carried this new message far and near, preaching conversion and sanctification.

His path ultimately met with that of Charles Harrison Mason, a former Baptist preacher, who also joined the ranks of ministers who preached sanctification. Their bond grew as D. J. Young joined the group of holiness preachers with which Mason was affiliated. This group of Saints, led by Charles Price Jones, was a leading force in the rapid spread of the Holiness Movement in the South.

In 1907, Mason and Young, along with one of their brethren, J. A. Jeter, started out on a spiritual journey that would impact the world when the Lord led them to the famed Azusa Street Revival, in Los Angeles, California. Led by Bishop William J. Seymour, the small mission was a holiness group who had taken a grand leap of faith in believing God for a Pentecostal outpouring as recorded in Acts 2:4, "And they were all filled with the Holy Ghost, and began to speak with other tongues as the Spirit gave them utterance." Faithful to His promise, God poured out His Spirit and the once small group grew in number at a miraculous rate. Believers left various states and even foreign lands to take the pilgrimage to Azusa where they were "Baptized with the Holy Ghost," and experienced the only Bible evidence, speaking in unknown tongues. In addition to this gift, the Lord poured out His Spirit, with signs such as miraculous healings. One of the most remarkable features of this wonderful move of God, however, was the presence of unity in the Spirit as believers cast away racism, sexism, classism, and various other sins that find no place in the Body of Christ.

One glorious day during this historic move of God David Johnson Young was also graced with the precious Baptism of the Holy Ghost. Having all received the new gift, the three men journeyed back to Memphis leaving a blazing trail along their way as they preached conversion, sanctification, and the Baptism of the Holy Ghost. However, they were met with severe disapproval. Ultimately, Jones and the official body of believers he led, withdrew the right hand of fellowship from them. Undaunted by this rejection by men and thoroughly convinced of their commission by God, Charles Harrison Mason and David Johnson Young called an assembly that same year, gathering all those who believed as they. At this meeting, the brethren considered who would oversee the new Holy Ghost led Group and Young was one who many considered worthy of this awesome task. According to oral tradition, after three days of fasting and praying, God spoke through that same servant, D. J. Young, who yet spoke in tongues and was given the interpretation: "God has given us Brother Mason to be our leader." This gathering was the first national Holy Convocation of the Church of God in Christ.

After receiving this word from God, the fledgling denomination was planted in Memphis, TN, but quickly spread its roots throughout the country. D. J. Young served as a leading instrument through his apostolic church building. He was known and referred to as one of Mason's ablest assistants during these formative years. With building churches as his passion, Young was appointed the first Overseer, or Prelate, of Ar-

kansas, Texas, and Kansas. In 1910, while engaged in apostolic work for the Kingdom, the Lord blessed D. J. Young with an invention, "The Young Musical Attachment for Automobiles," which was patented first in Canada and later the US. This tool proved invaluable as it complemented his gifting as a musician during his evangelistic travels, allowing him to "produce harmonious chords" as he played music from his very own automobile. He also served as the pioneer publisher of the Church of God in Christ with the founding of the D. J. Young Publishing Company when the Lord burdened him with the call to spread the full gospel in print via "The Whole Truth."

In 1916, elder Young made his way to his final earthly dwelling in Kansas City, Kansas. Here he founded the first Church of God in Christ, Young Memorial Church of God in Christ, in the state, and immediately began working to publish the first Sunday School literature for the still young denomination. He continued this task, supplying many of the early Saints with Spirit filled teaching, until his demise. Before the time of his going from his labor to his reward, in 1927, David Johnson Young, was successful in building the D. J. Young Publishing Company into a much honored source of gospel literature and established more than twenty-five churches in Kansas. His works, however, live on as evidenced by the thousands of souls he led to Christ, the incredible growth of the Church of God in Christ, which he was instrumental in building, and the phenomenal leaders he helped nurture in the Christian Church at large.—Ladrian Brown.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to be present in the Capitol on Monday, March 16, 2009 and therefore unable to cast votes on the House Floor that evening.

However, had I been present I would have voted yea on H.R. 1284, to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the "Major Ed W. Freeman Post Office"; yea on H.R. 1217, to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building"; and yea on H.R. 987, to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the "John Scott Challis, Jr. Post Office."

In addition, on Wednesday, March 18, 2009, I was attending a meeting with President Obama at the White House with many of my colleagues in the Congressional Hispanic Caucus when votes were called. Unable to return to the Capitol in a timely fashion, I missed two votes. However, had I been present, I would have voted yea on ordering the previous question on H. Res. 250, to provide for the consideration of the bill (H.R. 1388), to reauthorize and reform the national service laws; and I would have voted aye on H. Res. 250, to provide for the consideration of the bill (H.R.

1388), to reauthorize and reform the national service laws.

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES ARMY SERGEANT JEFFREY A. REED

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Ms. GIFFORDS. Madam Speaker, I rise today to honor United States Army Sergeant Jeffrey A. Reed, who was killed in action near Taji, Iraq on March 2, 2009.

Sergeant Reed was assigned to the 411th Military Police Company, 89th Military Police Brigade, from Fort Hood, Texas. His mission in Iraq was to mentor Iraqi Police units so that they could effectively maintain the peace as we withdraw our forces in the coming months.

Jeffrey was just 15 days from completing his second tour in Iraq and returning to Tucson, where he and his wife Ashley reside. A Chesterfield, Virginia native, Jeffrey joined the Army shortly after he graduated from high school in 2004, following the example of his older brother, who left college to sign up with the Army after the Sept. 11 attacks.

He was part of a routine patrol just north of Baghdad when a grenade ended his life. Jeffrey was just 23 years old.

We remember Sergeant Jeffrey Reed and offer our deepest condolences and sincerest prayers to his parents and young wife. My words cannot effectively convey the feeling of great loss nor can they offer adequate consolation, but it is my hope that in future days, his family may take some comfort in knowing that Jeffrey's legacy reaches beyond the desolate landscape of Iraq and into the hearts of a grateful nation.

This body and this country owe Jeffrey and his family a debt of gratitude and it is vital that we remember him and his fellow servicemembers who have paid the ultimate price.

Jeffrey is a hero both to his country and to his wonderful family. We salute his selfless service, sacrifice and bravery. May he not be forgotten and may his mission continue in the work of this body and the hearts of all Americans.

INTRODUCTION OF THE TAKE BACK ACT

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Ms. MOORE of Wisconsin. Madam Speaker, my constituents have been rightfully outraged to hear that the very unit at AIG that was at the center of that company's failure is being showered with \$165 million in bonuses, with some individual bonuses to executives there being upwards of \$1 million. Considering that the taxpayers have made a commitment

of significant funds to AIG as part of the federal government's efforts to rescue credit markets, extravagant bonuses to these individuals are simply unconscionable.

This afternoon I am introducing The AIG Key Executives Bonus Accountability and Capture Act (TAKE BACK Act) that will tax 100 percent of the bonuses paid out to AIG executives. The tax, which would apply to bonuses paid by TARP money, is being introduced in an effort to ensure taxpayers' dollars are not utilized to fund enormous bonuses paid to companies that receive TARP funding.

The fact that some on Wall Street have sought to exploit the public tax dollars is not only outrageous but is an egregious violation of the public's trust. If the leadership of companies that receive TARP funds are determined to waste taxpayer dollars on extravagant bonuses then I believe we as taxpayers—who significantly subsidize these same companies—have the right to recoup those funds.

Under the TAKE BACK Act, any entity that received assistance under the Emergency Economic Stabilization Act of 2008 would find its bonuses subject to a tax rate of 100 percent.

There are so many people in my community who have lost their jobs and are facing extremely tough times. For taxpayer dollars to go towards bonuses for individuals who have played a key role in our economic downturn is simply unacceptable.

HONORING THE DAMAS DE
BLANCO (THE LADIES IN WHITE)

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor the Damas de Blanco (the Ladies in White) a peaceful pro-democracy group of women in Cuba dedicated to creating awareness of the political realities, human rights violations and lack of basic freedoms on the island.

Today marks the 6th anniversary of the Black Spring in Cuba, in which 75 human rights activists, independent journalists, librarians, economists and pro-democracy leaders were jailed for simply expressing their opposition to the lack of political freedoms on the island. All were unfairly sentenced to an average of 25 years in Castro's gulag and 55 still languish there today.

The Damas de Blanco consists of the wives, mothers, daughters, sisters and nieces of these 75 dissidents. The group came together soon after the crackdown. Each day, these courageous women protest the imprisonment of their loved ones, call for their immediate release and the release of all political prisoners in Cuba, and seek to draw international attention to the lack of basic freedoms on the island. They wear white to symbolize innocence and purity, attend mass each Sunday, and walk through the streets of Cuba in peaceful protest.

The group has been internationally recognized and in 2005 was awarded the Sakharov

Prize for Freedom of Thought, alongside Reporters Without Borders and human rights lawyer Hauwa Ibrahim, by the European Parliament. Members of Damas de Blanco were banned from attending the award ceremony in France by the Cuban regime.

The Damas de Blanco are a voice for the hundreds of political prisoners in Cuba and those who live in the shadows of oppression. With unprecedented courage and bravery, they take to the streets each day and risk their own lives in order to draw attention to the harsh realities in Cuba. As we celebrate Women's History Month, I ask you to join me in honoring the Damas de Blanco, remembering the 75 jailed dissidents of the Black Spring in Cuba and all of Cuba's political prisoners, and standing in solidarity with the Cuban people.

IN RECOGNITION OF THE
PANPAPHIAN ASSOCIATION OF
AMERICA ON THE OCCASION OF
ITS ANNUAL DINNER-DANCE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mrs. MALONEY. Madam Speaker, I rise to pay tribute to the PanPaphian Association of America. Founded more than two decades ago by Hellenic Cypriot Americans of Paphian ancestry, it has carried out its vital educational, cultural, charitable, and humanitarian mission while promoting peace, unity, and understanding on Cyprus.

The Association is holding the 8th Annual Evagoras Pallikarides Award of Merit dinner-dance this month. The Evagoras Pallikarides Award is being presented to Panicos Papanicolaou. Born and raised in Nicosia, he came to the U.S. after serving in the Cypriot National Guard. He earned Bachelor of Science and Masters degrees at the New Jersey Institute of Technology (NJIT), then obtained a research position there, developing technology for the cleanup of toxic soil. A principal of JF Contracting, a Brooklyn construction and engineering firm, he is affiliated with the American Society of Civil Engineers, the National Society of Professional Engineers, and the Civil Engineering Honor Society. The Supreme President of the Cyprus Federation of America, Vice President of the Cyprus Children's Fund, and an Archon of the Ecumenical Patriarchate, he also serves on the Greek Orthodox Archdiocesan Council, the Advisory Board of Queens College, and as a supporter of St. Basil's Academy, the Albert Dorman Honors College at NJIT, and the Harvard School of Public Health. Prior to becoming the Federation's Supreme President, he was Chairman of the Justice for Cyprus Committee. A recipient of the Ellis Island Medal of Honor, he was the 1995 Bronx Businessman of the Year. He is devoted to his wife, Nasia, and his daughters, Elizabeth and Elena.

The PanPaphian Association is awarding the Distinguished Fellow Cyprian Award to Elena Maroulleti. Born on Cyprus in Nicosia, she grew up in Famagusta before immigrating to the U.S., where she founded "The Vraka," a folk-dancing group that later became the

Cypriot Emigrants Cultural Association. Under her leadership, it mounted live performances relating to Cypriot folklore, culture, theater, dance, and music. She is an accomplished journalist, having served on the main production team of ABC News for more than twenty years. After volunteering her time as a host of radio programs pertaining to Cyprus and Greece for five years, she founded AKTINA Productions, a non-profit cultural and educational organization dedicated to the promotion and preservation of the Hellenic cultural heritage through radio, television, live performances, and other media. It sponsors AKTINA FM, a bilingual radio show, and AKTINA TV, an English language show, which reach audiences of hundreds of thousands. Both programs focus on Hellenes' rich cultural heritage as well as news and current events in Cyprus, Greece, and America. In 2002, Ms. Maroulleti was awarded the "Women of Achievement Pace Setter Award" by the New York City Council Speaker Peter F. Vallone, Sr. She is the founder and President of the Ethnic Broadcasters Action Committee, which represents all ethnic broadcaster-produced programs on WNYE, New York City's publicly owned television station. She is happily married to Tom Stouras and devoted to Caroline Ioannou, her daughter from a previous marriage.

The Member of the Year Award will be given to Mr. Nicos Paphitis, who was born in Morfou, Cyprus. While serving as an officer in the Cyprian military police, he played professional soccer with the team Keravnos Strovolou. He came to the U.S. in 1983, earned a Bachelor of Science degree in accounting from the City University of New York, and returned to Cyprus to work for Laiki Bank until 1998, when he was returned to New York to become the Bank's chief representative. Currently a Business Development Manager with Piraeus Bank and a 2nd Vice-President of the Cyprus Federation, he is devoted to the Hellenic American community and institutions like Saint Demetrios School and the American Hellenic Educational Progressive Association, as well as his wife, Evie, and his children, Andreas and Marilena.

Madam Speaker, I ask that my distinguished colleagues rise to join me in paying tribute to the PanPaphian Association of America and its 2009 honorees.

CELEBRATING PROCTER & GAMBLE
MANUFACTURING COM-
PANY'S 40TH BIRTHDAY IN CEN-
TRAL LOUISIANA

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. ALEXANDER. Madam Speaker, I am proud to honor the Procter & Gamble Manufacturing Company in Pineville as it celebrates its 40th birthday in Central Louisiana.

In July 1969, Procter & Gamble Manufacturing Co. first began operations in the area on a 112 acre site about seven miles north of Alexandria/Pineville. Originally built to supply synthetic dry powder detergents, the Procter &

Gamble Alexandria plant was just one of 12 plants in operation in the United States at the time.

Through the years, the Procter & Gamble Manufacturing Co. has consolidated their business down to two dry laundry sites, and is now shipping to more than half of the U.S. from the Louisiana location.

In 2005, the company announced the expansion of this particular plant site to manufacture both dry and liquid detergents, essentially doubling the size of the facility. This dynamic growth required an investment of over \$220 million and added more than 185 permanent employees.

Today the plant retains approximately 400 direct contract employees, in addition to an average of 1,200 indirect staff. The company credits these individuals as its greatest asset.

The Procter & Gamble Manufacturing Co. has an impressive track record of success in Central Louisiana. I am confident the remarkable progression of this plant will continue to provide great opportunities for the residents of this area.

It is with deep appreciation for this plant's many contributions to the 5th Congressional District that I commend the Procter & Gamble Manufacturing Co.

I ask my colleagues to join me in honoring the 40th birthday of the Procter & Gamble Manufacturing Co. in Pineville as it continues its faithful commitment to building not only a stronger Louisiana, but a stronger national economy.

LISTING OF CONGRESSIONAL APPROPRIATIONS INITIATIVES

HON. C.W. BILL YOUNG
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. YOUNG of Florida. Madam Speaker, pursuant to the House Republican standards on Congressional appropriations initiatives, I am submitting the following information regarding projects that were included at my request in H.R. 1105, the Fiscal Year 2009 Omnibus Appropriations Act:

BAYCARE HEALTH SYSTEM ELECTRONIC HEALTH RECORD INITIATIVE

Account: Health Resources and Services Administration, Health Care-Related Facilities and Activities.

Legal name and address of requesting entity: BayCare Health System, 16331 Bay Vista Drive, Clearwater, FL 33760.

Description of request: \$523,000 is included in the bill for BayCare Health System to incorporate a hand held prescription drug order system into its ongoing electronic health record initiative. BayCare will develop a medication order entry project for physicians, which is a sub-component of a much larger Electronic Health Record initiative for BayCare Health System. The demonstration project involves the purchase of application software, installation and training as well as the purchase of handheld devices for the physician and other clinician users of the system. The project is a critical element of the overall Information Services plan for BayCare Health System. This particular patient care clinical information sys-

tem will significantly assist in accomplishing improvements in the following areas: (1) Real time communication between physicians, hospitals and pharmacies regarding medication orders which will result in the improvements of prescription legibility, dispensing time and a reduction in drug errors; (2) A decrease in adverse events by improved electronic communication and the use of standard formularies; (3) An increase in the efficiency of operations by reducing the costs of consolidating redundant functions and reducing duplicate orders or inappropriate testing; (4) Knowledge at the point of care will improve the patient care experience. Previous funding for BayCare's electronic health record initiative is as follows: FY 2002-\$1,000,000, FY 2003-\$1,000,000, FY 2004-\$1,000,000, FY 2005-\$1,000,000, FY 2008-\$341,000.

BAYFRONT MEDICAL CENTER OBSTETRICAL SERVICES

Account: Health Resources and Services Administration, Health Care-Related Facilities and Activities.

Legal name and address of requesting entity: Bayfront Medical Center, 701 Sixth Street South, St. Petersburg, FL 33701.

Description of request: \$571,000 is included in the bill for Bayfront Hospital to expand the availability of obstetrical services and its Level III neonatal intensive care unit, which will allow for the care of mothers and their babies under the same roof. In 2009, Bayfront Medical Center will open Bayfront Baby Place in the brand-new All Children's Hospital in downtown St. Petersburg. It will feature 13 private birthing suites, an eight-bed assessment area, 40-bed postpartum unit, 12-bed ante partum unit, four-room C-section suite with dedicated prep/recovery area and a nursery. Babies needing special care will be transferred to All Children's neonatal intensive care unit. New mothers will be in the same building as their sick babies, separated by a brief elevator ride. Bayfront Baby Place will feature a dedicated entrance for birthing mothers and their families, as well as a skywalk connecting Baby Place with Bayfront's main hospital building. Bayfront delivers more than 3,400 babies annually. Some of those babies need special care after they are born. Currently, they are taken from the hospital's joint team of specialists, through a tunnel that connects the two hospital campuses, to specialized neonatal care at All Children's Hospital. Moving the birthing team and unit on the All Children's campus will put the patient at the middle of this process, enabling families to stay together throughout their time in the hospital. These are the first federal funds provided for this project. Bayfront Hospital will contribute \$8,000,000 toward the cost of this project.

BLIND PASS ROAD RECONSTRUCTION, ST. PETE BEACH

Account: Federal Highway Administration. Legal name and address of requesting entity: City of St. Pete Beach, 155 Corey Avenue, St. Pete Beach, FL 33706.

Description of request: \$175,750 is included in the bill for the city of St. Pete Beach to reconstruct Blind Pass Road. This project will narrow the roadway to provide adequate vehicular access, while installing new sidewalks and bike lanes to greatly enhance the intermodal transportation options available. In addition, it is anticipated that enhanced lighting and landscaping will be installed, as well as various drainage improvement to the area. Blind Pass road is a half-mile segment that provides an alternate route to a state road. This is the first federal funding provided for this project. The city will provide \$400,000.

CENTRAL AVENUE BUS RAPID TRANSIT CORRIDOR ENHANCEMENTS

Account: Federal Transit Administration, Bus and Bus Facilities.

Legal name and address of requesting entity: City of St. Petersburg, 175 Fifth Street North, St. Petersburg, FL 33701.

Description of request: \$475,000 is included in the bill for the city of St. Petersburg for the development of a Central Avenue Bus Rapid Transit corridor along Central Avenue. The funding will be used for station development, streetscaping, signalization, surface street improvements, and pedestrian connectors. This is the first federal funding provided for this project. The city will provide \$100,000.

CLEARWATER DOWNTOWN REDEVELOPMENT PROJECT

Account: Department of Housing and Urban Development, Economic Development Initiative.

Legal name and address of requesting entity: City of Clearwater, 112 S. Osceola Avenue, Clearwater, FL 33756.

Description of request: \$237,500 is included in the bill for the City of Clearwater to implement projects that will revitalize downtown Clearwater. These funds will enable the city to undertake Phase 2 of the project and to transform Cleveland Street into a pedestrian friendly area with landscaped sidewalks and medians. The project also includes new benches, trash receptacles, and bike racks. The city will also implement waterfront upland improvements with seawall cap repairs, sidewalk widening, parking lot upgrades and landscaping. The city received \$300,000 in appropriations for this project in FY 2008.

EGMONT KEY STABILIZATION

Account: Army Corps of Engineers, Investigations.

Legal name and address of requesting entity: Tampa Port Authority, P.O. Box 2192, Tampa, FL 33601.

Description of request: \$38,000 is included in the bill to continue work on a feasibility study authorized by the Water Resources and Development Act of 2002 to protect this historic island, which is a National Wildlife Refuge and is listed on the National Register of Historic Places. Egmont Key is a 290 acre island located at the mouth of Tampa Bay that contains a unique collection of natural and cultural resources. The majority of the land is owned by the U.S. Fish and Wildlife Service. The U.S. Coast Guard and the Tampa Bay Pilots Association own smaller portions of the island. The island and the fortifications on that island have played an important role in the history of Tampa Bay. Tidal action from Tampa Bay waters is threatening the historic fort and gun emplacements located on the western shore. The purpose of the feasibility study is to determine a long-term strategy for protecting the beach and restoring the shoreline. Previous funding in the amount of \$916,900 has been provided for this project through FY 2008.

FLORIDA CANCER CLINICAL TRIAL PATIENT/ PHYSICIAN INFORMATION AND EDUCATION PROJECT

Account: Health Resources and Services Administration, Health Care-Related Facilities and Activities.

Legal name and address of requesting entity: University of South Florida, College of Education, 4202 East Fowler Avenue, Tampa, FL 33620.

Description of request: \$190,000 is included in the bill for the Florida Cancer Clinical

Trial Patient/Physician Information and Education Project sponsored by the University of South Florida. This program has developed continuing education and databases for the public on clinical trials for cancer treatments focusing on the nature of clinical trials and how patients might benefit, what trials are being conducted in Florida, the criteria for participation, and contact information. It also has developed an interactive web based program that lists all current cancer clinical trials and allows patients to determine programs for which they might be eligible. Further, it allows patients to share this information with their physicians. Previous funding was provided for this project as follows: FY 2004–\$500,000, FY 2005–\$500,000, FY 2008–\$536,000.

**FLORIDA REGIONAL COMMUNITY POLICING
INSTITUTE AT ST. PETERSBURG COLLEGE**

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants.

Legal name and address of requesting entity: St. Petersburg College, 3200 34th St. South, St. Petersburg, FL 33711.

Description of request: \$400,000 is included in the bill to allow the Florida Regional Community Policing Institute at St. Petersburg College to continue providing, for the Department of Justice, low- and no-cost training and technical assistance to public safety professionals and the people of the communities they serve throughout the nation. This institute has assisted youth, volunteers, city and state employees, community colleges, social service agencies, and community leaders on public safety issues important to their communities. The Department of Justice has asked the institute to develop training materials in areas such as Human Trafficking, Gangs, School Violence, Methamphetamine Labs, Law Enforcement Suicide, Counter-Terrorism Awareness, Community Policing, Offender Re-Entry, Workplace and Domestic Violence, Diversity, Ethics, Problem Solving, and Citizens Police Academies. Over the past 10 years, the institute has delivered training to more than 75,000 participants representing 870 different agencies by customizing curriculum, developing web and CD courses, and providing online registration. No previous funding has been provided to the institute.

**GREAT EXPLORATIONS, THE CHILDREN'S
MUSEUM, SERVICES FOR AT-RISK YOUTH**

Account: Institute of Museum and Library Services, Office of Museum and Library Services, Grants and Administration.

Legal name and address of requesting entity: Great Explorations, The Children's Museum, 1925 Fourth Street North, St. Petersburg, FL 33704.

Description of Request: \$95,000 is included in the bill for Great Explorations, the Children's Museum, for the development of "The Urban Youth Leadership Institute of Florida." This institute will increase the museum's capacity to strengthen communities by providing services to vulnerable children and families throughout the Central Florida region by providing a safe place to gather for early education, marketable vocational skills, mentoring, a healthy start, structured activities and a chance to give back through community service. Great Explorations offers unique academic and leadership initiatives to engage thousands of the most vulnerable youth each year to discontinue the generational pattern of low-income youth living in and depending on programs such as housing assistance from the U.S. Housing and Urban Development Department. These

programs are based on national models implemented by Great Explorations Children's Museum's leaders for more than 65 museums throughout the nation in partnership with multiple community-based organizations also serving our most vulnerable youth and families, including local housing authorities. The goal of these partnerships continues to be the implementation of extensive leadership development programs that have led to proven methods for ensuring a higher income and educational experiences for thousands of youth. This is the first federal funding provided for this project.

**GULF COAST JEWISH FAMILY SERVICES
COMMUNITY CARE FACILITY**

Account: Health Resources and Services Administration, Health Care-Related Facilities and Activities.

Legal name and address of requesting entity: Gulf Coast Jewish Family Services, 14041 Icot Boulevard, Clearwater, FL 33760.

Description of request: \$190,000 is included in the bill for Gulf Coast Jewish Family Services to consolidate its operations into one facility to increase the number of patients served, enhance patient privacy, provide a more seamless system of care, and reduce overhead costs. Gulf Coast serves more than 50,000 at-risk children, youth, adults, and elderly. This is the first federal funding provided for this project.

**INTRACOASTAL WATERWAY OPERATION AND
MAINTENANCE FROM CALDOSAHATCHEE
RIVER TO ANCLOTE RIVER**

Account: Army Corps of Engineers, Operations and Maintenance.

Legal name and address of requesting entity: West Coast Inland Navigation District, P.O. Box 1845, Venice, FL 34284.

Description of request: \$2,076,000 is included in the bill for the maintenance dredging of sections of the Intracoastal Waterway through six Florida counties, including Pinellas County. The 1945 Rivers and Harbors Act authorized the Intracoastal Waterway to be maintained at a width of 100-feet, and a depth of nine-feet between the mouth of the Caloosahatchee River, near Ft. Myers, and the Anclote River, north of Tampa. The channel runs through six counties (Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, and Lee) and links natural deep-water sections of bays through a series of man-made channels, thereby providing for the safe passage of commercial goods and access to commercial fishing grounds. Dredging of the Intracoastal Waterway commenced in 1960 and was completed in 1967, at which time the West Coast Inland Navigation District began maintenance activities. This funding will support maintenance dredging for Longboat Pass (Manatee County), Venice Inlet (Sarasota County), mouth of Caloosahatchee River (Miserable Mile in Lee County), the Boca Grande Bayou area (Miller's Marina in Lee County), and a section of the Intracoastal Waterway in Pinellas County just north of the Tampa Bay port shipping channel. Previous funding totaling \$1,400,000 was included in FY 2004 and FY 2005 for the design, engineering, and permitting for this project and \$1,215,000 was included in FY 2008 for the initial dredging of this waterway.

**NATIONAL CLEARING HOUSE FOR SCIENCE,
TECHNOLOGY, AND THE LAW AT STETSON
UNIVERSITY COLLEGE OF LAW**

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants.

Legal name and address of requesting entity: Stetson University College of Law, 1401 61st Street South, Gulfport, FL 33707.

Description of request: \$400,000 is included in the bill for the National Clearing House for Science, Technology, and the Law at Stetson University College of Law to build and maintain the world's only searchable comprehensive bibliography on law, science, and technology. This database contains court decisions and commentary, scholarly publications, commercial applications, professional associations and institutions, and other resources about traditional and new forensic topics, such as Identity Theft, Intra and Interstate Tracking of Sexual Predators, Canine Sniff Detection, and Less Lethal Technologies. It contains 18 resource categories for each of 33 topics in science and technology. At present, it contains more than 65,000 records, and more than 1,500 entries a month are added. Visitors from more than 110 countries have visited the site. In addition, comprehensive Cold Case and Identifying the Missing resources have recently been added to the site. No other such national resource exists. The online database also includes a quarterly newsletter which focuses on the latest topics such as Methamphetamine, Shaken Baby Syndrome, Cyber Forensics, Post-Conviction DNA Testing, Bioterror and the Physician, and Virtual Autopsies. Funding will also enable Stetson to continue building an important reference collection of law, science, and technology material to meet the needs of law enforcement personnel, legal professionals, crime lab personnel, national security professionals, medical examiners, and public health professionals. These professions face challenges due to a lack of access to information regarding new areas of science and technology. The Clearinghouse reference collection allows access via interlibrary loan to physical materials not readily available at local libraries. Important forensic science collections are being donated to the clearinghouse on a regular basis for use by these professionals. Stetson will use this funding for two new initiatives. The first is the development of training modules and primers to be made available through distance education technology. These cross-disciplinary modules will focus on training scientists in the complex workings of the legal system. They also provide lawyers with much needed education in various scientific and technological disciplines. Law 101 will focus on testimony skills for expert witnesses, scientists and law enforcement personnel. The primers, written by lawyers, scientists, and educators, will cover the basic elements of a science or technology and principles of law. They will provide practical advice regarding motions in limine, locating and qualifying an expert, direct and cross-examination of the expert, and legal issues that arise in such cases. The second initiative will be to support the federal DNA initiative. The goal of this project is to provide training about the applications and limitations of DNA evidence to defense counsel handling cases involving biological evidence, as stated in the President's DNA Initiative. To achieve this goal, the Clearinghouse is working closely with the National Institute of Justice (NIJ) and an expert Advisory Group to develop training that will provide defense attorneys with the general knowledge of the uses of DNA evidence in judicial proceedings as it pertains to discovery and ethics, proper closing arguments, case assessment, etc. The training will complement other forensic DNA evidence resources developed by NIJ, such as the "Officers of the Court" CD-ROM, which provides a foundational understanding of the science, technology, statistics, and

other non-advocacy topics. Training will occur across the country and will incorporate "Train the Trainer" sessions to further broaden outreach efforts. Previous funding has been provided to Stetson for the National Clearinghouse in the following amounts: FY 2003-\$1,768,430, FY 2004-\$2,968,432, FY 2005-\$2,959,930, FY 06-\$1,682,119.

NATIONAL FORENSIC SCIENCE TECHNOLOGY CENTER

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants.

Legal name and address of requesting entity: The National Forensic Science Technology Center, 7881 114th Avenue North, Largo, FL 33773.

Description of request: \$1,750,000 is included in the bill for the National Forensic Science and Training Center (NFSTC), which is a Department of Justice-selected Forensic Technology Center of Excellence. With these funds, the NFSTC will continue to provide for the Office of Justice Programs an assessment program to audit the capabilities and quality of DNA laboratories throughout the United States which receive agency funding. NFSTC not only assists laboratories in improving their performance in DNA analysis, but also provides grant recipients with an objective review of their use of federal funds. Previous funding has been provided to NFSTC, which employs 34 people in Pinellas County, Florida, in the following amounts: FY 2000-\$1,899,822, FY 2001-\$2,594,280, FY 2002-\$8,500,000, FY 2003-\$2,980,000, FY 2004-\$1,978,000, FY 2005-\$1,973,286, FY 2007-\$1,973,286, FY 2008-\$2,030,400.

NATIONAL TERRORISM PREPAREDNESS INSTITUTE AT ST. PETERSBURG COLLEGE

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants.

Legal name and address of requesting entity: St. Petersburg College, 3200 34th St. South, St. Petersburg, FL 33711.

Description of request: \$800,000 is included in the bill for the National Terrorism Preparedness Institute (NTPI) at St. Petersburg College, for training support programs for law enforcement and other emergency responders through the rapid research, development, and delivery of customized anti-terrorism training and professional development materials and scenario models. NTPI seeks to deliver the highest quality content and instructional technology delivery systems to meet the unique training needs and time constraints of the trainees. These materials are delivered through traditional classroom training or distance learning technologies and the topics are determined by and based on the needs of the Departments of Justice and Homeland Security. Areas that have been covered in the past include implementation of the National Infrastructure Protection Plan, expanding regional collaboration, implementation of the National Infrastructure Protection Plan, strengthening information sharing and collaboration capabilities, and enhancing Chemical, Biological, Radiological/Nuclear, and Explosive detection, response, and decontamination capabilities.

PINELLAS COUNTY BEACH EROSION CONTROL

Account: Army Corps of Engineers, Construction.

Legal name and address of requesting entity: Pinellas County Board of County Commissioners, 315 Court Street, Clearwater, FL 33756.

Description of request: \$6,699,000 is included in the bill for the Pinellas County

Board of County Commissioners to continue the Pinellas County beach erosion control program. The Pinellas County program was first authorized by Congress in 1966 and reauthorized in 1976 and has provided immeasurable storm protection and recreation benefits to Pinellas County residents and visitors. These funds will be used for the regularly scheduled renourishment and restoration of beaches at Treasure Island and Long Key. The federal and state/local cost sharing averages 60/40 under the current authorization. The combined state and local share of this project will be an estimated \$4,700,000. With the funds appropriated in this bill, the total federal funds appropriated for the Pinellas County Beach Erosion Control Project will be \$90,815,404 since Fiscal Year 1986.

PINELLAS COUNTY EX-OFFENDER RE-ENTRY INITIATIVE

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants.

Legal name and address of requesting entity: Pinellas County Board of County Commissioners, 315 Court Street, Clearwater, FL 33756.

Description of request: \$300,000 is included in the bill for the Pinellas County Board of County Commissioners to establish an ex-offender re-entry initiative. This funding will enhance the services provided by a collaboration of Pinellas County justice and consumer services departments and other non-profit organizations to better enable the reintegration of ex-offenders as productive members of their communities and prevent recidivism. The Pinellas County Ex-Offender Re-Entry Program will provide a spectrum of services to individuals released from incarceration that address the unique needs of ex-offenders to assist their transition to a stable, drug and crime-free, productive life within the community, such as: (1) job training and employment placement; (2) housing assistance; (3) filling literacy and education gaps; (4) substance abuse and mental health counseling; (5) healthcare; (6) legal assistance; and (7) providing basic needs such as food and clothing. The county estimates that the funding will enable the program to reach 7,500 to 10,000 ex-offenders. Federal programs, specifically those administered by the Department of Justice, have increasingly focused support toward offender reentry and recidivism prevention programs, particularly regional and interagency efforts to deliver comprehensive and coordinated interventions across housing, workforce, and social services. The Pinellas County Ex-Offender Re-Entry Initiative reduces recidivism through targeted intervention and rehabilitation services, which are aimed to improve employment outcomes for ex-offenders and direct them toward a productive and self-sufficient lifestyle. The Pinellas County jail manages over 54,000 criminal bookings per year, with an average daily jail population of approximately 3,600 individuals. Over 7,000 sentenced inmates re-enter society in Pinellas County each year. Additionally, over 2,000 inmates from the Department of Corrections come into Pinellas County per year after serving a sentence in the State prison system. Recidivism rates in Pinellas County are 60-70 percent for those coming from the state system and 50-60 percent for those coming from the county system. This is the first federal funding provided for this project. Pinellas County will provide a \$270,000 match.

PINELLAS COUNTY REGIONAL URBAN SUSTAINABILITY DEMONSTRATION AND EDUCATION FACILITY

Account: Department of Energy, Energy Efficiency and Renewable Energy Projects.

Legal name and address of requesting entity: Pinellas County Board of County Commissioners, 315 Court Street, Clearwater, FL 33756.

Description of request: \$475,750 is included in the bill for the Pinellas County Board of County Commissioners for the construction of a regional facility to provide a demonstration of green building techniques, alternative energy initiatives and technologies, and reduced energy consumption. Educational workshops available to the general public also will be taught at the facility by university representative and other experts in energy efficiency and urban sustainability. A partnership among Pinellas County, the University of Florida, Tampa Bay Builders Association, and the Council for Sustainable Florida, the facility's programmatic elements will encourage Leadership in Energy and Environmental Design (LEED) development practices and showcase green building techniques and sustainable resources implementation. Located on the campus of the Pinellas County Extension Service in Largo, the facility will serve the nearly 1,000,000 residents of Pinellas County, and more from surrounding counties, as an energy efficient model for future development in the region and a training demonstration site for area builders on how to build to green building standards. The Department of Energy, Energy Efficiency and Renewable Energy account funds project by municipalities, universities, and other entities to test and implement solutions for alternative energy and conservation. This program will equip builders and individuals throughout the Central Florida region with knowledge to meet the nationally accepted benchmark for the design, construction, and operation of high-performance green buildings. This is the first federal funding provided for this project.

PINELLAS COUNTY SHERIFF, CRIMINAL INTELLIGENCE GATHERING TECHNOLOGY

Account: Department of Justice, COPS Law Enforcement Technology.

Legal name and address of requesting entity: Pinellas County Sheriff, 10750 Ulmerton Road, Largo, FL 33778.

Description of request: \$100,000 is included in the bill for the Pinellas County Sheriff to acquire high-technology intelligence gathering equipment and a vehicle for intelligence gathering operations. The equipment would be used in counter terrorism and traditional crime control and public safety operations. Because the Sheriff is a part of a number of regional and state task forces, this equipment would be used by Criminal Intelligence Section detectives assigned to the Regional Domestic Security Task Force, the Joint Terrorism Task Force, and the Florida Intelligence Unit. This is the first federal funding provided for this project.

PINELLAS COUNTY SHERIFF, JOINT-USE OUTDOOR FIRING RANGE

Account: Department of Justice, COPS Law Enforcement Technology.

Legal name and address of requesting entity: Pinellas County Sheriff, 10750 Ulmerton Road, Largo, FL 33778.

Description of request: \$500,000 is included in the bill for the Pinellas County Sheriff to develop an outdoor firing range for joint use by local, state, and federal agencies, including military and federal law enforcement

personnel. The demonstrated need for such a range is the result of a survey of these agencies, including DEA, U.S. Marshal, U.S. Secret Service, Immigration and Customs Enforcement, FBI, U.S. Coast Guard, Florida National Guard, U.S. Air Force, NCIS, and U.S. Marine Corps which found that these agencies lack sufficient outdoor facilities to practice and qualify for firearms proficiency. The Pinellas County Board of County Commissioners has provided \$500,000 to complete pre-construction requirements including architectural services; civil engineering; environmental site assessment; structural engineering; mechanical, electrical and plumbing engineering; site surveying and geotechnical testing. This is the first federal funding provided for this project.

ST. PETERSBURG-CLEARWATER INTERNATIONAL AIRPORT TERMINAL IMPROVEMENTS

Account: Federal Aviation Administration, Grants-in-Aid for Airports.

Legal name and address of requesting entity: Pinellas County Board of County Commissioners, 315 Court Street, Clearwater, FL 33756.

Description of request: \$831,250 is included in the bill for the Pinellas County Board of County Commissioners for terminal improvements at the St. Petersburg-Clearwater International Airport. Federal funding will support terminal improvements to the aging and obsolete terminal building at the airport. Improvements will address structural problems and requirements needed to accommodate significant airline growth. Specific projects identified include the addition of two passenger loading bridges and related structural retrofits to enable use, expansion of existing terminal gate hold rooms, reconfiguration of security checkpoints, ticketing area conversions, build-out of new post-security amenities and concession space, and the replacement of a failing chiller unit. This is the first federal funding provided for this project. Pinellas County will contribute \$750,000.

ST. PETERSBURG COLLEGE HEALTHCARE INFORMATICS WORKFORCE TRAINING

Account: Department of Education, Fund for the Improvement of Postsecondary Education.

Legal name and address of requesting entity: St. Petersburg College, 6021 142nd Avenue North, Clearwater, FL 33760.

Description of request: \$95,000 is included in the bill for the St. Petersburg College to create a course of study in the area of health care informatics that will meet the needs of the health care industry as it transitions to a system of electronic medical records. The college will develop a new postsecondary health care informatics curriculum, curricular units for secondary students, faculty development, and the marketing materials to recruit high school students and college students into health care informatics careers. The new courses will be designed for on-line learning but they will also be able to be delivered in a blended instructor-led format. Current health care employees will be able to receive individualized or group instruction and with the training will be able to move from entry-level jobs to increasingly responsible positions. A web portal will also be developed to serve as a source of information about health informatics, the college's certificate and degree programs, and related career and training opportunities. Youth will also learn about health care informatics through a structured high school outreach program and through in-school job and career presentations by college faculty.

In addition, an online competency-based Introduction to Health Care Informatics tutorial will also be available free of charge to anyone interested in learning about health care informatics. Finally, an annual Health Care Informatics Symposium will bring nationally known subject matter experts to the region and provide a health care informatics forum for communication industry representatives, secondary and postsecondary faculty, and students. This is the first federal funding provided for this project.

ST. PETERSBURG COLLEGE ORTHOTICS AND PROSTHETICS PROGRAM

Account: Health Resources and Services Administration, Health Care-Related Facilities and Activities.

Legal name and address of requesting entity: St. Petersburg College, 6021 142nd Avenue North, Clearwater, FL 33760.

Description of request: \$476,000 is included in the bill for the St. Petersburg College to expand its Bachelors Degree program in the study of Orthotics and Prosthetics to meet the nationwide shortage of professionals in this field. At present, there are only four baccalaureate programs and five certificate programs to train orthotists and prosthetists in the United States. St. Petersburg College has the only program in the Southeastern United States. The St. Petersburg College is working to increase the availability of Orthotics and Prosthetics education by seeking partnerships with other colleges within the state of Florida and the Southeast. This will include developing and offering courses on-line and through distance learning. St. Petersburg College also will use these funds to host continuing education for practitioners already in the field. The goal is to increase the number of professionals in the field to meet the growing need of service members and civilians. This is the first federal funding provided for this project. St. Petersburg College will provide an \$800,000 match.

ST. PETERSBURG SOLAR PILOT PROJECT

Account: Department of Energy, Energy Efficiency and Renewable Energy Projects.

Legal name and address of requesting entity: City of St. Petersburg, 175 Fifth Street North, St. Petersburg, FL 33701.

Description of request: \$1,427,250 is included in the bill for the City of St. Petersburg to develop and implement a renewable and sustainable solar energy network to provide the electricity required to power 40 city parks. Through a collaboration with Progress Energy Florida and the University of South Florida Center for Utility Exploration, the city will be able to remove all of these parks from the city's power grid. This will demonstrate how the city can reduce peak demand at power generation facilities, reduce greenhouse gas emissions and the dependence on foreign oil. The City of St. Petersburg is uniquely situated to exploit cheap, clean renewable solar power and is committed to utilize the limitless resource to go solar at all of its City parks and eventually all operating facilities. This is the first federal funding provided for this project. The city of St. Petersburg will provide a \$500,000 match.

STEPS TO A HEALTHIER PINELLAS

Account: Centers for Disease Control, Health Promotion.

Legal name and address of requesting entity: Pinellas County Schools, 301 4th Street S.W., Largo, FL 33770.

Description of request: \$190,000 is included in the bill for the Pinellas County School System to provide nutrition education, asthma

and diabetes, staff wellness and family weight management programs for its students. Steps to a Healthier Pinellas will require physical fitness assessments for all students enrolled in physical education classes. Proposed activities will be aligned to the recommendations produced by the Governor's Council for Physical Fitness and have been highlighted as best practices in the State of Florida. This is the first federal funding provided for this project. The school system will provide a \$164,000 match.

STETSON UNIVERSITY COLLEGE OF LAW ELDER JUSTICE PROGRAM

Account: Administration on Aging, Aging Services Programs.

Legal name and address of requesting entity: Stetson University College of Law, 1401 61st Street South, Gulfport, FL 33707.

Description of request: \$95,000 is included for the Stetson University College of Law to establish a pilot program to determine the most effective way to educate seniors about mortgage fraud and other financial scams. Through Stetson's Elder Justice Resource Center, this program will focus on ways to communicate with seniors about the inherent dangers from unsolicited offers for home refinancing, reverse mortgages, consumer goods, and financial opportunities. Communications strategies will include a telephone hotline, a web site, onsite visits to senior centers, retirement homes, libraries, clubs, and other places that seniors gather. This is the first federal funding provided for this project. Stetson will match these funds with \$100,000.

TAMPA BAY WATCH EDUCATION BUILDING

Account: Department of Housing and Urban Development, Economic Development Initiative.

Legal name and address of requesting entity: Tampa Bay Watch, 3000 Pinellas Bayway South, Tierra Verde, FL 33715.

Description of request: \$237,500 is included in the bill for Tampa Bay Watch for the construction of an education building to expand its capacity to hold education and restoration workshops for students and families. Tampa Bay Watch is a community based habitat restoration and education program that has helped bring back to life the waters of Tampa Bay and its surrounding tributaries. It has mobilized more than 65,000 volunteers in what is the first environmental organization of its kind in the Southeastern United States. Tampa Bay Watch's staff and volunteers coordinate a variety of coastal restoration events throughout the year such as salt marsh plantings, oyster dome and reef construction, coastal cleanups and storm drain markings. One of Tampa Bay Watch's greatest assets is its education programs which support year-round school field trips, summer camp programs, and community groups. More than 180 field trips have been held there during which 3,000 students contributed 14,600 hours to learn about and help restore Tampa Bay.

TAMPA PORT PLANNING, ENGINEERING AND DESIGN FOR FUTURE REQUIREMENTS

Account: Army Corps of Engineers, Construction.

Legal name and address of requesting entity: Tampa Port Authority, P.O. Box 2192, Tampa, FL 33601.

Description of request: \$478,000 is included in the bill for the continued planning, engineering, and design for a project to widen and deepen the Tampa shipping channel to allow for the safer passage of shipping traffic and to accommodate larger ships requiring a deeper draft. The Army Corps of Engineers

completed a draft General Reevaluation Report (GRR) in 2008 which focuses on traffic congestion in the main Tampa Harbor channel where extensive delays occur due to lack of adequate channel width. The 40 mile main federal channel handles traffic in and out of the entire Tampa Bay federal port system for the Ports of Tampa, Manatee and St. Petersburg. The ship channel is too narrow to allow for safe two way vessel traffic due to the introduction of new longer and broader cruise ships. The impacts associated with having a restriction of this nature include vessels waiting at berth or at the sea buoy while large cruise ships transit the channel. The GRR concurs with the Tampa Port Authority and the port community that the resulting congestion causes safety hazards and economic inefficiencies and recommends widening select portions of the main channel. The GRR finds that vessel operation costs would be reduced, resulting in transportation cost savings, increased harbor safety and reduced cargo delivery delays. In addition, the continued reevaluation of the needs in the Tampa Harbor is necessary, to include deepening, in order to facilitate anticipated growth in trade as the Port of Tampa continues its steady growth and diversification. As Florida's largest cargo port, the Port of Tampa handles approximately 50 million tons of cargo per year. The Port of Tampa is also the largest economic engine in West Central Florida and the nation's 14th largest port in terms of short tons. The Port of Tampa generates an annual economic impact of almost \$8 billion on the region which includes the contribution of over \$570 million annually in state and local taxes. This project is authorized by three separate federal statutes: The Energy and Water Development Appropriations Act, 2004 (P.L. 108-137); The Energy and Water Development Appropriations Act, 2005 (P.L. 108-447); and the Water Resources Development Act of 2007 (P.L. 110-114). Previous funding for this project has been provided as follows: FY 2008-\$133,000, FY 2004-\$2,500,000, FY 2003-\$200,000, FY 2002-\$500,000, FY 2001-\$300,000.

TREASURE ISLAND WASTEWATER AND SEWER SYSTEM UPGRADE

Account: Environmental Protection Agency, State and Tribal Assistance Grants Infrastructure Grants.

Legal name and address of requesting entity: City of Treasure Island, 120 108th Avenue, Treasure Island, FL 33706.

Description of request: \$500,000 is included in the bill for the city of Treasure Island to upgrade its wastewater and sewer system. With these funds, the city will purchase an emergency generator and pump motor controls. The city will also reline water pipes and repair manholes. Failure to complete these necessary wastewater infrastructure upgrades in a timely manner will expose the Gulf of Mexico and Boca Ciega Bay waters to undesirable pollutants and threaten the economic viability of this resort area. Previous appropriations for this project total \$1,250,000.

TROPICAL AND SUBTROPICAL AGRICULTURE RESEARCH (T-STAR)

Account: Department of Agriculture, Cooperative State Research, Education, and Extension Service, Research and Education Activities.

Legal name and address of requesting entity: The University of Florida, 226 Tigert Hall, Gainesville, FL 32611.

Description of request: \$6,677,000 is included in the bill for Tropical and Sub-Tropical Agriculture Research (T-STAR) at

the Universities of Florida and Hawaii to address the problem of exotic pests and other tropical and subtropical problems in America's Caribbean and Pacific Basins. The major goal of the T-STAR program is to develop strategies and tactics to stem the invasion of exotic diseases, insects, and weeds into the United States. The recent introduction of asian soybean rust into the United States, along with the increasing threat of avian influenza and foot-and-mouth disease entering the country, heightens the possibility of a terrorist-induced attack on the nation's food supply. There is an urgent need to identify exotic pests in other countries with which the United States maintains frequent and extensive trade and travel in order to: (1) determine potential avenues for the introduction of these pests into the United States, (2) develop technologies for the early detection of these pests, (3) find effective and environmentally acceptable methods for the eradication and containment of these pests if they enter the United States. Under the T-STAR program, scientists aggressively protect the nation against the growing environmental and economic threat of invasive exotic pests. The Universities of Florida and Hawaii represent important agricultural states which are prime locations for the introduction of exotic pests from other parts of the world. Previous funding has been provided by the Department of Agriculture for T-STAR in the following amounts: FY 2001-\$3,800,000, FY 2002-\$3,800,000, FY 2003-\$9,000,000, FY 2004-\$9,000,000, FY 2005-\$9,400,000, FY 2006-\$9,500,000, FY 2008-\$7,400,000.

U.S. 19 AT ENTERPRISE

Account: Federal Highway Administration. Legal name and address of requesting entity: Pinellas County Metropolitan Organization, 600 Cleveland Street, Suite 750, Clearwater, FL 33755.

Description of request: \$855,000 is included in the bill to continue work on a controlled access project at U.S. 19 and Enterprise Road in Clearwater. With federal, state, and local funds, the Pinellas Metropolitan Organization has been converting U.S. 19 from an arterial roadway into a controlled access roadway. The 1.3 mile Enterprise Road segment is the last remaining grade level interchange. Once complete, there will be 11.2 miles of controlled access, with no traffic signals, between 118th Avenue in mid-Pinellas County north to State Road 580 in north Pinellas County. U.S. 19 is a Regional Emergency Evacuation Route used by an average of 90,000 vehicles per day. Previous federal funding, provided in FY 2001 in the amount of \$4,000,000, was used for preliminary engineering and grade separated design. The Florida Department of Transportation will provide \$17 million toward the completion of this project.

WORKNET PINELLAS EMPLOYED WORKER RETRAINING PROGRAM

Account: Department of Labor, Employment and Training Administration, Training & Employment Services.

Legal name and address of requesting entity: WorkNet Pinellas, 13805 58th Street North, Suite 2140, Clearwater, FL 33760.

Description of request: \$95,000 is included in the bill for WorkNet Pinellas to conduct an employer-focused training program for workers to train them in new fields and new technologies. WorkNet will solicit technological training shortfalls from Pinellas County manufacturers. Through consultation with the employers and the local Economic Development Council, WorkNet will

certify the validity of the training needs and prepare a training plan based on the employers' technology usage. Through its training partners, Pinellas Technical Education Centers and St. Petersburg College, WorkNet will identify the training resources available and submit the plan to the employer for approval and agreement. The employer will be expected to contribute at least half of the cost of the training program and consent to meeting the training goals within a specified timeline. This project will be based firmly on the skill needs of the employer and will result in a more highly skilled workforce whose members can continue to progress in their careers. Another clear objective of this program will be to allow the employers to remain competitive in the global economic market without having to relocate or farm-out any of their production. The goal of the program is to training 1,200 workers from at least 15 employers. This is the first federal funding provided for this project.

EARMARK DECLARATION

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. ROHRBACHER. Madam Speaker, pursuant to the requirements of the Republican Conference of the House, I am submitting for the RECORD the following revised information regarding two earmarks I requested, which are included in the reported version of H.R. 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: H.R. 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Vanguard University Academic Center for Science, Nursing, and Technology.

Account: DHHS, Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Vanguard University

Address of Requesting Entity: 55 Fair Drive, Costa Mesa, CA 92626-

Description of Request: I received \$238,000 for Vanguard University's Academic Center for Science, Nursing, and Technology. Vanguard University is developing an Academic Center for Science, Nursing, and technology which will help address the significant problems facing California by training teachers in science and math, and by developing a Nursing School with an accelerated RN to Bachelor of Science in Nursing Degree Program to help address the nursing crisis. The center will include the development of smart classrooms, the nursing school, and research laboratories to train existing teachers and nurses, and will deliver the study of science, math, and technology that will prepare students for teaching careers in science and math. It is my understanding the University will provide the balance of funding through endowments and other major gifts. It is also my understanding funds will be used consistent with the following.

Site work: \$407,500

Shell & Minimal Core \$4,087,000

Core & Systems \$1,911,000

Basement Premium \$232,500
500 SF total @ 132.66/SF
Total \$6,638,000

I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: H.R. 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Vanguard University Academic Center for Science, Nursing, and Technology.

Account: Department of Education, Higher Education (FIPSE)

Legal Name of Requesting Entity: Vanguard University

Address of Requesting Entity: 55 Fair Drive, Costa Mesa, CA 92626

Description of Request: I received \$190,000 for Vanguard University's Academic Center for Science, Nursing, and Technology. Vanguard University is developing an Academic Center for Science, Nursing, and technology which will help address the significant problems facing California by training teachers in science and math, and by developing a Nursing School with an accelerated RN to Bachelor of Science in Nursing Degree Program to help address the nursing crisis. The center will include the development of smart classrooms, the nursing school, and research laboratories to train existing teachers and nurses, and will deliver the study of science, math, and technology that will prepare students for teaching careers in science and math. It is my understanding the University will provide the balance of funding through endowments and other major gifts. It is also my understanding funds will be used consistent with the following.

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Basement Premium \$232,500
500 SF total @ 132.66/SF
Total \$6,638,000

I certify that neither I nor my spouse has any financial interest in this project.

IN CELEBRATION OF THE RETIREMENT OF REVEREND ISAAC SINGLETON

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mrs. HALVORSON. Madam Speaker, I rise today to recognize Reverend Isaac Singleton's retirement after 47 years with the Mount Zion Baptist Church in Joliet, Illinois. Reverend Singleton earned his recognition as a south suburban icon many years ago. After working on a plantation in Louisiana with his father, he joined the Army Air Force during World War II. He later settled in Joliet, where he has enjoyed a 60 year marriage with his wife Pearl. He is known locally as a symbol of the civil rights movement for marching alongside the great Martin Luther King, Jr. in Montgomery, Alabama and is featured in both "Who's Who Among Black Americans" and the Joliet Will County Hall of Pride.

As pastor at Mount Zion Baptist Church, Reverend Singleton saw the congregation grow from an intimate 100 members to the ever faithful, flourishing parish of 2,000 members it is currently. Reverend Singleton's influence is seen all over Joliet, from the 28,000 square foot presence of Mount Zion Baptist church to the street named after him to the Family Life Center he founded. He is respected internationally as well, having preached in five different continents and having built churches in Africa.

Reverend Singleton retires this month after a fulfilling, impressive, and inspirational career. He is truly an asset to Joliet as well as the global faith community. It is with great pride that I celebrate the career of Reverend Isaac Singleton. May his retirement be fruitful and joyous.

HONORING THE LIFE AND CAREER OF BILL POST

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. PASTOR of Arizona. Madam Speaker, I would like to take a few minutes to praise and reflect upon the career of an outstanding CEO and an even better friend, Bill Post. I first met Bill in the early 1970s when he was financial officer for the Arizona Public Service, also referred to as APS, and I was a Maricopa County Supervisor. He impressed me as a smart, young executive.

Bill Post is the Chairman and Chief Executive Officer of Arizona Public Service—my home state's largest electric company. Bill recently announced his retirement from APS and its parent company, Pinnacle West Capital Corporation, after 37 distinguished years with the companies.

Starting his career as a Draftsman after finishing college at Arizona State University, Bill quickly climbed the ranks at APS. He became an officer in 1982, then ascended to President and CEO of APS and President of Pinnacle West in 1997. He earned the title of Chairman of the Board for both companies in 2001.

Of course what he accomplished and the relationships he built were always far more important to Bill than any title. He guided APS through a period of incredible growth for our state. In the last decade alone, APS added more than 300,000 customers, yet the company has been a model of efficiency. Despite its rapid growth, APS continued to meet Arizona's expanding energy needs while also improving customer satisfaction, setting new standards of electric reliability and keeping employee numbers essentially flat.

Revered for his business acumen, Bill is also ubiquitous in the community—continually lending his guidance, energy and financial resources to non-profit organizations such as Greater Phoenix Leadership, Valley of the Sun United Way, the Arizona Business Coalition, and the Children's Action Alliance. His dedication to our community and state led me to often refer to Bill as the "Big Dog in Town." Bill's own generosity has always set the tone for his company—APS and its employees are

known across Arizona as leaders in the communities they serve.

Bill Post embodies the character and uniqueness of my home state. A lifelong Arizonan, Bill is as at home driving his Jeep through dusty desert trails as he is guiding strategy in a corporate boardroom. In his retirement from APS, I know he will probably be providing leadership to the people of Arizona.

COMMEMORATING BRAIN AWARENESS WEEK

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. SESTAK. Madam Speaker, today I rise to commemorate Brain Awareness Week (BAW) and the benefits of this informative week in educating students on brain science in my congressional district and across the country. Brain Awareness Week, launched in 1996, brings together the Society for Neuroscience, Dana Alliance for Brain Initiatives and 1200 other organizations worldwide who share a common interest in improving public awareness of brain and nervous system research. During Brain Awareness Week, neuroscientists around the globe educate K-12 students, senior citizens and the public at large on the wonders of the human brain. These activities include tours of neuroscience laboratories, museum exhibitions and classroom discussions on the elements of the human brain.

This year, the Philadelphia area members of the Society for Neuroscience will host their annual Brain Awareness event at the Franklin Institute in Philadelphia on March 19-20. Many of my constituents will be exposed to the exciting world of neuroscience, hopefully become inspired to become the next generation of scientists, and learn about the connection between increased support for biomedical research and benefits to public health. Today, in recognition of Brain Awareness Week, I would like to highlight a serious brain condition that affects many of our men and women in uniform returning home from combat in Iraq and Afghanistan: Traumatic Brain Injury (TBI).

Madam Speaker, as a member of the House Armed Services Committee and a former Naval officer, I know firsthand the reality of war and how it affects our soldiers. Many of our brave men and women experience severe trauma from land mines, road side bombs and other powerful explosives, which result in what are now recognized to be the signature wounds of these recent conflicts: TBI, the loss of limbs, and post-traumatic stress disorder (PTSD). In part, these wounds can be attributed to advanced body armor that shield soldiers' torsos from bullets, shrapnel, and injury and prevents them from being killed in attacks. Yet their bodies remain relatively exposed to the concussive effect of blasts that can raise atmospheric pressure by 1,000 times, rattling the brain against the skull. Neuroscience research has contributed significantly to the current standard of neurological and mental health care in the field and at military health facilities across the country.

The numbers associated with these signature wounds, including TBI, are staggering and illustrate the need for additional research. During a Pentagon news conference on March 5, 2009, Department of Defense doctors reported as many as 360,000 U.S. Service members have experienced brain injuries, mostly concussions, representing about 20 percent of the 1.8 million soldiers who have served in combat in Iraq and Afghanistan. The head of the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury noted that while the overwhelming majority heal—and heal without treatment—an estimated 45,000 to 90,000 troops have suffered more severe and lasting symptoms, which overall cost the U.S. Army \$242 million last year for staff, facilities and programs to serve troops with brain injuries. Additionally, an unprecedented 36 percent of the veterans treated thus far have been diagnosed with a mental health condition. According to 2003 data analyzed by the Defense and Veterans Brain Injury Center and the Centers for Disease Control and Prevention, about 60 percent of returning U.S. soldiers who had been exposed to blasts showed signs of brain injury, and face a lifetime of disability at an estimated cost of \$60 billion annually.

Madam Speaker, new research is exploring improved methods of treatment of TBI. The Defense and Veterans Brain Injury Center and Department of Veterans Affairs research facilities across the country are testing the antidepressant sertraline as a treatment for symptoms of TBI, including irritability, depression, frustration, and anxiety. Neuroscientists are trying to understand how these explosives disrupt the function of the nervous system in order to develop specific recovery strategies. Activity-based therapy, which takes advantage of the brain's plasticity or ability to review and recover, is proving to be one of the most effective approaches in treating head injuries. Even when certain functions are lost, repeatedly practicing a movement seems to encourage the brain to reestablish the connections that support that function. Research in laboratory animals suggests that activity itself can increase the secretion of some nerve growth factors known to play an important role in the brain plasticity and learning.

I would like to recognize that the enhancement of research for soldiers and others suffering from TBI continues to be a Congressional priority, as evidenced by the passage of the Traumatic Brain Injury Reauthorization Act, which I was proud to cosponsor. This legislation reauthorized many essential programs including the Traumatic Brain Injury Research Program at the National Institutes of Health, which conducts TBI research at laboratories on the NIH campus and also supports it through grants to major medical institutions across the country. The pursuit of cutting-edge brain injury research will remain on the nation's healthcare and neuroscience agendas for decades to come in hopes of developing innovative medical treatments that will enhance the quality of life for our veterans from Iraq and Afghanistan.

Madam Speaker, today I ask my colleagues to join me in recognizing Brain Awareness Week, which exposes our young citizens to the wonders of the brain. I also ask that you

join me in continuing to support basic research that provides a foundation for new treatments that have an enormous impact on the lives of our brave men and women returning home from combat with TBI and other brain injuries and disorders.

CELEBRATING MARCH AS RED CROSS MONTH

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. KING of New York. Madam Speaker, the American Red Cross has been on the front lines of disaster prevention and response for more than a century. This elite humanitarian society is among the most effective and recognized disaster relief organizations in the world. We have an opportunity this month to recognize the essential role the Red Cross plays in our communities. Since President Franklin Delano Roosevelt served in office, every President of the United States has proclaimed March to be "Red Cross Month."

The Red Cross responds to more than 70,000 natural and manmade disasters each year, caring for victims of fires, floods, hurricanes, hazardous materials spills, explosions, and many other kinds of incidents. Volunteers provide food, shelter, and health services to meet the most basic human needs of victims and first responders. The Red Cross also provides critical blood supplies to hospitals, first aid classes to the public, and disaster aid to the international community.

In responding to disasters small or large, the Red Cross has proven its incomparable worth time and again for over 127 years. Just this month in my district in New York, fire destroyed a North Massapequa home, and Nassau County's Red Cross arrived on the scene to offer assistance. Timely response to such daily but devastating small-scale disasters is one of the Red Cross' most important humanitarian services.

Large-scale disasters also demonstrate major successes. Immediately following the terrorist attacks of September 11, 2001, relief workers rushed to the World Trade Center, to the Pentagon, and to the fields of Shanksville, Pennsylvania. The Red Cross played an invaluable role in assisting over 59,000 individuals and families affected by those horrific acts of terror.

No matter the response, volunteers are the key to Red Cross efforts, representing 96 percent of the organization's workforce. They cannot do what they do without the support of donated manpower, finding, and supplies. The Red Cross, the dedicated individuals who serve in the organization, and the thousands of citizens who fund relief efforts epitomize the humanitarian spirit of the American people.

I join with my colleagues today to recognize the Red Cross, and thank the organization's staff and volunteers for all of their continued assistance to American communities.

THE BULLYING AND GANG REDUCTION FOR IMPROVED EDUCATION ACT

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, today, Mr. EHLERS and I are introducing the Bullying and Gang Reduction for Improved Education Act. It is time that we recognize bullying and gangs as serious problems that impede student achievement.

Bullying, harassment, and gang-related activity have serious consequences for schools and students. Nearly 40% of middle-school and high-school students report that they do not feel safe at school. Children who are bullied miss more school, have lower self-esteem, and are more likely to commit suicide than those who are not.

According to young people themselves, one reason they get involved in gang activity is to seek protection from bullying. We cannot address one without addressing the other.

Contrary to popular belief, bullying is neither a minor nuisance, something to be laughed at or ignored. It is not a rite of passage, but instead interferes with a child's right to attend school and learn. Although any child may be bullied, some children face much greater risks than others. Children who are obese and those whom others perceive to be gay or lesbian are especially at risk.

Violence in our schools caused by gang activity and bullying can cause childhood trauma, depression, anxiety, and post-traumatic stress disorder. These conditions are not conducive to learning. Youth involved in gang activity also have lower expectations about their educational attainment.

The Bullying and Gang Reduction for Improved Education Act would take important steps to address these issues by allowing states and localities to use Safe Schools funds for comprehensive bullying and gang prevention programs.

I urge my colleagues to take a stand. All children, especially societies most vulnerable, deserve their support of the Bullying and Gang Prevention for Improved Education Act.

HONORING MARKET STREET MISSION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Market Street Mission in Morristown, Morris County, New Jersey, a vibrant community I am proud to represent. On March 18, 2009, the good citizens of New Jersey will celebrate the Market Street Mission's 120th Anniversary.

The aim of the Market Street Mission is to assist those who are "homeless, helpless and hopeless" in northern New Jersey, through physical, emotional, and spiritual support that will guide them toward responsible and productive lives. The Market Street Mission is an

experienced organization with a proven method of helping to fight alcoholism, drug abuse, and homelessness in the Northern New Jersey Area. We need the Market Street Mission and more places like it.

The Market Street Mission was established in 1889 by the Reverend Dr. F.W. Owen and his wife, Mrs. Louisa Graves Owen, as a residential program for alcoholic husbands in the Morristown area. With support from the South Street Presbyterian Church, the Mission provided meals, lodging, clothing, and temporary employment for homeless men. Over the years, the Market Street Mission has grown in scope and size.

During the Great Depression, the Market Street Mission ended its affiliation with the Presbyterian Church and added the "Industrial Department," a self-supporting thrift store that provided jobs during difficult economic times. Today, residents of the Mission work at the Industrial Department as part of the successful "New Reality of Recovery" program. The Market Street Mission also has an Emergency Assistance program that provides meals and lodging for disadvantaged men, women, and children.

Led by Executive Director G. David Scott, the Market Street Mission continues to offer indispensable support and rehabilitation to those in need.

Madam Speaker, I urge you and my colleagues to join me in congratulating the Market Street Mission, as well as G. David Scott, on the celebration of 120 years serving the people of Northern New Jersey.

TRIBUTE TO COLONEL NICHOLAS
GEORGE "NICK" PSAKI, JR.

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. SHUSTER. Madam Speaker, I rise today to honor the life and report the passing of an American patriot and a neighbor, Colonel Nicholas George "Nick" Psaki, Jr., of Hollidaysburg, Pennsylvania. Colonel Psaki passed away on the afternoon of March 14th at the age of 89.

The passing of Colonel Psaki is yet another reminder for all of us that we are losing a generation of great Americans who served their country in the wars that shaped the world we live in today. The lives and the stories of these Americans, the members of the Greatest Generation, must never be forgotten.

Colonel Psaki was truly a part of that Greatest Generation. He fought with distinction in three wars, seeing combat in World War II, the Korean War and Vietnam. Colonel Psaki made his mark on the golden age of Army aviation and retired from the Army a veteran pilot with over 5,000 hours in flight time spent in fixed and rotary wing aircraft.

Throughout his distinguished military career, Colonel Psaki received numerous medals and commendations for his service to his nation. Among those decorations are the Distinguished Service Medal, the Distinguished Flying Cross, the Purple Heart, the Silver Star, the Legion of Merit, the Bronze Star with 1st

Oak Leaf Cluster, the Combat Infantry Badge Second Award, the Master Army Aviator Wings, as well as numerous campaign ribbons and service merit badges.

In addition to his combat service, Colonel Psaki was a graduate of the Command and General Staff College at Fort Leavenworth, Kansas, as well as the Armed Forces Staff College at Norfolk, Virginia, and the U.S. Army War College in Carlisle, Pennsylvania. Preceding these military degrees, Colonel Psaki attended Kings College in New York and received a bachelor's degree in history from the University of Southern California. He is survived by his wife Cindy, his son Nicholas, daughters Diane, Denise, Regina, and Alexandra, three grandchildren, and six great-grandchildren.

Colonel Nick Psaki was a patriot, a family man and an active civic member. For all who came in contact with him, Nicholas Psaki will be remembered as a gentleman who exemplified quiet dignity, thoughtfulness and generosity. Colonel Psaki was a class act in and out of uniform and his absence will be noticeably felt by a grateful nation and by all who knew him.

My thoughts and prayers and those of my constituents are with the members of the Psaki family as they grieve over their loss. Colonel Psaki was a great American. He will be missed and he will be remembered.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. BISHOP of Utah. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, FY2009 Omnibus Appropriations Act:

Requesting Member: Representative ROB BISHOP

Bill number: H.R. 1105

Account: Economic Development Initiatives

Name of requesting entity: Syracuse City Corporation, UT

Address of requesting entity: 1787 South 200 West, Syracuse, Utah 84075

Description of request: \$95,000 for the Davis Economic Technology Cooperative Master Plan, a comprehensive economic development plan for areas within the communities of Syracuse City, West Point City, and Clearfield City, Utah

HONORING THE URBAN LEAGUE
OF GREATER RICHMOND,
VIRGINIA, FOR 95 YEARS OF EXEM-
PLARY COMMUNITY SERVICE

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. SCOTT of Virginia. Madam Speaker, I rise today to honor and pay tribute to the

Urban League of Greater Richmond, which has served the communities of Richmond, Chesterfield, Henrico, Petersburg, Colonial Heights and Chester, Virginia for 95 years.

One of the oldest of 102 affiliates of the National Urban League, the Urban League of Greater Richmond has enabled many African-Americans and other minorities in the Commonwealth of Virginia to secure economic self-reliance, parity, power, and civil rights.

The Urban League of Greater Richmond has always been committed to assisting those it serves in their professional and personal lives, and to promoting lifelong learning and educational achievement at all levels of education. The Urban League of Greater Richmond provides vital services to the Richmond community. These services include providing access to housing counseling, employment services, a full computer center, credit services, and health services in partnership with the MCV/VCU Hospital Quality Care Unit program.

On Friday, March 20, 2009, the Urban League of Greater Richmond will celebrate its 95th anniversary with music legend Chuck Brown. This event will not only celebrate and honor 95 years of service to the Richmond community, but it will also raise money for college scholarships for underserved students.

I have had the opportunity to work alongside the Urban League of Greater Richmond to better the Richmond community for many years. Whether it's civil rights, crime policy, or welfare reform, the Urban League has always been out there leading the charge and making sure the urban agenda and those issues important to minority communities are a part of the local, state and national conversation.

While today I honor their first 95 years of service of the Urban League of Greater Richmond, I look forward to many, many more years of dedicated service, commitment and passion for the welfare of the people of Greater Richmond. I commend their many volunteers, their hard working staff, their board of directors and their President and CEO Thomas Victory, and I thank the Urban League of Greater Richmond for 95 years of outstanding leadership on issues that directly affect our urban community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 19, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 24

9:30 a.m.

Armed Services

To hold hearings to examine United States European Command and United States Joint Forces Command; with the possibility of a closed session following in SR-222.

SH-216

Foreign Relations

To hold hearings to examine alleviating global hunger, focusing on challenges and opportunities for United States leadership.

SD-419

10 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to examine modernizing bank supervision and regulation.

SD-538

Health, Education, Labor, and Pensions

To hold hearings to examine addressing insurance market reform in national health reform.

SD-430

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine abusive credit card practices and bankruptcy.

SD-226

10:30 a.m.

Environment and Public Works

Clean Air and Nuclear Safety Subcommittee

To hold hearings to examine Three Mile Island, focusing on lessons learned over the past 30 years.

SD-406

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine the nomination of Thomas L. Strickland, of Colorado, to be Assistant Secretary of the Interior for Fish and Wildlife.

SD-366

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

MARCH 25

9:30 a.m.

Foreign Relations

To hold hearings to examine the nomination of Christopher R. Hill, of Rhode Is-

land, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador of the United States of America to the Republic of Iraq.

SD-419

Homeland Security and Governmental Affairs

To hold hearings to examine Southern border violence, focusing on homeland security threats, vulnerabilities, and responsibilities.

SD-342

Judiciary

To hold oversight hearing to examine the Federal Bureau of Investigation.

SH-216

Veterans' Affairs

To hold hearings to examine State-of-the-Art information technology (IT) solutions for Veterans' Affairs benefits delivery.

SR-418

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2010 for National Guard and Reserve.

SD-192

Environment and Public Works

To hold hearings to examine transportation investment.

SD-406

10:30 a.m.

Small Business and Entrepreneurship

To hold hearings to examine the President's proposed budget request for fiscal year 2010 for the Small Business Administration.

SR-428A

Aging

To hold hearings to examine an update from the Alzheimer's Study Group.

SD-106

2 p.m.

Energy and Natural Resources

Energy Subcommittee

To hold hearings to examine how to improve energy market transparency and regulation.

SD-366

2:30 p.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine Federal Aviation Administration reauthorization, focusing on NextGen and the benefits of modernization.

SR-253

Foreign Relations

To hold hearings to examine foreign policy and the global economic crisis.

SD-419

Finance

Health Care Subcommittee

To hold hearings to examine the role of long-term care in health reform.

SD-215

Armed Services

Personnel Subcommittee

To hold hearings to examine reserve component programs of the Department of Defense.

SR-232A

MARCH 26

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Jane Holl Lute, of New York, to be Deputy Secretary of Homeland Security.

SD-342

2 p.m.

Armed Services

Airland Subcommittee

To hold hearings to examine current and future roles, missions, and capabilities of United States military land power.

SR-222

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

APRIL 1

10 a.m.

Veterans' Affairs

To hold hearings to examine the nomination of W. Scott Gould, of the District of Columbia, to be Deputy Secretary of Veterans Affairs.

SR-418

CANCELLATIONS

APRIL 2

2 p.m.

Armed Services

To hold hearings to examine the report of the Congressional Commission on the Strategic Posture of the United States.

SD-106

SENATE—Thursday, March 19, 2009

The Senate met at 9:31 a.m. and was called to order by the Honorable EDWARD E. KAUFMAN, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, in whose keeping are the destinies of people and nations, endure with Your wisdom our fallible minds that we may do Your will. Lord, give our Senators the greatness of soul that they will use the keys of their power to open doors of peace and righteousness for our Nation and world. As they seek to make good decisions, strengthen them with the assurance that in life's supreme tests, You will guide them. Give them the grace of quietness and confidence that in simple trust and deeper reference they may reap a bountiful harvest. May they be found steadfast, abounding in Your work, knowing that because of You their labor is not in vain.

We pray in the Name that is above every name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable EDWARD E. KAUFMAN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 19, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD E. KAUFMAN, a Senator from the State of Delaware, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KAUFMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in a period of morning business for 1 hour. Senators will be permitted to speak for up to 10 minutes each up to that period of time. The majority will control the first 30 minutes, and Republicans will control the final 30 minutes.

Upon the conclusion of morning business, the Senate will resume consideration of H.R. 146. We will vote in relation to the remaining three Coburn amendments around 11 a.m. today and on passage of the bill shortly thereafter.

At 2 o'clock this afternoon, the Senate will turn to executive session to consider the nomination of Elena Kagan to be Solicitor General of the United States. The agreement reached last night provides for up to 6 hours for debate prior to a vote on her confirmation. We anticipate the vote could occur in the 4:30 to 6 p.m. range. It is doubtful that all 6 hours will be needed for debate on the Solicitor General.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

AIG

Mr. MCCONNELL. Mr. President, Americans want answers about how bonuses were handed out at AIG, how it happened, and how to make sure it never happens again.

The President said last night that he wants to make sure we don't find ourselves in this situation again, and I couldn't agree more. He pledged to do everything possible to fix the situation, and certainly we all appreciate that. He has said his administration will ensure that if they provide further assistance, they will renegotiate these types of preexisting contracts. That is good.

I was encouraged to read this morning that some senior executive officers at AIG have agreed to return their bonuses to the taxpayers, including the largest bonus. That is the right thing to do, and it is a clear sign that the taxpayers' voices have been heard. But for now, taxpayers are still looking for an answer to the question of how all of this happened so we can make sure their hard-earned pay isn't wasted in the future.

THE BUDGET

Mr. MCCONNELL. Mr. President, Americans are focused on a number of important issues at the moment relating to the economy and to the administration's response to it, but it would be a mistake in the midst of all of these immediate concerns to take our eye off the administration's long-term economic plan as outlined in its budget. The American people already have an idea that this budget spends too much, it taxes too much, and it borrows too much, particularly in the midst of a severe recession. They are also concerned about the staggering number of things the administration is trying to do. Still, it is important to look closely at the details of the administration's long-term budget plan so people have an idea of what is coming.

Over the past 2 weeks, Republicans have discussed the spending side of the budget and some of the massive new taxes the budget calls for on energy use and on small businesses. Today, I wish to briefly discuss another element of the tax plan, and that is the proposal to limit the benefit taxpayers receive for making charitable donations to nonprofits and charitable organizations.

Let's be clear about something from the outset. This is not something only Republicans oppose. This proposal has been met with wide bipartisan opposition in Congress and widespread criticism from the many thousands of organizations that would be adversely affected by it. With a challenged economy already causing endowments at colleges and universities, charities, museums, and other nonprofits to shrivel up, the last thing America's nonprofit organizations expected was for the administration to introduce yet another disincentive to charitable giving, and many of them, including many of them from the opposite ends of the political spectrum, are uniting in strong opposition to the administration's proposal. One reason: According to a February survey in the Chronicle of Higher Education, college and university endowments lost more than 20 percent of their value in a recent 5-month period, largely as a result of the plunging stock market. The administration's proposal is a bad one, frankly, at any time, but now is the worst time of all.

Earlier this week, I received a letter on this very proposal from the president of Western Kentucky University in Bowling Green. He said the university has worked hard over the past year to increase its support from charitable gifts and that they have had a lot of

success doing that. He also noted that WKU is in the middle of a major annual fundraising campaign to increase opportunities for students and that 95 percent of the total will come from the generosity of fewer than 500 donors.

The message was clear: The importance of major gifts to Western Kentucky University and to thousands of other colleges and universities across the country is impossible to overstate, and disincentivizing those gifts would strike a serious blow to every one of these institutions—every single one of them.

There is another important aspect of this issue, and it is one President Ransdell at WKU pointed out in his letter. Americans are known the world over for their generosity. That generosity was encouraged by the creation of the charitable gift deduction in the early part of the last century, and that deduction is one of the reasons that last year Americans gave more than \$300 billion to charitable causes—that was back in 2007—and roughly 75 percent of those donations—or \$229 billion—came from individuals. I will say that again: 75 percent of the \$300 billion given to charitable causes in 2007, which is \$229 billion, came from individuals. One of the things Americans are most proud of is that no other industrialized nation in the world gives more to charity than the United States. It is not even close. As a share of our GDP, Americans give more than twice as much as Britain and 10 times more than France. Seven out of ten American households donate to charities, supporting a wide range of religious, educational, cultural, health care, and environmental goals. This is something to be proud of. It is uniquely American. It is not something we want to discourage.

So Americans from all walks of life and both political parties are worried about this proposal. They don't understand why charitable organizations and the people they serve should suffer in order to pay for new or expanded Government programs. According to one study, this proposal could lead to \$9 billion less in charitable giving each year. That is less money for places such as Western Kentucky University, the Juvenile Diabetes Foundation, hospitals, churches, food pantries, and countless other causes that are quite worthy of our support. These organizations are hurting enough. The administration doesn't need to hit them up for more tax revenue while they are down, and it doesn't need to blunt one of the things Americans are most proud of; that is, of course, our generosity.

The following quote attributed to President Kennedy sums up the way most Americans feel about this issue, and it captures my own sentiments as well. This is what he had to say:

The raising of extraordinarily large sums of money, given voluntarily and freely by

millions of our fellow Americans, is a unique American tradition . . . Philanthropy, charity, giving voluntarily and freely . . . call it what you like, but it is truly a jewel of an American tradition.

Charities provide a valuable public service to society's most vulnerable citizens. Now more than ever, these organizations need our help. This plan to disincentivize charitable giving is absolutely wrong. Many of us on both sides of the aisle will be working hard to make sure it doesn't become law. Congress should preserve the full deduction for charitable donations and actually look for additional ways to encourage charitable giving, not discourage it.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders, or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from Washington is recognized.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 638 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. MURRAY. I yield the floor, and I reserve the remainder of the time on our side.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

THE BUDGET

Mr. ENZI. Mr. President, this morning I want to address the budget a little bit, and to all Americans, I want to be clear: I want to work with the President to get our economy back on track. I want to fix housing, reform the financial markets, and help every citizen get access to high-quality, affordable health care. I want our President to

succeed in leading our Nation out of this economic crisis.

But I draw the line with President Obama's idea of raising taxes. He may think it is a great idea to raise taxes in the midst of a recession, but I surely don't. The President's proposed tax increase is a whopper—\$1.4 trillion in new taxes, which is equal to the annual economic output of all of Spain.

Despite the White House rhetoric, these taxes will hit all Americans. No one is spared. This budget raises taxes on energy. If you drive a car or heat your home, your taxes are going to go up.

This budget raises taxes on small business. More than half of small businesses that employ between 20 and 500 employees—that is the Federal definition of "small business," 20 and 500 employees—will see their tax bills rise and jobs eliminated.

This budget raises taxes on senior citizens who are dependent on dividend and capital gains income for retirement income.

This budget raises taxes on charitable contributions. Just the announcement that it will happen, we have already seen decreasing charitable contributions. Of course, a lot of those charitable contributions are ones that come from these small business employers who have single proprietorships or small business corporations where they have to pay their taxes right away, even though they have to put all that money back into the company. I will talk about that later.

This budget reinstates the death tax, making it harder to keep the family farm, the family ranch, or the family business in the family.

This budget simply taxes too much. I heard lots of complaints from Wyoming ranchers about the President's tax increase. Many of our ranches and farms are structured as S corporations or limited liability corporations, and this tax hike would hurt them.

The President will say his proposal to let some 2001 tax cuts expire will affect only 3 percent of all taxpayers, but this statistic obscures the fact that these taxpayers employ the most number of workers and generate the most economic activity of all small business entities.

According to a 2007 Treasury Department report, over 30 percent of all business income comes from passthrough entities, such as S corporations, partnerships, and limited liability companies. That means it goes right back in to take care of the business.

Last weekend, I was in Wyoming. I visited Sanford's restaurant in Gillette, WY. They started with one restaurant and now they have eight different locations. At the location I went to, one of the owners happened to be there. He said proudly, and he should: We started this business on \$2,000. Now we have eight stores, and we still only

have \$2,000. That is because everything has been plowed back into the business, which results in more jobs for more people.

That is what we are talking about. We want this economy to grow. Small businesses are the ones making this grow. It is the guys and women with an idea they can take their last \$2,000 and put it into something productive and they can grow it. The problem is, when they grow it, they pay the taxes on it immediately. They pay the taxes as though it actually flowed into their pocket. But it doesn't. As a result, some of these people who have been successful who are creating all these jobs make more than \$250,000 a year. They don't get to keep it. That is the important part. They don't get to keep it. They have to pay taxes on it right away. That puts them into this new higher tax bracket.

It is going to have a devastating effect. Suddenly, the house they own—they are not going to have the same kind of house deduction, as if they didn't have a business at all.

Charitable contributions—it is the small businesses that keep the towns going. It isn't the big corporations that buy the ads in the yearbooks. It isn't the big corporations that make a donation when somebody comes around because there has been a fire. It is those little businesses that want to grow. They are growing, but they have to put everything they have back into it. I know small businessmen who have been able to pay everybody who works for them but not themselves.

We are not talking about the big corporations with the big bonuses. We are talking about the little corporations that are family. By "family" I mean every employee who works for them understands how difficult the business is, how close to not succeeding the business is, and because they want their job, they help the business to succeed. As a result, they are included in "the family." All of those people are going to suffer.

Because 30 percent of all business income that comes through these pass-through entities, such as S corporations, partnerships, and limited liability companies, these small businesses that are hiring people—they are hiring people; they are not laying them off. The unemployment would be tremendously higher if it were not for this 30 percent of all business income that gets passed through and back into the business.

Over 70 percent of that income is concentrated in the top two marginal income-tax rates. They pay the highest rate we have because they did business and because the business is making money. But it isn't money they get to put in their pockets; it is money they put back into the business. So nearly a quarter of all business income would be subject to higher taxes under this budget.

Let me repeat that. Nearly a quarter of all business income would be subject to these higher taxes under this budget. According to a 2007 survey completed by Gallup for the National Federation of Independent Businesses, 50 percent of all businesses that employ between 20 and 499 workers will face higher taxes if the 2001 rate reduction in the top two rates is allowed to expire. Fifty percent of all businesses that employ between 20 and 499 workers will face higher taxes if we do not change that, if we allow it to expire. And the plan, according to the budget, is to let it expire, to shove these taxes off on these small businesses, the ones that are still doing well, the ones that have not succumb to the greed, the ones that have been doing the right thing, particularly with their community. Raising taxes on our Nation's job creation engine at any point in the business cycle is just bad economic policy.

The key to our Nation's economic growth and our ability to recover from a crisis such as this one is the flexibility and the vibrancy of our non-corporate sector. Small business is the incubator for entrepreneurship, and we should protect it and nurture it, not tax it.

For example, many in the companies that fueled the economic growth of the 1990s and beyond started as pass-through entities: For example Yahoo and Microsoft, just to mention a few that the President mentioned earlier in the week when he was talking about the importance of helping out small business and said all the right things about small business.

I am encouraged by what he said. I am encouraged by the differences he is going to make in the way the Small Business Administration works. But it is going to come back again in the way of higher taxes for those same people. We need to encourage, not discourage, those people.

When I was in Wyoming, I had a procurement conference. That is where the Federal Government comes to Wyoming and talks to my businessmen to see if small business can't provide for some of the Government contracts. Every year it is a huge success. People from all over the Nation, not just Wyoming, are able to take advantage of that sort of thing.

At that conference, a guy in Montana was talking about the need for some liquidity so he could get a loan—a loan, not a bailout—a loan so he could grow his business. As we learned at the White House summit on Monday, the banks do not have a secondary market for their loans. That means when they make the loan, they cannot turn around and sell the loan to free up the capital to make another loan. When that happens, these small businesses cannot get loans, and a lot of them need short-term credit.

You have to order your inventory a year ahead of time often. When it gets there, you have to pay for it, and then you sell it. A lot of them need just a kind of cashflow loan, one that will pull them through that time when all the inventory hits and gets paid off and the time the inventory gets sold.

A guy in Montana talked to a guy in Wyoming who talked to me and proposed several different ways that I have passed on to the White House and to Secretary Geithner that money could be freed up for these businesses to grow. I am encouraged and hope that will happen. I hope it is not reversed by these new taxes.

I will fight to preserve low taxes for our Nation's small business, and I am prepared to offer an amendment to any legislation that attempts to raise taxes on small business income.

I have pledged to work with the White House to fix housing, to reform our financial markets, and to help every citizen get access to high-quality, affordable health care. My question today is: Will the White House work with me to protect small business from the harmful effects of this budget's tax increase?

This budget taxes too much, spends too much, and borrows too much.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask the Chair to let me know when 9 minutes has elapsed.

The PRESIDING OFFICER. The Chair will so notify the Senator.

IT'S THE ECONOMY

Mr. ALEXANDER. Mr. President, we have an impressive new President of the United States. He has proven without a shadow of a doubt that he is capable of doing many things at once.

I was privileged to go to one of the summits he had. That one was on health care. He had another one on entitlements. He has been to a wind turbine factory. He was in California yesterday. He has overruled some of President Bush's environmental decisions. And yesterday he did what many Americans are doing: he picked his bracket in the NCAA basketball tournament, and he picked North Carolina, which predictably caused their rival, the coach of Duke, Coach "K," to say the following:

Somebody said we're not in President Obama's final four, and as much as I respect what he is doing, really, the economy is something that he should focus on, probably more than the brackets.

That was our U.S. Olympic coach yesterday. There is some truth to that. The President is very impressive and is capable of doing many things at once. But, we don't need a lot of things done at once right now. We have one big issue—it's the economy, Mr. President.

While all of us have our role to play in this—Senators, businesspeople, all of us across the country—there is only one person who can do what the President of the United States can do. He is the agenda setter. He is the mobilizer. If the President of the United States focuses on one single big issue and throws everything he has into it for as long as he can, he will wear everybody else out and he will solve the problem, if it can be solved. I am confident in this country the problem can be solved.

He has been there for 4½ months now. We still have a big economic problem. It was going on before he came in, correct. Some people say Americans don't pay attention to history, but I am not so sure about that. In October of 1952, General Eisenhower was running for President and said: I shall go to Korea. He was elected. The Korean war was a big problem then.

On November 29, he went to Korea, and said he would concentrate his attention on the job of ending the Korean war until it is honorably ended. There were a lot of other things going on in 1952 and 1953 that needed to be solved. But President Eisenhower focused on the Korean war, ended it, and the country was grateful.

It is time for President Obama to focus on fixing the banks and getting the economy moving again. He can do that. The country needs for him to do that, and the country would be grateful if he did.

There are other issues, but we only have one President; we have one big issue. Mr. President, it's the economy. That is where the focus needs to be.

We are currently debating the President's budget, and we have some differences of opinion. As the Senator from Wyoming said, we believe on the Republican side it spends too much, it taxes too much, and it borrows too much. It is a blueprint for a different kind of country. It is an honest blueprint, in my opinion. It is a 10-year picture of where America would go under the President's proposed budget. It will bring much more Government, add much more debt, and it will be turning over to our children a country that they will have a hard time affording and in which they will have fewer choices. It is not the kind of country I want to see.

The new higher tax rates would raise taxes by \$1.4 trillion over 10 years. It is the largest tax increase in history.

Going back to history a little bit, we can learn lessons from history. President Hoover in 1932, as we were entering a recession, raised taxes. He raised taxes on the wealthy people. The top tax rate rose from 25 percent to 63 percent. What were the effects of the 1932 tax increase? Tax revenue decreased, the Federal deficit increased, and the Great Depression continued for a number of years. The middle of a deep recession is no time to be raising taxes

on anyone. I know the President is saying: Well, this only goes into effect later. But everybody makes plans today based on what happens tomorrow. We also know that if they say we are only going to tax the rich people, we have heard that said before. In 1969, everybody became concerned because there were 155 people in America who didn't pay any taxes. So we had what was called the millionaire's tax to catch them. We put in a new tax rate 40 years ago. If Congress had not acted, that tax rate that was set to capture 155 people who didn't pay taxes 40 years ago would have captured 28 million Americans this year.

In this country, you rise. You make more money and you rise into the higher tax rates. So if you put a high tax rate to capture 155 people, what we find 40 years later is that you capture 28 million Americans who are paying higher taxes, and many of those individuals are making incomes of \$60,000, \$70,000, and \$80,000 a year.

President Kennedy and President Reagan both lowered taxes when they became President and were in economic slowdowns. When President Reagan came in, we had a serious economic slowdown. I was Governor of Tennessee at the time, and unemployment was higher then than it is today. Inflation was a lot more then than it is today. Interest rates were terrifically high then. President Kennedy and President Reagan decided to lower taxes during the economic slowdowns. President Obama is proposing the largest tax increase in history, and the tax especially goes on the engine that creates the most new jobs.

In America, all businesses are important for creating jobs. In my home State, we have Federal Express. It employs almost 300,000 people around the world. On the Republican side of things, we would like to have immediate expensing of all the big airplanes Federal Express buys, or the software Microsoft buys—which is not based in my State. Because if these companies can deduct those expenses in the first year, they will make more money, they will hire more people, and Tennessee will do better. Jobs are what we are talking about. But most of the new businesses come from small businesses.

Secretary Geithner, the Treasury Secretary, says this tax they want to impose only affects the rich people, and only 2 or 3 percent of the small businesses are affected. Well, I checked into that a little bit. If you work for a company with 20 or more employees—up to 500 employees is a small business—chances are 50–50 that you are working for somebody whose taxes are going to be raised by this proposed tax increase in the President's budget. If those taxes go up in the half of the small businesses that create most of the new jobs, then there is no money to buy new equipment, there is no money

to hire a new person, there is no money to raise salaries, there is no money to pay health care benefits and there might not be enough money to pay employees and jobs may be at risk. Raising taxes on owners of small businesses in the middle of a recession is not the way to create new jobs.

Then there is the national sales tax on electric bills and energy. Clean air and climate change is an important issue with me, especially clean air. I live at the edge of the Great Smoky Mountains, where we have unhealthy air that's polluted with nitrogen, sulfur, and other pollutants. I have introduced legislation to have higher clean air standards. I have also, every Congress since I have been here, introduced legislation to have caps on carbon that comes out of the coal-fired powerplants. Not caps on the whole economy, just the powerplants, which produce about 40 percent of the carbon. Some other Senators would like to have what is called a cap-and-trade tax on the entire American economy.

The PRESIDING OFFICER. The Senator has used 9 minutes.

Mr. ALEXANDER. I thank the Chair very much.

Mr. President, the recession is no time to impose a \$600-plus billion tax on everybody's electric bill. This is not the time to do that, if the time is ever right to do that. MIT suggests a bill such as the one the President has proposed would cost each American family \$3,100 a year. In the middle of a recession, that is not a good idea.

In conclusion, I think Coach K's advice to our impressive new President is good advice. We know he can have summits, make trips, and deal with a lot of different things. He has smart people dealing with him. But we have a tough economic problem, and it is the economy, Mr. President. We need the President to focus on the economy and concentrate on it, until the banks are fixed and the credit is flowing. We need a budget that doesn't spend so much, tax so much, and raise debt so much. Otherwise, we will deliver a country to our children and grandchildren that they can't afford.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Madam President, I ask unanimous consent to speak after Senator CORNYN.

The PRESIDING OFFICER. Is there an objection to the request as modified?

Mr. CORNYN. No.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

AIG

Mr. CORNYN. Madam President, I rise to speak about the public's outrage over the revelations that senior executives at AIG have received bailout bonuses. This company received \$173 billion in taxpayer money, including tens of billions of dollars through the Troubled Asset Relief Program. The American people do deserve to know where their money is going.

I confess that last year I supported the first round of TARP money based on the representation from what I thought were the smartest people in the country that it was absolutely necessary to unfreeze the frozen credit markets in our country. But I did not support additional money for the TARP funding when it was requested—the second tranche, so to speak—because the accountability and the transparency we were promised by the Treasury Department the first time around never materialized. We were told this money was necessary to prevent a crisis in our country. Now, we do have a crisis, but that crisis is a crisis of confidence in this administration and in the leaders of this Congress.

The American people have legitimate and urgent questions about these bailout bonuses, and these questions demand answers. First of all, they want to know how this happened. A lot of people are pointing fingers over these bailout bonuses, and right now there is a lot we do not know.

I appreciate the fact that President Obama said: You know what, people are trying to find fault. I accept the blame.

I appreciate the gesture, but that is simply not good enough. We do not know when the administration became aware of these bonuses. Secretary Geithner says he learned of the bonuses last Tuesday. President Obama said he learned about them on Thursday. Yet the Federal Reserve Bank of New York says it notified Treasury in February. And Edward Liddy, the CEO of AIG, testified that everyone knew about these bonuses for months and that he and Secretary Geithner spoke about the bailout bonuses 2 weeks ago. What is clear is that the administration should have known about these bonuses a lot earlier and they should have taken action before they sent AIG another \$30 billion this month.

We also know how these bailout bonuses got legal protection in the stimulus bill. I voted against the stimulus bill for reasons too numerous to men-

tion here. Yet the bill that passed out of this Chamber had two amendments that addressed bailout bonuses: One amendment, sponsored by Senator WYDEN and Senator SNOWE, would have taxed these bonuses; another, sponsored by Senator DODD, the Senator from Connecticut, would have banned the bailout bonuses altogether. These amendments were in the bill that passed out of the Senate, but something happened in the conference. The Snowe-Wyden amendment disappeared completely and the Dodd amendment was changed so that it grandfathered in all the bailout bonuses in place on or before February 11. No one admits to knowing how this happened. None of the conferees admit to knowing. There have been conflicting reports about who knew what when. But the American people need to know who protected these bailout bonuses in a law that was signed by President Obama—one among those who claim outrage at the revelation that now these bonuses are going to be received. He signed the law into effect that actually protected these bonuses in the stimulus plan.

The American people deserve to know who proposed these changes in the stimulus bill, who knew about these changes, and who approved these changes. The American people deserve to know who is responsible and how they intend to fix this problem and get the bailout bonus money back in a constitutional and legal way.

How do we assure this does not happen again? As those responsible scramble to come up with an explanation, we must also understand what we must do to ensure this type of thing never happens again. I would like to offer a few suggestions.

First, Congress needs to stop passing bills without reading them, finding out what is in them, and preparing for their implementation. During the transition, the then-incoming administration said they didn't want to waste a crisis, and Congress complied. Yet their leadership has taught us a different lesson: Treating everything like a crisis actually leads to waste.

Second, it is clear the administration needs to get its team in place. Better oversight by the Treasury Department could have avoided this problem. Yet, as Paul Volcker observed, Secretary Geithner "is sitting there without a deputy, without any under secretaries, with no assistant secretary responsible in substantive areas at a time of obviously very severe crisis." I appreciate that President Obama has completed his March Madness tournament bracket. Yet the organization chart for this administration still has far too many open slots.

Third, the President needs to shelve his plans to grow the size of Government. His plans to raise more taxes can wait until the administration proves they can be good stewards of the tax

dollars we are already spending. His plans to nationalize health care, energy, and education can also wait until he addresses the problem of toxic assets in our financial system and gets our economy moving again.

Fourth, the President needs to fulfill his pledge to promote transparency and accountability and bipartisanship in Washington—something I agree with. The President won the support of the American people because he promised to be a different kind of leader. Yet we see that the more things change, the more they seem to be the same here in Washington. Lack of transparency in Congress helped protect these bailout bonuses in law—passed by the Senate without my vote and signed by the President of the United States. Lack of accountability at the other end of Pennsylvania Avenue speeded this money out the door.

If the President's efforts at bipartisanship had been substantive—more than photo ops and press releases—then we might have delivered a better stimulus bill and not squandered the trust of the American people.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 146, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

Pending:

Bingaman amendment No. 684, in the nature of a substitute.

Coburn amendment No. 682 (to amendment No. 684), to protect scientists and visitors to Federal lands from unfair penalties for collecting insignificant rocks.

Coburn amendment No. 677 (to amendment No. 684), to require Federal agencies to determine on an annual basis the quantity of land that is owned by each Federal agency and the cost to taxpayers of the ownership of the land.

Coburn amendment No. 683 (to amendment No. 684), to prohibit funding for congressional earmarks for wasteful and parochial pork projects.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I rise today to urge colleagues to support Chairman BINGAMAN on the upcoming amendments and to speak in favor of this extraordinarily important public lands package.

This legislation would designate over 2 million acres of our great country as wilderness, surpassing the wilderness acreage designated by the last three sessions combined. The wilderness protected in this bill spans nine States, including my home State of Oregon. In addition, it adds close to 1,100 miles to the National Wild and Scenic Rivers System in seven States—again including Oregon.

It is going to allow for much needed upgrades to national trails, monuments, national conservation areas, oceans, the National Landscape Conservation System, forest landscape restoration, and water resources. Most significantly, the bills contained in this legislation would serve to protect our public lands from encroachment and preserve them for future generations to cherish and enjoy.

The legislation includes provisions that are very near and dear to our country but especially to Oregonians. It includes the Lewis and Clark Mount Hood Wilderness Act of 2007, the Copper Salmon Wilderness Act, the Cascade-Siskiyou National Monument Voluntary and Equitable Grazing Conflict Resolution Act, the Oregon Badlands Wilderness Act of 2008, and the Spring Basin Wilderness Act of 2008.

Today, I also wish to say that it is important to protect these special places because it will also be good for our economy to go forward with this legislation. This is legislation that is important to do whether we are in good times or in bad times—whether the economy is weak or strong. Because the nation's public lands of course, have enduring benefits, benefits we are going to pass on to our children long after these challenging days become a footnote in our country's history. So protecting public lands is a smart thing to do, and it is especially important given the significant economic benefits you will see generated by this legislation. And there are many that know, this is also a smart thing to be doing in a recession because our public lands—accessible to all for free or for a small fee—are where America's families turn for affordable recreation. And that recreation in turn, fuels the economy in many communities that rely on our nation's public lands.

Appreciating the outdoors is not just a passion for Oregonians and the people of our country, it is also an economic engine, which is more urgently needed than ever in these challenging economic times. It is certainly an economic engine in my State, where the unemployment rate is over 10 percent. So passing this legislation isn't just the right thing to do morally—it is the right thing to do economically.

In these times, folks have been losing their jobs. They do not know where their next job is going to come from. The fact is, there are significant economic benefits through recreation gen-

erated by this legislation. The Outdoor Industry Association, which closely tracks American's use of the outdoors and all the economic engine that encourages, has found recently that American's participation in outdoor activities increased in 2007 to 50 percent.

They found that the national active outdoor recreation economy contributes \$730 billion annually to our Nation's economy; it supports nearly 6.5 million jobs; it generates \$49 billion in annual national tax revenue; and produces almost \$300 billion annually in retail sales and services across the country. In Oregon, it contributes more than \$5.8 billion annually to Oregon's economy.

So outdoor recreation, what this legislation is going to promote, is a huge economic bonanza for our Nation. I can tell you, because colleagues have asked about Oregon, one of the national treasures this bill would protect, Mt. Hood, has had a banner skiing season. The Forest Service estimates visitation to the Mt. Hood National Forest is more than 2 million visitors a year, making it one of the most popular in our country.

Some other areas that we protect in this bill, the Badlands and Spring Basin are near Central Oregon—a region that has a well-earned reputation as a hub for diverse outdoor recreation. They are also on Bureau of Land Management Lands, "BLM." The BLM estimated that in Oregon alone, BLM lands had 8.3 million recreation visits. Those visits brought people, jobs and investment to the surrounding towns.

The same is true in the other two areas this legislation would protect—the Cascade Siskiyou National Monument, where we would create a new 23,000 acre Soda Mountain Wilderness and Copper Salmon, where fishermen from all over the country journey to fish in one of the last intact watersheds on the southwestern Oregon Coast.

A number of Senators have worked hard to make this legislation possible. I wish to thank them. And certainly Michele Miranda in our office, Mary Gautreaux, and my chief of staff, Josh Kardon, who has tried for years and years to bring together community leaders, all deserve special credit.

We have gems in this legislation that are going to make for recreational industry meccas. I hope that all colleagues will support Chairman BINGAMAN when the amendments come up and ultimately support this legislation. We ought to pass this legislation. It is time to do it for millions of Americans and for future generations enjoying these great treasures, and we ought to do it because this legislation will also help stoke the economic engine for our country.

I know colleagues are waiting too. I wish to thank Chairman BINGAMAN for

this opportunity to speak. I urge all colleagues to support Chairman BINGAMAN with respect to these amendments and get this bill passed in the Senate today.

Mr. BINGAMAN. Madam President, how much time remains in opposition to this first amendment?

The PRESIDING OFFICER. There is 10 minutes remaining. The Senator from New Mexico has 4 minutes and the Senator from Oklahoma has 10 minutes.

Mr. BINGAMAN. Let me take 2 of the 4 minutes because I know my colleague from Alaska was hoping to speak also. If she arrives, I will yield that time to her. If she does not, I will reclaim it.

Mr. MARTINEZ. Madam President, I was under the impression that I would be allowed to speak in opposition to amendment No. 683 as well.

The PRESIDING OFFICER. That amendment is not the first amendment to be voted on.

Mr. COBURN. Madam President, since I am controlling the remaining 10 minutes, I would be happy to yield to the Senator from Florida 2 minutes of that time.

Mr. MARTINEZ. I understand it is not the first amendment. Will there be an opportunity to speak in opposition to the amendment prior to that vote?

The PRESIDING OFFICER. There will be 4 minutes of debate evenly divided.

Mr. MARTINEZ. If I might suggest, through the chair, that the Senator from New Mexico go on and take his time. I will yield time to the Senator from Florida.

AMENDMENT NO. 677

Mr. BINGAMAN. Madam President, let me go ahead and briefly describe my reasons for urging we not support this first amendment. This first amendment is an amendment Senator COBURN offered and is very nearly identical to an amendment he offered to the Consolidated Natural Resources Act of 2008. That was the package of public land bills the House sent us that year.

Most of the Senate voted against the amendment. I hope they will again. The amendment required the Director of the Office of Management and Budget to post an annual report on the Internet detailing a great deal of information about lands owned by the Government: buildings, structures on those lands, extensive information on which are used, which are not used, the cost of operation of those lands, and those structures estimated backlog for maintenance of various structures of the agencies.

The issue the Senator is trying to get at was dealt with in the previous administration, when President Bush issued Executive Order 13327. Therein, he set up the Federal Real Property Council, a Federal real property council, that has, as its job, tracking asset

management, inventory of assets, setting up systems to do that, working under the auspices of the General Services Administration; the Government Accountability Office or the General Services Administration.

I believe that is a much better thought-through way to proceed with this. The cost of this amendment would be fairly extensive. We do not have an exact estimate, but we have been told there are 1.2 billion pieces of real property or real property assets worldwide, over 636 million acres of land we are talking about here, that would have to be inventoried and reported on in an updated fashion every year. So this is an extensive undertaking.

Madam President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from New Mexico has 1 minute remaining.

Mr. BINGAMAN. I withhold my time until the Senator from Alaska can have a chance to get her thoughts together.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I yield 3 minutes to the Senator from Florida.

AMENDMENT NO. 683

Mr. MARTINEZ. I thank the Senator from Oklahoma for yielding.

I rise in opposition to his very amendment, which shows why I often find myself in agreement with the Senator from Oklahoma, because of his kind nature to allow me to do this in opposition to his very amendment.

While I often find myself in agreement with him, in this instance I must depart and not concur. The amendment is not well founded. It is trying to strike the authorization for the St. Augustine 450th Commemoration Commission Act. This is a commemoration of 450 years of the first European settlement on the North American Continent, the first in the continental United States.

St. Augustine was founded by the Spanish a full 50 years before Jamestown. We created, in the year 2000, a commission to commemorate that event, the 400th anniversary of Jamestown. Likewise, this one is identically patterned to that. It is the same thing. But here is the significance and importance of it. Our Hispanic heritage in this country, which necessarily is of more and more importance to many of us, is something we ought to recognize and celebrate.

How many young Hispanic children do not have the heritage or the foundational heritage to understand their culture and their proud heritage, and how many of them would benefit by understanding that this celebration is about them. It is about their heritage and their heritage in this very country of ours.

It is the oldest permanent settlement in the United States, St. Augustine,

FL. It is the birthplace of Christianity. It is in St. Augustine, FL, that the first Christian Catholic mass took place. It is the first blending of cultures. It was a place that was at times Spanish, it was then English, it was then French. It has Native American influence as well as African-American influences as well. The first free Black settlement in North American was in St. Augustine.

Nearly a century before the founding of Jamestown, Spanish explorer Juan Ponce de Leon landed on the coast of St. Augustine looking for the fabled Fountain of Youth, but instead he founded a colony known as La Florida.

Because of St. Augustine's location along strategic trade routes, Spain constructed the Castillo de San Marco in 1672 to protect the capital of La Florida from the French and the British interests. That castle, which was later rebuilt, still stands today and is a terrific tourist attraction.

Florida is not only going to celebrate this for Florida's sake, but this is a national celebration. There are over 70 million visitors to our State of Florida every year. Many of them will find their way to St. Augustine, and, of course, countless others throughout and around our country will celebrate this anniversary by seeing the celebrations on television and in other ways.

It is an important linkage to our Hispanic heritage, and so I urge my colleagues to vote in opposition to this amendment and support the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I wish to rebut some of what the Senator from New Mexico said in terms of the real property reform.

What you heard in his statements is a profound admission that we do not have the information right now. We do not have it. We have over 650 million acres of land, we have over 21,000 empty buildings now that we know of. That is just a guess.

How, in a time when we are going to run a \$2.2 trillion deficit this year, can we say we do not want the tools to manage the real property in this country. The Executive order has not done it. It was basically about buildings, Federal buildings.

I worked with the OMB on that 3 years ago to set that up. Much to the avail, we now know we have the 21,000 buildings, but the Senate continues to block any real property reform so we cannot get some of the \$18 billion we are wasting every year on those 21,000 buildings. We cannot get any of them sold; we cannot dispose of any of them; we cannot even raze any of the ones that need to be razed.

The very fact that we would oppose having the information we need to make real decisions, frugal financial decisions with America's taxpayer dol-

lars, at a time when we are in an economic malaise, and have a deficit that is going to be \$6,000 to \$7,000 per every individual in this country is amazing to me.

This requires 1 year of hard work and requires very little work anyway after that. So it is not an onerous task. But even if it were an onerous task, the thing we ought to be doing is getting the information with which to make good management decisions, which we continue to not want to have, so it can be an excuse so we can do what we want to do without knowing what the facts are.

Nobody would run any organization without trying to know about their assets. Yet we are going to refuse to list out and know what we own, where it is, where we are behind, what needs to get fixed, and what does not need to get fixed.

Common sense would dictate that if, in fact, you have a large number of assets and a limited budget, and it is going to get more limited as the years progress given the tremendous borrowing, the tremendous taxing that is getting ready to come about in this country, common sense would suggest we know what we are doing and that we have the information with which to make good decisions.

To defeat this amendment says we want to continue to go on blindly; we do not want to have the information at our fingertips with which to make good, informed decisions about where to put taxpayer dollars. The very fact that the GAO now says we have between a \$13 and \$19 billion backlog just on structures in national parks and that the Department of the Interior is so far behind and is growing about \$400 million every 6 months in terms of its backlog and for us to not know what is there and what should be prioritized to me is the height of foolishness.

So we can defeat this amendment, and we can continue to go on blindly, making poor decisions because we are not making them within the perspective of the complete knowledge of what we own, what is important, and what should be prioritized. The Senate continues to refuse to prioritize its spending. The whole purpose behind this amendment is to give us the knowledge with which to make those decisions. But our political nature tells us we want an excuse so we do not have to make those good decisions. We do not want to have the information.

Consequently, we put the credit card in, we spend money not wisely, not fiscally responsibly, and we charge it to our grandkids. At some point in time it has to stop. Now, it is probably not going to stop with this amendment. But you would not run your personal household this way. If you had your own business, you would never run it this way. You would never want your city government to not know what it

owned and what its backlogs were, you would have an accounting.

States do not do that. But we do that, and we do it at our own convenience, which I think is a shame. It belies our responsibility to future generations. It also belies the fact that we need the capability to make the tough choices. Not having this information means we will continue to make choices that are politically expedient but are policy poor and policy foolish.

So I understand—actually I do not understand. Let me correct that. I do not understand why somebody would not want this information, and why—even though it is hard to get the first year, why we would not want it.

Now, 100 percent of the Senators agreed we ought to have the Federal Financial and Transparency Act where we put online where we are spending the money, 100 percent of us. We thought that was a good deal. Here is another step toward transparency we can make that will give us information, give the American people the information to judge us.

If we are going to put X money on a certain project, they ought to be able to see it in relationship to everything else we are doing. We are going to refuse to do that. I don't understand why. I don't have a clue to understand why we would not want factual information with which to make priority decisions in terms of the Department of Interior and in terms of national parks and forestland. It belies any sense of reality and any connection with common sense that we would refuse to do that.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Madam President, I do not disagree with my colleague from Oklahoma that we should, as the Federal Government, know more about our assets, know more about our land and buildings, what it costs to manage and maintain them, to operate these properties. It is a reasonable request. Where he is going with this is something we should be working together to develop and perhaps refine the concept of what he is asking for through a free-standing bill. My concern with the amendment, as it is now, is that we have to make sure as we gain this information, we have a way to protect it. Right now it would be the Office of Management and Budget that has sole responsibility for making decisions in terms of military intelligence, Department of Energy facilities, and what gets included within public reports. That concerns me and, therefore, I will be objecting to the amendment.

AMENDMENT NO. 677

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote on amendment No. 677 offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from Oklahoma.

Mr. COBURN. Let me answer my colleague. There is an exception in this bill for anything of national intelligence or confidence, that it should not be related to the general public. It is already in there. So there is no problem where we would expose things we should not. It has been covered in the amendment. If Members truly believe we need to have the information, they need to be voting for the amendment. This is a wise approach to give us information we need to make cogent decisions.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I yield myself 1 minute.

Let me speak on that one issue. I think my colleague from Alaska is correct, this does involve a change in current law. It says that the decision as to what affects national security will be made by OMB for purposes of this inventory and display. It will not be made by agencies such as the Department of Defense, CIA, Department of Energy, and others that currently make those decisions. That is a mistake. It also specifies that items can be left out for national security reasons. The Executive order made clear that items could also be left out or should be left out if they involved foreign policy issues or safety issues for the public.

The amendment is not consistent with what I believe we ought to be doing in this area. I urge colleagues to oppose it.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. To follow up with the Senator from New Mexico, we do recognize there is political sensitivity when we are asking for information regarding the military, our intelligence and security information. We want to make sure there are protections there. The Senator from Oklahoma is correct that there is that provision in the bill. But what it does is, it gives the Office of Management and Budget the authority to make the determination as to what will be included in this public report. I would be far more comfortable if it were the Department of Defense that made that determination, not the Office of Management and Budget. Again, the Senator from Oklahoma is correct in pushing us to look to make sure that we know where our assets are and how much it costs to operate and maintain and manage them. We should be looking to that in the future.

I will be opposing the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, that argument rings hollow. The two of you sitting right there have the power to amend and change this and fix it with

what your concerns are. It hasn't been offered once. You say you are for it. You have the power to change it to meet what you think are problems with the amendment. Yet there has been no offer to do that. That says one of two things: Either you don't want us to have this information or you are claiming a false claim that there is a defect with the amendment. You have every ability to change this, offer an amendment, modify it with my consent to meet your needs, but it has never been offered. The real fact is, we don't want the information. We can't manage 650-plus million acres; we can't manage millions of facilities without the information. We are going to sit here in the dark of night and continue to throw darts, missing the dart board all the time with what we do when we don't have this information.

I yield back the balance of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at this time.

Mr. BINGAMAN. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—58

| | | |
|-----------|------------|-------------|
| Akaka | Feinstein | Murray |
| Alexander | Gillibrand | Nelson (FL) |
| Baucus | Hagan | Nelson (NE) |
| Bayh | Harkin | Pryor |
| Begich | Inouye | Reed |
| Bennet | Johnson | Reid |
| Bingaman | Kaufman | Rockefeller |
| Boxer | Kerry | Sanders |
| Brown | Kohl | Schumer |
| Burris | Landrieu | Shaheen |
| Byrd | Lautenberg | Stabenow |
| Cantwell | Leahy | Tester |
| Cardin | Levin | Udall (CO) |
| Carper | Lieberman | Udall (NM) |
| Casey | Lincoln | Warner |
| Conrad | Martinez | Webb |
| Dodd | Menendez | Whitehouse |
| Dorgan | Merkley | Wyden |
| Durbin | Mikulski | |
| Feingold | Murkowski | |

NAYS—39

| | | |
|-----------|----------|-----------|
| Barrasso | Corker | Hutchison |
| Bennett | Cornyn | Inhofe |
| Bond | Crapo | Isakson |
| Brownback | DeMint | Johanns |
| Bunning | Ensign | Kyl |
| Burr | Enzi | Lugar |
| Chambliss | Graham | McCain |
| Coburn | Grassley | McCaskill |
| Cochran | Gregg | McConnell |
| Collins | Hatch | Risch |

Roberts
Sessions
Shelby

Snowe
Specter
Thune

Vitter
Voinovich
Wicker

NOT VOTING—2

Kennedy

Klobuchar

The motion was agreed to.

Mr. BINGAMAN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 682

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote on amendment No. 682 offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, this amendment No. 682 is one I have advised the Senator from Oklahoma is acceptable to Senators on this side of the aisle.

Let me briefly describe what it does. It would modify the underlying provisions of the substitute amendment dealing with the protection of fossil resources on Federal land by making three changes. First, the underlying bill says the Secretary of the Interior or the Secretary of Agriculture may allow casual collecting of common fossils without a permit for personal use. That is consistent with the management policies of the Federal land in question. The Coburn amendment says it requires that the two Secretaries allow that casual collecting for personal use. Secondly, the Coburn amendment would remove a provision that would have authorized agencies under some circumstances to acquire new lands. Finally, the amendment removes a provision in the underlying bill that would have authorized forfeiture of any vehicle or equipment used by someone illegally removing fossil resources.

I think all three of these changes improve the bill and I support the amendment. I believe we can act on this with a voice vote, but I will leave it to the Senator from Oklahoma to make his statement.

Mr. COBURN. Madam President, the chairman is correct. I will gladly accept a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 682) was agreed to.

AMENDMENT NO. 683

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote on amendment No. 683 offered by the Senator from Oklahoma, Mr. COBURN.

Who yields time?

Mr. BINGAMAN. Madam President, we yield 2 minutes in opposition to this

amendment to Senator FEINSTEIN from California.

Mrs. FEINSTEIN. Madam President, I thank the manager of the bill.

The Coburn amendment would destroy a court-approved settlement of an 18-year legal battle involving the release of water from the Friant Dam, from which 15,000 farmers get their water over the restoration of salmon in the San Joaquin Valley. The agreement is agreed upon by the Governor of California, the Department of the Interior, the Bureau of Reclamation, the water contractors. It has a broad consensus. The reason is because the belief is—and my belief is—that the Federal Government has lost the case and, therefore, the judge would order a huge release of water from this dam which would provide a lack of certainty for the farmers and would not provide for the salmon restoration.

The distinguished Senator from Oklahoma has argued against the settlement agreement—court approved—by saying its goal is 500 fish. Its goal is not 500 fish; it is 30,000. It is to restore a historic salmon fishery.

Secondly, under the settlement, the State of California relieves the Federal Government of a number of payments: \$200 million from the State, and the water contractors pick up another \$200 million, equaling \$400 million, which the Federal Government would have had to have paid.

So this is a court settlement. It should stand. It is the right thing. I urge a no vote on the Coburn amendment.

Mr. KYL. Madam President, I rise in support of the Coburn amendment because it would eliminate the authorizations for a number of questionable projects. Given the exploding Federal budget deficits, we ought to forgo the millions of taxpayer dollars for such things as the 450th birthday celebration for St. Augustine, FL; a study to determine whether Alexander Hamilton's boyhood estate in St. Croix, Virgin Islands, should be designated as a new part of the National Park System; the maintenance of tropical botanical gardens in Hawaii and Florida; and a shipwreck exploration program. These authorizations are not urgent, have a tenuous Federal nexus, and could divert scarce Federal funds from more important safety and health programs.

Because the amendment eliminates authorizations for such programs, I am compelled to support it even though it would also eliminate a relatively more credible provision in the bill relating to the San Joaquin River Restoration Settlement Act.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I won't spend the time to refute all of what the distinguished Senator from California said, other than to note that in 1924 the salmon were gone from that

river; before any of the water canals or anything else was built. We are going to spend \$30,000 a fish based on the 300,000 salmon.

More importantly, this amendment talks about five total different earmarks in this bill. My office had a conversation with the mayor of St. Augustine, FL, this morning. Here are his words: I am really worried about the fiscal nature of this country. I am really worried that we are in real trouble, but I still want my money.

Well, the way a republic dies is when the constituency learns they can vote themselves money from the public Treasury regardless of what the overall financial situation of the country is. These are the main earmarks in this bill. The President has said he doesn't want a bill full of earmarks. This strips them all out. We can either do what the American people want—we can act fiscally responsibly—or we can continue the age-old process of putting our positions ahead of those of the constituents we represent.

With that, I yield the floor and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

Mr. BINGAMAN. Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 27, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—70

| | | |
|-----------|-------------|-------------|
| Akaka | Gillibrand | Nelson (NE) |
| Alexander | Gregg | Pryor |
| Baucus | Hagan | Reed |
| Begich | Harkin | Reid |
| Bennet | Hatch | Risch |
| Bennett | Inouye | Rockefeller |
| Bingaman | Johnson | Sanders |
| Bond | Kaufman | Schumer |
| Boxer | Kerry | Shaheen |
| Brown | Kohl | Shelby |
| Burris | Landrieu | Snowe |
| Byrd | Lautenberg | Specter |
| Cantwell | Leahy | Stabenow |
| Cardin | Levin | Tester |
| Carper | Lieberman | Udall (CO) |
| Casey | Lincoln | Udall (NM) |
| Cochran | Martinez | Voinovich |
| Collins | McCaskill | Warner |
| Conrad | Menendez | Webb |
| Crapo | Merkley | Whitehouse |
| Dodd | Mikulski | Wicker |
| Dorgan | Murkowski | Wyden |
| Durbin | Murray | |
| Feinstein | Nelson (FL) | |

NAYS—27

| | | |
|-----------|-----------|--------|
| Barrasso | Burr | Cornyn |
| Bayh | Chambliss | DeMint |
| Brownback | Coburn | Ensign |
| Bunning | Corker | Enzi |

Feingold
Graham
Grassley
Hutchison
Inhofe

Isakson
Johanns
Kyl
Lugar
McCaIn

McConnell
Roberts
Sessions
Thune
Vitter

NOT VOTING—2

Kennedy

Klobuchar

The motion was agreed to.

Mr. BINGAMAN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, there is now 30 minutes of debate on the bill, equally divided between the Senator from New Mexico and the Senator from Alaska.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, let me take 5 of the 15 minutes we have. If you will advise me when that time is used.

In just a few minutes, the Senate will vote on final passage of H.R. 146, the Omnibus Public Lands Act. I believe our actions this week will make it more likely that the House of Representatives will be able to consider and approve the Senate amendments expeditiously.

Today's vote will culminate many years of work on more than 160 bills that are included in this package and represents a major achievement for the protection of our Nation's cultural, natural, and historic resources. As I have observed before, when you take all of these bills together, I believe they represent the most significant conservation legislation passed by the Senate, at least in the last 15 years.

In addition, the bill will finally resolve three very important and complex water rights settlements in three different States and literally decades of litigation and controversy about that water. The wilderness and other conservation areas designated in the bill represent years and years of efforts by local citizens, through countless public meetings, in an effort to find a way to protect some of the most important scenic areas in their States, while balancing wilderness designations against other uses. In my opinion, the sponsors of these provisions have gone to great lengths to find that balance.

Some contend that the wilderness, national parks, wild and scenic rivers, and other conservation designations will frustrate our Nation's ability to develop new domestic energy supplies. I strongly disagree. We have gone to great lengths to assess the energy potential of the new areas, and in almost all cases the Bureau of Land Management has concluded that the wilderness areas do not have significant energy development potential.

The Energy and Natural Resources Committee which I am privileged to chair and of which Senator MURKOWSKI is ranking member is assembling a

comprehensive energy bill. We hope to bring it to the Senate floor for consideration soon. That bill will provide an opportunity to promote programs to expand the development of domestic energy resources.

I believe the question of whether we should protect our Nation's natural and cultural heritage or instead develop our energy and other resources is a false choice. They are mutually exclusive goals. We can accomplish them both.

A former Senator from my State, who also chaired the then-Interior Committee in the Senate, once said the following:

Wilderness is an anchor to windward. Knowing it is there, we can also know that we are still a rich Nation, tending our resources as we should—not a people in despair searching every last nook and cranny of our land for a board of lumber, a barrel of oil, a blade of grass, or a tank of water.

Let me also indicate that there are many provisions in this bill that are of particular importance to my State: the Navajo Nation Indian Water Rights Settlement; the Eastern New Mexico Rural Water Project; the Rio Grande Pueblo Irrigation Infrastructure legislation; the SECURE Water Act, which has national implications but is important to my State as well; Prehistoric Trackways National Monument; Fort Stanton-Snowy River Cave National Conservation Area; Sabinoso Wilderness, which Senator UDALL has spearheaded; Rio Puerco Watershed Act; and also the Forest Landscape Restoration Act.

This bill will have a far-reaching and positive impact on New Mexico's precious and scarce water resources. The most significant provision is the settlement of the Navajo Nation's water rights claims in the San Juan River basin.

This settlement will avoid conflicts, risks, and costs that would be borne by the Navajo Nation, individual water users, municipalities, the State of New Mexico, and the Federal Government if the Navajo claims were litigated in full. Instead, defining the Navajo Nation's water rights by agreement will improve water management in the basin and ensure that future water demands can be addressed through an efficient administrative process.

Most important, however, is that the settlement will provide a sustainable water supply to Navajo communities in the eastern portion of the Navajo Reservation. Currently, 40 percent of the population on the reservation—approximately 70,000 people—must haul water for use in their homes. This situation has resulted in serious health, education, and economic consequences for the Navajo people. This legislation will begin to address these issues, as well as the United States' obligations to the Navajo Nation.

On the opposite side of the State, several communities are facing an un-

certain water future due to falling levels of groundwater in the Ogallala aquifer. To address this problem, the bill authorizes the Bureau of Reclamation to help develop the Eastern New Mexico Rural Water System. This project will use an available water supply in Ute Reservoir to provide communities in eastern New Mexico with a renewable water supply and the long-term security that is critical to the region's future. As a measure of its importance, the State of New Mexico already has provided about \$8 million to develop the project. Enacting this legislation will help communities in Curry and Roosevelt Counties secure the water needed to sustain current economic activity and support future development in the region.

In the heart of New Mexico is the Rio Grande. Over the past decade, there have been many conflicts over this magnificent, but limited resource. Conserving water and improving inefficient infrastructure has been a key factor in minimizing these conflicts. Unfortunately, Native Americans residing in the Rio Grande basin have not benefited greatly from these improvements. This bill will change that situation by directing the Bureau of Reclamation to work with the Rio Grande Pueblos to assess irrigation infrastructure and initiate projects to rehabilitate and repair such infrastructure on Pueblo lands.

By focusing Federal resources and expertise on this problem now, the Federal Government, as part of its trust responsibility, will help prevent further deterioration of Pueblo irrigation systems and avoid additional rehabilitation costs in the future. The Pueblos will benefit markedly from increased agricultural productivity, increased water conservation, and safer facilities. More importantly, however, these improvements will help the Pueblos to sustain their historical way of life, both economically and culturally. Finally, the overall health of the Rio Grande basin will likely benefit through increased efficiency in water use.

The final water provision I want to mention is one that will benefit New Mexico and many other States. The SECURE Water Act is based on the view that effectively addressing water issues requires a better understanding of the resource, and increasing the efficiency of its use. For that reason, the bill seeks to strengthen the national streamflow program, improve ground water monitoring efforts, enhance our understanding of water uses and availability, and provide grants to implement water conservation and efficiency projects.

It also will improve our understanding of the impacts of climate change on water and ensure that adaptation strategies are formulated and

implemented. This is particularly important in New Mexico, where one recent study by researchers at the University of New Mexico and New Mexico State predicts that surface water in the Rio Grande basin could decline by as much as 12 percent by 2030 and 33 percent by 2080.

New Mexico will also benefit from a number of important public land provisions, including the designation of a new national monument.

The Prehistoric Trackways National Monument in Doña Ana County, New Mexico, will protect a remarkable "megatracksite" of 290 million-year-old fossils. This site of worldwide scientific significance has preserved the trackways of some of the earliest creatures to make their way out of the ocean, which will help fill in the gaps left from studying only their fossilized bones.

Las Cruces resident Jerry MacDonald first brought the find to light in 1988, and thanks to a more recent discovery by MacDonald, we now know that the National Monument also will protect a well-preserved 290 million-year-old petrified forest where three new species of trees already have been discovered. The local curation of these specimens should provide unique scientific and educational opportunities for the surrounding community and visitors to the region.

The Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, NM, will permanently protect the cave system, including a passageway containing a more than 4-mile-long continuous calcite-crystal river bed, a unique formation that is believed to be the longest one of its kind in the world.

While exploration of this cave began centuries ago, it was not until 2001 that volunteers with the Fort Stanton Cave Study Group discovered the Snowy River passageway, which defied their wildest expectations. This discovery already has yielded valuable scientific research in hydrology, geology, and microbiology, the last of which may even have applications in interplanetary exploration. We will be proud to include the Fort Stanton-Snowy River Cave on New Mexico's prestigious list of world-class sites.

The bill also includes legislation spearheaded by Senator TOM UDALL—the designation of the 16,000 acre Sabinoso Wilderness in San Miguel County, NM. The Sabinoso Wilderness will protect a rugged and beautiful landscape that provides important wildlife habitat and represents an important watershed to our State.

New Mexico is the home of the first congressionally designated wilderness area, and the Sabinoso Wilderness represents a well-deserved addition to the National Wilderness Preservation System. I hope our efforts to permanently protect this area will ensure that fu-

ture generations can enjoy this outstanding public resource.

This bill also will reauthorize the Río Puerco Watershed Act, which formalized the Río Puerco Management Committee in New Mexico. The committee has become one of the most effective collaborative land management efforts in the Southwest. And for more than 10 years, it has helped facilitate the restoration of the highly degraded Río Puerco Watershed, the largest tributary to the Río Grande. There is much more work to be done to restore this watershed, and this legislation will assist the committee in that effort.

Title IV of the bill—the Forest Landscape Restoration Act—holds great promise for our fire-dependant forests and communities in New Mexico and across the country. Wildfire activity and suppression costs have grown dramatically in recent years. The affects of global warming are increasingly impacting forest and watershed health. And communities across the country are struggling economically.

This legislation will establish a program to select and fund collaborative landscape-scale forest restoration projects that will improve forest health, reduce wildfire management costs, and benefit local economies. The positive response that we have seen from Members of Congress, State and local officials, and communities across the country speaks to the importance of these issues and the promise of this approach. I hope we can quickly provide funding to implement the legislation, as we cannot afford to wait to begin this critical work.

It is past time for us to enact these measures to provide water to our communities, to protect our natural wonders, and to restore our natural resources. Many New Mexicans have worked for years to see these provisions enacted into law, and I am pleased the Senate is taking the important steps toward achieving that goal.

I yield the remainder of my time to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Madam President, as we conclude the debate on this public lands package, I think it is important to remind colleagues of perhaps a few facts—a little bit of the history as to how we got here.

As the chairman of the Energy Committee indicated, this omnibus public lands package consists of 160 bills and what they represent in terms of the legislation and efforts of communities, of individuals, of groups, of legislators, to come to a point where they may finally be seeing a resolution on the issues they have been working on, and I think it is important to put this into context.

One of the measures in this public lands package that relates to my State is an issue we have been working on—

a land exchange—for almost two decades now in an effort to try to resolve it. Through a great deal of compromise with agencies, with public interest groups, and with policymakers, we have legislation that we believe works.

My colleague from Utah, Senator BENNETT, has been working on a provision that he, too, acknowledges has been over 10 years in the making. My colleague, Senator CRAPO, from Idaho, has been working on legislation that has been 8 years in the process. We on the Energy Committee have been working with Members to try to advance good projects and legislation that work in their respective States.

Our public lands States are a little different from what we see on the East Coast. When you have 60 percent of the land in your State owned by the Federal Government, oftentimes just getting a transaction approved requires an act of Congress. So what we have today in this package, big as it is, is a culmination of countless years of work by lawmakers in this body. It is time that we advance many of these very important measures.

This bill is a very bipartisan measure. It is, as I say, 160 bills, but there are both Republican sponsors and Democratic sponsors. It is the work of a lot of compromise on both sides. All but a handful of these bills within the Energy Committee's jurisdiction were ordered reported by the committee on a unanimous voice vote.

We need to recognize that this is not the work of the 111th Congress. It is not even the work of the 110th. It was before that. This is carryover work in an attempt to take care of a lot of unfinished business.

I am optimistic that this bill will pass both this body and the other body and be finally signed into law. I am also optimistic that the 111th Congress can then make a fresh start with public lands legislation and perhaps find a better way to reach consensus on these types of bills. I hope the process for consideration of this package today is a harbinger of the future.

The package we have contains language that the House had sought to add to clarify that access to recreation, including hunting, fishing, and trapping, would not be limited by land designations in this bill. This language was bipartisan and bicameral, and the support truly is there.

The amendments Senator COBURN brought before this body—six serious, relevant amendments—while I have not agreed with the specifics of some of those amendments we have considered, I do take the issues and the concerns raised by them very seriously. I always have and will continue to commit to continue to do so in the Committee on Energy and Natural Resources; as we look to legislation in the future, whether it is the issue of prioritization or acknowledging an inventory of what

we own, what we are required to operate and maintain is something that is worthwhile to pursue.

Some of the issues that were raised—for instance, that of eminent domain, locking up our Nation's energy resources—these are issues that are clearly legitimate. But I suggest a broad-brush or one-size-fits-all prohibition does not work in the real world.

The bills in this package were carefully evaluated for these and so very many concerns as they went through the committee. The Energy Committee is very concerned. Our focus is on access to our Nation's energy resources. There was that consideration made bill by bill.

The last comment I wish to make is, it has been suggested that somehow or another this lands package is a Federal land grab. In fact, the bill actually transfers over 23,000 acres of Federal land into the private or State sectors through conveyance, exchange or sale. In most instances, the Federal Government is giving more land into private hands than they are getting or the exchanges are of equal acres or equal value.

Again, I will not suggest the process we have gone through has been the easiest. It is difficult when you have the number of bills we have and issues that are contentious and that require a great deal of effort and compromise. But the product before this body today is one where I would agree with our chairman of the Energy Committee, it does help to protect our country's great assets, it does allow for better enhancements of our public lands, and I think it is worthy of consideration by this full body. I encourage its support.

I yield the floor.

Mr. LEVIN. Madam President, today's vote will mark the second time in 2 months the Senate has passed the Omnibus Public Land Management Act. On January 15, the Senate passed a similar bill, which encompasses over 150 bills related to our Nation's natural, historic, and recreational resources. While I am pleased the Senate will again pass this legislation, I am disappointed this widely supported bill has required nearly 2 weeks of Senate floor time during a time of severe economic crisis.

The omnibus public land bill includes four provisions I authored that will directly benefit Michigan by preserving precious natural resources and improving our parks and trails.

First, the bill would authorize the Federal Government to purchase land from willing sellers for the North Country National Scenic Trail, the nation's longest hiking trail, 1,000 miles of which traverse through Michigan. This trail also runs through New York, Pennsylvania, Ohio, Wisconsin, Minnesota, and New York, with a total length of 4,650 miles. For the majority of the other national scenic and his-

toric trails, the Federal Government has land acquisition authority, but for no good reason this authority has not been available for the North Country Trail. Willing sellers, in many cases public-spirited citizens, should have the right to sell easements or even portions of their land to the Federal Government should they choose to do so and if it is in the national interest. In addition to important trail linkages, with willing seller authority, sections of the current trail could be moved from roads where hikers and other trail users are unsafe. I have been working on this willing seller legislation for nearly 10 years, and I am pleased that it is going to be approved by the Senate again today.

Second, the omnibus public lands bill also includes legislation I sponsored last Congress to improve the Keweenaw National Historical Park, located in Michigan's Upper Peninsula. Established in 1992, this unique park, with nearly 20 independently operated heritage sites, preserves and interprets the incredible story of copper mining and production in Michigan's Keweenaw Peninsula that powered the Industrial Revolution. This legislation would enable the park to better carry out its statutory mission to preserve and bring to life the vibrant history of Michigan's "copper country." Specifically, the legislation would change the onerous matching requirement for federal funds from a 4:1 ratio to a 1:1 ratio, which is typical for most other Park System units that require a non-federal funding match. The legislation would also increase the authorized level of funds to be appropriated for the park to enable the preservation, restoration, and interpretation of the numerous historical properties within the park boundaries. Finally, the legislation would eliminate an overly restrictive prohibition on the Department of the Interior from acquiring certain lands. Making these changes would improve the visitors' experience, preserve important historic resources, and help with economic revitalization of the Keweenaw Peninsula.

Third, the bill provides important protections for about 16 percent of the land—or 12,000 acres—within the Pictured Rocks National Lakeshore, located in Michigan's Upper Peninsula along the south shore of majestic Lake Superior. This wilderness legislation, which I introduced during the last Congress, provides natural resource protection while also ensuring that recreational opportunities and access are maintained. The wilderness designation was proposed by the Park Service after 5 years of careful planning and extensive public consultation. As a result of that open process, the final wilderness designation was changed from the initial proposal to respond to many of the concerns expressed by citizens. For example, the access roads to the

lakes and campground are not included in the wilderness designation, so vehicles would still have access to this popular recreation area. Also, motor boats would still be able to access the Lake Superior shoreline, as the wilderness area does not include the Lake Superior surface water. In addition, boats using electric motors would still be allowed on Little Beaver and Beaver Lakes within the wilderness area. Since 1981, the Beaver Basin area has been managed as a backcountry and wilderness area, and this wilderness designation would ensure that the valuable habitat and pristine natural features of the region remain the treasure and peaceful sanctuary they are today.

Finally, the omnibus lands legislation contains a bill that I sponsored in the Senate last year as a companion to Representative JOHN DINGELL's legislation in the U.S. House of Representatives that would designate land on which the battles of the River Raisin were fought, during the War of 1812, as a unit of the National Park System. This land, in Monroe County and Wayne County, MI, includes sites related to a significant set of battles in an area that was once considered part of the "Northwest," a key strategic front in the War of 1812. By designating this land as a unit of the National Park System, the public will have an opportunity to learn about these battlefield sites. While horrific actions took place at the River Raisin, these events prompted a rallying cry that became a turning point in the War of 1812, which is often called America's "Second War of Independence." I look forward to this legislation becoming law in time for the national celebration that will take place on the 200th anniversary of the War of 1812.

I am hopeful the House will also pass this legislation and the President will sign it into law so that we can wrap up one of the major pieces of unfinished business from the last Congress, which will benefit Michigan and the Nation by improving the preservation of and access to important natural, historic, and recreational resources.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New Mexico.

Mr. BINGAMAN. Madam President, before the Senator from Oklahoma has the final say, which he certainly should, let me say there are a great many people, excellent staff working for the Democratic side of the Energy and Natural Resources Committee and staff working for Senator MURKOWSKI on the Republican side of the committee who deserve great credit. We enumerated those staff when we dealt with this legislation 2 months ago, and we will do so again in the RECORD. Let me particularly indicate David Brooks here with me and Kara Finkler as the two who have done the most to make this possible. Without their good work, this would not be legislation coming up for final consideration.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, just to add to the comments of Senator BINGAMAN, it is appropriate that we acknowledge our staff. I appreciate him doing so. I thank those who worked on the Republican side as well. But I also wish to acknowledge some of the Members on our side who have been very dogged in an effort to reach final compromise on this legislation.

Senator CRAPO from Idaho has been diligent in his efforts, working alongside Senator BENNETT from Utah and Senator KYL. I appreciate their efforts in getting us to where we are today.

Mr. BINGAMAN. Madam President, let me add two additional individuals to the list of folks I particularly mentioned by name. Mike Connor, who is responsible for all the water rights legislation contained in the legislation in the Secure Water Act, I note for my colleagues that he has been named just today as the President's choice to be head of the Bureau of Reclamation, which I think is a great thing for the country; and Scott Miller, who worked very hard on the forest issues involved with this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I have just a few observations before we start the vote. This has been a long process on this bill. I appreciate the pain and patience of the chairman of the committee. He has been a gentleman to work with all the time in our discussions.

I also note for the Senate that over 70 of these bills could have gone by unanimous consent, but because we chose to have a procedure where up until now, over the last 2 years, no amendments were ever allowed to be offered on any of these bills—none; it was never an option—we have taken approximately 7 weeks on something we could have done in 2 weeks if we had an open amendment process like the Senate is supposed to. We find ourselves ping-ponging between the House and the Senate because we want to avoid the very purpose for which we are here, which is open debate and amendment.

It should be a lesson to us. The American people win when there is a debate. They lose when we use unanimous consent to pass something that is controversial. To say it is not, the average we got on our amendments was 31 votes. That is almost a third of the Senate. So to say we should pass legislation by unanimous consent when a third of the Senate does not agree, I would say there is a great lesson for us and that is, let's open up, let's have a debate, let's put a short period of time on it, and let's not have to use procedures to try to, in fact, get a debate for the American people.

I will also say, in looking at this bill, what have we done? There are a lot of good provisions in this bill. I am not opposed to half of this bill. Half of this bill I am adamantly opposed to.

I was thinking, as we recognize the Republican and Democratic staff, who is representing truly the American people rather than parochial interests and what staff worked on that? We went through this. We rejected transparency for the American people. We rejected the ability to know what we have and how to deal with it and how to manage it. We have said no by a vote of this body that we are not going to do that; we like the darkness, the lack of accountability, the lack of transparency that goes to the American people. We rejected eliminating earmarks. Every appropriator voted against that amendment, even though the President says and the American people say that is not the way they want to do business. But we rejected it.

We have rejected significant amounts of potential renewable energy. Ninety percent of all geothermal, potential renewable clean energy, is put at risk by what we are doing. I know that is disputable, but our own Secretary of the Interior this week said we should not put the cart before the horse. We should have good planning on where we are going with transmission lines, the grids, and everything else, so we can take advantage of solar, wind, and geothermal. But yet we have rejected that.

We have rejected prioritizing the needs of our national parks. That is what the Senate has done this week. We said: No, we are not going to do that, if we want to do something new, even though we have between \$12 billion and \$19 billion worth of backlogs, as the Government Accountability Office said we have significant health and safety risks for our employees and the American public who visit our parks—we rejected that. We said: No, we should not take care of what we have now before we start something new. We have done exactly the opposite of what the average American would be doing with their own assets.

The other thing we have done is we have taken a large amount of oil and natural gas and said you can never touch it again. Let me emphasize why. Of the 80 wilderness bills my colleagues put in this legislation, 35 of them, under the Wilderness Study Area they said they never should be put into the wilderness, and my colleagues put them in the wilderness anyway.

The whole project of having the Wilderness Study Area is to use the study to determine if an area should be wilderness. Not counting Colorado and Utah, my colleagues put 448,000 acres into wilderness that the study says should never go into wilderness area because they have significant oil and gas and other energy.

We rejected the process by which we do it because parochial interests have

trumped the national energy needs of this country, and that does not count Colorado and Utah. Utah has a significant area. So probably well over 35 percent of all the land my colleagues have taken away and said forever we are never going to touch, we are never going to utilize the natural resources that this country could utilize when we are sending \$400 billion a year overseas for carbon-based energy which we are going to do for the next 20 years no matter what, you have taken it away. You said never.

As I said earlier, you have taken clean renewables. We don't know what the percentage is but a significant percentage of geothermal for sure. A bill is going to be introduced that is going to take several hundred thousand acres out of the California desert by the Senator from California which is prime land for solar. It is getting ready to be introduced so that can never be touched.

We have to have energy, and we are ignoring assets that we have. We are putting into wilderness area assets that have significant energy. We are ignoring the process under which we said we would make those determinations. When well over 35 of the 80 were recommended they not be put into wilderness area, what are the American people to think? Where is the common sense to say maybe we ought to plan for the future? Maybe we ought to look and say: If we are going to go to a renewable portfolio totally of energy in this country, how long is it going to take us to get there and what do we need in between now and then to do that?

We are not making good long-term decisions with this bill. We are handicapping ourselves, and we are telling the Middle East: Go ahead and jack it up because we are going to limit our options with which we can balance energy needs in this country by what we are doing in this bill.

Finally, we have said in this bill eminent domain is going to be utilized. We say we are not going to do it, but we certainly said: American landowner, if we are there and if we decide we want to do something, we are going to keep it.

The fact is, one of the most painful things that occurs to an American citizen in this country is your land, without your permission, even though you are paid an equitable price for it, is taken from you. We said that is fine. We rejected that. Thirty-five Senators voted to not reject it but 60-some voted to reject it.

Let me summarize. We like our earmarks. We don't want to think long term on energy. We reject policies that say we should not put land into the wilderness area, but we do it anyway. We have taken away our ability to handle the next energy crisis, which is coming. We have told the American

people we are going to keep eminent domain and, by the way, it doesn't matter if you own property, we will take it if we need it.

Besides all that, we have now more land area in wilderness in this country than we have developed land. There is 108 million acres now in wilderness in this country and only 106 million acres of developed land. When do we have enough? When do we stop tying our arm behind our back in terms of energy, whether it is renewable or carbon based? When do we do that? Is it wise and prudent to say we should not leave all options on the table for our energy needs for the future, whether it is green energy or traditional energy? Why would we send that signal to the rest of the world? And why would we do that to the American taxpayers?

What is going to happen on energy prices in this country is natural gas is going to double in the next 2 years, and it is going to double for a couple of reasons. One is because they cannot afford to drill for it right now at \$4. No. 2, we are taking a large swath, 13 million cubic feet, one area you have isolated, enough to run this country for 2½ years. It is proven, we know it is there, it is easy to get out, we don't have to do a whole lot more drilling, but you can't have it. We have taken 300 million barrels of oil in that same area and said: America, you can't have it. We know its there, its not hard to get out, but you can't have it. And that is just in one of the ranges we are setting off to the side and not making available to the American public to lower their energy costs, to balance the supply-and-demand imbalance we will see in the future.

It is important that this bill was put together by combining what individuals wanted for their States. I know some of these land and water rights issues are complicated. I know the exchanges are hard, and I know protecting things in the right way is important. I know it is to the Senator from Idaho, the Senator from Alaska, and the Senator from New Mexico. But when does the overall best benefit for the American people start trumping things around here instead of what we want parochially?

I think we have two diseases. I think we have attention deficit disorder in the Senate to what the real problems are, so I think we need to be in a 12-step program to correct that. Then I think we have hyperparochialism in the sense that what is most important is what is important in my State; be danged what happens to the rest of the country.

Our country is failing in a lot of areas now, and most of it is our fault. But what we will ultimately fail on is when we start thinking more about individual States than the best long-term benefit for the country. This bill is a classic example where we put parochial

interests ahead of the long-term interests of the country.

I worry about the grandchildren of this country. This is an \$11 billion bill with \$900 million in mandatory spending. When we have all these things we need to do that are a much higher priority, we are going to do this now. I am disappointed in us because we don't think long term, that we think short term. It is beneath the oath we take when we continue to do this. I want to be proud of what we do, and I want us to be above the influence of any short-term, any parochial, or any political decision.

The people in this body know me, that I go after Republican projects as much as Democrats. I go on the basis of what I think is in the best long-term interest. That is not to say my colleagues don't too, but as a collective body we have not been doing that. And we are not going to fix the real problem in our country, which is the economy. It is amazing to me that we are spending time on this bill instead of fixing the economic problems of this country; that we are sitting here and we have spent a total of 7 weeks in the last 3 or 4 months on this bill rather than working on the real problems and the real needs of this country.

The long-term future of our country is at great risk today, and I am not just talking economically. When we choose to protect home—i.e. State or city or earmark—at the expense of the long-term interest of our country, we won't last. What has made this country great throughout its years is we have had leaders who have said: The heck with my position. What is best for the country should come first.

The irony of that—and it is really paradoxical—is, when people see that, we restore confidence. When they see the opposite of that, they lose confidence in us. And we ought to be about restoring the American people's confidence. They are rattled today. They are rattled over the economy. They are rattled over their confidence in us, and we ought to be about restoring that. I don't think this bill does that.

I appreciate the patience of my colleagues. I have great respect for you. I know your sincere desires. But I truly think we need some coaxing to get our eye back on the ball.

Madam President, I yield the floor—I understand we will not vote until 12:20—and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, I am informed the time to vote has ar-

rived, and I yield back any time that remains on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, all time having expired, the substitute amendment, as amended, is agreed to.

The question is on the engrossment of the amendment, as amended, and third reading of the bill.

The amendment, as amended, was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. THUNE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The bill having been read the third time, the question is, Shall it pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 20, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—77

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|-----------|------------|-------------|
| Akaka | Enzi | Murray |
| Alexander | Feingold | Nelson (FL) |
| Barrasso | Feinstein | Nelson (NE) |
| Baucus | Gillibrand | Pryor |
| Bayh | Gregg | Reed |
| Begich | Hagan | Reid |
| Bennet | Harkin | Risch |
| Bennett | Hatch | Roberts |
| Bingaman | Inouye | Rockefeller |
| Bond | Johnson | Sanders |
| Boxer | Kaufman | Schumer |
| Brown | Kerry | Shaheen |
| Burris | Kohl | Shelby |
| Byrd | Landrieu | Snowe |
| Cantwell | Lautenberg | Specter |
| Cardin | Leahy | Stabenow |
| Carper | Levin | Tester |
| Casey | Lieberman | Udall (CO) |
| Cochran | Lincoln | Udall (NM) |
| Collins | Lugar | Voinovich |
| Conrad | Martinez | Warner |
| Corker | McCaskill | Webb |
| Crapo | Menendez | Whitehouse |
| Dodd | Merkley | Wicker |
| Dorgan | Mikulski | Wyden |
| Durbin | Murkowski | |

NAYS—20

| | | |
|-----------|-----------|-----------|
| Brownback | Ensign | Kyl |
| Bunning | Graham | McCain |
| Burr | Grassley | McConnell |
| Chambliss | Hutchison | Sessions |
| Coburn | Inhofe | Thune |
| Cornyn | Isakson | Vitter |
| DeMint | Johanns | |

NOT VOTING—2

| | |
|---------|-----------|
| Kennedy | Klobuchar |
|---------|-----------|

The bill (H.R. 146), as amended, was passed, as follows:

H.R. 146

Resolved, That the bill from the House of Representatives (H.R. 146) entitled "An Act to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes," do pass with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Omnibus Public Land Management Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

Sec. 1001. Designation of wilderness, Monongahela National Forest, West Virginia.

Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.

Sec. 1003. Monongahela National Forest boundary confirmation.

Sec. 1004. Enhanced Trail Opportunities.

Subtitle B—Virginia Ridge and Valley Wilderness

Sec. 1101. Definitions.

Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest as wilderness or a wilderness study area.

Sec. 1103. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.

Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.

Sec. 1105. Trail plan and development.

Sec. 1106. Maps and boundary descriptions.

Sec. 1107. Effective date.

Subtitle C—Mt. Hood Wilderness, Oregon

Sec. 1201. Definitions.

Sec. 1202. Designation of wilderness areas.

Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.

Sec. 1204. Mount Hood National Recreation Area.

Sec. 1205. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.

Sec. 1206. Land exchanges.

Sec. 1207. Tribal provisions; planning and studies.

Subtitle D—Copper Salmon Wilderness, Oregon

Sec. 1301. Designation of the Copper Salmon Wilderness.

Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.

Sec. 1303. Protection of tribal rights.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

Sec. 1401. Definitions.

Sec. 1402. Voluntary grazing lease donation program.

Sec. 1403. Box R Ranch land exchange.

Sec. 1404. Deerfield land exchange.

Sec. 1405. Soda Mountain Wilderness.

Sec. 1406. Effect.

Subtitle F—Owyhee Public Land Management

Sec. 1501. Definitions.

Sec. 1502. Owyhee Science Review and Conservation Center.

Sec. 1503. Wilderness areas.

Sec. 1504. Designation of wild and scenic rivers.

Sec. 1505. Land identified for disposal.

Sec. 1506. Tribal cultural resources.

Sec. 1507. Recreational travel management plans.

Sec. 1508. Authorization of appropriations.

Subtitle G—Sabinoso Wilderness, New Mexico

Sec. 1601. Definitions.

Sec. 1602. Designation of the Sabinoso Wilderness.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

Sec. 1651. Definitions.

Sec. 1652. Designation of Beaver Basin Wilderness.

Sec. 1653. Administration.

Sec. 1654. Effect.

Subtitle I—Oregon Badlands Wilderness

Sec. 1701. Definitions.

Sec. 1702. Oregon Badlands Wilderness.

Sec. 1703. Release.

Sec. 1704. Land exchanges.

Sec. 1705. Protection of tribal treaty rights.

Subtitle J—Spring Basin Wilderness, Oregon

Sec. 1751. Definitions.

Sec. 1752. Spring Basin Wilderness.

Sec. 1753. Release.

Sec. 1754. Land exchanges.

Sec. 1755. Protection of tribal treaty rights.

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

Sec. 1801. Definitions.

Sec. 1802. Designation of wilderness areas.

Sec. 1803. Administration of wilderness areas.

Sec. 1804. Release of wilderness study areas.

Sec. 1805. Designation of wild and scenic rivers.

Sec. 1806. Bridgeport Winter Recreation Area.

Sec. 1807. Management of area within Humboldt-Toiyabe National Forest.

Sec. 1808. Ancient Bristlecone Pine Forest.

Subtitle L—Riverside County Wilderness, California

Sec. 1851. Wilderness designation.

Sec. 1852. Wild and scenic river designations, Riverside County, California.

Sec. 1853. Additions and technical corrections to Santa Rosa and San Jacinto Mountains National Monument.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

Sec. 1901. Definitions.

Sec. 1902. Designation of wilderness areas.

Sec. 1903. Administration of wilderness areas.

Sec. 1904. Authorization of appropriations.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

Sec. 1951. Definitions.

Sec. 1952. Rocky Mountain National Park Wilderness, Colorado.

Sec. 1953. Grand River Ditch and Colorado-Big Thompson projects.

Sec. 1954. East Shore Trail Area.

Sec. 1955. National forest area boundary adjustments.

Sec. 1956. Authority to lease Leiffer tract.

Subtitle O—Washington County, Utah

Sec. 1971. Definitions.

Sec. 1972. Wilderness areas.

Sec. 1973. Zion National Park wilderness.

Sec. 1974. Red Cliffs National Conservation Area.

Sec. 1975. Beaver Dam Wash National Conservation Area.

Sec. 1976. Zion National Park wild and scenic river designation.

Sec. 1977. Washington County comprehensive travel and transportation management plan.

Sec. 1978. Land disposal and acquisition.

Sec. 1979. Management of priority biological areas.

Sec. 1980. Public purpose conveyances.

Sec. 1981. Conveyance of Dixie National Forest land.

Sec. 1982. Transfer of land into trust for Shivwits Band of Paiute Indians.

Sec. 1983. Authorization of appropriations.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

Sec. 2001. Definitions.

Sec. 2002. Establishment of the National Landscape Conservation System.

Sec. 2003. Authorization of appropriations.

Subtitle B—Prehistoric Trackways National Monument

Sec. 2101. Findings.

Sec. 2102. Definitions.

Sec. 2103. Establishment.

Sec. 2104. Administration.

Sec. 2105. Authorization of appropriations.

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

Sec. 2201. Definitions.

Sec. 2202. Establishment of the Fort Stanton-Snowy River Cave National Conservation Area.

Sec. 2203. Management of the Conservation Area.

Sec. 2204. Authorization of appropriations.

Subtitle D—Snake River Birds of Prey National Conservation Area

Sec. 2301. Snake River Birds of Prey National Conservation Area.

Subtitle E—Dominguez-Escalante National Conservation Area

Sec. 2401. Definitions.

Sec. 2402. Dominguez-Escalante National Conservation Area.

Sec. 2403. Dominguez Canyon Wilderness Area.

Sec. 2404. Maps and legal descriptions.

Sec. 2405. Management of Conservation Area and Wilderness.

Sec. 2406. Management plan.

Sec. 2407. Advisory council.

Sec. 2408. Authorization of appropriations.

Subtitle F—Rio Puerco Watershed Management Program

Sec. 2501. Rio Puerco Watershed Management Program.

Subtitle G—Land Conveyances and Exchanges

Sec. 2601. Carson City, Nevada, land conveyances.

Sec. 2602. Southern Nevada limited transition area conveyance.

Sec. 2603. Nevada Cancer Institute land conveyance.

Sec. 2604. Turnabout Ranch land conveyance, Utah.

Sec. 2605. Boy Scouts land exchange, Utah.

Sec. 2606. Douglas County, Washington, land conveyance.

Sec. 2607. Twin Falls, Idaho, land conveyance.

Sec. 2608. Sunrise Mountain Instant Study Area release, Nevada.

Sec. 2609. Park City, Utah, land conveyance.

Sec. 2610. Release of reversionary interest in certain lands in Reno, Nevada.

Sec. 2611. Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria.

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

Sec. 3001. Watershed restoration and enhancement agreements.

Subtitle B—Wildland Firefighter Safety

Sec. 3101. Wildland firefighter safety.

Subtitle C—Wyoming Range

Sec. 3201. Definitions.

Sec. 3202. Withdrawal of certain land in the Wyoming range.

Sec. 3203. Acceptance of the donation of valid existing mining or leasing rights in the Wyoming range.

Subtitle D—Land Conveyances and Exchanges

Sec. 3301. Land conveyance to City of Coffman Cove, Alaska.

Sec. 3302. Beaverhead-Deerlodge National Forest land conveyance, Montana.

Sec. 3303. *Santa Fe National Forest; Pecos National Historical Park Land Exchange.*

Sec. 3304. *Santa Fe National Forest Land Conveyance, New Mexico.*

Sec. 3305. *Kittitas County, Washington, land conveyance.*

Sec. 3306. *Mammoth Community Water District use restrictions.*

Sec. 3307. *Land exchange, Wasatch-Cache National Forest, Utah.*

Sec. 3308. *Boundary adjustment, Frank Church River of No Return Wilderness.*

Sec. 3309. *Sandia pueblo land exchange technical amendment.*

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**TITLE I—ADDITIONS TO THE NATIONAL
WILDERNESS PRESERVATION SYSTEM**

Subtitle A—Wild Monongahela Wilderness

**SEC. 1001. DESIGNATION OF WILDERNESS,
MONONGAHELA NATIONAL FOREST,
WEST VIRGINIA.**

(a) **DESIGNATION.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal lands within the Monongahela National Forest in the State of West Virginia are designated as wilderness and as either a new component of the National Wilderness Preservation System or as an addition to an existing component of the National Wilderness Preservation System:

(1) Certain Federal land comprising approximately 5,144 acres, as generally depicted on the map entitled “Big Draft Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Big Draft Wilderness”.

(2) Certain Federal land comprising approximately 11,951 acres, as generally depicted on the map entitled “Cranberry Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Cranberry Wilderness designated by section 1(1) of Public Law 97-466 (96 Stat. 2538).

(3) Certain Federal land comprising approximately 7,156 acres, as generally depicted on the map entitled “Dolly Sods Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Dolly Sods Wilderness designated by section 3(a)(13) of Public Law 93-622 (88 Stat. 2098).

(4) Certain Federal land comprising approximately 698 acres, as generally depicted on the map entitled “Otter Creek Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Otter Creek Wilderness designated by section 3(a)(14) of Public Law 93-622 (88 Stat. 2098).

(5) Certain Federal land comprising approximately 6,792 acres, as generally depicted on the map entitled “Roaring Plains Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Roaring Plains West Wilderness”.

(6) Certain Federal land comprising approximately 6,030 acres, as generally depicted on the map entitled “Spice Run Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Spice Run Wilderness”.

(b) MAPS AND LEGAL DESCRIPTION.—

(1) **FILING AND AVAILABILITY.**—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall file with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated or expanded by subsection (a). The maps and legal descriptions shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Supervisor of the Monongahela National Forest.

(2) **FORCE AND EFFECT.**—The maps and legal descriptions referred to in this subsection shall have the same force and effect as if included in this subtitle, except that the Secretary may correct errors in the maps and descriptions.

(c) **ADMINISTRATION.**—Subject to valid existing rights, the Federal lands designated as wilderness by subsection (a) shall be administered by the Secretary in accordance with the Wilderness

Act (16 U.S.C. 1131 et seq.). The Secretary may continue to authorize the competitive running event permitted from 2003 through 2007 in the vicinity of the boundaries of the Dolly Sods Wilderness addition designated by paragraph (3) of subsection (a) and the Roaring Plains West Wilderness Area designated by paragraph (5) of such subsection, in a manner compatible with the preservation of such areas as wilderness.

(d) **EFFECTIVE DATE OF WILDERNESS ACT.**—With respect to the Federal lands designated as wilderness by subsection (a), any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(e) **FISH AND WILDLIFE.**—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section affects the jurisdiction or responsibility of the State of West Virginia with respect to wildlife and fish.

**SEC. 1002. BOUNDARY ADJUSTMENT, LAUREL
FORK SOUTH WILDERNESS,
MONONGAHELA NATIONAL FOREST.**

(a) **BOUNDARY ADJUSTMENT.**—The boundary of the Laurel Fork South Wilderness designated by section 1(3) of Public Law 97-466 (96 Stat. 2538) is modified to exclude two parcels of land, as generally depicted on the map entitled “Monongahela National Forest Laurel Fork South Wilderness Boundary Modification” and dated March 11, 2008, and more particularly described according to the site-specific maps and legal descriptions on file in the office of the Forest Supervisor, Monongahela National Forest. The general map shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(b) **MANAGEMENT.**—Federally owned land delineated on the maps referred to in subsection (a) as the Laurel Fork South Wilderness, as modified by such subsection, shall continue to be administered by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

**SEC. 1003. MONONGAHELA NATIONAL FOREST
BOUNDARY CONFIRMATION.**

(a) **IN GENERAL.**—The boundary of the Monongahela National Forest is confirmed to include the tracts of land as generally depicted on the map entitled “Monongahela National Forest Boundary Confirmation” and dated March 13, 2008, and all Federal lands under the jurisdiction of the Secretary of Agriculture, acting through the Chief of the Forest Service, encompassed within such boundary shall be managed under the laws and regulations pertaining to the National Forest System.

(b) **LAND AND WATER CONSERVATION FUND.**—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9), the boundaries of the Monongahela National Forest, as confirmed by subsection (a), shall be considered to be the boundaries of the Monongahela National Forest as of January 1, 1965.

SEC. 1004. ENHANCED TRAIL OPPORTUNITIES.

(a) PLAN.—

(1) **IN GENERAL.**—The Secretary of Agriculture, in consultation with interested parties, shall develop a plan to provide for enhanced nonmotorized recreation trail opportunities on lands not designated as wilderness within the Monongahela National Forest.

(2) **NONMOTORIZED RECREATION TRAIL DEFINED.**—For the purposes of this subsection, the term “nonmotorized recreation trail” means a trail designed for hiking, bicycling, and equestrian use.

(b) **REPORT.**—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the implementation of the plan required under subsection (a), including the identification of priority trails for development.

(c) **CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.**—In considering possible closure and decommissioning of a Forest Service road within the Monongahela National Forest after the date of the enactment of this Act, the Secretary of Agriculture, in accordance with applicable law, may consider converting the road to nonmotorized uses to enhance recreational opportunities within the Monongahela National Forest.

**Subtitle B—Virginia Ridge and Valley
Wilderness**

SEC. 1101. DEFINITIONS.

In this subtitle:

(1) **SCENIC AREAS.**—The term “scenic areas” means the Seng Mountain National Scenic Area and the Bear Creek National Scenic Area.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

**SEC. 1102. DESIGNATION OF ADDITIONAL NATIONAL FOREST SYSTEM LAND IN
JEFFERSON NATIONAL FOREST AS
WILDERNESS OR A WILDERNESS
STUDY AREA.**

(a) **DESIGNATION OF WILDERNESS.**—Section 1 of Public Law 100-326 (16 U.S.C. 1132 note; 102 Stat. 584, 114 Stat. 2057), is amended—

(1) in the matter preceding paragraph (1), by striking “System—” and inserting “System.”;

(2) by striking “certain” each place it appears and inserting “Certain”;

(3) in each of paragraphs (1) through (6), by striking the semicolon at the end and inserting a period;

(4) in paragraph (7), by striking “; and” and inserting a period; and

(5) by adding at the end the following:

“(9) Certain land in the Jefferson National Forest comprising approximately 3,743 acres, as generally depicted on the map entitled ‘Brush Mountain and Brush Mountain East’ and dated May 5, 2008, which shall be known as the ‘Brush Mountain East Wilderness’.

“(10) Certain land in the Jefferson National Forest comprising approximately 4,794 acres, as generally depicted on the map entitled ‘Brush Mountain and Brush Mountain East’ and dated May 5, 2008, which shall be known as the ‘Brush Mountain Wilderness’.

“(11) Certain land in the Jefferson National Forest comprising approximately 4,223 acres, as generally depicted on the map entitled ‘Seng Mountain and Raccoon Branch’ and dated April 28, 2008, which shall be known as the ‘Raccoon Branch Wilderness’.

“(12) Certain land in the Jefferson National Forest comprising approximately 3,270 acres, as generally depicted on the map entitled ‘Stone Mountain’ and dated April 28, 2008, which shall be known as the ‘Stone Mountain Wilderness’.

“(13) Certain land in the Jefferson National Forest comprising approximately 8,470 acres, as generally depicted on the map entitled ‘Garden Mountain and Hunting Camp Creek’ and dated April 28, 2008, which shall be known as the ‘Hunting Camp Creek Wilderness’.

“(14) Certain land in the Jefferson National Forest comprising approximately 3,291 acres, as generally depicted on the map entitled ‘Garden Mountain and Hunting Camp Creek’ and dated April 28, 2008, which shall be known as the ‘Garden Mountain Wilderness’.

“(15) Certain land in the Jefferson National Forest comprising approximately 5,476 acres, as generally depicted on the map entitled ‘Mountain Lake Additions’ and dated April 28, 2008, which is incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

“(16) Certain land in the Jefferson National Forest comprising approximately 308 acres, as generally depicted on the map entitled ‘Lewis

Fork Addition and Little Wilson Creek Additions' and dated April 28, 2008, which is incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

"(17) Certain land in the Jefferson National Forest comprising approximately 1,845 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated April 28, 2008, which is incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

"(18) Certain land in the Jefferson National Forest comprising approximately 2,219 acres, as generally depicted on the map entitled 'Shawvers Run Additions' and dated April 28, 2008, which is incorporated in the Shawvers Run Wilderness designated by paragraph (4).

"(19) Certain land in the Jefferson National Forest comprising approximately 1,203 acres, as generally depicted on the map entitled 'Peters Mountain Addition' and dated April 28, 2008, which is incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

"(20) Certain land in the Jefferson National Forest comprising approximately 263 acres, as generally depicted on the map entitled 'Kimberling Creek Additions and Potential Wilderness Area' and dated April 28, 2008, which is incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586)."

(b) DESIGNATION OF WILDERNESS STUDY AREA.—The Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586) is amended—

(1) in the first section, by inserting "as" after "cited"; and

(2) in section 6(a)—

(A) by striking "certain" each place it appears and inserting "Certain";

(B) in each of paragraphs (1) and (2), by striking the semicolon at the end and inserting a period;

(C) in paragraph (3), by striking "; and" and inserting a period; and

(D) by adding at the end the following:

"(5) Certain land in the Jefferson National Forest comprising approximately 3,226 acres, as generally depicted on the map entitled 'Lynn Camp Creek Wilderness Study Area' and dated April 28, 2008, which shall be known as the 'Lynn Camp Creek Wilderness Study Area'."

SEC. 1103. DESIGNATION OF KIMBERLING CREEK POTENTIAL WILDERNESS AREA, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Jefferson National Forest comprising approximately 349 acres, as generally depicted on the map entitled "Kimberling Creek Additions and Potential Wilderness Area" and dated April 28, 2008, is designated as a potential wilderness area for incorporation in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

(b) MANAGEMENT.—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(c) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—For purposes of ecological restoration (including the elimination of non-native species, removal of illegal, unused, or decommissioned roads, and any other activity necessary to restore the natural ecosystems in the

potential wilderness area), the Secretary may use motorized equipment and mechanized transport in the potential wilderness area until the date on which the potential wilderness area is incorporated into the Kimberling Creek Wilderness.

(2) LIMITATION.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(d) WILDERNESS DESIGNATION.—The potential wilderness area shall be designated as wilderness and incorporated in the Kimberling Creek Wilderness on the earlier of—

(1) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(2) the date that is 5 years after the date of enactment of this Act.

SEC. 1104. SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) ESTABLISHMENT.—There are designated as National Scenic Areas—

(1) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,192 acres, as generally depicted on the map entitled "Seng Mountain and Raccoon Branch" and dated April 28, 2008, which shall be known as the "Seng Mountain National Scenic Area"; and

(2) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,128 acres, as generally depicted on the map entitled "Bear Creek" and dated April 28, 2008, which shall be known as the "Bear Creek National Scenic Area".

(b) PURPOSES.—The purposes of the scenic areas are—

(1) to ensure the protection and preservation of scenic quality, water quality, natural characteristics, and water resources of the scenic areas;

(2) consistent with paragraph (1), to protect wildlife and fish habitat in the scenic areas;

(3) to protect areas in the scenic areas that may develop characteristics of old-growth forests; and

(4) consistent with paragraphs (1), (2), and (3), to provide a variety of recreation opportunities in the scenic areas.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the scenic areas in accordance with—

(A) this subtitle; and

(B) the laws (including regulations) generally applicable to the National Forest System.

(2) AUTHORIZED USES.—The Secretary shall only allow uses of the scenic areas that the Secretary determines will further the purposes of the scenic areas, as described in subsection (b).

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop as an amendment to the land and resource management plan for the Jefferson National Forest a management plan for the scenic areas.

(2) EFFECT.—Nothing in this subsection requires the Secretary to revise the land and resource management plan for the Jefferson National Forest under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(e) ROADS.—

(1) IN GENERAL.—Except as provided in paragraph (2), after the date of enactment of this Act, no roads shall be established or constructed within the scenic areas.

(2) LIMITATION.—Nothing in this subsection denies any owner of private land (or an interest

in private land) that is located in a scenic area the right to access the private land.

(f) TIMBER HARVEST.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no harvesting of timber shall be allowed within the scenic areas.

(2) EXCEPTIONS.—The Secretary may authorize harvesting of timber in the scenic areas if the Secretary determines that the harvesting is necessary to—

(A) control fire;

(B) provide for public safety or trail access; or

(C) control insect and disease outbreaks.

(3) FIREWOOD FOR PERSONAL USE.—Firewood may be harvested for personal use along perimeter roads in the scenic areas, subject to any conditions that the Secretary may impose.

(g) INSECT AND DISEASE OUTBREAKS.—The Secretary may control insect and disease outbreaks—

(1) to maintain scenic quality;

(2) to prevent tree mortality;

(3) to reduce hazards to visitors; or

(4) to protect private land.

(h) VEGETATION MANAGEMENT.—The Secretary may engage in vegetation manipulation practices in the scenic areas to maintain the visual quality and wildlife clearings in existence on the date of enactment of this Act.

(i) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as provided in paragraph (2), motorized vehicles shall not be allowed within the scenic areas.

(2) EXCEPTIONS.—The Secretary may authorize the use of motorized vehicles—

(A) to carry out administrative activities that further the purposes of the scenic areas, as described in subsection (b);

(B) to assist wildlife management projects in existence on the date of enactment of this Act; and

(C) during deer and bear hunting seasons—

(i) on Forest Development Roads 49410 and 84b; and

(ii) on the portion of Forest Development Road 6261 designated on the map described in subsection (a)(2) as "open seasonally".

(j) WILDFIRE SUPPRESSION.—Wildfire suppression within the scenic areas shall be conducted—

(1) in a manner consistent with the purposes of the scenic areas, as described in subsection (b); and

(2) using such means as the Secretary determines to be appropriate.

(k) WATER.—The Secretary shall administer the scenic areas in a manner that maintains and enhances water quality.

(l) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the scenic areas is withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) operation of the mineral leasing and geothermal leasing laws.

SEC. 1105. TRAIL PLAN AND DEVELOPMENT.

(a) TRAIL PLAN.—The Secretary, in consultation with interested parties, shall establish a trail plan to develop—

(1) in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), hiking and equestrian trails in the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(2) nonmotorized recreation trails in the scenic areas.

(b) IMPLEMENTATION REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan, including the identification of priority trails for development.

(c) SUSTAINABLE TRAIL REQUIRED.—The Secretary shall develop a sustainable trail, using a

contour curvilinear alignment, to provide for nonmotorized travel along the southern boundary of the Raccoon Branch Wilderness established by section 1(11) of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)) connecting to Forest Development Road 49352 in Smyth County, Virginia.

SEC. 1106. MAPS AND BOUNDARY DESCRIPTIONS.

(a) *IN GENERAL.*—As soon as practicable after the date of enactment of this Act, the Secretary shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives maps and boundary descriptions of—

- (1) the scenic areas;
- (2) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5));
- (3) the wilderness study area designated by section 6(a)(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586) (as added by section 1102(b)(2)(D)); and
- (4) the potential wilderness area designated by section 1103(a).

(b) *FORCE AND EFFECT.*—The maps and boundary descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the maps and boundary descriptions.

(c) *AVAILABILITY OF MAP AND BOUNDARY DESCRIPTION.*—The maps and boundary descriptions filed under subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) *CONFLICT.*—In the case of a conflict between a map filed under subsection (a) and the acreage of the applicable areas specified in this subtitle, the map shall control.

SEC. 1107. EFFECTIVE DATE.

Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering—

- (1) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and
- (2) the potential wilderness area designated by section 1103(a).

Subtitle C—Mt. Hood Wilderness, Oregon

SEC. 1201. DEFINITIONS.

In this subtitle:

- (1) *SECRETARY.*—The term “Secretary” means the Secretary of Agriculture.
- (2) *STATE.*—The term “State” means the State of Oregon.

SEC. 1202. DESIGNATION OF WILDERNESS AREAS.

(a) *DESIGNATION OF LEWIS AND CLARK MOUNT HOOD WILDERNESS AREAS.*—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of Oregon are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) *BADGER CREEK WILDERNESS ADDITIONS.*—Certain Federal land managed by the Forest Service, comprising approximately 4,140 acres, as generally depicted on the maps entitled “Badger Creek Wilderness—Badger Creek Additions” and “Badger Creek Wilderness—Bonney Butte”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Badger Creek Wilderness, as designated by section 3(3) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(2) *BULL OF THE WOODS WILDERNESS ADDITION.*—Certain Federal land managed by the Forest Service, comprising approximately 10,180 acres, as generally depicted on the map entitled “Bull of the Woods Wilderness—Bull of the

Woods Additions”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Bull of the Woods Wilderness, as designated by section 3(4) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(3) *CLACKAMAS WILDERNESS.*—Certain Federal land managed by the Forest Service, comprising approximately 9,470 acres, as generally depicted on the maps entitled “Clackamas Wilderness—Big Bottom”, “Clackamas Wilderness—Clackamas Canyon”, “Clackamas Wilderness—Memaloose Lake”, “Clackamas Wilderness—Sisi Butte”, and “Clackamas Wilderness—South Fork Clackamas”, dated July 16, 2007, which shall be known as the “Clackamas Wilderness”.

(4) *MARK O. HATFIELD WILDERNESS ADDITIONS.*—Certain Federal land managed by the Forest Service, comprising approximately 25,960 acres, as generally depicted on the maps entitled “Mark O. Hatfield Wilderness—Gorge Face” and “Mark O. Hatfield Wilderness—Larch Mountain”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Mark O. Hatfield Wilderness, as designated by section 3(1) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(5) *MOUNT HOOD WILDERNESS ADDITIONS.*—Certain Federal land managed by the Forest Service, comprising approximately 18,450 acres, as generally depicted on the maps entitled “Mount Hood Wilderness—Barlow Butte”, “Mount Hood Wilderness—Elk Cove/Mazama”, “Richard L. Kohnstamm Memorial Area”, “Mount Hood Wilderness—Sand Canyon”, “Mount Hood Wilderness—Sandy Additions”, “Mount Hood Wilderness—Twin Lakes”, and “Mount Hood Wilderness—White River”, dated July 16, 2007, and the map entitled “Mount Hood Wilderness—Cloud Cap”, dated July 20, 2007, which is incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43).

(6) *ROARING RIVER WILDERNESS.*—Certain Federal land managed by the Forest Service, comprising approximately 36,550 acres, as generally depicted on the map entitled “Roaring River Wilderness—Roaring River Wilderness”, dated July 16, 2007, which shall be known as the “Roaring River Wilderness”.

(7) *SALMON-HUCKLEBERRY WILDERNESS ADDITIONS.*—Certain Federal land managed by the Forest Service, comprising approximately 16,620 acres, as generally depicted on the maps entitled “Salmon-Huckleberry Wilderness—Alder Creek Addition”, “Salmon-Huckleberry Wilderness—Eagle Creek Addition”, “Salmon-Huckleberry Wilderness—Hunchback Mountain”, “Salmon-Huckleberry Wilderness—Inch Creek”, “Salmon-Huckleberry Wilderness—Mirror Lake”, and “Salmon-Huckleberry Wilderness—Salmon River Meadows”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(8) *LOWER WHITE RIVER WILDERNESS.*—Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 2,870 acres, as generally depicted on the map entitled “Lower White River Wilderness—Lower White River”, dated July 16, 2007, which shall be known as the “Lower White River Wilderness”.

(b) *RICHARD L. KOHNSTAMM MEMORIAL AREA.*—Certain Federal land managed by the Forest Service, as generally depicted on the map entitled “Richard L. Kohnstamm Memorial Area”, dated July 16, 2007, is designated as the “Richard L. Kohnstamm Memorial Area”.

(c) *POTENTIAL WILDERNESS AREA; ADDITIONS TO WILDERNESS AREAS.*—

(1) *ROARING RIVER POTENTIAL WILDERNESS AREA.*—

(A) *IN GENERAL.*—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Forest Service, comprising approximately 900 acres identified as “Potential Wilderness” on the map entitled “Roaring River Wilderness”, dated July 16, 2007, is designated as a potential wilderness area.

(B) *MANAGEMENT.*—The potential wilderness area designated by subparagraph (A) shall be managed in accordance with section 4 of the Wilderness Act (16 U.S.C. 1133).

(C) *DESIGNATION AS WILDERNESS.*—On the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area designated by subparagraph (A) are compatible with the Wilderness Act (16 U.S.C. 1131 et seq.), the potential wilderness shall be—

- (i) designated as wilderness and as a component of the National Wilderness Preservation System; and
- (ii) incorporated into the Roaring River Wilderness designated by subsection (a)(6).

(2) *ADDITION TO THE MOUNT HOOD WILDERNESS.*—On completion of the land exchange under section 1206(a)(2), certain Federal land managed by the Forest Service, comprising approximately 1,710 acres, as generally depicted on the map entitled “Mount Hood Wilderness—Tilly Jane”, dated July 20, 2007, shall be incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43) and subsection (a)(5).

(3) *ADDITION TO THE SALMON-HUCKLEBERRY WILDERNESS.*—On acquisition by the United States, the approximately 160 acres of land identified as “Land to be acquired by USFS” on the map entitled “Hunchback Mountain Land Exchange, Clackamas County”, dated June 2006, shall be incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273) and enlarged by subsection (a)(7).

(d) *MAPS AND LEGAL DESCRIPTIONS.*—

(1) *IN GENERAL.*—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area and potential wilderness area designated by this section, with—

- (A) the Committee on Energy and Natural Resources of the Senate; and
- (B) the Committee on Natural Resources of the House of Representatives.

(2) *FORCE OF LAW.*—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(3) *PUBLIC AVAILABILITY.*—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(4) *DESCRIPTION OF LAND.*—The boundaries of the areas designated as wilderness by subsection (a) that are immediately adjacent to a utility right-of-way or a Federal Energy Regulatory Commission project boundary shall be 100 feet from the boundary of the right-of-way or the project boundary.

(e) *ADMINISTRATION.*—

(1) *IN GENERAL.*—Subject to valid existing rights, each area designated as wilderness by this section shall be administered by the Secretary that has jurisdiction over the land within

the wilderness, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land within the wilderness.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(f) BUFFER ZONES.—

(1) IN GENERAL.—As provided in the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-328), Congress does not intend for designation of wilderness areas in the State under this section to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(2) ACTIVITIES OR USES UP TO BOUNDARIES.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

(g) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction or responsibilities of the State with respect to fish and wildlife.

(h) FIRE, INSECTS, AND DISEASES.—As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by this section, the Secretary that has jurisdiction over the land within the wilderness (referred to in this subsection as the “Secretary”) may take such measures as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(i) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this section is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 1203. DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA.

(a) WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.—

(1) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“(171) SOUTH FORK CLACKAMAS RIVER, OREGON.—The 4.2-mile segment of the South Fork Clackamas River from its confluence with the East Fork of the South Fork Clackamas to its confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a wild river.

“(172) EAGLE CREEK, OREGON.—The 8.3-mile segment of Eagle Creek from its headwaters to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

“(173) MIDDLE FORK HOOD RIVER.—The 3.7-mile segment of the Middle Fork Hood River from the confluence of Clear and Coe Branches to the north section line of section 11, township 1 south, range 9 east, to be administered by the Secretary of Agriculture as a scenic river.

“(174) SOUTH FORK ROARING RIVER, OREGON.—The 4.6-mile segment of the South Fork Roaring

River from its headwaters to its confluence with Roaring River, to be administered by the Secretary of Agriculture as a wild river.

“(175) ZIG ZAG RIVER, OREGON.—The 4.3-mile segment of the Zig Zag River from its headwaters to the Mount Hood Wilderness boundary, to be administered by the Secretary of Agriculture as a wild river.

“(176) FIFTEENMILE CREEK, OREGON.—

“(A) IN GENERAL.—The 11.1-mile segment of Fifteenmile Creek from its source at Senecal Spring to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east, to be administered by the Secretary of Agriculture in the following classes:

“(i) The 2.6-mile segment from its source at Senecal Spring to the Badger Creek Wilderness boundary, as a wild river.

“(ii) The 0.4-mile segment from the Badger Creek Wilderness boundary to the point 0.4 miles downstream, as a scenic river.

“(iii) The 7.9-mile segment from the point 0.4 miles downstream of the Badger Creek Wilderness boundary to the western edge of section 20, township 2 south, range 12 east as a wild river.

“(iv) The 0.2-mile segment from the western edge of section 20, township 2 south, range 12 east, to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east as a scenic river.

“(B) INCLUSIONS.—Notwithstanding section 3(b), the lateral boundaries of both the wild river area and the scenic river area along Fifteenmile Creek shall include an average of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river.

“(177) EAST FORK HOOD RIVER, OREGON.—The 13.5-mile segment of the East Fork Hood River from Oregon State Highway 35 to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a recreational river.

“(178) COLLAWASH RIVER, OREGON.—The 17.8-mile segment of the Collawash River from the headwaters of the East Fork Collawash to the confluence of the mainstream of the Collawash River with the Clackamas River, to be administered by the Secretary of Agriculture in the following classes:

“(A) The 11.0-mile segment from the headwaters of the East Fork Collawash River to Buckeye Creek, as a scenic river.

“(B) The 6.8-mile segment from Buckeye Creek to the Clackamas River, as a recreational river.

“(179) FISH CREEK, OREGON.—The 13.5-mile segment of Fish Creek from its headwaters to the confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a recreational river.”.

(2) EFFECT.—The amendments made by paragraph (1) do not affect valid existing water rights.

(b) PROTECTION FOR HOOD RIVER, OREGON.—Section 13(a)(4) of the “Columbia River Gorge National Scenic Area Act” (16 U.S.C. 544k(a)(4)) is amended by striking “for a period not to exceed twenty years from the date of enactment of this Act,”.

SEC. 1204. MOUNT HOOD NATIONAL RECREATION AREA.

(a) DESIGNATION.—To provide for the protection, preservation, and enhancement of recreational, ecological, scenic, cultural, watershed, and fish and wildlife values, there is established the Mount Hood National Recreation Area within the Mount Hood National Forest.

(b) BOUNDARY.—The Mount Hood National Recreation Area shall consist of certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 34,550 acres, as generally depicted on the maps

entitled “National Recreation Areas—Mount Hood NRA”, “National Recreation Areas—Fifteenmile Creek NRA”, and “National Recreation Areas—Shellrock Mountain”, dated February 2007.

(c) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Mount Hood National Recreation Area with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and the legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall—

(A) administer the Mount Hood National Recreation Area—

(i) in accordance with the laws (including regulations) and rules applicable to the National Forest System; and

(ii) consistent with the purposes described in subsection (a); and

(B) only allow uses of the Mount Hood National Recreation Area that are consistent with the purposes described in subsection (a).

(2) APPLICABLE LAW.—Any portion of a wilderness area designated by section 1202 that is located within the Mount Hood National Recreation Area shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(e) TIMBER.—The cutting, sale, or removal of timber within the Mount Hood National Recreation Area may be permitted—

(1) to the extent necessary to improve the health of the forest in a manner that—

(A) maximizes the retention of large trees—

(i) as appropriate to the forest type; and

(ii) to the extent that the trees promote stands that are fire-resilient and healthy;

(B) improves the habitats of threatened, endangered, or sensitive species; or

(C) maintains or restores the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildfire;

(2) to accomplish an approved management activity in furtherance of the purposes established by this section, if the cutting, sale, or removal of timber is incidental to the management activity; or

(3) for de minimus personal or administrative use within the Mount Hood National Recreation Area, where such use will not impair the purposes established by this section.

(f) ROAD CONSTRUCTION.—No new or temporary roads shall be constructed or reconstructed within the Mount Hood National Recreation Area except as necessary—

(1) to protect the health and safety of individuals in cases of an imminent threat of flood, fire, or any other catastrophic event that, without intervention, would cause the loss of life or property;

(2) to conduct environmental cleanup required by the United States;

(3) to allow for the exercise of reserved or outstanding rights provided for by a statute or treaty;

(4) to prevent irreparable resource damage by an existing road; or

(5) to rectify a hazardous road condition.

(g) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Mount Hood National Recreation Area is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws relating to mineral and geothermal leasing.

(h) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Administrative jurisdiction over the Federal land described in paragraph (2) is transferred from the Bureau of Land Management to the Forest Service.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 130 acres of land administered by the Bureau of Land Management that is within or adjacent to the Mount Hood National Recreation Area and that is identified as “BLM Lands” on the map entitled “National Recreation Areas—Shellrock Mountain”, dated February 2007.

SEC. 1205. PROTECTIONS FOR CRYSTAL SPRINGS, UPPER BIG BOTTOM, AND CULTUS CREEK.

(a) CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—On completion of the land exchange under section 1206(a)(2), there shall be established a special resources management unit in the State consisting of certain Federal land managed by the Forest Service, as generally depicted on the map entitled “Crystal Springs Watershed Special Resources Management Unit”, dated June 2006 (referred to in this subsection as the “map”), to be known as the “Crystal Springs Watershed Special Resources Management Unit” (referred to in this subsection as the “Management Unit”).

(B) EXCLUSION OF CERTAIN LAND.—The Management Unit does not include any National Forest System land otherwise covered by subparagraph (A) that is designated as wilderness by section 1202.

(C) WITHDRAWAL.—

(i) IN GENERAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as the Management Unit is withdrawn from all forms of—

(I) entry, appropriation, or disposal under the public land laws;

(II) location, entry, and patent under the mining laws; and

(III) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(ii) EXCEPTION.—Clause (i)(I) does not apply to the parcel of land generally depicted as “HES 151” on the map.

(2) PURPOSES.—The purposes of the Management Unit are—

(A) to ensure the protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon; and

(B) to allow visitors to enjoy the special scenic, natural, cultural, and wildlife values of the Crystal Springs watershed.

(3) MAP AND LEGAL DESCRIPTION.—

(A) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Management Unit with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—The map and legal description filed under subparagraph (A) shall

be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall—

(i) administer the Management Unit—

(I) in accordance with the laws (including regulations) and rules applicable to units of the National Forest System; and

(II) consistent with the purposes described in paragraph (2); and

(ii) only allow uses of the Management Unit that are consistent with the purposes described in paragraph (2).

(B) FUEL REDUCTION IN PROXIMITY TO IMPROVEMENTS AND PRIMARY PUBLIC ROADS.—To protect the water quality, water quantity, and scenic, cultural, natural, and wildlife values of the Management Unit, the Secretary may conduct fuel reduction and forest health management treatments to maintain and restore fire-resilient forest structures containing late successional forest structure characterized by large trees and multistoried canopies, as ecologically appropriate, on National Forest System land in the Management Unit—

(i) in any area located not more than 400 feet from structures located on—

(I) National Forest System land; or

(II) private land adjacent to National Forest System land;

(ii) in any area located not more than 400 feet from the Cooper Spur Road, the Cloud Cap Road, or the Cooper Spur Ski Area Loop Road; and

(iii) on any other National Forest System land in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(5) PROHIBITED ACTIVITIES.—Subject to valid existing rights, the following activities shall be prohibited on National Forest System land in the Management Unit:

(A) New road construction or renovation of existing non-System roads, except as necessary to protect public health and safety.

(B) Projects undertaken for the purpose of harvesting commercial timber (other than activities relating to the harvest of merchantable products that are byproducts of activities conducted to further the purposes described in paragraph (2)).

(C) Commercial livestock grazing.

(D) The placement of new fuel storage tanks.

(E) Except to the extent necessary to further the purposes described in paragraph (2), the application of any toxic chemicals (other than fire retardants), including pesticides, rodenticides, or herbicides.

(6) FOREST ROAD CLOSURES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may provide for the closure or gating to the general public of any Forest Service road within the Management Unit.

(B) EXCEPTION.—Nothing in this subsection requires the Secretary to close the road commonly known as “Cloud Cap Road”, which shall be administered in accordance with otherwise applicable law.

(7) PRIVATE LAND.—

(A) EFFECT.—Nothing in this subsection affects the use of, or access to, any private property within the area identified on the map as the “Crystal Springs Zone of Contribution” by—

(i) the owners of the private property; and

(ii) guests to the private property.

(B) COOPERATION.—The Secretary is encouraged to work with private landowners who have agreed to cooperate with the Secretary to further the purposes of this subsection.

(8) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire from willing landowners any land located with-

in the area identified on the map as the “Crystal Springs Zone of Contribution”.

(B) INCLUSION IN MANAGEMENT UNIT.—On the date of acquisition, any land acquired under subparagraph (A) shall be incorporated in, and be managed as part of, the Management Unit.

(b) PROTECTIONS FOR UPPER BIG BOTTOM AND CULTUS CREEK.—

(1) IN GENERAL.—The Secretary shall manage the Federal land administered by the Forest Service described in paragraph (2) in a manner that preserves the natural and primitive character of the land for recreational, scenic, and scientific use.

(2) DESCRIPTION OF LAND.—The Federal land referred to in paragraph (1) is—

(A) the approximately 1,580 acres, as generally depicted on the map entitled “Upper Big Bottom”, dated July 16, 2007; and

(B) the approximately 280 acres identified as “Cultus Creek” on the map entitled “Clackamas Wilderness—South Fork Clackamas”, dated July 16, 2007.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Federal land described in paragraph (2) with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) FORCE OF LAW.—The maps and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) USE OF LAND.—

(A) IN GENERAL.—Subject to valid existing rights, with respect to the Federal land described in paragraph (2), the Secretary shall only allow uses that are consistent with the purposes identified in paragraph (1).

(B) PROHIBITED USES.—The following shall be prohibited on the Federal land described in paragraph (2):

(i) Permanent roads.

(ii) Commercial enterprises.

(iii) Except as necessary to meet the minimum requirements for the administration of the Federal land and to protect public health and safety—

(I) the use of motor vehicles; or

(II) the establishment of temporary roads.

(5) WITHDRAWAL.—Subject to valid existing rights, the Federal land described in paragraph (2) is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

SEC. 1206. LAND EXCHANGES.

(a) COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.—

(1) DEFINITIONS.—In this subsection:

(A) COUNTY.—The term “County” means Hood River County, Oregon.

(B) EXCHANGE MAP.—The term “exchange map” means the map entitled “Cooper Spur/Government Camp Land Exchange”, dated June 2006.

(C) FEDERAL LAND.—The term “Federal land” means the approximately 120 acres of National Forest System land in the Mount Hood National Forest in Government Camp, Clackamas County, Oregon, identified as “USFS Land to be Conveyed” on the exchange map.

(D) **MT. HOOD MEADOWS.**—The term “Mt. Hood Meadows” means the Mt. Hood Meadows Oregon, Limited Partnership.

(E) **NON-FEDERAL LAND.**—The term “non-Federal land” means—

(i) the parcel of approximately 770 acres of private land at Cooper Spur identified as “Land to be acquired by USFS” on the exchange map; and

(ii) any buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur and the Cooper Spur Ski Area covered by an appraisal described in paragraph (2)(D).

(2) **COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.**—

(A) **CONVEYANCE OF LAND.**—Subject to the provisions of this subsection, if Mt. Hood Meadows offers to convey to the United States all right, title, and interest of Mt. Hood Meadows in and to the non-Federal land, the Secretary shall convey to Mt. Hood Meadows all right, title, and interest of the United States in and to the Federal land (other than any easements reserved under subparagraph (G)), subject to valid existing rights.

(B) **COMPLIANCE WITH EXISTING LAW.**—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) **CONDITIONS ON ACCEPTANCE.**—

(i) **TITLE.**—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(ii) **TERMS AND CONDITIONS.**—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) **APPRAISALS.**—

(i) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary and Mt. Hood Meadows shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) **REQUIREMENTS.**—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) **SURVEYS.**—

(i) **IN GENERAL.**—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) **COSTS.**—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Mt. Hood Meadows.

(F) **DEADLINE FOR COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(G) **RESERVATION OF EASEMENTS.**—As a condition of the conveyance of the Federal land, the Secretary shall reserve—

(i) a conservation easement to the Federal land to protect existing wetland, as identified by the Oregon Department of State Lands, that allows equivalent wetland mitigation measures to compensate for minor wetland encroachments necessary for the orderly development of the Federal land; and

(ii) a trail easement to the Federal land that allows—

(I) nonmotorized use by the public of existing trails;

(II) roads, utilities, and infrastructure facilities to cross the trails; and

(III) improvement or relocation of the trails to accommodate development of the Federal land.

(b) **PORT OF CASCADE LOCKS LAND EXCHANGE.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **EXCHANGE MAP.**—The term “exchange map” means the map entitled “Port of Cascade Locks/Pacific Crest National Scenic Trail Land Exchange”, dated June 2006.

(B) **FEDERAL LAND.**—The term “Federal land” means the parcel of land consisting of approximately 10 acres of National Forest System land in the Columbia River Gorge National Scenic Area identified as “USFS Land to be conveyed” on the exchange map.

(C) **NON-FEDERAL LAND.**—The term “non-Federal land” means the parcels of land consisting of approximately 40 acres identified as “Land to be acquired by USFS” on the exchange map.

(D) **PORT.**—The term “Port” means the Port of Cascade Locks, Cascade Locks, Oregon.

(2) **LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.**—

(A) **CONVEYANCE OF LAND.**—Subject to the provisions of this subsection, if the Port offers to convey to the United States all right, title, and interest of the Port in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the Port all right, title, and interest of the United States in and to the Federal land.

(B) **COMPLIANCE WITH EXISTING LAW.**—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(3) **CONDITIONS ON ACCEPTANCE.**—

(A) **TITLE.**—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(B) **TERMS AND CONDITIONS.**—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(4) **APPRAISALS.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(B) **REQUIREMENTS.**—An appraisal under subparagraph (A) shall be conducted in accordance with nationally recognized appraisal standards, including—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(5) **SURVEYS.**—

(A) **IN GENERAL.**—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(B) **COSTS.**—The responsibility for the costs of any surveys conducted under subparagraph (A), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Port.

(6) **DEADLINE FOR COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(c) **HUNCHBACK MOUNTAIN LAND EXCHANGE AND BOUNDARY ADJUSTMENT.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **COUNTY.**—The term “County” means Clackamas County, Oregon.

(B) **EXCHANGE MAP.**—The term “exchange map” means the map entitled “Hunchback

Mountain Land Exchange, Clackamas County”, dated June 2006.

(C) **FEDERAL LAND.**—The term “Federal land” means the parcel of land consisting of approximately 160 acres of National Forest System land in the Mount Hood National Forest identified as “USFS Land to be Conveyed” on the exchange map.

(D) **NON-FEDERAL LAND.**—The term “non-Federal land” means the parcel of land consisting of approximately 160 acres identified as “Land to be acquired by USFS” on the exchange map.

(2) **HUNCHBACK MOUNTAIN LAND EXCHANGE.**—

(A) **CONVEYANCE OF LAND.**—Subject to the provisions of this paragraph, if the County offers to convey to the United States all right, title, and interest of the County in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the County all right, title, and interest of the United States in and to the Federal land.

(B) **COMPLIANCE WITH EXISTING LAW.**—Except as otherwise provided in this paragraph, the Secretary shall carry out the land exchange under this paragraph in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) **CONDITIONS ON ACCEPTANCE.**—

(i) **TITLE.**—As a condition of the land exchange under this paragraph, title to the non-Federal land to be acquired by the Secretary under this paragraph shall be acceptable to the Secretary.

(ii) **TERMS AND CONDITIONS.**—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) **APPRAISALS.**—

(i) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) **REQUIREMENTS.**—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) **SURVEYS.**—

(i) **IN GENERAL.**—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) **COSTS.**—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the County.

(F) **DEADLINE FOR COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchange under this paragraph shall be completed not later than 16 months after the date of enactment of this Act.

(3) **BOUNDARY ADJUSTMENT.**—

(A) **IN GENERAL.**—The boundary of the Mount Hood National Forest shall be adjusted to incorporate—

(i) any land conveyed to the United States under paragraph (2); and

(ii) the land transferred to the Forest Service by section 1204(h)(1).

(B) **ADDITIONS TO THE NATIONAL FOREST SYSTEM.**—The Secretary shall administer the land described in subparagraph (A)—

(i) in accordance with—

(I) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(II) any laws (including regulations) applicable to the National Forest System; and

(ii) subject to sections 1202(c)(3) and 1204(d), as applicable.

(C) **LAND AND WATER CONSERVATION FUND.**—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Mount Hood National Forest modified by this paragraph shall be considered to be the boundaries of the Mount Hood National Forest in existence as of January 1, 1965.

(d) **CONDITIONS ON DEVELOPMENT OF FEDERAL LAND.**—

(1) **REQUIREMENTS APPLICABLE TO THE CONVEYANCE OF FEDERAL LAND.**—

(A) **IN GENERAL.**—As a condition of each of the conveyances of Federal land under this section, the Secretary shall include in the deed of conveyance a requirement that applicable construction activities and alterations shall be conducted in accordance with—

(i) nationally recognized building and property maintenance codes; and

(ii) nationally recognized codes for development in the wildland-urban interface and wildfire hazard mitigation.

(B) **APPLICABLE LAW.**—To the maximum extent practicable, the codes required under subparagraph (A) shall be consistent with the nationally recognized codes adopted or referenced by the State or political subdivisions of the State.

(C) **ENFORCEMENT.**—The requirements under subparagraph (A) may be enforced by the same entities otherwise enforcing codes, ordinances, and standards.

(2) **COMPLIANCE WITH CODES ON FEDERAL LAND.**—The Secretary shall ensure that applicable construction activities and alterations undertaken or permitted by the Secretary on National Forest System land in the Mount Hood National Forest are conducted in accordance with—

(A) nationally recognized building and property maintenance codes; and

(B) nationally recognized codes for development in the wildland-urban interface development and wildfire hazard mitigation.

(3) **EFFECT ON ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS.**—Nothing in this subsection alters or limits the power of the State or a political subdivision of the State to implement or enforce any law (including regulations), rule, or standard relating to development or fire prevention and control.

SEC. 1207. TRIBAL PROVISIONS; PLANNING AND STUDIES.

(a) **TRANSPORTATION PLAN.**—

(1) **IN GENERAL.**—The Secretary shall seek to participate in the development of an integrated, multimodal transportation plan developed by the Oregon Department of Transportation for the Mount Hood region to achieve comprehensive solutions to transportation challenges in the Mount Hood region—

(A) to promote appropriate economic development;

(B) to preserve the landscape of the Mount Hood region; and

(C) to enhance public safety.

(2) **ISSUES TO BE ADDRESSED.**—In participating in the development of the transportation plan under paragraph (1), the Secretary shall seek to address—

(A) transportation alternatives between and among recreation areas and gateway communities that are located within the Mount Hood region;

(B) establishing park-and-ride facilities that shall be located at gateway communities;

(C) establishing intermodal transportation centers to link public transportation, parking, and recreation destinations;

(D) creating a new interchange on Oregon State Highway 26 located adjacent to or within Government Camp;

(E) designating, maintaining, and improving alternative routes using Forest Service or State roads for—

(i) providing emergency routes; or

(ii) improving access to, and travel within, the Mount Hood region;

(F) the feasibility of establishing—

(i) a gondola connection that—

(I) connects Timberline Lodge to Government Camp; and

(II) is located in close proximity to the site of the historic gondola corridor; and

(ii) an intermodal transportation center to be located in close proximity to Government Camp;

(G) burying power lines located in, or adjacent to, the Mount Hood National Forest along Interstate 84 near the City of Cascade Locks, Oregon; and

(H) creating mechanisms for funding the implementation of the transportation plan under paragraph (1), including—

(i) funds provided by the Federal Government;

(ii) public-private partnerships;

(iii) incremental tax financing; and

(iv) other financing tools that link transportation infrastructure improvements with development.

(b) **MOUNT HOOD NATIONAL FOREST STEWARDSHIP STRATEGY.**—

(1) **IN GENERAL.**—The Secretary shall prepare a report on, and implementation schedule for, the vegetation management strategy (including recommendations for biomass utilization) for the Mount Hood National Forest being developed by the Forest Service.

(2) **SUBMISSION TO CONGRESS.**—

(A) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) **IMPLEMENTATION SCHEDULE.**—Not later than 1 year after the date on which the vegetation management strategy referred to in paragraph (1) is completed, the Secretary shall submit the implementation schedule to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(c) **LOCAL AND TRIBAL RELATIONSHIPS.**—

(1) **MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—The Secretary, in consultation with Indian tribes with treaty-reserved gathering rights on land encompassed by the Mount Hood National Forest and in a manner consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes and Bands of the Warm Springs Reservation of Oregon, dated April 25, 2003, as modified, shall develop and implement a management plan that meets the cultural foods obligations of the United States under applicable treaties, including the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) **EFFECT.**—This paragraph shall be considered to be consistent with, and is intended to help implement, the gathering rights reserved by the treaty described in subparagraph (A).

(2) **SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.**—

(A) **TREATY RIGHTS.**—Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) **TRIBAL LAND.**—Nothing in this subtitle affects land held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other land acquired by the Army Corps of Engineers and administered by

the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(d) **RECREATIONAL USES.**—

(1) **MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.**—The Secretary may establish a working group for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in the Mount Hood National Forest.

(2) **CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.**—In considering a Forest Service road in the Mount Hood National Forest for possible closure and decommissioning after the date of enactment of this Act, the Secretary, in accordance with applicable law, shall consider, as an alternative to decommissioning the road, converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National Forest.

(3) **IMPROVED TRAIL ACCESS FOR PERSONS WITH DISABILITIES.**—The Secretary, in consultation with the public, may design and construct a trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.

Subtitle D—Copper Salmon Wilderness, Oregon

SEC. 1301. DESIGNATION OF THE COPPER SALMON WILDERNESS.

(a) **DESIGNATION.**—Section 3 of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328) is amended—

(1) in the matter preceding paragraph (1), by striking “eight hundred fifty-nine thousand six hundred acres” and inserting “873,300 acres”;

(2) in paragraph (29), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(30) certain land in the Siskiyou National Forest, comprising approximately 13,700 acres, as generally depicted on the map entitled ‘Proposed Copper Salmon Wilderness Area’ and dated December 7, 2007, to be known as the ‘Copper Salmon Wilderness’.”.

(b) **MAPS AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this subtitle as the “Secretary”) shall file a map and a legal description of the Copper Salmon Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) **BOUNDARY.**—If the boundary of the Copper Salmon Wilderness shares a border with a road, the Secretary may only establish an offset that is not more than 150 feet from the centerline of the road.

(4) **PUBLIC AVAILABILITY.**—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 1302. WILD AND SCENIC RIVER DESIGNATIONS, ELK RIVER, OREGON.

Section 3(a)(76) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(76)) is amended—

(1) in the matter preceding subparagraph (A), by striking “19-mile segment” and inserting “29-mile segment”;

(2) in subparagraph (A), by striking “; and” and inserting a period; and

(3) by striking subparagraph (B) and inserting the following:

“(B)(i) The approximately 0.6-mile segment of the North Fork Elk from its source in sec. 21, T.

33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

“(ii) The approximately 5.5-mile segment of the North Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the South Fork Elk, as a wild river.

“(C)(i) The approximately 0.9-mile segment of the South Fork Elk from its source in the southeast quarter of sec. 32, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

“(ii) The approximately 4.2-mile segment of the South Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the North Fork Elk, as a wild river.”.

SEC. 1303. PROTECTION OF TRIBAL RIGHTS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as diminishing any right of any Indian tribe.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary shall seek to enter into a memorandum of understanding with the Coquille Indian Tribe regarding access to the Copper Salmon Wilderness to conduct historical and cultural activities.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

SEC. 1401. DEFINITIONS.

In this subtitle:

(1) BOX R RANCH LAND EXCHANGE MAP.—The term “Box R Ranch land exchange map” means the map entitled “Proposed Rowlett Land Exchange” and dated June 13, 2006.

(2) BUREAU OF LAND MANAGEMENT LAND.—The term “Bureau of Land Management land” means the approximately 40 acres of land administered by the Bureau of Land Management identified as “Rowlett Selected”, as generally depicted on the Box R Ranch land exchange map.

(3) DEERFIELD LAND EXCHANGE MAP.—The term “Deerfield land exchange map” means the map entitled “Proposed Deerfield-BLM Property Line Adjustment” and dated May 1, 2008.

(4) DEERFIELD PARCEL.—The term “Deerfield parcel” means the approximately 1.5 acres of land identified as “From Deerfield to BLM”, as generally depicted on the Deerfield land exchange map.

(5) FEDERAL PARCEL.—The term “Federal parcel” means the approximately 1.3 acres of land administered by the Bureau of Land Management identified as “From BLM to Deerfield”, as generally depicted on the Deerfield land exchange map.

(6) GRAZING ALLOTMENT.—The term “grazing allotment” means any of the Box R, Buck Lake, Buck Mountain, Buck Point, Conde Creek, Cove Creek, Cove Creek Ranch, Deadwood, Dixie, Grizzly, Howard Prairie, Jenny Creek, Keene Creek, North Cove Creek, and Soda Mountain grazing allotments in the State.

(7) GRAZING LEASE.—The term “grazing lease” means any document authorizing the use of a grazing allotment for the purpose of grazing livestock for commercial purposes.

(8) LANDOWNER.—The term “Landowner” means the owner of the Box R Ranch in the State.

(9) LESSEE.—The term “lessee” means a livestock operator that holds a valid existing grazing lease for a grazing allotment.

(10) LIVESTOCK.—The term “livestock” does not include beasts of burden used for recreational purposes.

(11) MONUMENT.—The term “Monument” means the Cascade-Siskiyou National Monument in the State.

(12) ROWLETT PARCEL.—The term “Rowlett parcel” means the parcel of approximately 40 acres of private land identified as “Rowlett Offered”, as generally depicted on the Box R Ranch land exchange map.

(13) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(14) STATE.—The term “State” means the State of Oregon.

(15) WILDERNESS.—The term “Wilderness” means the Soda Mountain Wilderness designated by section 1405(a).

(16) WILDERNESS MAP.—The term “wilderness map” means the map entitled “Soda Mountain Wilderness” and dated May 5, 2008.

SEC. 1402. VOLUNTARY GRAZING LEASE DONATION PROGRAM.

(a) EXISTING GRAZING LEASES.—

(1) DONATION OF LEASE.—

(A) ACCEPTANCE BY SECRETARY.—The Secretary shall accept any grazing lease that is donated by a lessee.

(B) TERMINATION.—The Secretary shall terminate any grazing lease acquired under subparagraph (A).

(C) NO NEW GRAZING LEASE.—Except as provided in paragraph (3), with respect to each grazing lease donated under subparagraph (A), the Secretary shall—

(i) not issue any new grazing lease within the grazing allotment covered by the grazing lease; and

(ii) ensure a permanent end to livestock grazing on the grazing allotment covered by the grazing lease.

(2) DONATION OF PORTION OF GRAZING LEASE.—

(A) IN GENERAL.—A lessee with a grazing lease for a grazing allotment partially within the Monument may elect to donate only that portion of the grazing lease that is within the Monument.

(B) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the portion of a grazing lease that is donated under subparagraph (A).

(C) MODIFICATION OF LEASE.—Except as provided in paragraph (3), if a lessee donates a portion of a grazing lease under subparagraph (A), the Secretary shall—

(i) reduce the authorized grazing level and area to reflect the donation; and

(ii) modify the grazing lease to reflect the reduced level and area of use.

(D) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level and area of livestock grazing on the land covered by a portion of a grazing lease donated under subparagraph (A), the Secretary shall not allow grazing to exceed the authorized level and area established under subparagraph (C).

(3) COMMON ALLOTMENTS.—

(A) IN GENERAL.—If a grazing allotment covered by a grazing lease or portion of a grazing lease that is donated under paragraph (1) or (2) also is covered by another grazing lease that is not donated, the Secretary shall reduce the grazing level on the grazing allotment to reflect the donation.

(B) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of livestock grazing on the land covered by the grazing lease or portion of a grazing lease donated under paragraph (1) or (2), the Secretary shall not allow grazing to exceed the level established under subparagraph (A).

(b) LIMITATIONS.—The Secretary—

(1) with respect to the Agate, Emigrant Creek, and Siskiyou allotments in and near the Monument—

(A) shall not issue any grazing lease; and

(B) shall ensure a permanent end to livestock grazing on each allotment; and

(2) shall not establish any new allotments for livestock grazing that include any Monument land (whether leased or not leased for grazing on the date of enactment of this Act).

(c) EFFECT OF DONATION.—A lessee who donates a grazing lease or a portion of a grazing lease under this section shall be considered to

have waived any claim to any range improvement on the associated grazing allotment or portion of the associated grazing allotment, as applicable.

SEC. 1403. BOX R RANCH LAND EXCHANGE.

(a) IN GENERAL.—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to the Landowner the Bureau of Land Management land in exchange for the Rowlett parcel; and

(2) if the Landowner accepts the offer—

(A) the Secretary shall convey to the Landowner all right, title, and interest of the United States in and to the Bureau of Land Management land; and

(B) the Landowner shall convey to the Secretary all right, title, and interest of the Landowner in and to the Rowlett parcel.

(b) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Bureau of Land Management land and the Rowlett parcel shall be determined by surveys approved by the Secretary.

(2) COSTS.—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Landowner.

(c) CONDITIONS.—The conveyance of the Bureau of Land Management land and the Rowlett parcel under this section shall be subject to—

(1) valid existing rights;

(2) title to the Rowlett parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(3) such terms and conditions as the Secretary may require; and

(4) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) APPRAISALS.—

(1) IN GENERAL.—The Bureau of Land Management land and the Rowlett parcel shall be appraised by an independent appraiser selected by the Secretary.

(2) REQUIREMENTS.—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) APPROVAL.—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

(e) GRAZING ALLOTMENT.—As a condition of the land exchange authorized under this section, the lessee of the grazing lease for the Box R grazing allotment shall donate the Box R grazing lease in accordance with section 1402(a)(1).

SEC. 1404. DEERFIELD LAND EXCHANGE.

(a) IN GENERAL.—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to Deerfield Learning Associates the Federal parcel in exchange for the Deerfield parcel; and

(2) if Deerfield Learning Associates accepts the offer—

(A) the Secretary shall convey to Deerfield Learning Associates all right, title, and interest of the United States in and to the Federal parcel; and

(B) Deerfield Learning Associates shall convey to the Secretary all right, title, and interest of Deerfield Learning Associates in and to the Deerfield parcel.

(b) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Federal parcel and the Deerfield parcel shall be determined by surveys approved by the Secretary.

(2) **COSTS.**—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Deerfield Learning Associates.

(c) **CONDITIONS.**—

(1) **IN GENERAL.**—The conveyance of the Federal parcel and the Deerfield parcel under this section shall be subject to—

(A) valid existing rights;

(B) title to the Deerfield parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(C) such terms and conditions as the Secretary may require; and

(D) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) **APPRAISALS.**—

(1) **IN GENERAL.**—The Federal parcel and the Deerfield parcel shall be appraised by an independent appraiser selected by the Secretary.

(2) **REQUIREMENTS.**—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) **APPROVAL.**—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

SEC. 1405. SODA MOUNTAIN WILDERNESS.

(a) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), approximately 24,100 acres of Monument land, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Soda Mountain Wilderness”.

(b) **MAP AND LEGAL DESCRIPTION.**—

(1) **SUBMISSION OF MAP AND LEGAL DESCRIPTION.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE AND EFFECT.**—

(A) **IN GENERAL.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(B) **NOTIFICATION.**—The Secretary shall submit to Congress notice of any changes made in the map or legal description under subparagraph (A), including notice of the reason for the change.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.**—Except as provided by Presidential

Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), within the wilderness areas designated by this subtitle, the Secretary may take such measures in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(3) **LIVESTOCK.**—Except as provided in section 1402 and by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), the grazing of livestock in the Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) **FISH AND WILDLIFE MANAGEMENT.**—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(5) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundary of the Wilderness that is acquired by the United States shall—

(A) become part of the Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

SEC. 1406. EFFECT.

Nothing in this subtitle—

(1) affects the authority of a Federal agency to modify or terminate grazing permits or leases, except as provided in section 1402;

(2) authorizes the use of eminent domain;

(3) creates a property right in any grazing permit or lease on Federal land;

(4) establishes a precedent for future grazing permit or lease donation programs; or

(5) affects the allocation, ownership, interest, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right held by the United States, an Indian tribe, a State, or a private individual, partnership, or corporation.

Subtitle F—Owyhee Public Land Management

SEC. 1501. DEFINITIONS.

In this subtitle:

(1) **ACCOUNT.**—The term “account” means the Owyhee Land Acquisition Account established by section 1505(b)(1).

(2) **COUNTY.**—The term “County” means Owyhee County, Idaho.

(3) **OWYHEE FRONT.**—The term “Owyhee Front” means the area of the County from Jump Creek on the west to Mud Flat Road on the east and draining north from the crest of the Silver City Range to the Snake River.

(4) **PLAN.**—The term “plan” means a travel management plan for motorized and mechanized off-highway vehicle recreation prepared under section 1507.

(5) **PUBLIC LAND.**—The term “public land” has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(7) **STATE.**—The term “State” means the State of Idaho.

(8) **TRIBES.**—The term “Tribes” means the Shoshone Paiute Tribes of the Duck Valley Reservation.

SEC. 1502. OWYHEE SCIENCE REVIEW AND CONSERVATION CENTER.

(a) **ESTABLISHMENT.**—The Secretary, in coordination with the Tribes, State, and County,

and in consultation with the University of Idaho, Federal grazing permittees, and public, shall establish the Owyhee Science Review and Conservation Center in the County to conduct research projects to address natural resources management issues affecting public and private rangeland in the County.

(b) **PURPOSE.**—The purpose of the center established under subsection (a) shall be to facilitate the collection and analysis of information to provide Federal and State agencies, the Tribes, the County, private landowners, and the public with information on improved rangeland management.

SEC. 1503. WILDERNESS AREAS.

(a) **WILDERNESS AREAS DESIGNATION.**—

(1) **IN GENERAL.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) **BIG JACKS CREEK WILDERNESS.**—Certain land comprising approximately 52,826 acres, as generally depicted on the map entitled “Little Jacks Creek and Big Jacks Creek Wilderness” and dated May 5, 2008, which shall be known as the “Big Jacks Creek Wilderness”.

(B) **BRUNEAU-JARBIDGE RIVERS WILDERNESS.**—Certain land comprising approximately 89,996 acres, as generally depicted on the map entitled “Bruneau-Jarbridge Rivers Wilderness” and dated December 15, 2008, which shall be known as the “Bruneau-Jarbridge Rivers Wilderness”.

(C) **LITTLE JACKS CREEK WILDERNESS.**—Certain land comprising approximately 50,929 acres, as generally depicted on the map entitled “Little Jacks Creek and Big Jacks Creek Wilderness” and dated May 5, 2008, which shall be known as the “Little Jacks Creek Wilderness”.

(D) **NORTH FORK OWYHEE WILDERNESS.**—Certain land comprising approximately 43,413 acres, as generally depicted on the map entitled “North Fork Owyhee and Pole Creek Wilderness” and dated May 5, 2008, which shall be known as the “North Fork Owyhee Wilderness”.

(E) **OWYHEE RIVER WILDERNESS.**—Certain land comprising approximately 267,328 acres, as generally depicted on the map entitled “Owyhee River Wilderness” and dated May 5, 2008, which shall be known as the “Owyhee River Wilderness”.

(F) **POLE CREEK WILDERNESS.**—Certain land comprising approximately 12,533 acres, as generally depicted on the map entitled “North Fork Owyhee and Pole Creek Wilderness” and dated May 5, 2008, which shall be known as the “Pole Creek Wilderness”.

(2) **MAPS AND LEGAL DESCRIPTIONS.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description for each area designated as wilderness by this subtitle.

(B) **EFFECT.**—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct minor errors in the map or legal description.

(C) **AVAILABILITY.**—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the Bureau of Land Management.

(3) **RELEASE OF WILDERNESS STUDY AREAS.**—

(A) **IN GENERAL.**—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(B) **RELEASE.**—Any public land referred to in subparagraph (A) that is not designated as wilderness by this subtitle—

(i) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(ii) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

(b) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **WITHDRAWAL.**—Subject to valid existing rights, the Federal land designated as wilderness by this subtitle is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

(3) **LIVESTOCK.**—

(A) **IN GENERAL.**—In the wilderness areas designated by this subtitle, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines described in Appendix A of House Report 101-405.

(B) **INVENTORY.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an inventory of existing facilities and improvements associated with grazing activities in the wilderness areas and wild and scenic rivers designated by this subtitle.

(C) **FENCING.**—The Secretary may construct and maintain fencing around wilderness areas designated by this subtitle as the Secretary determines to be appropriate to enhance wilderness values.

(D) **DONATION OF GRAZING PERMITS OR LEASES.**—

(i) **ACCEPTANCE BY SECRETARY.**—The Secretary shall accept the donation of any valid existing permits or leases authorizing grazing on public land, all or a portion of which is within the wilderness areas designated by this subtitle.

(ii) **TERMINATION.**—With respect to each permit or lease donated under clause (i), the Secretary shall—

(I) terminate the grazing permit or lease; and

(II) except as provided in clause (iii), ensure a permanent end to grazing on the land covered by the permit or lease.

(iii) **COMMON ALLOTMENTS.**—

(I) **IN GENERAL.**—If the land covered by a permit or lease donated under clause (i) is also covered by another valid existing permit or lease that is not donated under clause (i), the Secretary shall reduce the authorized grazing level on the land covered by the permit or lease to reflect the donation of the permit or lease under clause (i).

(II) **AUTHORIZED LEVEL.**—To ensure that there is a permanent reduction in the level of grazing on the land covered by a permit or lease donated under clause (i), the Secretary shall not allow grazing use to exceed the authorized level established under subclause (I).

(iv) **PARTIAL DONATION.**—

(I) **IN GENERAL.**—If a person holding a valid grazing permit or lease donates less than the

full amount of grazing use authorized under the permit or lease, the Secretary shall—

(aa) reduce the authorized grazing level to reflect the donation; and

(bb) modify the permit or lease to reflect the revised level of use.

(II) **AUTHORIZED LEVEL.**—To ensure that there is a permanent reduction in the authorized level of grazing on the land covered by a permit or lease donated under subclause (I), the Secretary shall not allow grazing use to exceed the authorized level established under that subclause.

(4) **ACQUISITION OF LAND AND INTERESTS IN LAND.**—

(A) **IN GENERAL.**—Consistent with applicable law, the Secretary may acquire land or interests in land within the boundaries of the wilderness areas designated by this subtitle by purchase, donation, or exchange.

(B) **INCORPORATION OF ACQUIRED LAND.**—Any land or interest in land in, or adjoining the boundary of, a wilderness area designated by this subtitle that is acquired by the United States shall be added to, and administered as part of, the wilderness area in which the acquired land or interest in land is located.

(5) **TRAIL PLAN.**—

(A) **IN GENERAL.**—The Secretary, after providing opportunities for public comment, shall establish a trail plan that addresses hiking and equestrian trails on the land designated as wilderness by this subtitle, in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan.

(6) **OUTFITTING AND GUIDE ACTIVITIES.**—Consistent with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) are authorized in wilderness areas designated by this subtitle to the extent necessary for activities that fulfill the recreational or other wilderness purposes of the areas.

(7) **ACCESS TO PRIVATE PROPERTY.**—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this subtitle adequate access to the property.

(8) **FISH AND WILDLIFE.**—

(A) **IN GENERAL.**—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(B) **MANAGEMENT ACTIVITIES.**—

(i) **IN GENERAL.**—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities that are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas designated by this subtitle, if the management activities are—

(I) consistent with relevant wilderness management plans; and

(II) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101-405.

(ii) **INCLUSIONS.**—Management activities under clause (i) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the minimum impact necessary to accomplish those tasks.

(C) **EXISTING ACTIVITIES.**—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies, such as those established in Appendix B of House Report 101-405, the State may use aircraft (including helicopters) in the wilderness areas designated by this subtitle to survey, cap-

ture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, feral horses, and feral burros.

(9) **WILDFIRE, INSECT, AND DISEASE MANAGEMENT.**—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines appropriate, the coordination of those activities with a State or local agency.

(10) **ADJACENT MANAGEMENT.**—

(A) **IN GENERAL.**—The designation of a wilderness area by this subtitle shall not create any protective perimeter or buffer zone around the wilderness area.

(B) **NONWILDERNESS ACTIVITIES.**—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(II) **MILITARY OVERFLIGHTS.**—Nothing in this subtitle restricts or precludes—

(A) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(12) **WATER RIGHTS.**—

(A) **IN GENERAL.**—The designation of areas as wilderness by subsection (a) shall not create an express or implied reservation by the United States of any water or water rights for wilderness purposes with respect to such areas.

(B) **EXCLUSIONS.**—This paragraph does not apply to any components of the National Wild and Scenic Rivers System designated by section 1504.

SEC. 1504. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) **IN GENERAL.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1203(a)(1)) is amended by adding at the end the following:

“(180) **BATTLE CREEK, IDAHO.**—The 23.4 miles of Battle Creek from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(181) **BIG JACKS CREEK, IDAHO.**—The 35.0 miles of Big Jacks Creek from the downstream border of the Big Jacks Creek Wilderness in sec. 8, T. 8 S., R. 4 E., to the point at which it enters the NW ¼ of sec. 26, T. 10 S., R. 2 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(182) **BRUNEAU RIVER, IDAHO.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the 39.3-mile segment of the Bruneau River from the downstream boundary of the Bruneau-Jarbridge Wilderness to the upstream confluence with the west fork of the Bruneau River, to be administered by the Secretary of the Interior as a wild river.

“(B) **EXCEPTION.**—Notwithstanding subparagraph (A), the 0.6-mile segment of the Bruneau River at the Indian Hot Springs public road access shall be administered by the Secretary of the Interior as a recreational river.

“(183) **WEST FORK BRUNEAU RIVER, IDAHO.**—The approximately 0.35 miles of the West Fork of the Bruneau River from the confluence with the Jarbridge River to the downstream boundary of the Bruneau Canyon Grazing Allotment in the SE/NE of sec. 5, T. 13 S., R. 7 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(184) **COTTONWOOD CREEK, IDAHO.**—The 2.6 miles of Cottonwood Creek from the confluence

with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(185) DEEP CREEK, IDAHO.—The 13.1-mile segment of Deep Creek from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness in sec. 30, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(186) DICKSHOOTER CREEK, IDAHO.—The 9.25 miles of Dickshooter Creek from the confluence with Deep Creek to a point on the stream $\frac{1}{4}$ mile due west of the east boundary of sec. 16, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(187) DUNCAN CREEK, IDAHO.—The 0.9-mile segment of Duncan Creek from the confluence with Big Jacks Creek upstream to the east boundary of sec. 18, T. 10 S., R. 4 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(188) JARBIDGE RIVER, IDAHO.—The 28.8 miles of the Jarbidge River from the confluence with the West Fork Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(189) LITTLE JACKS CREEK, IDAHO.—The 12.4 miles of Little Jacks Creek from the downstream boundary of the Little Jacks Creek Wilderness, upstream to the mouth of OX Prong Creek, to be administered by the Secretary of the Interior as a wild river.

“(190) NORTH FORK OWYHEE RIVER, IDAHO.—The following segments of the North Fork of the Owyhee River, to be administered by the Secretary of the Interior:

“(A) The 5.7-mile segment from the Idaho-Oregon State border to the upstream boundary of the private land at the Juniper Mt. Road crossing, as a recreational river.

“(B) The 15.1-mile segment from the upstream boundary of the North Fork Owyhee River recreational segment designated in paragraph (A) to the upstream boundary of the North Fork Owyhee River Wilderness, as a wild river.

“(191) OWYHEE RIVER, IDAHO.—

“(A) IN GENERAL.—Subject to subparagraph (B), the 67.3 miles of the Owyhee River from the Idaho-Oregon State border to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(B) ACCESS.—The Secretary of the Interior shall allow for continued access across the Owyhee River at Crutchers Crossing, subject to such terms and conditions as the Secretary of the Interior determines to be necessary.

“(192) RED CANYON, IDAHO.—The 4.6 miles of Red Canyon from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(193) SHEEP CREEK, IDAHO.—The 25.6 miles of Sheep Creek from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(194) SOUTH FORK OWYHEE RIVER, IDAHO.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the 31.4-mile segment of the South Fork of the Owyhee River upstream from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho-Nevada State border, to be administered by the Secretary of the Interior as a wild river.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River from the point at which the river enters the southernmost boundary to the point at which the river exits the

northernmost boundary of private land in sec. 25 and 26, T. 14 S., R. 5 W., Boise Meridian, shall be administered by the Secretary of the Interior as a recreational river.

“(195) WICKAHONEY CREEK, IDAHO.—The 1.5 miles of Wickahoney Creek from the confluence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.”.

(b) BOUNDARIES.—Notwithstanding section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundary of a river segment designated as a component of the National Wild and Scenic Rivers System under this subtitle shall extend not more than the shorter of—

(1) an average distance of $\frac{1}{4}$ mile from the high water mark on both sides of the river segment; or

(2) the distance to the nearest confined canyon rim.

(c) LAND ACQUISITION.—The Secretary shall not acquire any private land within the exterior boundary of a wild and scenic river corridor without the consent of the owner.

SEC. 1505. LAND IDENTIFIED FOR DISPOSAL.

(a) IN GENERAL.—Consistent with applicable law, the Secretary may sell public land located within the Boise District of the Bureau of Land Management that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a proportion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury of the United States to be known as the “Owyhee Land Acquisition Account”.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase land or interests in land in, or adjacent to, the wilderness areas designated by this subtitle, including land identified as “Proposed for Acquisition” on the maps described in section 1503(a)(1).

(B) APPLICABLE LAW.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

(3) APPLICABILITY.—This subsection applies to public land within the Boise District of the Bureau of Land Management sold on or after January 1, 2008.

(4) ADDITIONAL AMOUNTS.—If necessary, the Secretary may use additional amounts appropriated to the Department of the Interior, subject to applicable reprogramming guidelines.

(c) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority provided under this section terminates on the earlier of—

(A) the date that is 10 years after the date of enactment of this Act; or

(B) the date on which a total of \$8,000,000 from the account is expended.

(2) AVAILABILITY OF AMOUNTS.—Any amounts remaining in the account on the termination of authority under this section shall be—

(A) credited as sales of public land in the State;

(B) transferred to the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(C) used in accordance with that subtitle.

SEC. 1506. TRIBAL CULTURAL RESOURCES.

(a) COORDINATION.—The Secretary shall coordinate with the Tribes in the implementation of the Shoshone Paiute Cultural Resource Protection Plan.

(b) AGREEMENTS.—The Secretary shall seek to enter into agreements with the Tribes to imple-

ment the Shoshone Paiute Cultural Resource Protection Plan to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes.

SEC. 1507. RECREATIONAL TRAVEL MANAGEMENT PLANS.

(a) IN GENERAL.—In accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Secretary shall, in coordination with the Tribes, State, and County, prepare 1 or more travel management plans for motorized and mechanized off-highway vehicle recreation for the land managed by the Bureau of Land Management in the County.

(b) INVENTORY.—Before preparing the plan under subsection (a), the Secretary shall conduct resource and route inventories of the area covered by the plan.

(c) LIMITATION TO DESIGNATED ROUTES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the plan shall limit recreational motorized and mechanized off-highway vehicle use to a system of designated roads and trails established by the plan.

(2) EXCEPTION.—Paragraph (1) shall not apply to snowmobiles.

(d) TEMPORARY LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), until the date on which the Secretary completes the plan, all recreational motorized and mechanized off-highway vehicle use shall be limited to roads and trails lawfully in existence on the day before the date of enactment of this Act.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) snowmobiles; or

(B) areas specifically identified as open, closed, or limited in the Owyhee Resource Management Plan.

(e) SCHEDULE.—

(1) OWYHEE FRONT.—It is the intent of Congress that, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a transportation plan for the Owyhee Front.

(2) OTHER BUREAU OF LAND MANAGEMENT LAND IN THE COUNTY.—It is the intent of Congress that, not later than 3 years after the date of enactment of this Act, the Secretary shall complete a transportation plan for Bureau of Land Management land in the County outside the Owyhee Front.

SEC. 1508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle G—Sabinoso Wilderness, New Mexico

SEC. 1601. DEFINITIONS.

In this subtitle:

(1) MAP.—The term “map” means the map entitled “Sabinoso Wilderness” and dated September 8, 2008.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STATE.—The term “State” means the State of New Mexico.

SEC. 1602. DESIGNATION OF THE SABINOSO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 16,030 acres of land under the jurisdiction of the Taos Field Office Bureau of Land Management, New Mexico, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Sabinoso Wilderness”.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Sabinoso Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical and typographical errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Sabinoso Wilderness shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundary of the Sabinoso Wilderness that is acquired by the United States shall—

(A) become part of the Sabinoso Wilderness; and

(B) be managed in accordance with this subtitle and any other laws applicable to the Sabinoso Wilderness.

(3) **GRAZING.**—The grazing of livestock in the Sabinoso Wilderness, if established before the date of enactment of this Act, shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) **FISH AND WILDLIFE.**—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife in the State.

(5) **ACCESS.**—

(A) **IN GENERAL.**—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall continue to allow private landowners adequate access to inholdings in the Sabinoso Wilderness.

(B) **CERTAIN LAND.**—For access purposes, private land within T. 16 N., R. 23 E., secs. 17 and 20 and the N ½ of sec. 21, N.M.M., shall be managed as an inholding in the Sabinoso Wilderness.

(d) **WITHDRAWAL.**—Subject to valid existing rights, the land generally depicted on the map as “Lands Withdrawn From Mineral Entry” and “Lands Released From Wilderness Study Area & Withdrawn From Mineral Entry” is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws, except disposal by exchange in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716);

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral materials and geothermal leasing laws.

(e) **RELEASE OF WILDERNESS STUDY AREAS.**—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public lands within the Sabinoso Wilderness Study Area not designated as wilderness by this subtitle—

(1) have been adequately studied for wilderness designation and are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with applicable law (including subsection (d)) and the land use management plan for the surrounding area.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

SEC. 1651. DEFINITIONS.

In this subtitle:

(1) **LINE OF DEMARCATION.**—The term “line of demarcation” means the point on the bank or shore at which the surface waters of Lake Superior meet the land or sand beach, regardless of the level of Lake Superior.

(2) **MAP.**—The term “map” means the map entitled “Pictured Rocks National Lakeshore Beaver Basin Wilderness Boundary”, numbered 625/80,051, and dated April 16, 2007.

(3) **NATIONAL LAKESHORE.**—The term “National Lakeshore” means the Pictured Rocks National Lakeshore.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **WILDERNESS.**—The term “Wilderness” means the Beaver Basin Wilderness designated by section 1652(a).

SEC. 1652. DESIGNATION OF BEAVER BASIN WILDERNESS.

(a) **IN GENERAL.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the land described in subsection (b) is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Beaver Basin Wilderness”.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) is the land and inland water comprising approximately 11,740 acres within the National Lakeshore, as generally depicted on the map.

(c) **BOUNDARY.**—

(1) **LINE OF DEMARCATION.**—The line of demarcation shall be the boundary for any portion of the Wilderness that is bordered by Lake Superior.

(2) **SURFACE WATER.**—The surface water of Lake Superior, regardless of the fluctuating lake level, shall be considered to be outside the boundary of the Wilderness.

(d) **MAP AND LEGAL DESCRIPTION.**—

(1) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) **LEGAL DESCRIPTION.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a legal description of the boundary of the Wilderness.

(3) **FORCE AND EFFECT.**—The map and the legal description submitted under paragraph (2) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map and legal description.

SEC. 1653. ADMINISTRATION.

(a) **MANAGEMENT.**—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) with respect to land administered by the Secretary, any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) **USE OF ELECTRIC MOTORS.**—The use of boats powered by electric motors on Little Beaver and Big Beaver Lakes may continue, subject to any applicable laws (including regulations).

SEC. 1654. EFFECT.

Nothing in this subtitle—

(1) modifies, alters, or affects any treaty rights;

(2) alters the management of the water of Lake Superior within the boundary of the Pictured Rocks National Lakeshore in existence on the date of enactment of this Act; or

(3) prohibits—

(A) the use of motors on the surface water of Lake Superior adjacent to the Wilderness; or

(B) the beaching of motorboats at the line of demarcation.

Subtitle I—Oregon Badlands Wilderness

SEC. 1701. DEFINITIONS.

In this subtitle:

(1) **DISTRICT.**—The term “District” means the Central Oregon Irrigation District.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of Oregon.

(4) **WILDERNESS MAP.**—The term “wilderness map” means the map entitled “Badlands Wilderness” and dated September 3, 2008.

SEC. 1702. OREGON BADLANDS WILDERNESS.

(a) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 29,301 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Oregon Badlands Wilderness”.

(b) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Oregon Badlands Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundary of the Oregon Badlands Wilderness that is acquired by the United States shall—

(A) become part of the Oregon Badlands Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) **GRAZING.**—The grazing of livestock in the Oregon Badlands Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) **ACCESS TO PRIVATE PROPERTY.**—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of the Oregon Badlands Wilderness adequate access to the property.

(c) **POTENTIAL WILDERNESS.**—

(1) **IN GENERAL.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), a corridor of certain Federal land managed by the Bureau of Land Management with a width of 25 feet, as generally depicted on the wilderness map as “Potential Wilderness”, is designated as potential wilderness.

(2) **INTERIM MANAGEMENT.**—The potential wilderness designated by paragraph (1) shall be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that the Secretary may allow nonconforming uses that are authorized and in existence on the date of enactment of this Act to continue in the potential wilderness.

(3) **DESIGNATION AS WILDERNESS.**—On the date on which the Secretary publishes in the Federal Register notice that any nonconforming uses in the potential wilderness designated by paragraph (1) that are permitted under paragraph (2) have terminated, the potential wilderness shall be—

(A) designated as wilderness and as a component of the National Wilderness Preservation System; and

(B) incorporated into the Oregon Badlands Wilderness.

(d) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Oregon Badlands Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1703. RELEASE.

(a) **FINDING.**—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Badlands wilderness study area that are not designated as the Oregon Badlands Wilderness or as potential wilderness have been adequately studied for wilderness or potential wilderness designation.

(b) **RELEASE.**—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 1704. LAND EXCHANGES.

(a) **CLARNO LAND EXCHANGE.**—

(1) **CONVEYANCE OF LAND.**—Subject to subsections (c) through (e), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the Landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) **DESCRIPTION OF LAND.**—

(A) **NON-FEDERAL LAND.**—The non-Federal land referred to in paragraph (1) is the approximately 239 acres of non-Federal land identified on the wilderness map as “Clarno to Federal Government”.

(B) **FEDERAL LAND.**—The Federal land referred to in paragraph (1)(B) is the approximately 209 acres of Federal land identified on the wilderness map as “Federal Government to Clarno”.

(3) **SURVEYS.**—The exact acreage and legal description of the Federal land and non-Federal

land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(b) **DISTRICT EXCHANGE.**—

(1) **CONVEYANCE OF LAND.**—Subject to subsections (c) through (e), if the District offers to convey to the United States all right, title, and interest of the District in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the District all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) **DESCRIPTION OF LAND.**—

(A) **NON-FEDERAL LAND.**—The non-Federal land referred to in paragraph (1) is the approximately 527 acres of non-Federal land identified on the wilderness map as “COID to Federal Government”.

(B) **FEDERAL LAND.**—The Federal land referred to in paragraph (1)(B) is the approximately 697 acres of Federal land identified on the wilderness map as “Federal Government to COID”.

(3) **SURVEYS.**—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) **APPLICABLE LAW.**—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) **VALUATION, APPRAISALS, AND EQUALIZATION.**—

(1) **IN GENERAL.**—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) **APPRAISALS.**—

(A) **IN GENERAL.**—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) **REQUIREMENTS.**—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) **EQUALIZATION.**—

(A) **IN GENERAL.**—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) **CASH EQUALIZATION PAYMENTS.**—Any cash equalization payments received by the Secretary under subparagraph (A)(i) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(e) **CONDITIONS OF EXCHANGE.**—

(1) **IN GENERAL.**—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) **COSTS.**—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) **VALID EXISTING RIGHTS.**—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(f) **COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1705. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

Subtitle J—Spring Basin Wilderness, Oregon

SEC. 1751. DEFINITIONS.

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **STATE.**—The term “State” means the State of Oregon.

(3) **TRIBES.**—The term “Tribes” means the Confederated Tribes of the Warm Springs Reservation of Oregon.

(4) **WILDERNESS MAP.**—The term “wilderness map” means the map entitled “Spring Basin Wilderness with Land Exchange Proposals” and dated September 3, 2008.

SEC. 1752. SPRING BASIN WILDERNESS.

(a) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 6,382 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Spring Basin Wilderness”.

(b) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Spring Basin Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundary of the Spring Basin Wilderness that is acquired by the United States shall—

(A) become part of the Spring Basin Wilderness; and

(B) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) **GRAZING.**—The grazing of livestock in the Spring Basin Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary, in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Spring Basin Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct any typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1753. RELEASE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Spring Basin wilderness study area that are not designated by section 1752(a) as the Spring Basin Wilderness in the following areas have been adequately studied for wilderness designation:

(1) T. 8 S., R. 19 E., sec. 10, NE $\frac{1}{4}$, W $\frac{1}{2}$.

(2) T. 8 S., R. 19 E., sec. 25, SE $\frac{1}{4}$, SE $\frac{1}{4}$.

(3) T. 8 S., R. 20 E., sec. 19, SE $\frac{1}{4}$, S $\frac{1}{2}$ of the S $\frac{1}{2}$.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 1754. LAND EXCHANGES.

(a) CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the Tribes offer to convey to the United States all right, title, and interest of the Tribes in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the Tribes all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 4,480 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from the CTWSIR to the Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 4,578 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to CTWSIR”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(4) WITHDRAWAL.—Subject to valid existing rights, the land acquired by the Secretary under this subsection is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under any law relating to mineral and geothermal leasing or mineral materials.

(b) MCGREER LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 18 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from McGreer to the Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 327 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to McGreer”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) KEYS LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 180 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from Keys to the Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 187 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to Keys”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(d) BOWERMAN LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 32 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from Bowerman to the Federal Government”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 24 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to Bowerman”.

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(e) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall

carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(f) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(i) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(g) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(h) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1755. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

SEC. 1801. DEFINITIONS.

In this subtitle:

(1) FOREST.—The term “Forest” means the Ancient Bristlecone Pine Forest designated by section 1808(a).

(2) **RECREATION AREA.**—The term “Recreation Area” means the Bridgeport Winter Recreation Area designated by section 1806(a).

(3) **SECRETARY.**—The term “Secretary” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(4) **STATE.**—The term “State” means the State of California.

(5) **TRAIL.**—The term “Trail” means the Pacific Crest National Scenic Trail.

SEC. 1802. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) HOOVER WILDERNESS ADDITIONS.—

(A) **IN GENERAL.**—Certain land in the Humboldt-Toiyabe and Inyo National Forests, comprising approximately 79,820 acres and identified as “Hoover East Wilderness Addition,” “Hoover West Wilderness Addition,” and “Bighorn Proposed Wilderness Addition,” as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the Hoover Wilderness.

(B) **DESCRIPTION OF MAPS.**—The maps referred to in subparagraph (A) are—

(i) the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008; and

(ii) the map entitled “Bighorn Proposed Wilderness Additions” and dated September 23, 2008.

(C) **EFFECT.**—The designation of the wilderness under subparagraph (A) shall not affect the ongoing activities of the adjacent United States Marine Corps Mountain Warfare Training Center on land outside the designated wilderness, in accordance with the agreement between the Center and the Humboldt-Toiyabe National Forest.

(2) **OWENS RIVER HEADWATERS WILDERNESS.**—Certain land in the Inyo National Forest, comprising approximately 14,721 acres, as generally depicted on the map entitled “Owens River Headwaters Proposed Wilderness” and dated September 16, 2008, which shall be known as the “Owens River Headwaters Wilderness”.

(3) JOHN MUIR WILDERNESS ADDITIONS.—

(A) **IN GENERAL.**—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Inyo County, California, comprising approximately 70,411 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the John Muir Wilderness.

(B) **DESCRIPTION OF MAPS.**—The maps referred to in subparagraph (A) are—

(i) the map entitled “John Muir Proposed Wilderness Addition (1 of 5)” and dated September 23, 2008;

(ii) the map entitled “John Muir Proposed Wilderness Addition (2 of 5)” and dated September 23, 2008;

(iii) the map entitled “John Muir Proposed Wilderness Addition (3 of 5)” and dated October 31, 2008;

(iv) the map entitled “John Muir Proposed Wilderness Addition (4 of 5)” and dated September 16, 2008; and

(v) the map entitled “John Muir Proposed Wilderness Addition (5 of 5)” and dated September 16, 2008.

(C) **BOUNDARY REVISION.**—The boundary of the John Muir Wilderness is revised as depicted on the map entitled “John Muir Wilderness—Revised” and dated September 16, 2008.

(4) **ANSEL ADAMS WILDERNESS ADDITION.**—Certain land in the Inyo National Forest, comprising approximately 528 acres, as generally depicted on the map entitled “Ansel Adams Proposed Wilderness Addition” and dated September 16, 2008, is incorporated in, and shall be considered to be a part of, the Ansel Adams Wilderness.

(5) WHITE MOUNTAINS WILDERNESS.—

(A) **IN GENERAL.**—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 229,993 acres, as generally depicted on the maps described in subparagraph (B), which shall be known as the “White Mountains Wilderness”.

(B) **DESCRIPTION OF MAPS.**—The maps referred to in subparagraph (A) are—

(i) the map entitled “White Mountains Proposed Wilderness-Map 1 of 2 (North)” and dated September 16, 2008; and

(ii) the map entitled “White Mountains Proposed Wilderness-Map 2 of 2 (South)” and dated September 16, 2008.

(6) **GRANITE MOUNTAIN WILDERNESS.**—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 34,342 acres, as generally depicted on the map entitled “Granite Mountain Wilderness” and dated September 19, 2008, which shall be known as the “Granite Mountain Wilderness”.

(7) **MAGIC MOUNTAIN WILDERNESS.**—Certain land in the Angeles National Forest, comprising approximately 12,282 acres, as generally depicted on the map entitled “Magic Mountain Proposed Wilderness” and dated December 16, 2008, which shall be known as the “Magic Mountain Wilderness”.

(8) **PLEASANT VIEW RIDGE WILDERNESS.**—Certain land in the Angeles National Forest, comprising approximately 26,757 acres, as generally depicted on the map entitled “Pleasant View Ridge Proposed Wilderness” and dated December 16, 2008, which shall be known as the “Pleasant View Ridge Wilderness”.

SEC. 1803. ADMINISTRATION OF WILDERNESS AREAS.

(a) **MANAGEMENT.**—Subject to valid existing rights, the Secretary shall administer the wilderness areas and wilderness additions designated by this subtitle in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(b) MAP AND LEGAL DESCRIPTION.—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this subtitle with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) **FORCE OF LAW.**—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Secretary.

(c) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land (or interest in land) within the boundary of a wilderness area or wilderness addition designated by this subtitle that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) **WITHDRAWAL.**—Subject to valid rights in existence on the date of enactment of this Act, any Federal land designated as a wilderness area or wilderness addition by this subtitle is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing or mineral materials.

(e) **FIRE MANAGEMENT AND RELATED ACTIVITIES.**—

(1) **IN GENERAL.**—The Secretary may take such measures in a wilderness area or wilderness addition designated by this subtitle as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98-40 of the 98th Congress.

(2) **FUNDING PRIORITIES.**—Nothing in this subtitle limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this subtitle.

(3) **REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.**—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this subtitle.

(4) **ADMINISTRATION.**—Consistent with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this subtitle, the Secretary shall—

(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(B) enter into agreements with appropriate State or local firefighting agencies.

(f) **ACCESS TO PRIVATE PROPERTY.**—The Secretary shall provide any owner of private property within the boundary of a wilderness area or wilderness addition designated by this subtitle adequate access to the property to ensure the reasonable use and enjoyment of the property by the owner.

(g) **MILITARY ACTIVITIES.**—Nothing in this subtitle precludes—

(1) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this subtitle;

(2) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this subtitle; or

(3) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this subtitle.

(h) **LIVESTOCK.**—Grazing of livestock and the maintenance of existing facilities relating to grazing in wilderness areas or wilderness additions designated by this subtitle, if established before the date of enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(i) FISH AND WILDLIFE MANAGEMENT.—

(1) **IN GENERAL.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et

seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas or wilderness additions designated by this subtitle if the activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) **STATE JURISDICTION.**—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(j) **HORSES.**—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness or as a wilderness addition by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

(k) **OUTFITTER AND GUIDE USE.**—Outfitter and guide activities conducted under permits issued by the Forest Service on the additions to the John Muir, Ansel Adams, and Hoover wilderness areas designated by this subtitle shall be in addition to any existing limits established for the John Muir, Ansel Adams, and Hoover wilderness areas.

(l) **TRANSFER TO THE FOREST SERVICE.**—

(1) **WHITE MOUNTAINS WILDERNESS.**—Administrative jurisdiction over the approximately 946 acres of land identified as “Transfer of Administrative Jurisdiction from BLM to FS” on the maps described in section 1802(5)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the White Mountains Wilderness.

(2) **JOHN MUIR WILDERNESS.**—Administrative jurisdiction over the approximately 143 acres of land identified as “Transfer of Administrative Jurisdiction from BLM to FS” on the maps described in section 1802(3)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the John Muir Wilderness.

(m) **TRANSFER TO THE BUREAU OF LAND MANAGEMENT.**—Administrative jurisdiction over the approximately 3,010 acres of land identified as “Land from FS to BLM” on the maps described in section 1802(6) is transferred from the Forest Service to the Bureau of Land Management to be managed as part of the Granite Mountain Wilderness.

SEC. 1804. RELEASE OF WILDERNESS STUDY AREAS.

(a) **FINDING.**—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act has been adequately studied for wilderness.

(b) **DESCRIPTION OF STUDY AREAS.**—The study areas referred to in subsection (a) are—

(1) the Masonic Mountain Wilderness Study Area;

(2) the Mormon Meadow Wilderness Study Area;

(3) the Walford Springs Wilderness Study Area; and

(4) the Granite Mountain Wilderness Study Area.

(c) **RELEASE.**—Any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 1805. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) **IN GENERAL.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1504(a)) is amended by adding at the end the following:

“(196) **AMARGOSA RIVER, CALIFORNIA.**—The following segments of the Amargosa River in the State of California, to be administered by the Secretary of the Interior:

“(A) The approximately 4.1-mile segment of the Amargosa River from the northern boundary of sec. 7, T. 21 N., R. 7 E., to 100 feet upstream of the Tecopa Hot Springs road crossing, as a scenic river.

“(B) The approximately 8-mile segment of the Amargosa River from 100 feet downstream of the Tecopa Hot Springs Road crossing to 100 feet upstream of the Old Spanish Trail Highway crossing near Tecopa, as a scenic river.

“(C) The approximately 7.9-mile segment of the Amargosa River from the northern boundary of sec. 16, T. 20 N., R. 7 E., to .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E., as a wild river.

“(D) The approximately 4.9-mile segment of the Amargosa River from .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E. to 100 feet upstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

“(E) The approximately 1.4-mile segment of the Amargosa River from 100 feet downstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

“(197) **OWENS RIVER HEADWATERS, CALIFORNIA.**—The following segments of the Owens River in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 2.3-mile segment of Deadman Creek from the 2-forked source east of San Joaquin Peak to the confluence with the unnamed tributary flowing north into Deadman Creek from sec. 12, T. 3 S., R. 26 E., as a wild river.

“(B) The 2.3-mile segment of Deadman Creek from the unnamed tributary confluence in sec. 12, T. 3 S., R. 26 E., to the Road 3S22 crossing, as a scenic river.

“(C) The 4.1-mile segment of Deadman Creek from the Road 3S22 crossing to .25 miles downstream of the Highway 395 crossing, as a recreational river.

“(D) The 3-mile segment of Deadman Creek from .25 miles downstream of the Highway 395 crossing to 100 feet upstream of Big Springs, as a scenic river.

“(E) The 1-mile segment of the Upper Owens River from 100 feet upstream of Big Springs to the private property boundary in sec. 19, T. 2 S., R. 28 E., as a recreational river.

“(F) The 4-mile segment of Glass Creek from its 2-forked source to 100 feet upstream of the Glass Creek Meadow Trailhead parking area in sec. 29, T. 2 S., R. 27 E., as a wild river.

“(G) The 1.3-mile segment of Glass Creek from 100 feet upstream of the trailhead parking area in sec. 29 to the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., as a scenic river.

“(H) The 1.1-mile segment of Glass Creek from the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., to the confluence with Deadman Creek, as a recreational river.

“(198) **COTTONWOOD CREEK, CALIFORNIA.**—The following segments of Cottonwood Creek in the State of California:

“(A) The 17.4-mile segment from its headwaters at the spring in sec. 27, T. 4 S., R. 34 E., to the Inyo National Forest boundary at the east section line of sec. 3, T. 6 S., R. 36 E., as a wild river to be administered by the Secretary of Agriculture.

“(B) The 4.1-mile segment from the Inyo National Forest boundary to the northern boundary of sec. 5, T. 4 S., R. 34 E., as a recreational river, to be administered by the Secretary of the Interior.

“(199) **PIRU CREEK, CALIFORNIA.**—The following segments of Piru Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 3-mile segment of Piru Creek from 0.5 miles downstream of Pyramid Dam at the first bridge crossing to the boundary of the Sespe Wilderness, as a recreational river.

“(B) The 4.25-mile segment from the boundary of the Sespe Wilderness to the boundary between Los Angeles and Ventura Counties, as a wild river.”.

(b) **EFFECT.**—The designation of Piru Creek under subsection (a) shall not affect valid rights in existence on the date of enactment of this Act.

SEC. 1806. BRIDGEPORT WINTER RECREATION AREA.

(a) **DESIGNATION.**—The approximately 7,254 acres of land in the Humboldt-Toiyabe National Forest identified as the “Bridgeport Winter Recreation Area”, as generally depicted on the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008, is designated as the Bridgeport Winter Recreation Area.

(b) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Recreation Area with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) **MANAGEMENT.**—

(1) **INTERIM MANAGEMENT.**—Until completion of the management plan required under subsection (d), and except as provided in paragraph (2), the Recreation Area shall be managed in accordance with the Toiyabe National Forest Land and Resource Management Plan of 1986 (as in effect on the day of enactment of this Act).

(2) **USE OF SNOWMOBILES.**—The winter use of snowmobiles shall be allowed in the Recreation Area—

(A) during periods of adequate snow coverage during the winter season; and

(B) subject to any terms and conditions determined to be necessary by the Secretary.

(d) **MANAGEMENT PLAN.**—To ensure the sound management and enforcement of the Recreation Area, the Secretary shall, not later than 1 year after the date of enactment of this Act, undergo a public process to develop a winter use management plan that provides for—

(1) adequate signage;

(2) a public education program on allowable usage areas;

(3) measures to ensure adequate sanitation;

(4) a monitoring and enforcement strategy; and

(5) measures to ensure the protection of the Trail.

(e) **ENFORCEMENT.**—The Secretary shall prioritize enforcement activities in the Recreation Area—

(1) to prohibit degradation of natural resources in the Recreation Area;

(2) to prevent interference with nonmotorized recreation on the Trail; and

(3) to reduce user conflicts in the Recreation Area.

(f) **PACIFIC CREST NATIONAL SCENIC TRAIL.**—The Secretary shall establish an appropriate

snowmobile crossing point along the Trail in the area identified as "Pacific Crest Trail Proposed Crossing Area" on the map entitled "Humboldt-Toiyabe National Forest Proposed Management" and dated September 17, 2008—

(1) in accordance with—

(A) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(B) any applicable environmental and public safety laws; and

(2) subject to the terms and conditions the Secretary determines to be necessary to ensure that the crossing would not—

(A) interfere with the nature and purposes of the Trail; or

(B) harm the surrounding landscape.

SEC. 1807. MANAGEMENT OF AREA WITHIN HUMBOLDT-TOIYABE NATIONAL FOREST.

Certain land in the Humboldt-Toiyabe National Forest, comprising approximately 3,690 acres identified as "Pickel Hill Management Area", as generally depicted on the map entitled "Humboldt-Toiyabe National Forest Proposed Management" and dated September 17, 2008, shall be managed in a manner consistent with the non-Wilderness forest areas immediately surrounding the Pickel Hill Management Area, including the allowance of snowmobile use.

SEC. 1808. ANCIENT BRISTLECONE PINE FOREST.

(a) **DESIGNATION.**—To conserve and protect the Ancient Bristlecone Pines by maintaining near-natural conditions and to ensure the survival of the Pines for the purposes of public enjoyment and scientific study, the approximately 31,700 acres of public land in the State, as generally depicted on the map entitled "Ancient Bristlecone Pine Forest—Proposed" and dated July 16, 2008, is designated as the "Ancient Bristlecone Pine Forest".

(b) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall file a map and legal description of the Forest with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall administer the Forest—

(A) in a manner that—

(i) protect the resources and values of the area in accordance with the purposes for which the Forest is established, as described in subsection (a); and

(ii) promotes the objectives of the applicable management plan (as in effect on the date of enactment of this Act), including objectives relating to—

(I) the protection of bristlecone pines for public enjoyment and scientific study;

(II) the recognition of the botanical, scenic, and historical values of the area; and

(III) the maintenance of near-natural conditions by ensuring that all activities are subordinate to the needs of protecting and preserving bristlecone pines and wood remnants; and

(B) in accordance with the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), this section, and any other applicable laws.

(2) **USES.**—

(A) **IN GENERAL.**—The Secretary shall allow only such uses of the Forest as the Secretary determines would further the purposes for which

the Forest is established, as described in subsection (a).

(B) **SCIENTIFIC RESEARCH.**—Scientific research shall be allowed in the Forest in accordance with the Inyo National Forest Land and Resource Management Plan (as in effect on the date of enactment of this Act).

(3) **WITHDRAWAL.**—Subject to valid existing rights, all Federal land within the Forest is withdrawn from—

(A) all forms of entry, appropriation or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

Subtitle L—Riverside County Wilderness, California

SEC. 1851. WILDERNESS DESIGNATION.

(a) **DEFINITION OF SECRETARY.**—In this section, the term "Secretary" means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) **DESIGNATION OF WILDERNESS, CLEVELAND AND SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE NATIONAL PARK, AND BUREAU OF LAND MANAGEMENT LAND IN RIVERSIDE COUNTY, CALIFORNIA.**—

(1) **DESIGNATIONS.**—

(A) **AGUA TIBIA WILDERNESS ADDITIONS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Cleveland National Forest and certain land administered by the Bureau of Land Management in Riverside County, California, together comprising approximately 2,053 acres, as generally depicted on the map titled "Proposed Addition to Agua Tibia Wilderness", and dated May 9, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Agua Tibia Wilderness designated by section 2(a) of Public Law 93-632 (88 Stat. 2154; 16 U.S.C. 1132 note).

(B) **CAHUILLA MOUNTAIN WILDERNESS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 5,585 acres, as generally depicted on the map titled "Cahuilla Mountain Proposed Wilderness", and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the "Cahuilla Mountain Wilderness".

(C) **SOUTH FORK SAN JACINTO WILDERNESS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 20,217 acres, as generally depicted on the map titled "South Fork San Jacinto Proposed Wilderness", and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the "South Fork San Jacinto Wilderness".

(D) **SANTA ROSA WILDERNESS ADDITIONS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, and certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 2,149 acres, as generally depicted on the map titled "Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition", and dated March 12, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Santa Rosa Wilderness designated by section 101(a)(28) of Public Law 98-425 (98

Stat. 1623; 16 U.S.C. 1132 note) and expanded by paragraph (59) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(E) **BEAUTY MOUNTAIN WILDERNESS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 15,621 acres, as generally depicted on the map titled "Beauty Mountain Proposed Wilderness", and dated April 3, 2007, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the "Beauty Mountain Wilderness".

(F) **JOSHUA TREE NATIONAL PARK WILDERNESS ADDITIONS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in Joshua Tree National Park, comprising approximately 36,700 acres, as generally depicted on the map numbered 156/80,055, and titled "Joshua Tree National Park Proposed Wilderness Additions", and dated March 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94-567 (90 Stat. 2692; 16 U.S.C. 1132 note).

(G) **OROCOPIA MOUNTAINS WILDERNESS ADDITIONS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 4,635 acres, as generally depicted on the map titled "Orocopia Mountains Proposed Wilderness Addition", and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Orocopia Mountains Wilderness as designated by paragraph (44) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note), except that the wilderness boundaries established by this subsection in Township 7 South, Range 13 East, exclude—

(i) a corridor 250 feet north of the centerline of the Bradshaw Trail;

(ii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Eagle Mountain Railroad on the south and the existing Orocopia Mountains Wilderness boundary; and

(iii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Chocolate Mountain Aerial Gunnery Range on the south and the existing Orocopia Mountains Wilderness boundary.

(H) **PALEN/MCCOY WILDERNESS ADDITIONS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 22,645 acres, as generally depicted on the map titled "Palen-McCoy Proposed Wilderness Additions", and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Palen/McCoy Wilderness as designated by paragraph (47) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(I) **PINTO MOUNTAINS WILDERNESS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 24,404 acres, as generally depicted on the map titled "Pinto Mountains Proposed Wilderness", and dated February 21, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the "Pinto Mountains Wilderness".

(J) **CHUCKWALLA MOUNTAINS WILDERNESS ADDITIONS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in

Riverside County, California, comprising approximately 12,815 acres, as generally depicted on the map titled "Chuckwalla Mountains Proposed Wilderness Addition", and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of the Chuckwalla Mountains Wilderness as designated by paragraph (12) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(2) MAPS AND DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—A map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(3) UTILITY FACILITIES.—Nothing in this section prohibits the construction, operation, or maintenance, using standard industry practices, of existing utility facilities located outside of the wilderness areas and wilderness additions designated by this section.

(c) JOSHUA TREE NATIONAL PARK POTENTIAL WILDERNESS.—

(1) DESIGNATION OF POTENTIAL WILDERNESS.—Certain land in the Joshua Tree National Park, comprising approximately 43,300 acres, as generally depicted on the map numbered 156/80,055, and titled "Joshua Tree National Park Proposed Wilderness Additions", and dated March 2008, is designated potential wilderness and shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such time as the land is designated as wilderness pursuant to paragraph (2).

(2) DESIGNATION AS WILDERNESS.—The land designated potential wilderness by paragraph (1) shall be designated as wilderness and incorporated in, and be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94-567 (90 Stat. 2692; 16 U.S.C. 1132 note), effective upon publication by the Secretary of the Interior in the Federal Register of a notice that—

(A) all uses of the land within the potential wilderness prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased; and

(B) sufficient inholdings within the boundaries of the potential wilderness have been acquired to establish a manageable wilderness unit.

(3) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date on which the notice required by paragraph (2) is published in the Federal Register, the Secretary shall file a map and legal description of the land designated as wilderness and potential wilderness by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(d) ADMINISTRATION OF WILDERNESS.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by this section shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date of that Act shall be deemed to be a reference to—

(i) the date of the enactment of this Act; or

(ii) in the case of the wilderness addition designated by subsection (c), the date on which the notice required by such subsection is published in the Federal Register; and

(B) any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary that has jurisdiction over the land.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundaries of a wilderness area or wilderness addition designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the land designated as wilderness by this section is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(4) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this section as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98-40 of the 98th Congress.

(B) FUNDING PRIORITIES.—Nothing in this section limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this section.

(C) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this section.

(D) ADMINISTRATION.—Consistent with subparagraph (A) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this section, the Secretary shall—

(i) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(ii) enter into agreements with appropriate State or local firefighting agencies.

(5) GRAZING.—Grazing of livestock in a wilderness area or wilderness addition designated by this section shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96-617 to accompany H.R. 5487 of the 96th Congress.

(6) NATIVE AMERICAN USES AND INTERESTS.—

(A) ACCESS AND USE.—To the extent practicable, the Secretary shall ensure access to the

Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural purposes. In implementing this paragraph, the Secretary, upon the request of an Indian tribe, may temporarily close to the general public use of one or more specific portions of the wilderness area in order to protect the privacy of traditional cultural activities in such areas by members of the Indian tribe. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996), commonly referred to as the American Indian Religious Freedom Act, and the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) INDIAN TRIBE DEFINED.—In this paragraph, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as Indians.

(7) MILITARY ACTIVITIES.—Nothing in this section precludes—

(A) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this section;

(B) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this section; or

(C) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this section.

SEC. 1852. WILD AND SCENIC RIVER DESIGNATIONS, RIVERSIDE COUNTY, CALIFORNIA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1805) is amended by adding at the end the following new paragraphs:

"(200) NORTH FORK SAN JACINTO RIVER, CALIFORNIA.—The following segments of the North Fork San Jacinto River in the State of California, to be administered by the Secretary of Agriculture:

"(A) The 2.12-mile segment from the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the State Park boundary, as a wild river.

"(B) The 1.66-mile segment from the Mt. San Jacinto State Park boundary to the Lawler Park boundary in section 26, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

"(C) The 0.68-mile segment from the Lawler Park boundary to its confluence with Fuller Mill Creek, as a recreational river.

"(D) The 2.15-mile segment from its confluence with Fuller Mill Creek to .25 miles upstream of the 5S09 road crossing, as a wild river.

"(E) The 0.6-mile segment from .25 miles upstream of the 5S09 road crossing to its confluence with Stone Creek, as a scenic river.

"(F) The 2.91-mile segment from the Stone Creek confluence to the northern boundary of section 17, township 5 south, range 2 east, San Bernardino meridian, as a wild river.

"(201) FULLER MILL CREEK, CALIFORNIA.—The following segments of Fuller Mill Creek in the State of California, to be administered by the Secretary of Agriculture:

"(A) The 1.2-mile segment from the source of Fuller Mill Creek in the San Jacinto Wilderness to the Pinewood property boundary in section 13, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

"(B) The 0.9-mile segment in the Pine Wood property, as a recreational river.

"(C) The 1.4-mile segment from the Pinewood property boundary in section 23, township 4 south, range 2 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.

“(202) PALM CANYON CREEK, CALIFORNIA.—The 8.1-mile segment of Palm Canyon Creek in the State of California from the southern boundary of section 6, township 7 south, range 5 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 1, township 6 south, range 4 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a wild river, and the Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.

“(203) BAUTISTA CREEK, CALIFORNIA.—The 9.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 2, township 6 south, range 1 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river.”.

SEC. 1853. ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.

(a) BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.—Section 2 of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106-351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by adding at the end the following new subsection:

“(e) EXPANSION OF BOUNDARIES.—In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following lands identified as additions to the National Monument on the map titled ‘Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition’, and dated March 12, 2008:

“(1) The ‘Santa Rosa Peak Area Monument Expansion’.

“(2) The ‘Snow Creek Area Monument Expansion’.

“(3) The ‘Tahquitz Peak Area Monument Expansion’.

“(4) The ‘Southeast Area Monument Expansion’, which is designated as wilderness in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa Wilderness.”.

(b) TECHNICAL AMENDMENTS TO THE SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000.—Section 7(d) of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106-351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by striking “eight” and inserting “a majority of the appointed”.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

SEC. 1901. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STATE.—The term “State” means the State of California.

SEC. 1902. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) JOHN KREBS WILDERNESS.—

(A) DESIGNATION.—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 39,740 acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014b, titled “John Krebs Wilderness”, and dated September 16, 2008.

(B) EFFECT.—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(ii) the private inholdings known as “Silver City” and “Kaveah Han”.

(C) POTENTIAL WILDERNESS ADDITIONS.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Secretary is authorized to allow the use of helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this section upon termination of the non-conforming uses.

(2) SEQUOIA-KINGS CANYON WILDERNESS ADDITION.—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled “Sequoia-Kings Canyon Wilderness Addition”, numbered 102/60015a, and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

(3) RECOMMENDED WILDERNESS.—Land in Sequoia and Kings Canyon National Parks that was managed as of the date of enactment of this Act as recommended or proposed wilderness but not designated by this section as wilderness shall continue to be managed as recommended or proposed wilderness, as appropriate.

SEC. 1903. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act.

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable, but not later than 3 years, after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this subtitle with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE AND EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Office of the Secretary.

(c) HYDROLOGIC, METEOROLOGIC, AND CLIMATOLOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIPMENT.—The Secretary shall continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98-40.

(d) AUTHORIZED ACTIVITIES OUTSIDE WILDERNESS.—Nothing in this subtitle precludes authorized activities conducted outside of an area designated as wilderness by this subtitle by cabin owners (or designees) in the Mineral King Valley area or property owners or lessees (or designees) in the Silver City inholding, as identified on the map described in section 1902(1)(A).

(e) HORSEBACK RIDING.—Nothing in this subtitle precludes horseback riding in, or the entry

of recreational or commercial saddle or pack stock into, an area designated as wilderness by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

SEC. 1951. DEFINITIONS.

In this subtitle:

(1) MAP.—The term “map” means the map entitled “Rocky Mountain National Park Wilderness Act of 2007” and dated September 2006.

(2) PARK.—The term “Park” means Rocky Mountain National Park located in the State of Colorado.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TRAIL.—The term “Trail” means the East Shore Trail established under section 1954(a).

(5) WILDERNESS.—The term “Wilderness” means the wilderness designated by section 1952(a).

SEC. 1952. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS, COLORADO.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System approximately 249,339 acres of land in the Park, as generally depicted on the map.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a map and boundary description of the Wilderness; and

(B) submit the map and boundary description prepared under subparagraph (A) to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) AVAILABILITY; FORCE OF LAW.—The map and boundary description submitted under paragraph (1)(B) shall—

(A) be on file and available for public inspection in appropriate offices of the National Park Service; and

(B) have the same force and effect as if included in this subtitle.

(c) INCLUSION OF POTENTIAL WILDERNESS.—

(1) IN GENERAL.—On publication in the Federal Register of a notice by the Secretary that all uses inconsistent with the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased on the land identified on the map as a “Potential Wilderness Area”, the land shall be—

(A) included in the Wilderness; and

(B) administered in accordance with subsection (e).

(2) BOUNDARY DESCRIPTION.—On inclusion in the Wilderness of the land referred to in paragraph (1), the Secretary shall modify the map and boundary description submitted under subsection (b) to reflect the inclusion of the land.

(d) EXCLUSION OF CERTAIN LAND.—The following areas are specifically excluded from the Wilderness:

(1) The Grand River Ditch (including the main canal of the Grand River Ditch and a branch of the main canal known as the Specimen Ditch), the right-of-way for the Grand River Ditch, land 200 feet on each side of the center line of the Grand River Ditch, and any associated appurtenances, structures, buildings, camps, and work sites in existence as of June 1, 1998.

(2) Land owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland

Reservoir and the Inlet Ditch to the Reservoir from North St. Vrain Creek, comprising approximately 35.38 acres.

(3) Land owned by the Wincenstsen-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted on the map as the "East Shore Trail Area".

(e) ADMINISTRATION.—Subject to valid existing rights, any land designated as wilderness under this section or added to the Wilderness after the date of enactment of this Act under subsection (c) shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act, or the date on which the additional land is added to the Wilderness, respectively; and

(2) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(f) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the United States has existing rights to water within the Park;

(B) the existing water rights are sufficient for the purposes of the Wilderness; and

(C) based on the findings described in subparagraphs (A) and (B), there is no need for the United States to reserve or appropriate any additional water rights to fulfill the purposes of the Wilderness.

(2) EFFECT.—Nothing in this subtitle—

(A) constitutes an express or implied reservation by the United States of water or water rights for any purpose; or

(B) modifies or otherwise affects any existing water rights held by the United States for the Park.

(g) FIRE, INSECT, AND DISEASE CONTROL.—The Secretary may take such measures in the Wilderness as are necessary to control fire, insects, and diseases, as are provided for in accordance with—

(1) the laws applicable to the Park; and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1953. GRAND RIVER DITCH AND COLORADO-BIG THOMPSON PROJECTS.

(a) CONDITIONAL WAIVER OF STRICT LIABILITY.—During any period in which the Water Supply and Storage Company (or any successor in interest to the company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch in the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service, the provisions of paragraph (6) of the stipulation approved June 28, 1907—

(1) shall be suspended; and

(2) shall not be enforceable against the Company (or any successor in interest).

(b) AGREEMENT.—The agreement referred to in subsection (a) shall—

(1) ensure that—

(A) Park resources are managed in accordance with the laws generally applicable to the Park, including—

(i) the Act of January 26, 1915 (16 U.S.C. 191 et seq.); and

(ii) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(B) Park land outside the right-of-way corridor remains unimpaired consistent with the National Park Service management policies in effect as of the date of enactment of this Act; and

(C) any use of Park land outside the right-of-way corridor (as of the date of enactment of this Act) shall be permitted only on a temporary basis, subject to such terms and conditions as the Secretary determines to be necessary; and

(2) include stipulations with respect to—

(A) flow monitoring and early warning measures;

(B) annual and periodic inspections;

(C) an annual maintenance plan;

(D) measures to identify on an annual basis capital improvement needs; and

(E) the development of plans to address the needs identified under subparagraph (D).

(c) LIMITATION.—Nothing in this section limits or otherwise affects—

(1) the liability of any individual or entity for damages to, loss of, or injury to any resource within the Park resulting from any cause or event that occurred before the date of enactment of this Act; or

(2) Public Law 101-337 (16 U.S.C. 191j et seq.), including the defenses available under that Act for damage caused—

(A) solely by—

(i) an act of God;

(ii) an act of war; or

(iii) an act or omission of a third party (other than an employee or agent); or

(B) by an activity authorized by Federal or State law.

(d) COLORADO-BIG THOMPSON PROJECT AND WINDY GAP PROJECT.—

(1) IN GENERAL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or affects current and future operation and maintenance activities in, under, or affecting the Wilderness that were allowed as of the date of enactment of this Act under the Act of January 26, 1915 (16 U.S.C. 191), relating to the Alva B. Adams Tunnel or other Colorado-Big Thompson Project facilities located within the Park.

(2) ALVA B. ADAMS TUNNEL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or restricts the conveyance of water through the Alva B. Adams Tunnel for any purpose.

(e) RIGHT-OF-WAY.—Notwithstanding the Act of March 3, 1891 (43 U.S.C. 946) and the Act of May 11, 1898 (43 U.S.C. 951), the right of way for the Grand River Ditch shall not be terminated, forfeited, or otherwise affected as a result of the water transported by the Grand River Ditch being used primarily for domestic purposes or any purpose of a public nature, unless the Secretary determines that the change in the main purpose or use adversely affects the Park.

(f) NEW RECLAMATION PROJECTS.—Nothing in the first section of the Act of January 26, 1915 (16 U.S.C. 191), shall be construed to allow development in the Wilderness of any reclamation project not in existence as of the date of enactment of this Act.

(g) CLARIFICATION OF MANAGEMENT AUTHORITY.—Nothing in this section reduces or limits the authority of the Secretary to manage land and resources within the Park under applicable law.

SEC. 1954. EAST SHORE TRAIL AREA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the East Shore Trail Area in the Park an alignment line for a trail, to be known as the "East Shore Trail", to maximize the opportunity for sustained use of the Trail without causing—

(1) harm to affected resources; or

(2) conflicts among users.

(b) BOUNDARIES.—

(1) IN GENERAL.—After establishing the alignment line for the Trail under subsection (a), the Secretary shall—

(A) identify the boundaries of the Trail, which shall not extend more than 25 feet east of the alignment line or be located within the Wilderness; and

(B) modify the map of the Wilderness prepared under section 1952(b)(1)(A) so that the

western boundary of the Wilderness is 50 feet east of the alignment line.

(2) ADJUSTMENTS.—To the extent necessary to protect Park resources, the Secretary may adjust the boundaries of the Trail, if the adjustment does not place any portion of the Trail within the boundary of the Wilderness.

(c) INCLUSION IN WILDERNESS.—On completion of the construction of the Trail, as authorized by the Secretary—

(1) any portion of the East Shore Trail Area that is not traversed by the Trail, that is not west of the Trail, and that is not within 50 feet of the centerline of the Trail shall be—

(A) included in the Wilderness; and

(B) managed as part of the Wilderness in accordance with section 1952; and

(2) the Secretary shall modify the map and boundary description of the Wilderness prepared under section 1952(b)(1)(A) to reflect the inclusion of the East Shore Trail Area land in the Wilderness.

(d) EFFECT.—Nothing in this section—

(1) requires the construction of the Trail along the alignment line established under subsection (a); or

(2) limits the extent to which any otherwise applicable law or policy applies to any decision with respect to the construction of the Trail.

(e) RELATION TO LAND OUTSIDE WILDERNESS.—

(1) IN GENERAL.—Except as provided in this subsection, nothing in this subtitle affects the management or use of any land not included within the boundaries of the Wilderness or the potential wilderness land.

(2) MOTORIZED VEHICLES AND MACHINERY.—No use of motorized vehicles or other motorized machinery that was not permitted on March 1, 2006, shall be allowed in the East Shore Trail Area except as the Secretary determines to be necessary for use in—

(A) constructing the Trail, if the construction is authorized by the Secretary; or

(B) maintaining the Trail.

(3) MANAGEMENT OF LAND BEFORE INCLUSION.—Until the Secretary authorizes the construction of the Trail and the use of the Trail for non-motorized bicycles, the East Shore Trail Area shall be managed—

(A) to protect any wilderness characteristics of the East Shore Trail Area; and

(B) to maintain the suitability of the East Shore Trail Area for inclusion in the Wilderness.

SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUSTMENTS.

(a) INDIAN PEAKS WILDERNESS BOUNDARY ADJUSTMENT.—Section 3(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note; Public Law 95-450) is amended—

(1) by striking "seventy thousand acres" and inserting "74,195 acres"; and

(2) by striking "dated July 1978" and inserting "and dated May 2007".

(b) ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.—Section 4(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 460j(a)) is amended—

(1) by striking "thirty-six thousand two hundred thirty-five acres" and inserting "35,235 acres"; and

(2) by striking "dated July 1978" and inserting "and dated May 2007".

SEC. 1956. AUTHORITY TO LEASE LEIFFER TRACT.

(a) IN GENERAL.—Section 3(k) of Public Law 91-383 (16 U.S.C. 1a-2(k)) shall apply to the parcel of land described in subsection (b).

(b) DESCRIPTION OF THE LAND.—The parcel of land referred to in subsection (a) is the parcel of land known as the "Leiffer tract" that is—

(1) located near the eastern boundary of the Park in Larimer County, Colorado; and
 (2) administered by the National Park Service.

Subtitle O—Washington County, Utah

SEC. 1971. DEFINITIONS.

In this subtitle:

(1) **BEAVER DAM WASH NATIONAL CONSERVATION AREA MAP.**—The term “Beaver Dam Wash National Conservation Area Map” means the map entitled “Beaver Dam Wash National Conservation Area” and dated December 18, 2008.

(2) **CANAAN MOUNTAIN WILDERNESS MAP.**—The term “Canaan Mountain Wilderness Map” means the map entitled “Canaan Mountain Wilderness” and dated June 21, 2008.

(3) **COUNTY.**—The term “County” means Washington County, Utah.

(4) **NORTHEASTERN WASHINGTON COUNTY WILDERNESS MAP.**—The term “Northeastern Washington County Wilderness Map” means the map entitled “Northeastern Washington County Wilderness” and dated November 12, 2008.

(5) **NORTHWESTERN WASHINGTON COUNTY WILDERNESS MAP.**—The term “Northwestern Washington County Wilderness Map” means the map entitled “Northwestern Washington County Wilderness” and dated June 21, 2008.

(6) **RED CLIFFS NATIONAL CONSERVATION AREA MAP.**—The term “Red Cliffs National Conservation Area Map” means the map entitled “Red Cliffs National Conservation Area” and dated November 12, 2008.

(7) **SECRETARY.**—The term “Secretary” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(8) **STATE.**—The term “State” means the State of Utah.

(9) **WASHINGTON COUNTY GROWTH AND CONSERVATION ACT MAP.**—The term “Washington County Growth and Conservation Act Map” means the map entitled “Washington County Growth and Conservation Act Map” and dated November 13, 2008.

SEC. 1972. WILDERNESS AREAS.

(a) **ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.**—

(1) **ADDITIONS.**—Subject to valid existing rights, the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(A) **BEARTRAP CANYON.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 40 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Beartrap Canyon Wilderness”.

(B) **BLACKRIDGE.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 13,015 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Blackridge Wilderness”.

(C) **CANAAN MOUNTAIN.**—Certain Federal land in the County managed by the Bureau of Land Management, comprising approximately 44,531 acres, as generally depicted on the Canaan Mountain Wilderness Map, which shall be known as the “Canaan Mountain Wilderness”.

(D) **COTTONWOOD CANYON.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,712 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the “Cottonwood Canyon Wilderness”.

(E) **COTTONWOOD FOREST.**—Certain Federal land managed by the Forest Service, comprising approximately 2,643 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the “Cottonwood Forest Wilderness”.

(F) **COUGAR CANYON.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 10,409 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the “Cougar Canyon Wilderness”.

(G) **DEEP CREEK.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,284 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Deep Creek Wilderness”.

(H) **DEEP CREEK NORTH.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,262 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Deep Creek North Wilderness”.

(I) **DOC’S PASS.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 17,294 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the “Doc’s Pass Wilderness”.

(J) **GOOSE CREEK.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 98 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Goose Creek Wilderness”.

(K) **LAVERKIN CREEK.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 445 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “LaVerkin Creek Wilderness”.

(L) **RED BUTTE.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 1,537 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Red Butte Wilderness”.

(M) **RED MOUNTAIN.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,729 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the “Red Mountain Wilderness”.

(N) **SLAUGHTER CREEK.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,901 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the “Slaughter Creek Wilderness”.

(O) **TAYLOR CREEK.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 32 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Taylor Creek Wilderness”.

(2) **MAPS AND LEGAL DESCRIPTIONS.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of each wilderness area designated by paragraph (1).

(B) **FORCE AND EFFECT.**—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) **AVAILABILITY.**—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(b) **ADMINISTRATION OF WILDERNESS AREAS.**—

(1) **MANAGEMENT.**—Subject to valid existing rights, each area designated as wilderness by subsection (a)(1) shall be administered by the

Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(2) **LIVESTOCK.**—The grazing of livestock in each area designated as wilderness by subsection (a)(1), where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H.Rep. 101-405) and H.R. 5487 of the 96th Congress (H. Rept. 96-617).

(3) **WILDFIRE, INSECT, AND DISEASE MANAGEMENT.**—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in each area designated as wilderness by subsection (a)(1) as the Secretary determines to be necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of those activities with a State or local agency).

(4) **BUFFER ZONES.**—

(A) **IN GENERAL.**—Nothing in this section creates a protective perimeter or buffer zone around any area designated as wilderness by subsection (a)(1).

(B) **ACTIVITIES OUTSIDE WILDERNESS.**—The fact that an activity or use on land outside any area designated as wilderness by subsection (a)(1) can be seen or heard within the wilderness shall not preclude the activity or use outside the boundary of the wilderness.

(5) **MILITARY OVERFLIGHTS.**—Nothing in this section restricts or precludes—

(A) low-level overflights of military aircraft over any area designated as wilderness by subsection (a)(1), including military overflights that can be seen or heard within any wilderness area;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes over any wilderness area.

(6) **ACQUISITION AND INCORPORATION OF LAND AND INTERESTS IN LAND.**—

(A) **ACQUISITION AUTHORITY.**—In accordance with applicable laws (including regulations), the Secretary may acquire any land or interest in land within the boundaries of the wilderness areas designated by subsection (a)(1) by purchase from willing sellers, donation, or exchange.

(B) **INCORPORATION.**—Any land or interest in land acquired by the Secretary under subparagraph (A) shall be incorporated into, and administered as a part of, the wilderness area in which the land or interest in land is located.

(7) **NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.**—Nothing in this section diminishes—

(A) the rights of any Indian tribe; or

(B) any tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

(8) **CLIMATOLOGICAL DATA COLLECTION.**—In accordance with the Wilderness Act (16 U.S.C.

1131 *et seq.*) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by subsection (a)(1) if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

(9) **WATER RIGHTS.**—

(A) **STATUTORY CONSTRUCTION.**—Nothing in this section—

(i) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by subsection (a)(1);

(ii) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

(iii) shall be construed as establishing a precedent with regard to any future wilderness designations;

(iv) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(v) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(B) **STATE WATER LAW.**—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by subsection (a)(1).

(10) **FISH AND WILDLIFE.**—

(A) **JURISDICTION OF STATE.**—Nothing in this section affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(B) **AUTHORITY OF SECRETARY.**—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 *et seq.*), the Secretary may carry out management activities to maintain or restore fish and wildlife populations (including activities to maintain and restore fish and wildlife habitats to support the populations) in any wilderness area designated by subsection (a)(1) if the activities are—

(i) consistent with applicable wilderness management plans; and

(ii) carried out in accordance with—

(I) the Wilderness Act (16 U.S.C. 1131 *et seq.*); and

(II) applicable guidelines and policies, including applicable policies described in Appendix B of House Report 101-405.

(11) **WILDLIFE WATER DEVELOPMENT PROJECTS.**—Subject to paragraph (12), the Secretary may authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by subsection (a)(1) if—

(A) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(B) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(12) **COOPERATIVE AGREEMENT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into a cooperative agreement with the State that specifies the terms and conditions under which wildlife management activities in the wilderness areas designated by subsection (a)(1) may be carried out.

(c) **RELEASE OF WILDERNESS STUDY AREAS.**—

(1) **FINDING.**—Congress finds that, for the purposes of section 603 of the Federal Land Policy

and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(2) **RELEASE.**—Any public land described in paragraph (1) that is not designated as wilderness by subsection (a)(1)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable law and the land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

(d) **TRANSFER OF ADMINISTRATIVE JURISDICTION TO NATIONAL PARK SERVICE.**—Administrative jurisdiction over the land identified as the Watchman Wilderness on the Northeastern Washington County Wilderness Map is hereby transferred to the National Park Service, to be included in, and administered as part of Zion National Park.

SEC. 1973. ZION NATIONAL PARK WILDERNESS.

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND.**—The term “Federal land” means certain Federal land—

(A) that is—

(i) located in the County and Iron County, Utah; and

(ii) managed by the National Park Service;

(B) consisting of approximately 124,406 acres; and

(C) as generally depicted on the Zion National Park Wilderness Map and the area added to the park under section 1972(d).

(2) **WILDERNESS AREA.**—The term “Wilderness Area” means the Zion Wilderness designated by subsection (b)(1).

(3) **ZION NATIONAL PARK WILDERNESS MAP.**—The term “Zion National Park Wilderness Map” means the map entitled “Zion National Park Wilderness” and dated April 2008.

(b) **ZION NATIONAL PARK WILDERNESS.**—

(1) **DESIGNATION.**—Subject to valid existing rights, the Federal land is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Zion Wilderness”.

(2) **INCORPORATION OF ACQUIRED LAND.**—Any land located in the Zion National Park that is acquired by the Secretary through a voluntary sale, exchange, or donation may, on the recommendation of the Secretary, become part of the Wilderness Area, in accordance with the Wilderness Act (16 U.S.C. 1131 *et seq.*).

(3) **MAP AND LEGAL DESCRIPTION.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of the Wilderness Area.

(B) **FORCE AND EFFECT.**—The map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) **AVAILABILITY.**—The map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the National Park Service.

SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA.

(a) **PURPOSES.**—The purposes of this section are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and

(2) to protect each species that is—

(A) located in the National Conservation Area; and

(B) listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)).

(b) **DEFINITIONS.**—In this section:

(1) **HABITAT CONSERVATION PLAN.**—The term “habitat conservation plan” means the conservation plan entitled “Washington County Habitat Conservation Plan” and dated February 23, 1996.

(2) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(3) **NATIONAL CONSERVATION AREA.**—The term “National Conservation Area” means the Red Cliffs National Conservation Area that—

(A) consists of approximately 44,725 acres of public land in the County, as generally depicted on the Red Cliffs National Conservation Area Map; and

(B) is established by subsection (c).

(4) **PUBLIC USE PLAN.**—The term “public use plan” means the use plan entitled “Red Cliffs Desert Reserve Public Use Plan” and dated June 12, 2000, as amended.

(5) **RESOURCE MANAGEMENT PLAN.**—The term “resource management plan” means the management plan entitled “St. George Field Office Resource Management Plan” and dated March 15, 1999, as amended.

(c) **ESTABLISHMENT.**—Subject to valid existing rights, there is established in the State the Red Cliffs National Conservation Area.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) **CONSULTATION.**—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) **INCORPORATION OF PLANS.**—In developing the management plan required under paragraph (1), to the extent consistent with this section, the Secretary may incorporate any provision of—

(A) the habitat conservation plan;

(B) the resource management plan; and

(C) the public use plan.

(e) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) **USES.**—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further a purpose described in subsection (a).

(3) **MOTORIZED VEHICLES.**—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(4) **GRAZING.**—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—
(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law; and
(B) in a manner consistent with the purposes described in subsection (a).

(5) **WILDLAND FIRE OPERATIONS.**—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) **WITHDRAWAL.**—

(1) **IN GENERAL.**—Subject to valid existing rights, all Federal land located in the National Conservation Area are withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) **ADDITIONAL LAND.**—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(h) **EFFECT.**—Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—

(1) each utility development protocol described in the habitat conservation plan; and

(2) any other applicable law (including regulations).

SEC. 1975. BEAVER DAM WASH NATIONAL CONSERVATION AREA.

(a) **PURPOSE.**—The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash National Conservation Area.

(b) **DEFINITIONS.**—In this section:

(1) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(2) **NATIONAL CONSERVATION AREA.**—The term “National Conservation Area” means the Beaver Dam Wash National Conservation Area that—

(A) consists of approximately 68,083 acres of public land in the County, as generally depicted on the Beaver Dam Wash National Conservation Area Map; and

(B) is established by subsection (c).

(c) **ESTABLISHMENT.**—Subject to valid existing rights, there is established in the State the Beaver Dam Wash National Conservation Area.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) **CONSULTATION.**—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) **MOTORIZED VEHICLES.**—In developing the management plan required under paragraph (1), the Secretary shall incorporate the restrictions on motorized vehicles described in subsection (e)(3).

(e) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) **USES.**—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further the purpose described in subsection (a).

(3) **MOTORIZED VEHICLES.**—

(A) **IN GENERAL.**—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(B) **ADDITIONAL REQUIREMENT RELATING TO CERTAIN AREAS LOCATED IN THE NATIONAL CONSERVATION AREA.**—In addition to the requirement described in subparagraph (A), with respect to the areas designated on the Beaver Dam Wash National Conservation Area Map as “Designated Road Areas”, motorized vehicles shall be permitted only on the roads identified on such map.

(4) **GRAZING.**—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law (including regulations); and

(B) in a manner consistent with the purpose described in subsection (a).

(5) **WILDLAND FIRE OPERATIONS.**—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) **WITHDRAWAL.**—

(1) **IN GENERAL.**—Subject to valid existing rights, all Federal land located in the National Conservation Area is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) **ADDITIONAL LAND.**—If the Secretary acquires additional land that is located in the Na-

tional Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

SEC. 1976. ZION NATIONAL PARK WILD AND SCENIC RIVER DESIGNATION.

(a) **DESIGNATION.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

“(204) **ZION NATIONAL PARK, UTAH.**—The approximately 165.5 miles of segments of the Virgin River and tributaries of the Virgin River across Federal land within and adjacent to Zion National Park, as generally depicted on the map entitled ‘Wild and Scenic River Segments Zion National Park and Bureau of Land Management’ and dated April 2008, to be administered by the Secretary of the Interior in the following classifications:

“(A) **TAYLOR CREEK.**—The 4.5-mile segment from the junction of the north, middle, and south forks of Taylor Creek, west to the park boundary and adjacent land rim-to-rim, as a scenic river.

“(B) **NORTH FORK OF TAYLOR CREEK.**—The segment from the head of North Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(C) **MIDDLE FORK OF TAYLOR CREEK.**—The segment from the head of Middle Fork on Bureau of Land Management land to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(D) **SOUTH FORK OF TAYLOR CREEK.**—The segment from the head of South Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(E) **TIMBER CREEK AND TRIBUTARIES.**—The 3.1-mile segment from the head of Timber Creek and tributaries of Timber Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(F) **LAVERKIN CREEK.**—The 16.1-mile segment beginning in T. 38 S., R. 11 W., sec. 21, on Bureau of Land Management land, southwest through Zion National Park, and ending at the south end of T. 40 S., R. 12 W., sec. 7, and adjacent land ½-mile wide, as a wild river.

“(G) **WILLIS CREEK.**—The 1.9-mile segment beginning on Bureau of Land Management land in the SWSW sec. 27, T. 38 S., R. 11 W., to the junction with LaVerkin Creek in Zion National Park and adjacent land rim-to-rim, as a wild river.

“(H) **BEARTRAP CANYON.**—The 2.3-mile segment beginning on Bureau of Management land in the SWNW sec. 3, T. 39 S., R. 11 W., to the junction with LaVerkin Creek and the segment from the headwaters north of Long Point to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(I) **HOP VALLEY CREEK.**—The 3.3-mile segment beginning at the southern boundary of T. 39 S., R. 11 W., sec. 20, to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(J) **CURRENT CREEK.**—The 1.4-mile segment from the head of Current Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(K) **CANE CREEK.**—The 0.6-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(L) **SMITH CREEK.**—The 1.3-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(M) **NORTH CREEK LEFT AND RIGHT FORKS.**—The segment of the Left Fork from the junction with Wildcat Canyon to the junction with Right Fork, from the head of Right Fork to the junction with Left Fork, and from the junction of

the Left and Right Forks southwest to Zion National Park boundary and adjacent land rim-to-rim, as a wild river.

“(N) WILDCAT CANYON (BLUE CREEK).—The segment of Blue Creek from the Zion National Park boundary to the junction with the Right Fork of North Creek and adjacent land rim-to-rim, as a wild river.

“(O) LITTLE CREEK.—The segment beginning at the head of Little Creek to the junction with the Left Fork of North Creek and adjacent land ½-mile wide, as a wild river.

“(P) RUSSELL GULCH.—The segment from the head of Russell Gulch to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a wild river.

“(Q) GRAPEVINE WASH.—The 2.6-mile segment from the Lower Kolob Plateau to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a scenic river.

“(R) PINE SPRING WASH.—The 4.6-mile segment to the junction with the left fork of North Creek and adjacent land ½-mile, as a scenic river.

“(S) WOLF SPRINGS WASH.—The 1.4-mile segment from the head of Wolf Springs Wash to the junction with Pine Spring Wash and adjacent land ½-mile wide, as a scenic river.

“(T) KOLOB CREEK.—The 5.9-mile segment of Kolob Creek beginning in T. 39 S., R. 10 W., sec. 30, through Bureau of Land Management land and Zion National Park land to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(U) OAK CREEK.—The 1-mile stretch of Oak Creek beginning in T. 39 S., R. 10 W., sec. 19, to the junction with Kolob Creek and adjacent land rim-to-rim, as a wild river.

“(V) GOOSE CREEK.—The 4.6-mile segment of Goose Creek from the head of Goose Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(W) DEEP CREEK.—The 5.3-mile segment of Deep Creek beginning on Bureau of Land Management land at the northern boundary of T. 39 S., R. 10 W., sec. 23, south to the junction of the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(X) NORTH FORK OF THE VIRGIN RIVER.—The 10.8-mile segment of the North Fork of the Virgin River beginning on Bureau of Land Management land at the eastern border of T. 39 S., R. 10 W., sec. 35, to Temple of Sinawava and adjacent land rim-to-rim, as a wild river.

“(Y) NORTH FORK OF THE VIRGIN RIVER.—The 8-mile segment of the North Fork of the Virgin River from Temple of Sinawava south to the Zion National Park boundary and adjacent land ½-mile wide, as a recreational river.

“(Z) IMLAY CANYON.—The segment from the head of Imlay Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(AA) ORDERVILLE CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(BB) MYSTERY CANYON.—The segment from the head of Mystery Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(CC) ECHO CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(DD) BEHUNIN CANYON.—The segment from the head of Behunin Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(EE) HEAPS CANYON.—The segment from the head of Heaps Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(FF) BIRCH CREEK.—The segment from the head of Birch Creek to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a wild river.

“(GG) OAK CREEK.—The segment of Oak Creek from the head of Oak Creek to where the forks join and adjacent land ½-mile wide, as a wild river.

“(HH) OAK CREEK.—The 1-mile segment of Oak Creek from the point at which the 2 forks of Oak Creek join to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a recreational river.

“(II) CLEAR CREEK.—The 6.4-mile segment of Clear Creek from the eastern boundary of Zion National Park to the junction with Pine Creek and adjacent land rim-to-rim, as a recreational river.

“(JJ) PINE CREEK.—The 2-mile segment of Pine Creek from the head of Pine Creek to the junction with Clear Creek and adjacent land rim-to-rim, as a wild river.

“(KK) PINE CREEK.—The 3-mile segment of Pine Creek from the junction with Clear Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a recreational river.

“(LL) EAST FORK OF THE VIRGIN RIVER.—The 8-mile segment of the East Fork of the Virgin River from the eastern boundary of Zion National Park through Parunuweap Canyon to the western boundary of Zion National Park and adjacent land ½-mile wide, as a wild river.

“(MM) SHUNES CREEK.—The 3-mile segment of Shunes Creek from the dry waterfall on land administered by the Bureau of Land Management through Zion National Park to the western boundary of Zion National Park and adjacent land ½-mile wide as a wild river.”

(b) INCORPORATION OF ACQUIRED NON-FEDERAL LAND.—If the United States acquires any non-Federal land within or adjacent to Zion National Park that includes a river segment that is contiguous to a river segment of the Virgin River designated as a wild, scenic, or recreational river by paragraph (204) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), the acquired river segment shall be incorporated in, and be administered as part of, the applicable wild, scenic, or recreational river.

(c) SAVINGS CLAUSE.—The amendment made by subsection (a) does not affect the agreement among the United States, the State, the Washington County Water Conservancy District, and the Kane County Water Conservancy District entitled “Zion National Park Water Rights Settlement Agreement” and dated December 4, 1996.

SEC. 1977. WASHINGTON COUNTY COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) with respect to land managed by the Bureau of Land Management, the Secretary; and

(B) with respect to land managed by the Forest Service, the Secretary of Agriculture.

(3) TRAIL.—The term “trail” means the High Desert Off-Highway Vehicle Trail designated under subsection (c)(1)(A).

(4) TRAVEL MANAGEMENT PLAN.—The term “travel management plan” means the comprehensive travel and transportation management plan developed under subsection (b)(1).

(b) COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws (including regulations), the Sec-

retary, in consultation with appropriate Federal agencies and State, tribal, and local governmental entities, and after an opportunity for public comment, shall develop a comprehensive travel management plan for the land managed by the Bureau of Land Management in the County—

(A) to provide to the public a clearly marked network of roads and trails with signs and maps to promote—

(i) public safety and awareness; and

(ii) enhanced recreation and general access opportunities;

(B) to help reduce in the County growing conflicts arising from interactions between—

(i) motorized recreation; and

(ii) the important resource values of public land;

(C) to promote citizen-based opportunities for—

(i) the monitoring and stewardship of the trail; and

(ii) trail system management; and

(D) to support law enforcement officials in promoting—

(i) compliance with off-highway vehicle laws (including regulations); and

(ii) effective deterrents of abuses of public land.

(2) SCOPE; CONTENTS.—In developing the travel management plan, the Secretary shall—

(A) in consultation with appropriate Federal agencies, State, tribal, and local governmental entities (including the County and St. George City, Utah), and the public, identify 1 or more alternatives for a northern transportation route in the County;

(B) ensure that the travel management plan contains a map that depicts the trail; and

(C) designate a system of areas, roads, and trails for mechanical and motorized use.

(c) DESIGNATION OF TRAIL.—

(1) DESIGNATION.—

(A) IN GENERAL.—As a component of the travel management plan, and in accordance with subparagraph (B), the Secretary, in coordination with the Secretary of Agriculture, and after an opportunity for public comment, shall designate a trail (which may include a system of trails)—

(i) for use by off-highway vehicles; and

(ii) to be known as the “High Desert Off-Highway Vehicle Trail”.

(B) REQUIREMENTS.—In designating the trail, the Secretary shall only include trails that are—

(i) as of the date of enactment of this Act, authorized for use by off-highway vehicles; and

(ii) located on land that is managed by the Bureau of Land Management in the County.

(C) NATIONAL FOREST LAND.—The Secretary of Agriculture, in coordination with the Secretary and in accordance with applicable law, may designate a portion of the trail on National Forest System land within the County.

(D) MAP.—A map that depicts the trail shall be on file and available for public inspection in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary concerned shall manage the trail—

(i) in accordance with applicable laws (including regulations);

(ii) to ensure the safety of citizens who use the trail; and

(iii) in a manner by which to minimize any damage to sensitive habitat or cultural resources.

(B) MONITORING; EVALUATION.—To minimize the impacts of the use of the trail on environmental and cultural resources, the Secretary concerned shall—

(i) annually assess the effects of the use of off-highway vehicles on—

(I) the trail; and
(II) land located in proximity to the trail; and
(ii) in consultation with the Utah Department of Natural Resources, annually assess the effects of the use of the trail on wildlife and wildlife habitat.

(C) CLOSURE.—The Secretary concerned, in consultation with the State and the County, and subject to subparagraph (D), may temporarily close or permanently reroute a portion of the trail if the Secretary concerned determines that—

- (i) the trail is having an adverse impact on—
 - (I) wildlife habitats;
 - (II) natural resources;
 - (III) cultural resources; or
 - (IV) traditional uses;
- (ii) the trail threatens public safety; or
- (iii) closure of the trail is necessary—
 - (I) to repair damage to the trail; or
 - (II) to repair resource damage.

(D) REROUTING.—Any portion of the trail that is temporarily closed by the Secretary concerned under subparagraph (C) may be permanently rerouted along any road or trail—

- (i) that is—
 - (I) in existence as of the date of the closure of the portion of the trail;
 - (II) located on public land; and
 - (III) open to motorized use; and
- (ii) if the Secretary concerned determines that rerouting the portion of the trail would not significantly increase or decrease the length of the trail.

(E) NOTICE OF AVAILABLE ROUTES.—The Secretary, in coordination with the Secretary of Agriculture, shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes through—

- (i) the placement of appropriate signage along the trail; and
- (ii) the distribution of maps, safety education materials, and other information that the Secretary concerned determines to be appropriate.

(3) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 1978. LAND DISPOSAL AND ACQUISITION.

(a) IN GENERAL.—Consistent with applicable law, the Secretary of the Interior may sell public land located within Washington County, Utah, that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a portion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury to be known as the “Washington County, Utah Land Acquisition Account”.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase from willing sellers lands or interests in land within the wilderness areas and National Conservation Areas established by this subtitle.

(B) APPLICABILITY.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

SEC. 1979. MANAGEMENT OF PRIORITY BIOLOGICAL AREAS.

(a) IN GENERAL.—In accordance with applicable Federal laws (including regulations), the Secretary of the Interior shall—

(1) identify areas located in the County where biological conservation is a priority; and

(2) undertake activities to conserve and restore plant and animal species and natural communities within such areas.

(b) GRANTS; COOPERATIVE AGREEMENTS.—In carrying out subsection (a), the Secretary of the Interior may make grants to, or enter into cooperative agreements with, State, tribal, and local governmental entities and private entities to conduct research, develop scientific analyses, and carry out any other initiative relating to the restoration or conservation of the areas.

SEC. 1980. PUBLIC PURPOSE CONVEYANCES.

(a) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), upon the request of the appropriate local governmental entity, as described below, the Secretary shall convey the following parcels of public land without consideration, subject to the provisions of this section:

(1) TEMPLE QUARRY.—The approximately 122-acre parcel known as “Temple Quarry” as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel B”, to the City of St. George, Utah, for open space and public recreation purposes.

(2) HURRICANE CITY SPORTS PARK.—The approximately 41-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel C”, to the City of Hurricane, Utah, for public recreation purposes and public administrative offices.

(3) WASHINGTON COUNTY SCHOOL DISTRICT.—The approximately 70-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel D”, to the Washington County Public School District for use for public school and related educational and administrative purposes.

(4) WASHINGTON COUNTY JAIL.—The approximately 80-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel E”, to Washington County, Utah, for expansion of the Purgatory Correctional Facility.

(5) HURRICANE EQUESTRIAN PARK.—The approximately 40-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel F”, to the City of Hurricane, Utah, for use as a public equestrian park.

(b) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the parcels to be conveyed under this section. The Secretary may correct any minor errors in the map referenced in subsection (a) or in the applicable legal descriptions. The map and legal descriptions shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) REVERSION.—

(1) IN GENERAL.—If any parcel conveyed under this section ceases to be used for the public purpose for which the parcel was conveyed, as described in subsection (a), the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States.

(2) RESPONSIBILITY OF LOCAL GOVERNMENTAL ENTITY.—If the Secretary determines pursuant to paragraph (1) that the land should revert to the United States, and if the Secretary determines that the land is contaminated with hazardous waste, the local governmental entity to which the land was conveyed shall be responsible for remediation of the contamination.

SEC. 1981. CONVEYANCE OF DIXIE NATIONAL FOREST LAND.

(a) DEFINITIONS.—In this section:

(1) COVERED FEDERAL LAND.—The term “covered Federal land” means the approximately 66.07 acres of land in the Dixie National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term “landowner” means Kirk R. Harrison, who owns land in Pinto Valley, Utah.

(3) MAP.—The term “map” means the map entitled “Conveyance of Dixie National Forest Land” and dated December 18, 2008.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary may convey to the landowner all right, title, and interest of the United States in and to any of the covered Federal land (including any improvements or appurtenances to the covered Federal land) by sale or exchange.

(2) LEGAL DESCRIPTION.—The exact acreage and legal description of the covered Federal land to be conveyed under paragraph (1) shall be determined by surveys satisfactory to the Secretary.

(3) CONSIDERATION.—

(A) IN GENERAL.—As consideration for any conveyance by sale under paragraph (1), the landowner shall pay to the Secretary an amount equal to the fair market value of any Federal land conveyed, as determined under subparagraph (B).

(B) APPRAISAL.—The fair market value of any Federal land that is conveyed under paragraph (1) shall be determined by an appraisal acceptable to the Secretary that is performed in accordance with—

- (i) the Uniform Appraisal Standards for Federal Land Acquisitions;
- (ii) the Uniform Standards of Professional Appraisal Practice; and
- (iii) any other applicable law (including regulations).

(4) DISPOSITION AND USE OF PROCEEDS.—

(A) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds of any sale of land under paragraph (1) in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(B) USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of real property or interests in real property for inclusion in the Dixie National Forest in the State.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions for any conveyance under paragraph (1) that the Secretary determines to be appropriate to protect the interests of the United States.

SEC. 1982. TRANSFER OF LAND INTO TRUST FOR SHIVWITS BAND OF PAIUTE INDIANS.

(a) DEFINITIONS.—In this section:

(1) PARCEL A.—The term “Parcel A” means the parcel that consists of approximately 640 acres of land that is—

(A) managed by the Bureau of Land Management;

(B) located in Washington County, Utah; and

(C) depicted on the map entitled “Washington County Growth and Conservation Act Map”.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) TRIBE.—The term “Tribe” means the Shivwits Band of Paiute Indians of the State of Utah.

(b) PARCEL TO BE HELD IN TRUST.—

(1) IN GENERAL.—At the request of the Tribe, the Secretary shall take into trust for the benefit of the Tribe all right, title, and interest of the United States in and to Parcel A.

(2) SURVEY; LEGAL DESCRIPTION.—

(A) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of Parcel A to establish the boundary of Parcel A.

(B) LEGAL DESCRIPTION OF PARCEL A.—

(i) IN GENERAL.—Upon the completion of the survey under subparagraph (A), the Secretary shall publish in the Federal Register a legal description of—

(I) the boundary line of Parcel A; and
(II) Parcel A.

(ii) **TECHNICAL CORRECTIONS.**—Before the date of publication of the legal descriptions under clause (i), the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions.

(iii) **EFFECT.**—Effective beginning on the date of publication of the legal descriptions under clause (i), the legal descriptions shall be considered to be the official legal descriptions of Parcel A.

(3) **EFFECT.**—Nothing in this section—

(A) affects any valid right in existence on the date of enactment of this Act;

(B) enlarges, impairs, or otherwise affects any right or claim of the Tribe to any land or interest in land other than to Parcel A that is—

(i) based on an aboriginal or Indian title; and
(ii) in existence as of the date of enactment of this Act; or

(C) constitutes an express or implied reservation of water or a water right with respect to Parcel A.

(4) **LAND TO BE MADE A PART OF THE RESERVATION.**—Land taken into trust pursuant to this section shall be considered to be part of the reservation of the Tribe.

SEC. 1983. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

SEC. 2001. DEFINITIONS.

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **SYSTEM.**—The term “system” means the National Landscape Conservation System established by section 2002(a).

SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) **ESTABLISHMENT.**—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) **COMPONENTS.**—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—
(A) a national monument;
(B) a national conservation area;
(C) a wilderness study area;
(D) a national scenic trail or national historic trail designated as a component of the National Trails System;

(E) a component of the National Wild and Scenic Rivers System; or

(F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area;

(B) the Headwaters Forest Reserve;

(C) the Yaquina Head Outstanding Natural Area;

(D) public land within the California Desert Conservation Area administered by the Bureau of Land Management for conservation purposes; and

(E) any additional area designated by Congress for inclusion in the system.

(c) **MANAGEMENT.**—The Secretary shall manage the system—

(1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

(d) **EFFECT.**—

(1) **IN GENERAL.**—Nothing in this subtitle enhances, diminishes, or modifies any law or proclamation (including regulations relating to the law or proclamation) under which the components of the system described in subsection (b) were established or are managed, including—

(A) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(B) the Wilderness Act (16 U.S.C. 1131 et seq.);

(C) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(D) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) **FISH AND WILDLIFE.**—Nothing in this subtitle shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping and recreational shooting on public land managed by the Bureau of Land Management. Nothing in this subtitle shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle B—Prehistoric Trackways National Monument

SEC. 2101. FINDINGS.

Congress finds that—

(1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatrackways was discovered in the Robledo Mountains in southern New Mexico;

(2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including previously unknown species), plants, and petrified wood dating back approximately 280,000,000 years, which collectively provide new opportunities to understand animal behaviors and environments from a time predating the dinosaurs;

(3) title III of Public Law 101–578 (104 Stat. 2860)—

(A) provided interim protection for the site at which the trackways were discovered; and

(B) directed the Secretary of the Interior to—
(i) prepare a study assessing the significance of the site; and

(ii) based on the study, provide recommendations for protection of the paleontological resources at the site;

(4) the Bureau of Land Management completed the Paleozoic Trackways Scientific Study Report in 1994, which characterized the site as containing “the most scientifically significant Early Permian tracksites” in the world;

(5) despite the conclusion of the study and the recommendations for protection, the site remains unprotected and many irreplaceable trackways specimens have been lost to vandalism or theft; and

(6) designation of the trackways site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

SEC. 2102. DEFINITIONS.

In this subtitle:

(1) **MONUMENT.**—The term “Monument” means the Prehistoric Trackways National Monument established by section 2103(a).

(2) **PUBLIC LAND.**—The term “public land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 2103. ESTABLISHMENT.

(a) **IN GENERAL.**—In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico.

(b) **DESCRIPTION OF LAND.**—The Monument shall consist of approximately 5,280 acres of public land in Doña Ana County, New Mexico, as generally depicted on the map entitled “Prehistoric Trackways National Monument” and dated December 17, 2008.

(c) **MAP; LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.

(2) **CORRECTIONS.**—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.

(3) **CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.**—In the case of a conflict between the map and the legal description, the map shall control.

(4) **AVAILABILITY OF MAP AND LEGAL DESCRIPTION.**—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) **MINOR BOUNDARY ADJUSTMENTS.**—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of this Act, the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument.

SEC. 2104. ADMINISTRATION.

(a) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in section 2103(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) other applicable laws.

(2) **NATIONAL LANDSCAPE CONSERVATION SYSTEM.**—The Monument shall be managed as a component of the National Landscape Conservation System.

(b) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument.

(2) **COMPONENTS.**—The management plan under paragraph (1)—

(A) shall—

(i) describe the appropriate uses and management of the Monument, consistent with the provisions of this subtitle; and

(ii) allow for continued scientific research at the Monument during the development of the management plan; and

(B) may—

(i) incorporate any appropriate decisions contained in any current management or activity plan for the land described in section 2103(b); and

(ii) use information developed in studies of any land within or adjacent to the Monument that were conducted before the date of enactment of this Act.

(c) **AUTHORIZED USES.**—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(d) **INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.**—

(1) **IN GENERAL.**—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(e) **SPECIAL MANAGEMENT AREAS.**—

(1) **IN GENERAL.**—The establishment of the Monument shall not change the management status of any area within the boundary of the Monument that is—

(A) designated as a wilderness study area and managed in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(B) managed as an area of critical environmental concern.

(2) **CONFLICT OF LAWS.**—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this subtitle, the more restrictive provision shall control.

(f) **MOTORIZED VEHICLES.**—

(1) **IN GENERAL.**—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan prepared under subsection (b).

(2) **PERMITTED EVENTS.**—The Secretary may issue permits for special recreation events involving motorized vehicles within the boundaries of the Monument—

(A) to the extent the events do not harm paleontological resources; and

(B) subject to any terms and conditions that the Secretary determines to be necessary.

(g) **WITHDRAWALS.**—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(h) **GRAZING.**—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).

(i) **WATER RIGHTS.**—Nothing in this subtitle constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

SEC. 2201. DEFINITIONS.

In this subtitle:

(1) **CONSERVATION AREA.**—The term “Conservation Area” means the Fort Stanton-Snowy River Cave National Conservation Area established by section 2202(a).

(2) **MANAGEMENT PLAN.**—The term “management plan” means the management plan developed for the Conservation Area under section 2203(c).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 2202. ESTABLISHMENT OF THE FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA.

(a) **ESTABLISHMENT; PURPOSES.**—There is established the Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave resources of the Fort Stanton-Snowy River cave system.

(b) **AREA INCLUDED.**—The Conservation Area shall include the area within the boundaries depicted on the map entitled “Fort Stanton-Snowy River Cave National Conservation Area” and dated December 15, 2008.

(c) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) **EFFECT.**—The map and legal description of the Conservation Area shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description of the Conservation Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.

(a) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in section 2202(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable laws.

(2) **USES.**—The Secretary shall only allow uses of the Conservation Area that are consistent with the protection of the cave resources.

(3) **REQUIREMENTS.**—In administering the Conservation Area, the Secretary shall provide for—

(A) the conservation and protection of the natural and unique features and environs for scientific, educational, and other appropriate public uses of the Conservation Area;

(B) public access, as appropriate, while providing for the protection of the cave resources and for public safety;

(C) the continuation of other existing uses or other new uses of the Conservation Area that do not impair the purposes for which the Conservation Area is established;

(D) management of the surface area of the Conservation Area in accordance with the Fort Stanton Area of Critical Environmental Concern Final Activity Plan dated March, 2001, or any amendments to the plan, consistent with this subtitle; and

(E) scientific investigation and research opportunities within the Conservation Area, including through partnerships with colleges, universities, schools, scientific institutions, researchers, and scientists to conduct research and provide educational and interpretive services within the Conservation Area.

(b) **WITHDRAWALS.**—Subject to valid existing rights, all Federal surface and subsurface land within the Conservation Area and all land and interests in the land that are acquired by the United States after the date of enactment of this Act for inclusion in the Conservation Area, are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the general land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation under the mineral leasing and geothermal leasing laws.

(c) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-term management of the Conservation Area.

(2) **PURPOSES.**—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area;

(B) incorporate, as appropriate, decisions contained in any other management or activity plan for the land within or adjacent to the Conservation Area;

(C) take into consideration any information developed in studies of the land and resources within or adjacent to the Conservation Area; and

(D) provide for a cooperative agreement with Lincoln County, New Mexico, to address the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area.

(d) **RESEARCH AND INTERPRETIVE FACILITIES.**—

(1) **IN GENERAL.**—The Secretary may establish facilities for—

(A) the conduct of scientific research; and

(B) the interpretation of the historical, cultural, scientific, archaeological, natural, and educational resources of the Conservation Area.

(2) **COOPERATIVE AGREEMENTS.**—The Secretary may, in a manner consistent with this subtitle, enter into cooperative agreements with the State of New Mexico and other institutions and organizations to carry out the purposes of this subtitle.

(e) **WATER RIGHTS.**—Nothing in this subtitle constitutes an express or implied reservation of any water right.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle D—Snake River Birds of Prey National Conservation Area

SEC. 2301. SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.

(a) **RENAMING.**—Public Law 103-64 is amended—

(1) in section 2(2) (16 U.S.C. 460iii-1(2)), by inserting “Morley Nelson” before “Snake River Birds of Prey National Conservation Area”; and

(2) in section 3(a)(1) (16 U.S.C. 460iii-2(a)(1)), by inserting “Morley Nelson” before “Snake River Birds of Prey National Conservation Area”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Snake River Birds of Prey National Conservation Area shall be deemed to be a reference to the Morley Nelson Snake River Birds of Prey National Conservation Area.

(c) **TECHNICAL CORRECTIONS.**—Public Law 103-64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 460iii-2(a)(1)), by striking “(hereafter referred to as the ‘conservation area’)”; and

(2) in section 4 (16 U.S.C. 460iii-3)—

(A) in subsection (a)(2), by striking “Conservation Area” and inserting “conservation area”; and

(B) in subsection (d), by striking “Visitors Center” and inserting “visitors center”.

Subtitle E—Dominguez-Escalante National Conservation Area

SEC. 2401. DEFINITIONS.

In this subtitle:

(1) **CONSERVATION AREA.**—The term “Conservation Area” means the Dominguez-

Escalante National Conservation Area established by section 2402(a)(1).

(2) **COUNCIL.**—The term “Council” means the Dominguez-Escalante National Conservation Area Advisory Council established under section 2407.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan developed under section 2406.

(4) **MAP.**—The term “Map” means the map entitled “Dominguez-Escalante National Conservation Area” and dated September 15, 2008.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **STATE.**—The term “State” means the State of Colorado.

(7) **WILDERNESS.**—The term “Wilderness” means the Dominguez Canyon Wilderness Area designated by section 2403(a).

SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established the Dominguez-Escalante National Conservation Area in the State.

(2) **AREA INCLUDED.**—The Conservation Area shall consist of approximately 209,610 acres of public land, as generally depicted on the Map.

(b) **PURPOSES.**—The purposes of the Conservation Area are to conserve and protect for the benefit and enjoyment of present and future generations—

(1) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and

(2) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities.

(c) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Conservation Area—

(A) as a component of the National Landscape Conservation System;

(B) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area described in subsection (b); and

(C) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this subtitle; and

(iii) any other applicable laws.

(2) **USES.**—

(A) **IN GENERAL.**—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines would further the purposes for which the Conservation Area is established.

(B) **USE OF MOTORIZED VEHICLES.**—

(i) **IN GENERAL.**—Except as provided in clauses (ii) and (iii), use of motorized vehicles in the Conservation Area shall be allowed—

(I) before the effective date of the management plan, only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public land in the Conservation Area; and

(II) after the effective date of the management plan, only on roads and trails designated in the management plan for the use of motor vehicles.

(ii) **ADMINISTRATIVE AND EMERGENCY RESPONSE USE.**—Clause (i) shall not limit the use of motor vehicles in the Conservation Area for administrative purposes or to respond to an emergency.

(iii) **LIMITATION.**—This subparagraph shall not apply to the Wilderness.

SEC. 2403. DOMINGUEZ CANYON WILDERNESS AREA.

(a) **IN GENERAL.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approxi-

mately 66,280 acres of public land in Mesa, Montrose, and Delta Counties, Colorado, as generally depicted on the Map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Dominguez Canyon Wilderness Area”.

(b) **ADMINISTRATION OF WILDERNESS.**—The Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this subtitle, except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

SEC. 2404. MAPS AND LEGAL DESCRIPTIONS.

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Conservation Area and the Wilderness with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) **FORCE AND EFFECT.**—The Map and legal descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the Map and legal descriptions.

(c) **PUBLIC AVAILABILITY.**—The Map and legal descriptions filed under subsection (a) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 2405. MANAGEMENT OF CONSERVATION AREA AND WILDERNESS.

(a) **WITHDRAWAL.**—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired by the United States within the Conservation Area or the Wilderness is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) **GRAZING.**—

(1) **GRAZING IN CONSERVATION AREA.**—Except as provided in paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area in accordance with the laws (including regulations) applicable to the issuance and administration of such leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) **GRAZING IN WILDERNESS.**—The grazing of livestock in the Wilderness, if established as of the date of enactment of this Act, shall be permitted to continue—

(A) subject to any reasonable regulations, policies, and practices that the Secretary determines to be necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(c) **NO BUFFER ZONES.**—

(1) **IN GENERAL.**—Nothing in this subtitle creates a protective perimeter or buffer zone around the Conservation Area.

(2) **ACTIVITIES OUTSIDE CONSERVATION AREA.**—The fact that an activity or use on land outside the Conservation Area can be seen or heard within the Conservation Area shall not preclude the activity or use outside the boundary of the Conservation Area.

(d) **ACQUISITION OF LAND.**—

(1) **IN GENERAL.**—The Secretary may acquire non-Federal land within the boundaries of the Conservation Area or the Wilderness only through exchange, donation, or purchase from a willing seller.

(2) **MANAGEMENT.**—Land acquired under paragraph (1) shall—

(A) become part of the Conservation Area and, if applicable, the Wilderness; and

(B) be managed in accordance with this subtitle and any other applicable laws.

(e) **FIRE, INSECTS, AND DISEASES.**—Subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may undertake such measures as are necessary to control fire, insects, and diseases—

(1) in the Wilderness, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(2) except as provided in paragraph (1), in the Conservation Area in accordance with this subtitle and any other applicable laws.

(f) **ACCESS.**—The Secretary shall continue to provide private landowners adequate access to inholdings in the Conservation Area.

(g) **INVASIVE SPECIES AND NOXIOUS WEEDS.**—In accordance with any applicable laws and subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the Conservation Area.

(h) **WATER RIGHTS.**—

(1) **EFFECT.**—Nothing in this subtitle—

(A) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) affects any interstate water compact in existence on the date of enactment of this Act;

(D) authorizes or imposes any new reserved Federal water rights; or

(E) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(2) **WILDERNESS WATER RIGHTS.**—

(A) **IN GENERAL.**—The Secretary shall ensure that any water rights within the Wilderness required to fulfill the purposes of the Wilderness are secured in accordance with subparagraphs (B) through (G).

(B) **STATE LAW.**—

(i) **PROCEDURAL REQUIREMENTS.**—Any water rights within the Wilderness for which the Secretary pursues adjudication shall be adjudicated, changed, and administered in accordance with the procedural requirements and priority system of State law.

(ii) **ESTABLISHMENT OF WATER RIGHTS.**—

(I) **IN GENERAL.**—Except as provided in subclause (II), the purposes and other substantive characteristics of the water rights pursued under this paragraph shall be established in accordance with State law.

(II) **EXCEPTION.**—Notwithstanding subclause (I) and in accordance with this subtitle, the Secretary may appropriate and seek adjudication of water rights to maintain surface water levels and stream flows on and across the Wilderness to fulfill the purposes of the Wilderness.

(C) **DEADLINE.**—The Secretary shall promptly, but not earlier than January 2009, appropriate the water rights required to fulfill the purposes of the Wilderness.

(D) **REQUIRED DETERMINATION.**—The Secretary shall not pursue adjudication for any instream flow water rights unless the Secretary makes a determination pursuant to subparagraph (E)(ii) or (F).

(E) COOPERATIVE ENFORCEMENT.—

(i) IN GENERAL.—The Secretary shall not pursue adjudication of any Federal instream flow water rights established under this paragraph if—

(I) the Secretary determines, upon adjudication of the water rights by the Colorado Water Conservation Board, that the Board holds water rights sufficient in priority, amount, and timing to fulfill the purposes of the Wilderness; and

(II) the Secretary has entered into a perpetual agreement with the Colorado Water Conservation Board to ensure the full exercise, protection, and enforcement of the State water rights within the Wilderness to reliably fulfill the purposes of the Wilderness.

(ii) ADJUDICATION.—If the Secretary determines that the provisions of clause (i) have not been met, the Secretary shall adjudicate and exercise any Federal water rights required to fulfill the purposes of the Wilderness in accordance with this paragraph.

(F) INSUFFICIENT WATER RIGHTS.—If the Colorado Water Conservation Board modifies the instream flow water rights obtained under subparagraph (E) to such a degree that the Secretary determines that water rights held by the State are insufficient to fulfill the purposes of the Wilderness, the Secretary shall adjudicate and exercise Federal water rights required to fulfill the purposes of the Wilderness in accordance with subparagraph (B).

(G) FAILURE TO COMPLY.—The Secretary shall promptly act to exercise and enforce the water rights described in subparagraph (E) if the Secretary determines that—

(i) the State is not exercising its water rights consistent with subparagraph (E)(i)(I); or

(ii) the agreement described in subparagraph (E)(i)(II) is not fulfilled or complied with sufficiently to fulfill the purposes of the Wilderness.

(3) WATER RESOURCE FACILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraph (B), beginning on the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new irrigation and pumping facility, reservoir, water conservation work, aqueduct, canal, ditch, pipeline, well, hydropower project, transmission, other ancillary facility, or other water, diversion, storage, or carriage structure in the Wilderness.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the Secretary may allow construction of new livestock watering facilities within the Wilderness in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) CONSERVATION AREA WATER RIGHTS.—With respect to water within the Conservation Area, nothing in this subtitle—

(A) authorizes any Federal agency to appropriate or otherwise acquire any water right on the mainstem of the Gunnison River; or

(B) prevents the State from appropriating or acquiring, or requires the State to appropriate or acquire, an instream flow water right on the mainstem of the Gunnison River.

(5) WILDERNESS BOUNDARIES ALONG GUNNISON RIVER.—

(A) IN GENERAL.—In areas in which the Gunnison River is used as a reference for defining the boundary of the Wilderness, the boundary shall—

(i) be located at the edge of the river; and

(ii) change according to the river level.

(B) EXCLUSION FROM WILDERNESS.—Regardless of the level of the Gunnison River, no portion of

the Gunnison River is included in the Wilderness.

(i) EFFECT.—Nothing in this subtitle—

(1) diminishes the jurisdiction of the State with respect to fish and wildlife in the State; or

(2) imposes any Federal water quality standard upstream of the Conservation Area or within the mainstem of the Gunnison River that is more restrictive than would be applicable had the Conservation Area not been established.

(j) VALID EXISTING RIGHTS.—The designation of the Conservation Area and Wilderness is subject to valid rights in existence on the date of enactment of this Act.

SEC. 2406. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Conservation Area.

(b) PURPOSES.—The management plan shall—

(1) describe the appropriate uses and management of the Conservation Area;

(2) be developed with extensive public input;

(3) take into consideration any information developed in studies of the land within the Conservation Area; and

(4) include a comprehensive travel management plan.

SEC. 2407. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the “Dominguez-Escalante National Conservation Area Advisory Council”.

(b) DUTIES.—The Council shall advise the Secretary with respect to the preparation and implementation of the management plan.

(c) APPLICABLE LAW.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) MEMBERS.—The Council shall include 10 members to be appointed by the Secretary, of whom, to the extent practicable—

(1) 1 member shall be appointed after considering the recommendations of the Mesa County Commission;

(2) 1 member shall be appointed after considering the recommendations of the Montrose County Commission;

(3) 1 member shall be appointed after considering the recommendations of the Delta County Commission;

(4) 1 member shall be appointed after considering the recommendations of the permittees holding grazing allotments within the Conservation Area or the Wilderness; and

(5) 5 members shall reside in, or within reasonable proximity to, Mesa County, Delta County, or Montrose County, Colorado, with backgrounds that reflect—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and Wilderness.

(e) REPRESENTATION.—The Secretary shall ensure that the membership of the Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Council.

(f) DURATION.—The Council shall terminate on the date that is 1 year from the date on which the management plan is adopted by the Secretary.

SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle F—Rio Puerco Watershed Management Program

SEC. 2501. RIO PUERCO WATERSHED MANAGEMENT PROGRAM.

(a) RIO PUERCO MANAGEMENT COMMITTEE.—Section 401(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4147) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (I) through (N) as subparagraphs (J) through (O), respectively; and

(B) by inserting after subparagraph (H) the following:

“(I) the Environmental Protection Agency;”; and

(2) in paragraph (4), by striking “enactment of this Act” and inserting “enactment of the Omnibus Public Land Management Act of 2009”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 401(e) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4148) is amended by striking “enactment of this Act” and inserting “enactment of the Omnibus Public Land Management Act of 2009”.

Subtitle G—Land Conveyances and Exchanges

SEC. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means Carson City Consolidated Municipality, Nevada.

(2) MAP.—The term “Map” means the map entitled “Carson City, Nevada Area”, dated November 7, 2008, and on file and available for public inspection in the appropriate offices of—

(A) the Bureau of Land Management;

(B) the Forest Service; and

(C) the City.

(3) SECRETARY.—The term “Secretary” means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) with respect to other Federal land, the Secretary of the Interior.

(4) SECRETARIES.—The term “Secretaries” means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(5) TRIBE.—The term “Tribe” means the Washoe Tribe of Nevada and California, which is a federally recognized Indian tribe.

(b) CONVEYANCES OF FEDERAL LAND AND CITY LAND.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), if the City offers to convey to the United States title to the non-Federal land described in paragraph (2)(A) that is acceptable to the Secretary of Agriculture—

(A) the Secretary shall accept the offer; and

(B) not later than 180 days after the date on which the Secretary receives acceptable title to the non-Federal land described in paragraph (2)(A), the Secretaries shall convey to the City, subject to valid existing rights and for no consideration, except as provided in paragraph (3)(A), all right, title, and interest of the United States in and to the Federal land (other than any easement reserved under paragraph (3)(B)) or interest in land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 2,264 acres of land administered by the City and identified on the Map as “To U.S. Forest Service”.

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is—

(i) the approximately 935 acres of Forest Service land identified on the Map as “To Carson City for Natural Areas”; and

(ii) the approximately 3,604 acres of Bureau of Land Management land identified on the Map as "Silver Saddle Ranch and Carson River Area";

(iii) the approximately 1,848 acres of Bureau of Land Management land identified on the Map as "To Carson City for Parks and Public Purposes"; and

(iv) the approximately 75 acres of City land in which the Bureau of Land Management has a reversionary interest that is identified on the Map as "Reversionary Interest of the United States Released".

(3) CONDITIONS.—

(A) CONSIDERATION.—Before the conveyance of the 62-acre Bernhard parcel to the City, the City shall deposit in the special account established by subsection (e)(2)(A) an amount equal to 25 percent of the difference between—

(i) the amount for which the Bernhard parcel was purchased by the City on July 18, 2001; and

(ii) the amount for which the Bernhard parcel was purchased by the Secretary on March 24, 2006.

(B) CONSERVATION EASEMENT.—As a condition of the conveyance of the land described in paragraph (2)(B)(ii), the Secretary, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement to the land to protect, preserve, and enhance the conservation values of the land, consistent with paragraph (4)(B).

(C) COSTS.—Any costs relating to the conveyance under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(4) USE OF LAND.—

(A) NATURAL AREAS.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(i) shall be managed by the City to maintain undeveloped open space and to preserve the natural characteristics of the land in perpetuity.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) conduct projects on the land to reduce fuels;

(II) construct and maintain trails, trailhead facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act.

(B) SILVER SADDLE RANCH AND CARSON RIVER AREA.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(ii) shall—

(I) be managed by the City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and

(II) be used for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) construct and maintain trails and trailhead facilities on the land;

(II) conduct projects on the land to reduce fuels;

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act; and

(IV) allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.

(C) PARKS AND PUBLIC PURPOSES.—The land described in paragraph (2)(B)(iii) shall be managed by the City for—

(i) undeveloped open space; and

(ii) recreation or other public purposes consistent with the Act of June 14, 1926 (commonly

known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.).

(D) REVERSIONARY INTEREST.—

(i) RELEASE.—The reversionary interest described in paragraph (2)(B)(iv) shall terminate on the date of enactment of this Act.

(ii) CONVEYANCE BY CITY.—

(I) IN GENERAL.—If the City sells, leases, or otherwise conveys any portion of the land described in paragraph (2)(B)(iv), the sale, lease, or conveyance of land shall be—

(aa) through a competitive bidding process; and

(bb) except as provided in subclause (II), for not less than fair market value.

(II) CONVEYANCE TO GOVERNMENT OR NON-PROFIT.—A sale, lease, or conveyance of land described in paragraph (2)(B)(iv) to the Federal Government, a State government, a unit of local government, or a nonprofit organization shall be for consideration in an amount equal to the price established by the Secretary of the Interior under section 2741 of title 43, Code of Federal Regulation (or successor regulations).

(III) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale, lease, or conveyance of land under subclause (I) shall be distributed in accordance with subsection (e)(1).

(5) REVERSION.—If land conveyed under paragraph (1) is used in a manner that is inconsistent with the uses described in subparagraph (A), (B), (C), or (D) of paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(6) MISCELLANEOUS PROVISIONS.—

(A) IN GENERAL.—On conveyance of the non-Federal land under paragraph (1) to the Secretary of Agriculture, the non-Federal land shall—

(i) become part of the Humboldt-Toiyabe National Forest; and

(ii) be administered in accordance with the laws (including the regulations) and rules generally applicable to the National Forest System.

(B) MANAGEMENT PLAN.—The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for National Forest System land that ensures the protection and stabilization of the National Forest System land to minimize the impacts of flooding on the City.

(7) CONVEYANCE TO BUREAU OF LAND MANAGEMENT.—

(A) IN GENERAL.—If the City offers to convey to the United States title to the non-Federal land described in subparagraph (B) that is acceptable to the Secretary of the Interior, the land shall, at the discretion of the Secretary, be conveyed to the United States.

(B) DESCRIPTION OF LAND.—The non-Federal land referred to in subparagraph (A) is the approximately 46 acres of land administered by the City and identified on the Map as "To Bureau of Land Management".

(C) COSTS.—Any costs relating to the conveyance under subparagraph (A), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM THE FOREST SERVICE TO THE BUREAU OF LAND MANAGEMENT.—

(I) IN GENERAL.—Administrative jurisdiction over the approximately 50 acres of Forest Service land identified on the Map as "Parcel #1" is transferred, from the Secretary of Agriculture to the Secretary of the Interior.

(2) COSTS.—Any costs relating to the transfer under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(3) USE OF LAND.—

(A) RIGHT-OF-WAY.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior shall grant to the City a

right-of-way for the maintenance of flood management facilities located on the land.

(B) DISPOSAL.—The land referred to in paragraph (1) shall be disposed of in accordance with subsection (d).

(C) DISPOSITION OF PROCEEDS.—The gross proceeds from the disposal of land under subparagraph (B) shall be distributed in accordance with subsection (e)(1).

(d) DISPOSAL OF CARSON CITY LAND.—

(1) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall, in accordance with that Act, this subsection, and other applicable law, and subject to valid existing rights, conduct sales of the Federal land described in paragraph (2) to qualified bidders.

(2) DESCRIPTION OF LAND.—The Federal land referred to in paragraph (1) is—

(A) the approximately 108 acres of Bureau of Land Management land identified as "Lands for Disposal" on the Map; and

(B) the approximately 50 acres of land identified as "Parcel #1" on the Map.

(3) COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.—Before a sale of Federal land under paragraph (1), the City shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(A) City zoning ordinances; and

(B) any master plan for the area approved by the City.

(4) METHOD OF SALE; CONSIDERATION.—The sale of Federal land under paragraph (1) shall be—

(A) consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713);

(B) unless otherwise determined by the Secretary, through a competitive bidding process; and

(C) for not less than fair market value.

(5) WITHDRAWAL.—

(A) IN GENERAL.—Subject to valid existing rights and except as provided in subparagraph (B), the Federal land described in paragraph (2) is withdrawn from—

(i) all forms of entry and appropriation under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing and geothermal leasing laws.

(B) EXCEPTION.—Subparagraph (A)(i) shall not apply to sales made consistent with this subsection.

(6) DEADLINE FOR SALE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 1 year after the date of enactment of this Act, if there is a qualified bidder for the land described in subparagraphs (A) and (B) of paragraph (2), the Secretary of the Interior shall offer the land for sale to the qualified bidder.

(B) POSTPONEMENT; EXCLUSION FROM SALE.—

(i) REQUEST BY CARSON CITY FOR POSTPONEMENT OR EXCLUSION.—At the request of the City, the Secretary shall postpone or exclude from the sale under subparagraph (A) all or a portion of the land described in subparagraphs (A) and (B) of paragraph (2).

(ii) INDEFINITE POSTPONEMENT.—Unless specifically requested by the City, a postponement under clause (i) shall not be indefinite.

(e) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—Of the proceeds from the sale of land under subsections (b)(4)(D)(ii) and (d)(1)—

(A) 5 percent shall be paid directly to the State for use in the general education program of the State; and

(B) the remainder shall be deposited in a special account in the Treasury of the United

States, to be known as the "Carson City Special Account", and shall be available without further appropriation to the Secretary until expended to—

(i) reimburse costs incurred by the Bureau of Land Management for preparing for the sale of the Federal land described in subsection (d)(2), including the costs of—

(I) surveys and appraisals; and

(II) compliance with—

(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(bb) sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(ii) reimburse costs incurred by the Bureau of Land Management and Forest Service for preparing for, and carrying out, the transfers of land to be held in trust by the United States under subsection (h)(1); and

(iii) acquire environmentally sensitive land or an interest in environmentally sensitive land in the City.

(2) SILVER SADDLE ENDOWMENT ACCOUNT.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a special account, to be known as the "Silver Saddle Endowment Account", consisting of such amounts as are deposited under subsection (b)(3)(A).

(B) AVAILABILITY OF AMOUNTS.—Amounts deposited in the account established by paragraph (1) shall be available to the Secretary, without further appropriation, for the oversight and enforcement of the conservation easement established under subsection (b)(3)(B).

(f) URBAN INTERFACE.—

(1) IN GENERAL.—Except as otherwise provided in this section and subject to valid existing rights, the Federal land described in paragraph (2) is permanently withdrawn from—

(A) all forms of entry and appropriation under the public land laws and mining laws;

(B) location and patent under the mining laws; and

(C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 19,747 acres, which is identified on the Map as "Urban Interface Withdrawal".

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the land described in paragraph (2) that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with this subsection.

(4) OFF-HIGHWAY VEHICLE MANAGEMENT.—Until the date on which the Secretary, in consultation with the State, the City, and any other interested persons, completes a transportation plan for Federal land in the City, the use of motorized and mechanical vehicles on Federal land within the City shall be limited to roads and trails in existence on the date of enactment of this Act unless the use of the vehicles is needed—

(A) for administrative purposes; or

(B) to respond to an emergency.

(g) AVAILABILITY OF FUNDS.—Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—

(1) in paragraph (3)(A)(iv), by striking "Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4))" and inserting "Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4)) and Carson City (subject to paragraph (5))";

(2) in paragraph (3)(A)(v), by striking "Clark, Lincoln, and White Pine Counties" and inserting "Clark, Lincoln, and White Pine Counties and Carson City (subject to paragraph (5))";

(3) in paragraph (4), by striking "2011" and inserting "2015"; and

(4) by adding at the end the following:

"(5) LIMITATION FOR CARSON CITY.—Carson City shall be eligible to nominate for expenditure amounts to acquire land or an interest in land for parks or natural areas and for conservation initiatives—

"(A) adjacent to the Carson River; or

"(B) within the floodplain of the Carson River."

(h) TRANSFER OF LAND TO BE HELD IN TRUST FOR WASHOE TRIBE.—

(1) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (2)—

(A) shall be held in trust by the United States for the benefit and use of the Tribe; and

(B) shall be part of the reservation of the Tribe.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 293 acres, which is identified on the Map as "To Washoe Tribe".

(3) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under paragraph (1).

(4) USE OF LAND.—

(A) GAMING.—Land taken into trust under paragraph (1) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(B) TRUST LAND FOR CEREMONIAL USE AND CONSERVATION.—With respect to the use of the land taken into trust under paragraph (1) that is above the 5,200' elevation contour, the Tribe—

(i) shall limit the use of the land to—

(I) traditional and customary uses; and

(II) stewardship conservation for the benefit of the Tribe; and

(ii) shall not permit any—

(I) permanent residential or recreational development on the land; or

(II) commercial use of the land, including commercial development or gaming.

(C) TRUST LAND FOR COMMERCIAL AND RESIDENTIAL USE.—With respect to the use of the land taken into trust under paragraph (1), the Tribe shall limit the use of the land below the 5,200' elevation to—

(i) traditional and customary uses;

(ii) stewardship conservation for the benefit of the Tribe; and

(iii) (I) residential or recreational development; or

(II) commercial use.

(D) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under paragraph (1), the Secretary of Agriculture, in consultation and coordination with the Tribe, may carry out any thinning and other landscape restoration activities on the land that is beneficial to the Tribe and the Forest Service.

(i) CORRECTION OF SKUNK HARBOR CONVEYANCE.—

(1) PURPOSE.—The purpose of this subsection is to amend Public Law 108-67 (117 Stat. 880) to make a technical correction relating to the land conveyance authorized under that Act.

(2) TECHNICAL CORRECTION.—Section 2 of Public Law 108-67 (117 Stat. 880) is amended—

(A) by striking "Subject to" and inserting the following:

"(a) IN GENERAL.—Subject to";

(B) in subsection (a) (as designated by paragraph (1)), by striking "the parcel" and all that follows through the period at the end and inserting the following: "and to approximately 23 acres of land identified as 'Parcel A' on the map

entitled 'Skunk Harbor Conveyance Correction' and dated September 12, 2008, the western boundary of which is the low water line of Lake Tahoe at elevation 6,223.0' (Lake Tahoe Datum)."; and

(C) by adding at the end the following:

"(b) SURVEY AND LEGAL DESCRIPTION.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Agriculture shall complete a survey and legal description of the boundary lines to establish the boundaries of the trust land.

"(2) TECHNICAL CORRECTIONS.—The Secretary may correct any technical errors in the survey or legal description completed under paragraph (1).

"(c) PUBLIC ACCESS AND USE.—Nothing in this Act prohibits any approved general public access (through existing easements or by boat) to, or use of, land remaining within the Lake Tahoe Basin Management Unit after the conveyance of the land to the Secretary of the Interior, in trust for the Tribe, under subsection (a), including access to, and use of, the beach and shoreline areas adjacent to the portion of land conveyed under that subsection."

(3) DATE OF TRUST STATUS.—The trust land described in section 2(a) of Public Law 108-67 (117 Stat. 880) shall be considered to be taken into trust as of August 1, 2003.

(4) TRANSFER.—The Secretary of the Interior, acting on behalf of and for the benefit of the Tribe, shall transfer to the Secretary of Agriculture administrative jurisdiction over the land identified as "Parcel B" on the map entitled "Skunk Harbor Conveyance Correction" and dated September 12, 2008.

(j) AGREEMENT WITH FOREST SERVICE.—The Secretary of Agriculture, in consultation with the Tribe, shall develop and implement a cooperative agreement that ensures regular access by members of the Tribe and other people in the community of the Tribe across National Forest System land from the City to Lake Tahoe for cultural and religious purposes.

(k) ARTIFACT COLLECTION.—

(1) NOTICE.—At least 180 days before conducting any ground disturbing activities on the land identified as "Parcel #2" on the Map, the City shall notify the Tribe of the proposed activities to provide the Tribe with adequate time to inventory and collect any artifacts in the affected area.

(2) AUTHORIZED ACTIVITIES.—On receipt of notice under paragraph (1), the Tribe may collect and possess any artifacts relating to the Tribe in the land identified as "Parcel #2" on the Map.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2602. SOUTHERN NEVADA LIMITED TRANSITION AREA CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means the City of Henderson, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of Nevada.

(4) TRANSITION AREA.—The term "Transition Area" means the approximately 502 acres of Federal land located in Henderson, Nevada, and identified as "Limited Transition Area" on the map entitled "Southern Nevada Limited Transition Area Act" and dated March 20, 2006.

(b) SOUTHERN NEVADA LIMITED TRANSITION AREA.—

(1) CONVEYANCE.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), on request of the City, the Secretary shall, without consideration and subject to all valid existing rights, convey to the City all right, title, and interest of the United States in and to the Transition Area.

(2) **USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.**—

(A) **IN GENERAL.**—After the conveyance to the City under paragraph (1), the City may sell, lease, or otherwise convey any portion or portions of the Transition Area for purposes of nonresidential development.

(B) **METHOD OF SALE.**—

(i) **IN GENERAL.**—The sale, lease, or conveyance of land under subparagraph (A) shall be through a competitive bidding process.

(ii) **FAIR MARKET VALUE.**—Any land sold, leased, or otherwise conveyed under subparagraph (A) shall be for not less than fair market value.

(C) **COMPLIANCE WITH CHARTER.**—Except as provided in subparagraphs (B) and (D), the City may sell, lease, or otherwise convey parcels within the Transition Area only in accordance with the procedures for conveyances established in the City Charter.

(D) **DISPOSITION OF PROCEEDS.**—The gross proceeds from the sale of land under subparagraph (A) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(3) **USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.**—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election.

(4) **NOISE COMPATIBILITY REQUIREMENTS.**—The City shall—

(A) plan and manage the Transition Area in accordance with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated in accordance with that section; and

(B) agree that if any land in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance shall contain a limitation to require uses compatible with that airport noise compatibility planning.

(5) **REVERSION.**—

(A) **IN GENERAL.**—If any parcel of land in the Transition Area is not conveyed for nonresidential development under this section or reserved for recreation or other public purposes under paragraph (3) by the date that is 20 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(B) **INCONSISTENT USE.**—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this subsection—

(i) at the discretion of the Secretary, the parcel shall revert to the United States; or

(ii) if the Secretary does not make an election under clause (i), the City shall sell the parcel of land in accordance with this subsection.

SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEYANCE.

(a) **DEFINITIONS.**—In this section:

(1) **ALTA-HUALAPAI SITE.**—The term "Alta-Hualapai Site" means the approximately 80 acres of land that is—

(A) patented to the City under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.); and

(B) identified on the map as the "Alta-Hualapai Site".

(2) **CITY.**—The term "City" means the city of Las Vegas, Nevada.

(3) **INSTITUTE.**—The term "Institute" means the Nevada Cancer Institute, a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code of 1986, the principal place of business of which is at 10441 West Twain Avenue, Las Vegas, Nevada.

(4) **MAP.**—The term "map" means the map titled "Nevada Cancer Institute Expansion Act" and dated July 17, 2006.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) **WATER DISTRICT.**—The term "Water District" means the Las Vegas Valley Water District.

(b) **LAND CONVEYANCE.**—

(1) **SURVEY AND LEGAL DESCRIPTION.**—The City shall prepare a survey and legal description of the Alta-Hualapai Site. The survey shall conform to the Bureau of Land Management cadastral survey standards and be subject to approval by the Secretary.

(2) **ACCEPTANCE.**—The Secretary may accept the relinquishment by the City of all or part of the Alta-Hualapai Site.

(3) **CONVEYANCE FOR USE AS NONPROFIT CANCER INSTITUTE.**—After relinquishment of all or part of the Alta-Hualapai Site to the Secretary, and not later than 180 days after request of the Institute, the Secretary shall convey to the Institute, subject to valid existing rights, the portion of the Alta-Hualapai Site that is necessary for the development of a nonprofit cancer institute.

(4) **ADDITIONAL CONVEYANCES.**—Not later than 180 days after a request from the City, the Secretary shall convey to the City, subject to valid existing rights, any remaining portion of the Alta-Hualapai Site necessary for ancillary medical or nonprofit use compatible with the mission of the Institute.

(5) **APPLICABLE LAW.**—Any conveyance by the City of any portion of the land received under this section shall be for no less than fair market value and the proceeds shall be distributed in accordance with section 4(e)(1) of Public Law 105-263 (112 Stat. 2345).

(6) **TRANSACTION COSTS.**—All land conveyed by the Secretary under this section shall be at no cost, except that the Secretary may require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

(7) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on all transactions conducted under Public Law 105-263 (112 Stat. 2345).

(c) **RIGHTS-OF-WAY.**—Consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the Secretary may grant rights-of-way to the Water District on a portion of the Alta-Hualapai Site for a flood control project and a water pumping facility.

(d) **REVERSION.**—Any property conveyed pursuant to this section which ceases to be used for the purposes specified in this section shall, at the discretion of the Secretary, revert to the United States, along with any improvements thereon or thereto.

SEC. 2604. TURNABOUT RANCH LAND CONVEYANCE, UTAH.

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND.**—The term "Federal land" means the approximately 25 acres of Bureau of Land Management land identified on the map as "Lands to be conveyed to Turnabout Ranch".

(2) **MAP.**—The term "map" means the map entitled "Turnabout Ranch Conveyance" dated May 12, 2006, and on file in the office of the Director of the Bureau of Land Management.

(3) **MONUMENT.**—The term "Monument" means the Grand Staircase-Escalante National Monument located in southern Utah.

(4) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(5) **TURNABOUT RANCH.**—The term "Turnabout Ranch" means the Turnabout Ranch in

Escalante, Utah, owned by Aspen Education Group.

(b) **CONVEYANCE OF FEDERAL LAND TO TURNABOUT RANCH.**—

(1) **IN GENERAL.**—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), if not later than 30 days after completion of the appraisal required under paragraph (2), Turnabout Ranch of Escalante, Utah, submits to the Secretary an offer to acquire the Federal land for the appraised value, the Secretary shall, not later than 30 days after the date of the offer, convey to Turnabout Ranch all right, title, and interest to the Federal land, subject to valid existing rights.

(2) **APPRAISAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land. The appraisal shall be completed in accordance with the "Uniform Appraisal Standards for Federal Land Acquisitions" and the "Uniform Standards of Professional Appraisal Practice". All costs associated with the appraisal shall be born by Turnabout Ranch.

(3) **PAYMENT OF CONSIDERATION.**—Not later than 30 days after the date on which the Federal land is conveyed under paragraph (1), as a condition of the conveyance, Turnabout Ranch shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under paragraph (2).

(4) **COSTS OF CONVEYANCE.**—As a condition of the conveyance, any costs of the conveyance under this section shall be paid by Turnabout Ranch.

(5) **DISPOSITION OF PROCEEDS.**—The Secretary shall deposit the proceeds from the conveyance of the Federal land under paragraph (1) in the Federal Land Deposit Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305), to be expended in accordance with that Act.

(c) **MODIFICATION OF MONUMENT BOUNDARY.**—When the conveyance authorized by subsection (b) is completed, the boundaries of the Grand Staircase-Escalante National Monument in the State of Utah are hereby modified to exclude the Federal land conveyed to Turnabout Ranch.

SEC. 2605. BOY SCOUTS LAND EXCHANGE, UTAH.

(a) **DEFINITIONS.**—In this section:

(1) **BOY SCOUTS.**—The term "Boy Scouts" means the Utah National Parks Council of the Boy Scouts of America.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(b) **BOY SCOUTS OF AMERICA LAND EXCHANGE.**—

(1) **AUTHORITY TO CONVEY.**—

(A) **IN GENERAL.**—Subject to paragraph (3) and notwithstanding the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.), the Boy Scouts may convey to Brian Head Resort, subject to valid existing rights and, except as provided in subparagraph (B), any rights reserved by the United States, all right, title, and interest granted to the Boy Scouts by the original patent to the parcel described in paragraph (2)(A) in exchange for the conveyance by Brian Head Resort to the Boy Scouts of all right, title, and interest in and to the parcels described in paragraph (2)(B).

(B) **REVERSIONARY INTEREST.**—On conveyance of the parcel of land described in paragraph (2)(A), the Secretary shall have discretion with respect to whether or not the reversionary interests of the United States are to be exercised.

(2) **DESCRIPTION OF LAND.**—The parcels of land referred to in paragraph (1) are—

(A) the 120-acre parcel that is part of a tract of public land acquired by the Boy Scouts under

the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly described as the W 1/2 SE 1/4 and SE 1/4 SE 1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(B) the 2 parcels of private land owned by Brian Head Resort that total 120 acres, which are more particularly described as—

(i) NE 1/4 NW 1/4 and NE 1/4 NE 1/4 sec. 25, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(ii) SE 1/4 SE 1/4 sec. 24, T. 35 S., R. 9 W., Salt Lake Base Meridian.

(3) CONDITIONS.—On conveyance to the Boy Scouts under paragraph (1)(A), the parcels of land described in paragraph (2)(B) shall be subject to the terms and conditions imposed on the entire tract of land acquired by the Boy Scouts for a camp under the Bureau of Land Management patent numbered 43-75-0010.

(4) MODIFICATION OF PATENT.—On completion of the exchange under paragraph (1)(A), the Secretary shall amend the original Bureau of Land Management patent providing for the conveyance to the Boy Scouts under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) numbered 43-75-0010 to take into account the exchange under paragraph (1)(A).

SEC. 2606. DOUGLAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) PUBLIC LAND.—The term "public land" means the approximately 622 acres of Federal land managed by the Bureau of Land Management and identified for conveyance on the map prepared by the Bureau of Land Management entitled "Douglas County Public Utility District Proposal" and dated March 2, 2006.

(2) PUD.—The term "PUD" means the Public Utility District No. 1 of Douglas County, Washington.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) WELLS HYDROELECTRIC PROJECT.—The term "Wells Hydroelectric Project" means Federal Energy Regulatory Commission Project No. 2149.

(b) CONVEYANCE OF PUBLIC LAND, WELLS HYDROELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON.—

(1) CONVEYANCE REQUIRED.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), and notwithstanding section 24 of the Federal Power Act (16 U.S.C. 818) and Federal Power Order for Project 2149, and subject to valid existing rights, if not later than 45 days after the date of completion of the appraisal required under paragraph (2), the Public Utility District No. 1 of Douglas County, Washington, submits to the Secretary an offer to acquire the public land for the appraised value, the Secretary shall convey, not later than 30 days after the date of the offer, to the PUD all right, title, and interest of the United States in and to the public land.

(2) APPRAISAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land. The appraisal shall be conducted in accordance with the "Uniform Appraisal Standards for Federal Land Acquisitions" and the "Uniform Standards of Professional Appraisal Practice".

(3) PAYMENT.—Not later than 30 days after the date on which the public land is conveyed under this subsection, the PUD shall pay to the Secretary an amount equal to the appraised value of the public land as determined under paragraph (2).

(4) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this

Act, the Secretary shall finalize legal descriptions of the public land to be conveyed under this subsection. The Secretary may correct any minor errors in the map referred to in subsection (a)(1) or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(5) COSTS OF CONVEYANCE.—As a condition of conveyance, any costs related to the conveyance under this subsection shall be paid by the PUD.

(6) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the sale in the Federal Land Disposal Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305) to be expended to improve access to public lands administered by the Bureau of Land Management in the State of Washington.

(c) SEGREGATION OF LANDS.—

(1) WITHDRAWAL.—Except as provided in subsection (b)(1), effective immediately upon enactment of this Act, and subject to valid existing rights, the public land is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws, and all amendments thereto;

(B) location, entry, and patenting under the mining laws, and all amendments thereto; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

(2) DURATION.—This subsection expires two years after the date of enactment of this Act or on the date of the completion of the conveyance under subsection (b), whichever is earlier.

(d) RETAINED AUTHORITY.—The Secretary shall retain the authority to place conditions on the license to insure adequate protection and utilization of the public land granted to the Secretary in section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) until the Federal Energy Regulatory Commission has issued a new license for the Wells Hydroelectric Project, to replace the original license expiring May 31, 2012, consistent with section 15 of the Federal Power Act (16 U.S.C. 808).

SEC. 2607. TWIN FALLS, IDAHO, LAND CONVEYANCE.

(a) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the city of Twin Falls, Idaho, subject to valid existing rights, without consideration, all right, title, and interest of the United States in and to the 4 parcels of land described in subsection (b).

(b) LAND DESCRIPTION.—The 4 parcels of land to be conveyed under subsection (a) are the approximately 165 acres of land in Twin Falls County, Idaho, that are identified as "Land to be conveyed to Twin Falls" on the map titled "Twin Falls Land Conveyance" and dated July 28, 2008.

(c) MAP ON FILE.—A map depicting the land described in subsection (b) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LANDS.—

(1) PURPOSE.—The land conveyed under this section shall be used to support the public purposes of the Auger Falls Project, including a limited agricultural exemption to allow for water quality and wildlife habitat improvements.

(2) RESTRICTION.—The land conveyed under this section shall not be used for residential or commercial purposes, except for the limited agricultural exemption described in paragraph (1).

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance as the Secretary considers ap-

propriate to protect the interests of the United States.

(e) REVERSION.—If the land conveyed under this section is no longer used in accordance with subsection (d)—

(1) the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States and if the Secretary determines that the land is environmentally contaminated, the city of Twin Falls, Idaho, or any other person responsible for the contamination shall remediate the contamination.

(f) ADMINISTRATIVE COSTS.—The Secretary shall require that the city of Twin Falls, Idaho, pay all survey costs and other administrative costs necessary for the preparation and completion of any patents of and transfer of title to property under this section.

SEC. 2608. SUNRISE MOUNTAIN INSTANT STUDY AREA RELEASE, NEVADA.

(a) FINDING.—Congress finds that the land described in subsection (c) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—The land described in subsection (c)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of the enactment of this Act.

(c) DESCRIPTION OF LAND.—The land referred to in subsections (a) and (b) is the approximately 70 acres of land in the Sunrise Mountain Instant Study Area of Clark County, Nevada, that is designated on the map entitled "Sunrise Mountain ISA Release Areas" and dated September 6, 2008.

SEC. 2609. PARK CITY, UTAH, LAND CONVEYANCE.

(a) CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH.—

(1) LAND TRANSFER.—Notwithstanding the planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall convey, not later than 180 days after the date of the enactment of this Act, to Park City, Utah, all right, title, and interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and designated as parcel 8 (commonly known as the White Acre parcel) and parcel 16 (commonly known as the Gambel Oak parcel). The conveyance shall be subject to all valid existing rights.

(2) DEED RESTRICTION.—The conveyance of the lands under paragraph (1) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

(3) CONSIDERATION.—In consideration for the transfer of the land under paragraph (1), Park City shall pay to the Secretary of the Interior an amount consistent with conveyances to governmental entities for recreational purposes under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(b) SALE OF BUREAU OF LAND MANAGEMENT LAND IN PARK CITY, UTAH, AT AUCTION.—

(1) **SALE OF LAND.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall offer for sale any right, title, or interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and are designated as parcels 17 and 18 in the Park City, Utah, area. The sale of the land shall be carried out in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and other applicable law, other than the planning provisions of sections 202 and 203 of such Act (43 U.S.C. 1712, 1713), and shall be subject to all valid existing rights.

(2) **METHOD OF SALE.**—The sale of the land under paragraph (1) shall be consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) through a competitive bidding process and for not less than fair market value.

(c) **DISPOSITION OF LAND SALES PROCEEDS.**—All proceeds derived from the sale of land described in this section shall be deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

SEC. 2610. RELEASE OF REVERSIONARY INTEREST IN CERTAIN LANDS IN RENO, NEVADA.

(a) **RAILROAD LANDS DEFINED.**—For the purposes of this section, the term “railroad lands” means those lands within the City of Reno, Nevada, located within portions of sections 10, 11, and 12 of T.19 N., R. 19 E., and portions of section 7 of T.19 N., R. 20 E., Mount Diablo Meridian, Nevada, that were originally granted to the Union Pacific Railroad under the provisions of the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act.

(b) **RELEASE OF REVERSIONARY INTEREST.**—Any reversionary interests of the United States (including interests under the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act) in and to the railroad lands as defined in subsection (a) of this section are hereby released.

SEC. 2611. TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA.

(a) **IN GENERAL.**—

(1) **FEDERAL LANDS.**—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b), the Federal lands shall be declared to be held in trust by the United States for the benefit of the Tribe for nongaming purposes, and shall be subject to the same terms and conditions as those lands described in the California Indian Land Transfer Act (Public Law 106–568; 114 Stat. 2921).

(2) **TRUST LANDS.**—Lands described in subsection (c) of this section that are taken or to be taken in trust by the United States for the benefit of the Tribe shall be subject to subsection (c) of section 903 of the California Indian Land Transfer Act (Public Law 106–568; 114 Stat. 2921).

(b) **FEDERAL LANDS DESCRIBED.**—The Federal lands described in this subsection, comprising approximately 66 acres, are as follows:

(1) Township 1 North, Range 16 East, Section 6, Lots 10 and 12, MDM, containing 50.24 acres more or less.

(2) Township 1 North, Range 16 East, Section 5, Lot 16, MDM, containing 15.35 acres more or less.

(3) Township 2 North, Range 16 East, Section 32, Indian Cemetery Reservation within Lot 22, MDM, containing 0.4 acres more or less.

(c) **TRUST LANDS DESCRIBED.**—The trust lands described in this subsection, comprising approximately 357 acres, are commonly referred to as follows:

(1) Thomas property, pending trust acquisition, 104.50 acres.

(2) Coenenburg property, pending trust acquisition, 192.70 acres, subject to existing easements of record, including but not limited to a non-exclusive easement for ingress and egress for the benefit of adjoining property as conveyed by Easement Deed recorded July 13, 1984, in Volume 755, Pages 189 to 192, and as further defined by Stipulation and Judgment entered by Tuolumne County Superior Court on September 2, 1983, and recorded June 4, 1984, in Volume 751, Pages 61 to 67.

(3) Assessor Parcel No. 620505300, 1.5 acres, trust land.

(4) Assessor Parcel No. 620505400, 19.23 acres, trust land.

(5) Assessor Parcel No. 620505600, 3.46 acres, trust land.

(6) Assessor Parcel No. 620505700, 7.44 acres, trust land.

(7) Assessor Parcel No. 620401700, 0.8 acres, trust land.

(8) A portion of Assessor Parcel No. 620500200, 2.5 acres, trust land.

(9) Assessor Parcel No. 620506200, 24.87 acres, trust land.

(d) **SURVEY.**—As soon as practicable after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete fieldwork required for a survey of the lands described in subsections (b) and (c) for the purpose of incorporating those lands within the boundaries of the Tuolumne Rancheria. Not later than 90 days after that fieldwork is completed, that office shall complete the survey.

(e) **LEGAL DESCRIPTIONS.**—

(1) **PUBLICATION.**—On approval by the Community Council of the Tribe of the survey completed under subsection (d), the Secretary of the Interior shall publish in the Federal Register—

(A) a legal description of the new boundary lines of the Tuolumne Rancheria; and

(B) a legal description of the land surveyed under subsection (d).

(2) **EFFECT.**—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of those boundary lines of the Tuolumne Rancheria and the lands surveyed.

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

SEC. 3001. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105–277), is amended—

(1) in subsection (a), by striking “each of fiscal years 2006 through 2011” and inserting “fiscal year 2006 and each fiscal year thereafter”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) **APPLICABLE LAW.**—Chapter 63 of title 31, United States Code, shall not apply to—

“(1) a watershed restoration and enhancement agreement entered into under this section; or

“(2) an agreement entered into under the first section of Public Law 94–148 (16 U.S.C. 565a–1).”.

Subtitle B—Wildland Firefighter Safety

SEC. 3101. WILDLAND FIREFIGHTER SAFETY.

(a) **DEFINITIONS.**—In this section:

(1) **SECRETARIES.**—The term “Secretaries” means—

(A) the Secretary of the Interior, acting through the Directors of the Bureau of Land

Management, the United States Fish and Wildlife Service, the National Park Service, and the Bureau of Indian Affairs; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) **WILDLAND FIREFIGHTER.**—The term “wildland firefighter” means any person who participates in wildland firefighting activities—

(A) under the direction of either of the Secretaries; or

(B) under a contract or compact with a federally recognized Indian tribe.

(b) **ANNUAL REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—The Secretaries shall jointly submit to Congress an annual report on the wildland firefighter safety practices of the Secretaries, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, during the preceding calendar year.

(2) **TIMELINE.**—Each report under paragraph (1) shall—

(A) be submitted by not later than March of the year following the calendar year covered by the report; and

(B) include—

(i) a description of, and any changes to, wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(ii) statistics and trend analyses;

(iii) an estimate of the amount of Federal funds expended by the Secretaries on wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(iv) progress made in implementing recommendations from the Inspector General, the Government Accountability Office, the Occupational Safety and Health Administration, or an agency report relating to a wildland firefighting fatality issued during the preceding 10 years; and

(v) a description of—

(I) the provisions relating to wildland firefighter safety practices in any Federal contract or other agreement governing the provision of wildland firefighters by a non-Federal entity;

(II) a summary of any actions taken by the Secretaries to ensure that the provisions relating to safety practices, including training, are complied with by the non-Federal entity; and

(III) the results of those actions.

Subtitle C—Wyoming Range

SEC. 3201. DEFINITIONS.

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **WYOMING RANGE WITHDRAWAL AREA.**—The term “Wyoming Range Withdrawal Area” means all National Forest System land and federally owned minerals located within the boundaries of the Bridger-Teton National Forest identified on the map entitled “Wyoming Range Withdrawal Area” and dated October 17, 2007, on file with the Office of the Chief of the Forest Service and the Office of the Supervisor of the Bridger-Teton National Forest.

SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN THE WYOMING RANGE.

(a) **WITHDRAWAL.**—Except as provided in subsection (f), subject to valid existing rights as of the date of enactment of this Act and the provisions of this subtitle, land in the Wyoming Range Withdrawal Area is withdrawn from—

(1) all forms of appropriation or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing.

(b) **EXISTING RIGHTS.**—If any right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through

donation under section 3203) after the date of enactment of this Act, the land subject to that right shall be withdrawn in accordance with this section.

(c) **BUFFERS.**—Nothing in this section requires—

(1) the creation of a protective perimeter or buffer area outside the boundaries of the Wyoming Range Withdrawal Area; or

(2) any prohibition on activities outside of the boundaries of the Wyoming Range Withdrawal Area that can be seen or heard from within the boundaries of the Wyoming Range Withdrawal Area.

(d) **LAND AND RESOURCE MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Bridger-Teton National Land and Resource Management Plan (including any revisions to the Plan) shall apply to any land within the Wyoming Range Withdrawal Area.

(2) **CONFLICTS.**—If there is a conflict between this subtitle and the Bridger-Teton National Land and Resource Management Plan, this subtitle shall apply.

(e) **PRIOR LEASE SALES.**—Nothing in this section prohibits the Secretary from taking any action necessary to issue, deny, remove the suspension of, or cancel a lease, or any sold lease parcel that has not been issued, pursuant to any lease sale conducted prior to the date of enactment of this Act, including the completion of any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) **EXCEPTION.**—Notwithstanding the withdrawal in subsection (a), the Secretary may lease oil and gas resources in the Wyoming Range Withdrawal Area that are within 1 mile of the boundary of the Wyoming Range Withdrawal Area in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subject to the following conditions:

(1) The lease may only be accessed by directional drilling from a lease held by production on the date of enactment of this Act on National Forest System land that is adjacent to, and outside of, the Wyoming Range Withdrawal Area.

(2) The lease shall prohibit, without exception or waiver, surface occupancy and surface disturbance for any activities, including activities related to exploration, development, or production.

(3) The directional drilling may extend no further than 1 mile inside the boundary of the Wyoming Range Withdrawal Area.

SEC. 3203. ACCEPTANCE OF THE DONATION OF VALID EXISTING MINING OR LEASING RIGHTS IN THE WYOMING RANGE.

(a) **NOTIFICATION OF LEASEHOLDERS.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall provide notice to holders of valid existing mining or leasing rights within the Wyoming Range Withdrawal Area of the potential opportunity for repurchase of those rights and retirement under this section.

(b) **REQUEST FOR LEASE RETIREMENT.**—

(1) **IN GENERAL.**—A holder of a valid existing mining or leasing right within the Wyoming Range Withdrawal Area may submit a written notice to the Secretary of the interest of the holder in the retirement and repurchase of that right.

(2) **LIST OF INTERESTED HOLDERS.**—The Secretary shall prepare a list of interested holders and make the list available to any non-Federal entity or person interested in acquiring that right for retirement by the Secretary.

(c) **PROHIBITION.**—The Secretary may not use any Federal funds to purchase any right referred to in subsection (a).

(d) **DONATION AUTHORITY.**—The Secretary shall—

(1) accept the donation of any valid existing mining or leasing right in the Wyoming Range

Withdrawal Area from the holder of that right or from any non-Federal entity or person that acquires that right; and

(2) on acceptance, cancel that right.

(e) **RELATIONSHIP TO OTHER AUTHORITY.**—Nothing in this subtitle affects any authority the Secretary may otherwise have to modify, suspend, or terminate a lease without compensation, or to recognize the transfer of a valid existing mining or leasing right, if otherwise authorized by law.

Subtitle D—Land Conveyances and Exchanges **SEC. 3301. LAND CONVEYANCE TO CITY OF COFFMAN COVE, ALASKA.**

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term “City” means the city of Coffman Cove, Alaska.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(b) **CONVEYANCE.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim deed all right, title, and interest of the United States, except as provided in paragraphs (3) and (4), in and to the parcel of National Forest System land described in paragraph (2).

(2) **DESCRIPTION OF LAND.**—

(A) **IN GENERAL.**—The parcel of National Forest System land referred to in paragraph (1) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled “Subdivision of U.S. Survey No. 10099” and recorded as Plat 2003-1 on January 21, 2003, Petersburg Recording District, Alaska.

(B) **EXCLUDED LAND.**—The parcel of National Forest System land conveyed under paragraph (1) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030-295 and southeast of Tract CC-8.

(3) **RIGHT-OF-WAY.**—The United States may reserve a right-of-way to provide access to the National Forest System land excluded from the conveyance to the City under paragraph (2)(B).

(4) **REVERSION.**—If any portion of the land conveyed under paragraph (1) (other than a portion of land sold under paragraph (5)) ceases to be used for public purposes, the land shall, at the option of the Secretary, revert to the United States.

(5) **CONDITIONS ON SUBSEQUENT CONVEYANCES.**—If the City sells any portion of the land conveyed to the City under paragraph (1)—

(A) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(B) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale, which shall be available, without further appropriation, for the Tongass National Forest.

SEC. 3302. BEAVERHEAD-DEERLODGE NATIONAL FOREST LAND CONVEYANCE, MONTANA.

(a) **DEFINITIONS.**—In this section:

(1) **COUNTY.**—The term “County” means Jefferson County, Montana.

(2) **MAP.**—The term “map” means the map that is—

(A) entitled “Elkhorn Cemetery”;

(B) dated May 9, 2005; and

(C) on file in the office of the Beaverhead-Deerlodge National Forest Supervisor.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(b) **CONVEYANCE TO JEFFERSON COUNTY, MONTANA.**—

(1) **CONVEYANCE.**—Not later than 180 days after the date of enactment of this Act and subject to valid existing rights, the Secretary (acting through the Regional Forester, Northern Region, Missoula, Montana) shall convey by quitclaim deed to the County for no consideration, all right, title, and interest of the United States,

except as provided in paragraph (5), in and to the parcel of land described in paragraph (2).

(2) **DESCRIPTION OF LAND.**—The parcel of land referred to in paragraph (1) is the parcel of approximately 9.67 acres of National Forest System land (including any improvements to the land) in the County that is known as the “Elkhorn Cemetery”, as generally depicted on the map.

(3) **USE OF LAND.**—As a condition of the conveyance under paragraph (1), the County shall—

(A) use the land described in paragraph (2) as a County cemetery; and

(B) agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery, under such terms and conditions as are agreed to by the Secretary and the County.

(4) **EASEMENT.**—In conveying the land to the County under paragraph (1), the Secretary, in accordance with applicable law, shall grant to the County an easement across certain National Forest System land, as generally depicted on the map, to provide access to the land conveyed under that paragraph.

(5) **REVERSION.**—In the quitclaim deed to the County, the Secretary shall provide that the land conveyed to the County under paragraph (1) shall revert to the Secretary, at the election of the Secretary, if the land is—

(A) used for a purpose other than the purposes described in paragraph (3)(A); or

(B) managed by the County in a manner that is inconsistent with paragraph (3)(B).

SEC. 3303. SANTA FE NATIONAL FOREST; PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE.

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND.**—The term “Federal land” means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) **LANDOWNER.**—The term “landowner” means the 1 or more owners of the non-Federal land.

(3) **MAP.**—The term “map” means the map entitled “Proposed Land Exchange for Pecos National Historical Park”, numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) **NON-FEDERAL LAND.**—The term “non-Federal land” means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) **PARK.**—The term “Park” means the Pecos National Historical Park in the State.

(6) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) **STATE.**—The term “State” means the State of New Mexico.

(b) **LAND EXCHANGE.**—

(1) **IN GENERAL.**—If the Secretary of the Interior accepts the non-Federal land, title to which is acceptable to the Secretary of the Interior, the Secretary of Agriculture shall, subject to the conditions of this section and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), convey to the landowner the Federal land.

(2) **EASEMENT.**—

(A) **IN GENERAL.**—As a condition of the conveyance of the non-Federal land, the landowner may reserve an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(B) **ROUTE.**—The Secretary of the Interior and the landowner shall determine the appropriate route of the easement through the non-Federal land.

(C) **TERMS AND CONDITIONS.**—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior and the landowner determine to be appropriate.

(D) **APPLICABLE LAW.**—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(3) **VALUATION, APPRAISALS, AND EQUALIZATION.**—

(A) **IN GENERAL.**—The value of the Federal land and non-Federal land—

(i) shall be equal, as determined by appraisals conducted in accordance with subparagraph (B); or

(ii) if the value is not equal, shall be equalized in accordance with subparagraph (C).

(B) **APPRAISALS.**—

(i) **IN GENERAL.**—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(ii) **REQUIREMENTS.**—An appraisal conducted under clause (i) shall be conducted in accordance with—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(iii) **APPROVAL.**—The appraisals conducted under this subparagraph shall be submitted to the Secretaries for approval.

(C) **EQUALIZATION OF VALUES.**—

(i) **IN GENERAL.**—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(ii) **CASH EQUALIZATION PAYMENTS.**—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(I) be deposited in the fund established by Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a); and

(II) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(4) **COSTS.**—Before the completion of the exchange under this subsection, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(5) **APPLICABLE LAW.**—Except as otherwise provided in this section, the exchange of land and interests in land under this section shall be in accordance with—

(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) other applicable Federal, State, and local laws.

(6) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretaries may require, in addition to any requirements under this section, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this section as the Secretaries determine to be appropriate to protect the interests of the United States.

(7) **COMPLETION OF THE EXCHANGE.**—

(A) **IN GENERAL.**—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(i) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(ii) the date on which the Secretary of the Interior approves the appraisals under paragraph (3)(B)(iii); or

(iii) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this subsection.

(B) **NOTICE.**—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives notice of the

completion of the exchange of Federal land and non-Federal land under this subsection.

(C) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary of the Interior shall administer the non-Federal land acquired under this section in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act") (16 U.S.C. 1 et seq.).

(2) **MAPS.**—

(A) **IN GENERAL.**—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(B) **TRANSMITTAL OF REVISED MAP TO CONGRESS.**—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

(i) the Federal land and non-Federal land exchanged under this section; and

(ii) the easement described in subsection (b)(2).

SEC. 3304. SANTA FE NATIONAL FOREST LAND CONVEYANCE, NEW MEXICO.

(a) **DEFINITIONS.**—In this section:

(1) **CLAIM.**—The term "Claim" means a claim of the Claimants to any right, title, or interest in any land located in lot 10, sec. 22, T. 18 N., R. 12 E., New Mexico Principal Meridian, San Miguel County, New Mexico, except as provided in subsection (b)(1).

(2) **CLAIMANTS.**—The term "Claimants" means Ramona Lawson and Boyd Lawson.

(3) **FEDERAL LAND.**—The term "Federal land" means a parcel of National Forest System land in the Santa Fe National Forest, New Mexico, that is—

(A) comprised of approximately 6.20 acres of land; and

(B) described and delineated in the survey.

(4) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture, acting through the Forest Service Regional Forester, Southwestern Region.

(5) **SURVEY.**—The term "survey" means the survey plat entitled "Boundary Survey and Conservation Easement Plat", prepared by Chris A. Chavez, Land Surveyor, Forest Service, NMPLS#12793, and recorded on February 27, 2007, at book 55, page 93, of the land records of San Miguel County, New Mexico.

(b) **SANTA FE NATIONAL FOREST LAND CONVEYANCE.**—

(1) **IN GENERAL.**—The Secretary shall, except as provided in subparagraph (A) and subject to valid existing rights, convey and quitclaim to the Claimants all right, title, and interest of the United States in and to the Federal land in exchange for—

(A) the grant by the Claimants to the United States of a scenic easement to the Federal land that—

(i) protects the purposes for which the Federal land was designated under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(ii) is determined to be acceptable by the Secretary; and

(B) a release of the United States by the Claimants of—

(i) the Claim; and

(ii) any additional related claims of the Claimants against the United States.

(2) **SURVEY.**—The Secretary, with the approval of the Claimants, may make minor corrections to the survey and legal description of the Federal land to correct clerical, typographical, and surveying errors.

(3) **SATISFACTION OF CLAIM.**—The conveyance of Federal land under paragraph (1) shall constitute a full satisfaction of the Claim.

SEC. 3305. KITTITAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) **CONVEYANCE REQUIRED.**—The Secretary of Agriculture shall convey, without consideration,

to the King and Kittitas Counties Fire District #51 of King and Kittitas Counties, Washington (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of National Forest System land in Kittitas County, Washington, consisting of approximately 1.5 acres within the SW¼ of the SE¼ of section 4, township 22 north, range 11 east, Willamette meridian, for the purpose of permitting the District to use the parcel as a site for a new Snoqualmie Pass fire and rescue station.

(b) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) **SURVEY.**—If necessary, the exact acreage and legal description of the lands to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of a survey shall be borne by the District.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 3306. MAMMOTH COMMUNITY WATER DISTRICT USE RESTRICTIONS.

Notwithstanding Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a), the approximately 36.25 acres patented to the Mammoth County Water District (now known as the "Mammoth Community Water District") by Patent No. 04-87-0038, on June 26, 1987, and recorded in volume 482, at page 516, of the official records of the Recorder's Office, Mono County, California, may be used for any public purpose.

SEC. 3307. LAND EXCHANGE, WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term "City" means the City of Bountiful, Utah.

(2) **FEDERAL LAND.**—The term "Federal land" means the land under the jurisdiction of the Secretary identified on the map as "Shooting Range Special Use Permit Area".

(3) **MAP.**—The term "map" means the map entitled "Bountiful City Land Consolidation Act" and dated October 15, 2007.

(4) **NON-FEDERAL LAND.**—The term "non-Federal land" means the 3 parcels of City land comprising a total of approximately 1,680 acres, as generally depicted on the map.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture.

(b) **EXCHANGE.**—Subject to subsections (d) through (h), if the City conveys to the Secretary all right, title, and interest of the City in and to the non-Federal land, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Federal land.

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) **VALUATION AND EQUALIZATION.**—

(1) **VALUATION.**—The value of the Federal land and the non-Federal land to be conveyed under subsection (b)—

(A) shall be equal, as determined by appraisals carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); or

(B) if not equal, shall be equalized in accordance with paragraph (2).

(2) **EQUALIZATION.**—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(A) making a cash equalization payment to the Secretary or to the City, as appropriate; or

(B) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(e) **APPLICABLE LAW.**—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (b), except that the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

(f) **CONDITIONS.**—

(1) **LIABILITY.**—

(A) **IN GENERAL.**—As a condition of the exchange under subsection (b), the Secretary shall—

(i) require that the City—

(I) assume all liability for the shooting range located on the Federal land, including the past, present, and future condition of the Federal land; and

(II) hold the United States harmless for any liability for the condition of the Federal land; and

(ii) comply with the hazardous substances disclosure requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(B) **LIMITATION.**—Clauses (ii) and (iii) of section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)(3)(A)) shall not apply to the conveyance of Federal land under subsection (b).

(2) **ADDITIONAL TERMS AND CONDITIONS.**—The land exchange under subsection (b) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

(g) **MANAGEMENT OF ACQUIRED LAND.**—The non-Federal land acquired by the Secretary under subsection (b) shall be—

(1) added to, and administered as part of, the Wasatch-Cache National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest System.

(h) **EASEMENTS; RIGHTS-OF-WAY.**—

(1) **BONNEVILLE SHORELINE TRAIL EASEMENT.**—In carrying out the land exchange under subsection (b), the Secretary shall ensure that an easement not less than 60 feet in width is reserved for the Bonneville Shoreline Trail.

(2) **OTHER RIGHTS-OF-WAY.**—The Secretary and the City may reserve any other rights-of-way for utilities, roads, and trails that—

(A) are mutually agreed to by the Secretary and the City; and

(B) the Secretary and the City consider to be in the public interest.

(i) **DISPOSAL OF REMAINING FEDERAL LAND.**—

(1) **IN GENERAL.**—The Secretary may, by sale or exchange, dispose of all, or a portion of, the parcel of National Forest System land comprising approximately 220 acres, as generally depicted on the map that remains after the conveyance of the Federal land authorized under subsection (b), if the Secretary determines, in accordance with paragraph (2), that the land or portion of the land is in excess of the needs of the National Forest System.

(2) **REQUIREMENTS.**—A determination under paragraph (1) shall be made—

(A) pursuant to an amendment of the land and resource management plan for the Wasatch-Cache National Forest; and

(B) after carrying out a public process consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) **CONSIDERATION.**—As consideration for any conveyance of Federal land under paragraph (1), the Secretary shall require payment of an amount equal to not less than the fair market value of the conveyed National Forest System land.

(4) **RELATION TO OTHER LAWS.**—Any conveyance of Federal land under paragraph (1) by exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(5) **DISPOSITION OF PROCEEDS.**—Any amounts received by the Secretary as consideration under subsection (d) or paragraph (3) shall be—

(A) deposited in the fund established under Public Law 90–171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(B) available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land to be included in the Wasatch-Cache National Forest.

(6) **ADDITIONAL TERMS AND CONDITIONS.**—Any conveyance of Federal land under paragraph (1) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

SEC. 3308. BOUNDARY ADJUSTMENT, FRANK CHURCH RIVER OF NO RETURN WILDERNESS.

(a) **PURPOSES.**—The purposes of this section are—

(1) to adjust the boundaries of the wilderness area; and

(2) to authorize the Secretary to sell the land designated for removal from the wilderness area due to encroachment.

(b) **DEFINITIONS.**—In this section:

(1) **LAND DESIGNATED FOR EXCLUSION.**—The term “land designated for exclusion” means the parcel of land that is—

(A) comprised of approximately 10.2 acres of land;

(B) generally depicted on the survey plat entitled “Proposed Boundary Change FCRONRW Sections 15 (unsurveyed) Township 14 North, Range 13 East, B.M., Custer County, Idaho” and dated November 14, 2001; and

(C) more particularly described in the survey plat and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the office of the Intermountain Regional Forester, Ogden, Utah.

(2) **LAND DESIGNATED FOR INCLUSION.**—The term “land designated for inclusion” means the parcel of National Forest System land that is—

(A) comprised of approximately 10.2 acres of land;

(B) located in unsurveyed section 22, T. 14 N., R. 13 E., Boise Meridian, Custer County, Idaho;

(C) generally depicted on the map entitled “Challis National Forest, T. 14 N., R. 13 E., B.M., Custer County, Idaho, Proposed Boundary Change FCRONRW” and dated September 19, 2007; and

(D) more particularly described on the map and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the Intermountain Regional Forester, Ogden, Utah.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(4) **WILDERNESS AREA.**—The term “wilderness area” means the Frank Church River of No Return Wilderness designated by section 3 of the Central Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note; 94 Stat. 948).

(c) **BOUNDARY ADJUSTMENT.**—

(1) **ADJUSTMENT TO WILDERNESS AREA.**—

(A) **INCLUSION.**—The wilderness area shall include the land designated for inclusion.

(B) **EXCLUSION.**—The wilderness area shall not include the land designated for exclusion.

(2) **CORRECTIONS TO LEGAL DESCRIPTIONS.**—The Secretary may make corrections to the legal descriptions.

(d) **CONVEYANCE OF LAND DESIGNATED FOR EXCLUSION.**—

(1) **IN GENERAL.**—Subject to paragraph (2), to resolve the encroachment on the land designated for exclusion, the Secretary may sell for consideration in an amount equal to fair market value—

(A) the land designated for exclusion; and

(B) as the Secretary determines to be necessary, not more than 10 acres of land adjacent to the land designated for exclusion.

(2) **CONDITIONS.**—The sale of land under paragraph (1) shall be subject to the conditions that—

(A) the land to be conveyed be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the person buying the land shall pay—

(i) the costs associated with appraising and, if the land needs to be resurveyed, resurveying the land; and

(ii) any analyses and closing costs associated with the conveyance;

(C) for management purposes, the Secretary may reconfigure the description of the land for sale; and

(D) the owner of the adjacent private land shall have the first opportunity to buy the land.

(3) **DISPOSITION OF PROCEEDS.**—

(A) **IN GENERAL.**—The Secretary shall deposit the cash proceeds from a sale of land under paragraph (1) in the fund established under Public Law 90–171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(B) **AVAILABILITY AND USE.**—Amounts deposited under subparagraph (A)—

(i) shall remain available until expended for the acquisition of land for National Forest purposes in the State of Idaho; and

(ii) shall not be subject to transfer or reprogramming for—

(I) wildland fire management; or

(II) any other emergency purposes.

SEC. 3309. SANDIA PUEBLO LAND EXCHANGE TECHNICAL AMENDMENT.

Section 413(b) of the T’u’f Shur Bien Preservation Trust Area Act (16 U.S.C. 539m–11) is amended—

(1) in paragraph (1), by inserting “3,” after “sections”; and

(2) in the first sentence of paragraph (4), by inserting “, as a condition of the conveyance,” before “remain”.

Subtitle E—Colorado Northern Front Range Study

SEC. 3401. PURPOSE.

The purpose of this subtitle is to identify options that may be available to assist in maintaining the open space characteristics of land that is part of the mountain backdrop of communities in the northern section of the Front Range area of Colorado.

SEC. 3402. DEFINITIONS.

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) **STATE.**—The term “State” means the State of Colorado.

(3) **STUDY AREA.**—

(A) **IN GENERAL.**—The term “study area” means the land in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado, that is located west of Colorado State

Highway 93, south and east of Colorado State Highway 119, and north of Colorado State Highway 46, as generally depicted on the map entitled "Colorado Northern Front Range Mountain Backdrop Protection Study Act: Study Area" and dated August 27, 2008.

(B) **EXCLUSIONS.**—The term "study area" does not include land within the city limits of the cities of Arvada, Boulder, or Golden, Colorado.

(4) **UNDEVELOPED LAND.**—The term "undeveloped land" means land—

(A) that is located within the study area;

(B) that is free or primarily free of structures; and

(C) the development of which is likely to affect adversely the scenic, wildlife, or recreational value of the study area.

SEC. 3403. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

(a) **STUDY; REPORT.**—Not later than 1 year after the date of enactment of this Act and except as provided in subsection (c), the Secretary shall—

(1) conduct a study of the land within the study area; and

(2) complete a report that—

(A) identifies the present ownership of the land within the study area;

(B) identifies any undeveloped land that may be at risk of development; and

(C) describes any actions that could be taken by the United States, the State, a political subdivision of the State, or any other parties to preserve the open and undeveloped character of the land within the study area.

(b) **REQUIREMENTS.**—The Secretary shall conduct the study and develop the report under subsection (a) with the support and participation of 1 or more of the following State and local entities:

(1) The Colorado Department of Natural Resources.

(2) Colorado State Forest Service.

(3) Colorado State Conservation Board.

(4) Great Outdoors Colorado.

(5) Boulder, Jefferson, and Gilpin Counties, Colorado.

(c) **LIMITATION.**—If the State and local entities specified in subsection (b) do not support and participate in the conduct of the study and the development of the report under this section, the Secretary may—

(1) decrease the area covered by the study area, as appropriate; or

(2)(A) opt not to conduct the study or develop the report; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives notice of the decision not to conduct the study or develop the report.

(d) **EFFECT.**—Nothing in this subtitle authorizes the Secretary to take any action that would affect the use of any land not owned by the United States.

TITLE IV—FOREST LANDSCAPE RESTORATION

SEC. 4001. PURPOSE.

The purpose of this title is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes through a process that—

(1) encourages ecological, economic, and social sustainability;

(2) leverages local resources with national and private resources;

(3) facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and

(4) demonstrates the degree to which—

(A) various ecological restoration techniques—

(i) achieve ecological and watershed health objectives; and

(ii) affect wildfire activity and management costs; and

(B) the use of forest restoration byproducts can offset treatment costs while benefitting local rural economies and improving forest health.

SEC. 4002. DEFINITIONS.

In this title:

(1) **FUND.**—The term "Fund" means the Collaborative Forest Landscape Restoration Fund established by section 4003(f).

(2) **PROGRAM.**—The term "program" means the Collaborative Forest Landscape Restoration Program established under section 4003(a).

(3) **PROPOSAL.**—The term "proposal" means a collaborative forest landscape restoration proposal described in section 4003(b).

(4) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(5) **STRATEGY.**—The term "strategy" means a landscape restoration strategy described in section 4003(b)(1).

SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.

(a) **IN GENERAL.**—The Secretary, in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Landscape Restoration Program to select and fund ecological restoration treatments for priority forest landscapes in accordance with—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(3) any other applicable law.

(b) **ELIGIBILITY CRITERIA.**—To be eligible for nomination under subsection (c), a collaborative forest landscape restoration proposal shall—

(1) be based on a landscape restoration strategy that—

(A) is complete or substantially complete;

(B) identifies and prioritizes ecological restoration treatments for a 10-year period within a landscape that is—

(i) at least 50,000 acres;

(ii) comprised primarily of forested National Forest System land, but may also include land under the jurisdiction of the Bureau of Land Management, land under the jurisdiction of the Bureau of Indian Affairs, or other Federal, State, tribal, or private land;

(iii) in need of active ecosystem restoration; and

(iv) accessible by existing or proposed wood-processing infrastructure at an appropriate scale to use woody biomass and small-diameter wood removed in ecological restoration treatments;

(C) incorporates the best available science and scientific application tools in ecological restoration strategies;

(D) fully maintains, or contributes toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health and retaining the large trees contributing to old growth structure;

(E) would carry out any forest restoration treatments that reduce hazardous fuels by—

(i) focusing on small diameter trees, thinning, strategic fuel breaks, and fire use to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(ii) maximizing the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; and

(F)(i) does not include the establishment of permanent roads; and

(ii) would commit funding to decommission all temporary roads constructed to carry out the strategy;

(2) be developed and implemented through a collaborative process that—

(A) includes multiple interested persons representing diverse interests; and

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of Public Law 106–393 (16 U.S.C. 500 note);

(3) describe plans to—

(A) reduce the risk of uncharacteristic wildfire, including through the use of fire for ecological restoration and maintenance and reestablishing natural fire regimes, where appropriate;

(B) improve fish and wildlife habitat, including for endangered, threatened, and sensitive species;

(C) maintain or improve water quality and watershed function;

(D) prevent, remediate, or control invasions of exotic species;

(E) maintain, decommission, and rehabilitate roads and trails;

(F) use woody biomass and small-diameter trees produced from projects implementing the strategy;

(G) report annually on performance, including through performance measures from the plan entitled the "10 Year Comprehensive Strategy Implementation Plan" and dated December 2006; and

(H) take into account any applicable community wildfire protection plan;

(4) analyze any anticipated cost savings, including those resulting from—

(A) reduced wildfire management costs; and

(B) a decrease in the unit costs of implementing ecological restoration treatments over time;

(5) estimate—

(A) the annual Federal funding necessary to implement the proposal; and

(B) the amount of new non-Federal investment for carrying out the proposal that would be leveraged;

(6) describe the collaborative process through which the proposal was developed, including a description of—

(A) participation by or consultation with State, local, and Tribal governments; and

(B) any established record of successful collaborative planning and implementation of ecological restoration projects on National Forest System land and other land included in the proposal by the collaborators; and

(7) benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for restoration planning, design, implementation, or monitoring with—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local, and nonprofit youth groups;

(C) existing or proposed small or micro-businesses, clusters, or incubators; or

(D) other entities that will hire or train local people to complete such contracts, grants, or agreements; and

(8) be subject to any other requirements that the Secretary, in consultation with the Secretary of the Interior, determines to be necessary for the efficient and effective administration of the program.

(c) **NOMINATION PROCESS.**—

(1) **SUBMISSION.**—A proposal shall be submitted to—

(A) the appropriate Regional Forester; and

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or
(iii) other official of the Department of the Interior.

(2) NOMINATION.—

(A) IN GENERAL.—A Regional Forester may nominate for selection by the Secretary any proposals that meet the eligibility criteria established by subsection (b).

(B) CONCURRENCE.—Any proposal nominated by the Regional Forester that proposes actions under the jurisdiction of the Secretary of the Interior shall include the concurrence of the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(3) DOCUMENTATION.—With respect to each proposal that is nominated under paragraph (2)—

(A) the appropriate Regional Forester shall—

(i) include a plan to use Federal funds allocated to the region to fund those costs of planning and carrying out ecological restoration treatments on National Forest System land, consistent with the strategy, that would not be covered by amounts transferred to the Secretary from the Fund; and

(ii) provide evidence that amounts proposed to be transferred to the Secretary from the Fund during the first 2 fiscal years following selection would be used to carry out ecological restoration treatments consistent with the strategy during the same fiscal year in which the funds are transferred to the Secretary;

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the nomination shall include a plan to fund such actions, consistent with the strategy, by the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior; and

(C) if actions on land not under the jurisdiction of the Secretary or the Secretary of the Interior are proposed, the appropriate Regional Forester shall provide evidence that the landowner intends to participate in, and provide appropriate funding to carry out, the actions.

(d) SELECTION PROCESS.—

(1) IN GENERAL.—After consulting with the advisory panel established under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall, subject to paragraph (2), select the best proposals that—

(A) have been nominated under subsection (c)(2); and

(B) meet the eligibility criteria established by subsection (b).

(2) CRITERIA.—In selecting proposals under paragraph (1), the Secretary shall give special consideration to—

(A) the strength of the proposal and strategy;

(B) the strength of the ecological case of the proposal and the proposed ecological restoration strategies;

(C) the strength of the collaborative process and the likelihood of successful collaboration throughout implementation;

(D) whether the proposal is likely to achieve reductions in long-term wildfire management costs;

(E) whether the proposal would reduce the relative costs of carrying out ecological restoration treatments as a result of the use of woody biomass and small-diameter trees; and

(F) whether an appropriate level of non-Federal investment would be leveraged in carrying out the proposal.

(3) LIMITATION.—The Secretary may select not more than—

(A) 10 proposals to be funded during any fiscal year;

(B) 2 proposals in any 1 region of the National Forest System to be funded during any fiscal year; and

(C) the number of proposals that the Secretary determines are likely to receive adequate funding.

(e) ADVISORY PANEL.—

(1) IN GENERAL.—The Secretary shall establish and maintain an advisory panel comprised of not more than 15 members to evaluate, and provide recommendations on, each proposal that has been nominated under subsection (c)(2).

(2) REPRESENTATION.—The Secretary shall ensure that the membership of the advisory panel is fairly balanced in terms of the points of view represented and the functions to be performed by the advisory panel.

(3) INCLUSION.—The advisory panel shall include experts in ecological restoration, fire ecology, fire management, rural economic development, strategies for ecological adaptation to climate change, fish and wildlife ecology, and woody biomass and small-diameter tree utilization.

(f) COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the “Collaborative Forest Landscape Restoration Fund”, to be used to pay up to 50 percent of the cost of carrying out and monitoring ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(2) INCLUSION.—The cost of carrying out ecological restoration treatments as provided in paragraph (1) may, as the Secretary determines to be appropriate, include cancellation and termination costs required to be obligated for contracts to carry out ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(3) CONTENTS.—The Fund shall consist of such amounts as are appropriated to the Fund under paragraph (6).

(4) EXPENDITURES FROM FUND.—

(A) IN GENERAL.—On request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are appropriate, in accordance with paragraph (1).

(B) LIMITATION.—The Secretary shall not expend money from the Fund on any 1 proposal—

(i) during a period of more than 10 fiscal years; or

(ii) in excess of \$4,000,000 in any 1 fiscal year.

(5) ACCOUNTING AND REPORTING SYSTEM.—The Secretary shall establish an accounting and reporting system for the Fund.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund \$40,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(g) PROGRAM IMPLEMENTATION AND MONITORING.—

(1) WORK PLAN.—Not later than 180 days after the date on which a proposal is selected to be carried out, the Secretary shall create, in collaboration with the interested persons, an implementation work plan and budget to implement the proposal that includes—

(A) a description of the manner in which the proposal would be implemented to achieve ecological and community economic benefit, including capacity building to accomplish restoration;

(B) a business plan that addresses—

(i) the anticipated unit treatment cost reductions over 10 years;

(ii) the anticipated costs for infrastructure needed for the proposal;

(iii) the projected sustainability of the supply of woody biomass and small-diameter trees removed in ecological restoration treatments; and

(iv) the projected local economic benefits of the proposal;

(C) documentation of the non-Federal investment in the priority landscape, including the sources and uses of the investments; and

(D) a plan to decommission any temporary roads established to carry out the proposal.

(2) PROJECT IMPLEMENTATION.—Amounts transferred to the Secretary from the Fund shall be used to carry out ecological restoration treatments that are—

(A) consistent with the proposal and strategy; and

(B) identified through the collaborative process described in subsection (b)(2).

(3) ANNUAL REPORT.—The Secretary, in collaboration with the Secretary of the Interior and interested persons, shall prepare an annual report on the accomplishments of each selected proposal that includes—

(A) a description of all acres (or other appropriate unit) treated and restored through projects implementing the strategy;

(B) an evaluation of progress, including performance measures and how prior year evaluations have contributed to improved project performance;

(C) a description of community benefits achieved, including any local economic benefits;

(D) the results of the multiparty monitoring, evaluation, and accountability process under paragraph (4); and

(E) a summary of the costs of—

(i) treatments; and

(ii) relevant fire management activities.

(4) MULTIPARTY MONITORING.—The Secretary shall, in collaboration with the Secretary of the Interior and interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of projects implementing a selected proposal for not less than 15 years after project implementation commences.

(h) REPORT.—Not later than 5 years after the first fiscal year in which funding is made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this title, to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Natural Resources of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out this title.

TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

SEC. 5001. FOSSIL CREEK, ARIZONA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

“(205) FOSSIL CREEK, ARIZONA.—Approximately 16.8 miles of Fossil Creek from the confluence of Sand Rock and Calf Pen Canyons to the confluence with the Verde River, to be administered by the Secretary of Agriculture in the following classes:

“(A) The approximately 2.7-mile segment from the confluence of Sand Rock and Calf Pen Canyons to the point where the segment exits the Fossil Spring Wilderness, as a wild river.

“(B) The approximately 7.5-mile segment from where the segment exits the Fossil Creek Wilderness to the boundary of the Mazatzal Wilderness, as a recreational river.

“(C) The 6.6-mile segment from the boundary of the Mazatzal Wilderness downstream to the confluence with the Verde River, as a wild river.”.

SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.

(a) **SHORT TITLE.**—This section may be cited as the “Craig Thomas Snake Headwaters Legacy Act of 2008”.

(b) **FINDINGS; PURPOSES.**—

(1) **FINDINGS.**—Congress finds that—

(A) the headwaters of the Snake River System in northwest Wyoming feature some of the cleanest sources of freshwater, healthiest native trout fisheries, and most intact rivers and streams in the lower 48 States;

(B) the rivers and streams of the headwaters of the Snake River System—

(i) provide unparalleled fishing, hunting, boating, and other recreational activities for—

(I) local residents; and

(II) millions of visitors from around the world; and

(ii) are national treasures;

(C) each year, recreational activities on the rivers and streams of the headwaters of the Snake River System generate millions of dollars for the economies of—

(i) Teton County, Wyoming; and

(ii) Lincoln County, Wyoming;

(D) to ensure that future generations of citizens of the United States enjoy the benefits of the rivers and streams of the headwaters of the Snake River System, Congress should apply the protections provided by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams; and

(E) the designation of the rivers and streams of the headwaters of the Snake River System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) will signify to the citizens of the United States the importance of maintaining the outstanding and remarkable qualities of the Snake River System while—

(i) preserving public access to those rivers and streams;

(ii) respecting private property rights (including existing water rights); and

(iii) continuing to allow historic uses of the rivers and streams.

(2) **PURPOSES.**—The purposes of this section are—

(A) to protect for current and future generations of citizens of the United States the outstandingly remarkable scenic, natural, wildlife, fishery, recreational, scientific, historic, and ecological values of the rivers and streams of the headwaters of the Snake River System, while continuing to deliver water and operate and maintain valuable irrigation water infrastructure; and

(B) to designate approximately 387.7 miles of the rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

(c) **DEFINITIONS.**—In this section:

(1) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is not located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge; and

(B) the Secretary of the Interior, with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge.

(2) **STATE.**—The term “State” means the State of Wyoming.

(d) **WILD AND SCENIC RIVER DESIGNATIONS, SNAKE RIVER HEADWATERS, WYOMING.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5001) is amended by adding at the end the following:

“(206) **SNAKE RIVER HEADWATERS, WYOMING.**—The following segments of the Snake River System, in the State of Wyoming:

“(A) **BAILEY CREEK.**—The 7-mile segment of Bailey Creek, from the divide with the Little Greys River north to its confluence with the Snake River, as a wild river.

“(B) **BLACKROCK CREEK.**—The 22-mile segment from its source to the Bridger-Teton National Forest boundary, as a scenic river.

“(C) **BUFFALO FORK OF THE SNAKE RIVER.**—The portions of the Buffalo Fork of the Snake River, consisting of—

“(i) the 55-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river;

“(ii) the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and

“(iii) the 7.7-mile segment from the upstream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.

“(D) **CRYSTAL CREEK.**—The portions of Crystal Creek, consisting of—

“(i) the 14-mile segment from its source to the Gros Ventre Wilderness boundary, as a wild river; and

“(ii) the 5-mile segment from the Gros Ventre Wilderness boundary to its confluence with the Gros Ventre River, as a scenic river.

“(E) **GRANITE CREEK.**—The portions of Granite Creek, consisting of—

“(i) the 12-mile segment from its source to the end of Granite Creek Road, as a wild river; and

“(ii) the 9.5-mile segment from Granite Hot Springs to the point 1 mile upstream from its confluence with the Hoback River, as a scenic river.

“(F) **GROS VENTRE RIVER.**—The portions of the Gros Ventre River, consisting of—

“(i) the 16.5-mile segment from its source to Darwin Ranch, as a wild river;

“(ii) the 39-mile segment from Darwin Ranch to the upstream boundary of Grand Teton National Park, excluding the section along Lower Slide Lake, as a scenic river; and

“(iii) the 3.3-mile segment flowing across the southern boundary of Grand Teton National Park to the Highlands Drive Loop Bridge, as a scenic river.

“(G) **HOBACK RIVER.**—The 10-mile segment from the point 10 miles upstream from its confluence with the Snake River to its confluence with the Snake River, as a recreational river.

“(H) **LEWIS RIVER.**—The portions of the Lewis River, consisting of—

“(i) the 5-mile segment from Shoshone Lake to Lewis Lake, as a wild river; and

“(ii) the 12-mile segment from the outlet of Lewis Lake to its confluence with the Snake River, as a scenic river.

“(I) **PACIFIC CREEK.**—The portions of Pacific Creek, consisting of—

“(i) the 22.5-mile segment from its source to the Teton Wilderness boundary, as a wild river; and

“(ii) the 11-mile segment from the Wilderness boundary to its confluence with the Snake River, as a scenic river.

“(J) **SHOAL CREEK.**—The 8-mile segment from its source to the point 8 miles downstream from its source, as a wild river.

“(K) **SNAKE RIVER.**—The portions of the Snake River, consisting of—

“(i) the 47-mile segment from its source to Jackson Lake, as a wild river;

“(ii) the 24.8-mile segment from 1 mile downstream of Jackson Lake Dam to 1 mile downstream of the Teton Park Road bridge at Moose, Wyoming, as a scenic river; and

“(iii) the 19-mile segment from the mouth of the Hoback River to the point 1 mile upstream from the Highway 89 bridge at Alpine Junction, as a recreational river, the boundary of the western edge of the corridor for the portion of the segment extending from the point 3.3 miles downstream of the mouth of the Hoback River to the point 4 miles downstream of the mouth of the Hoback River being the ordinary high water mark.

“(L) **WILLOW CREEK.**—The 16.2-mile segment from the point 16.2 miles upstream from its confluence with the Hoback River to its confluence with the Hoback River, as a wild river.

“(M) **WOLF CREEK.**—The 7-mile segment from its source to its confluence with the Snake River, as a wild river.”.

(e) **MANAGEMENT.**—

(1) **IN GENERAL.**—Each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) shall be managed by the Secretary concerned.

(2) **MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—In accordance with subparagraph (A), not later than 3 years after the date of enactment of this Act, the Secretary concerned shall develop a management plan for each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in an area under the jurisdiction of the Secretary concerned.

(B) **REQUIRED COMPONENT.**—Each management plan developed by the Secretary concerned under subparagraph (A) shall contain, with respect to the river segment that is the subject of the plan, a section that contains an analysis and description of the availability and compatibility of future development with the wild and scenic character of the river segment (with particular emphasis on each river segment that contains 1 or more parcels of private land).

(3) **QUANTIFICATION OF WATER RIGHTS RESERVED BY RIVER SEGMENTS.**—

(A) The Secretary concerned shall apply for the quantification of the water rights reserved by each river segment designated by this section in accordance with the procedural requirements of the laws of the State of Wyoming.

(B) For the purpose of the quantification of water rights under this subsection, with respect to each Wild and Scenic River segment designated by this section—

(i) the purposes for which the segments are designated, as set forth in this section, are declared to be beneficial uses; and

(ii) the priority date of such right shall be the date of enactment of this Act.

(4) **STREAM GAUGES.**—Consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Secretary may carry out activities at United States Geological Survey stream gauges that are located on the Snake River (including tributaries of the Snake River), including flow measurements and operation, maintenance, and replacement.

(5) **CONSENT OF PROPERTY OWNER.**—No property or interest in property located within the boundaries of any river segment described in

paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) may be acquired by the Secretary without the consent of the owner of the property or interest in property.

(6) EFFECT OF DESIGNATIONS.—

(A) IN GENERAL.—Nothing in this section affects valid existing rights, including—

(i) all interstate water compacts in existence on the date of enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(ii) water rights in the States of Idaho and Wyoming; and

(iii) water rights held by the United States.

(B) JACKSON LAKE; JACKSON LAKE DAM.—Nothing in this section shall affect the management and operation of Jackson Lake or Jackson Lake Dam, including the storage, management, and release of water.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5002(d)) is amended by adding at the end the following:

“(207) TAUNTON RIVER, MASSACHUSETTS.—The main stem of the Taunton River from its headwaters at the confluence of the Town and Matfield Rivers in the Town of Bridgewater downstream 40 miles to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, to be administered by the Secretary of the Interior in cooperation with the Taunton River Stewardship Council as follows: “(A) The 18-mile segment from the confluence of the Town and Matfield Rivers to Route 24 in the Town of Raynham, as a scenic river.

“(B) The 5-mile segment from Route 24 to 0.5 miles below Weir Bridge in the City of Taunton, as a recreational river.

“(C) The 8-mile segment from 0.5 miles below Weir Bridge to Muddy Cove in the Town of Dighton, as a scenic river.

“(D) The 9-mile segment from Muddy Cove to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, as a recreational river.”.

(b) MANAGEMENT OF TAUNTON RIVER, MASSACHUSETTS.—

(1) TAUNTON RIVER STEWARDSHIP PLAN.—

(A) IN GENERAL.—Each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall be managed in accordance with the Taunton River Stewardship Plan, dated July 2005 (including any amendment to the Taunton River Stewardship Plan that the Secretary of the Interior (referred to in this subsection as the “Secretary”) determines to be consistent with this section).

(B) EFFECT.—The Taunton River Stewardship Plan described in subparagraph (A) shall be considered to satisfy each requirement relating to the comprehensive management plan required under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COOPERATIVE AGREEMENTS.—To provide for the long-term protection, preservation, and enhancement of each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may enter into cooperative agreements (which may include provisions for financial and other assistance) with—

(A) the Commonwealth of Massachusetts (including political subdivisions of the Commonwealth of Massachusetts);

(B) the Taunton River Stewardship Council; and

(C) any appropriate nonprofit organization, as determined by the Secretary.

(3) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall not be—

(A) administered as a unit of the National Park System; or

(B) subject to the laws (including regulations) that govern the administration of the National Park System.

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—The zoning ordinances adopted by the Towns of Bridgewater, Halifax, Middleborough, Raynham, Berkley, Dighton, Freetown, and Somerset, and the Cities of Taunton and Fall River, Massachusetts (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a))), shall be considered to satisfy each standard and requirement described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) VILLAGES.—For the purpose of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), each town described in subparagraph (A) shall be considered to be a village.

(C) ACQUISITION OF LAND.—

(i) LIMITATION OF AUTHORITY OF SECRETARY.—With respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may only acquire parcels of land—

(I) by donation; or

(II) with the consent of the owner of the parcel of land.

(ii) PROHIBITION RELATING TO ACQUISITION OF LAND BY CONDEMNATION.—In accordance with section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may not acquire any parcel of land by condemnation.

Subtitle B—Wild and Scenic Rivers Studies

SEC. 5101. MISSISQUOI AND TROUT RIVERS STUDY.

(a) DESIGNATION FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

“(140) MISSISQUOI AND TROUT RIVERS, VERMONT.—The approximately 25-mile segment of the upper Missisquoi from its headwaters in Lowell to the Canadian border in North Troy, the approximately 25-mile segment from the Canadian border in East Richford to Enosburg Falls, and the approximately 20-mile segment of the Trout River from its headwaters to its confluence with the Missisquoi River.”.

(b) STUDY AND REPORT.—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

“(19) MISSISQUOI AND TROUT RIVERS, VERMONT.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall—

“(A) complete the study of the Missisquoi and Trout Rivers, Vermont, described in subsection (a)(140); and

“(B) submit a report describing the results of that study to the appropriate committees of Congress.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle C—Additions to the National Trails System

SEC. 5201. ARIZONA NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

“(27) ARIZONA NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—The Arizona National Scenic Trail, extending approximately 807 miles across the State of Arizona from the U.S.–Mexico international border to the Arizona–Utah border, as generally depicted on the map entitled ‘Arizona National Scenic Trail’ and dated December 5, 2007, to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior and appropriate State, tribal, and local governmental agencies.

“(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Forest Service.”.

SEC. 5202. NEW ENGLAND NATIONAL SCENIC TRAIL.

(a) AUTHORIZATION AND ADMINISTRATION.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5201) is amended by adding at the end the following:

“(28) NEW ENGLAND NATIONAL SCENIC TRAIL.—The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled ‘New England National Scenic Trail Proposed Route’, numbered T06/80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in consultation with appropriate Federal, State, tribal, regional, and local agencies, and other organizations, shall administer the trail after considering the recommendations of the report titled the ‘Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment’, prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.”.

(b) MANAGEMENT.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall consider the actions outlined in the Trail Management Blueprint described in the report titled the “Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment”, prepared by the National Park Service, and dated Spring 2006, as the framework for management and administration of the New England National Scenic Trail. Additional or more detailed plans for administration, management, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, and as approved by the Secretary.

(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivisions), and other regional, local, and private organizations deemed necessary and desirable to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. An agreement under this subsection may include provisions for limited financial assistance to encourage participation in the planning, acquisition, protection, operation, development, or maintenance of the trail.

(d) ADDITIONAL TRAIL SEGMENTS.—Pursuant to section 6 of the National Trails System Act (16 U.S.C. 1245), the Secretary is encouraged to

work with the State of New Hampshire and appropriate local and private organizations to include that portion of the Metacomet-Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the New England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint.

SEC. 5203. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) at the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the States of Montana, Idaho, Washington and Oregon;

(B) geological features that have exceptional value and quality to illustrate and interpret this extraordinary natural phenomenon are present on Federal, State, tribal, county, municipal, and private land in the region; and

(C) in 2001, a joint study team headed by the National Park Service that included about 70 members from public and private entities completed a study endorsing the establishment of an Ice Age Floods National Geologic Trail—

(i) to recognize the national significance of this phenomenon; and

(ii) to coordinate public and private sector entities in the presentation of the story of the Ice Age floods.

(2) PURPOSE.—The purpose of this section is to designate the Ice Age Floods National Geologic Trail in the States of Montana, Idaho, Washington, and Oregon, enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities.

(b) DEFINITIONS.—In this section:

(1) ICE AGE FLOODS; FLOODS.—The term “Ice Age floods” or “floods” means the cataclysmic floods that occurred in what is now the northwestern United States during the last Ice Age from massive, rapid and recurring drainage of Glacial Lake Missoula.

(2) PLAN.—The term “plan” means the cooperative management and interpretation plan authorized under subsection (f)(5).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TRAIL.—The term “Trail” means the Ice Age Floods National Geologic Trail designated by subsection (c).

(c) DESIGNATION.—In order to provide for public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods and to promote collaborative efforts for interpretation and education among public and private entities located along the pathways of the floods, there is designated the Ice Age Floods National Geologic Trail.

(d) LOCATION.—

(1) MAP.—The route of the Trail shall be as generally depicted on the map entitled “Ice Age Floods National Geologic Trail,” numbered P43/80,000 and dated June 2004.

(2) ROUTE.—The route shall generally follow public roads and highways.

(3) REVISION.—The Secretary may revise the map by publication in the Federal Register of a notice of availability of a new map as part of the plan.

(e) MAP AVAILABILITY.—The map referred to in subsection (d)(1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer the Trail in accordance with this section.

(2) LIMITATION.—Except as provided in paragraph (6)(B), the Trail shall not be considered to be a unit of the National Park System.

(3) TRAIL MANAGEMENT OFFICE.—To improve management of the Trail and coordinate Trail activities with other public agencies and private entities, the Secretary may establish and operate a trail management office at a central location within the vicinity of the Trail.

(4) INTERPRETIVE FACILITIES.—The Secretary may plan, design, and construct interpretive facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, tribal, or non-profit entities and are consistent with the plan.

(5) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after funds are made available to carry out this section, the Secretary shall prepare a cooperative management and interpretation plan for the Trail.

(B) CONSULTATION.—The Secretary shall prepare the plan in consultation with—

(i) State, local, and tribal governments;

(ii) the Ice Age Floods Institute;

(iii) private property owners; and

(iv) other interested parties.

(C) CONTENTS.—The plan shall—

(i) confirm and, if appropriate, expand on the inventory of features of the floods contained in the National Park Service study entitled “Ice Age Floods, Study of Alternatives and Environmental Assessment” (February 2001) by—

(I) locating features more accurately;

(II) improving the description of features; and

(III) reevaluating the features in terms of their interpretive potential;

(ii) review and, if appropriate, modify the map of the Trail referred to in subsection (d)(1);

(iii) describe strategies for the coordinated development of the Trail, including an interpretive plan for facilities, waysides, roadside pullouts, exhibits, media, and programs that present the story of the floods to the public effectively; and

(iv) identify potential partnering opportunities in the development of interpretive facilities and educational programs to educate the public about the story of the floods.

(6) COOPERATIVE MANAGEMENT.—

(A) IN GENERAL.—In order to facilitate the development of coordinated interpretation, education, resource stewardship, visitor facility development and operation, and scientific research associated with the Trail and to promote more efficient administration of the sites associated with the Trail, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Montana, Idaho, Washington, and Oregon in accordance with the authority provided for units of the National Park System under section 3(l) of Public Law 91-383 (16 U.S.C. 1a-2(l)).

(B) AUTHORITY.—For purposes of this paragraph only, the Trail shall be considered a unit of the National Park System.

(7) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with public or private entities to carry out this section.

(8) EFFECT ON PRIVATE PROPERTY RIGHTS.—Nothing in this section—

(A) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(B) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(9) LIABILITY.—Designation of the Trail by subsection (c) does not create any liability for,

or affect any liability under any law of, any private property owner with respect to any person injured on the private property.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, of which not more than \$12,000,000 may be used for development of the Trail.

SEC. 5204. WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5202(a)) is amended by adding at the end the following:

“(29) WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—The Washington-Rochambeau Revolutionary Route National Historic Trail, a corridor of approximately 600 miles following the route taken by the armies of General George Washington and Count Rochambeau between Newport, Rhode Island, and Yorktown, Virginia, in 1781 and 1782, as generally depicted on the map entitled ‘WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL’, numbered T01/80,001, and dated June 2007.

“(B) MAP.—The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior, in consultation with—

“(i) other Federal, State, tribal, regional, and local agencies; and

“(ii) the private sector.

“(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.”.

SEC. 5205. PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5204) is amended by adding at the end the following:

“(30) PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—The Pacific Northwest National Scenic Trail, a trail of approximately 1,200 miles, extending from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean Coast in Olympic National Park, Washington, following the route depicted on the map entitled ‘Pacific Northwest National Scenic Trail: Proposed Trail’, numbered T12/80,000, and dated February 2008 (referred to in this paragraph as the ‘map’).

“(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

“(C) ADMINISTRATION.—The Pacific Northwest National Scenic Trail shall be administered by the Secretary of Agriculture.

“(D) LAND ACQUISITION.—The United States shall not acquire for the Pacific Northwest National Scenic Trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.”.

SEC. 5206. TRAIL OF TEARS NATIONAL HISTORIC TRAIL.

Section 5(a)(16) of the National Trails System Act (16 U.S.C. 1244(a)(16)) is amended as follows:

(1) By amending subparagraph (C) to read as follows:

“(C) In addition to the areas otherwise designated under this paragraph, the following routes and land components by which the Cherokee Nation was removed to Oklahoma are components of the Trail of Tears National Historic

Trail, as generally described in the environmentally preferred alternative of the November 2007 Feasibility Study Amendment and Environmental Assessment for Trail of Tears National Historic Trail:

“(i) The Benge and Bell routes.

“(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

“(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

“(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).”

(2) In subparagraph (D)—

(A) by striking the first sentence; and

(B) by adding at the end the following: “No lands or interests in lands outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears National Historic Trail except with the consent of the owner thereof.”

Subtitle D—National Trail System Amendments

SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AUTHORITY.

(a) **AUTHORITY TO ACQUIRE LAND FROM WILLING SELLERS FOR CERTAIN TRAILS.**—

(1) **OREGON NATIONAL HISTORIC TRAIL.**—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

(2) **MORMON PIONEER NATIONAL HISTORIC TRAIL.**—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

(3) **CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.**—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

(4) **LEWIS AND CLARK NATIONAL HISTORIC TRAIL.**—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

(5) **IDITAROD NATIONAL HISTORIC TRAIL.**—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the

consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

(6) **NORTH COUNTRY NATIONAL SCENIC TRAIL.**—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”

(7) **ICE AGE NATIONAL SCENIC TRAIL.**—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”

(8) **POTOMAC HERITAGE NATIONAL SCENIC TRAIL.**—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”

(9) **NEZ PERCE NATIONAL HISTORIC TRAIL.**—Section 5(a)(14) of the National Trails System Act (16 U.S.C. 1244(a)(14)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”

(b) **CONFORMING AMENDMENT.**—Section 10 of the National Trails System Act (16 U.S.C. 1249) is amended by striking subsection (c) and inserting the following:

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—Except as otherwise provided in this Act, there are authorized to be appropriated such sums as are necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

“(2) **NATCHEZ TRACE NATIONAL SCENIC TRAIL.**—

“(A) **IN GENERAL.**—With respect to the Natchez Trace National Scenic Trail (referred to in this paragraph as the ‘trail’) designated by section 5(a)(12)—

“(i) not more than \$500,000 shall be appropriated for the acquisition of land or interests in land for the trail; and

“(ii) not more than \$2,000,000 shall be appropriated for the development of the trail.

“(B) **PARTICIPATION BY VOLUNTEER TRAIL GROUPS.**—The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.”

SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by adding at the end the following:

“(g) **REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **ROUTE.**—The term ‘route’ includes a trail segment commonly known as a cutoff.

“(B) **SHARED ROUTE.**—The term ‘shared route’ means a route that was a segment of more than 1 historic trail, including a route shared with an existing national historic trail.

“(2) **REQUIREMENTS FOR REVISION.**—

“(A) **IN GENERAL.**—The Secretary of the Interior shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

“(B) **STUDY REQUIREMENTS AND OBJECTIVES.**—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

“(C) **COMPLETION AND SUBMISSION OF STUDY.**—A study listed in this subsection shall be completed and submitted to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

“(3) **OREGON NATIONAL HISTORIC TRAIL.**—

“(A) **STUDY REQUIRED.**—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Oregon National Historic Trail.

“(B) **COVERED ROUTES.**—The routes to be studied under subparagraph (A) shall include the following:

“(i) Whitman Mission route.

“(ii) Upper Columbia River.

“(iii) Cowlitz River route.

“(iv) Meek cutoff.

“(v) Free Emigrant Road.

“(vi) North Alternate Oregon Trail.

“(vii) Goodale’s cutoff.

“(viii) North Side alternate route.

“(ix) Cutoff to Barlow road.

“(x) Naches Pass Trail.

“(4) **PONY EXPRESS NATIONAL HISTORIC TRAIL.**—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Pony Express National Historic Trail.

“(5) **CALIFORNIA NATIONAL HISTORIC TRAIL.**—

“(A) **STUDY REQUIRED.**—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other and shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the California National Historic Trail.

“(B) **COVERED ROUTES.**—The routes to be studied under subparagraph (A) shall include the following:

“(i) **MISSOURI VALLEY ROUTES.**—

“(I) Blue Mills-Independence Road.

“(II) Westport Landing Road.

“(III) Westport-Laurence Road.

“(IV) Fort Leavenworth-Blue River route.

“(V) Road to Amazonia.

“(VI) Union Ferry Route.

“(VII) Old Wyoming-Nebraska City cutoff.

“(VIII) Lower Plattsmouth Route.

“(IX) Lower Bellevue Route.

“(X) Woodbury cutoff.

“(XI) Blue Ridge cutoff.

“(XII) Westport Road.

“(XIII) Gum Springs-Fort Leavenworth route.
 “(XIV) Atchison/Independence Creek routes.
 “(XV) Fort Leavenworth-Kansas River route.
 “(XVI) Nebraska City cutoff routes.
 “(XVII) Minersville-Nebraska City Road.
 “(XVIII) Upper Plattsburgh route.
 “(XIX) Upper Bellevue route.
 “(ii) CENTRAL ROUTES.—
 “(I) Cherokee Trail, including splits.
 “(II) Weber Canyon route of Hastings cutoff.
 “(III) Bishop Creek cutoff.
 “(IV) McAuley cutoff.
 “(V) Diamond Springs cutoff.
 “(VI) Secret Pass.
 “(VII) Greenhorn cutoff.
 “(VIII) Central Overland Trail.
 “(iii) WESTERN ROUTES.—
 “(I) Bidwell-Bartleson route.
 “(II) Georgetown/Dagget Pass Trail.
 “(III) Big Trees Road.
 “(IV) Grizzly Flat cutoff.
 “(V) Nevada City Road.
 “(VI) Yreka Trail.
 “(VII) Henness Pass route.
 “(VIII) Johnson cutoff.
 “(IX) Luther Pass Trail.
 “(X) Volcano Road.
 “(XI) Sacramento-Coloma Wagon Road.
 “(XII) Burnett cutoff.
 “(XIII) Placer County Road to Auburn.
 “(6) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted in the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Mormon Pioneer Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Mormon Pioneer National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

“(ii) 1856–57 Handcart route (Iowa City to Council Bluffs).

“(iii) Keokuk route (Iowa).

“(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

“(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

“(vi) 1850 Golden Pass Road in Utah.

“(7) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) St. Joe Road.

“(ii) Council Bluffs Road.

“(iii) Sublette cutoff.

“(iv) Applegate route.

“(v) Old Fort Kearny Road (Oxbow Trail).

“(vi) Childs cutoff.

“(vii) Raft River to Applegate.”.

SEC. 5303. CHISHOLM TRAIL AND GREAT WESTERN TRAILS STUDIES.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

“(44) CHISHOLM TRAIL.—

“(A) IN GENERAL.—The Chisholm Trail (also known as the ‘Abilene Trail’), from the vicinity of San Antonio, Texas, segments from the vicinity of Cuero, Texas, to Ft. Worth, Texas, Duncan, Oklahoma, alternate segments used through Oklahoma, to Enid, Oklahoma, Caldwell, Kansas, Wichita, Kansas, Abilene, Kansas, and commonly used segments running to alternative Kansas destinations.

“(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.

“(45) GREAT WESTERN TRAIL.—

“(A) IN GENERAL.—The Great Western Trail (also known as the ‘Dodge City Trail’), from the vicinity of San Antonio, Texas, north-by-northwest through the vicinities of Kerrville and Menard, Texas, north-by-northeast through the vicinities of Coleman and Albany, Texas, north through the vicinity of Vernon, Texas, to Doan’s Crossing, Texas, northward through or near the vicinities of Altus, Lone Wolf, Canute, Vici, and May, Oklahoma, north through Kansas to Dodge City, and north through Nebraska to Ogallala.

“(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.”.

Subtitle E—Effect of Title

SEC. 5401. EFFECT.

(a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.—Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

(b) EFFECT ON STATE AUTHORITY.—Nothing in this title shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, and trapping.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

SEC. 6001. DEFINITIONS.

In this subtitle:

(1) AFFECTED STAKEHOLDER.—The term “affected stakeholder” means an entity that significantly affects, or is significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) GRANT RECIPIENT.—The term “grant recipient” means a watershed group that the Secretary has selected to receive a grant under section 6002(c)(2).

(3) PROGRAM.—The term “program” means the Cooperative Watershed Management Program established by the Secretary under section 6002(a).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) WATERSHED GROUP.—The term “watershed group” means a self-sustaining, cooperative watershed-wide group that—

(A) is comprised of representatives of the affected stakeholders of the relevant watershed;

(B) incorporates the perspectives of a diverse array of stakeholders, including, to the maximum extent practicable—

(i) representatives of—

(I) hydroelectric production;

(II) livestock grazing;

(III) timber production;

(IV) land development;

(V) recreation or tourism;

(VI) irrigated agricultural production;

(VII) the environment;

(VIII) potable water purveyors and industrial water users; and

(IX) private property owners within the watershed;

(ii) any Federal agency that has authority with respect to the watershed;

(iii) any State agency that has authority with respect to the watershed;

(iv) any local agency that has authority with respect to the watershed; and

(v) any Indian tribe that—

(I) owns land within the watershed; or

(II) has land in the watershed that is held in trust;

(C) is a grassroots, nonregulatory entity that addresses water availability and quality issues within the relevant watershed;

(D) is capable of promoting the sustainable use of the water resources of the relevant watershed and improving the functioning condition of rivers and streams through—

(i) water conservation;

(ii) improved water quality;

(iii) ecological resiliency; and

(iv) the reduction of water conflicts; and

(E) makes decisions on a consensus basis, as defined in the bylaws of the watershed group.

(6) WATERSHED MANAGEMENT PROJECT.—The term “watershed management project” means any project (including a demonstration project) that—

(A) enhances water conservation, including alternative water uses;

(B) improves water quality;

(C) improves ecological resiliency of a river or stream;

(D) reduces the potential for water conflicts; or

(E) advances any other goals associated with water quality or quantity that the Secretary determines to be appropriate.

SEC. 6002. PROGRAM.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the “Cooperative Watershed Management Program”, under which the Secretary shall provide grants—

(1)(A) to form a watershed group; or

(B) to enlarge a watershed group; and

(2) to conduct 1 or more projects in accordance with the goals of a watershed group.

(b) APPLICATION.—

(1) ESTABLISHMENT OF APPLICATION PROCESS; CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish—

(A) an application process for the program; and

(B) in consultation with the States, prioritization and eligibility criteria for considering applications submitted in accordance with the application process.

(c) DISTRIBUTION OF GRANT FUNDS.—

(1) IN GENERAL.—In distributing grant funds under this section, the Secretary—

(A) shall comply with paragraph (2); and

(B) may give priority to watershed groups that—

(i) represent maximum diversity of interests; or

(ii) serve subbasin-sized watersheds with an 8-digit hydrologic unit code, as defined by the United States Geological Survey.

(2) FUNDING PROCEDURE.—

(A) FIRST PHASE.—

(i) IN GENERAL.—The Secretary may provide to a grant recipient a first-phase grant in an amount not greater than \$100,000 each year for a period of not more than 3 years.

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a first-phase grant shall use the funds—

(I) to establish or enlarge a watershed group;

(II) to develop a mission statement for the watershed group;

(III) to develop project concepts; and

(IV) to develop a restoration plan.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(I) DETERMINATION.—For each year of a first-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) EFFECT OF DETERMINATION.—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year covered by the determination justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) ADVANCEMENT CONDITIONS.—A grant recipient shall not be eligible to receive a second-phase grant under subparagraph (B) until the date on which the Secretary determines that the watershed group—

(I) has approved articles of incorporation and bylaws governing the organization; and

(II)(aa) holds regular meetings;

(bb) has completed a mission statement; and

(cc) has developed a restoration plan and project concepts for the watershed.

(v) EXCEPTION.—A watershed group that has not applied for or received first-phase grants may apply for and receive second-phase grants under subparagraph (B) if the Secretary determines that the group has satisfied the requirements of first-phase grants.

(B) SECOND PHASE.—

(i) IN GENERAL.—A watershed group may apply for and receive second-phase grants of \$1,000,000 each year for a period of not more than 4 years if—

(I) the watershed group has applied for and received watershed grants under subparagraph (A); or

(II) the Secretary determines that the watershed group has satisfied the requirements of first-phase grants.

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a second-phase grant shall use the funds to plan and carry out watershed management projects.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(I) DETERMINATION.—For each year of the second-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) EFFECT OF DETERMINATION.—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) ADVANCEMENT CONDITION.—A grant recipient shall not be eligible to receive a third-phase grant under subparagraph (C) until the date on which the Secretary determines that the grant recipient has—

(I) completed each requirement of the second-phase grant; and

(II) demonstrated that 1 or more pilot projects of the grant recipient have resulted in demonstrable improvements, as determined by the Secretary, in the functioning condition of at least 1 river or stream in the watershed.

(C) THIRD PHASE.—

(i) FUNDING LIMITATION.—

(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may provide to a grant recipient a third-phase grant in an amount not greater than \$5,000,000 for a period of not more than 5 years.

(II) EXCEPTION.—The Secretary may provide to a grant recipient a third-phase grant in an amount that is greater than the amount described in subclause (I) if the Secretary deter-

mines that the grant recipient is capable of using the additional amount to further the purposes of the program in a way that could not otherwise be achieved by the grant recipient using the amount described in subclause (I).

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a third-phase grant shall use the funds to plan and carry out at least 1 watershed management project.

(3) AUTHORIZING USE OF FUNDS FOR ADMINISTRATIVE AND OTHER COSTS.—A grant recipient that receives a grant under this section may use the funds—

(A) to pay for—

(i) administrative and coordination costs, if the costs are not greater than the lesser of—

(I) 20 percent of the total amount of the grant; or

(II) \$100,000;

(ii) the salary of not more than 1 full-time employee of the watershed group; and

(iii) any legal fees arising from the establishment of the relevant watershed group; and

(B) to fund—

(i) water quality and quantity studies of the relevant watershed; and

(ii) the planning, design, and implementation of any projects relating to water quality or quantity.

(d) COST SHARE.—

(I) PLANNING.—The Federal share of the cost of an activity provided assistance through a first-phase grant shall be 100 percent.

(2) PROJECTS CARRIED OUT UNDER SECOND PHASE.—

(A) IN GENERAL.—The Federal share of the cost of any activity of a watershed management project provided assistance through a second-phase grant shall not exceed 50 percent of the total cost of the activity.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(3) PROJECTS CARRIED OUT UNDER THIRD PHASE.—

(A) IN GENERAL.—The Federal share of the costs of any activity of a watershed group of a grant recipient relating to a watershed management project provided assistance through a third-phase grant shall not exceed 50 percent of the total costs of the watershed management project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(e) ANNUAL REPORTS.—

(I) IN GENERAL.—Not later than 1 year after the date on which a grant recipient first receives funds under this section, and annually thereafter, in accordance with paragraph (2), the watershed group shall submit to the Secretary a report that describes the progress of the watershed group.

(2) REQUIRED DEGREE OF DETAIL.—The contents of an annual report required under paragraph (1) shall contain sufficient information to enable the Secretary to complete each report required under subsection (f), as determined by the Secretary.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(I) the ways in which the program assists the Secretary—

(A) in addressing water conflicts;

(B) in conserving water;

(C) in improving water quality; and

(D) in improving the ecological resiliency of a river or stream; and

(2) benefits that the program provides, including, to the maximum extent practicable, a quan-

titative analysis of economic, social, and environmental benefits.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$2,000,000 for each of fiscal years 2008 and 2009;

(2) \$5,000,000 for fiscal year 2010;

(3) \$10,000,000 for fiscal year 2011; and

(4) \$20,000,000 for each of fiscal years 2012 through 2020.

SEC. 6003. EFFECT OF SUBTITLE.

Nothing in this subtitle affects the applicability of any Federal, State, or local law with respect to any watershed group.

Subtitle B—Competitive Status for Federal Employees in Alaska

SEC. 6101. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended by adding at the end the following:

“(e) COMPETITIVE STATUS.—

“(1) IN GENERAL.—Nothing in subsection (a) provides that any person hired pursuant to the program established under that subsection is not eligible for competitive status in the same manner as any other employee hired as part of the competitive service.

“(2) REDESIGNATION OF CERTAIN POSITIONS.—

“(A) PERSONS SERVING IN ORIGINAL POSITIONS.—Not later than 60 days after the date of enactment of this subsection, with respect to any person hired into a permanent position pursuant to the program established under subsection (a) who is serving in that position as of the date of enactment of this subsection, the Secretary shall redesignate that position and the person serving in that position as having been part of the competitive service as of the date that the person was hired into that position.

“(B) PERSONS NO LONGER SERVING IN ORIGINAL POSITIONS.—With respect to any person who was hired pursuant to the program established under subsection (a) that is no longer serving in that position as of the date of enactment of this subsection—

“(i) the person may provide to the Secretary a request for redesignation of the service as part of the competitive service that includes evidence of the employment; and

“(ii) not later than 90 days of the submission of a request under clause (i), the Secretary shall redesignate the service of the person as being part of the competitive service.”.

Subtitle C—Wolf Livestock Loss Demonstration Project

SEC. 6201. DEFINITIONS.

In this subtitle:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) LIVESTOCK.—The term “livestock” means cattle, swine, horses, mules, sheep, goats, livestock guard animals, and other domestic animals, as determined by the Secretary.

(3) PROGRAM.—The term “program” means the demonstration program established under section 6202(a).

(4) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

SEC. 6202. WOLF COMPENSATION AND PREVENTION PROGRAM.

(a) IN GENERAL.—The Secretaries shall establish a 5-year demonstration program to provide grants to States and Indian tribes—

(1) to assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves; and

(2) to compensate livestock producers for livestock losses due to such predation.

(b) **CRITERIA AND REQUIREMENTS.**—The Secretaries shall—

(1) establish criteria and requirements to implement the program; and

(2) when promulgating regulations to implement the program under paragraph (1), consult with States that have implemented State programs that provide assistance to—

(A) livestock producers to undertake proactive activities to reduce the risk of livestock loss due to predation by wolves; or

(B) provide compensation to livestock producers for livestock losses due to such predation.

(c) **ELIGIBILITY.**—To be eligible to receive a grant under subsection (a), a State or Indian tribe shall—

(1) designate an appropriate agency of the State or Indian tribe to administer the 1 or more programs funded by the grant;

(2) establish 1 or more accounts to receive grant funds;

(3) maintain files of all claims received under programs funded by the grant, including supporting documentation;

(4) submit to the Secretary—

(A) annual reports that include—

(i) a summary of claims and expenditures under the program during the year; and

(ii) a description of any action taken on the claims; and

(B) such other reports as the Secretary may require to assist the Secretary in determining the effectiveness of activities provided assistance under this section; and

(5) promulgate rules for reimbursing livestock producers under the program.

(d) **ALLOCATION OF FUNDING.**—The Secretaries shall allocate funding made available to carry out this subtitle—

(1) equally between the uses identified in paragraphs (1) and (2) of subsection (a); and

(2) among States and Indian tribes based on—

(A) the level of livestock predation in the State or on the land owned by, or held in trust for the benefit of, the Indian tribe;

(B) whether the State or Indian tribe is located in a geographical area that is at high risk for livestock predation; or

(C) any other factors that the Secretaries determine are appropriate.

(e) **ELIGIBLE LAND.**—Activities and losses described in subsection (a) may occur on Federal, State, or private land, or land owned by, or held in trust for the benefit of, an Indian tribe.

(f) **FEDERAL COST SHARE.**—The Federal share of the cost of any activity provided assistance made available under this subtitle shall not exceed 50 percent of the total cost of the activity.

SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle \$1,000,000 for fiscal year 2009 and each fiscal year thereafter.

Subtitle D—Paleontological Resources Preservation

SEC. 6301. DEFINITIONS.

In this subtitle:

(1) **CASUAL COLLECTING.**—The term “casual collecting” means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth’s surface and other resources. As used in this paragraph, the terms “reasonable amount”, “common invertebrate and plant paleontological resources” and “negligible disturbance” shall be determined by the Secretary.

(2) **FEDERAL LAND.**—The term “Federal land” means—

(A) land controlled or administered by the Secretary of the Interior, except Indian land; or

(B) National Forest System land controlled or administered by the Secretary of Agriculture.

(3) **INDIAN LAND.**—The term “Indian Land” means land of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(4) **PALEONTOLOGICAL RESOURCE.**—The term “paleontological resource” means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth’s crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior with respect to land controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System land controlled or administered by the Secretary of Agriculture.

(6) **STATE.**—The term “State” means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 6302. MANAGEMENT.

(a) **IN GENERAL.**—The Secretary shall manage and protect paleontological resources on Federal land using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) **COORDINATION.**—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this subtitle.

SEC. 6303. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 6304. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) **PERMIT REQUIREMENT.**—

(1) **IN GENERAL.**—Except as provided in this subtitle, a paleontological resource may not be collected from Federal land without a permit issued under this subtitle by the Secretary.

(2) **CASUAL COLLECTING EXCEPTION.**—The Secretary shall allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal land and this subtitle.

(3) **PREVIOUS PERMIT EXCEPTION.**—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) **CRITERIA FOR ISSUANCE OF A PERMIT.**—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal land concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) **PERMIT SPECIFICATIONS.**—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this subtitle. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal land under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) **MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.**—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 6306 or is assessed a civil penalty under section 6307.

(e) **AREA CLOSURES.**—In order to protect paleontological or other resources or to provide for public safety, the Secretary may restrict access to or close areas under the Secretary’s jurisdiction to the collection of paleontological resources.

SEC. 6305. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) **IN GENERAL.**—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land unless such activity is conducted in accordance with this subtitle;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if the person knew or should have known such resource to have been excavated or removed from Federal land in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this subtitle; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal land.

(b) **FALSE LABELING OFFENSES.**—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal land.

(c) **PENALTIES.**—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed \$500, such person shall be fined

in accordance with title 18, United States Code, or imprisoned not more than 2 years, or both.

(d) **MULTIPLE OFFENSES.**—In the case of a second or subsequent violation by the same person, the amount of the penalty assessed under subsection (c) may be doubled.

(e) **GENERAL EXCEPTION.**—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of enactment of this Act.

SEC. 6307. CIVIL PENALTIES.

(a) **IN GENERAL.**—

(1) **HEARING.**—A person who violates any prohibition contained in an applicable regulation or permit issued under this subtitle may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) **AMOUNT OF PENALTY.**—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this subtitle, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) **MULTIPLE OFFENSES.**—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) **LIMITATION.**—The amount of any penalty assessed under this subsection for any 1 violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) **PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.**—

(1) **JUDICIAL REVIEW.**—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) **FAILURE TO PAY.**—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the

amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) **HEARINGS.**—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) **USE OF RECOVERED AMOUNTS.**—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, and to protect, monitor, and study the resources and sites.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 6308.

SEC. 6308. REWARDS AND FORFEITURE.

(a) **REWARDS.**—The Secretary may pay from penalties collected under section 6306 or 6307 or from appropriated funds—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount up to 1/2 of the penalties, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) **FORFEITURE.**—All paleontological resources with respect to which a violation under section 6306 or 6307 occurred and which are in the possession of any person, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture.

(c) **TRANSFER OF SEIZED RESOURCES.**—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SEC. 6309. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this subtitle;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 6310. REGULATIONS.

As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment.

SEC. 6311. SAVINGS PROVISIONS.

Nothing in this subtitle shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), Public Law 94–429 (commonly known as the “Mining in the Parks Act”) (16 U.S.C. 1901 et seq.), the Surface Min-

ing Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal land;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this subtitle;

(4) affect any land other than Federal land or affect the lawful recovery, collection, or sale of paleontological resources from land other than Federal land;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal land in addition to the protection provided under this subtitle; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this subtitle.

SEC. 6312. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

Subtitle E—Izembek National Wildlife Refuge Land Exchange

SEC. 6401. DEFINITIONS.

In this subtitle:

(1) **CORPORATION.**—The term “Corporation” means the King Cove Corporation.

(2) **FEDERAL LAND.**—The term “Federal land” means—

(A) the approximately 206 acres of Federal land located within the Refuge, as generally depicted on the map; and

(B) the approximately 1,600 acres of Federal land located on Sitkinak Island, as generally depicted on the map.

(3) **MAP.**—The term “map” means each of—

(A) the map entitled “Izembek and Alaska Peninsula National Wildlife Refuges” and dated September 2, 2008; and

(B) the map entitled “Sitkinak Island–Alaska Maritime National Wildlife Refuge” and dated September 2, 2008.

(4) **NON-FEDERAL LAND.**—The term “non-Federal land” means—

(A) the approximately 43,093 acres of land owned by the State, as generally depicted on the map; and

(B) the approximately 13,300 acres of land owned by the Corporation (including approximately 5,430 acres of land for which the Corporation shall relinquish the selection rights of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) as part of the land exchange under section 6402(a)), as generally depicted on the map.

(5) **REFUGE.**—The term “Refuge” means the Izembek National Wildlife Refuge.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(7) **STATE.**—The term “State” means the State of Alaska.

(8) **TRIBE.**—The term “Tribe” means the Agdaagux Tribe of King Cove, Alaska.

SEC. 6402. LAND EXCHANGE.

(a) **IN GENERAL.**—Upon receipt of notification by the State and the Corporation of the intention of the State and the Corporation to exchange the non-Federal land for the Federal land, subject to the conditions and requirements described in this subtitle, the Secretary may convey to the State all right, title, and interest

of the United States in and to the Federal land. The Federal land within the Refuge shall be transferred for the purpose of constructing a single-lane gravel road between the communities of King Cove and Cold Bay, Alaska.

(b) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 AND OTHER APPLICABLE LAWS.—

(1) IN GENERAL.—In determining whether to carry out the land exchange under subsection (a), the Secretary shall—

(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
(B) except as provided in subsection (c), comply with any other applicable law (including regulations).

(2) ENVIRONMENTAL IMPACT STATEMENT.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives notification under subsection (a), the Secretary shall initiate the preparation of an environmental impact statement required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) REQUIREMENTS.—The environmental impact statement prepared under subparagraph (A) shall contain—

(i) an analysis of—
(I) the proposed land exchange; and
(II) the potential construction and operation of a road between the communities of King Cove and Cold Bay, Alaska; and
(ii) an evaluation of a specific road corridor through the Refuge that is identified in consultation with the State, the City of King Cove, Alaska, and the Tribe.

(3) COOPERATING AGENCIES.—

(A) IN GENERAL.—During the preparation of the environmental impact statement under paragraph (2), each entity described in subparagraph (B) may participate as a cooperating agency.

(B) AUTHORIZED ENTITIES.—An authorized entity may include—

(i) any Federal agency that has permitting jurisdiction over the road described in paragraph (2)(B)(i)(II);
(ii) the State;
(iii) the Aleutians East Borough of the State;
(iv) the City of King Cove, Alaska;
(v) the Tribe; and
(vi) the Alaska Migratory Bird Co-Management Council.

(c) VALUATION.—The conveyance of the Federal land and non-Federal land under this section shall not be subject to any requirement under any Federal law (including regulations) relating to the valuation, appraisal, or equalization of land.

(d) PUBLIC INTEREST DETERMINATION.—

(1) CONDITIONS FOR LAND EXCHANGE.—Subject to paragraph (2), to carry out the land exchange under subsection (a), the Secretary shall determine that the land exchange (including the construction of a road between the City of King Cove, Alaska, and the Cold Bay Airport) is in the public interest.

(2) LIMITATION OF AUTHORITY OF SECRETARY.—The Secretary may not, as a condition for a finding that the land exchange is in the public interest—

(A) require the State or the Corporation to convey additional land to the United States; or
(B) impose any restriction on the subsistence uses (as defined in section 803 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3113)) of waterfowl by rural residents of the State.

(e) KINZAROFF LAGOON.—The land exchange under subsection (a) shall not be carried out before the date on which the parcel of land owned by the State that is located in the Kinzaroff Lagoon has been designated by the State as a State refuge, in accordance with the applicable laws (including regulations) of the State.

(f) DESIGNATION OF ROAD CORRIDOR.—In designating the road corridor described in subsection (b)(2)(B)(ii), the Secretary shall—

(1) minimize the adverse impact of the road corridor on the Refuge;

(2) transfer the minimum acreage of Federal land that is required for the construction of the road corridor; and

(3) to the maximum extent practicable, incorporate into the road corridor roads that are in existence as of the date of enactment of this Act.

(g) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to any other term or condition that the Secretary determines to be necessary.

SEC. 6403. KING COVE ROAD.

(a) REQUIREMENTS RELATING TO USE, BARRIER CABLES, AND DIMENSIONS.—

(1) LIMITATIONS ON USE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any portion of the road constructed on the Federal land conveyed pursuant to this subtitle shall be used primarily for health and safety purposes (including access to and from the Cold Bay Airport) and only for non-commercial purposes.

(B) EXCEPTIONS.—Notwithstanding subparagraph (A), the use of taxis, commercial vans for public transportation, and shared rides (other than organized transportation of employees to a business or other commercial facility) shall be allowed on the road described in subparagraph (A).

(C) REQUIREMENT OF AGREEMENT.—The limitations of the use of the road described in this paragraph shall be enforced in accordance with an agreement entered into between the Secretary and the State.

(2) REQUIREMENT OF BARRIER CABLE.—The road described in paragraph (1)(A) shall be constructed to include a cable barrier on each side of the road, as described in the record of decision entitled "Mitigation Measure MM-11, King Cove Access Project Final Environmental Impact Statement Record of Decision" and dated January 22, 2004, unless a different type barrier is required as a mitigation measure in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2).

(3) REQUIRED DIMENSIONS AND DESIGN FEATURES.—The road described in paragraph (1)(A) shall—

(A) have a width of not greater than a single lane, in accordance with the applicable road standards of the State;

(B) be constructed with gravel;

(C) be constructed to comply with any specific design features identified in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) as Mitigation Measures relative to the passage and migration of wildlife, and also the exchange of tidal flows, where applicable, in accordance with applicable Federal and State design standards; and

(D) if determined to be necessary, be constructed to include appropriate safety pullouts.

(b) SUPPORT FACILITIES.—Support facilities for the road described in subsection (a)(1)(A) shall not be located within the Refuge.

(c) FEDERAL PERMITS.—It is the intent of Congress that any Federal permit required for construction of the road be issued or denied not later than 1 year after the date of application for the permit.

(d) APPLICABLE LAW.—Nothing in this section amends, or modifies the application of, section 1110 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3170).

(e) MITIGATION PLAN.—

(1) IN GENERAL.—Based on the evaluation of impacts determined through the completion of the environmental impact statement under section 6402(b)(2), the Secretary, in consultation with the entities described in section

6402(b)(3)(B), shall develop an enforceable mitigation plan.

(2) CORRECTIVE MODIFICATIONS.—The Secretary may make corrective modifications to the mitigation plan developed under paragraph (1) if—

(A) the mitigation standards required under the mitigation plan are maintained; and

(B) the Secretary provides an opportunity for public comment with respect to any proposed corrective modification.

(3) AVOIDANCE OF WILDLIFE IMPACTS.—Road construction shall adhere to any specific mitigation measures included in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) that—

(A) identify critical periods during the calendar year when the refuge is utilized by wildlife, especially migratory birds; and

(B) include specific mandatory strategies to alter, limit or halt construction activities during identified high risk periods in order to minimize impacts to wildlife, and

(C) allow for the timely construction of the road.

(4) MITIGATION OF WETLAND LOSS.—The plan developed under this subsection shall comply with section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) with regard to minimizing, to the greatest extent practicable, the filling, fragmentation or loss of wetlands, especially intertidal wetlands, and shall evaluate mitigating effect of those wetlands transferred in Federal ownership under the provisions of this subtitle.

SEC. 6404. ADMINISTRATION OF CONVEYED LANDS.

(1) FEDERAL LAND.—Upon completion of the land exchange under section 6402(a)—

(A) the boundary of the land designated as wilderness within the Refuge shall be modified to exclude the Federal land conveyed to the State under the land exchange; and

(B) the Federal land located on Sitkinak Island that is withdrawn for use by the Coast Guard shall, at the request of the State, be transferred by the Secretary to the State upon the relinquishment or termination of the withdrawal.

(2) NON-FEDERAL LAND.—Upon completion of the land exchange under section 6402(a), the non-Federal land conveyed to the United States under this subtitle shall be—

(A) added to the Refuge or the Alaska Peninsula National Wildlife Refuge, as appropriate, as generally depicted on the map; and

(B) administered in accordance with the laws generally applicable to units of the National Wildlife Refuge System.

(3) WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Upon completion of the land exchange under section 6402(a), approximately 43,093 acres of land as generally depicted on the map shall be added to—

(i) the Izembek National Wildlife Refuge Wilderness; or

(ii) the Alaska Peninsula National Wildlife Refuge Wilderness.

(B) ADMINISTRATION.—The land added as wilderness under subparagraph (A) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other applicable laws (including regulations).

SEC. 6405. FAILURE TO BEGIN ROAD CONSTRUCTION.

(a) NOTIFICATION TO VOID LAND EXCHANGE.—If the Secretary, the State, and the Corporation enter into the land exchange authorized under section 6402(a), the State or the Corporation may notify the Secretary in writing of the intention of the State or Corporation to void the exchange if construction of the road through the Refuge has not begun.

(b) DISPOSITION OF LAND EXCHANGE.—Upon the latter of the date on which the Secretary receives a request under subsection (a), and the

date on which the Secretary determines that the Federal land conveyed under the land exchange under section 6402(a) has not been adversely impacted (other than any nominal impact associated with the preparation of an environmental impact statement under section 6402(b)(2)), the land exchange shall be null and void.

(c) RETURN OF PRIOR OWNERSHIP STATUS OF FEDERAL AND NON-FEDERAL LAND.—If the land exchange is voided under subsection (b)—

(1) the Federal land and non-Federal land shall be returned to the respective ownership status of each land prior to the land exchange;

(2) the parcel of the Federal land that is located in the Refuge shall be managed as part of the Izembek National Wildlife Refuge Wilderness; and

(3) each selection of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that was relinquished under this subtitle shall be reinstated.

SEC. 6406. EXPIRATION OF LEGISLATIVE AUTHORITY.

(a) IN GENERAL.—Any legislative authority for construction of a road shall expire at the end of the 7-year period beginning on the date of the enactment of this subtitle unless a construction permit has been issued during that period.

(b) EXTENSION OF AUTHORITY.—If a construction permit is issued within the allotted period, the 7-year authority shall be extended for a period of 5 additional years beginning on the date of issuance of the construction permit.

(c) EXTENSION OF AUTHORITY AS RESULT OF LEGAL CHALLENGES.—

(1) IN GENERAL.—Prior to the issuance of a construction permit, if a lawsuit or administrative appeal is filed challenging the land exchange or construction of the road (including a challenge to the NEPA process, decisions, or any required permit process required to complete construction of the road), the 7-year deadline or the five-year extension period, as appropriate, shall be extended for a time period equivalent to the time consumed by the full adjudication of the legal challenge or related administrative process.

(2) INJUNCTION.—After a construction permit has been issued, if a court issues an injunction against construction of the road, the 7-year deadline or 5-year extension, as appropriate, shall be extended for a time period equivalent to time period that the injunction is in effect.

(d) APPLICABILITY OF SECTION 6405.—Upon the expiration of the legislative authority under this section, if a road has not been constructed, the land exchange shall be null and void and the land ownership shall revert to the respective ownership status prior to the land exchange as provided in section 6405.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

SEC. 7001. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means the City of Paterson, New Jersey.

(2) COMMISSION.—The term “Commission” means the Paterson Great Falls National Historical Park Advisory Commission established by subsection (e)(1).

(3) HISTORIC DISTRICT.—The term “Historic District” means the Great Falls Historic District in the State.

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Park developed under subsection (d).

(5) MAP.—The term “Map” means the map entitled “Paterson Great Falls National Historical Park—Proposed Boundary”, numbered T03/80,001, and dated May 2008.

(6) PARK.—The term “Park” means the Paterson Great Falls National Historical Park established by subsection (b)(1)(A).

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(8) STATE.—The term “State” means the State of New Jersey.

(b) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established in the State a unit of the National Park System to be known as the “Paterson Great Falls National Historical Park”.

(B) CONDITIONS FOR ESTABLISHMENT.—The Park shall not be established until the date on which the Secretary determines that—

(i)(I) the Secretary has acquired sufficient land or an interest in land within the boundary of the Park to constitute a manageable unit; or

(II) the State or City, as appropriate, has entered into a written agreement with the Secretary to donate—

(aa) the Great Falls State Park, including facilities for Park administration and visitor services; or

(bb) any portion of the Great Falls State Park agreed to between the Secretary and the State or City; and

(ii) the Secretary has entered into a written agreement with the State, City, or other public entity, as appropriate, providing that—

(I) land owned by the State, City, or other public entity within the Historic District will be managed consistent with this section; and

(II) future uses of land within the Historic District will be compatible with the designation of the Park.

(2) PURPOSE.—The purpose of the Park is to preserve and interpret for the benefit of present and future generations certain historical, cultural, and natural resources associated with the Historic District.

(3) BOUNDARIES.—The Park shall include the following sites, as generally depicted on the Map:

(A) The upper, middle, and lower raceways.

(B) Mary Ellen Kramer (Great Falls) Park and adjacent land owned by the City.

(C) A portion of Upper Raceway Park, including the Ivanhoe Wheelhouse and the Society for Establishing Useful Manufactures Gatehouse.

(D) Overlook Park and adjacent land, including the Society for Establishing Useful Manufactures Hydroelectric Plant and Administration Building.

(E) The Allied Textile Printing site, including the Colt Gun Mill ruins, Mallory Mill ruins, Waverly Mill ruins, and Todd Mill ruins.

(F) The Rogers Locomotive Company Erecting Shop, including the Paterson Museum.

(G) The Great Falls Visitor Center.

(4) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) PUBLICATION OF NOTICE.—Not later than 60 days after the date on which the conditions in clauses (i) and (ii) of paragraph (1)(B) are satisfied, the Secretary shall publish in the Federal Register notice of the establishment of the Park, including an official boundary map for the Park.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Park in accordance with—

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) STATE AND LOCAL JURISDICTION.—Nothing in this section enlarges, diminishes, or modifies any authority of the State, or any political subdivision of the State (including the City)—

(A) to exercise civil and criminal jurisdiction; or

(B) to carry out State laws (including regulations) and rules on non-Federal land located within the boundary of the Park.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—As the Secretary determines to be appropriate to carry out this section, the Secretary may enter into cooperative agreements with the owner of the Great Falls Visitor Center or any nationally significant properties within the boundary of the Park under which the Secretary may identify, interpret, restore, and provide technical assistance for the preservation of the properties.

(B) RIGHT OF ACCESS.—A cooperative agreement entered into under subparagraph (A) shall provide that the Secretary, acting through the Director of the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purposes of—

(i) conducting visitors through the properties; and

(ii) interpreting the properties for the public.

(C) CHANGES OR ALTERATIONS.—No changes or alterations shall be made to any properties covered by a cooperative agreement entered into under subparagraph (A) unless the Secretary and the other party to the agreement agree to the changes or alterations.

(D) CONVERSION, USE, OR DISPOSAL.—Any payment made by the Secretary under this paragraph shall be subject to an agreement that the conversion, use, or disposal of a project for purposes contrary to the purposes of this section, as determined by the Secretary, shall entitle the United States to reimbursement in amount equal to the greater of—

(i) the amounts made available to the project by the United States; or

(ii) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or disposal.

(E) MATCHING FUNDS.—

(i) IN GENERAL.—As a condition of the receipt of funds under this paragraph, the Secretary shall require that any Federal funds made available under a cooperative agreement shall be matched on a 1-to-1 basis by non-Federal funds.

(ii) FORM.—With the approval of the Secretary, the non-Federal share required under clause (i) may be in the form of donated property, goods, or services from a non-Federal source.

(4) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire land or interests in land within the boundary of the Park by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(B) DONATION OF STATE OWNED LAND.—Land or interests in land owned by the State or any political subdivision of the State may only be acquired by donation.

(5) TECHNICAL ASSISTANCE AND PUBLIC INTERPRETATION.—The Secretary may provide technical assistance and public interpretation of related historic and cultural resources within the boundary of the Historic District.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this subsection, the Secretary, in consultation with the Commission, shall complete a management plan for the Park in accordance with—

(A) section 12(b) of Public Law 91-383 (commonly known as the “National Park Service General Authorities Act”) (16 U.S.C. 1a-7(b)); and

(B) other applicable laws.

(2) **COST SHARE.**—The management plan shall include provisions that identify costs to be shared by the Federal Government, the State, and the City, and other public or private entities or individuals for necessary capital improvements to, and maintenance and operations of, the Park.

(3) **SUBMISSION TO CONGRESS.**—On completion of the management plan, the Secretary shall submit the management plan to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(e) **PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ADVISORY COMMISSION.**—

(1) **ESTABLISHMENT.**—There is established a commission to be known as the “Paterson Great Falls National Historical Park Advisory Commission”.

(2) **DUTIES.**—The duties of the Commission shall be to advise the Secretary in the development and implementation of the management plan.

(3) **MEMBERSHIP.**—

(A) **COMPOSITION.**—The Commission shall be composed of 9 members, to be appointed by the Secretary, of whom—

(i) 4 members shall be appointed after consideration of recommendations submitted by the Governor of the State;

(ii) 2 members shall be appointed after consideration of recommendations submitted by the City Council of Paterson, New Jersey;

(iii) 1 member shall be appointed after consideration of recommendations submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and

(iv) 2 members shall have experience with national parks and historic preservation.

(B) **INITIAL APPOINTMENTS.**—The Secretary shall appoint the initial members of the Commission not later than the earlier of—

(i) the date that is 30 days after the date on which the Secretary has received all of the recommendations for appointments under subparagraph (A); or

(ii) the date that is 30 days after the Park is established in accordance with subsection (b).

(4) **TERM; VACANCIES.**—

(A) **TERM.**—

(i) **IN GENERAL.**—A member shall be appointed for a term of 3 years.

(ii) **REAPPOINTMENT.**—A member may be reappointed for not more than 1 additional term.

(B) **VACANCIES.**—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(5) **METINGS.**—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(6) **QUORUM.**—A majority of the Commission shall constitute a quorum.

(7) **CHAIRPERSON AND VICE CHAIRPERSON.**—

(A) **IN GENERAL.**—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(B) **VICE CHAIRPERSON.**—The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(C) **TERM.**—A member may serve as Chairperson or Vice Chairman for not more than 1 year in each office.

(8) **COMMISSION PERSONNEL MATTERS.**—

(A) **COMPENSATION OF MEMBERS.**—

(i) **IN GENERAL.**—Members of the Commission shall serve without compensation.

(ii) **TRAVEL EXPENSES.**—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United

States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(B) **STAFF.**—

(i) **IN GENERAL.**—The Secretary shall provide the Commission with any staff members and technical assistance that the Secretary, after consultation with the Commission, determines to be appropriate to enable the Commission to carry out the duties of the Commission.

(ii) **DETAIL OF EMPLOYEES.**—The Secretary may accept the services of personnel detailed from—

(I) the State;

(II) any political subdivision of the State; or

(III) any entity represented on the Commission.

(9) **FACA NONAPPLICABILITY.**—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) **TERMINATION.**—The Commission shall terminate 10 years after the date of enactment of this Act.

(f) **STUDY OF HINCHLIFFE STADIUM.**—

(1) **IN GENERAL.**—Not later than 3 fiscal years after the date on which funds are made available to carry out this section, the Secretary shall complete a study regarding the preservation and interpretation of Hinchliffe Stadium, which is listed on the National Register of Historic Places.

(2) **INCLUSIONS.**—The study shall include an assessment of—

(A) the potential for listing the stadium as a National Historic Landmark; and

(B) options for maintaining the historic integrity of Hinchliffe Stadium.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7002. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE.

(a) **ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.**—Should the Secretary of the Interior acquire, by donation only from the Clinton Birthplace Foundation, Inc., fee simple, unencumbered title to the William Jefferson Clinton Birthplace Home site located at 117 South Hervey Street, Hope, Arkansas, 71801, and to any personal property related to that site, the Secretary shall designate the William Jefferson Clinton Birthplace Home site as a National Historic Site and unit of the National Park System, to be known as the “President William Jefferson Clinton Birthplace Home National Historic Site”.

(b) **APPLICABILITY OF OTHER LAWS.**—The Secretary shall administer the President William Jefferson Clinton Birthplace Home National Historic Site in accordance with the laws generally applicable to national historic sites, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1–4), and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 7003. RIVER RAISIN NATIONAL BATTLEFIELD PARK.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—If Monroe County or Wayne County, Michigan, or other willing landowners in either County offer to donate to the United States land relating to the Battles of the River Raisin on January 18 and 22, 1813, or the aftermath of the battles, the Secretary of the Interior (referred to in this section as the “Secretary”) shall accept the donated land.

(2) **DESIGNATION OF PARK.**—On the acquisition of land under paragraph (1) that is of sufficient acreage to permit efficient administration, the

Secretary shall designate the acquired land as a unit of the National Park System, to be known as the “River Raisin National Battlefield Park” (referred to in this section as the “Park”).

(3) **LEGAL DESCRIPTION.**—

(A) **IN GENERAL.**—The Secretary shall prepare a legal description of the land and interests in land designated as the Park by paragraph (2).

(B) **AVAILABILITY OF MAP AND LEGAL DESCRIPTION.**—A map with the legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall manage the Park for the purpose of preserving and interpreting the Battles of the River Raisin in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) **GENERAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available, the Secretary shall complete a general management plan for the Park that, among other things, defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the site.

(B) **CONSULTATION.**—The Secretary shall consult with and solicit advice and recommendations from State, county, local, and civic organizations and leaders, and other interested parties in the preparation of the management plan.

(C) **INCLUSIONS.**—The plan shall include—

(i) consideration of opportunities for involvement by and support for the Park by State, county, and local governmental entities and nonprofit organizations and other interested parties; and

(ii) steps for the preservation of the resources of the site and the costs associated with these efforts.

(D) **SUBMISSION TO CONGRESS.**—On the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(3) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with State, county, local, and civic organizations to carry out this section.

(c) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House a report describing the progress made with respect to acquiring real property under this section and designating the River Raisin National Battlefield Park.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Amendments to Existing Units of the National Park System

SEC. 7101. FUNDING FOR KEWEENAW NATIONAL HISTORICAL PARK.

(a) **ACQUISITION OF PROPERTY.**—Section 4 of Public Law 102–543 (16 U.S.C. 410yy–3) is amended by striking subsection (d).

(b) **MATCHING FUNDS.**—Section 8(b) of Public Law 102–543 (16 U.S.C. 410yy–7(b)) is amended by striking “\$4” and inserting “\$1”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 10 of Public Law 102–543 (16 U.S.C. 410yy–9) is amended—

(1) in subsection (a)—

(A) by striking “\$25,000,000” and inserting “\$50,000,000”; and

(B) by striking “\$3,000,000” and inserting “\$25,000,000”; and

(2) in subsection (b), by striking “\$100,000” and all that follows through “those duties” and inserting “\$250,000”.

SEC. 7102. LOCATION OF VISITOR AND ADMINISTRATIVE FACILITIES FOR WEIR FARM NATIONAL HISTORIC SITE.

Section 4(d) of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note) is amended—

(1) in paragraph (1)(B), by striking “contiguous to” and all that follows and inserting “within Fairfield County.”;

(2) by amending paragraph (2) to read as follows:

“(2) DEVELOPMENT.—

“(A) MAINTAINING NATURAL CHARACTER.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

“(B) TREATMENT OF PREVIOUSLY DEVELOPED PROPERTY.—Nothing in subparagraph (A) shall either prevent the Secretary from acquiring property under paragraph (1) that, prior to the Secretary’s acquisition, was developed in a manner inconsistent with subparagraph (A), or require the Secretary to remediate such previously developed property to reflect the natural character described in subparagraph (A).”;

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking “the appropriate zoning authority” and all that follows through “Wilton, Connecticut,” and inserting “the local governmental entity that, in accordance with applicable State law, has jurisdiction over any property acquired under paragraph (1)(A)”.

SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION.

Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended—

(1) in subsection (b)—

(A) by striking “The Preserve” and inserting the following:

“(1) IN GENERAL.—The Preserve”;

(B) by adding at the end the following:

“(2) BOUNDARY EXPANSION.—The boundary of the Preserve is modified to include the land depicted on the map entitled ‘Little River Canyon National Preserve Proposed Boundary’, numbered 152/80,004, and dated December 2007.”;

and

(2) in subsection (c), by striking “map” and inserting “maps”.

SEC. 7104. HOPEWELL CULTURE NATIONAL HISTORICAL PARK BOUNDARY EXPANSION.

Section 2 of the Act entitled “An Act to rename and expand the boundaries of the Mound City Group National Monument in Ohio”, approved May 27, 1992 (106 Stat. 185), is amended—

(1) by striking “and” at the end of subsection (a)(3);

(2) by striking the period at the end of subsection (a)(4) and inserting “; and”;

(3) by adding after subsection (a)(4) the following new paragraph:

“(5) the map entitled ‘Hopewell Culture National Historical Park, Ohio Proposed Boundary Adjustment’ numbered 353/80,049 and dated June, 2006.”; and

(4) by adding after subsection (d)(2) the following new paragraph:

“(3) The Secretary may acquire lands added by subsection (a)(5) only from willing sellers.”.

SEC. 7105. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking “of approximately twenty thousand acres generally depicted on the map entitled ‘Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve’ numbered 90,000B and dated

April 1978,” and inserting “generally depicted on the map entitled ‘Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve’, numbered 467/80100A, and dated December 2007.”.

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking “(a) Within the” and all that follows through the first sentence and inserting the following:

“(a) IN GENERAL.—

“(1) BARATARIA PRESERVE UNIT.—

“(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the Barataria Preserve Unit by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

“(B) LIMITATIONS.—

“(i) IN GENERAL.—Any non-Federal land depicted on the map described in section 901 as ‘Lands Proposed for Addition’ may be acquired by the Secretary only with the consent of the owner of the land.

“(ii) BOUNDARY ADJUSTMENT.—On the date on which the Secretary acquires a parcel of land described in clause (i), the boundary of the Barataria Preserve Unit shall be adjusted to reflect the acquisition.

“(iii) EASEMENTS.—To ensure adequate hurricane protection of the communities located in the area, any land identified on the map described in section 901 that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.

“(C) TRANSFER OF ADMINISTRATION JURISDICTION.—Effective on the date of enactment of the Omnibus Public Land Management Act of 2009, administrative jurisdiction over any Federal land within the areas depicted on the map described in section 901 as ‘Lands Proposed for Addition’ is transferred, without consideration, to the administrative jurisdiction of the National Park Service, to be administered as part of the Barataria Preserve Unit.”;

(B) in the second sentence, by striking “The Secretary may also acquire by any of the foregoing methods” and inserting the following:

“(2) FRENCH QUARTER.—The Secretary may acquire by any of the methods referred to in paragraph (1)(A)”;

(C) in the third sentence, by striking “Lands, waters, and interests therein” and inserting the following:

“(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water”;

(D) in the fourth sentence, by striking “In acquiring” and inserting the following:

“(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring”;

(2) by striking subsections (b) through (f) and inserting the following:

“(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

“(1) fresh water drainage patterns;

“(2) vegetative cover;

“(3) the integrity of ecological and biological systems; and

“(4) water and air quality.

“(c) ADJACENT LAND.—With the consent of the owner and the parish governing authority, the Secretary may—

“(1) acquire land, water, and interests in land and water, by any of the methods referred to in subsection (a)(1)(A) (including use of appropriations from the Land and Water Conservation Fund); and

“(2) revise the boundaries of the Barataria Preserve Unit to include adjacent land and water.”; and

(3) by redesignating subsection (g) as subsection (d).

(c) DEFINITION OF IMPROVED PROPERTY.—Section 903 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230b) is amended in the fifth sentence by inserting “(or January 1, 2007, for areas added to the park after that date)” after “January 1, 1977”.

(d) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking “, except that within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he” and inserting “on land, and interests in land and water managed by the Secretary, except that the Secretary”.

(e) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking “Pending such establishment and thereafter the” and inserting “The”.

(f) REFERENCES IN LAW.—

(1) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(A) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(B) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(2) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(A) by striking “Barataria Marsh Unit” each place it appears and inserting “Barataria Preserve Unit”;

(B) by striking “Jean Lafitte National Historical Park” each place it appears and inserting “Jean Lafitte National Historical Park and Preserve”.

SEC. 7106. MINUTE MAN NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Minute Man National Historical Park Proposed Boundary”, numbered 406/81001, and dated July 2007.

(2) PARK.—The term “Park” means the Minute Man National Historical Park in the State of Massachusetts.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) MINUTE MAN NATIONAL HISTORICAL PARK.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Park is modified to include the area generally depicted on the map.

(B) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) ACQUISITION OF LAND.—The Secretary may acquire the land or an interest in the land described in paragraph (1)(A) by—

(A) purchase from willing sellers with donated or appropriated funds;

(B) donation; or

(C) exchange.

(3) ADMINISTRATION OF LAND.—The Secretary shall administer the land added to the Park under paragraph (1)(A) in accordance with applicable laws (including regulations).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7107. EVERGLADES NATIONAL PARK.

(a) INCLUSION OF TARPON BASIN PROPERTY.—

(1) DEFINITIONS.—In this subsection:

(A) HURRICANE HOLE.—The term “Hurricane Hole” means the natural salt-water body of

water within the Duesenbury Tracts of the eastern parcel of the Tarpon Basin boundary adjustment and accessed by Duesenbury Creek.

(B) MAP.—The term “map” means the map entitled “Proposed Tarpon Basin Boundary Revision”, numbered 160/80,012, and dated May 2008.

(C) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(D) TARPON BASIN PROPERTY.—The term “Tarpon Basin property” means land that—

(i) is comprised of approximately 600 acres of land and water surrounding Hurricane Hole, as generally depicted on the map; and

(ii) is located in South Key Largo.

(2) BOUNDARY REVISION.—

(A) IN GENERAL.—The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

(B) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange, land, water, or interests in land and water, within the area depicted on the map, to be added to Everglades National Park.

(C) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(D) ADMINISTRATION.—Land added to Everglades National Park by this section shall be administered as part of Everglades National Park in accordance with applicable laws (including regulations).

(3) HURRICANE HOLE.—The Secretary may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(b) LAND EXCHANGES.—

(1) DEFINITIONS.—In this subsection:

(A) COMPANY.—The term “Company” means Florida Power & Light Company.

(B) FEDERAL LAND.—The term “Federal Land” means the parcels of land that are—

(i) owned by the United States;

(ii) administered by the Secretary;

(iii) located within the National Park; and

(iv) generally depicted on the map as—

(I) Tract A, which is adjacent to the Tamiami Trail, U.S. Rt. 41; and

(II) Tract B, which is located on the eastern boundary of the National Park.

(C) MAP.—The term “map” means the map prepared by the National Park Service, entitled “Proposed Land Exchanges, Everglades National Park”, numbered 160/60411A, and dated September 2008.

(D) NATIONAL PARK.—The term “National Park” means the Everglades National Park located in the State.

(E) NON-FEDERAL LAND.—The term “non-Federal land” means the land in the State that—

(i) is owned by the State, the specific area and location of which shall be determined by the State; or

(ii) (I) is owned by the Company;

(II) comprises approximately 320 acres; and

(III) is located within the East Everglades Acquisition Area, as generally depicted on the map as “Tract D”.

(F) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(G) STATE.—The term “State” means the State of Florida and political subdivisions of the State, including the South Florida Water Management District.

(2) LAND EXCHANGE WITH STATE.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the State offers to convey to the Secretary all right, title, and interest of the

State in and to specific parcels of non-Federal land, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the State all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract A”.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISALS.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the State, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(3) LAND EXCHANGE WITH COMPANY.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the Company offers to convey to the Secretary all right, title, and interest of the Company in and to the non-Federal land generally depicted on the map as “Tract D”, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the Company all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract B”, along with a perpetual easement on a corridor of land contiguous to Tract B for the purpose of vegetation management.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal unless the non-Federal land is of higher value than the Federal land.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISAL.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(4) MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) BOUNDARY REVISION.—On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.

SEC. 7108. KALAUPAPA NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Secretary of the Interior shall authorize Ka ‘Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park, and their family members and friends, to establish a memorial at a suitable location or locations approved by the Secretary at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1969.

(b) DESIGN.—

(1) IN GENERAL.—The memorial authorized by subsection (a) shall—

(A) display in an appropriate manner the names of the first 5,000 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, most of whom lived at Kalawao; and

(B) display in an appropriate manner the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history, when most of the community was concentrated on the Kalaupapa side of the peninsula.

(2) APPROVAL.—The location, size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary of the Interior.

(c) FUNDING.—Ka ‘Ohana O Kalaupapa, a nonprofit organization, shall be solely responsible for acceptance of contributions for and payment of the expenses associated with the establishment of the memorial.

SEC. 7109. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

(a) COOPERATIVE AGREEMENTS.—Section 1029(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(d)) is amended by striking paragraph (3) and inserting the following:

“(3) AGREEMENTS.—

“(A) DEFINITION OF ELIGIBLE ENTITY.—In this paragraph, the term ‘eligible entity’ means—

“(i) the Commonwealth of Massachusetts;

“(ii) a political subdivision of the Commonwealth of Massachusetts; or

“(iii) any other entity that is a member of the Boston Harbor Islands Partnership described in subsection (e)(2).

“(B) AUTHORITY OF SECRETARY.—Subject to subparagraph (C), the Secretary may consult with an eligible entity on, and enter into with the eligible entity—

“(i) a cooperative management agreement to acquire from, and provide to, the eligible entity goods and services for the cooperative management of land within the recreation area; and

“(ii) notwithstanding section 6305 of title 31, United States Code, a cooperative agreement for the construction of recreation area facilities on land owned by an eligible entity for purposes consistent with the management plan under subsection (f).

“(C) CONDITIONS.—The Secretary may enter into an agreement with an eligible entity under subparagraph (B) only if the Secretary determines that—

“(i) appropriations for carrying out the purposes of the agreement are available; and

“(ii) the agreement is in the best interests of the United States.”.

(b) TECHNICAL AMENDMENTS.—

(1) MEMBERSHIP.—Section 1029(e)(2)(B) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amended by striking “Coast Guard” and inserting “Coast Guard.”.

(2) DONATIONS.—Section 1029(e)(11) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(11)) is amended by striking “Notwithstanding” and inserting “Notwithstanding”.

SEC. 7110. THOMAS EDISON NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) PURPOSES.—The purposes of this section are—

(1) to recognize and pay tribute to Thomas Alva Edison and his innovations; and

(2) to preserve, protect, restore, and enhance the Edison National Historic Site to ensure public use and enjoyment of the Site as an educational, scientific, and cultural center.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Thomas Edison National Historical Park as a unit of the National Park System (referred to in this section as the “Historical Park”).

(2) BOUNDARIES.—The Historical Park shall be comprised of all property owned by the United States in the Edison National Historic Site as well as all property authorized to be acquired by the Secretary of the Interior (referred to in this section as the “Secretary”) for inclusion in the Edison National Historic Site before the date of the enactment of this Act, as generally depicted on the map entitled the “Thomas Edison National Historical Park”, numbered 403/80,000, and dated April 2008.

(3) MAP.—The map of the Historical Park shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Historical Park in accordance with this section and with the provisions of law generally applicable to units of the National Park System, including the Acts entitled “An Act to establish a National Park Service, and for other purposes,” approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes,” approved August 21, 1935 (16 U.S.C. 461 et seq.).

(2) ACQUISITION OF PROPERTY.—

(A) REAL PROPERTY.—The Secretary may acquire land or interests in land within the boundaries of the Historical Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(B) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Historical Park.

(3) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the Historical Park.

(4) REPEAL OF SUPERSEDED LAW.—Public Law 87-628 (76 Stat. 428), regarding the establishment and administration of the Edison National Historic Site, is repealed.

(5) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “Edison National Historic Site” shall be deemed to be a reference to the “Thomas Edison National Historical Park”.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7111. WOMEN'S RIGHTS NATIONAL HISTORICAL PARK.

(a) VOTES FOR WOMEN TRAIL.—Title XVI of Public Law 96-607 (16 U.S.C. 410l) is amended by adding at the end the following:

“SEC. 1602. VOTES FOR WOMEN TRAIL.

“(a) DEFINITIONS.—In this section:

“(1) PARK.—The term ‘Park’ means the Women’s Rights National Historical Park established by section 1601.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior, acting through the Director of the National Park Service.

“(3) STATE.—The term ‘State’ means the State of New York.

“(4) TRAIL.—The term ‘Trail’ means the Votes for Women History Trail Route designated under subsection (b).

“(b) ESTABLISHMENT OF TRAIL ROUTE.—The Secretary, with concurrence of the agency having jurisdiction over the relevant roads, may designate a vehicular tour route, to be known as the ‘Votes for Women History Trail Route’, to link properties in the State that are historically and thematically associated with the struggle for women’s suffrage in the United States.

“(c) ADMINISTRATION.—The Trail shall be administered by the National Park Service through the Park.

“(d) ACTIVITIES.—To facilitate the establishment of the Trail and the dissemination of information regarding the Trail, the Secretary shall—

“(1) produce and disseminate appropriate educational materials regarding the Trail, such as handbooks, maps, exhibits, signs, interpretive guides, and electronic information;

“(2) coordinate the management, planning, and standards of the Trail in partnership with participating properties, other Federal agencies, and State and local governments;

“(3) create and adopt an official, uniform symbol or device to mark the Trail; and

“(4) issue guidelines for the use of the symbol or device adopted under paragraph (3).

“(e) ELEMENTS OF TRAIL ROUTE.—Subject to the consent of the owner of the property, the Secretary may designate as an official stop on the Trail—

“(1) all units and programs of the Park relating to the struggle for women’s suffrage;

“(2) other Federal, State, local, and privately owned properties that the Secretary determines have a verifiable connection to the struggle for women’s suffrage; and

“(3) other governmental and nongovernmental facilities and programs of an educational, commemorative, research, or interpretive nature that the Secretary determines to be directly related to the struggle for women’s suffrage.

“(f) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—

“(1) IN GENERAL.—To facilitate the establishment of the Trail and to ensure effective coordination of the Federal and non-Federal properties designated as stops along the Trail, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical and financial assistance to, other Federal agencies, the State, localities, regional governmental bodies, and private entities.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the period of fiscal years 2009 through 2013 to provide financial assistance to cooperating entities pursuant to agreements or memoranda entered into under paragraph (1).”.

(b) NATIONAL WOMEN’S RIGHTS HISTORY PROJECT NATIONAL REGISTRY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”) may make annual grants to State historic preservation offices for not more than 5 years to as-

sist the State historic preservation offices in surveying, evaluating, and nominating to the National Register of Historic Places women’s rights history properties.

(2) ELIGIBILITY.—In making grants under paragraph (1), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women’s rights movement, such as politics, economics, education, religion, and social and family rights.

(3) UPDATES.—The Secretary shall ensure that the National Register travel itinerary website entitled “Places Where Women Made History” is updated to contain—

(A) the results of the inventory conducted under paragraph (1); and

(B) any links to websites related to places on the inventory.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$1,000,000 for each of fiscal years 2009 through 2013.

(c) NATIONAL WOMEN’S RIGHTS HISTORY PROJECT PARTNERSHIPS NETWORK.—

(1) GRANTS.—The Secretary may make matching grants and give technical assistance for development of a network of governmental and nongovernmental entities (referred to in this subsection as the “network”), the purpose of which is to provide interpretive and educational program development of national women’s rights history, including historic preservation.

(2) MANAGEMENT OF NETWORK.—

(A) IN GENERAL.—The Secretary shall, through a competitive process, designate a nongovernmental managing network to manage the network.

(B) COORDINATION.—The nongovernmental managing entity designated under subparagraph (A) shall work in partnership with the Director of the National Park Service and State historic preservation offices to coordinate operation of the network.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(B) STATE HISTORIC PRESERVATION OFFICES.—Matching grants for historic preservation specific to the network may be made available through State historic preservation offices.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$1,000,000 for each of fiscal years 2009 through 2013.

SEC. 7112. MARTIN VAN BUREN NATIONAL HISTORIC SITE.

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term “historic site” means the Martin Van Buren National Historic Site in the State of New York established by Public Law 93-486 (16 U.S.C. 461 note) on October 26, 1974.

(2) MAP.—The term “map” means the map entitled “Boundary Map, Martin Van Buren National Historic Site”, numbered “460/80801”, and dated January 2005.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) BOUNDARY ADJUSTMENTS TO THE HISTORIC SITE.—

(1) BOUNDARY ADJUSTMENT.—The boundary of the historic site is adjusted to include approximately 261 acres of land identified as the “PROPOSED PARK BOUNDARY”, as generally depicted on the map.

(2) ACQUISITION AUTHORITY.—The Secretary may acquire the land and any interests in the land described in paragraph (1) from willing

sellers by donation, purchase with donated or appropriated funds, or exchange.

(3) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) **ADMINISTRATION.**—Land acquired for the historic site under this section shall be administered as part of the historic site in accordance with applicable law (including regulations).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7113. PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.

(a) **DESIGNATION OF PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.**—

(1) **IN GENERAL.**—The Palo Alto Battlefield National Historic Site shall be known and designated as the “Palo Alto Battlefield National Historical Park”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the historic site referred to in subsection (a) shall be deemed to be a reference to the Palo Alto Battlefield National Historical Park.

(3) **CONFORMING AMENDMENTS.**—The Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102–304) is amended—

(A) by striking “National Historic Site” each place it appears and inserting “National Historical Park”;

(B) in the heading for section 3, by striking “**NATIONAL HISTORIC SITE**” and inserting “**NATIONAL HISTORICAL PARK**”; and

(C) by striking “historic site” each place it appears and inserting “historical park”.

(b) **BOUNDARY EXPANSION, PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK, TEXAS.**—Section 3(b) of the Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102–304) (as amended by subsection (a)) is amended—

(1) in paragraph (1), by striking “(1) The historical park” and inserting the following:

“(1) **IN GENERAL.**—The historical park”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

“(2) **ADDITIONAL LAND.**—

“(A) **IN GENERAL.**—In addition to the land described in paragraph (1), the historical park shall consist of approximately 34 acres of land, as generally depicted on the map entitled ‘Palo Alto Battlefield NHS Proposed Boundary Expansion’, numbered 469/80,012, and dated May 21, 2008.

“(B) **AVAILABILITY OF MAP.**—The map described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.”; and

(4) in paragraph (3) (as redesignated by paragraph (2))—

(A) by striking “(3) Within” and inserting the following:

“(3) **LEGAL DESCRIPTION.**—Not later than”;

and

(B) in the second sentence, by striking “map referred to in paragraph (1)” and inserting “maps referred to in paragraphs (1) and (2)”.

SEC. 7114. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORICAL PARK.

(a) **DESIGNATION.**—The Abraham Lincoln Birthplace National Historic Site in the State of Kentucky shall be known and designated as the “Abraham Lincoln Birthplace National Historical Park”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Abraham Lincoln Birthplace National Historic Site shall be

deemed to be a reference to the “Abraham Lincoln Birthplace National Historical Park”.

SEC. 7115. NEW RIVER GORGE NATIONAL RIVER.

Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–20) is amended in the first sentence by striking “may” and inserting “shall”.

SEC. 7116. TECHNICAL CORRECTIONS.

(a) **GAYLORD NELSON WILDERNESS.**—

(1) **REDESIGNATION.**—Section 140 of division E of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108–447), is amended—

(A) in subsection (a), by striking “Gaylord A. Nelson” and inserting “Gaylord Nelson”; and

(B) in subsection (c)(4), by striking “Gaylord A. Nelson Wilderness” and inserting “Gaylord Nelson Wilderness”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “Gaylord A. Nelson Wilderness” shall be deemed to be a reference to the “Gaylord Nelson Wilderness”.

(b) **ARLINGTON HOUSE LAND TRANSFER.**—Section 2863(h)(1) of Public Law 107–107 (115 Stat. 1333) is amended by striking “the George Washington Memorial Parkway” and inserting “Arlington House, The Robert E. Lee Memorial,”.

(c) **CUMBERLAND ISLAND WILDERNESS.**—Section 2(a)(1) of Public Law 97–250 (16 U.S.C. 1132 note; 96 Stat. 709) is amended by striking “numbered 640/20,038I, and dated September 2004” and inserting “numbered 640/20,038K, and dated September 2005”.

(d) **PETRIFIED FOREST BOUNDARY.**—Section 2(1) of the Petrified Forest National Park Expansion Act of 2004 (16 U.S.C. 119 note; Public Law 108–430) is amended by striking “numbered 110/80,044, and dated July 2004” and inserting “numbered 110/80,045, and dated January 2005”.

(e) **COMMEMORATIVE WORKS ACT.**—Chapter 89 of title 40, United States Code, is amended—

(1) in section 8903(d), by inserting “Natural” before “Resources”;

(2) in section 8904(b), by inserting “Advisory” before “Commission”; and

(3) in section 8908(b)(1)—

(A) in the first sentence, by inserting “Advisory” before “Commission”; and

(B) in the second sentence, by striking “House Administration” and inserting “Natural Resources”.

(f) **CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL.**—Section 5(a)(25)(A) of the National Trails System Act (16 U.S.C. 1244(a)(25)(A)) is amended by striking “The John Smith” and inserting “The Captain John Smith”.

(g) **DELAWARE NATIONAL COASTAL SPECIAL RESOURCE STUDY.**—Section 604 of the Delaware National Coastal Special Resources Study Act (Public Law 109–338; 120 Stat. 1856) is amended by striking “under section 605”.

(h) **USE OF RECREATION FEES.**—Section 808(a)(1)(F) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807(a)(1)(F)) is amended by striking “section 6(a)” and inserting “section 806(a)”.

(i) **CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.**—Section 297F(b)(2)(A) of the Crossroads of the American Revolution National Heritage Area Act of 2006 (Public Law 109–338; 120 Stat. 1844) is amended by inserting “duties” before “of the”.

(j) **CUYAHOGA VALLEY NATIONAL PARK.**—Section 474(12) of the Consolidated Natural Resources Act of 2008 (Public Law 110–229; 122 Stat. 827) is amended by striking “Cuyahoga” each place it appears and inserting “Cuyahoga”.

(k) **PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE.**—

(1) **NAME ON MAP.**—Section 313(d)(1)(B) of the Department of the Interior and Related Agen-

cies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–199; 40 U.S.C. 872 note) is amended by striking “map entitled ‘Pennsylvania Avenue National Historic Park’, dated June 1, 1995, and numbered 840–82441” and inserting “map entitled ‘Pennsylvania Avenue National Historic Site’, dated August 25, 2008, and numbered 840–82441B”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pennsylvania Avenue National Historic Park shall be deemed to be a reference to the “Pennsylvania Avenue National Historic Site”.

SEC. 7117. DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, OHIO.

(a) **ADDITIONAL AREAS INCLUDED IN PARK.**—Section 101 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410w, et seq.) is amended by adding at the end the following:

“(c) **ADDITIONAL SITES.**—In addition to the sites described in subsection (b), the park shall consist of the following sites, as generally depicted on a map titled ‘Dayton Aviation Heritage National Historical Park’, numbered 362/80,013 and dated May 2008:

“(1) Hawthorn Hill, Oakwood, Ohio.

“(2) The Wright Company factory and associated land and buildings, Dayton, Ohio.”.

(b) **PROTECTION OF HISTORIC PROPERTIES.**—Section 102 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410w–1) is amended—

(1) in subsection (a), by inserting “Hawthorn Hill, the Wright Company factory,” after “acquire”;

(2) in subsection (b), by striking “Such agreements” and inserting:

“(d) **CONDITIONS.**—Cooperative agreements under this section”;

(3) by inserting before subsection (d) (as added by paragraph 2) the following:

“(c) **COOPERATIVE AGREEMENTS.**—The Secretary is authorized to enter into a cooperative agreement with a partner or partners, including the Wright Family Foundation, to operate and provide programming for Hawthorn Hill and charge reasonable fees notwithstanding any other provision of law, which may be used to defray the costs of park operation and programming.”; and

(4) by striking “Commission” and inserting “Aviation Heritage Foundation”.

(c) **GRANT ASSISTANCE.**—The Dayton Aviation Heritage Preservation Act of 1992, is amended—

(1) by redesignating subsection (b) of section 108 as subsection (c); and

(2) by inserting after subsection (a) of section 108 the following new subsection:

“(b) **GRANT ASSISTANCE.**—The Secretary is authorized to make grants to the parks’ partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, for projects not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park’s general management plan, and shall enhance public use and enjoyment of the park.”.

(d) **NATIONAL AVIATION HERITAGE AREA.**—Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 461 note; Public Law 108–447), is amended—

(1) in section 503(3), by striking “104” and inserting “504”;

(2) in section 503(4), by striking “106” and inserting “506”;

(3) in section 504, by striking subsection (b)(2) and by redesignating subsection (b)(3) as subsection (b)(2); and

(4) in section 505(b)(1), by striking “106” and inserting “506”.

SEC. 7118. FORT DAVIS NATIONAL HISTORIC SITE.

Public Law 87-213 (16 U.S.C. 461 note) is amended as follows:

(1) In the first section—

(A) by striking “the Secretary of the Interior” and inserting “(a) The Secretary of the Interior”;

(B) by striking “476 acres” and inserting “646 acres”; and

(C) by adding at the end the following:

“(b) The Secretary may acquire from willing sellers land comprising approximately 55 acres, as depicted on the map titled ‘Fort Davis Proposed Boundary Expansion’, numbered 418/80,045, and dated April 2008. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon acquisition of the land, the land shall be incorporated into the Fort Davis National Historic Site.”.

(2) By repealing section 3.

Subtitle C—Special Resource Studies

SEC. 7201. WALNUT CANYON STUDY.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Walnut Canyon Proposed Study Area” and dated July 17, 2007.

(2) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(3) STUDY AREA.—The term “study area” means the area identified on the map as the “Walnut Canyon Proposed Study Area”.

(b) STUDY.—

(1) IN GENERAL.—The Secretaries shall conduct a study of the study area to assess—

(A) the suitability and feasibility of designating all or part of the study area as an addition to Walnut Canyon National Monument, in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c));

(B) continued management of the study area by the Forest Service; or

(C) any other designation or management option that would provide for—

(i) protection of resources within the study area; and

(ii) continued access to, and use of, the study area by the public.

(2) CONSULTATION.—The Secretaries shall provide for public comment in the preparation of the study, including consultation with appropriate Federal, State, and local governmental entities.

(3) REPORT.—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the results of the study; and

(B) any recommendations of the Secretaries.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7202. TULE LAKE SEGREGATION CENTER, CALIFORNIA.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the Tule Lake Segregation Center to determine the national significance of the site and the suitability and feasibility of including the site in the National Park System.

(2) STUDY GUIDELINES.—The study shall be conducted in accordance with the criteria for

the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(3) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(A) Modoc County;

(B) the State of California;

(C) appropriate Federal agencies;

(D) tribal and local government entities;

(E) private and nonprofit organizations; and

(F) private landowners.

(4) SCOPE OF STUDY.—The study shall include an evaluation of—

(A) the significance of the site as a part of the history of World War II;

(B) the significance of the site as the site relates to other war relocation centers;.

(C) the historical resources of the site, including the stockade, that are intact and in place;

(D) the contributions made by the local agricultural community to the World War II effort; and

(E) the potential impact of designation of the site as a unit of the National Park System on private landowners.

(b) REPORT.—Not later than 3 years after the date on which funds are made available to conduct the study required under this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study.

SEC. 7203. ESTATE GRANGE, ST. CROIX.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”), in consultation with the Governor of the Virgin Islands, shall conduct a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton’s life on St. Croix in the United States Virgin Islands.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall evaluate—

(A) the national significance of the sites and resources; and

(B) the suitability and feasibility of designating the sites and resources as a unit of the National Park System.

(3) CRITERIA.—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91-383 (16 U.S.C. 1a-5) shall apply to the study under paragraph (1).

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(A) the results of the study; and

(B) any findings, conclusions, and recommendations of the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7204. HARRIET BEECHER STOWE HOUSE, MAINE.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the “Secretary”) shall complete a special resource study of the Harriet Beecher Stowe House in Brunswick, Maine, to evaluate—

(A) the national significance of the Harriet Beecher Stowe House and surrounding land; and

(B) the suitability and feasibility of designating the Harriet Beecher Stowe House and surrounding land as a unit of the National Park System.

(2) STUDY GUIDELINES.—In conducting the study authorized under paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(b) REPORT.—On completion of the study required under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7205. SHEPHERDSTOWN BATTLEFIELD, WEST VIRGINIA.

(a) SPECIAL RESOURCES STUDY.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study relating to the Battle of Shepherdstown in Shepherdstown, West Virginia, to evaluate—

(1) the national significance of the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield; and

(2) the suitability and feasibility of adding the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield as part of—

(A) Harpers Ferry National Historical Park; or

(B) Antietam National Battlefield.

(b) CRITERIA.—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7206. GREEN MCADOO SCHOOL, TENNESSEE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the site of Green McAdoo School in Clinton, Tennessee, (referred to in this section as the “site”) to evaluate—

(1) the national significance of the site; and

(2) the suitability and feasibility of designating the site as a unit of the National Park System.

(b) CRITERIA.—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) CONTENTS.—The study authorized by this section shall—

(1) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(2) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site; and

(3) identify alternatives for the management, administration, and protection of the site.

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

- (1) the findings and conclusions of the study; and
 (2) any recommendations of the Secretary.

SEC. 7207. HARRY S TRUMAN BIRTHPLACE, MISSOURI.

(a) *IN GENERAL.*—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the Harry S Truman Birthplace State Historic Site (referred to in this section as the “birthplace site”) in Lamar, Missouri, to determine—

(1) the suitability and feasibility of—
 (A) adding the birthplace site to the Harry S Truman National Historic Site; or

(B) designating the birthplace site as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the birthplace site by the National Park Service, other Federal, State, or local government entities, or private or non-profit organizations.

(b) *STUDY REQUIREMENTS.*—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) *REPORT.*—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the birthplace site.

SEC. 7208. BATTLE OF MATEWAN SPECIAL RESOURCE STUDY.

(a) *IN GENERAL.*—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the sites and resources at Matewan, West Virginia, associated with the Battle of Matewan (also known as the “Matewan Massacre”) of May 19, 1920, to determine—

(1) the suitability and feasibility of designating certain historic areas of Matewan, West Virginia, as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the historic areas by the National Park Service, other Federal, State, or local government entities, or private or non-profit organizations.

(b) *STUDY REQUIREMENTS.*—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) *REPORT.*—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the historic areas.

SEC. 7209. BUTTERFIELD OVERLAND TRAIL.

(a) *IN GENERAL.*—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study along the route known as the “Ox-Bow Route” of the Butterfield Overland Trail (referred to in this section as the “route”) in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California to evaluate—

(1) a range of alternatives for protecting and interpreting the resources of the route, including alternatives for potential addition of the Trail to the National Trails System; and

(2) the methods and means for the protection and interpretation of the route by the National

Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) *STUDY REQUIREMENTS.*—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) or section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), as appropriate.

(c) *REPORT.*—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the route.

SEC. 7210. COLD WAR SITES THEME STUDY.

(a) *DEFINITIONS.*—

(1) *ADVISORY COMMITTEE.*—The term “Advisory Committee” means the Cold War Advisory Committee established under subsection (c).

(2) *SECRETARY.*—The term “Secretary” means the Secretary of the Interior.

(3) *THEME STUDY.*—The term “theme study” means the national historic landmark theme study conducted under subsection (b)(1).

(b) *COLD WAR THEME STUDY.*—

(1) *IN GENERAL.*—The Secretary shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(2) *RESOURCES.*—In conducting the theme study, the Secretary shall consider—

(A) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1906); and

(B) historical studies and research of Cold War sites and resources, including—

- (i) intercontinental ballistic missiles;
- (ii) flight training centers;
- (iii) manufacturing facilities;
- (iv) communications and command centers (such as Cheyenne Mountain, Colorado);
- (v) defensive radar networks (such as the Distant Early Warning Line);
- (vi) nuclear weapons test sites (such as the Nevada test site); and
- (vii) strategic and tactical aircraft.

(3) *CONTENTS.*—The theme study shall include—

(A) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

(i) sites for which studies for potential inclusion in the National Park System should be authorized;

(ii) sites for which new national historic landmarks should be nominated; and

(iii) other appropriate designations;

(B) recommendations for cooperative agreements with—

- (i) State and local governments;
- (ii) local historical organizations; and
- (iii) other appropriate entities; and

(C) an estimate of the amount required to carry out the recommendations under subparagraphs (A) and (B).

(4) *CONSULTATION.*—In conducting the theme study, the Secretary shall consult with—

- (A) the Secretary of the Air Force;
- (B) State and local officials;
- (C) State historic preservation offices; and
- (D) other interested organizations and individuals.

(5) *REPORT.*—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the

House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

(c) *COLD WAR ADVISORY COMMITTEE.*—

(1) *ESTABLISHMENT.*—As soon as practicable after funds are made available to carry out this section, the Secretary shall establish an advisory committee, to be known as the “Cold War Advisory Committee”, to assist the Secretary in carrying out this section.

(2) *COMPOSITION.*—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary, of whom—

(A) 3 shall have expertise in Cold War history;

(B) 2 shall have expertise in historic preservation;

(C) 1 shall have expertise in the history of the United States; and

(D) 3 shall represent the general public.

(3) *CHAIRPERSON.*—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(4) *COMPENSATION.*—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(5) *MEETINGS.*—On at least 3 occasions, the Secretary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

(d) *INTERPRETIVE HANDBOOK ON THE COLD WAR.*—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary shall—

(1) prepare and publish an interpretive handbook on the Cold War; and

(2) disseminate information in the theme study by other appropriate means.

(e) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to carry out this section \$500,000.

SEC. 7211. BATTLE OF CAMDEN, SOUTH CAROLINA.

(a) *IN GENERAL.*—The Secretary shall complete a special resource study of the site of the Battle of Camden fought in South Carolina on August 16, 1780, and the site of Historic Camden, which is a National Park System Affiliated Area, to determine—

(1) the suitability and feasibility of designating the sites as a unit or units of the National Park System; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) *STUDY REQUIREMENTS.*—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) *REPORT.*—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 7212. FORT SAN GERÓNIMO, PUERTO RICO.

(a) *DEFINITIONS.*—In this section:

(1) *FORT SAN GERÓNIMO.*—The term “Fort San Gerónimo” (also known as “Fortín de San Gerónimo del Boquerón”) means the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico.

(2) *RELATED RESOURCES.*—The term “related resources” means other parts of the fortification system of old San Juan that are not included within the boundary of San Juan National Historic Site, such as sections of the City Wall or other fortifications.

(b) STUDY.—

(1) *IN GENERAL.*—The Secretary shall complete a special resource study of Fort San Gerónimo and other related resources, to determine—

(A) the suitability and feasibility of including Fort San Gerónimo and other related resources in the Commonwealth of Puerto Rico as part of San Juan National Historic Site; and

(B) the methods and means for the protection and interpretation of Fort San Gerónimo and other related resources by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(2) *STUDY REQUIREMENTS.*—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) *REPORT.*—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

Subtitle D—Program Authorizations

SEC. 7301. AMERICAN BATTLEFIELD PROTECTION PROGRAM.

(a) *PURPOSE.*—The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(b) PRESERVATION ASSISTANCE.—

(1) *IN GENERAL.*—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) *FINANCIAL ASSISTANCE.*—To carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(3) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated \$3,000,000 annually to carry out this subsection, to remain available until expended.

(c) BATTLEFIELD ACQUISITION GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) *BATTLEFIELD REPORT.*—The term “Battlefield Report” means the document entitled “Report on the Nation’s Civil War Battlefields”, prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(B) *ELIGIBLE ENTITY.*—The term “eligible entity” means a State or local government.

(C) *ELIGIBLE SITE.*—The term “eligible site” means a site—

(i) that is not within the exterior boundaries of a unit of the National Park System; and

(ii) that is identified in the Battlefield Report.

(D) *SECRETARY.*—The term “Secretary” means the Secretary of the Interior, acting through the American Battlefield Protection Program.

(2) *ESTABLISHMENT.*—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants

to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(3) *NONPROFIT PARTNERS.*—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

(4) *NON-FEDERAL SHARE.*—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

(5) *LIMITATION ON LAND USE.*—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(f)(3)).

(6) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to the Secretary to provide grants under this subsection \$10,000,000 for each of fiscal years 2009 through 2013.

SEC. 7302. PRESERVE AMERICA PROGRAM.

(a) *PURPOSE.*—The purpose of this section is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

(b) DEFINITIONS.—In this section:

(1) *COUNCIL.*—The term “Council” means the Advisory Council on Historic Preservation.

(2) *HERITAGE TOURISM.*—The term “heritage tourism” means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) *PROGRAM.*—The term “program” means the Preserve America Program established under subsection (c)(1).

(4) *SECRETARY.*—The term “Secretary” means the Secretary of the Interior.

(c) ESTABLISHMENT.—

(1) *IN GENERAL.*—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under subsection (d)), Indian tribes, communities designated as Preserve America Communities under subsection (d), State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(2) ELIGIBLE PROJECTS.—

(A) *IN GENERAL.*—The following projects shall be eligible for a grant under this section:

(i) A project for the conduct of—

(I) research on, and documentation of, the history of a community; and

(II) surveys of the historic resources of a community.

(ii) An education and interpretation project that conveys the history of a community or site.

(iii) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(iv) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(v) A project to support heritage tourism in a Preserve America Community designated under subsection (d).

(vi) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this section.

(B) *LIMITATION.*—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(3) *PREFERENCE.*—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America’s Treasures Program.

(4) CONSULTATION AND NOTIFICATION.—

(A) *CONSULTATION.*—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) *NOTIFICATION.*—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(5) COST-SHARING REQUIREMENT.—

(A) *IN GENERAL.*—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) *FORM OF NON-FEDERAL SHARE.*—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies and related services, the value of which shall be determined by the Secretary.

(C) *REQUIREMENT.*—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) DESIGNATION OF PRESERVE AMERICA COMMUNITIES.—

(1) *APPLICATION.*—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(2) *CRITERIA.*—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under paragraph (1) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(A) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(B) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(C) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(3) *LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES.*—The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)).

(4) *GUIDELINES.*—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this subsection.

(e) *REGULATIONS.*—The Secretary shall develop any guidelines and issue any regulations

that the Secretary determines to be necessary to carry out this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$25,000,000 for each fiscal year, to remain available until expended.

SEC. 7303. SAVE AMERICA'S TREASURES PROGRAM.

(a) **PURPOSE.**—The purpose of this section is to authorize within the Department of the Interior the Save America's Treasures Program, to be carried out by the Director of the National Park Service, in partnership with—

- (1) the National Endowment for the Arts;
- (2) the National Endowment for the Humanities;
- (3) the Institute of Museum and Library Services;
- (4) the National Trust for Historic Preservation;
- (5) the National Conference of State Historic Preservation Officers;
- (6) the National Association of Tribal Historic Preservation Officers; and
- (7) the President's Committee on the Arts and the Humanities.

(b) **DEFINITIONS.**—In this section:

(1) **COLLECTION.**—The term “collection” means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means a Federal entity, State, local, or tribal government, educational institution, or non-profit organization.

(3) **HISTORIC PROPERTY.**—The term “historic property” has the meaning given the term in section 301 of the National Historic Preservation Act (16 U.S.C. 470w).

(4) **NATIONALLY SIGNIFICANT.**—The term “nationally significant” means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(5) **PROGRAM.**—The term “program” means the Save America's Treasures Program established under subsection (c)(1).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established in the Department of the Interior the Save America's Treasures program, under which the amounts made available to the Secretary under subsection (e) shall be used by the Secretary, in consultation with the organizations described in subsection (a), subject to paragraph (6)(A)(ii), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

(2) **DETERMINATION OF GRANTS.**—Of the amounts made available for grants under subsection (e), not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under paragraph (5).

(3) **APPLICATIONS FOR GRANTS.**—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(4) **COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.**—

(A) **IN GENERAL.**—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

- (i) nationally significant; and
- (ii) threatened or endangered.

(B) **ELIGIBLE COLLECTIONS.**—A determination by the Secretary regarding the national significance of collections under subparagraph (A)(i) shall be made in consultation with the organizations described in subsection (a), as appropriate.

(C) **ELIGIBLE HISTORIC PROPERTIES.**—To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application—

(i) be listed in the National Register of Historic Places at the national level of significance; or

(ii) be designated as a National Historic Landmark.

(D) **SELECTION CRITERIA FOR GRANTS.**—

(A) **IN GENERAL.**—The Secretary shall not provide a grant under this section to a project for an eligible collection or historic property unless the project—

(i) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;

(ii) has a clear public benefit; and

(iii) is able to be completed on schedule and within the budget described in the grant application.

(B) **PREFERENCE.**—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(C) **LIMITATION.**—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(6) **CONSULTATION AND NOTIFICATION BY SECRETARY.**—

(A) **CONSULTATION.**—

(i) **IN GENERAL.**—Subject to clause (ii), the Secretary shall consult with the organizations described in subsection (a) in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(ii) **LIMITATION.**—If an entity described in clause (i) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that clause and paragraph (1).

(B) **NOTIFICATION.**—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(7) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies or related services, the value of which shall be determined by the Secretary.

(C) **REQUIREMENT.**—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) **REGULATIONS.**—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$50,000,000 for each fiscal year, to remain available until expended.

SEC. 7304. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.

Section 4 of Public Law 106–45 (16 U.S.C. 461 note; 113 Stat. 226) is amended by striking “2009” and inserting “2019”.

SEC. 7305. NATIONAL CAVE AND KARST RESEARCH INSTITUTE.

The National Cave and Karst Research Institute Act of 1998 (16 U.S.C. 4310 note; Public Law 105–325) is amended by striking section 5 and inserting the following:

“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as are necessary to carry out this Act.”

Subtitle E—Advisory Commissions

SEC. 7401. NA HOA PILI O KALOKO-HONOKOHAU ADVISORY COMMISSION.

Section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)) is amended by striking “ten years after the date of enactment of the Na Hoa Pili O Kaloko-Honokohau Re-establishment Act of 1996” and inserting “on December 31, 2018”.

SEC. 7402. CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION.

Effective September 26, 2008, section 8(a) of Public Law 87–126 (16 U.S.C. 459b–7(a)) is amended in the second sentence by striking “2008” and inserting “2018”.

SEC. 7403. CONCESSIONS MANAGEMENT ADVISORY BOARD.

Section 409(d) of the National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. 5958(d)) is amended in the first sentence by striking “2008” and inserting “2009”.

SEC. 7404. ST. AUGUSTINE 450TH COMMEMORATION COMMISSION.

(a) **DEFINITIONS.**—In this section:

(1) **COMMEMORATION.**—The term “commemoration” means the commemoration of the 450th anniversary of the founding of the settlement of St. Augustine, Florida.

(2) **COMMISSION.**—The term “Commission” means the St. Augustine 450th Commemoration Commission established by subsection (b)(1).

(3) **GOVERNOR.**—The term “Governor” means the Governor of the State.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—

(A) **IN GENERAL.**—The term “State” means the State of Florida.

(B) **INCLUSION.**—The term “State” includes agencies and entities of the State of Florida.

(b) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established a commission, to be known as the “St. Augustine 450th Commemoration Commission”.

(2) **MEMBERSHIP.**—

(A) **COMPOSITION.**—The Commission shall be composed of 14 members, of whom—

(i) 3 members shall be appointed by the Secretary, after considering the recommendations of the St. Augustine City Commission;

(ii) 3 members shall be appointed by the Secretary, after considering the recommendations of the Governor;

(iii) 1 member shall be an employee of the National Park Service having experience relevant to the historical resources relating to the city of St. Augustine and the commemoration, to be appointed by the Secretary;

(iv) 1 member shall be appointed by the Secretary, taking into consideration the recommendations of the Mayor of the city of St. Augustine;

(v) 1 member shall be appointed by the Secretary, after considering the recommendations of the Chancellor of the University System of Florida; and

(vi) 5 members shall be individuals who are residents of the State who have an interest in,

support for, and expertise appropriate to the commemoration, to be appointed by the Secretary, taking into consideration the recommendations of Members of Congress.

(B) **TIME OF APPOINTMENT.**—Each appointment of an initial member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(C) **TERM; VACANCIES.**—

(i) **TERM.**—A member of the Commission shall be appointed for the life of the Commission.

(ii) **VACANCIES.**—

(I) **IN GENERAL.**—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(II) **PARTIAL TERM.**—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(iii) **CONTINUATION OF MEMBERSHIP.**—If a member of the Commission was appointed to the Commission as Mayor of the city of St. Augustine or as an employee of the National Park Service or the State University System of Florida, and ceases to hold such position, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date on which that member ceases to hold the position.

(3) **DUTIES.**—The Commission shall—

(A) plan, develop, and carry out programs and activities appropriate for the commemoration;

(B) facilitate activities relating to the commemoration throughout the United States;

(C) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of the significance of the founding and continuing history of St. Augustine;

(D) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(E) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, St. Augustine;

(F) ensure that the commemoration provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs; and

(G) help ensure that the observances of the foundation of St. Augustine are inclusive and appropriately recognize the experiences and heritage of all individuals present when St. Augustine was founded.

(c) **COMMISSION MEETINGS.**—

(1) **INITIAL MEETING.**—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(2) **MEETINGS.**—The Commission shall meet—

(A) at least 3 times each year; or

(B) at the call of the Chairperson or the majority of the members of the Commission.

(3) **QUORUM.**—A majority of the voting members shall constitute a quorum, but a lesser number may hold meetings.

(4) **CHAIRPERSON AND VICE CHAIRPERSON.**—

(A) **ELECTION.**—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(B) **ABSENCE OF THE CHAIRPERSON.**—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(5) **VOTING.**—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(d) **COMMISSION POWERS.**—

(1) **GIFTS.**—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devices of money or other property for aiding or facilitating the work of the Commission.

(2) **APPOINTMENT OF ADVISORY COMMITTEES.**—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this section.

(3) **AUTHORIZATION OF ACTION.**—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this section.

(4) **PROCUREMENT.**—

(A) **IN GENERAL.**—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this section (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

(B) **LIMITATION.**—The Commission may not purchase real property.

(5) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(6) **GRANTS AND TECHNICAL ASSISTANCE.**—The Commission may—

(A) provide grants in amounts not to exceed \$20,000 per grant to communities and nonprofit organizations for use in developing programs to assist in the commemoration;

(B) provide grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of St. Augustine; and

(C) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) **COMMISSION PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS.**—

(A) **IN GENERAL.**—Except as provided in paragraph (2), a member of the Commission shall serve without compensation.

(B) **FEDERAL EMPLOYEES.**—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) **TRAVEL EXPENSES.**—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) **DIRECTOR AND STAFF.**—

(A) **IN GENERAL.**—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), nominate an executive director to enable the Commission to perform the duties of the Commission.

(B) **CONFIRMATION OF EXECUTIVE DIRECTOR.**—The employment of an executive director shall be subject to confirmation by the Commission.

(4) **COMPENSATION.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) **MAXIMUM RATE OF PAY.**—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(5) **DETAIL OF GOVERNMENT EMPLOYEES.**—

(A) **FEDERAL EMPLOYEES.**—

(i) **DETAIL.**—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of

the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(ii) **CIVIL SERVICE STATUS.**—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) **STATE EMPLOYEES.**—The Commission may—

(i) accept the services of personnel detailed from the State; and

(ii) reimburse the State for services of detailed personnel.

(6) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(7) **VOLUNTEER AND UNCOMPENSATED SERVICES.**—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

(8) **SUPPORT SERVICES.**—

(A) **IN GENERAL.**—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(B) **REIMBURSEMENT.**—Any reimbursement under this paragraph shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

(9) **FACA NONAPPLICABILITY.**—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) **NO EFFECT ON AUTHORITY.**—Nothing in this subsection supersedes the authority of the State, the National Park Service, the city of St. Augustine, or any designee of those entities, with respect to the commemoration.

(f) **PLANS; REPORTS.**—

(1) **STRATEGIC PLAN.**—The Commission shall prepare a strategic plan for the activities of the Commission carried out under this section.

(2) **FINAL REPORT.**—Not later than September 30, 2015, the Commission shall complete and submit to Congress a final report that contains—

(A) a summary of the activities of the Commission;

(B) a final accounting of funds received and expended by the Commission; and

(C) the findings and recommendations of the Commission.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Commission to carry out this section \$500,000 for each of fiscal years 2009 through 2015.

(2) **AVAILABILITY.**—Amounts made available under paragraph (1) shall remain available until December 31, 2015.

(h) **TERMINATION OF COMMISSION.**—

(1) **DATE OF TERMINATION.**—The Commission shall terminate on December 31, 2015.

(2) **TRANSFER OF DOCUMENTS AND MATERIALS.**—Before the date of termination specified in paragraph (1), the Commission shall transfer all documents and materials of the Commission to the National Archives or another appropriate Federal entity.

TITLE VIII—NATIONAL HERITAGE AREAS **Subtitle A—Designation of National Heritage Areas**

SEC. 8001. SANGRE DE CRISTO NATIONAL HERITAGE AREA, COLORADO.

(a) **DEFINITIONS.**—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Sangre de Cristo National Heritage Area established by subsection (b)(1).

(2) **MANAGEMENT ENTITY.**—The term “management entity” means the management entity for

the Heritage Area designated by subsection (b)(4).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area required under subsection (d).

(4) **MAP.**—The term “map” means the map entitled “Proposed Sangre De Cristo National Heritage Area” and dated November 2005.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **STATE.**—The term “State” means the State of Colorado.

(b) **SANGRE DE CRISTO NATIONAL HERITAGE AREA.**—

(1) **ESTABLISHMENT.**—There is established in the State the Sangre de Cristo National Heritage Area.

(2) **BOUNDARIES.**—The Heritage Area shall consist of—

(A) the counties of Alamosa, Conejos, and Costilla; and

(B) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(3) **MAP.**—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) **MANAGEMENT ENTITY.**—

(A) **IN GENERAL.**—The management entity for the Heritage Area shall be the Sangre de Cristo National Heritage Area Board of Directors.

(B) **MEMBERSHIP REQUIREMENTS.**—Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) **ADMINISTRATION.**—

(1) **AUTHORITIES.**—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(D) obtain money or services from any source including any that are provided under any other Federal law or program;

(E) contract for goods or services; and

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area and is consistent with the approved management plan.

(2) **DUTIES.**—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year that Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds;

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) **PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.**—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(4) **COST-SHARING REQUIREMENT.**—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located in the core area described in subsection (b)(2); and

(II) any other property in the core area that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, or maintained because of the significance of the property;

(ii) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area.

(3) **DEADLINE.**—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date that the Secretary receives and approves the management plan.

(4) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area.

(C) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) **AMENDMENTS.**—

(i) **IN GENERAL.**—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines make a substantial change to the management plan.

(ii) **USE OF FUNDS.**—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8002. CACHE LA POUDE RIVER NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Cache La Poudre River National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Poudre Heritage Alliance, the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (d)(1).

(4) MAP.—The term “map” means the map entitled “Cache La Poudre River National Heritage Area”, numbered 960/80,003, and dated April, 2004.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of Colorado.

(b) CACHE LA POUDE RIVER NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Cache La Poudre River National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the area depicted on the map.

(3) MAP.—The map shall be on file and available for public inspection in the appropriate offices of—

(A) the National Park Service; and

(B) the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The local coordinating entity for the Heritage Area shall be the Poudre Heritage Alliance, a nonprofit organization incorporated in the State.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—To carry out the management plan, the Secretary, acting through the local coordinating entity, may use amounts made available under this section—

(A) to make grants to the State (including any political subdivision of the State), nonprofit organizations, and other individuals;

(B) to enter into cooperative agreements with, or provide technical assistance to, the State (including any political subdivision of the State), nonprofit organizations, and other interested parties;

(C) to hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resource protection, and heritage programming;

(D) to obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) to enter into contracts for goods or services; and

(F) to serve as a catalyst for any other activity that—

(i) furthers the purposes and goals of the Heritage Area; and

(ii) is consistent with the approved management plan.

(2) DUTIES.—The local coordinating entity shall—

(A) in accordance with subsection (d), prepare and submit to the Secretary a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values located in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, the natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest, are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of the resources located in the Heritage Area;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(iv) a program of implementation for the management plan by the local coordinating entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(3) **DEADLINE.**—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the local coordinating entity shall be ineligible to receive additional funding under this section until the date on which the Secretary approves a management plan.

(4) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(C) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the date of receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(5) **AMENDMENTS.**—

(A) **IN GENERAL.**—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines would make a substantial change to the management plan.

(B) **USE OF FUNDS.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to pro-

vide technical or financial assistance under any other law (including regulations).

(2) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any law (including any regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) **PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**—Nothing in this section—

(1) abridges the rights of any public or private property owner, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner—

(A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law (including regulations), of any private property owner with respect to any individual injured on the private property.

(g) **EVALUATION; REPORT.**—

(1) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) **EVALUATION.**—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area to identify the critical components for sustainability of the Heritage Area.

(3) **REPORT.**—

(A) **IN GENERAL.**—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) **REQUIRED ANALYSIS.**—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) **SUBMISSION TO CONGRESS.**—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) **FUNDING.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) **COST-SHARING REQUIREMENT.**—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(i) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

(j) **CONFORMING AMENDMENT.**—The Cache La Poudre River Corridor Act (16 U.S.C. 461 note; Public Law 104–323) is repealed.

SEC. 8003. SOUTH PARK NATIONAL HERITAGE AREA, COLORADO.

(a) **DEFINITIONS.**—In this section:

(1) **BOARD.**—The term “Board” means the Board of Directors of the South Park National Heritage Area, comprised initially of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(2) **HERITAGE AREA.**—The term “Heritage Area” means the South Park National Heritage Area established by subsection (b)(1).

(3) **MANAGEMENT ENTITY.**—The term “management entity” means the management entity for the Heritage Area designated by subsection (b)(4)(A).

(4) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area required by subsection (d).

(5) **MAP.**—The term “map” means the map entitled “South Park National Heritage Area Map (Proposed)”, dated January 30, 2006.

(6) **PARTNER.**—The term “partner” means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in the conservation, preservation, interpretation, development or promotion of heritage sites or resources of the Heritage Area.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(8) **STATE.**—The term “State” means the State of Colorado.

(9) **TECHNICAL ASSISTANCE.**—The term “technical assistance” means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

(b) **SOUTH PARK NATIONAL HERITAGE AREA.**—

(1) **ESTABLISHMENT.**—There is established in the State the South Park National Heritage Area.

(2) **BOUNDARIES.**—The Heritage Area shall consist of the areas included in the map.

(3) **MAP.**—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Park County Tourism & Community Development Office, in conjunction with the South Park National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(C) ADMINISTRATION.—

(1) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(2) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, fundraising, heritage facility planning and development, and heritage tourism programming;

(D) obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) enter into contracts for goods or services; and

(F) to facilitate the conduct of other projects and activities that further the Heritage Area and are consistent with the approved management plan.

(3) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, local property owners and businesses, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, enhance, and promote important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing economic, recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area;

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area; and

(viii) planning and developing new heritage attractions, products and services;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit to the Secretary an annual report that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the Federal funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity, with public participation, shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, interpretation, development, and promotion of the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located within the areas included in the map; and

(II) any other eligible and participating property within the areas included in the map that—
(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, maintained, developed, or promoted because of the significance of the property;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, development, and promotion of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to manage protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing and effective collaboration among partners to promote plans for resource protection, enhancement, interpretation, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) an analysis of and recommendations for means by which Federal, State, and local programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date on which the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, local businesses and industries, community organizations, recreational organizations, and tourism organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) strategies contained in the management plan, if implemented, would adequately balance the voluntary protection, development, and interpretation of the natural, historical, cultural, scenic, recreational, and agricultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines makes a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right

to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) **EVALUATION; REPORT.**—

(1) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) **EVALUATION.**—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) **REPORT.**—

(A) **IN GENERAL.**—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) **REQUIRED ANALYSIS.**—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) **SUBMISSION TO CONGRESS.**—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(i) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8004. NORTHERN PLAINS NATIONAL HERITAGE AREA, NORTH DAKOTA.

(a) **DEFINITIONS.**—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Northern Plains National Heritage Area established by subsection (b)(1).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Northern Plains Heritage Foundation, the local coordinating entity for the Heritage Area designated by subsection (c)(1).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area required under subsection (d).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means the State of North Dakota.

(b) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established the Northern Plains National Heritage Area in the State of North Dakota.

(2) **BOUNDARIES.**—The Heritage Area shall consist of—

(A) a core area of resources in Burleigh, McLean, Mercer, Morton, and Oliver Counties in the State; and

(B) any sites, buildings, and districts within the core area recommended by the management plan for inclusion in the Heritage Area.

(3) **MAP.**—A map of the Heritage Area shall be—

(A) included in the management plan; and
(B) on file and available for public inspection in the appropriate offices of the local coordinating entity and the National Park Service.

(c) **LOCAL COORDINATING ENTITY.**—

(1) **IN GENERAL.**—The local coordinating entity for the Heritage Area shall be the Northern Plains Heritage Foundation, a nonprofit corporation established under the laws of the State.

(2) **DUTIES.**—To further the purposes of the Heritage Area, the Northern Plains Heritage Foundation, as the local coordinating entity, shall—

(A) prepare a management plan for the Heritage Area, and submit the management plan to the Secretary, in accordance with this section;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(3) **AUTHORITIES.**—For the purposes of preparing and implementing the approved management plan for the Heritage Area, the local coordinating entity may use Federal funds made available under this section to—

(A) make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including other Federal programs;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(4) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds authorized to be appropriated under this section to acquire any interest in real property.

(5) **OTHER SOURCES.**—Nothing in this section precludes the local coordinating entity from using Federal funds from other sources for authorized purposes.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships

and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation of the Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for the Heritage Area on the basis of the criteria established under subparagraph (B).

(B) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(C) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the pur-

poses of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(E) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(F) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide financial assistance and, on a reimbursable or nonreimbursable basis, technical assistance to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(4) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies or alters any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(G) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) modify public access to, or use of, the property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, tribal, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARYLAND.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Baltimore National Heritage Area, established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) **MAP.**—The term “map” means the map entitled “Baltimore National Heritage Area”, numbered T10/80,000, and dated October 2007.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **STATE.**—The term “State” means the State of Maryland.

(b) **BALTIMORE NATIONAL HERITAGE AREA.**—

(1) **ESTABLISHMENT.**—There is established the Baltimore National Heritage Area in the State.

(2) **BOUNDARIES.**—The Heritage Area shall be comprised of the following areas, as described on the map:

(A) The area encompassing the Baltimore City Heritage Area certified by the Maryland Heritage Areas Authority in October 2001 as part of the Baltimore City Heritage Area Management Action Plan.

(B) The Mount Auburn Cemetery.

(C) The Cylburn Arboretum.

(D) The Middle Branch of the Patapsco River and surrounding shoreline, including—

- (i) the Cruise Maryland Terminal;
- (ii) new marina construction;
- (iii) the National Aquarium Aquatic Life Center;
- (iv) the Westport Redevelopment;
- (v) the Gwynns Falls Trail;
- (vi) the Baltimore Rowing Club; and
- (vii) the Masonville Cove Environmental Center.

(3) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Baltimore Heritage Area Association.

(4) **LOCAL COORDINATING ENTITY.**—The Baltimore Heritage Area Association shall be the local coordinating entity for the Heritage Area.

(c) **DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.**—

(1) **DUTIES OF THE LOCAL COORDINATING ENTITY.**—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

- (i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;
- (ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;
- (iii) developing recreational and educational opportunities in the Heritage Area;
- (iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;
- (v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;
- (vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and
- (vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development

of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) **ACTION FOLLOWING DISAPPROVAL.**—

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends

that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8006. FREEDOM'S WAY NATIONAL HERITAGE AREA, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) PURPOSES.—The purposes of this section are—

(1) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the States of Massachusetts and New Hampshire;

(2) to assist the entities described in paragraph (1) to preserve the special historic identity of the Heritage Area; and

(3) to manage, preserve, protect, and interpret the cultural, historic, and natural resources of the Heritage Area for the educational and inspirational benefit of future generations.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means the Freedom's Way National Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area required under subsection (d)(1)(A).

(4) MAP.—The term "map" means the map entitled "Freedom's Way National Heritage Area", numbered T04/80,000, and dated July 2007.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire.

(2) BOUNDARIES.—

(A) IN GENERAL.—The boundaries of the Heritage Area shall be as generally depicted on the map.

(B) REVISION.—The boundaries of the Heritage Area may be revised if the revision is—

(i) proposed in the management plan;

(ii) approved by the Secretary in accordance with subsection (e)(4); and

(iii) placed on file in accordance with paragraph (3).

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The Freedom's Way Heritage Association, Inc., shall be the local coordinating entity for the Heritage Area.

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize and protect important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(4) **USE OF FUNDS FOR NON-FEDERAL PROPERTY.**—The local coordinating entity may use Federal funds made available under this section to assist non-Federal property that is—

(A) described in the management plan; or

(B) listed, or eligible for listing, on the National Register of Historic Places.

(e) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for the con-

servation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) provide a framework for coordination of the plans considered under subparagraph (B) to present a unified historic preservation and interpretation plan;

(D) contain the contributions of residents, public agencies, and private organizations within the Heritage Area;

(E) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(F) specify existing and potential sources of funding or economic development strategies to conserve, manage, and develop the Heritage Area;

(G) include an inventory of the natural, historic, and recreational resources of the Heritage Area, including a list of properties that—

(i) are related to the themes of the Heritage Area; and

(ii) should be conserved, restored, managed, developed, or maintained;

(H) recommend policies and strategies for resource management that—

(i) apply appropriate land and water management techniques;

(ii) include the development of intergovernmental and interagency agreements to protect the natural, historic, and cultural resources of the Heritage Area; and

(iii) support economic revitalization efforts;

(I) describe a program for implementation of the management plan, including—

(i) restoration and construction plans or goals;

(ii) a program of public involvement;

(iii) annual work plans; and

(iv) annual reports;

(J) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(K) include an interpretive plan for the Heritage Area; and

(L) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(C) **ACTION FOLLOWING DISAPPROVAL.**—

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) **AMENDMENTS.**—

(i) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(f) **DUTIES AND AUTHORITIES OF THE SECRETARY.**—

(1) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) **PRIORITY.**—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, and cultural resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) **EVALUATION; REPORT.**—

(A) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) **EVALUATION.**—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) **IN GENERAL.**—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) **REQUIRED ANALYSIS.**—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) **SUBMISSION TO CONGRESS.**—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the States of Massachusetts and New Hampshire to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) **AVAILABILITY.**—Funds made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) **IN GENERAL.**—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) **FORM.**—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(j) **TERMINATION OF FINANCIAL ASSISTANCE.**—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8007. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Mississippi Hills National Heritage Area established by subsection (b)(1).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the local coordinating entity for Heritage Area designated by subsection (b)(3)(A).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means the State of Mississippi.

(b) MISSISSIPPI HILLS NATIONAL HERITAGE AREA.—

(1) **ESTABLISHMENT.**—There is established the Mississippi Hills National Heritage Area in the State.

(2) BOUNDARIES.—

(A) **AFFECTED COUNTIES.**—The Heritage Area shall consist of all, or portions of, as specified by the boundary description in subparagraph (B). *Alcorn, Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Clay, DeSoto, Grenada, Holmes, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha Counties in the State.*

(B) **BOUNDARY DESCRIPTION.**—The Heritage Area shall have the following boundary description:

(i) traveling counterclockwise, the Heritage Area shall be bounded to the west by U.S. Highway 51 from the Tennessee State line until it intersects Interstate 55 (at Geeslin Corner approximately ½ mile due north of Highway Interchange 208);

(ii) from this point, Interstate 55 shall be the western boundary until it intersects with Mississippi Highway 12 at Highway Interchange 156, the intersection of which shall be the southwest terminus of the Heritage Area;

(iii) from the southwest terminus, the boundary shall—

(I) extend east along Mississippi Highway 12 until it intersects U.S. Highway 51;

(II) follow Highway 51 south until it is intersected again by Highway 12;

(III) extend along Highway 12 into downtown Kosciusko where it intersects Mississippi Highway 35;

(IV) follow Highway 35 south until it is intersected by Mississippi Highway 14; and

(V) extend along Highway 14 until it reaches the Alabama State line, the intersection of which shall be the southeast terminus of the Heritage Area;

(iv) from the southeast terminus, the boundary of the Heritage Area shall follow the Mississippi-Alabama State line until it reaches the Mississippi-Tennessee State line, the intersection of which shall be the northeast terminus of the Heritage Area; and

(v) the boundary shall extend due west until it reaches U.S. Highway 51, the intersection of which shall be the northwest terminus of the Heritage Area.

(3) LOCAL COORDINATING ENTITY.—

(A) **IN GENERAL.**—The local coordinating entity for the Heritage Area shall be the Mississippi Hills Heritage Area Alliance, a nonprofit organization registered by the State, with the cooperation and support of the University of Mississippi.

(B) BOARD OF DIRECTORS.—

(i) **IN GENERAL.**—The local coordinating entity shall be governed by a Board of Directors comprised of not more than 30 members.

(ii) **COMPOSITION.**—Members of the Board of Directors shall consist of—

(I) not more than 1 representative from each of the counties described in paragraph (2)(A); and

(II) any ex-officio members that may be appointed by the Board of Directors, as the Board of Directors determines to be necessary.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) **DUTIES OF THE LOCAL COORDINATING ENTITY.**—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(ii) developing recreational opportunities in the Heritage Area;

(iii) increasing public awareness of, and appreciation for, natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(v) carrying out any other activity that the local coordinating entity determines to be consistent with this section;

(C) conduct meetings open to the public at least annually regarding the development and implementation of the management plan;

(D) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(E) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(F) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(G) ensure that each county included in the Heritage Area is appropriately represented on any oversight advisory committee established under this section to coordinate the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants and loans to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program; and

(E) contract for goods or services.

(3) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) provide recommendations for the preservation, conservation, enhancement, funding, management, interpretation, development, and promotion of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(B) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(C) include—

(i) an inventory of the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) an analysis of how Federal, State, tribal, and local programs may best be coordinated to promote and carry out this section;

(D) provide recommendations for educational and interpretive programs to provide information to the public on the resources of the Heritage Area; and

(E) involve residents of affected communities and tribal and local governments.

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage

Area is located before approving the management plan.

(C) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) **ACTION FOLLOWING DISAPPROVAL.**—

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) **REVIEW; AMENDMENTS.**—

(i) **IN GENERAL.**—After approval by the Secretary of the management plan, the Alliance shall periodically—

(I) review the management plan; and

(II) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

(ii) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(iii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) **DUTIES AND AUTHORITIES OF THE SECRETARY.**—

(1) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) **PRIORITY.**—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) **EVALUATION; REPORT.**—

(A) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) **EVALUATION.**—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) **REPORT.**—

(i) **IN GENERAL.**—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) **REQUIRED ANALYSIS.**—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) **SUBMISSION TO CONGRESS.**—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) EFFECT.—

(1) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(A) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(B) requires any property owner to—

(i) permit public access (including Federal, tribal, State, or local government access) to the property; or

(ii) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(C) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(D) conveys any land use or other regulatory authority to the local coordinating entity;

(E) authorizes or implies the reservation or appropriation of water or water rights;

(F) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(G) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(2) NO EFFECT ON INDIAN TRIBES.—Nothing in this section—

(A) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(B) diminishes the trust responsibilities or government-to-government obligations of the United States to any Indian tribe recognized by the Federal Government.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8008. MISSISSIPPI DELTA NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Board of Directors of the local coordinating entity.

(2) HERITAGE AREA.—The term “Heritage Area” means the Mississippi Delta National Heritage Area established by subsection (b)(1).

(3) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area developed under subsection (d).

(5) MAP.—The term “map” means the map entitled “Mississippi Delta National Heritage Area”, numbered T13/80,000, and dated April 2008.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) STATE.—The term “State” means the State of Mississippi.

(b) ESTABLISHMENT.—

(1) ESTABLISHMENT.—There is established in the State the Mississippi Delta National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall include all counties in the State that contain land located in the alluvial floodplain of the Mississippi Delta, including Bolivar, Carroll, Coahoma, Desoto, Holmes, Humphreys, Issaquena, Leflore, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica, Warren, Washington, and Yazoo Counties in the State, as depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) LOCAL COORDINATING ENTITY.—

(A) DESIGNATION.—The Mississippi Delta National Heritage Area Partnership shall be the local coordinating entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—

(1) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors composed of 15 members, of whom—

(aa) 1 member shall be appointed by Delta State University;

(bb) 1 member shall be appointed by Mississippi Valley State University;

(cc) 1 member shall be appointed by Alcorn State University;

(dd) 1 member shall be appointed by the Delta Foundation;

(ee) 1 member shall be appointed by the Smith Robertson Museum;

(ff) 1 member shall be appointed from the office of the Governor of the State;

(gg) 1 member shall be appointed by Delta Council;

(hh) 1 member shall be appointed from the Mississippi Arts Commission;

(ii) 1 member shall be appointed from the Mississippi Department of Archives and History;

(jj) 1 member shall be appointed from the Mississippi Humanities Council; and

(kk) up to 5 additional members shall be appointed for staggered 1- and 2-year terms by County boards in the Heritage Area.

(II) RESIDENCY REQUIREMENTS.—At least 7 members of the Board shall reside in the Heritage Area.

(i) OFFICERS.—

(1) IN GENERAL.—At the initial meeting of the Board, the members of the Board shall appoint a Chairperson, Vice Chairperson, and Secretary/Treasurer.

(II) DUTIES.—

(aa) CHAIRPERSON.—The duties of the Chairperson shall include—

(bb) VICE CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the absence or disability of the Chairperson.

(iii) MANAGEMENT AUTHORITY.—

(1) IN GENERAL.—The Board shall—

(aa) exercise all corporate powers of the local coordinating entity;

(bb) manage the activities and affairs of the local coordinating entity; and

(cc) subject to any limitations in the articles and bylaws of the local coordinating entity, this section, and any other applicable Federal or State law, establish the policies of the local coordinating entity.

(II) STAFF.—The Board shall have the authority to employ any services and staff that are determined to be necessary by a majority vote of the Board.

(iv) BYLAWS.—

(1) IN GENERAL.—The Board may amend or repeal the bylaws of the local coordinating entity at any meeting of the Board by a majority vote of the Board.

(II) NOTICE.—The Board shall provide notice of any meeting of the Board at which an

amendment to the bylaws is to be considered that includes the text or a summary of the proposed amendment.

(v) MINUTES.—Not later than 60 days after a meeting of the Board, the Board shall distribute the minutes of the meeting among all Board members and the county supervisors in each county within the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to

implement the management plan for the Heritage Area.

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) **ACTION FOLLOWING DISAPPROVAL.**—

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) **AMENDMENTS.**—

(i) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) **DUTIES AND AUTHORITIES OF THE SECRETARY.**—

(1) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordi-

nating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) **PRIORITY.**—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(D) **PROHIBITION OF CERTAIN REQUIREMENTS.**—The Secretary may not, as a condition of the provision of technical or financial assistance under this subsection, require any recipient of the assistance to impose or modify any land use restriction or zoning ordinance.

(2) **EVALUATION; REPORT.**—

(A) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) **EVALUATION.**—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) **REPORT.**—

(i) **IN GENERAL.**—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) **REQUIRED ANALYSIS.**—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) **SUBMISSION TO CONGRESS.**—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any

Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) **PROPERTY OWNERS AND REGULATORY PROTECTIONS.**—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area;

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property;

(8) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(9) diminishes the trust responsibilities of government-to-government obligations of the United States of any federally recognized Indian tribe.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) **FORM.**—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) **TERMINATION OF FINANCIAL ASSISTANCE.**—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA.

(a) **PURPOSES.**—The purposes of this section are—

(1) to preserve, support, conserve, and interpret the legacy of the region represented by the Heritage Area as described in the feasibility study prepared by the National Park Service;

(2) to promote heritage, cultural, and recreational tourism, and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key developments in the growth of the United States, including the Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the manner by which the distinctive geography of the region has shaped the development of the settlement, defense, transportation, commerce, and culture of the region;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

(b) **DEFINITIONS.**—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Muscle Shoals National Heritage Area established by subsection (c)(1).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the plan for the Heritage Area required under subsection (d)(1)(A).

(4) **MAP.**—The term “map” means the map entitled “Muscle Shoals National Heritage Area”, numbered T08/80,000, and dated October 2007.

(5) **STATE.**—The term “State” means the State of Alabama.

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established the Muscle Shoals National Heritage Area in the State.

(2) **BOUNDARIES.**—The Heritage Area shall be comprised of the following areas, as depicted on the map:

(A) The Counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan, Alabama.

(B) The Wilson Dam.

(C) The Handy Home.

(D) The birthplace of Helen Keller.

(3) **AVAILABILITY MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) **LOCAL COORDINATING ENTITY.**—The Muscle Shoals Regional Center shall be the local coordinating entity for the Heritage Area.

(d) **DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.**—

(1) **DUTIES OF THE LOCAL COORDINATING ENTITY.**—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity re-

ceives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(D) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area; and

(E) serve as a catalyst for the implementation of projects and programs among diverse partners in the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(e) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, or developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving the management plan.

(C) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, recreational organizations, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and public meetings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan;

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, re-

gional planning organizations, nonprofit organizations, and private sector parties for implementation of the management plan.

(D) **DISAPPROVAL.**—

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) **AMENDMENTS.**—

(i) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) **AUTHORITIES.**—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(f) **DUTIES AND AUTHORITIES OF THE SECRETARY.**—

(1) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(2) **EVALUATION; REPORT.**—

(A) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) **EVALUATION.**—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) **REPORT.**—

(i) **IN GENERAL.**—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) **REQUIRED ANALYSIS.**—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) **SUBMISSION TO CONGRESS.**—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) **PROPERTY OWNERS AND REGULATORY PROTECTIONS.**—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) **AVAILABILITY.**—Funds made available under paragraph (1) shall remain available until expended.

(3) **COST-SHARING REQUIREMENT.**—

(A) *IN GENERAL.*—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) *FORM.*—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(4) *USE OF FEDERAL FUNDS FROM OTHER SOURCES.*—Nothing in this section precludes the local coordinating entity from using Federal funds available under provisions of law other than this section for the purposes for which those funds were authorized.

(j) *TERMINATION OF EFFECTIVENESS.*—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA, ALASKA.

(a) *DEFINITIONS.*—In this section:

(1) *HERITAGE AREA.*—The term “Heritage Area” means the Kenai Mountains-Turnagain Arm National Heritage Area established by subsection (b)(1).

(2) *LOCAL COORDINATING ENTITY.*—The term “local coordinating entity” means the Kenai Mountains-Turnagain Arm Corridor Communities Association.

(3) *MANAGEMENT PLAN.*—The term “management plan” means the plan prepared by the local coordinating entity for the Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the Heritage Area, in accordance with this section.

(4) *MAP.*—The term “map” means the map entitled “Proposed Kenai Mountains-Turnagain Arm NHA” and dated August 7, 2007.

(5) *SECRETARY.*—The term “Secretary” means the Secretary of the Interior.

(b) *DESIGNATION OF THE KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.*—

(1) *ESTABLISHMENT.*—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(2) *BOUNDARIES.*—The Heritage Area shall be comprised of the land in the Kenai Mountains and upper Turnagain Arm region, as generally depicted on the map.

(3) *AVAILABILITY OF MAP.*—The map shall be on file and available for public inspection in—

(A) the appropriate offices of the Forest Service, Chugach National Forest;

(B) the Alaska Regional Office of the National Park Service; and

(C) the office of the Alaska State Historic Preservation Officer.

(c) *MANAGEMENT PLAN.*—

(1) *LOCAL COORDINATING ENTITY.*—The local coordinating entity, in partnership with other interested parties, shall develop a management plan for the Heritage Area in accordance with this section.

(2) *REQUIREMENTS.*—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for use in—

(i) telling the story of the heritage of the area covered by the Heritage Area; and

(ii) encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that the Federal Government, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service, the Forest Service, and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and each of the major activities contained in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) *DEADLINE.*—

(A) *IN GENERAL.*—Not later than 3 years after the date on which funds are first made available to develop the management plan after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) *TERMINATION OF FUNDING.*—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) *APPROVAL OF MANAGEMENT PLAN.*—

(A) *REVIEW.*—Not later than 180 days after receiving the management plan under paragraph (3), the Secretary shall review and approve or disapprove the management plan for a Heritage Area on the basis of the criteria established under subparagraph (C).

(B) *CONSULTATION.*—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving a management plan for the Heritage Area.

(C) *CRITERIA FOR APPROVAL.*—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including the Federal Government, State, tribal, and local governments, natural and historical resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with other interested parties, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal Government, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(D) *DISAPPROVAL.*—

(i) *IN GENERAL.*—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) *DEADLINE.*—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) *AMENDMENTS.*—

(i) *IN GENERAL.*—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) *IMPLEMENTATION.*—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) *AUTHORITIES.*—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(d) *EVALUATION; REPORT.*—

(1) *IN GENERAL.*—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under this section, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) *EVALUATION.*—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) *REPORT.*—Based on the evaluation conducted under paragraph (1)(A), the Secretary

shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(e) **LOCAL COORDINATING ENTITY.**—

(1) **DUTIES.**—To further the purposes of the Heritage Area, in addition to developing the management plan for the Heritage Area under subsection (c), the local coordinating entity shall—

(A) serve to facilitate and expedite the implementation of projects and programs among diverse partners in the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraging; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(2) **AUTHORITIES.**—For the purpose of preparing and implementing the approved management plan for the Heritage Area under subsection (c), the local coordinating entity may use Federal funds made available under this section—

(A) to make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) to enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) to hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) to obtain funds or services from any source, including other Federal programs;

(E) to enter into contracts for goods or services; and

(F) to support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds authorized under this section to acquire any interest in real property.

(f) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other provision of law.

(2) **CONSULTATION AND COORDINATION.**—The head of any Federal agency planning to conduct activities that may have an impact on a Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity, to the maximum extent practicable.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any law (including a regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) **PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of any State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) **FUNDING.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—Subject to paragraph (2), there is authorized to be appropriated to carry out this section \$1,000,000 for each fiscal year, to remain available until expended.

(2) **LIMITATION ON TOTAL AMOUNTS APPROPRIATED.**—Not more than a total of \$10,000,000 may be made available to carry out this section.

(3) **COST-SHARING.**—

(A) **IN GENERAL.**—The Federal share of the total cost of any activity carried out under this section shall not exceed 50 percent.

(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share of the cost of any activity carried out under this section may be provided in the form of in-kind contributions of goods or services fairly valued.

(i) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle B—Studies

SEC. 8101. CHATTAHOOCHEE TRACE, ALABAMA AND GEORGIA.

(a) **DEFINITIONS.**—In this section:

(1) **CORRIDOR.**—The term “Corridor” means the Chattahoochee Trace National Heritage Corridor.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STUDY AREA.**—The term “study area” means the study area described in subsection (b)(2).

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretary, in consultation with State historic preservation officers, State historical societies, State tourism offices, and other appropriate organizations or agen-

cies, shall conduct a study to assess the suitability and feasibility of designating the study area as the Chattahoochee Trace National Heritage Corridor.

(2) **STUDY AREA.**—The study area includes—

(A) the portion of the Apalachicola-Chattahoochee-Flint River Basin and surrounding areas, as generally depicted on the map entitled “Chattahoochee Trace National Heritage Corridor, Alabama/Georgia”, numbered T05/80000, and dated July 2007; and

(B) any other areas in the State of Alabama or Georgia that—

(i) have heritage aspects that are similar to the areas depicted on the map described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, those areas.

(3) **REQUIREMENTS.**—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) represent distinctive aspects of the heritage of the United States;

(ii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iii) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes non-contiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklore that are a valuable part of the story of the United States;

(C) provides—

(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and

(ii) outstanding recreational and educational opportunities;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Corridor;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Corridor, including the Federal Government; and

(iii) have demonstrated support for the designation of the Corridor;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Corridor while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

(c) **REPORT.**—Not later than the 3rd fiscal year after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 8102. NORTHERN NECK, VIRGINIA.

(a) **DEFINITIONS.**—In this section:

(1) **PROPOSED HERITAGE AREA.**—The term “proposed Heritage Area” means the proposed Northern Neck National Heritage Area.

(2) **STATE.**—The term “State” means the State of Virginia.

(3) **STUDY AREA.**—The term “study area” means the area that is comprised of—

(A) the area of land located between the Potomac and Rappahannock rivers of the eastern coastal region of the State;

(B) Westmoreland, Northumberland, Richmond, King George, and Lancaster Counties of the State; and

(C) any other area that—

(i) has heritage aspects that are similar to the heritage aspects of the areas described in subparagraph (A) or (B); and

(ii) is located adjacent to, or in the vicinity of, those areas.

(b) STUDY.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the Secretary, in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, shall conduct a study to determine the suitability and feasibility of designating the study area as the Northern Neck National Heritage Area.

(2) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historical, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklore that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities;

(G) contains resources and has traditional uses that have national importance;

(H) includes residents, business interests, nonprofit organizations, and appropriate Federal agencies and State and local governments that are involved in the planning of, and have demonstrated significant support for, the designation and management of the proposed Heritage Area;

(I) has a proposed local coordinating entity that is responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(J) with respect to the designation of the study area, has the support of the proposed local coordinating entity and appropriate Federal agencies and State and local governments, each of which has documented the commitment of the entity to work in partnership with each other entity to protect, enhance, interpret, fund, manage, and develop the resources located in the study area;

(K) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the proposed Heritage Area;

(L) has a proposal that is consistent with continued economic activity within the area; and

(M) has a conceptual boundary map that is supported by the public and appropriate Federal agencies.

(3) ADDITIONAL CONSULTATION REQUIREMENT.—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the managers of any Federal land located within the study area; and

(B) before making any determination with respect to the designation of the study area, secure the concurrence of each manager with respect to each finding of the study.

(c) DETERMINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the State, shall re-

view, comment on, and determine if the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(2) REPORT.—

(A) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are first made available to carry out the study, the Secretary shall submit a report describing the findings, conclusions, and recommendations of the study to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) REQUIREMENTS.—

(1) IN GENERAL.—The report shall contain—

(I) any comments that the Secretary has received from the Governor of the State relating to the designation of the study area as a national heritage area; and

(II) a finding as to whether the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(ii) DISAPPROVAL.—If the Secretary determines that the study area does not meet any requirement described in subsection (b)(2) for designation as a national heritage area, the Secretary shall include in the report a description of each reason for the determination.

Subtitle C—Amendments Relating to National Heritage Corridors

SEC. 8201. QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR.

(a) TERMINATION OF AUTHORITY.—Section 106(b) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by striking “September 30, 2009” and inserting “September 30, 2015”.

(b) EVALUATION; REPORT.—Section 106 of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by adding at the end the following:

“(c) EVALUATION; REPORT.—

“(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Corridor, the Secretary shall—

“(A) conduct an evaluation of the accomplishments of the Corridor; and

“(B) prepare a report in accordance with paragraph (3).

“(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

“(A) assess the progress of the management entity with respect to—

“(i) accomplishing the purposes of this title for the Corridor; and

“(ii) achieving the goals and objectives of the management plan for the Corridor;

“(B) analyze the Federal, State, local, and private investments in the Corridor to determine the leverage and impact of the investments; and

“(C) review the management structure, partnership relationships, and funding of the Corridor for purposes of identifying the critical components for sustainability of the Corridor.

“(3) REPORT.—

“(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Corridor.

“(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Corridor be reauthorized, the report shall include an analysis of—

“(i) ways in which Federal funding for the Corridor may be reduced or eliminated; and

“(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

“(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

“(i) the Committee on Energy and Natural Resources of the Senate; and

“(ii) the Committee on Natural Resources of the House of Representatives.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 109(a) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by striking “\$10,000,000” and inserting “\$15,000,000”.

SEC. 8202. DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR.

The Delaware and Lehigh National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; Public Law 100-692) is amended—

(1) in section 9—

(A) by striking “The Commission” and inserting the following:

“(a) IN GENERAL.—The Commission”; and

(B) by adding at the end the following:

“(b) CORPORATION AS LOCAL COORDINATING ENTITY.—Beginning on the date of enactment of the Omnibus Public Land Management Act of 2009, the Corporation shall be the local coordinating entity for the Corridor.

“(c) IMPLEMENTATION OF MANAGEMENT PLAN.—The Corporation shall assume the duties of the Commission for the implementation of the Plan.

“(d) USE OF FUNDS.—The Corporation may use Federal funds made available under this Act—

“(1) to make grants to, and enter into cooperative agreements with, the Federal Government, the Commonwealth, political subdivisions of the Commonwealth, nonprofit organizations, and individuals;

“(2) to hire, train, and compensate staff; and

“(3) to enter into contracts for goods and services.

“(e) RESTRICTION ON USE OF FUNDS.—The Corporation may not use Federal funds made available under this Act to acquire land or an interest in land.”;

(2) in section 10—

(A) in the first sentence of subsection (c), by striking “shall assist the Commission” and inserting “shall, on the request of the Corporation, assist”;

(B) in subsection (d)—

(i) by striking “Commission” each place it appears and inserting “Corporation”;;

(ii) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(iii) by adding at the end the following:

“(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Corporation and other public or private entities for the purpose of providing technical assistance and grants under paragraph (1).

“(3) PRIORITY.—In providing assistance to the Corporation under paragraph (1), the Secretary shall give priority to activities that assist in—

“(A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and

“(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Corridor.”; and

(C) by adding at the end the following:

“(e) TRANSITION MEMORANDUM OF UNDERSTANDING.—The Secretary shall enter into a memorandum of understanding with the Corporation to ensure—

“(1) appropriate transition of management of the Corridor from the Commission to the Corporation; and

“(2) coordination regarding the implementation of the Plan.”;

(3) in section 11, in the matter preceding paragraph (1), by striking “directly affecting”;

(4) in section 12—

(A) in subsection (a), by striking “Commission” each place it appears and inserting “Corporation”;

(B) in subsection (c)(1), by striking “2007” and inserting “2012”; and

(C) by adding at the end the following:

“(d) TERMINATION OF ASSISTANCE.—The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 5 years after the date of enactment of this subsection.”; and

(5) in section 14—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) the term ‘Corporation’ means the Delaware & Lehigh National Heritage Corridor, Incorporated, an organization described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986.”.

SEC. 8203. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.

The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106-554) is amended—

(1) in section 804—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking “27” and inserting “at least 21 members, but not more than 27”;

(ii) in paragraph (2), by striking “Environment” and inserting “Environmental”; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking “19”;

(II) by striking subparagraph (A);

(III) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(IV) in subparagraph (B) (as redesignated by subclause (III)), by striking the second sentence; and

(V) by inserting after subparagraph (B) (as redesignated by subclause (III)) the following:

“(C) The remaining members shall be—

“(i) appointed by the Secretary, based on recommendations from each member of the House of Representatives, the district of which encompasses the Corridor; and

“(ii) persons that are residents of, or employed within, the applicable congressional districts.”;

(B) in subsection (f), by striking “Fourteen members of the Commission” and inserting “A majority of the serving Commissioners”;

(C) in subsection (g), by striking “14 of its members” and inserting “a majority of the serving Commissioners”;

(D) in subsection (h), by striking paragraph (4) and inserting the following:

“(4)(A) to appoint any staff that may be necessary to carry out the duties of the Commission, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service; and

“(B) to fix the compensation of the staff, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates.”; and

(E) in subsection (j), by striking “10 years” and inserting “15 years”;

(2) in section 807—

(A) in subsection (e), by striking “with regard to the preparation and approval of the Canalway Plan”; and

(B) by adding at the end the following:

“(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.”; and

(3) in section 810(a)(1), in the first sentence, by striking “any fiscal year” and inserting “any fiscal year, to remain available until expended”.

SEC. 8204. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 3(b)(2) of Public Law 99-647 (16 U.S.C. 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

(1) by striking “shall be the the” and inserting “shall be the”; and

(2) by striking “Directors from Massachusetts and Rhode Island;” and inserting “Directors from Massachusetts and Rhode Island, ex officio, or their delegates.”.

Subtitle D—Effect of Title

SEC. 8301. EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS, IDAHO.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and are considered appropriate for further study by the Bureau of Reclamation Boise Payette water storage assessment report issued during 2006.

(b) BUREAU OF RECLAMATION.—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines for studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section \$3,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.

(a) DEFINITIONS.—In this section:

(1) APPRAISAL REPORT.—The term “appraisal report” means the appraisal report concerning the augmentation alternatives for the Sierra Vista Subwatershed in the State of Arizona, dated June 2007 and prepared by the Bureau of Reclamation.

(2) PRINCIPLES AND GUIDELINES.—The term “principles and guidelines” means the report entitled “Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies” issued on March 10, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) SIERRA VISTA SUBWATERSHED FEASIBILITY STUDY.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the reclamation laws and the principles and guidelines, the Secretary, acting through the Commissioner

of Reclamation, may complete a feasibility study of alternatives to augment the water supplies within the Sierra Vista Subwatershed in the State of Arizona that are identified as appropriate for further study in the appraisal report.

(B) INCLUSIONS.—In evaluating the feasibility of alternatives under subparagraph (A), the Secretary shall—

(i) include—

(I) any required environmental reviews;

(II) the construction costs and projected operations, maintenance, and replacement costs for each alternative; and

(III) the economic feasibility of each alternative;

(ii) take into consideration the ability of Federal, tribal, State, and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs;

(iii) establish the basis for—

(I) any cost-sharing allocations; and

(II) anticipated repayment, if any, of Federal contributions; and

(iv) perform a cost-benefit analysis.

(2) COST SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total costs of the study under paragraph (1) shall not exceed 45 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind service that the Secretary determines would contribute substantially toward the conduct and completion of the study under paragraph (1).

(3) STATEMENT OF CONGRESSIONAL INTENT RELATING TO COMPLETION OF STUDY.—It is the intent of Congress that the Secretary complete the study under paragraph (1) by a date that is not later than 30 months after the date of enactment of this Act.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$1,260,000.

(c) WATER RIGHTS.—Nothing in this section affects—

(1) any valid or vested water right in existence on the date of enactment of this Act; or

(2) any application for water rights pending before the date of enactment of this Act.

SEC. 9003. SAN DIEGO INTERTIE, CALIFORNIA.

(a) FEASIBILITY STUDY, PROJECT DEVELOPMENT, COST SHARE.—

(1) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as “Secretary”), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary’s engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served by the proposed reservoir and intertie project, the potential benefits to the people of that service area, and improved operations of the proposed reservoir and intertie system. The Secretary shall indicate in the feasibility report required under paragraph (4) whether the proposed reservoir and intertie project is recommended for construction.

(2) FEDERAL COST SHARE.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study costs. The Secretary may accept as part of the non-Federal cost share, any contribution of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute toward the conduct and completion of the study.

(3) **COOPERATION.**—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this subsection.

(4) **FEASIBILITY REPORT.**—The Secretary shall submit to Congress a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include—

(A) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and

(B) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

(b) **FEDERAL RECLAMATION PROJECTS.**—Nothing in this section shall supersede or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary \$3,000,000 for the Federal cost share of the study authorized in subsection (a).

(d) **SUNSET.**—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

Subtitle B—Project Authorizations

SEC. 9101. TUMALO IRRIGATION DISTRICT WATER CONSERVATION PROJECT, OREGON.

(a) **DEFINITIONS.**—In this section:

(1) **DISTRICT.**—The term “District” means the Tumalo Irrigation District, Oregon.

(2) **PROJECT.**—The term “Project” means the Tumalo Irrigation District Water Conservation Project authorized under subsection (b)(1).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **AUTHORIZATION TO PLAN, DESIGN AND CONSTRUCT THE TUMALO WATER CONSERVATION PROJECT.**—

(1) **AUTHORIZATION.**—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any appropriate studies and reports prepared by the District.

(2) **COST-SHARING REQUIREMENT.**—

(A) **FEDERAL SHARE.**—The Federal share of the total cost of the Project shall be 25 percent, which shall be nonreimbursable to the United States.

(B) **CREDIT TOWARD NON-FEDERAL SHARE.**—The Secretary shall credit toward the non-Federal share of the Project any amounts that the District provides toward the design, planning, and construction before the date of enactment of this Act.

(3) **TITLE.**—The District shall hold title to any facilities constructed under this section.

(4) **OPERATION AND MAINTENANCE COSTS.**—The District shall pay the operation and maintenance costs of the Project.

(5) **EFFECT.**—Any assistance provided under this section shall not be considered to be a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the

Secretary for the Federal share of the cost of the Project \$4,000,000.

(d) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to carry out this section shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA.

(a) **DEFINITIONS.**—In this section:

(1) **DISTRICT.**—The term “District” means the Madera Irrigation District, Madera, California.

(2) **PROJECT.**—The term “Project” means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646-acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year, as substantially described in the California Environmental Quality Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2005.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **TOTAL COST.**—The term “total cost” means all reasonable costs, such as the planning, design, permitting, and construction of the Project and the acquisition costs of lands used or acquired by the District for the Project.

(b) **PROJECT FEASIBILITY.**—

(1) **PROJECT FEASIBLE.**—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Project is feasible and no further studies or actions regarding feasibility are necessary.

(2) **APPLICABILITY OF OTHER LAWS.**—The Secretary shall implement the authority provided in this section in accordance with all applicable Federal laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (7 U.S.C. 1336; 16 U.S.C. 460 et seq.).

(c) **COOPERATIVE AGREEMENT.**—All final planning and design and the construction of the Project authorized by this section shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

(1) engineering and design;

(2) construction; and

(3) the administration of contracts pertaining to any of the foregoing.

(d) **AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.**—

(1) **AUTHORIZATION OF CONSTRUCTION.**—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, is authorized to enter into a cooperative agreement through the Bureau of Reclamation with the District for the support of the final design and construction of the Project.

(2) **TOTAL COST.**—The total cost of the Project for the purposes of determining the Federal cost share shall not exceed \$90,000,000.

(3) **COST SHARE.**—The Federal share of the capital costs of the Project shall be provided on a nonreimbursable basis and shall not exceed 25 percent of the total cost. Capital, planning, design, permitting, construction, and land acquisition costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(4) **CREDIT FOR NON-FEDERAL WORK.**—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(A) in-kind services that the Secretary determines would contribute substantially toward the completion of the project;

(B) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, and construction of the Project; and

(C) the acquisition costs of lands used or acquired by the District for the Project.

(5) **LIMITATION.**—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this subsection. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(6) **PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.**—Before obligating funds for design or construction under this subsection, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(7) **TITLE; RESPONSIBILITY; LIABILITY.**—Nothing in this subsection or the assistance provided under this subsection shall be construed to transfer title, responsibility, or liability related to the Project to the United States.

(8) **AUTHORIZATION OF APPROPRIATION.**—There is authorized to be appropriated to the Secretary to carry out this subsection \$22,500,000 or 25 percent of the total cost of the Project, whichever is less.

(e) **SUNSET.**—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

SEC. 9103. EASTERN NEW MEXICO RURAL WATER SYSTEM PROJECT, NEW MEXICO.

(a) **DEFINITIONS.**—In this section:

(1) **AUTHORITY.**—The term “Authority” means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) **ENGINEERING REPORT.**—The term “engineering report” means the report entitled “Eastern New Mexico Rural Water System Preliminary Engineering Report” and dated October 2006.

(3) **PLAN.**—The term “plan” means the operation, maintenance, and replacement plan required by subsection (c)(2).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means the State of New Mexico.

(6) **SYSTEM.**—

(A) **IN GENERAL.**—The term “System” means the Eastern New Mexico Rural Water System, a water delivery project designed to deliver approximately 16,500 acre-feet of water per year from the Ute Reservoir to the cities of Clovis, Elida, Grady, Melrose, Portales, and Texico and other locations in Curry, Roosevelt, and Quay Counties in the State.

(B) **INCLUSIONS.**—The term “System” includes the major components and associated infrastructure identified as the “Best Technical Alternative” in the engineering report.

(7) **UTE RESERVOIR.**—The term “Ute Reservoir” means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

(b) **EASTERN NEW MEXICO RURAL WATER SYSTEM.**—

(1) **FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(B) USE.—

(i) IN GENERAL.—Any financial assistance provided under subparagraph (A) shall be obligated and expended only in accordance with a cooperative agreement entered into under subsection (d)(1)(B).

(ii) LIMITATIONS.—Financial assistance provided under clause (i) shall not be used—

(I) for any activity that is inconsistent with constructing the System; or

(II) to plan or construct facilities used to supply irrigation water for irrigated agricultural purposes.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall be not more than 75 percent of the total cost of the System.

(B) SYSTEM DEVELOPMENT COSTS.—For purposes of subparagraph (A), the total cost of the System shall include any costs incurred by the Authority or the State on or after October 1, 2003, for the development of the System.

(3) LIMITATION.—No amounts made available under this section may be used for the construction of the System until—

(A) a plan is developed under subsection (c)(2); and

(B) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(4) TITLE TO PROJECT WORKS.—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

(d) ADMINISTRATIVE PROVISIONS.—

(1) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this section.

(B) COOPERATIVE AGREEMENT FOR PROVISION OF FINANCIAL ASSISTANCE.—

(i) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance and any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(ii) REQUIREMENTS.—The cooperative agreement entered into under clause (i) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(I) ensuring that the cost-share requirements established by subsection (b)(2) are met;

(II) completing the planning and final design of the System;

(III) any environmental and cultural resource compliance activities required for the System; and

(IV) the construction of the System.

(2) TECHNICAL ASSISTANCE.—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

(3) BIOLOGICAL ASSESSMENT.—The Secretary shall consult with the New Mexico Interstate

Stream Commission and the Authority in preparing any biological assessment under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that may be required for planning and constructing the System.

(4) EFFECT.—Nothing in this section—

(A) affects or preempts—

(i) State water law; or

(ii) an interstate compact relating to the allocation of water; or

(B) confers on any non-Federal entity the ability to exercise any Federal rights to—

(i) the water of a stream; or

(ii) any groundwater resource.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In accordance with the adjustment carried out under paragraph (2), there is authorized to be appropriated to the Secretary to carry out this section an amount not greater than \$327,000,000.

(2) ADJUSTMENT.—The amount made available under paragraph (1) shall be adjusted to reflect changes in construction costs occurring after January 1, 2007, as indicated by engineering cost indices applicable to the types of construction necessary to carry out this section.

(3) NONREIMBURSABLE AMOUNTS.—Amounts made available to the Authority in accordance with the cost-sharing requirement under subsection (b)(2) shall be nonreimbursable and non-returnable to the United States.

(4) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this section shall be retained for use in future fiscal years consistent with this section.

SEC. 9104. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Waste-water and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

“SEC. 1649. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

“(a) AUTHORIZATION.—The Secretary, in cooperation with the Rancho California Water District, California, may participate in the design, planning, and construction of permanent facilities for water recycling, demineralization, and desalination, and distribution of non-potable water supplies in Southern Riverside County, California.

“(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project or \$20,000,000, whichever is less.

“(c) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).”

(b) CLERICAL AMENDMENT.—The table of items in section 2 of Public Law 102-575 is amended by inserting after the last item the following:

“Sec. 1649. Rancho California Water District Project, California.”

SEC. 9105. JACKSON GULCH REHABILITATION PROJECT, COLORADO.

(a) DEFINITIONS.—In this section:

(1) ASSESSMENT.—The term “assessment” means the engineering document that is—

(A) entitled “Jackson Gulch Inlet Canal Project, Jackson Gulch Outlet Canal Project, Jackson Gulch Operations Facilities Project: Condition Assessment and Recommendations for Rehabilitation”;;

(B) dated February 2004; and

(C) on file with the Bureau of Reclamation.

(2) DISTRICT.—The term “District” means the Mancos Water Conservancy District established under the Water Conservancy Act (Colo. Rev. Stat. 37-45-101 et seq.).

(3) PROJECT.—The term “Project” means the Jackson Gulch rehabilitation project, a program

for the rehabilitation of the Jackson Gulch Canal system and other infrastructure in the State, as described in the assessment.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) STATE.—The term “State” means the State of Colorado.

(b) AUTHORIZATION OF JACKSON GULCH REHABILITATION PROJECT.—

(1) IN GENERAL.—Subject to the reimbursement requirement described in paragraph (3), the Secretary shall pay the Federal share of the total cost of carrying out the Project.

(2) USE OF EXISTING INFORMATION.—In preparing any studies relating to the Project, the Secretary shall, to the maximum extent practicable, use existing studies, including engineering and resource information provided by, or at the direction of—

(A) Federal, State, or local agencies; and

(B) the District.

(3) REIMBURSEMENT REQUIREMENT.—

(A) AMOUNT.—The Secretary shall recover from the District as reimbursable expenses the lesser of—

(i) the amount equal to 35 percent of the cost of the Project; or

(ii) \$2,900,000.

(B) MANNER.—The Secretary shall recover reimbursable expenses under subparagraph (A)—

(i) in a manner agreed to by the Secretary and the District;

(ii) over a period of 15 years; and

(iii) with no interest.

(C) CREDIT.—In determining the exact amount of reimbursable expenses to be recovered from the District, the Secretary shall credit the District for any amounts it paid before the date of enactment of this Act for engineering work and improvements directly associated with the Project.

(4) PROHIBITION ON OPERATION AND MAINTENANCE COSTS.—The District shall be responsible for the operation and maintenance of any facility constructed or rehabilitated under this section.

(5) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed under this section.

(6) EFFECT.—An activity provided Federal funding under this section shall not be considered a supplemental or additional benefit under—

(A) the reclamation laws; or

(B) the Act of August 11, 1939 (16 U.S.C. 590y et seq.).

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the total cost of carrying out the Project \$8,250,000.

SEC. 9106. RIO GRANDE PUEBLOS, NEW MEXICO.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) drought, population increases, and environmental needs are exacerbating water supply issues across the western United States, including the Rio Grande Basin in New Mexico;

(B) a report developed by the Bureau of Reclamation and the Bureau of Indian Affairs in 2000 identified a serious need for the rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos;

(C) inspection of existing irrigation infrastructure of the Rio Grande Pueblos shows that many key facilities, such as diversion structures and main conveyance ditches, are unsafe and barely, if at all, operable;

(D) the benefits of rehabilitating and repairing irrigation infrastructure of the Rio Grande Pueblos include—

(i) water conservation;

(ii) extending available water supplies;
 (iii) increased agricultural productivity;
 (iv) economic benefits;
 (v) safer facilities; and
 (vi) the preservation of the culture of Indian Pueblos in the State;

(E) certain Indian Pueblos in the Rio Grande Basin receive water from facilities operated or owned by the Bureau of Reclamation; and

(F) rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos would improve—

(i) overall water management by the Bureau of Reclamation; and

(ii) the ability of the Bureau of Reclamation to help address potential water supply conflicts in the Rio Grande Basin.

(2) PURPOSE.—The purpose of this section is to direct the Secretary—

(A) to assess the condition of the irrigation infrastructure of the Rio Grande Pueblos;

(B) to establish priorities for the rehabilitation of irrigation infrastructure of the Rio Grande Pueblos in accordance with specified criteria; and

(C) to implement projects to rehabilitate and improve the irrigation infrastructure of the Rio Grande Pueblos.

(b) DEFINITIONS.—In this section:

(1) 2004 AGREEMENT.—The term “2004 Agreement” means the agreement entitled “Agreement By and Between the United States of America and the Middle Rio Grande Conservancy District, Providing for the Payment of Operation and Maintenance Charges on Newly Reclaimed Pueblo Indian Lands in the Middle Rio Grande Valley, New Mexico” and executed in September 2004 (including any successor agreements and amendments to the agreement).

(2) DESIGNATED ENGINEER.—The term “designated engineer” means a Federal employee designated under the Act of February 14, 1927 (69 Stat. 1098, chapter 138) to represent the United States in any action involving the maintenance, rehabilitation, or preservation of the condition of any irrigation structure or facility on land located in the Six Middle Rio Grande Pueblos.

(3) DISTRICT.—The term “District” means the Middle Rio Grande Conservancy District, a political subdivision of the State established in 1925.

(4) PUEBLO IRRIGATION INFRASTRUCTURE.—The term “Pueblo irrigation infrastructure” means any diversion structure, conveyance facility, or drainage facility that is—

(A) in existence as of the date of enactment of this Act; and

(B) located on land of a Rio Grande Pueblo that is associated with—

(i) the delivery of water for the irrigation of agricultural land; or

(ii) the carriage of irrigation return flows and excess water from the land that is served.

(5) RIO GRANDE BASIN.—The term “Rio Grande Basin” means the headwaters of the Rio Chama and the Rio Grande Rivers (including any tributaries) from the State line between Colorado and New Mexico downstream to the elevation corresponding with the spillway crest of Elephant Butte Dam at 4,457.3 feet mean sea level.

(6) RIO GRANDE PUEBLO.—The term “Rio Grande Pueblo” means any of the 18 Pueblos that—

(A) occupy land in the Rio Grande Basin; and

(B) are included on the list of federally recognized Indian tribes published by the Secretary in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) SIX MIDDLE RIO GRANDE PUEBLOS.—The term “Six Middle Rio Grande Pueblos” means

each of the Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta.

(9) SPECIAL PROJECT.—The term “special project” has the meaning given the term in the 2004 Agreement.

(10) STATE.—The term “State” means the State of New Mexico.

(c) IRRIGATION INFRASTRUCTURE STUDY.—

(1) STUDY.—

(A) IN GENERAL.—On the date of enactment of this Act, the Secretary, in accordance with subparagraph (B), and in consultation with the Rio Grande Pueblos, shall—

(i) conduct a study of Pueblo irrigation infrastructure; and

(ii) based on the results of the study, develop a list of projects (including a cost estimate for each project), that are recommended to be implemented over a 10-year period to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure.

(B) REQUIRED CONSENT.—In carrying out subparagraph (A), the Secretary shall only include each individual Rio Grande Pueblo that notifies the Secretary that the Pueblo consents to participate in—

(i) the conduct of the study under subparagraph (A)(i); and

(ii) the development of the list of projects under subparagraph (A)(ii) with respect to the Pueblo.

(2) PRIORITY.—

(A) CONSIDERATION OF FACTORS.—

(i) IN GENERAL.—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall—

(I) consider each of the factors described in subparagraph (B); and

(II) prioritize the projects recommended for implementation based on—

(aa) a review of each of the factors; and

(bb) a consideration of the projected benefits of the project on completion of the project.

(ii) ELIGIBILITY OF PROJECTS.—A project is eligible to be considered and prioritized by the Secretary if the project addresses at least 1 factor described in subparagraph (B).

(B) FACTORS.—The factors referred to in subparagraph (A) are—

(i)(I) the extent of disrepair of the Pueblo irrigation infrastructure; and

(II) the effect of the disrepair on the ability of the applicable Rio Grande Pueblo to irrigate agricultural land using Pueblo irrigation infrastructure;

(ii) whether, and the extent that, the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would provide an opportunity to conserve water;

(iii)(I) the economic and cultural impacts that the Pueblo irrigation infrastructure that is in disrepair has on the applicable Rio Grande Pueblo; and

(II) the economic and cultural benefits that the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would have on the applicable Rio Grande Pueblo;

(iv) the opportunity to address water supply or environmental conflicts in the applicable river basin if the Pueblo irrigation infrastructure is repaired, rehabilitated, or reconstructed; and

(v) the overall benefits of the project to efficient water operations on the land of the applicable Rio Grande Pueblo.

(3) CONSULTATION.—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall consult with the Director of the Bureau of Indian Affairs (including the designated engineer with respect to each proposed project that affects the Six Middle Rio Grande Pueblos), the Chief of the Natural Resources Conservation Service, and the Chief of Engineers to evaluate the extent to which programs under the jurisdiction of the respective agencies may be used—

(A) to assist in evaluating projects to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure; and

(B) to implement—

(i) a project recommended for implementation under paragraph (1)(A)(ii); or

(ii) any other related project (including on-farm improvements) that may be appropriately coordinated with the repair, rehabilitation, or reconstruction of Pueblo irrigation infrastructure to improve the efficient use of water in the Rio Grande Basin.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that includes—

(A) the list of projects recommended for implementation under paragraph (1)(A)(ii); and

(B) any findings of the Secretary with respect to—

(i) the study conducted under paragraph (1)(A)(i);

(ii) the consideration of the factors under paragraph (2)(B); and

(iii) the consultations under paragraph (3).

(5) PERIODIC REVIEW.—Not later than 4 years after the date on which the Secretary submits the report under paragraph (4) and every 4 years thereafter, the Secretary, in consultation with each Rio Grande Pueblo, shall—

(A) review the report submitted under paragraph (4); and

(B) update the list of projects described in paragraph (4)(A) in accordance with each factor described in paragraph (2)(B), as the Secretary determines to be appropriate.

(d) IRRIGATION INFRASTRUCTURE GRANTS.—

(1) IN GENERAL.—The Secretary may provide grants to, and enter into contracts or other agreements with, the Rio Grande Pueblos to plan, design, construct, or otherwise implement projects to repair, rehabilitate, reconstruct, or replace Pueblo irrigation infrastructure that are recommended for implementation under subsection (c)(1)(A)(ii)—

(A) to increase water use efficiency and agricultural productivity for the benefit of a Rio Grande Pueblo;

(B) to conserve water; or

(C) to otherwise enhance water management or help avert water supply conflicts in the Rio Grande Basin.

(2) LIMITATION.—Assistance provided under paragraph (1) shall not be used for—

(A) the repair, rehabilitation, or reconstruction of any major impoundment structure; or

(B) any on-farm improvements.

(3) CONSULTATION.—In carrying out a project under paragraph (1), the Secretary shall—

(A) consult with, and obtain the approval of, the applicable Rio Grande Pueblo;

(B) consult with the Director of the Bureau of Indian Affairs; and

(C) as appropriate, coordinate the project with any work being conducted under the irrigation operations and maintenance program of the Bureau of Indian Affairs.

(4) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the total cost of carrying out a project under paragraph (1) shall be not more than 75 percent.

(ii) EXCEPTION.—The Secretary may waive or limit the non-Federal share required under clause (i) if the Secretary determines, based on a demonstration of financial hardship by the Rio Grande Pueblo, that the Rio Grande Pueblo is unable to contribute the required non-Federal share.

(B) DISTRICT CONTRIBUTIONS.—

(i) IN GENERAL.—The Secretary may accept from the District a partial or total contribution

toward the non-Federal share required for a project carried out under paragraph (1) on land located in any of the Six Middle Rio Grande Pueblos if the Secretary determines that the project is a special project.

(ii) **LIMITATION.**—Nothing in clause (i) requires the District to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(C) **STATE CONTRIBUTIONS.**—

(i) **IN GENERAL.**—The Secretary may accept from the State a partial or total contribution toward the non-Federal share for a project carried out under paragraph (1).

(ii) **LIMITATION.**—Nothing in clause (i) requires the State to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(D) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share under subparagraph (A)(i) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under paragraph (1).

(5) **OPERATION AND MAINTENANCE.**—The Secretary may not use any amount made available under subsection (g)(2) to carry out the operation or maintenance of any project carried out under paragraph (1).

(e) **EFFECT ON EXISTING AUTHORITY AND RESPONSIBILITIES.**—Nothing in this section—

(1) affects any existing project-specific funding authority; or

(2) limits or absolves the United States from any responsibility to any Rio Grande Pueblo (including any responsibility arising from a trust relationship or from any Federal law (including regulations), Executive order, or agreement between the Federal Government and any Rio Grande Pueblo).

(f) **EFFECT ON PUEBLO WATER RIGHTS OR STATE WATER LAW.**—

(1) **PUEBLO WATER RIGHTS.**—Nothing in this section (including the implementation of any project carried out in accordance with this section) affects the right of any Pueblo to receive, divert, store, or claim a right to water, including the priority of right and the quantity of water associated with the water right under Federal or State law.

(2) **STATE WATER LAW.**—Nothing in this section preempts or affects—

(A) State water law; or

(B) an interstate compact governing water.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **STUDY.**—There is authorized to be appropriated to carry out subsection (c) \$4,000,000.

(2) **PROJECTS.**—There is authorized to be appropriated to carry out subsection (d) \$6,000,000 for each of fiscal years 2010 through 2019.

SEC. 9107. UPPER COLORADO RIVER ENDANGERED FISH PROGRAMS.

(a) **DEFINITIONS.**—Section 2 of Public Law 106–392 (114 Stat. 1602) is amended—

(1) in paragraph (5), by inserting “, rehabilitation, and repair” after “and replacement”; and

(2) in paragraph (6), by inserting “those for protection of critical habitat, those for preventing entrainment of fish in water diversions,” after “instream flows.”

(b) **AUTHORIZATION TO FUND RECOVERY PROGRAMS.**—Section 3 of Public Law 106–392 (114 Stat. 1603; 120 Stat. 290) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “\$61,000,000” and inserting “\$88,000,000”; and

(B) in paragraph (2), by striking “2010” and inserting “2023”; and

(C) in paragraph (3), by striking “2010” and inserting “2023”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “\$126,000,000” and inserting “\$209,000,000”;

(B) in paragraph (1)—

(i) by striking “\$108,000,000” and inserting “\$179,000,000”; and

(ii) by striking “2010” and inserting “2023”; and

(C) in paragraph (2)—

(i) by striking “\$18,000,000” and inserting “\$30,000,000”; and

(ii) by striking “2010” and inserting “2023”; and

(3) in subsection (c)(4), by striking “\$31,000,000” and inserting “\$87,000,000”.

SEC. 9108. SANTA MARGARITA RIVER, CALIFORNIA.

(a) **DEFINITIONS.**—In this section:

(1) **DISTRICT.**—The term “District” means the Fallbrook Public Utility District, San Diego County, California.

(2) **PROJECT.**—The term “Project” means the impoundment, recharge, treatment, and other facilities the construction, operation, watershed management, and maintenance of which is authorized under subsection (b).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **AUTHORIZATION FOR CONSTRUCTION OF SANTA MARGARITA RIVER PROJECT.**—

(1) **AUTHORIZATION.**—The Secretary, acting pursuant to Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), to the extent that law is not inconsistent with this section, may construct, operate, and maintain the Project substantially in accordance with the final feasibility report and environmental reviews for the Project and this section.

(2) **CONDITIONS.**—The Secretary may construct the Project only after the Secretary determines that the following conditions have occurred:

(A)(i) The District and the Secretary of the Navy have entered into contracts under subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(ii) As an alternative to a repayment contract with the Secretary of the Navy described in clause (i), the Secretary may allow the Secretary of the Navy to satisfy all or a portion of the repayment obligation for construction of the Project on the payment of the share of the Secretary of the Navy prior to the initiation of construction, subject to a final cost allocation as described in subsection (c).

(B) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted the permits to the Bureau of Reclamation for the benefit of the Secretary of the Navy and the District as permittees for rights to the use of water for storage and diversion as provided in this section, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(C)(i) The District has agreed—

(I) to not assert against the United States any prior appropriative right the District may have to water in excess of the quantity deliverable to the District under this section; and

(II) to share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in subsection (d)(2).

(ii) The agreement and waiver under clause (i) and the changes in points of diversion and storage under subparagraph (B)—

(I) shall become effective and binding only when the Project has been completed and put into operation; and

(II) may be varied by agreement between the District and the Secretary of the Navy.

(D) The Secretary has determined that the Project has completed applicable economic, environmental, and engineering feasibility studies.

(c) **COSTS.**—

(1) **IN GENERAL.**—As determined by a final cost allocation after completion of the construction of the Project, the Secretary of the Navy shall be responsible to pay upfront or repay to the Secretary only that portion of the construction, operation, and maintenance costs of the Project that the Secretary and the Secretary of the Navy determine reflects the extent to which the Department of the Navy benefits from the Project.

(2) **OTHER CONTRACTS.**—Notwithstanding paragraph (1), the Secretary may enter into a contract with the Secretary of the Navy for the impoundment, storage, treatment, and carriage of prior rights water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes using Project facilities.

(d) **OPERATION; YIELD ALLOTMENT; DELIVERY.**—

(1) **OPERATION.**—The Secretary, the District, or a third party (consistent with subsection (f)) may operate the Project, subject to a memorandum of agreement between the Secretary, the Secretary of the Navy, and the District and under regulations satisfactory to the Secretary of the Navy with respect to the share of the Project of the Department of the Navy.

(2) **YIELD ALLOTMENT.**—Except as otherwise agreed between the parties, the Secretary of the Navy and the District shall participate in the Project yield on the basis of equal priority and in accordance with the following ratio:

(A) 60 percent of the yield of the Project is allotted to the Secretary of the Navy.

(B) 40 percent of the yield of the Project is allotted to the District.

(3) **CONTRACTS FOR DELIVERY OF EXCESS WATER.**—

(A) **EXCESS WATER AVAILABLE TO OTHER PERSONS.**—If the Secretary of the Navy certifies to the official agreed on to administer the Project that the Department of the Navy does not have immediate need for any portion of the 60 percent of the yield of the Project allotted to the Secretary of the Navy under paragraph (2), the official may enter into temporary contracts for the sale and delivery of the excess water.

(B) **FIRST RIGHT FOR EXCESS WATER.**—The first right to excess water made available under subparagraph (A) shall be given the District, if otherwise consistent with the laws of the State of California.

(C) **CONDITION OF CONTRACTS.**—Each contract entered into under subparagraph (A) for the sale and delivery of excess water shall include a condition that the Secretary of the Navy has the right to demand the water, without charge and without obligation on the part of the United States, after 30 days notice.

(D) **MODIFICATION OF RIGHTS AND OBLIGATIONS.**—The rights and obligations of the United States and the District regarding the ratio, amounts, definition of Project yield, and payment for excess water may be modified by an agreement between the parties.

(4) **CONSIDERATION.**—

(A) **DEPOSIT OF FUNDS.**—

(i) **IN GENERAL.**—Amounts paid to the United States under a contract entered into under paragraph (3) shall be—

(I) deposited in the special account established for the Department of the Navy under section 2667(e)(1) of title 10, United States Code; and

(II) shall be available for the purposes specified in section 2667(e)(1)(C) of that title.

(ii) **EXCEPTION.**—Section 2667(e)(1)(D) of title 10, United States Code, shall not apply to amounts deposited in the special account pursuant to this paragraph.

(B) *IN-KIND CONSIDERATION.*—In lieu of monetary consideration under subparagraph (A), or in addition to monetary consideration, the Secretary of the Navy may accept in-kind consideration in a form and quantity that is acceptable to the Secretary of the Navy, including—

(i) maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Department of the Navy;

(ii) construction of new facilities for the Department of the Navy;

(iii) provision of facilities for use by the Department of the Navy;

(iv) facilities operation support for the Department of the Navy; and

(v) provision of such other services as the Secretary of the Navy considers appropriate.

(C) *RELATION TO OTHER LAWS.*—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities the construction of which is accepted as in-kind consideration under this paragraph.

(D) *CONGRESSIONAL NOTIFICATION.*—If the in-kind consideration proposed to be provided under a contract to be entered into under paragraph (3) has a value in excess of \$500,000, the contract may not be entered into until the earlier of—

(i) the end of the 30-day period beginning on the date on which the Secretary of the Navy submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the contract and the form and quantity of the in-kind consideration; or

(ii) the end of the 14-day period beginning on the date on which a copy of the report referred to in clause (i) is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

(e) *REPAYMENT OBLIGATION OF THE DISTRICT.*—

(1) *DETERMINATION.*—

(A) *IN GENERAL.*—Except as otherwise provided in this paragraph, the general repayment obligation of the District shall be determined by the Secretary consistent with subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(B) *GROUNDWATER.*—For purposes of calculating interest and determining the time when the repayment obligation of the District to the United States commences, the pumping and treatment of groundwater from the Project shall be deemed equivalent to the first use of water from a water storage project.

(C) *CONTRACTS FOR DELIVERY OF EXCESS WATER.*—There shall be no repayment obligation under this subsection for water delivered to the District under a contract described in subsection (d)(3).

(2) *MODIFICATION OF RIGHTS AND OBLIGATION BY AGREEMENT.*—The rights and obligations of the United States and the District regarding the repayment obligation of the District may be modified by an agreement between the parties.

(f) *TRANSFER OF CARE, OPERATION, AND MAINTENANCE.*—

(1) *IN GENERAL.*—The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions that are—

(A) satisfactory to the Secretary and the District; and

(B) with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory to the Secretary, the District, and the Secretary of the Navy.

(2) *EQUITABLE CREDIT.*—

(A) *IN GENERAL.*—In the event of a transfer under paragraph (1), the District shall be entitled to an equitable credit for the costs associated with the proportionate share of the Secretary of the operation and maintenance of the Project.

(B) *APPLICATION.*—The amount of costs described in subparagraph (A) shall be applied against the indebtedness of the District to the United States.

(g) *SCOPE OF SECTION.*—

(1) *IN GENERAL.*—Except as otherwise provided in this section, for the purpose of this section, the laws of the State of California shall apply to the rights of the United States pertaining to the use of water under this section.

(2) *LIMITATIONS.*—Nothing in this section—

(A) provides a grant or a relinquishment by the United States of any rights to the use of water that the United States acquired according to the laws of the State of California, either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of that acquisition, or through actual use or prescription or both since the date of that acquisition, if any;

(B) creates any legal obligation to store any water in the Project, to the use of which the United States has those rights;

(C) requires the division under this section of water to which the United States has those rights; or

(D) constitutes a recognition of, or an admission by the United States that, the District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California.

(h) *LIMITATIONS ON OPERATION AND ADMINISTRATION.*—Unless otherwise agreed by the Secretary of the Navy, the Project—

(1) shall be operated in a manner which allows the free passage of all of the water to the use of which the United States is entitled according to the laws of the State of California either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and

(2) shall not be administered or operated in any way that will impair or deplete the quantities of water the use of which the United States would be entitled under the laws of the State of California had the Project not been built.

(i) *REPORTS TO CONGRESS.*—Not later than 2 years after the date of the enactment of this Act and periodically thereafter, the Secretary and the Secretary of the Navy shall each submit to the appropriate committees of Congress reports that describe whether the conditions specified in subsection (b)(2) have been met and if so, the manner in which the conditions were met.

(j) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section—

(1) \$60,000,000, as adjusted to reflect the engineering costs indices for the construction cost of the Project; and

(2) such sums as are necessary to operate and maintain the Project.

(k) *SUNSET.*—The authority of the Secretary to complete construction of the Project shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 9109. ELSINORE VALLEY MUNICIPAL WATER DISTRICT.

(a) *IN GENERAL.*—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9104(a)) is amended by adding at the end the following:

“SEC. 1650. ELSINORE VALLEY MUNICIPAL WATER DISTRICT PROJECTS, CALIFORNIA.

“(a) *AUTHORIZATION.*—The Secretary, in cooperation with the Elsinore Valley Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to treat wastewater and provide recycled water in the Elsinore Valley Municipal Water District, California.

“(b) *COST SHARING.*—The Federal share of the cost of each project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) *LIMITATION.*—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the projects described in subsection (a).

“(d) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this section \$12,500,000.”.

(b) *CLERICAL AMENDMENT.*—The table of sections in section 2 of Public Law 102-575 (as amended by section 9104(b)) is amended by inserting after the item relating to section 1649 the following:

“Sec. 1650. Elsinore Valley Municipal Water District Projects, California.”.

SEC. 9110. NORTH BAY WATER REUSE AUTHORITY.

(a) *PROJECT AUTHORIZATION.*—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9109(a)) is amended by adding at the end the following:

“SEC. 1651. NORTH BAY WATER REUSE PROGRAM.

“(a) *DEFINITIONS.*—In this section:

“(1) *ELIGIBLE ENTITY.*—The term ‘eligible entity’ means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

“(A) Marin County;

“(B) Napa County;

“(C) Solano County; or

“(D) Sonoma County.

“(2) *WATER RECLAMATION AND REUSE PROJECT.*—The term ‘water reclamation and reuse project’ means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

“(A) water quality improvement;

“(B) wastewater treatment;

“(C) water reclamation and reuse;

“(D) groundwater recharge and protection;

“(E) surface water augmentation; or

“(F) other related improvements.

“(3) *STATE.*—The term ‘State’ means the State of California.

“(b) *NORTH BAY WATER REUSE PROGRAM.*—

“(1) *IN GENERAL.*—Contingent upon a finding of feasibility, the Secretary, acting through a cooperative agreement with the State or a subdivision of the State, is authorized to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse facilities and recycled water conveyance and distribution systems.

“(2) *COORDINATION WITH OTHER FEDERAL AGENCIES.*—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

“(A) non-Federal entities; and

“(B) the Corps of Engineers in the San Pablo Bay Watershed of the State.

“(3) *PHASED PROJECT.*—A cooperative agreement described in paragraph (1) shall require that the North Bay Water Reuse Program carried out under this section shall consist of 2 phases as follows:

“(A) *FIRST PHASE.*—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of

the main treatment and main conveyance systems.

“(B) **SECOND PHASE.**—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems.

“(4) **COST SHARING.**—

“(A) **FEDERAL SHARE.**—The Federal share of the cost of the first phase of the project authorized by this section shall not exceed 25 percent of the total cost of the first phase of the project.

“(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

“(i) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

“(ii) the acquisition costs of land acquired for the project that is—

“(I) used for planning, design, and construction of the water reclamation and reuse project facilities; and

“(II) owned by an eligible entity and directly related to the project.

“(C) **LIMITATION.**—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(5) **EFFECT.**—Nothing in this section—

“(A) affects or preempts—

“(i) State water law; or

“(ii) an interstate compact relating to the allocation of water; or

“(B) confers on any non-Federal entity the ability to exercise any Federal right to—

“(i) the water of a stream; or

“(ii) any groundwater resource.

“(6) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Federal share of the total cost of the first phase of the project authorized by this section \$25,000,000, to remain available until expended.”

(b) **CONFORMING AMENDMENT.**—The table of sections in section 2 of Public Law 102-575 (as amended by section 9109(b)) is amended by inserting after the item relating to section 1650 the following:

“Sec. 1651. North Bay water reuse program.”

SEC. 9111. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT, CALIFORNIA.

(a) **PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.**—

(1) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9110(a)) is amended by adding at the end the following:

“SEC. 1652. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.

“(a) **IN GENERAL.**—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

“(b) **COST SHARING.**—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000.

“(e) **SUNSET OF AUTHORITY.**—This section shall have no effect after the date that is 10

years after the date of the enactment of this section.”

(2) **CONFORMING AMENDMENT.**—The table of sections in section 2 of Public Law 102-575 (43 U.S.C. prec. 371) (as amended by section 9110(b)) is amended by inserting after the last item the following:

“1652. Prado Basin Natural Treatment System Project.”

(b) **LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.**—

(1) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by subsection (a)(1)) is amended by adding at the end the following:

“SEC. 1653. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

“(a) **IN GENERAL.**—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

“(b) **COST SHARING.**—The Federal share of the cost of the project described in subsection (a) shall not exceed—

“(1) 25 percent of the total cost of the project; or

“(2) \$26,000,000.

“(c) **LIMITATION.**—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

“(e) **SUNSET OF AUTHORITY.**—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.”

(2) **CONFORMING AMENDMENT.**—The table of sections in section 2 of Public Law 102-575 (43 U.S.C. prec. 371) (as amended by subsection (a)(2)) is amended by inserting after the last item the following:

“1653. Lower Chino dairy area desalination demonstration and reclamation project.”

(c) **ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT.**—Section 1624 of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h-12j) is amended—

(1) in the section heading, by striking the words “**PHASE 1 OF THE**”; and

(2) in subsection (a), by striking “phase 1 of”.

SEC. 9112. BUNKER HILL GROUNDWATER BASIN, CALIFORNIA.

(a) **DEFINITIONS.**—In this section:

(1) **DISTRICT.**—The term “District” means the Western Municipal Water District, Riverside County, California.

(2) **PROJECT.**—

(A) **IN GENERAL.**—The term “Project” means the Riverside-Corona Feeder Project.

(B) **INCLUSIONS.**—The term “Project” includes—

(i) 20 groundwater wells;

(ii) groundwater treatment facilities;

(iii) water storage and pumping facilities; and

(iv) 28 miles of pipeline in San Bernardino and Riverside Counties in the State of California.

(C) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **PLANNING, DESIGN, AND CONSTRUCTION OF RIVERSIDE-CORONA FEEDER.**—

(1) **IN GENERAL.**—The Secretary, in cooperation with the District, may participate in the planning, design, and construction of the Project.

(2) **AGREEMENTS AND REGULATIONS.**—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this subsection.

(3) **FEDERAL SHARE.**—

(A) **PLANNING, DESIGN, CONSTRUCTION.**—The Federal share of the cost to plan, design, and construct the Project shall not exceed the lesser of—

(i) an amount equal to 25 percent of the total cost of the Project; and

(ii) \$26,000,000.

(B) **STUDIES.**—The Federal share of the cost to complete the necessary planning studies associated with the Project—

(i) shall not exceed an amount equal to 50 percent of the total cost of the studies; and

(ii) shall be included as part of the limitation described in subparagraph (A).

(4) **IN-KIND SERVICES.**—The non-Federal share of the cost of the Project may be provided in cash or in kind.

(5) **LIMITATION.**—Funds provided by the Secretary under this subsection shall not be used for operation or maintenance of the Project.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this subsection the lesser of—

(A) an amount equal to 25 percent of the total cost of the Project; and

(B) \$26,000,000.

SEC. 9113. GREAT PROJECT, CALIFORNIA.

(a) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102-575; 43 U.S.C. 390h et seq.) (as amended by section 9111(b)(1)) is amended by adding at the end the following:

“SEC. 1654. OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the City of Oxnard, California, may participate in the design, planning, and construction of Phase I permanent facilities for the GREAT project to reclaim, reuse, and treat impaired water in the area of Oxnard, California.

“(b) **COST SHARE.**—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

“(c) **LIMITATION.**—The Secretary shall not provide funds for the following:

“(1) The operations and maintenance of the project described in subsection (a).

“(2) The construction, operations, and maintenance of the visitor's center related to the project described in subsection (a).

“(d) **SUNSET OF AUTHORITY.**—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.”

(b) **CLERICAL AMENDMENT.**—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (as amended by section 9111(b)(2)) is amended by inserting after the last item the following:

“Sec. 1654. Oxnard, California, water reclamation, reuse, and treatment project.”

SEC. 9114. YUCAIPA VALLEY WATER DISTRICT, CALIFORNIA.

(a) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9113(a)) is amended by adding at the end the following:

“SEC. 1655. YUCAIPA VALLEY REGIONAL WATER SUPPLY RENEWAL PROJECT.

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired

groundwater, and provide brine disposal within the Santa Ana Watershed as described in the report submitted under section 1606.

“(b) **COST SHARING.**—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000.

“SEC. 1656. CITY OF CORONA WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the City of Corona Water Utility, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Corona Water Utility, California.

“(b) **COST SHARE.**—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.”

(b) **CONFORMING AMENDMENTS.**—The table of sections in section 2 of Public Law 102-575 (as amended by section 9114(b)) is amended by inserting after the last item the following:

“Sec. 1655. Yucaipa Valley Regional Water Supply Renewal Project.

“Sec. 1656. City of Corona Water Utility, California, water recycling and reuse project.”

SEC. 9115. ARKANSAS VALLEY CONDUIT, COLORADO.

(a) **COST SHARE.**—The first section of Public Law 87-590 (76 Stat. 389) is amended in the second sentence of subsection (c) by inserting after “cost thereof,” the following: “or in the case of the Arkansas Valley Conduit, payment in an amount equal to 35 percent of the cost of the conduit that is comprised of revenue generated by payments pursuant to a repayment contract and revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities.”

(b) **RATES.**—Section 2(b) of Public Law 87-590 (76 Stat. 390) is amended—

(1) by striking “(b) Rates” and inserting the following:

“(b) **RATES.**—

“(1) **IN GENERAL.**—Rates”; and

(2) by adding at the end the following:

“(2) **RUEDI DAM AND RESERVOIR, FOUNTAIN VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT PUEBLO DAM AND RESERVOIR.**—

“(A) **IN GENERAL.**—Notwithstanding the reclamation laws, until the date on which the payments for the Arkansas Valley Conduit under paragraph (3) begin, any revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of Ruedi Dam and Reservoir, the Fountain Valley Pipeline, and the South Outlet Works at Pueblo Dam and Reservoir plus interest in an amount determined in accordance with this section.

“(B) **EFFECT.**—Nothing in the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) prohibits the concurrent crediting of revenue (with interest as provided under this section) to-

wards payment of the Arkansas Valley Conduit as provided under this paragraph.

“(3) **ARKANSAS VALLEY CONDUIT.**—

“(A) **USE OF REVENUE.**—Notwithstanding the reclamation laws, any revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of the Arkansas Valley Conduit plus interest in an amount determined in accordance with this section.

“(B) **ADJUSTMENT OF RATES.**—Any rates charged under this section for water for municipal, domestic, or industrial use or for the use of facilities for the storage or delivery of water shall be adjusted to reflect the estimated revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities.”

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 7 of Public Law 87-590 (76 Stat. 393) is amended—

(1) by striking “SEC. 7. There is hereby” and inserting the following:

“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

“(a) **IN GENERAL.**—There is”; and

(2) by adding at the end the following:

“(b) **ARKANSAS VALLEY CONDUIT.**—

“(1) **IN GENERAL.**—Subject to annual appropriations and paragraph (2), there are authorized to be appropriated such sums as are necessary for the construction of the Arkansas Valley Conduit.

“(2) **LIMITATION.**—Amounts made available under paragraph (1) shall not be used for the operation or maintenance of the Arkansas Valley Conduit.”

Subtitle C—Title Transfers and Clarifications
SEC. 9201. TRANSFER OF MCGEE CREEK PIPELINE AND FACILITIES.

(a) **DEFINITIONS.**—In this section:

(1) **AGREEMENT.**—The term “Agreement” means the agreement numbered 06-AG-60-2115 and entitled “Agreement Between the United States of America and McGee Creek Authority for the Purpose of Defining Responsibilities Related to and Implementing the Title Transfer of Certain Facilities at the McGee Creek Project, Oklahoma”.

(2) **AUTHORITY.**—The term “Authority” means the McGee Creek Authority located in Oklahoma City, Oklahoma.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **CONVEYANCE OF MCGEE CREEK PROJECT PIPELINE AND ASSOCIATED FACILITIES.**—

(1) **AUTHORITY TO CONVEY.**—

(A) **IN GENERAL.**—In accordance with all applicable laws and consistent with any terms and conditions provided in the Agreement, the Secretary may convey to the Authority all right, title, and interest of the United States in and to the pipeline and any associated facilities described in the Agreement, including—

(i) the pumping plant;

(ii) the raw water pipeline from the McGee Creek pumping plant to the rate of flow control station at Lake Atoka;

(iii) the surge tank;

(iv) the regulating tank;

(v) the McGee Creek operation and maintenance complex, maintenance shop, and pole barn; and

(vi) any other appurtenances, easements, and fee title land associated with the facilities described in clauses (i) through (v), in accordance with the Agreement.

(B) **EXCLUSION OF MINERAL ESTATE FROM CONVEYANCE.**—

(i) **IN GENERAL.**—The mineral estate shall be excluded from the conveyance of any land or facilities under subparagraph (A).

(ii) **MANAGEMENT.**—Any mineral interests retained by the United States under this section shall be managed—

(I) consistent with Federal law; and

(II) in a manner that would not interfere with the purposes for which the McGee Creek Project was authorized.

(C) **COMPLIANCE WITH AGREEMENT; APPLICABLE LAW.**—

(i) **AGREEMENT.**—All parties to the conveyance under subparagraph (A) shall comply with the terms and conditions of the Agreement, to the extent consistent with this section.

(ii) **APPLICABLE LAW.**—Before any conveyance under subparagraph (A), the Secretary shall complete any actions required under—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(III) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(IV) any other applicable laws.

(2) **OPERATION OF TRANSFERRED FACILITIES.**—

(A) **IN GENERAL.**—On the conveyance of the land and facilities under paragraph (1)(A), the Authority shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of any transferred facilities.

(B) **OPERATION AND MAINTENANCE COSTS.**—

(i) **IN GENERAL.**—After the conveyance of the land and facilities under paragraph (1)(A) and consistent with the Agreement, the Authority shall be responsible for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities.

(ii) **LIMITATION ON FUNDING.**—The Authority shall not be eligible to receive any Federal funding to assist in the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities, except for funding that would be available to any comparable entity that is not subject to reclamation laws.

(3) **RELEASE FROM LIABILITY.**—

(A) **IN GENERAL.**—Effective beginning on the date of the conveyance of the land and facilities under paragraph (1)(A), the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to any land or facilities conveyed, except for damages caused by acts of negligence committed by the United States (including any employee or agent of the United States) before the date of the conveyance.

(B) **NO ADDITIONAL LIABILITY.**—Nothing in this paragraph adds to any liability that the United States may have under chapter 171 of title 28, United States Code.

(4) **CONTRACTUAL OBLIGATIONS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), any rights and obligations under the contract numbered 0-07-50-X0822 and dated October 11, 1979, between the Authority and the United States for the construction, operation, and maintenance of the McGee Creek Project, shall remain in full force and effect.

(B) **AMENDMENTS.**—With the consent of the Authority, the Secretary may amend the contract described in subparagraph (A) to reflect the conveyance of the land and facilities under paragraph (1)(A).

(5) **APPLICABILITY OF THE RECLAMATION LAWS.**—Notwithstanding the conveyance of the land and facilities under paragraph (1)(A), the reclamation laws shall continue to apply to any project water provided to the Authority.

SEC. 9202. ALBUQUERQUE BIOLOGICAL PARK, NEW MEXICO, TITLE CLARIFICATION.

(a) **PURPOSE.**—The purpose of this section is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and

interest the United States may have in and to Tingley Beach, San Gabriel Park, or the BioPark Parcels to the City, thereby removing a potential cloud on the City's title to these lands.

(b) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term “City” means the City of Albuquerque, New Mexico.

(2) **BIOPARK PARCELS.**—The term “BioPark Parcels” means a certain area of land containing 19.16 acres, more or less, situated within the Town of Albuquerque Grant, in Projected Section 13, Township 10 North, Range 2 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, comprised of the following platted tracts and lot, and MRGCD tracts:

(A) Tracts A and B, Albuquerque Biological Park, as the same are shown and designated on the Plat of Tracts A & B, Albuquerque Biological Park, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on February 11, 1994 in Book 94C, Page 44; containing 17.9051 acres, more or less.

(B) Lot B-1, Roger Cox Addition, as the same is shown and designated on the Plat of Lots B-1 and B-2 Roger Cox Addition, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on October 3, 1985 in Book C28, Page 99; containing 0.6289 acres, more or less.

(C) Tract 361 of MRGCD Map 38, bounded on the north by Tract A, Albuquerque Biological Park, on the east by the westerly right-of-way of Central Avenue, on the south by Tract 332B MRGCD Map 38, and on the west by Tract B, Albuquerque Biological Park; containing 0.30 acres, more or less.

(D) Tract 332B of MRGCD Map 38; bounded on the north by Tract 361, MRGCD Map 38, on the west by Tract 32A-1-A, MRGCD Map 38, and on the south and east by the westerly right-of-way of Central Avenue; containing 0.25 acres, more or less.

(E) Tract 331A-1A of MRGCD Map 38, bounded on the west by Tract B, Albuquerque Biological Park, on the east by Tract 332B, MRGCD Map 38, and on the south by the westerly right-of-way of Central Avenue and Tract A, Albuquerque Biological Park; containing 0.08 acres, more or less.

(3) **MIDDLE RIO GRANDE CONSERVANCY DISTRICT.**—The terms “Middle Rio Grande Conservancy District” and “MRGCD” mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(4) **MIDDLE RIO GRANDE PROJECT.**—The term “Middle Rio Grande Project” means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80-858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81-516; 64 Stat. 170).

(5) **SAN GABRIEL PARK.**—The term “San Gabriel Park” means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(6) **TINGLEY BEACH.**—The term “Tingley Beach” means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, and secs. 18 and 19, T10N, R3E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(c) **CLARIFICATION OF PROPERTY INTEREST.**—

(1) **REQUIRED ACTION.**—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, and the BioPark Parcels to the City.

(2) **TIMING.**—The Secretary shall carry out the action in paragraph (1) as soon as practicable after the date of enactment of this Act and in accordance with all applicable law.

(3) **NO ADDITIONAL PAYMENT.**—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park, Tingley Beach, and the BioPark Parcels.

(d) **OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.**—

(1) **IN GENERAL.**—Except as expressly provided in subsection (c), nothing in this section shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(2) **ONGOING LITIGATION.**—Nothing contained in this section shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, 99-CV-01320-JAP-RHS, entitled *Rio Grande Silvery Minnow v. John W. Keys, III*, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

SEC. 9203. GOLETA WATER DISTRICT WATER DISTRIBUTION SYSTEM, CALIFORNIA.

(a) **DEFINITIONS.**—In this section:

(1) **AGREEMENT.**—The term “Agreement” means Agreement No. 07-LC-20-9387 between the United States and the District, entitled “Agreement Between the United States and the Goleta Water District to Transfer Title of the Federally Owned Distribution System to the Goleta Water District”.

(2) **DISTRICT.**—The term “District” means the Goleta Water District, located in Santa Barbara County, California.

(3) **GOLETA WATER DISTRIBUTION SYSTEM.**—The term “Goleta Water Distribution System” means the facilities constructed by the United States to enable the District to convey water to its water users, and associated lands, as described in Appendix A of the Agreement.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **CONVEYANCE OF THE GOLETA WATER DISTRIBUTION SYSTEM.**—The Secretary is authorized to convey to the District all right, title, and interest of the United States in and to the Goleta Water Distribution System of the Cachuma Project, California, subject to valid existing rights and consistent with the terms and conditions set forth in the Agreement.

(c) **LIABILITY.**—Effective upon the date of the conveyance authorized by subsection (b), the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the lands, buildings, or facilities conveyed under this section, except for damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act).

(d) **BENEFITS.**—After conveyance of the Goleta Water Distribution System under this section—

(1) such distribution system shall not be considered to be a part of a Federal reclamation project; and

(2) the District shall not be eligible to receive any benefits with respect to any facility comprising the Goleta Water Distribution System, except benefits that would be available to a similarly situated entity with respect to property that is not part of a Federal reclamation project.

(e) **COMPLIANCE WITH OTHER LAWS.**—

(1) **COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC PRESERVATION LAWS.**—Prior to any conveyance under this section, the Secretary shall complete all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and all other applicable laws.

(2) **COMPLIANCE BY THE DISTRICT.**—Upon the conveyance of the Goleta Water Distribution System under this section, the District shall comply with all applicable Federal, State, and local laws and regulations in its operation of the facilities that are transferred.

(3) **APPLICABLE AUTHORITY.**—All provisions of Federal reclamation law (the Act of June 17, 1902 (43 U.S.C. 371 et seq.) and Acts supplemental to and amendatory of that Act) shall continue to be applicable to project water provided to the District.

(f) **REPORT.**—If, 12 months after the date of the enactment of this Act, the Secretary has not completed the conveyance required under subsection (b), the Secretary shall complete a report that states the reason the conveyance has not been completed and the date by which the conveyance shall be completed. The Secretary shall submit a report required under this subsection to Congress not later than 14 months after the date of the enactment of this Act.

Subtitle D—San Gabriel Basin Restoration Fund

SEC. 9301. RESTORATION FUND.

Section 110 of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A-222), as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106-554, as amended by Public Law 107-66), is further amended—

(1) in subsection (a)(3)(B), by inserting after clause (iii) the following:

“(iv) **NON-FEDERAL MATCH.**—After \$85,000,000 has cumulatively been appropriated under subsection (d)(1), the remainder of Federal funds appropriated under subsection (d) shall be subject to the following matching requirement:

“(I) **SAN GABRIEL BASIN WATER QUALITY AUTHORITY.**—The San Gabriel Basin Water Quality Authority shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the Authority under this Act.

“(II) **CENTRAL BASIN MUNICIPAL WATER DISTRICT.**—The Central Basin Municipal Water District shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the District under this Act.”;

(2) in subsection (a), by adding at the end the following:

“(4) **INTEREST ON FUNDS IN RESTORATION FUND.**—No amounts appropriated above the cumulative amount of \$85,000,000 to the Restoration Fund under subsection (d)(1) shall be invested by the Secretary of the Treasury in interest-bearing securities of the United States.”; and

(3) by amending subsection (d) to read as follows:

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There is authorized to be appropriated to the Restoration Fund established under subsection (a) \$146,200,000. Such funds shall remain available until expended.

“(2) **SET-ASIDE.**—Of the amounts appropriated under paragraph (1), no more than \$21,200,000 shall be made available to carry out the Central Basin Water Quality Project.”.

Subtitle E—Lower Colorado River Multi-Species Conservation Program

SEC. 9401. DEFINITIONS.

In this subtitle:

(1) **LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.**—The term “Lower Colorado River Multi-Species Conservation Program” or “LCR MSCP” means the cooperative effort on the Lower Colorado River between Federal and non-Federal entities in Arizona, California, and Nevada approved by the Secretary of the Interior on April 2, 2005.

(2) **LOWER COLORADO RIVER.**—The term “Lower Colorado River” means the segment of the Colorado River within the planning area as provided in section 2(B) of the Implementing Agreement, a Program Document.

(3) **PROGRAM DOCUMENTS.**—The term “Program Documents” means the Habitat Conservation Plan, Biological Assessment and Biological and Conference Opinion, Environmental Impact Statement/Environmental Impact Report, Funding and Management Agreement, Implementing Agreement, and Section 10(a)(1)(B) Permit issued and, as applicable, executed in connection with the LCR MSCP, and any amendments or successor documents that are developed consistent with existing agreements and applicable law.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means each of the States of Arizona, California, and Nevada.

SEC. 9402. IMPLEMENTATION AND WATER ACCOUNTING.

(a) **IMPLEMENTATION.**—The Secretary is authorized to manage and implement the LCR MSCP in accordance with the Program Documents.

(b) **WATER ACCOUNTING.**—The Secretary is authorized to enter into an agreement with the States providing for the use of water from the Lower Colorado River for habitat creation and maintenance in accordance with the Program Documents.

SEC. 9403. ENFORCEABILITY OF PROGRAM DOCUMENTS.

(a) **IN GENERAL.**—Due to the unique conditions of the Colorado River, any party to the Funding and Management Agreement or the Implementing Agreement, and any permittee under the Section 10(a)(1)(B) Permit, may commence a civil action in United States district court to adjudicate, confirm, validate or decree the rights and obligations of the parties under those Program Documents.

(b) **JURISDICTION.**—The district court shall have jurisdiction over such actions and may issue such orders, judgments, and decrees as are consistent with the court's exercise of jurisdiction under this section.

(c) **UNITED STATES AS DEFENDANT.**—

(1) **IN GENERAL.**—The United States or any agency of the United States may be named as a defendant in such actions.

(2) **SOVEREIGN IMMUNITY.**—Subject to paragraph (3), the sovereign immunity of the United States is waived for purposes of actions commenced pursuant to this section.

(3) **NONWAIVER FOR CERTAIN CLAIMS.**—Nothing in this section waives the sovereign immunity of the United States to claims for money damages, monetary compensation, the provision of indemnity, or any claim seeking money from the United States.

(d) **RIGHTS UNDER FEDERAL AND STATE LAW.**—

(1) **IN GENERAL.**—Except as specifically provided in this section, nothing in this section limits any rights or obligations of any party under Federal or State law.

(2) **APPLICABILITY TO LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.**—This section—

(A) shall apply only to the Lower Colorado River Multi-Species Conservation Program; and

(B) shall not affect the terms of, or rights or obligations under, any other conservation plan created pursuant to any Federal or State law.

(e) **VENUE.**—Any suit pursuant to this section may be brought in any United States district court in the State in which any non-Federal party to the suit is situated.

SEC. 9404. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to the Secretary such sums as may be necessary to meet the obligations of the Secretary under the Program Documents, to remain available until expended.

(b) **NON-REIMBURSABLE AND NON-RETURNABLE.**—All amounts appropriated to and expended by the Secretary for the LCR MSCP shall be non-reimbursable and non-returnable.

Subtitle F—Secure Water

SEC. 9501. FINDINGS.

Congress finds that—

(1) adequate and safe supplies of water are fundamental to the health, economy, security, and ecology of the United States;

(2) systematic data-gathering with respect to, and research and development of, the water resources of the United States will help ensure the continued existence of sufficient quantities of water to support—

(A) increasing populations;

(B) economic growth;

(C) irrigated agriculture;

(D) energy production; and

(E) the protection of aquatic ecosystems;

(3) global climate change poses a significant challenge to the protection and use of the water resources of the United States due to an increased uncertainty with respect to the timing, form, and geographical distribution of precipitation, which may have a substantial effect on the supplies of water for agricultural, hydroelectric power, industrial, domestic supply, and environmental needs;

(4) although States bear the primary responsibility and authority for managing the water resources of the United States, the Federal Government should support the States, as well as regional, local, and tribal governments, by carrying out—

(A) nationwide data collection and monitoring activities;

(B) relevant research; and

(C) activities to increase the efficiency of the use of water in the United States;

(5) Federal agencies that conduct water management and related activities have a responsibility—

(A) to take a lead role in assessing risks to the water resources of the United States (including risks posed by global climate change); and

(B) to develop strategies—

(i) to mitigate the potential impacts of each risk described in subparagraph (A); and

(ii) to help ensure that the long-term water resources management of the United States is sustainable and will ensure sustainable quantities of water;

(6) it is critical to continue and expand research and monitoring efforts—

(A) to improve the understanding of the variability of the water cycle; and

(B) to provide basic information necessary—

(i) to manage and efficiently use the water resources of the United States; and

(ii) to identify new supplies of water that are capable of being reclaimed; and

(7) the study of water use is vital—

(A) to the understanding of the impacts of human activity on water and ecological resources; and

(B) to the assessment of whether available surface and groundwater supplies will be available to meet the future needs of the United States.

SEC. 9502. DEFINITIONS.

In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the National Advisory Committee on Water Information established—

(A) under the Office of Management and Budget Circular 92-01; and

(B) to coordinate water data collection activities.

(3) **ASSESSMENT PROGRAM.**—The term “assessment program” means the water availability and use assessment program established by the Secretary under section 9508(a).

(4) **CLIMATE DIVISION.**—The term “climate division” means 1 of the 359 divisions in the United States that represents 2 or more regions located within a State that are as climatically homogeneous as possible, as determined by the Administrator.

(5) **COMMISSIONER.**—The term “Commissioner” means the Commissioner of Reclamation.

(6) **DIRECTOR.**—The term “Director” means the Director of the United States Geological Survey.

(7) **ELIGIBLE APPLICANT.**—The term “eligible applicant” means any State, Indian tribe, irrigation district, water district, or other organization with water or power delivery authority.

(8) **FEDERAL POWER MARKETING ADMINISTRATION.**—The term “Federal Power Marketing Administration” means—

(A) the Bonneville Power Administration;

(B) the Southeastern Power Administration;

(C) the Southwestern Power Administration; and

(D) the Western Area Power Administration.

(9) **HYDROLOGIC ACCOUNTING UNIT.**—The term “hydrologic accounting unit” means 1 of the 352 river basin hydrologic accounting units used by the United States Geological Survey.

(10) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) **MAJOR AQUIFER SYSTEM.**—The term “major aquifer system” means a groundwater system that is—

(A) identified as a significant groundwater system by the Director; and

(B) included in the Groundwater Atlas of the United States, published by the United States Geological Survey.

(12) **MAJOR RECLAMATION RIVER BASIN.**—

(A) **IN GENERAL.**—The term “major reclamation river basin” means each major river system (including tributaries)—

(i) that is located in a service area of the Bureau of Reclamation; and

(ii) at which is located a federally authorized project of the Bureau of Reclamation.

(B) **INCLUSIONS.**—The term “major reclamation river basin” includes—

(i) the Colorado River;

(ii) the Columbia River;

(iii) the Klamath River;

(iv) the Missouri River;

(v) the Rio Grande;

(vi) the Sacramento River;

(vii) the San Joaquin River; and

(viii) the Truckee River.

(13) **NON-FEDERAL PARTICIPANT.**—The term “non-Federal participant” means—

(A) a State, regional, or local authority;

(B) an Indian tribe or tribal organization; or

(C) any other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association, or a nongovernmental organization.

(14) **PANEL.**—The term “panel” means the climate change and water intragovernmental panel established by the Secretary under section 9506(a).

(15) **PROGRAM.**—The term “program” means the regional integrated sciences and assessments program—

(A) established by the Administrator; and

(B) that is comprised of 8 regional programs that use advances in integrated climate sciences to assist decisionmaking processes.

(16) **SECRETARY.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “Secretary” means the Secretary of the Interior.

(B) **EXCEPTIONS.**—The term “Secretary” means—

(i) in the case of sections 9503, 9504, and 9509, the Secretary of the Interior (acting through the Commissioner); and

(ii) in the case of sections 9507 and 9508, the Secretary of the Interior (acting through the Director).

(17) **SERVICE AREA.**—The term “service area” means any area that encompasses a watershed that contains a federally authorized reclamation project that is located in any State or area described in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

SEC. 9503. RECLAMATION CLIMATE CHANGE AND WATER PROGRAM.

(a) **IN GENERAL.**—The Secretary shall establish a climate change adaptation program—

(1) to coordinate with the Administrator and other appropriate agencies to assess each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in a service area; and

(2) to ensure, to the maximum extent possible, that strategies are developed at watershed and aquifer system scales to address potential water shortages, conflicts, and other impacts to water users located at, and the environment of, each service area.

(b) **REQUIRED ELEMENTS.**—In carrying out the program described in subsection (a), the Secretary shall—

(1) coordinate with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary has access to the best available scientific information with respect to presently observed and projected future impacts of global climate change on water resources;

(2) assess specific risks to the water supply of each major reclamation river basin, including any risk relating to—

(A) a change in snowpack;

(B) changes in the timing and quantity of runoff;

(C) changes in groundwater recharge and discharge; and

(D) any increase in—

(i) the demand for water as a result of increasing temperatures; and

(ii) the rate of reservoir evaporation;

(3) with respect to each major reclamation river basin, analyze the extent to which changes in the water supply of the United States will impact—

(A) the ability of the Secretary to deliver water to the contractors of the Secretary;

(B) hydroelectric power generation facilities;

(C) recreation at reclamation facilities;

(D) fish and wildlife habitat;

(E) applicable species listed as an endangered, threatened, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(F) water quality issues (including salinity levels of each major reclamation river basin);

(G) flow and water dependent ecological resiliency; and

(H) flood control management;

(4) in consultation with appropriate non-Federal participants, consider and develop appropriate strategies to mitigate each impact of water supply changes analyzed by the Secretary under paragraph (3), including strategies relating to—

(A) the modification of any reservoir storage or operating guideline in existence as of the date of enactment of this Act;

(B) the development of new water management, operating, or habitat restoration plans;

(C) water conservation;

(D) improved hydrologic models and other decision support systems; and

(E) groundwater and surface water storage needs; and

(5) in consultation with the Director, the Administrator, the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service), and applicable State water resource agencies, develop a monitoring plan to acquire and maintain water resources data—

(A) to strengthen the understanding of water supply trends; and

(B) to assist in each assessment and analysis conducted by the Secretary under paragraphs (2) and (3).

(c) **REPORTING.**—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in each major reclamation river basin;

(2) the impact of global climate change with respect to the operations of the Secretary in each major reclamation river basin;

(3) each mitigation and adaptation strategy considered and implemented by the Secretary to address each effect of global climate change described in paragraph (1);

(4) each coordination activity conducted by the Secretary with—

(A) the Director;

(B) the Administrator;

(C) the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service); or

(D) any appropriate State water resource agency; and

(5) the implementation by the Secretary of the monitoring plan developed under subsection (b)(5).

(d) **FEASIBILITY STUDIES.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary, in cooperation with any non-Federal participant, may conduct 1 or more studies to determine the feasibility and impact on ecological resiliency of implementing each mitigation and adaptation strategy described in subsection (c)(3), including the construction of any water supply, water management, environmental, or habitat enhancement water infrastructure that the Secretary determines to be necessary to address the effects of global climate change on water resources located in each major reclamation river basin.

(2) **COST SHARING.**—

(A) **FEDERAL SHARE.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the Federal share of the cost of a study described in paragraph (1) shall not exceed 50 percent of the cost of the study.

(ii) **EXCEPTION RELATING TO FINANCIAL HARDSHIP.**—The Secretary may increase the Federal share of the cost of a study described in paragraph (1) to exceed 50 percent of the cost of the study if the Secretary determines that, due to a financial hardship, the non-Federal participant of the study is unable to contribute an amount equal to 50 percent of the cost of the study.

(B) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of a study described in paragraph (1) may be provided in the form of any in-kind services that substantially contribute toward the completion of the study, as determined by the Secretary.

(e) **NO EFFECT ON EXISTING AUTHORITY.**—Nothing in this section amends or otherwise affects any existing authority under reclamation

laws that govern the operation of any Federal reclamation project.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9504. WATER MANAGEMENT IMPROVEMENT.

(a) **AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary may provide any grant to, or enter into an agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement—

(A) to conserve water;

(B) to increase water use efficiency;

(C) to facilitate water markets;

(D) to enhance water management, including increasing the use of renewable energy in the management and delivery of water;

(E) to accelerate the adoption and use of advanced water treatment technologies to increase water supply;

(F) to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule);

(G) to accelerate the recovery of threatened species, endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or

(H) to carry out any other activity—

(i) to address any climate-related impact to the water supply of the United States that increases ecological resiliency to the impacts of climate change; or

(ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area.

(2) **APPLICATION.**—To be eligible to receive a grant, or enter into an agreement with the Secretary under paragraph (1), an eligible applicant shall—

(A) be located within the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

(B) submit to the Secretary an application that includes a proposal of the improvement or activity to be planned, designed, constructed, or implemented by the eligible applicant.

(3) **REQUIREMENTS OF GRANTS AND COOPERATIVE AGREEMENTS.**—

(A) **COMPLIANCE WITH REQUIREMENTS.**—Each grant and agreement entered into by the Secretary with any eligible applicant under paragraph (1) shall be in compliance with each requirement described in subparagraphs (B) through (F).

(B) **AGRICULTURAL OPERATIONS.**—In carrying out paragraph (1), the Secretary shall not provide a grant, or enter into an agreement, for an improvement to conserve irrigation water unless the eligible applicant agrees not—

(i) to use any associated water savings to increase the total irrigated acreage of the eligible applicant; or

(ii) to otherwise increase the consumptive use of water in the operation of the eligible applicant, as determined pursuant to the law of the State in which the operation of the eligible applicant is located.

(C) **NONREIMBURSABLE FUNDS.**—Any funds provided by the Secretary to an eligible applicant through a grant or agreement under paragraph (1) shall be nonreimbursable.

(D) **TITLE TO IMPROVEMENTS.**—If an infrastructure improvement to a federally owned facility is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1), the Federal Government shall continue to hold title to the facility and improvements to the facility.

(E) **COST SHARING.**—

(i) **FEDERAL SHARE.**—The Federal share of the cost of any infrastructure improvement or activity that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall not exceed 50 percent of the cost of the infrastructure improvement or activity.

(ii) **CALCULATION OF NON-FEDERAL SHARE.**—In calculating the non-Federal share of the cost of an infrastructure improvement or activity proposed by an eligible applicant through an application submitted by the eligible applicant under paragraph (2), the Secretary shall—

(I) consider the value of any in-kind services that substantially contributes toward the completion of the improvement or activity, as determined by the Secretary; and

(II) not consider any other amount that the eligible applicant receives from a Federal agency.

(iii) **MAXIMUM AMOUNT.**—The amount provided to an eligible applicant through a grant or other agreement under paragraph (1) shall be not more than \$5,000,000.

(iv) **OPERATION AND MAINTENANCE COSTS.**—The non-Federal share of the cost of operating and maintaining any infrastructure improvement that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall be 100 percent.

(F) **LIABILITY.**—

(i) **IN GENERAL.**—Except as provided under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved under this section, the title of which is not held by the United States.

(ii) **TORT CLAIMS ACT.**—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(b) **RESEARCH AGREEMENTS.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary may enter into 1 or more agreements with any university, nonprofit research institution, or organization with water or power delivery authority to fund any research activity that is designed—

(A) to conserve water resources;

(B) to increase the efficiency of the use of water resources; or

(C) to enhance the management of water resources, including increasing the use of renewable energy in the management and delivery of water.

(2) **TERMS AND CONDITIONS OF SECRETARY.**—

(A) **IN GENERAL.**—An agreement entered into between the Secretary and any university, institution, or organization described in paragraph (1) shall be subject to such terms and conditions as the Secretary determines to be appropriate.

(B) **AVAILABILITY.**—The agreements under this subsection shall be available to all Reclamation projects and programs that may benefit from project-specific or programmatic cooperative research and development.

(c) **MUTUAL BENEFIT.**—Grants or other agreements made under this section may be for the mutual benefit of the United States and the entity that is provided the grant or enters into the cooperative agreement.

(d) **RELATIONSHIP TO PROJECT-SPECIFIC AUTHORITY.**—This section shall not supersede any existing project-specific funding authority.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$200,000,000, to remain available until expended.

SEC. 9505. HYDROELECTRIC POWER ASSESSMENT.

(a) **DUTY OF SECRETARY OF ENERGY.**—The Secretary of Energy, in consultation with the Administrator of each Federal Power Marketing Administration, shall assess each effect of, and risk resulting from, global climate change with respect to water supplies that are required for the generation of hydroelectric power at each Federal water project that is applicable to a Federal Power Marketing Administration.

(b) **ACCESS TO APPROPRIATE DATA.**—

(1) **IN GENERAL.**—In carrying out each assessment under subsection (a), the Secretary of Energy shall consult with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary of Energy has access to the best available scientific information with respect to presently observed impacts and projected future impacts of global climate change on water supplies that are used to produce hydroelectric power.

(2) **ACCESS TO DATA FOR CERTAIN ASSESSMENTS.**—In carrying out each assessment under subsection (a), with respect to the Bonneville Power Administration and the Western Area Power Administration, the Secretary of Energy shall consult with the Commissioner to access data and other information that—

(A) is collected by the Commissioner; and

(B) the Secretary of Energy determines to be necessary for the conduct of the assessment.

(c) **REPORT.**—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary of Energy shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to—

(A) water supplies used for hydroelectric power generation; and

(B) power supplies marketed by each Federal Power Marketing Administration, pursuant to—

(i) long-term power contracts;

(ii) contingent capacity contracts; and

(iii) short-term sales; and

(2) each recommendation of the Administrator of each Federal Power Marketing Administration relating to any change in any operation or contracting practice of each Federal Power Marketing Administration to address each effect and risk described in paragraph (1), including the use of purchased power to meet long-term commitments of each Federal Power Marketing Administration.

(d) **AUTHORITY.**—The Secretary of Energy may enter into contracts, grants, or other agreements with appropriate entities to carry out this section.

(e) **COSTS.**—

(1) **NONREIMBURSABLE.**—Any costs incurred by the Secretary of Energy in carrying out this section shall be nonreimbursable.

(2) **PMA COSTS.**—Each Federal Power Marketing Administration shall incur costs in carrying out this section only to the extent that appropriated funds are provided by the Secretary of Energy for that purpose.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

SEC. 9506. CLIMATE CHANGE AND WATER INTRAGOVERNMENTAL PANEL.

(a) **ESTABLISHMENT.**—The Secretary and the Administrator shall establish and lead a climate change and water intragovernmental panel—

(1) to review the current scientific understanding of each impact of global climate change on the quantity and quality of freshwater resources of the United States; and

(2) to develop any strategy that the panel determines to be necessary to improve observational capabilities, expand data acquisition, or take other actions—

(A) to increase the reliability and accuracy of modeling and prediction systems to benefit water managers at the Federal, State, and local levels; and

(B) to increase the understanding of the impacts of climate change on aquatic ecosystems.

(b) **MEMBERSHIP.**—The panel shall be comprised of—

(1) the Secretary;

(2) the Director;

(3) the Administrator;

(4) the Secretary of Agriculture (acting through the Under Secretary for Natural Resources and Environment);

(5) the Commissioner;

(6) the Secretary of the Army, acting through the Chief of Engineers;

(7) the Administrator of the Environmental Protection Agency; and

(8) the Secretary of Energy.

(c) **REVIEW ELEMENTS.**—In conducting the review and developing the strategy under subsection (a), the panel shall consult with State water resource agencies, the Advisory Committee, drinking water utilities, water research organizations, and relevant water user, environmental, and other nongovernmental organizations—

(1) to assess the extent to which the conduct of measures of streamflow, groundwater levels, soil moisture, evapotranspiration rates, evaporation rates, snowpack levels, precipitation amounts, flood risk, and glacier mass is necessary to improve the understanding of the Federal Government and the States with respect to each impact of global climate change on water resources;

(2) to identify data gaps in current water monitoring networks that must be addressed to improve the capability of the Federal Government and the States to measure, analyze, and predict changes to the quality and quantity of water resources, including flood risks, that are directly or indirectly affected by global climate change;

(3) to establish data management and communication protocols and standards to increase the quality and efficiency by which each Federal agency acquires and reports relevant data;

(4) to consider options for the establishment of a data portal to enhance access to water resource data—

(A) relating to each nationally significant freshwater watershed and aquifer located in the United States; and

(B) that is collected by each Federal agency and any other public or private entity for each nationally significant freshwater watershed and aquifer located in the United States;

(5) to facilitate the development of hydrologic and other models to integrate data that reflects groundwater and surface water interactions; and

(6) to apply the hydrologic and other models developed under paragraph (5) to water resource management problems identified by the panel, including the need to maintain or improve ecological resiliency at watershed and aquifer system scales.

(d) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the review conducted, and the strategy developed, by the panel under subsection (a).

(e) **DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary, in consultation with the panel and the Advisory Committee, may provide grants to, or enter into any contract, cooperative agreement, interagency agreement, or other transaction with, an appropriate entity to carry out any demonstration, research, or methodology development project that the Secretary determines to be necessary to assist in the implementation of the strategy developed by the panel under subsection (a)(2).

(2) **REQUIREMENTS.**—

(A) **MAXIMUM AMOUNT OF FEDERAL SHARE.**—The Federal share of the cost of any demonstration, research, or methodology development project that is the subject of any grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and an appropriate entity under paragraph (1) shall not exceed \$1,000,000.

(B) **REPORT.**—An appropriate entity that receives funds from a grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and the appropriate entity under paragraph (1) shall submit to the Secretary a report describing the results of the demonstration, research, or methodology development project conducted by the appropriate entity.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out subsections (a) through (d) \$2,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

(2) **DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.**—There is authorized to be appropriated to carry out subsection (e) \$10,000,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9507. WATER DATA ENHANCEMENT BY UNITED STATES GEOLOGICAL SURVEY.

(a) **NATIONAL STREAMFLOW INFORMATION PROGRAM.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Advisory Committee and the Panel and consistent with this section, shall proceed with implementation of the national streamflow information program, as reviewed by the National Research Council in 2004.

(2) **REQUIREMENTS.**—In conducting the national streamflow information program, the Secretary shall—

(A) measure streamflow and related environmental variables in nationally significant watersheds—

(i) in a reliable and continuous manner; and
(ii) to develop a comprehensive source of information on which public and private decisions relating to the management of water resources may be based;

(B) provide for a better understanding of hydrologic extremes (including floods and droughts) through the conduct of intensive data collection activities during and following hydrologic extremes;

(C) establish a base network that provides resources that are necessary for—

(i) the monitoring of long-term changes in streamflow; and

(ii) the conduct of assessments to determine the extent to which each long-term change monitored under clause (i) is related to global climate change;

(D) integrate the national streamflow information program with data collection activities of Federal agencies and appropriate State water resource agencies (including the National Integrated Drought Information System)—

(i) to enhance the comprehensive understanding of water availability;

(ii) to improve flood-hazard assessments;

(iii) to identify any data gap with respect to water resources; and

(iv) to improve hydrologic forecasting; and

(E) incorporate principles of adaptive management in the conduct of periodic reviews of information collected under the national streamflow information program to assess whether the objectives of the national streamflow information program are being adequately addressed.

(3) **IMPROVED METHODOLOGIES.**—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure streamflow in a more cost-efficient manner.

(4) **NETWORK ENHANCEMENT.**—

(A) **IN GENERAL.**—Not later than 10 years after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall—

(i) increase the number of streamgages funded by the national streamflow information program to a quantity of not less than 4,700 sites; and

(ii) ensure all streamgages are flood-hardened and equipped with water-quality sensors and modernized telemetry.

(B) **REQUIREMENTS OF SITES.**—Each site described in subparagraph (A) shall conform with the National Streamflow Information Program plan as reviewed by the National Research Council.

(5) **FEDERAL SHARE.**—The Federal share of the national streamgaging network established pursuant to this subsection shall be 100 percent of the cost of carrying out the national streamgaging network.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), there are authorized to be appropriated such sums as are necessary to operate the national streamflow information program for the period of fiscal years 2009 through 2023, to remain available until expended.

(B) **NETWORK ENHANCEMENT FUNDING.**—There is authorized to be appropriated to carry out the network enhancements described in paragraph (4) \$10,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(b) **NATIONAL GROUNDWATER RESOURCES MONITORING.**—

(1) **IN GENERAL.**—The Secretary shall develop a systematic groundwater monitoring program for each major aquifer system located in the United States.

(2) **PROGRAM ELEMENTS.**—In developing the monitoring program described in paragraph (1), the Secretary shall—

(A) establish appropriate criteria for monitoring wells to ensure the acquisition of long-term, high-quality data sets, including, to the maximum extent possible, the inclusion of real-time instrumentation and reporting;

(B) in coordination with the Advisory Committee and State and local water resource agencies—

(i) assess the current scope of groundwater monitoring based on the access availability and capability of each monitoring well in existence as of the date of enactment of this Act; and

(ii) develop and carry out a monitoring plan that maximizes coverage for each major aquifer system that is located in the United States; and

(C) prior to initiating any specific monitoring activities within a State after the date of enactment of this Act, consult and coordinate with the applicable State water resource agency with jurisdiction over the aquifer that is the subject of the monitoring activities, and comply with all applicable laws (including regulations) of the State.

(3) **PROGRAM OBJECTIVES.**—In carrying out the monitoring program described in paragraph (1), the Secretary shall—

(A) provide data that is necessary for the improvement of understanding with respect to surface water and groundwater interactions;

(B) by expanding the network of monitoring wells to reach each climate division, support the groundwater climate response network to improve the understanding of the effects of global climate change on groundwater recharge and availability; and

(C) support the objectives of the assessment program.

(4) **IMPROVED METHODOLOGIES.**—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure groundwater recharge, discharge, and storage in a more cost-efficient manner.

(5) **FEDERAL SHARE.**—The Federal share of the monitoring program described in paragraph (1) may be 100 percent of the cost of carrying out the monitoring program.

(6) **PRIORITY.**—In selecting monitoring activities consistent with the monitoring program described in paragraph (1), the Secretary shall give priority to those activities for which a State or local governmental entity agrees to provide for a substantial share of the cost of establishing or operating a monitoring well or other measuring device to carry out a monitoring activity.

(7) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this subsection for the period of fiscal years 2009 through 2023, to remain available until expended.

(c) **BRACKISH GROUNDWATER ASSESSMENT.**—

(1) **STUDY.**—The Secretary, in consultation with State and local water resource agencies, shall conduct a study of available data and other relevant information—

(A) to identify significant brackish groundwater resources located in the United States; and

(B) to consolidate any available data relating to each groundwater resource identified under subparagraph (A).

(2) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(A) a description of each—

(i) significant brackish aquifer that is located in the United States (including 1 or more maps of each significant brackish aquifer that is located in the United States);

(ii) data gap that is required to be addressed to fully characterize each brackish aquifer described in clause (i); and

(iii) current use of brackish groundwater that is supplied by each brackish aquifer described in clause (i); and

(B) a summary of the information available as of the date of enactment of this Act with respect to each brackish aquifer described in subparagraph (A)(i) (including the known level of total dissolved solids in each brackish aquifer).

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$3,000,000 for the period of fiscal years 2009 through 2011, to remain available until expended.

(d) **IMPROVED WATER ESTIMATION, MEASUREMENT, AND MONITORING TECHNOLOGIES.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary may provide grants on a nonreimbursable basis to appropriate entities with expertise in water resource data acquisition and reporting, including Federal agencies, the Water Resources Research Institutes and other academic institutions, and private entities, to—

(A) investigate, develop, and implement new methodologies and technologies to estimate or

measure water resources data in a cost-efficient manner; and

(B) improve methodologies relating to the analysis and delivery of data.

(2) **PRIORITY.**—In providing grants to appropriate entities under paragraph (1), the Secretary shall give priority to appropriate entities that propose the development of new methods and technologies for—

(A) predicting and measuring streamflows;

(B) estimating changes in the storage of groundwater;

(C) improving data standards and methods of analysis (including the validation of data entered into geographic information system databases);

(D) measuring precipitation and potential evapotranspiration; and

(E) water withdrawals, return flows, and consumptive use.

(3) **PARTNERSHIPS.**—In recognition of the value of collaboration to foster innovation and enhance research and development efforts, the Secretary shall encourage partnerships, including public-private partnerships, between and among Federal agencies, academic institutions, and private entities to promote the objectives described in paragraph (1).

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2009 through 2019.

SEC. 9508. NATIONAL WATER AVAILABILITY AND USE ASSESSMENT PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary, in coordination with the Advisory Committee and State and local water resource agencies, shall establish a national assessment program to be known as the “national water availability and use assessment program”—

(1) to provide a more accurate assessment of the status of the water resources of the United States;

(2) to assist in the determination of the quantity of water that is available for beneficial uses;

(3) to assist in the determination of the quality of the water resources of the United States;

(4) to identify long-term trends in water availability;

(5) to use each long-term trend described in paragraph (4) to provide a more accurate assessment of the change in the availability of water in the United States; and

(6) to develop the basis for an improved ability to forecast the availability of water for future economic, energy production, and environmental uses.

(b) **PROGRAM ELEMENTS.**—

(1) **WATER USE.**—In carrying out the assessment program, the Secretary shall conduct any appropriate activity to carry out an ongoing assessment of water use in hydrologic accounting units and major aquifer systems located in the United States, including—

(A) the maintenance of a comprehensive national water use inventory to enhance the level of understanding with respect to the effects of spatial and temporal patterns of water use on the availability and sustainable use of water resources;

(B) the incorporation of water use science principles, with an emphasis on applied research and statistical estimation techniques in the assessment of water use;

(C) the integration of any dataset maintained by any other Federal or State agency into the dataset maintained by the Secretary; and

(D) a focus on the scientific integration of any data relating to water use, water flow, or water quality to generate relevant information relating to the impact of human activity on water and ecological resources.

(2) **WATER AVAILABILITY.**—In carrying out the assessment program, the Secretary shall conduct

an ongoing assessment of water availability by—

(A) developing and evaluating nationally consistent indicators that reflect each status and trend relating to the availability of water resources in the United States, including—

(i) surface water indicators, such as streamflow and surface water storage measures (including lakes, reservoirs, perennial snowfields, and glaciers);

(ii) groundwater indicators, including groundwater level measurements and changes in groundwater levels due to—

(I) natural recharge;

(II) withdrawals;

(III) saltwater intrusion;

(IV) mine dewatering;

(V) land drainage;

(VI) artificial recharge; and

(VII) other relevant factors, as determined by the Secretary; and

(iii) impaired surface water and groundwater supplies that are known, accessible, and used to meet ongoing water demands;

(B) maintaining a national database of water availability data that—

(i) is comprised of maps, reports, and other forms of interpreted data;

(ii) provides electronic access to the archived data of the national database; and

(iii) provides for real-time data collection; and

(C) developing and applying predictive modeling tools that integrate groundwater, surface water, and ecological systems.

(c) **GRANT PROGRAM.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary may provide grants to State water resource agencies to assist State water resource agencies in—

(A) developing water use and availability datasets that are integrated with each appropriate dataset developed or maintained by the Secretary; or

(B) integrating any water use or water availability dataset of the State water resource agency into each appropriate dataset developed or maintained by the Secretary.

(2) **CRITERIA.**—To be eligible to receive a grant under paragraph (1), a State water resource agency shall demonstrate to the Secretary that the water use and availability dataset proposed to be established or integrated by the State water resource agency—

(A) is in compliance with each quality and conformity standard established by the Secretary to ensure that the data will be capable of integration with any national dataset; and

(B) will enhance the ability of the officials of the State or the State water resource agency to carry out each water management and regulatory responsibility of the officials of the State in accordance with each applicable law of the State.

(3) **MAXIMUM AMOUNT.**—The amount of a grant provided to a State water resource agency under paragraph (1) shall be an amount not more than \$250,000.

(d) **REPORT.**—Not later than December 31, 2012, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that provides a detailed assessment of—

(1) the current availability of water resources in the United States, including—

(A) historic trends and annual updates of river basin inflows and outflows;

(B) surface water storage;

(C) groundwater reserves; and

(D) estimates of undeveloped potential resources (including saline and brackish water and wastewater);

(2) significant trends affecting water availability, including each documented or projected impact to the availability of water as a result of global climate change;

(3) the withdrawal and use of surface water and groundwater by various sectors, including—

(A) the agricultural sector;

(B) municipalities;

(C) the industrial sector;

(D) thermoelectric power generators; and

(E) hydroelectric power generators;

(4) significant trends relating to each water use sector, including significant changes in water use due to the development of new energy supplies;

(5) significant water use conflicts or shortages that have occurred or are occurring; and

(6) each factor that has caused, or is causing, a conflict or shortage described in paragraph (5).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out subsections (a), (b), and (d) \$20,000,000 for each of fiscal years 2009 through 2023, to remain available until expended.

(2) **GRANT PROGRAM.**—There is authorized to be appropriated to carry out subsection (c) \$12,500,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9509. RESEARCH AGREEMENT AUTHORITY.

The Secretary may enter into contracts, grants, or cooperative agreements, for periods not to exceed 5 years, to carry out research within the Bureau of Reclamation.

SEC. 9510. EFFECT.

(a) **IN GENERAL.**—Nothing in this subtitle supersedes or limits any existing authority provided, or responsibility conferred, by any provision of law.

(b) **EFFECT ON STATE WATER LAW.**—

(1) **IN GENERAL.**—Nothing in this subtitle preempts or affects any—

(A) State water law; or

(B) interstate compact governing water.

(2) **COMPLIANCE REQUIRED.**—The Secretary shall comply with applicable State water laws in carrying out this subtitle.

Subtitle G—Aging Infrastructure

SEC. 9601. DEFINITIONS.

In this subtitle:

(1) **INSPECTION.**—The term “inspection” means an inspection of a project facility carried out by the Secretary—

(A) to assess and determine the general condition of the project facility; and

(B) to estimate the value of property, and the size of the population, that would be at risk if the project facility fails, is breached, or otherwise allows flooding to occur.

(2) **PROJECT FACILITY.**—The term “project facility” means any part or incidental feature of a project, excluding high- and significant-hazard dams, constructed under the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(3) **RESERVED WORKS.**—The term “reserved works” means any project facility at which the Secretary carries out the operation and maintenance of the project facility.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) **TRANSFERRED WORKS.**—The term “transferred works” means a project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(6) **TRANSFERRED WORKS OPERATING ENTITY.**—The term “transferred works operating entity” means the organization which is contractually responsible for operation and maintenance of transferred works.

(7) **EXTRAORDINARY OPERATION AND MAINTENANCE WORK.**—The term “extraordinary operation and maintenance work” means major,

nonrecurring maintenance to Reclamation-owned or operated facilities, or facility components, that is—

(A) intended to ensure the continued safe, dependable, and reliable delivery of authorized project benefits; and

(B) greater than 10 percent of the contractor's or the transferred works operating entity's annual operation and maintenance budget for the facility, or greater than \$100,000.

SEC. 9602. GUIDELINES AND INSPECTION OF PROJECT FACILITIES AND TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.

(a) **GUIDELINES AND INSPECTIONS.**—

(1) **DEVELOPMENT OF GUIDELINES.**—Not later than 1 year after the date of enactment of this Act, the Secretary in consultation with transferred works operating entities shall develop, consistent with existing transfer contracts, specific inspection guidelines for project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such project facilities were to fail.

(2) **CONDUCT OF INSPECTIONS.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall conduct inspections of those project facilities, which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such facilities were to fail, using such specific inspection guidelines and criteria developed pursuant to paragraph (1). In selecting project facilities to inspect, the Secretary shall take into account the potential magnitude of public safety and economic damage posed by each project facility.

(3) **TREATMENT OF COSTS.**—The costs incurred by the Secretary in conducting these inspections shall be nonreimbursable.

(b) **USE OF INSPECTION DATA.**—The Secretary shall use the data collected through the conduct of the inspections under subsection (a)(2) to—

(1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures including operation guidelines consistent with existing transfer contracts, and structural modifications to those transferred works;

(2) determine an appropriate inspection frequency for such nondam project facilities which shall not exceed 6 years; and

(3) provide, upon request of transferred work operating entities, local governments, or State agencies, information regarding potential hazards posed by existing or proposed residential, commercial, industrial or public-use development adjacent to project facilities.

(c) **TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.**—

(1) **AUTHORITY OF SECRETARY TO PROVIDE TECHNICAL ASSISTANCE.**—The Secretary is authorized, at the request of a transferred works operating entity in proximity to an urbanized area, to provide technical assistance to accomplish the following, if consistent with existing transfer contracts:

(A) Development of documented operating procedures for a project facility.

(B) Development of documented emergency notification and response procedures for a project facility.

(C) Development of facility inspection criteria for a project facility.

(D) Development of a training program on operation and maintenance requirements and practices for a project facility for a transferred works operating entity's workforce.

(E) Development of a public outreach plan on the operation and risks associated with a project facility.

(F) Development of any other plans or documentation which, in the judgment of the Sec-

retary, will contribute to public safety and the safe operation of a project facility.

(2) **COSTS.**—The Secretary is authorized to provide, on a non-reimbursable basis, up to 50 percent of the cost of such technical assistance, with the balance of such costs being advanced by the transferred works operating entity or other non-Federal source. The non-Federal 50 percent minimum cost share for such technical assistance may be in the form of in-lieu contributions of resources by the transferred works operating entity or other non-Federal source.

SEC. 9603. EXTRAORDINARY OPERATION AND MAINTENANCE WORK PERFORMED BY THE SECRETARY.

(a) **IN GENERAL.**—The Secretary or the transferred works operating entity may carry out, in accordance with subsection (b) and consistent with existing transfer contracts, any extraordinary operation and maintenance work on a project facility that the Secretary determines to be reasonably required to preserve the structural safety of the project facility.

(b) **REIMBURSEMENT OF COSTS ARISING FROM EXTRAORDINARY OPERATION AND MAINTENANCE WORK.**—

(1) **TREATMENT OF COSTS.**—For reserved works, costs incurred by the Secretary in conducting extraordinary operation and maintenance work will be allocated to the authorized reimbursable purposes of the project and shall be repaid within 50 years, with interest, from the year in which work undertaken pursuant to this subtitle is substantially complete.

(2) **AUTHORITY OF SECRETARY.**—For transferred works, the Secretary is authorized to advance the costs incurred by the transferred works operating entity in conducting extraordinary operation and maintenance work and negotiate appropriate 50-year repayment contracts with project beneficiaries providing for the return of reimbursable costs, with interest, under this subsection: Provided, however, That no contract entered into pursuant to this subtitle shall be deemed to be a new or amended contract for the purposes of section 203(a) of the Reclamation Reform Act of 1982 (43 U.S.C. 390cc(a)).

(3) **DETERMINATION OF INTEREST RATE.**—The interest rate used for computing interest on work in progress and interest on the unpaid balance of the reimbursable costs of extraordinary operation and maintenance work authorized by this subtitle shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which extraordinary operation and maintenance work is commenced, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest 1/8 of 1 percent on the unamortized balance of any portion of the loan.

(c) **EMERGENCY EXTRAORDINARY OPERATION AND MAINTENANCE WORK.**—

(1) **IN GENERAL.**—The Secretary or the transferred works operating entity shall carry out any emergency extraordinary operation and maintenance work on a project facility that the Secretary determines to be necessary to minimize the risk of imminent harm to public health or safety, or property.

(2) **REIMBURSEMENT.**—The Secretary may advance funds for emergency extraordinary operation and maintenance work and shall seek reimbursement from the transferred works operating entity or benefitting entity upon receiving a written assurance from the governing body of such entity that it will negotiate a contract pursuant to section 9603 for repayment of costs incurred by the Secretary in undertaking such work.

(3) **FUNDING.**—If the Secretary determines that a project facility inspected and maintained pur-

suant to the guidelines and criteria set forth in section 9602(a) requires extraordinary operation and maintenance pursuant to paragraph (1), the Secretary may provide Federal funds on a nonreimbursable basis sufficient to cover 35 percent of the cost of the extraordinary operation and maintenance allocable to the transferred works operating entity, which is needed to minimize the risk of imminent harm. The remaining share of the Federal funds advanced by the Secretary for such work shall be repaid under subsection (b).

SEC. 9604. RELATIONSHIP TO TWENTY-FIRST CENTURY WATER WORKS ACT.

Nothing in this subtitle shall preclude a transferred works operating entity from applying and receiving a loan-guarantee pursuant to the Twenty-First Century Water Works Act (43 U.S.C. 2401 et seq.).

SEC. 9605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

TITLE X—WATER SETTLEMENTS

Subtitle A—San Joaquin River Restoration Settlement

PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

SEC. 10001. SHORT TITLE.

This part may be cited as the "San Joaquin River Restoration Settlement Act".

SEC. 10002. PURPOSE.

The purpose of this part is to authorize implementation of the Settlement.

SEC. 10003. DEFINITIONS.

In this part:

(1) The terms "Friant Division long-term contractors", "Interim Flows", "Restoration Flows", "Recovered Water Account", "Restoration Goal", and "Water Management Goal" have the meanings given the terms in the Settlement.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Settlement" means the Stipulation of Settlement dated September 13, 2006, in the litigation entitled Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., United States District Court, Eastern District of California, No. CIV. S-88-1658-LKK/GGH.

SEC. 10004. IMPLEMENTATION OF SETTLEMENT.

(a) **IN GENERAL.**—The Secretary of the Interior is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures as these measures are prescribed in the Settlement:

(1) Design and construct channel and structural improvements as described in paragraph 11 of the Settlement, provided, however, that the Secretary shall not make or fund any such improvements to facilities or property of the State of California without the approval of the State of California and the State's agreement in 1 or more memoranda of understanding to participate where appropriate.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(3) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such acquisitions shall only be made from willing sellers and not through eminent domain.

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary's use of Central Valley Project facilities to make Project water (other

than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors; and

(C) the Secretary's performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement.

(5) Develop and implement the Recovered Water Account as specified in paragraph 16(b) of the Settlement, including the pricing and payment crediting provisions described in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(b) AGREEMENTS.—

(1) AGREEMENTS WITH THE STATE.—In order to facilitate or expedite implementation of the Settlement, the Secretary is authorized and directed to enter into appropriate agreements, including cost-sharing agreements, with the State of California.

(2) OTHER AGREEMENTS.—The Secretary is authorized to enter into contracts, memoranda of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to any terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.

(c) ACCEPTANCE AND EXPENDITURE OF NON-FEDERAL FUNDS.—The Secretary is authorized to accept and expend non-Federal funds in order to facilitate implementation of the Settlement.

(d) MITIGATION OF IMPACTS.—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall identify—

(1) the impacts associated with such actions; and

(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.

(e) DESIGN AND ENGINEERING STUDIES.—The Secretary is authorized to conduct any design or engineering studies that are necessary to implement the Settlement.

(f) EFFECT ON CONTRACT WATER ALLOCATIONS.—Except as otherwise provided in this section, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10011, shall not result in the involuntary reduction in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors.

(g) EFFECT ON EXISTING WATER CONTRACTS.—Except as provided in the Settlement and this part, nothing in this part shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase, or exchange contract.

(h) INTERIM FLOWS.—

(1) STUDY REQUIRED.—Prior to releasing any Interim Flows under the Settlement, the Secretary shall prepare an analysis in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including at a minimum—

(A) an analysis of channel conveyance capacities and potential for levee or groundwater seepage;

(B) a description of the associated seepage monitoring program;

(C) an evaluation of—

(i) possible impacts associated with the release of Interim Flows; and

(ii) mitigation measures for those impacts that are determined to be significant;

(D) a description of the associated flow monitoring program; and

(E) an analysis of the likely Federal costs, if any, of any fish screens, fish bypass facilities, fish salvage facilities, and related operations on the San Joaquin River south of the confluence with the Merced River required under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) as a result of the Interim Flows.

(2) CONDITIONS FOR RELEASE.—The Secretary is authorized to release Interim Flows to the extent that such flows would not—

(A) impede or delay completion of the measures specified in Paragraph 11(a) of the Settlement; or

(B) exceed existing downstream channel capacities.

(3) SEEPAGE IMPACTS.—The Secretary shall reduce Interim Flows to the extent necessary to address any material adverse impacts to third parties from groundwater seepage caused by such flows that the Secretary identifies based on the monitoring program of the Secretary.

(4) TEMPORARY FISH BARRIER PROGRAM.—The Secretary, in consultation with the California Department of Fish and Game, shall evaluate the effectiveness of the Hills Ferry barrier in preventing the unintended upstream migration of anadromous fish in the San Joaquin River and any false migratory pathways. If that evaluation determines that any such migration past the barrier is caused by the introduction of the Interim Flows and that the presence of such fish will result in the imposition of additional regulatory actions against third parties, the Secretary is authorized to assist the Department of Fish and Game in making improvements to the barrier. From funding made available in accordance with section 10009, if third parties along the San Joaquin River south of its confluence with the Merced River are required to install fish screens or fish bypass facilities due to the release of Interim Flows in order to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary shall bear the costs of the installation of such screens or facilities if such costs would be borne by the Federal Government under section 10009(a)(3), except to the extent that such costs are already or are further willingly borne by the State of California or by the third parties.

(i) FUNDING AVAILABILITY.—

(1) IN GENERAL.—Funds shall be collected in the San Joaquin River Restoration Fund through October 1, 2019, and thereafter, with substantial amounts available through October 1, 2019, pursuant to section 10009 for implementation of the Settlement and parts I and III, including—

(A) \$88,000,000, to be available without further appropriation pursuant to section 10009(c)(2);

(B) additional amounts authorized to be appropriated, including the charges required under section 10007 and an estimated \$20,000,000 from the CVP Restoration Fund pursuant to section 10009(b)(2); and

(C) an aggregate commitment of at least \$200,000,000 by the State of California.

(2) ADDITIONAL AMOUNTS.—Substantial additional amounts from the San Joaquin River Restoration Fund shall become available without further appropriation after October 1, 2019, pursuant to section 10009(c)(2).

(3) EFFECT OF SUBSECTION.—Nothing in this subsection limits the availability of funds authorized for appropriation pursuant to section 10009(b) or 10203(c).

(j) SAN JOAQUIN RIVER EXCHANGE CONTRACT.—Subject to section 10006(b), nothing in this part shall modify or amend the rights and obligations under the Purchase Contract between Miller and Lux and the United States and the Second Amended Exchange Contract between the United States, Department of the Interior, Bureau of Reclamation and Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District and Columbia Canal Company.

SEC. 10005. ACQUISITION AND DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

(a) TITLE TO FACILITIES.—Unless acquired pursuant to subsection (b), title to any facility or facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement authorized by this part, and title to any modifications or improvements of such facility or facilities, stream channel, levees, or other real property—

(1) shall remain in the owner of the property; and

(2) shall not be transferred to the United States on account of such modifications or improvements.

(b) ACQUISITION OF PROPERTY.—

(1) IN GENERAL.—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or options to acquire real property needed to implement the Settlement authorized by this part.

(2) APPLICABLE LAW.—The Secretary is authorized, but not required, to exercise all of the authorities provided in section 2 of the Act of August 26, 1937 (50 Stat. 844, chapter 832), to carry out the measures authorized in this section and section 10004.

(c) DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—Upon the Secretary's determination that retention of title to property or interests in property acquired pursuant to this part is no longer needed to be held by the United States for the furtherance of the Settlement, the Secretary is authorized to dispose of such property or interest in property on such terms and conditions as the Secretary deems appropriate and in the best interest of the United States, including possible transfer of such property to the State of California.

(2) RIGHT OF FIRST REFUSAL.—In the event the Secretary determines that property acquired pursuant to this part through the exercise of its eminent domain authority is no longer necessary for implementation of the Settlement, the Secretary shall provide a right of first refusal to the property owner from whom the property was initially acquired, or his or her successor in interest, on the same terms and conditions as the property is being offered to other parties.

(3) DISPOSITION OF PROCEEDS.—Proceeds from the disposal by sale or transfer of any such property or interests in such property shall be deposited in the fund established by section 10009(c).

(d) GROUNDWATER BANK.—Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity.

SEC. 10006. COMPLIANCE WITH APPLICABLE LAW.

(a) APPLICABLE LAW.—

(1) IN GENERAL.—In undertaking the measures authorized by this part, the Secretary and the Secretary of Commerce shall comply with all applicable Federal and State laws, rules, and regulations, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as necessary.

(2) ENVIRONMENTAL REVIEWS.—The Secretary and the Secretary of Commerce are authorized

and directed to initiate and expeditiously complete applicable environmental reviews and consultations as may be necessary to effectuate the purposes of the Settlement.

(b) **EFFECT ON STATE LAW.**—Nothing in this part shall preempt State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

(c) **USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.**—

(1) **DEFINITION OF ENVIRONMENTAL REVIEW.**—For purposes of this subsection, the term “environmental review” includes any consultation and planning necessary to comply with subsection (a).

(2) **PARTICIPATION IN ENVIRONMENTAL REVIEW PROCESS.**—In undertaking the measures authorized by section 10004, and for which environmental review is required, the Secretary may provide funds made available under this part to affected Federal agencies, State agencies, local agencies, and Indian tribes if the Secretary determines that such funds are necessary to allow the Federal agencies, State agencies, local agencies, or Indian tribes to effectively participate in the environmental review process.

(3) **LIMITATION.**—Funds may be provided under paragraph (2) only to support activities that directly contribute to the implementation of the terms and conditions of the Settlement.

(d) **NONREIMBURSABLE FUNDS.**—The United States’ share of the costs of implementing this part shall be nonreimbursable under Federal reclamation law, provided that nothing in this subsection shall limit or be construed to limit the use of the funds assessed and collected pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721, 4727), for implementation of the Settlement, nor shall it be construed to limit or modify existing or future Central Valley Project rate-setting policies.

SEC. 10007. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Congress hereby finds and declares that the Settlement satisfies and discharges all of the obligations of the Secretary contained in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721), provided, however, that—

(1) the Secretary shall continue to assess and collect the charges provided in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721), as provided in the Settlement; and

(2) those assessments and collections shall continue to be counted toward the requirements of the Secretary contained in section 3407(c)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4726).

SEC. 10008. NO PRIVATE RIGHT OF ACTION.

(a) **IN GENERAL.**—Nothing in this part confers upon any person or entity not a party to the Settlement a private right of action or claim for relief to interpret or enforce the provisions of this part or the Settlement.

(b) **APPLICABLE LAW.**—This section shall not alter or curtail any right of action or claim for relief under any other applicable law.

SEC. 10009. APPROPRIATIONS; SETTLEMENT FUND.

(a) **IMPLEMENTATION COSTS.**—

(1) **IN GENERAL.**—The costs of implementing the Settlement shall be covered by payments or in-kind contributions made by Friant Division contractors and other non-Federal parties, including the funds provided in subparagraphs (A) through (D) of subsection (c)(1), estimated to total \$440,000,000, of which the non-Federal payments are estimated to total \$200,000,000 (at

October 2006 price levels) and the amount from repaid Central Valley Project capital obligations is estimated to total \$240,000,000, the additional Federal appropriation of \$250,000,000 authorized pursuant to subsection (b)(1), and such additional funds authorized pursuant to subsection (b)(2); provided however, that the costs of implementing the provisions of section 10004(a)(1) shall be shared by the State of California pursuant to the terms of a memorandum of understanding executed by the State of California and the Parties to the Settlement on September 13, 2006, which includes at least \$110,000,000 of State funds.

(2) **ADDITIONAL AGREEMENTS.**—

(A) **IN GENERAL.**—The Secretary shall enter into 1 or more agreements to fund or implement improvements on a project-by-project basis with the State of California.

(B) **REQUIREMENTS.**—Any agreements entered into under subparagraph (A) shall provide for recognition of either monetary or in-kind contributions toward the State of California’s share of the cost of implementing the provisions of section 10004(a)(1).

(3) **LIMITATION.**—Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—In addition to the funding provided in subsection (c), there are also authorized to be appropriated not to exceed \$250,000,000 (at October 2006 price levels) to implement this part and the Settlement, to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts equal to the amount of funds deposited in the San Joaquin River Restoration Fund (not including payments under subsection (c)(1)(B) and proceeds under subsection (c)(1)(C)), the amount of in-kind contributions, and other non-Federal payments actually committed to the implementation of this part or the Settlement.

(2) **USE OF THE CENTRAL VALLEY PROJECT RESTORATION FUND.**—The Secretary is authorized to use monies from the Central Valley Project Restoration Fund created under section 3407 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4727) for purposes of this part in an amount not to exceed \$2,000,000 (October 2006 price levels) in any fiscal year.

(c) **FUND.**—

(1) **IN GENERAL.**—There is hereby established within the Treasury of the United States a fund, to be known as the San Joaquin River Restoration Fund, into which the following funds shall be deposited and used solely for the purpose of implementing the Settlement except as otherwise provided in subsections (a) and (b) of section 10203:

(A) All payments received pursuant to section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721).

(B) The construction cost component (not otherwise needed to cover operation and maintenance costs) of payments made by Friant Division, Hidden Unit, and Buchanan Unit long-term contractors pursuant to long-term water service contracts or pursuant to repayment contracts, including repayment contracts executed pursuant to section 10010. The construction cost repayment obligation assigned such contractors under such contracts shall be reduced by the amount paid pursuant to this paragraph and the appropriate share of the existing Federal in-

vestment in the Central Valley Project to be recovered by the Secretary pursuant to Public Law 99-546 (100 Stat. 3050) shall be reduced by an equivalent sum.

(C) Proceeds from the sale of water pursuant to the Settlement, or from the sale of property or interests in property as provided in section 10005.

(D) Any non-Federal funds, including State cost-sharing funds, contributed to the United States for implementation of the Settlement, which the Secretary may expend without further appropriation for the purposes for which contributed.

(2) **AVAILABILITY.**—All funds deposited into the Fund pursuant to subparagraphs (A), (B), and (C) of paragraph (1) are authorized for appropriation to implement the Settlement and this part, in addition to the authorization provided in subsections (a) and (b) of section 10203, except that \$88,000,000 of such funds are available for expenditure without further appropriation; provided that after October 1, 2019, all funds in the Fund shall be available for expenditure without further appropriation.

(d) **LIMITATION ON CONTRIBUTIONS.**—Payments made by long-term contractors who receive water from the Friant Division and Hidden and Buchanan Units of the Central Valley Project pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721, 4727) and payments made pursuant to paragraph 16(b)(3) of the Settlement and subsection (c)(1)(B) shall be the limitation of such entities’ direct financial contribution to the Settlement, subject to the terms and conditions of paragraph 21 of the Settlement.

(e) **NO ADDITIONAL EXPENDITURES REQUIRED.**—Nothing in this part shall be construed to require a Federal official to expend Federal funds not appropriated by Congress, or to seek the appropriation of additional funds by Congress, for the implementation of the Settlement.

(f) **REACH 4B.**—

(1) **STUDY.**—

(A) **IN GENERAL.**—In accordance with the Settlement and the memorandum of understanding executed pursuant to paragraph 6 of the Settlement, the Secretary shall conduct a study that specifies—

(i) the costs of undertaking any work required under paragraph 11(a)(3) of the Settlement to increase the capacity of reach 4B prior to reinitiation of Restoration Flows;

(ii) the impacts associated with reinitiation of such flows; and

(iii) measures that shall be implemented to mitigate impacts.

(B) **DEADLINE.**—The study under subparagraph (A) shall be completed prior to restoration of any flows other than Interim Flows.

(2) **REPORT.**—

(A) **IN GENERAL.**—The Secretary shall file a report with Congress not later than 90 days after issuing a determination, as required by the Settlement, on whether to expand channel conveyance capacity to 4500 cubic feet per second in reach 4B of the San Joaquin River, or use an alternative route for pulse flows, that—

(i) explains whether the Secretary has decided to expand Reach 4B capacity to 4500 cubic feet per second; and

(ii) addresses the following matters:

(I) The basis for the Secretary’s determination, whether set out in environmental review documents or otherwise, as to whether the expansion of Reach 4B would be the preferable means to achieve the Restoration Goal as provided in the Settlement, including how different factors were assessed such as comparative biological and habitat benefits, comparative costs, relative availability of State cost-sharing funds,

and the comparative benefits and impacts on water temperature, water supply, private property, and local and downstream flood control.

(II) The Secretary's final cost estimate for expanding Reach 4B capacity to 4500 cubic feet per second, or any alternative route selected, as well as the alternative cost estimates provided by the State, by the Restoration Administrator, and by the other parties to the Settlement.

(III) The Secretary's plan for funding the costs of expanding Reach 4B or any alternative route selected, whether by existing Federal funds provided under this subtitle, by non-Federal funds, by future Federal appropriations, or some combination of such sources.

(B) DETERMINATION REQUIRED.—The Secretary shall, to the extent feasible, make the determination in subparagraph (A) prior to undertaking any substantial construction work to increase capacity in reach 4B.

(3) COSTS.—If the Secretary's estimated Federal cost for expanding reach 4B in paragraph (2), in light of the Secretary's funding plan set out in that paragraph, would exceed the remaining Federal funding authorized by this part (including all funds reallocated, all funds dedicated, and all new funds authorized by this part and separate from all commitments of State and other non-Federal funds and in-kind commitments), then before the Secretary commences actual construction work in reach 4B (other than planning, design, feasibility, or other preliminary measures) to expand capacity to 4500 cubic feet per second to implement this Settlement, Congress must have increased the applicable authorization ceiling provided by this part in an amount at least sufficient to cover the higher estimated Federal costs.

SEC. 10010. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

(a) CONVERSION OF CONTRACTS.—

(1) The Secretary is authorized and directed to convert, prior to December 31, 2010, all existing long-term contracts with the following Friant Division, Hidden Unit, and Buchanan Unit contractors, entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions: Arvin-Edison Water Storage District; Delano-Earlimart Irrigation District; Exeter Irrigation District; Fresno Irrigation District; Ivanhoe Irrigation District; Lindmore Irrigation District; Lindsay-Strathmore Irrigation District; Lower Tule River Irrigation District; Orange Cove Irrigation District; Porterville Irrigation District; Saucelito Irrigation District; Shafter-Wasco Irrigation District; Southern San Joaquin Municipal Utility District; Stone Corral Irrigation District; Tea Pot Dome Water District; Terra Bella Irrigation District; Tulare Irrigation District; Madera Irrigation District; and Chowchilla Water District. Upon request of the contractor, the Secretary is authorized to convert, prior to December 31, 2010, other existing long-term contracts with Friant Division contractors entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(2) Upon request of the contractor, the Secretary is further authorized to convert, prior to December 31, 2010, any existing Friant Division long-term contract entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to a contract under subsection (c)(1) of section 9 of said Act, under mutually agreeable terms and conditions.

(3) All such contracts entered into pursuant to paragraph (1) shall—

(A) require the repayment, either in lump sum or by accelerated prepayment, of the remaining

amount of construction costs identified in the Central Valley Project Schedule of Irrigation Capital Rates by Contractor 2007 Irrigation Water Rates, dated January 25, 2007, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2011, or if made in approximately equal annual installments, no later than January 31, 2014; such amount to be discounted by $\frac{1}{2}$ the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2011, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2010;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000. If such amount is \$5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of \$5,000,000 shall not be a precedent in any other context;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(4) All such contracts entered into pursuant to paragraph (2) shall—

(A) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2014. An estimate of the remaining amount of construction costs as of January 31, 2014, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2013;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000. If such amount is \$5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of \$5,000,000 shall not be a precedent in any other context; and

(C) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(b) FINAL ADJUSTMENT.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary upon completion of the construction of the Central Valley Project. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be no less

than 1 year and no more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary is authorized and directed to credit such overpayment as an offset against any outstanding or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) Notwithstanding any repayment obligation under subsection (a)(3)(B) or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in subsection (a)(3)(A), the provisions of section 213(a) and (b) of the Reclamation Reform Act of 1982 (96 Stat. 1269) shall apply to lands in such district.

(2) Notwithstanding any repayment obligation under paragraph (3)(B) or (4)(B) of subsection (a), or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in paragraphs (3)(A) and (4)(A) of subsection (a), the Secretary shall waive the pricing provisions of section 3405(d) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) for such contractor, provided that such contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to such repayment contracts pursuant to the then-current rate-setting policy and applicable law.

(3) Provisions of the Settlement applying to Friant Division, Hidden Unit, and Buchanan Unit long-term water service contracts shall also apply to contracts executed pursuant to this section.

(d) REDUCTION OF CHARGE FOR THOSE CONTRACTS CONVERTED PURSUANT TO SUBSECTION (A)(1).—

(1) At the time all payments by the contractor required by subsection (a)(3)(A) have been completed, the Secretary shall reduce the charge mandated in section 10007(1) of this part, from 2020 through 2039, to offset the financing costs as defined in section 10010(d)(3). The reduction shall be calculated at the time all payments by the contractor required by subsection (a)(3)(A) have been completed. The calculation shall remain fixed from 2020 through 2039 and shall be based upon anticipated average annual water deliveries, as mutually agreed upon by the Secretary and the contractor, for the period from 2020 through 2039, and the amounts of such reductions shall be discounted using the Treasury Rate; provided, that such charge shall not be reduced to less than \$4.00 per acre foot of project water delivered; provided further, that such reduction shall be implemented annually unless the Secretary determines, based on the availability of other monies, that the charges mandated in section 10007(1) are otherwise needed to cover ongoing federal costs of the Settlement, including any federal operation and maintenance costs of facilities that the Secretary determines are needed to implement the Settlement. If the Secretary determines that such charges are necessary to cover such ongoing federal costs, the Secretary shall, instead of making the reduction in such charges, reduce the contractor's operation and maintenance obligation by an equivalent amount, and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-federal operating entity.

(2) If the calculated reduction in paragraph (1), taking into consideration the minimum amount required, does not result in the contractor offsetting its financing costs, the Secretary is authorized and directed to reduce,

after October 1, 2019, any outstanding or future obligations of the contractor to the Bureau of Reclamation, other than the charge assessed and collected under section 3407(d) of Public law 102-575, by the amount of such deficiency, with such amount indexed to 2020 using the Treasury Rate and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-Federal operating entity.

(3) Financing costs, for the purposes of this subsection, shall be computed as the difference of the net present value of the construction cost identified in subsection (a)(3)(A) using the full Treasury Rate as compared to using one half of the Treasury Rate and applying those rates against a calculated average annual capital repayment through 2030.

(4) Effective in 2040, the charge shall revert to the amount called for in section 10007(1) of this part.

(5) For purposes of this section, "Treasury Rate" shall be defined as the 20 year Constant Maturity Treasury (CMT) rate published by the United States Department of the Treasury as of October 1, 2010.

(e) SATISFACTION OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Upon the first release of Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement, any short- or long-term agreement, to which 1 or more long-term Friant Division, Hidden Unit, or Buchanan Unit contractor that converts its contract pursuant to subsection (a) is a party, providing for the transfer or exchange of water not released as Interim Flows or Restoration Flows shall be deemed to satisfy the provisions of subsection 3405(a)(1)(A) and (I) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) without the further concurrence of the Secretary as to compliance with said subsections if the contractor provides, not later than 90 days before commencement of any such transfer or exchange for a period in excess of 1 year, and not later than 30 days before commencement of any proposed transfer or exchange with duration of less than 1 year, written notice to the Secretary stating how the proposed transfer or exchange is intended to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement. The Secretary shall promptly make such notice publicly available.

(2) DETERMINATION OF REDUCTIONS TO WATER DELIVERIES.—Water transferred or exchanged under an agreement that meets the terms of this subsection shall not be counted as a replacement or an offset for purposes of determining reductions to water deliveries to any Friant Division long-term contractor except as provided in paragraph 16(b) of the Settlement. The Secretary shall, at least annually, make publicly available a compilation of the number of transfer or exchange agreements exercising the provisions of this subsection to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or to facilitate the Water Management Goal, as well as the volume of water transferred or exchanged under such agreements.

(3) STATE LAW.—Nothing in this subsection alters State law or permit conditions, including any applicable geographical restrictions on the place of use of water transferred or exchanged pursuant to this subsection.

(f) CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.—Implementation of the provisions of this section shall not alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the

Central Valley Project, or shift any costs that would otherwise have been properly assignable to the Friant contractors absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other such contractors.

(g) STATUTORY INTERPRETATION.—Nothing in this part shall be construed to affect the right of any Friant Division, Hidden Unit, or Buchanan Unit long-term contractor to use a particular type of financing to make the payments required in paragraph (3)(A) or (4)(A) of subsection (a).

SEC. 10011. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) FINDING.—Congress finds that the implementation of the Settlement to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the California Central Valley Spring Run Chinook salmon is a unique and unprecedented circumstance that requires clear expressions of Congressional intent regarding how the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are utilized to achieve the goals of restoration of the San Joaquin River and the successful reintroduction of California Central Valley Spring Run Chinook salmon.

(b) REINTRODUCTION IN THE SAN JOAQUIN RIVER.—California Central Valley Spring Run Chinook salmon shall be reintroduced in the San Joaquin River below Friant Dam pursuant to section 10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley Spring Run Chinook salmon may be issued pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

(c) FINAL RULE.—

(1) DEFINITION OF THIRD PARTY.—For the purpose of this subsection, the term "third party" means persons or entities diverting or receiving water pursuant to applicable State and Federal laws and shall include Central Valley Project contractors outside of the Friant Division of the Central Valley Project and the State Water Project.

(2) ISSUANCE.—The Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the reintroduction.

(3) REQUIRED COMPONENTS.—The rule issued under paragraph (2) shall provide that the reintroduction will not impose more than de minimus: water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such reintroduction.

(4) APPLICABLE LAW.—Nothing in this section—

(A) diminishes the statutory or regulatory protections provided in the Endangered Species Act of 1973 for any species listed pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinions or new biological opinions issued by the Secretary or Secretary of Commerce; or

(B) precludes the Secretary or Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for other species listed pursuant to section 4 of that Act (16 U.S.C. 1533) because those protections provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Commerce shall report to

Congress on the progress made on the reintroduction set forth in this section and the Secretary's plans for future implementation of this section.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the major challenges, if any, to successful reintroduction;

(B) an evaluation of the effect, if any, of the reintroduction on the existing population of California Central Valley Spring Run Chinook salmon existing on the Sacramento River or its tributaries; and

(C) an assessment regarding the future of the reintroduction.

(e) FERC PROJECTS.—

(1) IN GENERAL.—With regard to California Central Valley Spring Run Chinook salmon reintroduced pursuant to the Settlement, the Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by reserving its right to file prescriptions in proceedings for projects licensed by the Federal Energy Regulatory Commission on the Calaveras, Stanislaus, Tuolumne, Merced, and San Joaquin rivers and otherwise consistent with subsection (c) until after the expiration of the term of the Settlement, December 31, 2025, or the expiration of the designation made pursuant to subsection (b), whichever ends first.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection shall preclude the Secretary of Commerce from imposing prescriptions pursuant to section 18 of the Federal Power Act (16 U.S.C. 811) solely for other anadromous fish species because those prescriptions provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(f) EFFECT OF SECTION.—Nothing in this section is intended or shall be construed—

(1) to modify the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.); or

(2) to establish a precedent with respect to any other application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.).

PART II—STUDY TO DEVELOP WATER PLAN; REPORT

SEC. 10101. STUDY TO DEVELOP WATER PLAN; REPORT.

(a) PLAN.—

(1) GRANT.—To the extent that funds are made available in advance for this purpose, the Secretary of the Interior, acting through the Bureau of Reclamation, shall provide direct financial assistance to the California Water Institute, located at California State University, Fresno, California, to conduct a study regarding the coordination and integration of sub-regional integrated regional water management plans into a unified Integrated Regional Water Management Plan for the subject counties in the hydrologic basins that would address issues related to—

(A) water quality;

(B) water supply (both surface, ground water banking, and brackish water desalination);

(C) water conveyance;

(D) water reliability;

(E) water conservation and efficient use (by distribution systems and by end users);

(F) flood control;

(G) water resource-related environmental enhancement; and

(H) population growth.

(2) STUDY AREA.—The study area referred to in paragraph (1) is the proposed study area of the San Joaquin River Hydrologic Region and Tulare Lake Hydrologic Region, as defined by California Department of Water Resources Bulletin 160-05, volume 3, chapters 7 and 8, including Kern, Tulare, Kings, Fresno, Madera, Merced, Stanislaus, and San Joaquin counties in California.

(b) **USE OF PLAN.**—The Integrated Regional Water Management Plan developed for the 2 hydrologic basins under subsection (a) shall serve as a guide for the counties in the study area described in subsection (a)(2) to use as a mechanism to address and solve long-term water needs in a sustainable and equitable manner.

(c) **REPORT.**—The Secretary shall ensure that a report containing the results of the Integrated Regional Water Management Plan for the hydrologic regions is submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than 24 months after financial assistance is made available to the California Water Institute under subsection (a)(1).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$1,000,000 to remain available until expended.

PART III—FRIANT DIVISION IMPROVEMENTS

SEC. 10201. FEDERAL FACILITY IMPROVEMENTS.

(a) The Secretary of the Interior (hereafter referred to as the “Secretary”) is authorized and directed to conduct feasibility studies in coordination with appropriate Federal, State, regional, and local authorities on the following improvements and facilities in the Friant Division, Central Valley Project, California:

(1) Restoration of the capacity of the Friant-Kern Canal and Madera Canal to such capacity as previously designed and constructed by the Bureau of Reclamation.

(2) Reverse flow pump-back facilities on the Friant-Kern Canal, with reverse-flow capacity of approximately 500 cubic feet per second at the Poso and Shafter Check Structures and approximately 300 cubic feet per second at the Woollomes Check Structure.

(b) Upon completion of and consistent with the applicable feasibility studies, the Secretary is authorized to construct the improvements and facilities identified in subsection (a) in accordance with all applicable Federal and State laws.

(c) The costs of implementing this section shall be in accordance with section 10203, and shall be a nonreimbursable Federal expenditure.

SEC. 10202. FINANCIAL ASSISTANCE FOR LOCAL PROJECTS.

(a) **AUTHORIZATION.**—The Secretary is authorized to provide financial assistance to local agencies within the Central Valley Project, California, for the planning, design, environmental compliance, and construction of local facilities to bank water underground or to recharge groundwater, and that recover such water, provided that the project meets the criteria in subsection (b). The Secretary is further authorized to require that any such local agency receiving financial assistance under the terms of this section submit progress reports and accountings to the Secretary, as the Secretary deems appropriate, which such reports shall be publicly available.

(b) **CRITERIA.**—

(1) A project shall be eligible for Federal financial assistance under subsection (a) only if all or a portion of the project is designed to reduce, avoid, or offset the quantity of the expected water supply impacts to Friant Division long-term contractors caused by the Interim or Restoration Flows authorized in part I of this subtitle, and such quantities have not already been reduced, avoided, or offset by other programs or projects.

(2) Federal financial assistance shall only apply to the portion of a project that the local agency designates as reducing, avoiding, or offsetting the expected water supply impacts caused by the Interim or Restoration Flows authorized in part I of this subtitle, consistent with the methodology developed pursuant to paragraph (3)(C).

(3) No Federal financial assistance shall be provided by the Secretary under this part for construction of a project under subsection (a) unless the Secretary—

(A) determines that appropriate planning, design, and environmental compliance activities associated with such a project have been completed, and that the Secretary has been offered the opportunity to participate in the project at a price that is no higher than the local agency's own costs, in order to secure necessary storage, extraction, and conveyance rights for water that may be needed to meet the Restoration Goal as described in part I of this subtitle, where such project has capacity beyond that designated for the purposes in paragraph (2) or where it is feasible to expand such project to allow participation by the Secretary;

(B) determines, based on information available at the time, that the local agency has the financial capability and willingness to fund its share of the project's construction and all operation and maintenance costs on an annual basis;

(C) determines that a method acceptable to the Secretary has been developed for quantifying the benefit, in terms of reduction, avoidance, or offset of the water supply impacts expected to be caused by the Interim or Restoration Flows authorized in part I of this subtitle, that will result from the project, and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5); and

(D) has entered into a cost-sharing agreement with the local agency which commits the local agency to funding its share of the project's construction costs on an annual basis.

(c) **GUIDELINES.**—Within 1 year from the date of enactment of this part, the Secretary shall develop, in consultation with the Friant Division long-term contractors, proposed guidelines for the application of the criteria defined in subsection (b), and will make the proposed guidelines available for public comment. Such guidelines may consider prioritizing the distribution of available funds to projects that provide the broadest benefit within the affected area and the equitable allocation of funds. Upon adoption of such guidelines, the Secretary shall implement such assistance program, subject to the availability of funds appropriated for such purpose.

(d) **COST SHARING.**—The Federal financial assistance provided to local agencies under subsection (a) shall not exceed—

(1) 50 percent of the costs associated with planning, design, and environmental compliance activities associated with such a project; and

(2) 50 percent of the costs associated with construction of any such project.

(e) **PROJECT OWNERSHIP.**—

(1) Title to, control over, and operation of, projects funded under subsection (a) shall remain in one or more non-Federal local agencies. Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity. All projects funded pursuant to this subsection shall comply with all applicable Federal and State laws, including provisions of California water law.

(2) All operation, maintenance, and replacement and rehabilitation costs of such projects shall be the responsibility of the local agency. The Secretary shall not provide funding for any operation, maintenance, or replacement and rehabilitation costs of projects funded under subsection (a).

SEC. 10203. AUTHORIZATION OF APPROPRIATIONS.

(a) The Secretary is authorized and directed to use monies from the fund established under

section 10009 to carry out the provisions of section 10201(a)(1), in an amount not to exceed \$35,000,000.

(b) In addition to the funds made available pursuant to subsection (a), the Secretary is also authorized to expend such additional funds from the fund established under section 10009 to carry out the purposes of section 10201(a)(2), if such facilities have not already been authorized and funded under the plan provided for pursuant to section 10004(a)(4), in an amount not to exceed \$17,000,000, provided that the Secretary first determines that such expenditure will not conflict with or delay his implementation of actions required by part I of this subtitle. Notice of the Secretary's determination shall be published not later than his submission of the report to Congress required by section 10009(f)(2).

(c) In addition to funds made available in subsections (a) and (b), there are authorized to be appropriated \$50,000,000 (October 2008 price levels) to carry out the purposes of this part which shall be non-reimbursable.

Subtitle B—Northwestern New Mexico Rural Water Projects

SEC. 10301. SHORT TITLE.

This subtitle may be cited as the “Northwestern New Mexico Rural Water Projects Act”.

SEC. 10302. DEFINITIONS.

In this subtitle:

(1) **AAMODT ADJUDICATION.**—The term “Aamodt adjudication” means the general stream adjudication that is the subject of the civil action entitled “State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.”, No. 66 CV 6639 MV/LCS (D.N.M.).

(2) **ABEYTA ADJUDICATION.**—The term “Abeyta adjudication” means the general stream adjudication that is the subject of the civil actions entitled “State of New Mexico v. Abeyta and State of New Mexico v. Arrellano”, Civil Nos. 7896-BB (D.N.M) and 7939-BB (D.N.M.) (consolidated).

(3) **ACRE-FEET.**—The term “acre-feet” means acre-feet per year.

(4) **AGREEMENT.**—The term “Agreement” means the agreement among the State of New Mexico, the Nation, and the United States setting forth a stipulated and binding agreement signed by the State of New Mexico and the Nation on April 19, 2005.

(5) **ALLOTTEE.**—The term “allottee” means a person that holds a beneficial real property interest in a Navajo allotment that—

(A) is located within the Navajo Reservation or the State of New Mexico;

(B) is held in trust by the United States; and

(C) was originally granted to an individual member of the Nation by public land order or otherwise.

(6) **ANIMAS-LA PLATA PROJECT.**—The term “Animas-La Plata Project” has the meaning given the term in section 3 of Public Law 100–585 (102 Stat. 2973), including Ridges Basin Dam, Lake Nighthorse, the Navajo Nation Municipal Pipeline, and any other features or modifications made pursuant to the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106–554; 114 Stat. 2763A–258).

(7) **CITY.**—The term “City” means the city of Gallup, New Mexico, or a designee of the City, with authority to provide water to the Gallup, New Mexico service area.

(8) **COLORADO RIVER COMPACT.**—The term “Colorado River Compact” means the Colorado River Compact of 1922 as approved by Congress in the Act of December 21, 1928 (45 Stat. 1057) and by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000).

(9) **COLORADO RIVER SYSTEM.**—The term “Colorado River System” has the same meaning

given the term in Article II(a) of the Colorado River Compact.

(10) **COMPACT.**—The term “Compact” means the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(11) **CONTRACT.**—The term “Contract” means the contract between the United States and the Nation setting forth certain commitments, rights, and obligations of the United States and the Nation, as described in paragraph 6.0 of the Agreement.

(12) **DEPLETION.**—The term “depletion” means the depletion of the flow of the San Juan River stream system in the State of New Mexico by a particular use of water (including any depletion incident to the use) and represents the diversion from the stream system by the use, less return flows to the stream system from the use.

(13) **DRAFT IMPACT STATEMENT.**—The term “Draft Impact Statement” means the draft environmental impact statement prepared by the Bureau of Reclamation for the Project dated March 2007.

(14) **FUND.**—The term “Fund” means the Reclamation Waters Settlements Fund established by section 10501(a).

(15) **HYDROLOGIC DETERMINATION.**—The term “hydrologic determination” means the hydrologic determination entitled “Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico,” prepared by the Bureau of Reclamation pursuant to section 11 of the Act of June 13, 1962 (Public Law 87-483; 76 Stat. 99), and dated May 23, 2007.

(16) **LOWER BASIN.**—The term “Lower Basin” has the same meaning given the term in Article II(g) of the Colorado River Compact.

(17) **NATION.**—The term “Nation” means the Navajo Nation, a body politic and federally-recognized Indian nation as provided for in section 101(2) of the Federally Recognized Indian Tribe List of 1994 (25 U.S.C. 497a(2)), also known variously as the “Navajo Tribe,” the “Navajo Tribe of Arizona, New Mexico & Utah,” and the “Navajo Tribe of Indians” and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

(18) **NAVAJO-GALLUP WATER SUPPLY PROJECT; PROJECT.**—The term “Navajo-Gallup Water Supply Project” or “Project” means the Navajo-Gallup Water Supply Project authorized under section 10602(a), as described as the preferred alternative in the Draft Impact Statement.

(19) **NAVAJO INDIAN IRRIGATION PROJECT.**—The term “Navajo Indian Irrigation Project” means the Navajo Indian irrigation project authorized by section 2 of Public Law 87-483 (76 Stat. 96).

(20) **NAVAJO RESERVOIR.**—The term “Navajo Reservoir” means the reservoir created by the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.).

(21) **NAVAJO NATION MUNICIPAL PIPELINE; PIPELINE.**—The term “Navajo Nation Municipal Pipeline” or “Pipeline” means the pipeline used to convey the water of the Animas-La Plata Project of the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in the State of New Mexico (including the City of Shiprock), as authorized by section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2973; 114 Stat. 2763A-263).

(22) **NON-NAVAJO IRRIGATION DISTRICTS.**—The term “Non-Navajo Irrigation Districts” means—

(A) the Hammond Conservancy District;
(B) the Bloomfield Irrigation District; and
(C) any other community ditch organization in the San Juan River basin in the State of New Mexico.

(23) **PARTIAL FINAL DECREE.**—The term “Partial Final Decree” means a final and binding

judgment and decree entered by a court in the stream adjudication, setting forth the rights of the Nation to use and administer waters of the San Juan River Basin in New Mexico, as set forth in Appendix I of the Agreement.

(24) **PROJECT PARTICIPANTS.**—The term “Project Participants” means the City, the Nation, and the Jicarilla Apache Nation.

(25) **SAN JUAN RIVER BASIN RECOVERY IMPLEMENTATION PROGRAM.**—The term “San Juan River Basin Recovery Implementation Program” means the intergovernmental program established pursuant to the cooperative agreement dated October 21, 1992 (including any amendments to the program).

(26) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation or any other designee.

(27) **STREAM ADJUDICATION.**—The term “stream adjudication” means the general stream adjudication that is the subject of *New Mexico v. United States*, et al., No. 75-185 (11th Jud. Dist., San Juan County, New Mexico) (involving claims to waters of the San Juan River and the tributaries of that river).

(28) **SUPPLEMENTAL PARTIAL FINAL DECREE.**—The term “Supplemental Partial Final Decree” means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth certain water rights of the Nation, as set forth in Appendix 2 of the Agreement.

(29) **TRUST FUND.**—The term “Trust Fund” means the Navajo Nation Water Resources Development Trust Fund established by section 10702(a).

(30) **UPPER BASIN.**—The term “Upper Basin” has the same meaning given the term in Article II(f) of the Colorado River Compact.

SEC. 10303. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) **EFFECT OF EXECUTION OF AGREEMENT.**—The execution of the Agreement under section 10701(a)(2) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **COMPLIANCE WITH ENVIRONMENTAL LAWS.**—In carrying out this subtitle, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 10304. NO REALLOCATION OF COSTS.

(a) **EFFECT OF ACT.**—Notwithstanding any other provision of law, the Secretary shall not reallocate or reassign any costs of projects that have been authorized under the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.), as of the date of enactment of this Act because of—

(1) the authorization of the Navajo-Gallup Water Supply Project under this subtitle; or

(2) the changes in the uses of the water diverted by the Navajo Indian Irrigation Project or the waters stored in the Navajo Reservoir authorized under this subtitle.

(b) **USE OF POWER REVENUES.**—Notwithstanding any other provision of law, no power revenues under the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.), shall be used to pay or reimburse any costs of the Navajo Indian Irrigation Project or Navajo-Gallup Water Supply Project.

SEC. 10305. INTEREST RATE.

Notwithstanding any other provision of law, the interest rate applicable to any repayment contract entered into under section 10604 shall be equal to the discount rate for Federal water resources planning, as determined by the Secretary.

PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87-483

SEC. 10401. AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT.

(a) **PARTICIPATING PROJECTS.**—Paragraph (2) of the first section of the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620(2)) is amended by inserting “the Navajo-Gallup Water Supply Project,” after “Fruitland Mesa,”.

(b) **NAVAJO RESERVOIR WATER BANK.**—The Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) is amended—

(1) by redesignating section 16 (43 U.S.C. 620n) as section 17; and

(2) by inserting after section 15 (43 U.S.C. 620n) the following:

“SEC. 16. (a) The Secretary of the Interior may create and operate within the available capacity of Navajo Reservoir a top water bank.

“(b) Water made available for the top water bank in accordance with subsections (c) and (d) shall not be subject to section 11 of Public Law 87-483 (76 Stat. 99).

“(c) The top water bank authorized under subsection (a) shall be operated in a manner that—

“(1) is consistent with applicable law, except that, notwithstanding any other provision of law, water for purposes other than irrigation may be stored in the Navajo Reservoir pursuant to the rules governing the top water bank established under this section; and

“(2) does not impair the ability of the Secretary of the Interior to deliver water under contracts entered into under—

“(A) Public Law 87-483 (76 Stat. 96); and

“(B) New Mexico State Engineer File Nos. 2847, 2848, 2849, and 2917.

“(d)(1) The Secretary of the Interior, in cooperation with the State of New Mexico (acting through the Interstate Stream Commission), shall develop any terms and procedures for the storage, accounting, and release of water in the top water bank that are necessary to comply with subsection (c).

“(2) The terms and procedures developed under paragraph (1) shall include provisions requiring that—

“(A) the storage of banked water shall be subject to approval under State law by the New Mexico State Engineer to ensure that impairment of any existing water right does not occur, including storage of water under New Mexico State Engineer File No. 2849;

“(B) water in the top water bank be subject to evaporation and other losses during storage;

“(C) water in the top water bank be released for delivery to the owner or assigns of the banked water on request of the owner, subject to reasonable scheduling requirements for making the release;

“(D) water in the top water bank be the first water spilled or released for flood control purposes in anticipation of a spill, on the condition that top water bank water shall not be released or included for purposes of calculating whether a release should occur for purposes of satisfying the flow recommendations of the San Juan River Basin Recovery Implementation Program; and

“(E) water eligible for banking in the top water bank shall be water that otherwise would have been diverted and beneficially used in New Mexico that year.

“(e) The Secretary of the Interior may charge fees to water users that use the top water bank in amounts sufficient to cover the costs incurred by the United States in administering the water bank.”.

SEC. 10402. AMENDMENTS TO PUBLIC LAW 87-483.

(a) **NAVAJO INDIAN IRRIGATION PROJECT.**—Public Law 87-483 (76 Stat. 96) is amended by striking section 2 and inserting the following:

"SEC. 2. (a) In accordance with the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.), the Secretary of the Interior is authorized to construct, operate, and maintain the Navajo Indian Irrigation Project to provide irrigation water to a service area of not more than 110,630 acres of land.

"(b)(1) Subject to paragraph (2), the average annual diversion by the Navajo Indian Irrigation Project from the Navajo Reservoir over any consecutive 10-year period shall be the lesser of—

"(A) 508,000 acre-feet per year; or

"(B) the quantity of water necessary to supply an average depletion of 270,000 acre-feet per year.

"(2) The quantity of water diverted for any 1 year shall not exceed the average annual diversion determined under paragraph (1) by more than 15 percent.

"(c) In addition to being used for irrigation, the water diverted by the Navajo Indian Irrigation Project under subsection (b) may be used within the area served by Navajo Indian Irrigation Project facilities for the following purposes:

"(1) Aquaculture purposes, including the rearing of fish in support of the San Juan River Basin Recovery Implementation Program authorized by Public Law 106-392 (114 Stat. 1602).

"(2) Domestic, industrial, or commercial purposes relating to agricultural production and processing.

"(3)(A) The generation of hydroelectric power as an incident to the diversion of water by the Navajo Indian Irrigation Project for authorized purposes.

"(B) Notwithstanding any other provision of law—

"(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Navajo Nation;

"(ii) the Navajo Nation shall retain any revenues from the sale of the hydroelectric power; and

"(iii) the United States shall have no trust obligation to monitor, administer, or account for the revenues received by the Navajo Nation, or the expenditure of the revenues.

"(4) The implementation of the alternate water source provisions described in subparagraph 9.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act.

"(d) The Navajo Indian Irrigation Project water diverted under subsection (b) may be transferred to areas located within or outside the area served by Navajo Indian Irrigation Project facilities, and within or outside the boundaries of the Navajo Nation, for any beneficial use in accordance with—

"(1) the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act;

"(2) the contract executed under section 10604(a)(2)(B) of that Act; and

"(3) any other applicable law.

"(e) The Secretary may use the capacity of the Navajo Indian Irrigation Project works to convey water supplies for—

"(1) the Navajo-Gallup Water Supply Project under section 10602 of the Northwestern New Mexico Rural Water Projects Act; or

"(2) other nonirrigation purposes authorized under subsection (c) or (d).

"(f)(1) Repayment of the costs of construction of the project (as authorized in subsection (a)) shall be in accordance with the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.), including section 4(d) of that Act.

"(2) The Secretary shall not reallocate, or require repayment of, construction costs of the Navajo Indian Irrigation Project because of the

conveyance of water supplies for nonirrigation purposes under subsection (e)."

(b) RUNOFF ABOVE NAVAJO DAM.—Section 11 of Public Law 87-483 (76 Stat. 100) is amended by adding at the end the following:

"(d)(1) For purposes of implementing in a year of prospective shortage the water allocation procedures established by subsection (a), the Secretary of the Interior shall determine the quantity of any shortages and the appropriate apportionment of water using the normal diversion requirements on the flow of the San Juan River originating above Navajo Dam based on the following criteria:

"(A) The quantity of diversion or water delivery for the current year anticipated to be necessary to irrigate land in accordance with cropping plans prepared by contractors.

"(B) The annual diversion or water delivery demands for the current year anticipated for non-irrigation uses under water delivery contracts, including contracts authorized by the Northwestern New Mexico Rural Water Projects Act, but excluding any current demand for surface water for placement into aquifer storage for future recovery and use.

"(C) An annual normal diversion demand of 135,000 acre-feet for the initial stage of the San Juan-Chama Project authorized by section 8, which shall be the amount to which any shortage is applied.

"(2) The Secretary shall not include in the normal diversion requirements—

"(A) the quantity of water that reliably can be anticipated to be diverted or delivered under a contract from inflows to the San Juan River arising below Navajo Dam under New Mexico State Engineer File No. 3215; or

"(B) the quantity of water anticipated to be supplied through reuse.

"(e)(1) If the Secretary determines that there is a shortage of water under subsection (a), the Secretary shall respond to the shortage in the Navajo Reservoir water supply by curtailing releases and deliveries in the following order:

"(A) The demand for delivery for uses in the State of Arizona under the Navajo-Gallup Water Supply Project authorized by section 10603 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for the uses from inflows to the San Juan River that arise below Navajo Dam in accordance with New Mexico State Engineer File No. 3215.

"(B) The demand for delivery for uses allocated under paragraph 8.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for such uses under State Engineer File No. 3215.

"(C) The uses in the State of New Mexico that are determined under subsection (d), in accordance with the procedure for apportioning the water supply under subsection (a).

"(2) For any year for which the Secretary determines and responds to a shortage in the Navajo Reservoir water supply, the Secretary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer storage for future recovery and use.

"(3) To determine the occurrence and amount of any shortage to contracts entered into under this section, the Secretary shall not include as available storage any water stored in a top water bank in Navajo Reservoir established under section 16(a) of the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act').

"(f) The Secretary of the Interior shall apportion water under subsections (a), (d), and (e) on an annual volume basis.

"(g) The Secretary of the Interior may revise a determination of shortages, apportionments,

or allocations of water under subsections (a), (d), and (e) on the basis of information relating to water supply conditions that was not available at the time at which the determination was made.

"(h) Nothing in this section prohibits the distribution of water in accordance with cooperative water agreements between water users providing for a sharing of water supplies.

"(i) Diversions under New Mexico State Engineer File No. 3215 shall be distributed, to the maximum extent water is available, in proportionate amounts to the diversion demands of contractors and subcontractors of the Navajo Reservoir water supply that are diverting water below Navajo Dam."

SEC. 10403. EFFECT ON FEDERAL WATER LAW.

Unless expressly provided in this subtitle, nothing in this subtitle modifies, conflicts with, preempts, or otherwise affects—

(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(2) the Boulder Canyon Project Adjustment Act (54 Stat. 774, chapter 643);

(3) the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.);

(4) the Act of September 30, 1968 (commonly known as the 'Colorado River Basin Project Act') (82 Stat. 885);

(5) Public Law 87-483 (76 Stat. 96);

(6) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

(7) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(8) the Compact;

(9) the Act of April 6, 1949 (63 Stat. 31, chapter 48);

(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2237); or

(11) section 205 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2949).

PART II—RECLAMATION WATER SETTLEMENTS FUND

SEC. 10501. RECLAMATION WATER SETTLEMENTS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "Reclamation Water Settlements Fund", consisting of—

(1) such amounts as are deposited to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) DEPOSITS TO FUND.—

(1) IN GENERAL.—For each of fiscal years 2020 through 2029, the Secretary of the Treasury shall deposit in the Fund, if available, \$120,000,000 of the revenues that would otherwise be deposited for the fiscal year in the fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under paragraph (1) shall be made available pursuant to this section—

(A) without further appropriation; and

(B) in addition to amounts appropriated pursuant to any authorization contained in any other provision of law.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—

(A) EXPENDITURES.—Subject to subparagraph (B), for each of fiscal years 2020 through 2034, the Secretary may expend from the Fund an amount not to exceed \$120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3).

(B) ADDITIONAL EXPENDITURES.—The Secretary may expend more than \$120,000,000 for

any fiscal year if such amounts are available in the Fund due to expenditures not reaching \$120,000,000 for prior fiscal years.

(2) **AUTHORITY.**—The Secretary may expend money from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation to provide financial assistance for, or plan, design, and construct—

(A) water supply infrastructure; or

(B) a project—

(i) to rehabilitate a water delivery system to conserve water; or

(ii) to restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by, or located within the same river basin as, a Federal reclamation project that is in existence on the date of enactment of this Act.

(3) **USE FOR COMPLETION OF PROJECT AND OTHER SETTLEMENTS.**—

(A) **PRIORITIES.**—

(i) **FIRST PRIORITY.**—

(I) **IN GENERAL.**—The first priority for expenditure of amounts in the Fund during the entire period in which the Fund is in existence shall be for the purposes described in, and in the order of, clauses (i) through (iv) of subparagraph (B).

(II) **RESERVED AMOUNTS.**—The Secretary shall reserve and use amounts deposited into the Fund in accordance with subclause (I).

(ii) **OTHER PURPOSES.**—Any amounts in the Fund that are not needed for the purposes described in subparagraph (B) may be used for other purposes authorized in paragraph (2).

(B) **COMPLETION OF PROJECT.**—

(i) **NAVAJO-GALLUP WATER SUPPLY PROJECT.**—

(I) **IN GENERAL.**—Subject to subclause (II), effective beginning January 1, 2020, if, in the judgment of the Secretary on an annual basis the deadline described in section 10701(e)(1)(A)(ix) is unlikely to be met because a sufficient amount of funding is not otherwise available through appropriations made available pursuant to section 10609(a), the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the costs, and substantially complete as expeditiously as practicable, the construction of the water supply infrastructure authorized as part of the Project.

(II) **MAXIMUM AMOUNT.**—

(aa) **IN GENERAL.**—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$500,000,000 for the period of fiscal years 2020 through 2029.

(bb) **EXCEPTION.**—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (ii) through (iv).

(ii) **OTHER NEW MEXICO SETTLEMENTS.**—

(I) **IN GENERAL.**—Subject to subclause (II), effective beginning January 1, 2020, in addition to the funding made available under clause (i), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing the Indian water rights settlement agreements entered into by the State of New Mexico in the Aamodt adjudication and the Abeyta adjudication, if such settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) **MAXIMUM AMOUNT.**—The amount expended under subclause (I) shall not exceed \$250,000,000.

(iii) **MONTANA SETTLEMENTS.**—

(I) **IN GENERAL.**—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i) and (ii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing Indian water rights settlement agreements entered into by the State of Montana with the Blackfeet Tribe, the Crow Tribe, or the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation in the judicial proceeding entitled “In re the General Adjudication of All the Rights to Use Surface and Groundwater in the State of Montana”, if a settlement or settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) **MAXIMUM AMOUNT.**—

(aa) **IN GENERAL.**—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$350,000,000 for the period of fiscal years 2020 through 2029.

(bb) **EXCEPTION.**—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clause (i), (ii), and (iv).

(cc) **OTHER FUNDING.**—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(iv) **ARIZONA SETTLEMENT.**—

(I) **IN GENERAL.**—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i), (ii), and (iii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing an Indian water rights settlement agreement entered into by the State of Arizona with the Navajo Nation to resolve the water rights claims of the Nation in the Lower Colorado River basin in Arizona, if a settlement is subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) **MAXIMUM AMOUNT.**—

(aa) **IN GENERAL.**—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$100,000,000 for the period of fiscal years 2020 through 2029.

(bb) **EXCEPTION.**—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (i) through (iii).

(cc) **OTHER FUNDING.**—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(c) **REVERSION.**—If the settlements described in clauses (ii) through (iv) of subparagraph (B) have not been approved and authorized by an Act of Congress by December 31, 2019, the amounts reserved for the settlements shall no longer be reserved by the Secretary pursuant to subparagraph (A)(i) and shall revert to the Fund for any authorized use, as determined by the Secretary.

(d) **INVESTMENT OF AMOUNTS.**—

(1) **IN GENERAL.**—The Secretary shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(2) **CREDITS TO FUND.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(e) **TRANSFERS OF AMOUNTS.**—

(1) **IN GENERAL.**—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) **ADJUSTMENTS.**—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) **TERMINATION.**—On September 30, 2034—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the appropriate fund of the Treasury.

PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT

SEC. 10601. PURPOSES.

The purposes of this part are—

(1) to authorize the Secretary to construct, operate, and maintain the Navajo-Gallup Water Supply Project;

(2) to allocate the capacity of the Project among the Nation, the City, and the Jicarilla Apache Nation; and

(3) to authorize the Secretary to enter into Project repayment contracts with the City and the Jicarilla Apache Nation.

SEC. 10602. AUTHORIZATION OF NAVAJO-GALLUP WATER SUPPLY PROJECT.

(a) **IN GENERAL.**—The Secretary, acting through the Commissioner of Reclamation, is authorized to design, construct, operate, and maintain the Project in substantial accordance with the preferred alternative in the Draft Impact Statement.

(b) **PROJECT FACILITIES.**—To provide for the delivery of San Juan River water to Project Participants, the Secretary may construct, operate, and maintain the Project facilities described in the preferred alternative in the Draft Impact Statement, including:

(1) A pumping plant on the San Juan River in the vicinity of Kirtland, New Mexico.

(2)(A) A main pipeline from the San Juan River near Kirtland, New Mexico, to Shiprock, New Mexico, and Gallup, New Mexico, which follows United States Highway 491.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(3)(A) A main pipeline from Cutter Reservoir to Ojo Encino, New Mexico, which follows United States Highway 550.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(4)(A) Lateral pipelines from the main pipelines to Nation communities in the States of New Mexico and Arizona.

(B) Any pumping plants associated with the pipelines authorized under subparagraph (A).

(5) Any water regulation, storage or treatment facility, service connection to an existing public water supply system, power substation, power distribution works, or other appurtenant works (including a building or access road) that is related to the Project facilities authorized by paragraphs (1) through (4), including power transmission facilities and associated wheeling services to connect Project facilities to existing high-voltage transmission facilities and deliver power to the Project.

(c) **ACQUISITION OF LAND.**—

(1) **IN GENERAL.**—The Secretary is authorized to acquire any land or interest in land that is

necessary to construct, operate, and maintain the Project facilities authorized under subsection (b).

(2) **LAND OF THE PROJECT PARTICIPANTS.**—As a condition of construction of the facilities authorized under this part, the Project Participants shall provide all land or interest in land, as appropriate, that the Secretary identifies as necessary for acquisition under this subsection at no cost to the Secretary.

(3) **LIMITATION.**—The Secretary may not condemn water rights for purposes of the Project.

(d) **CONDITIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary shall not commence construction of the facilities authorized under subsection (b) until such time as—

(A) the Secretary executes the Agreement and the Contract;

(B) the contracts authorized under section 10604 are executed;

(C) the Secretary—

(i) completes an environmental impact statement for the Project; and

(ii) has issued a record of decision that provides for a preferred alternative; and

(D) the Secretary has entered into an agreement with the State of New Mexico under which the State of New Mexico will provide a share of the construction costs of the Project of not less than \$50,000,000, except that the State of New Mexico shall receive credit for funds the State has contributed to construct water conveyance facilities to the Project Participants to the extent that the facilities reduce the cost of the Project as estimated in the Draft Impact Statement.

(2) **EXCEPTION.**—If the Jicarilla Apache Nation elects not to enter into a contract pursuant to section 10604, the Secretary, after consulting with the Nation, the City, and the State of New Mexico acting through the Interstate Stream Commission, may make appropriate modifications to the scope of the Project and proceed with Project construction if all other conditions for construction have been satisfied.

(3) **EFFECT OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.**—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design, construction, operation, maintenance, or replacement of the Project.

(e) **POWER.**—The Secretary shall reserve, from existing reservations of Colorado River Storage Project power for Bureau of Reclamation projects, up to 26 megawatts of power for use by the Project.

(f) **CONVEYANCE OF TITLE TO PROJECT FACILITIES.**—

(1) **IN GENERAL.**—The Secretary is authorized to enter into separate agreements with the City and the Nation and, on entering into the agreements, shall convey title to each Project facility or section of a Project facility authorized under subsection (b) (including any appropriate interests in land) to the City and the Nation after—

(A) completion of construction of a Project facility or a section of a Project facility that is operating and delivering water; and

(B) execution of a Project operations agreement approved by the Secretary and the Project Participants that sets forth—

(i) any terms and conditions that the Secretary determines are necessary—

(I) to ensure the continuation of the intended benefits of the Project; and

(II) to fulfill the purposes of this part;

(ii) requirements acceptable to the Secretary and the Project Participants for—

(I) the distribution of water under the Project or section of a Project facility; and

(II) the allocation and payment of annual operation, maintenance, and replacement costs of the Project or section of a Project facility based

on the proportionate uses of Project facilities; and

(iii) conditions and requirements acceptable to the Secretary and the Project Participants for operating and maintaining each Project facility on completion of the conveyance of title, including the requirement that the City and the Nation shall—

(1) comply with—

(aa) the Compact; and

(bb) other applicable law; and

(II) be responsible for—

(aa) the operation, maintenance, and replacement of each Project facility; and

(bb) the accounting and management of water conveyance and Project finances, as necessary to administer and fulfill the conditions of the Contract executed under section 10604(a)(2)(B).

(2) **EFFECT OF CONVEYANCE.**—The conveyance of title to each Project facility shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of the water associated with the Project.

(3) **LIABILITY.**—

(A) **IN GENERAL.**—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) **TORT CLAIMS.**—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(4) **NOTICE OF PROPOSED CONVEYANCE.**—Not later than 45 days before the date of a proposed conveyance of title to any Project facility, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each Project facility.

(g) **COLORADO RIVER STORAGE PROJECT POWER.**—The conveyance of Project facilities under subsection (f) shall not affect the availability of Colorado River Storage Project power to the Project under subsection (e).

(h) **REGIONAL USE OF PROJECT FACILITIES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), Project facilities constructed under subsection (b) may be used to treat and convey non-Project water or water that is not allocated by subsection 10603(b) if—

(A) capacity is available without impairing any water delivery to a Project Participant; and

(B) the unallocated or non-Project water beneficiary—

(i) has the right to use the water;

(ii) agrees to pay the operation, maintenance, and replacement costs assignable to the beneficiary for the use of the Project facilities; and

(iii) agrees to pay an appropriate fee that may be established by the Secretary to assist in the recovery of any capital cost allocable to that use.

(2) **EFFECT OF PAYMENTS.**—Any payments to the United States or the Nation for the use of unused capacity under this subsection or for water under any subcontract with the Nation or the Jicarilla Apache Nation shall not alter the construction repayment requirements or the operation, maintenance, and replacement payment requirements of the Project Participants.

SEC. 10603. DELIVERY AND USE OF NAVAJO-GALUP WATER SUPPLY PROJECT WATER.

(a) **USE OF PROJECT WATER.**—

(1) **IN GENERAL.**—In accordance with this subtitle and other applicable law, water supply

from the Project shall be used for municipal, industrial, commercial, domestic, and stock watering purposes.

(2) **USE ON CERTAIN LAND.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Nation may use Project water allocations on—

(i) land held by the United States in trust for the Nation and members of the Nation; and

(ii) land held in fee by the Nation.

(B) **TRANSFER.**—The Nation may transfer the purposes and places of use of the allocated water in accordance with the Agreement and applicable law.

(3) **HYDROELECTRIC POWER.**—

(A) **IN GENERAL.**—Hydroelectric power may be generated as an incident to the delivery of Project water for authorized purposes under paragraph (1).

(B) **ADMINISTRATION.**—Notwithstanding any other provision of law—

(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Nation;

(ii) the Nation shall retain any revenues from the sale of the hydroelectric power; and

(iii) the United States shall have no trust obligation or other obligation to monitor, administer, or account for the revenues received by the Nation, or the expenditure of the revenues.

(4) **STORAGE.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), any water contracted for delivery under paragraph (1) that is not needed for current water demands or uses may be delivered by the Project for placement in underground storage in the State of New Mexico for future recovery and use.

(B) **STATE APPROVAL.**—Delivery of water under subparagraph (A) is subject to—

(i) approval by the State of New Mexico under applicable provisions of State law relating to aquifer storage and recovery; and

(ii) the provisions of the Agreement and this subtitle.

(b) **PROJECT WATER AND CAPACITY ALLOCATIONS.**—

(1) **DIVERSION.**—Subject to availability and consistent with Federal and State law, the Project may divert from the Navajo Reservoir and the San Juan River a quantity of water to be allocated and used consistent with the Agreement and this subtitle, that does not exceed in any 1 year, the lesser of—

(A) 37,760 acre-feet of water; or

(B) the quantity of water necessary to supply a depletion from the San Juan River of 35,890 acre-feet.

(2) **PROJECT DELIVERY CAPACITY ALLOCATIONS.**—

(A) **IN GENERAL.**—The capacity of the Project shall be allocated to the Project Participants in accordance with subparagraphs (B) through (E), other provisions of this subtitle, and other applicable law.

(B) **DELIVERY CAPACITY ALLOCATION TO THE CITY.**—The Project may deliver at the point of diversion from the San Juan River not more than 7,500 acre-feet of water in any 1 year for which the City has secured rights for the use of the City.

(C) **DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN NEW MEXICO.**—For use by the Nation in the State of New Mexico, the Project may deliver water out of the water rights held by the Secretary for the Nation and confirmed under this subtitle, at the points of diversion from the San Juan River or at Navajo Reservoir in any 1 year, the lesser of—

(i) 22,650 acre-feet of water; or

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 20,780 acre-feet of water.

(D) **DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN ARIZONA.**—Subject

to subsection (c), the Project may deliver at the point of diversion from the San Juan River not more than 6,411 acre-feet of water in any 1 year for use by the Nation in the State of Arizona.

(E) **DELIVERY CAPACITY ALLOCATION TO JICARILLA APACHE NATION.**—The Project may deliver at Navajo Reservoir not more than 1,200 acre-feet of water in any 1 year of the water rights of the Jicarilla Apache Nation, held by the Secretary and confirmed by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102–441; 106 Stat. 2237), for use by the Jicarilla Apache Nation in the southern portion of the Jicarilla Apache Nation Reservation in the State of New Mexico.

(3) **USE IN EXCESS OF DELIVERY CAPACITY ALLOCATION QUANTITY.**—Notwithstanding each delivery capacity allocation quantity limit described in subparagraphs (B), (C), and (E) of paragraph (2), the Secretary may authorize a Project Participant to exceed the delivery capacity allocation quantity limit of that Project Participant if—

(A) delivery capacity is available without impairing any water delivery to any other Project Participant; and

(B) the Project Participant benefitting from the increased allocation of delivery capacity—

(i) has the right under applicable law to use the additional water;

(ii) agrees to pay the operation, maintenance, and replacement costs relating to the additional use of any Project facility; and

(iii) agrees, if the Project title is held by the Secretary, to pay a fee established by the Secretary to assist in recovering capital costs relating to that additional use.

(C) **CONDITIONS FOR USE IN ARIZONA.**—

(1) **REQUIREMENTS.**—Project water shall not be delivered for use by any community of the Nation located in the State of Arizona under subsection (b)(2)(D) until—

(A) the Nation and the State of Arizona have entered into a water rights settlement agreement approved by an Act of Congress that settles and waives the Nation's claims to water in the Lower Basin and the Little Colorado River Basin in the State of Arizona, including those of the United States on the Nation's behalf; and

(B) the Secretary and the Navajo Nation have entered into a Navajo Reservoir water supply delivery contract for the physical delivery and diversion of water via the Project from the San Juan River system to supply uses in the State of Arizona.

(2) **ACCOUNTING OF USES IN ARIZONA.**—

(A) **IN GENERAL.**—Pursuant to paragraph (1) and notwithstanding any other provision of law, water may be diverted by the Project from the San Juan River in the State of New Mexico in accordance with an appropriate permit issued under New Mexico law for use in the State of Arizona within the Navajo Reservation in the Lower Basin; provided that any depletion of water that results from the diversion of water by the Project from the San Juan River in the State of New Mexico for uses within the State of Arizona (including depletion incidental to the diversion, impounding, or conveyance of water in the State of New Mexico for uses in the State of Arizona) shall be administered and accounted for as either—

(i) a part of, and charged against, the available consumptive use apportionment made to the State of Arizona by Article III(a) of the Compact and to the Upper Basin by Article III(a) of the Colorado River Compact, in which case any water so diverted by the Project into the Lower Basin for use within the State of Arizona shall not be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; or

(ii) subject to subparagraph (B), a part of, and charged against, the consumptive use ap-

portionment made to the Lower Basin by Article III(a) of the Colorado River Compact, in which case it shall—

(I) be a part of the Colorado River water that is apportioned to the State of Arizona in Article II(B) of the Consolidated Decree of the Supreme Court of the United States in *Arizona v. California* (547 U.S. 150) (as may be amended or supplemented);

(II) be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; and

(III) be accounted as the water identified in section 104(a)(1)(B)(ii) of the Arizona Water Settlements Act, (118 Stat. 3478).

(B) **LIMITATION.**—Notwithstanding subparagraph (A)(ii), no water diverted by the Project shall be accounted for pursuant to subparagraph (A)(ii) until such time that—

(i) the Secretary has developed and, as necessary and appropriate, modified, in consultation with the Upper Colorado River Commission and the Governors' Representatives on Colorado River Operations from each State signatory to the Colorado River Compact, all operational and decisional criteria, policies, contracts, guidelines or other documents that control the operations of the Colorado River System reservoirs and diversion works, so as to adjust, account for, and offset the diversion of water apportioned to the State of Arizona, pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), from a point of diversion on the San Juan River in New Mexico; provided that all such modifications shall be consistent with the provisions of this Section, and the modifications made pursuant to this clause shall be applicable only for the duration of any such diversions pursuant to section 10603(c)(2)(A)(ii); and

(ii) Article II(B) of the Decree of the Supreme Court of the United States in *Arizona v. California* (547 U.S. 150 as may be amended or supplemented) is administered so that diversions from the main stream for the Central Arizona Project, as served under existing contracts with the United States by diversion works heretofore constructed, shall be limited and reduced to offset any diversions made pursuant to section 10603(c)(2)(A)(ii) of this Act. This clause shall not affect, in any manner, the amount of water apportioned to Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), or amend any provisions of said decree or the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.).

(3) **UPPER BASIN PROTECTIONS.**—

(A) **CONSULTATIONS.**—Henceforth, in any consultation pursuant to 16 U.S.C. 1536(a) with respect to water development in the San Juan River Basin, the Secretary shall confer with the States of Colorado and New Mexico, consistent with the provisions of section 5 of the "Principles for Conducting Endangered Species Act Section 7 Consultations on Water Development and Water Management Activities Affecting Endangered Fish Species in the San Juan River Basin" as adopted by the Coordination Committee, San Juan River Basin Recovery Implementation Program, on June 19, 2001, and as may be amended or modified.

(B) **PRESERVATION OF EXISTING RIGHTS.**—Rights to the consumptive use of water available to the Upper Basin from the Colorado River System under the Colorado River Compact and the Compact shall not be reduced or prejudiced by any use of water pursuant to subsection 10603(c). Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

(d) **FORBEARANCE.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), during any year in which a shortage to the normal diversion requirement for any use re-

lating to the Project within the State of Arizona occurs (as determined under section 11 of Public Law 87–483 (76 Stat. 99)), the Nation may temporarily forbear the delivery of the water supply of the Navajo Reservoir for uses in the State of New Mexico under the apportionments of water to the Navajo Indian Irrigation Project and the normal diversion requirements of the Project to allow an equivalent quantity of water to be delivered from the Navajo Reservoir water supply for municipal and domestic uses of the Nation in the State of Arizona under the Project.

(2) **LIMITATION OF FORBEARANCE.**—The Nation may forbear the delivery of water under paragraph (1) of a quantity not exceeding the quantity of the shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona.

(3) **EFFECT.**—The forbearance of the delivery of water under paragraph (1) shall be subject to the requirements in subsection (c).

(e) **EFFECT.**—Nothing in this subtitle—

(1) authorizes the marketing, leasing, or transfer of the water supplies made available to the Nation under the Contract to non-Navajo water users in States other than the State of New Mexico; or

(2) authorizes the forbearance of water uses in the State of New Mexico to allow uses of water in other States other than as authorized under subsection (d).

(f) **COLORADO RIVER COMPACTS.**—Notwithstanding any other provision of law—

(1) water may be diverted by the Project from the San Juan River in the State of New Mexico for use within New Mexico in the lower basin, as that term is used in the Colorado River Compact;

(2) any water diverted under paragraph (1) shall be a part of, and charged against, the consumptive use apportionment made to the State of New Mexico by Article III(a) of the Compact and to the upper basin by Article III(a) of the Colorado River Compact; and

(3) any water so diverted by the Project into the lower basin within the State of New Mexico shall not be credited as water reaching Lee Ferry pursuant to Articles III(c) and III(d) of the Colorado River Compact.

(g) **PAYMENT OF OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.**—

(1) **IN GENERAL.**—The Secretary is authorized to pay the operation, maintenance, and replacement costs of the Project allocable to the Project Participants under section 10604 until the date on which the Secretary declares any section of the Project to be substantially complete and delivery of water generated by, and through, that section of the Project can be made to a Project participant.

(2) **PROJECT PARTICIPANT PAYMENTS.**—Beginning on the date described in paragraph (1), each Project Participant shall pay all allocated operation, maintenance, and replacement costs for that substantially completed section of the Project, in accordance with contracts entered into pursuant to section 10604, except as provided in section 10604(f).

(h) **NO PRECEDENT.**—Nothing in this Act shall be construed as authorizing or establishing a precedent for any type of transfer of Colorado River System water between the Upper Basin and Lower Basin. Nor shall anything in this Act be construed as expanding the Secretary's authority in the Upper Basin.

(i) **UNIQUE SITUATION.**—Diversions by the Project consistent with this section address critical tribal and non-Indian water supply needs under unique circumstances, which include, among other things—

(1) the intent to benefit an American Indian tribe;

(2) the Navajo Nation's location in both the Upper and Lower Basin;

(3) the intent to address critical Indian water needs in the State of Arizona and Indian and non-Indian water needs in the State of New Mexico,

(4) the location of the Navajo Nation's capital city of Window Rock in the State of Arizona in close proximity to the border of the State of New Mexico and the pipeline route for the Project;

(5) the lack of other reasonable options available for developing a firm, sustainable supply of municipal water for the Navajo Nation at Window Rock in the State of Arizona; and

(6) the limited volume of water to be diverted by the Project to supply municipal uses in the Window Rock area in the State of Arizona.

(j) **CONSENSUS.**—Congress notes the consensus of the Governors' Representatives on Colorado River Operations of the States that are signatory to the Colorado River Compact regarding the diversions authorized for the Project under this section.

(k) **EFFICIENT USE.**—The diversions and uses authorized for the Project under this Section represent unique and efficient uses of Colorado River apportionments in a manner that Congress has determined would be consistent with the obligations of the United States to the Navajo Nation.

SEC. 10604. PROJECT CONTRACTS.

(a) **NAVAJO NATION CONTRACT.**—

(1) **HYDROLOGIC DETERMINATION.**—Congress recognizes that the Hydrologic Determination necessary to support approval of the Contract has been completed.

(2) **CONTRACT APPROVAL.**—

(A) **APPROVAL.**—

(i) **IN GENERAL.**—Except to the extent that any provision of the Contract conflicts with this subtitle, Congress approves, ratifies, and confirms the Contract.

(ii) **AMENDMENTS.**—To the extent any amendment is executed to make the Contract consistent with this subtitle, that amendment is authorized, ratified, and confirmed.

(B) **EXECUTION OF CONTRACT.**—The Secretary, acting on behalf of the United States, shall enter into the Contract to the extent that the Contract does not conflict with this subtitle (including any amendment that is required to make the Contract consistent with this subtitle).

(3) **NONREIMBURSABILITY OF ALLOCATED COSTS.**—The following costs shall be nonreimbursable and not subject to repayment by the Nation or any other Project beneficiary:

(A) Any share of the construction costs of the Nation relating to the Project authorized by section 10602(a).

(B) Any costs relating to the construction of the Navajo Indian Irrigation Project that may otherwise be allocable to the Nation for use of any facility of the Navajo Indian Irrigation Project to convey water to each Navajo community under the Project.

(C) Any costs relating to the construction of Navajo Dam that may otherwise be allocable to the Nation for water deliveries under the Contract.

(4) **OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.**—Subject to subsection (f), the Contract shall include provisions under which the Nation shall pay any costs relating to the operation, maintenance, and replacement of each facility of the Project that are allocable to the Nation.

(5) **LIMITATION, CANCELLATION, TERMINATION, AND RESCISSION.**—The Contract may be limited by a term of years, canceled, terminated, or rescinded only by an Act of Congress.

(b) **CITY OF GALLUP CONTRACT.**—

(1) **CONTRACT AUTHORIZATION.**—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the City that requires the City—

(A) to repay, within a 50-year period, the share of the construction costs of the City relat-

ing to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the City.

(2) **CONTRACT PREPAYMENT.**—

(A) **IN GENERAL.**—The contract authorized under paragraph (1) may allow the City to satisfy the repayment obligation of the City for construction costs of the Project on the payment of the share of the City prior to the initiation of construction.

(B) **AMOUNT.**—The amount of the share of the City described in subparagraph (A) shall be determined by agreement between the Secretary and the City.

(C) **REPAYMENT OBLIGATION.**—Any repayment obligation established by the Secretary and the City pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) **SHARE OF CONSTRUCTION COSTS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the City and establish the percentage of the allocated construction costs that the City shall be required to repay pursuant to the contract entered into under paragraph (1), based on the ability of the City to pay.

(B) **MINIMUM PERCENTAGE.**—Notwithstanding subparagraph (A), the repayment obligation of the City shall be at least 25 percent of the construction costs of the Project that are allocable to the City, but shall in no event exceed 35 percent.

(4) **EXCESS CONSTRUCTION COSTS.**—Any construction costs of the Project allocable to the City in excess of the repayment obligation of the City, as determined under paragraph (3), shall be nonreimbursable.

(5) **GRANT FUNDS.**—A grant from any other Federal source shall not be credited toward the amount required to be repaid by the City under a repayment contract.

(6) **TITLE TRANSFER.**—If title is transferred to the City prior to repayment under section 10602(f), the City shall be required to provide assurances satisfactory to the Secretary of fulfillment of the remaining repayment obligation of the City.

(7) **WATER DELIVERY SUBCONTRACT.**—The Secretary shall not enter into a contract under paragraph (1) with the City until the City has secured a water supply for the City's portion of the Project described in section 10603(b)(2)(B), by entering into, as approved by the Secretary, a water delivery subcontract for a period of not less than 40 years beginning on the date on which the construction of any facility of the Project serving the City is completed, with—

(A) the Nation, as authorized by the Contract;

(B) the Jicarilla Apache Nation, as authorized by the settlement contract between the United States and the Jicarilla Apache Tribe, authorized by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102-441; 106 Stat. 2237); or

(C) an acquired alternate source of water, subject to approval of the Secretary and the State of New Mexico, acting through the New Mexico Interstate Stream Commission and the New Mexico State Engineer.

(c) **JICARILLA APACHE NATION CONTRACT.**—

(1) **CONTRACT AUTHORIZATION.**—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the Jicarilla Apache Nation that requires the Jicarilla Apache Nation—

(A) to repay, within a 50-year period, the share of any construction cost of the Jicarilla Apache Nation relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the Jicarilla Apache Nation.

(2) **CONTRACT PREPAYMENT.**—

(A) **IN GENERAL.**—The contract authorized under paragraph (1) may allow the Jicarilla Apache Nation to satisfy the repayment obligation of the Jicarilla Apache Nation for construction costs of the Project on the payment of the share of the Jicarilla Apache Nation prior to the initiation of construction.

(B) **AMOUNT.**—The amount of the share of Jicarilla Apache Nation described in subparagraph (A) shall be determined by agreement between the Secretary and the Jicarilla Apache Nation.

(C) **REPAYMENT OBLIGATION.**—Any repayment obligation established by the Secretary and the Jicarilla Apache Nation pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) **SHARE OF CONSTRUCTION COSTS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the Jicarilla Apache Nation and establish the percentage of the allocated construction costs of the Jicarilla Apache Nation that the Jicarilla Apache Nation shall be required to repay based on the ability of the Jicarilla Apache Nation to pay.

(B) **MINIMUM PERCENTAGE.**—Notwithstanding subparagraph (A), the repayment obligation of the Jicarilla Apache Nation shall be at least 25 percent of the construction costs of the Project that are allocable to the Jicarilla Apache Nation, but shall in no event exceed 35 percent.

(4) **EXCESS CONSTRUCTION COSTS.**—Any construction costs of the Project allocable to the Jicarilla Apache Nation in excess of the repayment obligation of the Jicarilla Apache Nation as determined under paragraph (3), shall be nonreimbursable.

(5) **GRANT FUNDS.**—A grant from any other Federal source shall not be credited toward the share of the Jicarilla Apache Nation of construction costs.

(6) **NAVAJO INDIAN IRRIGATION PROJECT COSTS.**—The Jicarilla Apache Nation shall have no obligation to repay any Navajo Indian Irrigation Project construction costs that might otherwise be allocable to the Jicarilla Apache Nation for use of the Navajo Indian Irrigation Project facilities to convey water to the Jicarilla Apache Nation, and any such costs shall be nonreimbursable.

(d) **CAPITAL COST ALLOCATIONS.**—

(1) **IN GENERAL.**—For purposes of estimating the capital repayment requirements of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement allocating capital construction costs for the Project.

(2) **FINAL COST ALLOCATION.**—The repayment contracts entered into with Project Participants under this section shall require that the Secretary perform a final cost allocation when construction of the Project is determined to be substantially complete.

(3) **REPAYMENT OBLIGATION.**—The Secretary shall determine the repayment obligation of the Project Participants based on the final cost allocation identifying reimbursable and nonreimbursable capital costs of the Project consistent with this subtitle.

(e) **OPERATION, MAINTENANCE, AND REPLACEMENT COST ALLOCATIONS.**—For purposes of determining the operation, maintenance, and replacement obligations of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement that allocates operation, maintenance, and replacement costs for the Project.

(f) TEMPORARY WAIVERS OF PAYMENTS.—

(1) IN GENERAL.—On the date on which the Secretary declares a section of the Project to be substantially complete and delivery of water generated by and through that section of the Project can be made to the Nation, the Secretary may waive, for a period of not more than 10 years, the operation, maintenance, and replacement costs allocable to the Nation for that section of the Project that the Secretary determines are in excess of the ability of the Nation to pay.

(2) SUBSEQUENT PAYMENT BY NATION.—After a waiver under paragraph (1), the Nation shall pay all allocated operation, maintenance, and replacement costs of that section of the Project.

(3) PAYMENT BY UNITED STATES.—Any operation, maintenance, or replacement costs waived by the Secretary under paragraph (1) shall be paid by the United States and shall be nonreimbursable.

(4) EFFECT ON CONTRACTS.—Failure of the Secretary to waive costs under paragraph (1) because of a lack of availability of Federal funding to pay the costs under paragraph (3) shall not alter the obligations of the Nation or the United States under a repayment contract.

(5) TERMINATION OF AUTHORITY.—The authority of the Secretary to waive costs under paragraph (1) with respect to a Project facility transferred to the Nation under section 10602(f) shall terminate on the date on which the Project facility is transferred.

(g) PROJECT CONSTRUCTION COMMITTEE.—The Secretary shall facilitate the formation of a project construction committee with the Project Participants and the State of New Mexico—

(1) to review cost factors and budgets for construction and operation and maintenance activities;

(2) to improve construction management through enhanced communication; and

(3) to seek additional ways to reduce overall Project costs.

SEC. 10605. NAVAJO NATION MUNICIPAL PIPELINE.

(a) USE OF NAVAJO NATION PIPELINE.—In addition to use of the Navajo Nation Municipal Pipeline to convey the Animas-La Plata Project water of the Nation, the Nation may use the Navajo Nation Municipal Pipeline to convey non-Animas La Plata Project water for municipal and industrial purposes.

(b) CONVEYANCE OF TITLE TO PIPELINE.—

(1) IN GENERAL.—On completion of the Navajo Nation Municipal Pipeline, the Secretary may enter into separate agreements with the City of Farmington, New Mexico and the Nation to convey title to each portion of the Navajo Nation Municipal Pipeline facility or section of the Pipeline to the City of Farmington and the Nation after execution of a Project operations agreement approved by the Secretary, the Nation, and the City of Farmington that sets forth any terms and conditions that the Secretary determines are necessary.

(2) CONVEYANCE TO THE CITY OF FARMINGTON OR NAVAJO NATION.—In conveying title to the Navajo Nation Municipal Pipeline under this subsection, the Secretary shall convey—

(A) to the City of Farmington, the facilities and any land or interest in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located within the corporate boundaries of the City; and

(B) to the Nation, the facilities and any land or interests in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located outside the corporate boundaries of the City of Farmington.

(3) EFFECT OF CONVEYANCE.—The conveyance of title to the Pipeline shall not affect the application of the Endangered Species Act of 1973 (16

U.S.C. 1531 et seq.) relating to the use of water associated with the Animas-La Plata Project.

(4) LIABILITY.—

(A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States or by employees or agents of the United States prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this subsection increases the liability of the United States beyond the liability provided under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(5) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of title to the Pipeline, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, notice of the conveyance of the Pipeline.

SEC. 10606. AUTHORIZATION OF CONJUNCTIVE USE WELLS.

(a) CONJUNCTIVE GROUNDWATER DEVELOPMENT PLAN.—Not later than 1 year after the date of enactment of this Act, the Nation, in consultation with the Secretary, shall complete a conjunctive groundwater development plan for the wells described in subsections (b) and (c).

(b) WELLS IN THE SAN JUAN RIVER BASIN.—In accordance with the conjunctive groundwater development plan, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of not more than 1,670 acre-feet of groundwater in the San Juan River Basin in the State of New Mexico for municipal and domestic uses.

(c) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—

(1) IN GENERAL.—In accordance with the Project and conjunctive groundwater development plan for the Nation, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of—

(A) not more than 680 acre-feet of groundwater in the Little Colorado River Basin in the State of New Mexico;

(B) not more than 80 acre-feet of groundwater in the Rio Grande Basin in the State of New Mexico; and

(C) not more than 770 acre-feet of groundwater in the Little Colorado River Basin in the State of Arizona.

(2) USE.—Groundwater diverted and distributed under paragraph (1) shall be used for municipal and domestic uses.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary for the construction, operation, and maintenance of the wells and related pipeline facilities authorized under subsections (b) and (c).

(2) LIMITATION.—Nothing in this subsection authorizes the Secretary to condemn water rights for the purposes described in paragraph (1).

(e) CONDITION.—The Secretary shall not commence any construction activity relating to the wells described in subsections (b) and (c) until the Secretary executes the Agreement.

(f) CONVEYANCE OF WELLS.—

(1) IN GENERAL.—On the determination of the Secretary that the wells and related facilities are substantially complete and delivery of water generated by the wells can be made to the Nation, an agreement with the Nation shall be entered into, to convey to the Nation title to—

(A) any well or related pipeline facility constructed or rehabilitated under subsections (a) and (b) after the wells and related facilities have been completed; and

(B) any land or interest in land acquired by the United States for the construction, operation, and maintenance of the well or related pipeline facility.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT.—

(A) IN GENERAL.—The Secretary is authorized to pay operation and maintenance costs for the wells and related pipeline facilities authorized under this subsection until title to the facilities is conveyed to the Nation.

(B) SUBSEQUENT ASSUMPTION BY NATION.—On completion of a conveyance of title under paragraph (1), the Nation shall assume all responsibility for the operation and maintenance of the well or related pipeline facility conveyed.

(3) EFFECT OF CONVEYANCE.—The conveyance of title to the Nation of the conjunctive use wells under paragraph (1) shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(g) USE OF PROJECT FACILITIES.—The capacities of the treatment facilities, main pipelines, and lateral pipelines of the Project authorized by section 10602(b) may be used to treat and convey groundwater to Nation communities if the Nation provides for payment of the operation, maintenance, and replacement costs associated with the use of the facilities or pipelines.

(h) LIMITATIONS.—The diversion and use of groundwater by wells constructed or rehabilitated under this section shall be made in a manner consistent with applicable Federal and State law.

SEC. 10607. SAN JUAN RIVER NAVAJO IRRIGATION PROJECTS.

(a) REHABILITATION.—Subject to subsection (b), the Secretary shall rehabilitate—

(1) the Fruitland-Cambridge Irrigation Project to serve not more than 3,335 acres of land, which shall be considered to be the total serviceable area of the project; and

(2) the Hogback-Cudei Irrigation Project to serve not more than 8,830 acres of land, which shall be considered to be the total serviceable area of the project.

(b) CONDITION.—The Secretary shall not commence any construction activity relating to the rehabilitation of the Fruitland-Cambridge Irrigation Project or the Hogback-Cudei Irrigation Project under subsection (a) until the Secretary executes the Agreement.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—The Nation shall continue to be responsible for the operation, maintenance, and replacement of each facility rehabilitated under this section.

SEC. 10608. OTHER IRRIGATION PROJECTS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the State of New Mexico (acting through the Interstate Stream Commission) and the Non-Navajo Irrigation Districts that elect to participate, shall—

(1) conduct a study of Non-Navajo Irrigation District diversion and ditch facilities; and

(2) based on the study, identify and prioritize a list of projects, with associated cost estimates, that are recommended to be implemented to repair, rehabilitate, or reconstruct irrigation diversion and ditch facilities to improve water use efficiency.

(b) GRANTS.—The Secretary may provide grants to, and enter into cooperative agreements with, the Non-Navajo Irrigation Districts to plan, design, or otherwise implement the projects identified under subsection (a)(2).

(c) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the total cost of carrying out a project under subsection (b) shall be not more than 50 percent, and shall be nonreimbursable.

(2) **FORM.**—The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under subsection (b).

(3) **STATE CONTRIBUTION.**—The Secretary may accept from the State of New Mexico a partial or total contribution toward the non-Federal share for a project carried out under subsection (b).

SEC. 10609. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS FOR NAVAJO-GALLUP WATER SUPPLY PROJECT.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Secretary to plan, design, and construct the Project \$870,000,000 for the period of fiscal years 2009 through 2024, to remain available until expended.

(2) **ADJUSTMENTS.**—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2007 in construction costs, as indicated by engineering cost indices applicable to the types of construction involved.

(3) **USE.**—In addition to the uses authorized under paragraph (1), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(4) **OPERATION AND MAINTENANCE.**—

(A) **IN GENERAL.**—There are authorized to be appropriated such sums as are necessary to operate and maintain the Project consistent with this subtitle.

(B) **EXPIRATION.**—The authorization under subparagraph (A) shall expire 10 years after the year the Secretary declares the Project to be substantially complete.

(b) **APPROPRIATIONS FOR CONJUNCTIVE USE WELLS.**—

(1) **SAN JUAN WELLS.**—There is authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(b) \$30,000,000, as adjusted under paragraph (3), for the period of fiscal years 2009 through 2019.

(2) **WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.**—There are authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(c) such sums as are necessary for the period of fiscal years 2009 through 2024.

(3) **ADJUSTMENTS.**—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2008 in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(4) **NONREIMBURSABLE EXPENDITURES.**—Amounts made available under paragraphs (1) and (2) shall be nonreimbursable to the United States.

(5) **USE.**—In addition to the uses authorized under paragraphs (1) and (2), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(6) **LIMITATION.**—Appropriations authorized under paragraph (1) shall not be used for operation or maintenance of any conjunctive use wells at a time in excess of 3 years after the well is declared substantially complete.

(c) **SAN JUAN RIVER IRRIGATION PROJECTS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary—

(A) to carry out section 10607(a)(1), not more than \$7,700,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2016, to remain available until expended; and

(B) to carry out section 10607(a)(2), not more than \$15,400,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2019, to remain available until expended.

(2) **ADJUSTMENT.**—The amounts made available under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since January 1, 2004, in construction costs, as indicated by engineering cost indices applicable to the types of construction involved in the rehabilitation.

(3) **NONREIMBURSABLE EXPENDITURES.**—Amounts made available under this subsection shall be nonreimbursable to the United States.

(d) **OTHER IRRIGATION PROJECTS.**—There are authorized to be appropriated to the Secretary to carry out section 10608 \$11,000,000 for the period of fiscal years 2009 through 2019.

(e) **CULTURAL RESOURCES.**—

(1) **IN GENERAL.**—The Secretary may use not more than 2 percent of amounts made available under subsections (a), (b), and (c) for the survey, recovery, protection, preservation, and display of archaeological resources in the area of a Project facility or conjunctive use well.

(2) **NONREIMBURSABLE EXPENDITURES.**—Any amounts made available under paragraph (1) shall be nonreimbursable.

(f) **FISH AND WILDLIFE FACILITIES.**—

(1) **IN GENERAL.**—In association with the development of the Project, the Secretary may use not more than 4 percent of amounts made available under subsections (a), (b), and (c) to purchase land and construct and maintain facilities to mitigate the loss of, and improve conditions for the propagation of, fish and wildlife if any such purchase, construction, or maintenance will not affect the operation of any water project or use of water.

(2) **NONREIMBURSABLE EXPENDITURES.**—Any amounts expended under paragraph (1) shall be nonreimbursable.

PART IV—NAVAJO NATION WATER RIGHTS

SEC. 10701. AGREEMENT.

(a) **AGREEMENT APPROVAL.**—

(1) **APPROVAL BY CONGRESS.**—Except to the extent that any provision of the Agreement conflicts with this subtitle, Congress approves, ratifies, and confirms the Agreement (including any amendments to the Agreement that are executed to make the Agreement consistent with this subtitle).

(2) **EXECUTION BY SECRETARY.**—The Secretary shall enter into the Agreement to the extent that the Agreement does not conflict with this subtitle, including—

(A) any exhibits to the Agreement requiring the signature of the Secretary; and

(B) any amendments to the Agreement necessary to make the Agreement consistent with this subtitle.

(3) **AUTHORITY OF SECRETARY.**—The Secretary may carry out any action that the Secretary determines is necessary or appropriate to implement the Agreement, the Contract, and this section.

(4) **ADMINISTRATION OF NAVAJO RESERVOIR RELEASES.**—The State of New Mexico may administer water that has been released from storage in Navajo Reservoir in accordance with subparagraph 9.1 of the Agreement.

(b) **WATER AVAILABLE UNDER CONTRACT.**—

(1) **QUANTITIES OF WATER AVAILABLE.**—

(A) **IN GENERAL.**—Water shall be made available annually under the Contract for projects in the State of New Mexico supplied from the Navajo Reservoir and the San Juan River (including tributaries of the River) under New Mexico State Engineer File Numbers 2849, 2883, and 3215 in the quantities described in subparagraph (B).

(B) **WATER QUANTITIES.**—The quantities of water referred to in subparagraph (A) are as follows:

| | Diversion (acre-foot/year) | Depletion (acre-foot/year) |
|------------------------------------|----------------------------|----------------------------|
| Navajo Indian Irrigation Project | 508,000 | 270,000 |
| Navajo-Gallup Water Supply Project | 22,650 | 20,780 |
| Animas-La Plata Project | 4,680 | 2,340 |
| Total | 535,330 | 293,120 |

(C) **MAXIMUM QUANTITY.**—A diversion of water to the Nation under the Contract for a project described in subparagraph (B) shall not exceed the quantity of water necessary to supply the amount of depletion for the project.

(D) **TERMS, CONDITIONS, AND LIMITATIONS.**—The diversion and use of water under the Contract shall be subject to and consistent with the terms, conditions, and limitations of the Agreement, this subtitle, and any other applicable law.

(2) **AMENDMENTS TO CONTRACT.**—The Secretary, with the consent of the Nation, may amend the Contract if the Secretary determines that the amendment is—

(A) consistent with the Agreement; and

(B) in the interest of conserving water or facilitating beneficial use by the Nation or a subcontractor of the Nation.

(3) **RIGHTS OF THE NATION.**—The Nation may, under the Contract—

(A) use tail water, wastewater, and return flows attributable to a use of the water by the Nation or a subcontractor of the Nation if—

(i) the depletion of water does not exceed the quantities described in paragraph (1); and

(ii) the use of tail water, wastewater, or return flows is consistent with the terms, conditions, and limitations of the Agreement, and any other applicable law; and

(B) change a point of diversion, change a purpose or place of use, and transfer a right for depletion under this subtitle (except for a point of diversion, purpose or place of use, or right for depletion for use in the State of Arizona under section 10603(b)(2)(D)), to another use, purpose, place, or depletion in the State of New Mexico to

meet a water resource or economic need of the Nation if—

(i) the change or transfer is subject to and consistent with the terms of the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Contract, and any other applicable law; and

(ii) a change or transfer of water use by the Nation does not alter any obligation of the United States, the Nation, or another party to pay or repay project construction, operation, maintenance, or replacement costs under this subtitle and the Contract.

(c) **SUBCONTRACTS.**—

(1) **IN GENERAL.**—

(A) **SUBCONTRACTS BETWEEN NATION AND THIRD PARTIES.**—The Nation may enter into subcontracts for the delivery of Project water under the Contract to third parties for any beneficial

use in the State of New Mexico (on or off land held by the United States in trust for the Nation or a member of the Nation or land held in fee by the Nation).

(B) **APPROVAL REQUIRED.**—A subcontract entered into under subparagraph (A) shall not be effective until approved by the Secretary in accordance with this subsection and the Contract.

(C) **SUBMITTAL.**—The Nation shall submit to the Secretary for approval or disapproval any subcontract entered into under this subsection.

(D) **DEADLINE.**—The Secretary shall approve or disapprove a subcontract submitted to the Secretary under subparagraph (C) not later than the later of—

(i) the date that is 180 days after the date on which the subcontract is submitted to the Secretary; and

(ii) the date that is 60 days after the date on which a subcontractor complies with—

(I) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(II) any other requirement of Federal law.

(E) **ENFORCEMENT.**—A party to a subcontract may enforce the deadline described in subparagraph (D) under section 1361 of title 28, United States Code.

(F) **COMPLIANCE WITH OTHER LAW.**—A subcontract described in subparagraph (A) shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other applicable law.

(G) **NO LIABILITY.**—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(2) **ALIENATION.**—

(A) **PERMANENT ALIENATION.**—The Nation shall not permanently alienate any right granted to the Nation under the Contract.

(B) **MAXIMUM TERM.**—The term of any water use subcontract (including a renewal) under this subsection shall be not more than 99 years.

(3) **NONINTERCOURSE ACT COMPLIANCE.**—This subsection—

(A) provides congressional authorization for the subcontracting rights of the Nation; and

(B) is deemed to fulfill any requirement that may be imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(4) **FORFEITURE.**—The nonuse of the water supply secured by a subcontractor of the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(5) **NO PER CAPITA PAYMENTS.**—No part of the revenue from a water use subcontract under this subsection shall be distributed to any member of the Nation on a per capita basis.

(d) **WATER LEASES NOT REQUIRING SUBCONTRACTS.**—

(1) **AUTHORITY OF NATION.**—

(A) **IN GENERAL.**—The Nation may lease, contract, or otherwise transfer to another party or to another purpose or place of use in the State of New Mexico (on or off land that is held by the United States in trust for the Nation or a member of the Nation or held in fee by the Nation) a water right that—

(i) is decreed to the Nation under the Agreement; and

(ii) is not subject to the Contract.

(B) **COMPLIANCE WITH OTHER LAW.**—In carrying out an action under this subsection, the Nation shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement, and any other applicable law.

(2) **ALIENATION; MAXIMUM TERM.**—

(A) **ALIENATION.**—The Nation shall not permanently alienate any right granted to the Nation under the Agreement.

(B) **MAXIMUM TERM.**—The term of any water use lease, contract, or other arrangement (including a renewal) under this subsection shall be not more than 99 years.

(3) **NO LIABILITY.**—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(4) **NONINTERCOURSE ACT COMPLIANCE.**—This subsection—

(A) provides congressional authorization for the lease, contracting, and transfer of any water right described in paragraph (1)(A); and

(B) is deemed to fulfill any requirement that may be imposed by the provisions of section 2116 of the Revised Statutes (25 U.S.C. 177).

(5) **FORFEITURE.**—The nonuse of a water right of the Nation by a lessee or contractor to the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(e) **NULLIFICATION.**—

(1) **DEADLINES.**—

(A) **IN GENERAL.**—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

(i) **AGREEMENT.**—Not later than December 31, 2010, the Secretary shall execute the Agreement.

(ii) **CONTRACT.**—Not later than December 31, 2010, the Secretary and the Nation shall execute the Contract.

(iii) **PARTIAL FINAL DECREE.**—Not later than December 31, 2013, the court in the stream adjudication shall have entered the Partial Final Decree described in paragraph 3.0 of the Agreement.

(iv) **FRUITLAND-CAMBRIDGE IRRIGATION PROJECT.**—Not later than December 31, 2016, the rehabilitation construction of the Fruitland-Cambridge Irrigation Project authorized under section 10607(a)(1) shall be completed.

(v) **SUPPLEMENTAL PARTIAL FINAL DECREE.**—Not later than December 31, 2016, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in subparagraph 4.0 of the Agreement.

(vi) **HOGBACK-CUDEI IRRIGATION PROJECT.**—Not later than December 31, 2019, the rehabilitation construction of the Hogback-Cudei Irrigation Project authorized under section 10607(a)(2) shall be completed.

(vii) **TRUST FUND.**—Not later than December 31, 2019, the United States shall make all deposits into the Trust Fund under section 10702.

(viii) **CONJUNCTIVE WELLS.**—Not later than December 31, 2019, the funds authorized to be appropriated under section 10609(b)(1) for the conjunctive use wells authorized under section 10606(b) should be appropriated.

(ix) **NAVAJO-GALLUP WATER SUPPLY PROJECT.**—Not later than December 31, 2024, the construction of all Project facilities shall be completed.

(B) **EXTENSION.**—A deadline described in subparagraph (A) may be extended if the Nation, the United States (acting through the Secretary), and the State of New Mexico (acting through the New Mexico Interstate Stream Commission) agree that an extension is reasonably necessary.

(2) **REVOCABILITY OF AGREEMENT, CONTRACT AND AUTHORIZATIONS.**—

(A) **PETITION.**—If the Nation determines that a deadline described in paragraph (1)(A) is not substantially met, the Nation may submit to the court in the stream adjudication a petition to enter an order terminating the Agreement and Contract.

(B) **TERMINATION.**—On issuance of an order to terminate the Agreement and Contract under subparagraph (A)—

(i) the Trust Fund shall be terminated;

(ii) the balance of the Trust Fund shall be deposited in the general fund of the Treasury;

(iii) the authorizations for construction and rehabilitation of water projects under this subtitle shall be revoked and any Federal activity related to that construction and rehabilitation shall be suspended; and

(iv) this part and parts I and III shall be null and void.

(3) **CONDITIONS NOT CAUSING NULLIFICATION OF SETTLEMENT.**—

(A) **IN GENERAL.**—If a condition described in subparagraph (B) occurs, the Agreement and Contract shall not be nullified or terminated.

(B) **CONDITIONS.**—The conditions referred to in subparagraph (A) are as follows:

(i) A lack of right to divert at the capacities of conjunctive use wells constructed or rehabilitated under section 10606.

(ii) A failure—

(I) to determine or resolve an accounting of the use of water under this subtitle in the State of Arizona;

(II) to obtain a necessary water right for the consumptive use of water in Arizona;

(III) to contract for the delivery of water for use in Arizona; or

(IV) to construct and operate a lateral facility to deliver water to a community of the Nation in Arizona, under the Project.

(f) **EFFECT ON RIGHTS OF INDIAN TRIBES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section quantifies or adversely affects the land and water rights, or claims or entitlements to water, of any Indian tribe or community other than the rights, claims, or entitlements of the Nation in, to, and from the San Juan River Basin in the State of New Mexico.

(2) **EXCEPTION.**—The right of the Nation to use water under water rights the Nation has in other river basins in the State of New Mexico shall be forborne to the extent that the Nation supplies the uses for which the water rights exist by diversions of water from the San Juan River Basin under the Project consistent with subparagraph 9.13 of the Agreement.

SEC. 10702. TRUST FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury a fund to be known as the “Navajo Nation Water Resources Development Trust Fund”, consisting of—

(1) such amounts as are appropriated to the Trust Fund under subsection (f); and

(2) any interest earned on investment of amounts in the Trust Fund under subsection (d).

(b) **USE OF FUNDS.**—The Nation may use amounts in the Trust Fund—

(1) to investigate, construct, operate, maintain, or replace water project facilities, including facilities conveyed to the Nation under this subtitle and facilities owned by the United States for which the Nation is responsible for operation, maintenance, and replacement costs; and

(2) to investigate, implement, or improve a water conservation measure (including a metering or monitoring activity) necessary for the Nation to make use of a water right of the Nation under the Agreement.

(c) **MANAGEMENT.**—The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund pursuant to subsection (d), and make amounts available from the Trust Fund for distribution to the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **INVESTMENT OF THE TRUST FUND.**—Beginning on October 1, 2019, the Secretary shall invest amounts in the Trust Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(e) **CONDITIONS FOR EXPENDITURES AND WITHDRAWALS.**—

(1) **TRIBAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Subject to paragraph (7), on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Nation may withdraw all or a portion of the amounts in the Trust Fund.

(B) **REQUIREMENTS.**—In addition to any requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Nation only use amounts in the Trust Fund for the purposes described in subsection (b), including the identification of water conservation measures to be implemented in association with the agricultural water use of the Nation.

(2) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Trust Fund are used in accordance with this subtitle.

(3) **NO LIABILITY.**—Neither the Secretary nor the Secretary of the Treasury shall be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation.

(4) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Nation shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Trust Fund made available under this section that the Nation does not withdraw under this subsection.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Nation remaining in the Trust Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle.

(5) **ANNUAL REPORT.**—The Nation shall submit to the Secretary an annual report that describes any expenditures from the Trust Fund during the year covered by the report.

(6) **LIMITATION.**—No portion of the amounts in the Trust Fund shall be distributed to any Nation member on a per capita basis.

(7) **CONDITIONS.**—Any amount authorized to be appropriated to the Trust Fund under subsection (f) shall not be available for expenditure or withdrawal—

(A) before December 31, 2019; and

(B) until the date on which the court in the stream adjudication has entered—

(i) the Partial Final Decree; and

(ii) the Supplemental Partial Final Decree.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for deposit in the Trust Fund—

(1) \$6,000,000 for each of fiscal years 2010 through 2014; and

(2) \$4,000,000 for each of fiscal years 2015 through 2019.

SEC. 10703. WAIVERS AND RELEASES.

(a) **CLAIMS BY THE NATION AND THE UNITED STATES.**—In return for recognition of the Nation's water rights and other benefits, including but not limited to the commitments by other parties, as set forth in the Agreement and this subtitle, the Nation, on behalf of itself and members of the Nation (other than members in the capacity of the members as allottees), and the United States acting in its capacity as trustee for the Nation, shall execute a waiver and release of—

(1) all claims for water rights in, or for waters of, the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, asserted, or could have asserted, in any proceeding, includ-

ing but not limited to the stream adjudication, up to and including the effective date described in subsection (e), except to the extent that such rights are recognized in the Agreement or this subtitle;

(2) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the San Juan River Basin in the State of New Mexico that accrued at any time up to and including the effective date described in subsection (e);

(3) all claims of any damage, loss, or injury or for injunctive or other relief because of the condition of or changes in water quality related to, or arising out of, the exercise of water rights; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Agreement.

(b) **CLAIMS BY THE NATION AGAINST THE UNITED STATES.**—The Nation, on behalf of itself and its members (other than in the capacity of the members as allottees), shall execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or waters of the San Juan River Basin in the State of New Mexico that the United States, acting in its capacity as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to interference with, diversion, or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water or water rights) in the San Juan River Basin in the State of New Mexico that first accrued at any time up to and including the effective date described in subsection (e);

(3) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Nation's water rights in the stream adjudication; and

(4) all claims against the United States, its agencies, or employees relating to the negotiation, execution, or the adoption of the Agreement, the decrees, the Contract, or this subtitle.

(c) **RESERVATION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this subtitle, the Nation on behalf of itself and its members (including members in the capacity of the members as allottees) and the United States acting in its capacity as trustee for the Nation and allottees, retain—

(1) all claims for water rights or injuries to water rights arising out of activities occurring outside the San Juan River Basin in the State of New Mexico, subject to paragraphs 8.0, 9.3, 9.12, 9.13, and 13.9 of the Agreement;

(2) all claims for enforcement of the Agreement, the Contract, the Partial Final Decree, the Supplemental Partial Final Decree, or this subtitle, through any legal and equitable remedies available in any court of competent jurisdiction;

(3) all rights to use and protect water rights acquired pursuant to State law after the date of enactment of this Act;

(4) all claims relating to activities affecting the quality of water not related to the exercise of water rights, including but not limited to any claims the Nation might have under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(5) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights; and

(6) all rights, remedies, privileges, immunities, and powers not specifically waived and released under the terms of the Agreement or this subtitle.

(d) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) March 1, 2025; or

(B) the effective date described in subsection (e).

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) **LIMITATION.**—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(e) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The waivers and releases described in subsections (a) and (b) shall be effective on the date on which the Secretary publishes in the Federal Register a statement of findings documenting that each of the deadlines described in section 10701(e)(1) have been met.

(2) **DEADLINE.**—If the deadlines described in section 10701(e)(1)(A) have not been met by the later of March 1, 2025, or the date of any extension under section 10701(e)(1)(B)—

(A) the waivers and releases described in subsections (a) and (b) shall be of no effect; and

(B) section 10701(e)(2)(B) shall apply.

SEC. 10704. WATER RIGHTS HELD IN TRUST.

A tribal water right adjudicated and described in paragraph 3.0 of the Partial Final Decree and in paragraph 3.0 of the Supplemental Partial Final Decree shall be held in trust by the United States on behalf of the Nation.

Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement

SEC. 10801. FINDINGS.

Congress finds that—

(1) it is the policy of the United States, in accordance with the trust responsibility of the United States to Indian tribes, to promote Indian self-determination and economic self-sufficiency and to settle Indian water rights claims without lengthy and costly litigation, if practicable;

(2) quantifying rights to water and development of facilities needed to use tribal water supplies is essential to the development of viable Indian reservation economies and the establishment of a permanent reservation homeland;

(3) uncertainty concerning the extent of the Shoshone-Paiute Tribes' water rights has resulted in limited access to water and inadequate financial resources necessary to achieve self-determination and self-sufficiency;

(4) in 2006, the Tribes, the State of Idaho, the affected individual water users, and the United States resolved all tribal claims to water rights in the Snake River Basin Adjudication through a consent decree entered by the District Court of the Fifth Judicial District of the State of Idaho, requiring no further Federal action to quantify the Tribes' water rights in the State of Idaho;

(5) as of the date of enactment of this Act, proceedings to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada are pending before the Nevada State Engineer;

(6) final resolution of the Tribes' water claims in the East Fork of the Owyhee River adjudication will—

(A) take many years;

(B) entail great expense;

(C) continue to limit the access of the Tribes to water, with economic and social consequences;

(D) prolong uncertainty relating to the availability of water supplies; and

(E) seriously impair long-term economic planning and development for all parties to the litigation;

(7) after many years of negotiation, the Tribes, the State, and the upstream water users have entered into a settlement agreement to resolve permanently all water rights of the Tribes in the State; and

(8) the Tribes also seek to resolve certain water-related claims for damages against the United States.

SEC. 10802. PURPOSES.

The purposes of this subtitle are—

(1) to resolve outstanding issues with respect to the East Fork of the Owyhee River in the State in such a manner as to provide important benefits to—

(A) the United States;

(B) the State;

(C) the Tribes; and

(D) the upstream water users;

(2) to achieve a fair, equitable, and final settlement of all claims of the Tribes, members of the Tribes, and the United States on behalf of the Tribes and members of Tribes to the waters of the East Fork of the Owyhee River in the State;

(3) to ratify and provide for the enforcement of the Agreement among the parties to the litigation;

(4) to resolve the Tribes' water-related claims for damages against the United States;

(5) to require the Secretary to perform all obligations of the Secretary under the Agreement and this subtitle; and

(6) to authorize the actions and appropriations necessary to meet the obligations of the United States under the Agreement and this subtitle.

SEC. 10803. DEFINITIONS.

In this subtitle:

(1) **AGREEMENT.**—The term “Agreement” means the agreement entitled the “Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Upstream Water Users, East Fork Owyhee River” and signed in counterpart between, on, or about September 22, 2006, and January 15, 2007 (including all attachments to that Agreement).

(2) **DEVELOPMENT FUND.**—The term “Development Fund” means the Shoshone-Paiute Tribes Water Rights Development Fund established by section 10807(b)(1).

(3) **EAST FORK OF THE OWYHEE RIVER.**—The term “East Fork of the Owyhee River” means the portion of the east fork of the Owyhee River that is located in the State.

(4) **MAINTENANCE FUND.**—The term “Maintenance Fund” means the Shoshone-Paiute Tribes Operation and Maintenance Fund established by section 10807(c)(1).

(5) **RESERVATION.**—The term “Reservation” means the Duck Valley Reservation established by the Executive order dated April 16, 1877, as adjusted pursuant to the Executive order dated May 4, 1886, and Executive order numbered 1222 and dated July 1, 1910, for use and occupation by the Western Shoshones and the Paddy Cap Band of Paiutes.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(7) **STATE.**—The term “State” means the State of Nevada.

(8) **TRIBAL WATER RIGHTS.**—The term “tribal water rights” means rights of the Tribes described in the Agreement relating to water, including groundwater, storage water, and surface water.

(9) **TRIBES.**—The term “Tribes” means the Shoshone-Paiute Tribes of the Duck Valley Reservation.

(10) **UPSTREAM WATER USER.**—The term “upstream water user” means a non-Federal water user that—

(A) is located upstream from the Reservation on the East Fork of the Owyhee River; and

(B) is a signatory to the Agreement as a party to the East Fork of the Owyhee River adjudication.

SEC. 10804. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT; AUTHORIZATION.

(a) **IN GENERAL.**—Except as provided in subsection (c) and except to the extent that the Agreement otherwise conflicts with provisions of this subtitle, the Agreement is approved, ratified, and confirmed.

(b) **SECRETARIAL AUTHORIZATION.**—The Secretary is authorized and directed to execute the Agreement as approved by Congress.

(c) **EXCEPTION FOR TRIBAL WATER MARKETING.**—Notwithstanding any language in the Agreement to the contrary, nothing in this subtitle authorizes the Tribes to use or authorize others to use tribal water rights off the Reservation, other than use for storage at Wild Horse Reservoir for use on tribal land and for the allocation of 265 acre feet to upstream water users under the Agreement, or use on tribal land off the Reservation.

(d) **ENVIRONMENTAL COMPLIANCE.**—Execution of the Agreement by the Secretary under this section shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall carry out all environmental compliance required by Federal law in implementing the Agreement.

(e) **PERFORMANCE OF OBLIGATIONS.**—The Secretary and any other head of a Federal agency obligated under the Agreement shall perform actions necessary to carry out an obligation under the Agreement in accordance with this subtitle.

SEC. 10805. TRIBAL WATER RIGHTS.

(a) **IN GENERAL.**—Tribal water rights shall be held in trust by the United States for the benefit of the Tribes.

(b) **ADMINISTRATION.**—

(1) **ENACTMENT OF WATER CODE.**—Not later than 3 years after the date of enactment of this Act, the Tribes, in accordance with provisions of the Tribes' constitution and subject to the approval of the Secretary, shall enact a water code to administer tribal water rights.

(2) **INTERIM ADMINISTRATION.**—The Secretary shall regulate the tribal water rights during the period beginning on the date of enactment of this Act and ending on the date on which the Tribes enact a water code under paragraph (1).

(c) **TRIBAL WATER RIGHTS NOT SUBJECT TO LOSS.**—The tribal water rights shall not be subject to loss by abandonment, forfeiture, or non-use.

SEC. 10806. DUCK VALLEY INDIAN IRRIGATION PROJECT.

(a) **STATUS OF THE DUCK VALLEY INDIAN IRRIGATION PROJECT.**—Nothing in this subtitle shall affect the status of the Duck Valley Indian Irrigation Project under Federal law.

(b) **CAPITAL COSTS NONREIMBURSABLE.**—The capital costs associated with the Duck Valley Indian Irrigation Project as of the date of enactment of this Act, including any capital cost incurred with funds distributed under this subtitle for the Duck Valley Indian Irrigation Project, shall be nonreimbursable.

SEC. 10807. DEVELOPMENT AND MAINTENANCE FUNDS.

(a) **DEFINITION OF FUNDS.**—In this section, the term “Funds” means—

(1) the Development Fund; and

(2) the Maintenance Fund.

(b) **DEVELOPMENT FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “Shoshone-Paiute Tribes Water Rights Development Fund”.

(2) **USE OF FUNDS.**—

(A) **PRIORITY USE OF FUNDS FOR REHABILITATION.**—The Tribes shall use amounts in the Development Fund to—

(i) rehabilitate the Duck Valley Indian Irrigation Project; or

(ii) for other purposes under subparagraph (B), provided that the Tribes have given written notification to the Secretary that—

(I) the Duck Valley Indian Irrigation Project has been rehabilitated to an acceptable condition; or

(II) sufficient funds will remain available from the Development Fund to rehabilitate the Duck Valley Indian Irrigation Project to an acceptable condition after expending funds for other purposes under subparagraph (B).

(B) **OTHER USES OF FUNDS.**—Once the Tribes have provided written notification as provided in subparagraph (A)(i)(I) or (A)(i)(II), the Tribes may use amounts from the Development Fund for any of the following purposes:

(i) To expand the Duck Valley Indian Irrigation Project.

(ii) To pay or reimburse costs incurred by the Tribes in acquiring land and water rights.

(iii) For purposes of cultural preservation.

(iv) To restore or improve fish or wildlife habitat.

(v) For fish or wildlife production, water resource development, or agricultural development.

(vi) For water resource planning and development.

(vii) To pay the costs of—

(I) designing and constructing water supply and sewer systems for tribal communities, including a water quality testing laboratory;

(II) other appropriate water-related projects and other related economic development projects;

(III) the development of a water code; and

(IV) other costs of implementing the Agreement.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary for deposit in the Development Fund \$9,000,000 for each of fiscal years 2010 through 2014.

(c) **MAINTENANCE FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “Shoshone-Paiute Tribes Operation and Maintenance Fund”.

(2) **USE OF FUNDS.**—The Tribes shall use amounts in the Maintenance Fund to pay or provide reimbursement for—

(A) operation, maintenance, and replacement costs of the Duck Valley Indian Irrigation Project and other water-related projects funded under this subtitle; or

(B) operation, maintenance, and replacement costs of water supply and sewer systems for tribal communities, including the operation and maintenance costs of a water quality testing laboratory.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary for deposit in the Maintenance Fund \$3,000,000 for each of fiscal years 2010 through 2014.

(d) **AVAILABILITY OF AMOUNTS FROM FUNDS.**—Amounts made available under subsections (b)(3) and (c)(3) shall be available for expenditure or withdrawal only after the effective date described in section 10808(d).

(e) **ADMINISTRATION OF FUNDS.**—Upon completion of the actions described in section 10808(d),

the Secretary, in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall manage the Funds, including by investing amounts from the Funds in accordance with the Act of April 1, 1880 (25 U.S.C. 161), and the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(f) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Tribes may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribes spend any amounts withdrawn from the Funds in accordance with the purposes described in subsection (b)(2) or (c)(2).

(C) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this subtitle and the Agreement.

(D) LIABILITY.—If the Tribes exercise the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(2) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Tribes shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribes do not withdraw under the tribal management plan.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribes remaining in the Funds will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle and the Agreement.

(D) ANNUAL REPORT.—For each Fund, the Tribes shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(3) FUNDING AGREEMENT.—Notwithstanding any other provision of this subtitle, on receipt of a request from the Tribes, the Secretary shall include an amount from funds made available under this section in the funding agreement of the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), for use in accordance with subsections (b)(2) and (c)(2). No amount made available under this subtitle may be requested until the waivers under section 10808(a) take effect.

(g) NO PER CAPITA PAYMENTS.—No amount from the Funds (including any interest income that would have accrued to the Funds after the effective date) shall be distributed to a member of the Tribes on a per capita basis.

SEC. 10808. TRIBAL WAIVER AND RELEASE OF CLAIMS.

(a) WAIVER AND RELEASE OF CLAIMS BY TRIBES AND UNITED STATES ACTING AS TRUSTEE FOR TRIBES.—In return for recognition of the Tribes' water rights and other benefits as set forth in the Agreement and this subtitle, the Tribes, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Tribes are authorized to execute a waiver and release of—

(1) all claims for water rights in the State of Nevada that the Tribes, or the United States acting in its capacity as trustee for the Tribes,

asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, up to and including the effective date, except to the extent that such rights are recognized in the Agreement or this subtitle; and

(2) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the State of Nevada that accrued at any time up to and including the effective date.

(b) WAIVER AND RELEASE OF CLAIMS BY TRIBES AGAINST UNITED STATES.—The Tribes, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating in any manner to claims for water rights in or water of the States of Nevada and Idaho that the United States acting in its capacity as trustee for the Tribes asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, and the Snake River Basin Adjudication in Idaho;

(2) all claims against the United States, its agencies, or employees relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses or injuries to fishing and other similar rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the States of Nevada and Idaho that first accrued at any time up to and including the effective date;

(3) all claims against the United States, its agencies, or employees relating to the operation, maintenance, or rehabilitation of the Duck Valley Indian Irrigation Project that first accrued at any time up to and including the date upon which the Tribes notify the Secretary as provided in section 10807(b)(2)(A)(ii)(I) that the rehabilitation of the Duck Valley Indian Irrigation Project under this subtitle to an acceptable level has been accomplished;

(4) all claims against the United States, its agencies, or employees relating in any manner to the litigation of claims relating to the Tribes' water rights in pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada or the Snake River Basin Adjudication in Idaho; and

(5) all claims against the United States, its agencies, or employees relating in any manner to the negotiation, execution, or adoption of the Agreement, exhibits thereto, the decree referred to in subsection (d)(2), or this subtitle.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this subtitle, the Tribes on their own behalf and the United States acting in its capacity as trustee for the Tribes retain—

(1) all claims for enforcement of the Agreement, the decree referred to in subsection (d)(2), or this subtitle, through such legal and equitable remedies as may be available in the decree court or the appropriate Federal court;

(2) all rights to acquire a water right in a State to the same extent as any other entity in the State, in accordance with State law, and to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims relating to activities affecting the quality of water including any claims the Tribes might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts; and

(4) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this subtitle.

(d) EFFECTIVE DATE.—Notwithstanding anything in the Agreement to the contrary, the waivers by the Tribes, or the United States on behalf of the Tribes, under this section shall take effect on the date on which the Secretary publishes in the Federal Register a statement of findings that includes a finding that—

(1) the Agreement and the waivers and releases authorized and set forth in subsections (a) and (b) have been executed by the parties and the Secretary;

(2) the Fourth Judicial District Court, Elko County, Nevada, has issued a judgment and decree consistent with the Agreement from which no further appeal can be taken; and

(3) the amounts authorized under subsections (b)(3) and (c)(3) of section 10807 have been appropriated.

(e) FAILURE TO PUBLISH STATEMENT OF FINDINGS.—If the Secretary does not publish a statement of findings under subsection (d) by March 31, 2016—

(1) the Agreement and this subtitle shall not take effect; and

(2) any funds that have been appropriated under this subtitle shall immediately revert to the general fund of the United States Treasury.

(f) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts authorized to be appropriated under subsections (b)(3) and (c)(3) of section 10807 are appropriated.

(2) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

SEC. 10809. MISCELLANEOUS.

(a) GENERAL DISCLAIMER.—The parties to the Agreement expressly reserve all rights not specifically granted, recognized, or relinquished by—

(1) the settlement described in the Agreement; or

(2) this subtitle.

(b) LIMITATION OF CLAIMS AND RIGHTS.—Nothing in this subtitle—

(1) establishes a standard for quantifying—

(A) a Federal reserved water right;

(B) an aboriginal claim; or

(C) any other water right claim of an Indian tribe in a judicial or administrative proceeding;

(2) affects the ability of the United States, acting in its sovereign capacity, to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the "Resource Conservation and Recovery Act of 1976"), and the regulations implementing those Acts;

(3) affects the ability of the United States to take actions, acting in its capacity as trustee for any other Tribe, Pueblo, or allottee;

(4) waives any claim of a member of the Tribes in an individual capacity that does not derive from a right of the Tribes; or

(5) limits the right of a party to the Agreement to litigate any issue not resolved by the Agreement or this subtitle.

(c) **ADMISSION AGAINST INTEREST.**—Nothing in this subtitle constitutes an admission against interest by a party in any legal proceeding.

(d) **RESERVATION.**—The Reservation shall be—
(1) considered to be the property of the Tribes; and

(2) permanently held in trust by the United States for the sole use and benefit of the Tribes.

(e) **JURISDICTION.**—

(1) **SUBJECT MATTER JURISDICTION.**—Nothing in the Agreement or this subtitle restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or tribal court.

(2) **CIVIL OR REGULATORY JURISDICTION.**—Nothing in the Agreement or this subtitle impairs or impedes the exercise of any civil or regulatory authority of the United States, the State, or the Tribes.

(3) **CONSENT TO JURISDICTION.**—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

(4) **EFFECT OF SUBSECTION.**—Nothing in this subsection confers jurisdiction on any State court to—

(A) interpret Federal law regarding the health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of a Federal agency action.

TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

SEC. 11001. REAUTHORIZATION OF THE NATIONAL GEOLOGIC MAPPING ACT OF 1992.

(a) **FINDINGS.**—Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) although significant progress has been made in the production of geologic maps since the establishment of the national cooperative geologic mapping program in 1992, no modern, digital, geologic map exists for approximately 75 percent of the United States;”;

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting “home-land and” after “planning for”;

(B) in subparagraph (E), by striking “predicting” and inserting “identifying”;

(C) in subparagraph (I), by striking “and” after the semicolon at the end;

(D) by redesignating subparagraph (J) as subparagraph (K); and

(E) by inserting after subparagraph (I) the following:

“(J) recreation and public awareness; and”;

and

(3) in paragraph (9), by striking “important” and inserting “available”.

(b) **PURPOSE.**—Section 2(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by inserting “and management” before the period at the end.

(c) **DEADLINES FOR ACTIONS BY THE UNITED STATES GEOLOGICAL SURVEY.**—Section 4(b)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is amended in the second sentence—

(1) in subparagraph (A), by striking “not later than” and all that follows through the semicolon and inserting “not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009;”;

(2) in subparagraph (B), by striking “not later than” and all that follows through “in accord-

ance” and inserting “not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009 in accordance”; and

(3) in the matter preceding clause (i) of subparagraph (C), by striking “not later than” and all that follows through “submit” and inserting “submit biennially”.

(d) **GEOLOGIC MAPPING PROGRAM OBJECTIVES.**—Section 4(c)(2) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(c)(2)) is amended—

(1) by striking “geophysical-map data base, geochemical-map data base, and a”; and

(2) by striking “provide” and inserting “provides”.

(e) **GEOLOGIC MAPPING PROGRAM COMPONENTS.**—Section 4(d)(1)(B)(ii) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

(1) in subclause (I), by striking “and” after the semicolon at the end;

(2) in subclause (II), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(III) the needs of land management agencies of the Department of the Interior.”.

(f) **GEOLOGIC MAPPING ADVISORY COMMITTEE.**—

(1) **MEMBERSHIP.**—Section 5(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)) is amended—

(A) in paragraph (2)—

(i) by inserting “the Secretary of the Interior or a designee from a land management agency of the Department of the Interior,” after “Administrator of the Environmental Protection Agency or a designee,”;

(ii) by inserting “and” after “Energy or a designee,”; and

(iii) by striking “, and the Assistant to the President for Science and Technology or a designee”; and

(B) in paragraph (3)—

(i) by striking “Not later than” and all that follows through “consultation” and inserting “In consultation”;

(ii) by striking “Chief Geologist, as Chairman” and inserting “Associate Director for Geology, as Chair”; and

(iii) by striking “one representative from the private sector” and inserting “2 representatives from the private sector”.

(2) **DUTIES.**—Section 5(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)) is amended—

(A) in paragraph (2), by striking “and” at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) provide a scientific overview of geologic maps (including maps of geologic-based hazards) used or disseminated by Federal agencies for regulation or land-use planning; and”.

(3) **CONFORMING AMENDMENT.**—Section 5(a)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)(1)) is amended by striking “10-member” and inserting “11-member”.

(g) **FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATABASE.**—Section 7(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f(a)) is amended—

(1) in paragraph (1), by striking “geologic map” and inserting “geologic-map”; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

“(A) all maps developed with funding provided by the National Cooperative Geologic Mapping Program, including under the Federal, State, and education components;”.

(h) **BIENNIAL REPORT.**—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C.

31g) is amended by striking “Not later” and all that follows through “biennially” and inserting “Not later than 3 years after the date of enactment of the Omnibus Public Land Management Act of 2009 and biennially”.

(i) **AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.**—Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act \$64,000,000 for each of fiscal years 2009 through 2018.”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “2000” and inserting “2005”;;

(B) in paragraph (1), by striking “48” and inserting “50”; and

(C) in paragraph (2), by striking 2 and inserting “4”.

SEC. 11002. NEW MEXICO WATER RESOURCES STUDY.

(a) **IN GENERAL.**—The Secretary of the Interior, acting through the Director of the United States Geological Survey (referred to in this section as the “Secretary”), in coordination with the State of New Mexico (referred to in this section as the “State”) and any other entities that the Secretary determines to be appropriate (including other Federal agencies and institutions of higher education), shall, in accordance with this section and any other applicable law, conduct a study of water resources in the State, including—

(1) a survey of groundwater resources, including an analysis of—

(A) aquifers in the State, including the quantity of water in the aquifers;

(B) the availability of groundwater resources for human use;

(C) the salinity of groundwater resources;

(D) the potential of the groundwater resources to recharge;

(E) the interaction between groundwater and surface water;

(F) the susceptibility of the aquifers to contamination; and

(G) any other relevant criteria; and

(2) a characterization of surface and bedrock geology, including the effect of the geology on groundwater yield and quality.

(b) **STUDY AREAS.**—The study carried out under subsection (a) shall include the Estancia Basin, Salt Basin, Tularosa Basin, Hueco Basin, and middle Rio Grande Basin in the State.

(c) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the study.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE XII—OCEANS

Subtitle A—Ocean Exploration PART I—EXPLORATION

SEC. 12001. PURPOSE.

The purpose of this part is to establish the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

SEC. 12002. PROGRAM ESTABLISHED.

The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea

research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

SEC. 12003. POWERS AND DUTIES OF THE ADMINISTRATOR.

(a) *IN GENERAL.*—In carrying out the program authorized by section 12002, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 12005;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensor and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) *DONATIONS.*—The Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

SEC. 12004. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

(a) *IN GENERAL.*—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this part and part II of this subtitle;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean

science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

(b) *BUDGET COORDINATION.*—The task force shall coordinate the development of agency budgets and identify the items in their annual budget that support the activities identified in the strategy developed under subsection (a).

SEC. 12005. OCEAN EXPLORATION ADVISORY BOARD.

(a) *ESTABLISHMENT.*—The Administrator of the National Oceanic and Atmospheric Administration shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields—

(1) to advise the Administrator on priority areas for survey and discovery;

(2) to assist the program in the development of a 5-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery;

(3) to annually review the quality and effectiveness of the proposal review process established under section 12003(a)(4); and

(4) to provide other assistance and advice as requested by the Administrator.

(b) *FEDERAL ADVISORY COMMITTEE ACT.*—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

(c) *APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.*—Nothing in part supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this part—

(1) \$33,550,000 for fiscal year 2009;

(2) \$36,905,000 for fiscal year 2010;

(3) \$40,596,000 for fiscal year 2011;

(4) \$44,655,000 for fiscal year 2012;

(5) \$49,121,000 for fiscal year 2013;

(6) \$54,033,000 for fiscal year 2014; and

(7) \$59,436,000 for fiscal year 2015.

PART II—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009

SEC. 12101. SHORT TITLE.

This part may be cited as the “NOAA Undersea Research Program Act of 2009”.

SEC. 12102. PROGRAM ESTABLISHED.

(a) *IN GENERAL.*—The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

(b) *PURPOSE.*—The purpose of the program is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes.

SEC. 12103. POWERS OF PROGRAM DIRECTOR.

The Director of the program, in carrying out the program, shall—

(1) cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations;

(2) enter into partnerships, as appropriate and using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry; and

(3) coordinate the development of agency budgets and identify the items in their annual budget that support the activities described in paragraphs (1) and (2).

SEC. 12104. ADMINISTRATIVE STRUCTURE.

(a) *IN GENERAL.*—The program shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science and Technology.

(b) *DIRECTION.*—The Director shall develop the overall direction of the program in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. The Director shall publish a draft program direction document not later than 1 year after the date of enactment of this Act in the Federal Register for a public comment period of not less than 120 days. The Director shall publish a final program direction, including responses to the comments received during the public comment period, in the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every 5 years.

SEC. 12105. RESEARCH, EXPLORATION, EDUCATION, AND TECHNOLOGY PROGRAMS.

(a) *IN GENERAL.*—The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration's research mission and programs.

(3) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(4) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(5) Discovery, study, and development of natural resources and products from ocean, coastal, and aquatic systems.

(b) *OPERATIONS.*—The Director of the program, through operation of the extramural regional centers and the National Institute for Undersea Science and Technology, shall leverage partnerships and cooperative research with academia and private industry.

SEC. 12106. COMPETITIVENESS.

(a) *DISCRETIONARY FUND.*—The Program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

(b) *COMPETITIVE SELECTION.*—The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 12104 and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

SEC. 12107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration—

(1) for fiscal year 2009—

(A) \$13,750,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$5,500,000 for the National Technology Institute;

(2) for fiscal year 2010—

(A) \$15,125,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$6,050,000 for the National Technology Institute;

(3) for fiscal year 2011—

(A) \$16,638,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$6,655,000 for the National Technology Institute;

(4) for fiscal year 2012—

(A) \$18,301,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$7,321,000 for the National Technology Institute;

(5) for fiscal year 2013—

(A) \$20,131,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$8,053,000 for the National Technology Institute;

(6) for fiscal year 2014—

(A) \$22,145,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$8,859,000 for the National Technology Institute; and

(7) for fiscal year 2015—

(A) \$24,359,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$9,744,000 for the National Technology Institute.

Subtitle B—Ocean and Coastal Mapping Integration Act

SEC. 12201. SHORT TITLE.

This subtitle may be cited as the “Ocean and Coastal Mapping Integration Act”.

SEC. 12202. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The President, in coordination with the Interagency Committee on Ocean and Coastal Mapping and affected coastal states, shall establish a program to develop a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances ecosystem approaches in decision-making for conservation and management of marine resources and habitats, establishes research and mapping priorities, supports the siting of research and other platforms, and advances ocean and coastal science.

(b) MEMBERSHIP.—The Committee shall be comprised of high-level representatives of the Department of Commerce, through the National Oceanic and Atmospheric Administration, the Department of the Interior, the National Science Foundation, the Department of Defense, the Environmental Protection Agency, the Department of Homeland Security, the National Aeronautics and Space Administration, and other appro-

priate Federal agencies involved in ocean and coastal mapping.

(c) PROGRAM PARAMETERS.—In developing such a program, the President, through the Committee, shall—

(1) identify all Federal and federally-funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) facilitate cost-effective, cooperative mapping efforts that incorporate policies for contracting with non-governmental entities among all Federal agencies conducting ocean and coastal mapping, by increasing data sharing, developing appropriate data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and coastal mapping technologies, including through research, development, and training conducted among Federal agencies and in cooperation with non-governmental entities;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies between the Federal Government, coastal state, and non-governmental entities;

(5) provide for the archiving, management, and distribution of data sets through a national registry as well as provide mapping products and services to the general public in service of statutory requirements;

(6) develop data standards and protocols consistent with standards developed by the Federal Geographic Data Committee for use by Federal, coastal state, and other entities in mapping and otherwise documenting locations of federally permitted activities, living and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, offshore aquaculture projects, offshore energy projects, and any areas designated for purposes of environmental protection or conservation and management of living and nonliving coastal and marine resources;

(7) identify the procedures to be used for coordinating the collection and integration of Federal ocean and coastal mapping data with coastal state and local government programs;

(8) facilitate, to the extent practicable, the collection of real-time tide data and the development of hydrodynamic models for coastal areas to allow for the application of V-datum tools that will facilitate the seamless integration of onshore and offshore maps and charts;

(9) establish a plan for the acquisition and collection of ocean and coastal mapping data; and

(10) set forth a timetable for completion and implementation of the plan.

SEC. 12203. INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or utilize an existing interagency committee on ocean and coastal mapping to implement section 12202.

(b) MEMBERSHIP.—The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this subtitle. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval

Operations, the United States Geological Survey, the Minerals Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States Army Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) CO-CHAIRMEN.—The Committee shall be co-chaired by the representative of the Department of Commerce and a representative of the Department of the Interior.

(d) SUBCOMMITTEE.—The co-chairmen shall establish a subcommittee to carry out the day-to-day work of the Committee, comprised of senior representatives of any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration. The subcommittee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairmen of the Committee may create such additional subcommittees and working groups as may be needed to carry out the work of Committee.

(e) MEETINGS.—The committee shall meet on a quarterly basis, but each subcommittee and each working group shall meet on an as-needed basis.

(f) COORDINATION.—The committee shall coordinate activities when appropriate, with—

(1) other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee;

(2) international mapping activities;

(3) coastal states;

(4) user groups through workshops and other appropriate mechanisms; and

(5) representatives of nongovernmental entities.

(g) ADVISORY PANEL.—The Administrator may convene an ocean and coastal mapping advisory panel consisting of representatives from nongovernmental entities to provide input regarding activities of the committee in consultation with the interagency committee.

SEC. 12204. BIENNIAL REPORTS.

No later than 18 months after the date of enactment of this Act, and biennially thereafter, the co-chairmen of the Committee shall transmit to the Committees on Commerce, Science, and Transportation and Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing progress made in implementing this subtitle, including—

(1) an inventory of ocean and coastal mapping data within the territorial sea and the exclusive economic zone and throughout the Continental Shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(5) a description of any products resulting from coordinated mapping efforts under this subtitle that improve public understanding of the coasts and oceans, or regulatory decision-making;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing, and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency, and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public;

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea;

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion;

(11) the status of efforts to coordinate Federal programs with coastal state and local government programs and leverage those programs;

(12) a description of efforts of Federal agencies to increase contracting with nongovernmental entities; and

(13) an inventory and description of any new Federal or federally funded programs conducting shoreline delineation and ocean or coastal mapping since the previous reporting cycle.

SEC. 12205. PLAN.

(a) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated ocean and coastal mapping initiative within the National Oceanic and Atmospheric Administration.

(b) **PLAN REQUIREMENTS.**—The plan shall—

(1) identify and describe all ocean and coastal mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and ocean and coastal observations and science projects;

(2) establish priority mapping programs and establish and periodically update priorities for geographic areas in surveying and mapping across all missions of the National Oceanic and Atmospheric Administration, as well as minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative ocean and coastal mapping technologies and applications, through research and development through cooperative or other agreements with joint or cooperative research institutes or centers and with other non-governmental entities;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, coastal states, and nongovernmental entities;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program;

(6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration that meets Federal mandates for data accuracy and accessibility and designate a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and coastal state programs; and

(7) set forth a timetable for implementation and completion of the plan, including a schedule for submission to the Congress of periodic progress reports and recommendations for inte-

grating approaches developed under the initiative into the interagency program.

(c) **NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.**—The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall each be co-located with an institution of higher education. The centers shall serve as hydrographic centers of excellence and may conduct activities necessary to carry out the purposes of this subtitle, including—

(1) research and development of innovative ocean and coastal mapping technologies, equipment, and data products;

(2) mapping of the United States Outer Continental Shelf and other regions;

(3) data processing for nontraditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations, and ocean exploration; and

(5) providing graduate education and training in ocean and coastal mapping sciences for members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps, personnel of other agencies with ocean and coastal mapping programs, and civilian personnel.

(d) **NOAA REPORT.**—The Administrator shall continue developing a strategy for expanding contracting with non-governmental entities to minimize duplication and take maximum advantage of nongovernmental capabilities in fulfilling the Administration's mapping and charting responsibilities. Within 120 days after the date of enactment of this Act, the Administrator shall transmit a report describing the strategy developed under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

SEC. 12206. EFFECT ON OTHER LAWS.

Nothing in this subtitle shall be construed to supersede or alter the existing authorities of any Federal agency with respect to ocean and coastal mapping.

SEC. 12207. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this subtitle—

(1) \$26,000,000 for fiscal year 2009;

(2) \$32,000,000 for fiscal year 2010;

(3) \$38,000,000 for fiscal year 2011; and

(4) \$45,000,000 for each of fiscal years 2012 through 2015.

(b) **JOINT OCEAN AND COASTAL MAPPING CENTERS.**—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 12205(c) of this subtitle:

(1) \$11,000,000 for fiscal year 2009.

(2) \$12,000,000 for fiscal year 2010.

(3) \$13,000,000 for fiscal year 2011.

(4) \$15,000,000 for each of fiscal years 2012 through 2015.

(c) **COOPERATIVE AGREEMENTS.**—To carry out interagency activities under section 12203 of this subtitle, the head of any department or agency may execute a cooperative agreement with the Administrator, including those authorized by section 5 of the Act of August 6, 1947 (33 U.S.C. 883e).

SEC. 12208. DEFINITIONS.

In this subtitle:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) **COASTAL STATE.**—The term “coastal state” has the meaning given that term by section

304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).

(3) **COMMITTEE.**—The term “Committee” means the Interagency Ocean and Coastal Mapping Committee established by section 12203.

(4) **EXCLUSIVE ECONOMIC ZONE.**—The term “exclusive economic zone” means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(5) **OCEAN AND COASTAL MAPPING.**—The term “ocean and coastal mapping” means the acquisition, processing, and management of physical, biological, geological, chemical, and archaeological characteristics and boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, direct sampling, and other mapping technologies.

(6) **TERRITORIAL SEA.**—The term “territorial sea” means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

(7) **NONGOVERNMENTAL ENTITIES.**—The term “nongovernmental entities” includes nongovernmental organizations, members of the academic community, and private sector organizations that provide products and services associated with measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite images, or other graphical or digital presentations depicting natural or manmade physical features, phenomena, and legal boundaries of the Earth.

(8) **OUTER CONTINENTAL SHELF.**—The term “Outer Continental Shelf” means all submerged lands lying seaward and outside of lands beneath navigable waters (as that term is defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Subtitle C—Integrated Coastal and Ocean Observation System Act of 2009

SEC. 12301. SHORT TITLE.

This subtitle may be cited as the “Integrated Coastal and Ocean Observation System Act of 2009”.

SEC. 12302. PURPOSES.

The purposes of this subtitle are to—

(1) establish a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of regional information coordination entities, and that includes in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, and is designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data to—

(A) support national defense, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach training and education;

(B) promote greater public awareness and stewardship of the Nation's ocean, coastal, and Great Lakes resources and the general public welfare; and

(C) enable advances in scientific understanding to support the sustainable use, conservation, management, and understanding of healthy ocean, coastal, and Great Lakes resources;

(2) improve the Nation's capability to measure, track, explain, and predict events related

directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes; and

(3) authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean-atmosphere dynamics, global climate change, physical, chemical, and biological dynamics of the ocean, coastal and Great Lakes environments, and to conserve healthy and restore degraded coastal ecosystems.

SEC. 12303. DEFINITIONS.

In this subtitle:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary’s capacity as Administrator of the National Oceanic and Atmospheric Administration.

(2) **COUNCIL.**—The term “Council” means the National Ocean Research Leadership Council established by section 7902 of title 10, United States Code.

(3) **FEDERAL ASSETS.**—The term “Federal assets” means all relevant non-classified civilian coastal and ocean observations, technologies, and related modeling, research, data management, basic and applied technology research and development, and public education and outreach programs, that are managed by member agencies of the Council.

(4) **INTERAGENCY OCEAN OBSERVATION COMMITTEE.**—The term “Interagency Ocean Observation Committee” means the committee established under section 12304(c)(2).

(5) **NON-FEDERAL ASSETS.**—The term “non-Federal assets” means all relevant coastal and ocean observation technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed through States, regional organizations, universities, nongovernmental organizations, or the private sector.

(6) **REGIONAL INFORMATION COORDINATION ENTITIES.**—

(A) **IN GENERAL.**—The term “regional information coordination entity” means an organizational body that is certified or established by contract or memorandum by the lead Federal agency designated in section 12304(c)(3) of this subtitle and coordinates State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.

(B) **CERTAIN INCLUDED ASSOCIATIONS.**—The term “regional information coordination entity” includes regional associations described in the System Plan.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration.

(8) **SYSTEM.**—The term “System” means the National Integrated Coastal and Ocean Observing System established under section 12304.

(9) **SYSTEM PLAN.**—The term “System Plan” means the plan contained in the document entitled “Ocean. US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan”, as updated by the Council under this subtitle.

SEC. 12304. INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.

(a) **ESTABLISHMENT.**—The President, acting through the Council, shall establish a National

Integrated Coastal and Ocean Observing System to fulfill the purposes set forth in section 12302 of this subtitle and the System Plan and to fulfill the Nation’s international obligations to contribute to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(b) **SYSTEM ELEMENTS.**—

(1) **IN GENERAL.**—In order to fulfill the purposes of this subtitle, the System shall be national in scope and consist of—

(A) Federal assets to fulfill national and international observation missions and priorities;

(B) non-Federal assets, including a network of regional information coordination entities identified under subsection (c)(4), to fulfill regional observation missions and priorities;

(C) data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the System;

(D) a research and development program conducted under the guidance of the Council, consisting of—

(i) basic and applied research and technology development to improve understanding of coastal and ocean systems and their relationships to human activities and to ensure improvement of operational assets and products, including related infrastructure, observing technologies, and information and data processing and management technologies; and

(ii) large scale computing resources and research to advance modeling of coastal and ocean processes.

(2) **ENHANCING ADMINISTRATION AND MANAGEMENT.**—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall support the purposes of this subtitle and may take appropriate actions to enhance internal agency administration and management to better support, integrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.

(3) **AVAILABILITY OF DATA.**—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data that are produced by that asset and that are not otherwise restricted for integration, management, and dissemination by the System.

(4) **NON-FEDERAL ASSETS.**—Non-Federal assets shall be coordinated, as appropriate, by the Interagency Ocean Observing Committee or by regional information coordination entities.

(c) **POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.**—

(1) **COUNCIL FUNCTIONS.**—The Council shall serve as the policy and coordination oversight body for all aspects of the System. In carrying out its responsibilities under this subtitle, the Council shall—

(A) approve and adopt comprehensive System budgets developed and maintained by the Interagency Ocean Observing Committee to support System operations, including operations of both Federal and non-Federal assets;

(B) ensure coordination of the System with other domestic and international earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems, and provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observing programs; and

(C) encourage coordinated intramural and extramural research and technology development, and a process to transition developing technology and methods into operations of the System.

(2) **INTERAGENCY OCEAN OBSERVATION COMMITTEE.**—The Council shall establish or designate an Interagency Ocean Observing Committee which shall—

(A) prepare annual and long-term plans for consideration and approval by the Council for the integrated design, operation, maintenance, enhancement and expansion of the System to meet the objectives of this subtitle and the System Plan;

(B) develop and transmit to Congress at the time of submission of the President’s annual budget request an annual coordinated, comprehensive budget to operate all elements of the System identified in subsection (b), and to ensure continuity of data streams from Federal and non-Federal assets;

(C) establish required observation data variables to be gathered by both Federal and non-Federal assets and identify, in consultation with regional information coordination entities, priorities for System observations;

(D) establish protocols and standards for System data processing, management, and communication;

(E) develop contract certification standards and compliance procedures for all non-Federal assets, including regional information coordination entities, to establish eligibility for integration into the System and to ensure compliance with all applicable standards and protocols established by the Council, and ensure that regional observations are integrated into the System on a sustained basis;

(F) identify gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

(G) subject to the availability of appropriations, establish through one or more participating Federal agencies, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs—

(i) to promote intramural and extramural research and development of new, innovative, and emerging observation technologies including testing and field trials; and

(ii) to facilitate the migration of new, innovative, and emerging scientific and technological advances from research and development to operational deployment;

(H) periodically review and recommend to the Council, in consultation with the Administrator, revisions to the System Plan;

(I) ensure collaboration among Federal agencies participating in the activities of the Committee; and

(J) perform such additional duties as the Council may delegate.

(3) **LEAD FEDERAL AGENCY.**—The National Oceanic and Atmospheric Administration shall function as the lead Federal agency for the implementation and administration of the System, in consultation with the Council, the Interagency Ocean Observing Committee, other Federal agencies that maintain portions of the System, and the regional information coordination entities, and shall—

(A) establish an Integrated Ocean Observing Program Office within the National Oceanic and Atmospheric Administration utilizing to the extent necessary, personnel from member agencies participating on the Interagency Ocean Observing Committee, to oversee daily operations and coordination of the System;

(B) implement policies, protocols, and standards approved by the Council and delegated by the Interagency Ocean Observing Committee;

(C) promulgate program guidelines to certify and integrate non-Federal assets, including regional information coordination entities, into the System to provide regional coastal and ocean observation data that meet the needs of user groups from the respective regions;

(D) have the authority to enter into and oversee contracts, leases, grants or cooperative agreements with non-Federal assets, including regional information coordination entities, to

support the purposes of this subtitle on such terms as the Administrator deems appropriate;

(E) implement a merit-based, competitive funding process to support non-Federal assets, including the development and maintenance of a network of regional information coordination entities, and develop and implement a process for the periodic review and evaluation of all non-Federal assets, including regional information coordination entities;

(F) provide opportunities for competitive contracts and grants for demonstration projects to design, develop, integrate, deploy, and support components of the System;

(G) establish efficient and effective administrative procedures for allocation of funds among contractors, grantees, and non-Federal assets, including regional information coordination entities in a timely manner, and contingent on appropriations according to the budget adopted by the Council;

(H) develop and implement a process for the periodic review and evaluation of regional information coordination entities;

(I) formulate an annual process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System are identified by the regional information coordination entities, the Administrator, or other members of the System and transmitted to the Interagency Ocean Observing Committee;

(J) develop and be responsible for a data management and communication system, in accordance with standards and protocols established by the Council, by which all data collected by the System regarding ocean and coastal waters of the United States including the Great Lakes, are processed, stored, integrated, and made available to all end-user communities;

(K) implement a program of public education and outreach to improve public awareness of global climate change and effects on the ocean, coastal, and Great Lakes environment;

(L) report annually to the Interagency Ocean Observing Committee on the accomplishments, operational needs, and performance of the System to contribute to the annual and long-term plans developed pursuant to subsection (c)(2)(A)(i); and

(M) develop a plan to efficiently integrate into the System new, innovative, or emerging technologies that have been demonstrated to be useful to the System and which will fulfill the purposes of this subtitle and the System Plan.

(4) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—To be certified or established under this subtitle, a regional information coordination entity shall be certified or established by contract or agreement by the Administrator, and shall agree to meet the certification standards and compliance procedure guidelines issued by the Administrator and information needs of user groups in the region while adhering to national standards and shall—

(i) demonstrate an organizational structure capable of gathering required System observation data, supporting and integrating all aspects of coastal and ocean observing and information programs within a region and that reflects the needs of State and local governments, commercial interests, and other users and beneficiaries of the System and other requirements specified under this subtitle and the System Plan;

(ii) identify gaps in observation coverage needs for capital improvements of Federal assets and non-Federal assets of the System, or other recommendations to assist in the development of the annual and long-term plans created pursuant to subsection (c)(2)(A)(i) and transmit such information to the Interagency Ocean Observing Committee via the Program Office;

(iii) develop and operate under a strategic operational plan that will ensure the efficient

and effective administration of programs and assets to support daily data observations for integration into the System, pursuant to the standards approved by the Council;

(iv) work cooperatively with governmental and non-governmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the regional information coordination entities; and

(v) comply with all financial oversight requirements established by the Administrator, including requirements relating to audits.

(B) PARTICIPATION.—For the purposes of this subtitle, employees of Federal agencies may participate in the functions of the regional information coordination entities.

(d) SYSTEM ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Administrator shall establish or designate a System advisory committee, which shall provide advice as may be requested by the Administrator or the Interagency Ocean Observing Committee.

(2) PURPOSE.—The purpose of the System advisory committee is to advise the Administrator and the Interagency Ocean Observing Committee on—

(A) administration, operation, management, and maintenance of the System, including integration of Federal and non-Federal assets and data management and communication aspects of the System, and fulfillment of the purposes set forth in section 12302;

(B) expansion and periodic modernization and upgrade of technology components of the System;

(C) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and

(D) any other purpose identified by the Administrator or the Interagency Ocean Observing Committee.

(3) MEMBERS.—

(A) IN GENERAL.—The System advisory committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.

(B) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than 1 year.

(C) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the System advisory committee.

(D) APPOINTMENT.—Members of the System advisory committee shall be appointed as special Government employees for purposes of section 202(a) of title 18, United States Code.

(4) ADMINISTRATIVE PROVISIONS.—

(A) REPORTING.—The System advisory committee shall report to the Administrator and the Interagency Ocean Observing Committee, as appropriate.

(B) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the System advisory committee.

(C) MEETINGS.—The System advisory committee shall meet at least once each year, and at other times at the call of the Administrator, the Interagency Ocean Observing Committee, or the chairperson.

(D) COMPENSATION AND EXPENSES.—Members of the System advisory committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per

diem in lieu of subsistence, in accordance with subchapter 1 of chapter 57 of title 5, United States Code.

(E) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System advisory committee.

(e) CIVIL LIABILITY.—For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or regional information coordination entity incorporated into the System by contract, lease, grant, or cooperative agreement under subsection (c)(3)(D) that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or regional information coordination entity, while operating within the scope of his or her employment in carrying out the purposes of this subtitle, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) LIMITATION.—Nothing in this subtitle shall be construed to invalidate existing certifications, contracts, or agreements between regional information coordination entities and other elements of the System.

SEC. 12305. INTERAGENCY FINANCING AND AGREEMENTS.

(a) IN GENERAL.—To carry out interagency activities under this subtitle, the Secretary of Commerce may execute cooperative agreements, or any other agreements, with, and receive and expend funds made available by, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual.

(b) RECIPROCITY.—Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this subtitle and fulfillment of the System Plan.

SEC. 12306. APPLICATION WITH OTHER LAWS.

Nothing in this subtitle supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

SEC. 12307. REPORT TO CONGRESS.

(a) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act and every 2 years thereafter, the Administrator shall prepare and the President acting through the Council shall approve and transmit to the Congress a report on progress made in implementing this subtitle.

(b) CONTENTS.—The report shall include—

(1) a description of activities carried out under this subtitle and the System Plan;

(2) an evaluation of the effectiveness of the System, including an evaluation of progress made by the Council to achieve the goals identified under the System Plan;

(3) identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies;

(4) a review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems;

(5) an assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of regional information coordination entities to coordinate regional observation operations;

(6) a description of benefits of the program to users of data products resulting from the System (including the general public, industries, scientists, resource managers, emergency responders, policy makers, and educators);

- (7) recommendations concerning—
- (A) modifications to the System; and
- (B) funding levels for the System in subsequent fiscal years; and
- (8) the results of a periodic external independent programmatic audit of the System.

SEC. 12308. PUBLIC-PRIVATE USE POLICY.

The Council shall develop a policy within 6 months after the date of the enactment of this Act that defines processes for making decisions about the roles of the Federal Government, the States, regional information coordination entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this section shall be construed to require changes in policy in effect on the date of enactment of this Act.

SEC. 12309. INDEPENDENT COST ESTIMATE.

Within 1 year after the date of enactment of this Act, the Interagency Ocean Observation Committee, through the Administrator and the Director of the National Science Foundation, shall obtain an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, operation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unbridged and without revision by the Administrator to Congress.

SEC. 12310. INTENT OF CONGRESS.

It is the intent of Congress that funding provided to agencies of the Council to implement this subtitle shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter into contracts or agreements for the development or procurement of new Federal assets for the System that are estimated to be in excess of \$250,000,000 in life-cycle costs without first providing adequate notice to Congress and opportunity for review and comment.

SEC. 12311. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2009 through 2013 such sums as are necessary to fulfill the purposes of this subtitle and support activities identified in the annual coordinated System budget developed by the Interagency Ocean Observation Committee and submitted to the Congress.

Subtitle D—Federal Ocean Acidification Research and Monitoring Act of 2009

SEC. 12401. SHORT TITLE.

This subtitle may be cited as the “Federal Ocean Acidification Research And Monitoring Act of 2009” or the “FOARAM Act”.

SEC. 12402. PURPOSES.

(a) PURPOSES.—The purposes of this subtitle are to provide for—

(1) development and coordination of a comprehensive interagency plan to—

(A) monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems; and

(B) establish an interagency research and monitoring program on ocean acidification;

(2) establishment of an ocean acidification program within the National Oceanic and Atmospheric Administration;

(3) assessment and consideration of regional and national ecosystem and socioeconomic impacts of increased ocean acidification; and

(4) research adaptation strategies and techniques for effectively conserving marine eco-

systems as they cope with increased ocean acidification.

SEC. 12403. DEFINITIONS.

In this subtitle:

(1) OCEAN ACIDIFICATION.—The term “ocean acidification” means the decrease in pH of the Earth’s oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide.

(2) SECRETARY.—The term “Secretary” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(3) SUBCOMMITTEE.—The term “Subcommittee” means the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council.

SEC. 12404. INTERAGENCY SUBCOMMITTEE.

(a) DESIGNATION.—

(1) IN GENERAL.—The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification and establish an interagency working group.

(2) MEMBERSHIP.—The interagency working group on ocean acidification shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

(3) CHAIRMAN.—The interagency working group shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

(b) DUTIES.—The Subcommittee shall—

(1) develop the strategic research and monitoring plan to guide Federal research on ocean acidification required under section 12405 of this subtitle and oversee the implementation of the plan;

(2) oversee the development of—

(A) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and

(B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;

(3) facilitate communication and outreach opportunities with nongovernmental organizations and members of the stakeholder community with interests in marine resources;

(4) coordinate the United States Federal research and monitoring program with research and monitoring programs and scientists from other nations; and

(5) establish or designate an Ocean Acidification Information Exchange to make information on ocean acidification developed through or utilized by the interagency ocean acidification program accessible through electronic means, including information which would be useful to policymakers, researchers, and other stakeholders in mitigating or adapting to the impacts of ocean acidification.

(c) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives that—

(A) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) describes the progress in developing the plan required under section 12405 of this subtitle.

(2) BIENNIAL REPORT.—Not later than 2 years after the delivery of the initial report under

paragraph (1) and every 2 years thereafter, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Subcommittee under section 12405.

(3) STRATEGIC RESEARCH PLAN.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall transmit the strategic research plan developed under section 12405 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

SEC. 12405. STRATEGIC RESEARCH PLAN.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall develop a strategic plan for Federal research and monitoring on ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems and the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems. In developing the plan, the Subcommittee shall consider and use information, reports, and studies of ocean acidification that have identified research and monitoring needed to better understand ocean acidification and its potential impacts, and recommendations made by the National Academy of Sciences in the review of the plan required under subsection (d).

(b) CONTENTS OF THE PLAN.—The plan shall—

(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve the understanding of ocean chemistry that will affect marine ecosystems;

(2) establish, for the 10-year period beginning in the year the plan is submitted, the goals and priorities for Federal research and monitoring which will—

(A) advance understanding of ocean acidification and its physical, chemical, and biological impacts on marine organisms and marine ecosystems;

(B) improve the ability to assess the socioeconomic impacts of ocean acidification; and

(C) provide information for the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems;

(3) describe specific activities, including—

(A) efforts to determine user needs;

(B) research activities;

(C) monitoring activities;

(D) technology and methods development;

(E) data collection;

(F) database development;

(G) modeling activities;

(H) assessment of ocean acidification impacts; and

(I) participation in international research efforts;

(4) identify relevant programs and activities of the Federal agencies that contribute to the interagency program directly and indirectly and set forth the role of each Federal agency in implementing the plan;

(5) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(6) make recommendations for the coordination of the ocean acidification research and

monitoring activities of the United States with such activities of other nations and international organizations;

(7) outline budget requirements for Federal ocean acidification research and monitoring and assessment activities to be conducted by each agency under the plan;

(8) identify the monitoring systems and sampling programs currently employed in collecting data relevant to ocean acidification and prioritize additional monitoring systems that may be needed to ensure adequate data collection and monitoring of ocean acidification and its impacts; and

(9) describe specific activities designed to facilitate outreach and data and information exchange with stakeholder communities.

(c) **PROGRAM ELEMENTS.**—The plan shall include at a minimum the following program elements:

(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize—

- (A) marine ecosystems;
- (B) changes in marine productivity; and
- (C) changes in surface ocean chemistry.

(2) Research to understand the species specific physiological responses of marine organisms to ocean acidification, impacts on marine food webs of ocean acidification, and to develop environmental and ecological indices that track marine ecosystem responses to ocean acidification.

(3) Modeling to predict changes in the ocean carbon cycle as a function of carbon dioxide and atmosphere-induced changes in temperature, ocean circulation, biogeochemistry, ecosystem and terrestrial input, and modeling to determine impacts on marine ecosystems and individual marine organisms.

(4) Technology development and standardization of carbonate chemistry measurements on moorings and autonomous floats.

(5) Assessment of socioeconomic impacts of ocean acidification and development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems.

(d) **NATIONAL ACADEMY OF SCIENCES EVALUATION.**—The Secretary shall enter into an agreement with the National Academy of Sciences to review the plan.

(e) **PUBLIC PARTICIPATION.**—In developing the plan, the Subcommittee shall consult with representatives of academic, State, industry and environmental groups. Not later than 90 days before the plan, or any revision thereof, is submitted to the Congress, the plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 12406. NOAA OCEAN ACIDIFICATION ACTIVITIES.

(a) **IN GENERAL.**—The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to conduct research, monitoring, and other activities consistent with the strategic research and implementation plan developed by the Subcommittee under section 12405 that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global and national ocean observing assets, and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) as an integral part of the research programs described in this subtitle, educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) as an integral part of the research programs described in this subtitle, national public outreach activities to improve the understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based process for awarding grants that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

(b) **ADDITIONAL AUTHORITY.**—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this subtitle on such terms as the Secretary considers appropriate.

SEC. 12407. NSF OCEAN ACIDIFICATION ACTIVITIES.

(a) **RESEARCH ACTIVITIES.**—The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research and monitoring of ocean acidification and its impacts, including—

(1) impacts on marine organisms and marine ecosystems;

(2) impacts on ocean, coastal, and estuarine biogeochemistry; and

(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts.

(b) **CONSISTENCY.**—The research activities shall be consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) **COORDINATION.**—The Director shall encourage coordination of the Foundation's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12408. NASA OCEAN ACIDIFICATION ACTIVITIES.

(a) **OCEAN ACIDIFICATION ACTIVITIES.**—The Administrator of the National Aeronautics and Space Administration, in coordination with other relevant agencies, shall ensure that space-based monitoring assets are used in as productive a manner as possible for monitoring of ocean acidification and its impacts.

(b) **PROGRAM CONSISTENCY.**—The Administrator shall ensure that the Agency's research and monitoring activities on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) **COORDINATION.**—The Administrator shall encourage coordination of the Agency's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12409. AUTHORIZATION OF APPROPRIATIONS.

(a) **NOAA.**—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the purposes of this subtitle—

- (1) \$8,000,000 for fiscal year 2009;
- (2) \$12,000,000 for fiscal year 2010;
- (3) \$15,000,000 for fiscal year 2011; and
- (4) \$20,000,000 for fiscal year 2012.

(b) **NSF.**—There are authorized to be appropriated to the National Science Foundation to carry out the purposes of this subtitle—

- (1) \$6,000,000 for fiscal year 2009;
- (2) \$8,000,000 for fiscal year 2010;
- (3) \$12,000,000 for fiscal year 2011; and
- (4) \$15,000,000 for fiscal year 2012.

Subtitle E—Coastal and Estuarine Land Conservation Program

SEC. 12501. SHORT TITLE.

This Act may be cited as the "Coastal and Estuarine Land Conservation Program Act".

SEC. 12502. AUTHORIZATION OF COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by inserting after section 307 the following new section:

"AUTHORIZATION OF THE COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM

"SEC. 307A. (a) IN GENERAL.—The Secretary may conduct a Coastal and Estuarine Land Conservation Program, in cooperation with appropriate State, regional, and other units of government, for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses or could be managed or restored to effectively conserve, enhance, or restore ecological function. The program shall be administered by the National Ocean Service of the National Oceanic and Atmospheric Administration through the Office of Ocean and Coastal Resource Management.

"(b) PROPERTY ACQUISITION GRANTS.—The Secretary shall make grants under the program to coastal states with approved coastal zone management plans or National Estuarine Research Reserve units for the purpose of acquiring property or interests in property described in subsection (a) that will further the goals of—

"(1) a Coastal Zone Management Plan or Program approved under this title;

"(2) a National Estuarine Research Reserve management plan;

"(3) a regional or State watershed protection or management plan involving coastal states with approved coastal zone management programs; or

"(4) a State coastal land acquisition plan that is consistent with an approved coastal zone management program.

"(c) GRANT PROCESS.—The Secretary shall allocate funds to coastal states or National Estuarine Research Reserves under this section through a competitive grant process in accordance with guidelines that meet the following requirements:

"(1) The Secretary shall consult with the coastal state's coastal zone management program, any National Estuarine Research Reserve in that State, and the lead agency designated by the Governor for coordinating the implementation of this section (if different from the coastal zone management program).

"(2) Each participating coastal state, after consultation with local governmental entities and other interested stakeholders, shall identify priority conservation needs within the State, the values to be protected by inclusion of lands in the program, and the threats to those values that should be avoided.

"(3) Each participating coastal state shall to the extent practicable ensure that the acquisition of property or easements shall complement working waterfront needs.

"(4) The applicant shall identify the values to be protected by inclusion of the lands in the

program, management activities that are planned and the manner in which they may affect the values identified, and any other information from the landowner relevant to administration and management of the land.

“(5) Awards shall be based on demonstrated need for protection and ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other governmental units, landowners, corporations, or private organizations.

“(6) The governor, or the lead agency designated by the governor for coordinating the implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that the application is consistent with the State's or territory's approved coastal zone plan, program, and policies prior to submittal to the Secretary.

“(7)(A) Priority shall be given to lands described in subsection (a) that can be effectively managed and protected and that have significant ecological value.

“(B) Of the projects that meet the standard in subparagraph (A), priority shall be given to lands that—

“(i) are under an imminent threat of conversion to a use that will degrade or otherwise diminish their natural, undeveloped, or recreational state; and

“(ii) serve to mitigate the adverse impacts caused by coastal population growth in the coastal environment.

“(8) In developing guidelines under this section, the Secretary shall consult with coastal states, other Federal agencies, and other interested stakeholders with expertise in land acquisition and conservation procedures.

“(9) Eligible coastal states or National Estuarine Research Reserves may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

“(10) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program's effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.

“(d) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS.—

“(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be the result of a forced taking under this section. Nothing in this section requires a private property owner to participate in the program under this section.

“(2) Any interest in land, including any easement, acquired with a grant under this section shall not be considered to create any new liability, or have any effect on liability under any other law, of any private property owner with respect to any person injured on the private property.

“(3) Nothing in this section requires a private property owner to provide access (including Federal, State, or local government access) to or use of private property unless such property or an interest in such property (including a conservation easement) has been purchased with funds made available under this section.

“(e) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title modifies the authority of Federal, State, or local governments to regulate land use.

“(f) MATCHING REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary may not make a grant under the program unless the Federal funds are matched by non-Federal funds in accordance with this subsection.

“(2) COST SHARE REQUIREMENT.—

“(A) IN GENERAL.—Grant funds under the program shall require a 100 percent match from other non-Federal sources.

“(B) WAIVER OF REQUIREMENT.—The Secretary may grant a waiver of subparagraph (A)

for underserved communities, communities that have an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary deems appropriate and consistent with the purposes of the program.

“(3) OTHER FEDERAL FUNDS.—Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

“(4) SOURCE OF MATCHING COST SHARE.—For purposes of paragraph (2)(A), the non-Federal cost share for a project may be determined by taking into account the following:

“(A) The value of land or a conservation easement may be used by a project applicant as non-Federal match, if the Secretary determines that—

“(i) the land meets the criteria set forth in section 2(b) and is acquired in the period beginning 3 years before the date of the submission of the grant application and ending 3 years after the date of the award of the grant;

“(ii) the value of the land or easement is held by a non-governmental organization included in the grant application in perpetuity for conservation purposes of the program; and

“(iii) the land or easement is connected either physically or through a conservation planning process to the land or easement that would be acquired.

“(B) The appraised value of the land or conservation easement at the time of the grant closing will be considered and applied as the non-Federal cost share.

“(C) Costs associated with land acquisition, land management planning, remediation, restoration, and enhancement may be used as non-Federal match if the activities are identified in the plan and expenses are incurred within the period of the grant award, or, for lands described in (A), within the same time limits described therein. These costs may include either cash or in-kind contributions.

“(g) RESERVATION OF FUNDS FOR NATIONAL ESTUARINE RESEARCH RESERVE SITES.—No less than 15 percent of funds made available under this section shall be available for acquisitions benefitting National Estuarine Research Reserves.

“(h) LIMIT ON ADMINISTRATIVE COSTS.—No more than 5 percent of the funds made available to the Secretary under this section shall be used by the Secretary for planning or administration of the program. The Secretary shall provide a report to Congress with an account of all expenditures under this section for fiscal year 2009 and triennially thereafter.

“(i) TITLE AND MANAGEMENT OF ACQUIRED PROPERTY.—If any property is acquired in whole or in part with funds made available through a grant under this section, the grant recipient shall provide—

“(1) such assurances as the Secretary may require that—

“(A) the title to the property will be held by the grant recipient or another appropriate public agency designated by the recipient in perpetuity;

“(B) the property will be managed in a manner that is consistent with the purposes for which the land entered into the program and shall not convert such property to other uses; and

“(C) if the property or interest in land is sold, exchanged, or divested, funds equal to the current value will be returned to the Secretary in accordance with applicable Federal law for redistribution in the grant process; and

“(2) certification that the property (including any interest in land) will be acquired from a willing seller.

“(j) REQUIREMENT FOR PROPERTY USED FOR NON-FEDERAL MATCH.—If the grant recipient elects to use any land or interest in land held by a non-governmental organization as a non-Federal match under subsection (g), the grant recipient must to the Secretary's satisfaction demonstrate in the grant application that such land or interest will satisfy the same requirements as the lands or interests in lands acquired under the program.

“(k) DEFINITIONS.—In this section:

“(1) CONSERVATION EASEMENT.—The term ‘conservation easement’ includes an easement or restriction, recorded deed, or a reserve interest deed where the grantee acquires all rights, title, and interest in a property, that do not conflict with the goals of this section except those rights, title, and interests that may run with the land that are expressly reserved by a grantor and are agreed to at the time of purchase.

“(2) INTEREST IN PROPERTY.—The term ‘interest in property’ includes a conservation easement.

“(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$60,000,000 for each of fiscal years 2009 through 2013.”

TITLE XIII—MISCELLANEOUS

SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH DAKOTA TRUST FUNDS.

(a) NORTH DAKOTA TRUST FUNDS.—The Act of February 22, 1889 (25 Stat. 676, chapter 180), is amended by adding at the end the following:

“SEC. 26. NORTH DAKOTA TRUST FUNDS.

“(a) DISPOSITION.—Notwithstanding section 11, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of public land are deposited under this Act (referred to in this section as the ‘trust fund’)—

“(1) deposit all revenues earned by a trust fund into the trust fund;

“(2) deduct the costs of administering a trust fund from each trust fund; and

“(3) manage each trust fund to—

“(A) preserve the purchasing power of the trust fund; and

“(B) maintain stable distributions to trust fund beneficiaries.

“(b) DISTRIBUTIONS.—Notwithstanding section 11, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

“(c) MANAGEMENT OF PROCEEDS.—Notwithstanding section 13, the State of North Dakota shall manage the proceeds referred to in that section in accordance with subsections (a) and (b).

“(d) MANAGEMENT OF LAND AND PROCEEDS.—Notwithstanding sections 14 and 16, the State of North Dakota shall manage the land granted under that section, including any proceeds from the land, and make distributions in accordance with subsections (a) and (b).”

(b) MANAGEMENT AND DISTRIBUTION OF MORRILL ACT GRANTS.—The Act of July 2, 1862 (commonly known as the “First Morrill Act”) (7 U.S.C. 301 et seq.), is amended by adding at the end the following:

“SEC. 9. LAND GRANTS IN THE STATE OF NORTH DAKOTA.

“(a) EXPENSES.—Notwithstanding section 3, the State of North Dakota shall manage the land granted to the State under the first section, including any proceeds from the land, in accordance with this section.

“(b) DISPOSITION OF PROCEEDS.—Notwithstanding section 4, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of land under this Act are deposited (referred to in this section as the ‘trust fund’)—

“(1) deposit all revenues earned by a trust fund into the trust fund;

“(2) deduct the costs of administering a trust fund from each trust fund; and

“(3) manage each trust fund to—

“(A) preserve the purchasing power of the trust fund; and

“(B) maintain stable distributions to trust fund beneficiaries.

“(c) DISTRIBUTIONS.—Notwithstanding section 4, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

“(d) MANAGEMENT.—Notwithstanding section 5, the State of North Dakota shall manage the land granted under the first section, including any proceeds from the land, in accordance with this section.”.

(c) CONSENT OF CONGRESS.—Effective July 1, 2009, Congress consents to the amendments to the Constitution of North Dakota proposed by House Concurrent Resolution No. 3037 of the 59th Legislature of the State of North Dakota entitled “A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of North Dakota, relating to distributions from and the management of the common schools trust fund and the trust funds of other educational or charitable institutions; and to provide a contingent effective date” and approved by the voters of the State of North Dakota on November 7, 2006.

SEC. 13002. AMENDMENTS TO THE FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000.

(a) PRIORITY PROJECTS.—Section 3(c)(3) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended by striking “\$5,000,000” and inserting “\$2,500,000”.

(b) COST SHARING.—Section 7(c) of Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by striking “The value” and inserting the following:

“(1) IN GENERAL.—The value”; and

(2) by adding at the end the following:

“(2) BONNEVILLE POWER ADMINISTRATION.—

“(A) IN GENERAL.—The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided to the Secretary by the Administrator of the Bonneville Power Administration.

“(B) NON-FEDERAL SHARE.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the Program shall be credited toward the non-Federal share of the costs of the project.”.

(c) REPORT.—Section 9 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by inserting “any” before “amounts are made”; and

(2) by inserting after “Secretary shall” the following: “, after partnering with local governmental entities and the States in the Pacific Ocean drainage area.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) in subsection (a), by striking “2001 through 2005” and inserting “2009 through 2015”; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) ADMINISTRATIVE EXPENSES.—

“(A) DEFINITION OF ADMINISTRATIVE EXPENSE.—In this paragraph, the term ‘administrative expense’ means, except as provided in subparagraph (B)(iii)(II), any expenditure relating to—

“(i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

“(ii) the review, processing, and provision of applications for funding under the Program.

“(B) LIMITATION.—

“(i) IN GENERAL.—Not more than 6 percent of amounts made available to carry out this Act for each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

“(ii) FEDERAL AND STATE SHARES.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

“(I) 50 percent shall be provided to the State agencies provided assistance under the Program; and

“(II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

“(iii) STATE EXPENSES.—Amounts made available to States for administrative expenses under clause (i)—

“(I) shall be divided evenly among all States provided assistance under the Program; and

“(II) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with—

“(aa) arranging meetings to promote the Program to potential applicants;

“(bb) assisting applicants with the preparation of applications for funding under the Program; and

“(cc) visiting construction sites to provide technical assistance, if requested by the applicant.”.

SEC. 13003. AMENDMENTS TO THE ALASKA NATURAL GAS PIPELINE ACT.

Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following:

“(3) the validity of any determination, permit, approval, authorization, review, or other related action taken under any provision of law relating to a gas transportation project constructed and operated in accordance with section 103, including—

“(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’);

“(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

“(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(D) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

“(E) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).”.

SEC. 13004. ADDITIONAL ASSISTANT SECRETARY FOR DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the first sentence by striking “7 Assistant Secretaries” and inserting “8 Assistant Secretaries”.

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking “Assistant Secretaries of Energy (7)” and inserting “Assistant Secretaries of Energy (8)”.

SEC. 13005. LOVELACE RESPIRATORY RESEARCH INSTITUTE.

(a) DEFINITIONS.—In this section:

(1) INSTITUTE.—The term “Institute” means the Lovelace Respiratory Research Institute, a nonprofit organization chartered under the laws of the State of New Mexico.

(2) MAP.—The term “map” means the map entitled “Lovelace Respiratory Research Institute Land Conveyance” and dated March 18, 2008.

(3) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Energy, with respect to matters concerning the Department of Energy;

(B) the Secretary of the Interior, with respect to matters concerning the Department of the Interior; and

(C) the Secretary of the Air Force, with respect to matters concerning the Department of the Air Force.

(4) SECRETARY OF ENERGY.—The term “Secretary of Energy” means the Secretary of Energy, acting through the Administrator for the National Nuclear Security Administration.

(b) CONVEYANCE OF LAND.—

(1) IN GENERAL.—Notwithstanding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and subject to valid existing rights and this section, the Secretary of Energy, in consultation with the Secretary of the Interior and the Secretary of the Air Force, may convey to the Institute, on behalf of the United States, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) for research, scientific, or educational use.

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1)—

(A) is the approximately 135 acres of land identified as “Parcel A” on the map;

(B) includes any improvements to the land described in subparagraph (A); and

(C) excludes any portion of the utility system and infrastructure reserved by the Secretary of the Air Force under paragraph (4).

(3) OTHER FEDERAL AGENCIES.—The Secretary of the Interior and the Secretary of the Air Force shall complete any real property actions, including the revocation of any Federal withdrawals of the parcel conveyed under paragraph (1) and the parcel described in subsection (c)(1), that are necessary to allow the Secretary of Energy to—

(A) convey the parcel under paragraph (1); or

(B) transfer administrative jurisdiction under subsection (c).

(4) RESERVATION OF UTILITY INFRASTRUCTURE AND ACCESS.—The Secretary of the Air Force may retain ownership and control of—

(A) any portions of the utility system and infrastructure located on the parcel conveyed under paragraph (1); and

(B) any rights of access determined to be necessary by the Secretary of the Air Force to operate and maintain the utilities on the parcel.

(5) RESTRICTIONS ON USE.—

(A) AUTHORIZED USES.—The Institute shall allow only research, scientific, or educational uses of the parcel conveyed under paragraph (1).

(B) REVERSION.—

(i) IN GENERAL.—If, at any time, the Secretary of Energy, in consultation with the Secretary of the Air Force, determines, in accordance with clause (ii), that the parcel conveyed under paragraph (1) is not being used for a purpose described in subparagraph (A)—

(I) all right, title, and interest in and to the entire parcel, or any portion of the parcel not being used for the purposes, shall revert, at the option of the Secretary, to the United States; and

(II) the United States shall have the right of immediate entry onto the parcel.

(ii) REQUIREMENTS FOR DETERMINATION.—Any determination of the Secretary under clause (i) shall be made on the record and after an opportunity for a hearing.

(6) COSTS.—

(A) IN GENERAL.—The Secretary of Energy shall require the Institute to pay, or reimburse the Secretary concerned, for any costs incurred by the Secretary concerned in carrying out the conveyance under paragraph (1), including any survey costs related to the conveyance.

(B) **REFUND.**—If the Secretary concerned collects amounts under subparagraph (A) from the Institute before the Secretary concerned incurs the actual costs, and the amount collected exceeds the actual costs incurred by the Secretary concerned to carry out the conveyance, the Secretary concerned shall refund to the Institute an amount equal to difference between—

(i) the amount collected by the Secretary concerned; and

(ii) the actual costs incurred by the Secretary concerned.

(C) **DEPOSIT IN FUND.**—

(i) **IN GENERAL.**—Amounts received by the United States under this paragraph as a reimbursement or recovery of costs incurred by the Secretary concerned to carry out the conveyance under paragraph (1) shall be deposited in the fund or account that was used to cover the costs incurred by the Secretary concerned in carrying out the conveyance.

(ii) **USE.**—Any amounts deposited under clause (i) shall be available for the same purposes, and subject to the same conditions and limitations, as any other amounts in the fund or account.

(7) **CONTAMINATED LAND.**—In consideration for the conveyance of the parcel under paragraph (1), the Institute shall—

(A) take fee title to the parcel and any improvements to the parcel, as contaminated;

(B) be responsible for undertaking and completing all environmental remediation required at, in, under, from, or on the parcel for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents, in the same manner and to the same extent as required by law applicable to privately owned facilities, regardless of the date of the contamination or the responsible party;

(C) indemnify the United States for—

(i) any environmental remediation or response costs the United States reasonably incurs if the Institute fails to remediate the parcel; or

(ii) contamination at, in, under, from, or on the land, for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents;

(D) indemnify, defend, and hold harmless the United States from any damages, costs, expenses, liabilities, fines, penalties, claim, or demand for loss, including claims for property damage, personal injury, or death resulting from releases, discharges, emissions, spills, storage, disposal, or any other acts or omissions by the Institute and any officers, agents, employees, contractors, sublessees, licensees, successors, assigns, or invitees of the Institute arising from activities conducted, on or after October 1, 1996, on the parcel conveyed under paragraph (1); and

(E) reimburse the United States for all legal and attorney fees, costs, and expenses incurred in association with the defense of any claims described in subparagraph (D).

(8) **CONTINGENT ENVIRONMENTAL RESPONSE OBLIGATIONS.**—If the Institute does not undertake or complete environmental remediation as required by paragraph (7) and the United States is required to assume the responsibilities of the remediation, the Secretary of Energy shall be responsible for conducting any necessary environmental remediation or response actions with respect to the parcel conveyed under paragraph (1).

(9) **NO ADDITIONAL COMPENSATION.**—Except as otherwise provided in this section, no additional consideration shall be required for conveyance of the parcel to the Institute under paragraph (1).

(10) **ACCESS AND UTILITIES.**—On conveyance of the parcel under paragraph (1), the Secretary of

the Air Force shall, on behalf of the United States and subject to any terms and conditions as the Secretary determines to be necessary (including conditions providing for the reimbursement of costs), provide the Institute with—

(A) access for employees and invitees of the Institute across Kirtland Air Force Base to the parcel conveyed under that paragraph; and

(B) access to utility services for the land and any improvements to the land conveyed under that paragraph.

(11) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary of Energy, in consultation with the Secretary of the Interior and Secretary of the Air Force, may require any additional terms and conditions for the conveyance under paragraph (1) that the Secretaries determine to be appropriate to protect the interests of the United States.

(C) **TRANSFER OF ADMINISTRATIVE JURISDICTION.**—

(1) **IN GENERAL.**—After the conveyance under subsection (b)(1) has been completed, the Secretary of Energy shall, on request of the Secretary of the Air Force, transfer to the Secretary of the Air Force administrative jurisdiction over the parcel of approximately 7 acres of land identified as “Parcel B” on the map, including any improvements to the parcel.

(2) **REMOVAL OF IMPROVEMENTS.**—In concurrence with the transfer under paragraph (1), the Secretary of Energy shall, on request of the Secretary of the Air Force, arrange and pay for removal of any improvements to the parcel transferred under that paragraph.

SEC. 13006. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TROPICAL BOTANICAL GARDEN.

Chapter 1535 of title 36, United States Code, is amended by adding at the end the following:

“§ 153514. **Authorization of appropriations**

“(a) **IN GENERAL.**—Subject to subsection (b), there is authorized to be appropriated to the corporation for operation and maintenance expenses \$500,000 for each of fiscal years 2008 through 2017.

“(b) **LIMITATION.**—Any Federal funds made available under subsection (a) shall be matched on a 1-to-1 basis by non-Federal funds.”.

TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT

SEC. 14001. SHORT TITLE.

This title may be cited as the “Christopher and Dana Reeve Paralysis Act”.

Subtitle A—Paralysis Research

SEC. 14101. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON PARALYSIS.

(a) **COORDINATION.**—The Director of the National Institutes of Health (referred to in this title as the “Director”), pursuant to the general authority of the Director, may develop mechanisms to coordinate the paralysis research and rehabilitation activities of the Institutes and Centers of the National Institutes of Health in order to further advance such activities and avoid duplication of activities.

(b) **CHRISTOPHER AND DANA REEVE PARALYSIS RESEARCH CONSORTIA.**—

(1) **IN GENERAL.**—The Director may make awards of grants to public or private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium funded through such grants as a Christopher and Dana Reeve Paralysis Research Consortium.

(2) **RESEARCH.**—Each consortium under paragraph (1)—

(A) may conduct basic, translational, and clinical paralysis research;

(B) may focus on advancing treatments and developing therapies in paralysis research;

(C) may focus on one or more forms of paralysis that result from central nervous system trauma or stroke;

(D) may facilitate and enhance the dissemination of clinical and scientific findings; and

(E) may replicate the findings of consortia members or other researchers for scientific and translational purposes.

(3) **COORDINATION OF CONSORTIA; REPORTS.**—The Director may, as appropriate, provide for the coordination of information among consortia under paragraph (1) and ensure regular communication among members of the consortia, and may require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

(4) **ORGANIZATION OF CONSORTIA.**—Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director.

(c) **PUBLIC INPUT.**—The Director may provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from the public regarding such programs and activities.

Subtitle B—Paralysis Rehabilitation Research and Care

SEC. 14201. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS.

(a) **IN GENERAL.**—The Director, pursuant to the general authority of the Director, may make awards of grants to public or private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders, or stroke, or any combination of such conditions.

(b) **RESEARCH.**—A multicenter network of clinical sites funded through this section may—

(1) focus on areas of key scientific concern, including—

(A) improving functional mobility;

(B) promoting behavioral adaptation to functional losses, especially to prevent secondary complications;

(C) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies;

(D) developing improved assistive technology to improve function and independence; and

(E) understanding whole body system responses to physical impairments, disabilities, and societal and functional limitations; and

(2) replicate the findings of network members or other researchers for scientific and translational purposes.

(c) **COORDINATION OF CLINICAL TRIALS NETWORKS; REPORTS.**—The Director may, as appropriate, provide for the coordination of information among networks funded through this section and ensure regular communication among members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director.

Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities

SEC. 14301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.

(a) **IN GENERAL.**—The Secretary of Health and Human Services (in this subtitle referred to as

the "Secretary") may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency, and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Disability and Health Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community-based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, the establishment of a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions; and

(4) the replication and translation of best practices and the sharing of information across States, as well as the development of comprehensive, unique, and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) promoting proper nutrition, increasing physical activity, and reducing tobacco use;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home- and community-based interventions;

(F) coordinating services and removing barriers that prevent full participation and integration into the community; and

(G) recognizing the unique needs of underserved populations.

(c) GRANTS.—The Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with State-based disability and health programs.

(d) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate by the agencies of the Department of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated \$25,000,000 for each of fiscal years 2008 through 2011.

TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION

SEC. 15101. LABORATORY AND SUPPORT SPACE, EDGEWATER, MARYLAND.

(a) AUTHORITY TO DESIGN AND CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of \$41,000,000 for fiscal years 2009 through 2011. Such sums shall remain available until expended.

SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.

(a) AUTHORITY TO CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of \$14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

SEC. 15103. CONSTRUCTION OF GREENHOUSE FACILITY.

(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$12,000,000 to carry out this section. Such sums shall remain available until expended.

Amend the title so as to read: "An Act to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes."

The amendment (No. 686) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: "To designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes."

Mr. BINGAMAN. Madam President, today the Senate has passed H.R. 146, the Omnibus Public Lands Management Act of 2009. As I said during the debate, H.R. 146 includes over 160 bills from the Committee on Energy and Natural Resources and reflects many years of hard work.

This achievement would not have been possible without the hard work of our outstanding staff. Both our ranking member, Senator MURKOWSKI, and I are very fortunate to have a very dedicated and experienced professional staff. They service the committee and the Senate well. They deserve our thanks.

On the Democratic staff of the committee, I would like to thank the committee's staff director, Bob Simon, and chief counsel, Sam Fowler, for all of their work on this legislation, as on all the legislation that comes through our committee. I would also like to thank senior counsel Patty Beneke; counsel Mike Connor, who worked on all of the water issues included in the bill; counsels David Brooks, Kira Finkler, and Scott Miller, who coordinated all of the park and public lands bills; professional staff members Jorge Silva-Banuelos, who worked very hard on many of the New Mexico land bills; and Jonathan Epstein; and two National Park Service fellows, Karl Cordova, who worked on the committee last year, and Mike Gauthier, who is on the staff for the current year.

I would also like to thank the committee's chief clerk, Mia Bennett; executive assistant Amanda Kelly; communications director Bill Wicker; press secretary David Marks; and staff assistants Rachel Pasternack, Anna-Kristina Fox, Gina Weinstock, and Rosemarie Calabro.

On the Republican side, let me acknowledge Senator MURKOWSKI's new staff director, McKie Campbell, and chief counsel Karen Billups. I would also like to note my thanks to former Senator Domenici's staff director during the previous Congress, Frank Macchiarola, former minority chief counsel, Judy Pensabene, and former professional staff member Tom Lillie. I would also like to recognize counsel Kellie Donnelly; as well as professional staff members Frank Gladics, Josh Johnson, Chuck Kleeschulte, and Kaleb Froehlich, all of whom made significant contributions to this bill.

In addition, I am very grateful to the committee's nondesignated staff: Allison Seyfurth, Dawson Foard, Nancy Hall, Amber Passmore, Monica Chestnut, and Wanda Green.

H.R. 146 contains over 1,200 pages of text, and was the subject of numerous revisions. I am grateful to the help of the Senate legislative counsel office, and Gary Endicott, Heather Burnham, and Colin Campbell in particular.

I would also like to thank Cliff Isenberg from the Senate Budget Committee for his help; as well as Deb Reis from the Congressional Budget Office, and Tyler Kruzich, formerly with CBO.

Finally, let me acknowledge the great help in bringing the bill to the floor we received from the majority leader and his staff: Neil Kornze, Chris Miller, Randy DeValck, Gary Myrick,

and, as always, the secretary for the majority, Lula Davis, as well as Tim Mitchell, the assistant secretary for the majority. I would also like to thank the cloakroom staff, Joe Lapia, Meredith Melody, Brandon Durflinger, and Estaban Galvan, for all of their assistance.

All of these fine staff members had a hand in putting H.R. 146 together and moving it through the legislative process. We would not have been able to pass the bill without their hard work and their professionalism. I wish to thank each and every one of them for their good work.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from California is recognized.

Mrs. BOXER. Madam President, I ask unanimous consent that after the conclusion of my remarks, Senator WHITEHOUSE have the floor, and then Senator SHAHEEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

PASSAGE OF H.R. 146

Mrs. BOXER. Madam President, we just took a very important vote on a very important bill that is good for our country and good for our families. It is good for our heritage. It is good for our economy because I would argue that when we preserve magnificent places in our land, it encourages people to come and see those places and spend time around those places and spend money around those places, and that helps our economy.

I thank the leaders of the Energy Committee on both sides of the aisle, Senators BINGAMAN and MURKOWSKI, and others on the committee. I also thank the staff who worked hard, and I want to take exception to a remark by Senator COBURN. After the staff was thanked, he got up and said, "Well, what staff works for the American people?" Well, I would argue that all the staff here and all of the Senators here work for the American people. And even though Senator COBURN does not bless every provision in this bill, this bill has huge support because the bills in this package will protect some of the most breathtaking places in the Nation, areas that provide a refuge for birdwatchers, hikers, campers, equestrians, fishermen, and other visitors who are looking to escape our Nation's crowded, fast-passed cities to enjoy the tranquility of nature.

I am going to show a few pictures. This is in the Eastern Sierra, the bighorn sheep. We are protecting this magnificent creature that I know Senator HARKIN appreciates.

The bald eagle, which we know we have been doing a lot to save, will be preserved in the many acres we preserve in my home State of California.

In the Riverside bill, this is another magnificent scene of the mountains and the beautiful vegetation that grows without any water to speak of.

The Eastern Sierra, these White Mountains—imagine the beauty of this. So when people come and say we are not doing right by America to save areas such as this, all I say is, open your eyes and gaze upon God's creation. It is so magnificent.

I have one more photo I would like to show you. I know Senator SCHUMER feels the way I do about this. In the Eastern Sierras, this beautiful creek here, a beautiful place to come and enjoy the day, as I said, get away from our crowded cities, bring your family, and stay in the area.

Many bills in this package provide much needed water resources for our communities. It provides recycled water to areas suffering from drought, restoring major watersheds. We are experiencing one of the worst droughts in our State's history. That is why a coalition of 16 western water agencies and organizations wrote to Congress about the urgency of passing this bill that we happily just passed.

You saw some of the magnificent photos of some of the wilderness areas in California that have been saved. They are in what is called the California Desert and Mountain Heritage Act, the Sequoia-Kings Canyon National Park Wilderness Act, and the Eastern Sierra and Northern San Gabriel Wild Heritage Act.

I want to make a point to colleagues. On each of these wilderness areas, I worked with colleagues in the House, many of whom are Republicans, and I thank them enormously for their work: BUCK McKEON, MARY BONO MACK, DEVIN NUNES. I also worked with many Democrats, including JIM COSTA. So we have had a wonderful working relationship across party lines.

There are 700,000 acres of wilderness and/or wilderness study areas and 105 miles of wild and scenic rivers in this bill in my home State. I would say again to Senator COBURN, although I suppose the best thing I can say to him is his argument did not win the day, is that it is our responsibility, I would say to him, to protect these magnificent areas so future generations can enjoy them exactly as we do. These are breathtaking places in California. They provide critically important habitat, as you saw, for the Peninsular bighorn sheep, the mule deer, mountain lions, desert tortoises, and bald eagles.

Again, the economics of this are very clear. In a time of recession, we want to look to the future for jobs, and we know that wilderness bills, just the three of mine in this bill, will produce an estimated 420 jobs and \$7 million in

income to my State. I cannot say enough about the importance of opportunities such as this when you save the environment and you create jobs and everybody comes away a winner.

I would like to respond to some things Senator COBURN has been saying about one of these bills, the California Desert and Mountain Heritage Act. He has questioned why we are designating Beauty Mountain and the Pinto Mountains as wilderness in this bill even though the Bureau of Land Management failed to recommend them for wilderness back in 1990. Well, the answer is that a lot has changed since then—private lands have since been acquired by the BLM and dozens of mining claims have been retired. Without these restrictions, the BLM now supports wilderness designation for these areas and has testified before Congress in support of this bill. Also, Congress has repeatedly asserted its right to name wilderness areas—the agencies make recommendations but we make the final decision based on what we are hearing from the constituents we represent.

These three bills have bipartisan, bicameral, and diverse support. They would not impact the use of private lands, but would simply improve the protection of existing Forest Service, National Park Service, or Bureau of Land Management lands.

While preserving these areas, we have been careful to accommodate stakeholders' needs. For example, we worked to clarify that the Eastern Sierra and Northern San Gabriel Wild Heritage bill's designation of a Wild and Scenic River on segments of Piru Creek will not affect the operations of the United Water Conservation District or Pyramid Dam on the creek, including any rights they may have to modify water releases.

I will close by thanking my colleague, Senator FEINSTEIN, for not only supporting my wilderness bills that are in here but for her leadership in the San Joaquin River Restoration Settlement Act, which is included in this bill.

Senator COBURN tried to remove it from this bill. I do not understand his motivation. The settlement ended 18 years of litigation over the impacts of the Friant Dam on Chinook salmon populations. Why on Earth would anyone try to derail a settlement and drive us back into the courthouse?

What is in here is a carefully crafted compromise solution that is good for our environment, for our agricultural economy, and for our urban communities.

Again, there is more to be said on this matter. I will say again, to see Senator COBURN get up and try to torpedo this important legislation was kind of shocking to me because once in a while I say we should come together here to preserve our Nation's heritage and to try to avoid litigation.

You know, the fact is, the San Joaquin settlement had broad bipartisan support, has it in my State, from the Governor. We even have the support of the outgoing Bush administration, bipartisan House Members, water agencies, conservation groups, elected officials.

So it is a happy day, frankly, for my State of California, a very happy day—700,000 acres of wilderness, the settlement over the San Joaquin River—and for this whole Nation it is a wonderful moment because we addressed the drought some of our areas are facing.

The areas in this bill are truly magnificent places representing California's and the Nation's incredible range of landscapes and habitats. I look forward to working with my colleagues on both sides of the aisle to enact this bill into law and protect these treasures for future generations of Americans.

I hope this bill will get much attention. I hope the President will have a ceremony when he signs this bill because it deserve far more attention than it has been getting. It is good for the environment, it is good for the economy, and it shows a spirit of bipartisanship that I know our President and all of us encourage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

THE BUDGET

Mr. WHITEHOUSE. Madam President, I thank the distinguished chairman of the Environment and Public Works Committee for her passionate defense of our natural resources. She is a constant ally of the very best we cull forth from each other as Senators where our most precious environmental concerns are engaged. It is an honor to follow her.

Before I yield the floor to the distinguished Senator from New Hampshire, who has already made an impact here, I wanted to say a few words about the President's new budget.

Across the country, families sit at their kitchen tables and talk and make tough choices about their own family budget, about what they can afford to spend, about what they have to save. What will they do when it is time for the kids to go to college? What will they do if the car breaks down? What will they do if an elderly parent becomes ill? How will they use their finances wisely to plan for the future? This year, those choices are more difficult than ever. We have families in Rhode Island, as I am sure we have across the country, trying to save their homes, to save their jobs, to save their health care. The bills pile up, and all too often there is not enough to pay them. Well, our country is in a deep hole too. But I would like to remind my colleagues that it was not always this way.

In January 2001, when George Bush became President, the Congressional Budget Office, which is the non-partisan accounting arm of Congress that does our budget outlook on a regular basis, projected that we would see surpluses straight through the decade. These budget surpluses, the product of President Clinton's responsible governing, were projected to be enough to completely wipe out our national debt by 2009, this very year. Imagine, a debt-free America this year. Well, President Bush fixed that.

Usually when American families have a surplus, they use it responsibly, they pay down credit card debt or make an extra mortgage payment. They put it away in retirement savings. They set it aside for college for the kids. Or they spend it on something they need, such as a downpayment on a car or a house. Well, President Bush chose tax cuts for the wealthiest Americans, a misguided war he would not pay for—an irresponsible economic policy, leaving a mountain of debt to the next administration. He, of course, had the enthusiastic support of a Republican Congress which was with him every step of the way into this debt.

Today, the difference between the expected surpluses left by President Clinton and the actual deficit run up by President Bush is a staggering \$8.9 trillion—\$8.9 trillion on America from the Bush administration and its Republican allies in Congress.

So that is what President Obama inherited—a legacy of reckless borrowing, bad decisions, compounded by skyrocketing unemployment and now a deepening recession that only adds to our country's fiscal woes.

President Obama is trying to help us dig our way out of this mess by focusing his budget on the policies and programs that will repair our economy and create the foundation for long-term economic growth and success. He proposed, and we passed, an economic recovery plan to create jobs and support struggling families and make badly needed investments in our infrastructure during this recession. It wasn't perfect. It probably will not be enough. But it was a good start.

Now, the same Republican Party that thought tax cuts for the rich and an unnecessary war in Iraq were good uses of President Clinton's budget surpluses, the same Republican Party that ran up an \$8.9 trillion debt on the country now has its leaders calling President Obama's plans "the fleecing of America's children." It is hard to imagine that this irony eludes them.

President Obama wants to cut taxes for working families, invest in renewable energy, help more young people get a college education, and reform our broken health care system—key priorities for the future of America. But some Republicans who stood by while our country became more and more de-

pendent on foreign oil, while the cost of a college education went through the roof, and while a crisis brewed in our health care system are calling these investments in our future "a remarkable spending binge." Once again, the "department of irony" appears to be open late on the other side of the aisle.

Families in America know we will not get out of this mess with the same failed policies that got us into it—that it is time for new priorities. That is what President Obama's budget offers.

Perhaps our greatest challenge, certainly one of our greatest challenges and opportunities, is presented by our broken and dysfunctional health care system. Unless we take serious remedial action and soon, right away, this recession we are living through now will seem like an economic speed bump compared to what will happen when that \$35 trillion in unfunded Medicare liabilities, against which we have set not one nickel, comes bearing down on us.

We had a lot of fighting in this body about that Recovery and Reinvestment Act. The Recovery and Reinvestment Act was nearly \$800 billion. Compare that to the Bush debt I talked about that they ran up of \$8.9 trillion. Where was the complaining then? Compare that to the \$35 trillion in unfunded liabilities we face for Medicare. Where are the serious ideas about how we address this problem?

When you put these problems to scale, you will see that wave of cost, that tsunami of health care cost coming at us is something we have to address. We are facing truly the financial ruin of our health care system and, if nothing is done, the financial ruin of our country. Every one of us should share the goal of making sure health insurance coverage reaches every American. President Obama's budget makes a downpayment on that badly needed reform. But it is not enough just to give coverage to everybody. It is not enough just to get everybody on board, if the boat itself is sinking.

We have two toolboxes out of which we can fix our health care mess. One reduces coverage, cuts benefits, pays providers less, and raises taxes. That is the old-fashioned toolbox. It will work, but it will be brutal. It will be wrong, and we should do everything we can to prevent it. The other toolbox reforms the health care system itself, making it more intelligent, sensible, helpful, and efficient; with an information technology infrastructure so every American can count on their own secure electronic health record, with improvements in the quality of health care so we maximize the effectiveness while reducing the cost; and with reform of having paid for health care so the health care we want is the health care we are paying for.

The President sees that all of this is doable—and that we need to start now.

His economic recovery legislation put nearly \$20 billion into health information infrastructure. But the President knows there is much more to be done, that these delivery system reforms in health care cannot be flipped on like a light switch. It will require complex workforce, regulatory, and infrastructure changes. Then those changes will have to be implemented and administered. It will take some years, and we need to start now. The Obama budget starts us on that course to fix our broken health care system.

I find it unfortunate that our Republican colleagues don't seem to appreciate the seriousness of these problems and have become a chorus of naysayers with no solutions. It is time to pass a budget that lives up to the expectations of the American people. I hope we will.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AIG BONUSES

Mrs. SHAHEEN. Madam President, I would like to applaud my colleague, Senator WHITEHOUSE, for his comments, particularly around health care. I know all of us believe that is critical for us to address.

I rise to express my outrage that AIG has paid over \$165 million in bonuses to executives at the company, after they received a \$173 billion bailout in taxpayer funds. We all know the economic conditions we are facing are very difficult. Unemployment continues to climb around the country and in my home State of New Hampshire. Families are struggling to make ends meet. Existing home sales are at their lowest levels in more than a decade. Small businesses around the country and in New Hampshire are working hard just to make payroll, to buy inventory, and to keep their businesses viable. In fact, this morning I heard from a small businessman in New Hampshire, Mark Lane, who is the head of Coed Sportswear and Printed Matter, talk about the challenges he faces in this recession, trying to get access to credit to keep his business going.

Yet while small businesses and middle-class families are struggling to make it through these difficult times, the very people whose reckless decisionmaking helped put us in this precarious economic situation are rewarding themselves with bonuses paid for with taxpayer dollars. This is unconscionable.

We have been told nothing can be done about the bonuses to AIG employees because they are contractual commitments. Yesterday, we heard the CEO of AIG say he has asked the recipients of the bonuses to give the money back. I believe those employees should do that, and I hope they will. But we should make sure that when

taxpayer money is used, we have done everything possible to prevent the kind of excesses we have seen with AIG.

As a condition of providing financing to General Motors and Chrysler, the Treasury Department required the automakers to renegotiate their collective bargaining agreements with their workers. In order for their employers to get loans from the Treasury, auto-workers gave up cost-of-living increases to their wages and bonuses, among other benefits. It is our obligation, as we did with General Motors and Chrysler, to protect taxpayer dollars. That is why, in January of this year, I voted against releasing an additional \$350 billion in TARP funding. I opposed the release of this funding because I believed we did not have adequate accounting of the money the United States had already spent in the bailout. At the time I said: We need legislation to enhance transparency and to enhance taxpayer protections before we release additional money.

Earlier this year, Senator DORGAN introduced the Taxpayer Protection Act, something I quickly signed on to as a cosponsor. This legislation is designed to limit executive compensation, to prohibit the kinds of bonuses companies such as AIG, which have received Federal economic assistance, can provide to their employees or their executives. Today we are reminded that the use of taxpayer money should be held to the highest standards of transparency and accountability.

I am hopeful this administration—and we have heard the President say he is committed to doing something about the situation at AIG, and we know this Senate is committed to doing something about the situation at AIG with their executive bonuses—and this body will take the appropriate action to recover the taxpayer dollars AIG has so recklessly spent on bonuses. I intend to do everything I can to support those efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

FISCAL IRRESPONSIBILITY

Mr. INHOFE. Madam President, it is my understanding we are confined to 10 minutes during this timeframe. I will do so, although after listening to the presentation of the Senator from Rhode Island, I wish I had a little bit more time. It is mind-boggling that anyone in this country would look at the budget as put forth by this administration and the spending in the omnibus bill of \$410 billion and the deficit for this year of \$1.75 trillion, the \$787 billion stimulus, as well as the national debt which, projecting forward 5 years, will double under this administration, if the President is successful in getting this spending done, and will triple in 10 years—it is going to be dif-

ficult for any Senator to stand and say there is anything fiscally responsible about the behavior of our current President. If you don't believe it, turn on the TV and watch all the tea parties going on around the country. The people understand. They know the level of spending and how outrageous it is.

SIXTH ANNIVERSARY OF OPERATION IRAQI FREEDOM

Mr. INHOFE. Madam President, today is a very significant day. Right now we are actually looking at the sixth anniversary of the Operation Iraqi Freedom. We sometimes have forgotten about the butcher from Iraq and how bad that was. I had personal experience during the first Gulf War of being there and seeing some of the things that went on, the horrible torture and the things that this particular dictator had done to that country. When we went in 6 years ago, it was a very difficult time because we went in with a military that had been downgraded during the Clinton administration. If you take a straight line in terms of what the expenditures were the day he took office, that is how much we reduced it in force strength, in our modernization program. In fact, this euphoric attitude people were talking about, saying the Cold War is over, we no longer need a strong military, that is the environment we had. I think, under those circumstances, we did an incredible job.

I have never been so impressed with an all-volunteer Army. I happen to have been a product of the draft. I believed that offered more discipline. When I went there—and I honestly believe I have made more trips to Iraq and Afghanistan than any other Member as the second-ranking member of the Armed Services Committee—I was privileged to be in places such as Fallujah during all the elections that took place and to see our young people, not all that well equipped, take on difficult odds. The marines in Fallujah were part of this, and it was incredible to watch. It was more than the World War II door-to-door style of combat.

Then I was very proud to be a part of the training of the troops over in Afghanistan. I say that because it was Oklahoma's 45th Division that was involved in training the Afghans on how to train themselves in the A&A. I feel that to have witnessed this, to have been over there in Bagdad, in Kabal, in that whole theater during this time was so impressive to me.

I can remember going into the various mess halls, with our troops there—and at that time, IEDs, at an unprecedented rate, were killing and maiming our soldiers—and the bravery they had. One of the questions they used to ask me, in the early stages of this war—6 years ago and 5 years ago—was: Why is it the American people do not understand what we are doing here? Why

don't they understand if we do not stop the terrorism here, it is going to be back at our borders the way it was on 9/11? My response to them was I think they are. We are not getting good reporting out of the media. That started changing as improvements came along.

As I witnessed the opportunities that were there, our troops, all of a sudden, during this surge anyway, were gaining a lot more support, and that completely turned it around. GEN David Petraeus did a remarkable job. In fact, all our generals over there did.

So I think it is incumbent upon us today to remember this is the 6th year. This is something that was absolutely necessary for the safety and the freedom we enjoy here in this country. We should be applauding all our troops as they come back.

To me, it was a little unconscionable, just 3 or 4 days ago, when the White House was coming out with a program that would have impaired our wounded veterans coming back from Iraq and the Middle East from access to VA health care. Because of all the people—I am sure the phones are ringing off the hook at the White House—last night they backed away from that. But, nonetheless, we are not getting the support we should be getting now for our military at this time.

Keep in mind, if we went through an 8-year period of dropping down the support, and then we look at the budget that is in today, it is an inflated budget in spending in every possible area except defense. I think it should be our priority now, as we remember what happened 6 years ago today.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

CLIMATE CHANGE

Mr. MCCAIN. Madam President, I come to the floor to discuss for a few minutes with my colleague from South Carolina the issue of climate change.

We all know the budget will be forthcoming. We already understand there will be some \$650 billion included in the budget for general revenues that would go as revenues from climate—here it is: \$646 billion over 8 years. According to some aides to the administration, it could be as much as \$2 trillion. Remarkable.

What we have done is we have gone from an attempt to address the issue of climate change through cap and trade to just generating \$680 billion or \$2 trillion without a trace of bipartisanship, without any consultation, without discussions. What we have done on the issue of climate change, by basically funneling \$680-some billion, is we have destroyed any chance of bipartisanship, and the administration is proposing a plan which will have a crippling effect in a bad economy on, particularly, parts of the country and lower income residents in the South and Midwest.

First of all, if we are going to do cap and trade, we should have generous allowances for people who are now operating under certain greenhouse gas emission conditions.

Second of all, any money, any revenues that are gained through cap and trade clearly should not go to just "general revenues." Any funding should go directly to the development of technologies which will then reduce greenhouse gas emissions. That has to be a fundamental principle. So the administration, in this budget, is basically using it as just a revenue raiser.

By the way, the entire budget contains no references to nuclear power, except striking funds for the Yucca Mountain nuclear waste repository, for which the utilities—passing it on to the ratepayers—have paid somewhere between \$8 billion and \$13 billion for Yucca Mountain to be used as a spent nuclear fuel repository. So it is remarkable.

The Secretary of Energy told me in a hearing in the Energy Committee: Yucca Mountain is finished. I said: What about reprocessing? Can't do that either.

So here you have nuclear powerplants—there are 120 of them operating in the United States of America today—and we cannot reprocess and we cannot store. So what do we do? We either keep them in pools or "solidification" outside of nuclear powerplants all over America—clearly, a threat to the Nation's security.

Let me say to my colleagues, I am proud of my record on climate change. I have been all over the world, and I have seen climate change. I know it is real, and I will be glad to continue this debate with my colleagues and people who do not agree with that. I believe climate change is real.

I believe with what we did in addressing acid rain, which was through a cap-and-trade kind of dynamic, we were able to largely eliminate the problem of acid rain in America. So it has been done before, and we can do it again, admittedly on a much smaller scale.

In the Antarctic, in Alaska and even in the rain forests of Brazil and here in the United States, we are feeling the effect of climate change. So here we are, with a chance to work together in a bipartisan fashion on the issue, and what does the administration do? They send over a budget which earmarks \$600-and-some billion—\$646 billion—which would then go to general revenues, with no consultation or discussions on the issue. I am proud to have worked with Senator LIEBERMAN in years past on trying to address the issue of climate change.

Of course, there is no mention of nuclear power. I do not wish to spend my time on the floor, too much, on nuclear power. But according to the Department of Energy—and depending on whom you talk to—solar will con-

tribute something like 5, 10, at most, 15 percent of our renewable energy needs between now and 2050. Wind, tide, all those others may contribute another 10, 15, 20 percent.

There is a vast, gaping hole in our demand for renewable energy, and nuclear power and hydro can fill those. This administration has turned its back completely on nuclear power. So what do we tell the ratepayers and the utilities that have been paying billions of dollars? As I mentioned, somewhere between \$8 billion and \$13 billion they have invested in Yucca Mountain. And now we are canceling it? Well, maybe they ought to get their money back since it was Government action that made Yucca Mountain no longer a viable option.

We need to debate this issue. We need to address it separately. We certainly do not need to address the issue of climate change and how we are going to remedy it through the budget process.

By the way, the Obama administration plans to use revenues as a slush fund to meet budgetary shortfalls, as I mentioned. Only \$120 billion of the \$650 billion in new revenues would go to climate policy spending, \$15 billion a year out of the \$650 billion would go for clean energy technologies. There is no detail in the budget as to what this includes or excludes—except for closing Yucca Mountain.

Nuclear is not mentioned in the entire budget. Most of the remainder of the revenues generated from the present cap-and-trade proposal as sent over and part of the budget will be used to pay for the Making Work Pay tax credit. I would add that the administration argues that the Making Work Pay tax credit will offset the increase in utility bills caused by their cap-and-trade policy. However, the credit is phased out for taxpayers earning between \$75,000 and \$95,000 a year for individuals and \$150,000 to \$190,000 for married couples.

So the administration is insisting on 100 percent auction which, obviously, would be an incredible detriment to a very serious approach. Our economy is suffering. At times such as these, it is particularly important we provide for transition assistance that will not result in higher energy costs. Again, I wish to point out 100 percent auction will harm heavy manufacturers, the very ones who need the help the most: automobiles, concrete, et cetera, and the lower income residents of the South and Midwest.

Every reasonable cap-and-trade bill in the past has been a blend of auction and allocations—except for this one. The hybrid approach allows heavy manufacturers and coal-fired utilities time to meet emissions targets without needing to exponentially raise energy costs for consumers.

So the administration has sent us a budget with not a single mention of nuclear power and Yucca Mountain no

longer an option. No Yucca Mountain means no waste confidence and, certainly, no new licensing, no spent fuel recycling. Secretary Chu is insinuating the French and Japanese, who have been recycling for decades, are "reckless."

So what we need to do is take up separately the issue of climate change legislation. It would have a gradual implementation schedule. It would allow for the economy to adapt while we meet our environmental goals. The policy must aggressively promote nonemitting green energy technologies, such as nuclear power, hydro, and others. We should pursue a hybrid approach of auctioning a portion of credits while reserving a large portion of the credits that we could allocate to those who need the most help, complying with the emission reductions. Revenues should be used to promote new technologies, help low-income people with the increased costs of electricity, and pay down the debt—not expand the Federal Government.

So it is with some regret I come to the floor to discuss this important issue with a total lack of bipartisanship on the part of the administration and, again, express my willingness—in fact, my deep desire—to sit down and try to address, in a bipartisan fashion, this compelling issue, which is endangering the future of this planet and certainly our children's and grandchildren's future, and that is the issue of climate change.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, one, I would like to recognize the role Senator McCain has played on this issue. It is not something he comes to lightly, when the issue of climate change is discussed. He put together a cap-and-trade system with Senator Lieberman at a time when it was not very popular among some Republicans. But I think he understands the issue as well as any Member I have talked with.

The idea that what we put into the environment can affect our environment—I am not a scientist, but that is common sense to me. Acid rain is a reality. It was a reality. You could see it in the Southeast, where the Presiding Officer lives in North Carolina, and in South Carolina. It was a cap-and-trade system, a new technology that solved that problem. So it is not much of a stretch to me that CO₂ carbon emissions that we are putting into our environment from transportation and power production is heating up the planet, but we can have that debate. If you are serious about energy independence as a nation, it would be good to get away from fossil fuels coming from the Mideast. Clean coal technology is something worth pursuing. The worst thing that could happen to the climate change debate is—you cleaned up your

planet and you passed on a better environment to your children only if you did it responsibly.

Really, the worst thing that could happen to the climate change debate is what this administration is doing. They have destroyed, in my opinion, a lot of bipartisanship by coming up with a \$646 billion budget number, revenue to be created from a cap-and-trade system they never talked to anybody about who has been involved in the issue. This is a radical, reckless departure from the climate change debate that existed before they took office.

This 100 percent auction is a bit complicated to explain, but it is a major departure from the solutions that have existed in the past. Under the McCain-Warner-Lieberman approach, 22 percent of the credits available to industry and energy users would be auctioned and there would be an allocation of credits.

What do I mean by that? A cap-and-trade system at its very basic level—concept—is that we are going to put limits on how much carbon you can emit into the air as an industry. We will have one for the power sector, the transportation sector, for manufacturing. We are going to put a cap on these industries, and anything you emit above that cap, you are going to have to go get a credit, purchase a credit.

Well, if you have a 100-percent auction of these credits, hedge funds are going to come in and buy these credits and bid them up, so it would be very hard for an industry to purchase the credits. People start speculating with these credits.

Now, the northeastern compact has a 100-percent auction, but the emission standards they have decided upon allow—basically, it is greater than the current emissions that exist, so the credits only trade for \$3 because they don't have much of a cap that puts pressure on anybody. The only way you will solve this problem is to have caps that will push people to get away from using carbon, but our manufacturing sector is hanging by a thread in the global economy. If you put too much of a burden on these industries to move away from carbon and their cost of doing business goes up vis-a-vis their competitors in China and India, you are going to put them out of business.

So in some circumstances, you have to allocate to these industries some credits so they can make it through the transition phase. This idea of having a 100-percent auction on day one is a radical departure, and it does generate more revenue, and I think that is what this whole exercise is about—revenue—not solving the climate problem. They have a budget problem, and they are using the climate change debate to generate money.

I have asked the Secretary of Energy and the OMB Director: Where did you

get \$646 billion to plug into your budget? What system did you evaluate that would generate that much money? What did the credits trade for? Nobody has a clue. I literally think they made up these numbers. Some people are talking about the \$646 billion being maybe half of what the actual cost would be if you went to a 100 percent auction. So this is a major departure from the way we have tried to solve the climate change problem in the past, and I think it is going to destroy the ability of the Congress to come together to solve a problem that is looming for the world and particularly this country.

So I hope our colleagues who are serious about the climate change issue will reject this proposal, and let's get together, talk among ourselves, rather than making up numbers that will increase the cost to American consumers by hundreds of dollars a month. This idea of using revenue from a cap-and-trade system to pay for a tax plan of the administration is a complete departure from what we have been doing in the past. I wouldn't expect my Democratic colleagues to allow the Republican Party to come up with a cap-and-trade system to fund one of our projects. The money from a cap-and-trade system should go back into the energy economy to help people comply with the cost of a cap-and-trade system and to develop technologies to get us away from using carbon.

The make work pay tax program is something I don't agree with. It doesn't apply to everybody who will be using energy, and it is a departure from how we would envision the use of revenue, and that is a problem that has to be addressed. If the administration is going to insist on a cap-and-trade system that would generate this much money from our economy at a time when we are weak as a nation economically and would dedicate the revenue to controversial programs, they have done more to kill the climate change debate than any group I know of. You have some people who disagree with the idea that climate change is real. I respect them. They are attacking it up front. We are having a genuine debate. But to say you believe in climate change as a result, and you devise a program such as this without talking to anybody means that you have put climate change second to the budget problems you have created by a massive budget. So this is not going to bear fruit. This is a very low point, in my opinion, in the bipartisan effort to try to create a meaningful inclusion to climate change. I hope the administration will reconsider.

To my Democratic colleagues, those of you who stood up and said: We are not going to let reconciliation—we only need 50 votes to pass something regarding climate change; we are not going to go that route, you have done

the country and the Senate a lot of good because if you ever try that, you have destroyed the position of the minority in the Senate on a major piece of legislation, and that is not what we need to be doing. That is certainly not the change that anybody envisioned. That would be a radical departure in terms of how reconciliation has been used in the past.

To take an issue such as climate change, which has a massive economic impact and is politically very difficult with a lot of honestly held differences, and jam that through reconciliation, well, that would not be the politics of the past, that would be the politics of the past on steroids. That would be taking us to a place where no one has gone before, and if you wanted to destroy any chance of working together, that would be a good way to do it.

Now, as to my colleagues on the Democratic side who see through that, God bless you for standing up and not letting that happen.

So I wish to end my discussion with where I began. Senator MCCAIN and others have charted a path that would lead to a bipartisan solution. I hope the President will consider nuclear power because it is very disingenuous to say you want to solve the climate change problem and you will not address nuclear power as part of the solution. Seventy percent of the energy that is created in America that is not emitting, that has no carbon base, comes from nuclear power. When he campaigned for President, candidate Obama openly talked about offshore drilling and nuclear power. When his budget comes out, there is nothing in the budget to enhance nuclear power, and Yucca Mountain is now going to be closed, apparently, and the idea that reprocessing of spent fuel is the way to store less spent fuel seems to be resisted by this administration.

So I thought we were going to have an administration where science trumped politics. Well, I can assure you when it comes to nuclear power, politics is trumping science. Other than that, I have no problem with what they are doing.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

THE BUDGET

Mr. ENSIGN. Madam President, this Nation is in the midst of a serious and defining challenge. Every single day we are buried in the news of our economic turmoil. Thousands more are being laid off, foreclosures are reaching new highs, property values are dipping to new lows, more businesses are shutting their doors, and Americans are struggling to pay for life's essentials. Consumer confidence is tragically low, and Congress has not acted appropriately to make things better. If this is not an-

other Great Depression, it is surely greatly depressing.

Instead of innovative policies that put more money in the hands of consumers and create incentives for small business growth, we are passing trillion-dollar and multibillion-dollar spending bills as if we are in a race to spend money as quickly and as recklessly as possible. It is time to say hold on. It is time to seriously consider what we are doing, what the impact will have, and how we are quickly driving this Nation off a financial cliff.

For as long as living standards have been recorded, Americans have looked to the next generation as an improvement over the last generation. Opportunities, living standards, and conditions have improved. Technology and research have advanced. There is hope that our children will have more, that it will be even better for them. The optimism that has been uniquely American has always driven us to want more for the future generations but, unfortunately, that has changed. Now we are becoming accustomed to taking more from future generations. We are digging ourselves into greater and greater debt at an alarming and an unbelievable rate. We are spending obscene amounts of money today without thinking about who will pay for it. This keeps falling on deaf ears, but it is our children and our grandchildren who will be stuck with the bill.

I know some of my colleagues like to ask: Where was this concern over the last 8 years as the deficits kept rising higher and higher and higher? Rest assured, there has always been a dedicated group of us beating this drum of fiscal responsibility. My question is, why aren't my Democratic colleagues listening now? They can keep blaming the policies of yesterday while this happens, or they can step up now, as more and more of my colleagues have, to demand an end to this selfish spending addiction.

Alexis de Tocqueville once observed that America was made great because of its good and moral people. How good and moral are we if we are so committed to this immediate gratification that we are willing to jeopardize the potential of our children and our grandchildren? If we continue to spend at the rate we are, our children, and even some of us, will be facing tax bills as high as 88 percent. If you think we will still be the land of opportunity with that kind of tax rate, you are wrong.

When I speak to high school students today and tell them they may be facing tax rates as high as 88 percent when they start working, they become speechless. You can see the disbelief and the fear on their faces. It takes a lot to really throw off teenagers these days. Forget doing better than their parents. They won't have a fighting chance at any level of success while bearing this kind of a tax rate burden.

We cannot afford to let selfishness absorb our purpose of life. Once that takes root in our policies, as we are seeing right now, the great experiment of this democracy will be closed and ready for the history books.

Instead, we need to refocus. We need to refocus our efforts on another very American concept—that we are each in control of our own destiny. That means we keep more of our own hard-earned money because we know best how to spend it or save it or invest it. We don't just throw all of our money to the Government and let them choose one cause they believe is better than another cause. That has never been the American way.

Unfortunately, the Obama administration is taking a huge step away from this concept with its effort to knock down charitable groups at a very crucial time. Non-profits around the country are feeling the pain of this economic recession today, and they are serving more and more people and are having a harder and harder time raising the funds they need to address these increased needs. It is a horrible situation. To make it worse, the Obama budget seeks to reduce the tax deduction that donors can take for their contributions. Studies show that this type of change will discourage almost half of those people from making charitable contributions.

The outrage from the non-profit world in Nevada and across the country has been loud and clear. Groups across the spectrum—education, health care, food banks, rehab, et cetera—have all been stunned by this attack on their missions.

Charitable groups have come face to face with an administration that wants to spread the wealth by spending more money on government solutions to education, health care, hunger, and other services.

Unfortunately, the administration's budget is saying to these groups, who work tirelessly in the communities to improve the quality of life of the citizens, that Government knows better and can do better. I believe, as many others do, they are wrong on this point.

I hope more of my colleagues and more Americans will join me in expressing outrage over the Obama Administration's efforts to decrease the charitable deduction for certain taxpayers.

For all the campaigning the President did on transparency in Government spending, he is going to have an awful lot of trouble masking the intent of his budget. It is full of tax hikes that will stifle future growth and knock the wind out of the middle class.

Benjamin Franklin once said:

It is a maxim that those who feel, can best judge.

Well, the American people are feeling a great deal of pain right now. They are in a perfect position to know what

will best improve the economic situation they are facing, and it is not tax increases.

While President Obama has promised not to raise taxes on families who earn less than \$250,000 a year, a proposal called cap and trade will certainly result in people paying more for everything that takes energy to produce—obviously including their electricity bills. This is an indirect tax on all Americans.

This is a quote from last year by then-candidate Barack Obama:

Under my plan of a cap and trade system, electricity rates would necessarily skyrocket.

He is admitting electricity rates will skyrocket under his plan of cap and trade. Does he really think Americans can afford that right now? This is a violation of a campaign promise, just like the one made by the first President Bush when he said, "Read my lips."

Energy Secretary Steven Chu explained earlier this month that because higher prices are supposed to motivate changes necessary to reduce carbon energy use, climate taxes may drive jobs to countries where costs are cheaper. I didn't realize our country was in a position right now to drive jobs overseas. I know lots of Americans who are looking for jobs right here, right now.

People seem to think they have discovered a pot of gold, but that money comes out of the pockets of American families. This is a tax we will all pay—rich and poor. The average annual household burden will be a little over \$3,000—and that is on the low end of the estimate. How many families do you know right now who can handle an additional \$3,000 a year? And because it is a regressive tax, lower income families will actually be hit the hardest.

Compare this to a Making Work Pay tax credit that is supposed to help working families by using money from the new climate tax. Individuals, under the President's proposal, will get \$400 per year, with a phase-out at earnings of individuals earning \$75,000 a year.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENSIGN. I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Families will get \$800, with a phase-out of earnings of \$150,000 a year. I am pretty sure that if we ask most families whether they would like to get \$800 in return for paying over \$3,000, they would tell us to just skip the whole exercise. In that respect, the American public is smarter than many folks in Washington.

What will Washington do with the excess money this bill generates? We know what it will do: it will spend it, of course.

Not to worry, President Obama's budget provides targeted tax increases

as well—targeted at small businesses that are responsible for a significant amount of the job creation in this country. Top tax rates on small businesses are going up under President Obama's proposed budget. The lower rate is 33 percent now, and under his proposal it will go to 40 percent. On the highest end, right now, it is 35 percent, and that will go to 42 percent.

History and research have shown that raising taxes on businesses depresses investment. It is not surprising that lower taxes on businesses increase employment and wages. It seems like a no-brainer. But in this new area of Government command and control, President Obama is opting to increase people's taxes—especially on those who creates jobs—in order to pay for a larger and more intrusive Government.

This tax, the President has said, only affects 3 to 4 percent of the small businesses out there. This chart refers to the fact that about half of the small businesses, with 20 or more employees, are eligible for the top tax rates I just pointed out.

This is the important point to make: these small businesses that will be hit by this tax create two-thirds of the jobs in America, and we are going to raise their taxes. That doesn't seem like a bright thing to do, especially with the economic position we are in today. My home State of Nevada has been led by small businesses. We have led the country for many years on the percentage of small businesses creating jobs. We really can't afford to have small business taxes increased in my State, nor in any other State across the country.

Going back to the wise words of Benjamin Franklin, the American people are feeling the pain of this economy. They elected President Obama because he campaigned on a slate of "change." I don't believe this is the change the American people signed up for: reckless and endless spending, higher taxes on small businesses, increased energy costs for all families, fundraising hurdles for charitable groups, and a devastating national debt. The list goes on and on.

Madam President, this is the President's budget, and it is a recipe for disaster. We need to come back to the idea of personal responsibility and letting families and businesses have more of their own money to make the kinds of decisions and investments that will drive prosperity in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

(The remarks of Mr. KOHL and Mr. GRASSLEY pertaining to the introduction of S. 647 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. I yield the floor.

EXECUTIVE SESSION

NOMINATION OF ELENA KAGAN TO BE SOLICITOR GENERAL OF THE UNITED STATES

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Elena Kagan, of Massachusetts, to be Solicitor General of the United States.

The PRESIDING OFFICER. There is now 6 hours of debate on the nomination, equally divided between Senator LEAHY, the Senator from Vermont, and Senator SPECTER, the Senator from Pennsylvania.

Mr. LEAHY. Mr. President, before we begin, I know that a number of people—I see Senator GRASSLEY, Senator KOHL, and Senator CARDIN on the floor—a number of people have asked me—I hope we will not be taking the full 6 hours. I have not discussed this with Senator SPECTER, so I cannot speak for him. A few of us are going to speak briefly. I hope at some point we will be able to yield back the remainder of our time and go to the vote. I know a number of Senators, especially Senators from the west coast of both parties, tell me they want to try to reach planes later today. And with the weather, there is some problem. So I hope we might be able to yield back time.

Today, the Senate considers the nomination of Elena Kagan to be Solicitor General of the United States. It is fitting that we consider this historic nomination this month—and I think of my wife, my daughter, and my three granddaughters—because, of course, this is Women's History Month. When Elena Kagan is confirmed, she is going to become the first woman to serve as Solicitor General of the United States.

Nearly 10 years ago, President Clinton nominated Elena Kagan for a seat on the Court of Appeals for the DC Circuit. At that time, she had served as a clerk for Supreme Court Justice Thurgood Marshall and for Judge Abner Mikva on the DC Circuit, a law professor at the University of Chicago, Special Counsel to the Senate Judiciary Committee, Associate Counsel to the President of the United States, Deputy Assistant to the President for Domestic Policy, and Deputy Director of the Domestic Policy Council. Her credentials also included two years at Williams and Connolly and a stellar academic career, graduating with honors from Princeton, Oxford, and Harvard Law School, where she was Supervising Editor of the Harvard Law Review. Despite her outstanding record, the then-Republican majority on the Judiciary Committee refused to consider her nomination. In a move that

was unprecedented, she was among the more than 60 highly qualified Clinton nominees that were pocket-filibustered. No Senate majority—Democratic or Republican—has ever done anything like that before or since. Apparently, they felt she wasn't qualified. So she returned to teaching, becoming a professor at Harvard Law School and, in 2003, she became the first woman to be dean of Harvard Law School.

Now, I mention that not just because Elena Kagan reached one of the pinnacles of the legal profession, but in that position, she earned praise from Republicans and Democrats, as well as students and professors, for her consensus-building and inclusive leadership style. She broke the glass ceiling. Now Dean Kagan is poised to break another glass ceiling. Similar to Justice Thurgood Marshall, for whom she clerked, she would make history if confirmed to what Justice Marshall described as "the best job he ever had." I hope that today the Senate will finally confirm her as President Obama's choice to serve the American people as our Solicitor General.

Two weeks ago Dean Kagan's nomination was reported out of the Senate Judiciary Committee, 13 Senators voted in favor, only 3 opposed. Senator KYL, the Assistant Republican Leader, and Senator COBURN voted in favor of the Kagan nomination, and I commend them. Just as I voted for President Bush's nominations of Paul Clement and Gregory Garre to serve as Solicitor General, Senator KYL and Senator COBURN looked past the differences they might have with Dean Kagan's personal views, and recognized her ability to serve as Solicitor General.

I am disappointed that after 2 weeks, with so many critical matters before the Senate, the Republican Senate minority has insisted on 6 hours of debate on a superbly qualified nominee who has bipartisan support. Democrats did not require floor time to debate the nominations of President Bush's last two Solicitors General, Paul Clement and Greg Garre, who were both confirmed by voice vote.

Even the highly controversial nomination of Ted Olson to be Solicitor General, following his role in the Florida recount and years of partisan political activity, was limited in early 2001 to less time. He was eventually confirmed by a narrow margin, 51 to 47. That was the exception. Other than that controversial nomination, every Solicitor General nomination dating back a quarter century has been confirmed by unanimous consent or voice vote with little or no debate.

Just last week, the Republican Senate minority insisted on 7 hours of debate on the Deputy Attorney General nomination before allowing a vote. Of course, after forcing the majority leader to file for cloture to head off a filibuster and then insisting on so much

time, the Republican opposition to that nomination consumed barely 1 hour with floor statements.

I wish instead of these efforts to delay and obstruct consideration of the President's nominees, the Republican Senate minority would work with us on matters of critical importance to the American people. I will note just one current example. Two weeks ago the Senate Judiciary Committee reported an antifraud bill to the Senate. The Leahy-Grassley Fraud Enforcement and Recovery Act, S. 386, needs to be considered without delay. It is an important initiative to confront the fraud that has contributed to the economic and financial crisis we face, and to protect against the diversion of Federal efforts to recover from this downturn.

As last week's front page New York Times story and the public's outrage over the AIG bailout remind us, holding those accountable for the mortgage and financial frauds that have contributed to the worst economic crisis since the Great Depression is what the Senate should be spending its time considering. We have a bipartisan bill that has the support of the United States Department of Justice. It can make a difference. In addition to Senator GRASSLEY, Senator KAUFMAN, Senator KLOBUCHAR, Senator SCHUMER and Senator SHELBY have worked with us on that measure. I would much rather be spending these 6 hours debating and passing that strong and effective antifraud legislation.

Our legislation is designed to reinvigorate our capacity to investigate and prosecute the kinds of frauds that have undermined our economy and hurt so many hardworking Americans. It provides the resources and tools needed for law enforcement to aggressively enforce and prosecute fraud in connection with bailout and recovery efforts. It authorizes \$245 million a year over the next few years for fraud prosecutors and investigators. With this funding, the FBI can double the number of mortgage fraud taskforces nationwide and target the hardest hit areas. The bill includes resources for our U.S. attorneys offices as well as the Secret Service, the HUD Inspector General's Office and the U.S. Postal Inspection Service. It includes important improvements to our fraud and money laundering statutes to strengthen prosecutors' ability to confront fraud in mortgage lending practices, to protect TARP funds, and to cover fraudulent schemes involving commodities futures, options and derivatives as well as making sure the government can recover the ill-gotten proceeds from crime.

I have been trying to get a time agreement to consider the measure ever since March 5 when the Judiciary Committee reported it to the Senate. We can help make a difference for all

Americans. Instead of wasting our time in quorum calls when no one is speaking, or demanding multiple hours of debates on nominations that can be discussed in much less time before being confirmed, let us work on matters that will help get us out of the economic ditch that we have inherited from the policies of the last administration and let us begin to work together on behalf of the American people.

The Kagan nomination is not controversial. Every Solicitor General who served from 1985 to 2009 has endorsed her nomination—Republicans and Democrats from across the political spectrum. They include: Charles Fried, Ken Starr, Drew Days, Walter Dellinger, Seth Waxman, Ted Olson, Paul Clement and Greg Garre. In their letter of support, they wrote:

We who have had the honor of serving as Solicitor General over the past quarter century, from 1985 to 2009, in the administrations of Presidents Ronald Reagan, George H.W. Bush, William Clinton, and George W. Bush, write to endorse the nomination of Dean Elena Kagan to be the next Solicitor General of the United States. We are confident that Dean Kagan will bring distinction to the office, continue its highest traditions and be a forceful advocate for the United States before the Supreme Court.

Prominent lawyers who served in the Office of the Solicitor General in Republican and Democratic administrations have written to praise Dean Kagan's "great legal and personal skills, intellect, integrity, independence and judgment," concluding that "she has all the attributes that are essential to an outstanding Solicitor General."

Deans of 11 of some of the most prominent law schools in the country describe Dean Kagan as "a person of unimpeachable integrity" who "has been a superb dean at Harvard where she has managed to forge coalitions, attract excellent faculty, and satisfy demanding students." They call her "superbly qualified to fulfill the role of representing the United States in the Supreme Court." If there were an equivalent to the ABA rating for judicial nominees, hers would be well-qualified.

One of the conservative professors Dean Kagan helped bring to Harvard Law School was Professor Jack Goldsmith, who took charge of the Office of Legal Counsel after the disastrous tenures of Jay Bybee and John Yoo. Professor Goldsmith, a conservative, praised Dean Kagan as someone who will "take to the Solicitor General's Office a better understanding of the Congress and the Executive branch that she will represent before the Court than perhaps any prior Solicitor General."

Iraq war veterans wrote a letter to the editor of the Washington Times stating that Dean Kagan "has created an environment that is highly supportive of students who have served in

the military," describing the annual Veterans Day dinner for former service members and spouses that she hosts, and the focus she has placed on veterans at Harvard Law School and the military experience of students.

Dean Kagan has taken every conceivable step to meet with Republican Senators and to respond to their supplemental questions to her. Just this week she responded to a letter from the ranking Republican Senator on the committee with extensive written materials. Her answers during her hearing, in her written follow-up questions and then, again, in response to Senator SPECTER's letter, were more thorough than any Solicitor General nominee in my memory. They are light years better than those provided by Ted Olson or other nominees of Republican Presidents. I hope that we will not see Senators applying a double standard to her and her answers. Those who voted for Ted Olson and Paul Clement and Greg Garre based on their answers can hardly criticize Dean Kagan.

Dean Kagan went above and beyond to provide more information than previous nominees. She did not draw the line as Senator SPECTER has previously complained, at saying only as much as needed to get confirmed by a majority vote. Instead, she went well beyond that to disclose as much about her personal views as she thought she could consistent with her duties. As she explained in her March 18, 2009, letter to Senator SPECTER:

[T]he Solicitor General is acting not as policymaker, but as a lawyer representing the long-term interests of the United States. The Solicitor General would make decisions . . . based not on personal views, but on terminate federal interests. And the Solicitor General's office has longstanding and rigorous processes in place, usually involving numerous client agencies and components, to identify and evaluate the nature and extent of these interests.

Dean Kagan has shown that she has a deep understanding of the role of the Solicitor General and her exemplary record makes her well qualified to fulfill those important duties. Last week, when establishing the White House Council on Women and Girls, President Obama noted: "[T]oday, women are serving at the highest levels in all branches of our Government." Let us not take a step backward to the days when women were not allowed to be lawyers or hold the top jobs. I think of the history of when Sandra Day O'Connor graduated from Stanford Law School with a stellar academic record and was told she could only have a secretarial job because, after all, she was a woman. Some woman. She became one of the most prominent members of the U.S. Supreme Court.

It is time for breaking through barriers. It is interesting when you look at the quality of these people. When Sandra Day O'Connor was nominated, one of my close friends in the Senate, who

was her primary supporter, Senator Barry Goldwater of Arizona, brought her to my office. He said:

You know, sometimes she will probably vote ways I will disagree with; sometimes I will agree with her. I am not asking her how she is going to vote on issues, I am just asking her to be honest and fair and use her great talent. That is all anybody can ask for.

She was confirmed, of course, unanimously.

Barry Goldwater was right. I believe I am, too, when I say it is time for breaking through barriers for this highly qualified person. It is also a time for our daughters and granddaughters to see a woman serving as a chief legal advocate on behalf of the United States.

I urge all Senators to support President Obama's nomination and vote to confirm Elena Kagan to be Solicitor General of the United States.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, when President Obama nominated Elena Kagan to be the Solicitor General of the United States, I must tell you, I was extremely pleased because I knew of her reputation, I knew of her background, and I thought she would be an excellent choice to be the Solicitor General of the United States.

Chairman LEAHY allowed me to chair the hearing on her confirmation. At that hearing, there were spirited questions asked by many members of the Judiciary Committee. We had a chance to review the background record we go through in the confirmation process. Ms. Kagan responded to the questions of the committee members.

I must tell you, I was even more impressed with this individual to be Solicitor General of the United States. I thought she did an excellent job in responding to the questions of the committee and answering them with candor and giving great confidence that she will represent the United States well before the courts of this country.

The Solicitor General has to appear before the Supreme Court. The Supreme Court Justices can be very difficult in their questioning, as can Members of the Senate during confirmation. I think Elena Kagan demonstrated her ability to represent our Nation well as the Solicitor General of the United States.

She comes to this position very well qualified, as far as her experience is concerned. I know Chairman LEAHY has spoken frequently about the need to continue to restore the morale and integrity of the Department of Justice which has been battered in recent

years. I think Elena Kagan will help us restore the reputation of the Department of Justice and help us because of her dedication—and experience—to public service.

She brings a wide range of service, having served as dean of a law school, a law professor, a senior official at the White House, a lawyer in private practice, a legal clerk for a Justice of the Supreme Court.

A graduate from Princeton University and Harvard Law School, Ms. Kagan clerked for Justice Thurgood Marshall on the Supreme Court and then worked as an associate at the Washington law firm of Williams & Connolly. While teaching law at the University of Chicago, she took on another special assignment as special counsel to Senator JOE BIDEN who was then chairman of the Judiciary Committee. Ms. Kagan assisted in the confirmation hearings of Supreme Court Justice Ruth Bader Ginsburg.

Then in 1995, Ms. Kagan returned to public service to serve as President Clinton's associate White House counsel, Deputy Assistant to the President for Domestic Policy, and Deputy Director of the Domestic Policy Council. So she has a combined academic background as well as public service.

In 1999, Ms. Kagan left Government and began serving as a professor at Harvard Law School, teaching administrative law, constitutional law, civil procedures, and a seminar on legal issues and the Presidency.

In 2003, she was appointed to serve as the dean of the Harvard Law School, becoming the first woman ever to be dean in that school's history.

We have a lot of information that we gather during the confirmation process. One of the most impressive letters was a letter we received from the deans of 11 major law schools in support of the nomination. These are your colleagues. They know you best. They know your qualifications.

The letter states in part that the Office of Solicitor General is a job that "requires administrative and negotiation skills as well as legal acumen, and Elena Kagan excels along all relevant dimensions. Her skills in legal analysis are first rate. Her writings in constitutional and administrative law are highly respected and widely cited. She is an incisive and astute analyst of law, with a deep understanding of both doctrine and policy. . . . Ms. Kagan is also an excellent manager. She has been a superb dean at Harvard . . . Finally, Elena Kagan is known to us as a person of unimpeachable integrity."

The Solicitor General of the United States holds a unique position in our Government. The Solicitor General is charged with conducting all litigation on behalf of the United States in the Supreme Court and is often referred to as the "10th Justice." Indeed, the Supreme Court expects the Solicitor General to provide the Court with candid

advice during oral argument and the filing of briefs on behalf of the United States. The office participates in about two-thirds of all the cases the Court decides on the merits each year.

So it is indeed high praise for Dean Kagan that former Solicitors General Walter Dellinger and Ted Olson joined with six other Solicitors General from both parties—Democrats and Republicans—to write a letter endorsing her nomination. If I might, I would like to quote from the letter from the former Solicitors General who endorse Ms. Kagan's nomination to be Solicitor General of the United States. The letter states, in part:

We are confident that Dean Kagan will bring distinction to the office, continue its highest traditions and be a forceful advocate for the United States before the Supreme Court. Elena Kagan would bring to the position of Solicitor General a breadth of experience and a history of great accomplishment in the law. We believe she will excel at this important job of melding the views of various agencies and departments into coherent positions that advance the best interests of our national government. She will be a strong voice for the United States before the Supreme Court. Her brilliant intellect will be respected by the Justices, and her directness, candor and frank analysis will make her an especially effective advocate.

At the same time, we want the Solicitor General to be independent. That person must exercise independent judgment in representing the best interests of the United States before the Court. Ms. Kagan has shown that independence throughout her career, but she also understands she must follow the law. Let me cite one final letter in support of Ms. Kagan's nomination. The letter is from former Deputy Attorney General Jamie Gorelick and former Attorney General Janet Reno. The letter notes that Elena Kagan would be the first woman to hold this office and that the confirmation will:

... represent an important milestone for the Department of Justice and for women in the legal profession. We have no hesitation in concluding that Kagan possesses the skills and character to excel in the position for which she has been nominated.

Tomorrow will mark President Obama's 60th day in office, and I think it is fitting that today we are on the verge of confirming Elena Kagan's nomination so she can join with the Attorney General in helping to restore the competence of the Department of Justice for the American people. I am certain she will make an excellent Solicitor General, and I hope we will promptly confirm her nomination.

With that, I yield the floor.

Mr. LEAHY. I wish to thank the distinguished Senator from Maryland, who is a valuable member of the Senate Judiciary Committee, for stepping in on such short notice when I had to step off the floor.

I have asked my colleagues on the other side—and I know this is something that is being looked at because

we have both Republicans and Democrats, as I said earlier, trying on a rainy day to move around airplane schedules—if we might be able to have the vote very soon but to reserve the time for Senators who have asked to speak on this subsequent to the vote.

There are no Republicans on the floor at the moment, so I am obviously not going to make a unanimous consent request, but were I to make a unanimous consent request, it would be after consultation with the Republican side that we go ahead and have the rollcall vote and then continue whatever time is necessary for debate.

So I mention that is a request I will make at some point, when there is somebody to represent the Republican leader on the floor.

Until then, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged to both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORTGAGE CRAM-DOWN

Mr. DURBIN. Mr. President, you are from the State of Ohio; I am from the State of Illinois. We face similar circumstances when it comes to mortgage foreclosures. Lots of the best and strongest cities in my State, large and small, are being inundated with mortgage foreclosures.

Now, this started off with this predatory trap where a lot of people were lured into mortgages they could not afford. But there was a mortgage broker telling them: It will all work out. The price of your home is going to go up, and it is going to be a good source for you to borrow money in the future. So stretch a little. Trust me. You can make these payments, and a year from now, or when the mortgage readjusts, everything is going to be just fine.

It did not work that way. Some people went into these mortgage agreements and negotiations without the equipment to understand what they were getting into.

I am a lawyer by training. I have been through a lot of closings for real estate. We all know what it is about. They sit you in a room, your wife by your side, and put a stack of papers in front of you. They start turning the corners, talking faster than any salesman you have ever run into, telling you: Do not worry about this one, sign

it. Do not worry about this one, sign it. It is routine, required by Federal law—on and on and on. Pretty soon, with your hand weary at the end of half an hour or so, you have signed 30 or 40 documents. They hand you the paper and say: The first payment is due in 60 days. I know you are going to love this place.

That is what most closings are all about. Not many lawyers and very few purchasers stop them and say: I want to read this document. Can you tell me what paragraph 6 means? Are you sure I am understanding everything this means?

Most of the time, the average people in America are at the mercy of the folks sitting around them. They are bankers, they are lawyers, real estate agents. They are at their mercy and, unfortunately, under some circumstances, some people were misled into mortgage arrangements which were just plain wrong.

For the longest time we went through something called no-doc mortgages. Do you know what that means? No documentation.

How much money do you make?

Oh, I don't know, \$50,000.

How much debt do you have?

Oh, I don't know, maybe \$10,000.

You qualify.

Do you need some documentation?

No, we have to move this through fast. We need to capture an interest rate.

This sort of thing was the height of irresponsibility. At the end of the day, people ended up with these subprime mortgages for homes they, frankly, could not afford, and the day quickly came when this house of cards literally collapsed, and mortgages started being foreclosed across America.

Well, it is not just your neighbor's problem when a house is foreclosed upon. It is your problem too. Even if you are making your mortgage payment, that neighbor's misfortune just affected the value of the home you hold near and dear. That neighbor's inability or failure to pay the mortgage payment is going to affect the value of your home where you just made the mortgage payment and continue to. That is the reality.

The Chicago Sun Times recently reported on the situation of Chris and Marcia Parker. They are in the south suburb of Thornton just outside Chicago. They live in a small brick home that Marcia's father built in the early 1950s. She grew up in the house. The couple moved back home to take care of her elderly mother.

At the time they took out a mortgage to pay for a new roof and a new furnace. They ran a small business, but the business failed, causing them to file for bankruptcy. They both landed new jobs with the same company, but were then laid off at the same time last July because of the recession.

Chris, the husband, found a new job; Marcia has not. Now they are falling behind on their mortgage. They put up for sale the house Marcia's father built. They could not find a buyer. They have now received a foreclosure notice. The foreclosure could happen as early as a week from now. They are trying to reach the lender and work out an arrangement to stay in the home her parents built. Worse, they cannot find a place to rent because their previous bankruptcy, based on the failing small business, they have no idea where they are going to live and whether they will lose their home.

Does this sound like a deadbeat couple to you? It does not to me. It sounds like a couple that has fallen on misfortune, tried their best, tried to get back on their feet, and they keep stumbling and falling again despite their best efforts. This family was not reckless. They were not speculators in the market. We are talking about a house her parents built. They did not buy too much house.

This is a story of a family who has tried to do the right thing and is facing the very real possibility of losing their family home and having nowhere to turn. It is happening over and over again.

In Chicago, there were nearly 20,000 homes last year which entered the foreclosure process. This map tells the story. It looks like this great city of Chicago with the measles. Well, it turns out to be this great city of Chicago with a reflection on the 2008 foreclosure filings.

Get down here around Midway Airport where I travel a lot—I go to O'Hare a lot, too, I might add—and take a look at what is going on in these neighborhoods, in these plots. I took a look at one specific Zip Code right around Midway Airport, and I looked at it visually closely. I could only find five blocks in that Zip Code that did not have at least one home in mortgage foreclosure.

Now, if you traveled to these homes, you might notice them when you are flying in and out of the city. These are neat little brick bungalow homes, not lavish homes, basic two- and three-bedroom homes where folks spend the extra dollars to finish the basement, put in an above-ground pool in the backyard, or try to put something in the attic where the kids can sleep over if they want to. These are basic middle-class family homes, and folks are losing them right and left.

Now, 2 weeks ago I went to Albany Park. That is on the north side of the city of Chicago—again, neighborhood after neighborhood of neat little family homes where people care, where the homes are well taken care of, little garden plots and flowers and decorative efforts by them to make sure their home looks special. Smack dab in the middle of that area was a building, a

three-story building that had been, I guess, developed originally as a condo. When they could not sell the condos, they developed it into apartments, and then mortgage foreclosure. That is now boarded up. It has been vandalized by gangs that go in and rip out the copper piping and everything they can get their hands on. The drug gangs hang out there.

I stood around that neighborhood with the neighbors, many of whom were elderly people, folks who have accents because they came to this country and worked hard and now want to retire. They looked at me and said: Senator, what are you going to do about this? This mortgage foreclosure on our block is changing our lives. We put all of our lives in that home, and now this monstrosity of a foreclosure is destroying our property value.

Well, I have been involved in an effort for 2 years to do something about this, 2 straight years. I am still trying. And here is what it is. If you go into bankruptcy, if you have more debts than you have assets, the court right now can take a look at your debts. In some instances, they can try to restructure the debt so you can pay it off.

If you have a vacation home in Florida, the bankruptcy judge can say: Well, rather than foreclose your vacation home in Florida, we think you have enough income coming in that we will work with the lender and try to make the mortgage terms work. If you own a farm, we can work with the lender to make the mortgage terms work. If you own a ranch, same situation. Same thing on that boat, on that car, on that motorcycle; we can do it—with one exception.

Do you know what the exception is? Your private residence. Your personal home. The bankruptcy court is prohibited by law from looking at that mortgage and saving your home. They can save your vacation condo, your ranch, your farm, all of these other things. They cannot save your home.

It makes no sense. If your home means as much to you as it does to my family and most families, you would think that would be a high priority. Who resists this? The banks do and the mortgage bankers do. They have given it this nice, negative name: cram-down. We are going to let the bankruptcy court cram down that mortgage on your home.

Boy, they sure did not use cram-down when it came to vacation homes or farms or ranches, but now they want to stop it. Why? Because many of them do not want to negotiate a new mortgage. It makes no sense.

A bank, when a mortgage goes into foreclosure, will lose at least \$50,000 on that mortgage foreclosure—at least, with legal fees and other expenses. And in 99 percent of the cases in mortgage foreclosure, the house ends up on the

inventory of the bank. That banker who sits behind the desk at your local bank now has to worry about who is going to cut the grass, who is going to drive by to make sure the home is not being vandalized, how in the world they are going to sell it.

What we are trying to do is set up a process so these homes facing foreclosure, thousands and thousands of homes in the city of Chicago which I am honored to represent, and millions of people across America have a fighting chance.

Now, I have made concessions. I have worked on compromises over the 2 years. Some of the financial institutions are finally saying: All right, we will talk to you. When I started working on this problem 2 years ago, they predicted as many as 2 million families in America could lose their homes. They predicted 2 million. We were told by the lending industry that those estimates were grossly exaggerated: 2 years ago, 2 million.

Goldman Sachs now estimates as many as 13 million homes could be lost to foreclosure in the next 5 years. That is one out of every four private residences in America lost to foreclosure, a foreclosed home on every block in every city in every State in America, on average. That is the reality and the truth of this crisis.

Last year when I called up this bill, they said: DURBIN, there you go again. You are exaggerating it. It is not going to be that bad. We will take care of the problem. Well, we gave them all of the help to take care of it, the voluntary programs, and at the end of the day, where are we? We are in a desperate position in this country where we have to step up and finally break this cycle of mortgage foreclosures.

Both sides have to give. I have been willing to compromise, some of the banking institutions have been, to make sure people go into the bank before they go into bankruptcy court, to give them a chance to work out the terms of a mortgage they can afford so they can stay in their homes and neighborhoods can be stabilized.

That is why I fully support President Obama's plan to help 3 to 4 million homeowners save their homes by modifying their mortgages to make them more affordable. The plan creates incentives that we need so that banks will finally do what has not been done for 2 years: aggressively modify loans so foreclosures can be avoided. That is in the best interests of homeowners and banks.

But this plan is voluntary. Voluntary plans have successively failed. Every time we have said to the financial institutions: We will leave it up to you, you decide whether you want to do something, nothing is done of any major consequence. If the lenders don't want to participate in the President's plan or previous plans, they don't have to.

The program pays servicers taxpayer money to offer loan modifications that may not be enough. We need to have at the end the possibility—not the probability but the possibility—that the bankruptcy court will have the last word. That is why the administration has included my plan in their proposal. The President supports my change in the Bankruptcy Code to allow mortgages on primary residences to be modified in bankruptcy just as other debts. If banks don't want judges to modify mortgages for them, they will be far more likely to do it themselves. How would it work? Only families living in the home would qualify. This isn't for speculation. This isn't for that extra condo you bought somewhere in hopes that you could turn a buck. It is your primary residence, the one you live in. Only mortgages for which the foreclosure process has started are eligible. No one who can pay their current mortgage can have a judge change those terms. Judges would be limited in how they can modify the mortgages. They could never create a mortgage that would create a worse result for the bank than foreclosure.

If this bill passes, taxpayers don't lose a buck, and we could have a positive result where many people could win. The mortgages that are modified in bankruptcy will provide far more value to lenders and investors than foreclosure.

Best of all, there is no expense to taxpayers.

This is expensive to taxpayers. Why? Because if the home next door to you goes into foreclosure, the value of your home goes down, property tax revenues go down, and the local unit of government loses the revenue it could receive from those property taxes, for starters.

If you can't buy and sell a home in your neighborhood, do you know what that means to the realtor, to the people who build homes, to those who sell carpeting for new homes, right on down the line?

I will return to the floor next week to talk about this bill. I know opponents hate it. I can't persuade some of them no matter what I do, no matter what concessions I make. But I will not give up. For 2 years, we have been fighting to pass a strong housing bill to turn away this tide of foreclosures in Chicago and across America. I hope that on a bipartisan basis we can do that starting very soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. What is the business pending before the Senate at the moment?

The PRESIDING OFFICER. The nomination of Elena Kagan to be Solicitor General.

Mr. SPECTER. Mr. President, I came at 2 o'clock, when this nomination was listed for argument, and another Sen-

ator was speaking on another subject. We have just heard another Senator speaking on still another subject. Only two Senators have spoken so far in favor of the nomination. I say to my colleagues on both sides of the aisle, if they have anything to say about the nominee, they ought to come to the floor and speak.

The chairman has raised a proposal about voting on the nomination and speaking afterward. Part of our deliberative process is to have Senators speak with the prospect—maybe unrealistic, maybe foolish—of influencing some other votes. We are not going to influence any votes if we speak after the vote is taken. But it may be that we are not going to have speakers. I urge my colleagues to come to the floor. This is Thursday afternoon. In the Senate, that is a code word. It means we are about to leave. There are no votes tomorrow, so there will be some interest in departure not too long from now. I think we ought to conclude at a reasonable time.

In advance, I had been advised that quite a number of people want to speak for quite a long time. We got an allocation of 3 hours for the Republican side. That means 6 hours equally divided. Now it appears that some who had wanted extensive time will now not be asking for that extensive time. We ought to make the determination as soon as we can as to who wants to speak and for how long so that we can figure out when is a reasonable time to have the vote and conclude the debate so Senators may go on their way.

Turning to the subject matter at hand, the nomination of Dean Elena Kagan for Solicitor General of the United States. I begin by noting Dean Kagan's excellent academic and professional record. I call her Dean Kagan because she has been the dean of the Harvard Law School since 2003.

She has excellent academic credentials: summa cum laude from Princeton in 1981, and magna cum laude from the Harvard Law School in 1986, where she was on the Harvard Law Review. She clerked for Circuit Judge Mikva and Supreme Court Justice Marshall and she has had government service.

I ask unanimous consent that her resume be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. The office of Solicitor General is a very important office. That is the person who makes arguments to the Supreme Court of the United States on behalf of the United States government. In addition to making arguments, the Court frequently asks the Solicitor General for the Solicitor General's opinion on whether a writ of certiorari should be granted in pending cases. So the Solicitor General is sometimes referred to

as the 10th Supreme Court Justice—a pretty important position.

I have gone to substantial length, really great length, to find out about Dean Kagan's approach to the law and approach to the job of Solicitor General and to get some of her ideas on the law because she is nominated to a critical public policymaking position. I had the so-called courtesy visit with her in my office, which was extensive, as ranking member on the Judiciary Committee. We had an extensive hearing, where I questioned her at some length. Written questions were submitted, and she responded. I was not satisfied with the answers that were given, and when her name came before the committee for a vote, I passed. That means I didn't say yea or nay. I wanted to have her nomination reported to the floor so we could proceed, and I wanted an opportunity to talk to her further. I did so earlier this month. I then wrote her a letter asking more questions and got some more replies. I use the word "replies" carefully because I didn't get too many answers as to where she stood on some critical issues.

During the course of the hearing, we discussed extensively some of her very deeply held positions. The question was raised by me, given those positions, would she be able to take a contrary position on some statute that she is obligated to uphold in arguments before the Supreme Court. She said she would. But the question remains, when you feel so strongly—and the record will show what she had to say—whether you can really make a forceful argument as an advocate. Theoretically, you can. Lawyers are not supposed to necessarily believe in their positions; they are supposed to advocate. The clash and clamor of opposing views in our adversarial system is supposed to produce truth. Lawyers advocate more so than state their own positions. But there is a degree of concern when the views are as strongly held as Dean Kagan's have been.

After the long process I have described, I still don't know very much about Dean Kagan. It is frequently hard, in our separation of powers, for the legislative branch to get much information from the executive branch. We look for information, and frequently we are told it is executive privilege. We are told it is part of the deliberative process or we are simply not told anything, with long delays and no responses.

The legislative branch has two critical pressure points. One pressure point is the appropriations process, to withhold appropriations, which, candidly, is not done very often. It is pretty tough to do that. Another point is the confirmation process where nominations are submitted to us to be confirmed, which the Constitution requires. So there the executive branch has no

choice. They can't talk about executive privilege or deliberative process or anything else. But there is a question as to how thorough nominees answers to questions should be.

In discussing what answers we can reasonably expect from Dean Kagan, the issue of the questioning of judicial nominees is implicated to the extent that the tides have shifted as to how many questions Supreme Court nominees are asked. Not too long ago, there weren't even hearings for Supreme Court nominees. Then the generalized view was that nominations were a question of academic and professional qualifications. Then the view was to find out a little bit about the philosophy or ideology of a nominee but not to tread close to asking how specific cases would be decided. The President is customarily afforded great latitude with nominations. Then Senators look for qualifications, with the generalized view that they don't want to substitute their own philosophy or own approach to the law for the discretion of the President. Some Senators do. There is no rule on it. We may be in a period of transition where some have said the Senate ought to do more by way of utilizing Senators' own philosophical positions in evaluating the President's nominees, that we have as much standing on that front as the President. That is an open question, but I don't propose to suggest the answer to it today or to take a position on it. But it bears on how far we can go in asking Dean Kagan questions.

I don't know very much more about her now than I did when we started the process. From the many questions that I asked her on cases, I have picked out a few to illustrate the problem I am having with figuring out where she stands and the problem I am having with her confirmation. One case of substance and notoriety is a case involving insurance for Holocaust survivors.

The Southern District of New York Federal court held that plaintiffs' monetary claims were preempted by executive policy. The Second Circuit wrote to the Secretary of State and asked for the administration's position on the adjudication of these suits with respect to U.S. foreign policy.

Dean Kagan was asked the question of what was her view on this case. This was a pretty highly publicized case, and it is pretty hard to see how an insurance company ought to be preempted or protected by foreign policy considerations. Well, Dean Kagan didn't tell us very much in her answer. The answer takes up two-thirds of a page, and most of it is about the consultative process, which I am, frankly, not much interested in. I want to know what she thinks about the policy.

She said:

At the end of this process, the decision of the Solicitor General on seeking certiorari is likely to reflect in large measure the views

of the State Department as to the magnitude of the foreign policy interests involved.

It does not say very much. I want to know what foreign policy interests she is concerned about.

Another case involving the terrorist attacks captioned "In re Terrorist Attacks on September 11, 2001" where people who were victimized on that day sought damages from Saudi Arabia, Saudi princes, and a banker, who were alleged to have funded Muslim charities that had provided material support for al-Qaida. The Southern District of New York Federal Court dismissed the plaintiffs' claims on the grounds that the defendants were immune from suit. The Second Circuit affirmed, and the Supreme Court then asked the Solicitor General's Office for its recommendation as to whether to grant the petition for certiorari. There, you have the "tenth" Supreme Court Justice, the Solicitor General, coming into the picture.

Well, when I questioned Dean Kagan on this case, her response was: "I am unfamiliar with this case. . . . A critically important part of this process would be to" work with the clients, the Department of State, and the Department of Justice. And the "inquiry would involve exploration of the purposes, scope, and effect of the Foreign Sovereign Immunities Act, as well as consideration of the role private suits might play in combating terrorism and providing support to its victims."

Well, we do not know very much about her views from that answer. There has been a lot of information in the public domain that Saudi charities were involved. Fifteen of the nineteen hijackers were from Saudi Arabia. People were murdered. There are claims pending in court. The question is whether the Supreme Court is going to take the case. Well, I wish to know what the nominee for the position of Solicitor General thinks about it.

I had calls from people in high positions—I do not want to identify them—saying: Well, don't ask those kinds of questions. Somebody in the executive branch. Well, I am not prepared to relinquish the institutional prerogatives of the Senate to ask questions. The executive branch nominees want confirmation. Well, Senators want information to base their opinions on.

In the case of Republic of Iraq v. Beatty, the question was whether Iraq was amenable to suit under the exception to the foreign sovereign immunity clause. American citizens were taken hostage by Saddam Hussein in the aftermath of the first gulf war. They got more than \$10 million in damages. The question, then, is, what would the Solicitor General do? The case is now pending before the Supreme Court. Dean Kagan gives an elongated answer saying very little, virtually nothing:

I have no knowledge of the case and cannot make an evaluation of its merits, even if this

evaluation were appropriate (which I do not believe it would be) while the case is pending before the Court with a brief from the Solicitor General supporting reversal.

Well, Dean Kagan has a point as to how much knowledge she has of the case. But when she says that an evaluation is not appropriate while a brief is pending from the Solicitor General supporting reversal—she is not the Solicitor General. She has not submitted the brief. She is not a party to the action. She is a nominee. She wants to be confirmed. I wish to know how she would weigh this issue.

Americans taken hostage by Saddam Hussein, and the verdict of \$10 million—why not have a judicial determination in a matter of this sort? How much do we defer to foreign governments who have murdered and abused and kidnapped American citizens? I think those are fair questions.

I will discuss one more question because I see my colleague Senator SESSIONS is on the floor.

That is the Kelo case, *Kelo v. London*, a very famous, widely publicized case on eminent domain. Well, does Dean Kagan have the record in the case? Has she gone through it line by line? No, that has not happened. But the case is pretty well known. It is pretty hard to say you do not know much about that. This is what she said in response to my question regarding the case:

I have never written about the Takings Clause; nor have I taught the subject. . . .

Well, if that is relevant—I do not know if we would confirm very many people to the Department of Justice Attorney General position or Solicitor General position or to other positions if you had to have written about it or if you had to have taught a class on the subject. Here again, we know very little as to what she thinks about an issue.

In essence, it is difficult to cast a negative vote on someone with the qualifications and background of Dean Kagan, but we have a major problem of institutional standing to find out from a nominee what the nominee thinks on important questions.

The nominee disagrees with what I have said. I have talked to her about it. She thinks she can be an advocate for issues even though she feels very strongly the other way. She feels she does not have to answer questions because it would be inappropriate because the case is pending and the Solicitor General has rendered an opinion. Well, I disagree with that. I have no illusion the issues I have raised will prevail. I think it is pretty plain that Dean Kagan will be confirmed. But I do not articulate this as a protest vote or as a protest position, but one of institutional prerogatives. We ought to know more about these nominees. We ought to take the confirmation process very seriously. I believe the scarcity

and paucity of Senators who have come to the floor to debate this nomination does not, candidly, speak too well for this institution. We are all waiting to vote to go home. But this is an important position. For a Supreme Court Justice nominee, television cameras would be present during the hearings, and everybody would be there, and everybody would be on camera.

Well, I think we have to pay a little more attention, and I have gone to some length to try to find out more about Dean Kagan. In the absence of being able to do so and to have a judgment on her qualifications, I am constrained to vote no.

Before I yield the floor, Mr. President, again, I ask my colleagues to come to the floor if they are going to have something to say. I would hope we could wind up our activities. We could go until 8 o'clock. I do not think we ought to do that. My view is, we ought to vote no later than 5. But I am not the leader. That is just my view. But I do think people ought to come if they want to speak. Or maybe we will vote at 5 o'clock, and people can speak afterwards. I do not know how it will work out. But I think it would be very healthy if people spoke before the vote on the assumption that we have debate to try to influence other Senators because we are the world's greatest deliberative body, so it says in all the texts.

I yield the floor.

EXHIBIT 1

ELENA KAGAN

SOLICITOR GENERAL OF THE UNITED STATES

Birth: 1960; New York, New York.

Legal Residence: Cambridge, Massachusetts.

Education: B.A., summa cum laude, Princeton University, 1981; Daniel M. Sachs Graduating Fellow, Princeton University; M.Phil., Worcester College, Oxford, 1983; J.D., magna cum laude, Harvard Law School, 1986; Supervising Editor, Harvard Law Review.

Employment: Judicial Clerk, Judge Abner Mikva, U.S. Court of Appeals for the D.C. Circuit, 1986-1987; Judicial Clerk, Justice Thurgood Marshall, U.S. Supreme Court, 1987-1988; Staff Member, Dukakis for President Campaign, 1988; Associate, Williams & Connolly LLP, 1989-1991; Assistant Professor, University of Chicago Law School, 1991-1994; Tenured Professor, 1995-1997; Special Counsel, Senate Judiciary Committee, 1993 (summer); Associate, Counsel to the President, Executive Office of the President, 1995-1996; Deputy Assistant to the President for Domestic Policy, 1997-1999; Visiting Professor, Harvard Law School, 1999-2001; Professor of Law, 2001-Present; Dean, 2003-Present.

Selected Activities and Honors: Public Member, Administrative Conference of the United States, 1994-1995; Litigation Committee Member, American Association of University Professors, 2002-2003; Recipient, 2003 Annual Scholarship Award of the American Bar Association's Section of Administrative Law and Regulatory Practice, 2003; Board of Trustees, Skadden Fellowship Foundation, 2003-Present; Board of Directors, American Law Deans Association, 2004-Present; Research Advisory Council, Goldman Sachs Global Markets Institute, 2005-

2008; Honorary Fellow, Worcester College, Oxford University, 2005-Present; Board of Advisors, National Constitution Center's Peter Jennings Project for Journalists and the Constitution, 2006-Present; Member, New York State Commission on Higher Education, 2007-2008; John R. Kramer Outstanding Law School Dean Award, Equal Justice Works, 2008; Recipient, Arabella Babb Mansfield Award, National Association of Women Lawyers, 2008; Board of Directors, Equal Justice Works, 2008-Present.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I begin by thanking the Senator from Alabama for his courtesy. I appreciate him allowing me to go before him to speak.

I rise today in support of the nomination of Elena Kagan to be Solicitor General of the United States. As we saw from her confirmation hearing in the Judiciary Committee more than a month ago, Elena Kagan has the piercing intellect, superb judgment, and wealth of experience necessary to be an outstanding Solicitor General.

Dean Kagan's academic credentials could not be any more impressive. After graduating summa cum laude and Phi Beta Kappa from Princeton University, she attended the Harvard Law School, served as supervising editor of the Harvard Law Review, and graduated magna cum laude. After law school, she clerked first for Abner Mikva of the District of Columbia Circuit, and then Thurgood Marshall on the U.S. Supreme Court.

That auspicious start to Dean Kagan's legal career was followed by private practice at one of America's leading law firms, and then service in the Office of the Counsel to the President. She has also been a policy adviser to the President, and a legal scholar of the first rank at both the University of Chicago and Harvard.

As others have pointed out, her research and writing in the areas of administrative and constitutional law make her a leading expert on many of the most important issues that come before the Supreme Court.

If that level of experience were not enough, she has spent the last 5 years as the extraordinarily successful dean of the Harvard Law School, which by all accounts is not an easy place to govern.

I note that several of that school's most conservative scholars have voiced their support for this nomination. They praise her vision and judgment, her incredible work habits, and her extraordinary management skills. Just as important, they point to her ability to bridge disagreement, by listening to all sides of an argument, engaging honestly with everyone concerned, and making decisions openly and with good reasons.

No one disputes that Dean Kagan has served Harvard incredibly well. She will do the same for the Office of Solic-

itor General. Her accomplishments as a scholar and teacher are unmatched. Her skill as a leader and manager are beyond dispute.

In fact, she has the support of every single Solicitor General who has served since 1985, including all three who worked in the previous administration. As they wrote to the Judiciary Committee:

We are confident that Dean Kagan will bring distinction to the office, continue its highest traditions and be a forceful advocate for the United States before the Supreme Court.

On a personal note, I want to add that earlier in her career, Dean Kagan spent some time working as an adviser to then-Senator BIDEN. I had the good fortune to get to know her in that context. Based on that experience, and everything I have seen since, I am absolutely convinced not only that she possesses enormous intellect and consummate skill, but also that she is a person of the highest character and unquestioned integrity.

In short, this is an outstanding nominee, and an outstanding nomination.

On March 5, after thorough consideration, a bipartisan majority of the Judiciary Committee—13 to 3—voted to report Dean Kagan's nomination. I urge my colleagues to confirm her without delay, so she can begin the critical task of representing the United States in the Supreme Court.

Mr. President, I yield the floor to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I wish to share my thoughts about the nomination of Elena Kagan to be Solicitor General.

I have strong concerns about her nomination and will not support her nomination. I do believe the President, like all Presidents, should be entitled to a reasonable degree of deference in selecting executive branch nominees. But for some of the reasons I will set out, and one in particular, I am not able to support this nomination and will not support it.

I believe her record shows a lack of judgment and experience to serve as the Nation's chief legal advocate—a position many have referred to as the Supreme Court's "tenth Justice." It is also a position that has been called the best lawyer job in the world.

Well, so far as I can observe, other than time in the White House Counsel's Office, Dean Kagan has only practiced law for 2 years in a real law firm practicing law. She had very limited experience in the things you would look for in a person of this nature.

But let me discuss one defining moment in her career that I was sort of indirectly involved in because of legislation that was percolating in the Congress, in the Senate and in the House, and it means a lot to me.

During her tenure as dean, Ms. Kagan barred the U.S. military from coming on the Harvard Law School campus to recruit young law graduates to be JAG officers in the U.S. military. That was from November of 2004 through September of 2005. She barred them from coming and recruiting on campus while 150,000 of our finest men and women in this country were serving in combat in Iraq and Afghanistan and during a time in which 938 troops died in combat, preserving the rights of people like law deans, faculty, and students to have all the opinions they want. Her decision to bar the military from her campus during a time of armed conflict represents exceedingly poor judgment and leadership, particularly for someone who wants to lead the Department of Justice, the executive branch, and support the military of the United States.

By refusing to allow military recruiters on the Harvard Law School campus, she placed her own opposition to military policies above the need of our military men and women to receive good legal advice, even from Harvard lawyers. And she did so at a time when the military, serving in conflicts in two foreign countries, was facing a host of complex legal issues. We are still fighting over them, for that matter. Maybe it would have helped if we had some of those graduates participating in them.

I don't believe she ever had a basis to have barred the military from her school's campus, and I believe she should have had the judgment to realize the signal and the impact that was being sent to our military and to the students who want to support and serve in the military. Indeed, President Obama should have realized the signal he was sending by nominating her to this position.

Flagg Youngblood wrote an op-ed in the Washington Times on January 30 and this is what that op-ed stated. I will quote from that article. I think it makes a point. This is a military person:

Since the Solicitor General serves as the advocate for the interests of the American people to the Supreme Court, we're expected to believe Kagan is the best choice? Her nomination smacks of special interest, aimed at protecting the Ivy League's out-of-touch elitism at the expense of students, taxpayers, and our military alike.

And what about the qualified students who desire to serve our country?

In the military, he is referring to.

Second-class, back-of-the-bus treatment, that's what they get, typically having to make time-consuming commutes to other schools and, much worse, the ill-deserved disdain of faculty and peers on their own campuses.

The military, nobly and selflessly, stands alert at freedom's edge, ready to defend our Nation in times of crisis, and should therefore be honored, and, as most Americans would argue, given preferential treatment, for guarding the liberties that academics such as Kagan profess to protect.

That's precisely why Congress intervened more than a decade ago, at the behest of a large majority of Americans who recognize and appreciate what our military does, to fulfill the Constitution's call for a common defense among the few, enumerated Federal powers. And, to stop financing those who undermine that fundamental duty. Yet, left-wing views like Kagan's still disparage the sacrifices our military makes and cause real, quantifiable harm to students and to our Nation at taxpayer expense.

Well, Mr. Youngblood's editorial—he felt deeply about that—deserves, I think, extra force and credibility because he was affected by similar policies when he tried to participate in ROTC while attending Yale University during the 1990s. Due to Yale's exclusion of the ROTC from campus, Mr. Youngblood was forced to travel because he wanted to serve his country, 70 miles to commute to the University of Connecticut to attend the military ROTC classes. His ordeal—and many like it—led to the passage of the Solomon amendment, which is the Federal law that requires colleges to allow military recruiters on campus in order to be eligible for Federal funds.

Well, let me say, that amendment didn't order any university to admit anybody or to allow anybody to come on campus; it simply says when you get a bunch of money from the Federal Government, you at least need to let the military come and recruit students if they would like to join the U.S. military and not exclude them.

So the Solomon amendment is critically important here because it shows that Ms. Kagan's decision to block the military from Harvard Law School's campus was not just wrong as a matter of public and military policy. It was also clearly wrong as a matter of law. While dean at Harvard, Ms. Kagan was a vocal critic of the Solomon amendment. She called the law immoral. She wrote a series of e-mails to the Harvard Law School community complaining about the Solomon amendment and its requirement—horrors—that federally funded universities, if they continue to get Federal money, ought to allow military recruiters on campus or lose the Federal money. She thought that was horrible.

I should note that Harvard receives hundreds of millions of dollars in Federal funding: \$473 million in 2003, \$511 million in 2004, and \$517 million in 2005. That is a lot of money. The Federal highway budget that goes to the State of Alabama is about \$500 million a year. Harvard University gets that much. By opposing the Solomon amendment, Ms. Kagan wanted Harvard to be able to receive these large amounts of taxpayers' dollars without honoring Congress's and President Clinton's judgment that military recruiters were eligible to come on campus. Under the Solomon amendment, Harvard has always had the option of declining Federal funds and relying on

its big endowment—\$34 billion—and their tuition to fund the university. Much smaller institutions, such as Hillsdale College, have chosen to decline Federal funds to carry out their full academic independence. Harvard and Dean Kagan were not willing to do so. They wanted both. They wanted money and the right to kick out the military.

I think she showed her legal judgment regarding the Solomon amendment in 2005 when she joined in an amicus brief of Harvard Law School professors to the U.S. Supreme Court in *Rumsfeld v. FAIR*, opposing the Solomon Amendment's application to Harvard Law School. Unlike the chief litigant—the formal appeal group—in the case, which raised a straightforward first amendment challenge to the Solomon amendment, the brief Ms. Kagan joined with other Harvard Law School professors made a novel argument of statutory interpretation that was too clever for the Supreme Court.

Her brief argued that Harvard Law School did not run afoul of the letter of the Solomon amendment because Harvard law school did not have a policy of expressly barring the military from campus. Harvard, she argued, barred recruiters who discriminate from campus. Her brief reasoned that the Solomon amendment shouldn't apply where the military wasn't singled out, but just ran afoul of a school's non-discrimination policy.

Ms. Kagan's argument was considered by the U.S. Supreme Court and the U.S. Supreme Court upheld the Solomon amendment. In specifically addressing Ms. Kagan's amicus brief with the Harvard professors, Chief Justice Roberts, writing for the Court, dismissed Ms. Kagan's novel statutory interpretation theory using these words:

That is rather clearly not what Congress had in mind in codifying the DOD policy. We refuse to interpret the Solomon amendment in a way that negates its recent revision, and indeed would render it a largely meaningless exercise.

It is telling also to note that the brief she signed on to was unable to convince a single Justice of the Supreme Court to go along with it—not even Justice Ruth Bader Ginsberg who was once general counsel to the American Civil Liberties Union.

Let me mention one more thing people have mentioned about the Kagan decision to bar the military from recruiting on the Harvard campus. Some may have heard that the decision to bar the military was merely honoring a ruling of the Third Circuit, which briefly ruled against the Solomon amendment on a split decision in *Rumsfeld v. FAIR*. It is critical to note that the Third Circuit's ruling never went into effect because the case was appealed to the U.S. Supreme Court and the Third Circuit stayed enforcement of its decision. In other words, the Third Circuit

said: Yes, we have rendered it. We understand our opinion is under appeal. We are not going to issue a mandate or an injunction that our opinion has to be followed. We will allow this case to be decided ultimately by the Supreme Court of the United States.

No injunction was ever entered against enforcement of the Solomon amendment. Any decision by any dean to reject the Solomon amendment and not enforce it was not required by law. The law stayed in effect. In fact, Dean Kagan acknowledged that in an e-mail to the Harvard Law School community in 2005. There was a lot of controversy about this at Harvard. A lot of people weren't happy about it, you can be sure. She admitted in that e-mail that she had barred the military from campus, even though no injunction was in place, saying:

Although the Supreme Court's action meant that no injunction applied against the Department of Defense, I reinstated the application of our anti-discrimination policy to the military . . . ; as a result, the military did not receive assistance during our spring 2005 recruiting season.

So it is clear that the barring of the military took place while the Solomon amendment was, in effect, the law of the land. Her e-mail indicates she understood that at the time. As a result, students who wanted to consider a military career were not allowed to meet with the recruiters on campus. The military was even forced to threaten Harvard University's Federal funding in order to get the military readmitted to campus as time went on. This was all a big deal. The Congress was talking about it. We had debate on it right here on the floor and in the Judiciary Committee, of which I am a member.

I think a nominee to be the Department of Justice's chief advocate before the Supreme Court, to hold the greatest lawyer job in the world, should have a record of following the law and not flouting it. The nominee should, if anything, be a defender of the U.S. military and not one who condemns them. Ms. Kagan's personal political views, I think, are what led to this criticism of the military, this blocking of the military. She opposed a plain congressional act that was put into place after we went through years of discussion and pleading with some of these universities that were barring the military. They had refused to give in, so we passed a law that said, OK, you don't have to admit the military, but we don't have to give you money, and we are not giving you any if you don't admit them. They didn't like that. So Ms. Kagan's refusal of on-campus military recruiters went against a congressional act. Her actions were an affront to our men and women then in combat and now in combat. The Solicitor General should be a person who is anxious and eager and willing to defend

these kinds of statutes and to defend our military's full freedom and right to be admitted to any university, even if some university doesn't agree with the constitutional and lawfully established policies of the Department of Defense.

I would also raise another matter, and I think this is important. If there was some other significant showing, I think, of competence or claim on this position, I would be more willing to consider it. If she were among the most proven practitioners of legal skill before Federal appellate courts or had great experience in these particular positions, maybe I could overcome them. Maybe if she had lots of other cases in her career that could show she had shown wisdom in other areas, but that is not the case. She has zero appellate experience. Dean Kagan has never argued a case before the U.S. Supreme Court, which isn't unusual for most American lawyers, but for somebody who wants to be the Solicitor General whose job it is to argue before the Supreme Court, it is not normal. But for that matter, she has never argued any appellate case before any State supreme court.

In fact, she has never argued a case on appeal before any appellate court, whether Federal, State, local, tribal or military. That is a real lack of experience. When asked about this lack of experience at our hearing, Ms. Kagan tried to compare her record to other nominees saying this:

And I should say, Senator, that I will, by no means, be the first Solicitor General who has not had extensive or, indeed, any Supreme Court argument experience. So I'll just give you a few names:

Robert Bork, Ken Starr, Charles Fried, Wade McCree. None of those people had appeared before the courts prior to becoming solicitor general.

Well, Ms. Kagan's record hardly compares to the names she cited in her own defense.

Regarding Charles Fried, Ms. Kagan was wrong in stating that he never argued to the Supreme Court. Although Professor Fried did not have much in the way of litigation experience before being nominated, he had argued to the Supreme Court while serving as Deputy Solicitor General in Rex Lee's Solicitor General's Office. Accordingly, Mr. Fried had two things Ms. Kagan lacks—Supreme Court experience and experience within the Solicitor General's Office.

Ms. Kagan also compared herself to Ken Starr and Wade McCree, both of whom had a wealth of appellate experience that she lacks. Prior to his nomination to be Solicitor General, Ken Starr served as a U.S. Court of Appeals judge in the District of Columbia—an appellate court—from 1983 to 1989, a court before which the best lawyers in the country appear and argue cases. He had to control and direct their argument, and as a result he got to see and have tremendous experience in that re-

gard as an appellate judge. Wade McCree had even more experience before his nomination. Mr. McCree served as a U.S. Court of Appeals judge in the Sixth Circuit, from 1966 to 1977, 11 years.

Robert Bork also had a strong litigation background before his nomination. He was one of the most recognized, accomplished antitrust lawyers in private practice in the country.

We should not forget the critically important role the Solicitor General plays in our legal system. As Clinton-era Solicitor General Drew Days wrote in the *Kentucky Law Journal*, "the Solicitor General has the power to decide whether to defend the constitutionality of the acts of Congress or even to affirmatively challenge them." That is quite a power—the power to defend statutes in the Supreme Court, or even challenge them in the Supreme Court.

This is a very critical job within our Government. I think it deserves a more experienced lawyer, one with a record that shows more balance and good judgment. I think Ms. Kagan's lack of experience is an additional reason I am uncomfortable with the nomination. I think nominees have to be careful about expressing opinions on matters that might come before them in the future. But for a nonjudicial position, and concerning issues which were commented on today, Senator SPECTER believes she has been less than forthcoming. Had she been more forthcoming, I might have been a little more comfortable with the nominee. Her failure to be responsive to many questions, I think, causes me further concern.

To paraphrase a well-known statement of then-Senator BIDEN—now our Vice President—the job of the Solicitor General does not lend itself to on-the-job training. One time, Rudy Giuliani was arguing about who should be his replacement as U.S. Attorney in Manhattan, and they were discussing people with very little experience. He said: I think it would be nice if they were able to contribute to the discussion every now and then.

I think it is good to have some experience. So I don't see a sense of history here to overcome what I consider to be bad judgment on a very important matter. I supported the nomination of Eric Holder. I like him and I hope he will be a good Attorney General; I think he will. I intend to support most of the other nominees to the Department of Justice. I certainly hope to. But I am not able to support Elena Kagan's nomination in view of her positions concerning the ability of the U.S. military to come on the campus of Harvard and actually recruit the young men and women who might wish to join the military. I think that was wrong. I also believe she has a very significant lack of relevant experience for the position.

I yield the floor.

Mr. INHOFE. I oppose the nomination of Elena Kagan for Solicitor General of the United States. I previously spoke against her on the floor and talked about the reason I was opposed to her as well as David Ogden for his representation of the pornography industry. It is kind of hard for me to understand how someone who is the No. 2 position in the Justice Department has a history of representing the pornography industry. Then, of course, the nominations of Dawn Johnson and Thomas Perrelli I am opposed to because of their strong pro-abortion positions.

But as far as Elena Kagan, it is important for those who are going to vote in favor of her to know some of the things that have happened in her background. Because of its great importance, the office of Solicitor General is often referred to as the 10th Supreme Court Justice.

When serving as a dean of Harvard Law School, she demonstrated poor judgment on a very important issue to me. Ms. Kagan banned the U.S. military from recruiting on campus. She and other law school officials sued to overturn the Solomon amendment. The Solomon amendment originated in the House. Congressman Jerry Solomon had an amendment that said no university could preclude the military from trying to recruit on campus. This was a direct violation of the amendment. She actually was claiming that the Solomon amendment was immoral. She filed an amicus brief with the Supreme Court opposing the amendment. The Court unanimously ruled against her position and affirmed that the Solomon amendment was constitutional.

The Department of Justice needs people who adhere to the law and not to their ideology. While certainly I oppose many of the positions taken by these nominees, I am even more concerned that their records of being ideologically driven will weaken the integrity and neutrality of the Department of Justice.

I oppose the nomination of Elena Kagan.

Mr. HATCH. Mr. President, today I will vote to confirm the nomination of Elena Kagan to be the next Solicitor General of the United States. Because the Constitution gives the appointment power to the President, not to the Senate, I believe the President is owed some deference so long as his nominees are qualified. This standard applies particularly to his executive branch appointments. I will vote for the nomination before us because I believe this standard is satisfied.

Dean Kagan would not be the first Solicitor General to have come from legal academia. Walter Dellinger came to the Clinton administration from Duke, Rex Lee served in the Reagan administration after founding Brigham Young University School of Law.

Nor would Dean Kagan be the first Solicitor General to have come to the post from Harvard. Archibald Cox came from the Harvard law faculty to serve as Solicitor General in the Kennedy administration. Erin Griswold became Solicitor General in 1967 after a dozen years as a Harvard law professor and another 19 as dean. Charles Fried, who taught at Harvard for nearly a quarter century before becoming Solicitor General in 1985, went back to teaching and is now a colleague of Dean Kagan. I was pleased to see him at her confirmation hearing.

I would note two other things about Dean Kagan's qualifications. First, she has no experience arguing before any court. I have long believed that prior judicial experience is not a prerequisite for successful judicial service. Justice Felix Frankfurter taught at Harvard Law School from 1921 until President Franklin D. Roosevelt appointed him to the Supreme Court in 1939. During that time, by the way, he turned down the opportunity to become Solicitor General. But Justice Frankfurter famously wrote in 1957 that the correlation between prior judicial experience and fitness for the Supreme Court is, as he put it, "precisely zero."

But courtroom argument, especially appellate advocacy, is a more specific skill that is related more directly to the Solicitor General's job. As such, Dean Kagan's complete lack of such experience is more significant. Which leads me to the second point that, despite her lack of courtroom experience, every living former Solicitor General has endorsed her nomination. They know better than anyone what it takes to succeed in the post and believe she has what it takes.

Speaking of endorsements, Dean Kagan is also supported by a number of lawyers and former government officials who are well known in conservative legal circles. These include Peter Keisler, who served as Assistant Attorney General and Acting Attorney General under President George W. Bush; Miguel Estrada, prominent Supreme Court practitioner and a former nominee to the U.S. Court of Appeals; Jack Goldsmith, who headed the Justice Department's Office of Legal Counsel under the previous President; and Paul Cappuccio, who served in the Justice Department during the first Bush administration and is now general counsel at TimeWarner.

A few other issues have given me pause during the confirmation process. When Dean Kagan served as a law clerk for Justice Thurgood Marshall, she wrote a memo in a case challenging the constitutionality of the Adolescent Family Life Act. That statute provided funds for demonstration projects aimed at reducing teen pregnancy. Dean Kagan objected to including religious groups in such projects, insisting that "[i]t would be difficult for any reli-

gious organization to participate in such projects without injecting some kind of religious teaching." She actually argued for excluding all religious organizations from programs or projects that are, in her view, "so close to the central concerns of religion." This is a narrow-minded, I think even ignorant, view of religious groups and her recommendation of discrimination against them comes close, it seems to me, to raising a different kind of constitutional problem. Thankfully, the Supreme Court did not follow her suggestion and instead upheld the statute. When asked about it at her hearing in February, Dean Kagan said that, looking back, she now considers that to be, as she put it, "the dumbest thing I ever heard." With all due respect, I agree.

Dean Kagan took a very strong, very public stand against the so-called Solomon Amendment, which withholds federal funds from schools that deny access to military recruiters. Harvard denied such access in protest of the military's exclusion of openly gay servicemembers. Dena Kagan chose to allow access only under the threat of the entire university losing federal money. But she condemned in the exclusion policy in the strongest terms, calling it repugnant and "a profound wrong—a moral injustice of the first order." In her personal capacity, she joined other law professors on a friend of the court brief in the lawsuit challenging the policy. In 2006, the Supreme Court upheld the Solomon Amendment, specifically rejecting the position Dean Kagan had taken, saying: "We refuse to interpret the Solomon Amendment in a way that . . . would render it a largely meaningless exercise." Dean Kagan is entitled to take that or any other position on that or any other issue she chooses. But it raises the question whether she would be able, as the Solicitor General must, to put aside even such strongly held personal views and vigorously defend only the legal interests of the United States. She assured the Judiciary Committee that she could do that, even saying that she would have defended this very statute, the Solomon amendment, in the way that Solicitor General Paul Clement did. I note that Paul Clement is one of the former Solicitors General endorsing Dean Kagan's nomination.

When Dean Kagan's nomination came up for a vote in the Judiciary Committee, I joined the ranking member, Senator SPECTER, in passing because of concerns that she had been insufficiently forthcoming in answering questions during her hearing and written questions afterward. I applaud Senator SPECTER for pursuing this, for meeting with Dean Kagan again, and for pushing her for more information and more thorough answers. She has provided some additional insight into her views, though I respect the fact that her additional effort will not satisfy everyone.

All in all, I have concluded that I can support Dean Kagan's nomination. She is qualified to serve as Solicitor General and I have not seen enough to overcome the basic deference that I believe I must give the President. As such, I will vote to confirm her.

Mr. KYL. The nomination of Elena Kagan to be Solicitor General of the United States is not without controversy. She has a stellar academic record which has been discussed. Following law school, Ms. Kagan served as a judicial clerk for Judge Abner Mikva on the U.S. Court of Appeals and for Supreme Court Justice Thurgood Marshall. After her clerkships, Ms. Kagan joined the DC law firm Williams and Connolly.

Ms. Kagan left private practice to join the faculty of the University of Chicago Law School. In 1995, Ms. Kagan began her service in the Clinton administration as associate counsel to the President and later as deputy assistant to the President for Domestic Policy. In 1999, she left the White House and returned to legal academia, joining the faculty at Harvard Law School. In 2003, Ms. Kagan was named Dean of Harvard Law School, a role in which she was charged with overseeing every aspect of the institution, academic and non-academic alike.

She is well regarded by those who have followed her career.

I am particularly troubled, however, by two matters. First, Dean Kagan's nomination has rightfully received criticism because of her stance on the Solomon amendment. Dean Kagan joined two briefs concerning the legality of the Solomon amendment, one on an amicus brief to the Third Circuit in support of the appellants, *FAIR*, in the case *FAIR v. Rumsfeld*, and the other an amicus brief in support of *FAIR* when the case reached the Supreme Court. By a vote of 9 to 0, the Supreme Court upheld the Solomon Amendment and rejected the argument presented in the brief that Dean Kagan signed. See *Rumsfeld v. FAIR*, 547 U.S. 47, 55–57, 2006. Also, I would like to make one comment about Dean Kagan's actions as dean in this case. As Senator SESSIONS pointed out earlier today, because the case was appealed to the Supreme Court, the Third Circuit stayed enforcement of its decision. Therefore, the Solomon amendment stayed in effect. Dean Kagan acknowledged this in a September 20, 2005, email to the Harvard Law School community, where she admitted that she had barred the military from campus even though no injunction was in place: "Although the Supreme Court's action [granting review] meant that no injunction applied against the Department of Defense, I reinstated the application of our anti-discrimination policy to the military . . . as a result, the military did not receive [Office of Career Services] assistance during our spring 2005 recruiting

season." Thus, Ms. Kagan barred the military from recruiting on campus even though the Solomon amendment remained the law of the land.

Second, I am troubled by Dean Kagan's lack of appellate experience. She has not argued even a single case before the Supreme Court or before any federal or state appellate court. I am quite concerned about her complete lack of appellate advocacy. I am, nevertheless, willing to give her the benefit of the doubt, primarily because of the views of seasoned advocates who know her well and who know the Court well.

All three Solicitors General appointed by President Bush—Ted Olson, Paul Clement, and Greg Garre—signed a letter, January 27, 2009, stating that they "are confident that Dean Kagan will bring distinction to the office, continue its highest traditions and be a forceful advocate for the United States before the Supreme Court." They added, "[h]er brilliant intellect will be respected by the Justices, and her directness, candor and frank analysis will make her an especially effective advocate."

Additionally, among her other supporters are two highly respected conservative lawyers who have known Dean Kagan since the beginning of her legal career. The first is Peter Keisler, who served as Acting Attorney General under President Bush and held a number of other top positions in the Bush Justice Department. He clerked on the U.S. Supreme Court with Elena Kagan, and wrote the following in support of her nomination, January 30, 2009: "[her] combination of strong intellectual capabilities, thoughtful judgment, and her way of dealing respectfully with everybody . . . are . . . among the many reasons she will be a superb Solicitor General, and will represent the government so well before the Court."

Second, Miguel Estrada has known Elena Kagan since law school. He wrote in support of her nomination, January 23, 2009: "Having worked as an attorney in the Solicitor General's Office under Solicitors General of both parties, I am also confident that Elena possesses every talent needed to equal the very best among her predecessors."

I expect a Solicitor General nominated by a President of a different political party to hold views that diverge from my own; but I also expect that nominee to be qualified for the position, able to faithfully execute the responsibilities of the office, and be forthright and honest with members of Congress. She has assured us that her ideology will not interfere with her decisions as Solicitor General. I will closely follow Dean Kagan's tenure as Solicitor General. I will hold her to her commitments.

I would like to make clear that my vote for Dean Kagan is only for the position of Solicitor General, and my

vote does not indicate how I would vote for her if she were nominated for any other position, especially a position that is a lifetime appointment. Specifically, according to numerous news accounts, Dean Kagan is expected to be considered for nomination to the Supreme Court if an opening were to occur during the Obama administration. If she were nominated, her performance as Solicitor General would be critical in my evaluation of her suitability for the Supreme Court. My decision whether to support or oppose her would be strongly influenced by the decisions made by her as Solicitor General, such as the cases for which she does and does not seek review, the positions she argues, and the bases for her arguments. If she approaches her job as Solicitor General ideologically or argues inappropriate positions, I will not hesitate to oppose her nomination.

Mr. WHITEHOUSE. Mr. President, I wish to urge my colleagues to support the nomination of Elena Kagan to be the Solicitor General. In doing so, I will make four brief points.

First, Dean Kagan is extraordinarily qualified as a lawyer with a profound understanding of the issues that dominate the Supreme Court's docket. She has received enormous praise for her leadership of Harvard Law School as dean, in which position she reinvigorated one of the premier legal institutions in our country. And of course Dean Kagan is a scholar of the highest order on questions of administrative and constitutional law. She clearly has the intellectual background and sharp intelligence necessary to represent the interests of the United States with the utmost skill and clarity. She testified in her hearing and in numerous followup questions that she will put the interests of the United States ahead of any of her own beliefs and defend congressional statutes with the vigor and force we expect of the office. She has worked in private practice, as a clerk to the Supreme Court, and as a counsel in the White House. I applaud her willingness to return to Government service. Now, some critics have pointed out that she has not argued before the Supreme Court before. As an attorney who has argued before that Court, I can attest that appearing before the Court indeed is a daunting experience. But Solicitors General Ken Starr, Charles Fried, Robert Bork, and Wade McCree similarly had not argued before the Court. This fact leaves me with no doubt that Dean Kagan will meet the highest expectations of her and that she will excel as Solicitor General.

Second, I would point out that a very large number of leading lawyers have joined me in concluding that Dean Kagan will be an excellent Solicitor General. Dean Kagan's nomination to be Solicitor General has been endorsed by every Solicitor General who served from 1985 to 2009—Charles Fried, Ken

Starr, Drew Days, Walter Dellinger, Seth Waxman, Ted Olson, Paul Clement, and Greg Garre. That is not the Solicitors General from every Democratic administration—that is every Solicitor General over the last 24 years, including conservatives Ted Olson and Ken Starr. Surely their expert opinions should provide a strong indication that Dean Kagan will be an excellent Solicitor General.

Third, it is worth noting the historic nature of this nomination. If confirmed, Dean Kagan would become the first woman confirmed by the Senate to hold the Office of Solicitor General of the United States. Dean Kagan has spent her lifetime breaking glass ceilings, and she is poised to break another for the benefit of generations of women to come.

Finally, I would like to commend Chairman LEAHY for his continuing determination to confirm as many Department of Justice nominees as quickly as possible. The United States deserves the best advocate possible before the Supreme Court. We should confirm Dean Kagan and let her get to work. And we should swiftly confirm the remaining nominees to the Department of Justice. I look forward to continuing to work with Chairman LEAHY in that effort.

Mr. BUNNING. Mr. President, I rise today to speak on the nomination of Dean Elena Kagan of the Harvard School of Law to be Solicitor General of the United States. It is with regret that I announce that I will not be able to support this nomination.

My first reason is that it appears that Dean Kagan's nomination process is not yet complete. My colleague, the ranking member of the Senate Judiciary Committee Senator ARLEN SPECTER, has already spoken on this at some length, but I agree with his thoughts. He asked Dean Kagan, in writing, to expand upon responses she supplied to the Judiciary Committee. In the estimation of several committee members and others, such as myself, she did not provide an adequate response to these requests. I find that it is not possible for me to vote to advance the nomination of someone who has not yet completed the nomination process.

However, we do know some things about Dean Kagan's beliefs. For one thing, she has shown a disdain for the policy contained in the Solomon amendment. The Solomon amendment bars federal aid to universities that prevent military recruitment on campus. This is a good policy and fairly supports our military and the men and women that are a part of it. Dean Kagan defends her position by saying that she opposes the recruiters because of the "Don't Ask, Don't Tell" policy. Whatever her concerns with that policy, it does not seem wise or fair to shut out our nation's military recruit-

ers. By denying recruiters access to America's colleges and universities, our military is weakened. This is the kind of wrongheaded approach that I thought had died out years ago. Unfortunately, it is still alive in the person of the President's nominee to head one of the top positions in the Department of Justice.

Dean Kagan has also expressed an unsettling attitude towards religion and religious organizations. In a memo as a law clerk on the subject of which organizations should receive funding to counsel teenagers on pregnancy, she wrote "It would be difficult for any religious organization to participate in such projects without injecting some kind of religious teaching." She added "When government funding is to be used for projects so close to the central concerns of religion, all religious organizations should be off limits." This seems like an incredibly insensitive, insulting, and impractical view to hold. Does Dean Kagan feel that only atheists are fit to handle government funds? Would she support some sort of a "religious commitment" litmus test? This seems like an attitude that would be unfit for a high ranking member of our government.

It is for these reasons that I cannot support this nomination. I urge my colleagues to join me in opposition.

Mr. CORNYN. Mr. President, I rise to share my views on the nomination of Elena Kagan, who has been nominated by President Obama to serve as Solicitor General of the United States.

As my colleagues know, I have supported several of President Obama's executive nominees and opposed a few others. I believe that it is my constitutional duty to carefully review the record and qualifications of each nominee, while giving an appropriate amount of deference to the President when a nominee is objectively qualified for the position to which they are nominated, regardless of political orientation.

For example, I voted to confirm Secretary of State Hillary Clinton. I likewise voted to confirm Ambassador Ron Kirk to be U.S. Trade Representative.

Unfortunately, I could not reach the same conclusion with Attorney General Eric Holder regarding his fitness to serve as the Nation's top law enforcement official.

And, for the reasons outlined below, I cannot support Elena Kagan's nomination to be Solicitor General. My primary concern with Ms. Kagan's nomination is her continued failure to respond to legitimate and relevant questions posed by me and others.

As I explained when the Judiciary Committee approved Ms. Kagan's nomination on March 5:

Ms. Kagan notes how much she respects the Senate and its institutional role in the nominations process. Regrettably, her refusal to answer legitimate and relevant ques-

tions posed by me and others belies this claimed respect. For this reason, I will be voting 'no' this morning and do not believe that her nomination should be advanced. I hope that Ms. Kagan reconsiders her position because I believe that she is otherwise qualified to serve as Solicitor General.

In response to Senator SPECTER's subsequent request to supplement her answers in writing, Ms. Kagan returned a 22-page letter purporting to do just that. But I concur with Senator SPECTER, the ranking member on the Judiciary Committee, who has determined that too many of Ms. Kagan's answers to relevant and legitimate questions remain incomplete and unresponsive. As Senator SPECTER correctly notes, this is about the Senate's institutional prerogatives.

In sum, I do not believe that Ms. Kagan has provided the basic level of responsiveness that the Senate's constitutional advice and consent function demands. And for that reason I am forced to vote against her.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I don't know if there are other Members are coming. While the Senator from Alabama is on the floor, let me note that I heard there may be one or two more Members coming over. I hope they will come soon. I am going to be here, as I have a series of meetings until well after 6, but I know a number on both sides have flights to catch.

Once everybody has spoken, I will suggest that we yield back all time and have a vote. I know the Senator from Alabama had specific time set aside and didn't use all of it. I hope he might join me in calling for other Senators who wish to speak to come over. If they are to speak, it would be better to do it sooner rather than later. It would be a great help to a number of Senators on both sides of the aisle.

Mr. SESSIONS. If the Senator will yield, the chairman of the Judiciary Committee has set up ample time for this to be discussed today. I thank him for that. Senator SPECTER, a little while ago, indicated that he thought the time should be yielded back and we could vote as early as 5. He hoped that would be acceptable, and he urged people to come down if they have comments. I will join him and you in urging people to come down if they have remarks to make. It would be more convenient, I think, for people to have an early vote.

Mr. LEAHY. Mr. President, I thank my friend from Alabama. I urge Members—if there are others—not to wait until 5. And I ask those on the other side of the aisle, if you wish to speak, please do so as soon as possible, because at some point—and we will do this only with notice to the Republican side—I am going to ask unanimous consent to yield back all time and go to a vote.

In the meantime, I suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, it is a distinct honor for me to rise in support of Dean Elena Kagan and her nomination to be Solicitor General of the United States. As most of my colleagues are aware, she has had an illustrious legal career that includes clerking for Judge Abner Mikva on the U.S. Court of Appeals for the District of Columbia and also Justice Thurgood Marshall on the U.S. Supreme Court. She has obtained tenure in two of the most distinguished law schools in the country: the University of Chicago and Harvard Law School. She served as Special Counsel in the Clinton administration, and now she is dean of the Harvard Law School.

I had the privilege of getting to know Dean Kagan through alumni activities at Harvard Law School. She is much younger than I, obviously much smarter than I, but we still are alumni of the same law school. She is extraordinarily qualified to be the Solicitor General based on her intellectual gifts but also in terms of her temperament, her professionalism, her experience, and her innate sense of fairness and decency. She will represent the United States well, not only with her legal analysis but with her commitment to the principles that sustain this country based on the Constitution of the United States. There are many qualities that make her ideally suited for this job—her temperament, her maturity, her judgment, her success in leading one of the most complicated faculties in the country.

Most lawyers have opinions, so when you put 100 or so of them together, you have a lot of different viewpoints. She has led Harvard Law School with great skill and with great success. I think it will be an indication of her ability to lead the Solicitor General's office and to harmonize in principle, reaching substantive agreements, the critical issues that are debated within the this important office and going forward.

In the 5 years she has been dean of the law school, she also received great acclaim for bridging the differences in approaches and viewpoints at the school, with hiring new faculty members with diverse viewpoints, different from hers, recognizing that the heart and soul of an academic institution is debate, vigorous debate, not orthodoxy but vigorous debate, and she has done that.

She has been very attentive to the needs of the students there. I was par-

ticularly impressed when I visited the law school and had a chance to meet some veterans of the U.S. military who had served in Iraq and Afghanistan and who were then current law students at Harvard. Their praise for the dean, both her personal qualities and her leadership qualities, was unstinted. They saw her as someone who deeply appreciated their sacrifice as soldiers, marines, sailors, and airmen in the service of this Nation. They understood this not just from what she said, but from her attitude, her deep and profound respect for their service. I thought that was a particularly telling point, commending her to me in a very real and very immediate sense.

What is also particularly striking about Dean Kagan is that her entire life's work as a legal scholar shows a deep and profound commitment to the Constitution of the United States which governs us all. She has committed herself to giving it meaning, to making it a force to advance the ideals of this country. She brings not only great respect for the Constitution, great knowledge of the Constitution, but also the understanding that this is a document that unites us—our aspirations, our ideals, our hopes, our wishes for the future—it links us to the past and it unites us to go forward into the future.

She was asked by officials at my other alma mater, West Point, in October 2007 to speak to the cadets because they recognize that this is a woman of rare talent as a lawyer and rare judgment, someone who understands that we live in a government of laws, not of men and women. That is a fundamental lesson that must be imparted to those who take an oath to protect with their lives the Constitution of the United States, to recognize that we are a nation of laws, and soldiers, more than anyone else, have to recognize that because it is their lives that give us the opportunity to live under this Constitution of laws.

She used as a touchstone for this speech a place on campus at West Point called Constitution Corner. It was the gift of the West Point class of 1943. It was to recognize that, in fact, soldiers in this great country are servants to the Constitution.

One of the five plaques at this site is entitled "Loyalty to the Constitution," which basically states what all of us who have been in the military are keenly aware, that the United States broke with an ancient tradition. Instead of swearing loyalty to a military leader, American soldiers swear their loyalty to the Constitution of the United States. I had that rare privilege on July 3, 1967, when I took the oath as a cadet at West Point.

The rest of her speech explored the fundamental rule of law, giving purpose and context to what these young men and women, soldiers in our Na-

tion, will do when they lead other soldiers to defend—not territory, not business enterprises, but the foundation of our country—the Constitution of the United States.

She mentioned examples of people who have put the Constitution before their own personal comfort and privilege—President Nixon's Attorney General Archibald Cox, who refused to go along with summary firings in the wake of the Watergate scandal, and President George W. Bush's Attorney General John Ashcroft, our former colleague, both of whom did their best to uphold the rule of law in very trying circumstances. These are examples that I think resonated very well with the cadets.

I believe the dean is someone who has not just the skill, not just the mind, but the heart to serve with distinction as Solicitor General of the United States. She will be a forceful and powerful advocate, not for the administration, not for any small, narrow cause, but for the Constitution of the United States. I believe that is the fundamental role of the Solicitor General, one she will perform admirably.

I recommend without reservation Dean Kagan to this body. I hope we all rise to support her. If confirmed as the first female Solicitor General of the United States, we will be extremely fortunate to have her representing the people of the United States before the Supreme Court of the United States.

Mr. President, I yield the floor. I suggest the absence of a quorum and ask that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

GUN VIOLENCE

Mr. BURRIS. Mr. President, I stand today to discuss a matter of great importance and great sadness to every community across this country. From our biggest cities to our smallest towns, gun violence is stealing the lives of innocent victims. It is tearing apart families, communities, and our own sense of security. Gun violence in our communities must end, and it must end now.

In just the last 2 weeks we have had too many grim reminders of what can happen when there are too many weapons on the street. From Chicago and Maryville, IL, to Samson, AL, we have seen gun violence mix with devastating results.

Friday was a tragic day in Chicago. Last Friday night, 14-year-old Gregory Robinson was gunned down in a car

while driving with his family through Chicago's far south side. This young man's funeral is today. Instead of reaching his dream to become a basketball star at Simeon Career Academy in Chicago, this high school freshman became the 28th Chicago public school student to be killed just this year. Twenty-eight students, Mr. President, I repeat, 28 young lives are now snuffed out.

Last Tuesday was an equally tragic day in the city. On Tuesday, young Franco Avilla, a tenth grader at Roosevelt High School on Chicago's west side, was shot to death. Instead of being the exception, shooting deaths of our school children have now become the rule. Last school year, 26 Chicago public school students were shot during the full 9-month school year. Well, this year, Chicago public schools have already surpassed this sad milestone, and it is only March.

When Franco left his house last Tuesday afternoon, his last words to his father were: "Dad, I'll be back." He never came home. Gun violence took his life.

We must take action now to get these weapons off our streets and end the senseless slaughter of our young people.

Guns played an equally devastating role in the life of Juan Pitts. Mr. PITTS' son, Kendrick, was a 17-year-old student at Bowen High School when he was shot down last month alongside two other Chicago public school students—15-year-old Raheem Washington and 13-year-old Johnny Edwards.

The deaths of these young men are atrocious. Yet the pain and tragedy of the Pitts family has only doubled since then. Two weeks ago, Kendrick's brother, Carnell, who graduated from Bowen High School last year, was shot to death at a gathering on Chicago's south side.

Gangs and gun violence go hand-in-hand. Our youth should be carrying school books instead of firearms. Yet in so many instances, our failure to invest in the education of our youth on the front end is at the root of the violence and imprisonment, as a result, on the back end. Our failure to enact serious, sensible gun control measures make it much more likely these tragedies are going to occur again and again.

We tend to think of gun violence as a problem of large urban areas—a symptom of America's big cities. Well, the truth is, no community is immune to such senseless behavior. I am from a small town. I was born and raised in Centralia, IL, which is about 100 miles south of our State capital of Springfield. I know how close-knit these small-town families and small towns are. I know how safe these towns seem to be.

Sadly, two recent events proved otherwise.

A recent shooting in Maryville, IL, which is about an hour-and-a-half drive

from my hometown of Centralia, reminds us that the dangers associated with guns affect us all, no matter where we live, work, pray or go to school.

Two weeks ago, on a quiet Sunday morning, a 27-year-old gunman walked straight down the aisle of Maryville's First Baptist Church and shot and killed Pastor Winters during the normal weekly service. Just days later, in Samson, AL, we saw the all-too-familiar word flash across our TV screens again—"massacre." A 28-year-old gunman killed a total of 10 individuals and injured many more before he finally took his own life during an hour-long rampage.

The 10 individuals who died, whose lives ended on that tragic Tuesday afternoon, were going about their daily routine without the slightest thought that their lives would end that very day. The many more who were wounded by those gunshots surely never thought they, too, would be victims—survivors, nonetheless—of gun violence.

The stark truth is, everybody is a victim of gun violence. Every Senator in this body has constituents who have been touched by this issue, and it is our responsibility as lawmakers and leaders of this great Nation to ensure assault and semiautomatic weapons do not take the lives of so many innocent victims. We must take action to stop the senseless killing on our Nation's streets, in our communities, at our schools, and in our places of worship. We must take action to increase our gun control measures and decrease our gun violence. Ultimately, by doing so, we will be taking action to ensure our children, our families, and our communities live in a safer place in America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. I ask unanimous consent the time of the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to

speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. BENNETT. Mr. President, President Obama's budget is sending mixed messages to the American people. I know he faces a very difficult time, as do we all. I know he is trying to get the best counsel he can, and I applaud him for that. I do not have a degree in macroeconomics and I know some of the finest macroeconomists in the country are on President Obama's team. I do not know anybody, however, on President Obama's team who has ever run a small business. So, if I may be so presumptuous, I would like to share some of the realities of running a small business with the President's team and see if we can't understand why many of the things that are in the President's budget, in fact, will have directly the opposite effect than he wants.

It is the goal of the administration to increase job creation and spur economic growth. That is a legitimate goal. However, we must understand this about how you increase job creation: You must be sure small businesses are properly taken care of because small businesses provide more than half the jobs Americans hold and small businesses create the new jobs. When large businesses start downsizing, buying people out and laying people off, where do they go? In many instances, those who do not go on unemployment end up in small businesses.

If I may offer my own credentials, I have run businesses that were as small as two people—myself and my secretary. I was recruited to be the CEO—a very high-powered title—of a business that had only four employees. I made number five. We grew that business to the point that there were thousands of employees and the business was ultimately listed on the New York Stock Exchange. So I offer that to the macroeconomists on President Obama's team, to say that if you want to increase jobs and if you want to increase economic growth and thereby increase tax revenue to the Federal Government, you should pay attention to small business.

One of the worst things that can happen to you when you are trying to grow a small business is to make money. That sounds counterintuitive, but it is true. Why? Because you need that money to finance your growth, but the Government shows up and says we want ours in taxes. So you want the tax rate to be as low as possible. The business that I described, that went from four employees to the New York Stock Exchange, was built during what the New York Times and other critics called the decade of greed because the top tax rate was 28 percent, and they thought that was terrible. It was only

28 percent, the top marginal tax rate? That is awful. That only goes for the greedy Americans.

That meant that for every dollar we earned in that business, we got to keep 72 cents of it, which we could use to finance the growth of the business. That business was grown with internally generated funds. Yes, we had a bank line and yes we drew on the bank line, but it was the internally generated funds that made it possible for us to create those thousands of jobs.

Because there were a small number of us in that business, we took the business income onto our personal tax returns. That is allowed under the Tax Code, under what is known as Chapter S, under the Tax Code. We were an S corporation. So while my tax return showed the amount I was paid while I was the CEO of that company, it also showed my share of the profits of the company. None of that came to me. All of that was reinvested in the company. But for tax purposes, it showed up on my tax return. So I, very quickly, for tax purposes, was an American earning more than \$250,000 a year. I was not, but my tax returns showed that I was.

Now, the top tax rate was 28 percent. This was while Ronald Reagan was President. If we were to start that business today and the President's budget were to pass and the President's Tax Code were to be enforced, we would now be paying not 28 percent but 42 percent because you would go to 39.5 percent and then you would have the other add-ons connected with Medicare and the other things that have been changed. I do not believe the business would have survived. I think that tax burden would have been so heavy that we would not be able to make it.

Let me give you the numbers from my own State, to show how important this is. In the State of Utah, we have 68,758 small businesses that employ less than 500 people; we have 65,693 small businesses that employ less than 50 people, and we have 61,057 small businesses that employ less than 20 people.

So the number of people employed by small businesses in Utah—this rules out the farmers, this is not agriculture—is 760,096 in businesses with less than 500 people each. That is 61 percent of Utah's entire employment population.

Now, if you increase the taxes on all of those people on the assumption that they are rich, you increase the taxes on every one of those businesses because they are rich. Look, the owners of the businesses are filing tax returns to show over \$250,000 so they must all be Wall Street brokers and traders. Right.

Now, they are people who are struggling to make the business grow, struggling to provide the jobs. Make no mistake, the tax increases proposed by President Obama's budget will hurt Utah's small businesses, hundreds of thousands of our employees, our

State's economy, and that means, at large, our national economy. So it is a mixed message. The goal is job creation, but the budget will hurt the greatest engine of job creation which is small businesses.

Second, the administration's goal is to increase service in America and invest in the nonprofit sector. That sounds wonderful. Then they turn around and say: If you invest in the nonprofit sector, you, American citizens, we are going to take away a portion of your tax deduction for the gift you give to charity. This is a double hit.

If I am running my small business I have just described, the tax man shows up and gives me less than I can give to charity, and then if I do give some to charity, the tax man shows up and takes more of that away from me by eliminating part of my tax deduction for charity. That is a mixed message. We want you to do this, but we are creating an economic incentive that makes it difficult for you and will penalize you.

Now, finally, the administration has the goal to protect the majority of Americans from tax increases. The President has said over and over that he will not increase taxes for 95 percent of Americans. That sounds wonderful until you turn around and recognize that he is proposing a new energy tax at the gas pump and on your utility bill that will hit 100 percent of Americans.

So on one side: Well, we are not going to hit you on the income tax side. But we are going to take it away from you on the gas pump and utility side. This is because he wants to create a cap-and-trade program. Other countries have cap-and-trade programs. I was in the United Kingdom. I talked to the people about theirs. As they were outlining how it works, I said to them: Do your ratepayers understand they are paying this? This is not money that is created in Heaven.

The answer I got was: Well, they are beginning to. We all saw the reaction of Americans when gas was \$4 a gallon at the pump, and we all felt the heat as our constituents came us to and said: You have got to do something about this; this is far too much for us to pay for gasoline.

Then when the prices came down, that political outrage began to disappear. However, if you do cap and trade in the way the President wants, those prices will start to creep up again. It will be at the gas pump, it will be at the utility. So it is another mixed message.

We have three mixed messages. We want to create jobs, but we are going to tax the greatest engine of creating jobs. We want people to get involved in national service, but we are going to tax them and penalize them if they do. We want Americans, ordinary Ameri-

cans, to go without tax increases, but we are going to increase their taxes on energy and hit them with a fund that will amount to approximately \$650 billion, by virtue of the carbon tax that will come through the cap-and-trade program.

What is the consequence of all of this? My colleagues have talked about the fact that the record spending is going to double the national debt in 5 years, triple it in 10 years. How is the administration going to pay for that? In the ways I have described. They are going to do it through increased taxes.

There is one last thought I want to leave everyone. We can determine here in the Congress how much we spend. We cannot determine here in the Congress how much we take in. We can pass a tax law that will project a certain amount that will come in, but that projection will not come to pass if the economy is not strong. Money does not come from the budget. Money comes from the economy. If the economy is weakened, if the generations of economic growth are weakened in the ways I have described, we will not have the money with which to pay the debt.

So we come back to that which the distinguished Republican leader has said at the beginning of this debate: If you take the President's budget all in all, it spends too much, it taxes too much. And when the taxes do not cover what is being spent, it borrows too much.

I may not be a macroeconomist, but I have a long history of running a business and knowing how devastating the tax man's arrival can be to that business. I have a history of creating jobs, jobs that pay taxes as the employees are compensated. I know this aspect of our economy is one that the Obama administration would be well advised to pay attention to.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that at 5 p.m. today, the Senate proceed to vote on confirmation of the nomination of Elena Kagan, and that all debate time on the nomination be yielded back, except that the chairman and ranking member or their designees have 2 minutes each immediately prior to the vote; further, that all provisions of the previous order governing the nomination continue to be effective.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I have heard a lot of debate here today. I remind Senators of one thing: The Kagan nomination is not controversial. Every Solicitor General who served from 1985 has endorsed her nomination. That is every Democratic one, every Republican one, across the political spectrum.

Let me read some of the names who have endorsed this woman: Charles Fried, Ken Starr, Drew Days, Walter Dellinger, Seth Waxman, Ted Olson, Paul Clement, Greg Garre. Here is what they wrote in their letter of support:

We who have had the honor of serving as Solicitor General over the past quarter century in the administrations of Presidents Ronald Reagan, George H.W. Bush, William Clinton and George W. Bush, write to endorse the nomination of Dean Elena Kagan to be the next Solicitor General of the United States. We are confident that Dean Kagan will bring distinction to the office, continue its highest traditions, and be a forceful advocate for the United States before the Supreme Court.

One of the conservative professors whom Dean Kagan helped bring to Harvard Law School was Professor Jack Goldsmith. You may remember, he took charge of the Office of Legal Counsel after the disastrous tenures of Jay Bybee and John Yoo.

Professor Goldsmith, a conservative, praised Dean Kagan as someone who takes to the Solicitor General's Office a better understanding of the Congress and the executive branch that she will represent before the Court than perhaps any prior Solicitor General.

I ask unanimous consent that a list of these and the dozens of other supporters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT FOR THE NOMINATION OF
ELENA KAGAN TO BE SOLICITOR GENERAL OF
THE UNITED STATES

CURRENT AND FORMER PUBLIC OFFICIALS

David A. Strauss; Gerald Ratner Distinguished Service Professor of Law, The University of Chicago; former Attorney-Adviser in the Office of Legal Counsel of the U.S. Department of Justice and former Assistant to the Solicitor General of the United States.

Charles Fried; Beneficial Professor of Law, Harvard Law School; former Solicitor General.

Clifford M. Sloan; Skadden, Arps, Slate, Meagher & Flom, LLP; former Assistant to the Solicitor General of the United States.

Jack Goldsmith; Professor, Harvard Law School; former Assistant Attorney General, Office of Legal Counsel.

Joint Letter from Former Department of Justice Officials; Janet Reno, former Attorney General;

Jamie S. Gorelick, former Deputy Attorney General; Patricia Wald, former Assistant Attorney General for Legislative Affairs; Eleanor D. Acheson, former Assistant Attorney General for the Office of Policy Development; Loretta C. Argrett, former Assistant Attorney General for the Tax Division; Jo Ann Harris, former Assistant Attorney General for the Criminal Division; Lois Schiffer,

former Assistant Attorney General for the Environment and Natural Resources Division.

Joint Letter from Former Solicitors General; Walter Dellinger, Theodore B. Olson, on behalf of: Charles Fried, Kenneth W. Starr, Drew S. Days III, Seth P. Waxman, Paul Clement, Gregory G. Garre.

Judith A. Miller; former General Counsel, Department of Defense.

Miguel A. Estrada; Gibson, Dunn & Crutcher, LLP; former Assistant to the Solicitor General.

Paul T. Cappuccio; Executive Vice President and General Counsel of Time Warner; former Associate Deputy Attorney General.

Peter Kiesler; former Assistant Attorney General for the Civil Division.

Roberta Cooper Ramo; former President, American Bar Association.

LAW ENFORCEMENT AND CRIMINAL JUSTICE
ORGANIZATIONS.

Women in Federal Law Enforcement.

CIVIL RIGHTS ORGANIZATIONS

John Payton; President and Director-Counsel, NAACP Legal Defense Fund, Inc.

National Association of Women Lawyers.

National Women's Law Center.

OTHER SUPPORTERS

Brackett B. Denniston, III; Senior Vice President and General Counsel, General Electric.

Bradford A. Berenson; Sidley Austin, LLP.

Jeffrey B. Kindler; Chairman of the Board, Chief Executive Officer, Pfizer, Inc.

John F. Manning; Bruce Bromley Professor of Law, Harvard Law School.

Joint Letter from former Harvard Law Students; Katie Biber Chen, Class of 2004; Anjan Choudhury, Class of 2004; Justin Driver, Class of 2004; Isaac J. Lidsky, Class of 2004; Meaghan McLaine, Class of 2004; Carrie A. Jablonski, Class of 2004; Jeffrey A. Pojanowski, Class of 2004; Beth A. Williams, Class of 2004; John S. Williams, Class of 2004; David W. Foster, Class of 2005; Courtney Gregoire, Class of 2005; Rebecca Ingber, Class of 2005; Lauren Sudeall Lucas, Class of 2005; Kathryn Grzenczyk Mantoan, Class of 2005; Anton Metlitsky, Class of 2005; Chris Murray, Class of 2005; Rebecca L. O'Brien, Class of 2005; Beth A. Stewart, Class of 2005; Ryan L. VanGrack, Class of 2005; David S. Burd, Class of 2006; Eun Young Choi, Class of 2006; Matt Cooper, Class of 2006; Brian Fletcher, Class of 2006; David S. Flugman, Class of 2006; Adam D. Harber, Class of 2006; Jeffrey E. Jamison, Class of 2006; Nathan P. Kitchens, Class of 2006; Tracy Dodds Larson, Class of 2006; Benjamin S. Litman, Class of 2006; Dana Mulhauser, Class of 2006; Meredith Osborn, Class of 2006; Matthew Price, Class of 2006; John M. Rappaport, Class of 2006; Kimberly J. Ravener, Class of 2006; Rachel Rebouche, Class of 2006; Zoe Segal-Reichlin, Class of 2006; Jeremiah L. Williams, Class of 2006; Tally Zingher, Class of 2006; L. Ashley Aull, Class of 2007; Daniel F. Benavides, Class of 2007; Robert P. Boxie, III, Class of 2007; Damaris M. Diaz, Class of 2007; Gabriel Kuris, Class of 2007; Adam R. Lawton, Class of 2007; John A. Mathews II, Class of 2007; Michele A. Murphy, Class of 2007; Michael A. Negron, Class of 2007; Alexi Nunn, Class of 2007; Josh Paul Riley, Class of 2007; Jasmin Sethi, Class of 2007; Jane Shvets, Class of 2007; Jason M. Spitalnick, Class of 2007; James Weingarten, Class of 2007; Amy C. Barker, Class of 2008; Kathryn Baugher, Class of 2008; Margaux Hall, Class of 2008; Rochelle Lee, Class of 2008; Daniel P. Pierce, Class of 2008; Elizabeth Russo, Class of 2008; Megan Ryan, Class of 2008; Andrew M. Woods, Class of 2008.

Joint Letter from Former Lawyers in the Solicitor General's Office; Andrew L. Frey, Assistant to the Solicitor General, Deputy Solicitor General; Kenneth S. Geller, Assistant to the Solicitor General, Deputy Solicitor General; Philip Allen Lacovara, Assistant to the Solicitor General, Deputy Solicitor General; Andrew J. Pincus, Assistant to the Solicitor General; Charles A. Rothfeld, Assistant to the Solicitor General; Stephen M. Shapiro, Assistant to the Solicitor General, Deputy Solicitor General.

Joint Letter from Iraq War Veterans and Harvard Law Students; Geoff Orazem, Hagan Scotten, and Erik Swabb.

Joint Letter from Law School Deans; Larry D. Kramer, Dean and Richard E. Lang Professor of Law, Stanford Law School; T. Alexander Aleinikoff, Dean, Georgetown University Law Center; Evan H. Caminker, Dean, The University of Michigan Law School; Michael A. Pitts, Dean, University of Pennsylvania Law School; Harold H. Koh, Dean and Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School; David F. Levi, Dean, Duke University School of Law; Saul Levmore, Dean and William B. Graham Professor of Law, The University of Chicago Law School; Paul G. Mahoney, Dean, University of Virginia School of Law; Richard L. Revesz, Dean and Lawrence King Professor of Law, New York University School of Law; David M. Schizer, Dean, Columbia University School of Law; David van Zandt, Dean, Northwestern University School of Law.

Joseph H. Flom; Skadden, Arps, Slate, Meagher & Flom, LLP.

Judith Lichtman; Senior Advisor, National Partnership for Women & Families.

Laurence H. Tribe; Carl M. Loeb University Professor, Harvard University.

Martin Lipton; Wachtell, Lipton, Rosen & Katz.

Robert D. Joffe; Cravath, Swaine & Moore, LLP.

Robert Katz; The Goldman Sachs Group, Inc.

William F. Lee; Co-Managing Partner, Wilmer-Hale; former Member, Board of Overseers of Harvard College and the Visiting Committee to Harvard Law School.

Mr. LEAHY. It is time for our daughters and granddaughters to see a woman serving as the chief legal advocate on behalf of the United States. I urge all Senators, just as the Republican and Democratic former Solicitors have supported her, to support President Obama's nomination.

Vote to confirm Elena Kagan to be Solicitor General of the United States.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Under the previous order, there will now be 4 minutes of debate, equally divided, prior to a vote on the Kagan nomination.

Mr. LEAHY. Parliamentary inquiry: I thought the vote was going to be at 5 o'clock.

The PRESIDING OFFICER. After the 4 minutes of debate.

Mr. LEAHY. Mr. President, I ask unanimous consent that all time for both sides be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Elena Kagan, of Massachusetts, to be Solicitor General of the United States?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Mississippi (Mr. COCHRAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 31, as follows:

[Rollcall Vote No. 107 Ex.]

YEAS—61

| | | |
|-----------|------------|-------------|
| Akaka | Gillibrand | Mikulski |
| Baucus | Gregg | Nelson (FL) |
| Bayh | Hagan | Nelson (NE) |
| Begich | Harkin | Pryor |
| Bennet | Hatch | Reed |
| Bingaman | Inouye | Reid |
| Brown | Johnson | Rockefeller |
| Burris | Kaufman | Sanders |
| Byrd | Kerry | Schumer |
| Cantwell | Kohl | Shaheen |
| Cardin | Kyl | Snowe |
| Carper | Landrieu | Stabenow |
| Casey | Lautenberg | Tester |
| Coburn | Leahy | Udall (CO) |
| Collins | Levin | Udall (NM) |
| Conrad | Lieberman | Warner |
| Dodd | Lincoln | Webb |
| Dorgan | Lugar | Whitehouse |
| Durbin | McCaskill | Wyden |
| Feingold | Menendez | |
| Feinstein | Merkley | |

NAYS—31

| | | |
|-----------|-----------|-----------|
| Alexander | DeMint | Risch |
| Barrasso | Enzi | Roberts |
| Bennett | Grassley | Sessions |
| Bond | Hutchison | Shelby |
| Brownback | Inhofe | Specter |
| Bunning | Isakson | Thune |
| Burr | Johanns | Vitter |
| Chambliss | Martinez | Voinovich |
| Corker | McCain | Wicker |
| Cornyn | McConnell | |
| Crapo | Murkowski | |

NOT VOTING—7

| | | |
|---------|-----------|--------|
| Boxer | Graham | Murray |
| Cochran | Kennedy | |
| Ensign | Klobuchar | |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

Mr. MCCAIN. The President nominated Elena Kagan, currently dean of Harvard Law School, for Solicitor-General of the United States. While I do not share many of Dean Kagan's views, I especially disagree with Dean Kagan on the constitutionality of the Solomon amendment.

In 2005, Dean Kagan and 53 other law school faculty members filed an amicus brief to declare the Solomon amendment unconstitutional. The Solomon amendment, named for former Congressman Jerry Solomon, allows military recruiters to meet with students on college campuses and allows the Reserve Officers' Training Corps, ROTC, to train on college campuses. The Supreme Court found Dean Kagan's arguments to be unpersuasive and declared the Solomon Amendment to be constitutional. I believe the Supreme Court was absolutely correct in its decision.

It is my hope that as Solicitor General, Dean Kagan will not allow her personal viewpoint on this important issue to prohibit the implementation of the Solomon amendment and that our military recruiters continue to recruit the best and brightest at our Nation's colleges to serve in our military.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The majority leader is recognized.

UNANIMOUS CONSENT REQUEST— H.R. 1586

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1586, an act to impose an additional tax on bonuses received from certain TARP recipients, just received from the House and at the desk; that the Baucus-Grassley amendment, which is the text of S. 651, which was introduced today by Senators BAUCUS, GRASSLEY, and others, be considered and agreed to, the motions to reconsider be laid upon the table, the bill, as amended, be read three times, passed, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, I don't believe Congress should rush to pass yet another piece of hastily crafted legislation in this very toxic atmosphere, at least without understanding the facts and the potential unintended consequences. Frankly, I think that is how we got into the current mess.

As the chairman of the Finance Committee said last week:

Frankly it was such a rush—we're talking about the stimulus bill now—to get it passed, I didn't have time and other conferees didn't have time to address the provisions that were modified significantly.

I don't know what is in this legislation. Nobody else knows what is in this legislation. There have been no hearings. It seems to me the Banking Committee should have a hearing. The Finance Committee should have a hearing. Obviously, any tax legislation should be vetted through the Finance Committee. I am a member of that committee. We haven't had any meetings to talk about this. Other Senators need time to consider the bill and offer amendments through the regular order through the committee process. More importantly, because of the public interest, the public ought to have the right to review this legislation to make sure it doesn't have any additional loopholes or unintended consequences.

The Baucus bill, as I understand it, is retroactive, not something we ordinarily do with tax policy. It seems to me we ought to have these hearings before we let this legislation come to the body. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, before my friend leaves, I appreciate the statement of my friend from Arizona. At least he is willing to look at it and study it, and I appreciate that very much. The Republican leader in the House, of course, was opposed to it, so we are glad the Republican assistant leader, the Republican whip, as a member of the Finance Committee, will look at it. The bill has been filed on our side and, hopefully, we can work toward getting something done. I appreciate the statement of the Senator from Arizona.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIRNESS OF FINANCIAL MARKETS

Mr. KAUFMAN. Mr. President, I wish to spend a few minutes talking about action that needs to be taken to restore the credibility of the fairness of the American financial markets.

On Monday, Senators ISAKSON, TESTER, and I introduced S. 605, which directs the Securities and Exchange Commission to write regulations that will deal effectively with abusive short selling.

One of the abusive techniques addressed in the bill is so-called "naked

short selling." Naked short selling is when traders sell shares they don't own and have no ability to deliver at the time of sale—which dilutes the value of a company's shares and can drive prices down artificially.

Before the ink on our bill was even dry, we received a profoundly disappointing report from the SEC's inspector general entitled "Practices Related to Naked Short Selling Complaints and Referrals," a report detailing the results of an audit on the SEC Division of Enforcement's policies, procedures and practices for processing complaints about naked short selling.

An astounding 5,000 complaints about abusive short selling were sent to the SEC's Enforcement Division between January 1, 2007 and June 1, 2008. There could be no mistaking the scale of the potential problem that that number of complaints reflected. Incredibly, a mere 123 complaints were referred for further investigation. Worse, and I quote: "none of the forwarded complaints resulted in enforcement actions . . ." five thousand complaints, zero enforcement actions.

Not surprisingly, the SEC inspector general has concluded that the processes for dealing with such complaints need a fundamental overhaul.

Accordingly, the IG made 11 suggestions for improvements. And how did the Enforcement Division respond? It agreed to one of the IG's recommendations, and declined to move on the rest.

I have been around Washington and the Senate for 36 years, but rarely have I seen an inspector general's call for action so summarily dismissed.

In its comments to the IG report, the SEC Enforcement Division stated:

there is hardly unanimity in the investment community or the financial media on either the prevalence, or the dangers, of "naked" short selling.

I ask my colleagues: Why would the SEC Enforcement Division want to wait until there is unanimity in the investment community and the financial media to enforce the law? Why would the SEC Enforcement Division in its comments to the IG report want to give a virtual "green light" to continued abusive naked short selling? That is an enforcement division that is not worthy of its name.

In the IG's response to the Enforcement Division, the IG notes that it is "disappointed" that the Enforcement Division only concurred with one of the 11 recommendations in the audit report. The IG is "particularly concerned" that the Enforcement Division did not concur in its first three recommendations—that the Division should develop a written in-depth triage analysis for naked short selling complaints.

Moreover, the IG notes:

SEC has repeatedly recognized that naked short selling can depress stock prices and have harmful effects on the market. In

adopting a naked short selling antifraud rule, Rule 10b-21, in October 2008, the Commission stated, "We have been concerned about "naked" short selling and, in particular, abusive 'naked' short selling, for some time.

Where does this leave us, Mr. President? We have an SEC that is ostensibly concerned about abusive naked short selling, but we have an enforcement division—after receiving literally thousands and thousands of complaints about naked short selling—that has brought no enforcement actions and doesn't take seriously an IG audit and recommendations.

This is an outrage.

I want to be clear, this was the record from a review of last year's examination of short selling complaints. This is an issue Mary Schapiro, the new SEC chair, has inherited. She just got to the SEC. But this is a strong indication of the need for real leadership at the SEC. Unless and until that happens, investors will have reason to worry that markets are not yet free of manipulation and abuse.

Of all the challenges confronting our financial system, none is more important than restoring investors' trust and confidence in the market—the belief that the game isn't rigged against them. After the disastrous and unprecedented losses of the past year, millions of Americans will refuse to put their resources back into the stock market until they believe the system is once again sound, fair and adequately overseen by the SEC.

In the not-so-distant past, a strategy of long-term buying-and-holding offered a roadmap for comfortable living in retirement and the ability to provide to our children and grandchildren that all-important economic head start in life.

Then, the market valued companies based on economic fundamentals and expected future profits.

Today, too many people view the stock markets as another gambling casino, dominated by volatility and susceptible to predatory short sellers who profit from false rumors and bear raids.

To restore faith in our securities markets, the Securities and Exchange Commission urgently needs to reflect a clear commitment to meaningful change.

It is time to restore the integrity, efficiency and fairness of our securities markets by preventing manipulative short selling, ensuring that the market fairly values the actual shares issued by a company, and outlawing the creation of "phantom shares" by abusive short sellers.

Let's remember how we got here. The opaque derivatives market allowed some people to play a shell game by leveraging to the hilt and buying and selling synthetic instruments that ultimately crashed in value. The same thing happens through abusive short selling, when traders sell shares they

do not own and have no ability to deliver at the time of sale.

It is like making copies of your car's title, and then selling the title to the car three times, while hoping you can find other cars to deliver if the buyer proceeds.

In some cases, the short interest in a particular company's stock on a given day has spiked dramatically after false rumors have circulated about the company. The data further show that "fails" to deliver are large and problematic.

That is evidence of manipulation. It distorts the market. It must end now.

Let me be clear: the problem isn't short selling itself, which can enhance market efficiency and price discovery.

The problem is that, under current rules, short sellers can sell stocks they haven't actually borrowed in advance of their short sale—and with no uptick rule in place as a circuit breaker. The current standard requires only a "reasonable belief" that a short seller can locate the necessary shares by the delivery date; that is no standard at all and subjects the market to rife abuse.

For the market to flourish again, the SEC must issue rules and enforce them in a way that convinces investors the system is not rigged against them.

One important step the SEC should take now is to reinstate the substance of its former "uptick" rule.

The uptick rule served us well for 70 years until the SEC rescinded it in July 2007. It required short sellers to take a breath and wait for a sale at a higher price before continuing to sell short in declining markets. According to one survey, 85 percent of CEOs, and professionals at NYSE-listed companies favor reinstating it. Fed Chairman Bernanke, bipartisan Members of Congress, and former regulators favor reinstating it. The SEC should do that now.

Restoring the uptick rule is necessary, but not sufficient, to rein in abusive short selling. If the SEC is to alter fundamentally the way stocks trade today, it must also require—and enforce—short sellers possessing at the time of the sale a demonstrable legally enforceable right to deliver the shares—a so-called "pre-borrow" requirement. We simply can't tolerate a market that permits short sellers to create phantom shares that dilute a company's value, erode the value of investors' holdings and manipulate share prices downward.

A recent Bloomberg news report based on SEC data confirmed that so-called "naked" short selling contributed significantly to the demise of Lehman Brothers and Bear Stearns. Those companies took horrendous gambles and their share values had to reflect those serious missteps, but in the absence of "naked" short selling both might nevertheless have survived.

Abusive short selling is gasoline on the fire for distressed stocks and distressed markets. And the knowledge

that it is still tolerated rattles small investors and shakes confidence in our markets.

Mr. President, I ask unanimous consent that this story be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Bloomberg.com, Mar. 19, 2009]

NAKED SHORT SALES HINT FRAUD IN BRINGING DOWN LEHMAN (CORRECT)
(By Gary Matsumoto)

(Corrects levels of failed-to-deliver shares in second and 18th paragraphs.)

The biggest bankruptcy in history might have been avoided if Wall Street had been prevented from practicing one of its darkest arts.

As Lehman Brothers Holdings Inc. struggled to survive last year, as many as 32.8 million shares in the company were sold and not delivered to buyers on time as of Sept. 11, according to data compiled by the Securities and Exchange Commission and Bloomberg. That was a more than 57-fold increase over the 2007 peak of 567,518 failed trades on July 30.

The SEC has linked such so-called fails-to-deliver to naked short selling, a strategy that can be used to manipulate markets. A fail-to-deliver is a trade that doesn't settle within three days.

"We had another word for this in Brooklyn," said Harvey Pitt, a former SEC chairman. "The word was 'fraud.'"

While the commission's Enforcement Complaint Center received about 5,000 complaints about naked short-selling from January 2007 to June 2008, none led to enforcement actions, according to a report filed yesterday by David Kotz, the agency's inspector general.

The way the SEC processes complaints hinders its ability to respond, the report said.

Twice last year, hundreds of thousands of failed trades coincided with widespread rumors about Lehman Brothers. Speculation that the company was being acquired at a discount and later that it was losing two trading partners both proved untrue.

After the 158-year-old investment bank collapsed in bankruptcy on Sept. 15, listing \$613 billion in debt, former Chief Executive Officer Richard Fuld told a congressional panel on Oct. 6 that naked short sellers had midwived his firm's demise.

GASOLINE ON FIRE

Members of the House Committee on Government Oversight and Reform weren't buying that explanation.

"If you haven't discovered your role, you're the villain today," U.S. Representative John Mica, a Florida Republican, told Fuld.

Yet the trading pattern that emerges from 2008 SEC data shows naked shorts contributed to the fall of both Lehman Brothers and Bear Stearns Cos., which was acquired by JPMorgan Chase & Co. in May.

"Abusive short selling amounts to gasoline on the fire for distressed stocks and distressed markets," said U.S. Senator Ted Kaufman, a Delaware Democrat and one of the sponsors of a bill that would make the SEC restore the uptick rule. The regulation required traders to wait for a price increase in the stock they wanted to bet against; it prevented so-called bear raids, in which successive short sales forced prices down.

DRIVING DOWN PRICES

Reinstating the rule would end the pattern of fails-to-deliver revealed in the SEC data, Kaufman said.

"These stories are deeply disturbing and make a compelling case that the SEC must act now to end abusive short selling—which is exactly what our bill, if enacted, would do," the senator said in an e-mailed statement.

Short sellers arrange to borrow shares, then dispose of them in anticipation that they will fall. They later buy shares to replace those they borrowed, profiting if the price has dropped. Naked short sellers don't borrow before trading—a practice that becomes evident once the stock isn't delivered. Such trades can generate unlimited sell orders, overwhelming buyers and driving down prices, said Susanne Trimboth, a trade-settlement expert and president of STP Advisory Services, an Omaha, Nebraska-based consulting firm.

The SEC last year started a probe into what it called "possible market manipulation" and banned short sales in financial stocks as the number of fails-to-deliver climbed.

'UNSUBSTANTIATED RUMORS'

The daily average value of fails-to-deliver surged to \$7.4 billion in 2007 from \$838.5 million in 1995, according to a study by Trimboth, who examined data from the annual reports of the National Securities Clearing Corp., a subsidiary of the Depository Trust & Clearing Corp.

Trade failures rose for Bear Stearns as well last year. They peaked at 1.2 million shares on March 17, the day after JPMorgan announced it would buy the investment bank for \$2 a share. That was more than triple the prior-year peak of 364,171 on Sept. 25.

Fuld said naked short selling—coupled with "unsubstantiated rumors"—played a role in the demise of both his bank and Bear Stearns.

"The naked shorts and rumor mongers succeeded in bringing down Bear Stearns," Fuld said in prepared testimony to Congress in October. "And I believe that unsubstantiated rumors in the marketplace caused significant harm to Lehman Brothers."

DEVALUING STOCK

Failed trades correlate with drops in share value—enough to account for 30 to 70 percent of the declines in Bear Stearns, Lehman and other stocks last year, Trimboth said.

While the correlation doesn't prove that naked shorting caused the lower prices, it's "a good first indicator of a statistical relationship between two variables," she said.

Failing to deliver is like "issuing new stock in a company without its permission," Trimboth said. "You increase the number of shares circulating in the market, and that devalues a stock. The same thing happens to a currency when a government prints more of it."

Trimboth attributes the almost ninefold growth in the value of failed trades from 1995 to 2007 to a rise in naked short sales.

"You can't have millions of shares fail to deliver and say, 'Oops, my dog ate my certificates,'" she said.

EXPLANATION REQUIRED

On its Web site, the Federal Reserve Bank of New York lists several reasons for fails-to-deliver in securities trading besides naked shorting. They include misunderstandings between traders over details of transactions; computer glitches; and chain reactions, in which one failure to settle prevents delivery in a second trade.

Failed trades in stocks that were easy to borrow, such as Lehman Brothers, constitute a "red flag," said Richard H. Baker, the president and CEO of the Washington-based Managed Funds Association, the hedge fund industry's biggest lobbying group.

"Suffice it to say that in a readily available stock that is traded frequently, there has to be an explanation to the appropriate regulator as to the circumstances surrounding the fail-to-deliver," said Baker, who served in the U.S. House of Representatives as a Republican from Louisiana from 1986 to February 2008.

"If it's a pattern and a practice, there are laws and regulations to deal with it," he said.

FINES AND PENALTIES

Lehman Brothers had 687.5 million shares in its float, the amount available for public trading. In float size, the investment bank ranked 131 out of 6,873 public companies—or in the top 1.9 percent, according to data compiled by Bloomberg.

While naked short sales resulting from errors aren't illegal, using them to boost profits or manipulate share prices breaks exchange and SEC rules and violators are subject to penalties. If investigators determine that traders engaged in the practice to try to influence markets, the Department of Justice can file criminal charges.

Market makers, who serve as go-betweens for buyers and sellers, are allowed to short stock without borrowing it first to maintain a constant flow of trading.

Since July 2006, the regulatory arm of the New York Stock Exchange has fined at least four exchange members for naked shorting and violating other securities regulations. J.P. Morgan Securities Inc. paid the highest penalty, \$400,000, as part of an agreement in which the firm neither admitted nor denied guilt, according to NYSE Regulation Inc.

ENFORCEMENT 'RELUCTANT'

In July 2007, the former American Stock Exchange, now NYSE Alternext, fined members Scott and Brian Arenstein and their companies \$3.6 million and \$1.2 million, respectively, for naked short selling. Amex ordered them to disgorge a combined \$3.2 million in trading profits and suspended both from the exchange for five years. The brothers agreed to the fines and the suspension without admitting or denying liability, according to a release from the exchange.

Of about 5,000 e-mailed tips related to naked short-selling received by the SEC from January 2007 to June 2008, 123 were forwarded for further investigation, according to the report released yesterday by Kotz, the agency's internal watchdog. None led to enforcement actions, the report said.

Kotz, the commission's inspector general, said the enforcement division "is reluctant to expend additional resources to investigate" complaints. He recommended in his report yesterday that the division step up analysis of tips, designating an office or person to provide oversight of complaints.

SCHAPIRO'S PLANS

The enforcement division, in a response included in the report, said "a large number of the complaints provide no support for the allegations" and concurred with only one of the inspector general's 11 recommendations.

SEC Chairman Mary Schapiro, who took office in January, has vowed to reinvigorate the enforcement unit after it drew fire from lawmakers and investors for failing to follow up on tips that New York money manager Bernard Madoff's business was a Ponzi scheme. She has "initiated a process that

will help us more effectively identify valuable leads for potential enforcement action," John Nester, a commission spokesman, said in response to the Kotz report.

Last September, the agency instituted the temporary ban on short sales of financial stock. It also has announced an investigation into "possible market manipulation in the securities of certain financial institutions."

NO EFFECTIVE ACTION

Christopher Cox, who was SEC chairman last year; Erik Sirri, the commission's director for market regulation; and James Brigagliano, its deputy director for trading and markets, didn't respond to requests for interviews. John Heine, a spokesman, said the commission declined to comment for this story.

"It has always puzzled me that the SEC didn't take effective action to eliminate naked shorting and the fails-to-deliver associated with it," Pitt, who chaired the commission from August 2001 to February 2003, said in an e-mail. The agency began collecting data on failed trades that exceed 10,000 shares a day in 2004.

"All the SEC need do is state that at the time of the short sale, the short seller must have (and must maintain through settlement) a legally enforceable right to deliver the stock at settlement," Pitt wrote. He is now the CEO of Kalorama Partners LLC, a Washington-based consulting firm. In August, he and some partners started RegSHO.com, a Web-based service that locates stock to help sellers comply with short-selling rules.

POSTPONED 'INDEFINITELY'

Pitt began his legal career as an SEC staff attorney in 1968, and eventually became the commission's general counsel. In 1978, he joined Fried Frank Harris Shriver & Jacobson LLP, where as a senior corporate partner he represented such clients as Bear Stearns and the New York Stock Exchange. President George W. Bush appointed him SEC chairman in 2001.

The flip side of an uncompleted transaction resulting from undelivered stock is called a "fail-to-receive." SEC regulations state that brokers who haven't received stock 13 days after purchase can execute a so-called buy-in. The broker on the selling side of the transaction must buy an equivalent number of shares and deliver them on behalf of the customer who didn't.

A 1986 study done by Irving Pollack, the SEC's first director of enforcement in the 1970s, found the buy-in rules ineffective with regard to Nasdaq securities. The rules permit brokers to postpone deliveries "indefinitely," the study found.

The effect on the market can be extreme, according to Cox, who left office on Jan. 20. He warned about it in a July article posted on the commission's Web site.

TURBOCHARGED DISTORTION

When coupled with the propagation of rumors about the targeted company, selling shares without borrowing "can allow manipulators to force prices down far lower than would be possible in legitimate short-selling conditions," he said in the article.

"Naked" short selling can turbocharge these "distort-and-short" schemes," Cox wrote.

"When traders spread false rumors and then take advantage of those rumors by short selling, there's no question that it's fraud," Pollack said in an interview. "It doesn't matter whether the short sales are legal."

On at least two occasions in 2008, fails-to-deliver for Lehman Brothers shares spiked just before speculation about the bank began circulating among traders, according to SEC data that Bloomberg analyzed.

On June 30, someone started a rumor that Barclays Plc was ready to buy Lehman for 25 percent less than the day's share price. The purchase didn't materialize.

'GREEN CHEESE'

On the previous trading day, June 27, the number of shares sold without delivery jumped to 705,103 from 30,690 on June 26, a 23-fold increase. The day of the rumor, the amount reached 814,870—more than four times the daily average for 2008 to that point. The stock slumped 11 percent and, by the close of trading, was down 70 percent for the calendar year.

"This rumor ranks up there with the moon is made of green cheese in terms of its validity," Richard Bove, who was then a Ladenburg Thalmann & Co. analyst, said in a July 1 report.

Bove, now vice president and equity research analyst with Rochdale Securities in Lutz, Florida, said in an interview this month that the speculation reflected "an unrealistic view of Lehman's portfolio value." The company's assets had value, he said.

'OBSCENE' LEVERAGE

During the first six days following the Barclays hearsay, the level of failed trades averaged 1.4 million. Then, on July 10, came rumors that SAC Capital Advisors LLC, a Stamford, Connecticut-based hedge fund, and Pacific Investment Management Co. of Newport Beach, California, had stopped trading with Lehman Brothers.

Pimco and SAC denied the speculation. The bank's share price dropped 27 percent over July 10-11.

Banks and insurers wrote down \$969.3 billion last year—and that gave legitimate traders plenty of reason to short their stocks, said William Fleckenstein, founder and president of Seattle-based Fleckenstein Capital, a short-only hedge fund. He closed the fund in December, saying he would open a new one that would buy equities too.

"Financial stocks imploded because of the drunkenness with which executives buying questionable securities levered-up in obscene fashion," said Fleckenstein, who said his firm has always borrowed stock before selling it short. "Short sellers didn't do this. The banks were reckless and they held bad assets. That's the story."

'MARKET DISTRESS'

On May 21, David Einhorn, a hedge fund manager and chairman of New York-based Greenlight Capital Inc., announced he was shorting stock in Lehman Brothers and said he had "good reason to question the bank's fair value calculations" for its mortgage securities and other rarely traded assets.

Einhorn declined to comment for this story. Monica Everett, a spokeswoman who works for the Abernathy Macgregor Group, said Greenlight properly borrows shares before shorting them.

Even when they're legitimate, short sales can depress share values in times of market crisis—in effect turning the traders' negative bets into self-fulfilling prophecies, says Pollack, the former SEC enforcement chief who is now a securities litigator with Fulbright & Jaworski in Washington.

The SEC has been concerned about the issue since at least 1963, when Pollack and others at the commission wrote a study for Congress that recommended the "temporary banning of short selling, in all stocks or in a

particular stock" during "times of general market distress."

AIRPORT RUNWAY

On Sept. 17, two days after Lehman Brothers filed for Chapter 11 bankruptcy, the number of failed trades climbed to 49.7 million, 23 percent of overall volume in the stock.

The next day, the SEC announced its ban on shorting financial companies in 2008. The number of protected stocks ultimately grew to about 1,000. On Sept. 19, the commission announced "a sweeping expansion" of its investigation into possible market manipulation.

The ban, which lasted through Oct. 17, didn't eliminate shorting, according to data from the SEC, the NYSE Arca exchange and Bloomberg. Throughout the period, short sales averaged 24.7 percent of the overall trading in Morgan Stanley, Merrill Lynch & Co. and Goldman Sachs Group Inc. on NYSE Arca. In 2008, short sales averaged 37.5 percent of the overall trading on the exchange in the three companies.

To date, the commission hasn't announced any findings of its investigation.

Pollack, the former SEC regulator, wonders why.

"This isn't a trail of breadcrumbs; this audit trail is lit up like an airport runway," he said. "You can see it a mile off. Subpoena e-mails. Find out who spread false rumors and also shorted the stock and you've got your manipulators."

Mr. KAUFMAN. The new SEC leadership has the opportunity to make the SEC a "can do" agency once more. The SEC is scheduled to meet on April 8 to discuss the uptick rule and abusive short selling. The Chair and commissioners should move quickly to adopt the uptick rule and a pre-borrow requirement.

If not, Congress should do its part and direct the SEC to do that quickly.

After yesterday's IG report and the Enforcement Division's response to it, I am even more convinced that SEC Chair Schapiro needs to grab the reins quickly at the SEC, and get back to standing up for investor interests to restore confidence in the markets. If the SEC won't do it, Congress should require them to do it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Chair.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 659 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, before the Senator from Tennessee leaves, I wish to say how much I enjoyed his comments, and I think no matter which side of the aisle we are on, we get up in the morning wanting to try to make a difference. So I appreciate his sentiments and I appreciate his comments very much, as it relates to what we hope we will all instill in our students and teachers and those who love our country. I appreciate his comments.

AMERICAN AUTOMOBILE
INDUSTRY

Ms. STABENOW. Mr. President, I wish to speak a little bit today about a subject near and dear to my heart, and that is our American auto industry.

Before the global credit crisis happened, our American auto industry was undertaking ambitious restructuring plans. I know there are those who haven't been aware of that up until now but in fact it is true.

For the past decade, our American auto industry has been moving toward improved fuel efficiency, improved quality, and advanced technologies. I am very proud of what the men and women in our country do in terms of building our American automobiles. This was clearly shown as the auto industry laid out the plans before Congress last December. The companies and the workers have been making tremendous sacrifices even before they were asked to do so, to level the playing field with foreign competitors. The idea of cutting, restructuring, layoffs, plant closings are not new. They are, unfortunately, a way of life at the moment in Michigan and other manufacturing States where there have had to be major sacrifices, particularly for workers and their families.

By the end of the current 2005 and 2007 contracts for workers, the labor cost gap between domestic and foreign automakers would have been largely eliminated. They also eliminated 50 percent of the companies' liability for retiree health benefits, and that is before any of the current debate. It was also before the global credit crunch happened. The global credit crunch has hit everybody—every business, large and small, every consumer, every family, every homeowner.

Certainly our auto industry has seen the brunt of the inability to get capital, the inability of people to get a car loan, our auto dealers and the challenges they have had, our auto suppliers, as well as the OEMs.

The failure of our auto industry, if we allow them to go down because of a global credit crisis, would mean a loss of over 400,000 supplier jobs and over 450,000 jobs in the service sector, national deficits, and reductions in personal income. It would be a huge catastrophe if we were to allow the global credit crisis to create a situation in which we would no longer have an American auto industry.

It is important for us to understand that this crisis has similarly affected the foreign automakers, forcing them to request help from China, Canada, Japan, Spain, Great Britain, Brazil, as well as numerous other countries.

We find ourselves in a situation where this credit crisis has profoundly affected the backbone of manufacturing in the United States. We have seen firsthand in Michigan the challenges that GM, Ford, and Chrysler

have faced. We now have a White House auto task force that has been set up to work with General Motors and Chrysler, which have asked for assistance from us in this global credit crisis.

Today we had a very important announcement to help the industry as a whole. I thank the White House auto task force for understanding that along with our automakers, it is critically important that our suppliers be able to pay their bills, supply the parts, and continue to be a very important part of this industry as a whole.

I very much appreciate the fact that a very positive action was taken today by the auto task force to help make capital available during this credit crisis for our tier 1 suppliers.

Our American auto industry represents about 4 percent of our gross national product and 10 percent of our industrial production value. Our auto industry provides health care and pensions to over a million retirees and their families who live all over the country, by the way, not just in Michigan, although we certainly would welcome them back. But they live all over the country.

Auto parts suppliers provide hundreds of thousands of jobs. They are the leading U.S. manufacturing employer. That, again, is why the decision that was made today to make capital available for our auto suppliers is so important.

In turn, those direct jobs contribute to 4.5 million—4.5 million—private industry jobs across the country. That is an additional 5.7 jobs for every single direct supplier job. We are talking in general about an industry that touches every State—not just Michigan, not just Ohio, not just Indiana, but every single State.

The domestic auto industry comprises more than 10 percent of the high yield bond market and is one of the largest sectors in leverage finance for the banks. They spend over \$12 billion a year on research and development. Without this funding, our country would become dependent on foreign ideas and foreign technology that would threaten our role not only in innovation and in the global economy but in our national defense as well.

I come today to say that failure is not an option when it comes to the viability and support for our American auto industry. Right now, if one or more of the American auto companies is allowed to fail, then we can expect as many as 3.3 million lost jobs in the next year. When we think about what we are doing in the stimulus package, in the recovery package, and we think about 3.3 million jobs that would be lost in the auto industry alone, it is stunning.

Think about the recovery plan and the fact we are talking about creating or saving 3.5 million jobs—3.5 million jobs lost if one of the companies went

down. This is a big deal. This is a huge issue for us. That is why I have fought so hard, along with Senator LEVIN and other colleagues, to make sure we are doing everything possible to create a level playing field for the American auto industry so we can maintain these jobs and the strong role—the vital role—they play in this economy.

It is not only about workers—direct workers or indirect workers. The fallout, if we were to see a company fail, would hit thousands of businesses that depend on the auto industry, from parts suppliers to dealers to service industries, body shops, consultants, advertisers, janitorial services—all kinds of other jobs, not counting the restaurant across the street from the plant. When the plant closes, the restaurant goes or the shoe store down the street goes. The drugstore goes. These are basic jobs, huge parts of the economy of thousands and thousands of communities across this country.

Also, let me be clear that the foreign automakers would be hurt as well because manufacturers share so many suppliers. Without the business from Detroit, those suppliers would fail. Many dealers own U.S. and non-U.S. dealerships, and they would not be able to keep operating without the American brands in the mix. That is why I am very pleased that the leadership of Toyota met with the auto task force to urge them to support the American auto industry through this global credit crisis because they know better than anyone that they share the same suppliers.

Again, that is why the decision today by the auto task force is so important, to support tier 1 suppliers because this supports the automakers, foreign and domestic, all over America. This is very important. It would have catastrophic effects on several States already suffering from some of the Nation's highest unemployment rates if, in fact, we would see one or more of these companies go down.

Let me show some of the numbers when we talk about what happens in terms of unemployment and the devastation across the country—people are out of work right now—and what would happen if our American automakers were not supported so they can continue. We would see a shutdown that would increase unemployment levels to over 10 percent in Indiana, Ohio, Rhode Island, Kentucky, South Carolina, Tennessee, California, Oregon, North Carolina, Mississippi, Nevada, Alabama, Missouri, Illinois, and Georgia.

My home State of Michigan already suffers from 11.6 percent unemployment. I understand how painful that is for communities. Rhode Island could lose over 9,000 jobs if we were to see one of our American automakers go under—9,000 jobs. Kentucky could lose 75,000 jobs and go to 11.9 percent unemployment. South Carolina could lose

over 58,000 jobs and go to an unemployment rate of 11.9 percent.

To continue, Tennessee could lose over 106,000 jobs as a result of one of our three domestic automakers going under, which would bring their unemployment rate to 11.8 percent. California could lose over 300,000 jobs.

My point, whether it is Tennessee, California, Oregon, North Carolina, Mississippi, or other States is clearly what happens in Detroit does not stay in Detroit. That is the point. What happens in Detroit affects automakers and Americans all over the country, families who depend on a paycheck from a direct job in the auto industry or a supplier or some other small business. Others would be forced in a recession to find work that is not there. People are barely making it as it is.

My message overall, again, is that what happens in Detroit doesn't stay in Detroit. It goes all over the country. That is why the work of the White House auto task force is so important and why I appreciate so much their willingness to delve deeply into these issues and look at the facts—not the rhetoric but the facts—and determine what is best for the taxpayers, for American families, and for the economy. We owe it to American families. We owe it to the people of Michigan as well.

Part of what they are looking at is the fact that the failure of the American auto industry would put a disastrous burden on top of job loss, a disastrous burden on the Pension Benefit Guaranty Corporation that already faces massive shortfalls, a burden that could trigger tens of billions of dollars in additional pension obligations.

The reality is, those who say let GM go bankrupt, let Chrysler go bankrupt, the obligation to the American taxpayer from pensions alone would far exceed the relatively small request, certainly compared to AIG or Citigroup or any of the other Wall Street requests, a small request, relatively speaking, to keep over 3.5 million people working in this country in good-paying jobs.

It would have a debilitating ramifications for our industrial base which would undermine our military challenges, which I mentioned before. I was at a terrific business on Monday that makes equipment for large trucks, our big long-haul trucks, a great American business called ArvinMeritor. When we look at what they make for those big trucks, the same kinds of brakes, the same kinds of axles, the battery they are developing for a hybrid truck, our largest trucks—all of those are technologies that either are used or will be used by the military, trucks that are being driven in Iraq, military vehicles around the world.

If we lose an American capability to manufacture vehicles, we affect the Department of Defense and we affect

every single man and woman who is serving us today in protecting our country by saying to them: We are going to now rely on foreign companies for our vehicles for the trucks they drive, the cars they drive, the tanks they drive. That doesn't make any sense at all.

We all have a stake in what happens in Detroit. We all have a stake in what happens to our American manufacturers and our American auto industry. We need a 21st century manufacturing strategy that is focused on American manufacturing, advanced manufacturing, as well as national security and energy security. Our automakers are an important part of that, but so are our other suppliers, our other manufacturers.

One of the things I so appreciate about President Obama's vision is that he understands we need to manufacture in this country. The budget he has given us focuses on our ability to create jobs through manufacturing, through manufacturing in the new energy economy, and in the traditional areas of manufacturing. In America, we need a revitalized advanced manufacturing base. That will be a major part of our economic recovery as a country.

Again, none of us can afford for our American automakers to fail. There is not a State represented here that can afford for that to happen. Failure would mean loss of jobs, a loss of capacity for our national defense, and the ability for us to build on an energy independence for the future.

Again, what happens in Detroit doesn't stay in Detroit. It affects every State, every American, and I very much appreciate the commitment of the White House auto task force and President Obama to work with us for a vital and vibrant auto industry for the future.

Mr. President, I yield the floor.

REHABILITATION INSTITUTE OF CHICAGO

Mr. DURBIN. Mr. President, researchers at the Rehabilitation Institute of Chicago pursue scientific discoveries that blend the most advanced medicine with technology to create ability where it has been lost.

Their most recent innovation replaces a lost limb with a robotic one, which is controlled just as their lost arm was controlled—by thoughts and commands transmitted by the brain.

It has captured the world's attention. Their research was published recently in the *Journal of the American Medical Association* and highlighted by the *New York Times*. It gives us a taste of what might be possible as doctors, scientists, and engineers continue to learn more about the human body's nervous system.

It also provides new hope for all Americans who have an amputated arm

or leg, including the hundreds of Iraq and Afghanistan veterans who have lost a limb through their service to our country.

You almost need to be a biomedical engineer to even pronounce the name of the technique developed at the Rehabilitation Institute of Chicago: pattern-recognition control with targeted reinnervation.

But it is easy to understand the procedure's importance to people around the world who have lost a limb.

When a person loses a limb, their brain does not know that the limb is gone. The brain continues to send signals through the nervous system, as if that lost arm or leg still existed. So, when a person who has lost an arm thinks about closing her hand or pointing a finger, her brain continues to send signals intended for the missing limb.

Dr. Todd Kuiken, a biomedical engineer and physician at the Rehabilitation Institute of Chicago, has found a way to harness these signals. His technology allows a patient to operate her prosthetic arm by thinking of the movement, as if her natural arm still existed.

First, Dr. Kuiken takes the good nerves that remain in the shoulder after the loss of an arm. Through surgery, these nerves are redirected and implanted into a patient's healthy remaining muscles in the chest.

When the patient thinks about closing her hand, the brain sends a signal through those redirected nerves into the reinnervated muscle, instead of in the direction of the missing arm.

The next step is to interpret those signals. It is not an easy task. Our hands alone can perform hundreds of movements, from the slightest finger wiggle to the clenching of a fist. Each movement is the result of a different pattern of signals from the brain. The challenge becomes deciphering which pattern means "close the hand"? Which pattern means "turn the wrist"?

Working to unlock the code, Dr. Kuiken and his colleagues now know which pattern is intended to produce a particular arm or hand movement. They place tiny antennas on the patient's chest to detect the patterns. The antennas convert the patterns into digital signals and send those signals to an advanced artificial arm worn by the patient. The signals tell the arm how to move.

The results of Dr. Kuiken's research have been promising. Amanda Kitts was one of the first patients to be fitted with one of the new prosthetics developed by the Defense Department's advanced research program, DARPA.

Amanda owns three daycare centers in Tennessee. She started working with the Rehabilitation Institute in 2006 and spent the following years traveling between Chicago and her home in Knoxville.

Amanda lost one of her arms in an automobile accident. The years she received therapy were difficult for her. She credits the therapists at the Rehabilitation Institute for giving her the strength to realize that her injury didn't have to change her outlook on life.

Amanda thought she would never be able to hug children again, including her son. But because of her new arm, she can.

She says of her new arm: "It was wonderful . . . It made me feel more human because I could work it almost like a regular arm. I just had to think and it responded. My new arm made me feel like I could do anything again."

Dr. Kuiken and the Rehabilitation Institute of Chicago have been working for several years to transfer this technology for the benefit of our wounded servicemembers. Through this collaboration, 10 wounded warriors have received this remarkable surgery at the Brooke Army and Walter Reed Medical Centers and are having their new prostheses fit at these state-of-the-art medical facilities.

Dr. Kuiken and the other researchers on this project deserve our thanks for their efforts, as does the Rehabilitation Institute of Chicago. Every year since 1991, U.S. News and World Report has identified the facility as the best rehabilitation hospital in the United States.

The Rehabilitation Institute is led by the indefatigable Dr. Joanne Smith, who did some of her training and subsequently consulted on patients at the VA. In addition to having expertise in prosthetics, the hospital is a leader in the treatment of traumatic brain injuries, the signature injury of the wars in Iraq and Afghanistan. Dr. Smith has worked to make her hospital's expertise and rehabilitation services available to the VA and the military services.

More work remains to be done to develop the targeted reinnervation technique. The researchers at the Rehabilitation Institute tell me that the sensation nerves to and from a hand—which relay touch sensations from hot to cold and sharp to dull—can also be harnessed. Doctors are working to put sensors into a robotic limb that has the ability to pick up these sensations.

If successful, the technique would allow patients to feel what they touch, as if they were touching it with their missing hand.

Such technology will help someone like Amanda Kitts regain her ability to sense touch from—feeling the texture of an object to knowing how hard she is squeezing her son's hand. The advance in sensing touch would help her reconnect to her world.

I am proud to have supported a \$2 million request in the fiscal year 2009 Defense appropriations legislation to help advance Dr. Kuiken's research in

Chicago. Those men and women in uniform who have lost a limb in service to our country deserve the best technology we have to help them regain their full abilities.

PATH TO BIPARTISAN AGREEMENT

Mr. GREGG. Mr. President, the spiraling cost of health care represents a growing financial crisis for many Americans who either cannot afford quality health care coverage or are struggling to keep the insurance they currently have. When combined with the aging of our population, health care costs are driving the country's long-term fiscal challenges, challenges which we must address in a bipartisan way.

Unfortunately, many proposals being offered to achieve universal health care coverage are pushing us toward a system based on expansive government control, which will eventually lead to rationing, a reduction in the quality of care, and increased health care spending. That is absolutely the wrong way to go.

So, today I join Senator WYDEN and Senator BENNETT as a co-sponsor of the Healthy Americans Act, bi-partisan legislation to overhaul the nation's health care system, in an effort to make quality, affordable health insurance available to all Americans.

I congratulate Senator WYDEN on his leadership in advancing this cause and pulling together this strong bipartisan blueprint that goes a long way towards empowering consumers and the private market to extend health care coverage to all Americans.

Mr. WYDEN. I thank the Senator. I appreciate the co-sponsorship of the Senator from New Hampshire. The only way to produce enduring health reform is to work in a bipartisan manner. Unlike past efforts, through the Healthy Americans Act, there is bi-partisan agreement on the principal issues. Republicans have moved to support covering everyone and Democrats have moved to support private choices.

Mr. GREGG. In addition to the private market approach to expanding coverage, the bill attempts to reduce the growth in health care spending by providing incentives for preventive health care, wellness programs, and disease management, as well as a stronger focus on health care cost containment measures. These measures include lowering administrative costs and focusing on chronic care management, health information technology and medical malpractice reform as tools to control costs.

In addition to his commitment to enact comprehensive health care reform in a budget-neutral manner, I also would like to commend Senator WYDEN on his willingness to work with me to make improvements on last years' pro-

posals. In particular the removal of the Medicare part D price negotiation language, the enhanced language to ensure stronger state flexibility, and the elimination of the non-health related tax provisions are strong improvements to the bill.

Mr. WYDEN. I appreciate Senator GREGG's commitment to moving this process forward and the thoughtfulness in his suggestions. I am happy to work with you and all of our other co-sponsors to continue to make improvements to the bill. While there are challenges on the specifics, as Senator GREGG has said, there's a lot to work with. Senator GREGG and I agree on fiscal responsibility, prevention, wellness, chronic care management, modernizing the tax code, improving the quality of care, containing costs, personal responsibility, and the importance of covering everyone.

Mr. GREGG. I look forward to working with the Senator to make further improvements as well. As I have told the Senator from Oregon in the past, I have some serious concerns about several elements of this plan, including the imposition of mandates; subsidies for higher income individuals; the impact on current market competition; the FDA labeling language regarding comparative effectiveness studies; and the issue of how to determine the appropriate level of coverage offered as part of a health care reform regime.

As you know, the bill uses the Federal Employee Health Benefit Plan, FEHBP, Blue Cross Blue Shield, BCBS, standard plan as he actuarial equivalent for the Healthy Americans Private Insurance, HAPI, plans. As the bill moves forward, our goal should be to create a more cost-effective benchmark that focuses on preventive care and core health care services to encourage greater individual responsibility on over-utilization of care.

Mr. WYDEN. I think Senator GREGG's arguments on these points make a lot of sense. There's more to be said for reviewing alternative proposals such as a default enrollment policy instead of an individual mandate and the role of FDA labeling in comparative effectiveness.

In light of the reports earlier this week that President Obama's health reform plan is estimated to cost more than \$1.5 trillion over the next 10 years, it is better not to overpromise and undermine cost containment. It is important that the Congress find an appropriate benefit standard that will ensure quality coverage for all Americans that will not undermine our efforts to contain costs. I want to thank Senator GREGG for his thoughtful contributions and his willingness to work with me, Senator BENNETT and our bipartisan group. It's our plan to work closely with our leaders—Chairman BAUCUS, Ranking Member GRASSLEY, Chairman KENNEDY, and Ranking Member ENZI—to end 60 years of gridlock.

Mr. GREGG. I appreciate Senator WYDEN's comments and I am hopeful that by joining forces with colleagues on both sides of the aisle on a private market approach, we can begin a bipartisan dialogue, work through our differences, and find workable solutions that will result in a better health care system for all.

SUICIDE IN THE ARMED FORCES

Mr. FEINGOLD. Mr. President, today, on the sixth anniversary of the invasion of Iraq, I want to speak about an epidemic facing the Nation's Armed Forces; namely, the alarming rate of suicides in the services. Yesterday, the Personnel Subcommittee of the Armed Services Committee held an excellent hearing on this topic, and I would like to thank the chairman and ranking member for taking on this important issue. I would also like to discuss an issue that we have so far paid far too little attention to, and that is the way the strain on the force caused by the rate of deployment is compromising our ability to care for servicemembers struggling with mental health concerns.

We have come a long way in addressing this issue. Only a generation ago, Vietnam veterans struggled to get care for the long-term consequences of the trauma they survived during the war. They were trailblazers, and thanks to them the VA has revolutionized the way it cares for veterans. We now have, among other things, counseling centers where combat veterans can go to speak with experienced counselors who are also combat veterans about their difficulties in readjusting to civilian life. I commend the President for emphasizing the need for additional centers and have been a strong advocate for just that in the State of Wisconsin. But more remains to be done.

It is not sufficient to wait until a servicemember is discharged from the Services and transitioned to the VA to respond to the crisis. Let's be honest. There is a conflict between the responsibility to both maintain the readiness of the Armed Forces and adequately respond to the needs of servicemembers struggling with mental health issues. During this time of tremendous strain on the Armed Forces, our noncommissioned officer corps is under incredible pressure to ensure that the servicemembers under their command are ready to meet the demands of combat. We must create the space for them to identify those soldiers who are in need of extra assistance and provide a means for them to provide that assistance.

We must begin by asking men and women in uniform about their experiences and what we can do to support them. I was disappointed that the hearing yesterday did not include the testimony of servicemembers about their personal experiences, so I would like to

take this opportunity to talk about what I have been hearing from servicemembers and their family members from my home State of Wisconsin.

Over 2 years ago, I was approached by a family whose son had taken his own life while serving in Afghanistan. After an investigation of the situation, I learned that the soldier was struggling to meet the grueling demands of his duties and had, perhaps as a result, become isolated from his unit. It was a tragedy for all involved.

Last year, my office was contacted by a soldier who immediately thereafter took his own life. A subsequent investigation revealed that he, too, had become isolated from his own unit. Due to his ongoing struggle with mental illness, his leadership became understandably frustrated with him and repeatedly disciplined him. His doctors decided he was not fit to deploy with his unit which was headed to Iraq. This was a major blow for him. He desperately wanted to deploy with his unit. He became angry and isolated. He sought to be transferred to a wounded warrior transition unit where he could focus on his recovery. Unfortunately, his leadership failed to get him transferred in a timely manner. If they had, he might still be with us today.

I was recently approached by a Wisconsin veteran who lost three of his peers to suicide during his time in the Army. He has informed me that in all three instances one of the main problems was a breakdown in leadership. He has given me a list of recommendations for the Armed Forces to train our noncommissioned officers in suicide prevention. I will ask to have these recommendations printed in the RECORD.

Listening to the voices of these men and women serving in uniform, a consistent pattern has emerged. Our Armed Forces, which are under tremendous pressure due to two ongoing major contingency operations, are struggling to meet the needs of their members while completing their mission.

I suspect that the single most important thing our country can do to address this epidemic is to redeploy from Iraq so that we can take the time to care for the psychologically wounded without putting additional strain on those who have already completed multiple tours. Redeploying would also serve our national security needs by allowing us to better focus on the global threat posed by al-Qaida and its affiliates.

Secondly, we must review the strategy we embraced which has led us to rely so much on the continued sacrifice of so few. We must not make the same mistake again of engaging in a mistaken war of choice. We should not ask those who volunteer to serve their country to bear the burden of a 6-year war absent a compelling need. We, the civilian leadership of this country, owe

it to the men and women in uniform to be more responsible stewards of our Armed Forces.

It is far past time to redeploy U.S. troops from Iraq. I am pleased that the President has set a course for such a redeployment. Now, we can turn to the task of rebuilding our Armed Forces.

Mr. President, I ask unanimous consent to have recommendations to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. ARMY SUICIDE PREVENTION PROPOSAL

ABSTRACT

The following correspondence is a proposal consisting of recommendations members of Congress should consider regarding the high numbers of suicides occurring within the Army. Even though this proposal is emphasized towards the structure of the Army, other branches should be able to utilize this proposal in order to improve suicide prevention tactics as well. If measures within this proposal are already being taken, I apologize for the redundancy. This proposal is also not intended to interfere with other preventive measures being considered by the Army. Its sole purpose is to implement ideas, based on my experiences, that should improve the health and welfare of soldiers, increase education for leaders at all levels to utilize while counseling subordinates, and to develop measures commanders should take should leaders abuse their authority, or commit any other acts of misconduct that may hinder health, morale, and welfare of soldiers within the United States Army.

INTRODUCTION

The high numbers of suicides within the United States Army are extremely disturbing. Ever since combat operations commenced in Afghanistan in October of 2001, the suicide rates have been increasing. However, statistics from 2007 and 2008 reveal numbers of suicides that are the highest since the Army began recording numbers of suicides in its history. In January of 2009, 24 soldiers took their own lives. The number of soldiers killed in action was lower than those who committed suicide. In February of 2009, another 18 soldiers committed suicide. Even though the Army has a very serious problem pertaining to suicides by soldiers deployed overseas, a high abundance of soldiers stationed within the United States are committing suicide as well.

I commend the Army's initial and recent efforts intended to handle this serious problem. Increasing the numbers of mental health experts, operating a suicide-prevention hotline, and encouraging soldiers to seek help if symptomatic are steps in the right direction. However, as a 13-year veteran who has dealt with a significant number of soldier suicides in the past, I am aware of other problems that require immediate attention. If these problems are not assessed and corrected, the aforementioned measures will make little difference in the pursuit of suicide prevention. Based on my observations and experiences, the primary core of problems involving suicides by soldiers involve breakdowns of leadership at the lower levels. Therefore, the following proposal will detail recommended improvements of leadership training for younger leaders.

ARMY RECRUITING COMMAND

Army recruiters have perhaps the most arduous duty within the enlisted ranks. They

are required to meet specific standards in regards to attracting individuals to contemplate enlisting into the Army. They work very long hours each day, and often work six days a week. They are under constant pressure to secure enlistments so that the entire Army meets recruit quotas and goals. Overall, the duties they perform are extremely stressful. Recruiters either volunteer to perform recruit duty, or are selected to do so by the Department of the Army. Even though recruiters are noncommissioned officers who are normally more responsible and mature, they too are human beings who are subject to mental health problems due to the nature of their duties. Weeks ago, four recruiters in Houston committed suicide, most likely from extreme pressure from their chains of command. Recruiters normally have no one to turn to in times of stress. Their leaders want them to produce, not complain. Therefore, if they are experiencing any types of mental health problems, most are likely to keep it within themselves. Fellow recruiters must look out for each other, and pay attention to stress that appears beyond the normal stresses associated with recruiting duty. Like others, they should not be ridiculed or chastised should they request treatment. Also, even though it would probably be a difficult task, the Army needs to expand the recruiting command. The more recruiters, the less stress will be placed on recruiters performing their duties today. Also, stigmatization shall not be tolerated if a recruiter feels the need to seek mental health treatment. The fear of stigmatization is a very potential reason for the four suicides that occurred in Houston.

DRILL SERGEANT SCHOOL

Drill Sergeants are perhaps the "elite" of the noncommissioned officers throughout the Army. Like recruiters, they either volunteer to perform this duty, or are selected to do so by the Department of the Army. They are responsible for turning civilians into soldiers. Molding a typical individual into a motivated, highly-disciplined warrior is no walk in the park. Being a drill sergeant requires high levels of dedication and commitment to their duties. Drill Sergeant training is simply the same as going through basic training all over again. They learn what they are going to teach. Since they are the first true soldiers recruits are going to follow, drill sergeants must set an extremely high example at all times. Like recruiting, drill sergeants work long hours. They receive a limited number of days off. Drill sergeants are required to pay extra attention to detail due to the "culture shock" new recruits receive once entering initial-entry or one-station unit training. Basic training is normally a recruit's true separation from family and friends from home. Therefore, they are typically prone to suffering home sickness while being pushed to their limits. Drill sergeants must be adequately trained in recognizing changes in behaviors of their recruits. They must be proficient counselors, especially when recruits appear more stressed than normal. In 1995, a recruit at Fort Benning, Georgia shot himself to death after rifle training. The recruit had apparently hid a round after the training, and went to an isolated area with his weapon after cleaning it. He then used the live round in his possession to commit suicide. The incident was an example of dereliction that can occur if drill sergeants do not perform their duties with high levels of attention to detail.

INITIAL ENTRY TRAINING (IET)/ONE-STATION UNIT TRAINING (OSUT)

As mentioned earlier, entry into the Army is normally a level of "culture shock" for a new Army recruit. Even though they expect initial, or basic training to be a true test, they do not know what to truly expect until they initially experience the high levels of stress at the commencement of training. Drill sergeants are tasked to mold civilians into soldiers in a short period. Therefore, the operational tempo is very high. The stress can be so high that certain recruits may act out of normal character. However, one positive aspect of this level of training is that new recruits are treated the same way. They often turn to each other for support and encouragement. However, separation from loved ones is very difficult. If something negative happens within a recruit's family while he or she is in training, his or her behavior or mental state will most likely change. One of the first blocks of instruction recruits receive should involve the importance of the "buddy system." Drill sergeants must inform their recruits that it is alright to report signs of problems. Even though drill sergeants are hard on their recruits, the last thing they want is for a recruit to feel alienated in any sort of way. If a recruit is suffering from mental distress, immediate intervention is a necessity. It is alright for drill sergeants to demonstrate compassion towards the men and women they are training. Recruits are taught how to pay attention to detail just as much as drill sergeants are. Therefore, unusual behavior, or warning signs of potential suicide must be reported immediately. In the Army, all soldiers, regardless of rank, are safety officers. Recruits must be properly counseled by their cadre. If initial entry trainers cannot solve problems, recruits demonstrating signs of mental distress must be command-referred to mental health services upon immediate signs of problems in order to prevent a catastrophic event from happening.

THE ARMY NONCOMMISSIONED OFFICER EDUCATION SYSTEM (NCOES)

The initial phase of the NCOES involves the Warrior Leadership Course (WLC), which is designed to prepare Army specialists and corporals to become sergeants. Sergeants are normally "team leaders," who have a span of control consisting of two or three subordinate soldiers. This four-week course is military occupation specialty (MOS) non-specific, and covers basic leadership skills. Students receive enhanced proficiency on physical fitness training, teaching skills, drill and ceremony, land navigation, field and garrison leadership, and a written examination. It also involves a situational training exercise (STX) designed to teach hands-on leadership in a battlefield environment. My recommendation is that a thorough block of instruction be implemented that focuses on overall suicide prevention. Students need to be taught what warning signs to look for, and how to properly counsel troubled soldiers, as well as carrying concerns up the NCO support channel and chain of command in order to prevent a crisis from occurring. The block of instruction should consist of classroom instruction and role-playing activities. The role-playing training would be the most beneficial part of the training. It must be as realistic as possible and should give students hands-on experience on listening to soldiers, demonstrating compassion and caring towards a subordinate's problem(s), and providing reassurances that problems can be resolved.

The next phase of the NCOES is the Basic Noncommissioned Officer Course (BNCOC),

which is specific to a sergeant's MOS. The course is mandated for current or future staff sergeants. The length of BNCOC varies by MOS, and is a live-in learning environment conducted in two phases: Phase I, which is a review of blocks of instruction learned in the WLC, and Phase II, which is MOS-specific. This course provides opportunities to acquire the leader, technical, tactical, values, attributes, skills, actions, and knowledge required to lead a squad-sized element of nine soldiers. Like the WLC, a thorough block of instruction should be implemented regarding mental health and suicide prevention. It should involve the same classroom instruction and role-playing activities learned in the WLC. Once again, proactive and realistic role-playing would provide enhanced skills designed to identify warning signs of suicide, tactics to provide compassion towards the troubled soldier, and necessary measures to immediately inform the squad leader's NCO support channel and chain of command.

Promotable staff sergeants or newly-promoted sergeants first class must complete the Advanced Noncommissioned Officer Course (ANCO) in order to lead a platoon-sized element. The course builds on the experiences gained in previous operational assignments and training. It emphasizes skills complementing commissioned officer counterparts. By the time NCOs reach this level of education, they should have adequate knowledge of mental health, soldier human nature, warning signs of suicide, and tactics required to ensure prevention measures are taken.

The final phase of the NCOES is the Sergeants Major Academy (USASMA). Noncommissioned officers (normally master sergeants) attending the academy, are instructed on how to implement policies, procedures, and training techniques and tactics. They are the primary NCOs who would be responsible for the oversight of suicide prevention training within the NCOES. Sergeants major are instructed to oversee operations within a battalion, brigade, division, or other element. Command sergeants major oversee the training and operations of all companies, battalions, brigades, divisions or other higher elements, and serve as the enlisted advisor to commanders of the aforementioned elements. Command sergeants major are the NCOs most responsible for ensuring NCOs are performing their duties properly and professionally. They should mandate suicide prevention training be a part of subordinate unit's training schedules. Suicide prevention training should be conducted by chaplains, and/or installation psychiatrists or psychologists. The same blocks of instruction should be utilized during these training sessions. My recommendation is that command sergeants major mandate one day of training be conducted by each unit quarterly during a fiscal year.

WEST POINT AND OFFICER CANDIDATE SCHOOL

Specific curriculums pertaining to mental health and suicide prevention must be implemented if they do not already exist. Suicide prevention training for officers is extremely important since they make final decisions as to how to handle soldiers who are demonstrating warning signs of committing suicide. More importantly, they must be prepared to initiate investigations within their units that should reveal why a soldier is contemplating suicide. Every unit has a safety officer designated by the unit commander. Safety officers must conduct thorough investigations as to why potential crises arise, who may be responsible for misconduct, and

what measures must be taken in order to rectify the situation without any harm done to anyone.

THE MEDIC SCHOOL AT FORT SAM HOUSTON,
TEXAS

On average, most Army companies have one medic per platoon. Medics, MOS 91W, are enlisted soldiers normally supervised by a medic NCO. Medics can be excellent counselors because many soldiers potentially having a crisis situation often do not feel comfortable talking about their problem(s) with their leadership for fear of stigma. Therefore, any suicide prevention training conducted at the Medical School at Fort Sam Houston must be very thorough and specific. It should involve the same blocks of instruction recommended within the NCOES. It would be of great surprise to me if a thorough block of instruction pertaining to crisis counseling and suicide prevention did not exist at the Army Medical School. Therefore, the United States Army Training and Doctrine Command (TRADOC) should take any potential immediate action to implement more crisis and suicide prevention training if necessary.

THE UNIFORM CODE OF MILITARY JUSTICE
(UCMJ)

I am very aware of some of the potential reasons as to why soldiers resort to suicide. Whether they are experiencing personal problems, are unable to tolerate military stress and operational tempos, or are suffering from depression or any other type of mental illness, soldiers caring for each other are the best preventive measures. Based on my own personal experiences while serving in the Army, I have seen several young NCOs abuse their authority for their own personal satisfaction. I have seen newly-promoted sergeants embarrass subordinates in front of other soldiers just to demonstrate they are in charge, and that any defiance will result in repercussions. In my opinion, the failure to control "rogue," or immature and inexperienced leaders is a significant and contributing factor in soldier suicides. Therefore, more senior NCOs must closely supervise newly-promoted NCOs to ensure soldiers are being cared for and not humiliated. As mentioned earlier, commanders should order investigations be conducted if soldiers are being mistreated. Not only can mistreatment of soldiers increase likelihoods of suicides, they will most likely affect the overall morale and cohesion of an entire unit. Therefore, I recommend commanders adopt and enforce "no tolerance policies" for acts of cruelty or maltreatment of subordinate soldiers by superior NCOs. Such actions violate Article 93 of the UCMJ (Appendix A). If complaints are made, and investigations reveal misconduct has occurred, commanders should either exercise their authority to discipline under Article 15 of the UCMJ (non-judicial punishment), or to order discipline under Article 32 for more serious offenses. However, soldiers must also know and understand their right to file a complaint against their commanding officer if he or she is performing wrongful actions against a soldier. Article 138 of the UCMJ (Appendix B) protects soldiers from wrongful disciplinary action being exercised by a commanding officer. If a soldier believes his or her commander is in violation of Article 138, a soldier should have full right to consult with the next highest commander within his or her chain of command. If no action is taken by that individual, the soldier should seek assistance from the post Inspector General (IG), or the post Staff Judge Advocate. For

example, many soldiers are being separated under Chapter 14 of Army Regulation 635-200 (Appendix C) for acts of misconduct. However, these acts of misconduct may stem from mental health problems such as PTSD. Therefore, soldiers should exercise their rights under Article 138 to request medical separations. Chapter 14 separations normally result in "other than honorable discharges." Such discharges often hinder a veteran's VA health benefits upon separation. Soldiers who served in a combat zone do not deserve such an act of injustice. Appendix D outlines examples of service members separated for misconduct. Another problem involves service members separated for personality disorders. According to Army Regulation 635-200, only a psychiatrist, or any other mental health professional may make such a diagnosis. Based on my experiences, commanders take such action to simply separate a soldier as soon as possible. Separations under Army Regulation 635-200 are performed much quicker than medical evaluation board (MEB) proceedings. While stationed at Fort Stewart, Georgia, I observed an NCO harass a subordinate on several occasions. However, even though the NCO was not properly performing his duties and abusing his authority, the commander declared the soldier as "sub-standard," and had him transferred to another unit, alienating him from his friends and his overall support network. He eventually committed suicide shortly after the transfer. Such aforementioned abuses by NCOs are examples of abuses of authority. They cannot be tolerated. Even though an individual committing suicide is committing a selfish act that cannot be rectified, improper treatment of soldiers does nothing to help the situation. A new clause must be added to Article 93 of the UCMJ. Since females do not deserve to be harassed sexually, or in any other manner, soldiers, regardless of sex, do not deserve to be harassed or chastised for being mentally ill. They deserve treatment. Therefore, I recommend Article 93 be amended to emphasize that any forms of stigma towards soldiers, regardless of rank, be a violation of the article.

MEDICAL EVALUATION BOARDS (MEB)

Medical evaluation board (MEB) proceedings should be commenced for all soldiers demonstrating symptoms of mental illness, regardless of the symptoms or the illness. An MEB establishes a disability rating, and the soldier is separated under honorably. Subsequently, he or she is able to obtain VA medical care for a service-connected disability, and may request disability percentage increases if his or her condition worsens. If a psychiatrist diagnoses a soldier with a "personality disorder," the soldier should not be separated under the provisions of Army Regulation 635-200 governing personality disorders. He or she shall be medically separated with a disability rating.

CONCLUSION

As mentioned in the abstract, this correspondence involves recommendations and proposals that may already have been taken into consideration, or implemented within the Army. This correspondence is not intended in any way to insult the Army in any way. Its primary purpose is to attempt to assist with the prevention of suicides within the Army, regardless of whether soldiers are deployed or not. Too many soldiers have taken their lives over the past few years for unknown reasons. However, I have seen first hand soldiers take their own lives due to failed leadership. It is time to be proactive, and ensure more preventive measures are

taken. Soldiers are human beings, not super heroes. Hence, missions cannot be completed without healthy soldiers on the front lines.

HEALTH CARE REFORM

Mr. BAUCUS. Mr. President, our next big objective is health care reform.

We have a unique opportunity to move forward on health reform this year. Now we must act. We simply cannot afford to wait any longer to fix our Nation's health care system.

We must work together to reduce health care costs, improve quality, and make coverage affordable for all Americans.

In the Finance Committee, we have held 13 hearings to prepare for health reform. Last week, we held a hearing on our Nation's health care workforce. The hearing examined ways to address our current workforce needs. The hearing considered ways to prepare our medical providers for health care reform.

At our hearing, four experts in the field testified about current health care workforce shortages, especially in primary care and nursing, and the witnesses told us that we must address these health workforce needs to meaningfully reform our health system.

Dr. David Goodman, the director of the Center for Health Policy Research, said: "The workforce we train today will shape, for good or bad, tomorrow's health system."

Dr. Goodman continued, "It will be hard to improve access, achieve better health outcomes and decrease health care expenditure growth rates unless we get workforce policy right."

I could not agree more.

Our efforts on health care reform are only as strong as our Nation's health care providers—the nurses, doctors, and other professionals—who are on the front lines caring for patients.

Investing in our health care workforce is critical as we work to expand health insurance coverage to millions of currently uninsured Americans.

During our hearing, Dr. Allan Goroll, a primary care doctor and professor at Harvard University, told us about the Massachusetts experience following the enactment of State health reform. Dr. Goroll said that some newly insured people in Massachusetts are waiting up to 2 months to get a doctor's appointment. That is simply unacceptable.

For our health care reform efforts to succeed, we must directly address these health workforce challenges.

It starts with primary care. Our current system greatly undervalues primary care. As a result, fewer students are going into the field. A recent study found that only 1 in 50 medical students plans a career in primary care internal medicine. That is down from more than one in five in the early 1990s. This trend is especially troubling, because it is clear that a strong

primary care system is a key determinant of high quality, efficient medical care.

During our hearing, we learned that areas of the country with a high proportion of primary care doctors spend less money on health care. And patients there have the same or better outcomes.

We need to invest in our Nation's primary care providers to help improve the quality of our medical care and to bring down health care costs.

Our workforce challenges extend beyond primary care. Our Nation's hospitals continue to face a nursing shortage. Recent news reports tell of shortages of general surgeons and dentists in rural areas. Many parts of the country need more mental health practitioners. And the list could go on.

We need to tackle these challenges head-on. We need to place our Nation's health care workforce on sound footing. And we need to meet the medical needs of all Americans.

This is going to require a renewed focus on the way that we pay for and deliver health care. We must ensure our payment systems reward high quality medical care and encourage medical students to go into critical fields like primary care.

And we are going to need to take a hard look at our national workforce policies to make sure that our health care providers have the right training and skills to deliver excellent care.

This effort is vital for our health reform efforts to succeed. So let's get to work now.

Let's work together to strengthen our Nation's health care workforce. Let's build a health care system that delivers high-quality medical care for everyone. And let's act now.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Read below and explain why you or anyone would vote to stop drilling when the country is in such turmoil. Please [tell me why so many people have plenty while] I struggle with student loans that I just paid a company to try and get eliminated. If you want to help me, call the Department of Education and tell them to forgive my student loans. I paid [a company] \$399 to get my loans discharged, so make a call and tell Department of Education to just do it without me suing them. It is said you get a denial letter, then you go to a lawyer just like for disability. Well, here is your chance to help an Idaho teacher that just lost her job due to mismanaged funds with [a local school district]. They are \$2 million in debt so they [laid off several teachers and para-educators]. So I am asking for help.

BLOCKED IN D.C.

Investors Business Daily estimates there are 1 trillion barrels of oil trapped in shale in the U.S. and Canada. Retrieving just a 10th of it would quadruple our current oil reserves. There is a pool of oil in the Gulf of Mexico that is estimated to be as large as any in the Middle East. There is an equally large pool believed to be in Alaska.

The Chinese are attempting to tap into the Gulf oil supply by drilling diagonally from Cuba. I wonder what environmental safeguards they are using?

The fact is that there are environmentally safe methods of extracting oil from shale and drilling in both the Gulf and Alaska. Congress, however, continues to block these efforts. Just last week, the Senate voted to block any extraction from shale in Colorado. In essence, they voted to make your trips to the gas station more expensive, to make air travel more expensive, and to make heating your home more expensive. That is something to think about in an election year.

Another topic: Social Security

Another issue that concerns many Americans these days is the sustainability of major entitlement programs like Social Security and Medicare. With all of Congress' talk about "saving and preserving" these programs, consider these facts about Social Security:

When Social Security (FICA) was introduced it was promised:

Participation in the program would be completely voluntary.

Participants would only have to pay 1% of the first \$1,400 of their annual incomes into the program.

The money the participants elected to put into the program would be deductible from their income for tax purposes each year.

MARY.

Thank you for the opportunity to share my feelings about national energy policy. I cannot understand the thinking of most of the politicians I hear about. If I want to maintain my freedom personally, I make sure I am as self-reliant as possible. I make sure I live within my income. I make sure I own the things I will need to sustain my lifestyle so I have control over them such as homes, cars, tools, computers, supplies, etc. especially if I need them on a long term basis. I rent them only when they are needed temporarily or I am not in a situation to purchase at the time. If I do not produce my own perishables or consumables such as food, water, fuel, etc., I try to make sure I have a good supply in case my sources get interrupted.

The comparison I am trying to make is if we in the USA have the energy available why do not we develop it and use it. It is like we are renting our energy from someone else and they just raised the rent real high.

I am surprised we have not had more problems already with most of our energy coming from other countries. I realize some countries do not have access to large resources of energy and have to rely on other countries to supply it and their ability to decide their future is in great jeopardy. I realize too that some groups of people do not want us to be independent from the rest of the world and therefore try to keep us dependent on other countries as much as possible.

The USA has the technology and resources to become completely independent energywise from the rest of the world. Nuclear energy is a proven and very safe energy source of which we have abundant supplies of fuel material, especially if we reprocess our own spent fuel waste. We have vast amounts of coal that can be used in a clean way and converted to petroleum like fuels (synthetic gas and diesel) with the help of nuclear reactors to produce the hydrogen and heat needed. I think there is plenty of room for renewable energy too. We should use all our resources and have a diverse source of energy recovery methods from wind turbines to nuclear energy and yes even coal, oil, and oil shale. Electric cars are the best solution in some cases but not most. Mass transit works in some places but again not all. Strict pollution controls may be needed in Los Angeles but not in most places in Idaho. I guess the beauty of the "anthropogenic global warming" crisis (at least for the control-oriented groups) is it says everyone no matter where they live are polluters and need to be regulated and controlled. If you can control someone's resources you can control them and access to energy is needed to develop resources and have freedom.

If we can get to the moon and send probes to other planets, we can certainly solve our own energy needs if that were our goal. The problem I see is that that is not the goal of most politicians. Their goal seems to be to breed dependence on the government (and themselves so they can get reelected) and other countries and restrict our freedoms. We go from one crisis to another until they claim they need to have complete control over everything to keep us safe and happy.

I believe we have the technology to extract this energy in clean environmentally-friendly ways. I believe we should be drilling offshore and in ANWR. I realize this is not going to do much to the price of gas right now but it is a medium term solution that will influence energy prices in 10-30 years. A long-term solution is to start using more nuclear energy and developing ways to produce transportation fuels from additional resources such as coal or better electric storage devices or hydrogen etc. Suing OPEC sounds like a bullying technique. Why bite the hand that is currently feeding us? If we demonstrated we were serious about becoming more energy independent, I would bet the price of oil would drop fast in hopes that it would discourage us from doing so. What part of the simple economic principle of supply and demand do most politicians not get?

BILL, Rexburg.

This country has been on a gas-guzzling binge for fifty years. I am sick and tired of hearing people complain about the cost of gas, driving solo in their inefficient cars, and unwilling to carpool or contribute towards mass transit options.

We do not need to expand domestic petroleum production. We need to learn conservation and seek alternative energy sources. The "God given right" to tear up the landscape for oil and selfish use is at the heart of what is wrong with people and their mind-set on a global scale.

Wake up and smell the coffee.
Love and light,

PAMELA.

Thank you for the invitation to share my views on the energy situation. Although gas prices have increased significantly lately, I do not think times are as tough as the media portrays. My grandparents have experienced far worse times than this current period.

Nonetheless, this issue still requires action. I think the best thing Congress can do in the short term is to increase domestic production. This involves several things, specifically getting more refineries built and allowing for drilling in ANWR. I am also a supporter of getting shale oil production started in the US.

In the long term, Congress should provide tax credits for those willing to pursue alternative fuels. Nuclear and hydrogen seem like excellent options. I am not in favor of corn-based ethanol and believe it is an inefficient use of our resources.

Further, Congress has no basis for establishing a windfall profit tax on oil companies. This is inappropriate government intervention. The consequences would be felt and mostly paid for by consumers. This tax would not be a remedy but a hindrance in solving our situation. Please always oppose any legislation of this form.

Thank you for your time. And please act promptly!

JEFF.

Thank you for taking time to read our story. First, with gas prices on the rise, my husband gets grumpy and grumpier. That means less happiness in our home and our marriage. That is a very personal effect. Our children live in Logan, Utah; Nampa, Idaho; Kirksville, Missouri; and Cleveland, Ohio. High fuel costs mean seeing our family less often, which makes me grumpy. My husband and I miss our grandchildren and children quite a bit. Since we have a business and have to pay for delivery trucks, marketing vehicles and other business costs, such as continuing education, utilities, merchandise, etc.—higher fuel costs means lower profit margins. It would be nice to be able to drive tiny vehicles but the winters are so severe here in Southeastern Idaho, we feel safer in a four-wheel drive unit which, of course, costs more to run. Fuel prices affect the cost of everything we buy, such as food, clothing and shelter. I do believe they are necessary. I am working on my college degree so higher fuel costs make my education costs increase, such as delivery costs for books, teaching materials, etc. We do try to conserve by walking, running errands all at one time but if there is an emergency with any of our family or a business problem it means a greater expense to take care of an emergency.

I believe it is time to use what resources are available within the US. I know that conservationists would have us all using horse and buggies again but that is not practical. I believe that there is technology available that would allow us to coexist with wildlife and their habitats and still make use of the petroleum and natural gas deposits that are tied up by conservation laws. Since the "gas embargo" of the 1970s, I have been uncomfortable that our government has not

moved forward to make this great land of ours energy independent.

I do worry about nuclear power since I lived through the Three Island Nuclear incident and Chernobyl. If the nuclear industry has improved, I would consider it. I believe in clean-burning coal, biofuel (as long as it does not raise food prices). I would like to see more refineries, more energy efficiency in all sectors of this nation. That would include business, government, homes, etc. There is so much that could be done; recycling (which in Southeastern Idaho is a joke), conservation, technical advances and so much more. It would be wonderful to truly see the government of this nation stop politicking and start working to address the energy problems of this nation. I am not sure I have all the answers but I do realize that human nature makes change hard. It would be great to see our government setting an example for the rest of the nation.

Again, thank you for reading this and asking our opinion.

LIISA, *Rexburg.*

I do not want anecdotes about how we are suffering, I want us to drill everywhere we have oil. Allow the development of the coal oil industry and tell the environmentalists and the democrats to stop trying to destroy this country. I do not want to live in a socialist or communist society and that is where we are heading.

Thanks for your time.

MIKE, *Naples.*

Thank you for asking for input:

My father is in an assisted living facility located 120 miles from where I live. 240 total miles / 15 miles per gallon = 16 gallons of gas \$4 = \$64. Therefore I am unable to see my father as often as I like as I also have 2 college children and a single income for my household. We are not doing any traveling as everything right now costs too much money due to transportation costs. This, as I know you know, includes food. I moved to Meridian area from a small community where I had everything paid off, had it in budget to be able to pay off house; now I may have to work till I am 75. Anyhow thanks for listening to my rant, I would have replied sooner but am out working on the farm program.

ROB, *Meridian.*

My wife and I are on a fixed income and Medicare. We are not in bad health but still have a lot of doctor's appointments to keep us healthy. We have one car and buy one tank of gas every two weeks. We use our car mainly to do three things: go to church, buy groceries once a week, and go to our doctors—all things to keep us spiritually and physically healthy. Now, with exploding gas prices, caused we feel mainly by the government's lack of action in the past and present, we are having to curtail. Let us see, now we can cut back on church to our spiritual detriment, and we can shop for groceries every other week and extend doctor's appointments to our physical detriment. What will we do in three months, six months, and beyond as gas prices continue to explode, driving up the cost of everything, while the government continues to talk with no action?

Okay, what should be done about the oil crisis? Release U.S. oil reserves immediately to both give relief and to sting those in the futures market that are reaping huge profits. With due consideration for the environment, lift the restrictions on drilling off our coasts and drilling in Alaska and other states.

Start processing oil shale. As reparations, take half the oil produced in Iraq or at least get a price break on Iraqi oil. Open up the nuclear power industry. Put some sanity behind the development of alternate fuels. Give more than lip service to hybrid and electrical cars. Convince us that government cares about us once again.

JON, *Boise.*

We are a retired couple living on less than we use to make. Not only is gas costing us more than we can afford but now we are told that propane will not go down in price as it usually does in the summer. We only have propane for heating and, as you know, it gets cold in Eastern Idaho. To fill our tank, it takes more than \$1000 for 500 gallons. Our car takes \$50 each time we fill it with gasoline. We have a car that gets about 30 miles to the gallon. The price of bread milk and groceries are also getting higher.

I know you support the drill here, drill now, spend less and I thank you for that. But unless something is done to help the Americans, someone will have killed their golden goose—the American consumer in the lower and middle class. We are definitely driving less and conserving where we can but I hear how the liberals want to do away with the tax cuts instead of making them permanent. I am a conservative and I have had enough

DARREL.

First of all I want to thank you for making this forum available. I have lots to say but will try to be brief; you and your staff are busy. I am a flight attendant for Delta Air Lines based in NYC. I live in Horseshoe Bend area and fly to JFK to cross the pond to Europe, working the JFK-Europe flight. Last summer I was able to commute to JFK on the same day I reported to work. Delta is cutting back on flights out of Boise and, since I am an employee, I get on last. This summer it will be harder and harder for me to get to work because Delta is using a lot of regional jets with only 50 and 70 seats to save fuel/Delta flights have 144 seats. Delta is cutting SkyWest (carrier operating the regional jets) flights 15% nationwide. Like most people, I do not get paid until I get to work. I am giving up more of my days off to commute to my job in New York. I certainly hope we can resolve this crisis. I am hoping not only for USA sources for energy but hopeful research and development will be more successful in finding better sources than corn, a low cost food sorely needed in less prosperous countries. Thanks to you and your staff for a great job!

CHERI, *Horseshoe Bend.*

I would just like to state that as a result of the higher gas prices, I had to withdraw from the university I was attending, as I commuted half an hour 3 times a week for class. I am no longer enrolled in that college because I could not make the drive. I am a young college student, married and my husband and I just bought our first home. I had to quit attending school because we simply could not afford to put the gas in even my fuel-efficient Toyota Corolla.

TIFFANY, *Idaho Falls.*

You inquired as to the effect oil prices are having on residents of Idaho. The ones on fixed incomes are having their savings and way of life vanishing. I recently received an e-mail suggesting that our food supply should be geared to a barrel of oil and the profits returned to the American people and farmers. It mentioned that gasoline is eight cents a gallon in Saudi Arabia?

FRANK, *Caldwell.*

High fuel and food costs are hurting both young and old. While gas prices in Idaho are at or above the national average, our hourly wage remains low. Idahoans can no longer afford to travel more than a few miles to work as the daily cost of gasoline to commute from any rural area to the city (e.g. Nampa/Caldwell to Boise) makes the trip prohibitive. Consequently, I would like to make the following recommendations:

1. Immediately end the corn ethanol federal subsidy program that has increased the cost of our food. There is absolutely no merit to this program. It benefits farmers, but the majority of Idaho's citizens and businesses are not farm-related!

2. Prohibit refineries from exporting diesel fuel out of U.S. as they are doing now because they can make more money exporting it! Refineries are shifting production from gasoline to diesel fuel, but not for the benefit of the people of the United States.

RALPH, *Eagle*.

ADDITIONAL STATEMENTS

TRIBUTE TO JENNIFER ROTHSCHILD

• Mr. BOND. Mr. President, I wish today to honor Jennifer Rothschild, a fellow Missourian, who recently received the Foundation Fighting Blindness' Hope and Spirit Award. This award recognizes the people who inspire all of us because of their ability to see literally beyond their vision loss. The award honors the uniquely human qualities that advance the mission of the foundation, and ultimately, the betterment of society.

Jennifer Rothschild is a remarkable individual who inspires people to rise above their challenges, aspire for the extraordinary, and live life to the fullest just as she has done.

Jennifer lost her sight after being diagnosed with a rare, degenerative eye disease. Retinal degenerative diseases affect more than 10 million people in the United States alone, and millions more worldwide. This loss of vision was more than a turning point for Jennifer who had dreams of becoming a commercial artist and cartoonist. However, she soared above that challenge and found a new path.

Jennifer is now a mother, author, speaker, pianist and role model for all those who face challenges. She carries her story and message of encouragement across the country. In a "Good Morning America" interview for her latest of six books, Jennifer said "If I chose to let blindness be my enemy I would be fighting it my whole life. Maybe this was God's way of giving me a really great gift in a really difficult package." It is that optimism and her amazing talent that inspired me the evening she received her Hope and Spirit Award.

I congratulate Jennifer on this latest achievement and look forward to her great work in the future.●

REMEMBERING MARY ELLEN ROZZELL

• Mr. MENENDEZ. Mr. President, today I honor Mary Ellen Rozzell, former President of the National Association of Professional Surplus Lines Offices, NAPSLO, who passed away unexpectedly on March 3, 2009, while attending a NAPSLO conference in Palm Springs, CA.

Mary Ellen was a respected, beloved leader. The president of Continental/Marmorstein & Malone Insurance Agency in Paramus, NJ, she began working in the insurance business with the Marmorstein Agency some 40 years ago. Mary Ellen served as president of New Jersey Surplus Lines Association, NJSLSA, from 1989-1990, and was named as NJSLSA honoree of the year in 1992 due to her outstanding contribution to the New Jersey Surplus Lines Industry. She also served on the New Jersey Insurance Commissioner's Producer Advisory Council, and with the Juvenile Diabetes Foundation.

Her warmth, openness, honesty, and good nature made everyone who met her feel immediately comfortable. These qualities served her very well in life, with family and friends, and in her remarkable career where she rose through the ranks with hard work and honesty. She was always prepared for the trials of life and business and the often difficult decisions required by both. She embraced responsibility, expected accountability and never failed those who depended on her. All who knew her benefitted by her example.

Her family has established the Mary Ellen Rozzell Foundation for AVM Research so that friends and colleagues might contribute to arteriovenous malformation research in Mary Ellen's name.

I extend my sympathy to her family and those close to her. She will be missed greatly by everyone she touched.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:14 a.m., a message from the House of Representatives, delivered by

Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1541. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 3:04 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1586. An act to impose an additional tax on bonuses received from certain TARP recipients.

At 3:24 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1388. An act to reauthorize and reform the national service laws.

At 5:45 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1216. An act to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the "Lance Corporal Matthew P. Pathenos Post Office Building".

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1216. An act to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the "Lance Corporal Matthew P. Pathenos Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1388. An act to reauthorize and reform the national service laws.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 1586. An act to impose an additional tax on bonuses received from certain TARP recipients.

S. 651. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive bonuses paid by, and received from, companies receiving Federal emergency economic assistance, to limit the amount of

nonqualified deferred compensation that employees of such companies may defer from taxation, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-981. A communication from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "General Administrative Regulations; Appeal Procedure" (RIN0563-AC18) received in the Office of the President of the Senate on March 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-982. A communication from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "General Administrative Regulations; Submissions of Policies, Provisions of Policies, Rates of Premium and Premium Reduction Plans" (RIN0563-AC20) received in the Office of the President of the Senate on March 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-983. A communication from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Cabbage Crop Insurance Provisions" (RIN0563-AB99) received in the Office of the President of the Senate on March 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-984. A communication from the Assistant Secretary of the Navy (Research, Development and Acquisition), transmitting, pursuant to law, a report relative to the determination and findings for authority to award a single source task or delivery order contract; to the Committee on Armed Services.

EC-985. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the notification of the intent to initiate a public-private competition for environmental services and pest management functions being performed by ninety-four Department of Defense civilian employees located in Norfolk, Virginia; to the Committee on Armed Services.

EC-986. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the notification of the intent to initiate a public-private competition for base support, vehicle operations, and equipment functions being performed by three hundred ninety Department of Defense civilian employees located in various locations throughout the Mid-Atlantic region; to the Committee on Armed Services.

EC-987. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General James J. Lovelace, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-988. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (2) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United

States Code, section 777; to the Committee on Armed Services.

EC-989. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Direct Investment Surveys: BE-15, Annual Survey of Foreign Direct Investment in the United States" (RIN0691-AA65) received in the Office of the President of the Senate on March 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-990. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Update to Materials Incorporated by Reference" (FRL-8774-8) received in the Office of the President of the Senate on March 17, 2009; to the Committee on Environment and Public Works.

EC-991. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Stationary Combustion Turbines" (FRL-8784-4) received in the Office of the President of the Senate on March 17, 2009; to the Committee on Environment and Public Works.

EC-992. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lead; Fees for Accreditation of Training Programs and Certification of Lead-based Paint Activities and Renovation Contractors" (FRL-8404-2) received in the Office of the President of the Senate on March 17, 2009; to the Committee on Environment and Public Works.

EC-993. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier I—Industry Director Directive on Domestic Production Deduction (DPD) #3—Field Directive related to compensation expenses currently deducted but attributable to prior periods" (LMSB-04-0209-004) received in the Office of the President of the Senate on March 17, 2009; to the Committee on Finance.

EC-994. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau for Latin America and the Caribbean, received in the Office of the President of the Senate on March 16, 2009; to the Committee on Foreign Relations.

EC-995. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau for Democracy, Conflict & Humanitarian Assistance, received in the Office of the President of the Senate on March 19, 2009; to the Committee on Foreign Relations.

EC-996. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau for Africa, received in the Office of the President of the Senate on March 19, 2009; to the Committee on Foreign Relations.

EC-997. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau for Legislative and Public Affairs, received in the Office of the President of the Senate on March 19, 2009; to the Committee on Foreign Relations.

EC-998. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau for Global Health, received in the Office of the President of the Senate on March 19, 2009; to the Committee on Foreign Relations.

EC-999. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau for Asia, received in the Office of the President of the Senate on March 19, 2009; to the Committee on Foreign Relations.

EC-1000. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau for Europe and Eurasia, received in the Office of the President of the Senate on March 19, 2009; to the Committee on Foreign Relations.

EC-1001. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Administrator for the Bureau for Middle East, received in the Office of the President of the Senate on March 19, 2009; to the Committee on Foreign Relations.

EC-1002. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services in the amount of \$100,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC-1003. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, an annual report relative to the Board's compliance with the Sunshine Act during calendar year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-1004. A communication from the Acting Chair, Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report relative to the acquisitions made by the agency during fiscal year 2008 from entities that manufacture articles, materials, or supplies outside of the United States; to the Committee on Homeland Security and Governmental Affairs.

EC-1005. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Federal Procurement of Energy Efficient Products" (RIN1904-AB68) received in the Office of the President of the Senate on March 17, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1006. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended for the six months ending June 30, 2008"; to the Committee on the Judiciary.

EC-1007. A communication from the Secretary, Judicial Conference of the United States, transmitting, a legislative proposal relative to North Dakota Judicial District Divisional Adjustment; to the Committee on the Judiciary.

EC-1008. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "The Dr. James Allen Veteran Vision Equity Act of 2007" (RIN2900-AN03) received in the Office of the President of the Senate on March 17, 2009; to the Committee on Veterans' Affairs.

EC-1009. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Termination of Phase-In Period for Full Concurrent Receipt of Military Retired Pay and Veterans Disability Compensation Based on a VA Determination of Individual Unemployability" (RIN2900-AN19) received in the Office of the President of the Senate on March 17, 2009; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-11. A resolution approved by the Westchester County, New York Board of Legislators urging Congress to establish a National Clean and Safe Water Trust fund to provide regular infrastructure funding; to the Committee on Energy and Natural Resources.

RESOLUTION No. 11

Whereas, many of our nation's water pipes and sewers were installed in the early part of the 20th century, some as far back as the Civil War; and

Whereas, as water systems age and population grows, more and more leaks develop and sewage overflows into our streams, rivers, lakes and ocean, creating serious public health hazards; and

Whereas, many communities do not even have sanitary sewer systems and are forced to rely on failing individual septic systems; and

Whereas, public health agencies issued more than 20,000 warnings against swimming at beaches on U.S. coasts in 2005, and a majority of beach closings are due to sewage overflows and malfunctioning sewage plants; and

Whereas, the Environmental Protection Agency's 2000 Progress in Water Quality Report finds that America could experience stream impairments that predate achievement of secondary treatment standards by 2016 if improvements are not made; and

Whereas, the Water Infrastructure Network, the Environmental Protection Agency, and other government agencies report that the cost of presently known wastewater infrastructure construction needs total between \$300 billion and \$450 billion; and

Whereas, the federal government has cut the main source of funding for clean water year after year; and

Whereas, the National Research Council recently warned that more water-borne disease outbreaks will occur if substantial investments are not made to improve our water pipes and systems; and

Whereas, the President has called for a comprehensive economic recovery package to assist state and local governments in meeting infrastructure needs while stimulating the economy and creating jobs; and

Whereas, there are federal trust funds for other major national investment needs like highways and airports, yet the federal government has yet to establish a trust fund to protect something all people need to survive: water; Now therefore be it.

Resolved, That the Westchester County Board of Legislators, requests that the incoming Administration prioritize funding for water filtration and distribution and wastewater and stormwater infrastructure in any economic stimulus package; and be it further

Resolved, That the Westchester County Board of Legislators, urges Congress to establish a National Clean and Safe Water Trust Fund to provide regular infrastructure funding; and be it further

Resolved, That the Clerk of the Board forward a copy of this Resolution to President Barack Obama, Vice President Joseph Biden, New York State Governor David Paterson, United States Senators Charles Schumer and Hillary Rodham Clinton, and United States Representatives Eliot Engel, Nita Lowey, and John Hall, so that the intent of this Honorable Board be widely known.

POM-12. A resolution adopted by the City of Pembroke Pines, Florida supporting the passage and adoption of an amendment to the Federal regulations allowing for the issuance of tax-exempt bonds to help cities fund their pension obligations; to the Committee on Finance.

RESOLUTION No. 3214

Whereas, in recent years the City of Pembroke Pines, Florida (hereinafter referred to as the "City") has issued bonds to help fund its pension obligations; and

Whereas, under the current federal regulatory scheme, such bonds are taxable, which results in a higher cost to the City than if they were tax exempt; and

Whereas, the City incurs an additional cost of approximately twenty-five percent (25%) as a result of issuing taxable bonds rather than tax-exempt bonds; and

Whereas, allowing for a tax-exemption for the issuance of bonds to fund its pension obligations will result in significant savings to the City, and its taxpayers, particularly at a time when the financial stability of cities and counties throughout the State of Florida, as well as the U.S. economy as a whole, is in a period of uncertainty; and

Whereas, the City Commission deems it to be in the best interests of the citizens and residents of the City to support an amendment to the federal regulations, as well as any other regulations on the State level, allowing for the issuance of tax-exempt bonds to help cities fund their pension obligations. Now, therefore, be it

Resolved by the City Commission of the city of Pembroke Pines, Florida, That:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The City Commission of the City of Pembroke Pines, Florida hereby supports

an amendment to the federal regulations allowing for the issuance of tax-exempt bonds to help cities fund their pension obligations.

Section 3. All resolutions or parts of resolutions on in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Gary Locke, of Washington, to be Secretary of Commerce.

By Mr. LEAHY for the Committee on the Judiciary.

Dawn Elizabeth Johnsen, of Indiana, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY (for herself, Mr. COCHRAN, and Mr. KAUFMAN):

S. 638. A bill to provide grants to promote financial and economic literacy; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself, Mr. MERKLEY, and Mr. COBURN):

S. 639. A bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GREGG (for himself and Mr. LIEBERMAN):

S. 640. A bill to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures; to the Committee on the Budget.

By Mr. GRASSLEY:

S. 641. A bill to amend the Controlled Substances Act to prevent the abuse of dehydroepiandrosterone, and for other purposes; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. MERKLEY, Mr. BYRD, Mr. DORGAN, Mr. WYDEN, and Mr. LUGAR):

S. 642. A bill to require the Secretary of Defense to establish registries of members and former members of the Armed Forces exposed in the line of duty to occupational and

environmental health chemical hazards, to amend title 38, United States Code, to provide health care to veterans exposed to such hazards, and for other purposes; to the Committee on Armed Services.

By Mr. LAUTENBERG (for himself, Mr. BROWN, and Ms. KLOBUCHAR):

S. 643. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions for children in group health plans and health insurance coverage in the group and individual markets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAMBLISS (for himself, Mr. KERRY, Mr. DORGAN, Mrs. LINCOLN, Mr. ISAKSON, Mr. WHITEHOUSE, Mr. KENNEDY, Mr. PRYOR, Mr. JOHNSON, Mr. SCHUMER, Mr. ROBERTS, and Mr. INHOFE):

S. 644. A bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay; to the Committee on Armed Services.

By Mrs. LINCOLN (for herself, Mr. CHAMBLISS, and Ms. LANDRIEU):

S. 645. A bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program; to the Committee on Armed Services.

By Mr. BURR (for himself, Mr. ALEXANDER, Mr. ROBERTS, Mr. DODD, and Mr. COBURN):

S. 646. A bill to amend section 435(o) of the Higher Education Act of 1965 regarding the definition of economic hardship; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mr. KOHL):

S. 647. A bill to amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Ms. SNOWE, and Mr. SANDERS):

S. 648. A bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare program; to the Committee on Finance.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. NELSON of Florida, and Mr. WICKER):

S. 649. A bill to require an inventory of radio spectrum bands managed by the national telecommunications and Information Administration and the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD:

S. 650. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. WYDEN, Ms. SNOWE, Mrs. LINCOLN, Mr. KERRY, Ms. STABENOW, Mr. SCHUMER, Mr. MENENDEZ,

Mr. NELSON of Florida, Mr. BINGAMAN, and Ms. CANTWELL):

S. 651. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive bonuses paid by, and received from, companies receiving Federal emergency economic assistance, to limit the amount of nonqualified deferred compensation that employees of such companies may defer from taxation, and for other purposes; read the first time.

By Mrs. MURRAY:

S. 652. A bill to authorize the Secretary of Health and Human Services to make grants to community health coalitions to assist in the development of integrated health care delivery, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 653. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BUNNING (for himself and Ms. MIKULSKI):

S. 654. A bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care; to the Committee on Finance.

By Mr. JOHNSON (for himself, Ms. STABENOW, Mr. TESTER, and Mr. THUNE):

S. 655. A bill to amend the Pittman-Robertson Wildlife Restoration Act to ensure adequate funding for conservation and restoration of wildlife, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REED (for himself, Mr. WHITEHOUSE, Mr. KERRY, Ms. MIKULSKI, Ms. KLOBUCHAR, and Mr. KENNEDY):

S. 656. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. SPECTER, Mr. GRAHAM, Mr. FEINGOLD, Mr. CORNYN, and Mr. DURBIN):

S. 657. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

By Mr. TESTER:

S. 658. A bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ALEXANDER:

S. 659. A bill to improve the teaching and learning of American history and civics; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself and Mr. DODD):

S. 660. A bill to amend the Public Health Service Act with respect to pain care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Ms. COLLINS, Ms. STABENOW, Ms. SNOWE, Mr. BAYH, Mr. BROWN, and Mr. PRYOR):

S. 661. A bill to strengthen American manufacturing through improved industrial energy efficiency, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself, Ms. COLLINS, Mr. WYDEN, Mr. SCHUMER, Mr. KERRY, Ms. KLOBUCHAR, and Mrs. BOXER):

S. 662. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself, Mr. BROWNBACK, Mr. KENNEDY, Mrs. LINCOLN, Mr. GRASSLEY, Mr. DURBIN, Mr. WHITEHOUSE, Mr. INHOFE, Mr. WYDEN, Mr. CARDIN, Mr. KERRY, Ms. MURKOWSKI, Mr. SPECTER, Mrs. MURRAY, Ms. COLLINS, Ms. STABENOW, Mr. ROBERTS, and Mr. COCHRAN):

S. 663. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Marine Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE (for himself, Mr. KYL, Mr. DEMINT, Mr. COBURN, Mr. CORNYN, Mr. MARTINEZ, Mr. RISCH, Mr. HATCH, Mr. ENZI, and Mr. BARRASSO):

S. Res. 79. A resolution honoring the life of Paul M. Weyrich and expressing the condolences of the Senate on his passing; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. MARTINEZ):

S. Res. 80. A resolution designating the week beginning March 15, 2009, as "National Safe Place Week"; considered and agreed to.

By Ms. COLLINS (for herself, Mr. CARDIN, Ms. SNOWE, Mr. RISCH, Ms. MIKULSKI, Mr. ISAKSON, Mr. CHAMBLISS, Mr. BINGAMAN, Mr. SCHUMER, Mr. SANDERS, Mr. BAYH, Mr. BENNETT, Mr. CASEY, Ms. LANDRIEU, Mr. KYL, Mrs. GILLIBRAND, Mr. WYDEN, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. SHELBY, Mrs. MURRAY, Mr. BARRASSO, Ms. MURKOWSKI, Mr. ROBERTS, Mr. BROWN, Mr. SPECTER, Mr. NELSON of Nebraska, Mr. MENENDEZ, Ms. CANTWELL, Mr. ALEXANDER, Mr. WICKER, Mr. THUNE, Mr. VOINOVICH, Mr. HATCH, Mr. DORGAN, Mr. NELSON of Florida, Mr. KERRY, Mr. MCCONNELL, Mr. DURBIN, Mr. WHITEHOUSE, Mr. CORKER, and Mr. BURR):

S. Con. Res. 11. A concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 205

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 205, a bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into

Mexico for use by violent drug trafficking organizations, and for other purposes.

S. 277

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 277, *supra*.

At the request of Mr. UDALL of New Mexico, his name was added as a cosponsor of S. 277, *supra*.

S. 353

At the request of Mr. BROWN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 353, a bill to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia.

S. 391

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 391, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 422

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 431

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 431, a bill to establish the Temporary Economic Recovery Adjustment Panel to curb excessive executive compensation at firms receiving emergency economic assistance.

S. 456

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early child-

hood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 457

At the request of Mr. THUNE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 457, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 461

At the request of Mr. CRAPO, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 475

At the request of Mr. BURR, the names of the Senator from Montana (Mr. TESTER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 487

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 487, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 491

At the request of Mr. WEBB, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 493

At the request of Mr. CASEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 524

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 524, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

S. 543

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER), the Senator from South Dakota (Mr. JOHNSON), the Senator from Minnesota (Ms. KLOBUCHAR) and

the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 543, a bill to require a pilot program on training, certification, and support for family caregivers of seriously disabled veterans and members of the Armed Forces to provide caregiver services to such veterans and members, and for other purposes.

S. 546

At the request of Mr. REID, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 571

At the request of Mr. MENENDEZ, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 571, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 581

At the request of Mr. BENNET, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 589

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 589, a bill to establish a Global Service Fellowship Program and to authorize Volunteers for Prosperity, and for other purposes.

S. 599

At the request of Mr. CARPER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 611

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Washington (Mrs. MURRAY)

were added as cosponsors of S. 611, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Ohio (Mr. BROWN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 623

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 623, a bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions in group health plans and in health insurance coverage in the group and individual markets.

S. 634

At the request of Mr. HARKIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 636

At the request of Mr. THUNE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 636, a bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. RES. 49

At the request of Mr. LUGAR, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Mississippi (Mr. WICKER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 49, a resolution to express the sense of the Senate regarding the importance of public diplomacy.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Mr. COCHRAN, and Mr. KAUFMAN):

S. 638. A bill to provide grants to promote financial and economic literacy; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, there are a number of factors that caused the economic recession we are faced with today. All of us know that.

We can blame executives on Wall Street, who made reckless choices and

ignored long-term consequences to make a quick profit.

We can blame the financial industry regulators, whose lax oversight failed to see the potential risks posed by the new, complex financial products that Wall Street was selling, and we can point a finger at those in the mortgage industry, who ignored that all bubbles eventually burst and that—in the case of housing bubble—the American taxpayers would be left to clean up the mess.

But we also need to look a little closer to home as well. The reality is that one of the contributing causes of this recession is the fact that too many Americans made poor and very often uninformed financial choices when they bought homes in the last several years.

Too many overestimated their own resources, didn't read the fine print, and didn't grasp the terms of their mortgages before signing on the dotted line.

In fact, we need to recognize that too many Americans, from college students to senior citizens, are financially illiterate.

The problem is not limited to mortgage holders. Too many Americans don't know how to budget their household expenses, manage their credit card debt, or even pay their bills on time.

We need to ensure that we don't get into this situation again, by giving all Americans the skills to make sound financial decisions.

We used to say the 3 R's of school are reading, writing, and arithmetic. Well, I think we need to add a fourth R—resource management.

That is why today I am introducing legislation that will help ensure that all Americans get the skills they need to make financial decisions that will protect them and their families.

The Financial and Economic Literacy Improvement Act of 2009 will require the Federal Government to step to the plate and become a real partner in helping Americans manage their finances and make good decisions about housing, employment, and education.

This bipartisan bill, which is cosponsored by Senator COCHRAN, is aimed at helping people of all ages. Our goal is to ensure that high school and college students know the pitfalls of signing up for credit cards and can make informed decisions about student loans.

All young people understand the importance of saving and making smart decisions to ensure a comfortable and dignified retirement and, most important, that we are taking steps to ensure we do not repeat the misguided and uninformed decisions that have contributed to the recession that we find ourselves in today.

Under our bill, the Federal Government will become a strong supporter of making financial literacy education a core part of K-12 education.

I believe that focusing this effort on young people is critical for two reasons:

One, if we are going to avoid another crisis such as this one, we must begin by teaching the next generation to make smart financial decisions; two, because all signs point to another generation that is coming of age already saddled with debt, and we need to help them before it is too late.

This past Sunday, this article ran on the front page of the Olympian newspaper from my State of Washington. I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Olympian, Mar. 15, 2009]

TEENS AWASH IN CREDIT CARD DEBT

(By Les Blumenthal)

The numbers are startling. More than half of all high school seniors have debit cards and nearly one-third have credit cards.

One-third of college students have four credit cards apiece when they graduate, and more than half of graduates have piled up \$5,000 each in high-interest debt. The number of 18- to 24-year-olds who have declared bankruptcy has increased 96 percent in 10 years.

Surveys show that many of these young people also are financially illiterate: They don't understand such things as interest, minimum payments, credit reports, identity theft or that they might be paying off their school loans for years.

The problem isn't just with the young, however. One in five Americans thinks that the most practical way to become rich is to win the lottery.

Sen. Patty Murray, D-Wash., remembers that her kids started receiving credit card applications when they were 16. She said that she repeatedly heard from people, young and old, who wished they knew more about financial matters.

Murray will introduce legislation this week that would authorize \$1.2 billion in grants over five years to promote financial-literacy education beginning in grade school and stretching into adulthood.

"It's a perfect time to be doing this," Murray said.

Ben Bernanke, the chairman of the Federal Reserve, agrees.

"In light of the problems that have arisen in the subprime mortgage market, we are reminded how critically important it is for individuals to become financially literate at an early age so they are better prepared to make decisions and navigate an increasingly complex financial marketplace," he said nearly a year ago.

Kerry Eickmeyer, 17, a senior at Richland High School in Richland gave up her debit card after about a year when she kept overdrawing her account.

"My mother was getting frustrated," she said.

She and other students at Richland High must take a class in consumer economics before they can graduate. Eickmeyer said she received credit card offers all the time and shredded them.

"I don't need 10 credit cards," she said.

Jesus Pedraza, 19, wished he'd been prepared to handle his personal finances when he entered Washington's Tacoma Community College, even though he doesn't have a credit card.

"I thought I was ready, but money is running out faster than I thought," Pedraza said.

As part of its Human Development 101 class for freshman, Tacoma Community College devotes a section to personal finance. Students track their weekly spending and learn about credit cards, minimum payments, savings plans and investments. James Mendoza, who teaches the class, said he focused on the nuts and bolts of finance.

"We don't expect them to be Warren Buffett, George Soros or any of the big dogs," Mendoza said. "But they need to understand whether a venti mocha is a need or a want."

In the past five years, 17 states added personal finance requirements to their curricula. Last year, former President George W. Bush appointed an Advisory Council on Financial Literacy to work with the private and public sectors to promote financial education. The council is part of the Treasury Department. Its members range from the chairman of Charles Schwab to the leader of Junior Achievement USA.

Murray's bill, co-sponsored by Sen. Thad Cochran, R-Miss., would provide grants to state education agencies that agreed to establish financial literacy standards and assess how well students were doing in elementary, middle and high school. Nonprofit organizations also would be eligible for grants. In addition, grants would be available to community and four-year colleges to offer financial literacy classes for their students and for older adults.

In addition to financial literacy classes offered by school districts, Junior Achievement operates programs in many districts. About 4.5 million young people participate in Junior Achievement programs nationwide.

Other programs also are operating in the schools. Founded by a bankruptcy judge in New York, the Credit Abuse Resistance Education program sends bankruptcy judges around the country to high schools to talk about personal finances.

Pat Williams, a bankruptcy Judge in Spokane, said that when she walked into a class of 25 or so 10th- or 11th-graders, it wasn't hard for her to spot the five that would end up in bankruptcy in three years.

"They are dealing with so much—cell phones, car insurance, credit cards, debit cards," she said. "It was stunning to them to learn there were late charges on a credit card bill."

High school and college students can end up paying for their lack of financial knowledge, said Pam Whalley, the director of the Center for Economic Education at Western Washington University. One survey of high school students found that they expected to earn an average of \$143,000 a year and were confident they could handle the money but that few knew how to do a budget. College students know little about savings, insurance and retirement, and are lured to credit card deals too easily, she said.

"College kids will do anything for a T-shirt," Whalley said.

In the middle of a recession, she said, educating students about financial matters is crucial.

"If you make a mistake during a recession, you have less to fall back on," she said. "If you make a mistake when your job isn't safe, you could lose your house or your car. When you have financial literacy, you have more control over your life."

Mrs. MURRAY. Mr. President, the article discusses the legislation I am introducing today. It also talks about

the financial path that the next generation is currently on. The article pointed out that, right now, one-third of our college students have four credit cards when they graduate. More than half of our graduates have piled up \$5,000 each in high interest debt. The number of 18 to 24-year-olds who have declared bankruptcy has almost doubled in 10 years.

That article also points out that many of our young people are financially illiterate. They understand very little about concepts such as interest or minimum payments or credit reports and the financial reality of having to pay off their student loans for years to come.

Today, with many of our schools struggling to pay teachers and maintain their current programs, a lot of our State and local governments cannot afford to ramp up financial literacy education right now. That is exactly where I believe the Federal Government needs to step up. We cannot afford for our young people to not understand their own finances.

Our bill will authorize \$125 million annually to go to State and local education agencies and their partnerships with organizations experienced in providing high-quality financial literacy and economic instruction.

This funding we will provide will help make financial and economic literacy a part of core academic classes, develop financial literacy standards and testing benchmarks, and provide critical teacher training.

This bill will also help schools weave financial concepts into basic classes, such as math and social studies.

Importantly, this training will not end in high school. Our bill makes the same \$125 million investment in teaching financial literacy in our 2- and 4-year colleges.

That is critical. My constituents often write or tell me about the financial trouble they are struggling with. A lot of them are very desperate for help. They got into situations they didn't understand, and they don't have the resources to fix.

For example, one woman from Olympia, who put off credit card bills to pay her mortgage, wrote to me and said:

I am educated, but was unaware that by being late on a payment or by skipping a payment and trying to make it up, my interest rate could skyrocket to over 26 percent, and late fees could be exponential.

Whether it is skyrocketing interest rates or credit cards or an adjustable rate mortgage that somebody can no longer afford or a retirement plan that they don't understand, I often hear the same thing from people: I wish someone had taught this to me in high school.

This bill we are introducing ensures that we are teaching it in our schools, and it will help people learn the basic skills that will give them a leg up when they are dealing with their bankers.

This crisis we are in cost us dearly. Every weekend when I go home I hear about another business that is closing or another family who cannot pay their bills. But we know if we make changes and smart investments, we can move our country forward. I believe this is one of those smart investments. In January, after President Obama took office, he called for an era of personal responsibility. I believe our bill helps Americans to usher in that era.

I encourage my colleagues to take a look at the bill and cosponsor it and help us move it forward so we can make sure that we have a financially literate country.

Mr. GRASSLEY:

S. 641. A bill to amend the Controlled Substances Act to prevent the abuse of dehydroepiandrosterone, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I remain very concerned about the continuing prevalence of performance-enhancing drugs in sports. The ongoing reports of the vast use of performance-enhancing drugs in professional sports, especially Major League Baseball, illustrate the presence of a disturbing culture throughout all sports. It is becoming all too common to read not only about professional athletes using performance-enhancing drugs, but also college and high school athletes turning to these substances to gain a competitive edge. Although Congress passed the Anabolic Steroid Control Act to disrupt this cycle of abuse in 2004, we cannot relent in our efforts to keep performance-enhancing drugs out of our society and away from our children.

The dietary supplement, Dehydroepiandrosterone, DHEA, is readily available online and on the shelves of nutritional stores, but can be used as a performance-enhancing substance. In response to the growing use of performance-enhancing drugs in professional sports, Congress passed the Anabolic Steroid Control Act in 2004. When this bill was being considered, DHEA was among 23 anabolic steroids that are now schedule III controlled substances. Some of my colleagues objected to DHEA being included on this list, because they believed DHEA was harmless and did not have the same anabolic effects as the other steroids on the list. DHEA was subsequently removed from the bill, but the facts do not back up the claims that DHEA is not a performance-enhancing drug or harmless.

According to the U.S. Anti-Doping Agency, DHEA is a pre-cursor hormone to androstenedione and testosterone. These substances became illegal anabolic steroids as a result of the Anabolic Steroid Control Act of 2004. Although the body naturally produces DHEA, the natural production of the hormone ceases around the age of 35.

Many people over this age use DHEA, in low doses, as part of an "anti-aging" regimen. However, when taken in high doses over time, DHEA, like its other relatives in the steroid family, may cause liver damage and cancer. In fact, one study conducted by scientists at Oxford University revealed DHEA use to be strongly associated with breast cancer development. The truth is there are few studies about the long term effects DHEA has on the body. According to Dr. F. Clark Holmes, Director of Sports Medicine at Georgetown University, many proposed studies involving high doses of DHEA are denied approval out of concern that the product may cause irreversible harm to human subjects. Because DHEA is marketed as a dietary supplement, companies are not required to prove their safety to the Food and Drug Administration. However, nearly all the professional sports leagues, the Olympics and the NCAA have banned their athletes from using it for good reason.

What is even more disturbing is the fact that DHEA is being marketed online to younger athletes. One bodybuilding website, directed towards teenagers, features a teen bodybuilder of the week to promote performance-enhancing supplements. A 19-year-old Junior National Champion bodybuilder is one of the bodybuilders on this website. When asked what supplement gave him the greatest gains for his competition this teenager replied, "DHEA." In another website, DHEA is advertised as follows, "If you're a bodybuilder, and want to increase lean body mass at the expense of body fat, actual studies show this supplement may significantly alter body composition, favoring lean mass accrual." Another example on another website describes DHEA in this way, "DHEA is HOT, and you will see why. As a precursor hormone, it leads to the production of other hormones. When this compound is supplemented, it has shown to have awesome effects." These advertisements are geared to the younger crowd, even though DHEA has no legitimate use for teenagers.

These DHEA advertisements, and others like it, are having some impact on young athletes, especially in my state of Iowa. The Iowa Orthopaedic Journal published a study on nutritional supplement use in 20 Northwest Iowa high schools. In this study, 495 male football players and 407 female volleyball players were asked if they used nutritional supplements. The results of this anonymous survey revealed that 8 percent of football players and 2 percent of Volleyball players used supplements. These students identified DHEA as one of the supplements that they used. The students were then asked to give the reason why they used DHEA and the general response was "for performance enhancement."

We have to find a way to keep young people from using a substance that can

do them harm. Three states currently prohibit the sale of DHEA to minors. There are also various supplement stores like GNC and Walgreens that have policies in place that prohibit the sale of DHEA to anyone under 18. If we cannot place DHEA behind the counter, then we should at least make it difficult for teens to walk out of a store with a potentially harmful substance in hand. This is why I'm pleased to introduce the DHEA Abuse Reduction Act of 2009. This bill will place a nationwide restriction on the sale of DHEA for those under 18 years of age. It will also allow those who use DHEA, legitimately, to not have to obtain a prescription to do so. The Coalition for Anabolic Steroid Precursor and Ephedra Regulation, which is comprised of the Nation's leading medical, public health and sports organizations support this legislation. The U.S. Anti-Doping Agency also supports this legislation to keep DHEA away from our children. I urge my colleagues to pass this legislation.

In the highly competitive world of sports, the pressure to use performance-enhancing drugs can be overwhelming. Even though we, as a society, demand excellence from our favorite teams and athletes, we cannot accept this excellence to be falsely aided by a drug. Furthermore, we cannot allow harmful drugs to destroy the health of so many young and promising athletes. We have to continue to curb the use of performance-enhancing drugs for the health of our country and children.

By Mr. GRASSLEY (for himself and Mr. KOHL):

S. 647. A bill to amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce the Nursing Home Transparency and Improvement Act of 2009.

My colleague, Senator GRASSLEY, and I have worked on this legislation together. He is on the floor now and will speak of the bill when I finish my comments.

As chairman of the Special Committee on Aging, the quality of care that is provided to nursing home residents is of great concern to me, and I am proud to introduce this bill with Senator GRASSLEY today.

I have worked with Senator GRASSLEY on nursing home policy for several years. We have commissioned GAO reports, sought input from both industry and reform advocates, and collaborated with the executive branch on various initiatives. This work has generated

some positive results, such as the government's new five-star nursing home rating system.

But we must do more. We believe the bill we introduce today will raise the bar for nursing home quality and oversight nationwide, by strengthening the Federal Government's ability to monitor and advance the level of care provided in nursing homes, for up to five minutes.

First, our bill would give the Government better tools for enforcing high quality standards. For instance, nursing homes would be required to disclose information about all the principal business partners who play a role in the financing and management of the facility, so that the Government can hold them accountable in the case of poor care or neglect. It would also create a national independent monitor pilot program to tackle tough quality and safety issues that must be addressed at the level of corporate management.

Second, our bill would give consumers more information about individual nursing homes and their track record of care. Our bill would grant consumers access to a facility's most recent health and safety report online, and would develop a simple, standardized online complaint form for residents and their families to ensure that their concerns are addressed swiftly. And it would require the Government to collect staffing information from nursing homes on a real-time basis, and make this information available to the public.

Finally, our bill would encourage homes to improve on their own. Under this legislation, facilities would develop compliance and ethics programs to decrease the risk of financial fraud, and quality assurance standards to internally monitor the quality of care provided to residents. We also authorize funds for a national demonstration project on "culture change," a new management style in nursing home care that rethinks relationships between management and frontline workers by empowering nursing aides to take charge of the personalized care of residents. Finally, our bill makes an investment in nursing home staff by offering training on how to handle residents with dementia.

Twenty-two years have passed since Congress last addressed the safety and quality of America's nursing homes in a comprehensive way. As we prepare to debate reforms across our health care system, there has never been a better time to implement these critical improvements to our nation's system of nursing homes. We ask our colleagues for their support.

Madam President, I turn now to Senator GRASSLEY, with whom I worked diligently with a great effort and with tremendous results. He is a man I have enjoyed working with across the aisle

now for many years. He is a high-quality guy. It is in that respect and with that regard that I turn to him now.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I thank the Senator for his kind words. I have had an opportunity to work with him not only on legislation of this type but a lot of other pieces of legislation, and I enjoy working with him because he is a person of great common sense. I thank him for his leadership in this area, and, more importantly, I thank him for serving in the outstanding position as chairman of the Special Committee on Aging, with a lot of responsibilities in the area of making sure aging problems are brought to the forefront.

This legislation we are introducing is called the Nursing Home Transparency and Improvement Act. It brings to the surface some very important issues he is watching as chairman of the Aging Committee. I have some interaction with it because I am a member of the Finance Committee.

This is a critical piece of legislation that brings overdue transparency to consumers regarding nursing home quality and operations. It also provides long needed improvements to our enforcement system.

In America today, there are well over 1.7 million elderly and disabled individuals in over 17,000 nursing home facilities. As the baby boom generation enters retirement, this number is going to rise dramatically. While many people are using alternatives, such as community-based care, nursing homes are going to remain a critical option for elderly and disabled populations.

As the ranking member of the Senate Finance Committee, I have a long-standing commitment to ensuring that nursing home residents receive the safe and quality care we expect for our loved ones. Why? Because the taxpayers put in tens of billions of dollars—I would imagine over \$47 billion or \$48 billion now, and maybe that figure is higher than the last time I looked, but it is billions of dollars. Our Aging Committee and all of Congress have a special responsibility to make sure that money is spent well, and one way of spending it well is to make sure it delivers quality care to these people who are in need.

Unfortunately, as in many areas, with nursing homes, a few bad apples often spoil the barrel. Too many Americans receive poor care, often in a subset of nursing homes. Unfortunately, this subset of chronic offenders stays in business, often keeping their poor track records hidden from the public at large and often facing little or no oversight or enforcement from the Federal Government, based on laws that were passed in 1986 and 1987.

There is a lack of transparency, a lack of accountability, and sometimes

in our approach to nursing homes, quite simply, a lack of common sense—the sort of common sense the Senator from Wisconsin always exhibits in the legislative approach. These are things this legislation seeks to bring to nursing homes and their residents—transparency, accountability, and common sense.

Let's look at transparency. In the market for nursing home care, as in all markets, consumers must often have adequate information to make informed choices. For years, people looking at a nursing home for themselves or their loved ones had no way of knowing a nursing home facility's record of care, inspection history, or which individuals were ultimately responsible for caring for their loved ones.

This bill is intended to change that and to emphasize this point about why we have to be concerned about the type of facility in which a person is placed.

I have never once in my life run into a single elderly or disabled person who said to me: I am dying to get into a nursing home. This is on the continuum care, the stop where people cannot be taken care of beforehand. We need to make sure that is right.

This legislation requires nursing facilities to make available ownership information, including the individuals and entities that are ultimately responsible for a home's operation and management.

Today when I am discussing this bill with people in the industry, I don't have anybody objecting who actually owns a nursing home. But early on, that seemed to be something that, for some reason or another, did not seem to be anybody's business. Tell me it isn't anybody's business who owns a nursing home if they are receiving \$45 billion to \$50 billion of taxpayer money going to that industry. That ownership is very important.

How nursing homes are staffed can greatly affect the care they provide, especially when dealing with complex conditions, such as nursing homes. So you go behind who owns a nursing home, who is working there, and that is pretty important. If you do not have all this information, it leaves residents and their families without clear information about who is ultimately responsible for ensuring that a resident is consistently provided with high-quality care.

This provides transparency, as well, concerning nursing home staffing and surveys. Homes differ widely in terms of the number of specialized staff available to residents, as well as the number of registered nurses and certified nursing assistants who provide much hands-on care.

Let me say it a second time. How a nursing home is staffed can greatly affect the care it provides, especially when dealing with complex cases. This

legislation requires better tracking of this information and requires that this information is available to prospective residents and their families.

In addition, this legislation will help families have a better idea of a nursing home's track record in that it requires better transparency for nursing home inspection reports that are completed on a routine basis.

The Secretary will also now be required to provide consumers with a summary of information on enforcement actions taken against a facility during the previous 3 years.

This same transparency will also provide additional market incentives for poor homes to improve. If customers know about problems, that home is incentivized to improve or face going out of business.

This effort also requires a strong, effective enforcement and monitoring system to ensure safe and quality care at facilities that will not take the necessary steps voluntarily. But even with improved transparency, there are some nursing homes that will not improve on their own.

In the nursing home industry, most homes provide quality care on a very consistent basis. So we need to give inspectors better enforcement tools.

The current system provides incentives to correct problems only temporarily and allows homes to avoid regulatory sanctions while continuing to deliver substandard care to residents. This system must be fixed.

Last year, CMS requested two things: one, statutory authority to collect civil monetary penalties sooner, and, two, the ability to hold those penalties in escrow pending appeal.

To that end, this bill requires nursing homes that have been found in violation of law be given the opportunity to participate in an independent, informal dispute resolution process within 30 days. After that point, depending on the outcome of the appeal, the penalties are collected and held in escrow pending the exhaustion of the appeals process. This will ensure that nursing homes found to be violating the rules actually pay the penalties assessed if it is determined those penalties are appropriate. But we should not have to resort to enforcement. Problems resulting in penalties should be avoided or detected and fixed immediately by the nursing home in the first place. That is why this bill now requires all nursing homes to have compliance and ethics programs, as well as quality assurance and performance improvement programs.

In addition to increased transparency and improved enforcement, this bill provides commonsense solutions to a number of other problems.

This legislation requires the Secretary of HHS to establish a national independent monitoring program to tackle problems specific to interstate and large intrastate nursing chains.

In the case of nursing homes being closed due to poor safety or quality of care, this bill requires that residents and their representatives be given sufficient notice so they can adequately plan a transfer to an appropriate setting.

We need to be very sensitive—and I am very sensitive—to the fact that nursing home residents are often elderly and fragile. Moving them into a new facility is traumatic. So we have to make sure these residents are transferred appropriately and with adequate time and care.

This bill also aims to help nursing homes that self-report their concerns and remedy certain deficiencies, giving those homes that are trying to do their best and find things wrong on their own to get credit for that. By doing so, nursing homes then may have any penalties reduced by 50 percent. This will encourage facilities to take the lead in finding, flagging, and fixing violations.

This bill is also intended to strengthen training requirements for nursing staff by including dementia and abuse prevention training as part of pre-employment.

I am proud to introduce this bill along with my friend Senator KOHL. The Committee on Aging and I have a long history of working together on elderly care issues, and I am happy to continue that work.

I also note today the Government Accountability Office is releasing a report critical of CMS's funding of State oversight entities, such as nursing homes. This report notes that survey activity is sometimes so unreliable that certain homes have not even been inspected in more than 6 years. The report makes a number of recommendations to CMS, and I will be looking very carefully at how CMS follows those recommendations. In the meantime, it is important that we improve transparency and accountability for the inspections that are taking place.

We will continue to do everything we can to make sure that American nursing home residents receive the safe and quality care they deserve. Increasing transparency, improving enforcement tools, strengthening training requirements will go a long way toward achieving that goal. I thank, once again, Senator KOHL.

By Mr. BINGAMAN (for himself, Ms. SNOWE, and Mr. SANDERS):

S. 648. a bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the

Medicare program; to the Committee on Finance.

Mr. BINGAMAN. Mr. president, I rise today with Senators Snowe and Sanders to introduce the Medicare Access to Community Health Centers, MATCH, Act of 2009.

This legislation addresses a long standing payment issue experienced by a key component of our Nation's health care safety net, community health centers. These centers provide high quality, comprehensive care and serve as the medical home to 18 millions individuals. Over one million of those patients are Medicare beneficiaries.

Over 15 years ago, Congress created the Federally Qualified Health Center, FQHC, Medicare benefit to ensure that health centers were not forced to subsidize Medicare payments with Federal grant dollars. Congress required that centers be paid their reasonable costs for providing care to their Medicare patients. The centers for Medicare and Medicaid Services, CMS, later established a per visit payment cap in regulations based on a payment cap applicable to Rural Health Clinics. CMS applied the cap to FQHCs without much data support and with the promise of future reviews to guarantee that Health Centers were adequately reimbursed. However, these reviews have not taken place. Currently, over 75 percent of health centers are losing money serving Medicare beneficiaries, with losses totaling over \$50 million annually according to an analysis done by the National Association of Community Health Centers, NACHC. In my home State of New Mexico, NACHC estimates that health centers lose more than a million dollars annually.

I have repeatedly asked CMS to review this antiquated cap but I have had little success. So I rise today to introduce legislation to improve the Medicare payment mechanism for FQHCs. The MATCH Act will establish a Prospective Payment System for FQHCs, based on the actual cost of providing care to health center patients. This new mechanism mirrors the successful Medicaid FQHC Prospective Payment System. By reforming the payment structure at FQHCs, we will ensure health centers are able to dedicate their Federal grant dollars for their original intent—providing care to the uninsured. This new mechanism will also increase efficiency and stability in the Medicare program for health centers.

This legislation is long overdue. I ask my colleagues to join me in strengthening the Medicare FQHC program to ensure that health centers can continue to provide high quality, affordable primary and preventive care to our Nation's seniors and people with disabilities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Access to Community Health Centers (MATCH) Act of 2009".

SEC. 2. FINDINGS.

Congress finds that:

(1) NATIONAL IMPORTANCE.—Community health centers serve as the medical home and family physician to over 16,000,000 people nationally. Patients of community health centers represent 1 in 7 low-income persons, 1 in 8 uninsured Americans, 1 in 9 Medicaid beneficiaries, 1 in 10 minorities, and 1 in 10 rural residents.

(2) HEALTH CARE SAFETY NET.—Because Federally qualified health centers (FQHCs) are generally located in medically underserved areas, the patients of Federally qualified health centers are disproportionately low income, uninsured or publicly insured, and minorities, and they frequently have poorer health and more complicated, costly medical needs than patients nationally. As a chief component of the health care safety net, Federally qualified health centers are required by regulation to serve all patients, regardless of insurance status or ability to pay.

(3) MEDICARE BENEFICIARIES.—Medicare beneficiaries are typically less healthy and, therefore, costlier to treat than other patients of Federally qualified health centers. Medicare beneficiaries tend to have more complex health care needs as—

(A) more than half of Medicare patients have at least 2 chronic conditions;

(B) 45 percent take 5 or more medications; and

(C) over half of Medicare beneficiaries have more than 1 prescribing physician.

(4) NEED TO IMPROVE FQHC PAYMENT.—While the Centers for Medicare & Medicaid Services have nearly 15 years' worth of cost report data from Federally qualified health centers, which would equip the agency to develop a new Medicare reimbursement system, the agency has failed to update and improve the Medicare FQHC payment system.

SEC. 3. EXPANSION OF MEDICARE-COVERED PRIMARY AND PREVENTIVE SERVICES AT FEDERALLY QUALIFIED HEALTH CENTERS.

(a) IN GENERAL.—Section 1861(aa)(3) of the Social Security Act (42 U.S.C. 1395x(aa)(3)) is amended to read as follows:

“(3) The term ‘Federally qualified health center services’ means—

“(A) services of the type described in subparagraphs (A) through (C) of paragraph (1), and such other ambulatory services furnished by a Federally qualified health center for which payment may otherwise be made under this title if such services were furnished by a health care provider or health care professional other than a Federally qualified health center; and

“(B) preventive primary health services that a center is required to provide under section 330 of the Public Health Service Act, when furnished to an individual as a patient of a Federally qualified health center and such services when provided by a health care provider or health care professional employed by or under contract with a Federally qualified health center and for this purpose, any reference to a rural health clinic or a

physician described in paragraph (2)(B) is deemed a reference to a Federally qualified health center or a physician at the center, respectively. Services described in the previous sentence shall be treated as billable visits for purposes of payment to the Federally qualified health center."

(b) CONFORMING AMENDMENT TO PERMIT PAYMENT FOR HOSPITAL-BASED SERVICES.—Section 1862(a)(14) of such Act (42 U.S.C. 1395y(a)(14)) is amended by inserting "Federally qualified health center services," after "qualified psychologist services,".

(c) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) shall apply to services furnished on or after January 1, 2010.

SEC. 4. ESTABLISHMENT OF A MEDICARE PROSPECTIVE PAYMENT SYSTEM FOR FEDERALLY QUALIFIED HEALTH CENTER SERVICES.

(a) IN GENERAL.—Paragraph (3) section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended to read as follows:

"(3)(A) in the case of services described in section 1832(a)(2)(D)(i) the costs which are reasonable and related to the furnishing of such services or which are based on such other tests of reasonableness as the Secretary may prescribe in regulations including those authorized under section 1861(v)(1)(A), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A) but in no case may the payment for such services (other than for items and services described in section 1861(s)(10)(A)) exceed 80 percent of such costs; and

"(B) in the case of services described in section 1832(a)(2)(D)(ii) furnished by a Federally qualified health center—

"(i) subject to clauses (iii) and (iv), for services furnished on and after January 1, 2010, during the center's fiscal year that ends in 2010, an amount (calculated on a per visit basis) that is equal to 100 percent of the average of the costs of the center of furnishing such services during such center's fiscal years ending during 2008 and 2009 which are reasonable and related to the cost of furnishing such services, or which are based on such other tests of reasonableness as the Secretary prescribes in regulations including those authorized under section 1861(v)(1)(A) (except that in calculating such cost in a center's fiscal years ending during 2008 and 2009 and applying the average of such cost for a center's fiscal year ending during fiscal year 2010, the Secretary shall not apply a per visit payment limit or productivity screen), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such services (other than for items or services described in section 1861(s)(10)(A)) exceed 80 percent of such average of such costs;

"(ii) subject to clauses (iii) and (iv), for services furnished during the center's fiscal year ending during 2011 or a succeeding fiscal year, an amount (calculated on a per visit basis and without the application of a per visit limit or productivity screen) that is equal to the amount determined under this subparagraph for the center's preceding fiscal year (without regard to any copayment)—

"(I) increased for a center's fiscal year ending during 2011 by the percentage increase in the MEI (as defined in section 1842(i)(3)) applicable to primary care services (as defined in section 1842(i)(4)) for 2011 and increased for a center's fiscal year ending during 2012 or any succeeding fiscal year by the percentage increase for such year of a market basket of Federally qualified health center costs as de-

veloped and promulgated through regulations by the Secretary; and

"(II) adjusted to take into account any increase or decrease in the scope of services, including a change in the type, intensity, duration, or amount of services, furnished by the center during the center's fiscal year, less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such services (other than for items or services described in section 1861(s)(10)(A)) exceed 80 percent of the amount determined under this clause (without regard to any copayment);

"(iii) subject to clause (iv), in the case of an entity that first qualifies as a Federally qualified health center in a center's fiscal year ending after 2009—

"(I) for the first such center's fiscal year, an amount (calculated on a per visit basis and without the application of a per visit payment limit or productivity screen) that is equal to 100 percent of the costs of furnishing such services during such center's fiscal year based on the per visit payment rates established under clause (i) or (ii) for a comparable period for other such centers located in the same or adjacent areas with a similar caseload or, in the absence of such a center, in accordance with the regulations and methodology referred to in clause (i) or based on such other tests of reasonableness (without the application of a per visit payment limit or productivity screen) as the Secretary may specify, less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such services (other than for items and services described in section 1861(s)(10)(A)) exceed 80 percent of such costs; and

"(II) for each succeeding center's fiscal year, the amount calculated in accordance with clause (ii); and

"(iv) with respect to Federally qualified health center services that are furnished to an individual enrolled with a MA plan under part C pursuant to a written agreement described in section 1853(a)(4) (or, in the case of a MA private fee for service plan, without such written agreement) the amount (if any) by which—

"(I) the amount of payment that would have otherwise been provided under clause (i), (ii), or (iii) (calculated as if '100 percent' were substituted for '80 percent' in such clauses) for such services if the individual had not been enrolled; exceeds

"(II) the amount of the payments received under such written agreement (or, in the case of MA private fee for service plans, without such written agreement) for such services (not including any financial incentives provided for in such agreement such as risk pool payments, bonuses, or withholdings) less the amount the Federally qualified health center may charge as described in section 1857(e)(3)(B);".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 2010.

Ms. SNOWE. Mr. President, I rise today to join Senator BINGAMAN to introduce legislation to rectify a long standing problem for community health centers and the millions of Americans who depend on them for primary care access. Health centers serve as the medical home for over 18 million underserved patients. Annually, over 1.2 million of those patients are Medicare beneficiaries and 8.5 million patients are living below the Federal pov-

erty level. Health centers are known for providing high quality, comprehensive care to some of our nation's most vulnerable populations.

Over 17 years ago, Congress created the Federally Qualified Health Center, FQHC, Medicare benefit to ensure that health centers were not forced to subsidize Medicare payments with Federal grant dollars. Therefore, Congress required that centers be paid their reasonable costs for providing care to their Medicare patients. The Centers for Medicare and Medicaid Services, CMS, later established a per visit payment cap in regulations based on a payment cap applicable to rural health clinics. CMS applied the cap to FQHCs with the promise of future reviews to guarantee that health centers were adequately reimbursed. However, CMS has failed to update payments.

Today, the majority of health centers are losing money serving Medicare beneficiaries, causing them to use their Federal grant dollars, intended for care for the uninsured, to supplement Medicare payments. These losses exceed \$50 million annually according to an analysis completed by the National Association of Community Health Centers.

We have repeatedly requested that CMS review this antiquated payment structure with little success. So I rise today again with Senator BINGAMAN to see that FQHCs receive payment for services they provide. This bill will establish a prospective payment system for FQHCs, based on the actual cost of providing care to health center patients. This new mechanism mirrors the successful Medicaid FQHC prospective payment system. By reforming the payment structure at FQHCs, we will ensure that health centers are able to dedicate their Federal grant dollars for their originally intended purpose—providing care to the uninsured.

This legislation is long overdue. I ask my colleagues to join me in strengthening the Medicare FQHC program to make certain that health centers can continue to provide high quality, affordable primary and preventive care to our Nation's seniors and people with disabilities.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. NELSON of Florida, and Mr. WICKER):

S. 649. A bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator KERRY, to introduce legislation that initiates the first step toward comprehensive spectrum policy reform, which is long overdue and paramount to achieving the long-term telecommunications needs of this nation. In addressing comprehensive spectrum reform, the first thing

we must do is to have a clear understanding of how the spectrum is currently being utilized, which is called for by the Radio Spectrum Inventory Act.

Specifically, the Radio Spectrum Inventory Act directs the National Telecommunications and Information Administration and the Federal Communications Commission, with assistance from the Office of Science and Technology, to create a comprehensive and accurate inventory of each spectrum band between 300 Megahertz to 3.5 Gigahertz. The information collected would include the licenses assigned in that band, the number and type of end-user devices deployed, the amount of deployed infrastructure, as well as any relevant unlicensed end user devices operating in the band. This information is fundamental to constructing a comprehensive framework for spectrum policy.

The Radio Spectrum Inventory Act also provides more transparency related to spectrum use by creating a centralized website or portal that would include relevant spectrum and license information accessible by the public. Given that radio spectrum is a public good, we are obligated to provide the public more clarity and accountability on how it is being utilized by both federal and non-federal licensees. It should be noted that this bill does make certain disclosure exceptions for spectrum being used or reserved for national security.

The ultimate goals this legislation sets the path towards achieving are to implement more efficient use of spectrum and to locate additional spectrum that could be auctioned and used for advanced communications and data services in order to meet the growing demand.

Currently, there are more than 270 million wireless subscribers in the US, and consumers used more than 2.2 trillion minutes of use from July 2007 to June 2008—that is more than 6 billion minutes of use a day! While voice communications is the foundation for wireless services, more and more subscribers are utilizing it for broadband due to new emerging wireless technologies.

More specifically, the FCC reported that from December 2005 to December 2007, mobile wireless high-speed subscribership grew nationwide by more than 1,500 percent, and added 15.6 million subscribers in the second half of 2007 alone. The report also shows that new wireless broadband subscribers accounted for 78 percent of the total growth in broadband during that same time.

So it is clear this once nascent service, which was initially thought of as a luxury, has blossomed into a tool that millions of consumers and countless businesses use on a daily basis. Increased mobility, access, and produc-

tivity are all tangible results of wireless technology. It is estimated that the productivity value of all mobile wireless services was worth \$185 billion in 2005.

But with all this growth, we are seeing constraints—spectrum is already a scarce resource—there is no new spectrum to allocate, only redistribute. This problem is also compounded by issues such as Shannon's Law, which defines the maximum possible data speed that can be obtained in a data channel of a communications network. So with wireless, in order to achieve greater bandwidth speeds and capacity, more channels have to be assigned, which means more spectrum has to be allocated. Therefore, finding additional spectrum is essential to meeting the growing demands and needs of consumers and businesses alike.

Just as with the Internet, we have only scratched the surface on what the future of wireless will bring to all areas of life. That is why we must be proactive in advancing supportive spectrum policy and spectrum availability. And this begins with the first step—complete an accurate inventory of what is out there and how it is being used. Once we have that information, we can then perform the necessary analysis of where additional spectrum could be found and allocated toward broadband and advanced communications services. That is why I sincerely hope that my colleagues join Senators KERRY, NELSON, WICKER, and me in supporting this critical legislation.

By Mr. FEINGOLD:

S. 650. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I am introducing the Federal Death Penalty Abolition Act of 2009. This bill would abolish the death penalty at the Federal level. It would put an immediate halt to Federal executions and forbid the imposition of the death penalty as a sentence for violations of Federal law.

Since 1976, when the death penalty was reinstated by the Supreme Court, there have been 1,130 executions across the country, including three at the Federal level. During that same time period, 130 people on death row have been exonerated and released from death row. Consider those numbers: 1,130 executions and 130 exonerations in the modern death penalty era. Had those exonerations not taken place, had those 130 people been executed, those executions would have represented an error rate of nearly eleven percent. That is more than an embarrassing statistic; it is a horrifying one, one that should have us all questioning the use of capital punishment in this country. In fact, since 1999 when I first introduced this bill, 54 death row inmates have been exonerated throughout the country.

In the face of these numbers, the national debate on the death penalty has intensified. The country experienced a nationwide moratorium on executions from September 2007 to May 2008 while the U.S. Supreme Court considered whether the lethal injection method of execution complied with the Constitution. From 2004 to 2007 the number of executions and the number of death sentences imposed decreased as more and more voices joined to express doubt about the use of capital punishment in America. The voices of those questioning the fairness of the death penalty have been heard from college campuses and courtrooms and podiums across the Nation, to the Senate Judiciary Committee hearing room, to the United States Supreme Court. The American public understands that the death penalty raises serious and complex issues. In fact, for the first time, a May 2006 Gallup poll reported that more Americans prefer a sentence of life without parole over the death penalty when given a choice. The same poll indicates that 63 percent of Americans think that within the past 5 years an innocent person has been executed. And a 2008 Gallop shows a 5 percent drop in support for the death penalty from October 2007 to October 2008. If anything, the consensus is that it is time for a change. We must not ignore these voices.

The United States Supreme Court also has limited the constitutionally permissible scope of the death penalty in recent years. In 2008 the Court held in *Kennedy vs. Louisiana* that with respect to "crimes against individuals the death penalty should not be expanded to instances where the victim's life was not taken." This decision is consistent with other recent cases in which the U.S. Supreme Court has held that the execution of juvenile offenders and the mentally retarded is unconstitutional.

On the state level, there have been some encouraging developments. Most significantly, just last night, Governor Bill Richardson of New Mexico signed legislation into law that repeals the death penalty in his state. I commend Governor Richardson for his leadership and courage in signing this bill. Governor Richardson issued a statement after he signed the bill that gets to the heart of this issue. His statement read, in part:

The sad truth is the wrong person can still be convicted in this day and age, and in cases where that conviction carries with it the ultimate sanction, we must have ultimate confidence I would say certitude that the system is without flaw or prejudice. Unfortunately, this is demonstrably not the case . . .

Last year New Jersey to legislatively repealed its death penalty statute after a state commission reported that the death penalty "is inconsistent with evolving standards of decency" and recommended abolition. In New York,

the death penalty was overturned by a court decision in 2004 and has not been reinstated by the legislature. While Kansas and New Hampshire still technically have the death penalty on their books, they have not executed anyone since 1976.

Other States have created commissions that have identified serious problems with their capital punishment systems. In Maryland, a 23-member commission tasked with studying all aspects of the State's capital punishment system voted on November 12, 2008, to recommend abolition of the State's death penalty. The Commission cited as reasons the possibility that an innocent person could be mistakenly executed, as well as geographical and racial disparities in its application. The chair of the commission, a former United States Attorney General, stated simply, "It's haphazard in how it's applied, and that's terribly unfair."

This past June, the California Commission on the Fair Administration of Justice completed its review of the California capital punishment system. It found, unanimously and not surprisingly, that the death penalty system in California is broken and in need of repair. North Carolina and Tennessee are also in the midst of studies of their respective death penalty systems.

Of course the state that started it all was Illinois, where on January 31, 2000, then-Governor George Ryan took the historic step of placing a moratorium on executions and creating an independent, blue ribbon commission to review the State's death penalty system. That commission conducted an extensive study of the death penalty in Illinois and released a report with 85 recommendations for reform. The commission concluded that the death penalty system is not fair, and that the risk of executing the innocent is alarmingly real. Governor Ryan later pardoned four death row inmates and commuted the sentences of all remaining Illinois death row inmates to life in prison before he left office in January 2003. Illinois has not executed anyone since.

In addition, in 2007, the American Bar Association issued a series of reports on the fairness and accuracy of capital punishment systems in eight states, and concluded there were serious problems in every state it reviewed.

So while detailed reviews have not been conducted in every state, the studies that have been done have revealed major problems. And these problems whether they be racial disparities, inconsistent application of the death penalty, inadequate indigent defense, or other shortcomings cannot be brushed aside as atypical or as revealing state-specific anomalies in an otherwise perfect system. Years of study have shown that the death penalty does little to deter crime, and that de-

fendants' likelihood of being sentenced to death depends heavily on illegitimate factors such as whether they are rich or poor.

Racial disparities also have been documented again and again. Since reinstatement of the modern death penalty, 80 percent of murder victims in cases where death sentences were handed down were white, even though only 50 percent of murder victims are white. Nationwide, more than half of death row inmates nationwide are African Americans or Hispanic Americans. Since 1976, cases that had a white defendant and a black victim have resulted in 15 executions; in cases involving a black defendant and a white victim, there have been 229 executions.

There is also evidence that seeking capital punishment comes at great monetary cost to taxpayers. The Urban Institute in Maryland examined 162 capital cases that were prosecuted between 1978 and 1999. It found that seeking the death penalty in those cases cost \$186 million more than what those cases would have cost had the death penalty not been sought. In California, according to the California Commission on the Fair Administration of Justice, "the additional cost of confining an inmate to death row, as compared to the maximum security prisons where those sentenced to life without possibility of parole ordinarily serve their sentences, is \$90,000 per year per inmate. With California's current death row population of 670, that accounts for \$63.3 million annually." A report in Washington state indicates that "at the trial level, death penalty cases are estimated to generate roughly \$470,000 in additional costs to the prosecution and defense over the cost of trying the same case as an aggravated murder without the death penalty and costs of \$47,000 to \$70,000 for court personnel." Similar reports detailing the extraordinary financial costs of the death penalty have been generated for States across the Nation.

There are also enormous problems with the right to counsel in death penalty cases. I held a hearing in the Constitution Subcommittee of the Senate Judiciary Committee last year to examine the State of capital defense in this country, and the results were shocking. The witnesses provided sobering testimony about over-worked and under-paid court-appointed lawyers in capital cases, and the lack of investigative and other resources available to them. Just to take a couple of specific examples, Bryan Stevenson of the Equal Justice Initiative testified that in Alabama, 60 percent of people on death row were defended by lawyers appointed by courts who, by statute, could not be paid more than \$1,000 for their out of court time to prepare the case for trial. In Texas, hundreds of death row inmates are awaiting execution after being represented

by lawyers who could not receive more than \$500 for experts or mitigation evidence. Across the country there are hundreds of death row inmates whose lawyers had their compensation capped at levels that make effective assistance impossible.

We also heard more about the American Bar Association State Assessment Project, which found that ineffective defense representation was a serious problem in each of the eight states that the ABA reviewed—and is a major reason why the ABA continues to advocate for a moratorium on capital punishment.

The Federal death penalty, too, has had its share of problems. Capital punishment at the Federal level was reinstated in 1988 in a Federal law that provided for the death penalty for murder in the course of a drug-kingpin conspiracy. It was then expanded significantly in 1994, when an omnibus crime bill expanded its use to a total of some 60 Federal offenses. Despite my best efforts to halt the expansion of the Federal death penalty, more and more provisions have been added over the years. Three individuals have now been executed under the Federal system, and there are 55 inmates on Federal death row.

In 2007, I held a hearing on oversight of the Federal death penalty the first such oversight hearing in the Senate Judiciary Committee in 6 years. Once again, the results were disturbing. The hearing focused on a range of issues, including the lack of information the Justice Department maintains about the application and cost of the death penalty, the lack of transparency in the DOJ decision-making process, concerns about the politicization of the federal death penalty, and the continuing problem of racial disparities in the Federal system.

I was alarmed to learn at the hearing that the Department of Justice from 2001 to 2006 kept virtually no statistics about its implementation of the Federal death penalty. Prior to the hearing, I requested basic statistics for that time period, such as the rate at which the Attorney General overruled U.S. Attorney recommendations not to seek the death penalty, and the race of defendants and victims in Federal capital cases. Before I asked for this information, the Department had not tracked it. Further, the DOJ does not track the monetary costs of the Federal death penalty in any way at all.

We are still lacking basic information about racial disparities in the application of the Federal death penalty. After putting off for years a National Institute of Justice study report ordered by Attorney General Reno at the end of the Clinton Administration to examine this question, DOJ finally released a RAND study in 2006. But the long anticipated report did not address the root question about the application

of the Federal death penalty; it did not study the decision-making process for bringing defendants into the Federal system in the first place. Of course, this study only covers 1995–2000. So we still have very little information about racial disparities from 2001 forward.

I was particularly concerned about information the hearing uncovered about the Attorney General overrule rates. In the Federal system, the Attorney General makes the final decision whether to seek the death penalty in federal cases. Between 2001 and 2006, the Attorney General overruled local U.S. Attorney recommendations not to seek the death penalty in *one out of every three* Federal capital cases. This number is substantially higher than the 16 percent of recommendations not to seek death that were overruled by Attorney General Reno from 1995 to 2000. Not only was the Bush administration far more willing to overrule local U.S. Attorney recommendations, but when it did so, the Government was less likely to actually obtain a death sentence in the case. The Government secured a death sentence in 33 percent of cases where the Attorney General approved a U.S. Attorney recommendation to seek death, but in only 20 percent of cases where the Attorney General overruled the U.S. Attorney recommendation not to seek death.

And at least one U.S. Attorney who objected when his recommendation not to seek death was overruled by Main Justice learned the hard way that dissent was not acceptable. Former U.S. Attorney Paul Charlton, who testified at the hearing I chaired, was fired at least in part because he had the audacity to ask to speak with the Attorney General directly after the Attorney General ordered him to pursue the death penalty in a case where he had recommended against seeking the death penalty.

There is every reason to be optimistic that the new administration will take the significant problems in our federal death penalty system much more seriously. But while we examine the flaws in our death penalty system at both the State and Federal level, we cannot help but note that any use of the death penalty in the United States stands in stark contrast to the majority of nations, which have abolished the death penalty in law or practice. There are now 123 countries that have done so. In 2007, only China, Iran, Saudi Arabia and Pakistan executed more people than we did in the United States. These countries, and others on the list of nations that actively use capital punishment, are countries that we often criticize for human rights abuses. The European Union denies membership to nations that use the death penalty. In fact, it passed a resolution calling for the immediate and unconditional global abolition of the death penalty, and it specifically called

on all states within the United States to abolish the death penalty. Moreover, the United Nations General Assembly adopted a resolution on December 18, 2007, calling for a worldwide moratorium on the death penalty.

We are a Nation that prides itself on the fundamental principles of justice, liberty, equality and due process. We are a Nation that scrutinizes the human rights records of other nations. We should hold our own system of justice to the highest standard.

As a matter of justice, this is an issue that transcends political allegiances. A range of prominent voices in our country is raising serious questions about the death penalty, and these are not just voices of liberals, or of the faith community. They are the voices of former FBI Director William Sessions, former Supreme Court Justice Sandra Day O'Connor, Reverend Pat Robertson, commentator George Will, former Mississippi warden Donald Cabana, and former Baltimore City police officer Michael May. And notably, the editorial boards of the Chicago Tribune and the Dallas Morning News each finally came out in opposition to the death penalty in 2007. The voices of those questioning our application of the death penalty are growing in number, and they are growing louder.

As we begin a new year and a new Congress, I believe the continued use of the death penalty in the United States is beneath us. The death penalty is at odds with our best traditions. It is wrong and it is ineffective. The adage "two wrongs do not make a right" applies here in the most fundamental way. It is time to abolish the death penalty as we seek to spread peace and justice both here and overseas. And it is not just a matter of morality. The continued viability of our criminal justice system as a truly just system that deserves the respect of our own people and the world requires that we take this step. Our Nation's goal to remain the world's leading defender of freedom, liberty and equality demands that we do so.

Abolishing the death penalty will not be an easy task. It will take patience, persistence, and courage. As we work to move forward in a rapidly changing world, let us leave this archaic practice behind.

I ask my colleagues to join me in taking the first step in abolishing the death penalty in our great Nation by enacting this legislation to do away with the Federal death penalty. I also call on each State that authorizes the use of the death penalty to cease this practice. Let us together reject violence and restore fairness and integrity to our criminal justice system.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Death Penalty Abolition Act of 2009".

SEC. 2. REPEAL OF FEDERAL LAWS PROVIDING FOR THE DEATH PENALTY.

(a) HOMICIDE-RELATED OFFENSES.—

(1) MURDER RELATED TO THE SMUGGLING OF ALIENS.—Section 274(a)(1)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(B)(iv)) is amended by striking "punished by death or".

(2) DESTRUCTION OF AIRCRAFT, MOTOR VEHICLES, OR RELATED FACILITIES RESULTING IN DEATH.—Section 34 of title 18, United States Code, is amended by striking "to the death penalty or".

(3) MURDER COMMITTED DURING A DRUG-RELATED DRIVE-BY SHOOTING.—Section 36(b)(2)(A) of title 18, United States Code, is amended by striking "death or".

(4) MURDER COMMITTED AT AN AIRPORT SERVING INTERNATIONAL CIVIL AVIATION.—Section 37(a) of title 18, United States Code, is amended, in the matter following paragraph (2), by striking "punished by death or".

(5) MURDER COMMITTED USING CHEMICAL WEAPONS.—Section 229A(a)(2) of title 18, United States Code, is amended—

(A) in the paragraph heading, by striking "DEATH PENALTY" and inserting "CAUSING DEATH"; and

(B) by striking "punished by death or".

(6) CIVIL RIGHTS OFFENSES RESULTING IN DEATH.—Chapter 13 of title 18, United States Code, is amended—

(A) in section 241, by striking " , or may be sentenced to death";

(B) in section 242, by striking " , or may be sentenced to death";

(C) in section 245(b), by striking " , or may be sentenced to death"; and

(D) in section 247(d)(1), by striking " , or may be sentenced to death".

(7) MURDER OF A MEMBER OF CONGRESS, AN IMPORTANT EXECUTIVE OFFICIAL, OR A SUPREME COURT JUSTICE.—Section 351 of title 18, United States Code, is amended—

(A) in subsection (b)—

(i) by striking "(1)"; and

(ii) by striking " , or (2) by death" and all that follows through the end of the subsection and inserting a period; and

(B) in subsection (d)—

(i) by striking "(1)"; and

(ii) by striking " , or (2) by death" and all that follows through the end of the subsection and inserting a period.

(8) DEATH RESULTING FROM OFFENSES INVOLVING TRANSPORTATION OF EXPLOSIVES, DESTRUCTION OF GOVERNMENT PROPERTY, OR DESTRUCTION OF PROPERTY RELATED TO FOREIGN OR INTERSTATE COMMERCE.—Section 844 of title 18, United States Code, is amended—

(A) in subsection (d), by striking "or to the death penalty";

(B) in subsection (f)(3), by striking "subject to the death penalty, or";

(C) in subsection (i), by striking "or to the death penalty"; and

(D) in subsection (n), by striking "(other than the penalty of death)".

(9) MURDER COMMITTED BY USE OF A FIREARM OR ARMOR PIERCING AMMUNITION DURING COMMISSION OF A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.—Section 924 of title 18, United States Code, is amended—

(A) in subsection (c)(5)(B)(i), by striking "punished by death or"; and

(B) in subsection (j)(1), by striking "by death or".

(10) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking “death or”.

(11) FIRST DEGREE MURDER.—Section 1111(b) of title 18, United States Code, is amended by striking “by death or”.

(12) MURDER BY A FEDERAL PRISONER.—Section 1118 of title 18, United States Code, is amended—

(A) in subsection (a), by striking “by death or”; and

(B) in subsection (b), in the third undesignated paragraph—

(i) by inserting “or” before “an indeterminate”; and

(ii) by striking “, or an unexecuted sentence of death”.

(13) MURDER OF A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR OTHER PERSON AIDING IN A FEDERAL INVESTIGATION; MURDER OF A STATE CORRECTIONAL OFFICER.—Section 1121 of title 18, United States Code, is amended—

(A) in subsection (a), by striking “by sentence of death or”; and

(B) in subsection (b)(1), by striking “or death”.

(14) MURDER DURING A KIDNAPING.—Section 1201(a) of title 18, United States Code, is amended by striking “death or”.

(15) MURDER DURING A HOSTAGE-TAKING.—Section 1203(a) of title 18, United States Code, is amended by striking “death or”.

(16) MURDER WITH THE INTENT OF PREVENTING TESTIMONY BY A WITNESS, VICTIM, OR INFORMANT.—Section 1512(a)(2)(A) of title 18, United States Code, is amended by striking “the death penalty or”.

(17) MAILING OF INJURIOUS ARTICLES WITH INTENT TO KILL OR RESULTING IN DEATH.—Section 1716(j)(3) of title 18, United States Code, is amended by striking “to the death penalty or”.

(18) ASSASSINATION OR KIDNAPING RESULTING IN THE DEATH OF THE PRESIDENT OR VICE PRESIDENT.—Section 1751 of title 18, United States Code, is amended—

(A) in subsection (b)—

(i) by striking “(1)”; and

(ii) by striking “, or (2) by death” and all that follows through the end of the subsection and inserting a period; and

(B) in subsection (d)—

(i) by striking “(1)”; and

(ii) by striking “, or (2) by death” and all that follows through the end of the subsection and inserting a period.

(19) MURDER FOR HIRE.—Section 1958(a) of title 18, United States Code, is amended by striking “death or”.

(20) MURDER INVOLVED IN A RACKETEERING OFFENSE.—Section 1959(a)(1) of title 18, United States Code, is amended by striking “death or”.

(21) WILLFUL WRECKING OF A TRAIN RESULTING IN DEATH.—Section 1992 of title 18, United States Code, is amended—

(A) in subsection (a), in the matter following paragraph (10), by striking “or subject to death.”; and

(B) in subsection (b), in the matter following paragraph (3), by striking “, and if the offense resulted in the death of any person, the person may be sentenced to death”.

(22) BANK ROBBERY-RELATED MURDER OR KIDNAPING.—Section 2113(e) of title 18, United States Code, is amended by striking “death or”.

(23) MURDER RELATED TO A CARJACKING.—Section 2119(3) of title 18, United States Code, is amended by striking “, or sentenced to death”.

(24) MURDER RELATED TO AGGRAVATED CHILD SEXUAL ABUSE.—Section 2241(c) of title 18, United States Code, is amended by striking “unless the death penalty is imposed.”.

(25) MURDER RELATED TO SEXUAL ABUSE.—Section 2245 of title 18, United States Code, is amended by striking “punished by death or”.

(26) MURDER RELATED TO SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended by striking “punished by death or”.

(27) MURDER COMMITTED DURING AN OFFENSE AGAINST MARITIME NAVIGATION.—Section 2280(a)(1) of title 18, United States Code, is amended by striking “punished by death or”.

(28) MURDER COMMITTED DURING AN OFFENSE AGAINST A MARITIME FIXED PLATFORM.—Section 2281(a)(1) of title 18, United States Code, is amended by striking “punished by death or”.

(29) MURDER USING DEVICES OR DANGEROUS SUBSTANCES IN WATERS OF THE UNITED STATES.—Section 2282A of title 18, United States Code, is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(30) MURDER INVOLVING THE TRANSPORTATION OF EXPLOSIVE, BIOLOGICAL, CHEMICAL, OR RADIOACTIVE OR NUCLEAR MATERIALS.—Section 2283 of title 18, United States Code, is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(31) MURDER INVOLVING THE DESTRUCTION OF VESSEL OR MARITIME FACILITY.—Section 2291(d) of title 18, United States Code, is amended by striking “to the death penalty or”.

(32) MURDER OF A UNITED STATES NATIONAL IN ANOTHER COUNTRY.—Section 2332(a)(1) of title 18, United States Code, is amended by striking “death or”.

(33) MURDER BY THE USE OF A WEAPON OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

(A) in subsection (a), in the matter following paragraph (4), by striking “, and if death results shall be punished by death” and all that follows through the end of the subsection and inserting a period; and

(B) in subsection (b), by striking “, and if death results shall be punished by death” and all that follows through the end of the subsection and inserting a period.

(34) MURDER BY ACT OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.—Section 2332b(c)(1)(A) of title 18, United States Code, is amended by striking “by death, or”.

(35) MURDER INVOLVING TORTURE.—Section 2340A(a) of title 18, United States Code, is amended by striking “punished by death or”.

(36) MURDER INVOLVING A WAR CRIME.—Section 2441(a) of title 18, United States Code, is amended by striking “, and if death results to the victim, shall also be subject to the penalty of death”.

(37) MURDER RELATED TO A CONTINUING CRIMINAL ENTERPRISE OR RELATED MURDER OF A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT OFFICER.—Section 408(e) of the Controlled Substances Act (21 U.S.C. 848(e)) is amended—

(A) in the subsection heading, by striking “DEATH PENALTY” and inserting “INTENTIONAL KILLING”; and

(B) in paragraph (1)—

(i) subparagraph (A), by striking “, or may be sentenced to death”; and

(ii) in subparagraph (B), by striking “, or may be sentenced to death”.

(38) DEATH RESULTING FROM AIRCRAFT HIRING.—Section 46502 of title 49, United States Code, is amended—

(A) in subsection (a)(2)(B), by striking “put to death or”; and

(B) in subsection (b)(1)(B), by striking “put to death or”.

(b) NON-HOMICIDE RELATED OFFENSES.—

(1) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking “punished by death or” and all that follows before the period and inserting “imprisoned for any term of years or for life”.

(2) TREASON.—Section 2381 of title 18, United States Code, is amended by striking “shall suffer death, or”.

(c) TITLE 10.—

(1) IN GENERAL.—Section 856 of title 10 is amended by inserting before the period at the end the following: “, except that the punishment may not include death”.

(2) OFFENSES.—

(A) CONSPIRACY.—Section 881(b) of title 10, United States Code (article 81(b) of the Uniform Code of Military Justice), is amended by striking “, if death results” and all that follows through the end and inserting “as a court-martial or military commission may direct.”.

(B) DESERTION.—Section 885(c) of title 10, United States Code (article 85(c)), is amended by striking “, if the offense is committed in time of war” and all that follows through the end and inserting “as a court-martial may direct.”.

(C) ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR COMMISSIONED OFFICER.—Section 890 of title 10, United States Code (article 90), is amended by striking “, if the offense is committed in time of war” and all that follows and inserting “as a court-martial may direct.”.

(D) MUTINY OR SEDITION.—Section 894(b) of title 10, United States Code (article 94(b)), is amended by striking “by death or such other punishment”.

(E) MISBEHAVIOR BEFORE THE ENEMY.—Section 899 of title 10, United States Code (article 99), is amended by striking “by death or such other punishment”.

(F) SUBORDINATE COMPELLING SURRENDER.—Section 900 of title 10, United States Code (article 100), is amended by striking “by death or such other punishment”.

(G) IMPROPER USE OF COUNTERSIGN.—Section 901 of title 10, United States Code (article 101), is amended by striking “by death or such other punishment”.

(H) FORCING A SAFEGUARD.—Section 902 of title 10, United States Code (article 102), is amended by striking “suffer death” and all that follows and inserting “be punished as a court-martial may direct.”.

(I) AIDING THE ENEMY.—Section 904 of title 10, United States Code (article 104), is amended by striking “suffer death or such other punishment as a court-martial or military commission may direct” and inserting “be punished as a court-martial or military commission may direct”.

(J) SPIES.—Section 906 of title 10, United States Code (article 106), is amended by striking “by death” and inserting “by imprisonment for life”.

(K) ESPIONAGE.—Section 906a of title 10, United States Code (article 106a), is amended—

(i) by striking subsections (b) and (c);

(ii) by redesignating paragraphs (2) and (3) of subsection (a) as subsections (b) and (c), respectively;

(iii) in subsection (a)—

(I) by striking “(1)”; and

(II) by striking “paragraph (2)” and inserting “subsection (b)”; and

(III) by striking “paragraph (3)” and inserting “subsection (c)”; and

(IV) by striking “as a court-martial may direct,” and all that follows and inserting “as a court-martial may direct.”;

(iv) in subsection (b), as so redesignated—
(I) by striking “paragraph (1)” and inserting “subsection (a)”;

(II) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(v) in subsection (c), as so redesignated, by striking “paragraph (1)” and inserting “subsection (a)”.

(L) IMPROPER HAZARDING OF VESSEL.—The text of section 910 of title 10, United States Code (article 110), is amended to read as follows:

“Any person subject to this chapter who willfully and wrongfully, or negligently, hazards or suffers to be hazarded any vessel of the Armed Forces shall be punished as a court-martial may direct.”.

(M) MISBEHAVIOR OF SENTINEL.—Section 913 of title 10, United States Code (article 113), is amended by striking “, if the offense is committed in time of war” and all that follows and inserting “as a court-martial may direct.”.

(N) MURDER.—Section 918 of title 10, United States Code (article 118), is amended by striking “death or imprisonment for life as a court-martial may direct” and inserting “imprisonment for life”.

(O) DEATH OR INJURY OF AN UNBORN CHILD.—Section 919a(a) of title 10, United States Code, is amended—

(i) in paragraph (1), by striking “, other than death,”; and

(ii) by striking paragraph (4).

(P) CRIMES TRIABLE BY MILITARY COMMISSION.—Section 950v(b) of title 10, United States Code, is amended—

(i) in paragraph (1), by striking “by death or such other punishment”;

(ii) in paragraph (2), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(iii) in paragraph (7), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(iv) in paragraph (8), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(v) in paragraph (9), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(vi) in paragraph (11)(A), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(vii) in paragraph (12)(A), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(viii) in paragraph (13)(A), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(ix) in paragraph (14), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(x) in paragraph (15), by striking “by death or such other punishment”;

(xi) in paragraph (17), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(xii) in paragraph (23), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”;

(xiii) in paragraph (24), by striking “, if death results” and all that follows and in-

serting “as a military commission under this chapter may direct.”;

(xiv) in paragraph (27), by striking “by death or such other punishment”;

(xv) in paragraph (28), by striking “, if death results” and all that follows and inserting “as a military commission under this chapter may direct.”.

(3) JURISDICTIONAL AND PROCEDURAL MATTERS.—

(A) DISMISSED OFFICER’S RIGHT TO TRIAL BY COURT-MARTIAL.—Section 804(a) of title 10, United States Code (article 4(a) of the Uniform Code of Military Justice), is amended by striking “or death”.

(B) COURTS-MARTIAL CLASSIFIED.—Section 816(1)(A) of title 10, United States Code (article 10(1)(A)), is amended by striking “or, in a case in which the accused may be sentenced to a penalty of death” and all that follows through “(article 25a)”.

(C) JURISDICTION OF GENERAL COURTS-MARTIAL.—Section 818 of title 10, United States Code (article 18), is amended—

(i) in the first sentence by striking “including the penalty of death when specifically authorized by this chapter” and inserting “except death”; and

(ii) by striking the third sentence.

(D) JURISDICTION OF SPECIAL COURTS-MARTIAL.—Section 819 of title 10, United States Code (article 19), is amended in the first sentence by striking “for any noncapital offense” and all that follows and inserting “for any offense made punishable by this chapter.”.

(E) JURISDICTION OF SUMMARY COURTS-MARTIAL.—Section 820 of title 10, United States Code (article 20), is amended in the first sentence by striking “noncapital”.

(F) NUMBER OF MEMBERS IN CAPITAL CASES.—

(i) IN GENERAL.—Section 825a of title 10, United States Code (article 25a), is repealed.

(ii) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 47 of title 10, United States Code, is amended by striking the item relating to section 825a (article 25a).

(G) ABSENT AND ADDITIONAL MEMBERS.—Section 829(b)(2) of title 10, United States Code (article 29(b)(2)), is amended by striking “or, in a case in which the death penalty may be adjudged” and all that follows and inserting a period.

(H) STATUTE OF LIMITATIONS.—Subsection (a) of section 843 of title 10, United States Code (article 43), is amended to read as follows:

“(a)(1) A person charged with an offense described in paragraph (2) may be tried and punished at any time without limitation.

“(2) An offense described in this paragraph is any offense as follows:

“(A) Absence without leave or missing movement in time of war.

“(B) Murder.

“(C) Rape.

“(D) A violation of section 881 of this title (article 81) that results in death to one or more of the victims.

“(E) Desertion or attempt to desert in time of war.

“(F) A violation of section 890 of this title (article 90) committed in time of war.

“(G) Attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition.

“(H) A violation of section 899 of this title (article 99).

“(I) A violation of section 900 of this title (article 100).

“(J) A violation of section 901 of this title (article 101).

“(K) A violation of section 902 of this title (article 102).

“(L) A violation of section 904 of this title (article 104).

“(M) A violation of section 906 of this title (article 106).

“(N) A violation of section 906a of this title (article 106a).

“(O) A violation of section 910 of this title (article 110) in which the person subject to this chapter willfully and wrongfully hazarded or suffered to be hazarded any vessel of the Armed Forces.

“(P) A violation of section 913 of this title (article 113) committed in time of war.”.

(I) PLEAS OF ACCUSED.—Section 845(b) of title 10, United States Code (article 45(b)), is amended—

(i) by striking the first sentence; and

(ii) by striking “With respect to any other charge” and inserting “With respect to any charge”.

(J) DEPOSITIONS.—Section 849 of title 10, United States Code (article 49), is amended—

(i) in subsection (d), by striking “in any case not capital”; and

(ii) by striking subsections (e) and (f).

(K) ADMISSIBILITY OF RECORDS OF COURTS OF INQUIRY.—Section 850 of title 10, United States Code (article 50), is amended—

(i) in subsection (a), by striking “not capital and”; and

(ii) in subsection (b), by striking “capital cases or”.

(L) NUMBER OF VOTES REQUIRED FOR CONVICTION AND SENTENCING BY COURT-MARTIAL.—Section 852 of title 10, United States Code (article 52), is amended—

(i) in subsection (a)—

(I) by striking paragraph (1);

(II) by redesignating paragraph (2) as subsection (a); and

(III) by striking “any other offense” and inserting “any offense”; and

(ii) in subsection (b)—

(I) by striking paragraph (1); and

(II) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(M) RECORD OF TRIAL.—Section 854(c)(1)(A) of title 10, United States Code (article 54(c)(1)(A)), is amended by striking “death.”.

(N) FORFEITURE OF PAY AND ALLOWANCES DURING CONFINEMENT.—Section 858b(a)(2)(A) of title 10, United States Code (article 58b(a)(2)(A)), is amended by striking “or death”.

(O) WAIVER OR WITHDRAWAL OF APPEAL.—Section 861 of title 10, United States Code (article 61), is amended—

(i) in subsection (a), by striking “except a case in which the sentence as approved under section 860(c) of this title (article 60(c)) includes death.”; and

(ii) in subsection (b), by striking “Except in a case in which the sentence as approved under section 860(c) of this title (article 60(c)) includes death, the accused” and inserting “The accused”.

(P) REVIEW BY COURT OF CRIMINAL APPEALS.—Section 866(b) of title 10, United States Code (article 66(b)), is amended—

(i) in the matter preceding paragraph (1), by inserting “in which” after “court-martial”;

(ii) in paragraph (1), by striking “in which the sentence, as approved, extends to death,” and inserting “the sentence, as approved, extends to”; and

(iii) in paragraph (2), by striking “except in the case of a sentence extending to death.”.

(Q) REVIEW BY COURT OF APPEALS FOR THE ARMED FORCES.—Section 867(a) of title 10, United States Code (article 67(a)), is amended—

(i) by striking paragraph (1); and
 (ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(R) EXECUTION OF SENTENCE.—Section 871 of title 10, United States Code (article 71), is amended—

(i) by striking subsection (a);
 (ii) by redesignating subsection (b) as subsection (a);

(iii) by striking subsection (c) and inserting the following:

“(b)(1) If a sentence extends to dismissal or a dishonorable or bad conduct discharge and if the right of the accused to appellate review is not waived, and an appeal is not withdrawn, under section 861 of this title (article 61), that part of the sentence extending to dismissal or a dishonorable or bad conduct discharge may not be executed until there is a final judgment as to the legality of the proceedings (and with respect to dismissal, approval under subsection (a)). A judgment as to legality of the proceedings is final in such cases when review is completed by a Court of Criminal Appeals and—

“(A) the time for the accused to file a petition for review by the Court of Appeals for the Armed Forces has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by that Court;

“(B) such a petition is rejected by the Court of Appeals for the Armed Forces; or

“(C) review is completed in accordance with the judgment of the Court of Appeals for the Armed Forces and—

“(i) a petition for a writ of certiorari is not filed within the time limits prescribed by the Supreme Court;

“(ii) such a petition is rejected by the Supreme Court; or

“(iii) review is otherwise completed in accordance with the judgment of the Supreme Court.

“(2) If a sentence extends to dismissal or a dishonorable or bad conduct discharge and if the right of the accused to appellate review is waived, or an appeal is withdrawn, under section 861 of this title (article 61), that part of the sentence extending to dismissal or a bad conduct or dishonorable discharge may not be executed until review of the case by a judge advocate (and any action on that review) under section 864 of this title (article 64) is completed. Any other part of a court-martial sentence may be ordered executed by the convening authority or other person acting on the case under section 860 of this title (article 60) when approved by him under that section.”;

(iv) by redesignating subsection (d) as subsection (c); and

(v) in subsection (c), as so redesignated, by striking “, except a sentence of death”.

(S) GENERAL ARTICLE.—Section 934 of title 10, United States Code (article 134), is amended by striking “crimes and offenses not capital” and inserting “crimes and offenses”

(T) JURISDICTION OF MILITARY COMMISSIONS.—Section 948d(d) of title 10, United States Code, is amended by striking “including the penalty of death” and all that follows and inserting “except death.”.

(U) NUMBER OF MEMBERS OF MILITARY COMMISSIONS.—Subsection (a) of section 948m of title 10, United States Code, is amended to read as follows:

“(a) NUMBER OF MEMBERS.—A military commission under this chapter shall have at least 5 members.”.

(V) NUMBER OF VOTES REQUIRED FOR SENTENCING BY MILITARY COMMISSION.—Section 949m of title 10, United States Code, is amended—

(i) in subsection (b)—

(I) by striking paragraph (1); and

(II) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(ii) by striking subsection (c).

(W) APPELLATE REFERRAL FOR MILITARY COMMISSIONS.—Section 950c of title 10, United States Code, is amended—

(i) in subsection (b)(1), by striking “except a case in which the sentence as approved under section 950b of this title extends to death.”; and

(ii) in subsection (c), by striking “Except in a case in which the sentence as approved under section 950b of this title extends to death, the accused” and inserting “The accused”.

(X) EXECUTION OF SENTENCE BY MILITARY COMMISSIONS.—

(i) IN GENERAL.—Section 950i of title 10, United States Code, is amended—

(I) in the section heading, by striking “; procedures for execution of sentence of death”;

(II) by striking subsections (b) and (c);

(III) by redesignating subsection (d) as subsection (b); and

(IV) in subsection (b), as so redesignated, by striking “, except a sentence of death”.

(ii) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47A of title 10, United States Code, is amended by striking the item relating to section 950i and inserting the following new item:

“950i. Execution of sentence.”.

(d) CONFORMING AMENDMENTS.—

(1) REPEAL OF CRIMINAL PROCEDURES RELATING TO IMPOSITION OF DEATH SENTENCE.—

(A) IN GENERAL.—Chapter 228 of title 18, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by striking the item relating to chapter 228.

(2) OTHER PROVISIONS.—

(A) INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS.—Section 2516(1)(a) of title 18, United States Code, is amended by striking “by death or”.

(B) RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS.—Chapter 207 of title 18, United States Code, is amended—

(i) in section 3142(f)(1)(B), by striking “or death”; and

(ii) in section 3146(b)(1)(A)(i), by striking “death, life imprisonment,” and inserting “life imprisonment”.

(C) VENUE IN CAPITAL CASES.—Chapter 221 of title 18, United States Code, is amended—

(i) by striking section 3235; and

(ii) in the table of sections, by striking the item relating to section 3235.

(D) PERIOD OF LIMITATIONS.—

(i) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by striking section 3281 and inserting the following:

“§ 3281. Offenses with no period of limitations

“An indictment may be found at any time without limitation for the following offenses:

“(1) A violation of section 274(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)) resulting in the death of any person.

“(2) A violation of section 34 of this title.

“(3) A violation of section 36(b)(2)(A) of this title.

“(4) A violation of section 37(a) of this title that results in the death of any person.

“(5) A violation of section 229A(a)(2) of this title.

“(6) A violation of section 241, 242, 245(b), or 247(a) of this title that—

“(A) results in death; or

“(B) involved kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(7) A violation of subsection (b) or (d) of section 351 of this title.

“(8) A violation of section 794(a) of this title.

“(9) A violation of subsection (d), (f), or (i) of section 844 of this title that results in the death of any person (including any public safety officer performing duties as a direct or proximate result of conduct prohibited by such subsection).

“(10) An offense punishable under subsection (c)(5)(B)(i) or (j)(1) of section 924 of this title.

“(11) An offense punishable under section 1091(b)(1) of this title.

“(12) A violation of section 1111 of this title that is murder in the first degree.

“(13) A violation of section 1118 of this title.

“(14) A violation of subsection (a) or (b) of section 1121 of this title.

“(15) A violation of section 1201(a) of this title that results in the death of any person.

“(16) A violation of section 1203(a) of this title that results in the death of any person.

“(17) An offense punishable under section 1512(a)(3) of this title that is murder (as that term is defined in section 1111 of this title).

“(18) An offense punishable under section 1716(j)(3) of this title.

“(19) A violation of subsection (b) or (d) of section 1751 of this title.

“(20) A violation of section 1958(a) of this title that results in death.

“(21) A violation of section 1959(a) of this title that is murder.

“(22) A violation of subsection (a) (except for a violation of paragraph (8), (9) or (10) of such subsection) or (b) of section 1992 of this title that results in the death of any person.

“(23) A violation of section 2113(e) of this title that results in death.

“(24) An offense punishable under section 2119(3) of this title.

“(25) An offense punishable under section 2245(a) of this title.

“(26) A violation of section 2251 of this title that results in the death of a person.

“(27) A violation of section 2280(a)(1) of this title that results in the death of any person.

“(28) A violation of section 2281(a)(1) of this title that results in the death of any person.

“(29) A violation of section 2282A(a) of this title that causes the death of any person.

“(30) A violation of section 2283(a) of this title that causes the death of any person.

“(31) An offense punishable under section 2291(d) of this title.

“(32) An offense punishable under section 2332(a)(1) of this title.

“(33) A violation of subsection (a) or (b) of section 2332a of this title that results in death.

“(34) An offense punishable under section 2332b(c)(1)(A) of this title.

“(35) A violation of section 2340A(a) of this title that results in the death of any person.

“(36) A violation of section 2381 of this title.

“(37) A violation of section 2441(a) of this title that results in the death of the victim.

“(38) A violation of section 408(e) of the Controlled Substances Act (21 U.S.C. 848(e)).

“(39) An offense punishable under subsection (a)(2)(B) or (b)(1)(B) of section 46502 of title 49.”

(ii) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item

relating to section 3281 and inserting the following:

“3281. Offenses with no period of limitations.”.

SEC. 3. PROHIBITION ON IMPOSITION OF DEATH SENTENCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, no person may be sentenced to death or put to death on or after the date of enactment of this Act for any violation of Federal law.

(b) PERSONS SENTENCED BEFORE DATE OF ENACTMENT.—Notwithstanding any other provision of law, any person sentenced to death before the date of enactment of this Act for any violation of Federal law shall serve a sentence of life imprisonment without the possibility of parole.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. WYDEN, Ms. SNOWE, Mrs. LINCOLN, Mr. KERRY, Ms. STABENOW, Mr. SCHUMER, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. BINGAMAN, and Ms. CANTWELL):

S. 651. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive bonuses paid by, and received from, companies receiving Federal emergency economic assistance, to limit the amount of non-qualified deferred compensation that employees of such companies may defer from taxation, and for other purposes; read the first time.

Mr. BAUCUS. Mr. President, over the past week, we have heard a lot about AIG paying out \$165 million in bonuses to employees of its financial products unit. This is the same company that took \$170 billion in taxpayer money just to stay afloat.

The Government owns 80 percent of AIG. Yet some people in the Government say that they were not able to do anything to stop these bonuses from being paid.

The country is angry, and I am angry.

President Obama ordered Secretary Geithner to use all available legal means to recover these bonuses. But that may not be enough. We may never be able to recover these payments.

The truth is we should not have to be in this position in the first place. When we first passed the TARP funding, Senator GRASSLEY and I fought hard to include strong provisions in the bill on executive compensation. Unfortunately, the TARP program was not run as originally intended.

Even as we discuss this issue, reports are coming out that Fannie Mae and Freddie Mac are planning on paying retention bonuses to their executives.

This type of behavior has to stop, and it has to stop now.

Companies should not be taking taxpayer money for a bailout with one hand, and then paying out big bonuses with the other. Across the country, Americans are losing their jobs. They are stretching every dollar to cover the basic costs of living. Meanwhile, executives and employees at financial insti-

tutions are receiving big bonuses—bonuses that are being paid with taxpayer dollars.

I think that almost all of us can agree that companies receiving taxpayer money should not be paying these big bonuses. Unfortunately, it seems that this type of behavior is not going stop, unless we take action. Using Congress's power to tax appears to be the best option available to us to address these excessive bonuses.

So today, I join with my colleagues Senators GRASSLEY, WYDEN, and SNOWE, as well as others, to introduce a bill to do just that.

This bill makes sure that if a large institution receives government funds, and it then wants to pay out big bonuses, then it is going to face significant tax consequences. This bill would impose a 35 percent excise tax on each of the employer and the employee. It would apply to bonuses earned or paid after January 1 of this year.

For retention bonuses, the excise tax would be imposed on the full amount of the bonus. For all other bonuses, the excise tax would be imposed on all amounts over \$50,000. The bill includes regulatory safeguards that would help to prevent companies from characterizing bonus payments as salaries to avoid the taxes.

This bill would also prevent companies from just deferring these bonuses to avoid paying this excise tax. This bill would prevent taxpayers from deferring more than \$1 million in a 12 month period. If a taxpayer deferred more than \$1 million, then the bill would impose a 20 percent penalty and interest.

Some have concerns about the small banks that want to take Federal money through the new SBA program that the President announced. Others have concerns about the larger banks that did not take much in TARP funds. The restrictions in this bill would not apply to small banks as defined in the tax code. And the restrictions would not apply to banks that receive less than \$100 million of TARP funds or other Government assistance. And if those institutions wanted to pay back their TARP funds, they would no longer be subject to these restrictions.

The way that these companies are doing business must stop. This bill would change the way that TARP recipients and recipients of other similar Government aid operate. These companies would no longer be able to pay out big bonuses or give out huge amounts of deferred compensation without facing significant tax consequences.

The country is going through difficult times. Americans are scrimping and saving just to get by. We owe it to the American taxpayer to do all that we can to ensure that banks do not use taxpayer dollars to pay out big bonuses. I urge all of my Colleagues to join me in cosponsoring this important bill.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 653. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CARDIN. Mr. President, I rise today to introduce the Star-Spangled Banner Commemorative Coin Act. I am pleased that my colleague, the senior Senator from Maryland, is a co-sponsor. This legislation will honor our National Anthem and the Battle for Baltimore, which was a key turning point of the War of 1812, by creating two commemorative U.S. Mint coins.

The War of 1812 confirmed American independence from Great Britain in the eyes of the world. Before the war, the British had been routinely imposing on American sovereignty. They had impressed American merchant seamen into the British Royal Navy, enforced illegal and unfair trade rules with the United States, and allegedly offered assistance to American Indian tribes which were attacking frontier settlements. In response, the United States declared war on Great Britain on June 18, 1812, to protest these violations of “free trade and sailors rights”.

After 2½ years of conflict, the British Royal Navy sailed up the Chesapeake Bay with combined military and naval forces, and in August 1814 attacked Washington, DC, burning to the ground the U.S. Capitol, the White House, and much of the rest of the capital city. After finishing with Washington, DC, the British moved to capture Baltimore, which in 1814 was a larger city.

As the British Royal Navy sailed up the Patapsco River on its way to Baltimore, American forces held the British fleet at Fort McHenry, located just outside of the city. After 25 hours of bombardment, the British failed to take the Fort and were forced to depart. American lawyer Francis Scott Key, who was being held on board an American flag-of-truce vessel, beheld at dawn's early light an American flag still flying atop Fort McHenry. He immortalized the event in a song which later became known as the Star-Spangled Banner.

The flag to which Key referred was a 30' x 42' foot flag made specifically for Fort McHenry. The commanding officer desired a flag so large that the British would have no trouble seeing it from a distance. This proved to be the case as Key visited the British fleet on September 7, 1814, to secure the release of Dr. William Beanes. Dr. Beanes was released, but Key and Beanes were detained on an American flag-of-truce vessel until the end of the bombardment. It was on September 14, 1814, that Key saw the great banner that inspired him to write the song that ultimately became our National Anthem.

The Star-Spangled Banner Commemorative Coins will honor this symbol of our nation and our National Anthem. Under this Act, the U.S. Treasury would mint up to 100,000 \$5 gold coins and 500,000 \$1 silver coins in 2012, in coordination with the 200th Anniversary of the War of 1812. Proceeds from surcharges for the coins will be paid to the Maryland War of 1812 Bicentennial Commission, for bicentennial activities, educational outreach, and preservation and improvement activities pertaining to the sites and structures relating to the War of 1812. I hope my colleagues will join me in supporting this measure in a fitting tribute to a seminal chapter in American history.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Star-Spangled Banner Commemorative Coin Act”.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) During the Battle for Baltimore of the War of 1812, Francis Scott Key visited the British fleet in the Chesapeake Bay on September 7, 1814, to secure the release of Dr. William Beanes, who had been captured after the British burned Washington, D.C.

(2) The release of Dr. Beanes was secured, but Key and Beanes were held by the British during the shelling of Fort McHenry, one of the forts defending Baltimore.

(3) On the morning of September 14, 1814, after the 25-hour British bombardment of Fort McHenry, Key peered through the clearing smoke to see a 42-foot by 30-foot American flag flying proudly atop the Fort.

(4) He was so inspired to see the enormous flag still flying over the Fort that he began penning a song, which he named *The Defence of Fort McHenry*, to commemorate the occasion and he included a note that it should be sung to the tune of the popular British melody *To Anacreon in Heaven*.

(5) In 1916, President Woodrow Wilson ordered that the anthem, which had been popularly renamed the *Star-Spangled Banner*, be played at military and naval occasions.

(6) On March 3, 1931, President Herbert Hoover signed a resolution of Congress that officially designated the *Star-Spangled Banner* as the National Anthem of the United States.

SEC. 3. COIN SPECIFICATIONS.

(a) **\$1 SILVER COINS.**—The Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue the following coins in commemoration of the bicentennial of the writing of the *Star-Spangled Banner*:

(1) **\$5 GOLD COINS.**—Not more than 100,000 \$5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) **\$1 SILVER COINS.**—Not more than 500,000 \$1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) **LEGAL TENDER.**—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) **NUMISMATIC ITEMS.**—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) **DESIGN REQUIREMENTS.**—

(1) **IN GENERAL.**—The design of the coins minted under this Act shall be emblematic of the War of 1812 and particularly the Battle for Baltimore that formed the basis for the *Star-Spangled Banner*.

(2) **DESIGNATION AND INSCRIPTIONS.**—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year “2012”; and

(C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) **SELECTION.**—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Maryland War of 1812 Bicentennial Commission and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) **QUALITY OF COINS.**—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) **MINT FACILITY.**—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) **PERIOD FOR ISSUANCE.**—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2012.

SEC. 6. SALE OF COINS.

(a) **SALE PRICE.**—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) **IN GENERAL.**—All sales of coins issued under this Act shall include a surcharge of—

(1) \$35 per coin for the \$5 coin; and

(2) \$10 per coin for the \$1 coin.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Maryland War of 1812 Bicentennial Commission for the purpose of supporting bicentennial activities, educational outreach activities (including supporting scholarly research and the development of exhibits), and preservation and improvement

activities pertaining to the sites and structures relating to the War of 1812.

(c) **AUDITS.**—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Maryland War of 1812 Bicentennial Commission as may be related to the expenditures of amounts paid under subsection (b).

(d) **LIMITATION.**—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

By Mr. BUNNING (for himself and Ms. MIKULSKI):

S. 654. A bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care; to the Committee on Finance.

Mr. BUNNING. Mr. President, today I am reintroducing an important piece of legislation that I have worked on for several years with Senator MIKULSKI from Maryland. I am pleased that she is joining me in introducing this bill today, and I look forward to working with her to get it passed.

The bill we are introducing today, the Equity and Access for Podiatric Physicians Under Medicaid Act, will ensure that Medicaid beneficiaries in all States have access to the services of top-quality podiatric physicians.

Having healthy feet and ankles is critical to keeping individuals mobile, productive and in good long-term health. This is particularly true for individuals with diabetes.

According to the Centers for Disease Control and Prevention, CDC, over 23 million Americans have diabetes, which amounts to over seven percent of the total population. Diabetes is the seventh leading cause of death in this country.

If not managed properly, diabetes can cause several severe health problems, including eye disease or blindness, kidney disease and heart disease. Too often, diabetes can lead to foot complications, including foot ulcers and even amputations. In fact, the CDC estimates that in 2004, about 71,000 people underwent an amputation of a leg, foot or toe because of complications with diabetes.

Proper care of the feet could prevent many of these amputations.

The bill we are introducing today recognizes the important role podiatrists can play identifying and correcting foot problems among diabetics. The bill amends Medicaid's definition of “physicians” to include podiatric

physicians. This will ensure that Medicaid beneficiaries have access to foot care from those most qualified to provide it.

Under Medicaid, podiatry is considered an optional benefit. However, just because it is optional, does not mean that podiatric services are not needed, or that beneficiaries will not seek out other providers to perform these services. Instead, Medicaid beneficiaries will have to receive foot care from other providers who may not be as well trained as a podiatrist in treating lower extremities.

Also, it is important to note that podiatrists are considered physicians under the Medicare program, which allows seniors and disabled individuals to receive appropriate care.

I urge my colleagues to give careful consideration to this important bill. It will help many Medicaid beneficiaries across the country have access to podiatrists that they need.

Finally, I want to thank the Senator from Maryland for helping me reintroduce this legislation today. I hope that by working together we can see this important change made.

Ms. MIKULSKI. Mr. President, I rise today to join Senator BUNNING to introduce the Equity and Access for Podiatric Physicians Under Medicaid Act. I am proud to introduce this legislation that will ensure Medicaid patients have access to care provided by podiatric physicians.

This bill adds podiatric physicians to Medicaid's definition of physicians. Currently, podiatric physicians are defined as physicians under Medicare but not under Medicaid. Medicaid treats podiatric physicians as optional providers. This is a simple, commonsense bill that will treat podiatric physicians the same in Medicare and Medicaid. In this economic tsunami, with shrinking budgets and less to go around for Medicaid with more people in need, states are looking for ways to trim budgets and cut costs—one way to do that could be ending reimbursements to providers on Medicaid's "optional list." That means diabetics who need foot and ankle care but cannot afford to pay out of pocket will not get preventive care from a podiatrist that literally can save life and limb.

In fact, covering podiatric physicians may be a cost-effective measure. Ensuring Medicaid patients access to podiatric physicians will save Medicaid funds in the long term. Seventy-five percent of Americans will experience some type of foot health problem during their lives and foot disease is the most common complication of diabetes leading to hospitalization. Foot care programs with regular examinations could prevent up to 85 percent of these amputations. We must focus more on prevention on our health care system, and podiatrists are important providers of this preventive care.

Podiatric physicians are the only health professionals specially trained to prevent wounds and amputations in the lower limbs in people with chronic conditions like diabetes. Conditions that can devastate feet and ankles. With obesity and diabetes reaching epidemic proportions in the U.S., the work of podiatrists is more important now than ever before. Over 23 million people in this country have diabetes, that is 8 percent of the U.S. populations. Approximately 82,000 people have diabetes-related Leg-, foot or toe amputations each year. Both the CDC and American Diabetes Association recommend that podiatric physicians are a part of the care plan for people with diabetes. Medicaid covers necessary foot and ankle services, so the program should allow podiatric physicians who provide these services to get reimbursed for them. I want Medicaid patients around the country, and the over 600,000 Medicaid patients in Maryland, to have access to these services.

I know how important the care provided by podiatric physicians can be from my own personal experience. Dr. Vince Martorana, a podiatrist practicing in Baltimore did great things for my mother. He handled everything from health maintenance to unique challenges facing my mother, who lived for many years with adult onset diabetes. My severely diabetic mother could walk on her own two feet until she passed away because of Dr. Martorana. My Uncle Tony was also a podiatric physician who practiced in Baltimore for more than 40 years. He was there helping Rosie the Riveters stay on the job during World War II. These were hardworking people who had to stand on their own two feet to make a living and Uncle Tony was going to make sure it happened.

Podiatric physicians need to be recognized for the important role they play in health care and be reimbursed for their services. This bill makes sure that happens and ensures Medicaid patients have access to essential medical and surgical foot and ankle care. The bill is strongly supported by the American Podiatric Medical Association and I urge my colleagues to cosponsor this important legislation.

By Mr. JOHNSON (for himself, Ms. STABENOW, Mr. TESTER, and Mr. THUNE):

S. 655. A bill to amend the Pittman-Robertson Wildlife Restoration Act to ensure adequate funding for conservation and restoration of wildlife, and for other purposes; to the Committee on Environment and Public Works.

Mr. JOHNSON. Mr. President, today I introduced legislation, along with Senators STABENOW and TESTER, that establishes a first-of-its-kind program to dedicate funds to advance important state wildlife recovery and restoration programs.

For many years, Congress has authorized a portion of the fees hunters and anglers pay on fishing and hunting gear to go to the States to support hunting and fishing. This program is a success and is part of the reason why we continue to have such a strong sportsman tradition in our country.

However, a critical need has gone unmet; a need that this bill will fill. The Teaming With Wildlife Act of 2009 leverages a share of the fees that oil and gas companies pay to the Federal government for the right to drill for oil and gas on federal land, to fund programs administered by the States to conserve the habitats of nongame species. This bill is a partnership between the States and Federal Government. Each State and territory developed a wildlife action plan that guides how the funds authorized under this act will be spent. The plans ensure that State wildlife agencies take a comprehensive approach to conservation, focusing on efforts to support nongame species that are not threatened or endangered. States will match the Federal funds, leveraging the success of these on-the-ground conservation projects.

A rich and diverse environment is important to support our strong outdoor and sportsman tradition. All species are linked together. A successful pheasant hunt or landing a trophy walleye is connected to how we enhance the habitat of many other species. Enacting the Teaming With Wildlife Act will build on the tremendously successful programs of the 20th century and move us forward in broadening how we enhance all wildlife resources.

By Mr. REED (for himself, Mr. WHITEHOUSE, Mr. KERRY, Ms. MIKULSKI, Ms. KLOBUCHAR, and Mr. KENNEDY):

S. 656. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents; to the Committee on the Judiciary.

Mr. REED. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Liberian Refugee Immigration Fairness Act of 2009".

SEC. 2. ADJUSTMENT OF STATUS.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—

(A) ELIGIBILITY.—Except as provided under subparagraph (B), the Secretary of Homeland Security shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence, if the alien—

(i) applies for adjustment before April 1, 2011; and

(ii) is otherwise eligible to receive an immigrant visa and admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) INELIGIBLE ALIENS.—An alien shall not be eligible for adjustment of status under this section if the Secretary of Homeland Security determines that the alien has been convicted of—

(i) any aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)); or

(ii) 2 or more crimes involving moral turpitude.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(A) IN GENERAL.—An alien present in the United States who has been subject to an order of exclusion, deportation, or removal, or has been ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1) if otherwise qualified under such paragraph.

(B) SEPARATE MOTION NOT REQUIRED.—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the order described in subparagraph (A).

(C) EFFECT OF DECISION BY SECRETARY.—If the Secretary of Homeland Security grants an application under paragraph (1), the Secretary shall cancel the order described in subparagraph (A). If the Secretary of Homeland Security makes a final decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The benefits provided under subsection (a) shall apply to any alien—

(A) who is—

(i) a national of Liberia; and

(ii) has been continuously present in the United States from January 1, 2009, through the date of application under subsection (a); or

(B) who is the spouse, child, or unmarried son or daughter of an alien described in subparagraph (A).

(2) DETERMINATION OF CONTINUOUS PHYSICAL PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1), an alien shall not be considered to have failed to maintain continuous physical presence by reasons of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(c) STAY OF REMOVAL.—

(1) IN GENERAL.—The Secretary of Homeland Security shall provide by regulation for an alien who is subject to a final order of deportation or removal or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision in the Immigration and Nationality Act, the Secretary of Homeland Security shall not order an alien to be removed from the United States if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Secretary of Homeland Security has made a final determination to deny the application.

(3) WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary of Homeland Security may—

(i) authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application; and

(ii) provide the alien with an “employment authorized” endorsement or other appropriate document signifying authorization of employment.

(B) PENDING APPLICATIONS.—If an application for adjustment of status under subsection (a) is pending for a period exceeding 180 days and has not been denied, the Secretary of Homeland Security shall authorize such employment.

(d) RECORD OF PERMANENT RESIDENCE.—Upon the approval of an alien's application for adjustment of status under subsection (a), the Secretary of Homeland Security shall establish a record of the alien's admission for permanent record as of the date of the alien's arrival in the United States.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary of Homeland Security shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); and

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Secretary of Homeland Security regarding the adjustment of status of any alien under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—If an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—

(1) DEFINITIONS.—Except as otherwise specifically provided in this Act, the definitions contained in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall apply in this section.

(2) SAVINGS PROVISION.—Nothing in this Act may be construed to repeal, amend, alter, modify, effect, or restrict the powers, duties, function, or authority of the Secretary of Homeland Security in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

(3) EFFECT OF ELIGIBILITY FOR ADJUSTMENT OF STATUS.—Eligibility to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude an alien from seeking any status under any other provision of law for which the alien may otherwise be eligible.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. SPECTER, Mr. GRAHAM, Mr. FEINGOLD, Mr. CORNYN, and Mr. DURBIN):

S. 657. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this week, the Nation celebrates the fifth

annual Sunshine Week—a time when open Government advocates raise their voices to renew the call for open and transparent Government. Our democracy works best when citizens know what their Government is doing. There is no more appropriate time to recommit ourselves to defending the public's right to know.

Today, I am pleased to join Senators GRASSLEY and SCHUMER to reintroduce the Sunshine in the Courtroom Act of 2009. This bipartisan bill will improve access to Federal court proceedings for members of the public who are unable to travel to the courthouse. In the information age, providing the American people access to Federal courts is possible like never before. Not all Americans are able to invest the time and money in travelling to witness public courtroom proceedings.

I commend Senator GRASSLEY for his leadership over the last decade to expand access to the courts. A bipartisan majority of the Senate Judiciary Committee voted to report this legislation in the last Congress, but further consideration stalled on the Senate floor. I hope our efforts to pass this legislation will be successful this year.

The Federal courts serve as a bulwark for the protection of individual rights and liberties, and the Supreme Court is often the final arbiter of Constitutional questions that have a profound effect on all Americans. Allowing the public greater access to Federal courts will deepen Americans' understanding of the work that goes on in the courts. As a result, Americans can be better informed about how important judicial decisions are made.

I have continually supported efforts in Congress to make our Government more transparent and accessible. During my more than 3 decades in the Senate, I have worked to make Federal agencies more open and accountable to the public through a reinvigorated Freedom of Information Act, FOIA, and last year, the first major reforms to FOIA were enacted with the passage of the Leahy-Cornyn OPEN Government Act. I have also supported efforts to make the work of Congress more open to the American people. Just this week, I introduced the OPEN FOIA Act, which would require Congress to openly and clearly state its intention to provide for statutory exemptions to FOIA in proposed legislation. The freedom of information is one of the cornerstones of our democracy. For more than 4 decades, FOIA has been among the most important Federal laws that protect the public's right to know.

The work of the Federal judiciary is also open to the public. Proceedings in Federal courtrooms around this country are open to the public, and jurists publish extensive opinions explaining the reasons for their judgments and decisions. Nevertheless, more can and must be done to increase access to the

Federal courts. All 50 States currently allow some form of audio or video coverage of court proceedings, but the Federal courts lag behind. The legislation we introduce today simply extends this tradition of openness to the Federal level.

Although this bill permits presiding appellate and district court judges to allow cameras in most public Federal court proceedings, it does not require that they do so. An exception is carved out for instances where a camera would violate the due process rights of an involved party. At the same time, the bill protects non-party witnesses by giving them the right to have their voices and images obscured during their testimony. I believe these protections strike the proper balance between security needs and the protection of personal privacy, while at the same time ensuring the public will always have a right to know what their Government is doing.

Finally, the bill authorizes the Judicial conference of the U.S. to issue advisory guidelines for use by presiding judges in determining the management and administration of photographing, recording, broadcasting, or televising the proceedings.

In 1994, the Judicial conference concluded that it was not the right time to permit cameras in the Federal courts, and rejected a recommendation of the Court Administration and Case Management Committee to authorize the use of cameras in Federal civil trial and appellate courts. A majority of the Conference was concerned about the intimidating effect of cameras on some witnesses and jurors.

I understand that the Judicial conference remains opposed to cameras in the Federal courts, and I am sensitive to the conference's concerns. But this legislation grants the presiding judge the authority to evaluate the effect of a camera on particular proceedings and witnesses, and decide accordingly on whether to permit the camera into the courtroom. A blanket prohibition on cameras is an unnecessary limitation on the discretion of the presiding judge.

This legislation is an important step towards making the work of the Federal judiciary more widely available for public scrutiny. I hope all Senators will join us in bringing more transparency to the Federal courts.

By Mr. ALEXANDER:

S. 659. A bill to improve the teaching and learning of American history and civics; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, on a day in a week when there is a lot of news where people are hurting in a serious economy, I have some good news to report, and it will just take me a few minutes to do it. Our senior Senator, Mr. BYRD, Senator TED KENNEDY, who

is chairman of the Committee on Health, Education, Labor and Pensions, and I introduced legislation today that will help push the teaching of U.S. history in our classrooms. The way I like to describe it is by saying this: that it will help to put the teaching of American history and civics back in its rightful place, in our classrooms, so our children can grow up learning what it means to be an American.

The legislation which we have introduced would expand summer academies for outstanding teachers, authorize new teacher programs, require States to set standards for the teaching and learning of U.S. History, and create new opportunities to compare the tests that students take on U.S. history.

Specifically, the legislation would, No. 1, authorize 100 new summer academies for outstanding students and teachers of U.S. history and align those academies with locations in our national park system, such as the John Adams' House in Massachusetts or the Independence Hall in Philadelphia. I see the pages sitting here today. They are real students of U.S. history because they live it and learn it each day they are here. I don't know what their scores are on the advanced placement tests for U.S. history, but I know one fact, which the Chair may be interested in learning: The highest scores in any high school in America on the advanced placement test for U.S. history is not from a New England prep school or a Tennessee prep school or an elite school in some rich part of America; it is from the page school of the House of Representatives. They had better scores on U.S. history than any other high school. I don't know what the Senate page scores were, so I won't compare them.

The point is—and this is an idea David McCullough, a well-known author, had: We would expand the number of presidential and congressional academies for outstanding students and teachers and have them placed in the National Park Service initiative.

Second, the bill we've introduced today would double the authorization of funding for the teaching of American history programs in local school districts, which today involve 20,000 students as a part of the No Child Left Behind Act.

Third, it would require States to develop and implement standards for student assessments in U.S. history, although there would be no Federal reporting requirement, as there is now for reading and mathematics.

Finally, it would allow States to compare history and civics student test scores in the 8th and 12th grades by establishing a 10-State pilot program expanding the National Assessment of Education Progress (NAEP), which is also called the "Nation's Report Card." We have a tradition in the Senate

where each of us, when we first arrive, make a maiden speech. We still call it that. Most of us pick a subject that is important to us. I made mine almost exactly 6 years ago, on March 4, 2003. The subject was something I cared about then and care about today and on which we have made some progress.

I argued, as I mentioned earlier, it was time to put the teaching of American history and civics back in its rightful place in our schools so as our children grow, they can learn what it means to be an American. On the "Nation's Report Card," our worst scores for our seniors in high school are not in math or science but in U.S. history. It will be very difficult for us as a country to succeed if we don't learn where we came from.

I ask unanimous consent that the speech I made 6 years ago be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ALEXANDER. Mr. President, I ask unanimous consent that if Senator BYRD and Senator KENNEDY make statements today on this legislation, as I believe they will, that our statements be put in the RECORD in about the same place, with Senator BYRD's first, then Senator KENNEDY's, and mine third.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, in the speech I made 6 years ago, I called it the American History and Civics Education Act. I suggested we create summer academies for outstanding students and teachers of American history. The idea was to create one of those academies focused on American history and civics for teachers and one for students and to see how they worked and to gradually expand them.

These presidential academies for students and teachers were modeled after the Tennessee Governors School, which I began when I was Governor of Tennessee, which still continue today, after 20 years. They are relatively inexpensive. They are 2-, 3-, or 4-week schools for students, and one for teachers. They held students in a variety of subjects, such as mathematics, science, the arts, international studies. They come together for a while and inspire one another, and then they go back to their schools and inspire their fellow students. They have been a great success in Tennessee and in other States.

Senator REID, the majority leader, was the whip at that time. He was on the floor when I made my remarks and he asked to be the prime cosponsor of the legislation, and he was. Senator KENNEDY, who has had a long interest in U.S. history, takes his family once a year to some an historical part of the United States. A couple years ago, they

went into Virginia and saw where Patrick Henry made his famous speech. I kid him and say he cares so much about history because he is a part of it in such a big way. Senator KENNEDY heard about the proposal, and he went along the Democratic side and rounded up 20 cosponsors of the legislation. So, Senator KENNEDY, Senator REID and I and several Republican Senators introduced a bill. We had a hearing during which Senator BYRD testified on behalf of my proposal for summer academies. It passed the Senate and the House, and we have had those summer academies now for three summers. One of those is at the Ashland University in Ashland, OH, which has been a great success. I see the students and teachers every summer. I bring them on the Senate floor, and it has been proven that it is good for teachers and good for our country. So that is the reason we want to expand those programs. We also felt we would meet as a group—those of us who have something to do with U.S. history here—and we met with the Library of Congress and with other parts of the Federal Government and many of us are involved in helping Americans learn more about our country's history, especially young people. As part of that, we thought it would be wise to try to consolidate in one section of the Elementary and Secondary Education Act—which we call No Child Left Behind—the various programs we already have for U.S. history and then to expand those that seemed worthwhile.

That is what this legislation does. There is a great need for it. I mentioned earlier that it is our worst subject for high school, even though some of our pages seem to do pretty well. Very few students score at or above the proficient level on the American history exam conducted by the National Assessment for Education Progress. Twenty percent of fourth graders were proficient in U.S. history, 17 percent of eighth graders were proficient in U.S. history, and 12 percent of high school seniors were proficient in U.S. history.

In addition, the No Child Left Behind Act may have had the unintentional effect of reducing the focus on U.S. history, as some school districts have concentrated their efforts on reading and mathematics. Therefore, it is appropriate and necessary to improve and expand State and local efforts to increase the understanding and awareness of American history and to do it, of course, in a way that doesn't preempt State and local responsibility and authority for elementary and secondary education.

Therefore, what the legislation we are doing today will do is expand the summer academies. We call them presidential academies for teachers and congressional academies for students. Those academies were created in 2004 to the number of 100 in the summer

gradually over the years. The priority would be to place those academies in the National Park Service's national centennial parks initiative so the Library of Congress, the Smithsonian, and other museums that have innovative programs in U.S. history can be aligned with these academies. David McCullough, for example, suggested we have the academies at locations such as Andrew Jackson's home in Heritage. I think an even better idea would be to have a week for U.S. teachers at John Adams' home in Massachusetts, with Mr. McCullough as the teacher. That is the idea.

Secondly, we would expand the Nation's report card—we call that NAEP—so there could be a 10-State pilot program for American history and civics student assessment in grades 8 and 12. Today, our Nation's report card doesn't measure State performance in American history. It gives us a picture of how 8th to 12th graders do nationally. This would permit Colorado, Tennessee, Alaska, and California to compare the seniors and, in doing so, call attention to improvements that might need to be made.

The third thing would be to require all States to develop and implement standards and assessments in American history under the No Child Left Behind Act. But it doesn't require any Federal reporting, as we do in other subjects.

Finally, it would take Senator BYRD's program—called Teaching American History, which he put into the No Child Left Behind Act 6 years ago—and it would double the authorization for that program from \$100 million to \$200 million, so it can serve even more than the 20,000 teachers it serves today.

I thank David Cleary and Sarah Rittling of my staff, who have worked hard with the staffs of Senators BYRD and KENNEDY to prepare this legislation. We intend to invite all Members of the Senate, and we hope the House will join us in cosponsoring this.

Finally, I wish to tell one short story to conclude my remarks about some of the teachers who have participated. One of the things a Senator can do is to bring someone on the Senate floor who is not a Senator. It has to be done when the Senate is not in session and I have found it is a great privilege for most Americans. Early one morning last summer, I brought onto the Senate floor the 50 teachers who had been selected—one from each State—for the presidential academy for outstanding teachers of American history. I showed them Daniel Webster's desk right here, and I showed them Jefferson Davis's desk, which is back there, and where the sword mark is where when the Union soldier came in and started chopping the desk, and the soldier who was stopped by a commander who said, "We came to save the Union, not destroy it." I showed them where the ma-

jority and minority leaders speak. They saw "E Pluribus Unum" up there, and "In God We Trust" back there. They learned that we operate by unanimous consent, and we talked about what it would be like to actually try to operate a classroom by unanimous consent, much less the Senate.

As you might expect, they asked a lot of good questions, being outstanding history teachers. I especially remember the final question. I believe it was from the teacher from Oregon who asked: Senator, what would you like for us to take back to our students? I said that what I hope you will take back is that I get up every day, and I believe most of us on either side get up hoping that by the end of the day, we will have done something to make our country look better. It may not look that way on television or read that way in the newspaper because we are sent here to debate great issues. That produces conflict and disagreement a lot of the time. I feel, and I believe all of us feel, we are in a very special place, in a very special country, with a very special tradition. We would like for the students to know that and to know that is how we feel about the job we have.

I am delighted today that Senators BYRD and KENNEDY, who have contributed so much to U.S. history over the years, both in their own personalities and by legislation they have introduced, have joined me in this effort to expand the Federal programs that focus on putting U.S. history and civics in a little higher place in the classroom so that our students learn what it means to be an American.

I invite my colleagues to join us, and I invite all Americans to join us in their communities, in their schools and in their States, to make that a priority.

EXHIBIT 1

REMARKS OF SEN. ALEXANDER—AMERICAN HISTORY AND CIVICS EDUCATION ACT INTRODUCTION

Mr. President, from the Senate's earliest days, new members have observed as we just heard a ritual of remaining silent during floor debates for a period of time that ranged from several weeks to two years. By waiting a respectful amount of time before giving their so-called "maiden speeches," freshman senators hoped their senior colleagues would respect them for their humility.

This information comes from the Senate historian, Richard Baker, who told me that in 1906, the former Governor of Wisconsin, Robert LaFollette, arrived here "anything but humble" (and I'm sensitive to this as a former governor). He waited just three months, a brief period by the standards of those days, before launching his first major address. He spoke for eight hours over three days; his remarks in the Congressional Record consumed 148 pages. As he began to speak, most of the senators present in the chamber pointedly rose from their desks and departed. LaFollette's wife, observing from the gallery, wrote, "There was no mistaking that this was a polite form of hazing."

From our first day here, as the majority leader said, we new members of this 108th

Congress have been encouraged to speak up, and most of us have. But, with the encouragement of the majority leader, several of us intend also to revive the tradition of the maiden address by making a signature speech on an issue that is important both to the country and to each of us. I want to thank my colleagues who are here, and I want to assure all of you that I will not speak for three days—as former Governor LaFollette did.

Mr. President, I rise to address the intersection of two urgent concerns that will determine our country's future. These are also the two topics I care about the most: the education of our children and the principles that unite us as Americans.

It is time that we put the teaching of American history and civics back in its rightful place in our schools so our children can grow up learning what it means to be an American.

Especially during such serious times when our values and way of life are being attacked, we need to understand clearly just what those values are.

In this, most Americans would agree. For example, in Thanksgiving remarks in 2001, President Bush praised our nation's response to September 11. "I call it," he said, "the American character." At about the same time, while speaking at Harvard, former Vice-President Al Gore said, "We should [fight] for the values that bind us together as a country."

Both men were invoking a creed of ideas and values in which most Americans believe. "It has been our fate as a nation," the historian Richard Hofstadter wrote, "not to have ideologies but to be one." This value based identity has inspired both patriotism and division at home, as well as emulation and hatred abroad. For terrorists, as well as for those who admire America, at issue is the United States itself—not what we do, but who we are.

Yet our children do not know what makes America exceptional. National exams show that three-quarters of the nation's 4th, 8th and 12th graders are not proficient in civics knowledge and one-third does not even have basic knowledge, making them "civic illiterates."

Children are not learning about American history and civics because they are not being taught it. American history has been watered down, and civics is too often dropped from the curriculum entirely.

Until the 1960s, civics education, which teaches the duties of citizenship, was a regular part of the high school curriculum, but today's college graduates probably have less civics knowledge than high school graduates of 50 years ago. Reforms, so-called, in the '60s and '70s resulted in the widespread elimination of required classes and curriculum in civics education. Today, more than half the states have no requirement for students to take a course—even for one semester—in American government.

To help put the teaching of American history and civics in its rightful place, today I introduce legislation along with several distinguished co-sponsors including: Senators Reid, Gregg, Santorum, Inhofe and Nickles. We call it the "American History and Civics Act." This act creates Presidential Academies for Teachers of American History and Civics and Congressional Academies for Students of American History and Civics. These residential academies would operate for two weeks (in the case of teachers) and four weeks (for students) during the summer.

Their purpose would be to inspire better teaching and more learning of the key

events, persons and ideas that shape the institutions and democratic heritage of the United States.

I have had some experience with such residential summer academies, when I was Governor of Tennessee. In 1984, we began creating Governor's schools for students and teachers. For example, there was the Governor's School for the Arts at Middle Tennessee State University and the Governor's School of International Studies at the University of Memphis as well as the Governor's School for Teachers of Writing at the University of Tennessee at Knoxville, which was especially successful. Eventually there were eight Governor's Schools helping thousands of Tennessee teachers improve their skills and inspiring outstanding students to learn more about core curriculum subjects. When these teachers and students returned to their schools for the next school year, they brought with them a new enthusiasm for teaching and learning that infected their peers. Dollar for dollar, the Governor's Schools were one of the most effective and popular educational initiatives in our state's history.

States other than Tennessee have had similar success with summer residential academies. The first Governor's school was started in North Carolina in 1963 when Governor Terry Sanford established it at Salem College in Winston-Salem. Upon the establishment of the first school, several states, including Georgia, South Carolina, Arkansas, Kentucky, and Tennessee established similar schools.

For example, in 1973 Pennsylvania established Governor's Schools of Excellence, which has 14 different programs of study. As in Tennessee, students participating in the Pennsylvania Governor's School program attend academies at 8 different colleges to study everything from international studies, to health care and teaching. Also established in 1973, Virginia's Governor's School is a summer residential program for 7500 of the Commonwealth's most gifted students. Mississippi established its Governor's School in 1981. The Mississippi University for Women hosts the program, which is designed to give students academic, creative, and leadership experiences. Every year West Virginia brings 80 of its most talented high school performing and visual arts students to West Liberty State College for a three-week residential program.

These are just a few of the more than 100 Governors' schools in 28 states—clearly the model is a good one. The legislation I propose today applies that successful model to American history and civics education at the national level by establishing Presidential and Congressional academies for students and teachers of those subjects.

Additionally, this proposed legislation authorizes the creation of a national alliance of American history and civics teachers who would be connected by the internet. The alliance would facilitate sharing of best practices in the teaching of American history and civics. It is modeled after an alliance I helped the National Geographic Society begin during the 1980's to put geography back into the American school curriculum. Tennessee and the University of Tennessee were among the first sponsors of the alliance.

This legislation creates a pilot program. Up to 12 Presidential academies for teachers and 12 Congressional Academies for students would be sponsored by educational institutions. The National Endowment for the Humanities would award 2-year renewable

grants to those institutions after a peer review process. Each grant would be subject to rigorous review after three years to determine whether the overall program should continue, expand or end. The legislation authorizes \$25 million annually for the four year pilot program.

There is a broad basis of renewed support for and interest in American history and civics in our country.

David Gordon noted in a recent issue of the Harvard Education Letter: "A 1998 survey by the nonpartisan research organization Public Agenda showed that 84 percent of parents with school-aged children said they believe that the United States is a special country and they want schools to convey that belief to their children by teaching about its heroes and traditions. Similar numbers identified the American ideal as including equal opportunity, individual freedom, and tolerance and respect for others. Those findings were consistent across racial and ethnic groups."

Our national leadership has responded to this renewed interest. In 2000, at the initiative of my distinguished colleague Senator Byrd, Congress created grants for schools that teach American history as a separate subject within school curricula. We appropriated \$100 million for those grants in the recent Omnibus appropriations bill, and rightfully so. They encourage schools and teachers to focus on the teaching of traditional American history, and provide important financial support.

Last September, with historian David McCullough at his side, President Bush announced a new initiative to encourage the teaching of American history and civics. He established the "We the People" program at the NEH, which will develop curricula and sponsor lectures on American history and civics. He announced the "Our Documents" project, run by the National Archives. This would take one hundred of America's most important documents from the National Archives to classrooms and communities across the country. This year, he will convene a White House forum on American history, civics, and service. There, we will discuss new policies to improve the teaching of history and civics in elementary and secondary schools.

This proposed legislation takes the next step by training teachers and encouraging outstanding students. We need to foster a love of this subject and arm teachers with the skills to impart that love to their students.

I am pleased that today one of the leading members of the House of Representatives, Roger Wicker of Mississippi, along with a number of his colleagues, are introducing the same legislation in the House.

I want to thank Senator Gregg, Chairman of the Committee on Health, Education, Labor and Pensions, who has agreed that the committee will hold hearings on this legislation so that we can determine how it might supplement and work with recently enacted legislation and the President's various initiatives.

Mr. President, in 1988, at a meeting of educators in Rochester, the President of Notre Dame University, Monk Malloy, asked this question: "What is the rationale for the public school?" There was an unexpected silence around the room until Al Shanker, the president of the American Federation of Teachers, answered in this way: "The public school was created to teach immigrant children the three R's and what it means to be an American with the hope that they would then go home and teach their parents."

From the founding of America, we have always understood how important it is for citizens to understand the principles that unite us as a country. Other countries are united by their ethnicity. If you move to Japan for example, you can't become Japanese. Americans, on the other hand, are united by a few things in which we believe. To become an American citizen, you subscribe to those principles. If there were no agreement on those principles, as Samuel Huntington has noted, we would be the United Nations instead of the United States of America.

There has therefore been a continuous education process to remind Americans just what those principles are. Thomas Jefferson, in his retirement at Monticello, would spend evenings explaining to overnight guests what he had in mind when he helped create what we call America. By the mid-19th century it was just assumed that everybody knew what it meant to be an American. In his letter from the Alamo, Col. William Barrett Travis pleaded for help simply "in the name of liberty, patriotism and everything dear to the American character."

There were new waves of immigration in the late 19th century that brought to our country a record number of new people from other lands whose view of what it means to be an American was indistinct—and Americans responded by teaching them. In Wisconsin, for example, the Kohler Company actually housed German immigrants together so that they might be "Americanized" during non-working hours.

But the most important Americanizing institution, as Mr. Shanker reminded us in Rochester in 1988, was the new common school. McGuffey's Reader, which was used in many classrooms, sold more than 120 million copies introducing a common culture of literature, patriotic speeches and historical references.

In the 20th century it was war that made Americans stop and think about what we were defending. President Roosevelt made certain that those who charged the beaches of Normandy knew they were defending for freedoms.

But after World War II, the emphasis on teaching and defining the principles that unite us has waned. Unpleasant experiences with McCarthyism in the 1950's, discouragement after the Vietnam War, and history books that left out or distorted the history of African-Americans made some skittish about discussing "Americanism." The end of the Cold War removed a preoccupation with who we were not, making it less important to consider who we are. The Immigration law changes in 1965 brought to our shores many new Americans and many cultural changes. As a result, the American Way became much more often praised than defined.

Changes in community attitudes, as they always are, were reflected in our schools. According to historian Diane Ravitch, the public school virtually abandoned its role as the chief Americanizing Institution. We have gone, she explains, from one extreme (simplistic patriotism and incomplete history) to the other—"public schools with an adversary culture that emphasize the nation's warts and diminish its genuine accomplishments. There is no literary canon. There are no common readings, no agreed upon lists of books, poems and stories from which students and parents might be taught a common culture and be reminded of what it means to be an American."

During this time many of our national leaders contributed to this drift toward agnostic Americanism. These leaders cele-

brated multiculturalism and bilingualism and diversity at a time when there should have been more emphasis on a common culture and learning English and unity.

America's variety and diversity is a great strength, but it is not our greatest strength. Jerusalem is diverse. The Balkans are diverse. America's greatest accomplishment is not its variety and diversity but that we have found a way to take all that variety and diversity and unite ourselves as one country. *E pluribus unum*: out of many, one. That is what makes America truly exceptional.

Since 9/11 the national conversation about what it means to be an American has been different. The terrorists focused their crosshairs on the creed that unites Americans as one country—forcing us to remind ourselves of those principles, to examine and define them, and to celebrate them. The President himself has been the lead teacher. President Bush has literally taken us back to school on what it means to be an American. When he took the country to church on television after the attacks he reminded us that no country is more religious than we are. When he walked across the street to the mosque he reminded the world that we separate church and state and that there is freedom here to believe in whatever one wants to believe. When he attacked and defeated the Taliban, he honored life. When we put planes back in the air and opened financial markets and began going to football games again we celebrated liberty. The President called on us to make those magnificent images of courage and charity and leadership and selflessness more permanent in our every day lives through Freedom Corps. And with his optimism, he warded off doomsayers who tried to diminish the real gift of Americans to civilization, our cockeyed optimism that anything is possible.

Just after 9/11, I proposed an idea I called "Pledge Plus Three." Why not start each school day with the Pledge of Allegiance—as we do here in the Senate—followed by a faculty member or student sharing for three minutes "what it means to be an American." The Pledge embodies many of the ideals of our National Creed: "one nation, under God, indivisible, with liberty and justice for all." It speaks to our unity, to our faith, to our value of freedom, and to our belief in the fair treatment of all Americans. If more future federal judges took more classes in American history and civics and learned more about those values, we might have fewer mind-boggling decisions like the one issued recently by the Ninth Circuit.

Before I was elected to the Senate, I taught some of our future judges and legislators a course at Harvard's John F. Kennedy School of Government entitled "The American Character and America's Government." The purpose of the course was to help policy makers, civil servants and journalists analyze the American creed and character and apply it in the solving of public policy problems. We tried to figure out, if you will, what would be "the American way" to solve a given problem.

The students and I did not have much trouble deciding that America is truly exceptional (not always better, but truly exceptional) or in identifying the major principles of the American Creed or the distinct characteristics of our country. Such principles as: liberty, equal opportunity, rule of law, *laissez faire*, individualism, *e pluribus unum*, the separation of church and state.

But what we also found as we find in this body was that applying those principles to

today's issues was hard work. This was because the principles of the creed often conflicted. For example, when discussing President Bush's faith-based charity legislation, we know that "In God We Trust" but we also know that we don't trust government with God.

When considering whether the federal government should pay for scholarships which middle and low income families might use at any accredited school—public, private or religious—we find that the principle of equal opportunity conflicted with the separation of church and state.

And we find there are great disappointments when we try to live up to our greatest dreams, for example, President Kennedy's pledge that we will "pay any price or bear any burden" to defend freedom, or Thomas Jefferson's assertion that "all men are created equal," or the American dream that for anyone who works hard, tomorrow will always be better than today. We are often disappointed when we try to live up to those dreams.

We learned that, as Samuel Huntington has written, balancing these conflicts and disappointments is what most of American politics and government is about.

Mr. President, if most of our politics and government is about applying to our most urgent problems the principles and characteristics that make us the exceptional United States of America, then we had better get about the teaching and learning of those principles and characteristics.

The legislation I propose today with several co-sponsors will help our schools do what they were established to do in the first place. At a time when there are record numbers of new Americans, and at a time when our values are under attack, at a time when we are considering going to war to defend those values, there can be no more urgent task than putting the teaching of American history and civics back in its rightful place in our schools so our children can grow up learning what it means to be an American.

By Mr. HATCH (for himself and Mr. DODD):

S. 660. A bill to amend the Public Health Service Act with respect to pain care; to the Committee on Health, Education, Labor, and Pensions.

Mr. HATCH. Mr. President, I rise today to introduce the National Pain Care Policy Act of 2009. I am pleased to have worked with my good friend, Senator CHRIS DODD, on this legislation that will create a comprehensive framework for addressing coordinated research, public education and training in pain and pain management. I also want to acknowledge the work of my colleagues in the House, Representatives LOIS CAPPS and MIKE ROGERS, for their efforts in that body to highlight this important health issue.

According to the Centers for Disease Control and Prevention, CDC, more than 25 percent of Americans over age 20 report having suffered pain. Of the older people reporting pain, more than half say their pain lasted for an entire year or longer. But many older people do not report their pain because they believe nothing can be done or they are unaware that effective treatments may exist.

Health care professionals are often not adequately trained to manage their

patients' pain. They may be unfamiliar with the latest research and guidelines, or they might hesitate to prescribe medication for pain management due to concerns about dosing or dependency. A widely acknowledged barrier to patient care includes misconceptions and concerns by health care providers regarding laws and policies on the use of controlled substances. Some patients do not tell their doctors they are experiencing pain because they do not want to bother them or appear to be a complainer.

The National Pain Care Act of 2009 will help researchers, patients and health care providers better understand and manage pain care. It will coordinate federal research activities by establishing an Interagency Pain Coordinating Committee. The legislation also authorizes funds for pain research at the National Institutes of Health, NIH, and requires a report to Congress on the progress made in this area. The Coordinating Committee will summarize in their report the advances in pain care research supported or conducted by federal agencies and identify the research gaps that, if filled, could shed light on the symptoms and causes of pain.

The bill will establish a public awareness campaign highlighting pain as a serious public health issue. The campaign will provide messages to the public on the need to appropriately assess, diagnose, treat and manage pain, and will alert the public to available treatments options for pain care management. It will also help patients weigh the risks and benefits of these options so that they may make better informed decisions with their health care providers.

The National Pain Care Policy Act of 2009 also creates greater training capacity in health-professions schools, hospices and other health care professional training facilities. This training will ensure that more health professionals have the capacity to manage their patients' pain using the most recent findings and improvements in the provision of pain care. Health professionals in a variety of settings will learn better means for assessing, diagnosing, treating and managing pain signs and symptoms and, as a result, will become more knowledgeable about applicable policies on the use of controlled substances.

This bill contains provisions that will help the many Americans who suffer from joint pain, one of the most common types of pain reported. One-third of adults reported joint pain, aching or stiffness, according to a CDC report on the nation's health. It will also reduce hospitalization costs that are associated with hip and knee replacements that may be unnecessary if the underlying pain can be adequately controlled.

Finally, the National Pain Care Act of 2009 will also help migraine suf-

ferers, cancer patients and those experiencing lower back pain. Cancer patients should not have to spend their final days in pain. Lower back pain is the most common cause of job-related disability and relieving that complaint could increase worker productivity and alleviate many lost days of work.

This is an important piece of legislation; it is one that, if passed, will improve the lives of many. Quite frankly, I believe it is long overdue. Similar legislation was introduced last year in both chambers of Congress—the House passed its legislation late in the year, but, unfortunately, the Senate did not consider the bill before the 110th Congress adjourned. The legislation we introduce today is identical to that which the House passed last year. I thank Senator DODD for his leadership on this important issue and I urge my colleagues to support the prompt passage of our bill.

Mr. DODD. Mr. President, I rise today to join my colleague from Utah, Senator ORRIN HATCH, in introducing the National Pain Care Policy Act of 2009. This important legislation would make significant strides in the understanding and treatment of pain as a medical condition. Pain is the most common symptom leading to medical care and a leading health issue. Yet people suffering through pain often struggle to get relief because of a variety of issues. This is why we are introducing this important legislation.

Each year pain results in more than 50 million lost workdays estimated to cost the United States \$100 billion. Beyond the economic impact, pain is a leading cause of disability, with back pain alone causing chronic disability in 1 percent of the population of this country. In the U.S. 40 million people suffer from arthritis, more than 26 million, ages 20 to 64, experience frequent back pain, more than 25 million experience migraine headaches, and 20 million have jaw and lower facial pain each year. It is estimated that 70 percent of cancer patients have significant pain as they fight the disease. Half of all patients in hospitals suffer through moderate to severe pain in their last days. As with many medical conditions, this is a problem that is likely to become worse as the baby boom generation approaches retirement and the population ages.

Sadly, though most pain can be relieved, it often is not. Many suffering patients are reluctant to tell their medical provider about the pain they are experiencing, for fear of being identified as a "bad patient," and concern about addiction often leads patients to avoid seeking or using medications to treat their pain. But even if patients were more forthcoming about their condition, few medical providers are equipped to do something about it. Often they have not been trained in assessment techniques or pain manage-

ment, and are unaware of the latest research, guidelines, and standards for treatment. There is also concern among most providers that prescribing treatment for pain will lead to greater scrutiny by regulatory agencies and insurers.

But we can do something about these barriers and help individuals suffering from pain. The National Pain Care Policy Act would lead to improvements in pain care across the country. The legislation would call for an Institute of Medicine conference on pain care to increase awareness of this issue as a public health problem, identify barriers to pain care and determine action for overcoming those barriers. A number of years ago, my good friend Sen. HATCH helped establish a Pain Consortium at the National Institutes of Health to establish a coordinated pain research agenda. This legislation will codify that consortium and update its mission. The bill addresses the training and education of health care professionals through new grant programs at the Agency for Health Research and Quality, AHRQ, and the Health Resources and Services Administration, HRSA. And finally this legislation creates a national outreach and awareness campaign at the Department of Health and Human Services to educate patients, families, and caregivers about the significance of pain and the importance of treatment.

I want to thank Senator HATCH for his leadership on this issue and urge my colleagues to join us on this important effort to help the millions of Americans suffering from severe pain.

By Mr. BINGAMAN (for himself,
Ms. COLLINS, Ms. STABENOW,
Ms. SNOWE, Mr. BAYH, Mr.
BROWN, and Mr. PRYOR):

S. 661. A bill to strengthen American manufacturing through improved industrial energy efficiency, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing a bill, with Senators SUSAN COLLINS, DEBBIE STABENOW, OLYMPIA SNOWE, EVAN BAYH, SHERROD BROWN, and MARK PRYOR that would enable the retooling and transformation of our industrial sector by using less energy, reducing greenhouse gas emissions, and producing the technologies that will help the U.S. and the world break its dependence on fossil fuel.

Today our country is facing some of the toughest economic hurdles that many of us have ever seen. In our manufacturing sector, we have lost nearly a million, high quality jobs in the last year, with over 200,000 jobs lost in just the last month. These are not just jobs that we are losing—the industrial foundation upon which our Nation's wealth has been built is eroding. We are losing technical expertise and the skilled and

inventive workforce that go with these jobs. We are losing the opportunity to grow our economy and the ability to compete on a global scale.

With this current economic downturn, and the energy, climate, and global competitiveness challenges lying before us, we have come to a critical juncture in our Nation's industrial history—we must make a choice as to what the future of manufacturing will be for this country. At this moment, while the rest of the world is at a pause, this nation has the opportunity to re-invent and transform our industrial base to compete globally through technical innovation and product superiority, all while, reducing our dependence on carbon-based fuels, reducing greenhouse gas emissions, and increasing productivity.

The Restoring America's Manufacturing Leadership through Energy Efficiency Act of 2009 establishes the financing mechanisms for both small and large manufacturers to adopt the advanced energy efficient production technologies and processes that will allow them to be more productive and less fuel dependent, cutting costs, not jobs.

Second, this bill provides for public/private partnerships with industry to map out the future of advanced American manufacturing and to develop and deploy the breakthrough technologies that will take us there. By spurring innovation in our manufacturing sector to decrease energy intensity and environmental impacts, while increasing productivity, we can create the high tech, high-value manufacturing processes and jobs for the 21st century that will allow the U.S. to compete against anyone, anywhere.

Third, this legislation supports the domestic production of advanced energy technologies to fuel the growth of renewables and efficiency and capture the clean energy market, creating millions of American jobs.

These steps, combined with the manufacturing tax credit that I included in the American Reinvestment and Recovery Act, a national renewable portfolio standard, and the President's commitment to doubling renewable energy production in just 3 years will serve as a strong base and commitment on which to build the New American Manufacturing. I look forward to the impact that this legislation will have on increasing our industrial competitiveness and hope that we can incorporate additional ideas as the legislative process proceeds.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Restoring America's Manufacturing Leadership through Energy Efficiency Act of 2009”.

SEC. 2. INDUSTRIAL ENERGY EFFICIENCY GRANT PROGRAM.

Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1) is amended—

(1) in the section heading, by inserting “**AND INDUSTRY**” before the period at the end;

(2) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(3) by inserting after subsection (g) the following:

“(h) **INDUSTRIAL ENERGY EFFICIENCY GRANT PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary shall carry out a program under which the Secretary shall provide grants to eligible lenders to pay the Federal share of creating a revolving loan program under which loans are provided to commercial and industrial manufacturers to implement commercially available technologies or processes that significantly—

“(A) reduce systems energy intensity, including the use of energy intensive feedstocks; and

“(B) improve the industrial competitiveness of the United States.

“(2) **ELIGIBLE LENDERS.**—To be eligible to receive a grant under this subsection, a lender shall—

“(A) be a community and economic development lender that the Secretary certifies meets the requirements of this subsection;

“(B) lead a partnership that includes participation by, at a minimum—

“(i) a State government agency; and

“(ii) a private financial institution or other provider of loan capital;

“(C) submit an application to the Secretary, and receive the approval of the Secretary, for a grant to carry out a loan program described in paragraph (1); and

“(D) ensure that non-Federal funds are provided to match, on at least a dollar-for-dollar basis, the amount of Federal funds that are provided to carry out a revolving loan program described in paragraph (1).

“(3) **PRIORITY.**—In making grants under this subsection, the Secretary shall provide a priority to partnerships that include a power producer or distributor.

“(4) **AWARD.**—The amount of a grant provided to an eligible lender shall not exceed \$100,000,000 for any fiscal year.

“(5) **ELIGIBLE PROJECTS.**—A program for which a grant is provided under this subsection shall be designed to accelerate the implementation of industrial and commercial applications of technologies or processes that—

“(A) improve energy efficiency;

“(B) enhance the industrial competitiveness of the United States; and

“(C) achieve such other goals as the Secretary determines to be appropriate.

“(6) **EVALUATION.**—The Secretary shall evaluate applications for grants under this subsection on the basis of—

“(A) the description of the program to be carried out with the grant;

“(B) the commitment to provide non-Federal funds in accordance with paragraph (2)(D);

“(C) program sustainability over a 10-year period;

“(D) the capability of the applicant;

“(E) the quantity of energy savings or energy feedstock minimization;

“(F) the advancement of the goal under this Act of 25-percent energy avoidance;

“(G) the ability to fund energy efficient projects not later than 120 days after the date of the grant award; and

“(H) such other factors as the Secretary determines appropriate.

“(7) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$500,000,000 for each of fiscal years 2010 through 2012.”.

SEC. 3. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.

As part of the research and development activities of the Industrial Technologies Program of the Department of Energy, the Secretary of Energy shall establish, as appropriate, collaborative research and development partnerships with other programs within the Office of Energy Efficiency and Renewable Energy, including the Building Technologies Program, the Office of Electricity Delivery and Energy Reliability, and programs of the Office of Science—

(1) to leverage the research and development expertise of those programs to promote early stage energy efficiency technology development; and

(2) to apply the knowledge and expertise of the Industrial Technologies Program to help achieve the program goals of the other programs.

SEC. 4. ENERGY EFFICIENT TECHNOLOGIES ASSESSMENT.

(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary of Energy shall commence an assessment of commercially available, cost competitive energy efficiency technologies that are not widely implemented within the United States for the energy intensive industries of—

- (1) steel;
- (2) aluminum;
- (3) forest and paper products;
- (4) food processing;
- (5) metal casting;
- (6) glass;
- (7) chemicals; and
- (8) other industries that (as determined by the Secretary)—

(A) use large quantities of energy;

(B) emit large quantities of greenhouse gas; or

(C) use a rapidly increasing quantity of energy.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish a report, based on the assessment conducted under subsection (a), that contains—

(1) a detailed inventory describing the cost, energy, and greenhouse gas emission savings of each technology described in subsection (a);

(2) for each technology, the total cost, energy, and greenhouse gas emissions savings if the technology is implemented throughout the industry of the United States;

(3) for each industry, an assessment of total possible cost, energy, and greenhouse gas emissions savings possible if state-of-the-art, cost-competitive, commercial energy efficiency technologies were adopted; and

(4) for each industry, a comparison to the European Union, Japan, and other appropriate countries of energy efficiency technology adoption rates, as determined by the Secretary.

SEC. 5. FUTURE OF INDUSTRY PROGRAM.

(a) **IN GENERAL.**—Section 452(c)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(c)(2)) is amended by striking the section heading and inserting the following: “**future of industry program**”.

(b) **INDUSTRY-SPECIFIC ROAD MAPS.**—Section 452(c)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(c)(2)) is amended—

(1) in subparagraph (E), by striking “and” at the end;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

“(F) research to establish (through the Industrial Technologies Program and in collaboration with energy-intensive industries) a road map process under which—

“(i) industry-specific studies are conducted to determine the intensity of energy use, greenhouse gas emissions, and waste and operating costs, by process and subprocess;

“(ii) near-, mid-, and long-term targets of opportunity are established for synergistic improvements in efficiency, sustainability, and resilience; and

“(iii) public/private actionable plans are created to achieve roadmap goals; and”.

(c) **INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.**—

(1) **IN GENERAL.**—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(B) by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”;

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting before the semicolon at the end the following: “, including assessments of sustainable manufacturing goals and the implementation of information technology advancements for supply chain analysis, logistics, industrial and manufacturing processes, and other purposes”; and

(D) by adding at the end the following:

“(2) **CENTERS OF EXCELLENCE.**—

“(A) **IN GENERAL.**—The Secretary shall establish a Center of Excellence at up to 10 of the highest performing industrial research and assessment centers, as determined by the Secretary.

“(B) **DUTIES.**—A Center of Excellence shall coordinate with and advise the industrial research and assessment centers located in the region of the Center of Excellence.

“(C) **FUNDING.**—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to support each Center of Excellence not less than \$500,000 for fiscal year 2010 and each fiscal year thereafter, as determined by the Secretary.

“(3) **EXPANSION OF CENTERS.**—The Secretary shall provide funding to establish additional industrial research and assessment centers at institutions of higher education that do not have industrial research and assessment centers established under paragraph (1).

“(4) **COORDINATION.**—

“(A) **IN GENERAL.**—To increase the value and capabilities of the industrial research and assessment centers, the centers shall—

“(i) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Science and Technology;

“(ii) coordinate with the Building Technologies Program of the Department of Energy to provide building assessment services to manufacturers;

“(iii) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories for national industrial and manufacturing needs;

“(iv) identify opportunities for reducing greenhouse gas emissions; and

“(v) promote sustainable manufacturing practices for small- and medium-sized manufacturers.

“(5) **OUTREACH.**—The Secretary shall provide funding for—

“(A) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

“(B) a full-time equivalent employee at each center of excellence whose primary mission shall be to coordinate and leverage the efforts of the center with—

“(i) Federal and State efforts;

“(ii) the efforts of utilities; and

“(iii) the efforts of other centers in the region of the center of excellence.

“(6) **WORKFORCE TRAINING.**—

“(A) **IN GENERAL.**—The Secretary shall pay the Federal share of associated internship programs under which students work with industries and manufactures to implement the recommendations of industrial research and assessment centers.

“(B) **FEDERAL SHARE.**—The Federal share of the cost of carrying out internship programs described in subparagraph (A) shall be 50 percent.

“(C) **FUNDING.**—Subject to the availability of appropriations of appropriations, of the funds made available under subsection (f), the Secretary shall use to carry out this paragraph not less than \$5,000,000 for fiscal year 2010 and each fiscal year thereafter.

“(7) **SMALL BUSINESS LOANS.**—The Administrator of the Small Business Administration shall, to the maximum practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) for loans to implement recommendations of industrial research and assessment centers established under paragraph (1).”.

(d) **FUTURE OF INDUSTRY PROGRAM.**—Section 452(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking “\$196,000,000” and inserting “\$216,000,000”;

(B) in subparagraph (D), by striking “\$202,000,000” and inserting “\$232,000,000”; and

(C) in subparagraph (E), by striking “\$208,000,000” and inserting “\$248,000,000”; and

(2) by adding at the end the following:

“(4) **INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.**—Of the amounts made available under paragraph (1), the Secretary shall use to provide funding to industrial research and assessment centers under subsection (e) not less than—

“(A) \$20,000,000 for fiscal year 2010;

“(B) \$30,000,000 for fiscal year 2011; and

“(C) \$40,000,000 for fiscal year 2012 and each fiscal year thereafter.”.

SEC. 6. SUSTAINABLE MANUFACTURING INITIATIVE.

(a) **IN GENERAL.**—Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341) is amended by adding at the end the following:

“**SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.**

“(A) **IN GENERAL.**—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a sustainable manufacturing initiative under which the Secretary shall conduct onsite technical reviews and followup implementation—

“(1) to maximize the energy efficiency of systems;

“(2) to identify and reduce harmful emissions and hazardous waste;

“(3) to identify and reduce the use of water in manufacturing processes;

“(4) to identify material substitutes that are not harmful to the environment; and

“(5) to achieve such other goals as the Secretary determines to be appropriate.

“(b) **COORDINATION.**—The Secretary shall carry out the initiative in coordination with—

“(1) the Manufacturing Extension Partnership Program of the National Institute of Standards and Technology; and

“(2) the Administrator of the Environmental Protection Agency.

“(c) **RESEARCH AND DEVELOPMENT PROGRAM FOR SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECHNOLOGIES AND PROCESSES.**—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a joint industry-government partnership program to conduct research and development of new sustainable manufacturing and industrial technologies and processes that maximize the energy efficiency of systems, reduce pollution, and conserve natural resources.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.”.

(b) **TABLE OF CONTENTS.**—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part E of title III the following:

“Sec. 376. Sustainable manufacturing initiative.”.

SEC. 7. INNOVATION IN INDUSTRY GRANTS.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) is amended by adding at the end the following:

“(g) **INNOVATION IN INDUSTRY GRANTS.**—

“(1) **IN GENERAL.**—As part of the program under this section, the Secretary shall carry out a program to pay the Federal share of competitively awarding grants to State-industry partnerships in accordance with this subsection to develop, demonstrate, and commercialize new technologies or processes for industries that significantly—

“(A) reduce energy use and energy intensive feedstocks;

“(B) reduce pollution and greenhouse gas emissions;

“(C) reduce industrial waste; and

“(D) improve domestic industrial cost competitiveness.

“(2) **ADMINISTRATION.**—

“(A) **APPLICATIONS.**—A State-industry partnership seeking a grant under this subsection shall submit to the Secretary an application for a grant to carry out a project to demonstrate an innovative energy efficiency technology or process described in paragraph (1).

“(B) **COST SHARING.**—To be eligible to receive a grant under this subsection, a State-industry partnership shall agree to match, on at least a dollar-for-dollar basis, the amount of Federal funds that are provided to carry out the project.

“(C) **GRANT.**—The Secretary shall provide to a State-industry partnership selected under this subsection a 1-time grant of not more than \$500,000 to initiate the project.

“(3) **ELIGIBLE PROJECTS.**—A project for which a grant is received under this subsection shall be designed to demonstrate successful—

“(A) industrial applications of energy efficient technologies or processes that reduce

costs to industry and prevent pollution and greenhouse gas releases; or

“(B) energy efficiency improvements in material inputs, processes, or waste streams to enhance the industrial competitiveness of the United States.

“(4) EVALUATION.—The Secretary shall evaluate applications for grants under this subsection on the basis of—

“(A) the description of the concept;

“(B) cost-efficiency;

“(C) the capability of the applicant;

“(D) the quantity of energy savings;

“(E) the commercialization or marketing plan; and

“(F) such other factors as the Secretary determines to be appropriate.”.

SEC. 8. STUDY OF ADVANCED ENERGY TECHNOLOGY MANUFACTURING CAPABILITIES IN THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Energy shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study of the development of advanced manufacturing capabilities for various energy technologies, including—

(1) an assessment of the manufacturing supply chains of established and emerging industries;

(2) an analysis of—

(A) the manner in which supply chains have changed over the 25-year period ending on the date of enactment of this Act;

(B) current trends in supply chains; and

(C) the energy intensity of each part of the supply chain and opportunities for improvement;

(3) for each technology or manufacturing sector, an analysis of which sections of the supply chain are critical for the United States to retain or develop to be competitive in the manufacturing of the technology;

(4) an assessment of which emerging energy technologies the United States should focus on to create or enhance manufacturing capabilities; and

(5) recommendations on the leveraging the expertise of energy efficiency and renewable energy user facilities so that best materials and manufacturing practices are designed and implemented.

(b) REPORT.—Not later than 2 years after the date on which the Secretary enters into the agreement with the Academy described in subsection (a), the Academy shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Secretary a report describing the results of the study required under this section, including any findings and recommendations.

SEC. 9. INDUSTRIAL TECHNOLOGIES STEERING COMMITTEE.

The Secretary of Energy shall establish an advisory steering committee to provide recommendations to the Secretary on planning and implementation of the Industrial Technologies Program of the Department of Energy.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

By Mr. CONRAD (for himself, Ms. COLLINS, Mr. WYDEN, Mr. SCHUMER, Mr. KERRY, Ms. KLOBUCHAR, and Mrs. BOXER):

S. 662. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife

services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing the Midwifery Care Access and Reimbursement Equity, M-CARE, Act of 2009 with my colleague, Senator COLLINS. For too many years, certified nurse midwives, CNMs, have not received adequate reimbursement under the Medicare program. Our legislation takes steps to improve reimbursement and ensure access to these important providers.

There are approximately three million disabled women of child-bearing age on Medicare, and since 1988, midwives have been providing high-quality, low cost maternity services to these women. However, given outdated payment policies, CNMs are only reimbursed at 65 percent of the physician fee schedule. This makes it impossible to make a practice sustainable and is threatening access to CNMs across the country.

The Medicare Payment Advisory Commission, MedPAC, agrees. In a 2002 report, MedPAC recommended that CNMs' reimbursement be increased and acknowledged that the care provided by these individuals is comparable to similar providers.

That is why we are introducing legislation that would provide payment equity for CNMs by reimbursing them at 100 percent of the physician fee schedule. CNMs provide the same care as physicians; therefore, it is only fair to reimburse CNMs at the same level. In fact, a majority of the states reimburse CNMs at 100 percent of the physician fee schedule for out-of-hospital services provided to Medicaid beneficiaries. The time has come to extend this policy to Medicare.

In addition, the M-CARE Act would establish recognition for a certified midwife to provide services under Medicare. Despite the fact that CNMs and CMs provide the same services, Medicare has yet to recognize CMs as eligible providers. Our bill would change this.

A variety of national organizations have expressed their support for this legislation in the past. I am pleased to say that the National Rural Health Association, the National Perinatal Association, the American College of Obstetricians and Gynecologists, along with several nursing organizations, have endorsed this legislation.

This bill will enhance access to “well woman” care for thousands of women in underserved communities. I urge my colleagues to support this legislation and end this inequity once and for all.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 79—HONORING THE LIFE OF PAUL M. WEYRICH AND EXPRESSING THE CONDOLENCES OF THE SENATE ON HIS PASSING

Mr. INHOFE (for himself, Mr. KYL, Mr. DEMINT, Mr. COBURN, Mr. CORNYN, Mr. MARTINEZ, Mr. RISCH, Mr. HATCH, Mr. ENZI, and Mr. BARRASSO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 79

Whereas Paul M. Weyrich was born and raised in Racine, Wisconsin and became enamored with the political system as a student at the University of Wisconsin-Madison;

Whereas after a short stint as a news reporter, Mr. Weyrich came to Congress in 1966 to serve on the staffs of Senators Gordon L. Allott of Colorado and Carl T. Curtis of Nebraska, handling press relations and other assignments;

Whereas as the original President of the Heritage Foundation, Mr. Weyrich established a respectable and reasoned conservative voice in public policy and political debates in the United States;

Whereas as a pioneer of the modern conservative movement, Mr. Weyrich stood as a vocal defender of economic and religious freedom and established the Free Congress Research and Education Foundation to rally conservatives to the defense of traditional Judeo-Christian values;

Whereas Mr. Weyrich died on December 18, 2008;

Whereas Mr. Weyrich was a true visionary in outreach efforts, launching a television network, training grassroots activists, and influencing both politics and policy; and

Whereas Mr. Weyrich's perseverance in the promotion of his philosophy inspired thousands of people of the United States to dedicate themselves to causes that protect liberty and secure the future of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) expresses gratitude to Paul M. Weyrich for his significant contributions to the conservative movement and for promoting a capitalist, democratic vision for the world;

(2) expresses profound sorrow at the death of Mr. Weyrich; and

(3) conveys its condolences to the family, friends, and colleagues of Mr. Weyrich.

SENATE RESOLUTION 80—DESIGNATING THE WEEK BEGINNING MARCH 15, 2009, AS “NATIONAL SAFE PLACE WEEK”

Mrs. FEINSTEIN (for herself and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 80

Whereas the young people of the United States will bear the bright torch of democracy in the future;

Whereas young people need a safe haven from negative influences, such as child abuse, substance abuse, and crime;

Whereas young people need resources that are readily available to assist them when they are faced with circumstances that compromise their safety;

Whereas the United States needs more community volunteers to act as positive influences on the young people of the United States;

Whereas the Safe Place program is committed to protecting the young people of the United States, the most valuable asset of the Nation, by offering short term safe places at neighborhood locations where trained volunteers are available to counsel and advise young people seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and non-profit organizations to reach young people in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relating to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk young people;

Whereas more than 1,400 communities in 37 States make the Safe Place program available at nearly 16,000 locations;

Whereas more than 200,000 young people have gone to Safe Place locations to get help when faced with crisis situations and have received counseling by phone as a result of Safe Place information the young people received at school;

Whereas, through the efforts of Safe Place coordinators across the United States, each year more than 500,000 students learn in a classroom presentation that the Safe Place program is a resource they can turn to if they encounter abuse or neglect and 1,000,000 Safe Place information cards are distributed; and

Whereas increased awareness of the Safe Place program will encourage more communities to establish Safe Place locations for the young people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning March 15, 2009, as "National Safe Place Week"; and

(2) calls upon the people of the United States and interested groups to—

(A) promote awareness of, and volunteer for, the Safe Place program; and

(B) observe the week with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 11—CONDEMNING ALL FORMS OF ANTI-SEMITISM AND REAFFIRMING THE SUPPORT OF CONGRESS FOR THE MANDATE OF THE SPECIAL ENVOY TO MONITOR AND COMBAT ANTI-SEMITISM, AND FOR OTHER PURPOSES

Ms. COLLINS (for herself, Mr. CARDIN, Ms. SNOWE, Mr. RISCH, Ms. MIKULSKI, Mr. ISAKSON, Mr. CHAMBLISS, Mr. BINGAMAN, Mr. SCHUMER, Mr. SANDERS, Mr. BAYH, Mr. BENNETT, Mr. CASEY, Ms. LANDRIEU, Mr. KYL, Mrs. GILLIBRAND, Mr. WYDEN, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. SHELBY, Mrs. MURRAY, Mr. BARRASSO, Ms. MURKOWSKI, Mr. ROBERTS, Mr. BROWN, Mr. SPECTER, Mr. NELSON of Nebraska, Mr. MENENDEZ, Ms. CANTWELL, Mr. ALEXANDER, Mr. WICKER, Mr. THUNE, Mr.

VOINOVICH, Mr. HATCH, Mr. DORGAN, Mr. NELSON of Florida, Mr. KERRY, Mr. MCCONNELL, Mr. DURBIN, Mr. WHITEHOUSE, Mr. CORKER, and Mr. BURR) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 11

Whereas the United States Government has consistently supported efforts to address the rise in anti-Semitism through its bilateral relationships and through engagement in international organizations such as the United Nations, the Organization for Security and Cooperation in Europe (OSCE), and the Organization of American States;

Whereas, in 2004, Congress passed the Global Anti-Semitism Review Act (Public Law 108-332), which established an Office to Monitor and Combat Anti-Semitism, headed by a Special Envoy to Monitor and Combat Anti-Semitism;

Whereas the Department of State, the Office for Democratic Institutions and Human Rights of the OSCE, and others have reported that periods of Arab-Israeli tension have sparked an increase in attacks against Jewish communities around the world and comparisons of policies of the Government of Israel to those of the Nazis and that, despite growing efforts by governments to promote Holocaust remembrance, the Holocaust is frequently invoked as part of anti-Semitic harassment to threaten and offend Jews;

Whereas, since the commencement of Israel's military operation in Gaza on December 27, 2008, a substantial increase in anti-Semitic violence, including physical and verbal attacks, arson, and vandalism against synagogues, cemeteries, and Holocaust memorial sites, has been reported;

Whereas, among many other examples of the dramatic rise of anti-Semitism around the world, over 220 anti-Semitic incidents have been reported to the Community Security Trust in London since December 27, 2008, approximately eight times the number recorded during the same period last year, and the main Jewish association in France, *Council Représentatif des Institutions Juives de France*, recorded more than 100 attacks in January, including car bombs launched at synagogues, a difference from 20 to 25 a month for the previous year;

Whereas, interspersed with expressions of legitimate criticism of Israeli policy and actions, anti-Semitic imagery and comparisons of Jews and Israel to Nazis have been widespread at demonstrations in the United States, Europe, and Latin America against Israel's actions, and placards held at many demonstrations across the globe have compared Israeli leaders to Nazis, accused Israel of carrying out a "Holocaust" against Palestinians, and equated the Jewish Star of David with the Nazi swastika;

Whereas, in some countries, demonstrations have included chants of "death to Israel," expressions of support for suicide terrorism against Israeli or Jewish civilians, and have been followed by violence and vandalism against synagogues and Jewish institutions;

Whereas some government leaders have exemplified courage and resolve against this trend, including President Nicolas Sarkozy of France, who said he "utterly condemned the unacceptable violence, under the pretext of this conflict, against individuals, private property, and religious buildings," and assured "that these acts would not go unpunished," Justice Minister of the Netherlands Ernst Hirsch Ballin, who announced on

January 14, 2009, that he would investigate allegations of anti-Semitism and incitement to hatred and violence at anti-Israel demonstrations, and parliamentarians who have voiced concern, such as the British Parliament's All-Party Group Against Anti-Semitism, which expressed its "horror as a wave of anti-Semitic incidents has affected the Jewish community";

Whereas, despite these actions, too few government leaders in Europe, the Middle East, and Latin America have taken action against the anti-Semitic environments in their countries and in some cases have even promoted violence;

Whereas other leaders have made hostile pronouncements against Israel and Jews, including the President of Venezuela, Hugo Chavez, who called Israel's actions a "Holocaust against the Palestinian people" and singled out Venezuela's Jewish community, demanding that they publicly renounce Israel's "barbaric acts" and in so doing implying that the Jewish community is co-responsible for any actions by the Government of Israel and thus a legitimate target, the leader of Hamas, Mahmoud al-Zahar, who recently called for Jewish children to be attacked around the world, and the Supreme Leader of Iran, Ayatollah Ali Khamenei, who vowed to confer the status of "martyr" on "anyone who dies in this holy struggle against World Zionism";

Whereas incitement to violence against Jews also continues in state-run media, particularly in the Middle East, where government-owned, government-sanctioned, or government-controlled publishing houses publish newspapers which promulgate anti-Jewish stereotypes and the myth of the Jewish blood libels in editorial cartoons and articles, produce and broadcast anti-Semitic dramatic and documentary series, and produce Arabic translations of anti-Semitic tracts such as "The Protocols of the Elders of Zion" and "Mein Kampf";

Whereas Jewish communities face an environment in which the convergence of anti-Semitic sentiment and demonization of Israel in the public debate have fostered a hostile environment and a sense of global insecurity, especially in places such as Belgium, Argentina, Venezuela, Spain, and South Africa;

Whereas, in response, the United States Government and other governments and multilateral institutions have supported international government and civil society efforts to monitor and report on anti-Semitic activities and introduce preventive initiatives such as tolerance education and Holocaust Remembrance; and

Whereas challenges still remain, with the governments of many countries failing to implement and fund preventive efforts, accurately track and report anti-Semitic crimes, and prosecute offenders: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) unequivocally condemns all forms of anti-Semitism and rejects attempts to rationalize anti-Jewish hatred or attacks as a justifiable expression of disaffection or frustration over political events in the Middle East or elsewhere;

(2) decries the comparison of Jews to Nazis perpetrating a Holocaust or genocide as a pernicious form of anti-Semitism, an insult to the memory of those who perished in the Holocaust, and an affront both to those who survived and the righteous gentiles who saved Jewish lives at peril to their own and who fought to defeat the Nazis;

(3) calls on leaders to speak out against manifestations of anti-Semitism that have

entered the public debate about the Middle East;

(4) applauds those foreign leaders who have condemned anti-Semitic acts and calls on those who have yet to take firm action against anti-Semitism in their countries to do so;

(5) reaffirms its support for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism; and

(6) urges the Secretary of State—

(A) to maintain the fight against anti-Semitism as a foreign policy priority of the United States and to convey the concerns of the United States Government in bilateral meetings;

(B) to continue to raise with United States allies in the Middle East their failure to halt incitement to violence against Jews, including through the use of government-run media;

(C) to urge governments to promote tolerance education and establish mechanisms to monitor, investigate, and punish anti-Semitic crimes, including through utilization of the education, law enforcement training, and civil society capacity building initiatives of the Tolerance and Non-discrimination Department of the Organization for Security and Cooperation in Europe (OSCE);

(D) to swiftly appoint the Special Envoy to Monitor and Combat Anti-Semitism of the Department of State;

(E) to ensure that Department of State Annual Country Reports on Human Rights and International Religious Freedom Reports continue to report on incidents of anti-Semitism and the efforts of foreign governments to address the problem;

(F) to provide necessary training and tools for United States embassies and missions to recognize these trends; and

(G) to ensure that initiatives of the United States Government to train law enforcement abroad incorporate tools to address anti-Semitism.

Ms. COLLINS. Mr. President, I rise today to introduce a bipartisan resolution condemning the recent, troubling rise in anti-Semitism across the globe. The resolution also calls upon world leaders to speak out against anti-Semitic acts and reaffirms that the United States is committed to making the fight against anti-Semitism a top foreign policy priority.

I am very pleased that Senator CARDIN and 40 other Senate colleagues have joined me in saying to the world that we stand tall with the Jewish community against these acts of violence and crimes of hate.

In recent months, there has been a substantial rise in anti-Semitic violence around the globe. We are deeply concerned about the safety and well-being of Jews in Europe, the Middle East, and Latin America, where they have faced a significant increase in anti-Semitic attacks, often very violent. These criminal acts include physical and verbal attacks, arson, and vandalism against synagogues, cemeteries, and Holocaust memorials. In some nations, demonstrations have included chants of “death to Israel” and expressions of support for suicide terrorism against Israeli or Jewish civilians.

Also distressing are the blatantly anti-Semitic Nazi imagery and Holo-

caust comparisons. Our resolution rejects attempts to rationalize Jewish hatred or attacks as justifiable expression of disaffection or frustration over Israeli policy and political events in the Middle East or elsewhere. The Nazi imagery and Holocaust comparisons have been prevalent at demonstrations throughout the world. Placards held at many demonstrations have compared Israeli leaders to Nazis, accused Israel of carrying out a “Holocaust” against the Palestinians, and equated the Jewish Star of David to the Nazi swastika. This is intolerable. We must speak out against these unacceptable acts of hatred and bigotry.

While we applaud those world leaders who have shown courage by condemning these acts, we call on those who have yet to do so to expressly reject anti-Semitism in their own countries. We must continue to impress upon our allies the critical importance of opposing these disturbing trends, all the while ensuring that our own initiatives to address these forms of hate violence are bolstered.

I urge our colleagues to join our effort to raise awareness of this important issue.

Mr. CARDIN. Mr. President, I am deeply troubled by the rise in anti-Semitic acts around the globe, which is why I am joining the junior Senator from Maine in introducing a bipartisan resolution that condemns anti-Semitism and calls upon world leaders to speak out against it. The concurrent resolution reaffirms that the U.S. is committed to making the fight against anti-Semitism a top foreign policy priority.

Senator COLLINS, the other co-sponsors of this resolution, and I are extremely concerned about the safety and well-being of Jewish communities worldwide. In recent weeks and months, Jewish communities around the world have been subjected to vicious anti-Semitic attacks. These attacks include acts of violence and hatred against members of the Jewish community. The criminal acts include physical attacks, arson, and vandalism against synagogues, cemeteries, and Holocaust memorials.

In some nations, demonstrations have included chants of “death to Israel” and expressions of support for suicide terrorism against Israeli or Jewish civilians. Placards held at many demonstrations have compared Israeli leaders to Nazis, accused Israel of carrying out a “Holocaust” against Palestinians, and equated the Jewish Star of David to the Nazi swastika. Anti-Semitism is not a legitimate form of policy or public protest. We cannot, in good conscience, allow these acts of hatred to continue without swift and strong action from world leaders. We must speak out against these atrocities.

We applaud those world leaders who have spoken out against these acts, but

call on those who have yet to do so to take firm action against anti-Semitism in their own countries. We must continue to impress upon our allies and other nations the critical importance of combating anti-Semitism. At the same time, the United States must bolster its own initiatives to address anti-Semitism as a foreign policy priority. The resolution we are introducing today helps to do that so I urge all of my colleagues to support it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 686. Mr. BINGAMAN proposed an amendment to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

TEXT OF AMENDMENTS

SA 686. Mr. BINGAMAN proposed an amendment to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; as follows:

Amend the title so as to read: “To designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.”.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 26, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The Committee will conduct a legislative hearing on legislation to strengthen American manufacturing through improved industrial energy efficiency.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact Alicia Jackson at (202) 224-3607 or Rachel Pasternack at (202) 224-0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 19, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 19, 2009 at 10:30 a.m. to conduct a hearing entitled "Modernizing Bank Supervision and Regulation."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 19, 2009, at 10:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, March 19, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 19, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate to conduct an executive business meeting on Thursday, March 19, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Thursday, March 19, 2009, at 10 a.m. to conduct a hearing entitled, "Perspectives

From Main Street on Small Business Lending".

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL INSTITUTIONS SUBCOMMITTEE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 19, 2009 at 2 p.m. to conduct a financial institutions subcommittee hearing entitled "Current Issues in Deposit Insurance."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 19, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, what happens in Las Vegas stays in Las Vegas.

NATIONAL SERVICE REAUTHORIZATION ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that it be in order to proceed to Calendar No. 35, H.R. 1388, the National Service Reauthorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to Calendar No. 35, H.R. 1388, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 35, H.R. 1388, a bill to reauthorize and reform the national service laws.

Harry Reid, Barbara A. Mikulski, Barbara Boxer, Tom Harkin, Daniel K. Akaka, Tom Udall, Patty Murray, Patrick J. Leahy, Bernard Sanders, Sheldon Whitehouse, Christopher J. Dodd, Jon Tester, Mark R. Warner, Robert P. Casey, Jr., Benjamin L. Cardin, Blanche L. Lincoln, Kent Conrad.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote occur on Monday, March 23 at 6 p.m.; and that if cloture is invoked, then postcloture time count as if cloture had been invoked at 3 p.m. that day; further, that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 25, 26, and nominations on the Secretary's desk; that the nominations be confirmed, en bloc; the motions to reconsider be laid upon the table, en bloc; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

John P. Holdren, of Massachusetts, to be Director of the Office of Science and Technology Policy.

DEPARTMENT OF COMMERCE

Jane Lubchenco, of Oregon, to be Under Secretary of Commerce for Oceans and Atmosphere.

IN THE COAST GUARD

PN116 COAST GUARD nominations (2) beginning KENT P. BAUER, and ending MARK S. MACKEY, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

PN117 COAST GUARD nominations (2) beginning CORINNA M. FLEISCHMANN, and ending KELLY C. SEALS, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 2009.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MEASURES READ THE FIRST TIME—H.R. 1586 AND S. 651

Mr. REID. Mr. President, it is my understanding there are two bills at the desk due for a first reading. I therefore ask for their reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time en bloc.

The bill clerk read as follows:

A bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients.

A bill (S. 651) to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive bonuses paid by, and received from, companies receiving Federal emergency economic assistance, to limit the amount of nonqualified deferred compensation that employees of such companies may defer from taxation, and for other purposes.

Mr. REID. Mr. President, I ask for a second reading en bloc but object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will

receive their second reading on the next legislative day.

NATIONAL SAFE PLACE WEEK

Mr. REID. I ask unanimous consent that we now proceed to S. Res. 80.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 80) designating the week beginning March 15, 2009, as "National Safe Place Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statement be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 80) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 80

Whereas the young people of the United States will bear the bright torch of democracy in the future;

Whereas young people need a safe haven from negative influences, such as child abuse, substance abuse, and crime;

Whereas young people need resources that are readily available to assist them when they are faced with circumstances that compromise their safety;

Whereas the United States needs more community volunteers to act as positive influences on the young people of the United States;

Whereas the Safe Place program is committed to protecting the young people of the United States, the most valuable asset of the Nation, by offering short term safe places at neighborhood locations where trained volunteers are available to counsel and advise young people seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and non-profit organizations to reach young people in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relating to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk young people;

Whereas more than 1,400 communities in 37 States make the Safe Place program available at nearly 16,000 locations;

Whereas more than 200,000 young people have gone to Safe Place locations to get help when faced with crisis situations and have received counseling by phone as a result of Safe Place information the young people received at school;

Whereas, through the efforts of Safe Place coordinators across the United States, each year more than 500,000 students learn in a classroom presentation that the Safe Place

program is a resource they can turn to if they encounter abuse or neglect and 1,000,000 Safe Place information cards are distributed; and

Whereas increased awareness of the Safe Place program will encourage more communities to establish Safe Place locations for the young people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning March 15, 2009, as "National Safe Place Week"; and
(2) calls upon the people of the United States and interested groups to—

(A) promote awareness of, and volunteer for, the Safe Place program; and

(B) observe the week with appropriate ceremonies and activities.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Section 154 of Public Law 108-199, appoints the following Senator as Chairman of the Senate Delegation to the U.S.-Russia Interparliamentary Group conference during the 111th Congress: the Honorable E. BENJAMIN NELSON of Nebraska.

The Chair, on behalf of the republican leader, pursuant to Section 154 of Public Law 108-199, appoints the following Senator as Vice Chairman of the Senate Delegation to the U.S.-Russia Interparliamentary Group conference during the 111th Congress: the Honorable JUDD GREGG of New Hampshire.

The Chair, on behalf of the republican leader, pursuant to Public Law 96-114, as amended, appoints the following individual to the Congressional Award Board: Dr. Wiley Dobbs of Idaho.

The Chair, on behalf of the republican leader, pursuant to Public Law 111-5, appoints the following individual to the Health Information Technology Policy Committee: Richard Chapman of Kentucky.

ORDERS FOR MONDAY, MARCH 23, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. Monday, March 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each during that time; upon the conclusion of morning business, the Senate resume consideration of the motion to proceed to H.R. 1388, a bill to reauthorize and reform national service laws.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, as provided under the previous order, there will be a vote at 6 p.m. on Monday. That will be on the motion to invoke cloture on the motion to proceed to H.R. 1388.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order following remarks of Senator CHAMBLISS and Senator SESSIONS, in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

THE BUDGET

Mr. CHAMBLISS. Mr. President, I rise today to talk about the budget as proposed by President Obama and, to put it very bluntly, I am worried. While several aspects of the budget concern me, the one I find most troubling is the direction in which it will take this Nation's deficit. The budget's cost has been pointed out many times on this floor during the past week—\$3.5 trillion is, indeed, a lot of money. But what I would also emphasize is that the President's budget will spawn a deficit of \$1.17 trillion next year.

There are many items on the President's wish list. Some are worthwhile, but many, such as his health care plan, tax increases, and climate change, deserve a long and lively debate in front of the American people before we have any vote on any of those measures. I have four grandchildren—John, Parker, Kimbro, and Anderson—and I am very proud of all four of them. This budget will spend more money than my four grandchildren's generation will ever have a hope of paying back in their lifetimes.

This is not a temporary spike in the deficit. Despite the President's stated intention to reduce the deficit, the smallest deficit envisioned by this budget—\$533 billion in the year 2013—would still be larger than any of the annual budget deficits of the last 8 years. The last 8 years have received a lot of criticism from folks on the other side of the aisle, including our President, but the fact is that the last 8 years are going to pale in comparison, from a deficit standpoint, in the event this budget should pass.

Further, the debt held by the public doubles, from \$5.8 trillion, 41 percent of our GDP, in 2008, to \$11.5 trillion, or 66 percent of GDP, in 2013. If that were not astounding enough, by 2019 debt will have tripled from the 2008 to \$15.4 trillion, or an astonishing 67 percent of our GDP.

Unfortunately, that is not the worst of it. The CBO is expected to release its

numbers for this budget tomorrow. Early reports suggest that its deficit forecast will be some 20 percent higher than the White House has expected with the numbers to which I just alluded.

I am also worried about this budget's \$1.4 trillion tax increase, which will hit our small businesses, the engines of our economy, particularly hard. More than half of small business, with 20 or more employees, will get hit with tax hikes proposed in this budget. That will have a dampening effect on the ability of the small business community to maintain the jobs it has today, much less to think about hiring additional employees.

In my home State of Georgia, fully 98 percent of the State's employers in 2006 were small businesses, according to the U.S. Small Business Administration Office of Advocacy. With a record statewide unemployment rate of 9 percent today, to say that many of them are having a hard time is an understatement. These are small businesses, such as Dixie Industrial Finishing Company in Tucker, GA, which does electroplating. Dixie's vice president, Jim Jones, is also worried. His company has been in business for nearly 50 years and has about 10 employees. Just in the past 2 weeks, because of the very difficult economic times we are in, Jim has had to lay off almost 10 percent of his workforce. Some of these employees have been with the company for 20 to 25 years and were getting close to retirement. I am afraid that, coming during a recession, such tax increases will only add to the financial strain at Dixie as well as other small businesses and further feed the growing job losses in Georgia and elsewhere.

I am a firm believer in the optimism that birthed this great Nation. But no matter how hard we try, we cannot wish the deficit away. We cannot let ourselves throw caution to the wind and act with such fiscal irresponsibility. We are leaving our children and grandchildren in hock forever to pay for the wants of today. Now, not in 5 years or 10 years, is the time for us to exercise responsibility and enact some spending restraint to get this deficit under control. Nothing less than our country's future depends on it.

The American people understand our fiscal problem. The phone calls into my office are overwhelmingly asking the question: Where in the world is this administration taking our country? What is happening to our country from a fiscally responsible standpoint? In what direction is this country really going?

We have to be much more fiscally responsible than the President has proposed in his budget. Very simply stated, his budget spends too much, it taxes too much, and it borrows too much. That is the wrong direction in which this country needs to be going in difficult times or in good times.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

AIG

Mr. SESSIONS. I thank Senator CHAMBLISS from Georgia for his very fine summary. I think one of the more dramatic situations in which this Congress has found itself, in the face of a projected positive turnaround in the economy, a predicted unprecedented debt for years and years to come.

This cannot go quietly. It is a big deal. We have never seen anything like this before. I hope our Senate colleagues will focus on it. I wanted to first return again to the AIG bonus issue and expand a little bit on the remarks I made earlier in the week.

The simple fact is, we are investing a very large amount of not only money but time, energy, and bombast in how to deal with the one one-thousandth of the AIG bailout money that has gone to bonuses. I think they are utterly unacceptable. They are going to the very division of AIG that got them into trouble. They were the last people who ought to get bonuses.

Now, normally politicians who have a nation to run, Cabinet Secretaries who have an economy to manage, should not be spending a whole lot of time on a private company's bonus plan. But it has become necessary, unavoidable really, because our Government owns 80 percent of this company. We own 80 percent of the stock in AIG after investing \$173 billion to buy that stock. So no wonder people are furious.

If you are running a company, Secretary Geithner, how come we are having bonuses given to people who ought not to be receiving bonuses?

Well, it is a difficult thing with the CEO. Why didn't he do something about it? The CEO, Chairman Liddy of AIG, was put in place by us—first, by Secretary Paulson back when he first started this misguided attempt last fall to take over this company, and he has been kept in place by Secretary Geithner, our new Secretary of the Treasury.

I would also note that Secretary Geithner was walking hand in hand with Secretary Paulson last fall when they conjured up this scheme that sought to alter the financial problems on Wall Street. In reality, Secretary Geithner is the ultimate chairman of the board of AIG. He ultimately is responsible for bonuses, pay scales, office space, whether or not they have airplanes, and all of that stuff. So, oh, what a tangled web we create when we first start to regulate, to take over a private company.

Mr. Geithner needs to get AIG and these banks—in addition to AIG—we have invested in, of which we now own large stock shares, off his portfolio, his list of things to be dealing with. He

needs to be focused on the policies necessary to revive this economy.

Did anybody see Coach K from Duke? He was asked about the President saying they were going to make it to the Final Four. And Coach K did not miss a beat. He just looked up and said: Well, that is nice. But I would really feel better if he were focusing on the economy.

So would I. Distracted by these noteworthy and transient issues over bonuses, Mr. Geithner, who stands at the center of our people's concern over the economy, has not even begun assembling his staff. It is really troubling. I understand there are about 17 vacancies in his top staff. People are basically saying he is running the office himself with very little help.

But he did find time to call Mr. Liddy, the hand-picked CEO at AIG, to demand that he not give bonus payments. He found time to go over to Europe to present—a mortifying spectacle to me, of the once-proud U.S. Secretary of Treasury now urging the big-spending, quasi-socialist Government of Europe to increase their spending, to increase their stimulus package, to increase their debt, and assuring them we are going to do more and we are leading, big government, big taxes, big spending, big debt.

That does not make me proud. Some people may think that is leadership. I am not in that range. That is not my mindset today. Basically, it appeared the Europeans said no. They already thought they had spent enough. They are well below what we are spending as a percentage of their gross domestic product. They are not spending any more.

I remember when I first came here as a young Senator. It came my time to question the Chairman of the Federal Reserve, Mr. Alan Greenspan. I was nervous about it. I am not an economist. So I read to him from an article. I asked him if he agreed with it. It basically said the reason our economy was growing more than Europe, the reason we had quite substantially less unemployment was because we had less taxes, less spending, and less regulation.

So I asked him: Is it less taxes, less spending, and a greater commitment to the free market the reason we are doing better than Europe?

He looked up at me and he said: I absolutely agree with that.

So I have taken that as sort of my marching orders. I still think that is a sound philosophy: to keep our regulations low, keep our taxes low, keep our spending as low as possible. Do not waste money, and we will get through a lot of these difficult issues.

I would also note that I assume that Secretary Geithner at least had some role in this phenomenal, gargantuan proposal the President has just sent over here to us that proposes—get

this—budget deficits higher than any—trillion we have ever seen before.

Last year, President Bush, his budget deficit was a record \$455 billion, and he was criticized for that. He was criticized for a \$412 billion budget deficit back on 9/11, the time when that recession hit us. He reduced it to \$161 billion in 2007, and it jumped to \$455 billion last year.

This year, with the stimulus package and other things we are doing, the projected deficit—as of September 30—will be \$1.8 trillion. Next year, it will be \$1.1 trillion. It is projected to reach its lowest point in 4 years, according to the President's own plan. The lowest point is at \$533 billion, well above the highest amount in the history of the Republic.

In year 10, it would be over \$700 billion. As Senator CHAMBLISS just noted to us, those figures are not accurate. Our own Congressional Budget Office is going to calculate the assumptions given to us by the White House, and everybody is pretty firmly convinced the numbers are going to come in higher and worse than that.

It cannot be so that we will pass a budget that assumes a \$700 billion deficit 10 years from now, when they are also assuming a nice growth, not a recession or anything, but a nice growth at that time. Well, that is a general situation. It is not good. I just cannot believe this Congress would pass such a budget. I believe we will have to push back.

I know a lot of my colleagues on the other side of the aisle are uneasy about it. The more they learn about it, I am confident the more uneasy they are going to be. It is just fact. I mean, you can talk and testify and you can spend, but when you send out a budget in a slick binder, with a blue cover on it, and it is the official projection for the next 10 years from the President of the United States, when they project these kind of numbers, I think the Congress and the American people will rally and do something about it and not accept it.

I just wanted to say that. Now, with regard to AIG, this is a matter of great importance. In addition to teaching us a lesson about the danger of taking over private companies in general, there are some specific special problems with this bailout that I believe are worthy of discussion, and in some points, real investigation.

It was highlighted by the Wall Street Journal in their lead editorial 2 days ago. They pointed out that the bonus flap we have been talking about is a deflection from—a neat deflection—they say, from the “larger outrage, which is the 5-month Beltway cover-up of who benefitted the most from the AIG bailout.”

First, they note that the Federal takeover of this once proud insurance company, AIG, was never approved by the AIG shareholders.

Normally a company that merges or sells or changes its corporate makeup goes through some sort of vote by stockholders. They have proxy votes, solicitations. They attempt to get approval of the stockholders. We just took it over.

The Wall Street Journal notes that, in effect, AIG was used as a conduit, a funnel to bail out others not mentioned. Since September 16, 2008, AIG has sent \$120 billion of their \$173 billion of taxpayer money to banks, municipal governments, and “other derivative counterparties” around the world, not only in the United States.

The Journal goes on to say that this includes at least \$20 billion to European banks and, they wryly note, “charity cases like Goldman Sachs which received at least \$13 billion.”

They further note:

This comes after months of claims by Goldman that all of its AIG bets were adequately hedged and that it needed no “bail-out.” Why take the 13 billion then?

Then the Wall Street Journal, not one to needlessly dump unfairly on the Wall Street business crowd they often speak up for when they believe they are abused, declares importantly:

This needless cover-up is one reason Americans are getting angrier as they wonder if Washington is lying to them about these bailouts.

Then they ask the most critical question. Remember, Congress was told last fall that we had to bail out the banks because they were too large to fail and that their failure would pose a systemic risk to our economy. They said they were going to buy toxic assets. They never said they were going to buy stock. They never hinted they would buy stock in an insurance company.

This is what the Wall Street Journal said about the systemic risk question:

Given the government has never defined “systemic risk,” we’re also starting to wonder exactly which system American taxpayers are paying to protect. It’s not capitalism, in which risk-takers suffer the consequences of bad decisions and in some cases it’s not even Americans. The U.S. government is now in the business of distributing foreign aid to offshore financiers, laundered through a once-great American company.

That is fundamentally true. It is not good. I don’t think we ever should have started down that road.

The Wall Street Journal concludes:

Whether or not these funds ever come back to the Treasury, regulators should now focus on getting AIG back into private hands as soon as possible, and if Treasury and the Fed want to continue bailing out foreign banks, let them make that case honestly and directly, to the American people.

I thank the Wall Street Journal for writing the truth on this complex issue. I don’t like the way it was done. These decisions to hand out billions of dollars were not made in public. Until a few days ago, we didn’t even know who got this money. These banks, these foreign banks, Goldman Sachs,

the ones that have been listed as getting money, we didn’t know their names. Our Secretaries of the Treasury, the two of them, have been passing out this money to these banks through AIG and not even saying where the money went. That is no good. And how do they decide how much to give them? Was there a hearing somewhere where people came, such as in the Senate—poor as we are at it—raised their hands under oath or, much preferred, was there something like a bankruptcy proceeding where a Federal judge calls all the people in, collects the data, figures out what the income is and the debts are, and makes people testify under oath and lawyers cross-examine them and they get down to what the real facts are and then decisions are made about how to handle a company like this?

No, apparently they went in and got down on Mr. Geithner’s rug and Mr. Paulson’s carpet and asked for \$20 billion. And he said: How about 10?

No, I need more.

OK, you get 13.

Of course, they knew one another. That is just a fact. I am not making it up. Where did Secretary Paulson come from? He came from Goldman Sachs. I wonder what it would have looked like if he had given Goldman Sachs \$13 billion publicly.

I am not happy about it. I don’t think the previous administration handled it well. I am disappointed that this administration has taken Mr. Paulson’s right-hand adviser—some say the architect of his plan—and put him in charge of it. He is continuing this indefensible process. I opposed it at the time. I said we are giving too much power to one man. In the history of the Republic, we have never given this kind of power to one man to pass out this kind of money. This is the Senate. It is taxpayers’ money. We threw him \$700 billion and said: Do whatever you think is right. He told us he was going to buy toxic mortgages. Remember that? Within a week, he decided he wasn’t going to buy toxic mortgages. He bought stock; not only in banks, he bought stock in insurance companies. It is a dangerous thing. When you get into owning these companies, people start wanting to know about what kind of bonuses they have, what kind of car the CEO drives, whether they should have a jet plane. The Secretary of the Treasury ought to be involved in other things besides managing corporate affairs. He needs to get us out of these companies as soon as possible.

I talked to some people from a very solid Main Street bank, big Main Street bank, who were pressured to take money at the time they came up with this scheme. They want to pay the money back and get out from under the Federal boot. They are not agreeing yet to do that. I am not happy about that.

I understand another bank may be the same. Others are worried about whether they will be allowed to pay this money back and get out. This bank told us, the people I was talking to: We are ready to get out. We think we will do better. Our stock will go up, if the people know we are not indebted to the government. We are strong enough. We are not happy about this.

They are getting the impression and the fear they have—along with other banks in a similar situation—is that there is a resistance from the Treasury Department to have them do that, which would be unthinkable to me.

I hope we will find out more about it. If there is wrongdoing of a more serious nature than incompetence and bad judgment, I hope it will be pursued. Hopefully not; I hope there is no more than bad judgment. I hope as Americans we learn a lesson that it is not easy and there are all kinds of unanticipated ramifications from the act of taking over private companies.

Mr. Chairman, I ask unanimous consent to have printed in the RECORD the text of this Wall Street Journal editorial, as well as the list of companies benefitting from AIG's bailout.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 17, 2009]

THE REAL AIG OUTRAGE

President Obama joined yesterday in the clamor of outrage at AIG for paying some \$165 million in contractually obligated employee bonuses. He and the rest of the political class thus neatly deflected attention from the larger outrage, which is the five-month Beltway cover-up over who benefited most from the AIG bailout.

Taxpayers have already put up \$173 billion, or more than a thousand times the amount of those bonuses, to fund the government's AIG "rescue." This federal takeover, never approved by AIG shareholders, uses the firm as a conduit to bail out other institutions. After months of government stonewalling, on Sunday night AIG officially acknowledged where most of the taxpayer funds have been going.

Since September 16, AIG has sent \$120 billion in cash, collateral and other payouts to banks, municipal governments and other derivative counterparties around the world. This includes at least \$20 billion to European banks. The list also includes American charity cases like Goldman Sachs, which received at least \$13 billion. This comes after months of claims by Goldman that all of its AIG bets were adequately hedged and that it needed no "bailout." Why take \$13 billion then? This needless cover-up is one reason Americans are getting angrier as they wonder if Washington is lying to them about these bailouts.

Given that the government has never defined "systemic risk," we're also starting to wonder exactly which system American taxpayers are paying to protect. It's not capitalism, in which risk-takers suffer the consequences of bad decisions. And in some cases it's not even American. The U.S. government is now in the business of distributing foreign aid to offshore financiers, laundered through a once-great American company.

The politicians also prefer to talk about AIG's latest bonus payments because they deflect attention from Washington's failure to supervise AIG. The Beltway crowd has been selling the story that AIG failed because it operated in a shadowy unregulated world and cleverly exploited gaps among Washington overseers. Said President Obama yesterday, "This is a corporation that finds itself in financial distress due to recklessness and greed." That's true, but Washington doesn't want you to know that various arms of government approved, enabled and encouraged AIG's disastrous bet on the U.S. housing market.

Scott Polakoff, acting director of the Office of Thrift Supervision, told the Senate Banking Committee this month that, contrary to media myth, AIG's infamous Financial Products unit did not slip through the regulatory cracks. Mr. Polakoff said that the whole of AIG, including this unit, was regulated by his agency and by a "college" of global bureaucrats.

But what about that supposedly rogue AIG operation in London? Wasn't that outside the reach of federal regulators? Mr. Polakoff called it "a false statement" to say that his agency couldn't regulate the London office.

And his agency wasn't the only federal regulator. AIG's Financial Products unit has been overseen for years by an SEC-approved monitor. And AIG didn't just make disastrous bets on housing using those infamous credit default swaps. AIG made the same stupid bets on housing using money in its securities lending program, which was heavily regulated at the state level. State, foreign and various U.S. federal regulators were all looking over AIG's shoulder and approving the bad housing bets. Americans always pay their mortgages, right? Mr. Polakoff said his agency "should have taken an entirely different approach" in regulating the contracts written by AIG's Financial Products unit.

That's for sure, especially after March of 2005. The housing trouble began—as most of AIG's troubles did—when the company's board buckled under pressure from then New York Attorney General Eliot Spitzer when it fired longtime CEO Hank Greenberg. Almost immediately, Fitch took away the company's triple-A credit rating, which allowed it to borrow at cheaper rates. AIG subsequently announced an earnings restatement. The restatement addressed alleged accounting sins that Mr. Spitzer trumpeted initially but later dropped from his civil complaint.

Other elements of the restatement were later reversed by AIG itself. But the damage had been done. The restatement triggered more credit ratings downgrades. Mr. Greenberg's successors seemed to understand that the game had changed, warning in a 2005 SEC filing that a lower credit rating meant the firm would likely have to post more collateral to trading counterparties. But rather than managing risks even more carefully, they went in the opposite direction. Tragically, they did what Mr. Greenberg's AIG never did—bet big on housing.

Current AIG CEO Ed Liddy was picked by the government in 2008 and didn't create the mess, and he shouldn't be blamed for honoring the firm's lawful bonus contracts. However, it is on Mr. Liddy's watch that AIG has lately been conducting a campaign to stoke fears of "systemic risk." To mute Congressional objections to taxpayer cash infusions, AIG's lobbying materials suggest that taxpayers need to continue subsidizing the insurance giant to avoid economic ruin.

Among the more dubious claims is that AIG policyholders won't be able to purchase

the coverage they need. The sweeteners AIG has been offering to retain customers tell a different story. Moreover, getting back to those infamous bonuses, AIG can argue that it needs to pay top dollar to survive in an ultra-competitive business, or it can argue that it offers services not otherwise available in the market, but not both.

The Washington crowd wants to focus on bonuses because it aims public anger on private actors, not the political class. But our politicians and regulators should direct some of their anger back on themselves—for kicking off AIG's demise by ousting Mr. Greenberg, for failing to supervise its bets, and then for blowing a mountain of taxpayer cash on their AIG nationalization.

Whether or not these funds ever come back to the Treasury, regulators should now focus on getting AIG back into private hands as soon as possible. And if Treasury and the Fed want to continue bailing out foreign banks, let them make that case, honestly and directly, to American taxpayers.

ATTACHMENT A—COLLATERAL POSTINGS UNDER AIGFP CDS¹

[\$ billion]

| Counterparty | Amount Posted |
|-----------------------------------|---------------|
| Soite Generale | \$4.1 |
| Deutsche Bank | 2.6 |
| Goldman Sachs | 2.5 |
| Merrill Lynch | 1.8 |
| Calyon | 1.1 |
| Barclays | 0.9 |
| UBS | 0.8 |
| DZ Bank | 0.7 |
| Wachovia | 0.7 |
| Rabobank | 0.5 |
| KFW | 0.5 |
| JPMorgan | 0.4 |
| Banco Santander | 0.3 |
| Danske | 0.2 |
| Reconstruction Finance Corp | 0.2 |
| HSBC Bank | 0.2 |
| Morgan Stanley | 0.2 |
| Bank of America | 0.2 |
| Bank of Montreal | 0.2 |
| Royal Bank of Scotland | 0.2 |
| Top 20 CDS Total | \$18.3 |
| Other | 4.1 |

Total Collateral Postings \$22.4

¹The collateral amounts reflected in Schedule A represent funds provided by AIG to the counterparties indicated after September 16, 2008, the date on which AIG began receiving government assistance. The counterparties received additional collateral from AIG prior to this date, and AIG's SEC report relating to ML III reflects the aggregate amount of collateral that counterparties were entitled to retain pursuant to the terms of the ML III transaction.

ATTACHMENT B—MAIDEN LANE III PAYMENTS TO AIGFP CDS COUNTERPARTIES

[\$ billions]

| Institution (Counterparty may differ) | Maiden Lane III Payments Made to Counterparties | Maiden Lane III Payments Made to AIGFP |
|--|---|--|
| Deutsche Bank | \$2.8 | |
| Landesbank Baden-Wuerttemberg | 0.1 | |
| Wachovia | 0.8 | |
| Calyon | 1.2 | |
| Rabobank | 0.3 | |
| Goldman Sachs | 5.6 | |
| Societe Generale | 6.9 | |
| Merrill Lynch | 3.1 | |
| Bank of America | 0.5 | |
| The Royal Bank of Scotland | 0.5 | |
| HSBC Bank USA | 10.0 | |
| Deutsche Zentral-Genossenschaftsbank | 1.0 | |
| Dresdner Bank AG | 0.4 | |

ATTACHMENT B—MAIDEN LANE III PAYMENTS TO AIGFP
CDS COUNTERPARTIES—Continued

| [\$ billions] | | |
|---|---|--|
| Institution (Counterparty may differ) | Maiden Lane III Payments Made to Counterparties | Maiden Lane III Payments Made to AIGFP |
| UBS | 2.5 | |
| Barclays | 0.6 | |
| Bank of Montreal | 0.9 | |
| Other payments to AIGFP under Shortfall Agreement | | \$2.5 |
| Total | 27.1 | 2.5 |

¹ Amount rounds to zero.

ATTACHMENT D—PAYMENTS TO AIG SECURITIES LENDING COUNTERPARTIES
9/18/08–12/12/08

| [\$ billions] | |
|-----------------------------|---|
| Institution | Payments to Counterparties by Institution U.S. Securities Lending |
| Barclays | \$7.0 |
| Deutsche Bank | 6.4 |
| BNP Paribas | 4.9 |
| Goldman Sachs | 4.8 |
| Bank of America | 4.5 |
| HSBC | 3.3 |
| Citigroup | 2.3 |
| Dresdner Kleinwort | 2.2 |
| Merrill Lynch | 1.9 |
| UBS | 1.7 |
| ING | 1.5 |
| Morgan Stanley | 1.0 |
| Societe Generale | 0.9 |
| AIG International Inc. | 0.6 |
| Credit Suisse | 0.4 |
| Paloma Securities | 0.2 |
| Citadel | 0.2 |

Total ¹43.7

¹ Amounts may not total due to rounding.

Mr. SESSIONS. I yield the floor.

ADJOURNMENT UNTIL MONDAY,
MARCH 23, 2009, AT 2 P.M.

The PRESIDING OFFICER. The Senate stands adjourned until 2 p.m., Monday, March 23, 2009.

Thereupon, the Senate, at 6:49 p.m., adjourned until Monday, March 23, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

KATHLEEN A. MERRIGAN, OF MASSACHUSETTS, TO BE DEPUTY SECRETARY OF AGRICULTURE, VICE CHARLES F. CONNER, RESIGNED.

DEPARTMENT OF COMMERCE

APRIL S. BOYD, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE NATHANIEL F. WIENECKE, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

MICHELLE DEPASS, OF NEW YORK, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JUDITH ELIZABETH AYRES, RESIGNED.

DEPARTMENT OF EDUCATION

PETER CUNNINGHAM, OF ILLINOIS, TO BE ASSISTANT SECRETARY FOR COMMUNICATIONS AND OUTREACH, DEPARTMENT OF EDUCATION, VICE LAUREN M. MADDOX.

DEPARTMENT OF LABOR

BRIAN VINCENT KENNEDY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE KRISTINE ANN IVERSON, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major general

BRIG. GEN. JAMES K. GILMAN
BRIG. GEN. PHILIP VOLPE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. WILLIAM B. GAMBLE
COL. RICHARD W. THOMAS

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, March 19, 2009:

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN P. HOLDREN, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

DEPARTMENT OF COMMERCE

JANE LUBCHENCO, OF OREGON, TO BE UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

ELENA KAGAN, OF MASSACHUSETTS, TO BE SOLICITOR GENERAL OF THE UNITED STATES.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH KENT P. BAUER AND ENDING WITH MARK S. MACKEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

COAST GUARD NOMINATIONS BEGINNING WITH CORINNA M. FLEISCHMANN AND ENDING WITH KELLY C. SEALS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 2009.

HOUSE OF REPRESENTATIVES—Thursday, March 19, 2009

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Father of us all, Your providential care for our Nation and Your well-timed blessings during singular events of our individual lives, have revealed Your constant and personal love.

Even before we were born, You prepared the way for us with well-chosen people who knew our need. To this very day a single voice can speak wisdom over the din of a crowd. People tell us their dreams and inspire us in our daily efforts.

Someone asks the right question at exactly the right moment and occasions the answer needed but until then hidden.

History has shown us: wars create heroes in our midst. The struggle for civil rights and to put an end to suffering has called forth leadership when most needed.

Lord, You continue to fashion and challenge us until we reach the full potential You have placed within us. Therefore, we are confident in our present difficulties You have placed in position those who know what we need and will guide and protect us.

May Your truth and Your love be realized in us today and last forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1512. An act to amend the Internal Revenue Code of 1986 to extend the funding

and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

WON'T YOU BE MY NEIGHBOR DAY

(Mr. DOYLE asked and was given permission to address the House for 1 minute.)

Mr. DOYLE. Madam Speaker, I rise today to bring attention to an upcoming expression of caring and activism. Tomorrow, March 20, would have been Fred Rogers' 81st birthday. It also marks the second annual "Won't You Be My Neighbor Day," a day each year dedicated to furthering the efforts of Pittsburgh native Fred Rogers, known to many as Mr. Rogers from the long-running TV show "Mr. Rogers' Neighborhood."

Fred Rogers spent most of his adult life nurturing the development of self-assured, well-rounded, and caring young people.

Family Communications, Incorporated, the nonprofit organization founded by Fred Rogers in 1971, is asking all Americans to put on their favorite sweater tomorrow and undertake some act of neighborliness or caring—anything from striking up a friendly conversation with your neighbor to helping out in your neighborhood, so long as it helps create closer communities and exemplifies what it really means to be a good neighbor.

I hope my colleagues and people across the country will join me in honoring Fred Rogers' remarkable life's work by observing "Won't You Be My Neighbor Day" tomorrow.

BUREAUCRATIC OFF-ROAD BLOCK

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, Montanans can enjoy our beautiful State from the convenience of a road; but to really get out and experience it, we often have to leave the roads behind. That is why off-roading has become a major part of Montana's heritage, and our economy.

Unfortunately, the Consumer Products Safety Commission has erected a

bureaucratic off-road block for young all-terrain vehicle enthusiasts. ATV parts, which are unlikely to be handled by children, have been banned, forcing ATV and motorcycle dealers to remove these products from their showrooms. And now couldn't be a worse time as many of these dealers are just trying to stay afloat through the slow economic times.

I have introduced legislation to fix this problem. We all want to ensure the safety of our kids, but let's put our efforts into protecting them from real threats, not bureaucratic bungling.

SPACE SOLAR ALLIANCE

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. Mr. Speaker, this week the Space Shuttle Discovery docked at the International Space Station to deliver the final platform of solar panels that will support additional laboratories and the arrival of an expanded crew.

As the new chair of the Space and Aviation Subcommittee and a champion of solar energy, I am delighted by the space solar alliance that will advance human knowledge and technological development.

The panels being installed 220 miles above us this week have a wingspan of a 747, and they contain over 32,000 cells, enough to power 50 homes.

Recently, First Solar, an Arizona solar panel maker, announced solar cells that will be less than \$1 per watt. Global Solar, another Arizona company, creates solar cells that can be integrated into military and police gear.

What started as an expensive niche technology is now a consumer-driven, mass-produced product. Solar was absolutely vital to America's success in fulfilling our bold commitment to explore the heavens. Today it is playing a vital role in tackling an equally daunting task, America's energy independence.

OUTRAGE TOWARD AIG

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, House Republicans share the outrage of the American people that AIG would use taxpayer dollars to award executive bonuses during this economic crisis.

But we believe the American people deserve 100 percent of their money

back, not 90 percent. The American people deserve to know that this whole outrage could have been avoided.

Senator WYDEN authored an amendment banning executive bonuses, and that amendment was stripped from the stimulus bill. Senator DODD took responsibility, but he told CNN that “the administration had a problem with the amendment.”

The bill on the floor today to enact a 90 percent tax on AIG employees is just a cynical attempt to divert attention from the truth that Democrats in Congress and this administration made these bonus payments possible in the first place.

House Republicans have legislation that would ensure 100 percent of these bonuses are returned to taxpayers, but they blocked the plan from receiving a vote today. The American people have a right to get 100 percent of their money back, and Mr. Geithner should resign.

WAL-MART BATTLES TO DEVELOP ON BATTLEFIELD

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, 164 years ago brave Texans and brave Vermonters fought on an historical battlefield about 60 miles south of here, the Battle of the Wilderness. There were 165,000 troops amassed there, including Vermonters from the 1st Brigade; and 1,200 from Vermont's ranks died. Among them was Daniel Lilly, a teacher in Barnard, Vermont. His funeral is still today remembered as the largest funeral in the history of that town. Another, Ed Holden, fought and survived, but saw his brother with his head shot off die on the battlefield.

Today a different battle is taking place on that hallowed ground. It is a conflict between a great American corporation, Wal-Mart, and a great American historic battlefield, the Wilderness. My friend from Texas and I have joined together to ask Wal-Mart to do the right thing and not build its facility, a 140,000-foot facility, on that battlefield where troops were massing.

The question for us is whether we can honor the fallen. And that, as my friend will tell you, is just the way it is.

WAL-MART vs. HALLOWED GROUND

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, I appreciate the historical comments my friend from Vermont has said regarding Union troops from his home State. The Battle of the Wilderness took place in May 1864.

On the second day of the 3-day battle with a statement made by General Lee,

“Texans always move them,” the Texas Brigade successfully forced back Grant's Union troops. However, the Texans sustained 60 percent casualties.

There were 165,000 troops, Union and Confederate, in this Battle of the Wilderness. That is the number of troops that we have in Afghanistan and Iraq put together on one battlefield. There were 29,000 casualties. The fighting was so fierce in the dense woods it caught fire, and hundreds of wounded on both sides burned to death. Their graves are only known by God.

Mr. Speaker, those troops from the North and South were all Americans. Mr. Speaker, here is the battlefield. It is outlined in this black line. On this hallowed ground right here, you can see this X is where Wal-Mart wants to build one of their beautiful stores. There are other locations available for Wal-Mart. So we from the North and South in a bipartisan way want Wal-Mart to build someplace else.

And that's just the way it is.

MARCH MADNESS BRINGS US TOGETHER

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, Democrats and Republicans may disagree on things, and people in my city of Memphis may disagree on things over the years. But one thing that brings us together is March Madness, the NCAA tournament which tips off this morning.

In that tournament will be my home team, the University of Memphis Tigers. They have the longest winning streak in the country, 25 games, and they have the Coach of the Year in John Calipari. We have a great team that came just inches away from winning the national championship last year.

We were seeded number two this year rather than number one where we should have been. But this is the opportunity to show who deserves to be seeded number one. The University of Memphis Tigers that bring my community together and do something that basketball and sports can do for this country in bringing us together in difficult times and giving us a pastime that is so important will do well, and our city will cheer for them and see that they do well.

President Obama has picked them to make the Final Four. He was correct. He picked them to lose to Louisville; he was wrong. We will do well.

Go Tigers.

□ 1015

AIG SCANDAL

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute.)

Mrs. BACHMANN. Mr. Speaker, today we understand that the Obama administration's stimulus bill—the \$1 trillion stimulus bill—was also the AIG bonus protection plan, because we understand now today that language is contained within the stimulus bill that would ensure that the AIG bonuses would stay with the executives who received them.

The American people are outraged. We are outraged as well. But who knew about these bonuses? When did they know about it? CBS News has reported the Obama administration has known for weeks about these bonuses. Senator CHRIS DODD also said that he knew about these bonuses, put the amendment into place, but says it wasn't his language, it was the administration's language.

This is a scandal that is brewing in Washington. We need to have answers. The American people need answers. This is their money that is being spent for these failing businesses. It's time that the American people know what the real truth is.

AIG OUTRAGE

(Ms. TITUS asked and was given permission to address the House for 1 minute.)

Ms. TITUS. Mr. Speaker, I also rise today in outrage over the recent news that AIG paid out over \$165 million to executives, some of whom are no longer with the company.

Every day in southern Nevada, families face tough decisions about their economic futures; can they afford to stay in their home? Are they going to be able to provide for their children's future?

I find it insulting that the CEO of AIG said that his decision to give out these bonuses was “difficult.” Difficult is trying to figure out how to keep a roof over your head when you've lost your job. Difficult is providing for your children when your hours at work have been cut back. Difficult is not deciding if you are going to dole out hundreds of millions of dollars to irresponsible Wall Street executives.

I urge Congress and the administration to act quickly to recoup the taxpayers' money.

NORTHERN IRELAND

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on March 7 and 9, the young Government of Northern Ireland was put to the test. Two British soldiers and a policeman were killed by fringe groups trying to change peace to chaos, trying to reach the future through a return to the past. They failed, and the people of Northern Ireland became stronger.

The people voted for peace and acceptance of the Good Friday Agreement. The people voted for their First Minister Peter Robinson and Deputy First Minister Martin McGuinness, who jointly condemned the murders.

The people of Northern Ireland grew stronger when thousands of Catholics, Protestants, Unionists, and Nationalists marched together saying "No going back."

As Americans, as fellow lovers of freedom and democracy, we are with the people of Northern Ireland. We are both nations of law, and can only survive when the law is upheld.

God be with the families who have suffered a loss. And God bless the people and the peace of Northern Ireland.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 257 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 257

Resolved, That it shall be in order at any time on the legislative day of March 19, 2009, for the Speaker to entertain motions that the House suspend the rules relating to a measure addressing excessive compensation paid to employees of corporations in which the Federal government has a significant interest.

The SPEAKER pro tempore. The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. For the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. Mr. Speaker, I yield as much time to myself as I may consume.

Mr. Speaker, people across the country are rightly outraged by the egregious nature of the AIG bonuses. It is unconscionable for AIG to pay out \$165 million in bonuses to the same top executives who mismanaged the company to the point of failure.

It is fundamentally wrong to be rewarding the very same people who ran AIG while it was losing billions and billions of dollars with risky schemes that directly led to the staggering \$170

billion bailout last year. It is a stunning example of greed and shamelessness, and it is gross mismanagement and misuse of taxpayer funds that borders on criminal.

People in Maine, my district, and around the country are angry. I have heard from hundreds of my constituents sharing their outrage. One resident of Wells, Maine, in the straightforward way that my constituents do, wrote to me in this manner. He said, "Let AIG fail. Let those greedy, blood-sucking executives find out what it means to lose their life savings. You need to tell those that want our tax dollars, these are the conditions, clear and simple. And if you don't want to use it for what we want, you will get nothing." He went on to say, "It has become a sad day in our history when we have to lose our retirements, and then have to give billions to those that have caused the problems, and then, in turn, they give it to themselves as bonuses."

Another Mainer wrote, "I am writing to you because I am absolutely appalled that we, as citizens and taxpayers, have given billions of dollars to AIG, only to have that company give us all the proverbial finger and pay out \$165 million in bonus money to their staff. AIG's conduct, given their own monetary losses that are in the billions of dollars, is criminal."

The small businesses in my State of Maine are doing what businesses around the country are doing; they are diversifying, they are freezing wages. They are using their own resources, adopting cost-saving measures, whatever it takes to stay in business and keep people in their jobs.

Like so many businesses around the country, a businessman in Portland recently chose to dig into his own pocket and use his own money so he wouldn't have to lay off his employees. And just last week, I met with the owners of a small machine shop that had been growing. They came to me with questions about how they could better use the money in the recovery package to stay in business just to stay afloat. They weren't looking to line their own pockets, they were asking for help to keep people employed and keep their business afloat. These are the types of people who are stung the hardest by the AIG bonuses.

Families and businesses in Maine and across the country are struggling to make ends meet and stay in their homes. And they are helping each other out of a shared sense of responsibility. Meanwhile, on Wall Street, we see executives who seem to think they live by a different set of rules and who refuse to take responsibility for the damage they have caused. It is a perfect example of why we have, and will continue to have, a commitment to transparency and oversight in government.

When the House passed TARP last year before I was here, this type of abuse is exactly what the American people were afraid of. We knew there was a chance of waste, fraud or abuse, and now it has come to light. We are here today to fix it. We will continue to forge ahead to fix our struggling economy.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my friend, Ms. PINGREE, for yielding the time and I yield myself such time as I may consume.

What concerns me about this scandalous AIG bonus issue is that the Obama administration was asleep at the wheel. Two weeks ago, the President's press secretary was asked, is the administration confident that it knows what happened to the tens of billions of dollars given to AIG? The response from the President's press secretary was, "It is confident."

Yesterday, we learned that the Obama administration asked the Senate Banking Committee chairman, Mr. DODD, to insert a provision in last month's so-called economic stimulus legislation that had the effect of authorizing AIG's bonuses. First, that gentleman who I just referred to said that he didn't know how the bonus authorization had made it into the legislation, but the next day he said yes, he authorized it after being asked to do so by the Obama administration.

Was the administration complicit? I think this is an issue that Congress needs to investigate. Yesterday, I made a motion on this floor that would have allowed debate on H.R. 1577, a bill introduced by my colleague, Representative PAULSEN, and the rest of the Republican freshmen, to deal with the AIG bonus scandal. My motion was defeated, but it garnered bipartisan support. Every Republican voted for it, and so did eight Democrats on what is a procedural motion—very interesting. Although the motion failed, I am pleased that it attracted the attention of the majority leadership and they finally decided to take action on this scandal.

So, here we are today. Although I support the bills we will consider today, I find it quite unfortunate the way in which the majority leadership has decided to handle this scandal. The heavy-handed process they are using will block all Members of this House from offering amendments. It will also block every procedural right the minority has to shape legislation, including the motion to recommit. It will even limit debate on this important issue to a total of 40 minutes.

Why is the majority refusing Members to participate in the legislative process, Mr. Speaker? This is an issue that Members on both sides of the aisle feel outrage about, so why not allow

Members to participate? Is it because the majority is afraid of the minority's thoughtful ideas? Actually, as Congress debated the so-called stimulus bill, it was the Republicans—the thoughtful opposition—who advocated for transparency and accountability, but again, the majority blocked effort after effort by the minority to participate in the legislative process. That is unfortunate.

Mr. Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentlewoman from the great State of Maine for yielding, and for her important leadership on the Rules Committee.

Mr. Speaker, it has become somewhat rare for the Members of this body to find themselves in virtually universal agreement, but outrage over the retention bonuses for the very members of the AIG Financial Products Division, who brought a corporate giant to its knees and the economy of our Nation to a standstill, has produced such an agreement.

It would be both morally reprehensible and fiscally irresponsible for us to quietly hand over millions to those who have cost this country billions. And it is a rare cause that compels so many Members, all acting independently, to craft bills aimed at righting the same wrong.

The bill we consider now to tax bonus payments, such as the ones in question at AIG, at the effective rate of 90 percent sends a message that cannot be mistaken. The game is finished, the casino is closed.

I applaud Speaker PELOSI, Mr. MILLER, and Chairman RANGEL of the Ways and Means Committee for coming together so swiftly to react and incorporating ideas from many bills—from my colleague, STEVE ISRAEL, from GARY PETERS, from myself, from ELIJAH CUMMINGS, from many, many others—and coming forward swiftly with this bill that would tax at 90 percent. The remaining 10 percent would probably be taxed by States and cities.

If a company receives over \$5 billion of taxpayers' money, and anyone earning over \$250,000, they would be subject to this tax. So it moves the money back to the American taxpayer.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I'm shocked at the shock. I cannot believe that we are here and people are shocked. Every person—or, I don't want to offend anybody, but almost every person on the other side of the aisle—voted for the stimulus bill that had the provision in that protected, authorized, and allowed these bonuses. And today, they're shocked.

When Adam and Eve were expelled from the Garden of Eden, they were then pictured with fig leaves. The bill they want to bring today isn't a fig leaf, it's a fig tree.

Now, Ross Perot, when he ran for President in 1992, he talked about the giant sucking sound. Well, today there is another giant sucking sound going on in Washington, D.C., and that's the tightening of sphincters on both ends of Pennsylvania Avenue as people are having to explain who put into the stimulus bill this provision of law. And specifically, it's title VII, section 111, paragraph 3(i), that basically said that the bonuses that were paid out that people are shocked about today were protected and would not be touched.

Now, I think people have to man up around here and admit responsibility. Mr. Speaker, how much more time do I have?

The SPEAKER pro tempore. The gentleman from Ohio has 1½ minutes remaining.

Mr. LATOURETTE. I am happy to yield my 1½ minutes to anybody on the other side of the aisle who can tell us who was in the room, who took out the Wyden-Snowe amendment that prohibited this executive compensation and inserted section 111, subparagraph 3(i). Anybody?

Who did it? Was it some staffer? We see a Senator on the other side of the Capitol blaming it on the Treasury Secretary. We see the Treasury Secretary blaming the Senate. And the last time I checked, the Secretary of the Treasury doesn't have legislative authority. He didn't write it. Who wrote it?

What I do know is that we told you, how can you give us 90 minutes to read a piece of legislation that's over a thousand pages long? You said, well, who needs to read the legislation? Well, apparently, today, when the chickens have come home to roost, and we have read the legislation and the Democratic majority and the Democratic administration authorized AIG employees—73 of them—to get over a million dollars, today they're embarrassed.

□ 1030

And their response? It's a typical Democratic response: Let's tax people.

It's unconstitutional what they want to do; it's wrong what they want to do. And if we let the majority of this House that does not believe in transparency, that made us vote on a bill after giving us 90 minutes to read it, that is now embarrassed by the first storm that's been created and the finger pointing that they're now engaging in, we shouldn't be here.

Ms. PINGREE of Maine. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. McCOTTER).

Mr. McCOTTER. I thank the gentleman for yielding.

I too am shocked at the shock. When the stimulus bill came through the House, there were warnings from the minority party that we did not have time to read it, that we would find in that bill things that would be egregious and outrage the sensibilities of the American people.

But I will give credit where credit is due. It is, in fact, in this part a stimulus bill, for it stimulated the greed of the bonus babies at AIG because it protected and approved taxpayer-funded bonuses to that bailed-out company.

Facts are hard things to disprove. Every single Democrat in this House that voted for that bill voted to approve and protect those AIG bonuses. Every single Democrat in the Senate that voted for that stimulus bill, along with three Republican Senators, voted to approve and protect those AIG bonuses. The President of the United States signed into law the protection and approval of those AIG bonuses that they now find so repugnant now that the American people know what was done.

In my mind, this was part of a deliberate strategy to keep the employees at AIG who had broken the bank there to fix the mess that they had made. They knew that this Congress would not go alone with the executive bonuses being paid to bail out companies. They had to protect them with this amendment. It was dropped in in the dead of night.

If you are shocked, be shocked at the Members of your own party or administration that put it in and be shocked that we will now pass a bill of attainder that is unconstitutional to try to cover our, shall we say, tracks on this matter.

Here is the sad reality of where we are today. In a time of crisis, they passed the Wall Street bailout. The nightmarish prognostications of myself and others have been exceeded. Now what we find is an attempt to cover one's tracks with another bill in a time of crisis that will leave no one, no one, safe from the hand of the taxman when the politicians come to cover their tracks at your expense.

The public deserves better. The public deserves transparency. We cannot fail them again.

Ms. PINGREE of Maine. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's my pleasure to yield 2 minutes to the distinguished gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding.

Mr. Speaker, a recent headline read "AIG is a P.I.G." And that's exactly the way that most Americans feel.

The TARP bill, however ill-thought out, was intended to slow the bleeding

of our economy. Instead, that money is being used to line the pockets of the very crooks that drew the first blood. You know it and I know it and the American people know it.

However, what the American people do not know is who put that provision in the economic stimulus bill to ensure AIG's ability to pay out these outrageous bonuses. I don't know the answer to that. Was it Senator DODD? Well, just yesterday he said, no, he did it at the behest of the Obama White House. We need to remember this. The American people deserve to know who knew what, when they knew it.

We all agree that the fat cats at AIG shouldn't be rewarded for their irresponsible actions, and we'll take care of that today. But there are bigger questions.

This Member from Florida voted against the stimulus bill. However, most Democrats on the other side voted for the stimulus bill. And it's amazing that now they are so concerned and so shocked about a provision that was put in the bill that they fostered that never went through the Ways and Means Committee, on which I serve. We held a very brief briefing on it, but we did not get to vote on it. We did not get to put any amendments onto it.

I would at this point yield to the gentlewoman handling the bill on the other side, Ms. PINGREE, to ask her, who had the opportunity to vote against it, why she didn't.

Ms. PINGREE of Maine. Thank you very much for yielding.

I want to remind my colleagues on the other side of the aisle that we are here at this moment to pass the rule to allow us to fix this situation.

Ms. GINNY BROWN-WAITE of Florida. Reclaiming my time, I don't believe that the gentlewoman responded to the question.

We're here today to remedy something that you had the opportunity to vote against, you and your colleagues had the opportunity to vote against. That language was in there.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. PINGREE of Maine. Mr. Speaker, I yield myself such time as I may consume.

I wasn't here. Just to remind you, although I'm happy to be here to manage this bill, I was not here when many Members of the House voted on that particular bill. But I do want to say all of us in this Chamber had the opportunity to vote on the conditions on the TARP to make sure we dealt with things like executive compensation, and many of my colleagues on the other side of the aisle, in fact, most of them, refused to vote in favor of those conditions. So we have had those opportunities to do that over time.

I do agree it should be further investigated exactly how things happened

here. We are in one of the most tumultuous times in our economy than any of us have ever faced or previous generations have faced. But I personally voted in favor of those conditions of the TARP. And I do find it a little disingenuous to find many of my new colleagues, whom I am just getting to know, so anxious to talk about executive compensation, capping executive compensation, looking at this, when it was an issue that only probably weeks or months ago they wouldn't have gone near with a 10-foot pole. In fact, they wouldn't even have discussed this. They would have said leave business to itself, we're not going to get involved in this particular issue. This is an issue that has concerned me and my constituents back in my home State for a long time. I was proud to vote in favor of the conditions of the TARP.

And I want to remind my colleagues again we are here today to allow this rule to come to the floor so that we can have full debate on all of the opportunities afforded to us in this bill and this will be with us in only moments as soon as we vote in favor of this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, before I yield, let me say that what Ms. BROWN-WAITE was talking about was the \$800 billion so-called stimulus package. In that legislation was the authorization for these bonuses to AIG. And my understanding is that all of the colleagues on the other side of the aisle voted for that stimulus package. So that's for the record.

And I would urge my colleagues on the other side of the aisle to urge their leadership to take processes seriously. I remember when, that week of the stimulus package, the so-called stimulus package with \$800 billion, the House unanimously voted for a 48-hour period for everybody to be able to see what was in that package, and yet the majority leadership ignored the unanimous view of the House.

So I would urge my colleagues on the other side of the aisle to tell their leadership, please, pay attention to the will of the House, especially and including on process, because we now see that when process is abused, things make it into legislation that later embarrasses those who vote for it.

Mr. Speaker, I yield 2 minutes to the distinguished Member from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition to this rule as well as the bill because of the lack of need for this and the disgrace that this has brought upon us.

Yesterday, for instance, the Federal Reserve met and they came out and announced that they would create new money to the tune of \$1.25 trillion. The

dollar promptly went down 3 percent, and today it went down another 1.5 percent. And today on emergency legislation, we're going to deal with \$165 million worth of bonuses, which obviously should have never been given. But who's responsible for this? It's the Congress and the President, who signed this.

So this is a distraction. This is an outrage so everybody can go home that voted for this bill and say, look, I am clamping down on this \$165 million but I don't care about the previous \$5 trillion the Fed created and the \$1.25 trillion they created yesterday.

Think of the loss in purchasing power in less than 24 hours. And we think that we can solve this problem. We first appropriate, unconstitutionally, \$350 billion. We give it to the Treasury. We have no strings attached. And then you have an unintended consequence; so we express this outrage. And at the same time, what do we do? We come along and we now propose that we pass a bill of attainder. So we do things that are unconstitutional. They have an unintended consequence. So what is our solution? To further undermine the Constitution.

A line should be drawn in the sand. Let's quit appropriating funds in an unconstitutional manner. Let's quit bankrupting this country. Let's quit destroying our dollar.

If you really want to do something, you ought to consider H.R. 1207, which would monitor and make the Fed answer questions. I understand the Fed and the Treasury were involved in a lot of these antics, and yet the Fed is not even required to answer any questions.

So it's about time we have an open book about the Federal Reserve and solve some of these problems.

Ms. PINGREE of Maine. Mr. Speaker, just in a quick answer to my good colleague from the Rules Committee, Mr. DIAZ-BALART, I was proud to vote in favor of this stimulus bill and very happy to vote for things that are helping my district at this very moment around health care and jobs and road construction and things that are desperately needed in my State.

Mr. Speaker, at this time I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I want to thank the distinguished gentlewoman from Colorado for her leadership, and it's a pleasure to be on the floor with her today. Let me as well thank the Speaker for the opportunity to educate the American public and to dialogue with my colleagues.

I think it's important to note that about 1.1 or 3 trillion of the debt that we are facing is the result of the past administration. We are now climbing a very difficult mountain because of the enormous amount of irresponsibility that occurred. Today we are trying to fix problems that were contractually

based, already existing. And certainly we recognize that we have a combination of a deficit, we have an increasing unemployment rate, and we have an important challenge of fixing the collapsed financial markets.

Everybody has heard of AIG. They finance and insure almost every aspect of our lives. And it was this leadership that focused on the recovery of providing stimulus dollars to our community. It was this leadership that infused into the stimulus package unemployment benefits to extend to hard-working Americans. And certainly it is this leadership that intends to fix this debacle. We will do it together. We will ensure that the moneys that were given to those, either unjustly or unfairly, are returned to the American public.

I don't like the format that we are dealt or the cards that we are dealt. I don't like the idea that we were told that these were existing contracts, that these were retention bonuses.

But now as the transparency opens up, good news. The American people, all of us, can see the structures of capitalism that we'd like to change. But we do believe in Americans being able to recover their investments. We want small businesses to survive. We believe in a capitalistic system. But it has to be fixed. Today is the day we fix it and provide the return of taxpayer dollars.

I am supporting the underlying rule because it is a sense of urgency now. And what we are doing is giving the opportunity to give money back.

I'm a lawyer. I realize that this may be subjected to constitutional challenge and/or the courts, but you know? I'm prepared to battle in the courts. Why? Because they look at issues of equity. What does equity mean? It means who's in here with unclean hands, and if there is a situation where they are taking Federal money, such as AIG, and all of a sudden they give retention bonuses, our courts will look at this legislation and say it is fair to give the money back to the American people because the circumstances have changed. So I'd rather take the chance of going forward on your behalf. And I am grateful to the leadership for allowing us to debate legislation that will help return the money.

We also protect those recipients. If you are making under \$250,000, we do not take that money back.

The SPEAKER pro tempore. The time of the gentleman has expired.

□ 1045

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, facts are inconvenient things and the United States Constitution is an inconvenient truth at times, particularly when Congress

wants to show it's upset about something it already did.

Here are the facts. In the stimulus package, an amendment was adopted that the majority put in, the majority voted for, stating that provisions in the TARP and in the stimulus bills that limited compensation payments would not apply to "any bonus payment required to be paid pursuant to a written employment contract executed on or before February 11, 2009."

It was written specifically to protect the very bonuses that we are talking about here today. So now we are asking, how do we undo what we did? And the majority has brought to us a bill that doesn't recognize the truth of the Constitution.

There is something called a bill of attainder. You cannot punish a group because you don't like them. You can't have them treated more onerously than somebody else without a trial.

Now, that's an unfortunate truth that we have to deal with. How can we deal with this? Yesterday in Judiciary Committee, applying bankruptcy principles, we had an alternative. But that's not here on the floor today, because that's arguably constitutional. This is to get headlines to show that we are outraged.

But let me tell you, if we overturn the Constitution to show our outrage, no single American is safe. Because in the future what we will do is say we have a precedent that when we have an unpopular group, when we have a group that deserves some punishment, we won't go through the real laws, what we will do is we will pass a new tax law with confiscatory rates and say we have done it for the American people.

Well, if you do that, you are tearing up the Constitution. I didn't come here to tear up the Constitution to undo something that the majority did just a few weeks ago. We are better than that. We need to protect our Constitution.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts and my colleague on the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. Mr. Speaker, we are not tearing up the Constitution here, we are responding to bad behavior. We are telling corporate America that we are not going to bail them out, our financial institutions. We are not going to bail them out and let them do what AIG just did.

The American people are outraged, and rightly so, at the news that insurance giant AIG has given large bonuses to some of its employees. It is outrageous that a company that is being bailed out by the American people is providing bonuses to the people who dealt in these exotic financial instruments. Those employees made bad bets, and now the American people are paying the tab.

Mr. Speaker, not many of my constituents are getting so-called retention bonuses these days, and I can tell you that. They are not sure if they are going to wake up tomorrow with a job.

In Fall River, the unemployment rate is 16 percent. The city is being forced to lay off police officers and firefighters. Food banks are at their capacity, and they are being asked to pony up so-called retention bonuses for the people who got us into this mess? It is absolutely nuts.

Now I know that the CEO of AIG said yesterday that he has asked the people who have received these bonuses to give them back, and that's great. But I am afraid we can't simply rely on their good-hearted generosity. I understand, and I support the need to ensure the stability of the American banking system.

We need to get the credit flowing again. We need to make sure that people have access to mortgages and car loans and student loans. We need to make sure that small businesses have access to credit.

But we also need to make sure that bad behavior isn't rewarded with taxpayer money, and that's what this bill is all about. And as President Obama has rightly said, we must also put in place the appropriate rules and regulations going forward so that this kind of financial collapse never happens again.

Mr. Speaker, we need to get this right. We inherited a lousy economy from the previous administration, and we are in a position now where we need to help us support our financial institutions, but we need to make sure that we do so in a way that doesn't allow this kind of bad behavior to continue.

I applaud Speaker PELOSI and the leadership for bringing this bill to the floor. I urge my colleagues to support the rule and the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 2 minutes to the distinguished gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, our distinguished former colleague, the former chairman of the Ways and Means Committee, Bill Archer, always provided us with a great directive. He said here in this institution we should follow the Hippocratic Oath, that being to do no harm.

Now, Mr. Speaker, we know full well that the stimulus package had no Republican support, and many Republicans were maligned for having just said "no." And we all know very well, Democrats, Republicans alike know that we as Republicans came forward with a bold, robust, strong stimulus package ourselves, but they said we were just the Party of No.

Well, the fact of the matter is, again we offered a viable alternative. But we know very well that rushing as we did to this stimulus package is what has led to the challenge that our friends on

the other side of the aisle are attempting to clean up today. A great deal of harm has been done and this, Mr. Speaker, is just one tiny example.

Over in the visitor's center right now a hearing is being held by our Economic Stimulus Working Group, and testimony was just provided by a man called Mike Stevens of Action Printing from Lubbock, Texas. He was talking about the challenge of trying to get a printing press, and he said that only those banks that did not accept TARP monies had the flexibility to get the credit that he needed to purchase his printing press.

Mr. Speaker, if that example does not underscore, again, that the reach of government into our lives, trying to own companies and engage in this kind of activity is jeopardizing the potential for economic recovery, I believe that it is an absolute mistake for us to be going down this road. And I think those of us who stood up in opposition to this stimulus package have, in fact, had the statement made very, very clear.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, a Member of the Ways and Means Committee, Mr. DOGGETT.

Mr. DOGGETT. AIG—It has become shorthand for “Arrogant, Irresponsible Greed.” The big difference between the AIG insurance bootleggers and Ponzi felon Bernie Madoff is Madoff hasn't asked for a bailout yet, although taxpayers are providing him public housing in prison.

Of course, we wouldn't need to react so swiftly today about these outrageous bonuses if more people had been willing to speak out, not in January, but last September, when the Bush bailout provided almost \$1 trillion on unconditional terms. So many here accepted it, hook, line and sinker. Some of us urged last September the dangers of a bailout with no effective limitation on executive compensation, or on compelling taxpayers to bail out the rest of the world.

Well, today's bill is very important in restoring Eisenhower-level taxes to those who took these bailouts. We need to ensure that it gets to the bonuses paid to foreign AIG employees. We need to question why this bailout helped AIG provide 20 European banks almost \$60 billion, without asking them to sacrifice one red cent.

The same arrogance and indifference to the struggles of American families that necessitate today's bill, means that some of the most creative people in the world are already working to find ways around the bill. They will use the same creativity they have employed to dodge their tax responsibilities by going to offshore tax havens, and creating subsidiaries, and other creative means that we need to guard against in this legislation.

Meaningful reform means getting behind thoroughly crafted legislation

that returns accountability, transparency, responsibility, and the rule of law to markets that haven't had the rule of law for the last 8 years.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. PINGREE of Maine. I yield the gentleman an additional 30 seconds.

Mr. DOGGETT. Ever since the Bush Administration insisted taxpayers fund a near bottomless bailout, the problem has been battling the mindset that some folks are special—they are above responsibility for their actions, above any public accountability.

Today's legislation is important. It has been swift. It is an overdue step that Congress needs to take, but it must be the first step, not the last.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, no more blaming Bush. Mr. DODD said that it's the Obama administration that asked them to authorize these bonuses.

I yield 2 minutes to the distinguished gentlewoman from North Carolina, Dr. FOX.

Ms. FOX. Mr. Speaker, I would like to begin by submitting for the record the vote record for the stimulus bill, which included the provision for the AIG bonuses that the administration pushed for, showing that the gentlewoman from Maine, who said earlier that she had not voted for these bonuses, when she told the gentleman from Florida she didn't vote it.

HOUSE ROLL CALL VOTE 70, FEB. 13, 2009

YEAS (246)

Republicans (0).

Democrats (246): Abercrombie (HI-01), Ackerman (NY-05), Adler (NJ-03), Altmire (PA-04), Andrews (NJ-01), Arcuri (NY-24), Baca (CA-43), Baird (WA-03), Baldwin (WI-02), Barrow (GA-12), Bean (IL-08), Becerra (CA-31), Berkley (NV-01), Berman (CA-28), Berry (AR-01), Bishop, S. (GA-02), Bishop, T. (NY-01), Blumenauer (OR-03), Bocciari (OH-16), Boren (OK-02), Boswell (IA-03), Boucher (VA-09), Boyd, A. (FL-02), Brady, R. (PA-01), Braley (IA-01), Brown, C. (FL-03), Butterfield (NC-01), Capps (CA-23), Capuano (MA-08), Cardoza (CA-18), Carnahan (MO-03), Carney (PA-03), Carson, A. (IN-07), Castor (FL-11), Chandler (KY-06), Childers (MS-01), Clarke (NY-11), Clay (MO-01), Cleaver (MO-05), Cohen (TN-09), Connolly (VA-11), Conyers (MI-14), Cooper (TN-05), Costa (CA-20), Costello (IL-12), Courtney (CT-02), Crowley (NY-07), Cuellar (TX-28), Cummings (MD-07), Dahlkemper (PA-03), Davis, A. (AL-07), Davis, D. (IL-07), Davis, L. (TN-04), Davis, S. (CA-53), DeGette (CO-01), Delahunt (MA-10), DeLauro (CT-03), Dicks (WA-06), Dingell (MI-15), Doggett (TX-25), Donnelly (IN-02), Doyle (PA-14), Driehaus (OH-01), Edwards, C. (TX-17), Edwards, D. (MD-04), Ellison (MN-05), Ellsworth (IN-08), Engel (NY-17), Eshoo (CA-14), Etheridge (NC-02), Farr (CA-17), Fattah (PA-02), Filner (CA-51), Foster (IL-14), Frank, B. (MA-04), Fudge (OH-11), Giffords (AZ-08), Gonzalez (TX-20), Gordon (TN-06), Grayson (FL-08), Green, A. (TX-09), Green, G. (TX-29), Grijalva (AZ-07), Gutierrez (IL-04), Hall, J. (NY-19), Halvorson (IL-11), Hare (IL-17), Harman (CA-36), Hastings, A. (FL-23), Heinrich (NM-01), Herseth Sandlin (SD-AL), Higgins (NY-27), Hill (IN-09), Himes (CT-04), Hinchey (NY-22), Hinojosa

(TX-15), Hirono (HI-02), Hodes (NH-02), Holden (PA-17), Holt (NJ-12), Honda (CA-15), Hoyer (MD-05), Inslee (WA-01), Israel (NY-02), Jackson, J. (IL-02), Jackson Lee (TX-18), Johnson, E. (TX-30), Johnson, H. (GA-04), Kagen (WI-08), Kanjorski (PA-11), Kaptur (OH-09), Kennedy, P. (RI-01), Kildee (MI-05), Kilpatrick (MI-13), Kilroy (OH-15), Kind (WI-03), Kirkpatrick (AZ-01), Kissell (NC-08), Klein, R. (FL-22), Kosmas (FL-24), Kratovil (MD-01), Kucinich (OH-10), Langevin (RI-02), Larsen, R. (WA-02), Larson, J. (CT-01), Lee (CA-09), Levin, S. (MI-12), Lewis, John (GA-05), Loebach (IA-02), Lofgren (CA-16), Lowey (NY-18), Lujan (NM-03), Lynch (MA-09), Maffei (NY-25), Maloney (NY-14), Markey, B. (CO-04), Markey, E. (MA-07), Marshall (GA-08), Massa (NY-29), Matheson (UT-02), Matsui (CA-05), McCarthy, C. (NY-04), McCollum (MN-04), McDermott (WA-07), McGovern (MA-03), McIntyre (NC-07), McMahon (NY-13), McNeerney (CA-11), Meek, K. (FL-17), Meeks, G. (NY-06), Melancon (LA-03), Michaud (ME-02), Miller, B. (NC-13), Miller, George (CA-07), Mitchell (AZ-05), Mollohan (WV-01), Moore, D. (KS-03), Moore, G. (WI-04), Moran, James (VA-08), Murphy, C. (CT-05), Murphy, P. (PA-08), Murtha (PA-12), Nadler (NY-08), Napolitano (CA-38), Neal (MA-02), Nye (VA-02), Oberstar (MN-08), Obey (WI-07), Olver (MA-01), Ortiz (TX-27), Pallone (NJ-06), Pascarella (NJ-08), Pastor (AZ-04), Payne (NJ-10), Pelosi (CA-08), Perlmutter (CO-07), Perriello (VA-05), Peters (MI-09), Pingree (ME-01), Polis (CO-02), Pomeroy (ND-AL), Price, D. (NC-04), Rahall (WV-03), Rangel (NY-15), Reyes (TX-16), Richardson (CA-37), Rodriguez (TX-23), Ross (AR-04), Rothman (NJ-09), Roybal-Allard (CA-34), Ruppersberger (MD-02), Rush (IL-01), Ryan, T. (OH-17), Salazar, J. (CO-03), Sanchez, Linda (CA-39), Sanchez, Loretta (CA-47), Sarbanes (MD-03), Schakowsky (IL-09), Schauer (MI-07), Schiff (CA-29), Schrader (OR-05), Schwartz (PA-13), Scott, D. (GA-13), Scott, R. (VA-03), Serrano (NY-16), Sestak (PA-07), Shea-Porter (NH-01), Sherman (CA-27), Sires (NJ-13), Skelton (MO-04), Slaughter (NY-28), Smith, Adam (WA-09), Snyder (AR-02), Solis (CA-32), Space (OH-18), Speier (CA-12), Spratt (SC-05), Stark (CA-13), Stupak (MI-01), Sutton (OH-13), Tanner (TN-08), Tauscher (CA-10), Teague (NM-02), Thompson, B. (MS-02), Thompson, M. (CA-01), Tierney (MA-06), Titus (NV-03), Tonko (NY-21), Towns (NY-10), Tsongas (MA-05), Van Hollen (MD-08), Velazquez (NY-12), Visclosky (IN-01), Walz (MN-01), Wasserman Schultz (FL-20), Waters (CA-35), Watson (CA-33), Watt (NC-12), Waxman (CA-30), Weiner (NY-09), Welch (VT-AL), Waxler (FL-19), Wilson, Charlie (OH-06), Woolsey (CA-06), Wu (OR-01), Yarmuth (KY-03).

NAYS (183)

Republicans (176): Aderholt (AL-04), Akin (MO-02), Alexander, R. (LA-05), Austria (OH-07), Bachmann (MN-06), Bachus, S. (AL-06), Barrett (SC-03), Bartlett (MD-06), Barton (TX-06), Biggert (IL-13), Bilbray (CA-50), Bilirakis (FL-09), Bishop, R. (UT-01), Blackburn (TN-07), Blunt (MO-07), Boehner (OH-08), Bonner (AL-01), Bono Mack (CA-45), Boozman (AR-03), Boustany (LA-07), Brady, K. (TX-08), Broun (GA-10), Brown, H. (SC-01), Brown-Waite, G. (FL-05), Buchanan (FL-13), Burgess (TX-26), Burton (IN-05), Buyer (IN-04), Calvert (CA-44), Camp (MI-04), Cantor (VA-07), Cao (LA-02), Capito (WV 0902), Carter (TX-31), Cassidy (LA-06), Castle (DE-AL), Chaffetz (UT-03), Coble (NC-06), Coffman (CO-06), Cole (OK-04), Conaway (TX-11), Crenshaw (FL-04), Culberson (TX-07), Davis, G. (KY-04), Deal (GA-09), Dent (PA-15), Diaz-Balart, L. (FL-21), Diaz-Balart, M. (FL-25),

Dreier (CA-26), Duncan (TN-02), Ehlers (MI-03), Emerson (MO-08), Fallin (OK-05), Flake (AZ-06), Fleming (LA-04), Forbes (VA-04), Fortenberry (NE-01), Foxx (NC-05), Franks, T. (AZ-02), Frelinghuysen (NJ-11), Gallegly (CA-24), Garrett (NJ-05), Gerlach (PA-06), Gingrey (GA-11), Gohmert (TX-01), Goodlatte (VA-06), Granger (TX-12), Graves (MO-06), Guthrie (KY-02), Hall, R. (TX-04), Harper (MS-03), Hastings, D. (WA-04), Heller (NV-02), Hensarling (TX-05), Herger (CA-02), Hoekstra (MI-02), Hunter (CA-52), Inglis (SC-04), Issa (CA-49), Jenkins (KS-02), Johnson, S. (TX-03), Johnson, Timothy (IL-15), Jones, W. (NC-03), Jordan (OH-04), King, P. (NY-03), King, S. (IA-05), Kingston (GA-01), Kirk (IL-10), Kline, J. (MN-02), Lamborn (CO-05), Lance (NJ-07), Latham (IA-04), LaTourette (OH-14), Latta (OH-05), Lewis, Jerry (CA-41), Linder (GA-07), LoBiondo (NJ-02), Lucas (OK-03), Luetkemeyer (MO-09), Lummis (WY-AL), Lungren (CA-03), Mack (FL-14), Manzullo (IL-16), Marchant (TX-24), McCarthy, K. (CA-22), McCaul (TX-10), McClintock (CA-04), McCotter (MI-11), McHenry (NC-10), McHugh (NY-23), McKeon (CA-25), McMorris-Rodgers (WA-05), Mica (FL-07), Miller, C. (MI-10), Miller, Gary (CA-42), Miller, J. (FL-01), Moran, Jerry (KS-01), Murphy, T. (PA-18), Myrick (NC-09), Neugebauer (TX-19), Nunes (CA-21), Olson (TX-22), Paul (TX-14), Paulsen (MN-03), Pence (IN-06), Petri (WI-06), Pitts (PA-16), Platts (PA-19), Poe (TX-02), Posey (FL-15), Price, T. (GA-06), Putnam (FL-12), Radanovich (CA-19), Rehberg (MT-AL), Reichert (WA-08), Roe (TN-01), Rogers, H. (KY-05), Rogers, Mike (MI-08), Rogers, Mike D. (AL-03), Rohrabacher (CA-46), Rooney (FL-16), Roskam (IL-06), Ros-Lehtinen (FL-18), Royce (CA-40), Ryan, P. (WI-01), Scalise (LA-01), Schmidt (OH-02), Schock (IL-18), Sensenbrenner (WI-05), Sessions, P. (TX-32), Shadegg (AZ-03), Shimkus (IL-19), Shuster (PA-09), Simpson (ID-02), Smith, Adrian (NE-03), Smith, C. (NJ-04), Smith, L. (TX-21), Souder (IN-03), Stearns (FL-06), Sullivan (OK-01), Terry (NE-02), Thompson, G. (PA-05), Thornberry (TX-13), Tiahrt (KS-04), Tiberi (OH-12), Turner (OH-03), Upton (MI-06), Walden (OR-02), Wamp (TN-03), Westmoreland (GA-03), Whitfield (KY-01), Wilson, J. (SC-02), Wittman (VA-01), Wolf (VA-10), Young, C.W. (FL-10), Young, D. (AK-AL). — Democrats (7): Bright (AL-02), DeFazio (OR-04), Griffith (AL-05), Minnick (ID-01), Peterson (MN-07), Shuler (NC-11), Taylor (MS-04).

NOT VOTING (4)

Republicans (2): Campbell (CA-48), Lee, C. (NY-26). —

Democrats (2): Clyburn (SC-06), Lipinski (IL-03) P.

Mr. Speaker, this rushed legislation is coming from the same people who threw together the final stimulus bill in the dead of night and gave us over 12 hours to read over 1,000 pages, the same people who drafted the stimulus bill containing a provision that gave the green light to these \$1 million bonuses. They have never learned the expression "Act in haste, repent at leisure."

It's important to note that the same majority, Democrat majority that's expressing outrage over these AIG bonuses—rightly expressing outrage, I might add—is the same majority that voted overwhelmingly for the so-called stimulus that paved the way for these bonuses.

Let's take a measured approach. Unlike the approach that President Bush

took on the bailout-panic last fall, unlike the stimulus frenzy last month that put us where we are today, we can recoup this money in a constitutional manner. In fact, Republicans have a bill that will allow us to do that, but they will not let us vote on that bill.

Now, let me say, also, that we got a letter, or the leadership of this House got a letter, dated January 12, 2009, from Mr. Summers, Dr. Summers, saying, that, he "will ask his Department of Treasury to put in place strict and sensible conditions on CEO compensation and dividend payments until taxpayers get their money back. We will ensure that resources are directed to increasing lending and preventing new financial crises and not to enriching shareholders and executives."

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentlewoman an additional 15 seconds.

Ms. FOXX. Mr. MCGOVERN, another Member of the Rules Committee, said, "The statement by the Obama administration, the statement by Larry Summers, is all very encouraging. It demonstrates a real appreciation of what average people are going through."

They really understand average people in this country.

This bill unconstitutionally gets, back 1/1000th—that's one one thousandth of the bailout cash that AIG has gotten. We need to get all of it back—all \$170 billion. We need a bailout exit strategy. And passing unconstitutional laws is not an exit strategy.

Ms. PINGREE of Maine. Mr. Speaker, I do want to thank the gentlelady from North Carolina (Ms. FOXX) for bringing in my voting record and remind her that I was very proud to vote for the stimulus or recovery package, whichever we choose to call it, and have already stated that on the record.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Let me set the record straight, particularly with regard to the comments of Mr. DREIER from California. The TARP bill is the one that provided the bailouts. It contained highly ineffectual, giant loophole-containing limits on executive compensation.

Not surprisingly, those provisions did not prevent the outrageous AIG bonuses, nor do they prevent million-dollar a month salaries. It is the TARP bill which should have limited and pretended to limit executive compensation to those who got money from the TARP bill. The gentleman from California voted for the TARP bill, as I understand it. I voted against it, twice.

Then in January we considered a bill that had little or nothing to do with the TARP bailout. It, thankfully, included some effort to control bonuses. That was in addition to the restrictions found in the TARP bill. It was a

step in the right direction, but it was not enough to stop AIG bonuses. To attack people for voting to make the TARP Program a little better, and to have those attacks come from somebody who voted for the TARP bill, seems just a little outrageous.

But what about the bill we are going to consider today? It's a good step, but it ain't going to get us where we need to go. Because the bill we will consider today allows for half-million-dollar a month salaries, million-dollar a month salaries, without any taxation, without any limitation, without any effect from this legislation, just as those million-dollar a month salaries were unaffected by the TARP bill and by the stimulus bill.

□ 1100

We need to come to this floor next week and improve the bill that I hope we pass today—to deal with all executive compensation, not just bonuses. Because if you think people are angry today at the AIG bonuses, you see how angry they get when we tell them we've solved the problem and then they find out some people at bailed-out firms are getting \$500,000 a month salaries. Because they couldn't get bonuses, they went to the employer and said, Well, better make it \$1 million a month.

We have got to deal with the entire compensation package.

The bill we'll consider today also allows unlimited commissions. Now, you could argue that maybe certain commissions shouldn't be limited. But if you don't define the word commission, you can be sure everybody on Wall Street will rename what would have been a bonus into a commission. And it will not be taxed under the bill we are going to deal with today.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. PINGREE of Maine. I yield the gentleman 1 more minute.

Mr. SHERMAN. I thank the gentlelady. Finally, the bill we are going to deal with today deals only with executives of firms that have received capital infusions of over \$5 billion. That means that they got \$5 billion and they sold the Treasury their preferred stock.

Well, that's the way we did business last year. Now Treasury is about to stop buying preferred stock. They're going to start buying toxic assets.

The bill we'll consider today does not deal with those firms who sell \$5 billion, \$10 billion, \$50 billion worth of toxic assets to the U.S. government. So we have to deal with the bailed-out firms that get over \$5 billion, whether they get it for toxic assets or whether they get it for preferred stock.

We have to deal with salaries, we have to deal with commissions, we have to deal with Employee of the Week bonus payments or prize payments. We have to deal with all aspects

of compensation. Until then, our constituents will be justifiably skeptical.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, it seems altogether appropriate that the President is appearing on the Jay Leno show tonight. The administration's response to the AIG debacle has been nothing short of a comedy routine all week long. And we in Congress have played Laurel to the administration's Hardy all week long.

What we are about to do with this legislation, however, is not a laughing matter. We are responding to our failure to adequately review the stimulus bill by passing a bill that we have spent even less time reviewing.

A cursory review of this legislation seems to reveal that it's nothing more than a bill of attainder—a measure that is clearly unconstitutional. Does that matter to anyone here?

Let me offer just one example of why we should subject this legislation to a bit more deliberation. We don't have sufficient money in the Treasury, nor can we responsibly borrow enough money to purchase the toxic assets currently on the balance sheets of our financial institutions. We are going to need a great deal of investment from the private sector to do that.

Who in the private sector, Mr. Speaker, seeing what we are doing here today, would put their own money at risk for the possibility of financial return if they know that Congress, with one day's notice, can pass legislation to tax 90 percent of it?

It's tough enough, Mr. Speaker, for government to control the commanding heights of the economy without riding a high horse while doing it.

Ms. PINGREE of Maine. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Last fall, like a majority of House Republicans, I opposed the Wall Street bailout because I feared we'd arrive at days like today, in part. House Republicans share the outrage of the American people that AIG would use taxpayer dollars to award executive bonuses during an economic crisis. But the Democratic bill brought to the floor today is constitutionally questionable. In its obviously transparent attempt to divert attention away from the truth, the Democrats in Congress and this administration made these bonus payments possible.

House Republicans believe the American people deserve 100 percent of their money back. House Republicans have proposed legislation that will deny AIG one more dime of bailout money until they have recovered all of the bonus payments from their employees.

Lastly, the American people deserve to know this whole outrage could have

been avoided. The truth is that it was a Democrat Senator from Oregon, RON WYDEN, who authored thoughtful legislation that would have banned executive bonuses included in the stimulus bill, and it was—late in the night, late in the process—removed.

Here's what he had to say about it. Senator WYDEN told the Associated Press, "The President goes out and says this is not acceptable, then some backroom deal gets cut and lets these things get paid out anyway."

"He said, 'I think it's unfortunate.' He said we could have had a well-targeted message 'which would have communicated how strongly the administration felt about blocking these executive bonuses,' but I wasn't able to convince them."

"Even Senator CHRIS DODD, the head of the conference committee for the stimulus bill said, 'I didn't negotiate with myself. I wasn't trying to change it on my own. The administration had expressed reservations. They asked for modifications.'"

The American people deserve to know that, thanks to the work of Senator RON WYDEN and Senator OLYMPIA SNOWE, we wouldn't be here today, because the stimulus bill would have banned these bonuses altogether. But that language was removed.

The American people deserve 100 percent of their money back. They deserve to know why House Democrats blocked efforts to ban executive bonuses. We deserve the truth.

Ms. PINGREE of Maine. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. ROYCE).

Mr. ROYCE. The Democrats have actually controlled this Congress for over the last 2 years, and it was the Democrats who controlled the passage of the TARP legislation in the first place. I voted against that legislation.

But ABC News reported yesterday that "during late-night, closed-door negotiations for the House, Senate, and White House, a measure was stripped out of the stimulus bill that could have restricted these AIG bonuses. The Senate had approved the amendment to the stimulus bill aimed at restricting bonuses over \$100,000 that had been authored by OLYMPIA SNOWE and by RON WYDEN. Then, the provision was stripped out during the closed-door conference involving House and Senate leaders and the White House. Dodd's measure explicitly exempted bonuses agreed to prior to the passage of the stimulus bill."

Now, most of the Democratic Members voted for this on the House floor, all of the Republicans voted against it. That's the record.

We should vote "aye" on this bill. And the reason we should is because it's going to stop executives from com-

ing here to take TARP funds from Washington. It's going to stop capitalists from being converted into quasi-socialists. That's the reason we should vote "aye."

I brought an amendment to this floor in 2005 to try to prevent—with Fannie Mae and Freddie Mac—to try to regulate them for systemic risk, arguing that their over-leveraging as GSEs was going to cause bankruptcy and a financial collapse. It was voted down.

It was voted down, but this year those executives from Fannie Mae and Freddie Mac, it was reported yesterday, they are going to get over \$1 million in bonuses.

How do we stop every executive coming to this town to get TARP money and over-leveraging their firms and then the consequent bailout at cost to the taxpayers?

Well, we passed legislation removing their bonuses so that all of the time and effort that these business executives put into coming to D.C. is reversed.

When you take TARP money, when they do that, they have the full backing of the U.S. government behind them. So they can borrow money without market discipline and without limit, at a lower interest rate than their competitors, and drive them out of business, which is what AIG is doing right now to other smaller private sector businesses.

It's 80 percent owned by the government. Without that market discipline, what consequently happens, economists tell us—and this is exactly what happened with Fannie Mae and Freddie Mac as government-sponsored enterprises—they drive out their competition, they become larger and larger, they over-leverage, and then they collapse, requiring more in government infusions of capital into these institutions.

You have got to change the incentive structure. You have got to put up a firewall between government and the markets. You don't want these fellows down here with their lobbyists. You don't want these men and women, these executives down here trying to figure out ways to get the taxpayers to back them so that they can become quasi-GSEs, because the long-term consequence of becoming a government-sponsored enterprise is the same as what happened to Fannie and Freddie.

This is what economists have tried to explain to us. We finally have a method to distinguish between those in the private sector, those who are free-market businessmen, who are going to take risks, not with government money, and are going to make a salary and are going to pay bonuses to their executives, and those who decide that they want to be quasi-public in nature, that they want to be like Fannie and Freddie.

Why should they make bonuses of \$1 million a year this year for Fannie and

Freddie? Why should they make twice as much as they made in bonuses last year? It is only because, unfortunately, my friends on the other side of the aisle did not listen to this argument on TARP funding.

Ms. PINGREE of Maine. Mr. Speaker I yield 2 minutes to a member of the Ways and Means Committee, the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentlewoman for yielding. Mr. Speaker, the people have spoken on the extraordinary issue of AIG lavishing fat bonuses on some of its executives. Indeed, some of the very people whose reckless actions destroyed this once great company. The people have said no. In fact, they've said: Hell no. And give us our money back.

This is not just another case of runaway corporate greed and arrogance, ripping off shareholders by excesses lavished around the executive suite. These bonuses represent a squandering of the people's money because it's the vast sums we have been forced to pour into this now pathetic company.

The bill before us is unlike any tax bill I have ever seen. But it reflects the strong feelings of our constituents and the bipartisan will of this body. We will not tolerate these actions. We are not going to wring our hands, shake our heads, look at our feet and mumble "Ain't it a shame."

Starting right here, right now, we are saying: No more. We are saying: Give us our money back. And we will not stop until we get it back.

The fact that we have to take this step at all is appalling to me. Have the recipients of these checks no shame at all? They failed in their work. They wrecked a corporate icon. They contributed mightily to the economic crash that has cost the Treasury \$170 billion so far. And they want to cash their bonus checks.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. PINGREE of Maine. I yield another 30 seconds.

Mr. POMEROY. Let today's vote say loud and clear to those running to cash their ill-gotten checks: You disgust us. By any measure, you are disgraced, professional losers. By the way, give us our money back.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, let me be clear. We want the money back—the money that was used for executive bonuses.

But I rise today in opposition to this rule. Frankly, I find it incredibly disappointing how this Congress has handled the AIG situation. And now the majority is simply repeating the same mistakes that led us here.

As we all know, the 1,100-page stimulus package was made public in the dead of night, just hours before the vote. No one could have read it except those that crafted it behind closed doors. No committee hearings were held, no alternatives or amendments were permitted. And now we find another reason why the majority didn't want it exposed to close scrutiny.

Apparently the majority quietly stripped out language passed in the Senate that would have blocked these outrageous bonuses funded with taxpayer dollars.

And who is responsible? First, no one took responsibility or seemed to have any idea who did it. Then Senator DODD admitted that he stripped out the language at the behest of the administration.

Now Congress is making the same bad mistake by passing another piece of rushed legislation introduced in one day, and hasn't had the proper scrutiny.

□ 1115

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 1 minute to the distinguished gentleman from Minnesota, who has legislation filed and who has been working diligently on this issue, Mr. PAULSEN.

Mr. PAULSEN. Mr. Speaker, I also agree that taxpayers deserve 100 percent of their money back. But, Mr. Speaker, I would urge our colleagues to vote "no" on the rule that is before us today.

Voting "no" on this rule today will allow us to consider the very common-sense proposal that we tried to bring up yesterday and now that the gentleman from Florida is trying to bring up once again today, a bipartisan proposal, actually, that would require not only that the bonuses get returned, have the Treasury Department return those bonuses, but, more importantly, put accountability in place so it never happens again. No more excuses. Requiring the Treasury Department to sign off on any future bonuses, requiring the Treasury Department to sign off on any future contracts regarding TARP legislation.

The bill that is being brought to the floor by the majority today was hastily written, as were provisions of the stimulus bill. It is covering the shoddy work that was done in the oversight of the TARP funds, the shoddy work that was put together in the stimulus bill, and it is covering up the shoddy work as well of government incompetence.

Mr. Speaker, let's have a vote for accountability by voting "no" on this provision so we can insert better bipartisan legislation.

Ms. PINGREE of Maine. Mr. Speaker, I am the last speaker for this side. I will reserve my time until the gentleman has closed for his side and yielded back his time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I am asking all Members to vote "no" on the previous question. It won't preclude consideration of the other suspension bills we expect to consider today, but it will give the administration another way to recover the taxpayer funds given in those outrageous bonuses to AIG, and it will also help prevent another bonus scandal, as Mr. PAULSEN, the author of the legislation that I wish would be able to be debated, has just explained.

So I urge a "no" vote on the previous question, really, to say enough is enough with regard not only with the scandalous misuse of taxpayer funds, but the abuse of the process by the majority; because on an issue like this, where there is outrage on both sides of the aisle, there should be no problem with discussion and debate and consideration of ideas from other Members, not just the office of the leadership here, the majority leadership.

And with regard to what we have heard about blaming the prior administration, it is going to be very interesting, Mr. Speaker, to see how long that lasts. I am sure they will try to make it last for 4 years, but how long will it be effective? Because the authorization for the bonuses was in the so-called stimulus package voted for by the majority.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I again urge a "no" vote on the previous question, and I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I can be very brief in my close, and I thank all of the eloquent speakers from our side who have come to the floor to talk about this important issue and the importance of voting on it today.

Let me be clear, a "no" vote, a "no" vote on this, is to allow the executives at AIG to keep their bonuses.

Now, how many people have come before us today to say it is unconscionable to think that they would take taxpayers' dollars to fund a misguided scheme, and then be given bonuses by the taxpayers? It is unthinkable. A "no" vote here is unthinkable.

We have talked about a whole variety of things from each other's voting records to the constitutionality, to a whole range of issues that do and don't apply to what we are talking about right now, and that is to allow a rule to allow us to proceed with doing something about the executive bonuses at AIG.

How many people have come before us? How many constituents have we

heard from who have said: You have got to do something about these bonuses. I am struggling. I am struggling to keep my business going. I am struggling to keep my home going. Numerous things we have all heard from all of our constituents that have said to us, do something, do it right now. That is what people are asking us, in this extreme difficult economy where people are struggling every day, where businesses are struggling, where in my district we are hearing a layoff notice almost every day. People are saying to us, it is time to do something. That is why we are here.

I urge a "yes" vote of my colleagues on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 257, AS REPORTED OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, insert the following new section:

SEC. 2. Immediately upon adoption of this resolution, without intervention of any motion or recess, the Speaker shall entertain a motion offered by the Minority Leader or his designee, that the House suspend the rules relating to the bill (H.R. 1577) to require the Secretary of the Treasury to pursue every legal means to stay or recoup certain incentive bonus payments and retention payments made by American International Group, Inc. to its executives and employees, and to require the Secretary's approval of such payments by any financial institution who receives funds under title I of the Emergency Economic Stabilization Act of 2008. Clause 8(a) of rule XX shall not apply to such motion. A motion to adjourn shall not be in order during consideration of such motion.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said:

"The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's* "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. PINGREE of Maine. I yield back the balance of my time and move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 265

Whereas, Mr. Paul Magliocchetti, a former Appropriations Committee staffer, founded a prominent lobbying firm specializing in obtaining defense earmarks for its clients and

whose offices—along with the home of the founder—were recently raided by the FBI.

Whereas, the lobbying firm has shuttered its political action committee and is scheduled to cease operations at the end of the month but, according to the *New York Times*, "not before leaving a detailed blueprint of how the political money churn works in Congress" and amid multiple press reports that its founder is the focus of a Justice Department investigation. (The *New York Times*, February 20, 2009)

Whereas, CQ Today noted that the firm has "charged \$107 million in lobbying fees from 2000 through 2008" and estimates of political giving by the raided firm have varied in the press, with The Hill reporting that the firm has given \$3.4 million to no less than 284 members of Congress. (CQ Today, March 12, 2009; The Hill, March 4, 2009)

Whereas, The Hill reported that Mr. Magliocchetti is "under investigation for [the firm's] campaign donations," the Washington Post highlighted the fact that federal investigators are "focused on allegations" that he "may have reimbursed some of his staff to cover contributions made in their names . . ." and the *New York Times* noted that federal prosecutors are "looking into the possibility" that he "may have funneled bogus campaign contributions" to members of Congress. (The Hill, February 20, 2009; The Washington Post, February 14, 2009; The *New York Times*, February 11, 2009)

Whereas, Roll Call reported on "the suspicious pattern of giving established by two Floridians who joined [the firm's] board of directors in 2006" and who, with "no previous political profile . . . made more than \$160,000 in campaign contributions over a three-year period" and "generally contributed the same amount to the same candidate on the same days." (Roll Call, February 20, 2009)

Whereas, The Hill also reported that "the embattled defense lobbyist who led the FBI-raided [firm] has entered into a Florida-based business with two associates whose political donations have come into question" and is listed in corporate records as being an executive with them in a restaurant business. (The Hill, February 17, 2009)

Whereas, Roll Call also reported that it had located tens of thousands of dollars of donations linked to the firm that "are improperly reported in the FEC database." (Roll Call, February 20, 2009)

Whereas, CQ Today recently reported that Mr. Magliocchetti and "nine of his relatives—two children, his daughter-in-law, his current wife, his ex-wife and his ex-wife's parents, sister, and brother-in-law" provided "\$1.5 million in political contributions from 2000 through 2008 as the lobbyist's now-embattled firm helped clients win billions of dollars in federal contracts," with the majority of the family members contributing in excess of \$100,000 in that timeframe. (CQ Today, March 12, 2009)

Whereas, CQ Today also noted that "all but one of the family members were recorded as working for [the firm] in campaign finance reports, and most also were listed as having other employers" and with other occupations such as assistant ticket director for a Class A baseball team, a school teacher, a police sergeant, and a homemaker. (CQ Today, March 12, 2009)

Whereas, in addition to reports of allegations related to reimbursing employees and the concerning patterns of contributions of business associates and board members, ABC News reported that some former clients of the firm "have complained of being pressured by [the firm's] lobbyists to write

checks for politicians they either had no interest in or openly opposed." (ABC News The Blotter, March 4, 2009)

Whereas, Roll Call has taken note of the timing of contributions from employees of Mr. Magliocchetti's firm and its clients when it reported that they "have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters or passage of a spending bill." (Roll Call, March 3, 2009)

Whereas, reports of the firm's success in obtaining earmarks for their clients are widespread, with CQ Today reporting that "104 House members got earmarks for projects sought by [clients of the firm] in the 2008 defense appropriations bills," and that 87 percent of this bipartisan group of Members received campaign contributions from the raided firm. (CQ Today, February 19, 2009)

Whereas, clients of Mr. Magliocchetti's firm received at least three hundred million dollars worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid and Justice Department investigation into the firm and its founder was well known.

Whereas, the Chicago Tribune noted that the ties between a senior House Appropriations Committee member and Mr. Magliocchetti's firm "reflect a culture of pay-to-play in Washington." and ABC News indicated that "the firm's operations—millions out to lawmakers, hundreds of millions back in earmarks for clients—have made it, for many observers, the poster child for tacit "pay-to-play" politics . . ." (Chicago Tribune, March 2, 2009; ABC News The Blotter, March 4, 2009)

Whereas Roll Call has reported that "a handful of lawmakers had already begun to refund donations tied to" the firm "at the center of a federal probe . . ." (Roll Call, February 23, 2009)

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to Mr. Magliocchetti, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of Congressional proceedings and the dignity of the institution.

Whereas, the fact that cases are being investigated by the Justice Department does not preclude the Committee on Standards from taking investigative steps: Now, therefore, be it

Resolved, That

(a) The Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its members appointed by the chairman and ranking member, shall immediately begin an investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the founder of the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of the resolution.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE

Mr. BECERRA. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on ordering the previous question on H. Res. 257, and adopting H. Res. 257, if ordered.

The vote was taken by electronic device, and there were—yeas 226, nays 180, answered "present" 15, not voting 10, as follows:

[Roll No. 141]

YEAS—226

| | | |
|----------------|-----------------|------------------|
| Abercrombie | Etheridge | Matsui |
| Ackerman | Farr | McCarthy (NY) |
| Adler (NJ) | Fattah | McCollum |
| Altmire | Filner | McDermott |
| Andrews | Frank (MA) | McGovern |
| Arcuri | Fudge | McMahon |
| Baca | Gonzalez | Meek (FL) |
| Baird | Gordon (TN) | Meeks (NY) |
| Baldwin | Grayson | Melancon |
| Barrow | Green, Al | Michaud |
| Becerra | Green, Gene | Miller (NC) |
| Berkley | Griffith | Miller, George |
| Berman | Grijalva | Mollohan |
| Berry | Gutierrez | Moore (KS) |
| Bishop (GA) | Hall (NY) | Moore (WI) |
| Bishop (NY) | Hare | Moran (VA) |
| Blumenauer | Harman | Murphy (CT) |
| Boren | Hastings (FL) | Murphy, Patrick |
| Boswell | Heinrich | Murphy, Tim |
| Boucher | Hereth Sandlin | Murtha |
| Boyd | Higgins | Nadler (NY) |
| Brady (PA) | Hinojosa | Neal (MA) |
| Braley (IA) | Hirono | Nye |
| Brown, Corrine | Holden | Oberstar |
| Capps | Holt | Obey |
| Capuano | Honda | Oliver |
| Cardoza | Hoyer | Ortiz |
| Carnahan | Inslee | Pallone |
| Carney | Israel | Pascarella |
| Carson (IN) | Jackson (IL) | Pastor (AZ) |
| Childers | Jackson-Lee | Payne |
| Clarke | (TX) | Perlmutter |
| Clay | Johnson (GA) | Peters |
| Cleaver | Johnson, E. B. | Peterson |
| Clyburn | Jones | Pingree (ME) |
| Cohen | Kagen | Polis (CO) |
| Connolly (VA) | Kanjorski | Pomeroy |
| Conyers | Kaptur | Price (NC) |
| Cooper | Kennedy | Rahall |
| Costa | Kildee | Rangel |
| Costello | Kilpatrick (MI) | Reyes |
| Courtney | Kilroy | Richardson |
| Crowley | Kissell | Rodriguez |
| Cuellar | Klein (FL) | Rohrabacher |
| Cummings | Kratovil | Ross |
| Dahlkemper | Kucinich | Rothman (NJ) |
| Davis (AL) | Langevin | Roybal-Allard |
| Davis (CA) | Larsen (WA) | Ruppersberger |
| Davis (IL) | Larson (CT) | Rush |
| Davis (TN) | Lee (CA) | Ryan (OH) |
| DeFazio | Levin | Salazar |
| DeGette | Lewis (GA) | Sanchez, Linda |
| DeLauro | Lipinski | T. |
| Dicks | Lowe | Sanchez, Loretta |
| Dingell | Lujan | Sarbanes |
| Doggett | Lynch | Schakowsky |
| Doyle | Maffei | Schauer |
| Driehaus | Maloney | Schiff |
| Edwards (MD) | Markey (CO) | Schrader |
| Edwards (TX) | Markey (MA) | Schwartz |
| Ellison | Marshall | Scott (GA) |
| Engel | Massa | Scott (VA) |
| Eshoo | Matheson | Serrano |

Sestak
Shea-Porter
Sherman
Shuler
Sires
Skeltton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak

Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez

Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—180

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccheri
Boehner
Bono Mack
Boozman
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Crenshaw
Davis (KY)
Deal (GA)
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Franks (AZ)
Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Halvorson
Harper
Heller
Hensarling
Herger
Himes
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kosmas
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Loeb sack
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers

McNerney
Mica
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walz
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

ANSWERED "PRESENT"—15

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler

Conaway
Dent
Diaz-Balart, L.
Hastings (WA)
Hill
Kline (MN)
Lofgren, Zoe
Poe (TX)
Walden
Welch

NOT VOTING—10

Miller, Gary
Napolitano
Olson
Radanovich

□ 1157

Messrs. CALVERT and TEAGUE changed their vote from "yea" to "nay."

Messrs. CONYERS, CLEAVER, ENGEL, SMITH of Washington and Ms. WATSON changed their vote from “nay” to “yea.”

Messrs. BARRETT of South Carolina, LINCOLN DIAZ-BALART of Florida, and WALDEN changed their vote from “nay” to “present.”

Mr. BUTTERFIELD changed his vote from “yea” to “present.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Madam Speaker, on Thursday, March 19, 2009, I was absent during rollcall vote No. 141 in order to attend an event with the President in my district. Had I been present, I would have voted “yea” on the motion to table H. Res. 265—Raising a question of privileges of the House.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 257, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 242, nays 180, not voting 9, as follows:

[Roll No. 142]

YEAS—242

| | | |
|----------------|---------------|-----------------|
| Abercrombie | Cohen | Gonzalez |
| Ackerman | Connolly (VA) | Gordon (TN) |
| Adler (NJ) | Conyers | Grayson |
| Altmire | Cooper | Green, Al |
| Andrews | Costa | Green, Gene |
| Arcuri | Costello | Griffith |
| Baca | Courtney | Grijalva |
| Baird | Crowley | Gutierrez |
| Baldwin | Cuellar | Hall (NY) |
| Bean | Cummings | Halvorson |
| Becerra | Dahlkemper | Hare |
| Berkley | Davis (AL) | Harman |
| Berman | Davis (CA) | Hastings (FL) |
| Berry | Davis (IL) | Heinrich |
| Bishop (GA) | Davis (TN) | Herseth Sandlin |
| Bishop (NY) | DeFazio | Higgins |
| Blumenauer | DeGette | Hill |
| Boccieri | DeLauro | Himes |
| Boren | Dicks | Hinojosa |
| Boswell | Dingell | Hirono |
| Boucher | Doggett | Hodes |
| Boyd | Donnelly (IN) | Holden |
| Brady (PA) | Doyle | Holt |
| Braley (IA) | Driehaus | Honda |
| Brown, Corrine | Edwards (MD) | Hoyer |
| Butterfield | Edwards (TX) | Inslee |
| Capps | Ellison | Israel |
| Capuano | Ellsworth | Jackson (IL) |
| Cardoza | Engel | Jackson-Lee |
| Carnahan | Eshoo | (TX) |
| Carney | Etheridge | Johnson (GA) |
| Carson (IN) | Farr | Johnson, E. B. |
| Castor (FL) | Fattah | Kagen |
| Chandler | Filner | Kanjorski |
| Clarke | Foster | Kaptur |
| Clay | Frank (MA) | Kennedy |
| Cleaver | Fudge | Kildee |
| Clyburn | Giffords | Kilpatrick (MI) |

| | | |
|------------------|---------------------|---------------|
| Kilroy | Murphy, Patrick | Sestak |
| Kind | Murtha | Shea-Porter |
| Kirkpatrick (AZ) | Nadler (NY) | Sherman |
| Kissell | Neal (MA) | Shuler |
| Klein (FL) | Oberstar | Sires |
| Kratovil | Obey | Skelton |
| Kucinich | Oliver | Slaughter |
| Langevin | Ortiz | Smith (WA) |
| Larsen (WA) | Pallone | Snyder |
| Larson (CT) | Pascarell | Space |
| Lee (CA) | Pastor (AZ) | Speier |
| Levin | Payne | Spratt |
| Lewis (GA) | Perlmutter | Stark |
| Lipinski | Perriello | Stupak |
| Loeb | Peters | Sutton |
| Loftgren, Zoe | Peterson | Tanner |
| Lowey | Pingree (ME) | Tauscher |
| Lujan | Polis (CO) | Taylor |
| Lynch | Pomeroy | Teague |
| Maffei | Price (NC) | Thompson (CA) |
| Maloney | Rahall | Thompson (MS) |
| Markey (CO) | Rangel | Tierney |
| Markey (MA) | Reyes | Titus |
| Marshall | Richardson | Tonko |
| Massa | Rodriguez | Towns |
| Matheson | Ross | Tsongas |
| Matsui | Rothman (NJ) | Van Hollen |
| McCarthy (NY) | Roybal-Allard | Velázquez |
| McCollum | Ruppersberger | Visclosky |
| McDermott | Rush | Walz |
| McGovern | Ryan (OH) | Wasserman |
| McIntyre | Salazar | Schultz |
| McMahon | Sánchez, Linda | T. Waters |
| Meek (FL) | T. Sanchez, Loretta | Watson |
| Meeks (NY) | Sarbanes | Watt |
| Melancon | Schakowsky | Waxman |
| Michaud | Schauer | Weiner |
| Miller (NC) | Schiff | Welch |
| Miller, George | Schrader | Wexler |
| Mollohan | Schwartz | Wilson (OH) |
| Moore (KS) | Scott (GA) | Woolsey |
| Moore (WI) | Scott (VA) | Wu |
| Moran (VA) | Serrano | Yarmuth |

NAYS—180

| | | |
|--------------|-----------------|-----------------|
| Aderholt | Diaz-Balart, L. | Lee (NY) |
| Akin | Diaz-Balart, M. | Lewis (CA) |
| Alexander | Dreier | Linder |
| Austria | Duncan | LoBiondo |
| Bachmann | Ehlers | Lucas |
| Bachus | Emerson | Luetkemeyer |
| Barrett (SC) | Fallin | Lummis |
| Barrow | Flake | Lungren, Daniel |
| Bartlett | Fleming | E. |
| Barton (TX) | Forbes | Mack |
| Biggart | Portenberry | Manzullo |
| Bilbray | Fox | Marchant |
| Bilirakis | Franks (AZ) | McCarthy (CA) |
| Bishop (UT) | Frelinghuysen | McCaul |
| Blackburn | Gallegly | McClintock |
| Blunt | Garrett (NJ) | McCotter |
| Boehner | Gerlach | McHenry |
| Bonner | Gingrey (GA) | McHugh |
| Bono Mack | Gohmert | McKeon |
| Boozman | Goodlatte | McMorris |
| Brady (TX) | Granger | Rodgers |
| Bright | Graves | McNerney |
| Brown (GA) | Guthrie | Mica |
| Brown (SC) | Hall (TX) | Miller (FL) |
| Brown-Waite, | Harper | Miller (MI) |
| Ginny | Hastings (WA) | Minnick |
| Buchanan | Heller | Mitchell |
| Burgess | Hensarling | Moran (KS) |
| Burton (IN) | Herger | Murphy, Tim |
| Buyer | Hoekstra | Myrick |
| Calvert | Hunter | Neugebauer |
| Camp | Inglis | Nunes |
| Campbell | Issa | Nye |
| Cantor | Jenkins | Paul |
| Cao | Johnson (IL) | Paulsen |
| Capito | Johnson, Sam | Pence |
| Carter | Jones | Petri |
| Cassidy | Jordan (OH) | Pitts |
| Castle | King (IA) | Platts |
| Chaffetz | King (NY) | Poe (TX) |
| Childers | Kingston | Posey |
| Coble | Kirk | Price (GA) |
| Coffman (CO) | Kline (MN) | Putnam |
| Cole | Kosmas | Rehberg |
| Conaway | Lamborn | Reichert |
| Crenshaw | Lance | Roe (TN) |
| Davis (KY) | Latham | Rogers (AL) |
| Deal (GA) | LaTourette | Rogers (KY) |
| Dent | Latta | Rogers (MI) |

| | | |
|---------------|---------------|--------------|
| Rohrabacher | Shimkus | Tiberi |
| Rooney | Shuster | Turner |
| Ros-Lehtinen | Simpson | Upton |
| Roskam | Smith (NE) | Walden |
| Royce | Smith (NJ) | Wamp |
| Ryan (WI) | Smith (TX) | Westmoreland |
| Scalise | Stearns | Whitfield |
| Schmidt | Sullivan | Wilson (SC) |
| Schock | Terry | Wittman |
| Sensenbrenner | Thompson (PA) | Wolf |
| Sessions | Thornberry | Young (AK) |
| Shadegg | Tiahrt | Young (FL) |

NOT VOTING—9

| | | |
|-----------|--------------|------------|
| Boustany | Hinchey | Olson |
| Culberson | Miller, Gary | Radanovich |
| Delahunt | Napolitano | Souder |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1206

Mr. MCNERNEY changed his vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mrs. NAPOLITANO. Madam Speaker, on Thursday, March 19, 2009, I was absent during rollcall vote No. 142 in order to attend an event with the President in my district. Had I been present, I would have voted “yea” on ordering the previous question to H. Res. 257—Which provides for consideration of motions to suspend the Rules.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Ross). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

TAXING EXECUTIVE BONUSES PAID BY COMPANIES RECEIVING TARP ASSISTANCE

Mr. RANGEL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS.

(a) IN GENERAL.—In the case of an employee or former employee of a covered TARP recipient, the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for any taxable year shall not be less than the sum of—

(1) the tax that would be determined under such chapter if the taxable income of the taxpayer for such taxable year were reduced (but not below zero) by the TARP bonus received by the taxpayer during such taxable year, plus

(2) 90 percent of the TARP bonus received by the taxpayer during such taxable year.

(b) TARP BONUS.—For purposes of this section—

(1) IN GENERAL.—The term “TARP bonus” means, with respect to any individual for any taxable year, the lesser of—

(A) the aggregate disqualified bonus payments received from covered TARP recipients during such taxable year, or

(B) the excess of—

(i) the adjusted gross income of the taxpayer for such taxable year, over

(ii) \$250,000 (\$125,000 in the case of a married individual filing a separate return).

(2) DISQUALIFIED BONUS PAYMENT.—

(A) IN GENERAL.—The term “disqualified bonus payment” means any retention payment, incentive payment, or other bonus which is in addition to any amount payable to such individual for service performed by such individual at a regular hourly, daily, weekly, monthly, or similar periodic rate.

(B) EXCEPTIONS.—Such term shall not include commissions, welfare or fringe benefits, or expense reimbursements.

(C) WAIVER OR RETURN OF PAYMENTS.—Such term shall not include any amount if the employee irrevocably waives the employee's entitlement to such payment, or the employee returns such payment to the employer, before the close of the taxable year in which such payment is due. The preceding sentence shall not apply if the employee receives any benefit from the employer in connection with the waiver or return of such payment.

(3) REIMBURSEMENT OF TAX TREATED AS TARP BONUS.—Any reimbursement by a covered TARP recipient of the tax imposed under subsection (a) shall be treated as a disqualified bonus payment to the taxpayer liable for such tax.

(c) COVERED TARP RECIPIENT.—For purposes of this section—

(1) IN GENERAL.—The term “covered TARP recipient” means—

(A) any person who receives after December 31, 2007, capital infusions under the Emergency Economic Stabilization Act of 2008 which, in the aggregate, exceed \$5,000,000,000,

(B) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation,

(C) any person who is a member of the same affiliated group (as defined in section 1504 of the Internal Revenue Code of 1986, determined without regard to paragraphs (2) and (3) of subsection (b)) as a person described in subparagraph (A) or (B), and

(D) any partnership if more than 50 percent of the capital or profits interests of such partnership are owned directly or indirectly by one or more persons described in subparagraph (A), (B), or (C).

(2) EXCEPTION FOR TARP RECIPIENTS WHO REPAY ASSISTANCE.—A person shall be treated as described in paragraph (1)(A) for any period only if—

(A) the excess of the aggregate amount of capital infusions described in paragraph (1)(A) with respect to such person over the amounts repaid by such person to the Federal Government with respect to such capital infusions, exceeds

(B) \$5,000,000,000.

(d) OTHER DEFINITIONS.—Terms used in this section which are also used in the Internal

Revenue Code of 1986 shall have the same meaning when used in this section as when used in such Code.

(e) COORDINATION WITH INTERNAL REVENUE CODE OF 1986.—Any increase in the tax imposed under chapter 1 of the Internal Revenue Code of 1986 by reason of subsection (a) shall not be treated as a tax imposed by such chapter for purposes of determining the amount of any credit under such chapter or for purposes of section 55 of such Code.

(f) REGULATIONS.—The Secretary of the Treasury, or the Secretary's delegate, shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section.

(g) EFFECTIVE DATE.—This section shall apply to disqualified bonus payments received after December 31, 2008, in taxable years ending after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. First of all, Mr. Speaker, I want to thank Congressman PETERS, Congressman ISRAEL and Congresswoman MALONEY for coming together and working with the committee to see how, the best we could, right a wrong.

Most all Americans believe that a bonus is something that is paid as a reward for a job well done. And certainly we don't believe in the House that when a handful of people receiving taxpayers' money for threatening the community in which we live, and indeed our country and the financial structure of the world, the whole idea that they should be rewarded millions of dollars is repugnant to everything that decent people believe in. But notwithstanding that, it is not our job to tell the private sector what to do; it is our job to say you don't do it at taxpayers' expense.

All this bill does is just pull out that part that they called bonus. And if you received, or the company received, \$5 billion of taxpayers' money, we say the tax that you will pay on this is 90 percent. The rest of your income would be at the regular rate of 35 percent. If, indeed, this combination of the so-called bonus reward is combined with the regular salary and reaches a cap of \$250,000, only the regular 35 percent would count.

Maybe somewhere along the line someone might say, “I don't deserve this, we've caused enough damage, people have lost their jobs, their savings, they've lost their homes, their health insurance, they've lost their dignity, they've lost their pride, and we don't deserve to take this money from the taxpayers.” Then give it back, don't receive it, and the law certainly would not apply. But if you're proud of what you've done, we are saying the buck is going to stop here, the red light is flashing. And anyone thinking about doing this, we say you just pay your

dues to the IRS because we're going to be watching this.

Mr. Speaker, we're not trying to punish anybody, we just say do what you have to do. Rewards are subjective, but you don't do it with taxpayers' money.

At the end of the day, I do hope that this will be a message that will be sent in a bipartisan way. We may have differences in how we resolve this problem in the future, but this problem is there, and we are saying to the IRS and to the commissioner that we really want to make certain that, at the end of the day, they're not the ones that caused the problem and then get rewarded for it.

Mr. Speaker, I reserve the balance of my time.

□ 1215

Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, at this time I yield 1 minute to the distinguished minority leader.

Mr. BOEHNER. Mr. Speaker and my colleagues, I caught a little grief 5 weeks ago when we had the stimulus bill on the floor. Remember the 1,100-page bill that no one had time to read and then no one did read? Obviously, the President didn't have time to read it either, because in that bill was this one sentence, this one sentence that made it clear that someone knew that these AIG bonuses were about to be paid, and they didn't want them stopped. So somehow in the dark of night, this one sentence was added to the bill so that AIG would pay these bonuses to their executives. This language wasn't in the House bill. This language wasn't in the Senate bill. This language showed up in the dead of night, and no one got to see it.

I'm wondering where did the language come from. Who wrote it? Who asked the conferees to put it in the bill? What conferees on the part of the House agreed to this? I'm looking for somebody to put their hand up. That's the whole issue.

This political circus that's going on here today with this bill is not getting to the bottom of the questions of who knew what and when did they know it? Somebody was responsible for drawing up this language. Someone brought it to the conferees. Someone brought it to the Democrat leadership, who wrote this bill in secret, and put this language in there. But we have no idea who it was.

Secondly, the bill that's before us attempts to recoup 90 percent of these bonuses. Why 90 percent? The American people are outraged. I'm outraged. And we just voted down an opportunity to bring a bill to the floor from our freshmen Members that said, real simple: We ought to get 100 percent of this money back. We can get 100 percent of it back because the Treasury Secretary has the ability to get it all back. The

administration has the ability to get it all back. Why don't we just get it all back? And why are we bringing this bill to the floor today to give Members political cover when, in fact, the Treasury Secretary has the authority, the administration has the authority, to get all of it back? But, no, that got voted down. Our bill would have been a better bill.

Thirdly, our colleagues Mr. LATOURETTE and Mr. MCCOTTER have introduced a resolution of inquiry to get all of the documents surrounding communications between the Treasury, the Fed, and AIG to understand who was in the middle of this conversation. People have known about this for months, and yet we just found out about it over the last 48 hours. So we want this resolution of inquiry to be passed by the committee. We want to get to the bottom of all of this. But in the meantime, do we have to have this political charade of bringing this bill out here? I don't think so.

I think this is a bad bill with bad consequences. We didn't see the bill until last night. Nobody in the committee marked it up, nobody debated it, and nobody understands the consequences of what we're about to do. How can we possibly vote "yes" on a bill like this?

Mr. RANGEL. Mr. Speaker, let me try to answer a couple of questions.

Whatever point the minority leader was making as to what happened in the Senate bill, he should have an inquiry and do whatever he has to do. I can say, as a conferee, that issue never was in conference.

Having said that, it doesn't mean whatever he comes up with with his inquiry that these people deserve to have these bonuses at taxpayer expense. And that's the issue before the floor. It has nothing to do with what was in conference. It has everything to do with, do these people deserve, at taxpayers' expense, to receive these types of bonuses?

The second thing is that, while it's only 90 percent Federal, there is local and State liability, and they're entitled in their 10 percent to take a look at that and make the decisions that they have to.

Mr. Speaker, I want to now yield 1 minute to my friend and colleague from New York, Congressman ISRAEL.

Mr. ISRAEL. I thank the distinguished chairman for giving me the honor of cosponsoring this legislation with him.

Mr. Speaker, we have just seen the difference between rhetoric and action. We can finger point. We can lay blame. We can talk about the past. We just want to recover the taxpayers' money for them. We want to recover the money, and others want a resolution of inquiry.

Mr. Speaker, this vote is the difference between solving the problem or

continuing the problem. We're going to cast this vote and go home to our districts, and the American people are going to say to each of us, did you get my money back or did you continue your posturing? Did you get my money back or did you continue in politics? Did you vote to recover my money or did you vote to allow them to get away with my money? That's what this is about, Mr. Speaker.

The American people have had it with the posturing and the partisanship and the politics. They want their money back. And the only way to get their money back, Mr. Speaker, the only way to get it back is to tax it back.

Let me say one other thing, Mr. Speaker. I have heard from some of my friends in New York who said this is unfair. It's unfair because I thought I'd get my bonus. Mr. Speaker, they're going to have to tighten their belts just like the rest of America.

Mr. CAMP. Mr. Speaker, I yield myself 2 minutes.

Frankly, the chairman of the Ways and Means Committee and I agree that bypassing the committee is a dangerous way to legislate. That invites unnecessary errors, and I think the stimulus bill is proof positive, and that's why we are here today. But again we are faced today with a bill that has had no public scrutiny and has not come before the Ways and Means Committee. Mr. Speaker, let us do our jobs.

When Congress acted to stave off an imminent financial and economic collapse, the results of which would have been Depression-era unemployment levels, we did so with faith that past and current administrations would carefully manage the people's money. That trust has been shattered. Lesson learned.

What has been particularly troubling is the difficulty with which the truth has come out recently. After many varying and contradictory excuses, we now know that the Obama administration, working behind closed doors, secretly eliminated provisions that would have prevented the appalling abuse of taxpayer money. Adding insult to injury, they explicitly protected bonuses at companies that in many cases are operating only due to the generosity of the American people. It's a breach of the public trust that should have the Treasury Secretary, who repeatedly failed to pay his own taxes, looking for a new job.

Several of my colleagues on this side of the aisle and even Chairman RANGEL have noted good reasons to oppose the bill before us. It's an extreme use of the Tax Code to correct an extreme and excessive wrong done to the American people. I'm sure we'll hear today that two wrongs don't make a right. But neither does inaction. It is our duty to protect and defend hardworking tax-

paying Americans. At the end of the day, this insult to taxpayers cannot, should not, and will not stand, and I urge my colleagues to vote for the measure.

Mr. RANGEL. Let me thank my leader, the ranking Republican on the committee, for pointing out that this is, and I agree, an extraordinary procedure. And I've given a lot of thought to it. And it just seemed that this is an extraordinary situation when President Bush and Secretary Paulson would come to the Congress and ask for \$700 billion of taxpayers' money, and if we didn't do it in a week or two, the sky would fall not only in the United States but around the world. If, indeed, people among that group of people, who without regard to the people that we were trying to protect, take this money, then it calls for an extraordinary response to it.

So I feel very, very comfortable in saying we tried to look at the arsenal that we had, whether it's the Justice Department, the Finance, the American people demand protection, and that's what we're doing today with your help.

Mr. Speaker, I would like to call on a senior member of the committee, my friend from Michigan, Congressman LEVIN, for 1 minute.

Mr. LEVIN. Mr. Speaker, it's interesting to hear the debate from the other side. I guess some are going to vote "yes," and I hope the vast majority will, after trying to make political points. This isn't the time for that. We are in the midst of a national economic crisis. Almost 4½ million jobs lost during this recession, homes are being lost. I think everybody has to participate in the solution and no one should exploit it.

In one bonus payment, these executives, who worked in the division that helped bring about the havoc, are taking home more money than 99 percent of Americans take home in a year.

The head of AIG has suggested their returning the bonuses. They should. And if they don't, we're taking action. We have the authority under the Tax Code not to punish but to protect the taxpayers of the United States of America. That's what we are doing today, and we should pass this overwhelmingly.

Mr. CAMP. Mr. Speaker, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from California.

Mr. NUNES. Mr. Speaker, what we should really do here today is slow down.

What I want to know is who's responsible for including this in the stimulus package, authorizing these bonuses? We need to know if it's Senator DODD, if it's Secretary Geithner, or President Obama. Who knew and who knew when? So, to me, if we're looking at whom to blame for this, we ought to be

looking at the folks that voted for the bailout, that voted for the stimulus bill. Every Republican opposed the stimulus bill.

I believe this is a gimmick. I don't think this bill will become law. I don't even know if it's constitutional. This bill never even went through regular order.

I think what we should do today is calm down, stop this process, and go meet in the Ways and Means Committee so that we can go through this bill and determine whether or not this is the right course of action. So today I ask my colleagues to just slow down. Let's read the legislation. Let's not vote on this today. And let's come up with a real solution and not just a gimmick.

Mr. RANGEL. Mr. Speaker, as chairman of the Ways and Means Committee, I've taken a deep breath and am now relaxed. I have reviewed this thing, and I am going home saying we have got the taxpayers' money back. And our colleagues and friends and those who love America as much as I do are saying, hey, slow down, we've got to make an inquiry.

You make your inquiry; we're going to do what we have to do.

Mr. Speaker, I am pleased to present a young man that is a freshman who hasn't been here that long but he came here with a feeling about what is moral, what is just, and the committee appreciates his advice on this bill, Representative PETERS from Michigan, for 1 minute.

Mr. PETERS. Mr. Speaker, today I rise in support of H.R. 1586, legislation that I helped craft that will reclaim outrageous bonuses paid with our taxpayer dollars that were given out to AIG and other companies that received billions in TARP funds. Million-dollar bonuses to the very people who drove our economy to the brink of collapse is simply unacceptable.

When reports of AIG bonuses broke this week, many said there was nothing that we could do because AIG was contractually obligated to pay the rewards. I rejected that notion. Auto industry workers are renegotiating their contracts and making sacrifices as a condition of receiving Federal support. If financial executives had thought that they should be held to a different standard, today they know that we mean business.

□ 1230

I am grateful to my colleagues who worked with me to quickly develop a plan to put a stop to these outrageous bonuses.

I would like to thank Chairman RANGEL, Congressman ISRAEL, and Congresswoman MALONEY for working with me to help write this bill, which turned the outrage of the American people into action for the American taxpayer.

Mr. CAMP. I yield 1 minute to the distinguished gentleman from Nebraska.

Mr. TERRY. The public has an absolute right to be upset, and I share that. But let's look at the facts here. This language that specifically allows the bonuses was written into the stimulus, with the righteous indignation of my colleagues and friends on the Democrat side now demagoguing what they voted for and put in.

Another fact: no Republican was allowed in the room when that conference report was actually written. We do know four people that were involved in writing that: one was Senator REID, Senator DODD, who has claimed responsibility for that language and accepted \$200,000 in donations from AIG; we know Speaker PELOSI was in the room; and we know BARNEY FRANK was, too, probably Secretary Geithner.

Another fact was that the original language, before it got into that private little room, said that bonuses would be banned. But yet they replaced it with specific language allowing the bonuses.

So what we see here today, with the people who actually voted for the bonuses, is a little CYA, a disingenuous attempt to cover their rears.

Mr. RANGEL. Madam Speaker, it seems like my friends on the other side got the wrong bill. If you want support for an inquiry, let's talk about it.

We want the taxpayers' money back, no matter who is wrong. So talking about the inquiry, we are talking about recouping the taxpayers' money.

I yield to my friend, Mr. BLUMENAUER, from Oregon.

Mr. BLUMENAUER. Thank you, Mr. Chairman. I appreciate your leadership and the ability to work with you on this bill on what has been a sharp reversal of past practice.

In most of my career here, we have watched the Tax Code twisted, stretched, bent to lavish rewards on a tiny minority of Americans, a few thousand of the richest Americans, and the favored special interests.

Today, in a sharp reversal, under your leadership, we used the Tax Code to rebalance the scales. We will use the Tax Code to strip away the outrageous benefits of these bonuses to some of the people who helped drive the economy into the ditch in the first place.

We are helping protect taxpayers, get their money back, and I hope, Mr. Chairman, sending a message on how the Tax Code will be used under the Obama administration and in your work on the Ways and Means Committee to be able to help the American public as we move forward to protect and rebalance the American economy.

Mr. CAMP. I yield 1 minute to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, here, once again, we are going to hastily do something wrong, good intentions. There is nobody in this Congress that wants that money back more than I do.

But going back to September, going back to the stimulus, spendulus, going back to the omnibus, we hastily went through this stuff. Some of us said don't go so fast, and we can make sure we got a better bill, and we didn't do that.

So here we are, going to hastily shred the Constitution, with an ex post facto law that says we will take 90 percent as taxes.

Mr. Speaker, that's not right. We don't take bad law and make worse law shredding the Constitution. You want to get it back, I want more than 90 percent. I want 100 percent.

You do that by forcing them into bankruptcy, going back and putting these preferences aside so we can get 100 percent, and we can get more than just the bonuses in bankruptcy or receivership. That's constitutional.

Don't shred the Constitution after we have already messed up by blowing aside the procedure and doing the hastily wrong thing.

Mr. RANGEL. Well, there is no constitutional challenge here, I can assure you. But one thing may be clear, I may be supporting an inquiry as to who did the stimulus, schpimulus.

The people want to know, are these guys going to get away with what they have done to our communities, what they have done to our homes, what they have done to our pride, what they have done to our country, and what they have done for the world?

So when the score is taken, it is going to be those who voted for the bill and those who voted against it. And that's it. You can go on with your inquiry, but this bill is abundantly clear, and the question is which side are you on?

I yield 1 minute to the distinguished member of the Ways and Means Committee from Florida, Representative MEEK.

Mr. MEEK of Florida. Mr. Chairman, thank you so very much for bringing this bill to the floor.

The bottom line is, at the top of this week, when we all learned what happened with the bonuses and all, the American people wanted to know what the Congress was going to do as it relates to these taxpayer dollars that are being used for the bonuses.

Are you going to get our money back, are you going to file an inquiry? No one called me, no one called my district office and said, "Congressman, please go to Congress and file an inquiry about what happened with my taxpayer dollars." They are saying, "Get it back, get it back now."

Now the other side is talking about the Constitution and wrapping themselves in the flag right now saying that, "oh, my goodness, we are shredding the Constitution." Well, that's the pot calling the kettle black, as far as I am concerned. Because the Supreme Court, and courts throughout the land,

there are unconstitutional measures that have been brought to this floor, and that's up for the courts.

But as far as I am concerned, what we are being told, that this is fine. This language is well in order, and we are going to pass this legislation. So you have to vote up or down.

You can't come with excuses. The bottom line is we are getting the taxpayer dollars back.

PARLIAMENTARY INQUIRIES

Mr. GOHMERT. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GOHMERT. Is it inappropriate and against the rules to ask another person to yield?

The SPEAKER pro tempore. Any Member can ask another Member under recognition to yield.

Mr. GOHMERT. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GOHMERT. Is it inappropriate, when somebody accuses me of being the pot calling the kettle black, in other words, of being the very thing I am accusing others of doing, of asking the gentleman to yield so I can find out where the heck he is coming from?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. GOHMERT. So it's inappropriate to ask?

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GOHMERT. The parliamentary inquiry is, if I am allowed to ask someone to yield after they have called me a name?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. GOHMERT. So you are saying you don't know whether I can ask another person to yield?

The SPEAKER pro tempore. A Member under recognition is allowed, by House Rules, to determine who they will or will not yield to.

Mr. GOHMERT. All right. So, would it be inappropriate to ask the gentleman who controls the time to specify how I am shredding the Constitution when I say someone else is doing so?

The SPEAKER pro tempore. That's not a parliamentary inquiry.

Does the gentleman have another parliamentary inquiry?

Mr. GOHMERT. I think you have pretty well taken care of that.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. CAMP. I yield 1 minute to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

The stimulus bill was 1,100 pages. My good friend, CHARLIE RANGEL, signed that. And in that was this language that was stuck in in the middle of the night that allowed for all these bonuses to be paid to AIG executives.

CHARLIE, you signed that, and nobody on our side voted for it, and nobody on our side read the bill, and nobody on your side read the bill. And that's because they were trying to sneak this through in the middle of the night without anybody knowing it.

In my opinion, this is a way that you cover up a big mistake that was made by you and the conferees. This should never have happened. These bonuses should never have happened. And now you are trying to do something that's of questionable constitutionality to cover up a big mistake. I don't know why you just don't own up to it.

This is something that should not have happened. This is something that the Democrats, my good friend, CHARLIE, and others signed on to, it's a bill that nobody read in this Chamber, and we certainly didn't vote for it.

And now you are saying if we don't vote for this cover-up that you are coming up with, we are the bad guys. We are not. The American people won't be fooled by this.

Mr. RANGEL. Let me say to my friend that you have to look at me and read my lips.

This issue was not before the conference committee. Now, it may have been on the other side.

And after I say that, I am telling you that this has nothing to do with this being the right time to correct anything that you allege is wrong. These people are getting away with murder. They are getting paid for the destruction that they have caused our communities.

And before we leave here, we have to decide not what they did on the other side, because no one back home was asking about the conference report, they are asking, "Are these people going to take away bonuses that taxpayers have paid for?"

And I think that DANNY DAVIS, the gentleman from Illinois, might be in a better position to explain our position in the majority, for 1 minute.

Mr. DAVIS of Illinois. Thank you very much, Mr. Chairman.

Mr. Speaker, where I live on Main Street in America, if you get something that you didn't deserve, or if you get something that was unwarranted, you either give it back or it's taken back. It's my position that these bonuses were unwarranted, not deserved.

If they are not going to give them back, then we are going to take them back, and I know that the people in mainstream America will applaud us.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BURTON of Indiana. My good friend, Mr. RANGEL, took some time to make a statement just a moment ago.

Did he claim any time when he made that statement?

The SPEAKER pro tempore. The gentleman from New York is always charged his allotted time whenever he is speaking.

Mr. BURTON of Indiana. But it was charged to him, the time?

The SPEAKER pro tempore. The gentleman from New York and the gentleman from Michigan, while they are on their time, are charged for that time.

Mr. BURTON of Indiana. Thank you.

Mr. CAMP. At this time I yield 1 minute to the distinguished gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for the recognition.

Mr. Speaker, the President most recently in his inaugural address said, and I am quoting, "And those of us who manage the public's dollars will be held to account—to spend wisely, reform bad habits, and do our business in the light of day—because only then can we restore the vital trust between a people and their government."

Well, I agree wholeheartedly with the President's statement.

Now, if we expect the American people to trust the decisions we are making with their hard-earned money, we, ourselves, must be accountable.

Now, it is a fact that, as Members of Congress, we earn a base pay. Members of leadership earn an amount above that, essentially a bonus, a performance bonus. If this bill were under a rule, I would have an amendment, and the Burgess amendment very simply would tax that extra pay, the bonuses that we give leadership, on top of their congressional salary. The Democrats' leadership solution is to impose a huge tax on bonuses.

But what about raising the tax on their own performance bonuses? Again, Mr. Speaker, how can we expect to be able to restore the vital trust between the people and this government, as the President stated, if we will not first hold ourselves accountable?

AMENDMENT

OFFERED BY MR. BURGESS OF TEXAS

At the end, add the following:

SEC. 2. APPLICATION OF TAX TO CONGRESSIONAL LEADERSHIP.

(a) IN GENERAL.—In the case of a member of Congressional leadership—

(1) so much of the annual rate of pay of such member as exceeds the annual rate of pay of a Member of Congress who is not a member of Congressional leadership shall be treated as a TARP bonus for purposes of section 1, and

(2) the Federal Government shall be treated as covered TARP recipient for purposes of such section.

(b) MEMBER OF CONGRESSIONAL LEADERSHIP.—For purposes of this section, the term “member of Congressional leadership” means the President pro tempore of the Senate, the majority leader and minority leader of the Senate, the Speaker of the House of Representatives, and the majority and minority leader of the House of Representatives.

Mr. RANGEL. May I inquire as to the time remaining on both sides?

The SPEAKER pro tempore. The gentleman from New York has 7¾ minutes remaining, and the gentleman from Michigan has 12½ minutes remaining.

Mr. RANGEL. Mr. Speaker I would like to yield to a distinguished member of the Ways and Means Committee, Mr. ETHERIDGE, 1 minute.

Mr. ETHERIDGE. I thank the gentleman for yielding.

Mr. Speaker, I thank the chairman for bringing this bill forward, we are all outraged, as we should be. It affects every American. The fact that they are using public money to pay bonuses should enrage everyone.

Taxpayer funds should not be used to reward the individuals whose excessive risk-taking caused the financial crisis that has harmed the livelihood of my constituents in North Carolina, people across America and people around the world.

We ought to be outraged. We ought to be together on this. There shouldn't be a division on this issue. There is room for that on others. We should not reward Wall Street traders who have done this, at the expense of people, not just people on Main Street, to people who live on rural roads all across this country.

Mr. Speaker, you know, we voted for this package originally to put money in banks, to lend to people, to buy cars, to save for homes, to pay for college education, to do the things that make a difference and help America grow. And here we are today taking care of the very scoundrels that got us into this mess.

I urge my colleagues to vote for it.

If AIG will not halt these bonuses, and if its employees will not voluntarily turn them down, then this bill will ensure that the money is returned to the taxpayers. I regret having to use the tax code in this manner, but the blatant abuse of taxpayer dollars by AIG leaves us with no other choice. This bill will send a message not only to AIG, but to other companies receiving taxpayer aid that this behavior is unacceptable.

□ 1245

Mr. CAMP. I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. There's no question everyone wants these bonuses returned. That isn't an issue before us today. Taxpayers have a real simple question: When did the White House know about these bonuses, and why didn't they stop them?

The government owns AIG, for heaven's sake, so don't tell me they couldn't have stopped them if they truly would have wanted to.

The bill before us today really is a diversion—an attempt to shift the blame from Democrats who, at the last moment, got approval for these bonuses snuck into the stimulus bill. For our folks back home, the President has said honestly, he didn't know this provision is in the bill. Yet his own White House made the request and they complied with the bill.

Let's not cover up the truth here. Let's get the real answers. That's what taxpayers deserve.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Thank you, Mr. Chairman. Here we go again. This Congress is finally doing the right thing in a timely fashion, recovering ill-gotten gains. What do the American people do? They turn on the television and they hear this turned, once again, into a partisan controversy, an effort to deflect blame onto the other party, instead of celebrating the fact that we have a chance to do something together as an institution.

This is the heart of the problem, Mr. Chairman. To the many people watching this broadcast now, listening to these proceedings, there are two sets of rules—one set of rules for people who are trying to send their kids to college, who are trying to make a living, but making sacrifices during this incredibly deep recession; and another set for rules for these Wall Street geniuses who are so smart, they figured out how to wreck a company so completely to almost wreck a national economy. That does take a level of skill, I suppose, to figure that out, how to be that bad at doing anything.

We are recouping those ill-gotten gains. And the American people ought to be glad to see this prompt, decisive action. Instead, they are hearing more partisan back and forth.

Mr. CAMP. At this time I yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Like a majority of Republicans in Congress last fall, I opposed this Wall Street bailout from the beginning because I feared both the intended consequences and the unintended consequences that would come and bring us to days like today.

House Republicans share the outrage of millions of Americans that AIG would use taxpayer dollars to award executive bonuses. But the plan brought to the floor today by the Democratic majority is a constitutionally questionable bill. It would enact a 90 percent tax on AIG employees and, the truth is, it's a transparent attempt to divert attention away from the fact that Democrats in Congress and this administration made these bonus payments possible.

House Republicans believe the American people deserve 100 percent of their money back. We have offered legislation that would deny one more dime of bailout money to AIG until they collect 100 percent of those bonuses back for the American people. But Democrats have blocked the Republican plan. And the American people deserve to know this entire outrage that has dominated the national debate this week could have been avoided.

Senator RON WYDEN, the Democrat from Oregon, authored thoughtful legislation in the so-called stimulus bill that passed the House. It was legislation that would have banned bonuses of this type but, to use his words, he said “It was unfortunate that it was stripped from the bicameral conference committee.” He said, “We had an opportunity to send a well-targeted message that would have communicated how strongly the administration felt about blocking these excessive bonuses,” but, “I wasn't able to convince them.”

Senator DODD, the chairman of the bicameral conference committee, said the administration expressed reservations about the language. They asked for modifications.

The truth is that Democratic leadership in the House and the Senate were in the room when this language was struck that made these bonuses possible.

The American people deserve to get 100 percent of their money back. They deserve it to be done in a way that doesn't give offense to the Constitution of the United States of America.

Let's do what's right for the American people, and let's speak the truth.

Mr. RANGEL. I would like to yield 1 minute to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. The power to tax is the power to destroy. I will support destroying this creeping socialism imposed on us by the Bush administration before it takes over our entire economy. Executives and boards of private companies must know that to call in the Federal cavalry means that you will be run out of town when you misbehave.

Businesses beware. You do not want the Federal Government or the American people owning your business. We will hunt down your executives with pitchforks, we will subpoena your boards and haul you before Congress, we will use personal rhetoric to decry your greed, we will make life miserable.

And no, our cruelty will not be reserved just for your executives. Your workers will be bureaucratized, your competent managers squeezed out, your conferences and travel canceled.

I am proud to support this bill, and hope that it serves as a siren call to executives, shareholders, and workers to oppose nationalization of your companies.

In voting for this bill today, Mr. Speaker, we are demonstrating that there is a fate worse than death, and this is it. And if your business might be "too large to fail," then, by all means, spin off divisions and downsize, because too big to fail seals a purgatory stay of abject misery.

Pillage not our public troughs yet ye be pillaged.

The power to tax is the power to destroy. I will support destroying this creeping socialism imposed on us by the Bush administration before it takes over our entire economy. Executives and boards of private companies must know that to call in the federal cavalry means that you will be run out of town when you misbehave.

I am reminded of Emperor Alexius I of Byzantium, who called forth the Christian kings of western Europe to help him hold off the Turks at his gates. Help us, he said, prevent the heathens from taking the holy land.

The Christian kings of the west responded in force. At first the crusades served Alexius's goals. But with time many crusaders saw a richer and easier target in Constantinople itself, and the hordes from the west looted the very emperor's domain who had called them forth.

Businesses beware, you do not want the federal government or the American people owning your business. We will hunt down your executives with pitchforks, we will subpoena your boards and haul you before Congress, we will use personal rhetoric to decry your greed, we will make life miserable. And no, our cruelty will not be reserved for your executives. Your workers will be bureaucratized, your competent managers squeezed out, your conferences cancelled, your work hours extended, your incentive structure turned upside down. I dare say that with a different party in the white house and congress as is unfortunately the case from time to time, your union will be busted and your jobs lost.

I will be supporting this bill, and hope that it serves as a siren call to executives, shareholders, and workers to oppose nationalization of your companies. In voting for this bill today, Mr. Speaker, we are demonstrating that there is a fate worse than death, and this is it.

And if your business might be "too large to fail" then by all means please spin-off divisions and downsize; because too big to fail seals a purgatory stay of abject misery.

Mr. CAMP. I yield 1 minute to the distinguished gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. On opening day, January 6, our leader, Mr. BOEHNER, indicated that we would provide better solutions to the issues confronting the American people. Obviously, on a bipartisan basis, Congress wishes to address this issue, and to address this issue as quickly as possible.

House Republican Members on the Republican side—freshmen—have a better solution, we believe. Our solution—and I'm sorry it's not debated on the floor—the House Republican freshmen would demand that Treasury, notwithstanding any other provision of law, implement a plan within the next

2 weeks to recoup 100 percent of the payment of AIG bonuses.

Also, the freshmen plan on our side says that any future bonus payments of any kind to TARP recipients must be approved in advance by the Department of the Treasury. Third, any future contractual obligations entered into by TARP fund recipients to make bonus payments of any kind must be approved in advance by the Treasury.

We commend to our friends in the majority our freshman Republican proposal in the spirit of bipartisan cooperation.

Mr. RANGEL. I certainly wish I'd heard the Republican freshmen proposal before, because we really wanted to get a bipartisan solution to this problem.

I yield 1 minute to the gentleman from Illinois (Mr. HARE).

Mr. HARE. I thank the chairman.

Mr. Speaker, today we have been told to slow down, take a deep breath. Well, I'm not in the mood for slowing down and I'm not taking a deep breath.

I was in a grocery store and had people coming up, saying, What are you going to do about it?

My friends on the other side have spent the largest portion of the debate today finger-pointing, wondering who said what; who wrote what, when. I do know this. When this vote is called, that board will have red lights and green lights next to every Members' name. And the chairman is absolutely right—for those Members who feel that they cannot and don't want to make sure that these people get their bonuses, they will vote for Mr. RANGEL's bill. For those of you who want to continue to dole it out to the people who deserve it the least, then you're going to have a red light next to it.

I will have a green light next to my name. I am tired of this. These people have stolen the very money that is supposed to help keep people in their homes.

Don't ask me to slow down and don't ask me to be patient. My patience has run out.

I thank the chairman for his work on this bill. And if anybody wants to worry about the constitutionality, you take it up with the court.

Mr. CAMP. I yield 1 minute to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, it is a sad day in Congress when the main justification for passing legislation we don't understand is that we are correcting legislation we didn't read.

We keep hearing that we have got to do this because our constituents are demanding it; that they want to see these executives tarred and feathered.

George Washington once said, "If to please the people we do what we ourselves disprove, how do we later defend our work?" That is the position we are in today.

This is a representative democracy. Our constituents may not understand that this is a bill of attainder, but we know that. We are the representatives of the people—and we know that. And it's our duty to uphold the Constitution.

I don't like the fact that these executives got these bonuses—and we should find a way constitutionally to deal with this issue. But rushing to pass a bill we don't understand to correct a bill we didn't read, is not the solution here today.

Let's reject this proposal.

Mr. RANGEL. At this time I'd like to yield 1 minute to a person that was one of the prime movers in this concept, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Thank you, Chairman RANGEL. New York is so proud of you. Thank you for your leadership. I stand in strong support of the Democratic leadership during this financial crisis.

On Sunday night, the bonuses were sent. On Thursday we are on the floor correcting this and returning the money to the American taxpayer. Rarely have I seen so many Members of Congress come forward with proposals to correct it.

Chairman RANGEL has molded all of the ideas together in this fine proposal before us today. If anyone wants to criticize someone, President Obama has said, "I'm in charge. Criticize me. But then let's get back to work, get our eye on the ball of moving this economy forward, putting Americans back to work, putting more credit out into the communities, stabilizing housing."

President Obama said, "When you're going in the wrong direction, you've got to change course." And under 55 days of his leadership, we have passed the economic recovery bill, we have passed a housing stabilization bill, we have passed measures to stabilize our financial institutions. We are investing in education and health care.

Vote positive. Vote for this bill.

Mr. CAMP. I yield 1 minute to the distinguished gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. My colleagues, here are some facts. Last month, the Senate unanimously approved an amendment that would stop these bonuses. It was an amendment by OLYMPIA SNOWE of Maine and, of course, RON WYDEN from Oregon.

They had that in the bill. They went to the conference. The conference stripped out that amendment, bipartisan amendment, by Senator CHRIS DODD, a Democrat from Connecticut. All of you know that.

Now Mr. RANGEL is here on the floor saying he knew nothing about this conference report. Yet the amendment by Senators SNOWE and WYDEN was stripped out by Senator DODD. And I

find it very difficult, Mr. RANGEL, that you knew nothing about this amendment that was stripped out, explicitly exempting bonuses agreed to prior to the passage of the stimulus bill.

How in the world can you say you knew nothing about it? I've got the exact language from Senator DODD talking about his amendment which stripped out the amendment of Senator SNOWE and Senator WYDEN.

The fact is Republicans have a plan to include 100 percent of these bonuses. I ask Mr. RANGEL: Why didn't you take 100 percent of these bonuses?

The American people have a right to know what the administration knew, and when they knew it.

Mr. Speaker, I rise today to express my outrage at the AIG taxpayer-funded executive bonus giveaway and Senator DODD's and the Obama Administration's potential implication in ensuring AIG would be able to hand out hundreds of millions of taxpayers' dollars to executives who ran AIG into the ground contributing to a global economic crisis.

Insurance company AIG—which has been deemed “too big too fail”—has received \$170 billion in federal bailout money, yet this money has done little to stabilize the company. And now, millions of Americans awoke to news yesterday that their taxpayer dollars intended to prevent AIG from collapse are being funneled to AIG executives in the form of “bonuses.”

The most unfortunate part of this story is that a senior member of the Senate Democratic party offered an amendment allowing this to happen. The utter abuse of taxpayer dollars that we have seen through the TARP program due to lack of transparency and Democrat legislative neglect is staggering. But to know that these bonus payments could have been easily prevented is beyond disheartening. This atrocious abuse of taxpayer dollars must stop now.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the leader of our Democratic caucus, indeed, a leader in the Congress, the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. I thank the chairman for bringing this important legislation to the floor in all due speed, because it was necessary.

What is at stake here is really the full faith and credit of our system. When those in the private sector and on Wall Street and the great barons of capital can laugh up their sleeves at the American public that sacrifices on a daily basis, who find themselves unemployed, unable to educate their kids, out of work, and we are going to sit idle and allow them to receive these bonuses? This is wrong. And if we expect to govern as an institution, we have to do the extraordinary and set it right.

These are difficult and uncharted waters and uncharted times and it's time for us to act on behalf of the American people.

Thank you, Mr. RANGEL.

□ 1300

Mr. CAMP. I yield 1 minute to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, I rise in opposition to this majority mendacity bill, or maybe unrighteous indignation bill. You just heard it from the other side.

They want to say to the American people that we are going to make everything all right by getting back with a 90 percent tax this \$175 million. But what they don't say, Mr. Speaker, is how they are going to get back the \$170 billion that was given to AIG in the first place, 1,000 times these bonuses.

Yes, we are outraged over the bonuses; but on our side of the aisle, we are outraged over these bailouts and these giveaways, and there is nothing in this bill about getting the \$170 billion back.

Mr. Speaker, this is the Lenten season, so let me make a little analogy for my non-Catholic friends. This is like asking forgiveness for a mortal sin by saying one Hail Mary, one Hail Mary, this little bill to pass under suspension to get those bonuses back, when the real sin is the \$170 billion that was thrown away on AIG.

Mr. RANGEL. Let the church say “amen.”

I would like to yield 30 seconds to Congressman KRATOVIL from Maryland on this subject.

Mr. KRATOVIL. Mr. Speaker, once again, this body finds itself engaging in a classic example of partisan politics and the blame game. I am no longer interested in wasting any more time or any more taxpayer dollars arguing who is to blame for our failing economy, who is to blame for the AIG bonuses being paid, or who is to blame for a declining sense of personal responsibility we see not just among our AIG executives but across this country.

What I am interested in doing today is doing what we can do to recoup the taxpayer dollars that were used to pay AIG executives bonuses that not only did they not deserve but should be ashamed for having accepted. That is what this bill does.

Now, just so there is no confusion. This body voted to increase the oversight and accountability of the monies provided under TARP in the TARP Reform and Accountability Act. I voted for that legislation to address the exact issue that is now presented at AIG. 166 members of this House voted against it and many of them now stand up and criticize the lack of oversight with regard to these contracts. This country has had enough of partisanship and obstruction on one hand, combined with no solutions on the other.

In terms of the stimulus bill, the language in the bill provided more, not less restrictions on executive pay.

How can those who voted against additional restrictions on the TARP funds and against additional accountability, now stand up and with a straight face argue that we have not done enough.

The American people are tired of these old political games. What we need are solutions, not rhetoric.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, I thank Mr. CAMP for yielding.

Now we find out that President Obama's stimulus bill, over \$1 trillion stimulus bill, was actually the AIG Bonus Protection Plan. This is a scandal of huge proportions that we are only now just unraveling. It appears that language was put in the stimulus bill that would prevent the United States Government from recouping these outrageous bonuses that were paid to executives at AIG.

The Republicans have a message, and it is this: We want 100 percent of these bonuses to come back to the United States taxpayer, and we say “time out” on these bailouts. No more bailouts. We don't want to see any more. They haven't been working, and the American people are saying enough is enough.

This is a scandal. We need to know, who knew about these bonuses? When did they know about them?

Yesterday in the Financial Services Committee, the CEO, Mr. Liddy, disclosed that the chair of the Federal Reserve knew about the bonuses and acquiesced to them. We are now finding out that the Treasury Secretary as well, or that Mr. Summers, also knew about these several weeks ago. We need an investigation and we need answers.

Mr. CAMP. I yield 1 minute to the distinguished gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. A moment ago we heard you stand up and say that there is a question about whether or not the freshmen were engaged. You had questions about whether or not we would be bipartisan. Are you kidding me? Seriously. We have been here in this body. Look, I am a freshman; I didn't create this problem, but I am here to help clean it up. And the idea and the suggestion that there was no idea, no sense that the freshmen had an idea, because it would come from the Republican side of the aisle.

It is not in the spirit of this body to make a question about whether or not we are going to be participants in this. Absolutely, the Republicans have suggestions. We have been excluded from this process. We were promised time and time again that we would have time to see and read bills, and that has not happened.

I would encourage both sides of the aisle, but especially my friends on the Democratic side of the aisle, to stay true to their word and actually engage and allow us to participate in the dialogue that should be in the best interests of the United States of America and in this body.

Again, I didn't create this mess, but I am here to help clean it up. And any suggestion that says that you didn't know that there was a bill introduced, come on.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. CAMP. I yield 1 minute to the distinguished gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding.

It occurs to me that, once again, Democrats in this House are acting in haste and we can repent in leisure. It seems to me fairly clear that there are questions that deserve to be answered.

Secretary Geithner began the week saying that he had only known about these bonuses for roughly 1½ weeks; and yet, yesterday Ed Liddy, the chairman of AIG, said that the Federal Reserve was told about these bonuses in December. Where was Mr. Geithner? How come he didn't act? If he didn't know back then when the bailout occurred, it seems to me he should have known.

Now, flash forward to yesterday again. Not just Mr. Liddy places doubt on what Mr. Geithner claims, but no less than Senator DODD says that, in February, he put the money into the bill at the request of the Treasury Department. Who was the head of the Treasury Department at that point in time? It was Secretary Geithner.

I would suggest that Secretary Geithner wants us to believe that when he was at Fed, he neither knew nor should have known and then, when he was the head of Treasury and the language was put in by the Secretary of the Treasury he neither knew nor should have known. I think there are questions that Mr. Geithner needs to answer before we are asked to vote on this bill.

Mr. RANGEL. I reserve the balance of my time.

Mr. CAMP. I yield myself the balance of our time.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) is recognized for the remaining 2½ minutes.

Mr. CAMP. Mr. Speaker, just briefly. We have a chance today to do the right thing by those who acted right, those who went to work every day, paid their taxes, and did nothing wrong, and that is the American taxpayer. This is their money, and we should get it back. I urge support for this legislation.

I yield back the balance of my time.

Mr. RANGEL. I thank the remarks of the other side, and I appreciate and have a great deal of respect for those Members that want to inquire about how these contracts came about, who knew what, and when did they know it.

The Ways and Means Committee has no jurisdiction over these questions,

whether they are valid or not. The real question is, do you really believe that people who did this damage to our families, to our community, to our country and, indeed, the world, deserve a bonus? If you want to know whether it is 90 percent or 100 percent or whether the State or local governments get the 10 percent, that is another question.

We are not always right, but what we are saying is that the American people do not want their taxpayers' money paying for bonuses for people who have caused such destruction, and to that we have unanimity.

So at the end of the day, when we put this on the suspension calendar, it is because we didn't think it was controversial. We didn't think it was a Democratic idea or a Republican idea. We thought you felt the frustration of your constituents in saying stop the thievery at taxpayers' expense.

Now, this has been going on. No one can deny this will not happen. I urge you to vote for this bill for the American people.

Mr. POLIS. Mr. Speaker, the power to tax is the power to destroy. Today I rise in support of H.R. 1586 and destroying the creeping socialism imposed on by the Bush Administration before it takes over our entire economy. Executives and boards of private companies must know that to call in the federal cavalry means that you will be run out of town.

I am reminded of Emperor Alexius I of Byzantium, who called forth the Christian kings of Western Europe to help him hold off the Turks at his gates. Help us, he said, prevent the heathens from taking the holy land.

The Christian kings of the west responded in force. At first the crusades served Alexius' goals, there were some initial "bonuses" such as the taking of Antioch and Jerusalem. But with time many crusaders saw a richer and easier target in Constantinople itself and soon the very forces that Alexius called forth looted his own capital and hastened the demise of the Byzantine Empire.

Businesses beware: You do not want the federal government or the American people owning your business. We will hunt down your executives with pitchforks, we will subpoena your boards and haul you before Congress, we will use personal rhetoric to decry your greed, we will make life so miserable that you will leave. And no, our cruelty will not be reserved for your executives. Your workers will be bureaucratized, your competent managers squeezed out, your travel and conferences cancelled, your work hours extended, your incentive structure turned upside down. I dare say that with a different party in the White House and Congress, as unfortunately happens from time to time, your union will be busted and your jobs lost.

I will be supporting this bill and hope that it serves as a siren call to executives, shareholders, and workers to oppose nationalization of your companies. By voting for this bill today, Mr. Speaker, we are demonstrating that there is a fate worse than death, and that this is it.

And if your business might be "too big to fail" then by all means, please spin-off divi-

sions and downsize because "too big to fail" means that you will end up in this eternal purgatory of misery, blame and scapegoating.

Let your companies die quietly, silently, and call forth not the mighty crusaders from Washington DC lest we loot and pillage your company as the Christian crusader innocently called forth by Alexius I went on to loot the center of eastern Christendom itself.

Pillage not our public troughs lest ye be pillaged.

Ms. WOOLSEY. Mr. Speaker, Wall Street, and possibly some in Congress and the Treasury Department, still don't get it.

When Congress voted to create the TARP program, we were voting to unfreeze the credit markets and get capital flowing again. Little did we know that much of the capital would be flowing out of the Treasury and into the bank accounts of executives at AIG.

As a former Human Resources Manager, I know the value of performance based bonuses in motivating outstanding employee performance. The only thing that these bonuses are motivating is more bad behavior. Obviously we are dealing with a system that is severely broken, where Wall Street executives truly don't know the value of a dollar or even right from wrong.

We need a massive overhaul of our financial services regulations, and it can't come a moment too soon. While H.R. 1586 is a measure to fix a specific problem, we need to put in place laws to prevent these abuses from happening in the first place. The days of the "anything goes" mentality on Wall Street must come to an end, and it must end now.

Mr. Speaker, today must be the first of a series of bills that come to the House Floor to address our broken regulatory and oversight system of the financial services sector. I urge my colleagues to support this legislation as a way not only to express our outrage, but also as our commitment to a new system of regulation and oversight.

Mr. STARK. Mr. Speaker, I rise today in support of H.R. 1586, a simple measure to address an appalling practice.

My constituents are angry. As they scrimp and save and watch the value of their homes and college savings plummet, AIG—the recipient of more than \$180 billion in government funds—has decided to award over \$165 million in bonuses to the very executives that created the ongoing financial mess. I voted against the Wall Street bailout twice, precisely because it rewarded bad actors and bailed out companies that created a financial house of cards. Make no mistake, these bonuses are not necessary to keep the "best and brightest," they are simply a leftover bad habit from a company and an industry that was unregulated and left to run wild.

This legislation is straightforward. Any executive of a company surviving because of government intervention (including AIG, Fannie Mae and Freddie Mac) that has received or chooses to accept a bonus will be taxed at a 90% rate. Companies will no longer continue to be able to reward bad actors at taxpayer expense.

Despite the outrageous behavior of AIG and others, most Americans understand that the current economic times call for shared sacrifice and a renewal of the American dream.

My constituents know that we have to rebuild our nation and turn the page on the last eight years. Today we have the chance to send a message to AIG and others that would put private greed above the public good: enough.

I urge all of my colleagues to support this legislation.

Mr. THORNBERRY. Mr. Speaker, none of us support payments of these bonuses to AIG employees or employees of other companies that the government has had to bail out. Unfortunately, we are only presented with one alternative to correct the situation. Interestingly enough, it is a tax bill.

But the more important point is: How did we get here? We got here because the Democratic majority insisted on passing a 1000 page bill which nobody read and which was not exposed to the light of day, and in the hundreds of provisions in that bill was one that allowed bonuses to be paid. That bill passed without a single Republican in the House voting for it.

And now that the provision tucked away in that 1000 page bill has come to light and proven embarrassing, how does the majority deal with it? They tax it—at a 90% tax rate.

Now if this sounds familiar, it should. Hidden spending provisions, high taxes, spending, taxes, taxes, spending. It's a pattern.

The majority wants to make sure that the government decides who gets what and then is able to take it away. And they want to deflect attention away from their missteps.

The better approach would have been for the Obama Administration not to allow these bonuses to begin with. They can put the necessary conditions on the money. It would have been better to have that 1000 page bill open for viewing and for amendment. Instead we are left with a crass attempt at political cover. There has to be a better way.

Mr. KILDEE. Mr. Speaker, I rise today in support of the H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients. Financial firms such as AIG, who have accepted government assistance, need to recognize that the days of lavish travel, million dollar bonuses and golden parachutes are over.

When bridge loans were granted to General Motors and Chrysler, they were required to reduce wages and salaries. Auto workers are being asked to accept lower wages and stock contributions to their benefits account—which funds their healthcare—rather than cash.

What are executives at banks and financial institutions asked to do? Maybe spend fewer afternoons at the spa. Those firms should be subject to the same requirements imposed on GM and Chrysler and on their employees. My constituents have had enough of the double standard that rewards greedy executives and punishes working families.

After accepting \$170 billion from the federal government, AIG is responsible to the American taxpayer.

Before I ran for elected office, I was a high school Latin teacher. And I can tell you that in Latin, "bonus" translates to "good." A bonus is supposed to be a reward for something good—for excellent performance, not for running your company into the ground and sending the economy into a tailspin.

AIG's performance warrants a pink slip, not a paycheck.

Mr. HARE. Mr. Speaker, I rise today in strong support of H.R. 1586 to pose an additional tax on bonuses received from TARP recipients. Like my constituents, I am frustrated and angry that the American International Group (AIG) paid \$165 million in bonuses after we have given them billions of hard-earned taxpayer dollars. Clearly, the 'G' in AIG stands for greed.

It is outrageous that taxpayers are subsidizing bonuses as much as \$6.5 million at a time when working families are struggling to make ends meet. I am reminded of the saying: 'Fool me once, shame on you. Fool me twice, shame on me.' I wholeheartedly opposed the decision to pour an additional \$30 billion into AIG earlier this month given the company's record. AIG is a company that spent \$440,000 on a luxury retreat less than a week after receiving its first federal bailout. To make matters worse, the company then spent \$86,000 on an English hunting trip. Enough is enough.

I support any and all legal efforts to recoup this money, and protect working families in this difficult economy.

I urge all my colleagues to vote yes on H.R. 1586 and tell the American people that this Congress is fed up with corporate abuses of the Troubled Asset Relief Program and we will do everything in our power to be better stewards of taxpayer money.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today with pitchfork in hand to take back from the executives at AIG, monies that rightfully belong to the taxpayers of this country. I urge my colleagues to support H.R. 1586.

The understanding that most Members of Congress had when we passed the TARP legislation was that these measures were necessary to keep our financial system from collapse. I believe the term is systemic risk.

We then voted last month for another economic recovery package of over \$700 billion dollars which contained language that limited executive compensation for companies that received certain TARP funds.

It appears that the AIG executives may not have broken the law but certainly the spirit of the law. In other words, if AIG has received over \$190 billion in funds from the federal fiscal coffers in the last year, the company is acting in broad contravention of the essence of the law to use \$165 million of that for bonuses. The country is now \$12 trillion dollars in debt after passage of last month's American Recovery and Reinvestment Act of 2009. We literally cannot afford irresponsible uses of taxpayers' dollars.

Last September, the House and Senate voted on one of the most extraordinary pieces of legislation in the history of our country. During the same time, the federal government loaned the American Insurance Group (AIG) \$85 billion, as the company could no longer access credit to fund its day-to-day operations. In addition, an economic "bailout" package enacted in October (PL 110-343) provided a total of \$700 billion in federal aid to financial institutions to remove "toxic" debts and infuse capital into the credit market.

AIG has now received more than \$180 billion in taxpayer money and is now nearly 80 percent owned by the government. As part of a restructuring plan announced by the Treasury Department earlier this month, AIG is set

to receive an additional \$30 billion in federal rescue aid.

The news that AIG paid \$165 million in retention bonuses, including bonuses of at least \$1 million each to 73 employees who worked in the financial products division that contributed to the company's troubles, has incited fervor among lawmakers and the public over the past week. Eleven of those top bonus recipients—including one who received \$4.6 million—have since left AIG. If these payments were intended to motivate them to stay with the company it truly scares me to think what they might have needed to stay—\$1 million not being enough.

Edward M. Liddy, the chief executive of AIG—selected in consultation with the Treasury Department after the first large infusion of government assistance—testified before a House Financial Services subcommittee that he has called on employees who received in excess of \$100,000 to give back at least half of their bonuses, but which he also said are a legal obligation of the company. The reason that Mr. Liddy was selected is because he was expected to have the common sense as well as the financial sense which his job now entails.

Over two million Americans have lost their jobs in the last four months. Many of them still owe taxes from last year and will not get a stimulus check, TARP payment or waiver to pay those taxes. Neither will they have access in many cases to teams of topflight lawyers from swanky law firms to defend this excess that reminds me of the biblical tale of Sodom and Gomorrah.

Previously, Merrill Lynch paid \$3.6 billion in bonuses days before its merger with Bank of America to avoid collapse. Bank of America, which acquired Merrill Lynch on January 1, 2009 received \$45 billion in bailout money, some of which it used to acquire.

I was pleased to learn that Oversight and Government Reform Committee Chairman TOWNS sent a letter to Bank of America's chief executive last week asking for details on the bonuses. It appears they are ready to comply with Chairman TOWNS's request.

Treasury Secretary Timothy F. Geithner sent a letter about the AIG matter to lawmakers this week saying the Treasury Department will "deduct from the \$30 billion in assistance an amount equal to the amount of those payments."

This bill taxes bonuses given to individuals at a rate of 90 percent—if their employer received more than \$5 billion in federal assistance under the Troubled Asset Relief Program (TARP). It applies to individuals whose total family adjusted gross income exceeds \$250,000 per year, and affects bonuses received after December 31, 2008.

Employees or former employees of covered TARP recipients would face a tax on their income minus the TARP bonus as determined by existing tax code, plus a 90 percent tax on the bonus. The term "TARP bonus" is defined by the bill to include any retention payment, incentive payment, or other bonus that is in addition to the amount paid to the individual at a regular rate, but it does not include commissions, welfare or fringe benefits, or expense reimbursements.

Employees who waive their entitlement to the bonus payments, or return them to their

employers before the close of the taxable year, would not face a TARP bonus tax.

This exemption would not apply, however, if the employee receives any benefit from the employer in connection with a waiver or return. Any reimbursement of the tax by a TARP recipient would be treated as a TARP bonus to the taxpayer.

The TARP recipients that are covered under the bill include any entity that received, after December 31, 2007, capital infusions exceeding \$5 billion under the financial industry "bail-out," as well as the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac). It would also apply to members of affiliated groups or partnerships with more than 50 percent of the capital or profits owned by TARP recipients. Any tax increase as a result of the measure would not be treated as income tax for purposes of determining the amount of any credit against the alternative minimum tax.

Mr. Speaker, I urge this body to seek redress from AIG with this strong piece of legislation so that we may get on with the business of moving our economic recovery forward.

Mr. DINGELL. Mr. Speaker, I rise today in strong support of H.R. 1586, which will impose a significant tax on bonuses received by employees of certain TARP-recipient companies. This legislation, of which I am an original cosponsor, sends a clear message that excessive compensation practices by TARP-recipients are indefensible and, as such, must be heavily penalized. On Tuesday of this week, I introduced my own bill, H.R. 1543, on this matter, which would subject bonuses to employees of TARP-recipients to a 95 percent tax. I am pleased to see that H.R. 1586 incorporates elements of my bill and thank Chairman RANGEL for his kind consideration in doing so.

As AIG's recent actions remind us, it is unconscionable that companies dependent upon the largesse of the federal government for their very existence should in turn pay irresponsibly exorbitant bonuses to the rascals partially responsible for the current recession. From their glass towers, they frittered away the Nation's economic well-being. Compare that to the men and women who work on the assembly lines now being asked to make wage and healthcare concessions—also contractually guaranteed, I might add—to justify the rescue of U.S. manufacturers. If we can demand that decent people, who wear hard hats and blue jeans, must renegotiate their contracts, I see no reason those people wearing neckties and \$1,000 suits should not also have to sacrifice to help their country in this time of need.

In closing, I offer my thanks to Chairman RANGEL, as well as Representatives PETERS, ISRAEL, and MALONEY, for their work to ensure that TARP funds are not wasted on reprehensible and undeserved bonuses. I urge my colleagues to vote in support of H.R. 1586.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in strong support of H.R. 1586, which will recover outsized and unwarranted executive bonuses at companies like AIG that have received taxpayers' money under the Troubled Assets Relief Program (TARP), if those bonuses are not voluntarily repaid.

Mr. Speaker, we simply cannot continue with business as usual. These are serious times, and the American people expect that their hard-earned money will be used to repair the financial system—not reward the very executives that helped cause the current financial crisis. The bonuses at AIG are an egregious waste of taxpayer dollars, and we must take quick and decisive action to ensure that taxpayers are repaid.

I urge my colleagues to join me and pass this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 1586.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CAMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1586.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1315

SENSE OF CONGRESS REGARDING BONUSES PAID BY AIG AND OTHER COMPANIES RECEIVING FEDERAL ASSISTANCE

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 76) expressing the sense of the Congress regarding executive and employee bonuses paid by AIG and other companies assisted with taxpayer funds provided under the Troubled Assets Relief Program of the Secretary of the Treasury.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 76

Whereas the Chairman of the Federal Reserve, Ben Bernanke, said in testimony to Congress on March 3, 2008: "If there is a single episode in this entire 18 months that has made me more angry, I can't think of one, than AIG. AIG exploited a huge gap in the regulatory system; there was no oversight of the financial products division. This was a hedge fund basically that was attached to a large and stable insurance company, made huge numbers of irresponsible bets, took huge losses. We had no choice.";

Whereas, on March 15, 2009, Chairman Bernanke said on the news program "60 Minutes" that "we must address the problem of financial institutions that are deemed too big—or perhaps too interconnected—to fail. Given the highly fragile state of financial markets and the global economy, government assistance to avoid the failures of major financial institutions has been necessary to avoid a further serious destabilization of the financial system, and our commitment to avoiding such a failure remains firm.";

Whereas the Treasury and the Federal Reserve have committed almost \$200 billion in various forms of taxpayer assistance to AIG for the company's liquidity shortages, the purchase of certain assets, and to dispose of other assets for an orderly wind-down of the company;

Whereas the commitment of almost \$200 billion in taxpayer assistance represents one of the largest Federal government rescues of a single private corporation in United States history;

Whereas the Federal Reserve has committed tens of billions of taxpayer dollars in a combination of facilities to purchase AIG's mortgage-backed securities and liabilities tied to collateralized debt obligations;

Whereas the Federal government has taken a 79.9 percent stake in AIG in exchange for providing financial assistance extending credit;

Whereas, under the Emergency Economic Stabilization Act of 2008, the Bush Administration and the Obama Administration have provided AIG with access to \$70 billion in direct capital infusions, which in turn have been used, in part, to cover AIG's collateral for positions taken by the company in unregulated and risky credit default swaps;

Whereas AIG's Financial Products division's irresponsible practice of not setting aside sufficient capital to cover its exposure on more than \$1 trillion of complex financial products, including credit default swaps, have threatened the stability of the financial system and resulted in substantial losses to the company, to pensioners, to investors, and ultimately to the taxpayer;

Whereas, despite the irresponsible actions of AIG executives that threatened the company as a going concern, and exposed taxpayers to almost \$200 billion to cover losses from excessive risks, these executives will receive hundreds of millions of taxpayer money in retention payments and bonuses for performance in 2008 and 2009;

Whereas, in a letter to Treasury Secretary Geithner, AIG CEO Edward Liddy said that "AIG also is committed to seeking other ways to repay the American taxpayers for AIG Financial Products retention payments.";

Whereas, in the same letter, Liddy said that "AIG's hands are tied. Outside counsel has advised that these [retention payments] are legal, binding obligations of AIG, and there are serious legal, as well as business, consequences for not paying. Given the trillion-dollar portfolio at AIG Financial Products, retaining key traders and risk managers is critical to our goal of repayment [to the taxpayer].";

Whereas the appropriate committees in the House of Representatives and the Senate have already convened hearings to examine the sizable government assistance provided to AIG, and the House Financial Services Committee has focused its oversight on the excessive compensation provided AIG's executives and employees, among other matters;

Whereas common sense dictates that a company such as AIG that was so mismanaged as to threaten the stability of the financial system of the Nation and that requires billions of dollars of taxpayer money for its survival should not reward that mismanagement through lavish bonuses; and

Whereas, on March 15, 2009, President Obama stated: "In the last six months, AIG has received substantial sums from the U.S. Treasury. I've asked Secretary Geithner to use that leverage and pursue every legal avenue to block these bonuses and make the American taxpayers whole": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President is appropriately exercising all of the authorities granted by Congress under the Emergency Economic Stabilization Act of 2008, and any other Federal law, by taking all necessary actions to ensure that—

(1) in the absence of a voluntary decision by AIG employees and executives to forego their contractual retention bonuses, AIG will repay taxpayers for the hundreds of millions of dollars the company provided to executives and employees in retention bonuses;

(2) going forward, companies that receive a capital infusion under title I of the Emergency Economic Stabilization Act of 2008 that the Secretary of the Treasury deems necessary to restore liquidity and stability to the financial system of the United States are prohibited from providing to executives and employees unreasonable and excessive compensation payments that are not directly tied to performance measures, such as repayment of the companies' obligations to the taxpayers, profitability of the company, adherence to appropriate risk management, and transparency and accountability to shareholders, investors, and taxpayers; and

(3) companies that receive a capital infusion under title I of the Emergency Economic Stabilization Act of 2008 that the Secretary of the Treasury deems necessary to restore liquidity and stability to the financial system of the United States are complying with the letter of the provisions included in the American Recovery and Reinvestment Act that strengthen executive compensation restrictions for recipients of capital infusions, such as limiting base salaries for executives to no more than \$500,000 per year, banning golden parachutes, limiting bonuses for executives, requiring shareholders to approve pay packages, requiring executives to certify they are meeting the law's restrictions, requiring a company-wide policy on luxury expenditures, and prohibiting compensation on the basis of excessive risks that threaten the viability of such companies, and adhering to all executive compensation guidelines the Secretary of the Treasury may establish.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from New Jersey (Mr. GARRETT) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a great deal of anger in the Nation, and it is reflected in this House, which is representative of the Nation, about retention bonuses given to people who worked at AIG. Re-

tention bonuses in this situation, Mr. Speaker, strike me as a form of legalized extortion. These are not performance bonuses. I was unclear about that and misspoke about it to some extent. These are bonuses paid solely so that people who had been employed at AIG would not leave AIG as it became clear the company was in trouble.

Specifically, we were told that these retention bonuses go to employees who were engaged in complex financial transactions. Now it is, in sum, these complex financial transactions that caused the company the problem. The insurance entities, regulated by State insurance regulators, caused no problem. In fact, they generated the resources and the revenues that allowed these other people to get themselves in trouble.

According to Mr. Liddy, who was appointed to head AIG after the failure, a decision was initiated by the Federal Reserve last September to lend them money and then make a change in the company's management. Mr. Liddy said he was afraid—and he is genuinely sincere about this—he was afraid that some of these people who had been working at the company and who had intimate knowledge of these complex transactions would leave the company and might, in fact, even use their knowledge in ways that would be adverse to the company.

That is a very sad commentary on them. These are people who were engaged in these transactions, the effect of which was to put the company in trouble. And we are told that they have to be bribed not to abandon the company in their time of trouble.

Now, I am skeptical that the best way to get out of the hole that those people dug was to let them get extra pay for wielding the shovel. I believe there could have been other people hired. My colleague, Mr. CAPUANO, did some good questioning in this. We were told AIG felt, no, they had to pay the bonus. I think that is a very grave error.

My own preference is, and I have urged this on the administration, my preference is that they bring a lawsuit on behalf of the U.S. as the major shareholder so that we can recover here; that is, it is not a case of us as a regulator intruding on a contract by others. This is a case where we are the major owners of this company. And I believe that it is a grave error to enrich people who have apparently threatened to leave the company, abandon it and not help them get out of the problems they created unless they are given these bribes called "retention bonuses." We have a resolution here which talks about several things.

First, it does express our determination to prevent these from happening in the future. We have already done some of that. We should note, this provision here, this decision was made

unilaterally by the Federal Reserve system under a 1932 statute. There was no congressional input whatsoever into the decision last September to do this. The Secretary of the Treasury, Mr. Paulson, accompanied me, the chairman of the Federal Reserve, Mr. Bernanke, and they came to Congress, and they said that Mr. Bernanke had decided to give a loan of \$85 billion to this company. No restrictions were put on the company. Two days later, the same two gentlemen asked us to enact legislation providing for \$700 billion in authority.

At that point, we said, among other things, there has to be some restrictions on the compensation paid. Now we didn't get all the restrictions we wanted because we were in the negotiation process. But it was instructive that when the Fed did it on its own with the Secretary of the Treasury's support, there were no restrictions on compensation. Two days later, we immediately raised that, had a debate and got some of them. Now, we have gone further.

I would make this contrast. We have AIG without any restrictions. Under the TARP program, which Congress voted and which is now being administered by the current administration, we have not only imposed restrictions, we are now being criticized in the press and by some of the recipients for being too tough on them. In the New York Times last week, there was a front page article that said the banks are going to have to give the money back because we are too tough on compensation, lavish entertaining and too much pressure to make loans. There was an article in the Washington Post business section 3 days ago making the same point. I welcome that kind of criticism. I welcome the recognition that we have now become very tough. The problem is that these bonuses were granted under an authority that the Federal Reserve gave before Congress got into the situation and were able to put on the restrictions. This resolution is a beginning of what we will be doing.

There is also, I hope, going to be a lawsuit. I have been pressing the administration for a shareholders' lawsuit to recover the bonuses that have already been paid. And there will be other legislative vehicles. I hope that the Committee on Financial Services will mark up a bill next week which will embody much of what is in this resolution. We will have a markup in committee. I hope we will be able to bring a bill to the floor that will deal with this both prospectively and retroactively. At this point, this is a statement of intention which I think is appropriate because people in this country want to know what we are doing. It will be followed up by a markup in committee.

We have had several hearings on the subject of compensation and a big one

on AIG, obviously, yesterday. And we will have another AIG hearing next week with the Secretary of the Treasury and the Chairman of the Federal Reserve. But we will be marking up legislation next week in committee and voting on it the final week before the recess so that what we state here as our intention I hope will become law.

I reserve the balance of my time.

Mr. GARRETT of New Jersey. I thank the Chair. At this time, I yield 4 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I rise in strong opposition to this resolution. Like the American people, I'm extremely disappointed by the recent news that AIG paid millions of dollars in money bonuses after it received a massive government bailout. We all agree that the decisions that led to the collapse of AIG and the payment of large bonuses to some of the same executives who caused the collapse are indefensible.

However, the legislation we vote on today arrives at conclusions based not on facts, but rather, is focused on delivering political cover to my Democratic friends and colleagues. The bill reads, "It is the sense of the Congress that the President is appropriately exercising all of the authorities granted by Congress."

How can we come here today after all we and the American people have learned this week and say that everything the President has done is appropriate? The American people recognize the absurdity of such a statement, and so should we. In reality, there is not a single Member of Congress who can say with certainty that the President has done everything in his power in connection with these bonuses.

For instance, just today, Bloomberg quotes the Senate Banking Committee Chairman CHRIS DODD as saying that the Obama administration asked him to insert a provision in last month's \$787 billion economic stimulus legislation that had the effect of authorizing AIG's bonuses. If that is correct, do you really want to vote to say that what the President did in enabling these bonuses was appropriate? I think not.

We are here today because the majority is trying to paper over its mistake. And now, they are asking us to compound that mistake by endorsing everything the President had done in connection with these million-dollar bonuses. It was a mistake not to read the stimulus package before you voted on it. You didn't read it. You didn't understand it. It had this provision in it. How could we, in good conscience, support legislation lauding the President's actions in allowing these bonus payments if it was that same administration that worked to enact legislation that now prevents us from recouping this \$160 million dollars?

Such a vote would be a vote of confidence for an administration whose actions in handling the AIG matter have not earned the confidence of the American people.

Make no mistake, today's vote is not an effort to ensure oversight nor an effort to hold people responsible for their actions. Today's vote, instead, I conclude by saying, is a thinly veiled political ploy by the Democratic majority to deflect responsibility. That is wrong. The American people know it. Working families deserve better. They deserve an exit strategy from this continued cycle of government bailouts. And they deserve to be repaid 100 percent. They don't deserve a cover-up.

Mr. FRANK of Massachusetts. I yield myself such time as I may consume to say I learn a lot in this job. Now, I have learned about a theory called creationism which in some cases holds that the world was created 4,000 years ago or 7,000 years ago by calculating what the Bible said. But I now am astounded to see a new and more compressed theory of when the world was created. It apparently was created at noon on January 20, 2009.

You just heard someone say, "it is Obama's fault." In September of 2008—and I regret that we are getting into this kind of political discussion—but the gentleman from Alabama raised it. In September of 2008, two appointees of George Bush came to the Congress and said, Mr. Bernanke, the Chairman of the Federal Reserve, who had previously been on the Bush economic advisory staff, and Mr. Paulson, the Secretary of the Treasury, and they said, "we are going to lend \$85 billion through the Federal Reserve to AIG." They didn't ask us.

Mr. BACHUS. Will the gentleman yield?

Mr. FRANK of Massachusetts. Yes.

Mr. BACHUS. The economic stimulus package—

Mr. FRANK of Massachusetts. No, I'm sorry. I will yield to talk about what I am talking about. I take back my time.

Mr. BACHUS. The language was inserted in that bill last night.

Mr. FRANK of Massachusetts. Mr. Speaker, please instruct someone who should know better about the rules. I took back my time. The point is this: He had the chance to make his argument. He wanted to make it political. Yeah, there was something in the stimulus package. Before the stimulus package, there was September of 2008. It does exist. Your revisionism doesn't work.

I would say to my friends on the other side, Mr. Speaker, in September—I note, Mr. Speaker, how sensitive the subject is that I raised. I got one sentence into describing the role of the Bush administration, and up comes my colleague from Alabama, because they don't want this to be discussed.

In September of 2008, George Bush's two top economic appointees came, and Mr. Bernanke informed us that he was going to lend \$85 billion to AIG. I said, at the time, because he said "we have obligations all over the world here, and we have to make our foreign partners know that this is not going to be a default on them." I said, "well, are they contributing?" I asked them at the time, "will there be any contribution from foreign banks to make up what AIG owes?" The answer was "no." So from September of 2008 until January 20, 2009, the Bush administration was in charge of this.

Mr. GARRETT of New Jersey. Would the gentleman yield on that one point?

Mr. FRANK of Massachusetts. I will yield again to your sensitivity.

□ 1330

Mr. GARRETT of New Jersey. It is not to my sensitivity, just that since you are throwing out the dates, you said from September until January.

Mr. FRANK of Massachusetts. January 20, yes.

Mr. GARRETT of New Jersey. Is it not true that somewhere in between there, approximately on November 10, there was a restructuring that was done from the \$85 billion initially, and the gentleman is correct when you said it initially came from the Fed, but restructuring was done perhaps at the request because of the credit ratings and what have you, and they needed to change the terms, and that the funds then came in part from TARP; is that correct?

Mr. FRANK of Massachusetts. Yes. I will reclaim my time to say that the gentleman has just reaffirmed what I said. I said it was the during the Bush administration.

I just reclaimed my time. Do Members not understand the rules on the other side? I yielded twice. I reclaimed my time, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts has the time.

Mr. FRANK of Massachusetts. I got briefly into my response. Two of my colleagues have now jumped up because they don't want the story to be told. I said that it was under the Bush administration.

The gentleman from New Jersey got up, and, frankly, I thought he was going to say, "Oh, no, that was the Federal Reserve, they are not technically the Bush administration."

Instead, what he wanted to do was to drive home my point and say it wasn't just the Federal Reserve, it was the Department of Treasury in November 2008. Who was running the Department of Treasury? Bush appointees. So I accept the gentleman's correction. I should have been more clear that it wasn't just the Federal Reserve, it was also the Secretary of the Treasury and there was a restructuring.

The Bush administration was in control from September of 2008 until January. The decision to lend the money with no restrictions on compensation was a Bush administration decision.

Now, when we had to vote on the rescue plan, we did insist on some compensation restrictions. They were grudgingly applied. Under the current administration, we have greatly expanded these. If, in fact, we had covered the restrictions—well, the restrictions, let's just put it this way, that are now in place on the rescue plan are so tough that people want to give us the money back. The recovery plan, we said they could give the money back.

But the point is that yes, in November of 2008 it became even more of a Bush administration situation because Treasury had a larger role.

I would yield again to the gentleman.

Mr. GARRETT of New Jersey. I appreciate the gentleman yielding.

The point that I was about to make on completion of that was that yes, it was the Bush administration, his Secretary in November, November 10, 2008, who did the restructuring to help the situation move along. But they were not able to do that unilaterally, were they? In other words the TARP money that they spent, they didn't just pull that out of thin air like the Fed when they created money, they had to do that by requesting the House and the Senate to pass TARP legislation. My question to you was: Did that go through the House and who was it that sponsored the TARP legislation that provided the money?

Mr. FRANK of Massachusetts. The answer is the gentleman appears to have forgotten. How did it go through? Yes, the TARP legislation, requested by the Bush administration, did pass the House with the support of a majority of Democrats and a minority of Republicans, but supported by the Republican leadership.

Excuse me.

Mr. Speaker, let me explain to the gentleman, when you are recognized, you can speak. If you are not the one who is recognized, you ask someone to yield. If he yields, as I have done to you twice, you can speak. If he doesn't yield, you wait until someone does. It is an orderly process.

Now, again, I understand that this is an unusual degree to which I am being asked to yield because the Members on the other side want to make a partisan attack and not have the facts. The facts are—no, I will not yield to a continued kind of pattern of interruption because Members don't want the story told. I listened to the gentleman. He asked about how the TARP bill was passed. The Bush administration lobbied for it strongly. The Republican leadership of the House supported it, although a slight majority of the Members voted against it. A heavy majority of Republicans in the Senate passed it.

So the TARP bill did pass with a majority of Republicans in the Senate, the Republican leadership in the House, and Democratic majorities in both Houses, and the Bush administration. It was genuinely bipartisan.

It included some restrictions on compensation, less than I would have liked because Republicans in the Senate, working with the Bush administration, resisted them.

We have since increased both the types of restrictions and the levels. So the answer to the gentleman's question: yes, the TARP bill did pass at the request of the Bush administration with support from the House Republican leadership, which I notice is conspicuously off the floor now to avoid embarrassment, and the majority of Republicans in the Senate. But that's the point, Mr. Speaker, this was initiated by the Bush administration, and the decision to give the TARP money without any restrictions came from the Bush administration.

I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, the level of hypocrisy is astounding here. The resolution before us asks us to agree by our vote that the President is properly exercising all of the authorities granted to him by the Emergency Economic Stabilization Act, which did ban bonuses and golden parachutes.

What we do know is, the conference report, which was on a complete partisan basis adopted and signed by the President, had protection of bonuses to AIG written into it.

Now what we don't know is how the language that was previously in the stimulus was taken out in conference secretly and this language put in. We do know that Senator DODD was part of it because he has come out publicly and said I accept responsibility for putting this language in.

Now, we don't know who came—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARRETT of New Jersey. I yield the gentleman an additional 15 seconds.

Mr. TERRY. So we know that Senator DODD put this language in, but we don't know at whose request. But he has said at the President's request, probably through Geithner. So I can't in good conscience vote for this saying what the President has done through Secretary Geithner is appropriate.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to a member of the Financial Services Committee, the gentlewoman from Ohio (Ms. KILROY).

Ms. KILROY. Mr. Speaker, the great Winston Churchill said, "The price of greatness is responsibility." AIG has shown that for them the price of greatness is greed, putting greed above

greatest, putting self-interest above responsibility.

Today I rise in support of this resolution and to express the will of the American people to stop rewarding this behavior.

Let me be clear: We should focus on the behavior of AIG and those traders that were nothing more than gamblers, gambling in credit default swaps not in cards. But in the end, they gambled away the financial security of our markets. And when they failed and put the financial system at risk, the risk was pushed back onto the backs of the American people. America has had enough.

Instead of taking responsibility for the massive damage they have caused, AIG has continued this culture of greed. Today, in this resolution, we can tell these traders that business as usual is over. We don't care about their excuses and contracts. Contracts are, frankly, renegotiated every day. We care about cleaning up this mess and changing the culture that caused this debacle.

This resolution states our intent that without a voluntary decision by AIG employees to give the bonus money back, we will act to make them do so.

Today we hear that some employees have been shamed into giving back this money. Some is not good enough. All is the only option.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Mr. Speaker, the resolution before us is offered by the gentlewoman from Ohio (Ms. KILROY). I am hopeful she will answer a question or two about the actual bill she has sponsored.

Ms. KILROY, would you mind answering a question about the bill that you are sponsoring? I would like to enter into a colloquy with Ms. KILROY.

Ms. KILROY, you are the sponsor of this bill having enabled this language and voting in favor of the stimulus bill.

The SPEAKER pro tempore. The gentleman from Utah should direct his remarks to the Chair.

Mr. CHAFFETZ. Mr. Speaker, I would just like to ask a question of the woman who just spoke.

The SPEAKER pro tempore. The gentleman from Utah should direct his remarks to the Chair.

Mr. CHAFFETZ. Mr. Speaker, do we know why she walked away? I just wanted the ability to ask a question about the bill that she sponsored.

The SPEAKER pro tempore. The gentleman from Utah has the time.

Mr. CHAFFETZ. Mr. Speaker, I have a question about why she walked away.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. CHAFFETZ. I was trying to ask the Speaker why the gentlewoman would walk away from the microphone

when I simply wanted to ask a question.

The SPEAKER pro tempore. The gentleman from Utah has the time. Does the gentleman from Utah have a parliamentary inquiry?

Mr. CHAFFETZ. The question that I had, Mr. Speaker, is had the gentleman actually read the stimulus bill before she voted on it?

I wanted to ask the gentlewoman if it was her opinion that the administration is doing everything it should to prevent these bonuses from going through?

I also wanted to ask the gentlewoman did these bonuses happen under their watch?

Finally, I wanted to ask her, Didn't the White House ask Senator DODD?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield 1½ minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I have followed all of the discussion, and I understand the first vote is an instrumental vote and it actually does something.

This particular resolution I don't understand at all. Essentially, as I see it, it is a cover-up vote for the administration saying they did everything right. I don't disagree that there were problems in the previous administration. There are problems in this administration with all of this. There are a lot of problems in Congress, and perhaps with AIG. But to suggest that this administration has done everything correctly is just not accurate. It was Mr. Geithner, after all, when he was the head of the New York Federal Reserve and made the first payment to AIG in which they received most of the stock of AIG who was involved from that point on. It was his people who were involved from that point on.

There were discussions recently in the stimulus package about who actually took out the language with respect to allowing these bonuses to take place because there was language apparently put in by the Senate that would have prohibited that. And again, the White House was apparently involved in that.

Then there were discussions as to when everybody knew about this. And Mr. Geithner apparently indicated that he was informed I guess late last week and then informed the President. And yet we heard from Mr. Liddy at AIG that the Federal Reserve was involved with this from the beginning and knew about it from the beginning, and he assumed probably shared that information with Treasury.

Either way, you are talking about the administration. Individuals either did know or should have known, and to absolve the administration of fault is just wrong. And whether we vote "yes" or "no" on the previous bill, in my

judgment everybody should vote "no" on this legislation. It is just not proper. I am not even sure why we are trying to consider it today, but it is not proper. It is not accurate. The bottom line is it should have a "no" vote.

Mr. FRANK of Massachusetts. I will continue to reserve.

Mr. GARRETT of New Jersey. I thank the gentleman from Delaware for his comments, and pointing out the fact that members of this administration, specifically Secretary Geithner was actually considered the architect of the AIG bailout bill.

With that, I yield 1 minute to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, I am angered. The American people are angered. But they are not just angered by what is going on with these bonuses at AIG, they are also angered at what is going on right here in Washington, DC, and in this Capitol by people who helped create this mess.

For those of us who voted against the bailout and who voted against the stimulus bill, we are equally angered not just at the bonuses, but also at the fact that this language was inserted into the stimulus bill.

Senator CHRIS DODD, the chairman of the Senate Banking Committee himself said this language, protecting AIG bonuses, was put in the bill because of a request from the White House.

We deserve to know who at the White House knew about that, who at the White House asked for this language to be put in protecting AIG bonuses. And now that people are rightly angered across the country, they are trying to cover themselves with this language in this resolution which is part of this coverup.

If Secretary Geithner knew that this language was going to be inserted and he helped direct it in there, he needs to resign. But the President needs to answer these questions to the American people who are rightfully angered about what is happening.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is interesting to listen to my colleagues not try to be problem solvers. The work of this body is to in fact solve problems, fix the capital markets, ensure that we restore the confidence in the capitalistic system. And yes, to overcome mishaps and issues that raise concern with all of us.

Today we create the opportunity and the vehicle to solve these problems. The taxation on retention bonuses speaks loudly on behalf of the American people. The expression of opposition to actions that occurred speaks loudly on behalf of the American people.

□ 1345

This body has many committees that will engage in oversight. My colleagues

don't think that the work will be done—and it will continue—on how these issues came about, but maybe they should look at the past and understand the reason we are here is the \$1.1 trillion debt that was created by the past administration. We are fixing the problem. Let's join those of us who want to work it out on behalf of the American people.

Mr. Speaker, I rise today in support of this resolution that I believe only begins to express the outrage that the American people and many Members of Congress are feeling right now. Our constituents feel like they have been handed a raw deal from the executives at AIG. They have given out large bonuses that would make most people blush with shame.

The understanding that most Members of Congress had when we passed the TARP legislation was that these measures were necessary to keep our financial system from collapse. However, the reality of a few months has proven quite different.

Last month, we voted for another economic recovery package of over \$700 billion which contained language that limited executive compensation for companies that received certain TARP funds.

It appears that the AIG executives may not have broken the law but certainly the spirit of the law. This is unconscionable. It is an outrage that these businessmen have bucked the system and chosen to dole out federally appropriated dollars to their own bank accounts. Where is the fairness? Where is the equity? \$165 million is no small change.

In other words, if AIG has received over \$190 billion in funds from the federal fiscal coffers in the last year, the company is acting in broad contravention of the essence of the law to use \$165 million of that for bonuses. The country is now \$12 trillion dollars in debt after passage of last month's American Recovery and Reinvestment Act of 2009. We literally cannot afford irresponsible uses of taxpayer dollars.

The unemployment rate is on the rise across the country. In fact, in my state of Texas, the unemployment rate has hit 6.4 percent. And that rate is even higher for minorities. Many of the people of Texas, like many Americans, are suffering through this economic downturn.

By voting for this resolution we are not just voting to take the money back, we are voting to get our country back on the right track. The U.S. dollar has traditionally been one of the strongest in the world. But just last week, an official from China appeared to question the holding of U.S. paper.

The losses that led to AIG's essential failure came largely from two sources: The state-regulated AIG insurance subsidiaries' securities lending program, and the AIG Financial Products (AIGFP) subsidiary, a largely unregulated subsidiary that specialized in financial derivatives. And is it not ironic, Mr. Speaker, that most of the bonuses in question went to AIG executives in those two divisions. Bad actors should not benefit from poor performance. The American people should not be required to pay for the missteps of the AIG top brass, particularly during a time when the unemployment rate is creeping up.

Financial derivatives are products that came into the public consciousness during the Orange County default of 1994. Typically derivatives are used to diversify investment portfolios for institutional and retail investors. If we thought that the derivatives beast had been tamed—apparently we were wrong—it has roared back to bite us.

The securities lending losses were largely due to investments in mortgage-backed securities, and are relatively well-defined at this point. At the end of 2008, the outstanding obligations from the AIG securities lending program were approximately \$3 billion, down from over \$82 billion at the start of 2008.

The credit derivative losses from AIGFP, however, are potentially ongoing despite actions taken to limit them. AIG reported approximately \$300 billion in continued notional net exposure to credit derivatives at the end of 2008, down from approximately \$370 billion at the start of 2008.

The government assistance to AIG began with an \$85 billion loan from the Federal Reserve in September 2008. This loan was on relatively onerous terms with a high interest rate and required a handover of 79.9 percent of the equity in AIG to the government.

As AIG's financial position weakened after September, several rounds of additional funding were provided to AIG and the terms were loosened to some degree. The lessening of restrictions was necessary because of the overall deterioration of the economy and certain financial services companies.

The second major restructuring of the assistance to AIG was announced in March 2009 and has yet to be completed. Once it is completed, the assistance to AIG will comprise: (1) Up to \$70 billion in capital injections through preferred share purchases by the Treasury; (2) up to \$40.3 billion in outstanding loans from the Fed; (3) up to \$34.5 billion in Federal Reserve loans retired by securities and equity interests provided to the government by AIG; and (4) up to \$52.5 billion in loans for troubled asset purchases—assets which are now owned by the government.

In addition to possible continuing losses on AIG's derivative portfolio, the ongoing weakness in the economy may weigh heavily on AIG's future results. It is not clear whether the ongoing government involvement in AIG might strengthen or weaken AIG's core insurance business, as consumers could conclude that their policy with AIG is safe due to the government involvement or they could conclude that their policy with AIG is more risky since the government could change the terms of its involvement at any time.

That is why we must, as a Congress, send a strong message to the American people. They need to know that when we write a bill that is circumvented—Congress will act quickly to address it.

PARLIAMENTARY INQUIRY

Mr. GARRETT of New Jersey. Mr. Speaker, parliamentary inquiry, please.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GARRETT of New Jersey. Is it under the rules of the House that the sponsor of the resolution has to be on

the floor during the presentation of the discussions and debate on the resolution?

The SPEAKER pro tempore. It is not required under the rules of the House.

Mr. GARRETT of New Jersey. Thank you.

Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for yielding.

Today, there is a lot of expression of outrage—and indeed, there should be.

I don't believe that this resolution really addresses the real problem that we have. It looks like it's giving the administration an excuse by saying that he is only doing what we have asked him to do, and the administration. And in many ways this is true. The real fault, I think, falls within the Congress ever giving this money and allowing this to happen. But to excuse the administration and then complain about these bonuses and think that that can solve our problems, it just won't do that.

The real outrage, I think, is the lack of monitoring of what we do; we give out money, we have no strings attached, we give out hundreds of billions of dollars, and we totally ignore what the Federal Reserve does by issuing literally trillions of dollars. And yet, this is the emergency legislation.

This is politically driven, I happen to believe. I think people would like to express their outrage, and they do. And it's an easy target, picking on AIG, but we create these problems; we create them by doing things that are unconstitutional. We come up with these schemes and these expressions and excuses, and at the same time, we don't address the subject of why do we spend money, and why do we allow a monetary system to operate without any supervision by the Congress? That's where our real problem is. And someday we will address that and deal with this rather than doing it in the political way of saying, well, it's not our fault, it's their fault.

Mr. GARRETT of New Jersey. I thank the gentleman from Texas for pointing out that these problems were, in fact, created through legislation, and that legislation came under the leadership of the Democrat House.

At this time, I yield 1½ minutes to the gentlelady from Kansas (Ms. JENKINS).

Ms. JENKINS. Mr. Speaker, I rise today to express the frustration that my constituents and I have at the abuse of taxpayer dollars.

The American taxpayer, over the past year, has been forced to foot the bill with hundreds of billions to bail out bad decisions made by institutions that were deemed too big to fail, including AIG.

After receiving almost \$200 billion in taxpayer bailout dollars, we now know AIG used some \$165 million to pay bo-

nuses to many of the same executives who got them into this mess in the first place. These bonuses are outrageous; but even more outrageous is that this whole situation could have been avoided. During the closed-door conference committee meetings for the Democrat so-called stimulus bill, a provision was slipped in that permitted the AIG bonuses to be paid.

The \$165 million in bonuses AIG recently made must be recaptured. As the primary—unwilling—investors, the American taxpayers deserve to know how and when they will be repaid and given assurance that their dollars will not be squandered any further.

The legislation voted on today will not recapture 100 percent of taxpayers' money, and it sets a dangerous precedent for punishing individuals by taxing past behavior deemed inappropriate.

It is disappointing how this body continues to let the American people down.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 30 seconds to correct the gentleman from New Jersey.

I have long thought that I pay closer attention to our colleague from Texas (Mr. PAUL) than his Republican colleagues. He talked about legislation, but he was talking about, in part, the legislation that gives the Federal Reserve the ability to do this.

The gentleman from New Jersey is incorrect. This was not created by the TARP legislation which the Congress passed at the request of President Bush, it was under legislation passed in 1932 which gave the Federal Reserve the authority. Mr. Bernanke was acting under that authority. So it is true that the actual loan was made under the administration of George Bush, but he was acting under authority signed by another great Republican President, Herbert Hoover.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I have not seen this much gnashing of teeth and beating of breasts since Homer penned "The Rape of the Sabine Women".

This is truly amazing. We are being asked to vote on a resolution today that says that the President is doing everything in his power to properly execute a program. Now, I wish I could vote "yes" because I happen to think that the President of the United States, Mr. Obama, is doing the best job that he can, but I can't answer that question. I can't answer that question. And I am going to yield to the distinguished chairman of the Financial Services Committee if he will answer the question. This is the paragraph—hold on, let me get the citation—title VII, section 111, subparagraph (iii).

Somehow, when the bill left the Senate, it had the Wyden-Snowe language

that said “no executive compensation,” and it taxed it. When the bill comes out of the conference committee, it has this paragraph in it that makes possible the bonuses that people are so shocked about today.

Now, I wasn't in the conference committee, I've been transferred to the Appropriations Committee, and so I would yield to the distinguished chairman of the Financial Services Committee if he would tell me—I assume he was a conferee—how did this get in the bill? I'll yield to anybody on the Democratic side. How did this paragraph get in the bill?

This paragraph said that the government could not stop the \$170 billion worth of bonuses, and today we're taxing these bonuses at 90 percent and we're calling these people traitors. Come on. How did this stuff get in the bill? And if you can't answer the question, we can't vote on your resolution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as a guest of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. FRANK of Massachusetts. Mr. Speaker, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, before I yield to our leader, I will yield such time to the chairman if he wishes to answer the question that the gentleman from Iowa asked, which was, how did this language get into the legislation which allowed for these bonuses to go through? He did not answer the question before, but I will yield.

Mr. FRANK of Massachusetts. I will confess, Mr. Speaker, I was not paying as close attention to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Then I take back my time.

Mr. FRANK of Massachusetts. Would he rephrase the question?

Mr. GARRETT of New Jersey. I take back my time. Apparently, the gentleman doesn't know the same rules that he was asking for one of his peers.

The SPEAKER pro tempore. The gentleman from New Jersey has the time.

The Chair would ask Members to be more orderly in yielding and reclaiming time. Specifically, Members should not interrupt after the Member under recognition has expressed an intent not to yield.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield 1 minute to our leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague from New Jersey for yielding.

I can see that the political circus continues here with the second piece of legislation today.

I just want all the Members to know what the first paragraph of the “Resolved” clause is in this resolution. It says, “Resolved by the House of Representatives, the Senate concurring, that it is the sense of Congress that the President is appropriately exercising all of the authorities granted by Congress under the Emergency Economic Stabilization Act of 2008, and any other Federal law.” Are you kidding me?

The Secretary of the Treasury has the ability to do this. Before he gave the last \$30 billion—you know, that was the day after they reported a \$61 billion loss, the Secretary of the Treasury decided they needed another \$30 billion. And before he gave them the \$30 billion, he couldn't have made clearer that no bonuses were going to be paid.

So I don't know how we can put this “resolved” clause in this phony resolution here so all Members can cover their rear-ends that they have come to the floor and they have voted to stop all of these bonuses going to these AIG executives.

This is a joke, and we ought to treat it as such. Vote “no.”

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 15 seconds to say that if the gentleman wants to ask me a question—I had said I hadn't heard it—if he would rephrase it, I will try to answer it.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this resolution, for I think it's a sham and an attempt to rewrite history.

When I and many of my colleagues voted against the first TARP bailout, I did so because I thought there weren't enough taxpayer protections. Well, you know what? I was right. But now we find out, to make matters worse, the other side of the aisle made it even worse writing in—in secrecy in the dead of night—a provision that actually took away a provision that would protect the taxpayers from these obscene bonuses. Well, they got caught, and now they have no one to blame but themselves.

When they say to 178 Members on this side of the aisle, “it's my way or the highway,” this is what they get. But my taxpayers shouldn't have to pay for their mistakes or their arrogance. So maybe I will call their bluff and maybe I will vote for their flawed legislation, which is too little, too late, because I want our taxpayer's money back.

I urge my colleagues to oppose this resolution, and I worry about how we're going to solve this problem.

Mr. FRANK of Massachusetts. I will continue to reserve.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding.

The outrage is continued. What we have today here is nothing short of a legislative coverup. That's what we're looking at here, Mr. Speaker. And when you look at these two different proposals that have come to the floor, one of which would trample on the Constitution in order to perpetrate this legislative coverup. And now we have the spectacle of Senator DODD pointing the finger at Secretary Geithner, and Secretary Geithner pointing the finger at Senator DODD. But what we do know is that our friends on the other side of the aisle, the Democrats, could have prevented this. But this language got in the bill, and all of a sudden it has no parents. Nobody will claim where this came from, this magical language that somehow allows these outrageous AIG bonuses to be paid.

Here's a news flash: Why don't we tell them, “No more Federal money, AIG, until these bonuses are repaid?” Don't come up with this political cover-your-backside language, trying to excuse all the people who are responsible for this in the first place. Don't trample on our Constitution in order to do this legislative coverup.

What happened to supposedly the most open and honest Congress in the history of America? This is transparency? This is honesty? And instead, we have cover up. Vote it down.

Mr. FRANK of Massachusetts. Mr. Speaker, I guess I will never get to answer that question, so I will yield, instead, 1 minute to the Speaker of the House.

Ms. PELOSI. I thank the gentleman for yielding, and I thank him for his leadership in bringing this legislation to the floor and his ongoing leadership in protecting the national interest of the American people as chairman of the Financial Services Committee.

I also want to acknowledge the leadership of Chairman RANGEL of the Ways and Means Committee for the legislation that was debated earlier about how the American people can get their money back, money paid in bonuses for failure, money paid that belongs to the taxpayers.

Mr. Speaker, today we are gathered on the floor to address a symptom, the bonuses, a symptom of the challenge that we face in our economy and in our financial situation in our country. I believe the President is on the right path and did an excellent job in his leadership when we passed the Recovery Act here. This Congress is moving forward with regulatory reform to address the lack of regulation, supervision, and discipline in the financial markets that brought us to this place. The President's initiatives on housing will help people stay in their homes. Addressing the housing crisis is essential to addressing the financial crisis in our country. And then we have to deal with

the stability of our financial institutions.

In the course of doing that, with a massive infusion of cash from the Fed on September 16—long before some in this body were even elected to the Congress—the Federal Reserve transferred these funds and the many funds since then without any requirements or conditions.

We come to a point where it is very clear that there are many in our country who believe that the way a free market system works for them, and not in the national interest, is to nationalize the risk and privatize the gain.

□ 1400

They are entrepreneurial, take risk, enjoy the benefits when success is there. But when it is not, these undue risks have to be paid for by the taxpayer, or so they think. That's just not right.

We all believe in a free market system. We all see that capitalism produces jobs and creates capital, and that is important. It creates wealth and that's important to the success of our economy, creating jobs especially. But it isn't right, it just simply isn't right, when there is a reward, a spelled-out-in-advance reward, for those who will take undue risk and when they fail, they get a bonus; the taxpayer gets the bill. This must end.

And today with these two resolutions, I think that we are making two important statements. One is that the administration should continue in its efforts to recover the money and prevent these bonuses from going forward. And the other is that we want our money back and we want our money back now for the taxpayers. This isn't that complicated. It isn't that complicated.

There are other steps that we can take, and in working in a bipartisan way on the committees of jurisdiction, the Financial Services Committee for one, we will have other pieces of legislation which will ensure that this can never happen again. We're working with the Judiciary Committee to say when is the national interest so offended that it is okay, then, to revisit a contract?

You hear all this talk about, oh, we can't revisit contracts. It's the Constitution. And we respect that, and we would not do so unless we would do so very carefully. But nobody seems to have a problem saying to auto workers in Michigan that their contracts must be revisited, that they have to take a deep cut in order to sustain an industry because that industry is important to our national security; we must have a manufacturing base and we cannot have it be undermined. So if the workers contracts are so subject to review and revision, why is it that when somebody gives a contract for a bonus to

somebody for failure which is known not to be in the national interest that you can't even bring up the subject?

Well, that isn't the subject for today in terms of legislation, but the subject of fairness and justice is. And I would hope that going forth from today, we could work strongly in a bipartisan way to address the real challenges to our economy and the challenge that the fragility of our financial institutions poses. We have to really say is it worth it to us to transfer hundreds of billions of taxpayer money, as Secretary Paulson asked us to do on September 18 when he and Chairman Bernanke visited the Congress? What are the results? Where is the credit circulating on Main Street?

Just getting back to the bonuses for a minute, because of the failure of AIG and the downturn for so many other financial institutions in our country, our people do not have job security. They're afraid of losing their jobs, their homes, their pensions, the college education of their children. It's just not right. There is a direct connection between this nationalizing the risk and privatizing the gain and the economic security of America's families and the strength of Main Street.

So let's take a step and say we want our money back. Here's one way to get it. And then let's work together to do more in that regard to bring justice to the system but, more importantly, to work together to bring stability to our economy.

With that, I urge our colleagues to support the resolutions before us.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield 30 seconds to a gentleman now who also wants to get the money back but also wants to find out how we got to this place in the first place, the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I have to apologize to the distinguished chairman of the Financial Services Committee because apparently I wasn't riveting enough when I was chatting before. And I'm happy to restate my question, and if the distinguished Speaker hasn't left the floor, she as well, I assume, had a representative in the conference committee.

My question was simple. These bonuses were not blocked as a result of this paragraph in the stimulus bill. Now, 2 days before we voted on it, every Democrat in the House voted to give us 48 hours to do it. You didn't do it. You gave us 90 minutes. You said 90 minutes is plenty of time. So I assume the Democrats read it. I assume the conferees who were in the room when this paragraph was inserted read it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARRETT of New Jersey. I yield the gentleman an additional 10 seconds.

Mr. LATOURETTE. My question, Mr. Chairman: How did this get in the bill?

I have the same answer, but I'm glad at least we have now heard the question.

Mr. FRANK of Massachusetts. Well, Mr. Speaker, I would say to my friend from Ohio that last remark was kind of bewildering. It wasn't my time. He was out of time. He seemed to be annoyed that I hadn't answered his question, but how I don't know how I could have done that except by sign language, in which I am not proficient. In my time I will address the question. For him to ask me a question as his time expires and then express indignation at my failure to answer it puzzles me.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I ask unanimous consent to give the chairman 15 seconds to answer the gentleman's question.

Mr. FRANK of Massachusetts. Reserving the right to object, I'm not going to be told I have only 15 seconds to answer a question.

Mr. BACHUS. Mr. Speaker, then I ask unanimous consent to give the chairman 1 minute to answer the gentleman from Ohio's question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts has an additional 1 minute added to his time.

Mr. FRANK of Massachusetts. I thank the gentleman. I will use it and then reserve the balance of my time.

I was not a member of the conference committee. The Financial Services Committee was not directly involved in this. We were more constrained by what we thought was the germaneness to the recovery bill. So the answer is I am not familiar with whatever the reasons were as to why this was put in.

I will say this: If there had been no language whatsoever, we still wouldn't have had the authority. In other words, what did survive was additional authority. Now, if there had been no bill whatsoever, we wouldn't have come even this close. But as to the specific question, the answer is I was not involved.

I would also just say, as chairman of the Financial Services Committee, I monitor pretty closely what goes on. I am not aware of any Republican member of the Financial Services Committee who has approached us and asked us to toughen up compensation restrictions. This interest in compensation restrictions is a fairly new interest. I commend people. I think later in life, it's good to take up new things so you don't get stale. But I do want to note that it is a fairly newfound hobby of my colleagues on the other side. In fact, in September when the Bush administration said they were going to make the loan with no restrictions and we pushed for it—

Mr. BACHUS. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Alabama.

Mr. BACHUS. We're talking about this February. This resolution deals with your resolution that the President in February acted appropriately.

Mr. FRANK of Massachusetts. Reclaiming my time, we now have the nub of it. How dare I mention September of 2008. We're talking about February. I thought the world began on January 20. Apparently it started on February 1.

The fact is that you cannot look at this out of context. It was under the Bush administration that they initiated this loan to AIG. It was under the Bush administration that they asked for TARP and for our efforts to try to restrict compensation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARRETT of New Jersey. Mr. Speaker, can I ask how much time remains on both sides, and was that time that just used then in excess of the 1 minute that was yielded to the gentleman by unanimous consent?

The SPEAKER pro tempore. It was.

The gentleman from New Jersey has 2½ minutes remaining, and the gentleman from Massachusetts has 2¼ minutes remaining.

Mr. GARRETT of New Jersey. With that, Mr. Speaker, I will yield 1 minute to the gentleman from Texas who knows as well as RON PAUL does that the Federal Reserve was created during a Democrat administration.

Mr. GOHMERT. Mr. Speaker, I heard the chairman a moment ago saying Bush was in charge in September. And that's correct. I was glad to hear that.

But some of us back in September were begging the majority and people on this side of the aisle don't give \$700 billion in this fashion to anybody, not Paulson, not Geithner, not anybody. But it passed with the majority of the majority voting for it.

So it's a little difficult to come in here and say the President has done everything he can when President Obama's defense apparently is, well, Bush was bad, he used maybe \$300 billion of the \$700 billion; so we've got Obama \$1.5 trillion, \$1.6 trillion.

Look, if we want to fix this so the President can do all he can, somebody needs to put in the teleprompter that he's directing Geithner to put this outfit in receivership and then go get 100 percent of the bonuses. Then we can talk about doing all he can.

Mr. FRANK of Massachusetts. Mr. Speaker, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Speaker, I thank the gentleman for yielding.

A couple of minutes ago we heard from the gentlewoman from California,

the Speaker of the House. She said this isn't complicated. And you know what? It's really not complicated.

It was just a few short weeks ago that the House Republican leader, JOHN BOEHNER, came out here with, I don't know, was it a thousand pages? It was a whole lot of pages in the stimulus package. And he gave a poignant observation, and he made a challenge and he said nobody on that side of the aisle has read this bill. He dropped it, and like a thug those pages hit. And there was silence on the other side because you know what? The other side, Mr. Speaker, could hardly give you eye contact because they hadn't read the bill. And now, lo and behold, we come up with one shuffling answer after another as to how it is that this policy gives AIG the ability to walk away with taxpayer money. The list of excuses knows no end.

So the Speaker is right. This isn't complicated. This is what happens when we abrogate responsibility, when the Congress doesn't read bills, and when we create what my predecessor calls the "greased chute of government."

Mr. FRANK of Massachusetts. Mr. Speaker, I continue to reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Speaker, we are essentially here today on a resolution that does nothing much more than to say congratulations to this administration.

When you think about all the outrage across the country, and Americans should be outraged. We all want to get our money back and we will do everything in our power to get our money back. But the Americans are not only outraged at these bonuses, they are not only outraged at AIG and that they paid them out, but they are also outraged that we got here in the first place. And they know the fact that it was Secretary Geithner who was the architect of this. They know that TARP 1, 2, and 3 passed under the leadership of this Democrat House without absolute any strings attached whatsoever. And they know that it was under the leadership of this House that a bill passed that pulled out the restrictions. And so there is no reason why we should be commending this administration on this matter.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. Mr. Speaker, we have passed from creationism to fantasy. It's interesting.

The gentleman from Texas (Mr. GOHMERT) was very critical, in fact, of the actions of the Republican leader. He said we begged people not to vote for the TARP. The Republican leader in the House last fall worked very hard to get it passed. So did the other members of his leadership.

□ 1415

So did the other Members of his leadership, and now he is being denounced

for that. So I guess he broke even on his side, which these days, if you are in the minority, may be a pretty good day.

But the fact is this, the gentleman from New Jersey says, well, the Democrats were in the majority—though he said Democrat majority. Pardon me, for not getting his inflection absolute. Yes, the President of the United States, George Bush, came and asked us to do this, and his two top economic advisers said if you don't do it, there will be a crisis.

But, in fact, that's not directly relevant to the AIG issue. AIG was granted money.

And, by the way, the gentleman from New Jersey again misstates the relevant statute. The statute that we are referring to, that the gentleman from Texas referred to, is not the original one creating the Federal Reserve, it's the 1932 statute that gave them the power to lend money as they wish, signed by another great Republican President, Herbert Hoover.

But the point is that it was the Republican administration that said we had to do this. Yes, there was cooperation, the Republican leadership in the House, the majority in the Senate, believing that there would have been a terrible problem if it wasn't there.

I do want to reiterate that I am now pleased, as Chairman of the Financial Services Committee, that there is this interest on the Republican side in restricting compensation. It has not previously been a strong part of their argument.

However, we will return to the subject of this resolution. The resolution isn't binding, but it is a forerunner of what will be binding.

The Committee on Financial Services will vote next week on binding legislation, and it will bring it to the floor the week after, which will embody much of this, and it will include an effort to deal with this retroactively. There will be legal questions raised, but the fact is that we will have binding legislation to embody this.

This is an important statement. I would say this in closing, Mr. Speaker. We have people now at AIG deciding whether or not they are going to give their money back. The more they give back to us, the better we will be. It won't be totally conclusive.

But to defeat this resolution because it says nice things about President Obama would be a grave error.

Mr. MARSHALL. Mr. Speaker, I voted in favor of this resolution because no company should pay large bonuses to employees after receiving taxpayer funds under the Troubled Assets Relief Program. I agreed to the stated "sense of Congress" that the President is appropriately exercising all powers available to him because I have no reason to conclude otherwise. But I acknowledge the possibility that the President may not be doing all he can to recover the AIG bonuses. No Representative can know everything an Administration is

doing so it is therefore possible that more can be done. If more can be done, it should be done.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 76.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. GARRETT of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1586, by the yeas and nays;

H. Con. Res. 76, by the yeas and nays;

H.R. 1216, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

TAXING EXECUTIVE BONUSES PAID BY COMPANIES RECEIVING TARP ASSISTANCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1586 on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 1586.

The vote was taken by electronic device, and there were—yeas 328, nays 93, not voting 10, as follows:

[Roll No. 143]

YEAS—328

| | | |
|-------------|-------------|----------------|
| Abercrombie | Biggart | Brown (SC) |
| Ackerman | Bilbray | Brown, Corrine |
| Aderholt | Bilirakis | Brown-Waite, |
| Adler (NJ) | Bishop (GA) | Ginny |
| Alexander | Bishop (NY) | Buchanan |
| Altmire | Blumenauer | Butterfield |
| Andrews | Blunt | Calvert |
| Arcuri | Boccheri | Camp |
| Baca | Bono Mack | Cantor |
| Baird | Boozman | Cao |
| Baldwin | Boren | Capito |
| Barrow | Boswell | Capps |
| Barton (TX) | Boucher | Capuano |
| Becerra | Boyd | Cardoza |
| Berkley | Brady (PA) | Carnahan |
| Berman | Braley (IA) | Carney |
| Berry | Bright | Carson (IN) |

| | | |
|-----------------|------------------|------------------|
| Cassidy | Johnson (GA) | Rehberg |
| Castle | Johnson (IL) | Reichert |
| Castor (FL) | Johnson, E. B. | Reyes |
| Chandler | Jones | Richardson |
| Childers | Kagen | Rodriguez |
| Clarke | Kanjorski | Roe (TN) |
| Clay | Kaptur | Rogers (AL) |
| Cleaver | Kennedy | Rogers (KY) |
| Clyburn | Kildee | Rogers (MI) |
| Cohen | Kilpatrick (MI) | Rohrabacher |
| Connolly (VA) | Kilroy | Rooney |
| Conyers | Kind | Ros-Lehtinen |
| Cooper | Kirk | Roskam |
| Costa | Kirkpatrick (AZ) | Ross |
| Costello | Klein (FL) | Rothman (NJ) |
| Courtney | Kosmas | Roybal-Allard |
| Crenshaw | Kratovil | Royce |
| Crowley | Kucinich | Ruppersberger |
| Cuellar | Lance | Rush |
| Cummings | Langevin | Ryan (OH) |
| Dahlkemper | Larsen (WA) | Ryan (WI) |
| Davis (AL) | Larson (CT) | Salazar |
| Davis (CA) | Latham | Sánchez, Linda |
| Davis (IL) | Lee (CA) | T. |
| Davis (KY) | Lee (NY) | Sanchez, Loretta |
| DeFazio | Levin | Sarbanes |
| DeGette | Lewis (CA) | Schakowsky |
| DeLauro | Lewis (GA) | Schauer |
| Dent | Lipinski | Schiff |
| Diaz-Balart, L. | LoBlundo | Schmidt |
| Diaz-Balart, M. | Loebach | Schock |
| Dicks | Lofgren, Zoe | Schrader |
| Dingell | Lowe | Schwartz |
| Doggett | Lujan | Scott (GA) |
| Donnelly (IN) | Lynch | Scott (VA) |
| Doyle | Maffei | Serrano |
| Driehaus | Maloney | Sestak |
| Duncan | Manzullo | Shea-Porter |
| Edwards (MD) | Markey (CO) | Sherman |
| Edwards (TX) | Markey (MA) | Shimkus |
| Ehlers | Marshall | Shuler |
| Ellison | Massa | Sires |
| Ellsworth | Matheson | Skelton |
| Emerson | Matsui | Slaughter |
| Engel | McCarthy (NY) | Smith (NJ) |
| Eshoo | McCaul | Smith (TX) |
| Etheridge | McClintock | Smith (WA) |
| Farr | McCollum | Space |
| Fattah | McDermott | Speier |
| Filner | McGovern | Spratt |
| Fleming | McHugh | Stark |
| Forbes | McIntyre | Stearns |
| Fortenberry | McMorris | Stupak |
| Foster | Rodgers | Sutton |
| Frank (MA) | McNerney | Tanner |
| Frelinghuysen | Meek (FL) | Tauscher |
| Fudge | Meeks (NY) | Taylor |
| Gallegly | Melancon | Teague |
| Gerlach | Mica | Thompson (CA) |
| Giffords | Michaud | Thompson (MS) |
| Gonzalez | Miller (MI) | Tiberi |
| Goodlatte | Miller (NC) | Tierney |
| Gordon (TN) | Miller, George | Titus |
| Grayson | Mollohan | Tonko |
| Green, Al | Moore (KS) | Towns |
| Green, Gene | Moore (WI) | Tsongas |
| Griffith | Moran (KS) | Turner |
| Grijalva | Moran (VA) | Upton |
| Guthrie | Murphy (CT) | Van Hollen |
| Gutierrez | Murphy, Patrick | Velázquez |
| Hall (NY) | Murtha | Visclosky |
| Halvorson | Nadler (NY) | Walden |
| Hare | Neal (MA) | Walz |
| Harman | Nye | Wamp |
| Hastings (FL) | Oberstar | Wasserman |
| Heinrich | Obey | Schultz |
| Heller | Olver | Waters |
| Herger | Ortiz | Watson |
| Hereth Sandlin | Pallone | Watt |
| Higgins | Pascarella | Waxman |
| Hill | Pastor (AZ) | Weiner |
| Himes | Payne | Welch |
| Hinojosa | Perlmutter | Wexler |
| Hirono | Perriello | Whitfield |
| Hodes | Peters | Wilson (OH) |
| Hoekstra | Peterson | Wittman |
| Holden | Petri | Wolf |
| Holt | Pingree (ME) | Woolsey |
| Honda | Platts | Wu |
| Hoyer | Polis (CO) | Yarmuth |
| Inslee | Pomeroy | Young (AK) |
| Israel | Price (NC) | Young (FL) |
| Jackson (IL) | Putnam | |
| Jackson-Lee | Rahall | |
| (TX) | Rangel | |

NAYS—93

| | | |
|--------------|-----------------|---------------|
| Akin | Granger | McMahon |
| Austria | Graves | Miller (FL) |
| Bachmann | Hall (TX) | Minnick |
| Bachus | Harper | Mitchell |
| Barrett (SC) | Hastings (WA) | Murphy, Tim |
| Bartlett | Hensarling | Myrick |
| Bean | Hunter | Neugebauer |
| Bishop (UT) | Inglis | Nunes |
| Blackburn | Issa | Paul |
| Boehner | Jenkins | Paulsen |
| Bonner | Johnson, Sam | Pence |
| Brady (TX) | Jordan (OH) | Pitts |
| Brown (GA) | King (IA) | Poe (TX) |
| Burgess | King (NY) | Posey |
| Burton (IN) | Kingston | Price (GA) |
| Buyer | Kissell | Scalise |
| Campbell | Kline (MN) | Sensenbrenner |
| Carter | Lamborn | Sessions |
| Chaffetz | LaTourette | Shadegg |
| Coble | Latta | Shuster |
| Coffman (CO) | Linder | Simpson |
| Cole | Lucas | Smith (NE) |
| Conaway | Luetkemeyer | Snyder |
| Deal (GA) | Lummis | Sullivan |
| Dreier | Lungren, Daniel | Terry |
| Fallin | E. | Thompson (PA) |
| Flake | Mack | Thornberry |
| Foxx | Marchant | Tiahrt |
| Franks (AZ) | McCarthy (CA) | Westmoreland |
| Garrett (NJ) | McCotter | Wilson (SC) |
| Gingrey (GA) | McHenry | |
| Gohmert | McKeon | |

NOT VOTING—10

| | | |
|------------|--------------|------------|
| Boustany | Hinchey | Radanovich |
| Culberson | Miller, Gary | Souder |
| Davis (TN) | Napolitano | |
| Delahunt | Olson | |

□ 1444

Messrs. MINNICK and McKEON changed their vote from “yea” to “nay.”

Messrs. THOMPSON of California, YOUNG of Alaska, REHBERG, ALEXANDER, LEWIS of California, WHITFIELD, YOUNG of Florida, BROWN of South Carolina, FLEMING, and FATTAH changed their vote from “nay” to yea.”

Mr. KISSELL changed his vote from “present” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on Thursday, March 19, 2009, I was absent during roll-call vote No. 143 in order to attend an event with the President in my district. Had I been present, I would have voted “yea” on the motion to suspend the rules and pass H.R. 1586—Additional tax on bonuses received from certain TARP recipients. We must protect taxpayers' money and ensure TARP funds are not being abused by executives. Executives of TARP funded companies should not receive bonuses for the work they have done that has caused us to arrive at our current economic situation.

SENSE OF CONGRESS REGARDING BONUSES PAID BY AIG AND OTHER COMPANIES RECEIVING FEDERAL ASSISTANCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to

the concurrent resolution, H. Con. Res. 76, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 76.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 255, nays 160, not voting 16, as follows:

[Roll No. 144]

YEAS—255

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge

Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gallegly
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseht Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)

Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler

Simpson
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher

Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz

Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth

NAYS—160

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggett
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx

Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Marchant
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)

Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Boustany
Culberson
Davis (TN)
Delahunt
Doyle
Hinchey

Linder
McNerney
Miller, Gary
Napolitano
Olson
Pascrell

Radanovich
Slaughter
Souder
Wasserman
Schultz

□ 1453

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 144, had I been present, I would have voted "yea."

Mrs. NAPOLITANO. Madam Speaker, on Thursday, March 19, 2009, I was absent during rollcall vote No. 144 in order to attend an event with the President in my district. Had I

been present, I would have voted "yea" on the motion to suspend the rules and agree to H. Con. Res. 76—Expressing the sense of the Congress regarding executive and employee bonuses paid by AIG and other companies assisted with taxpayer funds provided under the Troubled Assets Relief Program (TARP) of the Secretary of the Treasury. It is absurd that AIG has received \$180 billion in TARP assistance while giving \$165 million in bonuses to the very people who have brought us to our current economic state. We cannot allow the executives of these companies to benefit at the taxpayers' expense.

Mr. MCNERNEY. Mr. Speaker, earlier today my vote in favor of House Concurrent Resolution 76, which was rollcall No. 144, was not properly recorded due to an electronic error. I would like the RECORD to reflect that I would have voted "yea" on this resolution.

PERSONAL EXPLANATION

Mr. DAVIS of Tennessee. Mr. Speaker, on rollcall Nos. 143 and 144, had I been present, I would have voted "yea."

LANCE CORPORAL MATTHEW P. PATHENOS POST OFFICE BUILDING

The SPEAKER pro tempore (Mr. PAS-TOR of Arizona). The unfinished business is the question on suspending the rules and passing the bill, H.R. 1216.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1216.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1500

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the minority whip for yielding.

On Monday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business. On Tuesday the House will meet at 10:30 a.m. for morning-hour debate and 12 p.m. legislative business. On Wednesday and Thursday the House will meet at 10 a.m. for legislative business. On Friday no votes are expected.

We will consider several bills under suspension of the rules. A complete list of suspensions, as is the tradition, will be announced by the close of business tomorrow. In addition, we will consider

Senate amendments to H.R. 146, the Omnibus Public Land Management Act of 2009 and H.R. 1404, the Federal Land Assistance, Management and Enhancement Act.

Mr. CANTOR. Mr. Speaker, I thank the gentleman.

I would like to ask the gentleman that, in reference to his mention of the public lands omnibus bill, and that will be coming back to the floor, I would like to ask the gentleman, will our side, the Republicans, be given a motion to recommit or an opportunity to amend this bill?

Mr. HOYER. The bill comes back, of course, it is a House bill being returned with amendments as the gentleman, I'm sure, knows, and under those circumstances, of course, we consider that there is not a motion to recommit on that kind of a procedure. So the answer there would be it would not be a motion to recommit. As the gentleman also knows, this bill came two votes short of a two-thirds majority with very significant Republican and Democratic support of the bill. This bill has been hanging around for a long period of time. It is composed largely, although not exclusively, of bills that have passed the House largely on suspension.

So the answer to the gentleman's question is we believe there has been demonstrated overwhelming support for the substance of this bill. It has been hanging around a long time. We want to see it get passed. And the answer is probably not.

Mr. CANTOR. I thank the gentleman.

As the gentleman knows, certainly there are procedures in place to waive the rules so that we can, on the minority side, have a voice in the passage of this legislation consistent with what President Obama has continued to say, which is that we should change the way this town works and continue to allow all sides to have a voice in what Congress does. I think, as we saw over the last week, evidence or results of rushing things through the House and disallowing our side to have a say in legislation may very well end up with wrong results. So I am saddened to hear that we will not be having an opportunity to offer an amendment to that bill.

Mr. HOYER. Will my friend yield on that point?

Mr. CANTOR. Yes.

Mr. HOYER. As the gentleman, I'm sure, knows, many, many of the provisions, I don't know that I have the specific count, are Republican-sponsored bills in this, what the Senate packaged, as you know, so that a large percentage, I don't know exactly what the percentage is, whether it is 30 percent or 35 percent, are Republican-sponsored pieces of legislation.

Mr. CANTOR. I thank the gentleman.

I think that the percentage would probably be reflected in the fact that

there may be 17 or so Republican provisions in the bill out of 140 or so. So I wouldn't necessarily say, Mr. Speaker, that that would reflect what our side would amend or hope to amend the bill with. But I would like to ask the gentleman, Mr. Speaker, that last week he was on the floor and he mentioned that a stem-cell bill will be coming to the floor prior to recess. And since the gentleman has not noticed the bill for next week, I would ask, Mr. Speaker, could the gentleman tell us if he expects it on the floor the following week?

Mr. HOYER. It is possible. I wouldn't send out an expectation. It is being worked on. There is a strong feeling by the sponsors of the legislation, as you know, that passed in the last Congress through this House, handily, that I think in agreement with the administration that, in addition to the administration's Executive Order, legislation is necessary to give certainty to what can and cannot be done by researchers. And we obviously want to make sure that researchers understand what the law is, what the opportunities are, and what the prohibitions are so that legislation is possible. But I want to tell my friend that I did not announce it for next week. I don't expect legislation next week. I think it is possible for the week following, but I don't want to go beyond that. We will certainly let the gentleman know as soon as I know.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would like to ask further questions of the gentleman, as we have been told that the budget will be marked up next week, and I am wondering from the gentleman, number one, if he expects the budget on the floor the following week? In addition to that, I am curious, as are the Members on our side of the aisle, about the subject of your discussions with Chairman SPRATT as to the direction of the budget. There has been a lot of discussion publicly as well as in these halls, about the proposed cap-and-tax proposal, where some economists, those from MIT and others, predict that if we are to provide for the cap-and-tax proposal, that it will cost American families at least \$3,100 every year. That, to me, is a great cause for alarm, especially given the economic times and the struggle that the working families of this country are encountering.

It was also revealed this week that the number provided for in the proposed budget has underestimated the real cost of cap-and-tax. And if that is the case, that is even more alarming given the fact that if we are looking at an over \$3,000 per family tax, what is it that we are doing if we are putting that cost on anybody who pays an electric bill, anyone who pays a gas bill, anyone who buys anything manufactured in this country? So I ask the gentleman if he is contemplating that the budget proposal that will come to the floor will have that in it.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

My presumption is that you have now come up with a new phrase on your side of the aisle. I do know about cap-and-trade. It is talked about regularly. But maybe that is not as politically salient as "cap-and-tax." It seems innovative. But if the gentleman, as I presume he is, is referring to what is commonly known by everybody else as "cap-and-trade," let me say this: The Budget Committee obviously will mark up on the 25th, that is next Wednesday, we expect to bring the budget bill to the floor the following week, the last week before the Easter break. My expectation is there will be provisions in there for energy and global warming consideration. But my further expectation is it will not adopt a premise of one alternative over another, that that will be subject to the legislative process, and that one will not be chosen in the budget itself, so that voting on the budget would not be giving precedent to one alternative over another.

I yield back.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I ask whether the gentleman can tell us as to the prospect for reconciliation instructions to be included in the budget. We have heard this week that the White House has told leaders on your side of the aisle to pursue health reform through reconciliation as well. And to us, this seems like a straight-up partisan approach, something I don't think that the American people are looking for right now, especially when it comes to items such as taxes and items like health care that everyone is concerned with. There is no distinction made between hardship on health care between Republican and Democrat.

So I would like to ask the gentleman, will the budget be coming through with reconciliation instructions?

And I yield.

Mr. HOYER. I thank the gentleman for yielding.

First of all, the gentleman indicated that "we have been told by the White House." I had some comments on how the Republican majority responded, from my perspective, without fail to the Bush administration. We have discussions with our White House. We don't tell them. They don't tell us. We have discussions, positive discussions, on how we, together, can move this country forward.

Those discussions clearly have had reconciliation as a subject of discussions. But I will tell the gentleman that those decisions by the Budget Committee have not been made, nor have they been made by the chairman of the Budget Committee. But they clearly are part of the discussion. Reconciliation, as the gentleman knows, has been in our rules for a very long period of time. When the Republicans

were in power, reconciliation was something that they used. They are in the process to facilitate the adoption of the budget and policies consistent with the budget; i.e., to reconcile the budget with the authorization and the policy with the budget that has been adopted. So I say to the gentleman that that is certainly under consideration, but no decision on that has been made.

Mr. CANTOR. I thank the gentleman.

I would hope, Mr. Speaker, that the gentleman would also share the attitude of discussing with us the direction, just as you indicate that the White House discusses but doesn't tell you what to do. So I like that spirit of cooperation.

I would ask the gentleman, Mr. Speaker, further, about any insight you can give us as to TARP 2 budgeting. As we all know, if we do not get the banking system fixed, we won't have the credit system fixed for the small businesses of this country, and we won't see the economy get back on the path to growth. So I would ask the gentleman, is he contemplating a number in the budget? Does your conversation with Chairman SPRATT indicate what we could expect there?

And I will yield.

Mr. HOYER. I don't want to anticipate what the Budget Committee will do. The gentleman is referring to the placeholder that the administration suggested in the budget. They did so because they wanted to present a budget that did, in fact, anticipate possible costs. To that extent, it was probably one of the most honest budgets that we received, honest in the sense that it included the prospective costs. As you know, we have been somewhat critical in the past of costs that we knew were coming down the pike but which were not included. So the administration did that.

Now whether or not the Budget Committee itself decides to include those costs, I don't know. But I do know this, that there has been no decision on an additional TARP appropriation or authorization. Clearly, we are hopeful that we will stabilize the economy. We have moved forward in many respects on a bipartisan basis on this, certainly not in every respect.

We have done some tough things because we thought the crisis that confronted our country demanded action. We have all been very disappointed with some of the manifestations of that. And I think we are going to continue to look at this very carefully. The Financial Services Committee is marking up a bill this coming week, which I expect to have on the floor the following week, dealing with constraints on those who receive funds from the Federal Government, from the taxpayer, to shore up our economy, not to shore up those businesses, but to shore up the businesses as they relate to the impact their failure would have on the economy.

I think that the gentleman and I share a view that we certainly need to have knowledge, and we will have knowledge if the administration believes that it needs additional resources and that Congress will have that to consider. I would say that the environment for such a piece of legislation right now is not particularly good.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would ask the gentleman further on that note about a markup in the Financial Services Committee. I take it to mean that the Financial Services Committee will be working on a piece of legislation, not necessarily aimed at a bank fix and making sure we can get the impaired assets out of the market, but instead, from what I hear the gentleman say, that it is a bill aimed at providing a structure for those businesses, those institutions receiving TARP funds.

I yield.

Mr. HOYER. I think that is accurate.

Mr. CANTOR. I thank the gentleman. And one additional question along those lines, Mr. Speaker, could we expect then the following week for that bill to be coming to the floor?

Mr. HOYER. That is my expectation, yes.

Mr. CANTOR. I thank the gentleman. Mr. Speaker, we heard an announcement from the President of a plan to support small businesses. And as the gentleman knows, the Republican plan for stimulus was focused like a laser on the job creators, which are the small businesses of this economy. We know that 70 percent of the jobs come from small businesses, entrepreneurs and the self-employed. So we were very delighted to see the announcement—and I know the gentleman himself had some public comments to make, as well—lauding the move towards finally saying, if we are going to create jobs, we had better focus on small business. But my concern is, Mr. Speaker, that when you're talking about small business and the SBA, truly nine out of 10 small businesses in this country have not had any encounter with the SBA, nor do they intend to or want to.

I will tell the gentleman, in my district, I had a small business forum last week. I spoke to 25 small business people. What they are asking for is access to credit. They are looking for the banking system to work. They want their own community banks, not necessarily government strings attached to loans.

□ 1515

They also are looking for relief from the tax code. As we have noted on the floor several times, Mr. Speaker, the budget that was proposed by the White House actually impacts small businesses more than anyone else. In fact, 50 percent of those receiving a tax hike in accordance with the President's budget are small businesses.

So with that in mind, and given that the gentleman has applauded the move on the part of the White House to help provide relief to small businesses, I would ask the gentleman if there are any plans to include tax relief for small businesses in the majority's budget as it works its way through committee and then to the floor next week?

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for his question. As you point out, on this side of the aisle we certainly have great concern for small businesses.

Although I don't want to be argumentative, the situation we find ourselves in was inherited. It was inherited from a previous administration that believed in a number of things, particularly the policies that you have offered to once again pursue, which we didn't think would work and, we think, frankly, have in some respects been a cause of the crisis that confronts this country.

Furthermore, we think that the administration's focus on deregulation and taking the regulators out of circulation was a significant cause. We also think that the failure of the Federal Reserve to enforce the 1994 law that was passed by the Congress and which was enforced by Chairman Bernanke in 2007 when he took office, which allowed the Federal Reserve the authority to oversee the subprime market, and the theory that Mr. Greenspan had that the market would regulate itself. In point of fact, we see from AIG that the market did not regulate itself. It went on a binge of irresponsibility and greed.

So I want to make it clear that while we are very concerned about small businesses, it is huge businesses that have put them in the trick bag. It was huge businesses that weren't overseen properly by the previous administration and need to be properly overseen by this administration.

Furthermore, let me say to my friend that the budget that the President has proposed eliminates the capital gains tax for individuals on the sale of certain small business stocks. It makes the research and experimentation tax credit permanent. Ninety-seven percent of small businesses will receive no tax increase in 2010. There is \$28 billion in loan guarantees to expand credit availability for small businesses, and support for \$1.1 billion in direct disaster loans for businesses, homeowners and renters.

Furthermore, the administration has, which you just saw them take action on, a small business lending initiative, not to the big banks, not to the huge organizations, but to small businesses. It is focused on unlocking credit for small businesses. You and I have absolute agreement on that. We need to do that. You talk to your small businesses; all of us do.

I had a meeting with my Chamber of Commerce, and we probably had a hundred small businesses in the auditorium at that point in time. You are absolutely right, they are having real trouble getting credit. I talked to a county commissioner who has a small business in Calvert County. Normally he could go into his bank and get a loan on a handshake for \$30,000 or \$40,000 to expand his business. This time he was looking for \$40,000. He has dealt with this bank for 35 years, and they said, I don't know whether they said Mr. Clark or Mr. Commissioner, but they said, yes, but fill out the form. And it took him 30 days. Now he got it, but he has done business with that small bank for that period of time. So we share that view.

By the end of the month, the Treasury Department will start making direct purchases of up to \$15 billion in securities backed by SBA loans to get the credit market for small businesses moving again.

In addition, in the Recovery Act, we eliminated, as I am sure the gentleman knows, all SBA-backed fees on SBA-backed loans, again to try to facilitate small businesses getting credit.

And it raises from 85 to 90 percent the proportion of loans that the Small Business Administration will guarantee.

Lastly, the U.S. Chamber of Commerce has endorsed these steps to unlock the credit markets for small businesses.

So we are very pleased at the definitive action that we have taken to further the interest you and I share of making sure that small businesses can make it in this extraordinarily bad time which we believe previous policies have caused and which we have inherited.

Mr. CANTOR. I thank the gentleman. Mr. Speaker, how I would respond to that is let's take a step back and look at sort of the events that transpired that led up to the need for today's vote on the AIG bonus payments, okay. I think that the events if we follow them teach us a lesson.

The stimulus bill that included a provision prohibiting the government from disallowing the bonus payments was in that 1,100-page bill. I think it is fair to say, Mr. Speaker, no one in this House read the bill in its entirety. Nor did the public have its right to know realized. I think that ought to give us the sense that we need to be much more deliberative and open about this process.

These ideas, Mr. Speaker, that the gentleman is proposing to help small business, most of which we probably do agree on, but, frankly, the better way to ensure success and a positive result is to have an open process where we all have the ability to offer our ideas, that the ideas and the policies are not just handed down from the majority leader

or the Speaker's office and imposed upon the will of the people of this country.

So I would just reiterate to the gentleman that if we can see our way forward to allow the minority the ability to offer up real, positive alternatives if we disagree, it would all behoove us to work in that fashion. We can end up avoiding the type of result that came from the rushed way that so-called stimulus bill passed this house.

Mr. HOYER. Mr. Speaker, before the gentleman yields back, I just want to make an observation.

I understand what the gentleman said, but the gentleman will recall, of course, that your party had a substitute that it offered that lost on a bipartisan vote, as you recall. So the gentleman did have the opportunity, his party had the opportunity, to offer a substitute which a significant number in his party did not agree with and certainly an overwhelming majority of our party did not agree with, in part because we perceived it as creating far fewer jobs. There is a difference of opinion on that, I understand that, but our perception was that it created about a third of the jobs or saved about a third of the jobs that our bill did.

But that aside, putting aside that disagreement on the figures, the fact is there is no disagreement that you had a substitute. You offered it, and it was defeated.

Mr. CANTOR. I thank the gentleman. How I would just respond before I yield back my time is that there was a stronger bipartisan vote in favor of our substitute than there was in support of the actual bill that passed. I think that we can take that as a signal that this House ought to be open, ventilated, and available for debate.

With that, I yield back the balance of my time, Mr. Speaker, and I thank the gentleman.

ADJOURNMENT TO MONDAY, MARCH 23, 2009

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore (Mr. KISSELL). Is there objection to the request of the gentleman from Maryland?

There was no objection.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include extraneous material on H. Con. Res. 76.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 146. An act to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

REPUBLICANS WANT TAXPAYER DOLLARS BACK

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, House Democrats today chose to introduce an unconstitutional joke of a bill in order to clean up the AIG mess Democrats alone created. It was a Democrat spending bill, Democrat language, and only Democrat votes that authorized AIG to hand out bonuses. Democrats wrote the bill alone, secretly, and yet they act surprised.

Republicans have offered a bipartisan solution to get 100 percent of the taxpayers' dollars back, not 90 percent like our Democrat colleagues seek. The American people deserve to have all of that bonus money back, money authorized and spent by Democrat leadership.

The American taxpayers are justly outraged that their tax dollars are lining the pockets of AIG executives. Republicans have a solution to fix this problem, but Democrats don't want to talk about it. Democrats don't want to talk about the mistakes that they have made. American taxpayers deserve better.

In conclusion, God bless our troops, and we will never forget September the 11th.

VETERAN HEALTH CARE

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Nebraska. Mr. Speaker, approximately 150,000 veterans live in Nebraska, many of whom live in my Third District. I am grateful for their sacrifice and certainly honored to represent them here in the United States House of Representatives.

I rise today to expression extreme disappointment, but also some gratitude for a policy that was made and then rescinded. I am grateful it was rescinded because it would cause a great burden for our veterans who have served us so admirably with sacrifice when they would have to go through the private sector health insurance rather than the VA.

Mr. Speaker, I rise again to express my gratitude because our veterans deserve better than that. They shouldn't

be burdened with such a bureaucratic process. They need a streamlined process so they can experience their health care in a more effective manner.

□ 1530

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

VETERANS' HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I oppose a policy proposal by the Obama administration that would break with our country's obligation to its veterans. As we know, our veterans have sacrificed to protect our way of life and deserve the promises that we made to them being kept.

Yesterday, I joined my fellow Republican members of the House Committee on Veterans Affairs and House Republican leaders in sending communications to President Obama in strong opposition to an ill-conceived plan. The administration's plan would bill veterans' private insurance for care related to service-connected injuries. It would permit the Department of Veterans Affairs, the VA, to ignore its core responsibility "to care for him who shall have borne the battle, and for his widow and his orphan." Our country has a binding obligation to provide this care, particularly to those who have become disabled as a result of their service.

It is wrong to shift this responsibility to private insurers—which actually the veterans will pay for in premiums—and to our disabled veterans themselves. Additionally, billing veterans' private insurance could result in higher premiums for the veterans to cover the cost of treating the service-connected injuries. Some disabled veterans may expend their insurance benefits on treatment of service-connected conditions, leaving no benefits for their family. This policy may also discourage employers from hiring disabled veterans.

I encourage, in the strongest possible terms, the administration to shelve this proposal permanently. While we must look for ways to save taxpayer dollars and tackle our runaway budget deficit, we should not ask those who have already sacrificed so much to pay the bill.

We must never forget that our country has a responsibility to its veterans. Congress should honor this obligation by providing the funding necessary for the VA to maintain health care serv-

ices to our men and women who have served us in uniform.

PUBLICATION OF THE RULES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE, 111TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Speaker, pursuant to clause 2(a)(1) of House Rule XI, I hereby submit the Rules of Procedure of the Permanent Select Committee on Intelligence for the 111th Congress, as adopted by the Committee on February 12, 2009.

RULES OF PROCEDURE, FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE, UNITED STATES HOUSE OF REPRESENTATIVES, 111TH CONGRESS

1. MEETING DAY

Regular Meeting Day for the Full Committee. The regular meeting day of the Committee for the transaction of Committee business shall be the first Wednesday of each month, unless otherwise directed by the Chair.

2. NOTICE FOR MEETINGS

(a) Generally. In the case of any meeting of the Committee, the Chief Clerk of the Committee shall provide reasonable notice to every member of the Committee. Such notice shall provide the time and place of the meeting.

(b) Definition. For purposes of this rule, "reasonable notice" means:

(1) Written notification;

(2) Delivered by facsimile transmission, regular mail, or electronic mail that is:

(A) Delivered no less than 24 hours prior to the event for which notice is being given, if the event is to be held in Washington, D.C.; or

(B) Delivered no less than 48 hours prior to the event for which notice is being given, if the event is to be held outside Washington, D.C.

(c) Exception. In extraordinary circumstances only, the Chair may, after consulting with the Ranking Minority Member, call a meeting of the Committee without providing notice, as defined in subparagraph (b), to members of the Committee.

3. PREPARATIONS FOR COMMITTEE MEETINGS

(a) Generally. Designated Committee Staff, as directed by the Chair, shall brief members of the Committee at a time sufficiently prior to any Committee meeting in order to:

(1) Assist Committee members in preparation for such meeting; and

(2) Determine which matters members wish considered during any meeting.

(b) Briefing Materials.

(1) Such a briefing shall, at the request of a member, include a list of all pertinent papers, and such other materials, that have been obtained by the Committee that bear on matters to be considered at the meeting; and

(2) The Staff Director shall also recommend to the Chair any testimony, papers, or other materials to be presented to the Committee at the meeting of the Committee.

4. OPEN MEETINGS

(a) Generally. Pursuant to House Rule XI, but subject to the limitations of subsections (b) and (c), Committee meetings held for the transaction of business and Committee hearings shall be open to the public.

(b) Meetings. Any meeting or portion thereof, for the transaction of business, including the markup of legislation, or any hearing or portion thereof, shall be closed to the public, if the Committee determines by record vote in open session, with a majority of the Committee present, that disclosure of the matters to be discussed may:

(1) Endanger national security;

(2) Compromise sensitive law enforcement information;

(3) Tend to defame, degrade, or incriminate any person; or

(4) Otherwise violate any law or Rule of the House.

(c) Hearings. The Committee may vote to close a Committee hearing pursuant to clause 11(d)(2) of House Rule X, regardless of whether a majority is present, so long as at least two members of the Committee are present, one of whom is a member of the Minority and votes upon the motion.

(d) Briefings. Committee briefings shall be closed to the public.

5. QUORUM

(a) Hearings. For purposes of taking testimony, or receiving evidence, a quorum shall consist of two Committee members, at least one of whom is a member of the Majority.

(b) Other Committee Proceedings. For purposes of the transaction of all other Committee business, other than the consideration of a motion to close a hearing as described in rule 4(c), a quorum shall consist of a majority of members.

6. PROCEDURES FOR AMENDMENTS AND VOTES

(a) Amendments. When a bill or resolution is being considered by the Committee, members shall provide the Chief Clerk in a timely manner with a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the Committee.

(b) Reporting Record Votes. Whenever the Committee reports any measure or matter by record vote, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of, and the votes cast in opposition to, such measure or matter.

(c) Postponement of Further Proceedings. In accordance with clause 2(h) of House Rule XI, the Chair is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or adopting an amendment. The Chair may resume proceedings on a postponed request at any time after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(d) Availability of Record Votes on Committee Website. In addition to any other requirement of the Rules of the House, the Chair shall make the record votes on any measure or matter on which a record vote is taken, other than a motion to close a Committee hearing, briefing, or meeting, available on the Committee's website not later than 2 business days after such vote is taken. Such record shall include an unclassified description of the amendment, motion, order, or other proposition, the name of each member voting in favor of, and each member voting in opposition to, such amendment, motion, order, or proposition, and the names of

those members of the Committee present but not voting.

7. SUBCOMMITTEES

(a) Generally.

(1) Creation of subcommittees shall be by majority vote of the Committee.

(2) Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct.

(3) Subcommittees shall be governed by these rules.

(4) For purposes of these rules, any reference herein to the "Committee" shall be interpreted to include subcommittees, unless otherwise specifically provided.

(b) Establishment of Subcommittees. The Committee establishes the following subcommittees:

(1) Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence;

(2) Subcommittee on Technical and Tactical Intelligence;

(3) Subcommittee on Oversight and Investigations; and,

(4) Subcommittee on Intelligence Community Management.

(c) Subcommittee Membership.

(1) Generally. Each member of the Committee may be assigned to at least one of the four subcommittees.

(2) Ex Officio Membership. In the event that the Chair and Ranking Minority Member of the full Committee do not choose to sit as regular voting members of one or more of the subcommittees, each is authorized to sit as an ex officio member of the subcommittees and participate in the work of the subcommittees. When sitting ex officio, however, they:

(A) Shall not have a vote in the subcommittee; and

(B) Shall not be counted for purposes of determining a quorum.

(d) Regular Meeting Day for Subcommittees. There is no regular meeting day for subcommittees.

8. PROCEDURES FOR TAKING TESTIMONY OR RECEIVING EVIDENCE

(a) Notice. Adequate notice shall be given to all witnesses appearing before the Committee.

(b) Oath or Affirmation. The Chair may require testimony of witnesses to be given under oath or affirmation.

(c) Administration of Oath or Affirmation. Upon the determination that a witness shall testify under oath or affirmation, any member of the Committee designated by the Chair may administer the oath or affirmation.

(d) Questioning of Witnesses.

(1) Generally. Questioning of witnesses before the Committee shall be conducted by members of the Committee.

(2) Exceptions.

(A) The Chair, in consultation with the Ranking Minority Member, may determine that Committee Staff will be authorized to question witnesses at a hearing in accordance with clause (2)(j) of House Rule XI.

(B) The Chair and Ranking Minority Member are each authorized to designate Committee Staff to conduct such questioning.

(e) Counsel for the Witness.

(1) Generally. Witnesses before the Committee may be accompanied by counsel, subject to the requirements of paragraph (2).

(2) Counsel Clearances Required. In the event that a meeting of the Committee has been closed because the subject to be discussed deals with classified information, counsel accompanying a witness before the

Committee must possess the requisite security clearance and provide proof of such clearance to the Committee at least 24 hours prior to the meeting at which the counsel intends to be present.

(3) Failure to Obtain Counsel. Any witness who is unable to obtain counsel should notify the Committee. If such notification occurs at least 24 hours prior to the witness' appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain counsel, however, will not excuse the witness from appearing and testifying.

(4) Conduct of Counsel for Witnesses. Counsel for witnesses appearing before the Committee shall conduct themselves ethically and professionally at all times in their dealings with the Committee.

(A) A majority of members of the Committee may, should circumstances warrant, find that counsel for a witness before the Committee failed to conduct himself or herself in an ethical or professional manner.

(B) Upon such finding, counsel may be subject to appropriate disciplinary action.

(5) Temporary Removal of Counsel. The Chair may remove counsel during any proceeding before the Committee for failure to act in an ethical and professional manner.

(6) Committee Reversal. A majority of the members of the Committee may vote to overturn the decision of the Chair to remove counsel for a witness.

(7) Role of Counsel for Witness.

(A) Counsel for a witness:

(i) Shall not be allowed to examine witnesses before the Committee, either directly or through cross-examination; but

(ii) May submit questions in writing to the Committee that counsel wishes propounded to a witness; or

(iii) May suggest, in writing to the Committee, the presentation of other evidence or the calling of other witnesses.

(B) The Committee may make such use of any such questions, or suggestions, as the Committee deems appropriate.

(f) Statements by Witnesses.

(1) Generally. A witness may make a statement, which shall be brief and relevant, at the beginning and at the conclusion of the witness' testimony.

(2) Length. Each such statement shall not exceed five minutes in length, unless otherwise determined by the Chair.

(3) Submission to the Committee. Any witness desiring to submit a written statement for the record of the proceeding shall submit a copy of the statement to the Chief Clerk of the Committee.

(A) Such statements shall ordinarily be submitted no less than 48 hours in advance of the witness' appearance before the Committee and shall be submitted in written and electronic format.

(B) In the event that the hearing was called with less than 24 hours notice, written statements should be submitted as soon as practicable prior to the hearing.

(g) Objections and Ruling.

(1) Generally. Any objection raised by a witness, or counsel for the witness, shall be ruled upon by the Chair, and such ruling shall be the ruling of the Committee.

(2) Committee Action. A ruling by the Chair may be overturned upon a majority vote of the Committee.

(h) Transcripts.

(1) Transcript Required. A transcript shall be made of the testimony of each witness appearing before the Committee during any hearing of the Committee.

(2) Opportunity to Inspect. Any witness testifying before the Committee shall be

given a reasonable opportunity to inspect the transcript of the hearing, and may be accompanied by counsel to determine whether such testimony was correctly transcribed. Such counsel:

(A) May review the transcript only if he or she has the appropriate security clearances necessary to review any classified aspect of the transcript; and

(B) Should, to the extent possible, be the same counsel that was present for such classified testimony.

(3) Corrections.

(A) Pursuant to Rule XI of the House Rules, any corrections the witness desires to make in a transcript shall be limited to technical, grammatical, and typographical corrections.

(B) Corrections may not be made to change the substance of the Testimony.

(C) Such corrections shall be submitted in writing to the Committee within 7 days after the transcript is made available to the witnesses.

(D) Any questions arising with respect to such corrections shall be decided by the Chair.

(4) Copy for the Witness. At the request of the witness, any portion of the witness' testimony given in executive session shall be made available to that witness if that testimony is: subsequently quoted or intended to be made part of a public record. Such testimony shall be made available to the witness at the witness' expense.

(i) Requests to Testify.

(1) Generally. The Committee will consider requests to testify on any matter or measure pending before the Committee.

(2) Recommendations for Additional Evidence. Any person who believes that testimony, other evidence, or commentary, presented at a public hearing may tend to affect adversely that person's reputation may submit to the Committee, in writing:

(A) A request to appear personally before the Committee;

(B) A sworn statement of facts relevant to the testimony, evidence, or commentary; or

(C) Proposed questions for the cross-examination of other witnesses.

(3) Committee Discretion. The Committee may take those actions it deems appropriate with respect to such requests.

(j) Contempt Procedures. Citations for contempt of Congress shall be forwarded to the House only if:

(1) Reasonable notice is provided to all members of the Committee of a meeting to be held to consider any such contempt recommendations;

(2) The Committee has met and considered the contempt allegations;

(3) The subject of the allegations was afforded an opportunity to state either in writing or in person, why he or she should not be held in contempt; and

(4) The Committee agreed by majority vote to forward the citation recommendations to the House.

(k) Release of Name of Witness.

(1) Generally. At the request of a witness scheduled to be heard by the Committee, the name of that witness shall not be released publicly prior to, or after, the witness' appearance before the Committee.

(2) Exceptions. Notwithstanding paragraph (1), the Chair may authorize the release to the public of the name of any witness scheduled to appear before the Committee.

9. INVESTIGATIONS

(a) Commencing Investigations. The Committee shall conduct investigations only if approved by the Chair, in consultation with the Ranking Minority Member.

(b) Conducting Investigations. An authorized investigation may be conducted by members of the Committee or Committee Staff designated by the Chair, in consultation with the Ranking Minority Member, to undertake any such investigation.

10. SUBPOENAS

(a) Generally. All subpoenas shall be authorized by the Chair of the full Committee, upon consultation with the Ranking Minority Member, or by vote of the Committee.

(b) Subpoena Contents. Any subpoena authorized by the Chair of the full Committee, or the Committee, may compel:

(1) The attendance of witnesses and testimony before the Committee; or

(2) The production of memoranda, documents, records, or any other tangible item.

(c) Signing of Subpoena. A subpoena authorized by the Chair of the full Committee, or the Committee, may be signed by the Chair, or by any member of the Committee designated to do so by the Committee.

(d) Subpoena Service. A subpoena authorized by the Chair of the full Committee, or the Committee, may be served by any person designated to do so by the Chair.

(e) Other Requirements. Each subpoena shall have attached thereto a copy of these rules.

11. COMMITTEE STAFF

(a) Definition. For the purpose of these rules, "Committee Staff" or "Staff of the Committee" means:

(1) Employees of the Committee;

(2) Consultants to the Committee;

(3) Employees of other Government agencies detailed to the Committee; or

(4) Any other person engaged by contract, or otherwise, to perform services for, or at the request of, the Committee.

(b) Appointment of Committee Staff and Security Requirements.

(1) Chair's Authority. Except as provided in paragraph (2), the Committee Staff shall be appointed, and may be removed, by the Chair and shall work under the general supervision and direction of the Chair.

(2) Staff Assistance to Minority Membership. Except as provided in paragraphs (3) and (4), and except as otherwise provided by Committee Rules, the Committee Staff provided to the Minority Party members of the Committee shall be appointed, and may be removed, by the Ranking Minority Member of the Committee, and shall work under the general supervision and direction of such member.

(3) Security Clearance Required. All offers of employment for prospective Committee Staff positions shall be contingent upon:

(A) The results of a background investigation; and

(B) A determination by the Chair that requirements for the appropriate security clearances have been met.

(4) Security Requirements. Notwithstanding paragraph (2), the Chair shall supervise and direct the Committee Staff with respect to the security and nondisclosure of classified information. Committee Staff shall comply with requirements necessary to ensure the security and nondisclosure of classified information as determined by the Chair in consultation with the Ranking Minority Member.

12. LIMIT ON DISCUSSION OF CLASSIFIED WORK OF THE COMMITTEE

(a) Prohibition.

(1) Generally. Except as otherwise provided by these rules and the Rules of the House of Representatives, members of the Committee and Committee Staff shall not at any time,

either during that person's tenure as a member of the Committee or as Committee Staff, or anytime thereafter, discuss or disclose, or cause to be discussed or disclosed:

(A) The classified substance of the work of the Committee;

(B) Any information received by the Committee in executive session;

(C) Any classified information received by the Committee from any source; or

(D) The substance of any hearing that was closed to the public pursuant to these rules or the Rules of the House.

(2) Non-Disclosure in Proceedings.

(A) Members of the Committee and the Committee Staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee Staff in connection with any proceeding, judicial or otherwise, either during the person's tenure as a member of the Committee, or of the Committee Staff, or at any time thereafter, except as directed by the Committee in accordance with the Rules of the House and these rules.

(B) In the event of the termination of the Committee, members and Committee Staff shall be governed in these matters in a manner determined by the House concerning discussions of the classified work of the Committee.

(3) Exceptions.

(A) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss and disclose those matters described in subsection (a)(1) with:

(i) Members and staff of the Senate Select Committee on Intelligence designated by the chair of that committee;

(ii) The chairmen and ranking minority members of the House and Senate Committees on Appropriations and staff of those committees designated by the chairmen of those committees;

(iii) The chair and ranking minority member of the Subcommittee on Defense of the House Committee on Appropriations and staff of that subcommittee as designated by the chair of that subcommittee; and

(iv) Members and staff of the Intelligence Oversight Panel of the House Appropriations Committee as designated by the chair of that panel.

(B) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss and disclose only that budget-related information necessary to facilitate the enactment of the annual defense authorization bill with the chairmen and ranking minority members of the House and Senate Committees on Armed Services and the staff of those committees as designated by the chairmen of those committees.

(C) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss with and disclose to the chair and ranking minority member of a subcommittee of the House Appropriations Committee with jurisdiction over an agency or program within the National Intelligence Program (NIP), and staff of that subcommittee as designated by the chair of that subcommittee, only that budget-related information necessary to facilitate the enactment of an appropriations bill within which is included an appropriation for an agency or program within the NIP.

(D) The Chair may, in consultation with the Ranking Minority Member, upon the written request to the Chair from the Inspector General of an element of the Intelligence

Community, grant access to Committee transcripts or documents that are relevant to an investigation of an allegation of possible false testimony or other inappropriate conduct before the Committee, or that are otherwise relevant to the Inspector General's investigation.

(E) Upon the written request of the head of an Intelligence Community element, the Chair may, in consultation with the Ranking Minority Member, make available Committee briefing or hearing transcripts to that element for review by that element if a representative of that element testified, presented information to the Committee, or was present at the briefing or hearing the transcript of which is requested for review.

(F) Members and Committee Staff may discuss and disclose such matters as otherwise directed by the Committee.

(b) Non-Disclosure Agreement.

(1) Generally. All Committee Staff must, before joining the Committee Staff, agree in writing, as a condition of employment, not to divulge or cause to be divulged any classified information which comes into such person's possession while a member of the Committee Staff, to any person not a member of the Committee or the Committee Staff, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(2) Other Requirements. In the event of the termination of the Committee, members and Committee Staff must follow any determination by the House of Representatives with respect to the protection of classified information received while a member of the Committee or as Committee Staff.

(3) Requests for Testimony of Staff.

(A) All Committee Staff must, as a condition of employment, agree in writing to notify the Committee immediately of any request for testimony received while a member of the Committee Staff, or at any time thereafter, concerning any classified information received by such person while a member of the Committee Staff.

(B) Committee Staff shall not disclose, in response to any such request for testimony, any such classified information, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(C) In the event of the termination of the Committee, Committee Staff will be subject to any determination made by the House of Representatives with respect to any requests for testimony involving classified information received while a member of the Committee Staff.

13. CLASSIFIED MATERIAL

(a) Receipt of Classified Information.

(1) Generally. In the case of any information that has been classified under established security procedures and submitted to the Committee by any source, the Committee shall receive such classified information as executive session material.

(2) Staff Receipt of Classified Materials. For purposes of receiving classified information, the Committee Staff is authorized to accept information on behalf of the Committee.

(b) Non-Disclosure of Classified Information. Any classified information received by the Committee, from any source, shall not be disclosed to any person not a member of the Committee or the Committee Staff, or otherwise released, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(c) Exception for Non-Exclusive Materials.

(1) Non-Exclusive Materials. Any materials provided to the Committee by the executive

branch, if provided in whole or in part for the purpose of review by members who are not members of the Committee, shall be received or held by the Committee on a non-exclusive basis. Classified information provided to the Committee shall be considered to have been provided on an exclusive basis unless the executive branch provides a specific, written statement to the contrary.

(2) Access for Non-Committee Members. In the case of materials received on a non-exclusive basis, the Chair, in consultation with the Ranking Minority Member, may grant non-Committee members access to such materials in accordance with the requirements of Rule 14(f)(4), notwithstanding paragraphs (1), (2), and (3) of Rule 14.

14. PROCEDURES RELATED TO HANDLING OF CLASSIFIED INFORMATION

(a) Security Measures.

(1) Strict Security. The Committee's offices shall operate under strict security procedures administered by the Director of Security and Registry of the Committee under the direct supervision of the Staff Director.

(2) U.S. Capitol Police Presence Required. At least one U.S. Capitol Police officer shall be on duty at all times outside the entrance to Committee offices to control entry of all persons to such offices.

(3) Identification Required. Before entering the Committee's offices all persons shall identify themselves to the U.S. Capitol Police officer described in paragraph (2) and to a member of the Committee or Committee Staff.

(4) Maintenance of Classified Materials. Classified documents shall be segregated and maintained in approved security storage locations.

(5) Examination of Classified Materials. Classified documents in the Committee's possession shall be examined in an appropriately secure manner.

(6) Prohibition on Removal of Classified Materials. Removal of any classified document from the Committee's offices is strictly prohibited, except as provided by these rules.

(7) Exception. Notwithstanding the prohibition set forth in paragraph (6), a classified document, or copy thereof, may be removed from the Committee's offices in furtherance of official Committee business. Appropriate security procedures shall govern the handling of any classified documents removed from the Committee's offices.

(b) Access to Classified Information by Members. All members of the Committee shall at all times have access to all classified papers and other material received by the Committee from any source.

(c) Need-to-know.

(1) Generally. Committee Staff shall have access to any classified information provided to the Committee on a strict "need-to-know" basis, as determined by the Committee, and under the Committee's direction by the Staff Director.

(2) Appropriate Clearances Required. Committee Staff must have the appropriate clearances prior to any access to compartmented information.

(d) Oath.

(1) Requirement. Before any member of the Committee, or the Committee Staff, shall have access to classified information, the following oath shall be executed:

"I do solemnly swear (or affirm) that I will not disclose or cause to be disclosed any classified information received in the course of my service on the House Permanent Select Committee on Intelligence, except when authorized to do so by the Committee or the House of Representatives."

(2) Copy. A copy of such executed oath shall be retained in the files of the Committee.

(e) Registry.

(1) Generally. The Committee shall maintain a registry that:

(A) Provides a brief description of the content of all classified documents provided to the Committee by the executive branch that remain in the possession of the Committee; and

(B) Lists by number all such documents.

(2) Designation by the Staff Director. The Staff Director shall designate a member of the Committee Staff to be responsible for the organization and daily maintenance of such registry.

(3) Availability. Such registry shall be available to all members of the Committee and Committee Staff.

(f) Requests by Members of Other Committees. Pursuant to the Rules of the House, members who are not members of the Committee may be granted access to such classified transcripts, records, data, charts, or files of the Committee, and be admitted on a non-participatory basis to classified hearings of the Committee involving discussions of classified material in the following manner:

(1) Written Notification Required. Members who desire to examine classified materials in the possession of the Committee, or to attend Committee hearings or briefings on a non-participatory basis, must notify the Chief Clerk of the Committee in writing. Such notification shall state with specificity the justification for the request and the need for access.

(2) Committee Consideration. The Committee shall consider each such request by non-Committee members at the earliest practicable opportunity. The Committee shall determine, by record vote, what action it deems appropriate in light of all of the circumstances of each request. In its determination, the Committee shall consider:

(A) The sensitivity to the national defense or the confidential conduct of the foreign relations of the United States of the information sought;

(B) The likelihood of its being directly or indirectly disclosed;

(C) The jurisdictional interest of the member making the request; and

(D) Such other concerns, constitutional or otherwise, as may affect the public interest of the United States.

(3) Committee Action. After consideration of the member's request, the Committee may take any action it deems appropriate under the circumstances, including but not limited to:

(A) Approving the request, in whole or part;

(B) Denying the request;

(C) Providing the requested information or material in a different form than that sought by the member; or

(D) Making the requested information or material available to all members of the House.

(4) Requirements for Access by Non-Committee Members. Prior to a non-Committee member being given access to classified information pursuant to this subsection, the requesting member shall:

(A) Provide the Committee a copy of the oath executed by such member pursuant to House Rule XXIII, clause 13; and

(B) Agree in writing not to divulge any classified information provided to the member, pursuant to this subsection, to any person not a member of the Committee or the Committee Staff, except as otherwise au-

thorized by the Committee in accordance with the Rules of the House and these rules.

(5) Consultation Authorized. When considering a member's request, the Committee may consult the Director of National Intelligence and such other officials it considers necessary.

(6) Finality of Committee Decision.

(A) Should the member making such a request disagree with the Committee's determination with respect to that request, or any part thereof, that member must notify the Committee in writing of such disagreement.

(B) The Committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, the Committee will take.

(g) Advising the House or Other Committees. Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. 413), and to the Rules of the House, the Committee shall call to the attention of the House, or to any other appropriate committee of the House, those matters requiring the attention of the House, or such other committee, on the basis of the following provisions:

(1) By Request of Committee Member. At the request of any member of the Committee to call to the attention of the House, or any other committee, executive session material in the Committee's possession, the Committee shall meet at the earliest practicable opportunity to consider that request.

(2) Committee Consideration of Request. The Committee shall consider the following factors, among any others it deems appropriate:

(A) The effect of the matter in question on the national defense or the foreign relations of the United States;

(B) Whether the matter in question involves sensitive intelligence sources and methods;

(C) Whether the matter in question otherwise raises questions affecting the national interest; and

(D) Whether the matter in question affects matters within the jurisdiction of another Committee of the House.

(3) Views of Other Committees. In examining such factors, the Committee may seek the opinion of members of the Committee appointed from standing committees of the House with jurisdiction over the matter in question, or submissions from such other committees.

(4) Other Advice. The Committee may, during its deliberations on such requests, seek the advice of any executive branch official.

(h) Reasonable Opportunity to Examine Materials. Before the Committee makes any decision regarding any request for access to any classified information in its possession, or a proposal to bring any matter to the attention of the House or another committee, members of the Committee shall have a reasonable opportunity to examine all pertinent testimony, documents, or other materials in the Committee's possession that may inform their decision on the question.

(i) Notification to the House. The Committee may bring a matter to the attention of the House when, after consideration of the factors set forth in this rule, it considers the matter in question so grave that it requires the attention of all members of the House, and time is of the essence, or for any reason the Committee finds compelling.

(j) Method of Disclosure to the House.

(1) Should the Committee decide by record vote that a matter requires the attention of the House as described in subsection (i), it shall make arrangements to notify the House promptly.

(2) In such cases, the Committee shall consider whether:

(A) To request an immediate secret session of the House (with time equally divided between the Majority and the Minority); or

(B) To publicly disclose the matter in question pursuant to clause 11(g) of House Rule X.

(k) Requirement to Protect Sources and Methods. In bringing a matter to the attention of the House, or another committee, the Committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(l) Availability of Information to Other Committees. The Committee, having determined that a matter shall be brought to the attention of another committee, shall ensure that such matter, including all classified information related to that matter, is promptly made available to the chair and ranking minority member of such other committee.

(m) Provision of Materials. The Director of Security and Registry for the Committee shall provide a copy of these rules, and the applicable portions of the Rules of the House of Representatives governing the handling of classified information, along with those materials determined by the Committee to be made available to such other committee of the House or non-Committee member.

(n) Ensuring Clearances and Secure Storage. The Director of Security and Registry shall ensure that such other committee or non-Committee member receiving such classified materials may properly store classified materials in a manner consistent with all governing rules, regulations, policies, procedures, and statutes.

(o) Log. The Director of Security and Registry for the Committee shall maintain a written record identifying the particular classified document or material provided to such other committee or non-Committee member, the reasons agreed upon by the Committee for approving such transmission, and the name of the committee or non-Committee member receiving such document or material.

(p) Miscellaneous Requirements.

(1) Staff Director's Additional Authority. The Staff Director is further empowered to provide for such additional measures, which he or she deems necessary, to protect such classified information authorized by the Committee to be provided to such other committee or non-Committee member.

(2) Notice to Originating Agency. In the event that the Committee authorizes the disclosure of classified information provided to the Committee by an agency of the executive branch to a non-Committee member or to another committee, the Chair may notify the providing agency of the Committee's action prior to the transmission of such classified information.

15. LEGISLATIVE CALENDAR

(a) Generally. The Chief Clerk, under the direction of the Staff Director, shall maintain a printed calendar that lists:

(1) The legislative measures introduced and referred to the Committee;

(2) The status of such measures; and

(3) Such other matters that the Committee may require.

(b) Revisions to the Calendar. The calendar shall be revised from time to time to show pertinent changes.

(c) Availability. A copy of each such revision shall be furnished to each member, upon request.

(d) Consultation with Appropriate Government Entities. Unless otherwise directed by

the Committee, legislative measures referred to the Committee may be referred by the Chief Clerk to the appropriate department or agency of the Government for reports thereon.

16. COMMITTEE WEBSITE

The Chair shall maintain an official Committee web site for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee members and other members of the House.

17. MOTIONS TO GO TO CONFERENCE

In accordance with clause 2(a) of House Rule XI, the Chair is authorized and directed to offer a privileged motion to go to conference under clause 1 of House Rule XXII whenever the Chair considers it appropriate.

18. COMMITTEE TRAVEL

(a) Authority. The Chair may authorize members and Committee Staff to travel on Committee business.

(b) Requests.

(1) Member Requests. Members requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request directly to the Chair.

(2) Committee Staff Requests. Committee Staff requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request through their supervisors to the Staff Director and the Chair.

(c) Notification to Members.

(1) Generally. Members shall be notified of all foreign travel of Committee Staff not accompanying a member.

(2) Content. All members are to be advised, prior to the commencement of such travel, of its length, nature, and purpose.

(d) Trip Reports.

(1) Generally. A full report of all issues discussed during any travel shall be submitted to the Chief Clerk of the Committee within a reasonable period of time following the completion of such trip.

(2) Availability of Reports. Such report shall be:

(A) Available for review by any member or appropriately cleared Committee Staff; and

(B) Considered executive session material for purposes of these rules.

(e) Limitations on Travel.

(1) Generally. The Chair is not authorized to permit travel on Committee business of Committee Staff who have not satisfied the requirements of subsection (d) of this rule.

(2) Exception. The Chair may authorize Committee Staff to travel on Committee business, notwithstanding the requirements of subsections (d) and (e) of this rule,

(A) At the specific request of a member of the Committee; or

(B) In the event there are circumstances beyond the control of the Committee Staff hindering compliance with such requirements.

(f) Definitions. For purposes of this rule the term "reasonable period of time" means:

(1) No later than 60 days after returning from a foreign trip; and

(2) No later than 30 days after returning from a domestic trip.

19. DISCIPLINARY ACTIONS

(a) Generally. The Committee shall immediately consider whether disciplinary action shall be taken in the case of any member of the Committee Staff alleged to have failed to conform to any rule of the House of Representatives or to these rules.

(b) Exception. In the event the House of Representatives is:

(1) In a recess period in excess of 3 days; or

(2) Has adjourned sine die; the Chair of the full Committee, in consultation with the Ranking Minority Member, may take such immediate disciplinary actions deemed necessary.

(c) Available Actions. Such disciplinary action may include immediate dismissal from the Committee Staff.

(d) Notice to Members. All members shall be notified as soon as practicable, either by facsimile transmission or regular mail, of any disciplinary action taken by the Chair pursuant to subsection (b).

(e) Reconsideration of Chair's Actions. A majority of the members of the full Committee may vote to overturn the decision of the Chair to take disciplinary action pursuant to subsection (b).

20. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the Committee is open to the public, a majority of the Committee may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in the Rules of the House.

21. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

(a) Generally. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with the Rules of the House of Representatives.

(b) Notice of Withholding. The Chair shall notify the Ranking Minority Member of any decision, pursuant to the Rules of the House of Representatives, to withhold a record otherwise available, and the matter shall be presented to the full Committee for a determination of the question of public availability on the written request of any member of the Committee.

22. CHANGES IN RULES

(a) Generally. These rules may be modified, amended, or repealed by vote of the full Committee.

(b) Notice of Proposed Changes. A notice, in writing, of the proposed change shall be given to each member at least 48 hours prior to any meeting at which action on the proposed rule change is to be taken.

THE IRAQ WAR: THE ROAD AHEAD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE of California. Mr. Speaker, first let me rise to commend Congressman KEITH ELLISON and the Progressive Caucus for organizing Special Orders each and every week. In fact, later this evening there will be one held to talk about the 6-year anniversary of the war and occupation of Iraq. So I rise today to talk about this very briefly.

Six years ago, President George W. Bush launched our Nation into one of the most disastrous, misguided, and dangerous military actions in our history, the initial invasion and proceeding occupation of Iraq. Now, as the new administration seeks to withdraw troops from Iraq, it is essential that

the media, the public, and those of us in elected office support these efforts.

However, this time, no matter how uncomfortable it may be for those of us who fully support President Obama—who himself opposed the invasion from the beginning—we must hold our Iraq policy accountable and demand answers to tough questions regarding how and when our occupation will end.

Last month, to his credit, and we applaud his efforts, President Obama laid forth a timeline for the withdrawal of our military presence in Iraq. His proposal would have two-thirds of our troops home by August of 2010, with the remaining force of approximately 35,000 to 50,000 scheduled to leave by the end of 2011, almost 3 years from now. His announcement received praise from both sides of the political aisle; however, I think that we still need to talk about and have an honest and frank discussion of its merits and potential faults.

Americans seem, collectively, to try to forget about Iraq, but we must remember that this is costing us \$10 billion a month in this economic recession. And while we recognize, appreciate, and applaud the President's decision, his declaration allows us to move forward and focus on other issues. And so what we are trying to do is make sure that we are focused on our comprehensive foreign and military policy at the same time that we are working on our economic and domestic front. While this reaction, of course, is understandable because people are suffering each and every day as a result of the last 8 years, it is also dangerous. We cannot afford to ignore the enormous risks and potential sacrifices that loom ahead.

As one of the founders of the Out of Iraq Caucus, along with Congresswoman MAXINE WATERS and Congresswoman LYNN WOOLSEY, our position has been clear all along; we opposed the war and the occupation from the start, and we have worked day in and day out to end it.

We believe that ending the occupation of Iraq means redeploying all troops—and we mean all troops—and all military contractors out of Iraq. It also means leaving no permanent bases, and renouncing any claim upon Iraqi oil.

We remain concerned about the plan, which calls for 127,000 troops to stay in Iraq until the end of this year and for 35,000 to 50,000 troops to remain in Iraq for another 2½ years after that. We cannot imagine the need for such an enormous military commitment, and we have talked to military experts who also question that.

How did the military planners agree on such a large residual for us, one which is comparable in size to our force levels in South Korea at the height of the Cold War? What role does this transitional force play in the event that vi-

olence flares back up? And what steps are being taken to address the 190,000 American contractors in Iraq, and to dismantle our permanent bases? Some say we don't have permanent bases there, others believe that we do—I am one who believes that we do. And so these questions must be addressed before we can move forward. We respectfully wrote to the President and set forth a set of questions asking some of the looming concerns which some of us still have.

America's interests in Iraq and the region will best be advanced by reducing the size of our military footprint and making greater use of other assets of national power, including diplomacy, reconciliation, commerce, development assistance, and humanitarian aid.

As we solemnly mark the beginning of a seventh year—and it's hard to imagine we have been there 7 years—of the conflict in Iraq, we not only must reflect on the incredible sacrifices made by the men and women who serve in the military, but also, we have to demand an honest assessment of the potential future obstacles that their brothers and sisters in arms will face. As President Obama has said, "We must be as careful getting out of Iraq as we were careless getting in."

ALLOWING PRESS AT DOVER AIR FORCE BASE WHEN FALLEN TROOPS RETURN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to pay tribute to one of our fallen heroes who made the ultimate sacrifice in service to our Nation in Iraq, and to share a letter I recently received from his father, Robert Stokely. Robert's letter relates to a Department of Defense policy that directly affected his family, and most especially, Mr. Speaker, his son.

Mr. Speaker, I would like to take a moment to read this letter, as I feel it is necessary for this body to fully understand this issue in order to protect the dignity of our troops. Robert Stokely is from Newnan, Georgia, my wife's hometown. And of course I represented that area and am very proud of the folks in Newnan.

Mr. Robert Stokely writes:

"I was alarmed at the question asked by Ed Henry at President Obama's address to the Nation on Monday, February 9, 2009, i.e., allowing media access and cameras at Dover Air Force Base where fallen military personnel arrive on their final trip home to an honorable rest. I am also alarmed by an AP news article that Secretary of Defense Robert Gates has ordered a review of the policy. Please take a moment and read my story of meeting my

son, and hopefully you can have a vivid image of why it is important to keep the family first in this matter, for it is a very personal moment when a fallen hero arrives home.

"I met my son's body at Hartsfield-Jackson International Airport in Atlanta on August 24, 2005 as he arrived from Dover. I went alone as a special privilege to take his body to the funeral home, where the family would then be the first to see the most striking, vivid image of a fallen loved one, the flag-draped casket. I rode in the hearse to take him on a 25-mile ride, covering the roads that Mike and I had shared so many days as a divorced dad and son going to and from visitation on weekends, holidays, and summers. It was a 'last ride to take my boy home.'"

And this is in bold font, Mr. Speaker.

"I wore a favorite blue blazer, trousers, and a red and blue striped tie, for my son deserved my respect. As they uncased his casket and draped the American flag over him, I saluted from nearby, tears streaming down my cheeks, as a number of busy U.S. Air cargo employees suddenly stopped in stunned silence, only then realizing what was taking place.

"I held my salute, poor as it was for an untrained civilian, until the flag was completely draped and the edges evenly cornered out. Then I stepped outside to call my wife, Retta, who loved him like one of her own. And as she answered the telephone, with tears still streaming down my cheeks and with a quiver in my voice, I said, 'our boy is home.'"

Mike Stokely was age 23 when he was killed by a roadside bomb in Iraq. While the political debate about Iraq or any other war may be had in a free country like this, such as we enjoy, there is no debate that our military personnel engage in of the politics of when, where, or how long a war is waged. They have a constitutional duty to obey the Commander in Chief's lawful orders.

Mike Stokely, and many others, did their constitutional duty, and in doing so, preserved our freedom. Mike, and those like him who haven't yet but will die for America, do not need to be a media spectacle at Dover Air Force Base.

"I was once asked what I thought the real cost of freedom is. There are many such costs, but for the Stokely family, and like many of us, the highest cost has been paid, a lifetime of love.

"Is it too much to ask, given what the fallen and their families have given America, for us to have that first moment of seeing the flag-draped casket to be ours and ours alone? Should we now be asked to give more so that something so private can be used to sell advertising, to ensure a media outlet's profitable bottom line? Black ink on the bottom line is usually a good

thing, but it cannot be so when it comes at the cost of making a spectacle of our fallen, thus dishonoring their spilled red American blood. I hope your answer will be an unequivocal, unwavering, and unapologetic 'no,' and that you will fight to keep the honorable sanctity of Dover rather than allow it to become a media spectacle.

"Please protect our fallen and their families and the privacy of Dover, for our fallen have given their lives to protect the lifetime of love you and your family and millions of other Americans continue to live and enjoy.

"Proud dad of Sergeant Mike Stokely."

Mr. Speaker, the policy of allowing media to photograph these caskets at Dover Air Force Base is a serious issue for many families that have been struck with the tragedy of losing a loved one in battle. The brave service men and women on their final journey home have given their lives for our freedom. We must ensure that not only are their remains handled with the utmost respect, but that the wishes of their families are given the respect they so richly deserve.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2008 AND THE 5-YEAR PERIOD FY 2009 THROUGH FY 2013

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal years 2008 and 2009 and for the five-year period of fiscal years 2009 through 2013. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 301 and 302 of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009.

The term "current level" refers to the amounts of spending and revenues estimated

for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by S. Con. Res. 70. This comparison is needed to enforce section 311(a) of the Budget Act, which establishes a point of order against any measure that would breach the budget resolution's aggregate levels.

The second table compares the current levels of budget authority and outlays for each authorizing committee with the "section 302(a)" allocations made under S. Con. Res. 70 for fiscal years 2008 and 2009 and fiscal years 2009 through 2013. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure.

The third table compares the current levels of discretionary appropriations for fiscal years 2008 and 2009 with the "section 302(a)" allocation of discretionary budget authority and outlays to the Appropriations Committee. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach section 302(b) sub-allocations within the Appropriations Committee.

The fourth table gives the current level for fiscal years 2010 and 2011 for accounts identified for advance appropriations under section 302 of S. Con. Res. 70. This list is needed to enforce section 302 of the budget resolution, which establishes a point of order against appropriations bills that include advance appropriations that: (1) are not identified in the joint statement of managers; or (2) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2009 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 70

(Reflecting action completed as of March 11, 2009—On-budget amounts, in millions of dollars)

| | Fiscal years— | | |
|------------------------|-------------------|-------------------|------------|
| | 2008 ¹ | 2009 ² | 2009–2013 |
| Appropriate Level: | | | |
| Budget Authority | 2,564,244 | 2,543,213 | n.a. |
| Outlays | 2,466,685 | 2,574,566 | n.a. |
| Revenues | 1,875,401 | 2,033,460 | 11,813,119 |

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION COMPLETED AS OF MARCH 11, 2009

(Fiscal Years, in millions of dollars)

| House Committee | 2008 | | 2009— | | 2009–2013 Total | |
|----------------------|--------|---------|--------|----------|-----------------|---------|
| | BA— | Outlays | BA— | Outlays— | BA— | Outlays |
| Agriculture: | | | | | | |
| Allocation— | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 1 | 8 | 0 | 0 |
| Difference | 0 | 0 | 1 | 8 | 0 | 0 |
| Armed Services: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | –27 | 7 | –1 | –7 |
| Difference | 0 | 0 | –27 | 7 | –1 | –7 |
| Education and Labor: | | | | | | |
| Allocation | –10 | 0 | –9 | –114 | 36 | –60 |
| Current Level | –10 | 0 | –9 | –114 | –419 | –515 |
| Difference | 0 | 0 | 0 | 0 | –455 | –455 |
| Energy and Commerce: | | | | | | |
| Allocation | 89 | 81 | 11,505 | 3,234– | 53,213 | 35,965 |
| Current Level | 89 | 81 | 11,505 | 3,234 | 53,194 | 35,946 |
| Difference | 0 | 0 | 0 | 0 | –19 | –19 |
| Financial Services: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 4,309– | 390 | 24,973 | 25,643 | 33,670 | 36,858 |
| Difference | 4,309– | 390 | 24,973 | 25,643 | 33,670 | 36,858 |

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2009 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 70—Continued

(Reflecting action completed as of March 11, 2009—On-budget amounts, in millions of dollars)

| | Fiscal years— | | |
|---|-------------------|-------------------|------------|
| | 2008 ¹ | 2009 ² | 2009–2013 |
| Current Level: | | | |
| Budget Authority | 2,455,102 | 2,507,220 | n.a. |
| Outlays | 2,435,528 | 2,532,975 | n.a. |
| Revenues | 1,878,433 | 1,986,073 | 12,046,832 |
| Current Level over (+) / under (–) Appropriate Level: | | | |
| Budget Authority | –109,142 | –35,993 | n.a. |
| Outlays | –31,157 | –41,591 | n.a. |
| Revenues | 3,032 | –47,387 | 233,713 |

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

¹ Notes for 2008:

Current resolution aggregates include \$108,056 million in budget authority and \$28,901 million in outlays covered by section 301(b)(1) (overseas deployments and related activities) that has not been allocated to a committee. The section has not triggered by Appropriations action.

² Notes for 2009:

Current resolution aggregates include \$70,000 million in budget authority and \$74,809 million in outlays covered by section 301(b)(1) (overseas deployments and related activities) that has not been allocated to a committee. The section has not been triggered to date in Appropriations action.

Current resolution aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, which will not be included in current level due to its emergency designation (section 301(6)(2)).

Current level does not include costs associated with Division A of the Emergency Economic Stabilization Act. CBO was not able to estimate the cost of those provisions at the time the bill was enacted. CBO has produced estimates for their January, 2009 baseline incorporating the latest information on operations of the program as well as their most recent economic forecast. Although the full cost of Division A under these assumptions is not available, CBO has provided an estimate that the TARP will cost \$184 billion in 2009.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2009 in excess of \$35,993 million (if not already included in the current level estimate) would cause FY 2009 budget authority to exceed the appropriate level set by S. Con. Res. 70.

OUTLAYS

Enactment of measures providing new outlays for FY 2009 in excess of \$41,591 million (if not already included in the current level estimate) would cause FY 2009 outlays to exceed the appropriate level set by S. Con. Res. 70.

REVENUES

Revenues for FY 2009 are below the appropriate levels set by S. Con. Res. 70.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2009 through 2013 in excess of \$233,713 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 70.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION COMPLETED AS OF MARCH 11, 2009—Continued

[Fiscal Years, in millions of dollars]

| House Committee | 2008 | | 2009— | | 2009–2013 Total | |
|------------------------------------|--------|---------|--------|----------|-----------------|---------|
| | BA— | Outlays | BA— | Outlays— | BA— | Outlays |
| Foreign Affairs: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 8 | 8 |
| Difference | 0 | 0 | 0 | 0 | 8 | 8 |
| Homeland Security: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| House Administration: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 1 | 1 |
| Difference | 0 | 0 | 0 | 0 | 1 | 1 |
| Judiciary: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Natural Resources: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | –2 | –2 |
| Difference | 0 | 0 | 0 | 0 | –2 | –2 |
| Oversight and Government Reform: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Science and Technology: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Small Business: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Transportation and Infrastructure: | | | | | | |
| Allocation | 395 | 0 | 1,499– | 3 | 4,197 | 21 |
| Current Level | 0 | 0 | 498 | 3 | 2,496 | 21 |
| Difference | –395 | 0 | –1,001 | 0 | –1,701 | 0 |
| Veterans' Affairs: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | –6 | –6 | –23 | –23 |
| Difference | 0 | 0 | –6 | –6 | –23 | –23 |
| Ways and Means: | | | | | | |
| Allocation | 1,853– | 1,843– | 5,794– | 5,714– | –6,724 | –5,034 |
| Current Level | 1,853– | 1,843– | 15,919 | 15,835 | 5,615 | 7,272 |
| Difference | 0 | 0 | 10,125 | 10,121 | 12,339 | 12,306 |

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2008—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(A) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(B) SUBALLOCATIONS

[In millions of dollars]

| Appropriations subcommittee | 302(b) suballocations as of July 8, 2008 (H. Rpt. 110–747) | | Current level reflecting action completed as of Sept. 30, 2008 | | Current level minus suballocations | |
|---|--|-----------|--|-----------|------------------------------------|--------|
| | BA | OT | BA | OT | BA | OT |
| Agriculture, Rural Development, FDA– | 19,302 | 20,765 | 19,302 | 20,765 | 0 | 0 |
| Commerce, Justice, Science | 53,873 | 53,545 | 53,873 | 53,545 | 0 | 0 |
| Defense | 546,468 | 538,595 | 546,468 | 538,595 | 0 | 0 |
| Energy and Water Development | 30,891 | 30,756 | 30,891 | 30,756 | 0 | 0 |
| Financial Services and General Government | 21,162 | 21,150 | 21,162 | 21,150 | 0 | 0 |
| Homeland Security | 40,665 | 40,785 | 40,665 | 40,785 | 0 | 0 |
| Interior, Environment | 27,425 | 29,118 | 27,425 | 29,118 | 0 | 0 |
| Labor, Health and Human Services, Education | 146,064 | 147,647 | 146,064 | 147,647 | 0 | 0 |
| Legislative Branch | 3,969 | 4,076 | 3,969 | 4,076 | 0 | 0 |
| Military Construction, Veterans Affairs | 63,916 | 54,441 | 63,916 | 54,441 | 0 | 0 |
| State, Foreign Operations | 35,187 | 36,452 | 35,187 | 36,459 | 0 | 7 |
| Transportation, HUD | 56,556 | 114,961 | 56,556 | 114,961 | 0 | 0 |
| Unassigned (full committee allowance) | 5,000 | 2,653 | 0 | 0 | –5,000 | –2,653 |
| Total (Section 302(a) Allocation) | 1,050,478 | 1,094,944 | 1,045,478 | 1,092,298 | –5,000 | –2,646 |

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2009—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]–

| Appropriations Subcommittee | 302(b) suballocations as of July 8, 2008 (H. Rept. 110–746) | | Current level reflecting action completed as of March 11, 2009 | | Current level minus suballocations | |
|--|---|-----------|--|-----------|------------------------------------|--------|
| | BA | OT | BA | OT | BA | OT |
| Agriculture, Rural Development, FDA– | 20,623 | 22,000 | 20,456 | 21,530 | –167 | –470 |
| Commerce, Justice, Science | 56,858 | 57,000 | 57,652 | 57,372 | 794 | 372 |
| Defense | 487,737 | 525,250 | 487,737 | 525,280 | 0 | 30 |
| Energy and Water Development | 33,265 | 32,825 | 33,261 | 32,270 | –4 | –555 |
| Financial Services and General Government | 21,900 | 22,900 | 22,697 | 22,890 | 797 | –10 |
| Homeland Security | 42,075 | 42,390 | 42,164 | 42,625 | 89 | 235 |
| Interior, Environment– | 27,867 | 28,630 | 27,579 | 28,659 | –288 | 29 |
| Labor, Health and Human Services, Education | 152,643 | 152,000 | 152,255 | 151,758 | –388 | –242 |
| Legislative Branch | 4,404 | 4,340 | 4,402 | 4,330 | –2 | –10 |
| Military Construction, Veterans Affairs | 72,729 | 66,890 | 72,863 | 66,881 | 134 | –9 |
| State, Foreign Operations | 36,620 | 36,000 | 36,620 | 36,242 | 0 | 242 |
| Transportation, HUD | 54,997 | 114,900 | 55,000 | 114,663 | 3 | –237 |
| Unassigned (full committee allowance) | 0 | 987 | 0 | 0 | 0 | –987 |
| Subtotal (Section 302(b) Allocations) | 1,011,718 | 1,106,112 | 1,012,686 | 1,104,500 | 968 | –1,612 |
| Unallocated portion of Section 302(a) Allocation | 968 | 892 | 0 | 0 | –968 | –892 |
| Total (Section 302(a) Allocation) | 1,012,686 | 1,107,004 | 1,012,686 | 1,104,500 | 0 | –2,504 |

2010 and 2011 advance appropriations under
section 302 of S. Con. Res. 70

[Budget Authority in Millions of Dollars]

| | |
|---|----------------|
| Appropriate Level | 2010 28,852 |
| Enacted advances: | |
| Accounts Identified for Advances: | |
| Employment and Training Administration | 1,772 |
| Job Corps | 691 |
| Education for the Disadvantaged | 10,841 |
| School Improvement | 1,681 |
| Children and Family Services (Head Start) | — |
| Special Education | 8,593 |
| Career, Technical and Adult Education | 791 |
| Payment to Postal Service | 83 |
| Tenant-based Rental Assistance | 4,000 |
| Project-based Rental Assistance | 400 |
| Subtotal, enacted advances | 28,852 |

Appropriate Level¹
Enacted advances:
Accounts Identified for Advances:
Corporation for Public Broadcasting— 430
¹ S. Con. Res. 70 does not provide a dollar limit for 2011.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 18, 2009
Hon. JOHN M. SPRATT, Jr.,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and reflects activity through September 30, 2008. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on

the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

Since the last letter, dated September 9, 2008, the Congress has cleared and the President has signed the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329). Division B of the act provided \$22.9 billion for disaster relief and recovery for 2008; the entire amount was designated as an emergency requirement pursuant to Sec. 301(b)(2) of S. Con. Res. 70. Amounts so designated are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

This is the final current level letter for fiscal year 2008.

Sincerely,
DOUGLAS W. ELMENDORF,
Director.

Enclosure.

FISCAL YEAR 2008 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 30, 2008

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|--|------------------|------------|-----------|
| Previously Enacted ¹ | | | |
| Revenues— | n.a.— | n.a.— | 1,879,400 |
| Permanents and other spending legislation— | 1,441,017— | 1,394,894— | n.a. |
| Appropriation legislation— | 1,604,649— | 1,635,118— | n.a. |
| Offsetting receipts— | —596,805— | —596,805— | n.a. |
| Total, Previously enacted— | 2,448,861— | 2,433,207— | 1,879,400 |
| Enacted 110th Congress, second session— | | | |
| Supplemental Appropriations Act, 2008 (P.L. 110-252) ² — | 0— | 7— | 0 |
| Medicare Improvements for Patients and Providers Act of 2008 (P.L. 110-275)— | 1,942— | 1,924— | 1 |
| Housing and Economic Recovery Act of 2008 (P.L. 110-289)— | 4,309— | 390— | —968 |
| Higher Education Opportunity Act (P.L. 110-315)— | —10— | 0— | 0 |
| Total, enacted 110th Congress, second session— | 6,241— | 2,321— | —967 |
| Total Current Level ³ — | 2,455,102— | 2,435,528— | 1,878,433 |
| Total Budget Resolution ⁴ — | 2,564,244— | 2,466,685— | 1,875,401 |
| Current Level Over Budget Resolution— | n.a.— | n.a.— | 3,032 |
| Current Level Under Budget Resolution— | 109,142— | 31,157— | n.a. |

¹ Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during the second session of the 110th Congress, but before the adoption of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009: National Defense Authorization Act for Fiscal Year 2008 (P.L. 110-181), Economic Stimulus Act of 2008 (P.L. 110-185), Andean Trade Preference Extension Act of 2008 (P.L. 110-191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110-227), Consolidated Natural Resources Act of 2008 (P.L. 110-229), Strategic Petroleum Reserve Fill Suspension and Consumer Act of 2008 (P.L. 110-232), Food, Conservation, and Energy Act of 2008 (P.L. 110-234), SAFETEA-LU Technical Corrections Act of 2008 (P.L. 110-244), and Heroes Earnings Assistance and Relief Act of 2008 (P.L. 110-245).

² Pursuant to section 301(b)(2) of S. Con. Res. 70, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level totals, are as follows:

| | Budget authority— | Outlays | Revenues |
|---|-------------------|---------|----------|
| Supplemental Appropriations Act, 2008 (P.L. 110-252)— | 115,808— | 35,350— | n.a. |
| Consolidated Security, Disaster Assistance, and Continuing Appropriations—Act, 2009 (P.L. 110-329)— | 22,859— | 0— | n.a. |
| xi — | 138,667— | 35,350— | n.a. |

³ For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

⁴ Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution.

| | Budget authority | Outlays | Revenues |
|---|------------------|------------|-----------|
| Original Budget Resolution— | 2,563,262— | 2,465,711— | 1,875,392 |
| Revisions:— | | | |
| For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (section 323(d))— | —950— | —950— | 0 |
| For the Heroes Earnings Assistance and Relief Tax Act of 2008 (section 323(d))— | 0— | 0— | 8 |
| For the Medicare Improvement for Patients and Providers Act of 2008 (sections 210 and 212(b))— | 1,942— | 1,924— | 1 |
| For the Higher Education Opportunity Act (section 208)— | —10— | 0— | 0 |
| Revised Budget Resolution— | 2,564,244— | 2,466,685— | 1,875,401 |

SOURCE: Congressional Budget Office.
Note: n.a. not applicable; P.L. = Public Law.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 18, 2009.
Hon. JOHN M. SPRATT, Jr.,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through March 11, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

Pursuant to section 301(b)(2) of S. Con. Res. 70, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes those amounts (see footnote 3 of the report).

Since the last letter, dated September 9, 2008, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, and revenues for fiscal year 2009:

SSI Extension for Elderly and Disabled Refugees Act (Public Law 110-328);

Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329);

Federal Aviation Administration Extension Act of 2008, Part II (Public Law 110-330);

An act to provide authority for the Federal Government to purchase and insure certain types of troubled assets . . . and for other purposes (Public Law 110-343);

Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351);

QI Program Supplemental Funding Act of 2008 (Public Law 110-379);

Veterans' Benefits Improvement Act of 2008 (Public Law 110-389);

An act to amend the commodity provisions of the Food, Conservation, and Energy Act of

2008 . . . and for other purposes (Public Law 110-398);

Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417);

Inmate Tax Fraud Prevention Act of 2008 (Public Law 110-428);

Rail Safety Improvement Act of 2008 (Public Law 110-432);

An act to extend the Andean Trade Preference Act, and for other purposes (Public Law 110-436);

Unemployment Compensation Extension Act of 2008 (Public Law 110-449);

Worker, Retiree, and Employer Recovery Act of 2008 (Public Law 110-458);

Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111-3);

American Recovery and Reinvestment Act of 2009 (Public Law 111-5); and

Omnibus Appropriations Act, 2009 (Public Law 111-8).

Sincerely,

DOUGLAS W. ELMENDORF,

Director.

Enclosure.

FISCAL YEAR 2009 HOUSE CURRENT LEVEL REPORT THROUGH MARCH 11, 2009

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|--|------------------|-----------|------------|
| Previously Enacted ¹ | | | |
| Revenues | n.a. | n.a. | 2,097,399 |
| Permanents and other spending legislation | 1,485,953 | 1,436,774 | n.a. |
| Appropriation legislation | n.a. | 471,581 | n.a. |
| Offsetting receipts | -587,749 | -587,749 | n.a. |
| Total, Previously enacted | 898,204 | 1,320,606 | 2,097,399 |
| Enacted 110th Congress, second session | | | |
| Authorizing Legislation: | | | |
| Medicare Improvements for Patients and Providers Act of 2008 (P.L. 110-275) | 6,633 | 6,516 | 9 |
| A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (P.L. 110-287) | 0 | 0 | -2 |
| Housing and Economic Recovery Act of 2008 (P.L. 110-289) | 24,973 | 25,643 | 11,037 |
| Higher Education Opportunity Act (P.L. 110-315) | -9 | -114 | 0 |
| SSI Extension for Elderly and Disabled Refugees Act (P.L. 110-328) | 34 | 34 | 0 |
| Federal Aviation Administration Extension Act of 2008, Part II (P.L. 110-330) | 495 | 0 | 0 |
| An act to provide authority for the Federal Government to purchase and insure certain types of troubled assets. . . and for other purposes (P.L. 110-343) ² | 4,409 | 4,409 | -103,988 |
| Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) | -19 | -23 | 1 |
| QI Program Supplemental Funding Act of 2008 (P.L. 110-379) | 45 | 45 | 0 |
| Veterans' Benefits Improvement Act of 2008 (P.L. 110-389) | -6 | -6 | 0 |
| An act to amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 . . . and for other purposes (P.L. 110-398) | 1 | 8 | 0 |
| Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417) | -27 | 7 | 8 |
| Inmate Tax Fraud Prevention Act of 2008 (P.L. 110-428) | 1 | 1 | 0 |
| Rail Safety Improvement Act of 2008 (P.L. 110-432) | 3 | 3 | 6 |
| An Act to extend the Andean Trade Preference Act, and for other purposes (P.L. 110-436) | 0 | 0 | -728 |
| Unemployment Compensation Extension Act of 2008 (P.L. 110-449) | 5,700 | 5,700 | 0 |
| Worker, Retiree, and Employer Recovery Act of 2008 (P.L. 110-458) | 0 | 0 | 577 |
| Total, authorization legislation enacted in the 110th Congress, second session | 42,233 | 42,223 | -115,154 |
| Appropriation Acts: | | | |
| Supplemental Appropriations Act, 2008 (P.L. 110-252) ³ | 0 | 23 | 27 |
| Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329) ³ | 653,025 | 438,747 | 0 |
| Total, appropriation acts enacted in the 110th Congress, second session | 653,025 | 438,770 | 27 |
| Enacted 111th Congress, first session | | | |
| Authorizing Legislation: | | | |
| Children's Health Insurance Program Reauthorization Act for Fiscal Year 2009 (P.L. 111-3) | 10,621 | 2,387 | 3,801 |
| Appropriation Acts: | | | |
| Omnibus Appropriations Act, 2009 (P.L. 111-8) | 964,622 | 772,058 | 0 |
| Entitlements and mandatories: | | | |
| Budget resolution estimates of appropriated entitlements and other mandatory programs | -61,485 | -43,069 | 0 |
| Total Current Level ^{2,3,5,6} | 2,507,220 | 2,532,975 | 1,986,073 |
| Total Budget Resolution ^{6,7} | 2,548,974 | 2,575,718 | 2,033,460 |
| Adjustment to budget resolution pursuant to section 301(b)(2) ⁸ | -5,761 | -1,152 | n.a. |
| Adjusted Budget Resolution | 2,543,213 | 2,574,566 | 2,033,460 |
| Current Level Over Budget Resolution | n.a. | n.a. | n.a. |
| Current Level Under Budget Resolution | 35,993 | 41,591 | 47,387 |
| Memorandum: | | | |
| Revenues, 2009-2013: | | | |
| House Current Level | n.a. | n.a. | 12,046,832 |
| House Budget Resolution | n.a. | n.a. | 11,813,119 |
| Current Level Over Budget Resolution | n.a. | n.a. | 233,713 |
| Current Level Under Budget Resolution | n.a. | n.a. | n.a. |

¹ Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during the second session of the 110th Congress, but before the adoption of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009: National Defense Authorization Act for Fiscal Year 2008 (P.L. 110-181), Economic Stimulus Act of 2008 (P.L. 110-185), Andean Trade Preference Extension Act of 2008 (P.L. 110-191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110-227), Consolidated Natural Resources Act of 2008 (P.L. 110-229), Strategic Petroleum Reserve Fill Suspension and Consumer Act of 2008 (P.L. 110-232), Genetic Information Non-discrimination Act of 2008 (P.L. 110-233), Food, Conservation, and Energy Act of 2008 (P.L. 110-234), SAFETEA-LU Technical Corrections Act of 2008 (Pl. 110-244), and Heroes Earnings Assistance and Relief Act of 2008 (P.L. 110-245).

² At the time of enactment of P.L. 110-343, and thus for the purposes of current level, the Congressional Budget Office could not estimate the direct spending for Division A of this Act, the largest part of which is the Troubled Assets Relief Program (TARP). CBO's January 2009 baseline includes an estimate of \$184 billion in budget authority and outlays for the TARP.

³ Pursuant to section 301(6)(2) of S. Con. Res. 70, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level totals, are as follows:

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

| | Budget authority | Outlays | Revenues |
|--|------------------|---------|----------|
| Supplemental Appropriations Act, 2008 (P.L. 110-252) | 85,155 | 87,211 | n.a. |
| Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329) | 10,748 | 6,770 | n.a. |
| American Recovery and Reinvestment Act of 2009 (P.L. 111-5) | 379,042 | 120,087 | -64,821 |
| Omnibus Appropriations Act, 2009 (P.L. 111-8) | 99 | 85 | n.a. |
| Total, enacted emergency requirements | 475,044 | 214,153 | -64,821 |

⁴ For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

⁵ The scoring for P.L. 110-318, an act to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund, does not change current level totals. P.L. 110-318 appropriated approximately \$8 billion to the Highway Trust Fund. The enactment of this bill followed an announcement by the Secretary of Transportation on September 5, 2008, of an interim policy to slow down payments to states from the Highway Trust Fund. The Congressional Budget Office estimates that P.L. 110-318 will reverse this policy and restore payments to states at levels already assumed in current level. Thus, no change is required.

⁶ Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:

| | Budget authority | Outlays | Revenues |
|--|------------------|-----------|-----------|
| Original Budget Resolution | 2,530,703 | 2,565,903 | 2,029,612 |
| Revisions: | | | |
| For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (section 323(d)) | 950 | 950 | 0 |
| For the Heroes Earnings Assistance and Relief Tax Act of 2008 (section 323(d)) | 28 | 28 | 32 |

| | Budget authority | Outlays | Revenues |
|---|------------------|-----------|-----------|
| For the Medicare Improvement for Patients and Providers Act of 2008 (sections 210 and 212(b)) | 6,633 | 6,516 | 9 |
| For the Higher Education Opportunity Act (section 208) | —9 | —114 | 0 |
| For the Rail Safety Improvement Act of 2008 (sec. 204) | 3 | 3 | 6 |
| For the Q1 Program Supplemental Funding Act of 2008 (sec. 212(b)) | 45 | 45 | 0 |
| For the Children's Health Insurance Program Reauthorization Act of 2009 (sec. 201) | 10,621 | 2,387 | 3,801 |
| Revised Budget Resolution | 2,548,974 | 2,575,718 | 2,033,460 |

⁷ In previous current level reports, the House Committee on the Budget directed CBO to exclude funding for overseas deployment and related activities of \$70 billion in budget authority and about \$75 billion in outlays from the budget resolution totals. Although this funding is not available under any committee's 302(a) allocation, it is technically available under section 311 of S. Con. Res. 70. Therefore, the committee has withdrawn the direction to exclude the funding in this report.

⁸ S. Con. Res. 70 assumed emergency amounts of \$5,761 million in budget authority and \$1,152 million in outlays for the Corps of Engineers. Because section 301(b)(2) requires that the current level exclude amounts for emergency needs, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

AIG SCANDAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Well, today was 6 months overdue here in the House. Last fall, when President George Bush and Secretary Henry—"Hank," as people like to call him—Paulson—just a regular guy from Wall Street who earned \$750 million in 1 year before he left Wall Street to come here and be Secretary of the Treasury, protecting Main Street interests under the Bush administration—panics the Congress, said the world was on the verge of collapse, and submitted, on a Friday evening, a three-page bill asking that we appropriate \$700 billion and give it to Henry "Hank" Paulson and let him spend it however he deemed fit.

□ 1545

Unfortunately, Congress didn't really improve too much on that original draft. Congress got stampeded. I didn't. I voted against it. And for one glorious moment, one night, one day, we stunned the world by stopping that bill here in the House and saying there are not enough protections for American taxpayers in this bill. There's no guarantee we'll get paid back. There's no real restraint on how Henry "Hank" Paulson of Wall Street is going to spend the money. We fear it will go to bonuses, it will go to waste, it will go to his buddies on Wall Street and he'll use it to penalize his enemies on Wall Street. And that's exactly what happened.

And here we are now, at least \$350 billion later of that \$700 billion. It's estimated, by one group that does weekly estimates, we've lost about a third of the money. The American taxpayers are being told they'll have to pay that back over the next 30 years.

In the meantime, many of these companies and these lords are rewarding themselves with bonuses. We're told, well, these are certifiably smart people. I mean, how can these firms continue to exist without them?

Well, the firms like AIG don't exist anymore except for the largesse from the American taxpayer. They bankrupted their companies. How could anybody think they deserve a performance bonus or a retention bonus of any

sort? What they need is a bonus push out the door. And that should have happened a long time ago. And I've got to say the Obama administration is trying. A big hole was dug here. They are trying to make some sense out of what Bush and Paulson did.

But I am not impressed by our Treasury Secretary, Mr. Geithner, and I think that President Obama should rethink whether or not he is the man for the job at this time. When did Secretary Geithner know about these bonuses that were coming due at AIG? He was head of the New York Fed. He was very involved in bailing out AIG through the Federal Reserve last fall. Did he just find out or has he known? And did he neglect to tell the President, did he neglect to tell the Congress that these bonuses were pending? I don't know for sure. But we need to have that question answered.

Geithner was hired because he said, well, Wall Street's comfortable with him. I'll tell you what. I'd like a Secretary of the Treasury who Wall Street doesn't like because that person is protecting Main Street Americans and the taxpayers of this country instead of coddling these fat, overpaid people on Wall Street who have bankrupted their own companies and are trying to bankrupt America and have caused nationally and worldwide an economic collapse. These certifiably smart people.

So today we began to correct the mistakes that were made here last fall under pressure from Bush and Paulson. But people need to be brought to account. We need to hire the 1,100 agents that the FBI has been asking for for 4 years to fill out their financial fraud and crimes unit. We need to hire those 1,100 people and maybe give some of these people who today are getting bonuses Federal hospitality in the future, a little uniform and a nice warm place to sit behind bars.

We need those investigators. We need that budget. We need to thoroughly review everything that's gone on. And we really need to question the leadership of Secretary Geithner in these matters.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

THE SPEAKER pro tempore. Persons in the gallery are reminded to refrain from audible manifestations of ap-

proval or disapproval of the proceedings of the House.

THE AIG BONUS BILL IS A LEGISLATIVE COVERUP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Georgia. Mr. Speaker, today leaders in this Congress have hastily pushed through a bill with the direct intent of correcting a mistake, a mistake that could have been prevented in the first place. Let me repeat that. A mistake that could have been prevented in the first place.

We've all seen the devastation that occurs following congressional knee-jerk reactions, and I am afraid that today's AIG bonus bill will not be an exception to that rule.

I have serious constitutional concerns about our government's targeting such a narrow group of citizens with a retroactive tax hike. Regulating the pay of thousands of private citizens because of a mistake made by the leadership of this Congress starts us down a slippery constitutional slope. And what are our constitutional leaders planning to do with the taxes that they collect from this bill? It will probably all go back to AIG in their next bailout payment.

My mama always taught me that two wrongs do not make a right, and this bill is no more than a legislative cover-up by the leadership of this Congress. It's time for this body to instead address the problem that got us here in the first place: the lack of transparency. Lack of transparency is the true perpetrator in this high crime against the taxpayers. Ultimately, the taxpayers are not only the defendant in this case, but also the jury. And I think the taxpayers must serve congressional leaders with a clear verdict.

It's congressional leadership who relinquished their promises for a more transparent government and instead steamrolled the "nonstimulus" stimulus bill down our throats, bypassing the regular committee process and refusing input from the minority party.

Why are my colleagues on the other side acting surprised to find that a provision was ripped out of this bill that would have prevented these bonuses in

the first place? In fact, that was even introduced by a Democratic U.S. Senator. They finally made the 1,000-page bill public in the middle of the night and then steamrolled it through Congress only a few hours later, all without adequate public or congressional scrutiny. This is absolutely outrageous. The American people deserve better and must demand better.

They say that making legislation is like making sausage; you don't want to see it. But I beg to differ because these are trillion-dollar hot dogs that are being slammed and shoved down the throats of the taxpayers, and the taxpayers have to swallow it. It's time for congressional leaders to let taxpayers into the sausage factory. It's time for taxpayers to see what goes on here in Congress and goes into the sausage, and what's left out. Then and only then will we avoid coming back to fix mistakes that shouldn't have been made in the first place.

We have seen bill after bill shoved down the taxpayers' throats. It's a steamroll of socialism that's being shoved down our throats. It's going to strangle the American economy, and it's going to choke the American taxpayers.

Taxpayers deserve better. Taxpayers have to demand better. Taxpayers are not being treated fairly. We've seen bill after bill that's going to hurt the economy. It's going to cost jobs. It's going to create a longer and a deeper recession, maybe even a depression. We have seen people on the other side blame President Bush and they show righteous indignation, and it's totally misplaced because in this last Congress, 110th, now in the 111th, and with this administration, we have seen bill after bill that's going to hurt the economy, that's going to hurt the American taxpayer, that's going to cost jobs. It spends too much, it taxes too much, it borrows too much, and it's going to kill our economy.

We have got to demand more and better from this leadership and this Congress. The steamroll of socialism is being driven by NANCY PELOSI and HARRY REID and this administration, and it must stop because it's going to destroy America economically.

COMMUNICATION FROM FIELD REPRESENTATIVE, THE HONORABLE WALLY HERGER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from David Meurer, Field Representative, the Honorable WALLY HERGER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 16, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the

Rules of the House of Representatives, that I have been served with a subpoena, issued in the Superior Court of California, County of Shasta for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

DAVID MEURER,
Field Representative.

AIG: THE REAL STORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Do you want to know why AIG went broke, threatening to bring down the whole U.S. economy? It's actually easy to find out. All you have to do is wade through 500-plus pages in the form 10-K that AIG filed 2 weeks ago. It's all in there, and I read it.

Now, derivatives certainly contributed to the problem. That's why the "stress test" on Page 178 says that AIG owes \$500 billion, yes, \$500 billion, if long-term interest rates go up by just 1 percent, as opposed to only \$5 billion, according to Page 183, if San Francisco is destroyed in an earthquake. So now we know why the Federal Reserve has been buying long-term bonds just as fast as the Chinese sell them: to keep its ward AIG from being liable for \$500 billion, because \$500 billion is a lot of money, even to the Federal Reserve.

And to whom would AIG owe that money? The answer is on Page 176. AIG's largest credit exposure, which is 160 percent of its shareholder equity, is to "Money Center/Global Bank Groups." In other words, Wall Street. And almost half of that amount is owed to only five banks.

But the real AIG losses have come not from derivatives but rather from AIG's basic business model. In a news release last Monday, AIG said that it had to make payouts of \$43.7 billion to "securities lending counterparties." That's the phrase: "securities lending counterparties." The news release doesn't explain what that is, but AIG's 10-K does.

The standard insurance business model is as follows: You make money from minimizing your claim payments, and you make more money from your investments. Warren Buffett has explained this countless times in Berkshire Hathaway's 10-Ks. It's a stable, steady business. Indeed, AIG's insurance subsidiaries took in premiums, AIG invested them, and AIG paid out on claims.

But that's when things went horribly wrong. According to AIG's 10-K, AIG's parent company sucked the investment assets out of its insurance subsidiaries and lent them to Wall Street and foreign banks in return for cash. AIG then took this borrowed cash and invested

it—are you ready for this?—in mortgage-backed securities.

It's not in AIG's 10-K, but the counterparties, that is, its friends on Wall Street, undoubtedly took the stocks and bonds borrowed from AIG and sold them short. That's why institutions borrow securities: to sell them, buy them back later at a lower price, return them, and claim the profit. So as the markets dropped, AIG's counterparties laughed all the way to the bank. Except they are banks.

And what about AIG? According to the first few pages of AIG's 10-K, when the counterparties returned the securities to AIG, AIG had trouble coming up with the cash because, first of all, the mortgage-backed securities market had blown up, and, secondly, the securities that AIG had lent out were actually worth far less at that point. Hence the Federal bailout at \$150 billion and counting. And this money, by the way, this money that the Federal Government is giving to AIG, AIG implausibly lists that money as "shareholders' equity" and not loans on its own financial statements.

Now, why would AIG do something as convoluted and nutty as this? To goose its profit a few points by counting both the returns on the lent securities and the returns on the mortgage-backed securities both as its profit. In other words, the motive was greed.

Obviously, AIG shouldn't have done this, and no insurance company ever should be able to do it in the future. This is the kind of financial innovation that brings into focus why we need to regulate in order for this country to survive. The choice is not between regulation and freedom; the choice is between regulation and chaos.

□ 1600

TURN THIS ECONOMY AROUND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Mr. Speaker, I rise today to talk about America's economy and where Americans are at right now. We have seen a lot of trouble over the last 2 years, and it needn't be that way.

We could turn this American economy around next quarter. We could truly bring hope and change to the American people if we would put into place a positive solution that would give people certainty about where they are going to go in this economy, and we can. We know it's possible. It's really fairly simple.

All we need to do is this: we need to get people investing in the economy, and you do that by making incentives for that. I am a former Federal tax lawyer. I have lived this life, I know how it works.

Right now we have a high rate on our capital gains tax. Unfortunately, the Obama administration is looking at increasing that tax. We need to go just in the opposition direction. We need to cut the investment tax called capital gains down to zero. The best thing we could do is make that tax permanent to the investor community.

Let Americans know, if you take your money, and if you put it at risk opening a business, hiring people for jobs, in the next 4 years your risk will be paid off because you will have a 0 percent interest rate. That's capital gains.

If we would permanently lower the capital gains to zero for 4 years, we would have incredible domestic investment, as well as foreign investment. Even better, we can take the business tax rate—the United States today has the second highest business tax rate in the world, 34 percent.

America is not an attractive place to invest money. We can change that. We can go from 34 percent on our business tax and bring that down to 9 percent, make it permanent.

What are foreign investors looking for? A safe haven for investment. They want to invest in the United States, but we have a very punitive investment climate.

If we would bring down that business tax rate to 9 percent, we would be able to bring foreign money into the United States and invest and create jobs. Rather than seeing jobs flee the United States to other countries, we will see them come right back into the United States.

That's what we need now, more jobs, more stability, more certainty. We have had enough with economic uncertainty from 2008 to the present. Let's change that equation. We can have a positive alternative.

First, zero capital gains. Second, lower the business tax rate to be one of the lowest in the world.

Third, cut every American's tax rate down by at least 5 percent. We can do that, and that will help Americans keep more of their money.

Fourth, we need to kill the death tax once and for all. If even one American pays the death tax, it's immoral. Why in the world should Uncle Sam be able to reach in the coffin after death and still try to pull the wallet out of an American who is deceased? This is immoral. It shouldn't be.

Then, finally, the alternative minimum tax, we should zero out the alternative minimum tax, which is putting a second tax burden on already over-taxed middle-class Americans.

Also, Sarbanes-Oxley, Sarbanes-Oxley has actually chased capital out of New York City over to London. We need to get that investment capital back in the United States.

That's a pretty simple plan. If we would stay here for the rest of the day,

and if we would stay here tomorrow, as Members of Congress, we could very quickly and simply pass this common-sense legislation that has worked time and time again.

Don't just take my word for it, a woman from Minnesota—take a look at Harvard. Harvard did a study back in 2002 that examined 18 different world economies, and they showed the same thing. They said, what do you do to make economies work, and what do you do that makes economies not work?

Here is what you do, you lower the wages of government employees, you lower transfer payments, welfare payments, and you lower the tax rates. That's what you do, the study concluded, to make economies survive.

What you don't do is increase government spending. What you don't do is increase taxes.

What we have seen in the last 60 days is what you do to make an economy not work or bring more uncertainty into our economy.

The American people deserve a positive solution, and we have got one. Let's get to work, let's stay here, let's make it happen. Instead, what are we seeing happen? We are seeing more spending and higher taxes.

And what did the Federal Reserve try to do this week? They announced that they are going to do another \$1 trillion in purchases. And they just announced today another \$300 billion in buying up long-term Treasury securities. They have already lowered the interest rates to zero, so now they want to flood more money into the money supply, but this reduces the value of dollar.

There is so much we can do to change the economy. Let's get busy.

HONOR THE WISH ACT

The SPEAKER pro tempore (Mr. MASSA). Under a previous order of the House, the gentleman from Tennessee (Mr. COHEN) is recognized for 5 minutes.

Mr. COHEN. Mr. Speaker, today is the sixth anniversary of the Iraq war. We Americans need to remember all those who have made sacrifices because of this war, the 4,259 service men and service women who have given their lives in this conflict.

One of the soldiers who paid the ultimate sacrifice was Specialist Christopher Fox of Memphis, a constituent of mine, who was based in Fort Carson, Colorado.

Only 21 years old, he was on a second tour in Iraq, was due to be discharged from the Army in July of this year. He was looking forward to attending the University of Tennessee at Knoxville, possibly to play football and to study criminal justice. He hoped to be a police officer so his military training would not have gone to waste after he left the service.

But Specialist Fox did not make it home alive. He died in Iraq on September 29, 2008, of wounds sustained when he encountered small-arms fire while on patrol. On this anniversary of the war, we need to remember these sacrifices and do what we can to honor the memory and the wishes of the soldier who has given the ultimate sacrifice.

Specialist Fox wanted his mother figure, not his mother, who was deceased, but his mother figure, a woman who was awarded temporary custody when he was 17, to oversee his burial arrangements, as soldiers are asked to designate someone. Her name was listed on the form that he filled out to direct the disposition of his remains. However, because of current Federal law, it is prohibited that servicemembers designate nonrelatives to make those arrangements.

It is a travesty, Mr. Speaker, that our laws do not allow a soldier's wishes to be honored, especially for something as final, as simple, and as appropriate and meaningful as the disposition of their remains.

Someone who puts their life on the line in defense of their country should be allowed to have whomever they wish to make arrangements for their memorial service. I attended his memorial service in West Memphis, Arkansas. There were few people there. There were no other public officials.

It was unfortunate that even his mother figure wasn't able to make it, she was in Knoxville. But if she would have had the opportunity to make the arrangements, I think we would have seen something different.

It is with this experience that I, along with Congressman JOHN DUNCAN of Tennessee, where his mother figure lived and where he otherwise might have been buried, and DANA ROHR-ABACHER of California, Congresswoman WATSON and Congresswoman GWEN MOORE are filing the Honor the Written Intent of Our Soldier Heroes Act today, or Honor the WISH Act.

This bill will allow service men and women to designate whomever they want to direct the disposition of their remains. I hope my fellow Congress people will join me in sponsoring this act and help move it forward for passage. It seems only appropriate and fitting that we honor the wishes of our soldiers.

ALLEGHENY NATIONAL FOREST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I bring a serious economic concern from my district today. In the northwest corner of my district in beautiful rural Pennsylvania lies the Allegheny National Forest, established

86 years ago when the Federal Government purchased 513,000 acres that it encompasses.

By agreement in 1923, the subsurface mineral rights in the forest did not convey with the purchase, and oil and natural gas have been harvested ever since. Because of the value of timber harvested and the oil and natural gas produced, the ANF serves as the economic engine of the region, providing good-paying, family-sustaining jobs for many in the oil, natural gas, timber and forest products industry.

In addition, the ANF is not taxable, since it is owned by the Federal Government, making the municipal governments even more reliable on the development of oil, natural gas and the timber in it. Mr. Speaker, what's important to note here is that the Federal Government entered into an agreement with the owners of these subsurface minerals, an agreement which has been honored for 86 years.

Unfortunately, that process has come to a halt. In reacting to lawsuits brought by environmental groups, Forest Service and Justice Department lawyers, who most likely have never stepped foot in the Pennsylvania ANF, are now managing the forest, instead of dedicated ANF Forest Service professionals, who despite many challenges over 8 decades, have carried out their duties admirably.

So when the Forest Service does not issue new permits to proceed with harvesting oil and natural gas, people lose their jobs and the local economy suffers. To demonstrate that this is much more than a legal battle between the Forest Service and environmental groups, I will read a part of one of my many communications I have received from constituents.

"With local drilling being slowed to a virtual halt, we have seen the 'ripple effect' significantly decrease our business. The timber industry is in the worst shape that we have ever seen, and now loggers are not even needed to clear right-of-ways for roads, locations and pipelines.

"For the first time in 30 years we have had to reduce our workforce and contribute to the nearly double-digit unemployment rate."

I find it to be the height of hypocrisy that the Secretary of Energy recently asked OPEC not to decrease its oil production, while at the same time our government is taking actions to prevent the production of our own oil and natural gas. Importing 60 percent of our oil and sending \$700 billion to foreign, often unfriendly countries should dictate government policy that promotes the production of our own oil, not the opposite.

If the Allegheny Defense Project, which is run out of Portland, Oregon, more than 3,000 miles from the beautiful Pennsylvania ANF, continues to use the legal system and their environ-

mental shield to stop the legitimate and environmentally safe harvesting of timber, natural gas and oil from the ANF, or any other forest, I ask that they consider the effect of such efforts on the communities, families and individuals who depend on the safe and sound harvesting of those commodities to keep their jobs and to pay their bills.

Oil and gas production is western Pennsylvania. It's part of our life. It's what we do. It's where Colonel Drake sunk the world's first commercial oil well 150 years ago this year. The safe and environmentally sound harvesting of our resources in the Allegheny National Forest has been going on for decades. There is no reason it should be delayed or stopped now, especially during a recession.

Mr. Speaker, it has been 63 days since the Forest Service has issued any permits for new oil and gas wells in the ANF. This is unacceptable.

I trust that the Forest Service and the Department of Agriculture will resolve this problem quickly so that our community can get back to work producing our own oil and natural gas. And, if not, I will return to this floor and continue to do all I can until it is resolved.

BONUS MYSTERY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 60 minutes as the designee of the minority leader.

Mr. LATOURETTE. I want to thank our leader for giving us an hour to talk about something that happened today, this week, that really has us befuddled.

Mr. Speaker, I like a good mystery, I just finished reading another Agatha Christie last night, "Black Coffee," and it wound up being the personal secretary to the manor and Lord, who poisoned him with cyanide.

□ 1615

But it took me until the last couple of pages until I figured it out that this Edward Raynor had in fact poisoned his boss.

Well, who would have thunk that we would have a real live mystery here on Capitol Hill. But we have one. And we're going to talk about a variety of things relative to AIG and the stimulus package and these bonuses that have been paid out that really have people's anger up, at least in Ohio—the phone calls I'm getting. We'll hear from other Members.

But here's what happened. A few weeks ago, the President of the United States indicated he wanted to put forward a stimulus bill and, unlike some commentators, I want President Obama to succeed. I think he's doing the best job that he can.

He entrusted the leadership of the House and Senate to write the bill. The bill was a little over 1,000 pages. I think it was 1,117 pages long. We were nervous because it was spending \$1 trillion. When I say my Republican colleagues and I were nervous, it proposed to spend \$1 trillion rather quickly. We asked early in the week before the vote, Do you think we could read the bill before you ask us to sign on to spending \$1 trillion?

So we had a little motion here on the floor and every Member of the House—every Republican, every Democrat—said: You will have 48 hours to read this bill before we ask you to decide whether it's a good piece of legislation or a bad piece of legislation.

Well, it left the House, it left the Senate, and it went to a conference committee which, Mr. Speaker, I know you know, but others may not know; that's where we send some guys and gals over from the House, they send some over from the Senate. They get together, they work out the final product and then they bring it back to the House and Senate for a vote.

Well, something happened on the way to the vote in that we weren't given 48 hours to read the bill. We were given 90 minutes to read the bill. We made the observation that that's 90 minutes to read 1,000 pages, and a lot of us read pretty quickly, but that was a big challenge. So could you please not ask us to do this, because when you do something that quickly, somebody's going to be embarrassed.

That leads us to our mystery. Today, we had some legislation where there was a lot of gnashing at teeth and pulling of hair, saying that AIG are crooks, somebody called them traitors, so forth and so on, and they shouldn't have gotten these bonuses.

Well, when the bill left the Senate, there was an amendment in the bill offered by a Democratic Senator from Oregon, WYDEN, and a Republican Senator from Maine, OLYMPIA SNOWE, that said there were not going to be—if you took money for the bailout and you're an institution, you couldn't give these crazy bonuses to people. You couldn't give them \$18 million, \$20 million worth of bonuses. That seemed pretty reasonable.

Well, when it went into this meeting, all of a sudden that language came out and this language that I have put up on the easel here was inserted.

For those who want to read it, it's title 7, section 111, subparagraph 3, subparagraph iii.

Now, unlike the Wyden-Snowe language that said we weren't going to do it, this language specifically says that any bonuses, any executive compensation, any million-dollar golden parachute, any retention pay that was agreed to before February 11, 2009—guess what? It wasn't covered. So the bill specifically authorized the payment of these bonuses.

Well, as we warned, and we are not happy that our prediction came true, but there were some people this week that were embarrassed by that. So we passed a bill to tax these bonuses at 90 percent. Stupid idea. But we wouldn't even have had that discussion if somebody, somebody put this paragraph into the bill that specifically allowed the taxpayers of this country to go ahead and pay for these bonuses at AIG. So we do have a Who Dunnit.

From our social studies we know that there are 435 Members of the House of Representatives and there are 100 Senators. I had a piece of paper with the breakdown, and I've misplaced it, but I think after the last election there are 178 Republicans in the Chamber and there are 247 Democratic Representatives. Over in the Senate, there are 41 Republican Senators, 58 Democratic Senators, and we can clear somebody of this mystery already because the Minnesota Senate race has not resolved so we know that Al Franken or Norm Coleman didn't put this paragraph into the bill.

During the debate today I asked the distinguished chairman of the Financial Services Committee, Mr. FRANK of Massachusetts, if he did it. And he said no. So we're going to cross BARNEY FRANK off the mystery list. Now we are down to only—well, let me say this. I didn't do it. So we are down to 533.

I'm joined by other Members here today.

Mr. MCCOTTER. Will the gentleman yield?

Mr. LATOURETTE. Mr. MCCOTTER of Michigan, did you put this into the bill?

Mr. MCCOTTER. Through the Chair to the gentleman from Ohio, I was not in the room that inserted the pro-AIG language into the stimulus.

Mr. LATOURETTE. Thank you very much. Let me get to Mr. THOMPSON of Pennsylvania. Did you write this?

Mr. THOMPSON of Pennsylvania. No, sir, it was not me.

Mr. LATOURETTE. Mr. COLE of Oklahoma, did you write this?

Mr. COLE. No, sir. But I do have some information that might help you as you move forward. I wouldn't say that this would be definitive. I think you should ask every individual, as you're doing.

But I do have a signed list of people that were in the room—that were principal negotiators in the room. I think they need to be able to answer for themselves, as one of them, Mr. FRANK, already has.

I do want to point out in defense of some of our colleagues, Mr. LEWIS' from California name is there, but it's scratched out because he wasn't allowed to be in the room. There's also Mr. CAMP from Michigan. His name is scratched out, too, because he also was not allowed to be in the room.

And then there's the distinguished Senator COCHRAN from Mississippi. His

name is also crossed out because he wasn't allowed to be there. Then there's Senator GRASSLEY from Iowa. His name as well is scratched out.

So I don't know that that would prove that they did not do it, but I think that's a very strong indication they did not. Coincidentally, they're all Republicans. But I thought that might help you as you pursue your vision.

Mr. LATOURETTE. Thank you, Mr. COLE. I think, as Angela Lansbury in *Murder She Wrote*, or Agatha Christie in her books, we're going to call that a clue. I think we have a clue and we're moving in the right direction.

Are there any other Members that want to say anything? Sir, do you want to identify yourself and indicate whether you wrote this?

Mr. FLEMING. Before today, I've never seen that. So I would have liked to have been there, however. I can assure you of that.

Mr. LATOURETTE. You know what? We're getting someplace. So now, by my count, we only have about 525 people to go. I pledge to you, Mr. Speaker, that I will spend as long as it takes to identify who wrote the language.

We are making a little light of it, but it's not funny. Because what you have here on both ends of Pennsylvania Avenue, you have a Senator from Connecticut, the chairman of the Banking Committee over there, and he says, Well, yeah, maybe I wrote it, but I only wrote it because somebody in the administration told me to write it.

Well, again, going from our social studies, we know for a fact that the administration can't write laws. This is the United States Congress. So somebody had to pick up a pen and scratch out the Wyden-Snowe amendment which would have prohibited these bonuses and then written this new paragraph—it's only about 50 words long—and inserted this. And somebody needs to own up to this because you can't have all the drama that we had on the floor today where: I don't know; this is outrageous; they're crooks.

Well, the person that wrote this let this happen. And that's why we find ourselves in our situation today. We have a lot more that we are going to talk about.

Now it's my pleasure to yield to Mr. COLE of Oklahoma.

Mr. COLE. I thank the gentleman for yielding. I thank him for the way in which he framed the debate and did it in a way we can all understand. But this has been a troubling episode as well.

I think I guess what I'd call Bonusgate begins, I like to think, with three words. We've heard a lot of the three words recently. We've heard the word inherit, we've heard the word transparency, and we've heard the word accountability.

Well, this is not a situation that was inherited by this administration or by

this majority. This was a situation that came into being on their watch. This is a situation where they have not been transparent. Quite the opposite. They have done everything they can to obscure what happened, when it happened, who's responsible.

Finally, it's certainly an incident where, at least to this point, nobody has been held accountable for anything. It's just something that somehow is unfortunate, but we are going to move collectively to try and correct before we have even identified who created the problem for us in the first place.

What do we know? Well, we do know a lot. We do know that Secretary Geithner has been involved in designing legislation around both the bailout and the stimulus literally since November—really, since September, when he was involved in his capacity as the Chairman of the Federal Reserve in New York.

We do know that, frankly, he was aware at some point late last year or probably early this year, at the minimum, there were going to be large bonuses paid. Certainly, the Fed had been informed that, and we would expect in his position there and as Secretary of the Treasury he would have been informed.

We do know that he had the means to stop this. He literally released \$30 billion at the beginning of this month to AIG. At that point, he could have said, Look, you do this; no money. You're bankrupt.

I suspect something could have happened where these bonuses wouldn't have been paid out.

We also know that he didn't bother to tell the President of the United States, for whom he works and to whom he is responsible, anything about this until the day before it happened. That's what the Secretary has said, that's what the President has said.

So we know that Mr. Geithner has been around this problem a lot and we know that he did not—or, it appears he did not inform the President.

The second thing we know relates to the stimulus bill. My friend, Mr. LATOURETTE, went through that pretty well. We had a bill that was rammed through, literally was put together in a hurry, where this body guaranteed its Members by unanimous bipartisan vote we would have time to read it. We weren't given the time that in this body we said we would give Members.

We know that the bill eventually ended up in a conference committee. We have a pretty good idea who the six people were there, one of whom we now presume had nothing to do with this. I would certainly take the chairman at his word.

And we know that that language was inserted in that conference. It was not something that was inherited from the last administration. It was not something, to be fair, that was even in the

first version of the stimulus bill. It was something that was specifically put there.

And so, while we know that the majority didn't read the bill and we know that the minority didn't read the bill, and I doubt the President read the bill, somebody read the bill. Somebody read the bill well enough to know, Hey, there's language in here that's going to prevent the payment of bonuses—and we need to get that out and put something in. So somebody did indeed finally read the bill.

We also know that today, rather than confront those questions, we decided we'd do everything we could on the floor of this body to look like we were doing something. As a matter of fact, I would argue we made a lot of the same mistakes.

We presented a bill that hadn't gone through committee, that people hadn't seen, that hadn't been discussed, because we needed to show that we were going to act. And we presented a resolution which, thank goodness, did not make it through, which essentially would have exonerated the administration.

Now those are all things that we know. What should we do, is now the real question, it seems to me. The first thing we should do is do what the President did in the very first week of this administration and say: I made a mistake. I think the classic word was: I screwed up.

I think the President and the administration, certainly the majority, screwed up. I think admitting it would be helpful.

The second thing I would do if I were the President of the United States is fire the Secretary of the Treasury. I wouldn't wait for him to resign. I would make the point that if there's something this explosive and this important and this damaging and you know about it for months and you don't bother to tell me about it until the day before it happens, when I'm in almost no position to do anything about it, I'm sorry, you're not really who I need to be the Secretary of the Treasury. Goodbye.

□ 1630

I think the President would score enormous points within his own party. Indeed, earlier this evening we actually heard essentially a Democratic Member of Congress calling in this floor for him to do exactly that, something he ought to do.

Finally, we need the people in that room to just simply fess up. One out of six of them did it; and, if they did it at somebody else's instructions at the White House, then they ought to tell us who that was. Who sent that language down? Or, "I drafted it," or whatever. But there is not that many people involved. I still retain faith that the truth is going to come out here and

that people will step up and do the right thing.

The great British statesman Winston Churchill was often exasperated with our people and with the United States. He used to like to say, "You can always count on the American people to do the right thing, after they have exhausted every other possibility."

I would suggest that is what the administration has been doing, they have been exhausting possibilities. But in the end, they just simply need to do the right thing: Fire the Secretary, in my opinion, who certainly has not served this President well; admit, whoever put this language in there, that they did it, and tell us who instructed or asked them or requested that they do it; and, finally, just level with the American people instead of pass smokescreen, whitewash legislation, which, by the way, is dangerous in and of itself, as my friend from Ohio alluded. You don't use the Tax Code as a punitive weapon directed at people. It is pretty close to a bill of attainder. It is an extraordinarily bad and blunt instrument, and to do it only to provide cover is, I think, a dangerous thing. I don't think many of my colleagues who voted for this on the other side expect that this will become law. This was a political exercise on this floor put together at the last minute to give people cover when they went home.

So let's show Mr. Churchill for once that perhaps he is mistaken; perhaps we can do the right thing without exhausting every other possibility. I ask the administration to step forward and do that, provide the kind of leadership that the President promised that he would give us in the campaign, leadership that is transparent, leadership that is accountable.

I yield back to my friend from Ohio.

Mr. LATOURETTE. Thank you very much, Mr. COLE. And thank you not only for your comments but also for the clue.

I know that other Members may be wandering around the Capitol giving tours or taking care of constituents, and just in case they didn't hear, Mr. Speaker, I will indicate that we are attempting to solve a mystery.

I have something called a Face Book, and the Face Book has a picture of every Member of Congress in the House and the Senate, and we are going to try to find out, if we can, and maybe others will be willing to help us, who put this paragraph in the stimulus bill that shielded the \$170 million of bonuses that AIG paid to their executives after they got another \$30 billion.

Parenthetically, I heard an argument, people have been beating up these executives as traitors and everything else. I have got to say, I kind of admire a bunch of folks that have bilked the taxpayers out of \$175 billion and—but, anyway.

So what we are doing is we are crossing people off, and I think we are down

to about 525 left. Any Member that wants to come and have his or her picture crossed out so we know it is not them, we are happy to do that.

At this time, it is my pleasure to yield to the chairman of the Republican Policy Committee, Mr. MCCOTTER of Michigan.

Mr. MCCOTTER. I thank the gentleman.

Coming from the Great Lakes State, when I was younger I was always fascinated with the history of maritime travel in our beautiful homeland. And so when I was younger, I saw a book, it was called *The Phantom Freighter*, it was a Hardy Boys mystery, and I read it. I loved how they worked through to find the motivations and to finally unmask the culprit, and eventually I read the whole series. It has kind of rekindled in me today that sense of wonder at who and why something was done, and to work through the mystery to find out: Who could possibly be the hidden hand behind the mystery amendment?

I commend my colleague from Ohio for his search to cut through the fog of our times to find that hidden hand that wrote the mystery amendment, and I will do everything I can to help him with this search, as I trust members of the media will.

Look, in many ways, because this was in the stimulus bill, it has stimulated a lot of reportorial interest in who actually did this. I think that we can assume that if you can unmask the culprit, there may very well be a Pulitzer in it for someone for doing so. But when we look at this, in all seriousness, what we have seen is a classic example of a rush to judgment causing problems.

Now, as a matter of civics, since the subject was broached, when the stimulus bill came to this floor with this amendment inserted into it, it was voted upon by the Members of the House. Not one Republican voted for a stimulus bill with this amendment in it, which means that every Republican voted against approving and protecting AIG's bonuses.

On the Democratic side, every Democrat that voted for that stimulus bill voted for that amendment that approved and protected AIG's bonuses. The President of the United States signed the stimulus bill that included the amendment that approved and protected AIG's bonuses into law. And now that the public is aware of the AIG bonuses, we have seen another rush to misjudgment where we turn the Tax Code into a penal code, where we shred the Constitution to use it as a political fig leaf, and set a heinous precedent in the future for other people who may be disliked or disfavored given the political mood of the moment.

In fact, one of the things, whether you agree with the Constitutional analysis or not, is this: This bill still

allows the bonus recipients to keep 10 percent of their bonuses, and it doesn't do a thing to prevent the \$30 billion that has already been committed to AIG from being drawn upon. I think that if we were going to do anything today, it should have been to get 100 percent of those bonuses to the taxpayers and prevent another dime going to AIG in bailout money. That is just me and 90-some others of my colleagues.

When we look at where we are today with the resolution of inquiry that the gentleman from Ohio introduced, I think I can establish the motive behind the hidden hand that wrote the mystery amendment. I do not believe that this was a mistake. I do not believe that this was simply a matter of venality for a hometown constituency. I think this was an actual matter of economic policy by this administration. If I may explain.

We heard from Mr. Liddy of AIG yesterday that he was very much afraid of losing the people who had caused the problem at AIG before they had managed to fix it. He believed that if these individuals left, he would see a meltdown again of AIG, which he believes would help create economic chaos throughout America.

I believe that, in consultation with individuals from the United States Government and potentially the Federal Reserve Board, he made the determination that these bonuses, retention bonuses were necessary to keep those people at AIG, facilitating what he believes is an orderly unwinding of the mess.

When viewed in the light of having to keep the people who created the problem so they could fix it before they left, this amendment makes sense. This amendment makes sense as a matter of policy, because on January 28, CNN's Mary Snow reported that AIG was expected to receive hundreds of million dollars, at least, in bonuses. That is out in the public realm.

You see, the Senators put forward their amendment to preclude the very types of bonuses AIG received. If you are looking at this as a matter of economic policy, you say to yourself: The AIG bonuses that are coming down the pike are not public. You say to yourself: The politicians in Congress are not going to allow this to happen because the public is going to be apoplectic.

You see the opportunity in the stimulus bill with \$1 trillion of spending being rushed through in the dead of night. You say to yourself, "Oh, oh, the Senators have already put forward an amendment to preclude such bonuses. We are going to have to remove it, and we are going to have to put something in its place to approve, protect, and grandfather the AIG bonuses so we do not lose the, quote/unquote talent that produced the problem and that has to

fix it." It now makes perfect sense. But having established the motive, we have yet to establish the culprit.

The public is apoplectic, as I said earlier, because they do not believe that as a matter of economic policy this amendment is fair to them; that it is patently inequitable, and they do not want the people who caused the problem to benefit from being propped up courtesy of billions of dollars of taxpayer money.

Now, the response in Congress is not to look at the economic policy to make the determination that AIG is too big to fix, that it should be wound down immediately, that taxpayers should be protected. Instead, as I mentioned earlier, we saw a political fig leaf put forward.

The mood was also reminiscent of what I experienced as a young man watching a very important artsy film called *Animal House*. We all remember the scene where they are sitting around Delta House drinking beer, bemoaning their horrible grades at the midterm exams, and Dean Wormer walks in. Immediately the members of Delta House start to hide their beer under their seats and in the back, and the dean looks at them and says, "You know, drinking is illegal in fraternities here at Favor College."

When the public found out about this bonus to AIG executives, when they found out what this amendment allowed and was voted for by a majority of this Congress and signed into law by the President of the United States, you saw the political equivalent of Delta House hiding their beer so Dean Wormer would not be upset. In the event Dean Wormer was not fooled, and neither has been the American public, they want to see the situation resolved; they want all the money back in those bonuses; they want to prevent more money going to AIG; and, as the gentleman from Ohio has pointed out, they want to find out who the hidden hand behind the mystery amendment was.

We talk about transparency in government, we talk about accountability in government, and you are telling me that we can't even determine who put this amendment into a \$1 trillion spending bill that was approved by this Democratic Congress and signed into law by the President of the United States. I would hope that this inquiry becomes a bipartisan cause in the interest of answering that question for the American people.

I yield back to the gentleman from Ohio.

Mr. LATOURETTE. I thank the gentleman from Michigan for his thoughtful remarks, and I thank him also because from Mr. COLE of Oklahoma we got a clue and now from the gentleman of Michigan we have a motive and, thankfully, also the name, "The Mystery of the Hidden Hand." I think that

is what we are going to call this thing, The Mystery of the Hidden Hand.

And, Mr. Speaker, just in case you need your memory refreshed, what we are talking about here is the fact that in the \$1 trillion stimulus bill, which we were given 90 minutes to read and which we indicated maybe that could cause a problem, somebody might be embarrassed, language was removed by somebody, The Hidden Hand, that was put in over in the Senate that would have prohibited AIG from using taxpayers' money and paying out millions of dollars in bonuses to their executives.

Now, The Hidden Hand wasn't done with that, because that didn't accomplish his or her purpose—I think we have got to include women in this, too. It could have been a woman. The Hidden Hand then wrote this paragraph in this \$1 trillion bill that specifically protected and said, "Here is 30 more billion dollars of our taxpayers' money, AIG. And, you know what? This protects you. If you want to give out bonuses, \$1 million, you go right ahead." And today, this Mystery of the Hidden Hand, we don't know who did it. But we are going to work it out.

Mr. Speaker, it is now my pleasure to yield to a new member of the House, Mr. FLEMING of Louisiana. I have the Face Book, Mr. FLEMING, and I have crossed you out. You are not The Hidden Hand. And it is my pleasure to yield to you for your observations.

Mr. FLEMING. I thank the gentleman from Ohio.

Mr. Speaker, just a few months ago, I was on the other side of C-SPAN. I was watching what was going on. I was only elected in December.

I come from North Louisiana, where people respect the institutions, and we are talking about two very big and very important institutions: AIG, which we know is too big to fail. That is the reason why we have been bailing AIG out. And then, of course, our Presidency and Congress itself.

I guess the rhetorical question I have after this embarrassment, which is, first of all, how did this screw-up happen? And, where is that person or persons who is willing to own up to the mistake that was made here?

But going back to the beginning. We remember that in the first TARP issue, money was of course dealt out very quickly, almost overnight, as a result of the need or perceived need for bailout, and we found that money was going to spas in California, and pheasant hunting in the U.K. That should have at least given us some warning that this kind of abuse would happen.

Then, we fast forward. We released the money again, no strings attached, and we find out that some kind of deal was struck, only with Democrats in the room, that first put in and of course then took out in conference, we think, this very important clause that would

have avoided bonuses, very rich bonuses, over \$1 million in some cases, to people who were part of the problem.

□ 1645

It really comes down to this: Is it incompetency, or is it dishonesty? I think that is the second question that we have to answer beyond who was involved in this. Certainly, we have the Secretary of the Treasury, who was approved under dubious conditions to begin with, having somehow forgotten to pay or perhaps incompetently did not pay his taxes. And then he was up to his hips in this whole situation with the bailout but somehow didn't realize that this clause would be put in and then somehow jerked out. Even the administration has more or less offered him up as a scapegoat by saying that they really didn't know really what was going on and that really happened on his watch. I certainly think first and foremost that Mr. Geithner should resign. I think he has done enough damage as it is.

Also today there was a disgrace in the House where we had rammed down our throats a stimulus bill which no Republican supported and which did not contain a protective measure that should have been in to avoid these disgraceful bonuses. It was released only hours before. And being, of course, over 1,000 pages, it was impossible for anyone on this side of the aisle to have any idea of what was in that bill, much less some small clause as this.

After all of that, hoping to gain that money back and perhaps some honor to this House, the Republican freshmen advanced a bill that would have put such strings attached to the \$30 billion left in the bailout that would make it impossible for them to receive it without paying this back 100 percent. Instead, that bill never made it to the floor, and we had upon suspension another bill that was, honestly, a horrible bill, although it was the best bill we have to date, which only took back, through taxes, 90 percent of the money that was paid out in bonuses.

Of course, the question is, is this even constitutional? Is it constitutional to pass a bill that has pointed at a very small segment of the society to punish them and to do it on a retroactive basis? I'm not a lawyer. I don't know. But it would be very interesting to see what comes to light. I would also like to know what part our Speaker had in this. It just seems like that once light is thrown into a situation like this, all the leadership who is behind it blow out like a covey of quail.

So I ask today that perhaps we have investigations, perhaps we find the folks who were really behind this. In any event, we need to avoid this from happening again. So in closing, I would say, Mr. Speaker, that the question is, is it incompetency or dishonesty? I certainly hope it is not the latter. And if

it is incompetency, I think we need to renew some leadership positions and get us back to a competent pathway.

And with that, I yield back.

Mr. LATOURETTE. I thank the gentleman from Louisiana for adding his thoughts to the mystery of the hidden hand.

Mr. Speaker, I would ask how much time of the hour remains?

The SPEAKER pro tempore. Twenty-eight minutes.

Mr. LATOURETTE. Mr. Speaker, I'm glad that the gentleman from Louisiana mentioned the freshman bill that attempted to get to the bottom of this, because sometimes the criticism, and I think it is legitimate criticism sometimes, is that the Republican party is the party of "no," that we don't have any solutions and that all we do is say "no" around here.

The freshman bill is an opportunity, and it is a positive idea. Mr. MCCOTTER and I and about 20 of our colleagues earlier this week introduced something known as a "resolution of inquiry." And Mr. Speaker, if any of your constituents are looking for a project, maybe they could contact the Congress and say, "support H. Res. 251" which simply says, let's get to the bottom of this. Let's have Secretary Geithner come to Capitol Hill with his papers and with his documents, and maybe he, as the Secretary of the Treasury, can shed some light on the mystery of the hidden hand, how good language was taken out of the \$1 trillion stimulus bill and bad language was inserted.

So that measure, H. Res. 251, has been referred to the House Committee on Financial Services. Under the rules of this House, they have 14 days to report it out to the House.

Sometimes when we engage in that type of legislative activity, we are told that we have got a lot of important things, we are very busy here in the House of Representatives, and we really don't have time to get to the bottom of the mystery of the hidden hand, even though that bill spent \$1 trillion of taxpayers' money.

I just want to move to a couple of other charts. I want to keep the paragraph up just in case anybody, any Member should be watching and he or she wants to exclude themselves as the hidden hand, I want them to know what it is we are talking about.

Last summer, many people remember, Mr. Speaker, when the cost of gasoline was going through the roof. Thankfully now that the international situation has died down, supply and demand has taken over and speculators have been driven out of the market, people now in my district are paying about \$1.89 for regular. But last year, when gas just kept going up—and again let me say this. I have consistently said that this is the second Congress, the 111th Congress is the second Congress where there are more Democrats

in the House than there are Republicans. They are the majority party. And quite frankly, in the last Congress, I thought they should have been the majority party because we screwed up as Republicans, and we deserved a little bit of a wake-up call. And we are very proud of the fact that Congress created the first woman Speaker of the House since the founding of our country, Ms. PELOSI of California. But we were consistently told that we couldn't talk about how are we going to solve this energy crisis last year because we were too busy. We had a lot of other important things to do.

I used this chart last year, and it is going to segue into what we are doing this year when the last Congress started and Speaker PELOSI was named the Speaker. Gasoline was \$2.22 a gallon. And so we weren't so worried about gasoline, obviously, but we had important work here, and we passed legislation, and I'm sure these folks and their parents are very proud, congratulating the University of California, Santa Barbara soccer team. We were too busy to do anything about gasoline.

Well, gas shot up to \$2.84. I began to get some phone calls in my office—Mr. MCCOTTER, I'll bet you did too—and so maybe we should begin to focus on gas prices. Well, no, we enacted, and we are very proud of this, National Passport Month. That is what they decided was the most important issue facing the country. Moving forward, gas goes up to \$3.03. And so I know we are going to talk about gasoline today. No. We commended the Houston Dynamo soccer team. I think that we are all told in politics that you have to get the "soccer mom" votes. I think we were well on our way in that last Congress.

Gas goes up to \$3.77, so I know we are going to talk about gas prices, how do we solve the pain at the pump. The most important issue of the day here in the Congress was National Train Day. I like trains. Gas goes up to \$3.84. Well, we honor great cats and rare canids. And I have to tell you, I didn't know what a canid was when the bill came to the floor, but it is a dog. So we honored cats and dogs on that day when our constituents were paying \$3.84. Gas goes up a little bit more to \$4.09. You know we are going to talk about gas prices, right? No. We declared the International Year of Sanitation.

Then, finally, when gas hits \$4.14, before it begins to come down, you know that we had to debate energy prices. We passed the Monkey Safety Act here in the United States Congress.

So you would think that we were chastened by that and perhaps in this Congress, when we have a financial meltdown and 16 Americans are losing their jobs every minute in this country, Mr. Speaker, people have had their 401(k)s wiped out, and so I know that maybe they didn't, you know, they were new in the majority, maybe they

couldn't get things rolling. Now that they have 2 years under their belt, you know that we are going to deal with this financial crisis in a serious way.

This Congress started on January 6 of this year. That was the opening of the 111th Congress. And so we have been at it since January 6. We are now into the middle of March. And the stock market on that day was 9015. And then, of course, because I want to be fair to the new President of the United States, we get to, the stock market drops, and so maybe Congress could have acted in here, but certainly President Obama doesn't bear any responsibility because the next January 20, of course, we all know, was the date of the inauguration. And millions of people came, we were all excited, and we continue to be excited. The stock market then fell down after Inauguration Day to 7936. And the most important thing for us was to support the goals and ideals of national teen dating. Now, I have got teen-agers. I like teen dating. But when the stock market is going down, people are losing their life savings, clearly, we must have something more important to talk about than teen dating.

Well, here is a big drop from 7888 to 7114. And on that day, we have commended Sam Bradford for winning the Heisman trophy. Now, I'm sure that Mr. Bradford is an outstanding football player. I wish him a lot of success as he moves forward through his professional career. But, again, as the stock market has dropped by this time 1,900 points, maybe we can do something about the economy.

Well, then, it continues to go down. And not to be outdone, we had to pass the Monkey Safety Act again because when we passed the Monkey Safety Act in the last Congress, the Senate didn't pass the Monkey Safety Act, so we had to bring the Monkey Safety Act back to pass it this time. I don't want to make light of what caused that. There was a horrible situation in Connecticut where a woman had her face bitten off by a chimpanzee, and luckily she has now gone to the Cleveland Clinic, and she has had the first successful transplant in the country. That is certainly a serious matter. I don't have a problem with making sure that we have a Monkey Safety Act in this country to take care of that situation and others. But clearly, when the stock market has dropped almost 2,000 points, maybe we could do something else.

We run it out to March 3, and do you know what? Rather than helping people with the economy, we passed the Shark Conservation Act on May 3 as the stock market hit 6726. And lastly, the run-out to March 9, this was personally one of my favorites, because I didn't remember, I wasn't the sharpest knife in the drawer when I was going to school. So when they said we are going to have Supporting Pi Day, I thought,

yeah, I like French silk. I like all the pies. But it was mathematical pi, which we know is 3.1416. And as the stock market goes down and approaches the mid 6,000s, the legislation, the most important thing that we could do here in the United States Congress was to celebrate and honor Pi Day.

Folks, listen, there is a reason we get the reputation back home sometimes that we can't walk and chew gum at the same time. I am not saying that all of these things aren't fine things. But when the economy is in the tank, when the stock market is dropping, when people are hurting, when 16 Americans are losing their jobs every minute, maybe, just maybe, we could do something rather than the Monkey Safety Act not once, but twice.

I would be happy to yield to my friend from Michigan.

Mr. McCOTTER. Thank you. To the Chair, how much time is remaining?

The SPEAKER pro tempore. Seventeen minutes.

Mr. McCOTTER. Mr. Speaker, one of the things that we want to make clear about the resolution of inquiry that was drafted and introduced by the gentleman from Ohio is that it is an attempt to get an answer for the American people, and what we want to do is be fair both in providing them the answer and in terms of the people who could be the mysterious hidden hand behind this amendment. We want to get to the bottom of it. We do not want to rush to judgment and cast aspersions on others. We believe that this would be very fair to all involved, especially someone like Secretary Geithner, who no one has said was in the room, who himself has not said whether he was or wasn't. We do not want to prejudge the situation. We would like and welcome Democratic support for this, because we believe that in many ways, the Democratic majority was as blindsided by this amendment as was anybody else.

□ 1700

Of course, we warned that it might take time to read the bill that you vote on, but in the end I truly don't believe that the majority of Democrats in this body supported and approved and wanted to protect the AIG bonuses. We have to be fair about that.

But what they do have the opportunity to participate in now is to get behind the resolution of inquiry so they can show their constituents that they want a fair, orderly process to get the answer to the question of who was the hidden hand behind the mystery amendment. We also would like to have the support of members of the general public who could participate in this and put forward their own theories of who was the hidden hand. If they chose to do so, they can e-mail me at Thaddeus

republicanhousepolicy.com with their theories on potential motives for this mystery amendment and who they believe could be the hidden hand.

As we have seen throughout this process, someone did this. Now I can understand why no one is rushing up to accept the, quote, "credit" for this fine and noble amendment; but we need to know. Again, we welcome Democratic participation and public participation.

But we should not let this opportunity pass us by to get to the bottom of this because the worse thing to happen would be for this to recur. I don't think that is in the interest of the American people, and I don't think it is in the interest of anyone who was elected to serve them in this Chamber. We are sent here to vote on important matters of the day. We are sent here to make very important decisions as employees of the sovereign American people, and they deserve to know what we are voting on because they have to go home and account.

When they don't know what they are voting on, and in many ways get caught in an honest mistake supporting a larger issue while another issue festers beneath the surface, they will be called to account for something that they had no way of knowing. The vast majority of Members wanted to know what was in the bill, and they were not given the time to do so. That is unfortunate. But let's get to the bottom of the mystery of the hidden hand so Members will know what they are voting on when a bill comes to the floor.

One of the things that we have to take into account is the next problem can be avoided. That's why again we welcome Democratic participation and we welcome public participation in getting to the bottom of who was the hidden hand.

In voting today, we have also seen a spillover consequence of what happens when government reacts in a crisis. There is the old joke that is too unfortunately true, is that when in a crisis, government will throw your money at something and hope it goes away. We now have the corollary that when a political crisis happens that threaten politicians, they will rush to judgment and they will take money away as quickly as they can to solve it. We need to break that.

I come from Michigan. We have an 11.6 percent unemployment rate. My constituents cannot understand an economic policy that pays people to stay in their jobs, especially when those were the people who caused the problem that cost them their jobs in the first place by creating a global credit crisis that brought us to the precipice of a global depression. They cannot understand the sanity behind the logic of keeping people who were smart enough to break something, as if they were smart enough to fix it and rewarding

them for it. They cannot understand how people who got rich causing the problem are now going to be overcompensated for fixing the problem that they caused.

What they want is for us to be responsible. What they want in a time of economic chaos is for their subservient government to help reestablish order and equity to our economy. They want us to help build institutional trust again within the financial community.

This amendment in front of us today did more to undercut the attempts to restore public confidence in financial institutions than anything I can think of because when you go home, the reason people do not want to put their hard-earned money out there is for fear of losing their job and seeing their nest egg become smaller. They do not have faith in public and financial institutions that are proven no longer to be too big to fail, that appear to be too big to fix, and they are also very concerned that the economic chaos and institutional disorder that has affected them so direly in these past months is now being replicated by their Federal Government, a government that spends a trillion dollars in a rush to judgment, a government that talks about a \$3.6 trillion budget, that talks about trillion dollar tax increases. This is chaos to my constituents.

And now we add to that the fact that amidst all the talk of trillion dollars, trillion dollars borrowed, spent, trillion dollars taxed, they find out that no one in their government can tell them who wrote the amendment that let AIG executives receive bonuses. They deserve better than this. They deserve an answer because the first thing we have to do in the wake of this AIG bonus disaster is restore public confidence in the one institution they look to to help provide order and sanity and equity within their lives in times of chaos, and that is their Federal Government. Let us not fail them again.

I yield back to the gentleman from Ohio.

Mr. LATOURETTE. I thank my friend from Michigan.

The Speaker of the House spoke today very eloquently, and it is the whole issue of who gets Federal taxpayer dollars and what we require in return. The gentleman from Michigan has been one of the champions in the House relative to the auto industry. I happen to agree with you that we need to make cars in this country, just like we need to make steel in this country. But we told the auto manufacturers that if there was going to be Federal assistance, I didn't happen to agree with it, you did, but if there was going to be Federal assistance, they had to cram down the contracts of the people who worked in the auto plants. And I assume those are contracts. I assume they signed a contract they were going to make X dollars an hour, and the

Congress and Democratic leadership and others said well, if you get some money from the taxpayers, you have to renegotiate those contracts.

About 3 weeks ago we had a piece of legislation on the floor that really baffled me, and it was called the Cram-Down Bill. Even though we tried to get an amendment that said that you couldn't participate if you lied to get a mortgage, that bill basically said if you went to your bank and you lied on the application to get a \$100,000 mortgage, you weren't supposed to get it, you made up your income and you didn't talk about what you owed, the majority gave the judges of this country the ability to cram down that mortgage and say you don't owe \$100,000 any more, you only owe \$60,000.

So clearly if that is where we are going to go, if we are going to target people who make cars in this country and we are going to reward people who lie on their mortgage applications, it is obnoxious. Some people say what's the big deal, it is 50 words. What the big deal is we have said to the auto guys, cram down your wages. We have said to the mortgage holders, cram down your mortgage. But in the dead of night, the hidden hand inserted language that not only didn't prohibit the awarding of \$170 million in bonuses to people, it protected those bonuses; and today, they are shocked. It is a little bit like the man who is taking a bath and throws his clock radio in the bathtub and says, I'm shocked. That's what we have here.

Mr. MCCOTTER. On your line of thought regarding the sanctity of contracts, in many ways we heard that these contracts here could not be voided, that the sanctity of contracts prevailed.

The reality is this amendment was necessary because the sanctity of contract "ended" when a company that would have gone bankrupt but for taxpayer money being injected to save it occurred. That is why this amendment was necessary for precisely the reasons you talk about.

When you look at the disparate treatment of auto workers who have to give up hard-earned, negotiated contractual benefits in exchange to show viability for taxpayer bridge loans, when you talk about responsible lenders having to foot the bill for people who have even lied on their mortgage applications to be bailed out while mortgage contracts are crammed down and rewritten, they cannot abide a company that says we have a sanctity of contract when the reality is there would have been no bonus, no contract if they had gone into bankruptcy. Again, as you have pointed out, but for the Federal taxpayers, the American people's hard-earned savings going in to bail that company out, a company that has not been asked to restructure but to wind down, those contracts were no longer void.

And it also shows the point that had this Congress known, both Republicans and Democrats, I believe, would have demanded that any further bridge-loan assistance to a company, a financial institution, had to have as an attachment, as a precondition, the preclusion of any executive compensation in the terms of a bonus.

Again, we were not allowed that opportunity because in the dead of night, this mystery amendment was offered by a hidden hand.

Mr. LATOURETTE. Mr. Speaker, in conclusion, we have launched the mystery of the hidden hand. Again, the mystery of the hidden hand is somebody, and we just want that person to identify themselves so we can move on to something else. Somebody took out a paragraph in the stimulus bill spending a trillion dollars of taxpayer money that said that AIG and others, anybody who got taxpayer money, could not hand out excessive executive bonuses. The hidden hand removed it and inserted this paragraph in section 7700 that permitted and protected the \$170 million of bonuses that people are now shocked AIG paid out.

We have established motive. We have identified a clue. Mr. COLE was kind enough to give us a clue, and we started with 535 suspects and we have winnowed it down to, well, we are down to about 524 now.

So I am going to bring the face book, Mr. Speaker, next week and every day to the floor, and I will seek out Members of this body and ask them if they are the hidden hand. If they didn't put this paragraph in, I am going to cross their face off. When I am done with the House, I am going to go over to the Senate, if they will let me over there, and I will ask the Senators: Are you the hidden hand? Did you foist this fraud upon the American taxpayer and then not have the courage to own up to it?

Mr. Speaker, we will be back. We will solve the mystery of the hidden hand. The taxpayers deserve no less.

PROGRESSIVE CAUCUS MESSAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, I am here to talk about a very critical anniversary before us tonight, the Iraq anniversary. The Iraq war anniversary is tomorrow, Mr. Speaker, and it is critical that we give this moment due attention.

I am here as the person who leads our Progressive Special Order hour, the Progressive Message, and I want to just start off by thanking Mr. JARED POLIS of Colorado who is here with me tonight who is a member of the Progressive Caucus and who has some very

clear remarks to share with me right now.

Congressman, let me yield to you and can you reflect on this auspicious occasion, the anniversary of the Iraq war.

Mr. POLIS. Thank you, Mr. ELLISON. I would like to read briefly from warnewstoday.blogspot.com.

Fre-
quently in our mainstream media, it seems as if everything is wonderful in Iraq. That couldn't be further from the truth. Every day, Mr. Speaker, there are casualties and deaths of Iraqis. And yes, our American men and women continue to lose their lives overseas.

Today alone, Mr. Speaker, a leading politician from the Iraqi Islamic Party has been assassinated west of Baghdad.

Incident number two, a magnetic bomb targeted a police officer's car in the Shaab neighborhood of eastern Baghdad. It went off at 7:15 p.m. The officer was injured and taken to a hospital.

Incident number three, from today, Mr. Speaker, gunmen shot and wounded two Interior Ministry personnel when they attacked their vehicle in central Baghdad on Wednesday.

Incident number four from today in Kut, police forces found an unknown civilian body, as they do many days, hard to identify, happens often, on the outskirts of town.

In Kirkuk, gunmen killed a landlord and his wife when they stormed their house.

□ 1715

In Mosul, again, today, Mr. Speaker, an employee from the Displacement and Migration Department on Wednesday was shot by an unknown gunman in northern Mosul.

Also in Mosul, a gunman killed a civilian in a drive-by shooting 390 miles north of Baghdad. A roadside bomb killed two civilians when it struck a U.S. patrol in eastern Mosul. And again today, unknown gunman on Thursday killed the Mayor of Dober Dan Village. Again today in Iraq, police found the body of a man shot in the head and chest in a town near Mosul.

When I had the opportunity to go to Iraq last year, Mr. Speaker, and talk to people who served on town councils, mayors—these were in the city of Baghdad, autonomous zones, they had their own city council—it was a high-risk occupation. I was informed that nearly a quarter of the people that serve in those capacities on those local city councils have been assassinated, Mr. Speaker.

There are many who would have us believe that the situation in Iraq is rosy. While it might be pleasant to believe that, Mr. Speaker, today, on the sixth anniversary of the war, we need to face reality. This war will end when we choose for this war to end, Mr. Speaker.

Along with several of my colleagues, and yourself, Mr. Speaker, we signed

the Responsible Plan to End the War in Iraq almost 2 years ago. Joined by our colleagues, Representative EDWARDS, Representative MASSA, Representative PINGREE, Representative PERRIELLO, and myself, as well as a number of retired military personnel, we put forth a plan not only to end the war, but to ensure that this sort of travesty never occurs in our country again, to restore our Constitution and our liberties.

Mr. ELLISON. Will the gentleman from Colorado yield for a moment?

Mr. POLIS. I will.

Mr. ELLISON. You are fresh off the campaign trail, Congressman. You have been knocking on doors, talking to folks, and you know what people are thinking. You haven't been around here long enough to get jaded, and so your level of enthusiasm for the work is still very fresh. What are the American people saying about our involvement now on its sixth year in Iraq?

Mr. POLIS. There are a lot of distractions here at home. We have the most severe recession since the Great Depression. We have scandalous uses of public money that our colleagues on the other side of the aisle talked about that we addressed today with regard to bonuses paid to AIG executives. But there are many Americans who, even today, have their sons and daughters, their brothers and sisters, the mothers and fathers of young Americans in school serving overseas in Iraq today, putting their lives in jeopardy every day and, yes, losing their loved ones every day. And you can bet that for those families that are affected by that, that is one of the most important issues to them.

Mr. ELLISON. Congressman, if you would yield back for a moment, I would like to ask you again; in the course of your work, you're walking around Colorado, you're walking around your district, you're talking to folks, did you talk to any American families who had loved ones who were stop-loss, who are now on their second, third, fourth deployment? Did you see anything like that as I yield back to you, Congressman?

Mr. POLIS. Absolutely. And not only does that divide families, does that compromise the ability of families to provide the kind of family life for their kids that they want to, to support themselves at the level that they want to, not only does it do that, but it divides these families, it compromises our competitiveness as a country, and it weakens our national defense to have men and women serving who would, in many cases, rather be almost anywhere else.

Mr. ELLISON. Congressman, if you would yield back, I can tell you that as a Member of Congress myself—now I'm a sophomore Member, and you and I are closer to not being Congressmen and being long-term veterans—my heart always breaks a little bit when-

ever I talk to a spouse who says my wife or husband is going to be leaving here for a year or 18 months, or how about the situation where a woman walks up and says, see this baby who is 9 months old? She never met her daddy. Is this the kind of thing that you saw while you were on the campaign trail?

Mr. POLIS. I saw many families across our district that were directly affected by this. And as you know, with that duration of service—well beyond what many of our men and women thought they were signing up for—the psychological toll when they return is terrible. To serve under those conditions for several years in a row, continually being re-upped, that becomes your reality, the existence in that war zone. It is very hard, when you finally do return, to rejoin this reality we have here in this country.

Mr. ELLISON. Congressman, as you have done your work, you're fresh off the campaign trail, I wonder, did you ever have any occasion to talk to family members who said, you know, my son came back, but he's kind of different than he was when he left; he used to have a smile, he used to have a joke for everybody, and now it seems like the weight of the world is on this 22-year-old guy, now it seems like my daughter can't find her smile again?

In my great State of Minnesota, we had a young person who sought mental health care, and there wasn't enough room and they couldn't get in right away. And before this person could come back, they took their own life because they couldn't get the helicopters out of their head, they couldn't get the horror, they couldn't get these kind of images out of their mind, and yet, we've learned that suicide is a serious issue for our fighting men and women, particularly in connection with Iraq.

Have you encountered these kind of medical challenges that our veterans are facing in connection with this war?

Mr. POLIS. I have held hands with veterans and their families and borne witness to the tremendous stresses. It is a difficult topic for any of us to talk about without getting emotional. These are men and women who have served our country proudly. We need to make sure that we have the right mental and physical health support services when they return, but most importantly, to bring them out of harm's way.

It is hard to adjust. I talk to many who are living at home, who are depressed, who are living in a basement. They had their whole lives ahead of them, have had to serve several years overseas, have become part of that reality of seeing the cost of war, their co-workers and people in their unit blown up in front of their eyes, sometimes receiving physical injuries, sometimes only mental injuries, but turning back, having a very difficult time reintegrating and getting back to work.

Mr. ELLISON. Congressman, let me tell you, tomorrow marks the beginning of the seventh year of the war in Iraq. Throughout that time, we have lost more than 4,000 of America's bravest men and women. The number, to date, that I have is 4,259, but of course the way this war has been going, it could be 4,260 or 4,270.

We have spent over \$600 billion, with long-term cost projections in the trillions, and we have seen Iraqi civilian casualties estimated at the hundreds of thousands. We know that there are over 30,000 Americans who have been injured. And of course the numbers of deaths are easy to count, but the injuries are more difficult because not all the injuries are manifested in terms of a limb or a scar; but of course we've seen those, too. Let me tell you, if you go to Landstuhl Air Force Base, the hospital there in Germany, you see bright-eyed, young people who have suffered catastrophic injuries, and of course we've seen them back home.

We all know, Congressman, that the purported reasons for going to Iraq—you remember what they are. Would you care to tick off a few of the reasons you and I were told, as Americans, that we needed to go into Iraq? Do you remember what some of those reasons were back almost 6 years ago, Congressman?

Mr. POLIS. We were misinformed and led to believe there were weapons of mass destruction in Iraq.

Mr. ELLISON. Weapons of mass destruction. And all we have been found with, Congressman, is weapons of mass distraction, as we have been given misinformation, disinformation due to a combination of political pressure, cherry-picking effects, and poor intelligence. All these assertions ended up being wrong, wrong, wrong and dramatically undermined American credibility around the world.

Congressman, you also would probably have to agree with me that this war has had a corrosive effect on our standing in the world. Whether you're talking about Abu Ghraib, whether you're talking about Bagram, whether you're talking about—whatever you're talking about, our country, which is known as a beacon of civil and human rights, as the rule of law prevails in America, we have seen this conflict sort of eat at what we stand for. I wonder, are these things that you've encountered as you were out there on the campaign trail and as you have been a Member of this body for the last several weeks?

Mr. POLIS. There is great frustration that this war continues to compromise our very important war on terror. One of the most important fronts on the war on terror is the diplomatic front. This war has undermined our ability to engage other nations on the diplomatic front and continues to this day.

Mr. ELLISON. Well, yielding back, Congressman, you and I also know that

you are right when you say one of the purported reasons was weapons of mass destruction, which you and I learned was not true. We also know that we were told—we went through sort of this link that was sort of made between Saddam Hussein and al Qaeda. What have we learned? The bipartisan—bipartisan, that's Republicans and Democrats—9/11 Commission found that there was "no operational relationship between Iraq and al Qaeda." Claims that 9/11 hijacker Muhammad Atta met with Iraqi agents in Prague turned out to be false. Do remember that one, Congressman?

Mr. POLIS. I remember those insinuations that were made by the administration at the time. Many people were led to believe that somehow, in some way, shape or form, Iraq and Saddam Hussein were aligned with al Qaeda, and it couldn't have been further from the truth.

Mr. ELLISON. Well, Congressman, as you yield back, we were told weapons of mass destruction, links with Saddam Hussein and al Qaeda. And some people said, well, at least Saddam Hussein is gone—and of course we're glad he is gone, but it almost seems like, when the argument was made, that folks acted like it was a cost-free endeavor, that he was just gone and we didn't have to pay dearly as a Nation for it.

But one of the questions that I want to also direct to you, Congressman, is, \$8 billion in reconstruction funding disappeared under the Bush administration's watch. According to Iraq's Public Integrity Commission, roughly \$8 billion in the country's reconstruction funds were "wasted or stolen" between 2007 and the beginning of the invasion. How does that strike you?

When you think about waste, fraud, and abuse, you might have heard that story about that billion dollars in bills sitting on a wooden pallet. How does that strike you? How does that strike your constituents?

Mr. POLIS. You know, our colleagues today from the other side were here holding forth about accountability for this \$160 million, where did this \$160 million go? Who knew and when? And those are questions that we need to answer, but let me say that that pales—\$160 million wrongfully paid to AIG executives, \$8 billion unaccounted for, where is the outrage and where is the investigation?

Mr. ELLISON. Well, Congressman, I think that is a question that we all need to ponder. But Halliburton, after receiving no-bid reconstruction contracts from the Bush White House, wasted hundreds of millions of taxpayer dollars. A 2005 report by Senator BYRON DORGAN and Congressman HENRY WAXMAN cited internal Pentagon audits that question "more than a billion dollars in the company's bills for work in Iraq."

It just boggles the mind. If the American taxpayer, in their generosity, says

let's get water going in Baghdad, let's get electricity going in Baghdad, at least if we spent the money, the people there ought to get it; wouldn't you say so, Congressman?

Mr. POLIS. Absolutely.

Mr. ELLISON. And there have been other costs, those that are less easy to quantify, such as the cost to America's image, which you spoke of very well, Congressman POLIS. And though it is difficult to assign numbers, we know the view of our great Nation has suffered—although I'm happy to report we're on the mend now—and the cost is just really very difficult to calculate.

Let me just remind folks that this is the Progressive message. We are talking about the anniversary of the Iraq war, we are talking about what's going on. We are the Progressive Caucus, and we're talking about a vision of peace and a vision of a progressive message in our country.

I want to get to this panel in our slides, Congressman. And I want to say, after 6 years of the Iraq war, here is sort of the cost that I just alluded to. Here is what we've had to pay. Here are some of the hits—flush with cites on the bottom of each one because we're not just up here talking, we back up what we say at the Progressive message. U.S. troops killed in Iraq, 4,259 as of today.

Mr. POLIS. Each one with a family.

Mr. ELLISON. Each one with a family, each one with a story, each one with a future, each one with a patriotic passion for their Nation, each one who wanted to come home. And each one didn't have to ever go to Iraq because the premise for our involvement was, as you and I just mentioned, those reasons were discovered to not be accurate, the weapons of mass destruction and Saddam Hussein in connection with al Qaeda.

U.S. troops wounded in Iraq, 31,102. And again, these are traumatic brain injuries, these are lost limbs, these are severe injuries—some will heal, some are injuries for a lifetime, as you know, Congressman. And I will yield if you want to comment on any of these. Iraqi civilians killed in the war, about 150,000; that's according to the World Health Organization. Please look it up yourself if you have any questions about that number. And you would have to imagine, in a country of about 29 million people, that there is no Iraqi family that has not seen death and destruction, and this has to be extremely traumatizing.

□ 1730

Iraqi civilians forced from their homes, according to the United Nations High Commissioner for Refugees, about 4.7 million persons who have been homeless as a result of this conflict. That's a big deal. U.S. troops deployed in Iraq, right now we have got about 138,000 people there and, again, a

conflict that, according to the reasons offered to us by the Bush administration, not one should have been there based on the reasons they offered to us.

Impact of war on the U.S. economy, \$1.3 trillion. That's the Congressional Joint Economic Committee Report. I hope folks who might be seeing this, Mr. Speaker, will be willing to look at the Congressional Joint Economic Committee Report, which will cite the impact of this war on our economy as \$1.3 trillion. That's a lot of money. That's a whole lot of money.

Cost of the Iraq War to the average American family, according again to the Congressional Joint Economic Committee Report, that's about \$16,500 per American family. We have paid dearly, too dearly for our involvement in this conflict. And in my view, Mr. Speaker, the cost of even one life is too dear, even \$1 is too dear, but we have made much, much more than that.

Mr. POLIS. Will the gentleman yield?

Mr. ELLISON. Yes, sir.

Mr. POLIS. At top of the chart, it says after 6 years of war in Iraq. I ask you how many more anniversaries must we observe? Is five enough? Is six enough? We have been in this war longer than our Nation was involved in World War II. After 6 years how many more? There was a young boy 12 years old playing video games when this war started who is serving and being injured in Iraq today. How many more years, Mr. ELLISON?

Mr. ELLISON. Congressman, I have just got to tell you that 1 more minute is too much. Our President has said that 16 months is our out date, and I think it's incumbent upon all of us to make sure that it is that or less because, quite frankly, I don't look forward to coming up here another year from now saying that we're still present in Iraq in the way that we are now. We need to out of there. We need to wind our way out. Iraq needs to go back to the people of Iraq. Iraqis need to get ahold of their country and govern their own affairs.

Sometimes we talk about the Iraq War and even here I've used the word "war," but really at this point we are not talking about a war. We are talking about an occupation. And when I say that, I don't mean that in any sort of a derisive way. It's the legal word that is appropriate for this situation. In a war you can win or lose, but in an occupation you can only stay longer than you should or you can leave sooner than you should, but eventually you've got to go; right? So with this America involvement in Iraq, it is time to say to the Iraqi people, "This is your country. We will not abandon you. We will not leave you because, of course, we're deeply implicated in your country at this time, but the reality is the military engagement needs to come to a close."

Let me ask you this, Congressman POLIS: When you think about this statistic, Iraqi civilians forced from their homes and the number of about 4.7 million, how does that strike you when you consider Iraqi boys and girls who used to live one place but now can't because of this military conflict? How does that impact their development? How does that impact their ability to grow up to be strong citizens of the world in, say, 5, 10, 15 years?

Mr. POLIS. As you know, Mr. ELLISON, close to a million of them have been forced from their country and reside in Jordan, reside in Syria, reside in Lebanon in everything ranging from refugee camps to short-term rental housing. It has been an issue in the greater Amman area, do we let them in the school with our Jordanian kids? They're out of school for a while. Sometimes they're in; sometimes they're out. It's spotty. Many of them might never be able to go back. The areas they lived in might be controlled by competing tribes, their houses taken over, forced away at gunpoint.

This dislocation is historical in scope. We are talking about a sizable amount of people within Iraq who have been displaced, some to other countries, some to other parts of Iraq.

Mr. ELLISON. Well, Congressman, I just want to point out to you and to everyone watching, Mr. Speaker, that when one child is forced from their home or one adult, for that matter—a home is like a bowl. Can you imagine making a cake without a bowl? Where are you going to put the eggs? Where are you going to put the milk? Where are you going to put all the ingredients for that cake so that you can make that cake and put it in the oven? Try to imagine raising a family. You don't know where you're going to be. You don't know where your school is going to be. No familiar places. You're a stranger everywhere. This kind of displacement has an impact on a child's ability to learn, a child's ability to embrace the environment that they're in. The child begins to sense that maybe their parents can't really protect them, that maybe they're vulnerable and perhaps that anything could happen to them at any time.

This does not bode well for the future. We're talking about a region of the world that has known way too much conflict, and this conflict is one that we surely need to end. And this idea of displacement, I think, is another thing that we need to talk about in terms of the impact on the development of this society as we talk in this Progressive message this hour and the anniversary of the war in Iraq.

Congressman, let's turn for a moment, then, to veterans' care, if you will. We must begin to take seriously the promise to care for our veterans. Our veterans, prominent men and women, you have them in Colorado and

I've got them in Minnesota. Actually, they are from all over this country. And the fact is with tens of thousands of injured troops returning home, we must work diligently to ensure that they do not fall through the cracks and that every soldier receives care and benefits that they have earned and deserve.

During the 110th Congress, when I was a freshman Member, I was proud to have voted for the largest increase in funding for Veterans Affairs in history, upon passage of H.R. 2642, the Fiscal Year 2008 Military Construction, Veterans Affairs and Related Agencies appropriations bill. We made a real commitment to military hospital construction, improving the quality of care for veterans, improving the lives of veterans, making sure that we shorten the period of time and that their veterans' benefits got to them in a quick way. We not only talked patriotism, we did patriotism as we passed this largest Veterans Affairs funding bill in the history of our country.

In the fall of 2007, I worked closely with the Minnesota congressional delegation to ensure that members of the Minnesota National Guard Unit, the 1/34th Brigade Combat Team receive their full active component GI Bill entitlements. That particular unit, that particular brigade combat team, returned to Minnesota after a 22-month mobilization and deployment to Iraq, the longest tour of any ground combat unit during Operation Iraqi Freedom. Unfortunately, members of the unit were informed after they returned home, Congressman and Mr. Speaker, that they were not eligible for their full GI benefits because their orders to return home cut them a few days short of the eligibility for these benefits. After my office was informed of this decision, I and Mr. TIM WALZ, my congressman and the highest-ranking enlisted Member ever to come to Congress, wrote a letter to the Department of Defense to appeal the decision. The Army responded positively, and most of the soldiers of this very brave, courageous, and successful combat unit were granted waivers to access those educational benefits.

And I just wanted to share that with you, Mr. Speaker and Congressman, because I think it's important that the world know that Members of Congress are fighting for their constituents who have served our country bravely.

And I just want to ask you, Congressman POLIS, if you have any thoughts you want to share with us about our veterans at this time and about our Nation's commitment to this group of Americans. Whether or not we agree on the war, we all agree that the warrior needs to be supported. Any comments as I yield to you?

Mr. POLIS. Thank you, Mr. ELLISON. We have some fortunate news for Colorado veterans. Yesterday morning several of my colleagues from the Colorado delegation and I met with Secretary Shinseki, and he announced that they are moving forward with a new VA hospital at Fitzsimmons to serve our veterans in Colorado. Due to the hard work of your classmate and our colleague Congressman PERLMUTTER and my predecessor who is now on the other side, Senator UDALL, who have for years fighting to improve it. And I have toured the old VA hospital in Colorado. And this new one is going to have a spinal trauma unit. It's going to be state of the art, and it's what we needed.

But there are too many places in our country, as you know, Mr. ELLISON, where veterans don't have the quality of health care that they have earned by serving our country so proudly.

Mr. ELLISON. Well, Congressman, I just want to congratulate you and all the delegation of Colorado on this wonderful news. I believe that Mr. Shinseki is one of the best Veterans Affairs Secretaries our country has ever seen, and I expect that we will be able to work closely with him to not only help the constituents of your great State but probably many others around our country.

I also just want to mention that I'm proud to have the Minneapolis VA hospital in my district, and Minneapolis VA is one of the facilities in our country that I feel very proud to be able to represent. The Minneapolis VA Medical Center has been awarded the 2008 Robert W. Carey Trophy Award for performance and excellence. If I sound like I'm a little proud of them, you're right, I am. The annual Carey Trophy Award, the most prestigious national quality award that the VA bestows, recognizes a VA organization that implements management approaches resulting in high levels of performance and service to our veterans. So I am just real happy to mention that. And I am proud, along with you, as we see veterans in Colorado, Minnesota, all over the country being able to benefit from a responsive Congress, a grateful Congress, for the great service that these brave men and women have given to our country.

Mr. POLIS. Will you yield for a moment?

Mr. ELLISON. Yes, sir.

Mr. POLIS. Let me also add how important it is that the rest of our agenda, the Recovery Act, health care have passed so that our returning veterans are returning to an economy that's growing, that has jobs, that has health care if they were not injured in combat. They deal with the very real issue of health care sometimes for the first time in their lives, if they've been in the military for some period of time right out of college or even before col-

lege, and the importance of the Recovery Act, creating over 3 million jobs, hopefully many of which will go to our returning veterans.

Mr. ELLISON. Congressman, great point. The fact is that our veterans are Americans, of course, some of the finest Americans. They come back to their country; they expect a country that's working. So they can come back and maybe get a green job that will help them build our country on the civilian side. They can help weatherize our neighborhoods. They can help build senior housing, low-income housing. They can do so many things our country needs and help build us a renewable future.

So I think you're absolutely right to introduce the broader economic context that we're in. One thing we don't want to see is to have these veterans who have given so much for so many come back to a country where we're not building, where we're not preparing for the future. So you're right. I'm glad you mentioned the American Economic Recovery and Reinvestment Act. I'm glad you mentioned our efforts to build a health care system that everyone can benefit from. I'm glad you mentioned these important things because, of course, veterans are folks who come into a broader context, and it's not only veterans' benefits that benefit veterans. It's a working, functioning America in which everybody has a slice of the pie.

So, Congressman, as we are wrapping up today, I just want to thank you again for being here with us this afternoon. The Progressive message has to always come week in, week out. Whether or not Members are on a Thursday night jumping on a plane trying to get back home or not, the Progressive message has to be part of what we do every week. And I just want to yield to you to sort of offer some final thoughts as we begin to wrap up our comments tonight.

Mr. POLIS. I would just say that let us hope that next year we are celebrating an anniversary of the end of the Iraq War and not the seventh anniversary of this unjust war in the wrong place.

Mr. ELLISON. Let me join with you in that hope and in that wish. I think I can speak for the members of the Progressive Caucus, Mr. Speaker, when I say that we will be working hard to make that dream a reality.

I also want to point out that there have been a great many Americans, I'm sure Minnesotans and I'm sure Coloradans as well, who have been calling for, working for, pushing for America to assert its soft power in the world and to help make peace in this world and be a source of peace in this world.

□ 1745

You can bet there is a committed group of Americans who are in the

United States Congress who are people who call themselves the Progressive Caucus, and you can find out what we are doing on this Web site, it's cpc.grijalva.house.gov. We are going to be here giving this progressive message every week, and we are the Progressive Caucus.

As I wrap it up, and I just want to thank you for joining me tonight, we are going to be here week in, week out, through rain, shine, winter, summer, talking about a progressive message, a progressive message for America, for the world.

Congressman POLIS, let me thank you again for joining me tonight.

I yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. NAPOLITANO (at the request of Mr. HOYER) for today on account of an event in district with the President.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. LEE of California) to revise and extend their remarks and include extraneous material:)

Mr. REYES, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. COHEN, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 26.

Mr. JONES, for 5 minutes, March 26.

Mr. MORAN of Kansas, for 5 minutes, March 23, 24, 25 and 26.

Ms. FOXX, for 5 minutes, today.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. BROWN of Georgia, for 5 minutes, today.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Mrs. BACHMANN, for 5 minutes, today.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1541. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on March 18, 2009 she presented to the President of the United States, for his approval, the following bill.

H.R. 1127. To extend certain immigration programs.

ADJOURNMENT

Mr. ELLISON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p.m.), under its previous order, the House adjourned until Monday, March 23, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

947. A letter from the Director, Department of Defense, transmitting the Department's nineteenth annual report for the Pentagon Renovation and Construction Program Office (PENREN), pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

948. A letter from the Deputy Under Secretary of Defense for Civilian Personnel Policy, Department of Defense, transmitting the Department's report on the need for and feasibility of a mental health scholarship program, pursuant to Section 1117 of the National Defense Authorization Act (NDAA); to the Committee on Armed Services.

949. A letter from the Chairman, Department of Defense, transmitting the Department's 2008 report on the Military Retirement Fund (MRF), pursuant to 10 U.S.C. 183; to the Committee on Armed Services.

950. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, transmitting notification of the Department's decision to conduct a streamlined A-76 competition of the administrative management and correspondence services function performed by six military personnel at Tinker Air Force Base, Oklahoma; to the Committee on Armed Services.

951. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

952. A letter from the Principal Deputy Assistant Secretary Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's report enti-

tled, "Implementation Report: Energy Conservation Standards Activities," pursuant to Section 141 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

953. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting correspondence from Senate Secretary Emma Lirio-Reyes of the Republic of the Philippines; to the Committee on Foreign Affairs.

954. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report on all data mining activities, pursuant to Section 804 of the Implementing Recommendations of the 9/11 Commission Act of 2007; to the Committee on Foreign Affairs.

955. A letter from the Secretary General, Inter-Parliamentary Union, transmitting proceedings of the Parliamentary Conference on the World Trade Organization, which was held jointly by the Inter-Parliamentary Union and the European Parliament in Geneva on September 11 through September 12, 2008; to the Committee on Foreign Affairs.

956. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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967. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

968. A letter from the Deputy Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

969. A letter from the Deputy Executive Secretary, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

970. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's report detailing activities under the Civil Rights of Institutionalized Persons Act during Fiscal Year 2008, pursuant to 42 U.S.C. 1997f; to the Committee on the Judiciary.

971. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Great White Fleet, East Waterway, Seattle, Washington [Docket No.: USCG-2008-0410] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

972. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USNS Capella and USNS Pollux, Boston, MA. [Docket No.: USCG-2008-0409] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

973. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; International Bayfest Boat Parade, Green Bay, WI. [Docket No.: USCG-2008-0481] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

974. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Santa Cruz Beach Boardwalk Fireworks Display, Santa Cruz, CA. [Docket No.: USCG-2008-0522] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

975. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rochester Harborfest, Lake Ontario at the Genesee River, Rochester, NY. [USCG-2008-0489] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

976. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Toyota/Sea Doo US Regional Championship, Salisbury, Massachusetts [Docket No.: USCG-

2008-0488] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

977. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Columbia River, All Waters Within a 100-yard Radius Around the M/V MAERSK JEWEL [Docket No.: USCG-2008-0484] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

978. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Firework Events; Great Lake Annual Firework Events [Docket No.: USCG-2008-0531] received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

979. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Cape Fear River, Wilmington, North Carolina [USCG-2008-0468] (RIN: 1625-AA11) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

980. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Seattle Yacht Club's "Opening Day" Marine Parade [Docket No.: USCG-2008-0286] received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

981. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Upper Mississippi River, Dubuque, Iowa [USCG-2007-0172] (RIN: 1625-AA09) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

982. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, Nassau County, NY, maintenance [USCG-2008-0346] received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

983. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Sacramento, CA, Event — Sacramento International Triathlon [Docket No.: USCG-2008-0317] received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

984. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Area; International Bay City River Roar, Saginaw River, Bay City, MI. [Docket No.: USCG-2008-0585] (RIN: 1625-AA08) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

985. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the De-

partment's final rule — Quarterly Listings; Anchorages, Safety Zones, Security Zones, Special Local Regulations, Regulated Navigation Areas, and Drawbridge Operation Regulations; Correction [USCG-2008-0181], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. S. 383. An act to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes (Rept. 111-41, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Oversight and Government Reform discharged from further consideration. S. 383 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. DAVIS of California (for herself, Mr. THOMPSON of California, Mr. HASTINGS of Florida, Mr. FARR, Mr. WILSON of Ohio, Ms. NORTON, Mr. LOEBSACK, Mr. YARMUTH, Mr. FILNER, Ms. JACKSON-LEE of Texas, Ms. SUTTON, Ms. WATSON, Mr. WALZ, Mr. HINCHAY, Mrs. CAPPS, Ms. PINGREE of Maine, Mr. ISRAEL, Mr. HOLT, Ms. WOOLSEY, Mr. AL GREEN of Texas, Mr. MASSA, Mr. MURPHY of Connecticut, Mr. GRIJALVA, Mr. CARNAHAN, Ms. ZOE LOFGREN of California, Mr. MCGOVERN, Mr. STARK, Ms. SCHAKOWSKY, Mr. BRALEY of Iowa, Mr. BOUCHER, Mr. BISHOP of New York, Mr. BERRY, and Mr. CARDOZA):

H.R. 1604. A bill to amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections; to the Committee on House Administration.

By Mr. CROWLEY:

H.R. 1605. A bill to seek the establishment of and contributions to an International Fund for Israeli-Palestinian Peace, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MANZULLO:

H.R. 1606. A bill to establish a new automobile voucher program; to the Committee on Transportation and Infrastructure.

By Mr. FALEOMAVAEGA:

H.R. 1607. A bill to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian-owned business enterprises, to stimulate the development of the private sector of Indian tribal economies, and for other purposes; to the Committee on Natural Resources.

By Ms. SPEIER (for herself and Mr. DELAHUNT):

H.R. 1608. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions, and for other purposes; to the Committee on Financial Services.

By Mr. KIND (for himself and Mr. FLAKE):

H.R. 1609. A bill to amend the Food Security Act of 1985 to require the Administrator of the Internal Revenue Service to verify income for purposes of determining the eligibility of persons for certain Department of Agriculture payments and benefits, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SPEIER:

H.R. 1610. A bill to amend the Emergency Economic Stabilization Act of 2008 to limit the annual percentage rate of interest that may be charged by recipients of financial assistance under such Act with respect to consumer credit card accounts, and for other purposes; to the Committee on Financial Services.

By Mr. FLAKE:

H.R. 1611. A bill to amend the Omnibus Appropriations Act, 2009 to repeal a provision prohibiting the use of funds for a cross-border motor carrier demonstration program to allow Mexican-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico; to the Committee on Transportation and Infrastructure.

By Mr. GRIJALVA (for himself and Mr. RAHALL):

H.R. 1612. A bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, help restore the nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNEY (for himself and Mr. GERLACH):

H.R. 1613. A bill to amend the Internal Revenue Code of 1986 to make the research credit permanent, increase expensing for small businesses, reduce corporate tax rates, and for other purposes; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas (for himself, Mr. WAMP, and Mr. SMITH of Washington):

H.R. 1614. A bill to authorize the Secretary of Health and Human Services to make grants to community health coalitions to assist in the development of integrated health care delivery, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EHLERS (for himself, Mr. MCKEON, Ms. GRANGER, Mr. WILSON of South Carolina, Mr. HONDA, Mr. BOUTSTANY, Mr. PRICE of Georgia, and Mr. PATRICK J. MURPHY of Pennsylvania):

H.R. 1615. A bill to amend section 435(o) of the Higher Education Act of 1965 regarding

the definition of economic hardship; to the Committee on Education and Labor.

By Mr. ENGEL (for himself, Ms. PELOSI, Ms. ROS-LEHTINEN, Mr. WAXMAN, Mr. UPTON, Mr. PALLONE, Mrs. BONO MACK, Mr. RANGEL, Mr. KIRK, Mr. STARK, Mr. PAUL, Mr. MARKEY of Massachusetts, Mr. FRELINGHUYSEN, Mr. GORDON of Tennessee, Mr. DENT, Mr. RUSH, Mr. KING of New York, Mr. GENE GREEN of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Ms. DEGETTE, Mr. MARIO DIAZ-BALART of Florida, Mrs. CAPPS, Mr. CASTLE, Mr. DOYLE, Mr. SMITH of New Jersey, Ms. HARMAN, Mr. MCCOTTER, Ms. SCHAKOWSKY, Mr. MCHUGH, Mr. GONZALEZ, Mr. LANCE, Mr. INSLEE, Mr. LOBIONDO, Ms. BALDWIN, Mr. GARRETT of New Jersey, Mr. WEINER, Mrs. BIGGERT, Ms. MATSUI, Mr. EHLERS, Mrs. CHRISTENSEN, Mr. LATHAM, Mr. HINCHEY, Mrs. EMERSON, and Mr. SESSIONS):

H.R. 1616. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV; to the Committee on Energy and Commerce.

By Mr. CARNEY (for himself and Mr. THOMPSON of Mississippi):

H.R. 1617. A bill to amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. MCGOVERN (for himself, Mr. KIRK, Ms. BERKLEY, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. WATSON, Mr. SESTAK, Mr. WOLF, Mr. DELAHUNT, Mr. FILNER, Mr. KUCINICH, Mr. HOLT, Mr. NADLER of New York, Mr. WATT, Ms. MCCOLLUM, Mr. CULBERSON, Mrs. CAPPS, Mr. CAPUANO, Mr. STARK, Mr. ORTIZ, Mr. KILDEE, Mr. GRIJALVA, Mr. SCHIFF, Mr. VAN HOLLEN, Mr. GENE GREEN of Texas, Mr. DOYLE, Mr. ROTHMAN of New Jersey, Mr. BACA, Mr. WAXMAN, Mr. CONNOLLY of Virginia, Mr. MCDERMOTT, Mr. MARKEY of Massachusetts, Ms. CASTOR of Florida, Mr. RUSH, Ms. WOOLSEY, Mr. BILBRAY, Ms. SLAUGHTER, Mr. PLATTS, Mr. TIERNEY, Mr. BRADY of Pennsylvania, Mr. AL GREEN of Texas, Ms. NORTON, Mr. POSEY, Mr. MEEK of Florida, Mr. MURTHA, Mr. ELLISON, Mr. JACKSON of Illinois, Mrs. BIGGERT, and Mr. FRANK of Massachusetts):

H.R. 1618. A bill to amend titles 23 and 49, United States Code, concerning length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. SCHWARTZ (for herself, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. CARNEY, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. DEFazio, Ms. DELAURO, Mr. DOGGETT, Mr. ENGEL, Mr. FARR, Mr. FATTAH, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mrs. LOWEY, Mr. MCDERMOTT, Mr. MORAN of Virginia, Mr. NADLER of New York, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. SLAUGHTER, Ms. SUTTON, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Ms. WOOLSEY, Mr. WU, Ms. BALDWIN, Mrs. CAPPS, Mr. LANGEVIN, Ms. PIN-

GREE of Maine, Mr. MURPHY of Connecticut, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BARROW, Ms. MOORE of Wisconsin, Mr. TIERNEY, Mr. MURTHA, Mr. CROWLEY, Mr. ALTMIRE, Ms. LEE of California, Mr. LARSON of Connecticut, Mr. PALLONE, Mr. MICHAUD, Mr. CLYBURN, Mr. CONNOLLY of Virginia, Mr. WATT, Mr. ARCURI, Ms. EDWARDS of Maryland, Ms. DEGETTE, Mr. COHEN, Mr. WAXMAN, Mrs. HALVORSON, Ms. KILROY, Mr. THOMPSON of Mississippi, Mr. BRALEY of Iowa, Mr. HOLT, Mr. YARMUTH, Mr. SIREN, Ms. RICHARDSON, Ms. MATSUI, Mr. TONKO, Ms. FUDGE, Mr. HASTINGS of Florida, Mr. PERLMUTTER, Mr. BUTTERFIELD, Mr. KUCINICH, Mr. LOEBSACK, Ms. CORRINE BROWN of Florida, Ms. HIRONO, Ms. ROS-LEHTINEN, Mr. BOUCHER, Mr. DOYLE, Mr. MCGOVERN, Ms. LINDA T. SANCHEZ of California, Mr. KAGEN, Mr. SCHIFF, Mr. WEINER, and Mr. ELLISON):

H.R. 1619. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions for children in group health plans and health insurance coverage in the group and individual markets; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN (for himself, Mr. DUNCAN, Mr. WESTMORELAND, Mr. BURTON of Indiana, Mr. MOLLOHAN, Mr. MARCHANT, Mr. FRANKS of Arizona, Mr. MCCOTTER, Mr. NEUGEBAUER, Mr. YOUNG of Alaska, Mr. BROUN of Georgia, Mr. SESSIONS, Mrs. MILLER of Michigan, Mr. LAMBORN, Ms. GRANGER, Mr. BOREN, Mr. HERGER, Mr. WILSON of South Carolina, Mr. ROGERS of Michigan, Mr. HELLER, Mr. CULBERSON, Mr. MACK, Mr. SCALISE, Mr. CARTER, Mr. HALL of Texas, Mr. ROSS, and Mr. ADERHOLT):

H.R. 1620. A bill to amend chapter 44 of title 18, United States Code, to provide for reciprocity in regard to the manner in which nonresidents of a State may carry certain concealed firearms in that State; to the Committee on the Judiciary.

By Mr. BROUN of Georgia (for himself, Mrs. MYRICK, Mr. SHADEGG, Mr. GINGREY of Georgia, Mr. PITTS, Mr. KINGSTON, Ms. FALLIN, and Mr. AKIN):

H.R. 1621. A bill to withhold Federal funds from schools that permit or require the recitation of the Pledge of Allegiance or the national anthem in a language other than English; to the Committee on Education and Labor.

By Mr. SULLIVAN (for himself, Mr. HALL of Texas, Mr. GENE GREEN of Texas, and Mr. BOREN):

H.R. 1622. A bill to provide for a program of research, development, and demonstration on natural gas vehicles; to the Committee on Science and Technology.

By Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Mr. FORTENBERRY, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Ms. GRANGER, Ms. ROS-LEHTINEN, Mr. MANZULLO, Mr. BILIRAKIS, and Mr. POE of Texas):

H.R. 1623. A bill to protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high risk sex offenders outside the United States to the government of the country of destination, preventing entry into the United States by any foreign sex offender against a minor, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself and Mr. CARNEY):

H.R. 1624. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of members of the uniformed services of the United States certain amounts of military basic pay; to the Committee on Ways and Means.

By Ms. DEGETTE (for herself, Mr. CASTLE, Mr. BECERRA, Mr. KIRK, Mr. BRALEY of Iowa, and Mr. MCCOTTER):

H.R. 1625. A bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Georgia (for himself, Mr. COBLE, Mr. CONYERS, and Mr. SMITH of Texas):

H.R. 1626. A bill to make technical amendments to laws containing time periods affecting judicial proceedings; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT:

H.R. 1627. A bill to amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER (for himself, Mr. PAUL, Mr. SESSIONS, Mr. LEE of New York, Mr. CASTLE, Mr. POSEY, Mr. SOUDER, Mr. GERLACH, and Mr. MARCHANT):

H.R. 1628. A bill to amend the Internal Revenue Code of 1986 to permit hardship loans from certain individual retirement plans; to the Committee on Ways and Means.

By Mr. MCCOTTER (for himself and Mr. MARCHANT):

H.R. 1629. A bill to amend the Internal Revenue Code of 1986 to provide penalty free distributions and loans from certain retirement plans for the purchase and refinancing of principal residences; to the Committee on Ways and Means.

By Ms. BORDALLO:

H.R. 1630. A bill to amend the Radiation Exposure Compensation Act to include the Territory of Guam in the list of affected areas with respect to which claims relating to atmospheric nuclear testing shall be allowed, and for other purposes; to the Committee on the Judiciary.

By Ms. BORDALLO (for herself, Mr. ABERCROMBIE, and Mr. FALSEOMAVAEGA):

H.R. 1631. A bill to amend title 38, United States Code, to include participation in clean-up operations at Eniwetok Atoll as a radiation-risk activity for purposes of laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CAMPBELL (for himself, Mr. CHAFFETZ, Mr. KLINE of Minnesota, Mr. GOHMERT, Mrs. BLACKBURN, Mr. HUNTER, Mr. SHADEGG, Mr. BARTLETT, Mr. PITTS, Mr. FLEMING, Mr. MCCLINTOCK, Mr. BISHOP of Utah, Ms. FALLIN, Mr. LUCAS, Mr. LATTI, Mr. WAMP, Mr. PRICE of Georgia, Mr. SMITH of Texas, Mr. AKIN, Mrs. LUMMIS, Mr. FLAKE, Mr. POSEY, Mr. MANZULLO, Mr. LUETKEMEYER, Mr. CULBERSON, Mr. GINGREY of Georgia, Mr. CONAWAY, Mr. DANIEL E. LUNGREN of California, Mr. LAMBORN, and Mr. BROWN of Georgia):

H.R. 1632. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income of long-term capital gains on property purchased before the end of 2009; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. DUNCAN, Mr. ROHRBACHER, Ms. WATSON, and Ms. MOORE of Wisconsin):

H.R. 1633. A bill to amend title 10, United States Code, to authorize a member of the Armed Forces to designate anyone as the person authorized to direct disposition of the remains of the member if the member dies while on active duty; to the Committee on Armed Services.

By Mr. CONNOLLY of Virginia:

H.R. 1634. A bill to amend title 23, United States Code, to extend the period during which States may allow low emission and energy-efficient vehicles to use high occupancy vehicle facilities; to the Committee on Transportation and Infrastructure.

By Mr. CONNOLLY of Virginia (for himself and Mr. MORAN of Virginia):

H.R. 1635. A bill to authorize alternatives analysis and preliminary engineering for new Metrorail capital projects in Northern Virginia and surrounding areas; to the Committee on Transportation and Infrastructure.

By Mr. CONNOLLY of Virginia:

H.R. 1636. A bill to amend titles XVIII and XIX of the Social Security Act with respect to the qualification of the director of food services of a Medicare skilled nursing facility or a Medicaid nursing facility; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON (for himself, Mr. GUTIERREZ, Mr. AL GREEN of Texas, Mr. CLAY, and Mr. CLEAVER):

H.R. 1637. A bill to amend the Truth in Lending Act to prohibit universal defaults on credit card accounts, and for other purposes; to the Committee on Financial Services.

By Mr. FORBES (for himself, Mr. WOLF, Mr. CANTOR, and Mr. WITTMAN):

H.R. 1638. A bill to prohibit the use of funds to transfer individuals detained at Naval Station, Guantanamo Bay, Cuba, to facilities or locations in Virginia or to house such individuals at such facilities or locations; to the Committee on Armed Services.

By Ms. GIFFORDS (for herself, Mr. REYES, Mr. BACA, Mr. RODRIGUEZ, Mr. BILBRAY, and Mr. ORTIZ):

H.R. 1639. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend Federal reimbursement of emergency health services furnished to undocumented aliens; to the Committee on Energy and Commerce.

By Mr. HINCHEY (for himself, Mr. COHEN, Mr. ELLISON, Ms. LEE of California, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, and Ms. WOOLSEY):

H.R. 1640. A bill to amend the Truth in Lending Act to protect consumers from usury, and for other purposes; to the Committee on Financial Services.

By Mr. INSLEE (for himself, Mr. DICKS, Mr. LARSEN of Washington, Mr. MCDERMOTT, and Mr. SMITH of Washington):

H.R. 1641. A bill to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail; to the Committee on Natural Resources.

By Mr. LARSON of Connecticut (for himself and Mr. KING of New York):

H.R. 1642. A bill to provide loans and grants for fire sprinkler retrofitting in nursing facilities; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia (for himself and Mrs. EMERSON):

H.R. 1643. A bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 1644. A bill to amend the Internal Revenue Code of 1986 to provide for a tax credit for qualified donations of employee services; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York:

H.R. 1645. A bill to provide grants to promote financial and economic literacy; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself, Mr. EHLERS, Mr. VAN HOLLEN, Mr. THOMPSON of California, Ms. BERKLEY, Ms. SCHWARTZ, Mr. LARSON of Connecticut, Mr. NUNES, Mr. HELLER, Mr. ROSKAM, Ms. MCCOLLUM, Mr. WU, Mr. PAUL, Mr. HINCHEY, Mr. MOORE of Kansas, Mr. SMITH of New Jersey, Mr. WALZ, Mr. CARSON of Indiana, Mr. INSLEE, Mr. WITTMAN, Ms. ROS-LEHTINEN, Mr. SALAZAR, Mr. BISHOP of New York, Mr. GENE GREEN of Texas, Mr. ISRAEL, Mr. PRICE of North Carolina, Ms. ZOE LOFGREN of California, Mr. TIM MURPHY of Pennsylvania, Mr. BURTON of Indiana, Mr. DUNCAN, Mr. MORAN of Kansas, Ms. KAPTUR, Ms. ESHOO, Mr. PETRI, Mr. ROONEY, Mr. MINNICK, Mr. CARNAHAN, and Mr. ALTMIRE):

H.R. 1646. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids; to the Committee on Ways and Means.

By Mr. MCCOTTER:

H.R. 1647. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for hiring veterans; to the Committee on Ways and Means.

By Mr. MCCOTTER:

H.R. 1648. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require that concurrent resolutions on the budget limit the growth of Federal spending to the mean of annual percentage growth of wages and gross domestic product (GDP) in the United States, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on the Budget, Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEK of Florida:

H.R. 1649. A bill to authorize the Secretary of Education to make grants to reduce the size of core curriculum classes in public elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

By Mr. MEEK of Florida:

H.R. 1650. A bill to enhance the oversight authority of the Comptroller General of the United States with respect to expenditures under the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mr. MORAN of Virginia (for himself and Ms. LEE of California):

H.R. 1651. A bill to amend the Immigration and Nationality Act to establish a right for an alien to file a motion to reopen a case in removal proceedings if the alien can demonstrate that counsel or a certified representative provided deficient performance; to the Committee on the Judiciary.

By Mr. MURPHY of Connecticut:

H.R. 1652. A bill to require institutions receiving certain assistance from the Troubled Asset Relief Program or the Federal Reserve to have employee bonus payment plans approved in advance of the payments being made; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 1653. A bill to provide for nuclear disarmament and economic conversion in accordance with District of Columbia Initiative Measure Number 37 of 1992; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself and Mr. BARTLETT):

H.R. 1654. A bill to amend the Internal Revenue Code of 1986 to provide credits against income tax for qualified stem cell research, the storage of qualified stem cells, and the donation of umbilical cord blood; to the Committee on Ways and Means.

By Mr. REYES (for himself, Mr. GRIMALVA, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. FILNER, Mr. TEAGUE, Mr. CUELLAR, Ms. GIFFORDS, Mr. BILBRAY, Mr. ROHRBACHER, Mr. MITCHELL, Mr. PASTOR of Arizona, Mr. HINOJOSA, Mr. ABERCROMBIE, Mr. DOGGETT, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. LANGEVIN, Mrs. NAPOLITANO, Mr. ROTHMAN of New

Jersey, Mr. STUPAK, Mr. BACA, Mr. BLUMENAUER, Mrs. DAVIS of California, Mr. GONZALEZ, Mr. HONDA, Mr. KLEIN of Florida, Mr. MCINTYRE, Mr. RUPPERSBERGER, and Mr. SIRES):

H.R. 1655. A bill to enhance the safety of ports of entry in the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Ways and Means, Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself, Mr. GOHMERT, and Mr. DUNCAN):

H.R. 1656. A bill to require TARP payments to be conditioned on the top 10 highest wage earners at a company having repaid any bonuses received during the previous 5 fiscal years; to the Committee on Financial Services.

By Mr. SCHRADER:

H.R. 1657. A bill to direct the Secretary of Defense to notify members of the Armed Forces and State military departments of exposure to potentially harmful materials and contaminants; to the Committee on Armed Services.

By Mr. TIAHRT:

H.R. 1658. A bill to amend title 38, United States Code, to prohibit the recovery by the United States of charges from a third party for hospital care or medical services furnished to a veteran for a service-connected disability; to the Committee on Veterans' Affairs.

By Ms. KILROY (for herself, Mr. VAN HOLLEN, Mr. HALL of New York, Mrs. DAHLKEMPER, Mr. HEINRICH, Mr. LOEBSACK, Mr. BOCCIERI, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mr. COHEN, Mr. CONNOLLY of Virginia, Ms. FUDGE, Mr. GRIFFITH, Mr. MASSA, Mr. MCNERNEY, Mr. NYE, Mr. PERRIELLO, Mr. RODRIGUEZ, Mr. SCHAUER, Ms. SUTTON, Ms. TITUS, Mr. WELCH, Mr. WILSON of Ohio, Mrs. HALVORSON, and Mr. MOORE of Kansas):

H. Con. Res. 76. Concurrent resolution expressing the sense of the Congress regarding executive and employee bonuses paid by AIG and other companies assisted with taxpayer funds provided under the Troubled Assets Relief Program of the Secretary of the Treasury; to the Committee on Financial Services.

By Mr. STEARNS (for himself, Mr. BUYER, Mr. MILLER of Florida, and Mr. FRELINGHUYSEN):

H. Res. 264. A resolution expressing the opposition of the House of Representatives to any proposal intended to alter current law to allow the Department of Veterans Affairs to bill third-party insurers of veterans who are being treated for service-connected disabilities or injuries; to the Committee on Veterans' Affairs.

By Mr. FLAKE:

H. Res. 265. A resolution raising a question of the privileges of the House.

By Mr. LIPINSKI (for himself, Mr. SMITH of New Jersey, Mr. DINGELL, Ms. KAPTUR, Mr. TONKO, Mr. ROGERS of Michigan, Mr. COURTNEY, Mr. MURPHY of Connecticut, Mr. GUTIERREZ, Mr. KANJORSKI, Mr. MCMAHON, Mr. KIRK, and Mr. INGLIS):

H. Res. 266. A resolution celebrating 90 years of United States-Polish diplomatic relations, during which Poland has proven to be an exceptionally strong partner to the

United States in advancing freedom around the world; to the Committee on Foreign Affairs.

By Mr. HONDA (for himself, Mrs. MALONEY, Ms. LINDA T. SANCHEZ of California, Mr. FILNER, Mr. GRIJALVA, Mr. WOLF, Mr. ELLISON, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. HINCHEY, Mr. FARR, Ms. MCCOLLUM, Mr. TIERNEY, Mr. BLUMENAUER, Mr. DEFazio, Mr. CONYERS, Mr. AL GREEN of Texas, Ms. ZOE LOFGREN of California, Mrs. TAUSCHER, Ms. WOOLSEY, Ms. RICHARDSON, Ms. KOSMAS, Mr. PAUL, and Ms. HIRONO):

H. Res. 267. A resolution recognizing the cultural and historical significance of Nowruz, expressing appreciation to Iranian-Americans for their contributions to society, and wishing Iranian-Americans and the people of Iran a prosperous new year; to the Committee on Oversight and Government Reform.

By Mrs. BIGGERT (for herself and Mr. BARROW):

H. Res. 268. A resolution recognizing and supporting the goals and ideals of Earth Hour 2009; to the Committee on Oversight and Government Reform.

By Ms. GIFFORDS (for herself and Mr. BURGESS):

H. Res. 269. A resolution supporting the goals of Motorcycle Safety Awareness Month; to the Committee on Transportation and Infrastructure.

By Mr. GINGREY of Georgia (for himself, Mr. ALTMIRE, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BONNER, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. CARTER, Mr. COBLE, Mr. CONAWAY, Mr. COURTNEY, Mr. GUTHRIE, Mr. HOEKSTRA, Mr. HOLDEN, Mr. KIND, Mr. KILDEE, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATTI, Mrs. LUMMIS, Mr. MCCOTTER, Mr. MCHENRY, Mr. MILLER of Florida, Mrs. MYRICK, Mr. PENCE, Mr. PITTS, Mr. PRICE of Georgia, Mrs. SCHMIDT, Mr. WILSON of South Carolina, and Mr. YOUNG of Alaska):

H. Res. 270. A resolution recognizing the establishment of Hunters for the Hungry programs across the United States and the contributions of those programs efforts to decrease hunger and help feed those in need; to the Committee on Agriculture.

By Mr. HASTINGS of Florida (for himself, Mrs. CHRISTENSEN, Ms. LEE of California, Mr. WEXLER, Mr. MCGOVERN, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. COURTNEY, Ms. CASTOR of Florida, Mr. GRIJALVA, Ms. KAPTUR, Mr. MEEKS of New York, Mr. WELCH, and Mr. FRANK of Massachusetts):

H. Res. 271. A resolution recognizing the need to support the development and enforcement of a well-informed national long-term care strategy to solve the problems of cost, quality, and access to long-term care in the home and community, and the imperative of including long-term care in the comprehensive health care reform agenda; to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN (for himself, Mr. AKIN, Mrs. BACHMANN, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. FORTENBERRY, Mr. GINGREY of Georgia, Mr. KINGSTON, Mrs. LUMMIS, Mr. MARCHANT, Mr. MCCLINTOCK, Mrs. MYRICK, Mr. PAULSEN, Mr. PENCE, Mr. PITTS, Mr. SCALISE, Mr. SHADEGG, and Mr. WAMP):

H. Res. 272. A resolution amending the Rules of the House of Representatives to strike rule XXVIII, popularly known as the "Gephardt rule", and to provide that any measure that increases the statutory limit on the public debt shall be stand alone and require a recorded vote; to the Committee on Rules.

By Ms. ROS-LEHTINEN (for herself, Mrs. MALONEY, Mr. BILIRAKIS, Ms. BERKLEY, Mr. WEXLER, Mr. CAPUANO, Mr. ROSKAM, Mr. SESTAK, Mr. BROWN of South Carolina, Ms. KOSMAS, Mr. CROWLEY, Mr. LEWIS of Georgia, Mr. PALLONE, Mr. WILSON of South Carolina, Ms. WATSON, Mr. HOLT, Mr. SARBANES, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FALEOMAVAEGA, Mr. MARIO DIAZ-BALART of Florida, Mr. KENNEDY, Ms. FOX, Ms. TITUS, Mr. RYAN of Ohio, Mr. CARTER, Mr. FATTAH, Mr. GALLEGLY, Mr. BACHUS, Mr. ALTMIRE, Mr. PAYNE, Mr. BERMAN, Mr. JACKSON of Illinois, Mr. MCMAHON, Mr. SPACE, Mr. ENGEL, Ms. TSONGAS, and Mr. GARRETT of New Jersey):

H. Res. 273. A resolution recognizing the 188th anniversary of the independence of Greece and celebrating Greek and American democracy; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. HIGGINS, Mr. GERLACH, Mrs. LUMMIS, and Ms. KOSMAS.

H.R. 23: Mr. GERLACH and Mr. STUPAK.

H.R. 24: Mr. GENE GREEN of Texas, Mr. ROSS, Mrs. MYRICK, Mr. BISHOP of Georgia, Mr. CLYBURN, Ms. KAPTUR, Mr. KUCINICH, and Mr. LARSEN of Washington.

H.R. 74: Mr. STEARNS.

H.R. 144: Mr. BERMAN.

H.R. 152: Mr. HARE.

H.R. 179: Mr. MEEK of Florida and Mr. RUSH.

H.R. 209: Ms. NORTON, Mr. MEEKS of New York, Mr. FATTAH, and Mr. CHANDLER.

H.R. 211: Mr. KANJORSKI.

H.R. 213: Mr. SENSENBRENNER, Mr. LEWIS of Georgia, and Mr. TURNER.

H.R. 270: Mr. MICA, Mr. CALVERT, Mr. CARSON of Indiana, and Mr. ROGERS of Michigan.

H.R. 272: Mr. GUTHRIE, Mr. SMITH of Nebraska, and Mr. DAVIS of Alabama.

H.R. 303: Ms. CORRINE BROWN of Florida and Mr. SMITH of New Jersey.

H.R. 333: Mr. MICA, Mr. YOUNG of Alaska, and Mr. SMITH of New Jersey.

H.R. 347: Mr. GRIJALVA and Mr. MCGOVERN.

H.R. 391: Mr. TIAHRT.

H.R. 422: Mr. HERGER, Ms. GIFFORDS, Mr. HINCHEY, and Mr. MCCAUL.

H.R. 444: Mr. ISRAEL, Mr. GUTHRIE, and Mr. YOUNG of Florida.

H.R. 482: Mr. SCALISE.

H.R. 497: Mr. WILSON of Ohio.

H.R. 509: Mr. MICHAUD, Mr. FALEOMAVAEGA, and Mr. MORAN of Virginia.

H.R. 515: Mr. SARBANES, Mr. WELCH, Mr. GEORGE MILLER of California, and Mr. MEEK of Florida.

H.R. 557: Mr. ROONEY, Mr. MCCLINTOCK, Mr. KINGSTON, Mr. PRICE of Georgia, Mr. CAMP, Mr. ROGERS of Michigan, Mr. BUCHANAN, Mr. McKEON, and Mr. AKIN.

H.R. 574: Mr. YOUNG of Alaska and Mr. GORDON of Tennessee.

H.R. 614: Mr. MORAN of Kansas and Mr. CALVERT.

H.R. 616: Mr. BONNER and Mr. WELCH.

H.R. 626: Ms. MATSUI, Mr. STARK, Mr. CARNAHAN, Mr. SCOTT of Virginia, Mr. SCHIFF, Mr. CARSON of Indiana, Mr. BISHOP of New York, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 676: Mr. PASTOR of Arizona, Ms. WATERS, and Mr. GEORGE MILLER of California.

H.R. 682: Mr. GRIJALVA.

H.R. 684: Mr. FARR.

H.R. 699: Mr. LUJÁN.

H.R. 721: Ms. ROS-LEHTINEN.

H.R. 730: Ms. CLARKE.

H.R. 731: Mrs. EMERSON.

H.R. 735: Mr. BURGESS.

H.R. 775: Mr. KISSELL, Ms. ZOE LOFGREN of California, Mr. THOMPSON of California, Ms. GIFFORDS, Mr. BACA, and Mr. DELAHUNT.

H.R. 816: Ms. JENKINS, Mr. CONNOLLY of Virginia, Mr. MICA, Mr. BUCHANAN, Mrs. BLACKBURN, and Ms. CORRINE BROWN of Florida.

H.R. 836: Mr. CARTER, Mr. SALAZAR, Ms. ROS-LEHTINEN, Mr. JONES, Mr. LOBIONDO, Mr. THOMPSON of Pennsylvania, Mr. BROWN of South Carolina, and Mr. RYAN of Ohio.

H.R. 868: Ms. HERSETH SANDLIN.

H.R. 873: Mr. DICKS, Mr. KENNEDY, Mr. BISHOP of New York, Mr. BERMAN, Mrs. BIGGERT, and Ms. ZOE LOFGREN of California.

H.R. 875: Mr. FRANK of Massachusetts.

H.R. 877: Mr. FLEMING, Mr. BONNER, Mr. TIM MURPHY of Pennsylvania, Mr. BROUN of Georgia, Mr. McCOTTER, and Mr. TIAHRT.

H.R. 885: Ms. ESHOO, Mr. MICHAUD, Mr. BRADY of Texas, Mr. HIGGINS, Ms. DELAULO, and Mr. BISHOP of New York.

H.R. 916: Ms. SLAUGHTER.

H.R. 948: Mrs. LOWEY, Mr. PALLONE, Mr. JONES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OBERSTAR, Mr. JACKSON of Illinois, Mr. NADLER of New York, Ms. DELAULO, Mr. COSTA, Ms. SCHWARTZ, Ms. BORDALLO, and Mr. DRIEHAUS.

H.R. 981: Ms. ZOE LOFGREN of California.

H.R. 984: Mr. PRICE of North Carolina.

H.R. 988: Mr. EHLERS, Mr. CARNAHAN, Mr. KING of New York, Mr. COURTNEY, and Mr. MICHAUD.

H.R. 1020: Ms. NORTON.

H.R. 1021: Mr. LATHAM.

H.R. 1024: Mr. SCOTT of Virginia, Mr. MEEK of Florida, and Mr. SIREs.

H.R. 1029: Mr. MEEKS of New York.

H.R. 1032: Mr. KANJORSKI, Mr. STUPAK, and Ms. WATERS.

H.R. 1052: Mr. MICA.

H.R. 1077: Mr. MARSHALL, Mr. GRIJALVA, Mr. PLATTS, Mr. WOLF, Mr. SNYDER, Mr. BLUNT, Mr. GERLACH, Ms. BALDWIN, Mr. OBERSTAR, Mr. MOORE of Kansas, and Mr. SMITH of Nebraska.

H.R. 1081: Mr. DRIEHAUS.

H.R. 1092: Ms. SUTTON and Mr. JACKSON of Illinois.

H.R. 1132: Mr. SMITH of Nebraska, Mrs. MYRICK, Mr. PETRI, Mr. SOUDER, Mr. PLATTS, Mr. COSTELLO, Mr. GERLACH, and Mr. ARCURI.

H.R. 1136: Mr. CASTLE.

H.R. 1139: Mr. WELCH.

H.R. 1146: Mr. DUNCAN.

H.R. 1147: Ms. SHEA-PORTER, Mr. HINCHEY, and Mr. DUNCAN.

H.R. 1150: Mr. YARMUTH.

H.R. 1173: Mr. ROGERS of Michigan.

H.R. 1176: Mr. HASTINGS of Washington and Mr. TERRY.

H.R. 1182: Mr. WAMP, Ms. GINNY BROWN-WAITE of Florida, Mr. MICA, Mrs. BLACKBURN, and Mr. LATHAM.

H.R. 1185: Mrs. CAPPS and Ms. LEE of California.

H.R. 1201: Mr. CONYERS.

H.R. 1203: Mr. CARNEY, Mr. FILNER, Mr. TAYLOR, Mr. GALLEGLEY, Mr. ANDREWS, Mr. HASTINGS of Washington, Mr. ISSA, Mr. ADLER of New Jersey, Mr. DOGGETT, Mr. YOUNG of Florida, and Mr. PASCRELL.

H.R. 1204: Mr. MCCAUL and Mr. DOGGETT.

H.R. 1206: Mr. HENSARLING, Mr. ROGERS of Kentucky, Mr. HELLER, and Mr. INGLIS.

H.R. 1207: Mr. AKIN, Mr. PLATTS, Mr. PETERSON, Mr. McCOTTER, Mrs. LUMMIS, and Mr. BURGESS.

H.R. 1208: Mr. CARTER, Mr. SOUDER, Mrs. MILLER of Michigan, Ms. GINNY BROWN-WAITE of Florida, Mr. DOYLE, Mr. McKEON, Mr. TIM MURPHY of Pennsylvania, Ms. GRANGER, Mr. FRANKS of Arizona, Mr. RADANOVICH, and Mr. SCHOCK.

H.R. 1209: Mr. RYAN of Ohio, Mr. PLATTS, Mr. WALZ, Mr. BISHOP of Georgia, Mr. TANNER, Mr. TIM MURPHY of Pennsylvania and Mr. WELCH.

H.R. 1210: Ms. WATERS.

H.R. 1214: Mr. HASTINGS of Florida.

H.R. 1221: Mr. DELAHUNT.

H.R. 1237: Mr. SHERMAN, Mr. KISSELL, Mr. LATOURETTE, Mr. DEFazio, Mrs. HALVORSON, Mr. PATRICK J. MURPHY of Pennsylvania, and Ms. ROS-LEHTINEN.

H.R. 1238: Mr. PITTS, Mr. SCALISE, Mrs. LUMMIS, Mr. BISHOP of Utah, Mr. PENCE, Mr. CONAWAY, Mr. BROUN of Georgia, Mr. BONNER, Mr. KLINE of Minnesota, Mr. GINGREY of Georgia, Mr. MARCHANT, Mr. KINGSTON, Mr. HOEKSTRA, Mr. BRADY of Texas, Mr. BILIRAKIS, and Mr. LATTA.

H.R. 1240: Mr. FORTENBERRY.

H.R. 1245: Mr. MANZULLO.

H.R. 1247: Mr. STARK and Mr. JACKSON of Illinois.

H.R. 1255: Mr. LARSON of Connecticut.

H.R. 1256: Mrs. MILLER of Michigan.

H.R. 1277: Mr. DEAL of Georgia, Mr. SAM JOHNSON of Texas, Mr. ISSA, Mr. HOEKSTRA, Mrs. BLACKBURN, Mr. BONNER, Mrs. MYRICK, Mr. SHIMKUS, and Mrs. LUMMIS.

H.R. 1285: Ms. SUTTON.

H.R. 1289: Mr. STARK.

H.R. 1298: Mr. KILDEE, Mr. CARNEY, Mr. BURTON of Indiana, Mr. SIMPSON, Mr. TAYLOR, Ms. SHEA-PORTER, Ms. KAPTUR, Mr. VAN HOLLEN, and Mr. GORDON of Tennessee.

H.R. 1314: Mrs. MCCARTHY of New York, Mr. POLIS, and Mr. GARY G. MILLER of California.

H.R. 1326: Mr. KUCINICH, Mr. HONDA, Mr. BISHOP of New York, and Mr. McCOTTER.

H.R. 1327: Mr. BARROW, Mr. GARRETT of New Jersey, Mr. HIMES, Mr. BARTLETT, Mr. HOEKSTRA, Mr. BONNER, and Mr. GENE GREEN of Texas.

H.R. 1329: Mr. CARNAHAN and Mr. CONNOLLY of Virginia.

H.R. 1351: Mr. GERLACH, Mr. WITTMAN, Mr. VAN HOLLEN, and Mr. HERGER.

H.R. 1362: Mr. ROGERS of Alabama, Mr. CARSON of Indiana, and Mr. HOLDEN.

H.R. 1389: Mr. FRANK of Massachusetts.

H.R. 1392: Mrs. BLACKBURN, Mr. COHEN, Mr. WAMP, and Mrs. BONO MACK.

H.R. 1403: Mr. CAO.

H.R. 1405: Ms. BERKLEY.

H.R. 1406: Mr. GINGREY of Georgia.

H.R. 1437: Mr. ORTIZ, Mr. FILNER, Mr. CARTER, Ms. GRANGER, Mr. THORNBERRY, Mr. NEUGEBAUER, Ms. GIFFORDS, and Mr. DENT.

H.R. 1452: Mr. YOUNG of Florida.

H.R. 1459: Ms. ZOE LOFGREN of California and Mr. FILNER.

H.R. 1466: Mr. CONYERS.

H.R. 1470: Ms. HERSETH SANDLIN, Mr. ALTMIRE, Mr. KAGEN, Mr. PLATTS, Mr. BRALEY of Iowa, Mr. HARPER, Mr. BURTON of Indiana, and Mr. MANZULLO.

H.R. 1472: Mr. SCHOCK.

H.R. 1479: Ms. NORTON, Ms. KILPATRICK of Michigan and Mr. FATTAH.

H.R. 1499: Mr. DICKS, Mr. HASTINGS of Florida, and Mr. FILNER.

H.R. 1509: Mr. MANZULLO, and Mr. BARTLETT.

H.R. 1511: Mr. HONDA.

H.R. 1520: Mr. YOUNG of Alaska and Mr. FARR.

H.R. 1521: Mr. SOUDER and Mr. RAHALL.

H.R. 1523: Ms. HIRONO, Mr. HINCHEY, Mr. GRIJALVA, and Mr. BACA.

H.R. 1528: Ms. HARMAN, Mr. COHEN, and Ms. LORETTA SANCHEZ of California.

H.R. 1530: Ms. HARMAN and Mr. COHEN.

H.R. 1531: Ms. HARMAN and Mr. COHEN.

H.R. 1547: Ms. KILPATRICK of Michigan, Mr. THOMPSON of Mississippi, Mr. PETERSON, Mr. YARMUTH, Mr. COHEN, Mr. SKELTON, Mr. ENGEL, and Mr. MCINTYRE.

H.R. 1548: Ms. LORETTA SANCHEZ of California.

H.R. 1550: Mr. STUPAK and Ms. LINDA T. SANCHEZ of California.

H.R. 1551: Mr. OLVER, Mr. DELAHUNT, Mrs. LOWEY, and Ms. GIFFORDS.

H.R. 1558: Mr. HASTINGS of Florida.

H.R. 1564: Mr. ACKERMAN, Mr. GEORGE MILLER of California, and Ms. BORDALLO.

H.R. 1575: Ms. ESHOO.

H.R. 1577: Mr. BUCHANAN, Mrs. BONO MACK, Mr. ROGERS of Michigan, Mr. MARIO DIAZ-BALART of Florida, Mr. SESSIONS, Mr. McKEON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PENCE, Mr. SHIMKUS, Mr. GINGREY of Georgia, Ms. FALLIN, Mr. BARRETT of South Carolina, Mr. COBLE, Mr. MCCAUL, Mrs. BIGGERT, Mr. BURGESS, Mr. KISSELL, Mr. SMITH of Nebraska, Mr. PUTNAM, Mr. GRAVES, Mr. KINGSTON, and Mr. MINNICK.

H.R. 1581: Mr. BURGESS.

H.R. 1582: Mr. THORNBERRY, Mr. DEAL of Georgia, Ms. GINNY BROWN-WAITE of Florida, Mr. MCCLINTOCK, Mr. SOUDER, Mr. KING of New York, Mr. COBLE, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 1586: Mr. MASSA, Mr. MCNERNEY, Mr. KRATOVL, Mr. AL GREEN of Texas, Ms. ESHOO, Mr. COURTNEY, Mr. FILNER, Ms. SUTTON, and Mr. RUPPERSBERGER.

H.R. 1603: Mr. RYAN of Ohio, Mr. SCOTT of Georgia, Mr. DRIEHAUS, Mr. BOCCIERI, Mr. SPACE, Mr. ROSS, Mr. ARCURI, Mr. CONNOLLY of Virginia, Ms. SUTTON, Ms. KAPTUR, Mr. SIREs, and Mr. MORAN of Virginia.

H.J. Res. 26: Mr. TIM MURPHY of Pennsylvania.

H. Con. Res. 16: Mrs. MILLER of Michigan.

H. Con. Res. 36: Mr. CRENSHAW, Mr. ROGERS of Michigan, Ms. KOSMAS, Mr. ACKERMAN, Mr. SIREs, Mr. MCMAHON, Mr. MACK, Mr. ROTHMAN of New Jersey, and Mr. BUCHANAN.

H. Con. Res. 49: Mr. HOLDEN, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. MINNICK, Mr. PIERLUISI, and Mr. WILSON of Ohio.

H. Con. Res. 55: Mr. COFFMAN of Colorado.

H. Con. Res. 60: Mr. BILBRAY, Mr. OLVER, Mr. BISHOP of Georgia, Mr. MACK, Mr. LATHAM, Mr. SARBANES, Mr. ROGERS of Alabama, Mr. MURPHY of Connecticut, Mr. GORDON of Tennessee, Mr. COBLE, Mr. BUYER, Mr. HELLER, Mr. COLE, Mr. McKEON, Mr. DANIEL E. LUNGREN of California, Mr. AKIN, Mr. PENCE, Mr. TIM MURPHY of Pennsylvania, and Mr. BONNER.

H. Con. Res. 72: Mr. MARIO DIAZ-BALART of Florida, Mr. MASSA, Mr. WOLF, Mr. BURTON of Indiana, Mr. BOOZMAN, Mr. PENCE, Mr. AKIN, Mr. GINGREY of Georgia, Mr. KIRK, Mr. MILLER of Florida, Mr. BOREN, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. FRANKS of Arizona, Mr. SMITH of New Jersey, Mr. GOHMERT, Mr. ROGERS of Alabama, Mr. FORTENBERRY, Mr. JONES, Mr. LAMBORN, Mr. SHAD-EGG, Mr. SHUSTER, Mrs. CAPITO, Mr. MCHENRY, Mr. GOODLATTE, Mr. TAYLOR, Mr. BURGESS, and Mr. CULBERSON.

H. Res. 42: Mr. HENSARLING, Mr. MCCLINTOCK, Mr. HOEKSTRA, Mr. MINNICK, Mr. MCHENRY, Mr. INGLIS, Mr. CHAFFETZ, Mr. BUCHANAN, Mrs. MILLER of Michigan, Mrs.

BACHMANN, Mr. SCHOCK, Mr. MACK, Ms. FALLIN, and Mr. SHIMKUS.

H. Res. 81: Mr. HOLDEN.

H. Res. 130: Mr. KUCINICH and Mr. ALTMIRE.

H. Res. 204: Mr. MASSA.

H. Res. 215: Mr. NYE and Mr. MCGOVERN.

H. Res. 234: Mr. CUMMINGS and Mr. ADLER of New Jersey.

H. Res. 238: Mr. GALLEGLY and Mr. GARRETT of New Jersey.

H. Res. 241: Ms. WATERS.

H. Res. 242: Mr. COURTNEY, Mr. SABLAN, and Ms. HIRONO.

H. Res. 244: Mr. THORNBERRY.

H. Res. 247: Mr. GRAVES, Mr. MOORE of Kansas, Mr. JOHNSON of Georgia, Mr. CLEAVER, Mr. HARE, Mr. LUETKEMEYER, and Mr. ORTIZ.

H. Res. 249: Mr. BRADY of Texas, Mr. LATTA, Mr. MARCHANT, Mr. GUTHRIE, Mr. BARTLETT, Mr. HOEKSTRA, Mr. PITTS, Mr. GINGREY of Georgia, Mrs. BLACKBURN, Mr. KLINE of Minnesota, Mr. BONNER, Mr. BROUN of Georgia, Mrs. MYRICK, Mr. CONAWAY, Mr. SHIMKUS, Mr. PAULSEN, Mr. BISHOP of Utah, Mr. SCALISE, Mr. PENCE, and Mr. THORNBERRY.

H. Res. 251: Mrs. BIGGERT, Mr. LUETKEMEYER, Mr. SENSENBRENNER, and Mr. KLINE of Minnesota.

H. Res. 260: Mr. KIND, Mr. KILDEE, and Mr. GRIJALVA.

EXTENSIONS OF REMARKS

IN SUPPORT OF A BILL TO INCLUDE VETERANS WHO PARTICIPATED IN THE CLEAN-UP OF ENIWETOK ATOLL AS A RADIATION-RISK ACTIVITY FOR THE PURPOSES OF LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Ms. BORDALLO. Madam Speaker, today I have reintroduced a bill, along with my colleagues, Congressman NEIL ABERCROMBIE of Hawaii and Congressman ENI FALEOMAVAEGA of American Samoa, to amend Title 38 of the United States Code to explicitly define participation in clean-up operations that were undertaken by the United States Army at Eniwetok Atoll of the Republic of the Marshall Islands as a "radiation-risk activity" for the purposes of qualifying veterans who participated in such operations for service-connected benefits administered by the Department of Veterans Affairs. This bill would correct in statute a longstanding inequity for veterans who participated in clean-up of radioactive materials and debris on Eniwetok Atoll resulting from forty-three atmospheric nuclear detonations that occurred there and that were conducted by the United States Government during the late 1940s and throughout the 1950s. Servicemembers were detailed to Eniwetok Atoll during or around the years 1977 through 1982 to confine and cap contaminated soil. Part of the clean-up operations involved the construction of a concrete dome to cover a crater.

The legislation we have reintroduced today would simply allow veterans who participated in any clean-up activity on Eniwetok Atoll during their course of their service to be deemed eligible for Department of Veterans Affairs radiation programs. Such programs provide medical benefits to certain veterans who were exposed to radiation while on Active Duty. Veterans who are currently covered under radiation-risk activities include those who participated on-site in executing the atmospheric tests in the Pacific Basin.

We recognize and commend the atomic veterans who performed clean-up operations on Eniwetok Atoll and thank them for their service to our nation. I introduced the same legislation in the 110th Congress to correct this concern. I hope that our legislation will be given fair consideration by the Committee on Veterans' Affairs in the current Congress. I further hope the Department of Defense makes available to the public, to our veterans and their families, and to the Department of Veterans Affairs all recorded relating to the nature of the tests and clean-up activities that were undertaken on Eniwetok Atoll.

COMMEMORATION OF 20TH ANNIVERSARY OF THE VETERANS ADMINISTRATION BEING MADE A CABINET LEVEL DEPARTMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. RANGEL. Madam Speaker, I rise today to commemorate the 20th anniversary of the establishment of the Veterans Administration as a Cabinet level Department. For some time members of many communities from across the nation have given their loved ones to defend our freedoms as Americans, yet when they returned there was nothing in place to aid them in their transition to civilian life. All of this changed twenty years ago when the Veterans Administration was officially elevated as a cabinet level agency and renamed as the Department of Veterans Affairs. The intrinsic value of having a department such as this has benefited our nation in innumerable ways and now more than ever we see its particular value.

Changes in battle and warfare tactics have caused evolving consequences. It is essential to have a Department that is especially equipped to handle the consequences of engagement in combat, especially the impact of grievous physical wounds. I am especially supportive of our Department of Veterans Affairs and even more pleased to have a person of character and sense of duty such as Eric Shinseki as the new Secretary of Veterans Affairs. The challenge of military personnel transitioning into civilian life becomes even more daunting especially during this period of economic downturn facing our nation. The Department of Veterans Affairs will have to be prepared now more than ever for the growth in the number of veterans needing our assistance to establish their lives once again.

I believe it is our duty as a nation to ensure the well-being of those who have so valiantly given of themselves to protect our nation and I commend the values that have been upheld by the Department of Veterans Affairs.

I introduce into the CONGRESSIONAL RECORD the remarks made by President Obama at the celebration of the 20th anniversary of the Department of Veterans Affairs as a Cabinet Agency on March 16, 2009.

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
Washington, DC, March 16, 2009.

REMARKS BY THE PRESIDENT AT THE 20TH ANNIVERSARY OF THE DEPARTMENT OF VETERANS AFFAIRS AS A CABINET AGENCY

DEPARTMENT OF VETERANS AFFAIRS,
WASHINGTON, D.C.

THE PRESIDENT: Thank you very much. To Jim Benson for helping to organize this; for Mahdee for your service to our country—a Pledge of Allegiance that you've shown in your own commitment to protecting this

country; and obviously, to Secretary Shinseki. It is an honor to join you and the hardworking public servants here at the Department of Veterans Affairs as we mark a milestone in the distinguished history of this department.

You know, 20 years ago, on the day the Veterans Administration was officially elevated to a Cabinet-level agency and renamed the Department of Veterans Affairs, a ceremony was held to swear in the administrator of the old entity as Secretary of the new one. And in his remarks that day, President George H.W. Bush declared that the mission of this agency is "so vital that there's only one place for the veterans of America: in the Cabinet Room, at the table with the President of the United States of America." I could not agree more.

I could not be more pleased that Eric Shinseki has taken a seat at that table. Throughout his long and distinguished career in the Army, Secretary Shinseki won the respect and admiration of our men and women in uniform because they've always been his highest priority—and he has clearly brought that same sense of duty and commitment to the work of serving our veterans.

As he knows, it's no small task. This department has more than a quarter of a million employees across America, and its services range from providing education and training benefits, health care and home loans, to tending those quiet places that remind us of the great debt we owe—and remind me of the heavy responsibility that I bear. It's a commitment that lasts from the day our veterans retire that uniform to the day that they are put to rest—and that continues on for their families.

Without this commitment, I might not be here today. After all, my grandfather enlisted after Pearl Harbor and went on to march in Patton's Army. My grandmother worked on a bomber assembly line while he was gone. My mother was born at Fort Leavenworth while he was away. When my grandfather returned, he went to college on the GI Bill; bought his first home with a loan from the FHA; moved his family west, all the way to Hawaii, where he and my grandmother helped to raise me.

And I think about my grandfather whenever I have the privilege of meeting the young men and women who serve in our military today. They are our best and brightest, and they're our bravest—enlisting in a time of war; enduring tour after tour of duty; serving with honor under the most difficult circumstances; and making sacrifices that many of us cannot begin to imagine. The same can be said of their families. As my wife, Michelle, has seen firsthand during visits to military bases across this country, we don't just deploy our troops in a time of war—we deploy their families, too.

So while the mission of this department is always vital, it is even more so during long and difficult conflicts like those that we're engaged in today. Because when the guns finally fall silent and the cameras are turned off and our troops return home, they deserve the same commitment from their government as my grandparents received.

Last month, I announced my strategy for ending the war in Iraq. And I made it very

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

clear that this strategy would not end with military plans and diplomatic agendas, but would endure through my commitment to upholding our sacred trust with every man and woman who has served this country. And the same holds true for our troops serving in Afghanistan.

The homecoming we face over the next year and a half will be the true test of this commitment: whether we will stand with our veterans as they face new challenges—physical, psychological and economic—here at home.

I intend to start that work by making good on my pledge to transform the Department of Veterans Affairs for the 21st century. That's an effort that, under Secretary Shinseki's leadership, all of you have already begun—conducting a thorough review of your operations all across this agency. And I intend to support this effort not just with words of encouragement, but with resources. That's why the budget I sent to Congress increases funding for this department by \$25 billion over the next five years.

With this budget, we don't just fully fund our VA health care program—we expand it to serve an additional 500,000 veterans by 2013; to provide better health care in more places; and to dramatically improve services related to mental health and injuries like Post-Traumatic Stress Disorder and Traumatic Brain Injury. We also invest in the technology to cut red tape and ease the transition from active duty. And we provide new help for homeless veterans, because those heroes have a home—it's the country they served, the United States of America. And until we reach a day when not a single veteran sleeps on our nation's streets, our work remains unfinished. (Applause.)

Finally, in this new century, it's time to heed the lesson of history, that our returning veterans can form the backbone of our middle class—by implementing a GI Bill for the 21st century. I know you're working hard under a tough deadline, but I am confident that we will be ready for August 1st. And that's how we'll show our servicemen and women that when you come home to America, America will be here for you. That's how we will ensure that those who have "borne the battle"—and their families—will have every chance to live out their dreams.

I've had the privilege of meeting so many of these heroes. Some of the most inspiring are those that I've met in places like Walter Reed—young men and women who've lost a limb or even their ability to take care of themselves, but who never lose the pride they feel for their country. And that is, after all, what led them to wear the uniform in the first place—their unwavering belief in the idea of America; that no matter where you come from, what you look like, who your parents are, this is a place where anything is possible, where anyone can make it, where we take care of each other and look out for each other—especially for those who've sacrificed so much for this country.

These are the ideals that generations of Americans have fought for and bled for and died for. These are the ideals at the core of your mission—a mission that dates back before our founding—one taken up by our first President years before he took office, back when he served as Commander-in-Chief of the Continental Army. Then-General Washington fought tirelessly to support the veterans of America's Revolutionary War. Such support, he argued, should "never be considered as a pension or gratuity . . ." Rather, ". . . it was the price of their blood," and of our independence; ". . . it is, therefore," he

said, "more than a common debt, it is a debt of honor . . ." A debt of honor.

Washington understood that caring for our veterans was more than just a way of thanking them for their service. He recognized the obligation is deeper than that—that when our fellow citizens commit themselves to shed blood for us, that binds our fates with theirs in a way that nothing else can. And in the end, caring for those who have given their fullest measure of devotion to us—and for their families—is a matter of honor—as a nation and as a people.

That's a responsibility you hold, that's the work that you do—repaying that debt of honor, a debt we can never fully discharge. And I know it's not always easy. I know there's much work ahead to transform this agency for the 21st century. But I have the fullest confidence that with Secretary Shinseki's leadership, and with the hard work of the men and women of this department, we will fulfill our sacred trust and serve our returning heroes as well as they've served us.

Thank you. God bless you, and may God bless the United States of America. Thank you, everybody.

HONORING THE MEMORY OF MILDRED JUANITA NETTLES COOK

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. BONNER. Madam Speaker, Wilcox County recently lost a dear friend, and I rise today to honor Mildred Juanita Nettles Cook and pay tribute to her memory.

A lifelong resident of Arlington, Mrs. Cook graduated from Wilcox County High School and, in 1940, she graduated with honors from Alabama State College for Women in Montevallo.

Mrs. Cook was also a lifelong member of the Arlington United Methodist Church, where she served as treasurer and Sunday school superintendent for many years. She was also a member of the United Methodist Women and the Friday Afternoon Club. She was a member of Alabama Charter Chapter #36 United Daughters of the Confederacy and the Lt. Joseph M. Wilcox Chapter of the Daughters of the American Revolution. She served as president of both the Alabama Division and the General Division of the UDC and was known and respected throughout the nation for her leadership in both the Daughters of the Confederacy and the Daughters of the American Revolution.

Mrs. Cook was a charter director of the Town-Country National Bank in Camden. She also served as treasurer of the Arlington Methodist Community and Cemetery Foundation.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama. "Miss Mildred" will be dearly missed by her family—her sons, Daniel Bragg Cook Jr. and his wife Angela, Samuel McPherson Cook and his wife Claudia, and Abe Crum Cook III and his wife Helen; her grandchildren, Jennifer Mildred Cook Nice, Richard Daniel Cook, Samuel McPherson Cook Jr., John Roan Cook, Claudina Pereira, Marian Denisse

Cook, Abe Crum Cook IV, Braxton Dauphin Cook, and Kathryn Elizabeth Cook; her great-grandchildren, Leina Tsou Cook, Anara Tsou Cook, and Samuel Rikard Cook; and many nieces, nephews, and cousins—as well as the countless friends she leaves behind.

Our thoughts and prayers are with them all during this difficult time.

A TRIBUTE TO JOYLENE WAGNER

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. SCHIFF. Madam Speaker, I rise today to honor Mrs. Joylene Wagner of Glendale, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our nation's women. Accordingly it is my privilege to highlight Mrs. Wagner as a woman whose extraordinary efforts are vital to my district.

Born and raised in Monrovia, California, Joylene graduated in 1976 from University of California, Santa Cruz with a degree in Western Civilization and continued on to the University of San Diego's Legal Assistant program. During her five years working as a litigation paralegal in San Diego and later in Los Angeles, she served on the founding board of the San Diego Association of Legal Assistants and in the La Jolla University/Community Chorus and Orchestra Association.

Joylene and her husband Robert moved to Glendale in 1981, where they both became active in the Adams Hill Homeowners Association. They are very proud of their 3 children, who all attended Glendale schools. Their daughter Meg now teaches children with autism in Fairfax County, Virginia, son Will serves on the staff of Senator ARLEN SPECTER, and son Nick will graduate from Glendale High School this year.

Since 1985, in addition to singing in the First United Methodist Church choir, Joylene has split her time between volunteering in the schools and community and working part-time teaching children's choral music either at church, in Glendale elementary schools, or at the Los Angeles Children's Chorus. Her community involvement has included serving on the boards of Glendale Healthy Kids, Verdugo Workforce Investment, Los Angeles County School Trustees Association, and the League of Women Voters, as well as on the Glendale Arts and Culture Commission.

Before her election to the Glendale Unified School District Board of Education in 2005, Joylene worked locally as a substitute teacher and completed graduate work in education. She has since served as the Board's President, working to find ways to enrich and increase student learning through arts instruction and career-technical education opportunities. In the face of drastic state funding cuts and in an effort to ensure budgetary support for educational priorities, Joylene has facilitated creative, courageous, and cooperative community conversations about what is most essential for student success.

Joylene's steadfast dedication and selfless service are an invaluable addition to the legacy of Women's History Month. With gratitude

and admiration, I ask all Members of Congress to join me in honoring an extraordinary woman of California's 29th Congressional District, Mrs. Joylene Wagner.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. ABERCROMBIE. Madam Speaker, I regret that I missed rollcall vote No. 107 through 115. Had I been present, I would have voted "aye" on rollcall votes 107 and 109 through 115. I would have voted "no" on rollcall vote 108.

INTRODUCTION OF THE UNIVERSAL RIGHT TO VOTE BY MAIL ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Universal Right to Vote by Mail Act of 2009—a bill to allow any eligible voter to vote by mail in a federal election if he or she chooses to do so.

In my home state of California, voters already have this right. California is one of the twenty-eight states that already provide this convenient alternative to voters.

While I love the ritual of going to the polls to vote, I know that getting to the polls on Election Day is often difficult. For some, it's impossible.

That is why I have introduced a bill that builds upon the growing trend of states to bring the polls to the voters. I believe we should try to meet our constituents halfway by increasing access to the electoral process.

What I am proposing is not new or even untested. States ranging from my home state of California, to Wisconsin, to North Carolina, to Maine have already adopted this voter-friendly policy.

With mail voting, citizens can vote from the convenience of their own homes. They will have more time to mull over their choices and make informed decisions, and they will be able to do so on their own terms.

Not surprisingly, studies have shown that some of the biggest supporters of voting by mail are parents, who must schedule time to go to the polls around so many other obligations.

Studies have also indicated that adding the option to vote by mail does not create a partisan advantage for one political party over the other.

Republicans and Democrats both benefit from similar increases in voter turnout when voters are given the choice to mail in their ballots.

In fact, overwhelming support for voting by mail is consistent across nearly every demographic—including age, income level, race, education, employment status and ideology. It is a win-win for all Americans.

After adopting a universal right to vote by mail system in 1978, California saw a thirty percent increase in the use of mail-in ballots.

Other states that have implemented this policy have seen the same degree of support from voters, which is why it is hardly surprising that States offering the option of mail-in ballots often experience greater voter participation.

There is also an extremely low incidence of fraud with voting by mail when compared to other methods of voting.

As the former President of the League of Women Voters of San Diego, I care deeply about the integrity of our electoral system.

Twenty-eight states have already proven this option works, and it is safe. It is time to give voters in the remaining states this convenient, secure and affordable alternative.

While I am proud to be from a state where citizens already have this right, I believe democracy works best when all citizens have an equal opportunity to have their voices heard.

Right now, an uneven playing field exists between states that already offer the option of mail-in ballots and states that do not.

When the same election is more accessible to voters in California than it is to voters in other states, the system is unfair.

States that fail to offer this choice stand to compromise their leverage in federal elections by curbing the greatest level of voter participation.

We should follow the lead of over half of our nation's states and ensure a uniformity of rights for all voters.

I ask my colleagues on both sides of the aisle to join me in supporting this effort to strengthen the democratic process and give American voters the choices they deserve.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. PUTNAM. Madam Speaker, on Monday, March 16, 2009, and Tuesday, March 17, 2009, I was not present for 6 recorded votes. Had I been present, I would have voted the following way: Roll No. 125, yea; Roll No. 126, yea; Roll No. 127, yea; Roll No. 128, yea; Roll No. 129, yea; Roll No. 130, yea.

HONORING DAVID S. GALLATIN, CHIEF EXECUTIVE OFFICER OF EXCELA HEALTH

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. MURTHA. Madam Speaker, I rise today to pay tribute to David S. Gallatin, Chief Executive Officer of Excelsa Health. I would like at this time to draw attention to some of his accomplishments and contributions to our health system and the community of Westmoreland County, Pennsylvania.

David S. Gallatin has long been associated with Excelsa Health and its predecessors,

Westmoreland Health System and Westmoreland Hospital. He served, in a voluntary capacity, on the Board of Trustees from 1982 through 2004. During his time on the Board, he was a member of the Executive Committee (1985 to 2004); served as a member of the Finance Committee (1990 to 2004); filled the role of Vice Chairman (1994 to 1999), was named Chairman from 1999 to 2004.

In January 2003, the Westmoreland Health System Board of Trustees voted unanimously to name David S. Gallatin as its Chief Executive Officer, after having served as Interim Chief Executive Officer, while continuing his role as Board of Trustees Chairman until his term expired June 30, 2004.

David S. Gallatin, cited for his leadership skills and vision, helped devise and implement a turnaround plan for the health system, one that resulted in meaningful growth, capital strength, physician recruitment, and retention of a professional work force. He championed the acquisition of the latest clinical technologies, thereby advancing the quality of care for the residents of Westmoreland County and beyond. Further, he, among others, spearheaded the successful merger of Westmoreland Health System with Latrobe Area Hospital, and later, Mercy Jeannette Hospital, creating and expanding the county's largest and only health care provider, Excelsa Health. His vision of a distributed delivery model assures local access to advanced health care, which is evident in Excelsa Health's Centers for Excellence, state of the art Emergency Departments and nationally recognized Stroke Prevention programs.

Therefore, I join in commending David S. Gallatin for his history of hard work and service to our health system and the communities it serves.

RECOGNIZING NAACP MID-MANHATTAN BRANCH'S SALUTE TO NAACP WOMEN OF EXCELLENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. RANGEL. Madam Speaker, today I rise to ask my colleagues to join me in recognizing NAACP Mid-Manhattan Branch of the Metropolitan Council of NAACP Branches as they pay tribute to the everlasting accomplishments and contributions of the NAACP Women of Excellence in celebration of Women's History Month and the Centennial Anniversary of the National Association for the Advancement of Colored People.

NAACP Mid-Manhattan Branch honors the Honorable Hazel N. Dukes, President of the New York State Conference of NAACP Branches; the Honorable Mildred Roxborough of the NAACP National Development Department; the Honorable Laura D. Blackburne, Counsel for the New York State Conference of NAACP Branches & NAACP Special Contribution Fund; the Honorable Paula Brown Edmé of the NAACP National Development Department; the Honorable Gloria Benfield, Membership Chair for New York State Conference of NAACP Branches; and the Honorable Shirley

Stewart Farmer, Co-Founder of the NAACP Mid-Manhattan Branch. As a Life Member of the National Association for the Advancement of Colored People, I am proud to join Mid-Manhattan Branch in saluting these NAACP Women of Excellence.

Founded in 1909, the NAACP is the nation's oldest and largest civil rights organization. Its members throughout the United States and the world are the premiere advocates for civil rights in their communities, conducting voter mobilization and monitoring equal opportunity in the public and private sectors. The Mid-Manhattan Branch recently celebrated its 40th Anniversary since its founding in 1966.

In the mid 1960s a group of citizens, concerned that there was no NAACP Branch in the Mid-Manhattan area, met for several months to plan a branch. Over 500 letters co-signed by Roy Wilkins and Ralph Bunche, invited hopefully interested residents to a meeting at Freedom House (120 Wall Street, New York, NY).

For forty years, the Mid-Manhattan Branch has been an advocate for all its citizens in the struggle for civil rights and equality. Today, the Branch plays an active role in confronting the gaps and disparities in healthcare, economics, education funding, Criminal Justice, diversity in the Courts and in the Judiciary.

Their efforts continue in voter education, registration and mobilization, as well as youth development and enrichment programs. Today, the Mid-Manhattan Branch has over 600 members, with eight working Committees (Education, Health, Fundraising, Legal Redress, Membership, Civic Engagement, Veteran Affairs, and Youth Council).

A TRIBUTE TO DR. SONYA
MKRYAN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. SCHIFF. Madam Speaker, I rise today to honor Dr. Sonya Mkryan of Altadena, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our nation's women. Accordingly it is my privilege to highlight Dr. Mkryan as a woman whose extraordinary efforts are vital to my district.

Sonya was born in Sanjak, the French mandate of Syria, and emigrated at age ten to Soviet Armenia with her parents and three siblings. By the time she travelled from Armenia to the United States with her husband and three children in 1979, she had obtained a PhD in Technical Studies and worked for two decades as a scientist and researcher at the Armenian Academy of Sciences. Her first job in America was as a mechanical inspector for Robertshaw Industrial Products.

As an educator and geophysicist, Sonya has taught in the Pasadena Unified School District as a professor of physics at Polytechnic Institute. For the past twenty-three years she has contributed her knowledge and experience to the County of Los Angeles' Department of Public Social Services in hopes of serving society for the better.

A woman of multiple talents, Sonya is also an artist and a writer. Over the last twenty years she has held several solo shows and has actively participated in many group exhibitions. Aside from scientific articles published in the Russian, she has published six books of poetry and short stories: five in Armenian and the sixth in English. She is a member of the Armenian Writers Union of California and is an honorable member of the International Society of Poets.

Sonya's life story is a testament to the brilliant potential of this nation's women and her steadfast dedication and selfless service are an invaluable addition to the legacy of Women's History Month. With gratitude and admiration, I ask all Members of Congress to join me in honoring an extraordinary woman of California's 29th Congressional District, Dr. Sonya Mkryan.

CONGRESSIONAL TRIBUTE
HONORING FAY SINKIN

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

MR. GONZALEZ. Madam Speaker, on March 4, 2009, the world was bereft of a powerhouse environmentalist when Fay Sinkin passed away at the age of 90. Born in New York City, Fay came to San Antonio 66 years ago after marrying Bill Sinkin after he proposed on their first, blind date. Fay quickly made San Antonio her home, and the residents of the city will be forever grateful.

She joined the San Antonio Chapter of the League of Women Voters, serving as its president for several years, and was a tireless fighter for the equality of women and minorities. She was one of the first women in the city to sit on a jury, and she fought the mayor and the city council to improve the living conditions for San Antonio's Blacks and Hispanics.

The protection of the Edwards Aquifer would become her life's work. When Fay heard of the proposal to build a massive development which threatened the city's water supply, she took action. With her allies in the Edwards Aquifer Preservation Trust, she enlisted the assistance of the city's congressman, Henry B. Gonzalez, and set forth to protect her fellow citizens. The Government Canyon State Natural Area now stands where some saw only a chance at quick profit. The growth of San Antonio and the health of its citizens would not have been possible without the work of Fay Sinkin.

Fay and Bill Sinkin continued to work to improve the lives of San Antonians, Texans, and the entire country until the end of her days. Just this past January, she recalled the myriad changes she had seen over six decades in the city, the improvements no one could have imagined when she first arrived, looked out over a land so different from any she had known and declared herself home.

San Antonio was Fay Sinkin's home for 66 years. The City feels a little emptier now, but we have all lived richer, better lives because of the life of Fay Sinkin. Her life may have

ended, but her contributions will live on and generations shall enjoy the fruits of her labor.

PERSONAL EXPLANATION

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. ETHERIDGE. Madam Speaker, due to an illness in my family, I was unable to be in attendance on the floor of the House on March 12, 2009, and unable to record my vote on H.R. 1262.

Had I been able to cast my vote on this bill I would have voted in strong support of the Water Quality Investment Act of 2009. H.R. 1262 is a comprehensive bill that will result in a total investment in our nation's water infrastructure of \$18.7 billion over five years, this legislation will fund the Clean Water State Revolving Fund, and provide \$13.8 billion in Federal grants over five years to the Clean Water SRF to provide low-interest loans to communities for wastewater infrastructure.

Our nation's wastewater infrastructure is deteriorating and in dire need of repair. In many regions of the country, sewer systems and water infrastructure facilities were built in a different era and for much smaller populations. Many water systems have reached the end of their useful life or have been completely overwhelmed from increased use. H.R. 1262 goes a long way towards renewing the federal commitment to addressing our nation's substantial needs for water infrastructure to ensure that communities across the country have safe drinking water and effective wastewater treatment facilities.

I am pleased that this legislation has passed the House and I only regret that I was not able to be present to cast my vote in support. In addition to voting "yes" on Rollcall No. 123, I would have voted "no" on Rollcall No. 122, against the Mack Amendment to the bill, which would have removed prevailing wage provisions from the bill. I also would have voted "yes" on Rollcall No. 124, H. Res. 224, supporting the designation of March 14, 2009 as Pi Day.

PUBLIC LANDS SERVICE CORPS
ACT OF 2009

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. GRIJALVA. Madam Speaker, today I am introducing the Public Lands Service Corps Act to expand an already successful program that employs and trains thousands of young people and helps repair and restore our public lands. I am delighted that my colleague, House Natural Resources Committee Chairman NICK RAHALL, has agreed to join me as an original cosponsor of this important bill.

In 1993, when the Public Lands Corps was established through the good work of our late colleague Bruce Vento of Minnesota, there were huge backlogs in labor-intensive work

needed on national park lands, forests, wildlife refuges, historic sites and Indian lands.

Today, we still face those challenges and more: years of inadequate funding have put these agencies further behind on vital maintenance work while infrastructure continues to crumble. Despite the best efforts of our underfunded agencies, natural and cultural resources have been neglected, and in many places the effects of climate change are magnifying earlier problems such as fire risk, damage by insects and invasive species and fragmented habitat.

We have started to attack this problem with the recently passed stimulus legislation, but that is only a start. Much remains to be done on public lands.

The Public Lands Corps is built on a long and proud tradition of conservation service on Federal lands that extends back to President Franklin D. Roosevelt and the Civilian Conservation Corps. That peace-time army, numbering some 3 million young Americans, planted trees, fought fires, maintained trails and built shelters across our nation. The Youth Conservation Corps has given hundreds of thousands of young people valuable skills and experience while undertaking valuable conservation work.

In fiscal year 2008 alone, over 4,000 young people spent countless hours on 289 projects at 111 national park units mending trails, cleaning up campgrounds, controlling erosion, restoring habitat, and other projects to repair and restore park lands, facilities and resources. That was in national parks alone; imagine what we could accomplish if more federal agencies harnessed that pool of talent and enthusiasm for the benefit of our public lands, waters, and coastal and marine systems.

My bill will amend the Public Lands Corps Act of 1993 to expand the authority of the Interior and Agriculture Departments (including such agencies as the National Park Service, the Bureau of Land Management and the U.S. Fish and Wildlife Service, the U.S. Forest Service and the National Oceanic and Atmospheric Administration) to provide service-learning opportunities on public lands; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service.

Additionally, the bill adds authority for the National Oceanic and Atmospheric Administration to participate in the program. NOAA, an agency of the Commerce Department, manages the National Marine Sanctuaries System, and with this new authority will be able to offer Corps members a chance to work in restoring coastal and marine systems along our oceans and the Great Lakes.

The bill will reinvigorate the Public Lands Corps programs by modernizing the scope of Corps projects to reflect new challenges, such as climate change; and adding incentives to attract new participants, especially from underrepresented populations.

The legislation will ensure that, during their service term, participants receive adequate training for the work they have been assigned, including agency-specific standards, principles and practices. Language to ensure adequate

housing, authorize participants in existing volunteer programs to contribute both as mentors and on Corps projects, expand the program for college and graduate students, and broaden preferential hire provisions is also included.

The bill would rename the corps as the Public Lands Service Corps, and remove the \$12 million authorization ceiling, paving the way for increased funding for this excellent program.

Madam Speaker, I am pleased that President Obama and Interior Secretary Salazar have made national service a priority, and I am delighted to be a strong supporter of the GIVE Act, which we are considering this week. I want to thank the gentleman from California, Chairman MILLER, for his very generous assistance in the drafting of the Public Lands Corps amendments I am introducing today.

I also want to thank the gentleman from West Virginia, Chairman RAHALL, the chairman of the other committee on which I am proud to serve, the Natural Resources Committee, for his support of this legislation. Other members have also indicated their interest in service-learning on public lands, and I look forward to working with them, and with members of the other body who have a long interest in the Public Lands Corps.

Madam Speaker, we know the tasks and challenges that confront our land and water management agencies are great. This bill will help us meet those challenges.

A TRIBUTE TO DR. MELINDA HSIA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. SCHIFF. Madam Speaker, I rise today to honor Dr. Melinda Hsia of South Pasadena, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our nation's women. Accordingly it is my privilege to highlight Dr. Hsia as a woman whose extraordinary efforts are vital to my district.

Born in San Francisco, Melinda graduated from the University of California, Berkeley, with a major in Bacteriology and received her Doctor of Pharmacy at the University of Southern California. She began to master the art of multi-tasking while working at the Glendale Adventist Medical Center for 16 years, when in addition to her medical pursuits, she obtained her real estate license and sold houses part-time. By the time her children, Andrew and Chloe, were born and her husband, Tom, retired, Melinda had become a veteran at juggling multiple roles. Outside of her volunteer efforts Melinda is an avid gardener and a pharmacist at Costco Alhambra where she counsels everyone from pediatric to elderly patients.

Melinda's children have inspired her community involvement year after year. She began as a PTA member at their elementary school, helping to coordinate talent shows, musical productions, and promotions. Once her children entered high school, Melinda became the South Pasadena Music Boosters Club President and an active member of several other committees which coordinate fundraisers and

competitions to support athletic and school clubs. She is currently South Pasadena High School's PTSA Vice President of Programs. In this capacity, Melinda coordinates speaker forums such as "Over-the-Counter Drugs and Teens" and the Developing Capable Young People series. In 2007 she received South Pasadena High School's PTSA Volunteer of the Year award.

In addition to her PTSA involvement, Melinda serves her community as repeat President of the South Pasadena Chinese American Club, which raises funds for local public schools and community projects. The American Cancer Society's Relay for Life, Huntington Library's Chinese Garden, the South Pasadena Educational Foundation, and the Union Station Foundation's Adopt-A-Meal program have all benefitted from Melinda's exemplary philanthropic leadership. She has supplemented her already busy schedule with positions on South Pasadena School District's Real Estate and Budget Advisory Committees and sits on the Board of Directors for the City's Chamber of Commerce.

Melinda's handiwork adorns the entire South Pasadena community, whether as a refurbished classroom or as a floral centerpiece, and her selfless service is an invaluable addition to the legacy of Women's History Month. Her devotion has even created a new generation of volunteers: daughter Chloe was recently named a Bronze and Silver Congressional Award Medalist. With gratitude and admiration, I ask all Members of Congress to join me in honoring an extraordinary woman of California's 29th Congressional District, Dr. Melinda Hsia.

IN HONOR OF EDWIN E. BLISS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. FARR. Madam Speaker, I rise today to honor a great American and community servant, Edwin E. Bliss of Carmel, California for his lifetime of achievements and service above self. Edwin is a highly respected long time resident of the Monterey Peninsula. All of us who have had the good fortune over the years to befriend him, know that Edwin always exhibits his core values of respect, truth, and goodness.

Edwin Earl Bliss was born in Ridgefield, Washington near Portland, Oregon on March 19, 1919. The son of a successful dairy rancher and respected school teacher, Edwin displayed uncommon leadership skills early and often. Editor in high school, fraternity president in college and manager of the Charlton Hotel in Cannes, France while serving as an Army officer during World War II, Edwin led others by example, humility and compassion.

After the war, Ed moved his small family from rural Washington State to quiet Carmel. Called back into the Army to serve in Korea he moved his wife and three children back to Washington to be near family and friends. Upon his release from the military, Ed returned his young excited family permanently back to the Monterey Peninsula.

Here Edwin lives the American dream, raising a wonderful family, building a beautiful home and selflessly serving his community. Edwin Bliss's sense of honesty and respect has guided and propelled him through a successful career in the insurance industry and community service. Leadership with the Pacific Grove Kiwanis, the USO, YMCA and the Life Underwriters Association are just some of the many boards he has served on. But his greatest community love is the Monterey History and Art Association. As a long time board member and President from 1964–65 he was instrumental in laying the early groundwork to establish the Monterey Maritime Museum. While a board member for the National Trust for Historic Preservation, Edwin helped place the Cooper-Molera Adobe in Monterey on the National Registry of Historic Places. In addition, Edwin served on the first board to insure the preservation of Robinson Jeffers' Tor House.

Perhaps Edwin's greatest social love has been the Ancient and Honorable Society of Buckeye. Founded by close friend and then State Senator, Fred S. Farr, Ed has been its guiding light for over fifty years. This annual gathering of ranchers, fishermen, politicians, musicians, doctors, lawyers, educators and businessmen has given rise to local legends and many community events.

Madam Speaker, Edwin Bliss's accomplishments are distinguished and numerous. Edwin has lived an exemplary life grounded in truth, goodness and respect for others. I know my fellow members join me in congratulating him on his 90th birthday.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. TIAHRT. Madam Speaker, in accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to the Fiscal Year 2009 Omnibus Appropriations Act found in H.R. 1105:

ENERGY AND WATER—ARKANSAS RIVER FISH HABITAT, KANSAS

H.R. 1105, the FY 2009 Omnibus Appropriations Act contains a line item for the Arkansas River Fish Habitat in the Army Corps of Engineers' Section 206 account. The entity to receive funding for this project is the United States Army Corps of Engineers, Tulsa District located at 1645 S. 101 East Ave., Tulsa, OK 74128.

The funding will be used to address the feasibility of improving 122 acres of various types of habitat along the Arkansas River in Kansas. This money could be used to complete Plans and Specifications for this proposed restoration site.

This project complies with matching fund requirements.

IN RECOGNITION OF MR. JAMES F. SLOAN ON THE OCCASION OF HIS RETIREMENT AFTER 34 YEARS OF DISTINGUISHED PUBLIC SERVICE

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. REYES. Madam Speaker, I rise today to pay tribute to a fellow Army veteran, a man of great integrity and an unwavering sense of commitment to his Nation, Mr. James F. Sloan, on the occasion of his retirement after 34 distinguished years of public service.

I have had the pleasure of working with Mr. Sloan in his role as the Coast Guard's Assistant Commandant for Intelligence. When he assumed his duties in 2003, the Coast Guard had only two years earlier been designated a member of the Intelligence Community. In the years since, Mr. Sloan has been responsible for modernizing the Coast Guard intelligence program to keep pace with an ever-expanding and increasingly complex set of national security threats.

Mr. Sloan has also worked to cultivate extensive relationships and collaborative partnerships with other elements of the Intelligence Community. He has been an enthusiastic advocate for bringing the Coast Guard's wide-ranging expertise to bear in a variety of crucial national missions. Under his leadership, the Coast Guard has become an integral actor in the fight against terrorism, providing port security, conducting maritime interdiction, and supplying essential tactical and operational intelligence to a variety of other U.S. Government agencies.

I would be remiss if I failed to mention Mr. Sloan's 21 years of service with the United States Secret Service. During more than two decades, he served as the agency's Deputy Assistant Director for Protective Operations and later as the Senior Program Manager of the Anti-Terrorism programs, where he represented the Secret Service on the National Security Council.

The Nation is better and safer as a result of Mr. Sloan's service. For that, we thank him.

TRIBUTE TO 2009 JOHNSON COUNTY MOVERS AND SHAKERS AWARD WINNERS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. MOORE of Kansas. Madam Speaker, I rise today to note an important event in the Third Congressional District of Kansas. On April 14, 2009, the Volunteer Center of Johnson County in Overland Park, KS, will honor outstanding youth volunteers. Eighty young people have been nominated by school personnel and nonprofit organizations for their dedication and service to the community. Youth volunteerism continues to grow and be a strong force in Johnson County. These 110 young people exemplify the true meaning of

volunteerism and giving back to their community. It is my honor to recognize each student volunteer and their schools by listing them in the CONGRESSIONAL RECORD.

MOVERS AND SHAKERS CLASS OF 2009

Rana Aliani—Barstow; Colton Anderson—Prairie Trail Jr. High; Samantha Atwell—Olathe South High School; Amber Atwell—Olathe South High School; Sydney Ayers—Barstow; Katie Bauer—Mill Valley High School; Mica Bengtson—Olathe South High School; Terrance M. Benson II—Shawnee Mission North High School; Ben Berger—Blue Valley Northwest High School; Briana Bowen—Shawnee Mission West High School; Nathaniel Bozarth—Olathe North High School; Jessica Brown—Shawnee Mission North High School; Tanner Buzick—Prairie Trail Jr. High; Sally Carmichael—Shawnee Mission West High School; Kristy Carter—Olathe North High School; Caitlin Carter—Shawnee Mission West High School; William Cleek—Olathe North High School; Patrick Connell—Shawnee Mission West High School; Elizabeth Cornell—Olathe South High School; Hannah Cosgrove—Shawnee Mission East High School; Arielle Daniel—Olathe Northwest High School; Rudy Date—Blue Valley Northwest High School; Ben Davis—Shawnee Mission Northwest High School; Tyler Day—Prairie Trail Jr. High; Allison Ens—Olathe Northwest High School; Miranda Erickson—Olathe South High School; Amy Esselman—Shawnee Mission East High School; Emily Feder—Blue Valley Middle School; Melissa Gaddis—Olathe South High School; Evan Gage—Blue Valley Northwest High School.

Jennifer Garren—Shawnee Mission West High School; Christy Garren—Westridge Middle School; Kevin Garrett—Shawnee Mission West High School; Michael Garrett—Shawnee Mission West High School; Andy Gottschalk—Westridge Middle School; Lauren Gregory—Heritage Home School; Jonathan Gregory—Shawnee Mission Northwest High School; Robert Hale—Shawnee Mission West High School; Gabrielle Hanna—Chisholm Trail Jr. High; Amneet Hans—Olathe North High School; Myra Hawkins—Shawnee Mission West High School; Rebekah Hayner—Olathe Northwest High School; Cara Heneger—Shawnee Mission East High School; Lauren Hiatt—Olathe North High School; Taylor Hiatt—Olathe North High School; Tyler Howard—Olathe Northwest High School; Liz Huston—Olathe Northwest High School; Shelby Johnson—Olathe South High School; Taylor Johnston—Shawnee Mission West High School; Chantal Jorawsky—Olathe North High School; Katie Kelter—Olathe Northwest High School; Sean Kennedy—Shawnee Mission North High School; Joshua Kennedy—Shawnee Mission Christian School; Jordyn Kittle—Mill Valley High School; Rachel Knapp—Shawnee Mission West High School; Nicole Knapp—Shawnee Mission West High School; Kelli Koch—Mill Valley High School; Jessica Kruger—Olathe North High School; Samuel Linan—Olathe Northwest High School; Danielle Lucido—Lakewood Middle School.

Jessie Lueck—Blue Valley Northwest High School; Olivia Mansheim—Olathe East High School; Connor McGoldrick—Shawnee Mission West High School; Ashley Mercer—Westridge Middle School; Ashlyn Midyett—Olathe Northwest High School; Collin Myers—Lakewood Middle School; Paige Nawalany—Shawnee Mission Northwest High School; Nicholas Nawalany—Shawnee Mission Northwest High School; Jack Nelson—Olathe Northwest High School; Lucy O'Connor—Shawnee Mission East High School; Alexandra Olsen—Olathe Northwest High

School; Chris Ouyang—Blue Valley Northwest High School; Aalok Patel—Olathe North High School; Nisha Patel—Olathe Northwest High School; Alex Pentola—Olathe South High School; Wade Pittrich—Shawnee Mission Northwest High School; Matthew Ramirez—Olathe North High School; Andy Rao—Blue Valley Northwest High School; Gabrielle Rehor—Trailridge Middle School; Logan Reilly—Westridge Middle School; Rachel Riedel—Westridge Middle School; Angela Ritz—Olathe North High School; Anna Robb—Shawnee Mission West High School; Dayna Rucker—Shawnee Mission North High School; Bethany Ruder—Olathe South High School; Bradley Schmalz—Shawnee Mission Northwest High School; Courtney Schmitz—Olathe South High School; Taylor Schwartz—Barstow; Caleb Shelton—Olathe South High School; Monica Sherraden—Olathe South High School.

Carla Simpson—Olathe North High School; Taranjeet Singh—Shawnee Mission West High School; Kyle Sitomer—Shawnee Mission East High School; Katie Spies—Blue Valley North High School; Alexa Stonebarger—Mission Valley Middle School; Allyssa Strange—Blue Valley Northwest High School; Abby Stuke—Westridge Middle School; Kate Tarne—Trailridge Middle School; Tana Thomason—Olathe Northwest High School; Julie Varriano—Notre Dame de Sion; Katie Vaughan—Prairie Trail Jr. High; Amanda Vaupel—Olathe North High School; Dallas Waage—Spring Hill High School; Jessica Wayne—Olathe South High School; Abby Weltner—Shawnee Mission East High School; Audriana Willis—Olathe Northwest High School; Elyse Wilson—Olathe South High School; Ashley Wismer—Olathe South High School; Marissa Wuller—St. Thomas Aquinas; Alexa Zuchowski—Olathe South High School.

A TRIBUTE TO CATHERINE WILLS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. SCHIFF. Madam Speaker, I rise today to honor Ms. Catherine Wills of Monterey Park, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our nation's women. Accordingly it is my privilege to highlight Ms. Wills as a woman whose extraordinary efforts are vital to my district.

Family life in Minneapolis, Minnesota, infused Cathy with the spirit of volunteerism from the very beginning. As a young girl she watched her older sister, Charlotte, transform a personal struggle with spina bifida into success as a community activist. Cathy grew to share her father's concern for social issues such as global poverty, illiteracy, and health care, and she joined Charlotte as a devoted advocate for the physically disabled.

Soon after, Cathy's adventuresome spirit took her all the way to Cairo, Egypt. There she worked in a number of professions, from newspaper reporter to fashion model, advertising representative to tour guide. Cathy even landed a small role in Cecil B. DeMille's epic, "The Ten Commandments." After living abroad, becoming fluent in Arabic, and traveling throughout Europe, she returned to the United States and settled in Monterey Park.

Cathy's thirty-plus years of local community outreach include serving as a Los Angeles County Deputy Sheriff, where she became the first woman assigned to the Detective Division's Homicide Bureau and spent her free time mentoring at-risk girls as a Pasadena YWCA "Big Sister." Following retirement, Cathy has dedicated herself to the City and people of Monterey Park. She served on the board of directors of the Heritage Manor Convalescent Home, was a long-time appointee to the City's Personnel Board, and wrote a community column for the local newspaper.

Armed with a lifetime of experience and gumption, Cathy faced her husband's recent bouts with cancer head on and continues to support the City of Hope National Cancer Research Center. Her current roles include serving on city and county Election boards, fundraising as a member of the Soroptimist Club, and advocating for San Gabriel Valley causes as a founding member of the Concerned Citizens of Monterey Park. Cathy also honors outstanding volunteers as co-chair of the United Democratic Club's annual "People Who Make a Difference" award.

It is my privilege to celebrate Cathy just as she has recognized others for so many years. Her steadfast and selfless service is an invaluable addition to the legacy of Women's History Month. With gratitude and admiration, I ask all Members of Congress to join me today in honoring an extraordinary woman of California's 29th Congressional District, Mrs. Catherine Wills.

COMMENDING SARAH LEE FOSTER

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Ms. DeGETTE. Madam Speaker, I rise to honor the extraordinary life of an eminent citizen, Mrs. Sarah Lee Foster. This remarkable woman merits both our recognition and esteem as her impressive record of leadership, volunteerism, activism and invaluable service has moved our community forward and thereby, improved the lives of our people.

Sarah Lee Foster has lived a life of active involvement in neighborhood, community and city organization and activism that has focused on safety and quality of life issues. She was born in Holly Grove, Arkansas, graduated from Holly Grove Vocational High School and attended Shorter and Arkansas Baptist colleges. She is a recipient of the Arkansas Travelers Ambassador Award and the Arkansas Sesquicentennial Medallion.

Sarah Lee Foster was the first woman and only four-term president of the Five Points Business Association in Denver. She coordinated the annual Denver Juneteenth Celebration from the late 1970's through the late 1990's; established the community outreach program to serve youth, homeless, and seniors in the area; and, actively promoted cooperative relations between the association, local residents and citizens, other community and neighborhood organizations, and city and state government offices. She has been honored many times by the organization throughout the

years for her outstanding dedication, leadership, and service to the community.

Sarah Lee Foster's accomplishments have also been recognized by many other appreciative persons and community groups, too numerous to name. Her current and past community service records speak for themselves. Her memberships disclose her belief in the universal community. The list of her awards, tributes, certificates, trophies, and honors runs to more than five single-spaced typed pages.

Sarah Lee Foster is the owner of Sarah Lee's Isle of Beauty and Sarah Lee's Modeling Agency. A charter member of the Denver Cosmetology Guild No. 250, she served as the first African American president of the Colorado Cosmetology Association. She was the first African-American nominated to the National Cosmetology Association Board of Directors, and is currently serving her seventh term as Financial Secretary.

Sarah Lee Foster's countless contributions to the Denver and Colorado communities have been recognized by many elected officials and government representatives. Most recently, she was honored by Mayor John W. Hickenlooper with an "Unsung Hero" Award on the occasion of the 150th birthday of the City of Denver in 2008. She has made an indelible impact on the Denver and Colorado communities and her service will be remembered and she deserves to be congratulated for her "good and faithful service". As she prepares to move to Texas to reside near her family, I know that she will take with her the spirit of community and community service she shared with all of us.

Please join me in paying tribute to the life of Sarah Lee Foster, a prominent community leader, on the occasion of her eightieth birthday. Her service, accomplishments and leadership command our respect and serve to build a better future for all Americans.

A PROCLAMATION CONGRATULATING THE NORTH APPALACHIAN EXPERIMENTAL WATERSHED (NAEW) ON THEIR AWARD FROM THE OHIO STATE UNIVERSITY EXTENSION FOR ITS EDUCATIONAL EFFORTS

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. SPACE. Madam Speaker:

Whereas, the NAEW conducts research on ways to manage land to protect and improve water quality; and

Whereas, the NAEW works to reduce and prevent flood damages to agricultural areas in Southeastern Ohio; and

Whereas, the NAEW's research has sweeping implications for how water resources can be better managed in agricultural and rural settings all across the country; and

Whereas, the NAEW has received a "Friend of the Extension" Award from the Ohio State University Extension for the strengthened partnership between them, and for their aid in education about forestry, soils, grazing, beef feeding, and many other important rural knowledge bases; now, therefore, be it

Resolved that, along with the Ohio State University Extension, friends and family of the NAEW, and the residents of the 18th Congressional District, I congratulate the North Appalachian Experimental Watershed for receiving this award, and commend their continued work in making water usage in agricultural areas safer, more efficient, and more environmentally friendly.

HONORING THE REVEREND
CLAUDE WILLIAM BLACK, JR.

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. GONZALEZ. Madam Speaker, after 92 years of service to others, the Reverend Claude William Black Jr. died on March 13, 2009. A lifelong San Antonian, Reverend Black was a leader in the Civil Rights Movement, working with A. Philip Randolph, the Reverend Martin Luther King, Jr., and many others. But to all of San Antonio, Reverend Black was so much more than the associate of great men; he was a great man and a great friend.

After graduating from the Andover Newton Theological School, Reverend Black spent eight years ministering to congregations in Massachusetts and Corpus Christi before returning to San Antonio to become the minister of the Mount Zion First Baptist Church in 1949. He would lead the congregation as its pastor for the next 49 years and as pastor emeritus until his death. Under Reverend Black's leadership, Mount Zion would become a cornerstone of San Antonio, providing day care, senior citizen services, and, since 1966, a church-owned Credit Union.

Reverend Black was a leading voice in San Antonio's civil rights movement, protesting segregation and bigotry in the face of threats and assaults on himself and his family. When arsonists burned Mount Zion to the ground in 1974, Reverend Black began the process of rebuilding while the ashes were still warm, telling the city council that, while the building might be gone, his church lived on.

As a member of San Antonio's City Council from 1973 to 1978, Reverend Black was the city's first black mayor pro-tem. He left the Council so that he might dedicate more of his time to other projects and to provide opportunities for the next generation of leaders to make their mark in the City's government.

And that was the kind of man Reverend Black was: indefatigable in working for the causes in which he believed, yet always conscious of the roles that others might play and ready to encourage their involvement. Generations of San Antonians have benefited from his work and his tutelage. While Reverend Black himself is now gone, the foundation he laid down will serve our community for generations more.

A TRIBUTE TO LIBBY NARDO

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. SCHIFF. Madam Speaker, I rise today to honor Ms. Libby Nardo of Burbank, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our nation's women. Accordingly it is my privilege to highlight Ms. Nardo as a woman whose extraordinary efforts are vital to my district.

When Libby moved to Burbank with her family 55 years ago, her eldest son started school and she started a lifetime of community service. Having begun with Boy & Girl Scouts, Little League, and general church maintenance and bookkeeping, she is now a city-appointed representative of the Senior Citizens' Board of Burbank, co-leader of St. Finbar Catholic Church's venerable service group, the Italian Catholic Federation, and an essential member of the Joslyn Senior Center's leadership team. Libby's ubiquitous presence is astounding: she serves on numerous boards and committees, volunteers with substance abuse prevention and youth literacy programs, and is a dependable and approachable community leader.

Libby is known for her willingness to take on any task, from chairing the Annual Thanksgiving Dinner for over 200 poor and elderly Burbank residents to distributing refreshments at the yearly Senior Prom. Four mornings a week Libby becomes her own travelling food bank. After a quick stop at the nearby market, she sorts and distributes baked goods to local aid and senior centers, churches, and the Salvation Army.

With such an exhaustive catalog of community commitments, it is no wonder Libby is known among her peers as a model of volunteerism. She has previously been honored with both a 20-year service award and a Presidential Lifetime Service Award, and I am pleased to applaud her today.

Libby's steadfast dedication and selfless service are an invaluable addition to the legacy of Women's History Month. With gratitude and admiration, I ask all Members of Congress to join me in honoring an extraordinary woman of California's 29th Congressional District, Ms. Libby Nardo.

INTRODUCTION OF THE CURES
CAN BE FOUND ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Cures Can Be Found Act. This legislation promotes medical research by providing a tax credit for investments and donations to promote adult and umbilical cord blood stem cell research, and provides a \$2,000 tax credit to new parents for the donation of umbilical cord blood that can be used to extract stem cells.

Mr. Speaker, stem cell research has the potential to revolutionize medicine. Stem cells could hold the keys to curing many diseases afflicting millions of Americans, such as diabetes and Alzheimer's. Umbilical cord blood stem cells have already been used to treat over 70 diseases, including sickle cell disease, leukemia, and osteoporosis. Umbilical cord blood stem cells have also proven useful in treating spinal cord injuries and certain neurological disorders. Adult stem cells have shown promise in treating a wide variety of diseases ranging from brain, breast, testicular, and other types of cancers to multiple sclerosis, Parkinson's, heart damage, and rheumatoid arthritis.

By providing tax incentives for adult and umbilical cord blood stem cell research, the Cures Can Be Found Act will ensure greater resources are devoted to this valuable research. The tax credit for donations of umbilical cord blood will ensure that medical science has a continuous supply of stem cells. Thus, this bill will help scientists discover new cures using stem cells and, hopefully, make routine the use of stem cells to treat formerly incurable diseases.

By encouraging private medical research, the Cures Can Be Found Act enhances a tradition of private medical research that is responsible for many medical breakthroughs. For example, Jonas Salk, discoverer of the polio vaccine, did not receive one dollar from the federal government for his efforts. I urge my colleagues to help the American people support the efforts of future Jonas Salks by cosponsoring the Cures Can Be Found Act.

RECOGNIZING ROGER POOLE ON
THE OCCASION OF HIS RETIREMENT
AS DIRECTING BUSINESS
REPRESENTATIVE OF DISTRICT
NO. 9, INTERNATIONAL ASSOCIATION
OF MACHINISTS AND AEROSPACE
WORKERS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing Roger E. Poole and congratulating him on his retirement as Directing Business Representative of District No. 9, International Association of Machinists and Aerospace Workers (I.A.M.A.W.).

Roger Poole has been a 41-year member of Automotive Lodge 313, joining the Machinists Union in 1967. He was elected Business Representative in 1979 before being elected to the offices of Vice President and President. In representing his Local, Roger served on an impressive list of labor councils. These included: the Belleville Union Labor Council, Southwestern Illinois Central Labor Council, Greater Madison County Federation of Labor, District Lodge 9, Illinois State Council of Machinists, Mid-West States Conference of Machinists, and the Illinois State AFL-CIO. Roger also served as a delegate to every IAM Convention since 1972.

Roger's contributions to the labor movement have brought him well-deserved accolades.

He was named Labor Man of the Year by the Southwestern Illinois Central Labor Council and Community Services Labor Man of the Year by the St. Louis Labor Council.

Always active in representing the working men and women of our area, Roger expanded his involvement to civic, political and community organizations. He has been a member of the Machinists Non-Partisan Political League National Planning Committee, President of the Mid-West States Council of Machinists, President of the 12th Congressional District C.O.P.E. AFL-CIO, Vice President of both the Illinois and Missouri State AFL-CIO, Executive Board Member of the St. Louis Labor Council and the United Way of Greater St. Louis. He also found time to serve as Democratic Precinct Committeeman.

Roger and his wife, Rosalie, have two sons, Brian and Jason, and two grandchildren, Darby and Cody.

Madam Speaker, I ask my colleagues to join me in an expression of appreciation and congratulations to Mr. Roger E. Poole, a true champion of organized labor, and to wish him all the best in his retirement.

A TRIBUTE TO YIN YIN HUANG

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. SCHIFF. Madam Speaker, I rise today to honor Mrs. Yin Yin Huang of Alhambra, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our Nation's women. Accordingly it is my privilege to highlight Mrs. Huang as a woman whose extraordinary efforts are vital to my district.

Now an acclaimed master piano instructor, Yin Yin was born in Taiwan and began her musical training at the age of ten. At sixteen years old, Yin Yin made her concert debut with the Chinese Philharmonic Symphony Orchestra and soon after with the Formosa Chamber Orchestra. She attained her Bachelor of Arts from the University of Chinese Culture, Taipei, and a Masters in Music from California State University, Los Angeles.

Today, Yin Yin has approximately thirty years of musical teaching experience, including courses taught in Taiwan before immigrating to the United States, and serves as a faculty member at California State University, Los Angeles. As an international concert pianist, she has worked with artists from all over the world such as the renowned baritone Dr. William Warfield. From East Asia to the Americas, Yin Yin's musical impact resonates around the world.

Yin Yin always wanted to realize her lifelong desire to make a meaningful difference in her community through music. Showing great compassion and a strong sense of civic duty, she organized a series of local charity concerts to raise money for the 1999 Taiwanese earthquake, the September 11, 2001 terrorist attacks, Hurricane Katrina ravaged New Orleans musicians, and the 2004 South Asian tsunami relief effort.

Yin Yin and her husband have also conducted concerts at local retirement homes, an-

nual midsummer events, and soloist and small ensemble recitals for the past twelve years. In 2005 she established the Acevedo Music & Art Education Foundation, a non-profit organization that enables youths to put their artistic talents to use for benevolent purposes.

In recognition of her charitable work, Yin Yin received the International Federation for World Peace's Ambassador of Peace Award in 2006 and the Pasadena Human Relations Commission's Model of Unity Award in 2008.

Yin Yin has truly surpassed her goal to use music as a tool of positive change in the world; her daily piano lessons inspire others to do so as well. Her steadfast dedication and selfless service are an invaluable addition to the legacy of Women's History Month. With gratitude and admiration, I ask all Members of Congress to join me in honoring an extraordinary woman of California's 29th Congressional District, Mrs. Yin Yin Huang.

CELEBRATING THE LIFE OF MARY PETTYS

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. HIGGINS. Madam Speaker, I rise today to honor the life of Mary Pettys, a beloved member of the Western New York community who died tragically when Continental Flight 3407 crashed outside of Buffalo on February 12, 2009. This accident was a horrible and shocking tragedy for the Pettys family as well as for so many of us in Western New York.

Mary "Belle" Pettys was the third of ten children, and when her mother passed away in 2006, Mary nurtured and comforted the whole family, supporting her father and her nine siblings. She was a loving and selfless woman, devoted to her 38 nieces and nephews. Family was always Mary's priority. She was sister and aunt, godmother, confidant, matriarch, and companion—a rock for her family.

What makes her loss all the more sorrowful is that Mary was engaged to be married this spring to William Adamski. William called his beloved fiancée a "woman of chance" who had a passion for playing slot machines and even made appearances on the "Price Is Right" and "The Tonight Show with Jay Leno". Although the two will never be able to celebrate their marriage, we are thankful for the years of love and happiness they shared.

Mary Pettys graduated from Canisius College with a Bachelor's degree and a Master's degree, which she put to use in her long career in healthcare services. Mary was a devout parishioner of Queen of Heaven Church in West Seneca. Donations were made in her honor to the scholarship fund established in memory of Mary's mother at Mount Mercy Academy in South Buffalo.

We are grateful for the spirit, great strength and contributions that Mary shared with our community throughout the years. As was stated at the Memorial Mass held in Mary's honor, "Mary was the 'Soul' of the Pettys family. There is no more pain for her anymore, only for those of her loved ones left behind. We will soldier on knowing that Mary wouldn't want it

any other way. Her indomitable spirit and smile will remain with us forever." It is my honor to pay tribute to Mary Pettys' life and legacy, a remarkable woman who will be missed beyond measure. Our hearts and prayers remain with Mary Pettys and her family, as with all of the victims of Flight 3407.

THE LADIES AUXILIARY OF CLAYTON FIRE COMPANY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize the Clayton Fire Company Ladies Auxiliary upon the celebration of their 50th anniversary in the State of Delaware.

The auxiliary's first meeting was on March 13, 1959, when members of both the Kent County Ladies Auxiliary and the Smyrna Fire Company Ladies Auxiliary were present to answer questions and explain the procedures behind founding an auxiliary. At this meeting, Jeri Hurlock was elected as the auxiliary's first president. It was then decided that Mrs. Hurlock, Mrs. Ethel Donaway, Mrs. Ann Dickerson, and Mrs. Julia Mast would meet and write the first constitution and by-laws. The next meeting, held on April 6, 1959, established a canteen committee to provide food and refreshment for the firemen while they were out fighting fires. With the appointment of this committee, the auxiliary began its now long-standing tradition of dedicating its time and effort in support of the Clayton Fire Company.

Through fundraisers such as fashion shows and concession stands, the women were able to repay the Clayton Fire Company, which had provided the initial loan to establish the auxiliary. Over the past five decades, the auxiliary has successfully continued to raise funds to benefit both the fire company and the town of Clayton. A junior program for 16 to 18-year-olds was created in 1973, and today, membership in the Clayton Fire Company Ladies Auxiliary has grown to over 70 women, including 35 life members.

On this 50th Anniversary, I would like to recognize the unequalled devotion of the Clayton Fire Company Ladies Auxiliary. Since 1959, the women of the auxiliary have volunteered their time, their energy, and their hearts in support of the Clayton Fire Company and its surrounding community. I commend them for their tireless dedication and immeasurable contributions, and I wish them all the best on this momentous anniversary.

A TRIBUTE TO BETHEL MISSIONARY BAPTIST CHURCH OF PASADENA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. SCHIFF. Madam Speaker, I rise today to honor Bethel Missionary Baptist Church of

Pasadena, California. Bethel Missionary Baptist Church is celebrating its fiftieth anniversary with the theme "The Church—Moving Forward in the Power of the Holy Spirit."

Established in February 1959, under the leadership of Reverend Freeman S. Stevens with seventeen members, Bethel Missionary Baptist Church was formally recognized in June of that year as a constituted Baptist Church. For a few months, the church held services at the Pasadena Buddhist Church and with Dr. J. W. Coleman at Community Baptist Church in Pasadena. In December of 1959, Reverend Stevens and church members moved into a small frame house at 1972 N. Fair Oaks Avenue in Pasadena, and with the assistance of architect Luther Eskijian, constructed a new church at the site.

Continuing to grow, the church underwent many renovations over the years, including the purchase of the adjacent property in 1984 which allowed for expansion and a major renovation of the church in 2007 under the leadership of the current pastor, Pastor John T. McCall.

Since its inception, Bethel Missionary Baptist Church has provided spiritual guidance and tangible support to the Altadena and Pasadena community. Some of the church's many programs include the Youth Scholarship Fund instituted by the last Pastor Kurling C. Robinson and Wednesday Family Night, established by Pastor John T. McCall. Other services include a food pantry for the community, Project Fatherhood—a mentoring program for fathers, a youth summer program and a youth fellowship group. In addition, the church actively supports D'veal Family and Youth Services agency's programs such as the Alive and Free Violence Intervention and Prevention program.

I consider it a great privilege to recognize Bethel Missionary Baptist Church on its fiftieth anniversary and I ask all Members to join me in congratulating the congregation for their fifty years of service to the community.

SUPPORT OF A BILL TO AMEND THE RADIATION EXPOSURE COMPENSATION ACT TO INCLUDE THE TERRITORY OF GUAM IN THE LIST OF AFFECTED AREAS WITH RESPECT TO WHICH CLAIMS RELATING TO ATMOSPHERE NUCLEAR TESTING SHALL BE ALLOWED

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Ms. BORDALLO. Madam Speaker, today I have reintroduced a bill that would amend the Radiation Exposure Compensation Act, RECA, to include Guam in the list of affected areas for claims regarding and relating to atmospheric testing of nuclear weapons. My bill addresses a serious concern about the downwind affects of such testing that was conducted by the United States Government in the Marshall Islands from 1946 through 1962. This is an issue that concerns many of my constituents, and the bill I have reintroduced

today would provide an avenue for redress and compensation for any illnesses that may have been contracted by individuals who resided on Guam during the testing period.

On April 27, 2005, a special committee of the Board of Radiation Effects Research of the National Research Council of the National Academies submitted a report to Congress entitled the "Assessment of the Scientific Information for the Radiation Exposure Screening and Education Program." The report, which was the result of a Congressional directive, stated, "As a result of its analysis, the committee concludes that Guam did receive measurable fallout from atmospheric testing of nuclear weapons in the Pacific. Residents of Guam during that period should be eligible for compensation under RECA in a way similar to that of persons considered to be downwinders." This is a critical finding.

The bill I have reintroduced today directly acts on this finding and would provide a process by which such residents of Guam who may have been affected by radiation fallout from the Pacific tests can file compensable claims under RECA with the Department of Justice. The bill conforms to the current process under RECA that is utilized for residents of certain counties in the Western United States mainland that were similarly affected and downwind of other atmospheric nuclear weapons testing conducted by the United States Government.

In reintroducing this legislation today I recognize the Pacific Association for Radiation Survivors, PARS, for their work and dedication to addressing this issue. Their support and continued efforts in raising public awareness about the legacy of United States testing of nuclear weapons in the Pacific is making a difference in our community and provides an informed basis from which we should take up our work in Congress to amend RECA.

I look forward to working with the Committee on the Judiciary in reviewing this legislation and the findings of the Committee to Assess the Scientific Information for the Radiation Exposure Screening and Education Program. I also look forward to this bill becoming law so that justice may be brought to those individuals who were adversely affected by the atmospheric nuclear tests that were conducted by the United States Government in the Pacific.

HONORING THE ESCANABA DAILY PRESS ON ITS 100TH ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. STUPAK. Madam Speaker, I rise to honor the Escanaba Daily Press on its 100th anniversary. The Daily Press has survived the ups and downs the newspaper industry has faced over the past century and watched several local competitors fold, yet remained as a strong and independent voice for the Escanaba, Delta County and Schoolcraft County communities. Madam Speaker, I ask that you and the entire U.S. House of Representatives

join me in honoring the Escanaba Daily Press and the men and women, past and present, who work so hard every day to bring the community its news on this historic milestone.

In 1909 the Escanaba Morning Press was founded by John Norton and Herbet Little. After only a few months of operation, Little left and Norton took over sole management of the paper. The first edition of the Morning Press was published on March 19, 1909 at 1119 Ludington Street. Within two years the paper was moved to its present building at 600 Ludington Street where it has operated ever since.

In 1922 the Escanaba Morning Press changed its name to the Escanaba Daily Press and became an afternoon paper on September 29, 1947. In 1954 the paper was sold to Frank Russell of Marquette, Michigan and George Osborn of Sault Ste. Marie, Michigan. In 1966 it was purchased by the Panax Corporation, which sold the Daily Press to Thomson Newspapers in 1980. Since 1998 the Escanaba Daily Press has been under the ownership of Ogden Newspapers.

Despite changes in ownership over the years, the Daily Press has remained an independent voice for the people of Escanaba and all of Delta and Schoolcraft Counties. As community newspapers across the country have confronted consolidation, closure and downsizing, the Daily Press keeps going strong because of this independent voice and the trust of their readers.

In the late 1970s it was the reporting of the Daily Press in a series on insurance scams that was the driving force in updating state insurance laws. In 1988 the Daily Press won the Associated Press sweepstakes award for doing the best work of any paper of its size in Michigan for a series on the shotgun slaying of four family members and the subsequent week-long search in local woods by the FBI for the suspect and his kidnapped ex-wife.

The Daily Press has won countless awards over the years for editorial writing. In one contest, Michigan Press Association judges said they were "well written editorials that take a clear position even when those positions might be unpopular." In another instance, the MPA wrote that the "Daily Press takes seriously its role as a government watchdog." In an AP annual news writing contest, judges commented, "Every editorial submitted dealt with local issues, with two taking aim at city government. These are issues that newspaper editorial pages are supposed to address. Good job."

Madam Speaker, newspapers like the Escanaba Daily Press are a vital part of our communities. Their reporting is a valuable resource in tracking the history of our communities, reflecting and reporting on our daily lives. The Daily Press has served the Escanaba community and all of Delta and Schoolcraft Counties well over the past century. I ask that you, Madam Speaker, and the entire U.S. House of Representatives, join me in congratulating the Escanaba Daily Press and its past and present staff on 100 years of operation.

A TRIBUTE TO JULI COSTANZO

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. SCHIFF. Madam Speaker, I rise today to honor Mrs. Juli Costanzo of San Gabriel, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our nation's women. Accordingly it is my privilege to highlight Mrs. Costanzo as a woman whose extraordinary efforts are vital to my district.

Born in nearby Glendale, California, Juli first moved to San Gabriel in 1965. She began as the Owner and Manager of a local small business, Hammy's Hamburgers, went on to become the Executive Director and President of the San Gabriel Chamber of Commerce, and now has served as a San Gabriel City Council member since March of 2003. Juli is a past mayor of the City and is also the Vice President of her family's current small business, Champion Sports Collectables, Inc.

Juli's rise to the apex of San Gabriel leadership can be attributed to her unrelenting devotion to the economic and social welfare of her community. She has served as a board member and event coordinator for numerous local organizations, from the San Gabriel Mission Elementary School Board to the Mission District Mercado and the joint Family Festival and Farmers Market. In her role as a San Gabriel Parks and Recreation Commissioner, Juli helped maintain and improve the integrity of the City's beloved and historic public spaces.

In addition to Juli's City and small business endeavors, she remains an active community member. Whether assisting the San Gabriel Police Department's Neighborhood Watch Program and the San Gabriel Community Coordinating Council, supporting the West San Gabriel Valley YMCA and the Mission District Partnership, or just attending an AYSO Region 40 game, Juli is an ideal example of a friendly face and a helping hand.

Her steadfast dedication and selfless service are an invaluable addition to the legacy of Women's History Month. With gratitude and admiration, I ask all Members of Congress to join me in honoring an extraordinary woman of California's 29th Congressional District, Mrs. Juli Costanzo.

INTRODUCTION OF NUCLEAR DISARMAMENT AND ECONOMIC CONVERSION ACT OF 2009

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Ms. NORTON. Madam Speaker, today, I am again introducing the Nuclear Disarmament and Economic Conversion Act (NDECA), as I have done since 1994, after working with the residents who were responsible for a ballot initiative passed by D.C. voters in 1993. NDECA requires the United States to disable and dismantle its nuclear weapons when all other nations possessing nuclear weapons enact laws

to do the same. NDECA further provides that when U.S. nuclear weapons are dismantled, the resources for supporting nuclear weapon programs would be used for our growing human and infrastructure needs, such as housing, health care, Social Security and the environment.

I chose to introduce the NDECA before the March 20th memorial service for William Thomas, who sat in front of the White House in an anti-nuclear vigil for nearly 28 years. His efforts have been called the longest uninterrupted war protest in U.S. history. He truly embodied our inalienable First Amendment rights. Tragically, instead of nuclear disarmament, nations around the world have increased efforts to seek or acquire nuclear capability with Iran's failure to halt uranium enrichment captured attention until recently, China's nuclear weapons and today North Korea continues testing missile long range missiles and there is little doubt that North Korea has acquired a nuclear device. India and Pakistan continue to fight over the Kashmir region and with the recent terrorist strikes in India, the instability in the region persists. Pakistan assures us that its weapons are safe, as nuclear secrets are sold by its top scientists, the streets are riled with protests, a military coup is not out of the question, and the semi-autonomous regions are dominated by Al-Qaeda and the Taliban.

The invasion of Iraq cost the United States much of its leadership on nuclear proliferation and other urgent international issues. This country reached a non-credible status in dissuading other nations who aspire to become or remain nuclear powers as we ourselves took greater initiative in increasing our own nuclear weapons program. We moved in the right direction when the Senate ratified the Moscow Treaty in 2003, which provides that by 2012 both the U.S. and Russia will reduce their long-range warheads by two-thirds from approximately 6,000 warheads each to 2,200. However, the Bush administration failed to build on this effort. According to the study, "Securing The Bomb: An Agenda for Action" (May, 2004; prepared by the Belfer Center, Harvard University Kennedy School of Government): "Total nuclear-threat-reduction spending remains less than one quarter of one percent of the U.S. military budget. Indeed, on average, the Bush administration requests for nuclear-threat-reduction spending over FY 2002–2005 were less, in real terms, than the last Clinton administration request, made long before the 9/11 attacks ever occurred." Instead, the Bush administration moved to increase the country's nuclear capacity.

However, the problem today is even more complicated than nuclear disarmament by nation states. The greatest threat today is from inadequately defended and guarded sites in many countries where there is enough material to make nuclear weapons and many opportunities for terrorists or nations without weapons to secure nuclear materials. Astonishingly, because of the previous administration's absence of leadership, less nuclear material was seized in the two years following the 9/11 attacks than in the two years immediately preceding the attacks ("Securing The Bomb: An Agenda for Action", May 2004).

In my work on the Homeland Security Committee, I know that threats from nuclear pro-

liferation and available nuclear material are more dangerous in the post 9/11 era than in 1994, when I first introduced the Nuclear Disarmament and Economic Conversion Act. It is more urgent than ever to begin closing down nuclear capability here and around the world.

Today, our country has a hobbled economy, 45 million people still without health insurance, a long list of other urgent domestic needs put on the back burner following the invasion of Iraq, large tax cuts for wealthy people and corporations, and millions of Americans losing their homes and jobs. As the only nation that has used nuclear weapons in war, and still possesses the largest arsenal, the U.S. has an obligation to begin the arduous process of leading the world in the transfer of nuclear weapons funds to urgent domestic needs.

CONGRATULATING GUNDERSEN LUTHERAN BREAST CENTER

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. KIND. Madam Speaker, I rise today to congratulate Gundersen Lutheran's Norma J. Vinger Center for Breast Care on becoming the first breast cancer treatment center in the nation to achieve the highest level of distinction from the National Quality Measures for Breast Centers (NQMBC) program. The honor was presented to Gundersen Lutheran because they ranked at or above a designated threshold of performance for 90 percent of the measures specified by the NQMBC. This honor reflects the center's commitment to providing the highest level of quality care to breast cancer patients and their families at the lowest possible costs. I am extremely proud Wisconsin's Third Congressional District is home to a breast care facility that is a national leader in the measurement of treatment and outcomes.

The Norma J. Vinger Center for Breast Care provides state-of-the-art patient and family care emphasizing prevention, education, early detection, and clinical research. Their approach to breast care is holistic and interdisciplinary with a staff that includes experienced physicians, surgeons, nurses, and technologists who are skilled in the latest methods of early diagnosis, treatment, and reconstructive surgery. The Norma J. Vinger Center for Breast Care has discovered numerous breakthroughs in research and breast cancer care that have provided countless patients with hope and access to the most advanced care available in the country.

In addition to the NQMBC honor, Gundersen Lutheran is also one of two organizations in the country that has every available accreditation for the full scope of breast care, diagnosis, and treatment from the American College of Radiology. The Center also boasts two fellowship-trained clinical breast radiologists that specialize in breast cancer care. The Center for Breast Care has demonstrated continued excellence in measuring and comparing quality performance. The staff is also committed to utilizing new advances in technology to ensure that the Center remains a national leader in breast cancer care and research.

Providing care that promotes early detection, is outcome based, and utilizes innovative technology is the most efficient way to administer health care. I am proud to have this La Crosse based breast cancer facility in Wisconsin's Third Congressional District and hope that the great work they are conducting will serve as a model for the rest of the country.

INTRODUCTION OF THE ACCESS TO JUSTICE ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to introduce the Access to Justice Act. A bill to amend the Immigration and Nationality Act to establish a right for an alien to file a motion to reopen a case in removal proceedings if the alien can demonstrate that counsel or a certified representative provided deficient performance.

In one of his last actions as Attorney General, Michael Mukasey ruled that immigrants have no constitutional right to effective legal representation in deportation hearings. After more than 20 years of precedent in special immigration courts overseen by the Justice Department, those now facing deportation have no remedy for the errors committed by incompetent, inattentive lawyers, or even those who claim to be lawyers.

This 11th hour regulation not only goes counter to what has already been established by a long line of decisions in the federal courts and the Board of Immigration Appeals but also is a matter of equal protection/due process. In fact, the United States Court of Appeals for the Ninth Circuit stated in an opinion, "Vulnerable immigrants are preyed upon by unlicensed notaries and unscrupulous appearance attorneys who extract fees in exchange for false promises and shoddy, ineffective representation."

The Supreme Court has found that non-citizens are ineligible for court appointed counsel in civil cases. Removal proceedings are not considered criminal and therefore, immigrants who are in the process of being deported must find their own counsel. Judge Katzmman on the Second Circuit Court of Appeals said in a recent New York Times article, "Justice should not depend on the income level of immigrants." A study in the Georgetown Journal of Legal Ethics found that only 35% of individuals in removal proceedings had counsel; yet asylum seekers who have counsel are three times more likely to succeed in their claim compared to those without representation.

Because of this Supreme Court decision incompetent legal representation is now "discretionary" and thus unreviewable. So the former Attorney General, the final arbiter in immigration cases, decided in his final hours in office without any consultation with Congress that the 6th amendment right to counsel only applies to criminals, not to non-criminals who have privately retained lawyers in civil removal proceedings. Imagine in our great melting pot of an immigrant nation a decision that gives greater access to justice to those who might

have committed a felony more than to those who want to be Americans. When a lawyer fails to show up to court or forgets to file the required paperwork, the individual being deported will have no legal right to appeal on the grounds of deficient counsel.

That is why I am introducing The Access to Justice Act, a bill that would create a legislative fix to the Mukasey decision. This bill creates a right to file a motion to reopen a removal case if deficient performance of counsel can be demonstrated. To provide relief to those who are currently in removal proceedings under this decision, enactment of this bill would allow them to file an appeal.

I urge my colleagues to support the Access to Justice Act. This important and urgent legislation will bring justice to those affected by Mukasey's midnight ruling and ensure fairness in removal proceedings.

A TRIBUTE TO KATHRYN PERINI

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. SCHIFF. Maadam Speaker, I rise today to honor Ms. Kathryn Perini of Temple City, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our nation's women. Accordingly it is my privilege to highlight Ms. Perini as a woman whose extraordinary efforts are vital to my district.

Few people take the chance to positively impact their community to the extent that Kathy has. A lifelong Temple City resident, Kathy earned her degrees at the nearby University of Southern California and returned to her hometown to apply her education towards helping the people she knew and loved. Kathy began as a teacher and a counselor and she eventually became the principal of Emperor Elementary, a California Distinguished School.

At Emperor, Kathy has created and maintained cooperative and influential relationships with the community, parents, teachers, and students. With a clear action plan, she has crafted a school of academic scholars who benefit from Character Education as the curriculum's core. Kathy also shares her insight by working as a consultant, helping regional and nationwide schools develop not only educated but also responsible citizens. Various esteemed organizations have recognized her with awards, from local PTA groups to the National Character Education Center and the Mattel Foundation Family Learning Program.

Throughout her years as an education trailblazer, Kathy has remained devoted to giving back to the community that helped raise her. In 1986 she founded the Temple City Youth Development program to benefit local students unable to afford extensive field study trips and remains the non-profit's director today. For nearly twenty years Kathy has been a dedicated member of the Tournament of Roses and presently serves on the organization's Executive Committee.

Kathy's dual roles as educator and community leader were tested in early 2006 when her school fell victim to the violent act of arson.

Even in the face of adversity, she rose to the challenge by reaching out to the community for supplies to ensure that all her students' needs were met, regardless of the devastating classroom destruction. In response, Kathy was happily inundated with resources, support, and encouragement.

We are fortunate to have Kathy, a pillar of loyal community leadership, help us develop a new generation of bright and giving Americans. Her steadfast dedication and selfless service are an invaluable addition to the legacy of Women's History Month. With gratitude and admiration, I ask all Members of Congress to join me in honoring an extraordinary woman of California's 29th Congressional District, Ms. Kathy Perini.

HONORING THE MEMORY OF JOHN BARNETT WATERMAN II

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. BONNER. Madam Speaker, the city of Mobile and, indeed, the entire state of Alabama recently lost a dear friend, and I rise today to honor John Barnett Waterman II and pay tribute to his memory.

A lifelong resident of Mobile, John graduated from the University of South Alabama in 1968 and was a member of the school's second graduating class. He was also a member of the university's first pledge class of the Sigma Chi fraternity. John earned a Bachelor of Science degree in finance and went on to pursue a successful career in investments.

A proud patron of the arts, John was a supporter of the Mobile Symphony and also sponsored an annual scholarship for a Mobile graduating high school student to attend the Brevard School of Music.

In 1919, with one ship and \$2,000 capital, John's grandfather founded the Waterman Steamship Corporation, which grew to become the nation's largest family-owned steamship company. The company's headquarters housed the Waterman Globe, a local maritime icon. John was an ardent supporter of the refurbishing of the icon, which is now on display at the University of South Alabama's Mitchell Center.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama. John Barnett Waterman II will be dearly missed by his family—his wife, Lynne Stanard Waterman; his daughter, Kemp Waterman Buntin and her husband, Jeffrey; his son, John Douglas Waterman; his sisters, Annise Waterman Uphaus and Melissa Waterman Inge; and his grandsons, Gaither Waterman Buntin and Thomas Rush Buntin—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

TRIBUTE TO COLONEL
CHRISTOPHER E. O'CONNOR

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. ISSA. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the United States Marine Corps are exceptional. Our country has been fortunate to have dynamic and dedicated leaders who willingly and unselfishly give their time and talent to keep this country free and safe. United States Marine Colonel Christopher E. O'Connor is one of these individuals. On April 2, 2009, a retirement ceremony honoring Col. O'Connor will be held in Miramar, California. As a thirty year service veteran, Col. O'Connor deserves our thanks and gratitude as we honor him for his distinguished career.

Following his commission through the NROTC Program at the University of Rochester and his education at the Communications and Electronics School at MCAGCC Twenty-nine Palms, Col. O'Connor has served in many capacities over the years. The Marine Air Support Squadron where he served as an Air Support Control Officer in the Direct Air Support Center (DASC), the Aviation Department's action officer in the Aviation Logistics Branch of the Department of Aviation at Marine Headquarters, and operations officer of the 1st Marine Aircraft Wing Aviation Support Element Kaneohe are just three of many assignments Col. O'Connor has been entrusted with.

Receiving his wings in 1985, Col. O'Connor became a CH-53 helicopter pilot and transferred to Marine Heavy Helicopter Squadron 463. Col. O'Connor would leave HMH 463 to deploy to the Philippines but later return as Commanding Officer of the squadron from October 1997 to May 1999 in Kaneohe, Hawaii. In August 2006, Col. O'Connor assumed the position of Commanding Officer of Marine Corps Air Station Miramar. Not only does he supervise over 3,000 Marines, Sailors and Civilian Marines with an operating budget of over \$217 million but he is also responsible for Air Station assets of over \$2 billion.

Col. O'Connor's tireless passion for service has contributed to the betterment of this country. His decorations include the Legion of Merit, Defense Meritorious Service Medal, Meritorious Service Medal with gold star, Joint Service Commendation Medal, Navy Commendation Medal, and Navy Achievement Medal. I am proud to call Chris a fellow community member, American and friend. I know that many citizens and servicemen are grateful for his service and salute him as he ends his term.

PERSIAN NEW YEAR RESOLUTION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to acknowledge

Nowruz which marks the traditional Iranian New Year and dates back more than 3,000 years. Nowruz, literally meaning "new day," celebrates the arrival of spring and occurs on the vernal equinox, which this year will happen exactly on Friday, March 20th at 7:44 a.m. eastern daylight time. It symbolizes a time of renewal, harkening the departure from the trials and tribulations of the previous year and bringing hope for the New Year. It is celebrated by more than three hundred million Iranians and other peoples all over the world.

Closer to home, more than one million Iranian Americans of all backgrounds, including those of Baha'i, Christian, Jewish, Muslim and Zoroastrian faiths, will be celebrating Nowruz. Recognizing the cultural and historical significance of this day and in its honor, I express my appreciation for the contributions of Iranian-Americans to American society and wish all those who observe this holiday a happy and prosperous new year.

INTRODUCING A RESOLUTION ON
IMPROVING ACCESS TO LONG-
TERM CARE IN THE HOME AND
COMMUNITY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution that addresses one of the most crucial health concerns facing our nation: expanding access to quality long-term care in the home and community.

Long-term care is a broad range of health and social services that are used by people who cannot care for themselves because of a physical, cognitive, or mental disability. Eighty percent of long-term care now occurs in the home. The majority of long-term care is provided by family caregivers that are accompanied by community services such as Adult Day Care Programs, home-delivered meals programs, mental health services, and home health workers. Sadly, too many patients and families are enduring the physical, emotional and financial consequences of having poor access to long-term care services.

Madam Speaker, well over 9.4 million adults receive long-term care in the United States of America. And this number is expected to rise. Longer life spans among the chronically ill and disabled, and higher incidences of acquired disabilities from unmanaged conditions such as HIV/AIDS, diabetes, obesity and heart disease will increase our reliance on long-term care.

In little more than two decades, one-fifth of the U.S. population will be age sixty-five or older. States with significant elder populations—like Florida—know the importance of ensuring that our health care system is well equipped to provide decent and routine long-term care services. However, the increase in demand for long-term care services has not been followed by an increased incentive to effectively address and solve the disparities in access to high-quality long-term care. Amazingly, there has never been a national plan for

long-term care, and nearly twenty years have passed since Congress comprehensively reviewed long-term care policy.

The lack of streamlined standards and dominant payment methods for long-term care has left our long-term care system handicapped: depriving countless people of much needed services and placing a tremendous financial and emotional burden on families and caregivers. A significant portion of long-term care is financed with personal funds, and Medicaid is the largest public payer for long-term care. Medicaid and out-of-pocket-spending exclude countless persons from receiving health care service, which can lead to more costly and invasive medical interventions.

Madam Speaker, this is an important bill that must be supported during a critically important time when we are tasked with solving one of the most serious financial and health challenges of our era. This resolution calls for integrating long-term care into health care reform and for making long-term health more affordable.

The resolution regards preventative health and the management of chronic disease as essential components in decreasing the future dependence on long-term care by preventing conditions from becoming permanently debilitating or disabling. And, it encourages collaboration among local, state and federal health care entities to improve working conditions and training for home health aides to lower turnover rates, staff shortages, patient abuse and raising the standard of care.

This resolution supports funding for existing technologies, programs and initiatives that assist informal care givers, and help maintain and improve long-term health services for the disabled and elderly. Lastly, it commits to aiding relevant parties in composing, executing, and economic disparities that limit access to care.

Madam Speaker, I urge my colleagues to join me in supporting this resolution and to truly invest in the present and future welfare of our nation's health care system.

A TRIBUTE TO BRENDA
GALLOWAY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. SCHIFF. Madam Speaker, I rise today to honor Mrs. Brenda Galloway of Pasadena, California. Every March we celebrate Women's History Month in recognition of the contributions and the sacrifices made by our nation's women. Accordingly it is my privilege to highlight Mrs. Galloway as a woman whose extraordinary efforts are vital to my district.

Originally from Kentucky, Brenda has lived in Pasadena with her husband Bill for the last forty years. Together they run the family business, Summit Enterprises, which invests in residential commercial properties in the San Gabriel Valley and trains local youth for careers in real estate. A tireless community leader, Brenda has devoted herself to improving the region's arts and educational systems with a blend of energy, enthusiasm, and humility.

Her volunteer work began as a young girl running school paper drives and has grown to include an astounding collection of Southern California non-profit organizations.

In addition to serving on the Board of Directors for the Pasadena YMCA and the La Salle High School Board of Trustees, she has been involved the Pasadena Tournament of Roses Foundation, the L.A. County Commission of Children and Families, the Pasadena Police Department Olympic Committee, Jack & Jill of America, and the Jackie Robinson Memorial Celebration. She is particularly active with the CASA Glamour Gown program, which provides prom gowns and accessories to girls in foster care throughout Los Angeles County.

Showing great care and dedication to the community, Brenda has been involved with several organizations. While devoting herself to these great organizations, Brenda and her husband have also hosted charitable events at their home for many nonprofit groups, such as the Pasadena Playhouse, the Pasadena AIDS Service Center, and the National Park Service's African American Experience Fund. Their generosity extended to Pasadena City College as well, with whom they endowed a Sculpture Garden Plaza in 2000.

Mrs. Galloway's charitable efforts have garnered much deserved recognition in the community. She has been awarded with a lifetime membership to the NAACP for her membership recruitment and fundraising efforts, received a Campus and Community Special Recognition award from PCC in 1999, and was deemed a "Contemporary History Maker" in 2003 by the Pasadena Museum of History. Most recently, the Pasadena Playhouse honored Brenda for her work in the promotion of cultural diversity at the third annual Sheldon Epps Theatrical Diversity Project Celebration, of which she is a founding member.

Brenda's impact on the Pasadena community is a testament to her innate compassion for the people around her. Her steadfast dedication and selfless service are an invaluable addition to the legacy of Women's History Month. With gratitude and admiration, I ask all Members of Congress to join me in honoring an extraordinary woman of California's 29th Congressional District, Mrs. Brenda Galloway.

CONGRATULATING TROOPER
NICHOLAS L. LEWIS

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mrs. SCHMIDT. Madam Speaker, I rise today to congratulate Trooper Nicholas L. Lewis and Dispatcher Sonia M. Banks from the Portsmouth Post of the Ohio State Highway Patrol for being recognized as Ohio's Trooper and Dispatcher of the Year. For the first time both of these prestigious award winners are from the same post. Also, for the second year in a row, the State of Ohio's Trooper of the Year patrols in the Second Congressional District.

Trooper Lewis, a graduate of the 144th Academy Class, has been assigned to the Portsmouth Post since February of 2007.

Trooper Lewis resides in McDermott with his wife, Elizabeth and their two children. In October, Lewis was honored with the Ace Award for finding five stolen vehicles and has had much success in the Criminal Patrol Program. Nick's Post commander, Lieutenant Mike Crispin best describes him as truly believing in the Ohio State Highway Patrol's mission of saving lives and taking drugs off the street.

Dispatcher Banks has worked at the Portsmouth Post since 2003, after being told of the position by a friend—who recommended that she would be perfect for it. Dispatcher Banks lives in Minford with her husband, Chris and their two sons. Recently, Banks was instrumental in the Post's ability to communicate with each other during a bomb scare on a barge and a school shooting, when she worked to acquire a dedicated cell tower for operations.

Madam Speaker, I am very thankful once again to have Ohio's Trooper of the Year patrolling the Second Congressional District. And, I am equally thankful for having the Dispatcher of the Year in the Second District as well. Congratulations Nick and Sonia, I wish you both continued success in the years to come.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. ABERCROMBIE. Madam Speaker, I regret that I missed rollcall vote no. 128, 129 and 130. Had I been present, I would have voted "aye" on all three votes.

TRIBUTE TO BOBBY GOODWIN

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. PENCE. Madam Speaker, I rise today to pay tribute to Bobby Goodwin's remarkable life of selfless service. I was deeply saddened to learn of his passing and honor his memory today on the floor of the people's House.

Bobby W. Goodwin was born in Flemingsburg, Kentucky on March 22, 1939 to the late Lawrence and Edith Goodwin. He was a graduate of New Castle High School, Class of 1958. A loving husband, father, and grandfather, Bobby leaves behind a wonderful family that will undoubtedly miss him.

A veteran of the United States Army, Bobby retired from the Ford Motor Company in Indianapolis after 35 years of service. He owned Goodwin Bail Bonding and admirably served the New Castle Police Department, being named Outstanding Police Officer of the Year in 1974.

Ever active in the community, Bobby served on the New Castle City Council and was a member of several organizations, including the local Republican Party, VFW and American Legion. At the time of his passing, Bobby served as Head Doorkeeper in the Indiana House of Representatives.

Though Bobby sadly has passed away, he leaves a strong legacy that will continue to serve as a powerful example to all who knew him. I offer my sincere condolences to his loving wife Ann Jo, daughter Kathie, and sons Michael, Gary, and Tony.

TRIBUTE TO AFRICAN PASSAGES

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. CLYBURN. Madam Speaker, I rise today to congratulate the National Park Service on the dedication of its newly installed museum exhibit African Passages, which will be housed at the Fort Moultrie Visitors' Center in Sullivan, South Carolina. It gives me great pleasure to acknowledge this scholarly contribution to our historical memory.

Historians estimate that slave ships brought 200,000 to 360,000 men, women, and children into Charleston's harbor. Between 1707 and 1799—when arriving ships carried infectious diseases—their free or enslaved passengers were quarantined either aboard ship or in island "pest houses." This painful history makes Sullivan's Island a gateway through which many African Americans can trace their entry into America. This exhibit thoughtfully examines the role of Sullivan's Island as a quarantine station during the international slave trade when Charleston was the main port of entry for captive Africans in North America.

The exhibit includes the haunting Middle Passage charcoal of Thomas Feelings and the exuberant Gullah art of Jonathan Green. West African objects, leg shackles and an 1803 slave identification badge are among the artifacts on display, which are on loan from the collection of the Avery Research Center for African American Culture at the College of Charleston.

The historical display also includes the story of Priscilla and her 7th generation granddaughter's return to Sierra Leone, which spans three centuries and provides a modern day link from Charleston across the Atlantic. The narrative of Priscilla places a stronger human element on the hundreds of thousands of persons oppressed by slavery. We owe a great debt to historians Edward Ball and Joseph Opala whose scholarship uncovered this timeless tale.

I would also like to acknowledge journalist Herb Frazier, who wrote the text; Studio Displays of Charlotte, NC, who created and installed the exhibit; and the Committee of Descendants, which provided an early investment for the project in 2004. In addition, I would like to thank Michael Allen of the National Park Service. The Remembrance Committee of Charleston has also been instrumental with the completion of the project. Their contributions and service to this initiative are greatly appreciated.

Legendary conductor of the Underground Railroad, Harriet Tubman said, "Every great dream begins with a dreamer. Always remember, you have within you the strength, the patience, and the passion to reach for the stars to change the world." The election of President Barack Obama has brought long due historic change to our country. It is important,

however, to also pay homage to the singular events that defined a country and its people. This exhibit seeks to engage not only the Charleston community, but also the American community about its painful past, which I believe is a prelude for a brighter future for our country.

Madam Speaker, please join me in celebrating the dedication of African Passages in Sullivan, South Carolina. I commend the community and all the stakeholders for their hard work and vision to bring this exhibit to fruition.

A TRIBUTE TO LORNA KHAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Lorna Khan.

Lorna Khan was born in Guyana in South America. She had her elementary and secondary school training in Guyana and migrated to the United States to pursue college education in January of 1973. She attended Andrews University in Berrien Springs Michigan where she graduated with a Bachelors Degree in Biology and minor in Chemistry in June of 1977. After graduation she attended New York University in September of 1977 to study Public Health with a focus on nutrition and alcoholism as well as international health. During her two years at New York University, she traveled to the University of the West Indies in Jamaica, West Indies to study their health care system. During her time as a student she worked at Long Island College Hospital Alcoholism center and graduated with her Masters degree in June 1979.

In December 1980, she joined the staff at the Brooklyn Jewish Hospital as data manager for the Oncology department. She supported the Oncologists and Hematologists in their investigative trials of experimental drugs in the hopes of finding a cure for cancer. In 1982 she applied for and was hired as a data coordinator for cancer research at the Montefiore Medical Center. The team of doctors, pharmacists, drug company representatives joined with researchers to look closely at experimental drugs and trying to find a cure for many cancers such as lung, ovarian, breast, cervical, lymphomas and leukemia to name a few.

In October 1984 she joined the Department of Health as a Health Coordinator in Middle School 35 in Brooklyn. Her focus was on adolescent health issues in particular, pregnancy prevention, nutrition education, health referrals and management and suicide prevention. She received training in AIDS education and worked closely with teachers to promote healthy living by junior high school students. After feeling the need to make a greater impact on the education of the young, she began a career with the Department of Education in 1987 as an elementary school teacher at PS 250 in Williamsburg, Brooklyn. After 2 years she accepted a call to return to middle school this time as a mathematics teacher at IS 33, Bedford Stuyvesant, Brooklyn. For the next 13 years she worked as a mathematics teacher,

academic intervention teacher and staff developer.

In 2002 she became the Assistant Principal for mathematics at MS 88 in Park Slope, Brooklyn. The school had just been identified as a SURR school (School Under Registration Review) for below performance literacy and mathematics. She worked with three other Assistant Principals to change the culture of the school and support high expectations for teaching and learning. In the fall of 2004 the school had improved students' performance in both literacy and mathematics and was removed from the SURR list. This was celebrated in a press release done by the Mayor and Chancellor at the school. In February of 2005 she was recruited to be the Principal for the Samuel C. Barnes Elementary School, PS 54. After being in middle school for most of her career, she was hesitant to take on the responsibility as Principal for an elementary school. However, with much prayer and thoughtfulness she accepted the challenge and has been working to bring change to her community. Her goal is to promote an environment where everyone is valued and respected.

It has been a fulfilling time for her as a teacher and administrator and she will continue to do her best to support high levels of teaching and learning for students at this level.

FOOD SAFETY IN RETIREMENT COMMUNITIES

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to introduce legislation to ensure that food served in nursing homes is safe and nutritious. Recently a constituent from my district visited me to discuss food safety and nutrition in nursing homes. He is a Director of Dining Services at a nursing home in Prince William County. Based on his experience, he suggested that requiring Medicare and Medicaid food service facilities, like nursing homes, to have Certified Dietary Managers or qualified dietitians as food service managers would ensure that food served in these facilities is safe and nutritious.

The legislation I have introduced today would require that Medicare and Medicaid food service facilities have either a qualified dietician or Certified Dietary Manager as director of food services. A qualified dietician has four years of training in college, and a Certified Dietary Manager must complete a rigorous food preparation program. This is a commonsense requirement to ensure that senior citizens have safe food, and is particularly important as our population ages.

I would like to emphasize that this proposal came from a local business, and has the support of other companies that operate nursing homes in my district. I am pleased to have the opportunity to work with our partners in the business community to introduce this legislation, which could help protect the health of seniors across the country.

CONGRATULATING THE CALIFORNIA STATE UNIVERSITY, NORTHridge BASKETBALL TEAM

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 2009

Mr. SHERMAN. Madam Speaker, I rise today to congratulate the California State University, Northridge (CSUN) men's basketball team for winning the Big West Conference title and earning a spot in the prestigious NCAA Tournament for the second time in its NCAA Division I history.

The Matadors reached this year's tournament by winning a hard-fought Big West Conference title game against University of the Pacific. The Matadors amassed an impressive 17-13 overall record and 11-5 conference record. CSUN led all team categories in the Big West Conference in scoring, rebounding, field goal percentage defense, 3-point field goal percentage defense, rebound margin, and steals.

The Matadors men's basketball team is led by head coach Bobby Braswell, Big West Coach of the Year for a second straight season. He is assisted by a talented and skilled coaching staff including Danny Sprinkle, James Blake, Ryan Dodd, Steve Grech, Bob Vazquez and Louis Wilson.

CSUN is a vibrant, diverse university community of nearly 34,000 students and more than 4,000 faculty and staff, sited on a 356-acre campus in the heart of Los Angeles' San Fernando Valley—a region of over 1.8 million people.

CSUN was founded in 1958 as San Fernando Valley State College and adopted its current name in 1972. Today, it is one of the largest universities in California.

Madam Speaker, I wish to congratulate the Matadors for winning the Big West Conference title and earning a berth in the NCAA Tournament. I am proud of their sportsmanship, athletic excellence, and winning spirit during the regular season, and I wish them all the luck in the NCAA Tournament.

A TRIBUTE TO GENISUS THOMPSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Genisus Thompson. Genisus, a native of Greenville, North Carolina, has lived in the East New York community for the past 20 years. Married to the late Dwight Thompson, the love of her life is her son, Anthony. Genisus graduated from Thomas Jefferson High School, attended Kingsborough Community college and then proceeded to study Labor Law at Harry Van Arsdale Jr. Institute.

As an East New York resident, she has devoted a great deal of her time to helping the community to be a better place to live. For example, Genisus has been a member of the

75th Precinct Community Council since 1980 where her efforts and devotion has been instrumental in uplifting her community. Genisus received an award from the 75th Precinct Community Council for outstanding service and dedication. She attended and graduated from the Citizens Police Academy in June of 2007.

Genisus was employed at the Metropolitan Jewish Geriatric Center for 32 years as Chief Switchboard Operator, she was also a shop delegate for Local 1199, 114 division, and retired in June, 2006. In addition to these daily responsibilities, she is an active member of Liberty Baptist Church. Genisus's civic activism includes membership in the Milford Street Block Association and member of the North Brooklyn Democratic Party.

OPERATION OF HYBRID VEHICLES IN HIGH OCCUPANCY VEHICLE LANES

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to introduce legislation that would allow the Commonwealth of Virginia to continue permitting hybrid automobiles with a single occupant to use High Occupancy Vehicle (HOV) lanes in the state. Virginia's General Assembly passed legislation allowing hybrids to use HOV lanes in order to encourage the purchase of these low emission vehicles. This policy has been very successful, as Northern Virginia has achieved rates of hybrid ownership that are among the highest in the country.

Hybrid ownership is important because most families take ten vehicle trips per day; when a family purchases a hybrid they not only reduce emissions during daily commutes but also during errands and other trips. Moreover, the purchase of hybrids helps create greater demand for these vehicles, expediting the rate at which car companies can reach economies of scale in hybrid production.

Data on lane usage of HOV lanes in Northern Virginia show that 60% of the vehicles in HOV lanes have 2 passengers, 20% are violators, and 20% are single occupant hybrids. Before prohibiting hybrids from using HOV lanes, we must enhance law enforcement to discourage cheaters from using these lanes.

Without passage of this legislation, federal law will pre-empt the General Assembly from having the authority to allow hybrids to use HOV lanes. It would be unfortunate if lack of federal action precluded the state from continuing a policy that has been so successful.

A TRIBUTE TO ROSE CARTER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Rose Carter, a strong upbeat presence in the Brooklyn community.

Rose Carter is a cheerleader. She has strong family values and from an early age demonstrated a deep commitment to her community.

Rose jump-started her community service at The Midwood Development Corporation, Brooklyn, New York, working as a youth coordinator. She took her job seriously and developed and implemented many multicultural programs. She also spearheaded workshops that highlighted self awareness, good citizenship, tolerance and volunteerism.

While at Midwood, she expanded her learning by taking advantage of an opportunity to work as a merchant liaison. In this role, she utilized the relationships which she had cultivated to provide resources for an intergenerational art show; she created the show in an attempt to bridge the gap between the young and the elderly.

Currently Rose Carter works at PS 260 Breuckelen School. There she is known for her hallway presence and commitment to motivating the school community. Rose Carter's everyday efforts are focused on rallying everyone she comes in contact with to have a good day. As the parent coordinator she is dedicated to improving the quality of life for the school population and their families. Rose Carter is very passionate about her work and gives beyond the required responsibilities of the job.

During the Hurricane Katrina disaster, Rose Carter was instrumental in helping victims who relocated to New York and had children enrolled in the school. She facilitated a connection of a Moroccan couple that spoke very little English with a Pakistani group that spoke their native language. This is just one example of her dynamism and devotion.

Rose seeks out civic minded people like herself and she inspires people of all ages and socioeconomic backgrounds to seek and celebrate excellence.

She is a mother, motivator and a consummate optimist.

EXTENSION OF METRORAIL'S ORANGE, YELLOW, BLUE, AND PURPLE LINES

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to introduce legislation to authorize extension of Metrorail's Orange, Yellow, Blue, and Purple lines. I appreciate Mr. JIM MORAN's co-sponsorship of this legislation. I represent a district with the fourth worst congestion in the country. These traffic conditions diminish the economic productivity of our region while contributing to climate change.

While the local Board of Supervisors has worked to transform land use patterns in order to focus development around Metro stations, we only have five Metro stations in Fairfax County and thus have limited capacity to encourage Transit Oriented Development. In Prince William County, there are no Metrorail stations, and my constituents in Prince William must confront congestion nearly every day on

their way to work. Fortunately, both Prince William and Fairfax County are served by the Virginia Railway Express. This commuter rail service is filled to capacity on a daily basis, as is the Metrorail system in Northern Virginia, suggesting a pressing need to expand transit service.

The Metrorail extensions that I have proposed would enhance transit service in the I495, I95, and I66 corridors. Residents of Centreville, Lorton, Woodbridge, and other communities that currently lack Metrorail access would have the option to commute on Metro, which would enhance the quality of life of my constituents while stabilizing housing values and reducing greenhouse gas emissions. During the present economic crisis, homes in Northern Virginia that are located near transit have maintained their value relative to homes only served by highways. For the sake of communities that are threatened by extremely high rates of foreclosure, extension of transit service can be a force for economic revitalization.

This proposed extension of transit service is consistent with local government policies. For example, the Fairfax County Board of Supervisors supports extension of Metrorail in the I66 corridor and in the I95 corridor. This legislation is crafted to give local governments flexibility in locating the stations and determining what type of rail infrastructure to construct. This flexibility is essential to ensure that these transit extensions reflect the needs of Northern Virginia residents and to ensure that we maximize the economic development potential inherent in these Metrorail extensions.

I am proud to offer this legislation that may create the opportunity for our local, state, and federal levels of government to collaborate on extension of transit service. This legislation is essential for the long term vitality of Northern Virginia's economy, neighborhoods, and environment.

A TRIBUTE TO PAMELA TATE-MCMULLEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Pamela Tate-McMullen a Parent Coordinator in the Department of Education.

Mrs. Pamela Tate-McMullen was born and raised in Brooklyn, New York where she presently resides with her husband, John and son Justin.

Mrs. Tate-McMullen is a Parent Coordinator in the Department of Education, serving at Bedford Academy High School in Brooklyn, New York. Since the inception of the position of Parent Coordinator (2003), Pamela has served in various capacities working both with the founding leader of Bedford Academy, Mr. George Leonard, and too with the present leadership of Mr. Adolfo Muhammad. Her duties include, but are not limited to: (1) increasing parent involvement in the school by working closely with school-wide, parent and community organizations, (2) convening regular

parent meetings and events around topics of key concerns to parents and other stakeholders, and (3) maintaining ongoing contact with community organizations that are involved with providing services to the schools' educational program such as the Bedford Stuyvesant YMCA, media contacts and key members of the public who are also interested in the ongoing success of Bedford Academy High School.

Mrs. Tate-McMullen and her family are proud members of Christian Cultural Center in Brooklyn, New York, where Pamela serves on the Hospitality Team. One of Pamela's favorite pastimes is singing with the renowned 50's group, the Bobbettes, where she has traveled both locally and internationally.

A vibrant, creative member of the Bedford Academy/Bedford Stuyvesant YMCA team, Pamela has consistently contributed to a congenial relationship between Bedford Academy High School and the governing members and staff of the Bedford Stuyvesant YMCA.

**HONORING THE MILITARY POLICE
COMPANY, QUANTICO MARINE
CORPS BASE**

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, it is my great honor to rise today to recognize a group of outstanding public servants in Northern Virginia. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Prince William County Regional Chamber of Commerce.

It is with great pride that I submit into the Record the names of the recipients of the 2009 Valor Award serving in the Military Police Company at Quantico Marine Corps Base.

Recipients of the Lifesaving Award: Sergeant Adam J. Pieper, Sergeant David A. Eynon

Recipient of the Merit Award: Corporal Kyle Raczkowski

Madam Speaker, I would like to take this opportunity to thank all of the men and women who serve in the Military Police Company at Quantico Marine Corps Base. Their efforts, made on behalf of the citizens of Prince William County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding these remarkable individuals.

A TRIBUTE TO NICOLE BAYLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Nicole Bayley, a socially conscious bank manager that enjoys giving back to her community.

Nicole Bayley is an Assistant Vice President/Branch Manager for Carver Federal Sav-

ings Bank, one of the largest African and Caribbean American run banks in the nation.

Ms. Bayley is a highly intelligent banker and is responsible for multimillion dollar deposit generation and currently ranks second in the entire branch network for deposits (outside of the corporate headquarters).

Before she took the position at Carver Federal Savings Bank, Nicole spent seven years each at HSBC Bank and Citibank NA respectively. Two of the largest and most recognized global financial leaders, Ms. Bayley used her time in these institutions to learn and eventually gained a wealth of knowledge about the retail banking sector.

Ms. Bayley is an active member of the Fulton-Nostrand United Merchants Association (FNUMA) and holds a number of accolades and distinctions including recognition as a Business Visionary for her business and community leadership.

She uses her role in the FNUMA to recognize individuals, business and organizations that help keep a clean, safe and vibrant Bedford-Stuyvesant Gateway Business District.

**HONORING THE PRINCE WILLIAM
COUNTY DEPARTMENT OF FIRE
AND RESCUE**

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, it is my great honor to rise today to recognize an outstanding group of public servants in Northern Virginia. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Prince William County Regional Chamber of Commerce.

It is with great pride that I submit into the RECORD the names of the recipients of the 2009 Valor Awards serving in the Prince William County Department of Fire and Rescue.

Recipients of the Lifesaving Award: Technician Robert McParland, Technician Nicholas Feliciano, Technician Ryan Kirk, Technician Michael Hendrickson, Technician Walter Hunt, Technician Scott Coloe, Technician Brennan Gilligan, Technician Victor Vega.

Recipient of the Silver Valor Award: Technician Michael Anthony.

Madam Speaker, I would like to take this opportunity to thank all of the men and women who serve in the Prince William County Department of Fire and Rescue. Their efforts, made on behalf of the citizens of Prince William County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding these remarkable individuals.

**A TRIBUTE TO MAXINE
HAMILTON-ALEXANDER**

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Maxine Hamilton-Alexander.

Maxine Hamilton-Alexander "Maxx" is a creative mind that knows "don't worry about a thing, because every little thing is going to be alright". This philosophy is helping to fulfill her dream. She operates an Events Planning & Management Company, Blue Mango LLC, along with spearheading Hamptonians New York (HNY) a nonprofit organization. With the drive, passion to excel and energy that buoys all who interact with her, Maxx is applying her skills and heart, determined to wear her glass slippers.

Besides a proverbial "heart" Maxx brings enthusiasm and the attention to detail it takes to execute exciting and seamless events. She possesses highly developed networking and negotiating skills that are helping her solidify relationships. She stresses that her strength and aspirations are encouraged and accentuated by her children. "They keep me informed, thinking, responsible, engaged, mindful and youthfully fashionable". Maxx also says her most beguiling moments are watching the young ones grow, testing, exploring, maturing.

For over fifteen years Mrs. Hamilton-Alexander has dedicated time and expended personal funds working to enrich the lives of young people. In 2002, urged by her colleagues she incorporated HNY and in 2003 "Gifts from My Heart" was established to bring cheer into the lives of children who need to know someone cares. 2005 Brooklyn came alive with more sounds and rhythms of the Caribbean when her and her team launched the Brooklyn Caribbean Youth Fest.

Mrs. Hamilton-Alexander has spent many hours during the last five years enlisting civic-minded people, seeking advice and building a cohesive committee, while growing Brooklyn Caribbean Youth Fest into an impressive example of artistic excellence. Performances at the festival highlight in celebration, the diverse Culture of Caribbean-Americans. The many cultures of the Caribbean region are saluted with folk songs, dances and poetry. This is a no-nonsense event that boasts performers trekking from as far away as Trenton, New Jersey to strut their stuff.

To date, HNY has served over 5,000 NYC youth through programs and events. Additionally, Mrs. Alexander-Hamilton is a volunteer at PS 260, Prospect Park Youth Council and serves on Brooklyn College World AIDS committee. She also makes direct donations that supplement tuition for students at the Hampton School, Jamaica, West Indies, through an annual Merit Award. Maxx diligently beats the bushes and finds resources necessary to implement her programs which help to nurture young minds. Maxx's dedication to youth and her natural bent for perfection continuously reinforces her reputation as a woman who is unarguably committed to serving the youth.

She received her education from Brooklyn College here in the USA as well as the Jamaica School of Arts, Jamaica. She is happily married to her husband Andrew Alexander with whom she has three lovely daughters Ebony, Amber and Ayana.

HONORING THE PRINCE WILLIAM-
MANASSAS REGIONAL ADULT
DETENTION CENTER

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, it is my great honor to rise today to recognize two outstanding public servants in Northern Virginia. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Prince William County Regional Chamber of Commerce.

It is with great pride that I submit into the RECORD the names of the recipients of the 2009 Valor Awards serving in the Prince William-Manassas Regional Adult Detention Center.

Recipient of the Merit Award: Master Jail Officer Brian Daily

Recipient of the Silver Valor Award: Jail Officer Chester Outland

Madam Speaker, I would like to take this opportunity to thank all of the men and women who serve in the Prince William-Manassas Regional Adult Detention Center. Their efforts, made on behalf of the citizens of Prince William County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding these remarkable individuals.

A TRIBUTE TO MRS. OPHELIA
YOUNG PERRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Mrs. Ophelia Young Perry pillar of the Brooklyn Community.

Mrs. Ophelia Young Perry is a native of Buckingham County, Virginia. She presently resides with her husband, Mr. William Frank Perry, Jr. in the Flatbush section of Brooklyn, New York. The Perry's have one son, Rev. William Franc Perry, III, Esq.

She has been an active member of the Berean Missionary Baptist Church in Brooklyn for over 56 years. Mrs. Perry is genuinely involved in community and civic affairs. She is the President of Church Women United in Brooklyn. Church Women United (CWU) is the world's largest ecumenical movement of Christian women. Under Mrs. Perry's leadership, the movement's membership has increased to include over 700 Christian women. It is the largest unit of CWU in the country.

In response to shrewd spiritual insight, Mrs. Perry conceived the idea for an observance centered around the "Seven Last Words of Christ." For the past 25 years ecumenical worship begins at 7:00 A.M. on Good Friday and the attendance continues to grow. These services have been held in various community churches and have continued to draw over 4000 worshipers. Participants travel throughout the metropolitan area and from many other

parts of the United States to attend this annual worship celebration. Additionally, she organized the initial Annual Award's Luncheon for the organization and continues to provide her expertise in this worthy cause today.

Under Mrs. Perry's leadership, the Brooklyn Unit of CWU sponsors many other activities to raise funds to make contributions to others in need, including: Holiday sharing, contributions to World Church Services, Rose F. Kennedy Residence for Girls, Project Teen Aid, Herbert G. Birch Services, Antigua/Barbuda Cultural Society, Inc, Fund for Burned Churches, Bedford-Stuyvesant Volunteer Ambulatory Service, Hurricane Floyd Victims in North Carolina and they provide aid to orphaned foreign sisters living in the U.S. She is also affiliated with Berean Missionary Baptist Church, The Women's Civic League of Abyssinian Baptist Church, the Black and Puerto Rican Caucus, the Eastern Baptist Association, Spouses of the Black Congressional Caucus and is a member of the National Council of Negro Women of Brooklyn.

She has won numerous awards for her work including: Women of the Year Award—The National Conference of Christians and Jews, Salute to Brooklyn Women Leadership Humanitarian Award—The Brooklyn League, The Woman's History Month Honoree—Brooklyn District Attorney, The Caribbean American Award—Chamber of Commerce, Outstanding Service Award—The Council of Churches, City of N.Y., Woman of Influence Award—Brooklyn YWCA, Thomas R. Fortune Community Service Award—Unity Democratic Club, Valiant Woman Award—Church Women United, Sandy F. Ray Award—Religious and Humanitarian Award—Cornerstone Baptist Church, Religious Award—People's Institutional AME Church, Religious Award—New Life Tabernacle Life Changing Ministries, Congressional Record United States House of Representatives, Woman of the Year for Community Service—Bridge Street AME Church, "Brooklyn Women of Essence" Con Edison and, finally, National Association of Negro Business and Professional Women, Global Ministries Humanitarian Award and International Affairs Division.

After working for 18 years for Borough President Howard Golden as Liaison to the Christian Community, Borough President, Marty Markowitz appointed her as Good Will Ambassador for Brooklyn Churches.

HONORING THE OCCOQUAN-
WOODBIDGE-LORTON VOLUN-
TEER FIRE DEPARTMENT

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, it is my great honor to rise today to recognize an outstanding public servant in Northern Virginia. This individual has demonstrated superior dedication to public safety and has been awarded the prestigious Valor Award by the Prince William County Regional Chamber of Commerce.

It is with great pride that I submit into the RECORD the name of the recipient of the 2009

Valor Award serving in the Occoquan-Woodbridge-Lorton Volunteer Fire Department.

Recipient of the Silver Valor Award: Firefighter Kurt Bolland.

Madam Speaker, I would like to take this opportunity to thank all of the men and women who serve in the Occoquan-Woodbridge-Lorton Volunteer Fire Department. Their efforts, made on behalf of the citizens of Prince William County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding these remarkable individuals.

A TRIBUTE TO ANGELI R.
RASBURY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Angeli R. Rasbury.

Angeli Rasbury is a writer, educator, artist, attorney and founder of Griot Reading Programs, which is dedicated to promoting literacy among youth of African descent and Black literature. She teaches poetry and creative writing to children as young as five-years-old and teens at the Brooklyn-Stuyvesant Restoration Corporation and New York Writers Coalition. She has facilitated book clubs for middle school and high school students and elders. The reading scores of every middle school student with whom she worked improved. Her writing students have received awards from teachers and city council members. She has been an instructor of creative nonfiction and memoir at the Frederick Douglass Creative Arts Center in New York City and has taught creative writing, college composition and African American literature at Molloy College in Long Island. Ms. Rasbury has worked with girls in a rites of passage program and works with girls involved in the juvenile-justice system. She has organized readings and book programs for children, including programs for the annual Rhymes, Rhythms and Rituals Festival sponsored by African Voices, and literary programs for the adults. She has worked with elders, collecting oral history for Elders Share the Arts. She has been a panelist in the grant review process for artists for the Brooklyn Arts Council. Ms. Rasbury is a member of the New Renaissance Writers Guild and has been a member of the Richard Wright Project and PEN American Center Open Book Committee.

As the youth services community and partnerships associate at the central branch of the Brooklyn Public Library, Ms. Rasbury has provided family-oriented Kwanza and Martin Luther King Program, Jr. Day programs where the focus is the young people in our community. She has provided a monthly art program for two years and provided an opportunity for our youth to work with award-winning and emerging artists, providing arts enrichment for youth and supporting the artists. She has partnered with various community organizations to promote literacy and youth and community development. A former editor for Black

Issues Book Review and QBR: The Black Book Review, other magazines, and community newspapers. Her essays, book reviews, profiles, features and interviews have been published in *Essence*, *American Legacy*, *Black Enterprise*, *The Source*, *Vibe*, and other magazines and online at womensenews.com, for which she is the girls' beat reporter and focuses on detention and incarceration topics. She received a PASS Award (the only national recognition of print and broadcast journalists, TV news and feature reporters, producers, and writers, and those in film and literature who try to focus America's attention on our criminal justice system, juvenile justice system, and child welfare systems in a thoughtful and considerate manner) from the National Council on Crime and Delinquency for her article "Out of Jail, Mothers Struggle to Reclaim Children". Ms. Rasbury's short stories have appeared in *Anansi: Fiction of the African Diaspora*. She has been quoted in the *New York Times*, *Mosaic* and *Brooklyn Rail* and co-edited *Sacred Fire: The QBR 100 Essential Black Books*. She was awarded the DorisJean Austin Fellowship for African American Fiction Writers by the Frederick Douglass Creative Arts Center and has been a panelist at writing and publishing conferences. She performed in *Talkin' Brooklyn: A Story Circle Showcase of Elders Share the Arts and Diary of a Mad Black Feminist*.

Angeli Rasbury has been keynote speaker for the Yellow Rose Awards Program for New York University's College of Arts and Science and the Brooklyn Public Library's Friends and Volunteers luncheon. She holds a B.S. from Syracuse University and a J.D. from Temple University. She practiced criminal defense law as a senior attorney with the Legal Aid Society, Criminal Defense Division. She has taught high school students various areas of the law and civil rights issues through the Law Education and Assistance Program and the New York Civil Rights Coalition and was executive director of the Nkutu Center for Education and Culture. Her photography has been published and exhibited. In her spare time she designs jewelry and loves to travel. She lives in Brooklyn, New York. She spends a lot of time with her nieces and nephews, family and friends.

HONORING THE PRINCE WILLIAM COUNTY POLICE DEPARTMENT

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, it is my great honor to rise today to recognize an outstanding group of public servants in Northern Virginia. These individuals have demonstrated superior dedication to public safety and have been awarded the prestigious Valor Award by the Prince William County Regional Chamber of Commerce.

It is with great pride that I submit into the RECORD the names of the recipients of the 2009 Valor Awards serving in the Prince William County Police Department.

Recipient of the Lifesaving Award: Officer Stephen Mercer

Recipients of the Merit Award: Officer Cottrell Derrick, Officer Jessica Tacha

Recipients of the Hillary Robinette Award: Detective Liam Burke, Detective Todd Troutner

Recipients of the Bronze Valor Award: Henry DeGeneste, Officer Jeanne West

Madam Speaker, I would like to take this opportunity to thank all of the men and women who serve in the Prince William County Police Department. Their efforts, made on behalf of the citizens of Prince William County, are selfless acts of heroism and truly merit our highest praise. I ask my colleagues to join me in applauding these remarkable individuals.

A TRIBUTE TO BETTY J. GIBBS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Betty J. Gibbs, a nurturing presence who has been working with the children of Brooklyn for 40 years.

Ms. Betty J. Gibbs, lovingly known to her students as Ms. G and "Granny" to her

"grandbabies," has been an influential figure in the lives of so many people. Ms. Gibbs began her work with students in January of 1968 as a paraprofessional with the NYC Board of Education. She held this position until 1998. She provided general supervision and instruction to small groups of children from grades one through six in math and reading.

In June of 1979, Ms. Gibbs became Site Supervisor for St. Christopher's Group Home. There, Ms. Gibbs was responsible for overseeing the home and the care of the girls that comprised the home, ensuring all the necessities and personal needs are met. She remained a positive inspiration in their lives until August of 1988.

Ms. Betty Gibbs obtained a position as the After School Program Director for Junior High School 275. There, she managed all aspects of the program. She held that position from March 1987, until June of 1988.

Throughout this time, Ms. Gibbs managed to go to school for herself obtaining an A.A.S. from New York Community College in 1973 and a B.A. of Education from Medgar Evers College in 1988.

In 1981, Ms. Gibbs became the Site Supervisor for the Jackie Robinson Center for Physical Culture. For the following 12 years she directed the ten components that comprised the program, as well as developed a multitude of events to help unify the community surrounding the center.

In June of 2003, Ms. Gibbs began working with the Soul Tigers Marching Band, Inc., as Assistant Band Director. There, she is like a second mother to the children. All the students love her and appreciate her nurturing presence in their lives.

She has won a number of awards in her life including: *Unsung Hero* (1996), *Diamond Award* (1993), and awards from The Joint Board of Ushers (1983), the United Community Baptist Church (1982) and Junior Glee Choir St. Marks Church (1976).

SENATE—Monday, March 23, 2009

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

O God, our Father, who in the ancient days led people to Your truth, draw us to the paths that lead to life. Lord, strengthen our lawmakers for today's work. May they place what is good for our Nation above partisan concerns and party loyalty. Give them the faith and courage to seek to build a world that fosters unity and cooperation and eliminates suspicion and distrust. Take from them distracting worries, as You infuse them with greater trust in You. Make them satisfied to serve You with faithfulness, seeking to please You in all that they say and do.

We pray in the Redeemer's name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 23, 2009.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we expect to extend morning business until 4

o'clock. We only have consent now to do it until 3 o'clock. We will return later for that.

During the time of morning business, we will have 10-minute speeches by Senators. Following morning business, the Senate will resume consideration of the motion to proceed to H.R. 1388, a bill to reauthorize and reform national service laws. At 6 p.m. this evening we will vote on a motion to invoke cloture on a filibuster preventing us from proceeding to H.R. 1388.

MEASURES PLACED ON THE CALENDAR—H.R. 1586 and S. 651

Mr. REID. Mr. President, it is my understanding that two bills are at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the second time.

The legislative clerk read as follows:

A bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients.

A bill (S. 651) to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive bonuses paid by, and received from, companies receiving emergency economic assistance, to limit the amount of nonqualified deferred compensation that employees of such companies may defer from taxation, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, at 4 p.m. today we are going to proceed to the national service legislation. I ask unanimous consent that the period for morning business be extended until 4 p.m., under the condition of the previous order; that the Senate resume consideration of the motion to proceed to H.R. 1388 at 4 p.m., with the time until 6 p.m. equally divided and controlled between Senators MIKULSKI and ENZI, the managers of the bill, or their designees; that the 10 minutes immediately prior to the 6 p.m. vote be controlled equally between the leaders or their designees; that at 6 p.m., the Senate proceed to vote on the motion to invoke cloture on the motion to proceed; further, that if cloture is invoked, then postcloture time continue to run during any period of morning business, recess, or adjournment of the Senate; further, that the remaining

provisions of the previous order continue to be in effect.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

SERVE AMERICA ACT

Mr. REID. Mr. President, this afternoon we are going to begin work on the national service legislation. My message to the Senate today is that we are going to finish this legislation this week. We have to. We must start on the budget next week. This is bipartisan legislation. Senators HATCH, KENNEDY, and others have worked very hard on this legislation. There is no reason we should not finish this very quickly. But we will see.

There has been a lot of work done to get us to this point. We are going to move forward. If it is necessary that we work on Friday and Saturday or even Sunday, it is important that we do that so we can start the budget on Monday. Everybody should be warned about that as far as weekend travel. It all depends on what the minority does regarding this bill. Again, everyone should know it is bipartisan, and we need to complete it before we do the budget.

Last week I spoke to a group of young men and women from around the country who are being honored for their commitment to public service. In recent years, vast numbers of young people have sought private sector fields such as finance and banking. There is nothing wrong with their trying to do well, but in this hour of economic crisis for our country, it was encouraging to meet with a group of young people who have made the choice not to do well but to do good.

Americans may find themselves with less time and money to donate to their causes than in previous years, to charities, but we remain a generous country. It is fitting that the Congress now move to the consideration of the Serve America Act, bipartisan legislation cosponsored by 35 Senators, championed by Senators KENNEDY and HATCH and led this week by Senators MIKULSKI and ENZI.

The Serve America Act will provide better opportunities for Americans of all ages, from all regions and walks of life, to answer the call to service.

This legislation builds on the success of the AmeriCorps program with the goal of increasing the number of volunteers from 75,000 up to 250,000.

This bill also creates several new volunteer corps with specific missions in areas of national need: An education

corps to help increase student achievement and graduation rates; a healthy future corps to improve access to health care; a clean energy corps to encourage energy efficiency and conservation measures; a veterans corps to assist our Nation's veterans; and an opportunity corps to assist the economically disadvantaged.

The Serve America Act finally increases the education award for full-time volunteers and links it to increases in the maximum Pell grants.

I urge my colleagues to honor the selfless commitment to a better country that Americans are making in their communities every day by passing this outstanding legislation.

Mr. President, we will also continue meeting to negotiate over President Obama's budget this week. The President's framework sets the right priorities for the country, and Chairman CONRAD continues to work with Democrats and Republicans to strengthen the budget.

We must remember that as deep as our immediate problems may be, the worst mistake we could make is to stop investing in the future. We need a budget that lays the groundwork for an economy that doesn't just recover in the short term but prospers in the long term.

That is why we must invest in education, health care, and renewable energy. These are not optional projects worth saving for better times; we are saving for better times. They are requirements for job creation and long-term economic recovery.

This budget must provide tax relief for working Americans who are struggling under the weight of rising prices and decreasing household incomes.

As we work our way through the budget process, Democrats and Republicans will not agree on everything. But I think we can all agree it is long past time that we get a budget that puts the American people first.

Finally, last week, I followed action from the House of Representatives by offering by unanimous consent legislation that would recoup the outrageous bonuses paid by AIG to its executives. Unfortunately, despite joining Democrats and the American people in their calls for action, there was a Republican objection to my request.

Despite last week's Republican objection to passing the AIG bonus bill, we will continue to work to right this egregious misuse of taxpayer dollars. Republicans have asked for more time to study the legislation, and they are entitled to that. With Republican cooperation, we can quickly and responsibly return these funds to the American people.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Nebraska is recognized.

THE BUDGET

Mr. JOHANNES. Mr. President, I rise today to speak about the President's budget outline.

For too long, Washington has promised way too much, without a plan to pay for it. The result is that we face a financial crisis unlike any other generation.

The lesson is that we must not overpromise and, therefore, we must not overspend. Americans are making very tough decisions in their daily lives that members of their Government still refuse to make.

Unfortunately, the President's budget outline is an example of this continued pattern. The President's budget fails to chart our country on a path toward prosperity. It exercises far too little restraint and does not even attempt to tackle the massive fiscal imbalance facing future generations.

The budget we have before us, regrettably, is a spending frenzy, a taxing spree, and a borrowing nightmare as big as any that our country has ever seen. The President's first budget can, most definitely, be characterized as unprecedented and historic on many levels. However, a budget that breaks the record for spending the most, taxing the most, and borrowing the most of any budget in history is not the kind of record the American people can afford to see broken.

Let's take a look at the massive tax increase. With a pricetag of \$1.9 trillion, it winds up being the largest tax increase in history. Incredulously, though, not a single penny goes toward deficit reduction.

Now, one might ask, how is it possible that the budget contains the largest tax increase in history, yet not one cent of that increased revenue goes to pay off our Nation's obligations?

I will tell you why—because the budget gobbles up that tax revenue for more spending. When that revenue isn't enough to fund all of the Government expansion, the President's budget just keeps on spending.

There is so much bloated spending that the CBO released an estimate Friday projecting a deficit of nearly \$1 trillion every year for the next 10 years. Our country is faced with an unprecedented deficit. So can anyone answer whether it is sound fiscal policy to tax more just to spend more?

At a time when we must do something to pay off our debt and reduce deficits, the budget simply ignores

these problems. It taxes and it spends, inching this great Nation ever closer to bankruptcy.

One of the specific tax increases found in the President's budget is a proposal to enact a cap-and-trade regime. Estimates predict that by enacting this policy, each household will see an increase of \$3,100 a year in higher energy costs. But not to worry, the President said he is using the money raised from a cap-and-trade program to make the work opportunity tax credit permanent. That credit would provide families with \$800 more a year.

The math is straightforward. Let's do the math: a tax increase of \$3,100 offset by \$800. This is still a net tax increase of \$2,300. Just think, it would take a family of four who makes \$50,000 a year 2½ weeks to earn enough to pay for the new tax. That same family with a \$100,000 mortgage could make about 3 months of mortgage payments or buy 8 months of groceries with that \$2,300.

Beyond the consumer, the cap-and-trade program will have a devastating impact on the farmers in my State. One study found that enacting cap and trade would raise the cost of producing an acre of corn by anywhere from \$40 to \$80 per acre. Folks in Nebraska produce about 9 million acres of corn each year. So we are looking at \$3 billion to \$7 billion more a year in higher input costs for that producer. This would be devastating.

The President's budget also contains harmful tax increases on small businesses—the job engine of our economy. According to the latest figures, small businesses create over 74 percent of all new private sector jobs, employ over half the labor force, and contribute about half of the Nation's output. The last thing our country needs when unemployment is projected to be as high as 10 percent is a tax on the very segment of our economy that creates the majority of the new jobs. It goes against all logic to encourage output productivity and job creation in one breath and then penalize that same success with tax increases in the next.

The small businesses located in towns across Nebraska cannot afford another penny in extra taxes. When I talk with folks back home, I hear how they are juggling the electric bill, the health care costs, working to make payroll, while trying not to lay people off. Why would they believe that their Government wants them to succeed if Congress turns around and slaps a crippling tax increase on them during their most trying time?

Beyond the staggering tax increases contained in the budget, the spending is also the most we have ever seen in history. The pricetag is \$3.6 trillion for 2010. Let me repeat, \$3.6 trillion. To further illustrate the massive spending and subsequent borrowing we would have to undertake, I have a chart regarding public debt that I wish to put up and share.

Last year, the debt held by the public as a percent of gross domestic product was about 40 percent. As my chart depicts, by 2019, this will rise to 82 percent. If you do the math, that is a 100-percent increase. Let's look at the pure dollar amount. The President's budget outline would double the debt held by the public in 5 years and nearly triple it in 10. It goes from \$5.8 trillion in 2009 to \$17.3 trillion in 2019.

Let's imagine for a second if the average citizen behaved as Government is being suggested it should—to sign up for credit card after credit card after credit card, max them all out without making a single payment on the principal, never once scaling back on their spending, and then send an IOU to the company saying: I will pay you some day.

Even our creditors have come forward with doubts regarding our spending behavior. China within the last few weeks has expressed concern. The chief China economist for JPMorgan, Frank Gong, put it this way:

Inside China, there has been a lot of debate about whether they should continue to buy treasuries.

China is already the No. 1 foreign holder of United States debt. If they stop financing our spending, what then? Who will be Uncle Sam's banker when the IOUs catch up with us?

I am extremely worried by the result this runaway spending will create—lower standard of living, inflation spiraling out of control, less economic opportunity for future generations. What if future generations do not have the ability to get a home loan for that first house or student loans to go to college? Isn't it our goal to provide a better life for our grandchildren and children?

In conclusion, let me say that none of us has a crystal ball. I realize the President has a difficult job, but I do know that trying to lead the country out of this mess with bigger Government, runaway spending, massive debt, and tax increases is not the way to go. Future generations deserve better. Making tough decisions has to start somewhere, and I am disappointed that this budget outline passes the buck to another day.

I will wrap up with this. I look forward to working with my colleagues as we debate our Nation's budget next week. I sincerely hope there is a genuine commitment to tackling some of the concerns that I have outlined today.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AIG BONUSES

Mr. KYL. Mr. President, I wish to speak briefly to the issue that has been very much on the minds of the American public over the last several days, and that is the bonuses paid to folks who work with AIG, the insurance company that has been the recipient of taxpayer money under the so-called TARP legislation.

A lot of times when Congress acts in haste, it makes mistakes, and one of the concerns I have about the bill we will be taking up is the question of whether we have adequately thought through the exact remedy we want to impose here in order to get the bonus money back. The House of Representatives acted very quickly and passed a very onerous tax bill that would claw this money back. The Senate has a bill that has been written by the chairman and ranking member of the Finance Committee that would be even broader in the sense that it would both tax the company itself as well as the individuals who receive the bonuses. There are a lot of concerns that have been raised over the weekend about both of these approaches. I have urged a little bit of caution here so we don't do the wrong thing again.

One of the reasons we are in the position we are in is because Congress acted in haste. In fact, when the bill was passed that allowed these bonuses, I don't think very many—if any—of our colleagues knew it was in the legislation. After the fact, we learned that the authorization for the bonuses was in the legislation. But when we act quickly and we don't really know what we are doing, we can make mistakes.

I have suggested there be a hearing in the Senate to answer a lot of the questions the public has been asking. Now, the first question is, Exactly who are these bonuses paid to and why? Is it necessary that these people receive the bonuses in order for the Government to protect its interests in the company it now owns a substantial part of—AIG? Has some of the money been given back? Will more of the money be given back? Is it fair to impose a tax retroactively? In other words, after people have earned the money based upon an expectation that the money will be taxed at regular rates, is there now going to be an extra tax imposed on top of that simply because we don't like what was done? Will it withstand constitutional muster? And perhaps most importantly, how about the Secretary of the Treasury engaging in the authority, which I understand he possesses under the stimulus bill that we passed earlier, to act in the public interest to claw that money back? In other words, is it even necessary for Congress to amend the IRS Code in order for the Secretary of the Treasury to be able to get that money back?

Clearly, this could have all been avoided had the Government asked AIG

to renegotiate the contracts when it gave AIG about \$30 billion 3 weeks ago. The Government was in a position to say: One of the conditions for receiving this so-called TARP money is that you will renegotiate the contracts that provide bonuses for your employees. We could have done that at that time. But it wasn't done, so now we have to figure out the right way to deal with this.

The other reason I am urging caution was expressed by the President in a "60 Minutes" interview that was on television last night. Here is how he answered a question about the constitutionality of this proposed tax law. I am now quoting the President:

Well, I think that as a general proposition you don't want to be passing laws that are just targeting a handful of individuals. You want to pass laws that have some broad applicability. And as a general proposition, I think you certainly don't want to use the Tax Code to punish people.

I think the President is right about exactly what he said there, and that is one of the reasons there is some doubt about whether this law's constitutionality would be upheld and another reason I think we would be wise to hold hearings. But there is yet another reason, and that has to do with whether the private businesses that have been helped by the so-called TARP legislation will want to continue to receive this money or continue to participate in the public-private partnerships that have been established by the Government if there is a possibility there is going to be retroactive punitive legislation imposed upon them or their employees.

So one of the things I would like to do is to make sure that in expressing our outrage—and every one of us is outraged about this—we do it in a way that is constructive and not destructive to the very program the President has created to try to help these struggling companies get back on their feet so that they can lend credit to everybody else who needs credit in our country.

There is a significant view that if the folks participating in this program come to believe that the Government—Congress—can at any time come in and impose a new tax on them, they are going to want to get out of these programs rather than participate in them. In fact, there have been strongly expressed views that these banks will try to repay the TARP funds quickly—prematurely, in effect—in order to get out from underneath the Government's potential further involvement in their businesses. Of course, by paying the money back, they reduce their ability to loan money to the rest of us. Obviously, the whole point in giving them the TARP funds in the first place was to give them more liquidity so that they would have the money to lend to businesses, to families, and others throughout America.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks a couple of statements that make this point very clearly. One is an editorial that was in the Washington Post on Friday, March 20, and the other is a very interesting article by Ian Bremmer and Sean West that was printed in the Friday Wall Street Journal.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. KYL. Mr. President, the "Washington Gone Wild" editorial in the Washington Post makes the argument I just made. They use the words "short-sighted," "opportunistic," and "irresponsible," and liken this to the actions of a mob to get even with people rather than stopping to think about what it is going to do to the President's TARP program. And that is what I wish to talk about.

I voted for both the first and second TARP. There were only six Republicans in the Senate who supported that second program, and I did it because I believed it was important for the President and the Secretary of the Treasury to have the necessary funding to help these institutions. We are going to destroy that program if the participants in the program come to believe that, out of spite, Congress, reacting to an angry electorate, will simply come down and pass new tax obligations on the employees of these companies in the future. They are going to be very weary of participating.

As the Washington Post editorial notes:

Elected officials have a responsibility to lead, not just to pander; to weigh what makes sense for the country, not just what feels good.

The point is, we now own a big share of this company and parts of some of these other companies, and we want to do what is in their best interest for our best interest and not simply punish them because we are angry that some folks got bonuses.

So I am going to urge my colleagues to take a deep breath here and talk to the administration, to hold a hearing and answer the questions that have been asked here and see whether there isn't a better way to achieve the same result. I just happen to believe that if the Secretary of the Treasury called these folks down to his office and said: You know, for the good of the country, you ought to give half or two-thirds of whatever it is back, and if we can save your company, you will be able to make that money back in no time with a healthy company, and if we don't, it is going to be bad for America—I would appeal to their patriotism. He could also talk to the executives at AIG and ask them to sit down with the same people to renegotiate the contracts. There are other ways, in other words,

to accomplish the same result without doing violence to our Tax Code, to the concept of contracts, and that do not raise the question about the constitutionality of this action.

Mr. President, I urge my colleagues to hold a hearing on the bill. Do not bring this bill up before the Senate for a vote this week but discuss it with the administration and see if we can come up with a better solution and resolve this problem in a sensible way that will be good for America.

EXHIBIT 1

[From the Washington Post, Mar. 20, 2009]

WASHINGTON GONE WILD

"Shortsighted," "opportunistic" and "irresponsible" aptly describe the actions of those who fueled the debacle on Wall Street. They are also apt descriptors for lawmakers more focused on currying favor with a public outraged at the bonuses handed out by bailed-out companies than on fixing the fundamental and still potentially disastrous cracks in the financial system. By changing the terms of a deal months after it was entered into, Congress will show the government to be an unreliable partner, further draining confidence from the financial system and endangering long-term recovery.

Yesterday, the House had the feel of a mob scene, with lawmaker after furious lawmaker vying for floor time to rail against the \$165 million in taxpayer-funded bonuses lavished on employees of American International Group's disgraced Financial Products division. House members rushed through a bill to impose an effective tax rate of 90 percent on bonuses paid to AIG employees and employees of other firms that accepted at least \$5 billion from the Troubled Assets Relief Program—though when then-Treasury Secretary Henry M. Paulson Jr. pressed many of those firms to take the funds last fall, government interference in their compensation systems was not part of the deal. The legislation, approved by a vote of 328 to 93, would affect employees who received bonuses on or after Jan. 1 and whose household incomes exceed \$250,000. Late yesterday afternoon, lawmakers on the Senate Finance Committee introduced their own, broader version of the bonus clawback that would affect firms that accepted as little as \$100 million of government funds.

We understand that legislators are hearing from furious constituents, and we understand why those voters are angry. It is unquestionably galling that some of the employees who crafted and pushed risky derivatives that wreaked financial havoc worldwide should line their pockets with some of the \$173 billion in public funds meant to prop up the too-big-to-fail insurance behemoth and its global business partners. The bonus anger resonates, too, because of a larger sense many voters have that the people who helped trigger this whole economic mess are not the people paying the greatest price.

But elected officials have a responsibility to lead, not just to pander; to weigh what makes sense for the country, not just what feels good. The effective confiscation of legally earned and contractually promised payments may well be unconstitutional. It is almost certain to be unhelpful. The bonuses paid at AIG represent less than one-tenth of 1 percent of the bailout provided so far; recouping those funds will have no discernible fiscal effect. But it will help drive away the best talent at the firm, and despite all the glib messages of "good riddance," that is a

strange action for an owner—and the American public now owns AIG—to take. But the real damage goes well beyond any effect on AIG. The economy continues to suffer from a shortage of credit. The government needs financial institutions—including relatively healthy ones—to take public funds that will then be lent to responsible businesses and consumers. The Obama administration reportedly intends in the next week or two to announce the details of a "private-public partnership" to buy troubled assets from ailing banks. The participation of private hedge funds, investment banks and other firms will be key to the plan's success. But what executive in his right mind will enter into a deal if he or she believes the rules can be changed six months or one year down the road purely on the basis of polls and politicians' fears?

Rather than bringing reason to the debate, President Obama has stoked the anger, and last night, the White House commented favorably on the House action. Perhaps Mr. Obama believes that only by lining up with an angry public now can he persuade it, and Congress, to approve the hundreds of billions more he will need to right the credit system. But he might have expressed his sympathy with public anger over irresponsible behavior in the financial sector while also steering the government in a more constructive direction. The absence of backbone on either end of Pennsylvania Avenue this week could carry a steep price.

EXHIBIT 2

[From the Wall Street Journal, Mar. 20, 2009]

AIG AND "POLITICAL RISK"

(By Ian Bremmer and Sean West)

After quietly tolerating \$170 billion in bailout money for AIG, why have the public, Congress and the administration suddenly blown up about a tiny fraction of that amount that is being paid out in retention payments and bonuses? After all, the AIG bailout channels U.S. taxpayer dollars to foreign banks and even potentially covers hedge-fund profits.

The reason is one of political expediency: The bonuses represent greed in the face of dire circumstances, which resonates with Joe the TARP-funder. The public now has an Enron-like target on which to unload its collective frustration about the financial meltdown. While public outrage is understandable, pandering to it jeopardizes the administration's credentials in a sloppy attempt to score populist points. This raises the political risk for all investors in the U.S. (both domestic and foreign) significantly.

The financial-sector rescue necessitates unpopular actions that will only be politically worth it if the administration actually solves the crisis. Until recently, the Obama administration had taken pragmatic is slow actions that it deemed necessary to fend off disaster, as opposed to pursuing an ideological agenda in how it implements the bailout.

But this week, under pressure to show a strong hand and positive results, the administration latched onto the AIG bonus flap as an angle for currying populist favor. When it became clear that the bonuses were going to be big news, President Obama led the anti-AIG charge with instructions to "pursue every legal avenue" to get the money back. Never mind that the administration was responsible for the TARP provision that (sensibly, from a legal standpoint) exempted pre-existing legal agreements from the bill's limits on compensation. Mr. Obama now says he'd like to create a new "resolution authority" to deal with "contracts that may be inappropriate." Meanwhile, Congress seems

poised to undo the bonuses through special taxes—a move that in other circumstances would clearly be labeled retroactive and unfair.

It was not long ago that Mr. Obama assailed the Bush administration for its dangerous expansion of executive power during a complex crisis. The Obama administration's antics around the AIG bonuses suggest a similar effort to use political power to contort the law. But rather than doing so for reasons of national security, this administration is doing so to pander to an angry public. When the Obama administration and Congress flex this kind of muscle, they attach a new political-risk component to all contracts negotiated in the shadow of the bailout.

That risk may scare potential investors away from bailout recipients because they cannot trust our government's will in the face of public outrage. It destroys our moral high ground the next time Mr. Obama wants to criticize a foreign country for ignoring the rule of law by nationalizing private assets or repudiating international debt. It will certainly make Mr. Obama's task much more difficult when he tries to sell the public on his administration's ability to manage the rest of the bailout, and when he tries to sell private firms on the public-private partnership that will be needed to make the recovery work.

The administration could have let Congress have its week of grandstanding over bonuses, while issuing a public statement acknowledging the bonuses as deplorable, but not important enough to detract from the real work that lies ahead. The tragedy here is the extraordinary amount of time that is being wasted on this issue when the Treasury Department remains understaffed, a detailed toxic-asset plan remains perpetually forthcoming, and the economy continues to shed jobs.

It's predictable that the administration and Congress would rather abuse an easy target over something every voter can get mad about than actually confront the hard issues of managing the financial crisis, including progress on the "stress test" of banks and the restoration of normal credit operations, establishing genuine oversight of the use of bailout funds, and coordinating international efforts on global economic stimulus and changes to financial-industry regulations. That type of governing is far more troublesome, as it involves making difficult decisions on complex topics and communicating unpopular news to constituents.

This is a hallmark moment for the administration. Congressional anger over AIG's bonuses foreshadows the battle looming if and when the administration asks for more financial-sector rescue funds. The administration may rightly sense that failing to join hands with Congress and the public in outrage over the bonuses would complicate release of those funds. But Mr. Obama does not need to show solidarity by diminishing confidence in the rule of law. That bit of populism will cost the president far more in future credibility than he stands to gain in present popularity.

Mr. KYL. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING GALLAUDET UNIVERSITY

Mr. BROWN. Mr. President, on July 4, 1861, President Lincoln celebrated our Nation's 85th year of independence by declaring to Congress:

The principal aim of the U.S. Government should be to elevate the condition of men—to lift artificial weights from all shoulders—to clear the paths of laudable pursuit for all—to afford all, an unfettered start, and a fair chance in the race of life.

Just a few months prior to enunciating the aim of his Government, President Lincoln signed into Federal law the authorization to confer collegiate degrees to the deaf and the hard of hearing in a campus in Washington, DC, not far from here. For the first time in our Nation's history, and still to this day, Gallaudet University is the only liberal arts university in the world dedicated to pursuit of access to higher education for deaf and hard of hearing students.

Mr. President, 2009 marks the bicentennial, as we know, of President Lincoln's birth. All around our Nation, parents and children, students and teachers are reconnecting the history of Lincoln's life to our world today.

Mr. President, 2009 also marks the 145th anniversary of Gallaudet University's charter, signed by Abraham Lincoln himself. As our country struggles through economic calamity and armed conflict overseas, let us mark the significance of these events by honoring the principal aim that President Lincoln and thousands of Gallaudet students have embarked upon: That every American has an unfettered start and fair chance at the American dream, that it be free of prejudice and ignorance and, instead, full of opportunity and access.

Today, Gallaudet annually enrolls more than 1,600 undergraduate and graduate students who take courses in more than 40 majors. Today, more than 15,000 Gallaudet alumni are leaders in their fields and in their communities, sprinkled all over the United States of America.

Serving on the board of trustees of Gallaudet is one of the great honors of my life. My mother, an English teacher, put such a premium on education. Education has anchored my life as a child in Mansfield, OH, and now as a Senator representing Ohio in Washington. I am reminded each day of this country's rich history, the tapestry of America's diversity—of our language, of our families, of our communities. The tapestry of America's diversity teaches us that wisdom and goodness persist in each of us, despite efforts to marginalize and discriminate by a few of us.

One hundred and forty years ago, the four members of Gallaudet's first graduating class—four people—received degrees signed by President Ulysses S. Grant. To this day, the tradition continues. Every graduate of Gallaudet is conferred a degree signed by the sitting President of the United States. This simple act by a President—President Obama will continue that tradition this year—confers to the students the faith in this country's capacity to elevate the condition of each of us.

I congratulate the students and the faculty, the alumni and the supporters of Gallaudet for teaching all of us the meaning of the values President Lincoln laid before us—that we educate ourselves as part of a community that, full of opportunity and free, as President Lincoln said, free of artificial weight, we educate ourselves as part of a community that works toward the good of our society.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. KLOBUCHAR. I ask to speak for 10 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Ms. KLOBUCHAR. Mr. President, today I am here to talk about health care reform. I would mention, first, that I was just with DEBBIE WASSERMAN SCHULTZ, the Congresswoman who last year battled with breast cancer and today was there, healthy, to introduce a bill. I am proud to be the Senate sponsor, to focus on increasing awareness among younger women about the risks of breast cancer.

But we are here today to talk about something else and that is how to bring costs down in health care. As we look at how to expand health care, as we look at how to improve the quality of health care, there must be work done to contain the costs. I believe, based on what I have seen in my State, you can actually reduce costs and improve quality.

A few weeks ago, President Obama convened a health care summit to bring together industry leaders, providers, and advocacy groups to discuss our opportunity to move forward with serious health care reform. That reform should begin with the Medicare system. Medicare is one of the most valued social welfare programs our country has produced in the last half

century. Yet it is also a program in dire need of reform if it is to survive on sound financial footing and continue to provide the fine medical care our seniors have come to expect from it.

Change is needed now. By 2011, the first baby boomers will enter the Medicare system and by 2016 the number of Medicare beneficiaries will increase by almost 5 percent.

This past winter, I convened a health forum in Minnesota to discuss the various challenges affecting the Medicare system. The message is clear: without action, costs will continue to rise and waste will proliferate.

Medicare is the single largest purchaser of health care and its policies directly affect nearly every health care provider. Medicare's payment system, coding, quality reporting, and record-keeping are the industry standard. Spending for the Medicare Program is projected to increase 114 percent in the next 10 years. Twenty percent of Medicare beneficiaries suffer from one of five chronic diseases. Medicare spends 66 percent of its annual budget to treat this group. Two-thirds of Medicare spending only helps one-fifth of Medicare beneficiaries. If we are going to sustain Medicare as a healthy, high-quality program Americans deserve, we must do something to address these challenges. In short, we need to reform Medicare so it addresses efficient, high-quality care.

As it happens, doctors and hospitals in many regions of the country, including my State of Minnesota, practice exactly this kind of high-quality, low-cost medicine and they should be rewarded for it. But Medicare does not reward them. Instead, it punishes them. In fact, at the health summit last week, President Obama actually asked the gathered group, "Why should we punish Minnesota because other States are less efficient?"

The problem is, despite periodic efforts at reform, Medicare pays for quantity, not quality. More tests and more surgeries mean more money, even if the extra tests and operations do nothing to improve a patient's condition. States that have historically delivered excessive procedures are still rewarded for the wasteful practices of the past, while efficient States, such as Minnesota, are punished.

If you look at this chart, you will see that the areas in dark blue are the ones that receive the lion's share of Medicare payments. The light blue area States, such as Minnesota, Montana, Iowa—I see Maine is looking good, as I see the Senator from Maine across the way—but a number of States, you can see, are in areas where Medicare spending is low but quality of care is high. It is as if there were a huge transfusion that basically takes taxpayer money from one region, one area of the country, and puts it in another.

It is not to say people are not sick in other parts of the country—they do de-

serve that help—but looking at the limited resources, we have to figure out what is working and how come areas of the country that tend to have the lowest health care costs also have the highest quality health care?

It is not what you would think. You would think: Well, the highest cost must have the highest quality. That tends to happen sometimes, in clothing and other things. That is not what is going on in this country right now. Regions with more specialists and more hospital beds tend to provide more services and get more of the money.

According to the Dartmouth Institute for Health Policy and Clinical Practice, high-cost regions in Medicare boast 32 percent more hospital beds, 31 percent more doctors, and 66 percent more medical specialists. In other words, supply is driving demand. The result is that Medicare pays much more in some parts of the country than it does in others for medical care that is no better.

Medicare's own report shows that quality of care is higher in many of these low-cost States. In fact, Medicare spends more in places such as Florida and New Jersey than it spends in States such as Minnesota and Oregon. Let me give you one example:

In Miami, FL, Medicare spent roughly \$15,000 per patient per year in the year 2005. In Minneapolis, a Medicare patient received about \$7,000 worth of care that year. To put it another way, Medicare will spend \$50,000 more on a 65-year-old patient in Miami over the course of his or her lifetime than on a comparable patient in Minneapolis. Now, \$50,000, that is a lot of money.

At \$2.4 trillion per year, health care spending represents close to 17 percent of the American economy, and it will exceed 20 percent by 2018 if the current trends continue. If you look at this internationally, you can see the United States spends far more than any other nation, without getting better care. We can and we must do better. A number of models are out there to provide direction for the future. The Mayo Clinic, based in my home State of Minnesota, is renowned for the effective care it provides at a reasonable cost. Now, think about this. There was a Dartmouth study that came out. It showed this: If the rest of the hospitals in the country used the same kind of high quality, with very high quality efficiency ratings from families, and high efficiency care as the Mayo Clinic now does, in the last 4 years of a patient's life, the country—the taxpayers of this country—would save \$50 billion over 5 years. That is \$50 billion over 5 years by simply following the protocol of having a more organized, efficient delivery system with one primary doctor, with experts who work together, without duplicate tests.

That is \$50 billion every 4 years by following a set protocol with some of

the highest quality ratings in the country. The Congressional Budget Office has also studied the problem and found the potential for huge savings. This chart reflects that Medicare spending would fall by 29 percent if spending in medium- and high-spending regions were the same as that in low-spending regions. That is the CBO.

So how do we change the Medicare system in a way that will reduce these disparities and reward our doctors for doing what is right? Real reform will start when the system starts paying for quality. Here are the three priorities I plan to start working on immediately. First, we need to enhance Medicare incentives that reward quality care. For many illnesses and conditions, the medical profession has widely accepted practice guidelines that result in better health care outcomes, such as when to give aspirin to heart patients, and how often to perform cancer screening, but they are not always followed. A recent RAND Corporation study found that adults received recommended care only 55 percent of the time. Medicare needs to reward doctors and hospitals for doing the right thing and achieving improvement in care. These quality guidelines can be the basis for Medicare payments to providers.

Second, we need to rethink the Medicare payment system. Right now, Medicare pays for tests, visits, and other procedures one by one, giving providers an incentive to order more and more services. We need to have better coordination of care, and less incentive to bill Medicare purely by volume. Increasing the bundling of services in Medicare's payment system has the potential to deliver savings and start rewarding value and not volume.

Third, we need to address the shortage of the number of primary care physicians who are currently practicing across our country. Today, effective primary care is severely undervalued in our health care system. Yet, research suggests that improving access to primary care and reducing reliance on specialty care can improve the efficiency and the quality of health care delivery. To accommodate the needs of an aging population, we need to promote primary care and transition away from our specialty-intensive health care workforce.

The health care system we have now needs major improvement. That means transforming the system to pay doctors for the quality of care they provide and to turn the current disconnected, reactive health care system into one that is integrated and concentrates on delivering the best care for patients.

Again, I want to stress this, when we talk about saving costs, when we look at these studies, those States that are most efficient, those areas that are more efficient, have high quality care.

I leave you with this figure: The Mayo Clinic, in the last 4 years of a patient's life, if those protocols were followed across the country, we would save \$50 billion every 5 years in taxpayer money. That is an independent study, \$50 billion.

I know we can do better. At the same time as we reduce the cost, we can improve the quality of care that our Nation's seniors deserve. Working together, we can give them the system they deserve.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN.) The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I ask unanimous consent that I be permitted to proceed for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 664 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from South Dakota.

THE BUDGET

Mr. THUNE. Madam President, this next week we will be taking up the budget for fiscal year 2010. Anyone who previously had not been concerned about that debate and what it means for the country and its future probably should be concerned, based upon the most recent CBO report that came out on Friday of last week. It was sobering. It reinforces the point that we have been making about the outline we have seen of the President's budget; that is, this budget spends too much, taxes too much, and borrows too much.

We have spoken extensively about the new spending in the budget. We have talked at great length as well about some of the new taxes in the budget and how it will drive up taxes on small businesses, the largest job creator in the economy, the economic engine that creates two-thirds of the jobs in our economy.

We also want to talk about the fact that it borrows too much. The CBO report punctuates that point. I couldn't have put it more clearly than what they came out with last week, which suggests the initial estimates about the President's budget outline, which we received earlier, were dramatically understated and, in fact, it is going to add significantly more to the deficit than what we initially anticipated. In fact, in fiscal year 2009, which is the year in which we find ourselves right now, the CBO has revised its deficit estimate to where it is going to go over \$1.8 trillion for fiscal year 2009, which represents 13.1 percent—13.1 percent—of our gross domestic product, which dwarfs anything we have seen at any time in history.

So as we enter this debate next week, I think it really is important for all of us in this Chamber to take a good look at this analysis and to try to digest it and, hopefully, for the American people to be able to take a good look at what these numbers mean as well. It is sometimes difficult to even put it into terms people can understand. When I think about \$1 trillion, it is a staggering amount of money. We are throwing around numbers in trillions and trillions and trillions today in the abstract. When you try to put it in terms that everyday Americans can understand, it is almost daunting to try to accomplish that.

So when this new report came out, I think many of us found it even more sobering than what we already knew was going to be a very difficult economic and fiscal climate for the next several years. In fact, the President's budget outline that had been analyzed up to this point suggested the debt was going to double in 5 years and triple in 10 years. That is still the case.

If you can believe this, the publicly held debt, in 2019, is going to be \$17.3 trillion under the CBO's new estimate. It is about \$5.8 trillion today. It literally does, in a 5-year period, double the debt and in a 10-year period triples the debt. It takes the publicly held debt, as a percentage of gross domestic product, from where it is today—a historical average of about, if you look back, 20, 30, 40 percent, but let's say today we are looking at 40 percent, and that is a very high number relative to anything we have seen in history—it takes it up to over 80 percent by the end of that period. So you are looking at public debt and public deficits that are unparalleled and are unprecedented in American history. I think that is the whole point behind the argument we have made throughout the last several weeks in the lead-up to this budget discussion we are going to have next week: This budget spends too much, taxes too much, and borrows too much.

The taxing component is something many of my colleagues have spoken to already. But if you look at, again, the overall tax increases—which many are imposed. And they talk about that it just applies to high-income taxpayers. But you are talking about small businesses, many of which file or organize as subchapter S's or LLCs. So the income they get from their small business flows to their individual income tax statement, which means when these rates go up—and they are going to go up—the effective rates, to 40 and 42 percent, when today those same businesses would be paying 33 or 35 percent, they will be significant increases in the tax burden we are imposing. That is not to mention the new climate change initiative which is also contemplated in the President's budget, which imposes an entirely new energy tax on the American people, on the

American consumers, creating all kinds of new costs for energy, whether it is electricity or fuels. There have been studies that have been done, very credible studies by researchers at MIT, that have suggested it is going to cost the average family in this country over 3,000 additional dollars per year in energy costs by the year 2015.

These are some pretty daunting numbers. But they come on the heels of a stimulus bill that was passed a few weeks back that was about \$800 billion. When you add interest in it, it was about \$1.2 trillion. That was a huge amount of money. When we try to put that in perspective relative to anytime in our Nation's history, it eclipsed anything we had seen previously. Then we had the Omnibus appropriations bill, which increased spending over the previous year by twice the rate of inflation—about 8.3 percent. Then you add the continuing resolution that was passed last year, which funded Government programs last year through March 6 of this year because that was a stopgap appropriations measure that was put in place because the appropriations bills had not been passed last year. Then we had the stimulus bill, which was, as I said, with interest, \$1 trillion. Then we had the Omnibus appropriations bill, and with that a twice-the-rate-of-inflation increase. You add all those numbers together, and we have increased the size of Government this year by 49 percent—49 percent—from fiscal year 2008. I think that points to the fact, again, as to the amount of spending we are doing. It adds up because a lot of that, as I said before, is borrowed money, and it is contributing to these deficit numbers the CBO had just released.

So it would be my hope—and I know others are on the floor who are going to speak to this issue a little bit more in detail. I know the Budget Committee has analyzed the new CBO report. We are awaiting the markup of the budget this week in the Senate. We suspect it is probably going to follow somewhat closely the President's outline, his proposal, although my guess is there will be some differences. But if you take the overall trajectory it creates, it creates a trajectory over the next 10 years that calls for an average deficit—this is the average over the 10-year period—of almost \$1 trillion. It is \$929 billion, according to the Congressional Budget Office. That is the average.

This year, it is \$1.8 trillion. Next year, it is \$1.4 trillion. It drops down to \$670 or \$650 billion, I think, for 1 year. But then it starts spiking and trending back up again, to where, over the course of the 10-year window—the budget analysis and planning that is done here is done in a 10-year window. If you look at that 10-year window, the average deficit is \$929 billion a year.

As I said, these are numbers that are staggering and unlike anything we

have ever seen. It is hard to put into perspective what we are talking about relative to anytime in American history.

The other thing I will mention with regard to the stimulus bill as well—because I think there was an assumption that all this borrowing and all this spending would somehow lead to job creation and hopefully getting the economy expanding and growing again—what the CBO found in their analysis, again, was that in the long term the impact would be negligible or negative from the spending that was created in the stimulus bill. So not only were we getting no additive benefit in terms of job creation from the stimulus spending—or in the long term, at least—we are going to see negative, they think, or at least negligible, zero, economic growth as a result of it. We are adding \$1 trillion to the amount we have borrowed from future generations, and we are asking our children and grandchildren to have to pay it back, not to mention what I am sure are going to be other types of economic consequences associated with that: higher interest rates, higher inflation. There is already a lot of discussion about that as we continue to borrow more and more money, whether there will be people out there who will want to buy our debt.

I believe those are all legitimate concerns and questions we need to raise in this debate, coupled with the fact that there is nothing done in this budget that would in any way significantly reduce the long-term costs associated with the entitlement programs and what is really driving, in the outyears, these deficits: Social Security, Medicare, and Medicaid. There has been a lot of discussion in the new administration about a willingness to sit down and talk about how to reform and make these programs strong and better and more efficient for the future, but there is nothing in this budget that does that.

In fact, the only serious savings we can point to in the President's budget that they try to achieve come out of defense, come out of the military, come out of our national security, which I would argue: If we do not get national security right, the rest is conversation. But they are assuming savings as a result of drawing down troops in Iraq and places such as that, which I think they are overstating what they are going to be able to achieve in savings.

I would argue some of the other assumptions in the President's outline are optimistic with regard to revenues—and I think the CBO study bears that out—to the point now that even the Washington Post, yesterday, came out with an editorial that I think illustrates exactly how serious this fiscal situation is for our country, and drawing into question the fact that there is

very little done in this budget that addresses those long-term fiscal problems I just mentioned in the entitlement programs.

There is nothing to reduce the cost of Government in the outyears, only things that are going to pile on additional costs and add and multiply over a long period of time. The incredible amount of borrowing we are already doing is going to be multiplied many times over into the future.

Madam President, I ask unanimous consent that the editorial from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 22, 2009]

RED INK RED ALERT

A CONGRESSIONAL REPORT SHOULD GIVE THE PRESIDENT PAUSE

The new estimates by the Congressional Budget Office showing a federal deficit of 13.1 percent of gross domestic product for the current budget year, which began Oct. 1, are neither surprising nor particularly alarming, though it's larger than the 12.3 percent foreseen by the White House. Both are stunning numbers—far and away the largest deficit ratio since World War II. But spending rises in recessions and tax revenue falls, and we're in a big recession. It would be counterproductive to balance the budget in this historic downturn. The huge deficit includes \$700 billion for a necessary rescue of the financial sector. Nor is it shocking that the CBO forecasts a deficit of 9.6 percent of GDP in fiscal 2010 if Congress enacts President Obama's \$3.6 trillion budget plan—a deficit also much larger than what the president predicted. The difference largely reflects the CBO's economic forecast, which is more up-to-date and, hence, gloomier than the one Mr. Obama relied on.

What is scary, though, is the CBO's depiction of the remaining years of the president's term, and the half-decade after that—if his budget is enacted. In none of those years would the federal deficit fall below 4.1 percent of GDP—and it would be stuck at 5.7 percent of GDP in 2019. This is in stark contrast to the president's projection: that his plan would get the deficit down to about 3 percent or so of GDP by that time. It's true, as Peter R. Orszag, director of the Office of Management and Budget, told us, that the CBO's forecasts are subject to large margins of error, especially in the out years. And Mr. Orszag is correct to point out that, even under the CBO's scenario, the deficit as a share of GDP would decline by half under Mr. Obama.

Still, it's less significant to meet that target than to keep the deficits within sustainable bounds, and few experts believe that years of deficits above 4 percent of GDP are consistent with long-term economic vitality.

If the CBO's numbers are subject to revision on account of changing circumstances, then so are the administration's; and those were based on very rosy economic assumptions to begin with. Very little of the claimed deficit reduction in the Obama plan comes from policy changes; it results more or less automatically from the assumed end of the recession, as well as by claiming savings in reducing operations in Iraq and Afghanistan from unrealistically high forecasts. Yet both the White House and House

Speaker Nancy Pelosi said that the CBO report is no reason to revise the president's ambitious tax and spending blueprint.

Mr. Obama should treat the CBO report as an incentive to fulfill his repeated promises, during and after the campaign, to make hard choices on the budget. Until now he has offered a host of new spending—on health care, middle-class tax cuts, education and alternative energy—without calling for much sacrifice from anyone except the top 5 percent of the income scale. Though his emphasis on controlling health-care costs is welcome, it's not a substitute for reforming the entitlement programs that are the drivers of long-term fiscal crisis, Medicare and Social Security. Yet the president has offered no plan for either and no road map even for achieving a plan. Several members of his own party in the Senate have been expressing doubts about his strategy, and the CBO report will lend credibility to their concerns. He should heed them.

Mr. THUNE. As to the stimulus bill, in and of itself, we are told, if the spending that is included there is not terminated at the end of the 2-year period—when we assume the short-term stimulus spending would terminate—if those programs are continued, the estimate of what they would cost goes from about \$1 trillion to over \$3 trillion over that 10-year period.

So there will be mountains and mountains and mountains of debt as far as the eye can see, complicated by an unwillingness by the new administration to take on any of the serious decisions that have to be made with regard to entitlement programs and mandatory spending in this budget, with lots of new programs created, as I said, new energy taxes under the guise of climate change, a new health care program that is estimated to cost around \$600 billion but which many independent analysts are now saying is going to cost up to \$1.5 trillion.

These are all costs that are adding up and continuing to lead to more and more borrowing, higher and higher deficits, to the point that this year 13.1 percent of GDP is the percentage and over \$1.8 trillion is the actual number of the deficit. And that goes on now for years and years, and an average of \$1 trillion a year just in deficits, to where the public debt, at the end of that 10-year period, will be \$17.3 trillion. That is an incredible problem for our country and for future generations.

So it is high time we got it under control. It is why this budget is so wrong for America and for our future.

Madam President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank Senator THUNE for his excellent remarks. I will just say that sums it up pretty well. I would like to go into a little more detail about the budget—just some of the matters in it—so we confront honestly the situation with which we are dealing.

This is the budget, which I hold up in my hand. This is the budget the President sent up. It is from the Executive

Office of the White House, Office of Management and Budget. The big print on it says, "A New Era of Responsibility." The small print says, "Renewing America's Promise." Well, I am not sure what "Renewing America's Promise" means, I guess, but I am pretty sure that "A New Era of Responsibility" is not what this budget is. I would like to talk about it because it is breathtaking, really.

Now, some would think: Oh, here we go. This is just another political dustup, just another fight between the Republicans and Democrats, just another partisan spasm. That is what it is all about. They talk about these numbers, and I don't know what these numbers mean: a billion, a trillion, a million. What does all that mean? Well, sometimes numbers do mean something. Sometimes numbers are quite different from one another. Sometimes situations have changed, and sometimes they have not changed much. Sometimes the changes are dramatic, significant, directional in nature, historic in nature. That is what I think we are dealing with today.

I believe the discussion over this budget—I am a member of the Budget Committee—is historic. I believe the decisions we make around this budget will affect the very nature of the economy, the nature of the Government that we have, whether we will continue to have a government of limited powers, and where we are heading. Are we moving toward a "Francification" of America, a socialization of America? That was a big issue in the campaign. It turned out to be where, in the last few weeks, you remember Joe the Plumber and the quote "We are going to spread the wealth around." People said: Oh, no, President Obama does not really mean that. Yes, he is going to do some new things and make some changes, but he is not heading toward a European-type of economy for America.

So let's talk about the budget. What does his budget say? What does it mean? A budget is a President's plan for the future. It tells where he will get the money he wants to spend. It tells where he will spend it. It tells how much money he will spend and how much spending will occur, and will there be a surplus or will there be a deficit?

Now, some people think: Well, he can't help it. That is just the way things are. These are things that a President does not have power over.

Not so. These represent Presidential priorities. Most States in this country have a balanced budget constitutional amendment. They have had shortages bigger than we are having, and those States are getting by. They are having to make some reductions in their expenditures. I have had a bunch of cities and counties in to visit with me the last 2 weeks, and all of them are mak-

ing some kind of reduction in their spending. They are not disappearing from the face of the Earth.

So here we go. This is not a secret document, fundamentally. The numbers I am talking about that he proposes as his budget for the country are here.

Normally, since I have been in the Senate—12 years—and on the Budget Committee most of that time, budgets pass on a party-line vote. There have been some tough, close votes. I remember the budget that had the tax cuts in it was a close vote. Several Democrats voted with the Republicans, and it passed. But this budget is different because we have a very large Democratic majority in the Senate. I think it is a three-vote Democratic majority on the Budget Committee. Under our rules, a budget does not have to be subject to a 60-vote point of order, and it is not subject to filibuster or any kind of 60-vote threshold; it passes on a simple majority. So the Democratic majority—a very large majority now—has the power to pass this budget. That is just the way it is. They have the power. I hope, therefore, they will feel the awesome responsibility they have in discussing this budget because it is so unusual, it is so large, and it is so game-changing, to a degree which I have never seen before, and I don't think any of us have.

One of the things that disturbed me in this whole process is the spectacle of our Secretary of Treasury going to Europe to meet with European leaders and chastising them—and they have had some pretty big stimulus packages—for not having bigger stimulus packages, not spending more money, and not going into more debt. This is so odd because we as Americans have normally been the ones who have criticized the Europeans for their tax and spend and entitlement, socialistic welfare system. So here we are doing that.

Prime Minister Merkel in Germany said it is extraordinarily dangerous that transatlantic conflict is being fanned, and, "I am grateful to the American President that he has told me this is an artificial debate," she told lawmakers on April 2 at the Group of 20 nations. She said:

The Group of 20 nations need to send "a positive psychological signal, not a competition over stimulus packages that can't be implemented."

The European Central Bank president, Mr. Trichet, said this:

If the additional deficits are costing you both a strong increase of the cost of your own refinancing and a loss of confidence of your people, you are not better off!

He goes on to say:

If your people have the sentiment that they will not be better off in an endless spiraling of deficits, they will not spend any money that you give them today!

So the Europeans are pushing back. They are warning us that we are going too far.

So let's look at some of the numbers to which Senator THUNE made reference. The first is the title of the budget, the President's budget, which came right out of this book—these numbers the President has submitted to us—what he plans to occur in America over the next 10 years under his budget.

In 2008, last September 30, we had a \$455 billion deficit. Since World War II, that is the largest deficit the country has ever had—\$455 billion. Do you know what it was the year before? It was \$161 billion. Why did it jump that much? Well, 150 billion of the dollars that jumped was the checks that got sent out. President Bush sent out the checks. He was going to stop the recession. He sent everybody a check last spring. It didn't work. I voted against it. It wasn't easy to vote against constituents getting a check, but I didn't think it worked then, and everybody agrees now that it didn't, but that helped jump the deficit to this record amount—\$455 billion.

What about this year? Including the stimulus package—or a part of it that we just passed—and the \$700 billion Wall Street bailout and the bailout of Fannie and Freddie, scored at about \$200 billion according to CBO, it comes out this year, September 30, the deficit will be \$1,752 billion, more than three times the highest deficit we have had since the Republic—well, at least since World War II, when we were in a life-and-death struggle with millions of people in arms all over the world, turning out airplanes and ships by the thousands.

Is this just one time? Is it just a one-time expenditure? No, it is not. In 2010, the President's own numbers show the deficit will be \$1,171 billion, or about \$1.2 trillion.

According to the numbers in the President's budget, which were gimmicked, in my view, we will already be under a recovery in 2010. We will not be in negative growth; we will have I think 1.6 percent economic growth, GDP growth. We are still going to have \$1.2 trillion in deficits. It drops down to \$912 billion, \$581 billion, \$533 billion, and then starts growing again, and in the 10th year of his budget, he is projecting a deficit of \$712 billion.

Now, within those projections are some rosy scenarios, such as if the economy is growing and unemployment is not too high, then you have more money to spend than if the economy is still slow-sinking and unemployment is high. So the budget assumes an unemployment rate of 8.1 percent, the highest—that is as high as it would ever get during this entire 10-year period. It assumes that next year or later this year, we will have 8.1 percent unemployment. Well, we are at 8.1 percent unemployment now. That is the current figure. The blue chip group, the top economists and the ones most people

look at, project unemployment to be over 9 percent. CBO projects 9 percent will be the maximum unemployment rate. If it goes that high, then we are going to have bigger deficits. So there are some other rosy scenarios in there that the objective economists do not believe will occur.

When you score this budget without using those gimmicks or rosy scenarios, as the Congressional Budget Office is required to do—they are required to make an independent analysis of the President's budget, and they have done so.

Let me just say that we are proud of the independence of the Congressional Budget Office. They are a talented group. They work for us here. The new Director was chosen in a bipartisan way but clearly with the final power in the hands of the substantial Democratic majority in the Senate. They control the ultimate choice of the Congressional Budget Office.

They come out not with a \$712 billion deficit for that year—not \$912 billion but \$1.2 trillion, \$500 billion higher when they use numbers they believe are fair and honest and accurate, coming out with \$1.2 trillion in deficit, not \$700 billion in deficit. There will not be, in this entire 10-year period, taking President Obama's own numbers, and certainly not the Congressional Budget Office's numbers, a single year that is close to as low as the \$455 billion deficit of President Bush's last year. Most of them are twice that or will average twice that.

So what I wish to say to my colleagues is that this is not sustainable.

The President had a great meeting with the Republicans one day at lunch in the room right over here. He was very personable, open, and responded to any questions asked. I thought he was very sincere when he said: Look, we are going to have to spend a lot of money now, but when this economy comes back we are all going to have to work together to reduce the systemic threat of out-of-control deficits. He said that more than once. I thought he meant that. But when you propose a budget that has deficits increasing every year over the next 5 years and reaching, in his own numbers, \$712 billion in deficit—and according to CBO, \$1.2 trillion—then I can't take that very seriously. There is not one act in this budget plan of any significant evaluation of the out-of-control entitlement programs we have or how to bring those under control.

So that is not politics; that is reality. It is not acceptable. We have to say no to this budget. I know my Democratic colleagues are uneasy about those numbers. They tell me they are uneasy about them. They want to support their President. They want to pass this budget. But at some point, I think my colleagues are going to have to say no. I hope they will. Cer-

tainly, the Republicans can't say no; we don't have enough votes.

Now, Senator THUNE made reference to this number.

Madam President, what is our timeframe?

The PRESIDING OFFICER. Morning business expires at 4 o'clock p.m., in several minutes.

Mr. SESSIONS. Madam President, I would just point out these numbers. The public debt, which I think is probably the clearest definition of what our debt situation is—you can argue about that, but the public debt, I believe, is correct—is now \$5.8 trillion. In 5 years, it will be \$11.5 trillion, a doubling of the debt; and in 10 years, another 5 years, it will be \$15.3 trillion, tripling—that is the debt since the founding of the Republic—\$5 trillion right here. In 10 years, we are going to triple the total debt. That is not acceptable. And they are projecting not a recession in the next 10 years after we get out of this one, they are projecting growth, no wars, and it is still like this. The truth is, those of us who observed budgeting before don't stay to the budget totals; we usually go over them through some sort of gimmick or maneuver.

How about another number that is disturbing to me—very disturbing. The White House estimate on interest payments in the budget is \$148 billion for 2009. According to CBO, they estimate it higher at \$170 billion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Madam President, I ask unanimous consent to have 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. It shows the interest rate or payments on this tripling debt reaching \$694 billion, according to the White House's own estimate, in 2019, to the people who buy our debt—the largest foreign recipient of which is China. CBO says that is underestimated.

They calculate it to be \$806 billion. The entire general fund of the State of Alabama, an average-size State, is about \$7 billion for the counties, schools, teachers, and roads. The highway budget for the entire United States of America is \$40 billion a year, including interstate, all the money we send to the States, and all of the pork money we put on top of it. This is \$806 billion in interest alone on a debt that we have run up in previous years. That is why people are worried about it.

I will conclude with that and say, again, I know we all get caught up in politics, that is true. But this year, this budget is not a normal budget. It is not a bigger budget or a lot bigger. It is a gargantuan budget, the likes of which we have not seen before. It results in debt increases that are not sustainable. It has no projection of any

containment of spending. It does nothing to deal with the entitlement difficulties that are driving much of the debt, and it cannot be passed in this fashion.

I urge my Democratic colleagues to say: No, Mr. President, you have to go back and look at this some more. We cannot pass this budget and not just take a few hundred billion dollars off, or something like that. We need to have a serious discussion of the financial condition of our country. I think the Republicans will be there trying to work with you on it. But without some leadership from the other side, this budget will go into effect.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL SERVICE REAUTHORIZATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 1388, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to consideration of the bill (H.R. 1388) to reauthorize and reform the national service laws.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the previously scheduled 6 p.m. cloture vote now occur at 5:45 p.m., and that 10 minutes immediately prior to 5:45 p.m. be divided as previously ordered, and that all other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. I thank the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, for the information of Members, a number of Senators wanted us to start the vote earlier tonight, and we are happy to do that. For those who aren't going to arrive until 6 o'clock, we will drag the vote out so they will not miss it.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I am proud today to bring the legislation to the floor entitled Serve America Act. This bill is the result of extensive bipartisan work by Senators KENNEDY and HATCH who have worked more than a year on this legislation but who have devoted their lives to this bill. I know in a short time I will be joined by the distinguished Senator from Utah, Mr. HATCH, who was one of the prime sponsors of the bill. Senator ENZI of Wyoming, the ranking member of the

Health, Education Committee, was also going to be here. He is in a snowstorm in Wyoming. Senator ENZI will bring his remarks to the floor tomorrow.

Let me just say that I want to, first of all, salute Senators KENNEDY and HATCH for designing this legislation because it expands the opportunity to serve this country. At the same time, Senator ENZI and Senator DODD worked assiduously to strengthen the bill.

Senator ENZI brought very key legislative analysis to the bill, and his background as an accountant gave us very much needed reforms in the area of greater accountability and stewardship. I want to, on behalf of our side of the aisle, thank him for his insight and know-how. We have adopted every single one of the Enzi stewardship recommendations.

Our colleague, Senator DODD of Connecticut, himself a former Peace Corps volunteer, has also brought additional thinking to the bill to make sure that volunteers are rewarded by making sure we could expand the summer of service and the semester of service.

Madam President, I have been no stranger to this bill, and one of the things I have done was be the appropriator for appropriations from the time of its inception, from 1993 to 2004, when the VA-HUD and Independent Agencies Committee was dissolved by Mr. Delay of Texas in the House, and the Senate followed suit. That is a chatty way of saying that Senator KIT BOND, who chaired that subcommittee as my ranking member, was able to keep national service functioning and also very much needed reforms.

In 2004, Senators HARKIN and SPECTER got the appropriations portfolio for national service, and they have done an outstanding job. I say all this to say that when we bring up this bill, it is not a Democratic bill; it is a bipartisan bill and an American bill. Ever since the framework for the underlying legislation was created more than a decade ago, we have worked on both sides of the aisle, with Presidents of both parties, to give our young people an opportunity to serve.

This has been an outstanding effort. Today, the legislation I bring to the Senate floor on their behalf is the result of considerable experience, lots of lessons learned, and also the recognition and knowledge that there is a new invigorated spirit in the United States of America. Some are calling it the "Obama effect" because there are so many people who want to give back to the United States of America, to use their own sweat equity to be involved in our communities to make them a better place to be, for our schools to be able to be more effective, for there to be structured afterschool activities for children, and volunteer efforts to add to more housing for Habitat for Humanity—item after item, we could go on. There is this fantastic spirit, and

we want to be able to make use of that energy, that passion, those good intentions, and be able to help them truly to serve America.

Senator KENNEDY and I have worked on this legislation for some time. Way back in 1990, Senator KENNEDY and I introduced the National Community Service Act with then-Senator Nunn, and also with the help of Senator MCCAIN, to establish a corporation for national and community service, and also to create a demonstration project that would then become the AmeriCorps.

When President Bill Clinton came in, we worked to create the National Community Service Act. In 1993, we passed the AmeriCorps legislation. Since then, it has been a profound success. We took that landmark legislation and, working with President Clinton, created a framework for today's national service programs.

Let me be clear, Madam President. We were not in the business of creating another new social program. What we were in the business of was creating a new social invention. What do I mean by that? In our country, we are known for our technological prowess, the great technological inventions. From the rocket ship to the microchip, America has been in the forefront of technology and science.

But also often overlooked, and sometimes undervalued, is our social inventions—those things that the genius of America invents to create an opportunity ladder for our country, to create empowerment opportunities for our constituents.

Let me give a couple of examples, and you can see the American philosophy at work in AmeriCorps. In terms of our social inventions, what are some? Well, you know we are the country that invented night school. At the turn of the old century, with so many immigrants coming from Europe, with Lady Liberty raising her hand saying: Give me your tired, your poor, your yearning to be free—and they also wanted to learn to read English, write English, and learn citizenship. But they were working night and day to be able to do that.

Out of the great settlement houses—primarily the great settlement houses out of New York and Chicago—they said: If you work during the day, we are going to give you an opportunity to learn at night. Out of that settlement house movement came a new social invention called night school. It was never done anywhere else in the world. Look how night school changed the face of America.

Then, while our GIs went overseas and then came back home, we had another social invention that said: We want to thank you not only with words but with deeds. So another empowerment legislation was called the GI bill, which created one great, gigantic op-

portunity ladder for generations of men who would have never had the opportunity for either education or home ownership to be able to move ahead.

Along the way, they knew they could not go off to 4 years of college. They were adults. They had seen war and they had liberated death camps. They could not come back and go "bula bula"; they had to go to work. So we invented something else, too, called the junior college, or the community college, which in and of itself was a social invention.

So you see, every generation comes up with a new idea to build and add to that important opportunity ladder where you can do something for yourself and your country. But government is on your side.

What is it we wanted to do? A social invention for the nineties? What did we face? We saw two things: No. 1, students had incredible debt—and they still do. Their first "mortgage" was not a home but what they owed in terms of their college debt. Also, we saw a new trend coming to America called the "me" generation. Articles and books were being written about it. There were those on both sides of the aisle who wanted to change the "me" generation to the "we" generation. We also wanted to say: How can we help with student debt? That is when we thought about national community service, where you could give back to your country, learn the habits of the heart that de Tocqueville talked about—neighbor helping neighbor, the signature of America, from barn raising to Habitat for Humanity, and habits of the heart and Habitat for Humanity.

We created national service as a form. We didn't want it to be service only for idealistic, affluent kids who could afford to take 2 years off to find themselves. We wanted them to find opportunity to be of service and also to make an important contribution.

That is how we created the original national service legislation. We wanted to strike a balance between precollege and postcollege to help pay for college, get ready for college or to learn a trade. We also wanted to provide the opportunity for retired people to be of service and also, while being of service, to earn a modest voucher to pay down student debt.

We wanted to make sure we could do this in a way that was sensible, affordable, and also would involve the flexibility and creativity of the local community.

We allow not only full-time volunteers but the opportunity for part-time volunteers. Actually, the part-time volunteer was my idea. Putting on my social work hat again, what I saw in our communities was not everybody can go away and not everybody wants

to go away. It could be someone disabled, where their whole support system is in that community. And although they have a physical challenge, they can still give. How about that single mother who graduated from a community college and wants to reduce her debt as she is moving on with her career? This would give her a chance to do that.

There were important lessons learned, and for more than a decade we worked on it. But not all was rosy, not all was smooth. What we then saw in 2003, when I was the ranking member on the appropriations subcommittee funding national service, is they created a debacle. God, did they get sloppy. One of their most colossal errors was that they enrolled over 20,000 volunteers and could not afford to pay for it. That is how sloppy they were in their accounting.

I took to the floor and called them the "Enron of nonprofits." I called for a new board, a new CEO, and new rules of engagement. President Bush responded, and he gave us the right people to right the ship of national service.

I must say, in those 6 years since then, they have worked to do so. They have righted the ship, they have good financial accounting, and people continue to volunteer.

But all that is history. What about the 21st century now? Wow, people want to volunteer like never before. Do you know that last year 35,000 college seniors applied for Teach America? There were only 4,000 slots. There were 35,000 young people who wanted to do it. The Peace Corps got 13,000 applicants last year for 4,000 slots. People want to serve.

While we saw this new flourishing of desire and passion to serve, Senators KENNEDY and HATCH put their abilities and key minds and passion for this issue together and have come up with the Kennedy-Hatch Serve America Act. It is a great bill. Let me tell you about it.

First of all, it improves the number of national volunteers. Over a 7-year period, it would take the volunteers from 75,000 slots to 250,000 slots. But this bill is more about creating opportunities and for people to serve. It is about meeting compelling human needs.

We are going to also expand this bill with lessons learned on focusing some of our AmeriCorps activity into specialized corps. These are what we found: One, an education corps; another, a health futures corps; another, a veterans corps; and another called opportunity corps. These are not outside of AmeriCorps. They will be subsets because we find this is where compelling human need is and at the same time offers great opportunity for volunteers to do it.

What does the education corps do? It improves student engagement. It works

with young people in schools in supplemental services, such as tutoring, field trips, and particularly in these structured school activities. We have found that where they have focused on education, they have improved student academic achievement and graduation rates.

Also, we have something called the clean energy service corps. This is going to work to weatherize more low-income households to be more energy efficient.

We have a health futures corps that will work to increase access to health care among low-income and underserved populations but at the same time work on health promotion and wellness, primarily in schools, to teach our young people the kind of cool, new, edgy ways of doing those healthy habits that will change their lives for a lifetime.

We also are working on a veterans corps to help create housing units for deployed soldiers and to help also with voluntarism to assist military families when a military family is deployed.

I heard of a very innovative approach in Hawaii called Grannies for the Troops. That is grandmothers in the area who want to volunteer to help women whose husbands are deployed with some time off for themselves to go shopping, get other family business done, whatever. You need a volunteer coordinator to make that happen. That is the kind of innovation we are going to have.

We also have in this program help for retirees. We keep all our senior programs and we provide something called an encore fellowship for an older generation to serve. We also provide the opportunity for professionals called volunteers for prosperity to serve overseas. Those two ideas from Senator HATCH were very helpful.

This bill takes AmeriCorps and focuses it in a way that we think offers greater efficiency and provides some other new opportunities to serve, such as the summer of service and the semester of service. It also concentrates on improving the capacity of our nonprofit organizations in some other very innovative ways.

This is just a brief summary of the history that brought us to today and the framework that will take us to tomorrow.

In the last Congress, there was a lot of talk about bridges to nowhere. National Service is a bridge to somewhere. I wish to note in the health corps programs, we already have one that will continue to function under this health umbrella in AmeriCorps. Not only do we help people get connected to the services for which they are eligible, but 85 percent of the young people who work in the National Community Health Corps Program go on themselves to health care jobs. Some decide on a career in medicine. Some

think: Wow, although I already have my degree, I think I will go into an accelerated program and go into nursing, where they have the accelerated program for people with degrees. Others are looking at careers in public health or in x-ray technology. They get turned on.

For people who go into education, they say: You know, I was going to do this for a stint. I want it to be my life's work. They then will go into the field of education as teachers and getting extra degrees and doing a good job. They are the reformers of the next generation. What we do in national service serves the community immediately today, but the impact on the volunteers continues for the rest of their lives.

I think this is a great social investment, and it is a public investment in our young people to help our communities that I think will pay dividends long beyond anything we can imagine.

I hope this bill is adopted by late tomorrow. I hope we can keep amendments to a minimum. I do believe we have had excellent help on both sides of the aisle. We talk about changing direction in this country. I think people do want a new direction. They want to rekindle the habits of the heart. There are a lot of people out there, as we talked about bonuses, who might be talking about "me," but there are a lot of young people who want to be part of the "we" generation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the time during the quorum call be charged equally, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, last May, then-Senator Barack Obama gave a commencement address at Wesleyan University. Senator TED KENNEDY of Massachusetts had been originally scheduled to speak to the graduates, but Senator KENNEDY had taken ill and Senator Obama spoke in his place.

In a tribute to TED KENNEDY's lifetime of service to America, Senator Obama spoke to the graduates about

the importance of national service. It was a remarkable speech. In fact, what he told the graduates was his life story, about how Barack Obama, after graduating from an Ivy League college, could have gone to law school or Wall Street with many of his classmates. But, instead, he took a job as a community organizer on the south side of Chicago.

Many people know this story because they have heard Barack tell it. They may have read about it when the President published his autobiography, "Dreams From My Father," of how he ended up with a broken down little car, taking a job that didn't pay very much as a community organizer in a section of Chicago that had been wracked by the closing of steel mills and all the unemployment and hardship that followed. It wasn't easy work for him. He went church to church trying to organize people in the neighborhoods. The pay wasn't very good, but he knew he was making a difference. He made friends and connections. He learned a lot about life, and he learned a lot about himself. He found direction in his life from those moments that he spent volunteering and giving back to his community.

President Obama—then Senator Obama—called on the graduates at Wesleyan to find their own direction through service to the country. Here is what he said:

There's no community service requirement in the real world; no one forcing you to care. You can take your diploma, walk off this stage, and chase only after the big house and the nice suits and all the other things that our money culture says you should buy. You can choose to narrow your concerns and live your life in a way that tries to keep your story separate from America's. But I hope you don't. Because thinking only about yourself, fulfilling your immediate wants and needs, betrays a poverty of ambition. Because it's only when you hitch your wagon to something larger than yourself that you realize your true potential and discover the role you will play in writing the next great chapter in America's story.

President Obama repeated this call to service throughout his campaign and now into his Presidency. He has called on all Americans to find a way to serve their neighbors and their community to make this Nation a better place.

Over the last few months, we have heard too many stories about the so-called successful people who have followed their ambitions, and sometimes their greed, and the economy and country have suffered. But there are so many other stories to be told—community organizations across this Nation that are reporting record numbers of volunteers coming through their doors as we face this troubling economy. Many of these new volunteers have recently lost their jobs, but they still want to answer the President's call and give back to their communities.

That is the spirit that truly makes America great. Even in the most trou-

bling times, Americans think of those who are suffering, those who have lost their homes or can't put food on the table, and they want to help. There isn't a community in America where you can't find that spirit, and you can find it on the street corners, in church basements, in afternoon and weekend efforts of people just wanting to give a little bit back and to help those less fortunate.

In my State of Illinois, each year 2.7 million volunteers dedicate over 300 million hours of service. The estimated economic contribution of those hours is \$5.9 billion annually. More than 66,000 of these volunteers participate in national service programs through 144 different projects. In Chicago, the City Year program is one of my favorites. It places young volunteers to work full time in some of Chicago's neediest schools. There they serve as tutors, mentors, and role models for Chicago's students.

They usually call me in once a year to meet the new class—and I love them. They are just so bristling with energy and determination and commitment. Many of them are doing something in a communal sense that they have never done in their lives. Some of them are in Chicago for the first time, dazzled by the city but dazzled as well by the people they are working with.

We know we need them. A student drops out of school every 26 seconds in this country. City Year volunteers are helping to keep Chicago students in school and on the road to success.

When asked to share the impact of the City Year corps members on their classroom, teachers recently said:

All of my students who are being tutored are more interested in reading. They are more confident in themselves as striving learners.

It works and it works in both directions. The students are better off; so are the volunteers.

This week we are considering a bill that will dramatically expand national service programs, giving more Americans the chance to serve their country. I thank Senator MIKULSKI for leading us in this effort, bringing this to the floor. The original cosponsors of the bill, of course, were Senator TED KENNEDY and Senator ORRIN HATCH. I joined a long list of Democrats and Republicans as cosponsors as well. Both Senators KENNEDY and HATCH have a long personal commitment to service, and this bill is a testament to their public legacy. Senator MIKULSKI is bringing this to the floor in Senator KENNEDY's absence. I know she will handle this bill well. She always does.

The Serve America Act will triple the number of national service participants to 250,000 participants within 8 years. Along with this dramatic expansion, the bill will also create new corps within AmeriCorps, focused on areas of national need that include education,

the environment, health care, economic opportunity, and helping our veterans.

We are expanding opportunities to serve for Americans in every stage in life. Middle and high school students will be encouraged to participate in service projects during the summer and after school. By serving their communities early in life, these students will be put on a path to a lifetime habit of service.

For working Americans who cannot commit to full-time service, the bill provides funding to community organizations for recruiting and managing part-time volunteers; retirees will be given new opportunities to serve through the Senior Corps, as it exists, and through new initiatives. The bill also increases the education award for the first time since its creation. A lot of the people in the AmeriCorps projects, for example, at the end of their service, earn credits they can use to go on to pursue higher education.

The education award in this bill will be raised to the Pell grant level, which will make it easier for college students with significant student loan debt to consider national service—and the award will be transferable, so that older volunteers can actually transfer the education award to their children or grandchildren. What a great gift to give to your family.

There is a story Senator KENNEDY often tells about national service. On the fifth anniversary of the Peace Corps so many years ago, TED KENNEDY asked a young volunteer why he decided to sign up, and the answer was simple. He said: "It was the first time someone asked me to do something for my country."

With the Serve America Act we are asking again. We are asking Americans of all ages to give back to their communities and to America. Each American has the power to make a small difference in the success of a child or the health of the environment or the lives of hungry neighbors. All those small differences, repeated over and over, can add up to something truly powerful.

Passage of this bill is a priority of our new President and should be a priority for every Member of the Senate. I encourage my colleagues to support this bill and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. DURBIN. I ask consent the time remaining under the quorum call be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I suggest absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, today the Senate begins consideration of the Serve America Act, which is the title of what will be the Senate substitute for H.R. 1388. It is my hope this legislation will help strengthen a culture of service, citizenship, and responsibility in America, and I am proud to join a bipartisan group of Senators in support of this bill as it comes to the Senate floor.

I am sure it goes without saying that Senator TED KENNEDY's absence is deeply felt by all of us as we work on this particular piece of legislation. I, personally, continue to pray for his full and speedy recovery.

To begin, I would like to discuss the context in which this legislation has moved forward to give us some perspective as to what is about to happen. After months of discussion, negotiation, debate, and flatout argument, Senator KENNEDY and I introduced the original version of the Serve America Act last September in the middle of what was often a hotly contested campaign season. Despite the overly partisan atmosphere at the time, a bipartisan group of Senators offered their support for this bill. Even though the differences between the two Presidential candidates were played out on news shows every night, both of them were willing to put their debates aside and become original cosponsors. That pleased me.

I would like, once again, to thank Senator MCCAIN for his continued support, not only for this particular piece of legislation but for volunteer service in general. He has truly been a leader on this issue throughout his life and has rightly won the admiration of those on both sides of the aisle.

In addition to the Kennedy-Hatch legislation, the Serve America Act, the Senate bill also includes legislation that will reauthorize the Corporation of National and Community Service. The reauthorization effort has been led on the Republican side by the distinguished ranking member of the HELP Committee, Senator ENZI, who has worked tirelessly with both Senator KENNEDY and Senator MIKULSKI to reach a bipartisan accord on these much-needed provisions.

In addition to Senators KENNEDY and MCCAIN, I have to extend my thanks, my deep-felt thanks to Senators ENZI and MIKULSKI for their outstanding work on the legislation before us today. Both of them are outstanding

legislators. They are both beloved people in this body. I, personally, feel that way toward each of them.

At the same time all this work has been going on in the Senate, we have been working with both Democrats and Republicans in the House of Representatives to ensure that both Chambers reach similar conclusions with their national service legislation. This has all been accomplished during a time when, for the most part, partisan hostilities have done anything but subside. Since the beginning of the new Congress, we have seen debates on legislation such as the SCHIP bill, the stimulus package and the Omnibus appropriations bill that, in many ways, have deepened the divisions between the two parties. Here in a few weeks, as we begin debate on the budget, we are sure to see even greater clashes between the principled beliefs and ideologies between those on both sides of the aisle.

However, the bill we have before us today is the result of a bipartisan and bicameral effort. In our opinion, this is nothing short of remarkable, given the current political climate.

Once again, the Senate effort has been spearheaded by myself, Senator KENNEDY, Senator ENZI, and Senator MIKULSKI. I doubt any other piece of legislation we consider this year will be the product of such a diversity of views. Senator MIKULSKI has carried this matter on behalf of Senator KENNEDY. I have nothing but tremendous respect for her.

I will not be foolish enough to claim the credit for all this good will, but I am certainly grateful to be a beneficiary.

Service has been one of the golden threads of our Democracy, and the roots of our tradition run deep. Ronald Reagan put this powerful tradition of volunteer service in its appropriate context when he said, speaking of the Mayflower Compact:

The single act—the voluntary binding together of free people to live under the law—set the pattern for what was to come.

A century and a half later, the descendants of those people pledged their lives, their fortunes and their sacred honor to found this nation. Some forfeited their fortunes and their lives; none sacrificed honor. Four score and seven years later, Abraham Lincoln called upon the people of all America to renew their dedication and their commitment to a government of, for and by the people. Isn't it once again time to renew our compact of freedom; to pledge to each other all that is best in our lives; all that gives meaning to them—for the sake of this, our beloved and blessed land?

Together, let us make this a new beginning. Let us make a commitment to care for the needy; to teach our children the values and the virtues handed down to us by our families; to have the courage to defend those values and the willingness to sacrifice for them.

Let us pledge to restore, in our time, the American spirit of voluntary service, of cooperation, of private and community initiative; a spirit that flows like a deep and

mighty river through the history of our nation.

President Reagan had a very good way of putting things.

President Reagan was not alone in his call for service. Presidents down the generations, Republicans and Democrats alike—Teddy and Franklin Roosevelt; Eisenhower and Kennedy; Johnson and Nixon; Carter and George Herbert Walker Bush; and Clinton and George W. Bush—have all worked to awaken the national consciousness to their duties and responsibilities as citizens, to light in every individual that spark of voluntary service, the seed of compassion that makes us serve causes larger than ourselves.

They have done so particularly in times of crisis: during the Great Depression, during our world wars, and after 9/11. Times of trial have always summoned the greatness of our people, and we are right now in a time of challenge today.

Service can take many forms in a free country, and we all have choices, not only as to whether we will serve but how we will serve. There is no greater example of service than those who put on the military uniform and go into battle for our country. Many men and women who choose military service make the ultimate sacrifice. They put their lives on the line for our country. Millions have lost their lives so we might be free.

There are more than 26 million Americans alive today who have served in our armed services. They epitomize American values, the values of duty, honor, and country. They also inspire new generations to ask what they can do for their country.

Other Americans may decide to go into public or Government service. This is a choice that is made by State and municipal workers, by teachers and police officers, and, yes, even by Senators and their staffs—to serve the public interest through their public institutions. I have to admit, I left my own law practice, where we had just started it a few years before. I had left Pittsburgh, moved to Utah, formed a law firm. We were going like gangbusters. My partner is worth a lot of money today. I am not. But I made this choice to come and work for our country. It is made by all these good people, to serve the public interests through our public institutions.

Service to country can take other forms. Many Americans want to serve for a full year or part of a year of national service. Others may want to volunteer to serve in countries abroad for short-term or long-term assignments. We had two people come back last night from a mission over in Africa. He served his whole working life as a chaplain in the military. She is a beautiful woman who has been married to him for all these years. They, at their own expense, volunteered and went to Africa to work in Kenya and Nairobi with

unfortunate people and to build esteem in the hearts of people over there.

They came back last night and spoke in our church. I was so proud of both of them—terrific people.

Others may want to volunteer to serve in countries abroad for short-term or long-term assignments. Still others, in fact the vast majority of Americans, will perform services as traditional episodic volunteers working in schools, houses of worship, workplaces, nonprofit institutions, and neighborhoods.

America is a generous nation and Americans are compassionate people, and our volunteer spirit knows no bounds. In all these cases, everything is a choice. Service in our military is voluntary as is service in our soup kitchens. Public service is not only a voluntary activity, but for many of us subject to regular elections where the citizens get to exercise their own choice of whether a particular candidate for office will exercise the privilege of serving them.

Consistent with our All-Volunteer Army and volunteer opportunities and individuals' choice in communities, nothing in this legislation is mandatory. This bill simply provides more Americans more choices and opportunities to give back to their neighborhoods and their country all through the means which they freely choose.

With a backdrop of this rich history of citizen service in America, Senator KENNEDY and I began discussions more than a year ago about what we might do together to build on the tradition of service in America. I know part of this is because both of us love his sister, Eunice Kennedy Shriver. We have watched this woman year after year after year give service to this country and to children all over the world; not just through the Special Olympics—but especially through the Special Olympics—but in so many other ways. I admire her about as much as any woman in our society today for what she has been able to do with her life. She is a 90-pound dynamo who just keeps going. I think—well, I will not say it because I know it can be embarrassing to her. But the fact is, she is a terrific human being.

I have chatted with all kinds of other people who are giving tremendous service to their fellow human beings, men and women, children, throughout our society. You know, Senator KENNEDY and I and others drew on ideas from Republicans such as my friend Senator JOHN MCCAIN, who introduced his own bill almost a decade ago and, as I mentioned, endorsed the Serve America Act in the midst of his Presidential campaign.

We drew on ideas from Democrats, such as the godmother of national and community service, that is Senator BARBARA MIKULSKI. We hear of godfathers; she is the godmother, a great

woman who has a great heart, and who worked as a social worker for many years, and for whom I have deep affection, no question about it.

From the outset, Senator KENNEDY and I talked about marrying two formerly competing visions of service: first, by supporting traditional volunteering, in the tradition of President Reagan's Private Sector Initiative; George H. W. Bush's Points of Light; and George W. Bush's USA Freedom Corps; and, second, by supporting full-time national and international service in the tradition of Presidents Kennedy, Nixon, for senior service, Clinton and again George W. Bush for both domestic and international service.

We have the attention of our new President. He has talked to me about this. I know he has talked to Senator KENNEDY about this. He completely supports this. He knows how important it is. I have respect for him for jumping right in and helping us with this.

We decided we wanted to create more opportunities for Americans to serve over their lifetimes, so schoolchildren can learn the importance of giving back at a young age, for tapping into the talents of the longest living, healthiest, best educated, and most highly skilled generations of older Americans in our history.

We wanted to tap the ingenuity of our people working through schools, faith-based institutions, workplaces, and communities in America and across the world to tackle challenges large and small.

So today I am very pleased to be here as this legislation makes it over what I hope will be the final few obstacles before becoming law. With this bill, our efforts to expand service will begin early in our schools all across America, and where we can marry learning in classrooms with service in our communities, for those who choose such service learning.

We have a high school dropout epidemic in America, with almost one-third of all students, and nearly 50 percent of African Americans, Hispanic, and Native Americans, failing to graduate with their class. For each of these kids a decision to drop out is a million dollar mistake, since they will earn that much less over a lifetime than their college graduate friends.

For our country, this is a multibillion dollar mistake in increased welfare, prison, and health care costs, and lost revenues from the lack of productive workers. Service learning has been shown to keep students engaged in school, and to boost student academic achievement. So we will offer competitive grants to local and State partnerships to carry out these efforts in our schools.

Again, all of this will be voluntary activity, and it holds the promise of keeping so many of our young people engaged in school. In addition to ele-

mentary and secondary schools, colleges and universities can play a critical role in the culture of service, so we will authorize the Corporation for National Community Service to recognize and provide additional funding to "campuses of service" that do an outstanding job in engaging their students in important community work.

The U.S. Census Bureau tells us that nearly 61 million Americans volunteered through or for an organization last year. Most Americans did so through religious organizations, followed by nonprofits, related to education and youth. While many charities believe volunteers are essential to meeting their missions, only a small percentage of them actually invest in recruiting, training, and utilizing volunteers to meet those missions.

There are always waiting lists of volunteers who want to use their time and talents, but too often they are turned away or they do not come back after a bad experience. So we will invest in a new volunteer generation fund, which will include matching funds by the private sector to increase the capacity of organizations to use volunteers to meet local needs, especially among the poor and disadvantaged.

America is known for its innovation in business and the power of its markets. This bill will fuel the spirit of entrepreneurship in America's nonprofit sector by creating a social innovations fund to foster and support the next generation of great ideas in the social marketplace, such as Teach for America, City Year, Habitat for Humanity, and the U.S. Dream Academy, which are some of the many innovative ideas of our day.

Having mentioned the U.S. Dream Academy, that was started by a wonderful African-American man named Wintley Phipps. Wintley is a Seventh Day Adventist minister. But he decided there were too many of our young African-American kids and others who were children of prisoners, children of people who had been sent to prison, and that a high percentage of them would wind up in prison themselves unless we did something about it. So he has brought computers into the inner cities. He has brought wonderful teachers and others who could be making themselves wealthy outside of this program, who are teaching these kids how to live in a modern world. He has had an amazing transformational change in so many children.

These are the types of things we have to encourage. The idea behind service clearly has always been about transforming the person who serves. I saw how it changed my own life when I served a 2-year mission for my church in the Great Lakes mission. That was Ohio, Indiana, and Michigan. A lot of our young missionaries serve all over the world, such as the young couple I mentioned last night. They came back

from Kenya and Nairobi, where they served I think about a year and a half. Their main job was humanitarian, to help people to be able to know there is a better way; to find water for people, to help them with food, to help them with so many of their problems, to help them to know there is a future. They did that voluntarily, at their own expense. Think about it, at their own expense.

I did my voluntary 2-year service at my own expense. I actually presided over congregations, and I helped out thousands and thousands of people who had problems, and in the process, the one who was helped the most was myself. It was a great blessing in my life. I would not change it for being a Senator, as a matter of fact. It was 2 years out of my life, but the most important 2 years, outside of marriage to Elaine and raising a family with 6 kids, now 23 grandchildren, and 3 great-grandchildren. That was an important time in my life. My folks were poor. They were not wealthy. They helped me and assisted me on my mission. We paid for it all ourselves, and I gave 2 solid years every day, 18 hours a day. I was very dedicated.

But service is also about solving problems in our Nation, and bringing real hope and impact on the ground in our communities with real accountability for results. Some people have written off this bill as promoting "paid volunteerism." This mistaken view is as a result of a fundamental misunderstanding about these programs. National service programs give Americans opportunities for us to serve for a full year or more to tackle tough problems, and that they, in turn, can leverage Federal investment in them to mobilize more traditional volunteers to help.

When you look at the numbers, you can see it is a very smart return on investment. Let me illustrate how this works. Today about 75,000 people participate in national Federal service programs every year. I am not counting the State programs at this point, although I know some of these work in the States as well. But on AmericaCorps and programs such as this, Peace Corps, et cetera, the currently existing programs, there are about 75,000 volunteers who participate in national service programs every year.

Now, as a result of their efforts, 2.2 million traditional persons every year come out to work on the same projects without pay. That is nearly 30 volunteers who get nothing from Government, for every 1 participant in a national service program, who receive a below-poverty stipend and a small education award to defray the cost of higher education.

Let's do the math. If we assume that as we expand national service, as this bill does, the same ratio of participants

to leveraged volunteers holds, we will eventually be seeing roughly 7.5 million new unpaid volunteers every year serving throughout our great Nation.

My gosh, that is something worthwhile doing. Personally, I think it would be more than that. Because with the bill we are also improving the efficiency and the accountability of these programs. Far from promoting paid volunteerism, this bill is all about encouraging traditional volunteerism. We find that people, once they get into this, will love it and want to continue.

We will be targeting national service opportunities to build upon this multiplying effect in order to tap the power of our Nation's greatest asset, our people, to take on some of these large challenges.

Now, some have argued that the priorities outlined in this bill are specifically designed to advance the President's domestic agenda or his priorities with the recent stimulus bill. Well, quite honestly, these people must ascribe to Senator KENNEDY and me abilities that neither of us would claim to have, including psychic powers and precognition. It was more than 2 years ago that I began a dialogue with former officials from the George Herbert Walker Bush and George W. Bush administrations and other leaders of the national and community service field regarding this proposal.

At that time, we agreed we wanted to harness the power of our citizens to solve urgent national problems. It was then, 2 years ago, that we identified five specific areas in which citizens could make a significant difference in addressing needs. We looked at education, and particularly the high school dropout crisis, in the aftermath of the 2006 report, "The Silent Epidemic."

We identified clean energy, opportunity, health and disaster response as key areas in which citizens could make a significant difference and we discussed specific indicators of progress that would bring new accountability for results.

These five areas were identified long before there was even discussion of an economic stimulus and well before the Presidential campaign got in full swing. Since that time, we have added veterans assistance as a key area of national need for the bill. But that is hardly an issue on which President Obama has cornered the market. I hope this clarifies the record on this point.

Having said all that, I am pleased that President Obama sees the value of this bill and wants to support it and will support it and has supported it. It has been a matter of great uplift to me.

So it is with these particular challenges in mind that we drafted the Serve America Act. Gone are the days when national service participants will be able to go about their work without direction or accountability. Under our

bill, their efforts will be directed at these specific areas of national need. In all of these efforts, State and local organizations will lead the way. Volunteers will be leveraged and urgent needs will be met not by distant Government bureaucracies or Government programs but by people working on the front lines of our communities and neighborhoods.

Americans can also spread American compassion around the world. There have been good efforts over the last 7 years and good bills in the Congress to fulfill the promise of President Kennedy's Peace Corps and expand its numbers. It has been a bipartisan effort. Two former Republican Presidents, Ronald Reagan and George W. Bush, grew the Peace Corps during their 8 years in office. As a complement to the growth in the Peace Corps, the Serve America Act will authorize and fund Volunteers for Prosperity, which last year alone mobilized 43,000 doctors, nurses, engineers, and other skilled Americans to meet urgent needs abroad, such as HIV/AIDS and malaria, such as medical procedures to help children who have cleft palates or helping kids to see again.

I could go on and on about what is being done by volunteers all over the world. This cost-effective program puts skilled Americans in the field for flexible term assignments often ranging from a few months to more than 1 year and at extremely low cost to the Federal Government.

President Kennedy said that his Peace Corps would be truly serious when 100,000 Americans were working abroad every year. Well, Volunteers for Prosperity, working together with the Peace Corps, could help fulfill that dream and would show the world the compassion of our people and lead to a more informed foreign policy.

Having mentioned the Peace Corps, why don't I mention Eunice Shriver's great husband, Sargent Shriver, when he fought for the Peace Corps, it wasn't an easy job. By gosh, he had to take on his own administration and everybody else. But he did. What a wonderful, decent, honorable leader and human being that man really is. If you want to read a great biography, read his, how ebullient he always was and how he kept being positive about life and what he was trying to do. I feel fortunate that I have become very good friends of the Shrivvers and their children who now are giving volunteer service, and so many others.

I don't mean to center on this one family because there are so many. In our church alone, we have some 55,000 serving all over the world. That is just missionaries. If we go beyond that to humanitarian service, there are a lot of people serving in those areas. Almost every major national disaster in the world, the first two churches in there with food, clothing, pharmaceuticals,

et cetera, happen to be the Mormon Church and the Catholic Church. They work together. We have worked together all these years to do this type of work.

Volunteers for Prosperity, working together with the Peace Corps, could help fulfill the dreams of so many and would show the world the compassion of our people, leading to a more informed foreign policy. In all cases, we must promote accountability for results and be mindful—very mindful—of cost.

As investments are made in service efforts, programs that are achieving real results should continue, and those that are not working should be defunded.

We also need to do a better job collecting data on the results of these programs and our civic health as a nation. The Nation collects good data about its economy, but it can do a better job collecting information about our country's civic health. This bill will address those needs by establishing a civic health index, building on the good work of the National Conference on Citizenship and the Corporation for National and Community Service, to collect regular data on volunteering, charitable giving, and other indicators of our civic life, so Americans can work to strengthen these platoons of civil society that have always been the backbone of our democracy. I truly think that this data collected for this index will inform our decisionmaking throughout the policy spectrum.

Those of us supporting this bill—Republicans and Democrats alike—believe an investment in the ingenuity and entrepreneurial spirit of our people is one of the best investments our country can make. At a time wrought with economic uncertainty, we should be all too willing to tap the greatest resource at our nation's disposal—the American people. Our citizens are the most generous, energetic, and innovative people in the world. I believe this bill will inspire them to do much of the heavy lifting in their own communities. At a time when many people would argue that what we need is more Federal Government bureaucrats going into neighborhoods to fix things up, this bill will help private groups and individuals to continue their good work and to inspire other people to join in their efforts.

The Serve America Act has strong bipartisan support because it advances a good American idea that has echoed down the ages. You see, when Americans want to solve problems, they don't first look to government or the State—they look to themselves and their communities. The innovation and enterprise of the American people will always have a comparative advantage over big government solutions. I know this from my own personal experience, serving as a Mormon missionary when

I was only 20 years old, 20 to 22. I am proud to be associated with this effort to remind Americans of their duties to their country, to provide them more opportunities to serve it, and to fulfill the promise of the American experiment, which is truly based on their participation in making it all work. I have faith in the American people that they will make this work, and we will all be very happy when they do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, let me begin by thanking the Senator from Utah, whose leadership on this effort has been absolutely spectacular and who obviously, from the words he just spoke, has a deeply personal and historical understanding of the importance of this kind of service. We are all very grateful to him for his partnership with my colleague, Senator KENNEDY, and for the leadership he has offered along the way. I would concur with every word he has spoken about it, all of the good things he said it would do. I couldn't agree more. It will do all those things and more. This is one of the better moments and better bills for which we get an opportunity as Senators to vote.

May I also thank Senator MIKULSKI. She has been tenacious and unbelievably engaged and enthusiastic and wonderful in her commitment to help bring us to this moment. I know how much Senator KENNEDY and Senator HATCH both value the contribution she has made. We all value it. We are grateful to her for stepping in. She has been a tiger. Perish the thought for anybody who has wanted to run counter to her intent to get this done.

I want to speak for a couple moments. I yield myself perhaps 5 minutes. I think we have about 7½ remaining.

This effort we will vote on is going to generate the largest expansion in national service since President Kennedy inspired the creation of VISTA and the Peace Corps. For many of us in public life today, that was the formative moment. That was the demarcation point that excited many of us about public service and brought a lot of us into this arena.

It is particularly fitting that this legislation comes at a time when a new President is inspiring a whole new era of volunteerism, much as President Kennedy did nearly half a century ago. It is equally fitting and appropriate that this legislation bears the name of our friend and beloved colleague, my senior Senator from Massachusetts, TED KENNEDY. As President Obama observed in his first address to Congress, Senator KENNEDY is "an American who has never stopped asking what he can do for his country." It was under Senator KENNEDY's leadership as chairman of the Senate Health, Education,

Labor, and Pensions Committee that this bill was crafted.

This is nothing new for Senator KENNEDY. In 1990, Senator KENNEDY worked with the first President Bush to pass the original National Community Service Act, the Thousand Points of Light Foundation. President Bush called that particular effort, helped by Senator KENNEDY, the hallmark of his Presidency. When President Clinton needed a champion for the proposed Corporation for National Community Service, he didn't have to look any further than TED KENNEDY.

As Senator KENNEDY notes, "Service is a bipartisan goal." Indeed, Members of Congress from across the political spectrum have pledged their support for this measure, which is a clear indication that the ethic of service is spawned not by faithfulness to party but by devotion to country and community.

The Serve America Act is also the work of our colleague from Utah, Senator ORRIN HATCH. Senator HATCH has on many occasions been TED KENNEDY's partner in these kinds of bipartisan efforts. Senator HATCH points out that volunteer service is the lifeblood of our Nation and that it benefits the volunteer as much, if not more, than the country the volunteer is serving. We just heard those words a moment ago from Senator HATCH when he talked about his own experience as a young person, about the mission for faith that he called the greatest of his life. Service is what has always made America, America.

Many times in 2004, when I was running for President, I talked about de Tocqueville's visit to our country and how he found something special here. He wrote about it. He wrote that "America is great because Americans are good." What he meant by that was he had observed this extraordinary spirit of voluntarism, a kind of patriotism that was defined by Americans who would voluntarily give back to their community or help other people or do something openly on behalf of their country and that community. He clearly had not seen or witnessed that kind of giving in his experience in Europe.

Just as it was in de Tocqueville's day, Americans in many ways, big and small, are looking for opportunities to do more for their country. Last year, 62 million Americans gave 8 billion hours of service to the country. Last month, AmeriCorps had tripled the number of applications over the same month as a year ago. I note that my own kids who graduated recently from college commented to me how so many of their classmates in college were all engaged in some kind of local activity, not necessarily fighting on the national stage, but they were involved mentoring kids

or helping in a homeless shelter. Indeed, many of our colleges and universities across the country boast unbelievably high percentages of voluntarism.

They are sending us a signal, telling us why this is a good moment to create a new corps of 175,000 volunteers who are going to be organized and assist in their efforts to do the things we need to do in America. That means that in addition to the other volunteer programs, we will have as many as a quarter of a million Americans serving full time or part time working to meet some of our most pressing challenges: modernizing schools, building homes, serving as mentors or tutors in schools, helping with the sick in hospitals and clinics. And with the Serve America Act, it is going to be a lot easier for professionals and retirees, the baby boomers, the people who were first challenged by President Kennedy's call to service in 1961, it is going to be much easier for them to get involved once again.

So we face great challenges. We should have no illusion about the magnitude of those challenges. But we also have extraordinary opportunities staring us in the face. With the Serve America Act, with more Americans involved, with Americans pulling together, I am confident that is going to be the definition of America's future, and it will be a definition we will all be proud of.

So I urge my colleagues on both sides of the aisle to support this important piece of legislation. I pay tribute, again, to my colleague, TED KENNEDY, and his partners in this effort, Senator MIKULSKI and Senator HATCH, who have brought us to this time. Thank you.

I yield the floor and reserve the remainder of our time.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, we are only minutes away from voting on the cloture motion to proceed to the bill. I really urge all of my colleagues to vote yes on this motion so we can proceed to this excellent, dynamic, bipartisan bill called the Serve America Act.

Madam President, in November, people voted for us to change the tone in this country and change the direction and to work on a bipartisan basis to find that sensible center that Colin Powell has so often talked about, to meet America's compelling needs and challenges.

Now, we are not going to turn the economy around quickly, and we are

not going to solve some of our great foreign policy challenges immediately. But we can embark upon a major initiative to be able to meet compelling human needs in our society.

We have a bipartisan effort, crafted by Senators KENNEDY and HATCH, to do exactly that. It is a bipartisan measure to strengthen service and volunteer opportunities. It expands opportunities for individuals of all ages to serve. Its passage is important now, when so many communities are struggling with so many pressing problems and so many people want to serve.

This act invites many more Americans to give a year of service to solve specific challenges in the areas of education, healthy futures, clean energy, even helping our veterans. When they come back from overseas, they are going to have somebody to be with them to get connected to the services and to help those military families while they are serving abroad.

We can do this by passing this legislation. It expands the number of national service corps participants to 250,000 a year. But we do that over a 7-year period. We will be able, through prudent pacing of both recruitment and funding, to do it over a 7-year period.

It also increased the Eli Segal Education Award from \$4,725 to \$5,350, pegging it to Pell grants, helping those who want to serve be able to reduce their student debt or to get a voucher to be able to pursue higher education.

It supports increased service opportunities for students, particularly very young people in the Learn and Serve Program, and middle and high school students through a summer of service and a semester of service.

It also recruits retirees. Many retirees are ready, able, and willing to be involved through Senior Corps programs—RSVP, Senior Companions, and Foster Grandparents.

We have a program called Encore Fellowships to help retirees participate in longer term public service. It also supports international service opportunities. Senator HATCH is too modest to talk about his own fine hand in this bill, but he has offered an excellent suggestion that has been incorporated. It strengthens the current Volunteers for Prosperity Program, which enables people who are retired, who have skills in business, public works, engineering, et cetera, to provide short-term international service opportunities in developing nations.

This is what America is all about. De Tocqueville, when he studied our Nation, said: What is unique about this new country called America? Well, he called it the "habits of the heart," where neighbor helps neighbor, whether it was the barn raising of another era, to also building Habitat for Humanity here.

We need to harvest all of that goodwill and good intention to help turn

our country around. I believe the Serve America Act does this. We will be debating this legislation further tomorrow. I encourage people to vote yes on the cloture motion to proceed. I encourage all who have amendments to come forward tonight and tomorrow morning so we can move it and get the job done. That is what the people want us to do.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I thank the distinguished Senator from Maryland. She has played such a pivotal role on this bill, she and Senator ENZI in particular. And, of course, Senator KENNEDY and I both feel very deeply toward her and Senator ENZI.

I also want to thank Pastor Rick Warren. A little over a year ago, he came to see me in my office. He heard I was interested in doing a service in America bill, and he came and went over it with me and was very interested and has done a great deal to inspire a number of us on both sides of the floor to be able to do some things in this area.

I also want to thank JOHN MCCAIN. I have mentioned President Obama and Senator MCCAIN, both of whom are supporters of this bill. And you talk about bipartisanship—I think it shows the great character of Senator MCCAIN that he would come and support this type of legislation and, as he is want to do, in so many ways. I have such respect for him and for the President himself. He has been nothing but a great help to us in this matter.

Like I say, this is an opportunity for all of us to vote for a program that will get people involved from teenage years through senior citizen years, the vast majority of whom will not be paid a dime, the vast majority of whom will be leveraged into working because they want to serve the communities. They want to serve these organizations. They want to be part of doing good.

Like I say, with 75,000 for AmeriCorps, and some of the others we have mentioned, we estimate there are 2.2 million people, extrapolated out, who basically are leveraged out, to where they want to get involved, and not one of them is paid for doing it.

If we figure it out mathematically, in just real terms, with this bill, calling for 175,000 new workers, at low pay, stipends for school, we believe we will have upwards of 7 million-plus people who will be giving voluntary service to their fellow human beings, fellow women and men, in their communities and children in their communities. It will do so much good for our society.

Madam President, I have worked on a lot of legislation in my 33 years here, a number of which happen to be landmark pieces of legislation. We should pass this, and I hope we can with a large majority. Should we pass this? I

don't know anything that will do more good in a general way for our society than this particular bill.

I hope everybody will vote for cloture tonight. I also hope we can pass this bill in a relatively short period of time, and I hope we can make it truly bipartisan in every way. We have endeavored to do that. I think we have done a good job on it.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 35, H.R. 1388, a bill to reauthorize and reform the national service laws.

Harry Reid, Barbara A. Mikulski, Barbara Boxer, Tom Harkin, Daniel K. Akaka, Tom Udall, Patty Murray, Patrick J. Leahy, Bernard Sanders, Sheldon Whitehouse, Christopher J. Dodd, Jon Tester, Mark R. Warner, Robert P. Casey, Jr., Benjamin L. Cardin, Blanche L. Lincoln, Kent Conrad.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 1388, a bill to reauthorize and reform the national service laws, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from California (Mrs. BOXER), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Florida (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Wyoming (Mr. ENZI), the Senator from Florida (Mr. MARTINEZ), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 74, nays 14, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—74

| | | |
|-----------|----------|--------|
| Akaka | Barrasso | Bayh |
| Alexander | Baucus | Bennet |

| | | |
|------------|------------|-------------|
| Bennett | Grassley | Mikulski |
| Bingaman | Gregg | Murkowski |
| Bond | Hagan | Murray |
| Brown | Hatch | Nelson (NE) |
| Burr | Hutchison | Reed |
| Burr | Isakson | Reid |
| Byrd | Johanns | Rockefeller |
| Cantwell | Johnson | Sanders |
| Cardin | Kaufman | Schumer |
| Carper | Kennedy | Shaheen |
| Casey | Kerry | Snowe |
| Chambliss | Klobuchar | Specter |
| Cochran | Kohl | Stabenow |
| Collins | Lautenberg | Tester |
| Conrad | Leahy | Udall (CO) |
| Corker | Levin | Udall (NM) |
| Dodd | Lieberman | Voinovich |
| Dorgan | Lincoln | Warner |
| Durbin | Lugar | Webb |
| Feingold | McCain | Whitehouse |
| Feinstein | McCaskill | Wicker |
| Gillibrand | Menendez | Wyden |
| Graham | Merkley | |

NAYS—14

| | | |
|-----------|-----------|----------|
| Brownback | Ensign | Roberts |
| Bunning | Inhofe | Sessions |
| Coburn | Kyl | Shelby |
| Crapo | McConnell | Thune |
| DeMint | Risch | |

NOT VOTING—11

| | | |
|--------|----------|-------------|
| Begich | Harkin | Nelson (FL) |
| Boxer | Inouye | Pryor |
| Cornyn | Landrieu | Vitter |
| Enzi | Martinez | |

The PRESIDING OFFICER (Mr. WARNER). On this vote, the yeas are 74, the nays are 14. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REED. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GREEN JOBS

Mr. GRASSLEY. Mr. President, in recent weeks and months, a new phrase has been born that has gained in popularity and support. The new phrase that is so in vogue in the Halls of Congress and at the other end of Pennsylvania Avenue is "green jobs."

I have no fault with the term. Everyone wants to create green-collar jobs. Green jobs are believed to be a critical component of getting us out of the economic doldrums in which we find ourselves. A new White House middle-class task force recently focused on the creation of green jobs as a means of fueling our economy and creating jobs for the middle class. Vice President BIDEN has defined a green job as one that pro-

vides products and services that use renewable energy resources, reduces pollution, and conserves energy and natural resources.

I don't disagree that the creation of these types of jobs is a very worthy ambition. This newfound desire for so-called green jobs has led me to remind my colleagues of an existing industry that is making great strides to reduce pollution, conserve natural resources, and contribute significantly to our economy.

The U.S. renewable fuels industry has been creating good paying jobs in rural America for years. It has been 30 years since a tax incentive for ethanol was passed and 17 years since I fathered the wind energy tax credit. These alternative energies have been producing a renewable resource right here at home that is reducing our dependence on foreign oil and fossil fuels, and it has contributed to a cleaner environment.

U.S. domestic renewable fuels have been doing all these things long before it was cool or in vogue. So don't be surprised that this is the nature of America's farmers, ranchers, and entrepreneurs. They do things because of the intrinsic value to our country and to our economy, whether it is a fad on the east coast or not.

I happen to think it is great that there is a newfound zeal for creating renewable resources here at home. I have been supporting our domestic renewable fuels industry for nearly 30 years as a means to reduce our dependence on volatile nations for our energy, mostly for petroleum. I have been promoting clean wind energy since I fathered the wind energy tax credit back in 1992. I am pleased to see the success and the support wind energy now receives because of my tax incentive.

I hope my colleagues who tout the benefits today of the so-called green jobs fully realize the contribution the domestic ethanol and biodiesel industries have been making for years in this area. Farmers across this country produced more than 9 billion gallons of homegrown renewable fuels last year. Ethanol production displaced 321 million barrels of oil last year. That is the equivalent of our imports from Venezuela for 10 months. The use of 9 billion gallons of ethanol saved American consumers \$32 billion last year.

Yet even with this success, our farmers and the biofuel industry have been under constant attack—at least constant attack over the last 2 years. In a high-priced public relations smear campaign, the food manufacturers and the Grocery Manufacturers Association have tried tirelessly to denigrate the efforts of our farmers. In a baseless campaign, they tried to blame the ethanol industry for raising food prices, even though corn makes up about a nickel of the cost of a box of Corn Flakes. The grocery manufacturers

thought they found a weak link in the food chain that they could target and scapegoat as a culprit behind the rising cost of food. It was clearly proven that the cost of energy had a significantly greater impact on food prices than did other commodity costs.

The fact is, the ones responsible for the high cost of food are the companies whose names stare back at us as we go through the grocery stores and supermarkets, and they have never hidden their motive during this smear campaign. It was stated clearly at the time the smear campaign was started that it was about "protecting our bottom line."

Consumers are still seeing the impact of that pocket lining by big food companies while commodity prices have dropped by half since their highs last summer. But food prices are still at record highs. Even the price of oil has dropped more than \$100 a barrel. Yet food companies continue to keep prices high.

You don't need to take my word for it because we have the grocery store chains themselves fighting back now. SuperValu, Safeway, and Wegmans are just a few chains that are speaking publicly against the price increases pushed on them by Kellogg's, General Mills, Kraft, Nestle, and others. An article in the Los Angeles Times as recently as March 2 stated:

Our large grocery companies operating in Southern California have seen the wholesale price for a carton of Kellogg's Corn Pops rise about 17 percent since June, despite a 52 percent plunge in corn prices from their peak this month.

The chief executive for Safeway was quoted as saying:

It is disingenuous to consumers that all commodity costs are coming down, interest rates coming down, everything is coming down, and the national brands are taking their prices up.

The chief executive of SuperValu described the situation as a "battle-ground" with manufacturers right now over prices.

I am pleased to see others in the food chain call on these food producers to lower prices in light of the large drop in commodity prices, but this isn't the reason I came to speak today. I would like to take just a few more minutes to share with my colleagues another assault that is taking place on biofuels.

In the 2007 Energy Independence and Security Act, Congress enacted and expanded a renewable fuels standard to greatly increase the production and use of biofuels. A component of that renewable fuels standard was a requirement that various biofuels meet specified life cycle greenhouse gas emission reduction targets. The law specified that life cycle greenhouse gas emissions are to include direct emissions and significantly indirect emissions from indirect land use changes. This means that the emissions from planting, growing, and

harvesting the feedstock to the production of biofuels must be included in the calculation. It also means that the Environmental Protection Agency must determine and must measure the greenhouse gas impacts if there is a significant conversion of forest or prairie-to-tillable land because of our biofuel policies.

For the past few months, the Environmental Protection Agency has been working on what we call a rule-making—notice of proposed rule-making—to implement the updated renewable fuels standard. While it hasn't been finalized or made public, there are great concerns about this rule within the biofuels industry surrounding the science behind indirect land use changes. And, of course, when you think of the Environmental Protection Agency, isn't science what EPA is all about?

President Obama, during his Presidential campaign and as President now, has stated that his administration will return to decisions and actions based on "sound science." In January, he said:

Rigid ideology has overruled sound science. Special interests have overshadowed common sense.

Well, I would encourage President Obama and his staff to take a close look at what the EPA is doing in this rulemaking process called a notice of proposed rulemaking on renewable fuels standards. There are a couple of people in the EPA's Office of Air and Radiation who firmly believe—do you believe this?—they can quantify the indirect land use changes that result from our biofuels policies. I am afraid that the bureaucrats at the Environmental Protection Agency are going down a path of blaming our biofuel producers for land use changes around the globe, and specifically even outside of the United States.

The fact is, measuring indirect emissions of greenhouse gas reduction is far from a perfect science, and dozens of credible scientists agree. There is a great deal of complexity and uncertainty surrounding this issue. One study last year claimed that biofuels, as a result of these indirect impacts, actually led to greater emissions and greenhouse gas emissions than did gasoline. This conclusion defies common sense. Under careful scrutiny, credible scientists on the other side disproved these conclusions, and I want to quote some.

Dr. Wang of the Department of Energy's Argonne National Laboratory replied to these assertions by stating:

There has also been no indication that the United States corn ethanol production has so far caused indirect land use changes in other countries, because U.S. corn exports have been maintained at about 2 billion bushels a year, and because U.S. distillers' grain exports have steadily increased in the past 10 years.

May I add that really what EPA—through indirect land use—is talking

about here, in the most common denominator, is they figure that because Iowa or Missouri or Minnesota or Illinois corn producers are growing corn, and some of it is going into ethanol, that someplace down in Brazil, farmers are just sitting around trying to calculate and are going to plow up acre for acre the amount of land that is maybe being used for production of ethanol at this point. Well, I think the practical matter is that just isn't happening, and that is exactly what Dr. Wang is saying here. And if that were the case, what can the farmers of our country do about it? Are we going to be at the point where something that happens in some other country is going to affect our policy here in the United States as to what we can grow and what we can use that crop for? I don't think that is a credible position to take.

Now, I quoted one study, but there are a number of credible studies that have demonstrated that our biofuel policies will have little, if any, impact on international land use. A recent study by Air Improvement Resource found that the production of 15 billion gallons of corn ethanol by the year 2015 should not result in new forests or grassland conversion in the United States or abroad. Let's look at the University of Nebraska. A peer-review study conducted there and published in the Yale Journal of Industrial Ecology found similar conclusions. They concluded that corn ethanol emits 51 percent less greenhouse gases than gasoline. A third study, conducted by Global Insight, found that it is virtually impossible to accurately ascribe greenhouse gas impacts on indirect land use changes to biofuels.

There are a number of assumptions that can affect the conclusion about indirect land use changes. With any model, if you put garbage in, you will get garbage out, and I want to make sure the EPA isn't putting garbage in. I want to make sure they know yields per acre for corn have doubled between 1970 and today. I want EPA to know that nitrogen fertilizer used per acre has been declining since 1985. The Environmental Protection Agency also needs to know that the ethanol industry today is vastly more efficient than it was just a few years ago. Ethanol producers use one-fifth less energy today than they did just 8 years ago. More fuel is being produced from the same amount or even less land.

The California Air Resource Board is also trying to grasp this issue. They are developing a low carbon fuel standard which is penalizing biofuels with an indirect land use change. On March 2, 2009, to counteract this, 111 scientists sent a letter to California Governor Schwarzenegger on this very matter. The scientists are from leading research labs such as Sandia, Lawrence Berkeley, and the National Academy of

Sciences, as well as leading educational institutions, including MIT, UCLA, Michigan State, and Iowa State. Scientists criticized the California Air Resource Board for proposing a regulation that alleges an indirect price-induced land conversion effect around the globe caused by a demand for agricultural production and biofuels.

In other words, they said in this official report what I just said: There isn't some Brazilian farmer just sitting around nervously awaiting whether he can plow up another acre of grassland in Brazil just because some more ethanol is being used out of products we grow here.

The letter of these 111 scientists sent to Governor Schwarzenegger stated:

The ability to predict this alleged effect depends on using an economic model to predict worldwide carbon effects, and the outcomes are unusually sensitive to the assumptions made by the researchers conducting the model run. In addition, this field of science is in its nascent stage, is controversial in much of the scientific community, and is only being enforced against biofuels.

The two primary conclusions of these scientists are that science surrounding indirect land use changes is far too limited and uncertain for regulatory enforcement. Second, indirect effects are often misunderstood and should not be enforced selectively.

Several of us in the Senate are trying to get the Environmental Protection Agency to wake up and reconsider some of their thoughts. Last week I had the opportunity to join my Iowa colleague, Senator HARKIN, as well as 10 other Senators, in appealing to EPA Administrator Lisa Jackson to be cautious on this issue and as doctors would say about medicine: First do no harm.

Because of the incomplete and limited science, we urge in our letter against any premature and, of course, inaccurate conclusions on indirect land use changes. Instead, the EPA should move forward by allowing for public review and refinement of the methodology that they have developed. I am afraid the climate folks at EPA are heading in the wrong direction on this issue. I do not think they are bad people, but I am afraid they do not understand much about American agriculture. I do not think they are aware of the significant crop yield improvements we have seen in recent years or the great potential for the next 20 years.

I will just give my own farming operation as an example. In 1959, when I started farming, we were raising, on average, about 60 bushels of corn per acre. It happened that the first year I farmed I produced considerably less than that amount, but eventually, within 15 years, this farmer, as well as the Iowa average, had gone to about 90 bushels of corn per acre.

Last year, in my county, we raised 175 bushels of corn per acre. During that period of time, we went from till-

ing the field probably six or seven times over to produce a crop to now a point where we are only tilling the field once or twice before harvest. In each of these processes, we are producing more corn, we are producing it more efficiently, and at the same time we have an abundance.

When I started farming, farmers were producing about enough food for 44 other people. A family farmer today produces enough food for 140 other people.

I think we have made great progress, but I am not sure EPA understands the efficiency of the American farmer today and for sure they do not understand that people in Brazil are not just sitting around, seeing how they can take advantage of the fact that American farmers might be producing some of their crop for sustainable energy production in this country as opposed to importing more oil.

I also do not think these people fully understand the benefits of valuable ethanol byproducts, which further reduce the effective land used for fuel production.

Along this line, do they understand that when you take a bushel of corn to make 3 gallons of ethanol that corn is not gone forever, that 18 pounds of the 56 pounds that is in a bushel of corn is left over for animal feed? So it is not all going to production of energy.

To me, it defies common sense that the EPA would publish a proposed rule-making with harmful conclusions about biofuels based on incomplete science and inaccurate assumptions and especially in light of President Obama's commitment to use sound science in decisionmaking by the bureaucracy carrying out the laws we pass. The Environmental Protection Agency's action, if based on erroneous land-use assumptions, could hinder biofuel development and extend America's dependence upon dirtier fossil fuels from parts of the world that are not very stable.

Agricultural practices and land-use decisions in other countries are not driven by U.S. biofuel policies. In other words, there is no Brazilian farmer sitting around in Brazil, waiting to see what Iowa farmers are going to do with their corn—for food or export or for fuel. Even if they were, we have no accurate way to measure it scientifically and we need to ensure that in that measurement, biofuels get credit for these increased efficiencies of production—of the basic commodity as well as the increase in efficiency producing the ethanol.

President Obama was, and as far as I know is still, a strong proponent of our domestic biofuels industry and he especially was during his time in the Senate. I know he recognizes the benefit of producing homegrown renewable fuels, and I doubt he would agree with the conclusion that biofuels emit the same

or more lifecycle greenhouse gas emissions as does gasoline.

I hope the EPA will reconsider its conclusions on this or not hastily draw conclusions.

WHISTLEBLOWER PROTECTIONS

Mr. GRASSLEY. Mr. President, during the height of the Presidential campaign, President Obama made a number of high profile statements and promises about what actions he would take once he was elected and sworn in. These promises outlined a number of important issues such as closing the revolving door for lobbyists in the executive branch, ending the use of no-bid contracts, and curbing the influence of special interests, to name just a few.

Over the years, I have been an outspoken supporter of legislation that would make the Government more transparent and open. I have authored and supported a number of bills that would open the Government up and make it more accountable to the citizens. In particular I have been strong advocate for whistleblowers. Most importantly, I have always pushed the Government to be accountable by conducting vigorous oversight of the Federal bureaucracy regardless of which party controls Congress or the White House. I have been an equal opportunity overseer and have given my Republican colleagues as many headaches as I have given Democrats.

Given my background on oversight, I was supportive of some of the statements President Obama made as a candidate with respect to transparency and openness in Government. A document on the Obama campaign Web site titled, "Restoring Trust in Government and Improving Transparency," outlined ethics and contracting reform, and included a statement that:

Obama will sign legislation in the light of day without attaching signing statements that undermine legislative intent.

Candidate Obama further discussed signing statements during a campaign speech where he said that his administration was "not going to use signing statements as a way of doing an end run around Congress." A video of that speech is available online for all to see.

I was also encouraged by candidate Obama's promises to protect employees in the Federal Government who blow the whistle on fraud, waste, and abuse. In yet another campaign document, candidate Obama stated that he would "strengthen whistleblower laws to protect Federal workers who expose waste, fraud, and abuse of authority in government." That statement was posted on the Change.gov Web site of the Obama Transition Team for all to see. It was a welcome message to the employees of the executive branch that risk their careers and stick their necks out to alert Congress, inspectors General, and the public about fraud, waste,

and abuse in Government agencies and programs.

These employees, also known as whistleblowers, often do nothing more than “commit truth,” and for it they are shunned by their agencies, coworkers, friends, and government. My colleagues have all heard me say time and again that whistleblowers are as welcome as a skunk at a Sunday picnic. These patriot individuals believe that Government can do better for its citizens. They risk everything to make sure that laws are faithfully executed as they were intended and let Congress know when something is not working and needs fixing. Some of the most important reforms to our laws have come from whistleblowers, be it reforming our national security and law enforcement coordination following the tragic events of 9/11, or ensuring we have clean water to drink.

Given Candidate Obama’s promise to not use signing statements to circumvent the legislative intent of Congress and his pledge to support whistleblowers, I was shocked to read the signing statement he issued on the Omnibus appropriations bill that was signed into law on March 11. Not only did President Obama’s action run contrary to his promise not to use signing statements to circumvent the intent of Congress, he also appears to have broken his promise to strengthen whistleblower laws by singling out an important whistleblower protection provision that Congress has included in every appropriations bill for the last decade.

Sections 714(1) and (2) of the omnibus bill contains an appropriations rider that states that no appropriation shall be available to pay the salary of any officer or employee of the Federal Government:

Attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress.

This rider was first included in appropriations bills in 1997 and has been included in appropriations bills since. It is a strong signal to all agencies that efforts to block federal employees from coming to Congress won’t be tolerated.

However, the applicability of this rider is now in question given the signing statement issued by President Obama. His signing statement, in pertinent part, stated that this provision does not:

detract from [his] authority to direct the heads of executive departments to supervise, control, and correct employees’ communications with Congress.

This statement is shocking. It acknowledges that President Obama envisions a scenario where he would order a Cabinet Secretary to supervise, control, and correct statements made by employees to Congress.

Worse yet, the signing statement goes further to add that this authority

would be used when employee communications would be “unlawful or would reveal information that is properly privileged or otherwise confidential.”

I want to emphasize that word “confidential,” because you will hear about that in just a minute.

While other Presidents have objected to this appropriations rider in the past, President Obama’s signing statement is even more problematic than those because it states that he has the authority to not only restrict privileged material, but also “confidential” information.

By failing to define “confidential,” President Obama has given a blank check to executive branch agencies to block communications with Congress related to an undefined, broad category of information.

Understand, it is a constitutional power and responsibility of this Congress to oversee, as part of our checks and balances of our Constitution, the agencies of Government to make sure laws are faithfully executed, as the Constitution requires, and as money is spent according to Congress.

Even the New York Times noted President Obama’s signing statement includes “one somewhat unclear objection” that “could be read as bumping up against the rights of executive branch whistle-blowers.” Because, in our constitutional responsibility, we have to rely upon people in the executive branch to tell us when the job isn’t being done according to the Constitution or according to law.

So I want to go further than what the New York Times said and say: It does more than bump up against the rights of whistleblowers. It, in fact, is going to be a chill. It will chill executive branch employees from sharing information with Congress in our congressional obligation of oversight.

It could also be construed to be an attempt to limit Members of Congress from conducting this constitutional duty. I wrote to President Obama last Friday raising my concerns with his signing statement, and, most importantly, the chilling effect that it will have on whistleblower communication with Congress.

Today, I have not received a response. However, I read in the New York Times on March 16 that an unnamed administration official stated that President Obama is “committed to whistleblower protections,” and that the administration “had no intention of going further than did Presidents Bill Clinton and George Bush in signing statements concerning similar provisions.”

Then, what is that word “confidential” doing in there? However, that same official did not provide any detail on that additional term “confidential.” I would like President Obama to answer my letter soon and clarify exactly what he meant in this signing state-

ment. Absent a more detailed response from President Obama, I cannot see how his signing statement can be reconciled with the pledges and promises made by Candidate Obama, nor can I reconcile the criticism issued by Candidate Obama about President Bush’s use of signing statements with the statements made by that unnamed administration source in the New York Times.

The unnamed source said President Obama “had no intention of going further than did President Clinton or George Bush in signing statements.” Candidate Obama stated he would not use signing statements in a manner similar to President Bush to circumvent the will of Congress. Now a member of the administration is telling the New York Times that President Obama means to do exactly the same thing as President Bush in issuing signing statements.

It seems to me, if this is the case, Candidate Obama would have a problem with President Obama’s use of signing statements to underline the intent of this appropriations rider on whistleblowers.

Now, a number of my colleagues were quick to object to signing statements issued by President Bush but somehow have so far remained silent regarding President Obama’s use of signing statements. Well, to those who had concerns in the past, I encourage you to take a close look at this signing statement and the potential harm it will cause for Members of Congress doing our constitutional responsibility of oversight to see that the laws are faithfully executed.

Those who may believe my acts are motivated by partisan politics, I want you to look at my record and see that I have repeatedly objected to signing statements that hindered the rights of whistleblowers. Just one example: I objected to a signing statement issued by President Bush back in 2002 that restricted the application of whistleblower protection provisions included in Sarbanes-Oxley.

I also, as another example, objected when a signing statement was issued by President Bush impacting specific reforms contained in the Inspector General Reform Act of 2008.

In closing, I call upon President Obama to revisit the March 11 signing statement and implement sections 714(1) and (2) in a manner consistent with the spirit and intent of this legislation.

As a former Senator, he must recognize the good that whistleblowers do by speaking out and by shedding light on fraud, waste, and abuse in Government agencies and programs.

Candidate Obama supported whistleblowers, but based upon his recent signing statements, these campaign promises now ring hollow. I hope I have interpreted him wrongly and will give

him an opportunity to set the record right because I hope he comes out the same way he did in the campaign: strictly in support of whistleblowers, who are an essential element of the process of our checks and balances of government as Congress does its constitutional job of oversight.

We do not know where all of the skeletons are in the closet. We do not know all of the abuses of law. We do not know of all of the fraudulent things that are going on in government. We need that information from whistleblowers, and the best evidence I can give you of that is the \$22 billion that has been brought back into the Federal Treasury since I got the False Claims Act of 1986 passed.

Most of that information would not have been available without the information from whistleblowers.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS PUBLIC LANDS MANAGEMENT ACT

Mr. UDALL of Colorado. Mr. President, I express my strong support for the bipartisan omnibus lands package, HR 146, which the Senate passed overwhelmingly in a floor vote. I thank Energy and Natural Resources Chairman BINGAMAN and Ranking Member MURKOWSKI for working across the aisle to put together this major piece of natural resources legislation. As many of our colleagues have noted, this legislation represents the largest public lands package in decades. Most importantly, this lands package represents a major victory for the people—and the lands—of Colorado.

There is much in this bill to highlight. All of the areas that are slated for protection under this legislation are deserving of such designation.

I have personally visited many of these places that we took action to preserve—places like Longs Peak, a mountain over 14,000 feet that looms over the great plains above Denver; the dramatic red rock canyons where water plunges to the Gunnison River from the Dominguez Canyons; and trails

that climb up the steep rocky slopes of Colorado's northern Front Range looking out over the expanse of prairie that reaches to the eastern horizon.

These lands represent a variety of landscapes and natural attributes. They typify the diversity of our Nation, and their dramatic environments inspire visitors and give them a sense that anything is possible.

The connection we have to our natural landscapes and other equally important provisions—such as providing a funding mechanism for a water conduit that will help provide clean water to help enhance the productivity of farms and ranches along the lower Arkansas River—underscore why this bill is so important and worthy of our support. The areas and vital resources that are protected in this bill will help ensure a vibrant and healthy environment and thereby provide a solid foundation for a healthy and vibrant economy. This bill is not just about the special places it encompasses it is about us and our values. It deserves our support.

Specifically for Coloradans, this package will help preserve and protect majestic public landscapes in Colorado and help provide needed water supplies to communities and farmers on Colorado's productive Eastern Plains. These are issues on which I have worked for many years in the U.S. House of Representatives and now in the Senate. On behalf of the people of Colorado, I am proud that the following provisions will likely become law in the coming days.

First, the bill includes the Arkansas Valley Conduit Act of 2009. This legislation will help protect the water supply for the Arkansas River Valley's communities and productive agricultural lands by advancing the construction of the long-planned Arkansas Valley Conduit. The depressed economic status of southeastern Colorado made it a difficult financial undertaking for the region, a challenge that continues today. This bill will help see this facility become a reality and help the farming and ranching communities in the valley continue to produce needed food for the state and Nation.

Second, the Colorado Northern Front Range Study Act included in the package will help Coloradans protect the scenic Front Range mountain backdrop in the northern Denver-metro area and the region just west of Rocky Flats.

Rising from the Great Plains, the Front Range of the Rocky Mountains provides a scenic mountain backdrop to many communities in the Denver metropolitan area and elsewhere in Colorado. This mountain backdrop, which includes much of the Arapaho-Roosevelt National Forest, is an important aesthetic and economic asset for adjoining communities. It is also part of our unique culture, having beckoned settlers westward before exposing them to the harshness and humbling majesty

of the Rocky Mountain West that helped define the region. The pioneers' independent spirit and respect for nature still lives with us to this day.

Yet rapid population growth is increasing recreational use of the Arapaho-Roosevelt National Forest and adding pressure to develop other lands within and adjacent to that national forest. The bill directs the U.S. Forest Service to study the ownership patterns of the lands comprising the Front Range mountain backdrop and identify areas that are open and may be at risk of development. Additionally, it directs the Forest Service to recommend to Congress how these lands might be protected and how the Federal Government could help local communities and residents to achieve that goal.

Third, the bill includes the National Trails System Willing Seller Authority Act. This act will change the current law prohibiting people who own land associated with several units of the trail system from selling those lands to the Federal Government. Because of this act, people who want to sell land for inclusion in certain units of the National Trails System will be able to do so.

Our national trails are a national treasure, and I have enjoyed them for my whole life. We should allow property owners to sell their land along these trails to the Federal Government to be part of our public lands legacy. But we must make clear that these land sales are from willing sellers.

Finally, this legislation includes the Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act. This provision will designate nearly 250,000 acres of Rocky Mountain National Park as wilderness. The provision will guarantee the backcountry of Rocky Mountain National Park will be managed so that future generations will experience the park as we know it today. The legislation will also allow the National Park Service to continue its important efforts to battle the devastating bark beetle infestation and to engage in necessary wildfire mitigation efforts and emergency response actions.

The wilderness designation in this bill will cover some 94 percent of the park including Longs Peak and other major mountains along the Great Continental Divide, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams.

Examples of all the natural ecosystems that make up the splendor of Rocky Mountain National Park are included in the wilderness that will be designated by this bill. At the same time, the wilderness boundaries have been drawn so as to allow continued access for the use of existing roadways, buildings and developed areas, and privately owned land.

In conclusion, the passage of this bill in the Senate and House will mark the culmination of many years of work by a number of Coloradans, and I look forward to it becoming law.

FALMOUTH VOLUNTEER WEEK

Mr. KERRY. Mr. President, this week marks the Celebrate Volunteers Week at the Falmouth Volunteers in Public Schools Program, VIPS, in Falmouth, MA. I would like to take this opportunity to commend and thank those that participate in the VIPS Program which fosters interaction between the citizens of Falmouth and their public schools. Through this connection the schools are empowered to enrich their curriculum and the community at large benefits from a greater participation in their children's future.

The volunteers in this nonprofit organization log about 40,000 hours each year in support of the students, faculty, administration, and the community. This incredible effort is also supported by the business community in Falmouth that not only invests in VIPS events but also supports employee participation.

By comprehensively involving all facets of the Falmouth community VIPS enriches the lives of all involved. They provide mentoring and tutoring programs aimed at raising children's self esteem and teaching English as a second language. They have made school to business partnerships that enhance the educational experience of students by sharing resources with local businesses and bringing in guest speakers. Their innovative Cross Age Science Teaching Program matches junior high school volunteers to help elementary school students learn about electricity.

VIPS has grown from its inception in 1982, when they only had a handful of volunteers, to a robust program with over 1,100 volunteers in all 7 schools in Falmouth. When we think about improving our education system, what we need to remember is that community involvement can make a world of difference. When you get folks in the community to volunteer and become a part of the educational process, they become invested in the success of the students. That is what is happening in Falmouth. I congratulate all of the people who have helped make the Falmouth Volunteers in Public Service a success, and I commend the work that they do.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mrs. BOXER. Mr. President, due to an illness, I was forced to miss the previous two rollcall votes.

The first vote was on the nomination of Elena Kagan to be the Solicitor Gen-

eral of the United States. The second vote was on cloture on the motion to proceed to national service bill. Had I been present for these two rollcall votes, I would have voted aye.

Elena Kagan has the qualifications and intellect to be an outstanding Solicitor General. I am proud that she is the first woman to hold this important position.

I also support the motion to proceed to the national service bill and am disappointed that it is necessary to invoke cloture to break the filibuster against this bipartisan legislation. It is important that we act to expand opportunities for Americans who volunteer their time and talents in service to their communities.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

REMEMBERING FALLEN POLICE OFFICERS

• Mrs. BOXER. Mr. President, it is with deep sadness that I discuss one of the deadliest attacks against California law enforcement in my State's history—an attack that took the lives of four Oakland, CA, police officers, and has left our community reeling from the shock of this terrible and senseless loss.

Every day, our law enforcement officers selflessly and bravely put their lives on the line to protect our families and our communities. If anyone, anywhere, needed a reminder of that, this tragedy puts a spotlight on the risk our police officers face every day.

On Saturday, March 21, what should have been a routine midday traffic stop for Oakland PD officers Mark Dunakin and John Hege quickly turned into a murder scene.

After fatally wounding both officers, the suspect fled the scene, leading to a frantic manhunt that involved more than 200 officers from Oakland PD, Alameda County Sheriff's Office, BART Police and the California Highway Patrol. The suspect was quickly tracked down to an apartment. But when the SWAT team entered the apartment, he fired a series of shots from inside of a closet, fatally wounding officers Daniel Sakai and Ervin Romans, and injuring a third, before he was shot and killed.

In the days and weeks ahead, we will have important debates about the problems with our justice system that allowed a violent offender to be on the streets in clear violation of his parole. And we will debate the issue of powerful weapons in the hands of dangerous criminals.

As these debates move forward, I will work to give our law enforcement officers more support and more resources to adequately protect our communities and protect themselves.

Now I want to pay tribute to these four fallen officers.

Sergeant Mark Dunakin, age 40, was an 18-year veteran of Oakland PD. He was no stranger to violent crime, having worked homicide cases in the criminal investigation division. But he later transferred to the motorcycle traffic division where his days focused on patrolling our streets on his beloved Harley Davidson, cracking down on drunk drivers and trying to always enforce our State's seatbelt laws. Sergeant Dunakin is survived by his wife Angela Schwab and their three children.

Officer John Hege, age 41, had been with the Oakland PD for 10 years and had only recently started his dream assignment of becoming part of the motorcycle traffic division. Respected by his colleagues and well liked by his neighbors, Officer Hege was often known to lend a helping hand, and even found time to umpire high school baseball in his free time. After being gunned down this weekend, Officer Hege was declared brain dead. And true to the heroism he exhibited in his life, his organs are being donated to help save other lives. Officer Hege is survived by his father and his beloved dog.

Sergeant Ervin Romans, age 43, had been with the Oakland PD since 1996. As a member of the elite SWAT team, Romans was in charge of entering the most dangerous situations to confront and arrest barricaded suspects. Known as just "Erv" to his friends and colleagues, he was among a group of officers awarded the department's prestigious Medal of Valor in 1999 for helping to evacuate residents during a fire. His captain, Ed Tracey said he "had an exterior image of being the tough, rugged guy, but everyone knows he has a soft heart." Sergeant Romans is survived by his three children.

Sergeant Daniel Sakai, age 35, had recently been named a leader of the entry SWAT team, and was known to all as a rising star. Before joining the SWAT team, Sergeant Sakai worked in the K-9 division, responding to calls with his dog, Doc. He studied forestry at UC Berkeley, where he was a member of the Alpha Sigma Phi fraternity. He also worked as a community service officer at Berkeley, escorting students around campus at night. He is survived by his wife Jennifer, a UC Berkeley police officer, and their daughter.

My thoughts and prayers are with the families, friends, and colleagues of these fallen officers in this tragic time.

We must come together to support those suffering, and in the coming days we must come together, firmly resolved to end the violence that has for too long eaten away at the fabric of our communities.●

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with

me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I certainly feel the impact of huge and unpredictable increases in all the necessities: gas/fuel, household energy costs, food, clothing, travel, etc. All of these have risen rather dramatically, sort of like dominoes. I am spending a lot more for a lot less. As I am deciding not to go do something or go buy something, I think of all the merchants and businesses that will, if they are not already, suffer from this (all of us not going places, and buying so much less). I have almost totally quit eating out. Movies are out of the question. I have greatly cut down on my driving. I will just not visit places that I do not absolutely have to (and, truth be told, there are not really that many places one absolutely has to go). I go to the closest grocery store, as they are all expensive. I go to the closest gas station. There is no public transportation between my place of work and my home, which is a real hardship. In fact, our bus service is not bad in Boise, but it is cumbersome and limited. I find this to be a problem. I will not be doing the traveling and vacationing this year that I usually do. I will not be able to visit family members that do not live in Boise. This is not good for business, or morale and attitude (mine). Because I have much less disposable income now, my charitable donations will be, and already are, less. It is so expensive to drive to any of the organizations where I like to help out ("volunteering") that it has had to be cut out. Driving to attend the civic and fun groups that I am a member of and the activities that I like to participate in is now too costly to continue attending. Shopping? Out of the question, with the exceptions listed above. By the way, did you know that the average fuel usage in Ford's (last, I believe) cars—in his day—was 25 mpg. Do you know what it is in this country today? 21 mpg. We all know that this is ridiculous. Clearly, the only entity that benefits from this is fuel companies, and automakers that have not had to retool their factories for decades. And even with that "savings", they're hurting, too, now.

My suggestions, wishes, and hopes?

More public transportation, more types of public transportation, more coverage, more frequent times that public transport goes by, at a minimal cost to riders. And we could use the money that we would save on highways

to fund it! Trains are wonderful, both for passengers and goods.

Laws that insist that all parts of the automobile industry quickly get cars ready for market that are lighter, safer, and much more fuel efficient; that include speedily implementing the roll-out of vehicles (all vehicles, including commercial and military) that some of them are already developing, that are outstanding in design and are environmentally responsible. I should say, that are already in development, although perhaps not by the mainstream auto makers. The use of fossil fuels should be seriously lessened. Oil and gas companies should pay their rightful taxes, and should not be subsidized. New "green" fuel sources should be subsidized at the rate that oil and gas companies currently are, and should get breaks on their taxes for the early years. These should include, but be not limited to: wind, solar, geothermal; and research into new, unknown possible energy sources (with low environmental impact) should also be encouraged with subsidies and whatever helps, within limits. And the whole "alternate fuel" scenario should have some honesty, reality, and integrity infused into it. Specifically: ethanol is in no way environmentally responsible or viable. It is just a give-away for the corporate farm industry. Nuclear fission energy should be banned. There is no way to ensure safe use now, or of the spent fuel in the future, and it misuses precious water resources. I am okay with working towards trying to make nuclear fusion work.

No new drilling—anywhere! Americans can come up with better ideas—let us go back to that "good old American ingenuity and know-how." We used to be on the cutting edge for creativity, inventiveness, and new ideas—and the development of them. Let us "Be The Best We Can Be."

And, lastly, and strongly related to the energy problems we are experiencing: land and soil should be nourished and protected. It should be used in an honest and responsible way. That means, for example, that corn should actually have nutritional value, should have lowered sugar levels, not continue to be genetically and artificially altered so as to be useless for actually providing nutrition for people, because it is nothing but sugar that makes the creation of corn syrup, which is destroying the health of our kids, among other unhealthy products, easy and cheap to produce for greedy and/or corporate "farmers." The land should be cherished, not over-used, misused, and abused. It should be mindfully used to produce food for people—good, nourishing, healthy food to nourish healthy children, mothers, and all of us.

The health, safety, and financial benefits of changing our practices and policies are so extensive that it would take too much space to enumerate here. We could be at the world leaders of industry, development, inventiveness, and productivity if we, as a country, were willing to look at things in a fresh way, rather than stubbornly clutching at "doing things the same old way."

We are supposed to be conservatives—let us actually practice conserving.

SUSAN.

Our family of 5 spends more than \$500 a month now on gasoline (for 3 vehicles—our 3 kids can all drive now), not to mention the higher food prices that are a result of higher fuel costs to truckers and the foolish ethanol policy of the government. We are needing to work additional jobs just to try to make basic ends meet and avoid going deep into

debt. If prices go up further, we will still be going into debt just to cover the basics of food, clothing, transportation and shelter.

We are an average family (financially we make about 60,000 a year from 3 jobs between all of us, with 2 now in college—1 just starting, but living at home), but face above average costs when compared to the averages mentioned in the media and by politicians. For example, Barack Obama makes light of a temporary lifting of the gas tax, saying it would be 30 cents a day. We would be at least twice that much, and many truckers would save even more if diesel tax was lifted. And we are an average family, so I do not believe his numbers for a minute.

We cannot afford to buy an expensive high gas mileage small car to offset the higher gas prices. We must continue to nurse along our two more than 10-year old vehicles that get 19 miles per gallon. Most poor and lower-middle class are in the same situation as us. The upper middle-class and wealthy may be able to handle it to some better degree, although I am not a participant in class envy and they should be considered too. But it is interesting how the [liberals] claim to care about the poor and middle class, yet their do-nothing policy on energy contradicts their claims.

If they think taxing oil companies and redistributing the tax to poor and middle class with rebate checks will solve the problem, they are wrong. The tax will be passed on in ever-higher gas prices and/or the oil companies could limit production to stay just below the windfall tax threshold, thus causing shortages and even higher prices. It did not work when Jimmy Carter tried it, and tweaking it a little to allow oil companies to trade the tax for alternative energy production would likely not help much, in my opinion. We need to get the price down, not give each person a small piece of the large wealth redistribution that helps them for only a few months.

The government needs to remove the restrictions and regulations that hinder progress in tapping our domestic energy sources of all types. Many claim that tapping into our domestic oil and natural gas resources would not do any good for many years. They are wrong. And even if they were right, do you avoid planting a tree just because you will not get a full crop of fruit or sufficient shade for several years? This "tree" of increased domestic oil supply should have been planted over 10 years ago.

But here is why they are wrong: If speculators are part of the cause of increased oil prices whenever there is something in the Mideast that brings concern about possible reduced supply, then they would logically be part of the cause of reduced oil prices if they received good news that our government was finally serious about allowing increased domestic supply. There would be an almost immediate drop in oil prices which would soon show lower prices at the pump. On top of that, the foreign nations that have control over us now would not want to see us quit buying from them in the future, so they would likely increase production to try to get us to not increase our production. Increasing their production would cause an additional price decrease within a short amount of time.

Increasing our domestic drilling and exploration would create additional jobs, as oil companies would hire people to do the additional exploration and drilling. And additional revenues would be created for the states that participated, by leasing land, taxes paid through the additional employment, etc. This would help our national

economy as well, as it became a positive ripple effect.

Increasing other types of energy sources, such as wind, solar, coal, shale, nuclear, natural gas, etc. are all good. Even ethanol is good where it can be produced regionally and help regionally without being forced on us at a certain level by the government, causing a shortage of corn and higher food prices.

A final thought: we need fewer lawsuits by environmentalists, which bog things down way too long. We need to reform the laws to keep them from preventing us from solving this problem. If the government okays further drilling, etc, but allows the radical environmentalists to bring up lawsuit after lawsuit, we'll still be in trouble. Allow a basic environmental process to ensure we are doing this in a reasonable manner, and then have them get out of the way so we can start making use of our resources.

Thanks for allowing me to give my input.
DAVID, Boise.

I am a 15-year Idaho resident, and I commute about 55 miles a day to work. The cost of gasoline/diesel is having a profound effect on the local economy—not to mention my own finances. Idaho, and most other inland states, are feeling the effects directly in higher prices across the board. I know several small business owners, in different markets, who have related to me the disastrous impact this is having on them. I cannot stress enough that we need to increase the supply side of this equation. But, of course, everyone in Washington knows this and the situation is being exploited by those on the left to increase dependence on government.

It is obvious to me that the liberals in Congress see high fuel prices as vehicle to provide them greater control over the lives of the citizens of the United States. The more low income people have to spend on fuel, the more likely they are to require government support in other areas of their lives. This is intended to cement the liberal base as permanent government serfs with no choice in for whom they vote. Ultimately, this is an attack on our liberty from within that, if left unchecked, will result in less freedom, and more and bigger government.

There are a number of facets to this problem: environmental regulation, government regulation, and political demagoguery that is unparalleled in our history. The oil companies are not the problem. Most people I know realize this and are fed up with environmental bullshit reasons for not exploring for more oil. The notion that there is a shortage of oil or, that we are running out of oil, is simply not born out by the facts. But facts do not matter when there is an agenda. As Goebels said, the bigger the lie, the easier it is to sell.

I would love to discuss this at length with you, but I am losing faith in the process. However, I appreciate that you are fighting the good fight. Please keep it up.

MIKE.

I am not sure if I have any faith in our Congress changing anything but I feel some satisfaction with at least voicing my thoughts and if I may say so my feelings about these soaring energy costs.

Yes, the soaring energy costs have had a huge impact on me. I am a single woman working as a Physical Therapist Assistant. I live 30 miles from my place of employment. I own horses so I own a pick-up truck. Up until recently I only drove my truck. It was not great on fuel economy, but as a person with only one income, a house payment, a

vehicle payment, plus other bills. It was not feasible to buy another vehicle. As a single woman that is not mechanically inclined (nor do I have the time), I need vehicles that are safe and reliable. Well, now, I have a small vehicle. So now I have two vehicle payments, plus full coverage insurance on two vehicles, plus a house payment, plus fuel, plus all the other costs to get buy! Fuel for my truck, just to go back and forth to work for one week was costing me between \$80 & 100 reg. gas, the "cheap" stuff! That is not counting doing anything on the weekends, or any "extra" driving. That is simply working 4-5 days a week. I usually work (4) 10s and sometimes a few extra hours on day 5. So yes, now my grocery bill has been reduced, my credit cards are being used more, and it scares the hell out of me!

My home energy bill also nearly doubled. I have not doubled my use. I am away from home most of the time. I rarely watch television, except to turn the news on from 4:30 A.M. to 6 A.M. when I am getting ready for work. I turn my computer on for a few minutes several days a week. I go to bed early so my lights are not even on much, yet my power bill doubled! No, I do not use much air conditioning either! I have a small house less than 1100 square feet. I have had it for sale for over a year and I have not been able to sell it. I replaced the roof last summer. The windows could stand to be replaced, yet I cannot afford to replace those old aluminum windows with vinyl.

Oh, I know most people would say to give up my animals and move to town, but then what is all of this about? What pray tell am I working for? My animals bring me joy and peace from a crazy world. I have raised/owned Arabian horses since 1985, and I have owned horses in general most of my 50 years. So the thought of going to work just to pay taxes, lay on a couch and watch TV after work and on weekends does not sound like much of a life to me. So if we cannot have a few things that bring us joy and comfort why are we working?

Yes, the out-of-control energy costs is slowly wiping all of "working" people out. If everything is taken away and all that is left is work, who wants to live that life? Think about it! Better yet, maybe those [who enjoy privileges and expensive lifestyles] should come live with us that really have to work and live on a budget. Let us take away those expense accounts and all the other freebies! Do you know how many people think like me? There are a lot.

Thank you for giving me the time to get this off my chest.

JUDY, Wendell.

I do not wish to join the whining masses about how energy prices have affected us all. Instead, I wish that Congress would act to pass a national energy policy that would encompass all areas of energy development. We did not win World War II by building only ships or tanks or airplanes, etc. We conquered the global threat at that time by building all assets necessary to win and developed new technologies for the future. The liberals' bumper sticker mantra that we cannot drill our way out of this mess refuses to acknowledge that the way out of this "mess" is to get out of our "boxes" and look at the wider picture. Back in the 1970s, I learned that C-ration California peanut butter burned right out of the can whereas Georgia stuff would not. Why limit our research to corn, chicken parts, et.al. as potential fuels? We should not keep subsidizing our farmers to not plant if corn and other foods/fuels are

now in such demand. We obviously need greater oil production and refining capacity as a significant part of overcoming those forces in OPEC that continue to enslave us to their output. We should work on developing Hydrogen fuel cell technology and put real delivery ability on the ground because who is going to buy a car he cannot refuel? We absolutely must develop nuclear reactor improvements and capacity which is being developed right now in Idaho. Limit individual financial incentives for energy savings because their cost savings should be incentive enough and any rewards beyond that are too open to fraudulent claims and wasting taxpayer money. Congress is too good at wasting our money already. Buying "conservation credits" like Al Gore does for his estate is a sham for the wealthy. It is akin to buying indulgences centuries ago that was the final "straw" that began Martin Luther's Reformation. The [conservatives] in Congress lazily missed an opportunity to make a worthwhile energy policy that "thinks outside the box" in the last several years and, I fear, that if the [liberals] win control of either house in November that we are doomed to suffer the consequences laid out over a thousand years ago by a Greek philosopher that all democracies are doomed to failure that as the people vote more liberties and indulgences to themselves their governments will be more unable to pay for them and they will lapse into anarchy. I believe we are in the third of his four stages right now.

I hope this has not been too boring or offensive. We, as a nation, must act to avoid an energy demand catastrophe, and our Congress is that body that our forefathers have ordained as the ones to do that task. I appreciate your time if you have really read this,
BILL, Idaho Falls.

ADDITIONAL STATEMENTS

TRIBUTE TO WOODFORD COUNTY HIGH SCHOOL STUDENTS

● Mr. BUNNING. Mr. President, today I invite my colleagues to join me in congratulating Jane Brannen and Adam Horn from Woodford County High School, Versailles, KY, for receiving the Achievement Award in writing. This year only 525 students around the country were recipients of this award.

The Achievement Award in writing is given to students who show excellence in English and writing. To be eligible for the award, students must submit a previously written paper and then be invited to participate in a timed essay.

Jane Brannen and Adam Horn both have shown great analytical and writing skills in their submitted papers. I am impressed by the excellence these two students have displayed, and I am confident that they will have success in greater challenges in the future.

Mr. President, I would like to thank Jane Brannen and Adam Horn for their contributions to the Commonwealth of Kentucky and wish them the best of luck in their future endeavors.●

TRIBUTE TO KYLE DARPEL

• Mr. BUNNING. Mr. President, today I invite my colleagues to join me in congratulating Kyle Darpel from Covington Catholic High School, Park Hills, KY, for receiving the Achievement Award in writing. This year only 525 students around the country were recipients of this award.

The Achievement Award in writing is given to students who show excellence in English and writing. To be eligible for the award, students must submit a previously written paper and then be invited to participate in a timed essay.

Kyle Darpel has shown great analytical and writing skills in his submitted paper. I am impressed by the excellence Kyle has displayed, and I am confident that he will have success in greater challenges in the future.

Mr. President, I would like to thank Kyle Darpel for his contribution to the Commonwealth of Kentucky and wish him the best of luck in their future endeavors.●

TRIBUTE TO J. MARI LYNN THOMPSON

• Mr. BUNNING. Mr. President, today I invite my colleagues to join me in congratulating J. Mari Lynn Thompson from Sacred Heart Academy, Louisville, KY, for receiving the Achievement Award in writing. This year only 525 students around the country were recipients of this award.

The Achievement Award in writing is given to students who show excellence in English and writing. To be eligible for the award, students must submit a previously written paper and then be invited to participate in a timed essay.

J. Mari Lynn Thompson has shown great analytical and writing skills in her submitted paper. I am impressed by the excellence she has displayed, and I am confident that she will have success in greater challenges in the future.

Mr. President, I would like to thank J. Mari Lynn Thompson for her contribution to the Commonwealth of Kentucky and wish her the best of luck in her future endeavors.●

TRIBUTE TO CHRISTOPHER G. CAINE

• Mr. LIEBERMAN. Mr. President, I wish today to honor Christopher G. Caine, who will be leaving International Business Machines, IBM, Corporation after 25 years.

For the past 13 years, Chris has served as IBM's vice president for governmental programs. At this position, Chris has had responsibility for all global public policy issues that impact the IBM Corporation. He represented IBM at a number of policy and economic forums that addressed critical issues in the emerging global economy, including the 2004 National Intelligence

Council Conference convened by the Center for Strategic and International Studies; the 2003 World Knowledge Forum in Seoul, Korea; the 2003 World Economic Forum; and events put on by the Shanghai International Forum and the Congressional Black Caucus.

Before taking his current position, Chris served as IBM's director of Human Resources and Environmental Policy, where he worked on a variety of domestic policy issues including health-care reform, labor, personnel, health and safety, environment, and energy. Prior to that, he worked in a variety of government relations capacities for IBM as well as Coca Cola, the Eaton Corporation, and the Electronic Industries Association.

In addition to his professional success, Chris has taken the time to use his skills and expertise for public service. He currently serves on the State Department's Advisory Committees on International Economic Policy and International Communication and Information Policy, where he shares his expertise on global economic issues with our country's top foreign policymakers. He was appointed by then-Governor MARK WARNER to the Virginia Information Technology Investment Board, which works to provide the Commonwealth's government with information technology that will improve efficiency, safeguard important information, and enable the government to better serve the public. He also serves on the advisory boards of the Global Strategy Institute, Ford's Theatre, the Constitution Project, and Brainfood.

Last year, Chris established the Caine's Scholar Award for Global Leadership, Business and Policy at Lafayette College, where he earned his bachelor's degree. This award provides recipients, who are enrolled in Lafayette's policy studies program, a stipend for a summer internship experience. Chris has stated that he created this award with the hope that it will help develop a new generation of leaders that have an appreciation for public policy and business in a global environment.

Looking forward, Chris plans to start his own professional service firm, which will help its clients engage and succeed in our increasingly global economy. If Chris can provide his new clients with the same level of service he gave to IBM and his previous employers, I am confident that his new venture will be a resounding success.

I offer my congratulations and sincere best wishes to Christopher Caine, his wife Betsy, and their two children as he prepares for this exciting new phase in his life.●

REMEMBERING CHIEF MASTER SERGEANT PAUL WESLEY AIREY

• Mr. NELSON of Florida. Mr. President, on March 11, 2009, our Nation lost

a true American hero, the Air Force's first chief master sergeant, Paul Wesley Airey.

During his 27 years of service, Chief Airey served during both World War II and Korea and earned numerous awards and decorations: the Meritorious Service Medal, the Air Medal with oak leaf cluster, the Air Force Commendation Medal, the POW medal, and the Legion of Merit with oak leaf cluster.

During World War II, Chief Airey served as an aerial gunner on B-24 bombers and became a prisoner of war from July 1944 to May 1945.

After serving during Korea, Chief Airey became first sergeant for the Air Defense Command's 4756th Civil Engineering Squadron at Tyndall Air Force Base, FL, where he retired on August 1, 1970.

Grace and I would like to extend our most sincere condolences to the family of this American hero, including retired CMSgt Dale Airey, who followed in his father's footsteps.

Chief Airey is among the most respected and iconic figures in the Air Force. He dedicated his life to the protection of this country, and for that we honor his memory.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1512. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 651. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive bonuses paid by, and received from, companies receiving Federal emergency economic assistance, to limit the amount of nonqualified deferred compensation that employees of such companies may defer from taxation, and for other purposes.

H.R. 1586. An act to impose an additional tax on bonuses received from certain TARP recipients.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes (Rept. No. 111-10).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 256. A bill to enhance the ability to combat methamphetamine.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS:

S. 664. A bill to create a systemic risk monitor for the financial system of the United States, to oversee financial regulatory activities of the Federal Government, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD:

S. 665. A bill to allow modified bloc voting by cooperative associations of milk producers in connection with a referendum on Federal milk marketing order reform; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD:

S. 666. A bill to prohibit products that contain dry ultra-filtered milk products, milk protein concentrate, or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD:

S. 667. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for Class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 668. A bill to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURR (for himself, Mr. WEBB, Mr. GRAHAM, Mr. WICKER, Mr. COBURN, Mr. DEMINT, Mr. ROBERTS, Mr. GRASSLEY, Mr. VITTER, Mr. ENZI, Mr. INHOFE, Mr. ENSIGN, Mr. CRAPO, Mr. COCHRAN, Ms. MURKOWSKI, and Mr. THUNE):

S. 669. A bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes; to the Committee on Veterans' Affairs.

By Mr. HARKIN (for himself, Mr. LAUTENBERG, Mr. LEAHY, and Mr. DURBIN):

S. 670. A bill to amend title XIX of the Social Security Act to encourage States to provide pregnant women enrolled in the Medicaid program with access to comprehensive tobacco cessation services; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. BARRASSO, Mr. DURBIN, Mr. INOUE, and Mr. WYDEN):

S. 671. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself and Mr. KERRY):

S. Res. 81. A resolution supporting the goals and ideals of World Water Day; to the Committee on Foreign Relations.

By Mr. SPECTER (for himself, Mr. DURBIN, Mr. KERRY, Mr. LIEBERMAN, Mr. CASEY, Mr. LAUTENBERG, Mr. CARDIN, Ms. SNOWE, Mr. BINGAMAN, Mr. WHITEHOUSE, Mr. REED, Mr. VOINOVICH, Mr. MENENDEZ, Mr. BEGICH, Mr. MARTINEZ, Mr. LEVIN, Mr. CHAMBLISS, Mrs. FEINSTEIN, Mr. COCHRAN, Mr. FEINGOLD, Ms. MIKULSKI, Mr. KENNEDY, Ms. LANDRIEU, Mr. DODD, Mr. GREGG, Mr. BENNETT, Mr. CARPER, Ms. STABENOW, Mr. GRASSLEY, Mr. KOHL, Mr. RISCH, Mr. INOUE, Mr. ROCKEFELLER, Mr. ISAKSON, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. LUGAR, Mr. NELSON of Florida, and Mr. JOHNSON):

S. Res. 82. A resolution recognizing the 188th anniversary of the independence of Greece and celebrating Greek and American democracy; considered and agreed to.

By Mr. BROWN:

S. Con. Res. 12. A concurrent resolution recognizing and honoring the signing by President Abraham Lincoln of the legislation authorizing the establishment of collegiate programs at Gallaudet University; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. SCHUMER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 27, a bill to establish the Daniel Webster Congressional Clerkship Program.

S. 244

At the request of Mrs. MURRAY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 244, a bill to expand programs of early childhood home visitation that in-

crease school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 257

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 257, a bill to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, and for other purposes.

S. 277

At the request of Mrs. HAGAN, her name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 277, *supra*.

S. 301

At the request of Mr. GRASSLEY, the names of the Senator from Missouri (Mrs. McCASKILL), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 301, a bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, biologicals, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP.

S. 307

At the request of Mr. WYDEN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 307, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

S. 343

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 343, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage services of qualified respiratory therapists performed under the general supervision of a physician.

S. 353

At the request of Mr. BROWN, the name of the Senator from Alaska (Mr.

BEGICH) was added as a cosponsor of S. 353, a bill to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia.

S. 384

At the request of Mr. LUGAR, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 424

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 448

At the request of Mr. SPECTER, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 448, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 450

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 450, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 451

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 454

At the request of Mr. LEVIN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 454, a bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

S. 464

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 464, a

bill to amend the National and Community Service Act of 1990 to improve the educational awards provided for national service, and for other purposes.

S. 466

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 466, a bill to amend the National and Community Service Act of 1990 to establish a Summer of Service State grant program, a Summer of Service national direct grant program, and related national activities, and for other purposes.

S. 468

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 468, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 491

At the request of Mr. WEBB, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 500

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 500, a bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions.

S. 525

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 525, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 535

At the request of Mr. NELSON of Florida, the names of the Senator from Illinois (Mr. BURRIS), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 541

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 541, a bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes.

S. 543

At the request of Mr. DURBIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 543, a bill to require a pilot program on training, certification, and support for family caregivers of seriously disabled veterans and members of the Armed Forces to provide caregiver services to such veterans and members, and for other purposes.

S. 546

At the request of Mr. REID, the names of the Senator from Montana (Mr. TESTER) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 556

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 556, a bill to amend chapter 44 of title 18, United States Code, to modernize the process by which interstate firearms transactions are conducted by Federal firearms licensees.

S. 567

At the request of Mr. CRAPO, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 567, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 574

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 574, a bill to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

S. 582

At the request of Mr. SANDERS, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Iowa (Mr. HARKIN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 582, a bill to amend the Truth in Lending Act to protect consumers from usury, and for other purposes.

S. 605

At the request of Mr. KAUFMAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 605, a bill to require the Securities and Exchange Commission to reinstate the uptick rule and effectively regulate abusive short selling activities.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 622

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 622, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 631

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 631, a bill to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 656

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents.

S. 659

At the request of Mr. ALEXANDER, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 659, a bill to improve the teaching and learning of American history and civics.

S. 661

At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 661, a bill to strengthen American manufacturing through improved industrial energy efficiency, and for other purposes.

S. RES. 72

At the request of Mr. MENENDEZ, the names of the Senator from Florida (Mr. NELSON) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 72, a resolution expressing the sense of the Senate regarding drug trafficking in Mexico.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS:

S. 664. A bill to create a systemic risk monitor for the financial system of the United States, to oversee financial regulatory activities of the Federal Government, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. COLLINS. Mr. President, at the heart of the deep recession is a crisis in our financial system that has choked off credit upon which the health of our economy depends. With their jobs disappearing and their life savings evaporating, the American people rightly ask why the Federal Government failed to protect them from Wall Street's greed, unwise decisions, and manipulations that have caused so much harm.

As a former Maine financial regulator, I am convinced regulatory reform is essential to restoring public confidence in our financial markets. America's main street small businesses, homeowners, employees, savers, and investors deserve the protection of a new regulatory system that modernizes regulatory agencies, sets safety and soundness requirements for financial institutions to prevent excessive risk-taking, and improves oversight, accountability, and transparency.

To achieve those goals, I am introducing the Financial System Stabilization and Reform Act of 2009. This legislation will fundamentally restructure our financial regulatory system. It will strengthen oversight and accountability in our financial markets, and it would help rebuild the confidence of our citizens in our economy and help restore stability to our financial markets.

Mr. President, as financial institutions speculated in increasingly risky products and practices, not one of the hundreds of Federal and State agencies involved in financial regulation was responsible for detecting and assessing the risk to the system as a whole. The financial sector was gambling on the rise of the housing market, yet no single regulator could see that everyone, from mortgage brokers to credit default swap traders, was betting on a bubble that was about to burst. Instead, each agency viewed its regulated market through a narrow lens, missing the total risk that permeated our financial markets.

In order to prevent this problem from recurring, a single financial regulator must be tasked with understanding the full range of risks our financial system faces. This regulator also must have the authority to take proactive steps to prevent or minimize systemic risk.

This is an urgent need. Unemployment reached 7.8 percent in my home State in January. Last month, the national unemployment rate hit 8.1 percent, the highest in 25 years. Earlier

this month, the Federal Reserve reported that the net worth of American households plummeted by more than \$11 trillion in 2008, a staggering drop of nearly 20 percent, the most in 63 years. And, at the same time, court proceedings and congressional hearings on the Bernie Madoff case revealed that this multibillion-dollar Ponzi scheme of nonexistent transactions and fraudulent statements was perpetrated for years under the very noses of the Federal agencies that should have stopped it.

The American people need more than words of optimism or promises of a turnaround. With their jobs lost or in jeopardy, with their financial plans in ruin, and now with their hard-earned tax dollars on the line to clean up the mess, they need reforms. They need action.

The American people are angry, and rightfully so. They are angry because the current crisis was not created from their own bad investments or decisions, but by those on Wall Street who concocted complicated financial instruments that ended up backfiring. Investment firms borrowed to the hilt when they did not have the resources to do so.

When the average American decides to purchase a security on credit, margin requirements dictate that he or she put up at least 50 percent of its value in cash. But investment banks did not have to play by the same rules when they bought for their own accounts. And they took advantage of this system.

Indicative of the extent of the borrowing, Bear Stearns had a leverage ratio of 35 to 1, which means the firm borrowed \$35 for every dollar of its own money. For example, suppose your net worth is a dollar and you combine that dollar with \$35 in borrowed money to buy an asset worth \$36. If the value of that asset declines by only \$2, to \$34, you are now bankrupt. This is exactly what happened to Bear Stearns and other investment banks.

Since last spring, the Homeland Security and Governmental Affairs Committee, on which I serve as ranking member, has held a series of hearings on the roots of the present crisis. We began by looking at the derivatives and commodity markets and more recently looked at the steps that can be taken to protect our Nation's financial system as a whole by creating a systemic-risk regulator. The many expert witnesses who have appeared before us have described how our financial system was destabilized by a combination of reckless lending, complex new instruments, securitization of assets, poor disclosure and understanding of risks, excessive leverage, and inadequate regulation.

Our witnesses were in wide agreement that the mounting risk went virtually undetected by the vast network

of Federal and State regulatory agencies. As the Government Accountability Office put it in a recent report to the committee, "it has become apparent that the regulatory system is ill-suited to meet the nation's needs in the 21st century." To meet this challenge, Federal Reserve Chairman Bernanke said recently:

We must have a strategy that regulates the financial system as a whole, in a holistic way, not just its individual components.

This statement confirms a view that I find inescapable, our current system suffers from regulatory gaps that pose enormous risks to our entire economy. The holistic approach recommended by Chairman Bernanke is the guiding principle of the comprehensive legislation I introduce today. Like legislation I introduced last fall, this bill would also regulate Wall Street investment banks for safety and soundness and close the gap that has allowed credit default swaps and other financial instruments to escape regulation by both Federal and State regulators.

To ensure a systemic approach to Federal financial regulation, this legislation calls for the creation of an independent financial stability council to serve as a "systemic-risk regulator." The council would maintain comprehensive oversight of all potential risks to the financial system, and would have the power to act to prevent or mitigate those risks. The financial stability council would be composed of representatives from existing Federal agencies which now have the responsibility to oversee segments of the financial system—the Federal Reserve; the Treasury Department; the Securities and Exchange Commission; the Commodity Futures Trading Commission; the Federal Deposit Insurance Corporation; and the National Credit Union Administration.

The council would be led by a chairman nominated by the President and confirmed by the Senate, with the responsibility for the day-to-day operations of the council. The chairman would be required to appear before Congress twice a year to report on the state of the country's financial system, areas in which systemic risk are anticipated, and whether any legislation is needed for the council to carry out its mission of preventing systemic risks.

Witnesses who have appeared before our committee have stressed the need to ensure that the systemic-risk regulator has the responsibility and the authority to ensure that risks to our financial system are identified and addressed. If it is not clear who has that responsibility, then agencies will dig in their heels and resist changes they do not agree with, and engage in finger-pointing when things go bad. At the same time, other witnesses have stressed the dangers of consolidating too much power in the hands of a single regulator and the need to maintain

the level of oversight Congress has historically exercised with respect to financial market regulation.

The financial stability council created by this legislation balances these concerns. As Damon Silvers, the AFL-CIO representative on the TARP congressional oversight panel, testified before our committee earlier this month:

[T]he best approach is a body made up of the key regulators. . . . It is unlikely a systemic risk regulator would develop deep enough expertise on its own. . . . To be effective it would need to cooperate. . . . with all the routine regulators where the relevant expertise would be resident. . . .

Former Senator John Sununu, another member of the congressional oversight panel, recognized that "systemic risk can materialize in a broad range of areas within our financial system. . . . Thus, it is impractical, and perhaps a dangerous concentration of power, to give one single regulator the power to set or modify any and all standards relating to such risk. Systemic risk oversight and management must be a collaborative effort. . . ."

The financial stability council will be the primary entity responsible for detecting systemic risk and implementing the steps necessary to protect against that risk. The key to such a structure, I believe, is to ensure that the council is headed by a chairman confirmed by the Senate and subject to oversight by Congress, who is dedicated entirely to the mission of the council, and who does not carry a bias in favor of any particular agency on the council.

Some have suggested that the Federal Reserve play the role of systemic-risk regulator. That is not what my bill contemplates. The chairman of the Federal Reserve will be a member of the council, and of course, the Nation's top banker will play a critical role in how the council discharges its responsibilities. But in my view, the Federal Reserve already has enough on its plate, and does not need additional, heavy responsibilities. I should add that nothing in my bill alters the Federal Reserve's role with respect to monetary policy in any way.

This bill, however, would apply safety and soundness regulation to investment bank holding companies by assigning the Federal Reserve this responsibility. Although the five big firms have left the field, this is a necessary step. Any new investment bank would fall into the same regulatory void as its predecessors. The SEC would be able to regulate its broker-dealer operations, but no agency would have the explicit authority to examine its operations for safety and soundness or for systemic risk. The collapses at Bear Stearns and Lehman Brothers illustrate the tremendous costs that can be inflicted if these investment banks are not regulated for safety and soundness. Under this legislation, the coun-

cil's role as the systemic-risk regulator will support the critical importance of the Federal Reserve's safety and soundness duties.

Under my bill, whenever the financial stability council believes that a risk to the financial system is present due to a lack of proper regulation, or by the appearance of new and unregulated financial products or services, it would have the power to propose changes to regulatory policy, using the statutory authority provided to our existing Federal financial regulatory agencies.

The financial stability council will have the power to obtain information directly from any regulated provider of financial products and, in limited form, from State regulators regarding the solvency of State-regulated insurers. The council will also be able to propose regulations of financial instruments which are designed to look like insurance products, but that in reality are financial products which could present a systemic risk. But—and I want to stress this point—my bill does not preempt State law governing traditional insurance products.

In keeping with the recommendations of the experts who testified before our committee, the bill provides the council with the power to adopt rules designed to address the "too big to fail" problem. How often we have heard that term lately. We hear financial experts and Federal officials telling us we have to continue to bail out large institutions like AIG because they are "too big to fail." We need to remedy this problem so we don't find ourselves in the same situation a decade from now. This bill provides the council with the power to adopt rules designed to discourage financial institutions from becoming "too big to fail" or to regulate them appropriately if they become what we call "systemically important financial institutions." The need to regulate how these systemically important financial institutions, or "SIFIs," invest their own capital was not previously recognized. Indeed, the prevailing attitude was that if firms failed because of bad investments, possibly bringing some of their creditors down with them, that was how the market was supposed to work. In true Darwinian fashion, eliminating firms with less investment acumen would only serve to strengthen American capitalism. We now know the fallacy of that reasoning, and it has been a very painful lesson, for it is not just the large investment houses that are hurt, but average Americans from Maine to California also suffer.

Under this legislation the council would help make sure financial institutions do not become "too big to fail" by imposing different capital requirements on them as they grow in size, raising their risk premiums, or requiring them to hold a larger percentage of

their debt as long-term debt. The TARP congressional oversight panel adopted this position, explaining:

We should not identify specific institutions in advance as too big to fail, but rather have a regulatory framework in which institutions have higher capital requirements and pay more on insurance funds on a percentage basis than smaller institutions which are less likely to be rescued as being too systemic to fail.

I want to make clear, though, that the power this bill provides to the council is not meant to restrict financial institutions from growing in size, but rather from becoming risks to the system as a whole.

The bill also provides the council with authority to address so-called regulatory "black holes," created by new and imaginative financial instruments that do not fall within the jurisdictional authority of any Federal financial regulatory agency. Credit default swaps are a perfect example of this problem. Prior to 2000, credit default swaps existed in a regulatory limbo. Neither the SEC nor the CFTC were willing to exert authority over the credit default swap market. As a result, they fell through the jurisdictional cracks. Congress then compounded the problem by explicitly exempting credit default swaps from regulation under the Commodity Futures Modernization Act of 2000.

As was the case with AIG, serious problems can arise when a major "credit event" suddenly reveals that massive claims for collateral posting or payment are converging on credit default swap parties who cannot meet their obligations. But because the market was bilateral and over-the-counter, it was often impossible for regulators—and even market participants—to know in advance how all the tangled webs of contract commitments overlapped and affected any particular party. Under the current system which lacks a systemic-risk regulator, regulators at times lack the authority to take action against excessive debt, inadequate reserves, and other threats, even when they see them occurring.

This legislation specifically addresses the credit default swap problem by repealing the exemption from regulation that Congress created for these instruments in 2000, and by setting up a government-regulated clearinghouse.

But beyond credit default swaps, risky new financial instruments could still avoid the reach of our regulatory system. For that reason, my legislation provides the council with the power to propose regulations and legislation governing the sale or marketing of any financial instrument which would fall into a "black hole," and would otherwise present a systemic risk to the financial systems of the United States if left unmonitored.

Professor Howell Jackson, the acting dean of Harvard Law School, discussed this "black hole" problem in his testi-

mony to our committee early this year. He stated that the underlying issue is that "well-advised financial services firms are capable of exploiting the legalistic boundaries of jurisdictional authority that characterize our system of financial regulation. Without broad jurisdictional mandates, our financial regulators will remain at a serious disadvantage in setting policy for new financial products and risks."

Finally, my bill will merge the Office of Thrift Supervision, OTS, into the Office of the Comptroller of the Currency, OCC. Secretary Paulson recommended this merger in the plan he released last year, and 2 years ago, John Dugan, the U.S. Comptroller, said that such a merger would be "appropriate and healthy." There are currently at least four agencies involved in bank regulation, including the FDIC, the Federal Reserve, and the OCC and OTC. Consolidating and reducing the number of banking regulators would improve the efficiency and effectiveness of this system.

OTS is the best candidate for several reasons, including that many of its largest regulated entities, thrifts, have either collapsed or been acquired in the midst of the financial crisis—such as Washington Mutual and Indy Mac. And in the last 4 months, the inspector general for Treasury has raised serious questions about the objectivity and effectiveness of OTS's supervision of the largest thrifts.

Mr. President, the regulatory reforms in this legislation are absolutely essential to restoring public confidence in our financial markets. We have relied too long on a patchwork of regulatory agencies that is incapable of understanding or controlling risks to the system as a whole. The overarching purpose of this legislation is to ensure that, as the financial-services industry becomes ever more global and complex, those in government, responsible for overseeing the system's stability, can see the whole picture. We are in this crisis precisely because firms, whether for good or bad, exploited legal boundaries, risky financial instruments fell beyond the reach of regulators, and institutions doomed to fail grew too big to fail.

Honest savers, borrowers, investors, Main Street businesses, and responsible financial institutions deserve a regulatory system suited to demands of modern times, where dangerous gaps are closed, and where risky transactions are identified and controlled before they pose a threat to the markets as a whole. These reforms must be made to restore the confidence necessary to stabilize our financial markets. That is what this legislation aims to do, and I urge my colleagues to support it.

By Mr. FEINGOLD:

S. 665. A bill to allow modified bloc voting by cooperative associations of

milk producers in connection with a referendum on Federal milk marketing order reform; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, the first day of spring is appropriately also National Agriculture Day and a time to recognize the important contribution made by farmers, ranchers and the agriculture industry that is largely responsible for putting food on the table and clothes on our backs. Agriculture is critically important to both our Nation and Wisconsin. Over 22 million Americans and 420,000 Wisconsinites are employed by farms or agriculture related businesses. Approximately a fifth of U.S. gross domestic product is linked to agriculture and Wisconsin's farms and farm-related businesses create \$51.5 billion in economic activity each year.

Unfortunately, Agriculture Day this year comes at an unusually stressful time for the farm community. Even for an industry used to ups and downs from a variety of sources, the recent problems associated with the global economic troubles are taxing farmers and agriculture in general more than usual. Dairy farmers have been particularly hard hit recently, with the price they receive for their milk having fallen by 50 percent or more since last year. While I was glad that the dairy safety net or Milk Income Loss Contract program was reauthorized and improved during the farm bill, the dramatic drop in prices combined with relatively high input costs will mean that many dairy farmers are not coming close to covering their expenses even with the safety net.

Given these serious challenges facing dairy farmers, on January 30, 2009, I sent a letter with Senator KOHL and 33 other Senators to U.S. Department of Agriculture, USDA, Secretary Tom Vilsack that calls on the USDA to take a series of actions to protect the industry from instability. This geographically diverse group of senators is asking the USDA to more fully utilize existing programs like the Dairy Product Price Support Program, DPPSP, and the Dairy Export Incentive Program, to reverse the outgoing administration's recent decision to halt purchases of value-added dairy products by the DPPSP, and to help more low-income individuals, food banks and schools gain access to nutritious dairy products.

As Americans and businesses are feeling the impact of the current economic troubles and sometimes falling behind on payments, farmers across the country are increasingly facing the same prospect as well. This is one reason I supported \$193 million for Farm Service Agency farm loans and loan restructuring as part of the American Recovery and Reinvestment Act, P.L. 111-5, also known as the stimulus bill—to ensure that credit for farmers is

available during these difficult times. Also along these lines, on March 5, 2009, I sent a letter with Senators BROWN, KOHL, GILLIBRAND and 15 other Senators urging the Obama administration to help reduce farm foreclosures related to the troubled economy. The letter to Agriculture Secretary Tom Vilsack and Treasury Secretary Tim Geithner called for additional requirements for banks and other financial institutions that have taken Federal bailout funds to work with farmers to restructure farm loans to help keep them in their homes and businesses. These conditions would mirror requirements that are already in place on farm loans supported by the USDA Farm Service Agency and the requirements being developed for home loans held by these same lenders that have taken bailout funds. While I did not support the flawed bailout bill, I believe it is essential that bailout funds be used as much as possible to help consumers, farmers, home-owners and others feeling the pain of the economic crisis we are in.

In addition to focusing resources to help farmers and others in agriculture ride out the current economic storm, it is still important to seek solutions to long term inequities in agriculture. I have been particularly concerned about the increasing concentration in agriculture sectors and the potential for this market power to be used unduly against farmers and small independent businesses. During a Senate Judiciary Committee hearing on March 10, 2009, I discussed the grave concerns of Wisconsin farmers about slumping dairy prices and the Bush administration's failure to take action against anti-competitive behavior in the agriculture industry. Under my questioning, Christine Anne Varney, the nominee to be Assistant Attorney General of the Antitrust Division in the Department of Justice, committed, if she is confirmed, to make agriculture a priority of the Antitrust Division. She indicated that she will examine questionable antitrust decisions of the Bush administration and order a thorough review of slumping farm-level dairy prices, which do not appear to be reflected in retail prices paid by consumers.

Even with the troubles currently facing agriculture, farmers, and agriculture are resilient and entrepreneurial. I am certain that these individuals and businesses will bounce back and continue to push for more opportunities for farmers, agriculture and the rural communities that depend on them. Wisconsin's diverse agricultural producers—from ginseng growers to cheese makers to cranberry growers and everything in between—are rightly proud of their work and look for ways to differentiate themselves and add value whether it is through country-of-origin or other labeling, converting to

organic production or other measures. During debate on the farm bill, I was glad to support federal programs such as organic programs, Value-Added Producer Grants and the Rural Micro-entrepreneur Assistance Program as ways that the federal government can support important new opportunities for farmers to improve their livelihood without drastically changing the size and methods of their production.

Of more general importance to all rural residents is closing the digital divide and providing affordable broadband Internet access to all Americans. I was glad the farm bill made improvements to the USDA broadband programs and that the American Recovery and Reinvestment Act followed this up with a commitment to spend \$7.2 billion. On March, 9, 2009, I co-signed a series of letters to the administrators of the Federal broadband programs highlighting the need to ensure that these funds are targeted toward bringing broadband and the opportunities that come with this connectivity to rural areas without service.

Finally, the first day of spring also seems like an opportune time to reintroduce some legislation related to agriculture. While I was able to include several of my proposals in the farm bill last year including a tax provision to allow farmers to remain eligible for Social Security benefits in lean years, country-of-origin labeling for ginseng, a new higher profile office at USDA for small farms, and a provision similar to a bill I had with Senator Grassley to give farmers an option to opt out of mandatory binding arbitration in contracts, I have three bills to reintroduce: The Quality Cheese Act, The Democracy for Dairy Farmers Act and the Federal Milk Marketing Reform Act.

The import of milk protein concentrates and casein, which can substitute for domestic milk in many food products, continues to put pressure on our farmers and can threaten the integrity of our dairy products. For example, concerns about the safety of imported dairy products such as the recent Chinese melamine adulteration have the potential to threaten consumer confidence even for U.S. dairy products. The Quality Cheese Act will preserve the integrity of our natural cheeses by preventing milk protein concentrates and other imported milk substitutes from ever entering cheese vats.

Under the Federal Milk Marketing Order system, the deck has been stacked against Wisconsin's dairy farmers for some time. The legacy of transportation costs being calculated for the base milk price based on the distance from Eau Claire, WI, remains a problem to this day. This rule unfairly keeps Wisconsin's milk price disproportionately low, and bears no relation to the actual costs of transpor-

tation. While I hope that the commission provided for by the farm bill can address this problem also, my Federal Milk Market Reform Act would even the playing field for Wisconsin's producers and remove this longstanding inequity.

If a dairy cooperative decides to vote on behalf of all of its members or "bloc vote," individual members have no opportunity to voice opinions separately. That seems unfair when you consider what significant issues may be at stake. The Democracy for Dairy Producers Act of 2007 is simple and fair. It provides that a cooperative cannot deny any of its members a ballot to opt to vote separately from the cooperative. It also contains safeguards to make sure that farmers have information about each vote and is structured in such a way that it will not slow down the process, and the implementation of any rule or regulation would proceed on schedule.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 668. A bill to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northwest Straits Marine Conservation Initiative Reauthorization Act of 2009".

SEC. 2. REAUTHORIZATION OF NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE ACT.

The Northwest Straits Marine Conservation Initiative Act (title IV of Public Law 105-384; 112 Stat. 3458) is amended—

(1) in section 402, by striking "(in this title referred to as the 'Commission')"; and

(2) by striking sections 403, 404, and 405 and inserting the following:

"SEC. 403. FINDINGS.

"Congress makes the following findings:

"(1) The marine waters and ecosystem of the Northwest Straits in Puget Sound in the State of Washington represent a unique resource of enormous environmental and economic value to the people of the United States.

"(2) During the 20th century, the environmental health of the Northwest Straits declined dramatically as indicated by impaired water quality, declines in marine wildlife, collapse of harvestable marine species, loss of critical marine habitats, ocean acidification, and sea level rise.

"(3) At the start of the 21st century, the Northwest Straits have been threatened by sea level rise, ocean acidification, and other effects of climate change.

“(4) In 1998, the Northwest Straits Marine Conservation Initiative Act (title IV of Public Law 105-384) was enacted to tap the unprecedented level of citizen stewardship demonstrated in the Northwest Straits and create a mechanism to mobilize public support and raise capacity for local efforts to protect and restore the ecosystem of the Northwest Straits.

“(5) The Northwest Straits Marine Conservation Initiative helps the National Oceanic and Atmospheric Administration and other Federal agencies with their marine missions by fostering local interest in marine issues and involving diverse groups of citizens.

“(6) The Northwest Straits Marine Conservation Initiative shares many of the same goals with the National Oceanic and Atmospheric Administration, including fostering citizen stewardship of marine resources, general ecosystem management, and protecting Federally managed marine species.

“(7) Ocean literacy and identification and removal of marine debris projects are examples of on-going partnerships between the Northwest Straits Marine Conservation Initiative and the National Oceanic and Atmospheric Administration.

“SEC. 404. DEFINITIONS.

“In this title:

“(1) **COMMISSION.**—The term ‘Commission’ means the Northwest Straits Advisory Commission established by section 402.

“(2) **INDIAN TRIBE.**—The term ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(3) **NORTHWEST STRAITS.**—The term ‘Northwest Straits’ means the marine waters of the Strait of Juan de Fuca and of Puget Sound from the Canadian border to the south end of Snohomish County.

“SEC. 405. MEMBERSHIP OF THE COMMISSION.

“(a) **COMPOSITION.**—The Commission shall be composed of up to 14 members who shall be appointed as follows:

“(1) One member appointed by a consensus of the members of a marine resources committee established under section 408 for each of the following counties of the State of Washington:

“(A) San Juan County.

“(B) Island County.

“(C) Skagit County.

“(D) Whatcom County.

“(E) Snohomish County.

“(F) Clallam County.

“(G) Jefferson County.

“(2) Two members appointed by the Secretary of the Interior in trust capacity and in consultation with the Northwest Indian Fisheries Commission or the Indian tribes affected by this title collectively, as the Secretary of the Interior considers appropriate, to represent the interests of such tribes.

“(3) One member appointed by the Governor of the State of Washington to represent the interests of the Puget Sound Partnership.

“(4) Four members appointed by the Governor of the State of Washington who—

“(A) are residents of the State of Washington; and

“(B) are not employed by a Federal, State, or local government.

“(b) **VACANCIES.**—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

“(c) **CHAIRPERSON.**—The Commission shall select a Chairperson from among its members.

“(d) **MEETING.**—The Commission shall meet at the call of the Chairperson, but not less frequently than quarterly.

“(e) **LIAISON.**—The Secretary of Commerce shall, acting through the Under Secretary for Oceans and Atmosphere and in consultation with the Director of the Commission appointed under section 407(a), appoint an employee of the National Oceanic and Atmospheric Administration—

“(1) to serve as a liaison among the Commission and the Department of Commerce; and

“(2) to attend meetings and other events of the Commission as a nonvoting participant.

“SEC. 406. GOAL AND DUTIES OF THE COMMISSION.

“(a) **GOAL.**—The goal of the Commission is to protect and restore the marine waters, habitats, and species of the Northwest Straits region to achieve ecosystem health and sustainable resource use by—

“(1) designing and initiating projects that are driven by sound science, local priorities, community-based decisions, and the ability to measure results;

“(2) building awareness and stewardship and making recommendations to improve the health of the Northwest Straits marine resources;

“(3) maintaining and expanding diverse membership and partner organizations;

“(4) expanding partnerships with governments of Indian tribes and continuing to foster respect for tribal cultures and treaties; and

“(5) recognizing the importance of economic and social benefits that are dependent on marine environments and sustainable marine resources.

“(b) **DUTIES.**—The duties of the Commission are the following:

“(1) To provide resources and technical support for marine resources committees established under section 408.

“(2) To work with such marine resources committees and appropriate entities of Federal and State governments and Indian tribes to develop programs to monitor the overall health of the marine ecosystem of the Northwest Straits.

“(3) To identify factors adversely affecting or preventing the restoration of the health of the marine ecosystem and coastal economies of the Northwest Straits.

“(4) To develop scientifically sound restoration and protection recommendations, informed by local priorities, that address such factors.

“(5) To assist in facilitating the successful implementation of such recommendations by developing broad support among appropriate authorities, stakeholder groups, and local communities.

“(6) To develop and implement regional projects based on such recommendations to protect and restore the Northwest Straits ecosystem.

“(7) To serve as a public forum for the discussion of policies and actions of Federal, State, or local government, an Indian tribe, or the Government of Canada with respect to the marine ecosystem of the Northwest Straits.

“(8) To inform appropriate authorities and local communities about the marine ecosystem of the Northwest Straits and about issues relating to the marine ecosystem of the Northwest Straits.

“(9) To consult with all affected Indian tribes in the region of the Northwest Straits to ensure that the work of the Commission does not violate tribal treaty rights.

“(c) **BENCHMARKS.**—The Commission shall carry out its duties in a manner that promotes the achieving of the benchmarks described in subsection (f)(2).

“(d) **COORDINATION AND COLLABORATION.**—The Commission shall carry out the duties described in subsection (b) in coordination and collaboration, when appropriate, with Federal, State, and local governments and Indian tribes.

“(e) **REGULATORY AUTHORITY.**—The Commission shall have no power to issue regulations.

“(f) **ANNUAL REPORT.**—

“(1) **IN GENERAL.**—Each year, the Commission shall prepare, submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Under Secretary for Oceans and Atmosphere, and make available to the public an annual report describing—

“(A) the activities carried out by the Commission during the preceding year; and

“(B) the progress of the Commission in achieving the benchmarks described in paragraph (2).

“(2) **BENCHMARKS.**—The benchmarks described in this paragraph are the following:

“(A) Protection and restoration of marine, coastal, and nearshore habitats.

“(B) Prevention of loss and achievement of a net gain of healthy habitat areas.

“(C) Protection and restoration of marine populations to healthy, sustainable levels.

“(D) Protection of the marine water quality of the Northwest Straits region and restoration of the health of marine waters.

“(E) Collection of high-quality data and promotion of the use and dissemination of such data.

“(F) Promotion of stewardship and understanding of Northwest Straits marine resources through education and outreach.

“SEC. 407. COMMISSION PERSONNEL AND ADMINISTRATIVE MATTERS.

“(a) **DIRECTOR.**—The Manager of the Shorelands and Environmental Assistance Program of the Department of Ecology of the State of Washington may, upon the recommendation of the Commission and the Director of the Padilla Bay National Estuarine Research Reserve, appoint and terminate a Director of the Commission. The employment of the Director shall be subject to confirmation by the Commission.

“(b) **STAFF.**—The Director may hire such other personnel as may be appropriate to enable the Commission to perform its duties. Such personnel shall be hired through the personnel system of the Department of Ecology of the State of Washington.

“(c) **ADMINISTRATIVE SERVICES.**—If the Governor of the State of Washington makes available to the Commission the administrative services of the State of Washington Department of Ecology and Padilla Bay National Estuarine Research Reserve, the Commission shall use such services for employment, procurement, grant and fiscal management, and support services necessary to carry out the duties of the Commission.

“SEC. 408. MARINE RESOURCES COMMITTEES.

“(a) **IN GENERAL.**—The government of each of the counties referred to in subparagraphs (A) through (G) of section 405(a)(1) may establish a marine resources committee that—

“(1) complies with the requirements of this section; and

“(2) receives from such government the mission, direction, expert assistance, and financial resources necessary—

“(A) to address issues affecting the marine ecosystems within its county; and

“(B) to work to achieve the benchmarks described in section 406(f)(2).

“(b) **MEMBERSHIP.**—

“(1) IN GENERAL.—Each marine resources committee established pursuant to this section shall be composed of—

“(A) members with relevant scientific expertise; and

“(B) members that represent balanced representation, including representation of—

“(i) local governments, including planning staff from counties and cities with marine shorelines;

“(ii) affected economic interests, such as ports and commercial fishers;

“(iii) affected recreational interests, such as sport fishers; and

“(iv) conservation and environmental interests.

“(2) TRIBAL MEMBERS.—With respect to a county referred to in subparagraph (A) through (G) of section 405(a)(1), each Indian tribe with usual and accustomed fishing rights in the waters of such county and each Indian tribe with reservation lands in such county, may appoint one member to the marine resources committee for such county. Such member may be appointed by the respective tribal authority.

“(3) CHAIRPERSON.—

“(A) IN GENERAL.—Each marine resources committee established pursuant to this section shall select a chairperson from among members by a majority vote of the members of the committee.

“(B) ROTATING POSITION.—Each marine resources committee established pursuant to this section shall select a new chairperson at a frequency determined by the county charter of the marine resources committee to create a diversity of representation in the leadership of the marine resources committee.

“(c) DUTIES.—The duties of a marine resources committee established pursuant to this section are the following:

“(1) To assist in assessing marine resource problems in concert with governmental agencies, tribes, and other entities.

“(2) To assist in identifying local implications, needs, and strategies associated with the recovery of Puget Sound salmon and other species in the region of the Northwest Straits listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in coordination with Federal, State, and local governments, Indian tribes, and other entities.

“(3) To work with other entities to enhance the scientific baseline and monitoring program for the marine environment of the Northwest Straits.

“(4) To identify local priorities for marine resource conservation and develop new projects to address those needs.

“(5) To work closely with county leadership to implement local marine conservation and restoration initiatives.

“(6) To coordinate with the Commission on marine ecosystem objectives.

“(7) To educate the public and key constituencies regarding the relationship between healthy marine habitats, harvestable resources, and human activities.

“SEC. 409. NORTHWEST STRAITS MARINE CONSERVATION FOUNDATION.

“(a) ESTABLISHMENT.—The Director of the Commission and the Director of the Padilla Bay National Estuarine Research Reserve may enter into an agreement with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to establish a nonprofit foundation to support the Commission and the marine resources committees established under section 408 in carrying out their duties under this Act.

“(b) DESIGNATION.—The foundation authorized by subsection (a) shall be known as the

‘Northwest Straits Marine Conservation Foundation’.

“(c) RECEIPT OF GRANTS.—The Northwest Straits Marine Conservation Foundation may, if eligible, apply for, accept, and use grants awarded by Federal agencies, States, local governments, regional agencies, interstate agencies, corporations, foundations, or other persons to assist the Commission and the marine resources committees in carrying out their duties under this Act.

“(d) TRANSFER OF FUNDS.—The Northwest Straits Marine Conservation Foundation may transfer funds to the Commission or the marine resources committees to assist them in carrying out their duties under this Act.”.

By Mr. BURR (for himself, Mr. WEBB, Mr. GRAHAM, Mr. WICKER, Mr. COBURN, Mr. DEMINT, Mr. ROBERTS, Mr. GRASSLEY, Mr. VITTER, Mr. ENZI, Mr. INHOFE, Mr. ENSIGN, Mr. CRAPO, Mr. COCHRAN, Ms. MURKOWSKI, and Mr. THUNE):

S. 669. A bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes; to the Committee on Veterans' Affairs.

Mr. BURR. Mr. President, I rise today to again introduce bipartisan legislation that would end an arbitrary process through which our own government takes away the 2nd Amendment rights of veterans.

I am pleased to be joined by three of my fellow Veterans' Affairs Committee Members on this legislation—Senators WEBB, GRAHAM, and WICKER—and 12 other members of the Senate, all as original cosponsors.

The legislation is nearly identical to the bill I introduced last Congress under the same title. Unfortunately, after it was approved as an amendment at a Committee markup and reported to the full Senate, no further action was taken. I am hopeful that things will be different this Congress.

As most of my colleagues know, the Federal Gun Control Act prohibits the sale of firearms to certain individuals, including convicted felons, fugitives, drug users, illegal aliens, and individuals who have been “adjudicated as a mental defective.”

The Brady Handgun Violence Prevention Act requires the government to maintain a database on these individuals called the National Instant Criminal Background Check System, or “NICS”. The Brady Law and the NICS database aim to prevent those who may pose a danger to society or themselves from purchasing a firearm.

Gun shop owners reference the NICS to screen customers. Needless to say, it is a serious matter to have one's name on the NICS. Every American should expect a rigorous and fair process before their right to bear arms is taken away.

Unfortunately, when it comes to certain veterans, spouses, dependent children, and dependent parents, the process is neither rigorous nor fair.

Since 1999, VA has sent the names of 116,000 of its beneficiaries to the FBI for inclusion on the NICS.

None of these names were sent to the FBI because they were determined to be a danger to themselves or others. They were listed in NICS because they could not manage their financial affairs. We should not take away a Constitutional right because someone can't balance a checkbook or pay their bills on time.

VA's review process for assigning a fiduciary is meant to determine one's financial responsibility in managing VA-provided cash assistance such as disability compensation, pension, and other benefits.

For example, a veteran may be assigned a fiduciary if they have credit problems.

VA focuses on whether or not benefits paid by VA will be spent in the manner for which they were intended. Nothing involved with VA's appointment of a fiduciary even gets at the question of whether an individual is a danger to themselves or others, or whether the person should own a firearm.

Yet that is exactly what happens if VA appoints a fiduciary. Over 116,000 individuals have been listed in NICS since 1999 because they were appointed a fiduciary.

Again, this includes veterans, surviving spouses and, strangely enough, dependent children. That's right, a child entitled to receive survivor's compensation because their mother or father died as a result of service has their name sent to a government database filled with criminals. Even worse, the child's name stays on this list permanently unless he or she petitions to have it taken off.

This makes no sense. States have age restrictions preventing kids from purchasing firearms. VA sending the names of innocent children to Government database of criminals just because their parent died as a result of service to their country simply makes no sense, and it is downright insulting.

This process is not only arbitrary, it is unfair. Taking away a Constitutional right is a serious action and veterans should be afforded due process under the law. At the very least we should expect such decisions to be made by a competent judicial authority and not by civilian government employees.

The current process is also a double standard. Only VA beneficiaries fall under these guidelines. The Social Security Administration assigns fiduciaries to help beneficiaries, yet it does not send their names to the NICS.

Why are we singling out those who fought for this country and those who sacrificed while their spouse or parent served?

My legislation would end this arbitrary and unfair practice that strips

the finest men and women of this country of their right to bear arms. This legislation would require a judicial authority to determine that an individual is a danger to themselves or others before their 2nd Amendment rights are taken away.

I am not here to ask that we put guns in the hands of dangerous people. I am here to ask that we treat our veterans fairly and that we take their rights seriously. Many of our veterans' organizations and other groups agree.

The Veterans 2nd Amendment Protection Act has the support of the The American Legion, the Veterans of Foreign Wars of the United States, AMVETS, the Military Order of the Purple Heart, the National Alliance on Mental Illness, the National Rifle Association, and Gun Owners of America.

No matter where my colleagues fall on the gun issue, I hope we can all agree that we need a process that is consistent and fair. Our veterans took an oath to uphold the Constitution. They deserve to enjoy the rights they fought so hard to protect.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans 2nd Amendment Protection Act".

SEC. 2. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

"§5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

"In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

"5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 81—SUPPORTING THE GOALS AND IDEALS OF WORLD WATER DAY

Ms. COLLINS (for herself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 81

Whereas the United Nations General Assembly, by resolution, has designated March 22 of each year as "World Water Day";

Whereas a person needs 4 to 5 liters of water per day to survive;

Whereas a person can live weeks without food, but only days without water;

Whereas every 15 seconds a child dies from a water-borne disease;

Whereas, for children under age 5, water-borne diseases are the leading cause of death;

Whereas millions of women and children already spend several hours a day collecting water from distant, often polluted sources;

Whereas every dollar spent on water and sanitation saves an average of \$9 in costs averted and productivity gained;

Whereas, at any given time, 1/2 of the hospital beds in the world are occupied by patients suffering from a water-borne disease;

Whereas 88 percent of all diseases are caused by unsafe drinking water, inadequate sanitation, and poor hygiene;

Whereas 1,100,000,000 (1 in 6) people lack access to an improved water supply;

Whereas 2,600,000,000 people in the world lack access to improved sanitation;

Whereas the 263 transboundary lake and river basins in the world are part of the territory of 145 countries and cover nearly 1/2 of the land surface of the Earth;

Whereas climate change may cause more extreme floods and droughts, increasing political tension and the potential for clashes over transboundary fresh water resources;

Whereas the global celebration of World Water Day is an initiative that grew out of the 1992 United Nations Conference on Environment and Development in Rio de Janeiro;

Whereas the participants in the 2002 World Summit on Sustainable Development in Johannesburg, including the United States, agreed to the Plan of Implementation which included an agreement to work to reduce by 1/2 from the baseline year 1990 "the proportion of people who are unable to reach or to afford safe drinking water"; "and the proportion of people without access to basic sanitation" by 2015; and

Whereas Congress passed and the President signed into law the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121), which was intended to "elevate the role of water and sanitation policy in the development of U.S. foreign policy and improve the effectiveness of U.S. official programs";

Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of World Water Day;

(2) urges an increased effort and the investment of greater resources by the Department of State, the United States Agency for International Development, and all relevant Federal departments and agencies toward providing sustainable and equitable access to safe drinking water and sanitation for the poor and the very poor; and

(3) encourages the people of the United States to observe the week of World Water Day with appropriate activities that promote awareness of the importance of—

(A) access to clean water; and

(B) cooperation between stakeholders in transboundary water management.

Ms. COLLINS. Mr. President, I rise today to submit a resolution supporting the ideals and goals of World Water Day. I am pleased to have my colleague Senator JOHN KERRY joining me as the cosponsor of this resolution.

March 22 was established as World Water Day by the United Nations General Assembly to promote awareness of the importance of access to clean water and improved sanitation. More than one billion people lack access to an improved water supply and 2.6 billion people lack access to improved sanitation.

This year's theme, "Shared Water—Shared Opportunities," highlights opportunities to build trust among countries as they manage their common water resources in ways that promote sustainable economic growth. In the U.S. half of the States border shared waters, and there are growing pressures on the environmental quality and use of these waters.

To recognize World Water Day, activities are planned internationally and here in the U.S. Many cities are sponsoring World Water Day benefit walks, runs and musical celebrations. I urge citizens to participate in these activities and recognize this important day.

In 2000, the United Nations adopted a goal to reduce by half the proportion of people without sustainable access to safe drinking water and basic sanitation by 2015. We have made some progress toward that goal, but more needs to be done. Each day millions of women and girls still spend hours traveling miles to transport water to their homes. In many cases, the source is polluted, leading to disease for them and other members of their families.

The Senator Paul Simon Water for the Poor Act of 2005 provided for U.S. assistance in developing countries to provide equal and affordable access to clean and safe water and sanitation. This access is important to U.S. foreign policy interests, and, more important, is a basic human right.

SENATE RESOLUTION 82—RECOGNIZING THE 188TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE AND CELEBRATING GREEK AND AMERICAN DEMOCRACY

Mr. SPECTER (for himself, Mr. DURBIN, Mr. KERRY, Mr. LIEBERMAN, Mr. CASEY, Mr. LAUTENBERG, Mr. CARDIN, Ms. SNOWE, Mr. BINGAMAN, Mr. WHITEHOUSE, Mr. REED, Mr. VOINOVICH, Mr. MENENDEZ, Mr. BEGICH, Mr. MARTINEZ, Mr. LEVIN, Mr. CHAMBLISS, Mrs. FEINSTEIN, Mr. COCHRAN, Mr. FEINGOLD, Ms. MIKULSKI, Mr. KENNEDY, Ms. LANDRIEU, Mr. DODD, Mr. GREGG, Mr. BENNETT, Mr. CARPER, Ms. STABENOW, Mr. GRASSLEY, Mr. KOHL, Mr. RISCH, Mr. INOUE,

Mr. ROCKEFELLER, Mr. ISAKSON, Mrs. MURRAY, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. LUGAR, Mr. NELSON of Florida, and Mr. JOHNSON) submitted the following resolution; which was considered and agreed to:

S. RES. 82

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States, many of whom read Greek political philosophy in the original Greek, drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas the Greek national anthem, the "Hymn to Liberty", includes the words, "Most heartily was gladdened George Washington's brave land";

Whereas the people of the United States generously offered humanitarian assistance to the Greek people during their struggle for independence;

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas hundreds of thousands of Greek civilians were killed in Greece during World War II in defense of the values of the Allies;

Whereas, throughout the 20th century, Greece was one of a few countries that allied with the United States in every major international conflict;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested more than \$20,000,000,000 in the countries of the region, thereby helping to create more than 200,000 new jobs, and having contributed more than \$750,000,000 in development aid for the region;

Whereas Greece actively participates in peacekeeping and peace-building operations conducted by international organizations including the United Nations, the North Atlantic Treaty Organization, the European Union, and the Organization for Security and Co-operation in Europe;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympic Games of more than 14,000 athletes and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with hospitality;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has taken important steps in recent years in furthering cross-cultural understanding and rapprochement with Turkey, as seen with the January 2008 visit to Turkey by the Prime Minister of Greece, Kostas Karamanlis, the first official visit by a Greek Prime Minister in 49 years;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and similar ideals have forged a close bond between Greece and the United States; and

Whereas it is proper and desirable for the United States to celebrate March 25, 2009, Greek Independence Day, with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 188th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 188 years ago.

SENATE CONCURRENT RESOLUTION 12—RECOGNIZING AND HONORING THE SIGNING BY PRESIDENT ABRAHAM LINCOLN OF THE LEGISLATION AUTHORIZING THE ESTABLISHMENT OF COLLEGIATE PROGRAMS AT GALLAUDET UNIVERSITY

Mr. BROWN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 12

Whereas in 2009, the United States honored the 200th anniversary of the birth of President Abraham Lincoln;

Whereas on July 4, 1861, President Lincoln stated in a message to Congress that a principal aim of the United States government should be "to elevate the condition of men—to lift artificial weights from all shoulders—to clear the paths of laudable pursuit for all—to afford all, an unfettered start, and a fair chance, in the race of life";

Whereas on April 8, 1864, President Lincoln signed into law the legislation (Act of April 8, 1864, ch. 52, 13 Stat. 45) authorizing the conferring of collegiate degrees by the Columbia Institution for Instruction of the Deaf and Dumb and the Blind, which is now called Gallaudet University;

Whereas that law led for the first time in history to higher education for deaf students in an environment designed to meet their communication needs;

Whereas Gallaudet University was the first, and is still the only, institution in the world that focuses on educational programs for deaf and hard-of-hearing students from the pre-school through the doctoral level;

Whereas Gallaudet University has been a world leader in the fields of education and research for more than a century; and

Whereas since 1869, graduates of Gallaudet University have pursued distinguished careers of leadership in the United States and throughout the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates and honors Gallaudet University on the 145th anniversary of President Abraham Lincoln's signing of the legislation authorizing the establishment of collegiate programs at Gallaudet University; and

(2) congratulates Gallaudet University for 145 years of unique and exceptional serv-

ice to the deaf people of the United States and the world deaf community.

PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that Samantha Harvell, a fellow in Senator BINGAMAN's office, be granted the privilege of the floor during the pendency of H.R. 1388.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE COLUMBUS CREW FOR WINNING THE 2008 MAJOR LEAGUE SOCCER CUP

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration, and the Senate now proceed to S. Res. 61.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 61) commending the Columbus Crew Major League Soccer Team for winning the 2008 Major League Soccer Cup.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 61) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 61

Whereas, on Sunday, November 23, 2008, the Columbus Crew defeated the New York Red Bulls by a score of 3-1 to win the 2008 Major League Soccer (MLS) Cup;

Whereas the Columbus Crew led the league with a record of 17 wins, 7 losses, and 6 draws and scored 50 regular season goals and 8 playoff goals;

Whereas Columbus Crew head coach Sigi Schmid was named the 2008 MLS Coach of the Year and became the first MLS Coach to win an MLS Cup with two different teams;

Whereas Columbus Crew forward Guillermo Barros Schelotto was named the 2008 MLS Most Valuable Player and led the league with 19 regular season assists and 6 playoff assists;

Whereas Columbus Crew defender Chad Marshall was named the 2008 MLS Defender of the Year;

Whereas Columbus Crew forward Alejandro Moreno led the team in scoring with 9 regular season goals and 1 playoff goal;

Whereas Columbus Crew goalkeeper Will Hesmer had 17 wins, 97 saves, and 10 shutouts in 29 regular season games;

Whereas Alejandro Moreno, Chad Marshall, and Frankie Hejduk all scored goals in the MLS Cup Championship game;

Whereas the Columbus Crew was the winner of the 2008 MLS Supporters' Shield for

being the team with the best regular season record;

Whereas Columbus Crew Captain Frankie Hejduk led the team to its first MLS Cup since the team's creation in 1994; and

Whereas the Columbus Crew, along with its supporters, has energized Columbus and brought great pride to the State of Ohio: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Columbus Crew on winning the 2008 Major League Soccer Cup;

(2) recognizes the achievements of Sigi Schmid, Chad Marshall, Guillermo Barros Schelotto, and the other members of the Columbus Crew for their tireless work ethic and championship form;

(3) salutes the support of the Columbus Crew fan groups, including the Hudson Street Hooligans, the Crew Union, La Turbina Amarilla, and the rest of the Nordecke for unwavering dedication to the Columbus Crew; and

(4) expresses the hope that the Columbus Crew and Major League Soccer will continue to inspire soccer fans and players throughout Ohio, the United States, and the world.

188TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 82.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 82) recognizing the 188th anniversary of the independence of Greece and celebrating the Greek and American democracy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 82) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 82

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States, many of whom read Greek political philosophy in the original Greek, drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas the Greek national anthem, the "Hymn to Liberty", includes the words, "Most heartily was gladdened George Washington's brave land";

Whereas the people of the United States generously offered humanitarian assistance to the Greek people during their struggle for independence;

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas hundreds of thousands of Greek civilians were killed in Greece during World War II in defense of the values of the Allies;

Whereas, throughout the 20th century, Greece was one of a few countries that allied with the United States in every major international conflict;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested more than \$20,000,000,000 in the countries of the region, thereby helping to create more than 200,000 new jobs, and having contributed more than \$750,000,000 in development aid for the region;

Whereas Greece actively participates in peacekeeping and peace-building operations conducted by international organizations including the United Nations, the North Atlantic Treaty Organization, the European Union, and the Organization for Security and Co-operation in Europe;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympic Games of more than 14,000 athletes and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with hospitality;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has taken important steps in recent years in furthering cross-cultural understanding and rapprochement with Turkey, as seen with the January 2008 visit to Turkey by the Prime Minister of Greece, Kostas Karamanlis, the first official visit by a Greek Prime Minister in 49 years;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and similar ideals have forged a close bond between Greece and the United States; and

Whereas it is proper and desirable for the United States to celebrate March 25, 2009, Greek Independence Day, with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 188th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 188 years ago.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 111-5, appoints

the following individual to the Health Information Technology Policy Committee: Dr. Frank Nemec of Nevada.

The Chair announces, on behalf of the Secretary of the Senate, pursuant to Public Law 110-509, the appointment of Sheryl B. Vogt, of Georgia, to the Advisory Committee on the Records of Congress.

ORDERS FOR TUESDAY, MARCH 24, 2009

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow morning, Tuesday, March 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half, and with Senators permitted to speak for up to 10 minutes each; further, that following morning business, the Senate resume consideration of the motion to proceed to H.R. 1388, a bill to reauthorize and reform the national service laws, with the time running postcloture as provided under the previous order; finally, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:10 p.m., adjourned until Tuesday, March 24, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL COMMUNICATIONS COMMISSION

JULIUS GENACHOWSKI, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2008, VICE JONATHAN STEVEN ADELSTEIN, TERM EXPIRED.

DEPARTMENT OF AGRICULTURE

JOE LEONARD, JR., OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE MARGO M. MCKAY, RESIGNED.

DEPARTMENT OF ENERGY

KRISTINA M. JOHNSON, OF MARYLAND, TO BE UNDER SECRETARY OF ENERGY, VICE CLARENCE H. ALBRIGHT, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

CYNTHIA J. GILES, OF RHODE ISLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE GRANTA Y. NAKAYAMA, RESIGNED.

DEPARTMENT OF THE TREASURY

LAEL BRAINARD, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE DAVID H. MCCORMICK, RESIGNED.

DEPARTMENT OF STATE

HAROLD HONGJU KOH, OF CONNECTICUT, TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE, VICE JOHN B. BELLINGER III, RESIGNED.

JOHNNIE CARSON, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), VICE JENDAYI ELIZABETH FRAZER, RESIGNED.

HOUSE OF REPRESENTATIVES—Monday, March 23, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 23, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

PRESIDENT OBAMA'S BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, for the past year we have been on an economic roller coaster, with scary turns and falls coming ever faster, making the sinking feeling in the pit of our stomachs even worse.

Along the way, the Federal Government, spurred by the most-dire predictions, has taken sweeping actions. Some, like the bailout, I opposed; others, like the Economic Recovery Package of President Obama, I supported. But action was warranted to help the struggling economy and restore public confidence. Yet we continue to react to part of the problem with partial stop-gap actions.

This week, Congress has an opportunity to deal with the bigger picture and comprehensive solutions as we consider President Obama's budget.

For decades we have been living beyond our means and the environment's capacity to be a dumping ground for toxic waste, and air and water pollution, especially carbon pollution, that is destabilizing the climate, raising

global temperature and sea levels, and changing things we rely on, like growing seasons and water supply.

We have been living on borrowed time and borrowed money. The previous administration cut taxes for those who needed help the least, increased spending but avoided long-term investments in education and our infrastructure like roads, bridges and rail.

The day of reckoning is here, accelerated by the global financial meltdown, the causes of which are clearer than the remedies. The sad truth is that the geniuses who figured out how to enrich themselves were clueless about the broader implications. Too much energy, brain power and lobbying has been spent on making money for a few, not on creating underlying economic value for the Nation. We have been left with two starkly different paths: we can muddle on through doing what we have done, only less of it, with a battle over who will take the biggest losses while continuing these past patterns. Given the array of special interests and the history involved, we have a pretty good idea what that path will look like.

The other approach is outlined in the President's budget: tackle comprehensively the challenges of health care, education, the long-term fiscal stability of the United States and global warming and its real costs and danger.

The health care system is the biggest opportunity for savings. We spend more money than anyone else in the world for health care, but ours is a system where Americans are sick more often and die sooner than people in most developed countries and in even some poor ones. It is not just foreign countries that have figured this out, but many American communities provide better health care while spending less money than the Nation as a whole. We as a Nation can do this.

Energy dependence and carbon pollution doesn't just threaten our way of life in the future, it attacks our pocketbook and our communities now. The President's plan will save families money, make America more secure, and protect the planet.

In the middle of the economic meltdown, we shouldn't and we won't raise taxes. But over the long haul, we are going to have to pay our debts and find money for rebuilding and renewing America. There are areas in the budget that point the way, like keeping some portion of the expiring tax cuts on the most well-off and reinstituting the Superfund tax to clean up toxic waste.

Finally, there is the question of tackling unnecessary spending. The President points out agricultural subsidies for the rich agribusiness interests, while shortchanging most farmers and ranchers. There is a way to make more rational our support of agriculture. We need to support him as we all face the question whether Cold War weapons that the military doesn't need, and in some cases doesn't even want, are worth the costs to the American taxpayer.

The path contained in the budget will be the first chance for Congress, the administration, and, most important, the public to weave together the elements of change and reform. There are short-term political risks, to be sure. But the long-term benefits are breathtaking, especially when compared to continuing the short term, business as usual, unsustainable course that has led us to this point of economic and fiscal disaster.

My hope and prayer is that Congress will be able to meet the President's challenge and work with him to refine his bold budget, treat our problems with the gravity they merit, and the public with the respect that it is due.

FRUIT OF THE BAILOUT MANIA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Madam Speaker, it is time for a brief history lesson. In the fall of 2008, the Bush administration came running to Congress with an historic ask: \$700 billion with no strings attached to save the country from financial meltdown. At the time I didn't buy it, so I voted against the bailout plan twice. In fact, my distaste for the bailout plan and the unfettered access to taxpayer money that it gave the Treasury Department and the executive branch was so strong that I soon introduced a bill to stop the bailout mania.

It was a simple bill, but it had to be considered by Congress thanks to the way the bailout law had been written. In a nutshell, it would have stopped the second half of the \$700 billion TARP bailout. I introduced it in 2008 and again in 2009. President Bush's request for the second half of the bailout money in early 2009 triggered consideration of my bill. That's when things got interesting.

The week before we considered my bill to stop the bailout, we also considered another bill called the TARP Reform and Accountability Act. Nice name, but what it essentially did was give a tacit thumbs-up on the second half of the bailout and even more wasteful bailouts with taxpayer money of failed automakers. It had some provisions to increase oversight and transparency. But ultimately, it would have expanded the use of taxpayer money for bailouts.

As I look back over the debates from those two days in January and in the ensuing weeks, I found some comments to be rather surprising, especially in light of the news last week about the outrageous bonuses awarded at AIG, a company which received another \$30 billion this month in government bailout cash. The comments and questions from my friends on the other side of the aisle focused on their unwavering trust in the Obama administration's intentions to stop these sorts of executive bonus payments at companies that received bailout money.

During the debate on the anti-bailout measure, my colleague, Chairman FRANK said, "We saw bankers saying I got the money, it's none of your business what we do with it. We saw bonuses given that shouldn't be given. I am confident that the Obama administration has learned from that." In his defense, I know that the chairman of the Financial Services Committee does not support these AIG millionaire bonuses, but we can draw a useful lesson from his comments. It's a simple lesson: the Obama administration pledging that there will be no more excessive bonuses does not make it so.

While I regret that my colleague was so gravely mistaken about the Obama administration, I do think that it is important to point out how quickly the new administration's actions have fallen short of its inflated rhetoric.

Let's take a look at some of the other comments made over the past couple of months. Last month, the gentleman from Illinois (Mr. JACKSON) trumpeted President Obama's promise to limit executive compensation at bailed out companies. He said, "Today, the President will limit executive compensation for executives of companies that take advantage of taxpayer bailout funds. This is the right thing to do." And in January, Mr. POMEROY of North Dakota defended his vote to give the Obama administration the \$350 billion in bailout cash, "The written pledges of the Obama administration to operate TARP with firm conditions, greater oversight and transparent accountability abide with the conditions passed by the House."

So what exactly did the Obama administration pledge to do? It pledged to ensure that bailed out financial institutions did not go overboard with excessive executive compensation bo-

nuses. Specifically, his National Economic Adviser wrote a letter to Congress on January 12 that stated: "The President-elect is committed to using the full arsenal of tools available to us to get credit flowing again to families and businesses. He will ask his Department of Treasury to put in place strict and sensible conditions on CEO compensation and dividend payments until taxpayers get their money back." He continued: "We will ensure that resources are directed to increasing lending and preventing new financial crises and not to enriching shareholders or executives. Those receiving exceptional assistance will be subject to tough but sensible conditions that limit executive compensation until taxpayer money is paid back."

One of my colleagues, Mr. MCGOVERN, was very encouraged by this letter from the incoming administration. I will read what he said in response to the administration's pledge: "And I should say that the statement by the Obama administration, the statement by Larry Summers, is all very encouraging. It demonstrates a real appreciation of what average people are going through."

I will leave it to the American people to judge how well the Obama administration has stood by its pledge to "limit executive compensation until taxpayer money is paid back," and I will leave it to the American people to judge how well this administration appreciates what average people are going through—unless, of course, you consider people who get million-dollar bonuses for running a massive company into the grounds to be average.

SAFE MARKETS DEVELOPMENT ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. DOGGETT) for 5 minutes.

Mr. DOGGETT. Madam Speaker, with all of the recent talk about unearned bonuses, I want to talk about a bonus that we Americans can give to ourselves and the world. We can do that by approving President Obama's plan to "make clean, renewable energy the profitable kind of energy." Because we can build a clean energy economy by reducing greenhouse gas emissions—carbon pollution—through a market-based system, as the President has proposed, I am today, together with a number of my colleagues, introducing the Safe Markets Development Act.

This legislation will help to ensure that any future market for carbon allowances is not abused by price speculators or undermined by excessive price volatility. This is the first cap-and-trade measure to be filed in this Congress, and it is unique both in responding to concerns about market manipulation, and in its broad support bringing new members and a broader array

of interests behind this new idea about how to resolve one aspect of our transition to a cleaner world.

The Safe Markets bill offers an approach that will provide a narrow auction and trading environment for the start-up phase for a cap-and-trade or cap-and-invest system. Experts on commodities markets tell us that price volatility is not unusual with new markets. And certainly legitimate concern recently over speculation in fossil fuel and financial markets must not stand in our way of new clean energy policy.

How does this bill achieve science-based emission reductions? It creates an independent board with strict conflict-of-interest provisions and post-employment restrictions to determine the annual prices per ton of carbon necessary to meet science-based annual emission targets from 2012 to 2020. The Treasury Department would conduct quarterly allowance auctions designed to maintain this price. Under the legislation, the board would conduct an annual review of its success in meeting emission goals in order to adjust for gas prices to ensure compliance with the next year's targets.

Just as a child removes training wheels after becoming comfortable cycling, or tries the shallow end of the pool before moving into the deep end, so too we can gain experience over these first eight years to move eventually to a more traditional cap-and-trade system.

□ 1245

Like President Obama, I believe that the best approach is one that relies upon a 100 percent auction—that does not give away to polluters "pollute free" cards. Budget Director Dr. Peter Orszag has correctly noted that giving away allowances would represent the largest corporate welfare program that has ever been enacted in the history of the United States. As noted in another recent statement by over 600 economists calling for auctioning all allowances, free allocations do little or nothing to protect families and businesses from higher energy costs. The significant shortcomings of the European cap-and-trade system are largely linked to the pursuit of this politically easy but very ineffective course. An abundance of free allocations just leads to more price speculation and would hinder the ability of the system to properly reduce emissions.

The bill that I am introducing today represents the type of legislation that I will continue offering, building block by building block, to help us achieve a comprehensive solution. Next will be a plan that I will advance to ensure the competitiveness of American importers and exporters in the new energy economy. I am pleased this legislation enjoys support from a number of members of the Blue Dog coalition, such as Representative JIM COOPER and Representative HEATH SHULER, as well as

members of other caucuses here in Congress and a broader array of business interests such as the National Venture Capital Association.

Last week, Speaker PELOSI brought together key House committee chairs to sign a statement that they are uniting behind one bill to achieve our shared goal with President Obama of a more accessible, affordable health care system for every American. I believe we need to do the same thing to resolve global warming. Today's bill represents one new element of that broader legislation that must be developed through cooperation and collaboration of the House Energy and Commerce and Ways and Means Committees as well as many other Members.

I believe that a role exists for every Member of this Congress who is willing to work in good faith based on good science to end obstruction and reduce the real threat of global warming. The more Members we bring together, the more successful we will be in enacting the solution that President Obama has offered and move us to a clean energy economy.

THE ECONOMIC CRISIS—WHAT LIES BENEATH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Madam Speaker, our Federal Government has taken drastic measures in the past 6 months, mainly in the form of taxpayer-funded bailouts, in an attempt to put a stop to the complete deterioration of our financial system. Trillions have been spent and companies such as AIG have been deemed "too big to fail." But the Wall Street bailouts have proven to not be a sustainable cure to our financial ills. These bailouts constitute an assault on American capitalism and have introduced a large degree of financial hazard into our economic system.

The nationalization of private assets is inherently un-American. With all the money we have spent thus far, we should have been able to stem much of the economic collapse—but we haven't. We have failed to grasp the root of the problem—the unregulated, out-of-control derivatives market.

The recent disclosure that AIG will pay out \$165 million in bonuses to employees of their Financial Products division—the very unit that made bad bets on toxic mortgages and credit default swaps—is wrong. The Federal Government owns 80 percent of AIG and the Treasury and the Federal Reserve has infused more than \$170 billion in taxpayer bailout money trying to rescue this company. As these recent events demonstrate, the administration's plan of recovery by bailout is not working. Bailout after bailout is not a strategy. It's a formula for waste, fraud and abuse of taxpayer funds.

The Federal Government has spent an exorbitant amount of money trying to rescue the economy but it appears to have had little effect. Beyond the \$700 billion for TARP funds, the government has made commitments of more than \$9 trillion and has spent \$2.2 trillion. And there is very little oversight of this money as the case of the AIG bonuses makes clear. This begs the question: What are we getting for our money?

Clearly the real cause of the financial crisis is more than just the bursting of the housing bubble, since over 90 percent of all homeowners are current on their mortgages. A closer look at the root causes of the crisis reveals flawed incentive structures and an inadequate regulatory system that allowed the derivatives market to spiral out of control.

Specifically, the credit default swap market is completely unregulated and it helped spread the risks generated by subprime mortgages to investors and financial institutions around the world. In the U.S. alone, the Office of the Comptroller of the Currency reported the amount of outstanding credit derivatives from reporting banks to be \$16.4 trillion just a year ago. Among the G10 countries—the United States, the U.K., Belgium, Canada, France, Germany, Italy, Japan, the Netherlands, Sweden plus Switzerland—the amount of outstanding credit default swaps is about \$57 trillion.

Many have called credit default swaps and the larger derivatives market the true culprit in the global financial crisis. Derivatives trading also helped to contribute to AIG's near collapse and it seems as if no amount of money can save AIG at the moment, yet the company has been deemed "too big to fail." However, no one has defined what "too big to fail" means in the real world.

Beyond just credit default swaps, the Bank for International Settlements—the world's oldest international financial organization headquartered in Basel, Switzerland—reports the total outstanding amount of over-the-counter derivatives to be \$684 trillion. This large amount of outstanding derivatives demonstrates the world financial system could be in a huge amount of additional trouble during this worldwide economic crisis. Since over-the-counter derivatives are negotiated between parties and not on an exchange, the risk of the contract falls on both of the parties. So if one of the parties is not able to meet the terms of the contract, the first party stands to lose as well. With \$684 trillion of outstanding money, we are playing with very hot fire.

As these statistics show, this is a problem not just in the United States but around the globe.

So what is the solution? Let's break up these firms and sell the pieces off or

separate the toxic loans and let the free market correct the economy as it was designed. The viable portion of these massive financial institutions can still be salvaged. However, we need to examine their asset sheets to determine how deeply involved each company is in the derivatives market.

There are better options than endless bailouts and the nationalization of private assets in this country. We must put an end to throwing trillions at the wrong source of the problem.

WALL STREET BAILOUTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SHERMAN) for 5 minutes.

Mr. SHERMAN. I thank the gentleman from Florida for his remarks, where he refers to AIG as "too big to fail." The latest from Wall Street is, well, it's not so much too big to fail, but too interconnected with the rest of financial institutions. "Too interconnected to fail" is the new line. The fact is this: AIG was too well-connected to fail. AIG should have been in receivership, but that would have disadvantaged the richest, most powerful interests in the world.

Now let us look at the new public-private partnership plan being put forward by the Treasury. It involves a thousand times as much money as AIG executives received in bonuses and it would make the American people a thousand times as angry, except for the fact that it is so technical that the American people may not fully understand it.

Here is how it's supposed to work. The taxpayer puts up 94 percent of the money. The taxpayer takes 94 percent of the risk that the assets purchased will end up being worth nothing. Ninety-four percent. And the taxpayer gets 50 percent of the profits. The private Wall Street interests put up 6 percent of the money, maybe less, and they get 50 percent of the profits. What this will mean is that this new entity that's created, the public-private partnership, will go out and buy these extremely difficult-to-value assets. They're going to overpay for some. They're going to underpay for others. They're going to make money on some. They're going to lose money on others. When they make money, half the profit goes to Wall Street. When they lose money, 94 percent of the loss goes to the taxpayer.

These entities are going to be 94 percent government-owned and financed. At least we're putting up 94 percent of the money. AIG was 80 percent government-owned and when they paid a million-dollar bonus, the country was angry. Well, what about an entity that's 94 percent government-owned? You can be sure this entity will be paying out million-dollar salaries, million-dollar bonuses. I wonder whether the American people will focus on it.

What we have had is a circumstance where so far this government has transferred hundreds of billions of dollars of wealth to Wall Street. But all that money has gone to the big, well-known, publicly traded companies on Wall Street. Well, there is another important tribe on Wall Street, and that is the hedge funds. Now with this new program, we can transfer hundreds of billions of dollars to the right side of Wall Street and hundreds of billions of dollars of taxpayer equity, taking hundreds of billions of dollars of taxpayer risk, for the benefit of the left side of Wall Street. Apparently some people think that's what fairness is—massive wealth transfer to both sides of Wall Street.

Now last week we passed a tax bill. That bill has been criticized by Wall Street and the administration. But they've ignored the statements of Lawrence Tribe, the foremost expert on constitutional law, the professor at Harvard Law School, who outlines step by step why that law was constitutional. Now I had problems with the law because it had loopholes in it. It will allow the Merrill Lynch executives to keep their bonuses. It allows million-dollar-a-month salaries. And I will introduce tomorrow what I think is a much more comprehensive effort to say that those who work for bailed-out firms shouldn't get more than a half million dollars a year, that whatever they get in excess to that they ought to return to their companies, and I hope we will have some cosponsors for that bill. But it is very plain from Lawrence Tribe's analysis that the approach we took in this House yesterday is fully constitutional and that the flimsy constitutional arguments that are being made against it hold water only because they're repeated over and over and over again in somber tones by Wall Street and the establishment.

Let me give you another example. Congress, the Republican Congress in 1996, passed a 200 percent excise tax which is now law, and that excise tax falls on excess bonuses and excess salaries to executives, and it was retroactive, 6 months retroactive from when it was passed and it took effect 6 months earlier. Why does nobody know about this code section with a 200 percent tax on excess compensation? Because it didn't affect Wall Street, so it was not controversial. It affected those who received excess compensation from charitable organizations.

I look forward to working with my colleagues to pass reasonable limits on executive compensation and to make sure that the taxpayer gets more than half the benefits when we put up 94 percent of the equity.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 58 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LARSEN of Washington) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, contrary lines run parallel; they may never meet. Holding their own, they forever respect equal distance to each other. Contradictory lines are sure to clash because they are determined only by self-direction. A straight line demands everyone to take a side. A curved line, however—however subtle it is—in the end will form a circle and find oneself.

Lord, help us not to be rigid in our own sense of direction or rash in drawing lines for others. Draw us closer to Your presence, Lord, so we may respond to Your influence upon us; and allow us to have Your way with us, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. LARSEN of Washington). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Massachusetts (Mr. LYNCH) come forward and lead the House in the Pledge of Allegiance.

Mr. LYNCH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

LEARNING A LESSON FROM THE AMERICAN PEOPLE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, according to a recent Rasmussen poll, two-thirds of the American people have more confidence in their own judgment than they do in Congress. I couldn't agree more, which

is why I and many of my colleagues in Congress believe we can learn from the American people.

We can tighten our budgets when times are tough; we can cut out the things we don't need; we can make some difficult choices rather than mortgaging the future of the next generation and threatening Social Security. We should respect the fact that Americans know better how to spend their own money.

Congress doesn't need an expert economist to tell us how to be fiscally responsible. We have millions of American families, small businesses, and homebuilders all across this Nation who are fine examples of leadership and resolve. We should be promoting small businesses to create jobs, not tax their success.

In conclusion, God bless our troops, and we will never forget September the 11th.

BUDGET CALAMITY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the proposed budget is going to double the national debt. What that means to Joe Sixpack is every American will be responsible for \$70,000 apiece to pay off this massive debt incurred by money-grabbing government. Does anyone know there's a recession going on?

Government cannot spend America into prosperity with somebody else's money. We shouldn't even be borrowing more money during these hard times. The Treasury Secretary says part of the reason government got into this economic mess was government borrowing. Also, government has plans to raise taxes on working citizens to pay for all these fancy projects in the budget.

Americans already pay too much in taxes during this recession. Americans don't want more taxes. Americans don't want to incur more debt. Americans don't want government to spend money it does not have.

Government is taking America's money to reward failure, and sending money to special interest groups. Meanwhile, Americans are losing their jobs. Americans are tired, weary, and mad about government "ripoffs, pay-offs, and layoffs."

And that's just the way it is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Persons in the gallery will refrain from applause.

HONORING DAYNA HILTON FOR HER NATIONAL RECOGNITION

(Mr. BOOZMAN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BOOZMAN. My constituent, Dayna Hilton, was recently named the 2009 Educator of the Year by the National Fire Protection Association. She has diligently been involved in fire service for 9 years. She currently serves as the Public Fire and Life Safety Educator for Johnson County's Rural Fire Department in Clarksville, Arkansas, and is an instructor for both the Arkansas Fire Academy and the National Fire Academy.

Dayna encouraged the Rural Fire Department in Johnson County to make fire prevention part of its mission. Now it has a Fire Prevention Division and, thanks to Dayna's efforts, has received almost \$150,000 in grants and awards for fire prevention efforts.

In addition to serving the State of Arkansas, Dayna has published numerous articles, appeared on several television networks, and recorded educational videos to promote fire and safety on the national level. Dayna owns Firehouse Dog Publishing, and is the published author of Sparkles the Fire Safety Dog.

I ask my colleagues to join me in congratulating Dayna.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 23, 2009, at 9:40 a.m.:

Appointments:
Congressional Award Board.
Health Information Technology Policy Committee.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM DEPUTY STAFF DIRECTOR, COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following communication from Paul Arcangeli, Deputy Staff Director, Committee on Armed Services:

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 19, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington,
DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in

the U.S. District Court for the Eastern District of Virginia, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

PAUL ARCANGELI,
Deputy Staff Director.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

NATIONAL BRAIN INJURY AWARENESS MONTH

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 178) expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 178

Whereas traumatic brain injury is a leading cause of death and disability among children and young adults in the United States;

Whereas at least 1.4 million Americans sustain a traumatic brain injury each year;

Whereas each year, more than 125,000 of such Americans sustain permanent life-long disabilities from a traumatic brain injury, resulting in a life-altering experience that can include the most serious physical, cognitive, and emotional impairments;

Whereas every 21 seconds, one person in the United States sustains a traumatic brain injury;

Whereas at least 3.17 million Americans currently live with permanent disabilities resulting from a traumatic brain injury;

Whereas traumatic brain injuries may have a life-altering impact on both Americans living with resultant disabilities and their families;

Whereas concussions are serious injuries to the brain and multiple concussions can lead to lifelong disability and death;

Whereas most cases of traumatic brain injury are preventable;

Whereas traumatic brain injuries cost the nation \$60 billion annually;

Whereas the lack of public awareness is so vast that traumatic brain injury is known in the disability community as the Nation's "silent epidemic";

Whereas traumatic brain injury is the signature wound of the global war on terrorism as a result of roadside bombs and blasts;

Whereas the military personnel who have served in the Armed Forces of the United States in such war and who return to the United States with traumatic brain injuries will require additional Federal, State, and local resources;

Whereas there is a need for enhanced public awareness of traumatic brain injury;

Whereas the designation of a National Brain Injury Awareness Month will work toward enhancing public awareness of traumatic brain injury; and

Whereas the Brain Injury Association of America has recognized March as Brain Injury Awareness Month: Now, therefore, be it Resolved, That House of Representatives—

(1) supports the designation of an appropriate month as National Brain Injury Awareness Month; and

(2) urges the President to issue a proclamation calling on the people of the United States, Federal departments and agencies, States, localities, organizations, and media to annually observe a National Brain Injury Awareness Month with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I now yield myself such time as I may consume.

Mr. Speaker, as a Member of the House Committee on Oversight and Government Reform, I am joined by my colleagues in the consideration of House Resolution 178, which expresses support for enhanced public awareness of traumatic brain injury and for designation of National Brain Injury Awareness Month which, for years, has been commemorated annually during the month of March.

House Resolution 178 was introduced by the great Representative BILL PASCRELL of New Jersey, on February 13, 2009, and has the support and cosponsorship of over 90 Members of Congress. The reason for such generous congressional support is the fact that traumatic brain injury impacts nearly 1.5 million Americans a year.

The measure was considered by the Oversight panel on March 10, 2009, and was passed by voice vote with unanimous support from myself and my fellow committee members.

Mr. Speaker, each and every March the National Brain Injury Association of America and its State affiliates come together with other organizations, businesses, schools, and of course those who have survived or sustained traumatic brain injury and their families, to promote greater awareness and understanding of brain injury.

Mr. Speaker, before consideration of this resolution, how many of us were aware that every 21 seconds an individual in our country sustains a traumatic brain injury, or the fact that

among our servicemen and women engaged in the Global War on Terrorism, brain injury has been identified as a "signature wound," usually resulting from roadside bombs and explosive devices.

Often described as a somewhat "silent epidemic," brain injury, whether as a mild concussion or severe enough to result in comatose conditions, certainly deserves the attention of the Congress and the resources and research of this country.

Mr. Speaker, in closing, I'd like to again thank my colleague from New Jersey, Congressman BILL PASCRELL, for working to make sure we recognize the need for greater public awareness of brain injury and for highlighting the National Brain Injury Awareness Month which, this year, I should add, will focus specifically on brain injury in sports and youth recreational activities.

House Resolution 178 is certainly worthy of the support of this body, and I hope my colleagues will vote accordingly.

I reserve the balance of my time.

Mr. AKIN. I yield such time as he may consume to a highly respected and distinguished colleague, the gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. I appreciate the distinguished gentleman from Missouri yielding to me. I am honored to join with the gentleman from Massachusetts (Mr. LYNCH), as well as my good friend and colleague, the gentleman from New Jersey (Mr. PASCRELL), in speaking in favor of this resolution to express the important need for increased public awareness of traumatic brain injury, and to designate March as National Traumatic Brain Injury Awareness Month.

For the past 4 years, I have been honored to cochair the Congressional Traumatic Brain Injury Task Force with my good friend, Representative PASCRELL from New Jersey. While it's been a pleasure to work with BILL for the last 4 years, I especially want to highlight his great leadership long before I joined the task force—for many years—leading the cause and helping to raise awareness about this important issue.

Together, we have worked to increase awareness of TBI, which many people do not realize is the leading cause of death and disability among children and young adults in the United States.

Mr. Speaker, this year alone, over 1.4 million people will sustain a traumatic brain injury. Sadly, at least 80,000 of these individuals will remain permanently disabled from the trauma.

Falls, motor vehicle crashes, sports injuries, and violence are among the major causes of TBI, leaving every individual susceptible. Additionally, TBIs can manifest themselves in various ways, from small behavioral changes to more tragic injuries, includ-

ing complete physical disability and death.

Brain injuries affect the whole family emotionally and financially, often resulting in huge medical and rehabilitation expenses. The recent tragic death of Natasha Richardson amplifies the importance of bringing awareness to this critical issue. Because Ms. Richardson appeared to be unaffected immediately after a skiing accident in which she hit her head, she did not receive medical treatment. Unfortunately, only hours later, after experiencing a severe headache, she was admitted to the hospital, lapsed into a coma and, tragically, died. Tragedies such as these happen every day and can often be prevented.

TBI has also been named the "signature wound" of the war in Iraq, with approximately more than 20 percent of our deployed men and women returning with this injury. Thanks to the state-of-the-art body armor with which our men and women overseas are equipped, they are able to survive violent attacks while still receiving a blunt force to the head.

Fortunately, in recent years, Congress and the administration have worked together to provide increased funding for military TBI screening and treatment programs. However, more still needs to be done.

Mr. Speaker, because all of our fellow citizens have families, friends, and neighbors who could fall victim to TBI at any time, I strongly urge support from all of our colleagues for this resolution here today, and urge a "yes" vote.

□ 1415

Mr. LYNCH. Mr. Speaker, at this time I take great pleasure in recognizing the gentleman from New Jersey (Mr. PASCRELL) for 5 minutes.

Mr. PASCRELL. Mr. Speaker, I thank my good friend from Massachusetts, and my good friend TODD PLATTS who is the co-chair of the Traumatic Brain Injury Task Force.

Mr. Speaker, I learned about this injury about 10 years ago when I was approached by one of my constituents, Dennis Benigno, whose son was struck by a car, leaving him with severe cognitive and physical disabilities.

In response, former Congressman Jim Greenwood from Pennsylvania and I formed the Congressional Brain Injury Task Force to further education and awareness of brain injuries and support funding for brain injury research. There wasn't too much at that time. In fact, most of the Members of Congress didn't know about the seriousness of the injury and how 1.5 million Americans are affected every year.

I think people often wonder why we spend so much time talking about brain injury. Unfortunately, it took the war to crystallize what this entire issue is all about.

Someone in America suffers a traumatic brain injury every 21 seconds. At least 1.5 million Americans sustain this injury, as I mentioned. That is more than breast cancer, HIV, multiple sclerosis, and spinal cord injuries combined. Of those, 50,000 will die every year. An estimated 3.22 million Americans are currently living with a long-term disability because of TBI. As many as 20 percent of the 1.8 million deployed troops in Afghanistan and Iraq, that is 360,000 soldiers, have sustained TBIs in Iraq and Afghanistan. That is an astonishing figure.

TBI is one of the rare afflictions that is widespread among both the civilian population and among our soldiers. There has been a weakness in the Defense health care system, and many injured soldiers weren't receiving the level of care that they deserved. The military has made great strides in the last several years to better prevent, identify, and treat brain injuries among our brave men and women in uniform, and Congress has been a willing partner in the effort to ensure sustained progress on this front.

Mr. Speaker and my good friend from Massachusetts, just today on the USA Today front-page review: GI's at Risk By Fitness Practices. Many of the soldiers are not fit to go to the battlefield. Many of our football players in colleges and in high schools throughout America are not fit to go on to the field. If they are not screened, we are doing an injustice to the cause.

Accordingly, the Brain Injury Task Force brought together experts from all over the world at St. Joseph's Regional Medical Center in Paterson, New Jersey, in October for the International Conference on Behavioral Health and Traumatic Brain Injury. These experts generated recommendations that were presented to the Congress 2 weeks ago.

We cannot forget that, for these Wounded Warriors and their families, the war will not end when the last shots are fired. Despite the staggering statistics and heart-shattering stories that come to us from Iraq and Afghanistan, public awareness continues to lag and TBI remains a silent epidemic plaguing our Nation.

Traumatic brain injury can strike anyone and leave devastating results. We probably all know someone or know the story of someone whose life was irreversibly changed because of a brain injury. Just last week we saw a flurry of media accounts of the tragic death of actress Natasha Richardson, who sustained a brain injury while skiing. If that tragedy taught us anything, it is that, as far as science has come, we still know relatively little about this pervasive injury.

The Congressional Brain Injury Task Force continues to seek increased funding for the programs authorized by the Traumatic Brain Injury Act, after an

unprecedented amount of congressional support in these recent years.

Designating a month to recognize the prevalence and the seriousness of brain injuries among both civilians and military community will bring much needed public attention to this frequently forgotten malady.

And I might add, Mr. Speaker, that this Wednesday throughout the day, from 10 in the morning until 2 in the afternoon, in the Rayburn building we will have a fair with twice as many displays, close to 50 displays; and then we will have the leading folks from the military and civilian talk about it in the Cannon Building from 3:30 to 4:30, and then in the evening a reception. We are bringing the military and civilians together in order to help our soldiers and help Americans.

This resolution will honor the families who, day in and day out, care for and love their family members who have afflictions, and do so without fanfare, without applause.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LYNCH. I grant the gentleman an additional 1 minute.

Mr. PASCRELL. They do it because they love their sons or daughters or brothers or sisters each day of every month. I invite all Members and the staff to join Wednesday in the Rayburn foyer to meet some of the folks as we recognize Brain Injury Awareness Month here on Capitol Hill. We are hosting a fair with hundreds of individuals from the brain injury community.

Let's pass this resolution to confirm congressional commitment to promoting awareness, education, prevention, and research by reminding all Americans of those individuals and families who suffer from a brain injury.

We have come a long way, Mr. Speaker, in ten years. We could have fit the amount of people in our caucus in a phone booth. That has all changed. We are now close to 125, 130 Members from both sides of the aisle. We are really seeing results, particularly in the last 3 or 4 years.

I want to thank the gentleman from Massachusetts, and I want to thank my friend from Pennsylvania. Of course, this is only the beginning of a fight where we will respond, and our men and women who put their lives on the line will know that we really mean what we say, that we love them and we will do everything we can for them.

Mr. AKIN. Mr. Speaker, I yield myself such time as I may consume.

Last week, the devastation of traumatic brain injury was once again brought to our attention with the death of actress Natasha Richardson. This tragedy was but one type of traumatic brain injury that brings about death or physical debilitation to over 1.4 million people each year.

While the leading cause of traumatic brain injury is the result of falls, they

are followed by automobile accidents, being struck by or against a hard surface, and assault. Men are at the greatest risk of brain injury, and African Americans have the highest death rate from this injury. All of these cold, hard facts do not tell the story of shattered lives of the individual, if they survive, and untold heartache and lifelong impact on loved ones and friends of the injured. In America, there are 125,000 citizens living with life-long disabilities from traumatic brain injuries.

These head injuries come about in many ways, not the least of which are the injuries sustained by our soldiers fighting in Afghanistan and Iraq. The cost in lives and the ongoing suffering is tragic for these brave men and women. Their injuries will continue to require costly medical assistance from State, Federal, and local agencies.

Generally, a concussion is a type of traumatic brain injury that is caused by an injury to the head that many people underestimate. It is critical to recovery that any type of blow to the head, whether it is a child's fall from a swing to a teen sport or automobile accident, be taken seriously. Often, symptoms don't show up immediately, so keeping a close watch on the injured person is imperative so that medical attention can be sought, if needed.

We are grateful for organizations such as the Brain Injury Association of America who are invaluable in generating understanding and awareness of brain injury. We join with all who wish to broadcast a message of hope and action of this often underestimated condition during March, which has been designated as the National Brain Injury Awareness Month.

I yield back the balance of my time. Mr. LYNCH. Mr. Speaker, in closing, I just want to point out the relentless work done on this issue of traumatic brain injury by Mr. PASCRELL from New Jersey, who is the chair, and also by Mr. TODD PLATTS from Pennsylvania, who is the co-chair. I have accompanied both of those gentlemen, I have seen their work in Iraq and Afghanistan. They have seen the situation in Balad, in the field hospitals in Iraq, as well as the military hospital at Landstuhl, Germany, the military hospital there, as well as going back to Walter Reed Army Hospital. They know full well the extent of this. They are our most outspoken advocates on behalf of families whose loved ones have been affected with TBI, and we are all indebted to their hard work.

Mr. Speaker, I ask all of my colleagues to support the measure of Mr. PASCRELL of New Jersey and Mr. PLATTS of Pennsylvania and support House Resolution 178.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H. Res. 178—expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

It is appropriate that we debate this bill today, since March is widely recognized as Brain Injury Awareness Month. Now, more than ever, we need to heighten the public's awareness to a growing issue—Traumatic Brain Injury.

Traumatic Brain Injury has been called the signature wound of the War on Terror, as thousands of American servicemen and women have been diagnosed with TBI and untold more have yet to be diagnosed.

An estimated 360,000 soldiers have sustained Traumatic Brain Injuries in Iraq and Afghanistan. Furthermore, Military health screening programs have shown that as many as 20% of returning troops have suffered at least a mild concussion.

The use of Improvised Explosive devices are the primary cause of this silent wound. Often, symptoms don't manifest themselves for some time. Many of the symptoms of Traumatic Brain Injury are similar to Post Traumatic Stress Syndrome, further hindering a proper diagnosis.

The dramatic increase in Traumatic Brain Injuries among military veterans has created huge stresses on the VA system's capability to handle. While there was no way that the VA could have predicted the demand for Traumatic Brain Injuries treatment and rehabilitation before our troops were deployed in response to the attacks on our country, the fact remains that we need to provide better services to our veterans, and we need to be able to provide those services in their own communities rather than requiring them to travel for treatment.

The Veterans Administration is already working with some private and nonprofit providers of Traumatic Brain Injury treatment and rehabilitation, but it can and should identify more opportunities to allow veterans to receive appropriate, high-quality care from providers in their own communities.

And that is why I have joined with my colleagues here in Congress and joined the Congressional Brain Injury Task Force.

Our goal is to further educate and raise awareness of brain injury and support funding for basic and applied research on brain injury rehabilitation. It is important that we give brain injury the attention it is due to help us move beyond the "silent epidemic" and towards real treatments, supports, and eventually cures.

The Congressional Brain Injury Task Force has worked to ensure that individuals have access to reliable information, effective prevention strategies, and, if injured, comprehensive and appropriate treatments.

We owe our nation's veterans a debt we cannot fully repay, but we must make sure that every soldier, sailor, airman or Marine exposed to an Improvised Explosive Device is properly screened and treated for Traumatic Brain Injury—we owe them no less.

I support the recognition of March as National Brain Injury Awareness Month and I urge my colleagues to support the passage of this bill.

Mr. LYNCH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend

the rules and agree to the resolution, H. Res. 178.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

STAN LUNDINE POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 918) to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the "Stan Lundine Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STAN LUNDINE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, shall be known and designated as the "Stan Lundine Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Stan Lundine Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself such time as I may consume.

Mr. Speaker, in my role as chair of the House Subcommittee with oversight authority of the United States Postal Service, I am pleased to stand before the body in consideration of H.R. 918, which is the measure before us that is designed to rename the United States postal facility located at 300 East Third Street in Jamestown, New York, as the Stan Lundine Post Office Building.

This legislation was introduced by my friend BRIAN HIGGINS, the gentleman from New York, on February 9, 2009, and it was considered and reported out of the Oversight Committee by voice vote on March 10, 2009. In addition, H.R. 918 enjoys the support of the entire sitting New York House delegation.

A native of the city of Jamestown, Stanley Nelson Lundine has devoted over four decades of his life to public service in New York State. Born in Jamestown on February 4, 1939, Mr. Lundine graduated from Jamestown High School in 1957. He received his B.A. from Duke University in 1961, and in 1964 received his juris doctorate from New York University School of Law. Only 5 years after gaining admission to the New York State bar, Mr. Lundine was elected to his first term as mayor of Jamestown, having previously served as the city's associate corporate counsel and chairman of the City Planning Commission.

As mayor of his beloved hometown until 1976, Mr. Lundine dedicated his efforts to addressing long-standing labor strife in the city. To this end, he developed a unique labor-management strategy, and subsequently garnered Jamestown national attention as a widely successful labor-management partnership model, a model that we could dearly use today.

In 1976, Mr. Lundine was elected to represent New York State's 39th Congressional District, becoming the first Democrat to hold that seat since 1874. While representing New York's southern tier district in Congress until 1987, Mr. Lundine continued his commitment to labor-management cooperation through the development of legislation to establish labor-management councils and employee stock ownership plans. Mr. Lundine also remained dedicated to economic development issues, serving as a subcommittee chairman of the House Banking Committee.

In 1986, Mr. Lundine was elected to statewide office as lieutenant governor of New York, under Governor Mario Cuomo, serving until 1994.

□ 1430

Mr. Lundine worked to further develop the State's economy and increased the availability of job training programs and also strengthened New York's housing and technology sectors.

Currently Stan Lundine serves the citizens of New York State through his continued public service on a wide variety of nonprofit, private sector efforts. Notably, in April of 2007, Mr. Lundine was appointed as chair of the State's newly created Commission on Local Government Efficiency and Competitiveness. The panel is tasked with promoting local government collaboration and efficiency in the name of saving taxpayer dollars.

Mr. Speaker, let us honor Stan Lundine's decades of public service through the passage of this legislation to designate his hometown post office in his name. I urge my colleagues to join with me and Congressman BRIAN HIGGINS, who is the chief sponsor of this legislation. And I ask my colleagues to join us in supporting H.R. 918.

I reserve the balance of our time.

Mr. AKIN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 918, legislation to designate the post office in Jamestown, New York, as the "Stan Lundine Post Office Building." Stan Lundine is one of Jamestown, New York's most steadfast public servants. He served as mayor of Jamestown, as a United States Representative and as Lieutenant Governor of New York. A Jamestown native, Stan Lundine was elected mayor of his hometown in 1970, just 6 years after graduating from New York University School of Law. Realizing his success as a mayor, the people of New York's 39th District elected Lundine to the House of Representatives in 1976. In his five terms as congressman from New York, Lundine continued to focus on labor/management issues. In the Congress, he focused on finance and banking servicing as subcommittee chairman of the House Banking Committee.

After his House career, he was elected Lieutenant Governor of New York under Mario Cuomo and served New York working on housing, technology, and economic development initiatives, as well as training and programming policies. Putting his labor management skills to use, he now serves as a director of the National Forge Company, U.S. Investment Services, and John Ullman Associates. He also serves as executive director of the Chautauqua County Health Network, a group of four hospitals and their physicians dedicated to improving the local health care delivery system in his community.

In recognition of Congressman Stan Lundine's contributions to the country, the State of New York and the city of Jamestown, let us now commemorate his 25 years of public service by naming the post office in his hometown of Jamestown, New York, as the "Stan Lundine Post Office Building."

Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing I want to thank my colleague for his generous remarks. And I do want to give great credit to Congressman BRIAN HIGGINS from the Buffalo area. He is the central sponsor of this measure to name this post office after Stan Lundine, who is very deserving of this honor.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 918.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. LYNCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

LANCE CORPORAL DREW W. WEAVER POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1218) to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the "Lance Corporal Drew W. Weaver Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANCE CORPORAL DREW W. WEAVER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, shall be known and designated as the "Lance Corporal Drew W. Weaver Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lance Corporal Drew W. Weaver Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I present for consideration H.R. 1218, a bill to designate the United States postal facility located at 112 South 5th Street in St. Charles, Missouri, as the "Lance Corporal Drew W. Weaver Post Office Building." This legislation was introduced on February 26 by my colleague and friend, Representative TODD W. AKIN of Missouri, and considered and reported out of the Oversight and Government Reform Committee by a voice vote on March 10, 2009. Additionally, H.R. 1218 enjoys the support of the entire Missouri congressional delegation.

A native of St. Charles, Missouri, Lance Corporal Drew W. Weaver bravely served with the 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, 1st Marine Expeditionary Force out of Twenty-Nine Palms, California. On February 21, 2008, the young marine was killed in action in al Anbar province in Iraq while conducting combat operations in support of Operation Iraqi Freedom.

Born on July 5, 1987, Lance Corporal Weaver decided to join the United States Marine Corps shortly before his graduation from St. Charles West High School in 2005. He was best known for his positive attitude, his sense of humor, his love of adventure, and above all, his dedication and commitment to his family, his friends, his unit and his country.

St. Charles West Assistant Principal Scott Voekl remembers seeing Lance Corporal Weaver take daily morning runs on Zumbahl Road near the school in preparation for boot camp. Upon the young man's return from basic training, Mr. Voekl asked him if serving in the Marines was what he wanted to do. "Absolutely," replied Lance Corporal Weaver. Ken Mayer, another St. Charles West administrator, recalls that Lance Corporal Weaver "truly believed in what he was doing." And St. Charles Mayor Patti York noted that Lance Corporal Weaver was a "true hero" and a beloved member of the St. Charles community.

Mr. Speaker, Lance Corporal Weaver's life and service stand as a testament to the strength and support of his devoted family as well as the bravery and dedication of the young men and women that have joined him in offering the ultimate sacrifice on behalf of our Nation.

It is my hope that we can honor this outstanding soldier through the passage of this legislation without objection. I urge my colleagues to join us in supporting Congressman AKIN in his sponsorship of H.R. 1218.

I reserve the balance of my time.

Mr. AKIN. Mr. Speaker, I yield myself such time as I may consume.

Today I rise in strong support of H.R. 1218, a bill I introduced to honor the life of Drew W. Weaver by designating the post office in St. Charles, Missouri, as the "Lance Corporal Drew W. Weaver Post Office Building."

A resident of St. Charles, Missouri, Lance Corporal Drew W. Weaver was part of the 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, 1st Marine Expeditionary Force.

On February 21, 2007, Lance Corporal Weaver died while conducting combat operations in the al Anbar province of Iraq. As Captain Mark C. Brown noted, Drew was "known for his enthusiasm and his ability to motivate people around him."

Drew's contribution to his country was honored by his community when hundreds, maybe more than hundreds actually, showed up for his memorial service and procession. A graduate of St. Charles West High School, friends and family of Drew remember him as an energetic young man who was eager to serve his country. Ryan Hanson, his best friend and a fellow serviceman, said, "Drew loved what he was doing and was proud of what he did for the Marine Corps."

As a father of two marines, one of whom has served in Iraq and in Fallujah, it is a privilege to stand here today to honor one of our fallen soldiers. Drew's commitment and dedication to his country is a shining example of how our military men and women are the finest our Nation has to offer. His and his family's sacrifice should serve as a reminder to all that the freedom we enjoy as Americans is not always free but the result of tremendous bravery and selfless service of men and women willing to put themselves in harm's way for freedom's cause.

As Reverend James Benz noted during Drew's funeral, "I think we can learn from them that the freedom we enjoy in this country is precious, that it is special, and that it must be preserved sometimes at great personal cost."

Our Nation will be forever indebted to Lance Corporal Drew Weaver.

Mr. Speaker, I ask that my colleagues join me today in honoring Lance Corporal Drew Weaver. Vote "yes" on H.R. 1218.

I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I ask all of our Members to join with the gentleman from Missouri in supporting this bill, H.R. 1218.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 1218.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 42 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MASSA) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 918, by the yeas and nays;

H.R. 1218, de novo.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

STAN LUNDINE POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 918, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 918.

The vote was taken by electronic device, and there were—yeas 396, nays 0, not voting 35, as follows:

[Roll No. 145]

YEAS—396

| | | |
|--------------|-----------------|---------------|
| Abercrombie | Buyer | Dicks |
| Ackerman | Calvert | Doggett |
| Aderholt | Camp | Donnelly (IN) |
| Akin | Campbell | Doyle |
| Alexander | Cantor | Dreier |
| Altmire | Cao | Driehaus |
| Andrews | Capito | Duncan |
| Arcuri | Capps | Edwards (MD) |
| Austria | Capuano | Edwards (TX) |
| Baca | Cardoza | Ehlers |
| Bachmann | Carnahan | Ellsworth |
| Bachus | Carney | Emerson |
| Baird | Carson (IN) | Eshoo |
| Baldwin | Carter | Etheridge |
| Barrett (SC) | Cassidy | Fallin |
| Barrow | Castle | Fattah |
| Bartlett | Castor (FL) | Filner |
| Barton (TX) | Chaffetz | Flake |
| Bean | Chandler | Fleming |
| Becerra | Childers | Forbes |
| Berkley | Clay | Fortenberry |
| Berman | Clyburn | Foster |
| Berry | Coble | Fox |
| Biggart | Coffman (CO) | Frank (MA) |
| Bilbray | Cohen | Franks (AZ) |
| Bilirakis | Cole | Frelinghuysen |
| Bishop (GA) | Conaway | Fudge |
| Bishop (NY) | Connolly (VA) | Galleghy |
| Bishop (UT) | Conyers | Garrett (NJ) |
| Blackburn | Cooper | Gerlach |
| Blumenauer | Costa | Giffords |
| Blunt | Courtney | Gingrey (GA) |
| Bocieri | Crenshaw | Gohmert |
| Boehner | Crowley | Gonzalez |
| Bonner | Cuellar | Goodlatte |
| Bono Mack | Culberson | Gordon (TN) |
| Boozman | Cummings | Granger |
| Boren | Dahlkemper | Graves |
| Boustany | Davis (CA) | Grayson |
| Boyd | Davis (IL) | Green, Al |
| Brady (TX) | Davis (KY) | Green, Gene |
| Bright | Davis (TN) | Griffith |
| Broun (GA) | Deal (GA) | Guthrie |
| Brown (SC) | DeFazio | Hall (NY) |
| Brown-Waite, | DeGette | Hall (TX) |
| Ginny | Delahunt | Halvorson |
| Buchanan | DeLauro | Hare |
| Burgess | Dent | Harman |
| Burton (IN) | Diaz-Balart, L. | Harper |
| Butterfield | Diaz-Balart, M. | Hastings (FL) |

| | | |
|------------------|-----------------|------------------|
| Hastings (WA) | McCarthy (NY) | Royce |
| Heinrich | McCaul | Ruppersberger |
| Heller | McClintock | Rush |
| Hensarling | McCollum | Ryan (OH) |
| Herger | McCotter | Ryan (WI) |
| Herseeth Sandlin | McDermott | Salazar |
| Higgins | McGovern | Sánchez, Linda |
| Hill | McHenry | T. |
| Himes | McHugh | Sanchez, Loretta |
| Hinchev | McIntyre | Scalise |
| Hinojosa | McKeon | Schakowsky |
| Hirono | McMahon | Schauer |
| Hodes | McMorris | Schiff |
| Holden | Rodgers | Schmidt |
| Holt | McNerney | Schrader |
| Honda | Meek (FL) | Schwartz |
| Hoyer | Meeks (NY) | Scott (GA) |
| Hunter | Melancon | Scott (VA) |
| Inglis | Mica | Sensenbrenner |
| Inslee | Michaud | Serrano |
| Israel | Miller (FL) | Sessions |
| Issa | Miller (MI) | Sestak |
| Jackson (IL) | Miller (NC) | Shadegg |
| Jackson-Lee | Miller, George | Shea-Porter |
| (TX) | Minnick | Sherman |
| Jenkins | Mitchell | Shimkus |
| Johnson (GA) | Mollohan | Shuler |
| Johnson, E. B. | Moore (KS) | Shuster |
| Jones | Moore (WI) | Simpson |
| Jordan (OH) | Moran (KS) | Sires |
| Kagen | Moran (VA) | Skelton |
| Kanjorski | Murphy (CT) | Slaughter |
| Kaptur | Murphy, Patrick | Smith (NE) |
| Kennedy | Murphy, Tim | Smith (TX) |
| Kildee | Murtha | Smith (WA) |
| Kilpatrick (MI) | Myrick | Snyder |
| Kilroy | Nadler (NY) | Souder |
| Kind | Napolitano | Space |
| King (IA) | Neugebauer | Speier |
| King (NY) | Nunes | Spratt |
| Kingston | Nye | Stearns |
| Kirk | Oberstar | Stupak |
| Kirkpatrick (AZ) | Obey | Sutton |
| Kissell | Olson | Tanner |
| Klein (FL) | Olver | Tauscher |
| Kline (MN) | Ortiz | Taylor |
| Kratovil | Pallone | Teague |
| Kucinich | Pastor (AZ) | Terry |
| Lamborn | Paul | Thompson (CA) |
| Lance | Paulsen | Thompson (MS) |
| Langevin | Payne | Thompson (PA) |
| Larsen (WA) | Pence | Thornberry |
| Larson (CT) | Perlmutter | Tiahrt |
| Latham | Perriello | Tiberi |
| LaTourette | Peters | Tierney |
| Latta | Peterson | Titus |
| Lee (CA) | Petri | Tonko |
| Lee (NY) | Pingree (ME) | Towns |
| Levin | Pitts | Turner |
| Lewis (CA) | Platts | Upton |
| Linder | Poe (TX) | Van Hollen |
| Lipinski | Polis (CO) | Velázquez |
| LoBiondo | Posey | Visclosky |
| Loeb sack | Price (GA) | Walden |
| Loggren, Zoe | Price (NC) | Walz |
| Lowe | Putnam | Wamp |
| Lucas | Radanovich | Wasserman |
| Luetkemeyer | Rahall | Schultz |
| Lujan | Rangel | Waters |
| Lummis | Rehberg | Watson |
| Lungren, Daniel | Reichert | Watt |
| E. | Reyes | Waxman |
| Lynch | Richardson | Weiner |
| Mack | Rodriguez | Welch |
| Maffei | Roe (TN) | Wexler |
| Maloney | Rogers (AL) | Whitfield |
| Manzullo | Rogers (KY) | Wilson (OH) |
| Markey (CO) | Rogers (MI) | Wilson (SC) |
| Markey (MA) | Rooney | Wittman |
| Marshall | Ros-Lehtinen | Wolf |
| Massa | Roskam | Woolsey |
| Matheson | Ross | Wu |
| Matsui | Rothman (NJ) | Young (AK) |
| McCarthy (CA) | Roybal-Allard | Young (FL) |

NOT VOTING—35

| | | |
|----------------|--------------|--------------|
| Adler (NJ) | Davis (AL) | Johnson, Sam |
| Boswell | Dingell | Kosmas |
| Boucher | Ellison | Lewis (GA) |
| Brady (PA) | Engel | Marchant |
| Braley (IA) | Farr | Miller, Gary |
| Brown, Corrine | Grijalva | Neal (MA) |
| Clarke | Pascioretz | Pascrell |
| Cleaver | Hoekstra | Pomeroy |
| Costello | Johnson (IL) | Rohrabacher |

| | | |
|------------|----------|--------------|
| Sarbanes | Stark | Westmoreland |
| Schock | Sullivan | Yarmuth |
| Smith (NJ) | Tsongas | |

□ 1856

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LANCE CORPORAL DREW W. WEAVER POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1218.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 1218.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 399, noes 0, not voting 32, as follows:

[Roll No. 146]

AYES—399

| | | |
|--------------|---------------|-----------------|
| Abercrombie | Braley (IA) | Crowley |
| Ackerman | Bright | Cuellar |
| Aderholt | Broun (GA) | Culberson |
| Adler (NJ) | Brown (SC) | Cummings |
| Akin | Brown-Waite, | Dahlkemper |
| Ginny | | Davis (CA) |
| Altmire | Buchanan | Davis (IL) |
| Andrews | Burgess | Davis (KY) |
| Arcuri | Burton (IN) | Davis (TN) |
| Austria | Butterfield | Deal (GA) |
| Baca | Buyer | DeFazio |
| Bachmann | Calvert | DeGette |
| Bachus | Camp | Delahunt |
| Baird | Campbell | DeLauro |
| Baldwin | Cantor | Dent |
| Barrett (SC) | Cao | Diaz-Balart, L. |
| Barrow | Capito | Diaz-Balart, M. |
| Bartlett | Capps | Dicks |
| Barton (TX) | Capuano | Doggett |
| Bean | Cardoza | Donnelly (IN) |
| Becerra | Carnahan | Doyle |
| Berkley | Carney | Dreier |
| Berman | Carson (IN) | Driehaus |
| Berry | Carter | Duncan |
| Biggart | Cassidy | Edwards (MD) |
| Bilbray | Castle | Edwards (TX) |
| Bilirakis | Castor (FL) | Ehlers |
| Bishop (GA) | Chaffetz | Ellsworth |
| Bishop (NY) | Chandler | Emerson |
| Bishop (UT) | Childers | Eshoo |
| Blackburn | Clay | Etheridge |
| Blumenauer | Clyburn | Fallin |
| Blunt | Coble | Fattah |
| Bocieri | Coffman (CO) | Filner |
| Boehner | Cohen | Flake |
| Bonner | Cole | Fleming |
| Bono Mack | Conaway | Forbes |
| Boozman | Connolly (VA) | Fortenberry |
| Boren | Conyers | Foster |
| Boucher | Cooper | Fox |
| Boustany | Costa | Frank (MA) |
| Boyd | Courtney | Franks (AZ) |
| Brady (TX) | Crenshaw | Frelinghuysen |

Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hersth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeback
Lofgren, Zoe
Lowey
Lucas

Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)

Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skeltan
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Soudier
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberti
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—32

Boswell
Brady (PA)
Brown, Corrine
Clarke
Cleaver
Costello
Davis (AL)
Dingell
Ellison
Engel
Farr

Grijalva
Gutierrez
Hoekstra
Johnson (IL)
Johnson, Sam
Kosmas
Marchant
Miller, Gary
Neal (MA)
Pascarell
Pomeroy

Rohrabacher
Sarbanes
Schock
Slaughter
Smith (NJ)
Stark
Sullivan
Tsongas
Westmoreland
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 1905

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 146, had I been present, I would have voted "aye."

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H. RES. 252

Mr. BARRETT of South Carolina. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 252.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

NOTICE OF INTENTION TO OFFER
RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas, The Hill reported that a prominent lobbying firm specializing in obtaining defense earmarks for its clients, the subject of a "federal investigation into potentially corrupt political contributions," has given \$3.4 million in political donations to no less than 284 Members of Congress.

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm; including questions related to "straw man" contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

Whereas, Roll Call has taken note of the timing of contributions from employees of the firm and its clients when it reported that they "have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters or passage of a spending bill."

Whereas, CQ Today specifically noted a Member getting "\$25,000 in campaign con-

tribution money from [the founder of the firm] and his relatives right after his subcommittee approved its spending bill in 2005."

Whereas, the Associated Press also noted that Members received campaign contributions from employees of the firm "around the time they requested" earmarks for companies represented by the firm.

Whereas, clients of the firm received at least \$300 million worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid of the firm's offices and Justice Department investigation into the firm was well known.

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to the firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of Congressional proceedings and the dignity of this institution.

Now, therefore, be it *Resolved*, That

(a) the Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its members appointed by the chairman and ranking member, shall immediately begin an investigation into the relationship between the source and timing of past contributions to Members of the House related to the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of this resolution.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

THE ADMINISTRATION ISN'T
PROTECTING AMERICANS' JOBS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, in 2006, Senator Obama told his colleagues, "We need an electronic verification system that can significantly reduce the employment of illegal workers, and give employers the confidence that their workforce is legal."

E-Verify is the voluntary Federal program that does just that by allowing employers to check the employment eligibility of their newly hired

employees. Yet the Democrats have blocked every single attempt made so far this year to enact a long-term extension of E-Verify.

Instead of protecting jobs for U.S. citizens and legal workers, President Obama signed a bill that will provide 300,000 jobs to illegal immigrants in just the construction industry alone.

With 12 million Americans out of work, we should save jobs for American workers and legal immigrants, not give jobs to illegal workers.

ECONOMIC 9/11

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, I want to commend our President, the administration, for the bold action they took today to help resolve our economic morass that we are expressing because of the past administration and the lack of regulations by this Congress. The stock market responded positively with a 500-point gain.

I think it's important that people recognize the good that the administration is doing and trying to do, that we need to work together as a team, as Americans.

After 9/11, Republicans and Democrats came together to support the President and support us in a great crisis. This is an economic 9/11. People should support the President and not do critical things.

Some of them have even suggested, oh, he had time to fill out his NCAA bracket, where he correctly had the Memphis Tigers going to the Sweet Sixteen. There's nothing wrong with that. President Obama is good on the Sweet Sixteen, and he's good on the economy.

COMMENDING KEVIN PETERSEN

(Mr. MCCARTHY of California asked and was given permission to address the House for 1 minute.)

Mr. MCCARTHY of California. Mr. Speaker, I rise today to honor the career of a committed public servant, Kevin Petersen, who retires April 3, 2009, as director of NASA's Dryden Flight Research Center located in my district. Kevin has served at Dryden for 38 years and is currently NASA's longest-serving field center director.

Kevin began his career at Dryden as a university cooperative student in 1971, was hired as an aerospace engineer when he graduated from Iowa State in 1974, and later received a Master of Science degree from UCLA.

Kevin was appointed to be Dryden's director in 1999. His tenure as director has seen Dryden's focus on aeronautics research expand to also support work in environmental and space science, space exploration, and human spaceflight. Currently, Dryden has the

important task of testing the new Orion Launch Abort System. I appreciated Kevin showing me around that key program when I visited.

Kevin Petersen is a role model for all American students considering a career in science, technology, engineering or mathematics. Kevin, you've been a great public servant. I appreciate your dedication, and I wish you the best of luck.

CHIEF MARK MCCURRY: FIRE CHIEF OF THE YEAR

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Mr. Speaker, I rise today to honor Fire Chief Mark McCurry of Forest City, North Carolina. Chief McCurry was recently named Fire Chief of the Year by the North Carolina Association of Fire Chiefs. It is their highest honor.

Thirty-five years ago, Mark's uncle encouraged him to go into the family business of fire service. Now, 35 years later, Chief McCurry is still serving the community of Forest City. He says putting his life on the line to protect those of his fellow citizens is "like a calling."

Chief McCurry understands that his men no longer just put out fires. All Forest City firemen are now certified EMTs and trained to deal with hazardous materials and weather emergencies.

Mark McCurry recently said, "It takes a crazy person to run into a building that everyone else is running out of." I think we all agree, but no, Chief, it takes an extraordinarily brave man to run into a burning building. And this year, your peers have recognized you as the bravest of all. Congratulations.

□ 1915

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EARLY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, this week I will be introducing the EARLY Act: The Breast Cancer Education and Awareness Requires Learning Young Act of 2009. The EARLY Act is designed to empower young women to learn the facts, know their bodies, speak up for their health, and embrace support.

Despite the perception, young women can and do get breast cancer. More than 10,000 women under 40 are diagnosed with breast cancer every year in the United States. Although the incidence of breast cancer in young women is much lower, young women's breast cancers are generally more aggressive, are diagnosed at a later stage, and result in lower survival rates.

Additionally, certain ethnic groups, including Ashkenazi Jews and African American young women, have an increased risk of breast cancer.

I became acutely aware of all of this information, and more, a little more than a year ago. After finding a lump in my breast while doing my routine breast self-exam in the shower, I learned a few weeks later from my doctor that I had breast cancer.

Upon learning of my diagnosis and after genetic counseling, I also decided to have a blood test that would show whether I had a genetic mutation in the BRCA1 or BRCA2 gene. As a woman of Ashkenazi Jewish descent, I was in a category of at-risk populations for these gene mutations. The test results showed that I did indeed carry the BRCA2 genetic marker that suggests a greater susceptibility to breast and ovarian cancers.

After further consultation with my doctors and my husband, I decided to have a double mastectomy and have my ovaries removed to reduce the likelihood of a recurrence of cancer. Today, with a clean bill of health and cancer-free, I plan to introduce the EARLY Act.

The EARLY Act encourages young women to be familiar with the look and feel of their breasts. By knowing what feels normal, a young woman has a better chance of knowing when something feels different.

The EARLY Act will also work to educate young women about changes in their body that could be warning signs of breast cancer. We want them to know that it doesn't only start with a lump. It can be swelling, a rash, breast pain, nipple pain, redness or scaliness, too.

The EARLY Act will encourage young women to be their own voice—to speak up for themselves and know when they need to go to their doctor.

The EARLY Act will teach both young women and medical professionals alike about risk factors, warning signs of breast cancer, and predictive tools such as genetic testing, that can help women make informed decisions about their health.

It will also provide grants to organizations dedicated to supporting young women and the unique issues we face when diagnosed with breast cancer, as well as managing and understanding their risks.

Today, we often fail to teach about risk in this country. As a result, many of us face serious consequences in our

lives. We need to change the educational dialogue and empower not only young women, but everyone to take control of the risks they face. And that begins with education and awareness.

I thought I knew all of my personal risk factors for breast cancer. Because of those risk factors, I performed self-exams, went to my doctor regularly, and have been a longtime legislative advocate in the fight against breast cancer. But when I was diagnosed, I found out I had more risk factors than I was aware of.

For example, I had absolutely no idea that as an Ashkenazi Jewish woman, I was five times more likely than the general population to have an altered BRCA1 or BRCA2 gene, or what the risks of carrying that gene entailed.

This bill will give all young women the tools they need to take control of the risks by teaching awareness of their personal risks and what they can do to manage those risks.

At the end of the day, the old saying rings true: Knowledge is power. By making sure young women know their risk factors, the EARLY Act is the first step in transforming how we approach the fight against breast cancer.

In hearing my story, some people might say I was lucky. While I was certainly fortunate enough to have access to good health care, I didn't find my tumor early because of luck. I found my tumor early because of knowledge and awareness. I knew I should perform breast self-exams, and I was aware of what my body was supposed to feel like.

It is my hope that by sharing my story we will pass the Breast Cancer Education and Awareness Requires Learning Young Act of 2009 into law this year and further reduce the death rate of young women diagnosed with breast cancer.

We need to ensure that every young woman in America can rely on more than just luck. Their survival depends on it.

I urge my colleagues to cosponsor this vital legislation. Thank you very much.

HONORING AN AMERICAN ANIMAL- LOVING CHAMPION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, my family and I have always been pet lovers. In fact, we have always been owned by at least one cat and one dog. We support many animal rescue organizations. The current dog and cat we have are both rescue pets. However, we cannot hold a candle to a person whose life has been dedicated to saving animals.

Mr. Speaker, I rise today to honor the life of a great American, a woman

with a passion for the humane treatment of animals, my friend, Gertrude Maxwell. Gertrude Maxwell is the founder, past president, and lifetime chairman of Save-A-Pet of Illinois, which she founded more than 35 years ago. Later, she founded and served as president of Save-A-Pet of Florida. Then, 15 years ago, she started the National Save-a-Pet Foundation, where she currently serves as director and chairman.

Her Save-A-Pet organization exists for one reason—saving animals. It is a nonprofit group dedicated to saving abandoned, homeless, or lost pets, and is committed to shielding pets from the practice of animal euthanasia.

Gertrude is a champion of abandoned and unwanted pets and, as a fellow animal lover, I am inspired by her pioneering work with Save-A-Pet. When she discovered in 1972 that more than 90,000 pets were destroyed every month in the United States, she set about the work of shrinking and hopefully one day eliminating the number of pets euthanized in America.

Throughout her lifetime of work on behalf of animals, Gertrude has established and maintained many animal sanctuaries and adoption centers. Thanks to her unwavering commitment to saving pets, her work has directly saved nearly 100,000 pets over the course of her decades-long campaign on behalf of animals.

After more than 35 years of advocacy for animals, she is still working for the humane treatment of animals. Her tireless efforts also find her lobbying for laws to aid animal welfare, and recently bore fruit when HB 219 the Gertrude Maxwell Save-A-Pet Act was signed into law in Florida last spring.

This legislation creates what is known as a Direct Support Organization that will raise funds from individuals, corporations, and small businesses to provide grants to animal shelters in emergency situations. This organization will provide for spaying and neutering of abandoned cats and dogs, reduce the need for euthanasia of animals, and reduce animal cruelty.

The Gertrude Maxwell Save-A-Pet Act was widely supported by Governor Charlie Crist and organizations like the Florida Veterinary Medical Association; the Florida Association of Kennel Clubs; the Florida Animal Control Association, and the National Rifle Association.

Gertrude has received over 200 awards and honors for her dedication to defenseless and vulnerable animals in America. Today, I honor this outstanding woman for a lifetime of selfless service to her community and for her love for animals.

TARP FUND RECIPIENTS EXERCISE NO RESTRAINT

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, last week, the American people were justifiably outraged by news that American International Group—AIG—would be paying out \$165 million in bonuses. AIG would be rewarding its employees for helping the economy post a record \$62 billion loss—and it would be doling out these bonuses while dipping its hands in the taxpayer till.

When a company is 80 percent owned by U.S. taxpayers and it has accepted \$173 billion in Federal bailout funds, the American people expect more.

Unfortunately, Mr. Speaker, with the start of a new week, the U.S. taxpayer is hit with reports of another “TARP-funded corporation gone wild.”

ABC News reported that JPMorgan Chase, a bank that has received \$25 billion in TARP funds, is moving ahead with a \$138 million plan to buy two brand new, luxury corporate jets. The bank will also build a lavish corporate aircraft hangar to house the new jets. According to JPMorgan Chase architects, the new hangar will even be built with a vegetated roof garden.

Mr. Speaker, why can't these TARP beneficiaries get a clue? Where does it end?

Last fall, I voted against the \$700 billion government bailout because U.S. taxpayers should not have to pick up the tab for the poor business decisions of high-flying Wall Street firms.

Let's not forget—no more than a week after Congress passed this \$700 billion bailout, AIG spent over \$400,000 on a lavish retreat for company executives—after they had accepted \$85 billion in Federal bailout money.

The behavior of these financial institutions shows that taxpayers will certainly get a raw deal when the Federal Government does not demand oversight and accountability. These corporations have resorted to taking taxpayer dollars to stave off failures, yet they are still spending like it's business as usual. All the while, the working people of this country are tightening their wallets and coping with a tough economy.

Our country's outstanding public debt is more than \$11 trillion, and it grows by nearly \$4 billion every day. When will the Federal Government stop digging the American taxpayers into this debt?

Mr. Speaker, it's time for our government to start working for the American taxpayer and not the other way around. The American taxpayer is tired and fed up with business as usual. We have got to change the way we do business and remember that the taxpayers pay the bills and the debt of this government.

With that, Mr. Speaker, I will say God continue to bless our men and women in uniform, and God continue to bless America.

□ 1930

TRIBUTE TO FOUR FALLEN OAKLAND POLICE OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE of California. Mr. Speaker, I rise this evening with a heavy heart on behalf of the residents of my congressional district, the Ninth Congressional District of California, to pay tribute to four fallen heroes from the Bay Area.

This weekend, Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai and Officer John Hege, all members of the Oakland Police Department, were brutally gunned down while serving in the line of duty.

Oftentimes members of law enforcement go unnoticed. But they provide a critical service to help protect our communities. These men performed their jobs to the fullest every day, knowing that there was a possibility that they would ultimately give their lives in service to their community. Today we honor them and join their families and our community in not only mourning their loss but remembering the sacrifices that they made to protect the people of Oakland, California.

I feel that it is very important that everyone remember that these brave men were not nameless, faceless individuals. They were husbands, they were fathers, they were brothers, they were dear friends to many.

Sergeant Dunakin lived in Tracy, California, and was on the police force for 18 years. He was a graduate of Chabot College in Hayward. He was promoted to sergeant in 1999 and worked homicide cases in the criminal division. Following his transfer to the traffic division, he was active in the Click It or Ticket campaign and took part in multi-agency crackdowns on drunken driving suspects. Captain Ed Tracey described Sergeant Dunakin as "Just a cop's cop. He's OPD to the bone. He is absolutely committed to anything that he leads." He leaves to mourn his wife, Angela, and his three children.

Sergeant Romans, 43, of Danville, was an Oakland officer since 1996. He was a member of the entry team, and was considered one of the most adept members of the Oakland Police SWAT team by his colleagues. Erv, as he was affectionately known, was promoted to sergeant in 2005 and worked narcotics cases, making a number of high-profile drug busts. He leaves behind three children.

Sergeant Daniel Sakai of Castro Valley was 35 years old. He was considered a rising star on the Oakland Police SWAT team and was recently named a leader of the entry team. Before joining the SWAT team, Sergeant Sakai worked as a K-9 officer responding to

calls with his dog, Doc. He loved nature and studied forestry at UC Berkeley, where he also worked as a community service officer escorting students around campus at night. After graduation, he spent a year in Japan teaching English. He leaves his wife, Jennifer, and a young daughter.

Officer John Hege, who was 41 years old, joined the Oakland Police Department 10 years ago after serving as a reserve officer. He graduated from St. Mary's College in Moraga, California, and had taught physical education and oversaw study hall at Tennyson High School in Hayward. He lived with his dog on a small cul-de-sac in Concord, California. While off-duty, he was a high school baseball umpire. Officer Hege also wanted to be a motorcycle cop for many years, and in the last few months he finally got his wish. His colleagues noted that he was always the first to respond on the radio to actually assist other officers or to help on a project.

It is my sincere prayer that, in light of this tragedy, we begin to reexamine how we are addressing the ongoing violence which plagues our country. The events in Oakland this weekend are a prime example of why we must address the gaps that we have in our parole system and also renew our efforts to ban the sale of military style assault weapons in this country. It is hard enough being a police officer without the added pressure of knowing that there could be assault rifles embedded throughout our communities.

We cannot bring back these brave men, but through their deaths we can work and put in place policies that will make our communities safer for the people who live there and also for the police officers who oftentimes have a very dangerous job protecting them. The death of these four officers is really an incomprehensible tragedy that is difficult for all of us to fathom.

I extend my deepest sympathies to the family members of the four officers. This is a very difficult time for members of the Oakland Police Department, the City of Oakland and my entire congressional district, actually, for the entire State of California. My heart goes out to all of those members of the police force who are mourning the loss of their brothers. Our prayers are with the family and the friends of these brave young men and women during this very solemn time.

TAX THEM TO DEATH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the government answer to government-created problems is to tax people and businesses that are producing. The economic philosophy is simple: Punish success by the power of the tax.

The latest government tax plan is the energy tax. The idea is, tax anything that uses energy. And it contains several philosophies. The first one is raise the gasoline tax 10 cents. I guess the government bureaucrats don't think gasoline prices are high enough already. Americans pay 18 cents in Federal gasoline tax, about 20 cents in State tax; and gasoline is approaching \$2 a gallon, so they are going to raise taxes and make it harder for us to drive.

But that is not all. The idea also is to tax mileage of cars. It is called the car user tax. In other words, for every mile an American citizen drives, they are going to get taxed for that mile. Of course, that hurts people in rural areas, it hurts people who don't have mass transit and don't have a choo-choo train to ride to work. But it is the car user tax, and we don't know yet how much that is going to be.

But we have more. The idea also is to tax the use of energy in your home. In other words, when you turn on the lights, you are using electricity and you are going to get taxed for using that energy. If you have hot water in your home and you use a hot water heater that is run by natural gas and you turn on the hot water, since you are using natural gas you are going to get taxed again for the use of energy. And of course in the winter in some places in the United States they use home heating oil to keep warm in the winter. And since they are using energy, they are going to get taxed for that. It is the home use energy tax on all Americans. And of course the same is going to be applied to businesses. But businesses, they are going to pass their taxes on down to the consumer who has to pay all of those taxes as well.

There is more. There is the cap-and-trade tax, or the cap tax as I call it. What that is, it is based on the unproven mythical theory of global warming and the use of CO₂; so if you use any CO₂, you are going to get taxed for that.

There are other taxes. Those include taxes on energy production. What that is, is those businesses—we call them oil companies—that produce energy for the rest of us to use, they are going to be taxed with so many different taxes I don't have time to go through it; but what it amounts to, it will cost the American consumer another 41 cents per gallon of gasoline to pay for that tax on energy production that is being passed from the oil companies down to the American consumer. And, of course, the effect of that, whether intended or unintended, will be to send those energy-producing companies, those oil companies, somewhere else. We already find out that some of them are moving to Switzerland.

When that happens, we will get less tax revenue to begin with. You see, we

already have the second highest corporate income tax in the world. And why would we fault oil companies for moving overseas when they are already paying so much taxes? And these energy taxes will increase and encourage people to move offshore and to other places.

Mr. Speaker, whether people know it or not, we do not have alternatives for the use of crude oil or gasoline yet. Some day we might have one of those electric cars that we all get to drive around in, but we don't have it now. So if we keep sending energy companies overseas, make it harder for them to produce, tax the energy consumption, it is going to be more difficult for us to exist in this world.

So why don't we do something a little novel. Why don't we allow more energy exploration, instead of continuing to subsidize the Middle Eastern oil countries who don't like us anyway.

If we explore more, that will create jobs that stay in America. It will bring revenue to the American Treasury, because those oil companies have to pay for those leases. We can then get more tax revenue from those oil companies, and money will stay here, instead of shipping it overseas to foreign countries. A novel idea. And there is not a tax included in any of that.

But it seems to me, Mr. Speaker, that the current bureaucrats never saw a tax they didn't like. So we will all just get to ride bicycles and freeze in the cold dark of winter, and for light we will have to use candles since we can't afford to pay the electricity tax on our homes.

And that's just the way it is.

ENERGY AND ECONOMICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

Mr. INGLIS. Mr. Speaker, following up on the gentleman from Texas (Mr. POE) in talking about energy, I have got a different take on that, and the different take is this: It is all about economics.

Actually, technologies exist right now to be the alternatives. The problem is, they don't compete real well against the incumbent technology, because the incumbent technology doesn't have all of its negative externalities attached to it. If you attach those externalities to those incumbent technologies, all of a sudden new things would happen. And rather than being driven by government and grant programs for this or that, it would be driven by free enterprise, with people making money selling the competing technology.

What do you have to do to get there? You have got to figure out a way to, what economists call, internalize the externals. You have got to figure out a

way to attach to the incumbent technologies, which in this case with transportation is gasoline, attach the negative externalities to the price. In other words, demand accountability. Insist on accountability. Say we are going to attach the national security risk, for example, to gasoline, and we are going to say, what is it really costing us for a gallon of gasoline? Is it the \$1.90 that I paid recently in my car, or is it a lot more than that? The answer is, it is a lot more than that.

If you consider just the supply chain that we have to protect the assets that we have forward deployed to protect the supply chain, and attribute some percentage, it doesn't have to be 100 percent, but some percentage of the cost, for example, of protecting the shipping lanes that carry this stuff that we are addicted to, to us, if you just attach the cost of a percentage of that, maybe 50 percent of it, give 50 percent cost accounting to somebody else, somebody else's account. But let's account to gasoline at least 50 percent of the cost of the operations in protecting the shipping lines. If you do, it is not \$1.90 a gallon. It is a lot more.

□ 1945

But as long as there is an unrecognized externality, then what happens? There is a market distortion. And as long as that market distortion exists, nothing happens in free enterprise. Because what free enterprise is about is a wonderful thing called "making a profit." And the people generally on this side of the aisle understand very well that we are in business to make money, to make a profit. But when your competitor gets a freebie in the national security realm or a freebie when it comes to climate change impact, or a freebie when it comes to, say small particulates, when it comes to coal, nuclear doesn't develop, and alternative energies don't develop because you have got this freebie.

Why not continue on with the cheap old technology, the one that really doesn't take a lot of rocket science? You stick pipe in the ground, out comes some crude, you refine it, stick it in a car and you run it. Not real rocket science. But how about some rocket science of hydrogen, for example? Well, you have to internalize some externals in order to make that work for a profit-making venture.

Until then, we will be talking science projects. I'm on the Science Committee. I'm happy to do science projects. But what I really want to have happen is to have people making money selling the competing technology. Here is a way to do it. We are just hearing about how we don't want more taxes. So let's start with a tax reduction. What if you reduce taxes on something, say payroll or income, and then in an equal amount, apply a tax to carbon-based fuels? Then we will see

what happens. What would happen then is all kinds of exciting things. The new entrepreneurs in the energy field, the Bill Gates of the world in energy would suddenly do for energy what Bill Gates at Microsoft and Steve Jobs at Apple did for the PC and the Internet. America would break free. It would be no additional intake to the government, and Mr. Speaker, we would be on our way to energy independence.

SUPPORT H.R. 1245, HOMEBUYER TAX CREDIT ACT OF 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I'm going to do something novel tonight. I am going to reach out to my Democrat colleagues. And I'm glad to see some of them, like DON, over there tonight to listen to my exhortations.

Mr. Speaker, the \$8,000 tax credit for first-time homebuyers was one of the reasons why home sales went up by about 5.1 percent last month. That was an indication that we are probably moving in the right direction as far as stimulating some economic growth in the housing industry. But the housing industry is in a depression right now. And we need more than just the \$8,000 tax credit for first-time homebuyers.

Now, back in 1975, Congress passed the Tax Reduction Act of 1975, which included a tax credit not just for first-time homebuyers, but for all homebuyers, up to \$2,000 in a tax credit. As a result, they increased within the next year by 400,000 the number of houses that were sold, and in 2 years they were back up to the 2 million house level.

So we need to stimulate economic growth in the housing industry across the board, not just for first-time homebuyers. Now KEN CALVERT of California, our colleague, has introduced a bill, H.R. 1245. I'm a cosponsor of it. And it will give a 10 percent credit, 10 percent of the home price, up to \$15,000 for all homebuyers for 1 year. Now if we did that like they did back in 1975—and this was sponsored mainly by Democrats back in 1975—if we did that across the board for homebuyers up to \$15,000, we would stimulate a huge movement towards home purchasing. Twenty-five percent of the people in this country say they want to buy a home within the next 10 years. We can move that up pretty rapidly if we extend the tax credit to \$15,000 and allow everybody to get it for 1 year. And if we did that, I think that would go a long way toward solving the economic problems we are facing right now. Right now, what we are doing is we are throwing money at the problem, and we are hoping that that will solve it. It is probably going to help a little bit in the short run. But in the long run, if we really want to stimulate economic

growth and activity, we have to get the free market working again. And the best way to do that in my opinion, and I'm saying this to my Democrat colleagues as well as my Republican colleagues, is to give an incentive for people to buy homes, not just first-time homebuyers, but everyone who would like to buy a home or move into a better one.

So if we allow, say, a 10 percent tax credit up to an amount of \$15,000 for just 1 year, I think you would see a huge movement in the purchase of homes in this country, and it will really help the economy.

Now the realtors of this country and the homebuilders of this country really need help. They want this bill. They think it is extremely important. They are out here this week and they are going to be talking about it. So I would like to say to you, DON, and all my Democrat colleagues and my Republican colleagues, let's get together on this one. We can fight on something else. But right now we have an opportunity to really stimulate home purchases in this country and get this economy moving more rapidly in the right direction.

So I hope you will join with me in cosponsoring KEN's bill, H.R. 1245, and I'll be glad to sign any of you up tonight.

**JORGE LUIS GARCIA PEREZ
"ANTUNEZ," CUBAN FREEDOM
FIGHTER**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. This last Friday, I had the honor of being able to speak by telephone with five brave human rights activists, pro-democracy leaders, inside the totalitarian nightmare that is Castro's Cuba.

One of the great heroes of the pro-democracy movement inside the Cuban totalitarian nightmare is Jorge Luis Garcia Perez Antunez. A black man now in his 40s, Antunez was first imprisoned while he was in high school because of his support for democracy and his opposition to totalitarianism. For 17 years, Antunez was regularly beaten as a political prisoner in Castro's gulag. He never gave in. He was released from the gulag last year, but since he never surrenders, he doesn't stop denouncing the thugs and pirates who have destroyed, impoverished and oppressed the Cuban people for 50 years, Antunez has been routinely detained, dozens of times, thrown into a dungeon and subsequently released, since his release from the gulag.

Some days ago, Antunez began a hunger strike in his city of Placetas, in Sancti Spiritus province, Cuba, calling for the end of the death threats being

leveled against Cuban political prisoner Mario Alberto Perez Aguilera; an end to the physical and psychological torture of all Cuban political prisoners; and the cruel and cynical prohibition by the dictatorship against Antunez's sister, Caridad Garcia Perez, being able to rebuild her own house. They don't allow her to rebuild her own house, which was destroyed by one of the devastating hurricanes that passed by Cuba.

Accompanying the hero Antunez when I was able to contact him by telephone on Friday, March 19, was his wife, the pro-democracy leader, Iris Perez Aguilera, whose brother, Mario Alberto Perez Aguilera, is a political prisoner receiving death threats, I'm sure one of many, but the one specified by Antunez, receiving death threats by his jailers. And I also spoke to pro-democracy leaders, Carlos Michael Morales Rodriguez, Alejandro Tur Valladares and Ernesto Mederos. It was my honor to speak with all of them.

Antunez's house was surrounded by state security thugs while we spoke. And he and his colleagues knew very well that our telephone conversation was being monitored by the thug-regime. The courage of these pro-democracy leaders is simply awe-inspiring. They all explained their human rights work and reiterated their commitment to freedom. I told Antunez that I would be speaking in the U.S. Congress this week about him, about his hunger strike, about his heroic struggle for freedom and the heroic struggle of the other pro-democracy leaders I spoke to, and about all of Cuba's political prisoners.

Fidel Castro and his brother, who now has some titles because of the dictator's intestinal illness, constitute the historical revenge of the brutal, racist European colonialism that the Cubans fought to overthrow for almost a century. But they ultimately prevailed.

Antunez, Biscet and the other pro-democracy leaders who continue to fight the Castros' dyarchy represent today's version of Maceo, Banderas, Moncada and all the freedom fighters who ultimately obtained freedom for Cuba.

Now one of the disgusting realities of today is that the fight of the unarmed Cuban people doesn't exist for the international media and the press, with very dignified exceptions. Why are the Cubans non-persons for so much of the media? Their racial discrimination is as shameful as it is condemnable. But Antunez, Biscet and the other Cuban freedom fighters will prevail. They are the future leaders of free Cuba. Antunez's last words to me on Friday said it all. "Tell your colleagues, the representative of the American people, Antunez ni se rinde, ni se va." "Antunez neither surrenders, nor leaves."

Some are advocating that the new administration agree to the expulsion

from Cuba to the U.S. of Biscet, Antunez and other future leaders of Cuba in exchange for some Castro spies currently in U.S. Federal prisons, serving time for conspiring to murder U.S. citizens. That would be a condemnable act that would violate international law as well as the elemental human rights of Cuba's future leaders.

From the floor of the U.S. Congress, I reiterate my admiration for those leaders who confront the totalitarian monster from within Cuba today and who will lead free Cuba tomorrow.

**AFRICA DESERVES PARITY IN OUR
OVERALL FOREIGN POLICY**

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

Ms. FUDGE. Mr. Speaker, the Congressional Black Caucus, the CBC, is proud to anchor this hour. Currently the CBC is chaired by the Honorable BARBARA LEE from the Ninth Congressional District of California. My name is Congresswoman MARCIA FUDGE, and I represent the 11th Congressional District of Ohio.

CBC members are advocates for families nationally and internationally. We have played a significant role as local and regional activists. We continue to work diligently to be the conscience of the Congress. But understanding that all politics are local, we provide dedicated and focused service to the citizens and congressional districts we serve. The vision of the founding members of the Congressional Black Caucus, to promote the public welfare through legislation designed to meet the needs of millions of neglected citizens, continues to be a focal point for the legislative work and political activities of the Congressional Black Caucus today.

As Members of Congress, CBC members also promote legislation to aid neglected citizens throughout the world. We understand that the United States, as a bellwether, has the ability to positively impact our neighbors abroad.

Mr. Speaker, at this time I yield to our chairwoman, the Honorable BARBARA LEE.

Ms. LEE of California. Thank you very much. And let me thank the gentlelady for yielding and also for your leadership. Once again, thanks to you, we are here talking about the many, many issues which face our country, but also many of the issues which the Congressional Black Caucus is very involved in leading. And oftentimes the public really isn't aware of these issues and exactly what we are doing. So thank you again, Congresswoman MARCIA FUDGE, for your leadership and for staying the course.

As Chair of the CBC, I'm very proud to point out that we are privileged to

draw upon the wisdom and expertise of one of our many colleagues on the House Committee on Foreign Affairs, Congressman DON PAYNE of New Jersey. Congressman PAYNE I must say is more than a member. Of course, he is the Chair of the Africa and Global Health Subcommittee, but he is our resident expert on Africa. And Congressman PAYNE I always say is a Member of Congress who not only understands what our foreign policy should be towards the continent of Africa, but he also understands that Africa deserves parity in our overall foreign policy and oftentimes is in the midst of bringing peaceful solutions to conflicts when others won't go there in many, many dangerous and treacherous situations. He also is on the CBC International Affairs Task Force. And I just want to commend Congressman PAYNE tonight. Thank you for your sacrifices and for your leadership.

We are also represented on the Foreign Affairs Committee by Congressman GREGORY MEEKS of New York, Congresswoman DIANE WATSON of California, Congresswoman SHEILA JACKSON-LEE of Texas and Congressman DAVID SCOTT of Georgia.

I would like to briefly talk tonight about Darfur and Sudan. I mentioned Mr. PAYNE earlier, and let me just say that he was the lone voice in the wilderness for many years saying that we should declare that genocide is taking place in Darfur, because that is exactly what did take place.

□ 2000

He finally brought bipartisan consensus to that, the policy of designating this as genocide, and it took a lot. But the country, our country, has in place, as its foreign policy, that genocide is taking place in Darfur. But it is also important to recognize that we haven't been able to go the next step to really help to end the genocide.

The people of Sudan, they have a desire for a just and lasting peace, but it has been crushed repeatedly by one of the most brutal regimes in the world. More than 2 million South Sudanese have died in the 21-year war and have suffered countless atrocities, mostly committed by the same regime in Khartoum.

Darfurian children, born at the height of the genocide, are now 6 years old, and many of them are still in displaced camps in Darfur or in Eastern Chad as refugees.

Fifteen years ago in Rwanda, the international community turned a blind eye with a million civilians butchered. Have we really done more in the case of Darfur, in South Sudan in Abyei and in Nuba? We declared genocide in 2004, but we haven't acted decisively to stop it. If we had, we could have saved many, many innocent people.

And I have visited Darfur on three occasions, and I have just seen the con-

ditions in the camps deteriorate over the years. And so, now it is very important, given what has just taken place, for the United States to raise its role and elevate our work as it relates to trying to help the world community understand that we have got to do the right thing. We need to support the International Criminal Court in its efforts to hold Sudan President Bashir accountable for his crimes against humanity, and for the President, and we support the President, our President, in appointing a Special Envoy for Sudan. Congressman PAYNE and myself wrote to President Obama, and we are delighted that he has appointed an Ambassador or a Special Envoy to be empowered, and we want him to have the resources to focus on Sudan as a whole with special attention to the ongoing genocide in Darfur. We want full implementation of the CPA and to address the humanitarian crisis because, now as General Bashir has expelled the humanitarian workers, we have an even worse crisis emerging on the humanitarian front.

And so our new Special Envoy is Major General Gration. He will be the Special Envoy, and he is uniquely qualified. Some of us met him in Darfur, and we know that he is very qualified to undertake these critically important efforts. As the President said, and I quote, he said that "he knows the region, he has broad experience and has my complete confidence."

Let me also say that we have to work very closely with the Special Envoy. And again, we want the Special Envoy to have a team of people with the resources to be able to do this job so he can bring peace to the long-suffering people of the Sudan.

Also, in conclusion, let me just highlight the fact that the CBC has led for many, many years in developing our global HIV/AIDS initiatives and the U.S. response to that.

We were instrumental, last year in taking—and can you believe this, Congresswoman FUDGE, Nelson Mandela and the ANC was on the terrorist watch list until last December. So we were able to get him off of the terrorist watch list before his 90th birthday.

We have established June as Caribbean American Heritage Month, honoring those of Caribbean descent who have contributed immensely to this great country.

We are working now on the Shirley Chisholm Caribbean Education Exchange Program, and trying to make sure that our country, Haiti, the poorest country in this hemisphere, receives the type of attention and resources it deserves to help stabilize the country. Hurricanes, natural disasters, poverty, health care needs are badly needed in Haiti, and the CBC has been working very hard to try to help stabilize that country.

I won't go on and on now, but I just wanted to thank Congresswoman

FUDGE because the CBC, again, is continuing to be the conscience of the Congress, not only in our domestic policy, but in our foreign policy, and each and every Member understands that we have to think globally and act locally, and we try to work strategically on both the home front and the international front.

Thank you very much, Congresswoman FUDGE.

Ms. FUDGE. Thank you. Mr. Speaker, I would very much like to thank our Chair for her leadership, for her vision, and certainly for her support of this special hour for the CBC.

Mr. Speaker, I would now like to yield to the gentlelady from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. I thank the gentlelady for yielding.

From the beginning, our great Nation has been generous, and it has been a safe harbor for immigrants, providing asylum to individuals fleeing political turmoil and humanitarian crisis. But that philosophy has been challenged very seriously, forcing people who have resided lawfully in the United States for over 15 years to return to their country of origin that is no longer their home.

And so today, I rise to urge President Obama to reverse former President Bush's executive order forcing Liberian refugees back to their country. I ask the President to extend lawful status to these persons who have been law-abiding and tax paying citizens for years. These are people who have built lives in this country, who have children who are U.S. citizens, and who do not want to tear their families apart.

Families like Janvier Richard, who lives in my congressional district in Maryland. She fled Liberia for America in 1991 after she and her family were threatened during the Liberian civil war. Janvier has spent 18 years in America, a generation, a lifetime in America. And yet, today, Janvier Richards, and her family, after they were granted Temporary Protected Status by the United States because of the political turmoil and atrocities being committed in Liberia, have now built a home here in these United States for 18 years.

But in 2007, President Bush effectively ended Temporary Protected Status for Liberians by signing a memorandum authorizing Deferred Enforced Departure.

What does that mean?

That means that President Bush ordered all Liberians who had been granted TPS, temporary protected status, to leave the United States by March 31, 2009.

Now, to be sure, Liberians have made tremendous progress, back on the road to democracy under the able leadership of President Ellen Johnson Sirleaf. But today, the question before us and the justice challenge is really about those

who came to this country, like Janvier, from Liberia, started families and businesses, worked hard, paid taxes. Their children are now United States citizens and grew up in America.

Janvier Richards wrote me a letter saying: "I am being told to return home to a country that has no place for me. I have a 5-year-old son born at Holy Cross Hospital in Silver Spring, Maryland, and should be starting school this fall as a new kindergarten student. I have been working and paying taxes since I was 16, and I am happy contribute to American society by all means. This has been my home for 18 years," Janvier writes.

Richard has followed the proper procedures to become a U.S. citizen. She fled here to the United States with her father, who was a U.S. citizen, who filed for citizenship on her behalf. But since he passed away in 2002, immigration officials have continuously ignored Janvier Richard's inquiry about the status of her application, and now she faces deportation.

This is not about people wanting to take advantage of the United States or use Social Services. Janvier has been working and paying taxes since she was 18 years old and has never received government assistance.

This Congress and this administration must work to allow Liberians like Richards and her family to remain lawfully in this country as contributors, as taxpayers, and as citizens. We need to support these families that have become integral parts of our communities.

In closing her letter, Janvier Richards writes, and I quote, "Immigrants started this country. Immigrants are needed in this country. It shouldn't take up to 10 to 15 years before someone can get their green card or citizenship papers. We are working," she continues to write, "we are helping the country succeed. We are needed."

Ms. Richards and her son, the 5-year-old born at Holy Cross Hospital in Silver Spring, others like her who have come to this country and started new productive lives, have done nothing to deserve deportation. And they came here under the spirit in which we have granted asylum status to millions around the world for the generations of this country.

And I, therefore, ask President Obama to stand with Janvier Richards and other Liberians like her and reverse the current executive order.

I thank you, gentlelady, and I yield back.

Ms. FUDGE. I want to thank my colleague for her very moving remarks and because she is here and even though she doesn't feel well, because it is such a very important issue. So I want to thank her.

Mr. Speaker, I would now yield to the gentlelady from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Well, thank you so much, Congresswoman FUDGE, for sponsoring this hour. I think it is extremely important to educate our constituencies to a greater extent than we are somehow able to do in 1 minute or even in the heat of a debate.

Mr. Speaker, I am so delighted again to join these distinguished colleagues, the Chair of this special hour, Congresswoman FUDGE, as well as our Dean, I guess, of foreign affairs in the Congressional Black Caucus, Congressman PAYNE. And certainly, I would like to associate myself with the comments of our dear Representative from Maryland. I would like to associate myself with her remarks because I also want to talk about Liberia, but I want to talk about it from the perspective of protecting the investments that we have made in Liberia.

Liberia's relationship to the United States is certainly longstanding. Liberia was settled in the early 1800s by freeborn Blacks and former slaves from the United States of America. These settlers used the Constitution of the United States as the model for their new government. They designed a flag with red and white stripes with a single white star. And, of course, in 1824, the settlement was named Monrovia, after the American President James Monroe, and Monrovia remains the capital of the modern-day Liberia.

I can tell you that, unfortunately, because of arbitrary rule, economic collapse, corrupt governments, Liberia fell into two devastating civil wars in the span of a little more than a decade, as well as a legacy of a ruthless and reckless leader in Charles Taylor, who nearly destroyed the country, created regional instability, drawing in Sierra Leone, another country, and really creating an insecure situation. The most egregious of those things, in my mind, Congresswoman FUDGE, was the engagement of child warriors, children warriors in this fight.

During that fighting, Liberians suffered immensely. Over a quarter of a million lives were lost, and more than half of all of Liberia's 3.5 million people were driven from their homes, including those who found safe haven in our country to escape the violence.

I have visited Liberia a couple of times and heard some of the stories of people, women who were crossing the roads, pregnant and found themselves killed on the road right there for their food. I saw, looked into the vacant eyes of some of the child combatants that they are trying to rehabilitate in the country.

And so I was really pleased when late, late last week, our President, Barack Obama, given all of the challenges that he has, stopped to allow Liberians, who took refuge in our country from the civil war in their home nation to receive deferred enforced de-

parture protection for 12 more months. The President's recent order is so important because Liberians who have been granted either this temporary protected status, TPS, or deferred enforcement departure, DED, are allowed to remain in the U.S. rather than be forced to return to a country in the midst of war.

And let us not think for one moment, Congresswoman FUDGE, that this country is not still at war. And they are still at war because, despite the sage leadership of Ellen Johnson Sirleaf, she is taking tremendous steps to overcome the ravages of war. She is basically having to start from scratch from the destruction that was caused by these two wars. She is busy trying to rebuild the nation's education and health care system, oversee the deactivation and reintegration of the old security forces and ex-combatants. I mean, they need a new police service. Who do you trust and who don't you trust?

□ 2015

And this is a very excruciating process which the United States, of course, thank God, is helping them to do.

They have got to decommission these ex-combatants and help restore its shattered economy in the midst of the worst global recession in decades. Because of the extensive damage done by Charles Taylor and the conflict, things that we take for granted, such as roads, police to protect residents, courts to convict criminals, a basic economy, and confidence people have in its government have all got to be rebuilt. This is not a time to send President Ellen Johnson-Sirleaf another whole slew of people to provide educational opportunities for jobs. It is shocking to go to Liberia. It is the poorest day I have ever had in my life, Congresswoman FUDGE. I have never lived in a community that did not have a library, and I went to Liberia, a place where they do not even have a library in major parts of Liberia.

The challenges are many. Again, they lack health care, education; they suffer from an unemployment rate of 80 percent—yes, eight-zero—80 percent, lingering cultural and social effects from the legacy of war, and again, the haunting eyes of those child soldiers who have got to be reintegrated into society after experiencing or committing serious crimes. Seventy-six percent of Liberians in 2006 lived on less than \$1 per day. Fifty-two percent live on less than 50 cents per day. One hundred fifty-seven infants per 1,000 die before their first birthdays. Over 1,000 mothers die per 100,000 live births.

Most Liberians do not have access to safe drinking water. I was there in Liberia, and I had a bottle of water. Kids came up to me, fighting over the bottle of water, and I was very reluctant to give these children a bottle of water

that I had drank from. Someone said to me, "Ma'am, that is the cleanest water that they will ever have, perhaps, in their entire lives that is in that bottle." These are the conditions that they are living under. Electricity is sporadically available. The list goes on and on and on, and this is only an hour that we have here, Madam Chair.

One tool that the President does have, though, is the economic support flowing into her country from Liberians here in our country, some because of the special protections granted to them by TPS and DED. With the Liberian economy struggling and a global economic recession not making things any easier, money being sent to a country from relatives living in the U.S. is a veritable lifeline.

According to the Liberian government, remittances from the U.S. totaled \$60 million in 2007, providing essential support. According to the International Monetary Fund, Liberia's two civil wars have reduced Liberia's real gross domestic product to about 40 percent of its prewar level between 1989 and 2003. There is no magic wand available to President Johnson-Sirleaf to restore 60 percent of GDP overnight. Again, it would be extremely egregious for us to return citizens to that country without the prerequisite infrastructure. She has also, I hope, the steadfast support of this Congress and of this administration to Liberia and its people.

A couple of years ago, she was right here in this Chamber, and addressed a joint session of Congress, an honor thrust upon this inspiring leader because of the historic connection and special relationship between our two countries. In that address, she said, "The Liberian people are counting on me and my administration to create the conditions that will guarantee the realization of their dreams. We must not betray their trust. All the children I meet, when I ask what they want most, say, 'I want to learn.' 'I want to go to school.' 'I want an education.' We must not betray their trust."

The transition from conflict to peace is never quick nor easy. Madam Chair, I am afraid for the future of Liberia if we do not provide them with adequate support. I am going to amend my remarks and submit them for the RECORD.

In closing, I just want to commend President Obama for his welcomed step. He shares the strong belief that there is a beautiful democracy budding in Liberia, and I congratulate President Obama for his strong expression of support for our Liberia. The good thing about it is that this Nation is just rich with natural resources and that we now have a leader with credibility in President Johnson-Sirleaf. She is so decent as well as being brilliant. This can help create tremendous wealth for its people. It now has this capable leader for its vision, and the diamonds and min-

erals and its port can all lead to great prosperity, and we should be proud to be their great friend.

With that, I yield back my time to you. Thank you again for your stewardship over this hour.

Ms. FUDGE. Thank you very much.

Mr. Speaker, I would very much like to thank my friend and colleague, the gentlelady from Wisconsin, for her passion and for her insight.

At this time, I would now like to yield to the gentleman from New Jersey who, indeed, is the dean of the CBC as it relates to matters of Foreign Affairs, especially those in Africa.

Mr. PAYNE.

Mr. PAYNE. Thank you very much, Representative FUDGE. Let me commend you for taking the leadership for this hour on behalf of the Congressional Black Caucus. We certainly have appreciated your experience as a former mayor and as a person involved in politics in the State of Ohio and how you have come in, not as a trainee, but fully running. We know of the untimely death of your predecessor, Representative Stephanie Tubbs Jones, but we certainly appreciate your taking up the mantle and moving forward.

I would just like to speak briefly on several of the countries that we have mentioned.

We have just heard the gentlelady from Wisconsin talk about Haiti, and I might just mention briefly that Haiti has had a long and difficult history, highlighted by prolonged poverty, political instability and underdevelopment, resulting in a politically fragile state with the lowest standards of living in the entire western hemisphere. With the assistance of the United Nations Stabilization Mission in Haiti and large amounts of international aid, Haiti has been attempting to establish a foundation for longer economic development. Security issues have presented the primary risk to stability while restoring economic growth, investment, employment, and access to basic services have been the major and equally formidable challenges to sustainable development.

President Preval, since assuming his second nonconsecutive term in office in May of 2006, has emphasized the importance of rebuilding democracy, rebuilding Democratic institutions and of establishing conditions for private investment, which is key to the development of any country to create jobs. The success of his government will depend largely on its ability to improve security and social economics.

The condition in the country: 76 percent of the population lives on less than \$2 a day. These are conditions that make it very difficult. Security conditions have improved, but Haitians have seen their already substandard living conditions deteriorate further with the rise in global food prices and in the recent devastation by a series of hurricanes.

When people say, "Why Haiti? Why should we be concerned?" number 1, they are very close to our shores. Number 2, there has been a history of United States' involvement in Haiti. As a matter of fact, in the Battle of Savannah, when we fought for independence of the United States of America from Britain, Haiti sent soldiers over to fight in the Battle of Savannah. As a matter of fact, recently—and I visited last year—the statue that has been dedicated to Haitian soldiers who fought for the independence of the United States' 13 original colonies away from Great Britain.

Also, as we know, Haiti became the first revolt of enslaved people to defeat the colonists, and that sent a message throughout Central and South America. As you know, Haiti in 1804 defeated the forces of the great Napoleon's army, and as a result of this 12-year war between France and Haiti, France was defeated. There is great wealth that France would get from Haiti, which actually was more than all the 13 colonies of the United States provided for Britain. The one portion of the island of Española, of which Haiti is half of it and the other half is the Dominican Republic, gave more wealth to France. So, when France lost Haiti, it lost economics, and as a result, the Louisiana Purchase came about.

As you may know, at that time, the United States was landlocked. The United States only went to the Mississippi River, and it was the land that was owned by France. Because France after the long war with Haiti needed cash—it was land rich and cash poor—it sold the Louisiana Territory for, I think, about \$15 million and, therefore, opened up the West. The Lewis and Clark expedition started in St. Louis as a result of the purchase of the Louisiana Territory. So Haiti has had a tremendous impact on the United States of America.

Finally, about Haiti, part of the erosion which we see was spurred along in World War II. With the U.S. being cut off from the Pacific region, there was a need for rubber to be grown and produced. There was a Haitian grower who said that it was going to be impossible for rubber trees to grow in Haiti. However, the Haitian leadership wanted to help in the war effort and wanted to placate President Roosevelt, and so they cut down natural kinds of ecology, and tried to introduce rubber trees, which would not grow, which was already known by Haitian farmers, but they did it anyway. As a result, erosion started. This was one of the areas that, with the natural habitat taken down and the foreign intervention of other plants, Haiti's erosion also began.

So I just would like to say that we need to take a look at the status of Haitians in America. We need to change that situation so that people who have come to this country will

definitely have an opportunity to become full-fledged citizens of our country.

Let me just quickly talk about the Liberians who we have heard about, another country. We just heard our previous speaker talk about the fact that there was Deferred Enforcement Departure status which expired on March 31 of 2009 for Liberians as a result of the war with Charles Taylor. People got TPS, Temporary Protective Status, from Liberia. Then when that ran out, they had the Deferred Enforcement Departure, and we have gotten word that we believe that Liberians will be able to have a 1-year extension of the DED, from words that I received from President Obama's office.

Let me just say that, once again, in 1820, \$100,000 was funded by the U.S. Congress that went to help start Liberia. As you know, Monrovia was named after President Monroe, and many free black men and women went to Haiti. As a matter of fact, there was an integrated group of blacks and whites that went back originally, but the whites all died, and were unable to survive. Only the blacks survived.

□ 2030

And so we have had a long relationship with Haiti and with Liberia, and we should, certainly, with the 3,600 people who are in the DED current status, I hope that within the next year—and there will be a rally on Wednesday at 1:30 here at the west terrace at the Capitol that will allow Liberian leaders to come and show their appreciation for the extension, and we urge anyone who is free on Wednesday of this week at 1:30 to come and participate in the rally.

Finally, we've heard about Darfur. I was pleased that we were able to get the genocide resolution through, but I did expect more to happen from the world, and I have been disappointed.

I went to eastern Chad, and I spoke to an elderly woman who talked about what happened in her town: a pregnant woman was bayoneted there, a neighbor was shot. Even in huts they would lock, tie the door together and burn the huts and the boys would be burned to death, all of this by al-Bashir, the president who has been indicted by the International Criminal Court and should stand for trial.

As has been mentioned, there's been a long, north-south battle between the NIF government, the National Islamic Front, and the SPLA, the Sudanese Freedom—South Sudanese Liberation Movement, the late Dr. Garang, for 21 years. Four million people have been displaced, two million people have died.

And 21 days after Dr. Garang was able to get the comprehensive peace accord signed, his plane mysteriously crashed and Dr. Garang was killed.

I immediately went there and participated in the mourning and attended

the funeral of him. His wife and children—Rebecca, his wife, is very strong and continues to move forward on the question of South Sudan, the comprehensive peace agreement must be upheld and Darfur, the International Criminal Court, should go forward with the prosecution of al-Bashir. He has put out 13 nongovernmental organizations who are feeding people and are bringing in food and so forth. This must not stand, and he must be stopped.

We could talk about the Congo, but I will yield back the balance of the time so our chairperson of tonight's special order may be able to conclude in any manner that she sees fit. But let me once again thank you for taking this hour, and we still have much to do. The CBC, the conscience of the Congress, will continue to move forward, not only domestically, but internationally.

Ms. FUDGE. Mr. Speaker, I would very much again like to thank our teacher, our dean, our resident expert for his remarks this evening.

And now, Mr. Speaker, I would yield myself as much time as I may consume.

Mr. Speaker, the United States is a leader in advocating for human rights and humanitarian assistance. These ideals are embodied in the desire to assist and guide others that have lost hope.

At the United Nations World Summit in 2005, 191 members of the UN expressed support for the idea of a responsibility to protect. This responsibility to protect proclaims that mass atrocities that occur in one country are the concern of all countries. This echoes the great Dr. Martin Luther King, Jr.'s, declaration that injustice anywhere is a threat to justice everywhere.

With Dr. King's words in our hearts, I rise today to speak about the grave tragedies affecting individuals in Darfur and the temporary protective status, better known as TPS, for individuals from Liberia and Haiti.

I begin with the humanitarian emergency that is taking place in Darfur.

The history of the information in the Darfur region of Sudan is long and complicated. Sudan has been embroiled in a civil war for decades. The conflict took a turn for the worst in 2003 when the Sudanese government mobilized militias known as Janjaweds to attack opposition groups. The militia has brutalized the people of Darfur with murder, rape, torture, and pillage. They have burned down entire villages forcing people to flee their homes and their livelihoods. Entire portions of the region are now ruled by roving bands of armed gunmen.

Since 2003, 300,000 Darfuris have died as a result of a conflict, and approximately 2.7 million have been forced from their homes.

The conflict in Darfur is also having a devastating effect on its western

neighbor, Chad. Nearly 200,000 refugees from Sudan have joined the 90,000 persons displaced by the civil war in Chad. To further complicate matters, both Chad and Sudan have accused each other of supporting rebellions in their countries. Last week, however, the situation in Darfur took a grave turn for the worse.

Sudan's President, Omar al-Bashir, expelled 13 nongovernmental organizations, or NGOs, and 6,500 aid workers from the country. This was in direct retaliation for Bashir's indictment on war crimes and crimes against humanity by the International Criminal Court, better known as the ICC, on March 4, 2009. Bashir's unsubstantiated accusation that the NGOs were cooperating with the ICC investigation only heightens the urgency and necessity for an international response.

The civilian population is composed of two million people who are spread out among 200 refugee camps in Darfur, and in 12 refugee camps in eastern Chad. The UN estimates that 40 percent of Darfuris depend on outside assistance for their survival. This expulsion of humanitarian groups, such as Oxfam and Doctors Without Borders, will adversely affect millions of civilians who rely on NGOs for their most basic food and medical needs. Who will continue to provide these urgent services, Mr. Speaker?

The Sudanese government has clearly demonstrated that it is unwilling or unable to assist its citizens throughout this very conflict. The expulsion of the NGOs is only the most recent act that endangers millions of lives. This is why the international community must unite and forcefully declare that Sudan's government not hold its citizens hostage.

Last week, I and nearly 80 Members of this Congress sent letters to the Secretary General of the League of Arab States, the chairman of the African Union and the President of China urging them to insist that the government of Sudan allow humanitarian organizations to re-enter the country.

President Bashir must separate the ICC action from the charity relief efforts of relief groups. The expulsion violates international humanitarian law and damages efforts to resolve the conflict. Without the NGOs, more than one million Darfuris will be left vulnerable to disease and starvation. These are civilians, Mr. Speaker. They are caught in the cross hairs of a conflict they did not begin and they have no power to end.

By sacrificing his people for political gain, President Bashir has shown a call as disregard for human life that the international community cannot ignore. President Bashir must reverse the expulsion order and allow NGOs back into Sudan. The people of Darfur have suffered enough. To compound their anguish at this critical time is unconscionable.

I applaud President Obama's appointment of a special envoy to Sudan. President Obama named retired Air Force General Scott Graton last week as a special envoy to Sudan, choosing a close adviser with broad experience in the region. The President has indicated that the conflict in Darfur is a priority for his administration. The CBC is encouraged by the administration's stance, and we look forward to working with the President and the Special Envoy Graton.

At this time, Mr. Speaker, I would like to yield to my colleague from the State of Texas, the gentlewoman from the State of Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I would like to thank the gentlelady from Ohio, first of all, for her leadership in helping to share with our colleagues hour after hour enormously important issues facing not only the United States but facing the world. And I join her this evening.

And I was very appreciative of joining with my chairperson of the Congressional Black Caucus, who I just saw at another meeting who was able to be here, Congressman BARBARA LEE. I want to thank her for her leadership. The chairperson of my Subcommittee on Africa and Global Health, Chairman DONALD PAYNE, who speaks volumes about Africa, and as well, chairs the Foreign Affairs Task Force, of which I am a member of the Congressional Black Caucus; and one of our great leaders as well, Congresswoman GWEN MOORE. I know there were probably others that were here, and I did not get a chance to see them on the floor. But I do want to acknowledge that this is an important hour for us. And I am pleased to be able to join my colleague.

Let me just suggest that there are many ways that we can look at Liberia, Haiti, and Sudan. And it is my intent because I think we have talents here in the United States, Representatives of African nations, that, frankly, we don't get a chance to interact with as much as we would like. And I am going to accept the challenge given to me to host a meeting of African ambassadors that our colleagues will have a chance to sit down with and hear their story, their insight certainly on the issues that we're now raising, particularly Liberia and Sudan—obviously Haiti is in the Caribbean, and I will speak to that issue.

But let me tell you why I want to offer that suggestion. And the reason is because I sat down with one of our distinguished ambassadors last week who mentioned that with all of the meetings on the economy, the worldwide crisis in the economy, interestingly enough, the Continent of Africa is not on the agenda.

We heard an eloquent speech by Prime Minister Brown, and all of us were moved by his passion and his val-

ues, the Prime Minister of Great Britain. And I am told that he is as eloquent and as energized before his own Parliament and in international meetings as he was with us in the joint session.

And we are very blessed, if you will, by having an administration that has the cultural nexus and the heart and the intellect to be concerned about these issues. President Obama has been received overwhelmingly, his election, on the continent. I think we are poised to be of a gigantic opportunity to do what Prime Minister Brown has charged us to do: Don't forget the impoverished. Don't forget the journey we were on trying to address the question of poverty. And that was a big issue as it relates to Africa.

Now, of course, the economy has come and there may be donor nations who have made pledges who have not completed their pledges, but Africa still has the same concerns and therefore, it will be very important to hear from these ambassadors on the issues that we're talking about, which I expect to talk about here tonight.

For example, our esteemed president of Liberia who came out of the World Bank and who has a great respect of not only women of this country, but certainly of our administration and our past administration. She came to Liberia after Charles Taylor in a country that was void of infrastructure, void of water, void of—when I say “water resources,” infrastructure that would have clean running water; void of infrastructure that would have utilities or any mode of, if you will, phone, utility service; void of operating school systems. So we know that she has made great strides, and I have details here.

But at the same time, we are well aware that she needs more resources. We have to have this on the agenda. We have to be able to partnership with the African Union, for example, strengthen it as the African Union attempts to develop its own mission and mandate on how it addresses the issue of conflict.

So I think if I said anything about Liberia, there are certainly two major points: one, the Liberian Americans, but Liberia and the new president, Mrs. Johnson, is someone who has the, if you will, the monetary knowledge because of her experience here in the United States and her training in some of the financial structures of our country, but, also, the will to do it.

□ 2045

We must not forget Liberia in its journey toward economic independence, but it is a microcosm of the needs of the continent.

I also want to thank the administration, President Obama, for heeding the cry of many Members who wrote a letter about Liberian Americans. I'm told by our chairperson, Chairperson PAYNE, Liberian Americans will be

here in the Congress or on the West steps to highlight their plight of continued TPS status, deferred, if you will, deportation that has been going on and on and on.

We have got to solve that. That is something we can look to as we reform immigration. Many times when we discuss immigration, people start thinking it's not their problem, it's a global problem, it's a problem that faces many different ethnic groups. And we all need to come together as a family and fix it so people can be here legally; they can pay taxes; they can, in essence, be separated from those who want to do them harm.

So I want to put Liberia in the eye of the storm as it relates to the economy, and the challenge that the ambassador gave me was why don't you consult with us who are here and let us tell you the economic impact on the continent, what we need to be involved.

The second is, of course, Sudan and I might have been one of the last CODELS, congressional delegations, of three that were able to actually get into Darfur, into the camps. And I had spent time in Chad as well some years back before I was able to get into Darfur. I've been denied—it's a very long story of how long it took, and I frankly didn't know whether I'd get in the time that I went since we were among those who got arrested in front of the Sudanese embassy.

But we went into those camps, and the key thing that I want to say to the distinguished gentlelady is how valuable the NGOs were. They were literally the lifeline of the camps. They were a lifeline of the children. They were the lifeline of the women. And the women were the anchor of the camps because any man that would venture out to try to be a supportive family member, to provide income, would be killed by the janjaweed, or whatever the conflicts, they were targets. And so, mostly, it would be the women. Tragically, the women would be raped, and so things are not well.

And the complete disregard that the leadership of Sudan, the President of Sudan, has for the indictment, for the world family, there is no respect there. And we have a challenge, and we have got to be able to match the will of this country and our foreign policy, our belief in democracy, our belief in the security of children and family and the ability to live on your land without threat and danger and murder and pilage, we've got to the match that with the will of the countries on the continent, the African countries, the heads of States.

This is a new day now. This is in essence an America that has a commonality, that people are not only interested and are sacrificing on behalf of Sudan and the crisis there, but likewise, we have an administration that accounts Susan Rice, who is the U.N.

envoy who I worked with on the crisis between Ethiopia and Eritrea. She is a committed and knowledgeable person about the world but particularly about Africa, and I count on her wisdom. I count on the wisdom of the Secretary of State, Hillary Rodham Clinton, and I count on that foreign policy team, along with the envoy that our President has just selected, Major Scott Gration, that adds to the team that can now focus on Sudan but also focus on the continent of Africa.

I join in denouncing the treatment of our, if you will, NGOs. Just about a year or so ago, we lost a valiant State Department employee that was killed in Sudan, and I frankly have never gotten over it, and I offer my deepest respect and sympathy to his family. It was a horrific act.

And so it is important that we put our foot down on the atrocities that has occurred in Sudan, and people should understand, people are in Darfur because they have been moved off of their land. You can't help to rebuild this area, irrigate it, give people—these are farming people. Don't tell them, well, just go to the city and get another life, get a life. These people have lived on their land, and they have bothered no one. They've raised their families, and now they're being literally torn apart.

Southern Sudan, that tried to get on its feet, that has a lot of oil, it's still in conflict between the Khartoum government and Sudan. Southern Sudan, who has all the oil and cannot seem to get an agreement, to my current knowledge—and I may have need of some additional update to my current knowledge—has not been able to solve the distribution of the oil moneys, and so they're suffering. This is an immediate crisis that needs to be fixed.

As it relates to Haiti, let me again mention the work of the Congressional Black Caucus. We have been working on Haiti for, I don't know, as long as I've been here, but we have had wonderful conversations with President Preval who is a committed and dedicated leader, who is looking for funding for infrastructure, funding, if you will, to rebuild after the terrible onslaught of hurricanes that they had in the last year, 2008. He is looking to work with us and the Congressional Black Caucus in the appropriations process, and we're looking to work with him.

Haiti is a wonderful ally of the United States. We can never pay them for the blood that they shed standing alongside us in the Revolutionary War, and their victory was our victory. Our victory was their victory, and they're hardworking people. You can see that here in the United States, and you can see that obviously in Haiti.

And so what I think, as I close, that you selected hot spots that symbolize the need for us to be engaged, and as I said, finally with respect to immigra-

tion, Haiti, too, so many distraught cases of Haitians treated unfairly in the United States because they don't have the parity that happens when Cubans are fleeing persecution as is defined. Haitians have been fleeing persecution, economic persecution, political persecution, who are here and cannot return back. I want them to get parity, and any immigration bill that I have any hands on, it will be part of that bill.

And so I think it is extremely important, Mr. Speaker, that we look at these issues and be assured that we work on behalf of all of these people. It is our commitment to make their lives better by our statements here today on the floor, but also our collaboration to continue to work on the issues that impact people's lives and as well the quality of life. We need to save lives and we certainly need to save them.

I just want to put on the record that I am working with a Haitian teacher who has suffered so much. She teaches math. She's well-respected. She had a court order that said she was not going to be deported. It's a long story, but I simply want to let the Haitians in Houston know we have not forgotten her, and we want her to stay united with her family.

Thank you very much for your leadership.

Mr. Speaker, I am pleased to rise in support of Sudan, Liberia and Haiti. These are three of the most troubled nations in the world, desperately in need of support from other nations, including the United States.

SUDAN AND DARFUR

I am pleased that President Obama has appointed a Special Envoy to Sudan. Major General Scott Gration is both a humanitarian and a professional soldier. He has proudly served our country but more importantly brings to this position the experience and gravitas necessary to lead our mission.

The United States has for most of our history been a leader among nations in attempting to help foment democracy and bring peace to warring parties in regions throughout the world.

Sudan's western region of Darfur has been embroiled in violent conflict since 2003, which has brought a weighty death toll and displaced over 2 million people. Just recently, Darfur rebels killed 200 people near the capitol city of Khartoum. With violence continuing to worsen in the region, I call on the international community to renew its commitment to finding a solution to the conflict in Darfur.

In 2007, I had the chance to lead a Congressional Delegation to the region of Darfur to see the first hand devastation that has swept through the region.

As Chair of the Congressional Children's Caucus, I am very concerned about the displaced children who suffer due to the lack of nutrition and access to clean water. Additionally, child mortality remains a significant problem throughout the region. I am also concerned that the global food crisis could exacerbate the conflict, placing more children at risk.

We, as a Global community, must unite to address this issue. Let us not let race, religious ties, or bureaucratic systems hinder us from fight for the people of Darfur. As a member of the House Foreign Affairs Committee, I will continue to work towards a solution for the ongoing conflict in Darfur. We must remain steadfast to gaining peace in the region.

Darfur has been embroiled in a deadly conflict for over four years. During that time, at least 400,000 people have been killed; more than 2 million innocent civilians have been forced to flee their homes and now live in displaced-persons camps in Sudan or in refugee camps in neighboring Chad.

And more than 3.5 million men, women, and children are completely reliant on international aid for survival. Not since the Rwandan genocide of 1994 has the world seen such a calculated campaign of displacement, starvation, rape, and mass slaughter.

Since early 2003, Sudanese armed forces and Sudanese government-backed militia known as "Janjaweed" have been fighting two rebel groups in Darfur, the Sudanese Liberation Army/Movement (SLA/SLM) and the Justice and Equality Movement (JEM).

The stated political aim of the rebels has been to compel the government of Sudan to address underdevelopment and the political marginalization of the region. In response, the Sudanese government's regular armed forces and the Janjaweed—largely composed of fighters of Arab nomadic background—have targeted civilian populations and ethnic groups from which the rebels primarily draw their support—the Fur, Masalit and Zaghawa.

The Bush Administration recognized these atrocities—carried out against civilians primarily by the government of Sudan and its allied Janjaweed militias—as genocide. António Guterres, the United Nations High Commissioner for Refugees, has described the situation in Sudan and Chad as "the largest and most complex humanitarian problem on the globe."

The Sudanese government and the Janjaweed militias are responsible for the burning and destruction of hundreds of rural villages, the killing of tens of thousands of people and rape and assault of thousands of women and girls.

With much international pressure, the Darfur Peace Agreement was brokered in May 2006 between the government of Sudan and one faction of Darfur rebels. However, deadlines have been ignored and the violence has escalated, with in-fighting among the various rebel groups and factions dramatically increasing and adding a new layer of complexity to the conflict.

This violence has made it dangerous, if not impossible, for most of the millions of displaced persons to return to their homes. Humanitarian aid agencies face growing obstacles to bringing widespread relief. In August 2006, the UN's top humanitarian official Jan Egeland stated that the situation in Darfur is "going from real bad to catastrophic." Indeed, the violence in Darfur rages on with government-backed militias still attacking civilian populations with impunity.

On July 30, 2004, the UN Security Council adopted resolution 1556 demanding that the government of Sudan disarm the Janjaweed.

This same demand is also an important part of the Darfur Peace Agreement signed in May of 2006.

On August 31, 2006, the Security Council took the further step of authorizing a strong UN peacekeeping force for Darfur by passing resolution 1706. Despite these actions, the Janjaweed are still active and free to commit the same genocidal crimes against civilians in Darfur with the aid of the Sudanese government.

International experts agree that the United Nations Security Council must deploy a peacekeeping force with a mandate to protect civilians immediately. Until it arrives, the under-funded and overwhelmed African Union monitoring mission must be bolstered. And governments and international institutions must provide and ensure access to sufficient humanitarian aid for those in need.

The Darfur Accountability and Divestment Act of 2006, H.R. 180, sponsored by my colleague BARBARA LEE would require: The Securities and Exchange Commission's (SEC) Division of Corporate Finance and the U.S. Treasury to require all companies listing securities on United States capital markets, either directly or through a parent or subsidiary company, including partly-owned subsidiaries, having business operations in a country with a genocide declared by the Department of State or Congress, to disclose the nature of their business operations.

The United States Government (federal) to prohibit contracts with multi-national business enterprises if: They maintain business relationships and investments with national, regional and local governments involved in genocide; and they participate in business activities with any warring parties or rebel groups perpetrating genocide. States and Cities that have divested or are in the process of divesting State and City funds from companies that conduct business in Sudan; and United States colleges and universities that have divested their funds from, or placed restrictions on investments of their funds in, companies that conduct business in Sudan.

The Government Accountability Office (GAO) to investigate the existence and extent of all Federal Retirement Thrift Investment Board investments with national, regional and local governments involved in genocide; or business activities with any warring parties perpetrating genocide; or related to debt-obligations issued by the government of Sudan.

Also, the Chairman of the Securities and Exchange Commission is charged with maintaining and publishing a list of the names of the business enterprises identified by the Securities and Exchange Commission as having ties with perpetrators of genocide.

It also reasserts Section 11 of the Darfur Peace and Accountability Act (stripped from the Senate version) that nothing in that act or any other provision of law shall be construed to preempt any State law that prohibits investment of State funds, including State pension funds, in or relating to the Republic of the Sudan.

LIBERIA

Mr. Speaker, A part of the world that has been neglected for many years is West Africa. And one of the gems of this region is Liberia. I am pleased that Liberia's temporary protective order was extended.

Temporary Protected Status (TPS) is the statutory embodiment of safe haven for those aliens who may not meet the legal definition of refugee but are nonetheless fleeing—or reluctant to return to—potentially dangerous situations.

There are numerous regions throughout the world where discrete and insular minorities might need this type of relief. TPS is blanket relief that may be granted under the following conditions: there is ongoing armed conflict posing serious threat to personal safety; a foreign state requests TPS because it temporarily cannot handle the return of nationals due to environmental disaster or there are extraordinary and temporary conditions in a foreign state that prevent aliens from returning, provided that granting TPS is consistent with U.S. national interests.

The Secretary of Homeland Security in consultation with the Secretary of State, can issue TPS for periods of 6 to 18 months and can extend these periods if conditions do not change in the designated country. To obtain TPS, eligible aliens report to U.S. Citizenship and Immigrant Services (USCIS) in the Department of Homeland Security (DHS), pay a processing fee, and receive registration documents and a work authorization. The major requirements for aliens seeking TPS are proof of eligibility. The regulation specifies grounds of inadmissibility that cannot be waived, including those relating to criminal convictions and the persecution of others.

The United States currently provides TPS or deferred enforced departure (DED) to over 300,000 foreign nationals from a total of seven countries: Burundi, El Salvador, Honduras, Liberia, Nicaragua, Somalia, and Sudan. Liberians have had relief from removal for the longest period, first receiving TPS in March 1991 following the outbreak of civil war. Liberians currently have DED until March 31, 2009, and has now been extended by the Obama Administration.

Liberia is Africa's oldest republic, but it became better known in the 1990s for its long-running, ruinous civil war and its role in a rebellion in neighboring Sierra Leone. By the late 1980s, arbitrary rule and economic collapse culminated in civil war when Charles Taylor's National Patriotic Front of Liberia (NPFL) rebels overran much of the countryside, entering the capital in 1990 and killing then President Samuel Doe. In 1995, a peace agreement was signed, leading to the election of Mr. Taylor as president. Another war began in 1999, escalated in 2000, and ended in 2003.

It pitted the forces of Charles Taylor, elected president in 1997 after Liberia's first civil war (1989–1997), against two armed anti-Taylor rebel groups. It also destabilized neighboring states, which accepted Liberian refugees and, in some cases, hosted anti-Taylor forces and became targets of the Taylor regime.

In 2003, Mr. Taylor—under international pressure to quit and hemmed in by rebels—stepped down and went into exile in Nigeria.

A transitional government headed by Chairman Gyude Bryant steered the country towards elections in 2005. Around 250,000 people were killed in Liberia's civil war, and many thousands more fled the fighting. The conflict left the country in economic ruin and overrun

with illegal weapons. 15,000 U.N. peacekeepers were deployed to help in stabilizing the country.

Liberia held elections in October 2005, with a presidential runoff in November, a key step in a peace-building process following its second civil war in a decade. Ellen Johnson Sirleaf, an economist, won the presidential runoff vote, with 59.4 percent of votes cast and took office in mid-January 2006, becoming the first female president of an African country.

Most observers viewed the vote as orderly, free and fair. It fulfilled a key goal of an August 2003 peace accord that had ended the second civil war and led to an ongoing, U.S.-aided post-war transition process, which is bolstered by the multifaceted peacekeeping and development-focused U.N. Mission in Liberia (UNMIL).

Liberia's security situation is stable but subject to periodic volatility. Liberia's economy and state structures remain devastated by war. Humanitarian conditions are improving.

Liberia receives extensive U.S. post-war reconstruction and security sector reform assistance. In March 2006, former President Taylor was arrested in Nigeria and transferred to the U.S.-supported Special Court for Sierra Leone (SCSL) to face war crimes charges. He was later transferred to The Hague, the Netherlands, where he is on trial by the SCSL.

In addition to providing substantial support for Liberia's post-war peace and reconstruction processes, Congress has maintained a continuing interest in the status of Charles Taylor and in ensuring funding for the SCSL. Other legislation proposed in the 109th and noth Congresses centered on immigration, debt, and tax haven issues, and the commendation of Liberia for successfully holding elections.

The United States has voiced continuing support for President Sirleaf's government since she took office. In February 2008, former President Bush and Mrs. Bush traveled to Liberia, among other African countries. The general aim of the trip was to discuss continued U.S. partnerships with African countries in the areas of democratic reform, respect for human rights, free trade, open investment regimes, and economic opportunity.

In Liberia, President Bush's trip focused on U.S. help in strengthening Liberia's post-war democratic institutions, Governance and Economic Management Assistance Program (GEMAP) efforts to improve management of public finances and combat corruption.

It also highlighted Liberia's status as a target country of the President's Expanded Education Initiative, which through a program component called the Ambassador's Girls' Scholarship program had as of early 2008 supported 2,700 scholarships for girls in Liberia, and its status as new President's Malaria Initiative recipient country. It also drew attention to U.S. security sector reform efforts in Liberia.

Former First Lady Laura Bush and Former Secretary of State Rice, among other prominent U.S. guests, attended President Sirleaf's inauguration in 2006. Their presence, Sirleaf noted in her inaugural speech, "manifests a renewal and strengthening of the long-standing historic special relations which bind our

two countries and peoples." She also stated that it "reflects a new partnership with the United States based on shared values" and that Liberians are "confident that we can continue to count on the assistance of the United States [...] in the urgent task of rebuilding of our nation."

President Bush awarded the U.S. Presidential Medal of Freedom to Sirleaf in November 2007. President Sirleaf has made several official visits to the United States, including in February 2007, when she attended a World Bank-organized Liberia Partners' Forum donor meeting in Washington, DC. She made another such visit in March 2006, during which she addressed a joint session of Congress on March 15 and met with President Bush on March 21.

She reportedly closely consulted with U.S. officials regarding her priorities for Liberia and the status of Charles Taylor. During a pre-inaugural December 2005 trip to the United States, Sirleaf also met with key U.S. and international financial institution officials.

Liberia-related activities by the 110th Congress built on those pursued by the 109th Congress. Congress continued to monitor the activities of the SCSL and, in particular, the Taylor war crimes case, and provide funding for the SCSL. Congress's focus on Liberia also centered on aiding Liberia's efforts to consolidate its post-war governance and economic rebuilding processes. Issues that drew particular congressional attention included:

Efforts to rehabilitate schools, clinics, roads and other public facilities; Progress under the GEMAP transparency initiative; Progress of U.S.-backed security sector restructuring, and possible expansions of related assistance, e.g., for the creation of a quick reaction gendarme unit; increased mobility capacity building for the police and military; and maritime waters and land border monitoring and interdiction capacity building.

Consideration of potential continued support for UNMIL and the pace of its projected draw-down; and U.S. decision-making on debt relief for Liberia and the status of future Brooke Amendment restrictions on Liberia. The U.N. voted to lift a ban on diamond exports, which fueled the civil war, in April 2007. A ban on timber exports was lifted in 2006.

Liberia's security situation is stable but subject to periodic volatility. Progress in governance under the interim government that preceded that of President Sirleaf was mixed; widespread corruption within it was widely reported. Liberia's economy and state structures remain devastated by war.

Humanitarian conditions are improving. Liberia receives extensive U.S. post-war reconstruction and security sector reform assistance and in addition to providing substantial support for Liberia's post-war peace and reconstruction processes, Congress has maintained a continuing interest in the status of Charles Taylor and in ensuring funding for the SCSL.

I hope that President Obama makes his way to Africa very soon. And his presence in a country like Liberia would be a bold statement that change is on the way.

HAITI

Mr. Speaker, I also rise today in solidarity with my colleagues on the Congressional Black Caucus, to speak against the United States' unfair treatment of the people of Haiti.

Haitians should also receive a Temporary Protective Order. Haiti is one of the most impoverished countries in the western hemisphere and the fourth poorest country in the world. There are 8.3 million people residing in Haiti.

The people of Haiti are also facing a severe medical crisis as a result of their poverty. Haiti is the home of 90% of all HIV/AIDS patients in the Caribbean. Over 200,000 Haitian children will be orphaned by HIV/AIDS. Child mortality rates in Haiti are also excessively high. For every 1,000 births in Haiti, 74 infant deaths will occur.

The social conditions in Haiti are as deplorable as the medical condition. Of the millions of Haitian residents, only 46% have access to clean drinking water. Furthermore, 53% of all Haitian residents are malnourished.

Despite our close proximity to Haiti, and the widespread publication of the social and medical plight of Haitian residents, the U.S. government has insisted on blocking humanitarian aid. The U.S. government is attempting to shape the political landscape in Haiti to the severe detriment of the innocent people of Haiti.

The United States government owes Haiti substantial funds in foreign aid. Substantial loans have been negotiated for the people of Haiti. Some estimates have the loans valued at as much as \$146 million dollars. The United States government is delaying the disbursement of these funds to advance their political aims. While the U.S. government stubbornly maintains these restrictive policies the people of Haiti are suffering and dying.

The U.S. government has promised Iraq \$80 billion in aid to rebuild their war torn country. The people of Haiti have suffered as well. But instead of providing much needed aid, the U.S. government blocks humanitarian efforts and refuses to honor outstanding loans.

Mr. Speaker, it is a disgrace that our Congress stands by while the people of Haiti suffer and die. I join my colleagues on the Congressional Black Caucus in imploring the U.S. government to let Haiti live.

Ms. FUDGE. Mr. Speaker, I would like to thank my friend and colleague because she always does bring great focus and great insight, and I thank you so much.

Mr. Speaker, I will close with a few comments.

Mr. Speaker, the suffering of the people of Haiti and Liberia are pressing issues. The United States has more options available in dealing with Haitians and Liberians. It is time for the United States to exert that control and extending temporary protected status, or TPS, for individuals from Haiti and stand by our TPS for Liberians.

As a signatory to the United Nations protocol relating to the status of refugees, the United States has agreed that it will not return an individual to a country where his life or freedom would be threatened. U.S. immigration law employs TPS designations to address this very issue. TPS protects individuals from being deported to a country where that person would be threatened on the basis of race, reli-

gion, nationality, membership in a particular group, or political opinion.

TPS is also sought by those aiming to flee extreme poverty, deprivation, violence, and the dislocation brought on by famines or natural disasters in their home countries.

Mr. Speaker, I think that it is time for this country to understand the significance of helping those who cannot help themselves.

I began this hour talk about a quote from Dr. Martin Luther King, and I will close with the same one, that injustice anywhere is injustice everywhere.

Mr. Speaker, I just ask that this Congress and the Members who are hearing this or who will read this at some other point do make themselves aware of the plight of the people who we spoke about today.

Ms. WATERS. Mr. Speaker, on March 4th, the International Criminal Court (ICC) issued an arrest warrant for Sudanese President Omar Hassan Ahmad al-Bashir for war crimes and crimes against humanity.

That very same day, following the ICC's decision, the Government of Sudan expelled 13 non-governmental organizations (NGOs) from Darfur, accusing them of cooperating with the ICC investigation. These non-governmental organizations include many of the most respected humanitarian organizations in the world. Among them are Oxfam, Doctors Without Borders, International Rescue Committee, and Mercy Corps.

The withdrawal of these organizations will leave millions of civilians without access to food, clean water, and medical assistance. This outrageous action is just another example of the cruelty of the Government of Sudan towards its own people. And it proves that the ICC's decision to issue an arrest warrant for Bashir was entirely justified.

The Government of Sudan has been carrying out a campaign of genocide against the people of Darfur since 2003. The Sudanese government is supporting militia groups that are engaged in genocidal practices in communities of African farmers in the Western province of Darfur. These militias are razing villages, systematically raping women and girls, specifically targeting and destroying food and water supplies, and massacring communities. In the last five years the conflict has taken the lives of hundreds of thousands of civilians. On October 1, 2008, the United Nations reported that there were almost 2.7 million internally displaced persons in Darfur, almost 300,000 of whom were newly displaced in 2008, and an additional 2 million people continue to be directly affected by the conflict.

In July of 2007, the United Nations Security Council passed Resolution 1769, which authorized the deployment of a joint United Nations/African Union peacekeeping force in Darfur, known as UNAMID. The force was to consist of a total of 26,000 troops. However, UNAMID was deployed at only 63 percent of its full strength as of December 31, 2008, and does not have the capacity to fulfill its mandate to protect civilians in Darfur. UNAMID must immediately deploy its forces at their full strength, and take all necessary and appropriate action to protect the people of Darfur.

Early in 2006, I visited the Darfur region with my good friend from California, Speaker NANCY PELOSI, and I was deeply disturbed by what I saw. As far as the eyes could see, there were crowds of displaced people who had been driven from their homes, living literally on the ground with nothing but little tarps to cover them. That was three years ago, and yet this genocide has been allowed to continue.

If we are serious about opposing genocide, we must take decisive action to stop it.

We must demand that all nations respect and enforce the decision of the ICC.

We must demand that humanitarian organizations be allowed to return to Sudan.

We must enact and enforce comprehensive sanctions against Sudan without exceptions.

We must demand that China stop bankrolling the genocide.

And we must demand that the United Nations immediately deploy its peacekeeping forces and do everything necessary to protect civilians and save the people of Darfur.

It's long past time to get serious about genocide.

ECONOMIC SITUATION FACING OUR COUNTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Louisiana (Mr. SCALISE) is recognized for 60 minutes as the designee of the minority leader.

Mr. SCALISE. Mr. Speaker, I appreciate the opportunity to address the House for an hour. We're going to be talking about the economic situation facing our country and specifically the budget situation.

Just about a month ago, the President right here on this floor laid out some of the proposals for what his budget would represent, and then the next day he laid out the blueprint for that budget. And I think it caught a lot of people around the country by surprise, really caused some great concern by people, especially as it relates to this record level of funding, taxing, and borrowing.

And over the last few weeks, you've heard a lot of people laying out those details, just what that spending means, just what those taxes mean in terms of the average cost to American families. The middle class families, not just rich people as was purported, but middle class families will be paying over \$3,000 on an energy bill.

And then what I think really frightened the American people was the record level of borrowing that this budget represents, and with over \$1.7 trillion in the first year in next year's budget that the President has submitted, over a tripling of the deficit that was, quote, unquote, inherited.

And so, as these record levels of spending and taxes and record levels of borrowing have been laid out, you've heard a chorus of echoes, not just by those of us here in this Chamber who

are strongly opposed to that irresponsible spending, to that unprecedented level of taxing that will literally stifle the growth of small businesses and middle class families, but also the borrowing that affects our next generation. This isn't money that we have. This is money that would be borrowed from our children and our grandchildren, saddling them with, on estimates, of over \$3,000 of debt just in the President's spending bill, that \$800 billion piece of legislation called stimulus, that just in its first few weeks added more than \$3,000 of national debt on to the backs of every man, woman and child in this country.

And so with that, I wanted to lay out some of the details of just what the spending means, just what these record deficits mean to the American people, to a budget process, and historically, to lay out where these deficits that the President's budget really stand in relation to history in time because these are things that have not passed yet.

And the American people all across the country, they've had these tea parties that have been sprouting up in States all throughout the Nation and literally hundreds, in some cases thousands, of people are showing up and saying enough is enough, Mr. President and Members of Congress, stop this reckless spending, stop and back away from these tax increase proposals that will stifle middle-class families and our small businesses and don't go and borrow trillions—not hundreds of billions—but trillions of dollars from our families, from our children and our grandchildren who we want to leave a better life to. We don't want to saddle them with trillions of dollars in new debt.

And some of these charts that we're going to show and talk about really illustrate what this means, what these budgets mean because these budget documents that are being debated up here in Congress, they talk about big numbers and they talk about programs. And some of these are government programs that are good, successful programs. Some of these are government programs that should have never been in place in the first place. Some of them are programs that are failing, yet will be getting more money from the Federal Government.

And where is this money coming from? And as people look and ask these tough questions, what they realize is this is money we don't have. This is money that would be borrowed in record numbers, and this chart right here shows real well, leading into this administration taking office just 2 months ago, the fact that the deficit at the end of the current fiscal year will be more than tripled by the President's proposed budget.

This budget in 2010 is the President's proposed budget, over \$1.7 trillion, and in fact, on Friday, the Congressional

Budget Office came out with revised numbers. And unfortunately, those revised numbers were not good for the President. They surely were not good for the taxpayers of this country. They were not good for our children and grandchildren.

My daughter, Madison, who's 2 years old, will be inheriting more of this debt, thousands of dollars in national debt. Now this deficit that was projected to be \$1.7 trillion has risen to \$1.9 trillion just in the last few days.

□ 2100

There's no end in sight. What we're saying is: Mr. President, don't go down this road. There is a better way. We need to rein in the spending that is going on here in Washington. We need to look out across the country and see what other people that are dealing with these tough economic times are doing.

Families are cutting back, Mr. Speaker. Families are cutting back to deal with these tough economic times. They're making adjustments in their household budget. They're stretching their dollars. Some people are saving and paying down debt. And at time that we're seeing families making responsible decisions and States dealing with their deficits—and yes, States are hurting too—but States are making cuts to be responsible.

It seems like here in Washington is the only place where spending is out of control and people just think there's no end. But there is an end. As people ponder these record deficits that are shown on these charts, one of the things we're going to try to do here in this House, at least, is to let the people's voices be heard and say: Enough is enough.

We've got to stop this out-of-control spending. It hasn't happened yet. These bills have not even been filed yet. Just the outlines. This \$1.7 trillion number for next year's deficit hasn't even gone through a committee process yet.

So there's still time to stop this. There's still time to stop this out of control spending. That's what we're going to be talking about tonight.

We're going to show some more charts and we're going to talk some more about the historical and future numbers. First, I'd like to yield to the gentleman from Ohio, a friend of mine who has been talking about this same issue for weeks and months as well, my friend, Mr. JORDAN.

Mr. JORDAN of Ohio. I thank my friend and colleague from Louisiana. I appreciate his good work on this issue and many others. My friend mentioned the tea parties that are taking place across this country. The reason you see families and taxpayers and Americans gathering at these events is because they get it. I learned a long time ago that the people always get it before the politicians do. And they understand

that this kind of spending and what it means for their kids and their grandkids and what it means for future generations of Americans is just plain wrong.

My colleague has pointed out some of the numbers. But just put it in perspective of just what has happened in the last 6 weeks. First, we had the \$700 billion so-called stimulus and all the program spending that was in that bill. The bill was designed to help jumpstart our economy, but we all know it was mostly just spending on Federal Government programs.

Then we had the \$410 billion omnibus with its over 800 earmarks. Now, this week, with the budget vote going to happen in the Budget Committee, which I have the privilege of being a member of, we will now have, as my colleague pointed out, a budget that has the 10 largest annual deficits in American history. A budget that will go from—and this is important—from 29 percent of GDP spending to over 28 percent of the gross domestic product. A budget that will increase spending over \$1 trillion this year; a budget that will double the national debt in the next 8 years.

Frankly, and I think this is interesting, a budget that adds more to the debt in 6 years—now, think about this—this administration is going to add more to the national debt with their budget numbers in the next 6 years than it took all 43 previous Presidents to accumulate. So more than 6 years that it took over 200 years to get to. That's how much spending we are talking about.

You don't take my word for it. Take the statement that Senator GREGG made today, where he said this budget is going to, in his words, "bankrupt the country." This is the same guy that the Obama administration wanted as a part of their administration. Initially offered him the job of Commerce Secretary.

Take some senior Democrat Members of the Senate. Senator CONRAD said, "More discipline on the spending side is also going to be required of this budget." Some Democrats are getting the idea this budget is way out of line. They understand what my colleague talked about, and that is this budget is harmful to future generations of Americans, harmful to our economy, and is the wrong direction to go.

We need a budget that spends less, taxes less, and borrows less. That is what we want to talk about this evening.

I'm happy to yield back to my colleague, and look forward to participating more in this hour. But I appreciate his leadership on this issue and reserving this time this evening.

With that, I yield back.

Mr. SCALISE. Again, I want to thank my friend from Ohio for pointing that out. One of the things you talked about

is where all of this spending has gone just in the last few months. We've heard a lot of talk over the past few months—the last 2 months, really, that President Obama has been in office—about all of the problems that have been inherited; that were laid on his doorstep when he became President.

We've got to be very careful at paying attention to the facts and looking at in fact how we did get here today, now that we are in March. This isn't something that started before January 20 when the President took the oath of office.

We've got a chart right here that actually shows some of the spending that my friend from Ohio was talking about. When we go into this stimulus bill, as it was called, a stimulus bill that spent \$787 billion in today's dollars, the Congressional Budget Office expects that with interest and debt service it will end up costing over \$1.2 trillion in deficit spending—money we did not have.

This bill was a bill that President Obama himself filed—not a bill, in our opinion, that will help get the economy back on track. It was a bill that did some spending on some infrastructure issues. Less than 10 percent of that bill in fact was spending on infrastructure.

The vast majority of that bill was spending on government—growing the size of government, both Federal Government and State governments, and actually adding employees not to the private sector, which is what many of us want to see. When we talk about stimulus, we think about how we help those small businesses get that loan to go out and use their entrepreneurial spirit to create jobs in the private sector, to put people to work, to give people the opportunity for a lifelong career, not creating more jobs in government, growing the size of a government that's already too big.

In fact, that's what that stimulus bill did. It added over \$1 trillion. And you see a spike in spending there. And then immediately right after that, less than a week, a bill that got little notice because it happened right after the President's spending bill, which he dubbed the stimulus bill, was this omnibus spending bill—over \$400 billion, a bill that grew the size of government by 8 percent in 1 week. In 1 week.

Over \$400 billion coming on the heels in February of that stimulus bill. And you see the spike that it created in spending. None of this was spending that the President inherited. This was all spending that he created on his own. In fact, we just found out—we're going to continue for months, unfortunately, finding out some of the things that were in that bill because that so-called stimulus bill was over 1,000 pages long. Again, over \$1 trillion in actual spending.

That bill was filed on a Thursday night. That final bill that was voted on in the House on a Friday, it was filed

at 11 p.m. on a Thursday night. Nobody on the Democratic side, even those who were actually on the conference committee, had the opportunity to read it.

And now we are starting to find out some of the things that were in that bill—not things that help stimulate our economy to get our economy back on track. In fact, just last week we found out as the country was outraged, rightfully so, finding out that executives from AIG were receiving bonuses—over \$160 million in bonuses—from Federal money that they got from that financial bailout, which many of us here opposed.

But we found out that they got that money under the authority of language that was put in the President's stimulus bill. That's right. The stimulus bill that this President signed in February actually contained language that was inserted by dark of night. No one wants to take credit for it. But we know now Senator CHRIS DODD, the Democrat chairman of the Banking Committee, was instructed by White House officials to put language in the President's stimulus bill protecting the ability of AIG to give out bonuses. That was in that stimulus bill.

Who knows what else is in there because we continue to find out more of the damaging repercussions from that bill. Yet, that bill gave us over \$800 billion of immediate increased national debt. Over \$3,000 for every man, woman, and child came from that stimulus bill in new deficit spending.

Again, another chart that displays just how high these record deficits are, because when you start talking about numbers and billions of dollars become hundreds of billions and then it becomes trillions of dollars, as we're talking now, sometimes it's hard for people to grasp numbers when you get into that range because it's just numbers that this country has never seen before. These are unprecedented amounts of spending.

Yet, when you talk about a \$400 billion deficit, which occurred in 2004 and, as can you see, there was a trend downward. Those deficits were actually decreasing under President Bush. Still, spending that many here are not comfortable with and would not have liked to see continue.

I am a cosponsor of a bill to balance the Federal budget. We should have a balanced budget in Washington. Unfortunately, we don't. But at least there was a trend downward to reduce the size of those deficits. Then, here comes the President's budget. Files it. Over \$1.7 trillion in deficit spending. You see this massive spike. Largest deficit in the history of our country. That comes off the back of the President making the quote, "We cannot simply spend as we please and defer the consequences."

President Obama said that right here on this House floor on February 23. "We cannot simply spend as we please

and defer the consequences." Then, the next day he filed a bill, his budget outline, that actually adds a \$1.7 trillion addition to our national debt in 1 year.

So, ultimately what people are more concerned about is the actual deeds. Not as much the words, but the actions. The actions are scaring a lot of people in terms of these record levels of spending.

With that, we've got a friend of ours from Louisiana, a new Member, somebody who has been passionate in this cause of controlling deficit spending, getting a hold of runaway spending in Washington, Dr. Fleming.

Mr. FLEMING. Well, I thank the gentleman, my fellow Louisianan, Mr. SCALISE, for yielding for a moment. I also thank my friend from Ohio (Mr. JORDAN) for his comments as well.

You know, we are talking a lot about budget deficits. And we hear this word to the point where we're almost numb. We have to ask ourselves: Well, what difference does it make? If we go another year in deficit spending or perhaps over \$1 trillion in deficit spending, is it going to change our lives?

So I think the average person out there who's maybe watching us on C-SPAN this evening has got to contemplate: What difference does that make?

Well, let me point out a couple of things in history that maybe we should think about. You may recall that during World War I, the allies defeated Germany and, after doing so, we required war reparations. The only way that Germany could deal with that, could actually make those war reparation payments, was just to print more money. They had to deficit spend big time.

It became such a problem that it literally took a wheel barrow to carry enough currency to go buy a loaf of bread. Of course, that sounds silly. It sounds like a caricature. But these people were in desperate need.

We, of course, suffered during the Great Depression. But the Germans, because of this, were in a tremendous need. It caused a complete collapse of their culture and their society. And what did we get in return? We got Nazism. We got Adolph Hitler. He took control of Germany only because that country became so desperate that it could not keep what was otherwise a democracy, could not keep that going.

We fast forward to the 1960s when we went through this second wave, if you will, of social programs in America; the first being, of course, the New Deal under FDR and so forth.

We have Lyndon Johnson who, of course, instituted many entitlement programs, many of which we have today. We saw that that deficit spending began at that point, and it began to accelerate. It was worsened by a prolonged war in Vietnam. But we really didn't see evidence of it, just like today.

Well, are we really seeing evidence of budget deficits? Are we really impacted in our daily lives?

Well, slowly but surely as the seventies rolled around and we began to also have problems with energy, we began to see inflation going up to the tune of 10, 12, 13 percent. We also went into a period of stagflation, where the economy became stagnant, prices remained high. The people who were hurt the most in all that were people on fixed incomes, because every year their dollars bought less.

□ 2115

And so then this country got into something we call cost of living increases, and everybody looked forward to that. They had to have the cost of living increases. But some got more than others and some didn't get any at all, and so we saw the deterioration in our economy and our standard of living as a result of inflation. To solve this, we put the hammer down by cutting off the supply of money, which made interest rates go up. I can remember trying to buy a house and getting a mortgage for an 18 percent interest rate, and that is because we were trying to bring the growth of money under control.

Mr. Speaker, the impact of deficit spending and budgets that are out of control do affect us in everyday life. I am old enough to have seen this happen, have studied it in school, have family members who were injured during World War II indirectly as a result of some of these financial consequences that occurred.

I feel like one of the main problems we have with our government today is we don't learn from history. History just seems to repeat itself over and over and over again. If there is anything we have learned in the past, that is that we have got to have fiscal discipline in our government. At home, I have to balance my budget, as difficult that is sometimes. My city, my State, they all have to balance the budget. Why is it that my Federal Government, the most important government, the most powerful government in this world, why is it that it can't keep its fiscal house in order?

I am a newbie Congressman, I have only been here 2 or 3 months. Before I came here, I really have had this nagging question: What is it about Washington that Washington can't get it right? And I was hoping that in coming here I would get at least some insight as to why we do crazy things with our spending and so forth. Unfortunately, now that I am here, it is worse than I ever thought. I am still seeking those answers.

Mr. SCALISE. If I can reclaim my time. I sure don't want to discourage you. There is a Chinese proverb: May you live in interesting times. And we are definitely living in interesting times.

I think the good news is, this is the best time for people with the focus that you have got, as a new member, somebody coming here to try to rein in out-of-control spending, this is the exact time to be here because this is the time where speaking up can stop this train, this train of runaway spending, as this bill that has been proposed has not passed into law yet.

The public is starting to have the same level of discomfort that those of us here tonight have, and I think the opportunity for us to galvanize that energy that is going on all around the country as we talk about these tea parties that people are having spontaneously to protest about this record level of spending and borrowing and taxing. We have got the ability to stop this from happening, because some of this has happened, as we have pointed out, but the worst has not yet happened. But if nothing changes, then it will happen. And that is where we have an opportunity. And I know my friend from Ohio has something to add, and then we have other people to join us.

Mr. JORDAN of Ohio. I appreciate the gentleman.

Not only is it record levels of spending; it is being done at a record pace. Let me just give you a couple facts. Think about this. This is why Americans, as we have talked about already, are showing up, Mr. Speaker, at these tea parties, because they are sick of this type of activity from their government that their tax dollars support.

Think about this: \$24 billion is being spent each day. Over the first 50 days of the new administration, Democrats have spent approximately \$24 billion a day, most of it with borrowed money. Over the first 50 days of this new administration, Democrats have spent approximately \$1 billion an hour, most of it with borrowed money.

So it is not just the amount; it is the pace at which this spending is going on. And you wonder why thousands of people are showing up in cities across this country, families, taxpayers, small business owners are showing up and saying, enough is enough. We are tired of this bailout fever, this spending fever that has got a hold of Washington. We want some sanity back in our government. We want some sanity back in our Congress.

And it's not just about the numbers. We are going to give tons of numbers here in this hour, and the gentleman from Louisiana and the doctor from Louisiana have given some numbers and some history as well. But in the end, it is about people and the impact this has. Think about this budget that is going to be in the Budget Committee for a vote this Wednesday, 2 days from now, this budget with record levels of spending, record deficit, tenth largest annual deficit in American history over the next 10 years, think about this budget. And I don't think it is being an

alarmist to say this: This is an attack on freedom, because think about what this budget does. It is the largest tax increase in history. When you take money out of the pockets of families, and I have said before, I am convinced some politicians won't be happy until they have an IV hooked up to the taxpayers' wallet and they can hit the drip button any time they want. They want the money. They think they are smarter than the American family out there.

So record level of taxes, unprecedented continuation of the spending that we have been talking about, a further nationalization of health care. Now, think about all three of those for a second. When they take your money, you have less freedom. When they spend and spend and spend and mortgage our kids' and grandkids' future, that simply means the next generations of Americans are going to have less freedom because they are going to have to pay that money back, which means less money in their pockets to go after their goals and dreams. When you have a further nationalization of health care and you have some centralized board here in Washington deciding what kind of health care you and your family are going to get, that is a loss of liberty. And the worse one, which we haven't even got to, and I know my colleague from Louisiana understands this issue probably better than anybody on the floor tonight, that is this cap-and-trade, cap-and-tax concept, which will be the largest tax increase in history. Every single family, every single business owner is going to pay more in energy and utility costs. All those in this budget.

So I think when we talk about an attack on liberty and an attack on freedom, it is not using too strong of language, I think it is just being honest. Because the word and principle we most associate with the United States of America is freedom, and that is what this budget is attacking. And that is why we are here tonight under the leadership of our friend from Louisiana talking about how bad this is and the direction that it takes our country, and why we think our policies of keeping taxes low, getting spending under control, not imposing this crazy cap-and-trade concept on American families and business owners is the right approach to take.

With that, I yield back to my colleague from Louisiana.

Mr. SCALISE. Again, I thank the gentleman from Ohio. And what you talked about, we definitely are going to cover in detail later on throughout this hour tonight on both the historical side, as my friend from North Louisiana talked about even going back to World War II and some of the flaws of the spending that was encountered during the New Deal leading up to World War II, but also on today's proposal, that proposal that you will be looking at in the Budget Committee.

Mr. Speaker, one of the things we want to point out on this tax proposal, because when the President talked throughout the campaign, when he talked here on the House floor just a few weeks ago, one of the things he said was 95 percent of the American people will not see their taxes raised by a dime. And while he may have been technically accurate in that statement, what many people are finding out now by the cap-and-trade, what many of us call an energy tax or a cap-and-tax proposal, those American families that are making in the bottom 95 percent, so to speak, in this country, they won't be seeing a dime increase, they will be seeing over \$3,000 a year in tax increases in the form of higher energy bills, and that is this proposal that is in the President's budget, \$1.4 trillion in new taxes.

Some of this falls on the people making over \$250,000. Here, we are playing class warfare, something that I don't agree with because it is not good policy. But this right here, the small business and investor's tax, generates \$630 billion. This is what the President talks about when he says for those people who are in the top 5 percent of income earners, people making over \$250,000, will see a tax increase. What he is talking about is a \$636 billion tax increase, half of which will fall on the backs of small business owners in this country. The people that actually employ more than 70 percent of the American workforce will be seeing a tax increase.

Now, anybody that can explain how that is good fiscal policy, especially during tough economic times, the floor is open for them to discuss it, because no one has yet to come and explain that. This is a horrible proposal. But on top of that, what they have also proposed is this cap-and-trade tax, and it is \$640 billion. That hasn't been talked about much by the President in terms of its impact, but what this tax means, in fact the budget director for the President just 1 year ago when he was working for the Congressional Budget Office said that this would mean over \$1,600 a year in new taxes that people would pay on their electricity bills.

So I guess what he means when you are not going to pay another dime, \$1,300 to \$1,600 a year in new energy taxes is not a dime, but it something that would break many families in this country. But it would fall on the backs of every family in this country. No family under the current proposal is exempted. So a married couple making \$30,000 a year with two kids will be paying about \$1,300 a year more in energy costs from the President's own budget.

This is bad policy. This is policy that we are going to fight. We are going to fight it in committee. It hopefully will not get to this House floor, but we will fight it on this floor. And one of the

people that will be fighting that battle with us is our good friend from Georgia (Mr. BROWN).

Mr. BROWN of Georgia. I thank my good friend from Louisiana for yielding.

This is a steamroller of socialism that is being shoved down the throats of the American public, that is going to strangle the American economy and is going to choke the American people economically. NANCY PELOSI, HARRY REID, and Barack Obama are driving this steamroller of socialism. Socialism never has worked, it never will work. It is not going to work today, and it hasn't worked in the past, as our doctor colleague from Louisiana was just talking about the history, and I agree with that.

The thing that this is going to hurt most, though, are people on limited income. We hear from our friends on the Democratic side that they are for the poor people and for the disadvantaged, but this cap-and-tax policy, or cap-and-trade as it is called, is going to hurt the most the people on limited income, the retirees. It is going to hurt people who are at the bottom end of the social ladder; because, as you said, Mr. SCALISE, it is going to be \$3,000 per family that they are going to have to pay, not only for energy costs, but when gas and diesel prices go up, that means it costs more to get food to the grocery store. That means that grocery prices are going to go up. It means that it costs more money to get medicines in to the drug stores, so medication is going to go up. Every single good and service in this Nation will go up because of this cap-and-tax policy that is being proposed by this administration and by the liberals on the Democratic side. It is going to strangle our economy, as I just mentioned, and it is going to hurt the people who can least afford to pay the \$3,000.

I am a physician, as the gentleman knows. Many of my patients can't afford to pay an extra \$3,000 out of their pocket to pay for this crazy idea of taxing energy at this kind of rate. It is just untenable, it is totally unacceptable, and we have got to stop it. And that is what Republicans are doing here tonight, is talking about this, and we are going to continue to fight to stop this.

In fact, the reason I came down here tonight to join you in this discussion, if you would just take the top chart down and we will look at the top chart as well as the one just below it that you just covered up.

We keep hearing from our Democratic colleagues that all this financial problem is something that they inherited and they are trying to fix it. Well, they didn't inherit it; they have created it themselves. And the chart that you have up top just shows that the budget deficit is going to climb markedly under the proposals that have already been passed by this House. We

have just seen bill after bill after bill that has increased the deficit.

We are borrowing too much money from our grandchildren. I don't know a grandparent in this country that will say anything but, I will try to sacrifice for my children and for my grandchildren. That's what parents and grandparents do, we sacrifice for our children and our grandchildren. But the Democrats don't want to do that. They want to take from our children, they want to take from our grandchildren.

Republicans have presented many, many alternatives to the housing bill that this Congress passed that is going to increase the cost of housing loans to everybody, and it is going to actually deny people, particularly just getting in the market that don't have good credit ratings, it is going to deny the poor people from being able to get mortgages in the future.

We saw this awful TARP bill that President Bush and Hank Paulson pushed forward, we have seen how that has been mismanaged. That is borrowing from our grandchildren. We have seen bill after bill, and now this budget on top of that, we are borrowing too much, we are spending too much, we are taxing too much, and it has got to stop.

□ 2130

Republicans have offered many alternatives. But the Democratic leadership are being obstructionist. They won't even hear of our plan, because they are driving this steamroller of socialism down the throats of the American people. I'm beginning to think that there is a very concerted effort to try to change the philosophy of government in America, one, as Mr. JORDAN was just talking about, where we are going to lose our freedom. We have seen that happen historically. We have got to put a stop to it. It is up to the American people. It is up to the American people to put a stop to it by demanding that we not pass this budget that the Democrats in this administration are bringing forward.

We have got to stop bailing out AIG and all these other entities that are just taking us down the road to financial serfdom of the American people. We have got to stop it. It is up to the American people, and it is up to Republicans to stop it. We have got to get the American people to demand that our voice as Republicans is heard so that we can present our alternatives that NANCY PELOSI won't even bring to the floor. She won't allow our proposals to be heard in committee. We can't get a vote.

It is wrong. It is hurting the American people, and it is hurting the people who the Democrats say that they want to represent, and that is the poor people and the disadvantaged people, the people on limited incomes. So we

have proposals, Republicans have proposals that will stop the spending, that will stop the taxation, that will look to the free enterprise system, that will get our economy back on the right road so that we can solve this financial crisis that we have and even get the housing market back on the right road. But our proposals need to be heard on this floor.

So the American people need to demand that our proposals are heard, voted upon and let's have a debate. We would want to join with our Democratic colleagues to find some commonsense, market-based solutions that will maintain freedom and stop this steamroller of socialism that is going to take away from not only this current generation, but it is going to put our children and our grandchildren in a position that their standard of living is going to be much lower than ours is today.

It is up to us. And we are going to continue to fight. That is what we are doing here tonight. I congratulate you, Mr. SCALISE, for being down here tonight with these charts to try to show the American people the direction we are headed by this administration, by the leadership in this House and this U.S. Senate. We have got to stop it. We have got to put the brakes on this steamroller of socialism so that the American people can be free and can throw off the shackles of the Federal Government, can run their family, run their businesses and run their lives without all the government intrusion. And that is what we are here fighting for tonight.

I thank the gentleman for yielding, and I yield back.

Mr. SCALISE. Thank you. Reclaiming my time, I appreciate what the gentleman from Georgia talked about, because that is, in fact, the reason that we are here tonight. It is not that we are willing to throw in the towel, take this and just accept this train to run down the track. What we are trying to do is talk about this problem and not just lay out the proposals that are here before us, but the implications of those proposals, to families all across this country. In fact, these proposals fly in the face of the decisions that families across this country are making themselves. As they deal with tough economic times, people are actually acting in a responsible way. They are cutting back their spending. They are setting money aside and paying down debt. But they are sure not going deeper into debt. If you have got a high credit card balance, the last thing you do is go order two more credit cards and then run up the balance on those.

That is what the President's proposal in his budget does. It, in fact, triples the current year level of deficit spending. I want to make this point again as we talk about the history revisionism that is going on as people talk about

what they inherited. There was a deficit that President Obama inherited. The problem is that he is tripling that deficit in his first budget out the box. He is tripling that level of spending in a way that is irresponsible. He even acknowledges, as he is doing it, that deficit spending is irresponsible. And anybody is free to go back in time and criticize people in the past who helped create this national debt that we have. I have surely done it. Many others have done it. But when you criticize something, you don't replace the thing that you're criticizing by doing it two or three times even worse.

So, if he is going to stand with us and criticize the deficit spending, then he needs to actually stand with us and start cutting this Federal budget, not tripling, tripling the size of this debt, the national deficit that we are going to be facing next year. And so that is what we are talking about tonight is what we are going to be fighting in the coming months.

One of the people at the forefront of that fight is my friend on the Budget Committee, Mr. JORDAN from Ohio.

Mr. JORDAN of Ohio. I just want to make a quick point and just reiterate what my friend from Louisiana just had mentioned. Think of the contrast of what American families are having to do with their budget in this tough economic situation they find themselves in versus what the Federal Government is going to do. I just want to go back and talk about one fact I had talked about earlier, because when you talk about spending at this rate, the new administration, the Democrats in Congress, are spending approximately \$24 billion every day in the first 50 days of this administration. This is unprecedented spending. When you spend that fast, when you spend that much, it is no wonder you make mistakes like this AIG fiasco we had last week.

So again, the contrast could not be more clear with what American families are doing in the tough economic times they face and they have to deal with versus how the Federal Government is reacting. Families are tightening their belt. They are doing what American families have had to do many other times in history when things got tough. But their government is spending at unprecedented levels and at an unprecedented pace, making mistakes as they do it. And we saw that last week.

So again I yield back to my friend and colleague and thank him for his work on this important issue.

Mr. SCALISE. I think when people look to Washington, they are looking for leadership. They are not looking for just more checks thrown around or cash thrown around to States or to people. What they want to see is policies, good sound policies to respond to the things that are happening across the country. I think people are very

concerned. We are finally starting to see people speak up and not just complain at home or sit on their couch. They are literally standing up and going to these tea parties that they are having all across the country now. In fact on April 15, the day that many of us dread, the day that we pay our taxes, that is the day that many of these tea parties are going to be held throughout the country where people are in essence revolting against this record level of spending, this record level of borrowing, deficit spending and taking money that we don't have from our kids and grandkids to run up these massive deficits each year under the President's budget.

They are doing it because they know that this hasn't happened yet. They are proposals by this President. But this is a President like any, and this is a Congress like any, that needs to respond to what people are saying across this country. And so while we are speaking on this floor tonight talking about the dangers of deficit spending and record borrowing and these taxes that are being proposed, and we are trying to stop this from happening, people across the country are doing the same thing.

I think my friend here is going to chime in as well and talk about this.

Mr. ROE of Tennessee. Thank you. I appreciate the gentleman yielding.

I have just a couple of comments. I was back in my district this weekend and talked to some of our local governments. My background is a physician and a local mayor. And the community that I was mayor in just before I came here is looking at making a 5 percent cut in their budget, worst case scenario. They are looking at what they have to do to balance their budget. I also talked to a town administrator of Morristown, Tennessee, this past week. They were looking at their MTPO funds. They got an extra \$720,000 in stimulus money for a bus system. To show you how out of touch the Federal Government is, they had about \$600,000 in MTPO funds, that is Metropolitan Transportation Planning Organization funds, and they can buy buses with these funds and they can build bus stations. There is just one small problem in that community. Their general fund budget has got a \$1.6 million hole in it. They have 16 people they can't hire right now that they normally do. They can't afford to hire the bus drivers.

That is something that gets lost in this place up here is that we spend at these record deficits, and local communities are making these tough decisions. And they are tough decisions. Business leaders are doing exactly what they are doing with their budgets, tightening their belts. What do we do up here? In the omnibus spending bill, which I call the "ominous spending bill," when everybody else is cutting it, what are we doing? Up 8 percent. Now, how can I go back to Ten-

nessee and explain to people that we print money—or borrow it—and then go back and spend at that level while they are having to make these tough decisions? I yield back.

Mr. SCALISE. I thank my friend from Tennessee for talking about the challenges as people look at what is happening up here in Washington and they are dealing with tough economic times back home. And this isn't something that families and States are new to. It seems like budgets are cyclical, sometimes you're up, sometimes you're down. But ultimately, you have to live within your means. And families are doing exactly that. Then they are looking at Washington and they are seeing what's happening up there when in just 2 months of a new administration where people were promised change, where a President stood here on this House floor just a few weeks ago and said, "We cannot simply spend as we please and defer the consequences." And I think we all agree with those statements. But the problem is people then look, and the next day, the very next day after the President made those statements, he files a bill that spends and borrows at record levels, \$1.7 trillion in borrowing and \$1.4 trillion in new taxes. Many of those new taxes will fall on the backs of middle class families and small businesses.

People are saying, "Wait a minute, that wasn't the change we were told about." If they made less than \$250,000, they surely didn't think they were going to see a dime of new taxes. And then they see that bill, the President's cap-and-trade bill, that actually adds roughly \$1,300 just in energy costs. The estimates are that it will be more than \$3,000 per family—not people making over \$250,000, but a middle class family or a family making maybe \$20,000 a year will see roughly \$3,000 when you count up your higher energy bill, your higher gas bill at the pump and when you go and pay for products that use energy, like food. Any food product you use there is energy, transportation, related to that. So people look at all of this combined and they say, "this doesn't add up to the things that I was hearing and that I was excited about." And so they are speaking up.

What is important is that people are not just going to sit back and let this happen. We are not going to sit back and let this happen.

I'll yield back to my friend.

Mr. ROE of Tennessee. We have already had a perfect example of cap-and-trade. It was last year when oil prices went to \$147 a barrel. Every American citizen knows that that went straight out of their hip pocket. And like you pointed out, everything you buy at the grocery store, every product that is transported by energy pays for that. And we have already seen that. We know what will happen with cap-and-trade.

Mr. SCALISE. Reclaiming my time.

One other thing that was not brought up yet but a bill that was just filed about a week and a half ago that the President said that he supports is this bill called the Employee Free Choice Act, which has just perplexed the business community throughout this country. Small businesses are literally shaking at the thought that their employee workforce and employees across this country—we have already started hearing from employees who are very angered and disappointed that Democrats in Congress would take away their right to a secret ballot vote when it comes to deciding whether or not they want to form a union. And yet that is now part of the President's agenda, an agenda item that is estimated to cost this economy in our country over 600,000 jobs in the first year in a tough economic time when we need to be creating jobs. The bill that they are filing could actually cost, run jobs out of this country to the tune of about 600,000 a year.

I yield to my friend from Georgia.

Mr. BROUN of Georgia. You brought up a good point there. In fact I was talking to a manufacturer in my district not long ago about this so-called employers free—

Mr. SCALISE. Employees Free Choice Act, which it is not.

Mr. BROUN of Georgia. The reason I have a hard time remembering that is because there is nothing free about it. It is actually a method of trying to force unionization on employers and employees alike. It is going to cost jobs. In fact, what I just was fixing to say was that I was talking to an employer in my district who said to me that if this act passes, he is going to shut the doors, and his business is going to go offshore. And that is going to happen all over this country. It is going to cost thousands and thousands of jobs.

Why is that happening? It is happening as a payback. It is happening as a payback to the Democrats who get all this money and all the support from the labor unions because the labor unions want to make an environment where they can force unionization on small businesses and large businesses all over this country. And what is even more egregious is the forced arbitration that is in that bill that is not free either. It is totally wrong. Again, this is a steamroller of socialism being shoved down the throats of the American people. And we have got to stop it.

□ 2145

But it is going to cost jobs. And what it is going to do is it is going to put us in a bigger financial mess as a Nation. When we have the cap-and-tax placed on all energy, it is going to drive up the cost of all goods and services. Just like Dr. ROE was just talking about up in Tennessee, folks up there already

saw what happened. We have already seen in Georgia what happens. People stop utilizing energy. It is going to actually cost the Federal Government money instead of—and it is going to cost jobs.

I am beginning to think that that is the purpose of all this is to try to put everybody on the government dole, try to create a big socialistic society where everybody gets a check from the Federal Government.

But the thing is, America's hurting. America's hurting terribly. We have got to do something and we have got to do it now. But going down this road towards bigger deficits, borrowing more, spending more, taxing more is not the solution. The solution is stimulating the free enterprise system. Free enterprise is the economic engine that pulls along the train of economic security in America. And we are killing that engine. We are throttling it down, and we are shutting it off.

And we have got to create jobs. We have got to create good-paying jobs. Building a bigger government, borrowing from our children and our grandchildren, is not the solution. And so we have just got to do everything we can to stop it.

And I applaud you, Mr. SCALISE, for bringing all these issues forward because it is just absolutely critical that the American people understand what is going on.

You brought out the quote from the President. The problem is, what he says and what he does are two different things. He said he would never, never sign a bill that has earmarks in it. Well the first bill, that omnibus bill, was nothing but earmarks. It was just a payback to the liberal entities, as well as all of the liberal agenda that they have had stuck in some drawer somewhere. They just dusted them all off and brought them forth. We don't have the money to pay for that. And it markedly increases the size of government.

We saw that with the budget that he has been proposing. And everything we are going to see is, we just see over and over again, the President says one thing and he does another. He says, we cannot simply spend as we please and defer the consequences, but that is exactly what he is doing.

Mr. SCALISE. Well, reclaiming my time, one of the things that you talked about, you know, as you talk about the concern that your business people in Georgia have, I have heard the same thing from not just employers but from employees, workers in South Louisiana, who are very concerned that their ability to, their right to a secret ballot would be taken away. In fact, while it is called the Employee Free Choice Act, myself and others call it the Secret Ballot Elimination Act, because all of us in Congress, the President, even the leadership on the Demo-

cratic side, we are all elected by secret ballot. There is a secret ballot right that people have, and part of the reason for that is it protects employees from coercion and intimidation and those kind of threats that have happened throughout our history. And that is the reason that that is in place. And that a bill would be filed as part of the President's agenda that would take away somebody's right to a secret ballot, something that is at the heart of any democracy, I think, is offensive. And it shows people which road they are going down, that while we have got problems with our economy and we need to be focused on creating jobs, they see what this administration is really focused on. Taxing people's energy bills, taxing small businesses for the work that they do, that hurts their ability to go out and create more jobs to hire people in this country. And then passing legislation that would actually take away somebody's secret ballot, it is something that has gotten people's attention. They are seeing what these deficits will do to our future, our children and our grandchildren, and people are starting to speak up. And I am glad somebody else that is going to be speaking up is my friend from Texas (Mr. GOHMERT).

Mr. GOHMERT. I appreciate the gentleman yielding. There have been so many wonderful points made here. I say wonderful as an adjective, when actually it is tough to say wonderful about such a very perplexing and disconcerting issue.

One thing that I haven't heard mentioned yet is about another issue that is contained in the budget, and that is with regard to restrictions on charitable deductions. Has the gentleman mentioned that?

And I appreciate the time you yield.

What struck me this weekend as I thought about President Obama and the Democratic leadership trying to restrict the deductions for charitable donations is, why would you do this? Because we know, worldwide, the best help that goes to people in need, whether they are starving or after an emergency, comes from the charities, the American charities. They can go straight in and start helping those people, whereas, our government, it has to go through the other government, often a third-world government, and sometimes we end up propping up really bad governments, just trying to help the people if we go through the government.

So why would the Democratic leadership and the President be wanting to cut down on charitable donations?

And that is when it hit me this weekend. It is about the GRE, the GRE, the Government Running Everything. That is what it is about. It is about power. That is where this restriction on deductions for charitable contributions is coming from. They want the govern-

ment controlling everything. They see how philanthropic the American people are, how they want to help out of the generosity of their heart, and they say, gee, these charitable organizations, they are nongovernment organizations, NGOs are doing a great job. That ought to be us. Why don't we control that too?

When the government's job ought to be making sure there is a level playing field; everybody has an equal opportunity, not equal results, but an equal opportunity. And our job is to provide for the common defense against enemies, both foreign and domestic. And if we do, we go after the cheaters. That is our job.

But we have been so busy trying to run everything, we have not been going after the cheaters effectively; not on Wall Street, not in corporate America, not out there in the streets. That is what we have got to get back to.

But I appreciate the gentleman yielding. But I just had to share, that is what hit me this weekend. It is about the GRE, the government running everything. This group running things now wants all power, including the power of charitable organizations.

Thank you. I yield back.

Mr. SCALISE. Well, I thank my friend from Texas. And you know, coming from Louisiana, right after Katrina, with all of the failures of government, from the Federal Government to the State government to the local government, it was our charities, it was our faith-based organizations that were the first ones in and consistently delivered so much relief and, in fact, are still in the New Orleans area today helping people rebuild, helping families get back into homes. It is those charitable organizations that don't get anything from government in most cases. And they just do it out of the goodness of their own heart and the divine providence from the Lord. And the fact that this President's budget takes away people's ability to deduct those charitable donations, clearly threatens a lot of those organizations themselves.

And I know our time is limited. One thing we wanted to touch on as we have talked about the spending and the borrowing and the taxing, where is this money coming from?

We had actually done some research on the President's budget. And in the first 4 years, in President Obama's first 4 years in office, and I am sure that the limits on the elections will dictate if there is going to be another four, but I think as people look at this and they get more concerned, where is this money coming from? Who are we borrowing this from? This isn't money we have.

The first place the President is going in his budget is raiding the Social Security Trust Fund. And senior citizens out there who, justifiably, are dependent on that fixed income from Social

Security, and future generations who want to expect something from Social Security, are very alarmed to see that in the first 4 years, the President takes over \$900 billion out of the Social Security Trust Fund. And so, record levels, again, of not just borrowing, not just record levels of taxes, but record levels, never before in the history of our country have we seen nearly \$1 trillion taken out of the Social Security Trust Fund in just 4 years.

And so, as we see the record levels of spending, and people can even look at this budget and they might find items in the budget, not in the baseline budget, but new levels of spending that they might like and think sound good. But then as they compare that against where this is coming from, is it worth adding to the Federal budget to take from Social Security, to take from our children and grandchildren, to tax small businesses and to tax every family on their energy bill? These are the questions that Americans are pondering. These are the questions we are fighting.

And I will finish with my friend from Georgia (Mr. BROWN).

Mr. BROWN of Georgia. I thank the gentleman for yielding. One other place that they are proposing taking money from is from our defense, from procurement. They are going to take away from our troops, and that is absolutely the worst thing to do. We live in a dangerous world. And we hear people talk about we have got to support our troops. But they want to take away the procurement that is absolutely critical for us to have a strong national defense. Constitutionally, that is the major function of the Federal Government. And the liberals want to take money away from our troops who are fighting for our freedom, who are giving up and their families are giving up sometimes their lives, their limbs and a whole lot of sacrifices that they are giving. And what we are hearing from the other side is they want to take away from our troops and take away from our defense.

The anti-missile defense system is another area that they are talking about taking money from. Just last week I went and watched a rocket shoot down another rocket, a SCUD missile. It was just a phenomenal test, and they want to cancel that, which is going to make us less secure as a Nation. We can't continue down this same road. We have got to stop it.

Thank you.

Mr. SCALISE. I thank my friend from Georgia. And that is why, we are living in challenging times, but that is why we are proposing alternatives. As we have talked about the problems of this budget, we have good alternatives we will be talking about more throughout the course of this year.

And I thank the Speaker for allowing us this time.

HEALTH CARE REFORM IS NEEDED

The SPEAKER pro tempore (Mr. DRIEHAUS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes.

Mr. GINGREY of Georgia. Mr. Speaker, I thank you. And I thank our side of the aisle for having the opportunity to speak to our colleagues, both Republicans and Democrats tonight, about a very, very important issue. The team that just spoke, Mr. Speaker, on the floor of this House about much of the spending and the plans and the too much spending, too much taxing, too much borrowing theme, which is absolutely what the American public, Mr. Speaker, needs to know about, including the plans and the spending and to have a comprehensive health care reform plan that we would vote on, we literally, Mr. Speaker, would vote on before this body and the other body goes on the traditional August recess. That is what, just barely a little more than 4 months away. And the big question is not do we need health care reform? I think my colleagues, and particularly my colleagues on this side of the aisle, who are doctor Members of this body, who are with me tonight to discuss this, the issue of health care reform, we do not disagree, Mr. Speaker, and my colleagues, that this needs to be done.

Nobody, whether Republican or Democrat, whether majority or minority, would want to see 47 million people in this country to have no health insurance whatsoever, and maybe another 25 million that are underinsured. And, yes, indeed, it could happen to one of my adult children and their young families. They all have decent jobs, but one major illness away from being underinsured and possibly ending up in a bankruptcy court, facing foreclosure on their homes and these kind of crises that we all agree we need to avoid.

So the reform of the health care system is not really a question of whether or not this side of the aisle agrees. We do agree. It is a matter, though, of how we do it and when we do it, and what we can afford to do. And I think that what the President has proposed so far is, just as we hear about his overall budget in a 10-year projection, and the numbers that we received over the weekend from the Congressional non-partisan budget office, of unsustainable debt, deficits that will lead to possibly doubling of the national debt within 10 years. It is something that really has to be addressed.

Well, Mr. Speaker, tonight, we are here with, I am leading the hour, but I am very pleased that some of my colleagues on the GOP Republican Doctors Caucus have joined with me. And I wanted to set the tone for what we will talk about during this hour, and that is about physician work force; and will

we have the manpower, when those 47 million hopefully do have health insurance, and the under-insured are fully insured, where are we going to come up with the doctors, the health care providers, to be able to provide that care?

Having a plastic card, Mr. Speaker, that says you are covered and you have access doesn't guarantee any individual that they are going to be able to have a provider who is going to see them.

□ 2200

And my fear is that they will not be able to have that access, particularly if the majority is successful in their plans to have a government default option to go along with, let's say, Medicare and Medicaid and TRICARE and veterans' health care benefits and the CHIP program. It is just adding one more responsibility of the Federal Government to control all of health care, and that is really what we are going to talk about tonight.

As I walked over here, Mr. Speaker—I was walking in the building, into this great Capitol House Chamber, the people's House—there was an emergency, and I saw physicians from the office of the House physician—paramedics, nurses—sprinting to the ambulance that is parked right outside this building for just such an emergency. I thought to myself, you know, thank God for the health care system that we already have. We definitely can improve upon that, and we will talk about that tonight, but thank God that we have that ability to respond in that manner.

It makes me think, Mr. Speaker, of the tragedy that occurred up in Canada in regard to this famous actress—and I will not mention her name—the tragic death of that actress after what seemed like a fairly routine, snow-skiing fall in which she got up, dusted herself off and said: I am fine. I do not need any medical care. Let me just go back to my resort hotel room. I am fine. Of course, that is what she did, and we all know now that 2 hours later, when she began to get into trouble and, maybe, passed out and a 911 call was made, it was 4 hours later that she was finally seen at a major medical center that could respond to this subdural hematoma that she obviously had developed. By that time, she was brain dead, and a life was lost, not just a life of a famous person and a prominent person but a mother of young children and of a devastated family.

So when we, Mr. Speaker, hear this talk about a single-payor system, of a government-run system not unlike the Canadian system—I am not necessarily picking on Canada. They are our good friends and neighbors to the north, but the same thing could be said, I think, about the system in the U.K. or in Taiwan or in any of the other countries that have a national health insurance,

government-run program. If this accident had occurred, I think, out in Colorado in the United States, that young mother and famous actress would be alive today.

So these are some of my thoughts as we begin to discuss. I call on my colleagues, the doctor colleagues, who are with me tonight. I want to ask my colleagues to focus their attention on this first poster. It is titled "A Second Opinion," and then, of course, it is subtitled "Strengthen the Doctor-Patient Relationship." That is what we want to do, and that is what we will talk about.

With this second opinion theme, I think, most people associate a second opinion with a medical opinion, and understand that, when they go to the doctor, sometimes a second opinion is very, very valuable. In fact, I think almost always it is very valuable. So it is important when the other side of the aisle—when the majority party—says or some of their news media, co-conspirators, if you will, who support a national health insurance program or any major issue that the majority party is promoting says, well, the Republicans, all they are is a party of "no," they do not have another alternative. They are just saying, well, we are going to stand in the way of something that we do not like because the majority party has presented it, and this is all political.

Mr. Speaker, nothing could be further from the truth, and that is certainly true in regard to the health care of this Nation. This second opinion theme could apply to energy; it could apply to what the previous team was talking about in regard to the budget and spending. We do have a plan on the Republican side on all of these issues and, if you will, a second opinion Republican plan on health care.

So, with that sort of setting the theme, I want to go ahead and recognize my colleagues. I am going to first call on the gentleman from Pennsylvania, my classmate who has been with me here in the House—and we are now serving our fourth term—and that is Dr. TIM MURPHY from the great State of Pennsylvania.

Dr. MURPHY, I would like to give you an opportunity to talk about some of the issues that you have been focusing on, not just as part of the Republican Doctors Caucus but since you came to Congress some 6½ years ago. I will yield to the gentleman from Pennsylvania.

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman from Georgia, not only for your leadership in health care but for your time here.

You know, we have many times discussed the issues involved in health care, and although I hear many people talk about the issue of accessible and affordable quality health care, very often the solution offered in this body by government is more government,

and that is health care is expensive, so let's have someone pay for it—the government. Along those lines, Medicare and Medicaid oftentimes list it as, because so much is spent there—and I think Medicaid is \$350 billion a year there. Between Medicare, Medicaid and the VA, almost half of the Federal mandatory budget is spent.

The question is: Are they effective? Are they efficient? Does it have quality-based health care?

I want to bring up just a couple issues here and emphasize the importance of that doctor-patient relationship. I am a psychologist. For many years, I have worked for hospitals in the Pittsburgh region in the pediatric, maternity and general medicine settings, but I have always had a strong relationship in working with a wide range of physicians and with other health care specialists, recognizing it is a team and in letting the team do their work that you really end up with some significant savings in quality of care. Let me talk about a couple of ways that that does occur.

A recent report sent out by the New England Health Care Institute noted that the U.S. really spends more on health care than any other nation on Earth, and many times people talk about the negatives of our health care system in terms of higher rates, for example, of infant mortality, but there are concerns about how that data is reached. I will not go into that now.

What I do want to point out, however, is that out of this \$2.3 trillion health care system, which is very expensive and gets in the way of a lot of families affording health care, one of the deep concerns, perhaps, is that 30 to 40 percent of those health care dollars are wasted. \$600 billion to \$700 billion is what is listed in this report. Let me name a couple of things that go into this. If we let the doctor-patient relationship take supremacy over this and let physicians make decisions for what patients need, there are some changes we might see.

First of all, unexplained variations in the intensity of medical and surgical procedures, including but not limited to end-of-life care, the overuse of coronary artery bypass surgery and the overuse of percutaneous coronary procedures has the potential of avoidable costs of \$600 billion. The misuse of drugs, overprescribing and underprescribing: some \$52 billion. The overuse of non-urgent Emergency Department care: the savings could be \$21 billion. The overuse of generic antihypertensives: a potential savings of \$3 billion. The list goes on.

Now the question is: Why would these conditions exist?

Well, actually, government, itself, stands in the way in many cases, and sometimes, well, it is the way health insurance is set up, but if the issue were instead that physicians could be

the ones who are moving forward in this, I believe a lot of savings could take place. I believe what we should be doing as a legislative body is finding ways to break down those barriers and really helping to improve. One of the points to be made by a number of the doctors here on the floor tonight is about having more physicians involved. Let's take one of those aspects.

Having a health care home is important, and one of the health care homes for people in some areas has to do with having a community health center. Now, community health centers provide great quality of care with a wide range of medical services, as my colleagues note. Yet there is a shortage of physicians, in part, because it is not the best paying position in the world, but many physicians want to help. The strange thing about this is that, in a wide range of health care areas, if you work at a community health center, your medical malpractice insurance is paid. If you volunteer, you are on your own, and so these clinics say, We cannot possibly afford that. There are different kinds of malpractice insurance that is not important to get into at this point. We have tried a number of times to allow it so physicians could actually volunteer—so psychologists could volunteer, so dentists, podiatrists, social workers, and nurse practitioners—but no, the government says, We cannot let you do that.

There are also areas, too, that come up here in terms of how we could let disease management work. Here is one of the strangest things that happens with Medicaid:

You know, one group that has a great deal of problems is that of people with severe diabetes. The severe diabetics, if they have problems with the circulation in their feet, for example, the real tragedy might be that they might have their feet amputated, but isn't it strange that Medicare and Medicaid will not pay for that physician or that nurse to monitor the patients closely—to call them, to work with them, to do more than just give them a pamphlet, but to work closely with them to keep them out of the hospital, to make sure that they are getting their insulin, to make sure they are monitored for their weight, et cetera, but we will not pay for that? We will pay \$50,000 for that tragic surgery that could have been avoided, but we will not pay money to help when they manage the care.

Now I might say that there is a recent study that came out that, I believe, is filled with methodological flaws, saying that disease management has some questionable applications. Unfortunately, they focused on those who oftentimes had the most severe illnesses. As I am sure many of the physicians here tonight can attest, the real value is getting to that patient early or when the complications begin to show up rather than to wait until the

end. I know, in my career as a psychologist, I had a patient who is now a deeply depressed, suicidal inpatient. When you could have been working with them years before, it makes a big difference in their outcomes.

We have to make sure that the system that we allow here with health insurance and with physicians working with patients really allows for a great deal of predischarge planning, of working closely and individualizing that care and for making sure that it is there.

Let me mention a couple of other things as we proceed forward. Recent legislation under the House set aside nearly \$2 billion to help physician practices have health information technology. A good idea. The question is how it is done. If that health information technology is merely paying for keeping hospital records on a computer, that is not going to be enough because that is a passive system that only makes it a little easier to pull up records rather than having to wait for the records to arrive.

What we need is a smart, interactive system that is portable for the patient so that records follow the patient, not so that patients follow the records. We have to make sure it is private, that confidentiality is protected, and we have to make sure it is personal so that the relationship between doctor and patient is what is paramount here. That physician and information they are obtaining and what they are writing whenever they have a diagnosis is a smart record that also helps provide information to that doctor about best practices, about feedback, about prescriptions, and even about the feedback of whether or not that patient got that prescription and if he is following through. It is all of those things. In today's world, because there is a shortage of physicians and because insurance with Medicare, Medicaid or private insurance oftentimes does not pay for having the physician actually work to follow up with the patient, then that health IT is just one, big, expensive thing on the desk of the physician, and it is not really providing the care they need.

Let me mention one other thing here, and that has to do with point of care lab tests. The system we have designed is one where—and because some physicians have been found when they own the labs—the concern was were they overprescribing lab tests. I would love to hear some input from my physician colleagues on that, too. So what did they say? They said, Let's not allow physicians to do this at all, where sometimes the most valuable thing is if the physician says, I need an x-ray; I need a lab test; I need this information right away. Instead, they have to send that patient out to a lab or send the information out. It could be a couple of weeks before they would get it back.

The best way to improve patient compliance is quicker information. Even to allow, for example, pharmacies and drug stores to provide some of this lab information would be more valuable. All this feeds into the system that part of the way to save the \$600 billion or \$700 billion worth of loss in the health care system is to put the tools in the hands of those who provide the health care. Make sure there are enough physicians. Make sure they have the tools they need so that as they diagnose, as they prescribe, as they work with other colleagues in the health care field that that information is shared in an effective way that is personal, that is private, that is portable, and actually that is permanent, too. These are not records that are lost as a person moves on to another health care plan or whatever they do in life.

Part of what we are doing here as the GOP Doctors Caucus is operating on the idea that we are all gathered together here to really work on making sure that we are developing patient-centered, patient-driven health care reforms based on quality, access, affordability, portability, and choice. Over the coming months, you will hear from us continually speak about this because we believe we have a health care system that can be based upon those, that can save massive amounts of money and that can save hundreds of thousands of lives. That needs to be our goal, not only to do no harm but to make sure we put health care back in the hands of those making those health care decisions. In so doing, we go at the very thing that people are raising the concerns about, and that is making health care more affordable and more accessible with quality as the underlying point.

With that, I yield back to the gentleman from Georgia.

□ 2215

Mr. GINGREY of Georgia. I thank my colleague, my co-chairman of the GOP Doctors Caucus and of all of the important points, Mr. Speaker, that Dr. MURPHY brought to us. That point he made about the doctor-patient relationship being paramount I think is the most important. And that is our concern that if we go to a government-run, totally government-run system, that that will be sacrificed and that will be sacrificed badly.

Before I yield to my colleague, Dr. FLEMING from Louisiana, Mr. Speaker, I wanted to draw my colleagues' attention to this next slide in regard to the supply/demand crisis.

Even if nothing changed under the current system, we already have a shortage. And it will only get worse as we approach the year 2025. There are a lot of reasons that. Growth in an aging population. There is an immense physician shortage on the horizon. It is expected by 2025 to be a shortage by

125,000 physicians, and the demand for care by that time will increase by 26 percent.

Now, the bulk of the shortage—and these are statistics from the Association of the American Medical College; this was a center for workforce studies back in 2008, so just a year ago—but the bulk of that shortage, in fact, 37 percent of the projected shortage, is in primary care physicians. And I don't disagree with President Obama and the majority party in regard to the need to get more primary care physicians, to have these medical homes that we talk about, to stress wellness. And that is so important.

So it couldn't be more timely for me to call on Dr. FLEMING, who—he specializes in family practice, and has for a number of years, in south Louisiana.

And it is indeed a pleasure to yield time now to Dr. JOHN FLEMING.

Mr. FLEMING. I thank the gentleman for yielding. And also I want to thank Doctors MURPHY and GINGREY in your leadership on this subject and your years in Congress.

I want to say first of all, Mr. Speaker, that health care in the United States is among the best in the world, but the financing of it is a basket case. We have 47 million uninsured Americans and they are not who you think they are. They are not the poor; they have Medicaid. They are not the elderly; they have Medicare. They are not workers for large corporations or the government, such as us tonight. They are owners of small businesses and their employees. They have tremendous difficulty acquiring affordable insurance. And I see this every day.

I, myself, am a small business owner apart from being a family physician with still an active practice. And what is, in fact, going on in this situation is this: the risk pool for a small business is very small, and all it takes is one heart transplant or certainly renal dialysis and it can blow the whole plan up; everybody in the company can find themselves without insurance.

Well, I think that we, on the GOP side, we Republicans, and certainly we Republican physicians, agree with the other side and also with our President that we do need comprehensive health care. We need access to health care and coverage for all Americans.

And in fact, when you think about it with the entitled laws in the 1980s, every American today is entitled to health care regardless of his ability to pay. And if you don't believe me, go to an emergency room demanding care, and you will receive that care without anyone asking about your ability to pay. And that is certainly an honorable and laudable value that we have.

The problem is that that same individual probably has an illness such as diabetes or hypertension, which, if they had received care early in the disease or maybe in a stage of prevention,

would not only not be in the emergency room, but the outcome would be much better and the cost would be much lower.

So, you see, when someone goes to the emergency room or staggers into an emergency room perhaps on their death bed and we providers have to pull them out, somebody gets a bill for that. And that bill is going to be many times higher than what it would have been otherwise. This, of course, creates bankruptcies. Many families end up filing bankruptcy after going through a major thing like this. So who absorbs that cost? The cost is absorbed by those who pay insurance premiums and taxpayers.

So it is not free medicine. So since we're already providing the resources, why not front-load that into preventative and early diagnostic care?

I am a strong believer in health care reform, and I will just tick through several of them that I think need to be implemented with all dispatch.

First, we need to have portability. Dr. MURPHY mentioned that before. We do need to go to electronic health records in a way that is going to make practices more efficient. We need to do away with archaic insurance laws which cause these small risk pools. We need to create large risk pools and make "pre-existing illness" a term that is no longer in the American lexicon.

We need to make sure that everyone gets basic private health care insurance, and I think that family physicians should be the linchpin in health care because it has been proven time and time again that family physicians, the primary care providers, create a much more efficient form of health care, but they also work very closely with their colleagues to ensure that they get uploaded or downloaded or whatever is necessary in order to get the best.

But let me comment on one more thing before I yield. And that is that we're right now in a crossroads of decision making. We all agree that we need comprehensive health care reform. The question is will it be a single-payer governmental system such as what we have today with Medicare or Medicaid, or will it be a private health care system?

Now if we expand Medicare to include everyone, as some have suggested in this body, what is going to absorb that overflow and cost?

You see today, Medicare is somewhat successful in that the fraud, abuse, and the waste is being absorbed by the taxpayer and also those who pay private subscription rates. When we go to an entire system that is a single payer Medicare system, there will be nobody to pick up the tab at that point. So what are we left with?

Well, number one, we know that when you have a government-type sys-

tem, a micromanaged system from the top, you end up with spot shortages, which we already have today; and I am sure that Dr. GINGREY will discuss that further. But also you have a situation beyond the spot shortages that is how do you control costs? And government can control costs only one way, and that is rationing. That means that somebody is told "no" when there is in fact something that can be done.

On the other hand, you take a private system, even if it's funded by government entities, either partially or in whole, if it's administered privately, it is far more efficient. And I will just give you a quick example.

Today, we talk about fraud and abuse and waste. And how can we find this fraud and abuse and what do we do about it? Well, we have to go after it legally to prosecute it. It is very expensive. You only find the tip of the iceberg. In a private plan, everyone works to build efficiency in the system, and if someone is just a little bit off the graph, you reeducate, you help them, or if they don't respond, you terminate them. You don't have to worry about finding someone who is manufacturing health claims or any of that kind of nonsense. It just doesn't happen.

So the bottom line is we need to get physicians, all providers, on board with working towards a much more efficient system, and we need to get the patients involved as well.

For many years, as my colleagues here, I know, have experienced, you couldn't talk patients into accepting generic drugs. Today with the tiered payment systems, the incentives are in favor of generic drugs, and now you can't beg patients not to take generic medications because they are much cheaper.

So there is a lot of work that we need to do, Mr. Speaker, and these are just some of the suggestions.

But finally, I would just like to say that we need to do a lot more to improve the availability, particularly of primary care providers, and we're going to have to do that by increasing the reimbursement rates because what we're really getting is a paradoxical effect. The more we clamp down reimbursement rates for family physicians and others, the more they have to do other things to make up the difference, which echoes costs throughout the system.

So thank you.

Mr. GINGREY of Georgia. I thank the gentleman from Louisiana, the good doctor.

And, you know, again, stressing this theme of going forward, the shortage of manpower, it has a lot to do with physician satisfaction in their chosen profession. And I think that is basically what we want to make sure, Mr. Speaker, that everybody, all of our colleagues understand on both sides of the aisle, that as Dr. FLEMING was saying,

if you have access to an affordable health insurance policy, as we all hope and pray for those 47 million, if it's a system that is run by the government and we crowd out the private market completely—and that is one of my big fears and I think that of my colleagues—then these young men and women that normally would—our best and brightest who would normally want to go to medical school and maybe become a family practitioner and provide this care, they are not going to do it. They are going to choose another profession. They are going to maybe become lawyers, but not doctors. And I think that is a big concern.

And I don't think anybody knows more about this than the next person that I will yield to, Dr. PHIL ROE, a fellow OB-GYN physician, who has provided women's care and delivered lots of babies in the Tri-City area of Tennessee—Kingsport, Bristol, Johnson City—and he knows of what he speaks. And I think he's going to talk to us a little bit about what probably everybody in this Chamber is aware of, and that is something called TIN care in Tennessee, and I am happy to yield to my colleague, a freshman representative doing a wonderful job, Dr. PHIL ROE.

Mr. ROE of Tennessee. A couple of things to historically go back over, and I might mention that if the public out there that is watching this tonight thinks that the government's management of AIG is good, then they are going to be thrilled to death with the government management of health care, I can tell you that.

I am going to go through a couple of historical things.

You and I went through the managed care in all of the 1990s and all of the promises that were going to occur, the cost savings and so forth, that didn't show up; and one of the things that concerned me about health care going forward is accessibility, not just in physicians but in other health care providers.

For instance, our nursing staff. By 2016—that is 7 years from now—we're going to need one million more registered nurses in this country. And in the next 8-10 years, more physicians will be retiring and dying than we're producing in this country.

And let me go back a few years to read this to us just briefly. It is a 1994 report to both Congress and the Secretary of Health and Human Services, the National Council on Graduate Medical Education noted, "In a managed care dominated health care system, the Bureau of Health Professions Commissions projects a year 2000 shortage of 35,000 generalist physicians and a surplus of 115,000 specialist physicians" and recommended that the "nation 'produce 25 percent fewer physicians annually.'" That was just 13 years ago.

"In 1995, the PEW Commission recommended medical schools 'by 2005 reduce the size of entering medical school class in the U.S. by 20-25 percent,' arguing further that this reduction should come from the closure of existing medical schools."

Have you ever heard of anything as ridiculous as that? And think of what a catastrophe that would have been had we followed this.

The Institute of Medicine committee "recommended 'no new schools of allopathic or osteopathic medicine be opened, that class sizes in existing schools not be increased, and that public funds not be made available to open new schools or expand class sizes.'"

Now, to give you an example just to reiterate what you said, if physicians don't retire—and there are over a quarter of a million physicians over the age of 55; that is a third of the practicing doctors in America—do retire in the next 10 years, which they most certainly will, this number—and the reason that is so important for the folks listening is the access to care. What happens will be that patients won't have access to their physicians, and I have seen that.

I have practiced and trained in Memphis, inner-city Memphis and a rural area where I am now, and you all know inner-cities and the rural areas are the two most underserved areas in America now.

□ 2230

Patients in those areas are now not only having a difficult time paying for care, just finding someone to give them the care. So this particular recommendation that was made, if it had been followed, would have been an utter disaster for the American health care system.

We need to encourage more and more young people. The community where I live has a Quillen College of Medicine, has 26 students. It hasn't increased the class size in 20 years. Why? They don't have funding to do it, and we have a tremendous shortage of primary care physicians.

At the end of my practice last year when I was still in the operating room, one of the most difficult things I had to do was find a primary care provider for a post-surgical patient. It is difficult to do now, and it is going to get much, much, much worse.

I will mention a couple of things about our TennCare system, and it was a system that was started with noble objectives, to provide care for all Tennesseans. It was rapidly put together, and I heard you say at the beginning of this, we don't need to do this fast; we need to do this right. It's important.

The health care that we provide affects every citizen in this country. Every one of us is going to have to abide by this system, and who should be in control of that system are the pa-

tients and the physicians. That's who should be making these health care decisions.

Now, in a survey that was done in the current budget crisis in the State, the State was about \$1 billion short before the stimulus package came along. And what the stimulus package does is simply put off these hard decisions for about 2 years in our State. But that survey showed that nearly half the physicians in the State of Tennessee would end their participation or consider ending their participation in one or both of the MCOs in the State—that's the medical care organizations—if those cuts were enacted to ease the State budget crisis, and another 31 percent said they would reduce the number of TennCare patients they're seeing. That's 80 percent either would stop or reduce the number that they're currently seeing.

I spoke to one of our large hospital administrators this past weekend, and right now, we have TennCare covering 60 percent of hospital costs. Medicare covers about 90 percent of hospital costs. The uninsured obviously cover none of the costs, and the private payers have to make up that difference to keep the hospital open.

You hear that your medical benefits are tax deductible and so forth. Well, I would argue they're not. If you go ahead, that's a hidden tax right there that a person who has private health insurance has to pay when they pay it. Now I know this year because in the past year, I bought my own policy. I've a health savings account, and to buy this health savings account, I was fortunate to be able to do that. It is about \$1,000 a month, but I had to earn about \$18,000 to pay that after taxes. So, for a person with a health savings account or a small business or whatever, they're on your own, you're in real trouble in this country now.

And I think the health care plan in this country should have about four principles. One is a basic health plan for all Americans, and we can define that a lot of ways, but I think one of the ways you could define it is the least expensive government plan.

And number two, illness should not bankrupt you. If you get sick, if you develop multiple myeloma or a malignancy or something or at no cause of your own, you should not be bankrupted by that illness.

And number three, it should be portable. You should be able to move. If you lose your job, as many people have done during this current recession, you should be able to carry your health benefits along and not have COBRA payments that people with expensive, who let's say Bill Gates would have a hard time paying.

So I look forward to continuing this discussion in the future.

Mr. GINGREY of Georgia. Well, I thank the gentleman from Tennessee

and the words of the wisdom that he brought us to.

Before I yield to my colleague from Georgia, I want to just make a few comments, Mr. Speaker, about some of the statistics in regard to physician workforce shortage. Any my State, my home State of Georgia, it's ranked 40th in the Nation with respect to active physicians per 100,000 people. In Georgia, there are 204 per 100,000. National average is 250.

Georgia also has the dubious ranking of 44th in the Nation with respect to active primary care physicians. You just heard that from Dr. FLEMING, and you will hear it in just a minute from Dr. PAUL BROUN, a family practitioner in Georgia.

Seventy-three primary care physicians per 100,000 in Georgia; the national average, 88.1. Eighty-nine percent of job seekers graduating from Georgia medical residency programs received and accepted job offers in 2004 but only 54 percent of them stayed in my great State of Georgia.

So just kind of bringing home some of the statistics from where we live and represent.

At this time, I'm proud to yield to Dr. PAUL BROUN, the gentleman who represents my hometown of Augusta, Georgia, and Athens, Georgia, the home of the University of Georgia, the great bulldog nation and many, many wonderful counties in between.

I yield to the gentleman from Georgia, Dr. PAUL BROUN.

Mr. BROUN of Georgia. Thank you, Dr. GINGREY. I appreciate you bringing these very important points to the floor tonight.

I want to talk about the issue that you just brought up about the lack of primary care physicians in our home State of Georgia, but before I do that, I wanted to remark about something Dr. MURPHY brought up tonight, and that's the cost of regulatory burden on the health care system, particularly as it deals with lab and X-ray and those types of things.

I want to give an example. Back a number of years ago, I was practicing medicine in rural south Georgia, and Congress passed a bill called the Clinical Laboratory Improvement Act. It was signed into law. It's called CLIA. I had a small lab in my office, totally quality controlled, wanted to make sure that the tests that I did there were accurate so that I could give the best quality care to my patients that I possibly was trained to do.

And CLIA shut down that lab. Well, why? Well, the reason that CLIA shut down the lab was that the people here in Congress decided that it was a conflict of interest for doctors to own labs and that they may be an overutilization. But the thing is, what this has done is it's markedly driven up the cost of health care for all of us, the cost of insurance, and it made insurance less affordable.

Now, to show you how that works is that in my lab, if a patient came to see me with a red, sore throat, maybe had little white patches on their throat, running a fever, coughing, aching all over, runny nose, this could be a strep throat, need a penicillin shot or some antibiotics. It could be a viral infection. They look exactly the same. I would do a test in my office called the complete blood count, or CBC. It took 5 minutes to do the test. I charged \$12 for the test. I made 50 cents on it, if any at all.

Well, CLIA shut down my lab. I couldn't do those tests any longer. If patients came in with those same symptoms, I had to decide whether just to go ahead and give them antibiotics and expose them to the overutilization of antibiotics that, not only the exposure to them which could create super-infections, also increases the cost, because the overutilization of antibiotics markedly drives up the costs for all of us. Or I would do the test, and to do so, I would have to send them over to the hospital to get that done. It would take 2 to 3 hours to do a test I could do in 5 minutes, and it cost \$75 whereas the test in my office cost \$12.

You can see what that one test, the cost across the whole health care system has been for that one test for patients that come in with sore throats which is a very common illness that primary care physicians, like I, see.

So the regulatory burden on the system markedly increases the cost and makes it less affordable. So if we could get the regulatory burden off of the health care system, it would literally lower the cost of insurance and would make it more affordable.

We actually hear of about 47 million people in this country not having health care. Well, everybody has health care. As Dr. FLEMING was talking about, entitlement laws made it so that people could go to the emergency room and get health care. So everybody has access to health care. Everybody can get health care. The question is where do they get it, at what cost, and who pays for it.

Well, if we go to a socialized medicine system—and the code word for socialized medicine in this body here is comprehensive health care reform—if we go to socialized health care, it's going to make it less affordable and be harder for people to get health care, provided to them.

But in Georgia, we have a tremendous lack of primary care doctors. In fact, in more than one-third of the counties—we have 159 counties in the State of Georgia. Fifty-eight of those counties, over a third, are officially designated as primary health professional shortage areas. This means on average that there is less than one doctor per 3,500 people in those counties. About 1.5 million people in the State of Georgia alone are affected by the shortage of doctors.

We need in Georgia 259 more doctors to serve those underserved areas, just to fill that official estimate of shortage, and ideally, in fact, the experts say that there should be one doctor per 2,000 people. To attain that goal, we would need another 421 doctors, primary care providers, to face that shortage.

Now, the Medical College of Georgia, my school that I graduated from, is just expanding and developing new campuses. There's one that's going to start accepting their new class in Athens, and they're going to have other communities around the State of Georgia to try to train physicians. But we've got to give doctors the freedom to practice medicine, not put constraints on them, not to shackle them. We've got to get the regulatory burden off of their practices so they can practice medicine without all this government intrusion so they can give the care that they're trained to give.

And going down this road of socialized medicine that this administration and that the liberal leadership here in Congress is pushing us towards is going to hurt the health care system. It's going to create a larger doctor shortage, and it's going to mean that people have less access to care, particularly good, quality care.

So we need to have a patient-focused health care reform and not a government-focused health care reform, which is what we and the Doctors Caucus, what the Republican party is bringing forth as the solution to the health care crisis, which is actually a health care financing crisis, not a health care crisis in itself.

So I thank the gentleman for bringing this up tonight. I thank the gentleman for yielding, and I look forward to working with our colleagues so that we can actually find some common-sense, market-based solutions that we propose and, hopefully, the American people will demand it from their Member of Congress so that we can continue to give good, quality health care here in America.

I thank the gentleman for yielding.

Mr. GINGREY of Georgia. I thank my colleague, Dr. BROUN, for joining with us in this hour, talking about the issue of strengthening the doctor-patient relationship and not destroying it.

And as Dr. BROUN pointed out in some of his statistics, those shortages that he was talking about in the State of Georgia—and this is applicable to 49 other States as well—we're talking about under the current system. But once we cover the 47 million uninsured, and these numbers just get that much more difficult, and actually the shortage increases by 4 percent, and these statistics are frightening.

And before I introduce the next speaker, my colleague from Texas, my fellow OB/GYN colleague, I wanted my colleagues to see this next slide. And

part of the reason of this physician shortage—and as I say, it will only get worse in the future—is declining reimbursement ranked as the number one impediment to the delivery of patient care.

Sixty-five percent of physicians surveyed said that Medicaid pays less than the cost of providing that care, and 35 percent of the physicians surveyed said Medicare pays less than cost of providing that care. Nobody in this House of Representatives has worked harder than my classmate, the good OB/GYN doctor from Plano, Dallas-Fort Worth. He has worked so hard to try to provide a reimbursement based on a reasonable formula and not this current sustainable growth rate.

Nobody can really understand how that's ever figured, but doctors know that every year it's figured in a cut in their reimbursement, and that indeed, Mr. Speaker, is not sustainable.

And with that, I yield to my colleague from Texas, Dr. BURGESS.

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Mr. BURGESS. I want to thank my friend for yielding. I should mention, of course, you know we passed out of our committee, the Committee on Energy and Commerce, just 2 weeks ago, H.R. 914, which would have, for the first time, increased the number of primary care residencies available. It was a self-replenishing loan program. Oftentimes, the biggest barrier to entry for a hospital that doesn't currently offer a residency program, the biggest barrier for entry is the cost for getting into that residency program. This will provide an ongoing self-replenishing series of loans.

We have been held up a little bit by the Office of Management and Budget. It is one of the weird things that happens to you here in Washington. Last year's Congressional Budget Office said this bill was not a problem financially. Last year's Congressional Budget Office is this year's Office of Management and Budget. And this year's Office of Management and Budget says, Wait a minute. If you make more primary care doctors, they're going to see more folks and they're going to send in more bills. It's going to cost more money. So we can't have that.

We've kind of reached a little bit of an impasse there. I hope to get past that. It just underscores sometimes the futility of working in this environment in which we find ourselves.

Now, just a few weeks ago I was fortunate enough to be asked down to the White House to participate in the health care summit, and President Obama, to his credit, as he was wrapping things up said, Look, I just want to figure out what works.

Well, I'm here to help him. I'm so glad to hear him say that. He says, The cake was not already baked. We would work through this in our congressional

committees. He'll provide guideposts and guidelines. At the end of the day, it's going to be a congressional decision.

I applaud him if that's the case. I still have some reservations deep down inside that this bill has already been written in the Speaker's office. But I will take the President at his word because, after all, we are charged in the practice of medicine for following evidence-based practice. We are told to practice evidence-based medicine. We as policymakers should also practice evidence-based policy as well.

The reform discussion has centered primarily on the number of Americans who lack insurance. That's understandable. It's a good reason. The number is astonishingly high—and growing.

But, honestly, we do have to look beyond just the single knee-jerk, silver bullet response to, We want to fix the number of uninsured. Because that may not solve our problem.

We have a grand national experiment going on in the State of Massachusetts right now. A great increase in coverage because of an individual mandate. But we have a problem. We don't quite have the number of primary care physicians required to render the care to all those folks who now have that coverage.

So, across the Nation issues with the medical workforce are going to continue to loom large and, like my colleague from Tennessee, I can remember sitting in those medical meetings 15 years ago and hearing the stories about how we were over provided. I didn't even know that was a verb, quite honestly. We were over provided in health care in this country, and we needed to scale back the number of doctors we were producing.

Now, 15 years later, that sounds like nonsense. When you consider the length of time that it takes to make one of us, those of us who are on the House floor late tonight. I don't know. Certainly, 12 years after college and my professional education, it is not at all an uncommon story. It takes a long time to make one of us.

So changes in that pipeline really can have a dramatic effect down the road. It's so important for us to get the policy right.

Another point on our Energy and Commerce Subcommittee on Health. Last fall, we heard from a woman who's a pediatrician in rural Alabama. It sticks in my mind because she went into practice the same year that I did—1981. She has worked her heart out there taking care of poor kids in rural Alabama.

Her practice currently has reached a point where it's 70 to 80 percent Medicaid. And she can't keep her doors open. She's having to borrow from her retirement plan in order to pay the overhead for her office to keep the clinic doors open.

Well, I learned that lesson a long time ago with managed care back in

the 1990s. If you're losing a little bit on every patient, it gets harder to make it up in volume. The harder you work, the more behind you get.

That was exactly the situation that she had found herself in. It's because we require such a significant amount of cross-subsidization. The private sector has to cross-subsidize the public sector—Medicare or Medicaid—or doctors cannot afford to keep their doors open. Precisely the information you have up on your slide.

Government-administered health care misleads Americans into thinking that they have coverage. But the reality is they're denied care at the out end because there simply is not the doctors offices there to provide it.

Well, you have been very generous with your time. I'm going to yield back so we can hear from some of our other great colleagues who are on the floor with us tonight. I thank you for bringing this hour together.

Mr. GINGREY of Georgia. I thank my colleague on the Energy and Commerce Committee, Dr. BURGESS.

I want to yield to another of my physician colleagues from Georgia, Dr. TOM PRICE, an orthopedic surgeon who represents the district adjacent to mine, the Sixth District of Georgia.

Dr. PRICE is going to tell us a little bit about these 47 million uninsured, many of whom are employed and simply cannot afford what is offered by their employer, their portion of the premium, and many of them of course work for very small employers that can't afford to offer coverage at all.

At this point, I am proud to yield to my colleague, the chairman of the Republican Study Committee, Dr. TOM PRICE.

Mr. PRICE of Georgia. I thank my friend from Georgia, Dr. GINGREY, for yielding and for his leadership in this area and for organizing this hour this evening.

Mr. Speaker, you have heard a lot of conversation tonight about health care and about access and affordability and quality and primary care physicians. I think it's important to talk about the thing that all of those affect, and that is patients. Patients are what this is all about.

I'm pleased to join my physician colleagues on the Republican side of the aisle tonight to talk about patients and the effect of health care and national health care policy on patients.

If I think about the eight physicians who are here on the floor tonight, we probably have seen a half million patients in our professional life and get a sense about what it means to take care of people and make certain that they get well, depending on the malady that befalls them.

We all have our different principles about health care. Mine are five—the usual three: Access and affordability and quality. Then I add innovation and

responsiveness. I think it's imperative we have a system that has the greatest amount of access, the greatest amount of affordability, the highest quality, and the most responsive and most innovative system.

I would suggest, as I know my friend would agree from Georgia, and my other physician colleagues here, that governmental intervention and increasing involvement doesn't improve any of those things. It doesn't improve access, it doesn't improve affordability, it certainly doesn't improve quality, doesn't improve innovation or responsiveness.

So what's the solution? What's the solution for the patients across this Nation who are maybe watching this evening, Mr. Speaker, and saying: What are you going to do?

Well, the solution, I believe, as I know my colleagues do, is to make certain that patients have ownership of the system. The only way to get the system to move in the direction that patients want it to move is to have a patient-centered system so that patients own and control their own health insurance policy.

Everybody's got to have health insurance. You can get to that system in a way that most of us support, which is through the Tax Code. Making certain that it makes financial sense for all patients to have health insurance. But, once they do, how do you make the system move in the direction it ought to move, and that is the direction that patients want it to move. It's to allow for patients to own and control their health insurance policy, regardless of who's paying the cost.

That's important because that changes the relationship between the insurance company and the patient. Right now, when the patient calls the insurance company and says, You're not doing what I need to have done, or my doctor recommends, the insurance company, by and large, says, Call somebody who cares. Because you aren't controlling the system.

When patients own and control the system, then the system moves in the direction that patients want it to move.

We are working diligently to come up with a product that will allow the American people to look to Washington and say, Hey, those guys are doing what we think ought to be done in our health care system.

I'm so pleased to be able to join you tonight and talk about positive solutions for our health care system that puts patients in control.

I yield back.

Mr. GINGREY of Georgia. Dr. PRICE, thank you so much.

Mr. Speaker, I realize that we are running very close to that witching hour. Maybe I saved the best until last. He probably thinks that I'm shorting him on time because his LSU Tigers

whipped up pretty badly on my Georgia Tech Yellow Jackets in the Bowl game. That's not the case at all.

I'm proud to yield to the internist and gastroenterologist from Baton Rouge, Dr. Patrick.

Mr. CASSIDY. You're so bitter about that loss, you call me Patrick instead of CASSIDY.

I actually teach residents. I'm still on faculty with LSU Med School. It's not accidental that we end up having too few specialists.

For example, just to put the issue into focus, only about 2 percent of medical school grads in 2007 planned to go into a primary care career. That's 2 percent.

Now, it's not accidental why this is. As it turns out, the Federal Government gives more money to train specialists. It gives less to train a generalist and more to train a specialist.

When you're out, reimbursement is less for visits, but more for procedures. So the primary care physician that we don't have enough of gets paid less for the amount of effort he or she puts into their job.

So I say this to say that it's Federal policies that have gotten us here, and there are wise Federal policies that can get us out. But I want to just give a little bit of humility to the people who want to remake our system, assuming that a top-down approach will benefit.

I echo what Dr. PRICE said—it's better to have that patient in charge of the system. When it's top down, we end up with systems which end up skewing us towards more specialists and fewer generalists. I think if we take history as a guide, we will say that we will be much better if the patient have the power as opposed to CMS or another Federal bureaucracy having the power.

With that, I yield back.

Mr. GINGREY of Georgia. Mr. Speaker, I thank Dr. Patrick. And I thank all of my colleagues. You can see the level of interest of the GOP Doctors Caucus. But we want to work with the physicians, the medical providers, the nurses on the other side of the aisle, and work in a bipartisan way.

In this area of a second opinion, we will continue to bring other issues forward as we continue in the 111th Congress.

Mr. Speaker, with that I yield back.

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, MARCH 19, 2009 AT PAGE 8156

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on March 18, 2009 she presented to the President of the United States, for his approval, the following bill.

H.R. 1127. To extend certain immigration programs.

Lorraine C. Miller, Clerk of the House reports that on March 19, 2009 she presented to the President of the United States, for his approval, the following bill.

H.R. 1541. To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ELLISON (at the request of Mr. HOYER) for today.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today and the balance of the week on account of medical reasons.

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. EDWARDS of Maryland) to revise and extend their remarks and include extraneous material:)

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE of California, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. LINCOLN DIAZ-BALART of Florida) to revise and extend their remarks and include extraneous material:)

Mr. INGLIS, for 5 minutes, today and March 30.

Mr. POE of Texas, for 5 minutes, March 30.

Mr. BURTON of Indiana, for 5 minutes, today, March 24, 25 and 26.

Mr. JONES, for 5 minutes, March 30.

Ms. ROS-LEHTINEN, for 5 minutes, March 25.

Mr. ROE of Tennessee, for 5 minutes, today.

Mr. ROGERS of Michigan, for 5 minutes, March 25.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1512. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United

States Code, to extend authorizations for the airport improvement program, and for other purposes.

ADJOURNMENT

Mr. GINGREY of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 24, 2009, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

986. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting the Department's report on the study of adverse health events of exposure to depleted uranium munitions on both soldiers and children of uranium-exposed soldiers who were born after the soldiers were exposed to depleted uranium, pursuant to Section 716 of the National Defense Authorization Act for Fiscal Year 2007; to the Committee on Armed Services.

987. A letter from the Associate General Counsel for Legislation & Regulations on behalf of Board, Board of Directors of the HOPE for Homeowners Program, transmitting the Board's final rule — Rules Regarding Access to Information Under the Freedom of Information Act [Docket No.: B-2009-F04] (RIN: 2580-AA02) received March 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

988. A letter from the Vice Chair and First Vice President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

989. A letter from the Vice Chair and First Vice President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Japan pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

990. A letter from the Vice Chair and First Vice President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

991. A letter from the Director, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Japan pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

992. A letter from the Vice Chair and First Vice President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Turkey pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

993. A letter from the Director, Office of Legal Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Risk Based Assessments (RIN:

3064-AD35) received March 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

994. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's thirty-first annual report summarizing actions the Commission took during 2008 with respect to the Fair Debt Collection Practices Act, 15 U.S.C. 1692-1692o; to the Committee on Financial Services.

995. A letter from the Deputy Assistant Secretary, Department of Labor, transmitting notification of a grant award for the San Mateo County Community College District in response to the Solicitation for Grant Applications (SGA), SGA/DFA PY 08-02, as part of the Department's competitive Community-Based Job Training Initiative; to the Committee on Education and Labor.

996. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

997. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Institutional Review Boards; Registration Requirements [Docket No.: FDA-2004-N-0117] (formerly Docket No.: 2004N-0242) (RIN: 0910-AB88) received March 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

998. A letter from the Acting Chief Financial Officer, Department of the Treasury, transmitting the Department's annual Alternative Fuel Vehicle Report for Fiscal Year 2008, pursuant to Section 8 of the Energy Conservation Reauthorization Act of 1998; to the Committee on Energy and Commerce.

999. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Scranton, Pennsylvania) [MB Docket No.: 08-125 RM-11457] received March 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1000. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to India (Transmittal No. DDTC 018-09), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1001. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting reports submitted in accordance with Sections 36(a) and 26(b) of the Arms Export Control Act, the 24 March 1979 Report by the Committee on Foreign Affairs, and the Seventh Report by the Committee on Government Operations for the first quarter of Fiscal Year 2009, 1 October 2008 — 31 December 2008; to the Committee on Foreign Affairs.

1002. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Mexico for defense articles and services (Transmittal No. 09-18), pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

1003. A letter from the Vice Admiral, USN Director, Defense Security Cooperation

Agency, transmitting the Agency's report in accordance with Section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1004. A letter from the Secretary General, Inter-Parliamentary Union, transmitting a letter enlisting support for the new democracy project that addresses the representation of minorities and indigenous peoples in national parliaments; to the Committee on Foreign Affairs.

1005. A letter from the Director, Department of Making Pregnancy Safer, World Health Organization, transmitting notification of a three-day meeting to share experiences between policy-makers and planners, and to increase advocacy to boost investments and significantly improve progress on maternal and newborn health and survival; to the Committee on Foreign Affairs.

1006. A letter from the Senior Procurement Executive and Director, Office of Acquisition Management, Department of Commerce, transmitting the Department's report on Fiscal Year 2008 Commercial Services Management efforts, pursuant to Public Law 108-199, section 647(b); to the Committee on Oversight and Government Reform.

1007. A letter from the Acting Assoc. Gen. Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1008. A letter from the Senior Vice President and Chief Financial Officer, Export-Import Bank, transmitting the Bank's annual report for fiscal year 2008, pursuant to the Chief Financial Officers Act of 1990; to the Committee on Oversight and Government Reform.

1009. A letter from the Director, National Science Foundation, transmitting the Foundation's report on its competitive sourcing efforts for Fiscal Year 2008, pursuant to Public Law 108-199, section 647(b); to the Committee on Oversight and Government Reform.

1010. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's Annual Report on the Administration of the Government in the Sunshine Act for Calendar Year 2008, pursuant to Public Law 94-409 and Public Law 104-66; to the Committee on Oversight and Government Reform.

1011. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Abolishment of Santa Clara, California, as a Nonappropriated Fund Federal Wage System Wage Area (RIN: 3206-AL74) received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

1012. A letter from the Associate Legal Counsel, U.S. Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1013. A letter from the Acting Administrator, U.S. Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1014. A letter from the Co-Chief Privacy Officer, Federal Election Commission, transmitting the Commission's Privacy Act Report for fiscal year 2008, pursuant to Section 522 of the Consolidated Appropriations Act for 2005; to the Committee on House Administration.

1015. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing *Phyllostegia hispida* (No Common Name) as Endangered Throughout Its Range [FWS-R1-ES-2008-0016; MO 9221050083-B2] (RIN: 1018-AV00) received March 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1016. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Louisiana Black Bear (*Ursus americanus luteolus*) [FWS-R4-ES-2008-0047 92210-1117-0000-B4] (RIN: 1018-AV52) received March 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1017. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's 2008 Report on the Disclosure of Financial Interest and Recusal Requirements for Regional Fishery Management Councils and Scientific and Statistical Committees, pursuant to Section 302(j) of the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

1018. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No.: 090213177-9179-01] (RIN: 0648-XN40) received March 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1019. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2009 and 2010 Harvest Specifications for Groundfish [Docket No.: 0810141351-9087-02] (RIN: 0648-XL28) received March 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1020. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Oklahoma Advisory Committee; to the Committee on the Judiciary.

1021. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Mississippi Advisory Committee; to the Committee on the Judiciary.

1022. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — EXTENSION OF IMPORT RESTRICTIONS IMPOSED ON ARCHAEOLOGICAL MATERIAL FROM HONDURAS [CBP Dec. 09-05] (RIN: 1505-AC11) received March 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1023. A letter from the Deputy Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Representative Payment Under Titles II, VIII and XVI of the Social Security Act [Docket No.: SSA 2008-0007] (RIN: 0960-AG70) received March 11, 2009, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1024. A letter from the Deputy Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Expiration Date Extension for Musculoskeletal Body System Listings [Docket No.: SSA-2008-0070] (RIN: 0960-AG93) received March 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES OF PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 1107. A bill to enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts" (Rept. 111-42). Referred to the House Calendar.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 479. A bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; with an amendment (Rept. 111-43). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1246. A bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss (Rept. 111-44). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 307. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes (Rept. 111-45). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 577. A bill to establish a grant program to provide vision care to children, and for other purposes; with an amendment (Rept. 111-46). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 756. A bill to amend the Public Health Service Act with respect to pain care (Rept. 111-47). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 20. A bill to provide for research on, and services for individuals with, postpartum depression and psychosis; with an amendment (Rept. 111-48). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself and Mr. HONDA):

H.R. 1659. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to require the Presidential designee responsible for carrying out Federal functions under the Act to have experience in election administration and be approved by the Sen-

ate, to establish the Overseas Voting Advisory Board to oversee the administration of the Act so that American citizens who live overseas or serve in the military can participate in elections for public office, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH (for himself, Mr. ARCURI, Mr. NUNES, and Mr. BISHOP of Utah):

H.R. 1660. A bill to amend the Immigration and Nationality Act to provide a special rule for the period of admission of H-2A non-immigrants employed as dairy workers and sheepherders, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW:

H.R. 1661. A bill to establish a health registry to ensure that certain individuals who may have been exposed to formaldehyde in a travel trailer have an opportunity to register for such registry and receive medical treatment for such exposure, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARROW:

H.R. 1662. A bill to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry current liability insurance; to the Committee on Education and Labor.

By Mr. DENT (for himself, Mr. LANCE, Mr. PAULSEN, Mr. BILBRAY, Mr. MARCHANT, Mr. WALDEN, Mr. COBLE, Mr. MARSHALL, Mrs. MYRICK, Mr. PLATTS, Mr. LOBIONDO, Mr. SESSIONS, Ms. GINNY BROWN-WAITE of Florida, Mr. POE of Texas, Mrs. CAPITO, Mr. SHULER, Mr. CARNEY, Mr. TIM MURPHY of Pennsylvania, Mr. KIRK, Mr. ROYCE, and Mrs. MILLER of Michigan):

H.R. 1663. A bill to require State and local law enforcement agencies to determine the immigration status of all individuals arrested by such agencies for a felony, to require such agencies to report to the Secretary of Homeland Security when they have arrested for a felony an alien unlawfully present in the United States, to require mandatory Federal detention of such individuals pending removal in cases where they are not otherwise detained, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAYSON (for himself, Mr. HIMES, Ms. LEE of California, Mr. WELCH, Mr. ELLISON, Mr. ORTIZ, Mr. PERRIELLO, Ms. JACKSON-LEE of Texas, and Mr. CONNOLLY of Virginia):

H.R. 1664. A bill to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards; to the Committee on Financial Services.

By Mr. CUMMINGS (for himself, Mr. OBERSTAR, Mr. MICA, and Mr. LOBIONDO):

H.R. 1665. A bill to structure Coast Guard acquisition processes and policies, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DOGGETT (for himself, Mr. COOPER, Mr. SHULER, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. STARK, Mr. LEWIS of Georgia, Ms. BERKLEY, Ms. LINDA T. SANCHEZ of California, Mr. YARMUTH, Mr. BRADY of Pennsylvania, Mr. COHEN, Mr. FATTAH, Mr. JOHNSON of Georgia, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. NADLER of New York, Mr. FARR, Mr. CUMMINGS, Ms. CLARKE, Mr. ACKERMAN, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 1666. A bill to amend the Internal Revenue Code of 1986 to establish an auction and revenue collection mechanism for a carbon market that ensures price stability with environmental integrity; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE:

H.R. 1667. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes; to the Committee on the Judiciary.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 1668. A bill to debar or suspend contractors from Federal contracting for unlawful employment of aliens, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONNOLLY of Virginia:

H.R. 1669. A bill to require the Secretary of the Treasury to establish a market for municipal securities, to require cooperation between the Secretary and the Chairman of the Board of Governors of the Federal Reserve System in addressing the municipal securities market situation including through the establishment of municipal securities funding facilities, and for other purposes; to the Committee on Financial Services.

By Mr. DAVIS of Illinois (for himself, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Ms. LEE of California, Mr. MEEKS of New York, Mr. CARNEY, Mr. DOYLE, Mr. LARSON of Connecticut, Mr. MOORE of Kansas, Mr. HINCHAY, Mr. KUCINICH, Mr. LEWIS of Georgia, Ms. BALDWIN, Mr. COHEN, Mr. FATTAH, Ms. DELAURO, Mr. ISRAEL, Ms. KAPTUR, Mr. KIND, Mr. LANGEVIN, Mr. OLVER, Ms. LORETTA SANCHEZ of California, Ms. SCHWARTZ, Mr. SESTAK, and Ms. VELÁZQUEZ):

H.R. 1670. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LARSEN of Washington (for himself, Mr. SULLIVAN, Ms. WATERS, Mr. WU, Mr. GUTHRIE, Ms. BORDALLO, Mr. SIMPSON, and Mr. SPACE):

H.R. 1671. A bill to understand and comprehensively address the oral health problems associated with methamphetamine use; to the Committee on Energy and Commerce.

By Mr. LARSEN of Washington (for himself, Mr. INSLEE, and Mr. DICKS):

H.R. 1672. A bill to reauthorize the Northwest Straits Marine Conservation Initiative

Act to promote the protection of the resources of the Northwest Straits, and for other purposes; to the Committee on Natural Resources.

By Mr. DANIEL E. LUNGREN of California:

H.R. 1673. A bill to amend the Emergency Economic Stabilization Act of 2008 with respect to bonus payments; to the Committee on Financial Services.

By Mrs. MALONEY:

H.R. 1674. A bill to amend the National Consumer Cooperative Bank Act to allow for the treatment of the nonprofit corporation affiliate of the Bank as a community development financial institution for purposes of the Community Development Banking and Financial Institutions Act of 1994; to the Committee on Financial Services.

By Mr. MURPHY of Connecticut (for himself, Mrs. BIGGERT, Mr. FRANK of Massachusetts, Ms. WATERS, Ms. SCHAKOWSKY, Mr. ELLISON, Mr. SIREs, and Mr. FILNER):

H.R. 1675. A bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 1676. A bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes; to the Committee on the Judiciary.

By Ms. WOOLSEY:

H. Con. Res. 77. Concurrent resolution recognizing and honoring the signing by President Abraham Lincoln of the legislation authorizing the establishment of collegiate programs at Gallaudet University; to the Committee on Education and Labor.

By Ms. CASTOR of Florida (for herself and Mr. REICHERT):

H. Res. 274. A resolution expressing support for designation of March as National Nutrition Month; to the Committee on Energy and Commerce.

By Mr. MURPHY of Connecticut:

H. Res. 275. A resolution expressing the sense of the House of Representatives that all public elementary schools and public secondary schools should display a copy of the Declaration of Independence, the Constitution, and the Bill of Rights; to the Committee on Education and Labor.

By Mr. NUNES:

H. Res. 276. A resolution to provide earmark reform in the House of Representatives; to the Committee on Rules, and in addition to the Committee on Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. SALAZAR, Mr. FORTENBERRY, Mr. SERRANO, Mr. BROWN of South Carolina, Ms. KILPATRICK of Michigan, Ms. NORTON, Mr. ELLSWORTH, and Mr. CHILDERS.

H.R. 23: Mr. ALEXANDER, Mr. CHANDLER, Mrs. NAPOLITANO, Mr. CARNEY, Mr. ROSKAM, Mr. HODES, Ms. WOOLSEY, Ms. MCCOLLUM, and Mr. OBERSTAR.

H.R. 31: Ms. SLAUGHTER.

H.R. 49: Mr. TURNER, Mr. FRANKS of Arizona, Mr. RADANOVICH, Mr. SULLIVAN, and Mr. JORDAN of Ohio.

H.R. 147: Mrs. DAVIS of California, Ms. TITUS, and Mr. BRADY of Pennsylvania.

H.R. 153: Mr. BURTON of Indiana.

H.R. 154: Ms. KILPATRICK of Michigan.

H.R. 155: Mr. WOLF.

H.R. 179: Mr. MEEKS of New York.

H.R. 181: Mr. LEE of New York and Mr. SESTAK.

H.R. 182: Mr. SABLAN.

H.R. 186: Mr. GORDON of Tennessee.

H.R. 197: Mrs. MILLER of Michigan, Mr. BURTON of Indiana, Mr. BISHOP of Georgia, Mr. HELLER, Mr. ROGERS of Alabama, Mr. GORDON of Tennessee, Mr. BROWN of South Carolina, Mr. KAGEN, Mr. GINGREY of Georgia, Mr. ROSS, and Mr. SKELTON.

H.R. 208: Mr. BOREN.

H.R. 211: Mr. ENGEL, Mr. WILSON of Ohio, Mr. LANGEVIN, and Mr. THOMPSON of California.

H.R. 233: Ms. JACKSON-LEE of Texas.

H.R. 270: Mr. BOCCIERI and Mr. COURTNEY.

H.R. 272: Mr. PITTS, Mr. MCMAHON, Mr. SHUSTER, and Mr. MCHENRY.

H.R. 275: Ms. BERKLEY and Mr. BRALEY of Iowa.

H.R. 302: Mr. BROUN of Georgia, Mr. PETERS, and Mr. SCOTT of Georgia.

H.R. 403: Mr. SESTAK, Mr. GUTIERREZ, Mr. RODRIGUEZ, Ms. SUTTON, Mr. GRIJALVA, Mr. FRANK of Massachusetts, Ms. BORDALLO, Mr. MURPHY of Connecticut, Mr. ELLISON, Ms. GINNY BROWN-WAITE of Florida, and Mr. WEXLER.

H.R. 426: Mr. GERLACH and Mr. CUELLAR.

H.R. 463: Mr. MAFFEI, Mr. DAVIS of Illinois, Ms. TITUS, and Mr. DINGELL.

H.R. 498: Mr. CONAWAY.

H.R. 503: Mr. BRADY of Pennsylvania, Ms. HARMAN, Mr. WAXMAN, Mr. MAFFEI, and Ms. BEAN.

H.R. 600: Ms. SCHAKOWSKY and Mr. SCOTT of Virginia.

H.R. 610: Mr. PIERLUISI.

H.R. 627: Mr. JACKSON of Illinois, Mr. SCHIFF, Mr. MILLER of North Carolina, Mr. TAYLOR, and Mr. BRALEY of Iowa.

H.R. 669: Mr. PALLONE and Mr. HOLT.

H.R. 673: Mr. COURTNEY.

H.R. 690: Mr. GOODLATTE and Mr. REHBERG.

H.R. 716: Ms. SLAUGHTER.

H.R. 730: Mr. LUJÁN.

H.R. 816: Mr. CARNEY, Ms. TITUS, and Mr. MILLER of Florida.

H.R. 826: Mr. WELCH.

H.R. 848: Mr. GUTIERREZ.

H.R. 877: Mr. ROGERS of Kentucky, Mr. RADANOVICH, and Mr. WITTMAN.

H.R. 881: Mr. KING of Iowa and Mr. SHUSTER.

H.R. 903: Mr. FATTAH.

H.R. 914: Mr. THOMPSON of Pennsylvania, Mr. WAMP, Mr. WITTMAN, and Mr. LATOURETTE.

H.R. 930: Mr. TIM MURPHY of Pennsylvania and Mr. ROE of Tennessee.

H.R. 948: Mr. SERRANO, Mrs. BIGGERT, Mr. MCCAUL, Mr. WAMP, and Mr. PASCRELL.

H.R. 949: Mr. DOYLE and Mr. TIM MURPHY of Pennsylvania.

H.R. 950: Mr. HOLT.

H.R. 985: Mr. BRADY of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KIND, Mr. OBERSTAR, Mr. LEE of New York, Mr. ROONEY, and Ms. JACKSON-LEE of Texas.

H.R. 1016: Mr. ALTMIRE and Ms. TITUS.

H.R. 1050: Mr. RADANOVICH and Mr. TIAHRT.

H.R. 1054: Mr. SHUSTER.

H.R. 1067: Mr. ROSS, Mr. GRIJALVA, and Mr. KLEIN of Florida.

H.R. 1083: Mr. FRANKS of Arizona.

H.R. 1085: Mr. LEWIS of Georgia.

H.R. 1098: Mr. COURTNEY.

H.R. 1136: Mr. VAN HOLLEN and Mr. MILLER of North Carolina.

H.R. 1150: Mr. SESTAK.

H.R. 1158: Mr. LEWIS of Georgia.

H.R. 1174: Ms. BORDALLO, Mr. TAYLOR, Mr. CAO, Ms. MARKEY of Colorado, Mr. SCHAUER, Mr. MCMAHON, Mr. FILNER, Mr. PETERSON, Mrs. MYRICK, Mr. COHEN, Ms. CORRINE BROWN of Florida, Mr. COSTELLO, Mr. BOSWELL, Ms. KAPTUR, Mr. YOUNG of Alaska, Mr. RAHALL, Mr. DINGELL, Mr. CLYBURN, Mr. JACKSON of Illinois, Mr. HASTINGS of Florida, Mr. CARNAHAN, Mr. POE of Texas, and Mr. MELANCON.

H.R. 1189: Ms. MCCOLLUM and Mrs. SCHMIDT.

H.R. 1196: Mr. SESTAK.

H.R. 1203: Ms. WOOLSEY, Mr. MASSA, Mr. TONKO, Ms. BALDWIN, Mr. RAHALL, Mr. PRICE of North Carolina, Ms. HIRONO, Mr. COSTELLO, Mr. MORAN of Kansas, Mr. CHANDLER, Mr. LANCE, and Mr. EDWARDS of Texas.

H.R. 1204: Mr. ISRAEL, Mr. KLEIN of Florida, and Mr. MCINTYRE.

H.R. 1207: Mr. SESSIONS, Mr. DEAL of Georgia, and Mr. FRANKS of Arizona.

H.R. 1209: Mr. WESTMORELAND, Mr. ROONEY, Mrs. LUMMIS, Mr. MARIO DIAZ-BALART of Florida, Mr. BACHUS, Mrs. EMERSON, Ms. ROS-LEHTINEN, Mr. FLAKE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. EHLERS, Mr. SMITH of Texas, Mr. BRADY of Texas, Mr. LAMBORN, Mr. TURNER, Mr. SPRATT, and Mr. SPACE.

H.R. 1210: Mr. LEWIS of Georgia, Mr. SPACE, and Mr. TIM MURPHY of Pennsylvania.

H.R. 1211: Mr. JOHNSON of Georgia, Ms. TITUS, Mr. OBERSTAR, Mr. WEXLER, and Mr. HOLT.

H.R. 1215: Mr. FILNER, Ms. MOORE of Wisconsin, Mr. FARR, Mr. GRIJALVA, Mr. HOLT, and Ms. NORTON.

H.R. 1220: Mr. PAUL.

H.R. 1228: Mr. LEE of New York and Mr. LINDER.

H.R. 1231: Mr. CARSON of Indiana.

H.R. 1238: Mr. CHAFFETZ.

H.R. 1240: Mr. PETRI.

H.R. 1256: Mr. PETERS, Mr. RUPPERSBERGER, Mr. KLEIN of Florida, and Ms. MOORE of Wisconsin.

H.R. 1261: Mr. PENCE, Mr. SMITH of Texas, Mr. WAMP, Mr. BURTON of Indiana, and Mr. SESSIONS.

H.R. 1270: Mr. SIREs and Mr. LEWIS of Georgia.

H.R. 1283: Mr. MASSA and Mr. MILLER of North Carolina.

H.R. 1285: Mr. CASTLE.

H.R. 1325: Mr. CONYERS.

H.R. 1327: Mr. ADLER of New Jersey and Mr. PAULSEN.

H.R. 1346: Mrs. DAHLKEMPER.

H.R. 1362: Mr. SERRANO, Mr. WITTMAN, Mr. ROTHMAN of New Jersey, Ms. BALDWIN, Mr. RUPPERSBERGER, Ms. SCHAKOWSKY, Mr. BUCHANAN, Mr. TERRY, Mr. CULBERSON, Mr. YOUNG of Alaska, Mr. MORAN of Kansas, Mr. BACHUS, Mr. GEORGE MILLER of California, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1377: Ms. CORRINE BROWN of Florida.

H.R. 1399: Mr. WELCH.

H.R. 1408: Mr. KILDEE.

H.R. 1409: Mr. KLEIN of Florida.

H.R. 1410: Mr. GEORGE MILLER of California and Ms. BALDWIN.

H.R. 1413: Mr. WOLF.

H.R. 1414: Mr. LEE of New York.

H.R. 1420: Mr. LAMBORN.

H.R. 1426: Mr. MORAN of Kansas, Mr. BLUNT, Mr. LATTI, and Mr. KING of Iowa.

H.R. 1428: Mr. FALEOMAVAEGA, Mr. PETERSON, and Mr. WALZ.

H.R. 1447: Mr. SOUDER and Mr. COURTNEY.

H.R. 1454: Mr. CRENSHAW, Ms. HIRONO, and Mr. ROGERS of Kentucky.

H.R. 1456: Ms. SCHAKOWSKY.

H.R. 1466: Ms. EDWARDS of Maryland and Mr. LEWIS of Georgia.

H.R. 1470: Ms. GINNY BROWN-WAITE of Florida and Mr. GRAVES.

H.R. 1499: Mr. ALTMIRE, Ms. ROS-LEHTINEN, Mrs. BIGGERT, and Mr. WAMP.

H.R. 1505: Mr. RANGEL, Mr. PETERSON, Mr. WOLF, and Mr. FRANKS of Arizona.

H.R. 1509: Mrs. BLACKBURN and Mr. MCCARTHY of California.

H.R. 1521: Mr. BILBRAY, Mrs. BLACKBURN, Mr. ISRAEL, and Mr. PITTS.

H.R. 1547: Mr. MORAN of Kansas, Mr. CAPUANO, Mr. CARDOZA, Mrs. BLACKBURN, and Mr. SPACE.

H.R. 1550: Ms. KILPATRICK of Michigan, Mr. DINGELL, Mr. PETERS, Mr. UPTON, Mr. COURTNEY, Mr. KENNEDY, Mr. LOEBSACK, and Mr. HARE.

H.R. 1551: Mr. SMITH of Washington, Ms. CLARKE, Mr. SHERMAN, Mr. MEEKS of New York, Mr. JACKSON of Illinois, and Mr. GEORGE MILLER of California.

H.R. 1571: Mr. WESTMORELAND.

H.R. 1585: Mr. FILNER, Ms. NORTON, Mr. ABERCROMBIE, Mr. MEEKS of New York, Ms. BERKLEY, Mr. PAYNE, Mr. HARE, Mr. HINOJOSA, Mr. BLUMENAUER, Mrs. MCCARTHY of New York, Ms. JACKSON-LEE of Texas, Mr. GORDON of Tennessee, Mr. SIRES, and Mr. CAPUANO.

H.R. 1597: Mr. ADLER of New Jersey, Mr. BARROW, Mr. TEAGUE, Mr. DEFazio, Mr. MASSA, and Mr. ALTMIRE.

H.R. 1603: Mr. MASSA and Mr. LARSON of Connecticut.

H.R. 1640: Mr. TIERNEY and Mr. MASSA.

H.R. 1645: Mr. POLIS.

H.R. 1646: Mr. GRIJALVA and Mrs. BACHMANN.

H. Con. Res. 34: Mr. TIAHRT.

H. Con. Res. 36: Mr. MILLER of North Carolina.

H. Con. Res. 55: Mr. WESTMORELAND and Ms. FALLIN.

H. Con. Res. 60: Mr. LANGEVIN, Mr. BROWN of South Carolina, Mr. HARPER, Mrs. MYRICK, Mr. SCHIFF, Mr. MORAN of Virginia, Mr. GERLACH, Mr. SHIMKUS, Mr. McDERMOTT, Mr. GENE GREEN of Texas, Mr. WALDEN, Mr. BUCHER, Mrs. BLACKBURN, Mr. MEEKS of New York, Mr. MELANCON, Mr. BARTLETT, Mr. WILSON of South Carolina, Mr. ISRAEL, Mr. SULLIVAN, Mr. OBERSTAR, Mr. LEWIS of Georgia, Mr. YOUNG of Florida, Mrs. CAPPS, Mr. GALLEGLY, Mr. RADANOVICH, Mr. UPTON, and Mr. ROE of Tennessee.

H. Con. Res. 74: Mr. BURTON of Indiana.

H. Res. 81: Mr. DAVIS of Alabama.

H. Res. 178: Mr. DONNELLY of Indiana and Mr. HEINRICH.

H. Res. 185: Ms. FUDGE, Mr. SCHIFF, and Mr. SESTAK.

H. Res. 199: Mr. BROWN of Georgia, Mr. PITTS, Mrs. BLACKBURN, Mr. MARCHANT, Mr. DUNCAN, Mr. BURGESS, Mr. CHAFFETZ, and Ms. JENKINS.

H. Res. 209: Mr. JONES.

H. Res. 215: Mr. SNYDER.

H. Res. 234: Mr. CARDOZA, Mr. FRANK of Massachusetts, Mr. TEAGUE, Mr. MORAN of Kansas, Ms. HIRONO, and Mr. DONNELLY of Indiana.

H. Res. 244: Mr. PITTS, Mr. BOOZMAN, and Mr. JORDAN of Ohio.

H. Res. 247: Mr. CLAY, Mr. THOMPSON of Pennsylvania, Mr. BLUNT, Ms. DELAUNO, Mr. CARNAHAN, Mr. MARKEY of Massachusetts, Mr. FARR, Mr. MORAN of Virginia, and Mr. SNYDER.

H. Res. 249: Mr. CALVERT.

H. Res. 254: Mr. ROONEY.

H. Res. 268: Mr. HASTINGS of Florida, Ms. BORDALLO, Mr. EHLERS, Mr. JOHNSON of Georgia, and Mr. LEWIS of Georgia.

H. Res. 270: Mr. SKELTON.

H. Res. 271: Ms. WATSON.

H. Res. 273: Mr. LANGEVIN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. SPRATT

The provisions that warranted a referral to the Committee on the Budget in H.R. 1404, the Federal Land Assistance, Management and Enhancement Act, do not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 252: Mr. BARRETT of South Carolina.

EXTENSIONS OF REMARKS

LAUREN MINTO

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. VISCLOSKY. Madam Speaker, the Energy and Water Appropriations Subcommittee will soon bid farewell to our Congressional Fellow, Lauren Minto, who has been with the Subcommittee for over a year. Before her detail with the Committee, Ms. Minto served the United States Army Corps of Engineers as Legal Clerk and Assistant District Counsel at the Corps' Louisville Office of Counsel for over six years. There, she supported the implementation and regulation of Corps projects funded through the appropriations process. Reviewing legislative language, responding to Congressional requests, and evaluating policy compliance, Ms. Minto developed a strong understanding of the relationship between Congressional legislation and on-site execution as well as a unique level of legal expertise required to facilitate the process.

It is no surprise, therefore, that Ms. Minto quickly became an invaluable member of the Committee staff when she joined the team in February 2008. Her in-depth knowledge of the legal implications of bill language and policy compliance, as well as her technical experience with the Corps' civil works projects, made her an indispensable addition to the staff. A remarkably fast learner and tireless worker, Ms. Minto quickly mastered the responsibilities assigned to her. Her refined analytical skills and exceptional attention to detail have been critical to our success in reviewing requests, synthesizing disparate information, and, ultimately, producing the bills and reports for the fiscal year 2009 and American Reinvestment and Recovery Act.

Perhaps her most noteworthy contribution, however, has been to the development of the Energy and Water Subcommittee's Member Request Database. A relatively new system, the database is meant to facilitate the review and processing of requests made to the Subcommittee. Ms. Minto had the unfortunate experience of being one of the first to deal with the system. In her typically tireless way, she not only overcame any of the unforeseen obstacles, but took an active role in updating and reforming the database. Working closely with our IT department, Ms. Minto made targeted suggestions to perfect the system and, because of her work, our jobs, and those of future staff members will be easier. Indeed, Members' offices have expressed their appreciation for the standardized system of authorized projects that are now generated automatically. Ms. Minto's efforts have lead to more reliable, accurate requests and more transparency. This has enabled Members to focus more on the policy behind the earmarks and less on the technical aspects of entering requests.

For these innovations, and for her overall diligence, ingenuity, and consistently positive attitude over the past year, all of us at the Energy and Water Subcommittee would like to thank her. She will be sorely missed. We wish her all the best in her future endeavors, and are confident that she will go on to do great things.

IN REMEMBRANCE OF DR. HENRY
DAVID PRENSKY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Dr. David Prenskey—a profoundly respected and admired activist, lecturer and classical music enthusiast.

Dr. Prenskey was born in Brooklyn, New York in 1917, to a mother who encouraged him to study piano and from whom he inherited his love of classical music. Dr. Prenskey attended dental school and served as a ship's dentist for the U.S. Navy during World War II. Following his service in the Navy, he found a way to integrate his profession and his love of classical music through his dental practices in Miami, Florida and Mexico City, Mexico by playing classical music to relax his patients. In 1954, he married fellow art enthusiast Bryna Prenskey, who opened her own art gallery featuring Contemporary Mexican Art.

Dr. Prenskey dedicated his time to supporting local art programs, education and was an active member in the local Democratic Party. He shared his love of classical music with audiences around Palm Beach, Florida as a lecturer for the Society of the Four Arts and Regional Arts, the Etta Res Institute of New Dimensions at Palm Beach Community College, as well as for the Florida Philharmonic Orchestra. He was integral in the advancement of the Alexander W. Dreyfoos Jr. School of the Arts in West Palm Beach and dedicated his time to developing the schools' art and music libraries, scholarships and foundation. In honor of his commitment to the school, the orchestra rehearsal hall bears his name. In addition to Dr. Prenskey's dedication to the advancement of the arts, he was an avid activist for universal health care and founded Floridians for Health Care. Additionally, he co-founded the local Palm Beach Democratic Club. Although it has been almost a year since his passing, Dr. Prenskey's ability to mobilize the community and advocate for the social welfare of others continues to be evident to all those who have been touched by his efforts.

Madam Speaker and colleagues, please join me in remembrance of Dr. Henry David Prenskey and in honor of his outstanding achievements in the advancement of arts education and health care.

HONORING GLORIA MENDOZA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. ENGEL. Madam Speaker, Gloria Mendoza has dedicated her life to education, starting as a kindergarten teacher and advancing to administrator, all the time an advocate for students and staff. She has had a consistent commitment to quality education for all students, in the process becoming a role model for students.

She worked in New York City public schools for ten years as a teacher and administrator and in 1987 started her career with the Yonkers Public Schools as an Assistant Principal at Enrico Fermi School for the Performing Arts.

In 1991, she was appointed Principal of School 17, and served as Principal of Museum Middle School prior to her current assignment as Principal of Enrico Fermi School for the Performing Arts.

She has built partnerships with community organizations to create initiatives for her schools, including the Groundworks Gardening Project, the Parents-as-Partners Family Resource Center, the Healthy Eating Program, sponsored by St. John's Hospital and the Gorton High School Medical Magnet, the Westchester County Grandparent Volunteer Program, Yonkers Police Department's DARE Program, and St. Joseph's Hospital Yonkers Spectrum Clinic.

She has demonstrated that civic involvement and community service are important to her students' success and has encouraged staff, parents and students to reach out to the sick and the elderly, as well as to members of the United States Military in Iraq.

One of her passions, the Yonkers Pathways to Success, is a program to help adults learn to speak English and earn their high school diploma.

For her dedication to education she is being honored by the Yonkers YWCA with its Pacesetter Award, and I congratulate her and thank her for her great work in educating our children.

A TRIBUTE TO LEGAL ACTION OF
WISCONSIN

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Ms. MOORE of Wisconsin. Madam Speaker, I rise to pay tribute to Legal Action of Wisconsin. Legal Action of Wisconsin is the largest staff-based provider of civil legal services for low income persons in Wisconsin. In April,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2009, Legal Action of Wisconsin will celebrate its 40th anniversary.

In 1968, Milwaukee Legal Services and Freedom Through Equality merged to become Legal Action of Wisconsin. Legal Action staff and volunteer attorneys providing pro bono services have represented and served over 400,000 clients since its inception. The agency has gained public benefits on behalf of clients, helped clients gain custody of their children, and assisted clients in relief from evictions. Further, Legal Action has always sought to go beyond individual representation for low income people by seeking systemic change for problems in order to provide relief to as many clients possible. Legal Action's intervention on behalf of low-income clients has resulted in many achievements including rule changes and modifications, improved procedures from agencies and greater income for clients. They have also positively impacted school systems, health care systems, prison systems and the agribusiness industry to benefit and provide fundamental justice for clients.

The sole mission of Legal Action of Wisconsin has been to achieve fundamental justice for its clients through creative and effective legal representation. To that end, Legal Action of Wisconsin's lawyers, paralegals and support staff have always upheld the basic democratic principle that all people are entitled to equal justice under law. Legal Action continues to act in cooperation with clients, the private bar, and community organizations to ensure that they remain a community oriented law firm.

Madam Speaker, it is with great pleasure and admiration that I pay tribute to Legal Action of Wisconsin for their 40 years of service. Its dedicated staff, board of directors, and volunteers continue to adhere to the principle that all people are entitled to equal justice under the law in the 4th Congressional District and the entire State of Wisconsin.

THANKING JOE DAVID BERG FOR
HIS SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of his retirement on February 2, 2009, we rise to thank Mr. Joe David Berg for 32 years of distinguished service to the United States House of Representatives. Joe has served this great institution as a valuable employee of House Information Resources (HIR), in the Office of the Chief Administrative Officer.

Joe began his tenure with the United States House of Representatives in 1977 as a Senior Technical Aid working in the Configuration Planning and Management Section (CPMS). All computing capabilities were provided by a huge mainframe computer with hardware that filled a 10,000 square foot room. Joe provided technical support to the mainframe programmers as a member of the Programmer Assistants Team for ten years.

Joe served the House in many different roles during his 32 years working at HIR. His

expertise in the Configuration Planning and Management Section led to Joe becoming manager of that group. Joe served as assistant to the Operations Manager, where he implemented automated system monitoring and alerts. The use of automated monitoring tools was so effective that Joe continues to implement automated monitoring and alerts systems on current technology. Joe served as Security Manager of House systems for more than 2 years. He also served as Special Assistant in Communications, working on the budget, planning and coordination of Communications activities. In Technical Support, Joe provided direct support to Member offices with the National Change of Address service, better known as NCOA. The NCOA service, formerly operated by HIR, improves the accuracy of postal mailing lists. Joe currently serves as a Senior System Engineer on the Windows System Engineering team.

Joe's excellent level of performance over the years gave him the opportunity to oversee and work on many complex projects to include building the AppManager monitoring system and was an active part of the design and build of the FinMart financial system that will become a part of the Atlas Project. Joe assisted in the initial build of the SQL database clusters that are the backbone of the majority of Windows based applications and websites for the House and is the primary engineer for the Windows based Active Server Page (ASP) and Moveable Type websites for Member and Committee offices. Joe single-handedly created sites for over 202 offices. He is also the primary engineer supporting the Federal Funds project. He has actively worked with our Virtualization effort in our "Green the Capitol" initiative and was instrumental in preliminary testing and subsequent implementation. He is one of the primary engineers for all hardware based efforts and server builds on the Infrastructure Team. He has provided countless consulting services to customers for various application and system creation projects.

On behalf of the entire House community, we extend congratulations to Joe for many years of dedication and outstanding contributions to the United States House of Representatives. We wish Joe many wonderful years in fulfilling his retirement dreams.

HELPING FAMILIES SAVE THEIR
HOMES ACT

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. HARE. Madam Speaker, I rise today in strong support of H.R. 1106, the Helping Families Save Their Homes Act of 2009.

When I was a kid, my parents lost their house. My father became sick and could not keep up with the payments. Millions of Americans have suffered a similar fate during the current economic crisis and millions more are hanging on by a thread. We have a moral obligation to help prevent vulnerable homeowners from experiencing the same pain and suffering my family did.

It is projected that nearly 4,000 homes in my congressional district will go into foreclosure this year with over 8,000 to follow in the next 4 years.

H.R. 1106, the Helping Families Save Their Homes Act would provide lenders the incentive to refinance mortgages for homeowners in danger of foreclosure. It would reduce fees for refinancing and protect lenders from investor lawsuits. In addition, the bill would allow bankruptcy judges to modify the terms of a mortgage for homeowners who can no longer afford their payments. This provision will save an estimated 1,225 homes in my district.

Millions of Americans have lost their jobs through no fault of their own. So it is no wonder that many cannot afford their house payments. Allowing working families to renegotiate the terms of their mortgage is both fair and responsible.

Addressing the foreclosure crisis is key to our economic recovery. The mortgage meltdown got us into this mess, driving down home values and leaving our banks frozen with toxic assets. This legislation will protect homeowners and get our economy back on track. I urge my colleagues to vote yes on H.R. 1106 and help families save their homes.

IN HONOR OF DR. MITCHELL J.
BIENIA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Dr. Mitchell J. Bienia, as he is honored as the recipient of the 2009 Cleveland Society of Poles "Good Joe" Polish Heritage Award. Dr. Bienia's dedicated service to the Cleveland community as well as to the Polish American community continues to be evident throughout his life.

In his 30-year tenure with the Cleveland School District, he worked as teacher, guidance counselor, department head and administrator. For ten years, Dr. Bienia worked as a part-time guidance counselor at Cuyahoga Community College. Among numerous professional accolades, Dr. Bienia was the recipient of the 1970 Martha Holden Jennings Outstanding Teacher of the Year Award, the 1990 Phi Delta Kappa Award, and the 1995 Counselor of the Year Award. Dr. Bienia's integrity and dedication to making a difference in his professional life is mirrored in his personal life as well. A lifelong volunteer, he has served as a member and leader with numerous social service organizations, including his current post as a Board Member with Cleveland Metropolitan General Hospital.

In addition to his community service, Dr. Bienia has worked tirelessly to promote and preserve his Polish heritage. He has been an active member and leader with several local and national Polish organizations and currently serves as the National Director for the Chicago-based Polish Roman Catholic Union of America. Dr. Bienia and his wife Krystyna are the proud parents of two grown daughters—Krystyna and Michelle, to whom they have passed down the value of family, faith and service to others.

Madam Speaker and colleagues, please join me in honor and recognition of Dr. Mitchell J. Bienia, whose service to family, friends, community and dedication to sharing Poland's cultural gifts all serve to illuminate the diversity that defines the Cleveland community and is the foundation of our country. Dr. Bienia's faith, his love of family and commitment to community is a testament to the true meaning of citizenship and reflects the American dream.

COMMENDING MARTIN AND BETH
ARON OF SPRINGFIELD, NEW
JERSEY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. LANCE. Madam Speaker, I rise today to pay special tribute to Martin and Beth Aron of Springfield, New Jersey. For nearly two decades, Martin and Beth Aron have worked tirelessly to make a difference in their community by helping others.

In fact, there are dozens of New Jersey civic, social welfare, educational, artistic and religious organizations that have benefited from the Arons' hard work, dedication and selfless sacrifices to help those in need.

On March 31, 2009 Congregation Israel in Springfield, New Jersey will honor Martin and Beth at the synagogue's 34th Annual Tribute Dinner for their remarkable and enduring contribution to Congregation Israel and to communities throughout New Jersey.

Over the years, the Arons have been involved in the Zamir Chorale and Zamire Chorale Foundation, both of which promote Jewish choral music as a vehicle to inspire Jewish life, culture and continuity. The Zamir Chorale performed at the White House this past year. The Arons have also been involved in the formation and development of Joseph Kushner Hebrew Academy of Livingston, New Jersey, improving the education opportunities of children with unique learning challenges, as well as in the charitable, community outreach and children's programming activities at Congregation Israel.

It gives me great pleasure to share the remarkable efforts of Martin and Beth Aron with my colleagues in the United States Congress and with the American people. I am also honored to join Congregation Israel in recognizing their outstanding service to their community.

HONORING THE LIFE OF FRANK L.
SWANNER

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is with great respect and honor that I rise today to recognize the life and legacy of Northwest Florida's beloved Frank Swanner.

Frank Swanner was a man who lived his life deeply rooted in his strong faith in God and

love for his family and community. Born in Tanner, Alabama on January 28, 1921, he began his working career as a farmer, member of the Limestone County School Board, and an active member of the local Baptist Church and Baptist Association, as well as, working at Chemstrand/Monsanto.

When Chemstrand/Monsanto transferred the Swanner family from Decatur to the Pensacola Plant in 1959, Mr. Swanner and his family moved to Milton, Florida, where he continued his active service in the church and community as Deacon and music leader in Ferris Hill Baptist Church, treasurer of the Santa Rosa Baptist Association, a member of the Santa Rosa County Civil Service Board, the Local Democratic Committee, and the Kiwanis Club.

In addition to his love for God and family, Frank had a tremendous love for our country. During World War II, Frank Swanner joined the United States Army, which brought him to Omaha Beach and the shores of Normandy on June 6, 1944. With honor and sacrifice, he and millions of men and women answered the call of duty. They have become known as the "Greatest Generation," and we are eternally grateful for their service.

To some, Frank Swanner will be remembered as a community leader and fellow worshipper, and to others, an avid softball player and bowler. To some he will be remembered as a friend in the Wendy's Lunch Bunch, and to others, a comrade in the United States Army and World War II Veteran. He will long be remembered by his family and friends as a loving and compassionate person full of energy and charisma. Frank Swanner touched a number of lives, and all who knew him are forever blessed for the love and inspiration that has left a lasting impression in our hearts.

Madam Speaker, on behalf of the United States Congress, I am proud to honor one of America's great heroes, Frank Swanner, for his honorable leadership and service to Northwest Florida and to this great Nation.

TAXPAYER FUNDED BONUSES AT
AIG

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Ms. McCOLLUM. Madam Speaker, I rise today to add my voice in opposition to plans by American International Group Inc. (AIG) to reward their executives with "job performance" bonuses worth over \$165 million at a time when the American people, including my constituents in Minnesota, are making huge sacrifices to make ends meet.

Yesterday, I joined my colleagues in co-signing a letter to Treasury Secretary Timothy Geithner to express my objection to AIG's payment of these ill-timed executive bonuses.

I want to go further and call on the Administration to repeal AIG's latest federal stabilization infusion of \$30 billion until they retrieve the \$165 million in bonuses, provide assurances that bonuses will no longer be disbursed without Congressional oversight and agree to turn over regular disclosure forms to account for how taxpayer funds are being used.

We must demand the highest level of transparency and accountability, especially since American taxpayers have provided over \$170 billion in funding to AIG and control approximately 80 percent of the company.

The purpose of the funds is to stabilize and prevent the devastating collapse of the financial markets, not to reward executives whose performance deserves an "F" grade for their failure to protect investors and consumers.

For traders—whose recklessness and greed greatly contributed to the financial crisis—to think they can profit at the expense of the taxpayers is unconscionable.

This latest irresponsible act by AIG has further compromised the public trust.

I am pleased that President Obama has responded so quickly by pursuing every legal avenue to block these bonuses. Like the President, who yesterday expressed that he is "choked up with anger," I am angry and so are the millions of families bearing the brunt of the economic meltdown.

These monies must be recovered immediately and AIG must provide documentation as to which executives were to receive the bonuses so we can determine if these awards violate recently enacted federal restrictions.

In January, I voted for House passage of H.R. 384, the TARP Reform and Accountability Act, to strengthen accountability and oversight of the Troubled Asset Relief Program and require tough, sensible restrictions on executive pay.

And recently, Congress passed the American Reinvestment and Recovery Act, which President Obama signed into law, to curb multi-million dollar packages and limit bonuses.

We must work closely with the Obama Administration to rigorously enforce these requirements and close potential loopholes so that taxpayers are protected.

HONORING CONSTANCE WALKER-
FOWLER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. ENGEL. Madam Speaker, Constance Walker-Fowler is a native of Detroit who moved to Yonkers in 1997 and has been deeply involved in the community and civic organizations since her arrival.

She is Chair of the Yonkers Commission on Human Rights, where she helped to develop the language for the resolution Against Domestic Violence. She is a Life Member of the National Council of Negro Women and for the past four years president of its Hudson Valley Section.

She is also a member of the Hudson River Community Association; Sister-to-Sister Inc.; the Westchester Black Women's Political Caucus; a Trustee of the Schomburg Corporation; and serves on the Advisory Board of Groundworks Hudson Valley. She is also Democratic District Leader and Secretary of the Third Ward election district.

Further, she is Secretary of the International Governing Board of Voices of African Mothers,

an organization dedicated to alleviating hunger in Africa.

Even further, she is dedicated to her family, often visiting her son Andre in England and helping her Aunt Mamie and her sister Norice and her family.

In short, Constance Walker-Fowler is dedicated to helping her communities from every aspect while still maintaining close and devoted ties to her family.

I congratulate her on her receiving the Humanitarian Award of the Yonkers YWCA and wish her every success.

INTRODUCTION OF THE "FIXING THE FEDERAL VOTING ASSISTANCE PROGRAM ACT"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mrs. MALONEY. Madam Speaker, today, along with Representative HONDA (D-CA), I am reintroducing the "Fixing the Federal Voting Assistance Program Act" which would do two things: (1) make the Director of the Federal Voting Assistance Office a presidential appointee confirmable by the Senate, and (2) create an advisory board to strengthen oversight of the office to ensure better access to the ballot by overseas military and civilian voters.

The Federal Voter Assistance Program (FVAP) is the government's primary office for helping ensure access to the ballot for thousands of overseas voters, both civilian and military, in recent elections. This legislation is designed to bring greater attention to the voting office in the Department of Defense and enhanced oversight to ensure that it does its job of providing greater access to voting for our soldiers, sailors and airmen, their families, as well as civilians living overseas.

The "Fixing the Federal Voting Assistance Program Act" is a necessary step in ensuring that overseas voters are counted in elections. I believe that Americans serving in the military abroad or civilians residing overseas still do not have adequate help from the government in facilitating their right of access to the ballot. Representative HONDA and I believe we need to start working on improving access to the next election now while the problems are still fresh in our minds so that we are not facing them again in 2010.

IN RECOGNITION OF SAM BURNS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Ms. MATSUI. Madam Speaker, I rise today to pay tribute to Sam Burns, a dear friend and tireless community leader who recently passed away. Sam served as the head of the Sacramento Convention Center and Visitors Bureau and was an admired advocate for drawing tourism into Sacramento. As his family and friends gather to honor and remember his

wonderful life, I ask all of my colleagues to join me in saluting one of Sacramento's most well-respected figures.

Sam was a prominent leader in the Sacramento Region, and his death leaves a tremendous void in the community. When Sam was hired by city leaders in 1972, the Memorial Auditorium was the largest local venue for conventions. Under Sam's leadership, a new Sacramento Community Center opened in 1974, finally putting Sacramento on the map as a convention host. With an \$80 million expansion in 1995, the Community Center was renamed Sacramento Convention Center Complex and is now home to dozens of major events, conventions, and community gatherings each year.

Sam was a strong supporter of all that Sacramento has to offer, from the prestigious Crocker Art Museum to Old Sacramento and the city's riverfront. The high quality of his work and his dedication to Sacramento led to the expansion of his duties in 1993, when he was named to lead the Community and Visitor Services Department. Sam became responsible for drawing large crowds to Sacramento as he promoted the Sacramento Jazz Festival and other city events.

Sam's passion and commitment resonated in his work and will not soon be forgotten by the Sacramento community. His positive impact is seen across our city in the expansion of downtown hotels and the numerous conventions held each year. Sam was a wonderful public servant and ambassador to Sacramento, but he was an even better husband and father. He leaves behind his lovely wife Betsy and three children, Brandi, Michael and Brett.

Madam Speaker, as Sam Burns' family and friends gather to honor his wonderful legacy and many contributions, I am honored to pay tribute to him. Those of us who were privileged enough to call him our friend will deeply miss him. I ask all my colleagues to pause and join me in paying respect to an extraordinary man, Sam Burns.

TRIBUTE TO KANSAS CITY, KANSAS, YWCA EXECUTIVE DIRECTOR CATHY BREIDENTHAL

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to Cathy Breidenthal, the longtime executive director of the YWCA of Kansas City, Kansas, who retired from that position on February 28, 2009, after nearly 23 years of dedicated service to that important community institution. Cathy's reinvigoration of the Kansas City YWCA, which included a capital campaign, coupled with a significant expansion in services and programs, will be celebrated at a "Heart of Gold" fundraiser for the institution on March 27th. The Kansas City Star recently carried an article detailing Cathy Breidenthal's service to our local YWCA community; I include it here for review by our colleagues, who I am sure join with me in recognizing the important contributions made by

Cathy Breidenthal during her years of service to the YWCA of Kansas City, Kansas. We wish her well upon her well-earned retirement!

[From the Kansas City Star, Dec. 31, 2008]

YWCA EXECUTIVE DIRECTOR TO RETIRE

(By Joy Gipple)

Cathy Breidenthal, executive director for 22 years of the YWCA of Kansas City, Kan., recently announced her retirement.

"When longtime EDs (executive directors) retire, it's kind of an initial shock," said YWCA board member Theresa Reyes Cummings. "She's really been a pillar."

"Eliminating racism, empowering women" is the branding statement for the YWCA's mission.

"The growth in those two areas is something that I feel really good about," Breidenthal said.

Breidenthal has been credited with a regeneration of the YWCA during her tenure. A major effort was the capital campaign that resulted in sweeping improvements to the facility at 1017 N. Sixth St. and a subsequent expansion in services and programs.

"That process started in 2001, which was our 100th year," Breidenthal said. "In 2002, a lot of construction development was occurring right on our block—the BPU office building and hotel, etc.—so we had some decisions to make as to whether we were going to stay and be a positive part of this (downtown revitalization) development."

The YWCA board decided the agency should stay in the original building. The project included an art gallery, theater and meeting space, as well as a health and fitness facility.

In 2003 the YWCA started its first entrepreneurial initiative: the Corner Café.

"I was looking at the opportunity and some of the amenities that are so important to urban development," Breidenthal said. "We knew there was no upscale coffee shop or café at that time, and we felt that if we were going to phase this in, we needed to do something that really showed progress and our willingness to take that leap of faith."

Underwriting support helped to get it started, and five years later the café continues to provide daily lunch, "happy hour" cookies and coffees, catering services and culinary classes.

"Like any new business, particularly in an area that hasn't quite reached its full potential for development, it has taken some time," Breidenthal said. "I think the same is true with the art and community meeting space and the health and fitness facility."

She described people's reactions when they see the facility for the first time, or for those who remember the old building and then notice the change.

"They are truly amazed," Breidenthal said. "Every time we have an event and people are there seeing that and they realize they can rent that space, that our food is wonderful—we have an excellent chef—that it's really a quality thing . . . seeing is believing."

When Breidenthal came on board at the YWCA in 1986, she was the only full-time staff member. Today there are 15 full- or part-time employees, and that number was even larger while some government-funded programs used the new facility for a time.

A program called the Teen Pregnancy Network shifted the focus to adolescent health issues. "It really started us in that direction that is still one of the mainstays of our program," Breidenthal said.

The Resource Sharing Project was another way of using the space and providing services. "We had an entity that was an adult

day care looking for space," Breidenthal explained. "We had the space but very limited programming. So it was a very win-win for a number of years until we started growing our program and needed the full facility."

Breidenthal also chairs the Downtown Shareholders Group, working on the business improvement district.

"I have a real commitment and I really care about the YWCA and the downtown," Breidenthal said. "I've been part of that urban environment for over 35 years and certainly want it to succeed."

The YWCA board is planning the transition and there will likely be a job posting in January. Breidenthal's last day will be Feb. 28.

She expects the YWCA will continue to be a leader in downtown revitalization. "Being at the crossroads of so many cultures here—certainly that can be one of our strengths and that's another area that fits with the YWCA's mission," Breidenthal said.

Theresa Reyes Cummings echoed those sentiments. "We're going to move forward and we have a lot to offer the community," Cummings said. "It's an exciting time."

HONORING CLAUDETTE J. STOTHART

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. ENGEL. Madam Speaker, Claudette J. Stothart is a retired teacher with vast experience in teaching, from grade school to college and who is also an active member of her community.

For 24 years she taught in New York City as a special education teacher as well as coordinating English as a Second Language courses and Social Studies. She was an adjunct Professor at Rockland Community College for 12 years and at Mercy College for 4 years. She also worked in Greenburgh as a middle school teacher during the summer months.

She worked closely with students, especially to make sure those who were merely acting out did not become candidates for special education, while advising parents of their rights, in the process inspiring both parents and students.

She was nominated by her students for, and accepted by, Who's Who Among American Teachers.

She is a long time member of the Westchester Black Women's Political Caucus, a member of Westchester Women's Leaders, the International Women's Round Table, and the African American Advisory Board.

She is a firm believer in education as a means to ease socioeconomic ills. She is deservedly receiving the Yonkers YWCA Inspiration Award and I congratulate her for her life's work in inspiring students, teachers and parents.

HILLSBOROUGH HIGH SCHOOL STUDENTS WORK TO MAKE A DIFFERENCE

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. LANCE. Madam Speaker, I rise today to recognize the efforts of high school students from the Seventh Congressional District who are volunteering their time to help those in need throughout the world.

Specifically, I would like to commend hundreds of Hillsborough High School students who are volunteering for an annual fundraising event known as Shelter From The Storm 4. The event takes place on Saturday, March 28, 2009 and will raise funds to help students in Haiti and Honduras have access to pure, clean drinking water.

The students have recognized that access to clean water is so basic—yet so precious to disadvantaged communities around the world. The funds Hillsborough High School students raise will help purchase water filters, rain-water collection compartments and provide education on proper sanitation.

Organized by students, Shelter From The Storm 4 will feature numerous educational guest speakers, a three-hour concert and a special festival.

Several dozen student organizations at Hillsborough High School are playing important roles in the event's success, such as the Rotary Club and Boy Scouts and Girl Scouts. I also commend the leadership of all the teachers involved, who provided guidance to the students throughout the planning stages and implementation of the fundraiser.

Madam Speaker, I am proud to commend all of the Hillsborough High School students who are involved with this special fundraising event. These students are clearly working hard to make a difference and help those in need.

RECOGNIZING THE INAUGURAL NATURALIZATION CEREMONY OF THE CITIZENSHIP COUNTS ORGANIZATION

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. MITCHELL. Madam Speaker, I rise in recognition of the Citizenship Counts organization, whose inaugural naturalization ceremony is being held today to welcome new American citizens. The event's keynote speaker, Gerda Weissmann Klein, is one of very few living survivors of the Holocaust and the founder of Citizenship Counts. She has used her experiences to educate and inspire others in our community and all over the world.

Gerda's story is one of true bravery and heroism. She survived the perils of six concentration camps during the Holocaust and a 350-mile march through Eastern Europe before being liberated by Allied forces. In the many years since, Gerda has dedicated her

life to being an advocate for the teaching of tolerance, empowerment, and respect through her extensive work with the Gerda and Kurt Klein Foundation and Citizenship Counts.

The Citizenship Counts organization motivates students through civics education and community service while bolstering pride in their citizenship. Through these programs, Citizenship Counts effectively promotes the ideal of American citizenship as a responsibility, and instills the strong moral values that Gerda has worked so tirelessly to uphold.

Madam Speaker, please join me in recognizing Citizenship Counts, an organization whose efforts have truly strengthened our community.

RECOGNIZING THE CELEBRATION OF NOWRUZ

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. WAXMAN. Madam Speaker, I would like to take this opportunity to recognize Nowruz, a traditional Persian holiday taking place this week that celebrates the arrival of spring.

Dating back more than 3,000 years, Nowruz is observed by millions of people of Persian descent in the United States, Iran, Iraq, Central Asia, and many other regions of the world. The two-week holiday symbolizes renewal, health, happiness, and prosperity. The holiday's ecumenical values are celebrated by adherents of many religions including Islam, Judaism, Zoroastrianism, and the Bahai'i faith. It is considered a special time to share with family and friends and honor cultural traditions.

Here in the United States, Nowruz serves to remind us of the many noteworthy and lasting contributions of Iranian-Americans to the social and economic fabric of American society. I am pleased to join Iranian-Americans in my congressional district and others around the country and around the world in honoring this special occasion.

FEDERAL MUNICIPAL BOND MARKETING SUPPORT AND SECURITIZATION ACT OF 2009

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, today I introduced the Federal Municipal Bond Marketing Support and Securitization Act of 2009 to address the collateral damage suffered by our state and local governments as a result of the financial crisis. The nation's 55,000 issuers of tax-exempt bonds, including most state and local governments, continue to experience limited access to the capital markets due to the liquidity crisis despite the fact that municipal bonds have always been among the safest investments.

A municipal bond expert recently told me, pointedly, that it is a nightmare out there for those entities attempting to float bonds.

Prior to my election to Congress last November, I spent the last 14 years in local government as a member of the Board of Supervisors of Fairfax County, Virginia, the last five as Chairman. I oversaw a local government with an annual budget of \$4.5 billion and a AAA rating from Wall Street's three main credit rating agencies. I understand state and local governments, and I believe they are the most effective engines for creating jobs on Main Street, whether by building new schools, fire stations and water treatment plants, or repairing our nation's ailing infrastructure and implementing our environmental agenda.

State and local governments issue debt for their myriad projects through the selling of bonds, and the municipal bond market was one of many victims of the financial meltdown last fall. After the fallout, investors and money fled from those bond markets to U.S. Treasury notes as a safe haven. As a result, the nation's 55,000 issuers of tax-exempt bonds, our state and local governments, are experiencing limited access to the capital markets due to the liquidity crisis despite the fact that "munis" are and always have been among the safest of investments.

Further complicating the issue is the fact that the private insurance market has virtually disappeared, eliminating a viable means of credit enhancement, which allows a small town water authority, for example, to attain the same credit-worthiness as a metropolitan transportation authority.

The drying up of bond markets and lack of insurance has created a double-whammy of steep shortfalls and tough financial choices for state and local governments. In light of this fiscal and capital crisis, legislation is needed to direct the Secretary of the Treasury to establish a program to provide direct credit enhancements or insurance for municipal bonds to help our state and local partners move forward on their shovel-ready projects.

House Financial Services Committee Chairman BARNEY FRANK agreed with me during a colloquy on the subject in mid-January in which he called states and municipalities among the most sympathetic victims of the economic turmoil. Since then, I have been consulting with Chairman FRANK, my colleagues, municipal governments and others who are active in the municipal bond market to craft a solution. What I proposed today may not provide the ultimate solution, but it provides a starting point to begin addressing this critical situation.

My legislation directs the Secretary of the Treasury and Federal Reserve Board to work together to strategically intervene in the municipal bond market to restore liquidity and spark local job creation. It gives the Treasury Secretary the authority, either directly or through the Federal Financing Bank, to provide credit enhancements or guarantees or to outright purchase municipal bonds. It calls on the Federal Reserve to exercise its authority to establish a credit facility for the express purpose of assisting our local and state partners. Of course, the method, source, timing and conditions of any new financing arrangement would be subject to Treasury's approval.

The federal government historically has been reluctant to interfere with the municipal markets, but I believe such concerns could be

addressed by imposing some reasonable limits and conditions on the nature and amount of assistance to minimize risk. Furthermore, municipal bonds historically have a solid performance rating with a low rate of default.

A basic measure for the public to have confidence that the recovery and reinvestment package is working will be the creation of jobs and the completion of physical projects. President Obama has set the goal of creating three to four million jobs. Unlike the financial services relief plan, in which the reward for our investment was largely unseen by the general public, expectations are high for tangible results—paychecks and progress—from this stimulus plan.

It is my firm belief that the primary vehicle for delivering on that promise will be our investments in state and local governments, but we first need to ensure that localities are ready to run with the ball once we make the hand-off. That will require immediate federal action to stabilize their fiscal situation and to revive the municipal bond market.

I believe this bill can help stabilize the municipal bond market, and I look forward to working with Chairman FRANK and other interested members in finding a solution to this serious problem.

HONORING THE MEMORY OF J.W.
ANDREWS, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. BONNER. Madam Speaker, the city of Jackson and, indeed, the entire State of Alabama recently lost a dear friend, and I rise today to honor J.W. Andrews, Jr., and pay tribute to his memory.

Born in Prestwick, Alabama, Mr. Andrews married Ida Virginia Tiggs Andrews in 1937, and the two were married nearly 55 years when she died. He began his career as a machine operator at a veneer mill before becoming an insurance agent for Unity Burial Life Insurance Co. in the early 1950s. By the end of the decade, he had become manager of the company as well as of the accompanying Unity Funeral Home. In the mid-1970s, Mr. Andrews and his wife purchased the funeral home, which became Andrews Funeral Home in 1986. The couple also owned Andrews Flower and Gift Shop.

During the 1960s, Mr. Andrews became active in both politics and the civil rights movement in Clarke County. He traveled to various communities holding voter registration classes, helping familiarize residents with the voter questionnaire used by the Board of Registrars. He was also a longtime president of the Clarke County Voters League, an organization formed to promote and protect the voting rights of African Americans.

Mr. Andrews was instrumental in the formation of several county commission and school board districts, which provided African Americans representation on those boards. In 1985, Mr. Andrews became one of the first two African Americans to be elected to serve on the Jackson City Council, a seat he held for 14

years. He was also the first African American to serve on the Clarke County Board of Education.

In recognition of his many achievements, the city of Jackson honored Mr. Andrews by rededicating State Highway 177 from the end of Commerce Street to U.S. 43 as the "J.W. Andrews Highway." In 1997, he was honored as the Civitan Club's 47th "Citizen of the Year."

Mr. Andrews was an active member of his church, St. Union Baptist Church in Jackson. He served as a deacon for more than 50 years as well as treasurer, Sunday school superintendent, and choir member. For more than 50 years, he served as host of the Sunday morning radio programs "Spiritual Time" and later "Early Morning Gospel" on WHOD-FM. He also served as an Alabama Democratic Conference chairman for more than 35 years.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama. J.W. Andrews, Jr., will be dearly missed by his family—his children, William Wesley Andrews, Sr., Hattie Virginia Sampson, Carl Gregory Andrews, and Harriette Andrews Douglas; his sister, Jessie Mae Jackson; his 11 grandchildren; his 22 great-grandchildren; and his seven great-great-grandchildren—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

IN HONOR OF OFFICER
CHRISTOPHER TRUCILLO

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. PALLONE. Madam Speaker, I rise today to honor Christopher Trucillo, Chief of Department of the Port Authority Police of New York & New Jersey. Chief Trucillo began his law enforcement career in 1978 as a municipal police officer in Harrison, New Jersey. He continued his career of public service by later joining the Port Authority Police Department in 1986. As an officer for the Port Authority, Chief Trucillo worked different operational, administrative, and investigative functions. On September 11, 2001 while assigned as the Commanding Officer of the Internal Affairs Bureau, Chief Trucillo responded to the World Trade Center disaster by mobilizing the members of his staff and accounting for all Port Authority Police personnel who responded. Under his leadership an irreplaceable connection was created between the families of those who were lost in the tragic events of 9/11 and the police department. Chief Trucillo was named the "2004 Boss of the Year" by the New York State Shields for "outstanding leadership and commitment to law enforcement." He was also honored with the Lifetime Achievement Award from the National Police Defense Foundation. On January 6, 2009, he retired after thirty years of public service and dedication as a police officer. His years of valuable service and commitment are greatly appreciated and will certainly be remembered.

I would also like to enter into the RECORD this poem that was given to me about Chief Trucillo and his service as it is a fitting tribute to a dedicated public servant. The poem was written by Albert Caswell, a friend of Chief Trucillo.

TRUE

True . . .
To Be True!
In Life, and In Death . . . and In All You Do
. . .
Jersey's Best . . .
This, and no less . . .
All In That Moment of Truth . . .
When death lies so close . . . right before you
as the most . . .
A Father, A Husband . . . A Top Cop . . .
A Leader of Heroes, at the top . . .
Straight, as an arrow . . .
With a heart of girth . . .
Which, could not be stopped . . .
Kind and caring . . .
He's at the Top . . .
He's a Top Cop . . .
As on this night, for him . . . all of our tears
are sharing . . .
Sharing, knowing . . . such men so glowing
. . . are but few and far between . . .
Just Everything!
Who Are True!
As he touches all . . .
A Man, who in our hearts stand's so very tall
. . .
For All of his Men and Women in Blue . . .
As his heart goes out to them . . . so calls
. . .
All out there on That Thin Blue Line . . .
Quiet Heroes, living and reacting with death
. . . all in micro seconds in time . . .
Giving all, until none lies left . . .
For What is Real, For What Is Really True
. . .
For on this night, who will they save? Who
will they bless?
As a cop lies dying . . . as their precious
lives, they will give no less!
Being True!
As have all of those families who have lived
with death . . .
All for them, over the years . . . so many
sleepless nights, and the tears he's shed
. . .
For all those who have died . . .
Consoling, all those husbands and wives . . .
Looking, into their children's eyes . . .
Being True, to all those lives . . . for them
he cries . . .
Working his way up . . .
A Cop's Cop . . .
Walking out that door . . .
His family, not knowing for sure . . . if
they'd ever see him any more . . .
For his job, Chris must be True!
In our lives, and in our times . . . in all we
do . . .
The Greatest of all things . . . that a heart
can be!
Is True!
Yes Chris . . . that's you . . . True!
True!

A TRIBUTE TO MAYOR HARRY L.
BALDWIN OF SAN GABRIEL

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. SCHIFF. Madam Speaker, I rise today to honor Harry L. Baldwin, retiring as Mayor of

the City of San Gabriel. Mayor Baldwin served on the City Council for seventeen years and was selected Mayor by his colleagues on the council for three terms. Mayor Baldwin's legacy in the City of San Gabriel and surrounding communities will endure for generations to come.

During his tenure, Mayor Baldwin worked vigorously and enthusiastically to promote and secure funds for many important projects. One of Mayor Baldwin's greatest accomplishments has been his work to obtain federal funding for the construction of grade separations and safety mitigation for the Alameda Corridor East Project. Over a decade of effort, nearly five hundred million dollars was acquired for this endeavor. Mayor Baldwin's service as President of the San Gabriel Valley Council of Governments (COG) and Vice Chairman of the Alameda Corridor East Construction Authority (ACE) was crucial in securing this funding.

Promoting the interests of the region has been a high priority for Mayor Baldwin. While working on the City Council, he secured funds for park expansions and was essential to the formation of the San Gabriel Rivers and Mountains Conservancy. Additionally, public safety has always been a significant concern of Mayor Baldwin's. He was able to identify a pressing need in the city's Fire Department for expanded services and instituted a paramedic training program for the staff.

Mayor Baldwin and his wife Sally have lived in the Mission District for over forty-five years. The product of California public schools, he graduated from both Mark Keppel High School and UCLA. After graduating, Harry worked in the insurance business until just six years ago.

Before election to the City Council in 1992, Mr. Baldwin was president of the San Gabriel Chamber of Commerce. Since then, he has been actively involved with the Southern California Association of Governments (SCAG). He served as President of the West San Gabriel Valley YMCA and is currently a board member of the Arthritis Foundation of Southern California, San Gabriel Valley Branch, in addition to being involved with many other organizations.

Mayor Baldwin has been a tireless advocate for the City of San Gabriel and the region as a whole. I ask all Members to join me in thanking Harry L. Baldwin for the years of selfless, dedicated service he has provided to the community.

IN RECOGNITION OF NOWRUZ,
IRANIAN NEW YEAR

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mrs. MALONEY. Madam Speaker, I rise today in support of Nowruz, which marks the traditional Iranian New Year and dates back more than 3,000 years. Nowruz, literally meaning "new day," celebrates the arrival of spring and occurs on the vernal equinox which this year happened on Friday, March 20th.

Through the ages Nowruz has provided the occasion for renewal and rejuvenation, dis-

playing new resolve in settling old issues, and making new beginnings. Nowruz celebrates the core of our common humanity and our relation to Mother Nature. Although colored with vestiges of Iran's Mazdian and Zoroastrian past, Nowruz celebration is neither religious nor national in nature, nor is it an ethnic celebration. Muslim, Jewish, Zoroastrian, Baha'i, and Christian Iranians as well as many other peoples celebrate Nowruz with the same enthusiasm and sense of belonging.

As an original cosponsor of H. Res. 267, which recognizes the cultural and historical significance of Nowruz, I am pleased that we are using this occasion to reflect on the many contributions Iranian Americans have made to our society. I am proud of the ethnically diverse district that I represent and greatly appreciate all that Iranian Americans have added to the rich and varied culture of New York City.

Recognizing the cultural and historical significance of Nowruz and in its observance, I want to wish Iranian Americans and all those who observe this holiday a happy and prosperous new year.

HONORING THE LIFE AND CON-
TRIBUTIONS OF MS. BESSIE
SWINDLE AND THE DEDICATION
OF THE BESSIE SWINDLE COM-
MUNITY CENTER IN HOUSTON,
TEXAS

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. AL GREEN of Texas. Madam Speaker, today I am honored to recognize the life and contributions of a distinguished member of my Houston staff, a constituent and more importantly a friend who was honored on Saturday, March 21, 2009 with the naming of the Bessie Swindle Community Center in Houston, Texas.

A respected leader and activist, Ms. Swindle has committed her life to serving her community. Over the course of more than thirty years, she has endeavored to serve as the voice for those who have, over the years, found themselves in unfortunate and difficult circumstances. I believe her record of unselfish dedication to her city and community will serve as a bright light for those who dare to follow in her footsteps.

Ms. Bessie Swindle was born in Loreauville, Louisiana and transplanted to Houston. Currently, she is the Outreach Coordinator for Congressman AL GREEN of the 9th Congressional District of Texas. Ms. Swindle was appointed by Mayor Bill White to his Phone Tower Commission and is a former member of the Police Officers Civil Service Commission-City of Houston, which is responsible for reviewing HPD criminal activities.

During her distinguished lifetime of service, Ms. Swindle has earned numerous awards and honors. In 2004, she was a recipient of an Honorary Associate in Arts Degree from Houston Community College System.

Finally, Madam Speaker, I would be remiss if I did not thank Mayor Bill White, City Controller Annise Parker, and the distinguished

members of the Houston City Council, including the Honorable Wanda Adams who sponsored this special tribute, for their foresight in honoring my friend, Ms. Bessie Swindle.

NATIONAL CONSUMER COOPERATIVE BANK ACT AMENDMENTS OF 2009

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mrs. MALONEY. Madam Speaker, I rise to offer the National Consumer Cooperative Bank Act Amendments of 2009. This legislation makes a technical correction to the National Consumer Cooperative Bank Act of 1978.

The National Consumer Cooperative Bank Act of 1978 created the National Consumer Cooperative Bank, NCB, which is dedicated to strengthening communities nationwide through the delivery of banking and financial services, complemented by a special focus on cooperative expansion and economic development. The same Act established a non-profit corporation to reach further into low income communities and to serve disadvantaged populations. NCB Capital Impact is that non-profit, mission-driven subsidiary of NCB that works to provide housing, education, health care, cultural centers, small businesses and social services in economically distressed communities.

NCB Capital Impact has an impressive track record providing assistance to low- and moderate-income communities. Over time, NCB has invested \$250 million for education facilities; helped finance 137,396 school seats; 33,132 units of multifamily homeownership or other affordable housing and 8,900 affordable assisted living units for seniors and persons with disabilities; 2.9 million square feet of community health center space serving 350,300 patients annually, and helped created 25,000 jobs for low-income individuals.

Back in my district—the 14th district of New York—NCB Capital Impact has played a significant role in providing financing for much needed housing and community development projects. NCB has facilitated more than 600 loans in my district alone. Most of these loans are for housing, including affordable housing, as well as loans for community facilities and loans to non-profit organizations like the Council of New York Cooperatives and Condominiums. Together, these groups are able to provide assisted living, affordable housing and services to the frail and elderly.

Despite their good work in serving low-income communities and disadvantaged populations, NCB Capital Impact is not eligible for assistance authorized under the Community Development Banking and Financial Institutions Act of 1994, which is administered by the CDFI Fund. NCB Capital Impact meets all of the eligibility criteria on its own and without exception; however the Fund has ruled it cannot certify NCB Capital Impact as a CDFI because of the corporate structure of its parent NCB. In short, NCB Capital Impact is shut off from critical sources of financial awards that are needed to maintain their housing and community development efforts.

The interest of NCB Capital Impact in gaining CDFI certification is two-fold. First, it has a track record that is comparable to other organizations that received CDFI status; its mission is dedicated to working with low income populations and communities. Second, increasingly in the community development finance field, CDFI certification is viewed as a 'good housekeeping seal' of approval in working with other federal agencies and other private and public institutions.

I urge my colleagues to join me in supporting this technical amendment to the NCB statute so that the non-profit, mission-driven NCB Capital Impact may continue to provide services to distressed and underserved communities throughout New York and the country at-large.

CONGRATULATING LADY TIGERS OF BENTON HARBOR HIGH SCHOOL

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. UPTON. Madam Speaker, I rise today to congratulate the Lady Tigers of Benton Harbor High School on their first ever state basketball championship. These outstanding young women have come a long way this past season and have made their community so very proud. It had been 25 years since the Lady Tigers last appeared in the Class A finals . . . and this time they emerged as champions!

Winning a state championship is something that will last a lifetime. It is a remarkable achievement that few teams in southwest Michigan ever experience, and it is a legacy that will live with the 2008–09 Lady Tigers forever. The Lady Tigers and Coach Harvey know what brought this state title back to Benton Harbor—hard work. It is doing that one extra sprint, that extra drill, shooting that extra free throw after practice that helped make the Lady Tigers champions. Nobody outworked the Tigers and nobody could beat them in the state tournament. And nobody had a greater following or more community support than our Lady Tigers.

It is an honor to pay tribute to the entire Lady Tiger squad: Olivia Askew, Damonica Buford, Tiara Greer-Allen, Andrea Ellis, Iesha Ellis, Deborah Meeks, Rashonda Pargo, Nyesha Winbush, and All-American Destiny Williams, who led the Lady Tigers with 31 points and added 21 rebounds. We salute all of you.

On behalf of all the residents of southwest Michigan, congratulations again to the Lady Tigers and Coach Harvey and the entire Benton Harbor community—you are an inspiration to us all. It is Tiger Pride at its finest. Go Tigers!

INTRODUCTION OF THE PAY FOR PERFORMANCE ACT

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. GRAYSON. Madam Speaker, tonight I am proud to introduce the Pay for Performance Act of 2009.

Madam Speaker, this bill is based on two simple concepts. One, no one has the right to get rich off taxpayer money. And two, no one should get rich off abject failure.

An economy in which a bank executive can line his own pocket by destroying his company with risky bets is an economy that will spiral downwards. And a government that hands out money to such executives is a government that fails to protect the taxpayers.

Our job is to act on behalf of taxpayers to fix our economy, and we do so tonight with this bill.

Madam Speaker, the U.S. Government spent \$170 billion to stabilize AIG, and it now owns 80% of that company. Yet recently, AIG paid more than \$165 million in bonuses to 73 employees with this taxpayer money. That is like paying an arsonist to put out his own fires.

The restrictions in this bill apply only to financial institutions that have taken capital investments from the taxpayer, and they are commonsense restrictions. Pay can't be excessive or unreasonable, and bonuses must be based on performance standards. And if the banks want to avoid these common-sense restrictions, there's a very simple solution—just pay the bailout money back to the government, as so many banks claim they want to do. I know the taxpayers in my district will take it back happily.

As I asked the CEO of AIG when he came to testify before the Financial Services committee, is it more important to protect bank executives who have lost billions of dollars, or to protect us? The answer to that question is now before this body.

I know which side I'm on.

I encourage my colleagues to cosponsor this important bill.

CONGRATULATING MAYOR SAM JONES FOR BEING NAMED MOBILIAN OF THE YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to honor Mobile Mayor Sam Jones on the occasion of being named Mobilian of the Year for 2008 by the Cottage Hill Civitan Club. The Mobilian of the Year is the city's most prestigious civic honor, and Mayor Jones is most deserving of this award in recognition of his tireless efforts on behalf of the Port City.

A native of Mobile, Mayor Jones graduated from Central High School in Mobile. He attended Florida Junior College and Jacksonville University in Florida before enrolling at the

Alabama Interdenominational Seminary, where he was awarded an honorary doctorate.

Mayor Jones started his career in the U.S. Navy where he served for nine years. He served on the USS *Forrestal* where he was a flight deck troubleshooter for A-7 aircraft, an equal opportunity officer, race relations education specialist, and community services coordinator.

From 1980 until 1987, Mayor Jones was executive director of Mobile Community Action, Inc., where he oversaw a 240-person staff and a \$5 million annual budget. He then served as a Mobile County Commissioner for four terms.

In 2005, Sam Jones was elected as the first African American mayor of Mobile. Mobile's Press-Register recently editorialized that "Mobile's first African American mayor has demonstrated to the nation that Mobile is a progressive and inclusive Southern city where all residents have the opportunity for public service."

Mayor Jones is a man known for working 10-12 hour days, including weekends, and is rarely one to take a vacation. As captain of the city of Mobile, Mayor Jones has done yeoman's work helping to recruit several significant economic projects to Mobile, including the biggest economic development project in the history of our state, ThyssenKrupp's \$4 billion state-of-the-art steel plant.

Mayor Jones has an obvious love for Mobile. He has served as the past president of the Association of County Commissions of Alabama; a former member of the National Association of Counties Board of Directors; the National Association of Counties Election Reform Steering Committee; co-chair of Renewal 90 Educational Initiative; steering committee member of the 1988, 1992 and 2000 Education Funding Referendum Initiatives; former member of the Alabama Sentencing Commission; judge, Alabama Court of the Judiciary; former member of the Judicial Inquiry Commission; past member of the Alabama Port Authority; former member of the Mobile Area Chamber of Commerce Board of Directors; former board member of the United Way of Southwest Alabama and 1998 chairman of a \$7 million campaign for the organization; founder of the Mobile County Community Development Partnership; founder, Prichard Federal Credit Union; former chair of Envision Mobile/Baldwin; member, Underage Drinking Task Force; member, 100 Black Men, Mobile Chapter; and director of Christian Education and Sunday School Superintendent for Macedonia Missionary Baptist Church.

He also currently serves on the boards of several organizations, including the University of South Alabama, the South Alabama Regional Planning Commission, the Mobile United Steering Committee, the Mobile Senior Bowl Committee, the MLK Redevelopment Corporation, the Mobile County Governmental Utilities, Mobile County Communication District, Volunteers of America, and Maritime Center of the Gulf of Mexico. He also serves as chair of the Metropolitan Planning Organization and is an emeritus member of the Community Foundation of Southwest Alabama.

Madam Speaker, I would like to offer my personal congratulations to Mayor Sam Jones for being named the Mobilian of the Year for

2008 and in so doing recognize him for his many outstanding accomplishments.

I ask my colleagues to join me in congratulating a dedicated professional and friend to many throughout south Alabama. I know his many friends and colleagues join me in praising his accomplishments and extending thanks for his many efforts over the years on behalf of the city of Mobile and the entire state.

RECOGNIZING ZEIDERS ENTERPRISES CELEBRATING TWENTY-FIVE YEARS OF BUSINESS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the contributions of Zeiders Enterprises over the 25 years since its founding in Prince William County, Virginia. The more than 700 staff members of Zeiders Enterprises provide services and assistance to more than 1.5 million military and family members at nearly 50 military installations worldwide each year.

Zeiders employees serve in crucial roles as clinical counselors, victim advocates, new parent support specialists, financial counselors, transition specialists, and relocation specialists. Through these activities, Zeiders Enterprises has made a direct, positive difference in the lives of individuals, families, their communities, and the organizations in which they serve. Especially noteworthy is the role that Zeiders plays in supporting the special needs of military service members and their families. Zeiders Enterprises is a founding sponsor of The Quality of Life Foundation, whose mission is to honor and serve our severely injured combat service members and their families by helping them face the life-changing challenges unique to their situations.

Employees at Zeiders contribute outside the workplace through extensive volunteer service. This volunteer support of the American Red Cross, Peace Corps, local schools, youth development programs, mentoring programs, victim advocate programs, youth sports programs, community orchestras, volunteer fire and rescue departments, and military service in National Guard and Reserve occurs in Prince William County, Virginia, and across the nation where Zeiders employees live and work. The consistent contributions of Zeiders employees to the communities in which they serve are truly impressive.

A culture of public services emanates from the top of the Zeiders Enterprises organization. Michael Zeiders, president and CEO, serves the citizens of Prince William County and Virginia as an active member of both the Northern Virginia Workforce Investment Board and the SkillSource Group Board. Under his leadership, Zeiders Enterprises is an active partner in the community. Additionally, Mr. Zeiders has supported families of Wounded Warriors nationwide through the Quality of Life Foundation.

Madam Speaker, I ask my colleagues to join with me today to congratulate Zeiders Enterprises on its 25th anniversary and to pay trib-

ute to the significant contributions its employees have made in improving the lives of our brave men and women who serve this great country.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 24, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED MARCH 25

9:30 a.m.

Foreign Relations

To hold hearings to examine the nomination of Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador of the United States of America to the Republic of Iraq.

SD-419

Homeland Security and Governmental Affairs

To hold hearings to examine Southern border violence, focusing on homeland security threats, vulnerabilities, and responsibilities.

SD-342

Judiciary

To hold oversight hearing to examine the Federal Bureau of Investigation.

SH-216

Veterans' Affairs

To hold hearings to examine State-of-the-Art information technology (IT) solutions for Veterans' Affairs benefits delivery.

SR-418

9:45 a.m.

Commerce, Science, and Transportation Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine Federal Aviation Administration reauthorization, focusing on NextGen and the benefits of modernization.

SR-253

10 a.m.

Appropriations Defense Subcommittee

To hold hearings to examine the President's proposed budget request for fiscal year 2010 for National Guard and Reserve.

SD-192

- Environment and Public Works
To hold hearings to examine transportation investment.
SD-406
- 10:30 a.m.
Small Business and Entrepreneurship
To hold hearings to examine the President's proposed budget request for fiscal year 2010 for the Small Business Administration.
SR-428A
- Aging
To hold hearings to examine an update from the Alzheimer's Study Group.
SD-106
- 2 p.m.
Energy and Natural Resources
Energy Subcommittee
To hold hearings to examine how to improve energy market transparency and regulation.
SD-366
- 2:30 p.m.
Budget
Business meeting to markup the concurrent resolution on the budget for fiscal year 2010.
SD-608
- Foreign Relations
To hold hearings to examine foreign policy and the global economic crisis.
SD-419
- Finance
Health Care Subcommittee
To hold hearings to examine the role of long-term care in health reform.
SD-215
- Armed Services
Personnel Subcommittee
To hold hearings to examine reserve component programs of the Department of Defense.
SR-232A
- MARCH 26
- 9:30 a.m.
Armed Services
To hold hearings to examine the nominations of Ashton B. Carter, of Massachusetts, to be Under Secretary for Acquisition, Technology, and Logistics, James N. Miller, Jr., of Virginia, to be Deputy Under Secretary for Policy, and Alexander Vershbow, of the District of Columbia, to be Assistant Secretary for International Security Affairs, all of the Department of Defense.
SH-215
- Banking, Housing, and Urban Affairs
To continue hearings to examine enhancing investor protection and the regulation of securities markets.
SD-538
- Energy and Natural Resources
To hold hearings to examine legislation to strengthen American manufacturing through improved industrial energy efficiency.
SD-366
- Foreign Relations
To hold hearings to examine the nomination of Karl Winfrid Eikenberry, of Florida, to be Ambassador of the United States of America to the Islamic Republic of Afghanistan, Department of State.
SD-419
- 10 a.m.
Budget
Business meeting to continue a markup of the concurrent resolution on the budget for fiscal year 2010.
SD-608
- Environment and Public Works
To hold hearings to examine the nominations of Jonathan Z. Cannon, of Virginia, to be Deputy Administrator of the Environmental Protection Agency, and Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.
SD-406
- Finance
To hold hearings to examine middle income tax relief.
SD-215
- Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Jane Holl Lute, of New York, to be Deputy Secretary of Homeland Security.
SD-342
- Judiciary
Business meeting to consider S. 515, to amend title 35, United States Code, to provide for patent reform, and the nominations of Tony West, of California, Lanny A. Breuer, of the District of Columbia, and Christine Anne Varney, of the District of Columbia, each to be an Assistant Attorney General, all of the Department of Justice.
SD-226
- 10:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine health insurance industry practices.
SR-253
- 2 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine current and future roles, missions, and capabilities of United States military land power.
SR-222
- 2:30 p.m.
Foreign Relations
To hold hearings to examine the nomination of Rose Eilene Gottemoeller, of Virginia, to be an Assistant Secretary of State for Verification and Compliance.
SD-419
- Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of John Berry, of the District of Columbia, to be Director of the Office of Personnel Management.
SD-342
- Intelligence
To hold closed hearings to examine certain intelligence matters.
SH-219
- MARCH 31
- 9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine Federal school meal programs, focusing on nutrition for kids in schools.
SR-328A
- 10 a.m.
Commerce, Science, and Transportation
To continue hearings to examine health insurance industry practices.
SR-253
- Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the Office of the Chief Financial Officer, focusing on the progress it has made since the financial crisis of the 1990s, the financial management challenges in the years ahead, and the steps that are being taken to address those challenges.
SD-342
- APRIL 1
- 10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD-430
- Veterans' Affairs
To hold hearings to examine the nomination of W. Scott Gould, of the District of Columbia, to be Deputy Secretary of Veterans Affairs.
SR-418